DEPARTMENT OF HUMAN RESOURCES CHILD SUPPORT ENFORCEMENT DIVISION ADMINISTRATIVE CODE

CHAPTER 660-3-18
MEDICAL SUPPORT

TABLE OF CONTENTS

660-3-18-.01 Definitions
660-3-18-.02 Medical Support Establishment
660-3-18-.03 Medical Support Enforcement
660-3-18-.04 Procedure For Contesting Medical Support Enforcement

660-3-18-.01 Definitions.

(1) As used in this Chapter, the following terms shall have the following meaning:

(a) "Accessible" – health care coverage for ordinary medical care available to the child(ren) within a 100-mile radius of their residence.

(b) "Cash Medical Support" – an amount ordered to be paid toward the cost of health insurance provided by a public entity or by another parent through employment or otherwise, or for other medical costs not covered by insurance.

(c) "Health Care Coverage" – includes any health care coverage for a child or children in an IV-D case. This includes:

1. Private health insurance, such as employment-based insurance and individually purchased health insurance policies including those purchased through state and federal healthcare marketplaces; and

2. Publicly funded health care coverage including Medicaid, Children's Health Insurance Program (CHIP), other state coverage plans, and coverage through Tricare or the Indian Health Service.

(d) "Medical Support" – for a child or children in an IV-D case includes:

1. Health care coverage;

2. Cash medical support, including payment of health insurance premiums and co-payments; and

3. Payment of medical bills including dental or vision care.

(e) "National Medical Support Notice" - the federally approved form used by the IV-D Child Support Program to enforce the provision of health care coverage for children which is provided through an employment-related group health plan pursuant to a child support order and for whom the employer is known to the State agency.

(f) "Reasonable Cost" - cash medical support or the cost of health insurance is considered reasonable if the cost does not exceed 10% of the gross income of the obligated parent.

Author: Clifford Smith
Statutory Authority: Code of Ala. 1975, §27-21B-10, Rule 32 Alabama Rules of Judicial Administration, 42 USC 666(a)19; 45 C.F.R. 303.31-303.32, ALABAMA STATE PLAN - CHILD SUPPORT ENFORCEMENT DIVISION.
History: **New Rule:** Filed August 6, 2009; effective September 10, 2009. **Amended:** Published September 30, 2019; effective November 14, 2019.

660-3-18-.02 Medical Support Establishment.

(1) The IV-D Child Support Enforcement Agency must seek medical support for children from either parent.

(2) All child support orders enforced by the IV-D Child Support Enforcement Agency shall include a provision for health care coverage for the child(ren) to be provided by either or both parents.

(3) The IV-D Child Support Enforcement Agency is required to:

(a) Petition the court to include health care coverage in the support order if it is accessible to the child(ren), is available to the parent responsible for providing medical support and can be obtained for the child(ren) at reasonable cost in new or modified court orders for support; and

(b) Allocate the cost of coverage between the parents.

(4) If health care coverage is not available at the time the order is entered or modified, IV-D agencies are required to petition to include cash medical support that is reasonable in cost until such time as health care coverage becomes available. However, in Alabama all cases where the child support obligation has been calculated by Rule 32 Alabama Rules of Judicial Administration Guidelines are considered to have cash medical support ordered because an amount for medical costs is part of the basic child support obligation.

(5) The IV-D Child Support Enforcement Agency must petition the court to modify support orders to include health care coverage and/or cash medical support if the provision does not exist in the order.

(6) The IV-D Child Support Enforcement Agency must provide the custodial parent with information pertaining to the health care policy which has been secured for the dependent child(ren) pursuant to an order.
Author: Clifford Smith
Statutory Authority: Rule 32 Alabama Rules of Judicial Administration, 42 USC 666(a)19; 45 C.F.R. 303.31, ALABAMA STATE PLAN - CHILD SUPPORT ENFORCEMENT DIVISION.
History: New Rule: Filed August 6, 2009; effective September 10, 2009. **Amended:** Published September 30, 2019; effective November 14, 2019.

660-3-18-.03 Medical Support Enforcement.

(1) The IV-D Child Support Agency must use the National Medical Support Notice to enforce the provision of health care coverage for children of obligated parents who are required to provide health care coverage through an employment-related group health plan pursuant to a child support order and for whom the employer is known to the State agency. Federal law states that the IV-D Child Support Agency may enforce a medical support order against the custodial parent; however, the Alabama State IV-D Child Support Agency has opted not to do so.

(2) The IV-D Child Support Agency is not required to use the National Medical Support Notice in cases with court orders that stipulate alternative health care coverage.

(3) The IV-D Child Support Agency must use the National Medical Support Notice to transfer notice of provision for health care coverage of the child(ren) to employers.

(4) The IV-D Child Support Agency must transfer the National Medical Support Notice to the employer within two business days after the date of entry of an employee who is an obligor in an IV-D case in the State Directory of New Hire.

(5) Employers must transfer the National Medical Support Notice to the appropriate group health plan providing any such health care coverage for which the child(ren) is eligible within twenty business days after the date of the National Medical Support Notice.

(6) Employers must withhold any obligation of the employee for employee contributions necessary for coverage of the child(ren) and send any amount withheld directly to the plan.

(7) Employers must notify the State agency promptly whenever the obligated parent's employment is terminated.

(8) The IV-D Child Support Agency must promptly notify the employer when there is no longer a current order for medical support in effect for which the IV-D agency is responsible.

(9) The IV-D Child Support Agency must, in consultation with the custodial parent, promptly select from available plan options when the plan administrator reports that there is more than one option available under the plan.

(10) An employer who fails to comply with the withholding of contributions for medical support may be subject to legal action and personally liable to the oblige for failure to withhold up to the amount of contributions which were not withheld. In those cases, conditional and final judgment for the amounts to be withheld may be entered by a court against the employer.
Author: Janice Grubbs
Statutory Authority: Code of Ala. 1975, §27-21B-10; 42 USC 666(a)19; 42 USC 652(f), 45 C.F.R. 303.32 ; ALABAMA STATE PLAN - CHILD SUPPORT ENFORCEMENT DIVISION.
History: **New Rule:** Filed August 6, 2009; effective September 10, 2009.

660-3-18-.04 **Procedure For Contesting Medical Support Enforcement.**

(1) Parents obligated to provide medical support may contest the withholding for health insurance premiums based on a mistake of fact.

(2) If the employee contests such withholding, the employer must initiate withholding until such time as the employer receives notice that the contest is resolved.
Author: Janice Grubbs
Statutory Authority: Code of Ala. 1975, §27-21B-10; 42 USC 666(a)19; 45 C.F.R. 303.32; ALABAMA STATE PLAN - CHILD SUPPORT ENFORCEMENT DIVISION.
History: **New Rule:** Filed August 6, 2009; effective September 10, 2009.