

By: Toth

H.B. No. 194

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of faith-based child-care facilities.

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

ARTICLE 1. GENERAL PROVISIONS

SECTION 1.01. This Act shall be known as the Faith-Based Foster Care Enhancement Act.

SECTION 1.02. The legislature finds that:

(1) the number of foster youth in this state exceeds the current capacity of state and private child-care facilities;

(2) religious organizations have historically played significant roles in community support and child welfare;

(3) religious organizations can provide a nurturing, stable environment for foster youth while leveraging community resources;

(4) a collaborative approach involving religious organizations, mental health professionals, and community resources can effectively meet the diverse needs of foster youth; and

(5) incorporating religious organizations into child-care infrastructure will be beneficial to foster youth in this state.

ARTICLE 2. FAITH-BASED CHILD-CARE FACILITIES

SECTION 2.01. Chapter 42, Human Resources Code, is amended

1 by adding Subchapter I to read as follows:

2 SUBCHAPTER I. FAITH-BASED CHILD-CARE FACILITIES

3 Sec. 42.301. DEFINITION. In this subchapter, "faith-based  
4 child-care facility" means a child-care facility owned and operated  
5 by a religious organization that provides care for children in the  
6 conservatorship of the department for 24 hours a day.

7 Sec. 42.302. ESTABLISHING FAITH-BASED CHILD-CARE  
8 FACILITY. (a) A religious organization may establish and operate  
9 a faith-based child-care facility as provided by this subchapter.

10 (b) Before establishing a faith-based child-care facility,  
11 a religious organization shall:

12 (1) develop a comprehensive plan to ensure the  
13 well-being of foster youth cared for by the facility;

14 (2) develop a training program for facility employees  
15 and volunteers who will provide care to foster youth at the  
16 facility; and

17 (3) enter into a contract with a licensed mental  
18 health services provider to provide mental and behavioral health  
19 services to foster youth in the care of the facility.

20 (c) A faith-based child-care facility established under  
21 this subchapter must be overseen by a committee appointed by the  
22 religious organization establishing the facility that includes:

23 (1) a leader of the religious organization;

24 (2) two active, participating members of the religious  
25 organization;

26 (3) a licensed mental health professional;

27 (4) a person with experience in child welfare systems;

1           (5) a person from an organization that specializes in  
2 child welfare; and

3           (6) an elected official serving in a municipal,  
4 county, state, or federal office representing the community in  
5 which the faith-based child-care facility is located.

6           (d) A member of the committee appointed to fill a roll on  
7 the committee described by Subsections (c)(1)-(6) may fill one  
8 additional role described by Subsections (c)(3)-(6).

9           Sec. 42.303. FAITH-FAMILY PROGRAMS. (a) A religious  
10 organization that establishes a faith-based child-care facility  
11 under this subchapter shall establish a faith-family program to:

12           (1) provide mentorship and support to foster youth at  
13 the facility by building relationships and facilitating  
14 mentorships with members of the religious organization who serve as  
15 a faith-family for the foster youth; and

16           (2) encourage individuals serving as faith-family to  
17 become foster or adoptive parents for foster youth at the facility.

18           (b) A member of a religious organization participating in a  
19 faith-family program may:

20           (1) host a foster youth in the member's home for  
21 increasing periods of time in accordance with the religious  
22 organization's plan under Section 42.302(b)(1); and

23           (2) travel with a foster youth in accordance with  
24 applicable laws for a foster parent traveling with a foster youth.

25           (c) The religious organization shall provide any training  
26 required by this chapter or other law for an individual serving as  
27 faith-family to become a foster or adoptive parent of a foster youth

1 at the facility.

2 Sec. 42.304. MENTAL HEALTH SERVICES. A religious  
3 organization that establishes a faith-based child-care facility  
4 shall ensure that mental health services provided to foster youth  
5 meet applicable standards of professional care.

6 Sec. 42.305. FOSTER PLACEMENTS. (a) The department shall  
7 ensure the integration of faith-based child-care facilities into  
8 the state's foster care system.

9 (b) The department and child-placing agencies may place a  
10 child in the care of a faith-based child-care facility established  
11 under this subchapter.

12 Sec. 42.306. APPLICABILITY OF OTHER LAW; OVERSIGHT. (a)  
13 Notwithstanding other law, a faith-based child-care facility is  
14 exempt from:

- 15 (1) the licensing requirements of this chapter; and  
16 (2) the rules and standards that apply to licensed  
17 child-care facilities.

18 (b) The department by rule shall adopt minimum standards for  
19 faith-based child-care facilities that ensure each child's health,  
20 safety, and welfare are adequately protected on the grounds of the  
21 facility, including standards relating to fire safety and basic  
22 cleanliness. In adopting the standards under this section, the  
23 department shall consider the unique operational frameworks of  
24 religious organizations operating a faith-based child-care  
25 facility.

26 (c) The department shall periodically evaluate each  
27 faith-based child-care facility to ensure the facility meets the

1 standards adopted under this section.

2 Sec. 42.307. GRANTS FOR FAITH-BASED CHILD-CARE FACILITY.

3 (a) Using available funds or private donations, the department  
4 shall establish and administer a grant program to award grants to  
5 religious organizations to establish a faith-based child-care  
6 facility.

7 (b) The commissioner shall adopt rules to implement the  
8 grant program, including rules governing the submission and  
9 approval of grant requests and the cancellation of grants.

10 (c) The department may solicit and accept gifts, grants, and  
11 donations for purposes of this section.

12 ARTICLE 3. CONFORMING CHANGES

13 SECTION 3.01. Sections 42.041(b) and (d), Human Resources  
14 Code, are amended to read as follows:

15 (b) This section does not apply to:  
16 (1) a state-operated facility;  
17 (2) an agency foster home;  
18 (3) a facility that is operated in connection with a  
19 shopping center, business, religious organization, or  
20 establishment where children are cared for during short periods  
21 while parents or persons responsible for the children are attending  
22 religious services, shopping, or engaging in other activities,  
23 including retreats or classes for religious instruction, on or near  
24 the premises, that does not advertise as a child-care facility or  
25 day-care center, and that informs parents that it is not licensed by  
26 the state;

27 (4) a school or class for religious instruction that

1 does not last longer than two weeks and is conducted by a religious  
2 organization during the summer months;

3 (5) a youth camp licensed by the Department of State  
4 Health Services;

5 (6) a facility licensed, operated, certified, or  
6 registered by another state agency;

7 (7) an educational facility that is accredited by the  
8 Texas Education Agency, the Southern Association of Colleges and  
9 Schools, or an accreditation body that is a member of the Texas  
10 Private School Accreditation Commission and that operates  
11 primarily for educational purposes for prekindergarten and above, a  
12 before-school or after-school program operated directly by an  
13 accredited educational facility, or a before-school or  
14 after-school program operated by another entity under contract with  
15 the educational facility, if the Texas Education Agency, the  
16 Southern Association of Colleges and Schools, or the other  
17 accreditation body, as applicable, has approved the curriculum  
18 content of the before-school or after-school program operated under  
19 the contract;

20 (8) an educational facility that operates solely for  
21 educational purposes for prekindergarten through at least grade  
22 two, that does not provide custodial care for more than one hour  
23 during the hours before or after the customary school day, and that  
24 is a member of an organization that promulgates, publishes, and  
25 requires compliance with health, safety, fire, and sanitation  
26 standards equal to standards required by state, municipal, and  
27 county codes;

1           (9) a kindergarten or preschool educational program  
2 that is operated as part of a public school or a private school  
3 accredited by the Texas Education Agency, that offers educational  
4 programs through grade six, and that does not provide custodial  
5 care during the hours before or after the customary school day;

6           (10) a family home, whether registered or listed;

7           (11) an educational facility that is integral to and  
8 inseparable from its sponsoring religious organization or an  
9 educational facility both of which do not provide custodial care  
10 for more than two hours maximum per day, and that offers an  
11 educational program in one or more of the following:  
12 prekindergarten through at least grade three, elementary grades, or  
13 secondary grades;

14           (12) an emergency shelter facility, other than a  
15 facility that would otherwise require a license as a child-care  
16 facility under this section, that provides shelter or care to a  
17 minor and the minor's child or children, if any, under Section  
18 [32.201](#), Family Code, if the facility:

19                   (A) is currently under a contract with a state or  
20 federal agency; or

21                   (B) meets the requirements listed under Section  
22 [51.005\(b\)\(3\)](#);

23           (13) a juvenile detention facility certified under  
24 Section [51.12](#), Family Code, a juvenile correctional facility  
25 certified under Section [51.125](#), Family Code, a juvenile facility  
26 providing services solely for the Texas Juvenile Justice  
27 Department, or any other correctional facility for children

1 operated or regulated by another state agency or by a political  
2 subdivision of the state;

3 (14) an elementary-age (ages 5-13) recreation program  
4 operated by a municipality provided the governing body of the  
5 municipality annually adopts standards of care by ordinance after a  
6 public hearing for such programs, that such standards are provided  
7 to the parents of each program participant, and that the ordinances  
8 shall include, at a minimum, staffing ratios, minimum staff  
9 qualifications, minimum facility, health, and safety standards,  
10 and mechanisms for monitoring and enforcing the adopted local  
11 standards; and further provided that parents be informed that the  
12 program is not licensed by the state and the program may not be  
13 advertised as a child-care facility;

14 (15) an annual youth camp held in a municipality with a  
15 population of more than 1.5 million that operates for not more than  
16 three months and that has been operated for at least 10 years by a  
17 nonprofit organization that provides care for the homeless;

18 (16) a food distribution program that:

19 (A) serves an evening meal to children two years  
20 of age or older; and

21 (B) is operated by a nonprofit food bank in a  
22 nonprofit, religious, or educational facility for not more than two  
23 hours a day on regular business days;

24 (17) a child-care facility that operates for less than  
25 three consecutive weeks and less than 40 days in a period of 12  
26 months;

27 (18) a program:



1 (A) in which a child receives direct instruction  
2 in a single skill, talent, ability, expertise, or proficiency;

3 (B) that does not provide services or offerings  
4 that are not directly related to the single talent, ability,  
5 expertise, or proficiency;

6 (C) that does not advertise or otherwise  
7 represent that the program is a child-care facility, day-care  
8 center, or licensed before-school or after-school program or that  
9 the program offers child-care services;

10 (D) that informs the parent or guardian:

11 (i) that the program is not licensed by the  
12 state; and

13 (ii) about the physical risks a child may  
14 face while participating in the program; and

15 (E) that conducts background checks for all  
16 program employees and volunteers who work with children in the  
17 program using information that is obtained from the Department of  
18 Public Safety;

19 (19) an elementary-age (ages 5-13) recreation program  
20 that:

21 (A) adopts standards of care, including  
22 standards relating to staff ratios, staff training, health, and  
23 safety;

24 (B) provides a mechanism for monitoring and  
25 enforcing the standards and receiving complaints from parents of  
26 enrolled children;

27 (C) does not advertise as or otherwise represent

1 the program as a child-care facility, day-care center, or licensed  
2 before-school or after-school program or that the program offers  
3 child-care services;

4 (D) informs parents that the program is not  
5 licensed by the state;

6 (E) is organized as a nonprofit organization or  
7 is located on the premises of a participant's residence;

8 (F) does not accept any remuneration other than a  
9 nominal annual membership fee;

10 (G) does not solicit donations as compensation or  
11 payment for any good or service provided as part of the program; and

12 (H) conducts background checks for all program  
13 employees and volunteers who work with children in the program  
14 using information that is obtained from the Department of Public  
15 Safety;

16 (20) a living arrangement in a caretaker's home  
17 involving one or more children or a sibling group, excluding  
18 children who are related to the caretaker, in which the caretaker:

19 (A) had a prior relationship with the child or  
20 sibling group or other family members of the child or sibling group;

21 (B) does not care for more than one unrelated  
22 child or sibling group;

23 (C) does not receive compensation or solicit  
24 donations for the care of the child or sibling group; and

25 (D) has a written agreement with the parent to  
26 care for the child or sibling group;

27 (21) a living arrangement in a caretaker's home

1 involving one or more children or a sibling group, excluding  
2 children who are related to the caretaker, in which:

3 (A) the department is the managing conservator of  
4 the child or sibling group;

5 (B) the department placed the child or sibling  
6 group in the caretaker's home; and

7 (C) the caretaker had a long-standing and  
8 significant relationship with the child or sibling group, or the  
9 family of the child or sibling group, before the child or sibling  
10 group was placed with the caretaker;

11 (22) a living arrangement in a caretaker's home  
12 involving one or more children or a sibling group, excluding  
13 children who are related to the caretaker, in which the child is in  
14 the United States on a time-limited visa under the sponsorship of  
15 the caretaker or of a sponsoring organization;

16 (23) a facility operated by a nonprofit organization  
17 that:

18 (A) does not otherwise operate as a child-care  
19 facility that is required to be licensed under this section;

20 (B) provides emergency shelter and care for not  
21 more than 15 days to children 13 years of age or older but younger  
22 than 18 years of age who are victims of human trafficking alleged  
23 under Section [20A.02](#), Penal Code;

24 (C) is located in a municipality with a  
25 population of at least 600,000 that is in a county on an  
26 international border; and

27 (D) meets one of the following criteria:

1 (i) is licensed by, or operates under an  
2 agreement with, a state or federal agency to provide shelter and  
3 care to children; or

4 (ii) meets the eligibility requirements for  
5 a contract under Section 51.005(b)(3);

6 (24) a facility that provides respite care exclusively  
7 for a local mental health authority under a contract with the local  
8 mental health authority; ~~or~~

9 (25) a living arrangement in a caretaker's home  
10 involving one or more children or a sibling group in which the  
11 caretaker:

12 (A) has a written authorization agreement under  
13 Chapter 34, Family Code, with the parent of each child or sibling  
14 group to care for each child or sibling group;

15 (B) does not care for more than six children,  
16 excluding children who are related to the caretaker; and

17 (C) does not receive compensation for caring for  
18 any child or sibling group; or

19 (26) a faith-based child-care facility established  
20 under Subchapter I.

21 (d) A facility exempt from the provisions of Subsection (a),  
22 other than a faith-based child-care facility established under  
23 Subchapter I, that desires to receive or participate in federal or  
24 state funding shall be required to comply with all other provisions  
25 of this chapter and with all regulations promulgated under this  
26 chapter.

27 ARTICLE 4. EFFECTIVE DATE

1 SECTION 4.01. This Act takes effect September 1, 2025.