By:  Middleton S.B. No. 2560

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of the Texas Adoption Assistance Program.

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

SECTION 1.  Chapter 162, Family Code, is amended by adding Subchapter I to read as follows:

SUBCHAPTER I. TEXAS ADOPTION ASSISTANCE PROGRAM

Sec. 162.751.  DEFINITIONS. In this subchapter:

(1)  "Adoption assistance grant" means a Texas Adoption Assistance Program grant awarded under Section 162.759.

(2)  "Certified organization" means an organization certified under Section 162.753.

(3)  "Eligible parent" means a parent who meets the requirements of Section 162.757.

(4)  "Program money" means money required to be distributed as provided by Section 162.755(a)(5)(A).

Sec. 162.752.  PROGRAM ESTABLISHMENT AND ADMINISTRATION; PURPOSE. The comptroller shall establish and administer the Texas Adoption Assistance Program for the purpose of encouraging the adoption of Texas children by providing adoptive parents with private sector and public assistance with adoption-related expenses.

Sec. 162.753.  CERTIFICATION OF ORGANIZATIONS; PARTICIPATION IN PROGRAM. (a) The comptroller shall select and certify organizations that meet the eligibility requirements of Section 162.754 to participate in the Texas Adoption Assistance Program.

(b)  A certified organization may solicit and accept donations and award adoption assistance grants in this state under the conditions and limitations provided by this subchapter.

(c)  The comptroller shall solicit applications and select and approve new certified organizations on an ongoing basis to meet the needs in this state.

Sec. 162.754.  ELIGIBILITY REQUIREMENTS FOR ORGANIZATIONS APPLYING FOR CERTIFICATION. (a) An organization may apply to the comptroller for certification under Section 162.753.

(b)  An organization is eligible for certification by the comptroller only if:

(1)  the organization is exempt from federal tax under Section 501(a), Internal Revenue Code of 1986, by being listed as an exempt organization in Section 501(c)(3) of that code and meeting all other applicable requirements for that exemption;

(2)  the organization's mission includes providing services or other assistance to families, women, or children; and

(3)  the organization agrees to, if certified:

(A)  in partnership with the state, assist eligible parents with the payment of adoption-related expenses; and

(B)  be independently audited on an annual basis and file the audit report with the comptroller.

Sec. 162.755.  REQUIREMENTS FOR CERTIFIED ORGANIZATION. (a) A certified organization shall:

(1)  comply at all times with the eligibility requirements under Section 162.754(b);

(2)  submit to an annual independent audit under guidelines provided by the comptroller and file the audit report with the comptroller;

(3)  distribute all program money in the manner provided by Section 162.759;

(4)  give each donor a receipt for money donated to the certified organization that includes the name of the certified organization, the name of the donor, the amount of the donation, and any other information required by the comptroller; and

(5)  of the amount of money received from donations made by donors for the purpose of providing adoption assistance grants:

(A)  distribute not less than 97 percent in the form of adoption assistance grants; and

(B)  use not more than three percent to pay expenses of operating the organization.

(b)  A certified organization may not provide adoption assistance grants in a manner that does not comply with Section 162.759.

Sec. 162.756.  REVOCATION OF CERTIFICATION. The comptroller shall revoke a certification under Section 162.753 if the comptroller finds that a certified organization:

(1)  is not in compliance with the requirements of Section 162.755; or

(2)  otherwise intentionally and substantially violates this subchapter.

Sec. 162.757.  ELIGIBILITY OF PARENTS. A person is eligible for an adoption assistance grant if the person:

(1)  resides in this state on the date the adoption assistance grant is awarded;

(2)  is an adoptive parent under an adoption order granted under Section 162.016 of a child who is younger than 18 years old on September 1 of the state fiscal year in which the adoption assistance grant is awarded; and

(3)  has an annual gross household income that is not more than $150,000.

Sec. 162.758.  MAXIMUM AMOUNT OF GRANT. The maximum amount of an adoption assistance grant is:

(1)  for an eligible parent or parents with an annual gross household income of not more than $110,000, an amount equal to half of the amount of any adoption-related expenses incurred by the parent or parents;

(3)  for an eligible parent or parents with an annual gross household income of more than $110,000 and not more than $130,000, an amount equal to 30 percent of the amount of any adoption-related expenses incurred by the parent or parents; and

(5)  for an eligible parent or parents with an annual gross household income of more than $130,000 and not more than $150,000, an amount equal to 10 percent of the amount of any adoption-related expenses incurred by the parent or parents.

Sec. 162.759.  APPLICATION; AWARD OF GRANTS. Each state fiscal year, a certified organization shall award a number of one-time adoption assistance grants, as determined by the organization based on available funds, to eligible parents who apply to the comptroller in the manner prescribed by comptroller rule.

Sec. 162.760.  STATE MATCHING FUNDS. A certified organization that provides money for an adoption assistance grant under this subchapter is entitled to state matching funds to be used by the certified entity as additional money for the grant award. If the comptroller determines that the amount appropriated to the comptroller for a state fiscal year is not sufficient to match all grants awarded under this subchapter, the comptroller shall continue to perform the comptroller's other duties under this subchapter without matching grants awarded by a certified organization.

Sec. 162.761.  RULES; PROCEDURES. The comptroller shall adopt rules and procedures to implement, administer, and enforce this subchapter.

SECTION 2.  This Act takes effect September 1, 2023.