

Senate Bill No. 2045

CHAPTER 119

An act to amend Sections 3760, 3773, and 17422 of the Family Code, relating to medical support for children.

[Approved by Governor July 7, 2000. Filed with
Secretary of State July 10, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

SB 2045, Schiff. National medical support notice.

Under existing state law, in Title IV-D cases in which child support services are being provided by the district attorney and the court has ordered a parent to provide health insurance coverage, the district attorney is required to serve the parent's employer with either the health insurance coverage assignment order or a notice of the order, as specified. Federal law requires that, in those cases where the noncustodial parent is providing the insurance coverage and changes jobs, the agency shall provide notice to the new employer, which notice shall enroll the child in the new health plan, unless the parent contests the notice.

Under existing law, child support enforcement services will begin to be transferred to defined local child support agencies, commencing January 1, 2001.

This bill would, in the above-described cases, instead require the local child support agency to serve the parent's employer with a notice, referred to as a "national medical support notice," as required by that federal law. The bill would make related changes.

Under existing law, if the spouse or child does not receive public assistance or aid and is not a Medi-Cal applicant or recipient, the local child support agency is required to obtain the applicant's consent prior to providing medical support enforcement services.

This bill would delete this provision.

The people of the State of California do enact as follows:

SECTION 1. Section 3760 of the Family Code is amended to read:

3760. As used in this article, unless the provision or context otherwise requires:

(a) "Employer" includes the United States government and any public entity as defined in Section 811.2 of the Government Code.

(b) "Health insurance," "health insurance plan," "health insurance coverage," "health care services," or "health insurance coverage assignment" includes vision care and dental care coverage



whether the vision care or dental care coverage is part of existing health insurance coverage or is issued as a separate policy or plan.

(c) “Health insurance coverage assignment” or “assignment order” means an order made under Section 3761.

(d) “National medical support notice” means the notice required by Section 666(a)(19) of Title 42 of the United States Code with respect to an order made pursuant to Section 3773.

SEC. 2. Section 3773 of the Family Code is amended to read:

3773. (a) This section applies only to Title IV-D cases where support enforcement services are being provided by the local child support agency pursuant to Section 17400.

(b) After the court has ordered that a parent provide health insurance coverage, the local child support agency shall serve on the employer a national medical support notice in lieu of the health insurance coverage assignment order. The national medical support notice may be combined with the order/notice to withhold income for child support that is authorized by Section 5246.

(c) A national medical support notice shall have the same force and effect as a health insurance coverage assignment order.

(d) The obligor shall have the same right to move to quash or terminate a national medical support notice as provided in this article for a health insurance coverage assignment order.

SEC. 3. Section 17422 of the Family Code is amended to read:

17422. (a) The state medical insurance form required in Article 1 (commencing with Section 3750) of Chapter 7 of Part 1 of Division 9 shall include, but shall not be limited to, all of the following:

(1) The parent or parents’ names, addresses, and social security numbers.

(2) The name and address of each parent’s place of employment.

(3) The name or names, addresses, policy number or numbers, and coverage type of the medical insurance policy or policies of the parents, if any.

(4) The name, CalWORKs case number, social security number, and Title IV-E foster care case number or Medi-Cal case numbers of the parents and children covered by the medical insurance policy or policies.

(b) (1) In any action brought or enforcement proceeding instituted by the local child support agency under this division for payment of child or spousal support, a completed state medical insurance form shall be obtained and sent by the local child support agency to the Department of Child Support Services in the manner prescribed by the Department of Child Support Services.

(2) Where it has been determined under Section 3751 that health insurance coverage is not available at no or reasonable cost, the local child support agency shall seek a provision in the support order that provides for health insurance coverage should it become available at no or reasonable cost.



(3) Health insurance coverage shall be considered reasonable in cost if it is employment-related group health insurance or other group health insurance, regardless of the service delivery mechanism. As used in this section, “health insurance coverage” also includes providing for the delivery of health care services by a fee for service, health maintenance organization, preferred provider organization, or any other type of health care delivery system under which medical services could be provided to the dependent child or children of an absent parent.

(c) (1) The local child support agency shall request employers and other groups offering health insurance coverage that is being enforced under this division to notify the local child support agency if there has been a lapse in insurance coverage. The local child support agency shall be responsible for forwarding information pertaining to the health insurance policy secured for the dependent children for whom the local child support agency is enforcing the court-ordered medical support to the custodial parent.

(2) The local child support agency shall periodically communicate with the department to determine if there have been lapses in health insurance coverage for public assistance applicants and recipients. The department shall notify the local child support agency when there has been a lapse in court-ordered insurance coverage.

(3) The local child support agency shall take appropriate action, civil or criminal, to enforce the obligation to obtain health insurance when there has been a lapse in insurance coverage or failure by the responsible parent to obtain insurance as ordered by the court.

(4) The local child support agency shall inform all individuals upon their application for child support enforcement services that medical support enforcement services are available.

