



State of Wisconsin  
2023 - 2024 LEGISLATURE

LRB-0776/P1  
SWB/EAW/CMH:amn

DOA:.....Sherwin, BB0044 - Gender-Neutral Statutory References

**FOR 2023-2025 BUDGET -- NOT READY FOR INTRODUCTION**

**AN ACT ...; relating to:** the budget.

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*Analysis by the Legislative Reference Bureau*

**COURTS AND PROCEDURE**

**DOMESTIC RELATIONS**

***Making references in the statutes gender neutral***

This bill recognizes same-sex marriage by making references in the statutes to spouses gender-neutral, with the intent of harmonizing the Wisconsin Statutes with the holding of the U.S. Supreme Court in *Obergefell v. Hodges*, 135 S. Ct. 2584, 192 L. Ed. 2d 609 (2015), which recognizes that same-sex couples have a fundamental constitutional right to marriage. The bill also recognizes legal parentage for same-sex couples under certain circumstances and adopts gender-neutral parentage terminology.

The bill provides that marriage may be contracted between persons of the same sex and confers the same rights and responsibilities on married persons of the same sex that married persons of different sexes have under current law. The bill defines "spouse" as a person who is legally married to another person of the same sex or a different sex and replaces every reference to "husband" or "wife" in current law with "spouse." The bill makes applicable to married persons of the same sex all provisions under current law that apply to married persons of different sexes. These provisions relate to such diverse areas of the law as income tax, marital property, inheritance rights, divorce, child and spousal support, insurance coverage, family and spousal

recreational licenses, consent to conduct an autopsy, domestic abuse, and eligibility for various types of benefits, such as retirement or death benefits and medical assistance.

In addition to making statutory references to spouses gender-neutral, the bill specifies ways in which married couples of the same sex may be the legal parents of a child and, with some exceptions, makes current references in the statutes to “mother” and “father,” and related terms, gender-neutral.

Under current law, all of the following may adopt a child: a husband and wife jointly, a husband or wife whose spouse is the parent of the child, and an unmarried adult. Because the bill makes references in the statutes to spouses gender-neutral, same-sex spouses jointly may adopt a child and become the legal parents of the child, and a same-sex spouse of a person who is the parent of a minor child may adopt the child and become the legal parent of his or her spouse’s child.

Under current law, if a woman is artificially inseminated under the supervision of a physician with semen donated by a man who is not her husband and the husband consents in writing to the artificial insemination of his wife, the husband is the natural father of any child conceived. Under the bill, one spouse may also consent to the artificial insemination of his or her spouse and is the natural parent of the child conceived. The artificial insemination is not required to take place under the supervision of a physician, but, if it does not, the semen used for the insemination must have been obtained from a sperm bank.

Under current law, a man is presumed to be the father of a child if he and the child’s natural mother 1) were married to each other when the child was conceived or born or 2) married each other after the child was born but had a relationship with each other when the child was conceived and no other man has been adjudicated to be the father or is presumed to be the father because the man was married to the mother when the child was conceived or born. The paternity presumption may be rebutted in a legal action or proceeding by the results of a genetic test showing that the statistical probability of another man’s parentage is 99.0 percent or higher. The bill expands this presumption into a parentage presumption, so that a person is presumed to be the natural parent of a child if he or she 1) was married to the child’s established natural parent when the child was conceived or born or 2) married the child’s established natural parent after the child was born but had a relationship with the established natural parent when the child was conceived and no person has been adjudicated to be the father and no other person is presumed to be the child’s parent because he or she was married to the mother when the child was conceived or born. The parentage presumption may still be rebutted by the results of a genetic test showing that the statistical probability of another person’s parentage is 99.0 percent or higher. Expanding on current law, the bill allows for a paternity action to be brought for the purpose of rebutting the parentage presumption, regardless of whether that presumption applies to a male or female spouse.

Current law provides that a mother and a man may sign a statement acknowledging paternity and file it with the state registrar. If the state registrar has received such a statement, the man is presumed to be the father of the child. Under current law, either person who has signed a statement acknowledging paternity may

rescind the statement before an order is filed in an action affecting the family concerning the child or within 60 days after the statement is filed, whichever occurs first. Under current law, a man who has filed a statement acknowledging paternity that is not rescinded within the time period is conclusively determined to be the father of the child. The bill provides that two people may sign a statement acknowledging parentage and file it with the state registrar. If the state registrar has received such a statement, the people who have signed the statement are presumed to be the parents of the child. Under the bill, a statement acknowledging parentage that is not rescinded conclusively establishes parentage with regard to the person who did not give birth to the child and who signed the statement.

The bill defines “natural parent” as a parent of a child who is not an adoptive parent, whether the parent is biologically related to the child or not. Thus, a person who is a biological parent, a parent by consenting to the artificial insemination of his or her spouse, or a parent under the parentage presumption is a natural parent of a child. The definition applies throughout the statutes wherever the term “natural parent” is used. In addition, the bill expands some references in the statutes to “biological parent” by changing the reference to “natural parent.”

## **HEALTH AND HUMAN SERVICES**

### **VITAL RECORDS**

#### ***Gender neutral references on birth certificates***

Generally, the bill substitutes the term “spouse” for “husband” in the birth certificate statutes and enters the spouse, instead of the husband, of the person who has given birth on the birth certificate at times when a husband would currently be entered on a birth certificate. The name of the person who has given birth is entered on a birth certificate when the person gives birth to a child, and current law specifies when another name should be entered on the birth certificate. Current law requires that if a birth mother is married at any time from the conception to the birth of a child, then her husband’s name is entered on the birth certificate as the legal father of the child. Under the bill, if a person who gives birth is married at any time from the conception to the birth of the child, then that person’s spouse’s name is entered as a legal parent of the child. The bill also specifies that, in the instance that a second parent’s name is initially omitted from the birth certificate, if the state registrar receives a signed acknowledgement of parentage by people presumed to be parents because the two people married after the birth of the child, the two people had a relationship during the time the child was conceived, no person is adjudicated to be the father, and no other person is presumed to be the parent, then the state registrar must enter the name of the spouse of the person who gave birth as a parent on the birth certificate.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

**SECTION 1.** 29.219 (4) of the statutes is amended to read:

29.219 (4) ~~HUSBAND AND WIFE~~ SPOUSES RESIDENT LICENSES. A combined ~~husband and wife spouses~~ resident fishing license shall be issued subject to s. 29.024 by the department to residents applying for this license. This license confers upon both ~~husband and wife spouses~~ the privileges of resident fishing licenses.

**SECTION 2.** 29.228 (5) of the statutes is amended to read:

29.228 (5) ANNUAL FAMILY FISHING LICENSE. The department shall issue a nonresident annual family fishing license, subject to s. 29.024, to any nonresident who applies for this license. This license entitles the ~~husband, wife spouses~~ and any minor children to fish under this license.

**SECTION 3.** 29.228 (6) of the statutes is amended to read:

29.228 (6) FIFTEEN-DAY FAMILY FISHING LICENSE. The department shall issue a nonresident 15-day family fishing license, subject to s. 29.024, to any nonresident who applies for this license. This license entitles the ~~husband, wife spouses~~ and any minor children to fish under this license.

**SECTION 4.** 29.229 (2) (i) of the statutes is amended to read:

29.229 (2) (i) ~~Husband and wife~~ Spouses fishing licenses.

**SECTION 5.** 29.2295 (2) (i) of the statutes is amended to read:

29.2295 (2) (i) ~~Husband and wife~~ Spouses fishing licenses.

**SECTION 6.** 29.563 (3) (a) 3. of the statutes is amended to read:

29.563 (3) (a) 3. ~~Husband and wife~~ Spouses: \$30.25.

**SECTION 7.** 29.607 (3) of the statutes is amended to read:

29.607 (3) LICENSE REQUIRED; EXCEPTIONS; WILD RICE IDENTIFICATION CARD. Every person over the age of 16 and under the age of 65 shall obtain the appropriate wild rice license to harvest or deal in wild rice but no license to harvest is required of the members of the immediate family of a licensee or of a recipient of old-age assistance or members of their immediate families. The department, subject to s. 29.024 (2g) and (2r), shall issue a wild rice identification card to each member of a licensee's immediate family, to a recipient of old-age assistance and to each member of the recipient's family. The term "immediate family" includes ~~husband and wife~~ spouses and minor children having their abode and domicile with the parent or legal guardian.

**SECTION 8.** 45.01 (6) (c) of the statutes is amended to read:

45.01 (6) (c) The ~~biological~~ natural or adoptive parent or a person who acts in the place of a parent and who has so acted for not less than 12 months prior to the veteran's entrance into active service.

**SECTION 9.** 45.51 (3) (c) 2. of the statutes is amended to read:

45.51 (3) (c) 2. The department may deviate from this sequence upon order of the board to prevent the separation of ~~a husband and wife~~ spouses.

**SECTION 10.** 45.51 (5) (a) 1. b. of the statutes is amended to read:

45.51 (5) (a) 1. b. Was married to the person under sub. (2) (a) 1. or 2. at the time the person entered the service and who became a ~~widow or widower~~ surviving spouse by the death of the person while in the service or as a result of physical disability of the person incurred during the service.

**SECTION 11.** 45.51 (5) (a) 1. c. of the statutes is amended to read:

45.51 (5) (a) 1. c. The period during which the surviving spouse was married to and lived with the deceased person under sub. (2) (a) 1. or 2. plus the period of ~~widowhood or widowerhood~~ after the death of the deceased person is 6 months or more.

**SECTION 12.** 45.55 of the statutes is amended to read:

**45.55 Notes and mortgages of minor veterans.** Notwithstanding any provision of this chapter or any other law to the contrary, any minor who served in the active armed forces of the United States at any time after August 27, 1940, and the ~~husband or wife~~ spouse of such a minor may execute, in his or her own right, notes or mortgages, as defined in s. 851.15, the payment of which is guaranteed or insured by the U.S. department of veterans affairs or the federal housing administrator under the servicemen's readjustment act of 1944, the national housing act, or any acts supplementing or amending these acts. In connection with these transactions, the minors may sell, release, or convey the mortgaged property and litigate or settle controversies arising therefrom, including the execution of releases, deeds, and other necessary papers or instruments. The notes, mortgages, releases, deeds, and other necessary papers or instruments when so executed are not subject to avoidance by the minor or the ~~husband or wife~~ spouse of the minor upon either or both of them attaining the age of 18 because of the minority of either or both of them at the time of the execution thereof.

**SECTION 13.** 46.10 (2) of the statutes is amended to read:

46.10 (2) Except as provided in subs. (2m) and (14) (b) and (c), any person, including but not limited to a person admitted, committed, protected, or placed under s. 975.01, 1977 stats., s. 975.02, 1977 stats., s. 975.17, 1977 stats., s. 55.05 (5), 2003 stats., and s. 55.06, 2003 stats., and ss. 51.10, 51.13, 51.15, 51.20, 51.35 (3), 51.37 (5),

51.45 (10), (11), (12) and (13), 55.05, 55.055, 55.12, 55.13, 55.135, 971.14 (2) and (5), 971.17 (1), 975.06 and 980.06, receiving care, maintenance, services, and supplies provided by any institution in this state including University of Wisconsin Hospitals and Clinics, in which the state is chargeable with all or part of the person's care, maintenance, services, and supplies, any person receiving care and services from a county department established under s. 51.42 or 51.437 or from a facility established under s. 49.73, and any person receiving treatment and services from a public or private agency under s. 980.06 (2) (c), 1997 stats., s. 980.08 (5), 2003 stats., or s. 971.17 (3) (d) or (4) (e) or 980.08 (4) (g) and the person's property and estate, including the homestead, and the spouse of the person, and the spouse's property and estate, including the homestead, and, in the case of a minor child, the parents of the person, and their property and estates, including their homestead, and, in the case of a foreign child described in s. 48.839 (1) who became dependent on public funds for his or her primary support before an order granting his or her adoption, the resident of this state appointed guardian of the child by a foreign court who brought the child into this state for the purpose of adoption, and his or her property and estate, including his or her homestead, shall be liable for the cost of the care, maintenance, services, and supplies in accordance with the fee schedule established by the department under s. 46.03 (18). If a spouse, ~~widow~~ surviving spouse, or minor, or an incapacitated person may be lawfully dependent upon the property for their support, the court shall release all or such part of the property and estate from the charges that may be necessary to provide for those persons. The department shall make every reasonable effort to notify the liable persons as soon as possible after the beginning of the maintenance, but the notice or the receipt thereof is not a condition of liability.

**SECTION 14.** 48.02 (13) of the statutes is amended to read:

48.02 (13) “Parent” means a biological natural parent, ~~a husband who has consented to the artificial insemination of his wife under s. 891.40, or a parent by adoption.~~ If the child is a nonmarital child who is not adopted or whose parents do not subsequently intermarry under s. 767.803, “parent” includes a person conclusively determined from genetic test results to be the father under s. 767.804 ~~or, a person acknowledged under s. 767.805 or a substantially similar law of another state to be a natural parent, or a person adjudicated to be the biological father a natural parent.~~ “Parent” does not include any person whose parental rights have been terminated. For purposes of the application of s. 48.028 and the federal Indian Child Welfare Act, [25 USC 1901 to 1963](#), “parent” means a biological natural parent ~~of an Indian child,~~ an Indian husband spouse who has consented to the artificial insemination of his wife ~~or her spouse~~ under s. 891.40, or an Indian person who has lawfully adopted an Indian child, including an adoption under tribal law or custom, and includes, in the case of a nonmarital Indian child who is not adopted or whose parents do not subsequently intermarry under s. 767.803, a person conclusively determined from genetic test results to be the father under s. 767.804, a person acknowledged under s. 767.805, a substantially similar law of another state, or tribal law or custom to be the biological father natural parent, or a person adjudicated to be the biological father natural parent, but does not include any person whose parental rights have been terminated.

**SECTION 15.** 48.025 (title) of the statutes is amended to read:

**48.025 (title) Declaration of paternal parental interest in matters affecting children.**

**SECTION 16.** 48.025 (2) (b) of the statutes is amended to read:



48.025 (2) (b) A declaration under sub. (1) may be filed at any time before the birth of the child or within 14 days after the birth of the child, except that a man person who receives a notice under s. 48.42 (1g) (b) may file a declaration within 21 days after the date on which the notice was mailed. This paragraph does not apply to a declaration filed before July 1, 2006.

**SECTION 17.** 48.025 (3) (c) of the statutes is amended to read:

48.025 (3) (c) A court in a proceeding under s. 48.13, 48.133, 48.14, or 938.13 or under a substantially similar law of another state or a person authorized to file a petition under s. 48.25, 48.42, 48.837, or 938.25 or under a substantially similar law of another state may request the department to search its files to determine whether a person who may be the ~~father~~ parent of the child who is the subject of the proceeding has filed a declaration under this section. If the department has on file a declaration of ~~paternal~~ parental interest in matters affecting the child, the department shall issue to the requester a copy of the declaration. If the department does not have on file a declaration of ~~paternal~~ parental interest in matters affecting the child, the department shall issue to the requester a statement that no declaration could be located. The department may require a person who requests a search under this paragraph to pay a reasonable fee that is sufficient to defray the costs to the department of maintaining its file of declarations and publicizing information relating to declarations of ~~paternal~~ parental interest under this section.

**SECTION 18.** 48.27 (3) (b) 1. a. of the statutes is amended to read:

48.27 (3) (b) 1. a. A person who has filed a declaration of ~~paternal~~ parental interest under s. 48.025.

**SECTION 19.** 48.27 (3) (b) 1. b. of the statutes is amended to read:

**SECTION 19**

48.27 (3) (b) 1. b. A person alleged to the court to be ~~the father~~ a parent of the child or who may, based on the statements of the ~~mother~~ parent who gave birth to the child or other information presented to the court, be ~~the father~~ a parent of the child.

**SECTION 20.** 48.27 (5) of the statutes is amended to read:

48.27 (5) Subject to sub. (3) (b), the court shall make every reasonable effort to identify and notify any person who has filed a declaration of ~~paternal~~ parental interest under s. 48.025, any person conclusively determined from genetic test results to be the father under s. 767.804 (1), any person who has acknowledged ~~paternity~~ parentage of the child under s. 767.805 (1), and any person who has been adjudged to be the ~~father~~ parent of the child in a judicial proceeding unless the person's parental rights have been terminated.

**SECTION 21.** 48.299 (6) (intro.) of the statutes is amended to read:

48.299 (6) (intro.) If a ~~man~~ person who has been given notice under s. 48.27 (3) (b) 1., 48.977 (4) (c) 1., 48.978 (2) (c) 1., or 48.9795 (4) (c) 1. appears at any hearing for which he or she received the notice, alleges that he or she is ~~the father~~ a parent of the child, and states that he or she wishes to establish the ~~paternity~~ parentage of the child, all of the following apply:

**SECTION 22.** 48.299 (6) (e) 1. of the statutes is amended to read:

48.299 (6) (e) 1. In this paragraph, "genetic test" means a test that examines genetic markers present on blood cells, skin cells, tissue cells, bodily fluid cells or cells of another body material for the purpose of determining the statistical probability that a ~~man~~ person who is alleged to be a child's ~~father~~ parent is the child's biological ~~father~~ parent.

**SECTION 23.** 48.299 (6) (e) 2. of the statutes is amended to read:

48.299 (6) (e) 2. The court shall, at the hearing, orally inform any ~~man~~ person specified in sub. (6) (intro.) that he or she may be required to pay for any testing ordered by the court under this paragraph or under s. 885.23.

**SECTION 24.** 48.299 (6) (e) 3. of the statutes is amended to read:

48.299 (6) (e) 3. In addition to ordering testing as provided under s. 885.23, if the court determines that it would be in the best interests of the child, the court may order any ~~man~~ person specified in sub. (6) (intro.) to submit to one or more genetic tests which shall be performed by an expert qualified as an examiner of genetic markers present on the cells and of the specific body material to be used for the tests, as appointed by the court. A report completed and certified by the court-appointed expert stating genetic test results and the statistical probability that the ~~man~~ person alleged to be the child's father parent is the child's biological father parent based upon the genetic tests is admissible as evidence without expert testimony and may be entered into the record at any hearing. The court, upon request by a party, may order that independent tests be performed by other experts qualified as examiners of genetic markers present on the cells of the specific body materials to be used for the tests.

**SECTION 25.** 48.299 (6) (e) 4. of the statutes is amended to read:

48.299 (6) (e) 4. If the genetic tests show that an alleged father parent is not excluded and that the statistical probability that the alleged father parent is the child's biological father parent is 99.0 percent or higher, the court may determine that for purposes of a proceeding under this chapter, other than a proceeding under subch. VIII, the ~~man~~ person is the child's biological parent.

**SECTION 26.** 48.299 (7) of the statutes is amended to read:

48.299 (7) If a man person who has been given notice under s. 48.27 (3) (b) 1., 48.977 (4) (c) 1., 48.978 (2) (c) 1., or 48.9795 (4) (c) 1. appears at any hearing for which he or she received the notice but does not allege that he or she is ~~the father~~ a parent of the child and state that he or she wishes to establish the paternity parentage of the child or if no man person to whom such notice was given appears at a hearing, the court may refer the matter to the state or to the attorney responsible for support enforcement under s. 59.53 (6) (a) for a determination, under s. 767.80, of whether an action should be brought for the purpose of determining the paternity parentage of the child.

**SECTION 27.** 48.355 (4g) (a) 1. of the statutes is amended to read:

48.355 (4g) (a) 1. The child's parents are parties to a pending action for divorce, annulment, or legal separation, a man person determined under s. 48.299 (6) (e) 4. to be the biological ~~father~~ parent of the child for purposes of a proceeding under this chapter is a party to a pending action to determine paternity of the child under ch. 767, or the child is the subject of a pending independent action under s. 767.41 or 767.43 to determine legal custody of the child or visitation rights with respect to the child.

**SECTION 28.** 48.396 (2) (dm) of the statutes is amended to read:

48.396 (2) (dm) Upon request of a court having jurisdiction over actions affecting the family, an attorney responsible for support enforcement under s. 59.53 (6) (a) or a party to a paternity proceeding under subch. IX of ch. 767, the party's attorney or the guardian ad litem for the child who is the subject of that proceeding to review or be provided with information from the records of the court assigned to exercise jurisdiction under this chapter and ch. 938 relating to the paternity of a child for the purpose of determining the paternity of the child or for the purpose of

rebutting the presumption of ~~paternity~~ parentage under s. 891.405, 891.407, or 891.41 (1), the court assigned to exercise jurisdiction under this chapter and ch. 938 shall open for inspection by the requester its records relating to the paternity of the child or disclose to the requester those records.

**SECTION 29.** 48.42 (1g) (a) 4. of the statutes is amended to read:

48.42 (1g) (a) 4. A statement identifying any ~~man~~ person who has lived in a familial relationship with the child and who may be ~~the father~~ a parent of the child.

**SECTION 30.** 48.42 (1g) (b) of the statutes is amended to read:

48.42 (1g) (b) The petitioner shall notify any ~~man~~ person identified in the affidavit under par. (a) as an alleged ~~father~~ parent of ~~his~~ the right to file a declaration of ~~paternal~~ parental interest under s. 48.025 before the birth of the child, within 14 days after the birth of the child, or within 21 days after the date on which the notice is mailed, whichever is later; of the birth date or anticipated birth date of the child; and of the consequences of filing or not filing a declaration of ~~paternal~~ parental interest. The petitioner shall include with the notice a copy of the form required to file a declaration of ~~paternal~~ parental interest under s. 48.025. The notice shall be sent by certified mail to the last-known address of the alleged ~~father~~ parent.

**SECTION 31.** 48.42 (1g) (c) of the statutes is amended to read:

48.42 (1g) (c) If an affidavit under par. (a) is not filed with the petition, notice shall be given to an alleged ~~father~~ parent under sub. (2).

**SECTION 32.** 48.42 (2) (b) 1. of the statutes is amended to read:

48.42 (2) (b) 1. A person who has filed an unrevoked declaration of ~~paternal~~ parental interest under s. 48.025 before the birth of the child or within 14 days after the birth of the child.

**SECTION 33.** 48.42 (2) (b) 2. of the statutes is amended to read:

**SECTION 33**

48.42 (2) (b) 2. A person or persons alleged to the court to be ~~the father~~ a parent of the child or who may, based upon the statements of the ~~mother~~ parent who gave birth to the child or other information presented to the court, be the ~~father~~ parent of the child unless that person has waived the right to notice under s. 48.41 (2) (c).

**SECTION 34.** 48.42 (2) (bm) 1. of the statutes is amended to read:

48.42 (2) (bm) 1. A person who has filed an unrevoked declaration of paternal parental interest under s. 48.025 before the birth of the child, within 14 days after the birth of the child, or within 21 days after a notice under sub. (1g) (b) is mailed, whichever is later.

**SECTION 35.** 48.422 (6) (a) of the statutes is amended to read:

48.422 (6) (a) In the case of a nonmarital child who is not adopted or whose parents do not subsequently intermarry under s. 767.803 and for whom paternity has not been established, or for whom a declaration of ~~paternal~~ parental interest has not been filed under s. 48.025 within 14 days after the date of birth of the child or, if s. 48.42 (1g) (b) applies, within 21 days after the date on which the notice under s. 48.42 (1g) (b) is mailed, the court shall hear testimony concerning the ~~paternity~~ parentage of the child. Based on the testimony, the court shall determine whether all interested parties who are known have been notified under s. 48.42 (2) and (2g) (ag). If not, the court shall adjourn the hearing and order appropriate notice to be given.

**SECTION 36.** 48.422 (7) (bm) of the statutes is amended to read:

48.422 (7) (bm) Establish whether a proposed adoptive parent of the child has been identified. If a proposed adoptive parent of the child has been identified and the proposed adoptive parent is not a relative of the child, the court shall order the petitioner to submit a report to the court containing the information specified in s.

48.913 (7). The court shall review the report to determine whether any payments or agreement to make payments set forth in the report are coercive to the birth parent of the child or to an alleged ~~to~~ or presumed father parent of the child or are impermissible under s. 48.913 (4). Making any payment to or on behalf of ~~the any~~ any birth parent of the child, ~~an,~~ an alleged or presumed father parent of the child, or the child conditional in any part upon transfer or surrender of the child or the termination of parental rights or the finalization of the adoption creates a rebuttable presumption of coercion. Upon a finding of coercion, the court shall dismiss the petition or amend the agreement to delete any coercive conditions, if the parties agree to the amendment. Upon a finding that payments ~~which~~ that are impermissible under s. 48.913 (4) have been made, the court may dismiss the petition and may refer the matter to the district attorney for prosecution under s. 948.24 (1). This paragraph does not apply if the petition was filed with a petition for adoptive placement under s. 48.837 (2).

**SECTION 37.** 48.422 (7) (br) of the statutes is amended to read:

48.422 (7) (br) Establish whether any person has coerced a birth parent or ~~any~~ alleged or presumed ~~father~~ parent of the child in violation of s. 48.63 (3) (b) 5. Upon a finding of coercion, the court shall dismiss the petition.

**SECTION 38.** 48.423 (2) (d) of the statutes is amended to read:

48.423 (2) (d) That the person has complied with the requirements of the state where the ~~mother~~ birth parent previously resided or was located to protect and preserve his ~~paternal~~ or her parental interests in matters affecting the child.

**SECTION 39.** 48.432 (1) (am) 2. b. of the statutes is amended to read:

48.432 (1) (am) 2. b. If there is no adjudicated father, the ~~husband~~ spouse of the mother at the time the individual or adoptee is conceived or born, or when the parents intermarry under s. 767.803.

**SECTION 40.** 48.63 (3) (b) 4. of the statutes is amended to read:

48.63 (3) (b) 4. Before a child may be placed under subd. 1., the department, county department, or child welfare agency making the placement and the proposed adoptive parent or parents shall enter into a written agreement that specifies who is financially responsible for the cost of providing care for the child prior to the finalization of the adoption and for the cost of returning the child to the parent who has custody of the child if the adoption is not finalized. Under the agreement, the department, county department, or child welfare agency or the proposed adoptive parent or parents, but not the any birth parent of the child or any alleged or presumed ~~father~~ parent of the child, shall be financially responsible for those costs.

**SECTION 41.** 48.63 (3) (b) 5. of the statutes is amended to read:

48.63 (3) (b) 5. Prior to termination of parental rights to the child, no person may coerce a birth parent of the child or any alleged or presumed ~~father~~ parent of the child into refraining from exercising his or her right to withdraw consent to the transfer or surrender of the child or to termination of his or her parental rights to the child, to have reasonable visitation or contact with the child, or to otherwise exercise his or her parental rights to the child.

**SECTION 42.** 48.82 (1) (a) of the statutes is amended to read:

48.82 (1) (a) ~~A husband and wife~~ Spouses jointly, or either the husband or wife if the ~~other~~ spouse is of a parent of the minor.

**SECTION 43.** 48.837 (1r) (d) of the statutes is amended to read:



48.837 (1r) (d) Before a child may be placed under par. (a), the department, county department, or child welfare agency making the placement and the proposed adoptive parent or parents shall enter into a written agreement that specifies who is financially responsible for the cost of providing care for the child prior to the finalization of the adoption and for the cost of returning the child to the parent who has custody of the child if the adoption is not finalized. Under the agreement, the department, county department, or child welfare agency or the proposed adoptive parent or parents, but not the any birth parent of the child or any alleged or presumed father parent of the child, shall be financially responsible for those costs.

**SECTION 44.** 48.837 (1r) (e) of the statutes is amended to read:

48.837 (1r) (e) Prior to termination of parental rights to the child, no person may coerce a birth parent of the child or any alleged or presumed father parent of the child into refraining from exercising his or her right to withdraw consent to the transfer or surrender of the child or to termination of his or her parental rights to the child, to have reasonable visitation or contact with the child, or to otherwise exercise his or her parental rights to the child.

**SECTION 45.** 48.837 (6) (b) of the statutes is amended to read:

48.837 (6) (b) At the beginning of the hearing held under sub. (2), the court shall review the report that is submitted under s. 48.913 (6). The court shall determine whether any payments or the conditions specified in any agreement to make payments are coercive to the any birth parent of the child or to an alleged or presumed father parent of the child or are impermissible under s. 48.913 (4). Making any payment to or on behalf of the a birth parent of the child, an, alleged or presumed father parent of the child, or the child conditional in any part upon transfer or surrender of the child or the termination of parental rights or the finalization of the

adoption creates a rebuttable presumption of coercion. Upon a finding of coercion, the court shall dismiss the petitions under subs. (2) and (3) or amend the agreement to delete any coercive conditions, if the parties agree to the amendment. Upon a finding that payments ~~which~~ that are impermissible under s. 48.913 (4) have been made, the court may dismiss the petition and may refer the matter to the district attorney for prosecution under s. 948.24 (1).

**SECTION 46.** 48.837 (6) (br) of the statutes is amended to read:

48.837 (6) (br) At the hearing on the petition under sub. (2), the court shall determine whether any person has coerced a birth parent or ~~any~~ alleged or presumed ~~father~~ parent of the child in violation of sub. (1r) (e). Upon a finding of coercion, the court shall dismiss the petitions under subs. (2) and (3).

**SECTION 47.** 48.913 (1) (a) of the statutes is amended to read:

48.913 (1) (a) Preadoptive counseling for a birth parent ~~of the child~~ or an alleged or presumed ~~father~~ parent of the child.

**SECTION 48.** 48.913 (1) (b) of the statutes is amended to read:

48.913 (1) (b) Post-adoptive counseling for a birth parent ~~of the child~~ or an alleged or presumed ~~father~~ parent of the child.

**SECTION 49.** 48.913 (1) (h) of the statutes is amended to read:

48.913 (1) (h) Legal and other services received by a birth parent of the child, an alleged or presumed ~~father~~ parent of the child, or the child in connection with the adoption.

**SECTION 50.** 48.913 (2) (intro.) of the statutes is amended to read:

48.913 (2) PAYMENT OF EXPENSES WHEN BIRTH PARENT IS RESIDING IN ANOTHER STATE. (intro.) Notwithstanding sub. (1), the proposed adoptive parents of a child or a person acting on behalf of the proposed adoptive parents of a child may pay for an

expense of a birth parent of the child or an alleged or presumed father parent of the child if the birth parent or the alleged or presumed father parent was residing in another state when the payment was made and when the expense was incurred and if all of the following apply:

**SECTION 51.** 48.913 (2) (b) of the statutes is amended to read:

48.913 (2) (b) The state in which the birth parent or ~~the~~ alleged or presumed father parent was residing when the payment was made permits the payment of that expense by the proposed adoptive parents of the child.

**SECTION 52.** 48.913 (2) (c) (intro.) of the statutes is amended to read:

48.913 (2) (c) (intro.) A listing of all payments made under this subsection, a copy of the statutory provisions of the state in which the birth parent or ~~the~~ alleged or presumed father parent was residing when the payments were made that permit those payments to be made by the proposed adoptive parents of the child, and a copy of all orders entered in the state in which the birth parent or ~~the~~ alleged or presumed father parent was residing when the payments were made that relate to the payment of expenses of the birth parent or ~~the~~ alleged or presumed father parent by the proposed adoptive parents of the child is submitted to the court as follows:

**SECTION 53.** 48.913 (3) of the statutes is amended to read:

48.913 (3) METHOD OF PAYMENT. Any payment under sub. (1) or (2) shall be made directly to the provider of a good or service except that a payment under sub. (1) or (2) may be made to a birth parent ~~of the child or to an~~ alleged or presumed father parent of the child as reimbursement of an amount previously paid by the birth parent or ~~by the~~ alleged or presumed father parent if documentation is provided showing that the birth parent or alleged or presumed father parent has made the previous payment.

**SECTION 54.** 48.913 (4) of the statutes is amended to read:

48.913 (4) OTHER PAYMENTS PROHIBITED. The proposed adoptive parents of a child or a person acting on behalf of the proposed adoptive parents may not make any payments to or on behalf of a birth parent of the child, an alleged or presumed father parent of the child, or the child except as provided in subs. (1) and (2).

**SECTION 55.** 48.913 (7) of the statutes is amended to read:

48.913 (7) REPORT TO THE COURT; CONTENTS REQUIRED. The report required under sub. (6) shall include a list of all transfers of anything of value made or agreed to be made by the proposed adoptive parents or by a person acting on their behalf to a birth parent of the child, an alleged or presumed father parent of the child, or the child, on behalf of a birth parent of the child, an alleged or presumed father parent of the child, or the child, or to any other person in connection with the pregnancy, the birth of the child, the placement of the child with the proposed adoptive parents, or the adoption of the child by the proposed adoptive parents. The report shall be itemized and shall show the goods or services for which payment was made or agreed to be made. The report shall include the dates of each payment, the names and addresses of each attorney, doctor, hospital, agency, or other person or organization receiving any payment from the proposed adoptive parents or a person acting on behalf of the proposed adoptive parents in connection with the pregnancy, the birth of the child, the placement of the child with the proposed adoptive parents, or the adoption of the child by the proposed adoptive parents.

**SECTION 56.** 48.9795 (1) (a) 1. c. of the statutes is amended to read:

48.9795 (1) (a) 1. c. Any person who has filed a declaration of ~~paternal~~ parental interest under s. 48.025, who is alleged to the court to be ~~the father~~ a parent of the

child, or who may, based on the statements of the ~~mother~~ parent who gave birth to the child or other information presented to the court, be the ~~father~~ parent of the child.

**SECTION 57.** 48.9795 (1) (b) of the statutes is amended to read:

48.9795 (1) (b) “Party” means the person petitioning for the appointment of a guardian for a child or any interested person other than a person who is alleged to the court to be ~~the father~~ a parent of the child or who may, based on the statements of the ~~mother~~ parent who gave birth to the child or other information presented to the court, be the ~~father~~ parent of the child.

**SECTION 58.** 49.141 (1) (j) 1. of the statutes is amended to read:

49.141 (1) (j) 1. A ~~biological~~ natural parent.

**SECTION 59.** 49.141 (1) (j) 2. of the statutes is repealed.

**SECTION 60.** 49.155 (1m) (c) 1g. of the statutes is amended to read:

49.155 (1m) (c) 1g. If the individual is a foster parent of the child or a subsidized guardian or interim caretaker of the child under s. 48.623, the child’s ~~biological~~ natural or adoptive family has a gross income that is at or below 200 percent of the poverty line. In calculating the gross income of the child’s ~~biological~~ natural or adoptive family, the department or county department or agency determining eligibility shall include court-ordered child or family support payments received by the individual, if those support payments exceed \$1,250 per month, and income described under s. 49.145 (3) (b) 1. and 3.

**SECTION 61.** 49.155 (1m) (c) 1h. of the statutes is amended to read:

49.155 (1m) (c) 1h. If the individual is a relative of the child, is providing care for the child under a court order, and is receiving payments under s. 48.57 (3m) or (3n) on behalf of the child, the child’s ~~biological~~ natural or adoptive family has a gross income that is at or below 200 percent of the poverty line. In calculating the gross

**SECTION 61**

income of the child's ~~biological~~ natural or adoptive family, the department or county department or agency determining eligibility shall include court-ordered child or family support payments received by the individual, if those support payments exceed \$1,250 per month, and income described under s. 49.145 (3) (b) 1. and 3.

**SECTION 62.** 49.163 (2) (am) 2. of the statutes is amended to read:

49.163 (2) (am) 2. If over 25 years of age, be a ~~biological~~ natural or adoptive parent of a child under 18 years of age whose parental rights to the child have not been terminated or be a relative and primary caregiver of a child under 18 years of age.

**SECTION 63.** 49.19 (1) (a) 2. a. of the statutes is amended to read:

49.19 (1) (a) 2. a. Is living with a parent; a blood relative, including those of half-blood, and including first cousins, nephews or nieces and persons of preceding generations as denoted by prefixes of grand, great or great-great; a ~~stepfather,~~ ~~stepmother~~ stepparent, stepbrother, or stepsister; a person who legally adopts the child or is the adoptive parent of the child's parent, a natural or legally adopted child of such person or a relative of an adoptive parent; or a spouse of any person named in this ~~subparagraph~~ subd. 2. a. even if the marriage is terminated by death or divorce; and is living in a residence maintained by one or more of these relatives as the child's or their own home, or living in a residence maintained by one or more of these relatives as the child's or their own home because the parents of the child have been found unfit to have care and custody of the child; or

**SECTION 64.** 49.19 (4) (d) (intro.) of the statutes is amended to read:

49.19 (4) (d) (intro.) Aid may be granted to the ~~mother or stepmother~~ parent or stepparent of a dependent child if he or she is without a ~~husband~~ spouse or if he or she:

**SECTION 65.** 49.19 (4) (d) 1. of the statutes is amended to read:

49.19 (4) (d) 1. Is the ~~wife~~ spouse of a ~~husband~~ person who is incapacitated for gainful work by mental or physical disability; or

**SECTION 66.** 49.19 (4) (d) 2. of the statutes is amended to read:

49.19 (4) (d) 2. Is the ~~wife~~ spouse of a ~~husband~~ person who is incarcerated or who is a convicted offender permitted to live at home but precluded from earning a wage because the ~~husband~~ person is required by a court imposed sentence to perform unpaid public work or unpaid community service; or

**SECTION 67.** 49.19 (4) (d) 3. of the statutes is amended to read:

49.19 (4) (d) 3. Is the ~~wife~~ spouse of a ~~husband~~ person who has been committed to the department pursuant to ch. 975, irrespective of the probable period of such commitment; or

**SECTION 68.** 49.19 (4) (d) 4. of the statutes is amended to read:

49.19 (4) (d) 4. Is the ~~wife~~ spouse of a ~~husband~~ person who has continuously abandoned or failed to support him or her, if proceedings have been commenced against the ~~husband~~ person under ch. 769; or

**SECTION 69.** 49.19 (4) (d) 5. of the statutes is amended to read:

49.19 (4) (d) 5. Has been divorced and is without a ~~husband~~ spouse or legally separated from his or her ~~husband~~ spouse and is unable through use of the provisions of law to compel his or her former ~~husband~~ spouse to adequately support the child for whom aid is sought; or

**SECTION 70.** 49.345 (2) of the statutes is amended to read:

49.345 (2) Except as provided in sub. (14) (b) and (c), any person, including a person placed under s. 48.32 (1) (am) or (b), 48.345 (3), 48.357 (1) or (2m), 938.183, 938.34 (3) or (4d), or 938.357 (1), (2m), (4), or (5) (e), receiving care, maintenance,

services, and supplies provided by any institution in this state, in which the state is chargeable with all or part of the person's care, maintenance, services, and supplies, and the person's property and estate, including the homestead, and the spouse of the person, and the spouse's property and estate, including the homestead, and, in the case of a minor child, the parents of the person, and their property and estates, including their homestead, and, in the case of a foreign child described in s. 48.839 (1) who became dependent on public funds for his or her primary support before an order granting his or her adoption, the resident of this state appointed guardian of the child by a foreign court who brought the child into this state for the purpose of adoption, and his or her property and estate, including his or her homestead, shall be liable for the cost of the care, maintenance, services, and supplies in accordance with the fee schedule established by the department under s. 49.32 (1). If a spouse, ~~widow~~ surviving spouse, or minor, or an incapacitated person may be lawfully dependent upon the property for his or her support, the court shall release all or such part of the property and estate from the charges that may be necessary to provide for the person. The department shall make every reasonable effort to notify the liable persons as soon as possible after the beginning of the maintenance, but the notice or the receipt of the notice is not a condition of liability.

**SECTION 71.** 49.43 (12) of the statutes is amended to read:

49.43 (12) "Spouse" means the legal husband or wife of person to whom the beneficiary is legally married, whether or not the person is eligible for medical assistance.

**SECTION 72.** 49.471 (1) (b) 2. of the statutes is amended to read:

49.471 (1) (b) 2. A ~~stepfather, stepmother~~ stepparent, stepbrother, or stepsister.

**SECTION 73.** 49.90 (4) of the statutes is amended to read:



49.90 (4) The circuit court shall in a summary way hear the allegations and proofs of the parties and by order require maintenance from these relatives, if they have sufficient ability, considering their own future maintenance and making reasonable allowance for the protection of the property and investments from which they derive their living and their care and protection in old age, in the following order: First the ~~husband or wife~~ spouse; then the ~~father and the mother~~ parents; and then the grandparents in the instances in which sub. (1) (a) 2. applies. The order shall specify a sum ~~which~~ that will be sufficient for the support of the dependent person under sub. (1) (a) 1. or the maintenance of a child of a dependent person under sub. (1) (a) 2., to be paid weekly or monthly, during a period fixed by the order or until the further order of the court. If the court is satisfied that any such relative is unable wholly to maintain the dependent person or the child, but is able to contribute to the person's support or the child's maintenance, the court may direct 2 or more of the relatives to maintain the person or the child and prescribe the proportion each shall contribute. If the court is satisfied that these relatives are unable together wholly to maintain the dependent person or the child, but are able to contribute to the person's support or the child's maintenance, the court shall direct a sum to be paid weekly or monthly by each relative in proportion to ability. Contributions directed by court order, if for less than full support, shall be paid to the department of health services or the department of children and families, whichever is appropriate, and distributed as required by state and federal law. An order under this subsection that relates to maintenance required under sub. (1) (a) 2. shall specifically assign responsibility for and direct the manner of payment of the child's health care expenses, subject to the limitations under subs. (1) (a) 2. and (11). Upon application of any party affected by the order and upon like notice and procedure, the court may

modify such an order. Obedience to such an order may be enforced by proceedings for contempt.

**SECTION 74.** 54.01 (36) (a) of the statutes is amended to read:

54.01 **(36)** (a) An individual who obtains or consents to a final decree or judgment of divorce from the decedent or an annulment of their marriage, if the decree or judgment is not recognized as valid in this state, unless the 2 subsequently participated in a marriage ceremony purporting to marry each other or they subsequently held themselves out as ~~husband and wife~~ married to each other.

**SECTION 75.** 54.960 (1) of the statutes is amended to read:

54.960 **(1)** Beneficial interests in a custodial trust created for multiple beneficiaries are deemed to be separate custodial trusts of equal undivided interests for each beneficiary. Except in a transfer or declaration for use and benefit of ~~husband and wife~~ 2 individuals who are married to each other, for whom survivorship is presumed, a right of survivorship does not exist unless the instrument creating the custodial trust specifically provides for survivorship or survivorship is required as to marital property.

**SECTION 76.** 69.03 (15) of the statutes is amended to read:

69.03 **(15)** Periodically provide to each county child support agency under s. 59.53 (5) a list of names and, notwithstanding s. 69.20 (2) (a), addresses of registrants who reside in that county for whom ~~no father's~~ only one parent's name has been inserted on the registrant's birth record within 6 months of birth.

**SECTION 77.** 69.11 (4) (b) of the statutes is amended to read:

69.11 **(4)** (b) The state registrar may amend an item on a birth record that affects information about the name, sex, date of birth, place of birth, parent's name, or parent's marital status ~~of the mother~~ if 365 days have elapsed since the occurrence

of the event that is the subject of the birth record, if the amendment is at the request of a person with a direct and tangible interest in the record and is in the manner prescribed by the state registrar, and if the amendment is accompanied by 2 items of documentary evidence from early childhood that are sufficient to prove that the item to be changed is in error and by the affidavit of the person requesting the amendment. A change in the marital status on the birth record may be made under this paragraph only if the marital status is inconsistent with information ~~concerning the father or husband~~ that appears on the birth record. This paragraph may not be used to add to or delete from a birth record the name of a parent, to change the identity of a parent named on the birth record, or to effect a name change prohibited under s. 301.47.

**SECTION 78.** 69.12 (5) of the statutes is amended to read:

69.12 (5) A change in the marital status on the record of birth may be requested under this section only if the marital status is inconsistent with ~~father or husband~~ information appearing on the birth record. This section may not be used to add or delete the name of a parent on the record of birth or change the identity of either parent named on the birth record.

**SECTION 79.** 69.13 (2) (b) 4. of the statutes is amended to read:

69.13 (2) (b) 4. If relevant to the correction sought, a certified copy of a marriage document, divorce or annulment record, or a final divorce decree that indicates that the mother was not married to the person listed as her ~~husband~~ spouse at any time during the pregnancy, a legal name change order, or any other legal document that clarifies the disputed information.

**SECTION 80.** 69.14 (1) (c) 4. of the statutes is amended to read:

69.14 (1) (c) 4. In the absence of a person under subds. 1. to 3., the ~~father or~~ mother, father, or mother's spouse, or in the absence of the father or the mother's spouse and the inability of the mother, the person responsible for the premises where the birth occurs.

**SECTION 81.** 69.14 (1) (e) (title) and 1. of the statutes are amended to read:

69.14 (1) (e) (title) *Father's Spouse's or father's name*. 1. If Except as provided in par. (h), if the mother of a registrant under this section was married at any time from the conception to the birth of the registrant, the name of the ~~husband~~ spouse of the mother shall be entered on the birth record as ~~the a legal father~~ parent of the registrant. The name of the ~~father~~ parent entered under this subdivision may not be changed except by a proceeding under ch. 767.

**SECTION 82.** 69.14 (1) (f) 1. of the statutes is amended to read:

69.14 (1) (f) 1. a. Except as provided under subd. 1. b., if the mother of a registrant of a birth record under this section is married ~~to the father of the registrant~~ at any time from the conception to the birth of the registrant, the given name and surname ~~which that~~ the mother ~~and father~~ of the registrant and her spouse enter for the registrant on the birth record shall be the given name and surname filed and registered on the birth record.

b. If the mother of a registrant of a birth record under this section is married ~~to the father of the registrant~~ at any time from the conception to the birth of the registrant and the mother is separated or divorced ~~from the father of the registrant~~ at the time of birth, the given name and surname ~~which that~~ the parent of the registrant with actual custody enters for the registrant on the birth record shall be the given name and surname filed and registered on the birth record, except that if a court has granted legal custody of the registrant, the given name and surname

~~which~~ that the person with legal custody enters for the registrant on the birth record shall be the given name and surname filed and registered on the birth record.

c. If the mother of a registrant of a birth record under this section is not married ~~to the father of the registrant~~ at any time from the conception to the birth of the registrant, the given name and surname ~~which~~ that the mother of the registrant enters for the registrant on the birth record shall be the given name and surname filed and registered on the birth record, except that if a court has granted legal custody of the registrant, the given name and surname ~~which~~ that the person with legal custody enters for the registrant on the birth record shall be the given name and surname filed and registered on the birth record.

**SECTION 83.** 69.14 (1) (g) of the statutes is amended to read:

69.14 (1) (g) *Birth by artificial insemination.* If the registrant of a birth record under this section is born as a result of artificial insemination under the requirements of s. 891.40, the husband spouse of the woman person inseminated shall be considered ~~the father~~ a parent of the registrant on the birth record. ~~If the registrant is born as a result of artificial insemination which does not satisfy the requirements of s. 891.40, the information about the father of the registrant shall be omitted from the registrant's birth record.~~

**SECTION 84.** 69.14 (2) (b) 2. d. of the statutes is amended to read:

69.14 (2) (b) 2. d. The full name of the father or the mother's spouse, except that if the mother was not married at the time of conception or birth or between conception and birth of the registrant, the name of the father may not be entered except as provided under s. 69.15 (3).

**SECTION 85.** 69.15 (1) of the statutes is amended to read:

69.15 (1) BIRTH RECORD INFORMATION CHANGES. The state registrar may change information on a birth record registered in this state which was correct at the time the birth record was filed under a court or administrative order issued in this state, in another state or in Canada or under the valid order of a court of any federally recognized Indian tribe, band, or nation if all of the following occur:

(a) The order provides for an adoption, name change, or name change with sex change or establishes paternity; and or parentage.

(b) A clerk of court or, for a paternity or parentage action, a clerk of court or county child support agency under s. 59.53 (5), sends the state registrar a certified report of an order of a court in this state in the method prescribed by the state registrar or, in the case of any other order, the state registrar receives a certified copy of the order and the proper fee under s. 69.22.

**SECTION 86.** 69.15 (3) (title) and (a) (intro.), 1., 2. and 3. of the statutes are amended to read:

69.15 (3) (title) ~~PATERNITY~~ PARENTAGE. (a) (intro.) If the state registrar receives an order under sub. (1) that establishes paternity or determines that the ~~man~~ person whose name appears on a registrant's birth record is not the ~~father~~ parent of the registrant, or a report under s. 767.804 (1) (c) that shows a conclusive determination of paternity, the state registrar shall do the following, as appropriate:

1. Prepare under sub. (6) a new record omitting the ~~father's~~ parent's name if the order determines that the ~~man~~ person whose name appears on a registrant's birth record is not the ~~father~~ parent of the registrant and if there is no adjudicated father.

2. Prepare under sub. (6) a new record for the subject of a paternity action changing the name of the ~~father~~ parent if the name of the adjudicated father is different than the name of the ~~man~~ person on the birth record.

3. Except as provided under subd. 4., insert the name of the adjudicated or conclusively determined father on the original birth record if the name of ~~the father~~ that parent was omitted on the original record.

**SECTION 87.** 69.15 (3) (b) 1., 2., 3. and 4. (intro.), a. and b. of the statutes are amended to read:

69.15 (3) (b) 1. Except as provided under par. (c), if the state registrar receives a statement acknowledging ~~paternity~~ parentage in the manner prescribed by the state registrar and signed by both of the ~~birth~~ natural parents of a child determined to be a marital child under s. 767.803, a certified copy of the parents' marriage record, and the fee required under s. 69.22 (5) (b) 1., the state registrar shall insert the name of the ~~husband~~ spouse of the person who gave birth from the marriage record as the ~~father~~ parent if the name of ~~the father~~ that parent was omitted on the original birth record. The state registrar shall include for the acknowledgment the items in s. 767.813 (5g).

2. Except as provided under par. (c), if the parent of a child determined to be a marital child under s. 767.803 dies after his or her marriage and before the statement acknowledging ~~paternity~~ parentage has been signed, the state registrar shall insert the name of the ~~father~~ parent under subd. 1. upon receipt of a court order determining that the ~~husband~~ spouse was the ~~father~~ parent of the child.

3. Except as provided under par. (c), if the state registrar receives a statement acknowledging ~~paternity~~ parentage in the method prescribed by the state registrar and signed by both parents, neither of whom was under the age of 18 years when the

form was signed, along with the fee under s. 69.22, the state registrar shall insert the name of the ~~father~~ parent under subd. 1. The state registrar shall mark the record to show that the acknowledgement is on file. The acknowledgement shall be available to the department of children and families or a county child support agency under s. 59.53 (5) pursuant to the program responsibilities under s. 49.22 or to any other person with a direct and tangible interest in the record. The state registrar shall include on the acknowledgment the information in s. 767.805 and the items in s. 767.813 (5g).

4. (intro.) If a registrant has not reached the age of 18 years and if any of the following indicate, in a statement acknowledging ~~paternity~~ parentage under subd. 1. or 3., that the given name or surname, or both, of the registrant should be changed on the birth record, the state registrar shall enter the name indicated on the birth record without a court order:

a. The ~~mother of the~~ parent who gave birth to the registrant, except as provided under subd. 4. b. and c.

b. The ~~father of~~ natural parent who did not give birth to the registrant if the ~~father~~ that parent has legal custody of the registrant.

**SECTION 88.** 69.15 (3) (b) 3m. of the statutes is created to read:

69.15 (3) (b) 3m. Except as provided in par. (c), if the state registrar receives an acknowledgement of parentage on a form prescribed by the state registrar and signed by both of the people presumed to be natural parents under s. 891.41 (1) (b), a certified copy of the parents' marriage certificate, and the fee required under s. 69.22 (5) (b) 1., the state registrar shall insert the name of the spouse from the marriage certificate as a parent if the name of that parent was omitted on the original birth certificate.



**SECTION 89.** 69.15 (3) (d) of the statutes is amended to read:

69.15 (3) (d) The method prescribed by the state registrar for acknowledging ~~paternity~~ parentage shall require that the social security number of each of the registrant's parents be provided.

**SECTION 90.** 69.15 (3m) (title) and (a) (intro.) of the statutes are amended to read:

69.15 (3m) (title) ~~RESCISSION OF STATEMENT ACKNOWLEDGING PATERNITY PARENTAGE.~~ (a) (intro.) A statement acknowledging ~~paternity~~ parentage that is filed with the state registrar under sub. (3) (b) 3. may be rescinded by either person who signed the statement as a parent of the registrant if all of the following apply:

**SECTION 91.** 69.15 (3m) (a) 3. and (b) of the statutes are amended to read:

69.15 (3m) (a) 3. The person rescinding the statement files a rescission in the method prescribed under subd. 2. before the day on which a court or circuit court commissioner makes an order in an action affecting the family involving the ~~man~~ person who signed the statement and the child who is the subject of the statement or before 60 days elapse after the statement was filed, whichever occurs first.

(b) If the state registrar, within the time required under par. (a) 3., receives a rescission in the method prescribed by the state registrar, along with the proper fee under s. 69.22, the state registrar shall prepare under sub. (6) a new record omitting the ~~father's~~ parent's name if it was inserted under sub. (3) (b).

**SECTION 92.** 71.03 (2) (d) (title) of the statutes is amended to read:

71.03 (2) (d) (title) ~~Husband and wife~~ Spouses joint filing.

**SECTION 93.** 71.03 (2) (d) 1. of the statutes is amended to read:

71.03 (2) (d) 1. Except as provided in subds. 2. and 3. and par. (e), ~~a husband and a wife~~ spouses may file a joint return for income tax purposes even though one of the spouses has no gross income or no deductions.

**SECTION 94.** 71.03 (2) (d) 2. of the statutes is amended to read:

71.03 (2) (d) 2. No joint return may be filed if either ~~the husband or wife~~ spouse at any time during the taxable year is a nonresident alien, unless an election is in effect for the taxable year under section 6013 (g) or (h) of the ~~internal revenue code~~ Internal Revenue Code.

**SECTION 95.** 71.03 (2) (d) 3. of the statutes is amended to read:

71.03 (2) (d) 3. No joint return may be filed if the ~~husband and wife~~ spouses have different taxable years, except that if their taxable years begin on the same day and end on different days because of the death of either or both the joint return may be filed with respect to the taxable year of each unless the surviving spouse remarries before the close of his or her taxable year or unless the taxable year of either spouse is a fractional part of a year under section 443 (a) (1) of the ~~internal revenue code~~ Internal Revenue Code.

**SECTION 96.** 71.03 (2) (g) of the statutes is amended to read:

71.03 (2) (g) *Joint return following separate return.* Except as provided in par. (i), if an individual has filed a separate return for a taxable year for which a joint return could have been filed by the individual and the individual's spouse under par. (d) or (e) and the time prescribed by law for timely filing the return for that taxable year has expired, the individual and the individual's spouse may file a joint return for that taxable year. A joint return filed by the ~~husband and wife~~ spouses under this paragraph is their return for that taxable year, and all payments, credits, refunds or other repayments made or allowed with respect to the separate return of each

spouse for that taxable year shall be taken into account in determining the extent to which the tax based upon the joint return has been paid. If a joint return is filed under this paragraph, any election, other than the election to file a separate return, made by either spouse in that spouse's separate return for that taxable year with respect to the treatment of any income, deduction or credit of that spouse may not be changed in the filing of the joint return if that election would have been irrevocable if the joint return had not been filed.

**SECTION 97.** 71.03 (2) (m) 2. of the statutes is amended to read:

71.03 (2) (m) 2. If ~~a husband and wife~~ spouses change from a joint return to separate returns within the time prescribed in subd. 1., the tax paid on the joint return shall be allocated between them in proportion to the tax liability shown on each separate return.

**SECTION 98.** 71.03 (4) (a) of the statutes is amended to read:

71.03 (4) (a) Natural persons whose total income is not in excess of \$10,000 and consists entirely of wages subject to withholding for Wisconsin tax purposes and not more than \$200 total of dividends, interest and other wages not subject to Wisconsin withholding, and who have elected the Wisconsin standard deduction and have not claimed either the credit for homestead property tax relief or deductions for expenses incurred in earning such income, shall, at their election, not be required to record on their income tax returns the amount of the tax imposed on their Wisconsin taxable income. Married persons shall be permitted this election only if the joint income of the ~~husband and wife~~ spouses does not exceed \$10,000, if both report their incomes on the same joint income tax return form, and if both make this election.

**SECTION 99.** 71.05 (22) (a) (title) of the statutes is amended to read:

71.05 (22) (a) (title) *Election of deductions; ~~husband and wife~~ spousal deductions.*

**SECTION 100.** 71.07 (5m) (a) 3. of the statutes is amended to read:

71.07 (5m) (a) 3. “Household” means a claimant and an individual related to the claimant as ~~husband or wife~~ his or her spouse.

**SECTION 101.** 71.07 (9e) (b) of the statutes is amended to read:

71.07 (9e) (b) No credit may be allowed under this subsection to married persons, except married persons living apart who are treated as single under section 7703 (b) of the internal revenue code Internal Revenue Code, if the ~~husband and wife spouses~~ report their income on separate income tax returns for the taxable year.

**SECTION 102.** 71.09 (13) (a) 2. of the statutes is amended to read:

71.09 (13) (a) 2. The tax shown on the return for the preceding year. If ~~a husband and wife spouses~~ spouses who filed separate returns for the preceding taxable year file a joint return, the tax shown on the return for the preceding year is the sum of the taxes shown on the separate returns of the ~~husband and wife spouses~~ spouses. If ~~a husband and wife spouses~~ spouses who filed a joint return for the preceding taxable year file separate returns, the tax shown on the return for the preceding year is ~~the husband's or wife's~~ each spouse's proportion of that tax based on what their respective tax liabilities for that year would have been had they filed separately.

**SECTION 103.** 71.52 (4) of the statutes is amended to read:

71.52 (4) “Household” means a claimant and an individual related to the claimant as ~~husband or wife~~ his or her spouse.

**SECTION 104.** 71.83 (1) (a) 8. of the statutes is amended to read:

71.83 (1) (a) 8. ‘Joint return replacing separate returns.’ If the amount shown as the tax by ~~the husband and wife spouses~~ spouses on a joint return filed under s. 71.03 (2)

(g) to (L) exceeds the sum of the amounts shown as the tax upon the separate return of each spouse and if any part of that excess is attributable to negligence or intentional disregard of this chapter, but without intent to defraud, at the time of the filing of that separate return, then 25 percent of the total amount of that excess shall be added to the tax.

**SECTION 105.** 71.83 (1) (b) 5. of the statutes is amended to read:

71.83 (1) (b) 5. ‘Joint return after separate returns.’ If the amount shown as the tax by ~~the husband and wife~~ spouses on a joint return filed under s. 71.03 (2) (g) to (L) exceeds the sum of the amounts shown as the tax on the separate return of each spouse and if any part of that excess is attributable to fraud with intent to evade tax at the time of the filing of that separate return, then 50 percent of the total amount of that excess shall be added to the tax.

**SECTION 106.** 77.25 (8m) of the statutes is amended to read:

77.25 (8m) Between ~~husband and wife~~ spouses.

**SECTION 107.** 77.54 (7) (b) 1. of the statutes is amended to read:

77.54 (7) (b) 1. The item is transferred to a child, spouse, parent, ~~father-in-law,~~ ~~mother-in-law~~ parent-in-law, daughter-in-law, or son-in-law of the transferor or, if the item is a motor vehicle, from the transferor to a corporation owned solely by the transferor or by the transferor’s spouse.

**SECTION 108.** 101.91 (5m) of the statutes is amended to read:

101.91 (5m) “Manufactured home community” means any plot or plots of ground upon which 3 or more manufactured homes that are occupied for dwelling or sleeping purposes are located. “Manufactured home community” does not include a farm where the occupants of the manufactured homes are the ~~father, mother, son,~~

**SECTION 108**

~~daughter, brother or sister~~ parents, children, or siblings of the farm owner or operator or where the occupants of the manufactured homes work on the farm.

**SECTION 109.** 102.07 (5) (b) of the statutes is amended to read:

102.07 (5) (b) The parents, spouse, child, brother, sister, son-in-law, daughter-in-law, ~~father-in-law, mother-in-law~~ parent-in-law, brother-in-law, or sister-in-law of a farmer shall not be deemed the farmer's employees.

**SECTION 110.** 102.07 (5) (c) of the statutes is amended to read:

102.07 (5) (c) A shareholder-employee of a family farm corporation shall be deemed a "farmer" for purposes of this chapter and shall not be deemed an employee of a farmer. A "family farm corporation" means a corporation engaged in farming all of whose shareholders are related as lineal ancestors or lineal descendants, whether by blood or by adoption, or as spouses, brothers, sisters, uncles, aunts, cousins, sons-in-law, daughters-in-law, ~~fathers-in-law, mothers-in-law~~ parents-in-law, brothers-in-law, or sisters-in-law of such lineal ancestors or lineal descendants.

**SECTION 111.** 102.51 (1) (a) 1. of the statutes is amended to read:

102.51 (1) (a) 1. A wife married person upon ~~a husband~~ his or her spouse with whom he or she is living at the time of his the spouse's death.

**SECTION 112.** 102.51 (1) (a) 2. of the statutes is repealed.

**SECTION 113.** 103.10 (1) (h) of the statutes is amended to read:

103.10 (1) (h) "Spouse" means ~~an employee's legal husband or wife~~ the person to whom an employee is legally married.

**SECTION 114.** 103.165 (3) (a) 3. of the statutes is amended to read:

103.165 (3) (a) 3. The decedent's ~~father or mother~~ parent or parents if the decedent leaves no surviving spouse, domestic partner under ch. 770, or children.

**SECTION 115.** 111.32 (12) of the statutes is amended to read:

111.32 (12) “Marital status” means the status of being married, single, divorced, separated, or widowed a surviving spouse.

**SECTION 116.** 115.76 (12) (a) 1. of the statutes is amended to read:

115.76 (12) (a) 1. A ~~biological~~ natural parent.

**SECTION 117.** 115.76 (12) (a) 2. of the statutes is repealed.

**SECTION 118.** 115.76 (12) (a) 3. of the statutes is repealed.

**SECTION 119.** 115.76 (13) of the statutes is amended to read:

115.76 (13) “Person acting as a parent of a child” means a relative of the child or a private individual allowed to act as a parent of a child by the child’s ~~biological~~ natural or adoptive parents or guardian, and includes the child’s grandparent, neighbor, friend or private individual caring for the child with the explicit or tacit approval of the child’s ~~biological~~ natural or adoptive parents or guardian. “Person acting as a parent of a child” does not include any person that receives public funds to care for the child if such funds exceed the cost of such care.

**SECTION 120.** 146.34 (1) (f) of the statutes is amended to read:

146.34 (1) (f) “Parent” means a ~~biological~~ natural parent, ~~a husband who has consented to the artificial insemination of his wife under s. 891.40~~ or a parent by adoption. If the minor is a nonmarital child who is not adopted or whose parents do not subsequently intermarry under s. 767.803, “parent” includes a person adjudged in a judicial proceeding under ch. 48 to be the biological father of the minor. “Parent” does not include any person whose parental rights have been terminated.

**SECTION 121.** 157.05 of the statutes is amended to read:

**157.05 Autopsy.** Consent for a licensed physician to conduct an autopsy on the body of a deceased person shall be deemed sufficient when given by whichever one of the following assumes custody of the body for purposes of burial: ~~Father,~~

**SECTION 121**

~~mother, husband, wife~~ parent, spouse, child, guardian, next of kin, domestic partner under ch. 770, or in the absence of any of the foregoing, a friend, or a person charged by law with the responsibility for burial. If 2 or more such persons assume custody of the body, the consent of one of them shall be deemed sufficient.

**SECTION 122.** 182.004 (6) of the statutes is amended to read:

182.004 (6) Stock may be issued and leases made to ~~husband and wife~~ spouses, and to the survivor of them, in which event title shall descend the same as in like conveyances of real property subject to ch. 766. Otherwise, title to the stock and lease shall descend to the persons to whom a homestead of the stockholder would descend except as provided in ch. 766. The interest of a tenant in the lease and stock shall be exempt from execution to the same extent as a homestead in real estate.

**SECTION 123.** 250.04 (3) (a) of the statutes is amended to read:

250.04 (3) (a) The department shall establish and maintain surveillance activities sufficient to detect any occurrence of acute, communicable, or chronic diseases and threat of occupational or environmental hazards, injuries, or changes in the health of ~~mothers~~ parents and children.

**SECTION 124.** 301.50 (1) of the statutes is amended to read:

301.50 (1) In this section, “substantial parental relationship” means the acceptance and exercise of significant responsibility for the daily supervision, education, protection, and care of the child. In evaluating whether an individual has had a substantial parental relationship with the child, factors that may be considered include, but are not limited to, whether the individual has expressed concern for or interest in the support, care, or well-being of the child; whether the individual has neglected or refused to provide care or support for the child; and whether, with respect to an individual who is or may be ~~the father~~ a parent of the



child, the individual has expressed concern for or interest in the support, care, or well-being of the ~~mother during her~~ parent who gave birth during pregnancy.

**SECTION 125.** 700.19 (2) of the statutes is amended to read:

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

**SECTION 126.** 705.01 (4) of the statutes is amended to read:

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

**SECTION 127.** 705.01 (4m) of the statutes is amended to read:

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

**SECTION 128.** 706.09 (1) (e) of the statutes is amended to read:

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

**SECTION 129.** 765.001 (2) of the statutes is amended to read:

765.001 (2) INTENT. It is the intent of chs. 765 to 768 to promote the stability and best interests of marriage and the family. It is the intent of the legislature to recognize the valuable contributions of both spouses during the marriage and at termination of the marriage by dissolution or death. Marriage is the institution that is the foundation of the family and of society. Its stability is basic to morality and civilization, and of vital interest to society and the state. The consequences of the marriage contract are more significant to society than those of other contracts, and the public interest must be taken into account always. The seriousness of marriage makes adequate premarital counseling and education for family living highly desirable and courses thereon are urged upon all persons contemplating marriage. The impairment or dissolution of the marriage relation generally results in injury to the public wholly apart from the effect upon the parties immediately concerned. Under the laws of this state, marriage is a legal relationship between 2 equal persons, ~~a husband and wife,~~ who owe to each other mutual responsibility and support. Each spouse has an equal obligation in accordance with his or her ability to contribute money or services or both which are necessary for the adequate support

and maintenance of his or her minor children and of the other spouse. No spouse may be presumed primarily liable for support expenses under this subsection.

**SECTION 130.** 765.01 of the statutes is amended to read:

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

**SECTION 131.** 765.02 (3) of the statutes is created to read:

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

**SECTION 132.** 765.03 (1) of the statutes is amended to read:

765.03 (1) No marriage shall be contracted while either of the parties has a ~~husband or wife~~ spouse living, nor between persons who are nearer of kin than 2nd cousins except that marriage may be contracted between first cousins ~~where the female has attained the age of 55 years or where~~ if either party, at the time of application for a marriage license, submits an affidavit signed by a physician stating that either party is permanently sterile or that the 2 parties are otherwise permanently biologically incapable of producing a child together. Relationship under this section shall be computed by the rule of the civil law, whether the parties to the marriage are of the half or of the whole blood. A marriage may not be contracted if either party has such want of understanding as renders him or her incapable of assenting to marriage.

**SECTION 133.** 765.16 (1m) (intro.) of the statutes is amended to read:

765.16 (1m) (intro.) Marriage may be validly solemnized and contracted in this state only after a marriage license has been issued therefor, and only by the mutual

**SECTION 133**

declarations of the 2 parties to be joined in marriage that ~~they take~~ each takes the other as ~~husband and wife~~ his or her spouse, made before an authorized officiating person and in the presence of at least 2 competent adult witnesses other than the officiating person. If one of the parties is serving on active duty in the U.S. armed forces or in forces incorporated in the U.S. armed forces, in a reserve unit of the U.S. armed forces, or in the national guard, the presence of only one competent adult witness other than the officiating person is required. The following are authorized to be officiating persons:

**SECTION 134.** 765.16 (1m) (c) of the statutes is amended to read:

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

**SECTION 135.** 765.23 of the statutes is amended to read:

**765.23 Immaterial irregularities otherwise.** No marriage hereafter contracted shall be void either by reason of the marriage license having been issued by a county clerk not having jurisdiction to issue the same; or by reason of any informality or irregularity of form in the application for the marriage license or in the marriage license itself, or the incompetency of the witnesses to such marriage; or because the marriage may have been solemnized more than 60 days after the date of the marriage license, if the marriage is in other respects lawful and is consummated with the full belief on the part of the persons so married, or either of them, that they have been lawfully joined in marriage. Where a marriage has been celebrated in one of the forms provided for in s. 765.16 (1m), and the parties thereto have immediately thereafter assumed the habit and repute of ~~husband and wife~~ a

married couple, and having continued the same uninterruptedly thereafter for the period of one year, or until the death of either of them, it shall be deemed that a marriage license has been issued as required by ss. 765.05 to 765.24 and 767.803.

**SECTION 136.** 765.24 of the statutes is amended to read:

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

**SECTION 137.** 765.30 (3) (a) of the statutes is amended to read:

765.30 (3) (a) *Penalty for unlawful solemnization of marriage.* Any officiating person who solemnizes a marriage unless the contracting parties have first obtained a proper marriage license as heretofore provided; or unless the parties to such marriage declare that ~~they take each~~ takes the other as ~~husband and wife~~ his or her spouse; or without the presence of competent adult witnesses as required under s. 765.16 (1m); or solemnizes a marriage knowing of any legal impediment thereto; or

**SECTION 137**

solemnizes a marriage more than 60 days after the date of the marriage license; or falsely certifies to the date of a marriage solemnized by the officiating person.

**SECTION 138.** 766.587 (7) (form) 9. of the statutes is amended to read:

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

STATUTORY INDIVIDUAL

PROPERTY CLASSIFICATION AGREEMENT

(Pursuant to Section 766.587, Wisconsin Statutes)

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

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

This agreement terminates on January 1, 1987.

Signature .... Date ....

Print Name Here: ....

Address: ....

Signature .... Date ....

Print Name Here: ....

Address: ....

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

**SECTION 139.** 766.588 (9) (form) 13. of the statutes is amended to read:

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

STATUTORY TERMINABLE MARITAL

PROPERTY CLASSIFICATION AGREEMENT

(Pursuant to Section 766.588, Wisconsin Statutes)

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

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

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

IF THE DURATION OF THIS AGREEMENT IS NOT TO BE LIMITED TO 3 YEARS, MAKE SURE SCHEDULE "A", "FINANCIAL DISCLOSURE", IS

**SECTION 139**

COMPLETED AND THAT YOU HAVE REVIEWED THE SCHEDULE BEFORE SIGNING THE AGREEMENT. IF YOU AND YOUR SPOUSE HAVE PREVIOUSLY ENTERED INTO A STATUTORY TERMINABLE MARITAL PROPERTY CLASSIFICATION AGREEMENT WITH EACH OTHER WHICH WAS EFFECTIVE DURING YOUR PRESENT MARRIAGE AND YOU AND YOUR SPOUSE DID NOT COMPLETE SCHEDULE "A", YOU MAY NOT EXECUTE THIS AGREEMENT IF YOU DO NOT COMPLETE SCHEDULE "A".

Signature of One Spouse: ....

Date: ....

Print Name Here: ....

Residence Address: ....

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

AUTHENTICATION

Signature .... authenticated this .... day of ....., .... (year)

\*....

TITLE: MEMBER STATE BAR OF WISCONSIN

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

ACKNOWLEDGMENT

STATE OF WISCONSIN )

) ss.

.... County )

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

\*....



Notary Public ....., .... County, Wisconsin.

My Commission is permanent.

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

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

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

Signature of Other Spouse: ....

Date: ....

Print Name Here: ....

Residence Address: ....

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

AUTHENTICATION

Signature .... authenticated this .... day of ....., .... (year)

\*....

TITLE: MEMBER STATE BAR OF WISCONSIN

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

ACKNOWLEDGMENT

STATE OF WISCONSIN )

) ss.

.... County )

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

\*....

Notary Public ....., .... County, Wisconsin.

My Commission is permanent.

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

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

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

TERMINATION OF STATUTORY TERMINABLE

MARITAL PROPERTY CLASSIFICATION AGREEMENT

I UNDERSTAND THAT:

1. THIS TERMINATION TAKES EFFECT 30 DAYS AFTER MY SPOUSE IS NOTIFIED OF THE TERMINATION, AS PROVIDED UNDER SECTION 766.588 (4) OF THE WISCONSIN STATUTES.

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

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

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

Signature: ....

Date: ....

Print Name Here: ....

Residence Address: ....

SCHEDULE "A"

FINANCIAL DISCLOSURE

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

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

I. ASSETS

- A. Real estate (gross value)
- B. Stocks, bonds and mutual funds
- C. Accounts at and certificates or other instruments issued by financial institutions
- D. Mortgages, land contracts, promissory notes and cash
- E. Partnership interests
- EL. Limited liability company interests.
- F. Trust interests
- G. Livestock, farm products, crops
- H. Automobiles and other vehicles
- I. Jewelry and personal effects
- J. Household furnishings
- K. Life insurance and annuities:

1. Face value
  2. Cash surrender value
- L. Retirement benefits (include value):
1. Pension plans
  2. Profit sharing plans
  3. HR-10 KEOGH plans
  4. IRAs
  5. Deferred compensation plans
- M. Other assets not listed elsewhere
- II. OBLIGATIONS (TOTAL OUTSTANDING BALANCE):
- A. Mortgages and liens
  - B. Credit cards
  - C. Other obligations to financial institutions
  - D. Alimony, maintenance and child support (per month)
  - E. Other obligations (such as other obligations to individuals, guarantees, contingent liabilities)
- III. ANNUAL COMPENSATION FOR SERVICES:
- (for example, wages and income from self-employment; also include social security, disability and similar income here)

(IF YOU NEED ADDITIONAL SPACE,  
ADD ADDITIONAL SHEETS)

**SECTION 140.** 766.589 (10) (form) 14. of the statutes is amended to read:

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

STATUTORY TERMINABLE INDIVIDUAL

PROPERTY CLASSIFICATION AGREEMENT

(Pursuant to Section 766.589, Wisconsin Statutes)

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

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

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

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

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

Signature of One Spouse: ....

Date: ....

Print Name Here: ....

Residence Address: ....

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

AUTHENTICATION

Signature .... authenticated this .... day of ....., .... (year)

\*....

TITLE: MEMBER STATE BAR OF WISCONSIN

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

ACKNOWLEDGMENT

STATE OF WISCONSIN )

) ss.

.... County )

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

\*....

Notary Public ....., .... County, Wisconsin.

My Commission is permanent.

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

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

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

Signature of Other Spouse: ....

Date: ....

Print Name Here: ....

Residence Address: ....

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

AUTHENTICATION

Signature .... authenticated this .... day of ....., .... (year)

\*....

TITLE: MEMBER STATE BAR OF WISCONSIN

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

ACKNOWLEDGMENT

STATE OF WISCONSIN )

) ss.

.... County )

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

\*....

Notary Public ...., .... County, Wisconsin.

My Commission is permanent.

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

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

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

TERMINATION OF

STATUTORY TERMINABLE INDIVIDUAL

PROPERTY CLASSIFICATION AGREEMENT

I UNDERSTAND THAT:

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

2. THIS TERMINATION IS PROSPECTIVE; IT DOES NOT AFFECT THE CLASSIFICATION OF PROPERTY ACQUIRED BEFORE THE TERMINATION BECOMES EFFECTIVE. PROPERTY ACQUIRED AFTER THE TERMINATION



BECOMES EFFECTIVE IS CLASSIFIED AS PROVIDED UNDER THE MARITAL PROPERTY LAW.

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

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

Signature: ....

Date: ....

Print Name Here: ....

Residence Address: ....

#### SCHEDULE "A"

#### FINANCIAL DISCLOSURE

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

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

#### I. ASSETS:

- A. Real estate (gross value)
- B. Stocks, bonds and mutual funds
- C. Accounts at and certificates and other instruments issued by financial institutions

- D. Mortgages, land contracts, promissory notes  
and cash
  - E. Partnership interests
  - EL. Limited liability company interests
  - F. Trust interests
  - G. Livestock, farm products, crops
  - H. Automobiles and other vehicles
  - I. Jewelry and personal effects
  - J. Household furnishings
  - K. Life insurance and annuities:
    - 1. Face value
    - 2. Cash surrender value
  - L. Retirement benefits (include value):
    - 1. Pension plans
    - 2. Profit sharing plans
    - 3. HR-10 KEOGH plans
    - 4. IRAs
    - 5. Deferred compensation plans
  - M. Other assets not listed elsewhere
- II. OBLIGATIONS (TOTAL OUTSTANDING BALANCE):
- A. Mortgages and liens
  - B. Credit cards
  - C. Other obligations to financial institutions
  - D. Alimony, maintenance and child support (per  
month)

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

III. ANNUAL COMPENSATION FOR SERVICES:

(for example, wages and income from self-employment; also include social security, disability and similar income here)

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

**SECTION 141.** 767.215 (2) (b) of the statutes is amended to read:

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

**SECTION 142.** 767.215 (5) (a) 2. of the statutes is amended to read:

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

**SECTION 143.** 767.323 of the statutes is amended to read:

**767.323 Suspension of proceedings to effect reconciliation.** During the pendency of an action for divorce or legal separation, the court may, upon written stipulation of both parties that they desire to attempt a reconciliation, enter an order suspending any and all orders and proceedings for such period, not exceeding 90 days, as the court determines advisable to permit the parties to attempt a reconciliation without prejudice to their respective rights. During the suspension period, the parties may resume living together as ~~husband and wife~~ a married couple

**SECTION 143**

and their acts and conduct do not constitute an admission that the marriage is not irretrievably broken or a waiver of the ground that the parties have voluntarily lived apart continuously for 12 months or more immediately prior to the commencement of the action. Suspension may be revoked upon the motion of either party by an order of the court. If the parties become reconciled, the court shall dismiss the action. If the parties are not reconciled after the period of suspension, the action shall proceed as though no reconciliation period was attempted.

**SECTION 144.** 767.80 (1) (intro.) of the statutes is amended to read:

767.80 (1) WHO MAY BRING ACTION OR FILE MOTION. (intro.) The following persons may bring an action or file a motion, including an action or motion for declaratory judgment, for the purpose of determining the paternity of a child, or for the purpose of rebutting the presumption of paternity parentage under s. 891.405, 891.407, or 891.41 (1):

**SECTION 145.** 767.80 (1) (c) of the statutes is amended to read:

767.80 (1) (c) Unless s. 767.804 (1) or 767.805 (1) applies, a male person presumed to be the child's ~~father~~ parent under s. 891.405, 891.407, or 891.41 (1).

**SECTION 146.** 767.80 (2) of the statutes is amended to read:

767.80 (2) CERTAIN AGREEMENTS NOT A BAR TO ACTION. Regardless of its terms, an agreement made after July 1, 1981, other than an agreement approved by the court between an alleged or presumed father parent and the mother or child, does not bar an action under this section. Whenever the court approves an agreement in which one of the parties agrees not to commence an action under this section, the court shall first determine whether or not the agreement is in the best interest of the child. The court shall not approve any provision waiving the right to bring an action under this section if this provision is contrary to the best interests of the child.

**SECTION 147.** 767.803 of the statutes is amended to read:

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

**SECTION 148.** 767.804 (1) (a) 4. of the statutes is amended to read:

767.804 (1) (a) 4. No other male person is presumed to be the father natural parent under s. 891.405 or 891.41 (1).

**SECTION 149.** 767.805 (title), (1), (1m), (2) (a) and (b) and (3) (title) and (a) of the statutes are amended to read:

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

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

(2) (a) A statement acknowledging ~~paternity~~ parentage that is filed with the state registrar under s. 69.15 (3) (b) 3. may be rescinded as provided in s. 69.15 (3m) by a person who signed the statement as a parent of the child who is the subject of the statement.

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

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

**SECTION 150.** 767.805 (4) (intro.) of the statutes is amended to read:

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

**SECTION 151.** 767.805 (4) (d) of the statutes is amended to read:

767.805 (4) (d) 1. An order establishing the amount of the ~~father's~~ obligation to pay or contribute to the reasonable expenses of ~~the mother's~~ pregnancy and the ~~child's birth~~ childbirth by the parent who did not give birth. The amount established may not exceed one-half of the total actual and reasonable pregnancy and birth

expenses. The order also shall specify the court's findings as to whether the father's parent who did not give birth has an income that is at or below the poverty line established under [42 USC 9902](#) (2), and shall specify whether periodic payments are due on the obligation, based on the father's parent's ability to pay or contribute to those expenses.

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

**SECTION 152.** 767.805 (5) (a) and (b) of the statutes are amended to read:

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

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

**SECTION 153.** 767.805 (6) (a) (intro.) of the statutes is amended to read:

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

**SECTION 154.** 767.855 of the statutes is amended to read:

**767.855 Dismissal if adjudication not in child's best interest.** Except as provided in s. 767.863 (1m), at any time in an action to establish the paternity of a child, upon the motion of a party or guardian ad litem or the child's mother if she is not a party, the court or supplemental court commissioner under s. 757.675 (2) (g) may, if the court or supplemental court commissioner determines that a judicial determination of whether a male is the father of the child is not in the best interest of the child, dismiss the action with respect to the male, regardless of whether genetic tests have been performed or what the results of the tests, if performed, were. Notwithstanding ss. 767.813 (5g) (form) 4., 767.84 (1) and (2), 767.863 (2), 767.865 (2), and 767.88 (4), if genetic tests have not yet been performed with respect to the male, the court or supplemental court commissioner is not required to order those genetic tests.

**SECTION 155.** 767.863 (1m) of the statutes is amended to read:

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



**SECTION 156.** 767.87 (1m) (intro.) of the statutes is amended to read:

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

**SECTION 157.** 767.87 (8) of the statutes is amended to read:

767.87 (8) BURDEN OF PROOF. The party bringing an action for the purpose of determining paternity or for the purpose of declaring the nonexistence of paternity presumed under s. 891.405, 891.407, or the nonexistence of parentage presumed under s. 891.405 or 891.41 (1) shall have the burden of proving the issues involved by clear and satisfactory preponderance of the evidence.

**SECTION 158.** 767.87 (9) of the statutes is amended to read:

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

**SECTION 159.** 767.883 (1) of the statutes is amended to read:

767.883 (1) TWO PARTS. The trial shall be divided into 2 parts, the first part dealing with the determination of ~~paternity~~ parentage and the 2nd part dealing with child support, legal custody, periods of physical placement, and related issues. The main issue at the first part shall be whether the alleged or presumed ~~father~~ parent is or is not the ~~father~~ parent of the mother's child, but if the child was born to the mother while she was the lawful wife spouse of a specified ~~male person~~, the prior issue of whether the ~~husband~~ mother's spouse was not the ~~father~~ parent of the child

**SECTION 159**

shall be determined first, as provided under s. 891.39. The first part of the trial shall be by jury only if the defendant verbally requests a jury trial either at the initial appearance or pretrial hearing or requests a jury trial in writing prior to the pretrial hearing. The court may direct and, if requested by either party before the introduction of any testimony in the party's behalf, shall direct the jury to find a special verdict as to any of the issues specified in this section, except that the court shall make all of the findings enumerated in s. 767.89 (2) to (4). If the mother is dead, becomes insane, cannot be found within the jurisdiction, or fails to commence or pursue the action, the proceeding does not abate if any of the persons under s. 767.80 (1) makes a motion to continue. The testimony of the mother taken at the pretrial hearing may in any such case be read in evidence if it is competent, relevant, and material. The issues of child support, custody, and visitation, and related issues shall be determined by the court either immediately after the first part of the trial or at a later hearing before the court.

**SECTION 160.** 769.316 (9) of the statutes is amended to read:

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

**SECTION 161.** 769.401 (2) (a) of the statutes is amended to read:

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

**SECTION 162.** 769.401 (2) (g) of the statutes is repealed.

**SECTION 163.** 815.20 (1) of the statutes is amended to read:

815.20 (1) An exempt homestead as defined in s. 990.01 (14) selected by a resident owner and occupied by him or her shall be exempt from execution, from the lien of every judgment, and from liability for the debts of the owner to the amount

of \$75,000, except mortgages, laborers', mechanics', and purchase money liens, and taxes, and except as otherwise provided. The exemption shall not be impaired by temporary removal with the intention to reoccupy the premises as a homestead nor by the sale of the homestead, but shall extend to the proceeds derived from the sale to an amount not exceeding \$75,000, while held, with the intention to procure another homestead with the proceeds, for 2 years. The exemption extends to land owned by ~~husband and wife~~ spouses jointly or in common or as marital property, and each spouse may claim a homestead exemption of not more than \$75,000. The exemption extends to the interest therein of tenants in common, having a homestead thereon with the consent of the cotenants, and to any estate less than a fee.

**SECTION 164.** 822.40 (4) of the statutes is amended to read:

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

**SECTION 165.** 851.30 (2) (a) of the statutes is amended to read:

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

**SECTION 166.** 852.01 (1) (f) 1. of the statutes is amended to read:

852.01 (1) (f) 1. One-half to the ~~maternal~~ grandparents on one side equally if both survive, or to the surviving ~~maternal~~ grandparent on that side; if both ~~maternal~~

grandparents on that side are deceased, to the issue of the ~~maternal~~ grandparents on that side or either of them, per stirpes.

**SECTION 167.** 852.01 (1) (f) 2. of the statutes is amended to read:

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

**SECTION 168.** 852.01 (1) (f) 3. of the statutes is amended to read:

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

**SECTION 169.** 854.03 (3) of the statutes is amended to read:

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

**SECTION 170.** 891.39 (title) of the statutes is amended to read:

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

**SECTION 171.** 891.39 (1) (a) of the statutes is amended to read:

891.39 (1) (a) Whenever it is established in an action or proceeding that a child was born to a woman while she was ~~the lawful wife of~~ legally married to a specified ~~man~~ person, any party asserting in such action or proceeding that the ~~husband was spouse is~~ not the ~~father~~ parent of the child shall have the burden of proving that

assertion by a clear and satisfactory preponderance of the evidence. In all such actions or proceedings the ~~husband and the wife~~ spouses are competent to testify as witnesses to the facts. The court or judge in such cases shall appoint a guardian ad litem to appear for and represent the child whose ~~paternity~~ parentage is questioned. Results of a genetic test, as defined in s. 767.001 (1m), showing that a ~~man~~ person other than the ~~husband~~ mother's spouse is not excluded as the father of the child and that the statistical probability of the ~~man's~~ person's parentage is 99.0 percent or higher constitute a clear and satisfactory preponderance of the evidence of the assertion under this paragraph, even if the ~~husband~~ mother's spouse is unavailable to submit to genetic tests, as defined in s. 767.001 (1m).

**SECTION 172.** 891.39 (1) (b) of the statutes is amended to read:

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

**SECTION 173.** 891.39 (3) of the statutes is amended to read:

891.39 (3) If any court under this section adjudges a child to be a nonmarital child, the clerk of court shall report the facts to the state registrar, who shall issue a new birth record showing the correct facts as found by the court, and shall dispose of the original, with the court's report attached under s. 69.15 (3). If the ~~husband~~ mother's spouse is a party to the action and the court makes a finding as to whether

**SECTION 173**

or not the ~~husband~~ mother's spouse is the ~~father~~ parent of the child, such finding shall be conclusive in all other courts of this state.

**SECTION 174.** 891.40 (1) of the statutes is renumbered 891.40 (1) (a) and amended to read:

891.40 (1) (a) ~~If, under the supervision of a licensed physician and with the spouse's consent of her husband, a wife~~ person is inseminated artificially as provided in par. (b) with semen donated by a ~~man~~ person who is not her husband ~~the spouse of the person being inseminated,~~ the ~~husband~~ spouse of the ~~mother~~ inseminated person at the time of the conception of the child shall be the natural ~~father~~ parent of a child conceived. The ~~husband's~~ spouse's consent must be in writing and signed by him or her and ~~his wife.~~ The by the inseminated person.

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

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

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

(d) All papers and records pertaining to the artificial insemination under par. (a), whether part of the permanent record of a court or of a file held by the a

supervising physician or sperm bank or elsewhere, may be inspected only upon an order of the court for good cause shown.

**SECTION 175.** 891.40 (1) (b) of the statutes is created to read:

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

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

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

**SECTION 176.** 891.40 (2) of the statutes is amended to read:

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

**SECTION 177.** 891.40 (3) of the statutes is created to read:

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

**SECTION 178.** 891.405 of the statutes is amended to read:

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

**SECTION 179.** 891.407 of the statutes is amended to read:

**891.407 Presumption of paternity based on genetic test results.** A man is presumed to be the natural father of a child if the man has been conclusively determined from genetic test results to be the father under s. 767.804 and no other ~~man~~ person is presumed to be the father natural parent under s. 891.405 or 891.41 (1).

**SECTION 180.** 891.41 (title) of the statutes is amended to read:

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

**SECTION 181.** 891.41 (1) (intro.) of the statutes is amended to read:

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

**SECTION 182.** 891.41 (1) (a) of the statutes is amended to read:

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

**SECTION 183.** 891.41 (1) (b) of the statutes is renumbered 891.41 (1) (b) (intro.) and amended to read:

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

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



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

**SECTION 184.** 891.41 (2) of the statutes is amended to read:

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

**SECTION 185.** 891.41 (3) of the statutes is created to read:

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

**SECTION 186.** 905.05 (title) of the statutes is amended to read:

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

**SECTION 187.** 938.02 (13) of the statutes is amended to read:

938.02 (13) "Parent" means a biological natural parent, ~~a husband who has consented to the artificial insemination of his wife under s. 891.40, or a parent by adoption.~~ If the juvenile is a nonmarital child who is not adopted or whose parents do not subsequently intermarry under s. 767.803, "parent" includes a person conclusively determined from genetic test results to be the father under s. 767.804 or a person acknowledged under s. 767.805 or a substantially similar law of another state or adjudicated to be the biological father natural parent. "Parent" does not include any person whose parental rights have been terminated. For purposes of the application of s. 938.028 and the federal Indian Child Welfare Act, [25 USC 1901](#) to

1963, “parent” means a ~~biological~~ natural parent of an Indian child, an Indian husband spouse who has consented to the artificial insemination of his wife or her spouse under s. 891.40, or an Indian person who has lawfully adopted an Indian juvenile, including an adoption under tribal law or custom, and includes, in the case of a nonmarital Indian child who is not adopted or whose parents do not subsequently intermarry under s. 767.803, a person conclusively determined from genetic test results to be the father under s. 767.804, a person acknowledged under s. 767.805, a substantially similar law of another state, or tribal law or custom to be the ~~biological father~~ natural parent, or a person adjudicated to be the ~~biological father~~ natural parent, but does not include any person whose parental rights have been terminated.

**SECTION 188.** 938.396 (2g) (g) of the statutes is amended to read:

938.396 **(2g)** (g) *Paternity Parentage of juvenile.* Upon request of a court having jurisdiction over actions affecting the family, an attorney responsible for support enforcement under s. 59.53 (6) (a) or a party to a paternity proceeding under subch. IX of ch. 767, the party’s attorney or the guardian ad litem for the juvenile who is the subject of that proceeding to review or be provided with information from the records of the court assigned to exercise jurisdiction under this chapter and ch. 48 relating to the ~~paternity~~ parentage of a juvenile for the purpose of determining the ~~paternity~~ parentage of the juvenile or for the purpose of rebutting the presumption of paternity under s. 891.405, 891.407, or the presumption of parentage under s. 891.405 or 891.41, the court assigned to exercise jurisdiction under this chapter and ch. 48 shall open for inspection by the requester its records relating to the ~~paternity~~ parentage of the juvenile or disclose to the requester those records.

**SECTION 189.** 943.20 (2) (c) of the statutes is amended to read:

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

**SECTION 190.** 943.201 (1) (b) 8. of the statutes is amended to read:

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

**SECTION 191.** 943.205 (2) (b) of the statutes is amended to read:

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

**SECTION 192.** 990.01 (22h) of the statutes is created to read:

990.01 (22h) NATURAL PARENT. “Natural parent” means a parent of a child who is not an adoptive parent, whether the parent is biologically related to the child or not.

**SECTION 193.** 990.01 (39) of the statutes is created to read:

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

**SECTION 194.** 990.01 (40m) of the statutes is created to read:

990.01 (40m) STEPPARENT. “Stepparent” means a person who is the spouse of a child’s parent and who is not also a parent of the child.

**SECTION 9151. Nonstatutory provisions; Other.**

(1) LEGISLATIVE INTENT. The legislature intends the repeal of ss. 49.141 (1) (j) 2., 102.51 (1) (a) 2., 115.76 (12) (a) 2. and 3., and 769.401 (2) (g), the renumbering and amendment of ss. 891.40 (1) and 891.41 (1) (b), the amendment of ss. 29.219 (4), 29.228 (5) and (6), 29.229 (2) (i), 29.2295 (2) (i), 29.563 (3) (a) 3., 29.607 (3), 45.01 (6)

(c), 45.51 (3) (c) 2. and (5) (a) 1. b. and c., 45.55, 46.10 (2), 48.02 (13), 48.025 (title), (2) (b), and (3) (c), 48.27 (3) (b) 1. a. and b. and (5), 48.299 (6) (intro.) and (e) 1., 2., 3., and 4. and (7), 48.355 (4g) (a) 1., 48.396 (2) (dm), 48.42 (1g) (a) 4., (b), and (c) and (2) (b) 1. and 2. and (bm) 1., 48.422 (6) (a) and (7) (bm) and (br), 48.423 (2) (d), 48.432 (1) (am) 2. b., 48.63 (3) (b) 4. and 5., 48.82 (1) (a), 48.837 (1r) (d) and (e) and (6) (b) and (br), 48.913 (1) (a), (b), and (h), (2) (intro.), (b), and (c) (intro.), (3), (4), and (7), 48.9795 (1) (a) 1. c. and (b), 49.141 (1) (j) 1., 49.155 (1m) (c) 1g. and 1h., 49.163 (2) (am) 2., 49.19 (1) (a) 2. a. and (4) (d) (intro.), 1., 2., 3., 4., and 5., 49.345 (2), 49.43 (12), 49.471 (1) (b) 2., 49.90 (4), 54.01 (36) (a), 54.960 (1), 69.03 (15), 69.11 (4) (b), 69.12 (5), 69.13 (2) (b) 4., 69.14 (1) (c) 4., (e) (title) and 1., (f) 1., and (g) and (2) (b) 2. d., 69.15 (1), (3) (title), (a) (intro.), 1., 2., and 3., (b) 1., 2., 3., and 4. (intro.), a., and b., and (d), and (3m) (title), (a) (intro.) and 3., and (b), 71.03 (2) (d) (title), 1., 2., and 3., (g), and (m) 2. and (4) (a), 71.05 (22) (a) (title), 71.07 (5m) (a) 3. and (9e) (b), 71.09 (13) (a) 2., 71.52 (4), 71.83 (1) (a) 8. and (b) 5., 77.25 (8m), 77.54 (7) (b) 1., 101.91 (5m), 102.07 (5) (b) and (c), 102.51 (1) (a) 1., 103.10 (1) (h), 103.165 (3) (a) 3., 111.32 (12), 115.76 (12) (a) 1. and (13), 146.34 (1) (f), 157.05, 182.004 (6), 250.04 (3) (a), 301.50 (1), 700.19 (2), 705.01 (4) and (4m), 706.09 (1) (e), 765.001 (2), 765.01, 765.03 (1), 765.16 (1m) (intro.) and (c), 765.23, 765.24, 765.30 (3) (a), 766.587 (7) (form) 9., 766.588 (9) (form) 13., 766.589 (10) (form) 14., 767.215 (2) (b) and (5) (a) 2., 767.323, 767.80 (1) (intro.) and (c) and (2), 767.803, 767.804 (1) (a) 4., 767.805 (title), (1), (1m), (2) (a) and (b), (3) (title) and (a), (4) (intro.) and (d), (5) (a) and (b), and (6) (a) (intro.), 767.855, 767.863 (1m), 767.87 (1m) (intro.), (8), and (9), 767.883 (1), 769.316 (9), 769.401 (2) (a), 815.20 (1), 822.40 (4), 851.30 (2) (a), 852.01 (1) (f) 1., 2., and 3., 854.03 (3), 891.39 (title), (1) (a) and (b), and (3), 891.40 (2), 891.405, 891.407, 891.41 (title), (1) (intro.) and (a), and (2), 905.05 (title), 938.02 (13), 938.396 (2g) (g), 943.20 (2) (c), 943.201 (1) (b) 8., and

943.205 (2) (b), and the creation of ss. 69.15 (3) (b) 3m., 765.02 (3), 891.40 (1) (b) and (3), 891.41 (3), and 990.01 (22h), (39), and (40m) to harmonize the language of the Wisconsin statutes relating to marriage and the determination of parentage with the provision of s. 990.001 (2), which specifies that words importing one gender extend and may be applied to any gender. The legislature intends that by amending the statutes relating to marriage and the determination of parentage with respect to married couples to use gender neutral language where appropriate so as to clarify that the same statutory rights and responsibilities apply between married persons of the same sex as between married persons of different sexes and to extend some of the presumptions of paternity to either parent, the Wisconsin statutes will be better aligned with the holding of the U.S. Supreme Court in *Obergefell v. Hodges*, 135 S. Ct. 2584, 192 L. Ed. 2d 609 (2015), which recognizes that same-sex couples have a fundamental constitutional right to marriage.

(END)