

1-1 By: Paxton S.B. No. 1098
1-2 (In the Senate - Filed February 22, 2023; March 9, 2023,
1-3 read first time and referred to Committee on Health & Human
1-4 Services; April 24, 2023, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 6, Nays 0;
1-6 April 24, 2023, sent to printer.)

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

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1098 By: Hughes

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

1-21 relating to the rights of a parent or guardian with a child in
1-22 certain child-care facilities.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-24 SECTION 1. This Act may be cited as the Kairo and the Kids'
1-25 Law.

1-26 SECTION 2. Subchapter C, Chapter 42, Human Resources Code,
1-27 is amended by adding Section 42.04271 to read as follows:

1-28 Sec. 42.04271. RIGHTS OF PARENT OR GUARDIAN WITH CHILD IN
1-29 CERTAIN CHILD-CARE FACILITIES. (a) A parent or guardian of a child
1-30 at a nonresidential child-care facility has the right to:

1-31 (1) enter and examine the child-care facility during
1-32 the facility's hours of operation without advance notice;

1-33 (2) file a complaint against the child-care facility;

1-34 (3) review the child-care facility's publicly
1-35 accessible records;

1-36 (4) review the child-care facility's written records
1-37 concerning the parent's or guardian's child;

1-38 (5) receive from the child-care facility the
1-39 commission's inspection reports for the child-care facility and
1-40 information about how to access the child-care facility's
1-41 compliance history online;

1-42 (6) have the child-care facility comply with a court
1-43 order preventing another parent or guardian from visiting or
1-44 removing the parent's or guardian's child;

1-45 (7) be provided the contact information for the
1-46 division responsible for regulating the child-care facility,
1-47 including the division's name, address, and phone number;

1-48 (8) inspect any video recordings of an alleged
1-49 incident of abuse or neglect involving the parent's or guardian's
1-50 child, provided that:

1-51 (A) video recordings of the alleged incident are
1-52 available;

1-53 (B) the parent or guardian of the child is only
1-54 allowed to retain parts of the video recording depicting the
1-55 parent's or guardian's child; and

1-56 (C) the parent or guardian of any other child
1-57 captured in the video recording receives notice from the facility
1-58 under Subsection (b);

1-59 (9) obtain a copy of the child-care facility's
1-60 policies and procedures handbook;

(10) review, on the request of the parent or guardian, the facility's:

(A) staff training records; and
(B) any in-house staff training curriculum used by the facility; and

(11) be free from any retaliatory action by the child-care facility for exercising any of the parent's or guardian's rights.

(b) Before allowing a parent or guardian to inspect a video recording under Subsection (a)(8), a nonresidential child-care facility must provide notice to the parent or guardian of any other child captured in the video recording.

(c) This section does not affect the ability of a law enforcement agency or the department to access a video recording as part of an investigation of an incident depicted in the video recording.

(d) A nonresidential child-care facility shall provide the parent or guardian of the child with a written copy of the rights listed in Subsection (a) not later than the child's first day at the facility.

SECTION 3. Not later than September 30, 2023, a nonresidential child-care facility shall provide the information required by Section 42.04271, Human Resources Code, as added by this Act, to the parent or guardian of each child enrolled at the facility on the effective date of this Act.

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

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