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CLERK OF SUPREME COURT  
OF WISCONSIN

WISCONSIN CATHOLIC CONFERENCE

TO: Supreme Court of Wisconsin

FROM: Kim Vercauteren, Executive Director, Wisconsin Catholic Conference

DATE: December 30, 2021

RE: Petition to Amend Wis. Stats. secs. 48.299 and 938.299 Regulating the Use of Restraints on Children in Juvenile Court

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On behalf of the Wisconsin Catholic Conference (WCC), the public policy of the bishops of Wisconsin, I am writing in support of the proposed rule to amend Wisconsin State Statutes secs. 48.299 and 938.299, which govern the shackling of children.

Catholic teaching holds that, in every place and in every circumstance, the right to life and dignity of every human person is to be protected. Human life and dignity do not depend on our age, utility, or our good behavior.

For this reason, we strongly support the proposed rule to prevent children from being shackled in the courtroom, unless there are serious security risks.

Shackling children on a routine basis is dehumanizing. While a young brain is still being formed, it is essential that adults utilize age-appropriate means to ensure that children become healthy, well-integrated, and responsible adults. In many instances, children appearing in court have already experienced serious trauma and psychological harm. Shackling further degrades and humiliates them.

In 2011, Wisconsin enacted a law that protects all students, both with and without disabilities, by prohibiting the use of physical restraint or seclusion in schools, except in circumstances where a student's behavior presents a clear, present, and imminent risk to the physical safety of the student or others. Thus, for the past decade, Wisconsin's education system has recognized the impact that undue restraint has upon children. It is therefore vital that similar consideration and protection be provided to children within our justice system.

Thank you for the opportunity to comment on this rule and we strongly urge you to adopt it.