

By: Paxton, Zaffirini

S.B. No. 1098

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the rights of a parent or guardian with a child in
3 certain child-care facilities.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. This Act may be cited as the Kairo and the Kids'
6 Law.

7 SECTION 2. Subchapter C, Chapter 42, Human Resources Code,
8 is amended by adding Section 42.04271 to read as follows:

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

14 (b) A parent or guardian of a child at a child-care facility
15 has the right to:

16 (1) enter and examine the child-care facility during
17 the facility's hours of operation without advance notice;

18 (2) file a complaint against the child-care facility;

19 (3) review the child-care facility's publicly
20 accessible records;

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

23 (5) receive from the child-care facility the
24 commission's inspection reports for the child-care facility and

1 information about how to access the child-care facility's
2 compliance history online;

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

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

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

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

14 (B) the parent or guardian of the child is not
15 allowed to retain any part of the video recording depicting a child
16 who is not the parent's or guardian's child; and

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

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

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

24 (A) staff training records; and

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

27 (11) be free from any retaliatory action by the

1 child-care facility for exercising any of the parent's or
2 guardian's rights.

3 (c) Before allowing a parent or guardian to inspect a video
4 recording under Subsection (b)(8), a child-care facility must
5 provide notice to the parent or guardian of any other child captured
6 in the video recording.

7 (d) This section does not affect the ability of a law
8 enforcement agency or the department to access a video recording as
9 part of an investigation of an incident depicted in the video
10 recording.

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

14 SECTION 3. Not later than September 30, 2023, a child-care
15 facility shall provide the information required by Section
16 42.04271, Human Resources Code, as added by this Act, to the parent
17 or guardian of each child enrolled at the facility on the effective
18 date of this Act.

19 SECTION 4. This Act takes effect September 1, 2023.