

By: White

H.B. No. 576

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to providing financial assistance to certain persons who  
3 care for a child under a parental child safety placement; creating a  
4 criminal offense; creating a civil penalty.

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

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

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

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

22 (c) The department shall disburse monetary assistance  
23 provided to a caregiver under Subsection (b) in the same manner as  
24 the department disburses payments to a foster parent. The

1 department may not provide monetary assistance to an eligible  
2 caregiver under Subsection (b) after the first anniversary of the  
3 date the caregiver receives the first monetary assistance payment  
4 from the department under this section. The department, at its  
5 discretion and for good cause, may extend the monetary assistance  
6 payments for an additional six months.

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

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

15 (b) An offense under this section is:

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

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

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

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

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

27 (e) A person who engaged in conduct described by Subsection

1 (a) is liable to the state for a civil penalty of \$1,000. The  
2 attorney general shall bring an action to recover a civil penalty as  
3 authorized by this subsection.

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

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