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# BARBARA DITTRICH

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STATE REPRESENTATIVE • 38<sup>th</sup> ASSEMBLY DISTRICT

February 2, 2022

## **Senate Committee on Human Services, Children and Families**

### **Rep. Dittrich Testimony on SB 595 – terminating parental rights based on the parent's incarceration**

Thank you Chairman Jacque and members of the Senate Committee on Human Services, Children and Families for holding a public hearing on Senate Bill 595. I will be testifying today on Senate Bill 595 as amended with Senate Substitute Amendment 1, which was the result of many conversations between members of the Assembly Committee on Family Law and stakeholders.

This legislation creates a new ground for termination of parental rights based upon parental incarceration status. Under this bill in its amended form, the child must be 14 years old or younger AND the parent must be incarcerated the majority of the child's remaining years as a minor, the parent cannot be eligible for earned early release programs upon conviction, and there can be no appeal pending for the parent under the bill for the newly established ground to be relevant in the case. Finally, this bill only applies if the parent has failed to maintain any semblance of a parental relationship with the child.

Most importantly the court has to have already found the child to be in need of protection or services and placed outside the home. The newly established ground in this bill, like most TPR grounds, does not come into consideration unless a CHIPS case has already been brought.

I encourage you all to see the intent of this proposed legislation. The goal is to more expeditiously provide permanency for a child in need. None of us here want these children languishing in uncertainty and instability longer than need be. None of us wants to increase the trauma these children face. This legislation puts the wellbeing of the child in the primary role and makes Wisconsin a more adoption and child friendly state.

Thank you for the opportunity to testify on SB 595. It is my hope the committee will move this bill through the legislative process, recognizing the necessity of it. Our children are our most precious gift. Their lives are not "throw away" and we must protect the upcoming generation if we expect our state to continue to thrive in the decades to come.



# DUEY STROEBEL

STATE SENATOR • 20<sup>TH</sup> DISTRICT

## Testimony on SB 595

*February 2, 2022*

Thank you Chairman Jacque and members of the Senate Committee on Human Services, Children and Families for holding a public hearing on Senate Bill 595. I will be testifying today on Senate Substitute Amendment 1, which was the work product of my Assembly coauthor and her colleagues in the other chamber.

The substitute amendment creates a new ground for termination of parental rights based upon parental incarceration. The juvenile court must meet five factors to terminate parental rights under the proposal. Those factors are as follows:

- 1) The parent is currently incarcerated for a crime of a sufficiently serious nature that the parent is ineligible for earned release programs,
- 2) The child is 14 or younger and a majority of the child's remaining time as a child will be spent with the parent incarcerated,
- 3) There is no appeal pending for the parent,
- 4) The parent failed to maintain a parental relationship with the child, and
- 5) The court has found the child to be in need of protection or services and placed outside the home.

This bill brings up an unpleasant subject, but our law should contemplate these unfortunate situations. Foster parents and relatives seeking to adopt a child can be stymied by an incarcerated parent. Wisconsin law has a strong presumption for the rights of a parent, which I wholeheartedly support. SB 595 creates a legal mechanism for a narrow set of cases where a child is *de facto* without a parent and a court believes is best served by terminating the parental status of a long-term incarcerated parent.

Thank you for your consideration of SB 595. I hope you will join Rep. Dittrich and me in supporting this legislation.



**TO:** Chair Jacque, Vice-Chair Ballweg, and Honorable Members of the Senate  
Committee on Human Services, Children, and Families

**FROM:** Amanda Merkwae, Legislative Advisor

**DATE:** February 2, 2022

**SUBJECT:** 2021 Senate Bill 595

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The Department of Children and Families (DCF) appreciates the dedication of legislators to issues affecting Wisconsin children and families involved in the child welfare system. DCF will be testifying in opposition to Senate Bill 595.

DCF is committed to the goal that **all** Wisconsin children and youth are safe and loved members of thriving families and communities. To support this goal, the Wisconsin child welfare system is guided by the following priorities, which are also embodied in the new federal child welfare law, the Family First Prevention Services Act, which Wisconsin was required to begin implementing in October 2021:

- **Prevention:** Child welfare increasingly focuses on preventing children from being removed from their homes by strengthening families to raise their children.
- **Relatives:** Relatives play an important part in children's lives as caregivers or ongoing supports and should be used as out-of-home placement resources whenever possible.
- **Reunification:** The primary goal is to reunify a child with their family whenever it is safe to do so.
- **Permanence:** The child welfare system strives to transition children placed in out-of-home care (OHC) safely and quickly back with their family, whenever possible, or to another permanent home.

It is through the lens of these priorities that DCF reviews legislative proposals related to Children in Need of Protection or Services (CHIPS) and Termination of Parental Rights (TPR) cases that address complex legal and programmatic issues with profound consequences to a range of children, families, and other stakeholders.

## **Terminating Parental Rights Has Monumental Consequences for Children and Families**

It is important to begin with a recognition of some of the monumental interests at stake with this bill. **Termination of parental rights implicates not only a parent's fundamental liberty interest to direct the care and custody of their child under the Fourteenth Amendment but also a child's constitutional right to familial association.** To terminate parental rights—to legally sever the relationship between a child and their parent—is a profoundly significant act.

**Termination of parental rights and subsequent adoption also severs any legal relationship a child of any age has with their siblings, their aunts, their uncles, their cousins, their grandmothers, their grandfathers, and entire biological family.** They are no longer family under the eyes of the law. For tribal children, this could also mean severing ties to extended family, traditions, customs, and tribal identity. After a parent has exhausted their TPR appeal rights, the judge's order at the final dispositional phase of the case terminating those legal relationships cannot be reversed.

Since the inception of organized child protective services (CPS) systems in the United States over 150 years ago, Black and Indigenous children have been removed from their homes and families by various iterations of child protective services at significantly higher rates than white children, sometimes specifically sanctioned by the system as targeted removals. These disparities persist in Wisconsin's recent data regarding removal, the out-of-home care population, and children who are the subject of termination of parental rights proceedings.

Decades of research illuminating the effectiveness of community-based prevention efforts and the harms caused by removal and the legal severing of familial bonds culminated in Congress passing the Family First Prevention Services Act ("Family First"), signed into law by President Trump in February 2018. This bi-partisan effort incentivized states to fund evidence-based prevention efforts, curtail the use of congregate or group care for children, and reduce traumas related to removal and family separation. These changes to the Title IV-E funding structure aims to free up dollars from the deep end of the child welfare system for more upstream efforts to prevent child abuse and neglect in the first place, a policy priority of the Trump Administration's child welfare team that carries forward under the Biden Administration.

Through Wisconsin's child welfare strategic transformation and Family First implementation, underway since 2018, DCF continues to work towards a system that serves more children in-home and in family settings whenever safely possible; strengthens local communities and cross-agency collaboration for services; improves our group care settings; and supports our child welfare workforce.

**An Alternative Solution: Codifying a Parent’s Right to Counsel in CHIPS Cases for More Timely Permanency, Reduced TPR Litigation, and Protection of Due Process**

Guaranteeing the right to counsel for parents in child in need of protection or services (CHIPS) cases in Wisconsin could get at the root causes of issues SB-595 and other bills introduced this session related to the CHIPS and TPR process may intend to address: for parents—ensuring they are afforded due process and can meaningfully participate in court proceedings from the beginning of a case, reducing TPR litigation at the trial and appellate levels. For children—lessening the time spent in out-of-home care before achieving permanency.

The bipartisan legislation signed into law by Governor Walker, 2017 Wisconsin Act 253 repealed a statutory prohibition on appointing counsel for a parent in a CHIPS proceeding and created a pilot program in five counties (Brown, Outagamie, Racine, Kenosha, and Winnebago) to provide counsel to parents in CHIPS proceedings. In a preliminary review of data illustrating the impact of the pilot since its inception in July 2018—even when accounting for the tremendous impact the pandemic has had on court operations—the pilot is a success. Three goals of the child welfare system as it relates to children in out-of-home care are to increase permanency, decrease children re-entering out-of-home-care after achieving permanency, and reduce the length of time that a child spends in out-of-home care. In comparing these metrics for counties included in the SPD pilot versus non-SPD pilot counties between July 1, 2018 and December 31, 2020, SPD pilot counties had a higher permanency rate for children, a lower rate of children re-entering out-of-home care, and a lower median length of time children spent in out-of-home care.

Anecdotally, SPD has noted several successes and challenges during the pilot program. Challenges have included delays in the appointments of counsel due to several factors, pushback in pilot counties from a new process, challenges navigating the advocacy on clients’ behalf, and specific challenges related to the pandemic. Successes included changes to the allegations in the petition, increased understanding of the process by parents, consent decrees instead of formal disposition orders, increased reunification, and increased placement with relatives.

In an examination of parent representation models in other states, it is clear that access to counsel for parents in CHIPS proceedings has demonstrated similar favorable results: reduced time in out-of-home placements, reduced time to final disposition, and fewer contested petitions for termination of parental rights. Moreover, advocate counsel for parents allows for earlier intervention, which increases the chances of family reunification or, at times, prevents the separation of families entirely prior to removal and entering the judicial process.

## **Senate Bill 595**

**DCF opposes SB-595**, which creates a new ground for TPR based on parental incarceration.

This bill would allow local child welfare agencies to pursue a TPR for children and youth whose parent(s) have been and/or will be incarcerated for a significant portion of the child or youth's life.

First, parental incarceration is already a factor that may be considered in a TPR, and adding a ground making parental incarceration on its own a sufficient basis to terminate parental rights could raise constitutional concerns. For example, current statute s. 48.415(6), Failure to Assume Parental Responsibility, allows local child welfare agencies to pursue TPR if the parent(s) have not had a "substantial parental relationship" with the child. Substantial parental relationship is defined as "the acceptance and exercise of significant responsibility for the daily supervision, education, protection and care of the child."

Second, the elements of the bill's new TPR ground may be unconstitutionally vague, leading to significant litigation. TPR could be proven by showing that the parent is incarcerated at the time of the fact-finding hearing and "is likely to continue to be incarcerated for a substantial period of the child's minority." In making this determination, the fact-finder "may consider whether the parent has a history of repeated incarceration." This language essentially asks the fact-finder to speculate as to whether the parent is going to re-offend and be incarcerated again in the future once they are released without outlining how one would predict whether it's likely a parent will be incarcerated for a substantial period.

SB-595 will have a disproportionate impact on families of color due to the systemic disparities in the criminal legal system. A 2020 study by the Wisconsin Court System found that Black, Native American, and Latino men are significantly more likely to receive prison sentences than their white counterparts—28 percent, 34 percent, and 19 percent more likely, respectively. Allowing for TPR on the grounds of incarceration alone, when no other abuse or neglect may have occurred with that particular parent, unnecessarily severs the connection between a child and their family and would do so at higher rates for children of color who are already disproportionately represented in the child welfare system. The ambiguous elements in this TPR ground would exacerbate this disparate impact in addition to leading to inconsistent application of the law across the state.

Finally, a significant bond and relationship may exist or can be formed between an incarcerated parent and their child. Though that parent is unable to provide daily care while incarcerated, they

are able to exercise their parental responsibility by signing necessary consent forms, maintaining contact through letters, phone calls, and visitation, and being emotionally available for their child, and the parent may reunify with their child and continue parenting them upon release.

The child welfare system frequently interacts with families that include parents who are incarcerated during the course of a CPS case. This legislation would result in an increase in TPR filings for cases in which one or both parents are incarcerated or have a prior history of incarceration. In alignment with principles embodied in Family First, passed by Congress in 2018, DCF is committed to the strategic vision of keeping children safely with their families or communities. While incarcerated, a parent is serving a sentence for a previous law violation, which rarely relates to abuse or neglect; using the incarceration as grounds for TPR doubly punishes that parent and would cause unnecessary emotional harm to the child. Increasing the amount of TPR filings will also perpetuate existing mistrust of the intention of the child welfare system as outlined in Chapter 48, making it more difficult to partner with families who may be able to safely support their children.

Thank you for the opportunity to testify about this legislation. I again thank the committee for the deep engagement on these issues and would be pleased to respond to any questions.

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made on a case-by-case basis to ensure that the courts are not unduly taking away parental rights and violating a parent's substantive due process.

## ***SB 595 Conflicts with Precedent & Constitutional Law:***

- The Wisconsin Supreme Court<sup>1</sup> has found that a TPR based on a parent's incarceration alone was unconstitutional, concluding that finding a parent "unfit solely by virtue of her status as an incarcerated person" violates not only state law, but the parent's substantive due process rights as protected by the U.S. Constitution. SB 595 therefore stands in contradiction to this Wisconsin Supreme Court decision and constitutional law.
- Senate Substitute Amendment 1 does not adequately resolve the conflict, as it still primarily considers incarceration status without significant enough regard for parenting activities or condition of the child.

## ***SB 595 Would be Harmful to Wisconsin Families:***

In conclusion, SB 595 would do nothing to help low-income parents or families. <sup>Social Support</sup> Nothing about this bill attempts to help incarcerated parents *maintain* a parental relationship with children. Rather, it would break families apart—particularly low-income families and families of color. It would create additional punishments on parents already incarcerated, and violate parents' constitutional substantive due process rights while adding additional stress to already overburdened systems. Our clients and their families matter, and our low-income parent clients and children alike deserve to have every stone unturned and carefully considered before judicially breaking the most important bond that exists.

Thank you for your consideration.

Sincerely,

Nate McClure  
Staff Attorney  
Legal Action of Wisconsin

Abigail Bar-Lev Wiley  
Legislative & Compliance Director  
Legal Action of Wisconsin

<sup>1</sup> *In Re Termination of Parental Rights to Max G.W.*, 2006 WI 93.

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# LEGAL ACTION OF WISCONSIN

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**TO:** Senate Committee on Human Services, Children and Families  
**FROM:** Nate McClure, Staff Attorney, Legal Action of Wisconsin; Abby Bar-Lev Wiley, Legislative Director, Legal Action of Wisconsin  
**RE:** Impact of SB 595 on Legal Action's Clients  
**DATE:** February 2, 2022

Thank you for the opportunity to testify on SB 595. My name is Nate McClure, and I am a family law attorney in the Racine office of Legal Action of Wisconsin. Legal Action is a nonprofit law firm that provides free civil legal aid to low-income people in 39 of Wisconsin's southern counties. One of our priority areas is serving low-income, domestic abuse victims with their family law needs. We have concerns that SB 595 would have severe and negative impacts on the clients we serve and their families, particularly on families of color. Although the proposed Senate Substitute Amendment 1 makes the bill narrower, it remains deeply problematic for people like our clients.

### ***SB 595 Would Disproportionately Impact Families of Color:***

- Many of our low-income clients are involved with the justice system. Some end up incarcerated for varying lengths of time, but "termination of parental rights" is a punishment far beyond any sentence that could be issued. *Unlike legal custody or placement*
- Moreover, a recent report found that one in every 36 Black adults in Wisconsin is incarcerated, which is a rate that is more than double the national average and is the highest rate in the nation.
- And children of color are already overrepresented in foster care: In 2019, 32.4% of children in Wisconsin's foster care system were Black, and 8.0% were Native American, 3 and 4 times, respectively, their share of the state population.
- Therefore, if passed, SB 595 would have a grossly disproportionate impact on Black, Native American, and children of color across the state, further exacerbating already disturbing trends.

### ***SB 595 Asks Judges to Speculate on the Future, Inviting Further Bias into the Decision:***

- By asking courts to determine whether an individual is "likely to continue to be incarcerated for a substantial period of the child's minority," the bill requires judges to speculate about future events: Any lawyer knows that past behavior does not dictate future results. The fact that someone has been incarcerated in the past does not mean that they will be incarcerated in the future, and neither is determinative of whether they are or can be a good parent to their child.
- Senate Substitute Amendment 1 instead asks the judge to consider whether "the parent has failed to maintain a parental relationship with the child," a deeply subjective analysis with plenty of opportunity for bias, given that the considerations themselves (such as "whether the person has expressed a concern for the child") are subjective and the degree of analysis may vary widely from judge to judge.

### ***SB 595 is Not Necessary & Removes Important Judicial Discretion:***

- This bill represents a solution in search of a problem. Current law already allows for a TPR finding to include elements related to incarceration, such as failure to assume parental responsibility and abandonment. *The circumstances of the incarceration*
- Terminating parental rights—and determining the nuances of a child's well-being—are among the most consequential decisions a court can make. Current law rightfully allows these decisions to be

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Senate Committee on Human Services, Children and Families

Wednesday, February 2, 2022

Senate Bill 595

Chair Jacque and members,

Thank you for the opportunity to testify on Senate Bill (SB) 595, which creates a new ground for terminating parental rights based on parental incarceration. My name is Adam Plotkin, Legislative Liaison for the State Public Defender's Office.

The SPD is authorized to provide representation for children who are the subject of a Children in Need of Protection and Services (CHIPS) as well as the parents of children in CHIPS proceedings in five counties as part of a pilot program. In addition, we provide representation statewide in Termination of Parental Rights (TPR) proceedings and for parents only in Indian Child Welfare Act (ICWA) cases.

The SPD is just over three years into a five-year pilot program that allows us to represent parents in any CHIPS case in five counties - Brown, Outagamie, Winnebago, Racine and Kenosha. So far we have made about 2750 appointments for parents in the pilot program under 2017 Act 253. The goal of providing representation for parents at the CHIPS stage is to increase the chances of success, reduce the number of termination proceedings, and increase the speed and permanency of placement.

SB 595 is part of a package of legislation that, in total, raises concerns about the impact the provisions will have on SPD clients, many of whom come from diverse backgrounds, have mental or cognitive issues, or have a history of trauma. Further, the racial disparities in the criminal justice system exist in the family law area as well. Our concern is that many of the obstacles that lead to overrepresentation of minority groups in the justice system are exacerbated by changes in this package. Many of the children who are removed from the home are older children of color who have a history of trauma and mental health or developmental issues.

To SB 595 specifically, SPD appreciates that the author heard the concerns expressed at the Assembly hearing on the bill and offered the substitute amendment that is before you today. One concern with the bill as drafted was that it would allow termination based only on the objective standard that the parent is incarcerated. This ignored the fact that many parents can continue to be interested, involved, supportive parents even while incarcerated. It also made this ground automatic - if you go to prison, your rights can be terminated. The substitute amendment adds a provision that requires a judge or jury to also find that the parent has failed to maintain a relationship with the child. This places a check on the objective nature of the original bill by inserting a subjective standard.

Another concern in the original bill was that it applied to a wide variety of crimes, many of which were non-violent, and had a vague definition of how long a prison sentence qualified to use the grounds proposed in the bill. The amendment seeks to tighten that up by limiting the types of crimes for which a conviction and term of initial confinement means this new ground could be used. A concern about the amendment language related to limiting it to the age of 14 and defining the term of incarceration as "likely to exceed 50% of the child's remaining minority" is that a similar conviction and sentence for two people would have a different impact. For example, assume a term of initial confinement of 4 years

for the same crime. This ground could not be used against a parent with a child who is 12 years old, but could be used against a parent with a 6-year old child. This unequal application raises new concerns for the substitute amendment.

Another drafting concern is Section 2 which allows for a TPR petition to be filed on a currently incarcerated parent based on this new ground. In addition to the significant workload concern, the outcome or decisions made in the criminal case may likely have been different if this ground had been in place at the time of conviction. This raises constitutional due process issues in terms of not having provided notice in the original criminal case that is now leading to termination based on this new ground.

Finally, a concern about this bill in concept has always been that a criminal case can be reversed on appeal or, even after the timeline for an appellate case has run, if new information comes to light the case could be reopened. At the same time, TPRs are permanent. Once the adjudication has happened and the appellate process has occurred, a TPR cannot be undone. SPD appreciates that the amendment adds a provision related to whether an appeal in the criminal case is pending at the time of the fact-finding hearing for the TPR. This language incentivizes the filing of appeals in criminal cases where parents may be subject to termination based on incarceration. This issue is difficult to contemplate a solution to without a process that exists in other states to reinstate biological parents' legal rights to their children.

SPD has appreciated the willingness of the author to respond to the concerns expressed about the bill. While the particular elements of the bill as amended are less concerning, there does not appear to be a need for this policy. There are currently 15 grounds that exist to use the power of the government to terminate the rights of biological parents, a process so serious that the United State Supreme Court has likened it to the civil death penalty. There are multiple grounds that exist such as failure to assume parental responsibility that could be used currently. This bill is an unnecessary additional ground that, even with the changes in the substitute amendment, creates a direct link between a criminal conviction and the fitness of a parent to maintain legal rights to their children.

Thank you again for the opportunity to speak today. Ultimately, the SPD and the other system actors want a very complicated system to work in the best interests of children but in a way that must balance the rights of parents to retain custody of their children.

Submitted by:  
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HO-CHUNK NATION LEGISLATURE  
Governing Body of the Ho-Chunk Nation

Written Comments  
SB 595  
Wisconsin State Senate  
Committee on Human Services  
February 2, 2022

Thank you, Chairman Jacque and the Committee on Human Services, for accepting the verbal and written comments from the Ho-Chunk Nation Legislature on SB 595. A bill that will have a negative impact on tribes, tribal children, and tribal families if it were to become law.

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*“The fundamental constitutional right to family integrity extends to all family members, both parents and children.” O’Donnell v. Brown, 335 F.Supp.2d 787, 820 (W.D. Mich. 2004), citing Wallis v. Spencer, 202 F.3d 1126, 1136 (9th Cir. 2000). The “right of a child to be raised and nurtured by his parents” is “fundamental. . .” Brokaw v. Mercer County, 235 F.3d 1000, 1019 (7th Cir. 2000).*

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One of the paramount purposes of the Indian Child Welfare Act (hereinafter ICWA) is to ensure “the placement of [ ] children in foster or adoptive homes or institutions which will reflect the unique values of the Indian culture.”<sup>1</sup> The ICWA’s mandate that an adoptive placement is preferred to be with members of the child’s extended family, other members of the same tribe, or other Indian families is “[t]he most important substantive requirement imposed on the state.”<sup>2</sup> It was the intent of Congress to ensure that “white, middle-class standards” not be utilized in determining whether preferred placements are suitable.<sup>3</sup> “Discriminatory standards have made it virtually impossible for most Indian couples to qualify as foster or adoptive parents, since they are based on middle-class values.”<sup>4</sup>

The importance of unique Indian social and cultural standards cannot be overemphasized – the historical lack of understanding of such standards by state courts and agencies, and the resulting effects on the populations of Indian tribes and the self identification of Indian children, is precisely why the ICWA was enacted, as “there is no resource that is more vital to the continued

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<sup>1</sup> H.R. Rep. No. 95-608, 95th Cong. 2nd Sess. 8 (1978); *see also* 25 U.S.C. § 1902.

<sup>2</sup> *Miss. Band of Choctaw Indians v. Holyfield*, 490 U.S. 30, 36 (1989).

<sup>3</sup> H.R. Rep. No. 95-1386, 95th Cong. 2nd Sess. 24 (1978).

<sup>4</sup> H.R. Rep. No. 95-608, 95th Cong. 2nd Sess. 11 (1978).

existence and integrity of Indian tribes than their children.”<sup>5</sup>

Thus, in determining the suitability of a potential home, the relevant standards must be “the prevailing social and cultural standards of the Indian community in which the parent or extended family resides or with which the parent or extended family members maintain social and cultural ties.”<sup>6</sup> This language illustrates that Congress intended agencies and state courts to look beyond just the reservation boundaries, and focus on social and cultural ties as well.

Some might question, why would this still be important of a newborn child placed for adoption at birth or even a child placed at a young age? They would not “know” they are even Indian, so why does it matter? Answer- it is of critical importance. Not only to the tribes fighting to maintain existence in the 21<sup>st</sup> Century and beyond, but to the children subjected to the negative effects brought on by removal from their communities. In fact, children adopted out of their tribal communities are highly affected by this removal- invoking trauma long after the adoption is finalized.

### **Negative Effects of Removal from Tribal Communities and Families**

In a study of Indian adoptees, startling information was discovered. Information that shows just how deep the trauma can be for these children as they reach adolescence and adulthood. Dr. Carol Locust, of the Native American Research and Training Center at the University of Arizona College of Medicine, performed in-depth research on the disorder known as “Split Feather Syndrome.” What is that exactly?

[Dr. Locust] identified unique factors of Indian children placed in non-Indian homes that created damaging effects in these children’s lives. Locust found that: Native children placed in non-Native homes were at great risk for experiencing psychological trauma leading to long-term emotional and psychological problems as adults; that the same clusters of long-term psychological problems experienced by native adult adoptees were recognizable as a syndrome; and ‘split feather’ syndrome appears to be related to a reciprocal-possessive form of belongingness unique to survivors of cultures subjected to annihilation.<sup>7</sup>

These children grow up, looking in the mirror and within their hearts, knowing that there is something “different” about them- something special. However, without their tribal community there to support them as they go through life, they are simply going through the motions.<sup>8</sup> They lack the tribal connection and cultural leaders to guide them as they

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<sup>5</sup> CALIFORNIA INDIAN LEGAL SERVICES, CALIFORNIA JUDGES BENCHGUIDE: THE INDIAN CHILD WELFARE ACT 46 (May 2010 ed.); see also 25 U.S.C. § 1901; *Miss. Band of Choctaw Indians v. Holyfield*, 490 U.S. 30, 32-37 (1989).

<sup>6</sup> 25 U.S.C. § 1915(d).

<sup>7</sup> *ICWA from the Inside Out: ‘Split Feather Syndrome,’* MINN. DEPT. OF HUMAN SERVS. (July 2005), available at [http://www.dhs.state.mn.us/main/groups/children/documents/pub/dhs16\\_180049.pdf](http://www.dhs.state.mn.us/main/groups/children/documents/pub/dhs16_180049.pdf).

<sup>8</sup>

transition through these formative years and develop their individual and tribal identity.<sup>9</sup> They lack the guidance as to how they are supposed to act as a male or female of their particular tribe. They lack the support in how to combat the feelings of loss and disconnectedness. A piece of them is missing. And a piece of the tribe is missing too.

In 2017, a group of researchers proceeded with a quantitative study of the mental health differences found within American Indian adoptee populations versus Non-Indian adoptee populations. While no difference was found between non-Indian (Caucasian) adoptees and American Indian adoptees on self-assessed depression or diagnosed depression, meaning adoptees in general experience depression, there were significant differences with regards to other areas of mental health.<sup>10</sup> American Indian adoptees were found to be more vulnerable to mental health problems within the whole adoption system generally.<sup>11</sup> Specifically, American Indian adoptees were more likely to report alcohol addiction, alcohol recovery, drug addiction, drug recovery, self-assessed eating disorder, eating disorder diagnosis, self-injury, suicidal ideation, and suicide attempts.<sup>12</sup> The study highlights that historical trauma is inherited through one's ancestors, as such American Indian "adoptees experience trauma through their lived experiences of being separated from their families and culture, a phenomenon referred to as "blood memory.""<sup>13</sup>

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Recent child and adolescent development research has said that developing cultural identity and passing down of values between generations is an important milestone for adolescence (Albert and Trommsdorff, 2014). The benefit to youth is a sense of "groundedness," which means a sense of coherence in one's self-identity (Super and Harkness, 2002; LaFromboise et al., 1993). That strong sense of self helps to foster youth well-being and may be protective for adverse mental health outcomes (Sahota, 2019). Newer research in developmental psychology has highlighted the importance of the "niche" in which a person's psychology is developed. This niche includes the entire social environment within which a child is raised, including their family, school, and community, and caring adults in all these settings, which help to shape the child's psychological development and identity. Therefore, this entire niche needs to be considered in decisions about placement and child and adolescent well-being more broadly.

Nat'l Indian Child Welfare Ass'n, *Contemporary Attachment and Bonding Research: Implications for American Indian/Alaska Native Children and their Service Providers*, available at <https://www.nicwa.org/wp-content/uploads/2020/10/Contemporary-Attachment-and-Bonding-Research-Final.pdf> (Feb. 2020).

<sup>9</sup> "Individual identify and one's tribal identity are the driving forces to empowerment and realization, but cultural identity loss leads to grief, depression, anxiety and more serious mental health problems. It is well known that these problems lead to longer term health care issues and increases morbidity and mortality." Dale Walker, MD, *Association of American Indian Physicians Disenrollment Background Paper*, available at <https://www.aaip.org/media/news/m.blog/76/disenrollment-background-papers-and-resolution> (last visited July 22, 2019).

<sup>10</sup> Ashley L. Landers, PhD et al., *American Indian and white Adoptees: Are there Mental Health Differences?* AMERICAN INDIAN AND ALASKA NATIVE MENTAL HEALTH RESEARCH (2017) at 69.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.* at 70.

## **SB 595 – Incarcerated Parent Grounds**

- **Object to Overall Bill and Amendment**

We respect those attempts made to amend this bill to lessen the numbers of families it could impact, but the reality is it will continue to have a disproportionate impact on

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**“In 2015, American Indians were incarcerated in the state at a rate of 1,421 for every 100,000 residents who are age 15 to 64 in their ethnic group, according to the Vera Institute of Justice, an independent nonprofit national research and policy organization. The rate for Blacks was 1,445 and for whites it was 210.”**

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American Indian families. American Indians represent a disproportionate rate of those incarcerated in Wisconsin. In 2013, Wisconsin had the highest rate of American Indians incarcerated in the country. And those rates do not seem to be going down.<sup>14</sup>

American Indians have a high rate of substance abuse and mental health concerns because of the historical trauma that they carry with them from years of assimilation and removals. Substance abuse that is most often self-medication to address these traumas. The incarceration numbers are additionally impacted by being unfairly targeted by law enforcement. It is not rare to see local law enforcement out in “full force” during pow-wow season or during per capita distribution times. Add on top of that implicit biases in prosecutorial discretion. A case that is plead out with a costs and fines only for a white individual can easily be probation or incarceration for an American Indian due to being impoverished and unable to pay those fines- if they even get offered a similar offer to begin with. It unfortunately does not help that this country continues to criminalize addiction.

The Indian Child Welfare Act (ICWA) requires that active efforts be provided to prevent the breakup of an Indian family. These are above and beyond reasonable efforts. Yet, over and over conditions recommended from county social workers for incarcerated parents are essentially nothing. The overarching theme is "once you get out, then we will work with you". Instead of making it easier to terminate parental rights, the system should be enhanced on the prevention side. When a parent is incarcerated, they are the easiest to locate and work with. This is an optimal time to work with them on parental safety.

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<sup>14</sup> Frank Vaisvilas, *American Indians Incarcerated at Among Highest Rates in Wisconsin, as Many as Half the Inmates in Some Jails*, GREEN BAY PRESS GAZETTE, <https://www.greenbaypressgazette.com/story/news/native-american-issues/2021/03/17/native-americans-incarcerated-among-highest-rates-wisconsin/6841084002/>.

COVID shone a light on the impossibility of moving towards termination of parental rights when reasonable or active efforts cannot be provided. Many jurisdictions were putting termination of parental rights cases on hold and are tolling time because of the lack of services provided during the pandemic. Yet counties have not provided reasonable, and certainly not active, efforts to incarcerated parents (remember “once you get out, then we will work with you”), yet moved swiftly to permanency for years. Which leads to a very important revelation- this is ultimately an unnecessary ground. TPR could still be accomplished through a continuing need for protection and services, and has for many years.

Prime evidence of this is the specific jury instruction supported by case law– 346B “Involuntary Termination of Parental Rights: Failure to Assume Parental Responsibility: Incarcerated Parent.” This jury instruction advises the jury that they can consider a variety of factors to determine whether an incarcerated parent does or does not have a substantial relationship with the child.<sup>15</sup> Further, there are numerous cases where termination of parental rights has been used successfully due to a parent failing to maintain a substantial relationship or being in incarcerated with the child continuing to need protection and services. This is without a specific ground that singles out incarcerated parents.

Important to remember in all of this, is not all parents who are incarcerated lack a parental relationship with their child. If that were the case, every single child of an incarcerated parent would be in the “system”, when in fact familial supports and delegations of authority have long been safe and acceptable forms of addressing incarceration. There are many healthy and loving parent/child relationships that are maintained even with a parent incarcerated. Yet, the State is now going to single out incarceration as a ground for

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<sup>15</sup> In determining whether an incarcerated parent has or does not have a substantial parental relationship with the child, in addition to the considerations indicated in other parts of this instruction, you may consider the following factors and all other evidence bearing on this issue:

- The reasons for the incarceration; the nature of the underlying criminal behavior; whether the parent engaged in that behavior knowing that the resultant incarceration or potential incarceration would prevent or hinder the parent from assuming his or her parental responsibilities.
- Efforts to establish a substantial parental relationship despite incarceration, including but not limited to:
  - Whether the parent offered to pay child support and the parent's financial ability or inability to do so;
  - Requests for visitation with the child and, if permitted, the success and quality of those visits;
  - Appropriate efforts to communicate with the child or with those responsible for the care and welfare of the child; whether any such efforts were prohibited or impeded by other individuals;
  - Requests or absence of requests for information relating to the child's education, health and welfare;
  - Responsiveness or lack of responsiveness of the parent to efforts, if any, of others to involve the parent in the life of the child;
  - Efforts, or lack of efforts, to enlist available, appropriate family members or friends in meeting the physical, financial and emotional needs of the child; the extent and success of any such efforts.



termination of parental rights? When incarceration disproportionately impacts those with behavioral health issues (drugs, alcohol, mental health, disabilities) and/or are minorities?

Wisconsin could do great things if it focused on helping people where they are at, ie., treatment when needed, instead of incarceration. Further, granting parents the opportunity to maintain their parental relationships with their children is of utmost importance to the Ho-Chunk Nation as we culturally do not believe in or support the permanent severance of parental ties. Guardianships are highly appropriate and successful permanency tools when addressing matters that need additional time.

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### **Conclusion**

We say it every time we present comments, but it is because it holds that much truth and meaning to tribal peoples. As such, our final words are as they should always be:

***There is nothing more important to a tribe than its children.  
They are our future,  
and they will ultimately be the links to our past.***

Thank you for taking the time to listen to how these bills will impact our tribal community. We would be happy to meet with any legislator to answer questions or elaborate on any information provided herein.



# Sokaogon Chippewa Community

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[www.sokaogonchippewa.com](http://www.sokaogonchippewa.com)



SB 595 –

The Sokaogon Chippewa Community is inherently opposed to the Termination of Parental Rights due to the U.S. government's historical use of separation of Sokaogon families. TPR based upon parental incarceration would have the potential to effect tribal communities at a disproportionate rate as compared to almost any other demographic. According to Vaisvilas (2021),

In the Forest County Jail, American Indian inmates outnumbered any other group the past five years. The Press-Gazette review found that out of the 5,277 adults incarcerated from Jan. 1, 2015 to Dec. 16, 2020, American Indians accounted for 2,726 inmates while whites accounted for 2,023.

That's 51% of the inmate population, while American Indians make up 15.4% of the population in Forest County.

Forest County is home to the Potawatomi and Sokaogon Ojibwe reservations.

As Native people, we rely heavily on extended family and community supports. When a TPR occurs, the parent's rights and the extended relatives' rights to the child are terminated and in many instances these extended relatives are positive influences. The TPR has a ripple effect throughout the family and community.

For these reasons, the Sokaogon Chippewa Community has decided to oppose SB-595 in its entirety.

Vaisvilas, F. (2021, March 17). American Indians incarcerated at among highest rates in Wisconsin, as many as half the inmates in some jails. *Green Bay Press Gazette*. Retrieved February 1, 2022, from <https://www.greenbaypressgazette.com/story/news/native-american-issues/2021/03/17/native-americans-incarcerated-among-highest-rates-wisconsin/6841084002/>

**Ga-na-waji Ga-wi-nug Way-ji-mooki-ji-wung Yi-ewe-meing-gun-a-sepii**



**Sister Pat's House**  
**A Ministry of the Casa Maria Catholic Worker**  
1131 N 21st Street, Milwaukee, WI 53233  
414-344-5745



Casa Maria has housed homeless families in the Milwaukee area since 1966. We also supply furniture, clothing, and food to those in need. Sister Pat's House was established in 2015 to provide transitional housing for mothers with CPS cases. It was started by Casa Maria as we began to realize that many children were being needlessly separated from their parents. Below are two recent examples of families we have aided.

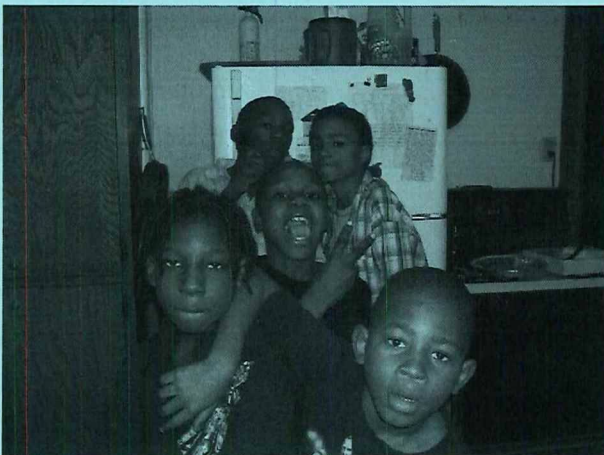
**Real-life Example I:**

An African American mother of 9 turned to the Division of Milwaukee Child Protection Services (DMCPS) for help in October 2018. Instead of aiding this mother with a security deposit or a housing voucher, DMCPS removed all 9 children. Children's Hospital received over \$10,557 each month for ongoing case management services for these kids. There was no allegation of maltreatment against this mother. She only lacked housing and asked for help.

The children faced trauma from being separated by mom, siblings, friends, cousins, aunts, uncles, and other extended family. They were forced away from their family and community to be placed in foster care with a white family in the suburbs.

Casa Maria provided housing and groceries to this mother when her children were allowed to visit. Mothers lose their social service benefits, including food stamps, while their kids are placed in foster care. Even when the kids are reunified, it takes several months before parents have their social service benefits reinstated.

Her court conditions, activities, classes, visitation, meetings, and court hearings made it challenging for her to maintain a job. Much of this trouble could have been avoided with little expense to the taxpayer if DMCPS had instead of provided this mother with a security deposit or housing voucher.



### **Real-Life Example 2:**

Another mom had her kids removed after she was shot and hospitalized. There was no allegation that she abused her kids in any way. After being discharged from the hospital, DMCPs and Children's Hospital workers stated that her kids had suffered "psychological harm" when the mother was abused by a former boyfriend. The mother met all her conditions and had received placement of 5 of her 8 children when this was written. Unfortunately, the other 3 were placed with hostile, aggressive adopters. The guardian ad litem prefers the adopters and refuses to allow Children's Hospital to change placement to the mother. This is a cruel aspect of the foster care system, which often places poor mothers and their children in impossible legal binds. In this case, as in many others, a mother is facing permanent separation from her children when there was no abuse or neglect.

### **Additional Concerns**

The child welfare system is failing to give special services to moms with low IQs, cognitive delays, or mental health disabilities. DMCPs and Children's Hospital have no long term resolution to support parents with special needs. Thousands of dollars per child each month is being paid to "support" the children within foster care, instead of finding creative solutions to support disabled parents and their children.

Sociologists Kristin Turney and Christopher Wildeman note the high number of children entering foster care and the harm it can cause. "Each year, nearly 1% of US children spend time in foster care, with 6% of US children placed in foster care at least once between their birth and 18th birthday." 10% of African Americans enter foster care before turning eighteen. Children who have been in foster care are "twice as likely to have a learning disability and 3 times as likely to have ADD or ADHD. They were also roughly twice as likely to have asthma and speech problems and 3 times as likely to have hearing problems and vision problems... they were 5 times as likely to have anxiety, 6 times as likely to have behavioral problems, and 7 times as likely to have depression." The authors note that "although some of the mental and physical health differences of children in foster care compared with other children were explained by characteristics of these children and their households, many of the differences in mental health persisted after adjusting for these child and household characteristics, suggesting possible effects of foster care placement on mental health." Their ultimate conclusion was that "foster care placement is a risk factor for health problems in childhood."\*

Thank you for your interest in this critical family issue. We encourage you to contact Casa Maria to discuss this issue further. We are always interested in building new connections in the hope of working out practical solutions.

Please email: Amada Morales at [amada.morales@yahoo.com](mailto:amada.morales@yahoo.com) (or)  
Lincoln Rice at [lincoln.rice@outlook.com](mailto:lincoln.rice@outlook.com)

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\*Kristin Turney and Christopher Wildeman, "Mental and Physical Health of Children in Foster Care," *Pediatrics* 138, no. 5 (November 2016), pp. 1-2, 5, 10, <https://pediatrics.aappublications.org/content/pediatrics/138/5/e20161118.full.pdf>

## Incarceration in Local Jails and State Prisons



### REGIONAL RANK

**3** of 7 in total incarceration

Total people...  
...locked up in Wisconsin

**393%**

7,269 people

**INCREASE**

35,835 people

1983

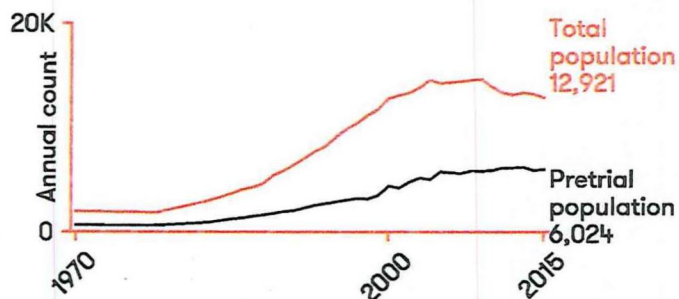
2015

Since 1970, the rate of incarceration in America has expanded more than fourfold, and the United States leads the world in locking people up. Many places in America have begun to reduce their use of prisons and jails, but progress has been uneven. Although the number of people sent to state prisons and county jails from urban areas has decreased, that number has continued to rise in many rural places. Racial disparities in incarceration remain strikingly wide. Women constitute a rising number of those behind bars.

This fact sheet provides at-a-glance information about how many people are locked up in both state prisons and county jails and shows where the state stands on a variety of metrics, so that policymakers and the public can better determine where to target reforms.

## STATE TOTALS

### JAILS



% change in jail population

SINCE 1970

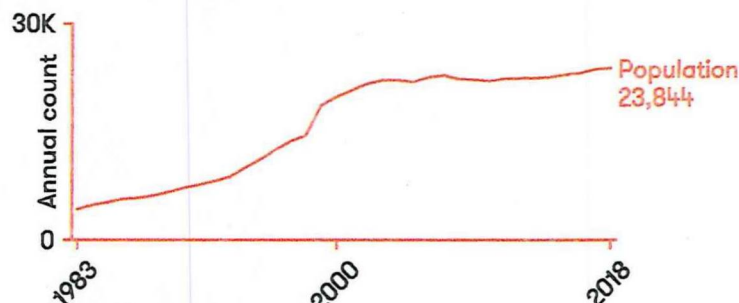
SINCE 2000

**553%** ↑

**1%** ↑

Since 1970, the total jail population has increased 553%. In 2015, pretrial detainees constituted 47% of the total jail population in Wisconsin.

### PRISONS



% change in prison population

SINCE 1983

SINCE 2000

**464%** ↑

**20%** ↑

Since 1983, the prison custody population has increased 464%. In 2018, there were 23,844 people in the Wisconsin prison system.

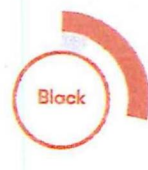
## RACE

more on pg 2 →

### JAILS

2015

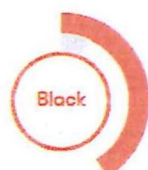
7% of state pop. | 29% of jail pop.



### PRISONS

2017

7% of state pop. | 41% of prison pop.



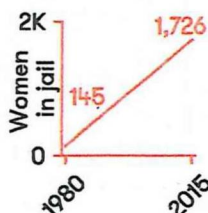
In Wisconsin, Black people constituted 7% of state residents, but 29% of people in jail and 41% of people in prison.

## GENDER

more on pg 2 →

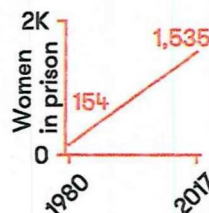
### JAILS

1,088% ↑



### PRISONS

897% ↑



Since 1980, the number of women in jail has increased 1,088%, and the number of women in prison has increased 897%.

## GEOGRAPHY

more on pg 3 →

### Top admission rates, 2015 [rate per 100K]

COUNTY	JAILS	COUNTY	PRISONS
Forest	17,312	Florence	1,227
Shawano	16,213	Sawyer	751
Menominee	15,731	Shawano	589
Sawyer	14,831	Marinette	463
Vilas	13,047	Racine	410

Incarceration is not only an urban phenomenon. In fact, on a per capita basis, the most rural places in the state often lock up the most people in jail and send the most people to prison.

## RACE AND ETHNICITY

### JAILS 2015

3% of state pop. | 1% of jail pop.



83% of state pop. | 52% of jail pop.



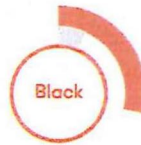
6% of state pop. | 9% of jail pop.



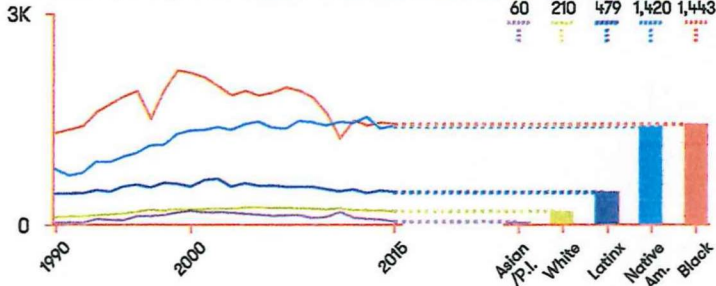
1% of state pop. | 4% of jail pop.



7% of state pop. | 29% of jail pop.



Rate per 100,000 ages 15-64



Since 1990, the Black incarceration rate has increased 10 percent. In 2015, Black people were incarcerated at 6.9 times the rate of white people, and Native American people were incarcerated at 6.8 times the rate of white people.

### PRISONS 2017

3% of state pop. | 1% of prison pop.



83% of state pop. | 46% of prison pop.



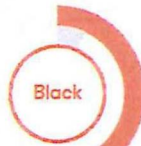
6% of state pop. | 8% of prison pop.



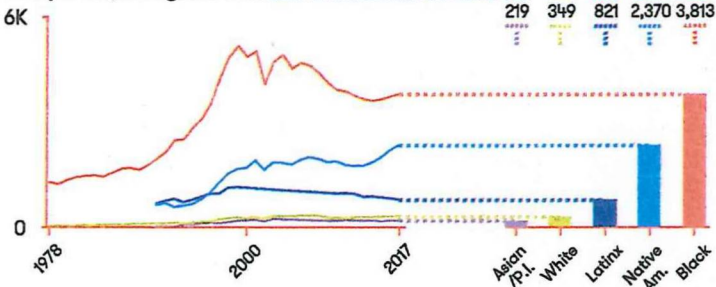
1% of state pop. | 4% of prison pop.



7% of state pop. | 41% of prison pop.



Rate per 100,000 ages 15-64



Since 1978, the Black incarceration rate has increased 193 percent. In 2017, Black people were incarcerated at 10.9 times the rate of white people, and Native American people were incarcerated at 6.8 times the rate of white people.

### NATIONAL CONTEXT

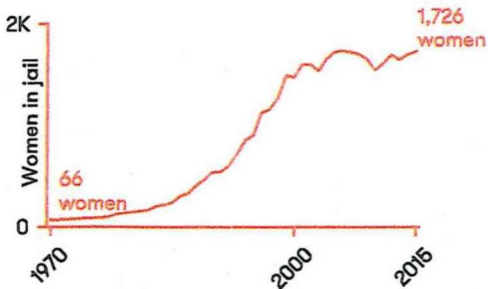
The overrepresentation of Black Americans in the justice system is well documented. Black men constitute about 13 percent of the male population, but about 35 percent of those incarcerated. One in five Black people born in 2001 is likely to be incarcerated in their lifetime, compared to one in 10 Latinx people and one in 29 white people.

Discriminatory criminal justice policies and practices at all stages of the justice process have unjustifiably disadvantaged Black people, including through disparity in the enforcement of seemingly race-neutral laws. Studies have found that Black people are more likely to be stopped by the police, detained pretrial, charged with more serious crimes, and sentenced more harshly than white people—even when controlling for things like offense severity.

Nationally, Latinx people are also overrepresented in prisons and jails, yet common data misclassification leads to distorted, lower estimates of Latinx incarceration rates and distorted, higher estimates of white incarceration rates. Smaller and inconsistent data reporting make it difficult to measure the effects of racism for incarcerated people of other racial groups.

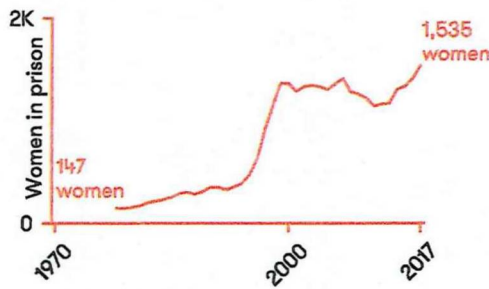
## GENDER

### JAILS



The number of women in Wisconsin's jails has increased more than 26-fold, from 66 in 1970 to 1,727 in 2015.

### PRISONS

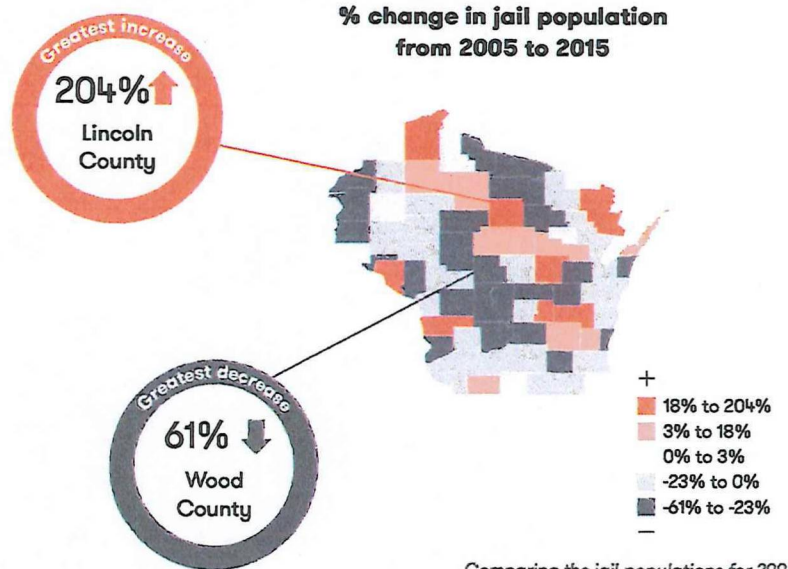


The number of women in Wisconsin's prisons has increased more than tenfold, from 147 in 1978 to 1,535 in 2017.

### NATIONAL CONTEXT

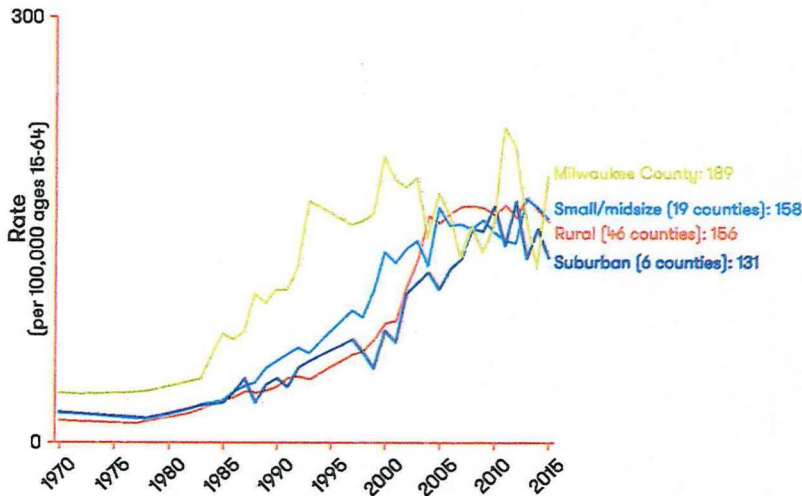
Although men's jail admissions have declined by 26 percent since 2008, women's admissions have increased both as a total number and as a proportion of all jail admissions. Women now make up almost one out of every four jail admissions, up from fewer than one in 10 in 1983. Since 1970, the number of women in U.S. jails has increased 14-fold—from fewer than 8,000 to nearly 110,000 in 2013—and women in jail now account for approximately half of all women behind bars in the country.

Statewide trends alone do not tell the whole story of incarceration: there is wide variation in the use of incarceration across the state. Today, the highest rates of prison admissions are in rural counties, and pretrial detention continues to increase in smaller counties even as it is on the decline in larger counties. It is critical to examine incarceration trends in every corner of the state, because although the largest counties may have the most people in jails—the highest rates of incarceration are in smaller cities and rural counties.



Comparing the jail populations for 2005 and 2015, counties shaded dark gray had fewer people in jail and those shaded dark red had more people in jail.

## JAILS   Pretrial population



Since 2000, the state's use of pretrial detention has taken different trajectories in different types of counties. The pretrial incarceration rate has increased 85% in the state's 46 rural counties, 65% in the state's six suburban counties, and 18% in the state's 19 small/medium counties. It has decreased 7% in the state's one urban county.

Vera's analysis of the urban-rural continuum changes the six categories defined by the National Center for Health Statistics Urban-Rural Classification Scheme for Counties to four. A county is labeled "urban" if it is one of the core counties of a metropolitan area with 1 million or more people and is labeled "suburban" if it is within the surrounding metropolitan area. Vera turns the remaining four categories into two by combining small and medium metropolitan areas ["small and midsize metro"] and micropolitan and noncore areas ["rural"].

## JAIL ADMISSIONS

2015

[TOP 10 OF 72 COUNTIES]

COUNTY	Rate (per 100K)	COUNTY	Annual count
Forest	17,312	Milwaukee	31,171
Shawano	16,213	Dane	13,401
Menominee	15,731	Brown	10,001
Sawyer	14,831	Racine	9,090
Vilas	13,047	Kenosha	7,926
Burnett	11,460	Waukesha	6,747
Ashland	11,141	Outagamie	5,909
Oneida	9,739	Rock	5,894
Langlade	9,653	Winnebago	5,515
Lincoln	9,505	Dodge	5,266

## PRISON ADMISSIONS

2015

[TOP 10 OF 72 COUNTIES]

COUNTY	Rate (per 100K)	COUNTY	Annual count
Florence	1,227	Milwaukee	2,459
Sawyer	751	Dane	544
Shawano	589	Racine	524
Marinette	463	Brown	441
Racine	410	Waukesha	434
Milwaukee	382	Kenosha	364
Forest	358	Rock	316
Kewaunee	341	Winnebago	239
Langlade	336	Outagamie	223
Lincoln	325	Washington	212

JAILS

Jail admissions

Rank	State	Rate (2015)	Rate change ('05-'15)
1	Iowa	6,216	-11%
2	<b>Wisconsin</b>	5,352	-18%
3	Missouri	5,315	-11%
4	Minnesota	5,268	-6%
5	Indiana	5,247	-24%
6	Michigan	4,680	-21%
7	Illinois	3,808	-17%



PRISONS

Prison admissions

Rank	State	Rate (2016)	Rate change ('06-'16)
1	Missouri	465	-7%
2	Illinois	299	-36%
3	Iowa	298	-11%
4	Indiana	297	-29%
5	Minnesota	223	6%
6	Michigan	192	-12%
7	<b>Wisconsin</b>	175	-24%

Jail pretrial population

Rank	State	Rate (2015)	Rate change ('05-'15)
1	Indiana	272	8%
2	Missouri	226	16%
3	<b>Wisconsin</b>	158	1%
4	Iowa	158	5%
5	Illinois	157	-19%
6	Michigan	126	-4%
7	Minnesota	111	5%

Jail sentenced population

Rank	State	Rate (2015)	Rate change ('05-'15)
1	<b>Wisconsin</b>	181	-0.2%
2	Michigan	119	-0.2%
3	Indiana	114	-0.3%
4	Minnesota	75	-0.2%
5	Illinois	64	0.5%
6	Missouri	60	-0.2%
7	Iowa	54	0.2%

Prison population

Rank	State	Rate (2018)	Rate change ('08-'18)
1	Missouri	768	0.2%
2	<b>Wisconsin</b>	637	3%
3	Indiana	620	-6%
4	Michigan	594	-18%
5	Illinois	472	-10%
6	Iowa	469	5%
7	Minnesota	279	-0.7%

Data

This fact sheet uses data from four U.S. Bureau of Justice Statistics (BJS) data series and is supplemented with data obtained directly from state governments for the more recent years for which BJS data is not yet available, when available. The Annual Survey of Jails, Census of Jails, and National Corrections Reporting Program provides data through 2016; the National Prisoner Statistics program provides data through 2017, and 2018 data is sourced from state agencies. Rates are per 100,000 residents aged 15 to 64. See *Data and Methods for Vera's State Fact Sheets*: [www.vera.org/incarceration-trends-fact-sheets-data-and-methods.pdf](http://www.vera.org/incarceration-trends-fact-sheets-data-and-methods.pdf) for complete details. County-level data is available at [trends.vera.org](http://trends.vera.org).

Acknowledgments

This series would not be possible without the excellent work of researchers at the Bureau of Justice Statistics—E. Ann Carson, Todd Minton, and Zhen Zeng—who maintain the Annual Survey of Jails, Census of Jails, National Corrections Reporting Program, and National Prisoner Statistics program. This report was designed by Paragini Amin and created by Christian Henrichson, Eital Schattner-Elmaleh, Jacob Kang-Brown, Oliver Hinds and James Wallace-Lee. This report was made possible by the support of Arnold Ventures. The views expressed in this report are those of the authors and do not necessarily reflect the views of Arnold Ventures.

Credits

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For more information

For more information, visit [www.vera.org](http://www.vera.org). For more information about this fact sheet, contact Jacob Kang-Brown, senior research associate, at [jkangbrown@vera.org](mailto:jkangbrown@vera.org).