



Testimony

HB 1190 Central Registry Reform

Testimony Submitted to the Texas House Human Services Committee

By Andrew C. Brown, JD, Senior Fellow of Child and Family Policy

Chairman Frank and Members of the Committee:

My name is Andrew Brown, and I have the privilege of serving as a senior fellow of child and family policy at the Texas Public Policy Foundation. Thank you for the opportunity to offer testimony in support of [House Bill 1190](#).

The Texas Child Abuse and Neglect Central Registry is a federally mandated, state-run database of child abuse and neglect records. Central registries, [as originally designed](#), served three purposes: (1) aiding in the identification and prevention of child maltreatment, (2) ensuring the quality of investigations and services, and (3) serving as a tool for research and statistical analysis. During the late 1980s and into the 1990s, central registries evolved into a tool for conducting background checks and tracking alleged perpetrators. It is this use of the central registry as a tool for conducting background checks on individuals seeking certain types of employment or volunteer opportunities that raises concerns about due process and unintended consequences for families struggling with conditions of poverty.

[Texas Family Code Section 261.002\(a\)](#) 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.” The key phrase here is “found by the department.” Listing occurs when the department makes an administrative finding of “reason to believe” rather than after a hearing or court ruling finding that the individual actually committed the alleged maltreatment. This can result in individuals later found innocent of allegations yet remaining on the registry and being denied employment and volunteer opportunities.

Take, for example, the [case of Ashley and Daniel Pardo](#). Many of you followed this case closely, and some of you even signed on to amicus briefs filed with the Texas Supreme Court in their case. Briefly, the Pardos were wrongfully accused of the medical child abuse of their 4-year-old son in 2019. The child spent around 4 months in foster care before the Texas Supreme Court ordered his immediate return in October 2019. Due to the way the central registry operates, however, Ashley and Daniel remained listed as child abusers on the central registry until December of last year—more than a year after the case against them was dismissed.

While the Pardo case is shocking, the fact of the matter is that Ashley and Daniel were lucky. They had the support of attorneys, advocates, and members of this body who fought for them and helped them navigate the complex process of getting their names removed from the central registry. Many families who have contact with child protective services are not as fortunate. According to federal data, [75% of child maltreatment victims](#) are victims of neglect only—meaning that no physical or sexual abuse is involved. Families who find themselves accused of neglect are disproportionately poor. In fact, our research into the connections between poverty and neglect found that families living in the 25 poorest counties in Texas are statistically more likely to have contact with child protective services over an [allegation of neglect](#) than families who live in one of the 25 wealthiest counties. Due to background check requirements, a family struggling with poverty who winds up on the registry due to an allegation of neglect may be blocked from obtaining employment that could help them rise out of poverty.

It is unknown how many innocent people remain listed on the central registry. A 2014 report by the *Austin American-Statesman* found that more than 1 out of every 3 CPS cases challenged by the alleged perpetrators are [ultimately overturned](#). Yet only around 3% of cases are appealed every year. The appeals process is complicated and entirely separate from

regular child protection court processes. Under [Family Code Section 261.002\(b\)\(3\)](#), a person's name can only be removed from the central registry if they are successful in a review or appeal of a review conducted by the department or a hearing or appeal conducted by the State Office of Administrative Hearings. There is currently no mechanism in statute for automatic removal if a district court, appeals court, or even the Supreme Court of Texas dismisses the allegation.

House Bill 1190 addresses this problem by requiring notice and a court hearing prior to listing an individual on the central registry. Under the bill, a person's name may not be added to the registry until the department's reason to believe finding is sustained by the State Office of Administrative Hearings or if another court finds that the individual committed the alleged abuse or neglect. It is based on one of the most sacred principles of our justice system—that the state may not deprive a person of life, liberty, or property without due process of law.

While the central registry serves an important purpose, it is critical that we also recognize the unintended harm that it can cause, particularly in disadvantaged communities. Texans deserve the right to meaningful due process before being forever labeled as an abuser in a centralized government database. House Bill 1190 provides much-needed reforms to the registry that will help remedy longstanding injustices and strengthen families.

Thank you for your time, and I look forward to answering your questions.

ABOUT THE AUTHOR



Andrew C. Brown, JD, is the distinguished senior fellow of child and family policy at the Texas Public Policy Foundation.

Brown has dedicated his career to serving vulnerable children and strengthening families through community-focused, liberty-minded solutions. As an attorney, he has represented children in the child welfare system, advocated for the rights of parents, and helped build families through domestic and international adoption.

Andrew earned his BA magna cum laude in political science from Baylor University and his JD from Southern Methodist University Dedman School of Law. He is licensed to practice law in Texas and Virginia. His work on international adoption law and other child welfare issues has been published in leading legal journals and respected media outlets.

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