

By: Gervin-Hawkins

H.B. No. 4159

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the procedures for the removal of certain children in
3 the managing conservatorship of the Department of Family and
4 Protective Services and monetary assistance provided by the
5 Department of Family and Protective Services to certain relative or
6 designated caregivers.

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

8 SECTION 1. Subchapter B, Chapter 262, Family Code, is
9 amended by adding Section 262.117 to read as follows:

10 Sec. 262.117. LIMITS ON REMOVAL FROM RELATIVE CAREGIVER.

11 (a) Except as provided by Subsection (b), the department may not
12 take possession of a child under this subchapter who has been placed
13 with a relative caregiver under Subchapter I, Chapter 264, whose
14 relationship with the child is within the fourth degree by
15 consanguinity before the department has, to the extent applicable:

16 (1) conducted an investigation;

17 (2) provided parental services and resources to the
18 caregiver; or

19 (3) provided warnings or reminders of appropriate
20 policy to the caregiver.

21 (b) Notwithstanding Subsection (a), the department may take
22 possession of a child as authorized by Section 262.102 or 262.104 in
23 the manner prescribed by those sections.

24 SECTION 2. Section 264.752(c), Family Code, is amended to

1 read as follows:

2 (c) The executive commissioner shall adopt rules necessary
3 to implement this subchapter. ~~[The rules must include eligibility~~
4 ~~criteria for receiving assistance and services under this~~
5 ~~subchapter.]~~

6 SECTION 3. Section 264.755, Family Code, as amended by
7 Chapter 315 (H.B. 4), Acts of the 85th Legislature, Regular
8 Session, 2017, is amended by reenacting and amending Subsections
9 (a), (b), (b-1), (c), and (f) to read as follows:

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

17 (b) The department shall provide monetary assistance under
18 this section to each relative or other designated ~~[a]~~ caregiver
19 ~~[who has a family income that is less than or equal to 300 percent of~~
20 ~~the federal poverty level]~~. Monetary assistance provided to a
21 caregiver under this section must be equal to ~~[may not exceed 50~~
22 ~~percent of]~~ the department's minimum daily ~~[basic]~~ foster care
23 reimbursement rate for the child. ~~[A caregiver who has a family~~
24 ~~income greater than 300 percent of the federal poverty level is not~~
25 ~~eligible for monetary assistance under this section.]~~

26 (b-1) The department shall disburse monetary assistance
27 provided to a caregiver under Subsection (b) in the same manner as

1 the department disburses payments to a foster parent. [~~The
2 department may not provide monetary assistance to an eligible
3 caregiver under Subsection (b) after the first anniversary of the
4 date the caregiver receives the first monetary assistance payment
5 from the department under this section. The department, at its
6 discretion and for good cause, may extend the monetary assistance
7 payments for an additional six months.~~]

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

10 (1) case management services and training and
11 information about the child's needs until the caregiver is
12 appointed permanent managing conservator;

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

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

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

25 (5) [~~if the caregiver meets the eligibility criteria
26 determined by rules adopted by the executive commissioner,~~]
27 reimbursement of 50 percent of child-care expenses incurred after

1 the caregiver is appointed permanent managing conservator of the
2 child while the child is under 13 years of age, or under 18 years of
3 age if the child has a developmental disability.

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

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

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

15 SECTION 4. Section 264.755(b-2), Family Code, is repealed.

16 SECTION 5. Section 264.755, Family Code, as amended by this
17 Act, applies to a caregiver assistance agreement entered into
18 before, on, or after the effective date of this Act.

19 SECTION 6. This Act takes effect September 1, 2023.