

BILL ANALYSIS

C.S.H.B. 1268
By: Frank
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties assert that the state's current all-or-nothing system for reimbursing a foster care provider for child care may discourage some potential foster parents from fostering a child, because the foster parents would be eligible for reimbursement only for full-time day-care services when in fact they may require less than full-time day care services for the child in question. This could lead to a foster parent who works part-time needlessly putting the foster child in day care 40 hours per week, costing the state more money while providing less individualized care for the child, with the alternative being for the foster parent to bear the full cost of anything less than such full-time day-care services. The parties believe that the state should help not only foster parents but also relatives and other designated caregivers responsible for a foster child or other child in every way it reasonably can, including providing relief from the potential financial burdens of child care. C.S.H.B. 1268 seeks to provide such relief.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1268 amends the Family Code to require the Department of Family and Protective Services (DFPS), on receipt of verification that a relative or designated caregiver or a foster parent, as applicable, has attempted to find appropriate day-care services for a child or foster child through community services or on determination that such verification would prevent an emergency placement that is in the child's best interest, to provide monetary assistance to the relative, designated caregiver, or foster parent for day care for the child regardless of the type of day care chosen by the relative, designated caregiver, or foster parent. The bill prohibits DFPS from denying the monetary assistance based on the number of hours the relative, designated caregiver, or foster parent works each week.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1268 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial

differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 264.124, Family Code, as added by Chapter 423 (S.B. 430), Acts of the 83rd Legislature, Regular Session, 2013, is amended by adding Subsection (e) to read as follows:

(e) On receipt of the verification required under Subsection (b), or as provided by Subsection (d), the department shall provide monetary assistance to a foster parent for day care for a foster child, regardless of the type of day care chosen by the foster parent. The department may not deny monetary assistance to the foster parent based on the number of hours the foster child attends day care each week.

SECTION 2. Section 264.755, Family Code, is amended by adding Subsection (f) to read as follows:

(f) On receipt of the verification required under Subsection (d), or as provided by Subsection (e), the department shall provide monetary assistance to a relative or designated caregiver for day care for the child, regardless of the type of day care chosen by the relative or designated caregiver. The department may not deny monetary assistance to the relative or designated caregiver based on the number of hours the child attends day care each week.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 264.124, Family Code, as added by Chapter 423 (S.B. 430), Acts of the 83rd Legislature, Regular Session, 2013, is amended by adding Subsection (e) to read as follows:

(e) On receipt of the verification required under Subsection (b), or as provided by Subsection (d), the department shall provide monetary assistance to a foster parent for day care for a foster child, regardless of the type of day care chosen by the foster parent. The department may not deny monetary assistance to the foster parent based on the number of hours the foster parent works each week.

SECTION 2. Section 264.755, Family Code, is amended by adding Subsection (f) to read as follows:

(f) On receipt of the verification required under Subsection (d), or as provided by Subsection (e), the department shall provide monetary assistance to a relative or designated caregiver for day care for the child, regardless of the type of day care chosen by the relative or designated caregiver. The department may not deny monetary assistance to the relative or designated caregiver based on the number of hours the relative or designated caregiver works each week.

SECTION 3. Same as introduced version.