

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5/30/2009

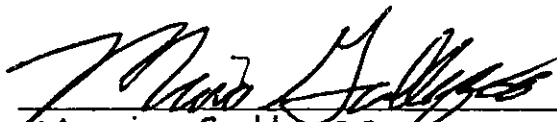
Date

Honorable David Dewhurst
President of the Senate


Honorable Joe Straus
Speaker of the House of Representatives

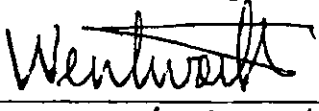
Sirs:

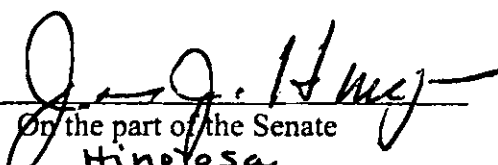
We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 4424 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.


Mario Gallegos

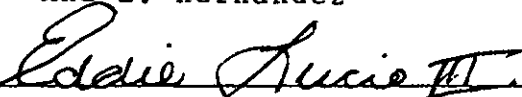

Uresti

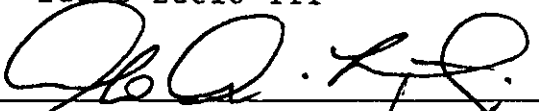

Harris

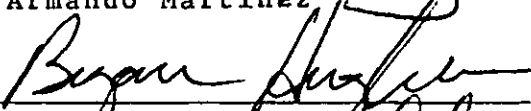

Wentworth

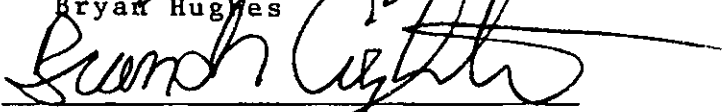

On the part of the Senate
Hinojosa


Ana E. Hernandez


Eddie Lucio III


Armando Martinez


Bryan Hughes


On the part of the House
Brandon Creighton

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CONFERENCE COMMITTEE REPORT

3rd Printing

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 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:

2 (a) The administering entity may authorize a domestic
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;

20 (6) community supervision fees as provided by Chapter
21 157 if community supervision officers are employed by the domestic
22 relations office;

23 (7) a reasonable fee for preparation of a
24 court-ordered social study;

25 (8) in a county that provides visitation services
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

1 are provided;

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

5 (10) a reasonable fee for parenting coordinator
6 services; and

7 (11) a reasonable fee for alternative dispute
8 resolution services.

9 SECTION 3. This Act takes effect immediately if it receives
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.

House Bill 4424
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

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

SENATE VERSION

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 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 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

CONFERENCE

Same as Senate version.

Same as Senate version.

House Bill 4424
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

original [a] suit, motion for modification, or motion for enforcement;

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

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

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

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

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

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

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

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

(10) a reasonable fee for parenting coordinator services;

SENATE VERSION

original [a] suit, motion for modification, or motion for enforcement;

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

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

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

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

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

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

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

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

(10) a reasonable fee for parenting coordinator services;

CONFERENCE

House Bill 4424
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

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

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

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

Same as House version.

Same as House version.

No equivalent provision.

SECTION __. Subsection (e), Section 54.06, Family Code, is amended to read as follows:
(e) The court shall apply the child support guidelines under Subchapter C, Chapter 154, in an order requiring the payment of child support under this section. The court shall also require in an order to pay child support under this section that health insurance and dental insurance be provided for the child. Subchapter D, Chapter 154, applies to an order requiring health insurance and dental insurance for a child under this section.

Same as House version.

No equivalent provision.

SECTION __. Section 101.006, Family Code, is amended to read as follows:
Sec. 101.006. CHILD SUPPORT SERVICES. "Child

Same as House version.

House Bill 4424
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

support services" means administrative or court actions to:

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

No equivalent provision.

SECTION __. Chapter 101, Family Code, is amended by adding Sections 101.0094 and 101.0095 to read as follows:

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

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

Same as House version.

No equivalent provision.

SECTION __. Section 101.012, Family Code, is

Same as House version.

House Bill 4424
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

amended to read as follows:

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

No equivalent provision.

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

Same as House version.

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

No equivalent provision.

SECTION __. Section 101.034, Family Code, is amended to read as follows:

Same as House version.

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

House Bill 4424
Conference Committee Report
Section-by-Section Analysis .

HOUSE VERSION

SENATE VERSION

CONFERENCE

dental support obligation.

No equivalent provision.

SECTION __. Section 153.611, Family Code, is amended to read as follows:
Sec. 153.611. EXCEPTION FOR CERTAIN TITLE IV-D PROCEEDINGS. Notwithstanding any other provision of this subchapter, this subchapter does not apply to a proceeding in a Title IV-D case relating to the determination of parentage or establishment, modification, or enforcement of a child support, [or] medical support, or dental support obligation.

Same as House version.

No equivalent provision.

SECTION __. Section 154.008, Family Code, is amended to read as follows:
Sec. 154.008. PROVISION FOR MEDICAL SUPPORT AND DENTAL SUPPORT. The court shall order medical support and dental support for the child as provided by Subchapters B and D.

Same as House version.

No equivalent provision.

SECTION __. Subsection (c), Section 154.015, Family Code, is amended to read as follows:
(c) For purposes of this section, the court of continuing jurisdiction shall determine the amount of the unpaid child support obligation for each child of the deceased obligor. In determining the amount of the unpaid child support obligation, the court shall consider all relevant

Same as House version.

House Bill 4424
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

factors, including:

- (1) the present value of the total amount of monthly periodic child support payments that would become due between the month in which the obligor dies and the month in which the child turns 18 years of age, based on the amount of the periodic monthly child support payments under the child support order in effect on the date of the obligor's death;
- (2) the present value of the total amount of health insurance and dental insurance premiums payable for the benefit of the child from the month in which the obligor dies until the month in which the child turns 18 years of age, based on the cost of health insurance and dental insurance for the child ordered to be paid on the date of the obligor's death;
- (3) in the case of a disabled child under 18 years of age or an adult disabled child, an amount to be determined by the court under Section 154.306;
- (4) the nature and amount of any benefit to which the child would be entitled as a result of the obligor's death, including life insurance proceeds, annuity payments, trust distributions, social security death benefits, and retirement survivor benefits; and
- (5) any other financial resource available for the support of the child.

No equivalent provision.

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

Same as House version.

House Bill 4424
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

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

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

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

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

No equivalent provision.

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

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

(1) social security taxes;

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

Same as House version.

House Bill 4424
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

deduction;
(3) state income tax;
(4) union dues; and
(5) expenses for the cost of health insurance, dental insurance, or cash medical support for the obligor's child ordered by the court under Sections [~~Section~~] 154.182 and 154.1825.

No equivalent provision.

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

Same as House version.

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

No equivalent provision.

SECTION __. Section 154.064, Family Code, is amended to read as follows:
Sec. 154.064. MEDICAL SUPPORT AND DENTAL SUPPORT FOR CHILD PRESUMPTIVELY PROVIDED BY OBLIGOR. The guidelines for support of a child are based on the assumption that the court will

Same as House version.

House Bill 4424
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

order the obligor to provide medical support and dental support for the child in addition to the amount of child support calculated in accordance with those guidelines.

No equivalent provision.

SECTION ___. The subchapter heading of Subchapter D, Chapter 154, Family Code, is amended to read as follows:
SUBCHAPTER D. MEDICAL SUPPORT AND DENTAL SUPPORT FOR CHILD

Same as House version.

No equivalent provision.

SECTION ___. Subchapter D, Chapter 154, Family Code, is amended by adding Section 154.1815 to read as follows:
Sec. 154.1815. DENTAL SUPPORT ORDER. (a) In this section, "reasonable cost" means the cost of a dental insurance premium that does not exceed three percent of the responsible parent's annual resources, as described by Section 154.062(b).
(b) In a suit affecting the parent-child relationship or in a proceeding under Chapter 159, the court shall render an order for the dental support of the child as provided by this section and Section 154.1825.
(c) Before a hearing on temporary orders or a final order, if no hearing on temporary orders is held, the court shall 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,

Same as House version.

House Bill 4424
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

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. If dental insurance is not in effect for the child, the parties must disclose to the court whether either parent has access to dental insurance at a reasonable cost to that parent.

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

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

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

(2) except for good cause shown or on agreement of the parties, require the parent ordered to provide dental insurance coverage for the child as provided by Section 154.1825 to produce evidence to the court's satisfaction that the parent has applied for or secured dental

House Bill 4424
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

insurance or has otherwise taken necessary action to provide for dental insurance coverage for the child, as ordered by the court.

No equivalent provision.

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

Same as House version.

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

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

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

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

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

House Bill 4424
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

parent to provide dental insurance for the child.

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

No equivalent provision.

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

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

- (1) is in addition to the amount that the obligor is required to pay for child support under the guidelines for child support;
- (2) is a child support obligation; and
- (3) may be enforced by any means available for the

Same as House version.

House Bill 4424
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

enforcement of child support, including withholding from earnings under Chapter 158.

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

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

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

(2) dental expenses of a child that are not reimbursed by dental insurance.

No equivalent provision.

SECTION __. Subsections (a) and (b), Section 154.184,

Same as House version.

House Bill 4424
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

Family Code, are amended to read as follows:

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

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

No equivalent provision.

SECTION __. Section 154.185, Family Code, is amended to read as follows:

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

- (1) the social security number of the parent;
- (2) the name and address of the parent's employer;
- (3) with regard to health insurance:
 - (A) whether the employer is self-insured or has health

Same as House version.

House Bill 4424
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

insurance available;

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

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

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

and

(4) with regard to dental insurance:

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

(B) proof that dental insurance has been provided for the child;

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

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

(b) The court shall also order a parent providing health insurance or dental insurance to furnish the obligor, obligee, or child support agency with additional information regarding the health insurance coverage or

House Bill 4424
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

dental insurance coverage not later than the 15th day after the date the information is received by the parent.

No equivalent provision.

SECTION __. The heading to Section 154.186, Family Code, is amended to read as follows:
Sec. 154.186. NOTICE TO EMPLOYER CONCERNING MEDICAL SUPPORT OR DENTAL SUPPORT.

Same as House version.

No equivalent provision.

SECTION __. Subsection (a), Section 154.186, Family Code, is amended to read as follows:
(a) The obligee, obligor, or a child support agency of this state or another state may send to the employer a copy of the order requiring an employee to provide health insurance coverage or dental insurance coverage for a child or may include notice of the medical support order or dental support order in an order or writ of withholding sent to the employer in accordance with Chapter 158.

Same as House version.

No equivalent provision.

SECTION __. Subsections (a), (b), (c), (d), (e), and (g), Section 154.187, Family Code, are amended to read as follows:
(a) An order or notice under this subchapter to an employer directing that health insurance coverage or dental insurance coverage be provided to a child of an

Same as House version.

House Bill 4424
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

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

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

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

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

(2) cannot be enrolled or cannot be enrolled permanently

House Bill 4424
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

in a health insurance plan or dental insurance plan and provide the reason why coverage or permanent coverage cannot be provided.

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

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

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

No equivalent provision.

SECTION __. Section 154.188, Family Code, is amended to read as follows:

Sec. 154.188. FAILURE TO PROVIDE OR PAY FOR

Same as House version.

House Bill 4424
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

REQUIRED HEALTH INSURANCE OR DENTAL INSURANCE. A parent ordered to provide health insurance or dental insurance or to pay the other parent additional child support for the cost of health insurance or dental insurance who fails to do so is liable for:

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

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

No equivalent provision.

SECTION __. Section 154.189, Family Code, is amended to read as follows:

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

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

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

Same as House version.

House Bill 4424
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

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

No equivalent provision.

SECTION __. Section 154.190, Family Code, is amended to read as follows:

Same as House version.

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

No equivalent provision.

SECTION __. Section 154.191, Family Code, is amended to read as follows:

Same as House version.

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

(b) This subchapter does not limit the authority of the court to render or modify a medical support order or

House Bill 4424
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

dental support order containing a provision for payment of uninsured health expenses, health care costs, [~~or~~] health insurance premiums, uninsured dental expenses, dental costs, or dental insurance premiums that are in addition to and inconsistent with this subchapter.

No equivalent provision.

SECTION __. Section 154.192, Family Code, is amended to read as follows:

Same as House version.

Sec. 154.192. CANCELLATION OR ELIMINATION OF INSURANCE COVERAGE FOR CHILD. [~~(e)~~]

Unless the employee or member ceases to be eligible for dependent coverage, or the employer has eliminated dependent health coverage or dental coverage for all of the employer's employees or members, the employer may not cancel or eliminate coverage of a child enrolled under this subchapter until the employer is provided satisfactory written evidence that:

- (1) the court order or administrative order requiring the coverage is no longer in effect; or
- (2) the child is enrolled in comparable [~~health~~] insurance coverage or will be enrolled in comparable coverage that will take effect not later than the effective date of the cancellation or elimination of the employer's coverage.

No equivalent provision.

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

Same as House version.

- (a) If a plan administrator or other person acting in an

House Bill 4424
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

equivalent position determines that a medical support order or dental support order issued under this subchapter does not qualify for enforcement under federal law, the tribunal may, on its own motion or the motion of a party, render an order that qualifies for enforcement under federal law.

No equivalent provision.

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

Same as House version.

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

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

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

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

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

No equivalent provision.

SECTION __. Section 157.269, Family Code, is

Same as House version.

House Bill 4424
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

amended to read as follows:

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

No equivalent provision.

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

Same as House version.

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

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

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

(2) to the obligor for:

House Bill 4424
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

- (A) the amount withheld and not paid as required by the order or writ; and
- (B) an amount equal to the interest that accrues under Section 157.265 on the amount withheld and not paid; and
- (3) for reasonable attorney's fees and court costs.

No equivalent provision.

SECTION __. Section 158.302, Family Code, is amended to read as follows:

Same as House version.

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

- (1) state the amount of monthly support due, including medical support and dental support, the amount of arrearages or anticipated arrearages, including accrued interest, and the amount of wages that will be withheld in accordance with a judicial writ of withholding;
- (2) state that the withholding applies to each current or subsequent employer or period of employment;
- (3) state that if the obligor does not contest the withholding within 10 days after the date of receipt of the notice, the obligor's employer will be notified to begin the withholding;
- (4) describe the procedures for contesting the issuance and delivery of a writ of withholding;
- (5) state that if the obligor contests the withholding, the obligor will be afforded an opportunity for a hearing by

House Bill 4424
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

the court not later than the 30th day after the date of receipt of the notice of contest;

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

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

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

No equivalent provision.

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

(c) Upon hearing, the court shall:

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

(2) grant the motion to stay.

Same as House version.

No equivalent provision.

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

(a) If a notice of application for judicial writ of

Same as House version.

House Bill 4424
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

withholding is delivered and a motion to stay is not filed within the time limits provided by Section 158.307, the party who filed the notice shall file with the clerk of the court a request for issuance of the writ of withholding stating the amount of current support, including medical support and dental support, the amount of arrearages, and the amount to be withheld from the obligor's income.

No equivalent provision.

SECTION __. Section 158.314, Family Code, is amended to read as follows:

Same as House version.

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

No equivalent provision.

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

Same as House version.

(a) An administrative writ of withholding under this subchapter may be issued by the Title IV-D agency at any time until all current support, including medical support and dental support, [~~and~~] child support arrearages, and Title IV-D service fees authorized under

House Bill 4424
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

Section 231.103 for which the obligor is responsible[;] have been paid. The writ issued under this subsection may be based on an obligation in more than one support order.

No equivalent provision.

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

Same as House version.

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

No equivalent provision.

SECTION __. Section 158.507, Family Code, is amended to read as follows:

Same as House version.

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

No equivalent provision.

SECTION __. Subsection (c), Section 159.502, Family

Same as House version.

House Bill 4424
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

Code, is amended to read as follows:

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

- (1) the duration and amount of periodic payments of current child support, stated as a sum certain;
- (2) the person designated to receive payments and the address to which the payments are to be forwarded;
- (3) medical support and dental support, whether in the form of periodic cash payments, stated as a sum certain, or ordering the obligor to provide health insurance coverage or dental insurance coverage for the child under a policy available through the obligor's employment;
- (4) the amount of periodic payments of fees and costs for a support enforcement agency, the issuing tribunal, and the obligee's attorney, stated as sums certain; and
- (5) the amount of periodic payments of arrearages and interest on arrearages, stated as sums certain.

No equivalent provision.

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

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

Same as House version.

House Bill 4424
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

No equivalent provision.

SENATE VERSION

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

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

- (1) unify child support registry functions;
- (2) record and track all child support orders entered in the state;
- (3) establish an automated enforcement process which will use delinquency monitoring, billing, and other enforcement techniques to ensure the payment of current support;
- (4) incorporate existing enforcement resources into the system to obtain maximum benefit from state and federal funding; and
- (5) ensure accountability for all participants in the process, including state, county, and local officials, private contractors, and the judiciary.

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

CONFERENCE

Same as House version.

House Bill 4424
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

No equivalent provision.

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

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

- (1) issue an administrative subpoena, as provided by Section 231.303, to obtain financial or other information;
- (2) order genetic testing for parentage determination, as provided by Chapter 233;
- (3) order income withholding, as provided by Chapter 233, and issue an administrative writ of withholding, as provided by Chapter 158; and
- (4) take any action with respect to execution, collection, and release of a judgment or lien for child support necessary to satisfy the judgment or lien, as provided by Chapter 157.

Same as House version.

No equivalent provision.

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

(a) The Title IV-D agency may provide all services required or authorized to be provided by Part D of Title

Same as House version.

House Bill 4424
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

IV of the federal Social Security Act (42 U.S.C. Section 651 et seq.), including:

- (1) parent locator services;
- (2) paternity determination;
- (3) child support, ~~and~~ medical support, and dental support establishment;
- (4) review and adjustment of child support orders;
- (5) enforcement of child support, ~~and~~ medical support, and dental support orders; and
- (6) collection and distribution of child support payments.

No equivalent provision.

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

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

Same as House version.

No equivalent provision.

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

(a) In order to maximize the amount of any tax refund to which an obligor may be entitled and which may be applied to child support, ~~and~~ medical support, and dental support obligations, the Title IV-D agency shall cooperate with volunteer income tax assistance programs

Same as House version.

House Bill 4424
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

in the state in informing obligors of the availability of the programs.

No equivalent provision.

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

Same as House version.

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

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

No equivalent provision.

SECTION __. Section 231.306, Family Code, is amended to read as follows:

Same as House version.

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

- (1) maximize the collection of medical support and dental support; and
- (2) establish cash medical support orders for children

House Bill 4424
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

eligible for medical assistance under the state Medicaid program for whom private insurance coverage is not available.

(b) In this section:

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

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

No equivalent provision.

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

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

Same as House version.

No equivalent provision.

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

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

(1) the amount of periodic payment of child support due, the amount of any overdue support that is owed as an

Same as House version.

House Bill 4424
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

arrearage as of the date of the notice, and the amounts that are to be paid by the obligor for current support due and in payment on the arrearage owed;

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

(A) the respondent is not the responsible party;

(B) the dependent child is no longer entitled to child support; or

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

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

No equivalent provision.

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

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

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

(2) that the person identified in the notice as the party responsible for payment of the support amounts may

Same as House version.

House Bill 4424
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

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

No equivalent provision.

SECTION __. Subsection (a), Section 233.017, Family Code, is amended to read as follows:
(a) An order issued under this chapter must be reviewed and signed by an attorney of the Title IV-D agency and must contain all provisions that are appropriate for an order under this title, including current child support, medical support, and dental support, a determination of any arrearages or retroactive support, and, if not otherwise ordered, income withholding.

Same as House version.

No equivalent provision.

SECTION __. Section 234.002, Family Code, is amended to read as follows:
Sec. 234.002. INTEGRATED SYSTEM FOR CHILD SUPPORT, [AND] MEDICAL SUPPORT, AND DENTAL SUPPORT ENFORCEMENT. The statewide integrated system for child support, ~~and~~ medical

Same as House version.

House Bill 4424
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

support, and dental support enforcement under Chapter 231 shall be part of the state case registry and state disbursement unit authorized by this subchapter.

No equivalent provision.

SECTION __. Subsection (a), Section 71.035, Government Code, is amended to read as follows:
(a) The council shall gather judicial statistics and other pertinent information from the several state judges and other court officials of this state. In addition, the council shall implement a monthly tracking system to ensure accountability for counties and courts which participate in the statewide integrated system for child support, ~~[and]~~ medical support, and dental support enforcement established under Section 231.0011, Family Code. As a duty of office, the district clerks and county clerks serving the affected courts shall report monthly such information as may be required by the council, including, at a minimum, the time required to enforce cases from date of delinquency, from date of filing, and from date of service until date of disposition. Such information as is necessary to complete the report and not directly within the control of the district or county clerk, such as date of delinquency, shall be provided to the clerk by the child support registry or by the enforcement agency providing Title IV-D enforcement services in the court. The monthly report shall be transmitted to the Office of Court Administration of the Texas Judicial System no later than the 20th day of the month following the month

Same as House version.

House Bill 4424
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

reported, in such form as may be prescribed by the Office of Court Administration, which may include electronic data transfer. Copies of such reports shall be maintained in the office of the appropriate district or county clerk for a period of at least two years and shall be available to the public for inspection and reproduction.

No equivalent provision.

SECTION __. Section 402.085, Labor Code, is amended to read as follows:

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

- (1) the Texas Department of Insurance for any statutory or regulatory purpose, including a research purpose under Chapter 405;
- (2) a legislative committee for legislative purposes;
- (3) a state or federal elected official requested in writing to provide assistance by a constituent who qualifies to obtain injury information under Section 402.084(b), if the request for assistance is provided to the division;
- (4) the attorney general or another entity that provides child support services under Part D, Title IV, Social Security Act (42 U.S.C. Section 651 et seq.), relating to:
 - (A) establishing, modifying, or enforcing a child support, ~~or~~ medical support, or dental support obligation; or
 - (B) locating an absent parent; or

Same as House version.

House Bill 4424
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

- (5) the office of injured employee counsel for any statutory or regulatory purpose that relates to a duty of that office.
- (b) The division may release information on a claim to a governmental agency, political subdivision, or regulatory body to use to:
- (1) investigate an allegation of a criminal offense or licensing or regulatory violation;
 - (2) provide:
 - (A) unemployment compensation benefits;
 - (B) crime victims compensation benefits;
 - (C) vocational rehabilitation services; or
 - (D) health care benefits;
 - (3) investigate occupational safety or health violations;
 - (4) verify income on an application for benefits under an income-based state or federal assistance program; or
 - (5) assess financial resources in an action, including an administrative action, to:
 - (A) establish, modify, or enforce a child support, ~~or~~ medical support, or dental support obligation;
 - (B) establish paternity;
 - (C) locate an absent parent; or
 - (D) cooperate with another state in an action authorized under Part D, Title IV, Social Security Act (42 U.S.C. Section 651 et seq.), or Chapter 231, Family Code.

No equivalent provision.

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

Same as House version.

House Bill 4424
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

(b) On the application of an adult member of a family, an individual accident and health insurance policy may, at the time of original issuance or by subsequent amendment, insure two or more eligible members of the adult's family, including a spouse, unmarried children younger than 25 years of age, including a grandchild of the adult as described by Section 1201.062(a)(1), a child the adult is required to insure under a medical support order or dental support order, if the policy provides dental coverage, issued under Chapter 154, Family Code, or enforceable by a court in this state, and any other individual dependent on the adult.

No equivalent provision.

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

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

- (1) each grandchild of the insured or group member if the grandchild is:
 - (A) unmarried;
 - (B) younger than 25 years of age; and

Same as House version.

House Bill 4424
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

(C) a dependent of the insured or group member for federal income tax purposes at the time application for coverage of the grandchild is made; and
(2) each child for whom the insured or group member must provide medical support or dental support, if the policy provides dental coverage, under an order issued under Chapter 154, Family Code, or enforceable by a court in this state.

No equivalent provision.

SECTION __. Section 1201.063, Insurance Code, is amended to read as follows:

Same as House version.

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

- (1) the child does not reside with the insured or group member; or
- (2) the insured or group member does not claim the child as an exemption for federal income tax purposes

House Bill 4424
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

under Section 151(c)(1)(B), Internal Revenue Code of 1986.

No equivalent provision.

SECTION __. The heading to Chapter 1504, Insurance Code, is amended to read as follows:
CHAPTER 1504. MEDICAL AND DENTAL CHILD SUPPORT

Same as House version.

No equivalent provision.

SECTION __. Subdivision (4), Section 1504.001, Insurance Code, is amended to read as follows:
(4) "Benefit [~~Health benefit~~] plan issuer" means:
(A) an insurance company, group hospital service corporation, or health maintenance organization that delivers or issues for delivery an individual, group, blanket, or franchise insurance policy or agreement, a group hospital service contract, or an evidence of coverage that provides benefits for medical or surgical expenses incurred as a result of an accident or sickness, or dental expenses;
(B) a governmental entity subject to Subchapter D, Chapter 1355, Subchapter C, Chapter 1364, Chapter 1578, Article 3.51-1, 3.51-4, or 3.51-5, or Chapter 177, Local Government Code;
(C) the issuer of a multiple employer welfare arrangement as defined by Section 846.001; or
(D) the issuer of a group health plan as defined by Section 607, Employee Retirement Income Security Act

Same as House version.

House Bill 4424
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

of 1974 (29 U.S.C. Section 1167).

No equivalent provision.

SECTION __. Subsection (b), Section 1504.002, Insurance Code, is amended to read as follows:
(b) The commissioner shall adopt rules that define "comparable health or dental coverage" in a manner that:
(1) is consistent with federal law; and
(2) complies with the requirements necessary to maintain federal Medicaid funding.

Same as House version.

No equivalent provision.

SECTION __. Section 1504.003, Insurance Code, is amended to read as follows:
Sec. 1504.003. VIOLATION OF CHAPTER: RELIEF AVAILABLE TO INJURED PERSON. A [health] benefit plan issuer that violates this chapter is subject to the same penalties, and an injured person has the same rights and remedies, as those provided by Subchapter D, Chapter 541.

Same as House version.

No equivalent provision.

SECTION __. The heading to Subchapter B, Chapter 1504, Insurance Code, is amended to read as follows:
SUBCHAPTER B. DUTIES OF [HEALTH] BENEFIT PLAN ISSUER

Same as House version.

No equivalent provision.

SECTION __. Section 1504.051, Insurance Code, is

Same as House version.

House Bill 4424
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

amended to read as follows:

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

(1) eligible for dependent health or dental coverage; and
(2) required by a court order or administrative order to provide health insurance coverage or dental coverage for the child.

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

(1) the parent does not apply to obtain health or dental coverage for the child through the issuer; and
(2) the child, a custodial parent of the child, or a child support agency having a duty to collect or enforce support for the child applies for the coverage.

SECTION __. Section 1504.052, Insurance Code, is amended to read as follows:

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

No equivalent provision.

Same as House version.

House Bill 4424
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

service area.

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

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

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

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

No equivalent provision.

SECTION __. Section 1504.053, Insurance Code, is amended to read as follows:

Sec. 1504.053. CANCELLATION OR NONRENEWAL OF COVERAGE FOR CERTAIN CHILDREN. (a) A [health] benefit plan issuer may not cancel or refuse to renew health or dental coverage provided to a child who is enrolled or entitled to

Same as House version.

House Bill 4424
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

enrollment under this chapter unless satisfactory written evidence is filed with the issuer showing that:

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

(2) the child:

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

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

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

No equivalent provision.

SECTION __. Section 1504.054, Insurance Code, is amended to read as follows:

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

(b) The [~~health~~] benefit plan issuer shall, on application

Same as House version.

House Bill 4424
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

of a parent of the child, a child support agency, or the child, enroll or continue enrollment of a child whose eligibility for coverage ended under Subsection (a).

No equivalent provision.

SECTION __. Section 1504.055, Insurance Code, is amended to read as follows:

Same as House version.

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

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

- (A) the name of the issuer;
- (B) the number of the policy or evidence of coverage;
- (C) a copy of the policy or evidence of coverage and schedule of benefits;
- (D) a health or dental coverage membership card;
- (E) claim forms; and
- (F) any other document or information necessary to submit a claim in accordance with the issuer's policies and procedures;

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

(3) make payments on covered claims submitted in

House Bill 4424
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

accordance with this subsection directly to a custodial parent, health care provider, adult child, or state agency making a claim.

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

No equivalent provision.

SECTION __. Section 1504.101, Insurance Code, is amended to read as follows:

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

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

Same as House version.

No equivalent provision.

SECTION __. Section 1504.102, Insurance Code, is

Same as House version.

House Bill 4424
Conference Committee Report
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

amended to read as follows:

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

No equivalent provision.

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

Same as House version.

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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 30, 2009

TO: Honorable David Dewhurst , Lieutenant Governor, Senate
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.), **Conference Committee Report**

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.

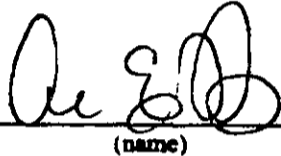
Source Agencies:

LBB Staff: JOB, TP, MN

Certification of Compliance with Rule 13, Section 6(b), House Rules of Procedure

Rule 13, Section 6(b), House Rules of Procedure, requires that a copy of a conference committee report signed by a majority of each committee of the conference must be furnished to each member of the committee in person or if unable to deliver in person by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Section 10(a) of this rule. The paper copies of the report submitted to the chief clerk under Section 10(b) of this rule must contain a certificate that the requirement of this subsection has been satisfied, and that certificate must be attached to the printed copy of the report furnished to each member under Section 10(d) of this rule. Failure to comply with this subsection is not a sustainable point of order under this rule.

I certify that a copy of the conference committee report on H. B. 442A was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Section 10(b), Rule 13, House Rules of Procedure.



(name)

5/30/09

(date)