

Parent A's obligation = 203.07 (1 shared child)

Parent B's obligation = 130.55 (1 shared child) + 580.20 (2 children full-time with Parent A) = 710.75

Parent B is the payer. Total obligation following offset = \$507.68

**History:** Cr. Register, January, 1987, No. 373, eff. 2-1-87; am. (1) (a), (b) (intro.) and 1., (3) (intro.), (a) and (c), r. and recr. (2), Register, August, 1987, No. 380, eff. 9-1-87; r. and recr. (1), (2), Register, February, 1995, No. 470, eff. 3-1-95; CR 03-022: am (1) (b) 3. a., b., 4., 5. a., b., 6., 8., r. and recr. (2), and (3), cr. (4) and (5) Register December 2003 No. 576, eff. 1-1-04; corrections in (1) (b), (2) (b), (3) (a), (b), (4) (a) and (5) (b) made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635; CR 08-066: am. (4) (b) Register December 2008 No. 636, eff. 1-1-09; CR 09-036: am. (1), (2) (b) 1. and (3) (a), r. and recr. (3) (b), cr. (6) Register November 2009 No. 647, eff. 1-1-10; corrections in (6) (b) 4. made under s. 13.92 (4) (b) 7., Stats., Register November 2009 No. 647.

### **DCF 150.05 Medical support.**

**(1) RESPONSIBILITY FOR HEALTH EXPENSES.** In addition to ordering child support for a child under this chapter, the court shall specifically assign responsibility for and direct the manner of payment for the child's health expenses under s. 767.513, Stats.

**(a)** In this section, "private health insurance" does not include a medical program under subch. IV or V of ch. 49, Stats.

**Note:** The BadgerCare Plus program under s. 49.471, Stats., is in subch. IV of ch. 49, Stats.

**(b)** Except as provided in par. (e), the court may order either or both parents to enroll a child in a private health insurance plan that is accessible to the child and available at a reasonable cost, as follows:

1. The court may consider a private health insurance plan to be accessible to the child if the plan's service providers are located within a reasonable distance from the child's home. In general, service providers may be considered within a reasonable distance if they are located within 30 minutes or 30 miles of the child's residence, with a greater distance allowed in some rural areas.
2. The court may consider a private health insurance plan to be available at a reasonable cost if the cost to enroll the child or children does not exceed 5% of the insuring parent's monthly income available for child support and would cover hospitalization and other medical costs without large out-of-pocket deductibles or copayments. In applying this 5% standard, the cost to enroll the child or children in a private health insurance plan is the cost to add the child or children to existing coverage or the difference between the cost of self-only coverage and the cost to that parent after adding the child or children.
3. The court may order the non-insuring parent to contribute to the cost to enroll the children in a private health insurance plan in an amount that does not exceed 5% of the non-insuring parent's monthly income available for child support.
4. The court may incorporate responsibility for a contribution to the cost of private health insurance as an upward or downward adjustment to a payer's child support obligation.

**Note:** The cost to enroll a child in a private health insurance plan and a contribution to the cost are in addition to a parent's responsibility for child support. The court would order an upward adjustment to a payer's child support order if the payee is the insuring parent and the payer is contributing to the cost. The court would order a downward adjustment to the payer's child support obligation if the payer is the insuring parent, the payee is contributing to the cost, and the payee's contribution is less than the payer's child support amount.

**(c)** The court may not order a parent whose income is below 150% of the federal poverty level to enroll a child in a private health insurance plan or contribute to the cost of a private health insurance plan unless there is no cost to the parent.

**(d)** If there is no private health insurance plan available that meets the requirements of par. (b), the court may order any of the following:

1. Enrollment in a private health insurance plan as a deviation under s. 767.511 (1m), Stats.
  2. Responsibility for a contribution to the cost of the other parent's premium for the BadgerCare Plus program under s. 49.471, Stats., unless the parent's income is below 150% of the federal poverty level. The court may incorporate responsibility for a contribution to the cost of the premium as an upward or downward adjustment to a payer's child support obligation.
  3. Enrollment in a private health insurance plan if a plan that meets the requirements of par. (b) becomes available to the parent in the future.
- (e) If a person other than a parent has enrolled a child in an accessible private health insurance plan that covers hospitalization and other medical costs without large out-of-pocket deductibles or copayments, the court may determine whether to order a parent to enroll the child in a private health insurance plan.
- (f) The court shall also establish an order for medical expenses that are not covered by insurance. The court shall consider each parent's ability to pay these medical expenses.
- (2) BIRTH COST JUDGMENT.**
- (a) In this subsection, "birth cost judgment" means an order establishing the amount of the father's obligation to pay or contribute to the reasonable expenses of the mother's pregnancy and the child's birth under s. 767.89 (3) (e), Stats.
- (b) The court shall include in a paternity judgment or order a birth cost judgment amount that does not exceed one-half of the actual and reasonable cost of the mother's pregnancy and child's birth and shall order the lowest of the following:
1. An amount that does not exceed the sum of 5% of the father's current monthly income available for child support multiplied by 36 months.
  2. If the father's monthly income available for child support is between 75% and 150% of the federal poverty guidelines, an amount that does not exceed the maximum birth cost judgment amount provided in the schedule in Appendix D.
  3. If the father's monthly income available for child support is less than 75% of the federal poverty guidelines, a birth cost judgment at an amount appropriate for the father's total economic circumstances.
- (c) The department shall revise the schedule in Appendix D every year based on changes in the federal poverty guidelines. The department shall publish revisions to the schedule in the Wisconsin Administrative Register.
- History:** EmR0821: emerg. cr. eff. 6-27-08; CR 08-066: cr. Register December 2008 No. 636, eff. 1-1-09; CR 09-036: cr. (1) (a) to (f), am. (2) (b) 2. Register November 2009 No. 647, eff. 1-1-10.

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