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H.B. No. 4

A BILL TO BE ENTITLED

AN ACT

relating to monetary assistance provided by the Department of Family and Protective Services to certain relative or designated caregivers; creating a criminal offense; creating a civil penalty.

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

SECTION 1. Section 264.755, Family Code, is amended by amending Subsections (a), (b), and (c) and adding Subsections (b-1) and (b-2) to read as follows:

(a) The department shall, subject to the availability of funds, enter into a caregiver assistance agreement with each relative or other designated caregiver to provide monetary assistance and additional support services to the caregiver. The monetary assistance and support services shall be based on a family's need, as determined by Subsection (b) and rules adopted by the executive commissioner.

(b) The department shall disburse monetary ~~[Monetary]~~ assistance to caregivers ~~[provided]~~ under this section as follows:

(1) a caregiver that has a family income that is less than or equal to 300 percent of the federal poverty level may receive monetary assistance not exceeding 50 percent of the department's daily basic foster care rate for the child;

(2) 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 may receive ~~[must include]~~ a one-time

1 cash payment as provided by Subsection (b-2) for each child placed
2 with the [to the] caregiver on the initial placement of a child or a
3 sibling group; and

4 (3) a caregiver that has a family income greater than
5 500 percent of the federal poverty level is not eligible for
6 monetary assistance under this section.

7 (b-1) The department shall disburse monetary assistance
8 provided to a caregiver under Subsection (b)(1) in the same manner
9 as the department disburses payments to a foster parent.

10 (b-2) The amount of the one-time cash payment provided to a
11 caregiver under Subsection (b)(2) [as determined by the
12 department,] may not exceed \$1,000 for each child placed with the
13 caregiver. The payment for placement of a sibling group must be at
14 least \$1,000 for the group, but may not exceed \$1,000 for each child
15 in the group. [~~The cash payment must be provided on the initial~~
16 ~~placement of each child with the caregiver and is provided to assist~~
17 ~~the caregiver in purchasing essential child-care items such as~~
18 ~~furniture and clothing.]~~

19 (c) Monetary assistance and additional support services
20 provided under this section may include:

21 (1) case management services and training and
22 information about the child's needs until the caregiver is
23 appointed permanent managing conservator;

24 (2) referrals to appropriate state agencies
25 administering public benefits or assistance programs for which the
26 child, the caregiver, or the caregiver's family may qualify;

27 (3) family counseling not provided under the Medicaid

1 program for the caregiver's family for a period not to exceed two
2 years from the date of initial placement;

3 (4) if the caregiver meets the eligibility criteria
4 determined by rules adopted by the executive commissioner,
5 reimbursement of all child-care expenses incurred while the child
6 is under 13 years of age, or under 18 years of age if the child has a
7 developmental disability, and while the department is the child's
8 managing conservator;

9 (5) if the caregiver meets the eligibility criteria
10 determined by rules adopted by the executive commissioner,
11 reimbursement of 50 percent of child-care expenses incurred after
12 the caregiver is appointed permanent managing conservator of the
13 child while the child is under 13 years of age, or under 18 years of
14 age if the child has a developmental disability; and

15 (6) for a caregiver receiving monetary assistance
16 under Subsection (b)(2), reimbursement of other expenses, as
17 determined by rules adopted by the executive commissioner, not to
18 exceed \$500 per year for each child.

19 SECTION 2. Subchapter I, Chapter 264, Family Code, is
20 amended by adding Section 264.7551 to read as follows:

21 Sec. 264.7551. FRAUDULENT AGREEMENT; CRIMINAL OFFENSE;
22 CIVIL PENALTY. (a) A person commits an offense if, with intent to
23 defraud or deceive the department, the person knowingly makes or
24 causes to be made a false statement or misrepresentation of a
25 material fact that allows a person to enter into a caregiver
26 assistance agreement.

27 (b) An offense under Subsection (a) is a state jail felony

1 unless it is shown on the trial of the offense that the person has
2 previously been convicted under this section, in which case the
3 offense is a felony of the third degree.

4 (c) If conduct that constitutes an offense under this
5 section also constitutes an offense under any other law, the actor
6 may be prosecuted under this section, the other law, or both.

7 (d) The appropriate county prosecuting attorney shall be
8 responsible for the prosecution of an offense under this section.

9 (e) A person who engaged in conduct described by Subsection
10 (a) is liable to the state for a civil penalty of \$1,000. The
11 attorney general shall bring an action to recover a civil penalty as
12 authorized by this subsection.

13 (f) The executive commissioner may adopt rules necessary to
14 determine whether fraudulent activity that violates Subsection (a)
15 has occurred.

16 SECTION 3. (a) Except as provided by Subsection (b) of this
17 section, Section 264.755, Family Code, as amended by this Act,
18 applies to a caregiver assistance agreement entered into before,
19 on, or after the effective date of this Act.

20 (b) If a person who has a family income that is less than or
21 equal to 300 percent of the federal poverty level entered into a
22 caregiver assistance agreement with the Department of Family and
23 Protective Services on or after June 1, 2017, but before the
24 effective date of this Act, and received monetary assistance under
25 the agreement from the department, the department shall consider
26 the money paid to the person to be a credit against the disbursement
27 of caregiver assistance funds, and may not begin disbursing money

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1 to the person as authorized by Section [264.755](#), Family Code, as
2 amended by this Act, until the credit has been offset.

3 SECTION 4. This Act takes effect September 1, 2017.