

See §0906.13 (Assignment and Referral: Medical Support) for additional information.

Medical support referrals are not required for all children on MA or MinnesotaCare. Determine whether a referral is required for each child. In all cases, do not refer if the caretaker has shown good cause.

Do not make a medical support referral if a court order to provide health insurance exists and the parent is in compliance with the order.

Do not make a medical support referral if the caretaker is not receiving or requesting MA or MinnesotaCare and paternity has not been established for the child.

Make medical support referrals in all other situations. In cases where the child lives with the caretaker but only the child is receiving MA or MinnesotaCare, make a referral to IV-D if:

- < The child was born when the parents were married
- OR
- < Paternity has been established by court order or signing of a Recognition of Parentage (ROP)

AND at least one of the following conditions exist:

- < There is no court order.
- < A court order for medical support health insurance exists, but the non-custodial parent is not meeting the obligation.
- < An existing court order does not include a provision for medical support or indicates that medical support has been reserved.
- < There are court-ordered medical support cash payments, whether or not the non-custodial parent is currently making the payments.
- < The caretaker of a child enrolled in MA or MinnesotaCare notifies you that the non-custodial parent is no longer complying with the medical support order. When a caretaker notifies you of a change in circumstances that requires a referral, take action within 2 working days after you learn of the change. Require the caretaker to complete referral forms. Send the forms to IV-D within 2 working days after you receive them from the client.

- < The applicant requests child support services.

EXAMPLE:

Maia applies for MA for her two children, Seng and Lou. She is not requesting MA or MinnesotaCare for herself. She is separated from her husband, who is Lou's father. There is no court order. She was not married to Seng's father and there is no court order or ROP establishing paternity. Make a IV-D referral for Lou because her parents were married when she was born and there is no court order. Do not make a referral for Seng because paternity has not been established and Maia is not receiving MA or MinnesotaCare for herself.

EXAMPLE:

Marina applies for MA for her son, Ryan. She is divorced from Ryan's father. He is court ordered to carry health insurance for Ryan but is not complying. Make a referral to IV-D.

EXAMPLE:

Karla applies for MinnesotaCare for her children, Per and Kari. She was not married to Per's father, but they signed an ROP when Per was born. There is no court order for medical support. Karla is divorced from Kari's father and he is complying with an order to make monthly cash medical support. Make a IV-D referral for both children.

In cases where the caretaker and child are both receiving MA or MinnesotaCare, make a medical support referral in all cases unless the non-custodial parent is complying with an order to provide medical support health insurance. This includes making paternity referrals as described below.

Paternity can be established either through a court order or by both parents signing an ROP. The ROP has been accepted as a legal showing of paternity since 8-1-95. Before 8-1-95, the Declaration of Parentage (DOP) served as an acknowledgement of paternity but does not serve as a legal establishment. Make a paternity referral when:

- < There is no ROP or court order.
- < There is an ROP, but the non-custodial parent is not living with the child.
- < There is a court order establishing paternity, but the non-custodial parent does not live with the child, and there is no order for medical support or the non-custodial parent is not complying with the order.

- < The alleged father lives with the mother and child(ren), but only a DOP has been signed. Make the referral even if the alleged father is part of the household and his income is counted toward the child(ren)'s eligibility. Note on the referral form that the father's income is being counted.

The parents may choose to sign an ROP and submit a copy to MinnesotaCare instead of being referred to IV-D.

EXAMPLE:

Tyesha applies for MinnesotaCare for herself and her son Dante. She was not married to Dante's father and has not talked to him for several years. There is no ROP or paternity order. Make a referral to IV-D.

EXAMPLE:

Rhonda applies for MA for herself and her daughter, Selena. She and Selena's father recently separated after living together for several years. They signed an ROP when Selena was born, but there is no court order for medical support. Make a referral to IV-D.

When a minor child lives apart from both parents, a IV-D referral may be required. One or both parents may be subject to payment of a parental fee. DHS collects parental fees in certain situations. See §0906.13.09 (Parental Fees). County procedures for parental fee collections vary. In some counties, the IV-D unit may pursue parental fees along with child and medical support orders. Other counties may have separate staff handling parental fees. Follow your county's procedures using the guidelines below:

- < If a child is in a foster care placement funded through Title IV-E, do not make a separate referral for medical support or MA parental fees. Follow your agency's procedures for Title IV-E referrals.
- < If the child is in foster care placement that is not funded through Title IV-E, OR the child is not in a placement but lives apart from both parents:

-Determine if there is a non-custodial parent.

-If the child previously lived with both parents, there is no non-custodial parent.

-If legal custody of the child was transferred to a **person** other than a parent, both parents are non-custodial.

Note: This does not apply when the county agency is given custody of a child for purposes of out-of-home placement. When the agency has custody, determine whether there is a non-custodial parent based on who the child lived with before entering placement.

-If the child previously lived with one parent, consider that parent to be the custodial parent. The other parent is the non-custodial parent.

Refer the non-custodial parent(s) to IV-D following the rules for child-only cases. Do not refer the custodial parent(s). Follow your agency's procedures for pursuing parental fees from the custodial parent.

EXAMPLE:

John, age 9, is placed in a foster home. He does not have a disability that would result in DHS pursuing parental fees. He was removed from the home of his parents, who are married. He is not eligible for Title IV-E reimbursement for the placement but is eligible for MA. Do not make a referral for IV-D medical support enforcement because there is no non-custodial parent. Refer for parental fees according to your agency's procedures.

EXAMPLE:

Alyssa, age 10, is removed from her mother's home and placed in foster care. She does not have a disability that would result in DHS pursuing parental fees. She is not eligible for Title IV-E reimbursement for the placement but is eligible for MA. Her parents are divorced and her father is court-ordered to provide health insurance for Alyssa. If he is not complying with the order, make a IV-D referral for him and pursue parental fees according to your agency's procedures. If he is complying with the order, no IV-D referral is required. Pursue parental fees for both parents according to your agency's procedures.

EXAMPLE:

Lynn, age 17, lived with her mother. Her parents are divorced and there is a court order for medical support from her father. He is not complying with the order. Lynn moved out of her mother's home into her own apartment and applies for MinnesotaCare for herself. Make a medical support referral for Lynn's father based on the existence of the medical support order. Do not refer Lynn's mother, the custodial parent, to IV-D. Although Lynn cannot legally assign rights to her medical support, she must provide as much information about her father as possible as a condition of eligibility. The IV-D worker will determine what action can be taken.

If Lynn applies for MA instead of MinnesotaCare, make a medical support referral for her father. Pursue a parental fee for her mother according to your agency's procedures.

EXAMPLE:

Tina was removed from her parents' home and placed with her aunt, who was given legal custody. Since both parents are now considered non-custodial, make a medical support referral to IV-D.

- < If the applicant is a minor with dependent children, determine whether a IV-D referral is required for both the minor parent and the dependent child(ren). If the minor has a non-custodial parent, treat this as two child support cases. If appropriate, make a referral for the minor's non-custodial parent. Make another referral for the non-custodial parent of the applicant's child(ren).

EXAMPLE:

Lori applies for MinnesotaCare for herself, her 12-year-old son Michael, her 15-year-old daughter Amber, and Amber's 3-month-old son Peter. Lori is divorced from Michael and Amber's father. There is a court order for medical support, but the non-custodial parent is not complying. Lori has access to insurance for herself only through her employer and is ineligible for MinnesotaCare. Michael, Amber, and Peter are eligible. Paternity has not been established for Peter.

Make a IV-D referral for Michael and Amber. Make a separate referral for Peter, since paternity has not been established and Amber is receiving MinnesotaCare. Amber must provide information about Peter's father and cooperate with establishing an order for medical support for him as a condition of her own eligibility.

EXAMPLE:

Corinne, age 16, and her 1-year-old daughter Megan live with Corinne's aunt. Corinne's parents are married and live together. She is covered by their health insurance and does not want MA for herself. She applies for MA for Megan only. Paternity has not been established for Megan. No IV-D or parental fee referrals are required.

If Corinne received MA for herself, a IV-D referral would be required for Megan. No referral would be required for Corinne because there is not a non-custodial parent. Refer her parents for parental fees according to your agency's procedures.