

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

*Codification
District of
Columbia
Official Code*

2001 Edition

2003 Supp.

West Group
Publisher

To require, on a temporary basis, the IV-D agency to use a medical support notice to enforce provisions in support orders requiring health insurance coverage for children; to require a medical support notice to include specific information and conform with federal law; to require an appropriately completed medical support notice to be deemed a qualified medical child support order, and to require that a medical support notice issued in another jurisdiction be treated the same as a medical support notice issued in the District of Columbia; to require employers to follow specified procedures upon receipt of a medical support notice from the IV-D agency and to notify the IV-D agency when the parent terminates employment; to require health insurers to follow specified procedures upon receipt of a medical support notice; to require the IV-D agency to select among available health insurance coverage options available through the insurer in consultation with the child's custodian; to require employers to withhold employee contributions for health insurance coverage from the employee's earnings and send the contributions to the health insurer; to establish withholding priorities for current cash support and employee contributions for health insurance coverage; to establish the parent's liability for employee contributions for health insurance coverage, to permit the parent to contest a withholding for employee contributions based on a mistake of fact, and to require the enrollment of the child in health insurance coverage and the withholding of employee contributions to continue while the contest is pending; to establish remedies against employers for taking action against a parent based on enrollment and withholding requirements and for failing to comply with enrollment and withholding requirements; and to limit the liability of employers and health insurers that comply with the requirements for health insurance coverage enrollment and withholding; to amend the Medicaid Benefits Protection Act of 1994 to conform with the procedures established for the medical support notice and to include provisions required by federal law; to amend Title 16 of the District of Columbia Official Code to require the inclusion of a provision for health insurance coverage in a support order where health insurance coverage is available to the noncustodial parent at a reasonable cost, and to provide for the modification of support orders to include provisions for health insurance coverage; and to amend the District of Columbia Child Support Enforcement Amendment Act of 1985

to conform with the procedures established for the medical support notice.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Medical Support Establishment and Enforcement Temporary Amendment Act of 2002”.

TITLE I - MEDICAL SUPPORT ENFORCEMENT

Sec. 101. Definitions.

Note,
§ 42-421

For the purposes of this title, the term:

(1) “Custodian” means the parent, relative, guardian, or other person with whom the dependent child resides.

(2) “Health insurance coverage” means benefits consisting of amounts paid for the diagnosis, cure, mitigation, treatment, or prevention of disease, or amounts paid for the purpose of affecting any structure or function of the body (provided directly, through insurance or reimbursement, or otherwise, and includes items and services) under any hospital or medical service policy or certificate, hospital or medical service plan contract, or health maintenance organization contract offered by a health insurer.

(3) “Health insurer” means any person that provides one or more health benefit plans or insurance in the District of Columbia, including a group health plan, as defined in section 607(1) of the Employee Retirement Income Security Act of 1974, approved April 7, 1986 (100 Stat. 231; 29 U.S.C. § 1167(1)), a plan administrator, as defined in section 3(16) of the Employee Retirement Income Security Act of 1974, approved September 2, 1974 (88 Stat. 835; 29 U.S.C. § 1002(16)), an insurer, a hospital and medical service corporation, a health maintenance organization, a multiple employer welfare arrangement, or any other person providing a plan of health insurance subject to the authority of the Commissioner of the Department of Insurance and Securities Regulation.

(4) “IV-D agency” means the organizational unit of the District of Columbia government, or successor organizational unit, that is responsible for administering or supervising the administration of the District of Columbia’s State Plan under Part D of Title IV of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*), pertaining to parent locator services, paternity establishment, and the establishment, modification, and enforcement of support orders.

(5) “Medical support notice” means a notice issued by the IV-D agency that meets the requirements of a National Medical Support Notice promulgated under section 401(b) of the Child Support Performance and Incentive Act of 1998, approved July 16, 1998 (112 Stat. 660; 42 U.S.C. § 651 note).

(6) “Support order” means a judgment, decree, or order, whether temporary or final, or subject to modification, issued by a court or an administrative agency of competent jurisdiction, for the support and maintenance of a child, including a child who has attained the

age of majority under the law of the issuing state, or a child and the parent with whom the child is living, which provides for monetary support, health care, arrearages, or reimbursement, and which may include related costs and fees, interest and penalties, income withholding, attorneys' fees, and other relief.

Sec. 102. Use of medical support notice; IV-D agency.

(a) In cases being enforced pursuant to Part D of Title IV of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*), where a parent is required by a support order to provide health insurance coverage for a child, which is available through the parent's employer, the IV-D agency may apply for the enrollment of the child in the health insurance coverage by submitting a medical support notice to the employer. The IV-D agency shall, where appropriate, submit a medical support notice to the employer when the support order requires the noncustodial parent to provide health insurance coverage for the child and the employer is known to the IV-D agency, unless the support order directs enrollment of the child in alternative coverage.

(b) Where a noncustodial parent is a newly hired employee entered in the District of Columbia Directory of New Hires pursuant to section 27f of the District of Columbia Child Support Enforcement Amendment Act of 1985, effective April 3, 2001 (D.C. Law 13-269; D.C. Official Code § 46-226.06), and the support order requires the noncustodial parent to provide health insurance coverage for a child, the IV-D agency shall submit the medical support notice to the employer within 2 business days after the entry of the employee in the directory.

(c) The IV-D agency shall promptly notify an employer that has received a medical support notice when there is no longer a support order in effect for which the IV-D agency is responsible that requires a parent to provide health insurance coverage for a child.

Sec. 103. Medical support notice; contents; effect.

(a) A medical support notice shall be issued in a format consistent with federal requirements and shall contain all information required by federal law. A medical support notice shall:

(1) Conform with the requirements applicable to medical child support orders under section 609(a) of the Employee Retirement Income Security Act of 1974, approved August 10, 1993 (107 Stat. 371; 29 U.S.C. § 1169(a)), in connection with group health plans;

(2) Conform with the requirements of section 466(a)(19) of the Social Security Act, approved August 16, 1984 (98 Stat. 1306; 42 U.S.C. § 666(a)(19));

(3) Include a separate and easily severable employer withholding notice that informs the employer of:

(A) The employer's obligations under section 107 to withhold employee contributions due in connection with health insurance coverage a parent is required to provide for a child pursuant to a support order;

(B) The duration of the withholding requirement as stated in section 3(3)

of the Medicaid Benefits Protection Act of 1994, effective March 14, 1995 (D.C. Law 10-202; D.C. Official Code § 1-307.42(3));

(C) The applicability of the limits on withholding imposed under section 303(b) of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. § 1673(b));

(D) The applicability of any prioritization required under section 108 when the employee's earnings are insufficient to satisfy fully through withholding the employee's obligations to provide cash support and contributions for health insurance coverage for the child;

(E) The name and telephone number of the appropriate person to contact at the IV-D agency about the medical support notice;

(F) The employee's right to contest the withholding based on mistake of fact pursuant to section 109, and the employer's obligation to initiate and continue the withholding until the employer receives notice that the contest is resolved; and

(G) The applicability of sanctions against the employer under section 110 for discharging, refusing to employ, or taking disciplinary action against a parent because of the requirement to withhold employee contributions for health insurance coverage, or for failing to withhold or remit earnings.

(b) An appropriately completed medical support notice that meets the requirements of section 401(b) of the Child Support Performance and Incentive Act of 1998, approved July 16, 1998 (112 Stat. 660; 42 U.S.C. § 651 note), shall be deemed to be a qualified medical child support order under section 609(a)(2) of the Employee Retirement Income Security Act of 1974, approved August 10, 1993 (107 Stat. 371; 29 U.S.C. § 1169(a)(2)).

(c) A medical support notice issued in another jurisdiction shall be treated under this title in the same manner as a medical support notice issued in the District of Columbia.

Sec. 104. Duties of the employer.

(a) Upon receipt of a medical support notice, an employer shall, within 20 business days after the date of the medical support notice:

(1) Determine whether health insurance coverage is available to the child included in the medical support notice based on the parent's employment status;

(2) Complete and return to the IV-D agency the applicable portion of the medical support notice if health insurance coverage is unavailable to the child based on the parent's employment status; and

(3) Send the medical support notice, excluding the severable employer withholding notice, to each health insurer that provides health insurance coverage for which the child may be eligible, if health insurance coverage is available to the child based on the parent's employment status.

(b) If the employer determines that the child cannot be enrolled in health insurance coverage because the employee contributions exceed the amount that may be withheld from the

parent's earnings due to federal or District of Columbia withholding limitations or prioritizations, the employer shall promptly complete and send to the IV-D agency the applicable portion of the medical support notice.

(c) If the employer receives notice from a health insurer that the parent is subject to a waiting period that expires more than 90 days from the health insurer's receipt of the medical support notice, or that has a duration determined by a measure other than the passage of time, the employer shall inform the health insurer, when the parent is eligible to enroll in health insurance coverage, that the parent is eligible and that the medical support notice requires the enrollment of the child.

(d) Within 10 days after an employer receives notice that a parent subject to a medical support notice will terminate employment, or within 10 days after the termination, whichever occurs earlier, the employer shall notify the IV-D agency of the termination and provide the IV-D agency with the parent's last known address and the name and address of the parent's new employer, if known.

Sec. 105. Duties of the health insurer.

(a) Upon receipt of a medical support notice from an employer, a health insurer shall, within 40 days after the date of the notice:

(1) Determine whether the medical support notice contains:

(A) The employee's name and mailing address; and

(B) The name of the child to be enrolled in health insurance coverage and the mailing address of the child or a substituted official; and

(2) Complete and send to the IV-D agency and the employer the applicable portion of the medical support notice if the medical support notice does not contain the information described in paragraph (1) of this subsection; or

(3) Comply with the following requirements, subject to subsections (c), (d), and (e) of this section, if the medical support notice contains the information described in paragraph (1) of this subsection:

(A) Determine the child's eligibility for enrollment in health insurance coverage;

(B) Enroll the child in health insurance coverage if the child is eligible for enrollment and not already enrolled, without regard to enrollment season restrictions;

(C) Complete and send to the IV-D agency and the employer the applicable portion of the medical support notice;

(D) Send the parent, the child's custodian, and the child a written notification that health insurance coverage is or will become available to the child; and

(E) Send the child's custodian a written description of the available health insurance coverage, the effective date of the health insurance coverage, summary plan descriptions, and, if not already provided, forms, documents, or other information necessary to obtain health insurance coverage for the child and to submit claims for benefits.

(b) Notification to the child's custodian of the availability of health insurance coverage pursuant to subsection (a)(3)(D) of this section shall be deemed to be notification to the child if the child resides at the same address.

(c) If enrollment of a child in health insurance coverage is subject to a waiting period that has not been completed, within 40 business days after the date of the medical support notice, the health insurer shall complete and send to the employer, the IV-D agency, and both parents the applicable portion of the medical support notice. Within 20 business days after the employee's completion of the waiting period, the health insurer shall comply with the requirements of subsection (a)(3) of this section.

(d) If a child is eligible for enrollment in more than one health insurance coverage option available through the employer, the health insurer shall, within 40 business days after the date of the medical support notice:

(1) Complete and send to the IV-D agency and the employer the applicable portion of the medical support notice; and

(2) Send the IV-D agency copies of applicable summary plan descriptions or other documents that describe the available coverage, including any additional employee contributions necessary to obtain coverage for the child under each option, and any applicable service area limitations for each option.

(e) Within 20 business days after the health insurer sends to the IV-D agency the information stated in subsection (d) of this section, the health insurer shall:

(1) Enroll the child in the health insurance coverage option selected by the IV-D agency, and comply with the other requirements of subsection (a)(3) of this section, if the IV-D agency has notified the health insurer of its selection; or

(2) Enroll the child in any default option for which the child is eligible, and comply with the other requirements of subsection (a)(3) of this section, if the IV-D agency has not notified the health insurer of its selection of a different option.

Sec. 106. Selection of a health insurance coverage option.

(a) Upon receipt of notice from a health insurer that more than one health insurance coverage option is available for a child included in a medical support notice, the IV-D agency shall select an available option in consultation with the child's custodian.

(b) Unless the IV-D agency selects a default health insurance coverage option for which the child is eligible, the IV-D agency shall notify the health insurer of its selection promptly after the health insurer provides the IV-D agency with the information required under section 105(d).

Sec. 107. Withholding for health insurance coverage.

(a) When an employer receives notice from a health insurer that a child has been enrolled in health insurance coverage pursuant to a medical support notice or a support order requiring a parent to provide health insurance coverage, the employer shall:

(1) Withhold from the employee's earnings the employee contributions required to effectuate health insurance coverage for the child in each plan in which the child is enrolled;

(2) Send the amount withheld to the applicable health insurer within 7 business days after the date the amount would have been next paid or credited to the employee;

(3) Continue to withhold premiums for health insurance coverage from the employee's earnings on a regular and consistent basis and pay the premiums to the health insurer; and

(4) Send each additional payment to the health insurer on the same date that the employee is compensated.

(b) Withholding for health insurance coverage shall not exceed the limitations set forth in section 303(b) of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. § 1673(b)).

(c) Nothing in this title shall alter the obligation of an obligor, obligee, employer, or other person or entity to comply with the provisions for the withholding of earnings or other income stated in the District of Columbia Child Support Enforcement Amendment Act of 1985, effective February 24, 1987 (D.C. Law 6-166; D.C. Official Code § 46-201 *et seq.*).

Sec. 108. Priority of withholding for employee contributions to health insurance coverage.

(a) If withholding of both the full amount of current cash support and the full amount of an employee's contributions for health insurance coverage for a child included in a medical support notice or a support order requiring a parent to provide health insurance coverage exceeds the limits of section 303(b) of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. § 1673(b)), then current cash support shall receive priority and shall be withheld in full prior to any withholding being made for employee contributions for health insurance coverage.

(b) If the full amount of current cash support and the full amount of employee contributions for health insurance coverage can be withheld within the limits of section 303(b) of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. § 1673(b)), the employer shall withhold earnings for additional cash amounts that are subject to withholding after the employee's obligations for current cash support and contributions for health insurance coverage are satisfied.

(c) If an employer is required to withhold earnings or employee contributions for health insurance coverage pursuant to more than one support order, the employer shall prorate among the support orders subject to withholding the amount of the employee's earnings that are available for withholding within the limits of section 303(b) of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. § 1673(b)), and determine whether the available earnings are sufficient to satisfy current cash support due under all applicable support orders. The employer shall not withhold contributions for health insurance coverage required under any support order until all the employee's current cash support obligations are satisfied.

The employer shall prorate among the support orders subject to withholding the employee's remaining earnings that are available for withholding under section 303(b) of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. § 1673(b)), to determine whether the earnings prorated to each support order are sufficient to allow the enrollment in health insurance coverage of the child subject to the applicable support order.

(d) An employer shall apply the law of the employee's principal place of employment in determining the limitations and priorities applicable to the withholding of employee contributions for health insurance coverage.

Sec. 109. Liability for contributions to health insurance coverage; objections to withholding.

(a) An employee is liable for employee contributions required to enroll a child in health insurance coverage pursuant to a medical support notice or a support order, except that an employee may contest a withholding for employee contributions for health insurance coverage based on a mistake of fact.

(b) An employee may contest a withholding for employee contributions for health insurance coverage by filing a motion to quash the withholding with the Superior Court of the District of Columbia, with service upon the IV-D agency, if the withholding was commenced pursuant to a medical support notice. The employee shall file the motion within 15 days after the date the first employee contributions for health insurance coverage are withheld from the employee's earnings.

(c) The only grounds for contesting a withholding based on a mistake of fact under this section are:

- (1) The identity of the employee;
- (2) The amount of the employee contributions necessary to enroll the child in the health insurance coverage;
- (3) The existence of an underlying support order requiring the employee to provide health insurance coverage for the child; and
- (4) Whether the amount withheld for health insurance coverage exceeds the limits of section 303(b) of the Consumer Credit Protection Act, approved May 29, 1968 (82 Stat. 163; 15 U.S.C. § 1673(b)).

(d) Enrollment of a child in health insurance coverage and withholding of the employee's contributions for health insurance coverage shall not be stayed or terminated until the employer receives written notice that the contest has been resolved in the employee's favor.

(e) Nothing in this section shall be construed to limit an employee's right to contest an underlying support order requiring the employee to provide health insurance coverage for a child.

Sec. 110. Sanctions; limitations on liability.

(a) An employer shall not discharge, refuse to employ, or take disciplinary action against

a parent or employee based on the parent or employee's obligation to provide health insurance coverage for a child under a medical support notice or a support order.

(b) There shall be a rebuttable presumption that an employer who engages in conduct described in subsection (a) of this section within 90 days from the date of receipt of the medical support notice or the support order is in violation of this section and may be subject to the sanctions in subsection (c) of this section.

(c) Any employer who engages in conduct described in subsection (a) of this section shall be subject to a civil penalty of up to \$10,000. An employee, a parent, or the IV-D agency may bring a civil action against an employer who violates subsection (a) of this section. A civil penalty obtained under this section shall be used to offset the employee's duty of support.

(d) If an employer fails to withhold an employee contribution for health insurance coverage or fails to send a withheld contribution to the health insurer as required by section 108, a judgment shall be entered against the employer for the amount not withheld or paid to the health insurer, and for any reasonable counsel fees and court costs incurred by the employee, a parent, the health insurer, or the IV-D agency as a result of the failure to withhold or make payment.

(e) An employer shall be liable for unreimbursed health care expenses incurred by or on behalf of a child as a result of the employer's failure to comply with the requirements of this title or section 3 of the Medicaid Benefits Protection Act of 1994, effective March 14, 1995 (D.C. Law 10-202; D.C. Official Code § 1-307.42).

(f) A health insurer shall be liable for unreimbursed health care expenses incurred by or on behalf of a child as a result of the health insurer's failure to comply with the requirements of this title or section 2 of the Medicaid Benefits Protection Act of 1994, effective March 14, 1995 (D.C. Law 10-202; D.C. Official Code § 1-307.41).

(g) Neither an employer nor a health insurer shall be subject to liability under subsections (d), (e), or (f) of this section if the employer or health insurer proves by a preponderance of the evidence that the failure to comply was due to exigent circumstances beyond the control of the employer or health insurer.

(h) Neither an employer nor a health insurer who complies, in accordance with the requirements of this title, with a medical support notice or a support order that is regular on its face shall be subject to civil liability to an individual or entity for conduct in compliance with the medical support notice or support order.

TITLE II -- CONFORMING AMENDMENTS

Sec. 201. The Medicaid Benefits Protection Act of 1994, effective March 14, 1995 (D.C. Law 10-202; D.C. Official Code § 1-307.41 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 1-307.41) is amended as follows:

(1) Subsection (c)(1) is amended to read as follows:

“(1) Provide such information to the custodial parent as may be necessary to obtain benefits through such coverage, including the information required under section 105(a)

Note,
§ 1-307.41

of the Medical Support Establishment and Enforcement Temporary Amendment Act of 2002, passed on 2nd reading on October 1, 2002 (Enrolled version of Bill 14-842).”.

(2) Subsection (d) is amended as follows:

(A) Paragraph (2) is amended by striking the word “and” at the end.

(B) A new paragraph (2A) is added to read as follows:

“(2A) Enroll the child under family coverage upon application by the child’s other parent, or by the District of Columbia agency administering either the Medicaid program or the child support enforcement program pursuant to Part D of Title IV of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*), if the employed parent is not enrolled and the health insurance plan requires the employed parent’s enrollment for the child to be eligible; and”.

(b) Section 3 (D.C. Official Code § 1-307.42) is amended as follows:

(1) A new paragraph (2A) is added to read as follows:

“(2A) Enroll the child under family coverage upon application by the child’s other parent, or by the District of Columbia agency administering either the Medicaid program or the child support enforcement program pursuant to Part D of Title IV of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*), if the employed parent is not enrolled and the health insurance plan requires the employed parent’s enrollment for the child to be eligible;”.

Note,
§ 1-307.42

(2) Paragraph (3) is amended as follows:

(A) Subparagraph (B) is amended by striking the word “or” at the end.

(B) Subparagraph (C) is amended by adding the word “or” at the end.

(C) A new subparagraph (D) is added to read as follows:

“(D) The employer no longer employs the parent and the parent has not elected to continue coverage through a plan offered by the employer for post-employment health insurance coverage for dependents;”.

(3) Paragraph (4) is amended as follows:

(A) Strike the word “Withhold” and insert the phrase “Subject to sections 107 and 108 of the Medical Support Establishment and Enforcement Temporary Amendment Act of 2002, passed on 2nd reading on October 1, 2002 (Enrolled version of Bill 14-842), withhold” in its place.

(B) Strike the word “and” at the end.

(4) Paragraph (5) is amended to read as follows:

“(5) Upon receipt of a court or administrative order that has directed the parent to provide health insurance coverage for the child, notify the insurer of the order for health insurance coverage and inform the insurer that the order operates to enroll the child in the coverage; and”

(5) A new paragraph (6) is added to read as follows:

“(6) Upon receipt of a medical support notice issued by the IV-D agency under section 102 of the Medical Support Establishment and Enforcement Temporary Amendment Act

of 2002, passed on 2nd reading on October 1, 2002 (Enrolled version of Bill 14-842), comply with the provisions of sections 104, 107 and 108 of that act.”.

Sec. 202. Title 16 of the District of Columbia Official Code is amended as follows:

(a) Section 16-901 is amended to add a new paragraph (4) to read as follows:

“(4) “Support order” means a judgment, decree, or order, whether temporary, final, or subject to modification, issued by a court or an administrative agency of competent jurisdiction, for the support and maintenance of a child, including a child who has attained the age of majority under the law of the issuing state, or a child and the parent with whom the child is living, which provides for monetary support, health care, arrearages, or reimbursement and which may include related costs and fees, interest and penalties, income withholding, attorneys’ fees, and other relief.”.

Note,
§ 16-901

(b) Section 16-916 is amended as follows:

(1) Subsection (a) is amended by striking the phrase “that either or both parents shall pay for the unreimbursed medical expenses of the child, and that a parent shall obtain medical insurance for the child whenever that insurance is available at a reasonable cost,”.

Note,
§ 16-916

(2) Subsection (c) is amended by striking the phrase “that either or both parents shall pay for the unreimbursed medical expenses of the child, that the parent obtain medical insurance for the child whenever that insurance is available at a reasonable cost,”.

(3) New subsections (c-1), (c-2), and (c-3) are added to read as follows:

“(c-1) A support order entered under this section shall contain terms providing for the payment of medical expenses for each child included in the support order, whether or not health insurance coverage is available to pay for those expenses. The court may order either or both parents to provide health insurance coverage for the child, or to pay the unreimbursed medical expenses of the child.

“(c-2) Each new or modified support order entered pursuant to Part D of Title IV of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; § 42 U.S.C. 651 *et seq.*), shall contain a provision for health insurance coverage for each child included in the support order whenever health insurance coverage is available to the noncustodial parent at a reasonable cost. If health insurance coverage is not available to the noncustodial parent at a reasonable cost when the support order is entered, the court may order the noncustodial parent to obtain the health insurance coverage when it becomes available.

“(c-3) For the purposes of this section, health insurance coverage shall be considered reasonable in cost if it is employer-related or other group health insurance coverage, regardless of the service delivery mechanism.”.

(c) Section 16-916.01 is amended as follows:

(1) Subsection (h)(3) is amended to read as follows:

“(3) If a noncustodial parent does not have medical insurance coverage, and can obtain medical insurance coverage at a reasonable cost, the court shall order the noncustodial parent to obtain medical insurance coverage for the child in accordance with § 16-916 and

Note,
§ 16-916.01

federal law. The amount of the offset shall equal the difference between the premium for single coverage and the premium for family coverage. No offset shall be calculated by using the cost for the coverage for the noncustodial parent.”.

(2) A new subsection (h-1) is added to read as follow:

“(h-1) For the purposes of this section, medical insurance coverage shall be considered reasonable in cost if it is employer-related or other group medical insurance coverage, regardless of the service delivery mechanism.”.

(3) Subsection (o) is amended by adding a new paragraph (2A) to read as follows:

“(2A) The court may modify a support order to require a parent to provide medical insurance coverage for a child at the request of a party, if the support order does not contain a provision for medical insurance coverage. The court shall modify a support order to include a provision for medical insurance coverage at the request of the IV-D agency, if the support order is being enforced pursuant to Part D of Title IV of the Social Security Act, approved January 4, 1975 (88 Stat. 2351; 42 U.S.C. § 651 *et seq.*), and medical insurance coverage is available to the noncustodial parent at a reasonable cost.”.

Sec. 203. The District of Columbia Child Support Enforcement Amendment Act of 1985, effective February 24, 1987 (D.C. Law 6-166; D.C. Official Code § 46-201 *et seq.*), is amended as follows:

(a) Section 5(a) (D.C. Official Code § 46-204(a)) is amended by striking the phrase “reviewed pursuant to § 16-916.1(o)(2).” in the last sentence and inserting the phrase “reviewed or modified pursuant to D.C. Official Code § 16-916.01(o)(2) or (o)(2A).” in its place.

Note,
§ 46-204

(b) Section 6(5) (D.C. Official Code § 46-205(5)) is amended to read as follows:

“(5) Notice that if the obligor is required under the support order to provide health insurance coverage for a child, the obligor’s employer will, upon receipt of notice of the health insurance coverage provision, enroll the child in health insurance coverage in accordance with sections 2 and 3 of the Medicaid Benefits Protection Act of 1994, effective March 14, 1995 (D.C. Law 10-202; D.C. Official Code §§ 1-307.41 and 1-307.42), and Title I of the Medical Support Establishment and Enforcement Temporary Amendment Act of 2002, passed on 2nd reading on October 1, 2002 (Enrolled version of Bill 14-842).”.

Note,
§ 46-205

(c) Section 8(b)(6) (D.C. Official Code § 46-207(b)(6)) is amended to read as follows:

“(6) Notice that if the obligor is required under the support order to provide health insurance coverage for a child, the obligor’s employer will, upon receipt of notice of the health insurance coverage provision, enroll the child in health insurance coverage in accordance with sections 2 and 3 of the Medicaid Benefits Protection Act of 1994, effective March 14, 1995 (D.C. Law 10-202; D.C. Official Code §§ 1-307.41 and 1-307.42), and Title I of the Medical Support Establishment and Enforcement Temporary Amendment Act of 2002, passed on 2nd reading on October 1, 2002 (Enrolled version of Bill 14-842).”.

Note,
§ 46-207

TITLE III - FISCAL IMPACT STATEMENT

Sec. 301. Fiscal impact statement.

The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

TITLE IV -- EFFECTIVE DATE

Sec. 401. (a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

Chairman
Council of the District of Columbia

Mayor
District of Columbia