

By: Turner of Harris

H.B. No. 2040

A BILL TO BE ENTITLED

AN ACT

relating to establishing a kinship guardian assistance program.

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

SECTION 1. Chapter 264, Family Code, is amended by adding Subchapter K to read as follows:

SUBCHAPTER K. KINSHIP GUARDIAN ASSISTANCE PROGRAM

Sec. 264.851. DEFINITIONS. In this subchapter:

(1) "Kinship guardian" means a relative who:

(A) provides substitute care for six consecutive months for a child for whom the department had been appointed managing conservator, but who is not licensed or certified to operate a foster home, foster group home, agency foster home, or agency foster group home under Chapter 42, Human Resources Code; and

(B) is subsequently appointed permanent managing conservator of the child.

(2) "Relative" means a person related to a child by consanguinity as determined under Section 573.022, Government Code.

Sec. 264.852. KINSHIP GUARDIAN ASSISTANCE PROGRAM. (a) The executive commissioner shall adopt rules necessary to implement a kinship guardian assistance program. The rules must:

(1) provide for the amount of kinship guardian assistance payments under the program; and

1 (2) ensure that the program conforms to the
2 requirements for federal assistance as required by the Fostering
3 Connections to Success and Increasing Adoptions Act of 2008 (Pub.
4 L. No. 110-351).

5 (b) In adopting rules regarding kinship guardian assistance
6 payments, the executive commissioner shall ensure that kinship
7 guardian assistance payments are equal to or less than the monetary
8 assistance available for a foster care provider caring for the
9 child for whom the kinship guardian is caring.

10 (c) To the extent permitted by federal law, the department
11 shall use federal funds available under Title IV-E, Social Security
12 Act (42 U.S.C. Section 670 et seq.), to administer the program under
13 this subchapter.

14 (d) A person may not concurrently receive kinship guardian
15 assistance payments under this subchapter and relative caregiver
16 assistance under Subchapter I.

17 SECTION 2. Not later than December 1, 2009, the executive
18 commissioner of the Health and Human Services Commission shall
19 adopt rules for implementing and administering the kinship guardian
20 assistance program under Subchapter K, Chapter 264, Family Code, as
21 added by this Act.

22 SECTION 3. If before implementing any provision of this Act
23 a state agency determines that a waiver or authorization from a
24 federal agency is necessary for implementation of that provision,
25 the agency affected by the provision shall request the waiver or
26 authorization and may delay implementing that provision until the
27 waiver or authorization is granted.

1 SECTION 4. This Act takes effect September 1, 2009.