

By: Menéndez

S.B. No. 1322

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the ability of certain relative caretakers of dependent  
3 children to receive supplemental financial assistance and be  
4 assigned as a protective payee.

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

6 SECTION 1. Section 31.0041(a), Human Resources Code, is  
7 amended to read as follows:

8 (a) To the extent funds are appropriated for this purpose,  
9 the department may provide supplemental financial assistance in  
10 addition to the amount of financial assistance granted for the  
11 support of a dependent child under Section 31.003 to a person who:

12 (1) is 25 [~~45~~] years of age or older;

13 (2) is the grandparent, aunt, uncle, sister, or  
14 brother of the dependent child, as defined by Section 31.002, who  
15 lives at the person's residence;

16 (3) is the primary caretaker of the dependent child;

17 (4) has a family income that is at or below 200 percent  
18 of the federal poverty level; and

19 (5) does not have resources that exceed the amount  
20 allowed for financial assistance under this chapter.

21 SECTION 2. Section 31.0324, Human Resources Code, is  
22 amended by amending Subsections (b) and (c) and adding Subsection  
23 (d) to read as follows:

24 (b) The department by rule shall develop and implement a

1 process that provides for the grandparent, aunt, uncle, sister, or  
2 brother of a child receiving financial assistance under this  
3 chapter to serve as a protective payee to:

4 (1) receive and use the assistance on behalf of the  
5 child; and

6 (2) apply for financial assistance and be interviewed  
7 instead of the child's parent at any subsequent review of  
8 eligibility required by the department.

9 (c) The department shall:

10 (1) limit the use of the process established by  
11 Subsection (b) to situations in which the department determines the  
12 parent is not using the assistance for the child's needs as required  
13 by Section 31.0355(a); and

14 (2) establish by rule the circumstances under which  
15 the grandparent, aunt, uncle, sister, or brother may be removed as a  
16 protective payee.

17 (d) To serve as a protective payee of a child receiving  
18 financial assistance under this chapter, a person described by  
19 Subsection(c)(2) must be at least 25 years of age.

20 SECTION 3. The changes in law made by this Act apply only to  
21 a person receiving financial assistance under Chapter 31, Human  
22 Resources Code, on or after the effective date of this Act,  
23 regardless of the date on which eligibility for the financial  
24 assistance was determined.

25 SECTION 4. If before implementing any provision of this Act  
26 a state agency determines that a waiver or authorization from a  
27 federal agency is necessary for implementation of that provision,

1 the agency affected by the provision shall request the waiver or  
2 authorization and may delay implementing that provision until the  
3 waiver or authorization is granted.

4 SECTION 5. This Act takes effect September 1, 2015.