

BILL ANALYSIS

H.B. 336
By: Toth
Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Attorneys ad litem have encountered obstacles in accessing benefits on behalf of the children they represent in a timely and efficient manner. H.B. 336 seeks to address this issue and provide increased transparency and reporting related to a child's benefits, assets, and applications for benefits by requiring the Department of Family and Protective Services (DFPS) to provide notice of certain benefits or services for which a representative payee or fiduciary has been appointed for a child in DFPS conservatorship.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 336 amends the Family Code to require the Department of Family and Protective Services (DFPS) to immediately provide to a child in DFPS conservatorship who receives or is eligible to receive benefits or services for which a representative payee or fiduciary is required notice of the following through the child's legal representative:

- any application made on the child's behalf for U.S. Department of Veterans Affairs (VA) benefits, Supplemental Security Income (SSI) benefits, or Social Security Disability Insurance (SSDI) benefits;
- if DFPS serves as the representative payee or in any other fiduciary capacity for the child, any application to become representative payee for such benefits;
- any decisions or communications from VA or the Social Security Administration regarding an application for the benefits; and
- any appeal or other action requested by DFPS regarding an application for the benefits.

H.B. 336 requires DFPS, if it serves as the representative payee or otherwise receives VA, SSI, or SSDI benefits on the child's behalf, to provide the following information to the child through the child's legal representative before each placement review hearing:

- the amount of benefit funds received on the child's behalf since the most recent notification to the child's legal representative and the date the benefits were received;
- information regarding the child's assets and resources, including the child's benefits, insurance, cash assets, trust accounts, earnings, and other resources;
- an accounting of the disbursement of benefit funds, including the date, amount, and identification of the payee; and

- information regarding each request by the court appointed special advocate for the child, the child's legal representative, or the child's caregiver for disbursement of funds and, if the request was not granted, a statement regarding DFPS's reason for not granting the request.

EFFECTIVE DATE

September 1, 2023.