

1-1 By: Seliger, Averitt S.B. No. 952
1-2 (In the Senate - Filed March 3, 2005; March 14, 2005, read
1-3 first time and referred to Committee on Jurisprudence; May 2, 2005,
1-4 reported adversely, with favorable Committee Substitute by the
1-5 following vote: Yeas 4, Nays 0; May 2, 2005, sent to printer.)

1-6 COMMITTEE SUBSTITUTE FOR S.B. No. 952 By: Wentworth

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to medical support for a child.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 154.182, Family Code, is amended by
1-12 amending Subsection (b) and adding Subsections (d) and (e) to read
1-13 as follows:

1-14 (b) In determining the manner in which health insurance for
1-15 the child is to be ordered, the court shall render its order in
1-16 accordance with the following priorities, unless a party shows good
1-17 cause why a particular order would not be in the best interest of
1-18 the child:

1-19 (1) if health insurance is available for the child
1-20 through the obligor's employment or membership in a union, trade
1-21 association, or other organization at reasonable cost to the
1-22 obligor, the court shall order the obligor to include the child in
1-23 the obligor's health insurance;

1-24 (2) if health insurance is not available for the child
1-25 through the obligor's employment but is available for the child at a
1-26 reasonable cost through the obligee's employment or membership in a
1-27 union, trade association, or other organization, the court may
1-28 order the obligee to provide health insurance for the child, and, in
1-29 such event, shall order the obligor to pay additional child support
1-30 to be withheld from earnings under Chapter 158 to the obligee for
1-31 the actual cost of the health insurance for the child;

1-32 (3) if health insurance is not available for the child
1-33 under Subdivision (1) or (2), the court shall order the obligor to
1-34 provide health insurance for the child if the court finds that
1-35 health insurance is available to the obligor for the child from
1-36 another source and at reasonable cost;

1-37 (4) if neither parent has access to private health
1-38 insurance at a reasonable cost, the court:

1-39 (A) shall order that the custodial parent or, to
1-40 the extent permitted by law, the noncustodial parent immediately
1-41 apply on behalf of the child for participation in a medical
1-42 assistance program under Chapter 32, Human Resources Code, or the
1-43 state child health plan under Chapter 62, Health and Safety Code,
1-44 and that the obligor pay additional child support, to be withheld
1-45 from income under Chapter 158, to the obligee for the actual cost of
1-46 participation of the child in the state child health plan; and

1-47 (B) may order the obligor to pay an additional
1-48 amount that when added to any amount required to be paid by the
1-49 obligor under Paragraph (A) does not exceed 10 percent of the
1-50 obligor's net income in a month to the state for reimbursement of
1-51 any or all costs incurred by the state in providing coverage for the
1-52 child under a medical assistance program or the state child health
1-53 plan described by Paragraph (A); or

1-54 (5) if health coverage is not available for the child
1-55 under Subdivision (1), (2), (3), or (4), the court shall order the
1-56 obligor to pay the obligee, in addition to any amount ordered under
1-57 the guidelines for child support, a reasonable amount each month as
1-58 medical support for the child to be withheld from earnings under
1-59 Chapter 158.

1-60 (d) Notwithstanding Subsection (b)(4)(B), the court may not
1-61 order an obligor to pay an additional amount under that subsection
1-62 if the child was enrolled in the state child health plan described
1-63 by Subsection (b)(4)(A) on the date a court rendered a final decree

2-1 of dissolution of a marriage between the obligor and obligee.

2-2 (e) The court shall deduct from the amount an obligor is
2-3 ordered to pay under Subsection (b)(4)(B) in a month any amount the
2-4 obligor has paid under Subsection (b)(4)(A) in that month.

2-5 SECTION 2. The change in law made by this Act applies only
2-6 to a medical support order rendered in a suit affecting the
2-7 parent-child relationship on or after the effective date of this
2-8 Act. A medical support order rendered in a suit affecting the
2-9 parent-child relationship before that date is governed by the law
2-10 in effect on the date the suit was filed, and the former law is
2-11 continued in effect for that purpose.

2-12 SECTION 3. This Act takes effect September 1, 2005.

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