

SUBJECT: Requiring applicants for a child-care facility to submit certain affidavits

COMMITTEE: Human Services — favorable, without amendment

VOTE: 9 ayes — Frank, Rose, Campos, Hull, Klick, Manuel, Noble, Ramos, Shaheen
0 nays

WITNESSES: For — (*Registered, but did not testify*: Omodele Ojomo, Autism Society of Texas; Mandi Kimball, Children At Risk; Sarah Crockett, Texas CASA; Jennifer Allmon, The Texas Catholic Conference of Bishops; Susan Stewart)
Against — None
On — (*Registered, but did not testify*: Lisa Kanne, Department of Family and Protective Services; Rachelle Daniel, Health and Human Services Commission)

BACKGROUND: Some have suggested that child-care facilities should use a pre-employment affidavit, similar to those used in schools, requiring the disclosure of any previous inappropriate relationships with a minor.

DIGEST: HB 3199 would require applicants for a position with a child-care facility to submit a pre-employment affidavit disclosing whether the applicant had ever been charged with, adjudicated for, or convicted of having an inappropriate relationship with a minor. An applicant who answered affirmatively would be required to disclose all relevant facts relating to the charge, adjudication, or conviction in the affidavit.
An applicant would not be precluded from employment based on a disclosed charge if the employing entity determined, based on information disclosed in the affidavit, that the charge was false. A determination that an employee failed to disclose required information would be grounds for termination of employment.

HB 3199
House Research Organization
page 2

The bill would take effect September 1, 2023.