

28 (2) When a complaint for divorce or separate maintenance has been filed or a court order
29 has been entered providing for the payment of medical and dental expenses of a minor child
30 pursuant to Section 30-3-5, 30-4-3, or 78-45-7.15, or an administrative order under Section
31 62A-11-326 and the creditor receives a copy of the complaint or order, the creditor may not make
32 a negative credit report under Section 70C-7-107, or report of the debtor's repayment practices or
33 credit history under Title 7, Chapter 14, Credit Information Exchange, regarding a parent who has
34 paid in full that share of the medical and dental expenses required to be paid by that parent under
35 the order or Section 30-3-4.5.

36 Section 2. Section **30-3-4.5** is enacted to read:

37 **30-3-4.5. Responsibility for medical and dental expenses in absence of an order.**

38 (1) After a complaint for divorce or separate maintenance is filed, each parent shall be
39 responsible for 50% of the reasonable and necessary medical and dental expenses of the dependent
40 children that are not paid for by insurance until an order assigning responsibility for such expenses
41 is rendered pursuant to Section 30-3-5.

42 (2) If for any reason, a divorce decree fails to assign the responsibility for medical and
43 dental expenses as required by Section 30-3-5, regardless of when the divorce decree was rendered,
44 the parents shall each be responsible for 50% of the reasonable and necessary medical and dental
45 expenses of the dependent children that are not paid for by insurance until an order assigning
46 responsibility for such expenses is rendered pursuant to Section 30-3-5.

47 (3) This section applies to medical and dental expenses that are incurred on or after July
48 1, 2000.

49 (4) Nothing in this section may be construed as restricting the ability of a court to:

50 (a) assign responsibility for medical and dental expenses incurred prior to July 1, 2000;

51 or

52 (b) render an order pursuant to Section 30-3-5 that does not assign equal responsibility for
53 medical and dental expenses to the parents, except as provided in Section 78-45-7.15.

54 Section 3. Section **62A-11-326** is amended to read:

55 **62A-11-326. Medical and dental expenses of dependent children.**

56 (1) In any action under this part, the office and the department in their orders:

57 [(1)] (a) shall include a provision assigning responsibility for the payment of reasonable
58 and necessary medical and dental expenses of the dependent children; and

59 [~~(2)~~] (b) may include a provision requiring the purchase and maintenance of appropriate
60 medical, hospital, and dental care insurance for those children, if insurance coverage is or becomes
61 available at a reasonable cost.

62 (2) If for any reason, an order under this section fails to assign the responsibility for
63 medical and dental expenses as required by Subsection (1)(a), regardless of when the order was
64 issued, the parents shall each be responsible for 50% of the reasonable and necessary medical and
65 dental expenses of the dependent children that are not paid for by insurance until an order
66 assigning responsibility for such expenses is rendered pursuant to Subsection (1)(a), Section
67 30-3-5, or Section 78-45-7.15.

68 Section 4. Section **78-45-7.15** is amended to read:

69 **78-45-7.15. Medical expenses.**

70 (1) The court shall order that insurance for the medical expenses of the minor children be
71 provided by a parent if it is available at a reasonable cost.

72 (2) In determining which parent shall be ordered to maintain insurance for medical
73 expenses, the court or administrative agency may consider the:

- 74 (a) reasonableness of the cost;
75 (b) availability of a group insurance policy;
76 (c) coverage of the policy; and
77 (d) preference of the custodial parent.

78 (3) The order shall require each parent to share equally the out-of-pocket costs of the
79 premium actually paid by a parent for the children's portion of insurance.

80 (4) The children's portion of the premium is a per capita share of the premium actually
81 paid. The premium expense for the children shall be calculated by dividing the premium amount
82 by the number of persons covered under the policy and multiplying the result by the number of
83 children in the instant case.

84 (5) The order shall require each parent to share equally all reasonable and necessary
85 uninsured medical expenses, including deductibles and copayments, incurred for the dependent
86 children.

87 (6) The parent ordered to maintain insurance shall provide verification of coverage to the
88 other parent, or to the Office of Recovery Services under Title IV of the Social Security Act, 42
89 U.S.C. Section 601 et seq., upon initial enrollment of the dependent children, and thereafter on or

90 before January 2 of each calendar year. The parent shall notify the other parent, or the Office of
91 Recovery Services under Title IV of the Social Security Act, 42 U.S.C. Section 601 et seq., of any
92 change of insurance carrier, premium, or benefits within 30 calendar days of the date he first knew
93 or should have known of the change.

94 (7) A parent who incurs medical expenses shall provide written verification of the cost and
95 payment of medical expenses to the other parent within 30 days of payment.

96 (8) In addition to any other sanctions provided by the court, a parent incurring medical
97 expenses may be denied the right to receive credit for the expenses or to recover the other parent's
98 share of the expenses if that parent fails to comply with Subsections (6) and (7).

99 (9) Uninsured medical and dental expenses that are incurred after a complaint for divorce
100 or separate maintenance has been filed and before an order is issued under this section shall be
101 subject to Section 30-3-4.5.

102 Section 5. Section **78-45-7.19** is amended to read:

103 **78-45-7.19. Determination of parental liability.**

104 (1) The district court or administrative agency may issue an order determining the amount
105 of a parent's liability for medical expenses of a dependent child when the parent:

106 (a) is required by a prior court or administrative order to:

107 (i) share those expenses with the other parent of the dependent child; or

108 (ii) obtain insurance for medical expenses but fails to do so; or

109 (b) receives direct payment from an insurer under insurance coverage obtained after the
110 prior court or administrative order was issued.

111 (2) If the prior court or administrative order does not specify what proportions of the
112 expenses are to be shared, [~~the district court may determine~~] the amount of liability [~~as may be~~
113 ~~reasonable and necessary~~] shall be determined in accordance with Section 30-3-4.5.

114 (3) This section applies to an order without regard to when it was issued.

Legislative Review Note

as of 2-9-00 4:21 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel