

1-1 By: Zaffirini S.B. No. 58
1-2 (In the Senate - Filed November 12, 2002; January 27, 2003,
1-3 read first time and referred to Committee on Health and Human
1-4 Services; April 23, 2003, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-6 April 23, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 58 By: Zaffirini

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the creation of a relative caregiver placement program
1-11 for certain children for whom the Department of Protective and
1-12 Regulatory Services is appointed managing conservator.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Chapter 264, Family Code, is amended by adding
1-15 Subchapter J to read as follows:

1-16 SUBCHAPTER J. RELATIVE CAREGIVER PLACEMENT PROGRAM

1-17 Sec. 264.801. DEFINITIONS. In this subchapter:

1-18 (1) "Relative" means a person related to a child by
1-19 consanguinity as determined under Section 573.022, Government
1-20 Code.

1-21 (2) "Relative caregiver" means a relative who:

1-22 (A) provides substitute care for a child for whom
1-23 the department has been appointed managing conservator, but who is
1-24 not licensed or certified to operate a foster home, foster group
1-25 home, agency foster home, or agency foster group home under Chapter
1-26 42, Human Resources Code; or

1-27 (B) is subsequently appointed permanent managing
1-28 conservator of the child after providing care as described by
1-29 Paragraph (A).

1-30 Sec. 264.802. RELATIVE CAREGIVER PLACEMENT PROGRAM.

1-31 (a) The department shall develop and, subject to available funds,
1-32 administer a program to:

1-33 (1) promote placing children for whom the department
1-34 is appointed managing conservator with relative caregivers; and

1-35 (2) facilitate relative caregiver placements by
1-36 providing assistance and services to those caregivers in accordance
1-37 with this subchapter and department rules.

1-38 (b) The department shall adopt rules necessary to implement
1-39 this subchapter if funding is available. The rules must include
1-40 eligibility criteria for receiving assistance and services under
1-41 this subchapter.

1-42 Sec. 264.803. INVESTIGATION OF PROPOSED PLACEMENT. Before
1-43 placing a child with a proposed relative caregiver, the department
1-44 must conduct an investigation to determine whether the proposed
1-45 placement is in the child's best interests.

1-46 Sec. 264.804. RELATIVE CAREGIVER ASSISTANCE AGREEMENT.

1-47 Subject to available funds, the department shall enter into a
1-48 relative caregiver assistance agreement with each qualified
1-49 relative caregiver to provide monetary assistance and additional
1-50 support services to the relative caregiver. The monetary
1-51 assistance and support services may include:

1-52 (1) a one-time cash payment of not more than \$1,000 for
1-53 each group of related children to the caregiver on the initial
1-54 placement of a child or group of related children to assist the
1-55 caregiver in purchasing essential child-care items such as
1-56 furniture and clothing;

1-57 (2) case management services and training and
1-58 information about the child's or children's needs until the
1-59 caregiver is appointed permanent managing conservator;

1-60 (3) referrals to appropriate state agencies
1-61 administering public benefits or assistance programs for which a
1-62 child, the caregiver, or the caregiver's family may qualify;

1-63 (4) family counseling not provided under the Medicaid

2-1 program for the caregiver's family for a period not to exceed two
2-2 years from the date of initial placement;

2-3 (5) if the caregiver meets the eligibility criteria
2-4 determined by department rule, reimbursement of all child-care
2-5 expenses incurred for a child while the child is under 13 years of
2-6 age and while the department is the child's managing conservator;

2-7 (6) if the caregiver meets the eligibility criteria
2-8 determined by department rule, reimbursement of 50 percent of
2-9 child-care expenses incurred after the caregiver is appointed
2-10 permanent managing conservator of a child while the child is under
2-11 13 years of age; and

2-12 (7) reimbursement of other expenses, as determined by
2-13 department rule, not to exceed \$500 per year for each group of
2-14 related children.

2-15 Sec. 264.805. COORDINATION WITH OTHER AGENCIES. The
2-16 department shall coordinate with other health and human services
2-17 agencies, as defined by Section 531.001, Government Code, including
2-18 the Texas Department of Human Services, to provide assistance and
2-19 services under this subchapter.

2-20 Sec. 264.806. FUNDS. The department and other state
2-21 agencies shall actively seek and use federal funds available for
2-22 the purposes of this subchapter.

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

2-28 SECTION 3. (a) Subject to available funds, not later than
2-29 March 1, 2004, the Department of Protective and Regulatory Services
2-30 shall implement the relative caregiver placement program in
2-31 accordance with Subchapter J, Chapter 264, Family Code, as added by
2-32 this Act, in the following administrative regions designated by the
2-33 department:

2-34 (1) Region 5; and

2-35 (2) Region 11.

2-36 (b) Subject to available funds, not later than March 1,
2-37 2005, the Department of Protective and Regulatory Services shall
2-38 implement the relative caregiver placement program in accordance
2-39 with Subchapter J, Chapter 264, Family Code, as added by this Act,
2-40 statewide.

2-41 SECTION 4. This Act takes effect September 1, 2003.

2-42 * * * * *