

BILL ANALYSIS

C.S.H.B. 1190
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Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The central child abuse or neglect registry maintained by the Department of Family and Protective Services is a database that contains the names of individuals alleged to have committed child abuse or neglect. Currently, an individual is added to the registry when a Child Protective Services (CPS) caseworker makes an administrative finding that there is a reason to believe the individual committed child maltreatment. In most cases, listing occurs before the case goes before a judge. In Texas, roughly one-fourth of maltreatment reports are ultimately confirmed, suggesting that reports are often incorrect and can easily tangle an innocent family into CPS involvement. An individual who is listed in the registry but is later cleared from the allegation will remain in the registry unless the individual successfully appeals, which is a complicated process. An individual listed in the central registry often faces significant financial and social impacts, including limited employment and volunteer opportunities. This high rate of unsubstantiated reporting, insufficient due process protections prior to listing, and a lack of a transparent and neutral appeal process puts Texas families at risk. C.S.H.B. 1190 seeks to address this issue by requiring a court finding of abuse or neglect before an individual's name is added to the central child abuse or neglect registry.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1190 amends the Family Code to prohibit the Department of Family and Protective Services (DFPS) from adding the name of an individual found by DFPS to have abused or neglected a child to the central child abuse or neglect registry unless a court of competent jurisdiction enters a final order in a civil, criminal, or juvenile proceeding in which the court finds the individual abused or neglected the child.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1190 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include provisions that appeared in the original establishing procedures for the addition of an alleged offender to the registry, including a requirement for DFPS to request an administrative hearing before the State Office of Administrative Hearings (SOAH) on finding that the abuse or neglect occurred. Whereas the original prohibited DFPS from adding the name of an individual to the registry unless either the DFPS finding of abuse or neglect is sustained at an administrative hearing before SOAH or a court in a civil, criminal, or juvenile proceeding finds the individual abused or neglected the child, the substitute provides an exception to that prohibition only in the case of that court finding and specifies that the court is a court of competent jurisdiction that enters a final order in the proceeding.

The substitute does not include provisions that appeared in the original relating to the following:

- procedures for the removal of an alleged offender from that registry, including those for the individual to request an administrative hearing before SOAH; and
- a requirement for DFPS or another entity receiving a report of abuse or neglect that is not substantiated as provided by the bill to maintain information relating to the report until the second anniversary of the date DFPS or the other entity receives the report.