

## **BILL ANALYSIS**

C.S.S.B. 774  
By: Uresti  
Judiciary & Civil Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Under current procedures, children subject to child support orders only receive dental support if specifically ordered by the court or if the parties involved in the suit agree to such terms. Interested parties assert that, if available at a reasonable cost, dental support should be required to be provided for children subject to child support orders and enforced in the same manner as any other child support obligation. C.S.S.B. 774 seeks to amend current law to require dental support for a child subject to a child support order.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.S.B. 774 amends the Family Code to require the court, in a suit affecting the parent-child relationship or in a proceeding under the Uniform Interstate Family Support Act, to render an order for the dental support of the child as provided by provisions of the bill relating to a dental support order and dental care coverage for a child. The bill requires the court, before a hearing on temporary orders or a final order if no hearing on temporary orders is held, to require the parties to the proceedings to disclose in a pleading or other document whether the child is covered by dental insurance and, if the child is covered, the identity of the insurer providing the coverage, the policy number, which parent is responsible for payment of any insurance premium for the coverage, whether the coverage is provided through a parent's employment, and the cost of the premium. The bill requires the parties, if dental insurance is not in effect for the child, to disclose to the court whether either parent has access to dental insurance at a reasonable cost to the obligor. The bill defines "reasonable cost," if the obligor is responsible under a dental support order for the cost of dental insurance coverage for only one child, to mean the cost of a dental insurance premium that does not exceed 1.5 percent of the obligor's annual resources. The bill defines "reasonable cost," for an obligor responsible under a dental support order for the cost of dental insurance coverage for more than one child, to mean the total cost of dental insurance coverage for all children for which the obligor is responsible under a dental support order that does not exceed 1.5 percent of the obligor's annual resources.

C.S.S.B. 774 requires the court, in rendering temporary orders and except for good cause shown, to order that any dental insurance coverage in effect for the child continue in effect pending the rendition of a final order, except that the court is prohibited from requiring the continuation of any dental insurance that is not available to the parent at a reasonable cost to the obligor. If dental insurance coverage is not in effect for the child or if the insurance in effect is not available at a reasonable cost to the obligor, the bill requires the court, except for good cause shown, to order dental insurance coverage for the child as provided by the bill's provisions. The bill requires the court, on rendering a final order, to make specific findings with respect to the manner in which dental insurance coverage is to be provided for the child, in accordance with the priorities identified by the bill's provisions, and, except for good cause shown or on agreement of

the parties, to require the parent ordered to provide dental insurance coverage for the child to produce evidence to the court's satisfaction that the parent has applied for or secured dental insurance or has otherwise taken necessary action to provide for dental insurance coverage for the child, as ordered by the court.

C.S.S.B. 774 requires the court to consider the cost, accessibility, and quality of dental insurance coverage available to the parties and to give priority to dental insurance coverage available through the employment of one of the parties if the coverage is available at a reasonable cost to the obligor. The bill requires the court, in determining the manner in which dental care coverage for the child is to be ordered, to render its order in accordance with the following priorities, unless a party shows good cause why a particular order is not in the best interest of the child: if dental insurance is available for the child through a parent's employment or membership in a union, trade association, or other organization at a reasonable cost, the court must order that parent to include the child in the parent's dental insurance; or, if dental insurance is otherwise not available through the parent's employment or membership, but is available to a parent from another source and at a reasonable cost, the court may order that parent to provide dental insurance for the child. The bill requires the court, if the parent ordered to provide dental insurance is the obligee, to order the obligor to pay the obligee, as additional child support, an amount equal to the actual cost of dental insurance for the child, but not to exceed a reasonable cost to the obligor. The bill establishes the manner in which the court is required to calculate the actual cost of dental insurance for the child if the obligee has other minor dependents covered under the same dental insurance plan.

C.S.S.B. 774 requires the court to order a parent providing dental insurance to furnish to either the obligee, obligor, or child support agency, not later than the 30th day after the date the notice of rendition of an order for dental support is received, the social security number of the parent; the name and address of the parent's employer; whether the employer is self-insured or has dental insurance available; if the employer has dental insurance available, the name of the dental insurance carrier, the number of the policy, a copy of the policy and a schedule of benefits, a dental insurance membership card, claim forms, and any other information necessary to submit a claim; and if the employer is self-insured, a copy of the schedule of benefits, a membership card, claim forms, and any other information necessary to submit a claim.

C.S.S.B. 774 amends the Family Code, Government Code, and Labor Code to make conforming changes, including changes to statutory provisions relating to the judgment for, and issuance, modification, enforcement, and provision of, a child support order; provision of dental insurance under the order; conservatorship, possession, and access to a child; withholding from earnings for child support; the Uniform Interstate Family Support Act; Title IV-D services; the child support review process; and the integrated system for child support and medical support enforcement.

C.S.S.B. 774 amends the Insurance Code to make conforming changes and to require the commissioner of insurance to adopt rules that define "comparable health or dental coverage" in a manner that is consistent with federal law and complies with the requirements necessary to maintain federal Medicaid funding.

C.S.S.B. 774 establishes that its provisions do not by themselves constitute a material and substantial change of circumstances sufficient to warrant modification of a court order or a portion of a decree that provides for the support of a child rendered before the bill's effective date.

#### **EFFECTIVE DATE**

September 1, 2013.

## **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.S.B. 774 may differ from the engrossed version in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

<b>SENATE ENGROSSED</b>	<b>HOUSE COMMITTEE SUBSTITUTE</b>
SECTION 1. Subsection (e), Section 54.06, Family Code, is amended.	SECTION 1. Same as engrossed version.
SECTION 2. Section 101.006, Family Code, is amended.	SECTION 2. Same as engrossed version.
SECTION 3. Chapter 101, Family Code, is amended.	SECTION 3. Same as engrossed version.
SECTION 4. Section 101.012, Family Code, is amended.	SECTION 4. Same as engrossed version.
SECTION 5. Subsection (b), Section 101.024, Family Code, is amended.	SECTION 5. Same as engrossed version.
SECTION 6. Section 101.034, Family Code, is amended.	SECTION 6. Same as engrossed version.
SECTION 7. Section 153.611, Family Code, is amended.	SECTION 7. Same as engrossed version.
SECTION 8. Section 154.008, Family Code, is amended.	SECTION 8. Same as engrossed version.
SECTION 9. Subsection (c), Section 154.015, Family Code, is amended.	SECTION 9. Same as engrossed version.
SECTION 10. Subsection (b), Section 154.016, Family Code, is amended.	SECTION 10. Same as engrossed version.
SECTION 11. Subsections (d) and (e), Section 154.062, Family Code, are amended.	SECTION 11. Same as engrossed version.
SECTION 12. Section 154.064, Family Code, is amended.	SECTION 12. Same as engrossed version.

SECTION 13. The heading to Subchapter D, Chapter 154, Family Code, is amended.

SECTION 13. Same as engrossed version.

SECTION 14. Subchapter D, Chapter 154, Family Code, is amended.

SECTION 14. Same as engrossed version.

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

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

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

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

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

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

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

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

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

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(d) If the parent ordered to provide dental insurance under Subsection (c)(1) or (2) is the obligee, the court shall order the obligor to pay the obligee, as additional child support, an amount equal to the actual cost

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of dental insurance for the child, but not to exceed a reasonable cost to the obligor. In calculating the actual cost of dental insurance for the child, if the obligee has other minor dependents covered under the same dental insurance plan, the court shall divide the total cost to the obligee for the insurance by the total number of minor dependents, including the child covered under the plan.

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

SECTION 16. Section 154.183, Family Code, is amended.

SECTION 17. Subsections (a) and (b), Section 154.184, Family Code, are amended.

SECTION 18. Section 154.185, Family Code, is amended.

SECTION 19. The heading to Section 154.186, Family Code, is amended.

SECTION 20. Subsection (a), Section 154.186, Family Code, is amended.

SECTION 21. Subsections (a), (b), (c), (d), (e), and (g), Section 154.187, Family Code, are amended.

SECTION 22. Section 154.188, Family Code, is amended.

SECTION 23. Section 154.189, Family Code, is amended.

of dental insurance for the child, but not to exceed a reasonable cost to the obligor. In calculating the actual cost of dental insurance for the child, if the obligee has other minor dependents covered under the same dental insurance plan, the court shall divide the total cost to the obligee for the insurance by the total number of minor dependents, including the child covered under the plan.

SECTION 16. Same as engrossed version.

SECTION 17. Same as engrossed version.

SECTION 18. Same as engrossed version.

SECTION 19. Same as engrossed version.

SECTION 20. Same as engrossed version.

SECTION 21. Same as engrossed version.

SECTION 22. Same as engrossed version.

SECTION 23. Same as engrossed version.

SECTION 24. Section 154.190, Family Code, is amended.

SECTION 24. Same as engrossed version.

SECTION 25. Section 154.191, Family Code, is amended.

SECTION 25. Same as engrossed version.

SECTION 26. Section 154.192, Family Code, is amended.

SECTION 26. Same as engrossed version.

SECTION 27. The heading to Section 154.193, Family Code, is amended.

SECTION 27. Same as engrossed version.

SECTION 28. Subsection (a), Section 154.193, Family Code, is amended.

SECTION 28. Same as engrossed version.

SECTION 29. Subsections (a) and (a-2), Section 156.401, Family Code, are amended.

SECTION 29. Same as engrossed version.

SECTION 30. Section 157.269, Family Code, is amended.

SECTION 30. Same as engrossed version.

SECTION 31. Subsections (a) and (b), Section 158.206, Family Code, are amended.

SECTION 31. Same as engrossed version.

SECTION 32. Section 158.302, Family Code, is amended.

SECTION 32. Same as engrossed version.

SECTION 33. Subsection (c), Section 158.309, Family Code, is amended.

SECTION 33. Same as engrossed version.

SECTION 34. Subsection (a), Section 158.312, Family Code, is amended.

SECTION 34. Same as engrossed version.

SECTION 35. Section 158.314, Family Code, is amended.

SECTION 35. Same as engrossed version.

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

SECTION 36. Same as engrossed version.

SECTION 37. Subsection (b), Section 158.504, Family Code, is amended.

SECTION 37. Same as engrossed version.

SECTION 38. Section 158.507, Family Code, is amended.

SECTION 38. Same as engrossed version.

SECTION 39. Subsection (c), Section 159.502, Family Code, is amended.

SECTION 39. Same as engrossed version.

SECTION 40. The heading to Section 231.0011, Family Code, is amended.

SECTION 40. Same as engrossed version.

SECTION 41. Subsections (a) and (g), Section 231.0011, Family Code, are amended.

SECTION 41. Same as engrossed version.

SECTION 42. Subsection (e), Section 231.002, Family Code, is amended.

SECTION 42. Same as engrossed version.

SECTION 43. Subsection (a), Section 231.101, Family Code, is amended.

SECTION 43. Same as engrossed version.

SECTION 44. Subsection (b), Section 231.104, Family Code, is amended.

SECTION 44. Same as engrossed version.

SECTION 45. Subsection (a), Section 231.123, Family Code, is amended.

SECTION 45. Same as engrossed version.

SECTION 46. Subsection (a), Section 231.301, Family Code, is amended.

SECTION 46. Same as engrossed version.

SECTION 47. Section 231.306, Family Code, is amended.

SECTION 47. Same as engrossed version.

SECTION 48. Subsection (a), Section 233.001, Family Code, is amended.

SECTION 48. Same as engrossed version.

SECTION 49. Subsection (b), Section 233.009, Family Code, is amended.

SECTION 49. Same as engrossed version.

SECTION 50. Subsection (b), Section

SECTION 50. Same as engrossed version.

233.0095, Family Code, is amended.

SECTION 51. Subsection (c), Section 233.013, Family Code, is amended.

SECTION 51. Same as engrossed version.

SECTION 52. Subsection (a), Section 233.017, Family Code, is amended.

SECTION 52. Same as engrossed version.

SECTION 53. Section 234.002, Family Code, is amended.

SECTION 53. Same as engrossed version.

SECTION 54. Subsection (a), Section 71.035, Government Code, is amended.

SECTION 54. Same as engrossed version.

SECTION 55. Subsection (c), Section 848.006, Insurance Code, is amended.

SECTION 55. Same as engrossed version.

SECTION 56. Subsection (b), Section 1201.053, Insurance Code, is amended.

SECTION 56. Same as engrossed version.

SECTION 57. Subsection (a), Section 1201.062, Insurance Code, is amended.

SECTION 57. Same as engrossed version.

SECTION 58. Section 1201.063, Insurance Code, is amended.

SECTION 58. Same as engrossed version.

SECTION 59. The heading to Chapter 1504, Insurance Code, is amended.

SECTION 59. Same as engrossed version.

SECTION 60. Subdivision (4), Section 1504.001, Insurance Code, is amended.

SECTION 60. Same as engrossed version.

SECTION 61. Subsection (b), Section 1504.002, Insurance Code, is amended.

SECTION 61. Same as engrossed version.

SECTION 62. Section 1504.003, Insurance Code, is amended.

SECTION 62. Same as engrossed version.

SECTION 63. The heading to Subchapter B, Chapter 1504, Insurance Code, is amended.

SECTION 63. Same as engrossed version.



SECTION 64. Section 1504.051, Insurance Code, is amended.

SECTION 64. Same as engrossed version.

SECTION 65. Section 1504.052, Insurance Code, is amended.

SECTION 65. Same as engrossed version.

SECTION 66. Section 1504.053, Insurance Code, is amended.

SECTION 66. Same as engrossed version.

SECTION 67. Section 1504.054, Insurance Code, is amended.

SECTION 67. Same as engrossed version.

SECTION 68. Section 1504.055, Insurance Code, is amended.

SECTION 68. Same as engrossed version.

SECTION 69. Section 1504.101, Insurance Code, is amended.

SECTION 69. Same as engrossed version.

SECTION 70. Section 1504.102, Insurance Code, is amended.

SECTION 70. Same as engrossed version.

SECTION 71. Section 402.085, Labor Code, is amended.

SECTION 71. Same as engrossed version.

SECTION 72. (a) The changes in law made by this Act apply to a suit affecting the parent-child relationship filed on or after the effective date of this Act. A suit affecting the parent-child relationship filed before the effective date of this Act is governed by the law in effect on the date the suit was filed, and the former law is continued in effect for that purpose.

SECTION 72. Same as engrossed version.

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

SECTION 73. This Act takes effect September 1, 2013.

SECTION 73. Same as engrossed version.