

MEDICAL SUPPORT

How do I establish a medical support order?

The first step to establishing a child and/or medical support order is to establish paternity. This must be done one in three ways; by genetic testing, acknowledgement of paternity, or the child having been born within a marriage (in which case paternity is presumed). After paternity has been established, a set support hearing is scheduled. Both parties, Custodial Parent (CP) or Caretaker (CTR) and Non-Custodial Parent (NCP), will receive support hearing information, including date and time of hearing, and information to be brought to the hearing, etc. Both parties appear in front of a hearing officer with their required information, including copies of their income information.

It takes approximately four weeks to process the hearing's outcome. Support orders are then mailed to both parties. Medical orders are a part of the support order and contain a monetary amount as well as designate a party to carry the health insurance. Both parties are given fourteen business days to request an appeal through Family Court against the hearing decision made.

How does CSEA enforce my medical support order?

Once it is determined that an order for medical support exists, the CSEA will notify the health insurance obligor and his or her employer of this order by issuing the National Medical Support Notice (NMSN). This form requires the employer to enroll the child or children identified in the order in the company's health insurance program, when available and if it is reasonable in cost. If insurance is available, the CSEA will assist in obtaining insurance cards if they have not been provided by the employer, the insurance company or the health insurance obligor.

The CSEA will not issue the NMSN when it is determined that the health insurance obligor is an active member of the military. If an eligible child is not enrolled in the military health plan, the CSEA will notify the custodial parent of the steps that need to be taken in order to ensure enrollment.

It is important to know that for orders issued on or after October 17, 2019 Medicaid does satisfy the requirement of the health insurance obligor to provide medical support.

What health insurance costs are considered "reasonable?"

The cost of health insurance to a parent does not exceed five percent of the annual gross income of the parent. In considering the five per cent of the cost, the cost is the total insurance premium.

When must the employer provide medical coverage?

Per court order, employers must provide medical insurance coverage to an employee's child when:

- The employer offers family care coverage as part of its benefit plan, AND
- The employee is eligible for the family care coverage.
- If an employer does not offer family care coverage, it is not required to obtain it simply to comply with a medical support order.

The employee may object through the CSEA to the NMSN based on a mistake of fact. The employee may present testimony and evidence at an administrative hearing only regarding whether a mistake of fact has been made in the NMSN. If the employee disagrees with the results of the administrative hearing, he/she may file a written motion with the court to determine if a mistake of fact still exists in the NMSN. However, the hearing rights do not stop the withholding for premiums unless/until the employee wins his/her appeal.

CASH MEDICAL ORDERS

Beginning July 21, 2008, federal and state laws require all new or modified child support orders to provide some form of medical support for the child **at all times**. The new laws were created to ensure that cash is available to assist with the child's medical needs any time the child is not covered by private health insurance.

Why are there two child support amounts in my new order? All new child support orders will include two ordered amounts:

- **An amount for child support when health insurance is provided**
- **-Or-**
- **An amount for child support & cash medical support when health insurance is not provided.**

What is a medical support order?

Medical support includes private health insurance and cash medical support. (It also explains how to split uncovered medical costs between the parents.) If private health insurance is not available, cash medical support must be paid until private health insurance becomes available.

When Will I Be Ordered to . . . ?

Provide Private Health Insurance?

The mother, the father, or both parents can be ordered to provide private health insurance – but only if it is reasonable in cost and is accessible. Generally speaking, private health insurance is **reasonable** if the annual cost (family coverage minus self-only coverage) does not exceed five percent of that parent's annual gross income. Private health insurance is **accessible** if primary care services are available within thirty miles of the child's home. Fully subsidized coverage through Ohio Medicaid (including Healthy Start) does not meet the requirement to provide *private* health insurance.

Pay Cash Medical Support?

Cash medical support is only paid when private health insurance is not provided as ordered. The non-custodial parent will be ordered to pay cash medical support. If this parent's annual gross income is less than 150% of the federal poverty level for an individual (\$19,140 in 2020), he or she will not be required to pay cash medical support.

Share in Uncovered Medical Costs?

Child support orders address uncovered medical costs by dividing these costs between the parents on a percentage basis.

What else do I need to know about medical support?

- If private health insurance is not available to either parent when the child support order is issued or modified, both parents will be required to notify the Child Support Enforcement Agency (CSEA) when private health insurance becomes available.
- If private health insurance stops (for example, the coverage is through the parent's employee health plan and the parent changes jobs), the non-custodial parent must pay cash medical support until new private health insurance is provided for the child.

- When the CSEA is aware of changes that effect a parent's obligation to either pay cash medical support or provide health insurance, the CSEA will notify both parents.
- Cash medical support may be assigned (paid) to the state of Ohio when the child is receiving Medicaid benefits. When the child is not receiving Medicaid benefits, cash medical support is paid to the family.

REMINDER:

If you experience a change in your child's health insurance coverage *immediately contact your CSEA.*

Medical Insurance Facts to Remember . . .

The Stark County Child Support Enforcement Agency (CSEA) is required under Federal Law to obtain medical insurance coverage for the child (ren) on a child support order. This includes establishment of a medical insurance order and verification of enrollment by the party ordered to provide medical coverage.

- Medical Insurance is ordered to be obtained by the party who has access to the best available policy, making them the **Medical Obligor**.
- The order may give the Medical Obligor the option of alternative insurance, such as coverage through a union or current spouse rather than through their employer.
- Medicaid and Healthy Start are NOT valid substitutions for Court or Administrative Orders for private medical insurance.
- CSEA may arrange to have Summary Plan Descriptions, medical cards, booklets, and pamphlets sent to the Obligee.
- Shared Liability for medical expenses is not a medical insurance order. Rather it divides medical expenses between the parties, as stated in the order

CSEA is unable to assist in the collection of out-of-pocket expenses incurred, unless a court action for non-payment of child support is completed at the same time. The Custodial Parent must provide the CSEA with the required information upon making his/her request.

- When expenses are shared, the Obligee may or may not be required to pay the out-of-pocket expenses.