

2018 Regular Session

HOUSE BILL NO. 490

BY REPRESENTATIVE GREGORY MILLER

CHILDREN/SUPPORT: Provides for healthcare coverage relative to child support

1 AN ACT

2 To amend and reenact R.S. 46:236.1.1(9), (10), (11), (12), (13), and (14) and 236.1.2(L) and  
3 to enact R.S. 46:236.1.1(15) and (16), relative to support; to provide definitions; to  
4 provide relative to health insurance; to provide for medical support; and to provide  
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 46:236.1.1(9), (10), (11), (12), (13), (14) and 236.1.2(L) are hereby  
8 amended and reenacted and R.S. 46:236.1.1(15) and (16) are hereby enacted to read as  
9 follows:

10 §236.1.1. Family and child support programs; definitions

11 For the purposes of this Subpart, the following items shall mean:

12 \* \* \*

13 (9) "Health insurance" means insurance covering medical expenses resulting  
14 from sickness or injury.

15 (10) "Healthcare coverage" means fee for service, health maintenance  
16 organization, preferred provider organization, and other types of private health  
17 insurance and public health care coverage under which medical services could be  
18 provided to the dependent child.

19 ~~(9)~~(11) "Medical support" means health insurance, cash medical support, and  
20 the payment of the medical expenses of the child.

1           ~~(10)~~(12)(a) "Noncustodial parent" means an absent parent as defined in  
2           Subparagraph (b) of this Paragraph.

3           (b) "Absent parent" means any person who does not reside with his  
4           dependent child and who is responsible for providing financial support for that child  
5           and against whom the child support enforcement section of the department is  
6           enforcing or seeking to enforce or modify a support obligation pursuant to a plan  
7           described in Title IV-D of the Social Security Act and made applicable to the state  
8           under this Subpart. An "absent parent" may include but is not limited to the natural  
9           parent, adoptive parent, and the putative or alleged father. This definition shall apply  
10          retroactively to all cases that the child support enforcement section of the department  
11          is enforcing or seeking to enforce or modify.

12          ~~(11)~~(13) "Private health insurance" means coverage by a health plan  
13          provided through an employer or union or purchased by an individual from a private  
14          health insurance company.

15          ~~(12)~~(14) "Public health insurance" means health insurance provided by a  
16          public entity.

17          ~~(13)~~(15) "Reasonable cost", as it pertains to private health insurance, means  
18          that the health insurance premiums for the minor child or children do not exceed five  
19          percent of the gross income of the parent ordered to provide support pursuant to R.S.  
20          9:315.4. The five percent standard shall apply to the cost of adding the child to an  
21          existing policy, the difference in the cost between a single and a family policy, or the  
22          cost of acquiring a separate policy to cover the child. There is a rebuttable  
23          presumption that public health insurance is always available at a reasonable cost.

24          ~~(14)~~(16) "Support services" and "support enforcement services" means any  
25          action taken by the Department of Children and Family Services, upon receipt of an  
26          application or referral for services or a request made under the Uniform Interstate  
27          Family Support Act, in accordance with the federal requirements of Title IV-D of the  
28          Social Security Act and corresponding state laws and regulations without regard to  
29          whether there is any existing court order, delinquency, or presumption of paternity.

1 §236.1.2. Family and child support programs; responsibilities

2 \* \* \*

3 L.(1)(a) The department, when providing support enforcement services, shall  
4 pursue an order to require one or both parties to provide medical support for the child  
5 pursuant to R.S. 9:315.4. If private health insurance is not available to either parent  
6 at a reasonable cost at the time the support order is rendered or modified, the court  
7 shall order the party responsible for providing medical support to provide private  
8 health insurance as soon as it becomes available at a reasonable cost and is accessible  
9 to the minor child.

10 (b) The court may order the noncustodial parent to pay cash medical support  
11 when either:

12 (i) The child has no healthcare coverage.

13 (ii) The child is covered by private health insurance but there is a need for  
14 additional funds to cover the child's healthcare costs.

15 (c) Notwithstanding any provision to the contrary, the court shall order the  
16 noncustodial parent to pay cash medical support when the child is covered by public  
17 health insurance.

18 (2) ~~The~~ When the court may order orders the noncustodial parent to provide  
19 cash medical support, it shall be owed until such time as private health insurance is  
20 provided by the ~~noncustodial parent~~ party responsible for providing medical support.

21 (3) Cash medical support shall be set at an amount not to exceed ~~five~~ three  
22 percent of the noncustodial parent's gross income. An award for cash medical  
23 support shall be separate from the child support order and shall not be included in the  
24 child support calculations.

25 (3)(4) Cash medical support payments shall be collected by the department  
26 and distributed in accordance with the Code of Federal Regulations and the  
27 Louisiana Administrative Code.

1           (5) If a court orders a parent to pay cash medical support, it shall be in lieu  
2           of, and not in addition to, requiring the parent to also pay reimbursement for  
3           extraordinary medical expenses as set forth in R.S. 9:315.5.

4           Section 2. This Act shall become effective upon signature by the governor or, if not  
5 signed by the governor, upon expiration of the time for bills to become law without signature  
6 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
7 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
8 effective on the day following such approval.

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 490 Engrossed

2018 Regular Session

Gregory Miller

**Abstract:** Adds definitions of "health insurance" and "healthcare coverage" and provides for allowable costs of health insurance premiums and medical support for minor children.

Present law provides definitions within the context of family and child support programs.

Proposed law adds definitions of "health insurance" and "healthcare coverage".

Present law defines reasonable cost for the health insurance premium for a minor child as it relates to the gross income of the parent.

Proposed law expands upon present law that the reasonable cost applies to adding a child to an existing policy, the cost of acquiring a separate policy, or the difference between a single and a family policy.

Present law requires a parent responsible for providing medical support to a minor child to provide private health insurance as soon as it is available at a reasonable cost.

Proposed law allows a court to order a noncustodial parent to pay cash medical support when a minor child has no healthcare coverage, is covered by public health insurance, or is covered by private health insurance but there remains a need for additional funds to cover the child's healthcare costs.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 46:236.1.1(9)-(14) and 46:236.1.2(L); Adds R.S. 46:236.1.1(15) and (16))