

1-1 By: Uresti S.B. No. 1048  
1-2 (In the Senate - Filed February 20, 2009; March 13, 2009,  
1-3 read first time and referred to Committee on Jurisprudence;  
1-4 March 30, 2009, reported favorably by the following vote: Yeas 5,  
1-5 Nays 0, 1 present not voting; March 30, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to requiring dental support for a child subject to a child  
1-9 support order.

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

1-11 SECTION 1. Subsection (e), Section 54.06, Family Code, is  
1-12 amended to read as follows:

1-13 (e) The court shall apply the child support guidelines under  
1-14 Subchapter C, Chapter 154, in an order requiring the payment of  
1-15 child support under this section. The court shall also require in  
1-16 an order to pay child support under this section that health  
1-17 insurance and dental insurance be provided for the child.  
1-18 Subchapter D, Chapter 154, applies to an order requiring health  
1-19 insurance and dental insurance for a child under this section.

1-20 SECTION 2. Section 101.006, Family Code, is amended to read  
1-21 as follows:

1-22 Sec. 101.006. CHILD SUPPORT SERVICES. "Child support  
1-23 services" means administrative or court actions to:

1-24 (1) establish paternity;

1-25 (2) establish, modify, or enforce child support, ~~or~~  
1-26 medical support, or dental support obligations;

1-27 (3) locate absent parents; or

1-28 (4) cooperate with other states in these actions and  
1-29 any other action authorized or required under Part D of Title IV of  
1-30 the federal Social Security Act (42 U.S.C. Section 651 et seq.) or  
1-31 Chapter 231.

1-32 SECTION 3. Chapter 101, Family Code, is amended by adding  
1-33 Sections 101.0094 and 101.0095 to read as follows:

1-34 Sec. 101.0094. DENTAL INSURANCE. "Dental insurance" means  
1-35 insurance coverage that provides preventive dental care and other  
1-36 dental services, including usual dentist services, office visits,  
1-37 examinations, X-rays, and emergency services, that may be provided  
1-38 through a single service health maintenance organization or other  
1-39 private or public organization.

1-40 Sec. 101.0095. DENTAL SUPPORT. "Dental support" means  
1-41 periodic payments or a lump-sum payment made under an order to cover  
1-42 dental expenses, including dental insurance coverage, incurred for  
1-43 the benefit of a child.

1-44 SECTION 4. Section 101.012, Family Code, is amended to read  
1-45 as follows:

1-46 Sec. 101.012. EMPLOYER. "Employer" means a person,  
1-47 corporation, partnership, workers' compensation insurance carrier,  
1-48 governmental entity, the United States, or any other entity that  
1-49 pays or owes earnings to an individual. The term includes, for the  
1-50 purposes of enrolling dependents in a group health or dental  
1-51 insurance plan, a union, trade association, or other similar  
1-52 organization.

1-53 SECTION 5. Subsection (b), Section 101.024, Family Code, is  
1-54 amended to read as follows:

1-55 (b) For purposes of establishing, determining the terms of,  
1-56 modifying, or enforcing an order, a reference in this title to a  
1-57 parent includes a person ordered to pay child support under Section  
1-58 154.001(a-1) or to provide medical support or dental support for a  
1-59 child.

1-60 SECTION 6. Section 101.034, Family Code, is amended to read  
1-61 as follows:

1-62 Sec. 101.034. TITLE IV-D CASE. "Title IV-D case" means an  
1-63 action in which services are provided by the Title IV-D agency under  
1-64 Part D, Title IV, of the federal Social Security Act (42 U.S.C.

2-1 Section 651 et seq.), relating to the location of an absent parent,  
 2-2 determination of parentage, or establishment, modification, or  
 2-3 enforcement of a child support, ~~or~~ medical support, or dental  
 2-4 support obligation.

2-5 SECTION 7. Section 153.611, Family Code, is amended to read  
 2-6 as follows:

2-7 Sec. 153.611. EXCEPTION FOR CERTAIN TITLE IV-D PROCEEDINGS  
 2-8 Notwithstanding any other provision of this subchapter, this  
 2-9 subchapter does not apply to a proceeding in a Title IV-D case  
 2-10 relating to the determination of parentage or establishment,  
 2-11 modification, or enforcement of a child support, ~~or~~ medical  
 2-12 support, or dental support obligation.

2-13 SECTION 8. Section 154.008, Family Code, is amended to read  
 2-14 as follows:

2-15 Sec. 154.008. PROVISION FOR MEDICAL SUPPORT AND DENTAL  
 2-16 SUPPORT. The court shall order medical support and dental support  
 2-17 for the child as provided by Subchapters B and D.

2-18 SECTION 9. Subsection (c), Section 154.015, Family Code, is  
 2-19 amended to read as follows:

2-20 (c) For purposes of this section, the court of continuing  
 2-21 jurisdiction shall determine the amount of the unpaid child support  
 2-22 obligation for each child of the deceased obligor. In determining  
 2-23 the amount of the unpaid child support obligation, the court shall  
 2-24 consider all relevant factors, including:

2-25 (1) the present value of the total amount of monthly  
 2-26 periodic child support payments that would become due between the  
 2-27 month in which the obligor dies and the month in which the child  
 2-28 turns 18 years of age, based on the amount of the periodic monthly  
 2-29 child support payments under the child support order in effect on  
 2-30 the date of the obligor's death;

2-31 (2) the present value of the total amount of health  
 2-32 insurance and dental insurance premiums payable for the benefit of  
 2-33 the child from the month in which the obligor dies until the month  
 2-34 in which the child turns 18 years of age, based on the cost of health  
 2-35 insurance and dental insurance for the child ordered to be paid on  
 2-36 the date of the obligor's death;

2-37 (3) in the case of a disabled child under 18 years of  
 2-38 age or an adult disabled child, an amount to be determined by the  
 2-39 court under Section 154.306;

2-40 (4) the nature and amount of any benefit to which the  
 2-41 child would be entitled as a result of the obligor's death,  
 2-42 including life insurance proceeds, annuity payments, trust  
 2-43 distributions, social security death benefits, and retirement  
 2-44 survivor benefits; and

2-45 (5) any other financial resource available for the  
 2-46 support of the child.

2-47 SECTION 10. Subsection (b), Section 154.016, Family Code,  
 2-48 is amended to read as follows:

2-49 (b) In determining the nature and extent of the obligation  
 2-50 to provide for the support of the child in the event of the death of  
 2-51 the obligor, the court shall consider all relevant factors,  
 2-52 including:

2-53 (1) the present value of the total amount of monthly  
 2-54 periodic child support payments from the date the child support  
 2-55 order is rendered until the month in which the child turns 18 years  
 2-56 of age, based on the amount of the periodic monthly child support  
 2-57 payment under the child support order;

2-58 (2) the present value of the total amount of health  
 2-59 insurance and dental insurance premiums payable for the benefit of  
 2-60 the child from the date the child support order is rendered until  
 2-61 the month in which the child turns 18 years of age, based on the cost  
 2-62 of health insurance and dental insurance for the child ordered to be  
 2-63 paid; and

2-64 (3) in the case of a disabled child under 18 years of  
 2-65 age or an adult disabled child, an amount to be determined by the  
 2-66 court under Section 154.306.

2-67 SECTION 11. Subsection (d), Section 154.062, Family Code,  
 2-68 is amended to read as follows:

2-69 (d) The court shall deduct the following items from

3-1 resources to determine the net resources available for child  
3-2 support:

3-3 (1) social security taxes;

3-4 (2) federal income tax based on the tax rate for a  
3-5 single person claiming one personal exemption and the standard  
3-6 deduction;

3-7 (3) state income tax;

3-8 (4) union dues; and

3-9 (5) expenses for the cost of health insurance, dental  
3-10 insurance, ~~or~~ cash medical support, and cash dental support for  
3-11 the obligor's child ordered by the court under Sections [~~Section~~]  
3-12 154.182 and 154.1825.

3-13 SECTION 12. Subsection (e), Section 154.062, Family Code,  
3-14 as added by Chapters 363 (S.B. 303) and 620 (H.B. 448), Acts of the  
3-15 80th Legislature, Regular Session, 2007, is reenacted and amended  
3-16 to read as follows:

3-17 (e) In calculating the amount of the deduction for health  
3-18 care or dental coverage for a child under Subsection (d)(5), if the  
3-19 obligor has other minor dependents covered under the same health or  
3-20 dental insurance plan, the court shall divide the total cost to the  
3-21 obligor for the insurance by the total number of minor dependents,  
3-22 including the child, covered under the plan.

3-23 SECTION 13. Section 154.064, Family Code, is amended to  
3-24 read as follows:

3-25 Sec. 154.064. MEDICAL SUPPORT AND DENTAL SUPPORT FOR CHILD  
3-26 PRESUMPTIVELY PROVIDED BY OBLIGOR. The guidelines for support of a  
3-27 child are based on the assumption that the court will order the  
3-28 obligor to provide medical support and dental support for the child  
3-29 in addition to the amount of child support calculated in accordance  
3-30 with those guidelines.

3-31 SECTION 14. The subchapter heading of Subchapter D, Chapter  
3-32 154, Family Code, is amended to read as follows:

3-33 SUBCHAPTER D. MEDICAL SUPPORT AND DENTAL SUPPORT FOR CHILD

3-34 SECTION 15. Subchapter D, Chapter 154, Family Code, is  
3-35 amended by adding Section 154.1815 to read as follows:

3-36 Sec. 154.1815. DENTAL SUPPORT ORDER. (a) In this section,  
3-37 "reasonable cost" means the cost of a dental insurance premium that  
3-38 does not exceed three percent of the responsible parent's annual  
3-39 resources, as described by Section 154.062(b).

3-40 (b) In a suit affecting the parent-child relationship or in  
3-41 a proceeding under Chapter 159, the court shall render an order for  
3-42 the dental support of the child as provided by this section and  
3-43 Section 154.1825.

3-44 (c) Before a hearing on temporary orders or a final order,  
3-45 if no hearing on temporary orders is held, the court shall require  
3-46 the parties to the proceedings to disclose in a pleading or other  
3-47 document whether the child is covered by dental insurance and, if  
3-48 the child is covered, the identity of the insurer providing the  
3-49 coverage, the policy number, which parent is responsible for  
3-50 payment of any insurance premium for the coverage, whether the  
3-51 coverage is provided through a parent's employment, and the cost of  
3-52 the premium. If dental insurance is not in effect for the child,  
3-53 the parties must disclose to the court whether either parent has  
3-54 access to dental insurance at a reasonable cost to that parent.

3-55 (d) In rendering temporary orders, the court shall, except  
3-56 for good cause shown, order that any dental insurance coverage in  
3-57 effect for the child continue in effect pending the rendition of a  
3-58 final order, except that the court may not require the continuation  
3-59 of any dental insurance that is not available to the parent at a  
3-60 reasonable cost. If dental insurance coverage is not in effect for  
3-61 the child or if the insurance in effect is not available at a  
3-62 reasonable cost, the court shall, except for good cause shown,  
3-63 order dental insurance coverage for the child as provided by  
3-64 Section 154.1825.

3-65 (e) On rendering a final order the court shall:

3-66 (1) make specific findings with respect to the manner  
3-67 in which dental insurance coverage is to be provided for the child,  
3-68 in accordance with the priorities identified under Section  
3-69 154.1825; and

4-1 (2) except for good cause shown or on agreement of the  
 4-2 parties, require the parent ordered to provide dental insurance  
 4-3 coverage for the child as provided by Section 154.1825 to produce  
 4-4 evidence to the court's satisfaction that the parent has applied  
 4-5 for or secured dental insurance or has otherwise taken necessary  
 4-6 action to provide for dental insurance coverage for the child, as  
 4-7 ordered by the court.

4-8 SECTION 16. Subchapter D, Chapter 154, Family Code, is  
 4-9 amended by adding Section 154.1825 to read as follows:

4-10 Sec. 154.1825. DENTAL CARE COVERAGE FOR CHILD. (a) In  
 4-11 this section, "reasonable cost" has the meaning assigned by Section  
 4-12 154.1815(a).

4-13 (b) The court shall consider the cost and quality of dental  
 4-14 insurance coverage available to the parties and shall give priority  
 4-15 to dental insurance coverage available through the employment of  
 4-16 one of the parties if the coverage is available at a reasonable  
 4-17 cost.

4-18 (c) In determining the manner in which dental care coverage  
 4-19 for the child is to be ordered, the court shall render its order in  
 4-20 accordance with the following priorities, unless a party shows good  
 4-21 cause why a particular order is not in the best interest of the  
 4-22 child:

4-23 (1) if dental insurance is available for the child  
 4-24 through a parent's employment or membership in a union, trade  
 4-25 association, or other organization at reasonable cost to the  
 4-26 parent, the court shall order that parent to include the child in  
 4-27 the parent's dental insurance;

4-28 (2) if dental insurance is not available for the child  
 4-29 under Subdivision (1) but is available to a parent from another  
 4-30 source and at a reasonable cost, the court may order that parent to  
 4-31 provide dental insurance for the child; or

4-32 (3) if dental insurance coverage is not available for  
 4-33 the child under Subdivision (1) or (2), the court shall order the  
 4-34 obligor to pay the obligee, in addition to any amount ordered under  
 4-35 the guidelines for child support, an amount, not to exceed three  
 4-36 percent of the obligor's annual resources, as described by Section  
 4-37 154.062(b), as cash dental support for the child.

4-38 (d) If the parent ordered to provide dental insurance under  
 4-39 Subsection (c)(1) or (2) is the obligee, the court shall order the  
 4-40 obligor to pay the obligee, as additional child support, an amount  
 4-41 equal to the actual cost of dental insurance for the child. In  
 4-42 calculating the actual cost of dental insurance for the child, if  
 4-43 the obligee has other minor dependents covered under the same  
 4-44 dental insurance plan, the court shall divide the total cost to the  
 4-45 obligee for the insurance by the total number of minor dependents,  
 4-46 including the child covered under the plan.

4-47 (e) If the court finds that neither parent has access to  
 4-48 private dental insurance at a reasonable cost, the court shall  
 4-49 order the parent awarded the exclusive right to designate the  
 4-50 child's primary residence or, to the extent permitted by law, the  
 4-51 other parent to apply immediately on behalf of the child for  
 4-52 participation in any government medical assistance program or  
 4-53 health plan that provides dental coverage. If the child  
 4-54 participates in a government medical assistance program or health  
 4-55 plan that provides dental coverage, the court shall order cash  
 4-56 dental support under Subsection (c)(3).

4-57 (f) An order requiring the payment of cash dental support  
 4-58 under Subsection (c)(3) must allow the obligor to discontinue  
 4-59 payment of the cash dental support if:

4-60 (1) dental insurance for the child becomes available  
 4-61 to the obligor at a reasonable cost; and

4-62 (2) the obligor:

4-63 (A) enrolls the child in the insurance plan; and

4-64 (B) provides the obligee and, in a Title IV-D  
 4-65 case, the Title IV-D agency, the information required under Section  
 4-66 154.185.

4-67 SECTION 17. Section 154.183, Family Code, as amended by  
 4-68 Chapters 363 (S.B. 303) and 620 (H.B. 448), Acts of the 80th  
 4-69 Legislature, Regular Session, 2007, is reenacted and amended to

5-1 read as follows:

5-2 Sec. 154.183. MEDICAL AND DENTAL SUPPORT ADDITIONAL SUPPORT  
 5-3 DUTY OF OBLIGOR. (a) An amount that an obligor is ordered to pay  
 5-4 as medical support or dental support for the child under this  
 5-5 chapter, including the costs of health insurance coverage or cash  
 5-6 medical support under Section 154.182 and the costs of dental  
 5-7 insurance or cash dental support under Section 154.1825:

5-8 (1) is in addition to the amount that the obligor is  
 5-9 required to pay for child support under the guidelines for child  
 5-10 support;

5-11 (2) is a child support obligation; and

5-12 (3) may be enforced by any means available for the  
 5-13 enforcement of child support, including withholding from earnings  
 5-14 under Chapter 158.

5-15 (b) If the court finds and states in the child support order  
 5-16 that the obligee will maintain health insurance coverage, dental  
 5-17 insurance coverage, or both, for the child at the obligee's  
 5-18 expense, the court shall increase the amount of child support to be  
 5-19 paid by the obligor in an amount not exceeding the actual cost to  
 5-20 the obligee for maintaining the ~~[health insurance]~~ coverage, as  
 5-21 provided under Sections ~~[Section]~~ 154.182(b-1) and 154.1825(d).  
 5-22 ~~[In calculating the total expense to the obligee for maintaining~~  
 5-23 ~~health insurance for the child under this subsection, if the~~  
 5-24 ~~obligee has other minor dependents covered under the same health~~  
 5-25 ~~insurance plan, the court shall divide the total expense to the~~  
 5-26 ~~obligee for the insurance by the total number of minor dependents,~~  
 5-27 ~~including the child, covered under the plan.]~~

5-28 (c) As additional child support, the court shall allocate  
 5-29 between the parties, according to their circumstances, the  
 5-30 reasonable and necessary:

5-31 (1) health care expenses of a child that are not  
 5-32 reimbursed by health insurance or are not otherwise covered by the  
 5-33 amount of cash medical support ordered under Section 154.182(b)(3);  
 5-34 and

5-35 (2) dental expenses of a child that are not reimbursed  
 5-36 by dental insurance or are not otherwise covered by the amount of  
 5-37 cash dental support ordered under Section 154.1825(b)(3).

5-38 SECTION 18. Subsections (a) and (b), Section 154.184,  
 5-39 Family Code, are amended to read as follows:

5-40 (a) Receipt of a medical support order requiring that health  
 5-41 insurance be provided for a child or a dental support order  
 5-42 requiring dental insurance be provided for a child shall be  
 5-43 considered a change in the family circumstances of the employee or  
 5-44 member, for health insurance purposes and dental insurance  
 5-45 purposes, equivalent to the birth or adoption of a child.

5-46 (b) If the employee or member is eligible for dependent  
 5-47 health coverage or dependent dental coverage, the employer shall  
 5-48 automatically enroll the child for the first 31 days after the  
 5-49 receipt of the order or notice of the medical support order or the  
 5-50 dental support order under Section 154.186 on the same terms and  
 5-51 conditions as apply to any other dependent child.

5-52 SECTION 19. Section 154.185, Family Code, is amended to  
 5-53 read as follows:

5-54 Sec. 154.185. PARENT TO FURNISH INFORMATION. (a) The  
 5-55 court shall order a parent providing health insurance or dental  
 5-56 insurance to furnish to either the obligee, obligor, or child  
 5-57 support agency the following information not later than the 30th  
 5-58 day after the date the notice of rendition of the order is received:

- 5-59 (1) the social security number of the parent;
- 5-60 (2) the name and address of the parent's employer;
- 5-61 (3) with regard to health insurance:

5-62 (A) whether the employer is self-insured or has  
 5-63 health insurance available;

5-64 (B) ~~[(4)]~~ proof that health insurance has been  
 5-65 provided for the child;

5-66 (C) ~~[(5)]~~ if the employer has health insurance  
 5-67 available, the name of the health insurance carrier, the number of  
 5-68 the policy, a copy of the policy and schedule of benefits, a health  
 5-69 insurance membership card, claim forms, and any other information

6-1 necessary to submit a claim; and  
 6-2 (D) [~~6~~] if the employer is self-insured, a copy  
 6-3 of the schedule of benefits, a membership card, claim forms, and any  
 6-4 other information necessary to submit a claim; and  
 6-5 (4) with regard to dental insurance:  
 6-6 (A) whether the employer is self-insured or has  
 6-7 dental insurance available;  
 6-8 (B) proof that dental insurance has been provided  
 6-9 for the child;  
 6-10 (C) if the employer has dental insurance  
 6-11 available, the name of the dental insurance carrier, the number of  
 6-12 the policy, a copy of the policy and schedule of benefits, a dental  
 6-13 insurance membership card, claim forms, and any other information  
 6-14 necessary to submit a claim; and  
 6-15 (D) if the employer is self-insured, a copy of  
 6-16 the schedule of benefits, a membership card, claim forms, and any  
 6-17 other information necessary to submit a claim.

6-18 (b) The court shall also order a parent providing health  
 6-19 insurance or dental insurance to furnish the obligor, obligee, or  
 6-20 child support agency with additional information regarding the  
 6-21 health insurance coverage or dental insurance coverage not later  
 6-22 than the 15th day after the date the information is received by the  
 6-23 parent.

6-24 SECTION 20. The heading to Section 154.186, Family Code, is  
 6-25 amended to read as follows:

6-26 Sec. 154.186. NOTICE TO EMPLOYER CONCERNING MEDICAL SUPPORT  
 6-27 OR DENTAL SUPPORT.

6-28 SECTION 21. Subsection (a), Section 154.186, Family Code,  
 6-29 is amended to read as follows:

6-30 (a) The obligee, obligor, or a child support agency of this  
 6-31 state or another state may send to the employer a copy of the order  
 6-32 requiring an employee to provide health insurance coverage or  
 6-33 dental insurance coverage for a child or may include notice of the  
 6-34 medical support order or dental support order in an order or writ of  
 6-35 withholding sent to the employer in accordance with Chapter 158.

6-36 SECTION 22. Subsections (a), (b), (c), (d), (e), and (g),  
 6-37 Section 154.187, Family Code, are amended to read as follows:

6-38 (a) An order or notice under this subchapter to an employer  
 6-39 directing that health insurance coverage or dental insurance  
 6-40 coverage be provided to a child of an employee or member is binding  
 6-41 on a current or subsequent employer on receipt without regard to the  
 6-42 date the order was rendered. If the employee or member is eligible  
 6-43 for dependent health coverage or dental coverage for the child, the  
 6-44 employer shall immediately enroll the child in a health insurance  
 6-45 plan or dental insurance plan regardless of whether the employee is  
 6-46 enrolled in the plan. If dependent coverage is not available to the  
 6-47 employee or member through the employer's health insurance plan or  
 6-48 dental insurance plan or enrollment cannot be made permanent or if  
 6-49 the employer is not responsible or otherwise liable for providing  
 6-50 such coverage, the employer shall provide notice to the sender in  
 6-51 accordance with Subsection (c).

6-52 (b) If additional premiums are incurred as a result of  
 6-53 adding the child to the health insurance plan or the dental  
 6-54 insurance plan, the employer shall deduct the health insurance  
 6-55 premium or the dental insurance premium from the earnings of the  
 6-56 employee in accordance with Chapter 158 and apply the amount  
 6-57 withheld to payment of the insurance premium.

6-58 (c) An employer who has received an order or notice under  
 6-59 this subchapter shall provide to the sender, by first class mail not  
 6-60 later than the 30th day after the date the employer receives the  
 6-61 order or notice, a statement that the child:

6-62 (1) has been enrolled in a health insurance plan or  
 6-63 dental insurance plan; or

6-64 (2) cannot be enrolled or cannot be enrolled  
 6-65 permanently in a health insurance plan or dental insurance plan and  
 6-66 provide the reason why coverage or permanent coverage cannot be  
 6-67 provided.

6-68 (d) If the employee ceases employment or if the health  
 6-69 insurance coverage or dental insurance coverage lapses, the

7-1 employer shall provide to the sender, by first class mail not later  
 7-2 than the 15th day after the date of the termination of employment or  
 7-3 the lapse of the coverage, notice of the termination or lapse and of  
 7-4 the availability of any conversion privileges.

7-5 (e) On request, the employer shall release to the sender  
 7-6 information concerning the available health insurance coverage or  
 7-7 dental insurance coverage, including the name of the health  
 7-8 insurance carrier or dental insurance carrier, the policy number, a  
 7-9 copy of the policy and schedule of benefits, a health insurance  
 7-10 membership card, and claim forms.

7-11 (g) An employer who fails to enroll a child, fails to  
 7-12 withhold or remit premiums or cash medical support or dental  
 7-13 support, or discriminates in hiring or employment on the basis of a  
 7-14 medical support order or a dental support order or notice under this  
 7-15 subchapter shall be subject to the penalties and fines in  
 7-16 Subchapter C, Chapter 158.

7-17 SECTION 23. Section 154.188, Family Code, is amended to  
 7-18 read as follows:

7-19 Sec. 154.188. FAILURE TO PROVIDE OR PAY FOR REQUIRED HEALTH  
 7-20 INSURANCE OR DENTAL INSURANCE. A parent ordered to provide health  
 7-21 insurance or dental insurance or to pay the other parent additional  
 7-22 child support for the cost of health insurance or dental insurance  
 7-23 who fails to do so is liable for:

7-24 (1) necessary medical expenses or dental expenses of  
 7-25 the child, without regard to whether the expenses would have been  
 7-26 paid if health insurance or dental insurance had been provided; and

7-27 (2) the cost of health insurance premiums, dental  
 7-28 insurance premiums, or contributions, if any, paid on behalf of the  
 7-29 child.

7-30 SECTION 24. Section 154.189, Family Code, is amended to  
 7-31 read as follows:

7-32 Sec. 154.189. NOTICE OF TERMINATION OR LAPSE OF INSURANCE  
 7-33 COVERAGE. (a) An obligor ordered to provide health insurance  
 7-34 coverage or dental insurance coverage for a child must notify the  
 7-35 obligee and any child support agency enforcing a support obligation  
 7-36 against the obligor of the:

7-37 (1) termination or lapse of health insurance coverage  
 7-38 or dental insurance coverage for the child not later than the 15th  
 7-39 day after the date of a termination or lapse; and

7-40 (2) availability of additional health insurance or  
 7-41 dental insurance to the obligor for the child after a termination or  
 7-42 lapse of coverage not later than the 15th day after the date the  
 7-43 insurance becomes available.

7-44 (b) If termination of coverage results from a change of  
 7-45 employers, the obligor, the obligee, or the child support agency  
 7-46 may send the new employer a copy of the order requiring the employee  
 7-47 to provide health insurance or dental insurance for a child or  
 7-48 notice of the medical support order or the dental support order as  
 7-49 provided by this subchapter.

7-50 SECTION 25. Section 154.190, Family Code, is amended to  
 7-51 read as follows:

7-52 Sec. 154.190. REENROLLING CHILD FOR INSURANCE COVERAGE.  
 7-53 After health insurance or dental insurance has been terminated or  
 7-54 has lapsed, an obligor ordered to provide health insurance coverage  
 7-55 or dental insurance coverage for the child must enroll the child in  
 7-56 a health insurance plan or a dental insurance plan at the next  
 7-57 available enrollment period.

7-58 SECTION 26. Section 154.191, Family Code, is amended to  
 7-59 read as follows:

7-60 Sec. 154.191. REMEDY NOT EXCLUSIVE. (a) This subchapter  
 7-61 does not limit the rights of the obligor, obligee, local domestic  
 7-62 relations office, or Title IV-D agency to enforce, modify, or  
 7-63 clarify the medical support order or dental support order.

7-64 (b) This subchapter does not limit the authority of the  
 7-65 court to render or modify a medical support order or dental support  
 7-66 order containing a provision for payment of uninsured health  
 7-67 expenses, health care costs, [~~or~~] health insurance premiums,  
 7-68 uninsured dental expenses, dental costs, or dental insurance  
 7-69 premiums that are in addition to and inconsistent with this

8-1 subchapter.

8-2 SECTION 27. Section 154.192, Family Code, is amended to  
8-3 read as follows:

8-4 Sec. 154.192. CANCELLATION OR ELIMINATION OF INSURANCE  
8-5 COVERAGE FOR CHILD. [~~a~~] Unless the employee or member ceases to  
8-6 be eligible for dependent coverage, or the employer has eliminated  
8-7 dependent health coverage or dental coverage for all of the  
8-8 employer's employees or members, the employer may not cancel or  
8-9 eliminate coverage of a child enrolled under this subchapter until  
8-10 the employer is provided satisfactory written evidence that:

8-11 (1) the court order or administrative order requiring  
8-12 the coverage is no longer in effect; or

8-13 (2) the child is enrolled in comparable [~~health~~]  
8-14 insurance coverage or will be enrolled in comparable coverage that  
8-15 will take effect not later than the effective date of the  
8-16 cancellation or elimination of the employer's coverage.

8-17 SECTION 28. Subsection (a), Section 154.193, Family Code,  
8-18 is amended to read as follows:

8-19 (a) If a plan administrator or other person acting in an  
8-20 equivalent position determines that a medical support order or  
8-21 dental support order issued under this subchapter does not qualify  
8-22 for enforcement under federal law, the tribunal may, on its own  
8-23 motion or the motion of a party, render an order that qualifies for  
8-24 enforcement under federal law.

8-25 SECTION 29. Subsection (a), Section 156.401, Family Code,  
8-26 is amended to read as follows:

8-27 (a) Except as provided by Subsection (a-1) or (b), the court  
8-28 may modify an order that provides for the support of a child,  
8-29 including an order for health care coverage under Section 154.182  
8-30 or an order for dental care coverage under Section 154.1825, if:

8-31 (1) the circumstances of the child or a person  
8-32 affected by the order have materially and substantially changed  
8-33 since the earlier of:

8-34 (A) the date of the order's rendition; or

8-35 (B) the date of the signing of a mediated or  
8-36 collaborative law settlement agreement on which the order is based;  
8-37 or

8-38 (2) it has been three years since the order was  
8-39 rendered or last modified and the monthly amount of the child  
8-40 support award under the order differs by either 20 percent or \$100  
8-41 from the amount that would be awarded in accordance with the child  
8-42 support guidelines.

8-43 SECTION 30. Section 157.269, Family Code, is amended to  
8-44 read as follows:

8-45 Sec. 157.269. RETENTION OF JURISDICTION. A court that  
8-46 renders an order providing for the payment of child support retains  
8-47 continuing jurisdiction to enforce the order, including by  
8-48 adjusting the amount of the periodic payments to be made by the  
8-49 obligor or the amount to be withheld from the obligor's disposable  
8-50 earnings, until all current support, [~~and~~] medical support, dental  
8-51 support, and child support arrearages, including interest and any  
8-52 applicable fees and costs, have been paid.

8-53 SECTION 31. Subsections (a) and (b), Section 158.206,  
8-54 Family Code, are amended to read as follows:

8-55 (a) An employer receiving an order or a writ of withholding  
8-56 under this chapter, including an order or writ directing that  
8-57 health insurance or dental insurance be provided to a child, who  
8-58 complies with the order or writ is not liable to the obligor for the  
8-59 amount of income withheld and paid as required by the order or writ.

8-60 (b) An employer receiving an order or writ of withholding  
8-61 who does not comply with the order or writ is liable:

8-62 (1) to the obligee for the amount not paid in  
8-63 compliance with the order or writ, including the amount the obligor  
8-64 is required to pay for health insurance or dental insurance under  
8-65 Chapter 154;

8-66 (2) to the obligor for:

8-67 (A) the amount withheld and not paid as required  
8-68 by the order or writ; and

8-69 (B) an amount equal to the interest that accrues



9-1 under Section 157.265 on the amount withheld and not paid; and

9-2 (3) for reasonable attorney's fees and court costs.

9-3 SECTION 32. Section 158.302, Family Code, is amended to  
9-4 read as follows:

9-5 Sec. 158.302. CONTENTS OF NOTICE OF APPLICATION FOR  
9-6 JUDICIAL WRIT OF WITHHOLDING. The notice of application for  
9-7 judicial writ of withholding shall be verified and:

9-8 (1) state the amount of monthly support due, including  
9-9 medical support and dental support, the amount of arrearages or  
9-10 anticipated arrearages, including accrued interest, and the amount  
9-11 of wages that will be withheld in accordance with a judicial writ of  
9-12 withholding;

9-13 (2) state that the withholding applies to each current  
9-14 or subsequent employer or period of employment;

9-15 (3) state that if the obligor does not contest the  
9-16 withholding within 10 days after the date of receipt of the notice,  
9-17 the obligor's employer will be notified to begin the withholding;

9-18 (4) describe the procedures for contesting the  
9-19 issuance and delivery of a writ of withholding;

9-20 (5) state that if the obligor contests the  
9-21 withholding, the obligor will be afforded an opportunity for a  
9-22 hearing by the court not later than the 30th day after the date of  
9-23 receipt of the notice of contest;

9-24 (6) state that the sole ground for successfully  
9-25 contesting the issuance of a writ of withholding is a dispute  
9-26 concerning the identity of the obligor or the existence or amount of  
9-27 the arrearages, including accrued interest;

9-28 (7) describe the actions that may be taken if the  
9-29 obligor contests the notice of application for judicial writ of  
9-30 withholding, including the procedures for suspending issuance of a  
9-31 writ of withholding; and

9-32 (8) include with the notice a suggested form for the  
9-33 motion to stay issuance and delivery of the judicial writ of  
9-34 withholding that the obligor may file with the clerk of the  
9-35 appropriate court.

9-36 SECTION 33. Subsection (c), Section 158.309, Family Code,  
9-37 is amended to read as follows:

9-38 (c) Upon hearing, the court shall:

9-39 (1) render an order for income withholding that  
9-40 includes a determination of the amount of child support arrearages,  
9-41 including medical support, dental support, and interest; or

9-42 (2) grant the motion to stay.

9-43 SECTION 34. Subsection (a), Section 158.312, Family Code,  
9-44 is amended to read as follows:

9-45 (a) If a notice of application for judicial writ of  
9-46 withholding is delivered and a motion to stay is not filed within  
9-47 the time limits provided by Section 158.307, the party who filed the  
9-48 notice shall file with the clerk of the court a request for issuance  
9-49 of the writ of withholding stating the amount of current support,  
9-50 including medical support and dental support, the amount of  
9-51 arrearages, and the amount to be withheld from the obligor's  
9-52 income.

9-53 SECTION 35. Section 158.314, Family Code, is amended to  
9-54 read as follows:

9-55 Sec. 158.314. CONTENTS OF WRIT OF WITHHOLDING. The  
9-56 judicial writ of income withholding issued by the clerk must direct  
9-57 that the employer or a subsequent employer withhold from the  
9-58 obligor's disposable income for current child support, including  
9-59 medical support and dental support, and child support arrearages an  
9-60 amount that is consistent with the provisions of this chapter  
9-61 regarding orders of withholding.

9-62 SECTION 36. Subsection (a), Section 158.502, Family Code,  
9-63 is amended to read as follows:

9-64 (a) An administrative writ of withholding under this  
9-65 subchapter may be issued by the Title IV-D agency at any time until  
9-66 all current support, including medical support and dental support,  
9-67 [~~and~~] child support arrearages, and Title IV-D service fees  
9-68 authorized under Section 231.103 for which the obligor is  
9-69 responsible[~~r~~] have been paid. The writ issued under this

10-1 subsection may be based on an obligation in more than one support  
10-2 order.

10-3 SECTION 37. Subsection (b), Section 158.504, Family Code,  
10-4 is amended to read as follows:

10-5 (b) An administrative writ of withholding issued under this  
10-6 subchapter may contain only the information that is necessary for  
10-7 the employer to withhold income for child support, ~~and~~ medical  
10-8 support, and dental support and shall specify the place where the  
10-9 withheld income is to be paid.

10-10 SECTION 38. Section 158.507, Family Code, is amended to  
10-11 read as follows:

10-12 Sec. 158.507. ADMINISTRATIVE WRIT TERMINATING WITHHOLDING.  
10-13 An administrative writ to terminate withholding may be issued and  
10-14 delivered to an employer by the Title IV-D agency when all current  
10-15 support, including medical support and dental support, ~~and~~ child  
10-16 support arrearages, and Title IV-D service fees authorized under  
10-17 Section 231.103 for which the obligor is responsible~~[r]~~ have been  
10-18 paid.

10-19 SECTION 39. Subsection (c), Section 159.502, Family Code,  
10-20 is amended to read as follows:

10-21 (c) Except as otherwise provided in Subsection (d) and  
10-22 Section 159.503, the employer shall withhold and distribute the  
10-23 funds as directed in the withholding order by complying with terms  
10-24 of the order that specify:

10-25 (1) the duration and amount of periodic payments of  
10-26 current child support, stated as a sum certain;

10-27 (2) the person designated to receive payments and the  
10-28 address to which the payments are to be forwarded;

10-29 (3) medical support and dental support, whether in the  
10-30 form of periodic cash payments, stated as a sum certain, or ordering  
10-31 the obligor to provide health insurance coverage or dental  
10-32 insurance coverage for the child under a policy available through  
10-33 the obligor's employment;

10-34 (4) the amount of periodic payments of fees and costs  
10-35 for a support enforcement agency, the issuing tribunal, and the  
10-36 obligee's attorney, stated as sums certain; and

10-37 (5) the amount of periodic payments of arrearages and  
10-38 interest on arrearages, stated as sums certain.

10-39 SECTION 40. The heading to Section 231.0011, Family Code,  
10-40 is amended to read as follows:

10-41 Sec. 231.0011. DEVELOPMENT OF STATEWIDE INTEGRATED SYSTEM  
10-42 FOR CHILD SUPPORT, ~~AND~~ MEDICAL SUPPORT, AND DENTAL SUPPORT  
10-43 ENFORCEMENT.

10-44 SECTION 41. Subsections (a) and (g), Section 231.0011,  
10-45 Family Code, are amended to read as follows:

10-46 (a) The Title IV-D agency shall have final approval  
10-47 authority on any contract or proposal for delivery of Title IV-D  
10-48 services under this section and in coordination with the Texas  
10-49 Judicial Council, the Office of Court Administration of the Texas  
10-50 Judicial System, the federal Office of Child Support Enforcement,  
10-51 and state, county, and local officials~~[r]~~ shall develop and  
10-52 implement a statewide integrated system for child support, ~~and~~  
10-53 medical support, and dental support enforcement, employing  
10-54 federal, state, local, and private resources to:

10-55 (1) unify child support registry functions;

10-56 (2) record and track all child support orders entered  
10-57 in the state;

10-58 (3) establish an automated enforcement process which  
10-59 will use delinquency monitoring, billing, and other enforcement  
10-60 techniques to ensure the payment of current support;

10-61 (4) incorporate existing enforcement resources into  
10-62 the system to obtain maximum benefit from state and federal  
10-63 funding; and

10-64 (5) ensure accountability for all participants in the  
10-65 process, including state, county, and local officials, private  
10-66 contractors, and the judiciary.

10-67 (g) Participation in the statewide integrated system for  
10-68 child support, ~~and~~ medical support, and dental support  
10-69 enforcement by a county is voluntary, and nothing in this section

11-1 shall be construed to mandate participation.

11-2 SECTION 42. Subsection (e), Section 231.002, Family Code,  
11-3 is amended to read as follows:

11-4 (e) The Title IV-D agency may take the following  
11-5 administrative actions with respect to the location of a parent,  
11-6 the determination of parentage, and the establishment,  
11-7 modification, and enforcement of child support, ~~[and]~~ medical  
11-8 support, and dental support orders required by 42 U.S.C. Section  
11-9 666(c), without obtaining an order from any other judicial or  
11-10 administrative tribunal:

11-11 (1) issue an administrative subpoena, as provided by  
11-12 Section 231.303, to obtain financial or other information;

11-13 (2) order genetic testing for parentage  
11-14 determination, as provided by Chapter 233;

11-15 (3) order income withholding, as provided by Chapter  
11-16 233, and issue an administrative writ of withholding, as provided  
11-17 by Chapter 158; and

11-18 (4) take any action with respect to execution,  
11-19 collection, and release of a judgment or lien for child support  
11-20 necessary to satisfy the judgment or lien, as provided by Chapter  
11-21 157.

11-22 SECTION 43. Subsection (a), Section 231.101, Family Code,  
11-23 is amended to read as follows:

11-24 (a) The Title IV-D agency may provide all services required  
11-25 or authorized to be provided by Part D of Title IV of the federal  
11-26 Social Security Act (42 U.S.C. Section 651 et seq.), including:

11-27 (1) parent locator services;

11-28 (2) paternity determination;

11-29 (3) child support, ~~[and]~~ medical support, and dental  
11-30 support establishment;

11-31 (4) review and adjustment of child support orders;

11-32 (5) enforcement of child support, ~~[and]~~ medical  
11-33 support, and dental support orders; and

11-34 (6) collection and distribution of child support  
11-35 payments.

11-36 SECTION 44. Subsection (b), Section 231.104, Family Code,  
11-37 is amended to read as follows:

11-38 (b) An application for child support services is an  
11-39 assignment of support rights to enable the Title IV-D agency to  
11-40 establish and enforce child support, ~~[and]~~ medical support, and  
11-41 dental support obligations, but an assignment is not a condition of  
11-42 eligibility for services.

11-43 SECTION 45. Subsection (a), Section 231.123, Family Code,  
11-44 is amended to read as follows:

11-45 (a) In order to maximize the amount of any tax refund to  
11-46 which an obligor may be entitled and which may be applied to child  
11-47 support, ~~[and]~~ medical support, and dental support obligations, the  
11-48 Title IV-D agency shall cooperate with volunteer income tax  
11-49 assistance programs in the state in informing obligors of the  
11-50 availability of the programs.

11-51 SECTION 46. Subsection (a), Section 231.301, Family Code,  
11-52 is amended to read as follows:

11-53 (a) The parent locator service conducted by the Title IV-D  
11-54 agency shall be used to obtain information for:

11-55 (1) child support establishment and enforcement  
11-56 purposes regarding the identity, social security number, location,  
11-57 employer and employment benefits, income, and assets or debts of  
11-58 any individual under an obligation to pay child support, [or]  
11-59 medical support, or dental support or to whom a support obligation  
11-60 is owed; or

11-61 (2) the establishment of paternity.

11-62 SECTION 47. Section 231.306, Family Code, is amended to  
11-63 read as follows:

11-64 Sec. 231.306. MAXIMIZING MEDICAL SUPPORT AND DENTAL SUPPORT  
11-65 ESTABLISHMENT AND COLLECTION BY THE TITLE IV-D AGENCY. (a) On the  
11-66 installation of an automated child support enforcement system, the  
11-67 Title IV-D agency is strongly encouraged to:

11-68 (1) maximize the collection of medical support and  
11-69 dental support; and

12-1 (2) establish cash medical support and cash dental  
12-2 support orders for children eligible for medical assistance under  
12-3 the state Medicaid program for whom private insurance coverage is  
12-4 not available.

12-5 (b) In this section:  
12-6 (1) "Medical~~[, "medical]~~ support" has the meaning  
12-7 assigned by Section 101.020.

12-8 (2) "Dental support" has the meaning assigned by  
12-9 Section 101.0095.

12-10 SECTION 48. Subsection (a), Section 233.001, Family Code,  
12-11 is amended to read as follows:

12-12 (a) The purpose of the procedures specified in the child  
12-13 support review process authorized by this chapter is to enable the  
12-14 Title IV-D agency to take expedited administrative actions to  
12-15 establish, modify, and enforce child support, ~~[and]~~ medical  
12-16 support, and dental support obligations, to determine parentage, or  
12-17 to take any other action authorized or required under Part D, Title  
12-18 IV, of the federal Social Security Act (42 U.S.C. Section 651 et  
12-19 seq.), and Chapter 231.

12-20 SECTION 49. Subsection (b), Section 233.009, Family Code,  
12-21 is amended to read as follows:

12-22 (b) The notice of proposed child support review order shall  
12-23 state:

12-24 (1) the amount of periodic payment of child support  
12-25 due, the amount of any overdue support that is owed as an arrearage  
12-26 as of the date of the notice, and the amounts that are to be paid by  
12-27 the obligor for current support due and in payment on the arrearage  
12-28 owed;

12-29 (2) that the person identified in the notice as the  
12-30 party responsible for payment of the support amounts may contest  
12-31 the notice order on the grounds that:

12-32 (A) the respondent is not the responsible party;

12-33 (B) the dependent child is no longer entitled to  
12-34 child support; or

12-35 (C) the amount of monthly support or arrearage is  
12-36 incorrectly stated; and

12-37 (3) that, if the person identified in the notice as the  
12-38 party responsible for payment of the support amounts does not  
12-39 contest the notice in writing or request a negotiation conference  
12-40 to discuss the notice not later than the 15th day after the date the  
12-41 notice was delivered, the Title IV-D agency may file a child support  
12-42 review order for child support, ~~[and for]~~ medical support, and  
12-43 dental support for the child as provided by Chapter 154 according to  
12-44 the information available to the agency.

12-45 SECTION 50. Subsection (b), Section 233.0095, Family Code,  
12-46 is amended to read as follows:

12-47 (b) The notice of proposed child support review order shall  
12-48 state:

12-49 (1) the amount of periodic payment of child support  
12-50 due;

12-51 (2) that the person identified in the notice as the  
12-52 party responsible for payment of the support amounts may only  
12-53 contest the amount of monthly support; and

12-54 (3) that, if the person identified in the notice as the  
12-55 party responsible for payment of the support amounts does not  
12-56 contest the notice in writing or request a negotiation conference  
12-57 to discuss the notice not later than the 15th day after the date the  
12-58 notice was delivered, the Title IV-D agency may file the child  
12-59 support order for child support, ~~[and for]~~ medical support, and  
12-60 dental support for the child as provided by Chapter 154 according to  
12-61 the information available to the agency.

12-62 SECTION 51. Subsection (a), Section 233.017, Family Code,  
12-63 is amended to read as follows:

12-64 (a) An order issued under this chapter must be reviewed and  
12-65 signed by an attorney of the Title IV-D agency and must contain all  
12-66 provisions that are appropriate for an order under this title,  
12-67 including current child support, medical support, and dental  
12-68 support, a determination of any arrearages or retroactive support,  
12-69 and, if not otherwise ordered, income withholding.

13-1 SECTION 52. Section 234.002, Family Code, is amended to  
 13-2 read as follows:

13-3 Sec. 234.002. INTEGRATED SYSTEM FOR CHILD SUPPORT, ~~[AND]~~  
 13-4 MEDICAL SUPPORT, AND DENTAL SUPPORT ENFORCEMENT. The statewide  
 13-5 integrated system for child support, ~~[and]~~ medical support, and  
 13-6 dental support enforcement under Chapter 231 shall be part of the  
 13-7 state case registry and state disbursement unit authorized by this  
 13-8 subchapter.

13-9 SECTION 53. Subsection (a), Section 71.035, Government  
 13-10 Code, is amended to read as follows:

13-11 (a) The council shall gather judicial statistics and other  
 13-12 pertinent information from the several state judges and other court  
 13-13 officials of this state. In addition, the council shall implement a  
 13-14 monthly tracking system to ensure accountability for counties and  
 13-15 courts which participate in the statewide integrated system for  
 13-16 child support, ~~[and]~~ medical support, and dental support  
 13-17 enforcement established under Section 231.0011, Family Code. As a  
 13-18 duty of office, the district clerks and county clerks serving the  
 13-19 affected courts shall report monthly such information as may be  
 13-20 required by the council, including, at a minimum, the time required  
 13-21 to enforce cases from date of delinquency, from date of filing, and  
 13-22 from date of service until date of disposition. Such information as  
 13-23 is necessary to complete the report and not directly within the  
 13-24 control of the district or county clerk, such as date of  
 13-25 delinquency, shall be provided to the clerk by the child support  
 13-26 registry or by the enforcement agency providing Title IV-D  
 13-27 enforcement services in the court. The monthly report shall be  
 13-28 transmitted to the Office of Court Administration of the Texas  
 13-29 Judicial System no later than the 20th day of the month following  
 13-30 the month reported, in such form as may be prescribed by the Office  
 13-31 of Court Administration, which may include electronic data  
 13-32 transfer. Copies of such reports shall be maintained in the office  
 13-33 of the appropriate district or county clerk for a period of at least  
 13-34 two years and shall be available to the public for inspection and  
 13-35 reproduction.

13-36 SECTION 54. Section 402.085, Labor Code, is amended to read  
 13-37 as follows:

13-38 Sec. 402.085. EXCEPTIONS TO CONFIDENTIALITY. (a) The  
 13-39 division shall release information on a claim to:

13-40 (1) the Texas Department of Insurance for any  
 13-41 statutory or regulatory purpose, including a research purpose under  
 13-42 Chapter 405;

13-43 (2) a legislative committee for legislative purposes;

13-44 (3) a state or federal elected official requested in  
 13-45 writing to provide assistance by a constituent who qualifies to  
 13-46 obtain injury information under Section 402.084(b), if the request  
 13-47 for assistance is provided to the division;

13-48 (4) the attorney general or another entity that  
 13-49 provides child support services under Part D, Title IV, Social  
 13-50 Security Act (42 U.S.C. Section 651 et seq.), relating to:

13-51 (A) establishing, modifying, or enforcing a  
 13-52 child support, ~~[or]~~ medical support, or dental support obligation;  
 13-53 or

13-54 (B) locating an absent parent; or

13-55 (5) the office of injured employee counsel for any  
 13-56 statutory or regulatory purpose that relates to a duty of that  
 13-57 office.

13-58 (b) The division may release information on a claim to a  
 13-59 governmental agency, political subdivision, or regulatory body to  
 13-60 use to:

13-61 (1) investigate an allegation of a criminal offense or  
 13-62 licensing or regulatory violation;

13-63 (2) provide:

13-64 (A) unemployment compensation benefits;

13-65 (B) crime victims compensation benefits;

13-66 (C) vocational rehabilitation services; or

13-67 (D) health care benefits;

13-68 (3) investigate occupational safety or health  
 13-69 violations;

14-1 (4) verify income on an application for benefits under  
 14-2 an income-based state or federal assistance program; or

14-3 (5) assess financial resources in an action, including  
 14-4 an administrative action, to:

14-5 (A) establish, modify, or enforce a child  
 14-6 support, ~~or~~ medical support, or dental support obligation;

14-7 (B) establish paternity;

14-8 (C) locate an absent parent; or

14-9 (D) cooperate with another state in an action  
 14-10 authorized under Part D, Title IV, Social Security Act (42 U.S.C.  
 14-11 Section 651 et seq.), or Chapter 231, Family Code.

14-12 SECTION 55. Subsection (b), Section 1201.053, Insurance  
 14-13 Code, is amended to read as follows:

14-14 (b) On the application of an adult member of a family, an  
 14-15 individual accident and health insurance policy may, at the time of  
 14-16 original issuance or by subsequent amendment, insure two or more  
 14-17 eligible members of the adult's family, including a spouse,  
 14-18 unmarried children younger than 25 years of age, including a  
 14-19 grandchild of the adult as described by Section 1201.062(a)(1), a  
 14-20 child the adult is required to insure under a medical support order  
 14-21 or dental support order, if the policy provides dental coverage,  
 14-22 issued under Chapter 154, Family Code, or enforceable by a court in  
 14-23 this state, and any other individual dependent on the adult.

14-24 SECTION 56. Subsection (a), Section 1201.062, Insurance  
 14-25 Code, is amended to read as follows:

14-26 (a) An individual or group accident and health insurance  
 14-27 policy that is delivered, issued for delivery, or renewed in this  
 14-28 state, including a policy issued by a corporation operating under  
 14-29 Chapter 842, or a self-funded or self-insured welfare or benefit  
 14-30 plan or program, to the extent that regulation of the plan or  
 14-31 program is not preempted by federal law, that provides coverage for  
 14-32 a child of an insured or group member, on payment of a premium, must  
 14-33 provide coverage for:

14-34 (1) each grandchild of the insured or group member if  
 14-35 the grandchild is:

14-36 (A) unmarried;

14-37 (B) younger than 25 years of age; and

14-38 (C) a dependent of the insured or group member  
 14-39 for federal income tax purposes at the time application for  
 14-40 coverage of the grandchild is made; and

14-41 (2) each child for whom the insured or group member  
 14-42 must provide medical support or dental support, if the policy  
 14-43 provides dental coverage, under an order issued under Chapter 154,  
 14-44 Family Code, or enforceable by a court in this state.

14-45 SECTION 57. Section 1201.063, Insurance Code, is amended to  
 14-46 read as follows:

14-47 Sec. 1201.063. PROHIBITION OF CERTAIN CRITERIA RELATING TO  
 14-48 CHILD'S COVERAGE IN INDIVIDUAL OR GROUP POLICY. Regarding a  
 14-49 natural or adopted child of an insured or group member or a child  
 14-50 for whom the insured or group member must provide medical support or  
 14-51 dental support, if the policy provides dental coverage, under an  
 14-52 order issued under Chapter 154, Family Code, or enforceable by a  
 14-53 court in this state, an individual or group accident and health  
 14-54 insurance policy that provides coverage for a child of an insured or  
 14-55 group member may not set a different premium for the child, exclude  
 14-56 the child from coverage, or discontinue coverage of the child  
 14-57 because:

14-58 (1) the child does not reside with the insured or group  
 14-59 member; or

14-60 (2) the insured or group member does not claim the  
 14-61 child as an exemption for federal income tax purposes under Section  
 14-62 151(c)(1)(B), Internal Revenue Code of 1986.

14-63 SECTION 58. The heading to Chapter 1504, Insurance Code, is  
 14-64 amended to read as follows:

14-65 CHAPTER 1504. MEDICAL AND DENTAL CHILD SUPPORT

14-66 SECTION 59. Subdivision (4), Section 1504.001, Insurance  
 14-67 Code, is amended to read as follows:

14-68 (4) "Benefit ~~[Health benefit]~~ plan issuer" means:

14-69 (A) an insurance company, group hospital service

15-1 corporation, or health maintenance organization that delivers or  
 15-2 issues for delivery an individual, group, blanket, or franchise  
 15-3 insurance policy or agreement, a group hospital service contract,  
 15-4 or an evidence of coverage that provides benefits for medical or  
 15-5 surgical expenses incurred as a result of an accident or sickness,  
 15-6 or dental expenses;

15-7 (B) a governmental entity subject to Subchapter  
 15-8 D, Chapter 1355, Subchapter C, Chapter 1364, Chapter 1578, Article  
 15-9 3.51-1, 3.51-4, or 3.51-5, or Chapter 177, Local Government Code;

15-10 (C) the issuer of a multiple employer welfare  
 15-11 arrangement as defined by Section 846.001; or

15-12 (D) the issuer of a group health plan as defined  
 15-13 by Section 607, Employee Retirement Income Security Act of 1974 (29  
 15-14 U.S.C. Section 1167).

15-15 SECTION 60. Subsection (b), Section 1504.002, Insurance  
 15-16 Code, is amended to read as follows:

15-17 (b) The commissioner shall adopt rules that define  
 15-18 "comparable health or dental coverage" in a manner that:

15-19 (1) is consistent with federal law; and

15-20 (2) complies with the requirements necessary to  
 15-21 maintain federal Medicaid funding.

15-22 SECTION 61. Section 1504.003, Insurance Code, is amended to  
 15-23 read as follows:

15-24 Sec. 1504.003. VIOLATION OF CHAPTER: RELIEF AVAILABLE TO  
 15-25 INJURED PERSON. A [~~health~~] benefit plan issuer that violates this  
 15-26 chapter is subject to the same penalties, and an injured person has  
 15-27 the same rights and remedies, as those provided by Subchapter D,  
 15-28 Chapter 541.

15-29 SECTION 62. The heading to Subchapter B, Chapter 1504,  
 15-30 Insurance Code, is amended to read as follows:

15-31 SUBCHAPTER B. DUTIES OF [~~HEALTH~~] BENEFIT PLAN ISSUER

15-32 SECTION 63. Section 1504.051, Insurance Code, is amended to  
 15-33 read as follows:

15-34 Sec. 1504.051. ENROLLMENT OF CERTAIN CHILDREN REQUIRED.

15-35 (a) A [~~health~~] benefit plan issuer shall permit a parent to enroll  
 15-36 a child in dependent health or dental coverage offered through the  
 15-37 issuer regardless of any enrollment period restriction if the  
 15-38 parent is:

15-39 (1) eligible for dependent health or dental coverage;  
 15-40 and

15-41 (2) required by a court order or administrative order  
 15-42 to provide health insurance coverage or dental coverage for the  
 15-43 child.

15-44 (b) A [~~health~~] benefit plan issuer shall enroll a child of a  
 15-45 parent described by Subsection (a) in dependent health or dental  
 15-46 coverage offered through the issuer if:

15-47 (1) the parent does not apply to obtain health or  
 15-48 dental coverage for the child through the issuer; and

15-49 (2) the child, a custodial parent of the child, or a  
 15-50 child support agency having a duty to collect or enforce support for  
 15-51 the child applies for the coverage.

15-52 SECTION 64. Section 1504.052, Insurance Code, is amended to  
 15-53 read as follows:

15-54 Sec. 1504.052. CHILD RESIDING OUTSIDE SERVICE AREA;  
 15-55 COMPARABLE HEALTH OR DENTAL COVERAGE REQUIRED. (a) A [~~health~~]  
 15-56 benefit plan issuer may not deny enrollment of a child under the  
 15-57 health or dental coverage of the child's parent on the ground that  
 15-58 the child does not reside in the issuer's service area.

15-59 (b) A [~~health~~] benefit plan issuer may not enforce an  
 15-60 otherwise applicable provision of the health or dental coverage  
 15-61 that would deny, limit, or reduce payment of a claim for a covered  
 15-62 child who resides outside the issuer's service area but inside the  
 15-63 United States.

15-64 (c) For a covered child who resides outside the [~~health~~]  
 15-65 benefit plan issuer's service area and whose coverage under a  
 15-66 policy or plan is required by a medical support order or dental  
 15-67 support order, the issuer shall provide coverage that is comparable  
 15-68 health or dental coverage to that provided to other dependents  
 15-69 under the policy or plan.

16-1 (d) Comparable health or dental coverage may include  
16-2 coverage in which a [~~health~~] benefit plan issuer uses different  
16-3 procedures for service delivery and health care provider  
16-4 reimbursement. Comparable health or dental coverage may not  
16-5 include coverage:

- 16-6 (1) that is limited to emergency services only; or
- 16-7 (2) for which the issuer charges a higher premium.

16-8 SECTION 65. Section 1504.053, Insurance Code, is amended to  
16-9 read as follows:

16-10 Sec. 1504.053. CANCELLATION OR NONRENEWAL OF COVERAGE FOR  
16-11 CERTAIN CHILDREN. (a) A [~~health~~] benefit plan issuer may not  
16-12 cancel or refuse to renew health or dental coverage provided to a  
16-13 child who is enrolled or entitled to enrollment under this chapter  
16-14 unless satisfactory written evidence is filed with the issuer  
16-15 showing that:

- 16-16 (1) the court or administrative order that required  
16-17 the coverage is not in effect; or
- 16-18 (2) the child:

16-19 (A) is enrolled in comparable health or dental  
16-20 coverage; or

16-21 (B) will be enrolled in comparable health or  
16-22 dental coverage that takes effect not later than the effective date  
16-23 of the cancellation or nonrenewal.

16-24 (b) For purposes of this section, a child is not enrolled or  
16-25 entitled to enrollment under this chapter if the child's  
16-26 eligibility for health or dental coverage ends because the parent  
16-27 ceases to be eligible for dependent health or dental coverage.

16-28 SECTION 66. Section 1504.054, Insurance Code, is amended to  
16-29 read as follows:

16-30 Sec. 1504.054. CONTINUATION OR CONVERSION OF COVERAGE.

16-31 (a) If a child's eligibility for dependent health or dental  
16-32 coverage ends because the parent ceases to be eligible for the  
16-33 coverage and the coverage provides for the continuation or  
16-34 conversion of the coverage for the child, the [~~health~~] benefit plan  
16-35 issuer shall notify the custodial parent and the child support  
16-36 agency of the costs and other requirements for continuing or  
16-37 converting the coverage.

16-38 (b) The [~~health~~] benefit plan issuer shall, on application  
16-39 of a parent of the child, a child support agency, or the child,  
16-40 enroll or continue enrollment of a child whose eligibility for  
16-41 coverage ended under Subsection (a).

16-42 SECTION 67. Section 1504.055, Insurance Code, is amended to  
16-43 read as follows:

16-44 Sec. 1504.055. PROCEDURE FOR CLAIMS. (a) A [~~health~~]  
16-45 benefit plan issuer that provides health or dental coverage to a  
16-46 child through a covered parent of the child shall:

16-47 (1) provide to each custodial parent of the child or to  
16-48 an adult child documents and other information necessary for the  
16-49 child to obtain benefits under the coverage, including:

- 16-50 (A) the name of the issuer;
- 16-51 (B) the number of the policy or evidence of  
16-52 coverage;

16-53 (C) a copy of the policy or evidence of coverage  
16-54 and schedule of benefits;

- 16-55 (D) a health or dental coverage membership card;
- 16-56 (E) claim forms; and

16-57 (F) any other document or information necessary  
16-58 to submit a claim in accordance with the issuer's policies and  
16-59 procedures;

16-60 (2) permit a custodial parent, health care provider,  
16-61 state agency that has been assigned medical or dental support  
16-62 rights, or adult child to submit claims for covered services  
16-63 without the approval of the covered parent; and

16-64 (3) make payments on covered claims submitted in  
16-65 accordance with this subsection directly to a custodial parent,  
16-66 health care provider, adult child, or state agency making a claim.

16-67 (b) A [~~health~~] benefit plan issuer shall provide to a state  
16-68 agency that provides medical assistance, including medical  
16-69 assistance for dental services, to the child or shall provide to a



17-1 child support agency that enforces medical or dental support on  
17-2 behalf of a child the information necessary to obtain reimbursement  
17-3 of medical or dental services provided to or paid on behalf of the  
17-4 child.

17-5 SECTION 68. Section 1504.101, Insurance Code, is amended to  
17-6 read as follows:

17-7 Sec. 1504.101. DENIAL OF ENROLLMENT ON CERTAIN GROUNDS  
17-8 PROHIBITED. A [~~health~~] benefit plan issuer may not deny enrollment  
17-9 of a child under the health or dental coverage of the child's parent  
17-10 on the ground that the child:

- 17-11 (1) has a preexisting condition;
- 17-12 (2) was born out of wedlock;
- 17-13 (3) is not claimed as a dependent on the parent's  
17-14 federal income tax return;
- 17-15 (4) does not reside with the parent; or
- 17-16 (5) receives or has applied for medical assistance.

17-17 SECTION 69. Section 1504.102, Insurance Code, is amended to  
17-18 read as follows:

17-19 Sec. 1504.102. ASSIGNMENT OF MEDICAL OR DENTAL SUPPORT  
17-20 RIGHTS: DIFFERENT REQUIREMENTS PROHIBITED. A [~~health~~] benefit  
17-21 plan issuer may not require a state agency that has been assigned  
17-22 the rights of an individual who is eligible for medical assistance  
17-23 and is covered for health or dental benefits from the issuer to  
17-24 comply with a requirement that is different from a requirement  
17-25 imposed on an agent or assignee of any other covered individual.

17-26 SECTION 70. (a) The changes in law made by this Act apply  
17-27 to a suit affecting the parent-child relationship filed on or after  
17-28 the effective date of this Act. A suit affecting the parent-child  
17-29 relationship filed before the effective date of this Act is  
17-30 governed by the law in effect on the date the suit was filed, and the  
17-31 former law is continued in effect for that purpose.

17-32 (b) The change in law made by this Act does not by itself  
17-33 constitute a material and substantial change of circumstances under  
17-34 Section 156.401, Family Code, sufficient to warrant modification of  
17-35 a court order or a portion of a decree that provides for the support  
17-36 of a child rendered before the effective date of this Act.

17-37 SECTION 71. This Act takes effect September 1, 2009.

\* \* \* \* \*

17-38