

By: Bonnen

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 a single source
4 continuum contractor to provide foster care or adoption services.

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

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

8 Sec. 84.0068. LIABILITY OF SINGLE SOURCE CONTINUUM
9 CONTRACTORS OR CERTAIN NONPROFIT ENTITIES PROVIDING FOSTER CARE OR
10 ADOPTION SERVICES. (a) Subject to Subsection (b) and except as
11 provided by Subsection (c), an entity described by Section
12 264.170(a), Family Code, may not be held liable for damages in
13 excess of the amounts provided by Section 84.006 for any act or
14 omission by a person who is an employee or volunteer of the entity
15 or a caregiver or clinical professional providing services to the
16 entity if, for each person, the entity has:

24 (3) reported any known allegation of misconduct by the

1 person as required by law;

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

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

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

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

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

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

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

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

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

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

25 Sec. 264.170. LIMITED LIABILITY FOR SINGLE SOURCE CONTINUUM
26 CONTRACTOR OR NONPROFIT ENTITY CONTRACTED TO PROVIDE FOSTER CARE OR
27 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.