

By: England

H.B. No. 1565

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 Subsection (d) 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 managing conservator must require the department to pay monetary assistance to the relative caregiver during the time the child is in substitute care. The monetary assistance must be paid at a daily rate that is equal to the daily 24-hour residential child-care rate that the department would pay for the child if the substitute care were provided in a foster home, foster group home,

1 agency foster home, or agency foster group home licensed or
2 certified under Chapter 42, Human Resources Code, and the child
3 were assigned a basic service level.

4 SECTION 2. The change in law made by this Act applies to a
5 caregiver assistance agreement entered into on or after the
6 effective date of this Act. A caregiver assistance agreement
7 entered into before the effective date of this Act is governed by
8 the law in effect on the date the agreement was entered into, and
9 the former law is continued in effect for that purpose.

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