



Texas Public Policy  
Foundation

## TPPF Files Amicus Brief in Wrongful Child Removal Case

Brief Filed on Behalf of Six Members of the Texas Legislature

August 13, 2019

PRESS RELEASE

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AUSTIN—Yesterday, the Texas Public Policy Foundation filed an amicus brief on behalf of six members of the Texas Legislature in [\*In Re: Ashley Pardo and Daniel Pardo, Individually and as next friend for K.D.P., a minor.\*](#)

The brief, filed on behalf of Texas State Senator Bob Hall and Texas State Representatives Valoree Swanson, Matt Krause, Mayes Middleton, Scott Sanford and Matt Schaefer, urges the court to order the return of the Pardo's medically fragile four-year-old son who was wrongfully removed from his family by the Department of Family and Protective Services (DFPS). The brief highlights multiple instances of DFPS employees failing to follow state and federal law in the conduct of their investigation and their horrifying disregard for the constitutional rights of the Pardo family.

“The Department of Family and Protective Services is tasked with the important and difficult job of protecting children who are in imminent danger of abuse,” said Andrew Brown, director of the Center for Families and Children at the Texas Public Policy Foundation. “They also wield the power to inflict one of the most severe actions the state can take against its citizens—the ability to permanently separate a child from his family. DFPS is obligated to abide by strict limits set by state and federal law and carry out its awesome responsibility in a manner that respects the constitutional rights of families. The department’s disregard for these limits and the fundamental rights of the Pardo family is not only inexcusable, it’s unconstitutional.”

The Pardo family’s nightmare started on June 20 when a DFPS investigator showed up at their home accompanied by two police officers with a court order authorizing the “emergency” removal of their youngest son into state custody. The child, identified as K.D.P. to protect his privacy, struggles with multiple medical conditions and was undergoing treatment to address ongoing issues with eating. Despite K.D.P.’s history and documented suggestions from his

treating physicians that he may be a good candidate for a special feeding tube, one child abuse pediatrician who had never examined K.D.P. filed a report with CPS stating that she had “concerns” the parents were seeking unnecessary medical treatment for their son. Rather than substantiating these concerns, DFPS went directly for removal without informing the family of the allegations against them and without providing them with critical information in direct violation of state and federal law governing the conduct of child welfare investigations.

To read the amicus brief in full, please visit:

<https://files.texaspolicy.com/uploads/2019/08/13134543/Pardo-Amicus-Brief.pdf>