2018 Regular Session

HOUSE BILL NO. 490

BY REPRESENTATIVE GREGORY MILLER

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.

21            (10)(12)(a)  "Noncustodial parent" means an absent parent as defined in

22      Subparagraph (b) of this Paragraph.

1          (b)  "Absent parent" means any person who does not reside with his

2          dependent child and who is responsible for providing financial support for that child

3          and against whom the child support enforcement section of the department is

4          enforcing or seeking to enforce or modify a support obligation pursuant to a plan

5          described in Title IV-D of the Social Security Act and made applicable to the state

6          under this Subpart.  An "absent parent" may include but is not limited to the natural

7          parent, adoptive parent, and the putative or alleged father.  This definition shall apply

8          retroactively to all cases that the child support enforcement section of the department

9          is enforcing or seeking to enforce or modify.

10          (11)(13)  "Private health insurance" means coverage by a health plan

11          provided through an employer or union or purchased by an individual from a private

12          health insurance company.

13          (12)(14)  "Public health insurance" means health insurance provided by a

14          public entity.

15          (13)(15)  "Reasonable cost", as it pertains to private health insurance, means

16          that the health insurance premiums for the minor child or children do not exceed five

17          percent of the gross income of the parent ordered to provide support pursuant to R.S.

18          9:315.4.  The five percent standard shall apply to the cost of adding the child to an

19          existing policy, the difference in the cost between a single and a family policy, or the

20          cost of acquiring a separate policy to cover the child.  There is a rebuttable

21          presumption that public health insurance is always available at a reasonable cost.

22          (14)(16)  "Support services" and "support enforcement services" means any

23          action taken by the Department of Children and Family Services, upon receipt of an

24          application or referral for services or a request made under the Uniform Interstate

25          Family Support Act, in accordance with the federal requirements of Title IV-D of the

26          Social Security Act and corresponding state laws and regulations without regard to

27          whether there is any existing court order, delinquency, or presumption of paternity.

28          §236.1.2.  Family and child support programs; responsibilities

29                        *      *      *

1          L.(1)(a) The department, when providing support enforcement services, shall

2          pursue an order to require one or both parties to provide medical support for the child

3          pursuant to R.S. 9:315.4. If private health insurance is not available to either parent

4          at a reasonable cost at the time the support order is rendered or modified, the court

5          shall order the party responsible for providing medical support to provide private

6          health insurance as soon as it becomes available at a reasonable cost and is accessible

7          to the minor child.

8              (b) The court may order the noncustodial parent to pay cash medical support

9          when either:

10             (i) The child has no healthcare coverage.

11             (ii) The child is covered by private health insurance but there is a need for

12         additional funds to cover the child's healthcare costs.

13             (c) Notwithstanding any provision to the contrary, the court shall order the

14         noncustodial parent to pay cash medical support when the child is covered by public

15         health insurance.

16             (2) ~~The~~ When the court ~~may order~~ orders the noncustodial parent to provide

17         cash medical support, it shall be owed until such time as private health insurance is

18         provided by the ~~noncustodial parent~~ party responsible for providing medical support.

19             (3) Cash medical support shall be set at an amount not to exceed ~~five~~ three

20         percent of the noncustodial parent's gross income. An award for cash medical

21         support shall be separate from the child support order and shall not be included in the

22         child support calculations.

23             ~~(3)~~(4) Cash medical support payments shall be collected by the department

24         and distributed in accordance with the Code of Federal Regulations and the

25         Louisiana Administrative Code.

26             (5) If a court orders a parent to pay cash medical support, it shall be in lieu

27         of, and not in addition to, requiring the parent to also pay reimbursement for

28         extraordinary medical expenses as set forth in R.S. 9:315.5.

29         Section 2. This Act shall become effective upon signature by the governor or, if not

30     signed by the governor, upon expiration of the time for bills to become law without signature

1    by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

2    vetoed by the governor and subsequently approved by the legislature, this Act shall become

3    effective on the day following such approval.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

_____

PRESIDENT OF THE SENATE

_____

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

CODING: Words in struck through type are deletions from existing law; words underscored are additions.