



## Advocacy & Benefits Counseling for Health, Inc.

32 North Bassett St. Madison, WI 53703-2606

P: 608.261.6939 F: 608.261.6938 [www.abcforhealth.org](http://www.abcforhealth.org)

### Birth Cost Recovery Update

June 24, 2019

Hello Partners,

ABC for Health is continuing our process of reviewing **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.

**Legislative Updates:** Current Wisconsin legislative material relating to Birth Cost Recovery include Governor Evers' 2019-2021 Budget Proposal and the introduction of 2019 Assembly Bill 103.

- **2019-2021 Budget:** In our last update in March, we noted that Governor Evers' 2019-2021 budget proposal eliminated the practice of birth cost recovery. Unfortunately, the Joint Finance Committee removed this proposal from the budget, leaving birth cost recovery intact in its current state. The Joint Finance Committee began its deliberations [using the last base budget rather than Governor Evers' proposal](#), removing many items that were not in the previous budget before discussions even began.
- **Proposal to repeal the protection for intact families:** [Current regulation](#) (DCF § 150.05(2)), while not necessarily followed appropriately by all Child Support Agencies (CSA), notes that birth cost recovery is inappropriate when fathers are part of an intact family. Rep. Robert Brooks, chair of the Legislative Study Committee on Physical Placement on Child Support Obligations, has sponsored [2019 Assembly Bill 103](#) to require the Department of Children and Families to remove language protecting intact families from birth cost recovery. All legislative members of the study committee voted in favor of this proposed legislation; however, four citizen representatives rejected the provision. The committee's final report and other documents are available at <https://docs.legis.wisconsin.gov/misc/lc/study/2018/1785>. The bill is currently before the Committee on Family Law, which held its first public hearing on June 4, 2019. We will continue to track this legislation and provide information on any hearings or other opportunities to share feedback as they become available. Please let your elected state Assembly or Senate representative know how you feel. You can also reach your legislators by calling the Legislative Hotline. In Madison, dial 266-9960. Toll-free, call 1-800-362-9472.

**Legal Services:** Please continue to identify and refer families affected/impacted by the Birth Tax. ABC for Health continues its partnership with attorneys from Quarles & Brady to provide pro bono representation of clients facing birth cost judgments. Partners should continue to refer potential clients to ABC for Health. We will conduct initial intakes and refer appropriate cases to Quarles & Brady.

**Milwaukee and Dane County Outreach:** ABC for Health continues to share our concerns regarding enforcement of birth cost recovery with Dane County officials, most recently in March 2019 letters to Dane County Executive Parisi and Milwaukee County Executive Chris Abele. ABC for Health requested



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the County Executives open up the lines of communication with us in order to share data, help identify affected families, and take proactive steps to end inequitable Birth Tax practices. We have yet to receive a response from either County Executive.

**Media Outreach: ABC for Health Inc.** Managing Attorney Rich Lavigne's article "**Medicaid Birth Cost Recovery: New Rules Affect Unmarried Parents**," appeared in the [March 2019 edition](#) of *Wisconsin Lawyer*, the state bar's periodical. The article received a strong response from Attorney Janet Nelson, Chief Legal Counsel of the Milwaukee Department of Child Support Services, to which Attorney Lavigne responded in turn. Both responses were published in the [May 2019](#) edition.

In addition, Sen. Dale Kooyenga (R-Brookfield) claimed that Gov. Ever's proposal to eliminate birth cost recovery equated to a reduction in child support during an appearance on NewsTalk 1130 WISN on April 12, 2019. A [Politifact review of this claim](#) rated it as "half true," noting that while birth cost recovery funds largely go to enforcement, not to families, a reduction in enforcement funds could indirectly reduce the amount collected from court-ordered support judgments, a point the governor's office disputes. ABC for Health disagrees with Sen. Kooyenga, noting that birth cost recovery is disproportionately assessed against low-income fathers, many of whom are already providing for their children, and that forcing fathers to pay the costs of a child's birth actually reduces money available for the direct support of the child. We will continue to address birth cost recovery myths with legislators and the public in coming months.

**Funding update:** We have recently received a grant from the Evjue Foundation, the charitable arm of the Capital Times, to provide legal and advocacy assistance to families in Dane County affected/Impacted by the Birth Tax. We will use this grant to help as many families as possible both through education and direct legal representation in the paternity judgment process.

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 updates or if you know people to add to our distributions list for this update.

Finally, July 1<sup>st</sup>, 2019 is ABC for Health's [25th Anniversary celebration](#). We invite all to visit our [open house](#) from 3:00 – 6:00 p.m. on the day of the celebration.

Thank you,

Polly Shoemaker  
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