

## CHAPTER 1111

### CHILD SUPPORT — MEDICAL SUPPORT

H.F. 2414

AN ACT relating to the provision of medical support in child support actions, and including effective date provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. [Section 252C.1, subsection 6](#), Code 2018, is amended to read as follows:

6. “Medical support” means ~~either the provision of coverage under a health benefit plan, including a group or employment-related or an individual health benefit plan, or a health benefit plan provided pursuant to [chapter 514E](#), to meet the medical needs of a dependent and the cost of any premium required by a health benefit plan, or the payment to the obligee of a monetary amount in lieu of providing coverage under a health benefit plan, either of which is an obligation separate from any monetary amount of child support ordered to be paid. Medical support which consists of payment of a monetary amount in lieu of a health benefit plan is also an obligation separate from any monetary amount a parent is ordered to pay for uncovered medical expenses pursuant to the guidelines established pursuant to [section 598.21B](#)~~ medical support as defined in [section 252E.1](#).

Sec. 2. [Section 252E.1](#), Code 2018, is amended to read as follows:

#### **252E.1 Definitions.**

As used in [this chapter](#), unless the context otherwise requires:

1. “Accessible” means any of the following, unless otherwise provided in the support order:

a. The health benefit plan does not have service area limitations or provides an option not subject to service area limitations.

b. The health benefit plan has service area limitations and the dependent lives within thirty miles or thirty minutes of a network primary care provider.

2. “Basic coverage” means health care coverage provided under a health benefit plan that at a minimum provides coverage for emergency care, inpatient and outpatient hospital care, physician services whether provided within or outside a hospital setting, and laboratory and x-ray services.

3. “Cash medical support” means a monetary amount that a parent is ordered to pay to the obligee in lieu of that parent providing health care coverage, which amount is five percent of the gross income of the parent ordered to pay the monetary amount or, if the child support guidelines established pursuant to [section 598.21B](#) specifically provide an alternative income-based numeric standard for determining the amount, the amount determined by the standard specified by the child support guidelines. “Cash medical support” is an obligation separate from any monetary amount a parent is ordered to pay for uncovered medical expenses pursuant to the guidelines established pursuant to [section 598.21B](#).

3. 4. “Child” means a person for whom child or medical support may be ordered pursuant to [chapter 234](#), [239B](#), [252A](#), [252C](#), [252F](#), [252H](#), [252K](#), [598](#), [600B](#), or any other chapter of the Code or pursuant to a comparable statute of another state or foreign country.

4. 5. “Department” means the department of human services, which includes but is not limited to the child support recovery unit, or any comparable support enforcement agency of another state.

5. 6. “Dependent” means a child, or an obligee for whom a court may order health care coverage by a health benefit plan pursuant to [section 252E.3](#).

6. 7. “Enroll” means to be eligible for and covered by a health benefit plan.

7. 8. “Health benefit plan” means any policy or contract of insurance, indemnity, subscription or membership issued by an insurer, health service corporation, health maintenance organization, or any similar corporation, or organization, any public coverage, or a any self-insured employee benefit plan, for the purpose of covering medical expenses. These expenses may include but are not limited to hospital, surgical, major medical insurance, dental, optical, prescription drugs, office visits, or any combination of these or any other comparable health care expenses.

9. “Health care coverage” or “coverage” means providing and paying for the medical needs of a dependent through a health benefit plan.

8. 10. “Insurer” means any entity which, including a health service corporation, health maintenance organization, or any similar corporation or organization, or an employer offering self-insurance, that provides a health benefit plan, but does not include an entity that provides public coverage.

9. 11. “Medical support” means either the provision of a health benefit plan, including a group or employment-related or an individual health benefit plan, or a health benefit plan provided pursuant to [chapter 514E](#), to meet the medical needs of a dependent and the cost of any premium required by a health benefit plan, care coverage or the payment to the obligee of a monetary amount in lieu of a health benefit plan, either of which is an obligation separate from any monetary amount of child cash medical support ordered to be paid. Medical support “Medical support” is not alimony. Medical support which consists of payment of a monetary amount in lieu of a health benefit plan is also an obligation separate from any monetary amount a parent is ordered to pay for uncovered medical expenses pursuant to the guidelines established pursuant to [section 598.21B](#).

10. 12. “National medical support notice” means a notice as prescribed under 42 U.S.C. §666(a)(19) or a substantially similar notice, that is issued and forwarded by the department in accordance with [section 252E.4](#) to enforce medical support the health care coverage provisions of a support order. The national medical support notice is not applicable to a provider of public coverage.

11. 13. “Obligee” means a parent or another natural person legally entitled to receive a support payment on behalf of a child.

12. 14. “Obligor” means a parent or another natural person legally responsible for the support of a dependent.

13. 15. “Order” means a support order entered pursuant to [chapter 234](#), [252A](#), [252C](#), [252F](#), [252H](#), [252K](#), [598](#), [600B](#), or any other support chapter, or pursuant to a comparable statute of another state or foreign country, or an ex parte order entered pursuant to [section 252E.4](#). “Order” also includes a notice of such an order issued by the department.

14. 16. “Plan administrator” means the employer or sponsor that offers the health benefit plan or the person to whom the duty of plan administrator is delegated by the employer or sponsor offering the health benefit plan, by written agreement of the parties. “Plan administrator” does not include a provider of public coverage.

15. 17. “Primary care provider” means a physician who provides primary care who is a family or general practitioner, a pediatrician, an internist, an obstetrician, or a gynecologist; an advanced registered nurse practitioner; or a physician assistant.

18. “Public coverage” means health care benefits provided by any form of federal or state medical assistance, including but not limited to benefits provided under [chapter 249A](#) or [514I](#), or under comparable laws of another state, foreign country, or Indian nation or tribe.

19. “Unit” or “child support recovery unit” means unit as defined in [section 252B.1](#).

Sec. 3. [Section 252E.1A](#), Code 2018, is amended to read as follows:

**252E.1A Establishing and modifying orders for medical support.**

1. This section shall apply to all initial or modified orders for support entered under [chapter 234](#), [252A](#), [252C](#), [252F](#), [252H](#), [598](#), [600B](#), or any other applicable chapter. If an action to establish or modify an order for support is initiated by the child support recovery unit, [section 252E.1B](#) shall also apply.

1. 2. An order or judgment that provides for temporary or permanent support for a child shall include a provision for medical support for the child as provided in [this section](#).

2. 3. The court shall order as medical support for the child health care coverage if a health benefit plan if other than public coverage is available to either parent at the time the order is entered or modified. A health benefit plan is available if the plan is accessible and the cost of the plan is reasonable.

a. The cost of a health benefit plan is considered reasonable, and such amount shall be stated in the order, if one of the following applies:

(1) The premium cost for a child to the parent ordered to provide the plan coverage does not exceed five percent of that parent’s gross income or the child support guidelines

established pursuant to [section 598.21B](#) specifically provide an alternative income-based numeric standard for determining the reasonable cost of the premium, in which case the reasonable cost of the premium as determined by the standard specified by the child support guidelines shall apply.

(2) The premium cost for a child exceeds the amount specified in subparagraph (1) and that parent consents or does not object to entry of that order.

b. For purposes of [this section](#), “gross income” has the same meaning as gross income for calculation of support under the guidelines established under [section 598.21B](#).

c. For purposes of [this section](#), “the premium cost for a child to the parent” ordered to provide the plan coverage means the amount of the premium cost for family coverage to the parent which is in excess of the premium cost for single coverage, regardless of the number of individuals covered under the plan. ~~However, this paragraph shall not be interpreted to reduce the amount of the health insurance premium deduction a parent may be entitled to when calculating the amount of a child support obligation under [Iowa court rule 9.5](#) of the child support guidelines.~~

d. For purposes of [this section](#), “family coverage” means coverage that covers multiple individuals and covers or could cover the child or children subject to the child support order.

~~3. 4. If a health benefit plan other than public coverage is not available to either parent at the time of the entry of the order, and the custodial parent does not have public coverage for the child, the court shall order a reasonable monetary cash medical support in an amount in lieu of a health benefit plan, which amount shall be stated in the order. For purposes of [this subsection](#), a reasonable amount means five percent of the gross income of the parent ordered to provide the monetary amount for medical support or, if the child support guidelines established pursuant to [section 598.21B](#) specifically provide an alternative income-based numeric standard for determining the reasonable amount, a reasonable amount means the amount as determined by the standard specified by the child support guidelines. [This subsection](#) shall not apply in any of the following circumstances:~~

a. If the parent’s monthly support obligation established pursuant to the child support guidelines prescribed by the supreme court pursuant to [section 598.21B](#) is the minimum obligation amount. If this paragraph applies, the court shall order the parent to provide a health benefit plan care coverage when a plan becomes available for which there is no premium cost for a child to the parent.

b. If [subsection 7](#), paragraph “d”, “e”, or “f” applies the noncustodial parent does not have income which may be subject to income withholding for collection of cash medical support at the time of the entry of the order. If this paragraph applies, the court shall order the noncustodial parent to provide health care coverage when a health benefit plan becomes available at a reasonable cost, and the order shall specify the amount of the reasonable cost as specified in [subsection 3](#), paragraph “a”, subparagraph (1).

c. If the noncustodial parent is receiving assistance or is residing with any child receiving assistance as provided in [section 252E.2A](#), [subsection 1](#), paragraph “c”, subparagraph (3) or (4). If this paragraph applies, the court shall order the noncustodial parent to provide health care coverage when a health benefit plan becomes available for which there is no premium cost for a child to the parent.

~~4. 5. If a health benefit plan other than public coverage is not available to either parent at the time of the entry of the order, and the custodial parent has public coverage for the child, the court orders shall order the custodial parent to provide a health benefit plan under [subsection 2](#) care coverage, and the court may also shall order the noncustodial parent to provide a reasonable monetary pay cash medical support, which amount in lieu of a health benefit plan shall be stated in the order, unless an exception under [subsection 4](#) applies. For purposes of [this subsection](#), a reasonable monetary amount means an amount not to exceed the lesser of a reasonable amount as described in [subsection 3](#), or the premium cost of coverage for the child to the custodial parent as described in [subsection 2](#), paragraph “c”.~~

5. 6. Notwithstanding the requirements of [this section](#), the court may order provisions in the alternative to those provided in [this section](#) to address the health care needs of the child if the court determines that extreme circumstances so require and documents the court’s written findings in the order.

~~6. 7. An order, decree, or judgment entered before July 1, 2009~~ October 1, 2018, that provides for the support of a child may be modified in accordance with [this section](#).

~~7. If the child support recovery unit is providing services under [chapter 252B](#) and initiating an action to establish or modify support, all of the following shall also apply:~~

~~a. If a health benefit plan is available as described in [subsection 2](#) to the noncustodial parent, the unit shall seek an order for the noncustodial parent to provide the plan.~~

~~b. If a health benefit plan is available as described in [subsection 2](#) to the custodial parent and not to the noncustodial parent, the unit shall seek an order for the custodial parent to provide the plan.~~

~~c. If a health benefit plan is available as described in [subsection 2](#) to each parent, and if there is an order for joint physical care, the unit shall seek an order for the parent currently ordered to provide a health benefit plan to provide the plan. If there is no current order for a health benefit plan for the child, the unit shall seek an order for the parent who is currently providing a health benefit plan to provide the plan.~~

~~d. If a health benefit plan is not available, and the noncustodial parent does not have income which may be subject to income withholding for collection of a reasonable monetary amount in lieu of a health benefit plan at the time of the entry of the order, the unit shall seek an order that the noncustodial parent provide a health benefit plan when a plan becomes available at reasonable cost, and the order shall specify the amount of reasonable cost as defined in [subsection 2](#).~~

~~e. If a health benefit plan is not available, and the noncustodial parent is receiving assistance or is residing with any child receiving assistance as provided in [section 252E.2A](#), [subsection 1](#), paragraph “c”, subparagraph (3) or (4), the unit shall seek an order that the noncustodial parent shall provide a health benefit plan when a plan becomes available for which there is no premium cost for a child to the parent.~~

~~f. [This section](#) shall not apply to [chapter 252H](#), [subchapter IV](#).~~

**Sec. 4. NEW SECTION. 252E.1B Establishing and modifying orders for medical support — actions initiated by child support recovery unit.**

1. If the child support recovery unit is initiating an action to establish or modify support, [this section](#) shall apply in addition to the provisions of [section 252E.1A](#).

2. The unit shall apply the following order of priority when the unit enters or seeks an order for medical support:

a. If the custodial parent is currently providing coverage for the child under a health benefit plan other than public coverage, and the plan is available as described in [section 252E.1A](#), [subsection 3](#), the unit shall enter or seek an order for the custodial parent to provide coverage.

b. If the noncustodial parent is currently providing coverage for the child under a health benefit plan other than public coverage, and the plan is available as described in [section 252E.1A](#), [subsection 3](#), the unit shall enter or seek an order for the noncustodial parent to provide coverage.

c. If a health benefit plan other than public coverage is available as described in [section 252E.1A](#), [subsection 3](#), to the custodial parent, the unit shall enter or seek an order for the custodial parent to provide coverage.

d. If a health benefit plan other than public coverage is available as described in [section 252E.1A](#), [subsection 3](#), to the noncustodial parent, the unit shall enter or seek an order for the noncustodial parent to provide coverage.

e. If a health benefit plan other than public coverage is not available to either parent, and the custodial parent has public coverage for the child, the unit shall enter or seek an order for the custodial parent to provide health care coverage and shall enter or seek an order for the noncustodial parent to pay cash medical support. However, if any of the circumstances described in [section 252E.1A](#), [subsection 4](#), paragraph “a”, “b”, or “c” is met, the unit shall enter or seek an order as specified by the applicable paragraph.

3. Notwithstanding [subsection 2](#), if there is an order for joint physical care for the child and the parties subject to the support order, the unit shall apply the following order of priority when the unit enters or seeks an order for medical support:

a. If only one parent is currently providing coverage for the child under a health benefit plan other than public coverage, and the plan is available as described in [section 252E.1A, subsection 3](#), the unit shall enter or seek an order for that parent to provide coverage.

b. If both parents are currently providing coverage for the child under a health benefit plan other than public coverage, and both plans are available as described in [section 252E.1A, subsection 3](#), the unit shall enter or seek an order for both parents to provide coverage.

c. If neither parent is currently providing coverage for the child under a health benefit plan other than public coverage, and a health benefit plan other than public coverage is available as described in [section 252E.1A, subsection 3](#), to one parent, the unit shall enter or seek an order for that parent to provide coverage.

d. If neither parent is currently providing coverage for the child under a health benefit plan other than public coverage, and a health benefit plan other than public coverage is available as described in [section 252E.1A, subsection 3](#), to both parents, the unit shall enter or seek an order for both parents to provide coverage.

e. If a health benefit plan other than public coverage is not available to either parent and one parent has public coverage for the child, the unit shall enter or seek an order for that parent to provide health care coverage.

4. The child support recovery unit or the court shall not order any modification to an existing medical support order in a proceeding conducted solely pursuant to [chapter 252H, subchapter IV](#).

Sec. 5. [Section 252E.2, subsection 1](#), Code 2018, is amended to read as follows:

1. An order requiring the provision of coverage under a health benefit plan other than public coverage is authorization for enrollment of the dependent if the dependent is otherwise eligible to be enrolled. The dependent's eligibility and enrollment for coverage under such a plan shall be governed by all applicable terms and conditions, including, but not limited to, eligibility and insurability standards. The dependent, if eligible, shall be provided the same coverage as the obligor.

Sec. 6. [Section 252E.3](#), Code 2018, is amended to read as follows:

**252E.3 Health benefit care coverage of obligee.**

For cases for which services are being provided pursuant to [chapter 252B](#), the order may require an obligor providing a health benefit plan care coverage for a child to also provide a health benefit plan care coverage for the benefit of an obligee if the obligee is eligible for enrollment under the plan in which the child or the obligor is enrolled, and if the plan coverage for the obligee is available at no additional cost.

Sec. 7. [Section 252E.4, subsection 1](#), Code 2018, is amended to read as follows:

1. When a support order requires an obligor to provide coverage under a health benefit plan other than public coverage, the district court or the department may enter an ex parte order directing an employer to take all actions necessary to enroll an obligor's dependent for coverage under a health benefit plan or may include the provisions in an ex parte income withholding order or notice of income withholding pursuant to [chapter 252D](#). The child support recovery unit, where appropriate, shall issue a national medical support notice to an employer within two business days after the date information regarding a newly hired employee is entered into the centralized employee registry and matched with a noncustodial parent in the case being enforced by the unit, or upon receipt of other employment information for such parent. The department may amend the information in the ex parte order or may amend or terminate the national medical support notice regarding health insurance provisions if necessary to comply with health insurance requirements including but not limited to the provisions of [section 252E.2, subsection 2](#), or to correct a mistake of fact.

Sec. 8. [Section 252E.16, subsection 1](#), Code 2018, is amended to read as follows:

1. The Unless otherwise specified, the provisions of [this chapter](#) take effect July 1, 1990, for all support orders entered pursuant to [chapter 234, 252A, 252C, 598, or 600B](#).

Sec. 9. ADMINISTRATIVE RULES — TRANSITION. Until such time as the department of human services adopts rules pursuant to [chapter 17A](#) necessary to administer this Act, all of the following shall apply:

1. The child support recovery unit may initiate proceedings to establish and modify support orders in accordance with [chapter 252E](#), as amended in this Act.

2. The child support recovery unit may, to the extent appropriate, apply and utilize procedures, rules, and forms substantially similar to those applicable and utilized pursuant to [section 252E.1B](#), as enacted in this Act, for proceedings initiated in accordance with [section 252E.1A](#).

Sec. 10. EFFECTIVE DATE. This Act takes effect October 1, 2018.

Approved April 11, 2018