

By: Middleton

S.B. No. 2534

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of faith-based child-care facilities.

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

ARTICLE 1. GENERAL PROVISIONS

SECTION 1.01. This Act shall be known as the Faith-Based Foster Care Enhancement Act.

SECTION 1.02. The legislature finds that:

(1) the number of foster youth in this state exceeds the current capacity of state and private child-care facilities;

(2) religious organizations have historically played significant roles in community support and child welfare;

(3) religious organizations can provide a nurturing, stable environment for foster youth while leveraging community resources;

(4) a collaborative approach involving religious organizations, mental health professionals, and community resources can effectively meet the diverse needs of foster youth; and

(5) incorporating religious organizations into child-care infrastructure will be beneficial to foster youth in this state.

ARTICLE 2. FAITH-BASED CHILD-CARE FACILITIES

SECTION 2.01. Chapter 42, Human Resources Code, is amended

by adding Subchapter I to read as follows:

SUBCHAPTER I. FAITH-BASED CHILD-CARE FACILITIES

Sec. 42.301. DEFINITION. In this subchapter, "faith-based child-care facility" means a child-care facility owned and operated by a religious organization that provides care for children in the conservatorship of the department for 24 hours a day.

Sec. 42.302. ESTABLISHING FAITH-BASED CHILD-CARE FACILITY. (a) A religious organization may establish and operate a faith-based child-care facility as provided by this subchapter.

(b) Before establishing a faith-based child-care facility, a religious organization shall:

(1) develop a comprehensive plan to ensure the well-being of foster youth cared for by the facility;

(2) develop a training program for facility employees and volunteers who will provide care to foster youth at the facility; and

(3) enter into a contract with a licensed mental health services provider to provide mental and behavioral health services to foster youth in the care of the facility.

(c) A faith-based child-care facility established under this subchapter must be overseen by a committee appointed by the religious organization establishing the facility that includes:

(1) a leader of the religious organization;

(2) two active, participating members of the religious organization;

(3) a licensed mental health professional;

(4) a person with experience in child welfare systems;

1 (5) a person from an organization that specializes in
2 child welfare; and

3 (6) an elected official serving in a municipal,
4 county, state, or federal office representing the community in
5 which the faith-based child-care facility is located.

6 (d) A member of the committee appointed to fill a roll on
7 the committee described by Subsections (c)(1)-(6) may fill one
8 additional role described by Subsections (c)(3)-(6).

9 Sec. 42.303. FAITH-FAMILY PROGRAMS. (a) A religious
10 organization that establishes a faith-based child-care facility
11 under this subchapter shall establish a faith-family program to:

12 (1) provide mentorship and support to foster youth at
13 the facility by building relationships and facilitating
14 mentorships with members of the religious organization who serve as
15 a faith-family for the foster youth; and

16 (2) encourage individuals serving as faith-family to
17 become foster or adoptive parents for foster youth at the facility.

18 (b) A member of a religious organization participating in a
19 faith-family program may:

20 (1) host a foster youth in the member's home for
21 increasing periods of time in accordance with the religious
22 organization's plan under Section 42.302(b)(1); and

23 (2) travel with a foster youth in accordance with
24 applicable laws for a foster parent traveling with a foster youth.

25 (c) The religious organization shall provide any training
26 required by this chapter or other law for an individual serving as
27 faith-family to become a foster or adoptive parent of a foster youth

1 at the facility.

2 Sec. 42.304. MENTAL HEALTH SERVICES. A religious
3 organization that establishes a faith-based child-care facility
4 shall ensure that mental health services provided to foster youth
5 meet applicable standards of professional care.

6 Sec. 42.305. FOSTER PLACEMENTS. (a) The department shall
7 ensure the integration of faith-based child-care facilities into
8 the state's foster care system.

9 (b) The department and child-placing agencies may place a
10 child in the care of a faith-based child-care facility established
11 under this subchapter.

12 Sec. 42.306. APPLICABILITY OF OTHER LAW; OVERSIGHT. (a)
13 Notwithstanding other law, a faith-based child-care facility is
14 exempt from:

15 (1) the licensing requirements of this chapter; and
16 (2) the rules and standards that apply to licensed
17 child-care facilities.

18 (b) The department by rule shall adopt minimum standards for
19 faith-based child-care facilities that ensure each child's health,
20 safety, and welfare are adequately protected on the grounds of the
21 facility, including standards relating to fire safety and basic
22 cleanliness. In adopting the standards under this section, the
23 department shall consider the unique operational frameworks of
24 religious organizations operating a faith-based child-care
25 facility.

26 (c) The department shall periodically evaluate each
27 faith-based child-care facility to ensure the facility meets the

standards adopted under this section.

Sec. 42.307. GRANTS FOR FAITH-BASED CHILD-CARE FACILITY.

(a) Using available funds or private donations, the department shall establish and administer a grant program to award grants to religious organizations to establish a faith-based child-care facility.

(b) The commissioner shall adopt rules to implement the grant program, including rules governing the submission and approval of grant requests and the cancellation of grants.

(c) The department may solicit and accept gifts, grants, and donations for purposes of this section.

ARTICLE 3. CONFORMING CHANGES

SECTION 3.01. Sections 42.041(b) and (d), Human Resources Code, are 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 day-care center, and that informs parents that it is not licensed by the state;

(4) a school or class for religious instruction that

1 does not last longer than two weeks and is conducted by a religious
2 organization during the summer months;

3 (5) a youth camp licensed by the Department of State
4 Health Services;

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

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

20 (8) an educational facility that operates solely for
21 educational purposes for prekindergarten through at least grade
22 two, that does not provide custodial care for more than one hour
23 during the hours before or after the customary school day, and that
24 is a member of an organization that promulgates, publishes, and
25 requires compliance with health, safety, fire, and sanitation
26 standards equal to standards required by state, municipal, and
27 county codes;

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

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

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

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

19 (A) is currently under a contract with a state or
20 federal agency; or

21 (B) meets the requirements listed under Section
22 [51.005\(b\)\(3\)](#);

23 (13) a juvenile detention facility certified under
24 Section [51.12](#), Family Code, a juvenile correctional facility
25 certified under Section [51.125](#), Family Code, a juvenile facility
26 providing services solely for the Texas Juvenile Justice
27 Department, or any other correctional facility for children

1 operated or regulated by another state agency or by a political
2 subdivision of the state;

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

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

18 (16) a food distribution program that:

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

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

24 (17) a child-care facility that operates for less than
25 three consecutive weeks and less than 40 days in a period of 12
26 months;

27 (18) a program:

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

3 (B) that does not provide services or offerings
4 that are not directly related to the single talent, ability,
5 expertise, or proficiency;

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

10 (D) that informs the parent or guardian:

11 (i) that the program is not licensed by the
12 state; and

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

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

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

21 (A) adopts standards of care, including
22 standards relating to staff ratios, staff training, health, and
23 safety;

24 (B) provides a mechanism for monitoring and
25 enforcing the standards and receiving complaints from parents of
26 enrolled children;

27 (C) does not advertise as or otherwise represent

1 the program as a child-care facility, day-care center, or licensed
2 before-school or after-school program or that the program offers
3 child-care services;

4 (D) informs parents that the program is not
5 licensed by the state;

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

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

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

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

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

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

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

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

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

27 (21) a living arrangement in a caretaker's home

1 involving one or more children or a sibling group, excluding
2 children who are related to the caretaker, in which:

3 (A) the department is the managing conservator of
4 the child or sibling group;

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

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

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

16 (23) a facility operated by a nonprofit organization
17 that:

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

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

24 (C) is located in a municipality with a
25 population of at least 600,000 that is in a county on an
26 international border; and

27 (D) meets one of the following criteria:

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

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

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

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

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

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

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

(26) a faith-based child-care facility established under Subchapter I.

(d) A facility exempt from the provisions of Subsection (a), other than a faith-based child-care facility established under Subchapter I, that desires to receive or participate in federal or state funding shall be required to comply with all other provisions of this chapter and with all regulations promulgated under this chapter.

ARTICLE 4. EFFECTIVE DATE

S.B. No. 2534

1 SECTION 4.01. This Act takes effect September 1, 2025.