

Birth Expense Decision Table

Policy for IV-D staff (Support Specialist [SS], Prosecuting Attorney [PA] and Friend of the Court [FOC]): IV-D staff must pursue birth expense cost repayment¹ in a Medicaid/TANF² case when the following criteria are met. Use this chart only to determine whether to request birth expense cost repayment – not whether to pursue paternity or child support. This chart is not meant to determine the **amount** of birth expense costs the non-custodial parent (NCP) will repay **or** the guideline determination of the rate of repayment.

NCP = Legal parent of the child AF = Alleged Father - not determined to be the legal parent		AT TIME OF BIRTH						
		A AF income was known or unknown, but not B through G.	B AF income was SSI or long-term disability, but did not live with mother.	C NCP income was known or unknown, but not B or D through G.	D NCP income was SSI or long-term disability, but did not live with mother.	E CP and NCP married prior to birth of child.	F CP and AF/NCP married after the birth of child.	G AF/NCP in mother's home and his income was not considered in TANF/Medicaid benefit calculation.
NOW	H NCP income is known or unknown, but not I through N.	NA	NA	Y	Y	N	N	Y
	I NCP income is verified as SSI or long-term disability.	NA	NA	N	N	N	N	N
	J AF income is known or unknown, but not K through N.	Y	Y	NA	NA	N	N	Y
	K AF income is verified as SSI or long-term disability.	N	N	NA	NA	N	N	N
	L NCP lives with mother.	NA	Y	Y	Y	N	N	Y
	M AF lives with mother.	Y	Y	Y	Y	N	N	Y
	N AF/NCP is incarcerated 10 years or less from the date of the order.	Y	Y	Y	Y	N	N	Y

The SS must generate the court action referral (CAR) with a court case type, but court case types may be changed based on PA determination. The PA may change the policy decision to pursue birth expense debt only if the PA finds the facts indicate an order to be unjust or inappropriate. "Long term" for the purposes of this document is considered 10 years or more.

¹ Regardless of IV-D staff recommendation, the court may decide to pursue or not to pursue birth expense costs.

² TANF is Temporary Assistance for Needy Families.

Birth Expense Decision Table Instructions

IV-D staff need to compare the current living situation of the parents to the living situation at the time of the birth of the child. The column headings at the top of the Birth Expense Decision Table indicate the parents' living arrangement and economic situation at the time of the birth of the child (columns "A" through "G"):

- **"A"**: The alleged father's (AF's) income may or may not be known but was not Supplemental Security Income (SSI) or long-term disability; the custodial party (CP) and the AF did not marry each other prior to or after the birth of the child; and the AF was not in the mother's home.
- **"B"**: The AF's income was SSI or long-term disability,³ and the AF did not live with the mother.
- **"C"**: The NCP's (legal father's) income may or may not be known but was not SSI or long-term disability; the CP and the NCP did not marry each other prior to or after the birth of the child; and the NCP was not in the mother's home.
- **"D"**: The NCP's income was SSI or long-term disability, and the NCP did not live with the mother.
- **"E"**: The CP and the NCP married prior to the birth of the child.
- **"F"**: The CP and the AF/NCP married after the birth of the child.
- **"G"**: The AF/NCP was in the mother's home, and the AF's/NCP's income was not used in the calculation for Medicaid or TANF benefits.

The row headings on the left side of the Birth Expense Decision Table indicate the living situation of the parents now (rows "H" through "N"):

- **"H"**: The NCP's income may or may not be known, but is not SSI or long-term disability; NCP is not living with the child's mother; and the NCP is not incarcerated 10 years or less from the date of the order.
- **"I"**: NCP's income is verified as SSI or long-term disability.
- **"J"**: The AF's income may or may not be known, but is not SSI or long-term disability; AF is not living with the child's mother; and AF is not incarcerated for 10 years or less from the date of the order.
- **"K"**: The AF's income is verified as SSI or long-term disability.
- **"L"**: The NCP lives with the child's mother.
- **"M"**: The AF lives with the child's mother.
- **"N"**: The AF/NCP is incarcerated 10 years or less from the date of the order.

The decisions on the table are made by the intersection of the "Now" (or current situation) rows on the left side with the "At Time of Birth" (or situation at the time of the birth) columns at the top of the table.

In those boxes marked "Y," birth expenses should be considered for recommendation to the court. In those boxes marked "N," birth expenses should not be considered for recommendation to the court.

³ Long-term disability includes Social Security disability benefits and programs. To qualify in this category, the IV-D worker needs to also determine that:

- The disability is medically verifiable and permanent (Note: Receipt of SSI indicates the recipient may have some level of disability, but it may not be *permanent*);
- The NCP has no known income and no assets; and
- There is evidence that the NCP cannot pay support for the duration of the child's minority: (s)he has no other benefit entitlements, no reasonable likelihood of future employment, and no pending insurance or lawsuit claims.