

# Modifying Your Medical Support Order

\*\*Some people have a Qualified Medical Support Order (QMSO). A QMSO is issued by a judge when the child support award is set and the judge determines that one or both parents have employer-sponsored health insurance available at a reasonable cost. The rules and procedures for QMSO's can be different than those stated in this booklet. Call the CSEA if you have any questions.

## What is a Medical Support Order?

A Medical Support Order (MSO) is an order for one or both parents to get health insurance coverage for the child(ren). The coverage must be available at a reasonable cost through an employer's policy or other group policy available to the parent. Medicaid coverage does not fulfill this obligation. Even if a child is currently on Medicaid, the Child Support Enforcement Agency (CSEA) must try to get private health insurance for that child.

Health insurance is considered to be "reasonable" in cost if the total amount withheld for both child support and health insurance is not more than:

- 50% of the parent's disposable earnings if he/she is supporting someone other than the child who is the subject of the order.
- 60% of the parent's disposable earnings if he/she is not supporting someone else.

"Disposable earnings" are defined as the net income left after mandatory deductions (such as state, federal and local taxes, Social Security taxes and Medicare taxes) are withheld. Other expenses such as rent, car payments, or child care costs are not considered.

## I have custody of my child, can I be ordered to carry health insurance?

Yes, either parent can be ordered to carry health insurance. If you are the custodial parent, and the other parent is ordered to pay child support, the child support order should be increased to help offset your costs for insurance. Also, if the non-custodial parent is ordered to carry health insurance, his/her child support order may be decreased to offset the cost of the health insurance.

## How will CSEA know if I have health insurance available to me?

When a Medical Support Order is issued, the local CSEA must first find out if either parent is working. If either parent is working, CSEA must find out if the employer offers medical insurance. They do this by sending out a National Medical Support Notice to the parent's employer.

.....

## What happens when my employer gets the National Medical Support Notice ?

The National Medical Support Notice (the Notice) is the official paper from CSEA telling your employer that your child(ren) must be signed up for health insurance. If your employer does not offer health insurance (or only offers it to some employees), the employer must let CSEA know that you do not have insurance available to you.

If your employer offers health insurance, the Notice advises the employer to enroll your child(ren). If you are already getting health insurance for yourself, your employer must add your child(ren) to the insurance plan. If you are not signed up for health insurance with your employer, in most cases your employer will have to enroll you in order to enroll your child(ren).

Your employer must next make sure that the insurance is available at a reasonable cost (definition on previous page). If the cost of the insurance is under the withholding limit, your employer must enroll your child(ren).

.....

## What if I can not afford my employer's health insurance?

Often times, even though an employer's health insurance is considered "reasonable" under the law, it is too expensive for many employees to pay for. If this is true in your case, you may want to get your Medical Support Order changed. If you want to change your Medical Support Order, you must file a Motion to Modify Medical Support Order.

.....

## Filing a Motion to Modify Medical Support Order

1. Where do I file? You must file your Motion with the court that issued the Medical Support Order. If your Order was issued by the CSEA in an administrative hearing, you still must file your motion in court. In most cases, if your Order was issued in an administrative hearing, you will file your Motion with the Juvenile Court. You should check with CSEA to be sure. Go to the Clerk of Courts office at the court where you will be filing your motion.
2. What do I file? The title of your motion should be Motion to Modify Medical Support Order. Most Clerk of Courts have blank forms that you can fill out. You should write neatly in black ink. You must have the other parent's name and address when you file your motion.
3. What do I ask for? In your Motion, you should tell the Court that you can not afford your employer's health insurance. Ask the Court to issue an Order that says you do not have to buy health insurance for your child unless the cost is under 10% of your net income. The Court will look at your income and expenses to determine what is fair in your case.
4. Do I have to pay to file? There is a fee to file this motion. If you can not afford to pay the fee, you should tell the Clerk. You may have to fill out another form asking the court to let you file for free. The Clerk should let you file your motion without paying, but the Judge may order you to pay the fee at a later date.
5. When will I go to court? It may take 6-10 weeks to get a final hearing. Tell your employer that you have filed for modification of your order and the date of your hearing(s).
6. What do I say at court? You must be ready to tell the judge why you can not afford your employer's health insurance. Prepare a budget and take it along with you.