

August 3, 2020

Commissioner Jaime Masters
Texas Department of Family Protective Services
P.O. Box 149030
Austin, Texas 78714-9030

Commissioner Masters,

I am writing to you regarding a matter that is of significant importance to the welfare of Texas families. As you know, THSC serves families by protecting the God-given right and duty of families to raise their children. Like you, we believe that the best place for children is in homes with loving families.

CPS serves a critical role in our state by intervening to protect children who do not have a safe environment at home. The work that CPS is called to do is critical to the safety and welfare of Texas families. The essential role that DFPS plays in the safety of Texas children and families makes the subject matter of this letter even more weighty.

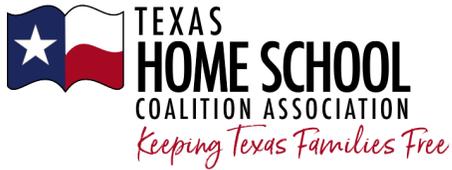
As you know, in December of 2019, CPS dismissed with prejudice its case against Ashley and Daniel Pardo. This dismissal followed an order from the Texas Supreme Court on October 24 that Drake, Ashley and Daniel's son, be immediately returned home because CPS failed to prove any danger which justified keeping Drake from his parents.

On December 3, 2019, CPS returned Drake to a home environment that CPS deemed to be safe. It was the same environment from which Drake was removed nearly 6 months before. All accusations against Ashley and Daniel were dropped. Ashley and Daniel returned to making medical decisions for Drake exactly as they had always done: jointly and based on the recommendations of Drake's doctors.

While Drake and his family should never have been subjected to this extremely traumatic separation in the first place, CPS did the right thing when it dismissed the case against the family.

This makes the most recent development in the Pardo's story even more distressing.

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Even though CPS dropped all accusations against the Pardo family and dismissed the case, CPS has placed the Pardo family on the Child Abuse Registry.

As you know, being on the registry stays on a family's record, shows up on background checks, and can prevent the family from obtaining employment or even volunteering at their child's school or church activities.

Being on the Child Abuse Registry also carries a naturally damaging cultural stigma because, as the average Texan would reasonably presume, such a registry is home to individuals who commit horrible crimes against their children, such as starving, beating, torturing, or killing them.

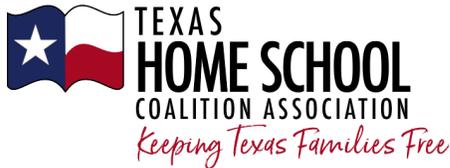
The fact that an entirely innocent family against whom CPS dropped all charges could be placed on such a registry and have their lives and professional futures forever marred by this stigma shocks even the most rudimentary sense of justice.

As DFPS Commissioner, you have direct oversight of this family's current situation, and I am urging you to act.

The Pardo family's legal team filed an ARIF challenge against CPS' decision to place this innocent family on the Child Abuse Registry. The challenge was denied.

In CPS's explanation for the denial, several inexplicable contradictions were laid bare.

- 1) Upon dismissal of CPS's case against Ashley and Daniel, CPS specifically informed the court that it was comfortable sending Drake home because Ashley and Daniel would be making joint decisions concerning Drake's medical care. As was demonstrated through the entire case, Ashley and Daniel have always made joint decisions for Drake. On June 27, 2019, Ashley, Daniel, their legal team, and THSC Policy Director Jeremy Newman attended a meeting at Children's Medical Center in Dallas. Dr. Dakil, several other Children's doctors, CPS, and CASA also attended the meeting.



Dr. Dakil, who requested the meeting, agreed with Ashley and Daniel that it was best for Drake to be at home with his family and that, so long as Ashley and Daniel were jointly involved in making medical decisions for Drake and Children's did a better job of communicating between all Drake's doctors, Dr. Dakil saw no reason that Drake should not be returned home.

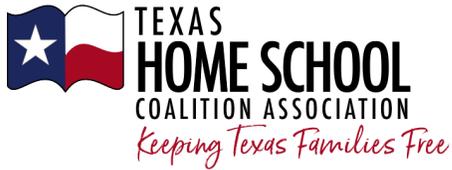
When CPS was informed of this agreement between the Pardos and Children's, CPS representatives stated that they would need to keep Drake in foster care anyway and proceed with the adversary hearing because this agreement was not good enough. Yet, 6 months later, CPS dismissed its case against the Pardo family, citing the family's agreement to the exact same terms CPS had rejected 6 months before.

In CPS' ARIF review explanation, CPS states that it has "reason to believe" Daniel was engaged in medical abuse of Drake. No explanation was offered for why CPS would make such a claim when CPS explicitly stated as a reason for dismissal that it was comfortable with Daniel's involvement.

- 2) A "reason to believe" finding should only come as a result of CPS's thorough investigation into allegations of abuse or neglect and CPS's subsequent conclusion that the evidence indicates that abuse or neglect occurred.

However, in CPS' ARIF review explanation, CPS reported that on July 10, 2019, and July 15, 2019, caseworkers requested Dr. Dakil's opinion on whether she believed that a reason to believe finding was appropriate. On July 10, 2019, Dr. Dakil informed the caseworker that she would ask her colleagues what they normally do. On July 15, 2019, Dr. Dakil informed the caseworker that her colleagues "down south" indicated that the finding "should be RTB for the physical or emotional abuse". CPS adopted this recommendation and listed a reason to believe finding in Ashley and Daniel's file, automatically placing them on the Child Abuse Registry.

In CPS' ARIF review, the caseworker also claims that multiple attempts were made to have discussions with Ashley and Daniel about the investigation both before and after removal. These claims are misleading at best. CPS caseworkers indicated multiple times a desire to speak with the family, but consistently attempted to schedule times or places that were impossible for the family's legal counsel to attend. It was clear that



CPS wanted Ashley and Daniel unrepresented and without witnesses for any discussions both before and after the removal of Drake from his home.

The family's attorney, Chris Branson, requested that CPS explain the allegations against Ashley and Daniel, as required by state and federal law, upon first contact and as a prerequisite to meeting with the family. CPS refused.

CPS was offered an open line of communication with Ashley and Daniel provided that legal counsel could be present. CPS repeatedly declined that opportunity. Instead, caseworkers classified the family as being "uncooperative" for wanting to have legal counsel present and cited this as justification for failing to meet with the family to discuss the investigation.

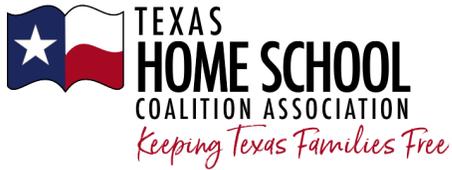
As was repeatedly shown throughout the Pardos' case, CPS' investigative caseworker conducted virtually no investigation at all. She never interviewed the family, never spoke to friends or relatives, and failed to speak to a single doctor who had ever seen or treated Drake.

Apparently, the investigative caseworker was not even the one who made the final "investigative finding" in the Pardos' case. Instead, she outsourced the responsibility to Dr. Dakil, the family's original accuser, who then outsourced the duty to her colleagues "down south."

CPS dropped all accusations against the Pardo family based on the family's agreement to continue doing what they had always done before CPS was even involved. CPS then outsourced the weighty responsibility of making an investigative finding in the case to the family's accuser, who outsourced the duty to unknown parties "down south."

As a result, Ashley and Daniel Pardo have been placed on the Child Abuse Registry despite having no accusations of abuse or neglect against them. Being on this registry affects their social standing, their professional prospects, and their eligibility for various types of community engagement.

As the Commissioner of DFPS, you have direct oversight of this incredible injustice and the authority to remedy it.



I am asking, along with the undersigned parties, that you immediately instruct your staff to remove Ashley and Daniel from the Child Abuse Registry and alter the investigative findings in their file to remove the current “reason to believe” designation, which is clearly not based on any actual investigation conducted by the CPS caseworker.

For the sake of this innocent family and the integrity of your vital agency, I ask that you take this request very seriously and act immediately to remedy this injustice. Should you have any questions about this matter, I would be happy to speak with you personally.

Sincerely,

Mr. Tim Lambert
President,
Texas Home School Coalition

Mr. Bradley Pierce Esq.
Co-Founder,
Heritage Defense

Mr. Andrew Brown
Distinguished Senior Fellow of Child & Family Policy,
Texas Public Policy Foundation

Rev. Dave Welch
Founder & President,
Texas Pastor’s Council

Mrs. JoAnn Fleming
Executive Director,
Grassroots America - We the People

Mrs. Cindi Castilla
President,
Texas Eagle Forum

Mr. John Seago
Legislative Director,
Texas Right to Life

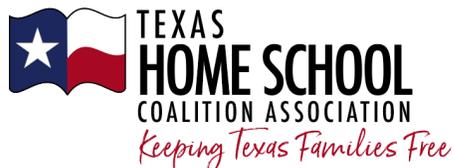
Ms. Krista McIntire
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Senator Bob Hall
Texas State Senate District 2
Chair, Senate Committee
Agriculture

Senator Donna Campbell, M.D.
Texas State Senate District 25

Senator Charles Perry
Texas State Senate District 28



Chair, Senate Committee
Veteran Affairs & Border Security

State Rep. Harold V. Dutton Jr.
Texas House District 142
Chair, House Committee
Juvenile Justice & Family Issues

State Rep. James White
Texas House District 19
Chair, House Committee
Corrections

State Rep. Jeff Leach
Texas House District 67
Chair, House Committee
Judiciary & Civil Jurisprudence

State Rep. Mayes Middleton
Texas House District 23

State Rep. Scott Sanford
Texas House District 70

State Rep. Steve Toth
Texas House District 15

State Rep. Matt Shaheen
Texas House District 66

Chair, Senate Committee
Water & Rural Affairs

State Rep. Dan Huberty
Texas House District 127
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Public Education

State Rep. Briscoe Cain
Texas House District 128

State Rep. Matt Krause
Texas House District 93

State Rep. Valoree Swanson
Texas House District 150

State Rep. Matt Schaefer
Texas House District 6

State Rep. Jared Patterson
Texas House District 106

Ms. Johana Scot
President, Executive Director
Parent Guidance Center

cc: Texas Governor Greg Abbott; Texas Lieutenant Governor Dan Patrick; Texas Attorney General Ken Paxton; Texas Senator Lois Kolkhorst, Senate Health and Human Service Committee Chair; Texas State Representative James Frank, House Human Services Committee Chair; Daniel and Ashley Pardo; Texas Homeschoolers