



Community Advocates has registered against this proposal and offers these expanded comments on AB627:

- Basing a TPR on a parent's incarceration status is basing a decision solely on a condition that would be impossible for a parent to meet. It is a fundamental violation of a parent's substantive due process rights.
- This is duplicative of current law but would take away current flexibility in the process of a determination of a TPR. Courts already have broad grounds that cover incarceration, including abandonment, failure to assume parental responsibility, and not having a clean living environment. These are points of the law already being successfully used to argue for TPRs. There are already grounds for incarceration to be a reason for TPR, and this bill would take away courts' flexibility to use those grounds.
- There is a court case 2006 WI 93 (alternative cite: 293Wis.2D 530) that says a TPR cannot be based solely on incarceration. This would be in conflict with that.
- A TPR based on incarceration status would be a punishment above and beyond the intent of a court's sentence.
- The adoption system is already over-burdened and not needing further stress.