

Protecting Texas Children

What the law already says, where it stops short, what the evidence supports, and what to ask for

A free starting point. Copy it, rewrite it, repackage it, and use the references. No credit is needed. Prepared October 2026; it extends the nondisclosure recommendation in *The Best Interest of the Child*. Not legal advice, just plain common sense. The author holds a doctorate in developmental psychology and is not a lawyer or a licensed psychologist. Drafting language here is illustrative. **Tags:** **VERIFIED** read at the source; **DOCUMENTED** a document supports it; **INFERENCE** reasoning, labeled; **CONFLICT** sources disagree.

How to read the colored bars. Every sourced statement sits beside a colored bar. The color says where the statement comes from.

LAW	RULE	RECORD	COURT	RESEARCH
Constitutions and statutes	Party rules, agency rules, and policy	Votes, agency data, fiscal notes, public records	Court decisions: holding, court, year	Peer-reviewed findings, with limits stated

Black box = what to do now. ► **Bold boxed line** = a follow-up or data request to find again and use. Tags: VERIFIED (read at the source), DOCUMENTED (read with a stated limit), INFERENCE (a calculation from sourced inputs).

How to use this brief

This brief is a starting point for anyone pushing the party's Protect Texas Kids priority in the 90th Legislature. Take any part of it, rewrite it, and use the references. It is organized so you can use it in three minutes, three days, or three months.

In thirty seconds. Texas can punish the act with decades or life. It punishes the person who knew and stayed silent with one to two years at most, and it has no offense at all for buying silence before an investigation exists. The Legislature closed part of that gap in 2025. These asks make the existing laws enforceable and finish the job, and the first one costs nothing: get the numbers.

Five numbers to remember.

- **25 to 99 years or life** for continuous sexual abuse of a young child, against **one year** for a professional's knowing failure to report, and **two years** only with proof of intent to conceal.
- **14:** the age at which the main child-injury offense stops. A 15- to 17-year-old gets assault, a Class A misdemeanor, for the same intentional harm.
- **31 to 0:** the Senate vote for S.B. 835, which voided silence clauses for child sexual abuse. No one testified against it.

- **\$210,012:** the lifetime cost of one case of abuse or neglect, in the lowest published estimate. The fuller estimate is \$830,928.
- **51,985:** confirmed victims in Texas in fiscal year 2025, from DFPS's own data.

Three sentences for a legislator's staffer. "The Legislature voided hush-money clauses for child sexual abuse in 2025, but there is still no crime for buying that silence before an investigation exists, and concealing grooming-stage misconduct by a school employee is not a felony. We are not asking for new spending. We are asking the agencies for the numbers first, then for the enforcement tools to be used and for administrators who protect a violator to answer for it, and then for narrow bill changes. The first request costs nothing, and a refusal would be the story."

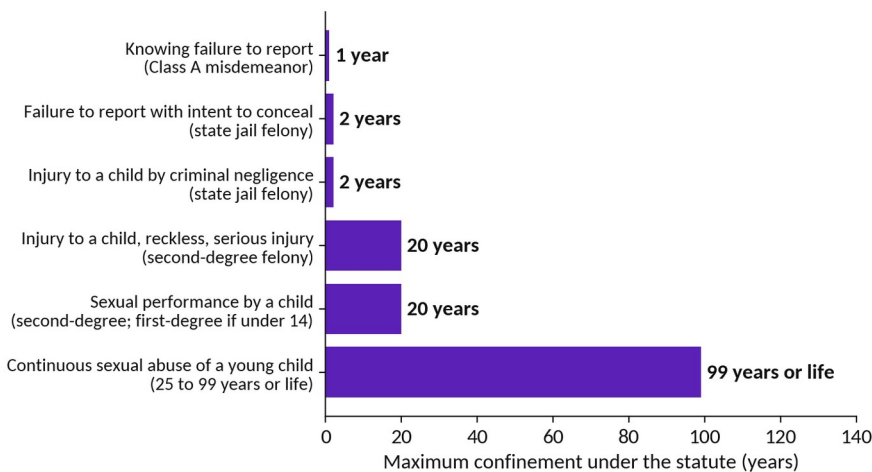
Order of operations.

1. File the records requests in Ask 1 now. They create a deadline and a public number.
1. Send input to the Sunset Commission before its Dec. 2 and 3 meeting.
2. Ask a senator to carry the bills when filing opens Nov. 9, and use the ask matrix in section 7 to match each ask to a statute.
3. Use the two-minute script in section 9 when a State Affairs hearing is posted.

Executive summary

Texas can punish a person who harms a child with decades or life in prison. It punishes the person who knew and stayed silent with one to two years at most. That gap, and four others the statutes show on their face, are the opening for better law. The Legislature took three real steps in 2025, and the early numbers show they are being used. The work now is to finish them, with eyes open about what the evidence does and does not show.

Texas punishes the act by decades, and the silence by 1 to 2 years



Sources: Tex. Fam. Code 261.109; Penal Code 12.21, 12.32-12.35, 21.02(h), 22.04, 43.25.

Chart: Texas punishes the act by decades and the silence by one to two years. Knowing failure to report carries at most one year; continuous sexual abuse of a young child carries 25 to 99 years or life.

The five findings are these. First, a professional who knowingly fails to report abuse commits a Class A misdemeanor, and a felony only with intent to conceal. Second, the main child-injury offense defines a “child” as 14 or younger, which also limits its reach inside group homes and other institutions. Third, the 2025 law voiding silence clauses covers sexual abuse only, and it carries no penalty. Fourth, two Texas statutes define “harmful to minors” in different words. Fifth, the new school-reporting system is already producing over 1,600 reports a month, and its provision on education-savings-account provider misconduct applies only from the 2026-27 school year.

A separate section maps the party’s four-part Protect Texas Kids priority to the law and to this research. Three findings shape the asks. The best peer-reviewed study found no link between state reporting policies and reporting rates, so the case for a stiffer penalty is proportionality and incapacitation, not deterrence. Incapacitation can be priced: an added decade of confinement pays for itself in lifetime costs if it prevents about 1.4 new victims per offender on the lowest cost estimate, or about 0.35 on the fuller one, which means the savings are real on the fuller estimate once offenders have more than one victim on average, and on both estimates for high-risk and repeat offenders. And no public count of how often the failure-to-report law is charged was found, which is why the first ask is to get the numbers.

ACTION

Sen. Hughes’s State Affairs Committee has posted no hearing as of **October 18**, and the Sunset Commission meets **December 2 and 3**, with DFPS, HHSC, DSHS, and the juvenile justice department among the agencies under review. Send input to Sunset now at

sunset.texas.gov/input-form, and prepare the two-minute testimony in section 9 for the first State Affairs notice. Bill filing opens **November 9**.

The party's Protect Texas Kids priority, element by element

The Republican Party of Texas adopted its 2026-2028 legislative priorities at the State Convention on June 13, 2026. The Protect Texas Kids priority has four elements. The statutes above follow the first and fourth only in part, so this section maps the whole priority to what Texas law says today and to where this research bears on it. The two elements with the most evidence behind them are the first and the second.

RULE Four elements: **(1)** school employee screening and enforcement, with an independent Inspector General, tiered penalties, a ban on nondisclosure agreements and separation or settlement agreements that hide educator misconduct, and whistleblower protection; **(2)** promoting marriage and strong families, including parental rights in CPS and schools, ending no-fault divorce, and a 50/50 equal-parenting presumption; **(3)** family sovereignty and privacy in schools; **(4)** banning the sale or display of obscene devices in family-friendly stores.

VERIFIED

Source: Republican Party of Texas, 2026-2028 Legislative Priorities, as approved by the State Convention, June 13, 2026 (Protect Texas Kids); party text, not law

Element 1, school employees. Most of this element is partly in place and partly open. S.B. 571 extended reporting and the Do Not Hire registry to contractors, subcontractors, and other service providers. TEA already has an Inspector General for Educator Misconduct, named in its February 4, 2026 news release, but chapter 22A does not create or name that office. What the chapter does give the commissioner and the agency is real: subpoena power to compel witnesses and records (22A.103), authority to investigate directly without a report (22A.156(c)), a duty to refer allegations to law enforcement (22A.154), temporary registry placement on arrest (22A.153), and a registry that bars hiring (22A.151). Screening at hiring is statutory, through a pre-employment affidavit that is a Class B misdemeanor to falsify (22A.055) and a registry check (22A.151(b)); the chapter has no provision requiring screening again before each new contract. Penalties are tiered in part: an administrative penalty of \$500 to \$10,000 that blocks certificate renewal until paid (22A.051(k)), and a state jail felony for concealment, which reaches abuse or an unlawful act with a student, a romantic or sexual relationship, drug dealing, theft of funds, certificate fraud, and crimes on school property, but not inappropriate communications or boundary violations (22A.051(l)). **VERIFIED**

The open parts are the two that matter most. The enrolled text contains no provision on separation or settlement agreements, and its only confidentiality provision protects TEA and board investigation records. Chapter 129C voids silence clauses for an "act of sexual abuse," a definition that includes an improper relationship between an educator and a student under Penal Code 21.12, with its online-solicitation prong, through Family Code 261.001(1)(E). It does not reach educator misconduct that is not sexual, such as physical abuse, mental or emotional

injury, neglect, or exploitation. **VERIFIED** That is exactly the space the nondisclosure recommendation in *The Best Interest of the Child* and Asks 5 and 6 in section 7 fill. On whistleblowers, Family Code 261.110 already bars an employer from retaliating against a professional who reports child abuse or neglect in good faith, with damages, attorney's fees, and reinstatement, but that section protects only reports of child abuse or neglect, and chapter 22A as codified has no retaliation provision at all, so a report of misconduct that is not abuse or neglect has no statutory protection in either place. **VERIFIED**

Element 2, marriage, strong families, and 50/50. This is the element the report was written to support. It finds that the Family Code makes the best interest of the child the primary consideration 193 times without defining it, declares a policy of frequent and continuing contact with both parents and then presumes a schedule its own text calls "reasonable minimum possession," and lets either spouse end a marriage without stating a reason. It measures that against H.B. 3284, passed in 2025 by 107 to 32 in the House and 25 to 6 in the Senate, which found it is in the State's interest to promote lasting marriage and stable two-parent households.

The evidence on equal time is real and has limits the report states first. Joint custody is associated with better adjustment across 33 studies (Bauserman 2002). A Swedish working paper not yet peer reviewed estimated that joint custody raised children's first national test scores by 0.47 standard deviations in marginal contested cases, chiefly through joint legal custody. The most recent synthesis of joint physical custody finds an association of about one tenth of a standard deviation, which is modest. On no-fault divorce, the report says the evidence on repeal is partial, predicts nothing about the divorce rate, and asks the Legislature to require a measured review after four years. On the child welfare side, Texas met none of the seven federal outcomes in the 2024 Child and Family Services Review, though no state passed all seven, and maltreatment recurred within twelve months for 6.6 percent of Texas children against 9.7 percent nationally. The report and this brief take no position on adoption eligibility, which was not studied. **DOCUMENTED** to the report's own sources.

Elements 3 and 4. Family sovereignty and privacy in schools, meaning social-emotional learning, surveys, clinics, platforms, and artificial intelligence, was not part of this research, and nothing here supports or opposes it. On obscene devices, Penal Code 43.23 already makes promoting an obscene device a Class A misdemeanor, and a state jail felony for wholesale promotion, with an affirmative defense for a bona fide medical, psychiatric, judicial, legislative, or law enforcement purpose that S.B. 412 did not touch. The statute is not limited to any kind of store. Whether the priority needs a retail-licensing rule or an enforcement change was not examined. **VERIFIED** for the statute text.

1. Where the law starts: a duty to protect

The people of Texas wrote a duty into the same sentence that protects a parent's rights. Article I, section 37, added in November 2025, says a parent "has the responsibility to nurture and protect the parent's child" and the "corresponding fundamental right" to care, custody, and

control. The right and the duty travel together, and a brief about protecting children can start there without apology.

LAW A parent has the responsibility to nurture and protect the parent's child, and the corresponding fundamental right to exercise care, custody, and control, including decisions about upbringing. **VERIFIED**

Source: Tex. Const. art. I, sec. 37 (added Nov. 4, 2025); text rendered July 31, 2026

The federal footing is firmer than many advocates assume, and it has limits worth knowing before drafting. Four Supreme Court opinions frame it, and all four were read in full.

In *Ginsberg v. New York* (1968), the Court upheld a New York law that barred selling certain material to anyone under 17 even though adults could lawfully buy it. It asked only whether the law had a rational relation to the goal of safeguarding minors, and it relied on two things: the parents' claim to authority in raising their children, and the State's own independent interest in the well-being of its youth. The New York definition of "harmful to minors" had three parts, the last of which was material "utterly without redeeming social importance for minors."

In *Miller v. California* (1973), the Court set the test for obscenity generally: whether the average person applying contemporary community standards would find that the work appeals to the prurient interest, whether it depicts sexual conduct specifically defined by state law in a patently offensive way, and whether it lacks serious literary, artistic, political, or scientific value. The Court expressly declined to adopt the earlier "utterly without redeeming social value" formula as a constitutional standard.

In *Reno v. ACLU* (1997), the Court struck down the federal Communications Decency Act's provisions on "indecent" and "patently offensive" online material. It listed four ways the New York statute upheld in *Ginsberg* was narrower: it did not stop parents from buying the magazines for their children, it covered only commercial sales, it required that the material be "utterly without redeeming social importance for minors," and it defined a minor as under 17. It added that the undefined words "indecent" and "patently offensive" cover large amounts of nonpornographic material with serious educational or other value.

In *Free Speech Coalition v. Paxton* (June 27, 2025), the Court upheld Texas's age-verification law for sexual websites. It reaffirmed that a State may keep minors from material that is obscene from a child's perspective, even though adults keep their right to see it, and that a State may adapt the *Miller* definition for minors. A law that only incidentally burdens adults gets intermediate scrutiny. The Court quoted Texas's civil definition of "sexual material harmful to minors" in full and noted that reading it may well call for judging the material from an adolescent's perspective, a question it did not resolve.

COURT A State may restrict minors' access to sexual material obscene from a child's perspective, and may adapt the *Miller* test for minors. Laws that reach broad, undefined categories such as "indecent" draw strict scrutiny. Three practical limits follow. Texas's definition of "minor" is under 18, one year past the line in *Ginsberg*, and *Reno* counted that line among the features that kept the New York law narrow. The Penal Code's "utterly

without redeeming social value for minors” is the *Ginsberg*-era formula, which *Reno* treated as a narrowing feature and *Miller* declined to require. And *Paxton* upheld only the civil definition, against a facial challenge in an age-verification setting. **VERIFIED**

Source: *Ginsberg v. New York*, 390 U.S. 629, 636-643, 646 (1968); *Miller v. California*, 413 U.S. 15, 24-25 (1973); *Reno v. ACLU*, 521 U.S. 844, 865, 877 (1997); *Free Speech Coalition, Inc. v. Paxton*, No. 23-1122 (U.S. June 27, 2025). All read in full from the Government Publishing Office and supremecourt.gov.

2. What Texas does to the act, and to the silence

Texas law treats the abuse of a child as one of its gravest crimes. Continuous sexual abuse of a young child is a first-degree felony carrying 25 to 99 years or life. Sexual performance by a child is a second-degree felony, and first-degree if the child is under 14. Injury to a child is first-degree when intentional or knowing serious injury, second-degree when reckless, and a state jail felony when by criminal negligence.

The duty to report sits in the Family Code. A “professional,” meaning anyone licensed or certified by the state or employed by a state-licensed or state-run facility who has direct contact with children, must report abuse or suspected abuse by the 24th hour. The term includes teachers, nurses, doctors, day-care employees, juvenile probation officers, and juvenile detention or correctional officers. The duty applies without exception to attorneys and clergy. Yet a professional who knowingly fails to report commits only a Class A misdemeanor, up to one year in jail. It becomes a state jail felony, up to two years, only if the prosecution proves the person intended to conceal the abuse.

LAW **Act:** 25 to 99 years or life (continuous sexual abuse of a young child). **Silence:** one year, or two years with proof of intent to conceal. **VERIFIED**

Source: Tex. Fam. Code 261.101(b)-(c), 261.109; Penal Code 12.21, 12.32-12.35, 21.02(h), 22.04(e)-(g), 43.25(c) (Family Code rendered Dec. 13, 2025; Penal Code Apr. 10, 2026)

3. Five places the law stops short

The statutes leave five gaps that are visible on their face. None requires a theory about anyone’s motives. Each is a line anyone can read in the statute.

What the text says	Why it matters	Source
1. Knowing failure by a professional to report is a misdemeanor; a felony only with intent to conceal.	The person who sees the harm and says nothing faces far less than the person who commits it.	Fam. Code 261.109(a-1), (c)

What the text says	Why it matters	Source
2. “Child” means a person 14 or younger for injury to a child, including the facility-omission offense.	For a 15- to 17-year-old, intentional harm short of serious injury is assault, a Class A misdemeanor, where the same act against a 14-year-old is a third-degree felony. Serious injury is aggravated assault at any age, sexual assault covers anyone under 17, and educators are covered at any age. The facility offense reaches a 15- to 17-year-old resident only if the teen also meets the “disabled individual” definition. VERIFIED	Penal Code 22.04(a-1), (c)(1), (f); 22.01(b); 22.02; 22.011(c)(1); 21.12
3. Confidentiality clauses are void only as to an “act of sexual abuse.” Payment terms may stay secret. The chapter has no penalty or remedy.	Silence bought about physical abuse or neglect remains enforceable, and a party who enforces a void clause faces no stated consequence.	Civ. Prac. & Rem. Code 129C.001-.002
4. Penal Code 43.24 and the civil age-verification law define “harmful to minors” in different words on all three prongs. The Penal Code ends with material “utterly without redeeming social value for minors.” The civil law ends with material that “lacks serious ... value for minors.”	The civil definition lists specific depictions and uses a “serious value” test, and the Supreme Court quoted it in <i>Paxton</i> . The Penal Code uses a general offensiveness test and an “utterly without” test, which is harder for a prosecutor to meet. INFERENCE on which is harder.	Penal Code 43.24(a)(2); Civ. Prac. & Rem. Code 129B.001(6)
5. A superintendent or principal commits a state jail felony for failing to report educator misconduct only “with intent to conceal,” and only for abuse or an unlawful act with a student, a romantic or sexual relationship, drug dealing, theft of funds, certificate fraud, or a crime on school property. Concealing inappropriate communications with a student or a failure to maintain boundaries is not a felony.	Intent is hard to prove, and the two grooming-stage categories carry only the administrative penalty of \$500 to \$10,000 that applies to late filing. VERIFIED	Educ. Code 22A.051(a)(2), (k), (l) (codified text)

4. What 2025 changed, who supported it, and what we already know

The Legislature did not leave these matters alone in 2025. It passed three laws, and each tells advocates something about what can pass.

S.B. 835 (“Trey’s Law”) created Civil Practice and Remedies Code chapter 129C. It passed the House Judiciary Committee 11 to 0 and the Senate 31 to 0, with no witnesses. The House Research Organization notes that its definition of an “act of sexual abuse” reaches conduct such as sexual assault, indecency with a child, sexual performance by a child, trafficking, and failure to make a reasonable effort to prevent sexual conduct harmful to a child. It lets parties keep settlement amounts confidential, and the House digest adds that an older clause could not be enforced without a final declaratory judgment.

S.B. 412 repealed the defense in Penal Code 43.24(c) for a person with a “scientific, educational, governmental, or other similar justification,” and narrowed the 43.25(f)(2) defense from a “bona fide educational, medical, psychological, psychiatric, judicial, law enforcement, or legislative purpose” to officers discharging official duties. It was not unanimous. It passed the Senate 22 to 9 and the House 92 to 39. The Association of Texas Professional Educators opposed it in a March 4, 2025 letter asking the committee to keep the educational defense. Supporters told KERA and Texas Standard it will protect children, and a Texas Values spokesperson said hesitation among educators is the intended result. The Texas Library

Association published a fact sheet noting that the definition of “harmful material” itself did not change.

S.B. 571 took effect June 20, 2025, and created Education Code chapter 22A: expanded reporting by superintendents, a registry and suspension powers, confidentiality for investigation records, and, from the 2026-27 school year, provisions on education-savings-account provider misconduct. It passed the Senate 30 to 1 and the House 126 to 10. In the House Public Education Committee, the Texas Catholic Conference of Bishops testified for it, and the Texas Association of School Boards, the Texas Association of School Administrators, the Association of Texas Professional Educators, TexProtects, Children at Risk, and others registered in support. Citizens Defending Freedom, Texas AFT, and the Texas Classroom Teachers Association registered against. The confidentiality provision drew criticism: the president of Texas Education 911 told Texas Scorecard it will prevent public transparency about allegations of educator misconduct.

The early numbers show the system is in use. TEA named Levi Fuller its first Inspector General for Educator Misconduct on February 4, 2026, announced on May 8, 2026 that 21 individuals had been added to the Do Not Hire registry after qualifying arrests under the expanded authority S.B. 571 gave the commissioner, and launched the dashboard the bill requires on June 2, 2026 (all three from TEA’s own news releases). Reading that dashboard on June 20, 2026, the Dallas Express reported 15,656 misconduct reports received in fiscal year 2026, of which 11,881 came from superintendents, 1,986 from DFPS, 1,700 from general complaints, and 89 from NASDTEC; 11,318 educator investigations, with 6,067 confirmed reports to law enforcement or DFPS; 648 registry placements in the fiscal year, 153 of them in May; 703 State Board for Educator Certification sanctions; and a registry of 4,837 names, 1,273 of them non-certified employees or contractors. TEA cautions that its allegation codes are not findings of guilt.

RECORD The vote counts, witness lists, and positions above are from these sources. **VERIFIED** for the enrolled votes, the S.B. 571 floor votes (Senate 30 to 1; House 126 to 10, 3 present not voting), and the witness list; **DOCUMENTED** for news reports and organization statements.

Source: S.B. 835, 412, 571 (enrolled text); HRO digests of S.B. 571 and S.B. 835; House Public Education witness list for S.B. 571 (May 15, 2025); House Journal, 76th day (May 28, 2025), p. 6691, and Senate Journal (May 8, 2025), p. 1879 (S.B. 571 votes); KXAN (confidentiality criticism); ATPE letter (Mar. 4, 2025); TLA fact sheet; KERA/Texas Standard (Aug. 29, 2025); Dallas Express (Texas Education 911)

RECORD Inspector General named Feb. 4, 2026; 21 individuals added to the registry (May 8, 2026); dashboard launched June 2, 2026. **VERIFIED** for the TEA releases. Dashboard figures (15,656 reports, 11,318 investigations, 6,067 confirmed reports to law enforcement or DFPS, 648 placements, 703 sanctions, 4,837 on the registry) are **DOCUMENTED**: the dashboard is an embedded Power BI report that could not be read directly.

Source: TEA news releases (Feb. 4, May 8, and June 2, 2026); TEA Educator Misconduct Reporting Dashboard (Power BI), as read by the Dallas Express on June 20, 2026

5. What the evidence says about penalties and reporting

This is the section an honest brief cannot skip, because the obvious argument is not supported. The obvious argument says that tougher penalties for failing to report will produce more reports and protect more children. The best recent analysis found nothing of the kind.

Rosenberg and colleagues (2024) in *Children and Youth Services Review* examined five state mandated-reporting policies, including who must report, training requirements, penalties for failure to report (criminal or civil) and the number of possible penalties, and the ability to report anonymously, using federal case data and a database of state policies. They found the policies “were not associated with rates of reporting or substantiation,” although the relationships varied by the child’s race or ethnicity and by the type of maltreatment. The same authors’ Child Trends brief, read in full, tested universal reporting, anonymous reporting, and training, not penalties, on the same 2019 data and found no relationship with whether a report was substantiated overall, and no help in detecting neglect specifically. An earlier analysis by Ho, Gross, and Bettencourt (2017) in the *American Journal of Public Health*, read in full, found that rates of physical-abuse reports did not differ between states with and without universal reporting. A 2024 conference abstract using the same two data sources reported higher reporting and substantiation rates in states with some reporter penalties, which is a conflict. The peer-reviewed article is the stronger source, and all of these studies are observational, so none shows cause.

RESEARCH State mandated-reporting policies, including penalties, were not associated with reporting or substantiation rates in the published analysis. A conference abstract using the same data sources and bivariate statistics reported higher rates for some penalty features; the journal article reports odds of substantiation and tests moderation by race and type of maltreatment. **CONFLICT** Limit: observational, state-level, 2019 federal data.

Source: Rosenberg, Williams, Martinez & Ball (2024), *Children and Youth Services Review* 159:107499 (peer reviewed; the publisher’s abstract, highlights, and introduction read); Rosenberg et al. (2024) Child Trends brief (read in full); Ho, Gross & Bettencourt (2017), *Am. J. Public Health* 107:709 (read in full, PMC5388942); SSWR 2024 conference abstract

The sound way to argue for a harsher penalty is therefore proportionality. A person who conceals child sexual abuse should face a penalty that is not trivial next to the act concealed. That argument does not depend on deterrence, and it holds even if reports do not rise. It also points the ask at concealment, not at ordinary failure to report, because the risk the research flags is more reports without more identified victims, which burdens families and the child welfare system.

► **DATA REQUEST: FAILURE-TO-REPORT CHARGES.** No public count of how often Family Code 261.109 is charged was found. Ask the Office of Court Administration and the Department of Public Safety for filings and dispositions by year. The answer closes the gap and gives a bill sponsor a number no one else has.

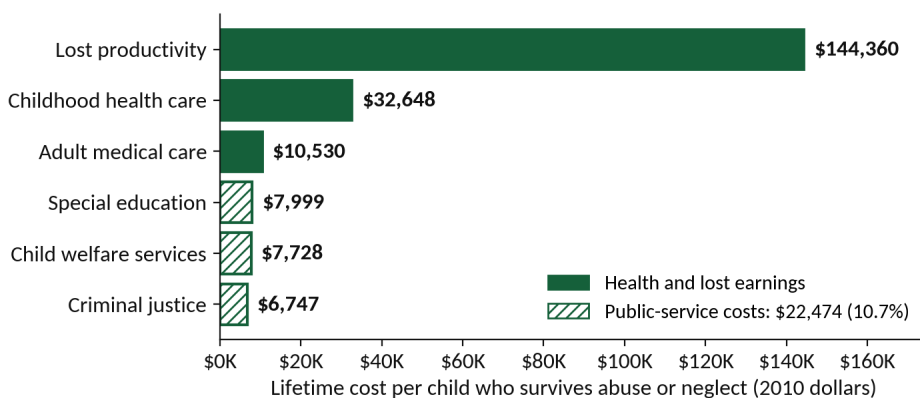
6. What it costs, what it saves, and what the asks would cost

Abuse and neglect are expensive. The Centers for Disease Control and Prevention authors Fang and colleagues (2012) estimated the average lifetime cost of one case of nonfatal abuse or neglect at **\$210,012** in 2010 dollars. Lost productivity is \$144,360 of it. Peterson and colleagues (2018) added victim and community intangible costs and arrived at \$830,928 per victim in 2015 dollars, and \$428 billion for one year's substantiated national cases. The two methods differ and are not comparable, so the brief carries both and treats Fang as the conservative floor.

RESEARCH \$210,012 per surviving victim (2010 dollars); public-service costs \$22,474, or 10.7 percent. \$830,928 including intangible costs (2015 dollars). Limit: national averages, not Texas figures. **VERIFIED**

Source: Fang, Brown, Florence & Mercy (2012), *Child Abuse & Neglect* 36:156-165 (peer reviewed); Peterson, Florence & Klevens (2018), *Child Abuse & Neglect* 86:178-183 (peer reviewed)

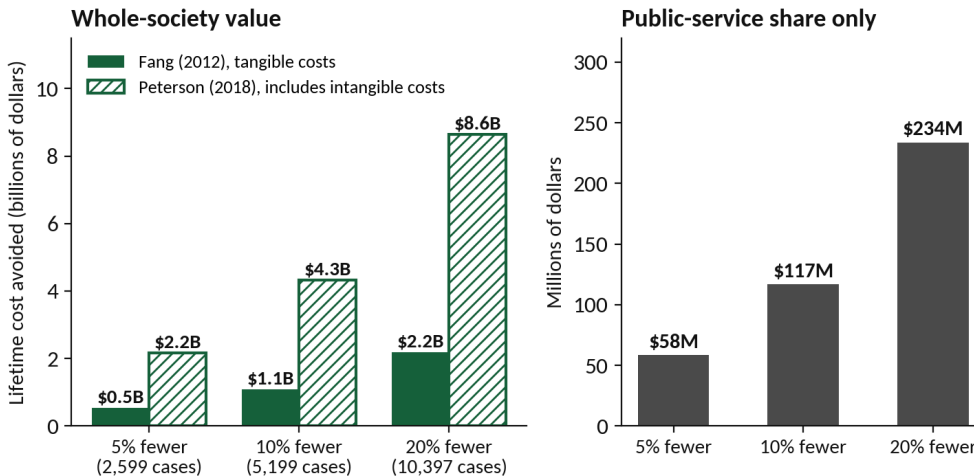
One case costs about \$210,000 over a lifetime



Source: Fang, Brown, Florence & Mercy (2012), *Child Abuse & Neglect* 36:156-165. Total \$210,012.

Chart: lifetime cost per case of abuse or neglect, \$210,012, broken into lost productivity \$144,360, childhood health care \$32,648, adult medical care \$10,530, special education \$7,999, child welfare \$7,728, and criminal justice \$6,747.

DFPS's own Interactive Data Book shows 51,985 confirmed victims in fiscal year 2025, down from 58,120 in fiscal year 2023. If prevention cut the 2025 number by 5, 10, or 20 percent and each case avoided saved the published average, the avoided lifetime cost would be \$0.5 to \$2.2 billion on Fang's figure and \$2.2 to \$8.6 billion on Peterson's. The share that lands in public-service budgets would be \$58 million to \$234 million. That is an illustration, not a forecast, and it assumes prevention works proportionally, which the evidence in section 5 does not establish for penalties.



Illustration, not a forecast. Starting count: 51,985 confirmed victims (DFPS Interactive Data Book, FY 2025). Dollars not inflation-adjusted.

Chart: illustration of avoided lifetime costs if Texas confirmed victims fell 5, 10, or 20 percent. Whole-society value ranges from 0.5 to 8.6 billion dollars; the public-service share ranges from 58 to 234 million dollars.

The incapacitation argument, priced

You can fairly say that prison stops the next victim, and Texas law already acts on that for the worst offenses. Judge-ordered community supervision is barred for continuous sexual abuse, indecency with a child, sexual assault, aggravated sexual assault, sexual performance by a child, possession or promotion of child pornography, trafficking, and first-degree injury to a child. A jury may recommend probation only for a defendant with no prior felony, only if the sentence is 10 years or less, and not where the victim was under 14 or for sexual performance by a child. Deferred adjudication remains possible for sexual assault and indecency offenses only if the judge finds in open court that it is in the best interest of the victim, and not after earlier supervision for such an offense. So the real lever is the length of confinement and release, not a choice between prison and probation, and no public count was found of how often each route is used.

► **DATA REQUEST: PRISON OR PROBATION.** No public count was found of how often each sentencing route is used for these offenses. Ask TDCJ and the Office of Court Administration for prison admissions, time served, and community-supervision placements for the offenses in Code of Criminal Procedure 42A.054.

LAW Judge-ordered probation is barred for the listed child-sex offenses; jury-recommended probation needs no prior felony, a sentence of 10 years or less, and (for indecency and sexual assault offenses) a victim 14 or older; deferred adjudication needs a best-interest-of-the-victim finding. **VERIFIED**

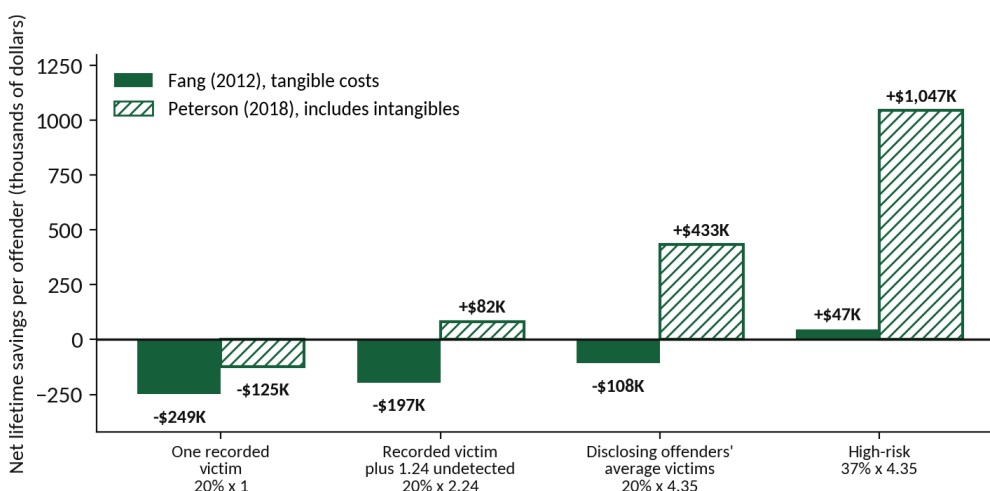
Source: Tex. Code Crim. Proc. arts. 42A.054, 42A.055, 42A.056, 42A.102 (rendered Dec. 2025 to Sept. 2026)

How many victims does an offender have? That is the input that decides the answer, and every number below was read in the source. In official records, multiple victims are common but not the rule: of 789 incarcerated sex offenders in one archival study, 279, or 35 percent, had more than one victim at the offense that sent them to prison (Kleban and colleagues, 2013). In offenders' own disclosures, the hidden counts are large. DeLisi and colleagues (2016) polygraphed 119 sex offenders under federal supervision in a Midwestern district: 69 percent disclosed a contact sexual offense, and 34 offenders with no official record of contact offending disclosed 148 victims, an average of 4.35 each. The authors found a median of 1,480 sex crime events behind those 148 victims, which is why they call the dark figure "enormous." Across all 119 offenders, at least 148 victims were absent from the official record, or at least 1.24 per offender. Abel and colleagues (1988) interviewed 561 men under a federal certificate of confidentiality and found that 42 percent had targeted victims in at least two age groups and that arrests ran at about one for every 30 reported rapes or child molestations. Heil, Ahlmeyer, and Simons (2003) found that the majority of 223 incarcerated offenders in Colorado admitted assaulting both children and adults. The limits matter: these are men in treatment or on supervision, the disclosures were not independently verified, and a few offenders with very large counts pull the averages up.

Four inputs then carry the estimate. First, recidivism: Harris and Hanson (2004) followed 4,724 adult male sex offenders in ten samples from Canada, the United States, and England and Wales. A new sexual charge or conviction came for 14 percent within five years of release, 20 percent within ten, and 24 percent within fifteen, and the rate was higher for offenders with prior sexual offenses (37 percent by fifteen years) and for younger offenders. They counted only detected offenses. Second, the cost of a victim: \$210,012 (Fang) or \$830,928 (Peterson). Third, the extra cost of confinement. The Legislative Budget Board puts a prison bed at \$86.50 a day in its current figure. Its February 2023 uniform cost report puts supervision in fiscal year 2022 at \$4.10 a day for basic supervision, \$6.83 for specialized caseloads, which it describes as the case-management strategy for high-risk, high-needs individuals, and \$10.69 for intensive supervision. Using the specialized-caseload figure, an added decade costs **\$290,796** per offender. The range across the three supervision levels is \$277,000 to \$301,000, and \$258,000 if both costs are taken from fiscal year 2022 (\$77.49 for prison). Fourth, victims per offender, which the scenarios set at 1, 2.24 (one recorded victim plus the 1.24 undetected victims per offender in the federal sample), and 4.35 (the average among the offenders who disclosed).

The break-even is simple. An added decade pays for itself if it prevents **1.38 new victims per offender** at Fang's cost, or **0.35** at Peterson's. At a 20 percent recidivism rate, that takes an average of about 6.9 victims per offender at Fang's cost, or about 1.75 at Peterson's.

Counting undetected victims changes the answer



Each scenario: 10-year recidivism rate x victims per offender (federal polygraph sample, DeLisi et al. 2016).
Extra cost per decade: \$290,796 (\$86.50 prison less \$6.83 specialized supervision, per day).

Chart: net lifetime savings per offender from an added decade of confinement under four scenarios. One recorded victim: minus 249 thousand dollars on Fang and minus 125 thousand on Peterson. Recorded victim plus 1.24 undetected: minus 197 thousand and plus 82 thousand. Disclosing offenders' average of 4.35 victims: minus 108 thousand and plus 433 thousand. High-risk at 37 percent with 4.35 victims: plus 47 thousand and plus 1.05 million.

Scenario	Recidivism x victims per offender	Victims prevented	Net per offender, Fang	Net per offender, Peterson
One recorded victim	20% x 1	0.20	minus \$248,793	minus \$124,610
Recorded victim plus 1.24 undetected	20% x 2.24	0.45	minus \$196,555	plus \$82,075
Disclosing offenders' average	20% x 4.35	0.87	minus \$107,962	plus \$432,601
High-risk, disclosing average	37% x 4.35	1.61	plus \$47,447	plus \$1,047,487
10	Measure what happens to the children	1, 2	New Gov't Code section	No uniform, linked outcome measure across agencies found

Read plainly: on tangible costs alone, an added decade does not pay for itself for the average offender, even counting the undetected victims in the federal sample. On the fuller estimate, which counts the pain and suffering the child lives with, it pays for itself once an offender has more than one victim on average, and it pays for itself on both estimates for repeat and high-risk offenders who match the disclosing average. The savings case is therefore real but targeted, which is a reason to write the ask around risk. INFERENCE

Three things are not counted, so the estimate is conservative in some directions and generous in others. The scenarios use the federal sample's averages, not the extreme values some offenders report. Fang's figure already includes the downstream child welfare, juvenile and criminal justice, special education, health, and lost-earnings costs of a victim's life. It does not count any spread of harm to the victim's own children, which the literature treats as real but

contested, and it does not count deterrence. It also assumes the offender who would have offended is the offender who is confined.

For concealment, the saving comes through the abuser. Each concealed case that is reported instead removes an offender from contact with children sooner, so the benefit is the same victims-prevented arithmetic applied to the concealed offender, not to the concealer's own sentence.

RESEARCH Recidivism 14, 20, 24 percent at 5, 10, 15 years (37 percent at 15 years with prior sexual offenses), detected offenses only. 279 of 789 incarcerated offenders (35 percent) had multiple victims at the index offense. Federal polygraph sample of 119: 69 percent disclosed a contact offense; 34 offenders with no official contact record disclosed 148 victims. Abel: arrests about 1 per 30 reported rapes or child molestations. **VERIFIED** for what was read. All disclosure data are unverified self-reports from offenders in treatment or under supervision. The scenarios are **INFERENCE**.

Source: Harris & Hanson (2004), Public Safety Canada User Report 2004-03 (summary and report excerpts); Kleban, Chesin, Jeglic & Mercado (2013), Sexual Abuse 25(5):427-443 (abstract); DeLisi et al. (2016), J. Criminal Psychology 6(1):3-15 (abstract); Abel et al. (1988), Bull. Am. Acad. Psychiatry & Law 16(2):153-168 (read in full); Heil, Ahlmeyer & Simons (2003), Sexual Abuse 15:221-236 (abstract); Fang et al. (2012); Peterson et al. (2018)

RECORD \$86.50 per day, TDCJ systemwide facilities (current figure). FY 2022 supervision per day: \$4.10 basic, \$6.83 specialized caseloads, \$10.69 intensive; FY 2022 prison \$77.49. Confirmed victims, summed from the county rows: 58,120 in FY 2023, 53,543 in FY 2024, 51,985 in FY 2025. **VERIFIED**

Source: Legislative Budget Board fiscal notes, 89th Leg. (H.B. 548 and S.B. 2799), citing the Jan. 2025 Biennial Report on Adult Criminal Justice Populations; LBB Criminal and Juvenile Justice Uniform Cost Report, Fiscal Years 2021 and 2022 (Feb. 2023, ID 7455); DFPS Interactive Data Book, CPI 3.8 Alleged and Confirmed Victims By County, FY2016-FY2025 (Texas Open Data Portal)

6A. The prison, crime, and health bill the floor figure leaves out

The \$210,012 floor counts \$6,747 for a victim's lifetime criminal justice costs and \$10,530 for adult medical care. One year in a Texas prison bed costs \$28,284 at the Legislative Budget Board's fiscal year 2022 rate of \$77.49 a day. The floor figure was built from national averages and was never meant to capture what follows a maltreated child into adulthood in Texas: arrest, prison, parole, the victims of later crimes, mental illness, addiction, and homelessness. This section prices those channels one at a time.

► **THESE ARE LOW ESTIMATES.** Each figure below counts one channel and only what has been measured. Developmental trauma also travels with drug and alcohol use,

homelessness, jail stays, emergency care, and lifelong social services, and none of those overlaps is added here. The true cost is most likely much higher.

Arrest and prison. Widom and Maxfield followed 908 children with court-substantiated abuse or neglect and 667 matched controls into adulthood. Juvenile arrest was 27 percent against 17 percent, adult arrest 42 percent against 33 percent, and violent arrest 18 percent against 14 percent. Among state prisoners nationally, 14.4 percent of men and 36.7 percent of women reported abuse before age 18 (Bureau of Justice Statistics, 1997 survey). Texas held 138,901 people in prison on August 31, 2025: 127,770 men and 11,131 women. If the national rates hold, about 22,500 Texas prisoners were abused as children. Widom's arrest rates put the abuse-linked share of adult arrests at about one in five $((42 - 33) \div 42 = 21 \text{ percent})$.

Victims of the later crimes. Currie and Tekin, using twin comparisons that hold family background constant, found that abuse raises the chance of later crime substantially, and priced the crime caused by abuse at \$6.7 billion a year nationally on costs they call a lower bound, and \$62.5 billion on a willingness-to-pay basis. Texas is 9.28 percent of the U.S. population (Census, July 1, 2025), so its share is about \$0.62 billion to \$5.8 billion a year. Each later crime has a price: Miller and colleagues put the cost of one homicide at \$7,809,155, one rape at \$226,441, one sexual assault at \$87,134, one assault at \$29,326, and one robbery at \$27,723, in 2017 dollars including the victim's lost quality of life.

Health and homelessness. CDC economists estimate that health conditions associated with childhood adversity cost about \$88,000 a year for each affected adult and \$14.1 trillion a year nationally; depression alone accounts for \$50 billion a year in medical spending. In Texas, 62.7 percent of adults, 13.5 million people, report at least one adversity. Among adults experiencing homelessness, a meta-analysis of 29 studies found 89.8 percent reported at least one childhood adversity and 53.9 percent four or more; childhood physical abuse was reported by 37 percent and sexual abuse by 32 percent, several times the general-population rates.

Channel (Texas, per year)	Low	Middle	High	Tag
Prison beds tied to childhood abuse	2,250 beds; \$64M	4,800 beds; \$136M	11,800 beds; \$334M	INFERENCE
Crime caused by abuse, Texas share	\$0.62B	—	\$5.8B	RESEARCH, scaled
Parole after release, per day	\$4.69 active	—	\$45.63 super-intensive	RECORD
Juvenile secure care, per day	\$709.66	—	—	RECORD
Adult health, per affected adult	\$88,000	—	—	RESEARCH, associated
County jail and courts	Not published	—	—	Gap

How the ranges were built. The prison row multiplies prisoners abused as children by the abuse-linked share of arrests and by the bed cost. The middle uses the 21 percent share from Widom's rates. The low uses 10 percent. The high uses 35 percent and assumes prisoners under-report childhood abuse by half. The 10 percent, 35 percent, and under-reporting figures are this brief's assumptions, not findings. The crime row scales the national figure by

population. The crime figure already includes some incarceration cost, so the two rows are not added together.

RESEARCH Abused or neglected children: juvenile arrest 27% vs 17%, adult 42% vs 33%, violent 18% vs 14% (prospective matched cohort, arrest records only, one Midwest county, cases 1967-71). Crime caused by abuse: \$6.7B to \$62.5B a year, U.S. (twin fixed effects; dollar year not stated, about 2004-06; murder excluded). Per-offense crime costs in 2017 dollars (SSRN authors' copy). ACE-associated health burden \$88,000 per affected adult a year (associated, not proven caused). Homelessness prevalence 89.8% and 53.9% (I^2 above 95%; U.S., Canada, U.K. samples). DOCUMENTED

Source: Widom & Maxfield (2001), NIJ Research in Brief NCJ 184894; Currie & Tekin (2006), NBER w12171; Miller, Cohen, Swedler, Ali & Hendrie (2021), J. Benefit-Cost Analysis 12(1):24-54; Peterson et al. (2023), JAMA Netw. Open 6(12):e2346323; Liu et al. (2021), Lancet Public Health 6:e836-47

RECORD Texas prison population 138,901 (127,770 men, 11,131 women) on Aug. 31, 2025. FY 2022 cost per day: prison \$77.49, active parole \$4.69, super-intensive parole \$45.63, TJJD state residential \$709.66. Prisoners reporting abuse before 18: men 14.4%, women 36.7% (1997 national survey). Texas 31,709,821 of U.S. 341,784,857. VERIFIED

Source: TDCJ Statistical Report FY2025; LBB Criminal and Juvenile Justice Uniform Cost Report, FY 2021 and 2022 (Feb. 2023); BJS, Prior Abuse Reported by Inmates and Probationers (Harlow, 1999, NCJ 172879); Census QuickFacts V2025

► **DATA REQUEST: JAIL AND COURT COSTS.** No statewide cost per county jail day or per criminal case is published. Ask the Texas Commission on Jail Standards and the Office of Court Administration for them.

6B. Why the Legislature cannot answer its own questions

Every estimate in this section is a range borrowed from national studies, and that is the finding. Texas pays for child protection through DFPS, the Juvenile Justice Department, the Department of Criminal Justice, the Health and Human Services Commission, the Texas Education Agency, the courts, and hundreds of contracted providers, and no one follows a maltreated child across them. The Legislature keeps asking whether a program works, whether a penalty deters, and what a bill will save. None of those questions can be answered from Texas data, because Texas does not collect the one measure they all need: what happened to the child afterward.

Agencies report what they did: investigations opened, cases closed, beds filled, dollars spent. They do not report how the children fared. Without that, a fiscal note can only guess, a Sunset review can only count activity, and a program can run for decades without anyone learning whether it helped. The fix is simple and costs little next to the bills it informs: uniform outcome measures, collected the same way by every agency and provider, followed over years, and published. Ask 10 puts that into law. Until it exists, every cost in this brief is honest only as a range, and the true figures are most likely higher.

► **THE ONE MEASURE TEXAS IS MISSING.** What happened to the child afterward. Every other question the Legislature asks about child protection depends on it.

7. What to ask for, in drafting language

The brief's argument is enforcement and accountability. Texas already has statutes that punish concealment and false reports, and new statutes do nothing if no one enforces the old ones, so Asks 1 through 4 build the enforcement path and Asks 5 through 9 close the specific gaps in the law. The asks are ordered by the method that works on an institution: cheapest to grant first, each one creating the next, and the penalty asks last, after the numbers exist. They are policy judgments, not findings. Each statute named below was read, including the other sections that borrow its definitions. **INFERENCE**

#	Ask	Priority element	Statute touched	Verified gap	Cost to the state
1	Get the numbers	1	Gov't Code ch. 552; Fam. Code 261.109, 261.107	No public count of failure-to-report or false-report charges	None
2	Oversee S.B. 571, open final outcomes, use Sunset	1	Educ. Code 22A.002, 22A.154, 22A.251	Referral and prosecution counts not published; final outcomes confidential	None
3	Make administrators who protect a violator answerable by a crime	1	New Penal Code section; Penal Code 39.02, 39.03	Official-capacity crimes are misdemeanors needing a benefit-or-harm intent	Small
4	Independent enforcement for officials and prosecutors	1	Local Gov't Code 87.011, 87.015; Code Crim. Proc. 52.01	No declination reporting; no Attorney General standing; superintendents not reachable	Small
5	Make buying or enforcing silence a crime	1	New Penal Code section; Civ. Prac. & Rem. Code 129C	No offense for paying for silence before a proceeding	Small
6	Close the school concealment gap	1	Educ. Code 22A.051(l)	Concealing inappropriate communications or boundary violations is not a felony	Small
7	Raise the grade for concealing child sexual abuse	1	Fam. Code 261.109(c)	Felony ceiling is two years	Per fiscal note
8	Raise the age-14 limit	1	Penal Code 22.04(c)(1)	15- to 17-year-olds get assault for intentional non-serious harm	Per fiscal note
9	Align the two harmful-to-minors definitions	4	Penal Code 43.24(a)(2)	Two definitions, three differing prongs	None

Ask 1: Get the numbers. File records requests this month. Ask the agencies that keep conviction and court records, including the Department of Public Safety and the Office of Court Administration, for charges, convictions, and dispositions under Family Code 261.109 (failure to report) and 261.107 (false report) by year, and ask the attorney general how many civil-penalty actions it has brought under 261.107(e). Ask the Texas Department of Criminal Justice for prison admissions and average time served for the offenses in Code of Criminal Procedure

42A.054, and for community-supervision placements for them. TDCJ already publishes prison admissions by offense category in its Statistical Report, and the Legislative Budget Board has drawn on it for admissions by offense, so the prison side of the count exists. A request creates a deadline, the answer is a public fact, and a refusal is a story. Cost to the state: none.

► **DO THIS FIRST: ASK 1 RECORDS REQUESTS.** They cost nothing, create a deadline, and turn a missing number into a public fact. A refusal is itself a finding.

Ask 2: Oversee S.B. 571, open the final outcomes, and use the Sunset record. Chapter 22A requires the agency to refer allegations to law enforcement (22A.154) and to post a quarterly report on misconduct, with counts by type, source, and outcome (22A.251). Ask TEA and the committee for those counts, and for any prosecution that followed. Section 22A.002(a) makes the agency's investigation files confidential and exempt from the Public Information Act, and 22A.103(d) does the same for subpoenaed materials. The exceptions in 22A.002(b) allow the reports required by the chapter, administrative proceedings, and the aggregate report, but not the outcome of an individual case. Opening the final outcome costs nothing and is what transparency advocates, including Texas Education 911, have asked for. Send input to Sunset before it meets December 2 and 3.

Illustrative language, Educ. Code 22A.002(b). Add: "(4) the final disposition of an investigation, including the type of allegation, the outcome, any sanction or registry placement, and the dates the educational entity received and reported the allegation, with the name of any student or minor withheld."

Ask 3: Make administrators who protect a violator answerable by a crime. Existing criminal law reaches an official who fails a duty only weakly. Abuse of official capacity (Penal Code 39.02(a)(1)) needs an intent to obtain a benefit or to harm or defraud another and is a Class A misdemeanor, and official oppression (39.03) is a Class A misdemeanor that rises to a third-degree felony only for tampering with school data reported to TEA. The failure-to-report crime (Family Code 261.109) is a misdemeanor unless intent to conceal is proved. Nothing makes it a felony for a superintendent, principal, trustee, school police chief, or supervisor to bury a report on purpose to protect the accused, and nothing adds a penalty when the accused goes on to harm another child. The offense below targets the failure to refer or act, which a prosecutor can prove from records, and not a prosecutor's judgment about a case.

Illustrative language, new Penal Code section. "(a) A public servant commits an offense if the public servant has a duty under Chapter 261, Family Code, or Chapter 22A, Education Code, to report, refer, or investigate an allegation of abuse or neglect of a child or of misconduct involving a student or minor, and intentionally or knowingly fails to perform the duty with the intent to protect the person accused or to prevent discovery of the allegation. (b) An offense under this section is a felony of the third degree, except that it is a felony of the second degree if the person accused later abuses a child after the failure. (c) It is not a defense that a prosecuting attorney later declined to prosecute the person accused." Place the section in Chapter 39 of the Penal Code, so that section 39.015 applies: with the consent of the local

district or county attorney, the attorney general then has concurrent jurisdiction to prosecute it.

Ask 4: Add independent enforcement for officials, including prosecutors. Texas already has four tools, and they fail at the point of use. A district judge can remove a district attorney, county attorney, sheriff, constable, county judge, clerk, or school-board trustee for “official misconduct,” which includes an intentional or corrupt failure to perform a duty imposed by law and, since 2023, a prosecutor’s policy of refusing to prosecute a class of offense (Local Gov’t Code 87.011, 87.012). Any resident who has lived six months in the county can file the petition, a jury decides, and the regional presiding judge appoints an outside prosecutor to represent the State (87.015, 87.018). A public statement of the policy creates a presumption of misconduct (87.018(g)). A district judge can start a Court of Inquiry on a sworn probable-cause affidavit, and must appoint an attorney pro tem when the inquiry concerns the district or county attorney’s own office (Code Crim. Proc. art. 52.01). And a prosecutor’s primary duty is to see that justice is done, not to convict (art. 2A.101). What is missing is a trigger. Nothing requires a prosecutor to report declined child-abuse referrals, the Attorney General cannot file a removal petition, and superintendents and principals are employees, not listed officers, so removal does not reach them.

Illustrative language. (1) New Code Crim. Proc. section: “Each prosecuting attorney shall report annually to the attorney general the number of referrals received alleging abuse or neglect of a child or misconduct involving a student or minor by a public servant, the number charged, and the number declined, with a reason code for each declination, and the attorney general shall publish the totals by county.” (2) Local Gov’t Code 87.015: add “(b-2) The attorney general may file a petition for removal of an officer alleging official misconduct relating to a duty under Chapter 261, Family Code.” The existing exception for a “reasonable evidentiary impediment to prosecution” stays.

Ask 5: Make buying or enforcing silence a crime. Civil liability depends on a waiver of governmental immunity, and the Legislature waived it only narrowly: H.B. 4623 waives a public school’s immunity for sexual misconduct and failure to report, caps damages at \$500,000 per claimant, and abolishes official immunity for the employee in those suits. Nothing similar covers other entities, and chapter 129C has no penalty or remedy at all. A criminal offense reaches individuals without any waiver. Existing law does not reach the conduct: tampering with a witness (Penal Code 36.05) covers benefits to a witness in an official proceeding, and hindering apprehension (38.05) requires harboring or aiding an escape, so paying for silence before any proceeding exists, or enforcing a void clause, is not an offense.

Illustrative language, new Penal Code section. “A person commits an offense if the person knowingly requires, offers, or enforces a confidentiality provision made void by Section 129C.002, Civil Practice and Remedies Code, or knowingly gives or accepts a benefit to withhold from a law enforcement agency or the Department of Family and Protective Services information about an act of abuse or neglect of a child. An offense under this section is a state jail felony, except that it is a felony of the third degree if the actor is an officer, employee, or contractor of an educational entity, a child-care or residential facility, or a state agency.”

Section 129C.001(1) now covers only Family Code 261.001(1)(E), (F), (G), (H), (K), and (L). The definition would be extended to all of 261.001(1), adding (A) through (D), (I), (J), and (M), which cover mental and emotional injury, physical injury, failure to prevent physical injury, drug use around a child, and forced marriage, and to neglect under 261.001(4) and exploitation under 261.001(3). Section 261.001(1-a), which excludes a refusal to affirm a child's gender identity or orientation from the definition of abuse, would carry over. Settlement amounts and payment terms stay confidential, as 129C.002 already allows. A civil remedy can sit beside it as a second route.

Ask 6: Close the school concealment gap. The concealment felony in Education Code 22A.051(l) reaches abuse or an unlawful act with a student, a romantic or sexual relationship, drug dealing, theft of funds, certificate fraud, and crimes on school property. It leaves out inappropriate communications and boundary violations, the grooming-stage conduct that the same section requires superintendents to report within 48 hours. Concealing those carries only the administrative penalty of \$500 to \$10,000.

Illustrative language, Educ. Code 22A.051(l). Replace “described by Subsection (a)(2)(A), (B), (E), (F), (G), or (H)” with “described by Subsection (a)(2),” in both sentences, and make the same change in 22A.052(k) for non-certified employees and service providers, which now reaches only (a)(2)(A) and (B).

Ask 7: Raise the grade for concealing child sexual abuse. Keep the “knowingly” and “intent to conceal” elements. Add a higher tier only where the concealed act is child sexual abuse. The justification is proportionality and incapacitation, as sections 5 and 6 explain.

Illustrative language, Fam. Code 261.109(c). “An offense under Subsection (a-1) is a Class A misdemeanor, except that the offense is a state jail felony if it is shown on the trial of the offense that the actor intended to conceal the abuse or neglect, and is a felony of the third degree if it is shown that the actor intended to conceal an act of sexual abuse as defined by Section 129C.001, Civil Practice and Remedies Code.”

Ask 8: Raise the age-14 limit in injury to a child. Penal Code 22.04(c)(1) defines “child” as 14 or younger, and the same definition governs the facility-omission offense in subsection (a-1). For a 15- to 17-year-old, intentional harm short of serious injury is assault, a Class A misdemeanor. Serious injury is aggravated assault, a second-degree felony, and sexual assault covers anyone under 17. Educators are covered at any age under section 21.12. Raising the definition to under 18 would make intentional bodily injury to a 15- to 17-year-old a third-degree felony and would reach every minor in a group home or residential facility. It would also widen two other sections that borrow the definition: abandoning or endangering a child (22.041) and exploitation of a child, elderly individual, or disabled individual (32.53). The alternative below changes only the facility offense.

Illustrative language, Penal Code 22.04(c)(1). “‘Child’ means a person younger than 18 years of age.” Alternative: add a separate subdivision applying only to subsection (a-1), so sections 22.04(a), 22.041, and 32.53 do not change.

Ask 9: Align the two “harmful to minors” definitions. The two definitions differ on all three prongs. On the first, the Penal Code asks whether the material “appeals to the prurient interest of a minor, in sex, nudity, or excretion,” and the civil law asks whether it is “designed to appeal to or pander to the prurient interest,” judged by an average person applying contemporary community standards with respect to minors. On the second, the Penal Code uses a general test, “patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for minors,” and the civil law requires material that is patently offensive with respect to minors and depicts or describes listed anatomy and sex acts. On the third, the Penal Code requires material “utterly without redeeming social value for minors,” and the civil law requires material that “lacks serious literary, artistic, political, or scientific value for minors.” The Supreme Court quoted the civil definition in *Paxton* when it upheld the age-verification law against a facial challenge. Conforming the Penal Code means replacing all of subsection (a)(2) with a cross-reference to it. The tradeoff is verified in the opinions: the Penal Code’s “utterly without redeeming social value for minors” is the *Ginsberg*-era formula that *Reno* counted as one of the features keeping the New York law narrow and that *Miller* declined to require, so the civil definition’s “lacks serious value” test is easier to meet and covers more material. INFERENCE on how much more.

Illustrative language, Penal Code 43.24(a)(2). “‘Harmful material’ means sexual material harmful to minors as defined by Section 129B.001(6), Civil Practice and Remedies Code.”

Ask 10: Measure what happens to the children. Require uniform, long-term outcome measures from every agency and provider that serves abused children. DFPS, the Juvenile Justice Department, the Department of Criminal Justice, the Health and Human Services Commission, the Texas Education Agency, the Office of Court Administration, and the Department of Public Safety, and every provider paid to serve these children, would report the same measures each year, without names, using a shared linkage key. For each child with a confirmed abuse or neglect finding: school completion, arrests, convictions, jail and prison admissions, parole, psychiatric hospitalization, entry to substance-use treatment, homelessness, and use of public assistance, at ages 18, 25, and 30. The Legislative Budget Board would publish the cost per outcome, and each program’s funding request would cite its outcomes. Cost to the state: a data-linkage fiscal note is needed; this review did not price it.

Illustrative language, new Government Code section. “(a) Each state agency and each entity under contract with a state agency that provides services to a child who is the subject of a finding of abuse or neglect shall report to the Legislative Budget Board, in the form the board prescribes, the outcome measures listed in Subsection (b) for each such child, without personally identifying information and using a common linkage key. (b) The measures include school completion, arrest, conviction, confinement in a jail or prison, parole, psychiatric hospitalization, admission to substance-use treatment, homelessness, and receipt of public assistance, measured at 18, 25, and 30 years of age. (c) The board shall publish the measures and the cost per outcome for each program not later than December 1 of each even-numbered year.”

Where this is weak

An honest brief says where the argument can be attacked. These are the weak points, what supports each, and how the asks are built around them.

Weak point	What supports it	How the asks respond
A crime for “failing to prosecute” collides with prosecutorial discretion and the separation of powers.	The Court of Criminal Appeals held in <i>State v. Stephens</i> (Dec. 15, 2021) that county and district attorneys hold criminal prosecution authority under Tex. Const. art. V, sec. 21, and that the Attorney General cannot prosecute without a local prosecutor’s consent. Rehearing was denied in 2022 with a concurrence that the local prosecutor’s power includes deciding which cases not to prosecute. The 2023 removal statute itself exempts a policy adopted in response to a reasonable evidentiary impediment (Local Gov’t Code 87.011(3)(B)).	Ask 3 punishes the failure to refer or act, which is provable from records, not a prosecutor’s judgment about evidence. Ask 4 uses removal, transparency, and outside prosecutors, not a crime for declining.
Who prosecutes the official who protected the violator?	The local prosecutor will not charge himself or a friend, and the Attorney General cannot step in alone. Penal Code 39.015 gives the Attorney General concurrent jurisdiction over Chapter 39 offenses only with the local prosecutor’s consent. A Court of Inquiry needs a district judge’s sworn probable-cause affidavit (Code Crim. Proc. art. 52.01).	Ask 4 adds declination reporting and Attorney General standing to seek removal. A constitutional change to the Attorney General’s authority is outside any bill.
Intent is hard to prove, and most failures are fear or carelessness.	Abuse of official capacity needs an intent to obtain a benefit or to harm or defraud another and is a Class A misdemeanor (Penal Code 39.02).	Ask 3 names the intent: to protect the person accused or prevent discovery. Careless failures stay administrative.
Removal is not prison.	Removal is a civil jury trial on a petition by a resident, and the remedy is removal from office (Local Gov’t Code 87.015, 87.018). The statute lets a court award a prosecutor’s fees if the petition fails (87.018(h)).	Ask 3 supplies the felony. Ask 4 supplies the removal path, and the fee risk should be disclosed to petitioners.
Superintendents and principals are not reachable by removal.	Section 87.012 lists county officers and school-board trustees; superintendents and principals are employees.	Ask 3 reaches them by crime, and Education Code 22A already reaches them by administrative penalty and registry.
Penalties on administrators may not raise reporting or reduce abuse.	The best study found no association between state reporting policies, including penalties, and reporting or substantiation (section 5).	The brief argues proportionality and incapacitation, and asks for the counts (Ask 1) that would test deterrence.
More cases will cost more, and no fiscal note exists.	The incapacitation estimate in section 6 prices one added decade of confinement at \$290,796.	Asks 1 and 2 cost nothing; a bill’s fiscal note will price Asks 3 through 8.

8. What the other side will say

The strongest objections come from real organizations, not from a list I imagined, and each has an answer.

Teacher and librarian groups have argued that removing educational defenses will chill legitimate teaching. The Association of Texas Professional Educators said so about S.B. 412 in writing. The answer is to keep this brief’s asks narrow: nothing in Asks 1 through 8 touches the

educational defense, and Ask 9 only conforms the definition to the one the Legislature already used for the civil law. Supporters of S.B. 412 have said some hesitation is the point, and an advocate should be ready to say which side of that debate the ask sits on.

Allies first. Texas Education 911 and other parent-protection groups want strong protection for students, and their president has criticized S.B. 571's confidentiality of investigation records. This brief is on their side of that: Ask 2 now asks to open the final outcomes of investigations, not only the aggregate counts, and Asks 3 through 7 are the criminal penalties they would want. Invite them to review the asks and add their own before filing. The opposition will come from school-board and administrator groups, which supported S.B. 571 and will resist new felonies for their members. The answer is that Ask 7 keeps the existing intent-to-conceal element and adds a higher tier only for child sexual abuse, and Ask 6 reaches only conduct the same section already requires them to report.

Civil-liberties and family-law advocates will say new crimes increase false accusations. False accusations harm children and parents too, and the answer is to enforce the law that already exists, not to weaken this one. Family Code 261.107 makes a knowing, intentional false report a state jail felony, or a third-degree felony after a prior conviction. It directs the county prosecutor to prosecute, requires the court to order the convicted person to pay the falsely accused person's attorney's fees, costs, and expenses, lets a family court restrict the false reporter's access to the child, and requires the attorney general to sue for a \$1,000 civil penalty. The brief keeps the knowledge and intent elements in every ask and asks for the same count of false-report charges, convictions, and civil-penalty actions that it asks for concealment. Accountability on both sides is the position. Whether enforcement lowers the number of false reports has not been measured, so the brief states it as a position, not a finding. INFERENCE

Fiscal conservatives will ask what it costs. Section 6 answers with numbers: Asks 1, 2, and 9 cost nothing, Asks 3 through 6 are small, and an added decade of confinement saves money only if it prevents about 1.4 new victims per offender on the lowest cost estimate or about 0.35 on the fuller one. The federal polygraph sample puts undetected victims at 1.24 per offender, so the savings case holds on the fuller estimate and is strongest for repeat and high-risk offenders.

Finally, some will say this is really about books. It is not. The brief addresses minors' access to material obscene from a child's perspective and the duty to report abuse. It takes no position on any list of books. Two Fifth Circuit rulings frame that argument, and neither touches this brief's asks. In *Book People v. Wong* (Jan. 17, 2024), the court held that H.B. 900's requirement that book vendors rate library material is likely compelled speech, because the ratings are the vendors' speech and are neither factual nor uncontroversial. Rehearing en banc was denied on April 16, 2024, the district court entered a permanent injunction on October 21, 2025, and the State's February 2026 brief in its new appeal is the latest filing found. In *Little v. Llano County* (en banc, May 23, 2025), the court held that a public library's decisions about which books to keep are government speech and dismissed the patrons' First Amendment claims, and the Supreme Court denied review on December 8, 2025. Neither case concerned the criminal harmful-material offense, the age-verification law, or any ask in this brief. **VERIFIED**

9. Two minutes at the microphone

The State Affairs Committee limited public testimony to two minutes at its September 14 hearing, and the clerk has said written testimony cannot be received on the record after the day of the hearing. A witness in the room on hearing day is therefore the surest way into the record. Open with the interim charge named in the notice, then read the following.

Two-minute script, about 270 words. “Good morning, Chairman Hughes and members. I speak for Grassroots America, We the People, on protecting Texas children.

Texas law already punishes harming a child with decades in prison. Continuous sexual abuse of a young child carries 25 to 99 years or life. But a professional who knew and stayed silent faces a misdemeanor, or at most a two-year state jail felony if the State can prove intent to conceal.

Last session this Legislature acted. It voided hush-money clauses for child sexual abuse, closed the educational defense in the harmful-material law, and strengthened school reporting. We ask you to finish the work in four ways.

First, publish the numbers: how often failure to report is charged, and how many school misconduct cases were referred to law enforcement. Second, make it a crime for an administrator to bury a report to protect the accused, and give citizens and the Attorney General a working way to hold officials to their legal duties. Third, make buying silence about child abuse a crime, and make concealing inappropriate communications by a school employee a felony. Last, review whether the main child-injury offense should still stop at age 14.

We also ask for evidence. The best peer-reviewed study we found says state reporting policies are not linked to more reports, so our case is proportionality and incapacitation, not deterrence. And one case of abuse or neglect costs about \$210,000 over a lifetime.

The Constitution now says a parent has the responsibility to protect a child. We ask you to make the law say the same. Thank you.”

One-page handout. The September hearing notices asked witnesses submitting written testimony to provide 20 copies to the clerk. **Bottom line:** the law punishes the act by decades and the silence by one to two years. **Five gaps:** misdemeanor for knowing failure to report; injury-to-a-child “child” ends at 14; silence clauses void only for sexual abuse, with no penalty and no offense for buying silence; two definitions of “harmful to minors”; concealing grooming-stage conduct by school staff is not a felony. **Evidence:** reporting policies not linked to reporting rates (Rosenberg 2024); one case costs about \$210,000 (Fang 2012); an added decade pays for itself if it prevents 1.4 victims (0.35 on the fuller estimate), and a federal polygraph study found at least 1.24 undetected victims per offender. **Asks:** get the numbers; oversee S.B. 571 and open outcomes; make administrators who protect a violator answerable by a crime; independent enforcement for officials; make buying silence a crime; close the school concealment gap; raise the grade for concealing child sexual abuse; raise the age-14 limit; align the two definitions. **Contacts:** see section 11. Full brief and sources available on request.

10. The calendar

The Sunset Commission meets December 2 and 3. The Department of Family and Protective Services, the Health and Human Services Commission, the Department of State Health Services, and the juvenile justice department are among the agencies under review in this cycle. Bill filing for the 90th Legislature opens November 9, and the session convenes January 12, 2027. The deadline to file bills is March 12, and the session ends May 31. The Senate State Affairs Committee has posted no hearing as of October 18; the last interim hearings were September 14 and 15.

Date	What happens	Source
Nov. 9, 2026	Bill filing opens	Texas Legislative Council
Dec. 2 and 3, 2026	Sunset Commission meeting; DFPS, HHSC, DSHS, and the juvenile justice department are under review	sunset.texas.gov
Jan. 12, 2027	90th Legislature convenes	Texas Legislative Council
Mar. 12, 2027	Deadline to file bills	Texas Policy Research calendar
May 31, 2027	Session ends	Texas Legislative Council

11. Who to contact

Verified from the official pages on October 18, 2026.

Who	Why contact them	How to reach them
Senate Committee on State Affairs. Chair: Sen. Bryan Hughes. Vice-Chair: Sen. Angela Paxton. Members: Bettencourt, Hall, Hinojosa, Parker, Perry, Schwertner, Zaffirini.	The 2026 interim charges include Protecting Texas Families, Protecting the Integrity of the Judiciary, and Protecting Minors Online.	Committee page: senate.texas.gov/cmte.php?c=570 . Hearing notices: capitol.texas.gov/Committees/MeetingsByCmte.aspx?Leg=89&Chamber=S&CmteCode=C570
David Lee, committee clerk.	Sign-up and testimony rules.	(512) 463-0380. Sam Houston Building, Room 380. David.Lee@senate.texas.gov
Sen. Bryan Hughes (chairs State Affairs; sits on the Sunset Commission).	The decision-maker on the committee's agenda.	Capitol: P.O. Box 12068, Capitol Station, Austin, TX 78711, (512) 463-0101. Tyler: 110 N. College Ave., Suite 208, Tyler, TX 75702, (903) 581-1776. Email form: senate.texas.gov/member.php?d=1
Sunset Advisory Commission. Meets Dec. 2 and 3.	Public input on the agencies under review, including DFPS, HHSC, DSHS, and the juvenile justice department.	Form: sunset.texas.gov/input-form . Phone: (512) 463-1300. Mail: P.O. Box 13066, Austin, TX 78711. Email used in Sunset's own notices: sunset@sunset.texas.gov
Texas Education Agency, educator misconduct dashboard.	The source for the numbers in section 4.	Search "Educator Misconduct Reporting Dashboard" at tea.texas.gov
Your own senator and representative.	A bill needs an author.	Find them: wrm.capitol.texas.gov/home

12. What this review did not do

The Rosenberg journal article's full text is behind a paywall. The publisher's abstract, highlights, and introduction were read, and the authors' free Child Trends brief, which reports the same study on the same data for three of the policies (universal reporting, anonymous reporting, and training), was read in full.

The Miller crime costs were read in the authors' SSRN copy (Oct. 2020), not the journal's final pages. Currie and Tekin do not state their dollar year. The prison ranges rest on national self-report rates and on assumptions this brief names; Texas linked records, which Ask 10 would create, would replace them.

References

Links. Every source below is free to read. The studies in PubMed Central are open access. Statute pages are the Legislature's official site and load in a browser. If any link fails, or a source ever sits behind a paywall, ask and a copy will be provided.

A. Constitution and statutes (Tier 1 official text)

Authority	Section	Text rendered	Read it free
Tex. Const.	art. I, sec. 37	July 31, 2026	statutes.capitol.texas.gov/Docs/CN/htm/CN.1.htm
Tex. Fam. Code	261.001(1), 261.101, 261.109	Dec. 13, 2025	statutes.capitol.texas.gov/Docs/FA/htm/FA.261.htm
Tex. Penal Code	12.21, 12.32 to 12.35, 21.02, 21.12, 22.01, 22.011, 22.02, 22.04, 22.041, 32.53, 43.21, 43.24, 43.25	Apr. 10, 2026	statutes.capitol.texas.gov/Docs/PE/htm/PE.43.htm (and PE.21, PE.22, PE.12)
Tex. Civ. Prac. & Rem. Code	ch. 129B; ch. 129C	May 14, 2026	statutes.capitol.texas.gov/Docs/CP/htm/CP.129C.htm (and CP.129B)
Tex. Educ. Code	ch. 22A (22A.001 to 22A.302), as codified after S.B. 571	Current	tcss.legis.texas.gov/resources/ED/htm/ED.22A.htm
Tex. Penal Code	39.01, 39.02, 39.03, 39.015	Apr. 10, 2026	statutes.capitol.texas.gov/Docs/PE/htm/PE.39.htm
Tex. Local Gov't Code	87.011, 87.012, 87.013, 87.015, 87.018 (as amended by H.B. 17, 2023 and H.B. 2715, 2025)	Oct. 2026	statutes.capitol.texas.gov/Docs/LG/htm/LG.87.htm
Tex. Code Crim. Proc.	arts. 2A.101, 52.01	Various	statutes.capitol.texas.gov/Docs/CR/htm/CR.52.htm
Tex. Code Crim. Proc.	arts. 42A.054, 42A.055, 42A.056, 42A.102	Various 2025 and 2026 renders	statutes.capitol.texas.gov/Docs/CR/htm/CR.42A.htm
H.B. 4623, 89th Leg.	Civ. Prac. & Rem. Code ch. 118: school liability and waiver of immunity (enrolled)	Enrolled	capitol.texas.gov/tlodocs/89R/billtext/html/HB04623F.htm
S.B. 412, 89th Leg.	Penal Code 43.24, 43.25 (enrolled)	Enrolled	capitol.texas.gov/tlodocs/89R/billtext/html/SB00412F.htm
S.B. 571, 89th Leg.	Educ. Code ch. 22A; Fam. Code 261.107 notice (enrolled)	Enrolled	capitol.texas.gov/tlodocs/89R/billtext/html/SB00571F.htm
S.B. 835, 89th Leg. ("Trey's Law")	Civ. Prac. & Rem. Code ch. 129C	Enrolled	capitol.texas.gov/tlodocs/89R/billtext/html/SB00835F.htm

B. Legislative history and positions

- **Republican Party of Texas, 2026-2028 Legislative Priorities (as approved June 13, 2026).** Party text for the Protect Texas Kids priority. texasgop.org
- **Tex. Fam. Code 261.110 and Penal Code 43.23.** Employer retaliation; obscene devices. statutes.capitol.texas.gov/Docs/FA/htm/FA.261.htm and statutes.capitol.texas.gov/Docs/PE/htm/PE.43.htm
- **The Best Interest of the Child (Oct. 2026).** Executive summary and findings 1 to 4 used for element 2; link available from the author.
- **House Research Organization digests.** S.B. 571 (May 24, 2025): votes, witnesses, provisions. hro.house.texas.gov/pdf/ba89r/sb0571.pdf. S.B. 835 (May 25, 2025): 11-0 and 31-0 votes, definition, no witnesses. hro.house.texas.gov/pdf/ba89r/sb0835.pdf
- **House Public Education Committee witness list, S.B. 571.** Who registered for and against. capitol.texas.gov/tlodocs/89R/witlistbill/pdf/SB00571H.pdf
- **Bill analysis, S.B. 412.** Purpose statement and what was repealed. capitol.texas.gov/tlodocs/89R/analysis/html/SB00412H.htm
- **ATPE, input on S.B. 412 (Mar. 4, 2025).** Educator opposition. teachthevote.atpe.org/getmedia/2544f64a-0325-41c4-b2d7-9d23220f2714/ATPE-Input-on-SB-412-3-4-25.pdf
- **Texas Library Association, S.B. 412 fact sheet.** Definition unchanged; repealed text. txla.org/advocacy/sb-412-texas-penal-code-harmful-material-to-minors/sb-412/
- **KERA / Texas Standard, Aug. 29, 2025.** Supporters and critics of S.B. 412. texasstandard.org/stories/texas-senate-bill-sb-412-inappropriate-materials-teachers-librarians/
- **Texas House Journal, 89th Leg., 76th day (May 28, 2025), p. 6691 (Record 3841: 126 yeas, 10 nays, 3 present not voting); Texas Senate Journal (May 8, 2025), p. 1879 (30 yeas, 1 nay).** S.B. 571 final votes. journals.house.texas.gov/hjrnl/89r/pdf/89RDAY76FINAL.PDF; journals.senate.texas.gov/sjrnl/89r/pdf/89RSJ05-08-F1.PDF
- **KXAN, S.B. 571 confidentiality criticism.** Confidentiality of investigation records. yahoo.com/news/bill-expanding-school-misconduct-investigations-231634272.html
- **Dallas Express (Texas Scorecard), S.B. 571.** Texas Education 911 comment on confidentiality. dallasexpress.com/state/new-law-strengthens-teacher-misconduct-reporting-to-end-pass-the-trash-practices/

C. Cases

- **Free Speech Coalition, Inc. v. Paxton, No. 23-1122 (U.S. June 27, 2025).** A State may restrict minors' access to material obscene from a child's perspective; intermediate scrutiny. Slip opinion read. supremecourt.gov/opinions/24pdf/23-1122_3e04.pdf
- **State v. Stephens, Nos. PD-1032-20 and PD-1033-20 (Tex. Crim. App. Dec. 15, 2021), reh'g denied (Sept. 28, 2022).** Read in full. Local prosecutors hold criminal prosecution authority; the Attorney General cannot prosecute without their consent.

statecourtreport.org/sites/default/files/fastcase/converted/State%20v.%20Stephens%2C%20Tex.%20Crim.%20App.%20PD-1032-20.pdf

- **Book People, Inc. v. Wong, No. 23-50668 (5th Cir. Jan. 17, 2024).** Compelled-speech holding on H.B. 900's vendor ratings.
law.justia.com/cases/federal/appellate-courts/ca5/23-50668/23-50668-2024-01-17.html
- **Little v. Llano County, No. 23-50224 (5th Cir. en banc May 23, 2025), cert. denied, No. 25-284 (U.S. Dec. 8, 2025).** Public-library book removals are government speech. Opinion in the petition appendix; docket:
supremecourt.gov/docket/docketfiles/html/public/25-284.html
- **Ginsberg v. New York, 390 U.S. 629 (1968).** Read in full.
govinfo.gov/content/pkg/USREPORTS-390/pdf/USREPORTS-390-629.pdf
- **Miller v. California, 413 U.S. 15 (1973).** Read in full.
govinfo.gov/content/pkg/USREPORTS-413/pdf/USREPORTS-413-15.pdf
- **Reno v. ACLU, 521 U.S. 844 (1997).** Read in full. govinfo.gov/content/pkg/USREPORTS-521/pdf/USREPORTS-521-844.pdf

D. Records and data (read Oct. 18, 2026)

- **U.S. Dept. of Justice, S.D. Tex., release updated Aug. 1, 2024.** TJJD finding (excerpt read). justice.gov/usao-sdtx/pr/justice-department-finds-conditions-five-texas-juvenile-justice-facilities-violate
- **DFPS, FY 2025 Child Maltreatment Fatalities and Near Fatalities Annual Report.** 124 deaths, 64 near-fatalities. [dfps.texas.gov/.../2026-02-27 Child Maltreatment Fatalities and Near Fatalities Annual Report.pdf](https://dfps.texas.gov/.../2026-02-27%20Child%20Maltreatment%20Fatalities%20and%20Near%20Fatalities%20Annual%20Report.pdf)
- **Sunset Advisory Commission.** Agencies under review, Dec. 2-3, where to comment. sunset.texas.gov/reviews-and-reports and sunset.texas.gov/input-form
- **Texas Senate, State Affairs and Sen. Hughes pages.** Chair, members, clerk, charges, contacts. senate.texas.gov/cmte.php?c=570 and senate.texas.gov/member.php?d=1
- **TEA news releases: Commissioner Morath names Levi Fuller Inspector General for Educator Misconduct (Feb. 4, 2026); Texas Education Agency Places 21 Individuals on Do Not Hire Registry (May 8, 2026); TEA launches Educator Misconduct Dashboard and Student Protection Resource Center (June 2, 2026).**
tea.texas.gov/about-tea/newsroom/commissioner-morath-names-levi-fuller-inspector-general-educator-misconduct; tea.texas.gov/about-tea/newsroom/texas-education-agency-places-21-individuals-do-not-hire-registry
- **Dallas Express, June 20, 2026, reading the TEA dashboard.** Fiscal year 2026 figures. dallasexpress.com/education/texas-watchdog-shows-how-much-school-misconduct-enforcement-has-grown/
- **TEA news release, May 8, 2026.** 21 individuals added to the registry.
tea.texas.gov/about-tea/newsroom/texas-education-agency-places-21-individuals-do-not-hire-registry

- **TEA guidance on abuse and misconduct reporting.** \$500 to \$10,000 administrative penalty. tea.texas.gov/educators/superintendents/abuse-and-misconduct-reporting.pdf
- **Harris, A.J.R. & Hanson, R.K. (2004). Sex Offender Recidivism: A Simple Question. Public Safety Canada User Report 2004-03.** 14, 20, 24 percent at 5, 10, 15 years; read via the Public Safety Canada summary and report excerpts. publicsafety.gc.ca/cnt/rsrscs/pblctns/sxffndr-rcvds/index-en.aspx
- **Abel, G.G., Becker, J.V., Cunningham-Rathner, J., Mittelman, M., & Rouleau, J.L. (1988). Multiple paraphilic diagnoses among sex offenders. *Bulletin of the American Academy of Psychiatry and the Law*, 16(2), 153-168.** Read in full; 561 men, federal certificate of confidentiality; arrests about 1 per 30 reported rapes or child molestations; self-reports, treatment-seeking sample.
- **Heil, P., Ahlmeyer, S., & Simons, D. (2003). Crossover sexual offenses. *Sexual Abuse*, 15, 221-236.** Abstract read: 223 incarcerated and 266 paroled offenders in Colorado; the majority of incarcerated offenders admitted assaulting both children and adults. doi.org/10.1023/A:1025031325230
- **DeLisi, M., Caropreso, D.E., Drury, A.J., Elbert, M.J., Evans, J.L., Heinrichs, T., & Tahja, K.M. (2016). The dark figure of sexual offending: new evidence from federal sex offenders. *Journal of Criminal Psychology*, 6(1), 3-15.** Abstract read: 119 federal offenders, 69 percent disclosed a contact offense in polygraph examinations; 34 offenders with no official contact record disclosed 148 victims. emerald.com/insight/content/doi/10.1108/JCP-12-2015-0030/full/html
- **Kleban, H., Chesin, M.S., Jeglic, E.L., & Mercado, C.C. (2013). An exploration of crossover sexual offending. *Sexual Abuse*, 25(5), 427-443.** Abstract read: 789 incarcerated offenders; 279 had multiple victims at the index offense. nij.ojp.gov/library/publications/exploration-crossover-sexual-offending
- **Legislative Budget Board. Criminal and Juvenile Justice Uniform Cost Report, Fiscal Years 2021 and 2022 (Feb. 2023, ID 7455).** Supervision cost per day by program, and prison cost per day. lbb.texas.gov/Documents/Publications/Policy_Report/7455_Uniform_Cost_Feb_2023.pdf
- **LBB issue brief, Who Entered Prison? (Jan. 2013), citing the TDCJ Statistical Report.** Prison admissions by offense category. lbb.texas.gov/Documents/Publications/Issue_Briefs/329_Admissions_Prison.pdf
- **LBB fiscal note, H.B. 548 (89th Leg.).** \$86.50 per day, TDCJ systemwide. capitol.texas.gov/tlodocs/89R/fiscalnotes/html/HB00548I.htm
- **Texas Legislative Council, Dates of Interest.** Nov. 9 filing opens; Jan. 12 convening. tlc.texas.gov/docs/legref/Dates-of-Interest.pdf
- **Texas Policy Research legislative calendar.** Mar. 12 filing deadline; May 31 sine die. texaspolicyresearch.com/legislative-calendar-89th-legislative-session/
- **DFPS Interactive Data Book, CPI 3.8 Abuse/Neglect Investigations, Alleged and Confirmed Victims By County, FY2016-FY2025 (Texas Open Data Portal).** Confirmed victims by fiscal year, summed from the county rows. data.austintexas.gov/d/v63e-6dss

Data Book page:

dfps.texas.gov/About_DFPS/Data_Book/Child_Protective_Investigations/Investigations/Victims.asp

Texas Department of Criminal Justice, Statistical Report FY2025. Population on hand Aug. 31, 2025. tdcj.texas.gov/documents/Statistical_Report_FY2025.pdf

U.S. Census Bureau, QuickFacts, population estimates July 1, 2025 (V2025), Texas and United States. census.gov/quickfacts

E. Research (all peer reviewed unless noted; all observational or modeled)

- **Fang, X., Brown, D.S., Florence, C.S., & Mercy, J.A. (2012).** The economic burden of child maltreatment in the United States and implications for prevention. *Child Abuse & Neglect*, 36(2), 156-165. Tangible costs, national. [pmc.ncbi.nlm.nih.gov/articles/PMC3776454/](https://pubmed.ncbi.nlm.nih.gov/articles/PMC3776454/)
- **Peterson, C., Florence, C., & Klevens, J. (2018).** The economic burden of child maltreatment in the United States, 2015. *Child Abuse & Neglect*, 86, 178-183. Includes intangible costs; not comparable to Fang. [pmc.ncbi.nlm.nih.gov/articles/PMC6289633/](https://pubmed.ncbi.nlm.nih.gov/articles/PMC6289633/)
- **Rosenberg, R., Williams, S.C., Martinez, V., & Ball, J. (2024).** Mandated reporting policies and the detection of child abuse and neglect. *Children and Youth Services Review*, 159, 107499. Abstract read; state-level; 2019 federal data. doi.org/10.1016/j.childyouth.2024.107499
- **Rosenberg, R., Williams, S.C., Martinez, V., & Ball, J. (2024).** Mandated reporting policies do not promote more accurate reporting of suspected neglect. *Child Trends research brief*. Read in full; same data as the journal article; tests three policies, not penalties. childtrends.org/publications/mandated-reporting-policies-suspected-neglect
- **Ho, G.W.K., Gross, D.A., & Bettencourt, A. (2017).** Universal mandatory reporting policies and the odds of identifying child physical abuse. *American Journal of Public Health*, 107(5), 709-716. Read in full; 204,414 children reported for physical abuse in 2013. [pmc.ncbi.nlm.nih.gov/articles/PMC5388942/](https://pubmed.ncbi.nlm.nih.gov/articles/PMC5388942/)

Currie, J., & Tekin, E. (2006). Does child abuse cause crime? NBER Working Paper 12171. Read in full. nber.org/papers/w12171

Harlow, C.W. (1999). Prior abuse reported by inmates and probationers. Bureau of Justice Statistics, NCJ 172879. Read in full. bjs.ojp.gov/content/pub/pdf/parip.pdf

Liu, M., Luong, L., Lachaud, J., Edalati, H., Reeves, A., & Hwang, S.W. (2021). Adverse childhood experiences and related outcomes among adults experiencing homelessness: a systematic review and meta-analysis. *Lancet Public Health*, 6, e836-e847. Read in full; open access. [doi.org/10.1016/S2468-2667\(21\)00189-4](https://doi.org/10.1016/S2468-2667(21)00189-4)

Miller, T.R., Cohen, M.A., Swedler, D.I., Ali, B., & Hendrie, D.V. (2021). Incidence and costs of personal and property crimes in the USA, 2017. *Journal of Benefit-Cost Analysis*, 12(1), 24-54. Authors' copy read in full. papers.ssrn.com/abstract=3514296

Peterson, C., Aslam, M.V., Niolon, P.H., Bacon, S., Bellis, M.A., Mercy, J.A., & Florence, C. (2023). Economic burden of health conditions associated with adverse childhood experiences among US adults. *JAMA Network Open*, 6(12), e2346323. Read in full.

Widom, C.S., & Maxfield, M.G. (2001). An update on the “cycle of violence.” National Institute of Justice Research in Brief, NCJ 184894. Read in full. ojp.gov/pdffiles1/nij/184894.pdf

F. Claim ledger

Claim	Source	Status
Professionals report by the 24th hour; failure is a Class A misdemeanor, a felony only with intent to conceal	Fam. Code 261.101(b), 261.109	VERIFIED
“Child” is 14 or younger in 22.04, 22.041, and 32.53; coverage of 15- to 17-year-olds by assault, aggravated assault, sexual assault, and 21.12	Penal Code 22.04, 22.041, 32.53, 22.01, 22.02, 22.011, 21.12	VERIFIED
Silence clauses void for sexual abuse only; no penalty	CP 129C.001-.002	VERIFIED
43.24(c) repealed; 43.25(f)(2) narrowed	S.B. 412; bill analysis	VERIFIED
Two “harmful to minors” definitions differ	Penal Code 43.24(a)(2)(C); CP 129B.001(6)(C)	VERIFIED text; effect INFERENCE
Concealment felony for school leaders limited to listed misconduct; not for inappropriate communications or boundary violations	Educ. Code 22A.051(l), as codified	VERIFIED
Votes and witness positions	HRO digests; enrolled bills; witness list; ATPE letter; KXAN	VERIFIED (S.B. 571 floor votes read in the House and Senate Journals)
TEA actions: Inspector General (Feb. 4), 21 placements (May 8), dashboard (June 2)	TEA news releases	VERIFIED
TEA dashboard figures, FY 2026	Dallas Express reading the dashboard, June 20, 2026	DOCUMENTED (embedded Power BI report not readable by machine)
Parent right and duty paired; holdings of Ginsberg, Miller, Reno, and Paxton	Const. art. I, sec. 37; opinions read in full	VERIFIED
Reporting policies not associated with reporting rates	Rosenberg et al. (2024)	DOCUMENTED; CONFLICT with a conference abstract
124 deaths in FY 2025; Sunset, filing, and session dates	DFPS; sunset.texas.gov; TLC	VERIFIED
\$210,012; \$830,928; \$428 billion; \$86.50 per day	Fang; Peterson; LBB	VERIFIED
Confirmed victims: 58,120 (FY 2023), 53,543 (FY 2024), 51,985 (FY 2025)	DFPS Interactive Data Book dataset v63e-6dss	VERIFIED
Judge probation barred, jury probation limited, deferred adjudication needs a victim best-interest finding	CCP 42A.054, .055, .056, .102	VERIFIED
Recidivism 14, 20, 24 percent; prior-offense 37 percent at 15 years	Harris & Hanson (2004)	VERIFIED (summary and excerpts)
School immunity waived for sexual misconduct and failure to report; \$500,000 cap; no offense for buying silence before a proceeding	H.B. 4623; Penal Code 36.05, 38.05	VERIFIED
Multiple victims: 35 percent in official records; 69 percent of a federal sample disclosed contact offenses and 148 victims beyond the record; arrests about 1 per 30 offenses	Kleban 2013; DeLisi 2016; Abel 1988	VERIFIED (abstracts; Abel in full); self-report limits
School-library litigation: Book People v. Wong; Little v. Llano County; cert. denied Dec. 8, 2025	Opinions and Supreme Court docket	VERIFIED; the READER Act appeal status is as of the State’s Feb. 2026 brief
Supervision cost per day (FY 2022): \$4.10, \$6.83, \$10.69; prison \$77.49	LBB Uniform Cost Report, Feb. 2023	VERIFIED
Enforcement tools: official-misconduct removal, Court of Inquiry, Penal Code 39.02, 39.03, 39.015; Stephens	Statutes read; opinion read in full	VERIFIED

Claim	Source	Status
Savings, break-even, and incapacitation scenarios	Computed from the above	INFERENCE
Abused or neglected children were arrested more often: 27% vs 17% juvenile, 42% vs 33% adult	Widom & Maxfield (2001)	VERIFIED
14.4% of male and 36.7% of female state prisoners reported abuse before 18	BJS, Harlow (1999)	VERIFIED; 1997 survey
Texas prison population 138,901 on Aug. 31, 2025	TDCJ Statistical Report FY2025	VERIFIED
About 4,800 Texas prison beds (\$136M a year) trace to childhood abuse; range 2,250 to 11,800	Calculation from the three rows above and LBB \$77.49	INFERENCE; low
Crime caused by abuse costs \$6.7B to \$62.5B a year (U.S.); Texas share \$0.62B to \$5.8B	Currie & Tekin (2006); Census V2025	VERIFIED; share is INFERENCE
Homicide \$7,809,155; rape \$226,441; robbery \$27,723 per offense (2017 dollars)	Miller et al. (2021), authors' copy	DOCUMENTED
ACE-associated health conditions cost about \$88,000 per affected adult a year	Peterson et al. (2023)	VERIFIED; associated
89.8% of homeless adults report one or more childhood adversities; 53.9% four or more	Liu et al. (2021)	VERIFIED

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