

1-1 By: Perry S.B. No. 1558
1-2 (In the Senate - Filed February 21, 2025; March 6, 2025,
1-3 read first time and referred to Committee on Health & Human
1-4 Services; April 14, 2025, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 April 14, 2025, sent to printer.)

1-7	COMMITTEE VOTE				
1-8		Yea	Nay	Absent	PNV
1-9	Kolkhorst	X			
1-10	Perry	X			
1-11	Blanco	X			
1-12	Cook	X			
1-13	Hall	X			
1-14	Hancock	X			
1-15	Hughes	X			
1-16	Miles	X			
1-17	Sparks	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1558 By: Perry

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to the liability of nonprofit entities contracted with the
1-22 Department of Family and Protective Services or with a single
1-23 source continuum contractor to provide community-based care or
1-24 child welfare services.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-26 SECTION 1. Chapter 84, Civil Practice and Remedies Code, is
1-27 amended by adding Section 84.0068 to read as follows:

1-28 Sec. 84.0068. LIABILITY OF SINGLE SOURCE CONTINUUM
1-29 CONTRACTORS OR CERTAIN NONPROFIT ENTITIES PROVIDING
1-30 COMMUNITY-BASED CARE OR CHILD WELFARE SERVICES. (a) This section
1-31 applies only to an entity described by Section 264.170(a), Family
1-32 Code.

1-33 (b) Subject to Subsection (c) and except as provided by
1-34 Subsection (d), an entity may not be held liable for damages
1-35 resulting from the negligence of a person who is an employee or
1-36 volunteer of the entity or a caregiver providing services on behalf
1-37 of the entity if, for each person, the entity has:

1-38 (1) conducted timely criminal background checks as
1-39 required by law;

1-40 (2) before hiring, contracting with, or otherwise
1-41 enlisting the services of the person and then at least once every
1-42 five years, confirmed the person is not listed in a state registry
1-43 or database that indicates the person is ineligible to supervise or
1-44 treat children;

1-45 (3) reported any known allegation of misconduct by the
1-46 person as required by law;

1-47 (4) taken timely and proportionate administrative or
1-48 personnel action in response to deficiency in the performance of
1-49 duties by the person; and

1-50 (5) required the person to complete training for:

1-51 (A) child sexual abuse prevention at least once
1-52 every five years; and

1-53 (B) the reporting of child abuse and neglect.

1-54 (c) An entity may be held vicariously liable by a claimant
1-55 on the basis of services received from the entity for the act or
1-56 omission of a person who is an employee or volunteer of the entity
1-57 or a caregiver providing services on behalf of the entity only if
1-58 the claimant shows:

1-59 (1) the entity was not in substantial compliance with
1-60 a requirement described by Subsection (b);

(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 contributing factor in bringing about the harm.

(d) Subsection (b) does not affect the liability of an entity for damages resulting from the gross negligence of a person who is an employee or volunteer of the entity or a caregiver providing services on behalf of the entity.

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

(1) the liability of an entity for a claim otherwise authorized by state or federal law; or

(2) the ability of a governmental entity to take administrative, regulatory, or prosecutorial action against an entity described by Section 264.170(a), Family Code.

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 COMMUNITY-BASED CARE OR CHILD WELFARE SERVICES AND RELATED PERSONNEL. (a) A nonprofit entity that contracts with the department to provide services as a single source continuum contractor under this subchapter or a nonprofit entity that contracts with the department or with a single source continuum contractor to provide community-based care or child welfare services is considered to be a charitable organization for the purposes of Chapter 84, Civil Practice and Remedies Code, with respect to the provision of those services, and that chapter applies to the entity and any person who is:

(1) an employee or volunteer of the entity; or
(2) a caregiver providing services on behalf of the entity.

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

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

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

(B) while the person is acting within the course and scope of ~~and~~ the person's duties for the entity; and

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

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

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

* * * * *