



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB0258

Introduced 2/17/2021, by Sen. Michael E. Hastings

SYNOPSIS AS INTRODUCED:

750 ILCS 5/505.2

from Ch. 40, par. 505.2

Amends a Section of the Illinois Marriage and Dissolution of Marriage Act regarding health insurance coverage for children. Defines "insurance obligee" as an individual to whom a health insurance obligation is owed on behalf of a child and "insurance obligor" as an individual who has an obligation to provide health insurance for a child. Changes certain terminology in the Section to conform to the new defined terms. Deletes language providing that the court shall enter an order for health insurance coverage of the child upon the request of the obligee or the public office in charge of child support enforcement. Deletes certain requirements concerning the procedures and notice obligations governing an application for insurability following the entry of an order. Deletes language providing that the court shall order the obligor to reimburse the obligee for 50% of the premium for placing the child on his or her health insurance policy under certain circumstances. Deletes language providing that the court may order the obligor to reimburse the obligee for 100% of the premium for placing the child on his or her health insurance policy. Deletes language providing that the obligor shall be liable to the obligee for the dollar amount of the premiums that were not paid. Provides that an employer may eliminate a child from the insurance obligor's health insurance coverage if the employer no longer provides a group health insurance plan to any employees or the child is no longer eligible for coverage due to federal or State restrictions. Makes other changes.

LRB102 04374 LNS 14392 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Marriage and Dissolution of
5 Marriage Act is amended by changing Section 505.2 as follows:

6 (750 ILCS 5/505.2) (from Ch. 40, par. 505.2)

7 Sec. 505.2. Health insurance.

8 (a) Definitions. As used in this Section:

9 (1) (Blank). ~~"Obligee" means the individual to whom~~
10 ~~the duty of support is owed or the individual's legal~~
11 ~~representative.~~

12 (2) (Blank). ~~"Obligor" means the individual who owes a~~
13 ~~duty of support pursuant to an order for support.~~

14 (3) "Public office" means any elected official or any
15 State or local agency which is or may become responsible
16 by law for enforcement of, or which is or may become
17 authorized to enforce, an order for support, including,
18 but not limited to: the Attorney General, the Illinois
19 Department of Healthcare and Family Services, the Illinois
20 Department of Human Services, the Illinois Department of
21 Children and Family Services, and the various State's
22 Attorneys, Clerks of the Circuit Court and supervisors of
23 general assistance.

1 (4) "Child" shall have the meaning ascribed to it in
2 Section 505.

3 (5) "Insurance obligee" means any individual to whom
4 the health insurance obligation is owed on behalf of the
5 child.

6 (6) "Insurance obligor" means any individual who has
7 an obligation to provide health insurance for the child.

8 (b) Order.

9 (1) Whenever the court establishes, modifies or
10 enforces an order for child support or for child support
11 and maintenance the court shall include in the order a
12 provision for the health insurance ~~care~~ coverage of the
13 child which shall, ~~upon request of the obligee or Public~~
14 ~~Office,~~ require that any child covered by the order be
15 named as a beneficiary of any health insurance plan that
16 is available to the insurance obligor through an employer
17 or labor union or trade union. If the court finds that such
18 a plan is not available ~~to the obligor, or that the plan is~~
19 ~~not accessible to the obligee,~~ the court may, ~~upon request~~
20 ~~of the obligee or Public Office,~~ order the insurance
21 obligor to name the child covered by the order as a
22 beneficiary of any health insurance plan that is available
23 to the insurance obligor on a group basis, or as a
24 beneficiary of an independent health insurance plan to be
25 obtained by the insurance obligor, after considering the
26 following factors:

1 (A) the medical needs of the child;

2 (B) the availability of a plan to meet those
3 needs; and

4 (C) the cost of such ~~a~~ health insurance plan to the
5 insurance obligor and insurance obligee.

6 (2) If the employer or labor union or trade union
7 offers more than one plan, the order shall require the
8 insurance obligor to name the child as a beneficiary of
9 the plan in which the insurance obligor is enrolled.

10 (3) Nothing in this Section shall be construed to
11 limit the authority of the court to establish or modify a
12 support order to provide for payment of expenses,
13 including deductibles, copayments and any other health
14 expenses, which are in addition to expenses covered by an
15 insurance plan of which a child is ordered to be named a
16 beneficiary pursuant to this Section.

17 (c) Implementation ~~and enforcement~~.

18 (1) When the court order requires that a minor child
19 be named as a beneficiary of a health insurance plan,
20 other than a health insurance plan available through an
21 employer or labor union or trade union, the insurance
22 obligor shall provide written proof to the insurance
23 obligee or Public Office that the required insurance has
24 been obtained, ~~or that application for insurability has~~
25 ~~been made, within 30 days of receiving notice of the court~~
26 ~~order. Unless the obligor was present in court when the~~

1 ~~order was issued, notice of the order shall be given~~
2 ~~pursuant to Illinois Supreme Court Rules. If an obligor~~
3 ~~fails to provide the required proof, he may be held in~~
4 ~~contempt of court.~~

5 (2) When the court requires that a child be named as a
6 beneficiary of a health insurance plan available through
7 an employer or labor union or trade union, the court's
8 order shall be implemented in accordance with the Income
9 Withholding for Support Act.

10 (2.5) (Blank). ~~The court shall order the obligor to~~
11 ~~reimburse the obligee for 50% of the premium for placing~~
12 ~~the child on his or her health insurance policy if:~~

13 ~~(i) a health insurance plan is not available to~~
14 ~~the obligor through an employer or labor union or~~
15 ~~trade union and the court does not order the obligor to~~
16 ~~cover the child as a beneficiary of any health~~
17 ~~insurance plan that is available to the obligor on a~~
18 ~~group basis or as a beneficiary of an independent~~
19 ~~health insurance plan to be obtained by the obligor;~~
20 ~~or~~

21 ~~(ii) the obligor does not obtain medical insurance~~
22 ~~for the child within 90 days of the date of the court~~
23 ~~order requiring the obligor to obtain insurance for~~
24 ~~the child.~~

25 ~~The provisions of subparagraph (i) of paragraph 2.5 of~~
26 ~~subsection (c) shall be applied, unless the court makes a~~

1 ~~finding that to apply those provisions would be~~
2 ~~inappropriate after considering all of the factors listed~~
3 ~~in paragraph 2 of subsection (a) of Section 505.~~

4 ~~The court may order the obligor to reimburse the~~
5 ~~obligee for 100% of the premium for placing the child on~~
6 ~~his or her health insurance policy.~~

7 (d) Failure to maintain insurance. The dollar amount of
8 the premiums for court-ordered health insurance, or that
9 portion of the premiums for which the insurance obligor is
10 responsible in the case of insurance provided under a group
11 health insurance plan through an employer or labor union or
12 trade union where the employer or labor union or trade union
13 pays a portion of the premiums, shall be considered an
14 additional child support obligation ~~owed by the obligor.~~
15 Whenever the insurance obligor fails to provide or maintain
16 health insurance pursuant to an order for support, the
17 insurance obligor shall be liable ~~to the obligee for the~~
18 ~~dollar amount of the premiums which were not paid, and shall~~
19 ~~also be liable~~ for all medical expenses incurred by the child
20 which would have been paid or reimbursed by the health
21 insurance which the insurance obligor was ordered to provide
22 or maintain. In addition, the insurance obligee may petition
23 the court to modify the order based solely on the insurance
24 obligor's failure to maintain or pay the premiums for
25 court-ordered health insurance for the child.

26 (e) Authorization for payment. The signature of the

1 insurance obligee is a valid authorization to the insurer to
2 process a claim for payment under the insurance plan to the
3 provider of the health insurance plan ~~care services~~ or to the
4 insurance obligee.

5 (f) Disclosure of information. The insurance obligor's
6 employer or labor union or trade union shall disclose to the
7 insurance obligee or Public Office, upon request, information
8 concerning any dependent coverage plans which would be made
9 available to a new employee or labor union member or trade
10 union member. The employer or labor union or trade union shall
11 disclose such information whether or not a court order for
12 medical support has been entered.

13 (g) Employer obligations. If an insurance obligor ~~a parent~~
14 is required by an order for support to provide health
15 insurance coverage for a child ~~child's health care expenses~~
16 and if that coverage is available to the insurance obligor
17 ~~parent~~ through an employer who does business in this State,
18 the employer must do all of the following upon receipt of a
19 copy of the order of support or order for withholding:

20 (1) The employer shall, upon the insurance obligor's
21 ~~parent's~~ request, permit the insurance obligor ~~parent~~ to
22 include in that coverage a child who is otherwise eligible
23 for that coverage, without regard to any enrollment season
24 restrictions that might otherwise be applicable as to the
25 time period within which the child may be added to that
26 coverage.

1 (2) If the insurance obligor ~~parent~~ has health
2 insurance ~~care~~ coverage through the employer but fails to
3 apply for coverage for ~~of~~ the child, the employer shall
4 include the child in the insurance obligor's ~~parent's~~
5 coverage upon application by the insurance obligee ~~child's~~
6 ~~other parent~~ or the Department of Healthcare and Family
7 Services.

8 (3) The employer may not eliminate any child from the
9 insurance obligor's ~~parent's~~ health insurance ~~care~~
10 coverage unless: the employee is no longer employed by the
11 employer and no longer covered under the employer's group
12 health plan; the employer no longer provides a group
13 health insurance plan to any employees; the child is no
14 longer eligible for coverage due to federal or State
15 restrictions; or unless the employer is provided with
16 satisfactory written evidence of either of the following:

17 (A) The order for support is no longer in effect.

18 (B) The child is or will be included in a
19 comparable health insurance ~~care~~ plan obtained by the
20 insurance obligor ~~parent~~ under such order that is
21 currently in effect or will take effect no later than
22 the date the prior coverage is terminated.

23 The employer may eliminate a child from the insurance
24 obligor's ~~a parent's~~ health insurance ~~care~~ plan obtained
25 by the insurance obligor ~~parent~~ under such order if the
26 employer has eliminated dependent health insurance ~~care~~

1 coverage for all of its employees.

2 (Source: P.A. 94-923, eff. 1-1-07; 95-331, eff. 8-21-07.)