

CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES

P.O. Box 419064, Rancho Cordova, CA 95741-9064

Reason for this Transmittal

- State Law or Regulation Change
 Federal Law or Regulation Change
 Court Order or Settlement Change
 Clarification requested by One or More Counties
 Initiated by DCSS

October 23, 2001

CSS LETTER: 01-27

ALL IV-D DIRECTORS
 ALL DISTRICT ATTORNEYS
 ALL COUNTY ADMINISTRATIVE OFFICERS
 ALL BOARDS OF SUPERVISORS

SUBJECT: NATIONAL MEDICAL SUPPORT NOTICE (NMSN)

Effective October 1, 2001, all local child support agencies are required to use the National Medical Support Notice (NMSN) in lieu of the Health Insurance Coverage Assignment (HICA) and the Qualified Medical Child Support Order (QMCSO), when enforcing the health care coverage provision in a child support order upon the noncustodial parent's employer pursuant to Family Code 3760 and 3773.

The NMSN is a two part notice comprised of: 1) instructions to the employer in Part A , federal Office of Management and Budget (OMB) number 0970-0222, and 2) instructions to the plan administrator in Part B, federal OMB 1210-0113.

The Department of Child Support Services is currently drafting regulations for the enforcement of the NMSN. Awaiting final regulations, a question and answer (Q&A) template has been created to better assist the local child support agencies with the administration of the NMSN. The enclosed Q&A is an informative extension to the provisions indicated in the previous CSS Letter 01-15, dated May 18, 2001.

To obtain a copy of the Federal Interim Final Rule, access Office of Child Support Enforcement's (OCSE) web site at <http://www.acf.dhhs.gov/programs/cse/> and click on Policy Regulations. Continue on to Current regulations and then double-click on the Child Support Enforcement: National Medical Support dated 11-15-99 under Proposed or Interim Final Rules.

To order hard copies of this notice, please contact Jesse Saenz at (916) 464-5104.



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 For energy saving tips, visit the DCSS website at
www.childsup.cahwnet.gov

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The NMSN is also available as a JetFORM template. For more information about JetFORM, or to receive a JetFORM template of the NMSN, please contact Kristy Johnson by e-mail at Kristy.Johnson@dcss.ca.gov or by phone at (916) 464-5219.

If you have any questions or concerns regarding this matter, please contact your policy coordinator as specified in the Local Child Support Agency (LCSA) Letter No. 01-22, dated July 12, 2001.

Sincerely,

SANDRA POOLE, Chief
Policy Branch

Enclosure

National Medical Support Notice (NMSN)

1. **Q.** When must the local child support agencies (LCSA) use the NMSN?
A. Local child support agencies in California shall use the NMSN to enforce the health care coverage provision in a child support order to employers, including local governments and churches, no later than October 1, 2001.
2. **Q.** Can the employee motion to “quash” an order?
A. Yes, under Family Code 3765, the obligor (NCP) may contest the withholding under the Notice based on a several grounds. However, the employer must proceed to comply with the employer’s responsibilities in the Notice until notified by the LCSA to discontinue withholding.
3. **Q.** Are the local child support agencies required to specify to the employer the maximum amount of wage withholdings for both, child support and medical premiums?
A. Yes. In accordance to Section 706.052 of the Code of Civil Procedure, the local child support agencies are required to indicate to the employer, the percentage of the total amount withheld for both cash and medical support by inputting fifty (50) percent or the amount stipulated in the child support order for maximum wage withholdings of both cash support and health insurance premiums. This information is to be inserted in the “Limitations on Withholding” Section of Part A of the NMSN.
4. **Q.** Are the local child support agencies required to specify to the employer the priority of withholding between cash and medical support?
A. Yes. The local child support agencies are required to indicate to the employer the prioritization between cash and medical support. Refer to FSD Letter NO. 95-01, dated January 9, 1995. This information is to be inserted in the “Priority of Withholding” Section of Part A of the NMSN.
5. **Q.** Can the NMSN be used as a child support order?
A. No. There must be an order in effect at the time the LCSA sends the NMSM to the employer.
6. **Q.** Can the local child support agencies use NMSN for wage withholdings of cash medical support?
A. No. The Order/Notice to Withhold Income for Child Support, rather than the NMSN, is used to withhold cash medical support if specifically designated in an order.

National Medical Support Notice (NMSN)

7. **Q.** By using the NMSN, will it conflict with ERISA regulations?
A. No, published in the Federal Register is a parallel final regulation adopted by DOL under section 609(a) of the Employee Retirement Income Security Act of 1974 (ERISA)(29 U.S.C. 1169 (a)), adopting the NMSN.

Under ERISA section 609(a)(5)(C), if the cover pages of NMSN is appropriately completed, the NMSN satisfies the conditions of ERISA section 609(a)(3) and (4), the NMSN is deemed to be a “qualified medical support order.”