



## 2013 SENATE BILL 400

November 11, 2013 – Introduced by Senator ERPENBACH. Referred to Committee on Judiciary and Labor.

- 1     **AN ACT** *to amend* 69.20 (2) (b) and 69.21 (1) (a) 2. a.; and *to create* 69.21 (1) (a)  
2             2. am. of the statutes; **relating to:** obtaining a certified copy of a birth  
3             certificate.

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### *Analysis by the Legislative Reference Bureau*

Current law restricts the circumstances in which the state registrar or a local registrar may permit inspection of, or disclosure of information contained in, certain birth certificates for births that occurred after September 30, 1907, to requests for inspection by, or disclosure to, persons of interest specified under current law. Current law also provides that the state registrar or a local registrar may not issue a certified copy of a birth certificate for any birth that occurred after September 30, 1907, unless the requester is one of those specified persons of interest. Under current law, a person of interest can be any of the following:

1. The subject of the birth certificate (subject).
2. A member of the subject's immediate family.
3. The parent of a subject, unless the parent is a birth parent whose parental rights to the subject have been terminated.
4. The subject's legal custodians or guardians.
5. A representative authorized by a permissible requester, including an attorney.
6. 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.

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Under this bill, for purposes of these provisions, persons of interest are limited to the following:

1. The subject of the birth certificate.
2. The parent of a subject, unless the parent is a birth parent whose parental rights to the registrant have been terminated.
3. The subject's legal custodians or guardians.
4. An attorney representing the subject, the parent of the subject, or the legal custodian or guardian of the subject.

As under current law, the bill also allows the state registrar or a local registrar to issue a certified copy of a birth certificate pursuant to a court order.

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

1           **SECTION 1.** 69.20 (2) (b) of the statutes is amended to read:

2           69.20 (2) (b) Except as provided under sub. (3), the state registrar and local  
3 registrars may not permit inspection of or disclose information contained in any  
4 record of a birth which occurred after September 30, 1907 if the mother of the subject  
5 of the record was not married at any time from the conception to the birth of the  
6 subject of the record, unless the inspection is by or the information is disclosed to a  
7 ~~person who has a direct and tangible interest in such record~~ the registrant; the  
8 parent of the registrant, unless the parent is a birth parent whose parental rights  
9 to the registrant have been terminated under ch. 48; the legal custodian or guardian  
10 of the registrant; or an attorney representing the registrant, the parent of the  
11 registrant, or the legal custodian or guardian of the registrant.

12           **SECTION 2.** 69.21 (1) (a) 2. a. of the statutes is amended to read:

13           69.21 (1) (a) 2. a. A vital record that is not a birth certificate, if the event which  
14 that is the subject of the vital record occurred after September 30, 1907, unless the  
15 requester is a person with a direct and tangible interest in the record or unless the  
16 registrar has received a court order directing issuance of the vital record.

17           **SECTION 3.** 69.21 (1) (a) 2. am. of the statutes is created to read:

