

HOUSE BILL NO. HB0104

Medical support for children.

Sponsored by: Representative(s) Ross and Paseneaux

A BILL

for

1 AN ACT relating to medical support for children; specifying
2 duties of the department of family services with respect to
3 medical support obligations for the benefit of children;
4 amending obligations of the employer of a person having a
5 medical support obligation; specifying the rights of an
6 obligor; establishing priorities for payment of medical
7 support obligations; providing definitions; conforming
8 related provisions; and providing for an effective date.

9

10 *Be It Enacted by the Legislature of the State of Wyoming:*

11

12 **Section 1.** W.S. 20-2-403 through 20-2-406 are created
13 to read:

14

15 **20-2-403. Department of family services; duties of**
16 **department and custodial parent; rules and regulations.**

1

2 (a) In IV-D cases where the noncustodial parent is
3 required to provide health care coverage pursuant to a
4 child support order, and for whom the employer is known,
5 the department shall enforce the provision of court ordered
6 health care coverage for dependent children, where
7 appropriate, through the use of the national medical
8 support notice as provided by federal or state law, unless
9 alternate coverage is allowed by any order of the court or
10 tribunal, including:

11

12 (i) Cash contributions for health insurance
13 coverage premiums through the custodial parent's
14 employment;

15

16 (ii) Private coverage, unrelated to the
17 noncustodial parent's employment.

18

19 (b) The department shall transfer the national
20 medical support notice to the employer within two (2)
21 business days after an employee who is an obligor in a IV-D
22 case is entered in the state directory of new hires.

23

1 (c) The department shall promptly notify the employer
2 when there is no longer a current order for medical support
3 in effect for which the department is responsible.

4

5 (d) The custodial parent, in consultation with the
6 department, shall promptly select from available insurance
7 plan options when the insurance plan administrator reports
8 that there is more than one (1) option available under the
9 plan, and shall take into consideration the income
10 withholding of, and costs to, the obligor.

11

12 (e) The department shall, through rules and
13 regulations, develop procedures to determine when it is
14 appropriate to utilize the national medical support notice.

15

16 **20-2-404. Rights of obligor.**

17

18 (a) The obligor shall have twenty (20) days from the
19 date of receipt of the national medical support notice
20 within which to request a hearing. If the obligor does not
21 request a hearing within twenty (20) days, the opportunity
22 for a hearing may be deemed waived.

23

1 (b) The request for hearing shall be made in writing
2 to the court or tribunal having appropriate jurisdiction,
3 with notice provided to the department, and shall state the
4 basis upon which the hearing is requested.

5

6 (c) The obligor may contest the withholding based on
7 any lawful grounds, including mistake of fact, according to
8 the provisions of subsection (a) of this section.
9 Notwithstanding any contest by the obligor under this
10 subsection, the employer shall initiate withholding until
11 the employer receives notice from the department that
12 withholding is no longer required. Any funds that are found
13 to be inappropriately withheld shall be refunded to the
14 obligor, if no arrearages exist, in accordance with rules
15 and regulations of the department.

16

17 **20-2-405. Priorities of payment.**

18

19 (a) In IV-D cases in which an obligor is subject to
20 income withholding for court ordered child support
21 payments, health care coverage and any arrearages, and the
22 amount of withholding allowed by law does not satisfy all
23 withholding orders against the obligor, payment of current

1 child support obligations shall be given priority in
2 accordance with W.S. 20-6-215.

3

4 (b) After the requirements of W.S. 20-6-215 are met,
5 health insurance premiums shall be prioritized by the court
6 or tribunal on a case-by-case basis.

7

8 **20-2-406. Definitions.**

9

10 (a) As used in this act:

11

12 (i) "Department" means the department of family
13 services;

14

15 (ii) "Employer" means any person who owes income
16 to an obligor, including but not limited to, the United
17 States government, a state government, any unit of local
18 government and any school district;

19

20 (iii) "IV-D agency" means the department of
21 family services or any other state's IV-D agency as defined
22 by that state;

23

1 (iv) "IV-D case" means a case with respect to a
2 child in which support enforcement services are provided in
3 accordance with Title IV-D of the federal Social Security
4 Act by the child support enforcement unit of the department
5 to a custodian of a child who is a recipient of services
6 under title 42, chapters 1, 2 or 4, of the Wyoming
7 statutes, or is a recipient of Title IV-E foster care. The
8 term also includes any case in which a parent or custodian
9 of a child applies to the child support enforcement unit of
10 the department for support enforcement services and pays a
11 fee for such services;

12

13 (v) "Medical child support order" means an
14 order, judgment or decree, including the approval of a
15 settlement agreement, issued by a court or tribunal,
16 requiring a parent to provide health care coverage for a
17 child and which may require a payor to enroll the child in
18 a health care benefit plan;

19

20 (vi) "Mistake of fact" means an error in the
21 amount of current support or arrearages, in the identity of
22 the obligor or that the order of support does not exist or
23 has been vacated;

24

1 (vii) "National medical support notice" means
2 the federally approved national medical support notice used
3 to enforce the provision of health care coverage in IV-D
4 cases for children of noncustodial parents who are required
5 to provide health care coverage through an employment-
6 related group health plan in accordance with a child
7 support order;

8

9 (viii) "Obligor" means a person who owes a duty
10 of support for a child;

11

12 (ix) "Payor" means any employer or other person
13 who pays income to an obligor and who has or provides
14 health care coverage to employees;

15

16 (x) "Title IV-D" means Title IV-D of the federal
17 Social Security Act which established the federal child
18 support enforcement program;

19

20 (xi) "This act" means W.S. 20-2-401 through
21 20-2-406.

22

23 **Section 2.** W.S. 14-3-435, 14-6-236, 14-6-435,
24 20-2-402(a)(intro) by creating a new paragraph (iii), by

1 renumbering paragraphs (iii) and (iv) as (iv) and (v) and
2 by creating a new paragraph (vi) and by creating new
3 subsections (b) and (c) and 26-15-135(c)(ii), by creating a
4 new paragraph (iii) and by renumbering paragraph (iii) as
5 (iv) are amended to read:

6

7 **14-3-435. Ordering payment for support and treatment**
8 **of child; how paid; enforcement.**

9

10 (a) When legal custody of a child, other than
11 temporary guardianship, is vested by court order in an
12 individual, agency, institution or organization other than
13 the child's parents, the court shall in the same or any
14 subsequent proceeding inquire into the financial condition
15 of the child's parents or any other person who may be
16 legally obligated to support the child. After due notice
17 and hearing the court shall order the parents or any other
18 legally obligated person to pay a reasonable sum for the
19 support and treatment of the child during the time that a
20 dispositional order is in force. The requirements of W.S.
21 20-2-101 through ~~20-2-402~~20-2-406 apply to this section.
22 The amount of support shall be determined in accordance
23 with the presumptive child support established by W.S.
24 20-2-304. In any case where the court has deviated from

1 the presumptive child support, the reasons therefor shall
2 be specifically set forth in the order. The amount ordered
3 to be paid shall be paid to the clerk of the juvenile court
4 for transmission to the person, institution or agency
5 having legal custody of the child or to whom compensation
6 is due. The clerk of court is authorized to receive
7 periodic payments payable in the name or for the benefit of
8 the child, including but not limited to social security,
9 veteran's administration benefits or insurance annuities,
10 and apply the payments as the court directs. An order for
11 support under this subsection shall include a statement of
12 the addresses and social security numbers if known, of each
13 obligor, the names and addresses of each obligor's employer
14 and the names and birth dates of each child to whom the
15 order relates. The court shall order each obligor to notify
16 the clerk of court in writing within fifteen (15) days of
17 any change in address or employment. If any person who is
18 legally obligated to support the child does not have full
19 time employment, the court may require that person to seek
20 full time employment and may require community service work
21 in lieu of payment until full time employment is obtained.

22

23 (b) An order for the payment of money entered against
24 a parent or other person legally obligated to support a

1 child under the provisions of W.S. 14-3-434, 20-2-101
2 through ~~20-2-402~~ 20-2-406 or this section shall be entered
3 separately from the decree of disposition under W.S.
4 14-3-429 and shall not be treated as a part of the
5 confidential court record under W.S. 14-3-437. The order
6 may be filed in the district court of any county in the
7 state. From the time of filing, the order shall have the
8 same effect as a judgment or decree of the district court
9 in a civil action and may be enforced by the district
10 attorney, or the department of family services in the same
11 manner and with the same powers as in other child support
12 cases under W.S. 20-2-303 through 20-2-305, 20-2-307,
13 20-2-311, 20-2-401, ~~20-2-402~~ through 20-2-406 and 20-6-101
14 through 20-6-222, or in any manner provided by law for
15 enforcement of a civil judgment for money.

16

17 **14-6-236. Ordering payment for support and treatment**
18 **of child; how paid; enforcement.**

19

20 (a) When legal custody of a child, other than
21 temporary guardianship, is vested by court order in an
22 individual, agency, institution or organization other than
23 the child's parents, the court shall in the same or any
24 subsequent proceeding inquire into the financial condition

1 of the child's parents or any other person who may be
2 legally obligated to support the child. After due notice
3 and hearing the court shall order the parents or any other
4 legally obligated person to pay a reasonable sum for the
5 support and treatment of the child during the time that a
6 dispositional order is in force. The requirements of W.S.
7 20-2-101 through ~~20-2-402~~ 20-2-406 apply to this section.
8 The amount of support shall be determined in accordance
9 with the presumptive child support established by W.S.
10 20-2-304. In any case where the court has deviated from
11 the presumptive child support, the reasons therefor shall
12 be specifically set forth in the order. The amount ordered
13 to be paid shall be paid to the clerk of the juvenile court
14 for transmission to the person, institution or agency
15 having legal custody of the child or to whom compensation
16 is due. The clerk of court is authorized to receive
17 periodic payments payable in the name or for the benefit of
18 the child, including but not limited to social security,
19 veteran's administration benefits or insurance annuities,
20 and apply the payments as the court directs. An order for
21 support under this subsection shall include a statement of
22 the addresses and social security numbers if known, of each
23 obligor, the names and addresses of each obligor's employer
24 and the names and birthdates of each child to whom the

1 order relates. The court shall order each obligor to notify
2 the clerk of court in writing within fifteen (15) days of
3 any change in address or employment. If any person who is
4 legally obligated to support the child does not have full
5 time employment, the court may require that person to seek
6 full time employment and may require community service work
7 in lieu of payment until full time employment is obtained.

8

9 (b) An order for the payment of money entered against
10 a parent or other person legally obligated to support a
11 child under the provisions of W.S. 14-6-235, 20-2-101
12 through ~~20-2-402~~ 20-2-406 or this section shall be entered
13 separately from the decree of disposition under W.S.
14 14-6-229 and shall not be treated as a part of the
15 confidential court record under W.S. 14-6-239. The order
16 may be filed in the district court of any county in the
17 state. From the time of filing, the order shall have the
18 same effect as a judgment or decree of the district court
19 in a civil action and may be enforced by the district
20 attorney, or the department of family services in the same
21 manner and with the same powers as in other child support
22 cases under W.S. 20-2-303 through 20-2-305, 20-2-307,
23 20-2-311, 20-2-401, ~~20-2-402~~ through 20-2-406 and 20-6-101

1 through 20-6-222, or in any manner provided by law for
2 enforcement of a civil judgment for money.

3

4 **14-6-435. Ordering payment for support and treatment**
5 **of child; how paid; enforcement.**

6

7 (a) When legal custody of a child, other than
8 temporary guardianship, is vested by court order in an
9 individual, agency, institution or organization other than
10 the child's parents, the court shall in the same or any
11 subsequent proceeding inquire into the financial condition
12 of the child's parents or any other person who may be
13 legally obligated to support the child. After due notice
14 and hearing the court shall order the parents or any other
15 legally obligated person to pay a reasonable sum for the
16 support and treatment of the child during the time that a
17 dispositional order is in force. The requirements of W.S.
18 20-2-101 through ~~20-2-402~~ 20-2-406 apply to this section.
19 The amount of support shall be determined in accordance
20 with the presumptive child support established by W.S.
21 20-2-304. In any case where the court has deviated from the
22 presumptive child support, the reasons therefor shall be
23 specifically set forth in the order. The amount ordered to
24 be paid shall be paid to the clerk of the juvenile court

1 for transmission to the person, institution or agency
2 having legal custody of the child or to whom compensation
3 is due. The clerk of court is authorized to receive
4 periodic payments payable in the name or for the benefit of
5 the child, including but not limited to social security,
6 veteran's administration benefits or insurance annuities,
7 and apply the payments as the court directs. An order for
8 support under this subsection shall include a statement of
9 the addresses and social security numbers if known, of each
10 obligor, the names and addresses of each obligor's employer
11 and the names and birth dates of each child to whom the
12 order relates. The court shall order each obligor to notify
13 the clerk of court in writing within fifteen (15) days of
14 any change in address or employment. If any person who is
15 legally obligated to support the child does not have full
16 time employment, the court may require that person to seek
17 full time employment and may require community service work
18 in lieu of payment until full time employment is obtained.

19

20 (b) An order for the payment of money entered against
21 a parent or other person legally obligated to support a
22 child under the provisions of W.S. 14-6-434, 20-2-101
23 through ~~20-2-402~~20-2-406 or this section shall be entered
24 separately from the decree of disposition under W.S.

1 14-6-429 and shall not be treated as a part of the
2 confidential court record under W.S. 14-6-437. The order
3 may be filed in the district court of any county in the
4 state. From the time of filing, the order shall have the
5 same effect as a judgment or decree of the district court
6 in a civil action and may be enforced by the district
7 attorney, or the department of family services in the same
8 manner and with the same powers as in other child support
9 cases under W.S. 20-2-303 through 20-2-305, 20-2-307,
10 20-2-311, 20-2-401, ~~20-2-402~~ through 20-2-406 and 20-6-101
11 through 20-6-222, or in any manner provided by law for
12 enforcement of a civil judgment for money.

13

14 **20-2-402. Employer's obligations.**

15

16 (a) Where a parent is required by a court or
17 administrative order to provide health coverage for a
18 child, at the time of the order, which is offered by and
19 available through an employer doing business in this state
20 to the parent, the employer is required to comply with the
21 following:

22

23 (iii) To transfer the national medical support
24 notice to the appropriate group health plan providing the

1 health care coverage for which the child is eligible within
2 twenty (20) business days after receipt of the national
3 medical support notice;

4

5 ~~(iii)~~ (iv) To withhold from the employee's
6 compensation the employee's share, if any, of premiums for
7 health coverage and to pay this amount to the insurer; ~~and~~

8

9 ~~(iv)~~ (v) Not to disenroll, or eliminate coverage
10 of, the child unless the employee is no longer insured by
11 that employer's plan or the employer is provided
12 satisfactory written evidence that:

13

14 (A) The court or administrative order is no
15 longer in effect;

16

17 (B) The child is or will be enrolled in
18 comparable health coverage which will take effect not later
19 than the effective date of disenrollment; or

20

21 (C) The employer has eliminated family
22 health coverage for all of its employees.

23

1 (vi) To notify the department within thirty (30)
2 business days whenever the obligor's employment is
3 terminated. The notice shall include the following
4 information:

5
6 (A) When the obligor left the employment;

7
8 (B) The last known address of the obligor;

9
10 (C) The last known telephone number for the
11 obligor; and

12
13 (D) The name, address and telephone number
14 of the obligor's new employer, if known.

15
16 (b) No employer shall use the existence of the
17 medical child support order authorized by this act:

18
19 (i) As grounds for discharge or discipline;

20
21 (ii) To otherwise penalize an obligor; or

22
23 (iii) As grounds to refuse to employ a person.
24

1 (c) Any employer who violates subsection (a) or (b)
2 of this section is subject to a civil penalty of not more
3 than one hundred dollars (\$100.00). Any penalty collected
4 under this section shall be distributed to the county
5 public school fund in the county where the penalty was
6 collected.

7
8 **26-15-135. Coverage of children.**

9
10 (c) Where a parent is required by a court or
11 administrative order to provide health coverage for a child
12 and the parent is eligible for family health coverage, the
13 insurer shall be required:

14
15 (ii) If the parent is enrolled but fails to make
16 application to obtain coverage for the child, to enroll the
17 child under family coverage upon application of the child's
18 other parent, the department of health in administering the
19 Wyoming Medical Assistance and Services Act, or the
20 department of family services in administering the child
21 support enforcement program; ~~and~~

22
23 (iii) To complete and return the plan
24 administrator response in conjunction with the national

1 medical support notice to the department of family services
2 within forty (40) business days after receipt of the
3 notice; and

4
5 ~~(iii)~~ (iv) Not to disenroll or eliminate coverage
6 of the child unless the insurer is provided satisfactory
7 written evidence that:

8
9 (A) The court or administrative order is no
10 longer in effect; or

11
12 (B) The child is or will be enrolled in
13 comparable health coverage through another insurer which
14 will take effect not later than the effective date of
15 disenrollment.

16
17 **Section 3.** This act is effective July 1, 2002.

18

19

(END)