

**AGENCY PLAN AMENDMENT FOR TITLE IV-E OF THE SOCIAL SECURITY ACT  
FEDERAL PAYMENTS FOR FOSTER CARE AND ADOPTION ASSISTANCE  
STATE/TRIBE OF TEXAS**

U.S. Department of Health and Human Services  
Administration for Children and Families  
Children's Bureau  
**November 2014**

As a condition of the receipt of Federal funds under title IV-E of the Social Security Act (hereinafter, the Act), the

\_\_\_\_\_  
(Name of State/Tribal Agency)

submits here a plan for the programs to provide, in appropriate cases, foster care and adoption assistance, and if the State/Tribal agency elects, guardianship assistance, under title IV-E of the Act and hereby agrees to administer the programs in accordance with the provisions of this plan, title IV-E of the Act, and all applicable Federal regulations and other official issuances of the Department. The official text of laws, regulations and official issuances governs, and the State/Tribal agency acknowledges its responsibility to adhere to them regardless of the fact that, for purposes of simplicity, the specific provisions printed herein are sometimes paraphrases of, or excerpts and incomplete quotations from, the full text. Statutory citations refer to provisions in title IV-E of the Social Security Act. Regulatory citations refer to provisions in 45 CFR Parts 1355 and 1356. The State/Tribal agency understands that if and when title IV-E is amended or regulations are revised, a new or amended plan for title IV-E that conforms to the revisions must be submitted.

into an agreement with the State/Tribal agency under 473(d) to receive the payments.

3. The legal guardianship means a judicially created relationship between the child and relative which is intended to be permanent and self-sustaining as evidenced by the transfer to the relative of the following parental rights with respect to the child:

- a. protection;
- b. education;
- c. care and control of the person;
- d. custody of the person; and
- e. decision making.

	<b>SECTION 6: GUARDIANSHIP ASSISTANCE PROGRAM OPTION</b>	
473(d)(3)(A) 473(d)(3)(C)	<p><b>A. ELIGIBILITY</b></p> <p>1. A child is eligible for a kinship guardianship assistance payment if the State/Tribal agency determines that:</p> <ul style="list-style-type: none"> <li>a. the child has been-- <ul style="list-style-type: none"> <li>i. removed from his or her home pursuant to a voluntary placement agreement or as a result of a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child; and</li> <li>ii. eligible for foster care maintenance payments under section 472 while residing for at least 6 consecutive months in the home of the prospective relative guardian;</li> </ul> </li> <li>b. being returned home or adopted are not appropriate permanency options for the child;</li> <li>c. the child demonstrates a strong attachment to the prospective relative guardian and the relative guardian has a strong commitment to caring permanently for the child; and</li> <li>d. with respect to a child who has attained 14 years of age, the child has been consulted regarding the kinship guardianship arrangement; or</li> </ul> <p>2. The child has been placed with a successor guardian named in the guardianship agreement in accordance with 473(d)(3)(C).</p>	PSA 15-003/New Federal Legislation Concerning Children in Foster Care
473(d)(3)(B)	<p><b>3. Siblings.</b></p> <ul style="list-style-type: none"> <li>a. The child and any sibling of the eligible child may be placed in the same kinship guardianship arrangement, in</li> </ul>	(note the numbering change from "2. Siblings" to "3.

Title IV-E Plan – State/Tribe of TEXAS

**CERTIFICATION**

I hereby certify that I am authorized to submit the title IV-E Plan on behalf of

TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES  
(Designated State/Tribal Agency)

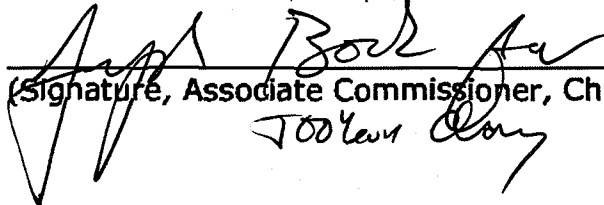
Date 1-20-2015

  
(Signature)

COMMISSIONER  
(Title)

APPROVAL DATE 4/20/15

EFFECTIVE DATE: 1/20/15

  
(Signature, Associate Commissioner, Children's Bureau)  
Jocelyn Long