

By: Gervin-Hawkins

H.B. No. 741

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the procedures for the removal of certain children in
3 the managing conservatorship of the Department of Family and
4 Protective Services and monetary assistance provided by the
5 Department of Family and Protective Services to certain relative or
6 designated caregivers.

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

8 SECTION 1. Subchapter B, Chapter 262, Family Code, is
9 amended by adding Section 262.117 to read as follows:

10 Sec. 262.117. LIMITS ON REMOVAL FROM RELATIVE CAREGIVER.

11 (a) Except as provided by Subsection (b), the Department of Family
12 and Protective Services may not take possession of a child under
13 this subchapter who has been placed with a relative caregiver under
14 Subchapter I, Chapter 264, whose relationship with the child is
15 within the fourth degree by consanguinity before the department
16 has, to the extent applicable:

17 (1) conducted an investigation;

18 (2) provided parental services and resources to the
19 caregiver; or

20 (3) provided warnings or reminders of appropriate
21 policy to the caregiver.

22 (b) Notwithstanding Subsection (a), the Department of
23 Family and Protective Services may take possession of a child as
24 authorized by Section 262.102 or 262.104 in the manner prescribed

1 by those sections.

2 SECTION 2. Section 264.752(c), Family Code, is amended to
3 read as follows:

4 (c) The executive commissioner shall adopt rules necessary
5 to implement this subchapter. [~~The rules must include eligibility~~
6 ~~criteria for receiving assistance and services under this~~
7 ~~subchapter.~~]

8 SECTION 3. Section 264.755, Family Code, as amended by
9 Chapter 315 (H.B. 4), Acts of the 85th Legislature, Regular
10 Session, 2017, is amended by reenacting and amending Subsections
11 (a), (b), (b-1), (c), and (f) to read as follows:

12 (a) The department shall, subject to the availability of
13 funds, enter into a caregiver assistance agreement with each
14 relative or other designated caregiver to provide monetary
15 assistance and additional support services to the caregiver. [~~The~~
16 ~~monetary assistance and support services shall be based on a~~
17 ~~family's need, as determined by Subsection (b) and rules adopted by~~
18 ~~the executive commissioner.~~]

19 (b) The department shall provide monetary assistance under
20 this section to each relative or other designated [a] caregiver
21 [~~who has a family income that is less than or equal to 300 percent of~~
22 ~~the federal poverty level~~]. Monetary assistance provided to a
23 caregiver under this section must be equal to [~~may not exceed 50~~
24 ~~percent of~~] the department's minimum daily [~~basic~~] foster care
25 reimbursement rate for the child. [~~A caregiver who has a family~~
26 ~~income greater than 300 percent of the federal poverty level is not~~
27 ~~eligible for monetary assistance under this section.~~]

1 (b-1) The department shall disburse monetary assistance
2 provided to a caregiver under Subsection (b) in the same manner as
3 the department disburses payments to a foster parent. [~~The
4 department may not provide monetary assistance to an eligible
5 caregiver under Subsection (b) after the first anniversary of the
6 date the caregiver receives the first monetary assistance payment
7 from the department under this section. The department, at its
8 discretion and for good cause, may extend the monetary assistance
9 payments for an additional six months.~~]

10 (c) Monetary assistance and additional support services
11 provided under this section may include:

12 (1) case management services and training and
13 information about the child's needs until the caregiver is
14 appointed permanent managing conservator;

15 (2) referrals to appropriate state agencies
16 administering public benefits or assistance programs for which the
17 child, the caregiver, or the caregiver's family may qualify;

18 (3) family counseling not provided under the Medicaid
19 program for the caregiver's family for a period not to exceed two
20 years from the date of initial placement;

21 (4) [~~if the caregiver meets the eligibility criteria
22 determined by rules adopted by the executive commissioner,~~]
23 reimbursement of all child-care expenses incurred while the child
24 is under 13 years of age, or under 18 years of age if the child has a
25 developmental disability, and while the department is the child's
26 managing conservator; and

27 (5) [~~if the caregiver meets the eligibility criteria~~

1 ~~determined by rules adopted by the executive commissioner,~~
2 reimbursement of 50 percent of child-care expenses incurred after
3 the caregiver is appointed permanent managing conservator of the
4 child while the child is under 13 years of age, or under 18 years of
5 age if the child has a developmental disability.

6 (f) If a person [~~who has a family income that is less than or~~
7 ~~equal to 300 percent of the federal poverty level~~] enters into a
8 caregiver assistance agreement with the department, obtains
9 permanent managing conservatorship of a child, and meets all other
10 eligibility requirements, the person may receive an annual
11 reimbursement of other expenses for the child, as determined by
12 rules adopted by the executive commissioner, not to exceed \$500 per
13 year until the earlier of:

14 (1) the third anniversary of the date the person was
15 awarded permanent managing conservatorship of the child; or

16 (2) the child's 18th birthday.

17 SECTION 4. Section 264.755(b-2), Family Code, is repealed.

18 SECTION 5. Section 264.755, Family Code, as amended by this
19 Act, applies to a caregiver assistance agreement entered into
20 before, on, or after the effective date of this Act.

21 SECTION 6. This Act takes effect September 1, 2025.