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## Employee Benefits – Question of the Month

June 2019

**Editor's Note:** *This month, it's two-for-the-price-of-one! I recently received two similar questions regarding termination of coverage that had been offered pursuant to a medical child support order. They're both short, so I thought I would combine them.*

**Q1:** We have an employee who has been covering her child on our medical insurance under a court order. She just showed me a court judgment saying the amount that's being withheld from her pay as child support fulfills her support obligation and negates the medical support order. I'm trying to figure out where that paperwork needs to go.

**A1:** It sounds like you have two competing orders here: a medical child support order (probably from a state agency) that requires the employee to provide health insurance for her child, and another one (probably from a family court judge) saying that the employee is already paying child support and shouldn't be required to pay for the child's health insurance on top of that.

In this situation, I would seek guidance from the state agency that issued the medical child support order. Contact information should be provided on the original order you received requiring the employee to provide the coverage. If you don't have the order or it wasn't issued by a state agency, you might also try contacting [the Department of Health and Human Services' Office of Child Support Enforcement](#).

**Q2:** One of our employees just told me that he is no longer required to have coverage for his daughter, which he was required to provide pursuant to a court order. Assuming he provides proof that he is no longer obligated to provide the coverage, would this be considered a qualifying event allowing him to take his daughter off his insurance? I just want to make sure I am giving him the right information.

**A2:** Cafeteria plan regulations regarding an employee's ability to drop or add coverage outside of open enrollment are complicated, so it's better to be safe than sorry!

The tricky part about your scenario is that the regulations say coverage can be dropped only if:

- There is an order requiring another person (e.g., a spouse or former spouse) to cover the child; and
- Coverage is, in fact, provided for the child through a plan available to that other person.

I would start by asking the employee for a copy of the order allowing him to drop coverage for his child. If it's not clear from the order whether the child has coverage through another person (usually, the other parent), then I would recommend contacting the state agency (or court) that issued the order to see if they can verify coverage.

Feel free to contact me if you have any additional questions at [juliea@millercares.com](mailto:juliea@millercares.com).

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