

By: Uresti

S.B. No. 1048

A BILL TO BE ENTITLED

1 AN ACT
2 relating to requiring dental support for a child subject to a child
3 support order.

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

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

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

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

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

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

1 Chapter 231.

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

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

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

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

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

23 SECTION 5. Subsection (b), Section 101.024, Family Code, is
24 amended to read as follows:

25 (b) For purposes of establishing, determining the terms of,
26 modifying, or enforcing an order, a reference in this title to a
27 parent includes a person ordered to pay child support under Section

1 154.001(a-1) or to provide medical support or dental support for a
2 child.

3 SECTION 6. Section 101.034, Family Code, is amended to read
4 as follows:

5 Sec. 101.034. TITLE IV-D CASE. "Title IV-D case" means an
6 action in which services are provided by the Title IV-D agency under
7 Part D, Title IV, of the federal Social Security Act (42 U.S.C.
8 Section 651 et seq.), relating to the location of an absent parent,
9 determination of parentage, or establishment, modification, or
10 enforcement of a child support, ~~or~~ medical support, or dental
11 support obligation.

12 SECTION 7. Section 153.611, Family Code, is amended to read
13 as follows:

14 Sec. 153.611. EXCEPTION FOR CERTAIN TITLE IV-D
15 PROCEEDINGS. Notwithstanding any other provision of this
16 subchapter, this subchapter does not apply to a proceeding in a
17 Title IV-D case relating to the determination of parentage or
18 establishment, modification, or enforcement of a child support,
19 ~~or~~ medical support, or dental support obligation.

20 SECTION 8. Section 154.008, Family Code, is amended to read
21 as follows:

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

25 SECTION 9. Subsection (c), Section 154.015, Family Code, is
26 amended to read as follows:

27 (c) For purposes of this section, the court of continuing

1 jurisdiction shall determine the amount of the unpaid child support
2 obligation for each child of the deceased obligor. In determining
3 the amount of the unpaid child support obligation, the court shall
4 consider all relevant factors, including:

5 (1) the present value of the total amount of monthly
6 periodic child support payments that would become due between the
7 month in which the obligor dies and the month in which the child
8 turns 18 years of age, based on the amount of the periodic monthly
9 child support payments under the child support order in effect on
10 the date of the obligor's death;

11 (2) the present value of the total amount of health
12 insurance and dental insurance premiums payable for the benefit of
13 the child from the month in which the obligor dies until the month
14 in which the child turns 18 years of age, based on the cost of health
15 insurance and dental insurance for the child ordered to be paid on
16 the date of the obligor's death;

17 (3) in the case of a disabled child under 18 years of
18 age or an adult disabled child, an amount to be determined by the
19 court under Section 154.306;

20 (4) the nature and amount of any benefit to which the
21 child would be entitled as a result of the obligor's death,
22 including life insurance proceeds, annuity payments, trust
23 distributions, social security death benefits, and retirement
24 survivor benefits; and

25 (5) any other financial resource available for the
26 support of the child.

27 SECTION 10. Subsection (b), Section 154.016, Family Code,

1 is amended to read as follows:

2 (b) In determining the nature and extent of the obligation
3 to provide for the support of the child in the event of the death of
4 the obligor, the court shall consider all relevant factors,
5 including:

6 (1) the present value of the total amount of monthly
7 periodic child support payments from the date the child support
8 order is rendered until the month in which the child turns 18 years
9 of age, based on the amount of the periodic monthly child support
10 payment under the child support order;

11 (2) the present value of the total amount of health
12 insurance and dental insurance premiums payable for the benefit of
13 the child from the date the child support order is rendered until
14 the month in which the child turns 18 years of age, based on the cost
15 of health insurance and dental insurance for the child ordered to be
16 paid; and

17 (3) in the case of a disabled child under 18 years of
18 age or an adult disabled child, an amount to be determined by the
19 court under Section 154.306.

20 SECTION 11. Subsection (d), Section 154.062, Family Code,
21 is amended to read as follows:

22 (d) The court shall deduct the following items from
23 resources to determine the net resources available for child
24 support:

25 (1) social security taxes;

26 (2) federal income tax based on the tax rate for a
27 single person claiming one personal exemption and the standard

1 deduction;

2 (3) state income tax;

3 (4) union dues; and

4 (5) expenses for the cost of health insurance, dental
5 insurance, [~~or~~] cash medical support, and cash dental support for
6 the obligor's child ordered by the court under Sections [~~Section~~]
7 154.182 and 154.1825.

8 SECTION 12. Subsection (e), Section 154.062, Family Code,
9 as added by Chapters 363 (S.B. 303) and 620 (H.B. 448), Acts of the
10 80th Legislature, Regular Session, 2007, is reenacted and amended
11 to read as follows:

12 (e) In calculating the amount of the deduction for health
13 care or dental coverage for a child under Subsection (d)(5), if the
14 obligor has other minor dependents covered under the same health or
15 dental insurance plan, the court shall divide the total cost to the
16 obligor for the insurance by the total number of minor dependents,
17 including the child, covered under the plan.

18 SECTION 13. Section 154.064, Family Code, is amended to
19 read as follows:

20 Sec. 154.064. MEDICAL SUPPORT AND DENTAL SUPPORT FOR CHILD
21 PRESUMPTIVELY PROVIDED BY OBLIGOR. The guidelines for support of a
22 child are based on the assumption that the court will order the
23 obligor to provide medical support and dental support for the child
24 in addition to the amount of child support calculated in accordance
25 with those guidelines.

26 SECTION 14. The subchapter heading of Subchapter D, Chapter
27 154, Family Code, is amended to read as follows:

1 SUBCHAPTER D. MEDICAL SUPPORT AND DENTAL SUPPORT FOR CHILD

2 SECTION 15. Subchapter D, Chapter 154, Family Code, is
3 amended by adding Section 154.1815 to read as follows:

4 Sec. 154.1815. DENTAL SUPPORT ORDER. (a) In this section,
5 "reasonable cost" means the cost of a dental insurance premium that
6 does not exceed three percent of the responsible parent's annual
7 resources, as described by Section 154.062(b).

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

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

23 (d) In rendering temporary orders, the court shall, except
24 for good cause shown, order that any dental insurance coverage in
25 effect for the child continue in effect pending the rendition of a
26 final order, except that the court may not require the continuation
27 of any dental insurance that is not available to the parent at a

1 reasonable cost. If dental insurance coverage is not in effect for
2 the child or if the insurance in effect is not available at a
3 reasonable cost, the court shall, except for good cause shown,
4 order dental insurance coverage for the child as provided by
5 Section 154.1825.

6 (e) On rendering a final order the court shall:

7 (1) make specific findings with respect to the manner
8 in which dental insurance coverage is to be provided for the child,
9 in accordance with the priorities identified under Section
10 154.1825; and

11 (2) except for good cause shown or on agreement of the
12 parties, require the parent ordered to provide dental insurance
13 coverage for the child as provided by Section 154.1825 to produce
14 evidence to the court's satisfaction that the parent has applied
15 for or secured dental insurance or has otherwise taken necessary
16 action to provide for dental insurance coverage for the child, as
17 ordered by the court.

18 SECTION 16. Subchapter D, Chapter 154, Family Code, is
19 amended by adding Section 154.1825 to read as follows:

20 Sec. 154.1825. DENTAL CARE COVERAGE FOR CHILD. (a) In
21 this section, "reasonable cost" has the meaning assigned by Section
22 154.1815(a).

23 (b) The court shall consider the cost and quality of dental
24 insurance coverage available to the parties and shall give priority
25 to dental insurance coverage available through the employment of
26 one of the parties if the coverage is available at a reasonable
27 cost.

1 (c) In determining the manner in which dental care coverage
2 for the child is to be ordered, the court shall render its order in
3 accordance with the following priorities, unless a party shows good
4 cause why a particular order is not in the best interest of the
5 child:

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

11 (2) if dental insurance is not available for the child
12 under Subdivision (1) but is available to a parent from another
13 source and at a reasonable cost, the court may order that parent to
14 provide dental insurance for the child; or

15 (3) if dental insurance coverage is not available for
16 the child under Subdivision (1) or (2), the court shall order the
17 obligor to pay the obligee, in addition to any amount ordered under
18 the guidelines for child support, an amount, not to exceed three
19 percent of the obligor's annual resources, as described by Section
20 154.062(b), as cash dental support for the child.

21 (d) If the parent ordered to provide dental insurance under
22 Subsection (c)(1) or (2) is the obligee, the court shall order the
23 obligor to pay the obligee, as additional child support, an amount
24 equal to the actual cost of dental insurance for the child. In
25 calculating the actual cost of dental insurance for the child, if
26 the obligee has other minor dependents covered under the same
27 dental insurance plan, the court shall divide the total cost to the

1 obligee for the insurance by the total number of minor dependents,
2 including the child covered under the plan.

3 (e) If the court finds that neither parent has access to
4 private dental insurance at a reasonable cost, the court shall
5 order the parent awarded the exclusive right to designate the
6 child's primary residence or, to the extent permitted by law, the
7 other parent to apply immediately on behalf of the child for
8 participation in any government medical assistance program or
9 health plan that provides dental coverage. If the child
10 participates in a government medical assistance program or health
11 plan that provides dental coverage, the court shall order cash
12 dental support under Subsection (c)(3).

13 (f) An order requiring the payment of cash dental support
14 under Subsection (c)(3) must allow the obligor to discontinue
15 payment of the cash dental support if:

16 (1) dental insurance for the child becomes available
17 to the obligor at a reasonable cost; and

18 (2) the obligor:

19 (A) enrolls the child in the insurance plan; and

20 (B) provides the obligee and, in a Title IV-D
21 case, the Title IV-D agency, the information required under Section
22 154.185.

23 SECTION 17. Section 154.183, Family Code, as amended by
24 Chapters 363 (S.B. 303) and 620 (H.B. 448), Acts of the 80th
25 Legislature, Regular Session, 2007, is reenacted and amended to
26 read as follows:

27 Sec. 154.183. MEDICAL AND DENTAL SUPPORT ADDITIONAL SUPPORT

1 DUTY OF OBLIGOR. (a) An amount that an obligor is ordered to pay
2 as medical support or dental support for the child under this
3 chapter, including the costs of health insurance coverage or cash
4 medical support under Section 154.182 and the costs of dental
5 insurance or cash dental support under Section 154.1825:

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

9 (2) is a child support obligation; and

10 (3) may be enforced by any means available for the
11 enforcement of child support, including withholding from earnings
12 under Chapter 158.

13 (b) If the court finds and states in the child support order
14 that the obligee will maintain health insurance coverage, dental
15 insurance coverage, or both, for the child at the obligee's
16 expense, the court shall increase the amount of child support to be
17 paid by the obligor in an amount not exceeding the actual cost to
18 the obligee for maintaining the [~~health insurance~~] coverage, as
19 provided under Sections [~~Section~~] 154.182(b-1) and 154.1825(d).
20 [~~In calculating the total expense to the obligee for maintaining~~
21 ~~health insurance for the child under this subsection, if the~~
22 ~~obligee has other minor dependents covered under the same health~~
23 ~~insurance plan, the court shall divide the total expense to the~~
24 ~~obligee for the insurance by the total number of minor dependents,~~
25 ~~including the child, covered under the plan.]~~

26 (c) As additional child support, the court shall allocate
27 between the parties, according to their circumstances, the

1 reasonable and necessary:

2 (1) health care expenses of a child that are not
3 reimbursed by health insurance or are not otherwise covered by the
4 amount of cash medical support ordered under Section 154.182(b)(3);
5 and

6 (2) dental expenses of a child that are not reimbursed
7 by dental insurance or are not otherwise covered by the amount of
8 cash dental support ordered under Section 154.1825(b)(3).

9 SECTION 18. Subsections (a) and (b), Section 154.184,
10 Family Code, are amended to read as follows:

11 (a) Receipt of a medical support order requiring that health
12 insurance be provided for a child or a dental support order
13 requiring dental insurance be provided for a child shall be
14 considered a change in the family circumstances of the employee or
15 member, for health insurance purposes and dental insurance
16 purposes, equivalent to the birth or adoption of a child.

17 (b) If the employee or member is eligible for dependent
18 health coverage or dependent dental coverage, the employer shall
19 automatically enroll the child for the first 31 days after the
20 receipt of the order or notice of the medical support order or the
21 dental support order under Section 154.186 on the same terms and
22 conditions as apply to any other dependent child.

23 SECTION 19. Section 154.185, Family Code, is amended to
24 read as follows:

25 Sec. 154.185. PARENT TO FURNISH INFORMATION. (a) The
26 court shall order a parent providing health insurance or dental
27 insurance to furnish to either the obligee, obligor, or child

1 support agency the following information not later than the 30th
2 day after the date the notice of rendition of the order is received:

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

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

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

10 (C) [~~(5)~~] if the employer has health insurance
11 available, the name of the health insurance carrier, the number of
12 the policy, a copy of the policy and schedule of benefits, a health
13 insurance membership card, claim forms, and any other information
14 necessary to submit a claim; and

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

18 (4) with regard to dental insurance:

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

21 (B) proof that dental insurance has been provided
22 for the child;

23 (C) if the employer has dental insurance
24 available, the name of the dental insurance carrier, the number of
25 the policy, a copy of the policy and schedule of benefits, a dental
26 insurance membership card, claim forms, and any other information
27 necessary to submit a claim; and

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

4 (b) The court shall also order a parent providing health
5 insurance or dental insurance to furnish the obligor, obligee, or
6 child support agency with additional information regarding the
7 health insurance coverage or dental insurance coverage not later
8 than the 15th day after the date the information is received by the
9 parent.

10 SECTION 20. The heading to Section 154.186, Family Code, is
11 amended to read as follows:

12 Sec. 154.186. NOTICE TO EMPLOYER CONCERNING MEDICAL SUPPORT
13 OR DENTAL SUPPORT.

14 SECTION 21. Subsection (a), Section 154.186, Family Code,
15 is amended to read as follows:

16 (a) The obligee, obligor, or a child support agency of this
17 state or another state may send to the employer a copy of the order
18 requiring an employee to provide health insurance coverage or
19 dental insurance coverage for a child or may include notice of the
20 medical support order or dental support order in an order or writ of
21 withholding sent to the employer in accordance with Chapter 158.

22 SECTION 22. Subsections (a), (b), (c), (d), (e), and (g),
23 Section 154.187, Family Code, are amended to read as follows:

24 (a) An order or notice under this subchapter to an employer
25 directing that health insurance coverage or dental insurance
26 coverage be provided to a child of an employee or member is binding
27 on a current or subsequent employer on receipt without regard to the

1 date the order was rendered. If the employee or member is eligible
2 for dependent health coverage or dental coverage for the child, the
3 employer shall immediately enroll the child in a health insurance
4 plan or dental insurance plan regardless of whether the employee is
5 enrolled in the plan. If dependent coverage is not available to the
6 employee or member through the employer's health insurance plan or
7 dental insurance plan or enrollment cannot be made permanent or if
8 the employer is not responsible or otherwise liable for providing
9 such coverage, the employer shall provide notice to the sender in
10 accordance with Subsection (c).

11 (b) If additional premiums are incurred as a result of
12 adding the child to the health insurance plan or the dental
13 insurance plan, the employer shall deduct the health insurance
14 premium or the dental insurance premium from the earnings of the
15 employee in accordance with Chapter 158 and apply the amount
16 withheld to payment of the insurance premium.

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

21 (1) has been enrolled in a health insurance plan or
22 dental insurance plan; or

23 (2) cannot be enrolled or cannot be enrolled
24 permanently in a health insurance plan or dental insurance plan and
25 provide the reason why coverage or permanent coverage cannot be
26 provided.

27 (d) If the employee ceases employment or if the health

1 insurance coverage or dental insurance coverage lapses, the
2 employer shall provide to the sender, by first class mail not later
3 than the 15th day after the date of the termination of employment or
4 the lapse of the coverage, notice of the termination or lapse and of
5 the availability of any conversion privileges.

6 (e) On request, the employer shall release to the sender
7 information concerning the available health insurance coverage or
8 dental insurance coverage, including the name of the health
9 insurance carrier or dental insurance carrier, the policy number, a
10 copy of the policy and schedule of benefits, a health insurance
11 membership card, and claim forms.

12 (g) An employer who fails to enroll a child, fails to
13 withhold or remit premiums or cash medical support or dental
14 support, or discriminates in hiring or employment on the basis of a
15 medical support order or a dental support order or notice under this
16 subchapter shall be subject to the penalties and fines in
17 Subchapter C, Chapter 158.

18 SECTION 23. Section 154.188, Family Code, is amended to
19 read as follows:

20 Sec. 154.188. FAILURE TO PROVIDE OR PAY FOR REQUIRED HEALTH
21 INSURANCE OR DENTAL INSURANCE. A parent ordered to provide health
22 insurance or dental insurance or to pay the other parent additional
23 child support for the cost of health insurance or dental insurance
24 who fails to do so is liable for:

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

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

4 SECTION 24. Section 154.189, Family Code, is amended to
5 read as follows:

6 Sec. 154.189. NOTICE OF TERMINATION OR LAPSE OF INSURANCE
7 COVERAGE. (a) An obligor ordered to provide health insurance
8 coverage or dental insurance coverage for a child must notify the
9 obligee and any child support agency enforcing a support obligation
10 against the obligor of the:

11 (1) termination or lapse of health insurance coverage
12 or dental insurance coverage for the child not later than the 15th
13 day after the date of a termination or lapse; and

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

18 (b) If termination of coverage results from a change of
19 employers, the obligor, the obligee, or the child support agency
20 may send the new employer a copy of the order requiring the employee
21 to provide health insurance or dental insurance for a child or
22 notice of the medical support order or the dental support order as
23 provided by this subchapter.

24 SECTION 25. Section 154.190, Family Code, is amended to
25 read as follows:

26 Sec. 154.190. REENROLLING CHILD FOR INSURANCE COVERAGE.
27 After health insurance or dental insurance has been terminated or

1 has lapsed, an obligor ordered to provide health insurance coverage
2 or dental insurance coverage for the child must enroll the child in
3 a health insurance plan or a dental insurance plan at the next
4 available enrollment period.

5 SECTION 26. Section 154.191, Family Code, is amended to
6 read as follows:

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

11 (b) This subchapter does not limit the authority of the
12 court to render or modify a medical support order or dental support
13 order containing a provision for payment of uninsured health
14 expenses, health care costs, [~~or~~] health insurance premiums,
15 uninsured dental expenses, dental costs, or dental insurance
16 premiums that are in addition to and inconsistent with this
17 subchapter.

18 SECTION 27. Section 154.192, Family Code, is amended to
19 read as follows:

20 Sec. 154.192. CANCELLATION OR ELIMINATION OF INSURANCE
21 COVERAGE FOR CHILD. [~~(a)~~] Unless the employee or member ceases to
22 be eligible for dependent coverage, or the employer has eliminated
23 dependent health coverage or dental coverage for all of the
24 employer's employees or members, the employer may not cancel or
25 eliminate coverage of a child enrolled under this subchapter until
26 the employer is provided satisfactory written evidence that:

27 (1) the court order or administrative order requiring

1 the coverage is no longer in effect; or

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

6 SECTION 28. Subsection (a), Section 154.193, Family Code,
7 is amended to read as follows:

8 (a) If a plan administrator or other person acting in an
9 equivalent position determines that a medical support order or
10 dental support order issued under this subchapter does not qualify
11 for enforcement under federal law, the tribunal may, on its own
12 motion or the motion of a party, render an order that qualifies for
13 enforcement under federal law.

14 SECTION 29. Subsection (a), Section 156.401, Family Code,
15 is amended to read as follows:

16 (a) Except as provided by Subsection (a-1) or (b), the court
17 may modify an order that provides for the support of a child,
18 including an order for health care coverage under Section 154.182
19 or an order for dental care coverage under Section 154.1825, if:

20 (1) the circumstances of the child or a person
21 affected by the order have materially and substantially changed
22 since the earlier of:

23 (A) the date of the order's rendition; or

24 (B) the date of the signing of a mediated or
25 collaborative law settlement agreement on which the order is based;
26 or

27 (2) it has been three years since the order was

1 rendered or last modified and the monthly amount of the child
2 support award under the order differs by either 20 percent or \$100
3 from the amount that would be awarded in accordance with the child
4 support guidelines.

5 SECTION 30. Section 157.269, Family Code, is amended to
6 read as follows:

7 Sec. 157.269. RETENTION OF JURISDICTION. A court that
8 renders an order providing for the payment of child support retains
9 continuing jurisdiction to enforce the order, including by
10 adjusting the amount of the periodic payments to be made by the
11 obligor or the amount to be withheld from the obligor's disposable
12 earnings, until all current support, ~~and~~ medical support, dental
13 support, and child support arrearages, including interest and any
14 applicable fees and costs, have been paid.

15 SECTION 31. Subsections (a) and (b), Section 158.206,
16 Family Code, are amended to read as follows:

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

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

24 (1) to the obligee for the amount not paid in
25 compliance with the order or writ, including the amount the obligor
26 is required to pay for health insurance or dental insurance under
27 Chapter 154;

1 (2) to the obligor for:

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

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

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

7 SECTION 32. Section 158.302, Family Code, is amended to
8 read as follows:

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

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

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

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

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

24 (5) state that if the obligor contests the
25 withholding, the obligor will be afforded an opportunity for a
26 hearing by the court not later than the 30th day after the date of
27 receipt of the notice of contest;

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

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

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

13 SECTION 33. Subsection (c), Section 158.309, Family Code,
14 is amended to read as follows:

15 (c) Upon hearing, the court shall:

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

19 (2) grant the motion to stay.

20 SECTION 34. Subsection (a), Section 158.312, Family Code,
21 is amended to read as follows:

22 (a) If a notice of application for judicial writ of
23 withholding is delivered and a motion to stay is not filed within
24 the time limits provided by Section 158.307, the party who filed the
25 notice shall file with the clerk of the court a request for issuance
26 of the writ of withholding stating the amount of current support,
27 including medical support and dental support, the amount of

1 arrearages, and the amount to be withheld from the obligor's
2 income.

3 SECTION 35. Section 158.314, Family Code, is amended to
4 read as follows:

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

12 SECTION 36. Subsection (a), Section 158.502, Family Code,
13 is amended to read as follows:

14 (a) An administrative writ of withholding under this
15 subchapter may be issued by the Title IV-D agency at any time until
16 all current support, including medical support and dental support,
17 [~~and~~] child support arrearages, and Title IV-D service fees
18 authorized under Section 231.103 for which the obligor is
19 responsible[~~7~~] have been paid. The writ issued under this
20 subsection may be based on an obligation in more than one support
21 order.

22 SECTION 37. Subsection (b), Section 158.504, Family Code,
23 is amended to read as follows:

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

1 withheld income is to be paid.

2 SECTION 38. Section 158.507, Family Code, is amended to
3 read as follows:

4 Sec. 158.507. ADMINISTRATIVE WRIT TERMINATING WITHHOLDING.

5 An administrative writ to terminate withholding may be issued and
6 delivered to an employer by the Title IV-D agency when all current
7 support, including medical support and dental support, [~~and~~] child
8 support arrearages, and Title IV-D service fees authorized under
9 Section 231.103 for which the obligor is responsible[~~r~~] have been
10 paid.

11 SECTION 39. Subsection (c), Section 159.502, Family Code,
12 is amended to read as follows:

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

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

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

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

26 (4) the amount of periodic payments of fees and costs
27 for a support enforcement agency, the issuing tribunal, and the

1 obligee's attorney, stated as sums certain; and

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

4 SECTION 40. The heading to Section 231.0011, Family Code,
5 is amended to read as follows:

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

9 SECTION 41. Subsections (a) and (g), Section 231.0011,
10 Family Code, are amended to read as follows:

11 (a) The Title IV-D agency shall have final approval
12 authority on any contract or proposal for delivery of Title IV-D
13 services under this section and in coordination with the Texas
14 Judicial Council, the Office of Court Administration of the Texas
15 Judicial System, the federal Office of Child Support Enforcement,
16 and state, county, and local officials~~[7]~~ shall develop and
17 implement a statewide integrated system for child support, ~~[and]~~
18 medical support, and dental support enforcement, employing
19 federal, state, local, and private resources to:

20 (1) unify child support registry functions;

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

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

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

1 funding; and

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

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

9 SECTION 42. Subsection (e), Section 231.002, Family Code,
10 is amended to read as follows:

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

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

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

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

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

1 157.

2 SECTION 43. Subsection (a), Section 231.101, Family Code,
3 is amended to read as follows:

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

7 (1) parent locator services;

8 (2) paternity determination;

9 (3) child support, ~~and~~ medical support, and dental
10 support establishment;

11 (4) review and adjustment of child support orders;

12 (5) enforcement of child support, ~~and~~ medical
13 support, and dental support orders; and

14 (6) collection and distribution of child support
15 payments.

16 SECTION 44. Subsection (b), Section 231.104, Family Code,
17 is amended to read as follows:

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

23 SECTION 45. Subsection (a), Section 231.123, Family Code,
24 is amended to read as follows:

25 (a) In order to maximize the amount of any tax refund to
26 which an obligor may be entitled and which may be applied to child
27 support, ~~and~~ medical support, and dental support obligations, the

1 Title IV-D agency shall cooperate with volunteer income tax
2 assistance programs in the state in informing obligors of the
3 availability of the programs.

4 SECTION 46. Subsection (a), Section 231.301, Family Code,
5 is amended to read as follows:

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

8 (1) child support establishment and enforcement
9 purposes regarding the identity, social security number, location,
10 employer and employment benefits, income, and assets or debts of
11 any individual under an obligation to pay child support, [~~or~~]
12 medical support, or dental support or to whom a support obligation
13 is owed; or

14 (2) the establishment of paternity.

15 SECTION 47. Section 231.306, Family Code, is amended to
16 read as follows:

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

21 (1) maximize the collection of medical support and
22 dental support; and

23 (2) establish cash medical support and cash dental
24 support orders for children eligible for medical assistance under
25 the state Medicaid program for whom private insurance coverage is
26 not available.

27 (b) In this section:

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

3 (2) "Dental support" has the meaning assigned by
4 Section 101.0095.

5 SECTION 48. Subsection (a), Section 233.001, Family Code,
6 is amended to read as follows:

7 (a) The purpose of the procedures specified in the child
8 support review process authorized by this chapter is to enable the
9 Title IV-D agency to take expedited administrative actions to
10 establish, modify, and enforce child support, ~~[and]~~ medical
11 support, and dental support obligations, to determine parentage, or
12 to take any other action authorized or required under Part D, Title
13 IV, of the federal Social Security Act (42 U.S.C. Section 651 et
14 seq.), and Chapter 231.

15 SECTION 49. Subsection (b), Section 233.009, Family Code,
16 is amended to read as follows:

17 (b) The notice of proposed child support review order shall
18 state:

19 (1) the amount of periodic payment of child support
20 due, the amount of any overdue support that is owed as an arrearage
21 as of the date of the notice, and the amounts that are to be paid by
22 the obligor for current support due and in payment on the arrearage
23 owed;

24 (2) that the person identified in the notice as the
25 party responsible for payment of the support amounts may contest
26 the notice order on the grounds that:

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

1 (B) the dependent child is no longer entitled to
2 child support; or

3 (C) the amount of monthly support or arrearage is
4 incorrectly stated; and

5 (3) that, if the person identified in the notice as the
6 party responsible for payment of the support amounts does not
7 contest the notice in writing or request a negotiation conference
8 to discuss the notice not later than the 15th day after the date the
9 notice was delivered, the Title IV-D agency may file a child support
10 review order for child support, [and for] medical support, and
11 dental support for the child as provided by Chapter 154 according to
12 the information available to the agency.

13 SECTION 50. Subsection (b), Section 233.0095, Family Code,
14 is amended to read as follows:

15 (b) The notice of proposed child support review order shall
16 state:

17 (1) the amount of periodic payment of child support
18 due;

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

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

1 dental support for the child as provided by Chapter 154 according to
2 the information available to the agency.

3 SECTION 51. Subsection (a), Section 233.017, Family Code,
4 is amended to read as follows:

5 (a) An order issued under this chapter must be reviewed and
6 signed by an attorney of the Title IV-D agency and must contain all
7 provisions that are appropriate for an order under this title,
8 including current child support, medical support, and dental
9 support, a determination of any arrearages or retroactive support,
10 and, if not otherwise ordered, income withholding.

11 SECTION 52. Section 234.002, Family Code, is amended to
12 read as follows:

13 Sec. 234.002. INTEGRATED SYSTEM FOR CHILD SUPPORT, ~~[AND]~~
14 MEDICAL SUPPORT, AND DENTAL SUPPORT ENFORCEMENT. The statewide
15 integrated system for child support, ~~[and]~~ medical support, and
16 dental support enforcement under Chapter 231 shall be part of the
17 state case registry and state disbursement unit authorized by this
18 subchapter.

19 SECTION 53. Subsection (a), Section 71.035, Government
20 Code, is amended to read as follows:

21 (a) The council shall gather judicial statistics and other
22 pertinent information from the several state judges and other court
23 officials of this state. In addition, the council shall implement a
24 monthly tracking system to ensure accountability for counties and
25 courts which participate in the statewide integrated system for
26 child support, ~~[and]~~ medical support, and dental support
27 enforcement established under Section 231.0011, Family Code. As a

1 duty of office, the district clerks and county clerks serving the
2 affected courts shall report monthly such information as may be
3 required by the council, including, at a minimum, the time required
4 to enforce cases from date of delinquency, from date of filing, and
5 from date of service until date of disposition. Such information as
6 is necessary to complete the report and not directly within the
7 control of the district or county clerk, such as date of
8 delinquency, shall be provided to the clerk by the child support
9 registry or by the enforcement agency providing Title IV-D
10 enforcement services in the court. The monthly report shall be
11 transmitted to the Office of Court Administration of the Texas
12 Judicial System no later than the 20th day of the month following
13 the month reported, in such form as may be prescribed by the Office
14 of Court Administration, which may include electronic data
15 transfer. Copies of such reports shall be maintained in the office
16 of the appropriate district or county clerk for a period of at least
17 two years and shall be available to the public for inspection and
18 reproduction.

19 SECTION 54. Section 402.085, Labor Code, is amended to read
20 as follows:

21 Sec. 402.085. EXCEPTIONS TO CONFIDENTIALITY. (a) The
22 division shall release information on a claim to:

23 (1) the Texas Department of Insurance for any
24 statutory or regulatory purpose, including a research purpose under
25 Chapter 405;

26 (2) a legislative committee for legislative purposes;

27 (3) a state or federal elected official requested in

1 writing to provide assistance by a constituent who qualifies to
2 obtain injury information under Section 402.084(b), if the request
3 for assistance is provided to the division;

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

7 (A) establishing, modifying, or enforcing a
8 child support, ~~or~~ medical support, or dental support obligation;
9 or

10 (B) locating an absent parent; or

11 (5) the office of injured employee counsel for any
12 statutory or regulatory purpose that relates to a duty of that
13 office.

14 (b) The division may release information on a claim to a
15 governmental agency, political subdivision, or regulatory body to
16 use to:

17 (1) investigate an allegation of a criminal offense or
18 licensing or regulatory violation;

19 (2) provide:

20 (A) unemployment compensation benefits;

21 (B) crime victims compensation benefits;

22 (C) vocational rehabilitation services; or

23 (D) health care benefits;

24 (3) investigate occupational safety or health
25 violations;

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

1 (5) assess financial resources in an action, including
2 an administrative action, to:

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

5 (B) establish paternity;

6 (C) locate an absent parent; or

7 (D) cooperate with another state in an action
8 authorized under Part D, Title IV, Social Security Act (42 U.S.C.
9 Section 651 et seq.), or Chapter 231, Family Code.

10 SECTION 55. Subsection (b), Section 1201.053, Insurance
11 Code, is amended to read as follows:

12 (b) On the application of an adult member of a family, an
13 individual accident and health insurance policy may, at the time of
14 original issuance or by subsequent amendment, insure two or more
15 eligible members of the adult's family, including a spouse,
16 unmarried children younger than 25 years of age, including a
17 grandchild of the adult as described by Section 1201.062(a)(1), a
18 child the adult is required to insure under a medical support order
19 or dental support order, if the policy provides dental coverage,
20 issued under Chapter 154, Family Code, or enforceable by a court in
21 this state, and any other individual dependent on the adult.

22 SECTION 56. Subsection (a), Section 1201.062, Insurance
23 Code, is amended to read as follows:

24 (a) An individual or group accident and health insurance
25 policy that is delivered, issued for delivery, or renewed in this
26 state, including a policy issued by a corporation operating under
27 Chapter 842, or a self-funded or self-insured welfare or benefit

1 plan or program, to the extent that regulation of the plan or
2 program is not preempted by federal law, that provides coverage for
3 a child of an insured or group member, on payment of a premium, must
4 provide coverage for:

5 (1) each grandchild of the insured or group member if
6 the grandchild is:

7 (A) unmarried;

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

9 (C) a dependent of the insured or group member
10 for federal income tax purposes at the time application for
11 coverage of the grandchild is made; and

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

16 SECTION 57. Section 1201.063, Insurance Code, is amended to
17 read as follows:

18 Sec. 1201.063. PROHIBITION OF CERTAIN CRITERIA RELATING TO
19 CHILD'S COVERAGE IN INDIVIDUAL OR GROUP POLICY. Regarding a
20 natural or adopted child of an insured or group member or a child
21 for whom the insured or group member must provide medical support or
22 dental support, if the policy provides dental coverage, under an
23 order issued under Chapter 154, Family Code, or enforceable by a
24 court in this state, an individual or group accident and health
25 insurance policy that provides coverage for a child of an insured or
26 group member may not set a different premium for the child, exclude
27 the child from coverage, or discontinue coverage of the child

1 because:

2 (1) the child does not reside with the insured or group
3 member; or

4 (2) the insured or group member does not claim the
5 child as an exemption for federal income tax purposes under Section
6 151(c)(1)(B), Internal Revenue Code of 1986.

7 SECTION 58. The heading to Chapter 1504, Insurance Code, is
8 amended to read as follows:

9 CHAPTER 1504. MEDICAL AND DENTAL CHILD SUPPORT

10 SECTION 59. Subdivision (4), Section 1504.001, Insurance
11 Code, is amended to read as follows:

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

13 (A) an insurance company, group hospital service
14 corporation, or health maintenance organization that delivers or
15 issues for delivery an individual, group, blanket, or franchise
16 insurance policy or agreement, a group hospital service contract,
17 or an evidence of coverage that provides benefits for medical or
18 surgical expenses incurred as a result of an accident or sickness,
19 or dental expenses;

20 (B) a governmental entity subject to Subchapter
21 D, Chapter 1355, Subchapter C, Chapter 1364, Chapter 1578, Article
22 3.51-1, 3.51-4, or 3.51-5, or Chapter 177, Local Government Code;

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

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

1 SECTION 60. Subsection (b), Section 1504.002, Insurance
2 Code, is amended to read as follows:

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

5 (1) is consistent with federal law; and

6 (2) complies with the requirements necessary to
7 maintain federal Medicaid funding.

8 SECTION 61. Section 1504.003, Insurance Code, is amended to
9 read as follows:

10 Sec. 1504.003. VIOLATION OF CHAPTER: RELIEF AVAILABLE TO
11 INJURED PERSON. A [~~health~~] benefit plan issuer that violates this
12 chapter is subject to the same penalties, and an injured person has
13 the same rights and remedies, as those provided by Subchapter D,
14 Chapter 541.

15 SECTION 62. The heading to Subchapter B, Chapter 1504,
16 Insurance Code, is amended to read as follows:

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

18 SECTION 63. Section 1504.051, Insurance Code, is amended to
19 read as follows:

20 Sec. 1504.051. ENROLLMENT OF CERTAIN CHILDREN REQUIRED.

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

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

26 and

27 (2) required by a court order or administrative order

1 to provide health insurance coverage or dental coverage for the
2 child.

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

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

8 (2) the child, a custodial parent of the child, or a
9 child support agency having a duty to collect or enforce support for
10 the child applies for the coverage.

11 SECTION 64. Section 1504.052, Insurance Code, is amended to
12 read as follows:

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

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

23 (c) For a covered child who resides outside the [~~health~~]
24 benefit plan issuer's service area and whose coverage under a
25 policy or plan is required by a medical support order or dental
26 support order, the issuer shall provide coverage that is comparable
27 health or dental coverage to that provided to other dependents

1 under the policy or plan.

2 (d) Comparable health or dental coverage may include
3 coverage in which a [~~health~~] benefit plan issuer uses different
4 procedures for service delivery and health care provider
5 reimbursement. Comparable health or dental coverage may not
6 include coverage:

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

9 SECTION 65. Section 1504.053, Insurance Code, is amended to
10 read as follows:

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

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

19 (2) the child:

20 (A) is enrolled in comparable health or dental
21 coverage; or

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

25 (b) For purposes of this section, a child is not enrolled or
26 entitled to enrollment under this chapter if the child's
27 eligibility for health or dental coverage ends because the parent

1 ceases to be eligible for dependent health or dental coverage.

2 SECTION 66. Section 1504.054, Insurance Code, is amended to
3 read as follows:

4 Sec. 1504.054. CONTINUATION OR CONVERSION OF COVERAGE.

5 (a) If a child's eligibility for dependent health or dental
6 coverage ends because the parent ceases to be eligible for the
7 coverage and the coverage provides for the continuation or
8 conversion of the coverage for the child, the [~~health~~] benefit plan
9 issuer shall notify the custodial parent and the child support
10 agency of the costs and other requirements for continuing or
11 converting the coverage.

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

16 SECTION 67. Section 1504.055, Insurance Code, is amended to
17 read as follows:

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

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

24 (A) the name of the issuer;

25 (B) the number of the policy or evidence of
26 coverage;

27 (C) a copy of the policy or evidence of coverage

1 and schedule of benefits;

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

3 (E) claim forms; and

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

7 (2) permit a custodial parent, health care provider,
8 state agency that has been assigned medical or dental support
9 rights, or adult child to submit claims for covered services
10 without the approval of the covered parent; and

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

14 (b) A [~~health~~] benefit plan issuer shall provide to a state
15 agency that provides medical assistance, including medical
16 assistance for dental services, to the child or shall provide to a
17 child support agency that enforces medical or dental support on
18 behalf of a child the information necessary to obtain reimbursement
19 of medical or dental services provided to or paid on behalf of the
20 child.

21 SECTION 68. Section 1504.101, Insurance Code, is amended to
22 read as follows:

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

27 (1) has a preexisting condition;

1 (2) was born out of wedlock;

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

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

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

6 SECTION 69. Section 1504.102, Insurance Code, is amended to
7 read as follows:

8 Sec. 1504.102. ASSIGNMENT OF MEDICAL OR DENTAL SUPPORT
9 RIGHTS: DIFFERENT REQUIREMENTS PROHIBITED. A [~~health~~] benefit
10 plan issuer may not require a state agency that has been assigned
11 the rights of an individual who is eligible for medical assistance
12 and is covered for health or dental benefits from the issuer to
13 comply with a requirement that is different from a requirement
14 imposed on an agent or assignee of any other covered individual.

15 SECTION 70. (a) The changes in law made by this Act apply
16 to a suit affecting the parent-child relationship filed on or after
17 the effective date of this Act. A suit affecting the parent-child
18 relationship filed before the effective date of this Act is
19 governed by the law in effect on the date the suit was filed, and the
20 former law is continued in effect for that purpose.

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

26 SECTION 71. This Act takes effect September 1, 2009.