

By: Naishtat, Dukes

H.B. No. 1359

Substitute the following for H.B. No. 1359:

By: Rose

C.S.H.B. No. 1359

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the maximum amount of a monthly subsidy that may be paid
3 under adoption assistance agreements for certain children with
4 special needs.

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

6 SECTION 1. Section 162.304, Family Code, is amended by
7 adding Subsections (g) and (h) to read as follows:

8 (g) The executive commissioner of the Health and Human
9 Services Commission by rule shall provide that the maximum amount
10 of the subsidy under Subsection (b) that may be paid to an adoptive
11 parent of a child under an adoption assistance agreement is an
12 amount that is equal to the amount that would have been paid to the
13 foster parent of the child, based on the child's foster care service
14 level on the date the department and the adoptive parent enter into
15 the adoption assistance agreement. This subsection applies only to
16 a child who, based on factors specified in rules of the department,
17 the department determines would otherwise have been expected to
18 remain in foster care until the child's 18th birthday and for whom
19 this state would have made foster care payments for that care.
20 Factors the department may consider in determining whether a child
21 is eligible for the amount of the subsidy authorized by this
22 subsection include the following:

23 (1) the child's mental or physical disability, age,
24 and membership in a sibling group; and

1 (2) the number of prior placement disruptions the
2 child has experienced.

3 (h) In determining the amount that would have been paid to a
4 foster parent for purposes of Subsection (g), the department:

5 (1) shall use the minimum amount required to be paid to
6 a foster parent for a child assigned the same service level as the
7 child who is the subject of the adoption assistance agreement; and

8 (2) may not include any amount that a child-placing
9 agency is entitled to retain under the foster care rate structure in
10 effect on the date the department and the adoptive parent enter into
11 the agreement.

12 SECTION 2. Sections 162.304(g) and (h), Family Code, as
13 added by this Act, apply only to an adoption assistance agreement
14 that is entered into on or after the effective date of this Act. An
15 adoption assistance agreement that was entered into before the
16 effective date of this Act is governed by the law in effect on the
17 date the agreement was entered into, and the former law is continued
18 in effect for that purpose.

19 SECTION 3. This Act takes effect September 1, 2007.