

	INDIANA DEPARTMENT OF CHILD SERVICES TITLE IV-D POLICY MANUAL	
	Chapter 15: Medical Support	Effective Date: 11/12/2021
	Section 2: Enforcing Medical Support Orders	Version: 2.1 Revision Date: 11/10/2021

BACKGROUND

The State must secure medical support information, and establish and enforce medical support obligations.¹ The provision for medical support shall be enforced, where appropriate (such as when the obligor has been ordered to provide medical support and is employed), using the National Medical Support Notice (NMSN).² The State must use the NMSN to give notice of the provision for health care coverage of the child(ren) to the employer.³

States are not required to use the NMSN when the court order states alternative health care coverage to employer based health care coverage is to be provided.⁴

POLICY

1. Requirement to Send a NMSN

Unless an exception to the requirement applies, the Title IV-D Prosecutor’s Office shall send the NMSN to an obligor’s employer when:

- a. A new child support order is issued requiring the obligor (or both parties) to provide health care coverage;⁵
- b. An existing order to provide health care coverage is modified and the obligor (or both parties) must newly provide health care coverage;⁶ or
- c. The obligor ordered to provide health care coverage has a change in employment.⁷

If employer provided health care coverage is issued as the result of a NMSN, the Title IV-D Prosecutor’s Office shall also notify the employer when the obligation to provide health care coverage is no longer in effect.⁸

Indiana only sends the NMSN to the employer of the obligor (i.e., the parent who has been ordered to pay child support).⁹

¹ 45 C.F.R. § 302.80(b)

² 42 U.S.C. § 666(a)(19)(A)

³ 42 U.S.C. § 666(a)(19)(B)(i); 45 C.F.R. § 303.32(c)(1)

⁴ 45 C.F.R. § 303.32(b)

⁵ IC 31-16-15-4.5(a)(1); Medical Support – Answers to Employers’ Questions question #2

⁶ IC 31-16-15-4.5(a)(1); Medical Support – Answers to Employers’ Questions question #2

⁷ 42 U.S.C. § 666(a)(19)(B)(iii); 45 C.F.R. § 303.32(c)(2); Medical Support – Answers to Employers’ Questions question #2

⁸ IC 31-16-15-4.5(a)(2)

⁹ IC 31-16-15-4.5(a)(1)

2. Exceptions to Requirement to Send a NMSN

The Title IV-D Prosecutor's Office is not required to send a NMSN to an employer under the following circumstances:

- a. When an alternative to employer-offered health care coverage has been specifically ordered.¹⁰ This may include an order for public health care coverage or a person other than the obligor to provide health care coverage;
- b. When the Title IV-D Prosecutor's Office knows that the child(ren) are currently covered and this coverage has been entered in the statewide child support system;¹¹
- c. When the Title IV-D Prosecutor's Office knows that the employer does not offer health care coverage to dependents;¹²
- d. When the Title IV-D Prosecutor's Office knows the employer does not offer health care coverage for the employee's job classification (i.e., employee works on an as needed basis or part-time and health care coverage is only available to full-time employees); or
- e. When the court order requires the obligor to carry insurance if available at a reasonable cost and the Title IV-D Prosecutor's Office knows that the employer's available insurance exceeds a reasonable cost (as defined under the Indiana Child Support Guidelines).

If the Title IV-D Prosecutor's Office does not send a NMSN that would otherwise be required under the above circumstances or for any reason, the Title IV-D Prosecutor's Office shall make a note in the statewide child support system as to why the NMSN was not sent.¹³

REFERENCES

- [IC 31-16-6-6](#): Termination of child support; exceptions; petition for educational needs
- [IC 31-16-12-1](#): Enforcement remedies
- [IC 31-16-15-4.5](#): National Medical Support Notice
- [29 C.F.R. § 2590.609-2](#): National Medical Support Notice
- [42 U.S.C. § 666](#): Requirement of statutorily prescribed procedures to improve effectiveness of child support enforcement
- [45 C.F.R. § 302.80](#): Medical support enforcement
- [45 C.F.R. § 303.2](#): Establishment of cases and maintenance of case records
- [45 C.F.R. § 303.32](#): National Medical Support Notice
- [65 F.R. 82154](#): National Medical Support Notice
- [81 F.R. 93492](#): Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs
- [OCSE-PIQ-02-03](#): Medical Support Enforcement Policy Clarifications
- OCSE FAQ: [Medical Support – Answers to Employers' Questions](#)

PROCEDURE

¹⁰ 42 U.S.C. § 666(a)(19)(B); 45 C.F.R. § 302.32(b)

¹¹ 81 F.R. 93492 at 93548-93549 comment #11

¹² OCSE-PIQ-02-03 question #1

¹³ 45 C.F.R. § 303.2(c); OCSE-PIQ-02-03 question #1

1. Sending the NMSN

The Title IV-D Prosecutor's Office must make the determination of whether a NMSN is required or meets one of the exceptions within two (2) days of when the obligor is entered as a newly hired employee in the State Directory of New Hires.¹⁴

The Title IV-D Prosecutor's Office sends the NMSN to the employer of the child support obligor who is ordered to provide health care coverage either:

- a. At the time the order to provide health care coverage is issued or modified when the employer is known;¹⁵ or
- b. Within two (2) days after the obligor is entered as a newly hired employee in the State Directory of New Hires and an order to provide medical coverage is in effect.¹⁶

Letters titled CP Universal Med Ins and NCP Universal Med Ins are in the statewide child support system's document generation. The Title IV-D Prosecutor's Office is strongly encouraged to use these letters to inform the parties that a NMSN has been sent.

If the Title IV-D Prosecutor's Office determines that an exception to the NMSN requirement exists, the Title IV-D Prosecutor's Office shall make a note in the statewide child support system as to why the NMSN was not sent where otherwise required.¹⁷

2. Exceptions to the Requirement to Send a NMSN

The Title IV-D Prosecutor's Office may choose to not send a NMSN that is otherwise required in the following circumstances:

- a. When an alternative to employer-offered health care coverage has been specifically ordered.¹⁸ This may include an order for public health care coverage or a person other than the obligor to provide health care coverage;
- b. When the Title IV-D Prosecutor's Office knows that the child(ren) are currently covered and this coverage has been entered in the statewide child support system;¹⁹
- c. When the Title IV-D Prosecutor's Office knows that the employer does not offer health care coverage to dependents;²⁰
- d. When the Title IV-D Prosecutor's Office knows the employer does not offer health care coverage for the employee's job classification (i.e., employee works on an as needed basis or part-time and health care coverage is only available to full-time employees); or
- e. When the court order requires the obligor to carry insurance if available at a reasonable cost and the Title IV-D Prosecutor's Office knows that the employer's

¹⁴ 42 U.S.C. § 666(a)(19)(B)(iii); 45 C.F.R. § 303.32(c)(2); Medical Support – Answers to Employers' Questions question #2

¹⁵ IC 31-16-15-4.5(a)(1); Medical Support – Answers to Employers' Questions question #2

¹⁶ 42 U.S.C. § 666(a)(19)(B)(iii); 45 C.F.R. § 303.32(c)(2); Medical Support – Answers to Employers' Questions question #2

¹⁷ 45 C.F.R. § 303.2(c)

¹⁸ 42 U.S.C. § 666(a)(19)(B); 45 C.F.R. § 302.32(b)

¹⁹ 81 F.R. 93492 at 93548-93549 comment #11

²⁰ OCSE-PIQ-02-03 question #1

available insurance exceeds a reasonable cost (as defined under the Indiana Child Support Guidelines).

If the Title IV-D Prosecutor's Office chooses to not send a NMSN for one of these reasons, the Title IV-D Prosecutor's Office shall make a note in the statewide child support system indicating the reason why the NMSN was not sent.²¹

3. Employer's Duty

Upon receipt of the NMSN, the employer shall respond in a timely fashion.²² The employer completes Part A of the NMSN and returns it to the issuing agency if the employee:

- a. Is not eligible for health care coverage;
- b. Has been terminated; or
- c. Does not have enough disposable income to cover the health care premiums.²³

If the employer determines the employee is eligible for health care coverage, the employer is required to do the following:

- a. Send Part B of the NMSN to the employer's health care plan administrator within 20 days after the date of the NMSN;²⁴ and
- b. Abide by the terms of establishing health care coverage as required in the NMSN which includes withholding the employee's contribution necessary for the coverage for the child(ren) and sending any contribution amount to the plan provider.²⁵

When a parent's employment with an employer who has received a NMSN terminates, the employer is required to notify the Title IV-D agency of the termination.²⁶

4. Plan Administrator's Duty

The plan administrator completes Part B and returns it to the issuing agency.²⁷

5. When Part A or Part B of the NMSN Is Returned to the Title IV-D Prosecutor's Office

The Title IV-D Prosecutor's Office records the receipt of the NMSN in the statewide child support system.²⁸ If the employer returns Part A indicating the obligor is not eligible for health care coverage, the Title IV-D Prosecutor's Office includes this in the note in the statewide child support system.²⁹ If the employer returns Part A indicating the employer no longer employs the obligor, the Title IV-D Prosecutor's Office enters the employment end date in the statewide child support system.³⁰

²¹ 45 C.F.R. § 303.2(c)

²² IC 31-16-15-4.5(b)(1)

²³ Medical Support – Answers to Employers' Questions question #16

²⁴ IC 31-16-15-4.5(b)(2); 42 U.S.C. § 666(a)(19)(B)(ii); 45 C.F.R. § 303.32(c)(3); Medical Support – Answers to Employers' Questions question #16

²⁵ IC 31-16-15-4.5(b)(2); 45 C.F.R. § 303.32(c)(4)

²⁶ 42 U.S.C. § 666(a)(19)(B)(iv); 45 C.F.R. § 303.32(c)(6)

²⁷ Medical Support – Answers to Employers' Questions question # 17

²⁸ 45 C.F.R. § 303.2(c)

²⁹ 45 C.F.R. § 303.2(c)

³⁰ 45 C.F.R. § 303.2(c)

If the plan administrator returns Part B with information on the health care coverage policy in which the child(ren) have been enrolled, the Title IV-D Prosecutor's Office enters the health care coverage information in the statewide child support system.³¹

If the plan administrator returns Part B indicating there is more than one (1) option for health care coverage enrollment, the Title IV-D Prosecutor's Office must communicate these options to the other party for that party to select an option.³² The Title IV-D Prosecutor's Office forwards the party's choice to the plan administrator. If the other party does not return the form noting the party's choice or the Title IV-D Prosecutor's Office does not forward the party's choice to the plan administrator within 20 days of the date the plan administrator informed the Title IV-D Prosecutor's Office of the choices, the plan administrator will enroll the child(ren) in the default plan.³³

6. When the Duty to Provide Medical Support Ends

The Title IV-D Prosecutor's Office must promptly notify the employer when:

- a. There is no longer a medical support order being enforced by the Title IV-D Prosecutor's Office;
- b. The employer has the child(ren) currently enrolled in health care coverage; and
- c. The child(ren) were enrolled in health care coverage in response to a NMSN sent by the Title IV-D Prosecutor's Office.³⁴

Title IV-D agencies have the authority to amend or terminate a NMSN when appropriate.³⁵ Appropriate scenarios include, but are not limited to:

- a. Emancipation of the child(ren) as a matter of law;³⁶ or
- b. Modification or termination of a medical support order.³⁷

If there is more than one (1) child on a medical support order and a child is either emancipated or the Court terminates a medical support order for some but not all children, then it would be appropriate for the Title IV-D Prosecutor's Office to send an amended NMSN and note the child(ren) no longer subject to the court ordered medical support.

It is strongly encouraged that any notice to the employer state that, while the obligor's court ordered obligation to provide medical support has ceased, the employer should contact the obligor to determine whether the obligor wishes to continue providing health care coverage for the child(ren).

7. Collection of Delinquent Medical Payments or Health Insurance Claims

The Title IV-D Prosecutor's Office does not have the responsibility of pursuing the collection of delinquent medical payments or health insurance claim payments unless a

³¹ 45 C.F.R. § 303.2(c)

³² 45 C.F.R. § 303.32(c)(8)

³³ 29 C.F.R. § 2590.609-2(c)(3); OCSE-PIQ-02-03 question #12

³⁴ 45 C.F.R. § 303.32(c)(7)

³⁵ 65 F.R. 82157 at 82160 comment #3

³⁶ IC 31-16-15-4.5(a); 65 F.R. 82154 at 82160 comment #3

³⁷ IC 31-16-15-4.5(a); 65 F.R. 82154 at 82160 comment #3

court order designates a specific cash medical support amount, or money judgment, owed. When a specific dollar amount of past due medical support is included in an order, the Title IV-D Prosecutor’s Office shall use appropriate enforcement remedies until the amount has been paid in full.³⁸ The Title IV-D Prosecutor’s Office enters the cash medical support order in the appropriate subaccount in the statewide child support system.

FORMS AND TOOLS

[Medical Support: Navigating the ISETS Medical Support Screens and National Medical Support Notice \(NMSN\) Complete Guide](#)

FREQUENTLY ASKED QUESTIONS

1. Q. Is a NMSN required when the child is enrolled in public health insurance?
 - A. A NMSN is not required to be sent when the Title IV-D Prosecutor’s Office knows the child(ren) are currently covered.³⁹ However, the Title IV-D Prosecutor’s Office shall make a note in the statewide child support system the reason why a NMSN was not sent and ensure the health care coverage information has been entered in the statewide child support system.⁴⁰

2. Q. Is there a limit on the total amount an employer may withhold for health care coverage?
 - A. The Consumer Credit Protection Act (CCPA) limits apply to the amount an employer may withhold from an employee’s pay. If the combined amount of withheld child support, arrears, and the child(ren)’s portion of the health insurance premium exceeds the applicable percentage limitation (50%, 55%, 60%, or 65%) of the CCPA, the employer is not required to enroll the dependent child(ren) in the health care plan.

RELATED INFORMATION

N/A

REVISION HISTORY

Version	Date	Description of Revision
Version 1	10/26/2017	Final Approved Version
Version 2	08/20/2019	Revised due to OCSE-AT-18-06 : Compliance with Medical Support Final Rule Requirements.

³⁸ IC 31-16-12-1

³⁹ 81 F.R. 93492 at 93548-93549 comment #11

⁴⁰ 45 C.F.R. § 303.2(c)

Version 2.1	11/12/2021	Removed ISETS specific language.
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