

By: Zaffirini

S.B. No. 58

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the creation of a relative caregiver placement program  
3 for certain children for whom the Department of Protective and  
4 Regulatory Services is appointed managing conservator.

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

6 SECTION 1. Chapter 264, Family Code, is amended by adding  
7 Subchapter J to read as follows:

8 SUBCHAPTER J. RELATIVE CAREGIVER PLACEMENT PROGRAM

9 Sec. 264.801. DEFINITIONS. In this subchapter:

10 (1) "Relative" means a person related to a child by  
11 consanguinity as determined under Section 573.022, Government  
12 Code.

13 (2) "Relative caregiver" means a relative who:

14 (A) provides substitute care for a child for whom  
15 the department has been appointed managing conservator, but who is  
16 not licensed or certified to operate a foster home, foster group  
17 home, agency foster home, or agency foster group home under Chapter  
18 42, Human Resources Code; or

19 (B) is subsequently appointed permanent managing  
20 conservator of the child after providing care as described by  
21 Paragraph (A).

22 Sec. 264.802. RELATIVE CAREGIVER PLACEMENT PROGRAM. (a)  
23 The department shall develop and administer a program to:

24 (1) promote placing children for whom the department

1 is appointed managing conservator with relative caregivers; and

2 (2) facilitate relative caregiver placements by  
3 providing assistance and services to those caregivers in accordance  
4 with this subchapter and department rules.

5 (b) The department shall adopt rules necessary to implement  
6 this subchapter. The rules must include eligibility criteria for  
7 receiving assistance and services under this subchapter.

8 Sec. 264.803. INVESTIGATION OF PROPOSED PLACEMENT. Before  
9 placing a child with a proposed relative caregiver, the department  
10 must conduct an investigation to determine whether the proposed  
11 placement is in the child's best interests.

12 Sec. 264.804. RELATIVE CAREGIVER ASSISTANCE  
13 AGREEMENT. The department shall enter into a relative caregiver  
14 assistance agreement with each relative caregiver to provide  
15 monetary assistance and additional support services to the relative  
16 caregiver. The monetary assistance and support services may  
17 include:

18 (1) a one-time cash payment of not more than \$1,000 to  
19 the caregiver on the child's initial placement to assist the  
20 caregiver in purchasing essential child-care items such as  
21 furniture and clothing;

22 (2) case management services and training and  
23 information about the child's needs until the caregiver is  
24 appointed permanent managing conservator;

25 (3) referrals to appropriate state agencies  
26 administering public benefits or assistance programs for which the  
27 child, the caregiver, or the caregiver's family may qualify;

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

4           (5) if the caregiver meets the eligibility criteria  
5 determined by department rule, reimbursement of all child-care  
6 expenses incurred while the child is under 13 years of age and while  
7 the department is the child's managing conservator;

8           (6) if the caregiver meets the eligibility criteria  
9 determined by department rule, reimbursement of 50 percent of  
10 child-care expenses incurred after the caregiver is appointed  
11 permanent managing conservator of the child while the child is  
12 under 13 years of age; and

13           (7) reimbursement of other expenses, as determined by  
14 department rule, not to exceed \$500 per year for each child.

15           Sec. 264.805. COORDINATION WITH OTHER AGENCIES. The  
16 department shall coordinate with other health and human services  
17 agencies, as defined by Section 531.001, Government Code, including  
18 the Texas Department of Human Services, to provide assistance and  
19 services under this subchapter.

20           Sec. 264.806. FUNDS. The department and other state  
21 agencies shall actively seek and use federal funds available for  
22 the purposes of this subchapter.

23           SECTION 2. Not later than December 1, 2003, the Department  
24 of Protective and Regulatory Services shall adopt rules for  
25 implementing and administering the relative caregiver placement  
26 program under Subchapter J, Chapter 264, Family Code, as added by  
27 this Act.

1           SECTION 3. (a) Not later than March 1, 2004, the Department  
2 of Protective and Regulatory Services shall implement the relative  
3 caregiver placement program in accordance with Subchapter J,  
4 Chapter 264, Family Code, as added by this Act, in the following  
5 administrative regions designated by the department:

- 6                   (1) Region 5; and  
7                   (2) Region 11.

8           (b) Not later than March 1, 2005, the Department of  
9 Protective and Regulatory Services shall implement the relative  
10 caregiver placement program in accordance with Subchapter J,  
11 Chapter 264, Family Code, as added by this Act, statewide.

12           SECTION 4. This Act takes effect September 1, 2003.