

By: Seliger, Averitt

S.B. No. 952

A BILL TO BE ENTITLED

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AN ACT

relating to medical support for a child.

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

SECTION 1. Section 154.182, Family Code, is amended by amending Subsection (b) and adding Subsections (d) and (e) to read as follows:

(b) In determining the manner in which health insurance for the child is to be ordered, the court shall render its order in accordance with the following priorities, unless a party shows good cause why a particular order would not be in the best interest of the child:

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

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

1           (3) if health insurance is not available for the child  
2 under Subdivision (1) or (2), the court shall order the obligor to  
3 provide health insurance for the child if the court finds that  
4 health insurance is available to the obligor for the child from  
5 another source and at reasonable cost;

6           (4) if neither parent has access to private health  
7 insurance at a reasonable cost, the court:

8           (A) shall order that the custodial parent or, to  
9 the extent permitted by law, the noncustodial parent immediately  
10 apply on behalf of the child for participation in a medical  
11 assistance program under Chapter 32, Human Resources Code, or the  
12 state child health plan under Chapter 62, Health and Safety Code,  
13 and that the obligor pay additional child support, to be withheld  
14 from income under Chapter 158, to the obligee for the actual cost of  
15 participation of the child in the state child health plan; and

16           (B) may order the obligor to pay an additional  
17 amount that when added to any amount required to be paid by the  
18 obligor under Paragraph (A) does not exceed 10 percent of the  
19 obligor's net income in a month to the state for reimbursement of  
20 any or all costs incurred by the state in providing coverage for the  
21 child under a medical assistance program or the state child health  
22 plan described by Paragraph (A); or

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

1 Chapter 158.

2 (d) Notwithstanding Subsection (b)(4)(B), the court may not  
3 order an obligor to pay an additional amount under that subsection  
4 if the child was enrolled in the state child health plan described  
5 by Subsection (b)(4)(A) on the date a court rendered a final decree  
6 of dissolution of a marriage between the obligor and obligee.

7 (e) The court shall deduct from the amount an obligor is  
8 ordered to pay under Subsection (b)(4)(B) in a month any amount the  
9 obligor has paid under Subsection (b)(4)(A) in that month.

10 SECTION 2. The change in law made by this Act applies only  
11 to a medical support order rendered in a suit affecting the  
12 parent-child relationship on or after the effective date of this  
13 Act. A medical support order rendered in a suit affecting the  
14 parent-child relationship before that date is governed by the law  
15 in effect on the date the suit was filed, and the former law is  
16 continued in effect for that purpose.

17 SECTION 3. This Act takes effect September 1, 2005.