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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2165 Session of  
1991

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INTRODUCED BY STETLER, BATTISTO, DeWEESE, ITKIN, FAIRCHILD,  
HARPER, MUNDY, FAJT, HANNA, TIGUE, KENNEY, TRELLO, PESCI,  
STABACK, STURLA, KRUSZEWSKI, PISTELLA, BELFANTI, BILLOW,  
BELARDI, CAPPABIANCA, SALOOM AND PETRARCA, NOVEMBER 13, 1991

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REFERRED TO COMMITTEE ON AGING AND YOUTH, NOVEMBER 13, 1991

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AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania  
2 Consolidated Statutes, further providing for medical support  
3 for children.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Section 4324 of Title 23 of the Pennsylvania  
7 Consolidated Statutes is amended to read:

8 § 4324. Inclusion of medical support.

9 [In addition to periodic support payments, the court may  
10 require that an obligor pay a designated percentage of a child's  
11 or spouse's reasonable and necessary health care expenses. If  
12 health care coverage is available through an obligor or obligee  
13 at no cost as a benefit of employment or at a reasonable cost,  
14 the court shall order an obligor or obligee to provide or extend  
15 health care coverage to a child or spouse. Upon failure of the  
16 obligor to make this payment or reimburse the custodial parent  
17 or spouse and after compliance with procedural due process

1 requirement, the court shall treat the amount as arrearages.]

2 (a) General rule.--In every action to establish or modify an  
3 order which requires the payment of child support, the court  
4 shall ascertain the ability of each parent to provide medical  
5 care for the children of the parties. The court shall order one  
6 or more of the following:

7 (1) In addition to periodic support payments, the court  
8 may require that an obligor pay a designated percentage of a  
9 spouse's reasonable and necessary health care expenses.  
10 Further, the court shall require that either parent or both  
11 parents provide insurance coverage for a child, if such  
12 insurance coverage is available to that parent on a group  
13 basis through an employer or other entity.

14 (2) If similar insurance coverage is available to both  
15 parents, the court shall order the child to be insured under  
16 the insurance coverage which provides more comprehensive  
17 benefits. If such insurance coverage is not available at the  
18 time of the entry of the order, the order shall require that,  
19 if such coverage thereafter becomes available to either  
20 party, that party shall promptly notify the other party of  
21 the availability of insurance coverage for the child.

22 (3) If the court finds that insurance coverage is not  
23 available to either parent on a group basis through an  
24 employer or other entity, or that the group insurer is not  
25 accessible to the parties, the court shall order either  
26 parent or both parents to obtain insurance coverage which is  
27 otherwise available at a reasonable cost.

28 (4) Based upon the respective ability of the parents to  
29 pay, the court may order either parent or both parents to be  
30 liable for reasonable and necessary medical care for a child.

1     The court shall specify the proportion of the medical care  
2     for which each party shall be responsible.

3         (5) The court shall also determine the amount of the  
4     annual deductible on insurance coverage which is attributable  
5     to each child and designate the proportion of the deductible  
6     which each party shall pay.

7     (b) Proof of insurance.--Within 30 days after the entry of  
8     an order requiring the obligated parent or parents to provide  
9     insurance coverage for any child, that parent shall submit to  
10    the obligor written proof that the insurance has been obtained  
11    or that an application for insurance has been made. Such proof  
12    of insurance coverage shall consist of, at a minimum:

13         (1) the name of the insurer;

14         (2) the policy number;

15         (3) an insurance card;

16         (4) the address to which all claims should be mailed;

17         (5) a description of any restrictions on usage, such as  
18     prior approval for hospital admission and the manner in which  
19     to obtain the approval;

20         (6) a description of all deductibles; and

21         (7) five copies of claim forms.

22     (c) Notice to employer.--The obligated parent of the child  
23     shall send the obligor's employer or the insurer each child's  
24     address and notice that the obligor will be submitting claims on  
25     behalf of each child. Upon receipt of the notice or an order for  
26     insurance coverage under this section, the obligated parent's  
27     employer or other entity shall, upon the request of the obligor,  
28     release information on the coverage for the children, including  
29     the name of the insurer.

30     (d) Limitation on order.--A copy of the court order for

insurance coverage shall not be provided to the obligated parent's employer or other entity or the insurer unless ordered by the court, or unless:

(1) the obligated parent, within 30 days of receiving effective notice of the court order, fails to provide to the obligor of the child written proof that the insurance has been obtained or that an application for insurance has been made;

(2) the obligor of the child serves written notice by mail at the obligated parent's last known address of intention to enforce the order requiring insurance coverage for the child; and

(3) the obligated parent fails within 15 days after the mailing of the notice to provide written proof to the obligor that the child has insurance coverage.

(e) Response to order.--Upon service of the order requiring insurance coverage for each child, the employer or other entity shall enroll the child as a beneficiary in the group insurance plan and withhold any required premium from the obligated parent's income or wages.

(1) If more than one plan is offered by the employer or other entity, the child shall be enrolled in the most comprehensive plan otherwise available to the obligated parent at a reasonable cost.

(2) Insurance coverage for the child which is ordered pursuant to the provisions of this section shall not be terminated except as provided in subsection (g).

(f) Authorization to insurers.--The signature of the obligor shall constitute a valid authorization to the insurer for the purposes of processing an insurance payment to the provider of

1 medical care for the child.

2 (1) No insurer or employer or other entity in this  
3 Commonwealth may refuse to honor a claim for a covered  
4 service when the obligor or the obligated parent submits  
5 proof of payment for medical bills for the child.

6 (2) The insurer shall reimburse the obligor or the  
7 obligated parent who submits copies of medical bills for the  
8 child with proof of payment.

9 (3) All insurers in this Commonwealth shall provide  
10 insurance coverage for the child of a covered employee  
11 notwithstanding the amount of support otherwise ordered by  
12 the court and regardless of the fact that the child may not  
13 be living in the home of the covered employee.

14 (g) Insurance termination.--When an order for insurance  
15 coverage for a child pursuant to this section is in effect and  
16 the obligated parent's employment is terminated, or the  
17 insurance coverage for the child is denied, modified or  
18 terminated, the insurer shall, within ten days after the notice  
19 of change in coverage is sent to the covered employee, notify  
20 the obligor of the child and provide an explanation of any  
21 conversion privileges available from the insurer.

22 (h) Duration of coverage.--A child of an obligated parent  
23 shall remain eligible for insurance coverage until the child is  
24 emancipated or until the insurer under the terms of the  
25 applicable insurance policy terminates the child from coverage,  
26 whichever is later in time, or until further order of the court.

27 (i) Enforcement of order.--If the obligated parent fails to  
28 comply with the order to provide insurance coverage for the  
29 child, the court shall:

30 (1) hold the obligated parent in contempt for failing or

1 refusing to provide the insurance coverage;

2 (2) enter an order for a sum certain against the  
3 obligated parent for the cost of medical care for the child  
4 and any insurance premiums paid or provided for the child  
5 during any period in which the obligated parent failed to  
6 provide insurance coverage; and

7 (3) upon failure of the obligor to make this payment or  
8 reimburse the custodial parent or spouse and, after  
9 compliance with procedural due process requirement, the court  
10 shall treat the amount as arrearages.

11 (j) Definitions.--As used in this section, the following  
12 words and phrases shall have the meanings given to them in this  
13 subsection:

14 "Child." A child to whom a duty of child support is owed.

15 "Insurance coverage." Coverage for medical, dental,  
16 orthodontic, optical, psychological, psychiatric or other health  
17 care service for any child in need of child support.

18 "Insurer." Any company, trust or other entity which provides  
19 insurance coverage.

20 "Medical care." Medical, dental, orthodontic, optical,  
21 psychological, psychiatric or other health care service for  
22 children in need of support.

23 "Obligated parent." A natural or adoptive parent who is  
24 required by agreement or order to pay for insurance coverage and  
25 medical care, or some portion thereof, for his or her child.

26 "Obligor." A parent, legal guardian or other third party  
27 appointed by court order as an obligor of a child for whom child  
28 support is ordered.

29 Section 2. This act shall apply to all support orders or to  
30 modifications of support orders entered on or after the

1 effective date of this act.

2 Section 3. This act shall take effect in 90 days.