

By: Raymond

H.B. No. 324

Substitute the following for H.B. No. 324:

By: Rose

C.S.H.B. No. 324

A BILL TO BE ENTITLED

AN ACT

relating to monetary assistance for substitute care provided to a child by a relative caregiver.

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

SECTION 1. Section 264.755, Family Code, is amended by amending Subsection (a) and adding Subsections (d) and (e) to read as follows:

(a) The department shall~~[, subject to the availability of funds,~~] enter into a caregiver assistance agreement with each relative or other designated caregiver to provide monetary assistance and additional support services to the caregiver. Subject to Subsection (d), the [The] monetary assistance and support services shall be based on a family's need, as determined by rules adopted by the executive commissioner, and be subject to the availability of funds.

(d) A caregiver assistance agreement entered into under this section between the department and a relative caregiver who will provide substitute care for a child for whom the department has been appointed temporary managing conservator must require the department to pay monetary assistance to the relative caregiver during the time the child is in the temporary managing conservatorship of the department if:

(1) the relative caregiver has a family income that is less than 200 percent of the federal poverty level; and

1           (2) the child for whom the relative caregiver will  
2 provide substitute care has:

3                   (A) one or more siblings who will also be cared  
4 for by the relative caregiver; or

5                   (B) a physical or mental disability or an  
6 emotionally disabling condition.

7           (e) The monetary assistance paid under Subsection (d) must  
8 be paid at a daily rate that is equal to at least 100 percent of the  
9 daily basic foster parent rate that the department would pay from  
10 state funds if the child was placed in substitute care provided in a  
11 foster home by a foster parent licensed under Chapter 42, Human  
12 Resources Code.

13           SECTION 2. The change in law made by this Act applies to a  
14 caregiver assistance agreement entered into on or after the  
15 effective date of this Act. A caregiver assistance agreement  
16 entered into before the effective date of this Act is governed by  
17 the law in effect on the date the agreement was entered into, and  
18 the former law is continued in effect for that purpose.

19           SECTION 3. This Act takes effect September 1, 2009.