



Birth Cost Recovery Update August 15, 2018

Hello Partners,

As you know, ABC for Health is engaged in a process to review **the Birth Tax** (aka Birth Cost Recovery) policies in Wisconsin. Last summer, you expressed interest in partnering with us on BCR policy change. This email serves as an update on our progress and an opportunity for further partner engagement.

Meetings and communications: We generally meet weekly to discuss issues and casework. Client confidentiality issues prevent us from inviting participants to certain meetings. If you are interested in updates and occasional attendance at meetings directed at policy issues only, please contact Staff Attorney Polly Shoemaker (pshoemaker@safetyweb.org). We will also continue to send periodic updates.

New DCF Rules: Since our last update, new regulations emerged related to review of family living and support arrangements. As is relevant to our efforts, effective July 1, 2018, the Department of Children and Families amended Wis. Adm. Code DCF § 150.05 to state that recovery of birth costs is inappropriate in cases where the alleged father is a member of an intact family that includes the mother and subject child, and the father's income, if any, contributes to the support of the child. As you may recall, ABC for Health's Managing Attorney Rich Lavigne participated in the committee that reviewed these rules and recommended changes. While this change does not protect families to the extent that we would like, it is a step in the right direction. We will continue to advocate for progress on this issue when the next review committee commences.

Legal Services: In light of the new rules, ABC for Health provided legal representation for two families in birth cost recovery proceedings in Dane County Circuit Court. We also communicated with other families seeking information.

Meetings with Dane County policymakers and staff: We communicated with Dane County's Economic Support (ES) staff to gather information about the ES referral process to child support. We expect Dane County Child Support to follow state regulations and stop attempts to recover birth costs from intact families. However, we remain concerned about the flawed referral process and the inadequate steps taken by the county to review the birth cost recovery policy's impact on racial and ethnic birth outcomes disparities. We will meet with staff from the Dane County



Corporation Counsel's office on Tuesday, August 21, to discuss the county's efforts to address these concerns and future efforts in this area.

Media Outreach: Two recent news articles discussed ABC for Health's efforts regarding birth cost recovery. Reporter David Wahlberg's July 23 [article in the Wisconsin State Journal](#) highlighted birth outcome disparities and our Pulse Reporter on the impact of birth cost recovery. On August 5, a Racine Journal Times [editorial](#) advocated ending birth cost recovery because of the impact on infant mortality. In addition, Attorney Rich Lavigne is working on an article aimed at attorneys who may run across birth cost recovery issues with their clients for *Wisconsin Lawyer*, the State Bar of Wisconsin's periodical.

Funding update: ABC for Health secured a small grant from the Evjue Foundation to assist families facing birth cost recovery in Dane County. We will continue to explore other funding and partnership opportunities to support our advocacy work on birth cost recovery and birth outcomes disparities.

We look forward to a continued partnership and any involvement your organization is interested in offering. Please email Polly if you have any recommendations for future projects or any contacts you think would be beneficial to reach out to.

Thank you,

Polly Shoemaker
ABC for Health, Inc.