

By: Menéndez

S.B. No. 1275

A BILL TO BE ENTITLED

AN ACT

relating to the regulation of child-care facilities that provide temporary care to children of families in crisis.

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

SECTION 1. Section 42.002, Human Resources Code, is amended by adding Subdivision (19-a) to read as follows:

(19-a) "Crisis nursery facility" means a child-care facility that provides care and supervision for children who are voluntarily placed for temporary care for all or part of the 24-hour day by a parent or legal guardian to prevent or help resolve a family crisis or stressful situation or address a problem whose solution is critical to the family's healthy functioning.

SECTION 2. Section 42.041(b), Human Resources Code, is amended to read as follows:

(b) This section does not apply to:

- (1) a state-operated facility;
- (2) an agency foster home;
- (3) a facility that is operated in connection with a shopping center, business, religious organization, or establishment where children are cared for during short periods while parents or persons responsible for the children are attending religious services, shopping, or engaging in other activities, including retreats or classes for religious instruction, on or near the premises, that does not advertise as a child-care facility or

1 day-care center, and that informs parents that it is not licensed by
2 the state;

3 (4) a school or class for religious instruction that
4 does not last longer than two weeks and is conducted by a religious
5 organization during the summer months;

6 (5) a youth camp licensed by the Department of State
7 Health Services;

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

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

23 (8) an educational facility that operates solely for
24 educational purposes for prekindergarten through at least grade
25 two, that does not provide custodial care for more than one hour
26 during the hours before or after the customary school day, and that
27 is a member of an organization that promulgates, publishes, and

1 requires compliance with health, safety, fire, and sanitation
2 standards equal to standards required by state, municipal, and
3 county codes;

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

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

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

17 (12) an emergency shelter facility, other than a
18 facility that would otherwise require a license as a child-care
19 facility under this section, that provides shelter or care to a
20 minor and the minor's child or children, if any, under Section
21 [32.201](#), Family Code, if the facility:

22 (A) is currently under a contract with a state or
23 federal agency; or

24 (B) meets the requirements listed under Section
25 [51.005\(b\)\(3\)](#);

26 (13) a juvenile detention facility certified under
27 Section [51.12](#), Family Code, a juvenile correctional facility

1 certified under Section 51.125, Family Code, a juvenile facility
2 providing services solely for the Texas Juvenile Justice
3 Department, or any other correctional facility for children
4 operated or regulated by another state agency or by a political
5 subdivision of the state;

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

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

21 (16) a food distribution program that:

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

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

27 (17) a child-care facility that operates for less than

1 three consecutive weeks and less than 40 days in a period of 12
2 months;

3 (18) a program:

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

6 (B) that does not provide services or offerings
7 that are not directly related to the single talent, ability,
8 expertise, or proficiency;

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

13 (D) that informs the parent or guardian:

14 (i) that the program is not licensed by the
15 state; and

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

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

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

24 (A) adopts standards of care, including
25 standards relating to staff ratios, staff training, health, and
26 safety;

27 (B) provides a mechanism for monitoring and

1 enforcing the standards and receiving complaints from parents of
2 enrolled children;

3 (C) does not advertise as or otherwise represent
4 the program as a child-care facility, day-care center, or licensed
5 before-school or after-school program or that the program offers
6 child-care services;

7 (D) informs parents that the program is not
8 licensed by the state;

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

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

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

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

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

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

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

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

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

3 (21) a living arrangement in a caretaker's home
4 involving one or more children or a sibling group, excluding
5 children who are related to the caretaker, in which:

6 (A) the department is the managing conservator of
7 the child or sibling group;

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

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

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

19 (23) a facility operated by a nonprofit organization
20 that:

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

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

27 (C) is located in a municipality with a

1 population of at least 600,000 that is in a county on an
2 international border; and

3 (D) meets one of the following criteria:

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

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

9 (24) a facility that provides respite care exclusively
10 for a local mental health authority under a contract with the local
11 mental health authority; ~~or~~

12 (25) a living arrangement in a caretaker's home
13 involving one or more children or a sibling group in which the
14 caretaker:

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

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

20 (C) does not receive compensation for caring for
21 any child or sibling group; or

22 (26) a crisis nursery facility.

23 SECTION 3. Subchapter C, Chapter 42, Human Resources Code,
24 is amended by adding Section 42.0411 to read as follows:

25 Sec. 42.0411. CRISIS NURSERY FACILITIES. (a) The
26 executive commissioner shall adopt rules regarding the regulation
27 of crisis nursery facilities. The rules must:

1 (1) specify:

2 (A) the child-care licensing regulations that
3 apply to a facility;

4 (B) requirements for ensuring the safety and
5 well-being of children in the care of the facility, including
6 requirements regarding food preparation, sleeping arrangements,
7 and access to personal hygiene facilities;

8 (C) the capacity of a facility based on the size
9 of the facility and the children's needs; and

10 (D) the information that must be collected by the
11 facility and submitted to the commission at the request of the
12 commission regarding the number of children in the care of the
13 facility, the age of each child, the length of each child's stay,
14 and the reasons given for the use of the facility;

15 (2) provide for routine financial monitoring of a
16 facility by the commission;

17 (3) allow complaints against a facility to be filed
18 with the commission; and

19 (4) require the commission to regularly inspect a
20 facility, including each time a complaint is filed against the
21 facility.

22 (b) The rules adopted by the executive commissioner under
23 Subsection (a)(1) may not impose an undue burden on a crisis nursery
24 facility, parent, legal guardian, or child.

25 (c) A child may not spend more than 72 consecutive hours at a
26 crisis nursery facility. This subsection does not apply to a
27 residential child-care facility that provides crisis nursery

1 services.

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