

February 2, 2022



Testimony of ACLU of Wisconsin  
Opposed to Senate Bill 595  
Senate Committee on Human Services Children and Families

Chair Jacque and Members of the Committee:

Thank you for the opportunity to provide testimony in opposing Senate Bill 595, termination of parental rights in cases of parental incarceration. The ACLU of Wisconsin does not support this bill. Terminating the parental rights is cruel, inhumane and traumatizing to children and their families.

Parents have a constitutional right to a relationship with their children. An automatic termination based solely on incarceration would violate that right as the Wisconsin Supreme Court has recognized in *re Termin. Parental Rights of Max G.W.*, 2006 WI 93, 293 Wis. 2d 530.

A parent's rights cannot and should not be terminated absent serious actions against the child, such as abandonment, abuse or willful neglect. Committing a crime does not mean abandonment of that right. Determinations should be made based on specific facts of the case and the best interest of the child, not as a means to add punishment for an already incarcerated parent.

In Wisconsin more than 2 million children have a parent in prison or jail. For a parent who is incarcerated, having to be separated from their child is one of the toughest collateral consequences of having a conviction for both child and parent. A parent's rights to their children is one of the most important ones they have. This bill targets black and brown children and their parents with Wisconsin being an outlier with the highest black incarceration rate in the country

Instead, we need to come together and focus on how we can keep these families together and for children to have regular access to see and talk with their parents. Parents who are supported and able to maintain their relationship with their children thrive and have less recidivism. We are asking you to not vote in favor of this legislation.