

BILL ANALYSIS

Senate Research Center

H.B. 2070
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Health & Human Services
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The central child abuse or neglect registry (central registry) maintained by the Department of Family and Protective Services (DFPS) is a database that contains the names of individuals alleged to have committed child abuse or neglect. The registry includes information gathered during investigations of child abuse and neglect that resulted in a disposition of "reason to believe" that abuse or neglect occurred. A name is placed on the registry from the moment an open child abuse or neglect investigation begins, before a determination is made. When a "reason to believe" finding is made, the person remains on the registry indefinitely, unless they choose to appeal the finding, which can take years and is confusing and costly. Furthermore, if such a finding does not take place, the person has their name removed from the registry, but the information about that investigation remains in the system, unless the person elects to have it removed. Being on the registry can affect employment, volunteering, and social status.

H.B. 2070 aims to address the lack of due process for individuals added to DFPS' central registry. This bill would require a court to substantiate the finding of abuse or neglect before an individual is added to the central registry. To address the urgency of narrowly tailored situations, the bill exempts this requirement for instances where an individual is found by DFPS to have abused or neglected a child in DFPS conservatorship; in a child-care facility, public or private school, while on the premises of a church or religious facility/during church related activities off-site; or engaged in reportable conduct that requires the individual's inclusion in the interagency reportable conduct search engine.

H.B. 2070 amends current law relating to individuals whose name may be added to the central child abuse or neglect registry.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 261.002, Family Code, by adding Subsection (a-1), as follows:

(a-1) Prohibits the Department of Family and Protective Services (DFPS) from adding to the central registry maintained under Section 261.002 (Central Registry) the name of an individual found by DFPS to have abused or neglected a child 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 or the individual is found to have abused or neglected a child under certain circumstances.

SECTION 2. Makes application of Section 261.002(a-1), Family Code, as added by this Act, prospective.

SECTION 3. Effective date: September 1, 2025.