



SENATE BILL No. 434

February 24, 1993, Introduced by Senator WELBORN and referred to the Committee on Family Law, Criminal Law, and Corrections.

A bill to amend the title and sections 7, 9, 11, 14, and 17 of Act No. 295 of the Public Acts of 1982, entitled as amended "Support and visitation enforcement act," sections 7, 9, 11, and 14 as amended by Act No. 210 of the Public Acts of 1985, being sections 552.607, 552.609, 552.611, 552.614, and 552.617 of the Michigan Compiled Laws, and to add sections 26, 26a, 26b, 26c, 26d, 26e, 26f, 26g, 26h, and 26i.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 7, 9, 11, 14, and 17 of
2 Act No. 295 of the Public Acts of 1982, sections 7, 9, 11, and 14
3 as amended by Act No. 210 of the Public Acts of 1985, being sec-
4 tions 552.607, 552.609, 552.611, 552.614, and 552.617 of the
5 Michigan Compiled Laws, are amended and sections 26, 26a, 26b,
6 26c, 26d, 26e, 26f, 26g, 26h, and 26i are added to read as
7 follows:

TITLE

1
2 An act TO PROVIDE FOR AND to supplement statutes ~~which~~
3 THAT provide for the enforcement of support and visitation orders
4 with respect to divorce, separate maintenance, paternity, child
5 custody, and spouse support; TO REQUIRE OR AUTHORIZE CERTAIN PRO-
6 VISIONS IN THOSE ORDERS; to prescribe the powers and duties of
7 the circuit court and friend of the court; to prescribe certain
8 duties of certain employers and other sources of income; to pro-
9 vide for penalties and remedies; and to repeal certain acts and
10 parts of acts.

11 Sec. 7. (1) If the fixed amount of arrearage determined
12 under section ~~11(1)~~ 11 of the friend of the court act, being
13 section 552.511 of the Michigan Compiled Laws, is reached, the
14 office of the friend of the court immediately shall send notice
15 of the arrearage to the payer by ordinary mail to his or her last
16 known address. IF THE OFFICE CONCURRENTLY IDENTIFIES A POTENTIAL
17 VIOLATION OF A HEALTH CARE COVERAGE ORDER BY AN INVESTIGATION
18 UNDER SECTION 11A OF THE FRIEND OF THE COURT ACT, BEING SECTION
19 552.11A OF THE MICHIGAN COMPILED LAWS, THE OFFICE SHALL INCLUDE A
20 NOTICE OF NONCOMPLIANCE WITH THE ORDER FOR HEALTH CARE COVERAGE
21 IN THE NOTICE OF ARREARAGE. The notice to the payer shall contain
22 the following information:

23 (a) The amount of the arrearage.

24 (b) That the payer's income will be subject to an order of
25 income withholding and the amount to be withheld.

26 (c) IF APPLICABLE, THAT THE PAYER HAS VIOLATED AN ORDER TO
27 PROVIDE HEALTH CARE COVERAGE FOR HIS OR HER CHILD, AND THAT THE

1 PAYER'S EMPLOYER WILL BE SERVED WITH AN ORDER FOR DEPENDENT
2 HEALTH COVERAGE AND NOTICE TO ENROLL THE PAYER'S CHILD IN A
3 HEALTH CARE PLAN IF AVAILABLE TO THE PAYER AS A BENEFIT OF
4 EMPLOYMENT, WHICH NOTICE AUTHORIZES THE EMPLOYER TO WITHHOLD ANY
5 PREMIUM REQUIRED FROM THE PAYER'S INCOME.

6 (D) ~~(e)~~ That the order of income withholding AND, IF
7 APPLICABLE, THE ORDER FOR DEPENDENT HEALTH CARE COVERAGE will be
8 applied to current and subsequent employers and periods of
9 employment.

10 (E) ~~(d)~~ That the order of income withholding will take
11 effect 14 days after the date on which the notice was sent,
12 unless the payer responds by requesting a hearing TO CONTEST THE
13 WITHHOLDING AND, IF APPLICABLE, THAT THE ORDER FOR DEPENDENT
14 HEALTH CARE COVERAGE WILL BE SERVED ON THE EMPLOYER 14 DAYS AFTER
15 THE DATE ON WHICH THE NOTICE WAS SENT UNLESS THE PAYER RESPONDS
16 BY REQUESTING A HEARING TO CONTEST THE ORDER FOR HEALTH CARE
17 COVERAGE.

18 (F) ~~(e)~~ That at the hearing the payer may contest the
19 withholding, but only on the grounds that the withholding is not
20 proper because of a mistake of fact concerning the amount of cur-
21 rent or overdue support or the identity of the payer.

22 (G) THAT AT A HEARING THE PAYER MAY CONTEST THE ORDER FOR
23 DEPENDENT HEALTH CARE COVERAGE, BUT ONLY ON THE GROUNDS THAT THE
24 ORDER IS NOT PROPER BECAUSE OF A MISTAKE OF FACT CONCERNING THE
25 IDENTITY OF THE PAYER OR THAT DEPENDENT HEALTH CARE COVERAGE IS
26 NOT AVAILABLE AS A BENEFIT OF EMPLOYMENT OR TO A SELF-EMPLOYED
27 PERSON AT A REASONABLE COST.

1 (H) ~~(f)~~ That if the hearing is held before a referee, the
2 payer has a right to a de novo hearing before a circuit court
3 judge.

4 (I) ~~(g)~~ That if the payer believes that the amount of sup-
5 port should be modified due to a change in circumstances, the
6 payer may file a petition with the court for modification of the
7 support order.

8 (2) A copy of the notice provided for in subsection (1)
9 shall be sent by ordinary mail to each recipient of support.

10 (3) A payer to whom notice is sent under subsection (1),
11 within 14 days after the date on which the notice was sent, may
12 request a hearing on the issue of whether the order of income
13 withholding OR THE ORDER FOR DEPENDENT HEALTH CARE COVERAGE
14 should take effect, in which case the order of income withholding
15 OR HEALTH CARE COVERAGE shall be delayed pending the outcome of
16 the hearing.

17 (4) A referee or circuit judge shall hold a hearing
18 requested under this section within 14 days after the date of the
19 request AND SHALL ISSUE 1 OR MORE OF THE FOLLOWING DECISIONS:

20 (A) If at the hearing the payer establishes that the with-
21 holding is not proper because of a mistake of fact concerning the
22 amount of current or overdue support or the identity of the
23 payer, the referee or circuit judge may direct that the order of
24 income withholding be delayed until such time as the referee or
25 judge determines.

26 (B) If the referee or judge finds ~~against the payer~~ THAT
27 THE WITHHOLDING IS PROPER, the order of income withholding ~~shall~~

1 ~~take~~ TAKES effect immediately and a copy of the order of income
2 withholding and the notice described in section 9 shall be mailed
3 to the payer and the payer's sources of income as provided in
4 section 11.

5 (C) IF AT THE HEARING THE PAYER ESTABLISHES THAT THE ORDER
6 FOR DEPENDENT HEALTH CARE COVERAGE IS NOT PROPER BECAUSE OF A
7 MISTAKE OF FACT CONCERNING THE IDENTITY OF THE PAYER OR THAT
8 DEPENDENT HEALTH CARE COVERAGE IS NOT AVAILABLE AS A BENEFIT OF
9 EMPLOYMENT, THE REFEREE OR CIRCUIT JUDGE MAY DIRECT THAT THE
10 ORDER FOR DEPENDENT HEALTH CARE COVERAGE BE DELAYED UNTIL THE
11 COVERAGE BECOMES AVAILABLE. THIS SUBDIVISION DOES NOT RELIEVE
12 THE PAYER OF AN OBLIGATION CONTAINED IN A SUPPORT ORDER TO PAY
13 MEDICAL, DENTAL, OR OTHER HEALTH CARE EXPENSES.

14 (D) IF THE REFEREE OR CIRCUIT JUDGE FINDS THAT THE ORDER FOR
15 DEPENDENT HEALTH CARE COVERAGE IS PROPER, THE ORDER AND THE
16 NOTICE DESCRIBED IN SECTION 26C SHALL BE MAILED TO THE PAYER AND
17 THE PAYER'S EMPLOYER AS PROVIDED IN SECTION 11. THE REFEREE MAY
18 RECOMMEND AND THE JUDGE MAY ENTER AN ORDER FOR MEDICAL SUPPORT IN
19 A SUM CERTAIN AMOUNT THAT IS REASONABLE AND NECESSARY TO COVER
20 ALL OR A PORTION OF THE MEDICAL, DENTAL, OR OTHER HEALTH CARE
21 EXPENSES THAT HAVE BEEN INCURRED FOR THE CHILD FOR WHOM THE
22 PARENT FAILED TO PROVIDE HEALTH CARE COVERAGE AS REQUIRED BY THE
23 SUPPORT ORDER.

24 (5) If the hearing provided under subsection (4) is held
25 before a referee, either party may request a de novo hearing as
26 provided in section ~~7(5)~~ 7 of the friend of the court act,
27 being section 552.507 of the Michigan Compiled Laws.

1 (6) If a petition for modification of the support order is
2 filed by or on behalf of a payer and is pending at the date
3 scheduled for a hearing under subsection (4), the court may con-
4 solidate the hearing under subsection (4) and a hearing on the
5 petition for modification.

6 (7) All proceedings under this section shall be completed
7 within 45 days after the date that notice was sent under subsec-
8 tion (1), unless otherwise permitted by the court upon a showing
9 of good cause.

10 Sec. 9. (1) An order of income withholding entered under
11 this act shall be served on sources of income as provided in sec-
12 tion 11. The order shall direct sources of income to withhold
13 from income due the payer and to pay to the office of the friend
14 of the court for the judicial circuit in which the order was
15 entered an amount sufficient to meet the payments ordered for
16 support and service fees, and to defray arrearages in payments
17 and service fees due at the time the order of income withholding
18 takes effect. The order shall also direct that the amount with-
19 held shall not exceed the amount allowed under section 303(b) of
20 title III of the consumer credit protection act, Public Law
21 90-321, 15 U.S.C. 1673(b). The order shall be accompanied by a
22 notice containing a statement of the requirements of sections 11,
23 11a, 12, 13, 14, ~~21,~~ and 23. The order shall also direct that
24 any income withheld under the order shall be paid to the office
25 of the friend of the court within 3 days after the date of the
26 withholding.

1 (2) EXCEPT AS OTHERWISE PROVIDED IN SECTION 7, IF THE SOURCE
2 OF INCOME IS AN EMPLOYER AND THE PAYER IS REQUIRED UNDER THE
3 SUPPORT ORDER TO OBTAIN OR MAINTAIN HEALTH CARE COVERAGE FOR HIS
4 OR HER CHILD, THE ORDER OF INCOME WITHHOLDING SHALL BE ACCOM-
5 PANIED BY AN ORDER FOR DEPENDENT HEALTH CARE COVERAGE AND THE
6 NOTICE TO ENROLL DEPENDENTS IN A HEALTH CARE PLAN DESCRIBED IN
7 SECTION 26C. THE ORDER AND NOTICE SHALL BE SERVED ON THE
8 EMPLOYER AS PROVIDED IN SECTION 11.

9 Sec. 11. (1) An order of income withholding entered under
10 this act ~~shall be~~ IS binding upon ~~any~~ A source of income 7
11 days after service upon that source of income by ordinary mail of
12 a true copy of the order of income withholding. The order of
13 income withholding ~~shall remain~~ REMAINS in effect until further
14 order of the court. An order of income withholding ~~shall have~~
15 HAS priority over all other legal process under state law against
16 the same income.

17 (2) AN ORDER FOR DEPENDENT HEALTH CARE COVERAGE ENTERED
18 UNDER THIS ACT IS BINDING UPON AN EMPLOYER AND ITS HEALTH CARE
19 INSURER IMMEDIATELY AFTER SERVICE UPON THE EMPLOYER BY ORDINARY
20 MAIL OF A TRUE COPY OF THE ORDER OF DEPENDENT HEALTH CARE
21 COVERAGE. THE ORDER OF DEPENDENT HEALTH CARE COVERAGE REMAINS IN
22 EFFECT UNTIL FURTHER ORDER OF THE COURT.

23 Sec. 14. (1) A source of income that has been served with
24 an order of income withholding shall notify the appropriate
25 office of the friend of the court if the payer's income from that
26 source is terminated.

1 (2) If the source of income is an employer, the source of
2 income shall promptly notify the appropriate office of the friend
3 of the court when the payer's employment is terminated or inter-
4 rupted for a period of 14 or more consecutive days OR WHEN DEPENDENT
5 HEALTH CARE COVERAGE IS TERMINATED, and shall provide the
6 payer's last known address and the name and address of the
7 payer's new employer or other source of income, if known. The
8 office of the friend of the court shall immediately serve the
9 payer's new employer WITH A TRUE COPY OF THE ORDER OF INCOME
10 WITHHOLDING AND A TRUE COPY OF THE ORDER FOR DEPENDENT HEALTH
11 CARE COVERAGE or THE PAYER'S other source of income with a true
12 copy of the order of income withholding.

13 Sec. 17. (1) If the court orders a modification in support
14 ~~in cases where~~ AFTER an order of income withholding has been
15 entered ~~pursuant to~~ UNDER this act, the office of the friend of
16 the court shall give to any source of income to which a copy of
17 the order of income withholding was sent under section 11 a
18 notice of the modification by ordinary mail. The amount assigned
19 or withheld shall be changed to conform with the court ordered
20 modification 7 days after receipt of the notice of modification.

21 (2) IF THE COURT ORDERS A MODIFICATION OF AN ORDER FOR
22 HEALTH CARE COVERAGE AFTER AN ORDER FOR DEPENDENT HEALTH CARE
23 COVERAGE HAS BEEN SERVED UPON AN EMPLOYER UNDER THIS ACT, THE
24 OFFICE OF THE FRIEND OF THE COURT SHALL SEND A NOTICE OF THE MOD-
25 IFICATION BY ORDINARY MAIL TO THE EMPLOYER. DEPENDENT HEALTH
26 CARE COVERAGE PROVIDED BY THE EMPLOYER AND ITS HEALTH CARE

1 INSURER SHALL BE CHANGED TO CONFORM WITH THE COURT ORDERED
2 MODIFICATION 7 DAYS AFTER RECEIPT OF THE NOTICE OF MODIFICATION.

3 SEC. 26. (1) IF THE OFFICE OF THE FRIEND OF THE COURT IDEN-
4 TIFIES A POTENTIAL VIOLATION OF A HEALTH CARE COVERAGE ORDER PUR-
5 SUANT TO SECTION 11A OF THE FRIEND OF THE COURT ACT, BEING
6 SECTION 552.511A OF THE MICHIGAN COMPILED LAWS, AND ACTION UNDER
7 SECTION 7 IS NOT POSSIBLE OR IS NOT APPROPRIATE, THE OFFICE SHALL
8 SEND A NOTICE OF NONCOMPLIANCE WITH THE ORDER FOR HEALTH CARE
9 COVERAGE TO THE PARENT BY ORDINARY MAIL TO HIS OR HER LAST KNOWN
10 ADDRESS. THE NOTICE SHALL CONTAIN THE FOLLOWING INFORMATION:

11 (A) THAT THE PARENT HAS AN OBLIGATION TO PROVIDE HEALTH CARE
12 COVERAGE FOR HIS OR HER CHILD AND HAS FAILED TO OBTAIN OR MAIN-
13 TAIN THE COVERAGE OR FAILED TO DISCLOSE HEALTH CARE COVERAGE
14 INFORMATION TO THE OFFICE.

15 (B) THAT THE OFFICE WILL INITIATE ACTION TO ENFORCE THE
16 ORDER FOR HEALTH CARE COVERAGE 14 DAYS AFTER THE DATE ON WHICH
17 THE NOTICE WAS SENT, UNLESS THE PARENT RESPONDS BY PROVIDING
18 WRITTEN PROOF THAT HEALTH CARE COVERAGE HAS BEEN OBTAINED OR IS
19 BEING MAINTAINED FOR HIS OR HER CHILD OR BY REQUESTING A
20 HEARING.

21 (C) THAT AT THE HEARING THE PARENT MAY CONTEST THE ORDER FOR
22 HEALTH CARE COVERAGE ON THE GROUNDS THAT THE ORDER IS NOT PROPER
23 BECAUSE OF A MISTAKE OF FACT CONCERNING THE IDENTITY OF THE
24 PARENT OR THAT DEPENDENT HEALTH CARE COVERAGE IS NOT AVAILABLE AS
25 A BENEFIT OF EMPLOYMENT OR TO A SELF-EMPLOYED PARENT AT A REASON-
26 ABLE COST.

1 (D) THAT IF THE HEARING IS HELD BEFORE A REFEREE, THE PAYER
2 HAS A RIGHT TO A DE NOVO HEARING BEFORE A CIRCUIT COURT.

3 (2) A COPY OF THE NOTICE PROVIDED FOR IN SUBSECTION (1)
4 SHALL BE SENT BY ORDINARY MAIL TO THE OPPOSING PARTY.

5 SEC. 26A. (1) IF THE PARENT TO WHOM A NOTICE IS SENT UNDER
6 SUBSECTION 26 RESPONDS TIMELY BY PROVIDING WRITTEN PROOF THAT
7 DEPENDENT HEALTH CARE COVERAGE HAS BEEN OBTAINED OR IS BEING
8 MAINTAINED AS REQUIRED BY THE SUPPORT ORDER, THE OFFICE OF THE
9 FRIEND OF THE COURT SHALL SUSPEND ACTION TO ENFORCE THE ORDER FOR
10 HEALTH CARE COVERAGE. THIS SUBSECTION DOES NOT PROHIBIT THE
11 OFFICE FROM TAKING ACTION AGAINST THE PARENT TO ENFORCE A COURT
12 ORDERED OBLIGATION TO PAY UNINSURED MEDICAL, DENTAL, OR OTHER
13 HEALTH CARE EXPENSES INCURRED FOR THE PARENT'S CHILD.

14 (2) IF A PARENT TO WHOM NOTICE IS SENT UNDER SECTION 26,
15 WITHIN 14 DAYS AFTER THE DATE ON WHICH THE NOTICE WAS SENT,
16 REQUESTS A HEARING ON THE ISSUE OF WHETHER THE ORDER FOR HEALTH
17 CARE COVERAGE SHOULD BE ENFORCED, ENFORCEMENT ACTION SHALL BE
18 DELAYED PENDING THE OUTCOME OF THE HEARING.

19 (3) A REFEREE OR CIRCUIT JUDGE SHALL HOLD A HEARING
20 REQUESTED UNDER THIS SECTION WITHIN 14 DAYS AFTER THE DATE OF THE
21 REQUEST AND RENDER A DECISION AS FOLLOWS:

22 (A) IF AT THE HEARING THE PAYER ESTABLISHES THAT THE ORDER
23 FOR HEALTH CARE COVERAGE IS NOT PROPER BECAUSE OF A MISTAKE OF
24 FACT CONCERNING THE IDENTITY OF THE PAYER OR THAT DEPENDENT
25 HEALTH CARE COVERAGE IS NOT AVAILABLE AS A BENEFIT OF EMPLOYMENT
26 OR TO A SELF-EMPLOYED PARENT AT A REASONABLE COST, THE REFEREE OR
27 CIRCUIT JUDGE MAY DIRECT THAT ENFORCEMENT ACTION BE DELAYED UNTIL

1 COVERAGE BECOMES AVAILABLE. THIS SUBDIVISION DOES NOT RELIEVE
2 THE PARENT OF AN OBLIGATION CONTAINED IN A SUPPORT ORDER TO PAY
3 MEDICAL, DENTAL, OR OTHER HEALTH CARE EXPENSES.

4 (B) IF THE REFEREE OR CIRCUIT JUDGE FINDS THAT THE ORDER FOR
5 DEPENDENT HEALTH CARE COVERAGE IS PROPER, THE REFEREE OR COURT
6 MAY DIRECT ANY OF THE FOLLOWING:

7 (i) THAT A TRUE COPY OF AN ORDER FOR DEPENDENT HEALTH CARE
8 COVERAGE AND THE NOTICE DESCRIBED IN SECTION 26C BE SERVED UPON
9 THE PARENT'S EMPLOYER AS PROVIDED IN SECTION 26C.

10 (ii) THAT A SELF-EMPLOYED PARENT IMMEDIATELY OBTAIN DEPEN-
11 DENT HEALTH CARE COVERAGE FOR HIS OR HER CHILD AND PROVIDE WRIT-
12 TEN PROOF OF THE COVERAGE TO THE OFFICE OF THE FRIEND OF THE
13 COURT WITHIN 7 DAYS.

14 (iii) THAT AN ORDER FOR MEDICAL SUPPORT BE ENTERED IN A SUM
15 CERTAIN AMOUNT THAT IS REASONABLE AND NECESSARY TO COVER ALL OR A
16 PORTION OF THE MEDICAL, DENTAL, OR OTHER HEALTH CARE EXPENSES
17 THAT HAVE BEEN INCURRED FOR THE CHILD FOR WHICH THE PATIENT
18 FAILED TO PROVIDE HEALTH CARE COVERAGE AS REQUIRED BY THE SUPPORT
19 ORDER OR FAILED TO DISCLOSE HEALTH CARE COVERAGE INFORMATION.

20 (4) IF A PARENT TO WHOM NOTICE IS SENT UNDER SECTION 26
21 FAILS TO RESPOND BY PROVIDING WRITTEN PROOF OF DEPENDENT CARE
22 COVERAGE OR BY REQUESTING A HEARING, THE OFFICE OF THE FRIEND OF
23 THE COURT SHALL DO 1 OR MORE OF THE FOLLOWING:

24 (A) IF THE EMPLOYER OF THE PARENT IS KNOWN, SERVE A TRUE
25 COPY OF THE ORDER FOR HEALTH CARE COVERAGE AND A NOTICE DESCRIBED
26 IN SECTION 26C ON THE EMPLOYER AS PROVIDED IN SECTION 26C.

1 (B) PETITION THE COURT FOR THE ENTRY OF AN ORDER FOR MEDICAL
2 SUPPORT IN A SUM CERTAIN AMOUNT THAT IS REASONABLE AND NECESSARY
3 TO COVER ALL OR A PORTION OF THE MEDICAL, DENTAL, OR OTHER HEALTH
4 CARE EXPENSES THAT HAVE BEEN INCURRED FOR THE CHILD FOR WHOM THE
5 PARENT FAILED TO PROVIDE HEALTH CARE COVERAGE AS REQUIRED BY THE
6 SUPPORT ORDER OR FAILED TO DISCLOSE HEALTH CARE COVERAGE
7 INFORMATION.

8 (C) COMMENCE A CIVIL CONTEMPT PROCEEDING BY FILING IN THE
9 CIRCUIT COURT A PETITION FOR AN ORDER TO SHOW CAUSE WHY THE
10 PARENT SHOULD NOT BE HELD IN CONTEMPT FOR FAILURE TO DISCLOSE
11 HEALTH CARE COVERAGE INFORMATION OR FAILURE TO ENROLL HIS OR HER
12 CHILD IN A HEALTH CARE PLAN.

13 SEC. 26B. THE COURT MAY FIND A PARENT IN CONTEMPT IF THE
14 COURT FINDS THAT A PARENT VIOLATED AN ORDER FOR HEALTH CARE COV-
15 ERAGE OR FAILED OR REFUSED TO DISCLOSE HEALTH CARE COVERAGE
16 INFORMATION. UPON FINDING A PARENT IN CONTEMPT OF COURT UNDER
17 THIS SECTION, THE COURT MAY ENTER AN ORDER FOR COMMITMENT CONSIS-
18 TENT WITH SECTIONS 33, 35, AND 37.

19 SEC. 26C. AN ORDER FOR HEALTH CARE COVERAGE AND A NOTICE TO
20 ENROLL DEPENDENTS IN A HEALTH CARE PLAN CONTAINING A STATEMENT OF
21 REQUIREMENTS IN THIS SECTION AND SECTIONS 26D TO 26G SHALL BE
22 SERVED UPON THE EMPLOYER OF A PARENT BY ORDINARY MAIL. UPON
23 RECEIPT OF THE ORDER FOR HEALTH CARE COVERAGE AND NOTICE TO
24 ENROLL DEPENDENTS IN A HEALTH CARE PLAN, THE EMPLOYER SHALL IMME-
25 DIATELY SEND A COPY OF THE ORDER AND NOTICE TO THE HEALTH CARE
26 INSURER PROVIDING COVERAGE FOR THE DEPENDENTS OF THE PARENT. AN
27 ORDER FOR HEALTH CARE COVERAGE IS BINDING ON THE EMPLOYER AND ITS

1 HEALTH CARE INSURER IMMEDIATELY UPON SERVICE OF THE ORDER UNDER
2 THIS SUBSECTION. THE ORDER FOR HEALTH CARE COVERAGE SHALL REMAIN
3 IN EFFECT UNTIL FURTHER ORDER OF THE COURT.

4 SEC. 26D. THE EMPLOYER OF A PARENT AND ITS HEALTH CARE
5 INSURER SHALL ENROLL THE CHILD OF THE PARENT AS A BENEFICIARY IN
6 ITS DEPENDENT HEALTH CARE PLAN AFTER RECEIPT OF AN ORDER FOR
7 HEALTH CARE COVERAGE AND NOTICE TO ENROLL DEPENDENTS UNDER
8 SECTION 26C OR UPON APPLICATION OF THE PARENT PURSUANT TO AN
9 ORDER FOR HEALTH CARE COVERAGE AND SHALL WITHHOLD ANY REQUIRED
10 PREMIUM FROM THE PARENT'S INCOME OR WAGES. IF MORE THAN 1 PLAN
11 IS OFFERED BY THE EMPLOYER, A CHILD OF THE PARENT SHALL BE
12 ENROLLED IN A HEALTH CARE PLAN THAT PROVIDES COVERAGE IN THE GEO-
13 GRAPHIC AREA IN WHICH THE CHILD RESIDES AND THAT PROVIDES COVER-
14 AGE COMPARABLE TO THAT OF THE PARENT'S HEALTH CARE PLAN. FAILURE
15 BY THE PARENT TO EXECUTE A DOCUMENT NECESSARY TO ENROLL HIS OR
16 HER CHILD IN THE HEALTH CARE PLAN DOES NOT RELIEVE THE EMPLOYER
17 OR ITS HEALTH CARE INSURER OF ITS OBLIGATION TO ENROLL THE CHILD
18 IN A PLAN FOR WHICH OTHER ENROLLMENT REQUIREMENTS ARE MET.
19 INFORMATION AND AUTHORIZATION PROVIDED BY THE OFFICE OF THE
20 FRIEND OF THE COURT OR BY THE CUSTODIAL PARENT OR GUARDIAN OF THE
21 CHILD IS VALID FOR PURPOSES OF MEETING ENROLLMENT REQUIREMENTS OF
22 THE HEALTH CARE PLAN.

23 SEC. 26E. WHEN AN ORDER FOR DEPENDENT HEALTH CARE COVERAGE
24 IS IN EFFECT, THE EMPLOYER OR ITS HEALTH CARE INSURER SHALL PRO-
25 VIDE THE OFFICE OF THE FRIEND OF THE COURT WITH INFORMATION ON
26 THE DEPENDENT COVERAGE. THE INFORMATION PROVIDED SHALL INCLUDE
27 THE NAME OF THE INSURANCE COMPANY, HEALTH CARE ORGANIZATION, OR

1 HEALTH MAINTENANCE ORGANIZATION; THE POLICY, CERTIFICATE, OR
2 CONTRACT NUMBER; THE EFFECTIVE DATE OF COVERAGE; AND THE NAMES
3 AND BIRTH DATES OF THE PERSONS FOR WHOSE BENEFIT THE COVERAGE IS
4 MAINTAINED. UPON REQUEST, THE HEALTH CARE INSURER SHALL PROVIDE
5 TO THE CUSTODIAL PARENT OR GUARDIAN OF THE INSURED DEPENDENT
6 CHILD A MEMBERSHIP CARD OR OTHER CONFIRMATION OF THE HEALTH CARE
7 COVERAGE AVAILABLE TO THE CHILD AND SHALL PROVIDE THE CUSTODIAL
8 PARENT OR GUARDIAN WITH ANY NECESSARY FORMS REQUIRED FOR USE IN
9 FILING CLAIMS FOR COVERAGE. THE SIGNATURE OF THE CUSTODIAL
10 PARENT OR GUARDIAN OF THE INSURED DEPENDENT CHILD IS A VALID
11 AUTHORIZATION TO THE HEALTH CARE INSURER FOR PURPOSES OF PROCESS-
12 ING AN INSURANCE REIMBURSEMENT PAYMENT TO THE PROVIDER OF MEDICAL
13 SERVICES.

14 SEC. 26F. THE COURT MAY FIND AN EMPLOYER OR ITS HEALTH CARE
15 INSURER IN CONTEMPT IF THE EMPLOYER OR ITS HEALTH CARE INSURER
16 KNOWINGLY AND INTENTIONALLY FAILS TO COMPLY WITH THE ORDER FOR
17 HEALTH CARE COVERAGE AFTER THE ORDER BECOMES BINDING UNDER
18 SECTION 26C. UPON FINDING AN EMPLOYER OR HEALTH CARE INSURER IN
19 CONTEMPT, THE COURT MAY REQUIRE THE EMPLOYER OR ITS HEALTH CARE
20 INSURER TO PAY FOR MEDICAL, DENTAL, OR OTHER HEALTH CARE EXPENSES
21 INCURRED ON BEHALF OF THE CHILD AFTER THE ORDER BECAME BINDING.

22 SEC. 26G. AN EMPLOYER THAT HAS BEEN SERVED WITH AN ORDER
23 FOR HEALTH CARE COVERAGE SHALL NOTIFY THE APPROPRIATE OFFICE OF
24 THE FRIEND OF THE COURT IF THE PAYER'S EMPLOYMENT AND ELIGIBILITY
25 FOR HEALTH CARE COVERAGE TERMINATES AND PROVIDE THE PARENT'S LAST
26 KNOWN ADDRESS AND THE NAME AND ADDRESS OF THE PARENT'S NEW
27 EMPLOYER OR OTHER SOURCE OF HEALTH CARE COVERAGE. THE OFFICE OF

1 THE FRIEND OF THE COURT SHALL IMMEDIATELY SERVE THE PARENT'S NEW
2 EMPLOYER WITH A TRUE COPY OF THE ORDER FOR HEALTH CARE COVERAGE
3 AND NOTICE TO ENROLL DEPENDENTS.

4 SEC. 26H. IF THE COURT MODIFIES AN ORDER FOR HEALTH CARE
5 COVERAGE THAT MAY AFFECT DEPENDENT HEALTH CARE COVERAGE BEING
6 PROVIDED BY AN EMPLOYER PURSUANT TO A COURT ORDER, THE OFFICE OF
7 THE FRIEND OF THE COURT SHALL SEND A NOTICE OF THE MODIFICATION
8 BY ORDINARY MAIL TO THE EMPLOYER.

9 SEC. 26I. THE REMEDIES AVAILABLE UNDER THIS ACT AND OTHER
10 APPLICABLE ACTS FOR THE ENFORCEMENT OF CHILD SUPPORT APPLY TO
11 ORDERS FOR MEDICAL SUPPORT ESTABLISHED IN SUM CERTAIN AMOUNTS OR
12 PERIODIC OBLIGATIONS.

13 Section 2. This amendatory act shall not take effect unless
14 Senate Bill No. 433
15 of the 87th Legislature is enacted into law.