

BILL ANALYSIS

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S.B. 774
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, children subject to child support orders only receive dental support if ordered by the court or specified by the parties involved. The purpose of S.B. 774 is to provide dental support for children subject to child support orders if it can be obtained at a reasonable cost.

S.B. 774 defines "reasonable cost" as the cost of dental insurance premiums that do not exceed 1.5 percent of the obligor's annual resources. That ceiling remains the same, if an obligor is responsible for more than one child under a support order.

Dental insurance is made a child support obligation. It will be enforceable by the same means available to the enforcement of child support, including withholding of wages.

As proposed, S.B. 774 amends current law relating to requiring dental support for a child subject to a child support order.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the commissioner of insurance is modified in SECTION 61 (Section 1504.002, Insurance Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 54.06(e), Family Code, as follows:

(e) Requires the court, in an order to pay child support under this section, to require that dental insurance, in addition to health insurance, be provided for the child. Provides that Subchapter D (Medical Support for a Child), Chapter 154, applies to an order requiring dental insurance, in addition to health insurance, for a child under this section.

SECTION 2. Amends Section 101.006, Family Code, to redefine "child support services."

SECTION 3. Amends Chapter 101, Family Code, by adding Sections 101.0094 and 101.0095, as follows:

Sec. 101.0094. DENTAL INSURANCE. Defines "dental insurance."

Sec. 101.0095. DENTAL SUPPORT. Defines "dental support."

SECTION 4. Amends Section 101.012, Family Code, to redefine "employer."

SECTION 5. Amends Section 101.024(b), Family Code, to provide that to a reference in this title to a parent includes a person ordered to provide dental support, in addition to a person ordered to pay child support under Section 154.001(a-1) (relating to an order by the court for certain people to support a child in certain circumstances) or to provide medical support for a child, for the purposes of establishing, determining the terms of, modifying, or enforcing an order.

SECTION 6. Amends Section 101.034, Family Code, to redefine "Title IV-D case."

SECTION 7. Amends Section 153.611, Family Code, to provide that, notwithstanding any other provision of this subchapter, this subchapter does not apply in a Title IV-D case relating to the determination of parentage of establishment, modification, or enforcement of dental support, in addition to certain other support obligations.

SECTION 8. Amends Section 154.008, Family Code, as follows:

Sec. 154.008. New heading: **PROVISION FOR MEDICAL SUPPORT AND DENTAL SUPPORT**. Requires the court to order dental support, in addition to medical support, for the child as provided by Subchapters B (Computing Net Resources Available for Payment of Child Support) and D (Medical Support for Child).

SECTION 9. Amends Section 154.015(c), Family Code, to require the court of continuing jurisdiction, for the purposes of this section, to consider all relevant factors, including among certain enumerated factors, the present value of the total amount of dental insurance as well as health insurance premiums payable for the benefit of the child from the month in which the obligor dies until the month in which the child turns 18 years of age, based on the cost of dental insurance as well as the cost of health insurance for the child ordered to be paid on the date of the obligor's death.

SECTION 10. Amends Section 154.016(b), Family Code, to require the court to consider all relevant factors, including among certain enumerated factors, the present value of the total amount of dental insurance as well as health insurance premiums payable for the benefit of the child from the month in which the obligor dies until the month in which the child turns 18 years of age, based on the cost of dental insurance as well as the cost health insurance for the child, in addition to certain other amounts, ordered to be paid in the event of the obligor's death.

SECTION 11. Amends Sections 154.062(d) and (e), Family Code, as follows:

(d) Requires the court to deduct certain items from the obligor's resources to determine net resources available for child support, including expenses for the cost of dental insurance, for the obligor's child support ordered by the court under Section 154.1825 as well as Section 154.182 (Health Care Coverage for Child).

(e) Makes conforming changes.

SECTION 12. Amends Section 154.064, Family Code, as follows:

Sec. 154.064. New heading: **MEDICAL SUPPORT AND DENTAL SUPPORT FOR CHILD PRESUMPTIVELY PROVIDED BY OBLIGOR**. Provides that the guidelines for support of a child are based on the assumption that the court will order the obligor to provide medical support and dental support for the child in addition to the amount of child support calculated in accordance with those guidelines.

SECTION 13. Amends the heading to Subchapter D, Chapter 154, Family Code, to read as follows:

SUBCHAPTER D. MEDICAL SUPPORT AND DENTAL SUPPORT FOR CHILD

SECTION 14. Amends Subchapter D, Chapter 154, Family Code, by adding Section 154.1815, as follows:

Sec. 154.1815. **DENTAL SUPPORT ORDER**. (a) Provides that, in this section, "reasonable cost" means the cost of a dental insurance premium that does not exceed 1.5 percent of the obligor's annual resources, as described by Section 154.062(b) (relating to the sources of income to be considered when calculating net resources for the purposes of determining child support liability), if the obligor is responsible under a dental support order for the cost of dental insurance coverage for only one child. Provides that if the obligor is responsible under a dental support order for the cost of dental insurance coverage for more than one child, "reasonable cost" means 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, as described by Section 154.062(b).

(b) Requires the court to render an order for the dental support of the child as provided by this section and Section 154.1825 in a suit affecting the parent-child relationship or in a proceeding under Chapter 159 (Uniform Interstate Family Support Act).

(c) Requires the court 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, before a hearing on temporary orders, or a final order if no hearing on temporary orders is held. Requires the parties to disclose to the court whether either parent has access to dental insurance at a reasonable cost to the obligor, if dental insurance is not in effect for the child.

(d) Requires that the court in rendering temporary orders, except for good cause shown, 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. Requires the court, except for good cause shown, to order dental insurance coverage for the child as provided by Section 154.1825, 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.

(e) Requires the court, on rendering a final order, to:

(1) 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 under Section 154.1825; and

(2) except for good cause shown or on agreement of the parties, require the parent ordered to provide dental insurance coverage for the child as provided by Section 154.1825 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.

SECTION 15. Amends Subchapter D, Chapter 154, Family Code, by adding Section 154.1825, as follows:

Sec. 154.1825. DENTAL CARE COVERAGE FOR CHILD. (a) Defines "accessibility" and "reasonable cost" in this section.

(b) 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.

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

(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.

(d) Requires the court 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, if the parent ordered to provide dental insurance under Subsection (c)(1) or (2) is the obligee. Requires the court to divide the total cost to the obligee, if the obligee has other minor dependents covered under the same dental insurance plan, for the insurance by the total number of minor dependents, including the child covered under the plan, when calculating the actual cost of dental insurance for the child.

(e) Requires the court to 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, if the court finds that neither parent has access to private dental insurance at a reasonable cost to the obligor.

SECTION 16. Amends Section 154.183, Family Code, as follows:

Sec. 154.183. New heading: MEDICAL AND DENTAL SUPPORT ADDITIONAL SUPPORT DUTY OF OBLIGOR. (a) Provides that the costs of dental insurance under Section 154.1825 and the cost of health insurance coverage or cash medical support under Section 154.182 (Health Care Coverage for Child), is in addition to the amount that the obligor is required to pay for child support under the guidelines for child support, and is a child support obligation. Authorizes the amounts to be enforced by any means available for the enforcement of child support, including withholding from earnings under Chapter 158 (Withholding From Earnings for Child Support).

(b) Requires the court to increase the amount of child support to be paid by the obligor in an amount not exceeding the actual cost to the obligee for maintaining the coverage, as provided under Sections 154.182(b-1) (relating to a parent as an obligee receiving from the obligor as additional child support the actual cost of health insurance for the child) and 154.1825(d), if the court finds and states in the child support order that the obligee will maintain health insurance coverage, dental insurance coverage, or both.

(c) Requires the court to, as additional child support, allocate between parties, according to their circumstances:

(1) the reasonable and necessary health care expenses including dental as well as vision expenses, of the child that are not reimbursed by dental insurance, in addition to health insurance, or that are not otherwise covered by the amount of cash medical support ordered under Section 154.182, rather than 154.182(b)(3); and

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

SECTION 17. Amends Sections 154.184(a) and (b), Family Code, as follows:

(a) Requires a receipt of a dental support order requiring that dental insurance be provided for a child, in addition to receipt of a medical support order requiring that health insurance be provided for a child, to be considered a change in the family circumstances

of the employee or member, for dental insurance as well as health insurance purposes, equivalent to the birth of a child.

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

SECTION 18. Amends Section 154.185, Family Code, as follows:

Sec. 154.185. PARENTS TO FURNISH INFORMATION. (a) Requires the court to order a parent providing dental insurance, in addition to dental insurance, to furnish to either the obligee, obligor, or child support agency the following information not later than the 30th day after the date the notice of rendition of the order is received:

- (1) the social security number of the parent;
- (2) the name and address of the parent's employer;
- (3) with regard to health insurance:
 - (A) whether the employer is self-insured or has health insurance available;
 - (B) proof that health insurance has been provided for the child;
 - (C) if the employer has health insurance available, the name of the health insurance carrier, the number of the policy, a copy of the policy and schedule of benefits, a health insurance membership card, claim forms, and any other information necessary to submit a claim; and
 - (D) 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; and
- (4) with regard to dental insurance:
 - (A) whether the employer is self-insured or has dental insurance available;
 - (B) proof that dental insurance has been provided for the child;
 - (C) 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 schedule of benefits, a dental insurance membership card, claim forms, and any other information necessary to submit a claim; and
 - (D) 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.

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

Makes nonsubstantive changes.

SECTION 19. Amends the heading to Section 154.186, Family Code, to read as follows:

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

SECTION 20. Amends Section 154.186(a), Family Code, to authorize the obligee, obligor, or a child support agency of this state or another state to send to the employer a copy of the order requiring an employee to provide dental insurance coverage, in addition to health insurance coverage for a child or is authorized to include notice of the medical support order or dental support order in an order or writ of withholding sent to the employer in accordance with Chapter 158 (Withholding from Earnings for Child Support).

SECTION 21. Amends Sections 154.187(a), (b), (c), (d), (e), and (g), Family Code, as follows:

(a) Provides that an order or notice under this subchapter to an employer directing that health insurance coverage or dental insurance coverage be provided to a child of an employee or member is binding on a current or subsequent employer on receipt without regard to the date the order was rendered. Requires the employer to immediately enroll the child in a dental insurance plan or a health insurance plan regardless of whether the employee is enrolled in the plan if the employee or member is eligible for dependent health coverage or dental coverage for the child. Requires the employer to provide notice to the sender in accordance with Subsection (c), if dependent coverage is not available to the employee or member through the employer's dental insurance plan or a health insurance plan or enrollment cannot be made permanent or if the employer is not responsible or otherwise liable for providing such coverage.

(b) Requires the employer to deduct the health insurance premium or the dental insurance premium from the earnings of the employee in accordance with Chapter 158 (Withholding from Earnings for Child Support) and apply the amount withheld to payment of the insurance premium if additional premiums are incurred as a result of adding the child to the health insurance plan or the dental insurance plan.

(c) Requires an employer who has received an order or notice under this subchapter to provide to the sender, by first class mail not later than the 40th day after the date the employer receives the order or notice, a statement that the child:

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

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

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

(e) Requires the employer to release, on request, to the sender information concerning the available health insurance coverage or dental insurance coverage, including the name of the health insurance carrier or dental insurance carrier, the policy number, a copy of the policy and schedule of benefits, a health insurance or dental insurance membership card, and claim forms.

(g) Requires an employer who fails to enroll a child, fails to withhold or remit premiums or cash medical support, or discriminates in hiring or employment on the basis of a

medical support order or notice or a dental support order or notice under this subchapter to be subject to the penalties and fines in Subchapter C (Rights and Duties of Employer), Chapter 158.

SECTION 22. Amends Section 154.188, Family Code, as follows:

Sec. 154.188. New heading: FAILURE TO PROVIDE OR PAY FOR REQUIRED HEALTH INSURANCE OR DENTAL INSURANCE. Provides that a parent ordered to provide health insurance or dental insurance or to pay the other parent additional child support for the cost of health insurance or dental insurance who fails to do so is liable for:

- (1) necessary medical expenses or dental expenses of the child, without regard to whether the expenses would have been paid if health insurance or dental insurance had been provided; and
- (2) the cost of dental insurance premiums, health insurance premiums, or contributions, if any, paid on behalf of the child.

SECTION 23. Amends Section 154.189, Family Code, as follows:

Sec. 154.189. NOTICE OF TERMINATION OR LAPSE OF INSURANCE COVERAGE. (a) Requires an obligor ordered to provide health insurance coverage or dental insurance coverage for a child to notify the obligee and any child support agency enforcing a support obligation against the obligor of the termination or lapse of health insurance coverage or dental insurance coverage for the child not later than the 15th day after the date of a termination or lapse, and availability of additional health insurance or dental insurance to the obligor for the child after a termination or lapse of coverage not later than the 15th day after the date the insurance becomes available.

- (b) Authorizes the obligor, the obligee, or the child support agency to send the new employer a copy of the order requiring the employee to provide health insurance or dental insurance for a child or notice of the medical support order or the dental support order as provided by this subchapter if termination of coverage results from a change of employers.

SECTION 24. Amends Section 154.190, Family Code, to require an obligor ordered to provide health insurance coverage or dental insurance coverage for the child to enroll the child in a health insurance plan or a dental insurance plan at the next available enrollment period after health insurance or dental insurance has been terminated or has lapsed.

SECTION 25. Amends Section 154.191, Family Code, as follows:

Sec. 154.191. REMEDY NOT EXCLUSIVE. (a) Provides that this subchapter does not limit the rights of certain entities to enforce, modify, or clarify the medical support order or dental support order.

- (b) Provides that this subchapter does not limit the authority of the court to render or modify a medical support order or dental support order to provide for payment of uninsured dental expenses, dental costs, or dental insurance premiums, in addition to uninsured health expenses, health care costs, or health insurance premiums, in a manner consistent with this subchapter.

SECTION 26. Amends Section 154.192, Family Code, as follows:

Sec. 154.192. CANCELLATION OR ELIMINATION OF INSURANCE COVERAGE FOR CHILD. Prohibits the employer, unless the employee or member ceases to be eligible for dependent coverage, or the employer has eliminated dependent dental coverage or health coverage for all of the employer's employees or members, from cancelling or eliminating coverage of a child enrolled under this subchapter until the employer is provided satisfactory written evidence that:

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

(2) the child is enrolled in comparable insurance coverage, rather than comparable health insurance coverage, or will be enrolled in comparable coverage that will take effect not later than the effective date of the cancellation or elimination of the employer's coverage.

Makes conforming and nonsubstantive changes.

SECTION 27. Amends the heading to Section 154.193, Family Code, to read as follows:

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

SECTION 28. Amends Section 154.193(a), Family Code, to provide that if a plan administrator or other person acting in an equivalent position determines that a dental support order under this subchapter does not qualify for enforcement under federal law, the tribunal may, on its own motion or the motion of a party, render an order that qualifies for enforcement under federal law.

SECTION 29. Amends Sections 156.401(a) and (a-2), Family Code, as follows:

(a) Authorizes the court to modify an order that provides for the support of a child, including an order for dental care coverage under Section 154.1825, in addition to an order for health care coverage under Section 154.182 (Health Care Coverage for Child), except as provided by Subsection (a-1) (relating to the authorization of the court to modify an order under certain circumstances), (a-2), or (b) (relating to support obligations being modified only after certain events), if:

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

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

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

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

(a-2) Authorizes a court or administrative order for child support in a Title IV-D case to be modified as provided under Section 233.013(c) to provide for medical support or dental support for a child. Makes a nonsubstantive change.

SECTION 30. Amends Section 157.269, Family Code, to provide that a court that renders an order providing for the payment of child support retains continuing jurisdiction to enforce the order, including by adjusting the amount of the periodic payments to be made by the obligor or the amount to be withheld from the obligor's disposable earnings, until all dental support, in addition to certain other costs, have been paid.

SECTION 31. Amends Sections 158.206(a) and (b), Family Code, as follows:

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

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

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

(2) to the obligor for the amount withheld and not paid as required by the order or writ, and an amount equal to the interest that accrues under Section 157.265 (Accrual of Interest on Child Support) on the amount withheld and not paid, and for reasonable attorney's fees and court costs.

SECTION 32. Amends Section 158.302, Family Code, to require that the notice of application for judicial writ of withholding be verified and requires that it state the amount of monthly support due for dental support, in addition to certain other amounts.

SECTION 33. Amends Section 158.309(c), Family Code, to require the court to render an order for income withholding that includes a determination of the amount of child support arrearages, including dental support, in addition to medical support and interest.

SECTION 34. Amends Section 158.312(a), Family Code, to require the party who filed the notice, if a notice of application for judicial writ of withholding is delivered and a motion to stay is not filed within the time limits provided by Section 158.307 (Motion to Stay Issuance of Writ of Withholding), to file with the clerk of the court a request for issuance of the writ of withholding stating the amount of current support, including dental support, in addition to medical support, the amount of rearages, and the amount to be withheld from the obligor's income.

SECTION 35. Amends Section 158.314, Family Code, to require that the judicial writ of income withholding issued by the clerk direct the employer or a subsequent employer to withhold from the obligor's disposable income, for current child support, including dental support in addition to medical support and child support arrearages, an amount that is consistent with the provisions of this chapter regarding orders of withholding.

SECTION 36. Amends Section 158.502(a), Family Code, to authorize an administrative writ of withholding under this subchapter to be issued by the Title IV-D agency at any time until all current support, including dental support, in addition to certain other amounts for which the obligor is responsible, have been paid and to make nonsubstantive changes.

SECTION 37. Amends Section 158.504(b), Family Code, to authorize an administrative writ of withholding issued under this subchapter to contain only the information that is necessary for the employer to withhold income for dental support, in addition to child support and dental support, and is requires the authorization to specify the place where the withheld income is to be paid.

SECTION 38. Amends Section 158.507, Family Code, to authorize an administrative writ to terminate withholding to be issued and delivered to an employer by the Title IV-D agency when all current support, including dental support, in addition to certain other amounts, have been paid.

SECTION 39. Amends Section 159.502(c), Family Code, to include in a list of certain terms of the order that require the employer to withhold and distribute the funds as directed in the withholding order dental support, in addition to medical support, whether in the form of periodic cash payments, stated as a sum certain, or ordering the obligor to provide dental insurance coverage or health insurance coverage for the child under a policy available through the obligor's employment.

SECTION 40. Amends the heading to Section 231.0011, Family Code, to read as follows:

Sec. 231.0011. DEVELOPMENT OF STATEWIDE INTEGRATED SYSTEM FOR CHILD SUPPORT, MEDICAL SUPPORT, AND DENTAL SUPPORT ENFORCEMENT.

SECTION 41. Amends Sections 231.0011(a) and (g), Family Code, as follows:

(a) Requires the Title IV-D agency, in coordination with certain other state and federal entities, to develop and implement a statewide integrated system for dental support enforcement, in addition to child support and medical support enforcement, employing federal, state, local, and private resources to ensure certain administrative goals are achieved. Makes nonsubstantive changes.

(g) Provides that participation in the statewide integrated system for dental support, in addition to medical and child support, enforcement by a county is voluntary, and nothing in this section shall be construed to mandate participation. Makes nonsubstantive changes.

SECTION 42. Amends Section 231.002(e), Family Code, to authorize the Title IV-D agency to take certain administrative actions with respect to the location of a parent, the determination of parentage, and the establishment, modification and enforcement of dental support orders, in addition to child support and medical support orders, required by 42 U.S.C. Section 666(c), without obtaining an order from any other judicial or administrative tribunal and to make nonsubstantive changes.

SECTION 43. Amends Section 231.101(a), Family Code, to include dental support in a list of certain services for which the Title IV-D agency is authorized to provide all services required or authorized to be provided by Part D of title IV of the federal Social Security Act (42 U.S.C. Section 651 et. seq.) and to make conforming and nonsubstantive changes.

SECTION 44. Amends Section 231.104(b), Family Code, to provide that an application for child support services is an assignment of support rights to enable the Title IV-D agency to establish and enforce dental support obligations, in addition to medical support and dental support obligations, and provides that an assignment is not a condition of eligibility for services and to make nonsubstantive changes.

SECTION 45. Amends Section 231.123(a), Family Code, to require the Title IV-D agency to cooperate with volunteer income tax assistance programs in the state in informing obligors of the availability of the programs in order to maximize the amount of any tax refund to which an obligor may be entitled and which may be applied to dental support obligations, in addition to medical support and dental support obligations.

SECTION 46. Amends Section 231.301(a), Family Code, to require the parent locator service conducted by the Title IV-D agency to be used to obtain certain information about any individual under an obligation to pay dental support, in addition to child support and medical support, or to whom a support obligation is owed, or for the establishment of paternity and to make nonsubstantive changes.

SECTION 47. Amends Section 231.306, Family Code, as follows:

Sec. 231.306. MAXIMIZING MEDICAL SUPPORT AND DENTAL SUPPORT ESTABLISHMENT AND COLLECTION BY THE TITLE IV-D AGENCY. (a) Encourages the Title IV-D agency, on the installation of an automated child support enforcement system, to:

- (1) maximize the collection of dental support as well as medical support; and
- (2) establish cash medical support orders for children eligible for medical assistance under the state Medicaid program for whom private insurance coverage is not available.

(b) Defines "medical support" and "dental support" in this section.

SECTION 48. Amends Section 233.001(a), Family Code, to provide that the purpose of the procedures specified in the child support review process authorized by this chapter is to enable the Title IV-D agency to take expedited administrative actions to establish, modify, and enforce dental support, in addition to child support and medical support, obligations, to determine parentage, or to take any other action authorized or required under Part D, Title IV, of the federal Social Security Act (42 U.S.C. Section 651 et seq.), and Chapter 231 (Title IV-D Services).

SECTION 49. Amends Section 233.009(b), Family Code, to require the notice of proposed child support review order to, if the person identified in the notice as the party responsible for payment of the support amounts does not contest the notice in writing or request a negotiation conference to discuss the notice not later than the 15th day after the date the notice was delivered, the Title IV-D agency is authorized to file a child support review order for dental support, in addition to child support and medical support, for the child as provided by Chapter 154 (Child Support) according to the information available to the agency.

SECTION 50. Amends Section 233.0095(b), Family Code, as follows:

(b) Requires that the notice of proposed child support review order state:

(1)-(2) Makes no changes to these subdivisions; and

(3) that, if the person identified in the notice as the party responsible for payment of the support amounts does not contest the notice in writing or request a negotiation conference to discuss the notice not later than the 15th day after the date the notice was delivered, the Title IV-D agency is authorized to file the child support order for dental support, in addition to child support and medical support, for the child as provided by Chapter 154 (Child Support) according to the information available to the agency. Makes nonsubstantive changes.

SECTION 51. Amends Section 233.013(c), Family Code, to authorize the Title IV-D agency to file a child support review order that has the effect of modifying an existing order for child support to provide dental support or medical support for a child if the existing order does not provide dental care coverage for the child as required under Section 154.1825 or health care coverage for the child as required under Section 154.182 (Health Care Coverage for Child), at any time and without a showing of material and substantial change in the circumstances of the parties.

SECTION 52. Amends Section 233.017(a), Family Code, to require that an order issued under this chapter to be reviewed and signed by an attorney of the Title IV-D agency and is required to contain all provisions that are appropriate for an order under this title, including dental support, in addition to current child support, medical support, a determination of any arrearages or retroactive support, and, if not otherwise ordered, income withholding.

SECTION 53. Amends Section 234.002, Family Code, as follows:

Sec. 234.002. New heading: INTEGRATED SYSTEM FOR CHILD SUPPORT, MEDICAL SUPPORT, AND DENTAL SUPPORT ENFORCEMENT. Requires the statewide integrated system for child support, medical support, and dental support enforcement under Chapter 231 (Title IV-D Services) to be part of the state case registry and state disbursement unit authorized by this subchapter.

SECTION 54. Amends Section 71.035(a), Government Code, to require the Texas Judicial Council (council) to implement a monthly tracking system to ensure accountability for counties and courts which participate in the statewide integrated system for child support, medical support, and dental support enforcement under Section 231.0011 (Development of Statewide Integrated System for Child Support and Medical Support Enforcement), Family Code, and to make nonsubstantive changes.

SECTION 55. Amends Section 848.006(c), Insurance Code, to provide that Subsection (a) (relating to health care programs or policies under which an individual may not be required to obtain or maintain coverage) does not apply to an individual under an order requiring dental support or medical support for a child, in addition to certain other individuals.

SECTION 56. Amends Section 1201.053(b), Insurance Code, to authorize an individual accident and health insurance policy to insure a child the adult is required to insure under a medical support order or dental support order if the policy provides coverage, issued under Chapter 154 (Child Support), Family Code, or enforceable by a court in this state, in addition to certain other individuals.

SECTION 57. Amends Section 1201.062(a), Insurance Code, to require an individual or group accident and health insurance policy that is delivered, issued for delivery, or renewed in this state, including a policy issued by a corporation operating under Chapter 842 (Group Hospital Service Corporations), or a self-funded or self-insured welfare or benefit plan or program, to the extent that regulation of the plan or program is not preempted by federal law, that provides coverage for a child of an insured or group member, on payment of a premium, to provide coverage for each child for whom the insured or group member must provide medical support or dental support, if the policy provides dental coverage, under an order issued under Chapter 154 (Child Support), Family Code, or enforceable by a court in this state, in addition to certain other individuals.

SECTION 58. Amends Section 1201.063, Insurance Code, as follows:

Sec. 1201.063. PROHIBITION OF CERTAIN CRITERIA RELATING TO CHILD'S COVERAGE IN INDIVIDUAL OR GROUP POLICY. Prohibits an individual or group accident and health insurance policy that provides coverage for a child of an insured or group member from setting a different premium for a natural or adopted child of an insured or group member or a child for whom the insured or group member must provide medical support or dental support, if the policy provides dental coverage, under an order issued under Chapter 154 (Child Support), Family Code, or enforceable by a court in this state, exclude the child from coverage, or discontinue coverage of the child because:

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

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

SECTION 59. Amends the heading to Chapter 1504, Insurance Code, to read as follows:

CHAPTER 1504. MEDICAL AND DENTAL CHILD SUPPORT

SECTION 60. Amends Section 1504.001(4), Insurance Code, to define "benefit plan issuer."

SECTION 61. Amends Section 1504.002(b), Insurance Code, to require the commissioner of insurance to adopt rules to 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.

SECTION 62. Amends Section 1504.003, Insurance Code, to provide that a benefit plan issuer, rather than a health benefit plan issuer, that violates this chapter is subject to the same penalties, and an injured person has the same rights and remedies, as those provided by Subchapter D (Private Action for Damages), Chapter 541.

SECTION 63. Amends the heading to Subchapter B, Chapter 1504, Insurance Code, to read as follows:

SUBCHAPTER B. DUTIES OF BENEFIT PLAN ISSUER

SECTION 64. Amends Section 1504.051, Insurance Code, as follows:

Sec. 1504.051. ENROLLMENT OF CERTAIN CHILDREN REQUIRED. (a) Requires a benefit plan issuer, rather than a health benefit plan user, to permit a parent to enroll a child in dependent health or dental coverage offered through the issuer regardless of any enrollment period restriction if the parent is eligible for dependent health or dental coverage, and required by a court order or administrative order to provide health or dental insurance coverage for the child. Makes conforming changes.

(b) Requires a benefit plan issuer, rather than a health benefit plan issuer, to enroll a child of a parent described by Subsection (a) in dependent dental coverage, in addition to health coverage, offered through the issuer if the parent does not apply to obtain health or dental coverage for the child through the issuer, and the child, a custodial parent of the child, or a child support agency having a duty to collect or enforce support for the child applies for the coverage. Makes conforming changes.

SECTION 65. Amends Section 1504.052, Insurance Code, as follows:

Sec. 1504.052. New heading: CHILD RESIDING OUTSIDE SERVICE AREA; COMPARABLE HEALTH OR DENTAL COVERAGE REQUIRED. (a) Prohibits a benefit plan issuer, rather than a health benefit plan issuer, from denying enrollment of a child under the dental or health coverage of the child's parent on the ground that the child does not reside in the issuer's service area.

(b) Prohibits a benefit plan issuer from enforcing an otherwise applicable provision of the dental or health coverage that would deny, limit, or reduce payment of a claim for a covered child who resides outside the issuer's service area but inside the United States. Makes a conforming change.

(c) Requires the issuer to provide coverage that is comparable dental or health coverage to that provided to other dependents under the policy or plan for a covered child who resides outside the benefit plan issuer's service area and whose coverage under a policy or plan is required by a dental support order or medical support order. Makes a conforming change.

(d) Makes a conforming change and authorizes comparable dental or health coverage to include coverage in which a benefit plan issuer uses different procedures for service delivery and health care provider reimbursement. Prohibits comparable dental or health coverage from including coverage that is limited to emergency services only, or for which the issuer charges a higher premium.

SECTION 66. Amends Section 1504.053, Insurance Code, as follows:

Sec. 1504.053. CANCELLATION OR NONRENEWAL OF COVERAGE FOR CERTAIN CHILDREN. (a) Prohibits a benefit plan issuer, rather than a health benefit plan issuer, from cancelling or refusing to renew health or dental coverage provided to a child who is enrolled or entitled to enrollment under this chapter unless satisfactory written evidence is filed with the issuer showing that:

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

(2) the child is enrolled in comparable health or dental coverage, or will be enrolled in comparable health or dental coverage that takes effect not later than the effective date of the cancellation or nonrenewal.

(b) Provides that, for the purposes of this section, a child is not enrolled or entitled to enrollment under this chapter if the child's eligibility for dental or

health coverage ends because the parent ceases to be eligible for dependent dental or dental coverage.

SECTION 67. Amends Section 1504.054, Insurance Code, as follows:

Sec. 1504.054. CONTINUATION OR CONVERSION OF COVERAGE. (a) Requires the benefit plan issuer, rather than the health benefit plan issuer, to notify the custodial parent and the child support agency of the costs and other requirements for continuing or converting the coverage if a child's eligibility for dependent dental or dental coverage ends because the parent ceases to be eligible for the coverage and the coverage provides for the continuation or conversion of the coverage for the child.

(b) Requires the benefit plan issuer to, on application of a parent of the child, a child support agency, or the child, enroll or continue enrollment of a child whose eligibility for coverage ended under Subsection (a). Makes a conforming change.

SECTION 68. Amends Section 1504.055, Insurance Code, as follows:

Sec. 1504.055. PROCEDURE FOR CLAIMS. (a) Requires a benefit plan issuer, rather than a health benefit plan issuer, that provides dental or health coverage to a child through a covered parent of the child to:

(1) provide to each custodial parent of the child or to an adult child documents and other information necessary for the child to obtain benefits under the coverage, including a dental or health coverage membership card, in addition to certain other information and documents.

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

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

(b) Requires a benefit plan issuer, rather than a health benefit plan issuer, to provide to a state agency that provides medical assistance, including medical assistance for dental services, to the child or to provide to a child support agency that enforces dental or medical support on behalf of a child the information necessary to obtain reimbursement of dental or medical services provided to or paid on behalf of the child.

SECTION 69. Amends Section 1504.101, Insurance Code, to prohibit a benefit plan issuer, rather than a health benefit plan issuer, from denying enrollment of a child under the dental or health coverage of the child's parent on certain grounds.

SECTION 70. Amends Section 1504.102, Insurance Code, as follows:

Sec. 1504.102. New heading: ASSIGNMENT OF MEDICAL OR DENTAL SUPPORT RIGHTS: DIFFERENT REQUIREMENTS PROHIBITED. Prohibits a benefit plan issuer, rather than a health benefit plan issuer, from requiring a state agency that has been assigned the rights of an individual who is eligible for medical assistance and is covered for dental or health benefits from the issuer to comply with a requirement that is different from a requirement imposed on an agent or assignee of any other covered individual.

SECTION 71. Amends Section 402.085, Labor Code, as follows:

Sec. 402.085. EXCEPTIONS TO CONFIDENTIALITY. (a) Requires the division of workers' compensation (division) to release information on a claim to the attorney

general or another entity that provides child support services under Part D, Title IV, Social Security Act (42 U.S.C. Section 651 et seq.), in addition to certain other entities, relating to establishing, modifying, or enforcing a child support, medical support, or dental support obligation; or locating an absent parent. Makes nonsubstantive changes.

(b) Authorizes the division to release information on a claim to a governmental agency, political subdivision, or regulatory body to use to assess financial resources in an action, including an administrative action, in addition to certain other actions, to establish, modify, or enforce a child support, medical support, or dental support obligation; establish paternity; locate an absent parent; or cooperate with another state in an action authorized under Part D, Title IV, Social Security Act (42 U.S.C. Section 651 et seq.), or Chapter 231 (Title IV-D Services), Family Code.

SECTION 72. (a) Makes application of this Act prospective.

(b) Provides that the change in law made by this Act does not by itself constitute a material and substantial change of circumstances under Section 156.401 (Grounds for Modification of Child Support), 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. Effective date: September 1, 2013.