



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-2160/1
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2019 ASSEMBLY BILL 337

July 16, 2019 - Introduced by Representatives SPREITZER, ZAMARRIPA, NOVAK, CABRERA, ANDERSON, BILLINGS, BOWEN, BROSTOFF, CONSIDINE, CROWLEY, DOYLE, EMERSON, FIELDS, GOYKE, GRUSZYNSKI, HAYWOOD, HEBL, HESSELBEIN, HINTZ, KITCHENS, KOLSTE, MCGUIRE, B. MEYERS, MILROY, L. MYERS, NEUBAUER, OHNSTAD, POPE, RIEMER, SARGENT, SHANKLAND, SINICKI, STUBBS, STUCK, SUBECK, C. TAYLOR, VINING and VRUWINK, cosponsored by Senators CARPENTER, BEWLEY, ERPENBACH, HANSEN, JOHNSON, LARSON, MILLER, RINGHAND, RISSER, SCHACHTNER, SHILLING, SMITH, L. TAYLOR and WIRCH. Referred to Committee on Family Law.

AUTHORS SUBJECT TO CHANGE

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

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1 49.19 (4) (d) 1., 49.19 (4) (d) 2., 49.19 (4) (d) 3., 49.19 (4) (d) 4., 49.19 (4) (d) 5.,
2 49.345 (2), 49.43 (12), 49.471 (1) (b) 2., 49.90 (4), 54.01 (36) (a), 54.960 (1), 69.03
3 (15), 69.11 (4) (b), 69.12 (5), 69.13 (2) (b) 4., 69.14 (1) (c) 4., 69.14 (1) (e) (title)
4 and 1., 69.14 (1) (f) 1., 69.14 (1) (g), 69.14 (2) (b) 2. d., 69.15 (1), 69.15 (3) (title),
5 (a) (intro.), 1., 2. and 3. and (b) 1., 2., 3. and 4. (intro), a. and b., 69.15 (3) (d),
6 69.15 (3m) (title), (a) (intro.) and 3. and (b), 71.03 (2) (d) (title), 71.03 (2) (d) 1.,
7 71.03 (2) (d) 2., 71.03 (2) (d) 3., 71.03 (2) (g), 71.03 (2) (m) 2., 71.03 (4) (a), 71.05
8 (22) (a) (title), 71.07 (5m) (a) 3., 71.07 (9e) (b), 71.09 (13) (a) 2., 71.52 (4), 71.83
9 (1) (a) 8., 71.83 (1) (b) 5., 77.25 (8m), 77.54 (7) (b) 1., 101.91 (5m), 102.07 (5) (b),
10 102.07 (5) (c), 102.51 (1) (a) 1., 103.10 (1) (h), 103.165 (3) (a) 3., 111.32 (12),
11 115.76 (12) (a) 1., 115.76 (13), 146.34 (1) (f), 157.05, 182.004 (6), 250.04 (3) (a),
12 301.12 (2), 301.50 (1), 700.19 (2), 705.01 (4), 705.01 (4m), 706.09 (1) (e), 765.001
13 (2), 765.01, 765.03 (1), 765.16 (1m) (intro.), 765.16 (1m) (c), 765.23, 765.24,
14 765.30 (3) (a), 766.587 (7) (form) 9., 766.588 (9) (form) 13., 766.589 (10) (form)
15 14., 767.215 (2) (b), 767.215 (5) (a) 2., 767.323, 767.80 (1) (intro.), 767.80 (1) (c),
16 767.80 (2), 767.803, 767.805 (1), (1m), (2), (3) (title) and (a), (4) (intro.) and (d),
17 (5) and (6) (a) (intro.), 767.855, 767.863 (1m), 767.87 (1m) (intro.), 767.87 (8),
18 767.87 (9), 767.883 (1), 769.316 (9), 769.401 (2) (a), 815.20 (1), 822.40 (4), 851.30
19 (2) (a), 852.01 (1) (f) 1., 852.01 (1) (f) 2., 852.01 (1) (f) 3., 854.03 (3), 891.39 (title),
20 891.39 (1) (a), 891.39 (1) (b), 891.39 (3), 891.40 (2), 891.405, 891.41 (title), 891.41
21 (1) (intro.), 891.41 (1) (a), 891.41 (2), 905.05 (title), 938.02 (13), 938.396 (2g) (g),
22 943.20 (2) (c), 943.201 (1) (b) 8. and 943.205 (2) (b); and **to create** 69.15 (3) (b)
23 3m., 765.02 (3), 891.40 (1) (b), 891.40 (3), 891.41 (3), 990.01 (22m), 990.01 (39)

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1 and 990.01 (40m) of the statutes; **relating to:** marriage between persons of the
2 same sex and extending parentage rights to married couples of the same sex.

Analysis by the Legislative Reference Bureau***Summary***

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.

Same-sex marriage

This 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.

Parentage

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 this 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

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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, there is a paternity presumption whereby 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.

Under current law, 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. This 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."

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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.

This bill will be referred to the joint survey committee on tax exemptions for a detailed analysis, which will be printed as an appendix to this bill.

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

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

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

2 29.219 (4) ~~HUSBAND AND WIFE~~ SPOUSES RESIDENT LICENSES. A combined husband
3 and wife spouses resident fishing license shall be issued subject to s. 29.024 by the
4 department to residents applying for this license. This license confers upon both
5 husband and wife spouses the privileges of resident fishing licenses.

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

7 29.228 (5) ANNUAL FAMILY FISHING LICENSE. The department shall issue a
8 nonresident annual family fishing license, subject to s. 29.024, to any nonresident

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1 who applies for this license. This license entitles the ~~husband, wife~~ spouses and any
2 minor children to fish under this license.

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

4 29.228 (6) FIFTEEN-DAY FAMILY FISHING LICENSE. The department shall issue a
5 nonresident 15-day family fishing license, subject to s. 29.024, to any nonresident
6 who applies for this license. This license entitles the ~~husband, wife~~ spouses and any
7 minor children to fish under this license.

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

9 29.229 (2) (i) ~~Husband and wife~~ Spouses fishing licenses.

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

11 29.2295 (2) (i) ~~Husband and wife~~ Spouses fishing licenses.

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

13 29.563 (3) (a) 3. ~~Husband and wife~~ Spouses: \$30.25.

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

15 29.607 (3) LICENSE REQUIRED; EXCEPTIONS; WILD RICE IDENTIFICATION CARD. Every
16 person over the age of 16 and under the age of 65 shall obtain the appropriate wild
17 rice license to harvest or deal in wild rice but no license to harvest is required of the
18 members of the immediate family of a licensee or of a recipient of old-age assistance
19 or members of their immediate families. The department, subject to s. 29.024 (2g)
20 and (2r), shall issue a wild rice identification card to each member of a licensee's
21 immediate family, to a recipient of old-age assistance and to each member of the
22 recipient's family. The term "immediate family" includes ~~husband and wife~~ spouses
23 and minor children having their abode and domicile with the parent or legal
24 guardian.

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

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1 45.01 (6) (c) The ~~biological~~ natural or adoptive parent or a person who acts in
2 the place of a parent and who has so acted for not less than 12 months prior to the
3 veteran's entrance into active service.

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

5 45.51 (3) (c) 2. The department may deviate from this sequence upon order of
6 the board to prevent the separation of ~~a husband and wife~~ spouses.

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

8 45.51 (5) (a) 1. b. Was married to the person under sub. (2) (a) 1. or 2. at the time
9 the person entered the service and who became a ~~widow or widower~~ surviving spouse
10 by the death of the person while in the service or as a result of physical disability of
11 the person incurred during the service.

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

13 45.51 (5) (a) 1. c. The period during which the surviving spouse was married
14 to and lived with the deceased person under sub. (2) (a) 1. or 2. plus the period of
15 ~~widowhood or widowerhood~~ after the death of the deceased person is 6 months or
16 more.

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

18 **45.55 Notes and mortgages of minor veterans.** Notwithstanding any
19 provision of this chapter or any other law to the contrary, any minor who served in
20 the active armed forces of the United States at any time after August 27, 1940, and
21 the ~~husband or wife~~ spouse of such a minor may execute, in his or her own right, notes
22 or mortgages, as defined in s. 851.15, the payment of which is guaranteed or insured
23 by the U.S. department of veterans affairs or the federal housing administrator
24 under the servicemen's readjustment act of 1944, the national housing act, or any
25 acts supplementing or amending these acts. In connection with these transactions,

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1 the minors may sell, release, or convey the mortgaged property and litigate or settle
2 controversies arising therefrom, including the execution of releases, deeds, and other
3 necessary papers or instruments. The notes, mortgages, releases, deeds, and other
4 necessary papers or instruments when so executed are not subject to avoidance by
5 the minor or the ~~husband or wife~~ spouse of the minor upon either or both of them
6 attaining the age of 18 because of the minority of either or both of them at the time
7 of the execution thereof.

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

9 46.10 (2) Except as provided in subs. (2m) and (14) (b) and (c), any person,
10 including but not limited to a person admitted, committed, protected, or placed under
11 s. 975.01, 1977 stats., s. 975.02, 1977 stats., s. 975.17, 1977 stats., s. 55.05 (5), 2003
12 stats., and s. 55.06, 2003 stats., and ss. 51.10, 51.13, 51.15, 51.20, 51.35 (3), 51.37 (5),
13 51.45 (10), (11), (12) and (13), 55.05, 55.055, 55.12, 55.13, 55.135, 971.14 (2) and (5),
14 971.17 (1), 975.06 and 980.06, receiving care, maintenance, services, and supplies
15 provided by any institution in this state including University of Wisconsin Hospitals
16 and Clinics, in which the state is chargeable with all or part of the person's care,
17 maintenance, services, and supplies, any person receiving care and services from a
18 county department established under s. 51.42 or 51.437 or from a facility established
19 under s. 49.73, and any person receiving treatment and services from a public or
20 private agency under s. 980.06 (2) (c), 1997 stats., s. 980.08 (5), 2003 stats., or s.
21 971.17 (3) (d) or (4) (e) or 980.08 (4) (g) and the person's property and estate, including
22 the homestead, and the spouse of the person, and the spouse's property and estate,
23 including the homestead, and, in the case of a minor child, the parents of the person,
24 and their property and estates, including their homestead, and, in the case of a
25 foreign child described in s. 48.839 (1) who became dependent on public funds for his

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1 or her primary support before an order granting his or her adoption, the resident of
2 this state appointed guardian of the child by a foreign court who brought the child
3 into this state for the purpose of adoption, and his or her property and estate,
4 including his or her homestead, shall be liable for the cost of the care, maintenance,
5 services, and supplies in accordance with the fee schedule established by the
6 department under s. 46.03 (18). If a spouse, ~~widow~~ surviving spouse, or minor, or an
7 incapacitated person may be lawfully dependent upon the property for their support,
8 the court shall release all or such part of the property and estate from the charges
9 that may be necessary to provide for those persons. The department shall make
10 every reasonable effort to notify the liable persons as soon as possible after the
11 beginning of the maintenance, but the notice or the receipt thereof is not a condition
12 of liability.

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

14 48.02 (13) "Parent" means a biological natural parent, ~~a husband who has~~
15 ~~consented to the artificial insemination of his wife under s. 891.40, or a parent by~~
16 adoption. If the child is a nonmarital child who is not adopted or whose parents do
17 not subsequently intermarry under s. 767.803, "parent" includes a person
18 acknowledged under s. 767.805 or a substantially similar law of another state or
19 adjudicated to be the biological father. "Parent" does not include any person whose
20 parental rights have been terminated. For purposes of the application of s. 48.028
21 and the federal Indian Child Welfare Act, 25 USC 1901 to 1963, "parent" means a
22 biological natural parent of an Indian child, an Indian ~~husband~~ spouse who has
23 consented to the artificial insemination of his ~~wife~~ or her spouse under s. 891.40, or
24 an Indian person who has lawfully adopted an Indian child, including an adoption
25 under tribal law or custom, and includes, in the case of a nonmarital Indian child who

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1 is not adopted or whose parents do not subsequently intermarry under s. 767.803,
2 a person acknowledged under s. 767.805, a substantially similar law of another state,
3 or tribal law or custom to be the ~~biological father~~ natural parent or a person
4 adjudicated to be the ~~biological father~~ natural parent, but does not include any
5 person whose parental rights have been terminated.

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

7 **48.025 (title) Declaration of paternal parental interest in matters**
8 **affecting children.**

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

10 48.025 (2) (b) A declaration under sub. (1) may be filed at any time before the
11 birth of the child or within 14 days after the birth of the child, except that a ~~man~~
12 person who receives a notice under s. 48.42 (1g) (b) may file a declaration within 21
13 days after the date on which the notice was mailed. This paragraph does not apply
14 to a declaration filed before July 1, 2006.

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

16 48.025 (3) (c) A court in a proceeding under s. 48.13, 48.133, 48.14, or 938.13
17 or under a substantially similar law of another state or a person authorized to file
18 a petition under s. 48.25, 48.42, 48.837, or 938.25 or under a substantially similar
19 law of another state may request the department to search its files to determine
20 whether a person who may be the ~~father~~ parent of the child who is the subject of the
21 proceeding has filed a declaration under this section. If the department has on file
22 a declaration of ~~paternal~~ parental interest in matters affecting the child, the
23 department shall issue to the requester a copy of the declaration. If the department
24 does not have on file a declaration of ~~paternal~~ parental interest in matters affecting
25 the child, the department shall issue to the requester a statement that no declaration

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1 could be located. The department may require a person who requests a search under
2 this paragraph to pay a reasonable fee that is sufficient to defray the costs to the
3 department of maintaining its file of declarations and publicizing information
4 relating to declarations of paternal parental interest under this section.

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

6 48.27 (3) (b) 1. a. A person who has filed a declaration of paternal parental
7 interest under s. 48.025.

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

9 48.27 (3) (b) 1. b. A person alleged to the court to be ~~the father~~ a parent of the
10 child or who may, based on the statements of the ~~mother~~ parent who gave birth to
11 the child or other information presented to the court, be the ~~father~~ parent of the child.

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

13 48.27 (5) Subject to sub. (3) (b), the court shall make every reasonable effort
14 to identify and notify any person who has filed a declaration of paternal parental
15 interest under s. 48.025, any person who has acknowledged paternity of the child
16 under s. 767.805 (1), and any person who has been adjudged to be the ~~father~~ parent
17 of the child in a judicial proceeding unless the person's parental rights have been
18 terminated.

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

20 48.299 (6) (intro.) If a ~~man~~ person who has been given notice under s. 48.27 (3)
21 (b) 1. appears at any hearing for which he or she received the notice, alleges that he
22 or she is the ~~father~~ a parent of the child and states that he or she wishes to establish
23 the paternity parentage of the child, all of the following apply:

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

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

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

7 48.299 (6) (e) 2. The court shall, at the hearing, orally inform any ~~man~~ person
8 specified in sub. (6) (intro.) that he or she may be required to pay for any testing
9 ordered by the court under this paragraph or under s. 885.23.

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

11 48.299 (6) (e) 3. In addition to ordering testing as provided under s. 885.23, if
12 the court determines that it would be in the best interests of the child, the court may
13 order any ~~man~~ person specified in sub. (6) (intro.) to submit to one or more genetic
14 tests which shall be performed by an expert qualified as an examiner of genetic
15 markers present on the cells and of the specific body material to be used for the tests,
16 as appointed by the court. A report completed and certified by the court-appointed
17 expert stating genetic test results and the statistical probability that the ~~man~~ person
18 alleged to be the child’s ~~father~~ parent is the child’s biological ~~father~~ parent based
19 upon the genetic tests is admissible as evidence without expert testimony and may
20 be entered into the record at any hearing. The court, upon request by a party, may
21 order that independent tests be performed by other experts qualified as examiners
22 of genetic markers present on the cells of the specific body materials to be used for
23 the tests.

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

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1 48.299 (6) (e) 4. If the genetic tests show that an alleged ~~father~~ parent is not
2 excluded and that the statistical probability that the alleged ~~father~~ parent is the
3 child's biological ~~father~~ parent is 99.0 percent or higher, the court may determine
4 that for purposes of a proceeding under this chapter, other than a proceeding under
5 subch. VIII, the ~~man~~ person is the child's biological parent.

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

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

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

16 48.355 (4g) (a) 1. The child's parents are parties to a pending action for divorce,
17 annulment, or legal separation, a ~~man~~ person determined under s. 48.299 (6) (e) 4.
18 to be the biological ~~father~~ parent of the child for purposes of a proceeding under this
19 chapter is a party to a pending action to determine paternity of the child under ch.
20 767, or the child is the subject of a pending independent action under s. 767.41 or
21 767.43 to determine legal custody of the child or visitation rights with respect to the
22 child.

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

24 48.396 (2) (dm) Upon request of a court having jurisdiction over actions
25 affecting the family, an attorney responsible for support enforcement under s. 59.53

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1 (6) (a) or a party to a paternity proceeding under subch. IX of ch. 767, the party's
2 attorney or the guardian ad litem for the child who is the subject of that proceeding
3 to review or be provided with information from the records of the court assigned to
4 exercise jurisdiction under this chapter and ch. 938 relating to the paternity of a child
5 for the purpose of determining the paternity of the child or for the purpose of
6 rebutting the presumption of ~~paternity~~ parentage under s. 891.405 or 891.41 (1), the
7 court assigned to exercise jurisdiction under this chapter and ch. 938 shall open for
8 inspection by the requester its records relating to the paternity of the child or disclose
9 to the requester those records.

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

11 48.42 (1g) (a) 4. A statement identifying any ~~man~~ person who has lived in a
12 familial relationship with the child and who may be ~~the father~~ a parent of the child.

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

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

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

24 48.42 (1g) (c) If an affidavit under par. (a) is not filed with the petition, notice
25 shall be given to an alleged ~~father~~ parent under sub. (2).

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

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

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

6 48.42 (2) (b) 2. A person or persons alleged to the court to be ~~the father~~ a parent
7 of the child or who may, based upon the statements of the ~~mother~~ parent who gave
8 birth to the child or other information presented to the court, be the ~~father~~ parent
9 of the child unless that person has waived the right to notice under s. 48.41 (2) (c).

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

11 48.42 (2) (bm) 1. A person who has filed an unrevoked declaration of ~~paternal~~
12 parental interest under s. 48.025 before the birth of the child, within 14 days after
13 the birth of the child, or within 21 days after a notice under sub. (1g) (b) is mailed,
14 whichever is later.

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

16 48.422 (6) (a) In the case of a nonmarital child who is not adopted or whose
17 parents do not subsequently intermarry under s. 767.803 and for whom paternity
18 has not been established, or for whom a declaration of ~~paternal~~ parental interest has
19 not been filed under s. 48.025 within 14 days after the date of birth of the child or,
20 if s. 48.42 (1g) (b) applies, within 21 days after the date on which the notice under
21 s. 48.42 (1g) (b) is mailed, the court shall hear testimony concerning the ~~paternity~~
22 parentage of the child. Based on the testimony, the court shall determine whether
23 all interested parties who are known have been notified under s. 48.42 (2) and (2g)
24 (ag). If not, the court shall adjourn the hearing and order appropriate notice to be
25 given.

ASSEMBLY BILL 337**SECTION 36**

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

2 48.422 (7) (bm) Establish whether a proposed adoptive parent of the child has
3 been identified. If a proposed adoptive parent of the child has been identified and
4 the proposed adoptive parent is not a relative of the child, the court shall order the
5 petitioner to submit a report to the court containing the information specified in s.
6 48.913 (7). The court shall review the report to determine whether any payments or
7 agreement to make payments set forth in the report are coercive to the birth parent
8 of the child or to an alleged ~~to~~ or presumed father parent of the child or are
9 impermissible under s. 48.913 (4). Making any payment to or on behalf of the any
10 birth parent of the child, an, alleged or presumed father parent of the child or the
11 child conditional in any part upon transfer or surrender of the child or the
12 termination of parental rights or the finalization of the adoption creates a rebuttable
13 presumption of coercion. Upon a finding of coercion, the court shall dismiss the
14 petition or amend the agreement to delete any coercive conditions, if the parties
15 agree to the amendment. Upon a finding that payments ~~which~~ that are
16 impermissible under s. 48.913 (4) have been made, the court may dismiss the petition
17 and may refer the matter to the district attorney for prosecution under s. 948.24 (1).
18 This paragraph does not apply if the petition was filed with a petition for adoptive
19 placement under s. 48.837 (2).

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

21 48.422 (7) (br) Establish whether any person has coerced a birth parent ~~or any,~~
22 alleged or presumed father parent of the child in violation of s. 48.63 (3) (b) 5. Upon
23 a finding of coercion, the court shall dismiss the petition.

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

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1 48.423 (2) (d) That the person has complied with the requirements of the state
2 where the ~~mother~~ birth parent previously resided or was located to protect and
3 preserve his ~~paternal~~ or her parental interests in matters affecting the child.

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

5 48.432 (1) (am) 2. b. If there is no adjudicated father, the ~~husband~~ spouse of the
6 mother at the time the individual or adoptee is conceived or born, or when the parents
7 intermarry under s. 767.803.

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

9 48.63 (3) (b) 4. Before a child may be placed under subd. 1., the department,
10 county department, or child welfare agency making the placement and the proposed
11 adoptive parent or parents shall enter into a written agreement that specifies who
12 is financially responsible for the cost of providing care for the child prior to the
13 finalization of the adoption and for the cost of returning the child to the parent who
14 has custody of the child if the adoption is not finalized. Under the agreement, the
15 department, county department, or child welfare agency or the proposed adoptive
16 parent or parents, but not ~~the~~ any birth parent ~~of the child or any,~~ alleged or
17 presumed ~~father~~ parent of the child, shall be financially responsible for those costs.

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

19 48.63 (3) (b) 5. Prior to termination of parental rights to the child, no person
20 may coerce a birth parent ~~of the child or any,~~ alleged or presumed ~~father~~ parent of
21 the child into refraining from exercising his or her right to withdraw consent to the
22 transfer or surrender of the child or to termination of his or her parental rights to the
23 child, to have reasonable visitation or contact with the child, or to otherwise exercise
24 his or her parental rights to the child.

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

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

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

4 48.837 (1r) (d) Before a child may be placed under par. (a), the department,
5 county department, or child welfare agency making the placement and the proposed
6 adoptive parent or parents shall enter into a written agreement that specifies who
7 is financially responsible for the cost of providing care for the child prior to the
8 finalization of the adoption and for the cost of returning the child to the parent who
9 has custody of the child if the adoption is not finalized. Under the agreement, the
10 department, county department, or child welfare agency or the proposed adoptive
11 parent or parents, but not the any birth parent ~~of the child or any,~~ alleged or
12 presumed father parent of the child, shall be financially responsible for those costs.

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

14 48.837 (1r) (e) Prior to termination of parental rights to the child, no person
15 may coerce a birth parent ~~of the child or any,~~ alleged or presumed father parent of
16 the child into refraining from exercising his or her right to withdraw consent to the
17 transfer or surrender of the child or to termination of his or her parental rights to the
18 child, to have reasonable visitation or contact with the child, or to otherwise exercise
19 his or her parental rights to the child.

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

21 48.837 (6) (b) At the beginning of the hearing held under sub. (2), the court shall
22 review the report that is submitted under s. 48.913 (6). The court shall determine
23 whether any payments or the conditions specified in any agreement to make
24 payments are coercive to the any birth parent ~~of the child or to an,~~ alleged or
25 presumed father parent of the child or are impermissible under s. 48.913 (4). Making

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1 any payment to or on behalf of ~~the a~~ birth parent ~~of the child, an,~~ alleged or presumed
2 ~~father~~ parent of the child or the child conditional in any part upon transfer or
3 surrender of the child or the termination of parental rights or the finalization of the
4 adoption creates a rebuttable presumption of coercion. Upon a finding of coercion,
5 the court shall dismiss the petitions under subs. (2) and (3) or amend the agreement
6 to delete any coercive conditions, if the parties agree to the amendment. Upon a
7 finding that payments ~~which~~ that are impermissible under s. 48.913 (4) have been
8 made, the court may dismiss the petition and may refer the matter to the district
9 attorney for prosecution under s. 948.24 (1).

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

11 48.837 (6) (br) At the hearing on the petition under sub. (2), the court shall
12 determine whether any person has coerced a birth parent ~~or any,~~ alleged or presumed
13 ~~father~~ parent of the child in violation of sub. (1r) (e). Upon a finding of coercion, the
14 court shall dismiss the petitions under subs. (2) and (3).

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

16 48.913 (1) (a) Preadoptive counseling for a birth parent ~~of the child or an,~~
17 alleged or presumed ~~father~~ parent of the child.

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

19 48.913 (1) (b) Post-adoptive counseling for a birth parent ~~of the child or an,~~
20 alleged or presumed ~~father~~ parent of the child.

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

22 48.913 (1) (h) Legal and other services received by a birth parent ~~of the child,~~
23 ~~an,~~ alleged or presumed ~~father~~ parent of the child or the child in connection with the
24 adoption.

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

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1 48.913 (2) PAYMENT OF EXPENSES WHEN BIRTH PARENT IS RESIDING IN ANOTHER
2 STATE. (intro.) Notwithstanding sub. (1), the proposed adoptive parents of a child or
3 a person acting on behalf of the proposed adoptive parents of a child may pay for an
4 expense of a birth parent ~~of the child or an,~~ alleged or presumed father parent of the
5 child if the birth parent ~~or the,~~ alleged or presumed father parent was residing in
6 another state when the payment was made and when the expense was incurred and
7 if all of the following apply:

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

9 48.913 (2) (b) The state in which the birth parent ~~or the,~~ alleged or presumed
10 father parent was residing when the payment was made permits the payment of that
11 expense by the proposed adoptive parents of the child.

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

13 48.913 (2) (c) (intro.) A listing of all payments made under this subsection, a
14 copy of the statutory provisions of the state in which the birth parent ~~or the,~~ alleged
15 or presumed father parent was residing when the payments were made that permit
16 those payments to be made by the proposed adoptive parents of the child, and a copy
17 of all orders entered in the state in which the birth parent ~~or the,~~ alleged or presumed
18 father parent was residing when the payments were made that relate to the payment
19 of expenses of the birth parent ~~or the,~~ alleged or presumed father parent by the
20 proposed adoptive parents of the child is submitted to the court as follows:

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

22 48.913 (3) METHOD OF PAYMENT. Any payment under sub. (1) or (2) shall be made
23 directly to the provider of a good or service except that a payment under sub. (1) or
24 (2) may be made to a birth parent ~~of the child or to an,~~ alleged or presumed father
25 parent of the child as reimbursement of an amount previously paid by the birth

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1 parent ~~or by the,~~ alleged or presumed father parent if documentation is provided
2 showing that the birth parent ~~or,~~ alleged or presumed father parent has made the
3 previous payment.

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

5 48.913 (4) OTHER PAYMENTS PROHIBITED. The proposed adoptive parents of a
6 child or a person acting on behalf of the proposed adoptive parents may not make any
7 payments to or on behalf of a birth parent ~~of the child, an,~~ alleged or presumed father
8 parent of the child or the child except as provided in subs. (1) and (2).

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

10 48.913 (7) REPORT TO THE COURT; CONTENTS REQUIRED. The report required under
11 sub. (6) shall include a list of all transfers of anything of value made or agreed to be
12 made by the proposed adoptive parents or by a person acting on their behalf to a birth
13 parent ~~of the child, an,~~ alleged or presumed father parent of the child or the child,
14 on behalf of a birth parent ~~of the child, an,~~ alleged or presumed father parent of the
15 child or the child, or to any other person in connection with the pregnancy, the birth
16 of the child, the placement of the child with the proposed adoptive parents, or the
17 adoption of the child by the proposed adoptive parents. The report shall be itemized
18 and shall show the goods or services for which payment was made or agreed to be
19 made. The report shall include the dates of each payment, the names and addresses
20 of each attorney, doctor, hospital, agency, or other person or organization receiving
21 any payment from the proposed adoptive parents or a person acting on behalf of the
22 proposed adoptive parents in connection with the pregnancy, the birth of the child,
23 the placement of the child with the proposed adoptive parents, or the adoption of the
24 child by the proposed adoptive parents.

25 **SECTION 56.** 49.141 (1) (j) 1. of the statutes is amended to read:

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

2 **SECTION 57.** 49.141 (1) (j) 2. of the statutes is repealed.

3 **SECTION 58.** 49.155 (1m) (c) 1g. of the statutes is amended to read:

4 49.155 (1m) (c) 1g. If the individual is a foster parent of the child or a subsidized
5 guardian or interim caretaker of the child under s. 48.623, the child's ~~biological~~
6 natural or adoptive family has a gross income that is at or below 200 percent of the
7 poverty line. In calculating the gross income of the child's ~~biological~~ natural or
8 adoptive family, the department or county department or agency determining
9 eligibility shall include court-ordered child or family support payments received by
10 the individual, if those support payments exceed \$1,250 per month, and income
11 described under s. 49.145 (3) (b) 1. and 3.

12 **SECTION 59.** 49.155 (1m) (c) 1h. of the statutes is amended to read:

13 49.155 (1m) (c) 1h. If the individual is a relative of the child, is providing care
14 for the child under a court order, and is receiving payments under s. 48.57 (3m) or
15 (3n) on behalf of the child, the child's ~~biological~~ natural or adoptive family has a gross
16 income that is at or below 200 percent of the poverty line. In calculating the gross
17 income of the child's ~~biological~~ natural or adoptive family, the department or county
18 department or agency determining eligibility shall include court-ordered child or
19 family support payments received by the individual, if those support payments
20 exceed \$1,250 per month, and income described under s. 49.145 (3) (b) 1. and 3.

21 **SECTION 60.** 49.163 (2) (am) 2. of the statutes is amended to read:

22 49.163 (2) (am) 2. If over 24 years of age, be a ~~biological~~ natural or adoptive
23 parent of a child under 18 years of age whose parental rights to the child have not
24 been terminated or be a relative and primary caregiver of a child under 18 years of
25 age.

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1 **SECTION 61.** 49.19 (1) (a) 2. a. of the statutes is amended to read:

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

13 **SECTION 62.** 49.19 (4) (d) (intro.) of the statutes is amended to read:

14 49.19 (4) (d) (intro.) Aid may be granted to the ~~mother or stepmother~~ parent
15 or stepparent of a dependent child if he or she is without a husband spouse or if he
16 or she:

17 **SECTION 63.** 49.19 (4) (d) 1. of the statutes is amended to read:

18 49.19 (4) (d) 1. Is the ~~wife~~ spouse of a husband person who is incapacitated for
19 gainful work by mental or physical disability; or

20 **SECTION 64.** 49.19 (4) (d) 2. of the statutes is amended to read:

21 49.19 (4) (d) 2. Is the ~~wife~~ spouse of a husband person who is incarcerated or
22 who is a convicted offender permitted to live at home but precluded from earning a
23 wage because the ~~husband~~ person is required by a court imposed sentence to perform
24 unpaid public work or unpaid community service; or

25 **SECTION 65.** 49.19 (4) (d) 3. of the statutes is amended to read:

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1 49.19 (4) (d) 3. Is the ~~wife~~ spouse of a ~~husband~~ person who has been committed
2 to the department pursuant to ch. 975, irrespective of the probable period of such
3 commitment; or

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

5 49.19 (4) (d) 4. Is the ~~wife~~ spouse of a ~~husband~~ person who has continuously
6 abandoned or failed to support him or her, if proceedings have been commenced
7 against the ~~husband~~ person under ch. 769; or

8 **SECTION 67.** 49.19 (4) (d) 5. of the statutes is amended to read:

9 49.19 (4) (d) 5. Has been divorced and is without a ~~husband~~ spouse or legally
10 separated from his or her ~~husband~~ spouse and is unable through use of the provisions
11 of law to compel his or her former ~~husband~~ spouse to adequately support the child
12 for whom aid is sought; or

13 **SECTION 68.** 49.345 (2) of the statutes is amended to read:

14 49.345 (2) Except as provided in sub. (14) (b) and (c), any person, including a
15 person placed under s. 48.32 (1) (am) or (b), 48.345 (3), 48.357 (1) or (2m), 938.183,
16 938.34 (3) or (4d), or 938.357 (1), (2m), (4), or (5) (e), receiving care, maintenance,
17 services, and supplies provided by any institution in this state, in which the state is
18 chargeable with all or part of the person's care, maintenance, services, and supplies,
19 and the person's property and estate, including the homestead, and the spouse of the
20 person, and the spouse's property and estate, including the homestead, and, in the
21 case of a minor child, the parents of the person, and their property and estates,
22 including their homestead, and, in the case of a foreign child described in s. 48.839
23 (1) who became dependent on public funds for his or her primary support before an
24 order granting his or her adoption, the resident of this state appointed guardian of
25 the child by a foreign court who brought the child into this state for the purpose of

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1 adoption, and his or her property and estate, including his or her homestead, shall
2 be liable for the cost of the care, maintenance, services, and supplies in accordance
3 with the fee schedule established by the department under s. 49.32 (1). If a spouse,
4 ~~widow~~ surviving spouse, or minor, or an incapacitated person may be lawfully
5 dependent upon the property for his or her support, the court shall release all or such
6 part of the property and estate from the charges that may be necessary to provide for
7 the person. The department shall make every reasonable effort to notify the liable
8 persons as soon as possible after the beginning of the maintenance, but the notice or
9 the receipt of the notice is not a condition of liability.

10 **SECTION 69.** 49.43 (12) of the statutes is amended to read:

11 49.43 (12) “Spouse” means the legal ~~husband or wife of~~ person to whom the
12 beneficiary is legally married, whether or not the person is eligible for medical
13 assistance.

14 **SECTION 70.** 49.471 (1) (b) 2. of the statutes is amended to read:

15 49.471 (1) (b) 2. A ~~stepfather, stepmother~~ stepparent, stepbrother, or stepsister.

16 **SECTION 71.** 49.90 (4) of the statutes is amended to read:

17 49.90 (4) The circuit court shall in a summary way hear the allegations and
18 proofs of the parties and by order require maintenance from these relatives, if they
19 have sufficient ability, considering their own future maintenance and making
20 reasonable allowance for the protection of the property and investments from which
21 they derive their living and their care and protection in old age, in the following
22 order: First the ~~husband or wife~~ spouse; then the ~~father and the mother~~ parents; and
23 then the grandparents in the instances in which sub. (1) (a) 2. applies. The order
24 shall specify a sum ~~which~~ that will be sufficient for the support of the dependent
25 person under sub. (1) (a) 1. or the maintenance of a child of a dependent person under

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1 sub. (1) (a) 2., to be paid weekly or monthly, during a period fixed by the order or until
2 the further order of the court. If the court is satisfied that any such relative is unable
3 wholly to maintain the dependent person or the child, but is able to contribute to the
4 person's support or the child's maintenance, the court may direct 2 or more of the
5 relatives to maintain the person or the child and prescribe the proportion each shall
6 contribute. If the court is satisfied that these relatives are unable together wholly
7 to maintain the dependent person or the child, but are able to contribute to the
8 person's support or the child's maintenance, the court shall direct a sum to be paid
9 weekly or monthly by each relative in proportion to ability. Contributions directed
10 by court order, if for less than full support, shall be paid to the department of health
11 services or the department of children and families, whichever is appropriate, and
12 distributed as required by state and federal law. An order under this subsection that
13 relates to maintenance required under sub. (1) (a) 2. shall specifically assign
14 responsibility for and direct the manner of payment of the child's health care
15 expenses, subject to the limitations under subs. (1) (a) 2. and (11). Upon application
16 of any party affected by the order and upon like notice and procedure, the court may
17 modify such an order. Obedience to such an order may be enforced by proceedings
18 for contempt.

19 **SECTION 72.** 54.01 (36) (a) of the statutes is amended to read:

20 54.01 **(36)** (a) An individual who obtains or consents to a final decree or
21 judgment of divorce from the decedent or an annulment of their marriage, if the
22 decree or judgment is not recognized as valid in this state, unless the 2 subsequently
23 participated in a marriage ceremony purporting to marry each other or they
24 subsequently held themselves out as ~~husband and wife~~ married to each other.

25 **SECTION 73.** 54.960 (1) of the statutes is amended to read:

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

8 **SECTION 74.** 69.03 (15) of the statutes is amended to read:

9 69.03 (15) Periodically provide to each county child support agency under s.
10 59.53 (5) a list of names and, notwithstanding s. 69.20 (2) (a), addresses of registrants
11 who reside in that county for whom ~~no father's~~ only one parent's name has been
12 inserted on the registrant's birth record within 6 months of birth.

13 **SECTION 75.** 69.11 (4) (b) of the statutes is amended to read:

14 69.11 (4) (b) The state registrar may amend an item on a birth record that
15 affects information about the name, sex, date of birth, place of birth, parent's name,
16 or parent's marital status of ~~the mother~~ if 365 days have elapsed since the occurrence
17 of the event that is the subject of the birth record, if the amendment is at the request
18 of a person with a direct and tangible interest in the record and is in the manner
19 prescribed by the state registrar, and if the amendment is accompanied by 2 items
20 of documentary evidence from early childhood that are sufficient to prove that the
21 item to be changed is in error and by the affidavit of the person requesting the
22 amendment. A change in the marital status on the birth record may be made under
23 this paragraph only if the marital status is inconsistent with information ~~concerning~~
24 ~~the father or husband~~ that appears on the birth record. This paragraph may not be
25 used to add to or delete from a birth record the name of a parent, to change the

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1 identity of a parent named on the birth record, or to effect a name change prohibited
2 under s. 301.47.

3 **SECTION 76.** 69.12 (5) of the statutes is amended to read:

4 69.12 (5) A change in the marital status on the record of birth may be requested
5 under this section only if the marital status is inconsistent with ~~father or husband~~
6 information appearing on the birth record. This section may not be used to add or
7 delete the name of a parent on the record of birth or change the identity of either
8 parent named on the birth record.

9 **SECTION 77.** 69.13 (2) (b) 4. of the statutes is amended to read:

10 69.13 (2) (b) 4. If relevant to the correction sought, a certified copy of a marriage
11 document, divorce or annulment record, or a final divorce decree that indicates that
12 the mother was not married to the person listed as her husband spouse at any time
13 during the pregnancy, a legal name change order, or any other legal document that
14 clarifies the disputed information.

15 **SECTION 78.** 69.14 (1) (c) 4. of the statutes is amended to read:

16 69.14 (1) (c) 4. In the absence of a person under subs. 1. to 3., the ~~father or~~
17 mother, father, or mother's spouse, or in the absence of the father or the mother's
18 spouse and the inability of the mother, the person responsible for the premises where
19 the birth occurs.

20 **SECTION 79.** 69.14 (1) (e) (title) and 1. of the statutes are amended to read:

21 69.14 (1) (e) (title) *Father's Spouse's or father's name.* 1. If Except as provided
22 in par. (h), if the mother of a registrant under this section was married at any time
23 from the conception to the birth of the registrant, the name of the husband spouse
24 of the mother shall be entered on the birth record as ~~the a legal father~~ parent of the

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1 registrant. The name of the ~~father~~ parent entered under this subdivision may not
2 be changed except by a proceeding under ch. 767.

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

4 69.14 (1) (f) 1. a. Except as provided under subd. 1. b., if the mother of a
5 registrant of a birth record under this section is married ~~to the father of the~~
6 ~~registrant~~ at any time from the conception to the birth of the registrant, the given
7 name and surname ~~which~~ that the mother ~~and father~~ of the registrant and her
8 spouse enter for the registrant on the birth record shall be the given name and
9 surname filed and registered on the birth record.

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

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

ASSEMBLY BILL 337**SECTION 80**

1 legal custody enters for the registrant on the birth record shall be the given name and
2 surname filed and registered on the birth record.

3 **SECTION 81.** 69.14 (1) (g) of the statutes is amended to read:

4 69.14 (1) (g) *Birth by artificial insemination.* If the registrant of a birth record
5 under this section is born as a result of artificial insemination under the
6 requirements of s. 891.40, the husband spouse of the woman person inseminated
7 shall be considered ~~the father~~ a parent of the registrant on the birth record. ~~If the~~
8 ~~registrant is born as a result of artificial insemination which does not satisfy the~~
9 ~~requirements of s. 891.40, the information about the father of the registrant shall be~~
10 ~~omitted from the registrant's birth record.~~

11 **SECTION 82.** 69.14 (2) (b) 2. d. of the statutes is amended to read:

12 69.14 (2) (b) 2. d. The full name of the father or the mother's spouse, except that
13 if the mother was not married at the time of conception or birth or between conception
14 and birth of the registrant, the name of the father may not be entered except as
15 provided under s. 69.15 (3).

16 **SECTION 83.** 69.15 (1) of the statutes is amended to read:

17 69.15 (1) BIRTH RECORD INFORMATION CHANGES. The state registrar may change
18 information on a birth record registered in this state which was correct at the time
19 the birth record was filed under a court or administrative order issued in this state,
20 in another state or in Canada or under the valid order of a court of any federally
21 recognized Indian tribe, band, or nation if all of the following occur:

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

24 (b) A clerk of court or, for a paternity or parentage action, a clerk of court or
25 county child support agency under s. 59.53 (5), sends the state registrar a certified

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1 report of an order of a court in this state in the method prescribed by the state
2 registrar or, in the case of any other order, the state registrar receives a certified copy
3 of the order and the proper fee under s. 69.22.

4 **SECTION 84.** 69.15 (3) (title), (a) (intro.), 1., 2. and 3. and (b) 1., 2., 3. and 4.
5 (intro), a. and b. of the statutes are amended to read:

6 69.15 (3) (title) ~~PATERNITY~~ PARENTAGE. (a) (intro.) If the state registrar receives
7 an order under sub. (1) which establishes paternity or determines that the ~~man~~
8 person whose name appears on a registrant's birth record is not the ~~father~~ parent of
9 the registrant, the state registrar shall do the following, as appropriate:

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

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

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

20 (b) 1. Except as provided under par. (c), if the state registrar receives a
21 statement acknowledging ~~paternity~~ parentage in the manner prescribed by the state
22 registrar and signed by both of the ~~birth~~ natural parents of a child determined to be
23 a marital child under s. 767.803, a certified copy of the parents' marriage record, and
24 the fee required under s. 69.22 (5) (b) 1., the state registrar shall insert the name of
25 the ~~husband~~ spouse of the person who gave birth from the marriage record as the

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1 ~~father parent~~ if the name of ~~the father~~ that parent was omitted on the original birth
2 record. The state registrar shall include for the acknowledgment the items in s.
3 767.813 (5g).

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

9 3. Except as provided under par. (c), if the state registrar receives a statement
10 acknowledging ~~paternity~~ parentage in the method prescribed by the state registrar
11 and signed by both parents, neither of whom was under the age of 18 years when the
12 form was signed, along with the fee under s. 69.22, the state registrar shall insert the
13 name of the ~~father~~ parent under subd. 1. The state registrar shall mark the record
14 to show that the acknowledgement is on file. The acknowledgement shall be
15 available to the department of children and families or a county child support agency
16 under s. 59.53 (5) pursuant to the program responsibilities under s. 49.22 or to any
17 other person with a direct and tangible interest in the record. The state registrar
18 shall include on the acknowledgment the information in s. 767.805 and the items in
19 s. 767.813 (5g).

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

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

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

5 **SECTION 85.** 69.15 (3) (b) 3m. of the statutes is created to read:

6 69.15 (3) (b) 3m. Except as provided in par. (c), if the state registrar receives
7 an acknowledgement of parentage on a form prescribed by the state registrar and
8 signed by both of the people presumed to be natural parents under s. 891.41 (1) (b),
9 a certified copy of the parents' marriage certificate, and the fee required under s.
10 69.22 (5) (b) 1., the state registrar shall insert the name of the spouse from the
11 marriage certificate as a parent if the name of that parent was omitted on the original
12 birth certificate.

13 **SECTION 86.** 69.15 (3) (d) of the statutes is amended to read:

14 69.15 (3) (d) The method prescribed by the state registrar for acknowledging
15 paternity parentage shall require that the social security number of each of the
16 registrant's parents be provided.

17 **SECTION 87.** 69.15 (3m) (title), (a) (intro.) and 3. and (b) of the statutes are
18 amended to read:

19 69.15 (3m) (title) RESCISSION OF STATEMENT ACKNOWLEDGING PATERNITY
20 PARENTAGE. (a) (intro.) A statement acknowledging paternity parentage that is filed
21 with the state registrar under sub. (3) (b) 3. may be rescinded by either person who
22 signed the statement as a parent of the registrant if all of the following apply:

23 3. The person rescinding the statement files a rescission in the method
24 prescribed under subd. 2. before the day on which a court or circuit court
25 commissioner makes an order in an action affecting the family involving the man

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1 person who signed the statement and the child who is the subject of the statement
2 or before 60 days elapse after the statement was filed, whichever occurs first.

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

7 **SECTION 88.** 71.03 (2) (d) (title) of the statutes is amended to read:

8 71.03 (2) (d) (title) *Husband and wife Spouses joint filing.*

9 **SECTION 89.** 71.03 (2) (d) 1. of the statutes is amended to read:

10 71.03 (2) (d) 1. Except as provided in subds. 2. and 3. and par. (e), ~~a husband~~
11 ~~and a wife~~ spouses may file a joint return for income tax purposes even though one
12 of the spouses has no gross income or no deductions.

13 **SECTION 90.** 71.03 (2) (d) 2. of the statutes is amended to read:

14 71.03 (2) (d) 2. No joint return may be filed if either ~~the husband or wife~~ spouse
15 at any time during the taxable year is a nonresident alien, unless an election is in
16 effect for the taxable year under section 6013 (g) or (h) of the ~~internal revenue code~~
17 Internal Revenue Code.

18 **SECTION 91.** 71.03 (2) (d) 3. of the statutes is amended to read:

19 71.03 (2) (d) 3. No joint return may be filed if the ~~husband and wife~~ spouses
20 have different taxable years, except that if their taxable years begin on the same day
21 and end on different days because of the death of either or both the joint return may
22 be filed with respect to the taxable year of each unless the surviving spouse remarries
23 before the close of his or her taxable year or unless the taxable year of either spouse
24 is a fractional part of a year under section 443 (a) (1) of the ~~internal revenue code~~
25 Internal Revenue Code.

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

2 71.03 (2) (g) *Joint return following separate return.* Except as provided in par.
3 (i), if an individual has filed a separate return for a taxable year for which a joint
4 return could have been filed by the individual and the individual's spouse under par.
5 (d) or (e) and the time prescribed by law for timely filing the return for that taxable
6 year has expired, the individual and the individual's spouse may file a joint return
7 for that taxable year. A joint return filed by the ~~husband and wife~~ spouses under this
8 paragraph is their return for that taxable year, and all payments, credits, refunds
9 or other repayments made or allowed with respect to the separate return of each
10 spouse for that taxable year shall be taken into account in determining the extent
11 to which the tax based upon the joint return has been paid. If a joint return is filed
12 under this paragraph, any election, other than the election to file a separate return,
13 made by either spouse in that spouse's separate return for that taxable year with
14 respect to the treatment of any income, deduction or credit of that spouse may not
15 be changed in the filing of the joint return if that election would have been irrevocable
16 if the joint return had not been filed.

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

18 71.03 (2) (m) 2. If ~~a husband and wife~~ spouses change from a joint return to
19 separate returns within the time prescribed in subd. 1., the tax paid on the joint
20 return shall be allocated between them in proportion to the tax liability shown on
21 each separate return.

22 **SECTION 94.** 71.03 (4) (a) of the statutes is amended to read:

23 71.03 (4) (a) Natural persons whose total income is not in excess of \$10,000 and
24 consists entirely of wages subject to withholding for Wisconsin tax purposes and not
25 more than \$200 total of dividends, interest and other wages not subject to Wisconsin

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1 withholding, and who have elected the Wisconsin standard deduction and have not
2 claimed either the credit for homestead property tax relief or deductions for expenses
3 incurred in earning such income, shall, at their election, not be required to record on
4 their income tax returns the amount of the tax imposed on their Wisconsin taxable
5 income. Married persons shall be permitted this election only if the joint income of
6 the ~~husband and wife~~ spouses does not exceed \$10,000, if both report their incomes
7 on the same joint income tax return form, and if both make this election.

8 **SECTION 95.** 71.05 (22) (a) (title) of the statutes is amended to read:

9 71.05 **(22)** (a) (title) *Election of deductions; ~~husband and wife~~ spousal*
10 *deductions.*

11 **SECTION 96.** 71.07 (5m) (a) 3. of the statutes is amended to read:

12 71.07 **(5m)** (a) 3. "Household" means a claimant and an individual related to
13 the claimant as ~~husband or wife~~ his or her spouse.

14 **SECTION 97.** 71.07 (9e) (b) of the statutes is amended to read:

15 71.07 **(9e)** (b) No credit may be allowed under this subsection to married
16 persons, except married persons living apart who are treated as single under section
17 7703 (b) of the ~~internal revenue code~~ Internal Revenue Code, if the ~~husband and wife~~
18 spouses report their income on separate income tax returns for the taxable year.

19 **SECTION 98.** 71.09 (13) (a) 2. of the statutes is amended to read:

20 71.09 **(13)** (a) 2. The tax shown on the return for the preceding year. If ~~a~~
21 ~~husband and wife~~ spouses who filed separate returns for the preceding taxable year
22 file a joint return, the tax shown on the return for the preceding year is the sum of
23 the taxes shown on the separate returns of the ~~husband and wife~~ spouses. If ~~a~~
24 ~~husband and wife~~ spouses who filed a joint return for the preceding taxable year file
25 separate returns, the tax shown on the return for the preceding year is ~~the husband's~~

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1 ~~or wife's~~ each spouse's proportion of that tax based on what their respective tax
2 liabilities for that year would have been had they filed separately.

3 **SECTION 99.** 71.52 (4) of the statutes is amended to read:

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

6 **SECTION 100.** 71.83 (1) (a) 8. of the statutes is amended to read:

7 71.83 (1) (a) 8. 'Joint return replacing separate returns.' If the amount shown
8 as the tax by ~~the husband and wife~~ spouses on a joint return filed under s. 71.03 (2)
9 (g) to (L) exceeds the sum of the amounts shown as the tax upon the separate return
10 of each spouse and if any part of that excess is attributable to negligence or
11 intentional disregard of this chapter, but without intent to defraud, at the time of the
12 filing of that separate return, then 25 percent of the total amount of that excess shall
13 be added to the tax.

14 **SECTION 101.** 71.83 (1) (b) 5. of the statutes is amended to read:

15 71.83 (1) (b) 5. 'Joint return after separate returns.' If the amount shown as
16 the tax by ~~the husband and wife~~ spouses on a joint return filed under s. 71.03 (2) (g)
17 to (L) exceeds the sum of the amounts shown as the tax on the separate return of each
18 spouse and if any part of that excess is attributable to fraud with intent to evade tax
19 at the time of the filing of that separate return, then 50 percent of the total amount
20 of that excess shall be added to the tax.

21 **SECTION 102.** 77.25 (8m) of the statutes is amended to read:

22 77.25 (8m) Between ~~husband and wife~~ spouses.

23 **SECTION 103.** 77.54 (7) (b) 1. of the statutes is amended to read:

24 77.54 (7) (b) 1. The item is transferred to a child, spouse, parent, ~~father-in-law,~~
25 ~~mother-in-law~~ parent-in-law, daughter-in-law, or son-in-law of the transferor or,

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1 if the item is a motor vehicle, from the transferor to a corporation owned solely by the
2 transferor or by the transferor's spouse.

3 **SECTION 104.** 101.91 (5m) of the statutes is amended to read:

4 101.91 (5m) "Manufactured home community" means any plot or plots of
5 ground upon which 3 or more manufactured homes that are occupied for dwelling or
6 sleeping purposes are located. "Manufactured home community" does not include a
7 farm where the occupants of the manufactured homes are the ~~father, mother, son,~~
8 ~~daughter, brother or sister~~ parents, children, or siblings of the farm owner or
9 operator or where the occupants of the manufactured homes work on the farm.

10 **SECTION 105.** 102.07 (5) (b) of the statutes is amended to read:

11 102.07 (5) (b) The parents, spouse, child, brother, sister, son-in-law,
12 daughter-in-law, ~~father-in-law, mother-in-law~~ parent-in-law, brother-in-law, or
13 sister-in-law of a farmer shall not be deemed the farmer's employees.

14 **SECTION 106.** 102.07 (5) (c) of the statutes is amended to read:

15 102.07 (5) (c) A shareholder-employee of a family farm corporation shall be
16 deemed a "farmer" for purposes of this chapter and shall not be deemed an employee
17 of a farmer. A "family farm corporation" means a corporation engaged in farming all
18 of whose shareholders are related as lineal ancestors or lineal descendants, whether
19 by blood or by adoption, or as spouses, brothers, sisters, uncles, aunts, cousins,
20 sons-in-law, daughters-in-law, ~~fathers-in-law, mothers-in-law~~ parents-in-law,
21 brothers-in-law, or sisters-in-law of such lineal ancestors or lineal descendants.

22 **SECTION 107.** 102.51 (1) (a) 1. of the statutes is amended to read:

23 102.51 (1) (a) 1. A wife married person upon ~~a husband~~ his or her spouse with
24 whom he or she is living at the time of ~~his~~ the spouse's death.

25 **SECTION 108.** 102.51 (1) (a) 2. of the statutes is repealed.

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1 **SECTION 109.** 103.10 (1) (h) of the statutes is amended to read:

2 103.10 (1) (h) “Spouse” means ~~an employee’s legal husband or wife~~ the person
3 to whom an employee is legally married.

4 **SECTION 110.** 103.165 (3) (a) 3. of the statutes is amended to read:

5 103.165 (3) (a) 3. The decedent’s ~~father or mother~~ parent or parents if the
6 decedent leaves no surviving spouse, domestic partner under ch. 770, or children.

7 **SECTION 111.** 111.32 (12) of the statutes is amended to read:

8 111.32 (12) “Marital status” means the status of being married, single,
9 divorced, separated, or widowed a surviving spouse.

10 **SECTION 112.** 115.76 (12) (a) 1. of the statutes is amended to read:

11 115.76 (12) (a) 1. A ~~biological~~ natural parent.

12 **SECTION 113.** 115.76 (12) (a) 2. of the statutes is repealed.

13 **SECTION 114.** 115.76 (12) (a) 3. of the statutes is repealed.

14 **SECTION 115.** 115.76 (13) of the statutes is amended to read:

15 115.76 (13) “Person acting as a parent of a child” means a relative of the child
16 or a private individual allowed to act as a parent of a child by the child’s ~~biological~~
17 natural or adoptive parents or guardian, and includes the child’s grandparent,
18 neighbor, friend or private individual caring for the child with the explicit or tacit
19 approval of the child’s ~~biological~~ natural or adoptive parents or guardian. “Person
20 acting as a parent of a child” does not include any person that receives public funds
21 to care for the child if such funds exceed the cost of such care.

22 **SECTION 116.** 146.34 (1) (f) of the statutes is amended to read:

23 146.34 (1) (f) “Parent” means a ~~biological~~ natural parent, ~~a husband who has~~
24 ~~consented to the artificial insemination of his wife under s. 891.40~~ or a parent by
25 adoption. If the minor is a nonmarital child who is not adopted or whose parents do

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1 not subsequently intermarry under s. 767.803, "parent" includes a person adjudged
2 in a judicial proceeding under ch. 48 to be the biological father of the minor. "Parent"
3 does not include any person whose parental rights have been terminated.

4 **SECTION 117.** 157.05 of the statutes is amended to read:

5 **157.05 Autopsy.** Consent for a licensed physician to conduct an autopsy on
6 the body of a deceased person shall be deemed sufficient when given by whichever
7 one of the following assumes custody of the body for purposes of burial: ~~Father,~~
8 ~~mother, husband, wife~~ parent, spouse, child, guardian, next of kin, domestic partner
9 under ch. 770, or in the absence of any of the foregoing, a friend, or a person charged
10 by law with the responsibility for burial. If 2 or more such persons assume custody
11 of the body, the consent of one of them shall be deemed sufficient.

12 **SECTION 118.** 182.004 (6) of the statutes is amended to read:

13 182.004 (6) Stock may be issued and leases made to ~~husband and wife~~ spouses,
14 and to the survivor of them, in which event title shall descend the same as in like
15 conveyances of real property subject to ch. 766. Otherwise, title to the stock and lease
16 shall descend to the persons to whom a homestead of the stockholder would descend
17 except as provided in ch. 766. The interest of a tenant in the lease and stock shall
18 be exempt from execution to the same extent as a homestead in real estate.

19 **SECTION 119.** 250.04 (3) (a) of the statutes is amended to read:

20 250.04 (3) (a) The department shall establish and maintain surveillance
21 activities sufficient to detect any occurrence of acute, communicable, or chronic
22 diseases and threat of occupational or environmental hazards, injuries, or changes
23 in the health of ~~mothers~~ parents and children.

24 **SECTION 120.** 301.12 (2) of the statutes is amended to read:

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

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

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

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

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

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

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

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

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

ASSEMBLY BILL 337

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ASSEMBLY BILL 337**SECTION 132**

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

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

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

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

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

ASSEMBLY BILL 337

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

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

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

13 STATUTORY INDIVIDUAL

14 PROPERTY CLASSIFICATION AGREEMENT

15 (Pursuant to Section 766.587, Wisconsin Statutes)

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

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

22 This agreement terminates on January 1, 1987.

23 Signature Date

24 Print Name Here:

25 Address:

ASSEMBLY BILL 337

1 Signature Date

2 Print Name Here:

3 Address:

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

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

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

11 STATUTORY TERMINABLE MARITAL

12 PROPERTY CLASSIFICATION AGREEMENT

13 (Pursuant to Section 766.588, Wisconsin Statutes)

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

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

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

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

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

12 Signature of One Spouse:

13 Date:

14 Print Name Here:

15 Residence Address:

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

17 AUTHENTICATION

18 Signature authenticated this day of, (year)

19 *....

20 TITLE: MEMBER STATE BAR OF WISCONSIN

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

22 ACKNOWLEDGMENT

23 STATE OF WISCONSIN)

24) ss.

25 County)

ASSEMBLY BILL 337

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

4 *....

5 Notary Public, County, Wisconsin.

6 My Commission is permanent.

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

8 (Signatures may be authenticated or

9 acknowledged. Both are not necessary.)

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

12 Signature of Other Spouse:

13 Date:

14 Print Name Here:

15 Residence Address:

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

17 AUTHENTICATION

18 Signature authenticated this day of, (year)

19 *....

20 TITLE: MEMBER STATE BAR OF WISCONSIN

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

22 ACKNOWLEDGMENT

23 STATE OF WISCONSIN)

24) ss.

25 County)

ASSEMBLY BILL 337

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

4 *....

5 Notary Public, County, Wisconsin.

6 My Commission is permanent.

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

8 (Signatures may be authenticated or

9 acknowledged. Both are not necessary.)

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

TERMINATION OF STATUTORY TERMINABLE

MARITAL PROPERTY CLASSIFICATION AGREEMENT

I UNDERSTAND THAT:

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

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

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

ASSEMBLY BILL 337**SECTION 136**

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

4 Signature:

5 Date:

6 Print Name Here:

7 Residence Address:

8 SCHEDULE "A"

9 FINANCIAL DISCLOSURE

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

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

15 I. ASSETS

16 A. Real estate (gross value)

17 B. Stocks, bonds and mutual funds

18 C. Accounts at and certificates or other

19 instruments issued by financial institutions

20 D. Mortgages, land contracts, promissory notes

21 and cash

22 E. Partnership interests

23 EL. Limited liability company interests.

24 F. Trust interests

25 G. Livestock, farm products, crops

ASSEMBLY BILL 337

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

ASSEMBLY BILL 337

1 disability and similar income here)

2 (IF YOU NEED ADDITIONAL SPACE,

3 ADD ADDITIONAL SHEETS)

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

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

9 STATUTORY TERMINABLE INDIVIDUAL

10 PROPERTY CLASSIFICATION AGREEMENT

11 (Pursuant to Section 766.589, Wisconsin Statutes)

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

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

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

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

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

19 Signature of One Spouse:

20 Date:

21 Print Name Here:

22 Residence Address:

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

24 AUTHENTICATION

25 Signature authenticated this day of, (year)

ASSEMBLY BILL 337

1 *....

2 TITLE: MEMBER STATE BAR OF WISCONSIN

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

4 ACKNOWLEDGMENT

5 STATE OF WISCONSIN)

6) ss.

7 County)

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

11 *....

12 Notary Public, County, Wisconsin.

13 My Commission is permanent.

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

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

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

19 Signature of Other Spouse:

20 Date:

21 Print Name Here:

22 Residence Address:

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

24 AUTHENTICATION

25 Signature authenticated this day of, (year)

ASSEMBLY BILL 337

1 *....

2 TITLE: MEMBER STATE BAR OF WISCONSIN

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

4 ACKNOWLEDGMENT

5 STATE OF WISCONSIN)

6) ss.

7 County)

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

11 *....

12 Notary Public, County, Wisconsin.

13 My Commission is permanent.

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

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

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

19 TERMINATION OF

20 STATUTORY TERMINABLE INDIVIDUAL

21 PROPERTY CLASSIFICATION AGREEMENT

22 I UNDERSTAND THAT:

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

ASSEMBLY BILL 337

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

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

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

12 Signature:

13 Date:

14 Print Name Here:

15 Residence Address:

SCHEDULE "A"

FINANCIAL DISCLOSURE

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

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

23 I. ASSETS:

24 A. Real estate (gross value)

25 B. Stocks, bonds and mutual funds

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

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

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

6 III. ANNUAL COMPENSATION FOR SERVICES:

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

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

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

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

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

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

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

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

ASSEMBLY BILL 337

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

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

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

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

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

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

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

ASSEMBLY BILL 337**SECTION 143**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ASSEMBLY BILL 337**SECTION 163**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 8 1. No person has been adjudicated to be the father ~~or~~.
9 2. No other person is presumed to be the father parent of the child under par.
10 (a).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 **SECTION 186. Nonstatutory provisions.**

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

16 (END)