

PRESS RELEASE
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Pregnant Woman Files Civil Rights Lawsuit Against State of Wisconsin Challenging Wisconsin Law That Permits Jailing Pregnant Women Who Seek Medical Help

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(Madison, WI) National Advocates for Pregnant Women (NAPW), the Carr Center for Reproductive Justice at New York University School of Law, and the Perkins Coie law firm in Madison, Wisconsin [filed a civil rights lawsuit](#) in federal court on behalf of Tamara Loertscher against the Wisconsin Department of Children and Families and the Wisconsin Attorney General. The suit challenges a Wisconsin law that allows the state to seize control of women, detain them in jail or locked facilities, and subject them to numerous other deprivations of their civil rights if they are pregnant and use – or even admit to past use of – alcohol or a controlled substance.

Ms. Loertscher, the plaintiff in the lawsuit, is a Wisconsin woman who had no health insurance and could not afford treatment for her severe hypothyroidism. When she realized she might be pregnant, she went to a hospital with the hope that health care professionals could treat her hypothyroidism and provide her with alternatives to the controlled substances she used for a short time to self-medicate for the depression and lethargy associated with this serious medical problem. But hospital staff focused on her past drug use and disclosed Ms. Loertscher's confidential medical information to state authorities, under the Wisconsin law challenged in this action. As a result, court hearings about her life, health, and freedom were held at which a lawyer was assigned to represent her 14-week fetus, but she had no legal representation. A court then issued an order detaining her and another sending her to jail, where she was denied prenatal care and held for a time in solitary confinement – all in the name of protecting her “unborn child.” This same law was used last year to detain another pregnant woman, [Alicia Beltran](#).

As the lawsuit explains, this law, which gives the state power over pregnant women from the moment they become pregnant, [endangers maternal, fetal, and child health](#) and violates pregnant women's liberty, medical privacy and decision-making, and other constitutional rights.

Ms. Loertscher said, “I was trying to do the right thing to take care of my pregnancy. I was really sick when I went to get help, but I feel like asking for help just made everything worse.”

In addition to jailing her, a Wisconsin child welfare agency also made a finding that while still pregnant Ms. Loertscher had committed “unborn child abuse.” If upheld, this

finding would prevent Ms. Loertscher from obtaining employment in her field as a nurse's aide or pursuing any other work in health care, education, or childcare.

Sara Ainsworth, Director of Legal Advocacy at NAPW, said, "Ms. Loertscher's experience reflects how profoundly this Wisconsin law disrespects pregnant women." Ms. Ainsworth added, "This law is bad for pregnant women and bad for babies, and it demonstrates why there should be no role for coercive, punitive state action in the provision of prenatal health care."

For more information, a recording of a December 11th, 2014 media teleconference about the case with Ms. Loertscher, Ms. Ainsworth, and Dr. Mishka Terplan is [available here](#).

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