

1-1 By: Menéndez S.B. No. 263
 1-2 (In the Senate - Filed December 18, 2020; March 3, 2021,
 1-3 read first time and referred to Committee on Health & Human
 1-4 Services; April 26, 2021, reported favorably by the following
 1-5 vote: Yeas 9, Nays 0; April 26, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
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 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the ability of certain relative caretakers of dependent
 1-20 children to receive supplemental financial assistance and be
 1-21 assigned as protective payees for financial assistance payments.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 31.0041(a), Human Resources Code, is
 1-24 amended to read as follows:

1-25 (a) To the extent funds are appropriated for this purpose,
 1-26 the commission may provide supplemental financial assistance in
 1-27 addition to the amount of financial assistance granted for the
 1-28 support of a dependent child under Section 31.003 to a person who:

- 1-29 (1) is 25 [~~45~~] years of age or older;
- 1-30 (2) is the grandparent, aunt, uncle, sister, or
 1-31 brother of the dependent child, as defined by Section 31.002, who
 1-32 lives at the person's residence;
- 1-33 (3) is the primary caretaker of the dependent child;
- 1-34 (4) has a family income that is at or below 200 percent
 1-35 of the federal poverty level; and
- 1-36 (5) does not have resources that exceed the amount
 1-37 allowed for financial assistance under this chapter.

1-38 SECTION 2. Section 31.0324, Human Resources Code, is
 1-39 amended by amending Subsections (b) and (c) and adding Subsection
 1-40 (d) to read as follows:

1-41 (b) The executive commissioner by rule shall develop and the
 1-42 commission shall implement a process that provides for the
 1-43 grandparent, aunt, uncle, sister, or brother of a child receiving
 1-44 financial assistance under this chapter to serve as a protective
 1-45 payee to:

- 1-46 (1) receive and use the assistance on behalf of the
 1-47 child; and
- 1-48 (2) apply for financial assistance and be interviewed
 1-49 instead of the child's parent at any subsequent review of
 1-50 eligibility required by the commission.

1-51 (c) The commission shall limit the use of the process
 1-52 established by Subsection (b) to situations in which the commission
 1-53 determines the parent is not using the assistance for the child's
 1-54 needs as required by Section 31.0355(a), and the executive
 1-55 commissioner shall establish by rule the circumstances under which
 1-56 the grandparent, aunt, uncle, sister, or brother may be removed as a
 1-57 protective payee.

1-58 (d) To serve as a protective payee of a child receiving
 1-59 financial assistance under this chapter, a person described by
 1-60 Subsection (b) must be at least 25 years of age.

1-61 SECTION 3. The changes in law made by this Act apply to a

2-1 person receiving financial assistance under Chapter 31, Human
2-2 Resources Code, on or after the effective date of this Act,
2-3 regardless of the date on which eligibility for the financial
2-4 assistance was determined.

2-5 SECTION 4. If before implementing any provision of this Act
2-6 a state agency determines that a waiver or authorization from a
2-7 federal agency is necessary for implementation of that provision,
2-8 the agency affected by the provision shall request the waiver or
2-9 authorization and may delay implementing that provision until the
2-10 waiver or authorization is granted.

2-11 SECTION 5. This Act takes effect September 1, 2021.

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