

BILL ANALYSIS

S.B. 550
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Juvenile Justice & Family Issues
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current procedures, children subject to child support orders only receive dental support if specifically ordered by the court or if the parties involved in the suit agree to such terms. Interested parties assert that, if available at a reasonable cost, dental support should be required to be provided for children subject to child support orders and enforced in the same manner as any other child support obligation. S.B. 550 seeks to amend current law to require dental support for a child subject to a child support order.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

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

ANALYSIS

S.B. 550 amends the Family Code to require the court, in a suit affecting the parent-child relationship or in a proceeding under the Uniform Interstate Family Support Act, to render an order for the dental support of the child as provided by the bill's provisions relating to a dental support order and dental care coverage for a child. The bill requires the court, before a hearing on temporary orders or a final order if no hearing on temporary orders is held, to require the parties to the proceedings to disclose in a pleading or other document whether the child is covered by dental insurance and, if the child is covered, the identity of the insurer providing the coverage, the policy number, which parent is responsible for payment of any insurance premium for the coverage, whether the coverage is provided through a parent's employment, and the cost of the premium. The bill requires the parties, if dental insurance is not in effect for the child, to disclose to the court whether either parent has access to dental insurance at a reasonable cost to the obligor. The bill defines "reasonable cost," for an obligor responsible under a dental support order for the cost of dental insurance coverage for only one child, as the cost of a dental insurance premium that does not exceed 1.5 percent of the obligor's annual resources. The bill defines "reasonable cost," for an obligor responsible under a dental support order for the cost of dental insurance coverage for more than one child, as 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.

S.B. 550 requires the court, in rendering temporary orders and except for good cause shown, to order that any dental insurance coverage in effect for the child continue in effect pending the rendition of a final order, except that the court is prohibited from requiring the continuation of any dental insurance that is not available to the parent at a reasonable cost to the obligor. If

dental insurance coverage is not in effect for the child or if the insurance in effect is not available at a reasonable cost to the obligor, the bill requires the court, except for good cause shown, to order dental insurance coverage for the child as provided by the bill. The bill requires the court, on rendering a final order, to make specific findings with respect to the manner in which dental insurance coverage is to be provided for the child, in accordance with the priorities identified by the bill, and, except for good cause shown or on agreement of the parties, to require the parent ordered to provide dental insurance coverage for the child to produce evidence to the court's satisfaction that the parent has applied for or secured dental insurance or has otherwise taken necessary action to provide for dental insurance coverage for the child, as ordered by the court.

S.B. 550 requires the court to consider the cost, accessibility, and quality of dental insurance coverage available to the parties and to give priority to dental insurance coverage available through the employment of one of the parties if the coverage is available at a reasonable cost to the obligor. The bill requires the court, in determining the manner in which dental care coverage for the child is to be ordered, to render its order in accordance with the following priorities, unless a party shows good cause why a particular order is not in the best interest of the child: if dental insurance is available for the child through a parent's employment or membership in a union, trade association, or other organization at a reasonable cost, the court must order that parent to include the child in the parent's dental insurance; or, if dental insurance is not available through the parent's employment or membership but is available to a parent from another source and at a reasonable cost, the court may order that parent to provide dental insurance for the child. The bill requires the court, if the parent ordered to provide dental insurance is the obligee, to order the obligor to pay the obligee, as additional child support, an amount equal to the actual cost of dental insurance for the child, but not to exceed a reasonable cost to the obligor. The bill establishes the manner in which the court must calculate the actual cost of dental insurance for the child if the obligee has other minor dependents covered under the same dental insurance plan.

S.B. 550 requires the court to order a parent providing dental insurance to furnish to either the obligee, obligor, or child support agency, not later than the 30th day after the date the notice of rendition of an order for dental support is received, the social security number of the parent; the name and address of the parent's employer; whether the employer is self-insured or has dental insurance available; proof that dental insurance has been provided for the child; if the employer has dental insurance available, the name of the dental insurance carrier, the number of the policy, a copy of the policy and a schedule of benefits, a dental insurance membership card, claim forms, and any other information necessary to submit a claim; and if the employer is self-insured, a copy of the schedule of benefits, a membership card, claim forms, and any other information necessary to submit a claim.

S.B. 550 amends the Government Code and Labor Code to make conforming changes.

S.B. 550 amends the Insurance Code to make conforming changes and to specify that the term required to be defined by commissioner of insurance rule in a manner that is consistent with federal law and complies with the requirements necessary to maintain federal Medicaid funding is "comparable health or dental coverage."

S.B. 550 establishes that its provisions do not by themselves constitute a material and substantial change of circumstances sufficient to warrant modification of a court order or a portion of a decree that provides for the support of a child rendered before the bill's effective date.

EFFECTIVE DATE

September 1, 2018.