

March 29, 2011

## **Health Insurance and the Parenting Plan**

When New Mexico parents divorce or separate and a court action is filed regarding child custody, one of the final documents (also called pleadings) filed with the court is called a Parenting Plan. The Parenting Plan provides details about legal custody for the child, as well as physical custody or timesharing. It should also include a child support worksheet and should address which parent will pay the ongoing cost of health insurance for the children.

New Mexico law imposes a duty on both parents to support their children and part of that support is providing health insurance coverage for their children when it is available. The New Mexico Child Support Guidelines are used to calculate child support and require that a parent providing health insurance coverage for the children be given credit for the monthly insurance premiums paid.

Other issues regarding health insurance for the children may arise if neither parent has affordable insurance available to them through work, or when an insurance plan is refusing to cover children when they do not live with the insured parent full-time. These issues may need to be addressed by the court. However, no matter how the final decision as to ongoing health insurance for the children is reached, the Parenting Plan should clearly identify which parent is paying and provide for an exchange of information regarding coverage. An experienced divorce and family law attorney can ensure that the health insurance issue is properly addressed by the court and included in the Parenting Plan.

### **DISCLAIMER**

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