Date: November 13, 2019

To: Assembly Committee on Children and Families

From: Ken Taylor, Executive Director, Kids Forward

Subject: AB 263

Thank you for the opportunity to testify today. My name is Ken Taylor, and I am the Executive Director of Kids Forward. Kids Forward works to inspire action and promote access to opportunity for every kid, every family, and every community in Wisconsin. We are proudly pro-kid, and have been since we were founded in 1881.

I started my career in child welfare in 1994, and have worked for the state child welfare agencies in Wisconsin and Illinois. As a consultant, I worked to improve outcomes for kids in child welfare systems across the country, including in NY, PA, NV, TN and CA. There are many differences among the child welfare systems across the nation, but one thing is consistent, families matter. And if a family member, particularly a parent, wants to step forward to take care of a child, we should support that action, not make it more difficult.

The Family First Prevention Services Act was signed into law at the federal level in 2018. This is the largest reform to child welfare in the past few decades. Its goal is to support families to prevent children from entering into the child welfare system. So it is concerning to me, with the advent of Family First, and so much talk about personal responsibility, that we would be discussing a bill that makes it more difficult for parents, particularly fathers, to step forward for their children.

I have three main concerns.

First is the grounds for Termination of Parental Rights (TPR). A new standard in AB 263 is that non-payment of child support establishes abandonment, which is grounds for Termination of Parental Rights (TPR). While this might sound logical to some, it ignores the realities of many of parents, particularly low-income parents, who are involved in the child support system. The reality is that there are many factors that contribute to the non-payment of child support. In Wisconsin, according to the federal Office of Child Support Enforcement, there are arrears in child support of over $2.5 billion. Because a substantial portion of arrears payments go to the government instead of the family, some fathers who want to support their children may decide to pay the family directly instead of paying off their arrears. This decision to bypass the system to get more money in the hands of their family would, under this new standard, look like abandonment, when it is the exact opposite. This action by dads to better support their children could result, under ASB 263, in termination of their rights.

Second, the bill restricts the rights of fathers to be notified about TPR proceedings to those who have filed piece of paperwork called a “declaration of paternal interest.” This bill provides that a person who fails to file this piece of paperwork has “irrevocably consented to the termination of any parental rights.” This declaration needs to be filed at the latest within 14 days of the child’s birth. So under AB 263, unless you sign a government form, which you may not even know exists, indicating your parental interest within 2 weeks of the birth of a child, the government gets to take away your rights to be a father. Again, this bill makes it harder for fathers to step forward, and will have disproportionate impact on low-income people who are less likely to have access to legal council.

My third concern is around the affidavit process this bill allows for a father to disclaim his parental rights for a child. My concern that an affidavit process does not allow for a judge to make sure that the signer fully understands the implications of this decision, which is irrevocable after 4 days after the birth of the child. In addition, no action to invalidate the disclaimer may be commenced more than six months after the affidavit was executed. So it is possible under AB 263 that someone who signs this disclaimer without fully understanding its implications can lose their parental rights before the child is actually born, and has no recourse to change that decision.

In closing, Wisconsin should be working to support parents who want to step forward for their kids, not making it harder. AB 263 makes it harder for parents to step forward for their kids, which is why I ask you to oppose it.

Thank you.