

- SUBJECT:** Requiring dental support for a child subject to a child support order
- COMMITTEE:** Judiciary and Civil Jurisprudence — favorable, without amendment
- VOTE:** 8 ayes — Hunter, Alonzo, Hartnett, Jackson, Lewis, Madden, Martinez, Woolley
- 0 nays
- 3 absent — Hughes, Branch, Leibowitz
- SENATE VOTE:** On final passage, April 14 — 30-0
- WITNESSES:** For — (*Registered, but did not testify*: David Mintz, Texas Academy of General Dentistry; Susan Ross, Texas Dental Association)
- Against — None
- BACKGROUND:** Family Code, ch. 154, subch. D requires a court to issue an order for the medical support of a child in proceedings related to child support.
- Under sec. 154.182, in determining the manner and amount of medical support of a child, the court must consider the cost and quality of health insurance coverage available to the parties and give priority to health care coverage available through the employment of one of the parties if the coverage is available at a reasonable cost. Sec. 154.182(b) requires the court to issue a medical support order according to the following priorities, unless a party shows good cause as to why a particular order would not be in the best interest of the child:
- if health insurance is available for the child through a parent's employment or membership in a union, trade association, or other organization at reasonable cost, the court must order the parent to include the child in the parent's health insurance;
 - if health insurance is not available to the child through a union, trade association, or other organization, but is available at reasonable cost from another source, the court may order the parent to provide health insurance for the child; or

- if health insurance is not otherwise available for the child, the court must order the child support obligor (the person who owes child support) to pay the child support obligee (the person to whom child support is owed) an amount in cash medical support, as determined by the child support guidelines in Family Code, ch. 154, subch. C, in addition but not to exceed 9 percent of the obligor's monthly resources.

DIGEST:

SB 1048 would amend various statutory provisions to require a child support order to provide dental insurance for the child subject to the order, in addition to health insurance as required under current law. The bill would make conforming changes in the Family Code, Insurance Code, and Labor Code to reference a dental support obligation in a child support order.

In a suit affecting the parent-child relationship or a proceeding under the Uniform Interstate Family Support Act, the court would have to issue an order for the dental support of the child. The order would have to provide the manner in which dental care coverage would be provided to the child. The court would consider the cost and quality of dental insurance coverage available and give priority to dental insurance coverage available through the employment of one of the parties if the coverage were available at a reasonable cost.

As with health insurance, the court could order that dental insurance be provided through any available source at reasonable cost. The court could also order a parent who owed child support to pay cash dental support to the parent to whom child support was due in an amount not to exceed 3 percent of the obligor's annual resources. The order would have to allow an obligor to discontinue the cash dental support if dental insurance for the child became available to the obligor at a reasonable cost and if the obligor enrolled the child in the insurance plan and provided the obligee and the Title IV-D agency, the Office of the Attorney General, with the information relating to the dental insurance and any other information required under Family Code, sec. 154.185.

The bill would authorize the commissioner of insurance to adopt rules defining comparable dental coverage.

SB 1048 would provide that the changes made by the bill, if enacted, would not by themselves constitute a material and substantial change of

circumstances under Family Code, sec. 156.401 (grounds for modification of child support) to warrant modification of a court order or a portion of a decree that provided for child support issued before the bill's effective date.

The bill would take effect September 1, 2009.