

STATE OF VERMONT

SUPERIOR COURT

FAMILY DIVISION

Unit

Case No. \_\_\_\_\_

Empty rectangular box for additional case information.

Plaintiff Name	DOB	v.	Defendant Name	DOB
Other Party Name:			Other Party Name:	

MEDICAL SUPPORT ORDER

<b>PLAINTIFF</b> <input type="checkbox"/> Obligor (person who pays support) <input type="checkbox"/> Obligee (person who receives support)	<b>PLAINTIFF'S EMPLOYER or Source of Funds</b>
Name (First, Last)	Name
Mailing Address	Mailing Address
City State Zip Code	City State Zip Code
Phone Number	Phone Number
Social Security Number	Email Address

<b>DEFENDANT</b> <input type="checkbox"/> Obligor (person who pays support) <input type="checkbox"/> Obligee (person who receives support)	<b>DEFENDANT'S EMPLOYER or Source of Funds</b>
Name (First, Last)	Name
Mailing Address	Mailing Address
City State Zip Code	City State Zip Code
Phone Number	Phone Number
Social Security Number	Email Address

CHILDREN WHO ARE SUBJECTS OF THIS ORDER

First Name	Last Name	Date of Birth	Grade	Social Security Number

**I. TYPE OF HEARING, DEFAULT OR STIPULATION**

- This order is entered:  after default hearing (when one or more parties fail to appear)  
 upon approval of the parties (stipulation filed)  
 pursuant to 15 V.S.A. §660(d)

Parties Present:

- Plaintiff  Plaintiff's Attorney  
 Defendant  Defendant's Attorney  
 OCS  Other: \_\_\_\_\_

- Plaintiff was not present, but  
 Received notice by personal service on: \_\_\_\_\_  
 Received notice by certified mail restricted delivery on: \_\_\_\_\_  
 Signed an acceptance of service on: \_\_\_\_\_  
 Other: \_\_\_\_\_

- Defendant was not present, but  
 Received notice by personal service on: \_\_\_\_\_  
 Received notice by personal service on: \_\_\_\_\_  
 Signed an acceptance of service on: \_\_\_\_\_  
 Other: \_\_\_\_\_

**FINDINGS AND BASIS OF ORDER**

**II. PARENTAGE**

- The parties executed a Voluntary Acknowledgement of Parentage or Acknowledgment of Parentage, which was filed with the Vermont Department of Health and has not been rescinded or challenged, pursuant to 15C V.S.A. §304-309.
- There is a legal presumption for the child(ren):
- The child(ren) was/were born or adopted during the marriage/civil union;  
*List Child(ren) Name(s)* \_\_\_\_\_
  - The child(ren) was/were born within 300 days of the date the marriage/civil union terminated, either by divorce, annulment or operation of law;  
*List Child(ren) Name(s)* \_\_\_\_\_
  - The parties married each other after the birth of the child(ren) they asserted parentage of the child, and agreed to be and are named as parents of the child(ren) on the birth certificate;  
*List Child(ren) Name(s)* \_\_\_\_\_
  - The parties resided in the same household with the child(ren) from the child(ren)'s birth through the first two years of their life, including temporary periods of absence, and both parties openly held out the child(ren) as the non-birth parent's child(ren).  
*List Child(ren) Name(s)* \_\_\_\_\_
- The parties are intended parents of the child(ren) pursuant to a gestational carrier agreement.  
*List Child(ren) Name(s)* \_\_\_\_\_
- A Parentage Order for the child(ren) was issued on \_\_\_\_\_ by \_\_\_\_\_
- The Vermont Superior Court  Other: \_\_\_\_\_  
*List Child(ren) Name(s)* \_\_\_\_\_

### III. PARENTAL RIGHTS AND RESPONSIBILITIES

- A.  Plaintiff  Defendant has assigned medical support rights to the state.
- B. The parties do not seek a parental rights and responsibilities order.
- C. The parties do not seek a child support order.
- D. Additional information:

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### IV. MEDICAL SUPPORT

#### A. MEDICAL SUPPORT PROVISIONS

Select option A, B, and/or C

- A) Medical support is addressed in the Child Support Order filed \_\_\_\_\_ and has not been modified by this order.
- B) Neither party has private health insurance available to them. Either or both parents shall provide private health insurance for a child if it becomes available at a reasonable cost. Either parent may request a hearing to determine whether the cost of health insurance is reasonable.
- C) Based on insurance availability,  
the  Obligor  Obligee is ordered to maintain the state or federally provided health insurance so long as the child(ren) remains eligible for current coverage; or  
the  Obligor  Obligee is ordered to provide and maintain private health insurance for the minor child(ren) as long as the cost of health insurance is deemed reasonable.

The determination of health insurance availability is based upon:

- Medical support worksheet result (attached and incorporated as findings in this order);
- Stipulation of the parties;
- Determination or Order of the Court;
- Other (See Additional Findings)

If the insurance coverage is no longer available, either or both parties are ordered to provide private health insurance if it becomes available at a reasonable cost.

Either parent may request a hearing at any time to determine whether the cost of health insurance is reasonable.

- Obligor is ordered to provide a cash contribution toward the cost of health coverage as follows: Beginning \_\_\_\_\_ \$ \_\_\_\_\_ Per \_\_\_\_\_.

#### B. Current Medical Support Coverage

Health insurance: \_\_\_\_\_

Policy or Certificate Number: \_\_\_\_\_

Name of Subscriber: \_\_\_\_\_

Relationship to Child(ren): \_\_\_\_\_

Plan Name: \_\_\_\_\_

Plan Address: \_\_\_\_\_

Subscriber ID Number: \_\_\_\_\_

**C. Child(ren)'s Out of Pocket Medical Expenses**

Medical or other health expenses that are unreimbursed by insurance (including but not limited to expenses for eye, dental, mental health, health plan deductible) shall be shared as follows:

- 1)  Obligee  is or  is not solely responsible for the first \$200 annually of the children’s out of pocket health expenses;
- 2)  The parties shall share unreimbursed expenses as follows: Obligor \_\_\_\_\_% Obligee \_\_\_\_\_% .
- 3)  Additional Provisions: \_\_\_\_\_

**D. Additional Medical Support Provisions**

- 1. If employed, a parent under a medical support order shall notify his/her employer of such obligation, in writing, within 10 days of the date of this order.
- 2. If self-employed or unemployed, a parent under a medical support order shall notify his/her health care insurer of such obligation in writing within 10 days of the date of this order.
- 3. A parent is liable for any unreimbursed health care costs of the child(ren) that result from that parent's failure to give notice/obtain insurance as ordered above, which accrues between the date of this order and the date that the order is modified by the Court.
- 4. If a parent has health insurance through an entity other than his/her employer, that parent shall be responsible for maintaining that insurance and complying with any notice requirements under the policy in effect. Failure to do so will make the parent liable for paying any unreimbursed health care expenses that accrue between the date of this order and the date this order is modified by the Court.
- 5. If a parent pays a health expense of a child subject to this order and the other parent receives reimbursement from insurance for the expense, the reimbursement shall be sent to the parent who advanced payment, within 30 days of receipt. If the child(ren) also have Medicaid coverage, payment is to be sent to: Office of Health Access, 312 Hurricane Drive, Suite 201, Williston, VT 05495-2806, within 30 days.
- 6. The parties shall provide each other with copies of bills for health expenses and documentation of insurance determination within 30 days of receipt. The parent who maintains insurance shall also provide the other parent with a health insurance card, claim forms and a list of benefits and restrictions within 10 days of the date of this order.

**V. ARREARS ON PAST DUE MEDICAL SUPPORT/REPAYMENT PROVISIONS**

**A. Arrears Owed Office of Child Support**

Plaintiff  Defendant shall pay the Office for Child Support as follows:  
\$\_\_\_\_\_ per \_\_\_\_\_ on a judgment of \$\_\_\_\_\_ as of \_\_\_\_\_

The judgment consists of the following past due amounts:

\$\_\_\_\_\_

Other: \$\_\_\_\_\_

**B. Arrears Owed to  Plaintiff  Defendant**

Plaintiff  Defendant shall pay the other party as follows:

\$\_\_\_\_\_ per \_\_\_\_\_ on a judgment of \$\_\_\_\_\_ as of \_\_\_\_\_

The judgment consists of the following past due amounts:

\$\_\_\_\_\_

Other: \$\_\_\_\_\_

**C. Arrears Owed to Other Agency**

Plaintiff  Defendant shall pay to \_\_\_\_\_ as follows:

\$\_\_\_\_\_ per \_\_\_\_\_ on a judgment of \$\_\_\_\_\_ as of \_\_\_\_\_

The judgment consists of the following past due amounts:

\$\_\_\_\_\_

Other: \$\_\_\_\_\_

**VI. Method of Payment**

**A. WAGE WITHHOLDING ORDER**

Any employer of  Plaintiff  Defendant shall deduct the following sum from his/her wages:

\$\_\_\_\_\_ per \_\_\_\_\_

This deducted amount shall be paid directly to:

**OFFICE OF CHILD SUPPORT, PO BOX 1310, WILLISTON, VT 05495.**

**B. DIRECT PAYMENT Based upon  Stipulation of the parties  Evidence presented at hearing**

Plaintiff  Defendant shall make payments directly to the Office for Child Support as follows:

\_\_\_\_\_ \$\_\_\_\_\_ per \_\_\_\_\_

This deducted amount shall be paid directly to:

**OFFICE OF CHILD SUPPORT, PO BOX 1310, WILLISTON, VT 05495.**

Plaintiff  Defendant shall make payments directly to the other party as follows:

\_\_\_\_\_ \$\_\_\_\_\_ per \_\_\_\_\_

**C. Additional Orders:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**VII. DURATION OF MEDICAL SUPPORT**

- A. This order shall remain in effect unless and until it is changed or discontinued by further order of the Court or by operation of law.
- B. Unless otherwise specified, a party's support obligation will continue beyond a child's eighteenth birthday if the child is enrolled in, but has not completed high school, unless otherwise specified.
- C. If wage withholding is ordered and an arrearage exists when the support obligation terminates, the current monthly payment and any arrearage repayment plan shall not be reduced until the amount is satisfied.

**The above is stipulated to by the parties:**

Signature of Plaintiff	Date	Signature of Defendant	Date
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**Approved as to Form**

Signature of Plaintiff's Attorney	Date	Signature of Defendant's Attorney	Date
Signature of OCS Representative			Date

**It is so ORDERED**

Signature of Magistrate or Superior Court Judge	Date
Printed Name of Magistrate or Superior Court Judge	

Assistant Judge	Date	Assistant Judge	Date
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**ACCEPTANCE OF SERVICE**

I have received a copy of this order and I waive all other service.

Plaintiff	Date	Defendant	Date
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## **Additional Conditions of Order & Important Notices**

### **A. THIS IS A COURT ORDER**

All parties are expected to comply with all terms of this order.

The address provided to the court shall remain the same for service of future actions and/or orders unless a parent notifies the court of a change.

### **B. A PARTY HAS THE RIGHT TO SEEK MODIFICATION OF THE ORDER BY FILING AN ACTION IN COURT**

A parent or any other person to whom support has been granted, or any person charged with support, may file a motion for a modification of a child support order under 15 V.S.A. § 660. **A modification may be granted upon a real, substantial, and unanticipated change of circumstances**, including loss of employment or a considerable reduction or increase in salary or wages. A party is responsible for any required payments set forth in an order unless the order is vacated or modified by a court. Thus, any subsequent agreement between the parties that differs from the order is not legally binding, and the party is still legally required to pay the amount ordered by the court. (15 V.S.A. § 663 (e)).

If a child turns 18 and has completed secondary school, and a parent wants to have support changed, s/he must file a motion to modify child support with the court.

### **C. RIGHT TO SEEK ENFORCEMENT OF THE ORDER**

1. A party may place liens on real or personal property.

2. A party may request the court to:

- » place assets in escrow.
- » grant a civil penalty when noncompliance of the support is willful.
- » order wage withholding if the support amount is at least 7 days delinquent.
- » find the Obligor in Contempt if there is willful noncompliance with this order.
- » impose surcharges on past due child support.

### **IN ADDITION TO THE REMEDIES LISTED ABOVE:**

A party has the right to request assistance from the Vermont Office of Child Support in the effort to enforce this order. If the Office of Child Support is or becomes involved in this case, based either on a current or future request for their services, or otherwise, the Office is not limited to but may take the following steps when appropriate:

1. Use any lawful collection remedies to collect any outstanding balance from the Party, regardless of any repayment plan on any unpaid debts.
2. Certify all qualifying child support debts to the Vermont Tax Department and/or the Federal Treasury Offset Program for the purpose of intercepting tax returns and/or other payments (i.e., vendor payments, passport denial, etc.)
3. Report a Party's account balance to consumer credit reporting agencies and/or request a copy of the report.
4. Administratively issue a wage withholding order for current support and/or arrearages in excess of 1/12 of the annual support obligation.
5. Freeze bank accounts and take the proceeds to satisfy past due support.
6. Administratively suspend any and all licenses owned by the Party. This may include, but is not limited to, professional, hunting, fishing, or motor vehicle driver's licenses.

## HEALTH INSURANCE AVAILABILITY & COST WORKSHEET

1. Private health insurance is available to:  Plaintiff  Defendant  Neither

	Plaintiff	Defendant
Gross monthly income is	\$	\$
5% gross monthly income is	\$	\$
Total monthly family health insurance cost to employee	\$	\$
Total monthly two person cost to employee	\$	\$
Total monthly single person coverage to employee	\$	\$

2. Private health insurance is deemed reasonable for:  Plaintiff  Defendant because:

- The cost of adding the child(ren) to an existing health insurance policy is 5% or less of a parent's gross income as calculated above for  Plaintiff  Defendant
  
- The cost of obtaining coverage for the child(ren) is 5% or less of a parent's gross income as calculated above for  Plaintiff  Defendant
  
- the above referenced cost of health insurance is 5% or more of  Plaintiff's  Defendant's gross income and the court has considered the factors of 15 V.S.A. § 659. Additional findings:

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3. Although the cost of health insurance is 5% or less of a parent's gross income, the  Plaintiff  Defendant **is not ordered** to provide health insurance for the following reasons:

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