

By: Meza

H.B. No. 1431

A BILL TO BE ENTITLED

AN ACT

1
2 relating to monetary assistance provided by the Department of
3 Family and Protective Services to certain relative or designated
4 caregivers.

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

6 SECTION 1. Section 264.752(c), Family Code, is amended to
7 read as follows:

8 (c) The executive commissioner shall adopt rules necessary
9 to implement this subchapter. [~~The rules must include eligibility~~
10 ~~criteria for receiving assistance and services under this~~
11 ~~subchapter.~~]

12 SECTION 2. Section 264.755, Family Code, as amended by
13 Chapter 315 (H.B. 4), Acts of the 85th Legislature, Regular
14 Session, 2017, is amended by reenacting and amending Subsections
15 (a), (b), (b-1), (c), and (f) to read as follows:

16 (a) The department shall, subject to the availability of
17 funds, enter into a caregiver assistance agreement with each
18 relative or other designated caregiver to provide monetary
19 assistance and additional support services to the caregiver. [~~The~~
20 ~~monetary assistance and support services shall be based on a~~
21 ~~family's need, as determined by Subsection (b) and rules adopted by~~
22 ~~the executive commissioner.~~]

23 (b) The department shall provide monetary assistance under
24 this section to each relative or other designated [a] caregiver

1 ~~[who has a family income that is less than or equal to 300 percent of~~
2 ~~the federal poverty level]~~. Monetary assistance provided to a
3 caregiver under this section may not exceed 50 percent of the
4 department's daily basic foster care rate for the child. ~~[A~~
5 ~~caregiver who has a family income greater than 300 percent of the~~
6 ~~federal poverty level is not eligible for monetary assistance under~~
7 ~~this section.]~~

8 (b-1) The department shall disburse monetary assistance
9 provided to a caregiver under Subsection (b) in the same manner as
10 the department disburses payments to a foster parent. The
11 department may not provide monetary assistance to an eligible
12 caregiver under Subsection (b) after the first anniversary of the
13 date the caregiver receives the first monetary assistance payment
14 from the department under this section. The department, at its
15 discretion and for good cause, may extend the monetary assistance
16 payments for an additional six months.

17 (c) Monetary assistance and additional support services
18 provided under this section may include:

19 (1) case management services and training and
20 information about the child's needs until the caregiver is
21 appointed permanent managing conservator;

22 (2) referrals to appropriate state agencies
23 administering public benefits or assistance programs for which the
24 child, the caregiver, or the caregiver's family may qualify;

25 (3) family counseling not provided under the Medicaid
26 program for the caregiver's family for a period not to exceed two
27 years from the date of initial placement;

1 (4) ~~[if the caregiver meets the eligibility criteria~~
2 ~~determined by rules adopted by the executive commissioner,]~~
3 reimbursement of all child-care expenses incurred while the child
4 is under 13 years of age, or under 18 years of age if the child has a
5 developmental disability, and while the department is the child's
6 managing conservator; and

7 (5) ~~[if the caregiver meets the eligibility criteria~~
8 ~~determined by rules adopted by the executive commissioner,]~~
9 reimbursement of 50 percent of child-care expenses incurred after
10 the caregiver is appointed permanent managing conservator of the
11 child while the child is under 13 years of age, or under 18 years of
12 age if the child has a developmental disability.

13 (f) If a person ~~[who has a family income that is less than or~~
14 ~~equal to 300 percent of the federal poverty level]~~ enters into a
15 caregiver assistance agreement with the department, obtains
16 permanent managing conservatorship of a child, and meets all other
17 eligibility requirements, the person may receive an annual
18 reimbursement of other expenses for the child, as determined by
19 rules adopted by the executive commissioner, not to exceed \$500 per
20 year until the earlier of:

21 (1) the third anniversary of the date the person was
22 awarded permanent managing conservatorship of the child; or

23 (2) the child's 18th birthday.

24 SECTION 3. Section 264.755(b-2), Family Code, is repealed.

25 SECTION 4. Section 264.755, Family Code, as amended by this
26 Act, applies to a caregiver assistance agreement entered into
27 before, on, or after the effective date of this Act.

1 SECTION 5. This Act takes effect September 1, 2023.