

By: Alonzo

H.B. No. 420

A BILL TO BE ENTITLED

AN ACT

relating to a subsidy under an adoption assistance agreement for certain adoptive parents of children in foster care.

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

SECTION 1. Section 162.304, Family Code, is amended by adding Subsection (a-1) and amending Subsections (b), (c), and (h) to read as follows:

(a-1) The department shall subsidize under an adoption assistance agreement the adoption of a child in foster care by an adoptive parent whose family income is less than 300 percent of the federal poverty level if, based on factors specified in rules of the department, the department determines the child would otherwise have been expected to remain in foster care until the child's 18th birthday and this state would have made foster care payments for that care. The amount of the subsidy to be paid is equal to the amount that would have been paid to the child's foster parent based on the child's foster care service level on the date the department and the adoptive parent enter into the adoption assistance agreement.

(b) The adoption of a child to which Subsection (a-1) does not apply may be subsidized by the department. The need for and amount of the subsidy available under this subsection shall be determined by the department under its rules.

(c) In addition to a ~~[the]~~ subsidy under Subsection (a-1) or

1 (b), the department may subsidize the cost of medical care for a
2 child. The department shall determine the amount of and need for
3 the subsidy.

4 (h) In determining the amount that would have been paid to a
5 foster parent for purposes of Subsection (a-1) or (g), the
6 department:

7 (1) shall use the minimum amount required to be paid to
8 a foster parent for a child assigned the same service level as the
9 child who is the subject of the adoption assistance agreement; and

10 (2) may not include any amount that a child-placing
11 agency is entitled to retain under the foster care rate structure in
12 effect on the date the department and the adoptive parent enter into
13 the agreement.

14 SECTION 2. The changes in law made by this Act to Section
15 162.304, Family Code, apply only to an adoption assistance
16 agreement that is entered into on or after the effective date of
17 this Act. An adoption assistance agreement that was entered into
18 before the effective date of this Act is governed by the law in
19 effect on the date the agreement was entered into, and the former
20 law is continued in effect for that purpose.

21 SECTION 3. This Act takes effect September 1, 2011.