

1 301.12 (2) Except as provided in subs. (2m) and (14) (b) and (c), any person,
2 including a person placed under s. 938.183, 938.32 (1) (bm) or (c), 938.34 (4h) or (4m),
3 or 938.357 (1), (2m), (4), or (5) (e), receiving care, maintenance, services, and supplies
4 provided by any institution in this state operated or contracted for by the
5 department, in which the state is chargeable with all or part of the person's care,
6 maintenance, services, and supplies, and the person's property and estate, including
7 the homestead, and the spouse of the person, and the spouse's property and estate,
8 including the homestead, and, in the case of a minor child, the parents of the person,
9 and their property and estates, including their homestead, and, in the case of a
10 foreign child described in s. 48.839 (1) who became dependent on public funds for his
11 or her primary support before an order granting his or her adoption, the resident of
12 this state appointed guardian of the child by a foreign court who brought the child
13 into this state for the purpose of adoption, and his or her property and estate,
14 including his or her homestead, shall be liable for the cost of the care, maintenance,
15 services, and supplies in accordance with the fee schedule established by the
16 department under s. 301.03 (18). If a spouse, widow surviving spouse, or minor, or
17 an incapacitated person, may be lawfully dependent upon the property for his or her
18 support, the court shall release all or such part of the property and estate from the
19 charges that may be necessary to provide for that person. The department shall
20 make every reasonable effort to notify the liable persons as soon as possible after the
21 beginning of the maintenance, but the notice or the receipt of the notice is not a
22 condition of liability.

23 **SECTION 121.** 301.50 (1) of the statutes is amended to read:

24 301.50 (1) In this section, "substantial parental relationship" means the
25 acceptance and exercise of significant responsibility for the daily supervision,

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1 education, protection, and care of the child. In evaluating whether an individual has
2 had a substantial parental relationship with the child, factors that may be
3 considered include, but are not limited to, whether the individual has expressed
4 concern for or interest in the support, care, or well-being of the child; whether the
5 individual has neglected or refused to provide care or support for the child; and
6 whether, with respect to an individual who is or may be ~~the father~~ a parent of the
7 child, the individual has expressed concern for or interest in the support, care, or
8 well-being of the ~~mother during her~~ parent who gave birth during pregnancy.

9 **SECTION 122.** 700.19 (2) of the statutes is amended to read:

10 700.19 (2) ~~HUSBAND AND WIFE~~ SPOUSES. If persons named as owners in a
11 document of title, transferees in an instrument of transfer, or buyers in a bill of sale
12 are described in the document, instrument, or bill of sale as ~~husband and wife~~
13 married to each other, or are in fact ~~husband and wife~~ married to each other, they are
14 joint tenants, unless the intent to create a tenancy in common is expressed in the
15 document, instrument, or bill of sale. This subsection applies to property acquired
16 before January 1, 1986, and, if ch. 766 does not apply when the property is acquired,
17 to property acquired on or after January 1, 1986.

18 **SECTION 123.** 705.01 (4) of the statutes is amended to read:

19 705.01 (4) “Joint account” means an account, other than a marital account,
20 payable on request to one or more of 2 or more parties whether or not mention is made
21 of any right of survivorship. “Joint account” also means any account established with
22 the right of survivorship on or after January 1, 1986, by 2 parties who claim to be
23 ~~husband and wife~~ married to each other, which is payable on request to either or both
24 of the parties.

25 **SECTION 124.** 705.01 (4m) of the statutes is amended to read:

1 705.01 (4m) “Marital account” means an account established without the right
2 of survivorship on or after January 1, 1986, by 2 parties who claim to be husband and
3 wife married to each other, which is payable on request to either or both of the parties
4 and which is designated as a marital account. An account established by those
5 parties with the right of survivorship under s. 766.58 (3) (f) or 766.60 is a joint
6 account.

7 **SECTION 125.** 706.09 (1) (e) of the statutes is amended to read:

8 706.09 (1) (e) *Marital interests.* Homestead of the spouse of any transferor of
9 an interest in real estate, if the recorded conveyance purporting to transfer the
10 homestead states that the person executing it is single, unmarried, or widowed a
11 surviving spouse or fails to indicate the marital status of the transferor, and if the
12 conveyance has, in either case, appeared of record for 5 years. This paragraph does
13 not apply to the interest of a married person who is described of record as a holder
14 in joint tenancy or of marital property with that transferor.

15 **SECTION 126.** 765.001 (2) of the statutes is amended to read:

16 765.001 (2) INTENT. It is the intent of chs. 765 to 768 to promote the stability
17 and best interests of marriage and the family. It is the intent of the legislature to
18 recognize the valuable contributions of both spouses during the marriage and at
19 termination of the marriage by dissolution or death. Marriage is the institution that
20 is the foundation of the family and of society. Its stability is basic to morality and
21 civilization, and of vital interest to society and the state. The consequences of the
22 marriage contract are more significant to society than those of other contracts, and
23 the public interest must be taken into account always. The seriousness of marriage
24 makes adequate premarital counseling and education for family living highly
25 desirable and courses thereon are urged upon all persons contemplating marriage.

1 The impairment or dissolution of the marriage relation generally results in injury
2 to the public wholly apart from the effect upon the parties immediately concerned.

3 Under the laws of this state, marriage is a legal relationship between 2 equal
4 persons, ~~a husband and wife~~, who owe to each other mutual responsibility and
5 support. Each spouse has an equal obligation in accordance with his or her ability
6 to contribute money or services or both which are necessary for the adequate support
7 and maintenance of his or her minor children and of the other spouse. No spouse may
8 be presumed primarily liable for support expenses under this subsection.

9 **SECTION 127.** 765.01 of the statutes is amended to read:

10 **765.01 A civil contract.** Marriage, so far as its validity at law is concerned,
11 is a civil contract, to which the consent of the parties capable in law of contracting
12 is essential, and which creates the legal status of ~~husband and wife~~ spouse to each
13 other.

14 **SECTION 128.** 765.02 (3) of the statutes is created to read:

15 765.02 (3) Marriage may be contracted between persons of the same sex or
16 different sexes.

17 **SECTION 129.** 765.03 (1) of the statutes is amended to read:

18 765.03 (1) No marriage shall be contracted while either of the parties has a
19 ~~husband or wife~~ spouse living, nor between persons who are nearer of kin than 2nd
20 cousins except that marriage may be contracted between first cousins where ~~the~~
21 ~~female has attained the age of 55 years or where~~ if either party, at the time of
22 application for a marriage license, submits an affidavit signed by a physician stating
23 that either party is permanently sterile or that the 2 parties are otherwise
24 permanently biologically incapable of producing a child together. Relationship
25 under this section shall be computed by the rule of the civil law, whether the parties

1 to the marriage are of the half or of the whole blood. A marriage may not be
2 contracted if either party has such want of understanding as renders him or her
3 incapable of assenting to marriage.

4 **SECTION 130.** 765.16 (1m) (intro.) of the statutes is amended to read:

5 765.16 (1m) (intro.) Marriage may be validly solemnized and contracted in this
6 state only after a marriage license has been issued therefor, and only by the mutual
7 declarations of the 2 parties to be joined in marriage that ~~they take each~~ takes the
8 ~~other as husband and wife~~ his or her spouse, made before an authorized officiating
9 person and in the presence of at least 2 competent adult witnesses other than the
10 officiating person. The following are authorized to be officiating persons:

11 **SECTION 131.** 765.16 (1m) (c) of the statutes is amended to read:

12 765.16 (1m) (c) The 2 parties themselves, by mutual declarations that ~~they~~
13 ~~take each~~ takes the ~~other as husband and wife~~ his or her spouse, in accordance with
14 the customs, rules, and regulations of any religious society, denomination, or sect to
15 which either of the parties may belong.

16 **SECTION 132.** 765.23 of the statutes is amended to read:

17 **765.23 Immaterial irregularities otherwise.** No marriage hereafter
18 contracted shall be void either by reason of the marriage license having been issued
19 by a county clerk not having jurisdiction to issue the same; or by reason of any
20 informality or irregularity of form in the application for the marriage license or in
21 the marriage license itself, or the incompetency of the witnesses to such marriage;
22 or because the marriage may have been solemnized in a county other than the county
23 prescribed in s. 765.12, or more than 30 days after the date of the marriage license,
24 if the marriage is in other respects lawful and is consummated with the full belief
25 on the part of the persons so married, or either of them, that they have been lawfully

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1 joined in marriage. Where a marriage has been celebrated in one of the forms
2 provided for in s. 765.16 (1m), and the parties thereto have immediately thereafter
3 assumed the habit and repute of ~~husband and wife a married couple~~, and having
4 continued the same uninterruptedly thereafter for the period of one year, or until the
5 death of either of them, it shall be deemed that a marriage license has been issued
6 as required by ss. 765.05 to 765.24 and 767.803.

7 **SECTION 133.** 765.24 of the statutes is amended to read:

8 **765.24 Removal of impediments to subsequent marriage.** If a person
9 during the lifetime of a ~~husband or wife~~ spouse with whom the marriage is in force,
10 enters into a subsequent marriage contract in accordance with s. 765.16, and the
11 parties thereto live together thereafter as ~~husband and wife a married couple~~, and
12 such subsequent marriage contract was entered into by one of the parties in good
13 faith, in the full belief that the former ~~husband or wife~~ spouse was dead, or that the
14 former marriage had been annulled, or dissolved by a divorce, or without knowledge
15 of such former marriage, ~~they~~ the parties shall, after the impediment to their
16 marriage has been removed by the death or divorce of the other party to such former
17 marriage, if they continue to live together as ~~husband and wife a married couple~~ in
18 good faith on the part of one of them, be held to have been legally married from and
19 after the removal of such impediment and ~~the issue of any children born during~~ such
20 subsequent marriage shall be considered as the marital issue children of both
21 ~~parents~~ parties.

22 **SECTION 134.** 765.30 (3) (a) of the statutes is amended to read:

23 **765.30 (3) (a) *Penalty for unlawful solemnization of marriage.*** Any officiating
24 person who solemnizes a marriage unless the contracting parties have first obtained
25 a proper marriage license as heretofore provided; or unless the parties to such

1 marriage declare that ~~they take each~~ takes the other as husband and wife his or her
 2 spouse; or without the presence of 2 competent adult witnesses; or solemnizes a
 3 marriage knowing of any legal impediment thereto; or solemnizes a marriage more
 4 than 30 days after the date of the marriage license; or falsely certifies to the date of
 5 a marriage solemnized by the officiating person; or solemnizes a marriage in a county
 6 other than the county prescribed in s. 765.12.

7 **SECTION 135.** 766.587 (7) (form) 9. of the statutes is amended to read:

8 766.587 (7) (form) 9. BOTH SPOUSES MUST SIGN THIS AGREEMENT. IF
 9 SIGNED BEFORE JANUARY 1, 1986, IT IS EFFECTIVE ON JANUARY 1, 1986,
 10 OR THE DATE THE PARTIES MARRY, WHICHEVER IS LATER. IF SIGNED ON
 11 OR AFTER JANUARY 1, 1986, IT IS EFFECTIVE ON THE DATE SIGNED OR THE
 12 DATE THE PARTIES MARRY, WHICHEVER IS LATER.

13 STATUTORY INDIVIDUAL

14 PROPERTY CLASSIFICATION AGREEMENT

15 (Pursuant to Section 766.587, Wisconsin Statutes)

16 This agreement is made and entered into by and, (~~husband and wife who~~
 17 are married) (who intend to marry) (strike one).

18 The parties to this agreement agree to classify all their property, including
 19 property owned by them now and property acquired before January 1, 1987, as the
 20 individual property of the owning spouse, and agree that ownership of their property
 21 shall be determined as if it were December 31, 1985.

22 This agreement terminates on January 1, 1987.

23 Signature Date

24 Print Name Here:

25 Address:

1 Signature Date

2 Print Name Here:

3 Address:

4 [NOTE: Each spouse should retain a copy of the agreement for himself or
5 herself.]

6 **SECTION 136.** 766.588 (9) (form) 13. of the statutes is amended to read:

7 766.588 (9) (form) 13. IF AFTER ENTERING INTO THIS AGREEMENT ONE
8 OR BOTH OF YOU ESTABLISH A DOMICILE OUTSIDE THIS STATE, YOU ARE
9 URGED TO SEEK LEGAL ADVICE CONCERNING THE CONTINUED
10 EFFECTIVENESS OF THIS AGREEMENT.

11 STATUTORY TERMINABLE MARITAL

12 PROPERTY CLASSIFICATION AGREEMENT

13 (Pursuant to Section 766.588, Wisconsin Statutes)

14 This agreement is entered into by and (~~husband and wife who are~~
15 married) (who intend to marry) (strike one). The parties hereby classify all of the
16 property owned by them when this agreement becomes effective, and property
17 acquired during the term of this agreement, as marital property.

18 One spouse may terminate this agreement at any time by giving signed notice
19 of termination to the other spouse. Notice of termination by a spouse is given upon
20 personal delivery or when sent by certified mail to the other spouse's last-known
21 address. The agreement terminates 30 days after such notice is given.

22 The parties (have) (have not) (strike one) completed Schedule "A", "Financial
23 Disclosure", attached to this agreement. If Schedule "A" has not been completed, the
24 duration of this agreement is 3 years after both parties have signed the agreement.

1 If Schedule "A" has been completed, the duration of this agreement is not limited to
2 3 years after it is signed.

3 IF THE DURATION OF THIS AGREEMENT IS NOT TO BE LIMITED TO 3
4 YEARS, MAKE SURE SCHEDULE "A", "FINANCIAL DISCLOSURE", IS
5 COMPLETED AND THAT YOU HAVE REVIEWED THE SCHEDULE BEFORE
6 SIGNING THE AGREEMENT. IF YOU AND YOUR SPOUSE HAVE PREVIOUSLY
7 ENTERED INTO A STATUTORY TERMINABLE MARITAL PROPERTY
8 CLASSIFICATION AGREEMENT WITH EACH OTHER WHICH WAS
9 EFFECTIVE DURING YOUR PRESENT MARRIAGE AND YOU AND YOUR
10 SPOUSE DID NOT COMPLETE SCHEDULE "A", YOU MAY NOT EXECUTE THIS
11 AGREEMENT IF YOU DO NOT COMPLETE SCHEDULE "A".

12 Signature of One Spouse:

13 Date:

14 Print Name Here:

15 Residence Address:

16 (Make Sure Your Signature is Authenticated or Acknowledged Below.)

17 AUTHENTICATION

18 Signature authenticated this day of, (year)

19 *....

20 TITLE: MEMBER STATE BAR OF WISCONSIN

21 (If not, authorized by s. 706.06, Wis. Stats.)

22 ACKNOWLEDGMENT

23 STATE OF WISCONSIN)

24) ss.

25 County)

1 The undersigned terminates the statutory terminable marital property
2 classification agreement entered into by me and my spouse on ... (date last spouse
3 signed the agreement) under section 766.588 of the Wisconsin Statutes.

4 Signature:

5 Date:

6 Print Name Here:

7 Residence Address:

8 SCHEDULE "A"

9 FINANCIAL DISCLOSURE

10 The following general categories of assets and liabilities are not all inclusive
11 and if other assets or liabilities exist they should be listed. Assets should be listed
12 according to which spouse has title (including assets owned by a spouse or the
13 spouses with one or more third parties) and at their approximate market value.

14 *Husband* *Wife* Spouse (Name) Spouse (Name) *Both Names*

15 I. ASSETS

16 A. Real estate (gross value)

17 B. Stocks, bonds and mutual funds

18 C. Accounts at and certificates or other

19 instruments issued by financial institutions

20 D. Mortgages, land contracts, promissory notes

21 and cash

22 E. Partnership interests

23 EL. Limited liability company interests.

24 F. Trust interests

25 G. Livestock, farm products, crops

- 1 H. Automobiles and other vehicles
- 2 I. Jewelry and personal effects
- 3 J. Household furnishings
-
- 4 K. Life insurance and annuities:
- 5 1. Face value
- 6 2. Cash surrender value
- 7 L. Retirement benefits (include value):
- 8 1. Pension plans
- 9 2. Profit sharing plans
- 10 3. HR-10 KEOGH plans
- 11 4. IRAs
- 12 5. Deferred compensation plans
- 13 M. Other assets not listed elsewhere
- 14 II. OBLIGATIONS (TOTAL OUTSTANDING BALANCE):
- 15 A. Mortgages and liens
- 16 B. Credit cards
- 17 C. Other obligations to financial institutions
- 18 D. Alimony, maintenance and child support (per
- 19 month)
- 20 E. Other obligations (such as other obligations
- 21 to individuals, guarantees, contingent
- 22 liabilities)
- 23 III. ANNUAL COMPENSATION FOR SERVICES:
- 24 (for example, wages and income from
- 25 self-employment; also include social security,

1 disability and similar income here)

2 (IF YOU NEED ADDITIONAL SPACE,

3 ADD ADDITIONAL SHEETS)

4 **SECTION 137.** 766.589 (10) (form) 14. of the statutes is amended to read:

5 766.589 (10) (form) 14. IF AFTER ENTERING INTO THIS AGREEMENT
6 ONE OR BOTH OF YOU ESTABLISH A DOMICILE OUTSIDE THIS STATE, YOU
7 ARE URGED TO SEEK LEGAL ADVICE CONCERNING THE CONTINUED
8 EFFECTIVENESS OF THIS AGREEMENT.

9 STATUTORY TERMINABLE INDIVIDUAL

10 PROPERTY CLASSIFICATION AGREEMENT

11 (Pursuant to Section 766.589, Wisconsin Statutes)

12 This agreement is entered into by and (~~husband and wife who are~~
13 married) (who intend to marry) (strike one). The parties hereby classify the marital
14 property owned by them when this agreement becomes effective, and property
15 acquired during the term of this agreement ~~which~~ that would otherwise have been
16 marital property, as the individual property of the owning spouse. The parties agree
17 that ownership of such property shall be determined by the name in which the
18 property is held and, if property is not held by either or both spouses, ownership shall
19 be determined as if the parties were unmarried persons when the property was
20 acquired.

21 Upon the death of either spouse the surviving spouse may, except as otherwise
22 provided in a subsequent marital property agreement, and regardless of whether
23 this agreement has terminated, elect against the property of the decedent spouse as
24 provided in section 766.589 (7) of the Wisconsin Statutes.

1 One spouse may terminate this agreement at any time by giving signed notice
2 of termination to the other spouse. Notice of termination by a spouse is given upon
3 personal delivery or when sent by certified mail to the other spouse's last-known
4 address. The agreement terminates 30 days after such notice is given.

5 The parties (have) (have not) (strike one) completed Schedule "A", "Financial
6 Disclosure", attached to this agreement. If Schedule "A" has not been completed, the
7 duration of this agreement is 3 years after both parties have signed the agreement.
8 If Schedule "A" has been completed, the duration of this agreement is not limited to
9 3 years after it is signed.

10 **IF THE DURATION OF THIS AGREEMENT IS NOT TO BE LIMITED TO 3**
11 **YEARS, MAKE SURE THAT SCHEDULE "A", "FINANCIAL DISCLOSURE", IS**
12 **COMPLETED AND THAT YOU HAVE REVIEWED THE SCHEDULE BEFORE**
13 **SIGNING THE AGREEMENT. IF YOU AND YOUR SPOUSE HAVE PREVIOUSLY**
14 **ENTERED INTO A STATUTORY TERMINABLE INDIVIDUAL PROPERTY**
15 **CLASSIFICATION AGREEMENT WITH EACH OTHER WHICH WAS**
16 **EFFECTIVE DURING YOUR PRESENT MARRIAGE AND YOU AND YOUR**
17 **SPOUSE DID NOT COMPLETE SCHEDULE "A", YOU MAY NOT EXECUTE THIS**
18 **AGREEMENT IF YOU DO NOT COMPLETE SCHEDULE "A".**

19 Signature of One Spouse:

20 Date:

21 Print Name Here:

22 Residence Address:

23 (Make Sure Your Signature is Authenticated or Acknowledged Below.)

24 AUTHENTICATION

25 Signature authenticated this day of, (year)

1 *....

2 TITLE: MEMBER STATE BAR OF WISCONSIN

3 (If not, authorized by s. 706.06, Wis. Stats.)

4 ACKNOWLEDGMENT

5 STATE OF WISCONSIN)

6) ss.

7 County)

8 Personally came before me this day of, (year) the above named to
9 me known to be the person who executed the foregoing instrument and acknowledge
10 the same.

11 *....

12 Notary Public, County, Wisconsin.

13 My Commission is permanent.

14 (If not, state expiration date:, (year))

15 (Signatures may be authenticated or
16 acknowledged. Both are not necessary.)

17 *Names of persons signing in any capacity should be
18 typed or printed below their signatures.

19 Signature of Other Spouse:

20 Date:

21 Print Name Here:

22 Residence Address:

23 (Make Sure Your Signature is Authenticated or Acknowledged Below.)

24 AUTHENTICATION

25 Signature authenticated this day of, (year)

1 *

2 TITLE: MEMBER STATE BAR OF WISCONSIN

3 (If not, authorized by s. 706.06, Wis. Stats.)

4 ACKNOWLEDGMENT

5 STATE OF WISCONSIN)

6) ss.

7 County)

8 Personally came before me this day of, (year) the above named to
9 me known to be the person who executed the foregoing instrument and acknowledge
10 the same.

11 *

12 Notary Public, County, Wisconsin.

13 My Commission is permanent.

14 (If not, state expiration date:, (year))

15 (Signatures may be authenticated or
16 acknowledged. Both are not necessary.)

17 *Names of persons signing in any capacity should
18 be typed or printed below their signatures.

19 TERMINATION OF

20 STATUTORY TERMINABLE INDIVIDUAL

21 PROPERTY CLASSIFICATION AGREEMENT

22 I UNDERSTAND THAT:

23 1. THIS TERMINATION TAKES EFFECT 30 DAYS AFTER MY SPOUSE IS
24 NOTIFIED OF THE TERMINATION, AS PROVIDED UNDER SECTION 766.589
25 (4) OF THE WISCONSIN STATUTES.

1 2. THIS TERMINATION IS PROSPECTIVE; IT DOES NOT AFFECT THE
2 CLASSIFICATION OF PROPERTY ACQUIRED BEFORE THE TERMINATION
3 BECOMES EFFECTIVE. PROPERTY ACQUIRED AFTER THE TERMINATION
4 BECOMES EFFECTIVE IS CLASSIFIED AS PROVIDED UNDER THE MARITAL
5 PROPERTY LAW.

6 3. IN GENERAL, THIS TERMINATION IS NOT BINDING ON CREDITORS
7 UNLESS THEY ARE PROVIDED A COPY OF THE TERMINATION BEFORE
8 CREDIT IS EXTENDED.

9 The undersigned terminates the statutory terminable individual property
10 classification agreement entered into by me and my spouse on (date last spouse
11 signed the agreement) under section 766.589 of the Wisconsin Statutes.

12 Signature:

13 Date:

14 Print Name Here:

15 Residence Address:

16 SCHEDULE "A"

17 FINANCIAL DISCLOSURE

18 The following general categories of assets and liabilities are not all inclusive
19 and if other assets or liabilities exist they should be listed. Assets should be listed
20 according to which spouse has title (including assets owned by a spouse or the
21 spouses with one or more third parties) and at their approximate market value.

22 *~~Husband~~ ~~Wife~~ Spouse (Name) Spouse (Name) Both Names*

23 I. ASSETS:

24 A. Real estate (gross value)

25 B. Stocks, bonds and mutual funds

- 1 C. Accounts at and certificates and other
- 2 instruments issued by financial institutions
- 3 D. Mortgages, land contracts, promissory notes

- 4 and cash
- 5 E. Partnership interests
- 6 EL. Limited liability company interests
- 7 F. Trust interests
- 8 G. Livestock, farm products, crops
- 9 H. Automobiles and other vehicles
- 10 I. Jewelry and personal effects
- 11 J. Household furnishings
- 12 K. Life insurance and annuities:
 - 13 1. Face value
 - 14 2. Cash surrender value
- 15 L. Retirement benefits (include value):
 - 16 1. Pension plans
 - 17 2. Profit sharing plans
 - 18 3. HR-10 KEOGH plans
 - 19 4. IRAs
 - 20 5. Deferred compensation plans
- 21 M. Other assets not listed elsewhere
- 22 II. OBLIGATIONS (TOTAL OUTSTANDING BALANCE):
 - 23 A. Mortgages and liens
 - 24 B. Credit cards
 - 25 C. Other obligations to financial institutions

1 D. Alimony, maintenance and child support (per
2 month)

3 E. Other obligations (such as other obligations
4 to individuals, guarantees, contingent
5 liabilities)

6 III. ANNUAL COMPENSATION FOR SERVICES:
7 (for example, wages and income from
8 self-employment; also include social security,
9 disability and similar income here)

10 (IF YOU NEED ADDITIONAL SPACE,
11 ADD ADDITIONAL SHEETS.)

12 **SECTION 138.** 767.215 (2) (b) of the statutes is amended to read:

13 767.215 (2) (b) The name and birthdate of each minor child of the parties and
14 each other child born to the wife a party during the marriage, and whether the wife
15 a party is pregnant.

16 **SECTION 139.** 767.215 (5) (a) 2. of the statutes is amended to read:

17 767.215 (5) (a) 2. The name, date of birth, and social security number of each
18 minor child of the parties and of each child who was born to the wife a party during
19 the marriage and who is a minor.

20 **SECTION 140.** 767.323 of the statutes is amended to read:

21 **767.323 Suspension of proceedings to effect reconciliation.** During the
22 pendency of an action for divorce or legal separation, the court may, upon written
23 stipulation of both parties that they desire to attempt a reconciliation, enter an order
24 suspending any and all orders and proceedings for such period, not exceeding 90
25 days, as the court determines advisable to permit the parties to attempt a

1 reconciliation without prejudice to their respective rights. During the suspension
2 period, the parties may resume living together as ~~husband and wife~~ a married couple
3 and their acts and conduct do not constitute an admission that the marriage is not
4 irretrievably broken or a waiver of the ground that the parties have voluntarily lived
5 apart continuously for 12 months or more immediately prior to the commencement
6 of the action. Suspension may be revoked upon the motion of either party by an order
7 of the court. If the parties become reconciled, the court shall dismiss the action. If
8 the parties are not reconciled after the period of suspension, the action shall proceed
9 as though no reconciliation period was attempted.

10 **SECTION 141.** 767.80 (1) (intro.) of the statutes is amended to read:

11 767.80 (1) WHO MAY BRING ACTION OR FILE MOTION. (intro.) The following persons
12 may bring an action or file a motion, including an action or motion for declaratory
13 judgment, for the purpose of determining the paternity of a child or for the purpose
14 of rebutting the presumption of ~~paternity~~ parentage under s. 891.405 or 891.41 (1):

15 **SECTION 142.** 767.80 (1) (c) of the statutes is amended to read:

16 767.80 (1) (c) Unless s. 767.805 (1) applies, a ~~male person~~ parent presumed to be the
17 child's ~~father~~ parent under s. 891.405 or 891.41 (1).

18 **SECTION 143.** 767.80 (2) of the statutes is amended to read:

19 767.80 (2) CERTAIN AGREEMENTS NOT A BAR TO ACTION. Regardless of its terms,
20 an agreement made after July 1, 1981, other than an agreement approved by the
21 court between an alleged or presumed ~~father~~ parent and the mother or child, does
22 not bar an action under this section. Whenever the court approves an agreement in
23 which one of the parties agrees not to commence an action under this section, the
24 court shall first determine whether or not the agreement is in the best interest of the

1 child. The court shall not approve any provision waiving the right to bring an action
2 under this section if this provision is contrary to the best interests of the child.

3 **SECTION 144.** 767.803 of the statutes is amended to read:

4 **767.803 Determination of marital children.** If the ~~father and mother~~
5 natural parents of a nonmarital child enter into a lawful marriage or a marriage
6 which appears and they believe is lawful, except where the parental rights of the
7 ~~mother parent who gave birth~~ were terminated before either of these circumstances,
8 the child becomes a marital child, is entitled to a change in birth record under s. 69.15
9 (3) (b), and shall enjoy all of the rights and privileges of a marital child as if he or she
10 had been born during the marriage of the parents. This section applies to all cases
11 before, on, or after its effective date, but no estate already vested shall be divested
12 by this section and ss. 765.05 to 765.24 and 852.05. The children of all marriages
13 declared void under the law are nevertheless marital children.

14 **SECTION 145.** 767.805 (1), (1m), (2), (3) (title) and (a), (4) (intro.) and (d), (5) and
15 (6) (a) (intro.) of the statutes are amended to read:

16 **767.805 (1) CONCLUSIVE DETERMINATION OF PATERNITY PARENTAGE.** A statement
17 acknowledging paternity parentage that is on file with the state registrar under s.
18 69.15 (3) (b) 3. after the last day on which a person may timely rescind the statement,
19 as specified in s. 69.15 (3m), is a conclusive determination, which shall be of the same
20 effect as a judgment, of paternity.

21 **(1m) MINOR PARENT MAY NOT SIGN.** A minor may not sign a statement
22 acknowledging paternity parentage.

23 **(2) RESCISSION OF ACKNOWLEDGMENT.** (a) A statement acknowledging paternity
24 parentage that is filed with the state registrar under s. 69.15 (3) (b) 3. may be

1 rescinded as provided in s. 69.15 (3m) by a person who signed the statement as a
2 parent of the child who is the subject of the statement.

3 (b) If a statement acknowledging paternity parentage is timely rescinded as
4 provided in s. 69.15 (3m), a court may not enter an order specified in sub. (4) with
5 respect to the male person who signed the statement as the father parent of the child
6 unless the male person is adjudicated the child's father parent using the procedures
7 set forth in this subchapter, except for this section.

8 **(3)** (title) ACTIONS WHEN PATERNITY PARENTAGE ACKNOWLEDGED. (a) Unless the
9 statement acknowledging paternity parentage has been rescinded, an action
10 affecting the family concerning custody, child support or physical placement rights
11 may be brought with respect to persons who, with respect to a child, jointly signed
12 and filed with the state registrar under s. 69.15 (3) (b) 3. as parents of the child a
13 statement acknowledging paternity parentage.

14 **(4)** ORDERS WHEN PATERNITY PARENTAGE ACKNOWLEDGED. (intro.) In an action
15 under sub. (3) (a), if the persons who signed and filed the statement acknowledging
16 paternity as parents parentage of the child had notice of the hearing, the court shall
17 make an order that contains all of the following provisions:

18 (d) 1. An order establishing the amount of the father's obligation to pay or
19 contribute to the reasonable expenses of the mother's pregnancy and the child's birth
20 childbirth by the parent who did not give birth. The amount established may not
21 exceed one-half of the total actual and reasonable pregnancy and birth expenses.
22 The order also shall specify the court's findings as to whether the father's parent who
23 did not give birth has an income that is at or below the poverty line established under
24 42 USC 9902 (2), and shall specify whether periodic payments are due on the

1 obligation, based on the father's parent's ability to pay or contribute to those
2 expenses.

3 2. If the order does not require periodic payments because the father parent has
4 no present ability to pay or contribute to the expenses, the court may modify the
5 judgment or order at a later date to require periodic payments if the father parent
6 has the ability to pay at that time.

7 (5) VOIDING DETERMINATION. (a) A determination of paternity parentage that
8 arises under this section may be voided at any time upon a motion or petition stating
9 facts that show fraud, duress or a mistake of fact. Except for good cause shown, any
10 orders entered under sub. (4) shall remain in effect during the pendency of a
11 proceeding under this paragraph.

12 (b) If a court in a proceeding under par. (a) determines that the male person is
13 not the father parent of the child, the court shall vacate any order entered under sub.
14 (4) with respect to the male person. The court or the county child support agency
15 under s. 59.53 (5) shall notify the state registrar, in the manner provided in s. 69.15
16 (1) (b), to remove the male's person's name as the father parent of the child from the
17 child's birth record. No paternity action may thereafter be brought against the male
18 person with respect to the child.

19 (6) (a) (intro.) This section does not apply unless all of the following apply to
20 the statement acknowledging paternity parentage:

21 **SECTION 146.** 767.855 of the statutes is amended to read:

22 **767.855 Dismissal if adjudication not in child's best interest.** Except as
23 provided in s. 767.863 (1m), at any time in an action to establish the paternity of a
24 child, upon the motion of a party or guardian ad litem or the child's mother if she is
25 not a party, the court or supplemental court commissioner under s. 757.675 (2) (g)

1 may, with respect to a male, refuse to order genetic tests, if genetic tests have not yet
2 been taken, and dismiss the action if the court or supplemental court commissioner
3 determines that a judicial determination of whether the male is the father of the
4 child is not in the best interest of the child.

5 **SECTION 147.** 767.863 (1m) of the statutes is amended to read:

6 **767.863 (1m) PATERNITY ALLEGATION BY MALE PERSON OTHER THAN HUSBAND**
7 **SPOUSE; WHEN DETERMINATION NOT IN BEST INTEREST OF CHILD.** In an action to establish
8 the paternity of a child who was born to a woman while she was married, if a male
9 person other than the woman's husband spouse alleges that he, not the husband
10 woman's spouse, is the child's father biological parent, a party, or the woman if she
11 is not a party, may allege that a judicial determination that a male person other than
12 the husband woman's spouse is the father biological parent is not in the best interest
13 of the child. If the court or a supplemental court commissioner under s. 757.675 (2)
14 (g) determines that a judicial determination of whether a male person other than the
15 husband woman's spouse is the father biological parent is not in the best interest of
16 the child, no genetic tests may be ordered and the action shall be dismissed.

17 **SECTION 148.** 767.87 (1m) (intro.) of the statutes is amended to read:

18 **767.87 (1m) BIRTH RECORD REQUIRED.** (intro.) If the child was born in this state,
19 the petitioner shall present a certified copy of the child's birth record or a printed copy
20 of the record from the birth database of the state registrar to the court, so that the
21 court is aware of whether a name has been inserted on the birth record as the father
22 parent of the child other than the mother, at the earliest possible of the following:

23 **SECTION 149.** 767.87 (8) of the statutes is amended to read:

24 **767.87 (8) BURDEN OF PROOF.** The party bringing an action for the purpose of
25 determining paternity or for the purpose of declaring the nonexistence of paternity

1 presumed under s. 891.405 or the nonexistence of parentage presumed under s.
2 891.41 (1) shall have the burden of proving the issues involved by clear and
3 satisfactory preponderance of the evidence.

4 **SECTION 150.** 767.87 (9) of the statutes is amended to read:

5 767.87 (9) ~~ARTIFICIAL INSEMINATION; NATURAL FATHER PARENT.~~ ~~Where~~ If a child
6 is conceived by artificial insemination, the ~~husband~~ spouse of the mother of the child
7 at the time of the conception of the child is the natural ~~father~~ parent of the child, as
8 provided in s. 891.40.

9 **SECTION 151.** 767.883 (1) of the statutes is amended to read:

10 767.883 (1) ~~TWO PARTS.~~ The trial shall be divided into 2 parts, the first part
11 dealing with the determination of paternity and the 2nd part dealing with child
12 support, legal custody, periods of physical placement, and related issues. The main
13 issue at the first part shall be whether the alleged or presumed ~~father~~ parent is or
14 is not the ~~father~~ parent of the mother's child, but if the child was born to the mother
15 while she was the lawful ~~wife~~ spouse of a specified ~~male person~~, the prior issue of
16 whether the ~~husband~~ mother's spouse was not the ~~father~~ parent of the child shall be
17 determined first, as provided under s. 891.39. The first part of the trial shall be by
18 jury only if the defendant verbally requests a jury trial either at the initial
19 appearance or pretrial hearing or requests a jury trial in writing prior to the pretrial
20 hearing. The court may direct and, if requested by either party before the
21 introduction of any testimony in the party's behalf, shall direct the jury to find a
22 special verdict as to any of the issues specified in this section, except that the court
23 shall make all of the findings enumerated in s. 767.89 (2) to (4). If the mother is dead,
24 becomes insane, cannot be found within the jurisdiction, or fails to commence or
25 pursue the action, the proceeding does not abate if any of the persons under s. 767.80

1 (1) makes a motion to continue. The testimony of the mother taken at the pretrial
2 hearing may in any such case be read in evidence if it is competent, relevant, and
3 material. The issues of child support, custody, and visitation, and related issues shall
4 be determined by the court either immediately after the first part of the trial or at
5 a later hearing before the court.

6 **SECTION 152.** 769.316 (9) of the statutes is amended to read:

7 769.316 (9) The defense of immunity based on the relationship of ~~husband and~~
8 ~~wife~~ between spouses or parent and child does not apply in a proceeding under this
9 chapter.

10 **SECTION 153.** 769.401 (2) (a) of the statutes is amended to read:

11 769.401 (2) (a) A parent or presumed father parent of the child.

12 **SECTION 154.** 769.401 (2) (g) of the statutes is repealed.

13 **SECTION 155.** 815.20 (1) of the statutes is amended to read:

14 815.20 (1) An exempt homestead as defined in s. 990.01 (14) selected by a
15 resident owner and occupied by him or her shall be exempt from execution, from the
16 lien of every judgment, and from liability for the debts of the owner to the amount
17 of \$75,000, except mortgages, laborers', mechanics', and purchase money liens, and
18 taxes, and except as otherwise provided. The exemption shall not be impaired by
19 temporary removal with the intention to reoccupy the premises as a homestead nor
20 by the sale of the homestead, but shall extend to the proceeds derived from the sale
21 to an amount not exceeding \$75,000, while held, with the intention to procure
22 another homestead with the proceeds, for 2 years. The exemption extends to land
23 owned by ~~husband and wife~~ spouses jointly or in common or as marital property, and
24 each spouse may claim a homestead exemption of not more than \$75,000. The

1 exemption extends to the interest therein of tenants in common, having a homestead
2 thereon with the consent of the cotenants, and to any estate less than a fee.

3 **SECTION 156.** 822.40 (4) of the statutes is amended to read:

4 822.40 (4) A privilege against disclosure of communications between spouses
5 and a defense of immunity based on the relationship of ~~husband and wife~~ between
6 spouses or parent and child may not be invoked in a proceeding under this
7 subchapter.

8 **SECTION 157.** 851.30 (2) (a) of the statutes is amended to read:

9 851.30 (2) (a) An individual who obtains or consents to a final decree or
10 judgment of divorce from the decedent or an annulment of their marriage, if the
11 decree or judgment is not recognized as valid in this state, unless they subsequently
12 participate in a marriage ceremony purporting to marry each other or they
13 subsequently hold themselves out as ~~husband and wife~~ married to each other.

14 **SECTION 158.** 852.01 (1) (f) 1. of the statutes is amended to read:

15 852.01 (1) (f) 1. One-half to the ~~maternal~~ grandparents on one side equally if
16 both survive, or to the surviving ~~maternal~~ grandparent on that side; if both ~~maternal~~
17 grandparents on that side are deceased, to the issue of the ~~maternal~~ grandparents
18 on that side or either of them, per stirpes.

19 **SECTION 159.** 852.01 (1) (f) 2. of the statutes is amended to read:

20 852.01 (1) (f) 2. One-half to the ~~paternal~~ relations on the other side in the same
21 manner as to the ~~maternal~~ relations under subd. 1.

22 **SECTION 160.** 852.01 (1) (f) 3. of the statutes is amended to read:

23 852.01 (1) (f) 3. If either ~~the maternal side or the paternal~~ side has no surviving
24 grandparent or issue of a grandparent, the entire estate to the decedent's relatives
25 on the other side.

1 **SECTION 161.** 854.03 (3) of the statutes is amended to read:

2 854.03 (3) **MARITAL PROPERTY.** Except as provided in subs. (4) and (5), if ~~a~~
3 ~~husband and wife~~ 2 spouses die leaving marital property and it is not established
4 that one survived the other by at least 120 hours, 50 percent of the marital property
5 shall be distributed as if it were ~~the husband's~~ the first spouse's individual property
6 and the husband 2nd spouse had survived, and 50 percent of the marital property
7 shall be distributed as if it were the wife's 2nd spouse's individual property and the
8 wife first spouse had survived.

9 **SECTION 162.** 891.39 (title) of the statutes is amended to read:

10 **891.39 (title) Presumption as to whether a child is marital or**
11 **nonmarital; self-~~crimination~~ self-incrimination; birth certificates.**

12 **SECTION 163.** 891.39 (1) (a) of the statutes is amended to read:

13 891.39 (1) (a) Whenever it is established in an action or proceeding that a child
14 was born to a woman while she was ~~the lawful wife of~~ legally married to a specified
15 man person, any party asserting in such action or proceeding that the ~~husband was~~
16 spouse is not the father parent of the child shall have the burden of proving that
17 assertion by a clear and satisfactory preponderance of the evidence. In all such
18 actions or proceedings the ~~husband and the wife~~ spouses are competent to testify as
19 witnesses to the facts. The court or judge in such cases shall appoint a guardian ad
20 litem to appear for and represent the child whose ~~paternity~~ parentage is questioned.
21 Results of a genetic test, as defined in s. 767.001 (1m), showing that a man person
22 other than the ~~husband~~ mother's spouse is not excluded as the father of the child and
23 that the statistical probability of the man's person's parentage is 99.0 percent or
24 higher constitute a clear and satisfactory preponderance of the evidence of the

1 assertion under this paragraph, even if the ~~husband~~ mother's spouse is unavailable
2 to submit to genetic tests, as defined in s. 767.001 (1m).

3 **SECTION 164.** 891.39 (1) (b) of the statutes is amended to read:

4 891.39 (1) (b) In actions affecting the family, in which the question of ~~paternity~~
5 parentage is raised, and in paternity proceedings, the court, upon being satisfied that
6 the parties to the action are unable to adequately compensate any such guardian ad
7 litem for the guardian ad litem's services and expenses, shall then make an order
8 specifying the guardian ad litem's compensation and expenses, which compensation
9 and expenses shall be paid as provided in s. 967.06. If the court orders a county to
10 pay the compensation of the guardian ad litem, the amount ordered may not exceed
11 the compensation paid to private attorneys under s. 977.08 (4m) (b).

12 **SECTION 165.** 891.39 (3) of the statutes is amended to read:

13 891.39 (3) If any court under this section adjudges a child to be a nonmarital
14 child, the clerk of court shall report the facts to the state registrar, who shall issue
15 a new birth record showing the correct facts as found by the court, and shall dispose
16 of the original, with the court's report attached under s. 69.15 (3). If the ~~husband~~
17 mother's spouse is a party to the action and the court makes a finding as to whether
18 or not the ~~husband~~ mother's spouse is the ~~father~~ parent of the child, such finding
19 shall be conclusive in all other courts of this state.

20 **SECTION 166.** 891.40 (1) of the statutes is renumbered 891.40 (1) (a) and
21 amended to read:

22 891.40 (1) (a) If, ~~under the supervision of a licensed physician and with the~~
23 spouse's consent of her husband, a wife person is inseminated artificially as provided
24 in par. (b) with semen donated by a man person who is not her husband the spouse
25 of the person being inseminated, the ~~husband~~ spouse of the mother inseminated

1 person at the time of the conception of the child shall be the natural ~~father~~ parent
2 of a child conceived. The ~~husband's spouse's~~ consent must be in writing and signed
3 by him or her and his wife. ~~The by the inseminated person.~~

4 (c) 1. If the artificial insemination under par. (a) takes place under the
5 supervision of a licensed physician, the physician shall certify their the signatures
6 on the consent and the date of the insemination, and shall file the husband's spouse's
7 consent with the department of health services, where it shall be kept. If the
8 artificial insemination under par. (a) does not take place under the supervision of a
9 licensed physician, the spouses shall file the signed consent, which shall include the
10 date of the insemination, with the department of health services.

11 2. The department of health services shall keep a consent filed under subd. 1.
12 confidential and in a sealed file except as provided in s. 46.03 (7) (bm). However,

13 3. Notwithstanding subd. 1., the physician's or spouses' failure to file the
14 consent form does not affect the legal status of father natural parent and child.

15 (d) All papers and records pertaining to the artificial insemination under par.
16 (a), whether part of the permanent record of a court or of a file held by the a
17 supervising physician or sperm bank or elsewhere, may be inspected only upon an
18 order of the court for good cause shown.

19 **SECTION 167.** 891.40 (1) (b) of the statutes is created to read:

20 891.40 (1) (b) The artificial insemination under par. (a) must satisfy any of the
21 following:

22 1. The artificial insemination takes place under the supervision of a licensed
23 physician.

24 2. The semen used for the insemination is obtained from a sperm bank.

25 **SECTION 168.** 891.40 (2) of the statutes is amended to read:

1 891.40 (2) The donor of semen provided to a licensed physician or obtained from
2 a sperm bank for use in the artificial insemination of a woman other than the donor's
3 wife spouse is not the natural father parent of a child conceived, bears no liability for
4 the support of the child, and has no parental rights with regard to the child.

5 **SECTION 169.** 891.40 (3) of the statutes is created to read:

6 891.40 (3) This section applies with respect to children conceived before, on,
7 or after the effective date of this subsection [LRB inserts date], as a result of
8 artificial insemination.

9 **SECTION 170.** 891.405 of the statutes is amended to read:

10 **891.405 Presumption of paternity parentage based on**
11 **acknowledgment.** A man person is presumed to be the natural father parent of a
12 child if ~~he~~ the person and the mother person who gave birth have acknowledged
13 paternity parentage under s. 69.15 (3) (b) 1. or 3. and no other man person is
14 presumed to be the father natural parent under s. 891.41 (1).

15 **SECTION 171.** 891.41 (title) of the statutes is amended to read:

16 **891.41 (title) Presumption of paternity parentage based on marriage of**
17 **the parties.**

18 **SECTION 172.** 891.41 (1) (intro.) of the statutes is amended to read:

19 891.41 (1) (intro.) A man person is presumed to be the natural father parent
20 of a child if any of the following applies:

21 **SECTION 173.** 891.41 (1) (a) of the statutes is amended to read:

22 891.41 (1) (a) ~~He~~ The person and the child's established natural mother parent
23 are or have been married to each other and the child is conceived or born after
24 marriage and before the granting of a decree of legal separation, annulment, or
25 divorce between the parties.

1 **SECTION 174.** 891.41 (1) (b) of the statutes is renumbered 891.41 (1) (b) (intro.)
2 and amended to read:

3 891.41 (1) (b) (intro.) ~~He~~ The person and the child's established natural mother
4 parent were married to each other after the child was born but ~~he~~ the person and the
5 child's established natural mother parent had a relationship with one another
6 during the period of time within which the child was conceived and ~~no other man~~ all
7 of the following apply:

8 1. No person has been adjudicated to be the father ~~or~~.

9 2. No other person is presumed to be the father parent of the child under par.

10 (a).

11 **SECTION 175.** 891.41 (2) of the statutes is amended to read:

12 891.41 (2) In a legal action or proceeding, a presumption under sub. (1) is
13 rebutted by results of a genetic test, as defined in s. 767.001 (1m), that show that a
14 ~~man~~ person other than the ~~man~~ person presumed to be the father parent under sub.
15 (1) is not excluded as the father of the child and that the statistical probability of the
16 ~~man's person's~~ parentage is 99.0 percent or higher, even if the ~~man~~ person presumed
17 to be the father natural parent under sub. (1) is unavailable to submit to genetic
18 tests, as defined in s. 767.001 (1m).

19 **SECTION 176.** 891.41 (3) of the statutes is created to read:

20 891.41 (3) This section applies with respect to children born before, on, or after
21 the effective date of this subsection ... [LRB inserts date].

22 **SECTION 177.** 905.05 (title) of the statutes is amended to read:

23 **905.05** (title) **Husband-wife Spousal and domestic partner privilege.**

24 **SECTION 178.** 938.02 (13) of the statutes is amended to read:

1 938.02 (13) “Parent” means a biological natural parent, ~~a husband who has~~
2 ~~consented to the artificial insemination of his wife under s. 891.40,~~ or a parent by
3 adoption. If the juvenile is a nonmarital child who is not adopted or whose parents
4 do not subsequently intermarry under s. 767.803, “parent” includes a person
5 acknowledged under s. 767.805 or a substantially similar law of another state or
6 adjudicated to be the biological father. “Parent” does not include any person whose
7 parental rights have been terminated. For purposes of the application of s. 938.028
8 and the federal Indian Child Welfare Act, 25 USC 1901 to 1963, “parent” means a
9 biological natural parent of an Indian child, an Indian husband spouse who has
10 consented to the artificial insemination of his wife or her spouse under s. 891.40, or
11 an Indian person who has lawfully adopted an Indian juvenile, including an adoption
12 under tribal law or custom, and includes, in the case of a nonmarital Indian child who
13 is not adopted or whose parents do not subsequently intermarry under s. 767.803,
14 a person acknowledged under s. 767.805, a substantially similar law of another state,
15 or tribal law or custom to be the biological father or a person adjudicated to be the
16 biological father, but does not include any person whose parental rights have been
17 terminated.

18 **SECTION 179.** 938.396 (2g) (g) of the statutes is amended to read:

19 938.396 (2g) (g) *Paternity Parentage of juvenile.* Upon request of a court having
20 jurisdiction over actions affecting the family, an attorney responsible for support
21 enforcement under s. 59.53 (6) (a) or a party to a paternity proceeding under subch.
22 IX of ch. 767, the party’s attorney or the guardian ad litem for the juvenile who is the
23 subject of that proceeding to review or be provided with information from the records
24 of the court assigned to exercise jurisdiction under this chapter and ch. 48 relating
25 to the paternity parentage of a juvenile for the purpose of determining the paternity

1 parentage of the juvenile or for the purpose of rebutting the presumption of paternity
2 under s. 891.405 or the presumption of parentage under s. 891.41, the court assigned
3 to exercise jurisdiction under this chapter and ch. 48 shall open for inspection by the
4 requester its records relating to the ~~paternity~~ parentage of the juvenile or disclose
5 to the requester those records.

6 **SECTION 180.** 943.20 (2) (c) of the statutes is amended to read:

7 943.20 (2) (c) "Property of another" includes property in which the actor is a
8 co-owner and property of a partnership of which the actor is a member, unless the
9 actor and the victim are ~~husband and wife~~ married to each other.

10 **SECTION 181.** 943.201 (1) (b) 8. of the statutes is amended to read:

11 943.201 (1) (b) 8. The ~~maiden name~~ surname of an individual's ~~mother~~ parent
12 before marriage if the surname was changed as a result of marriage.

13 **SECTION 182.** 943.205 (2) (b) of the statutes is amended to read:

14 943.205 (2) (b) "Owner" includes a co-owner of the person charged and a
15 partnership of which the person charged is a member, unless the person charged and
16 the victim are ~~husband and wife~~ married to each other.

17 **SECTION 183.** 990.01 (22m) of the statutes is created to read:

18 990.01 (22m) NATURAL PARENT. "Natural parent" means a parent of a child who
19 is not an adoptive parent, whether the parent is biologically related to the child or
20 not.

21 **SECTION 184.** 990.01 (39) of the statutes is created to read:

22 990.01 (39) SPOUSES. "Spouses" means 2 individuals of the same sex or different
23 sexes who are legally married to each other.

24 **SECTION 185.** 990.01 (40m) of the statutes is created to read:

Walkenhorst Barber, Sarah

From: Heacock, Scott
Sent: Monday, June 03, 2019 1:13 PM
To: Walkenhorst Barber, Sarah
Subject: LRB 2160/1

Sarah,

Thank you again for all of your work on LRB 2160. Can I get a /1 version of the bill by the end of today? We will be using the /p3 version of the bill.

Best,

Scott Heacock
Legislative Aide
Office of Representative Mark Spreitzer



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-2160/P3
TD/SW/ES/EW:cjs

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PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT to repeal** 49.141 (1) (j) 2., 102.51 (1) (a) 2., 115.76 (12) (a) 2., 115.76 (12)
2 (a) 3. and 769.401 (2) (g); **to renumber and amend** 891.40 (1) and 891.41 (1)
3 (b); **to amend** 29.219 (4), 29.228 (5), 29.228 (6), 29.229 (2) (i), 29.2295 (2) (i),
4 29.563 (3) (a) 3., 29.607 (3), 45.01 (6) (c), 45.51 (3) (c) 2., 45.51 (5) (a) 1. b., 45.51
5 (5) (a) 1. c., 45.55, 46.10 (2), 48.02 (13), 48.025 (title), 48.025 (2) (b), 48.025 (3)
6 (c), 48.27 (3) (b) 1. a., 48.27 (3) (b) 1. b., 48.27 (5), 48.299 (6) (intro.), 48.299 (6)
7 (e) 1., 48.299 (6) (e) 2., 48.299 (6) (e) 3., 48.299 (6) (e) 4., 48.299 (7), 48.355 (4g)
8 (a) 1., 48.396 (2) (dm), 48.42 (1g) (a) 4., 48.42 (1g) (b), 48.42 (1g) (c), 48.42 (2) (b)
9 1., 48.42 (2) (b) 2., 48.42 (2) (bm) 1., 48.422 (6) (a), 48.422 (7) (bm), 48.422 (7) (br),
10 48.423 (2) (d), 48.432 (1) (am) 2. b., 48.63 (3) (b) 4., 48.63 (3) (b) 5., 48.82 (1) (a),
11 48.837 (1r) (d), 48.837 (1r) (e), 48.837 (6) (b), 48.837 (6) (br), 48.913 (1) (a),
12 48.913 (1) (b), 48.913 (1) (h), 48.913 (2) (intro.), 48.913 (2) (b), 48.913 (2) (c)
13 (intro.), 48.913 (3), 48.913 (4), 48.913 (7), 49.141 (1) (j) 1., 49.155 (1m) (c) 1g.,
14 49.155 (1m) (c) 1h., 49.163 (2) (am) 2., 49.19 (1) (a) 2. a., 49.19 (4) (d) (intro.),
15 49.19 (4) (d) 1., 49.19 (4) (d) 2., 49.19 (4) (d) 3., 49.19 (4) (d) 4., 49.19 (4) (d) 5.,

1 990.01 (40m) STEPPARENT. "Stepparent" means a person who is the spouse of
2 a child's parent and who is not also a parent of the child.

3 **SECTION 186. Nonstatutory provisions.**

4 (1) LEGISLATIVE INTENT. The legislature intends this act to harmonize the
5 language of the Wisconsin statutes relating to marriage and the determination of
6 parentage with the provision of s. 990.001 (2), which specifies that words importing
7 one gender extend and may be applied to any gender. The legislature intends that
8 by amending the statutes relating to marriage and the determination of parentage
9 with respect to married couples to use gender neutral language where appropriate
10 so as to clarify that the same statutory rights and responsibilities apply between
11 married persons of the same sex as between married persons of different sexes and
12 to extend some of the presumptions of paternity to either parent, the Wisconsin
13 statutes will be better aligned with the holding of the U.S. Supreme Court in
14 Obergefell v. Hodges, 135 S. Ct. 2584, 192 L.Ed.2d 609 (2015), which recognizes that
15 same-sex couples have a fundamental constitutional right to marriage.

16 (END)