

Sixtieth  
Legislative Assembly  
of North Dakota

**SENATE BILL NO. 2336**

Introduced by

Senators Dever, Fischer, Warner

Representative Klemin

1 A BILL for an Act to create and enact a new subsection to section 14-09-09.7 of the North  
2 Dakota Century Code, relating to liability for children's health insurance coverage or health care  
3 costs; to amend and reenact sections 14-09-08.10, 14-09-08.15, and 14-09-09 and  
4 subsection 3 of section 14-09-09.10 of the North Dakota Century Code, relating to liability for  
5 children's health insurance coverage or health care costs; and to provide an effective date.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. AMENDMENT.** Section 14-09-08.10 of the North Dakota Century Code is  
8 amended and reenacted as follows:

9 **14-09-08.10. Order.** Each order entered under this code for the support of a minor  
10 child or the support of a child after majority under section 14-09-08.2 must include a provision  
11 for the child's health insurance coverage for that child or health care costs.

12 ~~1. Except as provided in subsection 2, the~~ Liability for the child's health insurance  
13 coverage or health care costs must be established according to guidelines  
14 established by the public authority under section 14-09-09.7. The order must  
15 require the obligor obligated parent to provide satisfactory health insurance  
16 coverage whenever that coverage is accessible to the child, as defined by the  
17 public authority, and available at reasonable cost or becomes accessible and  
18 available at reasonable cost.

19 ~~2. If the obligee is an individual with physical custody of the child, the obligee must be~~  
20 ~~required to provide satisfactory health insurance whenever that coverage is~~  
21 ~~available at no or nominal cost.~~

22 To assist a court in identifying appropriate health insurance coverage under this section, the  
23 public authority may publish a list of child-only health insurance policies and enter into an

1 agreement with one or more health insurers authorized to do business in this state to offer a  
2 group health insurance policy for any child who is subject to an order under this section.

3       **SECTION 2. AMENDMENT.** Section 14-09-08.15 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5       **14-09-08.15. Reasonable cost of health insurance.** For purposes of this chapter,  
6 health insurance is considered reasonable in cost if it is available to the obligor on a group  
7 basis or through an employer or union, regardless of service delivery mechanism, or as  
8 otherwise defined by the public authority in compliance with rules promulgated by the secretary  
9 of the United States department of health and human services. The definition of reasonable  
10 cost established by the public authority under this section must consider the scope of covered  
11 services, the cost of coverage, and the amount of any copayments or deductibles. The public  
12 authority also must consider the impact of the definition of reasonable cost of health insurance  
13 on a child's potential participation in the children's health insurance program under chapter  
14 50-29.

15       **SECTION 3. AMENDMENT.** Section 14-09-09 of the North Dakota Century Code is  
16 amended and reenacted as follows:

17       **14-09-09. Liability of a stepparent for support.**

- 18       1. A Except as provided in this section, a stepparent is not bound to maintain the  
19       spouse's dependent children, as defined in section 50-09-01, unless the child is  
20       received into the stepparent's family. If the stepparent receives them into the  
21       family, the stepparent is liable, to the extent of the stepparent's ability, to support  
22       them during the marriage and so long thereafter as they remain in the stepparent's  
23       family. Such liability may be enforced against the stepparent by any person  
24       furnishing necessities to such children. If the children are received into the  
25       stepparent's family and supported by the stepparent, it is presumed that the  
26       stepparent does so as a parent, in which case the children are not liable to the  
27       stepparent for their support, nor the stepparent to them for their services. The  
28       legal obligation of a natural or adoptive parent to support that person's children is  
29       not affected by the liability imposed upon their stepparent by this section.
- 30       2. A stepparent may be ordered to provide health insurance coverage for the  
31       spouse's dependent children under section 14-09-08.10.

1           **SECTION 4.** A new subsection to section 14-09-09.7 of the North Dakota Century Code  
2 is created and enacted as follows:

3           The guidelines established under this section may include a separate amount of  
4           child support for the child's health insurance coverage or health care costs. This  
5           amount may be in addition to, or in lieu of, health insurance coverage provided to  
6           the child.

7           **SECTION 5. AMENDMENT.** Subsection 3 of section 14-09-09.10 of the North Dakota  
8 Century Code is amended and reenacted as follows:

9           3. "Child support" means payments for the support of children, including payments for  
10           health insurance coverage or health care costs, and combined payments for the  
11           support of children and spouses or former spouses, however denominated, if the  
12           payment is required by the order of a court or other governmental agency having  
13           authority to issue such orders.

14           **SECTION 6. EFFECTIVE DATE.** Sections 1, 2, and 3 of this Act become effective on  
15 the date the department of human services certifies to the legislative council as the effective  
16 date of guidelines adopted to implement this Act.