

INSTRUCTIONS FOR GETTING PAYMENT FROM THE OTHER PARENT
FOR A CHILD'S HEALTH CARE EXPENSES

If you have paid for a child's health care expenses and the other parent has not paid his or her share, these instructions explain what to do.

Step 1. Find Your Child Support Order

Read the section of your child support order that explains how the parents must divide the cost of the children's health care expenses that are not paid by insurance. In current Alaska orders (form [DR-300](#)), this is paragraph 10, "Uncovered Health Care Expenses."

This paragraph will tell you what percent each parent must pay if insurance does not pay a child's health care bill. You need to know this in order to tell the other parent how much he or she owes you. (See step 2 below.)

If your child support order does **not** include such a section, you need to ask the court for an order. You can use the "*Motion*" form in this packet (form [DR-352](#)) described in Step 4.a below. (When you fill out the *Motion* form, check the second box in paragraph 2.)

Step 2. Tell the Other Parent What Is Owed

Within a reasonable time after you pay the bill, you must notify the other parent about the expense. Your letter or e-mail should explain what the expense was for and how much the other parent owes you. You must attach the following documents to your request for payment (if you have them):

- a. the bill from the service provider,
- b. proof of any amount you paid (such as the doctor's bill showing what was paid or a copy of your check or credit card receipt), and
- c. if the service is partly covered by insurance, an insurance statement showing the amount the insurance company paid and the amount (if any) still owed to the service provider. This statement is usually called an "Explanation of Benefits" (EOB).

If you did not receive the EOB from the insurance company because you do not own the policy and the other parent owns the policy, ask the other parent for a copy of the EOB.

Keep a copy of your letter and all attachments.

Step 3. Wait 30 Days

Generally, the other parent is required to pay you the amount owed within 30 days after receiving the paperwork described in Step 2.¹

If the other parent disagrees about the amount owed, he or she should contact you to explain the disagreement.

Step 4. If No Payment, Fill Out Forms

If the other parent does not pay his or her share within 30 days after receiving your letter, you may ask the court to order the parent to make the payment. You can wait until you have several unpaid bills before filing, but file within a reasonable time. Fill out the forms listed below and attach the required documents.

Fill in the top of the front page of each form the same way your child support order is filled in (the same court location, case number and parties' names). You can also fill out the forms online on the court website, although you will have to print them out to file them.

a. ***Motion & Affidavit Requesting Payment for Children's Health Care Expenses*** (form [DR-352](#))

This motion asks a judge to order the other parent to pay the amount you believe you are owed. You must attach several documents to the *Motion*. Be sure to check the box in paragraph 7 next to each item you attach.

You must sign the motion in front of a notary public. A court clerk can provide this notary service for you (at no charge) when you bring the documents to court. You must bring a photo ID with you for the notarization.

Be sure to fill out the "Certificate of Service" on page 3 of the form, describing how you will give a copy of everything to the other parent. (See Step 5 on the next page about sending copies to the other parent.)

b. ***Statement of Health Care Expenses*** (form [DR-353](#)). See the instructions on the form, including the list of documents you must attach.

One of the documents you must attach is a copy of each Explanation of Benefits statement (EOB) from an insurance company. If you did not receive an EOB from the insurance company (because you are not the owner of the policy), ask the parent who owns the policy for a copy of the EOB. If you are not able to attach a copy of the EOB, you must explain why in the space for this in paragraph 7 of the [DR-352](#) motion form.

¹ Civil Rule 90.3(d)(2)

- c. *Notice of Motion Requesting Payment for Children's Health Care Expenses* (form [DR-354](#))
- d. *Order for Reimbursement of Health Care Expenses* (form [DR-355](#))

Prepare this proposed order for the judge's signature. In the first paragraph, fill in the date you plan to file your motion with the court.

In paragraph #1, fill in the other parent's name, your name and the amount you believe you are owed (the total amount in column "h" on the *Statement of Health Care Expenses*). **Do not** fill in the last line (the deadline for making the payment).

Paragraph #3 allows the court to order the parent who has the insurance policy to sign a release form allowing the insurance company to give copies of EOBs (Explanations of Benefits) concerning the children to the other parent. If you want this, fill in the name of the parent who has the insurance on the first line and the name of the other parent on the second blank line.

Step 5. Send Copy of Motion and Other Documents to Other Parent

Mail the following documents to the other parent by first class mail (or hand-deliver them):

- a. A copy of each of the documents listed in Step 4 (the motion with its attachments, the statement of expenses with all its attachments, the notice of motion and the proposed order). Put the *Notice of Motion* on top.
- b. A blank *Response Packet* ([DR-356](#)).

Step 6. Send Copy of Motion and Other Documents to Other Parent's Attorney – If Previously Represented.

If the other parent was represented by an attorney within the last year, also send to that attorney a copy of everything listed in Step 5 **except the *Response Packet***. You can find the attorney's name and address in the court case file.

Step 7. Keep a Copy.

Keep a copy of all documents and attachments for yourself.

Step 8. File Motion With the Court

Mail or hand-deliver **the originals** of all the documents to the court that entered your child support order. (See page 4 of the instructions in the *Response Packet* for a list of court mailing addresses.)

RESPONSE

The other parent has the right to file a response to the motion. (The [DR-356 Response Packet](#) explains how to do this.) The time limit for filing a response depends on how you deliver the motion to the other parent.²

- a. If delivered in person: 10 days from the date of delivery (counting weekends and holidays)
- b. If delivered by first class mail: 13 days from the date of mailing (counting weekends and holidays)

The other parent must send you a copy of any response he or she sends to the court.

REPLY

If you receive a response, you can file a "reply." The time limit for filing a reply depends on how the response was delivered to you.³

- a. If delivered in person: 5 days from the date of delivery (not counting weekends or holidays)
- b. If delivered by first class mail: 8 days from the date it was postmarked (not counting weekends or holidays)

You can use the reply form ([DR-359](#)) provided in this packet.

Your *Reply* must be signed in front of a notary (available at the court at no charge).

File the original of your reply (including the certificate of service on page 2) with the court.

Send a copy to the same people you sent your motion. Keep a copy for yourself.

HEARING

The judge may order a hearing if one is needed to decide any disputes about the evidence in your case. You will be notified if a hearing is scheduled. If you are not able to attend the hearing in person, contact the court to ask if you can participate by telephone. You can use form [SC-31](#) (available on the court's website) to ask to participate by telephone.

At the hearing, you will have the burden of proving the reasons to grant the motion. You must present evidence, which may include your own testimony or other witnesses' testimony. The other parent may present similar evidence (testimony) in opposition.

² Civil Rule 77(c)(2) and Civil Rule 6

³ Civil Rule 77(d) and Civil Rule 6

JUDGE'S ORDER

If the judge signs an order requiring the other parent to pay you money, the court will send a copy of the order to both you and the other parent.

IF THE OTHER PARENT DOES NOT OBEY THE ORDER TO PAY

If the other parent does not pay the amount ordered by the deadline stated in the order, you can either:

1. Ask the Child Support Services Division (CSSD) to collect the amount due for you. CSSD is **not** part of the court system. You can contact CSSD as follows:

Mail: 550 West 7th Ave., Suite 310, Anchorage AK 99501-6699

Telephone: (907) 269-6900 (in Anchorage) or (800) 478-3300 (toll free in Alaska). For TTY help, call (907) 269-6894 or (800) 370-6894 (toll free in Alaska).

Website: <http://childsupport.alaska.gov>

Offices: CSSD has offices in Anchorage, Fairbanks, Juneau and Wasilla.

Or

2. File a motion asking the court for a judgment against the other parent. If the court grants your request and signs a judgment, you can get a *Writ of Execution* from the court and use that writ to seize the other parent's assets to collect the debt.

If you need help preparing and filing this motion, contact the court system's Family Law Self-Help Center:

Telephone Helpline Hours: Monday – Thursday, 7:30 a.m. to 6:00 p.m.

Anchorage Phone No.: 264-0851

Outside-Anchorage Phone No. (Toll Free in Alaska): (866) 279-0851

Collecting the Money Ordered in the Judgment. After you get your judgment, you can go to the court clerk's office and request a *Writ of Execution* to help you collect the money. In order to decide which type of writ you need, the court will ask you what you plan to seize from the debtor (the other parent). For example, do you want to seize his/her Alaska Permanent Fund Dividend or bank account or wages? For an explanation of this and what you will need to do next, see the [CIV-550 Judgment Creditor Booklet](#), available at the court and on the court system's website.