

By: Uresti

H.B. No. 2849

A BILL TO BE ENTITLED

AN ACT

relating to requiring dental support for a child.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 54.06(e), Family Code, is amended to read as follows:

(e) The court shall apply the child support guidelines under Subchapter C, Chapter 154, in an order requiring the payment of child support under this section. The court shall also require in an order to pay child support under this section that health insurance and dental insurance be provided for the child. Subchapter D, Chapter 154, applies to an order requiring health insurance and dental insurance for a child under this section.

SECTION 2. Section 101.006, Family Code, is amended to read as follows:

Sec. 101.006. CHILD SUPPORT SERVICES. "Child support services" means administrative or court actions to:

- (1) establish paternity;
- (2) establish, modify, or enforce child support, ~~or~~ medical support, or dental support obligations;
- (3) locate absent parents; or
- (4) cooperate with other states in these actions and any other action authorized or required under Part D of Title IV of the federal Social Security Act (42 U.S.C. Section 651 et seq.) or Chapter 231.

1 SECTION 3. Chapter 101, Family Code, is amended by adding  
2 Sections 101.0094 and 101.0095 to read as follows:

3 Sec. 101.0094. DENTAL INSURANCE. "Dental insurance" means  
4 insurance coverage that provides preventive dental care and other  
5 dental services, including usual dentist services, office visits,  
6 examinations, X-rays, and emergency services, that may be provided  
7 through a single service health maintenance organization or other  
8 private or public organization.

9 Sec. 101.0095. DENTAL SUPPORT. "Dental support" means  
10 periodic payments or a lump-sum payment made under an order to cover  
11 dental expenses, including dental insurance coverage, incurred for  
12 the benefit of a child.

13 SECTION 4. Section 101.012, Family Code, is amended to read  
14 as follows:

15 Sec. 101.012. EMPLOYER. "Employer" means a person,  
16 corporation, partnership, workers' compensation insurance carrier,  
17 governmental entity, the United States, or any other entity that  
18 pays or owes earnings to an individual. The term includes, for the  
19 purposes of enrolling dependents in a group health or dental  
20 insurance plan, a union, trade association, or other similar  
21 organization.

22 SECTION 5. Section 101.034, Family Code, is amended to read  
23 as follows:

24 Sec. 101.034. TITLE IV-D CASE. "Title IV-D case" means an  
25 action in which services are provided by the Title IV-D agency under  
26 Part D, Title IV, of the federal Social Security Act (42 U.S.C.  
27 Section 651 et seq.), relating to the location of an absent parent,

1 determination of parentage, or establishment, modification, or  
2 enforcement of a child support, ~~or~~ medical support, or dental  
3 support obligation.

4 SECTION 6. Section 154.008, Family Code, is amended to read  
5 as follows:

6 Sec. 154.008. PROVISION FOR MEDICAL SUPPORT AND DENTAL  
7 SUPPORT. The court shall order medical support and dental support  
8 for the child as provided by Subchapters B and D.

9 SECTION 7. Section 154.062(d), Family Code, is amended to  
10 read as follows:

11 (d) The court shall deduct the following items from  
12 resources to determine the net resources available for child  
13 support:

- 14 (1) social security taxes;
- 15 (2) federal income tax based on the tax rate for a  
16 single person claiming one personal exemption and the standard  
17 deduction;
- 18 (3) state income tax;
- 19 (4) union dues; and
- 20 (5) expenses for health insurance coverage and dental  
21 insurance coverage for the obligor's child.

22 SECTION 8. Section 154.064, Family Code, is amended to read  
23 as follows:

24 Sec. 154.064. MEDICAL SUPPORT AND DENTAL SUPPORT FOR CHILD  
25 PRESUMPTIVELY PROVIDED BY OBLIGOR. The guidelines for support of a  
26 child are based on the assumption that the court will order the  
27 obligor to provide medical support and dental support for the child

1 in addition to the amount of child support calculated in accordance  
2 with those guidelines.

3 SECTION 9. The subchapter heading of Subchapter D, Chapter  
4 154, Family Code, is amended to read as follows:

5 SUBCHAPTER D. MEDICAL SUPPORT AND DENTAL SUPPORT FOR CHILD

6 SECTION 10. Subchapter D, Chapter 154, Family Code, is  
7 amended by adding Section 154.1815 to read as follows:

8 Sec. 154.1815. DENTAL SUPPORT ORDER. (a) In this section,  
9 "reasonable cost" means the cost of a dental insurance premium that  
10 does not exceed three percent of the responsible parent's net  
11 income in a month.

12 (b) In a suit affecting the parent-child relationship or in  
13 a proceeding under Chapter 159, the court shall render an order for  
14 the dental support of the child as provided by this section and  
15 Section 154.1825.

16 (c) Before a hearing on temporary orders or a final order,  
17 if no hearing on temporary orders is held, the court shall require  
18 the parties to the proceedings to disclose in a pleading or other  
19 document whether the child is covered by dental insurance and, if  
20 the child is covered, the identity of the insurer providing the  
21 coverage, the policy number, which parent is responsible for  
22 payment of any insurance premium for the coverage, whether the  
23 coverage is provided through a parent's employment, and the cost of  
24 the premium. If dental insurance is not in effect for the child,  
25 the parties must disclose to the court whether either parent has  
26 access to dental insurance at a reasonable cost to that parent.

27 (d) In rendering temporary orders, the court shall, except

1 for good cause shown, order that any dental insurance coverage in  
2 effect for the child continue in effect pending the rendition of a  
3 final order, except that the court may not require the continuation  
4 of any dental insurance that is not available to the parent at a  
5 reasonable cost. If dental insurance coverage is not in effect for  
6 the child or if the insurance in effect is not available at a  
7 reasonable cost, the court shall, except for good cause shown,  
8 order dental insurance coverage for the child as provided by  
9 Section 154.1825.

10 (e) Except for good cause shown, in rendering a final order  
11 the court shall require the parent ordered to provide dental  
12 insurance coverage for the child as provided by Section 154.1825 to  
13 produce evidence to the court's satisfaction that the parent has  
14 applied for or secured dental insurance or has otherwise taken  
15 necessary action to provide for dental insurance coverage for the  
16 child, as ordered by the court.

17 SECTION 11. Subchapter D, Chapter 154, Family Code, is  
18 amended by adding Section 154.1825 to read as follows:

19 Sec. 154.1825. DENTAL INSURANCE. (a) In this section,  
20 "reasonable cost" has the meaning assigned by Section 154.1815(a).

21 (b) The court shall consider the cost and quality of dental  
22 insurance coverage available to the parties and shall give priority  
23 to dental insurance coverage available through the employment of  
24 one of the parties.

25 (c) In determining the manner in which dental insurance for  
26 the child is to be ordered, the court shall render its order in  
27 accordance with the following priorities, unless a party shows good

1 cause why a particular order is not in the best interest of the  
2 child:

3 (1) if dental insurance is available for the child  
4 through the obligor's employment or membership in a union, trade  
5 association, or other organization at reasonable cost to the  
6 obligor, the court shall order the obligor to include the child in  
7 the obligor's dental insurance;

8 (2) if dental insurance is not available for the child  
9 through the obligor's employment but is available for the child at a  
10 reasonable cost through the obligee's employment or membership in a  
11 union, trade association, or other organization, the court may  
12 order the obligee to provide dental insurance for the child and  
13 shall order the obligor to pay additional child support to be  
14 withheld from earnings under Chapter 158 to the obligee for the  
15 actual cost of the dental insurance for the child;

16 (3) if dental insurance is not available for the child  
17 under Subdivision (1) or (2), the court shall order the obligor to  
18 provide dental insurance for the child if the court finds that  
19 dental insurance is available to the obligor for the child from  
20 another source at a reasonable cost; or

21 (4) if dental insurance coverage is not available for  
22 the child under Subdivision (1), (2), or (3), the court shall order  
23 the obligor to pay the obligee, in addition to any amount ordered  
24 under the guidelines for child support, a reasonable amount each  
25 month as dental support for the child to be withheld from earnings  
26 under Chapter 158.

27 SECTION 12. Section 154.183, Family Code, is amended to

1 read as follows:

2           Sec. 154.183. HEALTH AND DENTAL INSURANCE ADDITIONAL  
3 SUPPORT DUTY OF OBLIGOR. (a) An amount that an obligor is required  
4 to pay for health insurance and dental insurance for the child:

5                   (1) is in addition to the amount that the obligor is  
6 required to pay for child support under the guidelines for child  
7 support;

8                   (2) is a child support obligation; and

9                   (3) may be enforced as a child support obligation.

10           (b) If the court finds and states in the child support order  
11 that the obligee will maintain health insurance coverage and dental  
12 insurance coverage for the child at the obligee's expense, the  
13 court may increase the amount of child support to be paid by the  
14 obligor in an amount not exceeding the total expense to the obligee  
15 for maintaining health insurance coverage and dental insurance  
16 coverage.

17           (c) As additional child support, the court shall allocate  
18 between the parties, according to their circumstances, the  
19 reasonable and necessary:

20                   (1) health care expenses of a child that are not  
21 reimbursed by health insurance; and

22                   (2) dental expenses of a child that are not reimbursed  
23 by dental insurance.

24           SECTION 13. Sections 154.184(a) and (b), Family Code, are  
25 amended to read as follows:

26           (a) Receipt of a medical support order requiring that health  
27 insurance be provided for a child or a dental support order

1 requiring dental insurance be provided for a child shall be  
2 considered a change in the family circumstances of the employee or  
3 member, for health insurance purposes and dental insurance  
4 purposes, equivalent to the birth or adoption of a child.

5 (b) If the employee or member is eligible for dependent  
6 health coverage or dependent dental coverage, the employer shall  
7 automatically enroll the child for the first 31 days after the  
8 receipt of the order or notice of the medical support order or the  
9 dental support order under Section 154.186 on the same terms and  
10 conditions as apply to any other dependent child.

11 SECTION 14. Section 154.185, Family Code, is amended to  
12 read as follows:

13 Sec. 154.185. PARENT TO FURNISH INFORMATION. (a) The court  
14 shall order a parent providing health insurance or dental insurance  
15 to furnish to either the obligee, obligor, or child support agency  
16 the following information not later than the 30th day after the date  
17 the notice of rendition of the order is received:

- 18 (1) the social security number of the parent;  
19 (2) the name and address of the parent's employer;  
20 (3) with regard to health insurance:

21 (A) whether the employer is self-insured or has  
22 health insurance available;

23 (B) [~~(4)~~] proof that health insurance has been  
24 provided for the child;

25 (C) [~~(5)~~] if the employer has health insurance  
26 available, the name of the health insurance carrier, the number of  
27 the policy, a copy of the policy and schedule of benefits, a health



1 insurance membership card, claim forms, and any other information  
2 necessary to submit a claim; and

3 (D) [~~(6)~~] if the employer is self-insured, a copy  
4 of the schedule of benefits, a membership card, claim forms, and any  
5 other information necessary to submit a claim; and

6 (4) with regard to dental insurance:

7 (A) whether the employer is self-insured or has  
8 dental insurance available;

9 (B) proof that dental insurance has been provided  
10 for the child;

11 (C) if the employer has dental insurance  
12 available, the name of the dental insurance carrier, the number of  
13 the policy, a copy of the policy and schedule of benefits, a dental  
14 insurance membership card, claim forms, and any other information  
15 necessary to submit a claim; and

16 (D) if the employer is self-insured, a copy of  
17 the schedule of benefits, a membership card, claim forms, and any  
18 other information necessary to submit a claim.

19 (b) The court shall also order a parent providing health  
20 insurance or dental insurance to furnish the obligor, obligee, or  
21 child support agency with additional information regarding the  
22 health insurance coverage or dental insurance coverage not later  
23 than the 15th day after the date the information is received by the  
24 parent.

25 SECTION 15. The heading to Section 154.186, Family Code, is  
26 amended to read as follows:

27 Sec. 154.186. NOTICE TO EMPLOYER CONCERNING MEDICAL SUPPORT

1 OR DENTAL SUPPORT.

2 SECTION 16. Section 154.186(a), Family Code, is amended to  
3 read as follows:

4 (a) The obligee, obligor, or a child support agency may send  
5 to the employer a copy of the order requiring an employee to provide  
6 health insurance coverage or dental insurance coverage for a child  
7 or may include notice of the medical support order or dental support  
8 order in an order or writ of withholding sent to the employer in  
9 accordance with Chapter 158.

10 SECTION 17. Sections 154.187(a), (b), (c), (d), (e), and  
11 (g), Family Code, are amended to read as follows:

12 (a) An order or notice under this subchapter to an employer  
13 directing that health insurance coverage or dental insurance  
14 coverage be provided to a child of an employee or member is binding  
15 on a current or subsequent employer on receipt without regard to the  
16 date the order was rendered. If the employee or member is eligible  
17 for dependent health coverage or dental coverage for the child, the  
18 employer shall immediately enroll the child in a health insurance  
19 plan or dental insurance plan regardless of whether the employee is  
20 enrolled in the plan. If dependent coverage is not available to the  
21 employee or member through the employer's health insurance plan or  
22 dental insurance plan or enrollment cannot be made permanent or if  
23 the employer is not responsible or otherwise liable for providing  
24 such coverage, the employer shall provide notice to the sender in  
25 accordance with Subsection (c).

26 (b) If additional premiums are incurred as a result of  
27 adding the child to the health insurance plan or the dental

1 insurance plan, the employer shall deduct the health insurance  
2 premium or the dental insurance premium from the earnings of the  
3 employee in accordance with Chapter 158 and apply the amount  
4 withheld to payment of the insurance premium.

5 (c) An employer who has received an order or notice under  
6 this subchapter shall provide to the sender, by first class mail not  
7 later than the 30th day after the date the employer receives the  
8 order or notice, a statement that the child:

9 (1) has been enrolled in a health insurance plan or  
10 dental insurance plan; or

11 (2) cannot be enrolled or cannot be enrolled  
12 permanently in a health insurance plan or dental insurance plan and  
13 provide the reason why coverage or permanent coverage cannot be  
14 provided.

15 (d) If the employee ceases employment or if the health  
16 insurance coverage or dental insurance coverage lapses, the  
17 employer shall provide to the sender, by first class mail not later  
18 than the 15th day after the date of the termination of employment or  
19 the lapse of the coverage, notice of the termination or lapse and of  
20 the availability of any conversion privileges.

21 (e) On request, the employer shall release to the sender  
22 information concerning the available health insurance coverage or  
23 dental insurance coverage, including the name of the health  
24 insurance carrier or dental insurance carrier, the policy number, a  
25 copy of the policy and schedule of benefits, a health insurance  
26 membership card, and claim forms.

27 (g) An employer who fails to enroll a child, fails to

1 withhold or remit premiums or cash medical support or dental  
2 support, or discriminates in hiring or employment on the basis of a  
3 medical support order or a dental support order or notice under this  
4 subchapter shall be subject to the penalties and fines in  
5 Subchapter C, Chapter 158.

6 SECTION 18. Section 154.188, Family Code, is amended to  
7 read as follows:

8 Sec. 154.188. FAILURE TO PROVIDE OR PAY FOR REQUIRED HEALTH  
9 INSURANCE OR DENTAL INSURANCE. A parent ordered to provide health  
10 insurance or dental insurance or to pay the other parent additional  
11 child support for the cost of health insurance or dental insurance  
12 who fails to do so is liable for:

13 (1) necessary medical expenses or dental expenses of  
14 the child, without regard to whether the expenses would have been  
15 paid if health insurance or dental insurance had been provided; and

16 (2) the cost of health insurance premiums, dental  
17 insurance premiums, or contributions, if any, paid on behalf of the  
18 child.

19 SECTION 19. Section 154.189, Family Code, is amended to  
20 read as follows:

21 Sec. 154.189. NOTICE OF TERMINATION OR LAPSE OF INSURANCE  
22 COVERAGE. (a) An obligor ordered to provide health insurance  
23 coverage or dental insurance coverage for a child must notify the  
24 obligee and any child support agency enforcing a support obligation  
25 against the obligor of the:

26 (1) termination or lapse of health insurance coverage  
27 or dental insurance coverage for the child not later than the 15th

1 day after the date of a termination or lapse; and

2 (2) availability of additional health insurance or  
3 dental insurance to the obligor for the child after a termination or  
4 lapse of coverage not later than the 15th day after the date the  
5 insurance becomes available.

6 (b) If termination of coverage results from a change of  
7 employers, the obligor, the obligee, or the child support agency  
8 may send the new employer a copy of the order requiring the employee  
9 to provide health insurance or dental insurance for a child or  
10 notice of the medical support order or the dental support order as  
11 provided by this subchapter.

12 SECTION 20. Section 154.190, Family Code, is amended to  
13 read as follows:

14 Sec. 154.190. REENROLLING CHILD FOR INSURANCE COVERAGE.  
15 After health insurance or dental insurance has been terminated or  
16 has lapsed, an obligor ordered to provide health insurance coverage  
17 or dental insurance coverage for the child must enroll the child in  
18 a health insurance plan or a dental insurance plan at the next  
19 available enrollment period.

20 SECTION 21. Section 154.191, Family Code, is amended to  
21 read as follows:

22 Sec. 154.191. REMEDY NOT EXCLUSIVE. (a) This subchapter  
23 does not limit the rights of the obligor, obligee, local domestic  
24 relations office, or Title IV-D agency to enforce, modify, or  
25 clarify the medical support order or dental support order.

26 (b) This subchapter does not limit the authority of the  
27 court to render or modify a medical support order or dental support

1 order containing a provision for payment of uninsured health  
2 expenses, health care costs, [~~or~~] health insurance premiums,  
3 uninsured dental expenses, dental costs, or dental insurance  
4 premiums that are in addition to and inconsistent with this  
5 subchapter.

6 SECTION 22. Section 154.192, Family Code, is amended to  
7 read as follows:

8 Sec. 154.192. CANCELLATION OR ELIMINATION OF INSURANCE  
9 COVERAGE FOR CHILD. (a) Unless the employee or member ceases to be  
10 eligible for dependent coverage, or the employer has eliminated  
11 dependent health coverage or dental coverage for all of the  
12 employer's employees or members, the employer may not cancel or  
13 eliminate coverage of a child enrolled under this subchapter until  
14 the employer is provided satisfactory written evidence that:

15 (1) the court order or administrative order requiring  
16 the coverage is no longer in effect; or

17 (2) the child is enrolled in comparable [~~health~~]  
18 insurance coverage or will be enrolled in comparable coverage that  
19 will take effect not later than the effective date of the  
20 cancellation or elimination of the employer's coverage.

21 SECTION 23. Section 154.193(a), Family Code, is amended to  
22 read as follows:

23 (a) If a plan administrator or other person acting in an  
24 equivalent position determines that a medical support order or  
25 dental support order issued under this subchapter does not qualify  
26 for enforcement under federal law, the tribunal may, on its own  
27 motion or the motion of a party, render an order that qualifies for

1 enforcement under federal law.

2 SECTION 24. Section 157.005(b), Family Code, is amended to  
3 read as follows:

4 (b) The court retains jurisdiction to confirm the total  
5 amount of child support arrearages and render judgment for past-due  
6 child support until the date all current child support, ~~[and]~~  
7 medical support, dental support, and child support arrearages,  
8 including interest and any applicable fees and costs, have been  
9 paid.

10 SECTION 25. Section 157.269, Family Code, is amended to  
11 read as follows:

12 Sec. 157.269. RETENTION OF JURISDICTION. A court that  
13 renders an order providing for the payment of child support  
14 arrearages retains jurisdiction until all current support, ~~[and]~~  
15 medical support, dental support, and child support arrearages,  
16 including interest and any applicable fees and costs, have been  
17 paid.

18 SECTION 26. Sections 158.206(a) and (b), Family Code, are  
19 amended to read as follows:

20 (a) An employer receiving an order or a writ of withholding  
21 under this chapter, including an order or writ directing that  
22 health insurance or dental insurance be provided to a child, who  
23 complies with the order or writ is not liable to the obligor for the  
24 amount of income withheld and paid as required by the order or writ.

25 (b) An employer receiving an order or writ of withholding  
26 who does not comply with the order or writ is liable:

27 (1) to the obligee for the amount not paid in

1 compliance with the order or writ, including the amount the obligor  
2 is required to pay for health insurance or dental insurance under  
3 Chapter 154;

4 (2) to the obligor for:

5 (A) the amount withheld and not paid as required  
6 by the order or writ; and

7 (B) an amount equal to the interest that accrues  
8 under Section 157.265 on the amount withheld and not paid; and

9 (3) for reasonable attorney's fees and court costs.

10 SECTION 27. Section 158.302, Family Code, is amended to  
11 read as follows:

12 Sec. 158.302. CONTENTS OF NOTICE OF APPLICATION FOR  
13 JUDICIAL WRIT OF WITHHOLDING. The notice of application for  
14 judicial writ of withholding shall be verified and:

15 (1) state the amount of monthly support due, including  
16 medical support and dental support, the amount of arrearages or  
17 anticipated arrearages, including accrued interest, and the amount  
18 of wages that will be withheld in accordance with a judicial writ of  
19 withholding;

20 (2) state that the withholding applies to each current  
21 or subsequent employer or period of employment;

22 (3) state that if the obligor does not contest the  
23 withholding within 10 days after the date of receipt of the notice,  
24 the obligor's employer will be notified to begin the withholding;

25 (4) describe the procedures for contesting the  
26 issuance and delivery of a writ of withholding;

27 (5) state that if the obligor contests the



1 withholding, the obligor will be afforded an opportunity for a  
2 hearing by the court not later than the 30th day after the date of  
3 receipt of the notice of contest;

4 (6) state that the sole ground for successfully  
5 contesting the issuance of a writ of withholding is a dispute  
6 concerning the identity of the obligor or the existence or amount of  
7 the arrearages, including accrued interest;

8 (7) describe the actions that may be taken if the  
9 obligor contests the notice of application for judicial writ of  
10 withholding, including the procedures for suspending issuance of a  
11 writ of withholding; and

12 (8) include with the notice a suggested form for the  
13 motion to stay issuance and delivery of the judicial writ of  
14 withholding that the obligor may file with the clerk of the  
15 appropriate court.

16 SECTION 28. Section 158.309(c), Family Code, is amended to  
17 read as follows:

18 (c) Upon hearing, the court shall:

19 (1) render an order for income withholding that  
20 includes a determination of the amount of child support arrearages,  
21 including medical support, dental support, and interest; or

22 (2) grant the motion to stay.

23 SECTION 29. Section 158.312(a), Family Code, is amended to  
24 read as follows:

25 (a) If a notice of application for judicial writ of  
26 withholding is delivered and a motion to stay is not filed within  
27 the time limits provided by Section 158.307, the party who filed the

1 notice shall file with the clerk of the court a request for issuance  
2 of the writ of withholding stating the amount of current support,  
3 including medical support and dental support, the amount of  
4 arrearages, and the amount to be withheld from the obligor's  
5 income.

6 SECTION 30. Section 158.314, Family Code, is amended to  
7 read as follows:

8 Sec. 158.314. CONTENTS OF WRIT OF WITHHOLDING. The  
9 judicial writ of income withholding issued by the clerk must direct  
10 that the employer or a subsequent employer withhold from the  
11 obligor's disposable income for current child support, including  
12 medical support and dental support, and child support arrearages an  
13 amount that is consistent with the provisions of this chapter  
14 regarding orders of withholding.

15 SECTION 31. Section 158.502(a), Family Code, is amended to  
16 read as follows:

17 (a) An administrative writ of withholding under this  
18 subchapter may be issued by the Title IV-D agency at any time until  
19 all current support, including medical support and dental support,  
20 and child support arrearages have been paid. The writ issued under  
21 this subsection may be based on an obligation in more than one  
22 support order.

23 SECTION 32. Section 158.504(b), Family Code, is amended to  
24 read as follows:

25 (b) An administrative writ of withholding issued under this  
26 subchapter may contain only the information that is necessary for  
27 the employer to withhold income for child support, ~~and~~ medical

1 support, and dental support and shall specify the place where the  
2 withheld income is to be paid.

3 SECTION 33. Section 158.507, Family Code, is amended to  
4 read as follows:

5 Sec. 158.507. ADMINISTRATIVE WRIT TERMINATING WITHHOLDING.  
6 An administrative writ to terminate withholding may be issued and  
7 delivered to an employer by the Title IV-D agency when all current  
8 support, including medical support and dental support, and child  
9 support arrearages have been paid.

10 SECTION 34. Section 159.502(c), Family Code, is amended to  
11 read as follows:

12 (c) Except as otherwise provided in Subsection (d) and  
13 Section 159.503, the employer shall withhold and distribute the  
14 funds as directed in the withholding order by complying with terms  
15 of the order that specify:

16 (1) the duration and amount of periodic payments of  
17 current child support, stated as a sum certain;

18 (2) the person designated to receive payments and the  
19 address to which the payments are to be forwarded;

20 (3) medical support and dental support, whether in the  
21 form of periodic cash payments, stated as a sum certain, or ordering  
22 the obligor to provide health insurance coverage or dental  
23 insurance coverage for the child under a policy available through  
24 the obligor's employment;

25 (4) the amount of periodic payments of fees and costs  
26 for a support enforcement agency, the issuing tribunal, and the  
27 obligee's attorney, stated as sums certain; and

1           (5) the amount of periodic payments of arrearages and  
2 interest on arrearages, stated as sums certain.

3           SECTION 35. The heading to Section 231.0011, Family Code,  
4 is amended to read as follows:

5           Sec. 231.0011. DEVELOPMENT OF STATEWIDE INTEGRATED SYSTEM  
6 FOR CHILD SUPPORT, ~~[AND]~~ MEDICAL SUPPORT, AND DENTAL SUPPORT  
7 ENFORCEMENT.

8           SECTION 36. Sections 231.0011(a) and (g), Family Code, are  
9 amended to read as follows:

10           (a) The Title IV-D agency shall have final approval  
11 authority on any contract or proposal for delivery of Title IV-D  
12 services under this section and in coordination with the Texas  
13 Judicial Council, the Office of Court Administration of the Texas  
14 Judicial System, the federal Office of Child Support Enforcement,  
15 and state, county, and local officials, shall develop and implement  
16 a statewide integrated system for child support, ~~[and]~~ medical  
17 support, and dental support enforcement, employing federal, state,  
18 local, and private resources to:

19                   (1) unify child support registry functions;

20                   (2) record and track all child support orders entered  
21 in the state;

22                   (3) establish an automated enforcement process which  
23 will use delinquency monitoring, billing, and other enforcement  
24 techniques to ensure the payment of current support;

25                   (4) incorporate existing enforcement resources into  
26 the system to obtain maximum benefit from state and federal  
27 funding; and

1           (5) ensure accountability for all participants in the  
2 process, including state, county, and local officials, private  
3 contractors, and the judiciary.

4           (g) Participation in the statewide integrated system for  
5 child support, ~~[and]~~ medical support, and dental support  
6 enforcement by a county is voluntary, and nothing in this section  
7 shall be construed to mandate participation.

8           SECTION 37. Section 231.002(e), Family Code, is amended to  
9 read as follows:

10           (e) The Title IV-D agency may take the following  
11 administrative actions with respect to the location of a parent,  
12 the determination of parentage, and the establishment,  
13 modification, and enforcement of child support, ~~[and]~~  
14 support, and dental support orders required by 42 U.S.C. Section  
15 666(c), without obtaining an order from any other judicial or  
16 administrative tribunal:

17           (1) issue an administrative subpoena, as provided by  
18 Section 231.303, to obtain financial or other information;

19           (2) order genetic testing for parentage  
20 determination, as provided by Chapter 233;

21           (3) order income withholding, as provided by Chapter  
22 233, and issue an administrative writ of withholding, as provided  
23 by Chapter 158; and

24           (4) take any action with respect to execution,  
25 collection, and release of a judgment or lien for child support  
26 necessary to satisfy the judgment or lien, as provided by Chapter  
27 157.

1 SECTION 38. Section 231.101(a), Family Code, is amended to  
2 read as follows:

3 (a) The Title IV-D agency may provide all services required  
4 or authorized to be provided by Part D of Title IV of the federal  
5 Social Security Act (42 U.S.C. Section 651 et seq.), including:

- 6 (1) parent locator services;
- 7 (2) paternity determination;
- 8 (3) child support, ~~and~~ medical support, and dental  
9 support establishment;
- 10 (4) review and adjustment of child support orders;
- 11 (5) enforcement of child support, ~~and~~ medical  
12 support, and dental support orders; and
- 13 (6) collection and distribution of child support  
14 payments.

15 SECTION 39. Section 231.104(b), Family Code, is amended to  
16 read as follows:

17 (b) An application for child support services is an  
18 assignment of support rights to enable the Title IV-D agency to  
19 establish and enforce child support, ~~and~~ medical support, and  
20 dental support obligations, but an assignment is not a condition of  
21 eligibility for services.

22 SECTION 40. Section 231.301(a), Family Code, is amended to  
23 read as follows:

24 (a) The parent locator service conducted by the Title IV-D  
25 agency shall be used to obtain information for:

- 26 (1) child support establishment and enforcement  
27 purposes regarding the identity, social security number, location,

1 employer and employment benefits, income, and assets or debts of  
2 any individual under an obligation to pay child support, [~~or~~]  
3 medical support, or dental support or to whom a support obligation  
4 is owed; or

5 (2) the establishment of paternity.

6 SECTION 41. Section 231.306, Family Code, is amended to  
7 read as follows:

8 Sec. 231.306. MAXIMIZING MEDICAL SUPPORT AND DENTAL SUPPORT  
9 ESTABLISHMENT AND COLLECTION BY THE TITLE IV-D AGENCY. (a) On the  
10 installation of an automated child support enforcement system, the  
11 Title IV-D agency is strongly encouraged to:

12 (1) maximize the collection of medical support and  
13 dental support; and

14 (2) establish cash medical support and dental support  
15 orders for children eligible for medical assistance under the state  
16 Medicaid program for whom private insurance coverage is not  
17 available.

18 (b) In this section:

19 (1) "Medical[, ~~"medical~~ support" has the meaning  
20 assigned by Section 101.020.

21 (2) "Dental support" has the meaning assigned by  
22 Section 101.0095.

23 SECTION 42. Section 233.001(a), Family Code, is amended to  
24 read as follows:

25 (a) The purpose of the procedures specified in the child  
26 support review process authorized by this chapter is to enable the  
27 Title IV-D agency to take expedited administrative actions to

1 establish, modify, and enforce child support, ~~and~~ medical  
2 support, and dental support obligations, to determine parentage, or  
3 to take any other action authorized or required under Part D, Title  
4 IV, of the federal Social Security Act (42 U.S.C. Section 651 et  
5 seq.), and Chapter 231.

6 SECTION 43. Section 233.009(b), Family Code, is amended to  
7 read as follows:

8 (b) The notice of proposed child support review order shall  
9 state:

10 (1) the amount of periodic payment of child support  
11 due, the amount of any overdue support that is owed as an arrearage  
12 as of the date of the notice, and the amounts that are to be paid by  
13 the obligor for current support due and in payment on the arrearage  
14 owed;

15 (2) that the person identified in the notice as the  
16 party responsible for payment of the support amounts may contest  
17 the notice order on the grounds that:

18 (A) the respondent is not the responsible party;

19 (B) the dependent child is no longer entitled to  
20 child support; or

21 (C) the amount of monthly support or arrearage is  
22 incorrectly stated; and

23 (3) that, if the person identified in the notice as the  
24 party responsible for payment of the support amounts does not  
25 contest the notice in writing or request a negotiation conference  
26 to discuss the notice not later than the 15th day after the date the  
27 notice was delivered, the Title IV-D agency may file a child support



1 review order for child support, ~~[and for]~~ medical support, and  
2 dental support for the child as provided by Chapter 154 according to  
3 the information available to the agency.

4 SECTION 44. Section 233.0095(b), Family Code, is amended to  
5 read as follows:

6 (b) The notice of proposed child support review order shall  
7 state:

8 (1) the amount of periodic payment of child support  
9 due;

10 (2) that the person identified in the notice as the  
11 party responsible for payment of the support amounts may only  
12 contest the amount of monthly support; and

13 (3) that, if the person identified in the notice as the  
14 party responsible for payment of the support amounts does not  
15 contest the notice in writing or request a negotiation conference  
16 to discuss the notice not later than the 15th day after the date the  
17 notice was delivered, the Title IV-D agency may file the child  
18 support order for child support, ~~[and for]~~ medical support, and  
19 dental support for the child as provided by Chapter 154 according to  
20 the information available to the agency.

21 SECTION 45. Section 233.017(a), Family Code, is amended to  
22 read as follows:

23 (a) An order issued under this chapter must be reviewed and  
24 signed by an attorney of the Title IV-D agency and must contain all  
25 provisions that are appropriate for an order under this title,  
26 including current child support, medical support, and dental  
27 support, a determination of any arrearages or retroactive support,

1 and, if not otherwise ordered, income withholding.

2 SECTION 46. Section 234.002, Family Code, is amended to  
3 read as follows:

4 Sec. 234.002. INTEGRATED SYSTEM FOR CHILD SUPPORT, ~~[AND]~~  
5 MEDICAL SUPPORT, AND DENTAL SUPPORT ENFORCEMENT. The statewide  
6 integrated system for child support, ~~[and]~~ medical support, and  
7 dental support enforcement under Chapter 231 shall be part of the  
8 state case registry and state disbursement unit authorized by this  
9 subchapter.

10 SECTION 47. Section 71.035(a), Government Code, is amended  
11 to read as follows:

12 (a) The council shall gather judicial statistics and other  
13 pertinent information from the several state judges and other court  
14 officials of this state. In addition, the council shall implement a  
15 monthly tracking system to ensure accountability for counties and  
16 courts which participate in the statewide integrated system for  
17 child support, ~~[and]~~ medical support, and dental support  
18 enforcement established under Section 231.0011, Family Code. As a  
19 duty of office, the district clerks and county clerks serving the  
20 affected courts shall report monthly such information as may be  
21 required by the council, including, at a minimum, the time required  
22 to enforce cases from date of delinquency, from date of filing, and  
23 from date of service until date of disposition. Such information as  
24 is necessary to complete the report and not directly within the  
25 control of the district or county clerk, such as date of  
26 delinquency, shall be provided to the clerk by the child support  
27 registry or by the enforcement agency providing Title IV-D

1 enforcement services in the court. The monthly report shall be  
2 transmitted to the Office of Court Administration of the Texas  
3 Judicial System no later than the 20th day of the month following  
4 the month reported, in such form as may be prescribed by the Office  
5 of Court Administration, which may include electronic data  
6 transfer. Copies of such reports shall be maintained in the office  
7 of the appropriate district or county clerk for a period of at least  
8 two years and shall be available to the public for inspection and  
9 reproduction.

10 SECTION 48. Section 402.085, Labor Code, is amended to read  
11 as follows:

12 Sec. 402.085. EXCEPTIONS TO CONFIDENTIALITY. (a) The  
13 commission shall release information on a claim to:

14 (1) the Texas Department of Insurance for any  
15 statutory or regulatory purpose;

16 (2) a legislative committee for legislative purposes;

17 (3) a state or federal elected official requested in  
18 writing to provide assistance by a constituent who qualifies to  
19 obtain injury information under Section 402.084(b), if the request  
20 for assistance is provided to the commission;

21 (4) the Research and Oversight Council on Workers'  
22 Compensation for research purposes; or

23 (5) the attorney general or another entity that  
24 provides child support services under Part D, Title IV, Social  
25 Security Act (42 U.S.C. Section 651 et seq.), relating to:

26 (A) establishing, modifying, or enforcing a  
27 child support, ~~or~~ medical support, or dental support obligation;

1 or

2 (B) locating an absent parent.

3 (b) The commission may release information on a claim to a  
4 governmental agency, political subdivision, or regulatory body to  
5 use to:

6 (1) investigate an allegation of a criminal offense or  
7 licensing or regulatory violation;

8 (2) provide:

9 (A) unemployment compensation benefits;

10 (B) crime victims compensation benefits;

11 (C) vocational rehabilitation services; or

12 (D) health care benefits;

13 (3) investigate occupational safety or health  
14 violations;

15 (4) verify income on an application for benefits under  
16 an income-based state or federal assistance program; or

17 (5) assess financial resources in an action, including  
18 an administrative action, to:

19 (A) establish, modify, or enforce a child  
20 support, ~~or~~ medical support, or dental support obligation;

21 (B) establish paternity;

22 (C) locate an absent parent; or

23 (D) cooperate with another state in an action  
24 authorized under Part D, Title IV, Social Security Act (42 U.S.C.  
25 Section 651 et seq.), or Subtitle D, Title 5, Family [~~Chapter 76,~~  
26 ~~Human Resources~~] Code.

27 SECTION 49. Section 1201.053(b), Insurance Code, as

1 effective April 1, 2005, is amended to read as follows:

2 (b) On the application of an adult member of a family, an  
3 individual accident and health insurance policy may, at the time of  
4 original issuance or by subsequent amendment, insure two or more  
5 eligible members of the adult's family, including a spouse,  
6 unmarried children younger than 25 years of age, including a  
7 grandchild of the adult as described by Section 1201.062(a)(1), a  
8 child the adult is required to insure under a medical support order  
9 or dental support order, if the policy provides dental coverage,  
10 issued under Chapter 154, Family Code, or enforceable by a court in  
11 this state, and any other individual dependent on the adult.

12 SECTION 50. Section 1201.062(a), Insurance Code, as  
13 effective April 1, 2005, is amended to read as follows:

14 (a) An individual or group accident and health insurance  
15 policy that is delivered, issued for delivery, or renewed in this  
16 state, including a policy issued by a corporation operating under  
17 Chapter 842, or a self-funded or self-insured welfare or benefit  
18 plan or program, to the extent that regulation of the plan or  
19 program is not preempted by federal law, that provides coverage for  
20 a child of an insured or group member, on payment of a premium, must  
21 provide coverage for:

22 (1) each grandchild of the insured or group member if  
23 the grandchild is:

24 (A) unmarried;

25 (B) younger than 25 years of age; and

26 (C) a dependent of the insured or group member  
27 for federal income tax purposes at the time application for

1 coverage of the grandchild is made; and

2 (2) each child for whom the insured or group member  
3 must provide medical support or dental support, if the policy  
4 provides dental coverage, under an order issued under Chapter 154,  
5 Family Code, or enforceable by a court in this state.

6 SECTION 51. Section 1201.063, Insurance Code, as effective  
7 April 1, 2005, is amended to read as follows:

8 Sec. 1201.063. PROHIBITION OF CERTAIN CRITERIA RELATING TO  
9 CHILD'S COVERAGE IN INDIVIDUAL OR GROUP POLICY. Regarding a  
10 natural or adopted child of an insured or group member or a child  
11 for whom the insured or group member must provide medical support or  
12 dental support, if the policy provides dental coverage, under an  
13 order issued under Chapter 154, Family Code, or enforceable by a  
14 court in this state, an individual or group accident and health  
15 insurance policy that provides coverage for a child of an insured or  
16 group member may not set a different premium for the child, exclude  
17 the child from coverage, or discontinue coverage of the child  
18 because:

19 (1) the child does not reside with the insured or group  
20 member; or

21 (2) the insured or group member does not claim the  
22 child as an exemption for federal income tax purposes under Section  
23 151(c)(1)(B), Internal Revenue Code of 1986.

24 SECTION 52. The heading to Chapter 1504, Insurance Code, as  
25 effective April 1, 2005, is amended to read as follows:

26 CHAPTER 1504. MEDICAL AND DENTAL CHILD SUPPORT

27 SECTION 53. Section 1504.001(4), Insurance Code, as

1 effective April 1, 2005, is amended to read as follows:

2 (4) "Benefit [~~Health benefit~~] plan issuer" means:

3 (A) an insurance company, group hospital service  
4 corporation, or health maintenance organization that delivers or  
5 issues for delivery an individual, group, blanket, or franchise  
6 insurance policy or agreement, a group hospital service contract,  
7 or an evidence of coverage that provides benefits for medical or  
8 surgical expenses incurred as a result of an accident or sickness,  
9 or dental expenses;

10 (B) a governmental entity subject to Subchapter  
11 D, Chapter 1355, Subchapter C, Chapter 1364, Chapter 1578, or  
12 Article 3.51-1, 3.51-2, 3.51-4, or 3.51-5;

13 (C) the issuer of a multiple employer welfare  
14 arrangement as defined by Section 846.001; or

15 (D) the issuer of a group health plan as defined  
16 by Section 607, Employee Retirement Income Security Act of 1974 (29  
17 U.S.C. Section 1167).

18 SECTION 54. Section 1504.002(b), Insurance Code, as  
19 effective April 1, 2005, is amended to read as follows:

20 (b) The commissioner shall adopt rules that define  
21 "comparable health or dental coverage" in a manner that:

22 (1) is consistent with federal law; and

23 (2) complies with the requirements necessary to  
24 maintain federal Medicaid funding.

25 SECTION 55. Section 1504.003, Insurance Code, as effective  
26 April 1, 2005, is amended to read as follows:

27 Sec. 1504.003. VIOLATION OF CHAPTER: RELIEF AVAILABLE TO

1 INJURED PERSON. A [~~health~~] benefit plan issuer that violates this  
2 chapter is subject to the same penalties, and an injured person has  
3 the same rights and remedies, as those provided by Subchapter D,  
4 Chapter 541.

5 SECTION 56. The heading to Subchapter B, Chapter 1504,  
6 Insurance Code, as effective April 1, 2005, is amended to read as  
7 follows:

8 SUBCHAPTER B. DUTIES OF [~~HEALTH~~] BENEFIT PLAN ISSUER

9 SECTION 57. Section 1504.051, Insurance Code, as effective  
10 April 1, 2005, is amended to read as follows:

11 Sec. 1504.051. ENROLLMENT OF CERTAIN CHILDREN REQUIRED.

12 (a) A [~~health~~] benefit plan issuer shall permit a parent to enroll  
13 a child in dependent health or dental coverage offered through the  
14 issuer regardless of any enrollment period restriction if the  
15 parent is:

16 (1) eligible for dependent health or dental coverage;

17 and

18 (2) required by a court order or administrative order  
19 to provide health insurance coverage or dental coverage for the  
20 child.

21 (b) A [~~health~~] benefit plan issuer shall enroll a child of a  
22 parent described by Subsection (a) in dependent health or dental  
23 coverage offered through the issuer if:

24 (1) the parent does not apply to obtain health or  
25 dental coverage for the child through the issuer; and

26 (2) the child, a custodial parent of the child, or a  
27 child support agency having a duty to collect or enforce support for



1 the child applies for the coverage.

2 SECTION 58. Section 1504.052, Insurance Code, as effective  
3 April 1, 2005, is amended to read as follows:

4 Sec. 1504.052. CHILD RESIDING OUTSIDE SERVICE AREA;  
5 COMPARABLE HEALTH OR DENTAL COVERAGE REQUIRED. (a) A [~~health~~]  
6 benefit plan issuer may not deny enrollment of a child under the  
7 health or dental coverage of the child's parent on the ground that  
8 the child does not reside in the issuer's service area.

9 (b) A [~~health~~] benefit plan issuer may not enforce an  
10 otherwise applicable provision of the health or dental coverage  
11 that would deny, limit, or reduce payment of a claim for a covered  
12 child who resides outside the issuer's service area but inside the  
13 United States.

14 (c) For a covered child who resides outside the [~~health~~]  
15 benefit plan issuer's service area and whose coverage under a  
16 policy or plan is required by a medical support order or dental  
17 support order, the issuer shall provide coverage that is comparable  
18 health or dental coverage to that provided to other dependents  
19 under the policy or plan.

20 (d) Comparable health or dental coverage may include  
21 coverage in which a [~~health~~] benefit plan issuer uses different  
22 procedures for service delivery and health care provider  
23 reimbursement. Comparable health or dental coverage may not  
24 include coverage:

- 25 (1) that is limited to emergency services only; or  
26 (2) for which the issuer charges a higher premium.

27 SECTION 59. Section 1504.053, Insurance Code, as effective

1 April 1, 2005, is amended to read as follows:

2           Sec. 1504.053. CANCELLATION OR NONRENEWAL OF COVERAGE FOR  
3 CERTAIN CHILDREN. (a) A [~~health~~] benefit plan issuer may not  
4 cancel or refuse to renew health or dental coverage provided to a  
5 child who is enrolled or entitled to enrollment under this chapter  
6 unless satisfactory written evidence is filed with the issuer  
7 showing that:

8                   (1) the court or administrative order that required  
9 the coverage is not in effect; or

10                   (2) the child:

11                           (A) is enrolled in comparable health or dental  
12 coverage; or

13                           (B) will be enrolled in comparable health or  
14 dental coverage that takes effect not later than the effective date  
15 of the cancellation or nonrenewal.

16           (b) For purposes of this section, a child is not enrolled or  
17 entitled to enrollment under this chapter if the child's  
18 eligibility for health or dental coverage ends because the parent  
19 ceases to be eligible for dependent health or dental coverage.

20           SECTION 60. Section 1504.054, Insurance Code, as effective  
21 April 1, 2005, is amended to read as follows:

22           Sec. 1504.054. CONTINUATION OR CONVERSION OF COVERAGE. (a)  
23 If a child's eligibility for dependent health or dental coverage  
24 ends because the parent ceases to be eligible for the coverage and  
25 the coverage provides for the continuation or conversion of the  
26 coverage for the child, the [~~health~~] benefit plan issuer shall  
27 notify the custodial parent and the child support agency of the

1 costs and other requirements for continuing or converting the  
2 coverage.

3 (b) The [~~health~~] benefit plan issuer shall, on application  
4 of a parent of the child, a child support agency, or the child,  
5 enroll or continue enrollment of a child whose eligibility for  
6 coverage ended under Subsection (a).

7 SECTION 61. Section 1504.055, Insurance Code, as effective  
8 April 1, 2005, is amended to read as follows:

9 Sec. 1504.055. PROCEDURE FOR CLAIMS. (a) A [~~health~~]  
10 benefit plan issuer that provides health or dental coverage to a  
11 child through a covered parent of the child shall:

12 (1) provide to each custodial parent of the child or to  
13 an adult child documents and other information necessary for the  
14 child to obtain benefits under the coverage, including:

15 (A) the name of the issuer;

16 (B) the number of the policy or evidence of  
17 coverage;

18 (C) a copy of the policy or evidence of coverage  
19 and schedule of benefits;

20 (D) a health or dental coverage membership card;

21 (E) claim forms; and

22 (F) any other document or information necessary  
23 to submit a claim in accordance with the issuer's policies and  
24 procedures;

25 (2) permit a custodial parent, health care provider,  
26 state agency that has been assigned medical or dental support  
27 rights, or adult child to submit claims for covered services

1 without the approval of the covered parent; and

2 (3) make payments on covered claims submitted in  
3 accordance with this subsection directly to a custodial parent,  
4 health care provider, adult child, or state agency making a claim.

5 (b) A [~~health~~] benefit plan issuer shall provide to a state  
6 agency that provides medical assistance, including medical  
7 assistance for dental services, to the child or shall provide to a  
8 child support agency that enforces medical or dental support on  
9 behalf of a child the information necessary to obtain reimbursement  
10 of medical or dental services provided to or paid on behalf of the  
11 child.

12 SECTION 62. Section 1504.101, Insurance Code, as effective  
13 April 1, 2005, is amended to read as follows:

14 Sec. 1504.101. DENIAL OF ENROLLMENT ON CERTAIN GROUNDS  
15 PROHIBITED. A [~~health~~] benefit plan issuer may not deny enrollment  
16 of a child under the health or dental coverage of the child's parent  
17 on the ground that the child:

18 (1) has a preexisting condition;

19 (2) was born out of wedlock;

20 (3) is not claimed as a dependent on the parent's  
21 federal income tax return;

22 (4) does not reside with the parent; or

23 (5) receives or has applied for medical assistance.

24 SECTION 63. Section 1504.102, Insurance Code, as effective  
25 April 1, 2005, is amended to read as follows:

26 Sec. 1504.102. ASSIGNMENT OF MEDICAL OR DENTAL SUPPORT  
27 RIGHTS: DIFFERENT REQUIREMENTS PROHIBITED. A [~~health~~] benefit

1 plan issuer may not require a state agency that has been assigned  
2 the rights of an individual who is eligible for medical assistance  
3 and is covered for health or dental benefits from the issuer to  
4 comply with a requirement that is different from a requirement  
5 imposed on an agent or assignee of any other covered individual.

6 SECTION 64. (a) The changes in law made by this Act apply to  
7 a suit affecting the parent-child relationship filed on or after  
8 the effective date of this Act. A suit affecting the parent-child  
9 relationship filed before the effective date of this Act is  
10 governed by the law in effect on the date the suit was filed, and the  
11 former law is continued in effect for that purpose.

12 (b) The change in law made by this Act does not by itself  
13 constitute a material and substantial change of circumstances under  
14 Section 156.401, Family Code, sufficient to warrant modification of  
15 a court order or a portion of a decree that provides for the support  
16 of a child rendered before the effective date of this Act.

17 SECTION 65. This Act takes effect September 1, 2005.