

	INDIANA DEPARTMENT OF CHILD SERVICES TITLE IV-D POLICY MANUAL	
	Chapter 15: Medical Support	Effective Date: 06/10/2024
	Section 1: Establishing Medical Support Orders	Version: 3 Revision Date: 06/10/2024

BACKGROUND

Federal regulations require that States establish guidelines for setting and modifying child support awards that address how the parents will provide for the child(ren)’s health care needs through health insurance coverage and/or cash medical support.¹

The Title IV-D agency must ensure that new and modified child support orders contain provisions whereby one (1) or both parents are required to provide medical support for the child(ren) so long as it is available at a reasonable cost.²

Health insurance and cash medical support are considered reasonable in cost if the cost to the parent does not exceed 5% of the parent’s gross income, or at the State’s option, a reasonable alternative income-based numeric standard.³

There is a rebuttable presumption that parents have health insurance available at a reasonable cost. However, the presumption may be rebutted by demonstrating that the lowest out of pocket cost of insuring the child(ren) is more than 5% of the parents’ combined gross incomes. Additionally, the lowest out of pocket cost health insurance available may be public insurance.⁴

DEFINITIONS

1. **“Cash medical support”** is an amount ordered for medical costs not covered by insurance. The uninsured medical expense apportionment calculation on the Child Support Obligation Worksheet satisfies this federal requirement for a cash medical support order when incorporated into the court order.⁵
2. **“Uninsured health care expenses”** are defined as any health care expenses remaining after a claim has been submitted to the child’s health insurance carrier.⁶ Uninsured health care expenses may include, but are not limited to, claims applied to the policy’s deductible, claims in excess of policy limits, or the patient’s responsibility after payments or discounts from the insurance carrier have been applied.⁷

POLICY

¹ 45 C.F.R. § 302.56(c)(2)

² 45 C.F.R. § 303.31(b)

³ 45 C.F.R. § 303.31(a)(3)

⁴ Ind. Child Support Guideline 7

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

A child support order must require either one (1) or both parents to provide medical support for the child(ren) through health insurance coverage if the health insurance coverage is available to the parent at a reasonable cost.⁸

Health insurance may be public (for example, Medicaid, Children's Health Insurance Program (CHIP), Hoosier Healthwise, or HIP 2.0), or private (for example, through an employer, a retirement plan, Tricare, a Veteran's Health Care Program, or the federal healthcare marketplace).⁹

Guideline 7 establishes a rebuttable presumption that parents have health insurance available at a reasonable cost.¹⁰ The presumption may be rebutted by demonstrating that the lowest out of pocket cost of insuring the child(ren) is more than 5% of the parents' combined gross incomes. The lowest out of pocket cost health insurance available may be public insurance.¹¹

Routine non-prescription personal care expenses such as over-the-counter medications, bandages, and vitamins which do not travel with the child and are kept in the purchasing parent's home are paid by the parent exercising parenting time when the expense is incurred.¹² The parents shall share responsibility of the uninsured health care expenses in proportion to their incomes.¹³ The data upon which the Guideline schedules no longer include a component for ordinary health care expenses and have been adjusted accordingly.¹⁴

The parent that is requesting a contribution from the other parent shall provide copies of all documentation relating to the insurance claim and expenses paid or incurred. Copies must be provided to the other parent within thirty (30) days of receipt or the expense may be ineligible for contribution. Expenses paid at the time of service shall be submitted within thirty (30) days of the receipt of service.¹⁵

Upon the establishment of paternity, the court shall order the father to pay at least fifty percent (50%) of the reasonable expenses of the mother's pregnancy and childbirth as part of the court's decree in child support actions.¹⁶ The costs to be included in apportionment are prenatal care, delivery, hospitalization, and other necessary and reasonable expenses incurred in connection with the child's birth; post-partum expenses; and post-natal care.¹⁷

However, the Title IV-D agency shall not seek to establish new birth expense orders or enforce existing orders for reimbursement of the expenses of the mother's pregnancy and childbirth.¹⁸ The federal Office of Child Support Services (OCSS) has prohibited the recovery of these expenses because the Indiana Code and the Indiana Child Support Rules and Guidelines do not allow for income based reimbursement orders or consider the non-custodial parent's

⁸ IC 31-16-6-4(a); Ind. Child Support Guideline 7

⁹ Ind. Child Support Guideline 7

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ IC 31-14-17-1

¹⁷ *Id.*

¹⁸ CSB-AT-376; CSB-AT-405; OCSS-AT-08-08; OCSS-PIQ-07-01

(NCP's) ability to pay.¹⁹ The Title IV-D Prosecutor's Office should not reserve the right to seek orders for the reimbursement of expenses of the mother's pregnancy and childbirth.

REFERENCES

- [IC 31-16-6-1.5](#): Claiming child for tax purposes; considerations; conditions
- [IC 31-16-6-2](#): Expenses for child's education and health care; Title IV-D fees
- [IC 31-16-6-4](#): Medical Support
- [IC 31-16-8-2](#): Medical Support
- [IC 31-25-4-11](#): State case registry; contents
- [Indiana Child Support Rules and Guidelines](#)
- [CSB-AT-376](#): Birth Expense Order Establishment and Enforcement
- [CSB-AT-405](#): Changes to Income Withholding Order (IWO) Birth Expense
- [26 U.S.C. § 5000A](#): Maintenance of minimum essential coverage
- [42 U.S.C. § 18091](#): Requirement to maintain minimum essential coverage; findings
- [45 C.F.R. § 302.56](#): Guidelines for setting child support orders
- [45 C.F.R. § 303.30](#): Securing medical support information
- [45 C.F.R. § 303.31](#): Securing and enforcing medical support obligations
- [OCSS-AT-08-08](#): Final Rule: Child Support Enforcement Program Medical Support
- [OCSS-PIQ-07-01](#): Federal Income Tax Refund Offset Program to Recoup Medical or Birthing Expenses Owed to State

PROCEDURE

When the Title IV-D Prosecutor's Office becomes aware of a Title IV-D case where the existing support order does not provide for medical support or a support order needs to be established, the Title IV-D Prosecutor's Office shall petition the Court for an order for medical support.²⁰

A medical support order shall include a provision for health insurance coverage, as well as a provision for how parents will split the cost of any uninsured health care expenses.²¹

If the child is enrolled in Medicaid or another public health insurance policy, the Court, at its discretion, may order the child to remain enrolled in public health insurance and not order either party to obtain private health insurance.²²

The Title IV-D Prosecutor's Office is strongly encouraged to gather health insurance information from the parties prior to the establishment of a medical support order. This information includes any health insurance coverage available to either party, the cost of adding the child(ren) of this case to an existing insurance policy, and whether or not the child is eligible for or enrolled in public health insurance.

The Title IV-D Prosecutor's Office is strongly encouraged to seek medical support orders that reflect the specific circumstances of each case, rather than to use "boilerplate" language in every order.

¹⁹ CSB-AT-376; OCSS-AT-08-08; OCSS-PIQ-07-01

²⁰ IC 31-16-6-4; IC 31-16-8-2; 45 C.F.R. § 303.31(b)

²¹ Ind. Child Support Guideline 7

²² *Id.*

The Clerk of Courts (or, by mutual agreement, the Title IV-D Prosecutor's Office) shall enter into the statewide child support system any new or modified orders that provide for health insurance coverage, including the insurance policy name, policy number, and names of persons covered.²³ The Title IV-D Prosecutor's Office is responsible for checking the statewide child support system to ensure that this information is entered.

FORMS AND TOOLS

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

FREQUENTLY ASKED QUESTIONS

1. Q. If the only reason to modify a child support order is to include a medical support order, where one does not already exist, is that sufficient grounds to file a petition to modify?
 - A. Yes. Federal and State requirements mandate the inclusion of a medical support order within a child support order.²⁴
2. Q. What is the role of the Title IV-D Prosecutor's Office in obtaining orders for payment of uninsured medical expenses?
 - A. The Title IV-D Prosecutor's Office is strongly encouraged to request that the court order specify how uninsured medical expenses will be apportioned, especially as part of a cash medical support order.²⁵ The Title IV-D Prosecutor's Office is not required to obtain an order for reimbursement of uninsured medical expenses. However, if a party obtains an order for reimbursement of uninsured medical expenses, the Title IV-D Prosecutor's Office shall enforce this order as a medical support order.²⁶

RELATED INFORMATION

1. The following information, if available, is provided through the IV-A/IV-D and IV-E/IV-D interfaces:²⁷
 - (1) Name of NCP;
 - (2) Social Security number of NCP;
 - (3) Social Security number of CP;
 - (4) Home address of NCP;
 - (5) Name and address of NCP's employer;
 - (6) Names and Social Security numbers of children;
 - (7) Whether NCP has health insurance coverage; and
 - (8) Health insurance policy name, number and persons covered.

²³ IC 31-25-4-11(c)

²⁴ IC 31-16-6-4; 45 C.F.R. 303.31(b)

²⁵ Ind. Guideline 7 and Commentary

²⁶ Ind. Guideline 7 Commentary

²⁷ 45 C.F.R. § 303.30(a)

REVISION HISTORY

Version	Date	Description of Revision
Version 1	10/26/2017	Final approved version
Version 1.1	06/03/2019	Revised to reflect updated ACA and medical support laws
Version 2	11/12/2021	Revised to reflect updates to Indiana's Child Support Guidelines and ACA laws
	08/22/2023	Changed Office of Child Support Enforcement (OCSE) to Office of Child Support Services (OCSS)
Version 3	06/10/2024	Revised to reflect updates to Indiana's Child Support Guidelines