

BILL ANALYSIS

C.S.H.B. 3575
By: Turner, Sylvester
Juvenile Justice & Family Issues
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Many grandparents who provide care for relative children who would otherwise be placed into state care are on fixed incomes and lack the resources necessary to properly care for the children in their care. While such a grandparent may receive financial assistance from the state in the form of monthly payments through the Temporary Assistance for Needy Families program, interested parties assert that the eligibility criteria for such assistance can create insurmountable challenges. The parties cite the requirement that the state include the value of the motor vehicle owned by the grandparent as an asset of the grandparent as being particularly onerous, contending that this requirement often excludes a number of grandparents who otherwise would qualify for the assistance. C.S.H.B. 3575 seeks to provide more grandparent caregivers access to financial assistance.

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. 3575 amends the Human Resources Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, to require the department, in determining whether a person is eligible for supplemental financial assistance under the Temporary Assistance for Needy Families program granted for the support of a dependent child, to exclude from the person's available resources the fair market value of the ownership interest of the applicant or a member of the applicant's household in a motor vehicle.

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. 3575 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 and does not indicate differences relating to changes made by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, which became effective April 2, 2015.

INTRODUCED

SECTION 1. Subchapter A, Chapter 31, Human Resources Code is amended by adding a the following:

Sec. 31.0041. SUPPLEMENTAL FINANCIAL ASSISTANCE FOR CERTAIN PERSONS.

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

- (1) is 45 years of age or older;
- (2) is the grandparent of the dependent child, as defined by Section 31.002, who lives at the person's residence;
- (3) is the primary caretaker of the dependent child;
- (4) has a family income that is at or below 200 percent of the federal poverty level; and
- (5) does not have resources that exceed the amount allowed for financial assistance under this chapter, with the exception of the following.

(a) In determining the eligibility for a person under this subsection, the department may not consider as resources any motor vehicle in which the person or a member of the person's household has an ownership interest.

No equivalent provision.

No equivalent provision.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 31.0041, Human Resources Code, is amended by amending Subsection (a), as amended by S.B. No. 219, Acts of the 84th Legislature, Regular Session, 2015, and adding Subsection (a-1) to read as follows:

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

- (1) is 45 years of age or older;
- (2) is the grandparent of the dependent child, as defined by Section 31.002, who lives at the person's residence;
- (3) is the primary caretaker of the dependent child;
- (4) has a family income that is at or below 200 percent of the federal poverty level; and
- (5) subject to Subsection (a-1), does not have resources that exceed the amount allowed for financial assistance under this chapter.

(a-1) Notwithstanding Section 31.032(d)(2), in determining whether a person is eligible for supplemental financial assistance under this section, the department shall exclude from the person's available resources the fair market value of the ownership interest of the applicant or a member of the applicant's household in a motor vehicle.

SECTION 2. Section 31.0041, Human Resources Code, as amended by this Act, applies only to a determination of eligibility of a person for supplemental financial assistance under that section that is made on or after the effective date of this Act.

SECTION 3. If before implementing any provision of this Act a state agency determines that a waiver or authorization from a federal agency is necessary for implementation of that provision, the agency affected by the provision shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 2. 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 **August 31, 2015**.

SECTION 4. 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**.