

BILL ANALYSIS

Senate Research Center

S.B. 1098
By: Paxton
Health & Human Services
6/7/2023
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Approximately one million children attend day-care operations in Texas. The number of past incidents of abuse, neglect, and exploitation of a child at licensed or regulated child-care facilities are unconscionable.

Parents deserve to have transparency regarding the care of their child, and this proposed legislation ensures that child-care facilities recognize parents' rights to any information pertaining to the care of their child, while protecting the privacy of other children's information.

By ensuring parents have transparent access to information about their own child and factors affecting their child's safety and well-being, this bill can help to prevent incidents of child abuse and neglect. This bill empowers parents with transparent information so that they can find an alternative if red flags appear, and this transparency deters child-care facilities from partaking in concerning practices in the first place.

The committee substitute adds further guardrails in regards to the video footage access, in order to ensure that parents only have access to their child's information, and not another child's information.

S.B. 1098 amends current law relating to the rights of a parent or guardian with a child in certain child-care facilities.

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. Authorizes this Act to be cited as the Kairo and the Kids' Law.

SECTION 2. Amends Subchapter C, Chapter 42, Human Resources Code, by adding Section 42.04271, as follows:

Sec. 42.04271. RIGHTS OF PARENT OR GUARDIAN WITH CHILD IN CERTAIN CHILD-CARE FACILITIES. (a) Provides that this section applies only to a day-care center, group day-care home, before-school program, after-school program, school-age program, or registered family home.

(b) Provides that a parent or guardian of a child at a child-care facility has the right to:

- (1) enter and examine the child-care facility during the facility's hours of operation without advance notice;
- (2) file a complaint against the child-care facility;
- (3) review the child-care facility's publicly accessible records;

(4) review the child-care facility's written records concerning the parent's or guardian's child;

(5) receive from the child-care facility the Health and Human Service Commission's inspection reports for the child-care facility and information about how to access the child-care facility's compliance history online;

(6) have the child-care facility comply with a court order preventing another parent or guardian from visiting or removing the parent's or guardian's child;

(7) be provided the contact information for the division responsible for regulating the child-care facility, including the division's name, address, and phone number;

(8) inspect any video recordings of an alleged incident of abuse or neglect involving the parent's or guardian's child, provided that:

(A) video recordings of the alleged incident are available;

(B) the parent or guardian of the child is prohibited from retaining any part of the video recording depicting a child who is not the parent's or guardian's child; and

(C) the parent or guardian of any other child captured in the video recording receives notice from the facility under Subsection (c);

(9) obtain a copy of the child-care facility's policies and procedures;

(10) review, on the request of the parent or guardian, the facility's:

(A) staff training records; and

(B) any in-house staff training curriculum used by the facility; and

(11) be free from any retaliatory action by the child-care facility for exercising any of the parent's or guardian's rights.

(c) Requires a child-care facility, before allowing a parent or guardian to inspect a video recording under Subsection (b)(8), to provide written notice to the parent or guardian of any other child captured in the video recording.

(d) Provides that this section does not affect the ability of a law enforcement agency or the Department of Family and Protective Services to access a video recording as part of an investigation of an incident depicted in the video recording.

(e) Requires a child-care facility to provide the parent or guardian of the child with a written copy of the rights listed in Subsection (b) not later than the child's first day at the facility.

SECTION 3. Requires a child-care facility, not later than September 30, 2023, to provide the information required by Section 42.04271, Human Resources Code, as added by this Act, to the parent or guardian of each child enrolled at the facility on the effective date of this Act.

SECTION 4. Effective date: September 1, 2023.