

## **BILL ANALYSIS**

Senate Research Center  
80R5920 KLA-D

S.B. 872  
By: Uresti  
Health & Human Services  
3/21/2007  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The Department of Family and Protective Services (DFPS) has established a cap for payments to adopting parents under the adoption assistance program of \$545 per month, despite federal law authorizing adoption subsidies to exceed this cap to match the amount that the child would have received in foster care. "Hard-to-place" foster children with special needs are not adopted as readily because the current subsidies provided by DFPS are too low to meet the needs of prospective adoptive parents.

As proposed, S.B. 872 authorizes DFPS, through the Health and Human Services Commission, to adopt rules that establish criteria for providing an adoption subsidy up to the amount received in foster care payments by the child's foster parent.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the executive commissioner of the Health and Human Services Commission in SECTION 1 (Section 162.304, Family Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

[While the statutory reference in this bill is to the Department of Protective and Regulatory Services (DPRS), the following amendments affect the Department of Family and Protective Services, as the successor agency to DPRS.]

SECTION 1. Amends Section 162.304, Family Code, by adding Subsection (g), as follows:

(g) Requires the executive commissioner of the Health and Human Services Commission (HHSC) to adopt rules providing that the maximum subsidy provided by HHSC toward the adoption of a child under an adoption assistance agreement (agreement) is equal to the amount of the foster care payment that would be provided for the child based on the child's foster care service level on the date that the Department of Protective and Regulatory Services (DPRS) and the adoptive parent entered into an agreement if the child remained in foster care on that date. Provides that this subsection only applies to a monthly subsidy paid under an agreement for a child whose adoptive parent under the agreement had been the child's foster parent, or for a child for whom DPRS was unable to locate an appropriate adoptive placement, after having exercised due diligence in said search for at least 18 months, other than with the child's foster parent.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2007.