



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2011 Wisconsin Act 274
[2011 Assembly Bill 379]

Confidential Name Changes

BACKGROUND ON CURRENT LAW REGARDING NAME CHANGES

Third Class Publication

Under current law, a person (petitioner) who wishes to change his or her name may petition to the circuit court in the county where he or she resides for the name change. One of the various requirements is that the petitioner must publish a third class notice of this petition. A third class notice requires that the petition for the name change be published for three consecutive weeks in a local newspaper prior to the court's hearing date.

Recording a Name Change

Register of Deeds

To make sure the appropriate changes to the petitioner's name are made, the register of deeds must be informed of the change. After the court grants the person's name change, the order for the name change is entered into the court's records and a certified copy of the record must be recorded in the register of deeds office.

State Registrar

If the petitioner was born or married in Wisconsin, the clerk of court must also send to the State Registrar of Vital Statistics (State Registrar) an abstract of the change so that the records kept by the State Registrar can be amended to reflect the name change. Upon making the name change to the birth record, marriage record, or both, the State Registrar then directs the register of deeds and the local registrar to amend their records as well.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

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Exemption From Third Class Publication Requirement; Confidentiality

Under the Act, a person who petitions for a name change is exempt from the publication requirement if he or she demonstrates by a preponderance of the evidence that both of the following apply:

- The publication of the petition for a name change could endanger the petitioner.
- The petitioner is not petitioning for a name change as an attempt to avoid a debt or conceal a criminal record.

If the court determines that publication of the petition for name change is not required, then all of the records related to the name change are confidential and exempt from the Open Records Law. The new name is confidential and may not be disclosed by the State Registrar, the register of deeds, or the local registrar. However, a court may order, upon good cause shown, that a person may be allowed to inspect a confidential birth record if the court determines that the safety of the petitioner is not jeopardized.

To ensure that the new name is confidential, the Act states that a person, who would otherwise have a “direct and tangible interest” in obtaining information from the State Registrar, may not do so if the information is confidential and must first obtain a court order granting access.¹

Recording a Confidential Name Change

Register of Deeds

Upon a finding that the new name must be kept confidential, the court must forward to the register of deeds a form that states the petitioner’s former name and that the new name is confidential. The court must include the fee for recording a certified copy, which is currently \$25. [s. 59.43 (2) (ag), Stats.] The register of deeds may not disclose the confidential new name, except pursuant to a court order described above.

State Registrar

If the person was born in Wisconsin, the clerk of court must send the State Registrar a certified abstract of the change so that the records kept by the State Registrar can be amended to reflect the name change. The abstract must be on a form designated by the State Registrar. The State Registrar must then correct the birth record only.² Also, upon the petitioner’s request and payment of the required fees,

¹ Section 69.20 (1), Stats., defines a person with a direct and tangible interest to be any of the following: (a) the registrant of the vital record; (b) a member of the registrant’s immediate family; (c) the parent of a registrant, unless the parent is a birth parent whose parental rights have been terminated; (d) the registrant’s legal custodians or guardians; (e) a representative authorized by any person listed in (a) through (d), above; and (f) any other person who demonstrates a direct and tangible interest when information is necessary for the determination or protection of a personal or property right.

² In cases of confidential name changes, the State Registrar is not authorized to change a petitioner’s marriage record, if applicable. Thus, if a petitioner is born and married in Wisconsin, the petitioner will have a birth record using the confidential new record and a marriage record using the former name. To help solve any problems that may result in two vital records with two different names,

the State Registrar must also provide the requested number of certified copies of the corrected birth record. The fee is \$20 for the first certified copy of a birth record, and \$3 for each additional certified copy issued at the same time. [s. 69.22 (1) (c), Stats.]

Effective date: 2011 Wisconsin Act 274 goes into effect on April 24, 2012, and first applies to petitions for confidential name changes on that date.

Prepared by: Melissa Schmidt, Staff Attorney

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while still maintaining confidentiality, the Act envisions the petitioner obtaining certified copies of the corrected confidential birth record to prove he or she is the same person.