

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.