

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

A resolution by Supervisor Lipscomb, Sr., 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, by recommending adoption of the following:

A RESOLUTION

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

WHEREAS, 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 up to half the medical costs from the father that a mother incurs in childbirth, which is allowed under Title IV-D of the Federal Social Security Act, but not required; and

WHEREAS, Section 433.153 of the Code of Federal Regulations (CFR) 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, 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 (ABC for Health) reported the State collected \$106 million in BCR from 2011 to 2016, including \$17 million in 2015; and

WHEREAS, ABC for Health also reported that the State 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

47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87

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 the State 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 has the highest mortality rates for infants to non-Hispanic black women; and

WHEREAS, the Governor's 2019-2021 Proposed State Budget 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 that 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 BCR should be examined to help determine the fiscal and racial equity impact it has on our community; and

WHEREAS, the Committee on Finance and Audit, at its meeting of December 12, 2019, recommended adoption of File No. 19-969 (vote 6-0); now, therefore,

88 BE IT RESOLVED, the Milwaukee County Board of Supervisors (County Board)
89 authorizes and requests Child Support Services (CSS) to provide a report that outlines
90 the fiscal and racial impacts of discontinuing the practice of Birth Cost Recovery (BCR)
91 in Milwaukee County (the County), and how BCR elimination can be implemented in the
92 County; and

93
94 BE IT FURTHER RESOLVED, CSS shall provide a written report to the County
95 Board for consideration and possible action in the January 2020 meeting cycle.

96
97
98 srb
99 12/12/19
100 S:\Committees\2019\Dec\F&A 121219\Resolutions\19-969 Lipscomb - Children & Families Birth Costs
101 Recovery.docx