

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1098
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Health & Human Services
4/23/2007
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, children adopted from the state's foster care system are not eligible for health insurance assistance, which can act as a disincentive for more adoptions to take place. The number of adoptions have not been increasing at the same rate as the number of children entering the foster care system.

C.S.S.B. 1098 implements an adoption incentive program that provides \$150 per month to families who adopt children who are wards of the state to enable those children to have health insurance. The program would be applicable to children who were in foster care at the time of their adoption, are ineligible for Medicaid, and are younger than 18 years of age.

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 Subsections (b-1), (b-2), and (g), as follows

(b-1) Requires DPRS to pay a \$150 subsidy each month for the premiums for health benefits coverage for a child with respect to whom a court has entered a final order of adoption if the child was in the conservatorship of DPRS at the time of the child's adoptive placement, if after the adoption, the child is not eligible for medical assistance under Chapter 32 (Medical Assistance program), Human Resources Code, and if the child is younger than 18 years of age.

(b-2) Requires the executive commissioner of the Health and Human Services Commission to adopt rules necessary to implement Subsection (b-1) relating to the eligibility and payment of the subsidy by DPRS, including certain specified rules.

(g) Provides that a child for whom a subsidy is provided under Subsection (b-1) for premiums for health benefits coverage and who does not receive any other subsidy under this section (Financial and Medical Assistance) is not considered to be the subject of an adoption assistance agreement for any other purpose, including for determining eligibility for the exemption from payment of tuition and fees for higher education under Section 54.2111 (Exemptions for Adopted Students Formerly in Foster or Other Residential Care), Education Code.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2007.