

HOUSE DOCKET, NO. 03531

**HOUSE . . . . . No.**  
**00045**

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*(House – [Enter text], 01/26/2011)*

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**The Commonwealth of Massachusetts**

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IN THE YEAR TWO THOUSAND ELEVEN  
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***HOUSE . . . . . No. 00045***

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The Commonwealth of Massachusetts

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In the Year Two Thousand Eleven.  
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SECTION 1. Section 1A of said chapter 119A of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the definition of “Business day” the following definition:-

“Cash medical support”, an amount ordered to be paid toward the cost of health care coverage provided by a public entity or by another parent through employment or otherwise, or for other health care costs, including costs not reimbursed by health care coverage.

SECTION 2. Said section 1A of said chapter 119A, as so appearing, is hereby amended by inserting after the definition of “IV-D services” the following definition:-

“Medical support”, either private health care coverage or cash medical support or a combination of both.

SECTION 3. Said section 1A of said chapter 119A, as so appearing, is hereby further amended by inserting after the words “monetary support”, in line 89, the following words:- , medical support.

SECTION 4. Section 10A of said chapter 119A, as so appearing, is hereby amended by adding the following subsection:-

(d) If an obligor tenders a check or electronic funds transfer for the payment of any child support, interest, penalty, arrears, fee or other charge and the check or electronic funds transfer is not duly paid, the IV-D agency may assess a penalty against the obligor in an amount equal to 2 percent of the amount of such check or electronic funds transfer or \$30, whichever is greater. The penalty shall be due upon notice and demand by the

IV-D agency. This subsection shall not apply if the obligor tendered a check or authorized an electronic funds transfer in good faith and with reasonable cause to believe that it would be duly paid. The commissioner may, in his discretion, waive any such penalty in whole or in part. The penalty incurred under this subsection shall be paid to the commonwealth and shall not be credited against the child support liability. This subsection may be enforced in accordance with section 6.

SECTION 5. Section 12 of said chapter 119A, as so appearing, is hereby amended by striking out, in line 6, the figure “(6)” and inserting in place thereof the following figure:- (8).

SECTION 6. Subsection (a) of said section 12 of said chapter 119A, as so appearing, is hereby further amended by striking out the third sentence and inserting in place thereof the following sentence:- Each such judgment or order for support shall also include an order for medical support, as provided in paragraph (5) of subsection (b).

SECTION 7. Said section 12 of said chapter 119A, as so appearing, is hereby further amended by striking out, in lines 15 and 16, the words “or pursuant to section eighteen A of chapter two hundred and seventy-three”.

SECTION 8. Paragraph (5) of subsection (b) of said section 12 of said chapter 119A, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Any judgment or order shall include the names of the obligor and obligee, and such other information that the probate and family court and the IV-D agency determine is necessary to assist the IV-D agency in collecting support payments.

SECTION 9. Said section 12 of said chapter 119A, as so appearing, is hereby further amended by striking out, in lines 66 to 67, the words “income withholding made payable to the IV-D agency” and inserting in place thereof the following words:- child support.

SECTION 10. Said section 12 of said chapter 119A, as so appearing, is hereby further amended by striking out, in lines 69 and 70, the words “provide the address and social security number of the obligee,” and inserting in place thereof the following words:- provide the addresses and social security numbers of the obligor and obligee, the names and addresses of the employers of the obligor and obligee, the

SECTION 10A. Paragraph (5) of subsection (b) of said section 12 of said chapter 119A, as so appearing, is hereby further amended by inserting after the second sentence the following sentence:- The obligor and obligee shall be required to provide to the court on such form as required by the state case registry the addresses and social security numbers of the obligor and obligee, the names and addresses of the employers of the obligor and obligee, the date of birth and social security number of the child, and such

other information as required for the state case registry pursuant to subsection (a) of section 4 of this chapter.

SECTION 11. Paragraph (5) of subsection (b) of said section 12 of said chapter 119A, as so appearing, is hereby further amended by striking out the third, fourth, fifth, and sixth sentences and inserting in place thereof the following 3 paragraphs:-

Each such judgment or order shall also include a provision for the medical support of the child in accordance with the following:

(i) If one parent has private health care coverage that is available at reasonable cost and accessible to the child, the court shall order that parent to provide such coverage.

(ii) If both parents have private health care coverage that is available at reasonable cost and accessible to the child, the court shall determine, based on the best interests of the child, which parent shall provide the coverage to the child and shall order that parent to provide such coverage.

(iii) If neither parent has such coverage available, then the court shall order both parents to obtain such coverage for the child if and when private health care coverage that is reasonable in cost and accessible to the child is available, and the court shall order the obligor to pay reasonable cash medical support until such time as private health care coverage that is reasonable in cost and accessible to the child becomes available and is obtained by either parent.

The court may also order the obligor to pay reasonable cash medical support to the obligee when the court determines that it is in the best interest of the child.

(6) For purposes of this section:

(A) Private health care coverage is presumed to be accessible to the child if participating health care providers offer services within 15 miles of the primary residence of the child.

(B) Private health care coverage is presumed to be reasonable in cost if the cost of adding the child or the difference in cost between individual coverage and family coverage, whichever is less, does not exceed 8 per cent of the gross income of the parent ordered to provide the coverage.

(C) A cash medical support order is presumed to be reasonable in cost if the amount does not exceed 8 per cent of the gross income of the obligor ordered to pay cash medical support.

(D) The cost of private health care coverage or a cash medical support order is presumed not to be reasonable in cost if the gross income of the parent ordered to provide

such coverage or pay such cash medical support is below 150 per cent of the federal poverty level for a one-person family.

(E) Private health care coverage shall be deemed not to be available to the obligee when the child who is the subject of the order resides in the household of the obligee and the child is enrolled in a public program providing health care pursuant to chapter 118E, unless such coverage for the child is available at no additional cost to the obligee.

(F) Cash medical support is presumed to be payable only by the obligor who owes or may owe a duty of cash child support; and in no event shall an obligee be ordered to pay cash medical support when the child who is the subject of the order resides in the household of the obligee and the child is enrolled in a public program providing health care pursuant to chapter 118E or chapter 118H.

The court may find a presumption has been rebutted upon good cause shown taking into account the best interests of the child and the imposition of undue hardship upon either parent.

(7) If the IV-D agency is enforcing a judgment or order containing a provision for medical support, each such judgment or order shall also include a provision requiring the parent ordered to provide private health care coverage to notify the IV-D agency of any changes in the availability and terms of such coverage. If the parent ordered to provide private health care coverage has such coverage available through an employment-related health plan and if the IV-D agency has the name and address of the employer, the IV-D agency shall transfer the national medical support notice, as required by Title IV, Part D of the Social Security Act, to the employer notifying the employer to enroll the child in a health care plan provided by the employer for which the parent is eligible. The IV-D agency may transmit the notice to the employer by any method, including paper, facsimile, magnetic tape or other electronic means. With respect to orders issued pursuant to clause (iii) of paragraph (5), when the IV-D agency determines that the child has reasonable and accessible health care coverage through one parent, the IV-D agency is not required to transmit the national medical support notice to the employer of the other parent. With respect to orders issued pursuant to clause (iii) of paragraph (5) of this section, when the IV-D agency receives verification that either parent has obtained private health care coverage that is reasonable in cost and accessible to the child, the IV-D agency shall notify the obligor's employer to terminate the withholding for cash medical support, unless the court has ordered otherwise.

SECTION 12. Said section 12 of chapter 119A, as so appearing, is hereby further amended by striking out, in line 94, the figure "(6)" and inserting in place thereof the following figure:- (8).

SECTION 13. Said section 12 of said chapter 119A, as so appearing, is hereby further amended by striking out, in lines 113 to 115, the words “or contests the withholding of the employee share of premiums for health care coverage”.

SECTION 14. Said section 12 of said chapter 119A, as so appearing, is hereby further amended by striking out, in lines 118 to 119, the words “or the withholding of the employee share of premiums for health care coverage”.

SECTION 15. Subsection (b) of said section 12 of said chapter 119A, as so appearing, is hereby further amended by adding the following paragraph:-

(9) With respect to a case receiving IV-D services with an outstanding order for private health care coverage under this chapter, the IV-D agency shall execute an order, by any reasonable means, including by electronic means, to withhold the employee’s share of premiums for private health care coverage, without the need for judicial or administrative hearing, and this section shall apply. The IV-D agency shall notify the parent ordered to provide such coverage that the withholding has commenced and of the procedures to follow under section 17 if the parent wishes to contest such withholding on the grounds that the withholding or the amount withheld is improper due to mistake of fact. If on the basis of mistake of fact, the parent ordered to provide private health care coverage contests such withholding, the employer shall initiate and continue such withholding until the employer receives notice from the IV-D agency, the court, or an administrative agency of competent jurisdiction to terminate such withholding.

SECTION 16. The last paragraph of subsection (c) of said section 12 of said chapter 119A, as so appearing, is hereby amended by inserting after the fourth sentence the following sentence:- The provisions of this paragraph regarding notification of subsequent employment and the transfer to new and subsequent employers of the national medical support notice shall apply to an obligee ordered to provide health care coverage pursuant to paragraph (5) of subsection (b) and to the employer of that parent.

SECTION 17. Said section 12 of said chapter 119A, as so appearing, is hereby further amended by striking out, in line 172, the words “obligor at reasonable cost” and inserting in place thereof the following words:- parent ordered to provide medical support.

SECTION 18. The last paragraph of subsection (c) of said section 12 of chapter 119A, as so appearing, is hereby further amended by striking out the last sentence and inserting in place thereof the following sentence:- The provider shall not refuse to enroll the child for whom the national medical support notice applies on the grounds stated in subsection (m) and shall not suspend such coverage while it is available to the parent ordered to provide such coverage unless the court which entered the original order, at the request of the parent, determines that such coverage is not available to the parent at reasonable cost or is not accessible to the child.

SECTION 19. Subsection (d) of said section 12 of said chapter 119A, as so appearing, is hereby further amended by striking out the fifth sentence and inserting in place thereof the following sentence:- When the agency determines on its own information or on account of a claim by a parent or the executive office of health and human services that a parent responsible for providing private health care coverage has failed to comply with a judgment or order for health care coverage and health care coverage is available to the parent at reasonable cost and accessible to the child, the IV-D agency shall send notice of the judgment or national medical support notice to the employer or to a provider of health care coverage together with notice of the provisions of subsection (f).

SECTION 20. Said section 12 of chapter 119A, as so appearing, is hereby further amended by striking out, in line 216, the word “obligor” and inserting in place thereof the following word:- parent.

SECTION 21. Said section 12 of said chapter 119A, as so appearing, is hereby further amended by inserting after the word “care”, in line 222, the following word:- coverage.

SECTION 22. Subsection (d) of said section 12 of said chapter 119A, as so appearing, is hereby further amended by striking out the eighth sentence and inserting in place thereof the following 2 sentences:- The parent ordered to provide health care coverage may contest an order for health care coverage by requesting that the court that issued the order determine whether such coverage is available to the parent at reasonable cost and accessible to the child; but the parent contesting the order for health care coverage shall bear the burden of proving that such coverage is not available at reasonable cost or accessible to the child. The provider of health care coverage shall maintain coverage for the child under the order pending a modification of the order.

SECTION 23. Said section 12 of said chapter 119A, as so appearing, is hereby further amended by inserting after the word “order”, in line 279, the following words:- or an order to provide health care coverage.

SECTION 24. Said section 12 of said chapter 119A, as so appearing, is hereby further amended by striking out, in line 280, the words “income withholding” and inserting in place thereof the following word:- order.

SECTION 25. Said section 12 of said chapter 119A, as so appearing, is hereby further amended by inserting after the word “wages”, in line 283, the following words:- , health care expenses,.

SECTION 26. Said section 12 of said chapter 119A, as so appearing, is hereby further amended by inserting, after the word “reinstatement”, in line 285, the following words:- , and for reasonable attorneys fees and expenses.

SECTION 27. Said section 12 of said chapter 119A, as so appearing, is hereby further amended by inserting, after the word “income”, in line 287, the following words:- or provider of health care coverage.

SECTION 28. Said section 12 of said chapter 119A, as so appearing, is hereby further amended by striking out, in line 288, the words “of income withholding”.

SECTION 29. Said section 12 of said chapter 119A, as so appearing, is hereby further amended by inserting, after the word “withholding”, in line 291, the following words:- or national medical support notice.

SECTION 30. Said section 12 of said chapter 119A, as so appearing, is hereby further amended by inserting, after the word “income”, in line 292, the following words:- or provider of health care coverage.

SECTION 31. Said section 12 of said chapter 119A, as so appearing, is hereby further amended by inserting, after the word “income”, in line 294, the following words:- or provider of health care coverage.

SECTION 32. Said section 12 of said chapter 119A, as so appearing, is hereby further amended by inserting, after the word “remit”, in line 297, the following words:- or for health care costs incurred.

SECTION 33. Said section 12 of said chapter 119A, as so appearing, is hereby further amended by inserting, after the word “party”, in line 300, the following words:- and for reasonable attorneys fees and expenses.

SECTION 34. Said section 12 of said chapter 119A, as so appearing, is hereby further amended by inserting, after the word “income”, in line 302, the following words:- or provider of health care coverage.

SECTION 35. Said section 12 of said chapter 119A, as so appearing, is hereby further amended by striking out, in line 303, the following words:- income withholding.

SECTION 36. Said section 12 of said chapter 119A, as so appearing, is hereby further amended by inserting, after the word “employer”, in line 304, the following words:- , other source of periodic income, or provider of health care coverage.

SECTION 37. Said section 12 of said chapter 119A, as so appearing, is hereby further amended by inserting, after the word “remit,”, in line 308, the following words:- or has failed to remit in the manner prescribed by the IV-D agency.

SECTION 38. Said section 12 of said chapter 119A, as so appearing, is hereby further amended by inserting, after the word “order”, in line 311, the following words:- and in the manner prescribed by the IV-D agency.



SECTION 39. Subparagraph (B) of paragraph (3) of subsection (f) of said section 12 of said chapter 119A, as so appearing, is hereby amended by inserting after the second sentence the following sentence:- Any subsequent failure to remit in the manner prescribed by the IV-D agency after the IV-D agency has sent such notice may result in an assessment by the IV-D agency against the employer or other source of periodic income of a penalty of up to \$500.

SECTION 40. Said subparagraph (B) of said paragraph (3) of said subsection (f) of said section 12 of said chapter 119A, as so appearing, is hereby amended by striking out the third sentence and inserting in place thereof the following 3 sentences:- With respect to a case receiving IV-D services, upon a finding by the IV-D agency that the employer or provider of health care coverage has failed to comply with a national medical support notice executed pursuant to this section, the IV-D agency may notify the employer or provider of health care coverage of its obligation to comply with such notice. Any subsequent failure to comply with the national medical support notice after the IV-D agency has notified the employer or provider of health care coverage of its obligation to comply with such notice shall result in an assessment by the IV-D agency against the employer or provider of health care coverage of the amount of health care expenses incurred and a penalty equal to that amount or in the amount of \$500, whichever is greater. The employer, other source of periodic income, or provider of health care coverage shall have 30 days from the date of the assessment to pay the amount due to the IV-D agency under the assessment and the penalty, or to request an administrative hearing by the IV-D agency to review the assessment.

SECTION 41. Said paragraph (3) of said subsection (f) of said section 12 of said chapter 119A, as so appearing, is hereby further amended by striking out subparagraph (C) and inserting in place thereof the following subparagraph:-

(C) In any action pursuant to subparagraphs (A) or (B) for failure to withhold, or to remit, or to remit in the manner prescribed by the IV-D agency, or to comply with the national medical support notice, the following defenses may be raised by the entity alleged to have failed to comply:

(i) the entity withheld and remitted in the manner prescribed by the IV-D agency the amount required by the order or has complied with the national medical support notice;

(ii) the entity was not a source of periodic income to the obligor or a provider of health care coverage to the parent ordered to provide such coverage during the period of alleged non-compliance;

(iii) no order to withhold support or to provide health care coverage was in effect during the period of alleged non-compliance; or

(iv) the entity had no notice of an order to withhold support or of the national medical support notice during the period of alleged non-compliance.

SECTION 42. Said section 12 of said chapter 119A, as so appearing, is hereby further amended by inserting, after the word “income”, in line 339, the following words:- or provider of health care coverage.

SECTION 43. Said section 12 of said chapter 119A, as so appearing, is hereby further amended by inserting, after the word “agency”, in line 348, the following words:- in the manner prescribed by the IV-D agency.

SECTION 44. Subsection (f) of said section 12 of said chapter 119A, as so appearing, is hereby further amended by adding the following 2 paragraphs:-

(8) An employer that is required under this section to withhold and remit child support in a case receiving IV-D services, and that willfully fails to withhold and remit such child support, shall be liable for the amount of child support that should have been withheld and remitted and a penalty equal to that amount or \$500, whichever is greater. The penalty incurred under this paragraph shall be paid to the commonwealth and shall not be credited against the child support liability. This paragraph shall be enforced in accordance with paragraph (3) and section 6. The term “employer”, as used in this paragraph, includes an officer, director or employee of a corporation, or a member or employee of a partnership or limited liability company, who as such officer, employee or member is under a duty to withhold and remit child support in accordance with this section.

(9) If an employer makes a payment of a bonus, commission, tip, honorarium, severance, lump-sum, or other nonrecurring payment, in excess of \$500 to an employee for whom the employer has been notified to withhold and remit child support toward an amount of past due support pursuant to an income withholding order issued by the IV-D agency under chapter 119A, the employer shall notify the IV-D agency not less than 10 business days before the issuance of the payment of the employee’s name, address, date of birth, and social security number, as appearing in the company’s records, and the amount of the payment, in the form and manner prescribed by the commissioner of revenue. If, at any time before payment, the IV-D agency notifies the company of a child support lien against the employee by giving the employer a notice of levy pursuant to section 6 of this chapter, the employer shall withhold from the payment the amount of past due support as set forth in the notice of levy and shall provide such amount to the IV-D agency. This paragraph shall not apply to payments that, though irregular in frequency, constitute the regular compensation of the employee.

SECTION 45. Said section 12 of said chapter 119A, as so appearing, is hereby further amended by inserting after the word “employer”, in line 401, the following words:- or provider of health care coverage.

SECTION 46. Said section 12 of said chapter 119A, as so appearing, is hereby further amended by striking out, in line 407, the words “group health” and inserting in place thereof the following words:- health care.

SECTION 47. Said section 12 of said chapter 119A, as so appearing, is hereby further amended by inserting after the word “eligible”, in line 408, the following words:- or shall return the notice with the information that is required to the issuing IV-D agency if the child cannot be enrolled in the health care plan.

SECTION 48. Subsection (k) of said section 12 of said chapter 119A, as so appearing, is hereby further amended by striking out the sixth sentence and inserting in place thereof the following sentence:- If there is more than 1 available health care plan and the employee has not chosen one of the health care plans, the plan administrator or the provider of health care coverage shall enroll the child in the default health care plan, if any, unless the IV-D agency notifies the plan administrator or the provider of health care coverage to enroll the child in a health care plan chosen by the obligee.

SECTION 49. Said section 12 of said chapter 119A, as so appearing, is hereby further amended by striking out, in line 419, the words “The provider” and inserting in place thereof the following words:- The employer or provider.

SECTION 50. Said section 12 of said chapter 119A, as so appearing, is hereby further amended by inserting after the word “information”, in line 420, the following words:- , cards, or forms.

SECTION 51. Said section 12 of said chapter 119A, as so appearing, is hereby further amended by striking out, in line 428 and in lines 428 and 429, the words “division of medical assistance” and inserting in place thereof, in each instance, the following words:- executive office of health and human services.

SECTION 52. Said section 12 of said chapter 119A, as so appearing, is hereby further amended by striking out, in line 432, the word “division” and inserting in place thereof the following words:- executive office.

SECTION 53. Said section 12 of said chapter 119A, as so appearing, is hereby further amended by striking out, in line 442, the words “division of medical assistance” and inserting in place thereof the following words:- executive office of health and human services,.

SECTION 54. Said section 12 of said chapter 119A, as so appearing, is hereby further amended by striking out, in line 452, the first occurrence of the word “obligor’s” and inserting in place thereof the following word:- employee’s.

SECTION 55. Said section 12 of said chapter 119A, as so appearing, is hereby further amended by striking out, in line 452, the second occurrence of the word “obligor’s” and inserting in place thereof the following word:- employee’s.

SECTION 56. Said section 12 of said chapter 119A, as so appearing, is hereby further amended by striking out, in line 456, the word “obligor’s” and inserting in place thereof the following word:- employee’s.

SECTION 57. Subsection (m) of said section 12 of said chapter 119A, as so appearing, is hereby further amended by striking out the first, second and third sentences and inserting in place thereof the following sentence:- An employer or provider of health care coverage shall not deny enrollment to a child under the health care coverage of the child’s parent on the ground that the child was born out of wedlock, that the child is not claimed as a dependent on the parent’s federal income tax return, or that the child does not reside with the parent or that the child receives benefits or is eligible to receive benefits under any plan administered by the executive office of health and human services.

SECTION 58. Section 28 of chapter 208 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out, in line 33, the words “health care coverage” and inserting in place thereof the following words:- medical support.

SECTION 59. Said section 28 of said chapter 208 of the General Laws, as so appearing, is hereby further amended by striking out, in line 34, the words “health care coverage” and inserting in place thereof the following words:- medical support.

SECTION 60. The first paragraph of said section 28 of said chapter 208 of the General Laws, as so appearing, is hereby further amended by striking out the last 2 sentences, and inserting in place thereof the following 5 sentences:- In accordance with section 12 of chapter 119A, when the court makes an order for maintenance or support of a child, the court shall determine whether either parent has private health care coverage available to the parent at reasonable cost and accessible to the child that may be extended to cover the child for whom support is ordered. When the court has determined that 1 parent has such coverage available to him, the court shall include in the support order a requirement that the parent exercise the option of additional coverage in favor of the child or obtain coverage for the child. If both parents have private health care coverage that is available at reasonable cost and accessible to the child, the court shall determine based on the best interests of the child which parent shall provide the coverage to the child and shall order that parent to provide that coverage. If neither parent has such coverage available, then

the court shall order both parents to obtain coverage for the child if and when private health care coverage that is reasonable in cost and accessible to the child is available, and the court shall order the obligor to pay reasonable cash medical support until private health care coverage that is reasonable in cost and accessible to the child becomes available and is obtained by either parent. The court may also order the obligor to pay reasonable cash medical support to the obligee when the court determines that it is in the best interests of the child.

SECTION 61. Section 32 of chapter 209 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out, in line 77, the following words:- or child.

SECTION 62. Said section 32 of said chapter 209 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out, in line 81, the following words:- or child.

SECTION 63. Said section 32 of said chapter 209, as so appearing, is hereby further amended by striking out, in line 85, the following words:- and child.

SECTION 64. Said section 32 of said chapter 209, as so appearing, is hereby further amended by striking out, in line 86, the following words:- and child.

SECTION 65. Said section 32 of said chapter 209, as so appearing, is hereby further amended by inserting after the fifth paragraph the following paragraph:-

In accordance with section 12 of chapter 119A, when the court makes an order for maintenance or support of a child, the court shall determine whether either parent has private health care coverage available to the parent at reasonable cost and accessible to the child that may be extended to cover the child for whom support is ordered. When the court has determined that 1 parent has such coverage available to him, the court shall include in the support order a requirement that the parent exercise the option of additional coverage in favor of the child or obtain coverage for the child. If both parents have private health care coverage that is available at reasonable cost and accessible to the child, the court shall determine based on the best interests of the child which parent shall provide the coverage to the child and shall order that parent to provide such coverage. If neither parent has such coverage available, then the court shall order both parents to obtain such coverage for the child if and when private health care coverage that is reasonable in cost and accessible to the child is available, and the court shall order the obligor to pay reasonable cash medical support until private health care coverage that is reasonable in cost and accessible to the child becomes available and is obtained by either parent. The court may also order the obligor to pay reasonable cash medical support to the obligee when the court determines that it is in the best interests of the child.

SECTION 66. Section 32F of said chapter 209, as so appearing, is hereby amended by inserting, after the second occurrence of the word “spouse” in line 14, the following words:- , shall have jurisdiction to order a spouse or parent to provide for the medical support of a child or of a spouse and child or of a spouse,.

SECTION 67. Section 37 of said chapter 209, as so appearing, is hereby amended by striking out, in line 27, the words “health care coverage” and inserting in place thereof the following words:- medical support.

SECTION 68. Said section 37 of said chapter 209, as so appearing, is hereby further amended by striking out, in line 28, the words “health care coverage” and inserting in place thereof the following words:- medical support.

SECTION 69. The first paragraph of said section 37 of said chapter 209, as so appearing, is hereby further amended by striking out the last 2 sentences and inserting in place thereof the following 5 sentences:- In accordance with section 12 of chapter 119A, when the court makes an order for maintenance or support of a child, the court shall determine whether either parent has private health care coverage available to the parent at reasonable cost and accessible to the child that may be extended to cover the child for whom support is ordered. When the court has determined that 1 parent has such coverage available to him, the court shall include in the support order a requirement that the parent exercise the option of additional coverage in favor of the child or obtain coverage for the child. If both parents have private health care coverage that is available at reasonable cost and accessible to the child, the court shall determine based on the best interests of the child which parent shall provide the coverage to the child and shall order that parent to provide such coverage. If neither parent has such coverage available, then the court shall order both parents to obtain such coverage for the child if and when private health care coverage that is reasonable in cost and accessible to the child is available, and the court shall order the obligor to pay reasonable cash medical support until private health care coverage that is reasonable in cost and accessible to the child becomes available and is obtained by either parent. The court may also order the obligor to pay reasonable cash medical support to the obligee when the court determines that it is in the best interests of the child.

SECTION 70. Subsection (a) of section 9 of chapter 209C of the General Laws, as so appearing, is hereby amended by striking out the seventh and eighth sentences and inserting in place thereof the following 5 sentences:- In accordance with section 12 of chapter 119A, when the court makes an order or judgment for maintenance or support of a child, the court shall determine whether either parent has private health care coverage available to the parent at reasonable cost and accessible to the child that may be extended to cover the child for whom support is ordered. When the court has determined that 1 parent has such coverage available to him, the court shall include in the support judgment

or order a requirement that the parent exercise the option of additional coverage in favor of the child or obtain coverage for the child. If both parents have private health care coverage that is available at reasonable cost and accessible to the child, the court shall determine based on the best interests of the child which parent shall provide the coverage to the child and shall order that parent to provide such coverage. If neither parent has such coverage available, then the court shall order both parents to obtain such coverage for the child if and when private health care coverage that is reasonable in cost and accessible to the child is available, and the court shall order the obligor to pay reasonable cash medical support until private health care coverage that is reasonable in cost and accessible to the child becomes available and is obtained by either parent. The court may also order the obligor to pay reasonable cash medical support to the obligee when the court determines that it is in the best interests of the child.

SECTION 71. Said section 9 of said chapter 209C, as so appearing, is hereby further amended by striking out, in line 36, the words “division of medical assistance” and inserting in place thereof the following words:- executive office of health and human services.

SECTION 72. Section 20 of said chapter 209C, as so appearing, is hereby amended by striking out, in lines 16 and 17, the words “health care coverage” and inserting in place thereof the following words:- medical support.

SECTION 73. Said section 20 of said chapter 209C, as so appearing, is hereby further amended by striking out, in lines 17 and 18, the words “health care coverage” and inserting in place thereof the following words:- medical support.

SECTION 74. Section 34A of chapter 215 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out subsection (b) and inserting in place thereof the following subsection:-

(b)(1) Upon the request of the IV-D agency providing IV-D services pursuant to section 1A of chapter 119A, or of a plaintiff not receiving IV-D services, to whom child support is owed, when a total arrearage amounting to the support owing for a 6-month period has accrued under the defendant's most recent order or judgment for support, and the IV-D agency or such plaintiff has been unable to bring the defendant before the court on a *capias*, the court may issue a child support warrant, which warrant shall be considered a warrant for purposes of section 29 of chapter 276. Upon the issuance of the warrant, the court shall rescind the *capias*. The IV-D agency or such plaintiff shall file an affidavit accompanying the request for a warrant that includes: (i) a statement verifying that a total arrearage amounting to the support owing for a 6-month period has accrued under the defendant's most recent order or judgment for support; (ii) the amount of the total

arrears; (iii) the date of the last payment, if any; (iv) a copy of the complaint for civil contempt; (v) a copy of the summons related to this complaint, which must state that if the defendant fails to appear for a hearing, a capias and warrant for the defendant's arrest may be ordered; and (vi) a description of the efforts made to serve the capias on the defendant. The IV-D agency or such plaintiff shall also provide the court with identifying information on the defendant's name, last known address, date of birth, gender, race, height, weight, hair and eye color, any known aliases and any such information as shall be required for a warrant to be accepted by the criminal justice information system maintained by the criminal history systems board. A warrant that contains the above identifying information as provided by the IV-D agency or such plaintiff to the court shall not be nullified if the information is later found to be inaccurate. If any of the above identifying information is not known to the IV-D agency or such plaintiff, the IV-D agency or such plaintiff may apply to the court for an exemption from the requirement to provide the information. The court may grant the exemption if the court decides that the unknown information is not essential to identifying the defendant. The defendant may not challenge the validity of a warrant based on the granting of the exemption. The court shall enter the warrant, including the identifying information provided to the court by the IV-D agency or by such plaintiff and the name of the court that issued the warrant, into the warrant management system as set forth in section 23A of chapter 276. The warrant shall consist of the information that appears in the warrant management system, and a printout of the warrant from the criminal justice information system shall constitute a true copy of the warrant. The entry of the warrant into the warrant management system and the criminal justice information system shall constitute notice and delivery of the warrant to all law enforcement agencies that have arresting authority pursuant to section 23 of chapter 276.

(2) Child support warrants shall be processed as default warrants pursuant to section 29 of chapter 276. Upon arrest, the defendant may be released only by a justice of the court having jurisdiction over the place where the person was arrested or is being held, or by a justice of the court that issued the warrant. The arresting authority shall record the arrest in the warrant management system maintained by the criminal history systems board. If the IV-D agency requested the warrant, the board shall notify the IV-D agency of the arrest. If the plaintiff not receiving IV-D services requested the warrant, the board shall notify the local police department where the defendant's last known residence is located. At the next sitting of the court, the defendant shall be brought before the district court having jurisdiction over the place where the person is held, or to the court that issued the warrant. If the defendant is brought before a district court having jurisdiction over the place where the defendant is being held, the district court shall make a determination of bail, and follow the procedures in sections 29, 57, 65 and 66 of chapter 276. If the defendant is released on bail or recognizance, said court shall confer with the court that issued the warrant and, based thereon, specify in the warrant management system the date



on which the person must appear before the issuing court and so notify the defendant. If the defendant is not released on bail or recognizance for the outstanding warrant, the defendant shall be transported by an officer, or in accordance with section 24 of chapter 37, or in accordance with any other law of the commonwealth, to the court that issued the warrant, or if the issuing court is not in session, to the jail in the county of the issuing court, and thereafter, to the next regular sitting of the court that issued the warrant.

(3) If, after being released on bail or recognizance, a defendant with a child support warrant fails to appear in the issuing court on the date specified, the court shall reissue a child support warrant, and the defendant shall not be admitted to bail upon arrest, unless a court finds good cause for the defendant's failure to appear. The court shall order forfeiture of any bail, and the court with which the deposit was made shall pay to the state treasurer any money so deposited, in accordance with section 80 of chapter 276.

(4) If the defendant voluntarily submits his person to the court that issued the child support warrant, the defendant shall likewise be brought before the court. Upon notification that the defendant will voluntarily submit his person or will be transported to the court, the court shall notify the IV-D agency, if the IV-D agency requested the warrant, or the plaintiff, if the plaintiff not receiving IV-D services requested the warrant. The court shall conduct a hearing to recall the warrant and to determine whether the defendant is in civil contempt for failure to obey any order or judgment for support. Upon a finding of civil contempt, the court shall issue an order for the defendant to do one or more of the actions set forth in clauses (1) to (6), inclusive, of section 34. The hearing shall be held immediately upon the defendant's first appearance, unless the defendant seeks a continuance. The court shall determine whether a continuance is appropriate and the length of the continuance. Except for good cause, a continuance on motion of the defendant may not exceed seven business days. During any continuance period, the court shall recall the warrant and may issue any further orders necessary to assure the appearance of the defendant at the next hearing date.

(5) Whenever a warrant is recalled, the court shall, without unnecessary delay, enter the recall in the warrant management system which entry shall be electronically transmitted to the criminal justice information system. The court shall also provide to the defendant a notice of recall of warrant.

(6) A law enforcement officer who in the performance of his duties relies in good faith on the warrant appearing in the warrant management system shall not be liable in any criminal prosecution or civil action alleging false arrest, false imprisonment, or malicious prosecution or arrest by false pretense.

(7) The issuing court shall provide notice no later than 30 days after the issuance of the warrant to the defendant. The notice shall contain information on the name and address

of the issuing court, the date of the last payment of child support, if any, the amount of the total child support arrearage, a description of the method by which the defendant may clear the warrant and a summary of the consequences the defendant may face for not responding to the warrant. The notice shall also include a copy of the complaint for civil contempt and any certificate of service for such complaint. The notice shall be deemed satisfactory if mailed to the address stated on the warrant.

(8) A warrant may be recalled by the court that issued it, at the court's discretion, and the court shall order that the warrant be recalled from the warrant management system forthwith. If the defendant pays the total arrearage, the party that requested the warrant shall immediately report the payment to the court and request immediate recall of the warrant, which request shall be granted. If a warrant issued on behalf of the IV-D agency remains outstanding for three years following the date that it was entered into the warrant management system, the IV-D agency shall request an order to recall the warrant from the court that issued it, and the court shall order that the warrant be recalled from the warrant management system forthwith. If a warrant issued on behalf of a plaintiff not receiving IV-D services remains outstanding for three years following the date that it was entered into the warrant management system, the court shall order that the warrant be recalled from the warrant management system forthwith. After a warrant has been recalled, the IV-D agency or such plaintiff may request that a new warrant be issued pursuant to the first paragraph of this subsection.

(9) The IV-D agency shall have electronic access to the criminal offender record information system that is maintained by the criminal history systems board for purposes of this section and section 172D of chapter 6.