



DEBORAH N. DEWALT NEWSLETTER



Published by Deborah N. Dewalt
2412- 117th Street, Burnsville, MN 55337

Tel: .952-895-5543
Fax: 952-646-9311

Web page: <http://www.dewaltlaw.com> Email: Deborah@dewaltlaw.com
Ms. Dewalt is a divorce and family law attorney. She is also a mediator.

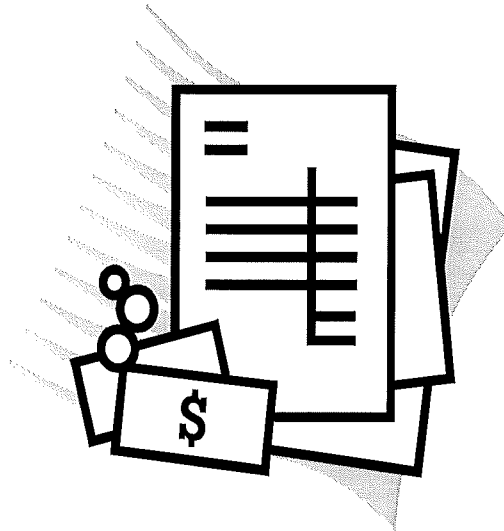
COLLECTING MEDICAL AND DENTAL SUPPORT

The trend in medical and dental insurance policies is to increase co-pays, deductibles and noncovered services in an effort to keep monthly premiums down. The best strategy for collecting a co-parent's share of those unreimbursed costs is asking for payment regularly and following up with formal collection efforts if reimbursement is not promptly made.

Minnesota Law allows the Court to order a parent to be liable for the reasonable and necessary medical and dental expenses of a child if there is no medical or dental insurance available for the child. Minn. Stat. Sec. 518.171, Subd. 1(b)(2). It permits the Court to order each parent to contribute to expenses that insurance does not pay. Minn. Stat. Sec. 518.171, Subd. 1(c). The contribution of each parent is in pro ration to that parent's share of total net family income, calculated before the payment/receipt of child support, unless the parents agree otherwise. Minn. Stat. Sec. 518.171, Subd. 1(d).

By statute the term "medical and dental" expenses includes but is not limited to necessary orthodontia and eye care including prescription lenses. Minn. Stat. Sec. 518.171, Subd. 1(c). The statute provides for collecting medical and dental support by means of income withholding. Minn. Stat. Sec. 518.171, Subd. 1(e).

If the requesting parent fails to pay the bills with the funds obtained, that parent can be found in contempt of court. Minn. Stat. Sec. 518.171, Subd. 1(e).



All too often parents do nothing about uninsured medical and dental insurance until someone brings a motion to modify child support, and included in that motion, or in a response to it, one of the parents requests a determination of arrears in payment of uninsured medical and dental expenses. The longer the period of time involved, the more difficult it is for both sides to obtain sufficient documentation to establish or oppose the claim. The parent requesting reimbursement may end up with the issue indefinitely tabled. The reimbursing parent may find objections to specific costs seemingly ignored.

Whichever side of the issues you are on, the strategies to avoid this dilemma are similar:

1. Ask for payment regularly. Ask about the existence of uninsured expenses. Ideally, requests for payment are submitted to the other party at regular intervals (usually when incurred, monthly or every three months). Keep track of the dates you make your requests by keeping a log of phone calls, copies of e-mails or copies of correspondence made to the other party.
2. Substantiate your request for payment. Explain in detail objections to payment. What would you want to know/have before you agree to pay the bill or agree to forego reimbursement? Ideally, the requesting parent will keep a log of dates of treatment, which child received the treatment, provider, cost, amount covered by insurance and out-of-pocket cost. Attached to the log should be receipts, insurance notices, etc. to confirm the details set out in the log.

Common issues that reimbursing parties have with requests for reimbursement are: unclear documentation that a claim was submitted to insurance, unclear documentation as to the amount paid by the insurance company or the amount due after the insurance payment; no separation of the expenses for the child as opposed to expenses of other family members for whom the reimbursing party is not responsible; differences of opinion as to the need for services; newly discovered failure of the requesting party to maintain insurance as ordered; unexplained change in the amount of co-pays, deductibles, etc.; inclusion of items not prescribed by a physician such as off-the-counter medicines; duplicate filling of same prescription, one for each household, with only one being covered. The reimbursing party should be as specific about the objection or question as possible; if more documentation is desired, identify what it is you want to see. If you have documentation that supports an objection, provide copies of it to the other side.

3. Set a deadline for payment. Promptly respond to a request for reimbursement. Ask for payment by a certain date, either as set out in your Decree or Order; or agreed upon by the two of you informally; or within a reasonable time. If you as the reimbursing parent agree with the request, pay promptly; if you cannot pay the entire amount requested right away, pay what you can and let the other party know when you will pay the rest. If you have objections to or questions about

specific items, see if you can get these problems resolved before the deadline for payment. Pay any expenses that you do agree are due. When the problems are resolved, promptly pay the balance .



4. Keep a log of what has transpired. Especially note when you sent or gave the request to the other party. Be clear about what expenses you are agreeing with and paying, and log the date and amount of payment sent or given to the requesting parent.



5. Try Self-Help. The requesting party can effectively eliminate some reimbursement problems by only paying his/her share of the bill. Similarly, in some situations, the reimbursing parent could obtain information directly from a provider or insurance company. If the problem is failure of the requesting party to pay the bills with the reimbursement, pay your share of the uninsured expenses directly to the provider as frequently as possible.

Either side might benefit from seeking automatic income withholding. Find out the policies and procedures of your County's Support and Collections unit with regard to medical and dental support. For example, in Dakota County, the County Attorney's Office requires specific language in a Decree or Order to implement income withholding for medical and dental insurance, such as:

Means of Payment: Medical and Dental Support shall be collected by means of automatic income withholding.

Mediation might be helpful to find mutually agreeable definitions of "necessary" treatment or to deal with unique issues.



6. If problems persist, promptly consult with an attorney. The earlier on that you can identify chronic problems with medical support, the more effective that you, Support and Collections or an attorney can be addressing them – the less likely you are facing a deep, dark hole as described in the early paragraphs of this article.

Teenagers – the challenge. Make your challenge easier by learning more about parenting teenagers and sharing the burdens and joys of it with others. The website www.shouldertoshoulderminnesota.org is devoted to the topic of raising teenagers.



It offers parenting tips, community outreach services, current research and news on the teen years, events of interest, and an opportunity to share your opinion with others



Holidays – Surviving Them. If you have children, start now to pin down their time with you for the holidays. Plan from their point of view. The holidays are very exciting for many children. It is easy for them to become overwhelmed by too much: too many special events, too many presents, too many holiday treats and too many expectations for behavior, happiness, appreciation, etc. Keep things simple. Be flexible. Be willing to change some traditions and start new ones. Do what it takes for smooth transitions from home to home. Make sure you and your kids get enough sleep.

Custody – avoiding conflict. Conflict before, during and after a divorce can be very damaging to children. The booklet Taking The Conflict Out of Child Custody guides parents through seven short exercises intended to help raise their awareness of how to keep focused on their children's needs – despite everything else going on in the parents' lives. It also includes seven exercises to learn basic conflict resolution skills, titled as follows:

- Look before you leap
- Calm yourself and control your reactivity
- Consider the second best solution
- Retell family stories with themes of stability and care



- View it from the little chair
- Stay focused on your own behavior
- Learn to push the parent button (what helps the other parent be a good parent)

This booklet is available from Kids First, 1527 Adams Avenue, Dunmore, Pennsylvania, 18509, 1-570-341-2007, in packages of 10 or from my office at cost.

May you have the blessing of a peaceful holiday season!

Holiday Office Hours

Monday – Friday: 9:00 a.m. – 4:30 p.m.

Effective September 1, 2003 – May 28, 2004

Our Office will be closed November 11,27,28 and December 25,26.

Please feel free to let us know if you want to be added to our mailing list at: (952) 895-5543.

© Deborah N. Dewalt 2003

