

BILL ANALYSIS

Senate Research Center

S.B. 1098
By: Paxton
Health & Human Services
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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. As a preventative measure, and in order to keep parents informed, S.B. 1098 ensures that child-care facilities recognize parents' rights to any information pertaining to the care of their child.

Parents deserve to have transparency regarding a facility with which they are entrusting the care of their child. By ensuring parents have transparent access to information about their child's care, this bill can help to prevent incidents of child abuse and neglect by first, providing parents with important information so that they can find an alternative if red flags appear; and second, potentially deterring child-care facilities from partaking in concerning practices in the first place.

As proposed, S.B. 1098 amends current law relating to the rights of a parent or guardian with a child in a child-care facility.

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. 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 CHILD-CARE FACILITY. (a) Provides that a parent or guardian of a child at a child-care facility has the right to:

- (1) enter and inspect 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 public records;
- (4) review the child-care facility's written records concerning the child;
- (5) be provided the Health and Human Service Commission's (HHSC) inspection reports for the child-care facility by the child-care facility;
- (6) have the child-care facility comply with a court order preventing another individual from visiting or removing the child;
- (7) be provided the name, address, and contact information for HHSC's child-care licensing division;

(8) inspect any video recordings of an alleged incident of abuse or neglect involving the child;

(9) obtain a copy of the child-care facility's:

(A) policies and procedures handbook; and

(B) staff training curriculum and records; and

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

(b) Requires a child-care facility to provide the parent or guardian of the child enrolled in the facility with a written copy of the rights listed in Subsection (a):

(1) for a child originally enrolled in a facility before September 1, 2023, not later than September 30, 2023; or

(2) for a child originally enrolled in a facility on or after September 1, 2023, not later than the child's first day at the facility.

SECTION 2. Effective date: September 1, 2023.