

By: Garcia

S.B. No. 1932

A BILL TO BE ENTITLED

AN ACT

relating to the payment of permanency care assistance.

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

SECTION 1. Section [264.851](#), Family Code, is amended to read as follows:

Sec. 264.851. DEFINITIONS. In this subchapter:

(1) "Foster child" means a child who is or was in the temporary or permanent managing conservatorship of the department.

(2) "Kinship provider" means a relative of a foster child, or another adult with a longstanding and significant relationship with a foster child before the child was placed with the person by the department, with whom the child resides for at least six consecutive months after the person becomes licensed by the department or verified by a licensed child-placing agency or the department to provide foster care or who has been determined eligible pursuant to department rules adopted under Section [264.853](#).

(3) "Permanency care assistance agreement" means a written agreement between the department and a kinship provider for the payment of permanency care assistance benefits as provided by this subchapter.

(4) "Permanency care assistance benefits" means monthly payments paid by the department to a kinship provider under a permanency care assistance agreement.

1 (5) "Relative" means a person related to a foster
2 child by consanguinity or affinity.

3 Sec. 264.852. PERMANENCY CARE ASSISTANCE AGREEMENTS.

4 (a) The department shall enter into a permanency care assistance
5 agreement with a kinship provider who is eligible to receive
6 permanency care assistance benefits.

7 (b) The department may enter into a permanency care
8 assistance agreement with a kinship provider who is the prospective
9 managing conservator of a foster child only if the kinship provider
10 meets the eligibility criteria under federal and state law and
11 department rule.

12 (c) A court may not order the department to enter into a
13 permanency care assistance agreement with a kinship provider unless
14 the kinship provider meets the eligibility criteria under federal
15 and state law and department rule, including requirements relating
16 to the criminal history background check of a kinship provider.

17 (d) A permanency care assistance agreement may provide for
18 reimbursement of the nonrecurring expenses a kinship provider
19 incurs in obtaining permanent managing conservatorship of a foster
20 child, including attorney's fees and court costs. The
21 reimbursement of the nonrecurring expenses under this subsection
22 may not exceed \$2,000.

23 Sec. 264.8521. NOTICE TO APPLICANTS. At the time a person
24 applies to become licensed by the department or verified by a
25 licensed child-placing agency or the department to provide foster
26 care in order to qualify for the permanency care assistance
27 program, the department or the child-placing agency shall:

1 (1) notify the applicant that a background check,
2 including a criminal history record check, will be conducted on the
3 individual; and

4 (2) inform the applicant about criminal convictions
5 that:

6 (A) preclude an individual from becoming a
7 licensed foster home or verified agency foster home; and

8 (B) may also be considered in evaluating the
9 individual's application.

10 SECTION 2. Section 264.853, Family Code, is amended to read
11 as follows:

12 Sec. 264.853. RULES. (a) The executive commissioner shall
13 adopt rules necessary to implement the permanency care assistance
14 program. The rules must:

15 (1) establish eligibility requirements to receive
16 permanency care assistance benefits under the program; and

17 (2) ensure that the program conforms to the
18 requirements for federal assistance as required by title IV-E of
19 the Social Security Act, 42 U.S.C. sec. 670, et seq. [~~the Fostering~~
20 ~~Connections to Success and Increasing Adoptions Act of 2008 (Pub.~~
21 ~~L. No. 110-351)]].~~

22 (b) The executive commissioner may adopt rules that permit a
23 relative or another adult with a longstanding and significant
24 relationship with a child to qualify for general revenue funded
25 permanency care assistance benefits, notwithstanding that the
26 person has not resided with the child for at least six consecutive
27 months after the person becomes licensed by the department or

1 verified by a licensed child-placing agency of the department to
2 provide foster care, if the following conditions are met:

3 (1) the person has been formally approved by the
4 department as a relative or other designated caregiver;

5 (2) the department determines that payment of
6 permanency care assistance is in the child's best interest; and

7 (3) the person and child meet any additional
8 requirements in department rule.

9 Sec. 264.854. MAXIMUM PAYMENT AMOUNT. The executive
10 commissioner shall set the maximum monthly amount of assistance
11 payments under a permanency care assistance agreement in an amount
12 that does not exceed the amount of the monthly foster care
13 maintenance payment the department would pay to a foster care
14 provider caring for the child for whom the kinship provider is
15 caring.

16 Sec. 264.855. CONTINUED ELIGIBILITY FOR PERMANENCY CARE
17 ASSISTANCE BENEFITS AFTER AGE 18. If the department first entered
18 into a permanency care assistance agreement with a foster child's
19 kinship provider after the child's 16th birthday, the department
20 may continue to provide permanency care assistance payments until
21 the last day of the month of the child's 21st birthday, provided the
22 child is:

23 (1) regularly attending high school or enrolled in a
24 program leading toward a high school diploma or high school
25 equivalency certificate;

26 (2) regularly attending an institution of higher
27 education or a postsecondary vocational or technical program;

1 (3) participating in a program or activity that
2 promotes, or removes barriers to, employment;

3 (4) employed for at least 80 hours a month; or

4 (5) incapable of any of the activities described by
5 Subdivisions (1)-(4) due to a documented medical condition.

6 Sec. 264.856. APPROPRIATION REQUIRED. The department is
7 not required to provide permanency care assistance benefits under
8 this subchapter unless the department is specifically appropriated
9 money for purposes of this subchapter.

10 SECTION 3. This Act takes effect September 1, 2015.