

By: Seliger

S.B. No. 952

Substitute the following for S.B. No. 952:

By: Goodman

C.S.S.B. No. 952

A BILL TO BE ENTITLED

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 (b-1), (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 to the state for reimbursement of any or all costs incurred
18 by the state in providing coverage for the child under a medical
19 assistance program or the state child health plan described by
20 Paragraph (A); or

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

27 (b-1) The sum of the amount an obligor is ordered to pay

1 under Subsection (b)(4)(A) in a month and the amount the obligor is
2 ordered to pay under Subsection (b)(4)(B) in a month may not exceed
3 10 percent of the obligor's net income in a month.

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

9 (e) The executive commissioner of the Health and Human
10 Services Commission by rule shall establish procedures for the
11 collection by the commission of any amount owed by a child support
12 obligor under Subsection (b)(4)(B).

13 SECTION 2. (a) The executive commissioner of the Health and
14 Human Services Commission shall adopt the rules required by Section
15 154.182(e), Family Code, as added by this Act, as soon as
16 practicable after the effective date of this Act.

17 (b) Not later than December 31, 2006, the Health and Human
18 Services Commission shall submit to the lieutenant governor and the
19 speaker of the house of representatives a report regarding the
20 implementation by the commission of the procedures established
21 under Section 154.182(e), Family Code, as added by this Act.

22 SECTION 3. The change in law made by this Act applies only
23 to a medical support order rendered in a suit affecting the
24 parent-child relationship on or after the effective date of this
25 Act. A medical support order rendered in a suit affecting the
26 parent-child relationship before that date is governed by the law
27 in effect on the date the suit was filed, and the former law is

1 continued in effect for that purpose.

2 SECTION 4. This Act takes effect September 1, 2005.