A BILL TO BE ENTITLED
AN ACT
relating to the liability of entities contracted with the
Department of Family and Protective Services to provide
community-based care or child welfare services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
SECTION 1. Section 264.170, Family Code, is amended to read
as follows:
Sec. 264.170. LIMITED LIABILITY FOR SINGLE SOURCE CONTINUUM
CONTRACTOR OR OTHER ENTITY CONTRACTED TO PROVIDE CHILD WELFARE
SERVICES AND RELATED PERSONNEL. (a) A nonprofit entity that
contracts with the department to provide services as a single
source continuum contractor under this subchapter is considered to
be a charitable organization for the purposes of Chapter 84, Civil
Practice and Remedies Code, with respect to the provision of those
services, and that chapter applies to the entity and any person who
is an employee or volunteer of the entity.
(b) The limitations on liability provided by this section
apply:
(1) only to an act or omission by the entity or person,
as applicable, that occurs:
(A) while the entity or person is acting within
the course and scope of the entity's contract with the department;
or
(B) while the person is acting within the course
and scope of the person's duties for the entity; and
(2) only if insurance coverage in the minimum amounts
required by Chapter 84, Civil Practice and Remedies Code, is in
force and effect at the time a cause of action for personal injury,
death, or property damage accrues.

(c) An entity or person described by Subsection (a), or an
entity contracted with the Department of Family and Protective
Services to provide family preservation, foster care, or adoption
services may not be held liable for damages in excess of the amounts
provided by Section 84.006, Civil Practice and Remedies Code, for a
claim of negligence in the supervision or treatment of a child in
the entity's custody or control unless the claimant establishes by
clear and convincing evidence that the entity or person failed to
comply with laws or rules regarding the supervision or treatment of
children.

(d) An entity or person described by Subsection (a) may not
be held liable for damages in excess of the amounts provided by
Section 84.006, Civil Practice and Remedies Code, for a claim of
negligence in the hiring, training, supervision, or retention of an
employee or volunteer unless the claimant establishes by clear and
convincing evidence that the entity or person failed to comply
with:

(1) the terms of the entity's contract with the
department; or

(2) laws or rules applicable to child-care facilities,
as defined by Section 42.002, Human Resources Code.

(e) An entity described by Subsection (a) may not be held
liable under a theory of vicarious liability for damages in excess
of the amounts provided by Section 84.006, Civil Practice and
Remedies Code, if the claim is based on an employee's or a
volunteer's conduct that is intentional or done with conscious
indifference or reckless disregard for the safety of others.

SECTION 2. Section 264.170, Family Code, as amended by this
Act, applies only to a cause of action that accrues on or after the
effective date of this Act. A cause of action that accrued before
the effective date of this Act is governed by the law as it existed
immediately before the effective date of this Act, and that law is
continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2023.