

By: Miles

H.B. No. 1221

A BILL TO BE ENTITLED

AN ACT

1
2 relating to providing financial assistance to certain kinship
3 caregivers.

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

5 SECTION 1. Subchapter A, Chapter 31, Human Resources Code,
6 is amended by adding Section 31.0042 to read as follows:

7 Sec. 31.0042. KINSHIP CARE SUPPORT PROGRAM. (a) To the
8 extent funds are appropriated for this purpose, the department
9 shall establish a kinship care support program to provide financial
10 assistance to kinship caregivers using funds available for that
11 purpose under the federal Temporary Assistance for Needy Families
12 block grant.

13 (b) A person is considered a kinship caregiver for purposes
14 of the program and, except as provided by Subsection (d), is
15 eligible for financial assistance through the kinship care support
16 program if the person applies for that assistance and:

17 (1) is a grandparent, step-grandparent, aunt, uncle,
18 or other adult relative within the fifth degree of consanguinity or
19 affinity of a dependent child who resides in the person's
20 household, but is not the person's child;

21 (2) except as provided by Subsection (c), has been
22 appointed as the temporary or permanent managing conservator or the
23 guardian of the person of the dependent child;

24 (3) has an annual household income that is less than

1 130 percent of the federal poverty level;

2 (4) does not have either of the dependent child's
3 parents residing in the person's household; and

4 (5) agrees to pursue the entry of a child support order
5 or the enforcement of an existing child support order against the
6 dependent child's parents with the assistance of the Title IV-D
7 agency, if applicable.

8 (c) A person who has not been appointed as the temporary or
9 permanent managing conservator or the guardian of the person of a
10 dependent child but who otherwise meets the requirements of
11 Subsections (b)(1), (3), (4), and (5) is considered a kinship
12 caregiver and is eligible for financial assistance through the
13 kinship care support program if the person seeks to be appointed the
14 child's conservator or guardian. The person is ineligible for
15 continued financial assistance through the program if, on the first
16 anniversary of the date the person begins receiving financial
17 assistance through the program, the person has not been appointed
18 the child's conservator or guardian.

19 (d) A person who is convicted of a felony offense, an
20 element of which is the possession, use, or distribution of a
21 controlled substance, as that term is defined by 21 U.S.C. Section
22 802, is not eligible for financial assistance through the kinship
23 care support program until the later of:

24 (1) the first anniversary of the date the person was
25 finally convicted of the offense; or

26 (2) if the person is confined in a state or federal
27 correctional facility as a result of the conviction, the first

1 anniversary of the date the person is released from that
2 confinement.

3 (e) The amount of financial assistance provided through the
4 kinship care support program on a monthly basis for each dependent
5 child must be at least equal to the amount of the monthly foster
6 care payment that would be paid to a foster parent for the child if
7 the child were in foster care.

8 (f) A determination that a person is ineligible for
9 financial assistance provided through the kinship care support
10 program does not affect the person's eligibility for other
11 financial assistance available under this chapter.

12 (g) The executive commissioner of the Health and Human
13 Services Commission shall adopt rules regarding:

14 (1) any other eligibility requirements that are
15 reasonably necessary to:

16 (A) administer the kinship care support program
17 in accordance with this section and any applicable federal law;

18 (B) promote the safety and best interests of
19 dependent children for whom assistance is provided under the
20 program; and

21 (C) establish procedures for a redetermination
22 of a person's status as a kinship caregiver and eligibility for
23 assistance through the program not less frequently than annually;

24 (2) whether a person may receive assistance under both
25 this section and Section 31.0041; and

26 (3) subject to Subsection (e), the amount of the
27 assistance provided through the program.

1 SECTION 2. Not later than November 1, 2011, the Health and
2 Human Services Commission shall establish the kinship care support
3 program under Section 31.0042, Human Resources Code, as added by
4 this Act.

5 SECTION 3. If before implementing any provision of this Act
6 a state agency determines that a waiver or authorization from a
7 federal agency is necessary for implementation of that provision,
8 the agency affected by the provision shall request the waiver or
9 authorization and may delay implementing that provision until the
10 waiver or authorization is granted.

11 SECTION 4. This Act takes effect September 1, 2011.