CENTER ON HEALTH AND FAMILIES

CHILD SUPPORT FROM CONCEPTION IN TEXAS

Promoting Integral Peripartum Maternal and Child Development via Equitable Fulfillment of Paternal Duties

WRITTEN BY
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KEY POINTS

- **To actualize childhood well-being,** children require healthy interpersonal and intrapersonal relationships and maturation of stage-specific capacities in a social ecology supported and shaped by parental human capital investment.
- **Parents lacking resources** for human capital investment reduce childhood well-being and perception self-efficacy as a parent, in turn increasing the likelihood of negative outcomes for children.
- **The economic costs** of single motherhood are burdensome during the peripartum period, when mothers must pay for products and services necessary for the health and safety of themselves and their children.
- **Fathers have a responsibility** to equitably discharge their duties toward the children. Some states have required fathers to pay child support from conception to aid in covering peripartum expenses.

INTRODUCTION: SUPPORTING CHILDHOOD WELL-BEING AND FLOURISHING IN NON-INTACT FAMILIES IN A POST-DOBBS WORLD

Childhood well-being is a multidimensional phenomenon that is dependent on both the healthy development of familial, social, intrapersonal, and interpersonal relationships and the maturation of stage-appropriate capacities that sufficiently develop personal faculties in a mode conducive to both present-stage and future-stages, given respective environments (Raghavan & Alexandrova, 2015). Translating notions of happiness from the Neo-Aristotelian philosopher Richard Kraut into child psychology and development, Raghavan and Alexandrova's definition of childhood well-being is founded upon the notion that human flourishing is "possessing, developing, and enjoying physical, cognitive, and emotional powers of human beings, at whatever level that is appropriate to their stage of development," (Raghavan & Alexandrova, 2015, p. 895; Kraut, 2009). Three discrete criteria of childhood well-being define Raghavan and Alexandrova's theory: first, that childhood capacities are developed relative to a child's developmental age as a human person; second, that well-being "is in part well-becoming," insofar as rearing of children ought to be forward-looking toward adulthood; and third, that children exist within a contingent "social ecology" that both alters developmental actualization and the nature of necessary inputs to affect developmental actualization (Raghavan & Alexandrova, 2015). Part and parcel of the social ecology that modifies an individual's childhood experience is family structure and parental perceptions of self-efficacy as a parent. On one hand, research indicates that married-couple household structures are most conducive to successful integral childhood development and non-married-couple households—especially single-mother households—are correlated (though not necessarily causative of) with greater frequency and severity of

inferior outcomes across many indicators of well-being (Wilcox et al., 2024), including educational and cognitive outcomes (Dufur et al., 2022; Cook et al., 2011; McLanahan et al., 2013), employment and income mobility in adulthood (Bloome, 2017; Nieuwenhuis et al., 2018; Morelli et al., 2022; Mooi-Reci et al., 2022), and economic and social outcomes (Wasserman, 2020; Kearney & Levine, 2017; Lerman et al., 2017). On the other hand, childhood outcomes are in part dependent upon a parent's belief in their ability to sufficiently rear children, and when parents experience negative self-perception about time, financial, and emotional investment capacity, relationships between parents and children may be marked by hostility and children may experience in inferior outcomes (Nomaguchi & Milkie, 2020; Chau & Giallo, 2015; Albanese et al., 2019).

In fact, family structure and parental self-efficacy may be related, especially in the case of single motherhood. As Atkins (2010) notes, single mothers are a vulnerable population prone to poverty, poor mental health, as well as psychosocial and socio-economic risks, that not only diminishes their capacity for human capital investment in their children, but also diminishes their perception of their self-efficacy as a mother, thereby further compacting the harm arising from insufficient human capital investment.

The fact of the economic cost of single motherhood and its associated higher frequency of inferior child outcomes has thus raised a disputed question surrounding what ought to be done to ameliorate said costs and redirect a child's developmental trajectory within a social ecology influenced by single motherhood. This disputed question has been a seemingly permanent fixture of policy debates, though the United States Supreme Court's decision in *Dobbs* v. *Jackson Women's Health Organization* (2022) marks its most recent inflection point in Texas and other states. While there exists a cornucopia of possible policy responses to the plight of single motherhood to promote integral development of mothers and children, one possible—and necessary—response is a requirement that fathers, upon demonstration of paternity, ought to pay retroactive child support beginning the first day of the month of the child's conception to the mother of the child.

An enactment that requires fathers to pay child support from conception would aid single mothers burdened by costs relating to gestation, delivery, or postpartum care. While one may suggest that extending child support to cover nine months from conception may be fruitless insofar as such support may not sufficiently cover all maternity expenses or that such an effort distracts from lowering healthcare costs, consider that the issue of child support is a matter of commutative justice. Fathers, just as any other individual who owes something to another and notwithstanding their desire or ability to be present in the life of their child, are duty-bound and obligated to give to both mothers and their children that which they are entitled; mothers and children possess correlative rights, enshrined in both statute and custom, to demand the equitable fulfillment of these duties by fathers. Further, while such an act would identify in statute a specific duty that must be discharged by fathers, it would not not modify nor would it seek to modify current law or procedure relating to the determination of paternal rights of access to a child, which would remain squarely within the juridical cognizance of the courts. Thus, this research is not concerned with whether child support from conception would function as a panacea to resolving economic and financial burdens of all single mothers nor is it concerned with identifying new paternal rights or modifications of existing paternal rights, but rather is concerned with ensuring that goodness and equity characterize the relationship between fathers, their children, and their children's mothers.

Further, requiring fathers to pay prenatal child support is hardly foreign to the Western legal and political tradition, broadly, or the American legal and political tradition, with numerous instances of historical statutes requiring for maintenance during or for pregnancy. Presently, other states such as Georgia and Utah have promulgated legislation

requiring maintenance during or for pregnancy. At the federal level, the 119th United States Congress has entertained (but not passed) legislation that would require states to construct the necessary administrative and judicial architecture to require fathers to pay child support from conception.

LEGISLATIVE HISTORY OF RETROACTIVE CHILD SUPPORT FROM CONCEPTION AND SIMILAR LEGISLATION AND POLICY: A SURVEY OF AMERICA

Early American Prenatal Bastardy Support and Twentieth-Century Developments

That fathers ought to provide maintenance for their children during both gestation and postpartum periods of childhood development is hardly a novel idea, despite what some critics may suggest. In fact, as Hull (2024) and Gump (2020) have demonstrated, states have obligated fathers to pay support for unborn children since the eighteenth century. For example, as Hull (2024) notes, Georgia's Bastardy Act of 1793 required that a man "'sworn to be the father' to give security for the maintenance and education of one or more children 'born or to be born' until the age of 14." Further, Hull identifies a provision in Pennsylvania's *Smith's Laws* of 1810 that permits the extraction of maintenance from fathers for pregnant women. Per nineteenth century Pennsylvania statute, quoted by Hull (2024), "on a conviction of bastardy, the uniform practice has been, to make an allowance for lying-in expenses, and a gross sum for the support of the child from its birth to the time of judgment." In other words, fathers could be obligated to provide maintenance not only from birth to the cessation of maintenance as defined by a court but also be obligated to provide maintenance for the expenses occurring during the often-lengthy period of rest assumed by a mother both before and after childbirth. As Hull (2024) and Gump (2020) both illustrate, other states such as Connecticut (1821), Florida (1848), Arkansas (1875), Wisconsin (1849), New York (1874), and Delaware (1921) explicitly indicated via statute that fathers found guilty of bastardy ought to pay expenses incurred by pregnant women before, during, or after giving birth. In 1922, the National Conference of Commissioners on Uniform State Laws (NCCUSL) authored a series of model legislation intended for widespread adoption by several states, one such model being the "Uniform Illegitimacy Act," which required that fathers pay the "necessary expenses of a mother's pregnancy and confinement" (Hull, 2024). As the American legal tradition gradually abandoned the legal categories of illegitimacy and bastardy, save for their obvious relevance in intestacy, greater emphasis was placed on the rights of children (Hull, 2024). As Hull (2024) notes, in this period, the NCCUSL drafted the Uniform Parentage Act in 1973, which contained a provision that required fathers pay reasonable expenses of a mother's pregnancy and confinement; the Uniform Parentage Act was eventually adopted in modified forms by several states, including Texas in 2001 (England, 2007).

While the Uniform Parentage Act, as adopted in some states, allows for courts to oblige fathers to pay reasonable expenses for healthcare expenses related to pregnancy and birth, they do not oblige fathers to pay for other expenses necessary for the health and safety of a child that a mother may incur throughout the course of pregnancy in anticipation for postpartum childhood development. However, some states (*e.g.*, Georgia and Utah) are the forefront of defining the post-*Dobbs* paradigm as one marked not merely by the prohibition of direct termination of a pregnancy, but also by a system of sufficient and reasonable support for the flourishing of children and families by requiring payment of maintenance for expenses incurred during gestation and birth.

Georgia: HB 481

Prior to *Dobbs* v. *Jackson,* in Georgia, the Living Infants Fairness and Equality (LIFE) Act, signed into law on May 7, 2019, not only proscribed abortion from the point of detection of cardiac activity, but also declared that unborn children with detectable cardiac activity may be recipients of child support (as a natural person with legal subjectivity) to cover

"direct medical and pregnancy expenses of the mother of the unborn child" (HB 481, 2019). Additionally, HB 481 permits parents to claim unborn children as dependents. Following its promulgation in 2019, several legal challenges were brought against HB 481. In 2019, SisterSong, an intersectional pro-choice activist organization, filed a suit against Governor Brian Kemp in the Northern District of Georgia, asserting that HB 481 violated the right to privacy and the due process clause. The Northern District of Georgia, agreeing with the plaintiffs that HB 481 violated a right to privacy, enjoined the implementation of HB 481 (*SisterSong Women of Color Reproductive Justice Collective* v. *Brian Kemp*, 2019). However, in July 2022, the Eleventh Circuit Court of Appeals lifted the stay of the rule considering the June 2022 U.S. Supreme Court ruling in *Dobbs* v. *Jackson*. In rendering its decision, the Eleventh Circuit asserted that in the absence of federal protection for procurement of abortion, the LIFE Act is subject only to a rational basis review—which it passes—and that the definition of a natural person provided in the LIFE Act is not unconstitutionally void, despite the claims of SisterSong (*SisterSong Women of Color Reproductive Justice Collective* v. *Governor of the State of Georgia*, 2022).

In July 2022, SisterSong pursued further legal action against the State of Georgia in the Fulton Superior Court, asserting that the LIFE Act is void *ab* initio—*i.e.*, void or lacking legal effect from its very promulgation--because supposed constitutional violations to the rights of liberty, privacy, and equal protection and that the Act would cause "irreparable harm" to women throughout the state (*SisterSong Women of Color Reproductive Justice Collective* v. *Georgia*, complaint, 2022). On November 15, 2022, the Fulton County Superior Court ruled that only sections 4 and 11 of the LIFE Act—despite the whole act's reliance on the recognition of unborn children as natural persons—were void, as the Act violated Georgia statute *de lege lata*—*i.e.*, the law as it exists—at the time of promulgation (*SisterSong Women of Color Reproductive Justice Collective* v. *Georgia*, 2022). However, on November 23, 2022, the Georgia Supreme Court issued a stay on the Superior Court's ruling. On October 23, 2024, the Georgia Supreme Court decreed that the LIFE Act remains in effect during legal challenges against the Act (CPR, n.d.). On September 30, 2024, the Fulton County Superior Court ruled the abortion ban unconstitutional. On October 7, 2024, however, the Georgia Supreme Court stayed the Superior Court's decision while the rule is challenged at the Georgia Supreme Court. As it stands, since the LIFE Act is severable, provisions concerning child support remain in effect as long as provisions extending natural personhood to unborn children remain effective.

While the immediate object of controversy in disputes surrounding the LIFE Act concerned its prohibition of abortion, the recognition of the natural personhood of unborn children has spurred questions about the legal and jurisprudential consequences of fetal legal subjectivity. Some criticisms arose, for example, surrounding both the implementation and purported benefits of extending Georgia's existing taxation architecture that provides for dependent deductions to cover unborn children. Per the Tax Policy Center at the Brookings Institution, deductions may only sufficiently aid married-couple parents (Auxier, 2022). Further, notwithstanding Auxier or the Tax Policy Center's ultimate appraisal of the integration of unborn children into Georgia's dependent deduction system, Auxier raises several worthy practical considerations for extending such benefit to unborn to children, including whether both or one unmarried parent may claim an unborn child as a dependent; who is responsible for sending in supporting medical documentation; whether the Internal Revenue Service or a state-level entity is responsible for verifying documentation; or how unborn deductions are ceased upon the birth or death of an unborn child. Crawford et al. (2024), in the context of the LIFE Act, further broach the consequences of natural personhood and legal subjectivity of unborn children and corollary benefits on inevitable future quandaries, such as the distribution of the estate of a parent who died intestate, trust distributions, trust duration, and generation-skipping transfer tax imposed upon wealth.

While these questions pertain to taxation, estates, and trusts, they are germane for Texas legislators who, if upon the passage of legislation allowing for extension of child support to unborn children, may have to address similar administrative and legal quandaries. After all, notwithstanding any recognition by positive law, affording any legal benefits to unborn children necessarily entails some mode of recognition of their personhood. While the natural personhood of unborn children is currently not recognized in Texas statute, future legislation that may allow for the extension of maintenance to unborn children and the permittance of pregnant women to utilize high occupancy vehicle lanes may further discussion of legal recognition of unborn personhood in statute (HB 427, 2024).

Utah: HB 113

In 2021, Representative Brady Brammer introduced House Bill 113 (2021) to the Utah House of Representatives, which would require fathers to pay at least 50% of both a mother's insurance premiums during her pregnancy and pregnancy-related costs, including the hospital birth of a child. Per the text of HB 113, it is ordinarily assumed that fathers are obligated to pay 50% of pregnancy expenses, provided paternity is sufficiently demonstrated. According to Brammer, the money would be collected in the same manner as child support (Firozi, 2021). Further, district courts are empowered to review and order the payment of expenses. HB 113 was signed into law in the State of Utah on March 16, 2021.

Unlike HB 481 in Georgia, HB 113 in Utah has not been subject to legal challenges. The absence of challenges is in no little part due to HB 113 not promulgating a "heartbeat law" or any other similar provision. However, notwithstanding the absence of legal challenges, both pro-life and pro-choice figures—while in agreement that increased support for pregnant women is a welcome development—question if the 50% division of payment responsibility is sufficient to aid struggling mothers and if expansion of Medicaid is a superior alternative (Firozi, 2021). Notwithstanding questions of sufficiency, HB 113 provides a not-so insignificant support to mothers who elect to demand responsibility from fathers. As of this writing, the law remains unchallenged and in effect.

Wisconsin: BadgerCare Plus Program

In Wisconsin, courts may order a father to pay for all or part of a mother's pregnancy and birth costs. The facilitation of these payments is via the BadgerCare Plus Program, a healthcare program run by the Wisconsin Child Support Program and the Wisconsin Department of Health Services to aid low-income children, pregnant women, and adults. If parents are unmarried when a mother applies for BadgerCare Plus and if the mother is referred to child support, a court may order a father to repay child support (WDHS, 2024). According to the Wisconsin Department of Children and Families, payments for pregnancy expenses may follow federal rules that dictate maintenance payments, wherein payment is 5% of a father's monthly income over a three-year period, half the regional average amount for birth costs or half the actual birth costs up to the full regional average (WDCF, n.d.).

Other States: Failed Efforts

Despite successes in Georgia and Utah, efforts to modify state child support mechanisms to cover unborn children and expenses related to their gestation, delivery, and post-partum care have failed in other states such as Kentucky, Alabama, and Kansas.

In Kentucky, Senators Whitney Westerfield and Stephen Meredith introduced SB 110 to the Kentucky Senate on January 6, 2024 (SB 110, 2024). Per the terms of SB 110, ordered child support shall be retroactive to "nine months prior to the birth of the child if the order is entered within the first year after the birth of the child" (SB 110, 2024). SB 110 quickly passed 36-2 in the Kentucky Senate, however, it later died in committee the Kentucky House of Representatives.

In Alabama, Senator Merika Coleman introduced SB 237 to the Alabama Senate on March 19, 2024 (SB 237, 2024). SB 237 would have required retroactive child

support provided child support orders are rendered within the first year postpartum. While the bill passed in the Senate, it failed to receive sufficient support in the House Judiciary Committee. One member of the committee, Representative Bryan Brinyark curiously suggested that retroactive child support would impose an undue burden on fathers (Chapoco, 2024).

In Kansas, Senator Kellie Warren of the Kansas Senate Judiciary Committee introduced SB 232 to the Kansas Senate. SB 232 would have required child support for "direct medical and pregnancy-related expenses of the mother if the child is an unborn child" (SB 232, 2024). The maximum amount of maintenance, per SB 232, would be determined according to existing Kansas statute from the date of conception and payments would continue until a child is no longer in arrearage. SB 232 quickly passed through the Kansas Senate (25-12) and the Kansas House of Representatives (82-38). Despite the passage of the bill in both chambers, Governor Laura Kelly vetoed the bill on April 30, 2024. No motion to reconsider the bill was raised in the Senate.

Notably, in Kansas, SB 232 was introduced in the period following the popular rejection of a proposed 2022 constitutional amendment that would have asserted that there is no constitutional right to abortion (HCR 5003, 2024; The New York Times, 2022). In light of this referendum, Governor Kelly framed SB 232 as "divisive" and as possessing "sweeping implications that undermine the will of the majority of Kansans who voted overwhelmingly in 2022 to protect the constitutional rights of women to make decisions about pregnancy" (Mirpo, 2024). Considering that SB 232 did not attempt to modify the legal status of abortion and only sought to provide aid for pregnant women via existing child maintenance architecture, it is unclear how SB 232 would have undermined the popular will expressed in the 2022 referendum.

Federal Efforts

While most legislative efforts to apply child support obligations to unborn children has been concentrated at the state-level, the 118th United States Congress has also entertained efforts to apply those obligations to unborn children. On January 18, 2024, Representative Claudia Tenney (NY) and Senator Kevin Cramer (ND) introduced the Unborn Child Support Act to the House (H.R. 7052, 2024) and Senate (S. 3622, 2024), respectively. Notably, the Unborn Child Support Act was previously introduced to the 117th Congress by then-Representative Mike Johnson (LA) and Senator Cramer as H.R. 8362 (2022) and S.4512 (2022), respectively. The Act, if passed, would modify part D of title IV of the Social Security Act of 1935. Per the text of the bill, "the State will establish and enforce child support obligations of the biological father of an unborn child (and subsequent to the birth of the child) to the mother of such child" (S.4512, 2022). Some conditions are imposed, such as that the mother must have requested maintenance, that the start date for maintenance begin with the first month in which the child was conceived, that payments may be retroactively collected, that payment amount for obligations ought to be determined by a court, that the mother's consent is required to exact any measure to establish paternity, and that any measure to establish paternity shall not be taken if there exists risks of harm to the unborn child (H.R. 7052, 2024; S. 3622, 2024). As of this writing, the Act was referred to the Subcommittee on Work and Welfare by the Committee on Ways and Means on December 17, 2024.

LEGISLATIVE HISTORY IN TEXAS

As previously indicated, Texas has adopted the Uniform Parentage Act. Further, Texas Family Code (Tex. Fam. Code. 160.636, 2001) permits, upon acknowledgement and adjudication of paternity, courts to order:

> retroactive child support as provided by Chapter 154 [of Texas Family Code] and, on a proper showing, order a party to pay an equitable portion of all the prenatal and postnatal expenses of the mother and child.

However, Texas has not explicitly indicated the precise characteristic of the "expenses" identified

by statute, nor has it explicitly indicated that child support ought to begin nine months prior to the birth of the child or at the earliest possible date of conception. Further, consider the modal language present in current statute. Courts may order fathers to pay retroactive support, but courts are not required to order fathers to pay retroactive support.

Additionally, under Medicaid and the Children's Health Insurance Plan (CHIP), Texas may cover low-income children from conception to birth via the From-Conception-to-End-of-Pregnancy (FCEP) option. In Texas, the current income eligibility limit for FCEP is 207% (KFF, 2024).

As of writing, no bill in Texas has been signed into law that requires the payment of child support from conception upon adjudication or acknowledgement of paternity or specifies in detail the possible expenses that a father must pay for the health and safety of his child. It is thus incumbent upon Texas legislators to complete the course of Texas legislative history as it relates to child support from conception and create policy frameworks that ameliorate the economic burdens of single motherhood and require fathers to fully support the total and integral flourishing of their children.

EMPIRICAL UNDERPINNINGS: THE PLIGHT OF SINGLE MOTHERHOOD

While the pervasive statutory and customary authority of the courts to oblige fathers to pay child support is rooted in long-standing philosophical, anthropological, and jurisprudential notions of both the natural personhood and legal subjectivity of unborn children—or at least the intrinsic worth of unborn children—research indicates that single mothers and their children face a cascade of challenges that would hinder both the well-being of a mother and the integral development of a child as a person and citizen. Peripartum expenses, compacted by single motherhood and other factors such as lack of a sustainable or sufficient income or lack of sufficient insurance coverage, may impose severe financial strain on mothers (Salas-Betsch, 2024).

Consider first peripartum expenses in the United States. In a study of the pregnancy, delivery, and post-partum expenses incurred by women who give birth in the hospital (livebirth or stillborn) with pregnancies that did not end in abortion or miscarriage, Rae at al. (2022) have found that women ages 19 to 45 enrolled in large healthcare plans incur an average of $18,865 in said expenses. Of those total expenses, Rae et al. (2022) estimate that on average, $16,011 is paid for by insurance, and $2,854 is paid for out-of-pocket. Further, depending on the method of delivery, mothers may incur different costs. For pregnancies resulting in caesarean delivery ("C-section"), mothers incur higher-than-average expenses for all births, with an average cost of $26,280 for caesarean delivery. Of that average for C-sections, $23,066 is covered by insurance and $3,214 is covered out-of-pocket. For pregnancies resulting in vaginal delivery, mothers incur an average cost of $14,768. Of that average, $12,113 is covered by insurance and $2,655 is covered out-of-pocket. According to Valencia et al. (2020) in a study of the price of childbirth as indicated in allowed amounts (*viz.*, the amount paid by the insurer to the provider) for employer-sponsored health insurance, in Texas, delivery costs an average of $10,478, while caesarean delivery costs an average of $13,217, and vaginal delivery costs an average of $8,333; notably, these expenses are 22% below the national averages calculated by Valencia et al. (2020) of $13,939 (delivery), $17,103 (caesarean), $11,543 (vaginal). Further, Valencia et al. (2020) provide a summation of average expenses in selected metropolitan areas. Texas metropolitan area data is indicated in **Table 1**.

Further, peripartum expenses do not merely include expenses for delivery. Women incur expenses relating to both prenatal and postpartum health. According to Valencia et al. (2023), the national average expenditure per mother incurred during the prenatal period for pregnancies resulting in either caesarean or vaginal deliveries is $6,051, with an additional $1,329 for out-of-pocket expenses; the national average expenditure per mother incurred during the postpartum period following pregnancies

Table 1

Average Amount for Delivery of Child in Texas Metro Areas (USD), 2020

Metropolitan Area	Delivery	Caesarean Delivery	Vaginal Delivery
Austin-Round Rock	$10,314	$12,786	$8,911
Beaumont-Port Arthur	$8,312	$9,838	$6,827
Brownsville-Harlingen	$10,536	$12,389	$8,438
College Station-Bryan	$8,793	$11,426	$7,372
Corpus Christi	$8,152	$10,030	$7,031
Dallas-Fort Worth-Arlington	$12,192	$15,567	$10,295
El Paso	$10,266	$12,622	$8,537
Houston-The Woodlands-Sugar Land	$10,919	$13,694	$9,188
McAllen-Edinburg-Mission	$9,020	$10,864	$7,800
Midland	$6,100	$10,864	$5,184
San Antonio-New Braunfels	$9,234	$11,769	$7,651

Source: Valencia et al., 2020 (https://healthcostinstitute.org/hcci-originals-dropdown/all-hcci-reports/the-price-of-childbirth-in-the-u-s-tops-13-000-in-2020).

that resulted in either caesarean or vaginal deliveries is $3,577, with an additional $455 for out of pocket expenses. **Appendix A**, containing data from Valencia et al. (2023), illustrates the share of spending in the prenatal and postpartum periods as average shares across sampled individuals by expenditure category.

Besides explicitly medical expenses, mothers incur expenses in anticipation of the birth of their child, including furniture, diapers, food, clothing, and other instruments necessary for the health and safety of a child. These expenses may be repetitious in the first years of infancy due to the nature and character of children and constitute a great majority of expenses incurred in the first years of infancy. In a recent study Osborne et al. (2021), illustrate the costs of raising a child in single-parent households. Consider the following data extracted from Osborne et al. (2021) for single parent householders with children ages 0-2. For data concerning other ages up until age 18, see Osborne et al. (2021). While no study exists that has tabulated expenses for a date nearest the date of writing, one can reasonably expect that expenses have only increased, especially in light of inflation.

As **Tables 2 and 3** illustrate, expenses for single mothers with one or two children aged 0-2 may be prohibitively high, and function as a significant source of financial stress in Texas. On a national level, the reality of this stress has been confirmed by previous research. These expenses, which one can only assume have increased, may present an even greater burden to women under the federal poverty line. According to the 2020 Decennial Census, in Texas 645,779 women live alone with their own children under 18 years of age (USCB, 2020). Further, according to a 2023 American Community Survey estimate, approximately 606,876 households in Texas containing a single female-householder and her children aged 18 and under are below the poverty line; of these households with children, 85,501 contain only children under the age of 5 (USCB, 2023). Additionally, of women aged 15 to 50 who gave birth within the past 12 months in Texas and are unmarried, 770,689 are below the poverty level (USCB, 2023). Taken together, these numbers suggest that a far from insignificant portion of single mothers in Texas may struggle to provide for their children, especially during gestation and in the earliest years of infancy.

Table 2

Estimated Annual Texas Cost of Raising Children with Base Costs, Child Care, and Health Care for Single Female-Householder Families with One Child, Aged 0-2

Expense Type	Cost (Ages 0-2)	% of 2019 Median Income for Single-Female Householders ($29,497)
Base Cost (Housing, Food, Transportation, Misc.)	$6,600	22.38%
Child Care	$7,387	25.04%
Health Care	$66	0.22%
Base Cost + Child Care	$13,987	47.42%
Base Cost +Health Care	$6,666	22.60%
Base Cost + Child Care + Health Care	$14,053	47.64%

Source: Osborne et al., 2021 (https://pn3policy.org/wp-content/uploads/2023/02/PN3PIC_RE_Texas-CostofRaisingChildren.pdf).

Table 3

Estimated Annual Texas Cost of Raising Children with Base Costs, Child Care, and Health Care for Single Female-Householder Families with Two Children, Aged 0-2

Expense Type	Cost (Ages 0-2)	% of 2019 Median Income for Single-Female Householders ($29,497)
Base Cost (Housing, Food, Transportation, Misc.)	$8,679	29.42%
Child Care	$14,774	49.98%
Health Care	$194	0.66%
Base Cost + Child Care	$23,453	79.51%
Base Cost +Health Care	$8,873	30.08%
Base Cost + Child Care + Health Care	$23,647	80.17%

Source: Osborne et al., 2021 (https://pn3policy.org/wp-content/uploads/2023/02/PN3PIC_RE_Texas-CostofRaisingChildren.pdf).

Moreover, while financial stress may negatively impact a mother's capacity to provide for her child, research indicates that mothers may neglect their well-being, which the maintenance of is necessary for a woman's own sake and for that of her child. Per Taylor et al. (2021), of 3,509 peripartum women from 2013 to 2018, 24.2% of women reported unmet healthcare needs, 60.0% reported healthcare unaffordability, and 54% reported financial stress. Of those who reported financial stress, women with household incomes of less than 400% of the federal poverty line had significantly higher odds of reporting financial stress and unmet healthcare needs. These stressors are undoubtedly compacted by single motherhood, as single mothers are more likely to live below the poverty threshold than married mothers, with 38% of single mothers below the poverty threshold compared to only 9% of married mothers (Watson & Kalkat, 2024). Single mothers also have higher levels of psychological distress. Per Watson and Kalkat (2024), 31.75% of single mothers experience moderate or severe psychological distress compared to 19.33% of married mothers—undoubtedly brought upon by increased parental responsibility, decreased perceptions of self-efficacy, and greater financial struggle. Mothers and children alike ought to flourish, and an indication that having children imparts a financial burden on mothers is not

an indictment of motherhood, but rather an indication that more must be done to protect and support mothers in Texas and in the United States.

POLICY PRESCRIPTIONS AND CONCLUSIONS

Having considered the legal history of prenatal child support and empirical evidence that single mothers experience significant economic costs during pregnancy, the necessity of ensuring that child support begins from the point of conception becomes even more apparent. Extending child support to begin at conception ensures the protection of the lives and well-being of both mothers and children and affords greater security to the possibility of children experiencing full, integral development as persons and citizens. Further, in a period marked by significant political strife and tension over maternal health, it is necessary to recall that the effort to expand child support obligations to begin at the period of conception is hardly a partisan issue. To this point, consider a 2022 survey in which 47% of 1500 surveyed Americans indicated that they support beginning child support payments at conception (Bucknell University, 2022). Of respondents, 47% of those who indicate that they are pro-life and 49% of those who indicate that they are pro-choice support such an initiative. Further, 49% of those identifying as Republicans, 53% of those identifying as Democrats, and 40% of those identifying as independents expressed support for extending child support to conception (Bucknell University, 2022). On this point, it is critical to note that mandating that child support payments begin at conception is not necessarily within the ambit of conversations surrounding the expansion or contraction of other public health or assistance programs such as Medicare that may assist mothers. Rather, the conversation surrounding child support is squarely confined to the rights of children and mothers and the correlative duties by fathers to equitably discharge their paternal obligations recognized by statute notwithstanding any other conditions.

As for policy itself, some features ought to characterize any program of child support beginning at conception. First, it ought to be mandatory upon adjudication or acknowledgement of paternity so that no father may fail to equitably fulfill the duty he has to his child. Statutory construction ought to be executed with this mandate in mind. Second, child support beginning at conception must comprehensively account for all the varieties of expenses that a mother may incur. Not only should child support from conception cover peripartum medical and healthcare expenses but also expenses for affectations necessary for the health and safety of children in their earliest years of development, as mothers often purchase these items in the prenatal period. Finally, any policy that would extend child support to conception should not modify existing architecture relating to paternal rights, including modification of access or visitation. That is, a father's duty to pay child support from conception is not sufficient to guarantee or imply any correlative right to access or visitation.

It is thus incumbent upon the State of Texas, charged with caring for both the common good and private good of individuals, to ensure that paternal obligations toward children are enforced from the point of conception to the end of child support maintenance for the well-being and integral flourishing of children and mothers alike depend on it.■

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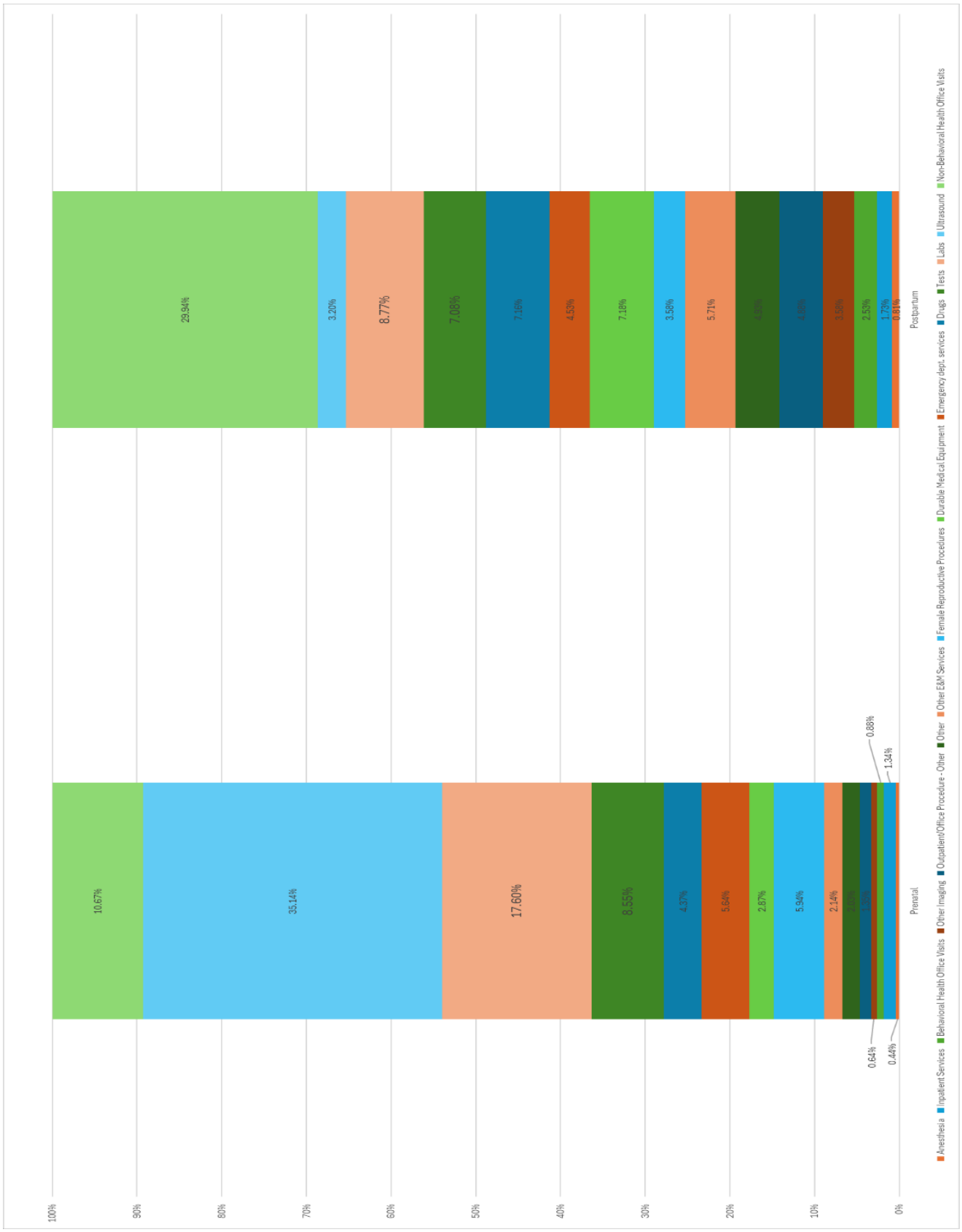
APPENDIX A: SHARE OF SPENDING BY SERVICE IN THE PRENATAL AND POSTPARTUM PERIODS



Source: Valencia et al., 2021 (https://healthcostinstitute.org/hcci-originals-dropdown/all-hcci-reports/prenatal-through-postpartum-costs-of-having-a-baby).

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Noah later attended the University of Dallas, where he earned his B.A. ('21) in Politics and Theology and his M.A. ('23) in Political Theory.

While in graduate school, Noah executed research and authored a thesis on the early modern political, juristic, and ecclesiological thought of Francisco de Vitoria, Robert Bellarmine, Giovanni Botero, Paolo Sarpi, and Niccolò Machiavelli and their respective influences on the relationship between law and conscience as mediated by interpretations of the concepts of sovereignty and 'reason of state' articulated by the Papacy and Roman Curia. Related to these studies, Noah is an active participant in conversations surrounding the influence of the classical and Salamancan-Scholastic legal traditions on American jurisprudence. Additionally, he has presented on Francsico de Vitoria and Giovanni Botero at academic conferences in the United States and Europe and has published on Vitoria's theory of subjective right in academic journals.

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