

By: Murphy

H.B. No. 965

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to benefits provided to a household under the financial  
3 assistance and supplemental nutrition assistance programs  
4 following the removal of a child from the household.

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

6 SECTION 1. Subchapter A, Chapter 31, Human Resources Code,  
7 is amended by adding Section 31.019 to read as follows:

8 Sec. 31.019. ADJUSTMENT OF BENEFITS ON CHILD'S REMOVAL FROM  
9 HOUSEHOLD. The executive commissioner of the Health and Human  
10 Services Commission shall adopt rules to ensure that financial  
11 assistance benefits provided to a household are appropriately  
12 ceased or reduced when a child is removed from the household by the  
13 Department of Family and Protective Services or in accordance with  
14 a court order. In adopting rules under this section, the executive  
15 commissioner shall require that:

16 (1) not later than the 10th day after the date a court  
17 order is issued requiring the removal of a child from a household  
18 receiving financial assistance benefits, the Department of Family  
19 and Protective Services notify the department of the removal;

20 (2) the department cease or reduce, as appropriate,  
21 the financial assistance benefits provided for the child not later  
22 than the 14th day after the date the department receives notice  
23 under Subdivision (1); and

24 (3) an applicant for or recipient of financial

1 assistance whose household benefits were ceased or reduced in  
2 accordance with rules adopted under this section may not receive  
3 benefits on behalf of the child under the program unless the  
4 applicant or recipient provides the department with a copy of the  
5 court order by which the applicant or recipient regained possession  
6 of the child.

7 SECTION 2. Subchapter A, Chapter 33, Human Resources Code,  
8 is amended by adding Section 33.037 to read as follows:

9 Sec. 33.037. ADJUSTMENT OF BENEFITS ON CHILD'S REMOVAL FROM  
10 HOUSEHOLD. The executive commissioner shall adopt rules to ensure  
11 that supplemental nutrition assistance benefits provided to a  
12 household are appropriately ceased or reduced when a child is  
13 removed from the household by the Department of Family and  
14 Protective Services or in accordance with a court order. In  
15 adopting rules under this section, the executive commissioner shall  
16 require that:

17 (1) not later than the 10th day after the date a court  
18 order is issued requiring the removal of a child from a household  
19 receiving supplemental nutrition assistance benefits, the  
20 Department of Family and Protective Services notify the department  
21 of the removal;

22 (2) the department cease or reduce, as appropriate,  
23 the supplemental nutrition assistance benefits provided for the  
24 child not later than the 14th day after the date the department  
25 receives notice under Subdivision (1); and

26 (3) an applicant for or recipient of supplemental  
27 nutrition assistance whose household benefits were ceased or

1 reduced in accordance with rules adopted under this section may not  
2 receive benefits on behalf of the child under the program unless the  
3 applicant or recipient provides the department with a copy of the  
4 court order by which the applicant or recipient regained possession  
5 of the child.

6 SECTION 3. Not later than January 1, 2014, the executive  
7 commissioner of the Health and Human Services Commission shall  
8 adopt the rules required by Sections 31.019 and 33.037, Human  
9 Resources Code, as added by this Act.

10 SECTION 4. If before implementing any provision of this Act  
11 a state agency determines that a waiver or authorization from a  
12 federal agency is necessary for implementation of that provision,  
13 the agency affected by the provision shall request the waiver or  
14 authorization and may delay implementing that provision until the  
15 waiver or authorization is granted.

16 SECTION 5. This Act takes effect immediately if it receives  
17 a vote of two-thirds of all the members elected to each house, as  
18 provided by Section 39, Article III, Texas Constitution. If this  
19 Act does not receive the vote necessary for immediate effect, this  
20 Act takes effect September 1, 2013.