



## 2007 SENATE BILL 362

December 19, 2007 - Introduced by Senator GROTHMAN, cosponsored by Representatives HAHN, TOWNSEND and GUNDERSON. Referred to Committee on Judiciary, Corrections, and Housing.

1     **AN ACT to amend** 69.15 (3) (b) 3., 767.215 (5) (a) (intro.), 767.215 (5) (a) 2.,  
2             767.215 (5) (b), 767.59 (1c) (b), 767.813 (5) (a) 4. and 767.865 (1) (a); and **to**  
3             **create** 767.215 (5) (am), 767.511 (2m), 767.61 (4m) and 767.61 (7) of the  
4             statutes; **relating to:** miscellaneous revisions to statutes relating to actions  
5             affecting the family.

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### *Analysis by the Legislative Reference Bureau*

Under current law, in an action affecting the family, such as a divorce, when the petition commencing the action is filed, the social security numbers of the parties, of each minor child of the parties, and of each child born to the wife during the marriage must be filed with the court on a form that is separate from the petition. This bill limits the social security numbers that must be filed for children born to the wife during the marriage to those of minor children who were born to the wife during the marriage. The bill also provides that in a paternity action, the form with the social security numbers of the parties and minor children must be filed with the court within five business days after paternity is adjudicated, rather than at the beginning of the action when the petition is filed.

The bill makes a few other minor technical corrections relating to the chapter on actions affecting the family. For example, under current law, a court may order child support, legal custody, and periods of physical placement on the basis of a statement acknowledging paternity that is signed by both parents and filed with the state registrar. However, since January 1, 2007, a minor has been prohibited from

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signing a statement acknowledging paternity. The bill harmonizes this prohibition with the statutes related to requirements for the state registrar with respect to changing facts on birth certificates. Another technical change that the bill makes is conforming to current law the maximum possible number of years of imprisonment for interference with the custody of a child in the form for a summons in a paternity action. Previously the maximum period of imprisonment was up to five years; currently the maximum is up to three years and six months.

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

1           **SECTION 1.** 69.15 (3) (b) 3. of the statutes is amended to read:

2           69.15 (3) (b) 3. Except as provided under par. (c), if the state registrar receives  
3 a statement acknowledging paternity on a form prescribed by the state registrar and  
4 signed by both parents, ~~and by a parent or legal guardian of any parent who is neither~~  
5 ~~of whom was~~ under the age of 18 years ~~when the form was signed~~, along with the fee  
6 under s. 69.22, the state registrar shall insert the name of the father under subd. 1.  
7 The state registrar shall mark the certificate to show that the form is on file. The  
8 form shall be available to the department of workforce development or a county child  
9 support agency under s. 59.53 (5) pursuant to the program responsibilities under s.  
10 49.22 or to any other person with a direct and tangible interest in the record. The  
11 state registrar shall include on the form for the acknowledgment the information in  
12 s. 767.805 and the items in s. 767.813 (5g).

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

14           767.215 (5) (a) (intro.) ~~When~~ Except as provided in par. (am), when the petition  
15 under this section is filed with the court, the party filing the petition shall submit a  
16 separate form, furnished by the court, containing all of the following:

17           **SECTION 3.** 767.215 (5) (a) 2. of the statutes is amended to read:

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1           767.215 (5) (a) 2. The name, date of birth, and social security number of each  
2           minor child of the parties and of each child who was born to the wife during the  
3           marriage and who is a minor.

4           **SECTION 4.** 767.215 (5) (am) of the statutes is created to read:

5           767.215 (5) (am) In an action to determine the paternity of a child, the party  
6           who filed the petition shall submit the form under par. (a) within 5 days after  
7           paternity is adjudicated.

8           **SECTION 5.** 767.215 (5) (b) of the statutes is amended to read:

9           767.215 (5) (b) A form submitted under this subsection shall be maintained  
10          with the confidential information required under s. ~~767.54~~ 767.127 or maintained  
11          separately from the case file. The form may be disclosed only to the parties and their  
12          attorneys, a county child support enforcement agency, and any other person  
13          authorized by law or court order to have access to the information on the form.

14          **SECTION 6.** 767.511 (2m) of the statutes is created to read:

15          767.511 (2m) LIMITATIONS ON APPROVAL OF STIPULATIONS. Section 767.34 (2) (a)  
16          and (am) provide limitations on the court's approval of stipulations relating to child  
17          support.

18          **SECTION 7.** 767.59 (1c) (b) of the statutes is amended to read:

19          767.59 (1c) (b) A court may not revise or modify a judgment or order that waives  
20          maintenance payments for either party ~~or a judgment or order with respect to final~~  
21          ~~division of property.~~

22          **SECTION 8.** 767.61 (4m) of the statutes is created to read:

23          767.61 (4m) LIMITATION ON APPROVAL OF STIPULATIONS. Section 767.34 (2) (b)  
24          provides a limitation on the court's approval of stipulations relating to property  
25          division.

