



October 27, 2017

SENT VIA EMAIL

Mr. Thomas Sieger
ABC for Health, Inc.
Email: tsieger@safetyweb.org

RE: Right-To-Know Law Request No. 17-RTKL-319

Dear Mr. Sieger:

On September 20, 2017, the Department of Human Services (department) received your request for information pursuant to the Pennsylvania *Right-To-Know Law, 65 P.S. §§ 67.101, et seq.* (RTKL). On September 27, 2017, an interim communication was sent to you indicating that up to an additional 30 days would be needed to respond to your request, or until October 27, 2017.

Your Request

A copy of your request is attached is referenced.

The Department's Response to Your Request

As the Office of Open Records has repeatedly noted, under the RTKL, agencies are not required to answer questions posed in RTKL requests, but only to provide public records. See 65 P.S. § 67.703, *DiPerna v. Churchill Borough*, OOR Dkt. AP 2009-0112 and *Cohen v. Pennsylvania Department of Labor and Industry*, OOR Dkt. AP 2009-0099. However, the department has responded to your questions below.

The department's current Bureau of Child Support Enforcement (BCSE) administration is not familiar with the 2010 survey you mention in your request and you did not provide it with your request. While Pennsylvania child support does pursue some portion of birthing expenses, BCSE does not have the figures of the total amount recovered in 2015. In addition, for Medical Assistance, a mother is not sanctioned for not identifying a father. An applicant or beneficiary must give information about any third-party resources that may be available to pay for medical expenses. This would include medical resources available from legally responsible relatives. Also, please note that a mother who is receiving Medical Assistance at the end of her pregnancy is eligible for continued Medical Assistance through the last day of the month in which her 60-day post-partum period ends.

Specificity

The department has attempted to adequately address your request for the documents. The RTKL requires a request be set forth with "sufficient specificity to enable the agency to ascertain which records are being requested" 65 P.S. § 67.703. If the department has misinterpreted your request, it submits that the request was not set forth with the required specificity.

Appeal Rights

You have a right to appeal this response in writing to the Executive Director, Office of Open Records (OOR), Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, Pennsylvania 17120. If you choose to file an appeal you must do so within 15 business days of the mailing date of this response.

In order to appeal, you must send to the OOR and simultaneously to me, in the same manner as the appeal is sent to the Office of Open Records (e-mail, fax, mail or hand delivery):

- 1) This response;
- 2) Your request;
- 3) The appeal form that is available on the OOR website at:
<https://www.dced.state.pa.us/public/oor/appealformgeneral.pdf>.

You must also include on the appeal form the reasons why you think the department was wrong in its response to your request and what relief or department action you are seeking. All of the above must be submitted for your appeal to be valid.

If you have additional questions related to this RTKL response, please contact me.

Sincerely,



Andrea Bankes
Agency Open Records Officer

Attachment

17-RTKL-319

3-business day DEADLINE (info due to RTKL Office from DHS office): 9/25/17

5-business day DEADLINE (info due to requester from RTKL Office): 9/27/17

PW, DPWRTKL

From: Thomas Sieger <tsieger@safetyweb.org>
Sent: Tuesday, September 19, 2017 5:10 PM
To: PW, DPWRTKL
Subject: Right to Know Law Request - Birth Cost Recovery Information

RECEIVED
16 SEP 20 A8:30
DEPUTY SECRETARY
OFFICE OF ADMINISTRATION

Dear Sir/Madam – a 2010 survey conducted by the National Council of Child Support Directors indicated that at that time, your state pursued the recovery of some portion of Medicaid supported birthing costs from non-custodial fathers. As you are aware, this practice is allowed under Title IV-D of the Social Security Act. ABC for Health, Inc. of Madison, Wisconsin is a nonprofit public interest law firm conducting a follow-up survey of Child Support Agencies within the nine states who at some level pursued birth cost recovery in 2010 to determine if state policy has changed. We are doing this via the Open Records/Freedom of Information policy among the nine individual states. We would greatly appreciate your assistance in responding to the few questions below.

1. Does your state continue to pursue recovery of MA supported birthing costs from non-custodial parents?
2. If yes, could you share the total dollars recovered for the year 2015?
3. Does your state sanction mothers on medical assistance for non-cooperation, that is failing to identify the father of their child, by revoking MA benefits after the birth?
4. If yes, could you share the total number of women sanctioned in 2015?
5. Please share your name and contact information. Would you be amenable to a quick follow-up phone call?

Thank you for your assistance and do not hesitate to contact me if you have any questions regarding this issue.

Tom Sieger
ABC for Health, Inc.
608/770-0558
tsieger@safetyweb.org