

## **BILL ANALYSIS**

Senate Research Center  
85R7845 MK-F

S.B. 780  
By: West  
Health & Human Services  
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### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

According to recent estimates, 268,000 children in Texas are in informal kinship placements, living with relatives with no parent in the home. In Texas, 71 percent of relative caretakers are grandparents. These caregivers are often persons of limited means. In 2015, 123,000, or 46 percent, of kinship care households were below 150 percent of the federal poverty level.

Because studies show that outcomes are better for children placed with relatives, even when those relatives have modest means, the legislature has made certain limited benefits available to relative caregivers to encourage and support these placements.

One such benefit is an "integration payment." Relatives and other designated caregivers with income levels below 300 percent of the federal poverty level are eligible to receive monetary compensation. Initially these payments were only \$1,000 per placement, regardless of the size of the sibling group. In 2013, S.B. 502 made an additional payment of \$495 possible for additional children in a sibling group.

The purpose of the integration benefit is to provide continuity and stability for children who are in the conservatorship of the Department of Family and Protective Services (DFPS) by helping eligible unverified kinship caregivers (those not licensed as foster parents) afford the costs associated with integrating a child into the home. Current agency policy requires this payment to be made within 90-120 days of placement.

Additionally, an unverified kinship caregiver may also qualify for an annual reimbursement of up to \$500 per child for child-related expenses, if the expenses meet eligibility requirements and the kinship caregiver is eligible. Under current policy, the caregiver is reimbursed for child-related expenses on the anniversary of the date the child was placed with the relative.

To better assist relative caregivers, S.B. 780 makes the existing \$1,000 one-time integration payment a floor, rather than a ceiling, so that the agency has the statutory authority to provide additional assistance should state resources become available. It also promotes existing DFPS efforts to provide benefits to relative caregivers by accelerating payment of the integration payment to within 60 days of a child being placed in a relative's home. Because grandparent caregivers must first apply for assistance under a temporary assistance for needy families program administered by the Health and Human Services Commission (HHSC) before accessing benefits through the DFPS program, the bill provides for a more seamless administrative process by granting rulemaking authority to the executive commissioner of HHSC. The bill also provides a procedure intended to ensure that the existing practice of reimbursing a caregiver for expenses occurs within 180 days of placement.

As proposed, S.B. 780 amends current law relating to monetary assistance provided by the Department of Family and Protective Services to certain relatives and designated caregivers.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 264.755, Family Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 264.755, Family Code, by amending Subsections (b) and (c) and adding Subsection (f), as follows:

(b) Requires that monetary assistance provided under this section include a one-time cash payment to the caregiver, rather than a one-time cash payment on the initial placement of a child or a sibling group. Requires that the amount of the cash payment, as determined by the Department of Family and Protective Services (DFPS), be at least \$1,000 for each child who is not placed as part of a sibling group, rather than prohibits the amount of the cash payment, as determined by DFPS, from exceeding \$1,000 for each child. Requires that the payment for placement of a sibling group be at least \$1,000 for the group, but not exceed \$1,000 for each child in the group. Requires that the cash payment be provided not later than the 60th day after the date of the initial placement, rather than provided on the initial placement, of each child with the caregiver and provides that the payment is provided to assist the caregiver in purchasing certain essential child-care items. Requires the executive commissioner of the Health and Human Services Commission (executive commissioner), with assistance from DFPS and the Health and Human Services Commission (HHSC), to adopt a rule governing the method for allocating the one-time cash payment between DFPS and HHSC.

(c) Authorizes monetary assistance and additional support services to include:

(1) through (5) makes no changes to these subdivisions; and

(6) at least \$500 per year for each child for reimbursement of other expenses and the general care of the child, as determined by rules adopted by the executive commissioner, rather than reimbursement of other expenses as determined by rules adopted by the executive commissioner, not to exceed \$500 per year for each child.

(f) Requires DFPS to reimburse a relative or other designated caregiver annually for permitted expenses. Requires DFPS to issue the initial reimbursement as soon as possible but not later than the 180th day after the date the child or sibling group is placed with the relative or designated caregiver. Requires DFPS, if DFPS does not receive an initial request for reimbursement from the relative or designated caregiver before the 180th day after the date of placement, to:

(1) make a good faith effort, as part of DFPS's regular contact with the relative or designated caregiver, to request submission of the initial reimbursement request; and

(2) issue the reimbursement as soon as possible after DFPS receives the reimbursement request.

SECTION 2. (a) Makes application of Sections 264.755(b) and (c), Family Code, as amended by this Act, prospective.

(b) Makes application of Section 264.755(f), Family Code, as added by this Act, prospective.

SECTION 3. Effective date: September 1, 2017.