

767.513



767.513 Child health care expenses.

767.513(1)



(1) Definition. In this section, "health insurance" does not include medical assistance provided under [subch. IV](#) of ch. 49.

767.513(2)



(2) Responsibility and payment. In addition to ordering child support for a child under [s. 767.511 \(1\)](#), the court shall specifically assign responsibility for and direct the manner of payment of the child's health care expenses. In assigning responsibility for a child's health care expenses, the court shall consider whether a child is covered under a parent's health insurance policy or plan at the time the court approves a stipulation for child support under [s. 767.34](#), enters a judgment of annulment, divorce, or legal separation, or enters an order or a judgment in a paternity action or in an action under [s. 767.001 \(1\) \(f\)](#) or [\(j\)](#), [767.501](#), or [767.805 \(3\)](#), the availability of health insurance to each parent through an employer or other organization, the extent of coverage available to a child, and the costs to the parent for the coverage of the child. A parent may be required to initiate or continue health care insurance coverage for a child under this section. If a parent is required to do so, he or she shall provide copies of necessary program or policy identification to the custodial parent and is liable for any health care costs for which he or she receives direct payment from an insurer. This section shall not be construed to limit the authority of the court to enter or modify support orders containing provisions for payment of medical expenses, medical costs, or insurance premiums that are in addition to and not inconsistent with this section.

767.513(2m)



(2m) Health insurance identification card.

767.513(2m)(a)



(a) The court shall order a parent who is required to provide health insurance coverage for a child under this section to provide to the other parent a health insurance identification card evidencing the child's health insurance coverage.

767.513(2m)(b)



(b) If the parent ordered to provide a health insurance identification card for the child fails to do so, the other parent may attempt to obtain a card for the child by presenting to the health insurance provider or to the employer through which the insurance is provided a copy of the order requiring the provision of a card.

767.513(2m)(c)



(c) If the other parent is unable to obtain a health insurance identification card for the child in the manner provided in [par. \(b\)](#), the intentional failure to comply with the order to provide the card by the parent so ordered constitutes a contempt of court, punishable under [ch. 785](#).

767.513(3)



(3) Income withholding and assignment.

767.513(3)(a)



(a) In directing the manner of payment of a child's health care expenses, the court may order that payment, including payment for health insurance premiums, be withheld from income and sent to the appropriate health care insurer, provider, or plan, as provided in [s. 767.75 \(3h\)](#), or sent to the department or its designee for disbursement to the person for whom the payment has been awarded if that person is not a health care insurer, provider, or plan. If the court orders income withholding and assignment for the payment of health care expenses, the court or county child support agency under [s. 59.53 \(5\)](#) shall send notice of assignment in the manner provided under [s. 767.75 \(2r\)](#) and may include the notice of assignment under this paragraph with a notice of assignment under [s. 767.75](#). The department or its designee shall keep a record of all moneys received and disbursed for health care expenses that are directed to be paid to the department or its designee.

767.513(3)(b)



(b) If the court orders a parent to initiate or continue health insurance coverage for a child under a health insurance policy that is available to the parent through an employer or other organization but the court does not specify the manner in which payment of the health insurance premiums shall be made, the court or county child support agency under [s. 59.53 \(5\)](#) may provide notice of assignment in the manner provided under [s. 767.75 \(2r\)](#) for the withholding from income of the amount necessary to pay the health insurance premiums. The notice of assignment under this paragraph may be sent with or included as part of any other notice of assignment under [s. 767.75](#). A person who receives notice of assignment under this paragraph shall send the withheld health insurance premiums to the appropriate health care insurer, provider, or plan, as provided in [s. 767.75 \(3h\)](#).

767.513(4)



(4) Health benefit plan; employer obligation. If the court orders a parent to provide coverage of the health care expenses of the parent's child and the parent is eligible for family coverage of health care expenses under a health benefit plan that is provided by an employer on an insured or on a self-insured basis, the employer shall do all of the following:

767.513(4)(a)



(a) Permit the parent to obtain family coverage of health care expenses for the child, if eligible for coverage, without regard to any enrollment period or waiting period restrictions that may apply.

767.513(4)(b)



(b) Provide family coverage of health care expenses for the child, if eligible for coverage, upon application by the parent, the child's other parent, the department, or the county child support agency under [s. 59.53 \(5\)](#), or upon receiving a notice under [sub. \(6\) \(a\)](#).

767.513(4)(bm)



(bm) Notify the county child support agency under [s. 59.53 \(5\)](#) when coverage of the child under the health benefit plan is in effect and, upon request, provide copies of necessary program or policy identification to the child's other parent.

767.513(4)(c)



(c) After the child has coverage under the employer's health benefit plan, and as long as the parent is eligible for family coverage under the employer's health benefit plan, continue to provide coverage for the child unless the employer receives satisfactory written evidence that the court order is no longer in effect or that the child has coverage of health care expenses under another health insurance policy or health benefit plan that provides comparable coverage of health care expenses.

767.513(5)



(5) Recovery by state of 3rd party payments.

767.513(5)(a)



(a) If a parent who has been ordered by a court to provide coverage of the health care expenses of a child who is eligible for medical assistance under [subch. IV](#) of ch. 49 receives payment from a 3rd party for the cost of services provided to the child but does not pay the health care provider for the services or reimburse the department or any other person who paid for the services on behalf of the child, the department may obtain a judgment against the parent for the amount of the 3rd-party payment.

767.513(5)(b)



(b) [Section 767.75 \(4\)](#) applies to a garnishment based on a judgment obtained under [par. \(a\)](#).

767.513(6)



(6) Change of employment; notice.

767.513(6)(a)



(a) If a parent who provides coverage of the health care expenses of a child under an order under this section changes employers and that parent has a court-ordered child support obligation with respect to the child, the county child support agency under [s. 59.53 \(5\)](#) shall provide notice of the order to provide coverage of the child's health care expenses to the new employer and to the parent.

767.513(6)(b)



(b) The notice provided to the parent shall inform the parent that coverage for the child under the new employer's health benefit plan will be in effect upon the employer's receipt of the notice. The notice shall inform the parent that he or she may, within 10 business days after receiving the notice, by motion request a hearing before the court on the issue of whether the order to provide coverage of the child's health care expenses should remain in effect. A motion under this paragraph may be heard by a circuit court commissioner. If the parent requests a hearing and the court determines that the order to provide coverage of the child's health care expenses should not remain in effect, the court shall provide notice to the employer that the order is no longer in effect.

767.513 - ANNOT.



History: 2005 a. [443](#) ss. [104](#), [220](#); 2007 a. [96](#).

767.513 - ANNOT.



NOTE: 2005 Wis. Act 443 contains explanatory notes.

767.513 - ANNOT.



Orders assigning health care responsibility pursuant to s. 767.25 (4m) [now s. 767.513] are subject to revision under s. 767.32 [now s. 767.59]. [Kuchenbecker v. Schultz](#), 151 Wis. 2d 868, 447 N.W.2d 80 (Ct. App. 1989).

