

FIRST REGULAR SESSION

# SENATE BILL NO. 448

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SATER.

Read 1st time February 26, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

2212S.011

## AN ACT

To repeal sections 454.600 and 454.603, RSMo, and to enact in lieu thereof two new sections relating to child support enforcement.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 454.600 and 454.603, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 454.600 and 454.603, to read as follows:

454.600. As used in sections 454.600 to 454.645, the following terms mean:

(1) "Court", any circuit court establishing a support obligation pursuant to an action under this chapter, chapter 210, chapter 211 or chapter 452;

(2) "Director", the director of the family support division of the department of social services;

(3) "Division", the family support division of the department of social services;

(4) "Employer", any individual, organization, agency, business or corporation hiring an obligor for pay;

(5) "Health benefit plan", any benefit plan or combination of plans[, other than public assistance programs,] providing medical or dental care or benefits through insurance or otherwise, including but not limited to, health service corporations, as defined in section 354.010; prepaid dental plans, as defined in section 354.700; health maintenance organization plans, as defined in section 354.400; and self-insurance plans, to the extent allowed by federal law;

(6) "Minor child", a child for whom a support obligation exists under law;

(7) "Obligee", a person to whom a duty of support is owed or a person,

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

19 including any division of the department of social services, who has commenced  
20 a proceeding for enforcement of an alleged duty of support or for registration of  
21 a support order, regardless of whether the person to whom a duty of support is  
22 owed is a recipient of public assistance;

23 (8) "Obligor", a person owing a duty of support or against whom a  
24 proceeding for the enforcement of a duty of support or registration of a support  
25 order is commenced;

26 (9) "IV-D case", a case in which support rights have been assigned to the  
27 state of Missouri pursuant to section 208.040, or in which the family support  
28 division is providing support enforcement services pursuant to section 454.425.

454.603. 1. At any state of a proceeding in which the circuit court or the  
2 division has jurisdiction to establish or modify an order for child support,  
3 including but not limited to actions brought pursuant to this chapter, chapters  
4 210, 211, and 452, the court or the division shall determine whether to require  
5 a parent to provide medical care for the child through a health benefit plan.

6 2. [With or without the agreement of the parents,] The court or the  
7 division may require that a child be covered under a health benefit plan **that is**  
8 **accessible to the child**. Such a requirement shall be imposed **in any IV-D**  
9 **case. The court or division shall require that a child be covered under**  
10 **a private health benefit plan** whenever **such** a health benefit plan is  
11 available at reasonable cost through a parent's employer or union [or in any IV-D  
12 case]. If [such] a **private health benefit** plan is not available at reasonable  
13 cost through an employer or union [and the case is not a IV-D case], the court,  
14 in determining whether to require a parent to provide such coverage, shall  
15 consider:

16 (1) The best interests of the child;

17 (2) The child's present and anticipated needs for medical care;

18 (3) The financial ability of the parents to afford the cost of a health  
19 benefit plan; and

20 (4) The extent to which the cost of the health benefit plan is subsidized  
21 or reduced by participation on a group basis or otherwise.

22 3. To the extent that such options are available under the terms of the  
23 health benefit plan, an order may specify required terms of the health benefit  
24 plan, including:

25 (1) Minimum required policy limits;

26 (2) Minimum required coverage;

27 (3) Maximum terms for deductibles or required co-payments; or  
28 (4) Other significant terms, including, but not limited to, any provision  
29 required for a health benefit plan under the federal Employee Retirement Income  
30 Security Act of 1974, as amended.

31 4. If the child is not covered by a **private** health benefit plan but such a  
32 plan is available to one of the parents **at a reasonable cost**, the court or the  
33 division shall order that coverage under the health benefit plan be provided for  
34 the child, unless there is available to the other parent a **private** health benefit  
35 plan with comparable or better benefits at comparable or reduced cost. If  
36 **private** health benefit plans are available to both parents upon terms which  
37 provide comparable benefits and costs, the court or the division shall determine  
38 which health benefit plan, if any, shall be required, giving due regard to the  
39 possible advantages of each plan.

40 5. The court shall require the obligor to be liable for all or a portion of the  
41 medical or dental expenses of the minor child that are not covered by the required  
42 health benefit plan coverage if:

43 (1) The court finds that the health benefit plan coverage required to be  
44 obtained by the obligor or available to the obligee does not pay all the reasonable  
45 and necessary medical or dental expenses of the minor child; and

46 (2) The court finds that the obligor has the financial resources to  
47 contribute to the payment of these medical or dental expenses; and

48 (3) The court finds the obligee has substantially complied with the terms  
49 of the health benefit coverage.

50 6. The cost of health benefit plan employee contributions or premiums  
51 shall not be a direct offset to child support awards established pursuant to this  
52 chapter, chapters 210, 211, and 452, but it shall be considered when determining  
53 the amount of child support to be paid by the obligor.

54 7. If two or more health benefit plans are available to one or both parents  
55 that are complementary to one another or are compatible as primary and  
56 secondary coverage for the child, the court or the division may order each parent  
57 to maintain one or more health benefit plans for the child.

58 8. Prior to terminating enrollment in a health benefit plan or changing  
59 from one health benefit plan to another, consideration by the court or division  
60 shall be given to the child's medical condition and best interests and whether  
61 there is reason to believe that a new health benefit plan would omit or limit  
62 benefits because of a preexisting condition.

63           9. An abatement of a parent's child support obligation shall not  
64 automatically abate that parent's duty to provide for the child's health care  
65 needs. Unless an order of the court or the division specifically provides for  
66 abatement or termination of health care coverage, an order to maintain health  
67 benefits or otherwise provide for a child's health care needs shall continue in  
68 force until further order of the court or the division, or until the child's right to  
69 parental support terminates.

✓  
Unofficial

Bill

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