

By: Schatzline, Hull, Manuel, Gerdes, Harris

H.B. No. 5302

Substitute the following for H.B. No. 5302:

By: Hull

C.S.H.B. No. 5302

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of the Texas Post-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 POST-ADOPTION ASSISTANCE PROGRAM

Sec. 162.751. DEFINITIONS. In this subchapter:

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

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

(3) "Post-adoption assistance grant" means a Texas Post-adoption Assistance Program grant awarded under Section 162.759.

(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 Post-adoption Assistance Program for the purpose of encouraging the adoption of children in this state's foster care system by providing adoptive parents with private sector and public assistance with post-adoption-related expenses.

Sec. 162.753. CERTIFICATION OF ORGANIZATIONS;

1 PARTICIPATION IN PROGRAM. (a) The comptroller shall select and
2 certify organizations that meet the eligibility requirements of
3 Section 162.754 to participate in the Texas Post-adoption
4 Assistance Program.

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

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

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

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

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

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

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

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

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

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

A certified organization shall:

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

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

(3) distribute all program money in the manner provided by Sections 162.759 and 162.761;

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

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

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

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

(b) A certified organization may not provide post-adoption assistance grants in a manner that does not comply with Sections 162.759 and 162.761.

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

(1) is not in compliance with the requirements of

1 Section 162.755; or

2 (2) otherwise intentionally and substantially
3 violates this subchapter.

4 Sec. 162.757. INITIAL ELIGIBILITY REQUIREMENTS FOR PARENT.

5 A person is eligible for a post-adoption assistance grant for a
6 state fiscal year only if the person:

7 (1) resides in this state on the date the
8 post-adoption assistance grant is awarded;

9 (2) is an adoptive parent of a child under an adoption
10 order rendered under Section 162.016 who:

11 (A) is younger than 18 years old on September 1 of
12 the state fiscal year in which the post-adoption assistance grant
13 is awarded; and

14 (B) resided in this state as part of this state's
15 foster care system; and

16 (3) enters into an agreement with a certified
17 organization under which the person agrees to:

18 (A) continue to reside in this state for not less
19 than six months of each state fiscal year in which the person is
20 awarded a post-adoption assistance grant;

21 (B) use grant money only for expenditures allowed
22 under Section 162.762; and

23 (C) notify the certified organization if the
24 person is no longer eligible for the grant.

25 Sec. 162.758. MAXIMUM GRANT AMOUNT. The maximum amount of a
26 post-adoption assistance grant awarded for a state fiscal year is:

27 (1) for an eligible parent or parents who adopt a

1 single child, \$2,000; and

2 (2) for an eligible parent or parents who adopt more
3 than one child, \$1,500 for each child.

4 Sec. 162.759. APPLICATION; AWARD OF GRANT. Each state
5 fiscal year, a certified organization shall award a number of
6 post-adoption assistance grants, as determined by the organization
7 based on available program money, to eligible parents who apply to
8 the comptroller in the manner prescribed by comptroller rule.

9 Sec. 162.760. CONTINUING ELIGIBILITY OF PARENT. A person
10 who is awarded a post-adoption assistance grant for a state fiscal
11 year is eligible for a post-adoption assistance grant in a
12 subsequent state fiscal year if the person continues to satisfy the
13 eligibility criteria prescribed by Section 162.757, except that the
14 person may not be awarded a post-adoption assistance grant for a
15 child after the earlier of:

16 (1) the child's 18th birthday; or

17 (2) the date the child receives a high school diploma
18 or a high school equivalency certificate.

19 Sec. 162.761. PROGRAM MONEY DISBURSEMENT AND
20 ADMINISTRATION. (a) The comptroller by rule shall adopt and
21 administer a method by which:

22 (1) each post-adoption assistance grant recipient is
23 provided with an account from which the recipient may withdraw or
24 use grant money to pay for expenditures allowed under Section
25 162.762; and

26 (2) a certified organization may credit a
27 post-adoption assistance grant recipient's account with grant

1 money awarded by the organization.

2 (b) Each state fiscal year, a post-adoption assistance
3 grant recipient may carry over to the next year funds remaining in
4 the recipient's account in an amount not to exceed 50 percent of the
5 amount credited to the account for that state fiscal year.

6 Sec. 162.762. ELIGIBLE USE OF GRANT MONEY. A post-adoption
7 assistance grant recipient may use grant money only for expenses
8 related to:

9 (1) post-adoption behavioral therapy, psychological
10 therapy, or specialized tutoring;

11 (2) transportation to allow the child to visit a
12 family member related to the child within the third degree of
13 consanguinity;

14 (3) transportation to a therapeutic activity;

15 (4) supporting an open adoption agreement;

16 (5) therapeutic summer camps or retreats;

17 (6) equine or musical therapy;

18 (7) respite care; or

19 (8) other therapeutic care or activities.

20 Sec. 162.763. STATE MATCHING FUNDS. A certified
21 organization that provides money for a post-adoption assistance
22 grant is entitled to state matching funds to be used by the
23 certified organization as additional money for the grant award. If
24 the comptroller determines that the amount appropriated to the
25 comptroller for a state fiscal year is not sufficient to match all
26 grants awarded under this subchapter, the comptroller shall
27 continue to perform the comptroller's other duties under this

1 subchapter without matching grants awarded by a certified
2 organization.

3 Sec. 162.764. RULES; PROCEDURES. The comptroller shall
4 adopt rules and procedures to implement, administer, and enforce
5 this subchapter.

6 SECTION 2. This Act takes effect September 1, 2025.