

By: Allen

H.B. No. 3859

A BILL TO BE ENTITLED

AN ACT

relating to exemptions from the application of certain financial assistance eligibility requirements for certain grandparents.

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

SECTION 1. Subchapter A, Chapter 31, Human Resources Code, is amended by adding Section 31.0052 to read as follows:

Sec. 31.0052. EXEMPTIONS APPLICABLE TO CERTAIN GRANDPARENTS. (a) This section applies only to a grandparent who is at least 60 years of age and seeking or receiving financial assistance benefits on behalf of a dependent child under this subchapter or receiving supplemental financial assistance under Section 31.0041.

(b) Notwithstanding any other law, the executive commissioner of the Health and Human Services Commission by rule shall prescribe circumstances under which good cause exists for exempting a person to whom this section applies from the application of certain financial assistance eligibility requirements. Rules adopted under this section must provide that if good cause is found:

(1) for purposes of determining the amount of financial assistance granted to a person to whom this section applies for the support of a dependent child or determining whether the family meets household income and resource requirements for financial assistance under this chapter, the department:

1                   (A) may not consider any of the person's assets;  
2 and

3                   (B) shall deduct from the person's income and  
4 resources reasonable expenses associated with supporting the  
5 dependent child; and

6                   (2) the department shall exempt a person to whom this  
7 section applies from the application of time limits imposed by  
8 Section 31.0065 on the receipt of benefits until the dependent  
9 child's 18th birthday.

10           SECTION 2. As soon as possible after the effective date of  
11 this Act, the executive commissioner of the Health and Human  
12 Services Commission shall adopt the rules required under Section  
13 31.0052, Human Resources Code, as added by this Act.

14           SECTION 3. The changes in law made by this Act apply to an  
15 initial determination or redetermination of eligibility of a person  
16 for financial assistance under Chapter 31, Human Resources Code,  
17 that is made on or after the effective date of this Act.

18           SECTION 4. If before implementing any provision of this Act  
19 a state agency determines that a waiver or authorization from a  
20 federal agency is necessary for implementation of that provision,  
21 the agency affected by the provision shall request the waiver or  
22 authorization and may delay implementing that provision until the  
23 waiver or authorization is granted.

24           SECTION 5. This Act takes effect immediately if it receives  
25 a vote of two-thirds of all the members elected to each house, as  
26 provided by Section 39, Article III, Texas Constitution. If this  
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2015.