

By: Hernandez

H.B. No. 4426

A BILL TO BE ENTITLED

AN ACT

relating to extending foster care coverage for certain children.

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

SECTION 1. Section 101.003, Family Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) In the context of a suit affecting the parent-child relationship filed by any party as defined by the Texas Family Code, Title V, Sec. 102.003, "child" includes a person who:

(1) is not a citizen of the United States;

(2) is under 21 years of age;

(3) does not have a parent in the United States with the ability to provide care for or maintain physical custody of the person due to abuse, neglect, or abandonment; and

(4) is either:

(A) enrolled in a program leading toward a high school diploma or high school equivalency certificate; or

(B) subject to a court order naming a managing conservator for the person.

SECTION 2. Section 102.009, Family Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) Service of citation on the parents of a child may be waived as provided by Section 287(h), Immigration and Nationality Act (8 U.S.C. Section 1357(h)), if the suit involves a child who is not a United States citizen described by Section 101(a)(27)(J),

1 Immigration and Nationality Act (8 U.S.C. Section 1101(a)(27)(J)).

2 SECTION 3. Section 264.101(a-1), Family Code, is amended to
3 read as follows:

4 (a-1) The department shall continue to pay the cost of
5 foster care for a child for whom the department provides care,
6 including medical care, until the later of:

7 (1) the date the child attains the age of 18; ~~or~~

8 (2) the date the child graduates from high school or
9 ceases to be enrolled in a secondary school in a program leading
10 toward a high school diploma; or

11 (3) for a child classified as a special immigrant
12 under Section 101(a)(27)(J), Immigration and Nationality Act (8
13 U.S.C. Section 1101(a)(27)(J)), the date:

14 (A) special immigrant status is revoked by the
15 United States Department of Homeland Security; or

16 (B) the child becomes a permanent resident of the
17 United States.

18 SECTION 4. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2009.