

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1202

Short Title: Child Health Ins./Support Orders.

(Public)

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Sponsors: Representative Cansler.

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Referred to: Judiciary II.

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April 15, 1999

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT A CHILD IS DEEMED UNINSURED FOR  
2 PURPOSES OF HEALTH INSURANCE UNDER HEALTH CHOICE IF THE  
3 CHILD'S PARENT FAILS TO COMPLY WITH COURT-ORDERED HEALTH  
4 INSURANCE.  
5

6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 108A-70.21(a) reads as rewritten:

8 "(a) Eligibility. – The Department may enroll eligible children based on availability  
9 of funds. Following are eligibility and other requirements for participation in the  
10 Program:

11 ...

12 (3) If a responsible parent is under a court order to provide or maintain  
13 health insurance for a child and has failed to comply with the court  
14 order, then the child is deemed uninsured for purposes of determining  
15 eligibility for Program benefits if at the time of application the custodial  
16 parent shows proof of agreement to notify and cooperate with the child  
17 support enforcement agency in enforcing the order. benefits.

18 If health insurance other than under the Program is provided to the  
19 child after enrollment and prior to the expiration of the eligibility period  
20 for which the child is enrolled in the Program, then the child is deemed

1 to be insured and ineligible for continued coverage under the Program.  
2 The custodial parent has a duty to notify the Department within 10 days  
3 of receipt of the other health insurance, and the Department, upon  
4 receipt of notice, shall disenroll the child from the Program. As used in  
5 this paragraph, the term 'responsible parent' means a person who is  
6 under a court order to pay child support."

7 Section 2. G.S. 110-135 reads as rewritten:

8 **"§ 110-135. Debt to State created.**

9 Acceptance of public assistance by or on behalf of a dependent child creates a debt, in  
10 the amount of public assistance paid, due and owing the State by the responsible parent or  
11 parents of the child. ~~Provided, however, that in~~ In those cases in which child support was  
12 required to be paid incident to a court order during the time of receipt of public  
13 assistance, the debt shall be limited to the amount specified in ~~such~~ the court order. This  
14 liability shall attach only to public assistance granted subsequent to June 30, 1975, and  
15 only with respect to the period of time during which public assistance is granted, and only  
16 if the responsible parent or parents were financially able to furnish support during this  
17 period. In those cases in which a responsible parent is subject to a court order to provide  
18 medical support or to maintain health insurance or dental insurance as provided under  
19 G.S. 50-13.11 during the time the child is provided health, hospital, or dental services  
20 under the Health Insurance Program for Children established by Part 8 of Article 2 of  
21 Chapter 108A of the General Statutes, the debt shall be limited to the amount of health,  
22 hospital, or dental expenses paid for the child by the Health Insurance Program for  
23 Children, and for which the responsible parent is liable under G.S. 50-13.11(e).

24 The United States, the State of North Carolina, and any county within the State which  
25 has provided public assistance to or on behalf of a dependent child shall be entitled to  
26 share in any sum collected under this section, and their proportionate parts of such sum  
27 shall be determined in accordance with the matching formulas in use during the period  
28 for which assistance was paid.

29 No action to collect such debt shall be commenced after the expiration of five years  
30 subsequent to the receipt of the last grant of public assistance. The county attorney or an  
31 attorney retained by the county and/or State shall represent the State in all proceedings  
32 brought under this section."

33 Section 3. G.S. 108A-25 is amended by adding the following new subsection  
34 to read:

35 "(b2) The Health Insurance Program for Children is established as a program of  
36 public assistance and shall be supervised and administered as provided in Part 8 of this  
37 Article."

38 Section 4. This act is effective when it becomes law.