

CHAPTER 69.

BUREAU OF VITAL STATISTICS.

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69.01 Bureau of vital statistics created. The "State Bureau of Vital Statistics" is hereby created.

69.02 Bureau under state board of health. (1) The Bureau shall be under the immediate supervision and direction of the state board of health. The board shall designate a state registrar of vital statistics who, unless he is secretary of the board, shall under the supervision of the secretary of the state board of health have charge of the bureau. For budgetary purposes the bureau shall consist of a division of public health statistics and a division of legal records.

(2) The division of public health statistics shall:

- (a) Prepare all forms required to be prepared by the bureau under this chapter.
- (b) Instruct registers of deeds and local registrars in their duties under this chapter and supervise them in their work.
- (c) Collect, examine and tabulate all papers required to be filed with the bureau under this chapter.
- (d) Enforce the provisions of sections 69.06 and 69.07.

(3) The division of legal records:

(a) Shall file and index papers required to be filed with the state registrar under this chapter and shall preserve such records after they have served their purpose as public health statistics.

(b) Shall issue certified copies of such records upon payment of the prescribed fees.

(c) May make transcripts of such records for governmental agencies upon their request and payment of the fees mutually agreed upon. Certified copies or verifications of records may be furnished free to governmental agencies.

(d) May make special searches of such records and make copies, transcripts or reports pursuant thereto upon request and payment of the fees prescribed by the board.

(e) May operate a microfilm laboratory in connection with its duties under this chapter; the services of this laboratory may be available at cost to other governmental agencies if such use does not interfere with the bureau's duties under this chapter; copies of records needed to complete register of deeds records shall be furnished free of charge.

(5) The bureau is authorized to make such refunds which in its judgment should be paid because of over-remittance of fees and properly account for such refunds.

History: 1951 c. 247 s. 24; 1951 c. 319 s. 205.

69.03 Rules and regulations by board of health. The state board of health may make, and from time to time amend, such rules and regulations as it considers necessary to carry out the provisions of this chapter.

69.04 Assistants. The state board of health shall provide such clerical and other assistants as may be necessary for the purposes of this chapter, and shall fix their compensation.

69.05 Forms prepared by registrar. The state registrar shall prepare forms of certificate of birth, fetal deaths, deaths, marriages, divorces and of burial permits, and such other forms necessary to meet the requirements of this chapter, which forms shall be printed and supplied in the same manner as are blanks and stationery for the use of other offices of the state government.

History: 1953 c. 305.

69.06 State registrar's duties. (1) The state registrar shall prepare and issue detailed instructions required to secure the uniform observance and the maintenance of a perfect system of registration, and no blanks shall be used other than those supplied by him.

(2) He shall carefully examine the certificates received from the local registrars and registers of deeds and if any such are incomplete or unsatisfactory he shall require such further information as may be necessary to make the record complete.

(3) He shall arrange, bind and permanently preserve the certificates in a systematic manner and prepare and maintain a comprehensive and continuous index of all births, fetal deaths, deaths, marriages and divorces registered.

(4) He shall prepare and publish biennially such of the vital facts appearing on the certificates, or copies thereof, of births, fetal deaths, deaths, marriages, and divorces as the state board of health determines to be necessary and useful.

(5) He shall at least once each year tabulate and classify all cases of children born with deformity or physical defects in the state since the preceding tabulation, and shall preserve the same in his office. Such tabulations shall be included in the biennial report of the state board of health.

(6) He shall pay all fees collected into the general fund within one week.

History: 1953 c. 305; 1955 c. 204.

69.07 State registrar's powers; prosecuting attorneys. (1) The state registrar is hereby charged with the execution of this chapter in every part of the state, and with supervising registers of deeds and local registrars with their work under this chapter.

(2) He may investigate irregularities or violations of the law, and all local registrars and registers of deeds shall aid him upon request, in such investigations.

(3) When he deems it necessary, he shall report violations to the district attorney of the proper county, with a statement of facts and circumstances, and he shall forthwith initiate and promptly prosecute the violators of law, and upon request of the state registrar the attorney-general shall likewise assist in the enforcement of this chapter.

69.08 Statistics collected at local expense. (1) If it is impossible to obtain through the local registrars and registers of deeds complete reports of all births, deaths and marriages which they respectively are required to report, the board may cause these statistics to be collected and the necessary expenses incurred by so doing shall be charged to and paid for by the respective county, city, village or town whose officer caused this expense to be necessarily incurred.

(2) The state registrar shall file with the clerk of such county, city, village or town, an itemized statement of all expenses incurred, which statement shall serve as prima facie evidence of the claim.

History: 1953 c. 305.

69.09 Districts and local health officers. For the purposes of this chapter each county shall be a primary registration district for villages and towns and the registers of deeds' office shall be the place for filing. The primary registration district for any city shall be the city and the office of the local health officer the place for filing. The local registrar shall be the health officer or commissioner of health in cities.

69.10 Local statistics; copies; filing. Each register of deeds and city health officer shall collect and file certificates of births, fetal deaths, deaths and marriages that occur in his county or city as provided in s. 69.09 and after making a copy thereof transmit the original to the state registrar.

History: 1953 c. 305.

69.11 Deputy local registrars. Each local registrar shall, upon assuming the duties of his office, appoint a deputy who shall act in his stead under this chapter in case of

the absence, illness or disability of the local registrar. The deputy shall accept such appointment in writing and shall be subject to all rules and regulations governing the local registrars under this chapter. The state registrar shall be notified immediately of the appointment of a deputy registrar.

69.13 Local enforcement. The registers of deeds and local registrars shall enforce this chapter, in their respective districts, under the supervision and direction of the state registrar; and shall make an immediate report to the state registrar of any violations thereof coming to their notice by observation or upon complaint.

69.14 Certificates, numbering. The register of deeds and city health officer shall number and date consecutively the certificates of births, deaths and marriages, as he receives them and affix the date when received thereto.

History: 1953 c. 305.

69.15 Reports of births, marriages and deaths to other local registrars. Each register of deeds and city health officer shall, on the first day of each month, make an exact copy of all births, marriages and deaths recorded by him during the previous month, whenever the parents of the child born, or the bride or the groom, or the deceased person, was resident in any other city, village or town in this state at the time of such birth, marriage or death; and shall transmit such copies to the city health officer, or register of deeds of the county in which such parents, the bride or the groom, or the deceased, were resident at the time of the birth, marriage or death. Such copies shall be made upon blanks to be furnished for that purpose by the state board of health. The registrars receiving such copies shall file the same.

History: 1953 c. 305.

69.18 Original certificates; transmittal; exceptions; reports. (1) The city health officer and the register of deeds shall promptly upon receipt of an original certificate of birth, fetal death, death and marriage make a complete and accurate copy of each certificate filed with him upon a form identical with the original certificate for his record and transmit the original to the state registrar on or before the seventh day of each month.

(2) If no births, fetal deaths, deaths or marriages occur in any month the register of deeds and city health officers shall on or before the seventh day of the following month report that fact to the state registrar in such manner as the state registrar shall direct.

(3) The city health officer, as to births, fetal deaths, deaths and marriages occurring in such city, shall within 5 days of the original filing transmit a copy of the original certificate of such births, fetal deaths, deaths and marriages to the register of deeds.

History: 1953 c. 305.

69.21 Register of deeds' duties. Every register of deeds shall make, file and index copies of all certificates of births, fetal deaths, deaths or marriages, received by him and properly bind the copies in book form.

History: 1953 c. 305.

69.22 Delayed registration. (1) When no registration of any birth has been made within one year after the occurrence thereof, the state registrar or the register of deeds of any county may accept proof thereof for the purpose of filing a birth certificate, and issue certificates of births based on such proofs. Such proof shall consist of the following:

(a) Hospital or doctor's record of such birth accompanied by the affidavit of such doctor or custodian of doctor's or hospital records, stating that the facts as set forth in such certificate are true; or

(b) The affidavit of parent or parents accompanied by at least one document made within 5 years of the date of birth of the applicant or 2 documents made more than 5 years prior to the date of application, each of which documents shall contain the birthdate, birthplace, and one of such proofs showing parentage of such applicant, or

(c) Three pieces of documentary evidence made more than 5 years prior to the date of application, each setting forth the birthdate and birthplace, and one of such proofs showing parentage of such applicant. An affidavit shall be accepted only as one of the above required proofs.

(2) The register of deeds, upon completion of such delayed registration of birth, shall after making a copy thereof transmit the original registration to the state registrar.

(3) The state registrar shall forward a copy of any delayed record filed with him to the register of deeds of the county in which the event occurred.

69.225 Filing of copies of foreign records. The record, or a certified copy thereof, including any made in a foreign language, of the birth abroad of any Wisconsin resident shall be accepted by registers of deeds for filing upon payment of the fee provided in section 59.57 (15).

69.23 Certified copies furnished. (1) The state registrar, register of deeds or the local registrar of any city shall, upon request, furnish any applicant a certified copy of a record in their possession of any birth, fetal death, death, marriage or divorce.

(2) Any officials authorized to issue birth certificates may issue a short form certificate in such form as shall be prescribed by the bureau.

(3) The state registrar, register of deeds or local registrar of any city shall issue without charge certified copies of certificates of birth, death, marriage and divorce when required in support of any claim for benefits, federal or state, where such claims have arisen out of or by reason of service in the wars of the country except that in counties where the register of deeds is under the fee system and not paid a fixed salary he shall be paid by the county the usual fee for each such service.

History: 1953 c. 305.

Cross Reference: See sections 328.09 and 327.18 for evidence of vital statistics.

69.24 Fees. (1) The state registrar, register of deeds, and city health officer who are authorized to issue certified copies, as stated in this chapter, shall collect the following fees for the search, filing and issuing of certified copies of birth, fetal death, death, marriage and divorce records and for making authorized corrections, alterations or additions:

(a) A fee of \$1 for the issuance of a certified copy of any record previously filed.

(b) A fee of 50 cents for making authorized corrections, alterations and additions.

(c) No fee shall be collected for making such corrections, alterations and additions on records filed before one year of the date on which the event recorded has occurred.

(d) A fee of 25 cents for a short form certificate, except that such certificate for a person under 18 years of age shall be issued free.

(e) The state registrar shall collect a filing fee of \$1 for new certificates filed in accordance with sections 69.33 and 69.336.

(2) (a) The state registrar shall collect a fee of \$2 for the examination of documentary proof and the filing of a delayed record and in addition thereto a fee of \$1 for the issuance of a certified copy of a delayed record.

(b) The register of deeds shall collect a fee of \$1 for the examination of documentary proof and the filing of a delayed record, and in addition thereto a fee of \$1 for the issuance of a certified copy of a delayed record.

(3) The state registrar shall collect a reasonable fee not exceeding \$20 for special searches which may be requested of him to adequately meet the cost of such special search.

(4) (a) For each complete certificate of birth, fetal death, death and marriage forwarded to the register of deeds or the state registrar as the case may be, in accordance with the provisions of this chapter, including any copies retained in cities the local registrar shall be paid the sum of 25 cents. For each fetal death or death certificate collected by the village clerk and forwarded by him to the city health officer or register of deeds, as the case may be, and for which he has issued a burial or removal permit, the village clerk shall be paid the sum of 25 cents by the county.

(b) The state registrar shall annually certify to the county clerk of the several counties the number of births, fetal deaths, deaths and marriages registered, with the names of the local registrars and the amounts due each at the rates fixed herein for payment by the county treasurer.

History: 1953 c. 305, 375.

69.25 Defective certificates; deaths outside state. (1) Certificates lacking items which are determined by the city health officer, register of deeds or state registrar to be important shall be considered defective in so far as they fail to contain the specific facts or items demanded by them unless the missing information or facts are obtained to complete the original certificate and in that case the facts so obtained shall be considered a part of the original certificate as though they were contained in the original certificate, and said subsequent information relative to said facts and information shall be written on the original certificate and become a part thereof.

(2) The city health officer, register of deeds and state registrar shall certify to each other all corrections and additional information received by them to complete any original certificate received.

(3) Whenever there shall be filed with the state registrar of vital statistics a certificate of death of any resident of this state, who died without the state, the registrar shall file the certificate, make a copy thereof and transmit it to the register of deeds of the county or the health officer of the city in which such deceased person resided as provided in section 69.09, who shall make a proper record of the same.

69.26 Fees of informants, counties to pay. (1) Each physician, midwife, minister or priest, court commissioner, judge of a court of record, justice of the peace or other

persons acting as informant and filing with the local registrar or the register of deeds, as the case requires, certificates of births, fetal deaths, deaths and marriages completely and legibly made out in ink, shall be entitled to 25 cents for each birth, fetal death, death and marriage so filed, to be paid by the treasurer of the county upon certification by the state registrar.

(2) Only one certificate shall be filed for each birth, fetal death, death and marriage and the order of right to file the certificate shall be the same as the order of responsibility for filing as herein given.

(3) Informants transmitting defective certificates shall not be entitled to payment until the missing information, when possible to obtain, is supplied.

(4) The state registrar shall annually certify to the county clerks of the several counties, the number of births, fetal deaths, deaths and marriages registered with the names of the persons reporting and the amounts due each at the rate fixed herein, whereupon the county clerk shall certify such amounts to the county treasurer for payment to the persons entitled thereto.

(5) Any person entitled to such fee shall claim and demand the same within 3 years after receipt by the county treasurer of the warrant or certificate from the state registrar authorizing such payment, and no right to such fee shall exist after the expiration of such time.

History: 1953 c. 305.

69.27 Incomplete birth certificates. If a certificate of birth is incomplete the register of deeds or city health officer shall immediately notify the parents of the child and require them to supply the missing items if they can be obtained.

69.28 Child's name, supplemental report. When any certificate of birth of a living child is presented without a statement of the given name, the register of deeds or city health officer as provided in section 69.09 shall make out and deliver to the parents of the child a special blank for the supplemental report of the given name of the child, which shall be filled out as directed and returned to such register of deeds or city health officer as soon as the child is named. The original certificate of birth shall not be considered complete until the supplemental report is filed or the blank returned with the statement "died unnamed."

69.29 Standard birth certificates. (1) The certificate of birth shall contain such items as the state board of health may determine are necessary and shall agree in the main with the standard form recommended by the U. S. public health service; provided that whenever a child is born to a woman while she is the lawful wife of a specified man, the certificate of birth for such child shall list the name of the husband as the father of such child unless and until the illegitimacy of such child is proven beyond all reasonable doubt in accordance with law and in any proceeding under ss. 52.21 to 52.45 such birth record shall not be admissible in evidence.

(2) The standard short form certificate of birth shall contain only the following information: The name of the person whom it concerns as originally recorded, or as subsequently changed pursuant to law, the sex of the person, the date on which he or she was born, the name of the town, village or city, and county in which he or she was born, and the date when the record was filed; no court order shall be required for the issuance of this certificate, whether for legitimate or illegitimate births.

History: 1951 c. 247 s. 25; 1957 c. 296.

69.30 Birth certificates by physicians, midwives and others; Milwaukee county; children born abroad. (1) The physician or midwife in attendance upon any birth shall file a certificate of birth, properly and completely filled out, giving all the particulars required by this chapter, with the register of deeds of the county in which the birth occurred within 5 days after birth, except that in cities such certificate shall be filed with the health officer. In counties having a population of 500,000 or more, the register of deeds and the city health officer shall, within 10 days after the filing of an original birth certificate, make an exact copy of such birth record whenever the parents of the child born were residents of any town or village in such county, and shall transmit such copies to the town or village clerk for a charge of 25 cents per copy, payable by the town or village treasurer. All certificates for illegitimate births subsequent to October 1, 1907 shall be kept in a separate file and shall be subject to public inspection only upon court order, except for obtaining proof of heirship. A copy of an illegitimate birth record shall be furnished only upon the order of any county judge or judge of the juvenile court. All charges for professional services rendered by the physician or midwife in attendance upon a birth shall be unlawful if the birth certificate, properly filled out, is not reported as herein provided.

(2) If there be no attending physician or midwife, then the father of the child, householder or owner of the premises, manager or superintendent of a public or private institution in which the birth occurred shall file a satisfactory certificate of birth with the register of deeds, or city health officer, within 5 days as provided in section 69.09.

(3) When children of Wisconsin residents who are citizens of the United States of America are born abroad, a properly authenticated copy of the original birth record made and filed according to the law of the place of birth or previously recorded by the proper United States consul or by the United States department of state may be filed with the state registrar. Where no original birth record is available a delayed birth record under the provisions of section 69.22 may be prepared by the state registrar. The state registrar shall forward promptly a copy of such record for filing to the register of deeds in the county of residence of the parents.

History: 1953 c. 375.

(2) does not contemplate the preparation and filing of a birth certificate by an unlicensed physician or unlicensed midwife. 44 Atty. Gen. 94.

69.31 Foundlings reported. It shall be the duty of anyone finding an unknown child, to immediately report that fact to the register of deeds of the county, or city health officer where the child was found, as provided in section 69.09; such report shall show the sex and color of the child, the date and place of finding the child, and the name of the person or institution in charge of such child. The town, village or city in which the child is found shall be known as the place of legal birth and the date of birth shall be stated by the person in charge of the child as nearly as can be determined and the date so given shall be known as the legal date of birth. The person or superintendent of the institution with whom the child is placed for care shall give the child a name and shall be responsible for filling out as completely as possible the regular form of birth certificate and filing it with such register of deeds or the city health officer, who shall make a copy for his own record and forward the original to the state board of health. If the child should later be identified and a certificate of birth be found or obtained, the record provided for by this section shall be destroyed. When foundlings or other children for whom it is impossible to provide a regular form of birth certificate are adopted, it shall be lawful for the adoptive parents to fill out and sign a birth record, giving their names as the adoptive parents.

69.32 Report of congenital deformities. (1) Within twenty-four hours after the birth of any child with a deformity or physical defect, the attending physician or midwife, or if there is no physician or midwife in attendance then the parent or guardian of the child, or other responsible person, shall, in addition to and separate from the notice thereof required in the birth certificate, directly notify the state board of health of such deformity or defect and shall explain as fully as possible the exact nature thereof. Said physician or midwife, or parent, guardian, or other responsible person may, in addition to the notice and explanation herein required make such suggestions or recommendations as to the care, treatment or correction of such deformed or defective person, or give such information with reference thereto as he may deem necessary or helpful.

(2) The reports, notices or explanations of all cases of congenital deformity or physical defect provided for by this section shall be treated as confidential to the extent that the name or address of the deformed or defective person shall not be published by any newspaper, magazine or other paper or publication of general or special circulation.

(3) The secretary of the state board of health shall, immediately upon hearing of any case of congenital deformity or physical defect give to the crippled children division, state department of public instruction, the name and address and such other information as may be helpful in the follow-up care program of such children.

69.33 Adoption; birth certificates. (1) On being advised pursuant to s. 48.94 of the adoption of any child whose birth has previously been registered or pursuant to s. 245.36 of the legitimation of any child by the marriage of the parents, the state registrar of vital statistics shall file a new birth certificate filled out and signed by himself or his authorized representative. In this new certificate reference shall be made to this section by number only. In all other respects the certificate shall be the same as other birth certificates and shall contain nothing else to differentiate it therefrom. In case such adopted child was born elsewhere a new certificate may be filed as herein provided if the adoptive parent shall file with the state registrar a certified copy of the original birth certificate or satisfactory proof that the birth was not recorded. The place of birth may be given as the place where the adoption order was made and the date of birth shall be taken from the original certificate, or, in the absence thereof, from the adoption order except that if the child was born outside the United States, the actual place of birth shall be given whether or not the natural parents were United States citizens, but if they were

not, the certificate shall not be issued until proof of naturalization of the child has been furnished to the registrar.

(2) In cases of adoption all the names and statistical particulars entered on a new certificate shall refer to the adoptive parents. The question of legitimacy shall be answered in the affirmative.

(3) In cases of legitimation, the names and statistical particulars shall be entered as of the date of birth but as though the parents were married at that time. The question of legitimacy shall be answered in the affirmative.

(4) All other items not affected by the adoption or legitimation shall be copied as on the original certificate including the date of filing.

(5) The new certificate shall then be filed in place of the original, and the original, together with all correspondence, affidavits, court orders, etc. pertaining thereto, shall be filed away from all public access. Copies of or access to these originals or any material pertaining thereto shall be obtained only on court order or at the discretion of the state registrar. Copies of the new certificate shall be issued under the same laws and rules as apply to the issuing of other certificates.

(6) The state registrar shall send a copy of each new certificate to the register of deeds or city health officer where a copy of the original was filed. Such register of deeds or city health officer and state registrar shall file this new record in their regular file, and impound the original which shall not be examined except upon court order or request of the state registrar.

(7) Whenever a child born in the United States shall have been adopted in another state by residents of this state, the adoptive parent may file an authenticated copy of the order or judgment of adoption with the state registrar, together with a certified copy of the original birth certificate, if any. Thereupon the state registrar shall proceed as provided in subsections (1), (2) and (5) so far as the same may be applicable. The residence of the adoptive parents may be recorded as the place of birth.

(8) This section, as it applies to removing and impounding of original records, shall be retroactive in that the state registrar may treat all records on file since October 1, 1907, in such manner, and so notify the registers of deeds and local registrars.

(9) Whenever the state registrar is notified of a judgment entered pursuant to s. 52.37 (3) he shall in his discretion either make and file a new certificate, following the provisions of this section so far as applicable, or correct the old certificate in the manner provided in s. 69.335.

History: 1951 c. 208; 1953 c. 31; 1955 c. 26.

(1) and (7) do not authorize registration of birth of foreign-born child adopted by Wisconsin residents in the country of the child's nationality. (1) applies only to adoptions in Wisconsin and (7) applies only if the child was born in the United States. 44 Atty. Gen. 254.

69.335 Correction of birth records. A person born in this state may request the state registrar or the register of deeds of the county of his birth or in cities the health officer of a city of his birth, to correct his birth record. Minor corrections in the record of his given name, or the spelling of his surname may be made upon filing a supplementary report signed by him or his parent, guardian, sister or brother. Major corrections of the record as to his surname, sex, date and place of birth may be made by the state registrar, the register of deeds or city health officer only upon filing his affidavit setting forth the corrections to be made and the reasons therefor. All corrections shall be made in red ink on the original record without erasures. On the margin of the record the officer shall make date and sign the following notation: The corrections entered in red ink on the adjoining birth record were made this day of 19.. by me and are based on (a supplementary report or an affidavit).

Signed

State Registrar, City Health Officer or Register of Deeds.

The state registrar, city health officer or the register of deeds to whom such requests are made shall promptly notify each other of the corrections which have been made; and the other shall make and sign the same corrections and notation in red ink on his records. Affidavits upon which corrections are based shall be permanently filed with the state registrar.

69.336 Same; court proceedings. (1) Whenever any court pursuant to section 328.39 shall adjudge a child born in wedlock to be illegitimate, the clerk of court shall report the facts to the state registrar, who shall issue a new birth certificate showing the correct facts as found by the court, and shall dispose of the original, with the court's report attached, as provided in section 69.33 (5). He shall notify local registrars as provided in section 69.33 (6).

(2) Whenever the certificate originally filed shall be substantially incorrect, the person whose birth is recorded or his parent or guardian may petition any court of record in the county of his residence or, if a nonresident, the county of his birth, for a determination of the true facts. The court may take testimony and shall direct the clerk of court to report to the state registrar wherein the original certificate is incorrect and what are the true facts, so far as can be determined. No finding shall be required as to paternity if the birth was illegitimate. The state registrar shall proceed as provided in section 69.33 (5).

69.34 Fetal deaths. (1) The certificate of fetal death shall contain such items as the state board of health determines are necessary and a definition of fetal death as the board may from time to time establish.

(2) The funeral director or person selected by one of the parents to assume responsibility for disposition of the remains shall have the items pertaining to the causes and conditions of the fetal death filled in and signed by the physician or other person attending the birth or, if no person attended, by the mother, and shall be responsible for filing the certificate with the nearest city health officer before obtaining a burial permit from him.

(3) The state registrar and city health officers are authorized to destroy all fetal death certificates after they have been filed for a period of 3 years.

History: 1953 c. 305.

69.35 Standard death certificate. The certificate of death shall contain such items as the state board of health may determine are necessary and shall agree in the main with the standard form recommended by the United States public health service.

History: 1951 c. 247 s. 26.

69.36 Death particulars, authentication. The personal and statistical particulars shall be authenticated by the signature of the informant who may be any competent person acquainted with the facts.

69.37 Statement of disposition of body. The statement of facts relating to the disposition of the body shall be signed by a funeral director licensed in the state of Wisconsin or by an individual referred to in ss. 69.34 (2), 155.02 or 156.16, except that such statement of facts may be signed by any person who personally prepares for burial and conducts the funeral of any deceased member of his immediate family.

History: 1957 c. 62.

The statement of facts in a death certificate relating to the disposition of the body need not be signed by a licensed Wisconsin funeral director. 43 Atty. Gen. 268.

69.38 Physician's certificate, causes of death. (1) The certificate of death shall be made and signed by the physician last in attendance on the deceased and shall specify the time in attendance, the time he last saw the deceased alive, and the hour and the day at which death occurred.

(2) He shall state the causes of death so as to show the course of disease or sequence of causes resulting in death, and the duration of each.

(3) Indefinite and unsatisfactory terms indicating only symptoms of disease or conditions resulting from diseases are not sufficient for issuing a burial or removal permit and any certificate containing only such terms shall be returned to the physician for correction and definition.

(4) Causes of death which may be the result of either disease or violence shall be carefully defined, and, if from violence, its nature shall be stated, and whether accidental, suicidal, or homicidal.

(5) In case of deaths in hospitals, institutions, or away from home, the physician shall furnish the information required under this head and shall state where, in his opinion, the disease was contracted.

(6) And the cause of death and all other facts required shall in all cases be stated in accordance with the rules and regulations of the state registrar.

69.39 Death without physician. In case of death without the attendance of a physician, or if the certificate of the attending physician cannot be obtained early enough for the purpose, any physician employed for the purpose shall upon the request of the local registrar or his deputy, make such certificate as is required of the attending physician.

69.40 Local registrar to report death, when. When a physician cannot be obtained early enough and only in such case, the local registrar is authorized to insert the facts relative to the cause of death, from the statements of relatives or other competent persons, and the permit for burial shall be issued upon such information.

Local registrar may not sign death certificate merely because physician refuses to do so for lack of sufficient information. He may do so only if no physician can be obtained early enough. 40 Atty. Gen. 476.

69.41 Coroner's certificate. Any coroner who holds an inquest on the body of any deceased person or investigates the death of any deceased person under s. 966.20 may make and sign a certificate of death of such person stating the nature of the disease, or the manner of death, and if from external causes or violence whether "probably" accidental, suicidal or homicidal, as determined by the inquest or investigation; and shall furnish such information as may be required by the state registrar to classify the death. Where the cause of death of a member of the armed forces of the United States is also investigated by competent military authority, the certified statement thereof as to cause of death may be filed with the register of deeds who shall attach such statement to the coroner's certificate.

History: 1953 c. 194; 1955 c. 97.

Coroner is not authorized to sign death certificate unless there has been an inquest. But if there has been an autopsy under 366.121, the autopsy surgeon may sign the death certificate. 40 Atty. Gen. 476.

69.42 Burial and removal permits. (1) The register of deeds, city health officer and the clerk of any incorporated village are authorized to issue a burial or removal permit.

(2) If any certificate of death is incomplete or unsatisfactory, it shall be the duty of the officer authorized to issue burial or removal permits to call attention to the defects in the certificate and withhold the issuance of the burial or removal permit until a complete and satisfactory record is furnished.

(3) When the death record is presented to the clerk of any incorporated village for the issuance of a burial or removal permit, the village clerk shall forthwith transmit the original record to the register of deeds if the death occurred in a town or village or to the city health officer if the death occurred in a city.

History: 1953 c. 305.

See note to 59.50, citing 46 Atty. Gen. 80.

69.43 Deaths from communicable disease. In case the death occurred from some disease that is held by the state board of health to be communicable and dangerous to the public health, no permit for the removal or other disposition of the corpse shall be granted by the registrar except under the conditions prescribed by the state board of health.

69.44 Dispositions of dead; permit requisite. (1) The body of any person whose death occurs in this state shall not be interred, deposited in a vault or tomb, cremated, or otherwise disposed of, until a permit for burial or removal is issued, and no burial or removal permit shall be issued until a complete and satisfactory certificate of the death has been filed as herein provided.

The transportation across the state boundary of a corpse of one whose death occurred in Wisconsin, without a burial or removal permit from the proper Wisconsin authority, constitutes a violation of lawful regulations of the state board of health. 39 Atty. Gen. 480.

If there has been no inquest and the physician called for the purpose refuses to

sign death certificate (for lack of sufficient information), person desiring to dispose of body has responsibility of procuring a proper death certificate in order to obtain a burial permit under (1), and cost of investigating cause of death is necessary part of burial expense. 29 Atty. Gen. 470 followed. 40 Atty. Gen. 476.

69.445 Removal of corpse from hospital. When a funeral director signs, in duplicate, and delivers a notice to the superintendent of a hospital that he is about to remove therefrom a designated corpse he may be permitted to do so without presenting a certificate of death. The superintendent shall retain one notice in the hospital files and immediately forward the other notice to the city health officer, if the hospital is in a city, or to the register of deeds of the county, if the hospital is not in a city.

History: 1953 c. 305.

69.45 Duties as to death certificate and burial permits. (1) The funeral director, or person acting under authority of ss. 69.34 (2), 155.02 or 156.16, shall be responsible for obtaining and filing the certificate of death with the registrar and securing from him a burial or removal permit prior to any disposition of the body, except that any person who personally prepares for burial and conducts the funeral of any deceased member of his immediate family may obtain and file such certificate.

(2) He shall obtain the personal and statistical particulars required from the person best qualified to supply them over the signature and address of his informant. He shall then present the certificate to the attending physician or other person authorized by law to fill out the medical certificate of the cause of death and other particulars necessary to complete the record, as specified in sections 69.35 to 69.41. He shall then state the facts required relative to the date and place of burial over his signature and his address, and present the completed certificate to the registrar who shall then issue a burial or removal permit.

(3) He shall deliver the burial permit to the sexton or person in charge of the place of burial before interring the body, or attach the removal permit to the box containing the corpse, when shipped by any transportation company, to accompany the same to destination.

History: 1955 c. 10; 1957 c. 62.

69.46 Burial within district, wording of permit. If the interment or other disposition of the body is to be made in the registration district in which the death occurred, the wording of the burial permit may be limited to a statement by the registrar over his signature, that a satisfactory certificate of death having been filed with him as required by law, permission is granted to inter, remove, or otherwise dispose of the body of the deceased, stating the name, age, sex, cause of death and other necessary details upon the form prescribed by the state registrar.

69.47 Burial elsewhere; certificate copy. In case the interment or other disposition of the body is to be made in some registration district other than that in which death occurred, a complete copy of the certificate of death issued by the authorities where the death occurred or the certificate of removal issued when shipped by any transportation company, shall be accepted as a burial permit for the interment of the body.

A dead body may be moved by persons other than licensed Wisconsin funeral directors.
43 Atty. Gen. 268.

69.48 Sexton's duties. (1) No sexton or person in charge of any premises in which interments or cremations are made shall inter or cremate or permit the interment or cremation of any body unless it is accompanied by a burial permit as provided in sections 69.45 and 69.46 or by the certificate provided for in section 69.47.

(2) He shall indorse upon the permit the date of the interment, over his signature, and shall retain all such permits as the part of his record.

(3) He shall keep a record of all interments made in the premises under his charge, stating the name of the deceased person, place of death, date of burial, and name and address of the funeral director.

69.49 Marriage certificates. Except as specifically provided otherwise in this chapter, the forms, contents, execution, returns, delivery, transmission, filing and recording of marriage certificates shall be as provided in chapter 245.

69.50 Correction of marriage records. The circuit court of any county in which any marriage is legally filed shall make an order correcting such record on proof being made to the satisfaction of the court that the record is incorrect in any particular. The officer in charge of such records shall file the order or a copy certified by the clerk under the seal of the court, and such record shall have the same effect as the record of marriage duly returned by the proper person.

69.52 Divorce statistics. (1) The clerk of every court having jurisdiction of divorce proceedings shall, within 30 days after January 1 of each year, return to the state registrar of vital statistics upon the blanks provided for that purpose, statistics relative to each action for annulment of marriage or divorce brought or acted upon in said court during the preceding year.

(2) Said record shall contain the following items: The record number, full name, age, color and occupation of plaintiff and defendant, date and place of marriage, residence of each at time of marriage and at time action was brought, date of separation, date of filing the action, the alleged causes for annulment or divorce, kind of relief prayed for, manner of service of summons, whether or not the action was contested, date and nature of decree, final disposition of case; whether alimony was asked and granted, number of children by the marriage, number of children affected by the decree and such other information as the state registrar shall determine is necessary and useful to a proper study of divorces in this state.

(3) The state registrar shall biennially prepare from said returns, abstracts and tabular statements of the facts relating to divorce in each county, and embody them, with the necessary analysis, in the regular biennial report of the state board of health and vital statistics.

69.53 Industrial illness and diseases. (1) Every person licensed to practice medicine and surgery in this state attending on or called in to visit a patient whom he believes to be suffering from poisoning from lead, phosphorus, arsenic or mercury or their compounds, or from compressed air illness, contracted as a result of the nature of the patient's employment, shall send to the state board of health a notice, stating the name and full postal address and place of employment of the patient and the disease from which the patient is suffering.

(2) If any person licensed to practice medicine and surgery fails to comply with this section, he shall be liable to a fine not exceeding \$10.

(3) The state board of health shall enforce this section, and it may call upon the local boards of health for assistance.

History: 1957 c. 172.

69.55 Penalties for violating this chapter. Any person who shall wilfully violate any of the provisions of chapter 69, or who shall neglect or refuse to perform any duty or do any act imposed upon him as required by said chapter, or who shall neglect or refuse to make any certificate required by said sections to be made, or falsely make any such certificate, or knowingly make any false statement in any such certificate, or who shall alter any certificate or report provided for as required by said chapter shall be punished by a fine of not less than \$20 or more than \$200 for each offense, or by imprisonment in the county jail for a period of not less than 30 days or more than 60 days, or by both such fine and imprisonment.