

1-1 By: Uresti S.B. No. 120
1-2 (In the Senate - Filed November 8, 2010; January 31, 2011,
1-3 read first time and referred to Committee on Jurisprudence;
1-4 April 7, 2011, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 5, Nays 0; April 7, 2011,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 120 By: Uresti

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to requiring dental support for a child subject to a child
1-11 support order.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subsection (e), Section 54.06, Family Code, is
1-14 amended to read as follows:

1-15 (e) The court shall apply the child support guidelines under
1-16 Subchapter C, Chapter 154, in an order requiring the payment of
1-17 child support under this section. The court shall also require in
1-18 an order to pay child support under this section that health
1-19 insurance and dental insurance be provided for the child.
1-20 Subchapter D, Chapter 154, applies to an order requiring health
1-21 insurance and dental insurance for a child under this section.

1-22 SECTION 2. Section 101.006, Family Code, is amended to read
1-23 as follows:

1-24 Sec. 101.006. CHILD SUPPORT SERVICES. "Child support
1-25 services" means administrative or court actions to:

- 1-26 (1) establish paternity;
1-27 (2) establish, modify, or enforce child support, ~~or~~
1-28 medical support, or dental support obligations;
1-29 (3) locate absent parents; or
1-30 (4) cooperate with other states in these actions and
1-31 any other action authorized or required under Part D of Title IV of
1-32 the federal Social Security Act (42 U.S.C. Section 651 et seq.) or
1-33 Chapter 231.

1-34 SECTION 3. Chapter 101, Family Code, is amended by adding
1-35 Sections 101.0094 and 101.0095 to read as follows:

1-36 Sec. 101.0094. DENTAL INSURANCE. "Dental insurance" means
1-37 insurance coverage that provides preventive dental care and other
1-38 dental services, including usual dentist services, office visits,
1-39 examinations, X-rays, and emergency services, that may be provided
1-40 through a single-service health maintenance organization or other
1-41 private or public organization.

1-42 Sec. 101.0095. DENTAL SUPPORT. "Dental support" means
1-43 periodic payments or a lump-sum payment made under an order to cover
1-44 dental expenses, including dental insurance coverage, incurred for
1-45 the benefit of a child.

1-46 SECTION 4. Section 101.012, Family Code, is amended to read
1-47 as follows:

1-48 Sec. 101.012. EMPLOYER. "Employer" means a person,
1-49 corporation, partnership, workers' compensation insurance carrier,
1-50 governmental entity, the United States, or any other entity that
1-51 pays or owes earnings to an individual. The term includes, for the
1-52 purposes of enrolling dependents in a group health or dental
1-53 insurance plan, a union, trade association, or other similar
1-54 organization.

1-55 SECTION 5. Subsection (b), Section 101.024, Family Code, is
1-56 amended to read as follows:

1-57 (b) For purposes of establishing, determining the terms of,
1-58 modifying, or enforcing an order, a reference in this title to a
1-59 parent includes a person ordered to pay child support under Section
1-60 154.001(a-1) or to provide medical support or dental support for a
1-61 child.

1-62 SECTION 6. Section 101.034, Family Code, is amended to read
1-63 as follows:

2-1 Sec. 101.034. TITLE IV-D CASE. "Title IV-D case" means an
2-2 action in which services are provided by the Title IV-D agency under
2-3 Part D, Title IV, of the federal Social Security Act (42 U.S.C.
2-4 Section 651 et seq.), relating to the location of an absent parent,
2-5 determination of parentage, or establishment, modification, or
2-6 enforcement of a child support, ~~or~~ medical support, or dental
2-7 support obligation.

2-8 SECTION 7. Section 153.611, Family Code, is amended to read
2-9 as follows:

2-10 Sec. 153.611. EXCEPTION FOR CERTAIN TITLE IV-D PROCEEDINGS.
2-11 Notwithstanding any other provision of this subchapter, this
2-12 subchapter does not apply to a proceeding in a Title IV-D case
2-13 relating to the determination of parentage or establishment,
2-14 modification, or enforcement of a child support, ~~or~~ medical
2-15 support, or dental support obligation.

2-16 SECTION 8. Section 154.008, Family Code, is amended to read
2-17 as follows:

2-18 Sec. 154.008. PROVISION FOR MEDICAL SUPPORT AND DENTAL
2-19 SUPPORT. The court shall order medical support and dental support
2-20 for the child as provided by Subchapters B and D.

2-21 SECTION 9. Subsection (c), Section 154.015, Family Code, is
2-22 amended to read as follows:

2-23 (c) For purposes of this section, the court of continuing
2-24 jurisdiction shall determine the amount of the unpaid child support
2-25 obligation for each child of the deceased obligor. In determining
2-26 the amount of the unpaid child support obligation, the court shall
2-27 consider all relevant factors, including:

2-28 (1) the present value of the total amount of monthly
2-29 periodic child support payments that would become due between the
2-30 month in which the obligor dies and the month in which the child
2-31 turns 18 years of age, based on the amount of the periodic monthly
2-32 child support payments under the child support order in effect on
2-33 the date of the obligor's death;

2-34 (2) the present value of the total amount of health
2-35 insurance and dental insurance premiums payable for the benefit of
2-36 the child from the month in which the obligor dies until the month
2-37 in which the child turns 18 years of age, based on the cost of health
2-38 insurance and dental insurance for the child ordered to be paid on
2-39 the date of the obligor's death;

2-40 (3) in the case of a disabled child under 18 years of
2-41 age or an adult disabled child, an amount to be determined by the
2-42 court under Section 154.306;

2-43 (4) the nature and amount of any benefit to which the
2-44 child would be entitled as a result of the obligor's death,
2-45 including life insurance proceeds, annuity payments, trust
2-46 distributions, social security death benefits, and retirement
2-47 survivor benefits; and

2-48 (5) any other financial resource available for the
2-49 support of the child.

2-50 SECTION 10. Subsection (b), Section 154.016, Family Code,
2-51 is amended to read as follows:

2-52 (b) In determining the nature and extent of the obligation
2-53 to provide for the support of the child in the event of the death of
2-54 the obligor, the court shall consider all relevant factors,
2-55 including:

2-56 (1) the present value of the total amount of monthly
2-57 periodic child support payments from the date the child support
2-58 order is rendered until the month in which the child turns 18 years
2-59 of age, based on the amount of the periodic monthly child support
2-60 payment under the child support order;

2-61 (2) the present value of the total amount of health
2-62 insurance and dental insurance premiums payable for the benefit of
2-63 the child from the date the child support order is rendered until
2-64 the month in which the child turns 18 years of age, based on the cost
2-65 of health insurance and dental insurance for the child ordered to be
2-66 paid; and

2-67 (3) in the case of a disabled child under 18 years of
2-68 age or an adult disabled child, an amount to be determined by the
2-69 court under Section 154.306.

3-1 SECTION 11. Subsections (d) and (e), Section 154.062,
3-2 Family Code, are amended to read as follows:

3-3 (d) The court shall deduct the following items from
3-4 resources to determine the net resources available for child
3-5 support:

3-6 (1) social security taxes;

3-7 (2) federal income tax based on the tax rate for a
3-8 single person claiming one personal exemption and the standard
3-9 deduction;

3-10 (3) state income tax;

3-11 (4) union dues; and

3-12 (5) expenses for the cost of health insurance, dental
3-13 insurance, or cash medical support for the obligor's child ordered
3-14 by the court under Sections [~~Section~~] 154.182 and 154.1825.

3-15 (e) In calculating the amount of the deduction for health
3-16 care or dental coverage for a child under Subsection (d)(5), if the
3-17 obligor has other minor dependents covered under the same health or
3-18 dental insurance plan, the court shall divide the total cost to the
3-19 obligor for the insurance by the total number of minor dependents,
3-20 including the child, covered under the plan.

3-21 SECTION 12. Section 154.064, Family Code, is amended to
3-22 read as follows:

3-23 Sec. 154.064. MEDICAL SUPPORT AND DENTAL SUPPORT FOR CHILD
3-24 PRESUMPTIVELY PROVIDED BY OBLIGOR. The guidelines for support of a
3-25 child are based on the assumption that the court will order the
3-26 obligor to provide medical support and dental support for the child
3-27 in addition to the amount of child support calculated in accordance
3-28 with those guidelines.

3-29 SECTION 13. The heading to Subchapter D, Chapter 154,
3-30 Family Code, is amended to read as follows:

3-31 SUBCHAPTER D. MEDICAL SUPPORT AND DENTAL SUPPORT FOR CHILD

3-32 SECTION 14. Subchapter D, Chapter 154, Family Code, is
3-33 amended by adding Section 154.1815 to read as follows:

3-34 Sec. 154.1815. DENTAL SUPPORT ORDER. (a) In this section,
3-35 "reasonable cost" means the cost of a dental insurance premium that
3-36 does not exceed 1.5 percent of the obligor's annual resources, as
3-37 described by Section 154.062(b), if the obligor is responsible
3-38 under a dental support order for the cost of dental insurance
3-39 coverage for only one child. If the obligor is responsible under a
3-40 dental support order for the cost of dental insurance coverage for
3-41 more than one child, "reasonable cost" means the total cost of
3-42 dental insurance coverage for all children for which the obligor is
3-43 responsible under a dental support order that does not exceed 1.5
3-44 percent of the obligor's annual resources, as described by Section
3-45 154.062(b).

3-46 (b) In a suit affecting the parent-child relationship or in
3-47 a proceeding under Chapter 159, the court shall render an order for
3-48 the dental support of the child as provided by this section and
3-49 Section 154.1825.

3-50 (c) Before a hearing on temporary orders, or a final order
3-51 if no hearing on temporary orders is held, the court shall require
3-52 the parties to the proceedings to disclose in a pleading or other
3-53 document whether the child is covered by dental insurance and, if
3-54 the child is covered, the identity of the insurer providing the
3-55 coverage, the policy number, which parent is responsible for
3-56 payment of any insurance premium for the coverage, whether the
3-57 coverage is provided through a parent's employment, and the cost of
3-58 the premium. If dental insurance is not in effect for the child,
3-59 the parties must disclose to the court whether either parent has
3-60 access to dental insurance at a reasonable cost to the obligor.

3-61 (d) In rendering temporary orders, the court shall, except
3-62 for good cause shown, order that any dental insurance coverage in
3-63 effect for the child continue in effect pending the rendition of a
3-64 final order, except that the court may not require the continuation
3-65 of any dental insurance that is not available to the parent at a
3-66 reasonable cost to the obligor. If dental insurance coverage is not
3-67 in effect for the child or if the insurance in effect is not
3-68 available at a reasonable cost to the obligor, the court shall,
3-69 except for good cause shown, order dental insurance coverage for

4-1 the child as provided by Section 154.1825.

4-2 (e) On rendering a final order the court shall:

4-3 (1) make specific findings with respect to the manner
4-4 in which dental insurance coverage is to be provided for the child,
4-5 in accordance with the priorities identified under Section
4-6 154.1825; and

4-7 (2) except for good cause shown or on agreement of the
4-8 parties, require the parent ordered to provide dental insurance
4-9 coverage for the child as provided by Section 154.1825 to produce
4-10 evidence to the court's satisfaction that the parent has applied
4-11 for or secured dental insurance or has otherwise taken necessary
4-12 action to provide for dental insurance coverage for the child, as
4-13 ordered by the court.

4-14 SECTION 15. Subchapter D, Chapter 154, Family Code, is
4-15 amended by adding Section 154.1825 to read as follows:

4-16 Sec. 154.1825. DENTAL CARE COVERAGE FOR CHILD. (a) In
4-17 this section:

4-18 (1) "Accessibility" means the extent to which dental
4-19 insurance coverage for a child provides for the availability of
4-20 dental care within a reasonable traveling distance and time from
4-21 the child's primary residence, as determined by the court.

4-22 (2) "Reasonable cost" has the meaning assigned by
4-23 Section 154.1815(a).

4-24 (b) The court shall consider the cost, accessibility, and
4-25 quality of dental insurance coverage available to the parties and
4-26 shall give priority to dental insurance coverage available through
4-27 the employment of one of the parties if the coverage is available at
4-28 a reasonable cost to the obligor.

4-29 (c) In determining the manner in which dental care coverage
4-30 for the child is to be ordered, the court shall render its order in
4-31 accordance with the following priorities, unless a party shows good
4-32 cause why a particular order is not in the best interest of the
4-33 child:

4-34 (1) if dental insurance is available for the child
4-35 through a parent's employment or membership in a union, trade
4-36 association, or other organization at reasonable cost, the court
4-37 shall order that parent to include the child in the parent's dental
4-38 insurance; or

4-39 (2) if dental insurance is not available for the child
4-40 under Subdivision (1) but is available to a parent from another
4-41 source and at a reasonable cost, the court may order that parent to
4-42 provide dental insurance for the child.

4-43 (d) If the parent ordered to provide dental insurance under
4-44 Subsection (c)(1) or (2) is the obligee, the court shall order the
4-45 obligor to pay the obligee, as additional child support, an amount
4-46 equal to the actual cost of dental insurance for the child but not
4-47 to exceed a reasonable cost to the obligor. In calculating the
4-48 actual cost of dental insurance for the child, if the obligee has
4-49 other minor dependents covered under the same dental insurance
4-50 plan, the court shall divide the total cost to the obligee for the
4-51 insurance by the total number of minor dependents, including the
4-52 child covered under the plan.

4-53 (e) If the court finds that neither parent has access to
4-54 private dental insurance at a reasonable cost to the obligor, the
4-55 court shall order the parent awarded the exclusive right to
4-56 designate the child's primary residence or, to the extent permitted
4-57 by law, the other parent to apply immediately on behalf of the child
4-58 for participation in any government medical assistance program or
4-59 health plan that provides dental coverage.

4-60 SECTION 16. Section 154.183, Family Code, is amended to
4-61 read as follows:

4-62 Sec. 154.183. MEDICAL AND DENTAL SUPPORT ADDITIONAL SUPPORT
4-63 DUTY OF OBLIGOR. (a) An amount that an obligor is ordered to pay
4-64 as medical support or dental support for the child under this
4-65 chapter, including the costs of health insurance coverage or cash
4-66 medical support under Section 154.182 and the costs of dental
4-67 insurance under Section 154.1825:

4-68 (1) is in addition to the amount that the obligor is
4-69 required to pay for child support under the guidelines for child

5-1 support;

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

5-3 (3) may be enforced by any means available for the
5-4 enforcement of child support, including withholding from earnings
5-5 under Chapter 158.

5-6 (b) If the court finds and states in the child support order
5-7 that the obligee will maintain health insurance coverage, dental
5-8 insurance coverage, or both, for the child at the obligee's
5-9 expense, the court shall increase the amount of child support to be
5-10 paid by the obligor in an amount not exceeding the actual cost to
5-11 the obligee for maintaining the ~~[health insurance]~~ coverage, as
5-12 provided under Sections [Section] 154.182(b-1) and 154.1825(d).

5-13 (c) As additional child support, the court shall allocate
5-14 between the parties, according to their circumstances:

5-15 (1) the reasonable and necessary health care expenses,
5-16 including vision and dental expenses, of the child that are not
5-17 reimbursed by health or dental insurance or are not otherwise
5-18 covered by the amount of cash medical support ordered under Section
5-19 154.182 [154.182(b)(3)]; and

5-20 (2) amounts paid by either party as deductibles or
5-21 copayments in obtaining health care or dental care services for the
5-22 child covered under a health insurance or dental insurance policy.

5-23 SECTION 17. Subsections (a) and (b), Section 154.184,
5-24 Family Code, are amended to read as follows:

5-25 (a) Receipt of a medical support order requiring that health
5-26 insurance be provided for a child or a dental support order
5-27 requiring that dental insurance be provided for a child shall be
5-28 considered a change in the family circumstances of the employee or
5-29 member, for health insurance purposes and dental insurance
5-30 purposes, equivalent to the birth or adoption of a child.

5-31 (b) If the employee or member is eligible for dependent
5-32 health coverage or dependent dental coverage, the employer shall
5-33 automatically enroll the child for the first 31 days after the
5-34 receipt of the order or notice of the medical support order or the
5-35 dental support order under Section 154.186 on the same terms and
5-36 conditions as apply to any other dependent child.

5-37 SECTION 18. Section 154.185, Family Code, is amended to
5-38 read as follows:

5-39 Sec. 154.185. PARENT TO FURNISH INFORMATION. (a) The
5-40 court shall order a parent providing health insurance or dental
5-41 insurance to furnish to either the obligee, obligor, or child
5-42 support agency the following information not later than the 30th
5-43 day after the date the notice of rendition of the order is received:

5-44 (1) the social security number of the parent;

5-45 (2) the name and address of the parent's employer;

5-46 (3) with regard to health insurance:

5-47 (A) whether the employer is self-insured or has
5-48 health insurance available;

5-49 (B) ~~[(4)]~~ proof that health insurance has been
5-50 provided for the child;

5-51 (C) ~~[(5)]~~ if the employer has health insurance
5-52 available, the name of the health insurance carrier, the number of
5-53 the policy, a copy of the policy and schedule of benefits, a health
5-54 insurance membership card, claim forms, and any other information
5-55 necessary to submit a claim; and

5-56 (D) ~~[(6)]~~ if the employer is self-insured, a copy
5-57 of the schedule of benefits, a membership card, claim forms, and any
5-58 other information necessary to submit a claim; and

5-59 (4) with regard to dental insurance:

5-60 (A) whether the employer is self-insured or has
5-61 dental insurance available;

5-62 (B) proof that dental insurance has been provided
5-63 for the child;

5-64 (C) if the employer has dental insurance
5-65 available, the name of the dental insurance carrier, the number of
5-66 the policy, a copy of the policy and schedule of benefits, a dental
5-67 insurance membership card, claim forms, and any other information
5-68 necessary to submit a claim; and

5-69 (D) if the employer is self-insured, a copy of

6-1 the schedule of benefits, a membership card, claim forms, and any
 6-2 other information necessary to submit a claim.

6-3 (b) The court shall also order a parent providing health
 6-4 insurance or dental insurance to furnish the obligor, obligee, or
 6-5 child support agency with additional information regarding the
 6-6 health insurance coverage or dental insurance coverage not later
 6-7 than the 15th day after the date the information is received by the
 6-8 parent.

6-9 SECTION 19. The heading to Section 154.186, Family Code, is
 6-10 amended to read as follows:

6-11 Sec. 154.186. NOTICE TO EMPLOYER CONCERNING MEDICAL SUPPORT
 6-12 OR DENTAL SUPPORT.

6-13 SECTION 20. Subsection (a), Section 154.186, Family Code,
 6-14 is amended to read as follows:

6-15 (a) The obligee, obligor, or a child support agency of this
 6-16 state or another state may send to the employer a copy of the order
 6-17 requiring an employee to provide health insurance coverage or
 6-18 dental insurance coverage for a child or may include notice of the
 6-19 medical support order or dental support order in an order or writ of
 6-20 withholding sent to the employer in accordance with Chapter 158.

6-21 SECTION 21. Subsections (a) through (e), and (g), Section
 6-22 154.187, Family Code, are amended to read as follows:

6-23 (a) An order or notice under this subchapter to an employer
 6-24 directing that health insurance coverage or dental insurance
 6-25 coverage be provided to a child of an employee or member is binding
 6-26 on a current or subsequent employer on receipt without regard to the
 6-27 date the order was rendered. If the employee or member is eligible
 6-28 for dependent health coverage or dental coverage for the child, the
 6-29 employer shall immediately enroll the child in a health insurance
 6-30 plan or dental insurance plan regardless of whether the employee is
 6-31 enrolled in the plan. If dependent coverage is not available to the
 6-32 employee or member through the employer's health insurance plan or
 6-33 dental insurance plan or enrollment cannot be made permanent or if
 6-34 the employer is not responsible or otherwise liable for providing
 6-35 such coverage, the employer shall provide notice to the sender in
 6-36 accordance with Subsection (c).

6-37 (b) If additional premiums are incurred as a result of
 6-38 adding the child to the health insurance plan or the dental
 6-39 insurance plan, the employer shall deduct the health insurance
 6-40 premium or the dental insurance premium from the earnings of the
 6-41 employee in accordance with Chapter 158 and apply the amount
 6-42 withheld to payment of the insurance premium.

6-43 (c) An employer who has received an order or notice under
 6-44 this subchapter shall provide to the sender, by first class mail not
 6-45 later than the 30th day after the date the employer receives the
 6-46 order or notice, a statement that the child:

6-47 (1) has been enrolled in the employer's health
 6-48 insurance plan or dental insurance plan, or is already enrolled in
 6-49 another health insurance plan or dental insurance plan in
 6-50 accordance with a previous child support, ~~or~~ medical support, or
 6-51 dental support order to which the employee is subject; or

6-52 (2) cannot be enrolled or cannot be enrolled
 6-53 permanently in the employer's health insurance plan or dental
 6-54 insurance plan and provide the reason why coverage or permanent
 6-55 coverage cannot be provided.

6-56 (d) If the employee ceases employment or if the health
 6-57 insurance coverage or dental insurance coverage lapses, the
 6-58 employer shall provide to the sender, by first class mail not later
 6-59 than the 15th day after the date of the termination of employment or
 6-60 the lapse of the coverage, notice of the termination or lapse and of
 6-61 the availability of any conversion privileges.

6-62 (e) On request, the employer shall release to the sender
 6-63 information concerning the available health insurance coverage or
 6-64 dental insurance coverage, including the name of the health
 6-65 insurance carrier or dental insurance carrier, the policy number, a
 6-66 copy of the policy and schedule of benefits, a health insurance or
 6-67 dental insurance membership card, and claim forms.

6-68 (g) An employer who fails to enroll a child, fails to
 6-69 withhold or remit premiums or cash medical support, or

7-1 discriminates in hiring or employment on the basis of a medical
 7-2 support order or notice or a dental support order or notice under
 7-3 this subchapter shall be subject to the penalties and fines in
 7-4 Subchapter C, Chapter 158.

7-5 SECTION 22. Section 154.188, Family Code, is amended to
 7-6 read as follows:

7-7 Sec. 154.188. FAILURE TO PROVIDE OR PAY FOR REQUIRED HEALTH
 7-8 INSURANCE OR DENTAL INSURANCE. A parent ordered to provide health
 7-9 insurance or dental insurance or to pay the other parent additional
 7-10 child support for the cost of health insurance or dental insurance
 7-11 who fails to do so is liable for:

7-12 (1) necessary medical expenses or dental expenses of
 7-13 the child, without regard to whether the expenses would have been
 7-14 paid if health insurance or dental insurance had been provided; and

7-15 (2) the cost of health insurance premiums, dental
 7-16 insurance premiums, or contributions, if any, paid on behalf of the
 7-17 child.

7-18 SECTION 23. Section 154.189, Family Code, is amended to
 7-19 read as follows:

7-20 Sec. 154.189. NOTICE OF TERMINATION OR LAPSE OF INSURANCE
 7-21 COVERAGE. (a) An obligor ordered to provide health insurance
 7-22 coverage or dental insurance coverage for a child must notify the
 7-23 obligee and any child support agency enforcing a support obligation
 7-24 against the obligor of the:

7-25 (1) termination or lapse of health insurance coverage
 7-26 or dental insurance coverage for the child not later than the 15th
 7-27 day after the date of a termination or lapse; and

7-28 (2) availability of additional health insurance or
 7-29 dental insurance to the obligor for the child after a termination or
 7-30 lapse of coverage not later than the 15th day after the date the
 7-31 insurance becomes available.

7-32 (b) If termination of coverage results from a change of
 7-33 employers, the obligor, the obligee, or the child support agency
 7-34 may send the new employer a copy of the order requiring the employee
 7-35 to provide health insurance or dental insurance for a child or
 7-36 notice of the medical support order or the dental support order as
 7-37 provided by this subchapter.

7-38 SECTION 24. Section 154.190, Family Code, is amended to
 7-39 read as follows:

7-40 Sec. 154.190. REENROLLING CHILD FOR INSURANCE COVERAGE.
 7-41 After health insurance or dental insurance has been terminated or
 7-42 has lapsed, an obligor ordered to provide health insurance coverage
 7-43 or dental insurance coverage for the child must enroll the child in
 7-44 a health insurance plan or a dental insurance plan at the next
 7-45 available enrollment period.

7-46 SECTION 25. Section 154.191, Family Code, is amended to
 7-47 read as follows:

7-48 Sec. 154.191. REMEDY NOT EXCLUSIVE. (a) This subchapter
 7-49 does not limit the rights of the obligor, obligee, local domestic
 7-50 relations office, or Title IV-D agency to enforce, modify, or
 7-51 clarify the medical support order or dental support order.

7-52 (b) This subchapter does not limit the authority of the
 7-53 court to render or modify a medical support order or dental support
 7-54 order to provide for payment of uninsured health expenses, health
 7-55 care costs, [~~or~~] health insurance premiums, uninsured dental
 7-56 expenses, dental costs, or dental insurance premiums in a manner
 7-57 consistent with this subchapter.

7-58 SECTION 26. Section 154.192, Family Code, is amended to
 7-59 read as follows:

7-60 Sec. 154.192. CANCELLATION OR ELIMINATION OF INSURANCE
 7-61 COVERAGE FOR CHILD. [~~(a)~~] Unless the employee or member ceases to
 7-62 be eligible for dependent coverage, or the employer has eliminated
 7-63 dependent health coverage or dental coverage for all of the
 7-64 employer's employees or members, the employer may not cancel or
 7-65 eliminate coverage of a child enrolled under this subchapter until
 7-66 the employer is provided satisfactory written evidence that:

7-67 (1) the court order or administrative order requiring
 7-68 the coverage is no longer in effect; or

7-69 (2) the child is enrolled in comparable [~~health~~]

8-1 insurance coverage or will be enrolled in comparable coverage that
8-2 will take effect not later than the effective date of the
8-3 cancellation or elimination of the employer's coverage.

8-4 SECTION 27. The heading to Section 154.193, Family Code, is
8-5 amended to read as follows:

8-6 Sec. 154.193. MEDICAL SUPPORT ORDER OR DENTAL SUPPORT ORDER
8-7 NOT QUALIFIED.

8-8 SECTION 28. Subsection (a), Section 154.193, Family Code,
8-9 is amended to read as follows:

8-10 (a) If a plan administrator or other person acting in an
8-11 equivalent position determines that a medical support order or
8-12 dental support order issued under this subchapter does not qualify
8-13 for enforcement under federal law, the tribunal may, on its own
8-14 motion or the motion of a party, render an order that qualifies for
8-15 enforcement under federal law.

8-16 SECTION 29. Subsection (a), Section 156.401, Family Code,
8-17 is amended to read as follows:

8-18 (a) Except as provided by Subsection (a-1) or (b), the court
8-19 may modify an order that provides for the support of a child,
8-20 including an order for health care coverage under Section 154.182
8-21 or an order for dental care coverage under Section 154.1825, if:

8-22 (1) the circumstances of the child or a person
8-23 affected by the order have materially and substantially changed
8-24 since the earlier of:

8-25 (A) the date of the order's rendition; or

8-26 (B) the date of the signing of a mediated or
8-27 collaborative law settlement agreement on which the order is based;
8-28 or

8-29 (2) it has been three years since the order was
8-30 rendered or last modified and the monthly amount of the child
8-31 support award under the order differs by either 20 percent or \$100
8-32 from the amount that would be awarded in accordance with the child
8-33 support guidelines.

8-34 SECTION 30. Section 157.269, Family Code, is amended to
8-35 read as follows:

8-36 Sec. 157.269. RETENTION OF JURISDICTION. A court that
8-37 renders an order providing for the payment of child support retains
8-38 continuing jurisdiction to enforce the order, including by
8-39 adjusting the amount of the periodic payments to be made by the
8-40 obligor or the amount to be withheld from the obligor's disposable
8-41 earnings, until all current support, ~~and~~ medical support, dental
8-42 support, and child support arrearages, including interest and any
8-43 applicable fees and costs, have been paid.

8-44 SECTION 31. Subsections (a) and (b), Section 158.206,
8-45 Family Code, are amended to read as follows:

8-46 (a) An employer receiving an order or a writ of withholding
8-47 under this chapter, including an order or writ directing that
8-48 health insurance or dental insurance be provided to a child, who
8-49 complies with the order or writ is not liable to the obligor for the
8-50 amount of income withheld and paid as required by the order or writ.

8-51 (b) An employer receiving an order or writ of withholding
8-52 who does not comply with the order or writ is liable:

8-53 (1) to the obligee for the amount not paid in
8-54 compliance with the order or writ, including the amount the obligor
8-55 is required to pay for health insurance or dental insurance under
8-56 Chapter 154;

8-57 (2) to the obligor for:

8-58 (A) the amount withheld and not paid as required
8-59 by the order or writ; and

8-60 (B) an amount equal to the interest that accrues
8-61 under Section 157.265 on the amount withheld and not paid; and

8-62 (3) for reasonable attorney's fees and court costs.

8-63 SECTION 32. Section 158.302, Family Code, is amended to
8-64 read as follows:

8-65 Sec. 158.302. CONTENTS OF NOTICE OF APPLICATION FOR
8-66 JUDICIAL WRIT OF WITHHOLDING. The notice of application for
8-67 judicial writ of withholding shall be verified and:

8-68 (1) state the amount of monthly support due, including
8-69 medical support and dental support, the amount of arrearages or

9-1 anticipated arrearages, including accrued interest, and the amount
 9-2 of wages that will be withheld in accordance with a judicial writ of
 9-3 withholding;

9-4 (2) state that the withholding applies to each current
 9-5 or subsequent employer or period of employment;

9-6 (3) state that if the obligor does not contest the
 9-7 withholding within 10 days after the date of receipt of the notice,
 9-8 the obligor's employer will be notified to begin the withholding;

9-9 (4) describe the procedures for contesting the
 9-10 issuance and delivery of a writ of withholding;

9-11 (5) state that if the obligor contests the
 9-12 withholding, the obligor will be afforded an opportunity for a
 9-13 hearing by the court not later than the 30th day after the date of
 9-14 receipt of the notice of contest;

9-15 (6) state that the sole ground for successfully
 9-16 contesting the issuance of a writ of withholding is a dispute
 9-17 concerning the identity of the obligor or the existence or amount of
 9-18 the arrearages, including accrued interest;

9-19 (7) describe the actions that may be taken if the
 9-20 obligor contests the notice of application for judicial writ of
 9-21 withholding, including the procedures for suspending issuance of a
 9-22 writ of withholding; and

9-23 (8) include with the notice a suggested form for the
 9-24 motion to stay issuance and delivery of the judicial writ of
 9-25 withholding that the obligor may file with the clerk of the
 9-26 appropriate court.

9-27 SECTION 33. Subsection (c), Section 158.309, Family Code,
 9-28 is amended to read as follows:

9-29 (c) Upon hearing, the court shall:

9-30 (1) render an order for income withholding that
 9-31 includes a determination of the amount of child support arrearages,
 9-32 including medical support, dental support, and interest; or

9-33 (2) grant the motion to stay.

9-34 SECTION 34. Subsection (a), Section 158.312, Family Code,
 9-35 is amended to read as follows:

9-36 (a) If a notice of application for judicial writ of
 9-37 withholding is delivered and a motion to stay is not filed within
 9-38 the time limits provided by Section 158.307, the party who filed the
 9-39 notice shall file with the clerk of the court a request for issuance
 9-40 of the writ of withholding stating the amount of current support,
 9-41 including medical support and dental support, the amount of
 9-42 arrearages, and the amount to be withheld from the obligor's
 9-43 income.

9-44 SECTION 35. Section 158.314, Family Code, is amended to
 9-45 read as follows:

9-46 Sec. 158.314. CONTENTS OF WRIT OF WITHHOLDING. The
 9-47 judicial writ of income withholding issued by the clerk must direct
 9-48 that the employer or a subsequent employer withhold from the
 9-49 obligor's disposable income for current child support, including
 9-50 medical support and dental support, and child support arrearages an
 9-51 amount that is consistent with the provisions of this chapter
 9-52 regarding orders of withholding.

9-53 SECTION 36. Subsection (a), Section 158.502, Family Code,
 9-54 is amended to read as follows:

9-55 (a) An administrative writ of withholding under this
 9-56 subchapter may be issued by the Title IV-D agency at any time until
 9-57 all current support, including medical support and dental support,
 9-58 [~~and~~] child support arrearages, and Title IV-D service fees
 9-59 authorized under Section 231.103 for which the obligor is
 9-60 responsible[~~7~~] have been paid. The writ issued under this
 9-61 subsection may be based on an obligation in more than one support
 9-62 order.

9-63 SECTION 37. Subsection (b), Section 158.504, Family Code,
 9-64 is amended to read as follows:

9-65 (b) An administrative writ of withholding issued under this
 9-66 subchapter may contain only the information that is necessary for
 9-67 the employer to withhold income for child support, [~~and~~] medical
 9-68 support, and dental support and shall specify the place where the
 9-69 withheld income is to be paid.

10-1 SECTION 38. Section 158.507, Family Code, is amended to
 10-2 read as follows:

10-3 Sec. 158.507. ADMINISTRATIVE WRIT TERMINATING WITHHOLDING.
 10-4 An administrative writ to terminate withholding may be issued and
 10-5 delivered to an employer by the Title IV-D agency when all current
 10-6 support, including medical support and dental support, ~~and~~ child
 10-7 support arrearages, and Title IV-D service fees authorized under
 10-8 Section 231.103 for which the obligor is responsible~~[-]~~ have been
 10-9 paid.

10-10 SECTION 39. Subsection (c), Section 159.502, Family Code,
 10-11 is amended to read as follows:

10-12 (c) Except as otherwise provided in Subsection (d) and
 10-13 Section 159.503, the employer shall withhold and distribute the
 10-14 funds as directed in the withholding order by complying with terms
 10-15 of the order that specify:

10-16 (1) the duration and amount of periodic payments of
 10-17 current child support, stated as a sum certain;

10-18 (2) the person designated to receive payments and the
 10-19 address to which the payments are to be forwarded;

10-20 (3) medical support and dental support, whether in the
 10-21 form of periodic cash payments, stated as a sum certain, or ordering
 10-22 the obligor to provide health insurance coverage or dental
 10-23 insurance coverage for the child under a policy available through
 10-24 the obligor's employment;

10-25 (4) the amount of periodic payments of fees and costs
 10-26 for a support enforcement agency, the issuing tribunal, and the
 10-27 obligee's attorney, stated as sums certain; and

10-28 (5) the amount of periodic payments of arrearages and
 10-29 interest on arrearages, stated as sums certain.

10-30 SECTION 40. The heading to Section 231.0011, Family Code,
 10-31 is amended to read as follows:

10-32 Sec. 231.0011. DEVELOPMENT OF STATEWIDE INTEGRATED SYSTEM
 10-33 FOR CHILD SUPPORT, ~~AND~~ MEDICAL SUPPORT, AND DENTAL SUPPORT
 10-34 ENFORCEMENT.

10-35 SECTION 41. Subsections (a) and (g), Section 231.0011,
 10-36 Family Code, are amended to read as follows:

10-37 (a) The Title IV-D agency shall have final approval
 10-38 authority on any contract or proposal for delivery of Title IV-D
 10-39 services under this section and in coordination with the Texas
 10-40 Judicial Council, the Office of Court Administration of the Texas
 10-41 Judicial System, the federal Office of Child Support Enforcement,
 10-42 and state, county, and local officials, shall develop and implement
 10-43 a statewide integrated system for child support, ~~and~~ medical
 10-44 support, and dental support enforcement, employing federal, state,
 10-45 local, and private resources to:

10-46 (1) unify child support registry functions;

10-47 (2) record and track all child support orders entered
 10-48 in the state;

10-49 (3) establish an automated enforcement process which
 10-50 will use delinquency monitoring, billing, and other enforcement
 10-51 techniques to ensure the payment of current support;

10-52 (4) incorporate existing enforcement resources into
 10-53 the system to obtain maximum benefit from state and federal
 10-54 funding; and

10-55 (5) ensure accountability for all participants in the
 10-56 process, including state, county, and local officials, private
 10-57 contractors, and the judiciary.

10-58 (g) Participation in the statewide integrated system for
 10-59 child support, ~~and~~ medical support, and dental support
 10-60 enforcement by a county is voluntary, and nothing in this section
 10-61 shall be construed to mandate participation.

10-62 SECTION 42. Subsection (e), Section 231.002, Family Code,
 10-63 is amended to read as follows:

10-64 (e) The Title IV-D agency may take the following
 10-65 administrative actions with respect to the location of a parent,
 10-66 the determination of parentage, and the establishment,
 10-67 modification, and enforcement of child support, ~~and~~ medical
 10-68 support, and dental support orders required by 42 U.S.C. Section
 10-69 666(c), without obtaining an order from any other judicial or

11-1 administrative tribunal:

11-2 (1) issue an administrative subpoena, as provided by
11-3 Section 231.303, to obtain financial or other information;

11-4 (2) order genetic testing for parentage
11-5 determination, as provided by Chapter 233;

11-6 (3) order income withholding, as provided by Chapter
11-7 233, and issue an administrative writ of withholding, as provided
11-8 by Chapter 158; and

11-9 (4) take any action with respect to execution,
11-10 collection, and release of a judgment or lien for child support
11-11 necessary to satisfy the judgment or lien, as provided by Chapter
11-12 157.

11-13 SECTION 43. Subsection (a), Section 231.101, Family Code,
11-14 is amended to read as follows:

11-15 (a) The Title IV-D agency may provide all services required
11-16 or authorized to be provided by Part D of Title IV of the federal
11-17 Social Security Act (42 U.S.C. Section 651 et seq.), including:

11-18 (1) parent locator services;

11-19 (2) paternity determination;

11-20 (3) child support, ~~and~~ medical support, and dental
11-21 support establishment;

11-22 (4) review and adjustment of child support orders;

11-23 (5) enforcement of child support, ~~and~~ medical
11-24 support, and dental support orders; and

11-25 (6) collection and distribution of child support
11-26 payments.

11-27 SECTION 44. Subsection (b), Section 231.104, Family Code,
11-28 is amended to read as follows:

11-29 (b) An application for child support services is an
11-30 assignment of support rights to enable the Title IV-D agency to
11-31 establish and enforce child support, ~~and~~ medical support, and
11-32 dental support obligations, but an assignment is not a condition of
11-33 eligibility for services.

11-34 SECTION 45. Subsection (a), Section 231.123, Family Code,
11-35 is amended to read as follows:

11-36 (a) In order to maximize the amount of any tax refund to
11-37 which an obligor may be entitled and which may be applied to child
11-38 support, ~~and~~ medical support, and dental support obligations, the
11-39 Title IV-D agency shall cooperate with volunteer income tax
11-40 assistance programs in the state in informing obligors of the
11-41 availability of the programs.

11-42 SECTION 46. Subsection (a), Section 231.301, Family Code,
11-43 is amended to read as follows:

11-44 (a) The parent locator service conducted by the Title IV-D
11-45 agency shall be used to obtain information for:

11-46 (1) child support establishment and enforcement
11-47 purposes regarding the identity, social security number, location,
11-48 employer and employment benefits, income, and assets or debts of
11-49 any individual under an obligation to pay child support, ~~or~~
11-50 medical support, or dental support or to whom a support obligation
11-51 is owed; or

11-52 (2) the establishment of paternity.

11-53 SECTION 47. Section 231.306, Family Code, is amended to
11-54 read as follows:

11-55 Sec. 231.306. MAXIMIZING MEDICAL SUPPORT AND DENTAL SUPPORT
11-56 ESTABLISHMENT AND COLLECTION BY THE TITLE IV-D AGENCY. (a) On the
11-57 installation of an automated child support enforcement system, the
11-58 Title IV-D agency is strongly encouraged to:

11-59 (1) maximize the collection of medical support and
11-60 dental support; and

11-61 (2) establish cash medical support orders for children
11-62 eligible for medical assistance under the state Medicaid program
11-63 for whom private insurance coverage is not available.

11-64 (b) In this section:

11-65 (1) "Medical~~, "medical~~ support" has the meaning
11-66 assigned by Section 101.020.

11-67 (2) "Dental support" has the meaning assigned by
11-68 Section 101.0095.

11-69 SECTION 48. Subsection (a), Section 233.001, Family Code,

12-1 is amended to read as follows:

12-2 (a) The purpose of the procedures specified in the child
 12-3 support review process authorized by this chapter is to enable the
 12-4 Title IV-D agency to take expedited administrative actions to
 12-5 establish, modify, and enforce child support, ~~and~~ medical
 12-6 support, and dental support obligations, to determine parentage, or
 12-7 to take any other action authorized or required under Part D, Title
 12-8 IV, of the federal Social Security Act (42 U.S.C. Section 651 et
 12-9 seq.), and Chapter 231.

12-10 SECTION 49. Subsection (b), Section 233.009, Family Code,
 12-11 is amended to read as follows:

12-12 (b) The notice of proposed child support review order shall
 12-13 state:

12-14 (1) the amount of periodic payment of child support
 12-15 due, the amount of any overdue support that is owed as an arrearage
 12-16 as of the date of the notice, and the amounts that are to be paid by
 12-17 the obligor for current support due and in payment on the arrearage
 12-18 owed;

12-19 (2) that the person identified in the notice as the
 12-20 party responsible for payment of the support amounts may contest
 12-21 the notice order on the grounds that:

12-22 (A) the respondent is not the responsible party;

12-23 (B) the dependent child is no longer entitled to
 12-24 child support; or

12-25 (C) the amount of monthly support or arrearage is
 12-26 incorrectly stated; and

12-27 (3) that, if the person identified in the notice as the
 12-28 party responsible for payment of the support amounts does not
 12-29 contest the notice in writing or request a negotiation conference
 12-30 to discuss the notice not later than the 15th day after the date the
 12-31 notice was delivered, the Title IV-D agency may file a child support
 12-32 review order for child support, ~~and for~~ medical support, and
 12-33 dental support for the child as provided by Chapter 154 according to
 12-34 the information available to the agency.

12-35 SECTION 50. Subsection (b), Section 233.0095, Family Code,
 12-36 is amended to read as follows:

12-37 (b) The notice of proposed child support review order shall
 12-38 state:

12-39 (1) the amount of periodic payment of child support
 12-40 due;

12-41 (2) that the person identified in the notice as the
 12-42 party responsible for payment of the support amounts may only
 12-43 contest the amount of monthly support; and

12-44 (3) that, if the person identified in the notice as the
 12-45 party responsible for payment of the support amounts does not
 12-46 contest the notice in writing or request a negotiation conference
 12-47 to discuss the notice not later than the 15th day after the date the
 12-48 notice was delivered, the Title IV-D agency may file the child
 12-49 support order for child support, ~~and for~~ medical support, and
 12-50 dental support for the child as provided by Chapter 154 according to
 12-51 the information available to the agency.

12-52 SECTION 51. Subsection (a), Section 233.017, Family Code,
 12-53 is amended to read as follows:

12-54 (a) An order issued under this chapter must be reviewed and
 12-55 signed by an attorney of the Title IV-D agency and must contain all
 12-56 provisions that are appropriate for an order under this title,
 12-57 including current child support, medical support, dental support, a
 12-58 determination of any arrearages or retroactive support, and, if not
 12-59 otherwise ordered, income withholding.

12-60 SECTION 52. Section 234.002, Family Code, is amended to
 12-61 read as follows:

12-62 Sec. 234.002. INTEGRATED SYSTEM FOR CHILD SUPPORT, [AND]
 12-63 MEDICAL SUPPORT, AND DENTAL SUPPORT ENFORCEMENT. The statewide
 12-64 integrated system for child support, ~~and~~ medical support, and
 12-65 dental support enforcement under Chapter 231 shall be part of the
 12-66 state case registry and state disbursement unit authorized by this
 12-67 subchapter.

12-68 SECTION 53. Subsection (a), Section 71.035, Government
 12-69 Code, is amended to read as follows:

13-1 (a) The council shall gather judicial statistics and other
 13-2 pertinent information from the several state judges and other court
 13-3 officials of this state. In addition, the council shall implement a
 13-4 monthly tracking system to ensure accountability for counties and
 13-5 courts which participate in the statewide integrated system for
 13-6 child support, ~~and~~ medical support, and dental support
 13-7 enforcement established under Section 231.0011, Family Code. As a
 13-8 duty of office, the district clerks and county clerks serving the
 13-9 affected courts shall report monthly such information as may be
 13-10 required by the council, including, at a minimum, the time required
 13-11 to enforce cases from date of delinquency, from date of filing, and
 13-12 from date of service until date of disposition. Such information as
 13-13 is necessary to complete the report and not directly within the
 13-14 control of the district or county clerk, such as date of
 13-15 delinquency, shall be provided to the clerk by the child support
 13-16 registry or by the enforcement agency providing Title IV-D
 13-17 enforcement services in the court. The monthly report shall be
 13-18 transmitted to the Office of Court Administration of the Texas
 13-19 Judicial System no later than the 20th day of the month following
 13-20 the month reported, in such form as may be prescribed by the Office
 13-21 of Court Administration, which may include electronic data
 13-22 transfer. Copies of such reports shall be maintained in the office
 13-23 of the appropriate district or county clerk for a period of at least
 13-24 two years and shall be available to the public for inspection and
 13-25 reproduction.

13-26 SECTION 54. Subsection (b), Section 1201.053, Insurance
 13-27 Code, is amended to read as follows:

13-28 (b) On the application of an adult member of a family, an
 13-29 individual accident and health insurance policy may, at the time of
 13-30 original issuance or by subsequent amendment, insure two or more
 13-31 eligible members of the adult's family, including a spouse,
 13-32 unmarried children younger than 25 years of age, including a
 13-33 grandchild of the adult as described by Section 1201.062(a)(1), a
 13-34 child the adult is required to insure under a medical support order
 13-35 or dental support order, if the policy provides dental coverage,
 13-36 issued under Chapter 154, Family Code, or enforceable by a court in
 13-37 this state, and any other individual dependent on the adult.

13-38 SECTION 55. Subsection (a), Section 1201.062, Insurance
 13-39 Code, is amended to read as follows:

13-40 (a) An individual or group accident and health insurance
 13-41 policy that is delivered, issued for delivery, or renewed in this
 13-42 state, including a policy issued by a corporation operating under
 13-43 Chapter 842, or a self-funded or self-insured welfare or benefit
 13-44 plan or program, to the extent that regulation of the plan or
 13-45 program is not preempted by federal law, that provides coverage for
 13-46 a child of an insured or group member, on payment of a premium, must
 13-47 provide coverage for:

13-48 (1) each grandchild of the insured or group member if
 13-49 the grandchild is:

13-50 (A) unmarried;
 13-51 (B) younger than 25 years of age; and
 13-52 (C) a dependent of the insured or group member
 13-53 for federal income tax purposes at the time application for
 13-54 coverage of the grandchild is made; and

13-55 (2) each child for whom the insured or group member
 13-56 must provide medical support or dental support, if the policy
 13-57 provides dental coverage, under an order issued under Chapter 154,
 13-58 Family Code, or enforceable by a court in this state.

13-59 SECTION 56. Section 1201.063, Insurance Code, is amended to
 13-60 read as follows:

13-61 Sec. 1201.063. PROHIBITION OF CERTAIN CRITERIA RELATING TO
 13-62 CHILD'S COVERAGE IN INDIVIDUAL OR GROUP POLICY. Regarding a
 13-63 natural or adopted child of an insured or group member or a child
 13-64 for whom the insured or group member must provide medical support or
 13-65 dental support, if the policy provides dental coverage, under an
 13-66 order issued under Chapter 154, Family Code, or enforceable by a
 13-67 court in this state, an individual or group accident and health
 13-68 insurance policy that provides coverage for a child of an insured or
 13-69 group member may not set a different premium for the child, exclude

14-1 the child from coverage, or discontinue coverage of the child
14-2 because:

14-3 (1) the child does not reside with the insured or group
14-4 member; or

14-5 (2) the insured or group member does not claim the
14-6 child as an exemption for federal income tax purposes under Section
14-7 151(c)(1)(B), Internal Revenue Code of 1986.

14-8 SECTION 57. The heading to Chapter 1504, Insurance Code, is
14-9 amended to read as follows:

14-10 CHAPTER 1504. MEDICAL AND DENTAL CHILD SUPPORT

14-11 SECTION 58. Subdivision (4), Section 1504.001, Insurance
14-12 Code, is amended to read as follows:

14-13 (4) "Benefit [~~Health benefit~~] plan issuer" means:

14-14 (A) an insurance company, group hospital service
14-15 corporation, or health maintenance organization that delivers or
14-16 issues for delivery an individual, group, blanket, or franchise
14-17 insurance policy or agreement, a group hospital service contract,
14-18 or an evidence of coverage that provides benefits for medical or
14-19 surgical expenses incurred as a result of an accident or sickness,
14-20 or dental expenses;

14-21 (B) a governmental entity subject to Subchapter
14-22 D, Chapter 1355, Subchapter C, Chapter 1364, Chapter 1578, Article
14-23 3.51-1, 3.51-4, or 3.51-5, or Chapter 177, Local Government Code;

14-24 (C) the issuer of a multiple employer welfare
14-25 arrangement as defined by Section 846.001; or

14-26 (D) the issuer of a group health plan as defined
14-27 by Section 607, Employee Retirement Income Security Act of 1974 (29
14-28 U.S.C. Section 1167).

14-29 SECTION 59. Subsection (b), Section 1504.002, Insurance
14-30 Code, is amended to read as follows:

14-31 (b) The commissioner shall adopt rules that define
14-32 "comparable health or dental coverage" in a manner that:

14-33 (1) is consistent with federal law; and

14-34 (2) complies with the requirements necessary to
14-35 maintain federal Medicaid funding.

14-36 SECTION 60. Section 1504.003, Insurance Code, is amended to
14-37 read as follows:

14-38 Sec. 1504.003. VIOLATION OF CHAPTER: RELIEF AVAILABLE TO
14-39 INJURED PERSON. A [~~health~~] benefit plan issuer that violates this
14-40 chapter is subject to the same penalties, and an injured person has
14-41 the same rights and remedies, as those provided by Subchapter D,
14-42 Chapter 541.

14-43 SECTION 61. The heading to Subchapter B, Chapter 1504,
14-44 Insurance Code, is amended to read as follows:

14-45 SUBCHAPTER B. DUTIES OF [~~HEALTH~~] BENEFIT PLAN ISSUER

14-46 SECTION 62. Section 1504.051, Insurance Code, is amended to
14-47 read as follows:

14-48 Sec. 1504.051. ENROLLMENT OF CERTAIN CHILDREN REQUIRED.

14-49 (a) A [~~health~~] benefit plan issuer shall permit a parent to enroll
14-50 a child in dependent health or dental coverage offered through the
14-51 issuer regardless of any enrollment period restriction if the
14-52 parent is:

14-53 (1) eligible for dependent health or dental coverage;
14-54 and

14-55 (2) required by a court order or administrative order
14-56 to provide health or dental insurance coverage for the child.

14-57 (b) A [~~health~~] benefit plan issuer shall enroll a child of a
14-58 parent described by Subsection (a) in dependent health or dental
14-59 coverage offered through the issuer if:

14-60 (1) the parent does not apply to obtain health or
14-61 dental coverage for the child through the issuer; and

14-62 (2) the child, a custodial parent of the child, or a
14-63 child support agency having a duty to collect or enforce support for
14-64 the child applies for the coverage.

14-65 SECTION 63. Section 1504.052, Insurance Code, is amended to
14-66 read as follows:

14-67 Sec. 1504.052. CHILD RESIDING OUTSIDE SERVICE AREA;
14-68 COMPARABLE HEALTH OR DENTAL COVERAGE REQUIRED. (a) A [~~health~~]
14-69 benefit plan issuer may not deny enrollment of a child under the

15-1 health or dental coverage of the child's parent on the ground that
 15-2 the child does not reside in the issuer's service area.

15-3 (b) A [~~health~~] benefit plan issuer may not enforce an
 15-4 otherwise applicable provision of the health or dental coverage
 15-5 that would deny, limit, or reduce payment of a claim for a covered
 15-6 child who resides outside the issuer's service area but inside the
 15-7 United States.

15-8 (c) For a covered child who resides outside the [~~health~~]
 15-9 benefit plan issuer's service area and whose coverage under a
 15-10 policy or plan is required by a medical support order or dental
 15-11 support order, the issuer shall provide coverage that is comparable
 15-12 health or dental coverage to that provided to other dependents
 15-13 under the policy or plan.

15-14 (d) Comparable health or dental coverage may include
 15-15 coverage in which a [~~health~~] benefit plan issuer uses different
 15-16 procedures for service delivery and health care provider
 15-17 reimbursement. Comparable health or dental coverage may not
 15-18 include coverage:

15-19 (1) that is limited to emergency services only; or

15-20 (2) for which the issuer charges a higher premium.

15-21 SECTION 64. Section 1504.053, Insurance Code, is amended to
 15-22 read as follows:

15-23 Sec. 1504.053. CANCELLATION OR NONRENEWAL OF COVERAGE FOR
 15-24 CERTAIN CHILDREN. (a) A [~~health~~] benefit plan issuer may not
 15-25 cancel or refuse to renew health or dental coverage provided to a
 15-26 child who is enrolled or entitled to enrollment under this chapter
 15-27 unless satisfactory written evidence is filed with the issuer
 15-28 showing that:

15-29 (1) the court or administrative order that required
 15-30 the coverage is not in effect; or

15-31 (2) the child:

15-32 (A) is enrolled in comparable health or dental
 15-33 coverage; or

15-34 (B) will be enrolled in comparable health or
 15-35 dental coverage that takes effect not later than the effective date
 15-36 of the cancellation or nonrenewal.

15-37 (b) For purposes of this section, a child is not enrolled or
 15-38 entitled to enrollment under this chapter if the child's
 15-39 eligibility for health or dental coverage ends because the parent
 15-40 ceases to be eligible for dependent health or dental coverage.

15-41 SECTION 65. Section 1504.054, Insurance Code, is amended to
 15-42 read as follows:

15-43 Sec. 1504.054. CONTINUATION OR CONVERSION OF COVERAGE.

15-44 (a) If a child's eligibility for dependent health or dental
 15-45 coverage ends because the parent ceases to be eligible for the
 15-46 coverage and the coverage provides for the continuation or
 15-47 conversion of the coverage for the child, the [~~health~~] benefit plan
 15-48 issuer shall notify the custodial parent and the child support
 15-49 agency of the costs and other requirements for continuing or
 15-50 converting the coverage.

15-51 (b) The [~~health~~] benefit plan issuer shall, on application
 15-52 of a parent of the child, a child support agency, or the child,
 15-53 enroll or continue enrollment of a child whose eligibility for
 15-54 coverage ended under Subsection (a).

15-55 SECTION 66. Section 1504.055, Insurance Code, is amended to
 15-56 read as follows:

15-57 Sec. 1504.055. PROCEDURE FOR CLAIMS. (a) A [~~health~~]
 15-58 benefit plan issuer that provides health or dental coverage to a
 15-59 child through a covered parent of the child shall:

15-60 (1) provide to each custodial parent of the child or to
 15-61 an adult child documents and other information necessary for the
 15-62 child to obtain benefits under the coverage, including:

15-63 (A) the name of the issuer;

15-64 (B) the number of the policy or evidence of
 15-65 coverage;

15-66 (C) a copy of the policy or evidence of coverage
 15-67 and schedule of benefits;

15-68 (D) a health or dental coverage membership card;

15-69 (E) claim forms; and

16-1 (F) any other document or information necessary
 16-2 to submit a claim in accordance with the issuer's policies and
 16-3 procedures;

16-4 (2) permit a custodial parent, health care provider,
 16-5 state agency that has been assigned medical or dental support
 16-6 rights, or adult child to submit claims for covered services
 16-7 without the approval of the covered parent; and

16-8 (3) make payments on covered claims submitted in
 16-9 accordance with this subsection directly to a custodial parent,
 16-10 health care or dental care provider, adult child, or state agency
 16-11 making a claim.

16-12 (b) A [~~health~~] benefit plan issuer shall provide to a state
 16-13 agency that provides medical assistance, including medical
 16-14 assistance for dental services, to the child or shall provide to a
 16-15 child support agency that enforces medical or dental support on
 16-16 behalf of a child the information necessary to obtain reimbursement
 16-17 of medical or dental services provided to or paid on behalf of the
 16-18 child.

16-19 SECTION 67. Section 1504.101, Insurance Code, is amended to
 16-20 read as follows:

16-21 Sec. 1504.101. DENIAL OF ENROLLMENT ON CERTAIN GROUNDS
 16-22 PROHIBITED. A [~~health~~] benefit plan issuer may not deny enrollment
 16-23 of a child under the health or dental coverage of the child's parent
 16-24 on the ground that the child:

- 16-25 (1) has a preexisting condition;
- 16-26 (2) was born out of wedlock;
- 16-27 (3) is not claimed as a dependent on the parent's
 16-28 federal income tax return;
- 16-29 (4) does not reside with the parent; or
- 16-30 (5) receives or has applied for medical assistance.

16-31 SECTION 68. Section 1504.102, Insurance Code, is amended to
 16-32 read as follows:

16-33 Sec. 1504.102. ASSIGNMENT OF MEDICAL OR DENTAL SUPPORT
 16-34 RIGHTS: DIFFERENT REQUIREMENTS PROHIBITED. A [~~health~~] benefit
 16-35 plan issuer may not require a state agency that has been assigned
 16-36 the rights of an individual who is eligible for medical assistance
 16-37 and is covered for health or dental benefits from the issuer to
 16-38 comply with a requirement that is different from a requirement
 16-39 imposed on an agent or assignee of any other covered individual.

16-40 SECTION 69. Section 402.085, Labor Code, is amended to read
 16-41 as follows:

16-42 Sec. 402.085. EXCEPTIONS TO CONFIDENTIALITY. (a) The
 16-43 division shall release information on a claim to:

16-44 (1) the Texas Department of Insurance for any
 16-45 statutory or regulatory purpose, including a research purpose under
 16-46 Chapter 405;

16-47 (2) a legislative committee for legislative purposes;

16-48 (3) a state or federal elected official requested in
 16-49 writing to provide assistance by a constituent who qualifies to
 16-50 obtain injury information under Section 402.084(b), if the request
 16-51 for assistance is provided to the division;

16-52 (4) the attorney general or another entity that
 16-53 provides child support services under Part D, Title IV, Social
 16-54 Security Act (42 U.S.C. Section 651 et seq.), relating to:

16-55 (A) establishing, modifying, or enforcing a
 16-56 child support, [~~or~~] medical support, or dental support obligation;
 16-57 or

16-58 (B) locating an absent parent; or

16-59 (5) the office of injured employee counsel for any
 16-60 statutory or regulatory purpose that relates to a duty of that
 16-61 office.

16-62 (b) The division may release information on a claim to a
 16-63 governmental agency, political subdivision, or regulatory body to
 16-64 use to:

16-65 (1) investigate an allegation of a criminal offense or
 16-66 licensing or regulatory violation;

16-67 (2) provide:

16-68 (A) unemployment compensation benefits;

16-69 (B) crime victims compensation benefits;

- 17-1 (C) vocational rehabilitation services; or
- 17-2 (D) health care benefits;
- 17-3 (3) investigate occupational safety or health
- 17-4 violations;
- 17-5 (4) verify income on an application for benefits under
- 17-6 an income-based state or federal assistance program; or
- 17-7 (5) assess financial resources in an action, including
- 17-8 an administrative action, to:
- 17-9 (A) establish, modify, or enforce a child
- 17-10 support, ~~[or]~~ medical support, or dental support obligation;
- 17-11 (B) establish paternity;
- 17-12 (C) locate an absent parent; or
- 17-13 (D) cooperate with another state in an action
- 17-14 authorized under Part D, Title IV, Social Security Act (42 U.S.C.
- 17-15 Section 651 et seq.), or Chapter 231, Family Code.

17-16 SECTION 70. (a) The changes in law made by this Act apply
 17-17 to a suit affecting the parent-child relationship filed on or after
 17-18 the effective date of this Act. A suit affecting the parent-child
 17-19 relationship filed before the effective date of this Act is
 17-20 governed by the law in effect on the date the suit was filed, and the
 17-21 former law is continued in effect for that purpose.

17-22 (b) The change in law made by this Act does not by itself
 17-23 constitute a material and substantial change of circumstances under
 17-24 Section 156.401, Family Code, sufficient to warrant modification of
 17-25 a court order or a portion of a decree that provides for the support
 17-26 of a child rendered before the effective date of this Act.

17-27 SECTION 71. This Act takes effect September 1, 2011.

17-28 * * * * *