

1-1 By: Uresti S.B. No. 774  
1-2 (In the Senate - Filed February 22, 2013; February 26, 2013,  
1-3 read first time and referred to Committee on Jurisprudence;  
1-4 April 4, 2013, reported favorably by the following vote: Yeas 5,  
1-5 Nays 0; April 4, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10			X	
1-11	X			
1-12	X			
1-13	X			
1-14			X	

1-15 A BILL TO BE ENTITLED  
1-16 AN ACT

1-17 relating to requiring dental support for a child subject to a child  
1-18 support order.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Subsection (e), Section 54.06, Family Code, is  
1-21 amended to read as follows:

1-22 (e) The court shall apply the child support guidelines under  
1-23 Subchapter C, Chapter 154, in an order requiring the payment of  
1-24 child support under this section. The court shall also require in  
1-25 an order to pay child support under this section that health  
1-26 insurance and dental insurance be provided for the child.  
1-27 Subchapter D, Chapter 154, applies to an order requiring health  
1-28 insurance and dental insurance for a child under this section.

1-29 SECTION 2. Section 101.006, Family Code, is amended to read  
1-30 as follows:

1-31 Sec. 101.006. CHILD SUPPORT SERVICES. "Child support  
1-32 services" means administrative or court actions to:

- 1-33 (1) establish paternity;  
1-34 (2) establish, modify, or enforce child support, ~~or~~  
1-35 medical support, or dental support obligations;  
1-36 (3) locate absent parents; or  
1-37 (4) cooperate with other states in these actions and  
1-38 any other action authorized or required under Part D of Title IV of  
1-39 the federal Social Security Act (42 U.S.C. Section 651 et seq.) or  
1-40 Chapter 231.

1-41 SECTION 3. Chapter 101, Family Code, is amended by adding  
1-42 Sections 101.0094 and 101.0095 to read as follows:

1-43 Sec. 101.0094. DENTAL INSURANCE. "Dental insurance" means  
1-44 insurance coverage that provides preventive dental care and other  
1-45 dental services, including usual dentist services, office visits,  
1-46 examinations, X-rays, and emergency services, that may be provided  
1-47 through a single service health maintenance organization or other  
1-48 private or public organization.

1-49 Sec. 101.0095. DENTAL SUPPORT. "Dental support" means  
1-50 periodic payments or a lump-sum payment made under an order to cover  
1-51 dental expenses, including dental insurance coverage, incurred for  
1-52 the benefit of a child.

1-53 SECTION 4. Section 101.012, Family Code, is amended to read  
1-54 as follows:

1-55 Sec. 101.012. EMPLOYER. "Employer" means a person,  
1-56 corporation, partnership, workers' compensation insurance carrier,  
1-57 governmental entity, the United States, or any other entity that  
1-58 pays or owes earnings to an individual. The term includes, for the  
1-59 purposes of enrolling dependents in a group health or dental  
1-60 insurance plan, a union, trade association, or other similar  
1-61 organization.

2-1 SECTION 5. Subsection (b), Section 101.024, Family Code, is  
2-2 amended to read as follows:

2-3 (b) For purposes of establishing, determining the terms of,  
2-4 modifying, or enforcing an order, a reference in this title to a  
2-5 parent includes a person ordered to pay child support under Section  
2-6 154.001(a-1) or to provide medical support or dental support for a  
2-7 child.

2-8 SECTION 6. Section 101.034, Family Code, is amended to read  
2-9 as follows:

2-10 Sec. 101.034. TITLE IV-D CASE. "Title IV-D case" means an  
2-11 action in which services are provided by the Title IV-D agency under  
2-12 Part D, Title IV, of the federal Social Security Act (42 U.S.C.  
2-13 Section 651 et seq.), relating to the location of an absent parent,  
2-14 determination of parentage, or establishment, modification, or  
2-15 enforcement of a child support, ~~or~~ medical support, or dental  
2-16 support obligation.

2-17 SECTION 7. Section 153.611, Family Code, is amended to read  
2-18 as follows:

2-19 Sec. 153.611. EXCEPTION FOR CERTAIN TITLE IV-D PROCEEDINGS.  
2-20 Notwithstanding any other provision of this subchapter, this  
2-21 subchapter does not apply to a proceeding in a Title IV-D case  
2-22 relating to the determination of parentage or establishment,  
2-23 modification, or enforcement of a child support, ~~or~~ medical  
2-24 support, or dental support obligation.

2-25 SECTION 8. Section 154.008, Family Code, is amended to read  
2-26 as follows:

2-27 Sec. 154.008. PROVISION FOR MEDICAL SUPPORT AND DENTAL  
2-28 SUPPORT. The court shall order medical support and dental support  
2-29 for the child as provided by Subchapters B and D.

2-30 SECTION 9. Subsection (c), Section 154.015, Family Code, is  
2-31 amended to read as follows:

2-32 (c) For purposes of this section, the court of continuing  
2-33 jurisdiction shall determine the amount of the unpaid child support  
2-34 obligation for each child of the deceased obligor. In determining  
2-35 the amount of the unpaid child support obligation, the court shall  
2-36 consider all relevant factors, including:

2-37 (1) the present value of the total amount of monthly  
2-38 periodic child support payments that would become due between the  
2-39 month in which the obligor dies and the month in which the child  
2-40 turns 18 years of age, based on the amount of the periodic monthly  
2-41 child support payments under the child support order in effect on  
2-42 the date of the obligor's death;

2-43 (2) the present value of the total amount of health  
2-44 insurance and dental insurance premiums payable for the benefit of  
2-45 the child from the month in which the obligor dies until the month  
2-46 in which the child turns 18 years of age, based on the cost of health  
2-47 insurance and dental insurance for the child ordered to be paid on  
2-48 the date of the obligor's death;

2-49 (3) in the case of a disabled child under 18 years of  
2-50 age or an adult disabled child, an amount to be determined by the  
2-51 court under Section 154.306;

2-52 (4) the nature and amount of any benefit to which the  
2-53 child would be entitled as a result of the obligor's death,  
2-54 including life insurance proceeds, annuity payments, trust  
2-55 distributions, social security death benefits, and retirement  
2-56 survivor benefits; and

2-57 (5) any other financial resource available for the  
2-58 support of the child.

2-59 SECTION 10. Subsection (b), Section 154.016, Family Code,  
2-60 is amended to read as follows:

2-61 (b) In determining the nature and extent of the obligation  
2-62 to provide for the support of the child in the event of the death of  
2-63 the obligor, the court shall consider all relevant factors,  
2-64 including:

2-65 (1) the present value of the total amount of monthly  
2-66 periodic child support payments from the date the child support  
2-67 order is rendered until the month in which the child turns 18 years  
2-68 of age, based on the amount of the periodic monthly child support  
2-69 payment under the child support order;

3-1 (2) the present value of the total amount of health  
 3-2 insurance and dental insurance premiums payable for the benefit of  
 3-3 the child from the date the child support order is rendered until  
 3-4 the month in which the child turns 18 years of age, based on the cost  
 3-5 of health insurance and dental insurance for the child ordered to be  
 3-6 paid; and

3-7 (3) in the case of a disabled child under 18 years of  
 3-8 age or an adult disabled child, an amount to be determined by the  
 3-9 court under Section 154.306.

3-10 SECTION 11. Subsections (d) and (e), Section 154.062,  
 3-11 Family Code, are amended to read as follows:

3-12 (d) The court shall deduct the following items from  
 3-13 resources to determine the net resources available for child  
 3-14 support:

3-15 (1) social security taxes;

3-16 (2) federal income tax based on the tax rate for a  
 3-17 single person claiming one personal exemption and the standard  
 3-18 deduction;

3-19 (3) state income tax;

3-20 (4) union dues;

3-21 (5) expenses for the cost of health insurance, dental  
 3-22 insurance, or cash medical support for the obligor's child ordered  
 3-23 by the court under Sections [~~Section~~] 154.182 and 154.1825; and

3-24 (6) if the obligor does not pay social security taxes,  
 3-25 nondiscretionary retirement plan contributions.

3-26 (e) In calculating the amount of the deduction for health  
 3-27 care or dental coverage for a child under Subsection (d)(5), if the  
 3-28 obligor has other minor dependents covered under the same health or  
 3-29 dental insurance plan, the court shall divide the total cost to the  
 3-30 obligor for the insurance by the total number of minor dependents,  
 3-31 including the child, covered under the plan.

3-32 SECTION 12. Section 154.064, Family Code, is amended to  
 3-33 read as follows:

3-34 Sec. 154.064. MEDICAL SUPPORT AND DENTAL SUPPORT FOR CHILD  
 3-35 PRESUMPTIVELY PROVIDED BY OBLIGOR. The guidelines for support of a  
 3-36 child are based on the assumption that the court will order the  
 3-37 obligor to provide medical support and dental support for the child  
 3-38 in addition to the amount of child support calculated in accordance  
 3-39 with those guidelines.

3-40 SECTION 13. The heading to Subchapter D, Chapter 154,  
 3-41 Family Code, is amended to read as follows:

3-42 SUBCHAPTER D. MEDICAL SUPPORT AND DENTAL SUPPORT FOR CHILD

3-43 SECTION 14. Subchapter D, Chapter 154, Family Code, is  
 3-44 amended by adding Section 154.1815 to read as follows:

3-45 Sec. 154.1815. DENTAL SUPPORT ORDER. (a) In this section,  
 3-46 "reasonable cost" means the cost of a dental insurance premium that  
 3-47 does not exceed 1.5 percent of the obligor's annual resources, as  
 3-48 described by Section 154.062(b), if the obligor is responsible  
 3-49 under a dental support order for the cost of dental insurance  
 3-50 coverage for only one child. If the obligor is responsible under a  
 3-51 dental support order for the cost of dental insurance coverage for  
 3-52 more than one child, "reasonable cost" means the total cost of  
 3-53 dental insurance coverage for all children for which the obligor is  
 3-54 responsible under a dental support order that does not exceed 1.5  
 3-55 percent of the obligor's annual resources, as described by Section  
 3-56 154.062(b).

3-57 (b) In a suit affecting the parent-child relationship or in  
 3-58 a proceeding under Chapter 159, the court shall render an order for  
 3-59 the dental support of the child as provided by this section and  
 3-60 Section 154.1825.

3-61 (c) Before a hearing on temporary orders, or a final order  
 3-62 if no hearing on temporary orders is held, the court shall require  
 3-63 the parties to the proceedings to disclose in a pleading or other  
 3-64 document whether the child is covered by dental insurance and, if  
 3-65 the child is covered, the identity of the insurer providing the  
 3-66 coverage, the policy number, which parent is responsible for  
 3-67 payment of any insurance premium for the coverage, whether the  
 3-68 coverage is provided through a parent's employment, and the cost of  
 3-69 the premium. If dental insurance is not in effect for the child,

4-1 the parties must disclose to the court whether either parent has  
 4-2 access to dental insurance at a reasonable cost to the obligor.

4-3 (d) In rendering temporary orders, the court shall, except  
 4-4 for good cause shown, order that any dental insurance coverage in  
 4-5 effect for the child continue in effect pending the rendition of a  
 4-6 final order, except that the court may not require the continuation  
 4-7 of any dental insurance that is not available to the parent at a  
 4-8 reasonable cost to the obligor. If dental insurance coverage is not  
 4-9 in effect for the child or if the insurance in effect is not  
 4-10 available at a reasonable cost to the obligor, the court shall,  
 4-11 except for good cause shown, order dental insurance coverage for  
 4-12 the child as provided by Section 154.1825.

4-13 (e) On rendering a final order the court shall:

4-14 (1) make specific findings with respect to the manner  
 4-15 in which dental insurance coverage is to be provided for the child,  
 4-16 in accordance with the priorities identified under Section  
 4-17 154.1825; and

4-18 (2) except for good cause shown or on agreement of the  
 4-19 parties, require the parent ordered to provide dental insurance  
 4-20 coverage for the child as provided by Section 154.1825 to produce  
 4-21 evidence to the court's satisfaction that the parent has applied  
 4-22 for or secured dental insurance or has otherwise taken necessary  
 4-23 action to provide for dental insurance coverage for the child, as  
 4-24 ordered by the court.

4-25 SECTION 15. Subchapter D, Chapter 154, Family Code, is  
 4-26 amended by adding Section 154.1825 to read as follows:

4-27 Sec. 154.1825. DENTAL CARE COVERAGE FOR CHILD. (a) In  
 4-28 this section:

4-29 (1) "Accessibility" means the extent to which dental  
 4-30 insurance coverage for a child provides for the availability of  
 4-31 dental care within a reasonable traveling distance and time from  
 4-32 the child's primary residence, as determined by the court.

4-33 (2) "Reasonable cost" has the meaning assigned by  
 4-34 Section 154.1815(a).

4-35 (b) The court shall consider the cost, accessibility, and  
 4-36 quality of dental insurance coverage available to the parties and  
 4-37 shall give priority to dental insurance coverage available through  
 4-38 the employment of one of the parties if the coverage is available at  
 4-39 a reasonable cost to the obligor.

4-40 (c) In determining the manner in which dental care coverage  
 4-41 for the child is to be ordered, the court shall render its order in  
 4-42 accordance with the following priorities, unless a party shows good  
 4-43 cause why a particular order is not in the best interest of the  
 4-44 child:

4-45 (1) if dental insurance is available for the child  
 4-46 through a parent's employment or membership in a union, trade  
 4-47 association, or other organization at reasonable cost, the court  
 4-48 shall order that parent to include the child in the parent's dental  
 4-49 insurance; or

4-50 (2) if dental insurance is not available for the child  
 4-51 under Subdivision (1) but is available to a parent from another  
 4-52 source and at a reasonable cost, the court may order that parent to  
 4-53 provide dental insurance for the child.

4-54 (d) If the parent ordered to provide dental insurance under  
 4-55 Subsection (c)(1) or (2) is the obligee, the court shall order the  
 4-56 obligor to pay the obligee, as additional child support, an amount  
 4-57 equal to the actual cost of dental insurance for the child, but not  
 4-58 to exceed a reasonable cost to the obligor. In calculating the  
 4-59 actual cost of dental insurance for the child, if the obligee has  
 4-60 other minor dependents covered under the same dental insurance  
 4-61 plan, the court shall divide the total cost to the obligee for the  
 4-62 insurance by the total number of minor dependents, including the  
 4-63 child covered under the plan.

4-64 (e) If the court finds that neither parent has access to  
 4-65 private dental insurance at a reasonable cost to the obligor, the  
 4-66 court shall order the parent awarded the exclusive right to  
 4-67 designate the child's primary residence or, to the extent permitted  
 4-68 by law, the other parent to apply immediately on behalf of the child  
 4-69 for participation in any government medical assistance program or

5-1 health plan that provides dental coverage.

5-2 SECTION 16. Section 154.183, Family Code, is amended to  
5-3 read as follows:

5-4 Sec. 154.183. MEDICAL AND DENTAL SUPPORT ADDITIONAL SUPPORT  
5-5 DUTY OF OBLIGOR. (a) An amount that an obligor is ordered to pay  
5-6 as medical support or dental support for the child under this  
5-7 chapter, including the costs of health insurance coverage or cash  
5-8 medical support under Section 154.182 and the costs of dental  
5-9 insurance under Section 154.1825:

5-10 (1) is in addition to the amount that the obligor is  
5-11 required to pay for child support under the guidelines for child  
5-12 support;

5-13 (2) is a child support obligation; and

5-14 (3) may be enforced by any means available for the  
5-15 enforcement of child support, including withholding from earnings  
5-16 under Chapter 158.

5-17 (b) If the court finds and states in the child support order  
5-18 that the obligee will maintain health insurance coverage, dental  
5-19 insurance coverage, or both, for the child at the obligee's  
5-20 expense, the court shall increase the amount of child support to be  
5-21 paid by the obligor in an amount not exceeding the actual cost to  
5-22 the obligee for maintaining the [health insurance] coverage, as  
5-23 provided under Sections [Section] 154.182(b-1) and 154.1825(d).

5-24 (c) As additional child support, the court shall allocate  
5-25 between the parties, according to their circumstances:

5-26 (1) the reasonable and necessary health care expenses,  
5-27 including vision and dental expenses, of the child that are not  
5-28 reimbursed by health or dental insurance or are not otherwise  
5-29 covered by the amount of cash medical support ordered under Section  
5-30 154.182 [154.182(b)(3)]; and

5-31 (2) amounts paid by either party as deductibles or  
5-32 copayments in obtaining health care or dental care services for the  
5-33 child covered under a health insurance or dental insurance policy.

5-34 SECTION 17. Subsections (a) and (b), Section 154.184,  
5-35 Family Code, are amended to read as follows:

5-36 (a) Receipt of a medical support order requiring that health  
5-37 insurance be provided for a child or a dental support order  
5-38 requiring that dental insurance be provided for a child shall be  
5-39 considered a change in the family circumstances of the employee or  
5-40 member, for health insurance purposes and dental insurance  
5-41 purposes, equivalent to the birth or adoption of a child.

5-42 (b) If the employee or member is eligible for dependent  
5-43 health coverage or dependent dental coverage, the employer shall  
5-44 automatically enroll the child for the first 31 days after the  
5-45 receipt of the order or notice of the medical support order or the  
5-46 dental support order under Section 154.186 on the same terms and  
5-47 conditions as apply to any other dependent child.

5-48 SECTION 18. Section 154.185, Family Code, is amended to  
5-49 read as follows:

5-50 Sec. 154.185. PARENT TO FURNISH INFORMATION. (a) The  
5-51 court shall order a parent providing health insurance or dental  
5-52 insurance to furnish to either the obligee, obligor, or child  
5-53 support agency the following information not later than the 30th  
5-54 day after the date the notice of rendition of the order is received:

5-55 (1) the social security number of the parent;

5-56 (2) the name and address of the parent's employer;

5-57 (3) with regard to health insurance:

5-58 (A) whether the employer is self-insured or has  
5-59 health insurance available;

5-60 (B) ~~[(4)]~~ proof that health insurance has been  
5-61 provided for the child;

5-62 (C) ~~[(5)]~~ if the employer has health insurance  
5-63 available, the name of the health insurance carrier, the number of  
5-64 the policy, a copy of the policy and schedule of benefits, a health  
5-65 insurance membership card, claim forms, and any other information  
5-66 necessary to submit a claim; and

5-67 (D) ~~[(6)]~~ if the employer is self-insured, a copy  
5-68 of the schedule of benefits, a membership card, claim forms, and any  
5-69 other information necessary to submit a claim; and

6-1                   (4) with regard to dental insurance:

6-2                   (A) whether the employer is self-insured or has  
6-3 dental insurance available;

6-4                   (B) proof that dental insurance has been provided  
6-5 for the child;

6-6                   (C) if the employer has dental insurance  
6-7 available, the name of the dental insurance carrier, the number of  
6-8 the policy, a copy of the policy and schedule of benefits, a dental  
6-9 insurance membership card, claim forms, and any other information  
6-10 necessary to submit a claim; and

6-11                   (D) if the employer is self-insured, a copy of  
6-12 the schedule of benefits, a membership card, claim forms, and any  
6-13 other information necessary to submit a claim.

6-14                   (b) The court shall also order a parent providing health  
6-15 insurance or dental insurance to furnish the obligor, obligee, or  
6-16 child support agency with additional information regarding the  
6-17 health insurance coverage or dental insurance coverage not later  
6-18 than the 15th day after the date the information is received by the  
6-19 parent.

6-20                   SECTION 19. The heading to Section 154.186, Family Code, is  
6-21 amended to read as follows:

6-22                   Sec. 154.186. NOTICE TO EMPLOYER CONCERNING MEDICAL SUPPORT  
6-23 OR DENTAL SUPPORT.

6-24                   SECTION 20. Subsection (a), Section 154.186, Family Code,  
6-25 is amended to read as follows:

6-26                   (a) The obligee, obligor, or a child support agency of this  
6-27 state or another state may send to the employer a copy of the order  
6-28 requiring an employee to provide health insurance coverage or  
6-29 dental insurance coverage for a child or may include notice of the  
6-30 medical support order or dental support order in an order or writ of  
6-31 withholding sent to the employer in accordance with Chapter 158.

6-32                   SECTION 21. Subsections (a), (b), (c), (d), (e), and (g),  
6-33 Section 154.187, Family Code, are amended to read as follows:

6-34                   (a) An order or notice under this subchapter to an employer  
6-35 directing that health insurance coverage or dental insurance  
6-36 coverage be provided to a child of an employee or member is binding  
6-37 on a current or subsequent employer on receipt without regard to the  
6-38 date the order was rendered. If the employee or member is eligible  
6-39 for dependent health coverage or dental coverage for the child, the  
6-40 employer shall immediately enroll the child in a health insurance  
6-41 plan or dental insurance plan regardless of whether the employee is  
6-42 enrolled in the plan. If dependent coverage is not available to the  
6-43 employee or member through the employer's health insurance plan or  
6-44 dental insurance plan or enrollment cannot be made permanent or if  
6-45 the employer is not responsible or otherwise liable for providing  
6-46 such coverage, the employer shall provide notice to the sender in  
6-47 accordance with Subsection (c).

6-48                   (b) If additional premiums are incurred as a result of  
6-49 adding the child to the health insurance plan or the dental  
6-50 insurance plan, the employer shall deduct the health insurance  
6-51 premium or the dental insurance premium from the earnings of the  
6-52 employee in accordance with Chapter 158 and apply the amount  
6-53 withheld to payment of the insurance premium.

6-54                   (c) An employer who has received an order or notice under  
6-55 this subchapter shall provide to the sender, by first class mail not  
6-56 later than the 40th day after the date the employer receives the  
6-57 order or notice, a statement that the child:

6-58                   (1) has been enrolled in the employer's health  
6-59 insurance plan or dental insurance plan, or is already enrolled in  
6-60 another health insurance plan or dental insurance plan in  
6-61 accordance with a previous child support, ~~or~~ medical support, or  
6-62 dental support order to which the employee is subject; or

6-63                   (2) cannot be enrolled or cannot be enrolled  
6-64 permanently in the employer's health insurance plan or dental  
6-65 insurance plan and provide the reason why coverage or permanent  
6-66 coverage cannot be provided.

6-67                   (d) If the employee ceases employment or if the health  
6-68 insurance coverage or dental insurance coverage lapses, the  
6-69 employer shall provide to the sender, by first class mail not later

7-1 than the 15th day after the date of the termination of employment or  
7-2 the lapse of the coverage, notice of the termination or lapse and of  
7-3 the availability of any conversion privileges.

7-4 (e) On request, the employer shall release to the sender  
7-5 information concerning the available health insurance coverage or  
7-6 dental insurance coverage, including the name of the health  
7-7 insurance carrier or dental insurance carrier, the policy number, a  
7-8 copy of the policy and schedule of benefits, a health insurance or  
7-9 dental insurance membership card, and claim forms.

7-10 (g) An employer who fails to enroll a child, fails to  
7-11 withhold or remit premiums or cash medical support, or  
7-12 discriminates in hiring or employment on the basis of a medical  
7-13 support order or notice or a dental support order or notice under  
7-14 this subchapter shall be subject to the penalties and fines in  
7-15 Subchapter C, Chapter 158.

7-16 SECTION 22. Section 154.188, Family Code, is amended to  
7-17 read as follows:

7-18 Sec. 154.188. FAILURE TO PROVIDE OR PAY FOR REQUIRED HEALTH  
7-19 INSURANCE OR DENTAL INSURANCE. A parent ordered to provide health  
7-20 insurance or dental insurance or to pay the other parent additional  
7-21 child support for the cost of health insurance or dental insurance  
7-22 who fails to do so is liable for:

7-23 (1) necessary medical expenses or dental expenses of  
7-24 the child, without regard to whether the expenses would have been  
7-25 paid if health insurance or dental insurance had been provided; and

7-26 (2) the cost of health insurance premiums, dental  
7-27 insurance premiums, or contributions, if any, paid on behalf of the  
7-28 child.

7-29 SECTION 23. Section 154.189, Family Code, is amended to  
7-30 read as follows:

7-31 Sec. 154.189. NOTICE OF TERMINATION OR LAPSE OF INSURANCE  
7-32 COVERAGE. (a) An obligor ordered to provide health insurance  
7-33 coverage or dental insurance coverage for a child must notify the  
7-34 obligee and any child support agency enforcing a support obligation  
7-35 against the obligor of the:

7-36 (1) termination or lapse of health insurance coverage  
7-37 or dental insurance coverage for the child not later than the 15th  
7-38 day after the date of a termination or lapse; and

7-39 (2) availability of additional health insurance or  
7-40 dental insurance to the obligor for the child after a termination or  
7-41 lapse of coverage not later than the 15th day after the date the  
7-42 insurance becomes available.

7-43 (b) If termination of coverage results from a change of  
7-44 employers, the obligor, the obligee, or the child support agency  
7-45 may send the new employer a copy of the order requiring the employee  
7-46 to provide health insurance or dental insurance for a child or  
7-47 notice of the medical support order or the dental support order as  
7-48 provided by this subchapter.

7-49 SECTION 24. Section 154.190, Family Code, is amended to  
7-50 read as follows:

7-51 Sec. 154.190. REENROLLING CHILD FOR INSURANCE COVERAGE.  
7-52 After health insurance or dental insurance has been terminated or  
7-53 has lapsed, an obligor ordered to provide health insurance coverage  
7-54 or dental insurance coverage for the child must enroll the child in  
7-55 a health insurance plan or a dental insurance plan at the next  
7-56 available enrollment period.

7-57 SECTION 25. Section 154.191, Family Code, is amended to  
7-58 read as follows:

7-59 Sec. 154.191. REMEDY NOT EXCLUSIVE. (a) This subchapter  
7-60 does not limit the rights of the obligor, obligee, local domestic  
7-61 relations office, or Title IV-D agency to enforce, modify, or  
7-62 clarify the medical support order or dental support order.

7-63 (b) This subchapter does not limit the authority of the  
7-64 court to render or modify a medical support order or dental support  
7-65 order to provide for payment of uninsured health expenses, health  
7-66 care costs, ~~or~~ health insurance premiums, uninsured dental  
7-67 expenses, dental costs, or dental insurance premiums in a manner  
7-68 consistent with this subchapter.

7-69 SECTION 26. Section 154.192, Family Code, is amended to

8-1 read as follows:

8-2 Sec. 154.192. CANCELLATION OR ELIMINATION OF INSURANCE  
8-3 COVERAGE FOR CHILD. [~~a~~] Unless the employee or member ceases to  
8-4 be eligible for dependent coverage, or the employer has eliminated  
8-5 dependent health coverage or dental coverage for all of the  
8-6 employer's employees or members, the employer may not cancel or  
8-7 eliminate coverage of a child enrolled under this subchapter until  
8-8 the employer is provided satisfactory written evidence that:

8-9 (1) the court order or administrative order requiring  
8-10 the coverage is no longer in effect; or

8-11 (2) the child is enrolled in comparable [~~health~~]  
8-12 insurance coverage or will be enrolled in comparable coverage that  
8-13 will take effect not later than the effective date of the  
8-14 cancellation or elimination of the employer's coverage.

8-15 SECTION 27. The heading to Section 154.193, Family Code, is  
8-16 amended to read as follows:

8-17 Sec. 154.193. MEDICAL SUPPORT ORDER OR DENTAL SUPPORT ORDER  
8-18 NOT QUALIFIED.

8-19 SECTION 28. Subsection (a), Section 154.193, Family Code,  
8-20 is amended to read as follows:

8-21 (a) If a plan administrator or other person acting in an  
8-22 equivalent position determines that a medical support order or  
8-23 dental support order issued under this subchapter does not qualify  
8-24 for enforcement under federal law, the tribunal may, on its own  
8-25 motion or the motion of a party, render an order that qualifies for  
8-26 enforcement under federal law.

8-27 SECTION 29. Subsections (a) and (a-2), Section 156.401,  
8-28 Family Code, are amended to read as follows:

8-29 (a) Except as provided by Subsection (a-1), (a-2), or (b),  
8-30 the court may modify an order that provides for the support of a  
8-31 child, including an order for health care coverage under Section  
8-32 154.182 or an order for dental care coverage under Section  
8-33 154.1825, if:

8-34 (1) the circumstances of the child or a person  
8-35 affected by the order have materially and substantially changed  
8-36 since the earlier of:

8-37 (A) the date of the order's rendition; or

8-38 (B) the date of the signing of a mediated or  
8-39 collaborative law settlement agreement on which the order is based;  
8-40 or

8-41 (2) it has been three years since the order was  
8-42 rendered or last modified and the monthly amount of the child  
8-43 support award under the order differs by either 20 percent or \$100  
8-44 from the amount that would be awarded in accordance with the child  
8-45 support guidelines.

8-46 (a-2) A court or administrative order for child support in a  
8-47 Title IV-D case may be modified as provided under Section  
8-48 233.013(c) to provide for medical support or dental support for  
8-49 ~~of~~ a child.

8-50 SECTION 30. Section 157.269, Family Code, is amended to  
8-51 read as follows:

8-52 Sec. 157.269. RETENTION OF JURISDICTION. A court that  
8-53 renders an order providing for the payment of child support retains  
8-54 continuing jurisdiction to enforce the order, including by  
8-55 adjusting the amount of the periodic payments to be made by the  
8-56 obligor or the amount to be withheld from the obligor's disposable  
8-57 earnings, until all current support, ~~and~~ medical support, dental  
8-58 support, and child support arrearages, including interest and any  
8-59 applicable fees and costs, have been paid.

8-60 SECTION 31. Subsections (a) and (b), Section 158.206,  
8-61 Family Code, are amended to read as follows:

8-62 (a) An employer receiving an order or a writ of withholding  
8-63 under this chapter, including an order or writ directing that  
8-64 health insurance or dental insurance be provided to a child, who  
8-65 complies with the order or writ is not liable to the obligor for the  
8-66 amount of income withheld and paid as required by the order or writ.

8-67 (b) An employer receiving an order or writ of withholding  
8-68 who does not comply with the order or writ is liable:

8-69 (1) to the obligee for the amount not paid in



9-1 compliance with the order or writ, including the amount the obligor  
9-2 is required to pay for health insurance or dental insurance under  
9-3 Chapter 154;

9-4 (2) to the obligor for:

9-5 (A) the amount withheld and not paid as required  
9-6 by the order or writ; and

9-7 (B) an amount equal to the interest that accrues  
9-8 under Section 157.265 on the amount withheld and not paid; and

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

9-10 SECTION 32. Section 158.302, Family Code, is amended to  
9-11 read as follows:

9-12 Sec. 158.302. CONTENTS OF NOTICE OF APPLICATION FOR  
9-13 JUDICIAL WRIT OF WITHHOLDING. The notice of application for  
9-14 judicial writ of withholding shall be verified and:

9-15 (1) state the amount of monthly support due, including  
9-16 medical support and dental support, the amount of arrearages or  
9-17 anticipated arrearages, including accrued interest, and the amount  
9-18 of wages that will be withheld in accordance with a judicial writ of  
9-19 withholding;

9-20 (2) state that the withholding applies to each current  
9-21 or subsequent employer or period of employment;

9-22 (3) state that if the obligor does not contest the  
9-23 withholding within 10 days after the date of receipt of the notice,  
9-24 the obligor's employer will be notified to begin the withholding;

9-25 (4) describe the procedures for contesting the  
9-26 issuance and delivery of a writ of withholding;

9-27 (5) state that if the obligor contests the  
9-28 withholding, the obligor will be afforded an opportunity for a  
9-29 hearing by the court not later than the 30th day after the date of  
9-30 receipt of the notice of contest;

9-31 (6) state that the sole ground for successfully  
9-32 contesting the issuance of a writ of withholding is a dispute  
9-33 concerning the identity of the obligor or the existence or amount of  
9-34 the arrearages, including accrued interest;

9-35 (7) describe the actions that may be taken if the  
9-36 obligor contests the notice of application for judicial writ of  
9-37 withholding, including the procedures for suspending issuance of a  
9-38 writ of withholding; and

9-39 (8) include with the notice a suggested form for the  
9-40 motion to stay issuance and delivery of the judicial writ of  
9-41 withholding that the obligor may file with the clerk of the  
9-42 appropriate court.

9-43 SECTION 33. Subsection (c), Section 158.309, Family Code,  
9-44 is amended to read as follows:

9-45 (c) Upon hearing, the court shall:

9-46 (1) render an order for income withholding that  
9-47 includes a determination of the amount of child support arrearages,  
9-48 including medical support, dental support, and interest; or

9-49 (2) grant the motion to stay.

9-50 SECTION 34. Subsection (a), Section 158.312, Family Code,  
9-51 is amended to read as follows:

9-52 (a) If a notice of application for judicial writ of  
9-53 withholding is delivered and a motion to stay is not filed within  
9-54 the time limits provided by Section 158.307, the party who filed the  
9-55 notice shall file with the clerk of the court a request for issuance  
9-56 of the writ of withholding stating the amount of current support,  
9-57 including medical support and dental support, the amount of  
9-58 arrearages, and the amount to be withheld from the obligor's  
9-59 income.

9-60 SECTION 35. Section 158.314, Family Code, is amended to  
9-61 read as follows:

9-62 Sec. 158.314. CONTENTS OF WRIT OF WITHHOLDING. The  
9-63 judicial writ of income withholding issued by the clerk must direct  
9-64 that the employer or a subsequent employer withhold from the  
9-65 obligor's disposable income for current child support, including  
9-66 medical support and dental support, and child support arrearages an  
9-67 amount that is consistent with the provisions of this chapter  
9-68 regarding orders of withholding.

9-69 SECTION 36. Subsection (a), Section 158.502, Family Code,

10-1 is amended to read as follows:

10-2 (a) An administrative writ of withholding under this  
 10-3 subchapter may be issued by the Title IV-D agency at any time until  
 10-4 all current support, including medical support and dental support,  
 10-5 [~~and~~] child support arrearages, and Title IV-D service fees  
 10-6 authorized under Section 231.103 for which the obligor is  
 10-7 responsible[~~7~~] have been paid. The writ issued under this  
 10-8 subsection may be based on an obligation in more than one support  
 10-9 order.

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

10-12 (b) An administrative writ of withholding issued under this  
 10-13 subchapter may contain only the information that is necessary for  
 10-14 the employer to withhold income for child support, [~~and~~] medical  
 10-15 support, and dental support and shall specify the place where the  
 10-16 withheld income is to be paid.

10-17 SECTION 38. Section 158.507, Family Code, is amended to  
 10-18 read as follows:

10-19 Sec. 158.507. ADMINISTRATIVE WRIT TERMINATING WITHHOLDING.  
 10-20 An administrative writ to terminate withholding may be issued and  
 10-21 delivered to an employer by the Title IV-D agency when all current  
 10-22 support, including medical support and dental support, [~~and~~] child  
 10-23 support arrearages, and Title IV-D service fees authorized under  
 10-24 Section 231.103 for which the obligor is responsible[~~7~~] have been  
 10-25 paid.

10-26 SECTION 39. Subsection (c), Section 159.502, Family Code,  
 10-27 is amended to read as follows:

10-28 (c) Except as otherwise provided in Subsection (d) and  
 10-29 Section 159.503, the employer shall withhold and distribute the  
 10-30 funds as directed in the withholding order by complying with terms  
 10-31 of the order that specify:

10-32 (1) the duration and amount of periodic payments of  
 10-33 current child support, stated as a sum certain;

10-34 (2) the person designated to receive payments and the  
 10-35 address to which the payments are to be forwarded;

10-36 (3) medical support and dental support, whether in the  
 10-37 form of periodic cash payments, stated as a sum certain, or ordering  
 10-38 the obligor to provide health insurance coverage or dental  
 10-39 insurance coverage for the child under a policy available through  
 10-40 the obligor's employment;

10-41 (4) the amount of periodic payments of fees and costs  
 10-42 for a support enforcement agency, the issuing tribunal, and the  
 10-43 obligee's attorney, stated as sums certain; and

10-44 (5) the amount of periodic payments of arrearages and  
 10-45 interest on arrearages, stated as sums certain.

10-46 SECTION 40. The heading to Section 231.0011, Family Code,  
 10-47 is amended to read as follows:

10-48 Sec. 231.0011. DEVELOPMENT OF STATEWIDE INTEGRATED SYSTEM  
 10-49 FOR CHILD SUPPORT, [~~AND~~] MEDICAL SUPPORT, AND DENTAL SUPPORT  
 10-50 ENFORCEMENT.

10-51 SECTION 41. Subsections (a) and (g), Section 231.0011,  
 10-52 Family Code, are amended to read as follows:

10-53 (a) The Title IV-D agency shall have final approval  
 10-54 authority on any contract or proposal for delivery of Title IV-D  
 10-55 services under this section and in coordination with the Texas  
 10-56 Judicial Council, the Office of Court Administration of the Texas  
 10-57 Judicial System, the federal Office of Child Support Enforcement,  
 10-58 and state, county, and local officials, shall develop and implement  
 10-59 a statewide integrated system for child support, [~~and~~] medical  
 10-60 support, and dental support enforcement, employing federal, state,  
 10-61 local, and private resources to:

10-62 (1) unify child support registry functions;

10-63 (2) record and track all child support orders entered  
 10-64 in the state;

10-65 (3) establish an automated enforcement process which  
 10-66 will use delinquency monitoring, billing, and other enforcement  
 10-67 techniques to ensure the payment of current support;

10-68 (4) incorporate existing enforcement resources into  
 10-69 the system to obtain maximum benefit from state and federal

11-1 funding; and

11-2 (5) ensure accountability for all participants in the  
11-3 process, including state, county, and local officials, private  
11-4 contractors, and the judiciary.

11-5 (g) Participation in the statewide integrated system for  
11-6 child support, ~~[and]~~ medical support, and dental support  
11-7 enforcement by a county is voluntary, and nothing in this section  
11-8 shall be construed to mandate participation.

11-9 SECTION 42. Subsection (e), Section 231.002, Family Code,  
11-10 is amended to read as follows:

11-11 (e) The Title IV-D agency may take the following  
11-12 administrative actions with respect to the location of a parent,  
11-13 the determination of parentage, and the establishment,  
11-14 modification, and enforcement of child support, ~~[and]~~ medical  
11-15 support, and dental support orders required by 42 U.S.C. Section  
11-16 666(c), without obtaining an order from any other judicial or  
11-17 administrative tribunal:

11-18 (1) issue an administrative subpoena, as provided by  
11-19 Section 231.303, to obtain financial or other information;

11-20 (2) order genetic testing for parentage  
11-21 determination, as provided by Chapter 233;

11-22 (3) order income withholding, as provided by Chapter  
11-23 233, and issue an administrative writ of withholding, as provided  
11-24 by Chapter 158; and

11-25 (4) take any action with respect to execution,  
11-26 collection, and release of a judgment or lien for child support  
11-27 necessary to satisfy the judgment or lien, as provided by Chapter  
11-28 157.

11-29 SECTION 43. Subsection (a), Section 231.101, Family Code,  
11-30 is amended to read as follows:

11-31 (a) The Title IV-D agency may provide all services required  
11-32 or authorized to be provided by Part D of Title IV of the federal  
11-33 Social Security Act (42 U.S.C. Section 651 et seq.), including:

11-34 (1) parent locator services;

11-35 (2) paternity determination;

11-36 (3) child support, ~~[and]~~ medical support, and dental  
11-37 support establishment;

11-38 (4) review and adjustment of child support orders;

11-39 (5) enforcement of child support, ~~[and]~~ medical  
11-40 support, and dental support orders; and

11-41 (6) collection and distribution of child support  
11-42 payments.

11-43 SECTION 44. Subsection (b), Section 231.104, Family Code,  
11-44 is amended to read as follows:

11-45 (b) An application for child support services is an  
11-46 assignment of support rights to enable the Title IV-D agency to  
11-47 establish and enforce child support, ~~[and]~~ medical support, and  
11-48 dental support obligations, but an assignment is not a condition of  
11-49 eligibility for services.

11-50 SECTION 45. Subsection (a), Section 231.123, Family Code,  
11-51 is amended to read as follows:

11-52 (a) In order to maximize the amount of any tax refund to  
11-53 which an obligor may be entitled and which may be applied to child  
11-54 support, ~~[and]~~ medical support, and dental support obligations, the  
11-55 Title IV-D agency shall cooperate with volunteer income tax  
11-56 assistance programs in the state in informing obligors of the  
11-57 availability of the programs.

11-58 SECTION 46. Subsection (a), Section 231.301, Family Code,  
11-59 is amended to read as follows:

11-60 (a) The parent locator service conducted by the Title IV-D  
11-61 agency shall be used to obtain information for:

11-62 (1) child support establishment and enforcement  
11-63 purposes regarding the identity, social security number, location,  
11-64 employer and employment benefits, income, and assets or debts of  
11-65 any individual under an obligation to pay child support, ~~or~~  
11-66 medical support, or dental support or to whom a support obligation  
11-67 is owed; or

11-68 (2) the establishment of paternity.

11-69 SECTION 47. Section 231.306, Family Code, is amended to

12-1 read as follows:

12-2       Sec. 231.306. MAXIMIZING MEDICAL SUPPORT AND DENTAL SUPPORT  
 12-3 ESTABLISHMENT AND COLLECTION BY THE TITLE IV-D AGENCY. (a) On the  
 12-4 installation of an automated child support enforcement system, the  
 12-5 Title IV-D agency is strongly encouraged to:

12-6       (1) maximize the collection of medical support and  
 12-7 dental support; and

12-8       (2) establish cash medical support orders for children  
 12-9 eligible for medical assistance under the state Medicaid program  
 12-10 for whom private insurance coverage is not available.

12-11       (b) In this section:

12-12       (1) "Medical~~[, "medical]~~ support" has the meaning  
 12-13 assigned by Section 101.020.

12-14       (2) "Dental support" has the meaning assigned by  
 12-15 Section 101.0095.

12-16       SECTION 48. Subsection (a), Section 233.001, Family Code,  
 12-17 is amended to read as follows:

12-18       (a) The purpose of the procedures specified in the child  
 12-19 support review process authorized by this chapter is to enable the  
 12-20 Title IV-D agency to take expedited administrative actions to  
 12-21 establish, modify, and enforce child support, ~~[and]~~ medical  
 12-22 support, and dental support obligations, to determine parentage, or  
 12-23 to take any other action authorized or required under Part D, Title  
 12-24 IV, of the federal Social Security Act (42 U.S.C. Section 651 et  
 12-25 seq.), and Chapter 231.

12-26       SECTION 49. Subsection (b), Section 233.009, Family Code,  
 12-27 is amended to read as follows:

12-28       (b) The notice of proposed child support review order shall  
 12-29 state:

12-30       (1) the amount of periodic payment of child support  
 12-31 due, the amount of any overdue support that is owed as an arrearage  
 12-32 as of the date of the notice, and the amounts that are to be paid by  
 12-33 the obligor for current support due and in payment on the arrearage  
 12-34 owed;

12-35       (2) that the person identified in the notice as the  
 12-36 party responsible for payment of the support amounts may contest  
 12-37 the notice order on the grounds that:

12-38       (A) the respondent is not the responsible party;  
 12-39       (B) the dependent child is no longer entitled to  
 12-40 child support; or

12-41       (C) the amount of monthly support or arrearage is  
 12-42 incorrectly stated; and

12-43       (3) that, if the person identified in the notice as the  
 12-44 party responsible for payment of the support amounts does not  
 12-45 contest the notice in writing or request a negotiation conference  
 12-46 to discuss the notice not later than the 15th day after the date the  
 12-47 notice was delivered, the Title IV-D agency may file a child support  
 12-48 review order for child support, ~~[and for]~~ medical support, and  
 12-49 dental support for the child as provided by Chapter 154 according to  
 12-50 the information available to the agency.

12-51       SECTION 50. Subsection (b), Section 233.0095, Family Code,  
 12-52 is amended to read as follows:

12-53       (b) The notice of proposed child support review order shall  
 12-54 state:

12-55       (1) the amount of periodic payment of child support  
 12-56 due;

12-57       (2) that the person identified in the notice as the  
 12-58 party responsible for payment of the support amounts may only  
 12-59 contest the amount of monthly support; and

12-60       (3) that, if the person identified in the notice as the  
 12-61 party responsible for payment of the support amounts does not  
 12-62 contest the notice in writing or request a negotiation conference  
 12-63 to discuss the notice not later than the 15th day after the date the  
 12-64 notice was delivered, the Title IV-D agency may file the child  
 12-65 support order for child support, ~~[and for]~~ medical support, and  
 12-66 dental support for the child as provided by Chapter 154 according to  
 12-67 the information available to the agency.

12-68       SECTION 51. Subsection (c), Section 233.013, Family Code,  
 12-69 is amended to read as follows:

13-1 (c) Notwithstanding Subsection (b), the Title IV-D agency  
 13-2 may, at any time and without a showing of material and substantial  
 13-3 change in the circumstances of the parties, file a child support  
 13-4 review order that has the effect of modifying an existing order for  
 13-5 child support to provide medical support or dental support for a  
 13-6 child if the existing order does not provide health care coverage  
 13-7 for the child as required under Section 154.182 or dental care  
 13-8 coverage for the child as required under Section 154.1825.

13-9 SECTION 52. Subsection (a), Section 233.017, Family Code,  
 13-10 is amended to read as follows:

13-11 (a) An order issued under this chapter must be reviewed and  
 13-12 signed by an attorney of the Title IV-D agency and must contain all  
 13-13 provisions that are appropriate for an order under this title,  
 13-14 including current child support, medical support, dental support,  
 13-15 a determination of any arrearages or retroactive support, and, if not  
 13-16 otherwise ordered, income withholding.

13-17 SECTION 53. Section 234.002, Family Code, is amended to  
 13-18 read as follows:

13-19 Sec. 234.002. INTEGRATED SYSTEM FOR CHILD SUPPORT, [~~AND~~]  
 13-20 MEDICAL SUPPORT, AND DENTAL SUPPORT ENFORCEMENT. The statewide  
 13-21 integrated system for child support, [~~and~~] medical support, and  
 13-22 dental support enforcement under Chapter 231 shall be part of the  
 13-23 state case registry and state disbursement unit authorized by this  
 13-24 subchapter.

13-25 SECTION 54. Subsection (a), Section 71.035, Government  
 13-26 Code, is amended to read as follows:

13-27 (a) The council shall gather judicial statistics and other  
 13-28 pertinent information from the several state judges and other court  
 13-29 officials of this state. In addition, the council shall implement a  
 13-30 monthly tracking system to ensure accountability for counties and  
 13-31 courts which participate in the statewide integrated system for  
 13-32 child support, [~~and~~] medical support, and dental support  
 13-33 enforcement established under Section 231.0011, Family Code. As a  
 13-34 duty of office, the district clerks and county clerks serving the  
 13-35 affected courts shall report monthly such information as may be  
 13-36 required by the council, including, at a minimum, the time required  
 13-37 to enforce cases from date of delinquency, from date of filing, and  
 13-38 from date of service until date of disposition. Such information as  
 13-39 is necessary to complete the report and not directly within the  
 13-40 control of the district or county clerk, such as date of  
 13-41 delinquency, shall be provided to the clerk by the child support  
 13-42 registry or by the enforcement agency providing Title IV-D  
 13-43 enforcement services in the court. The monthly report shall be  
 13-44 transmitted to the Office of Court Administration of the Texas  
 13-45 Judicial System no later than the 20th day of the month following  
 13-46 the month reported, in such form as may be prescribed by the Office  
 13-47 of Court Administration, which may include electronic data  
 13-48 transfer. Copies of such reports shall be maintained in the office  
 13-49 of the appropriate district or county clerk for a period of at least  
 13-50 two years and shall be available to the public for inspection and  
 13-51 reproduction.

13-52 SECTION 55. Subsection (c), Section 848.006, Insurance  
 13-53 Code, is amended to read as follows:

13-54 (c) Subsection (a) does not apply to an individual:  
 13-55 (1) who is required to obtain or maintain health  
 13-56 benefit plan coverage:

13-57 (A) written by an institution of higher education  
 13-58 at which the individual is or will be enrolled as a student; or

13-59 (B) under an order requiring medical support or  
 13-60 dental support for a child; or

13-61 (2) who voluntarily applies for benefits under a state  
 13-62 administered program under Title XIX of the Social Security Act (42  
 13-63 U.S.C. Section 1396 et seq.), or Title XXI of the Social Security  
 13-64 Act (42 U.S.C. Section 1397aa et seq.).

13-65 SECTION 56. Subsection (b), Section 1201.053, Insurance  
 13-66 Code, is amended to read as follows:

13-67 (b) On the application of an adult member of a family, an  
 13-68 individual accident and health insurance policy may, at the time of  
 13-69 original issuance or by subsequent amendment, insure two or more

14-1 eligible members of the adult's family, including a spouse,  
 14-2 unmarried children younger than 25 years of age, including a  
 14-3 grandchild of the adult as described by Section 1201.062(a)(1), a  
 14-4 child the adult is required to insure under a medical support order  
 14-5 or dental support order, if the policy provides dental coverage,  
 14-6 issued under Chapter 154, Family Code, or enforceable by a court in  
 14-7 this state, and any other individual dependent on the adult.

14-8 SECTION 57. Subsection (a), Section 1201.062, Insurance  
 14-9 Code, is amended to read as follows:

14-10 (a) An individual or group accident and health insurance  
 14-11 policy that is delivered, issued for delivery, or renewed in this  
 14-12 state, including a policy issued by a corporation operating under  
 14-13 Chapter 842, or a self-funded or self-insured welfare or benefit  
 14-14 plan or program, to the extent that regulation of the plan or  
 14-15 program is not preempted by federal law, that provides coverage for  
 14-16 a child of an insured or group member, on payment of a premium, must  
 14-17 provide coverage for:

14-18 (1) each grandchild of the insured or group member if  
 14-19 the grandchild is:

- 14-20 (A) unmarried;
- 14-21 (B) younger than 25 years of age; and
- 14-22 (C) a dependent of the insured or group member  
 14-23 for federal income tax purposes at the time application for  
 14-24 coverage of the grandchild is made; and

14-25 (2) each child for whom the insured or group member  
 14-26 must provide medical support or dental support, if the policy  
 14-27 provides dental coverage, under an order issued under Chapter 154,  
 14-28 Family Code, or enforceable by a court in this state.

14-29 SECTION 58. Section 1201.063, Insurance Code, is amended to  
 14-30 read as follows:

14-31 Sec. 1201.063. PROHIBITION OF CERTAIN CRITERIA RELATING TO  
 14-32 CHILD'S COVERAGE IN INDIVIDUAL OR GROUP POLICY. Regarding a  
 14-33 natural or adopted child of an insured or group member or a child  
 14-34 for whom the insured or group member must provide medical support or  
 14-35 dental support, if the policy provides dental coverage, under an  
 14-36 order issued under Chapter 154, Family Code, or enforceable by a  
 14-37 court in this state, an individual or group accident and health  
 14-38 insurance policy that provides coverage for a child of an insured or  
 14-39 group member may not set a different premium for the child, exclude  
 14-40 the child from coverage, or discontinue coverage of the child  
 14-41 because:

14-42 (1) the child does not reside with the insured or group  
 14-43 member; or

14-44 (2) the insured or group member does not claim the  
 14-45 child as an exemption for federal income tax purposes under Section  
 14-46 151(c) [151(c)(1)(B)], Internal Revenue Code of 1986.

14-47 SECTION 59. The heading to Chapter 1504, Insurance Code, is  
 14-48 amended to read as follows:

14-49 CHAPTER 1504. MEDICAL AND DENTAL CHILD SUPPORT

14-50 SECTION 60. Subdivision (4), Section 1504.001, Insurance  
 14-51 Code, is amended to read as follows:

14-52 (4) "Benefit [Health benefit] plan issuer" means:

14-53 (A) an insurance company, group hospital service  
 14-54 corporation, or health maintenance organization that delivers or  
 14-55 issues for delivery an individual, group, blanket, or franchise  
 14-56 insurance policy or agreement, a group hospital service contract,  
 14-57 or an evidence of coverage that provides benefits for medical or  
 14-58 surgical expenses incurred as a result of an accident or sickness,  
 14-59 or dental expenses;

14-60 (B) a governmental entity subject to Subchapter  
 14-61 D, Chapter 1355, Subchapter C, Chapter 1364, Chapter 1578, Article  
 14-62 3.51-1, 3.51-4, or 3.51-5, or Chapter 177, Local Government Code;

14-63 (C) the issuer of a multiple employer welfare  
 14-64 arrangement as defined by Section 846.001; or

14-65 (D) the issuer of a group health plan as defined  
 14-66 by Section 607, Employee Retirement Income Security Act of 1974 (29  
 14-67 U.S.C. Section 1167).

14-68 SECTION 61. Subsection (b), Section 1504.002, Insurance  
 14-69 Code, is amended to read as follows:

15-1 (b) The commissioner shall adopt rules that define  
15-2 "comparable health or dental coverage" in a manner that:

15-3 (1) is consistent with federal law; and  
15-4 (2) complies with the requirements necessary to  
15-5 maintain federal Medicaid funding.

15-6 SECTION 62. Section 1504.003, Insurance Code, is amended to  
15-7 read as follows:

15-8 Sec. 1504.003. VIOLATION OF CHAPTER: RELIEF AVAILABLE TO  
15-9 INJURED PERSON. A [~~health~~] benefit plan issuer that violates this  
15-10 chapter is subject to the same penalties, and an injured person has  
15-11 the same rights and remedies, as those provided by Subchapter D,  
15-12 Chapter 541.

15-13 SECTION 63. The heading to Subchapter B, Chapter 1504,  
15-14 Insurance Code, is amended to read as follows:

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

15-16 SECTION 64. Section 1504.051, Insurance Code, is amended to  
15-17 read as follows:

15-18 Sec. 1504.051. ENROLLMENT OF CERTAIN CHILDREN REQUIRED.  
15-19 (a) A [~~health~~] benefit plan issuer shall permit a parent to enroll  
15-20 a child in dependent health or dental coverage offered through the  
15-21 issuer regardless of any enrollment period restriction if the  
15-22 parent is:

15-23 (1) eligible for dependent health or dental coverage;  
15-24 and

15-25 (2) required by a court order or administrative order  
15-26 to provide health or dental insurance coverage for the child.

15-27 (b) A [~~health~~] benefit plan issuer shall enroll a child of a  
15-28 parent described by Subsection (a) in dependent health or dental  
15-29 coverage offered through the issuer if:

15-30 (1) the parent does not apply to obtain health or  
15-31 dental coverage for the child through the issuer; and

15-32 (2) the child, a custodial parent of the child, or a  
15-33 child support agency having a duty to collect or enforce support for  
15-34 the child applies for the coverage.

15-35 SECTION 65. Section 1504.052, Insurance Code, is amended to  
15-36 read as follows:

15-37 Sec. 1504.052. CHILD RESIDING OUTSIDE SERVICE AREA;  
15-38 COMPARABLE HEALTH OR DENTAL COVERAGE REQUIRED. (a) A [~~health~~]  
15-39 benefit plan issuer may not deny enrollment of a child under the  
15-40 health or dental coverage of the child's parent on the ground that  
15-41 the child does not reside in the issuer's service area.

15-42 (b) A [~~health~~] benefit plan issuer may not enforce an  
15-43 otherwise applicable provision of the health or dental coverage  
15-44 that would deny, limit, or reduce payment of a claim for a covered  
15-45 child who resides outside the issuer's service area but inside the  
15-46 United States.

15-47 (c) For a covered child who resides outside the [~~health~~]  
15-48 benefit plan issuer's service area and whose coverage under a  
15-49 policy or plan is required by a medical support order or dental  
15-50 support order, the issuer shall provide coverage that is comparable  
15-51 health or dental coverage to that provided to other dependents  
15-52 under the policy or plan.

15-53 (d) Comparable health or dental coverage may include  
15-54 coverage in which a [~~health~~] benefit plan issuer uses different  
15-55 procedures for service delivery and health care provider  
15-56 reimbursement. Comparable health or dental coverage may not  
15-57 include coverage:

15-58 (1) that is limited to emergency services only; or

15-59 (2) for which the issuer charges a higher premium.

15-60 SECTION 66. Section 1504.053, Insurance Code, is amended to  
15-61 read as follows:

15-62 Sec. 1504.053. CANCELLATION OR NONRENEWAL OF COVERAGE FOR  
15-63 CERTAIN CHILDREN. (a) A [~~health~~] benefit plan issuer may not  
15-64 cancel or refuse to renew health or dental coverage provided to a  
15-65 child who is enrolled or entitled to enrollment under this chapter  
15-66 unless satisfactory written evidence is filed with the issuer  
15-67 showing that:

15-68 (1) the court or administrative order that required  
15-69 the coverage is not in effect; or

16-1 (2) the child:

16-2 (A) is enrolled in comparable health or dental  
16-3 coverage; or

16-4 (B) will be enrolled in comparable health or  
16-5 dental coverage that takes effect not later than the effective date  
16-6 of the cancellation or nonrenewal.

16-7 (b) For purposes of this section, a child is not enrolled or  
16-8 entitled to enrollment under this chapter if the child's  
16-9 eligibility for health or dental coverage ends because the parent  
16-10 ceases to be eligible for dependent health or dental coverage.

16-11 SECTION 67. Section 1504.054, Insurance Code, is amended to  
16-12 read as follows:

16-13 Sec. 1504.054. CONTINUATION OR CONVERSION OF COVERAGE.

16-14 (a) If a child's eligibility for dependent health or dental  
16-15 coverage ends because the parent ceases to be eligible for the  
16-16 coverage and the coverage provides for the continuation or  
16-17 conversion of the coverage for the child, the [~~health~~] benefit plan  
16-18 issuer shall notify the custodial parent and the child support  
16-19 agency of the costs and other requirements for continuing or  
16-20 converting the coverage.

16-21 (b) The [~~health~~] benefit plan issuer shall, on application  
16-22 of a parent of the child, a child support agency, or the child,  
16-23 enroll or continue enrollment of a child whose eligibility for  
16-24 coverage ended under Subsection (a).

16-25 SECTION 68. Section 1504.055, Insurance Code, is amended to  
16-26 read as follows:

16-27 Sec. 1504.055. PROCEDURE FOR CLAIMS. (a) A [~~health~~]  
16-28 benefit plan issuer that provides health or dental coverage to a  
16-29 child through a covered parent of the child shall:

16-30 (1) provide to each custodial parent of the child or to  
16-31 an adult child documents and other information necessary for the  
16-32 child to obtain benefits under the coverage, including:

16-33 (A) the name of the issuer;

16-34 (B) the number of the policy or evidence of  
16-35 coverage;

16-36 (C) a copy of the policy or evidence of coverage  
16-37 and schedule of benefits;

16-38 (D) a health or dental coverage membership card;

16-39 (E) claim forms; and

16-40 (F) any other document or information necessary  
16-41 to submit a claim in accordance with the issuer's policies and  
16-42 procedures;

16-43 (2) permit a custodial parent, health care provider,  
16-44 state agency that has been assigned medical or dental support  
16-45 rights, or adult child to submit claims for covered services  
16-46 without the approval of the covered parent; and

16-47 (3) make payments on covered claims submitted in  
16-48 accordance with this subsection directly to a custodial parent,  
16-49 health care or dental care provider, adult child, or state agency  
16-50 making a claim.

16-51 (b) A [~~health~~] benefit plan issuer shall provide to a state  
16-52 agency that provides medical assistance, including medical  
16-53 assistance for dental services, to the child or shall provide to a  
16-54 child support agency that enforces medical or dental support on  
16-55 behalf of a child the information necessary to obtain reimbursement  
16-56 of medical or dental services provided to or paid on behalf of the  
16-57 child.

16-58 SECTION 69. Section 1504.101, Insurance Code, is amended to  
16-59 read as follows:

16-60 Sec. 1504.101. DENIAL OF ENROLLMENT ON CERTAIN GROUNDS  
16-61 PROHIBITED. A [~~health~~] benefit plan issuer may not deny enrollment  
16-62 of a child under the health or dental coverage of the child's parent  
16-63 on the ground that the child:

16-64 (1) has a preexisting condition;

16-65 (2) was born out of wedlock;

16-66 (3) is not claimed as a dependent on the parent's  
16-67 federal income tax return;

16-68 (4) does not reside with the parent; or

16-69 (5) receives or has applied for medical assistance.



17-1 SECTION 70. Section 1504.102, Insurance Code, is amended to  
 17-2 read as follows:

17-3 Sec. 1504.102. ASSIGNMENT OF MEDICAL OR DENTAL SUPPORT  
 17-4 RIGHTS: DIFFERENT REQUIREMENTS PROHIBITED. A ~~[health]~~ benefit  
 17-5 plan issuer may not require a state agency that has been assigned  
 17-6 the rights of an individual who is eligible for medical assistance  
 17-7 and is covered for health or dental benefits from the issuer to  
 17-8 comply with a requirement that is different from a requirement  
 17-9 imposed on an agent or assignee of any other covered individual.

17-10 SECTION 71. Section 402.085, Labor Code, is amended to read  
 17-11 as follows:

17-12 Sec. 402.085. EXCEPTIONS TO CONFIDENTIALITY. (a) The  
 17-13 division shall release information on a claim to:

17-14 (1) the Texas Department of Insurance for any  
 17-15 statutory or regulatory purpose, including a research purpose under  
 17-16 Chapter 405;

17-17 (2) a legislative committee for legislative purposes;

17-18 (3) a state or federal elected official requested in  
 17-19 writing to provide assistance by a constituent who qualifies to  
 17-20 obtain injury information under Section 402.084(b), if the request  
 17-21 for assistance is provided to the division;

17-22 (4) the attorney general or another entity that  
 17-23 provides child support services under Part D, Title IV, Social  
 17-24 Security Act (42 U.S.C. Section 651 et seq.), relating to:

17-25 (A) establishing, modifying, or enforcing a  
 17-26 child support, ~~[or]~~ medical support, or dental support obligation;  
 17-27 or

17-28 (B) locating an absent parent; or

17-29 (5) the office of injured employee counsel for any  
 17-30 statutory or regulatory purpose that relates to a duty of that  
 17-31 office as provided by Section 404.111(a).

17-32 (b) The division may release information on a claim to a  
 17-33 governmental agency, political subdivision, or regulatory body to  
 17-34 use to:

17-35 (1) investigate an allegation of a criminal offense or  
 17-36 licensing or regulatory violation;

17-37 (2) provide:

17-38 (A) unemployment compensation benefits;

17-39 (B) crime victims compensation benefits;

17-40 (C) vocational rehabilitation services; or

17-41 (D) health care benefits;

17-42 (3) investigate occupational safety or health  
 17-43 violations;

17-44 (4) verify income on an application for benefits under  
 17-45 an income-based state or federal assistance program; or

17-46 (5) assess financial resources in an action, including  
 17-47 an administrative action, to:

17-48 (A) establish, modify, or enforce a child  
 17-49 support, ~~[or]~~ medical support, or dental support obligation;

17-50 (B) establish paternity;

17-51 (C) locate an absent parent; or

17-52 (D) cooperate with another state in an action  
 17-53 authorized under Part D, Title IV, Social Security Act (42 U.S.C.  
 17-54 Section 651 et seq.), or Chapter 231, Family Code.

17-55 SECTION 72. (a) The changes in law made by this Act apply  
 17-56 to a suit affecting the parent-child relationship filed on or after  
 17-57 the effective date of this Act. A suit affecting the parent-child  
 17-58 relationship filed before the effective date of this Act is  
 17-59 governed by the law in effect on the date the suit was filed, and the  
 17-60 former law is continued in effect for that purpose.

17-61 (b) The change in law made by this Act does not by itself  
 17-62 constitute a material and substantial change of circumstances under  
 17-63 Section 156.401, Family Code, sufficient to warrant modification of  
 17-64 a court order or a portion of a decree that provides for the support  
 17-65 of a child rendered before the effective date of this Act.

17-66 SECTION 73. This Act takes effect September 1, 2013.

17-67

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