

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.