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H.B. No. 764

A BILL TO BE ENTITLED

AN ACT

relating to verification of the unavailability of community day care before the Department of Family and Protective Services provides day-care assistance or services.

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

SECTION 1. Subchapter B, Chapter 264, Family Code, is amended by adding Section 264.124 to read as follows:

Sec. 264.124. DAY CARE FOR FOSTER CHILD. (a) In this section, "day care" means the assessment, care, training, education, custody, treatment, or supervision of a foster child by a person other than the child's foster parent for less than 24 hours a day, but at least two hours a day, three or more days a week.

(b) The department, in accordance with executive commissioner rule, shall implement a process to verify that each foster parent who is seeking monetary assistance from the department for day care for a foster child has attempted to find appropriate day-care services for the foster child through community services, including Head Start programs, prekindergarten classes, and early education programs offered in public schools. The department shall specify the documentation the foster parent must provide to the department to demonstrate compliance with the requirements established under this subsection.

(c) Unless the verification is waived as provided by this subsection, the department may not provide monetary assistance to a

1 foster parent for day care for a foster child unless the department  
2 receives the verification required under Subsection (b). The  
3 department may waive the verification requirement as necessary to  
4 make an emergency placement or as provided by department rule.

5 SECTION 2. Section 264.755, Family Code, is amended by  
6 adding Subsection (d) to read as follows:

7 (d) The department, in accordance with executive  
8 commissioner rule, shall implement a process to verify that each  
9 relative and designated caregiver who is seeking monetary  
10 assistance or additional support services from the department for  
11 day care as defined by Section 264.124 for a child under this  
12 section has attempted to find appropriate day-care services for the  
13 child through community services, including Head Start programs,  
14 prekindergarten classes, and early education programs offered in  
15 public schools. The department shall specify the documentation the  
16 relative or designated caregiver must provide to the department to  
17 demonstrate compliance with the requirements established under  
18 this subsection. Unless the verification is waived as provided by  
19 this subsection, the department may not provide monetary assistance  
20 or additional support services to the relative or designated  
21 caregiver for the day care unless the department receives the  
22 required verification. The department may waive the verification  
23 requirement as necessary to make an emergency placement or as  
24 provided by department rule.

25 SECTION 3. This Act takes effect September 1, 2013.