

BILL ANALYSIS

H.B. 4
By: Burkett
Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that children who are placed with certain relative or other designated caregivers have more stability and permanency in their lives and have better outcomes than children placed in non-relative caregiver or non-designated caregiver foster care. H.B. 4 seeks to improve outcomes by addressing the level of support for relative or other designated caregivers.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 2 of this bill.

ANALYSIS

H.B. 4 amends the Family Code to replace the monetary assistance provided by the Department of Family and Protective Services (DFPS) in the form of a one-time cash payment to a relative or other designated caregiver of a child under a caregiver assistance agreement with a tiered disbursement schedule based on the family income of the caregiver in the following manner: for a caregiver that has a family income that is less than or equal to 300 percent of the federal poverty level monetary assistance not exceeding 50 percent of the DFPS daily basic foster care rate for a child disbursed in the same manner as DFPS disburses payments to a foster parent and for a caregiver that has a family income that is greater than 300 percent but less than or equal to 500 percent of the federal poverty level a one-time cash payment to the caregiver on the initial placement of a child or a sibling group capped at \$1,000 for each child placed with the caregiver with a minimum \$1,000 payment for a sibling group. The bill makes a caregiver that has a family income greater than 500 percent of the federal poverty level ineligible for monetary assistance under a caregiver assistance agreement. The bill removes the specification that the one-time payment to a caregiver that has a family income that is greater than 300 percent but less than or equal to 500 percent of the federal poverty level be provided to assist in purchasing essential child-care items such as furniture and clothing. The bill limits the applicability of a statutory provision authorizing the reimbursement of other expenses to be included in monetary assistance provided under a caregiver assistance agreement and capped at \$500 per year for each child to a caregiver that has a family income that is greater than 300 percent but less than or equal to 500 percent of the federal poverty level.

H.B. 4 creates a state jail felony offense for a person who, with intent to defraud or deceive DFPS, knowingly makes or causes to be made a false statement or misrepresentation of a material fact that allows a person to enter into a caregiver assistance agreement and enhances the

penalty for a subsequent conviction of the offense to a third degree felony. The bill makes a person who engaged in such conduct liable to the state for a civil penalty of \$1,000 and requires the attorney general to bring an action to recover the civil penalty. The bill authorizes an actor whose conduct constitutes an offense under the bill's provisions that also constitutes an offense under any other law to be prosecuted under the bill's provisions, the other law, or both. The bill requires the appropriate county prosecuting attorney to be responsible for the prosecution of an offense under the bill's provisions. The bill authorizes the executive commissioner of the Health and Human Services Commission to adopt rules necessary to determine whether fraudulent activity that violates the bill's offense provisions has occurred.

H.B. 4 requires DFPS to consider money paid to a person who has a family income that is less than or equal to 300 percent of the federal poverty level who entered into a caregiver assistance agreement with DFPS on or after June 1, 2017, but before the bill's effective date to be a credit against the disbursement of caregiver assistance funds and prohibits DFPS from beginning disbursing money to the person under such an agreement until the credit has been offset.

EFFECTIVE DATE

September 1, 2017.