
Wisconsin Legislative Council

ACT MEMO



Prepared by: Amber Otis, Senior Staff Attorney

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2021 Wisconsin Act 182
[2021 Senate Bill 627]

**Changing a Minor's Name When
Parent has Criminal Conviction**

BACKGROUND

State law generally requires agreement by both parents to change the name of a minor who is under 14 years of age, though exceptions to this general rule include situations in which paternity has not been established or when a nonpetitioning parent does not appear at the proceeding or otherwise answer the petition. The petitioning parent is required to make a reasonable attempt to find and provide notice to the nonpetitioning parent, and must publish a legal notice in the newspaper and also serve a copy of the notice and petition on the nonpetitioning parent, if possible. If the nonpetitioning parent appears at the hearing or otherwise answers the petition, the court must require the consent of the nonpetitioning parent before changing the minor's name, if the nonpetitioning parent shows that he or she has neither abandoned, nor failed to assume parental responsibility for, the minor.

2021 WISCONSIN ACT 182

2021 Wisconsin Act 182 authorizes a court to change the name of a minor under 14 years of age upon the petition of one parent, without consent from the other parent, if the nonpetitioning parent has been convicted of certain crimes.

Specifically, under the act, a court may grant a petition to change the name of a minor under 14 years of age who has two living parents, regardless of whether the nonpetitioning parent has been served with a copy of the notice and petition, appeared at the proceeding, or provided consent, if the nonpetitioning parent has been convicted of certain crimes, such as:

- Various forms of homicide and sexual assault.
- Various forms of sexual assault of a child, including engaging in repeated acts of sexual assault of the same child.
- Trafficking of a child, or human trafficking for the purpose of a commercial sex act.
- Various crimes involving sexual conduct and minors, including sexual exploitation of a child, causing a child to view or listen to sexual activity, incest with a child, child enticement, and patronizing or soliciting a child for prostitution.
- Possession of child pornography.

The act specifies that, to qualify, the nonpetitioning parent's conviction may be a violation of the applicable crime under the Wisconsin statutes, or the law of another jurisdiction that, if violated, would constitute a violation of Wisconsin law had the person committed the offense in this state.

Effective date: March 19, 2022

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