86R4716 MCK-D

By:  White H.B. No. 576

A BILL TO BE ENTITLED

AN ACT

relating to providing financial assistance to certain persons who care for a child under a parental child safety placement; creating a criminal offense; creating a civil penalty.

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

SECTION 1.  Subchapter L, Chapter 264, Family Code, is amended by adding Sections 264.907 and 264.908 to read as follows:

Sec. 264.907.  CAREGIVER ASSISTANCE. (a) The department shall, subject to the availability of funds, enter into a caregiver assistance agreement with each eligible caregiver to provide monetary assistance to the caregiver. The monetary assistance shall be based on a family's need, as determined by Subsection (b) and rules adopted by the commissioner of the department.

(b)  The department shall provide monetary assistance under this section to a caregiver who has a family income that is less than or equal to 300 percent of the federal poverty level. Monetary assistance provided to a caregiver under this section may not exceed 50 percent of the department's daily basic foster care rate for the child. A caregiver who has a family income greater than 300 percent of the federal poverty level is not eligible for monetary assistance under this section.

(c)  The department shall disburse monetary assistance provided to a caregiver under Subsection (b) in the same manner as the department disburses payments to a foster parent. The department may not provide monetary assistance to an eligible caregiver under Subsection (b) after the first anniversary of the date the caregiver receives the first monetary assistance payment from the department under this section. The department, at its discretion and for good cause, may extend the monetary assistance payments for an additional six months.

(d)  The department shall implement a process to verify the family income of a caregiver for the purpose of determining eligibility to receive monetary assistance under Subsection (b).

Sec. 264.908.  CRIMINAL OFFENSE; CIVIL PENALTY. (a) A person commits an offense if, with intent to defraud or deceive the department, the person knowingly makes or causes to be made a false statement or misrepresentation of a material fact that allows a person to receive monetary assistance under Section 264.907.

(b)  An offense under this section is:

(1)  a Class B misdemeanor if the person received monetary assistance for less than 31 days;

(2)  a Class A misdemeanor if the person received monetary assistance for 31 days or more but less than 91 days; or

(3)  a state jail felony if the person received monetary assistance for 91 days or more.

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

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

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

(f)  The commissioner of the department may adopt rules necessary to determine whether fraudulent activity that violates Subsection (a) has occurred.

SECTION 2.  This Act takes effect September 1, 2019.