



Best of ListServ

Q: Client with a mental health diagnosis looking for more cost-effective health insurance.

Is it federal or state legislation that requires parity for mental health coverage? My recollection is that it is state. If state, short of examining all laws, is there an easy way to determine which states offer it?

A: There is no (effective) national parity law regarding mental health coverage. More than 30 states have varying degrees of parity laws. You can receive more information from the National Mental Health Association --

<http://nmha.org/>

Press the link to "Background on Parity"

Jeff Atkinson, Chicago

Q: I have a client who does not understand how her husband could work at a job for 30 years and have a pension valued at less than \$130,000.00. Facts: H is 52 years old and will be entitled to benefits of about \$2,097 per month if he retires at 62. Depending on assumptions, this had a net present after tax value between \$125,000 and \$127,000. The client finds this figure impossible to accept, despite my many attempts to explain pension valuation to her.

Any one have any suggestions on how to make this accessible to this client? I went through all my old Family Advocates, particularly those designed for clients, but could find nothing on point.

A: There is really only one solution for the "obtuse" client. He or she needs to get a change in orientation from battling the divorce (or the issues that gave rise to the divorce) to a "get on with your life" future orientation. Until the client has emotionally turned the corner, nothing much will change.

How to do that? Getting a final resolution helps, although not much (we all have divorces that go on for years following decision). The most effective way is for the emotionally distraught person to find a new romantic interest, because (a) they suddenly feel more attractive and "worthy" and (b) they spend more time thinking about the new than the old. I don't run a dating

service, but if I did the divorces would get over a lot faster.

Steve Hayes

***Q:** Clearly there is no discharge in bankruptcy for child support arrearages, but how about interest on that arrearage? Is that a separate debt which is dischargeable?*

A: Interest on child support is not dischargeable, as it's an incident of the support. E.g., In re Foster, 319 F.3d 495 (9th Cir. 2003) (interest on Chapter 13 debtor's nondischargeable child support obligation continued to accrue postpetition, survived discharge of underlying child support debt, and could be collected personally from debtor post-discharge).

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