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 TH | E HOUSE | | |
| February 27, 1985 | Introduced and referred to Committee on Judiciary. | | |
| March 13, 1985 | Committee recommend bill be concurred 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 concurred in. Report adopted. | | |
| March 20, 1985 | Second reading, concurred in as | | |

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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2 INTRODUCED BY The Vilking paper of age

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



- l 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.

49th Legislature

1

SB 0105/02

APPROVED BY COMMITTEE ON JUDICIARY

| 2 | INTRODUCED BY REGAN, VAN VALKENBURG, |
|----|--|
| 3 | JACOBSON, GAGE, MCCALLUM |
| 4 | |
| 5 | A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE CHILD |
| 6 | SUPPORT ORDERS TO INCLUDE A PROVISION REQUERENG-CERTAIN |
| 7 | SUPPORTINGPARENTSTOOBTAIN COVERING HEALTH INSURANCE |
| 8 | CARE COSTS." |
| 9 | |
| 10 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: |
| 11 | Section 1. Child support orders to require CONTAIN |
| 12 | health insurance-coverage CARE PROVISIONS. (1) Each district |
| 13 | court judgment, DECREE, or order establishing a temporary-or |
| 14 | final child support obligation under this title and each |
| 15 | modification of an-existing A FINAL order for child support |
| 16 | must include an-order-requiring-the-personorderedtopay |
| 17 | support-to-maintain-or-provide-health-insurance-coverage-for |
| 18 | eachchildcoveredbythejudgmentororder-if-health |
| 19 | insurance-thatcanbeextendedtocoverthechildis |
| 20 | availabletothatpersonthroughanemployeror-other |
| 21 | organization-and-the-employer-or-other-organization-offering |
| 22 | the-health-insurance-will-contribute-all-or-apartofthe |
| 23 | premiumfor-coverage-of-the-child: A PROVISION APPORTIONING |
| 24 | HEALTH CARE COSTS FOR THE MINOR CHILDREN TO EITHER OR BOTH |
| 25 | DARTIES IF FITHER PARTY HAS AVAILABLE THROUGH AN EMPLOYER |

SENATE BILL NO. 105

| 1 | OR OTHER ORGANIZATION HEALTH INSURANCE COVERAGE FOR THE |
|----|--|
| 2 | CHILD OR CHILDREN FOR WHICH THE PREMIUM IS PARTIALLY OR |
| 3 | ENTIRELY PAID BY THE EMPLOYER OR ORGANIZATION, THE JUDGMENT, |
| 4 | DECREE, OR ORDER MUST CONTAIN A PROVISION REQUIRING THAT |
| 5 | COVERAGE FOR THE CHILD OR CHILDREN BE CONTINUED OR OBTAINED. |
| 6 | (2) IN THE EVENT THAT HEALTH INSURANCE REQUIRED IN A |
| 7 | CHILD SUPPORT JUDGMENT, DECREE, OR ORDER BECOMES UNAVAILABLE |
| 8 | TO THE PARTY WHO IS TO PROVIDE IT THROUGH LOSS OR CHANGE OF |
| 9 | EMPLOYMENT OR OTHERWISE, THAT PARTY MUST, IN THE ABSENCE OF |
| 10 | AN AGREEMENT TO THE CONTRARY, OBTAIN COMPARABLE INSURANCE OR |
| 11 | REQUEST THAT THE COURT MODIFY THE REQUIREMENT. |
| 12 | (3) ALL TEMPORARY CHILD SUPPORT ORDERS MUST CONTAIN A |
| 13 | PROVISION REQUIRING THE PARTY WHO HAS HEALTH INSURANCE IN |
| 14 | EFFECT FOR THE CHILD OR CHILDREN OF THE PARTIES TO CONTINUE |
| 15 | THE INSURANCE COVERAGE PENDING FINAL DISPOSITION OF THE |
| 16 | CASE. |
| 17 | (4) THE PARTIES MAY BY WRITTEN AGREEMENT PROVIDE FOR |
| 18 | THE HEALTH CARE COVERAGE REQUIRED BY THIS SECTION, SUBJECT |
| 19 | TO THE APPROVAL OF THE COURT. |
| 20 | This (5) UNLESS OTHERWISE PROVIDED IN THE DECREE, THE |
| 21 | health insurance CARE coverage REQUIRED BY THIS SECTION is |
| 22 | in addition to and not in substitution, in whole or in part, |

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SB 0105/02

| INSURANCE | PREMIUMS, | INSURANCE |
|-----------|-----------|-----------|
| | | |

(6) AS USED IN THIS SECTION, "HEALTH CARE COSTS" MEANS

for the child support obligation.

THE COSTS FOR HEALTH

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.

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|----|--|--|--|--|--|
| 3 | JACOBSON, GAGE, MCCALLUM | | | | |
| 4 | | | | | |
| 5 | A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE CHILD | | | | |
| 6 | SUPPORT ORDERS TO INCLUDE A PROVISION REQUERENG-CERTAIN | | | | |
| 7 | SUPPORTING PARENTS TO OBTAIN COVERING HEALTH INSURANCE | | | | |
| В | COVERAGE-FOR-BEPENDENT-CHILDREN CARE COSTS." | | | | |
| 9 | | | | | |
| 70 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: | | | | |
| 11 | Section 1. Child support orders to require CONTAIN | | | | |
| 12 | health insurance-coverage CARE PROVISIONS. (1) Each district | | | | |
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| 14 | final child support obligation under this title and each | | | | |
| 15 | modification of an-existing A FINAL order for child support | | | | |
| 16 | must include an-order-requiring-the-personorderedtopay | | | | |
| 17 | support-to-maintain-or-provide-health-insurance-coverage-for | | | | |
| 18 | eachchildcoveredbythejudgmentororder-if-health | | | | |
| 19 | insurance-thatcanbeextendedtocoverthechildis | | | | |
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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

SENATE BILL NO. 105

| 2 | CHILD OR CHILDREN FOR WHICH THE PREMIUM IS PARTIALLY OR |
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| 3 | ENTIRELY PAID BY THE EMPLOYER OR ORGANIZATION, THE JUDGMENT, |
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| 7 | CHILD SUPPORT JUDGMENT, DECREE, OR ORDER BECOMES UNAVAILABLE |
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| 12 | (3) ALL TEMPORARY CHILD SUPPORT ORDERS MUST CONTAIN A |
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| 14 | EFFECT FOR THE CHILD OR CHILDREN OF THE PARTIES TO CONTINUE |
| 15 | THE INSURANCE COVERAGE PENDING FINAL DISPOSITION OF THE |
| 16 | CASE. |
| 17 | (4) THE PARTIES MAY BY WRITTEN AGREEMENT PROVIDE FOR |
| 18 | THE HEALTH CARE COVERAGE REQUIRED BY THIS SECTION, SUBJECT |
| 19 | TO THE APPROVAL OF THE COURT. |
| 20 | This (5) UNLESS OTHERWISE PROVIDED IN THE DECREE, THE |
| 21 | health insurance CARE coverage REQUIRED BY THIS SECTION is |
| 22 | in addition to and not in substitution, in whole or in part, |
| 23 | for the child support obligation. |

24

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THE COSTS FOR

HEALTH

(6) AS USED IN THIS SECTION, "HEALTH CARE COSTS" MEANS

INSURANCE PREMIUMS,

OR OTHER ORGANIZATION HEALTH INSURANCE COVERAGE FOR THE

INSURANCE

- 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.

HOUSE

STANDING COMMITTEE REPORT

| | March 13 | ₁₉ 85 |
|---|---------------|------------------|
| | | |
| MR. Speaker | | |
| We, your committee on Judiciary | | |
| having had under considerationSenate | | . Bill No. 105 |
| THIRD reading copy (BLUE) color | | |
| HEALTH INSURANCE COVERAGE IN CHILD S | UPPORT ORDERS | |
| | • | |
| | | |
| | | |
| | | |
| Senate Respectfully report as follows: That | | 105 Bill No |
| be amended as follows: | | |
| 1. Page 2, line 4. Strike: "MUST" Insert: "MAY" | | |

AND AS AMENDED, BE CONCURRED IN

XXXXXXXX

REP. TOM HANNAH, Chairman.

HOUSE

COMMITTEE OF THE WHOLE AMENDMENT

32014151.cw

| 3-20-85 DATE | | | | |
|-----------------|--------------|--|--|--|
| | 2:15 TIME | | | |
| No | 105 | | | |

MR. CHAIRMAN: I MOVE TO AMEND Senate Bill

_ reading copy (<u>yellow</u>) as follows:

1. Title, line 8.

Strike: "CARE COSTS"

"INSURANCE IN CERTAIN CASES" Insert:

2. Page 1, line 11.
Strike: " CONTAIN " Insert: "address"

3. Page 1, line 12.

Strike: "CARE PROVISIONS"

"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

REJECT

| 2 | INTRODUCED BY REGAN, VAN VALKENBURG, |
|----|--|
| 3 | JACOBSON, GAGE, MCCALLUM |
| 4 | |
| 5 | A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE CHILI |
| 6 | SUPPORT ORDERS TO INCLUDE A PROVISION REQUERENG-CERTAIN |
| 7 | SUPPORTING PARENTS TO OBTAIN COVERING HEALTH INSURANCE |
| 8 | COVERAGE POR DEPENDENT CHILDREN CARE COSTS INSURANCE IN |
| 9 | CERTAIN CASES." |
| 10 | |
| 11 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: |
| 12 | Section 1. Child support orders to require CONTAIN |
| 13 | ADDRESS health insurance-coverage CARE-PROVISIONS INSURANCE |
| 14 | COVERAGE IN CERTAIN CASES. (1) Each district court judgment, |
| 15 | DECREE, or order establishing a temporaryor final child |
| 16 | support obligation under this title and each modification of |
| 17 | anexisting A FINAL order for child support must include an |
| 18 | orderrequiringthepersonorderedtopaysupportto |
| 19 | maintain-or-provide-health-insurance-coverage-for-each-child |
| 20 | coveredbythejudgment-or-order-if-health-insurance-that |
| 21 | can-be-extended-to-cover-thechildisavailabletothat |
| 22 | person-throughanemployeror-other-organization-and-the |
| 23 | employer-or-other-organization-offering-the-health-insurance |
| 24 | will-contribute-all-or-a-part-of-the-premium-for-coverage-of |
| 25 | the-child- A PROVISION APPORTIONING-HEALTHCARECOSTSFOR |

SENATE BILL NO. 105

| 1 | <u>ФНВМ</u> | NORenib | REN TO- | EITHER | -0R-B0TH-P/ | ARTIES. | ADDRESSING |
|---|-------------|-----------|----------|--------|-------------|---------|------------|
| 2 | HEALTH | INSURANCE | COVERAGE | IN THE | FOLLOWING | CASES: | |

- 3 (1) IF EITHER PARTY HAS AVAILABLE THROUGH AN EMPLOYER
 4 OR OTHER ORGANIZATION HEALTH INSURANCE COVERAGE FOR THE
 5 CHILD OR CHILDREN FOR WHICH THE PREMIUM IS PARTIALLY OR
 6 ENTIRELY PAID BY THE EMPLOYER OR ORGANIZATION, THE JUDGMENT,
 7 DECREE, OR ORDER MUST MAY CONTAIN A PROVISION REQUIRING THAT
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 18 THE INSURANCE COVERAGE PENDING FINAL DISPOSITION OF THE
 19 CASE.
- 20 (4) THE PARTIES MAY BY WRITTEN AGREEMENT PROVIDE FOR
 21 THE HEALTH CARE COVERAGE REQUIRED BY THIS SECTION, SUBJECT
 22 TO THE APPROVAL OF THE COURT.
- 23 This (5) UNLESS OTHERWISE PROVIDED IN THE DECREE, THE
 24 health insurance CARE coverage REQUIRED BY THIS SECTION is
 25 in addition to and not in substitution, in whole or in part,

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1 for the child support obligation. 2 +6)--AS-USED-IN-THIS-SECTION;-"HEALTH-CARE-COSTS"-MEANS 3 THE---COSTS---FOR---HEALTH---INSURANCE--PREMIUMS7--INSURANCE BEBUCTIBLE-AMOUNTS;-OR-COINSURANCE;-AS--WELL--AS--REASONABLE 4 AND---NECESSARY---HOSPITAL; -- MEDICAL; -- DENTAL; -- ORTHODONTIC; 5 OCUBART-AND-MENTAL-HEALTH-SERVICE-EXPENSES--NOT--COVERED--BY 6 7 INSURANCE. 8 Section 2. Codification instruction. Section 1 is 9 intended to be codified as an integral part of Title 40, chapter 4, part 2, and the provisions of Title 40, chapter 10 4, part 2, apply to section 1. 11