

# FINAL BILL REPORT

## SHB 1845

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C 476 L 09  
Synopsis as Enacted

**Brief Description:** Concerning medical support obligations.

**Sponsors:** House Committee on Judiciary (originally sponsored by Representatives Rodne and Pedersen; by request of Department of Social and Health Services).

**House Committee on Judiciary**  
**House Committee on Health & Human Services Appropriations**  
**Senate Committee on Human Services & Corrections**

### **Background:**

As a condition of receiving federal funds for various programs, federal law requires states to have an approved child support program. As part of an approved program, states must issue child support orders that provide for the child's health care coverage. Federal regulations adopted in 2008 require states to: (1) consider health insurance available to either parent at the time of entering a support order; and (2) require an obligated parent to pay a cash medical support obligation if health insurance is not available through the obligated parent. A cash medical support obligation requires the obligated parent to pay a proportional share of either an insurance premium for private insurance that is paid by the other parent or the amount paid by the state to cover the child through Medicaid.

Washington's child support statutes already require the court to order either or both parents to provide health insurance coverage for the child if coverage is or becomes available through a parent's employer and the cost is less than 25 percent of the obligated parent's basic child support obligation. The court may also require the parent to provide for the uninsured medical costs of the children. Washington's statutes do not address "cash medical support" obligations.

Health insurance coverage is enforced by the Department of Social and Health Services (DSHS) through a standardized notice developed by the federal government called the "National Medical Support Notice." When a notice is issued to an employer, the employer must respond. If health insurance is available, the employer must withhold the necessary premium and forward the notice to a health insurance provider.

### **Summary:**

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The court must require both parents to provide medical support for any child named in the support order by providing health insurance coverage or contributing cash medical support. In addition, both parents are responsible for paying their proportionate share of any uninsured medical expenses. If there is sufficient evidence provided at the time the order is entered, the court may determine which parent must provide coverage and which parent must contribute an amount toward the premium. If both parents have health insurance coverage that is accessible to the child when the support order is entered, the court may order the parent with better coverage to provide health insurance and require the other parent to pay an amount toward the premium. A parent required to provide health insurance may provide coverage through: (1) private insurance; or (2) an employer or union if the cost of that coverage does not exceed 25 percent of the parent's basic child support obligation. If the court does not specify how medical support will be provided, the DSHS or either parent may enforce the medical support obligation.

The DSHS may enforce an obligated parent's medical support obligation by first seeking health insurance coverage. If coverage is not available, the DSHS will enforce a cash medical support obligation. If a specific amount for cash medical support is not specified in the order, the DSHS may serve notice on the parent to determine the amount. Parties may seek enforcement of a medical support obligation on their own through superior court.

When cash medical support is collected and the child is covered through Medicaid, the DSHS may retain the funds as reimbursement or pass the funds through to the parent to be used for medical costs. A receiving parent may be required to account for how cash medical support is being used to benefit the child. Enforcement of health insurance coverage using the National Medical Support Notice is limited to enforcing coverage against the obligated parent.

A parent required to provide health insurance coverage must notify the DSHS and the other parent when coverage terminates.

**Votes on Final Passage:**

House	96	0	
Senate	48	0	(Senate amended)
House			(House refuses to concur)
Senate	47	0	(Senate amended)
House	94	0	(House concurred)

**Effective:** October 1, 2009