By Supervisor Lipscomb Sr. File No. 19-###

**A RESOLUTION**

Authorizing and requesting the Milwaukee County Department of Child Support Services to review the Wisconsin Department of Children and Families Birth Costs Recovery policy to help determine the fiscal and racial equity impacts of discontinuing the practice in Milwaukee County

WHEREAS, the Wisconsin Department of Children and Families (DCF) oversees the Wisconsin Child Support Program which assists parents with obtaining court orders for financial and medical support for their children; and

WHEREAS, the Milwaukee County Department of Child Support Services (CSS), is tasked with enforcing all non-financial and financial court orders including Birth Cost Recovery (BCR); and

WHEREAS, BCR is an effort pursued by CSS at the request of DCF to recover from the father up to half the medical costs that a mother incurs in childbirth, which is allowed under Title IV-D of the Federal Social Security Act, but not required; and

WHEREAS, the Code of Federal Regulations (CFR) §433.153 authorizes incentive payments to local child support agencies equal to 15 percent of the amount collected from BCR with the remaining 85 percent returned to state and federal governments as reimbursement for the Medicaid program expenses; and

WHEREAS, in the State of Wisconsin, an unmarried, separated, or divorced woman participating in the Medicaid program and referred to CSS is required to cooperate with CSS to establish paternity unless a good cause claim is filed, or they can be denied assistance from the program according to Title IV-D rules; and

WHEREAS, ABC for Health’s HealthWatch Wisconsin Project reported the State of Wisconsin collected $106 million in BCR from 2011-2016 including $17 million in 2015; and

WHEREAS, ABC for Health also reported that Wisconsin is one of only eight states known to continue to seek BCR as of 2010; and

WHEREAS, in July 2018, DCF issued a rule to prohibit CSS from collecting birth expenses from an intact family, which is defined as a family where the mother, subject child and father are members of at the time paternity is established and the father’s income contributes to the support of the child or if subsequent children are born from the same father; and

WHEREAS, BCR disproportionately affects low income families as low income families are less likely to have access to private health insurance; and

WHEREAS, mandatory cooperation requirements with Child Support Agencies may deter or delay pregnant women from seeking medical care out of fear of identifying the father of their child(ren) and preventing a burden in their relationship(s); and

WHEREAS, the State Bar of Wisconsin reports that studies in Wisconsin validate that there is a connection between birth cost orders and reduced compliance with traditional child support obligations among fathers outside the formal employment sector and those not subject to compulsory wage garnishment; and

WHEREAS, the Centers for Disease Control (CDC) reports that the state of Wisconsin has the highest mortality rates for infants to non-Hispanic black women; and

WHEREAS, the Governor’s 2019-21 Wisconsin State Budget proposal would have repealed statutory requirements that birth costs be assessed as part of a paternity judgement or voluntary acknowledgement of paternity court order, and prevent the State from seeking reimbursement for birth expenses; and

WHEREAS, 2019 Senate Bill 350, currently pending in the State Legislature would amend the BCR administrative rules to prohibit reimbursement of BCR from a father whose income is equal to or below 150 percent of the federal poverty line; and

WHEREAS, 2019 Senate Bill 350, would further require Child Support Agencies report the amount they retain for BCR incentive payment as income rather than general purpose revenue; and

WHEREAS, Dane County’s 2020 Adopted Budget moves to eliminate BCR for new child support orders effective January 1, 2020 as an effort to alleviate the stress of the expense and combat the County’s high infant mortality rate for black infants; and

WHEREAS, on April 25, 2019, the Milwaukee County Board of Supervisors adopted File No. 19-397 to declare racism as a public health crisis and pledged to advocate for policies that improve health in communities of color; and

WHEREAS, Milwaukee County’s policy on Birth Cost Recovery should be examined to help determine the fiscal and racial equity impact it has on our community; now, therefore,

BE IT RESOLVED, the Milwaukee County Board of Supervisors authorizes and requests the Milwaukee County Department of Child Support Services to provide a report that outlines the fiscal and racial impacts of discontinuing the practice of BCR in Milwaukee County and how birth cost recovery elimination can be implemented in Milwaukee County; and

BE IT FURTHER RESOLVED, the Department of Child Support Services shall provide a written report to the Milwaukee County Board of Supervisors for consideration and possible action in the January 2020 meeting cycle.