

SUBJECT: Requiring a court finding prior to placement on the child abuse registry

COMMITTEE: Human Services — committee substitute recommended

VOTE: 6 ayes — Frank, Hull, Klick, Neave, Noble, Shaheen

1 nay — Hinojosa

2 absent — Meza, Rose

WITNESSES: For — Judy Powell, Parent Guidance Center; Julia Hatcher, Texas Association of Family Defense Attorneys; Jeremy Newman, Texas Home School Coalition; Andrew Brown, Texas Public Policy Foundation; Peter Johnston; Ashley Pardo; (*Registered, but did not testify*: Adrienne Trigg, Protect TX Fragile Kids; Breall Baccus, Texas Council on Family Violence; Mary Castle, Texas Values Action)

Against — None

On — Sophia Karimjee, Department of Family and Protective Services; Shane Linkous, State Office of Administrative Hearings; (*Registered, but did not testify*: Jaime Masters, Department of Family and Protective Services; Lana Estevilla, Texas Health and Human Services Commission; Thomas Parkinson)

BACKGROUND: Family Code sec. 261.002 requires the Department of Family and Protective Services to establish and maintain a central registry of the names of individuals found by the department to have abused or neglected a child.

Concerns have been raised that individuals may be entered into the central child abuse or neglect registry for allegations later determined to be unsubstantiated. Some have suggested requiring a court, rather than a CPS caseworker, render a finding of abuse or neglect before an individual could be added to the registry.

DIGEST: CSHB 1190 would prohibit the Department of Family and Protective Services (DFPS) from adding to the central child abuse or neglect registry the name of an individual found by the department to have abused or neglected a child unless a court of competent jurisdiction entered a final order in a civil, criminal, or juvenile proceeding in which the court found the individual abused or neglected the child.

The bill would take effect September 1, 2021, and would apply only to a finding that an individual had abused or neglected a child made by DFPS on or after the effective date.

NOTES: According to the Legislative Budget Board, the bill would have a negative impact of \$102,639,718 to general revenue related funds through the biennium ending August 31, 2023, with an estimated negative impact of about \$95 million in subsequent biennia.