

KATHLEEN M. BRICKLEY
Chief Judge



JEFFREY J. DUFON
Circuit Judge – Family Division

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**THIRTY-SIXTH JUDICIAL CIRCUIT COURT
FAMILY DIVISION – FOC**

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MEDICAL SUPPORT ENFORCEMENT INFORMATION SHEET

THIS INFORMATION IS PROVIDED TO YOU FOR BASIC CLARIFICATION OF MEDICAL SUPPORT ENFORCEMENT AT THE OFFICE OF THE FRIEND OF THE COURT. IF YOUR QUESTION IS NOT ADDRESSED IN THE FOLLOWING STATEMENTS, PLEASE WRITE TO THIS OFFICE WITH THE SPECIFIC PROBLEM.

1. All complaints about medical support enforcement must be submitted in writing to the Friend of the Court (FOC) Office. There are generally two kinds of complaints: 1) a parent is not providing health care insurance, or 2) a parent is not paying their share of uninsured health care expenses.
2. In all cases you must try to resolve the dispute directly with the other parent. If a parent is not providing health care insurance, contact the parent, in writing, and ask that they enroll the child in an insurance program and provide you with copies of insurance cards and/or claim forms. If a parent is not paying their share of uninsured health care expenses you must first notify the other party, in writing, of the situation and provide them with a copy of all bills and insurance statements. You need to provide this information to the other parent 28 days within receiving a notice of payment/non-payment from the insurance carrier. The party from whom payments are requested should be given a reasonable opportunity to pay the expenses directly to you or to the health care provider. You should contact the FOC Office only if the other parent fails to cooperate or respond to your requests.
3. The Court will not enforce any uninsured health care expenses that were incurred more than one (1) year prior to submission to the FOC Office.
4. Each parent should provide the other parent with:
 - a. an insurance card,
 - b. copies of medical bills,
 - c. copies of insurance information and forms necessary to submit claims, and
 - d. copies of all determinations made as to the coverage of submitted claims.
5. "Health care" means the products or services provided or prescribed by a person or organization licensed or legally authorized to provide or prescribe human health care products or services, including, but not limited to the following professionals: chiropractors, dentists, oral surgeons, orthodontists, prosthodontists, periodontists, endodontists, pedodontists, dental hygienists, dental assistants, medical doctors, physician's assistants, registered professional nurses, licensed practical nurses, nurse midwives, nurse anesthetists, physiotherapists, physical therapy technicians, chiropodists, podiatrists, foot specialists, psychologists, psychological assistants, and psychological examiners. This also includes the following health facilities of agencies (even when located in a correctional institution or a university, college or other educational institution), ambulances, advanced mobile emergency care services, clinical laboratories, county medical care facilities, freestanding surgical outpatient facilities, health maintenance organizations, homes of the aged, hospitals, and nursing homes. [Michigan Child Support Formula, Section IV-D]
6. If your Order requires you to maintain insurance that is offered through your employment at a reasonable cost, then you must maintain that insurance even if you must pay for such coverage.

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7. Any medical bills applied to a parent's deductible under an insurance plan is deemed uninsured and each party will be responsible as provided by the Court's order regarding the percentage of payment towards unreimbursed health care expenses.
 8. You are responsible for payment of the percentage established by the Court's Order. If the Order does not give percentages, but instead states "... jointly and severally liable ..." the Court interprets that to mean that each parent should pay 50% of any uninsured health care expenses.
 9. Medicaid requires copies of explanations of benefits before a claim can be paid. Medicaid may or may not pay all or a portion of what is not paid by insurance. Any unpaid remainder is the parents' responsibility per the terms of the Order for uninsured medical expenses.
 10. In all elective health care procedures (i.e. non-emergency situations), the parent obtaining health care for the child(ren) should notify the other parent in advance and in writing regarding the required care. See special instructions for braces/orthodontia treatment included elsewhere in the medical packet.
 11. If a parent has insurance available that is a PPO, HMO, or EQUIVALENT in nature, then the parent has satisfied the requirement of obtaining and maintaining insurance for the benefit of the minor child(ren), unless the Order specifies that a certain type of insurance must be obtained and maintained. If a parent refuses to utilize the other parent's insurance, the parent that incurs the health care expenses on behalf of the child(ren), that parent may be liable for up to 100% of the costs incurred.
 12. Each parent is required to keep the FOC Office informed of any health care coverage that is available to them as a benefit of employment or that is maintained by them, the name of the insurance company, health care organization or health maintenance organization, the policy, the certificate, or contract number, and the names and birth dates of the persons for whose benefit they maintain health care coverage under the policy, certificate or contract.
 13. Court costs may be assessed against a parent who continually fails to pay required health care costs, and who continually fails to maintain health care insurance as required by Court Order.
 14. Always read your Court orders so that you are familiar with your rights and responsibilities that relate to medical child support enforcement.