

By: Bonnen

H.B. No. 3453

A BILL TO BE ENTITLED

AN ACT

relating to the liability of nonprofit entities contracted with the Department of Family and Protective Services or a single source continuum contractor to provide foster care or adoption services.

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

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

Sec. 84.0068. LIABILITY OF SINGLE SOURCE CONTINUUM CONTRACTORS OR CERTAIN NONPROFIT ENTITIES PROVIDING FOSTER CARE OR ADOPTION SERVICES. (a) Subject to Subsection (b) and except as provided by Subsection (c), an entity described by Section 264.170(a), Family Code, may not be held liable for damages in excess of the amounts provided by Section 84.006 for any act or omission by a person who is an employee or volunteer of the entity or a caregiver or clinical professional providing services to the entity if, for each person, the entity has:

(1) conducted timely criminal background checks as required by law;

(2) before hiring, contracting with, or otherwise enlisting the services of the person and then at least once every five years, confirmed the person is not listed in a state registry or database that indicates the person is ineligible to supervise or treat children;

(3) reported any known allegation of misconduct by the

person as required by law;

(4) taken appropriate administrative or personnel  
action in response to misconduct by the person; and

(5) required the person to complete training for:

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

(B) the reporting of child abuse and neglect.

(b) An entity described by Section 264.170(a), Family Code,  
may only be held vicariously liable by a claimant for the act or  
omission of a person who is an employee or volunteer of the entity  
or a caregiver or clinical professional providing services to the  
entity if the claimant shows:

(1) the entity was not in substantial compliance with  
a requirement described by Subsection (a);

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

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

(c) Subsection (a) does not affect the liability of an  
entity described by Section 264.170(a), Family Code, arising from  
an act or omission by the entity that constitutes gross negligence.

SECTION 2. Section 264.170, Family Code, is amended to read  
as follows:

Sec. 264.170. LIMITED LIABILITY FOR SINGLE SOURCE CONTINUUM  
CONTRACTOR OR NONPROFIT ENTITY CONTRACTED TO PROVIDE FOSTER CARE OR  
ADOPTION SERVICES AND RELATED PERSONNEL. (a) A nonprofit entity

1 that contracts with the department to provide services as a single  
2 source continuum contractor under this subchapter or a nonprofit  
3 entity that contracts with the department or a single source  
4 continuum contractor to provide foster care or adoption services is  
5 considered to be a charitable organization for the purposes of  
6 Chapter 84, Civil Practice and Remedies Code, with respect to the  
7 provision of those services, and that chapter applies to the entity  
8 and any person who is:

- 9           (1) an employee or volunteer of the entity; or  
10           (2) a caregiver or clinical professional providing  
11 services to the entity.

12           (b) The limitations on liability provided by this section  
13 apply:

- 14                 (1) only to an act or omission by the entity or person,  
15 as applicable, that occurs:

16                         (A) while the entity or person is acting within  
17 the course and scope of the entity's contract with the department or  
18 a single source continuum contractor; or

19                         (B) while the person is acting within the course  
20 and scope of [and] the person's duties for the entity; and

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

25           SECTION 3. Section 84.0068, Civil Practice and Remedies  
26 Code, as added by this Act, and Section 264.170, Family Code, as  
27 amended by this Act, apply only to a cause of action that accrues on

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1 or after the effective date of this Act. A cause of action that  
2 accrued before the effective date of this Act is governed by the law  
3 as it existed immediately before the effective date of this Act, and  
4 that law is continued in effect for that purpose.

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