

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 660 Department of Human Resources
Rule No. 660-3-18-.02
Rule Title: Medical Support Establishment
 New x Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NA

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? NA

Is there another, less restrictive method of regulation available that could adequately protect the public? NA

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NA

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NA

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? NA

Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer *Raney J. Gresham*

Date 6-10-19

(DATE FILED)

(Department of Human Resources)
(Child Support)

NOTICE OF INTENDED ACTION

AGENCY NAME: Department of Human Resources.

RULE NO. & TITLE: 660-3-18-.01 Definitions
660-3-18-.02 Medical Support Establishment

INTENDED ACTION: Proposed amendment to rules to comply with the Final Rule: Flexibility, Efficiency and Modernization in Child Support Enforcement Program (45 CFR §303.4 and §303.31) and to mirror amendments to Rule 32, Alabama Rules of Judicial Administration.

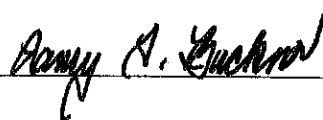
SUBSTANCE OF PROPOSED ACTION: The rule has been proposed to comply with the Final Rule: Flexibility, Efficiency and Modernization in Child Support Enforcement Program to update the definitions of medical support, private health insurance and publicly funded health care coverage. Language has also been added to include health care coverage that can be obtained for the child(ren) and to allocate the cost of coverage between the parents.

TIME, PLACE, MANNER OF PRESENTING VIEWS: All interested parties may submit data, views or arguments respecting the proposed amendment by mail or in person through close of business on September 4, 2019. Persons wishing to submit data, views or arguments orally should contact the Department's Administrative Procedures Secretary between the hours of 8:00a.m. and 4:30 p. m., Monday through Friday, excluding State holidays, at (334) 242-9330 to set up an appointment for such oral/in person presentations.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: September 4, 2019

CONTACT PERSON AT AGENCY:

Gail Grobe, AP Secretary
State Department of Human Resources
Gordon Persons Building
50 Ripley Street, Suite 2122
Montgomery, Alabama 36130-4000
(334) 242-9334



Nancy T. Buckner
Commissioner

660-3-18-.02 Medical Support Establishment.

(1) The IV-D Child Support Enforcement Agency must seek medical support for children from either parent.

(2) All child support orders enforced by the IV-D Child Support Enforcement Agency shall include a provision for health care coverage~~medical support~~ for the child(ren) to be provided by either or both parents.

(3) The IV-D Child Support Enforcement Agency is required to:

~~(3)a)~~ petition the court to include private health care insurance coverage in the support order if it is accessible to the child(ren), is available to the parent responsible for providing medical support and can be obtained for the child(ren) at reasonable cost in new or modified court orders for support; and

b) Allocate the cost of coverage between the parents.

(4) If ~~private health care coverage insurance~~ is not available at the time the order is entered or modified, IV-D agencies are required to petition to include cash medical support that is reasonable in cost until such time as ~~private health care coverage insurance~~ becomes available. However, in Alabama all cases where the child support obligation has been calculated by Rule 32 Alabama Rules of Judicial Administration Guidelines are considered to have cash medical support ordered because an amount for medical costs is part of the basic child support obligation.

(5) The IV-D Child Support Enforcement Agency must petition the court to modify support orders to include ~~medical support in the form of health care insurance coverage and/or cash medical support~~ if the provision does not exist in the order.

(6) The IV-D Child Support Enforcement Agency must provide the custodial parent with information pertaining to the ~~health care insurance~~ policy which has been secured for the dependent child(ren) pursuant to an order.

Author: ~~Janice Grubbs~~ Clifford Smith

Statutory Authority: Rule 32 Alabama Rules of Judicial Administration, 42 USC 666(a)19; 45 C.F.R. 303.31, ALABAMA STATE PLAN - CHILD SUPPORT ENFORCEMENT DIVISION.

History: **New Rule:** Filed August 6, 2009; effective September 10, 2009. **Amended:** Filed July 2, 2019