

## **BILL ANALYSIS**

Senate Research Center  
80R2573 MCK-D

S.B. 451  
By: Uresti  
Jurisprudence  
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### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Under current law, medical insurance is the only required insurance that the obligor/obligee provides for a child in a child support case. Dental insurance is not provided unless specified by the court or the parties involved.

As proposed, S.B. 451 requires that dental insurance be included in a child support order.

### **RULEMAKING AUTHORITY**

Modifies previously existing rulemaking authority granted to the commissioner of insurance in Chapter 56 (Section 1504.002(b), Insurance Code) of this bill..

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 54.06(e), Family Code, to require the court to require in an order to pay child support that dental insurance, along with health insurance, be provided for the child. Makes a conforming change.

SECTION 2. Amends Section 101.006, Family Code, by redefining "child support services."

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

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

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

SECTION 4. Amends Section 101.012, Family Code, to make a conforming change.

SECTION 5. Amends Section 101.024(b), Family Code, to make a conforming change.

SECTION 6. Amends Section 101.034, Family Code, to make a conforming change.

SECTION 7. Amends Section 153.611, Family Code, to make a conforming change.

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

Sec. 154.008. New heading: PROVISION FOR MEDICAL SUPPORT AND DENTAL SUPPORT. Makes a conforming change.

SECTION 9. Amends Section 154.062(d), Family Code, to make a conforming change.

SECTION 10. Amends Section 154.064, Family Code, as follows:

Sec. 154.064. New heading: MEDICAL SUPPORT AND DENTAL SUPPORT FOR CHILD PRESUMPTIVELY PROVIDED BY OBLIGOR. Makes a conforming change.

SECTION 11. Amends the subchapter heading to Subchapter D, Chapter 154, Family Code, to read as follows:

## SUBCHAPTER D. MEDICAL SUPPORT AND DENTAL SUPPORT FOR CHILD

SECTION 12. Amends Subchapter D, Chapter 154, Family Code by adding Section 154.1815, as follows:

Sec. 154.1815. DENTAL SUPPORT ORDER. (a) Defines "reasonable cost."

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

(c) Requires the court to require the parties to the proceedings to disclose in a pleading or other document whether the child is covered by dental insurance and, if the child is covered, certain details regarding that coverage before certain hearings. Requires the parties to disclose to the court whether either parent has access to dental insurance at a reasonable cost to that parent if dental insurance is not in effect for the child.

(d) Requires the court, except for good cause shown, in rendering a temporary order, to order that any dental insurance coverage in effect for the child continues 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. Requires the court, except for good cause shown, to order dental coverage for the child, as provided by Section 154.1825 (Dental Insurance), Family Code, if said coverage is not in effect, or such coverage is not available at a reasonable cost.

(e) Requires the court, except for good cause shown, in rendering a final order, to require the parent ordered to provide coverage for the child to produce evidence to the court's satisfaction that the parent has applied for or secured dental insurance or has otherwise taken necessary action to provide coverage for the child, as ordered by the court.

SECTION 13. Amends Subchapter D, Chapter 154, Family Code, by adding Section 154.1825, as follows:

Sec. 154.1825 DENTAL INSURANCE. (a) Defines "reasonable cost."

(b) Requires the court to consider the cost and quality of dental insurance coverage available to the parties and to give priority to coverage available through the employment of one of the parties.

(c) Requires the court to render its order in determining the manner in which dental insurance is to be covered in accordance with certain priorities under this subsection, unless a party shows good cause why a particular order is not in the best interest of the child.

SECTION 14. Amends Section 154.183, Family Code, as follows:

Sec. 154.183. New heading: HEALTH AND DENTAL INSURANCE ADDITIONAL SUPPORT DUTY OF OBLIGOR. (a) Makes a conforming change.

(b) Makes conforming changes.

(c) Provides that reasonable and necessary dental expenses of a child that are not reimbursed by dental insurance are an expense to which the court is required to allocate additional child support between the parties according to their respective circumstances.

SECTION 15. Amends Sections 154.184(a) and (b), Family Code, to make conforming changes.

SECTION 16. Amends Section 154.185, Family Code, to set forth certain information to be furnished by the parent to either the obligee, obligor, or child support agency with regard to dental insurance. Makes conforming changes.

SECTION 17. Amends the heading to Section 154.186, Family Code, to read as follows:

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

SECTION 18. Amends Section 154.186(a), Family Code, to make conforming changes.

SECTION 19. Amends Sections 154.187(a), (b), (c), (d), (e), and (g), Family Code, to make conforming changes.

SECTION 20. Amends Section 154.188, Family Code, as follows:

Sec. 154.188. New heading: FAILURE TO PROVIDE OR PAY FOR REQUIRED HEALTH INSURANCE OR DENTAL INSURANCE. Makes conforming changes.

SECTION 21. Amends Section 154.189, Family Code, to make conforming changes.

SECTION 22. Amends Section 154.190, Family Code, to make conforming changes.

SECTION 23. Amends Section 154.191, Family Code, as follows:

Sec. 154.191. REMEDY NOT EXCLUSIVE. (a) Specifies that Subchapter D (Medical Support of Child), Chapter 154, Family Code, does not limit the rights of the obligor, obligee, local domestic relations office, or Agency to enforce, modify, or clarify the dental support order.

(b) Specifies that this subchapter does not limit the authority of the court to render or modify a dental support order containing a provision for payment of uninsured dental expenses, dental costs, or dental insurance premiums that are in addition to and inconsistent with this subchapter.

SECTION 24. Amends Section 154.192, Family Code, to make conforming changes.

SECTION 25. Amends Section 154.193(a), Family Code, to make a conforming change.

SECTION 26. Amends Section 157.269, Family Code, to make a conforming change.

SECTION 27. Amends Sections 158.206(a) and (b), Family Code, to make conforming changes.

SECTION 28. Amends Section 158.302, Family Code, to make a conforming change.

SECTION 29. Amends Section 158.309(c), Family Code, to make a conforming change.

SECTION 30. Amends Section 158.312(a), Family Code, to make a conforming change.

SECTION 31. Amends Section 158.314, Family Code, to make a conforming change.

SECTION 32. Amends Section 158.502(a), Family Code, to make a conforming change.

SECTION 33. Amends Section 158.504(b), Family Code, to make a conforming change.

SECTION 34. Amends Section 158.507, Family Code, to make a conforming change.

SECTION 35. Amends Section 159.502(c), Family Code, to make conforming changes.

SECTION 36. Amends the heading to Section 231.0011, Family Code, to read as follows:

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

SECTION 37. Amends Sections 231.0011(a) and (g), Family Code, to make conforming changes.

SECTION 38. Amends Section 231.002(e), Family Code, to make a conforming change.

SECTION 39. Amends Section 231.101(a), Family Code, to make conforming changes.

SECTION 40. Amends Section 231.104(b), Family Code, to make a conforming change.

SECTION 41. Amends Section 231.122(a), Family Code, as added by Chapter 925, Acts of the 79th Legislature, Regular Session, 2005, to make a conforming change.

SECTION 42. Amends Section 231.301(a), Family Code, to make conforming changes.

SECTION 43. Amends Section 231.306, Family Code, as follows:

Sec. 231.306. New heading: MAXIMIZING MEDICAL SUPPORT AND DENTAL SUPPORT ESTABLISHMENT AND COLLECTION BY THE TITLE IV-D AGENCY.

(a) Makes conforming changes .

(b) Defines "dental support." Makes conforming changes.

SECTION 44. Amends Section 233.001(a), Family Code, to make a conforming change.

SECTION 45. Amends Section 233.009(b), Family Code, to make a conforming change.

SECTION 46. Amends Section 233.0095(b), Family Code, to make conforming changes.

SECTION 47. Amends Section 233.017(a), Family Code, to make a conforming change.

SECTION 48. Amends the heading to Section 234.002, Family Code, to read as follows:

Sec. 234.002. INTEGRATED SYSTEM FOR CHILD SUPPORT, MEDICAL SUPPORT, AND DENTAL SUPPORT ENFORCEMENT. Makes a conforming change.

SECTION 49. Amends Section 71.035(a), Government Code, to include the enforcement of dental support as an action for which the Texas Judicial Council is required to implement monthly tracking system to ensure accountability for certain counties and courts.

SECTION 50. Amends Section 402.085, Labor Code, to require the Workers' Compensation Division to release information on a claim regarding the establishment, modification, or enforcement of a dental support obligation. Makes conforming changes.

SECTION 51. Amends Section 1201.053(b), Insurance Code, to include a child that the adult is required to insure under a dental support order among certain eligible members of an adult's family, two or more of which an individual accident and health insurance policy is authorized to insure at the time of original issuance or by subsequent amendment of the policy, if the policy provides dental coverage.

SECTION 52. Amends Section 1201.062(a), Insurance Code, to make a conforming change.

SECTION 53. Amends Section 1201.063, Insurance Code, to make a conforming change.

SECTION 54. Amends the heading to Chapter 1504, Insurance Code, to read as follows:

CHAPTER 1504. MEDICAL AND DENTAL CHILD SUPPORT.

SECTION 55. Amends Section 1504.001(4), Insurance Code, to redefine "benefit plan issuer," rather than "health benefit plan issuer."

SECTION 56. Amends Section 1504.002(b), Insurance Code, to require the commissioner of insurance to adopt rules that define "comparable health or dental coverage" in a certain manner.

SECTION 57. Amends Section 1504.003, Insurance Code, to make a conforming change.

SECTION 58. Amends the heading to Subchapter B, Chapter 1504, Insurance Code, to read as follows:

SUBCHAPTER B. DUTIES OF BENEFIT PLAN ISSUER

SECTION 59. Amends Section 1504.051, Insurance Code, to make conforming changes.

SECTION 60. Amends Section 1504.052, Insurance Code, as follows:

Sec. 1504.052. New heading: CHILD RESIDING OUTSIDE SERVICE AREA; COMPARABLE HEALTH OR DENTAL COVERAGE REQUIRED. Makes conforming changes.

SECTION 61. Amends Section 1504.053, Insurance Code, to make conforming changes.

SECTION 62. Amends Section 1504.054, Insurance Code, to make conforming changes.

SECTION 63. Amends Section 1504.055, Insurance Code, to make conforming changes.

SECTION 64. Amends Section 1504.101, Insurance Code, to make conforming changes.

SECTION 65. Amends Section 1504.102, Insurance Code, as follows:

Sec. 1504.102. New heading: ASSIGNMENT OF MEDICAL OR DENTAL SUPPORT RIGHTS: DIFFERENT REQUIREMENTS PROHIBITED. Makes a conforming change.

SECTION 66. (a) Makes application of this Act prospective.

(b) Provides that the change in law made by this Act does not by itself constitute a material and substantial change of circumstances under Section 156.401 (Ground for Modification of Child Support), Family Code, sufficient to warrant modification of a court order or a portion of a decree that provides for the support of a child rendered before the effective date of this Act.

SECTION 67. Effective date: September 1, 2007.