



STATE REPRESENTATIVE

JESSE JAMES

Thank you, Chairwoman Magnafici, and other committee members for taking time and listening to my testimony today on AB 651. I want to thank Senator Joan Ballweg for joining me, and all those who co-sponsored this legislation.

We know that our children's mental health is being tested each and every day of their lives. There are multiple factors at play ranging from school to social media to COVID-19, and with some of these factors, take the pandemic for example, children rely on adults to make decisions that dictate their lives.

Now imagine your dad or your mom leaves for work one day, you give them a hug and kiss and tell them you love them, and they head out the door. However, they won't be coming home that night. Turns out they've been arrested for a heinous crime and Lady Justice has caught up to them. Parents in our state have been charged with crimes related to the sexual assault of a minor, the manufacturing/production of child pornography, sexual exploitation of a child, using a computer to facilitate a child sex crime, exposing genitals, pubic area, or intimate parts, and exposing a child to harmful materials.

Those who choose to participate in these types of activities only have one thing on their mind, themselves. You will hear from families today who have been impacted by such heinous and gruesome acts, acts that brought forth this bill.

This legislation looks out for the best interests of our children. Why should children become victims of circumstance due to a parent who made bad choices? What child should be bullied, harassed, or treated completely different because of irresponsible actions of a parent? Why do children have to answer for the wrongs of a parent who ends up in jail or prison? What ties these children to the parent involved? Their last name.

This bill allows one petitioning parent of a minor, under the age of 14, to change the last name of their child or children, without the need to serve notice to the non-petitioning parent who has been convicted of a crime against children, homicide, felony sexual assault, and other violent Part 1 crimes.

You will hear testimony on the agonizing process and thousands of dollars families have to go through due to the nonpetitioning parent not consenting. I truly believe this legislation looks at the best interest of the children and allows them to move on with their lives.

Currently there are two other states who have similar legislation on their books, Michigan and North Carolina.

Our best legislation comes from those who have lived through experiences just like this and I want to thank Ashley and Becky for being here today to share their testimony. Please consider the children and what we can do for them as this bill moves forward. We need to look out for their best interests. Thank you!



JOAN BALLWEG

STATE SENATOR · 14TH SENATE DISTRICT

Assembly Bill 651: Allowing a Parent to Change a Minor Child's Name When the Other
Parent is Convicted of Certain Homicide or Sex Offenses
Testimony of State Senator Joan Ballweg
Assembly Committee on Family Law
December 1, 2021

Thank you, Chair Magnafici, and members of the committee for holding this public hearing.

If you are from a small town like mine, you know how much weight someone's last name can hold. It tells a story of generations past, of where your family members have worked, who they have volunteered for or what families they married into.

Similarly, unfortunately, last names can also associate you with any family scandals, as was the case of one family whose story was shared with us. A former school administrator was convicted of possession of child pornography, and his wife, due to the disruptions in her children's social lives, academic performance and mental health, tried to change their children's last name. However, she quickly found out that she would need to get their father's permission to do so.

Current law provides that a parent of a child under 14 years old may petition to change the last name of their child, so long as they show proof that the nonpetitioning parent has been informed of the request. The courts may require the consent of the nonpetitioning parent if they appear at the hearing or otherwise answer the petition.

This legislation would allow for a parent to change the last name of children under 14 if the nonpetitioning parent was convicted of certain homicide or sex offenses.

Changing a child's last name may seem like it would not make a significant difference, but it is one small step for the family to disassociate with their past trauma and productively begin to rebuild their lives.

Thank you for your consideration of this legislation, and I am happy to answer any questions.

Thank you Chairwoman and other committee members on Family Law for holding this hearing. Being able to stand before you and share my story means so much to me. Thank you for allowing me to represent all the families and innocent children affected by a crime a family member commits.

Almost two years ago my life and the life of my four beautiful little girls was flipped upside down when my now ex-husband was arrested for sex traffic a minor and production and possession of child pornography. At that time he was the superintendent in our close knit community school. Our children attended school in the district and I had established myself as a part of the community through my blog on parenting and education. When it happened I immediately pulled the girls from school for their safety. I did not want them to learn of what had happened and of course it was a prominent discussion happening all around. We secluded ourselves to our home and did not feel comfortable going outside or going anywhere. I quickly learned to not turn on the news and to avoid the radio at all costs. You never knew when a news segment would flip on covering the top stories. A good family friend's little guy actually learned of what happened because they were listening to the news on the radio in the car and he heard the name of my ex-husband and made the connection to the girls. He had just turned 7...much too young for such sensitive content to be connected to some of his very best friends. I begged my ex-husband to sign off on changing the girls last name to protect them and allow them to feel some safety and comfort in the community. I did not want anyone connecting them to the choices he made. They did not deserve that. But, when you are only concerned about yourself you do not see the importance of how a sacrifice can be what is in the best interest of your children. He adamantly refused, going so far as to state that it was my fault for choosing to stay in the community and keep them here.

Covid started a month later and so the world shut down shortly after. It was in so many different ways a blessing in disguise for us. We did not have to worry about not going out because no one was going out. The news changed its focal point from the atrocious crime to the pandemic that was happening. Our retreat from society was now something everyone was doing. The schools shut down and so it was not unusual that I had pulled the girls from school since no one was attending.

Many families who have a crime like this do not have the cloak of a pandemic to hide beyond. But I do know many families leave their community and run to a different place to "start over". In fact, after it happened I had a family reach out to me that had a similar situation happen with the father of their daughter who was doing inappropriate things with the babysitter. They had left their area and moved many states away to avoid the stigma that hung tight to them. I have family here and so many wonderful support systems in place in this community that I did not feel it would be good to flee. Plus, it would have been another big change for the girls to adjust to. It kills me to know that people feel like they need to hide or flee from crimes someone else has committed and that the family becomes victim to their choices.

Just days after his arrest, I had filed for divorce and learned the hard way that in WI you can't get divorced until three months has passed from the date of filing. With the court process being

slowed due to covid this actually took until the first of July to be finalized. Of course there was the dividing up and finalizing the sale of the house and what that should look like that needed to be hashed over but also what was in the best interest of the girls. We had talked many different times about how changing their last name would be a way to protect them. I did not need anyone connecting them to his choices. He hung this over my head like a carrot on a string just dangling ever so slightly out of reach. When he wanted something he would say what he wanted and end with "and then we can discuss their name change further". Of course, I knew by now this was another one of his manipulation tactics. The divorce was finalized with me being awarded full physical and legal custody of our four young girls. The judge also asked if I wanted to change my last name. I told him until I was able to get my girls last name changed I did not feel it was right to change mine. I wanted to make sure I was the same as them as I am their sole person in life. He made sure to put it in the notes that I could change mine legally at any time. The zoom divorce hearing commenced and I felt a surge of relief as I knew my girls were safe with me and that I could now make the choices in their best interest. They had been my world since before they even physically entered our world. I immediately wanted to change their last name so that they could begin to adjust to the new name and use it in our community as a way to distance themselves from what had happened and I thought for sure it was now possible since I had full legal custody.

And yet again I was faced with another roadblock. Somehow changing their last name LEGALLY was still not allowed when you had full legal custody.

I had been learning to navigate the Federal criminal system which I knew nothing of previously. I had to find out much of the news about Dan's case at the same time as everyone else from media outlets as it was plastered all over TV and newspaper articles each time. Often I would be told that little developments in similar cases never made the news so they didn't think it would in this case...but each time it did. The new channels had alerts set for any updates since his position in the community made this big developing news. For that same reason I had to homeschool them last year as I did not feel it was safe to put them in school when he would not allow their last names to be changed to protect them.

It is true for a long time Covid was my way of hiding but now after a while I needed to get us all back out into the world we live in and feel confident doing so.

As the summer going into the next school year approached I knew how important it was to my girls that they go back to school and be with their peers. Being an educator myself, I didn't want to take all those experiences away from them and I wanted them to have the best elementary school experience. In all honesty though the thought of it made my heart jump to my throat. Although I begged him to allow the name change to happen, he would not concede. I talked with the administrators, teachers, bus drivers, and everyone that would be connected to the girls at school and they agreed that as long as it wasn't a legal document we could use a different last name. It would not be able to be changed on any legal documents (which included mail, report cards, doctor records, etc.) My fear would be that someone would hear the name Daniel Peggs on the news and connect that to the last name of the girl in their classroom. I worried that dinner

talk conversations would involve his case and little ones are always listening closely...they would connect the dots. I worried that they would get a little older and google their last name and learn before they were ready what had transpired. I did not want them to be bullied, teased, or harassed for the things that their father had done. I wanted them to experience the innocence of a wonderful childhood that they so rightly deserved. The school district has been wonderful but of course there still have been many hiccups and things I needed to address where the last name Peggs was used around classmates. They were doing everything they could to protect the girls but without it legally being changed it was a bit of a mess to say the least. I will be honest many days I couldn't even tell you which name I should or did use for myself and so as you can imagine it was complicated and confusing for young children.

In September, I was served papers because my ex was now fighting me for in-person visitation rights with the girls and also stating I was trying to change their last name without his consent. One of the girls had mailed him a picture she colored and it had her other name on it. He is now going to try to use this against me in court. The girls do not even want to do the legally required 30 minute Facetime once a week let alone actually be in the same space as him. The anxiety is clear for them and it breaks my heart each week to have to have them relive this trauma. They were not quite 1, 3, 5, and 7 when he left and so they have little to no memory of him and do not feel connected to him. They have watched their mom crumble and pick herself back up again from the choices he made. Their worlds have been turned upside down as he was the sole provider and we were forced to move to start over again. We had just moved when he became Superintendent not too many months before this. They had quickly adjusted to this new house and had made best friends across the street. This was all pulled out from under them and yet another drastic change they were forced into due to his choices. Sadly they have now been diagnosed as having PTSD from the situation that occurred due to their father's choices and see an amazing counselor twice a week to help them deal with the emotional repercussions that followed.

And in truth the battle isn't over. The trauma hasn't ended for them and it won't for some time and much of that is completely out of our control. Part of that trauma and uncertainty is linked to their last name.

Thankfully a wonderful attorney had taken on my case with the name change pro-bono and we had been working diligently to get this on the docket and at least allow ourselves to safely disconnect ourselves from him in this way. I can't imagine the amount of money I would have spent trying to get this to happen if this wonderful gentleman hadn't felt compelled to help me. I am beyond grateful to him. I can't imagine trying to do this on my own. My ex has avoided being served papers numerous times at his house and at his work. Each child needed documents filed and fees paid to file each one. We have requested that it not become public that we are requesting a name change because we do not want them tied to anymore news than they already have been. As of right now we are at a standstill until February to go further with this in court. It is a fight I am anxious about and I dread having to be in court again with this man who has for so many years twisted things to be my fault. I have endured enough emotional abuse from him that I do not want to subject myself to any more of the stories he will twist and the lies

he will weave. The court granted me full legal and physical custody for a reason and with that I should be entitled to make the choices I feel is in their best interest to protect them. I am struggling that this is even a fight that we are battling. But now I might stand in court and "prove" why it is important for their health and safety that their name be changed.

I thought for sure something that this would have been so simple to do since I was their legal 100% full LEGAL guardian. Yet, here we stand with him being sentenced tomorrow. Tomorrow I will learn if I will be spending the next 16 years trying to protect my own children from their flesh and blood. It is a decision that is completely out of my control and has been looming for almost 2 years. I made the choice to take my children out of town for the week or more to let the news die down and to keep them safe. We are innocent victims to his crimes and yet every place we turn we do not seem to have any control over our own lives and must try to pick up the mess he left behind.

Please take some time to consider this bill and how it can protect innocent children from becoming further affected by the crime a parent commits. Allow them to grow in a safe, innocent environment where we can preserve their childhood and keep it from being contaminated from the toxic choices of others.

I thank you again for your time and at this time I am open for any questions.