

1-1 By: Burkett, et al. (Senate Sponsor - Schwertner) H.B. No. 4
 1-2 (In the Senate - Received from the House March 6, 2017;
 1-3 March 28, 2017, read first time and referred to Committee on Health
 1-4 & Human Services; May 17, 2017, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 7, Nays 2;
 1-6 May 17, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12		X		
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17		X		

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 4 By: Schwertner

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to monetary assistance provided by the Department of
 1-22 Family and Protective Services to certain relative or designated
 1-23 caregivers; creating a criminal offense; creating a civil penalty.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 264.755, Family Code, is amended by
 1-26 amending Subsections (a), (b), and (c) and adding Subsections
 1-27 (b-1), (b-2), and (f) to read as follows:

1-28 (a) The department shall, subject to the availability of
 1-29 funds, enter into a caregiver assistance agreement with each
 1-30 relative or other designated caregiver to provide monetary
 1-31 assistance and additional support services to the caregiver. The
 1-32 monetary assistance and support services shall be based on a
 1-33 family's need, as determined by Subsection (b) and rules adopted by
 1-34 the executive commissioner.

1-35 (b) The department shall provide monetary [Monetary]
 1-36 assistance [provided] under this section to a caregiver who has a
 1-37 family income that is less than or equal to 300 percent of the
 1-38 federal poverty level. Monetary assistance provided to a caregiver
 1-39 under this section may not exceed 50 percent of the department's
 1-40 daily basic foster care rate for the child. A caregiver who has a
 1-41 family income greater than 300 percent of the federal poverty level
 1-42 is not eligible for monetary assistance under this section [must
 1-43 include a one-time cash payment to the caregiver on the initial
 1-44 placement of a child or a sibling group. The amount of the cash
 1-45 payment, as determined by the department, may not exceed \$1,000 for
 1-46 each child. The payment for placement of a sibling group must be at
 1-47 least \$1,000 for the group, but may not exceed \$1,000 for each child
 1-48 in the group. The cash payment must be provided on the initial
 1-49 placement of each child with the caregiver and is provided to assist
 1-50 the caregiver in purchasing essential child-care items such as
 1-51 furniture and clothing].

1-52 (b-1) The department shall disburse monetary assistance
 1-53 provided to a caregiver under Subsection (b) in the same manner as
 1-54 the department disburses payments to a foster parent.

1-55 (b-2) The department shall implement a process to verify the
 1-56 family income of a relative or other designated caregiver for the
 1-57 purpose of determining eligibility to receive monetary assistance
 1-58 under Subsection (b).

1-59 (c) Monetary assistance and additional support services
 1-60 provided under this section may include:

2-1 (1) case management services and training and
 2-2 information about the child's needs until the caregiver is
 2-3 appointed permanent managing conservator;

2-4 (2) referrals to appropriate state agencies
 2-5 administering public benefits or assistance programs for which the
 2-6 child, the caregiver, or the caregiver's family may qualify;

2-7 (3) family counseling not provided under the Medicaid
 2-8 program for the caregiver's family for a period not to exceed two
 2-9 years from the date of initial placement;

2-10 (4) if the caregiver meets the eligibility criteria
 2-11 determined by rules adopted by the executive commissioner,
 2-12 reimbursement of all child-care expenses incurred while the child
 2-13 is under 13 years of age, or under 18 years of age if the child has a
 2-14 developmental disability, and while the department is the child's
 2-15 managing conservator; and

2-16 (5) if the caregiver meets the eligibility criteria
 2-17 determined by rules adopted by the executive commissioner,
 2-18 reimbursement of 50 percent of child-care expenses incurred after
 2-19 the caregiver is appointed permanent managing conservator of the
 2-20 child while the child is under 13 years of age, or under 18 years of
 2-21 age if the child has a developmental disability[~~, and~~

2-22 [~~(6) reimbursement of other expenses, as determined by~~
 2-23 ~~rules adopted by the executive commissioner, not to exceed \$500 per~~
 2-24 ~~year for each child].~~

2-25 (f) If a person who has a family income that is less than or
 2-26 equal to 300 percent of the federal poverty level enters into a
 2-27 caregiver assistance agreement with the department, obtains
 2-28 permanent managing conservatorship of a child, and meets all other
 2-29 eligibility requirements, the person may receive an annual
 2-30 reimbursement of other expenses for the child, as determined by
 2-31 rules adopted by the executive commissioner, not to exceed \$500 per
 2-32 year until the earlier of:

2-33 (1) the third anniversary of the date the person was
 2-34 awarded permanent managing conservatorship of the child; or

2-35 (2) the child's 18th birthday.

2-36 SECTION 2. Subchapter I, Chapter 264, Family Code, is
 2-37 amended by adding Section 264.7551 to read as follows:

2-38 Sec. 264.7551. FRAUDULENT AGREEMENT; CRIMINAL OFFENSE;
 2-39 CIVIL PENALTY. (a) A person commits an offense if, with intent to
 2-40 defraud or deceive the department, the person knowingly makes or
 2-41 causes to be made a false statement or misrepresentation of a
 2-42 material fact that allows a person to enter into a caregiver
 2-43 assistance agreement.

2-44 (b) An offense under Subsection (a) is a state jail felony
 2-45 unless it is shown on the trial of the offense that the person has
 2-46 previously been convicted under this section, in which case the
 2-47 offense is a felony of the third degree.

2-48 (c) If conduct that constitutes an offense under this
 2-49 section also constitutes an offense under any other law, the actor
 2-50 may be prosecuted under this section, the other law, or both.

2-51 (d) The appropriate county prosecuting attorney shall be
 2-52 responsible for the prosecution of an offense under this section.

2-53 (e) A person who engaged in conduct described by Subsection
 2-54 (a) is liable to the state for a civil penalty of \$1,000. The
 2-55 attorney general shall bring an action to recover a civil penalty as
 2-56 authorized by this subsection.

2-57 (f) The commissioner of the department may adopt rules
 2-58 necessary to determine whether fraudulent activity that violates
 2-59 Subsection (a) has occurred.

2-60 SECTION 3. (a) Except as provided by Subsection (b) of this
 2-61 section, Section 264.755, Family Code, as amended by this Act,
 2-62 applies to a caregiver assistance agreement entered into before,
 2-63 on, or after the effective date of this Act.

2-64 (b) If a person who has a family income that is less than or
 2-65 equal to 300 percent of the federal poverty level entered into a
 2-66 caregiver assistance agreement with the Department of Family and
 2-67 Protective Services on or after June 1, 2017, but before the
 2-68 effective date of this Act, and received monetary assistance under
 2-69 the agreement from the department, the department shall consider

3-1 the money paid to the person to be a credit against the disbursement
3-2 of caregiver assistance funds, and may not begin disbursing money
3-3 to the person as authorized by Section 264.755, Family Code, as
3-4 amended by this Act, until the credit has been offset.

3-5 SECTION 4. This Act takes effect only if a specific
3-6 appropriation for the implementation of the Act is provided in a
3-7 general appropriations act of the 85th Legislature. If the
3-8 legislature does not appropriate money specifically for the purpose
3-9 of implementing this Act, this Act has no effect.

3-10 SECTION 5. Except as otherwise provided by this Act, this
3-11 Act takes effect September 1, 2017.

3-12 * * * * *