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H.B. No. 215

A BILL TO BE ENTITLED

AN ACT

relating to the payment of support rights and other benefits for a
child in the conservatorship of the Department of Family and
Protective Services.

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

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

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

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

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

(2) if the department serves as the representative

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

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

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

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

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

25 (2) information regarding the child's assets and
26 resources, including the child's benefits, insurance, cash assets,
27 trust accounts, earnings, and other resources;

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

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

9 SECTION 2. Section 264.109(a), Family Code, is amended to
10 read as follows:

11 (a) Except as provided by Section 264.763, the ~~[The]~~
12 placement of a child in substitute care by the department
13 constitutes an assignment to the state of any support rights
14 attributable to the child as of the date the child is placed in
15 substitute care.

16 SECTION 3. Subchapter I, Chapter 264, Family Code, is
17 amended by adding Section 264.763 to read as follows:

18 Sec. 264.763. PAYMENT OF CHILD'S SUPPORT RIGHTS AND
19 BENEFITS. A relative or other designated caregiver is eligible to
20 receive support and benefits, including monthly benefits, on behalf
21 of a child placed with the person by the department. The department
22 shall pass through to the relative or other designated caregiver:

23 (1) any support rights attributable to the child; and
24 (2) payments to which the child is entitled or that are
25 paid for the benefit of the child, including Supplemental Security
26 Income (SSI) benefits under 42 U.S.C. Section 1381 et seq.

27 SECTION 4. This Act takes effect September 1, 2025.