

1-1 By: Ogden S.B. No. 1489
1-2 (In the Senate - Filed March 13, 2003; March 20, 2003, read
1-3 first time and referred to Committee on Health and Human Services;
1-4 April 14, 2003, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 14, 2003,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1489 By: Janek

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to recruiting foster parents from certain organizations
1-11 and immunity from liability of those organizations.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter B, Chapter 264, Family Code, is
1-14 amended by adding Sections 264.113 and 264.114 to read as follows:

1-15 Sec. 264.113. FOSTER PARENT RECRUITMENT. (a) In this
1-16 section, "faith-based organization" means a religious or
1-17 denominational institution or organization, including an
1-18 organization operated for religious, educational, or charitable
1-19 purposes and operated, supervised, or controlled, in whole or in
1-20 part, by or in connection with a religious organization.

1-21 (b) The department shall develop a program to recruit and
1-22 retain foster parents from faith-based organizations. As part of
1-23 the program, the department shall:

1-24 (1) collaborate with faith-based organizations to
1-25 inform prospective foster parents about the department's need for
1-26 foster parents, the requirements for becoming a foster parent, and
1-27 any other aspect of the foster care program that is necessary to
1-28 recruit foster parents;

1-29 (2) provide training for prospective foster parents
1-30 recruited under this section; and

1-31 (3) identify and recommend ways in which faith-based
1-32 organizations may support persons as they are recruited, are
1-33 trained, and serve as foster parents.

1-34 Sec. 264.114. IMMUNITY FROM LIABILITY. (a) A faith-based
1-35 organization, including the organization's employees and
1-36 volunteers, that participates in a program under this chapter is
1-37 subject to civil liability as provided by Chapter 84, Civil
1-38 Practice and Remedies Code.

1-39 (b) A faith-based organization that provides financial or
1-40 other assistance to a foster parent or to a member of the foster
1-41 parent's household is not liable for damages arising out of the
1-42 conduct of the foster parent or a member of the foster parent's
1-43 household.

1-44 SECTION 2. The change in law made by Section 264.114, Family
1-45 Code, as added by this Act, applies only to a cause of action that
1-46 accrues on or after the effective date of this Act. A cause of
1-47 action that accrues before the effective date of this Act is
1-48 governed by the law in effect immediately before the effective date
1-49 of this Act, and the former law is continued in effect for that
1-50 purpose.

1-51 SECTION 3. This Act takes effect immediately if it receives
1-52 a vote of two-thirds of all the members elected to each house, as
1-53 provided by Section 39, Article III, Texas Constitution. If this
1-54 Act does not receive the vote necessary for immediate effect, this
1-55 Act takes effect September 1, 2003.

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