(Q) an employee of, an applicant for employment with, or a volunteer or an applicant volunteer with an entity or person that contracts with the Department of Family and Protective Services and has access to confidential information in the department's records, if the employee, applicant, volunteer, or applicant volunteer has or will have access to that confidential information;

(R) an employee of or volunteer at, or an applicant for employment with or to be a volunteer at, an entity that provides supervised independent living services to a young adult receiving extended foster care services from the Department of Family and Protective Services; or

(S) a person 14 years of age or older who will be regularly or frequently working or staying in a host home that is providing supervised independent living services to a young adult receiving extended foster care services from the Department of Family and Protective Services; or

(T) a person who volunteers to supervise visitation under Subchapter B, Chapter 263, Family Code.

SECTION 7. The changes in law made by this Act apply only to a child who is taken into possession by the Department of Family and Protective Services on or after the effective date of this Act. A child taken into possession by the Department of Family and Protective Services before the effective date of this Act is governed by the law in effect on the date the child was taken into possession, and the former law is continued in effect for that purpose.

SECTION 8. To the extent of any conflict, this Act prevails over another Act of the 83rd Legislature, Regular Session, 2013, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 9. This Act takes effect September 1, 2013.

Passed the Senate on April 3, 2013: Yeas 31, Nays 0; passed the House on May 10, 2013: Yeas 141, Nays 2, two present not voting.

Approved May 25, 2013.

Effective September 1, 2013.

CHAPTER 192

S.B. No. 353

AN ACT

relating to the ability of an emergency shelter facility to provide shelter or care for an unaccompanied minor without a license.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subsection (b), Section 42.041, 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 or agency foster group 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 does not last longer than two weeks and is conducted by a religious organization during the summer months;

(5) a youth camp licensed by the Department of State Health Services;
(6) a facility licensed, operated, certified, or registered by another state agency;

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

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

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

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

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

(12) an emergency shelter facility, other than a facility that would otherwise require a license as a child-care facility under this section, that provides shelter or care to a minor and the minor's child or [mothers who are the sole support of their natural] children, if any, under Section 32.201, Family Code, if the facility:
   (A) is currently under a contract with a state or federal agency; or
   (B) meets the requirements listed under Section 51.005(b)(3) [unless the facility would otherwise require a license as a child-care facility under this section];

(13) a juvenile detention facility certified under Section 51.12, Family Code, a juvenile correctional facility certified under Section 51.125, Family Code, a juvenile facility providing services solely for the Texas Juvenile Justice Department [Youth Commission], or any other correctional facility for children operated or regulated by another state agency or by a political subdivision of the state;

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

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

(16) a food distribution program that:
   (A) serves an evening meal to children two years of age or older; and
   (B) is operated by a nonprofit food bank in a nonprofit, religious, or educational facility for not more than two hours a day on regular business days;

(17) a child-care facility that operates for less than three consecutive weeks and less than 40 days in a period of 12 months;
(18) a program:
   (A) in which a child receives direct instruction in a single skill, talent, ability, expertise, or proficiency;
   (B) that does not provide services or offerings that are not directly related to the single talent, ability, expertise, or proficiency;
   (C) that does not advertise or otherwise represent that the program is a child-care facility, day-care center, or licensed before-school or after-school program or that the program offers child-care services;
   (D) that informs the parent or guardian:
      (i) that the program is not licensed by the state; and
      (ii) about the physical risks a child may face while participating in the program; and
   (E) that conducts background checks for all program employees and volunteers who work with children in the program using information that is obtained from the Department of Public Safety;
(19) an elementary-age (ages 5–13) recreation program that:
   (A) adopts standards of care, including standards relating to staff ratios, staff training, health, and safety;
   (B) provides a mechanism for monitoring and enforcing the standards and receiving complaints from parents of enrolled children;
   (C) does not advertise as or otherwise represent the program as a child-care facility, day-care center, or licensed before-school or after-school program or that the program offers child-care services;
   (D) informs parents that the program is not licensed by the state;
   (E) is organized as a nonprofit organization or is located on the premises of a participant's residence;
   (F) does not accept any remuneration other than a nominal annual membership fee;
   (G) does not solicit donations as compensation or payment for any good or service provided as part of the program; and
   (H) conducts background checks for all program employees and volunteers who work with children in the program using information that is obtained from the Department of Public Safety;
(20) a living arrangement in a caretaker's home involving one or more children or a sibling group, excluding children who are related to the caretaker, in which the caretaker:
   (A) had a prior relationship with the child or sibling group or other family members of the child or sibling group;
   (B) does not care for more than one unrelated child or sibling group;
   (C) does not receive compensation or solicit donations for the care of the child or sibling group; and
   (D) has a written agreement with the parent to care for the child or sibling group;
(21) a living arrangement in a caretaker's home involving one or more children or a sibling group, excluding children who are related to the caretaker, in which:
   (A) the department is the managing conservator of the child or sibling group;
   (B) the department placed the child or sibling group in the caretaker's home; and
   (C) the caretaker had a long-standing and significant relationship with the child or sibling group before the child or sibling group was placed with the caretaker; or
(22) a living arrangement in a caretaker's home involving one or more children or a sibling group, excluding children who are related to the caretaker, in which the child is in the United States on a time-limited visa under the sponsorship of the caretaker or of a sponsoring organization.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If
this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

Passed the Senate on March 13, 2013: Yeas 31, Nays 0; passed the House on May 10, 2013: Yeas 143, Nays 0, two present not voting.

Approved May 25, 2013.

Effective May 25, 2013.

CHAPTER 193
S.B. No. 425
AN ACT relating to foster care placement decisions made by the Department of Family and Protective Services.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subsection (e), Section 264.107, Family Code, is amended to read as follows:

(e) In making placement decisions, the department shall:

(1) except when making an emergency placement that does not allow time for the required consultations, consult with the child's caseworker, [and the child's] attorney ad litem, and guardian ad litem and with any court-appointed volunteer advocate for the child [when possible]; and

(2) use clinical protocols to match a child to the most appropriate placement resource.

SECTION 2. Subsection (e), Section 264.107, Family Code, as amended by this Act, applies only to a foster care placement decision made by the Department of Family and Protective Services on or after the effective date of this Act.

SECTION 3. This Act takes effect September 1, 2013.

Passed the Senate on March 13, 2013: Yeas 31, Nays 0; passed the House on May 10, 2013: Yeas 143, Nays 0, two present not voting.

Approved May 25, 2013.

Effective September 1, 2013.

CHAPTER 194
S.B. No. 560
AN ACT relating to authorization for biweekly installment payments for the compensation of certain justices, judges, and district attorneys.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subsection (c), Section 25.0005, Government Code, is amended to read as follows:

(c) The salary shall be paid in:

(1) equal monthly installments; or

(2) equal biweekly installments if authorized by the commissioners court.

SECTION 2. Section 31.004, Government Code, is amended to read as follows:

Sec. 31.004. EQUAL [MONTHLY] INSTALLMENTS. The compensation authorized by this chapter shall be paid in:

(1) equal monthly installments; or