

By: Giddings

H.B. No. 1671

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to child support funds recovered by the Title IV-D agency  
3 on behalf of a child in the conservatorship of the Department of  
4 Family and Protective Services.

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

6 SECTION 1. The heading to Section 231.010, Family Code, is  
7 amended to read as follows:

8 Sec. 231.010. COOPERATION WITH DEPARTMENT OF FAMILY AND  
9 PROTECTIVE [~~AND REGULATORY~~] SERVICES.

10 SECTION 2. Section 231.010, Family Code, is amended by  
11 amending Subsection (a) and adding Subsection (c) to read as  
12 follows:

13 (a) In this section, "department" means the Department of  
14 Family and Protective [~~and Regulatory~~] Services.

15 (c) The Title IV-D agency shall work with the department to  
16 identify the amount of child support paid by the parent of a child  
17 in the conservatorship of the department that exceeds the amount of  
18 the foster care maintenance payment paid by the department for the  
19 child.

20 SECTION 3. Section 264.109, Family Code, is amended by  
21 amending Subsection (c) and adding Subsection (d) to read as  
22 follows:

23 (c) The department and the Title IV-D agency shall execute a  
24 memorandum of understanding for the implementation of the

1 provisions of this section and for the allocation to [~~between~~] the  
2 department [~~and the agency~~], consistent with federal laws and  
3 regulations, of any child support funds recovered by the Title IV-D  
4 agency in substitute care cases to reimburse the department for the  
5 cost of foster care maintenance payments. All child support funds  
6 recovered under this section and retained by the department [~~or the~~  
7 ~~Title IV-D agency~~] and any federal matching or incentive funds  
8 resulting from child support collection efforts in substitute care  
9 cases shall be in excess of amounts otherwise appropriated to  
10 [~~either~~] the department [~~or the Title IV-D agency~~] by the  
11 legislature.

12 (d) If the amount of child support funds recovered by the  
13 Title IV-D agency and allocated to the department for a child in the  
14 conservatorship of the department exceeds the amount of the foster  
15 care maintenance payment paid by the department for the child, the  
16 department shall use the excess amount of child support in the  
17 manner it determines will serve the best interests of the child.

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