

BILL ANALYSIS

S.B. 1098
By: Paxton
Human Services
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The number of past incidents of abuse, neglect, or exploitation of a child at licensed or regulated child-care facilities in Texas is unconscionable. Parents deserve to have transparency regarding the care of their child. By ensuring parents have transparent access to information about their child and factors affecting their child's safety and well-being, the legislature can help to prevent incidents of child abuse and neglect. S.B. 1098, the Kairo and the Kids' Law, seeks to empower parents to receive information about their child-care provider so that they can find alternative child-care arrangements if red flags appear and so that child-care facilities are deterred from partaking in concerning practices in the first place.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1098 amends the Human Resources Code to establish that a parent or guardian of a child at a day-care center, group day-care home, before-school program, after-school program, school-age program, or registered family home has the right to:

- enter and examine the facility during the facility's hours of operation without advance notice;
- file a complaint against the facility;
- review the facility's publicly accessible records;
- review the facility's written records concerning the parent's or guardian's child;
- receive from the facility the Health and Human Services Commission (HHSC) inspection reports for the facility and information about how to access the facility's compliance history online;
- have the facility comply with a court order preventing another parent or guardian from visiting or removing the parent's or guardian's child;
- be provided the contact information for the division of HHSC responsible for regulating the facility, including the division's name, address, and phone number;
- inspect any video recordings of an alleged incident of abuse or neglect involving the parent's or guardian's child, provided that:
 - video recordings of the alleged incident are available;
 - the parent or guardian of the child is not allowed to retain any part of the video recording depicting a child who is not the parent's or guardian's child; and

- the parent or guardian of any other child captured in the video recording receives notice from the facility;
- obtain a copy of the facility's policies and procedures;
- review, on the request of the parent or guardian, the facility's staff training records and any in-house staff training curriculum used by the facility; and
- be free from any retaliatory action by the facility for exercising any of the parent's or guardian's rights.

The bill requires any such child-care facility, before allowing a parent or guardian to inspect a video recording of an alleged incident of abuse or neglect involving the parent's or guardian's child, to provide notice to the parent or guardian of any other child captured in the video recording. The bill requires a facility to provide the parent or guardian of a child with a written copy of the parent's rights not later than the child's first day at the facility and requires a facility, not later than September 30, 2023, to provide the information to the parent or guardian of each child enrolled at the facility on the bill's effective date.

S.B. 1098 expressly 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.

EFFECTIVE DATE

September 1, 2023.