

By: Toth, Noble

H.B. No. 336

A BILL TO BE ENTITLED

1 AN ACT
2 relating to notice regarding certain benefits for which a
3 representative payee or fiduciary has been appointed for a child in
4 the conservatorship of the Department of Family and Protective
5 Services.

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

7 SECTION 1. Subchapter A, Chapter 264, Family Code, is
8 amended by adding Section 264.0112 to read as follows:

9 Sec. 264.0112. NOTICE REGARDING CERTAIN BENEFITS FOR WHICH
10 DEPARTMENT HAS BEEN APPOINTED REPRESENTATIVE PAYEE OR FIDUCIARY FOR
11 CHILD. (a) In this section, "legal representative" means the
12 child's attorney, the child's attorney ad litem, or another
13 individual appointed by a court to represent the legal interests of
14 the child.

15 (b) For a child in the department's conservatorship who
16 receives or is eligible to receive benefits or services for which a
17 representative payee or fiduciary is required, the department shall
18 immediately provide notice to the child through the child's legal
19 representative regarding:

20 (1) any application for United States Department of
21 Veterans Affairs benefits, Supplemental Security Income (SSI)
22 benefits under 42 U.S.C. Section 1381 et seq., or Social Security
23 Disability Insurance (SSDI) benefits under 42 U.S.C. Section 401 et
24 seq. made on the child's behalf;

1 (2) if the department serves as the representative
2 payee or in any other fiduciary capacity for the child, any
3 application to become representative payee for the child's United
4 States Department of Veterans Affairs benefits, Supplemental
5 Security Income (SSI) benefits under 42 U.S.C. Section 1381 et
6 seq., or Social Security Disability Insurance (SSDI) benefits under
7 42 U.S.C. Section 401 et seq.;

8 (3) any decisions or communications from the United
9 States Department of Veterans Affairs or the Social Security
10 Administration regarding an application described by Subdivision
11 (1); and

12 (4) any appeal or other action requested by the
13 department regarding an application for benefits described by
14 Subdivision (1).

15 (c) If the department serves as the representative payee or
16 otherwise receives United States Department of Veterans Affairs
17 benefits, Supplemental Security Income (SSI) benefits under 42
18 U.S.C. Section 1381 et seq., or Social Security Disability
19 Insurance (SSDI) benefits under 42 U.S.C. Section 401 et seq. on the
20 child's behalf, the department shall provide the following
21 information to the child through the child's legal representative
22 before each placement review hearing:

23 (1) the amount of benefit funds received on the child's
24 behalf since the most recent notification to the child's legal
25 representative and the date the benefits were received;

26 (2) information regarding the child's assets and
27 resources, including the child's benefits, insurance, cash assets,

1 trust accounts, earnings, and other resources;

2 (3) an accounting of the disbursement of benefit
3 funds, including the date, amount, and identification of the payee;
4 and

5 (4) information regarding each request by the court
6 appointed special advocate for the child, the child's legal
7 representative, or the child's caregiver for disbursement of funds
8 and a statement regarding the department's reason for not granting
9 the request if the request was not granted.

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