

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1782

Amending Civil Rule 90.3(d)(1)
concerning when health
insurance for children is available
at a reasonable cost and
accessible

IT IS ORDERED:

1. Civil Rule 90.3 is amended to read as follows:

Rule 90.3. Child Support Awards.

* * * *

(d) Health Care Coverage.

(1) Health Insurance.

(A) The court shall address coverage of the children's health care needs and require health insurance for the children if insurance is available to either parent at a reasonable cost and accessible to the children. The court shall consider whether the children are eligible for services through the Indian Health Service (or any other entity) or other insurance coverage before ordering either or both parents to provide health care coverage through insurance or other means.

(i) *Reasonable Cost.* There is a rebuttable presumption that the cost of health insurance is reasonable if the cost does not exceed five percent of the adjusted annual income of the parent who may be required to purchase the insurance.

(ii) *Accessible.* Health insurance is accessible to the children if the plan pays for health care services reasonably available to the children.

(B) The court shall allocate equally the cost of this insurance between the parties unless the court orders otherwise for good cause. An obligor's child support obligation will be decreased by the amount of the obligee's portion of health insurance payments ordered by the court and actually paid by the obligor. A child support award will be increased by the obligor's portion of health insurance if the obligee is ordered to, and actually does obtain and pay for insurance.

(C) The cost of insurance is the cost attributable to the children for whom support is paid. If the cost to the employee of covering the employee alone is the same as the cost to the employee of covering the employee and dependents, then there is no additional cost to the employee for adding the children and no portion of the cost of coverage may be allocated to the children. If dependent coverage can be added for a single cost, rather than per dependent, and the dependent coverage covers dependents in addition to the children subject to the order, the cost of the dependent coverage will be allocated equally among the dependents covered. If there is reason to believe that there is an incremental cost to the employee for insuring dependents but evidence of that incremental cost is unavailable, the cost of insurance is determined by dividing the total cost of coverage by the number of family members covered and multiplying that amount by the number of children subject to the order.

(2) *Uncovered Health Care Expenses.* The court shall allocate equally between the parties the cost of reasonable health care expenses not covered by insurance unless the court orders otherwise for good cause. A party shall reimburse the other party for his or her share of the uncovered expenses within 30 days of receipt of the bill for the health care, payment verification, and, if applicable, a health

insurance statement indicating what portion of the cost is uncovered. Reasonable, uncovered expenses exceeding \$5,000 in a calendar year will be allocated based on the parties' relative financial circumstances when the expenses occur.

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2. The attached changes to the commentary to Civil Rule 90.3 were prepared by the Family Rules Committee and will be published in the Rules of Court immediately following Civil Rule 90.3. The commentary has not been adopted or approved by the Supreme Court, but it is published for informational purposes and to assist users of Rule 90.3.

DATED: May 29, 2013

EFFECTIVE DATE: October 15, 2013

/s/
Chief Justice Fabe

/s/
Justice Winfree

/s/
Justice Stowers

/s/
Justice Maassen

/s/
Justice Bolger