

By: Uresti

S.B. No. 120

A BILL TO BE ENTITLED

AN ACT

relating to requiring dental support for a child subject to a child support order.

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

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

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

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

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

- (1) establish paternity;
- (2) establish, modify, or enforce child support, ~~or~~ medical support, or dental support obligations;
- (3) locate absent parents; or
- (4) cooperate with other states in these actions and any other action authorized or required under Part D of Title IV of 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 PROCEEDINGS.  
15 Notwithstanding any other provision of this subchapter, this  
16 subchapter does not apply to a proceeding in a Title IV-D case  
17 relating to the determination of parentage or establishment,  
18 modification, or enforcement of a child support, ~~or~~ medical  
19 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. Subsections (d) and (e), Section 154.062,  
21 Family Code, are 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 for the obligor's child ordered  
6 by the court under Sections [~~Section~~] 154.182 and 154.1825.

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

13 SECTION 12. Section 154.064, Family Code, is amended to  
14 read as follows:

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

21 SECTION 13. The heading to Subchapter D, Chapter 154,  
22 Family Code, is amended to read as follows:

23 SUBCHAPTER D. MEDICAL SUPPORT AND DENTAL SUPPORT FOR CHILD

24 SECTION 14. Subchapter D, Chapter 154, Family Code, is  
25 amended by adding Section 154.1815 to read as follows:

26 Sec. 154.1815. DENTAL SUPPORT ORDER. (a) In this section,  
27 "reasonable cost" means the cost of a dental insurance premium that

1 does not exceed 1.5 percent of the obligor's annual resources, as  
2 described by Section 154.062(b), if the obligor is responsible  
3 under a dental support order for the cost of dental insurance  
4 coverage for only one child. If the obligor is responsible under a  
5 dental support order for the cost of dental insurance coverage for  
6 more than one child, "reasonable cost" means the total cost of  
7 dental insurance coverage for all children for which the obligor is  
8 responsible under a dental support order that does not exceed 1.5  
9 percent of the obligor's annual resources, as described by Section  
10 154.062(b).

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

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

26 (d) In rendering temporary orders, the court shall, except  
27 for good cause shown, order that any dental insurance coverage in

1 effect for the child continue in effect pending the rendition of a  
2 final order, except that the court may not require the continuation  
3 of any dental insurance that is not available to the parent at a  
4 reasonable cost to the obligor. If dental insurance coverage is not  
5 in effect for the child or if the insurance in effect is not  
6 available at a reasonable cost to the obligor, the court shall,  
7 except for good cause shown, order dental insurance coverage for  
8 the child as provided by Section 154.1825.

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

10 (1) make specific findings with respect to the manner  
11 in which dental insurance coverage is to be provided for the child,  
12 in accordance with the priorities identified under Section  
13 154.1825; and

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

21 SECTION 15. Subchapter D, Chapter 154, Family Code, is  
22 amended by adding Section 154.1825 to read as follows:

23 Sec. 154.1825. DENTAL CARE COVERAGE FOR CHILD. (a) In  
24 this section:

25 (1) "Accessibility" means the extent to which dental  
26 insurance coverage for a child provides for the availability of  
27 dental care within a reasonable traveling distance and time from



1 the child's primary residence, as determined by the court.

2 (2) "Reasonable cost" has the meaning assigned by  
3 Section 154.1815(a).

4 (b) The court shall consider the cost, accessibility, and  
5 quality of dental insurance coverage available to the parties and  
6 shall give priority to dental insurance coverage available through  
7 the employment of one of the parties if the coverage is available at  
8 a reasonable cost to the obligor.

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

14 (1) if dental insurance is available for the child  
15 through a parent's employment or membership in a union, trade  
16 association, or other organization at reasonable cost, the court  
17 shall order that parent to include the child in the parent's dental  
18 insurance; or

19 (2) if dental insurance is not available for the child  
20 under Subdivision (1) but is available to a parent from another  
21 source and at a reasonable cost, the court may order that parent to  
22 provide dental insurance for the child.

23 (d) If the parent ordered to provide dental insurance under  
24 Subsection (c)(1) or (2) is the obligee, the court shall order the  
25 obligor to pay the obligee, as additional child support, an amount  
26 equal to the actual cost of dental insurance for the child but not  
27 to exceed a reasonable cost to the obligor. In calculating the

1 actual cost of dental insurance for the child, if the obligee has  
2 other minor dependents covered under the same dental insurance  
3 plan, the court shall divide the total cost to the obligee for the  
4 insurance by the total number of minor dependents, including the  
5 child covered under the plan.

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

13 SECTION 16. Section 154.183, Family Code, is amended to  
14 read as follows:

15 Sec. 154.183. MEDICAL AND DENTAL SUPPORT ADDITIONAL SUPPORT  
16 DUTY OF OBLIGOR. (a) An amount that an obligor is ordered to pay  
17 as medical support or dental support for the child under this  
18 chapter, including the costs of health insurance coverage or cash  
19 medical support under Section 154.182 and the costs of dental  
20 insurance under Section 154.1825:

21 (1) is in addition to the amount that the obligor is  
22 required to pay for child support under the guidelines for child  
23 support;

24 (2) is a child support obligation; and

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

1 (b) If the court finds and states in the child support order  
2 that the obligee will maintain health insurance coverage, dental  
3 insurance coverage, or both, for the child at the obligee's  
4 expense, the court shall increase the amount of child support to be  
5 paid by the obligor in an amount not exceeding the actual cost to  
6 the obligee for maintaining the ~~[health insurance]~~ coverage, as  
7 provided under Sections ~~[Section]~~ 154.182(b-1) and 154.1825(d).

8 (c) As additional child support, the court shall allocate  
9 between the parties, according to their circumstances:

10 (1) the reasonable and necessary health care expenses,  
11 including vision and dental expenses, of the child that are not  
12 reimbursed by health or dental insurance or are not otherwise  
13 covered by the amount of cash medical support ordered under Section  
14 154.182 ~~[154.182(b)(3)]~~; and

15 (2) amounts paid by either party as deductibles or  
16 copayments in obtaining health care or dental care services for the  
17 child covered under a health insurance or dental insurance policy.

18 SECTION 17. Subsections (a) and (b), Section 154.184,  
19 Family Code, are amended to read as follows:

20 (a) Receipt of a medical support order requiring that health  
21 insurance be provided for a child or a dental support order  
22 requiring that dental insurance be provided for a child shall be  
23 considered a change in the family circumstances of the employee or  
24 member, for health insurance purposes and dental insurance  
25 purposes, equivalent to the birth or adoption of a child.

26 (b) If the employee or member is eligible for dependent  
27 health coverage or dependent dental coverage, the employer shall

1 automatically enroll the child for the first 31 days after the  
2 receipt of the order or notice of the medical support order or the  
3 dental support order under Section 154.186 on the same terms and  
4 conditions as apply to any other dependent child.

5 SECTION 18. Section 154.185, Family Code, is amended to  
6 read as follows:

7 Sec. 154.185. PARENT TO FURNISH INFORMATION. (a) The  
8 court shall order a parent providing health insurance or dental  
9 insurance to furnish to either the obligee, obligor, or child  
10 support agency the following information not later than the 30th  
11 day after the date the notice of rendition of the order is received:

- 12 (1) the social security number of the parent;
- 13 (2) the name and address of the parent's employer;
- 14 (3) with regard to health insurance:
  - 15 (A) whether the employer is self-insured or has  
16 health insurance available;
  - 17 (B) [~~(4)~~] proof that health insurance has been  
18 provided for the child;
  - 19 (C) [~~(5)~~] if the employer has health insurance  
20 available, the name of the health insurance carrier, the number of  
21 the policy, a copy of the policy and schedule of benefits, a health  
22 insurance membership card, claim forms, and any other information  
23 necessary to submit a claim; and
  - 24 (D) [~~(6)~~] if the employer is self-insured, a copy  
25 of the schedule of benefits, a membership card, claim forms, and any  
26 other information necessary to submit a claim; and
- 27 (4) with regard to dental insurance:

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

3           (B) proof that dental insurance has been provided  
4 for the child;

5           (C) if the employer has dental insurance  
6 available, the name of the dental insurance carrier, the number of  
7 the policy, a copy of the policy and schedule of benefits, a dental  
8 insurance membership card, claim forms, and any other information  
9 necessary to submit a claim; and

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

13           (b) The court shall also order a parent providing health  
14 insurance or dental insurance to furnish the obligor, obligee, or  
15 child support agency with additional information regarding the  
16 health insurance coverage or dental insurance coverage not later  
17 than the 15th day after the date the information is received by the  
18 parent.

19           SECTION 19. The heading to Section 154.186, Family Code, is  
20 amended to read as follows:

21           Sec. 154.186. NOTICE TO EMPLOYER CONCERNING MEDICAL SUPPORT  
22 OR DENTAL SUPPORT.

23           SECTION 20. Subsection (a), Section 154.186, Family Code,  
24 is amended to read as follows:

25           (a) The obligee, obligor, or a child support agency of this  
26 state or another state may send to the employer a copy of the order  
27 requiring an employee to provide health insurance coverage or

1 dental insurance coverage for a child or may include notice of the  
2 medical support order or dental support order in an order or writ of  
3 withholding sent to the employer in accordance with Chapter 158.

4 SECTION 21. Subsections (a) through (e), and (g), Section  
5 154.187, Family Code, are amended to read as follows:

6 (a) An order or notice under this subchapter to an employer  
7 directing that health insurance coverage or dental insurance  
8 coverage be provided to a child of an employee or member is binding  
9 on a current or subsequent employer on receipt without regard to the  
10 date the order was rendered. If the employee or member is eligible  
11 for dependent health coverage or dental coverage for the child, the  
12 employer shall immediately enroll the child in a health insurance  
13 plan or dental insurance plan regardless of whether the employee is  
14 enrolled in the plan. If dependent coverage is not available to the  
15 employee or member through the employer's health insurance plan or  
16 dental insurance plan or enrollment cannot be made permanent or if  
17 the employer is not responsible or otherwise liable for providing  
18 such coverage, the employer shall provide notice to the sender in  
19 accordance with Subsection (c).

20 (b) If additional premiums are incurred as a result of  
21 adding the child to the health insurance plan or the dental  
22 insurance plan, the employer shall deduct the health insurance  
23 premium or the dental insurance premium from the earnings of the  
24 employee in accordance with Chapter 158 and apply the amount  
25 withheld to payment of the insurance premium.

26 (c) An employer who has received an order or notice under  
27 this subchapter shall provide to the sender, by first class mail not

1 later than the 30th day after the date the employer receives the  
2 order or notice, a statement that the child:

3 (1) has been enrolled in the employer's health  
4 insurance plan or dental insurance plan, or is already enrolled in  
5 another health insurance plan or dental insurance plan in  
6 accordance with a previous child support, ~~or~~ medical support, or  
7 dental support order to which the employee is subject; or

8 (2) cannot be enrolled or cannot be enrolled  
9 permanently in the employer's health insurance plan or dental  
10 insurance plan and provide the reason why coverage or permanent  
11 coverage cannot be provided.

12 (d) If the employee ceases employment or if the health  
13 insurance coverage or dental insurance coverage lapses, the  
14 employer shall provide to the sender, by first class mail not later  
15 than the 15th day after the date of the termination of employment or  
16 the lapse of the coverage, notice of the termination or lapse and of  
17 the availability of any conversion privileges.

18 (e) On request, the employer shall release to the sender  
19 information concerning the available health insurance coverage or  
20 dental insurance coverage, including the name of the health  
21 insurance carrier or dental insurance carrier, the policy number, a  
22 copy of the policy and schedule of benefits, a health insurance or  
23 dental insurance membership card, and claim forms.

24 (g) An employer who fails to enroll a child, fails to  
25 withhold or remit premiums or cash medical support, or  
26 discriminates in hiring or employment on the basis of a medical  
27 support order or notice or a dental support order or notice under

1 this subchapter shall be subject to the penalties and fines in  
2 Subchapter C, Chapter 158.

3 SECTION 22. Section 154.188, Family Code, is amended to  
4 read as follows:

5 Sec. 154.188. FAILURE TO PROVIDE OR PAY FOR REQUIRED HEALTH  
6 INSURANCE OR DENTAL INSURANCE. A parent ordered to provide health  
7 insurance or dental insurance or to pay the other parent additional  
8 child support for the cost of health insurance or dental insurance  
9 who fails to do so is liable for:

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

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

16 SECTION 23. Section 154.189, Family Code, is amended to  
17 read as follows:

18 Sec. 154.189. NOTICE OF TERMINATION OR LAPSE OF INSURANCE  
19 COVERAGE. (a) An obligor ordered to provide health insurance  
20 coverage or dental insurance coverage for a child must notify the  
21 obligee and any child support agency enforcing a support obligation  
22 against the obligor of the:

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

26 (2) availability of additional health insurance or  
27 dental insurance to the obligor for the child after a termination or



1 lapse of coverage not later than the 15th day after the date the  
2 insurance becomes available.

3 (b) If termination of coverage results from a change of  
4 employers, the obligor, the obligee, or the child support agency  
5 may send the new employer a copy of the order requiring the employee  
6 to provide health insurance or dental insurance for a child or  
7 notice of the medical support order or the dental support order as  
8 provided by this subchapter.

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

11 Sec. 154.190. REENROLLING CHILD FOR INSURANCE COVERAGE.  
12 After health insurance or dental insurance has been terminated or  
13 has lapsed, an obligor ordered to provide health insurance coverage  
14 or dental insurance coverage for the child must enroll the child in  
15 a health insurance plan or a dental insurance plan at the next  
16 available enrollment period.

17 SECTION 25. Section 154.191, Family Code, is amended to  
18 read as follows:

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

23 (b) This subchapter does not limit the authority of the  
24 court to render or modify a medical support order or dental support  
25 order to provide for payment of uninsured health expenses, health  
26 care costs, [~~or~~] health insurance premiums, uninsured dental  
27 expenses, dental costs, or dental insurance premiums in a manner

1 consistent with this subchapter.

2 SECTION 26. Section 154.192, Family Code, is amended to  
3 read as follows:

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

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

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

17 SECTION 27. The heading to Section 154.193, Family Code, is  
18 amended to read as follows:

19 Sec. 154.193. MEDICAL SUPPORT ORDER OR DENTAL SUPPORT ORDER  
20 NOT QUALIFIED.

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

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

1 enforcement under federal law.

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

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

8 (1) the circumstances of the child or a person  
9 affected by the order have materially and substantially changed  
10 since the earlier of:

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

12 (B) the date of the signing of a mediated or  
13 collaborative law settlement agreement on which the order is based;  
14 or

15 (2) it has been three years since the order was  
16 rendered or last modified and the monthly amount of the child  
17 support award under the order differs by either 20 percent or \$100  
18 from the amount that would be awarded in accordance with the child  
19 support guidelines.

20 SECTION 30. Section 157.269, Family Code, is amended to  
21 read as follows:

22 Sec. 157.269. RETENTION OF JURISDICTION. A court that  
23 renders an order providing for the payment of child support retains  
24 continuing jurisdiction to enforce the order, including by  
25 adjusting the amount of the periodic payments to be made by the  
26 obligor or the amount to be withheld from the obligor's disposable  
27 earnings, until all current support, ~~and~~ medical support, dental

1 support, and child support arrearages, including interest and any  
2 applicable fees and costs, have been paid.

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

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

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

12 (1) to the obligee for the amount not paid in  
13 compliance with the order or writ, including the amount the obligor  
14 is required to pay for health insurance or dental insurance under  
15 Chapter 154;

16 (2) to the obligor for:

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

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

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

22 SECTION 32. Section 158.302, Family Code, is amended to  
23 read as follows:

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

27 (1) state the amount of monthly support due, including

1 medical support and dental support, the amount of arrearages or  
2 anticipated arrearages, including accrued interest, and the amount  
3 of wages that will be withheld in accordance with a judicial writ of  
4 withholding;

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

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

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

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

16 (6) state that the sole ground for successfully  
17 contesting the issuance of a writ of withholding is a dispute  
18 concerning the identity of the obligor or the existence or amount of  
19 the arrearages, including accrued interest;

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

24 (8) include with the notice a suggested form for the  
25 motion to stay issuance and delivery of the judicial writ of  
26 withholding that the obligor may file with the clerk of the  
27 appropriate court.

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

3 (c) Upon hearing, the court shall:

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

7 (2) grant the motion to stay.

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

10 (a) If a notice of application for judicial writ of  
11 withholding is delivered and a motion to stay is not filed within  
12 the time limits provided by Section 158.307, the party who filed the  
13 notice shall file with the clerk of the court a request for issuance  
14 of the writ of withholding stating the amount of current support,  
15 including medical support and dental support, the amount of  
16 arrearages, and the amount to be withheld from the obligor's  
17 income.

18 SECTION 35. Section 158.314, Family Code, is amended to  
19 read as follows:

20 Sec. 158.314. CONTENTS OF WRIT OF WITHHOLDING. The  
21 judicial writ of income withholding issued by the clerk must direct  
22 that the employer or a subsequent employer withhold from the  
23 obligor's disposable income for current child support, including  
24 medical support and dental support, and child support arrearages an  
25 amount that is consistent with the provisions of this chapter  
26 regarding orders of withholding.

27 SECTION 36. Subsection (a), Section 158.502, Family Code,

1 is amended to read as follows:

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

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

12 (b) An administrative writ of withholding issued under this  
13 subchapter may contain only the information that is necessary for  
14 the employer to withhold income for child support, [~~and~~] medical  
15 support, and dental support and shall specify the place where the  
16 withheld income is to be paid.

17 SECTION 38. Section 158.507, Family Code, is amended to  
18 read as follows:

19 Sec. 158.507. ADMINISTRATIVE WRIT TERMINATING WITHHOLDING.  
20 An administrative writ to terminate withholding may be issued and  
21 delivered to an employer by the Title IV-D agency when all current  
22 support, including medical support and dental support, [~~and~~] child  
23 support arrearages, and Title IV-D service fees authorized under  
24 Section 231.103 for which the obligor is responsible[~~7~~] have been  
25 paid.

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

1 (c) Except as otherwise provided in Subsection (d) and  
2 Section 159.503, the employer shall withhold and distribute the  
3 funds as directed in the withholding order by complying with terms  
4 of the order that specify:

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

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

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

14 (4) the amount of periodic payments of fees and costs  
15 for a support enforcement agency, the issuing tribunal, and the  
16 obligee's attorney, stated as sums certain; and

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

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

21 Sec. 231.0011. DEVELOPMENT OF STATEWIDE INTEGRATED SYSTEM  
22 FOR CHILD SUPPORT, [AND] MEDICAL SUPPORT, AND DENTAL SUPPORT  
23 ENFORCEMENT.

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

26 (a) The Title IV-D agency shall have final approval  
27 authority on any contract or proposal for delivery of Title IV-D



1 services under this section and in coordination with the Texas  
2 Judicial Council, the Office of Court Administration of the Texas  
3 Judicial System, the federal Office of Child Support Enforcement,  
4 and state, county, and local officials, shall develop and implement  
5 a statewide integrated system for child support, ~~and~~ medical  
6 support, and dental support enforcement, employing federal, state,  
7 local, and private resources to:

8 (1) unify child support registry functions;

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

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

14 (4) incorporate existing enforcement resources into  
15 the system to obtain maximum benefit from state and federal  
16 funding; and

17 (5) ensure accountability for all participants in the  
18 process, including state, county, and local officials, private  
19 contractors, and the judiciary.

20 (g) Participation in the statewide integrated system for  
21 child support, ~~and~~ medical support, and dental support  
22 enforcement by a county is voluntary, and nothing in this section  
23 shall be construed to mandate participation.

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

26 (e) The Title IV-D agency may take the following  
27 administrative actions with respect to the location of a parent,

1 the determination of parentage, and the establishment,  
2 modification, and enforcement of child support, ~~and~~ medical  
3 support, and dental support orders required by 42 U.S.C. Section  
4 666(c), without obtaining an order from any other judicial or  
5 administrative tribunal:

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

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

10 (3) order income withholding, as provided by Chapter  
11 233, and issue an administrative writ of withholding, as provided  
12 by Chapter 158; and

13 (4) take any action with respect to execution,  
14 collection, and release of a judgment or lien for child support  
15 necessary to satisfy the judgment or lien, as provided by Chapter  
16 157.

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

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

22 (1) parent locator services;

23 (2) paternity determination;

24 (3) child support, ~~and~~ medical support, and dental  
25 support establishment;

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

27 (5) enforcement of child support, ~~and~~ medical

1 support, and dental support orders; and

2 (6) collection and distribution of child support  
3 payments.

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

6 (b) An application for child support services is an  
7 assignment of support rights to enable the Title IV-D agency to  
8 establish and enforce child support, ~~and~~ medical support, and  
9 dental support obligations, but an assignment is not a condition of  
10 eligibility for services.

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

13 (a) In order to maximize the amount of any tax refund to  
14 which an obligor may be entitled and which may be applied to child  
15 support, ~~and~~ medical support, and dental support obligations, the  
16 Title IV-D agency shall cooperate with volunteer income tax  
17 assistance programs in the state in informing obligors of the  
18 availability of the programs.

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

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

23 (1) child support establishment and enforcement  
24 purposes regarding the identity, social security number, location,  
25 employer and employment benefits, income, and assets or debts of  
26 any individual under an obligation to pay child support, ~~or~~  
27 medical support, or dental support or to whom a support obligation

1 is owed; or

2 (2) the establishment of paternity.

3 SECTION 47. Section 231.306, Family Code, is amended to  
4 read as follows:

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

9 (1) maximize the collection of medical support and  
10 dental support; and

11 (2) establish cash medical support orders for children  
12 eligible for medical assistance under the state Medicaid program  
13 for whom private insurance coverage is not available.

14 (b) In this section:

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

17 (2) "Dental support" has the meaning assigned by  
18 Section 101.0095.

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

21 (a) The purpose of the procedures specified in the child  
22 support review process authorized by this chapter is to enable the  
23 Title IV-D agency to take expedited administrative actions to  
24 establish, modify, and enforce child support, ~~[and]~~ medical  
25 support, and dental support obligations, to determine parentage, or  
26 to take any other action authorized or required under Part D, Title  
27 IV, of the federal Social Security Act (42 U.S.C. Section 651 et

1 seq.), and Chapter 231.

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

4 (b) The notice of proposed child support review order shall  
5 state:

6 (1) the amount of periodic payment of child support  
7 due, the amount of any overdue support that is owed as an arrearage  
8 as of the date of the notice, and the amounts that are to be paid by  
9 the obligor for current support due and in payment on the arrearage  
10 owed;

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

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

15 (B) the dependent child is no longer entitled to  
16 child support; or

17 (C) the amount of monthly support or arrearage is  
18 incorrectly stated; and

19 (3) that, if the person identified in the notice as the  
20 party responsible for payment of the support amounts does not  
21 contest the notice in writing or request a negotiation conference  
22 to discuss the notice not later than the 15th day after the date the  
23 notice was delivered, the Title IV-D agency may file a child support  
24 review order for child support, and for medical support, and  
25 dental support for the child as provided by Chapter 154 according to  
26 the information available to the agency.

27 SECTION 50. Subsection (b), Section 233.0095, Family Code,

1 is amended to read as follows:

2 (b) The notice of proposed child support review order shall  
3 state:

4 (1) the amount of periodic payment of child support  
5 due;

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

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

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

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

25 SECTION 52. Section 234.002, Family Code, is amended to  
26 read as follows:

27 Sec. 234.002. INTEGRATED SYSTEM FOR CHILD SUPPORT, ~~AND~~

1 MEDICAL SUPPORT, AND DENTAL SUPPORT ENFORCEMENT. The statewide  
2 integrated system for child support, ~~and~~ medical support, and  
3 dental support enforcement under Chapter 231 shall be part of the  
4 state case registry and state disbursement unit authorized by this  
5 subchapter.

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

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

1 of Court Administration, which may include electronic data  
2 transfer. Copies of such reports shall be maintained in the office  
3 of the appropriate district or county clerk for a period of at least  
4 two years and shall be available to the public for inspection and  
5 reproduction.

6 SECTION 54. Subsection (b), Section 1201.053, Insurance  
7 Code, is amended to read as follows:

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

18 SECTION 55. Subsection (a), Section 1201.062, Insurance  
19 Code, is amended to read as follows:

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



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

3                   (A) unmarried;

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

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

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

12           SECTION 56. Section 1201.063, Insurance Code, is amended to  
13 read as follows:

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

25                   (1) the child does not reside with the insured or group  
26 member; or

27                   (2) the insured or group member does not claim the

1 child as an exemption for federal income tax purposes under Section  
2 151(c)(1)(B), Internal Revenue Code of 1986.

3 SECTION 57. The heading to Chapter 1504, Insurance Code, is  
4 amended to read as follows:

5 CHAPTER 1504. MEDICAL AND DENTAL CHILD SUPPORT

6 SECTION 58. Subdivision (4), Section 1504.001, Insurance  
7 Code, is amended to read as follows:

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

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

16 (B) a governmental entity subject to Subchapter  
17 D, Chapter 1355, Subchapter C, Chapter 1364, Chapter 1578, Article  
18 3.51-1, 3.51-4, or 3.51-5, or Chapter 177, Local Government Code;

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

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

24 SECTION 59. Subsection (b), Section 1504.002, Insurance  
25 Code, is amended to read as follows:

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

1 (1) is consistent with federal law; and

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

4 SECTION 60. Section 1504.003, Insurance Code, is amended to  
5 read as follows:

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

11 SECTION 61. The heading to Subchapter B, Chapter 1504,  
12 Insurance Code, is amended to read as follows:

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

14 SECTION 62. Section 1504.051, Insurance Code, is amended to  
15 read as follows:

16 Sec. 1504.051. ENROLLMENT OF CERTAIN CHILDREN REQUIRED.

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

21 (1) eligible for dependent health or dental coverage;  
22 and

23 (2) required by a court order or administrative order  
24 to provide health or dental insurance coverage for the child.

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

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

3           (2) the child, a custodial parent of the child, or a  
4 child support agency having a duty to collect or enforce support for  
5 the child applies for the coverage.

6           SECTION 63. Section 1504.052, Insurance Code, is amended to  
7 read as follows:

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

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

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

24           (d) Comparable health or dental coverage may include  
25 coverage in which a [~~health~~] benefit plan issuer uses different  
26 procedures for service delivery and health care provider  
27 reimbursement. Comparable health or dental coverage may not

1 include coverage:

2 (1) that is limited to emergency services only; or

3 (2) for which the issuer charges a higher premium.

4 SECTION 64. Section 1504.053, Insurance Code, is amended to  
5 read as follows:

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

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

14 (2) the child:

15 (A) is enrolled in comparable health or dental  
16 coverage; or

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

20 (b) For purposes of this section, a child is not enrolled or  
21 entitled to enrollment under this chapter if the child's  
22 eligibility for health or dental coverage ends because the parent  
23 ceases to be eligible for dependent health or dental coverage.

24 SECTION 65. Section 1504.054, Insurance Code, is amended to  
25 read as follows:

26 Sec. 1504.054. CONTINUATION OR CONVERSION OF COVERAGE.

27 (a) If a child's eligibility for dependent health or dental

1 coverage ends because the parent ceases to be eligible for the  
2 coverage and the coverage provides for the continuation or  
3 conversion of the coverage for the child, the [~~health~~] benefit plan  
4 issuer shall notify the custodial parent and the child support  
5 agency of the costs and other requirements for continuing or  
6 converting the coverage.

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

11 SECTION 66. Section 1504.055, Insurance Code, is amended to  
12 read as follows:

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

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

- 19 (A) the name of the issuer;
- 20 (B) the number of the policy or evidence of  
21 coverage;
- 22 (C) a copy of the policy or evidence of coverage  
23 and schedule of benefits;
- 24 (D) a health or dental coverage membership card;
- 25 (E) claim forms; and
- 26 (F) any other document or information necessary  
27 to submit a claim in accordance with the issuer's policies and

1 procedures;

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

6 (3) make payments on covered claims submitted in  
7 accordance with this subsection directly to a custodial parent,  
8 health care or dental care provider, adult child, or state agency  
9 making a claim.

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

17 SECTION 67. Section 1504.101, Insurance Code, is amended to  
18 read as follows:

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

23 (1) has a preexisting condition;

24 (2) was born out of wedlock;

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

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

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

2 SECTION 68. Section 1504.102, Insurance Code, is amended to  
3 read as follows:

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

11 SECTION 69. Section 402.085, Labor Code, is amended to read  
12 as follows:

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

15 (1) the Texas Department of Insurance for any  
16 statutory or regulatory purpose, including a research purpose under  
17 Chapter 405;

18 (2) a legislative committee for legislative purposes;

19 (3) a state or federal elected official requested in  
20 writing to provide assistance by a constituent who qualifies to  
21 obtain injury information under Section 402.084(b), if the request  
22 for assistance is provided to the division;

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

26 (A) establishing, modifying, or enforcing a  
27 child support, ~~or~~ medical support, or dental support obligation;



1 or

2 (B) locating an absent parent; or

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

6 (b) The division may release information on a claim to a  
7 governmental agency, political subdivision, or regulatory body to  
8 use to:

9 (1) investigate an allegation of a criminal offense or  
10 licensing or regulatory violation;

11 (2) provide:

12 (A) unemployment compensation benefits;

13 (B) crime victims compensation benefits;

14 (C) vocational rehabilitation services; or

15 (D) health care benefits;

16 (3) investigate occupational safety or health  
17 violations;

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

20 (5) assess financial resources in an action, including  
21 an administrative action, to:

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

24 (B) establish paternity;

25 (C) locate an absent parent; or

26 (D) cooperate with another state in an action  
27 authorized under Part D, Title IV, Social Security Act (42 U.S.C.

1 Section 651 et seq.), or Chapter 231, Family Code.

2 SECTION 70. (a) The changes in law made by this Act apply  
3 to a suit affecting the parent-child relationship filed on or after  
4 the effective date of this Act. A suit affecting the parent-child  
5 relationship filed before the effective date of this Act is  
6 governed by the law in effect on the date the suit was filed, and the  
7 former law is continued in effect for that purpose.

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

13 SECTION 71. This Act takes effect September 1, 2011.