



SHAE SORTWELL

STATE REPRESENTATIVE • 2nd ASSEMBLY DISTRICT

Hearing Testimony
Assembly Committee on Children and Families
November 1, 2023
Assembly Bill 376

Chairman Snyder and members of the Assembly Committee on Children and Families – Thank you for giving me the opportunity to testify on AB 376, relating to child support in the case of a parent convicted of sexual assault that results in conception of a child.

Wisconsin's child support program is meant to help separated parents share the financial responsibility of raising a child. Under normal circumstances, where sexual actions were consensual from both parties, it makes sense that both the mother and father contribute equally to the financial cost of raising the child.

In the event of convicted sexual assault that leads to the birth of a child, where only one party consented to the sexual activity, the criminal should bear both halves of the financial responsibility for the raising of the child. With that said, AB 376 would double child support payments in those circumstances, ensuring additional support for the victimized parent and child suffering from the traumatic event.

I appreciate the opportunity to testify on this legislation and would gladly answer any questions the committee may have.



CORY TOMCZYK

STATE SENATOR • 29TH SENATE DISTRICT

Testimony – AB 376

Assembly Committee on Children & Families
Wednesday, November 1, 2023

Unfortunately, when a child is conceived during a sexual assault, the financial burden of that pregnancy falls on the person who did not consent. If the mother makes the decision to carry the child to term, this is on top of being a single mother and having to endure the trauma of sexual assault. Raising a baby is extremely expensive when there are two incomes in a home. Raising a baby with one income or no income is almost impossible, even with child support.

This is where AB 376 could lift some of that burden off the mother and on the shoulders of a criminal. AB 376 says that if a child is conceived as a result of sexual assault, whatever the court deems to be the amount of money to be paid as child support shall be doubled. In this situation, as a person who is staunchly pro-life, I commend the mother for making the choice to continue her pregnancy to term and delivering her child. For having to face motherhood in such an unfortunate and scary situation, the criminal father should share a larger part of the cost.

On many occasions, my and others' stance on abortion has been criticized by saying that we want mothers to carry their children through birth, but then take no action to help that child once he or she is born. Well, here is a great way to support that mother who made, in my mind, the right decision and the baby who had no say in how he or she was brought into this world.

In a perfect world, there is no sexual assault and this legislation is unneeded. In a perfect world, when it does happen, the perpetrator makes or has enough money to actually pay out double child support. I know that is not always reality and that mothers who are victims of sexual assault will not all be able to collect if this bill were to be signed into law. However, this is one small way to take a stand against sexual assault and take one step forward in holding these people accountable for their heinous, disgusting actions.



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Testimony / Assembly Bill 376: child support in the case of a parent convicted of sexual assault that results in conception of a child
Assembly Committee on Children and Families
By Matt Sande, Director of Legislation, Pro-Life Wisconsin

November 1, 2023

Good afternoon, Chairman Snyder and Committee members. My name is Matt Sande and I serve as director of legislation for Pro-Life Wisconsin. Thank you for this opportunity to express our thoughts on Assembly Bill (AB) 376, legislation that would expressly permit certain individuals to file an action for child support for a child conceived and born because of a sexual assault, even if the parental rights of the perpetrator have been terminated.

Pro-Life Wisconsin supports the conceptual thrust of this legislation, that perpetrators of sexual violence financially support the children they bring into the world through their abhorrent behavior if victims seek such support. But we are requesting an amendment that would ensure that the perpetrator, who may willingly assent to paying child support, may not also attempt to gain custody of or visitation rights with the minor child. He may argue that because he is paying child support, he has these attendant rights. **The proposed amendment would require the automatic termination of parental rights of anyone convicted of a sexual assault that results in the conception and birth of a child and whose paternity has been established.**

The protection of minor children is of paramount concern here. Children should not be in physical proximity to sexual offenders, period. Once the child is an adult, he or she may seek to establish contact with, or even develop a relationship with, the biological parent who committed the assault. Pro-Life Wisconsin believes in the possibility of reconciliation, but again, the protection of the minor child must take precedence. The bill's author, Representative Sortwell, has expressed his support for such an amendment.

In sum, Pro-Life Wisconsin believes that rapists should 1) have their parental rights automatically terminated if the rape results in the birth of a child and 2) pay enhanced child support if sought by anyone who may legally commence a court action for support. We remain hopeful that we can lend our assistance to this important legislation if amended.

Thank you for your consideration, and I am happy to answer any questions committee members may have for me.



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**TESTIMONY FOR INFORMATION ONLY FOR ASSEMBLY BILL 376
ASSEMBLY COMMITTEE ON CHILDREN AND FAMILIES
WEDNESDAY, NOVEMBER 1, 2023
JULAIN K. APPLING, PRESIDENT**

Thank you, Chairman Snyder and committee members, for the opportunity to testify on Assembly Bill 376. I am Julaine Appling, president of Wisconsin Family Action. I am testifying today for information purposes only regarding Assembly Bill 376.

Without question fatherlessness is a serious problem in our state and across the country. The CDC reports that in 2021 right at 37 percent of babies born that year in our state were born to single women.¹ The Wisconsin Department of Health Services reports that in 2021, 61,814 births happened in our state.² That means that in just that one year, nearly 23,000 babies were born without a father actively involved.

Research continues to show that households without fathers are four times more likely to live below the poverty line, and children in these homes are two times more likely to drop out of school. Fatherless girls are seven times more likely to become pregnant as a teen.³ The list of pathologies due to fatherlessness is long.

In general, we believe we need to do everything we can in law to encourage men to be present in the lives of their children and to financially support their upbringing. What must also be said is that generally, we also believe we must do what we can to discourage men from fathering children outside of marriage.

But this bill deals with a unique situation—conception that occurs as a result of sexual assault. Current state law pretty much mandates child support by the father of the child, but the presumption in the current law is that the pregnancy is not the result of sexual assault.

Sadly, the number of women who are being raped and the numbers of children who are a product of rape continues to grow. The total number of rapes reported in Wisconsin has grown by over 70% from 2014 to 2020. [2] [3] While the exact number of pregnancies that happened as a result of these rapes is hard to determine, surely that number is growing significantly, as well.

We believe the intention of this bill is good—holding fathers of children conceived in rape responsible to the mother for much of the cost of raising that child and allowing the victim of the rape to file an action and then receive double the amount of child support if the father has been convicted of this crime. Those funds will be especially needed if the father is in prison and not likely to ever be responsible for his child.

However, we do see situations where the father in these situations could come back at a later date and seek some type of involvement in the child's life—visitation, custody, etc. Therefore, we propose that the bill be amended to require automatic termination of parental rights of anyone convicted of a sexual assault that results in the conception and birth of a child if paternity has been established. Such an amendment will negate any visitation rights or custody. Children should obviously be shielded from sex offenders, and the women victimized should not be put in situations that would require that she be defending her and her child in court. If this bill is amended as I've noted, then we will fully support the bill.

¹<https://www.cdc.gov/nchs/pressroom/sosmap/unmarried/unmarried.htm>

²<https://www.dhs.wisconsin.gov/wish/birth/data.htm>

³[NFI FatherAbsenceInfoGraphic \(hubspotusercontent-na1.net\)](https://www.nfi.org/FatherAbsenceInfoGraphic)