

By: Birdwell

S.B. No. 1195

A BILL TO BE ENTITLED

AN ACT

relating to the procedures for removing names from the central registry of child abuse and neglect.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 261, Family Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. REMOVING NAMES FROM CENTRAL REGISTRY OF ABUSE AND
NEGLECT

Sec. 261.601. DEFINITION. In this subchapter, "central registry" means the central registry of the names of persons found by the department to have abused or neglected a child maintained by the department under Section 261.002.

Sec. 261.602. NONAPPLICABILITY OF SUBCHAPTER. This subchapter does not apply to persons alleged to have abused or neglected a child in:

(1) a child-care facility or family home as defined by Section 42.002, Human Resources Code; or

(2) a public or private primary or secondary school.

Sec. 261.603. EXPUNGEMENT REVIEW PANEL; MEMBERS. (a) The department shall establish expungement review panels to review requests to have a person's name removed from the central registry.

(b) An expungement review panel is composed of the general counsel of the department or the general counsel's designee, the department's chief consumer affairs and accountability officer or

1 the officer's designee, and a member of the State Bar of Texas
2 appointed by the commissioner of the department.

3 (c) The department shall create and maintain a list of
4 volunteers from which to select a member of the State Bar of Texas
5 for an expungement review panel.

6 (d) A member of the State Bar of Texas who volunteers to
7 serve on an expungement review panel must be board certified in
8 child welfare or family law and have a history of representing
9 families in suits affecting the parent-child relationship in which
10 the department is a party to the suit. A member of the State Bar of
11 Texas may not serve on an expungement review panel reviewing a
12 request from a person if the member represented any party in a suit
13 involving the person that resulted in the finding of abuse or
14 neglect at issue in the review.

15 (e) The members of the expungement review panel are immune
16 from civil or criminal liability for any act or omission that
17 relates to their duty or responsibility as a member of the review
18 panel if they acted in good faith and within the scope of their
19 responsibility, as provided in Section 40.061, Human Resources
20 Code.

21 (f) Information and documents considered by an expungement
22 review panel are confidential, and a member of the panel may not
23 disclose any information or documents considered by the panel.

24 Sec. 261.604. REQUEST FOR REMOVAL OF NAME. (a) A person
25 who desires to have the person's name removed from the central
26 registry must submit a written request to the commissioner of the
27 department.

1 (b) A person may not make a request under this section
2 before the second anniversary of the date the department added the
3 person's name to the central registry.

4 (c) If an expungement review panel denies a request under
5 this section after a hearing, the person may not submit a subsequent
6 request until the first anniversary of the date the review panel
7 rendered a decision on the person's most recent request.

8 (d) A person may not make a request under this section for
9 more than three hearings on a single finding of child abuse or
10 neglect within a 10-year period.

11 (e) A person who has been determined by the department to
12 have engaged in child abuse or neglect is not eligible for a review
13 under this subchapter if:

14 (1) the incident of abuse or neglect resulted in a
15 child fatality or near fatality;

16 (2) a court ordered termination of the parent-child
17 relationship as a result of the abuse or neglect; or

18 (3) following the date of the department's
19 determination, the department makes another substantiated finding
20 of abuse or neglect by the person or the person was convicted or
21 placed on deferred adjudication community supervision for an
22 offense involving child abuse or neglect.

23 Sec. 261.605. HEARING DATE AND NOTICE; LIMITATION. (a) On
24 receipt of a request under Section 261.604(a), the commissioner of
25 the department shall establish an expungement review panel under
26 Section 261.603 and notify the panel of the request. The review
27 panel shall set a date for a hearing on the request. The review

1 panel shall hold the hearing not later than the 60th day after the
2 date the commissioner of the department receives the request.

3 (b) Not later than the 15th day before the hearing, the
4 expungement review panel shall send written notice of the hearing
5 to the requestor. The notice must include:

6 (1) the date, time, and location of the hearing; and

7 (2) the regional office that conducted the original
8 investigation that resulted in the finding of abuse or neglect.

9 (c) An expungement review panel may conduct a hearing by
10 telephone conference call, videoconference, or another similar
11 telecommunications method if the panel determines that the method
12 of appearance will facilitate the hearing.

13 Sec. 261.606. REVIEW HEARING. (a) At the hearing, the
14 person requesting the review has the right to be represented by
15 legal counsel.

16 (b) The person requesting the review has the burden of
17 providing the expungement review panel with the basis for granting
18 the request and may present evidence supporting removal of the
19 person's name from the central registry.

20 (c) The regional office of the department that conducted the
21 original investigation may:

22 (1) present evidence in support of or in opposition to
23 the request; and

24 (2) make a recommendation regarding the request.

25 Sec. 261.607. EXPUNGEMENT REVIEW PANEL'S DECISION. (a)
26 The panel shall render a written decision on the request that
27 includes the review panel's reasons for the decision not later than

1 the 30th day after the date of the hearing. The review panel's
2 decision must be by majority vote.

3 (b) Not later than the 45th day after the date of the
4 hearing, the expungement review panel shall provide the written
5 decision to the person requesting the review and to the
6 department's commissioner, deputy commissioner, chief of staff,
7 and associate commissioner for child protective investigations.

8 (c) The expungement review panel shall consider the
9 following factors in making its decision:

10 (1) the department's findings regarding the nature and
11 severity of the incident of abuse or neglect and the circumstances
12 surrounding the incident;

13 (2) the number of findings of abuse or neglect
14 involving the person;

15 (3) the person's age at the time of the incident, and
16 whether the person was a child at the time of the incident;

17 (4) whether the circumstances that contributed to the
18 incident of abuse or neglect still exist;

19 (5) actions taken by the person since the incident to
20 prevent the reoccurrence of abuse or neglect, including
21 participation in and completion of services and programs related to
22 the allegations;

23 (6) evidence that:

24 (A) the person no longer poses a similar risk;
25 and

26 (B) continued listing of the person's name in the
27 central registry would not serve a significant public purpose; and

1 (7) any other relevant information that shows that the
2 person no longer poses a risk to the safety and well-being of the
3 alleged victim, other children, and vulnerable adults.

4 (d) If the expungement review panel grants a person's
5 request for removal from the central registry, the department
6 shall, not later than the 10th day after rendering the decision,
7 remove the person's name from the central registry and update any
8 relevant department files to reflect the removal and the reasons
9 for removal given in the decision.

10 Sec. 261.608. AUTOMATIC REMOVAL. (a) The department shall
11 remove a person's name and related information from the central
12 registry if more than 18 years have passed since the department's
13 last finding of abuse or neglect against the person, unless any
14 finding of abuse or neglect against the person involved aggravated
15 circumstances described by Section [262.2015](#)(b).

16 (b) The department shall remove a person's name and related
17 information from the central registry if:

18 (1) the person was a minor at the time of the incident
19 that resulted in the finding of abuse or neglect against the person;

20 (2) more than two years have passed since the
21 department's last finding of abuse or neglect against the person;
22 and

23 (3) the incident that resulted in the finding of abuse
24 or neglect against the person did not involve sexual abuse,
25 fatality, or near fatality.

26 Sec. 261.609. CONFIDENTIALITY. The review conducted under
27 this subchapter and any records or documents related to the review

1 are confidential and not subject to disclosure under Chapter 552,
2 Government Code.

3 Sec. 261.610. RULEMAKING. The commissioner of the
4 department shall adopt rules necessary to implement this
5 subchapter, including rules to ensure substantial compliance with
6 this subchapter.

7 SECTION 2. This Act takes effect September 1, 2025.