

By: Naishtat

H.B. No. 1359

A BILL TO BE ENTITLED

1 AN ACT

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 Subsection (g) to read as follows:

8 (g) The executive commissioner of the Health and Human  
9 Services Commission shall adopt rules providing that the maximum  
10 amount of the subsidy under Subsection (b) that may be paid to an  
11 adoptive parent of a child under an adoption assistance agreement  
12 is an amount that is equal to the amount of the foster care payment  
13 that would be provided for the child, based on the child's foster  
14 care service level on the date the department and the adoptive  
15 parent enter into the adoption assistance agreement, if the child  
16 remained in foster care on that date. This subsection applies only  
17 to a monthly subsidy paid under the adoption assistance agreement  
18 for a child:

19 (1) whose adoptive parent under the adoption  
20 assistance agreement had been the child's foster parent; and

21 (2) for whom the department, for a period of at least  
22 18 months before entering into the adoption assistance agreement,  
23 exercised due diligence in attempting to locate an appropriate  
24 adoptive placement, but was unable to locate an appropriate

1 adoptive placement other than with the child's foster parent  
2 described in Subdivision (1).

3 SECTION 2. Section 162.304(g), Family Code, as added by  
4 this Act, applies only to an adoption assistance agreement that is  
5 entered into on or after the effective date of this Act. An  
6 adoption assistance agreement that was entered into before the  
7 effective date of this Act is governed by the law in effect on the  
8 date the agreement was entered into, and the former law is continued  
9 in effect for that purpose.

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