



State of Wisconsin
1997 - 1998 LEGISLATURE

LRBs0290/2
PJK:kaf:jf

**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 1997 ASSEMBLY BILL 289**

December 9, 1997 - Offered by COMMITTEE ON JUDICIARY.

1 **AN ACT to amend** 767.24 (7m) (a) (intro.) and 767.51 (3r) (a) (intro.); **to repeal**
2 **and recreate** 767.24 (7m) (b) and 767.51 (3r) (b); and **to create** 767.24 (7m)
3 (am) and 767.51 (3r) (am) of the statutes; **relating to:** providing medical and
4 medical history information in custody matters.

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

5 **SECTION 1.** 767.24 (7m) (a) (intro.) of the statutes is amended to read:
6 767.24 (**7m**) (a) (intro.) In making an order of legal custody, the court shall
7 require order a parent who is not granted legal custody of a child to provide to the
8 court medical and medical history information that is known to the parent. ~~If the~~
9 ~~court orders joint legal custody, the court shall require each parent to provide to the~~
10 ~~court medical and medical history information that is known to the parent. The court~~
11 ~~shall keep the information confidential and may release it only as provided in this~~
12 ~~subsection~~ send the information to the physician or other health care provider with

1 primary responsibility for the treatment and care of the child, as designated by the
2 parent who is granted legal custody of the child, and advise the physician or other
3 health care provider of the identity of the child to whom the information relates. The
4 information provided shall include all of the following:

5 **SECTION 2.** 767.24 (7m) (am) of the statutes is created to read:

6 767.24 (7m) (am) The physician or other health care provider designated under
7 par. (a) shall keep the information separate from other records kept by the physician
8 or other health care provider. The information shall be assigned an identification
9 number and maintained under the name of the parent who provided the information
10 to the court. The patient health care records of the child that are kept by the
11 physician or other health care provider shall include a reference to that name and
12 identification number. If the child's patient health care records are transferred to
13 another physician or other health care provider or another health care facility, the
14 records containing the information provided under par. (a) shall be transferred along
15 with the child's patient health care records. Notwithstanding s. 146.819, the
16 information provided under par. (a) need not be maintained by a physician or other
17 health care provider after the child reaches age 18.

18 **SECTION 3.** 767.24 (7m) (b) of the statutes is repealed and recreated to read:

19 767.24 (7m) (b) Notwithstanding ss. 146.81 to 146.835, the information shall
20 be kept confidential, except only as follows:

21 1. The physician or other health care provider with custody of the information,
22 or any other record custodian at the request of the physician or other health care
23 provider, shall have access to the information if, in the professional judgment of the
24 physician or other health care provider, the information may be relevant to the child's
25 medical condition.

1 2. The physician or other health care provider may release only that portion
2 of the information, and only to a person, that the physician or other health care
3 provider determines is relevant to the child's medical condition.

4 **SECTION 4.** 767.51 (3r) (a) (intro.) of the statutes is amended to read:

5 767.51 **(3r)** (a) (intro.) In making an order of legal custody under sub. (3), the
6 court shall ~~require~~ order a parent who is not granted legal custody to provide to the
7 court medical and medical history information that is known to the parent. ~~If the~~
8 ~~court orders joint legal custody, the court shall require each parent to provide to the~~
9 ~~court medical and medical history information that is known to the parent.~~ The court
10 shall ~~keep the information confidential and may release it only as provided in this~~
11 ~~subsection~~ send the information to the physician or other health care provider with
12 primary responsibility for the treatment and care of the child, as designated by the
13 parent who is granted legal custody of the child, and advise the physician or other
14 health care provider of the identity of the child to whom the information relates. The
15 information provided shall include all of the following:

16 **SECTION 5.** 767.51 (3r) (am) of the statutes is created to read:

17 767.51 **(3r)** (am) The physician or other health care provider designated under
18 par. (a) shall keep the information separate from other records kept by the physician
19 or other health care provider. The information shall be assigned an identification
20 number and maintained under the name of the parent who provided the information
21 to the court. The patient health care records of the child that are kept by the
22 physician or other health care provider shall include a reference to that name and
23 identification number. If the child's patient health care records are transferred to
24 another physician or other health care provider or another health care facility, the
25 records containing the information provided under par. (a) shall be transferred with

1 the child's patient health care records. Notwithstanding s. 146.819, the information
2 provided under par. (a) need not be maintained by a physician or other health care
3 provider after the child reaches age 18.

4 **SECTION 6.** 767.51 (3r) (b) of the statutes is repealed and recreated to read:

5 767.51 (3r) (b) Notwithstanding ss. 146.81 to 146.835, the information shall be
6 kept confidential, except only as follows:

7 1. The physician or other health care provider with custody of the information,
8 or any other record custodian at the request of the physician or other health care
9 provider, shall have access to the information if, in the professional judgment of the
10 physician or other health care provider, the information may be relevant to the child's
11 medical condition.

12 2. The physician or other health care provider may release only that portion
13 of the information, and only to a person, that the physician or other health care
14 provider determines is relevant to the child's medical condition.

15 (END)