

2023 HOUSE HUMAN SERVICES

HB 1458

2023 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

HB 1458
1/23/2023

Relating to child support guidelines.

Chairman Weisz called the meeting to order at 9:33 AM.

Chairman Robin Weisz, Vice Chairman Matthew Ruby, Reps. Karen A. Anderson, Mike Beltz, Clayton Fegley, Kathy Frelich, Dawson Holle, Carrie McLeod, Todd Porter, Brandon Prichard, Karen M. Rohr, Jayme Davis, and Gretchen Dobervich present. Rep. Dwight Kiefert not present.

Discussion Topics:

- Health insurance policy
- Amendment
- Out of pocket payments
- Family and single parent child support plans
- Choice of health care or other benefits

Rep. Vetter introduced HB 1458 with supportive testimony and proposed an amendment to bill (#15444).

Jacob Thomson, Policy Analyst for North Dakota Family Alliance for Legislative Action, supportive testimony (#15318).

Jim Fleming, with the Child Support Section of the Department of Health and Human Services, supportive testimony (#15127).

Devin Mantz, citizen from Minot, ND, spoke in favor of the bill.

Additional written testimony:

Tony G, North Dakota citizen and parent, supportive testimony (#14795).

Darren Carter, North Dakota citizen and parent (#15322).

Chairman Weisz adjourned the meeting at 9:47 AM.

Phillip Jacobs, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Human Services Committee Pioneer Room, State Capitol

HB 1458
2/13/2023

Relating to child support guidelines.

Chairman Weisz called the meeting to order at 4:51 PM.

Chairman Robin Weisz, Vice Chairman Matthew Ruby, Reps. Karen A. Anderson, Mike Beltz, Clayton Fegley, Kathy Frelich, Dawson Holle, Carrie McLeod, Todd Porter, Brandon Prichard, Karen M. Rohr, Jayme Davis, and Gretchen Dobervich present. Rep. Dwight Kiefert not present.

Discussion Topics:

- Committee work
- Amendment

Chairman Weisz called for a discussion on HB 1458.

Jim Flemming, with the Department of Health and Human Services, answered questions from the committee.

Rep. Porter moved a do not pass on HB 1458.

Seconded by Rep. Dobervich.

Roll Call Vote:

Representatives	Vote
Representative Robin Weisz	Y
Representative Matthew Ruby	Y
Representative Karen A. Anderson	Y
Representative Mike Beltz	Y
Representative Jayme Davis	Y
Representative Gretchen Dobervich	Y
Representative Clayton Fegley	Y
Representative Kathy Frelich	Y
Representative Dawson Holle	Y
Representative Dwight Kiefert	Y
Representative Carrie McLeod	Y
Representative Todd Porter	Y
Representative Brandon Prichard	Y
Representative Karen M. Rohr	Y

Motion carries 14-0-0.

House Human Services Committee

HB 1458

2/13/2023

Page 2

Carried by Frelich.

Chairman Weisz adjourned the meeting at 4:58 PM.

Phillip Jacobs, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1458: Human Services Committee (Rep. Weisz, Chairman) recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1458 was placed on the Eleventh order on the calendar.

TESTIMONY

HB 1458

To: House Human Services Committee

Purpose: Support HB 1458

Committee members,

***Disclaimer – I am speaking for myself, and my views do not represent the military or any other military member or any other organization. ***

I support HB 1458 because as a divorced father who provides health insurance for his son, and pays child support, I know how unfair our current system is.

Currently, if your employer provides health insurance for “free” as part of your compensation package, then you do not get a credit towards your child support for providing insurance to your child, which can be hundreds of dollars a month.

Conversely, if I was not providing health insurance for my child, I would be paying more in child support. **I hope the problem with this law is clear.**

Despite providing healthcare for my son, I am still being charged the level of child support as if I was NOT providing health insurance. I am being penalized for having good benefits from my employer. Even though those benefits benefit my child.

I am being treated, by ND child support laws, as though I am not providing health insurance for my child. This needs to change.

This affects thousands of mostly men in the state of ND. This isn't only a private sector problem, when employers provide health insurance as part of the employees compensation, this also affects people such as me, a military member who receive Tricare.

As a full time military member, I receive “free” health insurance and therefore pay MORE in child support despite providing health insurance for my son. I am, as a military member, being treated by the law, as if I am not paying for my son's healthcare. This is not only unfair, it also increases my child support obligation.

I ask you to vote in favor of this small but important change to ND child support laws.

Tony



Testimony
House Bill No. 1458
House Human Services Committee
Representative Robin Weisz, Chairman
January 23, 2023

Chairman Weisz and members of the House Human Services Committee, I am Jim Fleming with the Child Support Section of the Department of Health and Human Services (Department). I appear before you in support of House Bill 1458.

The bill would require that the child support guidelines “[i]nclude consideration of the obligor providing health insurance coverage for the child.” The current child support guidelines already provide a deduction from a parent’s income for “A portion of premium payments, made by the person whose income is being determined, for health insurance policies or health service contracts, including coverage for dental and vision care, intended to afford coverage for the child or children for whom support is being sought.” (North Dakota Administrative Code § 75-02-04.1-01(6)(d))

This deduction implements existing state law (see page 2 lines 4-5 of the Bill): “Include consideration of an obligated party's responsibility for health insurance coverage or other medical support under section 14-09-08.10.”

While it appears that the new language is redundant to current practice, the Bill would reconfirm in North Dakota Century Code the approach outlined in the child support guidelines and further encourage parents who owe child support to obtain health coverage for their children.

This concludes my testimony. I would be happy to try to answer any questions the committee may have. Thank you.



Testimony Supporting House Bill 1458

Jacob Thomsen, Policy Analyst
North Dakota Family Alliance Legislative Action
January 23, 2023

Good morning Chairman Weisz and honorable members of the House Human Services Committee. My name is Jacob Thomsen and I am a Policy Analyst for North Dakota Family Alliance Legislative Action. I am testifying on behalf of our organization in support of House Bill 1458 and respectfully request that you render a "DO PASS" on this bill.

We believe that the family is the most basic societal building block, after faith, which a good society is built upon. Families that find themselves in a situation involving child support have gone through a great amount of stress and conflict. Because of this, we believe that there does not need to be additional weight to bear in this situation. The individual who is paying child support should not have to pay more if they are taking less pay as a result of health insurance being provided to them through their occupation. That health insurance should count toward the child support.

Individuals that pay out of pocket for health insurance are already receiving this treatment. Those who do not pay out of pocket for health insurance, but through their occupation, should be treated by the same standard. For this reason, North Dakota Family Alliance Legislative Action requests that you render a "DO PASS" on House Bill 1458.

Thank you for the opportunity to testify and I am happy to stand for any questions.

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Hello, I was made aware of the HB 1458 and how it could possibly affect and help in the matter of child support payments and totals. I am a Father to 3 beautiful children and also one that is not biologically mine. The ages are 12, 8, 6, 2. I have separated from my wife and soon to be divorce by 2/1/23. Since the separation and paper work filed on divorce, I have supported my child. I was made aware of the Child Support total that is expected of me and I can't understand how I will make ends meet. I carry health insurance on the children as well through my job and it is not free. The insurance is a 400+ dollars weekly totaling 800+ dollars a month. This is already a hard enough transition form a two income house hold switching to one income and still doing things with the children for entertainment etc. Not to mention starting over life and regaining things that were lost in the separation.

I wish there was some way to help the Fathers that are present in their children's life's without breaking their bank accounts and struggling pay check to paycheck. I hope the bill is passed and put in motion. That extra monthly deduction for health coverage should be considered, it is still income coming out of the working man's check. Consideration of the obligor that has to provide coverage for the children and reduce the final amount owed by the fair market value of the health insurance policy. Anything would help, I feel like a Father shouldn't have to struggle financially and not have any type of consideration. We have rights, We have lives too.

With Respect

Darren Carter



North Dakota House of Representatives

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BISMARCK, ND 58505-0360



Representative Steve Vetter

District 18
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COMMITTEES:

Judiciary
Government and Veterans Affairs

01/23/2023

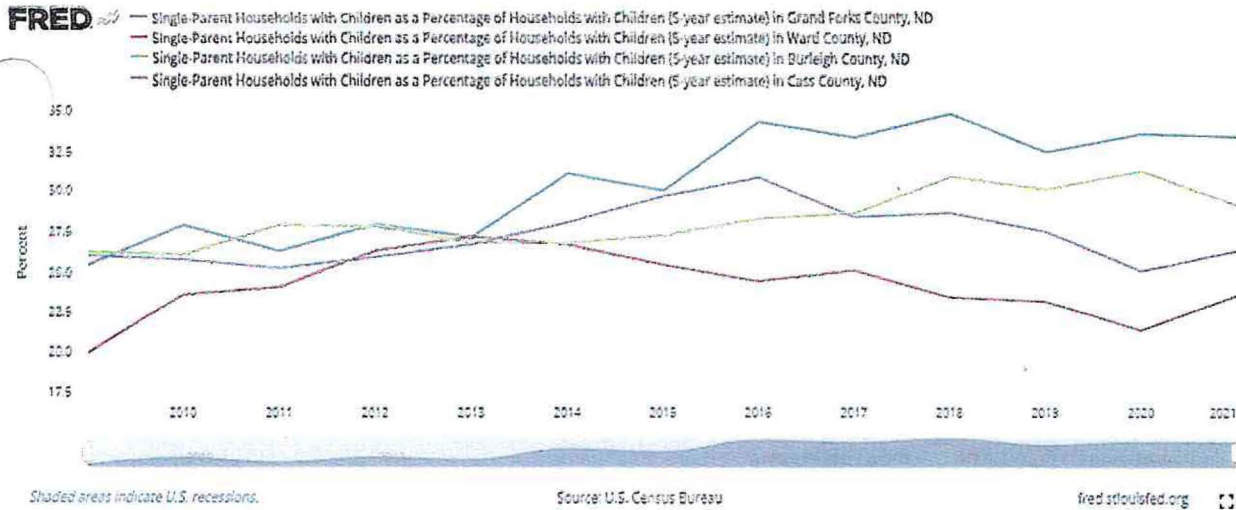
Chairman Weisz and members of the committee,

HB 1458 continues our efforts to reform the child support program, particularly when it comes to the obligation placed upon the paying parent. HB 1458, much like HB 1443 seeks to address an inequity which has only grown over time, due to the increasing costs of health insurance for most Americans.

Presently, in the child support system, parents may choose to provide health insurance for their child, and typically the parent with the better health insurance is the one who does so. In doing so, they typically have to spend more on that insurance coverage as it is no longer an "individual plan" but rather is a group or family plan in the insurance market which carries a noticeable premium. North Dakota has an obligor model which bases everything on the payor or obligor. Unfortunately, however, the cost of this insurance is not factored in as part of their child support payments, and as such the parent who is providing health coverage for their child can continue to be stuck with a child support bill which neglects that they are already spending money to support the child.

HB 1458 as a result, as written, allows the court to consider the value of the health insurance when calculating the total amount owed, in order to make it more equitable and to better reflect what is already being provided to the child.

In my previous testimony, I noted that this issue affects thousands of North Dakota families, and has the potential to impact about 1/3rd of all households with children in the county of Grand Forks. Again, upon request of the committee I will be more than willing to provide county specific data for their consideration, but the 4 most populous counties are below.



I would also humbly request that the committee consider a few amendments to the bill, in order to continue the spirit of fairness and equity that is being attempted in reforming the child support system. I would like the committee to amend b.) to the following:

b.) Include 'consideration of the obligor providing health insurance coverage for the child and reduce the final amount owed by the fair market value of the health insurance policy'.

This amendment comes as I have been made aware that some health insurance policies, particularly those from public employees and the military do not require the obligor to pay extra money to cover their child. As a result, it is my fear that the value of these policies when calculating child support will be based on the cost to the parent (in some cases zero) and as such have no tangible impact on the level of child support required of them. It is my goal to recognize the financial value that is going towards the support of the child via a health insurance plan and deduct that amount from what the obligor owes.

I would ask for a Do Pass. I will now stand for questions