

BILL ANALYSIS

C.S.H.B. 2070
By: Hull
Human Services
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The central child abuse or neglect 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. The bill author has informed the committee that 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.

C.S.H.B. 2070 seeks to address the lack of due process for the registry by prohibiting DFPS from adding an individual to the registry unless a court of competent jurisdiction enters a finding that the child abuse and neglect did take place or the individual is found to have engaged in specific types of conduct relating to the abuse or neglect of a child.

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. 2070 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 either of the following circumstances applies:

- a court of competent jurisdiction enters a final order in a civil, criminal, or juvenile proceeding in which the court finds that the individual abused or neglected the child; or
- the individual is found to have done the following:
 - abused or neglected a child in a child-care facility or family home, as defined under Human Resources Code provisions regulating such facilities and homes;
 - abused or neglected a child in a public or private school;

- engaged in reportable conduct that requires the individual's inclusion in the interagency reportable conduct search engine results under applicable state law; or
- abused or neglected a child while the child is in DFPS conservatorship.

C.S.H.B. 2070 applies only to a finding that an individual abused or neglected a child made by DFPS on or after the bill's effective date. A finding made by DFPS before that date is governed by the law in effect on the date the finding was made, and the former law is continued in effect for that purpose.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 2070 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The introduced prohibited 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 that the individual abused or neglected the child. The substitute revises that prohibition by including additional exceptions for an individual found to have done the following:

- abused or neglected a child in a child-care facility, a family home, or a public or private school;
- engaged in reportable conduct that requires the individual's inclusion in the interagency reportable conduct search engine results; or
- abused or neglected a child while the child is in DFPS conservatorship.