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H.B. No. 132

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 protective payees for financial assistance payments.

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 commission 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 executive commissioner by rule shall develop and the

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

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

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

10 (c) The commission shall limit the use of the process
11 established by Subsection (b) to situations in which the commission
12 determines the parent is not using the assistance for the child's
13 needs as required by Section 31.0355(a), and the executive
14 commissioner shall 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 (b) must be at least 25 years of age.

20 SECTION 3. The changes in law made by this Act apply to a
21 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, 2017.