



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-4383/1
SWB:skw

2021 ASSEMBLY BILL 651

October 22, 2021 - Introduced by Representatives JAMES, KITCHENS, DITTRICH, KUGLITSCH, CALLAHAN, BORN, SUBECK, TITTL and SINICKI, cosponsored by Senators BALLWEG, ROYS and SMITH. Referred to Committee on Family Law.

AUTHORS SUBJECT TO CHANGE

- 1 **AN ACT** *to amend* 786.37 (2); and *to create* 786.36 (1m) (c) of the statutes;
2 **relating to:** allowing a parent to change a minor child's name when the other
3 parent is convicted of certain homicide or sex offenses.

Analysis by the Legislative Reference Bureau

This bill allows a parent to change the last name of a child under 14 years old without notice to the other parent if that other parent has been convicted of certain homicide or sex offenses.

Under current law, a parent of a child under 14 years old who has two living parents must file proof that the petitioning parent published notice of a petition to change the last name of the child and, in addition, file proof that the petitioning parent served a copy of the notice and petition on the nonpetitioning parent. Current law allows that proof of notice to the nonpetitioning parent is not required if the petitioning parent shows that he or she made a reasonable attempt to find and provide notice to the nonpetitioning parent, but with reasonable diligence that the nonpetitioning parent cannot be found or provided with notice. Under current law, if the nonpetitioning parent appears at the hearing on the petition or otherwise answers the petition, the court may require consent of the nonpetitioning parent before changing the name of the child. Under the bill, if a nonpetitioning parent has been convicted of certain homicide or sex offenses, the petitioning parent may

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proceed with a petition for the name change of a child under 14 years old without providing or attempting to provide notice to the nonpetitioning parent.

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

1 **SECTION 1.** 786.36 (1m) (c) of the statutes is created to read:

2 786.36 **(1m)** (c) Notwithstanding pars. (a) and (b), the name of a minor under
3 14 years of age who has 2 living parents may be changed on the petition of one parent
4 without notice to the nonpetitioning parent and regardless of whether the
5 nonpetitioning parent appears at the hearing on the petition if the nonpetitioning
6 parent has been convicted of a violation of any of the following state laws or the law
7 of another jurisdiction that would be a violation of any of the following state laws if
8 the person had committed the offense in this state and been convicted of the offense
9 under the laws of this state:

- 10 1. First-degree intentional homicide under s. 940.01.
- 11 2. First-degree reckless homicide under s. 940.02.
- 12 3. Felony murder under s. 940.03.
- 13 4. Second-degree intentional homicide under s. 940.05.
- 14 5. Second-degree reckless homicide under s. 940.06.
- 15 6. Assisting suicide under s. 940.12.
- 16 7. Sexual exploitation by a therapist under s. 940.22 (2).
- 17 8. Felony sexual assault under s. 940.225 (1), (2), or (3).
- 18 9. Trafficking under s. 940.302 (2) if s. 940.302 (2) (a) 1. b. applies.
- 19 10. Sexual assault of a child under s. 948.02 (1) or (2).
- 20 11. Engaging in repeated acts of sexual assault of the same child under s.
21 948.025.

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- 1 12. Sexual exploitation of a child under s. 948.05.
- 2 13. Trafficking of a child under s. 948.051.
- 3 14. Causing a child to view or listen to sexual activity under s. 948.055.
- 4 15. Incest with a child under s. 948.06.
- 5 16. Child enticement under s. 948.07.
- 6 17. Use of a computer to facilitate a child sex crime under s. 948.075.
- 7 18. Soliciting a child for prostitution under s. 948.08.
- 8 19. Patronizing a child under s. 948.081.
- 9 20. Sexual assault of a child placed in substitute care under s. 948.085.
- 10 21. Sexual assault of a child by a school staff person or a person who works or
11 volunteers with children under s. 948.095.
- 12 22. Felony exposing genitals, pubic area, or intimate parts under s. 948.10 (1)
13 (a).
- 14 23. Felony exposing a child to harmful material or harmful descriptions or
15 narrations under s. 948.11 (2) (a) or (am).
- 16 24. Possession of child pornography under s. 948.12.
- 17 25. Child sex offender working with children under s. 948.13 (2).

18 **SECTION 2.** 786.37 (2) of the statutes is amended to read:

19 786.37 (2) If the petition is for the name change of a minor under 14 years of
20 age who has 2 living parents and if the petition is being made by one parent of the
21 minor, the petitioner shall, in addition to publishing the notice under sub. (1), serve
22 a copy of the notice and petition on the nonpetitioning parent in the same manner
23 as a summons is served under s. 801.11 (1). This subsection does not apply to a

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SECTION 2

1 petition for the name change of a minor under 14 years of age made under s. 786.36

2 (1m)(c).

3 (END)