



State of Wisconsin  
2021 - 2022 LEGISLATURE

LRB-4230/1  
SW/ES/EW:emw

## 2021 SENATE BILL 464

July 21, 2021 - Introduced by Senators CARPENTER, AGARD, ERPENBACH, LARSON, RINGHAND, ROYS, SMITH and WIRCH, cosponsored by Representatives SPREITZER, CABRERA, NEUBAUER, SNODGRASS, ANDERSON, ANDRACA, BROSTOFF, CONLEY, CONSIDINE, EMERSON, GOYKE, HEBL, HESSELBEIN, MOORE OMOKUNDE, POPE, S. RODRIGUEZ, SHANKLAND, SHELTON, SINICKI, SUBECK and VINING. Referred to Committee on Government Operations, Legal Review and Consumer Protection.

1     **AN ACT to repeal** 102.51 (1) (a) 2., 115.76 (12) (a) 2., 115.76 (12) (a) 3., 767.89 (2)  
2           (b) 1., 2. and 3. and 769.401 (2) (g); **to renumber** 767.84 (1) (a) 1. and 2.; **to**  
3           **renumber and amend** 767.84 (1) (a) 3., 767.89 (2) (b) (intro.) and 891.41 (1)  
4           (b); **to amend** 29.219 (4), 29.228 (5), 29.228 (6), 29.229 (2) (i), 29.2295 (2) (i),  
5           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  
6           (5) (a) 1. c., 45.55, 46.03 (34), 46.10 (2), 46.238, 48.02 (13), 48.025 (title), 48.025  
7           (1), 48.025 (2) (a), 48.025 (2) (b), 48.025 (2) (c), 48.025 (2) (d), 48.025 (3) (b),  
8           48.025 (3) (c), 48.025 (5) (a) 1., 48.19 (1) (cm), 48.193 (1) (c), 48.20 (8) (b), 48.203  
9           (4), 48.203 (5), 48.203 (6) (a), 48.205 (1) (d), 48.205 (1m), 48.21 (1) (b) 4., 48.213  
10          (1) (b), 48.217 (1) (c) 2., 48.217 (4), 48.23 (2m) (b), 48.245 (2r), 48.245 (3), 48.245  
11          (4), 48.245 (5), 48.245 (8), 48.255 (1m) (f), 48.255 (1m) (g), 48.255 (4), 48.27 (3)  
12          (b) 1. and 2., 48.27 (3) (c), 48.27 (4) (b) 2., 48.27 (5), 48.295 (1), 48.299 (1) (a),  
13          48.299 (6) (intro.), 48.299 (6) (e) 1., 48.299 (6) (e) 2., 48.299 (6) (e) 3., 48.299 (6)  
14          (e) 4., 48.299 (7), 48.299 (8), 48.30 (2), 48.32 (1) (a), 48.33 (2), 48.33 (4) (intro.),

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1 48.345 (intro.), 48.345 (14) (a), 48.347 (intro.), 48.347 (6) (a), 48.355 (1), 48.355  
2 (2) (b) 2m., 48.355 (4g) (a) 1., 48.356 (1), 48.357 (1) (am) 2. b., 48.357 (5r), 48.361  
3 (2) (a) 1m., 48.362 (3m), 48.41 (2) (c), 48.415 (6) (b), 48.415 (9) (a) and (b), 48.42  
4 (1g), 48.42 (2) (b) 1., 48.42 (2) (b) 2., 48.42 (2) (bm) 1., 48.42 (2m) (b), 48.42 (4)  
5 (b) 5., 48.422 (6) (a), 48.422 (7) (bm), 48.422 (7) (br), 48.423 (1) and (2), 48.43 (6)  
6 (b), 48.432 (1) (am) 1., 48.432 (1) (am) 2. b., 48.435, 48.63 (3) (b) 4., 48.63 (3) (b)  
7 5., 48.82 (1) (a), 48.837 (1r) (d), 48.837 (1r) (e), 48.837 (6) (b), 48.837 (6) (br),  
8 48.837 (8), 48.913 (1) (a), 48.913 (1) (b), 48.913 (1) (c), 48.913 (1) (f), 48.913 (1)  
9 (i), 48.913 (1) (m), 48.913 (2) (intro.), 48.913 (2) (b), 48.913 (2) (c) (intro.), 48.913  
10 (3), 48.9795 (1) (a) 1. c. and (b), 48.9795 (4) (e) 3., 49.141 (1) (i) 3., 49.141 (1) (j)  
11 1., 49.141 (1) (j) 2., 49.141 (1) (j) 4., 49.141 (1) (j) 5., 49.141 (1) (j) 6., 49.148 (1m)  
12 (title), 49.148 (1m) (a) 2., 49.148 (1m) (c) 2., 49.155 (1m) (c) 1g., 49.155 (1m) (c)  
13 1h., 49.162 (2m) (a) 2., 49.162 (2m) (b) 2., 49.163 (2) (am) 2., 49.19 (1) (a) 2. a.,  
14 49.19 (4) (d) (intro.), 49.19 (4) (d) 1., 49.19 (4) (d) 2., 49.19 (4) (d) 3., 49.19 (4) (d)  
15 4., 49.19 (4) (d) 5., 49.225 (2), 49.225 (3) (a), 49.26 (1) (g) 11., 49.345 (2), 49.43  
16 (12), 49.463 (3) (b) 2. a., 49.471 (1) (b) 2., 49.79 (6q) (b) 2. a., 49.90 (4), 51.13 (4)  
17 (h) 4., 54.01 (36) (a), 54.960 (1), 69.03 (14), 69.03 (15), 69.11 (4) (b), 69.12 (5),  
18 69.13 (intro.), 69.13 (2) (b) 4., 69.14 (1) (c) 4., 69.14 (1) (cm), 69.14 (1) (e), 69.14  
19 (1) (f) 1., 69.14 (1) (g), 69.14 (1) (h), 69.14 (2) (b) 2. c. and d., 69.15 (1), 69.15 (3)  
20 (a) (intro.), 1., 2. and 3. and (b) 1., 2., 3. and 4. (intro.), a. and b., 69.15 (3m) (title),  
21 69.15 (3m) (a) 3. and (b), 69.18 (1) (e) 1. (intro.), 69.20 (2) (b), 71.03 (2) (d) (title),  
22 71.03 (2) (d) 1., 71.03 (2) (d) 2., 71.03 (2) (d) 3., 71.03 (2) (g), 71.03 (2) (m) 2., 71.03  
23 (4) (a), 71.05 (22) (a) (title), 71.07 (5m) (a) 3., 71.07 (9e) (b), 71.09 (13) (a) 2., 71.52  
24 (4), 71.83 (1) (a) 8., 71.83 (1) (b) 5., 77.25 (8m), 77.54 (7) (b) 1., 101.91 (5m),  
25 102.07 (5) (b), 102.07 (5) (c), 102.51 (1) (a) 1., 103.10 (1) (h), 103.165 (3) (a) 3.,

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1 111.32 (12), 115.76 (12) (a) 1., 115.76 (12) (a) 4., 115.76 (13), 146.0255 (2),  
2 146.0255 (3) (intro.) and (b), 146.0257 (2), 146.34 (1) (f), 146.817 (1), 157.05,  
3 182.004 (6), 250.04 (3) (a), 253.165, 301.01 (2) (cm), 301.12 (2), 301.50 (1), 441.15  
4 (4), 700.19 (2), 705.01 (4), 705.01 (4m), 706.09 (1) (e), 757.69 (1) (g) 2., 757.69  
5 (1) (g) 9., 757.69 (1m) (d), 765.001 (2), 765.01, 765.03 (1), 765.12 (1) (a), 765.16  
6 (1m) (intro.), 765.16 (1m) (c), 765.23, 765.24, 765.30 (3) (a), 766.587 (7) (form)  
7 9., 766.588 (9) (form) 13., 766.589 (10) (form) 14., 767.001 (1m), 767.215 (2) (b),  
8 767.215 (5) (a) 2., 767.323, 767.43 (3) (b) and (4), 767.80 (1) (c), 767.80 (1) (d),  
9 767.80 (1) (k), 767.80 (1m), 767.80 (2), 767.80 (5) (a) and (b), 767.80 (5m), 767.80  
10 (6m), 767.80 (6r) (a) 1., 2. c. and 3., 767.803, 767.804 (1) (title), 767.804 (1) (a)  
11 (intro.), 1., 3. and 4., 767.804 (1) (b) (intro.), 2., 3. and 4., 767.804 (1) (c) 1. and  
12 2., 767.804 (1) (d), 767.804 (2), 767.804 (3) (d) 1. and 2., 767.804 (4) (a) 1. (intro.),  
13 767.804 (4) (a) 2., 767.805 (2) (b), 767.805 (4) (d), 767.805 (5) (b), 767.813 (5) (a),  
14 (b) and (c), 767.813 (5g), 767.815 (2) (a) and (b), 767.82 (2m) and (4), 767.83 (1),  
15 767.84 (1) (a) (intro.), 767.84 (1) (b) (intro.) and 2., 767.84 (4), 767.84 (6), 767.85  
16 (1), 767.855, 767.863 (1m), 767.863 (2), 767.87 (1) (a), (b), (d) and (e), 767.87 (1m)  
17 (intro.), 767.87 (2), 767.87 (3), 767.87 (6), 767.87 (9), 767.87 (10), 767.88 (2) (b)  
18 and (c), 767.883 (1), 767.89 (2) (a), 767.89 (3) (e), 767.893 (1m), (2) (b) 1. and 2.  
19 and (2m) (a), 767.895 (intro.), 769.201 (1m) (g), 769.316 (4), 769.316 (9), 769.401  
20 (2) (a), 770.07 (2), 786.36 (1) (c), 808.075 (4) (a) 4., 815.20 (1), 822.40 (4), 851.30  
21 (2) (a), 852.01 (1) (d), 852.01 (1) (f) 1., 852.01 (1) (f) 2., 852.01 (1) (f) 3., 852.05  
22 (1) and (2), 854.03 (3), 891.39 (title), 891.39 (1) (a), 891.39 (2) (a), 891.39 (3),  
23 891.395, 891.40, 891.405, 891.407, 891.41 (title), 891.41 (1) (intro.), 891.41 (1)  
24 (a), 891.41 (2), 905.04 (4) (e) 3., 905.05 (title), 938.02 (13), 938.27 (3) (b), 938.27  
25 (5), 938.299 (6) (intro.), 938.299 (6) (e) 1., 2., 3. and 4., 938.299 (7) and (8),

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1 938.355 (4g) (a) 1., 939.24 (1), 939.25 (1), 940.01 (1) (b), 940.02 (1m), 940.05 (2g)  
2 (intro.), 940.05 (2h), 940.195 (1), 940.195 (2), 940.195 (4), 940.195 (5), 940.23 (1)  
3 (b), 943.20 (2) (c), 943.201 (1) (b) 8., 943.205 (2) (b), 944.17 (3), 944.20 (2), 948.10  
4 (2) (b), 948.31 (2) and 990.01 (19j) (b); **to repeal and recreate** 69.15 (3) (title),  
5 subchapter IX (title) of chapter 767 [precedes 767.80] and 767.80 (1) (b); and **to**  
6 **create** 48.02 (5k), 69.15 (3) (b) 3m., 765.02 (3), 767.84 (1) (a) 2m., 891.41 (3),  
7 938.02 (5s), 990.01 (22m), 990.01 (39) and 990.01 (40m) of the statutes;  
8 **relating to:** adopting gender-neutral terminology and incorporating  
9 gender-neutral marriage and parentage rights.

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***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***

The 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 couples of the same sex may be the legal parents of a child, recognizes that a transgender person may become pregnant and give birth to a child,

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and 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 the 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 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, 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 person who gave birth to the child when the child was conceived or born or 2) married the person who gave birth to the child after the child was born but had a relationship with the person who gave birth to the child when the child was conceived and no person has been adjudicated to be the child’s parent and no other person is presumed to be the child’s parent because he or she was married, at the time the child was born, to the person who gave birth to the child. 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 parentage action to be brought for the purpose of rebutting the parentage presumption, regardless of whether that presumption applies to a male or female spouse.

Current law provides that 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

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father of the child. The 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.

Under current law, the paternity of a child may be established by genetic testing in an administrative determination of paternity or in a paternity action in court. The bill changes the term “paternity” to “parentage” in the context of establishing the parent of a child by genetic testing.

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.”

***Birth certificates***

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.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

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

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

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

12           29.228 (6) FIFTEEN-DAY FAMILY FISHING LICENSE. The department shall issue a  
13 nonresident 15-day family fishing license, subject to s. 29.024, to any nonresident  
14 who applies for this license. This license entitles the ~~husband, wife~~ spouses and any  
15 minor children to fish under this license.

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

17           29.229 (2) (i) ~~Husband and wife~~ Spouses fishing licenses.

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

19           29.2295 (2) (i) ~~Husband and wife~~ Spouses fishing licenses.

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

21           29.563 (3) (a) 3. ~~Husband and wife~~ Spouses: \$30.25.

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

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

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

13           45.01 (6) (c) The ~~biological~~ natural or adoptive parent or a person who acts in  
14 the place of a parent and who has so acted for not less than 12 months prior to the  
15 veteran's entrance into active service.

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

17           45.51 (3) (c) 2. The department may deviate from this sequence upon order of  
18 the board to prevent the separation of ~~a husband and wife~~ spouses.

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

20           45.51 (5) (a) 1. b. Was married to the person under sub. (2) (a) 1. or 2. at the time  
21 the person entered the service and who became a ~~widow or widower~~ surviving spouse  
22 by the death of the person while in the service or as a result of physical disability of  
23 the person incurred during the service.

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



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

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

6           **45.55 Notes and mortgages of minor veterans.** Notwithstanding any  
7 provision of this chapter or any other law to the contrary, any minor who served in  
8 the active armed forces of the United States at any time after August 27, 1940, and  
9 the ~~husband or wife~~ spouse of such a minor may execute, in his or her own right, notes  
10 or mortgages, as defined in s. 851.15, the payment of which is guaranteed or insured  
11 by the U.S. department of veterans affairs or the federal housing administrator  
12 under the servicemen's readjustment act of 1944, the national housing act, or any  
13 acts supplementing or amending these acts. In connection with these transactions,  
14 the minors may sell, release, or convey the mortgaged property and litigate or settle  
15 controversies arising therefrom, including the execution of releases, deeds, and other  
16 necessary papers or instruments. The notes, mortgages, releases, deeds, and other  
17 necessary papers or instruments when so executed are not subject to avoidance by  
18 the minor or the ~~husband or wife~~ spouse of the minor upon either or both of them  
19 attaining the age of 18 because of the minority of either or both of them at the time  
20 of the execution thereof.

21           **SECTION 13.** 46.03 (34) of the statutes is amended to read:

22           **46.03 (34) FETAL ALCOHOL SYNDROME AND DRUG DANGER INFORMATION.** The  
23 department shall acquire, without cost if possible, information that describes the  
24 causes and effects of fetal alcohol syndrome and the dangers to a fetus from the  
25 ~~mother's~~ use of cocaine or other drugs by the pregnant person during pregnancy and

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1 shall distribute the information free of charge to each county clerk so that each  
2 county clerk may provide information to marriage license applicants under s. 765.12  
3 (1) (a) and domestic partnership applicants under s. 770.07 (2).

4 **SECTION 14.** 46.10 (2) of the statutes is amended to read:

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

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1 services, and supplies in accordance with the fee schedule established by the  
2 department under s. 46.03 (18). If a spouse, ~~widow~~ surviving spouse, or minor, or an  
3 incapacitated person may be lawfully dependent upon the property for their support,  
4 the court shall release all or such part of the property and estate from the charges  
5 that may be necessary to provide for those persons. The department shall make  
6 every reasonable effort to notify the liable persons as soon as possible after the  
7 beginning of the maintenance, but the notice or the receipt thereof is not a condition  
8 of liability.

9 **SECTION 15.** 46.238 of the statutes is amended to read:

10 **46.238 ~~Infants and Infant or unborn children whose mothers abuse~~**  
11 **child of a person who has abused controlled substances, controlled**  
12 **substance analogs, or alcohol during pregnancy.** If an agency, as defined in s.  
13 48.981 (1) (ag), receives a report under s. 146.0255 (2) or 146.0257 (2) and that agency  
14 is a county department under s. 46.22 or 46.23 or a licensed child welfare agency  
15 under contract with that county department, the agency shall offer to provide  
16 appropriate services and treatment to the infant and the ~~infant's mother~~ person who  
17 gave birth to the infant or to the unborn child, as defined in s. 48.02 (19), and the  
18 ~~expectant mother of~~ person pregnant with the unborn child or the agency shall make  
19 arrangements for the provision of appropriate services and treatment. If an agency  
20 receives a report under s. 146.0255 (2) or 146.0257 (2) and that agency is the  
21 department or a licensed child welfare agency under contract with the department,  
22 the agency shall refer the report to the county department under s. 51.42 or 51.437  
23 and that county department shall offer to provide, or make arrangements for the  
24 provision of, those services and that treatment.

25 **SECTION 16.** 48.02 (5k) of the statutes is created to read:

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1           48.02 (5k) “Expectant parent” means a person who is pregnant.

2           **SECTION 17.** 48.02 (13) of the statutes is amended to read:

3           48.02 (13) “Parent” means a ~~biological~~ natural parent, a ~~husband~~ spouse who  
4 has consented to the artificial insemination of his ~~wife~~ or her spouse under s. 891.40,  
5 or a parent by adoption. If the child is a nonmarital child who is not adopted or whose  
6 parents do not subsequently intermarry under s. 767.803, “parent” includes a person  
7 conclusively determined from genetic test results to be the ~~father~~ parent under s.  
8 767.804 ~~or~~, a person acknowledged under s. 767.805 or a substantially similar law  
9 of another state to be a natural parent, or a person adjudicated to be ~~the biological~~  
10 ~~father~~ a natural parent. “Parent” does not include any person whose parental rights  
11 have been terminated. For purposes of the application of s. 48.028 and the federal  
12 Indian Child Welfare Act, 25 USC 1901 to 1963, “parent” means a ~~biological~~ natural  
13 parent of an Indian child, an Indian ~~husband~~ spouse who has consented to the  
14 artificial insemination of his ~~wife~~ or her spouse under s. 891.40, or an Indian person  
15 who has lawfully adopted an Indian child, including an adoption under tribal law or  
16 custom, and includes, in the case of a nonmarital Indian child who is not adopted or  
17 whose parents do not subsequently intermarry under s. 767.803, a person  
18 conclusively determined from genetic test results to be the ~~father~~ parent under s.  
19 767.804, a person acknowledged under s. 767.805, a substantially similar law of  
20 another state, or tribal law or custom to be the ~~biological father~~ natural parent, or  
21 a person adjudicated to be the ~~biological father~~ natural parent, but does not include  
22 any person whose parental rights have been terminated.

23           **SECTION 18.** 48.025 (title) of the statutes is amended to read:

24           **48.025** (title) **Declaration of paternal parental interest in matters**  
25 **affecting children.**

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1           **SECTION 19.** 48.025 (1) of the statutes is amended to read:

2           48.025 (1) Any person claiming to be the father parent of a nonmarital child  
3 who is not adopted or whose parents do not subsequently intermarry under s.  
4 767.803 and whose paternity parentage has not been established may, in accordance  
5 with procedures under this section, file with the department a declaration of his  
6 parental interest in matters affecting the child. The department may not charge a  
7 fee for filing a declaration under this section.

8           **SECTION 20.** 48.025 (2) (a) of the statutes is amended to read:

9           48.025 (2) (a) A declaration under sub. (1) may be filed at any time before a  
10 termination of the father's a person's parental rights under subch. VIII. This  
11 paragraph does not apply to a declaration that is filed on or after July 1, 2006.

12           **SECTION 21.** 48.025 (2) (b) of the statutes is amended to read:

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

18           **SECTION 22.** 48.025 (2) (c) of the statutes is amended to read:

19           48.025 (2) (c) The declaration shall be in writing, shall be signed and verified  
20 upon oath or affirmation by the person filing the declaration, and shall contain the  
21 person's name and address, the name and last-known address of the ~~mother~~ parent  
22 who gave birth or expectant parent, the month and year of the birth or expected birth  
23 of the child, and a statement that the person filing the declaration has reason to  
24 believe that he or she may be the father parent of the child. If the person filing the

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1 declaration is under 18 years of age, the declaration shall also be signed by a parent  
2 or guardian of the person.

3 **SECTION 23.** 48.025 (2) (d) of the statutes is amended to read:

4 48.025 (2) (d) A person who has filed a declaration under sub. (1) may revoke  
5 the declaration at any time by filing with the department a statement, signed and  
6 verified upon oath or affirmation, that the person, to the best of his the person's  
7 knowledge and belief, is not the father parent of the child or that another person has  
8 been adjudicated as the father parent of the child. If the person filing the revocation  
9 is under 18 years of age, the revocation shall also be signed by a parent or guardian  
10 of the person.

11 **SECTION 24.** 48.025 (3) (b) of the statutes is amended to read:

12 48.025 (3) (b) A copy of a declaration filed with the department under sub. (1)  
13 shall be sent to the ~~mother at her~~ last-known address of the expectant parent or the  
14 person who gave birth. Nonreceipt of such copy shall not affect the validity of the  
15 declaration. The ~~mother~~ expectant parent or the person who gave birth may send  
16 a written response to the declaration to the department, and the written response  
17 shall be filed with the declaration. Failure to send a written response shall not  
18 constitute an admission of the statements contained in the declaration.

19 **SECTION 25.** 48.025 (3) (c) of the statutes is amended to read:

20 48.025 (3) (c) A court in a proceeding under s. 48.13, 48.133, 48.14, or 938.13  
21 or under a substantially similar law of another state or a person authorized to file  
22 a petition under s. 48.25, 48.42, 48.837, or 938.25 or under a substantially similar  
23 law of another state may request the department to search its files to determine  
24 whether a person who may be the father parent of the child who is the subject of the  
25 proceeding has filed a declaration under this section. If the department has on file

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1 a declaration of ~~paternal~~ parental interest in matters affecting the child, the  
2 department shall issue to the requester a copy of the declaration. If the department  
3 does not have on file a declaration of ~~paternal~~ parental interest in matters affecting  
4 the child, the department shall issue to the requester a statement that no declaration  
5 could be located. The department may require a person who requests a search under  
6 this paragraph to pay a reasonable fee that is sufficient to defray the costs to the  
7 department of maintaining its file of declarations and publicizing information  
8 relating to declarations of ~~paternal~~ parental interest under this section.

9 **SECTION 26.** 48.025 (5) (a) 1. of the statutes is amended to read:

10 48.025 (5) (a) 1. That a person claiming to be the ~~father~~ parent of a nonmarital  
11 child may affirmatively protect his or her parental rights by filing a declaration of  
12 interest under this section.

13 **SECTION 27.** 48.19 (1) (cm) of the statutes is amended to read:

14 48.19 (1) (cm) An order of the judge if made upon a showing satisfactory to the  
15 judge that the child is an expectant ~~mother~~ parent, that due to the child expectant  
16 ~~mother's~~ parent's habitual lack of self-control in the use of alcohol beverages,  
17 controlled substances or controlled substance analogs, exhibited to a severe degree,  
18 there is a substantial risk that the physical health of the unborn child, and of the  
19 child when born, will be seriously affected or endangered unless the child expectant  
20 ~~mother~~ parent is taken into custody and that the child expectant ~~mother~~ parent is  
21 refusing or has refused to accept any alcohol or other drug abuse services offered to  
22 ~~her~~ or is not making or has not made a good faith effort to participate in any alcohol  
23 or other drug abuse services offered to ~~her~~. The order shall specify that the child  
24 expectant ~~mother~~ parent be held in custody under s. 48.207 (1).

25 **SECTION 28.** 48.193 (1) (c) of the statutes is amended to read:

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1           48.193 (1) (c) An order of the judge if made upon a showing satisfactory to the  
2 judge that due to the adult expectant ~~mother's~~ parent's habitual lack of self-control  
3 in the use of alcohol beverages, controlled substances or controlled substance  
4 analogs, exhibited to a severe degree, there is a substantial risk that the physical  
5 health of the unborn child, and of the child when born, will be seriously affected or  
6 endangered unless the adult expectant ~~mother~~ parent is taken into custody and that  
7 the adult expectant ~~mother~~ parent is refusing or has refused to accept any alcohol  
8 or other drug abuse services offered to her or is not making or has not made a good  
9 faith effort to participate in any alcohol or other drug abuse services offered to her.  
10 The order shall specify that the adult expectant ~~mother~~ parent be held in custody  
11 under s. 48.207 (1m).

12           **SECTION 29.** 48.20 (8) (b) of the statutes is amended to read:

13           48.20 (8) (b) If the child is an expectant ~~mother~~ parent who has been taken into  
14 custody under s. 48.19 (1) (cm) or (d) 8., the ~~unborn child's guardian ad litem shall~~  
15 ~~receive the same notice about the whereabouts of the child expectant mother, about~~  
16 ~~the reasons for holding the child expectant mother in custody, and about the~~  
17 ~~detention hearing as the child expectant mother and her parent, guardian, legal~~  
18 ~~custodian, or Indian custodian. The intake worker shall notify~~ provide the notice  
19 under par. (a) to the child expectant ~~mother~~ parent, her the child expectant parent's  
20 parent, guardian, legal custodian, or Indian custodian, and the unborn child's  
21 guardian ad litem.

22           **SECTION 30.** 48.203 (4) of the statutes is amended to read:

23           48.203 (4) If the adult expectant ~~mother~~ parent is believed to be mentally ill,  
24 drug dependent or developmentally disabled, and exhibits conduct which constitutes  
25 a substantial probability of physical harm to herself or others any person, or a



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1 substantial probability of physical impairment or injury to the adult expectant  
2 ~~mother~~ parent exists due to the impaired judgment of the adult expectant ~~mother~~  
3 parent, and the standards of s. 51.15 are met, the person taking the adult expectant  
4 ~~mother~~ parent into physical custody, the intake worker, or other appropriate person  
5 shall proceed under s. 51.15.

6 **SECTION 31.** 48.203 (5) of the statutes is amended to read:

7 48.203 (5) If the adult expectant ~~mother~~ parent is believed to be an intoxicated  
8 person who has threatened, attempted, or inflicted physical harm on ~~herself or on~~  
9 ~~another~~ any person and is likely to inflict such physical harm unless committed, or  
10 is incapacitated by alcohol or another drug, the person taking the adult expectant  
11 ~~mother~~ parent into physical custody, the intake worker, or other appropriate person  
12 shall proceed under s. 51.45 (11).

13 **SECTION 32.** 48.203 (6) (a) of the statutes is amended to read:

14 48.203 (6) (a) When an adult expectant ~~mother~~ parent is interviewed by an  
15 intake worker, the intake worker shall inform the adult expectant ~~mother~~ parent of  
16 ~~her~~ the expectant parent's right to counsel.

17 **SECTION 33.** 48.205 (1) (d) of the statutes is amended to read:

18 48.205 (1) (d) Probable cause exists to believe that the child is an expectant  
19 ~~mother~~ parent, that if the child expectant ~~mother~~ parent is not held, there is a  
20 substantial risk that the physical health of the unborn child, and of the child when  
21 born, will be seriously affected or endangered by the child expectant ~~mother's~~  
22 parent's habitual lack of self-control in the use of alcohol beverages, controlled  
23 substances or controlled substance analogs, exhibited to a severe degree, and that  
24 the child expectant ~~mother~~ parent is refusing or has refused to accept any alcohol or

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1 other drug abuse services offered to her or is not making or has not made a good faith  
2 effort to participate in any alcohol or other drug abuse services offered to her.

3 **SECTION 34.** 48.205 (1m) of the statutes is amended to read:

4 48.205 (1m) An adult expectant ~~mother~~ parent of an unborn child may be held  
5 under s. 48.207 (1m) if the intake worker determines that there is probable cause to  
6 believe that the adult expectant ~~mother~~ parent is within the jurisdiction of the court,  
7 to believe that if the adult expectant ~~mother~~ parent is not held, there is a substantial  
8 risk that the physical health of the unborn child, and of the child when born, will be  
9 seriously affected or endangered by the adult expectant ~~mother's~~ parent's habitual  
10 lack of self-control in the use of alcohol beverages, controlled substances or  
11 controlled substance analogs, exhibited to a severe degree, and to believe that the  
12 adult expectant ~~mother~~ parent is refusing or has refused to accept any alcohol or  
13 other drug abuse services offered to her or is not making or has not made a good faith  
14 effort to participate in any alcohol or other drug abuse services offered to her.

15 **SECTION 35.** 48.21 (1) (b) 4. of the statutes is amended to read:

16 48.21 (1) (b) 4. That, if the child is an expectant ~~mother~~ parent who was taken  
17 into custody under s. 48.19 (1) (cm) or (d) 8., probable cause exists to believe that  
18 there is a substantial risk that if the child expectant ~~mother~~ parent is not held, the  
19 physical health of the unborn child, and of the child when born, will be seriously  
20 affected or endangered by the child expectant ~~mother's~~ parent's habitual lack of  
21 self-control in the use of alcohol beverages, controlled substances, or controlled  
22 substance analogs, exhibited to a severe degree, and to believe that the child  
23 expectant ~~mother~~ parent is refusing or has refused to accept any alcohol or other drug  
24 abuse services offered to her or is not making or has not made a good faith effort to  
25 participate in any alcohol or other drug abuse services offered to her.

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1           **SECTION 36.** 48.213 (1) (b) of the statutes is amended to read:

2           48.213 (1) (b) If no petition has been filed by the time of the hearing, an adult  
3 expectant ~~mother~~ parent of an unborn child may be held in custody with the approval  
4 of the judge or circuit court commissioner for an additional 72 hours after the time  
5 of the hearing, excluding Saturdays, Sundays and legal holidays, only if, as a result  
6 of the facts brought forth at the hearing, the judge or circuit court commissioner  
7 determines that probable cause exists to believe that there is a substantial risk that  
8 if the adult expectant ~~mother~~ parent is not held, the physical health of the unborn  
9 child, and of the child when born, will be seriously affected or endangered by the  
10 adult expectant ~~mother's~~ parent's habitual lack of self-control in the use of alcohol  
11 beverages, controlled substances or controlled substance analogs, exhibited to a  
12 severe degree, and to believe that the adult expectant ~~mother~~ parent is refusing or  
13 has refused to accept any alcohol or other drug abuse services offered to ~~her~~ or is not  
14 making or has not made a good faith effort to participate in any alcohol or other drug  
15 abuse services offered to ~~her~~. The extension may be granted only once for any  
16 petition. In the event of failure to file a petition within the extension period provided  
17 for in this paragraph, the judge or circuit court commissioner shall order the adult  
18 expectant ~~mother's~~ parent's immediate release from custody.

19           **SECTION 37.** 48.217 (1) (c) 2. of the statutes is amended to read:

20           48.217 (1) (c) 2. By the child expectant ~~mother~~ parent, if 12 years of age or over,  
21 ~~her~~ the child expectant parent's parent, guardian, legal custodian, or Indian  
22 custodian, and the unborn child's guardian ad litem.

23           **SECTION 38.** 48.217 (4) of the statutes is amended to read:

24           48.217 (4) ~~EXPECTANT MOTHER PARENT; PLACEMENT OUTSIDE THE HOME.~~ The court  
25 may not change the placement of an expectant ~~mother~~ parent of an unborn child

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1 alleged to be in need of protection or services from a placement in the expectant  
2 ~~mother's~~ parent's home to a placement outside of the expectant ~~mother's~~ parent's  
3 home unless the court finds that the expectant ~~mother~~ parent is refusing or has  
4 refused to accept any alcohol or other drug abuse services offered to her or is not  
5 making or has not made a good faith effort to participate in any alcohol or other drug  
6 abuse services offered to her.

7 **SECTION 39.** 48.23 (2m) (b) of the statutes is amended to read:

8 48.23 (2m) (b) If a petition under s. 48.133 is contested, no expectant ~~mother~~  
9 parent may be placed outside of her ~~the expectant~~ parent's home unless the expectant  
10 ~~mother~~ parent is represented by counsel at the fact-finding hearing and subsequent  
11 proceedings. If the petition is not contested, the expectant ~~mother~~ parent may not  
12 be placed outside of his or her home unless the expectant ~~mother~~ parent is  
13 represented by counsel at the hearing at which the placement is made. An adult  
14 expectant ~~mother~~ parent, however, may waive counsel if the court is satisfied that  
15 the waiver is knowingly and voluntarily made and the court may place the adult  
16 expectant ~~mother~~ parent outside of her ~~the expectant~~ parent's home even though the  
17 adult expectant ~~mother~~ parent was not represented by counsel.

18 **SECTION 40.** 48.245 (2r) of the statutes is amended to read:

19 48.245 (2r) The intake worker may, after giving written notice to the child, the  
20 child's parent, guardian, and legal custodian, and their counsel, if any, or after giving  
21 written notice to the child expectant ~~mother~~, her parent, ~~the child expectant~~ parent's  
22 parent, guardian, and legal custodian, and their counsel, if any, or after giving  
23 written notice to the adult expectant ~~mother~~ parent and her ~~the adult expectant~~  
24 parent's counsel, if any, extend the informal disposition for up to an additional 6  
25 months unless the parent, guardian, or legal custodian, the child or child expectant

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1 ~~mother parent~~, if 12 years of age or over, or the adult expectant ~~mother parent~~ objects  
2 to the extension. If the parent, guardian, or legal custodian, the child or child  
3 expectant ~~mother parent~~, if 12 years of age or over, or the adult expectant ~~mother~~  
4 ~~parent~~ objects to the extension, the intake worker may request the district attorney  
5 or corporation counsel to file a petition under s. 48.13 or 48.133. An extension under  
6 this subsection may be granted only once for any informal disposition. An extension  
7 under this subsection of an informal disposition relating to an unborn child who is  
8 alleged to be in need of protection or services may be granted after the child is born.

9 **SECTION 41.** 48.245 (3) of the statutes is amended to read:

10 48.245 (3) The obligations imposed under an informal disposition and its  
11 effective date shall be set forth in writing. The written agreement shall state  
12 whether the child has been adopted. The child and a parent, guardian, and legal  
13 custodian; the child expectant ~~mother~~, her parent, the child expectant parent's  
14 parent, guardian, and legal custodian, and the unborn child's guardian ad litem; or  
15 the adult expectant ~~mother parent~~ and the unborn child's guardian ad litem, shall  
16 receive a copy, as shall any agency providing services under the agreement.

17 **SECTION 42.** 48.245 (4) of the statutes is amended to read:

18 48.245 (4) The intake worker shall inform the child, if 12 years of age or over,  
19 and the child's parent, guardian, and legal custodian, the child expectant ~~mother~~  
20 ~~parent~~, if 12 years of age or over, and her the child expectant parent's parent,  
21 guardian, and legal custodian, or the adult expectant ~~mother parent~~ in writing of  
22 their right to terminate the informal disposition at any time or object at any time to  
23 the fact or terms of the informal disposition. If there is an objection, the intake  
24 worker may alter the terms of the agreement or request the district attorney or  
25 corporation counsel to file a petition. If the informal disposition is terminated, the

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1 intake worker may request the district attorney or corporation counsel to file a  
2 petition.

3 **SECTION 43.** 48.245 (5) of the statutes is amended to read:

4 48.245 (5) Informal disposition shall be terminated upon the request of the  
5 child, if 12 years of age or over, or the child's parent, guardian, or legal custodian,  
6 upon request of the child expectant ~~mother~~ parent, if 12 years of age or over, or ~~her~~  
7 the child expectant parent's parent, guardian, or legal custodian, or upon the request  
8 of the adult expectant ~~mother~~ parent.

9 **SECTION 44.** 48.245 (8) of the statutes is amended to read:

10 48.245 (8) If the obligations imposed under the informal disposition are met,  
11 the intake worker shall so inform the child and a parent, guardian, and legal  
12 custodian; the child expectant ~~mother~~, ~~her~~ parent, the child expectant parent's  
13 parent, guardian, and legal custodian, and the unborn child's guardian ad litem; or  
14 the adult expectant ~~mother~~ parent and the unborn child's guardian ad litem, in  
15 writing, and no petition may be filed on the charges that brought about the informal  
16 disposition nor may the charges be the sole basis for a petition under ss. 48.13 to  
17 48.14.

18 **SECTION 45.** 48.255 (1m) (f) of the statutes is amended to read:

19 48.255 (1m) (f) If the expectant ~~mother~~ parent is a child and ~~the child expectant~~  
20 ~~mother~~ is being held in custody outside of ~~her~~ the child expectant parent's home,  
21 reliable and credible information showing that continued placement of the child  
22 expectant ~~mother~~ parent in ~~her~~ the child expectant parent's home would be contrary  
23 to the welfare of the child expectant ~~mother~~ parent and, unless any of the  
24 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies, reliable and credible  
25 information showing that the person who took the child expectant ~~mother~~ parent

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1 into custody and the intake worker have made reasonable efforts to prevent the  
2 removal of the child expectant ~~mother~~ parent from the home, while assuring that the  
3 child expectant ~~mother's~~ parent's health and safety are the paramount concerns, and  
4 to make it possible for the child expectant ~~mother~~ parent to return safely home.

5 **SECTION 46.** 48.255 (1m) (g) of the statutes is amended to read:

6 48.255 (1m) (g) If the petitioner knows or has reason to know that the expectant  
7 ~~mother~~ parent is an Indian child, ~~and if the child expectant mother~~ who has been  
8 removed from the home of ~~her~~ the child expectant parent's parent or Indian  
9 custodian, reliable and credible information showing that continued custody of the  
10 child expectant ~~mother~~ parent by his or her parent or Indian custodian is likely to  
11 result in serious emotional or physical damage to the child expectant ~~mother~~ parent  
12 under s. 48.028 (4) (d) 1. and reliable and credible information showing that active  
13 efforts under s. 48.028 (4) (d) 2. have been made to prevent the breakup of the Indian  
14 child's family and that those efforts have proved unsuccessful. The petition shall set  
15 forth with specificity both the information required under this paragraph and the  
16 information required under par. (f).

17 **SECTION 47.** 48.255 (4) of the statutes is amended to read:

18 48.255 (4) A copy of a petition under sub. (1) shall be given to the child if the  
19 child is 12 years of age or over and to a parent, guardian, legal custodian, and  
20 physical custodian. A copy of a petition under sub. (1m) shall be given to the child  
21 expectant ~~mother~~ parent, if 12 years of age or over, ~~her~~ the child expectant parent's  
22 parent, guardian, legal custodian, and physical custodian, and the unborn child's  
23 guardian ad litem or to the adult expectant ~~mother~~ parent, the unborn child's  
24 guardian ad litem, and the physical custodian of the expectant ~~mother~~ parent, if any.  
25 If the child is an Indian child who has been removed from the home of his or her

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1 parent or Indian custodian or the unborn child will be an Indian child when born, a  
2 copy of a petition under sub. (1) or (1m) shall also be given to the Indian child's Indian  
3 custodian and tribe or the Indian tribe with which the unborn child may be eligible  
4 for affiliation when born.

5 **SECTION 48.** 48.27 (3) (b) 1. and 2. of the statutes are amended to read:

6 48.27 (3) (b) 1. Except as provided in subd. 2., if the petition that was filed  
7 relates to facts concerning a situation under s. 48.13 or a situation under s. 48.133  
8 involving an expectant ~~mother~~ parent who is a child and if the child is a nonmarital  
9 child who is not adopted or whose parents do not subsequently intermarry as  
10 provided under s. 767.803 and if ~~paternity~~ the child's parentage has not been  
11 established, the court shall notify, under s. 48.273, all of the following persons:

12 a. A person who has filed a declaration of ~~paternal~~ parental interest under s.  
13 48.025.

14 b. A person alleged to the court to be ~~the father~~ a parent of the child or who may,  
15 based on the statements of the ~~mother~~ parent who gave birth to the child or other  
16 information presented to the court, be ~~the father~~ a parent of the child.

17 2. A court is not required to provide notice, under subd. 1., to any person who  
18 may be the ~~father~~ parent of a child conceived as a result of a sexual assault if a  
19 physician attests to his or her belief that there was a sexual assault of the ~~child's~~  
20 mother person who gave birth that may have resulted in the child's conception.

21 **SECTION 49.** 48.27 (3) (c) of the statutes is amended to read:

22 48.27 (3) (c) If the petition that was filed relates to facts concerning a situation  
23 under s. 48.133 involving an expectant ~~mother~~ parent who is an adult, the court shall  
24 notify, under s. 48.273, the unborn child's guardian ad litem, the expectant ~~mother~~  
25 parent, the physical custodian of the expectant ~~mother~~ parent, if any, and any person



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1 specified in par. (d), if applicable, of all hearings involving the unborn child and  
2 expectant ~~mother~~ parent except hearings on motions for which notice need only be  
3 provided to the expectant ~~mother~~ parent and ~~her~~ the expectant parent's counsel and  
4 the unborn child's guardian ad litem. The first notice to any interested party shall  
5 be written and may have a copy of the petition attached to it. Thereafter, notice of  
6 hearings may be given by telephone at least 72 hours before the time of the hearing.  
7 The person giving telephone notice shall place in the case file a signed statement of  
8 the time notice was given and the person to whom he or she spoke.

9 **SECTION 50.** 48.27 (4) (b) 2. of the statutes is amended to read:

10 48.27 (4) (b) 2. Advise the adult expectant ~~mother~~ parent of ~~her~~ the expectant  
11 parent's right to legal counsel regardless of ability to pay.

12 **SECTION 51.** 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 conclusively determined from genetic test  
16 results to be the ~~father~~ parent under s. 767.804 (1), any person who has  
17 acknowledged ~~paternity~~ parentage of the child under s. 767.805 (1), and any person  
18 who has been adjudged to be the ~~father~~ parent of the child in a judicial proceeding  
19 unless the person's parental rights have been terminated.

20 **SECTION 52.** 48.295 (1) of the statutes is amended to read:

21 48.295 (1) After the filing of a petition and upon a finding by the court that  
22 reasonable cause exists to warrant a physical, psychological, mental, or  
23 developmental examination or an alcohol and other drug abuse assessment that  
24 conforms to the criteria specified under s. 48.547 (4), the court may order any child  
25 coming within its jurisdiction to be examined as an outpatient by personnel in an

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1 approved treatment facility for alcohol and other drug abuse, by a physician,  
2 psychiatrist or licensed psychologist, or by another expert appointed by the court  
3 holding at least a master's degree in social work or another related field of child  
4 development, in order that the child's physical, psychological, alcohol or other drug  
5 dependency, mental, or developmental condition may be considered. The court may  
6 also order a physical, psychological, mental, or developmental examination or an  
7 alcohol and other drug abuse assessment that conforms to the criteria specified  
8 under s. 48.547 (4) of a parent, guardian, or legal custodian whose ability to care for  
9 a child is at issue before the court or of an expectant ~~mother~~ parent whose ability to  
10 ~~control her~~ use of alcohol beverages, controlled substances, or controlled substance  
11 analogs is at issue before the court. The court shall hear any objections by the child  
12 or the child's parents, guardian, or legal custodian to the request for such an  
13 examination or assessment before ordering the examination or assessment. The  
14 expenses of an examination, if approved by the court, shall be paid by the county of  
15 the court ordering the examination in a county having a population of less than  
16 750,000 or by the department in a county having a population of 750,000 or more.  
17 The payment for an alcohol and other drug abuse assessment shall be in accordance  
18 with s. 48.361.

19 **SECTION 53.** 48.299 (1) (a) of the statutes is amended to read:

20 48.299 (1) (a) The general public shall be excluded from hearings under this  
21 chapter and from hearings by courts exercising jurisdiction under s. 48.16 unless a  
22 public fact-finding hearing is demanded by a child through ~~his or her~~ counsel, by an  
23 expectant ~~mother~~ parent through ~~her~~ counsel, or by an unborn child's guardian ad  
24 litem. However, the court shall refuse to grant the public hearing in a proceeding

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1 other than a proceeding under s. 48.375 (7), if a parent, guardian, expectant ~~mother~~  
2 parent, or unborn child's guardian ad litem objects.

3 **SECTION 54.** 48.299 (6) (intro.) of the statutes is amended to read:

4 48.299 (6) (intro.) If a ~~man~~ person who has been given notice under s. 48.27 (3)  
5 (b) 1., 48.977 (4) (c) 1., 48.978 (2) (c) 1., or 48.9795 (4) (c) 1. appears at any hearing  
6 for which he ~~the person~~ received the notice, alleges that ~~he is the father to be the~~  
7 parent of the child, and states that he wishes requests to establish the paternity of  
8 ~~the child~~ child's parentage, all of the following apply:

9 **SECTION 55.** 48.299 (6) (e) 1. of the statutes is amended to read:

10 48.299 (6) (e) 1. In this paragraph, "genetic test" means a test that examines  
11 genetic markers present on blood cells, skin cells, tissue cells, bodily fluid cells or  
12 cells of another body material for the purpose of determining the statistical  
13 probability that a ~~man~~ person who is alleged to be a child's ~~father~~ parent is the child's  
14 biological ~~father~~ parent.

15 **SECTION 56.** 48.299 (6) (e) 2. of the statutes is amended to read:

16 48.299 (6) (e) 2. The court shall, at the hearing, orally inform any ~~man~~ person  
17 specified in sub. (6) (intro.) that he or she may be required to pay for any testing  
18 ordered by the court under this paragraph or under s. 885.23.

19 **SECTION 57.** 48.299 (6) (e) 3. of the statutes is amended to read:

20 48.299 (6) (e) 3. In addition to ordering testing as provided under s. 885.23, if  
21 the court determines that it would be in the best interests of the child, the court may  
22 order any ~~man~~ person specified in sub. (6) (intro.) to submit to one or more genetic  
23 tests which shall be performed by an expert qualified as an examiner of genetic  
24 markers present on the cells and of the specific body material to be used for the tests,  
25 as appointed by the court. A report completed and certified by the court-appointed

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1 expert stating genetic test results and the statistical probability that the man person  
2 alleged to be the child's father parent is the child's biological father parent based  
3 upon the genetic tests is admissible as evidence without expert testimony and may  
4 be entered into the record at any hearing. The court, upon request by a party, may  
5 order that independent tests be performed by other experts qualified as examiners  
6 of genetic markers present on the cells of the specific body materials to be used for  
7 the tests.

8 **SECTION 58.** 48.299 (6) (e) 4. of the statutes is amended to read:

9 48.299 (6) (e) 4. If the genetic tests show that an alleged father parent is not  
10 excluded and that the statistical probability that the alleged father parent is the  
11 child's biological father parent is 99.0 percent or higher, the court may determine  
12 that for purposes of a proceeding under this chapter, other than a proceeding under  
13 subch. VIII, the man person is the child's biological parent.

14 **SECTION 59.** 48.299 (7) of the statutes is amended to read:

15 48.299 (7) If a man person who has been given notice under s. 48.27 (3) (b) 1.,  
16 48.977 (4) (c) 1., 48.978 (2) (c) 1., or 48.9795 (4) (c) 1. appears at any hearing for which  
17 ~~he~~ the person received the notice but does not allege ~~that he is the father to be the~~  
18 parent of the child and ~~state that he wishes~~ states a wish to establish the paternity  
19 parentage of the child, or if no man person to whom such notice was given appears  
20 at a hearing, the court may refer the matter to the state or to the attorney responsible  
21 for support enforcement under s. 59.53 (6) (a) for a determination, under s. 767.80,  
22 of whether an action should be brought for the purpose of determining the paternity  
23 parentage of the child.

24 **SECTION 60.** 48.299 (8) of the statutes is amended to read:

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1           48.299 (8) As part of the proceedings under this chapter, the court may order  
2           that a record be made of any testimony of the ~~child's mother~~ person who gave birth  
3           to the child relating to the child's ~~paternity~~ parentage. A record made under this  
4           subsection is admissible in a proceeding to determine the child's ~~paternity~~ parentage  
5           under subch. IX of ch. 767.

6           **SECTION 61.** 48.30 (2) of the statutes is amended to read:

7           48.30 (2) At the commencement of the hearing under this section, the child and  
8           the parent, guardian, legal custodian, or Indian custodian; the child expectant  
9           ~~mother, her parent, the child expectant parent's~~ parent, guardian, legal custodian,  
10          or Indian custodian, and the unborn child's guardian ad litem; or the adult expectant  
11          ~~mother parent~~ parent and the unborn child's guardian ad litem; shall be advised of the  
12          rights specified in s. 48.243 and shall be informed that a request for a jury trial or  
13          for a substitution of judge under s. 48.29 must be made before the end of the plea  
14          hearing or is waived. Nonpetitioning parties, including the child, shall be granted  
15          a continuance of the plea hearing if they wish to consult with an attorney on the  
16          request for a jury trial or substitution of a judge.

17          **SECTION 62.** 48.32 (1) (a) of the statutes is amended to read:

18          48.32 (1) (a) At any time after the filing of a petition for a proceeding relating  
19          to s. 48.13 or 48.133 and before the entry of judgment, the judge or a circuit court  
20          commissioner may suspend the proceedings and place the child or expectant ~~mother~~  
21          parent under supervision in the home or present placement of the child or expectant  
22          ~~mother parent~~ parent. The court may establish terms and conditions applicable to the child  
23          and the child's parent, guardian, or legal custodian, to the child expectant ~~mother~~  
24          parent and ~~her~~ the child expectant parent's parent, guardian or legal custodian, or  
25          to the adult expectant ~~mother parent~~ parent, including the condition specified in sub. (1b).

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1 The order under this section shall be known as a consent decree and must be agreed  
2 to by the child if 12 years of age or older, the parent, guardian, or legal custodian, and  
3 the person filing the petition under s. 48.25; by the child expectant ~~mother~~ parent,  
4 ~~her~~ the child expectant parent's parent, guardian, or legal custodian, the unborn  
5 child's guardian ad litem, and the person filing the petition under s. 48.25; or by the  
6 adult expectant ~~mother~~ parent, the unborn child's guardian ad litem, and the person  
7 filing the petition under s. 48.25. The consent decree shall be reduced to writing and  
8 given to the parties.

9 **SECTION 63.** 48.33 (2) of the statutes is amended to read:

10 48.33 (2) HOME PLACEMENT REPORTS. A report recommending that the child  
11 ~~remain in his or her home~~ or that the expectant ~~mother~~ parent remain in his or her  
12 home may be presented orally at the dispositional hearing if all parties consent. A  
13 report that is presented orally shall be transcribed and made a part of the court  
14 record.

15 **SECTION 64.** 48.33 (4) (intro.) of the statutes is amended to read:

16 48.33 (4) OTHER OUT-OF-HOME PLACEMENTS. (intro.) A report recommending  
17 placement of an adult expectant ~~mother~~ parent outside of ~~her~~ the expectant parent's  
18 home shall be in writing. A report recommending placement of a child in a foster  
19 home, group home, or residential care center for children and youth, in the home of  
20 a relative other than a parent, in the home of a guardian under s. 48.977 (2), or in  
21 a supervised independent living arrangement shall be in writing and shall include  
22 all of the following:

23 **SECTION 65.** 48.345 (intro.) of the statutes is amended to read:

24 **48.345 Disposition of child or unborn child of child expectant ~~mother~~**  
25 **parent adjudged in need of protection or services.** (intro.) If the judge finds

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1 that the child is in need of protection or services or that the unborn child of a child  
2 expectant ~~mother~~ parent is in need of protection or services, the judge shall enter an  
3 order deciding one or more of the dispositions of the case as provided in this section  
4 under a care and treatment plan, except that the order may not place any child not  
5 specifically found under chs. 46, 49, 51, 54, or 115 to be developmentally disabled,  
6 mentally ill, or to have a disability specified in s. 115.76 (5) in facilities that  
7 exclusively treat those categories of children, and the court may not place any child  
8 expectant ~~mother~~ parent of an unborn child in need of protection or services outside  
9 of the child expectant ~~mother's~~ parent's home unless the court finds that the child  
10 expectant ~~mother~~ parent is refusing or has refused to accept any alcohol or other drug  
11 abuse services offered to ~~her~~ or is not making or has not made a good faith effort to  
12 participate in any alcohol or other drug abuse services offered to ~~her~~. The  
13 dispositions under this section are as follows:

14 **SECTION 66.** 48.345 (14) (a) of the statutes is amended to read:

15 48.345 (14) (a) If, based on an evaluation under s. 48.295 and the report under  
16 s. 48.33, the judge finds that the child expectant ~~mother~~ parent of an unborn child  
17 in need of protection or services is in need of inpatient treatment for ~~her~~ a habitual  
18 lack of self-control in the use of alcohol, controlled substances or controlled  
19 substance analogs, exhibited to a severe degree, that inpatient treatment is  
20 appropriate for the child expectant ~~mother's~~ parent's needs and that inpatient  
21 treatment is the least restrictive treatment consistent with the child expectant  
22 ~~mother's~~ parent's needs, the judge may order the child expectant ~~mother~~ parent to  
23 enter an inpatient alcohol or other drug abuse treatment program at an inpatient  
24 facility, as defined in s. 51.01 (10). The inpatient facility shall, under the terms of  
25 a service agreement between the inpatient facility and the county in a county having

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1 a population of less than 750,000 or the department in a county having a population  
2 of 750,000 or more, or with the written and informed consent of the child expectant  
3 ~~mother~~ parent or the child expectant ~~mother's~~ parent's parent if the child expectant  
4 ~~mother~~ parent has not attained the age of 12, report to the agency primarily  
5 responsible for providing services to the child expectant ~~mother~~ parent as to whether  
6 the child expectant ~~mother~~ parent is cooperating with the treatment and whether the  
7 treatment appears to be effective.

8 **SECTION 67.** 48.347 (intro.) of the statutes is amended to read:

9 **48.347 Disposition of unborn child of adult expectant ~~mother~~ parent**  
10 **adjudged in need of protection or services.** (intro.) If the judge finds that the  
11 unborn child of an adult expectant ~~mother~~ parent is in need of protection or services,  
12 the judge shall enter an order deciding one or more of the dispositions of the case as  
13 provided in this section under a care and treatment plan, except that the order may  
14 not place any adult expectant ~~mother~~ parent of an unborn child not specifically found  
15 under ch. 51, 54, or 55 to be developmentally disabled or mentally ill in a facility that  
16 exclusively treats those categories of individuals, and the court may not place any  
17 adult expectant ~~mother~~ parent of an unborn child in need of protection or services  
18 outside of the adult expectant ~~mother's~~ parent's home unless the court finds that the  
19 adult expectant ~~mother~~ parent is refusing or has refused to accept any alcohol or  
20 other drug abuse services offered to her or is not making or has not made a good faith  
21 effort to participate in any alcohol or other drug abuse services offered to her. If the  
22 judge finds that the unborn child of a child expectant ~~mother~~ parent is in need of  
23 protection or services, the judge shall enter an order deciding one or more of the  
24 dispositions of the case as provided in s. 48.345 under a care and treatment plan. The  
25 dispositions under this section are as follows:



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1           **SECTION 68.** 48.347 (6) (a) of the statutes is amended to read:

2           48.347 **(6)** (a) If, based on an evaluation under s. 48.295 and the report under  
3 s. 48.33, the judge finds that the adult expectant ~~mother~~ parent is in need of inpatient  
4 treatment for her a habitual lack of self-control in the use of alcohol, controlled  
5 substances or controlled substance analogs, exhibited to a severe degree, that  
6 inpatient treatment is appropriate for the adult expectant ~~mother's~~ parent's needs  
7 and that inpatient treatment is the least restrictive treatment consistent with the  
8 adult expectant ~~mother's~~ parent's needs, the judge may order the adult expectant  
9 ~~mother~~ parent to enter an inpatient alcohol or other drug abuse treatment program  
10 at an inpatient facility, as defined in s. 51.01 (10). The inpatient facility shall, under  
11 the terms of a service agreement between the inpatient facility and the county in a  
12 county having a population of less than 750,000 or the department in a county having  
13 a population of 750,000 or more, or with the written and informed consent of the  
14 adult expectant ~~mother~~ parent, report to the agency primarily responsible for  
15 providing services to the adult expectant ~~mother~~ parent as to whether the adult  
16 expectant ~~mother~~ parent is cooperating with the treatment and whether the  
17 treatment appears to be effective.

18           **SECTION 69.** 48.355 (1) of the statutes is amended to read:

19           48.355 **(1)** INTENT. In any order under s. 48.345 or 48.347 the judge shall decide  
20 on a placement and treatment finding based on evidence submitted to the judge. The  
21 disposition shall employ those means necessary to maintain and protect the  
22 well-being of the child or unborn child which are the least restrictive of the rights  
23 of the parent and child, of the rights of the parent and child expectant ~~mother~~ parent  
24 or of the rights of the adult expectant ~~mother~~ parent, and which assure the care,  
25 treatment or rehabilitation of the child and the family, of the child expectant ~~mother~~

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1 parent, the unborn child and the family or of the adult expectant ~~mother~~ parent and  
2 the unborn child, consistent with the protection of the public. When appropriate,  
3 and, in cases of child abuse or neglect or unborn child abuse, when it is consistent  
4 with the best interest of the child or unborn child in terms of physical safety and  
5 physical health, the family unit shall be preserved and there shall be a policy of  
6 transferring custody of a child from the parent or of placing an expectant ~~mother~~  
7 parent outside of ~~her~~ the expectant parent's home only when there is no less drastic  
8 alternative. If there is no less drastic alternative for a child than transferring  
9 custody from the parent, the judge shall consider transferring custody to a relative  
10 whenever possible.

11 **SECTION 70.** 48.355 (2) (b) 2m. of the statutes is amended to read:

12 48.355 (2) (b) 2m. If the adult expectant ~~mother~~ parent is placed outside ~~her~~  
13 the expectant parent's home, the name of the place or facility, including transitional  
14 placements, where the expectant ~~mother~~ parent shall be treated.

15 **SECTION 71.** 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~~ parentage of the child  
20 under ch. 767, or the child is the subject of a pending independent action under s.  
21 767.41 or 767.43 to determine legal custody of the child or visitation rights with  
22 respect to the child.

23 **SECTION 72.** 48.356 (1) of the statutes is amended to read:

24 48.356 (1) Whenever the court orders a child to be placed outside ~~his or her~~ of  
25 the child's home, orders an expectant ~~mother~~ parent of an unborn child to be placed

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1 outside of ~~her~~ the expectant parent's home, or denies a parent visitation because the  
2 child or unborn child has been adjudged to be in need of protection or services under  
3 s. 48.345, 48.347, 48.357, 48.363, or 48.365 and whenever the court reviews a  
4 permanency plan under s. 48.38 (5m), the court shall orally inform the parent or  
5 parents who appear in court or the expectant ~~mother~~ parent who appears in court  
6 of any grounds for termination of parental rights under s. 48.415 which may be  
7 applicable and of the conditions necessary for the child or expectant ~~mother~~ parent  
8 to be returned to the home or for the parent to be granted visitation.

9 **SECTION 73.** 48.357 (1) (am) 2. b. of the statutes is amended to read:

10 48.357 (1) (am) 2. b. By the child expectant ~~mother~~ parent, if 12 years of age  
11 or over, ~~her~~ the child expectant parent's parent, guardian, legal custodian, or Indian  
12 custodian, the unborn child's guardian ad litem, and the child expectant ~~mother's~~  
13 parent's tribe, if ~~she~~ the child expectant parent is an Indian child who has been  
14 removed from the home of ~~her~~ a parent or Indian custodian.

15 **SECTION 74.** 48.357 (5r) of the statutes is amended to read:

16 48.357 (5r) ~~EXPECTANT MOTHER PARENT~~; PLACEMENT OUTSIDE THE HOME. The court  
17 may not change the placement of an expectant ~~mother~~ parent of an unborn child in  
18 need of protection or services from a placement in the expectant ~~mother's~~ parent's  
19 home to a placement outside of the expectant ~~mother's~~ parent's home unless the court  
20 finds that the expectant ~~mother~~ parent is refusing or has refused to accept any  
21 alcohol or other drug abuse services offered ~~to her~~ or is not making or has not made  
22 a good faith effort to participate in any alcohol or other drug abuse services ~~offered~~  
23 ~~to her~~.

24 **SECTION 75.** 48.361 (2) (a) 1m. of the statutes is amended to read:

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1           48.361 (2) (a) 1m. If an adult expectant ~~mother~~ parent neglects, refuses or is  
2 unable to obtain court-ordered alcohol and other drug abuse services ~~for herself~~  
3 through ~~her~~ health insurance or other 3rd-party payments, the judge may order the  
4 adult expectant ~~mother~~ parent to pay for the court-ordered alcohol and drug abuse  
5 services. If the adult expectant ~~mother~~ parent consents to obtain court-ordered  
6 alcohol and other drug abuse services ~~for herself~~ through ~~her~~ health insurance or  
7 other 3rd-party payments but the health insurance provider or other 3rd-party  
8 payer refuses to provide the court-ordered alcohol and other drug abuse services, the  
9 court may order the health insurance provider or 3rd-party payer to pay for the  
10 court-ordered alcohol and other drug abuse services in accordance with the terms  
11 of the adult expectant ~~mother's~~ parent's health insurance policy or other 3rd-party  
12 payment plan.

13           **SECTION 76.** 48.362 (3m) of the statutes is amended to read:

14           48.362 (3m) If an adult expectant ~~mother~~ parent neglects, refuses or is unable  
15 to obtain court-ordered special treatment or care ~~for herself~~ through ~~her~~ health  
16 insurance or other 3rd-party payments, the judge may order the adult expectant  
17 ~~mother~~ parent to pay for the court-ordered special treatment or care. If the adult  
18 expectant ~~mother~~ parent consents to obtain court-ordered special treatment or care  
19 ~~for herself~~ through ~~her~~ health insurance or other 3rd-party payments but the health  
20 insurance provider or other 3rd-party payer refuses to provide the court-ordered  
21 special treatment or care, the judge may order the health insurance provider or  
22 3rd-party payer to pay for the court-ordered special treatment or care in accordance  
23 with the terms of the adult expectant ~~mother's~~ parent's health insurance policy or  
24 other 3rd-party payment plan.

25           **SECTION 77.** 48.41 (2) (c) of the statutes is amended to read:

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1           48.41 (2) (c) A person who may be, but who has not been adjudicated as, the  
2     ~~father~~ parent of a nonmarital child may consent to the termination of any parental  
3     rights that ~~he~~ the person may have as provided in par. (a) or (b) or by signing a  
4     written, notarized statement which recites that ~~he~~ the person has been informed of  
5     and understands the effect of an order to terminate parental rights and that ~~he~~ the  
6     person voluntarily disclaims any rights that ~~he~~ the person may have to the child,  
7     including the right to notice of proceedings under this subchapter.

8           **SECTION 78.** 48.415 (6) (b) of the statutes is amended to read:

9           48.415 (6) (b) In this subsection, “substantial parental relationship” means the  
10    acceptance and exercise of significant responsibility for the daily supervision,  
11    education, protection and care of the child. In evaluating whether the person has had  
12    a substantial parental relationship with the child, the court may consider such  
13    factors, including, but not limited to, whether the person has expressed concern for  
14    or interest in the support, care or well-being of the child, whether the person has  
15    neglected or refused to provide care or support for the child and whether, with respect  
16    to a person who is or may be the ~~father~~ parent of the child, the person has expressed  
17    concern for or interest in the support, care or well-being during pregnancy of the  
18    ~~mother during her pregnancy~~ person who gave birth to the child.

19          **SECTION 79.** 48.415 (9) (a) and (b) of the statutes are amended to read:

20          48.415 (9) (a) Parenthood as a result of sexual assault, which shall be  
21    established by proving that the child was conceived as a result of a sexual assault in  
22    violation of s. 940.225 (1), (2), or (3), 948.02 (1) or (2), 948.025, or 948.085. Conception  
23    as a result of sexual assault as specified in this paragraph may be proved by a final  
24    judgment of conviction or other evidence produced at a fact-finding hearing under  
25    s. 48.424 indicating that the person who may be the ~~father~~ parent of the child

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1 committed, during a possible time of conception, a sexual assault as specified in this  
2 paragraph against the ~~mother of~~ person who gave birth to the child.

3 (b) If the conviction or other evidence specified in par. (a) indicates that the  
4 child was conceived as a result of a sexual assault in violation of s. 948.02 (1) or (2)  
5 or 948.085, the ~~mother of~~ person who gave birth to the child may be heard on ~~her the~~  
6 person's desire for the termination of the ~~father's~~ other parent's parental rights.

7 **SECTION 80.** 48.42 (1g) of the statutes is amended to read:

8 48.42 (1g) AFFIDAVIT. (a) Except as provided in par. (c), if the petition is filed  
9 by a person or agency other than the district attorney, corporation counsel, or other  
10 appropriate official under s. 48.09; if the petition seeks to terminate the parental  
11 rights of a person who may be the ~~father~~ parent of a nonmarital child who is under  
12 one year of age at the time the petition is filed, who is not adopted or whose parents  
13 do not subsequently intermarry under s. 767.803, and whose ~~paternity~~ parentage  
14 has not been established; and if the ~~mother of~~ person who gave birth to the child has  
15 voluntarily consented to or seeks to voluntarily consent to the termination of her  
16 parental rights to the child, the petitioner may file with the petition an affidavit  
17 signed by the ~~mother~~ person who gave birth that includes all of the following:

18 1. A statement that the ~~mother~~ person who gave birth to the child has  
19 voluntarily consented to or seeks to voluntarily consent to the termination of her  
20 parental rights to the child.

21 2. A statement acknowledging that the ~~mother~~ person who gave birth to the  
22 child has been asked to identify the ~~father~~ other natural parent of the child.

23 3. A statement that the ~~mother~~ person who gave birth to the child knows and  
24 is identifying the ~~father~~ other natural parent or that ~~she~~ the person who gave birth  
25 to the child does not know the identity of the ~~father~~ other natural parent.

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1           4. A statement identifying any ~~man~~ person who has lived in a familial  
2 relationship with the child and who may be the father natural parent of the child.

3           5. If the ~~mother person who gave birth to the child~~ states that she knows and  
4 ~~is identifying~~ identifies the father other natural parent of the child under subd. 3.  
5 or 4., the father's other natural parent's name, age, and last-known mailing address,  
6 and the last-known mailing address of the father's other natural parent's employer.

7           6. If the ~~mother person who gave birth to the child~~ states that she does not know  
8 the identity of the father other natural parent of the child, an explanation of why she  
9 ~~is unable to identify him~~ identification is not possible and a physical description of  
10 the father other natural parent of the child.

11           7. A statement that the ~~mother person who gave birth to the child~~ has been  
12 informed and understands that if he or she misidentifies the father, other natural  
13 parent of the child, he or she is permanently barred from attacking the termination  
14 of the father's or her either parent's parental rights on the basis that the father other  
15 natural parent of the child was not correctly identified.

16           8. A statement that the ~~mother person who gave birth to the child~~ understands  
17 that ~~she may be prosecuted under s. 946.32 (2) for false swearing if she makes~~  
18 making a false statement that he or she does not believe is true in the affidavit under  
19 this paragraph may result in prosecution under s. 946.32 (2) for false swearing.

20           9. A statement that the ~~mother person who gave birth to the child~~ has reviewed  
21 and understands the affidavit, the name of the person who explained the affidavit  
22 and the consequences of signing the affidavit to her the person who gave birth to the  
23 child, and a statement that the ~~mother person who gave birth to the child~~ is signing  
24 the affidavit voluntarily.

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

10 (c) If an affidavit under par. (a) is not filed with the petition, notice shall be  
11 given to an alleged father parent under sub. (2).

12 **SECTION 81.** 48.42 (2) (b) 1. of the statutes is amended to read:

13 48.42 (2) (b) 1. A person who has filed an unrevoked declaration of paternal  
14 parental interest under s. 48.025 before the birth of the child or within 14 days after  
15 the birth of the child.

16 **SECTION 82.** 48.42 (2) (b) 2. of the statutes is amended to read:

17 48.42 (2) (b) 2. ~~A~~ Any person ~~or persons~~ alleged to the court to be the father  
18 parent of the child or who may, based upon the statements of the ~~mother~~ person who  
19 gave birth to the child or other information presented to the court, be the father  
20 parent of the child unless that person has waived the right to notice under s. 48.41  
21 (2) (c).

22 **SECTION 83.** 48.42 (2) (bm) 1. of the statutes is amended to read:

23 48.42 (2) (bm) 1. A person who has filed an unrevoked declaration of paternal  
24 parental interest under s. 48.025 before the birth of the child, within 14 days after



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1 the birth of the child, or within 21 days after a notice under sub. (1g) (b) is mailed,  
2 whichever is later.

3 **SECTION 84.** 48.42 (2m) (b) of the statutes is amended to read:

4 48.42 **(2m)** (b) *Parent of nonmarital child.* A person who may be the father  
5 parent of a nonmarital child who is not adopted or whose parents do not subsequently  
6 intermarry under s. 767.803 and whose paternity parentage has not been  
7 established, by virtue of the fact that ~~he~~ the person has engaged in sexual intercourse  
8 with the ~~mother of~~ person who gave birth to the child, is considered to be on notice  
9 that a pregnancy and a termination of parental rights proceeding concerning the  
10 child may occur, and has the duty to protect his or her own rights and interests. ~~He~~  
11 A person described in this paragraph is therefore entitled to actual notice of such a  
12 proceeding only as provided in sub. (2) (b) or (bm). A person who is not entitled to  
13 notice under sub. (2) (b) or (bm) does not have standing to appear and contest a  
14 petition for the termination of his the person's parental rights, present evidence  
15 relevant to the issue of disposition, or make alternative dispositional  
16 recommendations.

17 **SECTION 85.** 48.42 (4) (b) 5. of the statutes is amended to read:

18 48.42 **(4)** (b) 5. The notice shall not include the name of the ~~mother~~ person who  
19 gave birth to the child unless the ~~mother~~ person who gave birth to the child consents.  
20 The notice shall not include the name of the child unless the court finds that inclusion  
21 of the child's name is essential to give effective notice to ~~the father~~ a parent.

22 **SECTION 86.** 48.422 (6) (a) of the statutes is amended to read:

23 48.422 **(6)** (a) In the case of a nonmarital child who is not adopted or whose  
24 parents do not subsequently intermarry under s. 767.803 and for whom paternity  
25 parentage has not been established, or for whom a declaration of ~~paternal~~ parental

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1 interest has not been filed under s. 48.025 within 14 days after the date of birth of  
2 the child or, if s. 48.42 (1g) (b) applies, within 21 days after the date on which the  
3 notice under s. 48.42 (1g) (b) is mailed, the court shall hear testimony concerning the  
4 paternity parentage of the child. Based on the testimony, the court shall determine  
5 whether all interested parties who are known have been notified under s. 48.42 (2)  
6 and (2g) (ag). If not, the court shall adjourn the hearing and order appropriate notice  
7 to be given.

8 **SECTION 87.** 48.422 (7) (bm) of the statutes is amended to read:

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

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1 This paragraph does not apply if the petition was filed with a petition for adoptive  
2 placement under s. 48.837 (2).

3 **SECTION 88.** 48.422 (7) (br) of the statutes is amended to read:

4 48.422 (7) (br) Establish whether any person has coerced a birth parent or any  
5 alleged or presumed father parent of the child in violation of s. 48.63 (3) (b) 5. Upon  
6 a finding of coercion, the court shall dismiss the petition.

7 **SECTION 89.** 48.423 (1) and (2) of the statutes are amended to read:

8 48.423 (1) ~~RIGHTS TO PATERNITY~~ PARENTAGE DETERMINATION. If a person appears  
9 at the hearing and claims ~~that he is to be the father~~ parent of the child, the court shall  
10 set a date for a hearing on the issue of ~~paternity~~ parentage or, if all parties agree, the  
11 court may immediately commence hearing testimony concerning the issue of  
12 ~~paternity~~ parentage. The court shall inform the person claiming to be the ~~father~~  
13 parent of the child of any right to counsel under s. 48.23. The person claiming to be  
14 the ~~father~~ parent of the child must prove ~~paternity~~ parentage by clear and convincing  
15 evidence. A person who establishes his ~~paternity~~ parentage of the child under this  
16 section may further participate in the termination of parental rights proceeding only  
17 if the person meets the conditions specified in sub. (2) or meets a condition specified  
18 in s. 48.42 (2) (b) or (bm).

19 (2) ~~RIGHTS OF OUT-OF-STATE FATHERS~~ PARENTS. A person who may be the ~~father~~  
20 parent of a nonmarital child who is not adopted or whose parents do not subsequently  
21 intermarry under s. 767.803 and whose ~~paternity~~ parentage has not been  
22 established may contest the petition, present evidence relevant to the issue of  
23 disposition, and make alternative dispositional recommendations if the person  
24 appears at the hearing, establishes ~~paternity~~ parentage under sub. (1), and proves  
25 all of the following by a preponderance of the evidence:

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1 (a) That the person resides and has resided in another state where the ~~mother~~  
2 of person who gave birth to the child resided or was located at the time of or after the  
3 conception of the child.

4 (b) That the ~~mother~~ person who gave birth to the child left that state without  
5 notifying or informing that person that he or she could be located in this state.

6 (c) That the person attempted to locate the ~~mother~~ person who gave birth to the  
7 child through every reasonable means, but did not know or have reason to know that  
8 the ~~mother~~ person who gave birth to the child was residing or located in this state.

9 (d) That the person has complied with the requirements of the state where the  
10 ~~mother~~ person who gave birth to the child previously resided or was located to protect  
11 and preserve his ~~paternal~~ parental interests in matters affecting the child.

12 **SECTION 90.** 48.43 (6) (b) of the statutes is amended to read:

13 48.43 (6) (b) The ~~mother of~~ person who gave birth to a child who completes an  
14 affidavit under s. 48.42 (1g) may not collaterally attack a judgment terminating  
15 parental rights on the basis that the ~~father~~ other parent of the child was not correctly  
16 identified.

17 **SECTION 91.** 48.432 (1) (am) 1. of the statutes is amended to read:

18 48.432 (1) (am) 1. The ~~mother~~ person who gave birth to the child designated  
19 on the individual's or adoptee's original birth record.

20 **SECTION 92.** 48.432 (1) (am) 2. b. of the statutes is amended to read:

21 48.432 (1) (am) 2. b. If there is no adjudicated ~~father~~ parent, the ~~husband~~  
22 spouse of the ~~mother~~ person who gave birth to the child at the time the individual  
23 or adoptee is conceived or born, or when the parents intermarry under s. 767.803.

24 **SECTION 93.** 48.435 of the statutes is amended to read:

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1           **48.435 Custody of children.** ~~The mother of~~ person who gave birth to a  
2 nonmarital child has legal custody of the child unless the court grants legal custody  
3 to another person or transfers legal custody to an agency.

4           **SECTION 94.** 48.63 (3) (b) 4. of the statutes is amended to read:

5           48.63 (3) (b) 4. Before a child may be placed under subd. 1., the department,  
6 county department, or child welfare agency making the placement and the proposed  
7 adoptive parent or parents shall enter into a written agreement that specifies who  
8 is financially responsible for the cost of providing care for the child prior to the  
9 finalization of the adoption and for the cost of returning the child to the parent who  
10 has custody of the child if the adoption is not finalized. Under the agreement, the  
11 department, county department, or child welfare agency or the proposed adoptive  
12 parent or parents, but not the any birth parent of ~~the child~~ or any alleged or  
13 presumed ~~father~~ parent of the child, shall be financially responsible for those costs.

14           **SECTION 95.** 48.63 (3) (b) 5. of the statutes is amended to read:

15           48.63 (3) (b) 5. Prior to termination of parental rights to the child, no person  
16 may coerce a birth parent of ~~the child~~ or any alleged or presumed ~~father~~ parent of the  
17 child into refraining from exercising his or her right to withdraw consent to the  
18 transfer or surrender of the child or to termination of his or her parental rights to the  
19 child, to have reasonable visitation or contact with the child, or to otherwise exercise  
20 his or her parental rights to the child.

21           **SECTION 96.** 48.82 (1) (a) of the statutes is amended to read:

22           48.82 (1) (a) ~~A husband and wife~~ Spouses jointly, or ~~either the husband or wife~~  
23 if the ~~other~~ spouse is of a parent of the minor.

24           **SECTION 97.** 48.837 (1r) (d) of the statutes is amended to read:

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

10           **SECTION 98.** 48.837 (1r) (e) of the statutes is amended to read:

11           48.837 (1r) (e) Prior to termination of parental rights to the child, no person  
12 may coerce a birth parent of the child or any alleged or presumed father parent of the  
13 child into refraining from exercising his or her right to withdraw consent to the  
14 transfer or surrender of the child or to termination of his or her parental rights to the  
15 child, to have reasonable visitation or contact with the child, or to otherwise exercise  
16 his or her parental rights to the child.

17           **SECTION 99.** 48.837 (6) (b) of the statutes is amended to read:

18           48.837 (6) (b) At the beginning of the hearing held under sub. (2), the court shall  
19 review the report that is submitted under s. 48.913 (6). The court shall determine  
20 whether any payments or the conditions specified in any agreement to make  
21 payments are coercive to the any birth parent of the child or to an alleged or  
22 presumed father parent of the child or are impermissible under s. 48.913 (4). Making  
23 any payment to or on behalf of the a birth parent of the child, an, alleged or presumed  
24 father parent of the child, or the child conditional in any part upon transfer or  
25 surrender of the child or the termination of parental rights or the finalization of the

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1 adoption creates a rebuttable presumption of coercion. Upon a finding of coercion,  
2 the court shall dismiss the petitions under subs. (2) and (3) or amend the agreement  
3 to delete any coercive conditions, if the parties agree to the amendment. Upon a  
4 finding that payments ~~which~~ that are impermissible under s. 48.913 (4) have been  
5 made, the court may dismiss the petition and may refer the matter to the district  
6 attorney for prosecution under s. 948.24 (1).

7 **SECTION 100.** 48.837 (6) (br) of the statutes is amended to read:

8 48.837 (6) (br) At the hearing on the petition under sub. (2), the court shall  
9 determine whether any person has coerced a birth parent or ~~any~~ alleged or presumed  
10 ~~father~~ parent of the child in violation of sub. (1r) (e). Upon a finding of coercion, the  
11 court shall dismiss the petitions under subs. (2) and (3).

12 **SECTION 101.** 48.837 (8) of the statutes is amended to read:

13 48.837 (8) ATTORNEY REPRESENTATION. The same attorney may not represent the  
14 adoptive parents and the a birth mother or birth father parent.

15 **SECTION 102.** 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 103.** 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 104.** 48.913 (1) (c) of the statutes is amended to read:

22 48.913 (1) (c) ~~Maternity clothes~~ Clothes to wear during pregnancy for the  
23 ~~child's birth mother~~ person who is pregnant with the child, in an amount not to  
24 exceed \$300.

25 **SECTION 105.** 48.913 (1) (f) of the statutes is amended to read:

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1           48.913 (1) (f) Medical and hospital care received by the ~~child's birth mother~~  
2 person who gives birth to the child in connection with the pregnancy or birth of the  
3 child. Medical and hospital care does not include lost wages or living expenses.

4           **SECTION 106.** 48.913 (1) (i) of the statutes is amended to read:

5           48.913 (1) (i) Living expenses of the ~~child's birth mother~~ person who gives birth  
6 to the child, in an amount not to exceed \$5,000, if payment of the expenses by the  
7 proposed adoptive parents or a person acting on their behalf is necessary to protect  
8 the health and welfare of the ~~birth mother~~ person who gives birth to the child or the  
9 fetus.

10          **SECTION 107.** 48.913 (1) (m) of the statutes is amended to read:

11          48.913 (1) (m) A gift to the ~~child's birth mother~~ person who gives birth to the  
12 child from the proposed adoptive parents, of no greater than \$100 in value.

13          **SECTION 108.** 48.913 (2) (intro.) of the statutes is amended to read:

14          48.913 (2) PAYMENT OF EXPENSES WHEN BIRTH PARENT IS RESIDING IN ANOTHER  
15 STATE. (intro.) Notwithstanding sub. (1), the proposed adoptive parents of a child or  
16 a person acting on behalf of the proposed adoptive parents of a child may pay for an  
17 expense of a birth parent of the child or an alleged or presumed father parent of the  
18 child if the birth parent or the alleged or presumed father parent was residing in  
19 another state when the payment was made and when the expense was incurred and  
20 if all of the following apply:

21          **SECTION 109.** 48.913 (2) (b) of the statutes is amended to read:

22          48.913 (2) (b) The state in which the birth parent or ~~the~~ alleged or presumed  
23 father parent was residing when the payment was made permits the payment of that  
24 expense by the proposed adoptive parents of the child.

25          **SECTION 110.** 48.913 (2) (c) (intro.) of the statutes is amended to read:



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1           48.913 (2) (c) (intro.) A listing of all payments made under this subsection, a  
2 copy of the statutory provisions of the state in which the birth parent or the alleged  
3 or presumed ~~father~~ parent was residing when the payments were made that permit  
4 those payments to be made by the proposed adoptive parents of the child, and a copy  
5 of all orders entered in the state in which the birth parent or the alleged or presumed  
6 ~~father~~ parent was residing when the payments were made that relate to the payment  
7 of expenses of the birth parent or the alleged or presumed ~~father~~ parent by the  
8 proposed adoptive parents of the child is submitted to the court as follows:

9           **SECTION 111.** 48.913 (3) of the statutes is amended to read:

10           48.913 (3) METHOD OF PAYMENT. Any payment under sub. (1) or (2) shall be made  
11 directly to the provider of a good or service except that a payment under sub. (1) or  
12 (2) may be made to a birth parent of ~~the child~~ or to an alleged or presumed ~~father~~  
13 parent of the child as reimbursement of an amount previously paid by the birth  
14 parent or by ~~the~~ alleged or presumed ~~father~~ parent if documentation is provided  
15 showing that the birth parent or alleged or presumed ~~father~~ parent has made the  
16 previous payment.

17           **SECTION 112.** 48.9795 (1) (a) 1. c. and (b) of the statutes are amended to read:

18           48.9795 (1) (a) 1. c. Any person who has filed a declaration of ~~paternal~~ parental  
19 interest under s. 48.025, who is alleged to the court to be ~~the father~~ a parent of the  
20 child, or who may, based on the statements of the ~~mother~~ parent who gave birth to  
21 the child or other information presented to the court, be the ~~father~~ parent of the child.

22           (b) "Party" means the person petitioning for the appointment of a guardian for  
23 a child or any interested person other than a person who is alleged to the court to be  
24 ~~the father~~ a parent of the child or who may, based on the statements of the ~~mother~~

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1 parent who gave birth to the child or other information presented to the court, be the  
2 father parent of the child.

3 **SECTION 113.** 48.9795 (4) (e) 3. of the statutes is amended to read:

4 48.9795 (4) (e) 3. If a ~~man~~ person who has been given notice under par. (c) 1.  
5 appears at the initial hearing, ~~alleges that he is the father~~ to be a parent of the child,  
6 and ~~states that he wishes~~ requests to establish the paternity parentage of the child,  
7 s. 48.299 (6) applies. The court may order a temporary guardianship under sub. (5)  
8 pending the outcome of the paternity parentage proceedings.

9 **SECTION 114.** 49.141 (1) (i) 3. of the statutes is amended to read:

10 49.141 (1) (i) 3. A ~~parent~~ person who has been conclusively determined from  
11 genetic test results to be the ~~father~~ parent under s. 767.804.

12 **SECTION 115.** 49.141 (1) (j) 1. of the statutes is amended to read:

13 49.141 (1) (j) 1. A ~~biological~~ natural parent.

14 **SECTION 116.** 49.141 (1) (j) 2. of the statutes is amended to read:

15 49.141 (1) (j) 2. A person who has consented to the artificial insemination of his  
16 ~~wife~~ a spouse under s. 891.40.

17 **SECTION 117.** 49.141 (1) (j) 4. of the statutes is amended to read:

18 49.141 (1) (j) 4. A ~~man~~ person adjudged in a judicial proceeding to be the  
19 ~~biological father~~ natural parent of a child if the child is a nonmarital child who is not  
20 adopted or whose parents do not subsequently intermarry under s. 767.803.

21 **SECTION 118.** 49.141 (1) (j) 5. of the statutes is amended to read:

22 49.141 (1) (j) 5. A ~~man~~ person who has signed and filed with the state registrar  
23 under s. 69.15 (3) (b) 3. a statement acknowledging paternity parentage.

24 **SECTION 119.** 49.141 (1) (j) 6. of the statutes is amended to read:

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1           49.141 (1) (j) 6. A ~~man~~ person who has been conclusively determined from  
2 genetic test results to be the ~~father~~ parent under s. 767.804.

3           **SECTION 120.** 49.148 (1m) (title) of the statutes is amended to read:

4           49.148 (1m) (title) CUSTODIAL PARENT OF INFANT; UNMARRIED, PREGNANT ~~WOMAN~~  
5 PERSON.

6           **SECTION 121.** 49.148 (1m) (a) 2. of the statutes is amended to read:

7           49.148 (1m) (a) 2. An unmarried ~~woman~~ person who would be eligible under  
8 s. 49.145 except that he or she is not a custodial parent of a dependent child and who  
9 is in the 3rd trimester of a pregnancy that is medically verified and that is shown by  
10 medical documentation to be at risk and to render the ~~woman~~ person unable to  
11 participate in the workforce.

12           **SECTION 122.** 49.148 (1m) (c) 2. of the statutes is amended to read:

13           49.148 (1m) (c) 2. Receipt of a grant under this subsection by a participant  
14 under par. (a) 1. constitutes participation in a Wisconsin Works employment position  
15 if the child is born to the participant more than 10 months after the date that the  
16 participant was first determined to be eligible for assistance under s. 49.19 or for a  
17 Wisconsin Works employment position unless the child was conceived as a result of  
18 a sexual assault in violation of s. 940.225 (1), (2), or (3) in which the ~~mother~~ person  
19 who gave birth to the child did not indicate a freely given agreement to have sexual  
20 intercourse or in violation of s. 948.02 or 948.025 or as a result of incest in violation  
21 of s. 944.06 or 948.06 and that incest or sexual assault has been reported to a  
22 physician and to law enforcement authorities.

23           **SECTION 123.** 49.155 (1m) (c) 1g. of the statutes is amended to read:

24           49.155 (1m) (c) 1g. If the individual is a foster parent of the child or a subsidized  
25 guardian or interim caretaker of the child under s. 48.623, the child's ~~biological~~

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1 natural or adoptive family has a gross income that is at or below 200 percent of the  
2 poverty line. In calculating the gross income of the child's biological natural or  
3 adoptive family, the department or county department or agency determining  
4 eligibility shall include court-ordered child or family support payments received by  
5 the individual, if those support payments exceed \$1,250 per month, and income  
6 described under s. 49.145 (3) (b) 1. and 3.

7 **SECTION 124.** 49.155 (1m) (c) 1h. of the statutes is amended to read:

8 49.155 (1m) (c) 1h. If the individual is a relative of the child, is providing care  
9 for the child under a court order, and is receiving payments under s. 48.57 (3m) or  
10 (3n) on behalf of the child, the child's biological natural or adoptive family has a gross  
11 income that is at or below 200 percent of the poverty line. In calculating the gross  
12 income of the child's biological natural or adoptive family, the department or county  
13 department or agency determining eligibility shall include court-ordered child or  
14 family support payments received by the individual, if those support payments  
15 exceed \$1,250 per month, and income described under s. 49.145 (3) (b) 1. and 3.

16 **SECTION 125.** 49.162 (2m) (a) 2. of the statutes is amended to read:

17 49.162 (2m) (a) 2. A ~~woman~~ person who is in a pregnancy that is medically  
18 verified and that is shown by medical documentation to be at risk.

19 **SECTION 126.** 49.162 (2m) (b) 2. of the statutes is amended to read:

20 49.162 (2m) (b) 2. A ~~woman~~ person who is in a pregnancy that is medically  
21 verified and that is shown by medical documentation to be at risk.

22 **SECTION 127.** 49.163 (2) (am) 2. of the statutes is amended to read:

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

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1     been terminated or be a relative and primary caregiver of a child under 18 years of  
2     age.

3           **SECTION 128.** 49.19 (1) (a) 2. a. of the statutes is amended to read:

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

15           **SECTION 129.** 49.19 (4) (d) (intro.) of the statutes is amended to read:

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

19           **SECTION 130.** 49.19 (4) (d) 1. of the statutes is amended to read:

20           49.19 (4) (d) 1. Is the ~~wife~~ spouse of a ~~husband~~ person who is incapacitated for  
21    gainful work by mental or physical disability; or

22           **SECTION 131.** 49.19 (4) (d) 2. of the statutes is amended to read:

23           49.19 (4) (d) 2. Is the ~~wife~~ spouse of a ~~husband~~ person who is incarcerated or  
24    who is a convicted offender permitted to live at home but precluded from earning a

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1 wage because the ~~husband~~ person is required by a court imposed sentence to perform  
2 unpaid public work or unpaid community service; or

3 **SECTION 132.** 49.19 (4) (d) 3. of the statutes is amended to read:

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

7 **SECTION 133.** 49.19 (4) (d) 4. of the statutes is amended to read:

8 49.19 (4) (d) 4. Is the wife spouse of a ~~husband~~ person who has continuously  
9 abandoned or failed to support him or her, if proceedings have been commenced  
10 against the ~~husband~~ person under ch. 769; or

11 **SECTION 134.** 49.19 (4) (d) 5. of the statutes is amended to read:

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

16 **SECTION 135.** 49.225 (2) of the statutes is amended to read:

17 49.225 (2) (a) A county child support agency under s. 59.53 (5) may require, by  
18 subpoena in substantially the form authorized under s. 885.02 or by other means, a  
19 child, the ~~child's mother~~ person who gave birth to the child, and ~~a male alleged, or~~  
20 ~~alleging himself, to be the child's father~~ an alleged biological parent to submit to  
21 genetic tests if there is probable cause to believe that the male alleged biological  
22 parent had sexual intercourse with the ~~child's mother~~ person who gave birth to the  
23 child during a possible time of the child's conception. Probable cause of sexual  
24 intercourse during a possible time of conception may be established by a sufficient  
25 affidavit of the ~~child's mother~~ person who gave birth to the child, the ~~male alleged,~~

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1 ~~or alleging himself, to be the child's father~~ alleged biological parent, or the county  
2 child support agency under s. 59.53 (5) based on information provided by the ~~child's~~  
3 mother person who gave birth to the child.

4 (b) If there is only one male ~~alleged, or alleging himself, to be the father~~  
5 biological parent and one or more persons required to submit to genetic tests under  
6 par. (a) fail to appear for the scheduled tests, the county child support agency under  
7 s. 59.53 (5) may bring an action under s. 767.80 for determining the ~~paternity~~  
8 parentage of the child.

9 **SECTION 136.** 49.225 (3) (a) of the statutes is amended to read:

10 49.225 (3) (a) The county may seek reimbursement from either the ~~mother or~~  
11 ~~male alleged, or alleging himself, to be the father~~ person who gave birth to the child  
12 or the alleged biological parent, or from both, if the test results show that the male  
13 alleged biological parent is not excluded as the ~~father~~ biological parent and that the  
14 statistical probability of the male's alleged biological parent's parentage is 99.0  
15 percent or higher.

16 **SECTION 137.** 49.26 (1) (g) 11. of the statutes is amended to read:

17 49.26 (1) (g) 11. If the individual ~~is the mother of~~ gave birth to a child, a  
18 physician has not determined that the individual should delay ~~her return~~ returning  
19 to school after giving birth.

20 **SECTION 138.** 49.345 (2) of the statutes is amended to read:

21 49.345 (2) Except as provided in sub. (14) (b) and (c), any person, including a  
22 person placed under s. 48.32 (1) (am) or (b), 48.345 (3), 48.357 (1) or (2m), 938.183,  
23 938.34 (3) or (4d), or 938.357 (1), (2m), (4), or (5) (e), receiving care, maintenance,  
24 services, and supplies provided by any institution in this state, in which the state is  
25 chargeable with all or part of the person's care, maintenance, services, and supplies,

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1 and the person's property and estate, including the homestead, and the spouse of the  
2 person, and the spouse's property and estate, including the homestead, and, in the  
3 case of a minor child, the parents of the person, and their property and estates,  
4 including their homestead, and, in the case of a foreign child described in s. 48.839  
5 (1) who became dependent on public funds for his or her primary support before an  
6 order granting his or her adoption, the resident of this state appointed guardian of  
7 the child by a foreign court who brought the child into this state for the purpose of  
8 adoption, and his or her property and estate, including his or her homestead, shall  
9 be liable for the cost of the care, maintenance, services, and supplies in accordance  
10 with the fee schedule established by the department under s. 49.32 (1). If a spouse,  
11 ~~widow~~ surviving spouse, or minor, or an incapacitated person may be lawfully  
12 dependent upon the property for his or her support, the court shall release all or such  
13 part of the property and estate from the charges that may be necessary to provide for  
14 the person. The department shall make every reasonable effort to notify the liable  
15 persons as soon as possible after the beginning of the maintenance, but the notice or  
16 the receipt of the notice is not a condition of liability.

17 **SECTION 139.** 49.43 (12) of the statutes is amended to read:

18 49.43 (12) "Spouse" means the legal husband or wife of person to whom the  
19 beneficiary is legally married, whether or not the person is eligible for medical  
20 assistance.

21 **SECTION 140.** 49.463 (3) (b) 2. a. of the statutes is amended to read:

22 49.463 (3) (b) 2. a. Alleged to be the ~~father~~ parent in a parentage action under  
23 s. 767.80 of a child under the age of 18.

24 **SECTION 141.** 49.471 (1) (b) 2. of the statutes is amended to read:

25 49.471 (1) (b) 2. A ~~stepfather, stepmother~~ stepparent, stepbrother, or stepsister.



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1           **SECTION 142.** 49.79 (6q) (b) 2. a. of the statutes is amended to read:

2           49.79 (**6q**) (b) 2. a. Alleged to be the father parent in a parentage action under  
3           s. 767.80 of a child under the age of 18.

4           **SECTION 143.** 49.90 (4) of the statutes is amended to read:

5           49.90 (**4**) The circuit court shall in a summary way hear the allegations and  
6           proofs of the parties and by order require maintenance from these relatives, if they  
7           have sufficient ability, considering their own future maintenance and making  
8           reasonable allowance for the protection of the property and investments from which  
9           they derive their living and their care and protection in old age, in the following  
10          order: First the ~~husband or wife~~ spouse; then the ~~father and the mother~~ parents; and  
11          then the grandparents in the instances in which sub. (1) (a) 2. applies. The order  
12          shall specify a sum ~~which~~ that will be sufficient for the support of the dependent  
13          person under sub. (1) (a) 1. or the maintenance of a child of a dependent person under  
14          sub. (1) (a) 2., to be paid weekly or monthly, during a period fixed by the order or until  
15          the further order of the court. If the court is satisfied that any such relative is unable  
16          wholly to maintain the dependent person or the child, but is able to contribute to the  
17          person's support or the child's maintenance, the court may direct 2 or more of the  
18          relatives to maintain the person or the child and prescribe the proportion each shall  
19          contribute. If the court is satisfied that these relatives are unable together wholly  
20          to maintain the dependent person or the child, but are able to contribute to the  
21          person's support or the child's maintenance, the court shall direct a sum to be paid  
22          weekly or monthly by each relative in proportion to ability. Contributions directed  
23          by court order, if for less than full support, shall be paid to the department of health  
24          services or the department of children and families, whichever is appropriate, and  
25          distributed as required by state and federal law. An order under this subsection that

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1 relates to maintenance required under sub. (1) (a) 2. shall specifically assign  
2 responsibility for and direct the manner of payment of the child's health care  
3 expenses, subject to the limitations under subs. (1) (a) 2. and (11). Upon application  
4 of any party affected by the order and upon like notice and procedure, the court may  
5 modify such an order. Obedience to such an order may be enforced by proceedings  
6 for contempt.

7 **SECTION 144.** 51.13 (4) (h) 4. of the statutes is amended to read:

8 51.13 (4) (h) 4. If there is a reason to believe the minor is in need of protection  
9 or services under s. 48.13 or 938.13 or the minor is ~~an expectant mother of~~ pregnant  
10 with an unborn child in need of protection or services under s. 48.133, dismiss the  
11 petition and authorize the filing of a petition under s. 48.25 (3) or 938.25 (3). The  
12 court may release the minor or may order that the minor be taken and held in custody  
13 under s. 48.19 (1) (c) or (cm) or 938.19 (1) (c).

14 **SECTION 145.** 54.01 (36) (a) of the statutes is amended to read:

15 54.01 (36) (a) An individual who obtains or consents to a final decree or  
16 judgment of divorce from the decedent or an annulment of their marriage, if the  
17 decree or judgment is not recognized as valid in this state, unless the 2 subsequently  
18 participated in a marriage ceremony purporting to marry each other or they  
19 subsequently held themselves out as ~~husband and wife~~ married to each other.

20 **SECTION 146.** 54.960 (1) of the statutes is amended to read:

21 54.960 (1) Beneficial interests in a custodial trust created for multiple  
22 beneficiaries are deemed to be separate custodial trusts of equal undivided interests  
23 for each beneficiary. Except in a transfer or declaration for use and benefit of  
24 ~~husband and wife~~ 2 individuals who are married to each other, for whom  
25 survivorship is presumed, a right of survivorship does not exist unless the

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1 instrument creating the custodial trust specifically provides for survivorship or  
2 survivorship is required as to marital property.

3 **SECTION 147.** 69.03 (14) of the statutes is amended to read:

4 69.03 (14) Provide hospitals with a pamphlet containing information for  
5 parents about birth records, including how to add the name of the ~~father~~ other parent  
6 of a child whose parents were not married at any time from the conception to the birth  
7 of the child to the birth record under s. 69.15 (3) (b) or, if the ~~father~~ other parent will  
8 not sign an affidavit, through a ~~paternity~~ parentage action; the legal significance and  
9 future medical advantages to the child of having the ~~father's~~ other parent's name  
10 inserted on the birth record; and the availability of services under s. 49.22.

11 **SECTION 148.** 69.03 (15) of the statutes is amended to read:

12 69.03 (15) Periodically provide to each county child support agency under s.  
13 59.53 (5) a list of names and, notwithstanding s. 69.20 (2) (a), addresses of registrants  
14 who reside in that county for whom ~~no father's~~ only one parent's name has been  
15 inserted on the registrant's birth record within 6 months of birth.

16 **SECTION 149.** 69.11 (4) (b) of the statutes is amended to read:

17 69.11 (4) (b) The state registrar may amend an item on a birth record that  
18 affects information about the name, sex, date of birth, place of birth, parent's name,  
19 or parent's marital status ~~of the mother~~ if 365 days have elapsed since the occurrence  
20 of the event that is the subject of the birth record, if the amendment is at the request  
21 of a person with a direct and tangible interest in the record and is in the manner  
22 prescribed by the state registrar, and if the amendment is accompanied by 2 items  
23 of documentary evidence from early childhood that are sufficient to prove that the  
24 item to be changed is in error and by the affidavit of the person requesting the  
25 amendment. A change in the marital status on the birth record may be made under

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1 this paragraph only if the marital status is inconsistent with information ~~concerning~~  
2 ~~the father or husband~~ that appears on the birth record. This paragraph may not be  
3 used to add to or delete from a birth record the name of a parent, to change the  
4 identity of a parent named on the birth record, or to effect a name change prohibited  
5 under s. 301.47.

6 **SECTION 150.** 69.12 (5) of the statutes is amended to read:

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

12 **SECTION 151.** 69.13 (intro.) of the statutes is amended to read:

13 **69.13 Correction of facts misrepresented by informant for record of**  
14 **birth.** (intro.) The state registrar may, under an order issued by the circuit court  
15 of the county in which a birth occurred, correct information about the parent or the  
16 marital status of the ~~mother~~ person who gave birth on a record of birth that is  
17 registered in this state if all of the following conditions apply:

18 **SECTION 152.** 69.13 (2) (b) 4. of the statutes is amended to read:

19 69.13 (2) (b) 4. If relevant to the correction sought, a certified copy of a marriage  
20 document, divorce or annulment record, or a final divorce decree that indicates that  
21 the ~~mother~~ person who gave birth to the child was not married to the person listed  
22 as his or her husband ~~spouse~~ at any time during the pregnancy, a legal name change  
23 order, or any other legal document that clarifies the disputed information.

24 **SECTION 153.** 69.14 (1) (c) 4. of the statutes is amended to read:

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1           69.14 (1) (c) 4. In the absence of a person under subds. 1. to 3., the ~~father or~~  
2     ~~mother parent, parent's spouse, or, in the absence of the father~~ the parent or parent's  
3     ~~spouse and the inability of the mother~~ person who gave birth to the child, the person  
4     responsible for the premises where the birth occurs.

5           **SECTION 154.** 69.14 (1) (cm) of the statutes is amended to read:

6           69.14 (1) (cm) *Information concerning ~~paternity~~ parentage*. For a birth which  
7     occurs en route to or at a hospital, the filing party shall give the ~~mother~~ person who  
8     ~~gave birth~~ a copy of the pamphlet under s. 69.03 (14). If the child's parents are not  
9     married at the time of the child's birth, the filing party shall give the ~~mother~~ person  
10    ~~who gave birth~~ a copy of the form prescribed by the state registrar under s. 69.15 (3)  
11    (b) 3. The filing party shall ensure that trained, designated hospital staff provide to  
12    the child's available parents oral information or an audio or video presentation and  
13    written information about the form and the significance and benefits of, and  
14    alternatives to, establishing ~~paternity~~ parentage, before the parents sign the form.  
15    The filing party shall also provide an opportunity to complete the form and have the  
16    form notarized in the hospital. If the ~~mother~~ person who gave birth provides a  
17    completed form to the filing party while ~~she~~ the person is a patient in the hospital  
18    and within 5 days after the birth, the filing party shall send the form directly to the  
19    state registrar. The department of children and families shall pay the filing party  
20    a financial incentive for correctly filing a form within 60 days after the child's birth.

21           **SECTION 155.** 69.14 (1) (e) of the statutes is amended to read:

22           69.14 (1) (e) *Father's Other parent's name*. 1. If the ~~mother of~~ person who gave  
23    ~~birth to~~ a registrant under this section was married at any time from the conception  
24    to the birth of the registrant, the name of the ~~husband~~ spouse of the mother person  
25    ~~who gave birth~~ 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. 48 or 767.

3 2. If the ~~mother~~ person who gave birth was not married at any time from the  
4 conception to the birth of a registrant under this section, no name of any alleged  
5 ~~father~~ parent of the registrant may be entered as ~~the father~~ a parent on the birth  
6 record except as provided under s. 69.15 (3). If under this subdivision the name of  
7 ~~the father~~ a parent of the registrant of a birth record is omitted from the record, no  
8 other information about the ~~father~~ parent may be entered on the record.

9 **SECTION 156.** 69.14 (1) (f) 1. of the statutes is amended to read:

10 69.14 (1) (f) 1. a. Except as provided under subd. 1. b., if the ~~mother of~~ person  
11 who gave birth to a registrant of a birth record under this section is married ~~to the~~  
12 ~~father of the registrant~~ at any time from the conception to the birth of the registrant,  
13 the given name and surname ~~which~~ that the ~~mother and father~~ parents of the  
14 registrant enter for the registrant on the birth record shall be the given name and  
15 surname filed and registered on the birth record.

16 b. If the ~~mother~~ parents of a registrant of a birth record under this section is  
17 are married ~~to the father of the registrant~~ each other at any time from the conception  
18 to the birth of the registrant and ~~the mother is~~ are separated or divorced ~~from the~~  
19 ~~father of the registrant~~ at the time of birth, the given name and surname ~~which~~ that  
20 the parent of the registrant with actual custody enters for the registrant on the birth  
21 record shall be the given name and surname filed and registered on the birth record,  
22 except that if a court has granted legal custody of the registrant, the given name and  
23 surname ~~which~~ that the person with legal custody enters for the registrant on the  
24 birth record shall be the given name and surname filed and registered on the birth  
25 record.

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1           c. If the ~~mother of person who gave birth to~~ a registrant of a birth record under  
2 this section is not married to the father of the registrant at any time from the  
3 conception to the birth of the registrant, the given name and surname ~~which~~ that the  
4 ~~mother of person who gave birth to~~ the registrant enters for the registrant on the  
5 birth record shall be the given name and surname filed and registered on the birth  
6 record, except that if a court has granted legal custody of the registrant, the given  
7 name and surname ~~which~~ that the person with legal custody enters for the registrant  
8 on the birth record shall be the given name and surname filed and registered on the  
9 birth record.

10           **SECTION 157.** 69.14 (1) (g) of the statutes is amended to read:

11           69.14 (1) (g) *Birth by artificial insemination.* If the registrant of a birth record  
12 under this section is born as a result of artificial insemination under the  
13 requirements of s. 891.40, the ~~husband~~ spouse of the woman person inseminated  
14 shall be considered the father a parent of the registrant on the birth record. ~~If the~~  
15 ~~registrant is born as a result of artificial insemination which does not satisfy the~~  
16 ~~requirements of s. 891.40, the information about the father of the registrant shall be~~  
17 ~~omitted from the registrant's birth record.~~

18           **SECTION 158.** 69.14 (1) (h) of the statutes is amended to read:

19           69.14 (1) (h) If the registrant of a birth record under this section is born to a  
20 surrogate ~~mother~~, information about the surrogate ~~mother~~ shall be entered on the  
21 birth record and the information about the father a second parent shall be omitted  
22 from the birth record. ~~If~~ After a court determines parental rights over the registrant,  
23 the clerk of court shall report the court's determination to the state registrar on a  
24 form prescribed by the state registrar, along with the fee required under s. 69.22.  
25 Upon receipt of the report, the state registrar shall prepare and register a new birth

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1 record for the registrant under s. 69.15 (6) and send notice of the new record to the  
2 local registrar who filed the original record. Upon receipt of the notice, the local  
3 registrar shall destroy his or her copy of the replaced record.

4 **SECTION 159.** 69.14 (2) (b) 2. c. and d. of the statutes are amended to read:

5 69.14 (2) (b) 2. c. The full ~~maiden~~ birth name of the ~~mother~~ person who gave  
6 birth.

7 d. The full birth name of the ~~father~~ other parent of the registrant, except that  
8 if the ~~mother was~~ parents were not married to each other at the time of conception  
9 or birth or between conception and birth of the registrant, the name of the ~~father~~  
10 other parent may not be entered except as provided under s. 69.15 (3).

11 **SECTION 160.** 69.15 (1) of the statutes is amended to read:

12 69.15 (1) BIRTH RECORD INFORMATION CHANGES. The state registrar may change  
13 information on a birth record registered in this state which was correct at the time  
14 the birth record was filed under a court or administrative order issued in this state,  
15 in another state or in Canada or under the valid order of a court of any federally  
16 recognized Indian tribe, band, or nation if all of the following occur:

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

19 (b) A clerk of court or, for a ~~paternity~~ parentage action, a clerk of court or county  
20 child support agency under s. 59.53 (5), sends the state registrar a certified report  
21 of an order of a court in this state in the method prescribed by the state registrar or,  
22 in the case of any other order, the state registrar receives a certified copy of the order  
23 and the proper fee under s. 69.22.

24 **SECTION 161.** 69.15 (3) (title) of the statutes is repealed and recreated to read:

25 69.15 (3) (title) PARENTAGE.



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1           **SECTION 162.** 69.15 (3) (a) (intro.), 1., 2. and 3. and (b) 1., 2., 3. and 4. (intro.),  
2 a. and b. of the statutes are amended to read:

3           69.15 (3) (a) (intro.) If the state registrar receives an order under sub. (1) that  
4 establishes ~~paternity~~ parentage or determines that ~~the man~~ a person whose name  
5 appears on a registrant's birth record is not ~~the father~~ a parent of the registrant, or  
6 a report under s. 767.804 (1) (c) that shows a conclusive determination of ~~paternity~~  
7 parentage, the state registrar shall do the following, as appropriate:

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

12           2. Prepare under sub. (6) a new record for the subject of a ~~paternity~~ parentage  
13 action changing the name of the ~~father~~ parent if the name of the adjudicated ~~father~~  
14 ~~is different than the name of the man~~ parent does not appear on the birth record.

15           3. Except as provided under subd. 4., insert the name of the adjudicated or  
16 conclusively determined ~~father~~ parent on the original birth record if the name of ~~the~~  
17 ~~father~~ that parent was omitted on the original record.

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

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1 original birth record. The state registrar shall include for the acknowledgment the  
2 items in s. 767.813 (5g).

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

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

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

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

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

3           **SECTION 163.** 69.15 (3) (b) 3m. of the statutes is created to read:

4           69.15 (3) (b) 3m. Except as provided in par. (c), if the state registrar receives  
5 an acknowledgement of parentage on a form prescribed by the state registrar and  
6 signed by both of the people presumed to be natural parents under s. 891.41 (1) (b),  
7 a certified copy of the parents' marriage certificate, and the fee required under s.  
8 69.22 (5) (b) 1., the state registrar shall insert the name of the spouse of the person  
9 who gave birth from the marriage certificate as a parent if the name of that parent  
10 was omitted on the original birth certificate.

11           **SECTION 164.** 69.15 (3m) (title) of the statutes is amended to read:

12           69.15 (3m) (title)   RESCISSION OF STATEMENT ACKNOWLEDGING PATERNITY  
13 PARENTAGE.

14           **SECTION 165.** 69.15 (3m) (a) 3. and (b) of the statutes are amended to read:

15           69.15 (3m) (a) 3. The person rescinding the statement files a rescission in the  
16 method prescribed under subd. 2. before the day on which a court or circuit court  
17 commissioner makes an order in an action affecting the family involving the man  
18 person who signed the statement and the child who is the subject of the statement  
19 or before 60 days elapse after the statement was filed, whichever occurs first.

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

24           **SECTION 166.** 69.18 (1) (e) 1. (intro.) of the statutes is amended to read:

**SENATE BILL 464****SECTION 166**

1           69.18 (1) (e) 1. (intro.) If a death is a miscarriage and 20 weeks or more have  
2 elapsed between the mother's last normal menstrual period of the person who was  
3 pregnant and delivery or the stillbirth weighs 350 grams or more, one of the following  
4 shall submit, within 5 days after delivery, a fetal death report to the state registrar:

5           **SECTION 167.** 69.20 (2) (b) of the statutes is amended to read:

6           69.20 (2) (b) Except as provided under sub. (3), the state registrar and local  
7 registrars may not permit inspection of or disclose information contained in any  
8 record of a birth ~~which~~ that occurred after September 30, 1907, if the ~~mother of~~  
9 person who gave birth to the subject of the record was not married at any time from  
10 the conception to the birth of the subject of the record, unless the inspection is by or  
11 the information is disclosed to a person who has a direct and tangible interest in such  
12 record.

13           **SECTION 168.** 71.03 (2) (d) (title) of the statutes is amended to read:

14           71.03 (2) (d) (title) ~~Husband and wife~~ Spouses joint filing.

15           **SECTION 169.** 71.03 (2) (d) 1. of the statutes is amended to read:

16           71.03 (2) (d) 1. Except as provided in subds. 2. and 3. and par. (e), ~~a husband~~  
17 ~~and a wife~~ spouses may file a joint return for income tax purposes even though one  
18 of the spouses has no gross income or no deductions.

19           **SECTION 170.** 71.03 (2) (d) 2. of the statutes is amended to read:

20           71.03 (2) (d) 2. No joint return may be filed if either ~~the husband or wife~~ spouse  
21 at any time during the taxable year is a nonresident alien, unless an election is in  
22 effect for the taxable year under section 6013 (g) or (h) of the ~~internal revenue code~~  
23 Internal Revenue Code.

24           **SECTION 171.** 71.03 (2) (d) 3. of the statutes is amended to read:

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

8           **SECTION 172.** 71.03 (2) (g) of the statutes is amended to read:

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

24          **SECTION 173.** 71.03 (2) (m) 2. of the statutes is amended to read:

**SENATE BILL 464****SECTION 173**

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

5           **SECTION 174.** 71.03 (4) (a) of the statutes is amended to read:

6           71.03 (4) (a) Natural persons whose total income is not in excess of \$10,000 and  
7 consists entirely of wages subject to withholding for Wisconsin tax purposes and not  
8 more than \$200 total of dividends, interest and other wages not subject to Wisconsin  
9 withholding, and who have elected the Wisconsin standard deduction and have not  
10 claimed either the credit for homestead property tax relief or deductions for expenses  
11 incurred in earning such income, shall, at their election, not be required to record on  
12 their income tax returns the amount of the tax imposed on their Wisconsin taxable  
13 income. Married persons shall be permitted this election only if the joint income of  
14 the ~~husband and wife~~ spouses does not exceed \$10,000, if both report their incomes  
15 on the same joint income tax return form, and if both make this election.

16           **SECTION 175.** 71.05 (22) (a) (title) of the statutes is amended to read:

17           71.05 (22) (a) (title) *Election of deductions; ~~husband and wife~~ spousal*  
18 *deductions.*

19           **SECTION 176.** 71.07 (5m) (a) 3. of the statutes is amended to read:

20           71.07 (5m) (a) 3. "Household" means a claimant and an individual related to  
21 the claimant as ~~husband or wife~~ his or her spouse.

22           **SECTION 177.** 71.07 (9e) (b) of the statutes is amended to read:

23           71.07 (9e) (b) No credit may be allowed under this subsection to married  
24 persons, except married persons living apart who are treated as single under section

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1 7703 (b) of the ~~internal revenue code~~ Internal Revenue Code, if the ~~husband and wife~~  
2 spouses report their income on separate income tax returns for the taxable year.

3 **SECTION 178.** 71.09 (13) (a) 2. of the statutes is amended to read:

4 71.09 (13) (a) 2. The tax shown on the return for the preceding year. If ~~a~~  
5 ~~husband and wife~~ spouses who filed separate returns for the preceding taxable year  
6 file a joint return, the tax shown on the return for the preceding year is the sum of  
7 the taxes shown on the separate returns of the ~~husband and wife~~ spouses. If ~~a~~  
8 ~~husband and wife~~ spouses who filed a joint return for the preceding taxable year file  
9 separate returns, the tax shown on the return for the preceding year is ~~the husband's~~  
10 ~~or wife's~~ each spouse's proportion of that tax based on what their respective tax  
11 liabilities for that year would have been had they filed separately.

12 **SECTION 179.** 71.52 (4) of the statutes is amended to read:

13 71.52 (4) "Household" means a claimant and an individual related to the  
14 claimant as ~~husband or wife~~ his or her spouse.

15 **SECTION 180.** 71.83 (1) (a) 8. of the statutes is amended to read:

16 71.83 (1) (a) 8. 'Joint return replacing separate returns.' If the amount shown  
17 as the tax by ~~the husband and wife~~ spouses on a joint return filed under s. 71.03 (2)  
18 (g) to (L) exceeds the sum of the amounts shown as the tax upon the separate return  
19 of each spouse and if any part of that excess is attributable to negligence or  
20 intentional disregard of this chapter, but without intent to defraud, at the time of the  
21 filing of that separate return, then 25 percent of the total amount of that excess shall  
22 be added to the tax.

23 **SECTION 181.** 71.83 (1) (b) 5. of the statutes is amended to read:

24 71.83 (1) (b) 5. 'Joint return after separate returns.' If the amount shown as  
25 the tax by ~~the husband and wife~~ spouses on a joint return filed under s. 71.03 (2) (g)

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1 to (L) exceeds the sum of the amounts shown as the tax on the separate return of each  
2 spouse and if any part of that excess is attributable to fraud with intent to evade tax  
3 at the time of the filing of that separate return, then 50 percent of the total amount  
4 of that excess shall be added to the tax.

5 **SECTION 182.** 77.25 (8m) of the statutes is amended to read:

6 77.25 (8m) Between ~~husband and wife~~ spouses.

7 **SECTION 183.** 77.54 (7) (b) 1. of the statutes is amended to read:

8 77.54 (7) (b) 1. The item is transferred to a child, spouse, parent, ~~father-in-law,~~  
9 ~~mother-in-law~~ parent-in-law, daughter-in-law, or son-in-law of the transferor or,  
10 if the item is a motor vehicle, from the transferor to a corporation owned solely by the  
11 transferor or by the transferor's spouse.

12 **SECTION 184.** 101.91 (5m) of the statutes is amended to read:

13 101.91 (5m) "Manufactured home community" means any plot or plots of  
14 ground upon which 3 or more manufactured homes that are occupied for dwelling or  
15 sleeping purposes are located. "Manufactured home community" does not include a  
16 farm where the occupants of the manufactured homes are the ~~father, mother, son,~~  
17 ~~daughter, brother or sister~~ parents, children, or siblings of the farm owner or  
18 operator or where the occupants of the manufactured homes work on the farm.

19 **SECTION 185.** 102.07 (5) (b) of the statutes is amended to read:

20 102.07 (5) (b) The parents, spouse, child, brother, sister, son-in-law,  
21 daughter-in-law, ~~father-in-law, mother-in-law~~ parent-in-law, brother-in-law, or  
22 sister-in-law of a farmer shall not be deemed the farmer's employees.

23 **SECTION 186.** 102.07 (5) (c) of the statutes is amended to read:

24 102.07 (5) (c) A shareholder-employee of a family farm corporation shall be  
25 deemed a "farmer" for purposes of this chapter and shall not be deemed an employee



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1 of a farmer. A “family farm corporation” means a corporation engaged in farming all  
2 of whose shareholders are related as lineal ancestors or lineal descendants, whether  
3 by blood or by adoption, or as spouses, brothers, sisters, uncles, aunts, cousins,  
4 sons-in-law, daughters-in-law, ~~fathers-in-law, mothers-in-law~~ parents-in-law,  
5 brothers-in-law, or sisters-in-law of such lineal ancestors or lineal descendants.

6 **SECTION 187.** 102.51 (1) (a) 1. of the statutes is amended to read:

7 102.51 (1) (a) 1. A wife married person upon ~~a husband~~ his or her spouse with  
8 whom he or she is living at the time of ~~his~~ the spouse’s death.

9 **SECTION 188.** 102.51 (1) (a) 2. of the statutes is repealed.

10 **SECTION 189.** 103.10 (1) (h) of the statutes is amended to read:

11 103.10 (1) (h) “Spouse” means ~~an employee’s legal husband or wife~~ the person  
12 to whom an employee is legally married.

13 **SECTION 190.** 103.165 (3) (a) 3. of the statutes is amended to read:

14 103.165 (3) (a) 3. The decedent’s ~~father or mother~~ parent or parents if the  
15 decedent leaves no surviving spouse, domestic partner under ch. 770, or children.

16 **SECTION 191.** 111.32 (12) of the statutes is amended to read:

17 111.32 (12) “Marital status” means the status of being married, single,  
18 divorced, separated, or ~~widowed~~ a surviving spouse.

19 **SECTION 192.** 115.76 (12) (a) 1. of the statutes is amended to read:

20 115.76 (12) (a) 1. A ~~biological~~ natural parent.

21 **SECTION 193.** 115.76 (12) (a) 2. of the statutes is repealed.

22 **SECTION 194.** 115.76 (12) (a) 3. of the statutes is repealed.

23 **SECTION 195.** 115.76 (12) (a) 4. of the statutes is amended to read:

24 115.76 (12) (a) 4. A male person who has been adjudicated the child’s ~~father~~  
25 parent under subch. VIII of ch. 48, under subch. IX of ch. 767, by final order or

**SENATE BILL 464****SECTION 195**

1 judgment of an Indian tribal court of competent jurisdiction or by final order or  
2 judgment of a court of competent jurisdiction in another state.

3 **SECTION 196.** 115.76 (13) of the statutes is amended to read:

4 115.76 (13) "Person acting as a parent of a child" means a relative of the child  
5 or a private individual allowed to act as a parent of a child by the child's biological  
6 natural or adoptive parents or guardian, and includes the child's grandparent,  
7 neighbor, friend or private individual caring for the child with the explicit or tacit  
8 approval of the child's biological natural or adoptive parents or guardian. "Person  
9 acting as a parent of a child" does not include any person that receives public funds  
10 to care for the child if such funds exceed the cost of such care.

11 **SECTION 197.** 146.0255 (2) of the statutes is amended to read:

12 146.0255 (2) TESTING. Any hospital employee who provides health care, social  
13 worker, or intake worker under ch. 48 may refer an infant or ~~an expectant mother~~  
14 of a person pregnant with an unborn child, as defined in s. 48.02 (19), to a physician  
15 for testing of the bodily fluids of the infant or ~~expectant mother~~ pregnant person for  
16 controlled substances or controlled substance analogs if the hospital employee who  
17 provides health care, social worker, or intake worker suspects that the infant or  
18 ~~expectant mother~~ pregnant person has controlled substances or controlled substance  
19 analogs in the bodily fluids of the infant or ~~expectant mother~~ pregnant person  
20 because of the use of controlled substances or controlled substance analogs by the  
21 ~~mother person who gave birth to the infant while she~~ that person was pregnant with  
22 the infant or by the ~~expectant mother~~ pregnant person while ~~she~~ that person is  
23 pregnant with the unborn child. The physician may test the infant or ~~expectant~~  
24 ~~mother~~ pregnant person to ascertain whether or not the infant or ~~expectant mother~~  
25 pregnant person has controlled substances or controlled substance analogs in the

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1     bodily fluids of the infant or ~~expectant mother~~ pregnant person, if the physician  
2     determines that there is a serious risk that there are controlled substances or  
3     controlled substance analogs in the bodily fluids of the infant or ~~expectant mother~~  
4     pregnant person because of the use of controlled substances or controlled substance  
5     analog by the ~~mother person who gave birth to the infant~~ while ~~she~~ that person was  
6     pregnant with the infant or by the ~~expectant mother~~ pregnant person while ~~she~~ that  
7     person is pregnant with the unborn child and that the health of the infant, the  
8     unborn child or the child when born may be adversely affected by the controlled  
9     substances or controlled substance analogs. If the results of the test indicate that  
10    the infant does have controlled substances or controlled substance analogs in the  
11    infant's bodily fluids, the physician shall report the occurrence of that condition in  
12    the infant to the agency, as defined in s. 48.981 (1) (ag), that is responsible for  
13    conducting child abuse and neglect investigations under s. 48.981, and that agency  
14    shall offer to provide, or arrange or refer for the provision of, services and treatment  
15    for the child and the ~~child's mother~~ person who gave birth to the child as provided  
16    under s. 46.238. If the results of the test indicate that the ~~expectant mother~~ pregnant  
17    person does have controlled substances or controlled substance analogs in the  
18    ~~expectant mother's~~ pregnant person's bodily fluids, the physician may report the  
19    occurrence of that condition in the ~~expectant mother~~ pregnant person to the agency,  
20    as defined in s. 48.981 (1) (ag), that is responsible for conducting unborn child abuse  
21    investigations under s. 48.981, and that agency shall offer to provide, or arrange or  
22    refer for the provision of, services and treatment for the unborn child and ~~expectant~~  
23    ~~mother~~ pregnant person as provided under s. 46.238. Under this subsection, no  
24    physician may test an ~~expectant mother~~ a pregnant person without first receiving  
25    ~~her~~ that person's informed consent to the testing.

**SENATE BILL 464****SECTION 198**

1           **SECTION 198.** 146.0255 (3) (intro.) and (b) of the statutes are amended to read:

2           146.0255 **(3)** TEST RESULTS. (intro.) The physician who performs a test under  
3 sub. (2) shall provide the infant's parents or guardian or the ~~expectant mother~~  
4 pregnant person with all of the following information:

5           (b) A statement of explanation that the test results of an infant must, and that  
6 the test results of an ~~expectant mother~~ a pregnant person may, be disclosed to an  
7 agency under sub. (2) if the test results are positive.

8           **SECTION 199.** 146.0257 (2) of the statutes is amended to read:

9           146.0257 **(2)** EVALUATION. If a hospital employee who provides health care,  
10 social worker, or intake worker under ch. 48 suspects that an infant has a fetal  
11 alcohol spectrum disorder, the hospital employee, social worker, or intake worker  
12 shall refer the infant to a physician for an evaluation to diagnose whether the infant  
13 has that disorder. If a physician determines that there is a serious risk that an infant  
14 has a fetal alcohol spectrum disorder, the physician shall evaluate the infant to  
15 diagnose whether the infant has that disorder. If a physician diagnoses that an  
16 infant has a fetal alcohol spectrum disorder, the physician shall report that diagnosis  
17 to the agency that is responsible for conducting child abuse and neglect  
18 investigations under s. 48.981, and that agency shall offer to provide, or arrange or  
19 refer for the provision of, services and treatment for the infant and the ~~infant's~~  
20 mother person who gave birth to the infant as provided under s. 46.238.

21           **SECTION 200.** 146.34 (1) (f) of the statutes is amended to read:

22           146.34 **(1)** (f) "Parent" means a biological natural parent, ~~a husband who has~~  
23 ~~consented to the artificial insemination of his wife under s. 891.40~~ or a parent by  
24 adoption. If the minor is a nonmarital child who is not adopted or whose parents do  
25 not subsequently intermarry under s. 767.803, "parent" includes a person adjudged

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1 in a judicial proceeding under ch. 48 to be the biological ~~father~~ parent of the minor.

2 “Parent” does not include any person whose parental rights have been terminated.

3 **SECTION 201.** 146.817 (1) of the statutes is amended to read:

4 146.817 (1) In this section, “fetal monitor tracing” means documentation of the  
5 heart tones of a fetus during labor and delivery of the ~~mother of the fetus~~ person  
6 giving birth that are recorded from an electronic fetal monitor machine.

7 **SECTION 202.** 157.05 of the statutes is amended to read:

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

15 **SECTION 203.** 182.004 (6) of the statutes is amended to read:

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

22 **SECTION 204.** 250.04 (3) (a) of the statutes is amended to read:

23 250.04 (3) (a) The department shall establish and maintain surveillance  
24 activities sufficient to detect any occurrence of acute, communicable, or chronic

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1 diseases and threat of occupational or environmental hazards, injuries, or changes  
2 in the health of ~~mothers~~ parents and children.

3 **SECTION 205.** 253.165 of the statutes is amended to read:

4 **253.165 Right to breast-feed breastfeed.** A ~~mother~~ person may  
5 ~~breast-feed her~~ breastfeed a child in any public or private location where the ~~mother~~  
6 person and child are otherwise authorized to be. In such a location, no person may  
7 prohibit ~~a mother~~ another person from ~~breast-feeding her~~ breastfeeding a child,  
8 direct a ~~mother~~ person to move to a different location to ~~breast-feed her~~ breastfeed  
9 a child, direct a ~~mother~~ person to cover her a child or breast while ~~breast-feeding~~  
10 breastfeeding, or otherwise restrict a ~~mother~~ person from ~~breast-feeding her~~  
11 breastfeeding a child as provided in this section.

12 **SECTION 206.** 301.01 (2) (cm) of the statutes is amended to read:

13 301.01 (2) (cm) Any expectant ~~mother~~ parent held in custody under ss. 48.193  
14 to 48.213.

15 **SECTION 207.** 301.12 (2) of the statutes is amended to read:

16 301.12 (2) Except as provided in subs. (2m) and (14) (b) and (c), any person,  
17 including a person placed under s. 938.183, 938.32 (1) (bm) or (c), 938.34 (4h) or (4m),  
18 or 938.357 (1), (2m), (4), or (5) (e), receiving care, maintenance, services, and supplies  
19 provided by any institution in this state operated or contracted for by the  
20 department, in which the state is chargeable with all or part of the person's care,  
21 maintenance, services, and supplies, 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. 301.03 (18). If a spouse, ~~widow~~ surviving spouse, or minor, or  
7 an incapacitated person, may be lawfully dependent upon the property for his or her  
8 support, the court shall release all or such part of the property and estate from the  
9 charges that may be necessary to provide for that person. The department shall  
10 make 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 of the notice is not a  
12 condition of liability.

13 **SECTION 208.** 301.50 (1) of the statutes is amended to read:

14 301.50 (1) In this section, “substantial parental relationship” means the  
15 acceptance and exercise of significant responsibility for the daily supervision,  
16 education, protection, and care of the child. In evaluating whether an individual has  
17 had a substantial parental relationship with the child, factors that may be  
18 considered include, but are not limited to, whether the individual has expressed  
19 concern for or interest in the support, care, or well-being of the child; whether the  
20 individual has neglected or refused to provide care or support for the child; and  
21 whether, with respect to an individual who is or may be ~~the father~~ a parent of the  
22 child, the individual has expressed concern for or interest in the support, care, or  
23 well-being of the ~~mother during her~~ parent who gave birth during pregnancy.

24 **SECTION 209.** 441.15 (4) of the statutes is amended to read:

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1           441.15 (4) A nurse-midwife who discovers evidence that any aspect of care  
2 involves any complication which jeopardizes the health or life of a newborn or ~~mother~~  
3 a pregnant or postpartum person shall consult with the collaborating physician  
4 under sub. (2) (b) or the physician's designee, or make a referral as specified in a  
5 written agreement under sub. (2) (b).

6           **SECTION 210.** 700.19 (2) of the statutes is amended to read:

7           700.19 (2) ~~HUSBAND AND WIFE~~ SPOUSES. If persons named as owners in a  
8 document of title, transferees in an instrument of transfer, or buyers in a bill of sale  
9 are described in the document, instrument, or bill of sale as ~~husband and wife~~  
10 married to each other, or are in fact ~~husband and wife~~ married to each other, they are  
11 joint tenants, unless the intent to create a tenancy in common is expressed in the  
12 document, instrument, or bill of sale. This subsection applies to property acquired  
13 before January 1, 1986, and, if ch. 766 does not apply when the property is acquired,  
14 to property acquired on or after January 1, 1986.

15           **SECTION 211.** 705.01 (4) of the statutes is amended to read:

16           705.01 (4) "Joint account" means an account, other than a marital account,  
17 payable on request to one or more of 2 or more parties whether or not mention is made  
18 of any right of survivorship. "Joint account" also means any account established with  
19 the right of survivorship on or after January 1, 1986, by 2 parties who claim to be  
20 ~~husband and wife~~ married to each other, which is payable on request to either or both  
21 of the parties.

22           **SECTION 212.** 705.01 (4m) of the statutes is amended to read:

23           705.01 (4m) "Marital account" means an account established without the right  
24 of survivorship on or after January 1, 1986, by 2 parties who claim to be ~~husband and~~  
25 ~~wife~~ married to each other, which is payable on request to either or both of the parties



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1 and which is designated as a marital account. An account established by those  
2 parties with the right of survivorship under s. 766.58 (3) (f) or 766.60 is a joint  
3 account.

4 **SECTION 213.** 706.09 (1) (e) of the statutes is amended to read:

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

12 **SECTION 214.** 757.69 (1) (g) 2. of the statutes is amended to read:

13 757.69 (1) (g) 2. Order the release or detention of children or ~~expectant mothers~~  
14 of persons pregnant with unborn children taken into custody.

15 **SECTION 215.** 757.69 (1) (g) 9. of the statutes is amended to read:

16 757.69 (1) (g) 9. Conduct hearings under s. 48.213 or 48.217 and thereafter  
17 order an adult expectant ~~mother~~ parent of an unborn child to be held in or released  
18 from custody.

19 **SECTION 216.** 757.69 (1m) (d) of the statutes is amended to read:

20 757.69 (1m) (d) Make changes in placements of children, of juveniles, or of ~~the~~  
21 ~~expectant mothers of~~ persons pregnant with unborn children, or revisions or  
22 extensions of dispositional orders, except pursuant to petitions or citations under s.  
23 938.125, in uncontested proceedings under s. 48.13, 48.133, 938.12, or 938.13, or as  
24 permitted under sub. (1) (g) 6., 8., 9., and 15.

25 **SECTION 217.** 765.001 (2) of the statutes is amended to read:

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1           765.001 (2) INTENT. It is the intent of chs. 765 to 768 to promote the stability  
2 and best interests of marriage and the family. It is the intent of the legislature to  
3 recognize the valuable contributions of both spouses during the marriage and at  
4 termination of the marriage by dissolution or death. Marriage is the institution that  
5 is the foundation of the family and of society. Its stability is basic to morality and  
6 civilization, and of vital interest to society and the state. The consequences of the  
7 marriage contract are more significant to society than those of other contracts, and  
8 the public interest must be taken into account always. The seriousness of marriage  
9 makes adequate premarital counseling and education for family living highly  
10 desirable and courses thereon are urged upon all persons contemplating marriage.  
11 The impairment or dissolution of the marriage relation generally results in injury  
12 to the public wholly apart from the effect upon the parties immediately concerned.  
13 Under the laws of this state, marriage is a legal relationship between 2 equal  
14 persons, ~~a husband and wife~~, who owe to each other mutual responsibility and  
15 support. Each spouse has an equal obligation in accordance with his or her ability  
16 to contribute money or services or both which are necessary for the adequate support  
17 and maintenance of his or her minor children and of the other spouse. No spouse may  
18 be presumed primarily liable for support expenses under this subsection.

19           **SECTION 218.** 765.01 of the statutes is amended to read:

20           **765.01 A civil contract.** Marriage, so far as its validity at law is concerned,  
21 is a civil contract, to which the consent of the parties capable in law of contracting  
22 is essential, and which creates the legal status of ~~husband and wife~~ spouse to each  
23 other.

24           **SECTION 219.** 765.02 (3) of the statutes is created to read:

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1           765.02 (3) Marriage may be contracted between persons of the same sex or  
2 different sexes.

3           **SECTION 220.** 765.03 (1) of the statutes is amended to read:

4           765.03 (1) No marriage shall be contracted while either of the parties has a  
5 ~~husband or wife~~ spouse living, nor between persons who are nearer of kin than 2nd  
6 cousins except that marriage may be contracted between first cousins ~~where the~~  
7 ~~female has attained the age of 55 years or where~~ if either party, at the time of  
8 application for a marriage license, submits an affidavit signed by a physician stating  
9 that either party is permanently sterile or that the 2 parties are otherwise  
10 permanently biologically incapable of producing a child together. Relationship  
11 under this section shall be computed by the rule of the civil law, whether the parties  
12 to the marriage are of the half or of the whole blood. A marriage may not be  
13 contracted if either party has such want of understanding as renders him or her  
14 incapable of assenting to marriage.

15           **SECTION 221.** 765.12 (1) (a) of the statutes is amended to read:

16           765.12 (1) (a) If ss. 765.02, 765.05, 765.08, and 765.09 are complied with, and  
17 if there is no prohibition against or legal objection to the marriage, the county clerk  
18 shall issue a marriage license. With each marriage license the county clerk shall  
19 provide information describing the causes and effects of fetal alcohol syndrome and  
20 the dangers to a fetus from the ~~mother's~~ use of cocaine or other drugs by the pregnant  
21 person during pregnancy.

22           **SECTION 222.** 765.16 (1m) (intro.) of the statutes is amended to read:

23           765.16 (1m) (intro.) Marriage may be validly solemnized and contracted in this  
24 state only after a marriage license has been issued therefor, and only by the mutual  
25 declarations of the 2 parties to be joined in marriage that ~~they take~~ each takes the

**SENATE BILL 464****SECTION 222**

1 other as ~~husband and wife~~ his or her spouse, made before an authorized officiating  
2 person and in the presence of at least 2 competent adult witnesses other than the  
3 officiating person. The following are authorized to be officiating persons:

4 **SECTION 223.** 765.16 (1m) (c) of the statutes is amended to read:

5 765.16 (1m) (c) The 2 parties themselves, by mutual declarations that they  
6 ~~take each~~ takes the other as ~~husband and wife~~ his or her spouse, in accordance with  
7 the customs, rules, and regulations of any religious society, denomination, or sect to  
8 which either of the parties may belong.

9 **SECTION 224.** 765.23 of the statutes is amended to read:

10 **765.23 Immaterial irregularities otherwise.** No marriage hereafter  
11 contracted shall be void either by reason of the marriage license having been issued  
12 by a county clerk not having jurisdiction to issue the same; or by reason of any  
13 informality or irregularity of form in the application for the marriage license or in  
14 the marriage license itself, or the incompetency of the witnesses to such marriage;  
15 or because the marriage may have been solemnized in a county other than the county  
16 prescribed in s. 765.12, or more than 30 days after the date of the marriage license,  
17 if the marriage is in other respects lawful and is consummated with the full belief  
18 on the part of the persons so married, or either of them, that they have been lawfully  
19 joined in marriage. Where a marriage has been celebrated in one of the forms  
20 provided for in s. 765.16 (1m), and the parties thereto have immediately thereafter  
21 assumed the habit and repute of ~~husband and wife~~ a married couple, and having  
22 continued the same uninterruptedly thereafter for the period of one year, or until the  
23 death of either of them, it shall be deemed that a marriage license has been issued  
24 as required by ss. 765.05 to 765.24 and 767.803.

25 **SECTION 225.** 765.24 of the statutes is amended to read:

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1           **765.24 Removal of impediments to subsequent marriage.** If a person  
2 during the lifetime of a ~~husband or wife~~ spouse with whom the marriage is in force,  
3 enters into a subsequent marriage contract in accordance with s. 765.16, and the  
4 parties thereto live together thereafter as ~~husband and wife~~ a married couple, and  
5 such subsequent marriage contract was entered into by one of the parties in good  
6 faith, in the full belief that the former ~~husband or wife~~ spouse was dead, or that the  
7 former marriage had been annulled, or dissolved by a divorce, or without knowledge  
8 of such former marriage, ~~they~~ the parties shall, after the impediment to their  
9 marriage has been removed by the death or divorce of the other party to such former  
10 marriage, if they continue to live together as ~~husband and wife~~ a married couple in  
11 good faith on the part of one of them, be held to have been legally married from and  
12 after the removal of such impediment and ~~the issue of~~ any children born during such  
13 subsequent marriage shall be considered as the marital ~~issue~~ children of both  
14 ~~parents~~ parties.

15           **SECTION 226.** 765.30 (3) (a) of the statutes is amended to read:

16           765.30 **(3)** (a) *Penalty for unlawful solemnization of marriage.* Any officiating  
17 person who solemnizes a marriage unless the contracting parties have first obtained  
18 a proper marriage license as heretofore provided; or unless the parties to such  
19 marriage declare that ~~they take~~ each takes the other as ~~husband and wife~~ his or her  
20 spouse; or without the presence of 2 competent adult witnesses; or solemnizes a  
21 marriage knowing of any legal impediment thereto; or solemnizes a marriage more  
22 than 30 days after the date of the marriage license; or falsely certifies to the date of  
23 a marriage solemnized by the officiating person; or solemnizes a marriage in a county  
24 other than the county prescribed in s. 765.12.

25           **SECTION 227.** 766.587 (7) (form) 9. of the statutes is amended to read:





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1 CLASSIFICATION AGREEMENT WITH EACH OTHER WHICH WAS  
2 EFFECTIVE DURING YOUR PRESENT MARRIAGE AND YOU AND YOUR  
3 SPOUSE DID NOT COMPLETE SCHEDULE "A", YOU MAY NOT EXECUTE THIS  
4 AGREEMENT IF YOU DO NOT COMPLETE SCHEDULE "A".

5 Signature of One Spouse: ....

6 Date: ....

7 Print Name Here: ....

8 Residence Address: ....

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

10 AUTHENTICATION

11 Signature .... authenticated this .... day of ....., .... (year)

12 \*....

13 TITLE: MEMBER STATE BAR OF WISCONSIN

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

15 ACKNOWLEDGMENT

16 STATE OF WISCONSIN )

17 ) ss.

18 .... County )

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

22 \*....

23 Notary Public ....., .... County, Wisconsin.

24 My Commission is permanent.

25 (If not, state expiration date: ....., .... (year))



**SENATE BILL 464**

1 (Signatures may be authenticated or  
2 acknowledged. Both are not necessary.)

3 \*Names of persons signing in any capacity should be  
4 typed or printed below their signatures.

5 Signature of Other Spouse: ....

6 Date: ....

7 Print Name Here: ....

8 Residence Address: ....

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

10 AUTHENTICATION

11 Signature .... authenticated this .... day of ....., .... (year)

12 \*....

13 TITLE: MEMBER STATE BAR OF WISCONSIN

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

15 ACKNOWLEDGMENT

16 STATE OF WISCONSIN )

17 ) ss.

18 .... County )

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

22 \*....

23 Notary Public ....., .... County, Wisconsin.

24 My Commission is permanent.

25 (If not, state expiration date: ....., .... (year))

**SENATE BILL 464**

1 (Signatures may be authenticated or  
2 acknowledged. Both are not necessary.)  
3 \*Names of persons signing in any capacity should be  
4 typed or printed below their signatures.

5 TERMINATION OF STATUTORY TERMINABLE

6 MARITAL PROPERTY CLASSIFICATION AGREEMENT

7 I UNDERSTAND THAT:

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

11 2. THIS TERMINATION IS PROSPECTIVE; IT DOES NOT AFFECT THE  
12 CLASSIFICATION OF PROPERTY ACQUIRED BEFORE THE TERMINATION  
13 BECOMES EFFECTIVE. PROPERTY ACQUIRED AFTER THE TERMINATION  
14 BECOMES EFFECTIVE IS CLASSIFIED AS PROVIDED UNDER THE MARITAL  
15 PROPERTY LAW.

16 3. IN GENERAL, THIS TERMINATION IS NOT BINDING ON CREDITORS  
17 UNLESS THEY ARE PROVIDED A COPY OF THE TERMINATION BEFORE  
18 CREDIT IS EXTENDED.

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

22 Signature: ....

23 Date: ....

24 Print Name Here: ....

25 Residence Address: ....

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## SCHEDULE "A"

## FINANCIAL DISCLOSURE

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

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

## I. ASSETS

A. Real estate (gross value)

B. Stocks, bonds and mutual funds

C. Accounts at and certificates or other  
instruments issued by financial institutionsD. Mortgages, land contracts, promissory notes  
and cash

E. Partnership interests

EL. Limited liability company interests.

F. Trust interests

G. Livestock, farm products, crops

H. Automobiles and other vehicles

I. Jewelry and personal effects

J. Household furnishings

K. Life insurance and annuities:

1. Face value

2. Cash surrender value

L. Retirement benefits (include value):



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1 ARE URGED TO SEEK LEGAL ADVICE CONCERNING THE CONTINUED  
2 EFFECTIVENESS OF THIS AGREEMENT.

3 STATUTORY TERMINABLE INDIVIDUAL

4 PROPERTY CLASSIFICATION AGREEMENT

5 (Pursuant to Section 766.589, Wisconsin Statutes)

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

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

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

23 The parties (have) (have not) (strike one) completed Schedule "A", "Financial  
24 Disclosure", attached to this agreement. If Schedule "A" has not been completed, the  
25 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 THAT 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 INDIVIDUAL 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 )









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

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1 III. ANNUAL COMPENSATION FOR SERVICES:

2 (for example, wages and income from  
3 self-employment; also include social security,  
4 disability and similar income here)

5 (IF YOU NEED ADDITIONAL SPACE,  
6 ADD ADDITIONAL SHEETS.)

7 **SECTION 230.** 767.001 (1m) of the statutes is amended to read:

8 767.001 (1m) "Genetic test" means a test that examines genetic markers  
9 present on blood cells, skin cells, tissue cells, bodily fluid cells or cells of another body  
10 material for the purpose of determining the statistical probability of an alleged  
11 father's paternity parent's parentage.

12 **SECTION 231.** 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 any other child children born to ~~the wife~~ either of the parties during the  
15 marriage, and whether ~~the wife~~ either party is pregnant.

16 **SECTION 232.** 767.215 (2) (b) of the statutes is amended to read:

17 767.215 (2) (b) The name and birthdate of each minor child of the parties and  
18 each other child born to ~~the wife~~ a party during the marriage, and whether ~~the wife~~  
19 a party is pregnant.

20 **SECTION 233.** 767.215 (5) (a) 2. of the statutes is amended to read:

21 767.215 (5) (a) 2. The name, date of birth, and social security number of each  
22 minor child of the parties and of each child who was born to ~~the wife~~ a party during  
23 the marriage and who is a minor.

24 **SECTION 234.** 767.323 of the statutes is amended to read:

**SENATE BILL 464****SECTION 234**

1           **767.323 Suspension of proceedings to effect reconciliation.** During the  
2 pendency of an action for divorce or legal separation, the court may, upon written  
3 stipulation of both parties that they desire to attempt a reconciliation, enter an order  
4 suspending any and all orders and proceedings for such period, not exceeding 90  
5 days, as the court determines advisable to permit the parties to attempt a  
6 reconciliation without prejudice to their respective rights. During the suspension  
7 period, the parties may resume living together as ~~husband and wife~~ a married couple  
8 and their acts and conduct do not constitute an admission that the marriage is not  
9 irretrievably broken or a waiver of the ground that the parties have voluntarily lived  
10 apart continuously for 12 months or more immediately prior to the commencement  
11 of the action. Suspension may be revoked upon the motion of either party by an order  
12 of the court. If the parties become reconciled, the court shall dismiss the action. If  
13 the parties are not reconciled after the period of suspension, the action shall proceed  
14 as though no reconciliation period was attempted.

15           **SECTION 235.** 767.43 (3) (b) and (4) of the statutes are amended to read:

16           767.43 (3) (b) Except as provided in sub. (4), the ~~paternity~~ parentage of the child  
17 has been determined under the laws of this state or another jurisdiction if the  
18 grandparent filing the petition is a parent of the ~~child's father~~ parent who did not give  
19 birth to the child.

20           (4) ~~PATERNITY~~ PARENTAGE DETERMINATION. If the ~~paternity~~ parentage of the child  
21 has not yet been determined in an action under sub. (3) that is commenced by a  
22 person other than a parent of the ~~child's mother~~ parent who gave birth to the child  
23 but the person filing the petition under sub. (3) has, in conjunction with that petition,  
24 filed a petition or motion under s. 767.80 (1) (k), the court shall make a determination  
25 as to ~~paternity~~ parentage before determining visitation rights under sub. (3).



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1           767.80 (2) CERTAIN AGREEMENTS NOT A BAR TO ACTION. Regardless of its terms,  
2 an agreement made after July 1, 1981, other than an agreement approved by the  
3 court between an alleged or presumed ~~father~~ parent and the ~~mother or~~ person who  
4 gave birth to the child, does not bar an action under this section. Whenever the court  
5 approves an agreement in which one of the parties agrees not to commence an action  
6 under this section, the court shall first determine whether or not the agreement is  
7 in the best interest of the child. The court shall not approve any provision waiving  
8 the right to bring an action under this section if this provision is contrary to the best  
9 interests of the child.

10           **SECTION 243.** 767.80 (5) (a) and (b) of the statutes are amended to read:

11           767.80 (5) (a) In this subsection, “any alleged ~~father~~” parent” includes any ~~male~~  
12 person who has engaged in sexual intercourse with the ~~child’s mother during a~~  
13 possible time of person who gave birth to the child that may have resulted in the  
14 conception of the child.

15           (b) ~~An A~~ A parentage action under this section may be joined with any other  
16 action for child support and is governed by the procedures specified in s. 767.205  
17 relating to child support, except that the title of the action shall be “In re the  
18 paternity parentage of A.B.” The petition shall state the name and date of birth of  
19 the child if born or that the ~~mother~~ person is pregnant if the child is unborn, the name  
20 of any alleged ~~father~~ parent or presumed parent, whether or not an action by any of  
21 the parties to determine the paternity parentage of the child or rebut the  
22 presumption of paternity parentage to the child has at any time been commenced,  
23 or is pending before any court, in this state or elsewhere. If a paternity parentage  
24 judgment has been rendered, or if a paternity parentage action has been dismissed,  
25 the petition shall state the court that rendered the judgment or dismissed the action,

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1 and the date and the place the judgment was granted if known. The petition shall  
2 also give notice of a party's right to request a genetic test under s. 49.225 or 767.84.

3 **SECTION 244.** 767.80 (5m) of the statutes is amended to read:

4 767.80 (5m) APPLICABLE PROCEDURE; EXCEPTIONS. Except as provided in ss.  
5 767.804, 767.805, 767.863 (3), 767.85, 767.893 (2) and (2m), and 769.401, unless a  
6 male person is presumed the child's father parent under s. 891.41 (1), is adjudicated  
7 the child's father parent either under s. 767.89 or by final order or judgment of a court  
8 of competent jurisdiction in another state, is conclusively determined to be the child's  
9 father parent from genetic test results under s. 767.804, or has voluntarily  
10 acknowledged himself to be the child's father parentage under s. 767.805 (1) or a  
11 substantially similar law of another state, no order or temporary order may be  
12 entered for child support, legal custody, or physical placement until the male person  
13 is adjudicated the father parent using the procedure set forth in this subchapter,  
14 except s. 767.804 or 767.805. Except as provided in ss. 767.804, 767.805, 767.85, and  
15 769.401, the exclusive procedure for establishment of child support obligations, legal  
16 custody, or physical placement rights for a male person who is not presumed the  
17 child's father parent under s. 891.41 (1), adjudicated the father parent, conclusively  
18 determined to be the child's father parent from genetic test results under s. 767.804,  
19 or acknowledged under s. 767.805 (1) or a substantially similar law of another state  
20 to be the father parent is by an action under this subchapter, except s. 767.804 or  
21 767.805, or under s. 769.402. No person may waive the use of this procedure. If a  
22 presumption under s. 891.41 (1) exists, a party denying paternity parentage has the  
23 burden of rebutting the presumption.

24 **SECTION 245.** 767.80 (6m) of the statutes is amended to read:

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1           767.80 (6m) WHEN ACTION MUST BE COMMENCED. The attorney designated under  
2 sub. (6) (a) shall commence an action under this section on behalf of the state within  
3 6 months after receiving notification under s. 69.03 (15) that ~~no father~~ only one  
4 parent is named on the birth record of a child who is a resident of the county if  
5 paternity parentage has not been conclusively determined from genetic test results  
6 under s. 767.804, acknowledged under s. 767.805 (1) or a substantially similar law  
7 of another state, or adjudicated, except in situations under s. 69.14 (1) (g) and (h) and  
8 as provided by the department by rule.

9           **SECTION 246.** 767.80 (6r) (a) 1., 2. c. and 3. of the statutes are amended to read:

10           767.80 (6r) (a) 1. Give priority to matters referred under s. 48.299 (6) (a) or  
11 938.299 (6) (a), including priority in determining whether an action should be  
12 brought under this section and, if the determination is that such an action should be  
13 brought, priority in bringing the action and in establishing the existence or  
14 nonexistence of paternity parentage.

15           2. c. That the male person designated in s. 48.299 (6) (a) or 938.299 (6) (a) has  
16 previously been excluded as the ~~father~~ parent of the child.

17           3. If an action is brought under this section, notify the court that referred the  
18 matter as soon as possible of a judgment or order determining the existence or  
19 nonexistence of paternity parentage.

20           **SECTION 247.** 767.803 of the statutes is amended to read:

21           **767.803 Determination of marital children.** If the ~~father and mother~~  
22 natural parents of a nonmarital child enter into a lawful marriage or a marriage  
23 which appears and they believe is lawful, except where the parental rights of the  
24 mother parent who gave birth were terminated before either of these circumstances,  
25 the child becomes a marital child, is entitled to a change in birth record under s. 69.15



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1 (3) (b), and shall enjoy all of the rights and privileges of a marital child as if he or she  
2 had been born during the marriage of the parents. This section applies to all cases  
3 before, on, or after its effective date, but no estate already vested shall be divested  
4 by this section and ss. 765.05 to 765.24 and 852.05. The children of all marriages  
5 declared void under the law are nevertheless marital children.

6 **SECTION 248.** 767.804 (1) (title) of the statutes is amended to read:

7 767.804 (1) (title) CONCLUSIVE DETERMINATION OF PATERNITY PARENTAGE.

8 **SECTION 249.** 767.804 (1) (a) (intro.), 1., 3. and 4. of the statutes are amended  
9 to read:

10 767.804 (1) (a) (intro.) If genetic tests have been performed with respect to a  
11 child, the ~~child's mother~~ person who gave birth to the child, and a ~~male~~ person  
12 ~~alleged, or alleging himself, to be the child's father~~ other parent, the test results  
13 constitute a conclusive determination of ~~paternity~~ parentage, effective on the date  
14 on which the report under par. (c) is submitted to the state registrar, which has the  
15 same effect as a judgment of ~~paternity~~ parentage, if all of the following apply:

16 1. Both the ~~child's mother~~ person who gave birth to the child and the ~~male~~  
17 alleged parent are over the age of 18 years.

18 3. The test results show that the ~~male~~ alleged parent is not excluded as the  
19 ~~father~~ parent and that the statistical probability of the ~~male's~~ alleged parent's  
20 parentage is 99.0 percent or higher.

21 4. No other ~~male~~ person is presumed to be the ~~father~~ natural parent under s.  
22 891.405 or 891.41 (1).

23 **SECTION 250.** 767.804 (1) (b) (intro.), 2., 3. and 4. of the statutes are amended  
24 to read:

**SENATE BILL 464**

1           767.804 (1) (b) (intro.) When the county child support agency under s. 59.53 (5)  
2 receives genetic test results described in par. (a) 3. and the requirements under par.  
3 (a) are satisfied, the county child support agency shall send notice to the ~~mother~~  
4 person who gave birth to the child and ~~male~~ the alleged parent by regular mail at  
5 their last-known addresses. The notice must be sent at least 15 days in advance of  
6 the date on which the county child support agency intends to file the report under  
7 par. (c) and shall advise the ~~mother~~ person who gave birth to the child and ~~male~~ the  
8 alleged parent of all of the following:

9           2. That the report under par. (c) will be filed with the state registrar if neither  
10 the ~~mother~~ person who gave birth to the child nor the ~~male~~ alleged parent timely  
11 objects under subd. 4., and the date on which the report will be filed.

12           3. That an action affecting the family concerning custody, child support, or  
13 physical placement rights may be brought with respect to the ~~mother~~ person who  
14 gave birth to the child and ~~male~~ the alleged parent.

15           4. That the ~~mother~~ person who gave birth to the child or the ~~male~~ alleged  
16 parent, or both, may object to the test results by submitting an objection in writing  
17 to the county child support agency no later than the day before the date specified in  
18 subd. 2., and that, if either the ~~mother~~ person who gave birth to the child or the ~~male~~  
19 alleged parent timely submits an objection, the state will commence a ~~paternity~~  
20 parentage action.

21           **SECTION 251.** 767.804 (1) (c) 1. and 2. of the statutes are amended to read:

22           767.804 (1) (c) 1. If neither the ~~mother~~ person who gave birth to the child nor  
23 the ~~male~~ alleged parent timely submits an objection under par. (b) 4., the county child  
24 support agency shall file with the state registrar a report showing the names, dates,  
25 and birth places of the child and the ~~father~~ alleged parent, the social security

**SENATE BILL 464**

1 numbers of the ~~mother, father, person who gave birth to the child, the alleged parent,~~  
2 and the child, and the ~~maiden full birth~~ name of the ~~mother~~ person who gave birth  
3 on a form prescribed by the state registrar, along with the fee set forth in s. 69.22 (5),  
4 if any, which the county child support agency shall collect.

5 2. The department shall pay, and may not require the county or county child  
6 support agency to reimburse the department, for the cost of a fee for inserting ~~the~~  
7 ~~father's~~ a parent's name on a birth certificate under s. 69.15 (3) (a) 3. if the county  
8 child support agency is unable to collect the fee.

9 **SECTION 252.** 767.804 (1) (d) of the statutes is amended to read:

10 767.804 (1) (d) If either the ~~mother~~ person who gave birth or the ~~male alleged~~  
11 parent timely submits an objection under par. (b) 4., the county child support agency  
12 shall commence an action under s. 767.80 (1) on behalf of the state. The genetic test  
13 results described in par. (a) are admissible in an action commenced under this  
14 paragraph.

15 **SECTION 253.** 767.804 (2) of the statutes is amended to read:

16 767.804 (2) ACTIONS. Unless sub. (1) (d) applies, an action affecting the family  
17 concerning custody, child support, or physical placement rights may be brought  
18 under this subsection with respect to ~~a child's mother and a male~~ any person who,  
19 along with the child, ~~were~~ was the ~~subjects~~ subject of a genetic tests test, the results  
20 of which constitute a conclusive determination of ~~paternity~~ parentage under sub. (1).  
21 Except as provided in s. 767.407, in an action under this subsection the court may  
22 appoint a guardian ad litem for the child.

23 **SECTION 254.** 767.804 (3) (d) 1. and 2. of the statutes are amended to read:

24 767.804 (3) (d) 1. An order establishing the amount of the ~~father's~~ adjudicated  
25 parent's obligation to pay or contribute to the reasonable expenses of the ~~mother's~~

**SENATE BILL 464**

1 pregnancy and ~~the child's birth~~ childbirth. The amount established may not exceed  
2 one-half of the total actual and reasonable pregnancy and birth expenses. The order  
3 also shall specify the court's findings as to whether the ~~father's~~ adjudicated parent's  
4 income is at or below the poverty line established under 42 USC 9902 (2), and shall  
5 specify whether periodic payments are due on the obligation, based on the ~~father's~~  
6 adjudicated parent's ability to pay or contribute to those expenses.

7 2. If the order does not require periodic payments because the ~~father~~  
8 adjudicated parent has no present ability to pay or contribute to the expenses, the  
9 court may modify the judgment or order at a later date to require periodic payments  
10 if the ~~father~~ adjudicated parent has the ability to pay at that time.

11 **SECTION 255.** 767.804 (4) (a) 1. (intro.) of the statutes is amended to read:

12 767.804 (4) (a) 1. (intro.) That ~~he or she~~ the party was induced to delay  
13 commencing the action by any of the following:

14 **SECTION 256.** 767.804 (4) (a) 2. of the statutes is amended to read:

15 767.804 (4) (a) 2. That, after the inducement ceased to operate, ~~he or she~~ the  
16 party did not unreasonably delay in commencing the action.

17 **SECTION 257.** 767.805 (2) (b) of the statutes is amended to read:

18 767.805 (2) (b) If a statement acknowledging ~~paternity~~ parentage is timely  
19 rescinded as provided in s. 69.15 (3m), a court may not enter an order specified in sub.  
20 (4) with respect to the ~~male person~~ who signed the statement as the ~~father~~ parent  
21 of the child unless the ~~male person~~ is adjudicated the child's ~~father~~ parent using the  
22 procedures set forth in this subchapter, except for this section.

23 **SECTION 258.** 767.805 (4) (d) of the statutes is amended to read:

24 767.805 (4) (d) 1. An order establishing the amount of ~~the father's~~ the  
25 adjudicated parent's obligation to pay or contribute to the reasonable expenses of the

**SENATE BILL 464**

1 ~~mother's pregnancy and the child's birth~~ childbirth. The amount established may  
2 not exceed one-half of the total actual and reasonable pregnancy and birth expenses.  
3 The order also shall specify the court's findings as to whether the ~~father's~~ adjudicated  
4 parent's income is at or below the poverty line established under 42 USC 9902 (2),  
5 and shall specify whether periodic payments are due on the obligation, based on the  
6 ~~father's~~ adjudicated parent's ability to pay or contribute to those expenses.

7 2. If the order does not require periodic payments because the ~~father~~  
8 adjudicated parent has no present ability to pay or contribute to the expenses, the  
9 court may modify the judgment or order at a later date to require periodic payments  
10 if the ~~father~~ adjudicated parent has the ability to pay at that time.

11 **SECTION 259.** 767.805 (5) (b) of the statutes is amended to read:

12 767.805 (5) (b) If a court in a proceeding under par. (a) determines that the ~~male~~  
13 person is not the ~~father~~ parent of the child, the court shall vacate any order entered  
14 under sub. (4) with respect to the ~~male~~ person. The court or the county child support  
15 agency under s. 59.53 (5) shall notify the state registrar, in the manner provided in  
16 s. 69.15 (1) (b), to remove the ~~male's~~ person's name as the ~~father~~ parent of the child  
17 from the child's birth record. No ~~paternity~~ parentage action may thereafter be  
18 brought against the ~~male~~ person with respect to the child.

19 **SECTION 260.** 767.813 (5) (a), (b) and (c) of the statutes are amended to read:

20 767.813 (5) (a) *Mother Parent as petitioner.*

21 STATE OF WISCONSIN,                      CIRCUIT COURT: ...COUNTY

22 \_\_\_\_\_  
23 In re the Paternity Parentage of A. B.

24 STATE OF WISCONSIN

25 and

**SENATE BILL 464**

1 C. D. (~~Mother~~ Parent-Petitioner)

2 Address

3 City, State Zip Code

File No. ...

4 , Petitioners

5 vs.

**S U M M O N S**

6 E. F.

7 Address .... (Case Classification Type):.... (Code No.)

8 City, State Zip Code

9 , Respondent

10 \_\_\_\_\_

11 THE STATE OF WISCONSIN, To the Respondent:

12 1. You have been sued. .... claims that you are the ~~father~~ parent of the child,  
13 .... born on .... (date), in .... (city) (county) (state). You must appear to answer this  
14 claim of ~~paternity~~ parentage. Your court appearance is:

15 Date: .....

16 Time: .....

17 Room: .....

18 Judge or Circuit Court Commissioner: .....

19 Address: .....

20 2. If you do not appear, the court will enter a default judgment finding you to  
21 be the ~~father~~ parent.

22 3. If you plan to be represented by an attorney, you should contact the attorney  
23 prior to the court appearance listed above. If you are unable to afford an attorney,  
24 the court will appoint one for you only upon the genetic tests showing that you are

**SENATE BILL 464**

1 not excluded as the ~~father~~ parent and the probability of your being the ~~father~~ parent  
2 is less than 99.0 percent.

3 4. You are also notified that interference with the custody of a child is  
4 punishable by a fine of up to \$10,000 and imprisonment for up to 3 years and 6  
5 months. Section 948.31, stats.

6 5. The .... County Clerk of Circuit Court is an equal opportunity service  
7 provider. If you need assistance to access services in the courts or need material in  
8 an alternate format, please call .....

9 Dated: ....., .... (year)

10 Signed:.... ....

11 G. H., Clerk of Circuit Court

12 or

13 Petitioner's Attorney

14 State Bar No.: ....

15 Address: ....

16 City, State Zip Code: ....

17 Phone No.: ....

18 (b) *Alleged ~~father~~ parent as petitioner.*

19 STATE OF WISCONSIN, CIRCUIT COURT: ....COUNTY

20 \_\_\_\_\_

21 In re the Paternity Parentage of A. B.

22 C. D. (Alleged ~~Father~~ Parent-Petitioner)

23 Address

24 City, State Zip Code

File No. ...

25 , Petitioners

**SENATE BILL 464**

S U M M O N S

1 vs.

2 E. F.

3 Address .... (Case Classification Type):.... (Code No.)

4 City, State Zip Code

5 , Respondent

6 \_\_\_\_\_

7 THE STATE OF WISCONSIN, To the Respondent:

8 1. You have been sued. The petitioner .... claims ~~that he may to~~ be the father  
9 parent of the child, .... born on .... (date), in .... (city) (county) (state). You must appear  
10 to answer this claim of ~~paternity parentage~~. Your court appearance is:

11 Date: .....

12 Time: .....

13 Room: .....

14 Judge or Circuit Court Commissioner: .....

15 Address: .....

16 2. If you do not appear, the court will enter a default judgment finding the  
17 petitioner .... to be the ~~father~~ parent. If you plan to be represented by an attorney,  
18 you should contact the attorney prior to the court appearance listed above.

19 3. The .... County Clerk of Circuit Court is an equal opportunity service  
20 provider. If you need assistance to access services in the court or need material in  
21 an alternate format, please call .... .

22 Dated: ....., .... (year)

23 Signed:.... ....

24 G. H., Clerk of Circuit Court

25 or



**SENATE BILL 464**

1           Petitioner’s Attorney

2           State Bar No.: ....

3           Address: ....

4           City, State Zip Code: ....

5           Phone No.: ....

6           (c) *Nonparent as petitioner.*

7           STATE OF WISCONSIN,   CIRCUIT COURT: ....COUNTY

8           \_\_\_\_\_

9           In re the Paternity Parentage of A. B.

10          C. D. (Nonparent-Petitioner)

11          Address

12          City, State Zip Code

File No. ...

13          , Petitioners

14          vs.

S U M M O N S

15          E. F.

16          Address                   .... (Case Classification Type):.... (Code No.)

17          City, State Zip Code

18          , Respondent

19          \_\_\_\_\_

20          THE STATE OF WISCONSIN, To the Respondent

21          1. You have been sued. The petitioner .... claims that .... is the ~~mother~~ parent  
22          and .... ~~may be the father~~ is an alleged parent of the child, .... born on .... (date), in  
23          .... (city) (county) (state). You must appear to answer this claim of paternity  
24          parentage. Your court appearance is:

25          Date: .....

**SENATE BILL 464**

1 Time: .....

2 Room: .....

3 Judge or Circuit Court Commissioner: .....

4 Address: .....

5 2. If you do not appear, the court may enter a default judgment finding .... to  
6 be ~~the father~~ a parent. If you plan to be represented by an attorney, you should  
7 contact the attorney prior to the court appearance listed above. If you are alleged to  
8 be ~~the father~~ a parent and you are unable to afford an attorney, the court will appoint  
9 one for you only upon genetic tests showing that you are not excluded as ~~the father~~  
10 a parent and the probability of your being ~~the father~~ a parent is less than 99.0  
11 percent.

12 3. The .... County Clerk of Circuit Court is an equal opportunity service  
13 provider. If you need assistance to access services in the court or need material in  
14 an alternate format, please call .... .

15 Dated: ....., .... (year)

16 Signed:..... ....

17 G. H., Clerk of Circuit Court

18 or

19 Petitioner’s Attorney

20 State Bar No.: ....

21 Address: ....

22 City, State Zip Code: ....

23 Phone No.: ....

24 **SECTION 261.** 767.813 (5g) of the statutes is amended to read:



**SENATE BILL 464****SECTION 261**

1           4. You may request genetic tests which will indicate the probability that the  
2 ~~man~~ person named as the ~~possible father~~ alleged parent is or is not the ~~father~~ parent  
3 of the child. The court will order genetic tests on a request by you, the state, or any  
4 other party. Any person who refuses to take court-ordered genetic tests may be  
5 punished for contempt of court.

6           5. The following defenses are available in a ~~paternity~~ parentage case:

7           (a) The ~~man~~ person named as ~~a possible father~~ an alleged parent of the child  
8 may claim that ~~he~~ the person was sterile or impotent at the time of conception.

9           (b) ~~The mother may claim that she, or the man named as a possible father~~  
10 parent or the alleged parent may claim that ~~he,~~ the parent and alleged parent did  
11 not have sexual intercourse with ~~the~~ each other party during the conceptive period  
12 (generally the period 8 to 10 months before the birth of the child).

13           (c) ~~The mother or the man named as a possible father~~ parent or alleged parent  
14 may claim that another ~~man~~ person had sexual intercourse with the ~~mother~~ parent  
15 during the conceptive period.

16           6. You have the right to request a jury trial on the issue of whether the named  
17 ~~man~~ alleged parent is the ~~father~~ parent.

18           7. If you fail to appear at any stage of the proceeding, including a scheduled  
19 court-ordered genetic test, the court may enter a default judgment finding the ~~man~~  
20 ~~claimed to be the father~~ named alleged parent as the ~~father~~ parent.

21           8. You must keep the clerk of court and child support agency informed of your  
22 current address at all times.

23           **SECTION 262.** 767.815 (2) (a) and (b) of the statutes are amended to read:

24           767.815 (2) (a) There are reasonable grounds to believe that before the time for  
25 service under s. 801.02 (1) or sub. (1) expired the respondent knew ~~that the mother~~

**SENATE BILL 464**

1 was ~~pregnant~~ about the pregnancy and that the respondent may be the father  
2 parent.

3 (b) Due diligence was exercised in attempting to serve the respondent, before  
4 ~~he~~ the respondent was actually served.

5 **SECTION 263.** 767.82 (2m) and (4) of the statutes are amended to read:

6 767.82 **(2m)** CUSTODY PENDING COURT ORDER. If there is no presumption of  
7 paternity parentage under s. 891.41 (1) or if paternity parentage is conclusively  
8 determined from genetic test results under s. 767.804 (1) or acknowledged under s.  
9 767.805 (1), the ~~mother~~ parent who gave birth shall have sole legal custody of the  
10 child until the court orders otherwise.

11 **(4) DISCOVERY.** Discovery shall be conducted as provided in ch. 804, except that  
12 no discovery may be obtained later than 30 days before the trial. No discovery may  
13 solicit information relating to the sexual relations of the ~~mother~~ parent who gave  
14 birth occurring at any time other than the probable time of conception.

15 **SECTION 264.** 767.83 (1) of the statutes is amended to read:

16 767.83 **(1) GENERALLY.** At the pretrial hearing, at the trial, and in any other  
17 proceedings in any paternity parentage action, any party may be represented by  
18 counsel. If the ~~male~~ alleged parent respondent is indigent and the state is the  
19 petitioner under s. 767.80 (1) (g), the petitioner is represented by a government  
20 attorney as provided in s. 767.80 (6), or the action is commenced on behalf of the child  
21 by an attorney appointed under s. 767.407 (1) (c), counsel shall be appointed for the  
22 respondent as provided in ch. 977, subject to the limitations under sub. (2m), unless  
23 the respondent knowingly and voluntarily waives the appointment of counsel.

24 **SECTION 265.** 767.84 (1) (a) (intro.) of the statutes is amended to read:

**SENATE BILL 464**

1           767.84 (1) (a) (intro.) Except as provided in ss. 767.855 and 767.863, and except  
2 in actions to which s. 767.893 applies, the court shall require the all of the following  
3 to submit to genetic tests:

4           1m. The child, mother, any male,

5           3m. Any person for whom there is probable cause to believe that he had the  
6 person's sexual intercourse with the mother during a possible time of the person who  
7 gave birth to the child may have resulted in the child's conception, or any male.

8           4. Any witness who testifies or will testify about his the witness's sexual  
9 relations with the mother at a possible time of conception to submit to genetic tests.  
10 person who gave birth to the child that may have resulted in conception of the child.

11           (ac) Probable cause of sexual intercourse during a possible time of that may  
12 have resulted in conception of the child for the purposes of par. (a) may be established  
13 by a sufficient petition or affidavit of the child's mother person who gave birth to the  
14 child or an alleged father parent, filed with the court, or after an examination under  
15 oath of a party or witness, when the court determines that an examination is  
16 necessary.

17           (am) The court is not required to order a genetic test under this paragraph par.  
18 (a) with respect to any of the following:

19           **SECTION 266.** 767.84 (1) (a) 1. and 2. of the statutes are renumbered 767.84 (1)  
20 (am) 1. and 2.

21           **SECTION 267.** 767.84 (1) (a) 2m. of the statutes is created to read:

22           767.84 (1) (a) 2m. The person who gave birth to the child.

23           **SECTION 268.** 767.84 (1) (a) 3. of the statutes is renumbered 767.84 (1) (am) 3.  
24 and amended to read:

**SENATE BILL 464**

1           767.84 (1) (am) 3. a. Except as provided in subd. 3. b., a male respondent who  
2 fails to appear, if genetic test results with respect to another man person, other than  
3 the person who gave birth to the child, show that the other man person is not  
4 excluded as the father parent and that the statistical probability of the other man's  
5 person's parentage is 99.0 percent or higher creating a presumption of the other  
6 man's paternity person's parentage.

7           b. Subdivision 3. a. does not apply if the presumption of the other man's  
8 paternity person's parentage is rebutted.

9           **SECTION 269.** 767.84 (1) (b) (intro.) and 2. of the statutes are amended to read:

10           767.84 (1) (b) (intro.) The genetic tests shall be performed by an expert  
11 qualified as an examiner of genetic markers present on the cells of the specific body  
12 material to be used for the tests, appointed by the court. A report completed and  
13 certified by the court-appointed expert stating genetic test results and the statistical  
14 probability of the alleged father's paternity parent's parentage based upon the  
15 genetic tests is admissible as evidence without expert testimony and may be entered  
16 into the record at the trial or pretrial hearing if all of the following apply:

17           2. At least 10 days before the trial or pretrial hearing, the department or county  
18 child support agency under s. 59.53 (5) notifies the alleged father parent of the  
19 results of the genetic tests and that he the alleged parent may object to the test  
20 results by submitting an objection in writing to the court no later than the day before  
21 the hearing.

22           **SECTION 270.** 767.84 (4) of the statutes is amended to read:

23           767.84 (4) TESTS EXCLUDING PATERNITY PARENTAGE; REFUSAL TO SUBMIT TO TEST.  
24 Genetic test results excluding an alleged father parent as the father parent of the  
25 child are conclusive evidence of nonpaternity that the alleged parent is not the

**SENATE BILL 464****SECTION 270**

1 parent of the child and the court shall dismiss any ~~paternity parentage~~ action with  
2 respect to that alleged ~~father~~ parent. Genetic test results excluding any male  
3 witness from possible ~~paternity parentage~~ are conclusive evidence of ~~nonpaternity~~  
4 ~~of the male~~ that the witness is not the parent of the child. Testimony relating to  
5 sexual intercourse or possible sexual intercourse ~~of the mother with~~ between the  
6 person who gave birth to the child and any person excluded as a possible ~~father~~  
7 parent, as a result of a genetic test, is inadmissible as evidence. Refusal of a party  
8 to submit to a genetic test shall be disclosed to the fact finder. Refusal to submit to  
9 a genetic test ordered by the court is a contempt of the court for failure to produce  
10 evidence under s. 767.87 (5). If the action was brought by the ~~child's mother~~ person  
11 who gave birth to the child but ~~she~~ that person refuses to submit to a genetic test,  
12 or refuses to submit herself or the child to a genetic tests test, the action shall be  
13 dismissed.

14 **SECTION 271.** 767.84 (6) of the statutes is amended to read:

15 767.84 (6) CALLING CERTAIN WITNESSES; NOTICE. Any party calling a ~~male~~ witness  
16 for the purpose of testifying that ~~he~~ the witness had sexual intercourse with the  
17 ~~mother at any possible time of~~ person who gave birth to the child that may have  
18 resulted in conception of the child shall provide all other parties with the name and  
19 address of the witness 20 days before the trial or pretrial hearing. If a ~~male~~ witness  
20 is produced at the hearing for the purpose stated in this subsection but the party  
21 calling the witness failed to provide the 20-day notice, the court may adjourn the  
22 proceeding for the purpose of taking a genetic test of the witness prior to hearing the  
23 testimony of the witness if the court finds that the party calling the witness acted in  
24 good faith.

25 **SECTION 272.** 767.85 (1) of the statutes is amended to read:



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1           767.85 (1) ~~WHEN REQUIRED.~~ At any time during the pendency of an action to  
2 establish the ~~paternity~~ parentage of a child, if genetic tests show that the alleged  
3 ~~father~~ person is not excluded and that the statistical probability of the alleged  
4 ~~father's~~ person's parentage is 99.0 percent or higher, on the motion of a party, the  
5 court shall make an appropriate temporary order for the payment of child support  
6 and may make a temporary order assigning responsibility for and directing the  
7 manner of payment of the child's health care expenses.

8           **SECTION 273.** 767.855 of the statutes is amended to read:

9           **767.855 Dismissal if adjudication not in child's best interest.** Except as  
10 provided in s. 767.863 (1m), at any time in an action to establish the ~~paternity~~  
11 parentage of a child, upon the motion of a party or guardian ad litem or the person  
12 who gave birth to the child if that person is not a party, the court or supplemental  
13 court commissioner under s. 757.675 (2) (g) may, if the court or supplemental court  
14 commissioner determines that a judicial determination of ~~whether a male is the~~  
15 ~~father of the child~~ parentage is not in the best interest of the child, dismiss the action  
16 with respect to the ~~male~~ alleged parent, regardless of whether genetic tests have  
17 been performed or what the results of the tests, if performed, were. Notwithstanding  
18 ss. 767.813 (5g) (form) 4., 767.84 (1) and (2), 767.863 (2), 767.865 (2), and 767.88 (4),  
19 if genetic tests have not yet been performed with respect to the ~~male~~ alleged parent,  
20 the court or supplemental court commissioner is not required to order those genetic  
21 tests.

22           **SECTION 274.** 767.863 (1m) of the statutes is amended to read:

23           **767.863 (1m) PATERNITY PARENTAGE ALLEGATION BY MALE PERSON OTHER THAN**  
24 **HUSBAND SPOUSE; WHEN DETERMINATION NOT IN BEST INTEREST OF CHILD.** In an action to  
25 establish the ~~paternity~~ parentage of a child who was born to a ~~woman while she was~~

**SENATE BILL 464****SECTION 274**

1 ~~married couple during marriage, if a male person other than the woman's husband~~  
2 ~~alleges that he, not the husband, is spouse of the person who gave birth claims to be~~  
3 ~~the child's father parent, a party may allege that a judicial determination that a male~~  
4 ~~person other than the husband is the father spouse of the person who gave birth is~~  
5 ~~the parent is not in the best interest of the child. If the court or a supplemental court~~  
6 ~~commissioner under s. 757.675 (2) (g) determines that a judicial determination of~~  
7 ~~whether a male person other than the husband is the father spouse of the person who~~  
8 ~~gave birth is the parent is not in the best interest of the child, no genetic tests may~~  
9 ~~be ordered and the action shall be dismissed.~~

10 **SECTION 275.** 767.863 (2) of the statutes is amended to read:

11 767.863 (2) ORDER FOR TESTS. If at the first appearance it appears from a  
12 sufficient petition or affidavit of the ~~child's mother~~ person who gave birth to the child  
13 ~~or an alleged father parent of the child~~ or from sworn testimony of the ~~child's mother~~  
14 person who gave birth to the child or an alleged father parent of the child that there  
15 is probable cause to believe that any of the ~~males persons~~ named has had sexual  
16 intercourse with the ~~mother~~ person who gave birth to the child during a possible time  
17 of the child's conception, the court may, or upon the request of any party shall, order  
18 any of the named persons to submit to genetic tests. The tests shall be conducted in  
19 accordance with s. 767.84. The court is not required to order a person who has  
20 undergone a genetic test under s. 49.225 to submit to another genetic test under this  
21 subsection unless a party requests additional tests under s. 767.84 (2).

22 **SECTION 276.** 767.87 (1) (a), (b), (d) and (e) of the statutes are amended to read:

23 767.87 (1) (a) Evidence of sexual intercourse between the ~~mother~~ parent who  
24 gave birth and alleged father parent at any possible time of conception or evidence

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1 of a relationship between the ~~mother~~ parent who gave birth and alleged father  
2 parent at any time.

3 (b) An expert's opinion concerning the statistical probability of the alleged  
4 ~~father's paternity~~ parent's parentage based upon the duration of the ~~mother's~~  
5 pregnancy.

6 (d) The statistical probability of the alleged ~~father's paternity~~ parent's  
7 parentage based upon the genetic tests.

8 (e) Medical, scientific, or genetic evidence relating to the alleged father's  
9 ~~paternity~~ parent's parentage of the child based on tests performed by experts.

10 **SECTION 277.** 767.87 (1m) (intro.) of the statutes is amended to read:

11 767.87 (1m) BIRTH RECORD REQUIRED. (intro.) If the child was born in this state,  
12 the petitioner shall present a certified copy of the child's birth record or a printed copy  
13 of the record from the birth database of the state registrar to the court, so that the  
14 court is aware of whether a name has been inserted on the birth record as the father  
15 parent of the child other than the person who gave birth to the child, at the earliest  
16 possible of the following:

17 **SECTION 278.** 767.87 (2) of the statutes is amended to read:

18 767.87 (2) ADMISSIBILITY OF SEXUAL RELATIONS BY ~~MOTHER~~ PERSON WHO GAVE BIRTH.  
19 Testimony relating to sexual relations or possible sexual relations of the ~~mother~~  
20 person who gave birth any time other than the possible time of conception of the child  
21 is inadmissible in evidence, unless offered by the ~~mother~~ person who gave birth.

22 **SECTION 279.** 767.87 (3) of the statutes is amended to read:

23 767.87 (3) EVIDENCE OF IDENTIFIED ~~MALE PERSON~~ NOT UNDER JURISDICTION. Except  
24 as provided in s. 767.84 (4), in an action against an alleged father parent, evidence  
25 offered by ~~him~~ the alleged parent with respect to an identified ~~male person~~ who is

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1 not subject to the jurisdiction of the court concerning that ~~male's~~ person's sexual  
2 intercourse with the ~~mother~~ person who gave birth at or about the presumptive time  
3 of conception of the child is admissible in evidence only after the alleged ~~father~~  
4 parent has undergone genetic tests and made the results available to the court.

5 **SECTION 280.** 767.87 (6) of the statutes is amended to read:

6 767.87 (6) ~~WHEN MOTHER~~ PARENT WHO GAVE BIRTH NOT COMPELLED TO TESTIFY. (a)  
7 Whenever the state brings the action to determine ~~paternity~~ parentage pursuant to  
8 an assignment under s. 48.57 (3m) (b) 2. or (3n) (b) 2., 48.645 (3), 49.19 (4) (h) 1., or  
9 49.45 (19), or receipt of benefits under s. 49.148, 49.155, 49.157, or 49.159, the  
10 ~~natural mother of~~ parent who gave birth to the child may not be compelled to testify  
11 about the ~~paternity~~ parentage of the child if it has been determined that the ~~mother~~  
12 parent who gave birth to the child has good cause for refusing to cooperate in  
13 establishing ~~paternity~~ parentage as provided in 42 USC 602 (a) (26) (B) and the  
14 federal regulations promulgated pursuant to this statute, as of July 1, 1981, and  
15 pursuant to any rules promulgated by the department ~~which~~ that define good cause  
16 in accordance with the federal regulations, as authorized by 42 USC 602 (a) (26) (B)  
17 in effect on July 1, 1981.

18 (b) Nothing in par. (a) prevents the state from bringing an action to determine  
19 ~~paternity~~ parentage pursuant to an assignment under s. 48.57 (3m) (b) 2. or (3n) (b)  
20 2., 49.19 (4) (h) 1. or 49.45 (19), or receipt of benefits under s. 49.148, 49.155, 49.157  
21 or 49.159, where evidence other than the testimony of the ~~mother~~ person who gave  
22 birth may establish the ~~paternity~~ parentage of the child.

23 **SECTION 281.** 767.87 (9) of the statutes is amended to read:

24 767.87 (9) ~~ARTIFICIAL INSEMINATION; NATURAL FATHER~~ PARENT. ~~Where~~ If a child  
25 is conceived by artificial insemination, the ~~husband~~ spouse of the ~~mother of~~ person

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1 who gave birth to the child at the time of the conception of the child is the natural  
2 father parent of the child, as provided in s. 891.40.

3 **SECTION 282.** 767.87 (10) of the statutes is amended to read:

4 767.87 (10) RECORD OF MOTHER'S TESTIMONY ADMISSIBLE. A record of the  
5 testimony of the ~~child's mother~~ person who gave birth to the child relating to the  
6 child's paternity parentage, made as provided under s. 48.299 (8) or 938.299 (8), is  
7 admissible in evidence on the issue of paternity parentage.

8 **SECTION 283.** 767.88 (2) (b) and (c) of the statutes are amended to read:

9 767.88 (2) (b) That the alleged ~~father~~ parent voluntarily acknowledge  
10 paternity parentage of the child.

11 (c) If the alleged ~~father~~ parent voluntarily acknowledges paternity parentage  
12 of the child, that he the acknowledged parent agree to the duty of support, the legal  
13 custody of the child, periods of physical placement of the child and other matters as  
14 determined to be in the best interests of the child by the court.

15 **SECTION 284.** 767.883 (1) of the statutes is amended to read:

16 767.883 (1) TWO PARTS. The trial shall be divided into 2 parts, the first part  
17 dealing with the determination of paternity parentage and the 2nd part dealing with  
18 child support, legal custody, periods of physical placement, and related issues. The  
19 main issue at the first part shall be whether the alleged or presumed ~~father~~ parent  
20 is or is not the ~~father~~ parent of the ~~mother's~~ child, but if the child was born to the  
21 ~~mother~~ while she the person who gave birth was the lawful ~~wife~~ spouse of a specified  
22 ~~male person~~, the prior issue of whether the ~~husband~~ was spouse is not the ~~father~~  
23 parent of the child shall be determined first, as provided under s. 891.39. The first  
24 part of the trial shall be by jury only if the defendant verbally requests a jury trial  
25 either at the initial appearance or pretrial hearing or requests a jury trial in writing

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1 prior to the pretrial hearing. The court may direct and, if requested by either party  
2 before the introduction of any testimony in the party's behalf, shall direct the jury  
3 to find a special verdict as to any of the issues specified in this section, except that  
4 the court shall make all of the findings enumerated in s. 767.89 (2) to (4). If the  
5 ~~mother person who gave birth~~ is dead, becomes insane, cannot be found within the  
6 jurisdiction, or fails to commence or pursue the action, the proceeding does not abate  
7 if any of the persons under s. 767.80 (1) makes a motion to continue. The testimony  
8 of the ~~mother person who gave birth~~, taken at the pretrial hearing, may in any such  
9 case be read in evidence if it is competent, relevant, and material. The issues of child  
10 support, custody and visitation, and related issues shall be determined by the court  
11 either immediately after the first part of the trial or at a later hearing before the  
12 court.

13 **SECTION 285.** 767.89 (2) (a) of the statutes is amended to read:

14 767.89 (2) (a) The clerk of court or county child support agency under s. 59.53  
15 (5) shall file with the state registrar, within 30 days after the entry of a judgment or  
16 order determining ~~paternity parentage~~, a report showing the names, dates, and birth  
17 places of the child and the father ~~adjudicated parent~~, the social security numbers of  
18 the ~~mother, father person who gave birth to the child, adjudicated parent~~, and child,  
19 and the ~~maiden name of the mother~~ full birth name of the person who gave birth to  
20 the child on a form designated by the state registrar, along with the fee set forth in  
21 s. 69.22 (5), which the clerk of court or county child support agency shall collect.

22 **SECTION 286.** 767.89 (2) (b) (intro.) of the statutes is renumbered 767.89 (2) (b)  
23 and amended to read:

24 767.89 (2) (b) If, under par. (a), the clerk of court or county child support agency  
25 is unable to collect ~~any of the following fees under par. (a) a fee for omitting, changing,~~

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1 or inserting a parent's name on a birth record under s. 69.15 (3) (a) 1., 2., or 3., the  
2 department shall pay the fee and may not require the county or county child support  
3 agency to reimburse the department for the cost.

4 **SECTION 287.** 767.89 (2) (b) 1., 2. and 3. of the statutes are repealed.

5 **SECTION 288.** 767.89 (3) (e) of the statutes is amended to read:

6 767.89 (3) (e) 1. An order establishing the amount of the father's adjudicated  
7 parent's obligation to pay or contribute to the reasonable expenses of the mother's  
8 pregnancy and the child's birth childbirth. The amount established may not exceed  
9 one-half of the total actual and reasonable pregnancy and birth expenses. The order  
10 also shall specify the court's findings as to whether the father's adjudicated parent's  
11 income is at or below the poverty line established under 42 USC 9902 (2), and shall  
12 specify whether periodic payments are due on the obligation, based on the father's  
13 adjudicated parent's ability to pay or contribute to those expenses.

14 2. If the order does not require periodic payments because the father  
15 adjudicated parent has no present ability to pay or contribute to the expenses, the  
16 court may modify the judgment or order at a later date to require periodic payments  
17 if the father adjudicated parent has the ability to pay at that time.

18 **SECTION 289.** 767.893 (1m), (2) (b) 1. and 2. and (2m) (a) of the statutes are  
19 amended to read:

20 767.893 (1m) JUDGMENT WHEN MOTHER PARENT FAILS TO APPEAR.  
21 Notwithstanding sub. (1), a court may enter an order adjudicating the alleged father  
22 parent, or male person alleging that he is the father to be the parent, to be the father  
23 parent of the child under s. 767.89 if the ~~mother of~~ person who gave birth to the child  
24 fails to appear at the first appearance, scheduled genetic test, pretrial hearing, or

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1 trial if sufficient evidence exists to establish the male person as the father parent of  
2 the child.

3 (2) (b) 1. Only one of those persons fails to appear and all of the other male  
4 respondents have been excluded as the father parent.

5 2. The alleged father parent who fails to appear has had genetic tests under s.  
6 49.225 or 767.84 showing that the alleged father parent is not excluded and that the  
7 statistical probability of the alleged father's parent's parentage is 99.0 percent or  
8 higher.

9 (2m) (a) At any time after service of the summons and petition, a respondent  
10 who is the alleged father parent may, with or without appearance in court and subject  
11 to the approval of the court, in writing acknowledge that ~~he~~ the alleged parent has  
12 read and understands the notice under s. 767.813 (5g) and stipulate ~~that he is to~~  
13 being the father parent of the child and for child support payments, legal custody, and  
14 physical placement. The court may not approve a stipulation for child support unless  
15 it provides for payment of child support determined in a manner consistent with s.  
16 767.511 or 767.89.

17 **SECTION 290.** 767.895 (intro.) of the statutes is amended to read:

18 **767.895 Motion to reopen judgment based on statement**  
19 **acknowledging paternity parentage.** (intro.) A judgment which adjudicates a  
20 person to be the father parent of a child and which was based upon a statement  
21 acknowledging paternity parentage that was signed and filed before April 1, 1998,  
22 may, if no trial was conducted, be reopened under any of the following circumstances:

23 **SECTION 291.** 769.201 (1m) (g) of the statutes is amended to read:

24 769.201 (1m) (g) The individual asserted parentage of a child in a declaration  
25 of ~~paternal~~ parental interest filed with the department of children and families



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1 under s. 48.025 or in a statement acknowledging ~~paternity~~ parentage filed with the  
2 state registrar under s. 69.15 (3) (b) 1. or 3.

3 **SECTION 292.** 769.316 (4) of the statutes is amended to read:

4 769.316 (4) Copies of bills for testing for parentage of a child, or for prenatal  
5 and postnatal health care of the ~~mother~~ person who gave birth and the child, or copies  
6 of reports of medical assistance payments under subch. IV of ch. 49 for such testing  
7 or prenatal and postnatal health care, furnished to the adverse party at least 10 days  
8 before trial, are admissible in evidence to prove the amount of the charges billed or  
9 the amount of the medical assistance paid and that the charges or payments were  
10 reasonable, necessary, and customary.

11 **SECTION 293.** 769.316 (9) of the statutes is amended to read:

12 769.316 (9) The defense of immunity based on the relationship of ~~husband and~~  
13 ~~wife~~ between spouses or parent and child does not apply in a proceeding under this  
14 chapter.

15 **SECTION 294.** 769.401 (2) (a) of the statutes is amended to read:

16 769.401 (2) (a) A parent or presumed father ~~parent~~ of the child.

17 **SECTION 295.** 769.401 (2) (g) of the statutes is repealed.

18 **SECTION 296.** 770.07 (2) of the statutes is amended to read:

19 770.07 (2) If sub. (1) and s. 770.05 are complied with, the county clerk shall  
20 issue a declaration of domestic partnership. With each declaration of domestic  
21 partnership the county clerk shall provide information describing the causes and  
22 effects of fetal alcohol syndrome and the dangers to a fetus from the ~~mother's~~ use of  
23 cocaine or other drugs by the pregnant person during pregnancy. After the  
24 application for the declaration of domestic partnership is filed, the clerk shall, upon  
25 the sworn statement of either of the applicants, correct any erroneous, false, or

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1 insufficient statement in the application that comes to the clerk's attention and shall  
2 notify the other applicant of the correction, as soon as reasonably possible.

3 **SECTION 297.** 786.36 (1) (c) of the statutes is amended to read:

4 786.36 (1) (c) The ~~minor's mother~~ the person who gave birth to the minor, if the  
5 minor is a nonmarital child who is not adopted or whose parents do not subsequently  
6 intermarry under s. 767.803 and if ~~paternity~~ parentage of the minor has not been  
7 established.

8 **SECTION 298.** 808.075 (4) (a) 4. of the statutes is amended to read:

9 808.075 (4) (a) 4. Hearing for child held in custody under s. 48.21 or an adult  
10 expectant ~~mother~~ parent of an unborn child held in custody under s. 48.213.

11 **SECTION 299.** 815.20 (1) of the statutes is amended to read:

12 815.20 (1) An exempt homestead as defined in s. 990.01 (14) selected by a  
13 resident owner and occupied by him or her shall be exempt from execution, from the  
14 lien of every judgment, and from liability for the debts of the owner to the amount  
15 of \$75,000, except mortgages, laborers', mechanics', and purchase money liens, and  
16 taxes, and except as otherwise provided. The exemption shall not be impaired by  
17 temporary removal with the intention to reoccupy the premises as a homestead nor  
18 by the sale of the homestead, but shall extend to the proceeds derived from the sale  
19 to an amount not exceeding \$75,000, while held, with the intention to procure  
20 another homestead with the proceeds, for 2 years. The exemption extends to land  
21 owned by ~~husband and wife~~ spouses jointly or in common or as marital property, and  
22 each spouse may claim a homestead exemption of not more than \$75,000. The  
23 exemption extends to the interest therein of tenants in common, having a homestead  
24 thereon with the consent of the cotenants, and to any estate less than a fee.

25 **SECTION 300.** 822.40 (4) of the statutes is amended to read:

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1           822.40 (4) A privilege against disclosure of communications between spouses  
2           and a defense of immunity based on the relationship of ~~husband and wife~~ between  
3           spouses or parent and child may not be invoked in a proceeding under this  
4           subchapter.

5           **SECTION 301.** 851.30 (2) (a) of the statutes is amended to read:

6           851.30 (2) (a) An individual who obtains or consents to a final decree or  
7           judgment of divorce from the decedent or an annulment of their marriage, if the  
8           decree or judgment is not recognized as valid in this state, unless they subsequently  
9           participate in a marriage ceremony purporting to marry each other or they  
10          subsequently hold themselves out as ~~husband and wife~~ married to each other.

11          **SECTION 302.** 852.01 (1) (d) of the statutes is amended to read:

12          852.01 (1) (d) If there is no surviving spouse, surviving domestic partner, issue,  
13          or parent, to the ~~brothers and sisters~~ siblings and the issue of any deceased ~~brother~~  
14          or ~~sister~~ sibling per stirpes.

15          **SECTION 303.** 852.01 (1) (f) 1. of the statutes is amended to read:

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

20          **SECTION 304.** 852.01 (1) (f) 2. of the statutes is amended to read:

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

23          **SECTION 305.** 852.01 (1) (f) 3. of the statutes is amended to read:

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

4           **SECTION 306.** 852.05 (1) and (2) of the statutes are amended to read:

5           852.05 (1) A child born to unmarried parents, or the child's issue, is treated in  
6 the same manner as a child, or the issue of a child, born to married parents with  
7 respect to intestate succession from and through the ~~child's mother~~ person who gave  
8 birth to the child, and from and through the child's father ~~other parent~~ if any of the  
9 following applies to the person alleged to be the other parent of the child:

10           (a) The ~~father~~ person has been adjudicated to be ~~the father~~ a parent of the child  
11 in a ~~paternity parentage~~ proceeding under ch. 767 or by final order or judgment of  
12 a court of competent jurisdiction in another state.

13           (b) The ~~father~~ person has admitted in open court ~~that he is the father~~ to being  
14 the parent of the child.

15           (c) The ~~father~~ person has acknowledged himself ~~to be the father~~ parentage in  
16 writing signed by him the person.

17           **(2)** Property of a child born to unmarried parents passes in accordance with s.  
18 852.01 except that ~~the father or the father's kindred~~ a parent who did not give birth  
19 to the child, or the kindred of such a parent, can inherit only if ~~the father~~ the parent  
20 has been adjudicated to be the ~~father~~ parent of the child in a ~~paternity parentage~~  
21 proceeding under ch. 767 or by final order or judgment of a court of competent  
22 jurisdiction in another state or has been determined to be the ~~father~~ parent under  
23 s. 767.804 or 767.805 or a substantially similar law of another state.

24           **SECTION 307.** 854.03 (3) of the statutes is amended to read:

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1           854.03 (3) MARITAL PROPERTY. Except as provided in subs. (4) and (5), if ~~a~~  
2       ~~husband and wife~~ 2 spouses die leaving marital property and it is not established  
3       that one survived the other by at least 120 hours, 50 percent of the marital property  
4       shall be distributed as if it were ~~the husband's~~ the first spouse's individual property  
5       and the ~~husband~~ 2nd spouse had survived, and 50 percent of the marital property  
6       shall be distributed as if it were the wife's 2nd spouse's individual property and the  
7       ~~wife~~ first spouse had survived.

8           **SECTION 308.** 891.39 (title) of the statutes is amended to read:

9           **891.39 (title) Presumption as to whether a child is marital or**  
10       **nonmarital; self-erimination self-incrimination; birth certificates.**

11          **SECTION 309.** 891.39 (1) (a) of the statutes is amended to read:

12       891.39 (1) (a) Whenever it is established in an action or proceeding that a child  
13       was born to a ~~woman~~ person while ~~he or she~~ was ~~the lawful wife of~~ legally married  
14       to a specified man person, any party asserting in such action or proceeding that the  
15       ~~husband was~~ spouse is not the ~~father~~ parent of the child shall have the burden of  
16       proving that assertion by a clear and satisfactory preponderance of the evidence. In  
17       all such actions or proceedings the ~~husband and the wife~~ spouses are competent to  
18       testify as witnesses to the facts. The court or judge in such cases shall appoint a  
19       guardian ad litem to appear for and represent the child whose ~~paternity~~ parentage  
20       is questioned. Results of a genetic test, as defined in s. 767.001 (1m), showing that  
21       a ~~man~~ person other than the ~~husband~~ spouse of the person who gave birth to the child  
22       is not excluded as the ~~father~~ parent of the child and that the statistical probability  
23       of the ~~man's~~ person's parentage is 99.0 percent or higher constitute a clear and  
24       satisfactory preponderance of the evidence of the assertion under this paragraph,

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1 even if the ~~husband~~ spouse of the person who gave birth to the child is unavailable  
2 to submit to genetic tests, as defined in s. 767.001 (1m).

3 **SECTION 310.** 891.39 (2) (a) of the statutes is amended to read:

4 891.39 (2) (a) The ~~mother of~~ person who gave birth to the child shall not be  
5 excused or privileged from testifying fully in any action or proceeding mentioned in  
6 sub. (1) in which the determination of whether the child is a marital or nonmarital  
7 child is involved or in issue, when ordered to testify by a court of record or any judge  
8 thereof; but ~~she~~ the person who gave birth to the child shall not be prosecuted or  
9 subjected to any penalty or forfeiture for or on account of testifying or producing  
10 evidence, except for perjury committed in giving the testimony.

11 **SECTION 311.** 891.39 (3) of the statutes is amended to read:

12 891.39 (3) If any court under this section adjudges a child to be a nonmarital  
13 child, the clerk of court shall report the facts to the state registrar, who shall issue  
14 a new birth record showing the correct facts as found by the court, and shall dispose  
15 of the original, with the court's report attached under s. 69.15 (3). If the ~~husband~~  
16 spouse of the person who gave birth to the child is a party to the action and the court  
17 makes a finding as to whether or not the ~~husband~~ spouse is the ~~father~~ parent of the  
18 child, such finding shall be conclusive in all other courts of this state.

19 **SECTION 312.** 891.395 of the statutes is amended to read:

20 **891.395 Presumption as to time of conception.** In any ~~paternity~~ parentage  
21 proceeding, in the absence of a valid birth certificate indicating the birth weight, the  
22 ~~mother~~ person who gave birth to the child shall be competent to testify as to the birth  
23 weight of the child whose ~~paternity~~ parentage is at issue, and where the child whose  
24 ~~paternity~~ parentage is at issue weighed 5 1/2 pounds or more at the time of its birth,  
25 the testimony of the ~~mother~~ person who gave birth to the child as to the weight shall

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1 be presumptive evidence that the child was a full term child, unless competent  
2 evidence to the contrary is presented to the court. The conception of the child shall  
3 be presumed to have occurred within a span of time extending from 240 days to 300  
4 days before the date of its birth, unless competent evidence to the contrary is  
5 presented to the court.

6 **SECTION 313.** 891.40 of the statutes is amended to read:

7 **891.40 Artificial insemination. (1)** If, A person is the natural parent of a  
8 child conceived by artificial insemination if the artificial insemination is performed  
9 under the supervision of a licensed physician and with the consent of her husband,  
10 a wife is inseminated artificially with semen donated by a man not her husband, the  
11 husband of the mother at the time of the conception of the child shall be the natural  
12 father of a child conceived. The husband's consent must be in writing and signed by  
13 him and his wife if the person who receives the artificial insemination and the spouse  
14 of that person consent to the artificial insemination in a written document signed by  
15 both parties. The physician performing the artificial insemination shall certify their  
16 both parties' signatures and the date of the insemination, and shall file the husband's  
17 consent form with the department of health services, where it shall be kept  
18 confidential and in a sealed file except as provided in s. 46.03 (7) (bm). However, the  
19 physician's failure to file the consent form does not affect the legal status of father  
20 parent and child. All papers and records pertaining to the insemination, whether  
21 part of the permanent record of a court or of a file held by the supervising physician  
22 or elsewhere, may be inspected only upon an order of the court for good cause shown.

23 **(2)** The donor of semen provided to a licensed physician for use in artificial  
24 insemination of a woman person other than the donor's wife spouse is not the natural

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1 ~~father parent~~ of a child conceived, bears no liability for the support of the child and  
2 has no parental rights with regard to the child.

3 **SECTION 314.** 891.405 of the statutes is amended to read:

4 **891.405 Presumption of paternity parentage based on**  
5 **acknowledgment.** A ~~man~~ person is presumed to be the natural ~~father parent~~ of a  
6 child if ~~he~~ the person and the ~~mother person who gave birth to the child~~ have  
7 acknowledged paternity parentage under s. 69.15 (3) (b) 1. or 3. and no other ~~man~~  
8 person is presumed to be the ~~father~~ natural parent under s. 891.41 (1).

9 **SECTION 315.** 891.407 of the statutes is amended to read:

10 **891.407 Presumption of paternity parentage based on genetic test**  
11 **results.** A ~~man~~ person is presumed to be the natural ~~father parent~~ of a child if the  
12 ~~man~~ person has been conclusively determined from genetic test results to be the  
13 ~~father parent~~ under s. 767.804 and no other ~~man~~ is ~~presumed to be the father person~~  
14 is presumed to be a parent of the child under s. 891.405 or 891.41 (1).

15 **SECTION 316.** 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 317.** 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 318.** 891.41 (1) (a) of the statutes is amended to read:

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



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1           **SECTION 319.** 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 natural mother person who  
4 gave birth to the child were married to each other after the child was born but ~~he~~ the  
5 person and the child's natural mother person who gave birth to the child had a  
6 relationship with one another during the period of time within which the child was  
7 conceived and ~~no other man~~ all of the following apply:

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

11           **SECTION 320.** 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 natural parent  
15 under sub. (1) is not excluded as the father parent of the child and that the statistical  
16 probability of the ~~man's~~ person's parentage is 99.0 percent or higher, even if the ~~man~~  
17 person presumed to be the father natural parent under sub. (1) is unavailable to  
18 submit to genetic tests, as defined in s. 767.001 (1m).

19           **SECTION 321.** 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 322.** 905.04 (4) (e) 3. of the statutes is amended to read:

23           905.04 (4) (e) 3. There is no privilege in situations where the examination of  
24 the ~~expectant mother of~~ person pregnant with an abused unborn child creates a  
25 reasonable ground for an opinion of the physician, registered nurse, chiropractor,

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1 psychologist, social worker, marriage and family therapist or professional counselor  
2 that the physical injury inflicted on the unborn child was caused by the habitual lack  
3 of self-control of the ~~expectant mother of~~ person pregnant with the unborn child in  
4 the use of alcohol beverages, controlled substances or controlled substance analogs,  
5 exhibited to a severe degree.

6 **SECTION 323.** 905.05 (title) of the statutes is amended to read:

7 **905.05** (title) ~~Husband-wife~~ Spousal and domestic partner privilege.

8 **SECTION 324.** 938.02 (5s) of the statutes is created to read:

9 938.02 (5s) "Expectant parent" means a person who is pregnant.

10 **SECTION 325.** 938.02 (13) of the statutes is amended to read:

11 938.02 (13) "Parent" means a ~~biological~~ natural parent, ~~a husband who has~~  
12 ~~consented to the artificial insemination of his wife under s. 891.40,~~ or a parent by  
13 adoption. If the juvenile is a nonmarital child who is not adopted or whose parents  
14 do not subsequently intermarry under s. 767.803, "parent" includes a person  
15 conclusively determined from genetic test results to be the ~~father~~ parent under s.  
16 767.804 or a person acknowledged under s. 767.805 or a substantially similar law of  
17 another state or adjudicated to be the ~~biological father~~ natural parent. "Parent" does  
18 not include any person whose parental rights have been terminated. For purposes  
19 of the application of s. 938.028 and the federal Indian Child Welfare Act, 25 USC  
20 1901 to 1963, "parent" means a ~~biological~~ natural parent of an Indian child, an Indian  
21 ~~husband~~ spouse who has consented to the artificial insemination of his wife or her  
22 spouse under s. 891.40, or an Indian person who has lawfully adopted an Indian  
23 juvenile, including an adoption under tribal law or custom, and includes, in the case  
24 of a nonmarital Indian child who is not adopted or whose parents do not subsequently  
25 intermarry under s. 767.803, a person conclusively determined from genetic test

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1 results to be the ~~father~~ parent under s. 767.804, a person acknowledged under s.  
2 767.805, a substantially similar law of another state, or tribal law or custom to be the  
3 ~~biological father~~ natural parent, or a person adjudicated to be the ~~biological father~~  
4 natural parent, but does not include any person whose parental rights have been  
5 terminated.

6 **SECTION 326.** 938.27 (3) (b) of the statutes is amended to read:

7 938.27 (3) (b) 1. Except as provided in subd. 2., if the petition that was filed  
8 relates to facts concerning a situation under s. 938.13 and if the juvenile is a  
9 nonmarital child who is not adopted or whose parents do not subsequently  
10 intermarry as provided under s. 767.803 and if ~~paternity~~ parentage has not been  
11 established, the court shall notify, under s. 938.273, all of the following persons:

12 a. A person who has filed a declaration of ~~paternal~~ parental interest under s.  
13 48.025.

14 b. A person alleged to the court to be the ~~father~~ parent of the juvenile or who  
15 may, based on the statements of the ~~mother~~ person who gave birth to the child or  
16 other information presented to the court, be the ~~father~~ parent of the juvenile.

17 2. A court is not required to provide notice, under subd. 1., to any person who  
18 may be the ~~father~~ parent of a juvenile conceived as a result of a sexual assault if a  
19 physician attests to his or her belief that there was a sexual assault of the juvenile's  
20 ~~mother~~ person who gave birth to the juvenile that may have resulted in the juvenile's  
21 conception.

22 **SECTION 327.** 938.27 (5) of the statutes is amended to read:

23 938.27 (5) NOTICE TO BIOLOGICAL FATHERS PARENTS. Subject to sub. (3) (b), the  
24 court shall make reasonable efforts to identify and notify any person who has filed  
25 a declaration of ~~paternal~~ parental interest under s. 48.025, any person conclusively

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1 determined from genetic test results to be the ~~father~~ parent under s. 767.804 (1), any  
2 person who has acknowledged ~~paternity~~ parentage of the child under s. 767.805 (1),  
3 and any person who has been adjudged to be the ~~father~~ parent of the juvenile in a  
4 judicial proceeding unless the person's parental rights have been terminated.

5 **SECTION 328.** 938.299 (6) (intro.) of the statutes is amended to read:

6 938.299 (6) ESTABLISHMENT OF ~~PATERNITY WHEN MAN ALLEGES PATERNITY~~  
7 PARENTAGE. (intro.) If a ~~man~~ person who has been given notice under s. 938.27 (3)  
8 (b) 1. appears at any hearing for which he ~~the person~~ received the notice, alleges ~~that~~  
9 ~~he is the father~~ to be the parent of the juvenile, and ~~states that he wishes~~ requests  
10 to establish the ~~paternity~~ parentage of the juvenile, all of the following apply:

11 **SECTION 329.** 938.299 (6) (e) 1., 2., 3. and 4. of the statutes are amended to read:

12 938.299 (6) (e) 1. In this paragraph, "genetic test" means a test that examines  
13 genetic markers present on blood cells, skin cells, tissue cells, bodily fluid cells or  
14 cells of another body material for the purpose of determining the statistical  
15 probability that a ~~man~~ person who is alleged to be a juvenile's ~~father~~ parent is the  
16 juvenile's biological ~~father~~ parent.

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

20 3. In addition to ordering testing as provided under s. 885.23, if the court  
21 determines that it would be in the best interests of the juvenile, the court may order  
22 any ~~man~~ person specified in sub. (6) (intro.) to submit to one or more genetic tests  
23 which shall be performed by an expert qualified as an examiner of genetic markers  
24 present on the cells and of the specific body material to be used for the tests, as  
25 appointed by the court. A report completed and certified by the court-appointed

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1 expert stating genetic test results and the statistical probability that the man alleged  
2 to be the juvenile's father parent is the juvenile's biological father parent based upon  
3 the genetic tests is admissible as evidence without expert testimony and may be  
4 entered into the record at any hearing. The court, upon request by a party, may order  
5 that independent tests be performed by other experts qualified as examiners of  
6 genetic markers present on the cells of the specific body materials to be used for the  
7 tests.

8 4. If the genetic tests show that an alleged father parent is not excluded and  
9 that the statistical probability that the alleged father parent is the juvenile's  
10 biological father parent is 99.0 percent or higher, the court may determine that for  
11 purposes of a proceeding under this chapter or ch. 48, other than a proceeding under  
12 subch. VIII of ch. 48, the man alleged parent is the juvenile's biological parent.

13 **SECTION 330.** 938.299 (7) and (8) of the statutes are amended to read:

14 938.299 (7) ESTABLISHMENT OF PATERNITY PARENTAGE WHEN NO MAN PERSON  
15 ALLEGES PATERNITY PARENTAGE. If a man person who has been given notice under s.  
16 938.27 (3) (b) 1. appears at any hearing for which ~~he~~ the person received the notice  
17 but does not allege that ~~he is the father~~ to be the parent of the juvenile and state that  
18 he wishes to establish the paternity parentage of the juvenile or if no man person to  
19 whom such notice was given appears at a hearing, the court may refer the matter to  
20 the state or to the attorney responsible for support enforcement under s. 59.53 (6) (a)  
21 for a determination, under s. 767.80, of whether an action should be brought for the  
22 purpose of determining the paternity parentage of the juvenile.

23 (8) TESTIMONY OF JUVENILE'S MOTHER PERSON WHO GAVE BIRTH TO A JUVENILE  
24 RELATING TO PATERNITY PARENTAGE. As part of the proceedings under this chapter, the  
25 court may order that a record be made of any testimony of the juvenile's ~~mother~~

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1 person who gave birth to the juvenile relating to the juvenile's paternity parentage.

2 A record made under this subsection is admissible in a proceeding to determine the  
3 juvenile's paternity parentage under ~~subch. IX~~ of ch. 767.

4 **SECTION 331.** 938.355 (4g) (a) 1. of the statutes is amended to read:

5 938.355 (4g) (a) 1. The juvenile's parents are parties to a pending action for  
6 divorce, annulment, or legal separation, a ~~man~~ person determined under s. 938.299  
7 (6) (e) 4. to be the biological ~~father~~ parent of the juvenile for purposes of a proceeding  
8 under this chapter is a party to a pending action to determine paternity parentage  
9 of the juvenile under ch. 767, or the juvenile is the subject of a pending independent  
10 action under s. 767.41 or 767.43 to determine legal custody of the juvenile or  
11 visitation rights with respect to the juvenile.

12 **SECTION 332.** 939.24 (1) of the statutes is amended to read:

13 939.24 (1) In this section, "criminal recklessness" means that the actor creates  
14 an unreasonable and substantial risk of death or great bodily harm to another  
15 human being and the actor is aware of that risk, except that for purposes of ss. 940.02  
16 (1m), 940.06 (2) and 940.23 (1) (b) and (2) (b), "criminal recklessness" means that the  
17 actor creates an unreasonable and substantial risk of death or great bodily harm to  
18 an unborn child, to the ~~woman~~ person who is pregnant with that unborn child, or to  
19 another and the actor is aware of that risk.

20 **SECTION 333.** 939.25 (1) of the statutes is amended to read:

21 939.25 (1) In this section, "criminal negligence" means ordinary negligence to  
22 a high degree, consisting of conduct that the actor should realize creates a  
23 substantial and unreasonable risk of death or great bodily harm to another, except  
24 that for purposes of ss. 940.08 (2), 940.10 (2) and 940.24 (2), "criminal negligence"  
25 means ordinary negligence to a high degree, consisting of conduct that the actor

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1 should realize creates a substantial and unreasonable risk of death or great bodily  
2 harm to an unborn child, to the ~~woman~~ person who is pregnant with that unborn  
3 child, or to another.

4 **SECTION 334.** 940.01 (1) (b) of the statutes is amended to read:

5 940.01 (1) (b) Except as provided in sub. (2), whoever causes the death of an  
6 unborn child with intent to kill that unborn child, kill the ~~woman~~ person who is  
7 pregnant with that unborn child, or kill another is guilty of a Class A felony.

8 **SECTION 335.** 940.02 (1m) of the statutes is amended to read:

9 940.02 (1m) Whoever recklessly causes the death of an unborn child under  
10 circumstances that show utter disregard for the life of that unborn child, the ~~woman~~  
11 person who is pregnant with that unborn child, or another is guilty of a Class B  
12 felony.

13 **SECTION 336.** 940.05 (2g) (intro.) of the statutes is amended to read:

14 940.05 (2g) (intro.) Whoever causes the death of an unborn child with intent  
15 to kill that unborn child, kill the ~~woman~~ person who is pregnant with that unborn  
16 child or kill another is guilty of a Class B felony if:

17 **SECTION 337.** 940.05 (2h) of the statutes is amended to read:

18 940.05 (2h) In prosecutions under sub. (2g), it is sufficient to allege and prove  
19 that the defendant caused the death of an unborn child with intent to kill that unborn  
20 child, kill the ~~woman~~ person who is pregnant with that unborn child, or kill another.

21 **SECTION 338.** 940.195 (1) of the statutes is amended to read:

22 940.195 (1) Whoever causes bodily harm to an unborn child by an act done with  
23 intent to cause bodily harm to that unborn child, to the ~~woman~~ person who is  
24 pregnant with that unborn child, or another is guilty of a Class A misdemeanor.

25 **SECTION 339.** 940.195 (2) of the statutes is amended to read:

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1           940.195 (2) Whoever causes substantial bodily harm to an unborn child by an  
2 act done with intent to cause bodily harm to that unborn child, to the ~~woman~~ person  
3 who is pregnant with that unborn child, or another is guilty of a Class I felony.

4           **SECTION 340.** 940.195 (4) of the statutes is amended to read:

5           940.195 (4) Whoever causes great bodily harm to an unborn child by an act  
6 done with intent to cause bodily harm to that unborn child, to the ~~woman~~ person who  
7 is pregnant with that unborn child, or another is guilty of a Class H felony.

8           **SECTION 341.** 940.195 (5) of the statutes is amended to read:

9           940.195 (5) Whoever causes great bodily harm to an unborn child by an act  
10 done with intent to cause great bodily harm to that unborn child, to the ~~woman~~  
11 person who is pregnant with that unborn child, or another is guilty of a Class E  
12 felony.

13           **SECTION 342.** 940.23 (1) (b) of the statutes is amended to read:

14           940.23 (1) (b) Whoever recklessly causes great bodily harm to an unborn child  
15 under circumstances that show utter disregard for the life of that unborn child, the  
16 ~~woman~~ person who is pregnant with that unborn child, or another is guilty of a Class  
17 D felony.

18           **SECTION 343.** 943.20 (2) (c) of the statutes is amended to read:

19           943.20 (2) (c) "Property of another" includes property in which the actor is a  
20 co-owner and property of a partnership of which the actor is a member, unless the  
21 actor and the victim are ~~husband and wife~~ married to each other.

22           **SECTION 344.** 943.201 (1) (b) 8. of the statutes is amended to read:

23           943.201 (1) (b) 8. The ~~maiden name~~ surname of an individual's ~~mother~~ parent  
24 before marriage if the surname was changed as a result of marriage.

25           **SECTION 345.** 943.205 (2) (b) of the statutes is amended to read:



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1           943.205 (2) (b) “Owner” includes a co-owner of the person charged and a  
2           partnership of which the person charged is a member, unless the person charged and  
3           the victim are ~~husband and wife~~ married to each other.

4           **SECTION 346.** 944.17 (3) of the statutes is amended to read:

5           944.17 (3) Subsection (2) does not apply to a ~~mother’s breast-feeding person’s~~  
6           breastfeeding of her that person’s child.

7           **SECTION 347.** 944.20 (2) of the statutes is amended to read:

8           944.20 (2) Subsection (1) does not apply to a ~~mother’s breast-feeding person’s~~  
9           breastfeeding of her that person’s child.

10          **SECTION 348.** 948.10 (2) (b) of the statutes is amended to read:

11          948.10 (2) (b) A ~~mother’s breast-feeding person’s breastfeeding~~ of her that  
12          person’s child.

13          **SECTION 349.** 948.31 (2) of the statutes is amended to read:

14          948.31 (2) Whoever causes a child to leave, takes a child away or withholds a  
15          child for more than 12 hours from the child’s parents or, in the case of a nonmarital  
16          child whose parents do not subsequently intermarry under s. 767.803, from ~~the~~  
17          ~~child’s mother or, if he has been granted legal custody, the child’s father~~ a parent with  
18          legal custody of the child, without the consent of the parents, ~~the mother or the father~~  
19          or the parent with legal custody, is guilty of a Class I felony. This subsection is not  
20          applicable if legal custody has been granted by court order to the person taking or  
21          withholding the child.

22          **SECTION 350.** 990.01 (19j) (b) of the statutes is amended to read:

23          990.01 (19j) (b) “Live birth” means the complete expulsion or extraction from  
24          ~~his or her mother~~ an individual, of a human being, at any stage of development, who,  
25          after the expulsion or extraction, breathes or has a beating heart, pulsation of the

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1 umbilical cord, or definite movement of voluntary muscles, regardless of whether the  
2 umbilical cord has been cut, and regardless of whether the expulsion or extraction  
3 occurs as a result of natural or induced labor, a cesarean section, or an abortion, as  
4 defined in s. 253.10 (2) (a).

5 **SECTION 351.** 990.01 (22m) of the statutes is created to read:

6 990.01 (22m) NATURAL PARENT. “Natural parent” means a parent of a child who  
7 is not an adoptive parent, whether the parent is biologically related to the child or  
8 not.

9 **SECTION 352.** 990.01 (39) of the statutes is created to read:

10 990.01 (39) SPOUSES. “Spouses” means 2 individuals of the same sex or different  
11 sexes who are legally married to each other.

12 **SECTION 353.** 990.01 (40m) of the statutes is created to read:

13 990.01 (40m) STEPPARENT. “Stepparent” means a person who is the spouse of  
14 a child’s parent and who is not also a parent of the child.

15 **SECTION 354. Nonstatutory provisions.**

16 (1) TERMINOLOGY CHANGES.

17 (a) In the statutes indicated, replace “paternity” with “parentage”: ss. 13.63 (1)  
18 (b), 13.64 (2), 29.024 (2g) (d) 1., 29.229 (5m) (c), 45.01 (4), 46.03 (7) (bm), 48.235 (4)  
19 (a) 7m. and (4m) (a) 7m., 48.299 (6) (a), (d), and (e) 5., 48.355 (4g) (a) (intro.) and (d)  
20 1., 48.396 (2) (dm), 48.40 (1r), 48.42 (2) (b) (intro.) and (bm) (intro.) and (4) (b) 2.,  
21 48.422 (6) (c), 48.423 (title), 48.46 (1m), 48.48 (11), 48.715 (6), 48.837 (4) (e), 48.91 (2),  
22 49.141 (1) (i) 2., 49.145 (2) (f) 1. a., 49.19 (4) (h) 1. a., 49.22 (title), (1), (7), and (7g) (a),  
23 49.463 (3) (title) and (b) 1. b. and 2. (intro.) and b. and (6), 49.48 (3), 49.79 (6q) (title)  
24 and (b) 1. b. and 2. (intro.) and b. and (6u) (title) and (a) 1., 49.83, 49.855 (6), 49.857  
25 (1) (f), 49.90 (2r) and (11), 59.40 (2) (p), 59.53 (5) (title) and (a), 69.15 (3) (d) and (3m)

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1 (a) (intro.), 93.135 (3), 102.17 (1) (cm), 103.275 (2) (bm), 103.34 (10) (b), 103.91 (4) (b),  
2 103.92 (6), 104.07 (5), 105.13 (2), 115.315, 118.19 (1r) (b), 138.09 (3) (am) 3. and (4)  
3 (b), 138.12 (4) (b) 6. and (5) (am) 1. c. and 2., 138.14 (5) (b) 3. and (9) (b), 165.85 (3)  
4 (cm) and (3m) (a), 169.34 (3) (a), 170.12 (8) (b) 1. c. and 2., 202.021 (4) (a) 7., 202.06  
5 (2) (e), 217.06 (6), 217.09 (1m), 218.0116 (1g) (a) and (1m) (a) 3. and (b), 218.02 (3) (e),  
6 (6) (b), and (9) (a) 2., 218.04 (4) (am) 3. and (5) (am), 218.05 (4) (c) 3., (11) (c), and (12)  
7 (am), 218.11 (6m) (a), 218.12 (3m) (a), 218.22 (3m) (a), 218.32 (3m) (a), 218.41 (3m)  
8 (a), 218.51 (4m) (a), 224.72 (7m) (c), 224.725 (6) (c), 224.77 (2m) (c), 224.95 (1) (c),  
9 250.041 (3), 256.17 (3), 299.08 (2), 341.51 (4m) (a), 343.345, 343.66 (2), 440.13 (2) (a)  
10 and (b), 551.412 (4g) (a) 3. and (b), 562.05 (5) (a) 9. and (8) (d), 563.28 (1), 628.097  
11 (1m), 628.10 (2) (c), 632.69 (2) (d) 1. and (4) (c), 633.14 (2m) (a), 633.15 (2) (c), 751.15  
12 (3), 757.675 (2) (g), 757.69 (1) (p) 3., 767.001 (1) (L), 767.01 (2), 767.041 (1) (b), 767.205  
13 (2) (a) (intro.) and 1. and (b) 2., 767.215 (5) (am), 767.35 (6) and (7), 767.401 (1) (b)  
14 and (2) (a) and (b), 767.407 (1) (c) and (d) and (4), 767.41 (1) (b) and (1m) (intro.),  
15 767.511 (1) (intro.), 767.513 (2), 767.521 (intro.), 767.77 (1), 767.80 (title) and (1)  
16 (intro.), 767.805 (title), (1), (1m), (2) (a), (3) (title) and (a), (4) (intro.), (5) (a), and (6)  
17 (a) (intro.), (b), and (c), 767.814, 767.815 (intro.), 767.82 (title), (1) (a), (2), (5), (6), and  
18 (8), 767.83 (2) and (3), 767.84 (title), 767.853 (intro.), (1) (intro.), (2), and (3) (a),  
19 767.863 (1) and (3), 767.865 (2), 767.87 (title), (1) (intro.) and (f), (2m), (4) (a), and (8),  
20 767.88 (title), (1), and (2) (intro.), 767.89 (title), (1), (3) (intro.) and (a), (3m) (a) and  
21 (b), and (4) (a) 1. c., 769.316 (10), 769.401 (2) (b) and (f), 803.01 (3) (b) 1., 814.61 (1)  
22 (c) 1. and (7) (c), 818.02 (6), 818.05, 822.02 (4), 852.05 (4), 885.06 (1) and (2), 885.10,  
23 891.39 (1) (b), 893.88, 895.01 (1) (am) 1., 895.4803, 905.04 (4) (g), 938.235 (4) (a) 7m.,  
24 938.299 (6) (a), (d), and (e) 5., 938.355 (4g) (a) (intro.) and (d) 1., 938.396 (2g) (g),  
25 948.22 (7) (b) 2. and (bm), 948.31 (1) (a) 1., 977.05 (4) (i) 7., and 977.08 (2) (h).

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1 (b) In the statutes indicated, replace “father,” “fathers,” or “father’s” with  
2 “parent,” “parents,” or “parent’s”: ss. 48.025 (5) (a) (intro.), 48.42 (2) (b) 3. and (bm)  
3 2., (2m) (a), and (4) (b) 3., 48.422 (6) (b), 48.432 (1) (am) 2. a., 48.837 (4) (e), 48.91 (2),  
4 48.913 (1) (h), (4), and (7), 49.90 (11), 767.83 (2m), 767.84 (1) (b) 3. and (1m), 767.893  
5 (2) (a) and (b) (intro.), (2m) (c), and (3) (intro.), 769.201 (1m) (gm), and 769.401 (2) (c),  
6 (d), and (e).

7 (c) In the statutes indicated, replace “mother,” “mothers,” or “mother’s” with  
8 “parent,” “parents,” or “parent’s”: ss. 48.01 (1) (a), (am), (ap), (bm), (br), and (h), 48.02  
9 (1) (am) and (17m), 48.06 (1) (a) 3., 48.067 (1), (2), (3), (4), and (8), 48.069 (1) (a) and  
10 (c), 48.07 (4), 48.08 (1) and (3), 48.133, 48.135 (title), (1), and (2), 48.14 (5), 48.15,  
11 48.185 (1) (a) and (b), subch. IV (title) of ch. 48, 48.19 (1) (d) 8., 48.193 (title), (1)  
12 (intro.) and (d) 1., 2., and 3., and (2), 48.20 (4m), 48.203 (title), (1), (2), (3), (6) (b) and  
13 (c), and (7), 48.205 (title) and (2), 48.207 (title), (1m) (intro.), (a), (c), (d), and (e), and  
14 (2) (b), 48.21 (3) (title), (ag), and (b) and (7), 48.213 (title), (1) (a), (2), (3), (4), (4m),  
15 and (5), 48.217 (title), (1) (a), (b) 1. b., and (c) 3., (2) (a) (as affected by 2021 Wisconsin  
16 Act 42), and (2m) (a) and (b) 2., 48.23 (2m) (title), (a), and (c) and (4) (b), 48.235 (3)  
17 (b) 1. and (4m) (a) 3m., 48.24 (1m), (2) (a), (2m) (a) 6., and (5), 48.243 (1) (intro.), (3),  
18 and (4), 48.245 (1) (c) and (2) (a) 1., 2., 3., and 4. and (c), 48.25 (1), 48.255 (1m) (intro.),  
19 (b), (bm), (c), and (e), 48.263 (1), 48.27 (1), (3) (a) 1., (4) (b) 1., and (8), 48.275 (1) and  
20 (2) (a), (b), (c), and (cg) (intro.), 48.29 (1), 48.293 (2), 48.295 (1c), (1g), (2), and (3),  
21 48.297 (4) and (5), 48.299 (1) (b) and (4) (b), 48.30 (1), (3), (6) (a), (7), and (8) (a) and  
22 (c), 48.305, 48.31 (2), (4), and (7) (a), 48.315 (1) (a) and (f), 48.32 (1) (am), (2) (a) and  
23 (c), (3), (5) (intro.), and (6), 48.33 (1) (a), (b), (c), (d), and (f), 48.345 (3) (cm), 48.347  
24 (1), (2), (3) (intro.) and (a), (4) (a), and (5) (a) and (b), 48.35 (1) (b) (intro.) and 1., 48.355  
25 (2) (a), (b) 1., 1m., and 7., and (d), (2m), (5), and (7), 48.356 (2), 48.357 (title), (1) (a)

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1 and (am) 1. b. and 2. c., (2) (a) 1. (as affected by 2021 Wisconsin Act 42) and (b) 1. and  
2 2., and (2m) (a) 1. (as affected by 2021 Wisconsin Act 42) and (b) 2., 48.36 (2), 48.361  
3 (2) (b) 1m. and (c), 48.362 (4) (a) and (c), 48.363 (1) (a) and (b), 48.365 (1m), (2), (2g)  
4 (a), (2m) (b), and (5) (a), 48.375 (2) (c), 48.396 (1), (1b), (1d), (2) (aj) and (ap), and (5)  
5 (b), (c), and (e), 48.415 (2) (a) 2. a. and b., 48.45 (1) (am) and (b) and (1r), 48.46 (1),  
6 48.48 (1) and (17) (a) 1., 2., and 3., 48.52 (title), (1m) (intro) and (c), and (2) (a), 48.547  
7 (1) and (3) (intro.), 48.57 (1) (a), (b), (c), and (g), 48.59 (1) and (2), 48.625 (1m), 48.63  
8 (5) (b), 48.647 (1) (ag) (intro.), 48.78 (2) (aj) and (ap), 48.981 (3) (b) 2m., (bm) (intro.)  
9 and 2., (c) 2m. a. and b., 3., 5., 6m., and 7., and (d) 1., (4) (a) 4., and (7) (a) 3m., 4., and  
10 5., 301.01 (2) (cm), and 938.34 (3) (cm).

11 (2) LEGISLATIVE INTENT. The legislature intends this act to harmonize the  
12 language of the Wisconsin statutes relating to marriage and the determination of  
13 parentage with the provision of s. 990.001 (2), which specifies that words importing  
14 one gender extend and may be applied to any gender. The legislature intends that  
15 by amending the statutes relating to marriage and the determination of parentage  
16 with respect to married couples to use gender-neutral language where appropriate  
17 so as to clarify that the same statutory rights and responsibilities apply between  
18 married persons of the same sex as between married persons of different sexes and  
19 to extend some of the presumptions of parentage to either parent, the Wisconsin  
20 statutes will be better aligned with the holding of the U.S. Supreme Court in  
21 *Obergefell v. Hodges*, 135 S. Ct. 2584, 192 L. Ed. 2d 609 (2015), which recognizes that  
22 same-sex couples have a fundamental constitutional right to marriage. To the  
23 extent language remains in Wisconsin law referring to one gender after the effective  
24 date of this subsection, the rule of construction regarding gender under s. 990.001  
25 (2) remains applicable, and it is not the intent of the legislature, except to the extent

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1 necessary to conform to the requirements of federal law, to narrow to one gender the  
2 construction of any provision for which an application to any gender would be  
3 appropriate.

4 (END)