



## Birth Cost Recovery Update

### February 4, 2019

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. In the past, 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.

**Legal Services:** ABC for Health is partnering with attorneys from [Quarles & Brady](#)'s Madison and Milwaukee offices to provide pro bono representation of clients facing birth cost recovery judgments. Partners should continue to refer potential clients to ABC for Health; we will conduct an initial intake and refer appropriate cases to Quarles & Brady attorneys for further evaluation. Potential clients are welcome to call us directly or complete our online intake at <https://safetyweb.org/intake.html>.

**New DCF Rules in Practice:** In our last update, we reported that new regulations effective July 2018 indicate that recovery of birth costs is inappropriate where the alleged father is a member of an intact family that includes the mother and subject child, and where the father's income, if any, contributes to the support of the child. When we met with Dane County policymakers and leaders of the county Child Support Office in August, they noted that the state had been providing training on the new rules (which also include changes to child support calculations), but that many of their own questions remained unanswered.

We shared our concerns about the flawed referral process and inadequate review of the policy's impact on families of color. We also requested any statistics or tracking data the county might be able to provide on the number of families who would previously have been subject to a birth cost judgment and who would now instead be considered intact for BCR purposes. Our understanding from the meeting was that the county did not intend to collect this data to assess the new policy's impact on the families it serves.

While we hope that the Department of Children and Families has resolved many of the early questions on implementation of the new policy and has improved its training, our experience in assisting families over the past few months has indicated that child support agencies may not fully understand or consistently apply the changes to the regulations to the families they serve. We will continue to address this issue with county leaders and urge the county to track BCR data on the families it serves. We will also continue to advocate for further protection of families at the next child support review committee meeting.



**Legislative Council Study Committee:** The Legislative Council has formed a study committee to review the standards under current law for determining periods of physical placement and child support obligations. Among other topics relating to custody, placement, and support, the committee may consider whether the current standard for determining child support adequately and equitably provides for the support of children and alternative models for determining child support obligations.

The next meeting for the Study Committee on Child Placement and Support is scheduled for Monday, **February 11, 2019**. Bobby Peterson will talk with the committee about the birth cost recovery program at about 11 AM. The preliminary meeting agenda is available [here](#).

Following Bobby's remarks, the committee will discuss a [proposal](#) to remove the modest change to DCF's rule limiting birth cost recovery, LRB-0976/1.

We are including links to documents that have been submitted to the committee for its consideration, as relevant to our work with birth cost recovery. These and more are also available on the Committee's website at <https://docs.legis.wisconsin.gov/misc/lc/study/2018/1785>.

- [LC Study Committee Memorandum, Description of the Birth Cost Recovery Program](#) (November 9, 2018)
- [Memorandum, Birth Cost Recovery, from Wisconsin Child Support Enforcement Association](#) (November 12, 2018)
- [Memorandum, Birth Cost Recovery Program, from the Waukesha County Corporation Counsel Child Support Division](#) (November 26, 2018)

**Media Outreach:** 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. The article is scheduled to appear in the March 2019 edition in both print and online formats.

**Funding update:** ABC for Health 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.