

2016 Regular Session

HOUSE BILL NO. 484

BY REPRESENTATIVE ROBERT JOHNSON

CHILDREN/SUPPORT: Provides for the provision of cash medical support when a family receives support enforcement services

1 AN ACT

2 To amend and reenact R.S. 9:315.4(B) and R.S. 46:236.1.1(2), and 236.1.2(L), relative to
3 child support; to provide with respect to obligations to provide health insurance; to
4 provide for cash medical support payments in certain cases; to provide for the
5 collection of payments to the Department of Children and Family Services under
6 certain circumstances; to provide definitions; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 9:315.4(B) is hereby amended and reenacted to read as follows:

9 §315.4. Health insurance premiums; addition to basic obligation

10 * * *

11 B. In any case in which the department is providing support enforcement
12 services, the child support order shall require one or both of the parties to provide
13 medical support for the child in accordance with R.S. 46:236.1.2(L).

14 Section 2. R.S. 46:236.1.1(2), and 236.1.2(L) are hereby amended and reenacted to
15 read as follows:

16 §236.1.1. Family and child support programs; definitions

17 For the purposes of this Subpart, the following items shall mean:

18 * * *

19 (2) "Cash medical support" means an amount ordered to be paid ~~in a child~~
20 ~~support order~~ toward the cost of health insurance provided by a public entity, another

1 parent, or person with whom the child resides, through employment or otherwise, or
2 for other medical costs not covered by insurance.

3 * * *

4 §236.1.2. Family and child support programs; responsibilities

5 * * *

6 L.(1) The department, when providing support enforcement services, shall
7 pursue an order to require one or both parties to provide medical support for the child
8 ~~or children~~ pursuant to R.S. 9:315.4. If private ~~or public~~ health insurance is not
9 available to either parent at a reasonable cost at the time the order is rendered, the
10 court shall order the party responsible for providing medical support to provide
11 private health insurance as soon as it becomes available at a reasonable rate cost. If
12 ~~health insurance is not available to either parent at a reasonable cost, the court shall~~
13 ~~order the noncustodial parent to provide cash medical support to the domiciliary~~
14 ~~party.~~

15 (2) The court may order the noncustodial parent to provide cash medical
16 support until such time as health insurance is provided by the noncustodial parent.

17 Cash medical support ~~may~~ shall be set at an amount not to exceed five percent of the
18 noncustodial parent's gross income. An award for cash medical support shall be
19 separate from the child support order and shall not be included in the child support
20 calculations. ~~When a child support order has been established, the court may order~~
21 ~~each party to pay a percentage of the extraordinary medical expenses as provided in~~
22 ~~R.S. 9:315.5 as cash medical support. If no child support order has been established,~~
23 ~~the court may order each party to pay a percentage of the total medical expenses not~~
24 ~~covered by insurance as cash medical support.~~

25 (3) Cash medical support payments shall be collected by the department and
26 distributed in accordance with the Code of Federal Regulations and the Louisiana
27 Administrative Code.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 484 Engrossed

2016 Regular Session

Robert Johnson

Abstract: Provides for medical support for a child when the Dept. of Children and Family Services is providing support enforcement services.

Present law permits a court to order either party to provide medical support for a child when Dept. of Children and Family Services is providing support enforcement services.

Proposed law provides for obligations to provide health insurance and allows a court to order a noncustodial parent to provide cash medical support until health insurance is provided by the noncustodial parent.

Proposed law provides for cash medical support payments to be collected by DCFS and distributed in accordance with the Code of Federal Regulations and the La. Administrative Code.

(Amends R.S. 9:315.4(B), R.S. 46:236.1.1(2) and 236.1.2(L))