

How the AG Helps Parents Meet Their Children's Medical Needs



By Greg Abbott
Attorney General of Texas

Most people are aware that the Attorney General's Office assists parents in obtaining financial support for their children. In State Fiscal Year 2004, the Attorney General's Child Support Division (CSD) collected a record-breaking \$1.677 billion for Texas children.

You may not know that my office also addresses a child's health care needs by including medical support in each child support order. More than 655,000 children on the CSD caseload are subject to a child support order that includes a provision to provide medical support.

Access to health care is essential to a child's well-being. For that reason, Texas law requires that each child support order address medical support in addition to child support. In crafting the child support order, courts consider the cost and quality of health insurance that may be available to the parents, so that each child receives the best possible coverage.

In many child support cases, the parent without custody is ordered to provide health insurance for the child through a policy available from the parent's employer or membership in a union, trade association, or other organi-

zation.

If the custodial parent has comparable coverage that is available at a lower cost, the courts will order the non-custodial parent to pay additional child support to cover the cost of the health insurance premium for the child.

If neither parent is able to obtain private health insurance at a reasonable cost, the custodial parent is ordered to apply on behalf of the child to a government-funded medical program such as Medicaid or the state Children's Health Insurance Program (CHIP). The cost of the CHIP premium is added to the noncustodial parent's monthly child support payment.

In addition, both parents may be required to pay a percentage of "out-of-pocket" medical expenses that are not covered through insurance. The percentage is determined by the financial circumstances of each parent. If neither parent has private insurance and the children are not eligible for Medicaid or CHIP, the courts will order the noncustodial parent to provide cash medical support in addition to the monthly child support payment.

When the noncustodial parent is ordered to pay cash medical support, a notice of income withholding is sent to the employer according to the same procedures for withholding regular child support payments from the parent's paycheck. If the parent is ordered to provide insurance through the employer,

the employer is required to enroll the child in health insurance coverage and withhold the necessary premium payments from the parent's income.

The Child Support Division surveys Texas employers about private health insurance provided to their employees. By matching the names of children who are subject to medical support orders with employer data, my office has enrolled close to 330,000 children over the last two years in employer-provided dependent health care coverage.

Enrolling children in private health insurance represents a significant cost savings to the state of Texas. The Child Support Division found that over half of the children my office enrolled in private insurance were also covered by Medicaid. This information allowed the Health and Human Services Commission to recover \$17.4 million from private insurers and pharmacies for services Medicaid paid, but was not required to cover. In addition, the Attorney General's Office collected \$10.4 million in cash medical support for families on Medicaid and distributed those collections to the Medicaid agency.

To find out more about services offered by the Attorney General's Child Support Division, visit the agency Web site at www.oag.state.tx.us. Or you can contact your local Child Support field office. Consult your local directory for listings.

POINTS TO REMEMBER

Medical Support

Texas law requires child support orders to include a provision for medical support, in this order:

1. Noncustodial parent provides health insurance available through his or her employer;
2. Custodial parent provides health insurance available through his or her employer, and the noncustodial parent reimburses cost of premium;
3. Noncustodial parent provides insurance from source other than employer;
4. Custodial parent applies for Medicaid or CHIP. The cost of the CHIP premium is added to the noncustodial parent's monthly child support payment; or
5. Noncustodial parent pays cash medical support.

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Information on this and other topics is available on the Attorney General's Web site at www.oag.state.tx.us.