State of Wisconsin
2025 - 2026 LEGISLATURE

LRB-0842/1
MDE:cjs

2025 SENATE BILL 321

June 12, 2025 - Introduced by Senators SPREITZER, CARPENTER, DASSLER-ALFHEIM, ROYS, RATCLIFF, DRAKE, HABUSH SINYKIN, HESSELBEIN, L. JOHNSON, KEYESKI, LARSON, PFAFF and WIRCH, cosponsored by Representatives SNODGRASS, STROUD, UDELL, CRUZ, NEUBAUER, PHELPS, RIVERA-WAGNER, ARNEY, CLANCY, ANDERSON, ANDRACA, BARE, BROWN, DESANTO, DESMIDT, EMERSON, FITZGERALD, HONG, HYSELL, JOERS, JOHNSON, MADISON, MAYADEV, MCCARVILLE, MIRESSE, MOORE OMOKUNDE, ORTIZ-VELEZ, PALMERI, PRADO, ROE, SHEEHAN, SINICKI, STUBBS, SUBECK, TENORIO and VINING. Referred to Committee on Licensing, Regulatory Reform, State and Federal Affairs.

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

(e) 4., 48.299 (7), 48.299 (8), 48.30 (2), 48.32 (1) (a), 48.33 (2), 48.33 (4) (intro.), 48.345 (intro.), 48.345 (14) (a), 48.347 (intro.), 48.347 (6) (a), 48.355 (1), 48.355 (2) (b) 2m., 48.355 (4g) (a) 1., 48.356 (1), 48.357 (1) (am) 2. b., 48.357 (5r), 48.361 (2) (a) 1m., 48.362 (3m), 48.41 (2) (c), 48.415 (6) (b), 48.415 (9) (a) and (b), 48.42 (1g), 48.42 (2) (b) 1., 48.42 (2) (b) 2., 48.42 (2) (bm) 1., 48.42 (2m) (b), 48.42 (4) (b) 5., 48.422 (6) (a), 48.422 (7) (bm), 48.422 (7) (br), 48.423 (1) and (2), 48.43 (6) (b), 48.432 (1) (am) 1., 48.432 (1) (am) 2. b., 48.435, 48.63 (3) (b) 4., 48.63 (3) (b) 5., 48.82 (1) (a), 48.837 (1r) (d), 48.837 (1r) (e), 48.837 (6) (b), 48.837 (6) (br), 48.837 (8), 48.913 (1) (a), 48.913 (1) (b), 48.913 (1) (c), 48.913 (1) (f), 48.913 (1) (i), 48.913 (1) (m), 48.913 (2) (intro.), 48.913 (2) (b), 48.913 (2) (c) (intro.), 48.913 (3), 48.9795 (1) (a) 1. c. and (b), 48.9795 (4) (e) 3., 49.141 (1) (i) 3., 49.141 (1) (j) 1., 49.141 (1) (j) 2., 49.141 (1) (j) 4., 49.141 (1) (j) 5., 49.141 (1) (j) 6., 49.148 (1m) (title), 49.148 (1m) (a) 2., 49.148 (1m) (c) 2., 49.155 (1m) (c) 1g., 49.155 (1m) (c) 1h., 49.162 (2m) (a) 2., 49.162 (2m) (b) 2., 49.163 (2) (am) 2., 49.19 (1) (a) 2. a., 49.19 (4) (d) (intro.), 49.19 (4) (d) 1., 49.19 (4) (d) 2., 49.19 (4) (d) 3., 49.19 (4) (d) 4., 49.19 (4) (d) 5., 49.225 (2), 49.225 (3) (a), 49.26 (1) (g) 11., 49.345 (2), 49.43 (12), 49.463 (3) (b) 2. a., 49.471 (1) (b) 2., 49.79 (6q) (b) 2. a., 49.90 (4), 51.13 (4) (h) 4., 54.01 (36) (a), 54.960 (1), 69.03 (14), 69.03 (15), 69.11 (4) (b), 69.12 (5), 69.13 (intro.), 69.13 (2) (b) 4., 69.14 (1) (c) 4., 69.14 (1) (cm), 69.14 (1) (e), 69.14 (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) (a) (intro.), 1., 2. and 3. and (b) 1., 2., 3. and 4. (intro.), a. and b., 69.15 (3m) (title), 69.15 (3m) (a) 3. and (b), 69.18 (1) (e) 1. (intro.), 69.20 (2) (b), 71.03 (2) (d) (title), 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 (4) (a), 71.05 (22) (a) (title), 71.07 (5m) (a) 3., 71.07 (9e) (b), 71.09 (13) (a) 2., 71.52 (4), 71.83 (1) (a) 8., 71.83 (1) (b) 5., 77.25 (8m), 77.54 (7) (b) 1., 101.91 (5m), 102.07 (5) (b), 102.07 (5) (c), 103.10 (1) (h), 103.165 (3) (a) 3., 111.32 (12), 115.76 (12) (a) 1., 115.76 (12) (a) 4., 115.76 (13), 146.0255 (2), 146.0255 (3) (intro.) and (b), 146.0257 (2), 146.34 (1) (f), 146.817 (1), 157.05, 182.004 (6), 217.02 (6) (c), 217.05 (5) (e) 7., 217.05 (7) (b), 250.04 (3) (a), 253.165, 301.01 (2) (cm), 301.12 (2), 301.50 (1), 441.15 (4), 700.19 (2), 705.01 (4), 705.01 (4m), 706.09 (1) (e), 757.69 (1) (g) 2., 757.69 (1) (g) 9., 757.69 (1m) (d), 765.001 (2), 765.01, 765.03 (1), 765.12 (1) (a), 765.16 (1m) (intro.), 765.16 (1m) (c), 765.23, 765.24, 765.30 (3) (a), 766.587 (7) (form) 9., 766.588 (9) (form) 13., 766.589 (10) (form) 14., 767.001 (1m), 767.215 (2) (b), 767.215 (5) (a) 2., 767.323, 767.43 (3) (b) and (4), 767.80 (1) (c), 767.80 (1) (d), 767.80 (1) (k), 767.80 (1m), 767.80 (2), 767.80 (5) (a) and (b), 767.80 (5m), 767.80 (6m), 767.80 (6r) (a) 1., 2. c. and 3., 767.803, 767.804 (1) (title), 767.804 (1) (a) (intro.), 1., 3. and 4., 767.804 (1) (b) (intro.), 2., 3. and 4., 767.804 (1) (c) 1. and 2., 767.804 (1) (d), 767.804 (2), 767.804 (3) (d) 1. and 2., 767.804 (4) (a) 1. (intro.), 767.804 (4) (a) 2., 767.805 (2) (b), 767.805 (4) (d), 767.805 (5) (b), 767.813 (5) (a), (b) and (c), 767.813 (5g), 767.815 (2) (a) and (b), 767.82 (2m) and (4), 767.83 (1), 767.84 (1) (a) (intro.), 767.84 (1) (b) (intro.) and 2., 767.84 (4), 767.84 (6), 767.85 (1), 767.855, 767.863 (1m), 767.863 (2), 767.87 (1) (a), (b), (d) and (e), 767.87 (1m) (intro.), 767.87 (2), 767.87 (3), 767.87 (6), 767.87 (9), 767.87 (10), 767.88 (2) (b) and (c), 767.883 (1), 767.89 (2) (a), 767.89 (3) (e), 767.893 (1m), (2) (b) 1. and 2. and (2m) (a), 767.895 (intro.), 769.201 (1m) (g), 769.316 (4), 769.316 (9),

769.401 (2) (a), 770.07 (2), 786.36 (1) (c), 808.075 (4) (a) 4., 815.20 (1), 822.40 (4), 851.30 (2) (a), 852.01 (1) (d), 852.01 (1) (f) 1., 852.01 (1) (f) 2., 852.01 (1) (f) 3., 852.05 (1) and (2), 854.03 (3), 891.39 (title), 891.39 (1) (a), 891.39 (2) (a), 891.39 (3), 891.395, 891.40, 891.405, 891.407, 891.41 (title), 891.41 (1) (intro.), 891.41 (1) (a), 891.41 (2), 905.04 (4) (e) 3., 905.05 (title), 938.02 (13), 938.27 (3) (b), 938.27 (5), 938.299 (6) (intro.), 938.299 (6) (e) 1., 2., 3. and 4., 938.299 (7) and (8), 938.355 (4g) (a) 1., 939.24 (1), 939.25 (1), 940.01 (1) (b), 940.02 (1m), 940.05 (2g) (intro.), 940.05 (2h), 940.195 (1), 940.195 (2), 940.195 (4), 940.195 (5), 940.23 (1) (b), 943.20 (2) (c), 943.201 (1) (b) 8., 943.205 (2) (b), 944.17 (3), 944.20 (2), 948.10 (2) (b), 948.31 (2) and 990.01 (19j) (b); ***to repeal and recreate*** 69.15 (3) (title), subchapter IX (title) of chapter 767 [precedes 767.80] and 767.80 (1) (b); ***to create*** 48.02 (5k), 69.15 (3) (b) 3m., 765.02 (3), 767.84 (1) (a) 2m., 891.41 (3), 938.02 (5s), 990.01 (22h), 990.01 (39) and 990.01 (40m) of the statutes; **relating to:** adopting gender-neutral terminology and incorporating gender-neutral marriage and parentage rights.

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, 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 father of the child. The bill provides that two people, one of whom gave birth to the child, 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.

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

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

SECTION 1. 29.219 (4) of the statutes is amended to read:

29.219 **(4)** ~~HUSBAND AND WIFE~~ SPOUSES RESIDENT LICENSES. A combined ~~husband and wife~~ spouses resident fishing license shall be issued subject to s. 29.024 by the department to residents applying for this license. This license confers upon both ~~husband and wife~~ spouses the privileges of resident fishing licenses.

SECTION 2. 29.228 (5) of the statutes is amended to read:

29.228 **(5)** ANNUAL FAMILY FISHING LICENSE. The department shall issue a nonresident annual family fishing license, subject to s. 29.024, to any nonresident who applies for this license. This license entitles the ~~husband, wife~~ spouses and any minor children to fish under this license.

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

29.228 **(6)** FIFTEEN-DAY FAMILY FISHING LICENSE. The department shall issue a nonresident 15-day family fishing license, subject to s. 29.024, to any nonresident

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45.55 Notes and mortgages of minor veterans. Notwithstanding any provision of this chapter or any other law to the contrary, any minor who served in the active armed forces of the United States at any time after August 27, 1940, and the ~~husband or wife~~ spouse of such a minor may execute, in his or her own right, notes or mortgages, as defined in s. 851.15, the payment of which is guaranteed or insured by the U.S. department of veterans affairs or the federal housing administrator under the servicemen's readjustment act of 1944, the national housing act, or any acts supplementing or amending these acts. In connection with these transactions, the minors may sell, release, or convey the mortgaged property

and litigate or settle controversies arising therefrom, including the execution of releases, deeds, and other necessary papers or instruments. The notes, mortgages, releases, deeds, and other necessary papers or instruments when so executed are not subject to avoidance by the minor or the ~~husband or wife~~ spouse of the minor upon either or both of them attaining the age of 18 because of the minority of either or both of them at the time of the execution thereof.

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

46.03 **(34)** FETAL ALCOHOL SYNDROME AND DRUG DANGER INFORMATION. The department shall acquire, without cost if possible, information that describes the causes and effects of fetal alcohol syndrome and the dangers to a fetus from the ~~mother's~~ use of cocaine or other drugs by the pregnant person during pregnancy and shall distribute the information free of charge to each county clerk so that each county clerk may provide information to marriage license applicants under s. 765.12 (1) (a) and domestic partnership applicants under s. 770.07 (2).

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

46.10 **(2)** Except as provided in subs. (2m) and (14) (b) and (c), any person, including but not limited to a person admitted, committed, protected, or placed under s. 975.01, 1977 stats., s. 975.02, 1977 stats., s. 975.17, 1977 stats., s. 55.05 (5), 2003 stats., and s. 55.06, 2003 stats., and ss. 51.10, 51.13, 51.15, 51.20, 51.35 (3), 51.37 (5), 51.45 (10), (11), (12) and (13), 55.05, 55.055, 55.12, 55.13, 55.135, 971.14 (2) and (5), 971.17 (1), 975.06 and 980.06, receiving care, maintenance, services, and supplies provided by any institution in this state including University of Wisconsin Hospitals and Clinics, in which the state is chargeable with all or part of

the person's care, maintenance, services, and supplies, any person receiving care and services from a county department established under s. 51.42 or 51.437 or from a facility established under s. 49.73, and any person receiving treatment and services from a public or private agency under s. 980.06 (2) (c), 1997 stats., s. 980.08 (5), 2003 stats., or s. 971.17 (3) (d) or (4) (e) or 980.08 (4) (g) and the person's property and estate, including the homestead, and the spouse of the person, and the spouse's property and estate, including the homestead, and, in the case of a minor child, the parents of the person, and their property and estates, including their homestead, and, in the case of a foreign child described in s. 48.839 (1) who became dependent on public funds for his or her primary support before an order granting his or her adoption, the resident of this state appointed guardian of the child by a foreign court who brought the child into this state for the purpose of adoption, and his or her property and estate, including his or her homestead, shall be liable for the cost of the care, maintenance, services, and supplies in accordance with the fee schedule established by the department under s. 46.03 (18). If a spouse, ~~widow~~ surviving spouse, or minor, or an incapacitated person may be lawfully dependent upon the property for their support, the court shall release all or such part of the property and estate from the charges that may be necessary to provide for those persons. The department shall make every reasonable effort to notify the liable persons as soon as possible after the beginning of the maintenance, but the notice or the receipt thereof is not a condition of liability.

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

46.238 ~~Infants and~~ Infant or unborn ~~children whose mothers abuse~~

child of a person who has abused **controlled substances, controlled substance analogs, or alcohol during pregnancy.** If an agency, as defined in s. 48.981 (1) (ag), receives a report under s. 146.0255 (2) or 146.0257 (2) and that agency is a county department under s. 46.22 or 46.23 or a licensed child welfare agency under contract with that county department, the agency shall offer to provide appropriate services and treatment to the infant and the ~~infant's mother~~ person who gave birth to the infant or to the unborn child, as defined in s. 48.02 (19), and the ~~expectant mother of~~ person pregnant with the unborn child or the agency shall make arrangements for the provision of appropriate services and treatment. If an agency receives a report under s. 146.0255 (2) or 146.0257 (2) and that agency is the department or a licensed child welfare agency under contract with the department, the agency shall refer the report to the county department under s. 51.42 or 51.437 and that county department shall offer to provide, or make arrangements for the provision of, those services and that treatment.

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

48.02 **(5k)** "Expectant parent" means a person who is pregnant.

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

48.02 **(13)** "Parent" means a ~~biological~~ natural parent, a ~~husband~~ spouse who has consented to the artificial insemination of his ~~wife~~ or her spouse under s. 891.40, or a parent by adoption. If the child is a nonmarital child who is not adopted or whose parents do not subsequently intermarry under s. 767.803, "parent" includes a person conclusively determined from genetic test results to be the ~~father~~ parent under s. 767.804 ~~or,~~ a person acknowledged under s. 767.805 or a

substantially similar law of another state to be a natural parent, or a person adjudicated to be ~~the biological father~~ a natural parent. "Parent" does not include any person whose parental rights have been terminated. For purposes of the application of s. 48.028 and the federal Indian Child Welfare Act, 25 USC 1901 to 1963, "parent" means a ~~biological~~ natural parent of an Indian child, an Indian ~~husband~~ spouse who has consented to the artificial insemination of his ~~wife~~ or her spouse under s. 891.40, or an Indian person who has lawfully adopted an Indian child, including an adoption under tribal law or custom, and includes, in the case of a nonmarital Indian child who is not adopted or whose parents do not subsequently intermarry under s. 767.803, a person conclusively determined from genetic test results to be the ~~father~~ parent under s. 767.804, a person acknowledged under s. 767.805, a substantially similar law of another state, or tribal law or custom to be the ~~biological father~~ natural parent, or a person adjudicated to be the ~~biological father~~ natural parent, but does not include any person whose parental rights have been terminated.

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

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

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

48.025 **(1)** Any person claiming to be the ~~father~~ parent of a nonmarital child who is not adopted or whose parents do not subsequently intermarry under s. 767.803 and whose ~~paternity~~ parentage has not been established may, in accordance with procedures under this section, file with the department a

declaration of ~~his~~ parental interest in matters affecting the child. The department may not charge a fee for filing a declaration under this section.

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

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

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

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

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

48.025 **(2)** (c) The declaration shall be in writing, shall be signed and verified upon oath or affirmation by the person filing the declaration, and shall contain the person's name and address, the name and last-known address of the ~~mother~~ parent who gave birth or expectant parent, the month and year of the birth or expected birth of the child, and a statement that the person filing the declaration has reason to believe that he or she may be the ~~father~~ parent of the child. If the person filing the declaration is under 18 years of age, the declaration shall also be signed by a parent or guardian of the person.

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

48.025 **(2)** (d) A person who has filed a declaration under sub. (1) may revoke

the declaration at any time by filing with the department a statement, signed and verified upon oath or affirmation, that the person, to the best of ~~his~~ the person's knowledge and belief, is not the ~~father~~ parent of the child or that another person has been adjudicated as the ~~father~~ parent of the child. If the person filing the revocation is under 18 years of age, the revocation shall also be signed by a parent or guardian of the person.

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

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

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

48.025 **(3)** (c) A court in a proceeding under s. 48.13, 48.133, 48.14, or 938.13 or under a substantially similar law of another state or a person authorized to file a petition under s. 48.25, 48.42, 48.837, or 938.25 or under a substantially similar law of another state may request the department to search its files to determine whether a person who may be the ~~father~~ parent of the child who is the subject of the proceeding has filed a declaration under this section. If the department has on file a declaration of ~~paternal~~ parental interest in matters affecting the child, the department shall issue to the requester a copy of the declaration. If the department

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

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

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

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

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

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

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

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

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

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

48.203 **(4)** If the adult expectant ~~mother~~ parent is believed to be mentally ill, drug dependent or developmentally disabled, and exhibits conduct which constitutes a substantial probability of physical harm to ~~herself or others~~ any person, or a substantial probability of physical impairment or injury to the adult expectant ~~mother~~ parent exists due to the impaired judgment of the adult expectant ~~mother~~ parent, and the standards of s. 51.15 are met, the person taking the adult expectant ~~mother~~ parent into physical custody, the intake worker, or other appropriate person shall proceed under s. 51.15.

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

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

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

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

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

48.205 **(1)** (d) Probable cause exists to believe that the child is an expectant ~~mother~~ parent, that if the child expectant ~~mother~~ parent is not held, there is a substantial risk that the physical health of the unborn child, and of the child when

born, will be seriously affected or endangered by the child expectant ~~mother's~~ parent's habitual lack of self-control in the use of alcohol beverages, controlled substances or controlled substance analogs, exhibited to a severe degree, and that the child expectant ~~mother~~ parent is refusing or has refused to accept any alcohol or other drug abuse services offered ~~to her~~ or is not making or has not made a good faith effort to participate in any alcohol or other drug abuse services ~~offered to her~~.

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

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

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

48.21 **(1)** (b) 4. That, if the child is an expectant ~~mother~~ parent who was taken into custody under s. 48.19 (1) (cm) or (d) 8., probable cause exists to believe that there is a substantial risk that if the child expectant ~~mother~~ parent is not held, the

physical health of the unborn child, and of the child when born, will be seriously affected or endangered by the child expectant ~~mother's~~ parent's habitual lack of self-control in the use of alcohol beverages, controlled substances, or controlled substance analogs, exhibited to a severe degree, and to believe that the child expectant ~~mother~~ parent is refusing or has refused to accept any alcohol or other drug abuse services offered ~~to her~~ or is not making or has not made a good faith effort to participate in any alcohol or other drug abuse services ~~offered to her~~.

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

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

extension period provided for in this paragraph, the judge or circuit court commissioner shall order the adult expectant ~~mother's~~ parent's immediate release from custody.

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

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

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

48.217 **(4)** EXPECTANT ~~MOTHER~~ PARENT; PLACEMENT OUTSIDE THE HOME. The court may not change the placement of an expectant ~~mother~~ parent of an unborn child alleged to be in need of protection or services from a placement in the expectant ~~mother's~~ parent's home to a placement outside of the expectant ~~mother's~~ parent's home unless the court finds that the expectant ~~mother~~ parent is refusing or has refused to accept any alcohol or other drug abuse services offered ~~to her~~ or is not making or has not made a good faith effort to participate in any alcohol or other drug abuse services ~~offered to her~~.

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

48.23 **(2m)** (b) If a petition under s. 48.133 is contested, no expectant ~~mother~~ parent may be placed outside of ~~her~~ the expectant parent's home unless the expectant ~~mother~~ parent is represented by counsel at the fact-finding hearing and subsequent proceedings. If the petition is not contested, the expectant ~~mother~~ parent may not be placed outside of his or her home unless the expectant ~~mother~~ parent is represented by counsel at the hearing at which the placement is made. An

adult expectant ~~mother~~ parent, however, may waive counsel if the court is satisfied that the waiver is knowingly and voluntarily made and the court may place the adult expectant ~~mother~~ parent outside of ~~her~~ the expectant parent's home even though the adult expectant ~~mother~~ parent was not represented by counsel.

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

48.245 **(2r)** The intake worker may, after giving written notice to the child, the child's parent, guardian, and legal custodian, and their counsel, if any, or after giving written notice to the child expectant ~~mother, her~~ parent, the child expectant parent's parent, guardian, and legal custodian, and their counsel, if any, or after giving written notice to the adult expectant ~~mother~~ parent and ~~her~~ the adult expectant parent's counsel, if any, extend the informal disposition for up to an additional 6 months unless the parent, guardian, or legal custodian, the child or child expectant ~~mother~~ parent, if 12 years of age or over, or the adult expectant ~~mother~~ parent objects to the extension. If the parent, guardian, or legal custodian, the child or child expectant ~~mother~~ parent, if 12 years of age or over, or the adult expectant ~~mother~~ parent objects to the extension, the intake worker may request the district attorney or corporation counsel to file a petition under s. 48.13 or 48.133. An extension under this subsection may be granted only once for any informal disposition. An extension under this subsection of an informal disposition relating to an unborn child who is alleged to be in need of protection or services may be granted after the child is born.

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

48.245 **(3)** The obligations imposed under an informal disposition and its

effective date shall be set forth in writing. The written agreement shall state whether the child has been adopted. The child and a parent, guardian, and legal custodian; the child expectant ~~mother, her~~ parent, the child expectant parent's parent, guardian, and legal custodian, and the unborn child's guardian ad litem; or the adult expectant ~~mother~~ parent and the unborn child's guardian ad litem, shall receive a copy, as shall any agency providing services under the agreement.

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

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

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

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

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

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

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

48.255 **(1m)** (f) If the expectant ~~mother~~ parent is a child and ~~the child expectant mother~~ is being held in custody outside of ~~her~~ the child expectant parent's home, reliable and credible information showing that continued placement of the child expectant ~~mother~~ parent in ~~her~~ the child expectant parent's home would be contrary to the welfare of the child expectant ~~mother~~ parent and, unless any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies, reliable and credible information showing that the person who took the child expectant ~~mother~~ parent into custody and the intake worker have made reasonable efforts to prevent the removal of the child expectant ~~mother~~ parent from the home, while assuring that the child expectant ~~mother's~~ parent's health and safety are the paramount concerns, and to make it possible for the child expectant ~~mother~~ parent to return safely home.

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

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

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

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

child's Indian custodian and tribe or the Indian tribe with which the unborn child may be eligible for affiliation when born.

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

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

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

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

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

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

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

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

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

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

SECTION 51. 48.27 (5) of the statutes is amended to read:

48.27 **(5)** Subject to sub. (3) (b), the court shall make every reasonable effort to identify and notify any person who has filed a declaration of ~~paternal~~ parental interest under s. 48.025, any person conclusively determined from genetic test results to be the ~~father~~ parent under s. 767.804 (1), any person who has acknowledged ~~paternity~~ parentage of the child under s. 767.805 (1), and any person who has been adjudged to be the ~~father~~ parent of the child in a judicial proceeding unless the person's parental rights have been terminated.

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

48.295 **(1)** After the filing of a petition and upon a finding by the court that reasonable cause exists to warrant a physical, psychological, mental, or

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

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

48.299 **(1)** (a) The general public shall be excluded from hearings under this

chapter and from hearings by courts exercising jurisdiction under s. 48.16 unless a public fact-finding hearing is demanded by a child through ~~his or her~~ counsel, by an expectant ~~mother~~ parent through ~~her~~ counsel, or by an unborn child's guardian ad litem. However, the court shall refuse to grant the public hearing in a proceeding other than a proceeding under s. 48.375 (7), if a parent, guardian, expectant ~~mother~~ parent, or unborn child's guardian ad litem objects.

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

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

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

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

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

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

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

48.299 **(6)** (e) 3. In addition to ordering testing as provided under s. 885.23, if the court determines that it would be in the best interests of the child, the court may order any ~~man~~ person specified in sub. (6) (intro.) to submit to one or more genetic tests which shall be performed by an expert qualified as an examiner of genetic markers present on the cells and of the specific body material to be used for the tests, as appointed by the court. A report completed and certified by the court-appointed expert stating genetic test results and the statistical probability that the ~~man~~ person alleged to be the child's ~~father~~ parent is the child's biological ~~father~~ parent based upon the genetic tests is admissible as evidence without expert testimony and may be entered into the record at any hearing. The court, upon request by a party, may order that independent tests be performed by other experts qualified as examiners of genetic markers present on the cells of the specific body materials to be used for the tests.

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

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

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

48.299 **(7)** If a ~~man~~ person who has been given notice under s. 48.27 (3) (b) 1., 48.977 (4) (c) 1., 48.978 (2) (c) 1., or 48.9795 (4) (c) 1. appears at any hearing for which ~~he~~ the person received the notice but does not allege ~~that he is the father~~ to be

the parent of the child and ~~state that he wishes~~ states a wish to establish the ~~paternity~~ parentage of the child, or if no ~~man~~ person to whom such notice was given appears at a hearing, the court may refer the matter to the state or to the attorney responsible for support enforcement under s. 59.53 (6) (a) for a determination, under s. 767.80, of whether an action should be brought for the purpose of determining the ~~paternity~~ parentage of the child.

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

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

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

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

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

48.32 **(1)** (a) At any time after the filing of a petition for a proceeding relating to s. 48.13 or 48.133 and before the entry of judgment, the judge or a circuit court commissioner may suspend the proceedings and place the child or expectant ~~mother~~ parent under supervision in the home or present placement of the child or expectant ~~mother~~ parent. The court may establish terms and conditions applicable to the child and the child's parent, guardian, or legal custodian, to the child expectant ~~mother~~ parent and ~~her~~ the child expectant parent's parent, guardian or legal custodian, or to the adult expectant ~~mother~~ parent, including the condition specified in sub. (1b). The order under this section shall be known as a consent decree and must be agreed to by the child if 12 years of age or older, the parent, guardian, or legal custodian, and the person filing the petition under s. 48.25; by the child expectant ~~mother~~ parent, ~~her~~ the child expectant parent's parent, guardian, or legal custodian, the unborn child's guardian ad litem, and the person filing the petition under s. 48.25; or by the adult expectant ~~mother~~ parent, the unborn child's guardian ad litem, and the person filing the petition under s. 48.25. The consent decree shall be reduced to writing and given to the parties.

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

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

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

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

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

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

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

48.345 **(14)** (a) If, based on an evaluation under s. 48.295 and the report under s. 48.33, the judge finds that the child expectant ~~mother~~ parent of an unborn child in need of protection or services is in need of inpatient treatment for ~~her~~ a habitual lack of self-control in the use of alcohol, controlled substances or controlled substance analogs, exhibited to a severe degree, that inpatient treatment is appropriate for the child expectant ~~mother's~~ parent's needs and that inpatient treatment is the least restrictive treatment consistent with the child expectant ~~mother's~~ parent's needs, the judge may order the child expectant ~~mother~~ parent to enter an inpatient alcohol or other drug abuse treatment program at an inpatient facility, as defined in s. 51.01 (10). The inpatient facility shall, under the terms of a service agreement between the inpatient facility and the county in a county having a population of less than 750,000 or the department in a county having a population of 750,000 or more, or with the written and informed consent of the child expectant ~~mother~~ parent or the child expectant ~~mother's~~ parent's parent if the child expectant ~~mother~~ parent has not attained the age of 12, report to the agency primarily responsible for providing services to the child expectant ~~mother~~ parent as to whether the child expectant ~~mother~~ parent is cooperating with the treatment and whether the treatment appears to be effective.

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

48.347 Disposition of unborn child of adult expectant ~~mother~~ parent adjudged in need of protection or services. (intro.) If the judge finds that the unborn child of an adult expectant ~~mother~~ parent is in need of protection or

services, the judge shall enter an order deciding one or more of the dispositions of the case as provided in this section under a care and treatment plan, except that the order may not place any adult expectant ~~mother~~ parent of an unborn child not specifically found under ch. 51, 54, or 55 to be developmentally disabled or mentally ill in a facility that exclusively treats those categories of individuals, and the court may not place any adult expectant ~~mother~~ parent of an unborn child in need of protection or services outside of the adult expectant ~~mother's~~ parent's home unless the court finds that the adult expectant ~~mother~~ parent is refusing or has refused to accept any alcohol or other drug abuse services offered ~~to her~~ or is not making or has not made a good faith effort to participate in any alcohol or other drug abuse services ~~offered to her~~. If the judge finds that the unborn child of a child expectant ~~mother~~ parent is in need of protection or services, the judge shall enter an order deciding one or more of the dispositions of the case as provided in s. 48.345 under a care and treatment plan. The dispositions under this section are as follows:

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

48.347 **(6)** (a) If, based on an evaluation under s. 48.295 and the report under s. 48.33, the judge finds that the adult expectant ~~mother~~ parent is in need of inpatient treatment for ~~her~~ a habitual lack of self-control in the use of alcohol, controlled substances or controlled substance analogs, exhibited to a severe degree, that inpatient treatment is appropriate for the adult expectant ~~mother's~~ parent's needs and that inpatient treatment is the least restrictive treatment consistent with the adult expectant ~~mother's~~ parent's needs, the judge may order the adult expectant ~~mother~~ parent to enter an inpatient alcohol or other drug abuse

treatment program at an inpatient facility, as defined in s. 51.01 (10). The inpatient facility shall, under the terms of a service agreement between the inpatient facility and the county in a county having a population of less than 750,000 or the department in a county having a population of 750,000 or more, or with the written and informed consent of the adult expectant ~~mother~~ parent, report to the agency primarily responsible for providing services to the adult expectant ~~mother~~ parent as to whether the adult expectant ~~mother~~ parent is cooperating with the treatment and whether the treatment appears to be effective.

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

48.355 **(1)** INTENT. In any order under s. 48.345 or 48.347 the judge shall decide on a placement and treatment finding based on evidence submitted to the judge. The disposition shall employ those means necessary to maintain and protect the well-being of the child or unborn child which are the least restrictive of the rights of the parent and child, of the rights of the parent and child expectant ~~mother~~ parent or of the rights of the adult expectant ~~mother~~ parent, and which assure the care, treatment or rehabilitation of the child and the family, of the child expectant ~~mother~~ parent, the unborn child and the family or of the adult expectant ~~mother~~ parent and the unborn child, consistent with the protection of the public. When appropriate, and, in cases of child abuse or neglect or unborn child abuse, when it is consistent with the best interest of the child or unborn child in terms of physical safety and physical health, the family unit shall be preserved and there shall be a policy of transferring custody of a child from the parent or of placing an expectant ~~mother~~ parent outside of ~~her~~ the expectant parent's home only when there is no less

drastic alternative. If there is no less drastic alternative for a child than transferring custody from the parent, the judge shall consider transferring custody to a relative whenever possible.

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

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

SECTION 71. 48.355 (4g) (a) 1. of the statutes is amended to read:

48.355 **(4g)** (a) 1. The child's parents are parties to a pending action for divorce, annulment, or legal separation, a ~~man~~ person determined under s. 48.299 (6) (e) 4. to be the biological ~~father~~ parent of the child for purposes of a proceeding under this chapter is a party to a pending action to determine ~~paternity~~ parentage of the child under ch. 767, or the child is the subject of a pending independent action under s. 767.41 or 767.43 to determine legal custody of the child or visitation rights with respect to the child.

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

48.356 **(1)** Whenever the court orders a child to be placed outside ~~his or her~~ of the child's home, orders an expectant ~~mother~~ parent of an unborn child to be placed outside of ~~her~~ the expectant parent's home, or denies a parent visitation because the child or unborn child has been adjudged to be in need of protection or services under s. 48.345, 48.347, 48.357, 48.363, or 48.365 and whenever the court reviews a permanency plan under s. 48.38 (5m), the court shall orally inform the parent or parents who appear in court or the expectant ~~mother~~ parent who appears in court of

any grounds for termination of parental rights under s. 48.415 which may be applicable and of the conditions necessary for the child or expectant ~~mother~~ parent to be returned to the home or for the parent to be granted visitation.

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

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

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

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

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

48.361 **(2)** (a) 1m. If an adult expectant ~~mother~~ parent neglects, refuses or is unable to obtain court-ordered alcohol and other drug abuse services ~~for herself~~ through ~~her~~ health insurance or other 3rd-party payments, the judge may order the adult expectant ~~mother~~ parent to pay for the court-ordered alcohol and drug abuse

services. If the adult expectant ~~mother~~ parent consents to obtain court-ordered alcohol and other drug abuse services ~~for herself~~ through ~~her~~ health insurance or other 3rd-party payments but the health insurance provider or other 3rd-party payer refuses to provide the court-ordered alcohol and other drug abuse services, the court may order the health insurance provider or 3rd-party payer to pay for the court-ordered alcohol and other drug abuse services in accordance with the terms of the adult expectant ~~mother's~~ parent's health insurance policy or other 3rd-party payment plan.

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

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

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

48.41 **(2)** (c) A person who may be, but who has not been adjudicated as, the ~~father~~ parent of a nonmarital child may consent to the termination of any parental

rights that ~~he~~ the person may have as provided in par. (a) or (b) or by signing a written, notarized statement which recites that ~~he~~ the person has been informed of and understands the effect of an order to terminate parental rights and that ~~he~~ the person voluntarily disclaims any rights that ~~he~~ the person may have to the child, including the right to notice of proceedings under this subchapter.

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

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

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

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

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

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

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

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

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

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

3. A statement that the ~~mother~~ person who gave birth to the child knows and

is identifying the ~~father~~ other natural parent or that ~~she~~ the person who gave birth to the child does not know the identity of the ~~father~~ other natural parent.

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

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

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

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

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

9. A statement that the ~~mother~~ person who gave birth to the child has

reviewed and understands the affidavit, the name of the person who explained the affidavit and the consequences of signing the affidavit to ~~her~~ the person who gave birth to the child, and a statement that the ~~mother~~ person who gave birth to the child is signing the affidavit voluntarily.

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

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

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

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

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

48.42 **(2)** (b) 2. ~~A~~ Any person ~~or persons~~ alleged to the court to be the ~~father~~ parent of the child or who may, based upon the statements of the ~~mother~~ person who gave birth to the child or other information presented to the court, be the ~~father~~

parent of the child unless that person has waived the right to notice under s. 48.41 (2) (c).

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

48.42 **(2)** (bm) 1. A person who has filed an unrevoked declaration of ~~paternal~~ parental interest under s. 48.025 before the birth of the child, within 14 days after the birth of the child, or within 21 days after a notice under sub. (1g) (b) is mailed, whichever is later.

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

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

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

48.42 **(4)** (b) 5. The notice shall not include the name of the ~~mother~~ person

who gave birth to the child unless the ~~mother~~ person who gave birth to the child consents. The notice shall not include the name of the child unless the court finds that inclusion of the child's name is essential to give effective notice to ~~the father~~ a parent.

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

48.422 **(6)** (a) In the case of a nonmarital child who is not adopted or whose parents do not subsequently intermarry under s. 767.803 and for whom ~~paternity~~ parentage has not been established, or for whom a declaration of ~~paternal~~ parental interest has not been filed under s. 48.025 within 14 days after the date of birth of the child or, if s. 48.42 (1g) (b) applies, within 21 days after the date on which the notice under s. 48.42 (1g) (b) is mailed, the court shall hear testimony concerning the ~~paternity~~ parentage of the child. Based on the testimony, the court shall determine whether all interested parties who are known have been notified under s. 48.42 (2) and (2g) (ag). If not, the court shall adjourn the hearing and order appropriate notice to be given.

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

48.422 **(7)** (bm) Establish whether a proposed adoptive parent of the child has been identified. If a proposed adoptive parent of the child has been identified and the proposed adoptive parent is not a relative of the child, the court shall order the petitioner to submit a report to the court containing the information specified in s. 48.913 (7). The court shall review the report to determine whether any payments or agreement to make payments set forth in the report are coercive to the birth parent of the child or to an alleged ~~to~~ or presumed ~~father~~ parent of the child or are

impermissible under s. 48.913 (4). Making any payment to or on behalf of ~~the~~ any birth parent ~~of the child, an,~~ alleged or presumed ~~father~~ parent of the child, or the child conditional in any part upon transfer or surrender of the child or the termination of parental rights or the finalization of the adoption creates a rebuttable presumption of coercion. Upon a finding of coercion, the court shall dismiss the petition or amend the agreement to delete any coercive conditions, if the parties agree to the amendment. Upon a finding that payments ~~which~~ that are impermissible under s. 48.913 (4) have been made, the court may dismiss the petition and may refer the matter to the district attorney for prosecution under s. 948.24 (1). This paragraph does not apply if the petition was filed with a petition for adoptive placement under s. 48.837 (2).

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

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

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

48.423 **(1)** RIGHTS TO ~~PATERNITY~~ PARENTAGE DETERMINATION. If a person appears at the hearing and claims ~~that he is~~ to be the ~~father~~ parent of the child, the court shall set a date for a hearing on the issue of ~~paternity~~ parentage or, if all parties agree, the court may immediately commence hearing testimony concerning the issue of ~~paternity~~ parentage. The court shall inform the person claiming to be the ~~father~~ parent of the child of any right to counsel under s. 48.23. The person claiming to be the ~~father~~ parent of the child must prove ~~paternity~~ parentage by clear

and convincing evidence. A person who establishes ~~his paternity~~ parentage of the child under this section may further participate in the termination of parental rights proceeding only if the person meets the conditions specified in sub. (2) or meets a condition specified in s. 48.42 (2) (b) or (bm).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

48.63 **(3)** (b) 4. Before a child may be placed under subd. 1., the department, county department, or child welfare agency making the placement and the proposed adoptive parent or parents shall enter into a written agreement that specifies who is financially responsible for the cost of providing care for the child prior to the finalization of the adoption and for the cost of returning the child to the parent who has custody of the child if the adoption is not finalized. Under the

agreement, the department, county department, or child welfare agency or the proposed adoptive parent or parents, but not ~~the~~ any birth parent ~~of the child~~ or ~~any~~ alleged or presumed ~~father~~ parent of the child, shall be financially responsible for those costs.

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

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

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

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

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

48.837 **(1r)** (d) Before a child may be placed under par. (a), the department, county department, or child welfare agency making the placement and the proposed adoptive parent or parents shall enter into a written agreement that specifies who is financially responsible for the cost of providing care for the child prior to the finalization of the adoption and for the cost of returning the child to the parent who has custody of the child if the adoption is not finalized. Under the agreement, the department, county department, or child welfare agency or the proposed adoptive parent or parents, but not ~~the~~ any birth parent ~~of the child~~ or ~~any~~

alleged or presumed ~~father~~ parent of the child, shall be financially responsible for those costs.

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

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

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

48.837 **(6)** (b) At the beginning of the hearing held under sub. (2), the court shall review the report that is submitted under s. 48.913 (6). The court shall determine whether any payments or the conditions specified in any agreement to make payments are coercive to ~~the~~ any birth parent ~~of the child~~ or ~~to an~~ alleged or presumed ~~father~~ parent of the child or are impermissible under s. 48.913 (4). Making any payment to or on behalf of ~~the~~ a birth parent ~~of the child, an,~~ alleged or presumed ~~father~~ parent of the child, or the child conditional in any part upon transfer or surrender of the child or the termination of parental rights or the finalization of the adoption creates a rebuttable presumption of coercion. Upon a finding of coercion, the court shall dismiss the petitions under subs. (2) and (3) or amend the agreement to delete any coercive conditions, if the parties agree to the amendment. Upon a finding that payments ~~which~~ that are impermissible under s.

48.913 (4) have been made, the court may dismiss the petition and may refer the matter to the district attorney for prosecution under s. 948.24 (1).

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

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

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

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

SECTION 102. 48.913 (1) (a) of the statutes is amended to read:

48.913 **(1)** (a) Preadoptive counseling for a birth parent ~~of the child~~ or ~~an~~ alleged or presumed ~~father~~ parent of the child.

SECTION 103. 48.913 (1) (b) of the statutes is amended to read:

48.913 **(1)** (b) Post-adoptive counseling for a birth parent ~~of the child~~ or ~~an~~ alleged or presumed ~~father~~ parent of the child.

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

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

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

48.913 **(1)** (f) Medical and hospital care received by the ~~child's birth mother~~

person who gives birth to the child in connection with the pregnancy or birth of the child. Medical and hospital care does not include lost wages or living expenses.

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

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

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

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

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

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

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

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

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

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

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

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

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

48.9795 **(1)** (a) 1. c. Any person who has filed a declaration of ~~paternal~~ parental interest under s. 48.025, who is alleged to the court to be ~~the father~~ a parent of the child, or who may, based on the statements of the ~~mother~~ parent who

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

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

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

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

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

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

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

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

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

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

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

49.141 **(1)** (j) 4. A ~~man~~ person adjudged in a judicial proceeding to be the

~~biological father~~ natural parent of a child if the child is a nonmarital child who is not adopted or whose parents do not subsequently intermarry under s. 767.803.

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

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

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

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

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

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

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

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

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

49.148 **(1m)** (c) 2. Receipt of a grant under this subsection by a participant under par. (a) 1. constitutes participation in a Wisconsin Works employment position if the child is born to the participant more than 10 months after the date that the participant was first determined to be eligible for assistance under s. 49.19 or for a Wisconsin Works employment position unless the child was conceived as a

result of a sexual assault in violation of s. 940.225 (1), (2), or (3) in which the ~~mother~~ person who gave birth to the child did not indicate a freely given agreement to have sexual intercourse or in violation of s. 948.02 or 948.025 or as a result of incest in violation of s. 944.06 or 948.06 and that incest or sexual assault has been reported to a physician and to law enforcement authorities.

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

49.155 **(1m)** (c) 1g. If the individual is a foster parent of the child or a subsidized guardian or interim caretaker of the child under s. 48.623, the child's ~~biological~~ natural or adoptive family has a gross income that is at or below 200 percent of the poverty line. In calculating the gross income of the child's ~~biological~~ natural or adoptive family, the department or county department or agency determining eligibility shall include court-ordered child or family support payments received by the individual, if those support payments exceed $1,250 per month, and income described under s. 49.145 (3) (b) 1. and 3.

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

49.155 **(1m)** (c) 1h. If the individual is a relative of the child, is providing care for the child under a court order, and is receiving payments under s. 48.57 (3m) or (3n) on behalf of the child, the child's ~~biological~~ natural or adoptive family has a gross income that is at or below 200 percent of the poverty line. In calculating the gross income of the child's ~~biological~~ natural or adoptive family, the department or county department or agency determining eligibility shall include court-ordered child or family support payments received by the individual, if those support

payments exceed $1,250 per month, and income described under s. 49.145 (3) (b) 1. and 3.

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

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

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

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

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

49.163 **(2)** (am) 2. If over 25 years of age, be a ~~biological~~ natural or adoptive parent of a child under 18 years of age whose parental rights to the child have not been terminated or be a relative and primary caregiver of a child under 18 years of age.

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

49.19 **(1)** (a) 2. a. Is living with a parent; a blood relative, including those of half-blood, and including first cousins, nephews or nieces and persons of preceding generations as denoted by prefixes of grand, great or great-great; a ~~stepfather, stepmother~~ stepparent, stepbrother, or stepsister; a person who legally adopts the child or is the adoptive parent of the child's parent, a natural or legally adopted child of such person or a relative of an adoptive parent; or a spouse of any person named in this ~~subparagraph~~ subd. 2. a. even if the marriage is terminated by death or divorce; and is living in a residence maintained by one or more of these relatives as the child's or their own home, or living in a residence maintained by one or more

of these relatives as the child's or their own home because the parents of the child have been found unfit to have care and custody of the child; or

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

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

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

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

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

49.19 **(4)** (d) 2. Is the ~~wife~~ spouse of a ~~husband~~ person who is incarcerated or who is a convicted offender permitted to live at home but precluded from earning a wage because the ~~husband~~ person is required by a court imposed sentence to perform unpaid public work or unpaid community service; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

49.345 **(2)** Except as provided in sub. (14) (b) and (c), any person, including a person placed under s. 48.32 (1) (am) or (b), 48.345 (3), 48.357 (1) or (2m), 938.183, 938.34 (3) or (4d), or 938.357 (1), (2m), (4), or (5) (e), receiving care, maintenance, services, and supplies provided by any institution in this state, in which the state is chargeable with all or part of the person's care, maintenance, services, and supplies, and the person's property and estate, including the homestead, and the spouse of the person, and the spouse's property and estate, including the homestead, and, in the case of a minor child, the parents of the person, and their property and estates, including their homestead, and, in the case of a foreign child described in s. 48.839 (1) who became dependent on public funds for his or her primary support before an order granting his or her adoption, the resident of this state appointed guardian of the child by a foreign court who brought the child into

this state for the purpose of adoption, and his or her property and estate, including his or her homestead, shall be liable for the cost of the care, maintenance, services, and supplies in accordance with the fee schedule established by the department under s. 49.32 (1). If a spouse, ~~widow~~ surviving spouse, or minor, or an incapacitated person may be lawfully dependent upon the property for his or her support, the court shall release all or such part of the property and estate from the charges that may be necessary to provide for the person. The department shall make every reasonable effort to notify the liable persons as soon as possible after the beginning of the maintenance, but the notice or the receipt of the notice is not a condition of liability.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

54.960 **(1)** Beneficial interests in a custodial trust created for multiple beneficiaries are deemed to be separate custodial trusts of equal undivided interests for each beneficiary. Except in a transfer or declaration for use and benefit

of ~~husband and wife~~ 2 individuals who are married to each other, for whom survivorship is presumed, a right of survivorship does not exist unless the instrument creating the custodial trust specifically provides for survivorship or survivorship is required as to marital property.

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

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

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

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

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

69.11 **(4)** (b) The state registrar may amend an item on a birth record that affects information about the name, sex, date of birth, place of birth, parent's name, or parent's marital status ~~of the mother~~ if 365 days have elapsed since the occurrence of the event that is the subject of the birth record, if the amendment is at

the request of a person with a direct and tangible interest in the record and is in the manner prescribed by the state registrar, and if the amendment is accompanied by 2 items of documentary evidence from early childhood that are sufficient to prove that the item to be changed is in error and by the affidavit of the person requesting the amendment. A change in the marital status on the birth record may be made under this paragraph only if the marital status is inconsistent with information ~~concerning the father or husband~~ that appears on the birth record. This paragraph may not be used to add to or delete from a birth record the name of a parent, to change the identity of a parent named on the birth record, or to effect a name change prohibited under s. 301.47.

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

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

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

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

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

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

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

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

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

69.14 **(1)** (cm) *Information concerning ~~paternity~~ parentage*. For a birth which occurs en route to or at a hospital, the filing party shall give the ~~mother~~ person who gave birth a copy of the pamphlet under s. 69.03 (14). If the child's parents are not married at the time of the child's birth, the filing party shall give the ~~mother~~ person who gave birth a copy of the form prescribed by the state registrar under s. 69.15 (3) (b) 3. The filing party shall ensure that trained, designated hospital staff provide to the child's available parents oral information or an audio or video presentation and written information about the form and the significance and benefits of, and alternatives to, establishing ~~paternity~~ parentage, before the parents sign the form. The filing party shall also provide an opportunity to complete the form and have the form notarized in the hospital. If the ~~mother~~ person who gave birth provides a

completed form to the filing party while ~~she~~ the person is a patient in the hospital and within 5 days after the birth, the filing party shall send the form directly to the state registrar. The department of children and families shall pay the filing party a financial incentive for correctly filing a form within 60 days after the child's birth.

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

69.14 **(1)** (e) ~~*Father's*~~ *Other parent's name.* 1. If the ~~mother of~~ person who gave birth to a registrant under this section was married at any time from the conception to the birth of the registrant, the name of the ~~husband~~ spouse of the ~~mother~~ person who gave birth shall be entered on the birth record as ~~the~~ a legal ~~father~~ parent of the registrant. The name of the ~~father~~ parent entered under this subdivision may not be changed except by a proceeding under ch. 48 or 767.

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

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

69.14 **(1)** (f) 1. a. Except as provided under subd. 1. b., if the ~~mother of~~ person who gave birth to a registrant of a birth record under this section is married ~~to the father of the registrant~~ at any time from the conception to the birth of the registrant, the given name and surname ~~which~~ that the ~~mother and father~~ parents

of the registrant enter for the registrant on the birth record shall be the given name and surname filed and registered on the birth record.

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

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

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

69.14 **(1)** (g) *Birth by artificial insemination.* If the registrant of a birth

record under this section is born as a result of artificial insemination under the requirements of s. 891.40, the ~~husband~~ spouse of the ~~woman~~ person who gave birth to the registrant shall be considered ~~the father~~ a parent of the registrant on the birth record. ~~If the registrant is born as a result of artificial insemination which does not satisfy the requirements of s. 891.40, the information about the father of the registrant shall be omitted from the registrant's birth record.~~

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

69.14 **(1)** (h) If the registrant of a birth record under this section is born to a surrogate ~~mother~~, information about the surrogate ~~mother~~ shall be entered on the birth record and the information about ~~the father~~ a second parent shall be omitted from the birth record. ~~If~~ After a court determines parental rights over the registrant, the clerk of court shall report the court's determination to the state registrar on a form prescribed by the state registrar, along with the fee required under s. 69.22. Upon receipt of the report, the state registrar shall prepare and register a new birth record for the registrant under s. 69.15 (6) and send notice of the new record to the local registrar who filed the original record. Upon receipt of the notice, the local registrar shall destroy his or her copy of the replaced record.

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

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

d. The full birth name of the ~~father~~ other parent of the registrant, except that if the ~~mother was~~ parents were not married to each other at the time of conception

or birth or between conception and birth of the registrant, the name of the ~~father~~ other parent may not be entered except as provided under s. 69.15 (3).

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

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

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

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

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

69.15 **(3)** (title) PARENTAGE.

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

69.15 **(3)** (a) (intro.) If the state registrar receives an order under sub. (1) that establishes ~~paternity~~ parentage or determines that ~~the man~~ a person whose name appears on a registrant's birth record is not ~~the father~~ a parent of the registrant, or

a report under s. 767.804 (1) (c) that shows a conclusive determination of ~~paternity~~ parentage, the state registrar shall do the following, as appropriate:

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

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

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

(b) 1. Except as provided under par. (c), if the state registrar receives a statement acknowledging ~~paternity~~ parentage in the manner prescribed by the state registrar and signed by both of the ~~birth~~ natural parents of a child determined to be a marital child under s. 767.803, a certified copy of the parents' marriage record, and the fee required under s. 69.22 (5) (b) 1., the state registrar shall insert the name of the ~~husband~~ spouse of the person who gave birth from the marriage record as the ~~father~~ other parent if the name of ~~the father~~ the other parent was omitted on the original birth record. The state registrar shall include for the acknowledgment the items in s. 767.813 (5g).

2. Except as provided under par. (c), if the parent of a child determined to be a marital child under s. 767.803 dies after his or her marriage and before the

statement acknowledging ~~paternity~~ parentage has been signed, the state registrar shall insert the name of the ~~father~~ parent under subd. 1. upon receipt of a court order determining that the ~~husband~~ spouse was the ~~father~~ parent of the child.

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

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

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

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

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

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

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

69.15 **(3m)** (title) RESCISSION OF STATEMENT ACKNOWLEDGING ~~PATERNITY~~ PARENTAGE.

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

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

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

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

69.18 **(1)** (e) 1. (intro.) If a death is a miscarriage and 20 weeks or more have

elapsed between the ~~mother's~~ last normal menstrual period of the person who was pregnant and delivery or the stillbirth weighs 350 grams or more, one of the following shall submit, within 5 days after delivery, a fetal death report to the state registrar:

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

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

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

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

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

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

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

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

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

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

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

71.03 **(2)** (g) *Joint return following separate return.* Except as provided in par. (i), if an individual has filed a separate return for a taxable year for which a joint return could have been filed by the individual and the individual's spouse under par. (d) or (e) and the time prescribed by law for timely filing the return for that taxable year has expired, the individual and the individual's spouse may file a joint return for that taxable year. A joint return filed by the ~~husband and wife~~ spouses under this paragraph is their return for that taxable year, and all payments, credits, refunds or other repayments made or allowed with respect to the separate return of each spouse for that taxable year shall be taken into account in determining the extent to which the tax based upon the joint return has been paid. If a joint return is filed under this paragraph, any election, other than the election to file a separate return, made by either spouse in that spouse's separate return for that taxable year with respect to the treatment of any income, deduction or credit of

that spouse may not be changed in the filing of the joint return if that election would have been irrevocable if the joint return had not been filed.

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

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

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

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

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

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

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

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

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

71.07 **(9e)** (b) No credit may be allowed under this subsection to married persons, except married persons living apart who are treated as single under section 7703 (b) of the ~~internal revenue code~~ Internal Revenue Code, if the ~~husband and wife~~ spouses report their income on separate income tax returns for the taxable year.

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

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

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

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

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

71.83 **(1)** (a) 8. 'Joint return replacing separate returns.' If the amount shown as the tax by ~~the husband and wife~~ spouses on a joint return filed under s. 71.03 (2)

(g) to (L) exceeds the sum of the amounts shown as the tax upon the separate return of each spouse and if any part of that excess is attributable to negligence or intentional disregard of this chapter, but without intent to defraud, at the time of the filing of that separate return, then 25 percent of the total amount of that excess shall be added to the tax.

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

71.83 **(1)** (b) 5. 'Joint return after separate returns.' If the amount shown as the tax by ~~the husband and wife~~ spouses on a joint return filed under s. 71.03 (2) (g) to (L) exceeds the sum of the amounts shown as the tax on the separate return of each spouse and if any part of that excess is attributable to fraud with intent to evade tax at the time of the filing of that separate return, then 50 percent of the total amount of that excess shall be added to the tax.

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

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

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

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

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

101.91 **(5m)** "Manufactured home community" means any plot or plots of ground upon which 3 or more manufactured homes that are occupied for dwelling or sleeping purposes are located. "Manufactured home community" does not include a

farm where the occupants of the manufactured homes are the ~~father, mother~~ parents, son, daughter, brother or sister of the farm owner or operator or where the occupants of the manufactured homes work on the farm.

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

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

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

102.07 **(5)** (c) A shareholder-employee of a family farm corporation shall be deemed a "farmer" for purposes of this chapter and shall not be deemed an employee of a farmer. A "family farm corporation" means a corporation engaged in farming all of whose shareholders are related as lineal ancestors or lineal descendants, whether by blood or by adoption, or as spouses, brothers, sisters, uncles, aunts, cousins, sons-in-law, daughters-in-law, ~~fathers-in-law, mothers-in-law~~ parents-in-law, brothers-in-law, or sisters-in-law of such lineal ancestors or lineal descendants.

SECTION 187. 103.10 (1) (h) of the statutes is amended to read:

103.10 **(1)** (h) "Spouse" means ~~an employee's legal husband or wife~~ the person to whom an employee is legally married.

SECTION 188. 103.165 (3) (a) 3. of the statutes is amended to read:

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

SECTION 189. 111.32 (12) of the statutes is amended to read:

111.32 **(12)** "Marital status" means the status of being married, single, divorced, separated, or ~~widowed~~ a surviving spouse.

SECTION 190. 115.76 (12) (a) 1. of the statutes is amended to read:

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

SECTION 191. 115.76 (12) (a) 2. of the statutes is repealed.

SECTION 192. 115.76 (12) (a) 3. of the statutes is repealed.

SECTION 193. 115.76 (12) (a) 4. of the statutes is amended to read:

115.76 **(12)** (a) 4. A ~~male~~ person who has been adjudicated the child's ~~father~~ parent under subch. VIII of ch. 48, under subch. IX of ch. 767, by final order or judgment of an Indian tribal court of competent jurisdiction or by final order or judgment of a court of competent jurisdiction in another state.

SECTION 194. 115.76 (13) of the statutes is amended to read:

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

SECTION 195. 146.0255 (2) of the statutes is amended to read:

146.0255 **(2)** TESTING. Any hospital employee who provides health care, social worker, or intake worker under ch. 48 may refer an infant or ~~an expectant mother of~~ a person pregnant with an unborn child, as defined in s. 48.02 (19), to a physician

for testing of the bodily fluids of the infant or ~~expectant mother~~ pregnant person for controlled substances or controlled substance analogs if the hospital employee who provides health care, social worker, or intake worker suspects that the infant or ~~expectant mother~~ pregnant person has controlled substances or controlled substance analogs in the bodily fluids of the infant or ~~expectant mother~~ pregnant person because of the use of controlled substances or controlled substance analogs by the ~~mother~~ person who gave birth to the infant while ~~she~~ that person was pregnant with the infant or by the ~~expectant mother~~ pregnant person while ~~she~~ that person is pregnant with the unborn child. The physician may test the infant or ~~expectant mother~~ pregnant person to ascertain whether or not the infant or ~~expectant mother~~ pregnant person has controlled substances or controlled substance analogs in the bodily fluids of the infant or ~~expectant mother~~ pregnant person, if the physician determines that there is a serious risk that there are controlled substances or controlled substance analogs in the bodily fluids of the infant or ~~expectant mother~~ pregnant person because of the use of controlled substances or controlled substance analogs by the ~~mother~~ person who gave birth to the infant while ~~she~~ that person was pregnant with the infant or by the ~~expectant mother~~ pregnant person while ~~she~~ that person is pregnant with the unborn child and that the health of the infant, the unborn child or the child when born may be adversely affected by the controlled substances or controlled substance analogs. If the results of the test indicate that the infant does have controlled substances or controlled substance analogs in the infant's bodily fluids, the physician shall report the occurrence of that condition in the infant to the agency, as defined in s. 48.981

(1) (ag), that is responsible for conducting child abuse and neglect investigations under s. 48.981, and that agency shall offer to provide, or arrange or refer for the provision of, services and treatment for the child and the ~~child's mother~~ person who gave birth to the child as provided under s. 46.238. If the results of the test indicate that the ~~expectant mother~~ pregnant person does have controlled substances or controlled substance analogs in the ~~expectant mother's~~ pregnant person's bodily fluids, the physician may report the occurrence of that condition in the ~~expectant mother~~ pregnant person to the agency, as defined in s. 48.981 (1) (ag), that is responsible for conducting unborn child abuse investigations under s. 48.981, and that agency shall offer to provide, or arrange or refer for the provision of, services and treatment for the unborn child and ~~expectant mother~~ pregnant person as provided under s. 46.238. Under this subsection, no physician may test ~~an expectant mother~~ a pregnant person without first receiving ~~her~~ that person's informed consent to the testing.

SECTION 196. 146.0255 (3) (intro.) and (b) of the statutes are amended to read:

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

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

SECTION 197. 146.0257 (2) of the statutes is amended to read:

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

SECTION 198. 146.34 (1) (f) of the statutes is amended to read:

146.34 **(1)** (f) "Parent" means a ~~biological~~ natural parent~~, a husband who has consented to the artificial insemination of his wife under s. 891.40~~ or a parent by adoption. If the minor is a nonmarital child who is not adopted or whose parents do not subsequently intermarry under s. 767.803, "parent" includes a person adjudged in a judicial proceeding under ch. 48 to be the biological ~~father~~ parent of the minor. "Parent" does not include any person whose parental rights have been terminated.

SECTION 199. 146.817 (1) of the statutes is amended to read:

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

SECTION 200. 157.05 of the statutes is amended to read:

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

SECTION 201. 182.004 (6) of the statutes is amended to read:

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

SECTION 202. 217.02 (6) (c) of the statutes is amended to read:

217.02 **(6)** (c) For purposes of determining the percentage of a person controlled by any other person, the person's interest shall be aggregated with the interest of any other immediate family member, including the person's spouse, parents, children, siblings, ~~mothers-in-law, fathers-in-law~~ parents-in-law, sons-in-law, daughters-in-law, brothers-in-law, sisters-in-law, and any other person who shares the person's home.

SECTION 203. 217.05 (5) (e) 7. of the statutes is amended to read:

217.05 **(5)** (e) 7. If the applicant is an individual, the applicant has not failed to comply, after appropriate notice, with a subpoena or warrant issued by the department of children and families or a county child support agency under s. 59.53 (5) and related to ~~paternity~~ parentage or child support proceedings and is not delinquent in making court-ordered payments of child or family support, maintenance, birth expenses, medical expenses or other expenses related to the support of a child or former spouse, as provided in a memorandum of understanding entered into under s. 49.857.

SECTION 204. 217.05 (7) (b) of the statutes is amended to read:

217.05 **(7)** (b) The division shall restrict or suspend a license issued to an individual if the individual fails to comply, after appropriate notice, with a subpoena or warrant issued by the department of children and families or a county child support agency under s. 59.53 (5) and related to ~~paternity~~ parentage or child support proceedings or is delinquent in making court-ordered payments of child or family support, maintenance, birth expenses, medical expenses, or other expenses related to the support of a child or former spouse, as provided in a memorandum of understanding entered into under s. 49.857. A licensee whose license is restricted or suspended under this paragraph is entitled to a notice and hearing only as provided in a memorandum of understanding entered into under s. 49.857 and is not entitled to any other notice or hearing under this chapter.

SECTION 205. 250.04 (3) (a) of the statutes is amended to read:

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

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

SECTION 206. 253.165 of the statutes is amended to read:

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

SECTION 207. 301.01 (2) (cm) of the statutes is amended to read:

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

SECTION 208. 301.12 (2) of the statutes is amended to read:

301.12 **(2)** Except as provided in subs. (2m) and (14) (b) and (c), any person, including a person placed under s. 938.183, 938.32 (1) (bm) or (c), 938.34 (4h) or (4m), or 938.357 (1), (2m), (4), or (5) (e), receiving care, maintenance, services, and supplies provided by any institution in this state operated or contracted for by the department, in which the state is chargeable with all or part of the person's care, maintenance, services, and supplies, and the person's property and estate, including the homestead, and the spouse of the person, and the spouse's property and estate, including the homestead, and, in the case of a minor child, the parents

of the person, and their property and estates, including their homestead, and, in the case of a foreign child described in s. 48.839 (1) who became dependent on public funds for his or her primary support before an order granting his or her adoption, the resident of this state appointed guardian of the child by a foreign court who brought the child into this state for the purpose of adoption, and his or her property and estate, including his or her homestead, shall be liable for the cost of the care, maintenance, services, and supplies in accordance with the fee schedule established by the department under s. 301.03 (18). If a spouse, ~~widow~~ surviving spouse, or minor, or an incapacitated person, may be lawfully dependent upon the property for his or her support, the court shall release all or such part of the property and estate from the charges that may be necessary to provide for that person. The department shall make every reasonable effort to notify the liable persons as soon as possible after the beginning of the maintenance, but the notice or the receipt of the notice is not a condition of liability.

SECTION 209. 301.50 (1) of the statutes is amended to read:

301.50 **(1)** In this section, "substantial parental relationship" means the acceptance and exercise of significant responsibility for the daily supervision, education, protection, and care of the child. In evaluating whether an individual has had a substantial parental relationship with the child, factors that may be considered include, but are not limited to, whether the individual has expressed concern for or interest in the support, care, or well-being of the child; whether the individual has neglected or refused to provide care or support for the child; and whether, with respect to an individual who is or may be ~~the father~~ a parent of the

child, the individual has expressed concern for or interest in the support, care, or well-being of the ~~mother during her~~ parent who gave birth during pregnancy.

SECTION 210. 441.15 (4) of the statutes is amended to read:

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

SECTION 211. 700.19 (2) of the statutes is amended to read:

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

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

705.01 **(4)** "Joint account" means an account, other than a marital account, payable on request to one or more of 2 or more parties whether or not mention is made of any right of survivorship. "Joint account" also means any account established with the right of survivorship on or after January 1, 1986, by 2 parties

who claim to be ~~husband and wife~~ married to each other, which is payable on request to either or both of the parties.

SECTION 213. 705.01 (4m) of the statutes is amended to read:

705.01 **(4m)** "Marital account" means an account established without the right of survivorship on or after January 1, 1986, by 2 parties who claim to be ~~husband and wife~~ married to each other, which is payable on request to either or both of the parties and which is designated as a marital account. An account established by those parties with the right of survivorship under s. 766.58 (3) (f) or 766.60 is a joint account.

SECTION 214. 706.09 (1) (e) of the statutes is amended to read:

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

SECTION 215. 757.69 (1) (g) 2. of the statutes is amended to read:

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

SECTION 216. 757.69 (1) (g) 9. of the statutes is amended to read:

757.69 **(1)** (g) 9. Conduct hearings under s. 48.213 or 48.217 and thereafter

order an adult expectant ~~mother~~ parent of an unborn child to be held in or released from custody.

SECTION 217. 757.69 (1m) (d) of the statutes is amended to read:

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

SECTION 218. 765.001 (2) of the statutes is amended to read:

765.001 **(2)** INTENT. It is the intent of chs. 765 to 768 to promote the stability and best interests of marriage and the family. It is the intent of the legislature to recognize the valuable contributions of both spouses during the marriage and at termination of the marriage by dissolution or death. Marriage is the institution that is the foundation of the family and of society. Its stability is basic to morality and civilization, and of vital interest to society and the state. The consequences of the marriage contract are more significant to society than those of other contracts, and the public interest must be taken into account always. The seriousness of marriage makes adequate premarital counseling and education for family living highly desirable and courses thereon are urged upon all persons contemplating marriage. The impairment or dissolution of the marriage relation generally results in injury to the public wholly apart from the effect upon the parties immediately concerned. Under the laws of this state, marriage is a legal relationship between 2 equal persons~~, a husband and wife,~~ who owe to each other mutual responsibility

and support. Each spouse has an equal obligation in accordance with his or her ability to contribute money or services or both which are necessary for the adequate support and maintenance of his or her minor children and of the other spouse. No spouse may be presumed primarily liable for support expenses under this subsection.

SECTION 219. 765.01 of the statutes is amended to read:

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

SECTION 220. 765.02 (3) of the statutes is created to read:

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

SECTION 221. 765.03 (1) of the statutes is amended to read:

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

contracted if either party has such want of understanding as renders him or her incapable of assenting to marriage.

SECTION 222. 765.12 (1) (a) of the statutes is amended to read:

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

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

765.16 **(1m)** (intro.) Marriage may be validly solemnized and contracted in this state only after a marriage license has been issued therefor, and only by the mutual declarations of the 2 parties to be joined in marriage that ~~they take~~ each takes the other as ~~husband and wife~~ his or her spouse, made before an authorized officiating person and in the presence of at least 2 competent adult witnesses other than the officiating person. If one of the parties is serving on active duty in the U.S. armed forces or in forces incorporated in the U.S. armed forces, in a reserve unit of the U.S. armed forces, or in the national guard, the presence of only one competent adult witness other than the officiating person is required. The following are authorized to be officiating persons:

SECTION 224. 765.16 (1m) (c) of the statutes is amended to read:

765.16 **(1m)** (c) The 2 parties themselves, by mutual declarations that ~~they take~~ each takes the other as ~~husband and wife~~ his or her spouse, in accordance with

the customs, rules, and regulations of any religious society, denomination, or sect to which either of the parties may belong.

SECTION 225. 765.23 of the statutes is amended to read:

765.23 Immaterial irregularities otherwise. No marriage hereafter contracted shall be void either by reason of the marriage license having been issued by a county clerk not having jurisdiction to issue the same; or by reason of any informality or irregularity of form in the application for the marriage license or in the marriage license itself, or the incompetency of the witnesses to such marriage; or because the marriage may have been solemnized more than 60 days after the date of the marriage license, if the marriage is in other respects lawful and is consummated with the full belief on the part of the persons so married, or either of them, that they have been lawfully joined in marriage. Where a marriage has been celebrated in one of the forms provided for in s. 765.16 (1m), and the parties thereto have immediately thereafter assumed the habit and repute of ~~husband and wife~~ a married couple, and having continued the same uninterruptedly thereafter for the period of one year, or until the death of either of them, it shall be deemed that a marriage license has been issued as required by ss. 765.05 to 765.24 and 767.803.

SECTION 226. 765.24 of the statutes is amended to read:

765.24 Removal of impediments to subsequent marriage. If a person during the lifetime of a ~~husband or wife~~ spouse with whom the marriage is in force, enters into a subsequent marriage contract in accordance with s. 765.16, and the parties thereto live together thereafter as ~~husband and wife~~ a married couple, and such subsequent marriage contract was entered into by one of the parties in good

faith, in the full belief that the former ~~husband or wife~~ spouse was dead, or that the former marriage had been annulled, or dissolved by a divorce, or without knowledge of such former marriage, ~~they~~ the parties shall, after the impediment to their marriage has been removed by the death or divorce of the other party to such former marriage, if they continue to live together as ~~husband and wife~~ a married couple in good faith on the part of one of them, be held to have been legally married from and after the removal of such impediment and ~~the issue of~~ any children born during such subsequent marriage shall be considered as the marital ~~issue~~ children of both ~~parents~~ parties.

SECTION 227. 765.30 (3) (a) of the statutes is amended to read:

765.30 **(3)** (a) *Penalty for unlawful solemnization of marriage.* Any officiating person who solemnizes a marriage unless the contracting parties have first obtained a proper marriage license as heretofore provided; or unless the parties to such marriage declare that ~~they take~~ each takes the other as ~~husband and wife~~ his or her spouse; or without the presence of competent adult witnesses as required under s. 765.16 (1m); or solemnizes a marriage knowing of any legal impediment thereto; or solemnizes a marriage more than 60 days after the date of the marriage license; or falsely certifies to the date of a marriage solemnized by the officiating person.

SECTION 228. 766.587 (7) (form) 9. of the statutes is amended to read:

766.587 **(7)** (form) 9. BOTH SPOUSES MUST SIGN THIS AGREEMENT. IF SIGNED BEFORE JANUARY 1, 1986, IT IS EFFECTIVE ON JANUARY 1, 1986, OR THE DATE THE PARTIES MARRY, WHICHEVER IS LATER. IF SIGNED

ON OR AFTER JANUARY 1, 1986, IT IS EFFECTIVE ON THE DATE SIGNED OR THE DATE THE PARTIES MARRY, WHICHEVER IS LATER.

STATUTORY INDIVIDUAL

PROPERTY CLASSIFICATION AGREEMENT

(Pursuant to Section 766.587, Wisconsin Statutes)

This agreement is made and entered into by .... and ...., (~~husband and wife~~ who are married) (who intend to marry) (strike one).

The parties to this agreement agree to classify all their property, including property owned by them now and property acquired before January 1, 1987, as the individual property of the owning spouse, and agree that ownership of their property shall be determined as if it were December 31, 1985.

This agreement terminates on January 1, 1987.

Signature .... Date ....

Print Name Here: ....

Address: ....

Signature .... Date ....

Print Name Here: ....

Address: ....

[NOTE: Each spouse should retain a copy of the agreement for himself or herself.]

SECTION 229. 766.588 (9) (form) 13. of the statutes is amended to read:

766.588 **(9)** (form) 13. IF AFTER ENTERING INTO THIS AGREEMENT ONE OR BOTH OF YOU ESTABLISH A DOMICILE OUTSIDE THIS STATE,

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

STATUTORY TERMINABLE MARITAL

PROPERTY CLASSIFICATION AGREEMENT

(Pursuant to Section 766.588, Wisconsin Statutes)

This agreement is entered into by .... and .... (~~husband and wife~~ who are married) (who intend to marry) (strike one). The parties hereby classify all of the property owned by them when this agreement becomes effective, and property acquired during the term of this agreement, as marital property.

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

The parties (have) (have not) (strike one) completed Schedule "A", "Financial Disclosure", attached to this agreement. If Schedule "A" has not been completed, the duration of this agreement is 3 years after both parties have signed the agreement. If Schedule "A" has been completed, the duration of this agreement is not limited to 3 years after it is signed.

IF THE DURATION OF THIS AGREEMENT IS NOT TO BE LIMITED TO 3 YEARS, MAKE SURE SCHEDULE "A", "FINANCIAL DISCLOSURE", IS COMPLETED AND THAT YOU HAVE REVIEWED THE SCHEDULE BEFORE SIGNING THE AGREEMENT. IF YOU AND YOUR SPOUSE HAVE PREVIOUSLY ENTERED INTO A STATUTORY TERMINABLE MARITAL

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

Signature of One Spouse: ....

Date: ....

Print Name Here: ....

Residence Address: ....

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

AUTHENTICATION

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

*....

TITLE: MEMBER STATE BAR OF WISCONSIN

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

ACKNOWLEDGMENT

STATE OF WISCONSIN)
) ss.
.... County)

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

*....

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

My Commission is permanent.

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

(Signatures may be authenticated or

acknowledged. Both are not necessary.)

*Names of persons signing in any capacity should be

typed or printed below their signatures.

Signature of Other Spouse: ....

Date: ....

Print Name Here: ....

Residence Address: ....

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

AUTHENTICATION

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

*....

TITLE: MEMBER STATE BAR OF WISCONSIN

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

ACKNOWLEDGMENT

STATE OF WISCONSIN)

) ss.

.... County)

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

*....

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

My Commission is permanent.

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

(Signatures may be authenticated or

acknowledged. Both are not necessary.)

*Names of persons signing in any capacity should be

typed or printed below their signatures.

TERMINATION OF STATUTORY TERMINABLE

MARITAL PROPERTY CLASSIFICATION AGREEMENT

I UNDERSTAND THAT:

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

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

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

The undersigned terminates the statutory terminable marital property

classification agreement entered into by me and my spouse on .... (date last spouse signed the agreement) under section 766.588 of the Wisconsin Statutes.

Signature: ....

Date: ....

Print Name Here: ....

Residence Address: ....

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 institutions

D. 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):

1. Pension plans

2. Profit sharing plans

3. HR-10 KEOGH plans

4. IRAs

5. Deferred compensation plans

M. Other assets not listed elsewhere

II. OBLIGATIONS (TOTAL OUTSTANDING BALANCE):

A. Mortgages and liens

B. Credit cards

C. Other obligations to financial institutions

D. Alimony, maintenance and child support (per month)

E. Other obligations (such as other obligations to individuals, guarantees, contingent liabilities)

III. ANNUAL COMPENSATION FOR SERVICES:

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

(IF YOU NEED ADDITIONAL SPACE, ADD ADDITIONAL SHEETS)

SECTION 230. 766.589 (10) (form) 14. of the statutes is amended to read:

766.589 **(10)** (form) 14. IF AFTER ENTERING INTO THIS AGREEMENT ONE OR BOTH OF YOU ESTABLISH A DOMICILE OUTSIDE THIS STATE, YOU ARE URGED TO SEEK LEGAL ADVICE CONCERNING THE CONTINUED EFFECTIVENESS OF THIS AGREEMENT.

STATUTORY TERMINABLE INDIVIDUAL PROPERTY CLASSIFICATION AGREEMENT

(Pursuant to Section 766.589, Wisconsin Statutes)

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

Upon the death of either spouse the surviving spouse may, except as otherwise

provided in a subsequent marital property agreement, and regardless of whether this agreement has terminated, elect against the property of the decedent spouse as provided in section 766.589 (7) of the Wisconsin Statutes.

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

The parties (have) (have not) (strike one) completed Schedule "A", "Financial Disclosure", attached to this agreement. If Schedule "A" has not been completed, the duration of this agreement is 3 years after both parties have signed the agreement. If Schedule "A" has been completed, the duration of this agreement is not limited to 3 years after it is signed.

IF THE DURATION OF THIS AGREEMENT IS NOT TO BE LIMITED TO 3 YEARS, MAKE SURE THAT SCHEDULE "A", "FINANCIAL DISCLOSURE", IS COMPLETED AND THAT YOU HAVE REVIEWED THE SCHEDULE BEFORE SIGNING THE AGREEMENT. IF YOU AND YOUR SPOUSE HAVE PREVIOUSLY ENTERED INTO A STATUTORY TERMINABLE INDIVIDUAL PROPERTY CLASSIFICATION AGREEMENT WITH EACH OTHER WHICH WAS EFFECTIVE DURING YOUR PRESENT MARRIAGE AND YOU AND YOUR SPOUSE DID NOT COMPLETE SCHEDULE "A", YOU MAY NOT EXECUTE THIS AGREEMENT IF YOU DO NOT COMPLETE SCHEDULE "A".

Signature of One Spouse: ....

Date: ....

Print Name Here: ....

Residence Address: ....

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

AUTHENTICATION

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

*....

TITLE: MEMBER STATE BAR OF WISCONSIN

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

ACKNOWLEDGMENT

STATE OF WISCONSIN)
) ss.
.... County)

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

*....

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

My Commission is permanent.

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

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

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

Signature of Other Spouse: ....

Date: ....

Print Name Here: ....

Residence Address: ....

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

AUTHENTICATION

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

*....

TITLE: MEMBER STATE BAR OF WISCONSIN

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

ACKNOWLEDGMENT

STATE OF WISCONSIN)
) ss.
.... County)

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

*....

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

My Commission is permanent.

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

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

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

TERMINATION OF

STATUTORY TERMINABLE INDIVIDUAL

PROPERTY CLASSIFICATION AGREEMENT

I UNDERSTAND THAT:

1. THIS TERMINATION TAKES EFFECT 30 DAYS AFTER MY SPOUSE IS NOTIFIED OF THE TERMINATION, AS PROVIDED UNDER SECTION 766.589 (4) OF THE WISCONSIN STATUTES.

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

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

The undersigned terminates the statutory terminable individual property classification agreement entered into by me and my spouse on .... (date last spouse signed the agreement) under section 766.589 of the Wisconsin Statutes.

Signature: ....

Date: ....

Print Name Here: ....

Residence Address: ....

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 and other instruments issued by financial institutions

D. 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):

1. Pension plans

2. Profit sharing plans

3. HR-10 KEOGH plans

4. IRAs

5. Deferred compensation plans

M. Other assets not listed elsewhere

II. OBLIGATIONS (TOTAL OUTSTANDING BALANCE):

A. Mortgages and liens

B. Credit cards

C. Other obligations to financial institutions

D. Alimony, maintenance and child support (per month)

E. Other obligations (such as other obligations to individuals, guarantees, contingent liabilities)

III. ANNUAL COMPENSATION FOR SERVICES:

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

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

SECTION 231. 767.001 (1m) of the statutes is amended to read:

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

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

767.215 **(2)** (b) The name and birthdate of each minor child of the parties and ~~each~~ any other ~~child~~ children born to ~~the wife~~ either of the parties during the marriage, and whether ~~the wife~~ either party is pregnant.

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

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

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

767.323 Suspension of proceedings to effect reconciliation. During the pendency of an action for divorce or legal separation, the court may, upon written stipulation of both parties that they desire to attempt a reconciliation, enter an order suspending any and all orders and proceedings for such period, not exceeding 90 days, as the court determines advisable to permit the parties to attempt a reconciliation without prejudice to their respective rights. During the suspension period, the parties may resume living together as ~~husband and wife~~ a married couple and their acts and conduct do not constitute an admission that the marriage is not irretrievably broken or a waiver of the ground that the parties have

voluntarily lived apart continuously for 12 months or more immediately prior to the commencement of the action. Suspension may be revoked upon the motion of either party by an order of the court. If the parties become reconciled, the court shall dismiss the action. If the parties are not reconciled after the period of suspension, the action shall proceed as though no reconciliation period was attempted.

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

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

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

SECTION 236. Subchapter IX (title) of chapter 767 [precedes 767.80] of the statutes is repealed and recreated to read:

CHAPTER 767

SUBCHAPTER IX

PARENTAGE

SECTION 237. 767.80 (1) (b) of the statutes is repealed and recreated to read:

767.80 **(1)** (b) The person who gave birth to the child.

SECTION 238. 767.80 (1) (c) of the statutes is amended to read:

767.80 **(1)** (c) Unless s. 767.804 (1) or 767.805 (1) applies, a ~~male~~ person presumed to be the child's ~~father~~ parent under s. 891.405, 891.407, or 891.41 (1).

SECTION 239. 767.80 (1) (d) of the statutes is amended to read:

767.80 **(1)** (d) A ~~male~~ person alleged or alleging ~~himself~~ to be the ~~father~~ parent of the child.

SECTION 240. 767.80 (1) (k) of the statutes is amended to read:

767.80 **(1)** (k) In conjunction with the filing of a petition for visitation with respect to the child under s. 767.43 (3), a parent of a person who has filed a declaration of ~~paternal~~ parental interest under s. 48.025 with respect to the child or a parent of a person who, before April 1, 1998, signed and filed a statement acknowledging ~~paternity~~ parentage under s. 69.15 (3) (b) 3. with respect to the child.

SECTION 241. 767.80 (1m) of the statutes is amended to read:

767.80 **(1m)** VENUE. An action under this section may be brought in the county in which the child or the alleged ~~father~~ parent resides or is found or, if the ~~father~~ alleged parent is deceased, in which proceedings for probate of ~~his~~ the alleged parent's estate have been or could be commenced.

SECTION 242. 767.80 (2) of the statutes is amended to read:

767.80 **(2)** CERTAIN AGREEMENTS NOT A BAR TO ACTION. Regardless of its terms, an agreement made after July 1, 1981, other than an agreement approved by the court between an alleged or presumed ~~father~~ parent and the ~~mother or~~ person

who gave birth to the child, does not bar an action under this section. Whenever the court approves an agreement in which one of the parties agrees not to commence an action under this section, the court shall first determine whether or not the agreement is in the best interest of the child. The court shall not approve any provision waiving the right to bring an action under this section if this provision is contrary to the best interests of the child.

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

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

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

shall also give notice of a party's right to request a genetic test under s. 49.225 or 767.84.

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

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

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

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

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

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

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

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

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

767.803 Determination of marital children. If the ~~father and mother~~

natural parents of a nonmarital child enter into a lawful marriage or a marriage which appears and they believe is lawful, except where the parental rights of the ~~mother~~ parent who gave birth were terminated before either of these circumstances, the child becomes a marital child, is entitled to a change in birth record under s. 69.15 (3) (b), and shall enjoy all of the rights and privileges of a marital child as if he or she had been born during the marriage of the parents. This section applies to all cases before, on, or after its effective date, but no estate already vested shall be divested by this section and ss. 765.05 to 765.24 and 852.05. The children of all marriages declared void under the law are nevertheless marital children.

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

767.804 **(1)** (title) CONCLUSIVE DETERMINATION OF ~~PATERNITY~~ PARENTAGE.

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

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

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

3. The test results show that the ~~male~~ alleged parent is not excluded as the

~~father~~ parent and that the statistical probability of the ~~male's~~ alleged parent's parentage is 99.0 percent or higher.

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

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

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

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

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

4. That the ~~mother~~ person who gave birth to the child or the ~~male~~ alleged parent, or both, may object to the test results by submitting an objection in writing to the county child support agency no later than the day before the date specified in

subd. 2., and that, if either the ~~mother~~ person who gave birth to the child or the ~~male~~ alleged parent timely submits an objection, the state will commence a ~~paternity~~ parentage action.

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

767.804 **(1)** (c) 1. If neither the ~~mother~~ person who gave birth to the child nor the ~~male~~ alleged parent timely submits an objection under par. (b) 4., the county child support agency shall file with the state registrar a report showing the names, dates, and birth places of the child and the ~~father~~ alleged parent, the social security numbers of the ~~mother, father,~~ person who gave birth to the child, the alleged parent, and the child, and the ~~maiden~~ full birth name of the ~~mother~~ person who gave birth on a form prescribed by the state registrar, along with the fee set forth in s. 69.22 (5), if any, which the county child support agency shall collect.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In re the ~~Paternity~~ Parentage of A. B.

STATE OF WISCONSIN

and

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

Address

City, State Zip Code File No. ...

, Petitioners

vs. S U M M O N S

E. F.

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

City, State Zip Code

, Respondent

THE STATE OF WISCONSIN, To the Respondent:

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

Date:.....

Time:.....

Room:.....

Judge or Circuit Court Commissioner:.....

Address:.....

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

3. If you plan to be represented by an attorney, you should contact the attorney prior to the court appearance listed above. If you are unable to afford an attorney, the court will appoint one for you only upon the genetic tests showing that you are not excluded as the ~~father~~ parent and the probability of your being the ~~father~~ parent is less than 99.0 percent.

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

5. The .... County Clerk of Circuit Court is an equal opportunity service

provider. If you need assistance to access services in the courts or need material in an alternate format, please call .....

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

Signed:.... ....

G. H., Clerk of Circuit Court

or

Petitioner's Attorney

State Bar No.: ....

Address: ....

City, State Zip Code: ....

Phone No.: ....

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

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

In re the ~~Paternity~~ Parentage of A. B.

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

Address

City, State Zip Code File No. ...

, Petitioners

vs. S U M M O N S

E. F.

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

City, State Zip Code

, Respondent

THE STATE OF WISCONSIN, To the Respondent:

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

Date:.....

Time:.....

Room:.....

Judge or Circuit Court Commissioner:.....

Address:.....

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

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

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

Signed:.... ....

G. H., Clerk of Circuit Court

or

Petitioner's Attorney

State Bar No.: ....

Address: ....

City, State Zip Code: ....

Phone No.: ....

(c) *Nonparent as petitioner.*

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

In re the ~~Paternity~~ Parentage of A. B.

C. D. (Nonparent-Petitioner)

Address

City, State Zip Code File No. ...

, Petitioners

vs. S U M M O N S

E. F.

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

City, State Zip Code

, Respondent

THE STATE OF WISCONSIN, To the Respondent

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

Date:.....

Time:.....

Room:.....

Judge or Circuit Court Commissioner:.....

Address:.....

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

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

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

Signed:.... ....

G. H., Clerk of Circuit Court

or

Petitioner's Attorney

State Bar No.: ....

Address: ....

City, State Zip Code: ....

Phone No.: ....

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

767.813 **(5g)** NOTICE. The notice to parties shall be attached to the summons. The notice shall be in boldface type and in substantially the following form:

NOTICE TO PARTIES

1. You are a party to a petition for ~~paternity~~ parentage. A judgment of ~~paternity~~ parentage legally designates the child in the case to be a child of the ~~man~~ person found to be the ~~father~~ parent. It creates a legally recognized parent-child relationship between the ~~man~~ person and the child. It creates the right of inheritance for the child, and obligates the ~~man~~ person to support the child until the child reaches the age of 18, or the age of 19 if the child is enrolled full-time in high school or its equivalent. The failure by either parent to pay court-ordered support is punishable by imprisonment as a contempt of court or as a criminal violation.

2. A party to a ~~paternity~~ parentage case has the right to be represented by an attorney. If you are unable to afford an attorney and you are a ~~man~~ person who is named as the ~~possible father~~ alleged parent of a child in a ~~paternity~~ parentage case, the court will appoint an attorney for you only if the results of one or more genetic tests show that you are not excluded as the ~~father~~ parent and that the statistical probability of your being the ~~father~~ parent is less than 99.0 percent. In order to determine whether you are entitled to have an attorney appointed for you, you may call the following telephone number .... .

3. The petitioner in this case has the burden of proving by a clear and satisfactory preponderance of the evidence whether the ~~man~~ person named as the

~~possible father~~ alleged parent is the ~~father~~ parent. However, if genetic tests show that the ~~man~~ person named is not excluded as the ~~father~~ parent, and show that the statistical probability that the ~~man~~ person is the ~~father~~ parent is 99.0 percent or higher, that ~~man~~ person is rebuttably presumed to be the ~~father~~ parent.

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

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

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

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

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

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

7. If you fail to appear at any stage of the proceeding, including a scheduled

court-ordered genetic test, the court may enter a default judgment finding the ~~man claimed to be the father~~ named alleged parent as the ~~father~~ parent.

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

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

767.815 **(2)** (a) There are reasonable grounds to believe that before the time for service under s. 801.02 (1) or sub. (1) expired the respondent knew ~~that the mother was pregnant~~ about the pregnancy and that the respondent may be the ~~father~~ parent.

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

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

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

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

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

767.83 **(1)** GENERALLY. At the pretrial hearing, at the trial, and in any other

proceedings in any ~~paternity~~ parentage action, any party may be represented by counsel. If the ~~male~~ alleged parent respondent is indigent and the state is the petitioner under s. 767.80 (1) (g), the petitioner is represented by a government attorney as provided in s. 767.80 (6), or the action is commenced on behalf of the child by an attorney appointed under s. 767.407 (1) (c), counsel shall be appointed for the respondent as provided in ch. 977, subject to the limitations under sub. (2m), unless the respondent knowingly and voluntarily waives the appointment of counsel.

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

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

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

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

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

(ac) Probable cause of sexual intercourse ~~during a possible time of~~ that may have resulted in conception of the child for the purposes of par. (a) may be established by a sufficient petition or affidavit of the ~~child's mother~~ person who gave birth to the child or an alleged ~~father~~ parent, filed with the court, or after an

examination under oath of a party or witness, when the court determines that an examination is necessary.

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

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

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

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

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

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

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

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

767.84 **(1)** (b) (intro.) The genetic tests shall be performed by an expert qualified as an examiner of genetic markers present on the cells of the specific body material to be used for the tests, appointed by the court. A report completed and

certified by the court-appointed expert stating genetic test results and the statistical probability of the alleged ~~father's paternity~~ parent's parentage based upon the genetic tests is admissible as evidence without expert testimony and may be entered into the record at the trial or pretrial hearing if all of the following apply:

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

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

767.84 **(4)** TESTS EXCLUDING ~~PATERNITY~~ PARENTAGE; REFUSAL TO SUBMIT TO TEST. Genetic test results excluding an alleged ~~father~~ parent as the ~~father~~ parent of the child are conclusive evidence ~~of nonpaternity~~ that the alleged parent is not the parent of the child and the court shall dismiss any ~~paternity~~ parentage action with respect to that alleged ~~father~~ parent. Genetic test results excluding any ~~male~~ witness from possible ~~paternity~~ parentage are conclusive evidence ~~of nonpaternity of the male~~ that the witness is not the parent of the child. Testimony relating to sexual intercourse or possible sexual intercourse ~~of the mother with~~ between the person who gave birth to the child and any person excluded as a possible ~~father~~ parent, as a result of a genetic test, is inadmissible as evidence. Refusal of a party to submit to a genetic test shall be disclosed to the fact finder. Refusal to submit to a genetic test ordered by the court is a contempt of the court for failure to produce evidence under s. 767.87 (5). If the action was brought by the ~~child's mother~~ person

who gave birth to the child but ~~she~~ that person refuses to submit to a genetic test, or refuses to submit ~~herself or~~ the child to a genetic ~~tests~~ test, the action shall be dismissed.

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

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

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

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

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

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

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

767.863 **(1m)** ~~PATERNITY~~ PARENTAGE ALLEGATION BY ~~MALE~~ PERSON OTHER THAN ~~HUSBAND~~ SPOUSE; WHEN DETERMINATION NOT IN BEST INTEREST OF CHILD. In an action to establish the ~~paternity~~ parentage of a child who was born to a ~~woman while she was married~~ couple during marriage, if a ~~male~~ person other than the ~~woman's husband alleges that he, not the husband, is~~ spouse of the person who gave birth claims to be the child's ~~father~~ parent, a party may allege that a judicial determination that a ~~male~~ person other than the ~~husband is the father~~ spouse of the person who gave birth is the parent is not in the best interest of the child. If the court or a supplemental court commissioner under s. 757.675 (2) (g) determines

that a judicial determination of whether a ~~male~~ person other than the ~~husband is the father~~ spouse of the person who gave birth is the parent is not in the best interest of the child, no genetic tests may be ordered and the action shall be dismissed.

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

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

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

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

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

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

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

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

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

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

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

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

767.87 **(3)** EVIDENCE OF IDENTIFIED ~~MALE~~ PERSON NOT UNDER JURISDICTION. Except as provided in s. 767.84 (4), in an action against an alleged ~~father~~ parent,

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

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

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

(b) Nothing in par. (a) prevents the state from bringing an action to determine ~~paternity~~ parentage pursuant to an assignment under s. 48.57 (3m) (b) 2. or (3n) (b) 2., 49.19 (4) (h) 1. or 49.45 (19), or receipt of benefits under s. 49.148, 49.155, 49.157

or 49.159, where evidence other than the testimony of the ~~mother~~ person who gave birth may establish the ~~paternity~~ parentage of the child.

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

767.87 **(9)** ARTIFICIAL INSEMINATION; NATURAL ~~FATHER~~ PARENT. ~~Where~~ If a child is conceived by artificial insemination, the ~~husband~~ spouse of the ~~mother of~~ person who gave birth to the child at the time of the conception of the child is the natural ~~father~~ parent of the child, as provided in s. 891.40.

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

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

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

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

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

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

767.883 **(1)** TWO PARTS. The trial shall be divided into 2 parts, the first part dealing with the determination of ~~paternity~~ parentage and the 2nd part dealing with child support, legal custody, periods of physical placement, and related issues.

The main issue at the first part shall be whether the alleged or presumed ~~father~~ parent is or is not the ~~father~~ parent of the ~~mother's~~ child, but if the child was born ~~to the mother~~ while ~~she~~ the person who gave birth was the lawful ~~wife~~ spouse of a specified ~~male~~ person, the prior issue of whether the ~~husband was~~ spouse is not the ~~father~~ parent of the child shall be determined first, as provided under s. 891.39. The first part of the trial shall be by jury only if the defendant verbally requests a jury trial either at the initial appearance or pretrial hearing or requests a jury trial in writing prior to the pretrial hearing. The court may direct and, if requested by either party before the introduction of any testimony in the party's behalf, shall direct the jury to find a special verdict as to any of the issues specified in this section, except that the court shall make all of the findings enumerated in s. 767.89 (2) to (4). If the ~~mother~~ person who gave birth is dead, becomes insane, cannot be found within the jurisdiction, or fails to commence or pursue the action, the proceeding does not abate if any of the persons under s. 767.80 (1) makes a motion to continue. The testimony of the ~~mother~~ person who gave birth, taken at the pretrial hearing, may in any such case be read in evidence if it is competent, relevant, and material. The issues of child support, custody and visitation, and related issues shall be determined by the court either immediately after the first part of the trial or at a later hearing before the court.

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

767.89 **(2)** (a) The clerk of court or county child support agency under s. 59.53 (5) shall file with the state registrar, within 30 days after the entry of a judgment or order determining ~~paternity~~ parentage, a report showing the names, dates, and

birth places of the child and the ~~father~~ adjudicated parent, the social security numbers of the ~~mother, father~~ person who gave birth to the child, adjudicated parent, and child, and the ~~maiden name of the mother~~ full birth name of the person who gave birth to the child on a form designated by the state registrar, along with the fee set forth in s. 69.22 (5), which the clerk of court or county child support agency shall collect.

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

767.89 **(2)** (b) If, under par. (a), the clerk of court or county child support agency is unable to collect ~~any of the following fees under par. (a)~~ a fee for omitting, changing, or inserting a parent's name on a birth record under s. 69.15 (3) (a) 1., 2., or 3., the department shall pay the fee and may not require the county or county child support agency to reimburse the department for the cost~~:~~.

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

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

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

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

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

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

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

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

(2m) (a) At any time after service of the summons and petition, a respondent who is the alleged ~~father~~ parent may, with or without appearance in court and subject to the approval of the court, in writing acknowledge that ~~he~~ the alleged parent has read and understands the notice under s. 767.813 (5g) and stipulate ~~that~~

~~he is~~ to being the ~~father~~ parent of the child and for child support payments, legal custody, and physical placement. The court may not approve a stipulation for child support unless it provides for payment of child support determined in a manner consistent with s. 767.511 or 767.89.

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

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

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

769.201 **(1m)** (g) The individual asserted parentage of a child in a declaration of ~~paternal~~ parental interest filed with the department of children and families under s. 48.025 or in a statement acknowledging ~~paternity~~ parentage filed with the state registrar under s. 69.15 (3) (b) 1. or 3.

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

769.316 **(4)** Copies of bills for testing for parentage of a child, or for prenatal and postnatal health care of the ~~mother~~ person who gave birth and the child, or copies of reports of medical assistance payments under subch. IV of ch. 49 for such testing or prenatal and postnatal health care, furnished to the adverse party at least 10 days before trial, are admissible in evidence to prove the amount of the

charges billed or the amount of the medical assistance paid and that the charges or payments were reasonable, necessary, and customary.

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

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

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

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

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

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

770.07 **(2)** If sub. (1) and s. 770.05 are complied with, the county clerk shall issue a declaration of domestic partnership. With each declaration of domestic partnership the county clerk shall provide information describing the causes and effects of fetal alcohol syndrome and the dangers to a fetus from the ~~mother's~~ use of cocaine or other drugs by the pregnant person during pregnancy. After the application for the declaration of domestic partnership is filed, the clerk shall, upon the sworn statement of either of the applicants, correct any erroneous, false, or insufficient statement in the application that comes to the clerk's attention and shall notify the other applicant of the correction, as soon as reasonably possible.

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

786.36 **(1)** (c) The ~~minor's mother~~ the person who gave birth to the minor, if the minor is a nonmarital child who is not adopted or whose parents do not

subsequently intermarry under s. 767.803 and if ~~paternity~~ parentage of the minor has not been established.

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

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

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

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

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

822.40 **(4)** A privilege against disclosure of communications between spouses and a defense of immunity based on the relationship ~~of husband and wife~~ between

spouses or parent and child may not be invoked in a proceeding under this subchapter.

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

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

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

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

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

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

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

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

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

852.01 **(1)** (f) 3. If either ~~the maternal side or the paternal~~ side has no

surviving grandparent or issue of a grandparent, the entire estate to the decedent's relatives on the other side.

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

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

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

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

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

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

SECTION 307. 854.03 (3) of the statutes is amended to read:

854.03 **(3)** MARITAL PROPERTY. Except as provided in subs. (4) and (5), if ~~a husband and wife~~ 2 spouses die leaving marital property and it is not established that one survived the other by at least 120 hours, 50 percent of the marital property shall be distributed as if it were ~~the husband's~~ the first spouse's individual property and the ~~husband~~ 2nd spouse had survived, and 50 percent of the marital property shall be distributed as if it were the ~~wife's~~ 2nd spouse's individual property and the ~~wife~~ first spouse had survived.

SECTION 308. 891.39 (title) of the statutes is amended to read:

891.39 (title) **Presumption as to whether a child is marital or nonmarital; ~~self-crimination~~ self-incrimination; birth certificates.**

SECTION 309. 891.39 (1) (a) of the statutes is amended to read:

891.39 **(1)** (a) Whenever it is established in an action or proceeding that a child was born to a ~~woman~~ person while he or she was ~~the lawful wife of~~ legally married to a specified ~~man~~ person, any party asserting in such action or proceeding that the ~~husband was~~ spouse is not the ~~father~~ parent of the child shall have the burden of proving that assertion by a clear and satisfactory preponderance of the evidence. In all such actions or proceedings the ~~husband and the wife~~ spouses are competent to testify as witnesses to the facts. The court or judge in such cases shall appoint a guardian ad litem to appear for and represent the child whose ~~paternity~~ parentage is questioned. Results of a genetic test, as defined in s. 767.001 (1m), showing that a ~~man~~ person other than the ~~husband~~ spouse of the person who gave birth to the child is not excluded as the ~~father~~ parent of the child and that the statistical probability of the ~~man's~~ person's parentage is 99.0 percent or higher

constitute a clear and satisfactory preponderance of the evidence of the assertion under this paragraph, even if the ~~husband~~ spouse of the person who gave birth to the child is unavailable to submit to genetic tests, as defined in s. 767.001 (1m).

SECTION 310. 891.39 (2) (a) of the statutes is amended to read:

891.39 **(2)** (a) The ~~mother of~~ person who gave birth to the child shall not be excused or privileged from testifying fully in any action or proceeding mentioned in sub. (1) in which the determination of whether the child is a marital or nonmarital child is involved or in issue, when ordered to testify by a court of record or any judge thereof; but ~~she~~ the person who gave birth to the child shall not be prosecuted or subjected to any penalty or forfeiture for or on account of testifying or producing evidence, except for perjury committed in giving the testimony.

SECTION 311. 891.39 (3) of the statutes is amended to read:

891.39 **(3)** If any court under this section adjudges a child to be a nonmarital child, the clerk of court shall report the facts to the state registrar, who shall issue a new birth record showing the correct facts as found by the court, and shall dispose of the original, with the court's report attached under s. 69.15 (3). If the ~~husband~~ spouse of the person who gave birth to the child is a party to the action and the court makes a finding as to whether or not the ~~husband~~ spouse is the ~~father~~ parent of the child, such finding shall be conclusive in all other courts of this state.

SECTION 312. 891.395 of the statutes is amended to read:

891.395 Presumption as to time of conception. In any ~~paternity~~ parentage proceeding, in the absence of a valid birth certificate indicating the birth weight, the ~~mother~~ person who gave birth to the child shall be competent to testify

as to the birth weight of the child whose ~~paternity~~ parentage is at issue, and where the child whose ~~paternity~~ parentage is at issue weighed 5 1/2 pounds or more at the time of its birth, the testimony of the ~~mother~~ person who gave birth to the child as to the weight shall be presumptive evidence that the child was a full term child, unless competent evidence to the contrary is presented to the court. The conception of the child shall be presumed to have occurred within a span of time extending from 240 days to 300 days before the date of its birth, unless competent evidence to the contrary is presented to the court.

SECTION 313. 891.40 of the statutes is amended to read:

891.40 Artificial insemination. (1) ~~If,~~ A person is the natural parent of a child conceived by artificial insemination if the artificial insemination is performed under the supervision of a licensed physician and ~~with the consent of her husband, a wife is inseminated artificially with semen donated by a man not her husband, the husband of the mother at the time of the conception of the child shall be the natural father of a child conceived. The husband's consent must be in writing and signed by him and his wife~~ if the person who receives the artificial insemination and the spouse of that person consent to the artificial insemination in a written document signed by both parties. The physician performing the artificial insemination shall certify ~~their~~ both parties' signatures and the date of the insemination, and shall file the ~~husband's~~ consent form with the department of health services, where it shall be kept confidential and in a sealed file except as provided in s. 46.03 (7) (bm). However, the physician's failure to file the consent form does not affect the legal status of ~~father~~ parent and child. All papers and

records pertaining to the insemination, whether part of the permanent record of a court or of a file held by the supervising physician or elsewhere, may be inspected only upon an order of the court for good cause shown.

(2) The donor of semen provided to a licensed physician for use in artificial insemination of a ~~woman~~ person other than the donor's ~~wife~~ spouse is not the natural ~~father~~ parent of a child conceived, bears no liability for the support of the child and has no parental rights with regard to the child.

SECTION 314. 891.405 of the statutes is amended to read:

891.405 Presumption of ~~paternity~~ parentage based on acknowledgment. A ~~man~~ person is presumed to be the natural ~~father~~ parent of a child if ~~he~~ the person and the ~~mother~~ person who gave birth to the child have acknowledged ~~paternity~~ parentage under s. 69.15 (3) (b) 1. or 3. and no other ~~man~~ person is presumed to be the ~~father~~ natural parent under s. 891.41 (1).

SECTION 315. 891.407 of the statutes is amended to read:

891.407 Presumption of ~~paternity~~ parentage based on genetic test results. A ~~man~~ person is presumed to be the natural ~~father~~ parent of a child if the ~~man~~ person has been conclusively determined from genetic test results to be the ~~father~~ parent under s. 767.804 and no other ~~man is presumed to be the father~~ person is presumed to be a parent of the child under s. 891.405 or 891.41 (1).

SECTION 316. 891.41 (title) of the statutes is amended to read:

891.41 (title) **Presumption of ~~paternity~~ parentage based on marriage of the parties.**

SECTION 317. 891.41 (1) (intro.) of the statutes is amended to read:

891.41 **(1)** (intro.) A ~~man~~ person is presumed to be the natural ~~father~~ parent of a child if any of the following applies:

SECTION 318. 891.41 (1) (a) of the statutes is amended to read:

891.41 **(1)** (a) ~~He~~ The person and the ~~child's natural mother~~ person who gave birth to the child are or have been married to each other and the child is conceived or born after marriage and before the granting of a decree of legal separation, annulment, or divorce between the parties.

SECTION 319. 891.41 (1) (b) of the statutes is renumbered 891.41 (1) (b) (intro.) and amended to read:

891.41 **(1)** (b) (intro.) ~~He~~ The person and the ~~child's natural mother~~ person who gave birth to the child were married to each other after the child was born but ~~he~~ the person and the ~~child's natural mother~~ person who gave birth to the child had a relationship with one another during the period of time within which the child was conceived and ~~no other man~~ all of the following apply:

1. No person has been adjudicated to be the ~~father or~~ other parent.

2. No other person is presumed to be the ~~father~~ parent of the child under par. (a).

SECTION 320. 891.41 (2) of the statutes is amended to read:

891.41 **(2)** In a legal action or proceeding, a presumption under sub. (1) is rebutted by results of a genetic test, as defined in s. 767.001 (1m), that show that a ~~man~~ person other than the ~~man~~ person presumed to be the ~~father~~ natural parent under sub. (1) is not excluded as the ~~father~~ parent of the child and that the statistical probability of the ~~man's~~ person's parentage is 99.0 percent or higher,

even if the ~~man~~ person presumed to be the ~~father~~ natural parent under sub. (1) is unavailable to submit to genetic tests, as defined in s. 767.001 (1m).

SECTION 321. 891.41 (3) of the statutes is created to read:

891.41 **(3)** This section applies with respect to children born before, on, or after the effective date of this subsection .... [LRB inserts date].

SECTION 322. 905.04 (4) (e) 3. of the statutes is amended to read:

905.04 **(4)** (e) 3. There is no privilege in situations where the examination of the ~~expectant mother of~~ person pregnant with an abused unborn child creates a reasonable ground for an opinion of the physician, registered nurse, chiropractor, psychologist, social worker, marriage and family therapist or professional counselor that the physical injury inflicted on the unborn child was caused by the habitual lack of self-control of the ~~expectant mother of~~ person pregnant with the unborn child in the use of alcohol beverages, controlled substances or controlled substance analogs, exhibited to a severe degree.

SECTION 323. 905.05 (title) of the statutes is amended to read:

905.05 (title) **~~Husband-wife~~ Spousal and domestic partner privilege.**

SECTION 324. 938.02 (5s) of the statutes is created to read:

938.02 **(5s)** "Expectant parent" means a person who is pregnant.

SECTION 325. 938.02 (13) of the statutes is amended to read:

938.02 **(13)** "Parent" means a ~~biological~~ natural parent~~, a husband who has consented to the artificial insemination of his wife under s. 891.40,~~ or a parent by adoption. If the juvenile is a nonmarital child who is not adopted or whose parents do not subsequently intermarry under s. 767.803, "parent" includes a person

conclusively determined from genetic test results to be the ~~father~~ parent under s. 767.804 or a person acknowledged under s. 767.805 or a substantially similar law of another state or adjudicated to be the ~~biological father~~ natural parent. "Parent" does not include any person whose parental rights have been terminated. For purposes of the application of s. 938.028 and the federal Indian Child Welfare Act, 25 USC 1901 to 1963, "parent" means a ~~biological~~ natural parent of an Indian child, an Indian ~~husband~~ spouse who has consented to the artificial insemination of his ~~wife~~ or her spouse under s. 891.40, or an Indian person who has lawfully adopted an Indian juvenile, including an adoption under tribal law or custom, and includes, in the case of a nonmarital Indian child who is not adopted or whose parents do not subsequently intermarry under s. 767.803, a person conclusively determined from genetic test results to be the ~~father~~ parent under s. 767.804, a person acknowledged under s. 767.805, a substantially similar law of another state, or tribal law or custom to be the ~~biological father~~ natural parent, or a person adjudicated to be the ~~biological father~~ natural parent, but does not include any person whose parental rights have been terminated.

SECTION 326. 938.27 (3) (b) of the statutes is amended to read:

938.27 **(3)** (b) 1. Except as provided in subd. 2., if the petition that was filed relates to facts concerning a situation under s. 938.13 and if the juvenile is a nonmarital child who is not adopted or whose parents do not subsequently intermarry as provided under s. 767.803 and if ~~paternity~~ parentage has not been established, the court shall notify, under s. 938.273, all of the following persons:

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

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

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

SECTION 327. 938.27 (5) of the statutes is amended to read:

938.27 **(5)** NOTICE TO ~~BIOLOGICAL FATHERS~~ PARENTS. Subject to sub. (3) (b), the court shall make reasonable efforts to identify and notify any person who has filed a declaration of ~~paternal~~ parental interest under s. 48.025, any person conclusively determined from genetic test results to be the ~~father~~ parent under s. 767.804 (1), any person who has acknowledged ~~paternity~~ parentage of the child under s. 767.805 (1), and any person who has been adjudged to be the ~~father~~ parent of the juvenile in a judicial proceeding unless the person's parental rights have been terminated.

SECTION 328. 938.299 (6) (intro.) of the statutes is amended to read:

938.299 **(6)** ESTABLISHMENT OF ~~PATERNITY WHEN MAN ALLEGES PATERNITY~~ PARENTAGE. (intro.) If a ~~man~~ person who has been given notice under s. 938.27 (3) (b) 1. appears at any hearing for which ~~he~~ the person received the notice, alleges

~~that he is the father~~ to be the parent of the juvenile, and ~~states that he wishes~~ requests to establish the ~~paternity~~ parentage of the juvenile, all of the following apply:

SECTION 329. 938.299 (6) (e) 1., 2., 3. and 4. of the statutes are amended to read:

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

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

3. In addition to ordering testing as provided under s. 885.23, if the court determines that it would be in the best interests of the juvenile, the court may order any ~~man~~ person specified in sub. (6) (intro.) to submit to one or more genetic tests which shall be performed by an expert qualified as an examiner of genetic markers present on the cells and of the specific body material to be used for the tests, as appointed by the court. A report completed and certified by the court-appointed expert stating genetic test results and the statistical probability that the ~~man~~ alleged ~~to be the juvenile's father~~ parent is the juvenile's biological ~~father~~ parent based upon the genetic tests is admissible as evidence without expert testimony and may be entered into the record at any hearing. The court, upon request by a

party, may order that independent tests be performed by other experts qualified as examiners of genetic markers present on the cells of the specific body materials to be used for the tests.

4. If the genetic tests show that an alleged ~~father~~ parent is not excluded and that the statistical probability that the alleged ~~father~~ parent is the juvenile's biological ~~father~~ parent is 99.0 percent or higher, the court may determine that for purposes of a proceeding under this chapter or ch. 48, other than a proceeding under subch. VIII of ch. 48, the ~~man~~ alleged parent is the juvenile's biological parent.

SECTION 330. 938.299 (7) and (8) of the statutes are amended to read:

938.299 **(7)** ESTABLISHMENT OF ~~PATERNITY~~ PARENTAGE WHEN NO ~~MAN~~ PERSON ALLEGES ~~PATERNITY~~ PARENTAGE. If a ~~man~~ person who has been given notice under s. 938.27 (3) (b) 1. appears at any hearing for which ~~he~~ the person received the notice but does not allege ~~that he is the father~~ to be the parent of the juvenile and ~~state that he~~ wishes to establish the ~~paternity~~ parentage of the juvenile or if no ~~man~~ person to whom such notice was given appears at a hearing, the court may refer the matter to the state or to the attorney responsible for support enforcement under s. 59.53 (6) (a) for a determination, under s. 767.80, of whether an action should be brought for the purpose of determining the ~~paternity~~ parentage of the juvenile.

(8) TESTIMONY OF ~~JUVENILE'S MOTHER~~ PERSON WHO GAVE BIRTH TO A JUVENILE RELATING TO ~~PATERNITY~~ PARENTAGE. As part of the proceedings under this chapter, the court may order that a record be made of any testimony of the ~~juvenile's mother~~ person who gave birth to the juvenile relating to the juvenile's ~~paternity~~ parentage.

A record made under this subsection is admissible in a proceeding to determine the juvenile's ~~paternity~~ parentage under ~~subch. IX of~~ ch. 767.

SECTION 331. 938.355 (4g) (a) 1. of the statutes is amended to read:

938.355 **(4g)** (a) 1. The juvenile's parents are parties to a pending action for divorce, annulment, or legal separation, a ~~man~~ person determined under s. 938.299 (6) (e) 4. to be the biological ~~father~~ parent of the juvenile for purposes of a proceeding under this chapter is a party to a pending action to determine ~~paternity~~ parentage of the juvenile under ch. 767, or the juvenile is the subject of a pending independent action under s. 767.41 or 767.43 to determine legal custody of the juvenile or visitation rights with respect to the juvenile.

SECTION 332. 939.24 (1) of the statutes is amended to read:

939.24 **(1)** In this section, "criminal recklessness" means that the actor creates an unreasonable and substantial risk of death or great bodily harm to another human being and the actor is aware of that risk, except that for purposes of ss. 940.02 (1m), 940.06 (2) and 940.23 (1) (b) and (2) (b), "criminal recklessness" means that the actor creates an unreasonable and substantial risk of death or great bodily harm to an unborn child, to the ~~woman~~ person who is pregnant with that unborn child, or to another and the actor is aware of that risk.

SECTION 333. 939.25 (1) of the statutes is amended to read:

939.25 **(1)** In this section, "criminal negligence" means ordinary negligence to a high degree, consisting of conduct that the actor should realize creates a substantial and unreasonable risk of death or great bodily harm to another, except that for purposes of ss. 940.08 (2), 940.10 (2) and 940.24 (2), "criminal negligence"

means ordinary negligence to a high degree, consisting of conduct that the actor should realize creates a substantial and unreasonable risk of death or great bodily harm to an unborn child, to the ~~woman~~ person who is pregnant with that unborn child, or to another.

SECTION 334. 940.01 (1) (b) of the statutes is amended to read:

940.01 **(1)** (b) Except as provided in sub. (2), whoever causes the death of an unborn child with intent to kill that unborn child, kill the ~~woman~~ person who is pregnant with that unborn child, or kill another is guilty of a Class A felony.

SECTION 335. 940.02 (1m) of the statutes is amended to read:

940.02 **(1m)** Whoever recklessly causes the death of an unborn child under circumstances that show utter disregard for the life of that unborn child, the ~~woman~~ person who is pregnant with that unborn child, or another is guilty of a Class B felony.

SECTION 336. 940.05 (2g) (intro.) of the statutes is amended to read:

940.05 **(2g)** (intro.) Whoever causes the death of an unborn child with intent to kill that unborn child, kill the ~~woman~~ person who is pregnant with that unborn child or kill another is guilty of a Class B felony if:

SECTION 337. 940.05 (2h) of the statutes is amended to read:

940.05 **(2h)** In prosecutions under sub. (2g), it is sufficient to allege and prove that the defendant caused the death of an unborn child with intent to kill that unborn child, kill the ~~woman~~ person who is pregnant with that unborn child, or kill another.

SECTION 338. 940.195 (1) of the statutes is amended to read:

940.195 **(1)** Whoever causes bodily harm to an unborn child by an act done with intent to cause bodily harm to that unborn child, to the ~~woman~~ person who is pregnant with that unborn child, or another is guilty of a Class A misdemeanor.

SECTION 339. 940.195 (2) of the statutes is amended to read:

940.195 **(2)** Whoever causes substantial bodily harm to an unborn child by an act done with intent to cause bodily harm to that unborn child, to the ~~woman~~ person who is pregnant with that unborn child, or another is guilty of a Class I felony.

SECTION 340. 940.195 (4) of the statutes is amended to read:

940.195 **(4)** Whoever causes great bodily harm to an unborn child by an act done with intent to cause bodily harm to that unborn child, to the ~~woman~~ person who is pregnant with that unborn child, or another is guilty of a Class H felony.

SECTION 341. 940.195 (5) of the statutes is amended to read:

940.195 **(5)** Whoever causes great bodily harm to an unborn child by an act done with intent to cause great bodily harm to that unborn child, to the ~~woman~~ person who is pregnant with that unborn child, or another is guilty of a Class E felony.

SECTION 342. 940.23 (1) (b) of the statutes is amended to read:

940.23 **(1)** (b) Whoever recklessly causes great bodily harm to an unborn child under circumstances that show utter disregard for the life of that unborn child, the ~~woman~~ person who is pregnant with that unborn child, or another is guilty of a Class D felony.

SECTION 343. 943.20 (2) (c) of the statutes is amended to read:

943.20 **(2)** (c) "Property of another" includes property in which the actor is a

co-owner and property of a partnership of which the actor is a member, unless the actor and the victim are ~~husband and wife~~ married to each other.

SECTION 344. 943.201 (1) (b) 8. of the statutes is amended to read:

943.201 **(1)** (b) 8. The ~~maiden name~~ surname of an individual's ~~mother~~ parent before marriage if the surname was changed as a result of marriage.

SECTION 345. 943.205 (2) (b) of the statutes is amended to read:

943.205 **(2)** (b) "Owner" includes a co-owner of the person charged and a partnership of which the person charged is a member, unless the person charged and the victim are ~~husband and wife~~ married to each other.

SECTION 346. 944.17 (3) of the statutes is amended to read:

944.17 **(3)** Subsection (2) does not apply to a ~~mother's breast-feeding~~ person's breastfeeding of ~~her~~ that person's child.

SECTION 347. 944.20 (2) of the statutes is amended to read:

944.20 **(2)** Subsection (1) does not apply to a ~~mother's breast-feeding~~ person's breastfeeding of ~~her~~ that person's child.

SECTION 348. 948.10 (2) (b) of the statutes is amended to read:

948.10 **(2)** (b) A ~~mother's breast-feeding~~ person's breastfeeding of ~~her~~ that person's child.

SECTION 349. 948.31 (2) of the statutes is amended to read:

948.31 **(2)** Whoever causes a child to leave, takes a child away or withholds a child for more than 12 hours from the child's parents or, in the case of a nonmarital child whose parents do not subsequently intermarry under s. 767.803, from ~~the child's mother or, if he has been granted legal custody, the child's father~~ a parent

with legal custody of the child, without the consent of the parents~~, the mother or the father~~ or the parent with legal custody, is guilty of a Class I felony. This subsection is not applicable if legal custody has been granted by court order to the person taking or withholding the child.

SECTION 350. 990.01 (19j) (b) of the statutes is amended to read:

990.01 **(19j)** (b) "Live birth" means the complete expulsion or extraction from ~~his or her mother~~ an individual, of a human being, at any stage of development, who, after the expulsion or extraction, breathes or has a beating heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, regardless of whether the umbilical cord has been cut, and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, a cesarean section, or an abortion, as defined in s. 253.10 (2) (a).

SECTION 351. 990.01 (22h) of the statutes is created to read:

990.01 **(22h)** NATURAL PARENT. "Natural parent" means a parent of a child who is not an adoptive parent, whether the parent is biologically related to the child or not.

SECTION 352. 990.01 (39) of the statutes is created to read:

990.01 **(39)** SPOUSES. "Spouses" means 2 individuals of the same sex or different sexes who are legally married to each other.

SECTION 353. 990.01 (40m) of the statutes is created to read:

990.01 **(40m)** STEPPARENT. "Stepparent" means a person who is the spouse of a child's parent and who is not also a parent of the child.

SECTION 354. Nonstatutory provisions.

(1) TERMINOLOGY CHANGES.

(a) In the statutes indicated, replace "paternity" with "parentage": ss. 13.63 (1) (b), 13.64 (2), 29.024 (2g) (d) 1., 29.229 (5m) (c), 45.01 (4), 46.03 (7) (bm), 48.235 (4) (a) 7m. and (4m) (a) 7m., 48.299 (6) (a), (d), and (e) 5., 48.355 (4g) (a) (intro.) and (d) 1., 48.396 (2) (dm), 48.40 (1r), 48.42 (2) (b) (intro.) and (bm) (intro.) and (4) (b) 2., 48.422 (6) (c), 48.423 (title), 48.46 (1m), 48.48 (11), 48.715 (6), 48.837 (4) (e), 48.91 (2), 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), 49.463 (3) (title) and (b) 1. b. and 2. (intro.) and b. and (6), 49.48 (3), 49.79 (6q) (title) and (b) 1. b. and 2. (intro.) and b. and (6u) (title) and (a) 1., 49.83, 49.855 (6), 49.857 (1) (f), 49.90 (2r) and (11), 59.40 (2) (p), 59.53 (5) (title) and (a), 69.15 (3) (d) and (3m) (a) (intro.), 93.135 (3), 102.17 (1) (cm), 103.275 (2) (bm), 103.34 (10) (b), 103.91 (4) (b), 103.92 (6), 104.07 (5), 105.13 (2), 115.315, 118.19 (1r) (b), 138.09 (3) (am) 3. and (4) (b), 138.12 (4) (b) 6. and (5) (am) 1. c. and 2., 138.14 (5) (b) 3. and (9) (b), 165.85 (3) (cm) 8. and (3m) (a), 169.34 (3) (a), 170.12 (8) (b) 1. c. and 2., 202.021 (4) (a) 7., 202.06 (2) (e), 218.0116 (1g) (a) and (1m) (a) 3. and (b), 218.02 (3) (e), (6) (b), and (9) (a) 2., 218.04 (4) (am) 3. and (5) (am), 218.05 (4) (c) 3., (11) (c), and (12) (am), 218.11 (6m) (a), 218.12 (3m) (a), 218.22 (3m) (a), 218.32 (3m) (a), 218.41 (3m) (a), 218.51 (4m) (a), 224.72 (7m) (c), 224.725 (6) (c), 224.77 (2m) (c), 224.95 (1) (c), 250.041 (3), 256.17 (3), 299.08 (2), 341.51 (4m) (a), 343.345, 343.66 (2), 440.13 (2) (a) and (b), 551.412 (4g) (a) 3. and (b), 562.05 (5) (a) 9. and (8) (d), 563.28 (1), 628.097 (1m), 628.10 (2) (c), 632.69 (2) (d) 1. and (4) (c), 633.14 (2m) (a), 633.15 (2) (c), 751.15 (3), 757.675 (2) (g), 757.69 (1) (p) 3., 767.001 (1) (L), 767.01 (2), 767.041 (1) (b), 767.205 (2) (a) (intro.) and 1. and (b) 2., 767.215 (5) (am), 767.35 (6) and (7), 767.401

(1) (b) and (2) (a) and (b), 767.407 (1) (c) (intro.) and (d) and (4), 767.41 (1) (b) and (1m) (intro.), 767.511 (1) (intro.), 767.513 (2), 767.521 (intro.), 767.77 (1), 767.80 (title) and (1) (intro.), 767.805 (title), (1), (1m), (2) (a), (3) (title) and (a), (4) (intro.), (5) (a), and (6) (a) (intro.), (b), and (c), 767.814, 767.815 (intro.), 767.82 (title), (1) (a), (2), (5), (6), and (8), 767.83 (2) and (3), 767.84 (title), 767.853 (intro.), (1) (intro.), (2), and (3) (a), 767.863 (1) and (3), 767.865 (2), 767.87 (title), (1) (intro.) and (f), (2m), (4) (a), and (8), 767.88 (title), (1), and (2) (intro.), 767.89 (title), (1), (3) (intro.) and (a), (3m) (a) and (b), and (4) (a) 1. c., 769.316 (10), 769.401 (2) (b) and (f), 803.01 (3) (b) 1., 814.61 (1) (c) 1. and (7) (c), 818.02 (6), 818.05, 822.02 (4), 852.05 (4), 885.06 (1) and (2), 885.10, 891.39 (1) (b), 893.88, 895.01 (1) (am) 1., 895.4803, 905.04 (4) (g), 938.235 (4) (a) 7m., 938.299 (6) (a), (d), and (e) 5., 938.355 (4g) (a) (intro.) and (d) 1., 938.396 (2g) (g), 948.22 (7) (b) 2. and (bm), 948.31 (1) (a) 1., 977.05 (4) (i) 7., and 977.08 (2) (h).

(b) In the statutes indicated, replace "father," "fathers," or "father's" with "parent," "parents," or "parent's": ss. 48.025 (5) (a) (intro.), 48.42 (2) (b) 3. and (bm) 2., (2m) (a), and (4) (b) 3., 48.422 (6) (b), 48.432 (1) (am) 2. a., 48.837 (4) (e), 48.91 (2), 48.913 (1) (h), (4), and (7), 49.90 (11), 767.83 (2m), 767.84 (1) (b) 3. and (1m), 767.893 (2) (a) and (b) (intro.), (2m) (c), and (3) (intro.), 769.201 (1m) (gm), and 769.401 (2) (c), (d), and (e).

(c) In the statutes indicated, replace "mother," "mothers," or "mother's" with "parent," "parents," or "parent's": ss. 48.01 (1) (a), (am), (ap), (bm), (br), and (h), 48.02 (1) (am) and (17m), 48.06 (1) (a) 3., 48.067 (1), (2), (3), (4), and (8), 48.069 (1) (a) and (c), 48.07 (4), 48.08 (1) and (3), 48.133, 48.135 (title), (1), and (2), 48.14 (5),

48.15, 48.185 (1) (a) and (b), subch. IV (title) of ch. 48, 48.19 (1) (d) 8., 48.193 (title), (1) (intro.) and (d) 1., 2., and 3., and (2), 48.20 (4m), 48.203 (title), (1), (2), (3), (6) (b) and (c), and (7), 48.205 (title) and (2), 48.207 (title), (1m) (intro.), (a), (c), (d), and (e), and (2) (b), 48.21 (3) (title), (ag), and (b) and (7), 48.213 (title), (1) (a), (2), (3), (4), (4m), and (5), 48.217 (title), (1) (a), (b) 1. b., and (c) 3., (2) (a), and (2m) (a) and (b) 2., 48.23 (2m) (title), (a), and (c) and (4) (b), 48.235 (3) (b) 1. and (4m) (a) 3m., 48.24 (1m), (2) (a), (2m) (a) 6., and (5), 48.243 (1) (intro.), (3), and (4), 48.245 (1) (c) and (2) (a) 1., 2., 3., and 4. and (c), 48.25 (1), 48.255 (1m) (intro.), (b), (bm), (c), and (e), 48.263 (1), 48.27 (1), (3) (a) 1., (4) (b) 1., and (8), 48.275 (1) and (2) (a), (b), (c), and (cg) (intro.), 48.29 (1), 48.293 (2), 48.295 (1c), (1g), (2), and (3), 48.297 (4) and (5), 48.299 (1) (b) and (4) (b), 48.30 (1), (3), (6) (a), (7), and (8) (a) and (c), 48.305, 48.31 (2), (4), and (7) (a), 48.315 (1) (a) and (f), 48.32 (1) (am), (2) (a) and (c), (3), (5) (intro.), and (6), 48.33 (1) (a), (b), (c), (d), and (f), 48.345 (3) (cm), 48.347 (1), (2), (3) (intro.) and (a), (4) (a), and (5) (a) and (b), 48.35 (1) (b) (intro.) and 1., 48.355 (2) (a), (b) 1., 1m., and 7., and (d), (2m), (5), and (7), 48.356 (2), 48.357 (title), (1) (a) and (am) 1. b. and 2. c., (2) (a) 1. and (b) 1. and 2., and (2m) (a) 1. and (b) 2., 48.36 (2), 48.361 (2) (b) 1m. and (c), 48.362 (4) (a) and (c), 48.363 (1) (a) and (b), 48.365 (1m), (2), (2g) (a), (2m) (b), and (5) (a), 48.375 (2) (c), 48.396 (1), (1b), (1d), (2) (aj) and (ap), and (5) (b), (c), and (e), 48.415 (2) (a) 2. a. and b., 48.45 (1) (am) and (b) and (1r), 48.46 (1), 48.48 (1) and (17) (a) 1., 2., and 3., 48.52 (title), (1m) (intro) and (c), and (2) (a), 48.547 (1) and (3) (intro.), 48.57 (1) (a), (b), (c), and (g), 48.59 (1) and (2), 48.625 (1m), 48.63 (5) (b), 48.647 (1) (ag) (intro.), 48.78 (2) (aj) and (ap), 48.981 (3) (b) 2m.,

(bm) (intro.) and 2., (c) 2m. a. and b., 3., 5., 6m., and 7., and (d) 1., (4) (a) 4., and (7) (a) 3m., 4., and 5., and 938.34 (3) (cm).

(2) LEGISLATIVE INTENT. The legislature intends this act to harmonize the language of the Wisconsin statutes relating to marriage and the determination of parentage with the provision of s. 990.001 (2), which specifies that words importing one gender extend and may be applied to any gender. The legislature intends that by amending the statutes relating to marriage and the determination of parentage with respect to married couples to use gender-neutral language where appropriate so as to clarify that the same statutory rights and responsibilities apply between married persons of the same sex as between married persons of different sexes and to extend some of the presumptions of parentage to either parent, the Wisconsin statutes will be better aligned 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. To the extent language remains in Wisconsin law referring to one gender after the effective date of this subsection, the rule of construction regarding gender under s. 990.001 (2) remains applicable, and it is not the intent of the legislature, except to the extent necessary to conform to the requirements of federal law, to narrow to one gender the construction of any provision for which an application to any gender would be appropriate.

(END)