

BILL ANALYSIS

Senate Research Center

H.B. 123
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Health & Human Services
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Foster children and homeless children or youth often find it difficult to obtain forms of identification. Easing this burden on vulnerable children is crucial and necessary.

It is not only difficult for these children to obtain identification, but can be costly as well. Current statutes allow for the exemption of the driver's license or personal identification certificate fee for foster children, but do not include homeless children.

H.B. 123 adds language requiring the state registrar, local registrar, or county clerk to issue a birth record to a homeless youth without fee. It also expands who can write a letter certifying that the youth is eligible from only the school district to the director of an emergency shelter or transitional housing program funded by the United States Department of Housing and Urban Development. Lastly, homeless youth are able to claim their regional Department of Family and Protective Services office as their residence.

H.B. 123 amends current law relating to personal identification documents for foster children or youth or homeless children or youth.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 264.121, Family Code, by adding Subsection (e-3), as follows:

(e-3) Requires the Department of Family and Protective Services (DFPS), when obtaining a copy of a birth certificate to provide to a foster youth or assisting a foster youth in obtaining a copy of a birth certificate, to obtain the birth certificate from the state registrar. Authorizes DFPS, if DFPS is unable to obtain the birth certificate from the state registrar, to obtain the birth certificate from a local registrar or county clerk.

SECTION 2. Amends Subchapter A, Chapter 191, Health and Safety Code, by adding Section 191.0049, as follows:

Sec.191.0049. BIRTH RECORD ISSUED TO FOSTER CHILD OR YOUTH OR HOMELESS CHILD OR YOUTH. Requires the state registrar, a local registrar, or a county clerk, on request of a child or youth described by this section, to issue, without fee or parental consent, a certified copy of the child's or youth's birth record to:

- (1) a homeless child or youth as defined by 42 U.S.C. Section 11434a;
- (2) a child in the managing conservatorship of DFPS; and
- (3) a young adult who is at least 18 years of age, but younger than 21 years of age and resides in a foster care placement, the cost of which is paid by DFPS.

SECTION 3. Amends Subchapter E, Chapter 521, Transportation Code, by adding Section 521.1015, as follows:

Sec. 521.1015. PERSONAL IDENTIFICATION CERTIFICATE ISSUED TO FOSTER CHILD OR YOUTH OR HOMELESS CHILD OR YOUTH. (a) Defines "foster child or youth," and "homeless child or youth" for purposes of this section.

(b) Provides that this section applies to the application for a personal identification certificate only for a foster child or youth or a homeless child or youth.

(c) Authorizes a child or youth described by Subsection (b), notwithstanding Section 521.101 (Personal Identification Certificate), Section 521.1426 (Domicile Requirement; Verification), or any other provision of this chapter (Driver's Licenses and Certificates), to, in applying for a personal identification certificate:

(1) provide a copy of the child's or youth's birth certificate as proof of the child's or youth's identity and United States citizenship, as applicable; and

(2) if the child or youth does not have a residence or domicile

(A) provide a letter certifying the child or youth is a homeless child or youth issued by:

(i) the school district in which the child or youth is enrolled;

(ii) the director of an emergency shelter or transitional housing program funded by the United States Department of Housing and Urban Development; or

(iii) the director of a basic center for runaway and homeless youth or a transitional living program; or

(B) use the address of the regional office where the DFPS caseworker for the child or youth is based.

(d) Authorizes a child or youth described by Subsection (b) to apply for and authorizes the Department of Public Safety of the State of Texas to issue a personal identification certificate without the signature or presence of or permission from a parent or guardian of the child or youth.

(e) Provides that a child or youth described by Subsection (b) is exempt from the payment of any fee for the issuance of a personal identification certificate under this chapter.

SECTION 4. Amends Section 521.1811, Transportation Code, as follows:

Sec. 521.1811. New heading: WAIVER OF FEES FOR FOSTER CHILD OR YOUTH OR HOMELESS CHILD OR YOUTH. Provides that a person is exempt from the payment of any fee for the issuance of a driver's license, as provided under this chapter, if that person meets certain criteria, including if the person is a homeless child or youth as defined by 42 U.S.C. Section 11434a. Makes nonsubstantive changes.

SECTION 5. Amends Section 521.421, Transportation Code, by adding Subsection (k) to authorize a person applying for the issuance or renewal of a license, including a duplicate license or a license issued or renewed over the Internet or by other electronic means, to elect to contribute \$1 or more to the identification fee exemption account established under Section 521.4265.

SECTION 6. Amends Section 521.422, Transportation Code, by adding Subsection (d) to authorize a person applying for the issuance or renewal of a personal identification card, including a duplicate personal identification card or a personal identification card issued or renewed over the Internet or by other electronic means, to elect to contribute \$1 or more to the identification fee exemption account established under Section 521.4265.

SECTION 7. Amends Subchapter R, Chapter 521, Transportation Code, by adding Section 521.4265, as follows:

Sec.521.4265. IDENTIFICATION FEE EXEMPTION ACCOUNT. (a) Provides that the identification fee exemption account is created as an account in the general revenue fund of the state treasury. Provides that the fund consists of grants and donations made to DFPS for the purposes of this section, including donations received under Sections 521.421(k) and 521.422(d). Requires DFPS to administer the account. Authorizes money in the account to be appropriated for the purposes of Subsection (b).

(b) Requires DFPS, for each exemption granted under Section 521.1015 or 521.1811, to deposit to the credit of the Texas mobility fund an amount from the identification fee exemption account under Subsection (a) that is equal to the amount of the waived fee that would otherwise be deposited to the mobility fund.

(c) Prohibits DFPS from granting an exemption under Section 521.1015 or 521.1811 if money is not available in the identification fee exemption account to meet the requirements of Subsection (b).

SECTION 8. Makes application of this Act prospective.

SECTION 9. Effective date: September 1, 2019.