

By: Schatzline

H.B. No. 4138

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of the Texas Adoption Assistance Program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 162, Family Code, is amended by adding Subchapter I to read as follows:

SUBCHAPTER I. TEXAS ADOPTION ASSISTANCE PROGRAM

Sec. 162.751. DEFINITIONS. In this subchapter:

(1) "Adoption assistance grant" means a Texas Adoption Assistance Program grant awarded under Section 162.759.

(2) "Certified organization" means an organization certified under Section 162.753.

(3) "Eligible parent" means a parent who meets the requirements of Section 162.757.

(4) "Program money" means money required to be distributed as provided by Section 162.755(a)(5)(A).

Sec. 162.752. PROGRAM ESTABLISHMENT AND ADMINISTRATION; PURPOSE. The comptroller shall establish and administer the Texas Adoption Assistance Program for the purpose of encouraging the adoption of Texas children by providing adoptive parents with private sector and public assistance with adoption-related expenses.

Sec. 162.753. CERTIFICATION OF ORGANIZATIONS; PARTICIPATION IN PROGRAM. (a) The comptroller shall select and

1 certify organizations that meet the eligibility requirements of  
2 Section 162.754 to participate in the Texas Adoption Assistance  
3 Program.

4 (b) A certified organization may solicit and accept  
5 donations and award adoption assistance grants in this state under  
6 the conditions and limitations provided by this subchapter.

7 (c) The comptroller shall solicit applications and select  
8 and approve new certified organizations on an ongoing basis to meet  
9 the needs in this state.

10 Sec. 162.754. ELIGIBILITY REQUIREMENTS FOR ORGANIZATIONS  
11 APPLYING FOR CERTIFICATION. (a) An organization may apply to the  
12 comptroller for certification under Section 162.753.

13 (b) An organization is eligible for certification by the  
14 comptroller only if:

15 (1) the organization is exempt from federal tax under  
16 Section 501(a), Internal Revenue Code of 1986, by being listed as an  
17 exempt organization in Section 501(c)(3) of that code and meeting  
18 all other applicable requirements for that exemption;

19 (2) the organization's mission includes providing  
20 services or other assistance to families, women, or children; and

21 (3) the organization agrees to, if certified:

22 (A) in partnership with the state, assist  
23 eligible parents with the payment of adoption-related expenses; and

24 (B) be independently audited on an annual basis  
25 and file the audit report with the comptroller.

26 Sec. 162.755. REQUIREMENTS FOR CERTIFIED ORGANIZATION. (a)

27 A certified organization shall:

1           (1) comply at all times with the eligibility  
2 requirements under Section 162.754(b);

3           (2) submit to an annual independent audit under  
4 guidelines provided by the comptroller and file the audit report  
5 with the comptroller;

6           (3) distribute all program money in the manner  
7 provided by Section 162.759;

8           (4) give each donor a receipt for money donated to the  
9 certified organization that includes the name of the certified  
10 organization, the name of the donor, the amount of the donation, and  
11 any other information required by the comptroller; and

12           (5) of the amount of money received from donations  
13 made by donors for the purpose of providing adoption assistance  
14 grants:

15                   (A) distribute not less than 97 percent in the  
16 form of adoption assistance grants; and

17                   (B) use not more than three percent to pay  
18 expenses of operating the organization.

19           (b) A certified organization may not provide adoption  
20 assistance grants in a manner that does not comply with Section  
21 162.759.

22           Sec. 162.756. REVOCATION OF CERTIFICATION. The comptroller  
23 shall revoke a certification under Section 162.753 if the  
24 comptroller finds that a certified organization:

25                   (1) is not in compliance with the requirements of  
26 Section 162.755; or

27                   (2) otherwise intentionally and substantially

1 violates this subchapter.

2 Sec. 162.757. ELIGIBILITY OF PARENTS. A person is eligible  
3 for an adoption assistance grant if the person:

4 (1) resides in this state on the date the adoption  
5 assistance grant is awarded;

6 (2) is an adoptive parent under an adoption order  
7 granted under Section 162.016 of a child who is younger than 18  
8 years old on September 1 of the state fiscal year in which the  
9 adoption assistance grant is awarded; and

10 (3) has an annual gross household income that is not  
11 more than \$400,000.

12 Sec. 162.758. MAXIMUM AMOUNT OF GRANT. The maximum amount  
13 of an adoption assistance grant is:

14 (1) for an eligible parent or parents with an annual  
15 gross household income of not more than \$320,000, an amount equal to  
16 half of the amount of any adoption-related expenses incurred by the  
17 parent or parents;

18 (2) for an eligible parent or parents with an annual  
19 gross household income of more than \$320,000 and not more than  
20 \$340,000, an amount equal to 40 percent of the amount of any  
21 adoption-related expenses incurred by the parent or parents;

22 (3) for an eligible parent or parents with an annual  
23 gross household income of more than \$340,000 and not more than  
24 \$360,000, an amount equal to 30 percent of the amount of any  
25 adoption-related expenses incurred by the parent or parents;

26 (4) for an eligible parent or parents with an annual  
27 gross household income of more than \$360,000 and not more than

1 \$380,000, an amount equal to 20 percent of the amount of any  
2 adoption-related expenses incurred by the parent or parents; and  
3 (5) for an eligible parent or parents with an annual  
4 gross household income of more than \$380,000 and not more than  
5 \$400,000, an amount equal to 10 percent of the amount of any  
6 adoption-related expenses incurred by the parent or parents.

7 Sec. 162.759. APPLICATION; AWARD OF GRANTS. Each state  
8 fiscal year, a certified organization shall award a number of  
9 one-time adoption assistance grants, as determined by the  
10 organization based on available funds, to eligible parents who  
11 apply to the comptroller in the manner prescribed by comptroller  
12 rule.

13 Sec. 162.760. STATE MATCHING FUNDS. A certified  
14 organization that provides money for an adoption assistance grant  
15 under this subchapter is entitled to state matching funds to be used  
16 by the certified entity as additional money for the grant award. If  
17 the comptroller determines that the amount appropriated to the  
18 comptroller for a state fiscal year is not sufficient to match all  
19 grants awarded under this subchapter, the comptroller shall  
20 continue to perform the comptroller's other duties under this  
21 subchapter without matching grants awarded by a certified  
22 organization.

23 Sec. 162.761. RULES; PROCEDURES. The comptroller shall  
24 adopt rules and procedures to implement, administer, and enforce  
25 this subchapter.

26 SECTION 2. This Act takes effect September 1, 2023.