

By: Bonnen, Orr, et al.

H.B. No. 3453

Substitute the following for H.B. No. 3453:

By: Leach

C.S.H.B. No. 3453

A BILL TO BE ENTITLED

# 1 AN ACT

2 relating to the liability of nonprofit entities contracted with the  
3 Department of Family and Protective Services or with a single  
4 source continuum contractor to provide community-based care or  
5 child welfare services.

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

7 SECTION 1. Chapter 84, Civil Practice and Remedies Code, is  
8 amended by adding Section 84.0068 to read as follows:

9                   Sec. 84.0068. LIABILITY OF SINGLE SOURCE CONTINUUM  
10                  CONTRACTORS OR CERTAIN NONPROFIT ENTITIES PROVIDING  
11                  COMMUNITY-BASED CARE OR CHILD WELFARE SERVICES. (a) This section  
12                  applies only to an entity described by Section 264.170(a), Family  
13                  Code.

1   or database that indicates the person is ineligible to supervise or  
2   treat children;

3           (3) reported any known allegation of misconduct by the  
4   person as required by law;

5           (4) taken timely and proportionate administrative or  
6   personnel action in response to deficiency in the performance of  
7   duties by the person; and

8           (5) required the person to complete training for:

9                (A) child sexual abuse prevention at least once  
10   every five years; and

11                (B) the reporting of child abuse and neglect.

12           (c) An entity may be held vicariously liable by a claimant  
13   on the basis of services received from the entity for the act or  
14   omission of a person who is an employee or volunteer of the entity  
15   or a caregiver providing services on behalf of the entity only if  
16   the claimant shows:

17                (1) the entity was not in substantial compliance with  
18   a requirement described by Subsection (b) at the time of the act or  
19   omission giving rise to the claim;

20                (2) the requirement was designed to prevent the  
21   specific type of harm alleged to have occurred; and

22                (3) the entity's failure to be in substantial  
23   compliance with the requirement was a contributing factor in  
24   bringing about the harm.

25           (d) Subsection (b) does not affect the liability of an  
26   entity for damages resulting from the gross negligence of the  
27   entity.

1           (e) This section may not be construed to limit:

2            (1) the liability of an entity for a claim otherwise

3 authorized by state or federal law; or

4            (2) the ability of a governmental entity to take

5 administrative, regulatory, or prosecutorial action against an

6 entity described by Section 264.170(a), Family Code.

7           SECTION 2. Section 264.170, Family Code, is amended to read

8 as follows:

9           Sec. 264.170. LIMITED LIABILITY FOR SINGLE SOURCE CONTINUUM

10 CONTRACTOR    OR    NONPROFIT    ENTITY    CONTRACTED    TO    PROVIDE

11 COMMUNITY-BASED CARE OR CHILD WELFARE SERVICES AND RELATED

12 PERSONNEL.    (a)    A nonprofit entity that contracts with the

13 department to provide services as a single source continuum

14 contractor under this subchapter or a nonprofit entity that

15 contracts with the department or with a single source continuum

16 contractor to provide community-based care or child welfare

17 services is considered to be a charitable organization for the

18 purposes of Chapter 84, Civil Practice and Remedies Code, with

19 respect to the provision of those services, and that chapter

20 applies to the entity and any person who is:

21            (1) an employee or volunteer of the entity; or

22            (2) a caregiver providing services on behalf of the

23 entity.

24           (b) The limitations on liability provided by this section

25 apply:

26            (1) only to an act or omission by the entity or person,

27 as applicable, that occurs:

C.S.H.B. No. 3453

6 (2) only if insurance coverage in the minimum amounts  
7 required by Chapter 84, Civil Practice and Remedies Code, is in  
8 force and effect at the time a cause of action for personal injury,  
9 death, or property damage accrues.

10 SECTION 3. Section 84.0068, Civil Practice and Remedies  
11 Code, as added by this Act, and Section [264.170](#), Family Code, as  
12 amended by this Act, apply only to a cause of action that accrues on  
13 or after the effective date of this Act. A cause of action that  
14 accrued before the effective date of this Act is governed by the law  
15 as it existed immediately before the effective date of this Act, and  
16 that law is continued in effect for that purpose.

17 SECTION 4. This Act takes effect September 1, 2025.