

SENATE AMENDMENTS

2nd Printing

By: Hernandez

H.B. No. 4424

A BILL TO BE ENTITLED

AN ACT

relating to operations fees and child support service fees assessed by domestic relations offices.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 110.006, Family Code, is amended to read as follows:

Sec. 110.006. DOMESTIC RELATIONS OFFICE OPERATIONS FEES AND CHILD SUPPORT SERVICE FEES. (a) If an administering entity of a domestic relations office adopts an initial operations fee under Section 203.005(a)(1) or an initial child support service fee under Section 203.005(a)(2), the clerk of the court shall:

(1) collect the operations fee or child support service fee at the time the original suit, motion for modification, or motion for enforcement, as applicable, is filed; and

(2) send the fee to the domestic relations office.

(b) The fees described by Subsection (a) are not filing fees for purposes of Section 110.002 or 110.003.

SECTION 2. Section 203.005(a), Family Code, is amended to read as follows:

(a) The administering entity may authorize a domestic relations office to assess and collect:

(1) an initial operations fee not to exceed \$15 to be paid to the domestic relations office on each ~~[the]~~ filing of an original ~~[a]~~ suit, motion for modification, or motion for

1 enforcement;

2 (2) in a county that has a child support enforcement
3 cooperative agreement with the Title IV-D agency, an initial child
4 support service fee not to exceed \$36 to be paid to the domestic
5 relations office on each [~~the~~] filing of an original [a] suit,
6 motion for modification, or motion for enforcement;

7 (3) a reasonable application fee to be paid by an
8 applicant requesting services from the office;

9 (4) a reasonable attorney's fee and court costs
10 incurred or ordered by the court;

11 (5) a monthly service fee not to exceed \$3 to be paid
12 annually in advance by a managing conservator and possessory
13 conservator for whom the domestic relations office provides child
14 support services;

15 (6) community supervision fees as provided by Chapter
16 157 if community supervision officers are employed by the domestic
17 relations office;

18 (7) a reasonable fee for preparation of a
19 court-ordered social study;

20 (8) in a county that provides visitation services
21 under Sections 153.014 and 203.004 a reasonable fee to be paid to
22 the domestic relations office at the time the visitation services
23 are provided;

24 (9) a fee to reimburse the domestic relations office
25 for a fee required to be paid under Section 158.503(d) for filing an
26 administrative writ of withholding;

27 (10) a reasonable fee for parenting coordinator

1 services; and

2 (11) a reasonable fee for alternative dispute
3 resolution services.

4 SECTION 3. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2009.

ADOPTED

MAY 26 2009

Atty Gen Spaw
Secretary of the Senate

_____.B. No. _____

By: _____

Substitute the following for _____.B. No. _____:

By: *[Signature]*

C.S. 17.B. No. 4424

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(1) collect the operations fee at the time the original suit, motion for modification, or motion for enforcement, as applicable, is filed; and

(2) send the fee to the domestic relations office.

(b) If an administering entity of a domestic relations office adopts an initial child support service fee under Section 203.005(a)(2), the clerk of the court shall:

(1) collect the child support service fee at the time the original suit is filed; and

(2) send the fee to the domestic relations office.

(c) The fees described by Subsections (a) and (b) are not filing fees for purposes of Section 110.002 or 110.003.

SECTION 2. Section 203.005(a), Family Code, is amended to

1 read as follows:

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3 relations office to assess and collect:

4 (1) an initial operations fee not to exceed \$15 to be
5 paid to the domestic relations office on each [~~the~~] filing of an
6 original [~~a~~] suit, motion for modification, or motion for
7 enforcement;

8 (2) in a county that has a child support enforcement
9 cooperative agreement with the Title IV-D agency, an initial child
10 support service fee not to exceed \$36 to be paid to the domestic
11 relations office on the filing of an original [~~a~~] suit;

12 (3) a reasonable application fee to be paid by an
13 applicant requesting services from the office;

14 (4) a reasonable attorney's fee and court costs
15 incurred or ordered by the court;

16 (5) a monthly service fee not to exceed \$3 to be paid
17 annually in advance by a managing conservator and possessory
18 conservator for whom the domestic relations office provides child
19 support services;

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21 157 if community supervision officers are employed by the domestic
22 relations office;

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24 court-ordered social study;

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26 under Sections 153.014 and 203.004 a reasonable fee to be paid to
27 the domestic relations office at the time the visitation services

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4 administrative writ of withholding;

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6 services; and

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10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2009.

ADOPTED

MAY 26 2009

FLOOR AMENDMENT NO. 1

Atty Gen
Secretary of the Senate

BY: *C. Christ*

1 Amend H.B. No. 4424 by adding the following appropriately
2 numbered SECTIONS and renumbering subsequent SECTIONS of the
3 bill accordingly:

4 SECTION ____ Subsection (e), Section 54.06, Family Code,
5 is amended to read as follows:

6 (e) The court shall apply the child support guidelines
7 under Subchapter C, Chapter 154, in an order requiring the
8 payment of child support under this section. The court shall
9 also require in an order to pay child support under this section
10 that health insurance and dental insurance be provided for the
11 child. Subchapter D, Chapter 154, applies to an order requiring
12 health insurance and dental insurance for a child under this
13 section.

14 SECTION ____ Section 101.006, Family Code, is amended to
15 read as follows:

16 Sec. 101.006. CHILD SUPPORT SERVICES. "Child support
17 services" means administrative or court actions to:

- 18 (1) establish paternity;
19 (2) establish, modify, or enforce child support, ~~or~~
20 medical support, or dental support obligations;
21 (3) locate absent parents; or
22 (4) cooperate with other states in these actions and
23 any other action authorized or required under Part D of Title IV
24 of the federal Social Security Act (42 U.S.C. Section 651 et
25 seq.) or Chapter 231.

26 SECTION ____ Chapter 101, Family Code, is amended by
27 adding Sections 101.0094 and 101.0095 to read as follows:

28 Sec. 101.0094. DENTAL INSURANCE. "Dental insurance" means
29 insurance coverage that provides preventive dental care and

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1 other dental services, including usual dentist services, office
2 visits, examinations, X-rays, and emergency services, that may
3 be provided through a single service health maintenance
4 organization or other private or public organization.

5 Sec. 101.0095. DENTAL SUPPORT. "Dental support" means
6 periodic payments or a lump-sum payment made under an order to
7 cover dental expenses, including dental insurance coverage,
8 incurred for the benefit of a child.

9 SECTION _____. Section 101.012, Family Code, is amended to
10 read as follows:

11 Sec. 101.012. EMPLOYER. "Employer" means a person,
12 corporation, partnership, workers' compensation insurance
13 carrier, governmental entity, the United States, or any other
14 entity that pays or owes earnings to an individual. The term
15 includes, for the purposes of enrolling dependents in a group
16 health or dental insurance plan, a union, trade association, or
17 other similar organization.

18 SECTION _____. Subsection (b), Section 101.024, Family Code,
19 is amended to read as follows:

20 (b) For purposes of establishing, determining the terms
21 of, modifying, or enforcing an order, a reference in this title
22 to a parent includes a person ordered to pay child support under
23 Section 154.001(a-1) or to provide medical support or dental
24 support for a child.

25 SECTION _____. Section 101.034, Family Code, is amended to
26 read as follows:

27 Sec. 101.034. TITLE IV-D CASE. "Title IV-D case" means an
28 action in which services are provided by the Title IV-D agency
29 under Part D, Title IV, of the federal Social Security Act (42
30 U.S.C. Section 651 et seq.), relating to the location of an
31 absent parent, determination of parentage, or establishment,

1 modification, or enforcement of a child support, ~~or~~ medical
2 support, or dental support obligation.

3 SECTION _____. Section 153.611, Family Code, is amended to
4 read as follows:

5 Sec. 153.611. EXCEPTION FOR CERTAIN TITLE IV-D
6 PROCEEDINGS. Notwithstanding any other provision of this
7 subchapter, this subchapter does not apply to a proceeding in a
8 Title IV-D case relating to the determination of parentage or
9 establishment, modification, or enforcement of a child support,
10 ~~or~~ medical support, or dental support obligation.

11 SECTION _____. Section 154.008, Family Code, is amended to
12 read as follows:

13 Sec. 154.008. PROVISION FOR MEDICAL SUPPORT AND DENTAL
14 SUPPORT. The court shall order medical support and dental
15 support for the child as provided by Subchapters B and D.

16 SECTION _____. Subsection (c), Section 154.015, Family Code,
17 is amended to read as follows:

18 (c) For purposes of this section, the court of continuing
19 jurisdiction shall determine the amount of the unpaid child
20 support obligation for each child of the deceased obligor. In
21 determining the amount of the unpaid child support obligation,
22 the court shall consider all relevant factors, including:

23 (1) the present value of the total amount of monthly
24 periodic child support payments that would become due between
25 the month in which the obligor dies and the month in which the
26 child turns 18 years of age, based on the amount of the periodic
27 monthly child support payments under the child support order in
28 effect on the date of the obligor's death;

29 (2) the present value of the total amount of health
30 insurance and dental insurance premiums payable for the benefit
31 of the child from the month in which the obligor dies until the

1 month in which the child turns 18 years of age, based on the
2 cost of health insurance and dental insurance for the child
3 ordered to be paid on the date of the obligor's death;

4 (3) in the case of a disabled child under 18 years of
5 age or an adult disabled child, an amount to be determined by
6 the court under Section 154.306;

7 (4) the nature and amount of any benefit to which the
8 child would be entitled as a result of the obligor's death,
9 including life insurance proceeds, annuity payments, trust
10 distributions, social security death benefits, and retirement
11 survivor benefits; and

12 (5) any other financial resource available for the
13 support of the child.

14 SECTION ____ . Subsection (b), Section 154.016, Family Code,
15 is amended to read as follows:

16 (b) In determining the nature and extent of the obligation
17 to provide for the support of the child in the event of the
18 death of the obligor, the court shall consider all relevant
19 factors, including:

20 (1) the present value of the total amount of monthly
21 periodic child support payments from the date the child support
22 order is rendered until the month in which the child turns 18
23 years of age, based on the amount of the periodic monthly child
24 support payment under the child support order;

25 (2) the present value of the total amount of health
26 insurance and dental insurance premiums payable for the benefit
27 of the child from the date the child support order is rendered
28 until the month in which the child turns 18 years of age, based
29 on the cost of health insurance and dental insurance for the
30 child ordered to be paid; and

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

3 SECTION _____. Subsection (d), Section 154.062, Family Code,
4 is amended to read as follows:

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

8 (1) social security taxes;

9 (2) federal income tax based on the tax rate for a
10 single person claiming one personal exemption and the standard
11 deduction;

12 (3) state income tax;

13 (4) union dues; and

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

18 SECTION _____. Subsection (e), Section 154.062, Family Code,
19 as added by Chapters 363 (S.B. 303) and 620 (H.B. 448), Acts of
20 the 80th Legislature, Regular Session, 2007, is reenacted and
21 amended to read as follows:

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

29 SECTION _____. Section 154.064, Family Code, is amended to
30 read as follows:

31 Sec. 154.064. MEDICAL SUPPORT AND DENTAL SUPPORT FOR CHILD

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1 PRESUMPTIVELY PROVIDED BY OBLIGOR. The guidelines for support
2 of a child are based on the assumption that the court will order
3 the obligor to provide medical support and dental support for
4 the child in addition to the amount of child support calculated
5 in accordance with those guidelines.

6 SECTION _____. The subchapter heading of Subchapter D,
7 Chapter 154, Family Code, is amended to read as follows:

8 SUBCHAPTER D. MEDICAL SUPPORT AND DENTAL SUPPORT FOR CHILD

9 SECTION _____. Subchapter D, Chapter 154, Family Code, is
10 amended by adding Section 154.1815 to read as follows:

11 Sec. 154.1815. DENTAL SUPPORT ORDER. (a) In this
12 section, "reasonable cost" means the cost of a dental insurance
13 premium that does not exceed three percent of the responsible
14 parent's annual resources, as described by Section 154.062(b).

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

19 (c) Before a hearing on temporary orders or a final order,
20 if no hearing on temporary orders is held, the court shall
21 require the parties to the proceedings to disclose in a pleading
22 or other document whether the child is covered by dental
23 insurance and, if the child is covered, the identity of the
24 insurer providing the coverage, the policy number, which parent
25 is responsible for payment of any insurance premium for the
26 coverage, whether the coverage is provided through a parent's
27 employment, and the cost of the premium. If dental insurance is
28 not in effect for the child, the parties must disclose to the
29 court whether either parent has access to dental insurance at a
30 reasonable cost to that parent.

31 (d) In rendering temporary orders, the court shall, except

1 for good cause shown, order that any dental insurance coverage
2 in effect for the child continue in effect pending the rendition
3 of a final order, except that the court may not require the
4 continuation of any dental insurance that is not available to
5 the parent at a reasonable cost. If dental insurance coverage
6 is not in effect for the child or if the insurance in effect is
7 not available at a reasonable cost, the court shall, except for
8 good cause shown, order dental insurance coverage for the child
9 as provided by Section 154.1825.

10 (e) On rendering a final order the court shall:

11 (1) make specific findings with respect to the manner
12 in which dental insurance coverage is to be provided for the
13 child, in accordance with the priorities identified under
14 Section 154.1825; and

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

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

24 Sec. 154.1825. DENTAL CARE COVERAGE FOR CHILD. (a) In
25 this section, "reasonable cost" has the meaning assigned by
26 Section 154.1815(a).

27 (b) The court shall consider the cost and quality of
28 dental insurance coverage available to the parties and shall
29 give priority to dental insurance coverage available through the
30 employment of one of the parties if the coverage is available at
31 a reasonable cost.

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

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

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

15 (3) if dental insurance coverage is not available for
16 the child under Subdivision (1) or (2), the court shall order
17 the obligor to pay the obligee, in addition to any amount
18 ordered under the guidelines for child support, an amount, not
19 to exceed three percent of the obligor's annual resources, as
20 described by Section 154.062(b), as cash dental support for the
21 child.

22 (d) If the parent ordered to provide dental insurance
23 under Subsection (c)(1) or (2) is the obligee, the court shall
24 order the obligor to pay the obligee, as additional child
25 support, an amount equal to the actual cost of dental insurance
26 for the child. In calculating the actual cost of dental
27 insurance for the child, if the obligee has other minor
28 dependents covered under the same dental insurance plan, the
29 court shall divide the total cost to the obligee for the
30 insurance by the total number of minor dependents, including the
31 child covered under the plan.

1 (e) If the court finds that neither parent has access to
2 private dental insurance at a reasonable cost, the court shall
3 order the parent awarded the exclusive right to designate the
4 child's primary residence or, to the extent permitted by law,
5 the other parent to apply immediately on behalf of the child for
6 participation in any government medical assistance program or
7 health plan that provides dental coverage. If the child
8 participates in a government medical assistance program or
9 health plan that provides dental coverage, the court shall order
10 cash dental support under Subsection (c) (3).

11 (f) An order requiring the payment of cash dental support
12 under Subsection (c) (3) must allow the obligor to discontinue
13 payment of the cash dental support if:

14 (1) dental insurance for the child becomes available
15 to the obligor at a reasonable cost; and

16 (2) the obligor:

17 (A) enrolls the child in the insurance plan; and

18 (B) provides the obligee and, in a Title IV-D
19 case, the Title IV-D agency, the information required under
20 Section 154.185.

21 SECTION ____ . Section 154.183, Family Code, as amended by
22 Chapters 363 (S.B. 303) and 620 (H.B. 448), Acts of the 80th
23 Legislature, Regular Session, 2007, is reenacted and amended to
24 read as follows:

25 Sec. 154.183. MEDICAL AND DENTAL SUPPORT ADDITIONAL
26 SUPPORT DUTY OF OBLIGOR. (a) An amount that an obligor is
27 ordered to pay as medical support or dental support for the
28 child under this chapter, including the costs of health
29 insurance coverage or cash medical support under Section 154.182
30 and the costs of dental insurance or cash dental support under
31 Section 154.1825:

1 (1) is in addition to the amount that the obligor is
2 required to pay for child support under the guidelines for child
3 support;

4 (2) is a child support obligation; and

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

8 (b) If the court finds and states in the child support
9 order that the obligee will maintain health insurance coverage,
10 dental insurance coverage, or both, for the child at the
11 obligee's expense, the court shall increase the amount of child
12 support to be paid by the obligor in an amount not exceeding the
13 actual cost to the obligee for maintaining the [~~health~~
14 ~~insurance~~] coverage, as provided under Sections [~~Section~~]
15 154.182(b-1) and 154.1825(d). [~~In calculating the total expense~~
16 ~~to the obligee for maintaining health insurance for the child~~
17 ~~under this subsection, if the obligee has other minor dependents~~
18 ~~covered under the same health insurance plan, the court shall~~
19 ~~divide the total expense to the obligee for the insurance by the~~
20 ~~total number of minor dependents, including the child, covered~~
21 ~~under the plan.~~]

22 (c) As additional child support, the court shall allocate
23 between the parties, according to their circumstances, the
24 reasonable and necessary:

25 (1) health care expenses of a child that are not
26 reimbursed by health insurance or are not otherwise covered by
27 the amount of cash medical support ordered under Section
28 154.182(b)(3); and

29 (2) dental expenses of a child that are not
30 reimbursed by dental insurance or are not otherwise covered by
31 the amount of cash dental support ordered under Section

1 154.1825(b) (3).

2 SECTION _____. Subsections (a) and (b), Section 154.184,
3 Family Code, are amended to read as follows:

4 (a) Receipt of a medical support order requiring that
5 health insurance be provided for a child or a dental support
6 order requiring dental insurance be provided for a child shall
7 be considered a change in the family circumstances of the
8 employee or member, for health insurance purposes and dental
9 insurance purposes, equivalent to the birth or adoption of a
10 child.

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

17 SECTION _____. Section 154.185, Family Code, is amended to
18 read as follows:

19 Sec. 154.185. PARENT TO FURNISH INFORMATION. (a) The
20 court shall order a parent providing health insurance or dental
21 insurance to furnish to either the obligee, obligor, or child
22 support agency the following information not later than the 30th
23 day after the date the notice of rendition of the order is
24 received:

- 25 (1) the social security number of the parent;
- 26 (2) the name and address of the parent's employer;
- 27 (3) with regard to health insurance:
- 28 (A) whether the employer is self-insured or has
29 health insurance available;
- 30 (B) [~~4~~] proof that health insurance has been
31 provided for the child;

11 17

1 SUPPORT OR DENTAL SUPPORT.

2 SECTION _____. Subsection (a), Section 154.186, Family Code,
3 is amended to read as follows:

4 (a) The obligee, obligor, or a child support agency of
5 this state or another state may send to the employer a copy of
6 the order requiring an employee to provide health insurance
7 coverage or dental insurance coverage for a child or may include
8 notice of the medical support order or dental support order in
9 an order or writ of withholding sent to the employer in
10 accordance with Chapter 158.

11 SECTION _____. Subsections (a), (b), (c), (d), (e), and (g),
12 Section 154.187, Family Code, are amended to read as follows:

13 (a) An order or notice under this subchapter to an
14 employer directing that health insurance coverage or dental
15 insurance coverage be provided to a child of an employee or
16 member is binding on a current or subsequent employer on receipt
17 without regard to the date the order was rendered. If the
18 employee or member is eligible for dependent health coverage or
19 dental coverage for the child, the employer shall immediately
20 enroll the child in a health insurance plan or dental insurance
21 plan regardless of whether the employee is enrolled in the plan.
22 If dependent coverage is not available to the employee or member
23 through the employer's health insurance plan or dental insurance
24 plan or enrollment cannot be made permanent or if the employer
25 is not responsible or otherwise liable for providing such
26 coverage, the employer shall provide notice to the sender in
27 accordance with Subsection (c).

28 (b) If additional premiums are incurred as a result of
29 adding the child to the health insurance plan or the dental
30 insurance plan, the employer shall deduct the health insurance
31 premium or the dental insurance premium from the earnings of the

1 employee in accordance with Chapter 158 and apply the amount
2 withheld to payment of the insurance premium.

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

7 (1) has been enrolled in a health insurance plan or
8 dental insurance plan; or

9 (2) cannot be enrolled or cannot be enrolled
10 permanently in a health insurance plan or dental insurance plan
11 and provide the reason why coverage or permanent coverage cannot
12 be provided.

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

20 (e) On request, the employer shall release to the sender
21 information concerning the available health insurance coverage
22 or dental insurance coverage, including the name of the health
23 insurance carrier or dental insurance carrier, the policy
24 number, a copy of the policy and schedule of benefits, a health
25 insurance membership card, and claim forms.

26 (g) An employer who fails to enroll a child, fails to
27 withhold or remit premiums or cash medical support or dental
28 support, or discriminates in hiring or employment on the basis
29 of a medical support order or a dental support order or notice
30 under this subchapter shall be subject to the penalties and
31 fines in Subchapter C, Chapter 158.

14 20

1 SECTION ____ . Section 154.188, Family Code, is amended to
2 read as follows:

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

8 (1) necessary medical expenses or dental expenses of
9 the child, without regard to whether the expenses would have
10 been paid if health insurance or dental insurance had been
11 provided; and

12 (2) the cost of health insurance premiums, dental
13 insurance premiums, or contributions, if any, paid on behalf of
14 the child.

15 SECTION ____ . Section 154.189, Family Code, is amended to
16 read as follows:

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

22 (1) termination or lapse of health insurance coverage
23 or dental insurance coverage for the child not later than the
24 15th day after the date of a termination or lapse; and

25 (2) availability of additional health insurance or
26 dental insurance to the obligor for the child after a
27 termination or lapse of coverage not later than the 15th day
28 after the date the insurance becomes available.

29 (b) If termination of coverage results from a change of
30 employers, the obligor, the obligee, or the child support agency
31 may send the new employer a copy of the order requiring the

1 employee to provide health insurance or dental insurance for a
2 child or notice of the medical support order or the dental
3 support order as provided by this subchapter.

4 SECTION ____ . Section 154.190, Family Code, is amended to
5 read as follows:

6 Sec. 154.190. REENROLLING CHILD FOR INSURANCE COVERAGE.
7 After health insurance or dental insurance has been terminated
8 or has lapsed, an obligor ordered to provide health insurance
9 coverage or dental insurance coverage for the child must enroll
10 the child in a health insurance plan or a dental insurance plan
11 at the next available enrollment period.

12 SECTION ____ . Section 154.191, Family Code, is amended to
13 read as follows:

14 Sec. 154.191. REMEDY NOT EXCLUSIVE. (a) This subchapter
15 does not limit the rights of the obligor, obligee, local
16 domestic relations office, or Title IV-D agency to enforce,
17 modify, or clarify the medical support order or dental support
18 order.

19 (b) This subchapter does not limit the authority of the
20 court to render or modify a medical support order or dental
21 support order containing a provision for payment of uninsured
22 health expenses, health care costs, [~~or~~] health insurance
23 premiums, uninsured dental expenses, dental costs, or dental
24 insurance premiums that are in addition to and inconsistent with
25 this subchapter.

26 SECTION ____ . Section 154.192, Family Code, is amended to
27 read as follows:

28 Sec. 154.192. CANCELLATION OR ELIMINATION OF INSURANCE
29 COVERAGE FOR CHILD. [~~(a)~~] Unless the employee or member ceases
30 to be eligible for dependent coverage, or the employer has
31 eliminated dependent health coverage or dental coverage for all

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1 of the employer's employees or members, the employer may not
2 cancel or eliminate coverage of a child enrolled under this
3 subchapter until the employer is provided satisfactory written
4 evidence that:

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

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

11 SECTION _____. Subsection (a), Section 154.193, Family Code,
12 is amended to read as follows:

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

19 SECTION _____. Subsection (a), Section 156.401, Family Code,
20 is amended to read as follows:

21 (a) Except as provided by Subsection (a-1) or (b), the
22 court may modify an order that provides for the support of a
23 child, including an order for health care coverage under Section
24 154.182 or an order for dental care coverage under Section
25 154.1825, if:

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

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

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

1 based; or

2 (2) it has been three years since the order was
3 rendered or last modified and the monthly amount of the child
4 support award under the order differs by either 20 percent or
5 \$100 from the amount that would be awarded in accordance with
6 the child support guidelines.

7 SECTION ____ . Section 157.269, Family Code, is amended to
8 read as follows:

9 Sec. 157.269. RETENTION OF JURISDICTION. A court that
10 renders an order providing for the payment of child support
11 retains continuing jurisdiction to enforce the order, including
12 by adjusting the amount of the periodic payments to be made by
13 the obligor or the amount to be withheld from the obligor's
14 disposable earnings, until all current support, ~~and~~ medical
15 support, dental support, and child support arrearages, including
16 interest and any applicable fees and costs, have been paid.

17 SECTION ____ . Subsections (a) and (b), Section 158.206,
18 Family Code, are amended to read as follows:

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

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

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

31 (2) to the obligor for:

24

1 (A) the amount withheld and not paid as required
2 by the order or writ; and

3 (B) an amount equal to the interest that accrues
4 under Section 157.265 on the amount withheld and not paid; and

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

6 SECTION ____ . Section 158.302, Family Code, is amended to
7 read as follows:

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

11 (1) state the amount of monthly support due,
12 including medical support and dental support, the amount of
13 arrearages or anticipated arrearages, including accrued
14 interest, and the amount of wages that will be withheld in
15 accordance with a judicial writ of withholding;

16 (2) state that the withholding applies to each
17 current or subsequent employer or period of employment;

18 (3) state that if the obligor does not contest the
19 withholding within 10 days after the date of receipt of the
20 notice, the obligor's employer will be notified to begin the
21 withholding;

22 (4) describe the procedures for contesting the
23 issuance and delivery of a writ of withholding;

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

28 (6) state that the sole ground for successfully
29 contesting the issuance of a writ of withholding is a dispute
30 concerning the identity of the obligor or the existence or
31 amount of the arrearages, including accrued interest;

25

1 (7) describe the actions that may be taken if the
2 obligor contests the notice of application for judicial writ of
3 withholding, including the procedures for suspending issuance of
4 a writ of withholding; and

5 (8) include with the notice a suggested form for the
6 motion to stay issuance and delivery of the judicial writ of
7 withholding that the obligor may file with the clerk of the
8 appropriate court.

9 SECTION ____ . Subsection (c), Section 158.309, Family Code,
10 is amended to read as follows:

11 (c) Upon hearing, the court shall:

12 (1) render an order for income withholding that
13 includes a determination of the amount of child support
14 arrearages, including medical support, dental support, and
15 interest; or

16 (2) grant the motion to stay.

17 SECTION ____ . Subsection (a), Section 158.312, Family Code,
18 is amended to read as follows:

19 (a) If a notice of application for judicial writ of
20 withholding is delivered and a motion to stay is not filed
21 within the time limits provided by Section 158.307, the party
22 who filed the notice shall file with the clerk of the court a
23 request for issuance of the writ of withholding stating the
24 amount of current support, including medical support and dental
25 support, the amount of arrearages, and the amount to be withheld
26 from the obligor's income.

27 SECTION ____ . Section 158.314, Family Code, is amended to
28 read as follows:

29 Sec. 158.314. CONTENTS OF WRIT OF WITHHOLDING. The
30 judicial writ of income withholding issued by the clerk must
31 direct that the employer or a subsequent employer withhold from

1 the obligor's disposable income for current child support,
2 including medical support and dental support, and child support
3 arrearages an amount that is consistent with the provisions of
4 this chapter regarding orders of withholding.

5 SECTION _____. Subsection (a), Section 158.502, Family Code,
6 is amended to read as follows:

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

15 SECTION _____. Subsection (b), Section 158.504, Family Code,
16 is amended to read as follows:

17 (b) An administrative writ of withholding issued under
18 this subchapter may contain only the information that is
19 necessary for the employer to withhold income for child support,
20 [~~and~~] medical support, and dental support and shall specify the
21 place where the withheld income is to be paid.

22 SECTION _____. Section 158.507, Family Code, is amended to
23 read as follows:

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

31 SECTION _____. Subsection (c), Section 159.502, Family Code,
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1 is amended to read as follows:

2 (c) Except as otherwise provided in Subsection (d) and
3 Section 159.503, the employer shall withhold and distribute the
4 funds as directed in the withholding order by complying with
5 terms of the order that specify:

6 (1) the duration and amount of periodic payments of
7 current child support, stated as a sum certain;

8 (2) the person designated to receive payments and the
9 address to which the payments are to be forwarded;

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

15 (4) the amount of periodic payments of fees and costs
16 for a support enforcement agency, the issuing tribunal, and the
17 obligee's attorney, stated as sums certain; and

18 (5) the amount of periodic payments of arrearages and
19 interest on arrearages, stated as sums certain.

20 SECTION _____. The heading to Section 231.0011, Family Code,
21 is amended to read as follows:

22 Sec. 231.0011. DEVELOPMENT OF STATEWIDE INTEGRATED SYSTEM
23 FOR CHILD SUPPORT, ~~[AND]~~ MEDICAL SUPPORT, AND DENTAL SUPPORT
24 ENFORCEMENT.

25 SECTION _____. Subsections (a) and (g), Section 231.0011,
26 Family Code, are amended to read as follows:

27 (a) The Title IV-D agency shall have final approval
28 authority on any contract or proposal for delivery of Title IV-D
29 services under this section and in coordination with the Texas
30 Judicial Council, the Office of Court Administration of the
31 Texas Judicial System, the federal Office of Child Support

28

1 Enforcement, and state, county, and local officials[7] shall
2 develop and implement a statewide integrated system for child
3 support, ~~and~~ medical support, and dental support enforcement,
4 employing federal, state, local, and private resources to:

5 (1) unify child support registry functions;

6 (2) record and track all child support orders entered
7 in the state;

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

11 (4) incorporate existing enforcement resources into
12 the system to obtain maximum benefit from state and federal
13 funding; and

14 (5) ensure accountability for all participants in the
15 process, including state, county, and local officials, private
16 contractors, and the judiciary.

17 (g) Participation in the statewide integrated system for
18 child support, ~~and~~ medical support, and dental support
19 enforcement by a county is voluntary, and nothing in this
20 section shall be construed to mandate participation.

21 SECTION ____ . Subsection (e), Section 231.002, Family Code,
22 is amended to read as follows:

23 (e) The Title IV-D agency may take the following
24 administrative actions with respect to the location of a parent,
25 the determination of parentage, and the establishment,
26 modification, and enforcement of child support, ~~and~~ medical
27 support, and dental support orders required by 42 U.S.C. Section
28 666(c), without obtaining an order from any other judicial or
29 administrative tribunal:

30 (1) issue an administrative subpoena, as provided by
31 Section 231.303, to obtain financial or other information;

1 (2) order genetic testing for parentage
2 determination, as provided by Chapter 233;

3 (3) order income withholding, as provided by Chapter
4 233, and issue an administrative writ of withholding, as
5 provided by Chapter 158; and

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

10 SECTION _____. Subsection (a), Section 231.101, Family Code,
11 is amended to read as follows:

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

16 (1) parent locator services;

17 (2) paternity determination;

18 (3) child support, ~~and~~ medical support, and dental
19 support establishment;

20 (4) review and adjustment of child support orders;

21 (5) enforcement of child support, ~~and~~ medical
22 support, and dental support orders; and

23 (6) collection and distribution of child support
24 payments.

25 SECTION _____. Subsection (b), Section 231.104, Family Code,
26 is amended to read as follows:

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

1 SECTION ____ . Subsection (a), Section 231.123, Family Code,
2 is amended to read as follows:

3 (a) In order to maximize the amount of any tax refund to
4 which an obligor may be entitled and which may be applied to
5 child support, ~~[and]~~ medical support, and dental support
6 obligations, the Title IV-D agency shall cooperate with
7 volunteer income tax assistance programs in the state in
8 informing obligors of the availability of the programs.

9 SECTION ____ . Subsection (a), Section 231.301, Family Code,
10 is amended to read as follows:

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

13 (1) child support establishment and enforcement
14 purposes regarding the identity, social security number,
15 location, employer and employment benefits, income, and assets
16 or debts of any individual under an obligation to pay child
17 support, ~~[or]~~ medical support, or dental support or to whom a
18 support obligation is owed; or

19 (2) the establishment of paternity.

20 SECTION ____ . Section 231.306, Family Code, is amended to
21 read as follows:

22 Sec. 231.306. MAXIMIZING MEDICAL SUPPORT AND DENTAL
23 SUPPORT ESTABLISHMENT AND COLLECTION BY THE TITLE IV-D AGENCY.

24 (a) On the installation of an automated child support
25 enforcement system, the Title IV-D agency is strongly encouraged
26 to:

27 (1) maximize the collection of medical support and
28 dental support; and

29 (2) establish cash medical support and cash dental
30 support orders for children eligible for medical assistance
31 under the state Medicaid program for whom private insurance

1 coverage is not available.

2 (b) In this section:

3 (1) "Medical~~[,—"medical]~~ support" has the meaning
4 assigned by Section 101.020.

5 (2) "Dental support" has the meaning assigned by
6 Section 101.0095.

7 SECTION _____. Subsection (a), Section 233.001, Family Code,
8 is amended to read as follows:

9 (a) The purpose of the procedures specified in the child
10 support review process authorized by this chapter is to enable
11 the Title IV-D agency to take expedited administrative actions
12 to establish, modify, and enforce child support, ~~and~~ medical
13 support, and dental support obligations, to determine parentage,
14 or to take any other action authorized or required under Part D,
15 Title IV, of the federal Social Security Act (42 U.S.C. Section
16 651 et seq.), and Chapter 231.

17 SECTION _____. Subsection (b), Section 233.009, Family Code,
18 is amended to read as follows:

19 (b) The notice of proposed child support review order
20 shall state:

21 (1) the amount of periodic payment of child support
22 due, the amount of any overdue support that is owed as an
23 arrearage as of the date of the notice, and the amounts that are
24 to be paid by the obligor for current support due and in payment
25 on the arrearage owed;

26 (2) that the person identified in the notice as the
27 party responsible for payment of the support amounts may contest
28 the notice order on the grounds that:

29 (A) the respondent is not the responsible party;

30 (B) the dependent child is no longer entitled to

31 child support; or

1 (C) the amount of monthly support or arrearage
2 is incorrectly stated; and

3 (3) that, if the person identified in the notice as
4 the party responsible for payment of the support amounts does
5 not contest the notice in writing or request a negotiation
6 conference to discuss the notice not later than the 15th day
7 after the date the notice was delivered, the Title IV-D agency
8 may file a child support review order for child support, ~~and~~
9 ~~for~~ medical support, and dental support for the child as
10 provided by Chapter 154 according to the information available
11 to the agency.

12 SECTION ____ . Subsection (b), Section 233.0095, Family
13 Code, is amended to read as follows:

14 (b) The notice of proposed child support review order
15 shall state:

16 (1) the amount of periodic payment of child support
17 due;

18 (2) that the person identified in the notice as the
19 party responsible for payment of the support amounts may only
20 contest the amount of monthly support; and

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

30 SECTION ____ . Subsection (a), Section 233.017, Family Code,
31 is amended to read as follows:

1 (a) An order issued under this chapter must be reviewed
2 and signed by an attorney of the Title IV-D agency and must
3 contain all provisions that are appropriate for an order under
4 this title, including current child support, medical support,
5 and dental support, a determination of any arrearages or
6 retroactive support, and, if not otherwise ordered, income
7 withholding.

8 SECTION _____. Section 234.002, Family Code, is amended to
9 read as follows:

10 Sec. 234.002. INTEGRATED SYSTEM FOR CHILD SUPPORT, ~~[AND]~~
11 MEDICAL SUPPORT, AND DENTAL SUPPORT ENFORCEMENT. The statewide
12 integrated system for child support, ~~[and]~~ medical support, and
13 dental support enforcement under Chapter 231 shall be part of
14 the state case registry and state disbursement unit authorized
15 by this subchapter.

16 SECTION _____. Subsection (a), Section 71.035, Government
17 Code, is amended to read as follows:

18 (a) The council shall gather judicial statistics and other
19 pertinent information from the several state judges and other
20 court officials of this state. In addition, the council shall
21 implement a monthly tracking system to ensure accountability for
22 counties and courts which participate in the statewide
23 integrated system for child support, ~~[and]~~ medical support, and
24 dental support enforcement established under Section 231.0011,
25 Family Code. As a duty of office, the district clerks and
26 county clerks serving the affected courts shall report monthly
27 such information as may be required by the council, including,
28 at a minimum, the time required to enforce cases from date of
29 delinquency, from date of filing, and from date of service until
30 date of disposition. Such information as is necessary to
31 complete the report and not directly within the control of the

1 district or county clerk, such as date of delinquency, shall be
2 provided to the clerk by the child support registry or by the
3 enforcement agency providing Title IV-D enforcement services in
4 the court. The monthly report shall be transmitted to the
5 Office of Court Administration of the Texas Judicial System no
6 later than the 20th day of the month following the month
7 reported, in such form as may be prescribed by the Office of
8 Court Administration, which may include electronic data
9 transfer. Copies of such reports shall be maintained in the
10 office of the appropriate district or county clerk for a period
11 of at least two years and shall be available to the public for
12 inspection and reproduction.

13 SECTION ____ . Section 402.085, Labor Code, is amended to
14 read as follows:

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

17 (1) the Texas Department of Insurance for any
18 statutory or regulatory purpose, including a research purpose
19 under Chapter 405;

20 (2) a legislative committee for legislative purposes;

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

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

28 (A) establishing, modifying, or enforcing a
29 child support, ~~or~~ medical support, or dental support
30 obligation; or

31 (B) locating an absent parent; or

1 (5) the office of injured employee counsel for any
2 statutory or regulatory purpose that relates to a duty of that
3 office.

4 (b) The division may release information on a claim to a
5 governmental agency, political subdivision, or regulatory body
6 to use to:

7 (1) investigate an allegation of a criminal offense
8 or licensing or regulatory violation;

9 (2) provide:

10 (A) unemployment compensation benefits;

11 (B) crime victims compensation benefits;

12 (C) vocational rehabilitation services; or

13 (D) health care benefits;

14 (3) investigate occupational safety or health
15 violations;

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

18 (5) assess financial resources in an action,
19 including an administrative action, to:

20 (A) establish, modify, or enforce a child
21 support, ~~or~~ medical support, or dental support obligation;

22 (B) establish paternity;

23 (C) locate an absent parent; or

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

27 SECTION ____ . Subsection (b), Section 1201.053, Insurance
28 Code, is amended to read as follows:

29 (b) On the application of an adult member of a family, an
30 individual accident and health insurance policy may, at the time
31 of original issuance or by subsequent amendment, insure two or

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

9 SECTION _____. Subsection (a), Section 1201.062, Insurance
10 Code, is amended to read as follows:

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

19 (1) each grandchild of the insured or group member if
20 the grandchild is:

21 (A) unmarried;

22 (B) younger than 25 years of age; and

23 (C) a dependent of the insured or group member
24 for federal income tax purposes at the time application for
25 coverage of the grandchild is made; and

26 (2) each child for whom the insured or group member
27 must provide medical support or dental support, if the policy
28 provides dental coverage, under an order issued under Chapter
29 154, Family Code, or enforceable by a court in this state.

30 SECTION _____. Section 1201.063, Insurance Code, is amended
31 to read as follows:

1 Sec. 1201.063. PROHIBITION OF CERTAIN CRITERIA RELATING TO
2 CHILD'S COVERAGE IN INDIVIDUAL OR GROUP POLICY. Regarding a
3 natural or adopted child of an insured or group member or a
4 child for whom the insured or group member must provide medical
5 support or dental support, if the policy provides dental
6 coverage, under an order issued under Chapter 154, Family Code,
7 or enforceable by a court in this state, an individual or group
8 accident and health insurance policy that provides coverage for
9 a child of an insured or group member may not set a different
10 premium for the child, exclude the child from coverage, or
11 discontinue coverage of the child because:

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

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

17 SECTION _____. The heading to Chapter 1504, Insurance Code,
18 is amended to read as follows:

19 CHAPTER 1504. MEDICAL AND DENTAL CHILD SUPPORT

20 SECTION _____. Subdivision (4), Section 1504.001, Insurance
21 Code, is amended to read as follows:

22 (4) "Benefit [~~Health benefit~~] plan issuer" means:

23 (A) an insurance company, group hospital service
24 corporation, or health maintenance organization that delivers or
25 issues for delivery an individual, group, blanket, or franchise
26 insurance policy or agreement, a group hospital service
27 contract, or an evidence of coverage that provides benefits for
28 medical or surgical expenses incurred as a result of an accident
29 or sickness, or dental expenses;

30 (B) a governmental entity subject to Subchapter
31 D, Chapter 1355, Subchapter C, Chapter 1364, Chapter 1578,

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1 Article 3.51-1, 3.51-4, or 3.51-5, or Chapter 177, Local
2 Government Code;

3 (C) the issuer of a multiple employer welfare
4 arrangement as defined by Section 846.001; or

5 (D) the issuer of a group health plan as defined
6 by Section 607, Employee Retirement Income Security Act of 1974
7 (29 U.S.C. Section 1167).

8 SECTION ____ . Subsection (b), Section 1504.002, Insurance
9 Code, is amended to read as follows:

10 (b) The commissioner shall adopt rules that define
11 "comparable health or dental coverage" in a manner that:

12 (1) is consistent with federal law; and

13 (2) complies with the requirements necessary to
14 maintain federal Medicaid funding.

15 SECTION ____ . Section 1504.003, Insurance Code, is amended
16 to read as follows:

17 Sec. 1504.003. VIOLATION OF CHAPTER: RELIEF AVAILABLE TO
18 INJURED PERSON. A [~~health~~] benefit plan issuer that violates
19 this chapter is subject to the same penalties, and an injured
20 person has the same rights and remedies, as those provided by
21 Subchapter D, Chapter 541.

22 SECTION ____ . The heading to Subchapter B, Chapter 1504,
23 Insurance Code, is amended to read as follows:

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

25 SECTION ____ . Section 1504.051, Insurance Code, is amended
26 to read as follows:

27 Sec. 1504.051. ENROLLMENT OF CERTAIN CHILDREN REQUIRED.

28 (a) A [~~health~~] benefit plan issuer shall permit a parent to
29 enroll a child in dependent health or dental coverage offered
30 through the issuer regardless of any enrollment period
31 restriction if the parent is:

1 (1) eligible for dependent health or dental coverage;
2 and

3 (2) required by a court order or administrative order
4 to provide health insurance coverage or dental coverage for the
5 child.

6 (b) A [~~health~~] benefit plan issuer shall enroll a child of
7 a parent described by Subsection (a) in dependent health or
8 dental coverage offered through the issuer if:

9 (1) the parent does not apply to obtain health or
10 dental coverage for the child through the issuer; and

11 (2) the child, a custodial parent of the child, or a
12 child support agency having a duty to collect or enforce support
13 for the child applies for the coverage.

14 SECTION ____ . Section 1504.052, Insurance Code, is amended
15 to read as follows:

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

21 (b) A [~~health~~] benefit plan issuer may not enforce an
22 otherwise applicable provision of the health or dental coverage
23 that would deny, limit, or reduce payment of a claim for a
24 covered child who resides outside the issuer's service area but
25 inside the United States.

26 (c) For a covered child who resides outside the [~~health~~]
27 benefit plan issuer's service area and whose coverage under a
28 policy or plan is required by a medical support order or dental
29 support order, the issuer shall provide coverage that is
30 comparable health or dental coverage to that provided to other
31 dependents under the policy or plan.

1 (d) Comparable health or dental coverage may include
2 coverage in which a [~~health~~] benefit plan issuer uses different
3 procedures for service delivery and health care provider
4 reimbursement. Comparable health or dental coverage may not
5 include coverage:

- 6 (1) that is limited to emergency services only; or
7 (2) for which the issuer charges a higher premium.

8 SECTION ____ . Section 1504.053, Insurance Code, is amended
9 to read as follows:

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

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

18 (2) the child:

19 (A) is enrolled in comparable health or dental
20 coverage; or

21 (B) will be enrolled in comparable health or
22 dental coverage that takes effect not later than the effective
23 date of the cancellation or nonrenewal.

24 (b) For purposes of this section, a child is not enrolled
25 or entitled to enrollment under this chapter if the child's
26 eligibility for health or dental coverage ends because the
27 parent ceases to be eligible for dependent health or dental
28 coverage.

29 SECTION ____ . Section 1504.054, Insurance Code, is amended
30 to read as follows:

31 Sec. 1504.054. CONTINUATION OR CONVERSION OF COVERAGE.

1 (a) If a child's eligibility for dependent health or dental
2 coverage ends because the parent ceases to be eligible for the
3 coverage and the coverage provides for the continuation or
4 conversion of the coverage for the child, the ~~health~~ benefit
5 plan issuer shall notify the custodial parent and the child
6 support agency of the costs and other requirements for
7 continuing or converting the coverage.

8 (b) The ~~health~~ benefit plan issuer shall, on application
9 of a parent of the child, a child support agency, or the child,
10 enroll or continue enrollment of a child whose eligibility for
11 coverage ended under Subsection (a).

12 SECTION ____ . Section 1504.055, Insurance Code, is amended
13 to read as follows:

14 Sec. 1504.055. PROCEDURE FOR CLAIMS. (a) A ~~health~~
15 benefit plan issuer that provides health or dental coverage to a
16 child through a covered parent of the child shall:

17 (1) provide to each custodial parent of the child or
18 to an adult child documents and other information necessary for
19 the child to obtain benefits under the coverage, including:

20 (A) the name of the issuer;

21 (B) the number of the policy or evidence of
22 coverage;

23 (C) a copy of the policy or evidence of coverage
24 and schedule of benefits;

25 (D) a health or dental coverage membership card;

26 (E) claim forms; and

27 (F) any other document or information necessary
28 to submit a claim in accordance with the issuer's policies and
29 procedures;

30 (2) permit a custodial parent, health care provider,
31 state agency that has been assigned medical or dental support

1 rights, or adult child to submit claims for covered services
2 without the approval of the covered parent; and

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

7 (b) A [~~health~~] benefit plan issuer shall provide to a
8 state agency that provides medical assistance, including medical
9 assistance for dental services, to the child or shall provide to
10 a child support agency that enforces medical or dental support
11 on behalf of a child the information necessary to obtain
12 reimbursement of medical or dental services provided to or paid
13 on behalf of the child.

14 SECTION _____. Section 1504.101, Insurance Code, is amended
15 to read as follows:

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

- 20 (1) has a preexisting condition;
21 (2) was born out of wedlock;
22 (3) is not claimed as a dependent on the parent's
23 federal income tax return;
24 (4) does not reside with the parent; or
25 (5) receives or has applied for medical assistance.

26 SECTION _____. Section 1504.102, Insurance Code, is amended
27 to read as follows:

28 Sec. 1504.102. ASSIGNMENT OF MEDICAL OR DENTAL SUPPORT
29 RIGHTS: DIFFERENT REQUIREMENTS PROHIBITED. A [~~health~~] benefit
30 plan issuer may not require a state agency that has been
31 assigned the rights of an individual who is eligible for medical

1 assistance and is covered for health or dental benefits from the
2 issuer to comply with a requirement that is different from a
3 requirement imposed on an agent or assignee of any other covered
4 individual.

5 SECTION _____. (a) The changes in law made by this Act
6 regarding dental support and dental insurance for a child
7 subject to a child support order apply to a suit affecting the
8 parent-child relationship filed on or after the effective date
9 of this Act. A suit affecting the parent-child relationship
10 filed before the effective date of this Act is governed by the
11 law in effect on the date the suit was filed, and the former law
12 is continued in effect for that purpose.

13 (b) The changes in law made by this Act regarding dental
14 support and dental insurance for a child subject to a child
15 support order do not constitute a material and substantial
16 change of circumstances under Section 156.401, Family Code,
17 sufficient to warrant modification of a court order or a portion
18 of a decree that provides for the support of a child rendered
19 before the effective date of this Act.

ADOPTED

MAY 26 2009

FLOOR AMENDMENT NO. 2

Larry Spaw
Secretary of the Senate BY:

C. Krest

1 Amend Floor Amendment No. 1 by Uresti (9.143.89)
2 to H.B. No. 4424 as follows:

3 (1) In the added SECTION amending Section 154.062(d),
4 Family Code (page 5, lines 14-17 of the amendment), strike
5 amended Subdivision (5) and substitute the following:

6 (5) expenses for the cost of health insurance, dental
7 insurance, or cash medical support for the obligor's child
8 ordered by the court under Sections [~~Section~~] 154.182 and
9 154.1825.

10 (2) In the added SECTION adding Section 154.1825, Family
11 Code (page 8, lines 1-21 of the amendment), strike added
12 Subsection (c) and substitute the following:

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

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

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

27 (3) In the added SECTION adding Section 154.1825, Family
28 Code (page 9, lines 1-20 of the amendment), strike added
29 Subsections (e) and (f).

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9.145.138 kka

1 (4) In the added SECTION amending Section 154.183(a),
2 Family Code (page 9, line 30 of the amendment), strike "or cash
3 dental support".

4 (5) In the added SECTION amending Section 154.183(c),
5 Family Code (page 10, line 30, through page 11, line 1 of the
6 amendment), strike "or are not otherwise covered by the amount
7 of cash dental support ordered under Section 154.1825(b) (3)".

8 (6) In the added SECTION amending Section 231.306, Family
9 Code (page 25, lines 29 and 30 of the amendment), strike "and
10 cash dental support".

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 28, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB4424** by Hernandez (relating to operations fees and child support service fees assessed by domestic relations offices.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Family Code to authorize an administering entity of a domestic relations office to collect an operations fee or child support service fee on the filing of a motion for modification or motion for enforcement. Under current statute, the fees are collected at the time the original suit is filed.

This bill also would require dental support for a child subject to a child support order. It is assumed that any additional costs associated with implementation of the bill could be absorbed within existing state resources.

The bill would take effect immediately if it receives a vote of two-thirds of all members elected to each house. If the bill does not receive the votes required to pass, the bill would take effect September 1, 2009.

Local Government Impact

The authorized amount of an operations fee is no more than \$15 and the authorized amount of a service fee is not more than \$36. The total amount of fees collected is retained by the counties. The revenue gain from collecting fees for a motion for modification or a motion for enforcement would vary by county and would depend on the number of motions filed.

The fiscal impact to units of local government to implement the provision of the bill related to dental support for a child is not anticipated to be significant.

Source Agencies:

LBB Staff: JOB, MN, TP

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 21, 2009

TO: Honorable Jeff Wentworth, Chair, Senate Committee on Jurisprudence

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4424 by Hernandez (Relating to operations fees and child support service fees assessed by domestic relations offices.), **Committee Report 2nd House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend the Family Code to authorize an administering entity of a domestic relations office to collect an operations fee or child support service fee on the filing of a motion for modification or motion for enforcement. Under current statute, the fees are collected at the time the original suit is filed.

The bill would take effect immediately if it receives a vote of two-thirds of all members elected to each house. If the bill does not receive the votes required to pass, the bill would take effect September 1, 2009.

Local Government Impact

The authorized amount of an operations fee is no more than \$15 and the authorized amount of a service fee is not more than \$36. The total amount of fees collected is retained by the counties. The revenue gain from collecting fees for a motion for modification or a motion for enforcement would vary by county and would depend on the number of motions filed.

Source Agencies:

LBB Staff: JOB, TP, MN

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 15, 2009

TO: Honorable Jeff Wentworth, Chair, Senate Committee on Jurisprudence

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4424 by Hernandez (Relating to operations fees and child support service fees assessed by domestic relations offices.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would amend the Family Code to authorize an administering entity of a domestic relations office to collect an operations fee or child support service fee on the filing of a motion for modification or motion for enforcement. Under current statute, the fees are collected at the time the original suit is filed.

The bill would take effect immediately if it receives a vote of two-thirds of all members elected to each house. If the bill does not receive the votes required to pass, the bill would take effect September 1, 2009.

Local Government Impact

The authorized amount of an operations fee is no more than \$15 and the authorized amount of a service fee is not more than \$36. The total amount of fees collected is retained by the counties. The revenue gain from collecting fees for a motion for modification or a motion for enforcement would vary by county and would depend on the number of motions filed.

Source Agencies:

LBB Staff: JOB, MN, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 30, 2009

TO: Honorable Todd Hunter, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4424 by Hernandez (Relating to operations fees and child support service fees assessed by domestic relations offices.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend the Family Code to authorize an administering entity of a domestic relations office to collect an operations fee or child support service fee on the filing of a motion for modification or motion for enforcement. Under current statute, the fees are collected at the time the original suit is filed.

The bill would take effect immediately if it receives a vote of two-thirds of all members elected to each house. If the bill does not receive the votes required to pass, the bill would take effect September 1, 2009.

Local Government Impact

The authorized amount of an operations fee is no more than \$15 and the authorized amount of a service fee is not more than \$36. The total amount of fees collected is retained by the counties. The revenue gain from collecting fees for a motion for modification or a motion for enforcement would vary by county and would depend on the number of motions filed.

Source Agencies:

LBB Staff: JOB, MN, TP

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 14, 2009

TO: Honorable Todd Hunter, Chair, House Committee on Judiciary & Civil Jurisprudence

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4424 by Hernandez (Relating to operations or service fees collected by domestic relations offices.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend the Family Code to authorize an administering entity of a domestic relations office to collect an operations fee or child support service fee on the filing of a motion for modification or motion for enforcement. Under current statute, the fees are collected at the time the original suit is filed only.

Local Government Impact

The authorized amount of an operations fee is no more than \$15 and the authorized amount of a service fee is not more than \$36. The total amount of fees collected is retained by the counties. The revenue gain from collecting fees for a motion for modification or a motion for enforcement would vary by county and would depend on the number of motions filed.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General

LBB Staff: JOB, MN, DB

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