

**Recent Amendments to the Pennsylvania Support Guidelines
& Proposed Amendments to Family Law Related Appeals**

By: David C. Schanbacher, Esquire

The Pennsylvania Supreme Court recently amended the Pennsylvania Support Guidelines, which guidelines address the calculation, payment and enforcement of child support, spousal support and alimony pendente lite orders in Pennsylvania. The most significant of these amendments pertains to health insurance coverage for children, which will take effect on October 12, 2008.

As of October 12, 2008, the Pennsylvania Support Guidelines will specify which parent is primarily responsible for providing children subject to a support order with health insurance coverage and how the costs of that coverage should be allocated into the support order. In addition, the cost of health care coverage provided by a stepparent for children subject to a support order may now be taken into consideration. Specifically, these amendments provide as follows:

- The non-custodial parent bears the first responsibility for providing health care coverage for the children if available at a reasonable cost. Reasonable cost shall be defined as an amount that does not exceed 5% of the obligor's (parent paying child support) net monthly income when added to the obligor's basic child support obligation (including an upward adjustment for appropriate expenses, i.e., child care) does not exceed 50% of the obligor's net monthly income.
- If health care coverage is not provided for the child by the obligor, the obligee (parent receiving child support) or a third party household member (stepparent), the Court shall issue a **National Medical Support Notice** to the obligor's employer. This notice shall direct the obligor's employer to enroll the children in the employer's health care plan if available at a reasonable cost. The obligor will be permitted twenty-five (25) days to object to the National Medical Support Notice. The Court must provide the obligor with an explanation of how to object to the National Medical Support Notice. If there is more than one health care plan available to the obligor, the obligor may select the plan subject to the obligee's right to seek a court order designating coverage under a different plan and/or option.
- If health care coverage is not available to the obligor at a reasonable cost, the custodial parent or obligee shall be directed to provide coverage so long as it is available at a reasonable cost. In this circumstance, reasonable cost shall be defined as an amount that does not exceed 5% of the obligee's net monthly income.
- If coverage is not available to either parent, the Court may direct the custodial parent to apply for health insurance coverage for the children through a government sponsored program such as CHIP. Any cost incurred for such government sponsored program shall be allocated between the parties in

accordance with the percentages of their respective net monthly incomes as determined pursuant to the Pennsylvania Support Guidelines.

- Within thirty (30) days of the date of the Support Order, the party directed to provide health insurance coverage for the children shall provide written verification to the other party that coverage exists as well as providing insurance cards to the other party as well as any other necessary written materials.
- The Court shall give preference to coverage that is readily accessible to the child taking into account geographical coverage, access to local treatment providers and any other relevant factors.

Based on the above, there will be a specific procedure in place to ensure that all children subject to a support order are protected with health insurance coverage. Further, these amendments will now provide for the cost of a stepparent's health insurance plan to be taken into consideration as a means of encouraging stepparents to maintain that coverage.

As part of these amendments, parties to a support action will now be required to a form pertaining to the availability and type of health insurance coverage offered to an obligor and/or obligee. This form must be returned to the Domestic Relations Section of the Court on or before any support conferences.

In addition to the above amendments to the Pennsylvania Support Guidelines, there is currently a proposal pending to amend the Pennsylvania Appellate Rules to provide for "family fast track appeals." The intent of these proposed amendments to the appellate rules is to speed up the length of time cases involving the rights of children, dependency, termination of parental rights, adoptions, custody and paternity are mired in the appellate process. Should "family fast track" appeals become a reality, we will certainly keep you informed and represent your interests accordingly.