

BILL ANALYSIS

Senate Research Center

S.B. 263
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Health & Human Services
5/25/2021
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Certain relative caregivers (grandparents, next of kin) are living on limited incomes. When children are moved from their custodial home and to a kinship/grandparent for temporary custody, it is often done at the expense of the kinship/grandparent. Because they are related to the child, it has been hard to ensure that needed funds follow the child throughout the custody resolution. Families are forced to rely on what they may already have with their retirements, social security, and/or surviving spouse's benefits. Without these safety nets, families are forced to go to the food bank and second hand stores just to make ends meet. These funds will go a long way in providing support not only to children who need help the most but the families who stepped up to help.

S.B. 263 will allow the Health and Human Services Commission (HHSC) to provide supplemental financial assistance in addition to the amount of financial assistance granted for the support of a dependent child under Section 31.003 to a person who is 25 years of age or older; is the grandparent, aunt, uncle, sister, or brother of the dependent child, as defined by Section 31.002, lives at the person's residence; the primary caretaker of the dependent child; has a family income that is at or below 200 percent of the federal poverty level and does not have resources that exceed the amount allowed for financial assistance under this chapter.

The executive commissioner of HHSC (executive commissioner) by rule shall develop and HHSC shall implement a process that provides for the grandparent, aunt, uncle, sister, or brother of a child receiving financial assistance under this chapter to serve as a protective payee to receive and use the assistance on behalf of the child and apply for financial assistance and be interviewed instead of the child's parent at any subsequent review of eligibility required by HHSC. HHSC shall limit the use of the process to situations in which HHSC determines the parent is not using the assistance for the child's needs as required and the executive commissioner shall establish by rule the circumstances under which the grandparent, aunt, uncle, sister, or brother may be removed as a protective payee.

S.B. 263 amends current law relating to the ability of certain relative caretakers of dependent children to receive supplemental financial assistance and be assigned as protective payees for financial assistance payments.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the executive commissioner of the Health and Human Services Commission is modified in SECTION 2 (Section 31.0324, Human Resources Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 31.0041(a), Human Resources Code, to provide that the Health and Human Services Commission (HHSC) is authorized to provide supplemental assistance in addition to the amount of financial assistance for the support of a dependent child under Section 31.003 (Amount of Financial Assistance) to a person who meets certain conditions, including a person who is 25 years of age or older, rather than 45 years of age or older, and who is a grandparent, aunt, uncle, sister, or brother of the dependent child.

SECTION 2. Amends Section 31.0324, Human Resources Code, by amending Subsections (b) and (c) and adding Subsection (d), as follows:

(b) Requires the executive commissioner of HHSC by rule to develop and HHSC to implement a process that provides for the grandparent, aunt, uncle, sister, or brother of a child, rather than the grandparent of a child, receiving financial assistance under Chapter 31 (Financial Assistance and Service Programs) to serve as a protective payee to perform certain actions.

(c) Makes a conforming change to this subsection.

(d) Requires a person described by Subsection (b), in order to serve as a protective payee of a child receiving financial assistance under this chapter, to be at least 25 years of age.

SECTION 3. Provides that the changes in law made by this Act apply to a person receiving financial assistance under Chapter 31, Human Resources Code, on or after the effective date of this Act, regardless of the date on which eligibility for the financial assistance was determined.

SECTION 4. Requires a state agency, if necessary for implementation of a provision of this Act, to request a waiver or authorization from a federal agency, and authorizes a delay of implementation until such a waiver or authorization is granted.

SECTION 5. Effective date: September 1, 2021.