

SENATE BILL NO. 105

INTRODUCED BY REGAN, VAN VALKENBURG,
JACOBSON, GAGE, MCCALLUM

IN THE SENATE

January 14, 1985	Introduced and referred to Committee on Judiciary.
January 26, 1985	Committee recommend bill do pass as amended. Report adopted.
January 28, 1985	Bill printed and placed on members' desks.
January 29, 1985	Second reading, do pass.
January 30, 1985	Considered correctly engrossed.
January 31, 1985	Third reading, passed. Ayes, 48; Noes, 1.
	Transmitted to House.

IN THE HOUSE

February 27, 1985	Introduced and referred to Committee on Judiciary.
March 13, 1985	Committee recommend bill be concurrred in as amended. Report adopted.
March 16, 1985	Second reading, pass consideration. On motion, taken from second reading and rereferred to Committee on Judiciary.
March 19, 1985	Committee recommend bill be concurrred in. Report adopted.
March 20, 1985	Second reading, concurrred in as amended.

March 22, 1985

Third reading, concurred in.

Returned to Senate with
amendments.

IN THE SENATE

March 22, 1985

Received from House.

March 27, 1985

Second reading, amendments
concurred in.

March 29, 1985

Third reading, amendments
concurred in. Ayes, 49; Noes, 0.

Sent to enrolling.

Reported correctly enrolled.

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Senate BILL NO. 105

INTRODUCED BY ~~James H. Volking~~ ~~Representative Rye~~
McBallum

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE CHILD SUPPORT ORDERS TO INCLUDE A PROVISION REQUIRING CERTAIN SUPPORTING PARENTS TO OBTAIN HEALTH INSURANCE COVERAGE FOR DEPENDENT CHILDREN."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Child support orders to require health insurance coverage. Each district court judgment or order establishing a temporary or final child support obligation under this title and each modification of an existing order for child support must include an order requiring the person ordered to pay support to maintain or provide health insurance coverage for each child covered by the judgment or order if health insurance that can be extended to cover the child is available to that person through an employer or other organization and the employer or other organization offering the health insurance will contribute all or a part of the premium for coverage of the child. This health insurance coverage is in addition to and not in substitution, in whole or in part, for the child support obligation.

Section 2. Codification instruction. Section 1 is

1 intended to be codified as an integral part of Title 40,
2 chapter 4, part 2, and the provisions of Title 40, chapter
3 4, part 2, apply to section 1.

-End-



APPROVED BY COMMITTEE
ON JUDICIARY

SENATE BILL NO. 105

INTRODUCED BY REGAN, VAN VALKENBURG,

JACOBSON, GAGE, MCCALLUM

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE CHILD
SUPPORT ORDERS TO INCLUDE A PROVISION REQUIRING CERTAIN
SUPPORTING PARENTS TO OBTAIN COVERING HEALTH INSURANCE
COVERAGE FOR DEPENDENT CHILDREN CARE COSTS."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Child support orders to require CONTAIN
health insurance coverage CARE PROVISIONS. (1) Each district
court judgment, DECREE, or order establishing a temporary or
final child support obligation under this title and each
modification of an existing A FINAL order for child support
must include an order requiring the person ordered to pay
support to maintain or provide health insurance coverage for
each child covered by the judgment or order if health
insurance that can be extended to cover the child is
available to that person through an employer or other
organization and the employer or other organization offering
the health insurance will contribute all or a part of the
premium for coverage of the child: A PROVISION APPORTIONING
HEALTH CARE COSTS FOR THE MINOR CHILDREN TO EITHER OR BOTH
PARTIES. IF EITHER PARTY HAS AVAILABLE THROUGH AN EMPLOYER

OR OTHER ORGANIZATION HEALTH INSURANCE COVERAGE FOR THE
CHILD OR CHILDREN FOR WHICH THE PREMIUM IS PARTIALLY OR
ENTIRELY PAID BY THE EMPLOYER OR ORGANIZATION, THE JUDGMENT,
DECREE, OR ORDER MUST CONTAIN A PROVISION REQUIRING THAT
COVERAGE FOR THE CHILD OR CHILDREN BE CONTINUED OR OBTAINED.

(2) IN THE EVENT THAT HEALTH INSURANCE REQUIRED IN A
CHILD SUPPORT JUDGMENT, DECREE, OR ORDER BECOMES UNAVAILABLE
TO THE PARTY WHO IS TO PROVIDE IT THROUGH LOSS OR CHANGE OF
EMPLOYMENT OR OTHERWISE, THAT PARTY MUST, IN THE ABSENCE OF
AN AGREEMENT TO THE CONTRARY, OBTAIN COMPARABLE INSURANCE OR
REQUEST THAT THE COURT MODIFY THE REQUIREMENT.

(3) ALL TEMPORARY CHILD SUPPORT ORDERS MUST CONTAIN A
PROVISION REQUIRING THE PARTY WHO HAS HEALTH INSURANCE IN
EFFECT FOR THE CHILD OR CHILDREN OF THE PARTIES TO CONTINUE
THE INSURANCE COVERAGE PENDING FINAL DISPOSITION OF THE
CASE.

(4) THE PARTIES MAY BY WRITTEN AGREEMENT PROVIDE FOR
THE HEALTH CARE COVERAGE REQUIRED BY THIS SECTION, SUBJECT
TO THE APPROVAL OF THE COURT.

This (5) UNLESS OTHERWISE PROVIDED IN THE DECREE, THE
health insurance CARE coverage REQUIRED BY THIS SECTION is
in addition to and not in substitution, in whole or in part,
for the child support obligation.

(6) AS USED IN THIS SECTION, "HEALTH CARE COSTS" MEANS
THE COSTS FOR HEALTH INSURANCE PREMIUMS, INSURANCE



SB 0105/02

1 DEDUCTIBLE AMOUNTS, OR COINSURANCE, AS WELL AS REASONABLE
2 AND NECESSARY HOSPITAL, MEDICAL, DENTAL, ORTHODONTIC,
3 OCULAR, AND MENTAL HEALTH SERVICE EXPENSES NOT COVERED BY
4 INSURANCE.

5 Section 2. Codification instruction. Section 1 is
6 intended to be codified as an integral part of Title 40,
7 chapter 4, part 2, and the provisions of Title 40, chapter
8 4, part 2, apply to section 1.

-End-

SENATE BILL NO. 105

INTRODUCED BY REGAN, VAN VALKENBURG,

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A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE CHILD SUPPORT ORDERS TO INCLUDE A PROVISION REQUIRING CERTAIN SUPPORTING PARENTS TO OBTAIN COVERING HEALTH INSURANCE COVERAGE FOR DEPENDENT CHILDREN CARE COSTS."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Child support orders to require CONTAIN health insurance coverage CARE PROVISIONS. (1) Each district court judgment, DECREE, or order establishing a temporary or final child support obligation under this title and each modification of an existing A FINAL order for child support must include an order requiring the person ordered to pay support to maintain or provide health insurance coverage for each child covered by the judgment or order if health insurance that can be extended to cover the child is available to that person through an employer or other organization and the employer or other organization offering the health insurance will contribute all or a part of the premium for coverage of the child. A PROVISION APPORTIONING HEALTH CARE COSTS FOR THE MINOR CHILDREN TO EITHER OR BOTH PARTIES. IF EITHER PARTY HAS AVAILABLE THROUGH AN EMPLOYER

OR OTHER ORGANIZATION HEALTH INSURANCE COVERAGE FOR THE CHILD OR CHILDREN FOR WHICH THE PREMIUM IS PARTIALLY OR ENTIRELY PAID BY THE EMPLOYER OR ORGANIZATION, THE JUDGMENT, DECREE, OR ORDER MUST CONTAIN A PROVISION REQUIRING THAT COVERAGE FOR THE CHILD OR CHILDREN BE CONTINUED OR OBTAINED.

(2) IN THE EVENT THAT HEALTH INSURANCE REQUIRED IN A CHILD SUPPORT JUDGMENT, DECREE, OR ORDER BECOMES UNAVAILABLE TO THE PARTY WHO IS TO PROVIDE IT THROUGH LOSS OR CHANGE OF EMPLOYMENT OR OTHERWISE, THAT PARTY MUST, IN THE ABSENCE OF AN AGREEMENT TO THE CONTRARY, OBTAIN COMPARABLE INSURANCE OR REQUEST THAT THE COURT MODIFY THE REQUIREMENT.

(3) ALL TEMPORARY CHILD SUPPORT ORDERS MUST CONTAIN A PROVISION REQUIRING THE PARTY WHO HAS HEALTH INSURANCE IN EFFECT FOR THE CHILD OR CHILDREN OF THE PARTIES TO CONTINUE THE INSURANCE COVERAGE PENDING FINAL DISPOSITION OF THE CASE.

(4) THE PARTIES MAY BY WRITTEN AGREEMENT PROVIDE FOR THE HEALTH CARE COVERAGE REQUIRED BY THIS SECTION, SUBJECT TO THE APPROVAL OF THE COURT.

This (5) UNLESS OTHERWISE PROVIDED IN THE DECREE, THE health insurance CARE coverage REQUIRED BY THIS SECTION is in addition to and not in substitution, in whole or in part, for the child support obligation.

(6) AS USED IN THIS SECTION, "HEALTH CARE COSTS" MEANS THE COSTS FOR HEALTH INSURANCE PREMIUMS, INSURANCE

SB 0105/02

1 DEDUCTIBLE AMOUNTS, OR COINSURANCE, AS WELL AS REASONABLE
2 AND NECESSARY HOSPITAL, MEDICAL, DENTAL, ORTHODONTIC,
3 OCULAR, AND MENTAL HEALTH SERVICE EXPENSES NOT COVERED BY
4 INSURANCE.

5 Section 2. Codification instruction. Section 1 is
6 intended to be codified as an integral part of Title 40,
7 chapter 4, part 2, and the provisions of Title 40, chapter
8 4, part 2, apply to section 1.

-End-

STANDING COMMITTEE REPORT

March 13 1985

MR. Speaker

We, your committee on Judiciary

having had under consideration Senate Bill No. 105

THIRD reading copy (BLUE)
color

HEALTH INSURANCE COVERAGE IN CHILD SUPPORT ORDERS

Respectfully report as follows: That Senate Bill No. 105

be amended as follows:

- 1. Page 2, line 4.
- Strike: "MUST"
- Insert: "MAY"

AS

AND AS AMENDED,
BE CONCURRED IN
~~DOORCASE~~

5/3/13

Tom Hannah
REP. TOM HANNAH, Chairman.

3-20-85
DATE

2:15
TIME

MR. CHAIRMAN: I MOVE TO AMEND Senate Bill

No. 105

2nd reading copy (yellow) as follows:
Color

1. Title, line 8.

Strike: "CARE COSTS"

Insert: "INSURANCE IN CERTAIN CASES"

2. Page 1, line 11.

Strike: "CONTAIN"

Insert: "address"

3. Page 1, line 12.

Strike: "CARE PROVISIONS"

Insert: "insurance coverage in certain cases"

Strike: "(1)"

4. Page 1, lines 23 through 25.

Strike: "APPORTIONING" through "PARTIES." on line 25

Insert: "addressing health insurance coverage in the following cases: (1)"

5. Page 2, line 24 through page 3, line 4.

Strike: subsection 6 in its entirety

AS

ADOPT

REJECT

Ramirez

SENATE BILL NO. 105

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A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE CHILD SUPPORT ORDERS TO INCLUDE A PROVISION REQUIRING CERTAIN SUPPORTING PARENTS TO OBTAIN COVERING HEALTH INSURANCE COVERAGE FOR DEPENDENT CHILDREN CARE COSTS INSURANCE IN CERTAIN CASES."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Child support orders to require contain address health insurance coverage care provisions insurance coverage in certain cases. Each district court judgment, decree, or order establishing a temporary or final child support obligation under this title and each modification of an existing a final order for child support must include an order requiring the person ordered to pay support to maintain or provide health insurance coverage for each child covered by the judgment or order if health insurance that can be extended to cover the child is available to that person through an employer or other organization and the employer or other organization offering the health insurance will contribute all or a part of the premium for coverage of the child. A PROVISION APPOINTING HEALTH CARE COSTS FOR

~~THE MINOR CHILDREN TO EITHER OR BOTH PARTIES~~ ADDRESSING HEALTH INSURANCE COVERAGE IN THE FOLLOWING CASES:

(1) IF EITHER PARTY HAS AVAILABLE THROUGH AN EMPLOYER OR OTHER ORGANIZATION HEALTH INSURANCE COVERAGE FOR THE CHILD OR CHILDREN FOR WHICH THE PREMIUM IS PARTIALLY OR ENTIRELY PAID BY THE EMPLOYER OR ORGANIZATION, THE JUDGMENT, DECREE, OR ORDER MUST MAY CONTAIN A PROVISION REQUIRING THAT COVERAGE FOR THE CHILD OR CHILDREN BE CONTINUED OR OBTAINED.

(2) IN THE EVENT THAT HEALTH INSURANCE REQUIRED IN A CHILD SUPPORT JUDGMENT, DECREE, OR ORDER BECOMES UNAVAILABLE TO THE PARTY WHO IS TO PROVIDE IT THROUGH LOSS OR CHANGE OF EMPLOYMENT OR OTHERWISE, THAT PARTY MUST, IN THE ABSENCE OF AN AGREEMENT TO THE CONTRARY, OBTAIN COMPARABLE INSURANCE OR REQUEST THAT THE COURT MODIFY THE REQUIREMENT.

(3) ALL TEMPORARY CHILD SUPPORT ORDERS MUST CONTAIN A PROVISION REQUIRING THE PARTY WHO HAS HEALTH INSURANCE IN EFFECT FOR THE CHILD OR CHILDREN OF THE PARTIES TO CONTINUE THE INSURANCE COVERAGE PENDING FINAL DISPOSITION OF THE CASE.

(4) THE PARTIES MAY BY WRITTEN AGREEMENT PROVIDE FOR THE HEALTH CARE COVERAGE REQUIRED BY THIS SECTION, SUBJECT TO THE APPROVAL OF THE COURT.

This (5) UNLESS OTHERWISE PROVIDED IN THE DECREE, THE health insurance CARE coverage REQUIRED BY THIS SECTION is in addition to and not in substitution, in whole or in part,



1 for the child support obligation.

2 ~~(6) AS USED IN THIS SECTION, "HEALTH CARE COSTS" MEANS~~
3 ~~THE COSTS FOR HEALTH INSURANCE PREMIUMS, INSURANCE~~
4 ~~DEDUCTIBLE AMOUNTS, OR COINSURANCE, AS WELL AS REASONABLE~~
5 ~~AND NECESSARY HOSPITAL, MEDICAL, DENTAL, ORTHODONTIC,~~
6 ~~OCULAR, AND MENTAL HEALTH SERVICE EXPENSES NOT COVERED BY~~
7 ~~INSURANCE.~~

8 Section 2. Codification instruction. Section 1 is
9 intended to be codified as an integral part of Title 40,
10 chapter 4, part 2, and the provisions of Title 40, chapter
11 4, part 2, apply to section 1.

-End-