

**In The Supreme Court of Texas**

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STEPHANIE MUTH, in her official capacity as Commissioner of the Texas  
Department of Family and Protective Services; and TEXAS DEPARTMENT OF  
FAMILY AND PROTECTIVE SERVICES,

*Petitioners,*

vs.

Mirabel Voe, individually and as parent and next friend of Antonio Voe, a minor;  
Wanda Roe, individually and as parent and next friend of Tommy Roe, a minor;  
PFLAG, Inc.; and Adam Briggie and Amber Briggie, individually and as parents and  
next friends of M.B., a minor,

*Respondents.*

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GREG ABBOTT, in his official capacity as Governor of the State of Texas;  
STEPHANIE MUTH, in her official capacity as Commissioner of the Texas  
Department of Family and Protective Services; and TEXAS DEPARTMENT OF  
FAMILY AND PROTECTIVE SERVICES,

*Petitioners,*

vs.

JANE DOE, individually and as parent and next friend of MARY DOE, a minor;  
JOHN DOE, individually and as parent and next friend of MARY DOE, a minor;  
and DR. MEGAN MOONEY,

*Respondents.*

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**BRIEF OF *AMICI CURIAE***  
**NATIONAL CENTER FOR YOUTH LAW, TEXAS CIVIL RIGHTS**  
**PROJECT AND FIVE OTHERS**

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### Cases

<i>M.D. v. Abbott</i> , 152 F. Supp. 3d 684 (S.D. Tex. 2015).	41
<i>M.D. v. Abbott</i> , 2:11-CV-00084, “Eighth Report of the Monitors,” Docket Entry 1599 (Oct. 25, 2024).	41
<i>M.D. v. Abbott</i> , 2:11-CV-00084, “Seventh Report of the Monitors,” Docket Entry 1496 (January 10, 2024).	42
<i>M.D. v. Abbott</i> , 509 F. Supp. 3d 683 (S.D. Tex. 2020).	41

### Statutes

Tex. Fam. Code § 261.002 (West 2017).	36
Tex. Fam. Code Ann § 261.101(a) (West 2015).	18, 20
Tex. Fam. Code Ann § 261.101(b) (West 2015).	18, 20
Tex. Fam. Code Ann § 261.303 (West 2015).	25

### Other Authorities

ACLU & Human Rights Watch, <i>If I Wasn’t Poor, I Wouldn’t Be Unfit: The Family Separation Crisis in the US Child Welfare System</i> , (Nov. 17, 2022), <a href="https://www.hrw.org/sites/default/files/media_2022/11/us_crd1122web_3.pdf">https://www.hrw.org/sites/default/files/media_2022/11/us_crd1122web_3.pdf</a>	34
Admin. for Children & Families, U.S. Dep’t of Health and Human Services, <i>Entries: Demographics in FFY 2023</i> , <a href="https://tableau-public.acf.gov/views/afcars_dashboard_entries/demographics?%3Aembed=y&amp;%3AisGuestRedirectFromVizportal=y">https://tableau-public.acf.gov/views/afcars_dashboard_entries/demographics?%3Aembed=y&amp;%3AisGuestRedirectFromVizportal=y</a>	33
Aliza Ali and Audrey Nath, <i>Racial Differences in Removal Rates of Children by the Texas Department of Family and Protective Services: A Study of 2013-2021 Data</i> , 6 J. Cmty. Med. & Pub. Health Reports, <a href="https://www.acquaintpublications.com/article/racial-differences-in-removal-rates-of-children-by-the-texas-department-of-family-and-protective-services-a-study-of-2013-2021-data">https://www.acquaintpublications.com/article/racial-differences-in-removal-rates-of-children-by-the-texas-department-of-family-and-protective-services-a-study-of-2013-2021-data</a>	33
Allison Eck, <i>Psychological Damage Inflicted By Parent-Child Separation is Deep, Long-Lasting</i> , NOVA NEXT (June 20, 2018), available at <a href="http://www.pbs.org/wgbh/nova/next/body/psychological-damage-inflictedby-parent-child-separation-is-deep-long-lasting">http://www.pbs.org/wgbh/nova/next/body/psychological-damage-inflictedby-parent-child-separation-is-deep-long-lasting</a>	39
Ariel Love, <i>A Room of One’s Own: Safe Placement for Transgender Youth in Foster Care</i> , 89 N.Y.U. L. Rev. 2265 (Dec. 2014).	42

Brett Greenfield, et al., <i>Exploring State Level Factors Associated with Short-Stays in Child Welfare: The Role of Systemic Risk and Surveillance</i> , Child Maltreatment 1 (2022).	20
Brittany Bartkowiak, <i>The fine line between saving kids from trauma and making things worse</i> , Mich. Radio, Feb. 27, 2015, available at.....	25
C. Puzzanchera, et al., <i>Disproportionality Rates for Children of Color in Foster Care Dashboard</i> , National Council of Juvenile and Family Court Judges (2022), available at .....	33
<i>Central Registry Reform</i> , Tex. Pub. Pol’y Found. (Sept. 24, 2020), available at <a href="https://www.texaspolicy.com/legeregistryreform/">https://www.texaspolicy.com/legeregistryreform/</a> .....	36
Charissa Huntzinger, <i>Removing children from their parents doesn’t just happen at the border</i> , The Hill (July 2, 2019).....	35
Charlotte Baughman, et al., <i>The Surveillance Tentacles of the Child Welfare System</i> , 11 Colum. J. Race & L. 501 (2021).	20, 24, 31
Children’s Bureau, Admin. for Children & Families, U.S. Dep’t of Health & Human Services, IM-21-02, <i>Civil Legal Advocacy to Promote Child and Family Well-Being, Address the Social Determinants of Health, and Enhance Community Resilience</i> , (Jan. 12, 2021), <a href="https://www.acf.hhs.gov/sites/default/files/documents/cb/im2102.pdf">https://www.acf.hhs.gov/sites/default/files/documents/cb/im2102.pdf</a> .....	34
Children’s Bureau, Admin. for Children and Families, U.S. Dep’t of Health and Human Services, <i>Background Checks for Prospective Foster, Adoptive, and Kinship Caregivers</i> , (2019), available at <a href="https://www.childwelfare.gov/resources/background-checks-prospective-foster-adoptive-and-kinship-caregivers/">https://www.childwelfare.gov/resources/background-checks-prospective-foster-adoptive-and-kinship-caregivers/</a> .....	37
Children’s Bureau, Admin. for Children and Families, U.S. Dep’t of Health and Human Services, <i>Entries Dashboard FFY 2023: Texas</i> , <a href="https://tableaupublic.acf.gov/views/afcars_dashboard_entries/circumstances?%3Aembed=y&amp;%3AisGuestRedirectFromVizportal=y">https://tableaupublic.acf.gov/views/afcars_dashboard_entries/circumstances?%3Aembed=y&amp;%3AisGuestRedirectFromVizportal=y</a> .....	34
Clare R. McNellan, et. al, <i>The evidence base for risk assessment tools used in U.S. child protection investigations: A systematic scoping review</i> , 134 Child Abuse & Neglect (Dec. 2022), <a href="https://www.sciencedirect.com/science/article/abs/pii/S0145213422004215">https://www.sciencedirect.com/science/article/abs/pii/S0145213422004215</a> .	28
Colleen Henry, et al., <i>The Collateral Consequences of State Central Registries: Child Protection and Barriers to Employment for Low-Income Women and Women of Color</i> , 64 Soc. Work 373 (2019).....	37, 38
Cong. Rsch. Serv., <i>Child Welfare: Purposes, Federal Programs, and Funding</i> (May 19, 2025), <a href="https://www.congress.gov/crs-product/IF10590">https://www.congress.gov/crs-product/IF10590</a> .....	38
Danielle Meitiv, <i>When letting your kids out of your sight becomes a crime</i> , The Washington Post (Feb. 13, 2015) <a href="https://www.washingtonpost.com/opinions/raising-children-on-fear/2015/02/13/9d9db67e-b2e7-11e4-827f-93f454140e2b_story.html">https://www.washingtonpost.com/opinions/raising-children-on-fear/2015/02/13/9d9db67e-b2e7-11e4-827f-93f454140e2b_story.html</a> .....	25
Darcey H. Merritt, <i>Lived Experiences of Racism Among Child Welfare-Involved Parents</i> , 13 Race & Soc. Probs. 63 (2021).	22, 27

Dorothy E. Roberts, <i>Child Protection as Surveillance of African American Families</i> , 36 J. Soc. Welfare & Fam. L. 426 (2014).	39
Emma Ruth, <i>Regulating Families: How the Family Policing System Devastates Black, Indigenous, and Latinx Families and Upholds White Supremacy</i> (2022), UpEND Movement, 3-4, <a href="https://upendmovement.org/wpcontent/uploads/2022/06/upEND-Regulation.pdf">https://upendmovement.org/wpcontent/uploads/2022/06/upEND-Regulation.pdf</a> .	32
Frank Edwards, et al, <i>Contact with Child Protective Services is pervasive but unequally distributed by race and ethnicity in large US counties</i> , 118 PNAS (2021), available at <a href="https://www.pnas.org/doi/10.1073/pnas.2106272118">https://www.pnas.org/doi/10.1073/pnas.2106272118</a> .	27
Human Rights Campaign, FosterClub, <i>LGBTQ Youth in the Foster Care System</i> , <a href="https://hrc-prod-requests.s3-us-west-2.amazonaws.com/files/assets/resources/HRC-YouthFosterCare-IssueBrief-FINAL.pdf">https://hrc-prod-requests.s3-us-west-2.amazonaws.com/files/assets/resources/HRC-YouthFosterCare-IssueBrief-FINAL.pdf</a> .	42
Human Rights Watch, <i>“They’re Ruining People’s Lives:” Bans on Gender-Affirming Care for Transgender Youth in the U.S.</i> (June 3, 2025), <a href="https://www.hrw.org/report/2025/06/03/theyre-ruining-peoples-lives/bans-gender-affirming-care-transgender-youth-us">https://www.hrw.org/report/2025/06/03/theyre-ruining-peoples-lives/bans-gender-affirming-care-transgender-youth-us</a> .	18
Jaclyn M. White Hughto, et al., <i>Transgender Stigma &amp; Health: A Critical Review of Stigma Determinants, Mechanisms, and Interventions</i> , 147 Soc. Science & Med. 222 (2015).	19
Jerry Milner and David Kelly, <i>It’s Time to Stop Confusing Poverty with Neglect</i> , The Imprint (Jan. 17, 2020).	35
Kedryn Berrian, et al., <i>Barriers to quality healthcare among transgender and gender nonconforming adults</i> , 60:1 Health Serv. Rsch. (Feb. 2025), <a href="https://doi.org/10.1111/1475-6773.14362">https://doi.org/10.1111/1475-6773.14362</a> .	19
Kelley Fong, <i>Concealment and Constraint: Child Protective Services Fears and Poor Mothers’ Institutional Engagement</i> , 97 Social Forces 1785 (2018).	17, 20, 21
Kimberly Howard, et al., <i>Early Mother-Child Separation, Parenting, &amp; Child Well Being in Early Head Start Families</i> , 13 Attachment & Hum. Dev. 5 (2011).	39
Kristine A. Campbell, et al., <i>Household, Family, and Child Risk Factors After an Investigation for Suspected Child Maltreatment</i> , 164 Archives Pediatrics & Adolescent Med. 943 (2010).	26
Lisa Simons, et al., <i>Parental Support and Mental Health Among Transgender Adolescents</i> , 53 J Adolescent Health 791 (2013).	43
Margaret Thomas et. al, <i>Inequities in CPS Contact Between Black and White Children</i> , 28 Child Maltreat 42, <a href="https://pmc.ncbi.nlm.nih.gov/articles/PMC9325927/">https://pmc.ncbi.nlm.nih.gov/articles/PMC9325927/</a> .	32
Michal Raz, <i>Calling Child Protective Services is a Form of Community Policing that Should be Used Appropriately: Time to Engage Mandatory Reporters as to the Harmful Effects of Unnecessary Reports</i> , 110 Child. & Youth Servs. Rev. 1 (2020).	24

Miriam Mack, <i>The White Supremacy Hydra: How the Family First Prevention Services Act Reifies Pathology, Control, and Punishment in the Family Regulation System</i> , 11 Colum. J. Race & L. 767, 799 (2021).....	27
Modupeola Diyaolu et al., <i>Black Children Are Disproportionately Identified as Victims of Child Abuse: A National Trauma Data Bank Study</i> , 147 Pediatrics 929, 929 (2021) .....	32
Najdowski & Bernstein, <i>Race, Social Class, and Child Abuse: Content and Strength of Medical Professionals’ Stereotypes</i> , 86 Child Abuse & Neglect 217 (2018);.....	32
Natalie Cort et al., <i>Investigating Health Disparities and Disproportionality in Child Maltreatment Reporting: 2002-2006</i> , 16 J. Pub. Health Mgmt. & Prac. 329, 330- 31 (2010).....	32
Native Child Advocacy Resource Center, <i>Practice Brief 3: Tribal Children and Forced Assimilation</i> , (September 1, 2022) <a href="https://nativecac.org/pb3/">https://nativecac.org/pb3/</a> . ....	32
Rebecca Klein & Caroline Preston, <i>When schools use child protective services as a weapon</i> , The Hechinger Report (Nov. 17, 2018), <a href="https://hechingerreport.org/when-schools-use-child-protective-services-as-a-weapon-against-parents/">https://hechingerreport.org/when-schools-use-child-protective-services-as-a-weapon-against-parents/</a> .....	21
Regan Foust et. al., <i>Child protection involvement among homeless families</i> , 15 J. of Pub. Child Welfare 518 (2019). ....	35
Roxanna Asgarian, <i>America's Foster Care System Is a Dangerous Place for Trans Teens. Now They're Fighting for Change</i> , Time (Dec. 7, 2021), available at <a href="https://time.com/6124930/oregon-foster-care-trans-youth-lawsuit">https://time.com/6124930/oregon-foster-care-trans-youth-lawsuit</a> . ....	42
Sara Goudarzi, <i>Separating Families May Cause Lifelong Health Damage</i> , Scientific American (June 20, 2018), available at <a href="https://www.scientificamerican.com/article/separating-families-may-cause-lifelong-health-damage/">https://www.scientificamerican.com/article/separating-families-may-cause-lifelong-health-damage/</a> .....	40
Shanta Trivedi, <i>The Harm of Child Removal</i> , 43 N.Y.U. Rev. of Law and Soc. Change 523 (2019). ....	39
Stephen A. Kapp & Jennifer Propp, <i>Client Satisfaction Methods: Input from Parents with Children in Foster Care</i> , 19 Child & Adolescent Soc. Work J. 227 (2002). ....	22, 26
Tex. Dep’t Fam. & Protective Servs., Operating Budget for Fiscal Year 2024 (Dec. 1, 2023), available at <a href="https://www.dfps.texas.gov/About_DFPS/Budget_and_Finance/default.asp">https://www.dfps.texas.gov/About_DFPS/Budget_and_Finance/default.asp</a> (last visited July 23, 2025) .....	38
Tex. Dep’t Fam. & Protective Servs., <i>Risk Assessment Resource Guide</i> ,10 (2025), available at <a href="https://www.dfps.texas.gov/handbooks/CPS/Resource_Guides/Risk_Assessment_Resource_Guide.pdf">https://www.dfps.texas.gov/handbooks/CPS/Resource_Guides/Risk_Assessment_Resource_Guide.pdf</a> (last visited July 25, 2025). ....	30
Tex. Dep’t Fam. & Protective Servs., <i>Safety Assessment Resource Guide</i> , 4 (2024), available at <a href="https://www.dfps.texas.gov/handbooks/CPS/Resource_Guides/Safety_Assessment_Resource_Guide.pdf">https://www.dfps.texas.gov/handbooks/CPS/Resource_Guides/Safety_Assessment_Resource_Guide.pdf</a> .....	28
Tex. Dep’t of Fam. & Protective Serv, <i>Child Protective Investigations (CPI)</i> , <a href="https://www.dfps.texas.gov/Investigations/default.asp">https://www.dfps.texas.gov/Investigations/default.asp</a> (last visited July 24, 2025)16	
Tex. Dep’t of Fam. & Protective Servs., <i>Background Checks Handbook, Appendix 1: Abuse, Neglect, and Exploitation History Bars for DFPS Employees, Prospective Employees,</i>	

<i>Volunteers, and Interns, Non-DFPS Staff, and CASA Employees, Volunteers, and Board Members</i> (Dec. 2022), available at <a href="https://www.dfps.texas.gov/handbooks/Background_Checks/Files/BC_px_1.asp">https://www.dfps.texas.gov/handbooks/Background_Checks/Files/BC_px_1.asp</a> .....	24
Tex. Op. Attny’ Gen. No. KP-0401 (Feb. 18, 2022) .....	18
Texas Care for Children, <i>Racial Justice Requires Improvements to the Texas CPS System</i> (Sept. 14, 2020) .....	33
Trevor Project, <i>LGBTQ Youth with a History of Foster Care</i> , (May 12, 2021), available at <a href="https://www.thetrevorproject.org/research-briefs/lgbtq-youth-with-a-history-of-foster-care-2/">https://www.thetrevorproject.org/research-briefs/lgbtq-youth-with-a-history-of-foster-care-2/</a> .....	43
U.S. Dep’t of Health and Human Services, <i>Protecting the Rights of Parents and Prospective Parents with Disabilities</i> (2015), available at <a href="https://www.ada.gov/doj_hhs_ta/child_welfare_ta.html">https://www.ada.gov/doj_hhs_ta/child_welfare_ta.html</a> .....	33
U.S. Dept. of Health & Human Services, <i>Agreement between United States Dep’t of Justice, Dep’t of Health and Human Services, and Massachusetts Department of Children and Families</i> (2020), <a href="https://archive.ada.gov/mass_dcf_sa.pdf">https://archive.ada.gov/mass_dcf_sa.pdf</a> .....	34
U.S. Dept. of Health & Human Services, <i>Voluntary Resolution Agreement</i> , U.S. Dept. of Health & Human Services Office for Civil Rights and Oregon Dept. of Human Services (2019) <a href="https://www.hhs.gov/sites/default/files/odhs-vra.pdf">https://www.hhs.gov/sites/default/files/odhs-vra.pdf</a> .....	34
Vivek S. Sankaran & Christopher Church, <i>Easy Come, Easy Go: The Plight of Children who Spend Less Than Thirty Days in Foster Care</i> , 19.3 Univ. of Pa. J. of L. and Soc. Change 207 (2017). .....	39
Vivek Sankaran, et al., <i>A Cure Worse than the Disease? The Impact of Removal on Children and their Families</i> , 102 Marq. L. Rev. 1163 (2019). .....	39, 40



## **STATEMENT OF INTEREST OF AMICI CURIAE**

National Center for Youth Law (“NCYL”) is a private, non-profit law firm that uses the law to help children achieve their potential by transforming the public agencies that serve them. For over 50 years, NCYL has worked to protect the rights of children and ensure that they have the resources, support, and opportunities they need to live safely with their families in their communities and that public agencies promote their safety and well-being. NCYL has extensive experience litigating to enforce the rights of young people—including those who identify as lesbian, gay, bisexual, transgender, queer, and other identities across the gender and sexuality identity spectrum (hereinafter “LGBTQ+”)—to health care, to connections to their families and communities, and to reduce reliance on traumatic family separation.

The Texas Civil Rights Project (“TCRP”) is a non-profit organization made up of Texas lawyers and advocates who strive to protect and promote the civil rights of all Texans. For more than thirty years, TCRP has sought to advance the rights of the state’s most vulnerable populations through advocacy in and out of the courtroom. Civil investigations into families through the child welfare system can lead to criminal investigations and consequences, and separating families unnecessarily can lead to the criminalization of traumatized youth. TCRP is specially focused on addressing civil rights issues related to the weaponization of police and the criminal legal system against marginalized populations, including transgender and non-binary Texans. TCRP

believes that transgender and non-binary youth have a right to exist and a right to access medically necessary care, including gender-affirming care, without the threat of unfounded civil or criminal investigations into their caretakers.

Equal Rights Advocates (ERA) is a California-based national civil rights advocacy organization dedicated to protecting and expanding economic and educational access and opportunities for women, girls, and people of all marginalized genders. Since its founding in 1974, ERA has led efforts to combat sex-based and other forms of discrimination by litigating high-impact cases, engaging in policy reform and legislative advocacy campaigns, conducting community education and outreach, and providing free legal assistance to individuals experiencing unfair treatment at work and in school through its national Advice & Counseling program. ERA has filed hundreds of suits and appeared as *amicus curiae* in numerous cases to defend and enforce civil rights in state and federal courts, including the United States Supreme Court. ERA firmly believes that transgender youth deserve to be supported in existing as their full selves, and that families have the right to access necessary medical services, including gender affirming care on behalf of their children without the risk of state harm.

Juvenile Law Center fights for rights, dignity, equity, and opportunity for youth. Juvenile Law Center works to reduce the harm of the child welfare and justice systems, limit their reach, and ultimately abolish them so all young people can thrive. Founded in 1975, Juvenile Law Center is the first non-profit public interest law firm for children in the country. Juvenile Law Center's legal and policy agenda is informed by—and often

conducted in collaboration with—youth, family members, and grassroots partners. Since its founding, Juvenile Law Center has filed influential amicus briefs in state and federal courts across the country to ensure that laws, policies, and practices affecting youth advance racial and economic equity and are consistent with children’s unique developmental characteristics and human dignity.

For over fifty years, Public Counsel has worked with communities and clients to create a more just society through legal services, advocacy, and civil rights litigation. Public Counsel is committed to removing legal barriers for children, youth, families, and communities of color that are most impacted by racism and economic injustice. In its work with children and families, it sees how the long reach of the child welfare system separates children, both formally and informally, from their families, communities, and culture—creating trauma that reverberates through generations.

The Women’s Law Project (WLP) is a non-profit legal advocacy organization that seeks to advance the rights of women, girls, and LGBTQ+ people in Pennsylvania and beyond. Founded in 1974, the WLP engages in impact litigation, direct legal assistance and representation, public policy advocacy, and community education. WLP fights policies and practices that entrench sex-based stereotypes, including discrimination against transgender and non-binary people. WLP also fights expanding definitions of child abuse that harm women and gender diverse people.

Foster Care Advocacy Center (“FCAC”) is located in Harris County and is the only multidisciplinary nonprofit law office in Texas devoted to child welfare law. FCAC

takes appointments from courts to represent children and parents in state child welfare proceedings and ancillary litigation, such as special education litigation and Medicaid appeals. FCAC staff are considered experts in “complex” child welfare cases, such as cases involving child fatalities, parents or children with intellectual disabilities, parents or children with serious mental illness, medically fragile children, dual-status youth, youth aging out of care, pregnant or parenting youth, or transgender youth. FCAC represents approximately 400 clients per year involving children both in the Temporary Managing Conservatorship and the Permanent Managing Conservatorship of the Texas Department of Family and Protective Services.

## INTRODUCTION

In February 2022, Governor Abbott attempted to circumvent the political process and issued a “directive” that instructed the Texas Department of Family and Protective Services (DFPS) to investigate the families of children who seek medical care for their children’s gender dysphoria. In his directive, Governor Abbott stated that Texas law required “all licensed professionals who have direct contact with children” and “members of the general public” to report children receiving gender-affirming care to DFPS for investigation of their families. Attorney General Ken Paxton also issued an opinion stating that medical treatment of a young person’s gender dysphoria could constitute “child abuse.” Accordingly, DFPS has complied with the opinion of the Attorney General and the directive of the Governor by investigating reports of families supporting their children with medical care as child abuse.

Since its implementation, DFPS’s rule has already led to investigations of families in Texas who have supported their children by following medical advice and allowing them access to medically necessary care, including mental healthcare and other forms of supportive, gender-affirming medical care. It has devastated and terrified parents in Texas, who have been told by the highest officials of the state that if they seek medically necessary treatment for their children, the state might take away their children. These actions by the State’s highest officials are a direct attack on family autonomy: Governor Abbott’s directive allows the government to punish loving parents and intrude on their personal lives just for listening to their child, consulting trusted medical experts, and

ensuring their child receives needed care. To protect the rights of Texas families to support their children, and the right of transgender Texas youth to exist, Respondents brought this action.

*Amici* submit this brief to highlight the many ways in which child welfare investigations can harm families, even when child welfare staff determine that abuse or neglect has not occurred and cases are closed. These harms include fear, stigma, and reduced access to supportive and even life-saving services; economic losses; trauma; and an increased likelihood that children will be removed from their families in the future.

## ARGUMENT

### I. DFPS INVESTIGATIONS CAUSE HARM TO TEXAS FAMILIES, EVEN WHEN ABUSE IS “RULED OUT.”

Almost three out of four child welfare investigations in Texas results in a disposition of “Ruled Out,” which means that DFPS staff determine that is it reasonable to conclude that abuse or neglect did not occur.<sup>1</sup> However, even an

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<sup>1</sup> Tex. Dep’t Fam. & Protective Servs., *Number of Completed Investigations by Disposition and Closure Action by State/Region/Stage County* (July 2025), available at [https://databook.dfps.texas.gov/views/cps\\_inv\\_03\\_dfps/monthlystatesummary?%3AshowAppBanner=false&%3Adisplay\\_count=n&%3AshowVizHome=n&%3Aorigin=viz\\_share\\_link&%3AisGuestRedirectFromVizportal=y&%3Aembed=y](https://databook.dfps.texas.gov/views/cps_inv_03_dfps/monthlystatesummary?%3AshowAppBanner=false&%3Adisplay_count=n&%3AshowVizHome=n&%3Aorigin=viz_share_link&%3AisGuestRedirectFromVizportal=y&%3Aembed=y). If DFPS workers believe that, based on a preponderance of the evidence, abuse or neglect has occurred, they will make a disposition of “Reason to Believe.” This disposition is made without any court ruling. DFPS staff can also make dispositions of “Unable to Determine” or “Administrative Closure.” For description of dispositions, *see* Texas Dep’t of Fam. & Protective Serv., *Child Protective Investigations (CPI)*, <https://www.dfps.texas.gov/Investigations/default.asp> (last visited July 24, 2025).

investigation that is “Ruled Out” can cause substantial harm to families.<sup>2</sup> Investigations can lead to serious economic costs, causing parents to lose jobs and even housing. Children and families can experience trauma from the invasive and destabilizing investigation process. And every investigation, even one that finds no abuse or neglect, creates a greater likelihood that a child will be removed from their family in the future.<sup>3</sup> Further, parents’ fear that they will be reported by service providers and investigated by DFPS incentivizes them to avoid accessing the services required to support their children. Similarly, youth are deterred from seeking the healthcare that they need, including mental healthcare.

Directing DFPS to investigate families simply for following medical advice and allowing their children access to medically necessary gender-affirming care will not protect children from harm. Instead, it will lead to more youth and families grappling with the serious consequences of child welfare investigations and fewer youth and families accessing the resources that they need.

**A. Fear and Stigma of Child Welfare Contact has Costs for Families and Youth.**

Fear of child welfare contact can lead parents and youth to avoid seeking services, including medical care, mental healthcare, and social service programs. Instead of protecting the well-being of children, DFPS’s rule discourages youth and families

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<sup>2</sup> See also Kelley Fong, *Getting Eyes in the Home: Child Protective Services Investigations and State Surveillance of Family Life*, 85 Am. Socio. Rev. 610 (2020).

<sup>3</sup> See *infra* Section II.D.

from seeking the help that they may need.<sup>4</sup> Most obviously, the DFPS rule discourages transgender youth from obtaining medical and mental healthcare and their families from supporting them in doing so. DFPS's rule defines certain types of gender-affirming care as "child abuse," and healthcare professionals are required by Texas law to report suspected child abuse or neglect to the state.<sup>5</sup> As a result, transgender youth and their families in Texas may fear that any healthcare they seek, including mental healthcare, could lead to an investigation of their family for child abuse.<sup>6</sup> These fears are justified: youth who have sought necessary psychiatric care have already been reported to DFPS because of DFPS's rule.<sup>7</sup>

The harm of disincentivizing access to mental healthcare is enormous because it is so vital to the well-being of all young people, but especially transgender young people. Transgender youth face significant stigma and discrimination, which, for some, may

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<sup>4</sup> Kelley Fong, *Concealment and Constraint: Child Protective Services Fears and Poor Mothers' Institutional Engagement*, 97 Social Forces 1785, 1794, 1797 (2018).

<sup>5</sup> See *infra* Section II.A. Under state and federal law, professionals such as social workers, teachers, and child care providers are required to report suspected child abuse or neglect to authorities. Tex. Fam. Code Ann § 261.101(b); 34 U.S.C.A. § 20341. In Texas, any person who suspects child abuse or neglect is required to report it. Tex. Fam. Code Ann § 261.101(a) (West 2015). Attorney General Paxton's opinion letter makes clear that anyone who suspects a child may be receiving gender-affirming medical care should report their family for child abuse. Tex. Op. Att'y Gen. No. KP-0401 (Feb. 18, 2022).

<sup>6</sup> Human Rights Watch, *"They're Ruining People's Lives:" Bans on Gender-Affirming Care for Transgender Youth in the U.S.* (June 3, 2025), <https://www.hrw.org/report/2025/06/03/theyre-ruining-peoples-lives/bans-gender-affirming-care-transgender-youth-us> ("Parents said they feared routine medical appointments could trigger investigations for child abuse. Some families reported avoiding healthcare interactions altogether to protect their children, whose identity as trans, if disclosed, could trigger child abuse investigations.")

<sup>7</sup> Declaration of Mirabel Voe, *PFLAG v. Abbott*, D-1-GN-22-002569, ¶¶ 23, 25 (Tex. Dist. Ct., Travis Cnty., filed June 8, 2022).



impact their mental health and even lead to self-harm or suicide. Compared to youth who are not transgender, transgender youth have a two- to three-fold risk of depression, anxiety disorders, and self-harm,<sup>8</sup> are more than twice as likely to experience suicidal ideation, and three times as likely to attempt suicide.<sup>9</sup> Mental healthcare provides life-saving support that helps young people lead healthy lives and thrive within their families and communities. Even before this rule, transgender youth already faced obstacles to, and had limited access to, mental healthcare.<sup>10</sup> With the added threat of being reported to DFPS, youth and families may not have access to necessary mental healthcare at all.<sup>11</sup>

The risk of DFPS contact may lead Texas families to avoid seeking other needed services as well. Because parents are aware that assistance programs and social services are often accompanied by increased government access to their homes and personal information, as well as mandatory reporting requirements,<sup>12</sup> they rightly fear that contact with social services could lead to a child welfare investigation. This extensive

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<sup>8</sup> See Jaclyn M. White Hughto, et al., *Transgender Stigma & Health: A Critical Review of Stigma Determinants, Mechanisms, and Interventions*, 147 Soc. Science & Med. 222, 226 (2015).

<sup>9</sup> Sari Reisner, et al., *Mental health of transgender youth in case at an adolescent urban community health center: A matched retrospective cohort study*, 56 J. Adolescent Health 274 (Jan. 2015); *Id.*

<sup>10</sup> See Kedryn Berrian, et al., *Barriers to quality healthcare among transgender and gender nonconforming adults*, 60:1 Health Serv. Rsch. (Feb. 2025), <https://doi.org/10.1111/1475-6773.14362>.

<sup>11</sup> 50% of LGBTQ youth reported they wanted counseling from a mental health professional but were unable to receive it in the past year. Trevor Project, *National Survey on LGBTQ Youth Mental Health 2024*, (2024), available at <https://www.thetrevorproject.org/survey-2024/> (last visited July 23, 2025).

<sup>12</sup> See *infra* Section II.A. Under state and federal law, professionals such as social workers, teachers, and child care providers are required to report suspected child abuse or neglect to authorities. Tex. Fam. Code Ann § 261.101(b), *supra* note 2. In Texas, any person who suspects child abuse or neglect is required to report it. Tex. Fam. Code Ann § 261.101(a), *supra* note 2.

and intrusive government monitoring and regulating of families is known in child welfare literature as “surveillance.”<sup>13</sup> Parents who have never harmed or neglected their children, but have supported them in obtaining gender-affirming care, fear that the increased surveillance created when they access social services will lead to investigation or family separation.<sup>14</sup> Even parents of transgender youth who have not sought any gender-affirming health care have reason to fear surveillance, as such parents have already been investigated by DFPS and their children’s teachers have been contacted in a search for evidence of abuse.<sup>15</sup> Denial or avoidance of social services because of fears of child welfare contact is widespread; in one study, one in six respondents declined services available to them because of concerns about child welfare reporting and surveillance.<sup>16</sup> Parents who have been investigated by child welfare agencies report reluctance to seek support from assistance programs that they previously relied on, out of fear of further child welfare contact.<sup>17</sup> Similarly, after schools make reports alleging abuse and neglect, parents report becoming less involved in their children’s education.<sup>18</sup>

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<sup>13</sup> See, e.g., Fong, *supra* note 2; Brett Greenfield, et al., *Exploring State Level Factors Associated with Short-Stays in Child Welfare: The Role of Systemic Risk and Surveillance*, Child Maltreatment 1 (2022); Charlotte Baughman, et al., *The Surveillance Tentacles of the Child Welfare System*, 11 Colum. J. Race & L. 501 (2021).

<sup>14</sup> Fong, *supra* note 4.

<sup>15</sup> Declaration of Samantha Poe, *PFLAG v. Abbott*, D-1-GN-22-002569, ¶ 13 (Tex. Dist. Ct., Travis Cnty., filed June 8, 2022)

<sup>16</sup> Fong, *supra* note 4 at 1793.

<sup>17</sup> Fong, *supra* note 2, at 628.

<sup>18</sup> See Rebecca Klein & Caroline Preston, *When schools use child protective services as a weapon*, The Hechinger Report (Nov. 17, 2018), <https://hechingerreport.org/when-schools-use-child-protective-services-as-a-weapon-against-parents/>.

Fear of a child welfare investigation also affects youth themselves, and pushes them to avoid services and programs that all young people need—from primary healthcare to education to social activities. DFPS has interviewed transgender youth at school to investigate their parents; in order to avoid DFPS attention, some young people have decided to stop attending school in-person or to change the way they dress at school.<sup>19</sup>

The threat of child welfare investigations pushes transgender youth and their families away from services that could provide them with stability and support—contrary to the goal of child welfare systems to keep children safe. Parents who have done nothing more than try to support and affirm their child’s gender identity are targeted unfairly and face the devastating consequences of child welfare involvement. This rule drives transgender youth and their families away from the services they need and out of public life; it has driven some families to leave the state entirely due to concern for their children’s safety.<sup>20</sup>

Child welfare investigations also carry significant stigma for families. Parents who have contact with the child welfare system express feeling stigmatized as “abusers”

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<sup>19</sup> Declaration of Tommy Roe, *PFLAG v. Abbott*, D-1-GN-22-002569 ¶ 39 (Tex. Dist. Ct., Travis Cnty., filed June 8, 2022); Declaration of Samantha Poe, *supra* note 14 ¶ 22.

<sup>20</sup> *E.g.* Madeline Carlisle, *As Texas Targets Trans Youth, A Family Leaves in Search of a Better Future*, Time (July 14, 2022), <https://time.com/6196617/trans-kids-texas-leave/>.

or “bad parent[s]”<sup>21</sup> and shamed within their communities for having open child welfare cases. Parents report feeling perceived as not capable of providing their children with what they deserve.<sup>22</sup> Further, laws and policies that target groups based on their identities for DFPS investigation inevitably increase stigma against those groups, and encourage others to target them and direct animosity, harassment, or even violence against them. Stigma is a significant contributor to the high rates of suicide attempts among transgender youth; in comparison, youth whose communities affirm their gender identity report lower rates of suicide attempts.<sup>23</sup> By increasing stigma against transgender youth and discouraging them from reaching out for help due to fear of triggering a DFPS investigation into their families, DFPS will intensify the harm transgender youth face rather than protect them from harm. By discouraging youth from seeking gender-affirming care and other supports and by punishing them by investigating and potentially removing them from their families if they do, this rule risks pushing youth toward isolation, mental illness, and even suicide.

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<sup>21</sup> Stephen A. Kapp & Jennifer Propp, *Client Satisfaction Methods: Input from Parents with Children in Foster Care*, 19 Child & Adolescent Soc. Work J. 227, 236 (2002).

<sup>22</sup> Darcey H. Merritt, *Lived Experiences of Racism Among Child Welfare-Involved Parents*, 13 Race & Soc. Probs. 63, 67 (2021).

<sup>23</sup> Transgender youth reported lower rates of suicide attempts when their pronouns were respected by the people they lived with and they were allowed to change their names and/or gender markers on legal documents; LGBTQ youth reported lower rates of suicide when they had access to a space that affirmed their gender or sexual identity. Being subjected to conversion therapy more than doubled the likelihood of suicide attempts by LGBTQ youth. *National Survey on LGBTQ Youth Mental Health 2021*, *supra* note 11.

## **B. Investigations Harm Families Financially.**

Although a child welfare investigation does not always result in the state removing children from their families, it can still be deeply destabilizing to parents and children—including their finances. The time that is required of parents to meet with DFPS investigators and submit to other aspects of investigation, such as home inspections, can interfere with parents' work schedules. Parents report that taking time off from work to meet with child welfare investigators—frequently meeting with them repeatedly during the course of an investigation—has led to loss of income and even loss of jobs.<sup>24</sup> Further, even an investigation that does not result in a finding of abuse or neglect can affect parents' ability to find employment. These investigations may show up on background checks for employment and would show up and be considered in a background check for a job working with children, the elderly, and other populations often served by DFPS.<sup>25</sup>

Loss of jobs and income can lead to loss of housing and further instability, ultimately leading to harm to children that would not have occurred absent a (likely

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<sup>24</sup> See Baughman, *supra* note 13 at 527; see also Michal Raz, *Calling Child Protective Services is a Form of Community Policing that Should be Used Appropriately: Time to Engage Mandatory Reporters as to the Harmful Effects of Unnecessary Reports*, 110 Child. & Youth Servs. Rev. 1, 2 (2020); Rachel Blustain & Nora McCarthy, *The Harmful Effects of New York City's Over-Surveillance*, Imprint (Oct. 21, 2019), available at <https://imprintnews.org/child-welfare-2/the-harmful-effects-of-over-surveillance/38441>.

<sup>25</sup> Tex. Dep't of Fam. and Protective Servs., *Background Checks Handbook, Appendix 1: Abuse, Neglect, and Exploitation History Bars for DFPS Employees, Prospective Employees, Volunteers, and Interns, Non-DFPS Staff, and CASA Employees, Volunteers, and Board Members* (Dec. 2022), available at [https://www.dfps.texas.gov/handbooks/Background Checks/Files/BC\\_px 1.asp](https://www.dfps.texas.gov/handbooks/Background Checks/Files/BC_px 1.asp).

unsubstantiated) child welfare investigation. Families have also reported losing housing because of the stigma of contact with child welfare authorities.<sup>26</sup> Instead of protecting children, these investigations unduly stress families and cost them money, jobs, and security.

### **C. Investigations Traumatize Children and Families.**

Far from being neutral fact-finding missions, investigations are traumatizing for both parents and children, destabilizing the relationships within their families. Investigatory interviews are frequently traumatizing for children and can by themselves damage a child's wellbeing.<sup>27</sup> They can involve investigators showing up at schools and homes unannounced, separating children from their parents and other supportive adults during interviews, and asking children very personal questions that may have nothing to do with the allegations at hand.<sup>28</sup> They may involve requesting children's private medical records<sup>29</sup> or conducting potentially invasive medical examinations.<sup>30</sup> Investigations are frequently unexpected and confusing, especially for younger

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<sup>26</sup> See Baughman, *supra* note 13, at 527.

<sup>27</sup> Blustain, *supra* note 24; Danielle Meitiv, *When letting your kids out of your sight becomes a crime*, The Washington Post (Feb. 13, 2015) [https://www.washingtonpost.com/opinions/raising-children-on-fear/2015/02/13/9d9db67e-b2e7-11e4-827f-93f454140e2b\\_story.html](https://www.washingtonpost.com/opinions/raising-children-on-fear/2015/02/13/9d9db67e-b2e7-11e4-827f-93f454140e2b_story.html).

<sup>28</sup> Declaration of Tommy Roe, *supra* note 19, ¶ 29.

<sup>29</sup> Declaration of Mirabel Voe, *supra* note 7, ¶ 30.

<sup>30</sup> Texas law allows DFPS to request a child's medical, psychological, or psychiatric records and to request a medical, psychological, or psychiatric examination of a child who is the subject of a DFPS investigation. If the child's parent does not consent to the release of such records or to an examination, DFPS can seek a court order for records/examination. Tex. Fam. Code Ann § 261.303 (West 2015).

children.<sup>31</sup> Children report that they are “shocked and confused” by investigations and that they leave them feeling that their privacy and homes have been violated.<sup>32</sup> As a result of these investigations, children may no longer trust the adults who may have reported their families to child welfare services, affecting their willingness and ability to attend school or social activities.<sup>33</sup>

Child welfare investigations are also traumatizing to parents. Parents who face child welfare investigations and involvement report acute anxiety and feelings of helplessness as a result.<sup>34</sup> Parents investigated by child welfare agencies report more depressive symptoms than their non-investigated peers, regardless of whether the agency substantiated allegations of abuse or neglect against the family.<sup>35</sup> Even when investigators are confident that children will not be removed from their families, investigations heighten anxiety in parents and children.<sup>36</sup>

Investigations can also impact the relationships between parents and children, ultimately affecting the mental and emotional health of the entire family. Children

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<sup>31</sup> Brittany Bartkowiak, *The fine line between saving kids from trauma and making things worse*, Mich. Radio (Feb. 27, 2015) <https://stateofopportunity.michiganradio.org/families-community/2015-02-27/the-fine-line-between-saving-kids-from-trauma-and-making-things-worse>.

<sup>32</sup> Declaration of Tommy Roe, *supra* note 19 ¶ 36.

<sup>33</sup> Klein, *supra* note 18 (describing students who transferred schools due to “feeling uncomfortable and mistrustful” of the adults at their previous schools who reported their parents to CPS).

<sup>34</sup> Blustain, *supra* note 24; Kapp, *supra* note 21, at 237.

<sup>35</sup> Kristine A. Campbell, et al., *Household, Family, and Child Risk Factors After an Investigation for Suspected Child Maltreatment*, 164 Archives Pediatrics & Adolescent Med. 943, 946 (2010).

<sup>36</sup> Fong, *supra* note 2, at 627.

whose families are investigated by child welfare systems may feel uncertain about their parents' role as authority figures and protectors.<sup>37</sup> Child welfare system involvement also places such stress on families that it can exasperate tensions and compound trauma of past system involvement, eroding feelings of safety and security in the home.<sup>38</sup> This is especially concerning for Black families, who face higher rates of child welfare agency surveillance than most other groups.<sup>39</sup> Thus, Governor Abbott's directive will likely disproportionately impact Black transgender youth. Investigations into otherwise safe, stable families who are seeking to support their transgender children will only lead to stress and trauma to children and parents and damage to the parent-child relationship.

#### **D. Each Investigation Heightens the Risk of Further Harm.**

As if each of the harms that child welfare investigations cause were not enough, each investigation can actually increase the likelihood that a family is investigated again or that children will be removed from the home in the future. Due in part to assessment instruments used to determine a family's "risk" level,<sup>40</sup> past contact with child welfare

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<sup>37</sup> Miriam Mack, *The White Supremacy Hydra: How the Family First Prevention Services Act Reifies Pathology, Control, and Punishment in the Family Regulation System*, 11 Colum. J. Race & L. 767, 799 (2021) ("Implicit in the family regulation system intervention is the government's signal to children that their parent is no longer their protector"); see also Merritt, *supra* note 22, at 209.

<sup>38</sup> *Id.*

<sup>39</sup> Frank Edwards, et al, *Contact with Child Protective Services is pervasive but unequally distributed by race and ethnicity in large US counties*, 118 PNAS (2021), available at <https://www.pnas.org/doi/10.1073/pnas.2106272118>.

<sup>40</sup> Clare R. McNellan, et. al, *The evidence base for risk assessment tools used in U.S. child protection investigations: A systematic scoping review*, 134 Child Abuse & Neglect (Dec. 2022), <https://www.sciencedirect.com/science/article/abs/pii/S0145213422004215>.



agencies—even if the allegations were unsubstantiated—can lead an agency to consider a family to be at “higher risk” of child abuse or neglect in the future. States use these instruments—essentially checklists—to help social workers determine if a child is at risk for abuse or neglect and if the child should be removed from the home.<sup>41</sup> Texas DFPS uses two such instruments: a “Safety Assessment” to determine the current safety of the child and whether immediate safety interventions are necessary, and a “Family Risk Assessment of Child Abuse/Neglect,” to determine the risk that a child will face abuse or neglect in the future.<sup>42</sup>

The Safety Assessment includes prior child and prior DFPS interventions that “represent serious, chronic and/or patterns of abuse/neglect allegations” as factors that can lead to a “danger indicator,” which then affects the “safety decision” made by the DFPS worker.<sup>43</sup> For a DFPS worker to decide that such a “pattern of allegations” exists, DFPS does not need to have previously made a finding that abuse or neglect allegations were substantiated, and no court finding or even court involvement is necessary; the mere existence of the allegations is enough. The more factors identified, the higher the score and the more likely that a DFPS worker will make a “safety

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<sup>41</sup> *Id.*

<sup>42</sup> Tex. Dep’t Fam. & Protective Servs., *Safety Assessment Resource Guide*, 4 (2024), available at [https://www.dfps.texas.gov/handbooks/CPS/Resource\\_Guides/Safety\\_Assessment\\_Resource\\_Guide.pdf](https://www.dfps.texas.gov/handbooks/CPS/Resource_Guides/Safety_Assessment_Resource_Guide.pdf) (last visited July 25, 2025); Tex. Dep’t Fam. & Protective Servs., *Risk Assessment Resource Guide*, 10 (2025), available at [https://www.dfps.texas.gov/handbooks/CPS/Resource\\_Guides/Risk\\_Assessment\\_Resource\\_Guide.pdf](https://www.dfps.texas.gov/handbooks/CPS/Resource_Guides/Risk_Assessment_Resource_Guide.pdf) (last visited July 25, 2025).

<sup>43</sup> *Safety Assessment Resource Guide*, *supra* note 42, at 26.

decision” that involves removing the child from their home or that recommends ongoing monitoring and surveillance by DFPS. This means that even children whose parents have been investigated by DFPS in the past are at an increased risk of removal from their parents, even if those parents have never been found, by DFPS or any court, to have abused or neglected their children.

Texas’s second instrument for determining the risk of child abuse or neglect, the Family Risk Assessment, also considers families to be “higher risk” simply because they have been investigated in the past. This instrument looks at past allegations for any child and has implications for the whole family, not just one specific child. In this way, investigating families for seeking gender-affirming care can increase the risk that transgender youth *and* their siblings will be separated from their parents. Any prior investigations by DFPS, even if unsubstantiated, are considered in the risk assessment as increasing the family’s level of risk.<sup>44</sup> A family who is assessed to have a “high” risk will have a case opened for ongoing services—and ongoing surveillance by DFPS—which again places children at a heightened risk of being removed from their families.<sup>45</sup> Other factors in the risk assessment score include having young children in the home, having a child who is medically fragile, and having a child with a developmental, physical, or learning disability.<sup>46</sup> Taken together, a family with “risk factors” such as

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<sup>44</sup> *Risk Assessment Resource Guide*, *supra* note 42, at 10.

<sup>45</sup> *Id.* at 7.

<sup>46</sup> *Id.* at 10, 12-13.

very young children or children with disabilities could be subjected to ongoing surveillance by DFPS simply because they have faced allegations of abuse and neglect in the past, even if DFPS has investigated those allegations and found that the children were safe. Thus, each investigation into a family compounds the likelihood of traumatic family separation and state custody for children in the future.

## **II. INCREASED SURVEILLANCE OF FAMILIES BY CHILD WELFARE SYSTEMS LEADS TO MORE INVESTIGATION, BUT NOT BETTER OUTCOMES FOR CHILDREN.**

Increased surveillance of parents leads to more investigations but does not lead to better outcomes for children. In fact, it disproportionately harms communities that already face high rates of child welfare agency investigation and involvement. More investigations have the potential to lead to more unwarranted removals, further compounding the harm and trauma that children face.<sup>47</sup>

### **A. Families from Marginalized Communities and Identities are Investigated at the Highest Rates.**

In addition to the DFPS rule targeting families with transgender children, the child welfare system disproportionately targets other marginalized families and communities, including Black and Native families, families in which a parent has a disability, and families living in poverty. These families will be disproportionately impacted by the expansion of DFPS investigations resulting from DFPS's rule.

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<sup>47</sup> See Baughman, *supra* note 13, at 525.

Decades of research highlights the foster system's longstanding practice of disproportionately investigating and separating families of color due to service provider bias and structural racism.<sup>48</sup> Nationwide, more than half of Black children will experience contact with the child welfare system before they turn 18.<sup>49</sup> In Texas, more than 20% of child welfare investigations involve Black children, and more than 20% of children who are removed from their families are Black, even though Black children

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<sup>48</sup> See, e.g., Emma Ruth, *Regulating Families: How the Family Policing System Devastates Black, Indigenous, and Latinx Families and Upholds White Supremacy* (2022), UpEND Movement, 3-4, <https://upendmovement.org/wpcontent/uploads/2022/06/upEND-Regulation.pdf>; ; Modupeola Diyaolu et al., *Black Children Are Disproportionately Identified as Victims of Child Abuse: A National Trauma Data Bank Study*, 147 *Pediatrics* 929, 929 (2021); Natalie Cort et al., *Investigating Health Disparities and Disproportionality in Child Maltreatment Reporting: 2002-2006*, 16 *J. Pub. Health Mgmt. & Prac.* 329, 330-31, 333-35 (2010); Najdowski & Bernstein, *Race, Social Class, and Child Abuse: Content and Strength of Medical Professionals' Stereotypes*, 86 *Child Abuse & Neglect* 217, 217-18, 220-21 (2018); Native Child Advocacy Resource Center, *Practice Brief 3: Tribal Children and Forced Assimilation*, 5-6 (September 1, 2022) <https://nativecac.org/pb3/>.

<sup>49</sup> Margaret Thomas et. al, *Inequities in CPS Contact Between Black and White Children*, 28 *Child Maltreat* 42, <https://pmc.ncbi.nlm.nih.gov/articles/PMC9325927/>.

makeup only 12% of the state's population.<sup>50</sup> Black children in Texas are more than 50% more likely to be removed from their parents than white children.<sup>51</sup>

Parents with disabilities are more frequently reported to child welfare agencies than parents without disabilities, and once involved, they are permanently separated from their children at disproportionately high rates.<sup>52</sup> The U.S. Department of Health and Human Services Office for Civil Rights has found that several states removed children from parents with disabilities on the basis of their disability alone and did not afford parents with disabilities an equal opportunity as parents without disabilities to preserve their families.<sup>53</sup>

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<sup>50</sup>C. Puzzanchera, et al., *Disproportionality Rates for Children of Color in Foster Care Dashboard*, National Council of Juvenile and Family Court Judges (2022), *available at* [http://ncjj.org/AFCARS/Disproportionality\\_Dashboard.asp?selDisplay=2](http://ncjj.org/AFCARS/Disproportionality_Dashboard.asp?selDisplay=2); Aliza Ali and Audrey Nath, *Racial Differences in Removal Rates of Children by the Texas Department of Family and Protective Services: A Study of 2013-2021 Data*, 6 J. Cmty. Med. & Pub. Health Reports, <https://www.acquaintpublications.com/article/racial-differences-in-removal-rates-of-children-by-the-texas-department-of-family-and-protective-services-a-study-of-2013-2021-data>; Texans Care for Children, *Racial Justice Requires Improvements to the Texas CPS System* (Sept. 14, 2020), <https://txchildren.org/racial-justice-requires-improvements-to-the-texas-cps-system/>; Admin. for Children & Families, U.S. Dep't of Health and Human Services, *Entries: Demographics in FFY 2023*, [https://tableau-public.acf.gov/views/afcars\\_dashboard\\_entries/demographics?%3Aembed=y&%3AisGuestRedirectFromVizportal=y](https://tableau-public.acf.gov/views/afcars_dashboard_entries/demographics?%3Aembed=y&%3AisGuestRedirectFromVizportal=y) (last visited July 24, 2025).

<sup>51</sup> Aliza Ali and Audrey Nath, *Racial Differences in Removal Rates of Children by the Texas Department of Family and Protective Services: A Study of 2013-2021 Data*, 6 J. Cmty. Med. & Pub. Health Reports, <https://www.acquaintpublications.com/article/racial-differences-in-removal-rates-of-children-by-the-texas-department-of-family-and-protective-services-a-study-of-2013-2021-data>.

<sup>52</sup>U.S. Dep't of Health and Human Services, *Protecting the Rights of Parents and Prospective Parents with Disabilities* (2015), *available at* [https://www.ada.gov/doj\\_hhs\\_ta/child\\_welfare\\_ta.html](https://www.ada.gov/doj_hhs_ta/child_welfare_ta.html).

<sup>53</sup>U.S. Dept. of Health & Human Services, *Voluntary Resolution Agreement*, U.S. Dept. of Health & Human Services Office for Civil Rights and Oregon Dept. of Human Services (2019) <https://www.hhs.gov/sites/default/files/odhs-vra.pdf>; U.S. Dept. of Health & Human Services, *Agreement between United States Dep't of Justice, Dep't of*

Finally, most children are removed from their families for “neglect,”<sup>54</sup> a nebulous term that is often a euphemism for “poor.”<sup>55</sup> Communities with higher rates of poverty endure higher rates of investigations by child welfare officials than communities with higher family incomes; far from supporting communities in need, these investigations create trauma and destabilize families and children.<sup>56</sup> Child welfare systems so readily label families that are simply experiencing poverty as neglectful that it has resulted in calls from national leaders in child welfare to fundamentally alter the ways that child welfare systems address neglect.<sup>57</sup> Families experiencing housing instability are more vulnerable to child welfare system involvement; children have been removed from their families because of one eviction.<sup>58</sup> In fact, 10% of the children removed from their

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*Health and Human Services, and Massachusetts Department of Children and Families* (2020), [https://archive.ada.gov/mass\\_dcf\\_sa.pdf](https://archive.ada.gov/mass_dcf_sa.pdf).

<sup>54</sup> Children’s Bureau, Admin. for Children and Families, U.S. Dep’t of Health and Human Services, *Entries Dashboard FFY 2023: Texas*, [https://tableau.public.acf.gov/views/afcars\\_dashboard\\_entries/circumstances?%3Aembed=y&%3AisGuestRedirectFromVizportal=y](https://tableau.public.acf.gov/views/afcars_dashboard_entries/circumstances?%3Aembed=y&%3AisGuestRedirectFromVizportal=y); See ACLU & Human Rights Watch, *If I Wasn’t Poor, I Wouldn’t Be Unfit: The Family Separation Crisis in the US Child Welfare System*, at 34 (Nov. 17, 2022), [https://www.hrw.org/sites/default/files/media\\_2022/11/us\\_crd1122web\\_3.pdf](https://www.hrw.org/sites/default/files/media_2022/11/us_crd1122web_3.pdf).

<sup>55</sup> Children’s Bureau, Admin. for Children & Families, U.S. Dep’t of Health & Human Services, IM-21-02, *Civil Legal Advocacy to Promote Child and Family Well-Being, Address the Social Determinants of Health, and Enhance Community Resilience*, at 5 (Jan. 12, 2021), <https://www.acf.hhs.gov/sites/default/files/documents/cb/im2102.pdf>.

<sup>56</sup> ACLU & Human Rights Watch, *supra* note 54.

<sup>57</sup> See Jerry Milner and David Kelly, *It’s Time to Stop Confusing Poverty with Neglect*, The Imprint (Jan. 17, 2020), <https://imprintnews.org/child-welfare-2/time-for-child-welfare-system-to-stop-confusing-poverty-with-neglect/40222>; Martin Guggenheim, *Somebody’s Children: Sustaining the Family’s Place in Child Welfare Policy*, 113 Harv. L. Rev. 1716 (2000), citing Duncan Lindsey, *The Welfare of Children* 155 (1994).

<sup>58</sup> Milner *supra* note 57.

families by child welfare agencies were removed because of inadequate housing.<sup>59</sup> One study showed that more than 60% of homeless parents had faced allegations of abuse or neglect, and 17% had at least one child removed from them.<sup>60</sup>

**B. Designation as an Abusive or Neglectful Parent on a State Registry Has Costs for Families.**

The stigma of child welfare contact has been enshrined into law through central registries of child abuse and neglect. Parents and caregivers who face child welfare investigations may be placed on Texas’s central registry of child abuse and neglect records—even if they are never found to have mistreated their children by a court. Based on their presence on this registry, parents can be denied jobs and volunteer opportunities, as well as the opportunity to foster, adopt, or serve as a kinship caregiver for children.

An individual will be added to Texas’s central registry of child abuse and neglect records if a DFPS investigation results in a disposition of “Reason to Believe” that the alleged abuse or neglect occurred.<sup>61</sup> This disposition is not a legal finding by a court or jury; it is an administrative finding made by the investigating caseworker, before a case

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<sup>59</sup> Charissa Huntzinger, *Removing children from their parents doesn’t just happen at the border*, The Hill (July 2, 2019), <https://thehill.com/opinion/civil-rights/451289-removing-children-from-their-parents-doesnt-just-happen-at-the-border>.

<sup>60</sup> Regan Foust et. al., *Child protection involvement among homeless families*, 15 J. of Pub. Child Welfare 518, 525 (2019).

<sup>61</sup> Tex. Dep’t of Fam. and Protective Servs., *supra* note 1.

gets to a judge.<sup>62</sup> Individuals who are listed on the registry remain on it indefinitely unless they successfully appeal the outcome of the caseworker’s investigation.<sup>63</sup> While most states do not permit listing names on the central registry while an appeal is pending, Texas does. Moreover, Texas requires people listed on the registry to appeal the caseworker’s finding *twice* to DFPS before they can seek a hearing in front of the State Office of Administrative Hearings.<sup>64</sup> This process can take years to complete—years during which parents and caretakers are listed on the central registry without a court finding that they abused or neglected their children. Costs are also a barrier to appeal; challenging allegations of abuse or neglect can cost families thousands of dollars in legal fees, which many families who face child welfare investigations—who are disproportionately poor—simply do not have.<sup>65</sup>

An individual’s appearance on the central registry also appears on background checks conducted as part of the approval process for prospective foster and adoptive parents and kinship caregivers, as well as for many jobs and volunteer positions that involve working with children.<sup>66</sup> Black and Latinx women are disproportionately

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<sup>62</sup> Tex. Pub. Pol’y Found., *Central Registry Reform*, (Sept. 24, 2020), *available at* <https://www.texaspolicy.com/legeregistryreform/>.

<sup>63</sup> *Id.* The state requirements for expunging someone’s record after a successful appeal can be found in Section 261.002 of the Texas Family Code. Tex. Fam. Code § 261.002 (West 2017).

<sup>64</sup> Tex. Pub. Pol’y Found., *supra* note 62.

<sup>65</sup> See Klein, *supra* note 18.

<sup>66</sup> Children’s Bureau, Admin. for Children and Families, U.S. Dep’t of Health and Human Services, *Background Checks for Prospective Foster, Adoptive, and Kinship Caregivers*,



represented in child-care positions.<sup>67</sup> Women who are low income and women of color are disproportionately affected by central state registries and employment policies; thus, their children are disproportionately affected by the destabilization of their parents' incomes.<sup>68</sup>

Directing the child welfare system to investigate families seeking gender-affirming care for their children will inevitably lead to an expansion of parents listed on the central registry. This expansion increases the number of jobs lost; of children whose parents cannot support them; and of safe adults available to house and care for transgender youth.<sup>69</sup>

### **C. Family Separation Harms Children.**

Every DFPS investigation inherently carries the potential for family separation. More investigations will likely lead to more children being separated from their families by DFPS. DFPS is partially funded by the federal government, and the primary intervention for which it receives federal funding is removing the child from the home and placing them in a foster or other placement.<sup>70</sup> Just permitting investigations into

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(2019), available at <https://www.childwelfare.gov/resources/background-checks-prospective-foster-adoptive-and-kinship-caregivers/> (last visited July 25, 2025).

<sup>67</sup> Colleen Henry, et al., *The Collateral Consequences of State Central Registries: Child Protection and Barriers to Employment for Low-Income Women and Women of Color*, 64 Soc. Work 373 (2019) (“In 2017, 38 percent of these child care–related jobs were occupied by African American and Latinx women.”).

<sup>68</sup> *Id.* at 374.

<sup>69</sup> *Id.*

<sup>70</sup> The 2024 DFPS operating budget indicated that DFPS would receive over 750 million dollars from the federal government to “Protect Children through an Integrated Service Delivery System.” Over 200 million of this was allocated to foster care payments, and almost 250 million towards Child

families that seek gender-affirming healthcare for their children will inevitably lead, in some cases, to children being removed from their families, especially families subject to disproportionate child welfare involvement based on factors like race, poverty, and disability. The chance of separation for these families is real.

The harms of even short-term separations are well-documented in medical literature.<sup>71</sup> Children who are separated from their families are forced to reckon with the sudden disappearance of their parents and perhaps their siblings, as well as extended family support. The trauma of this separation can affect children's abilities to form social relationships and their mental health.<sup>72</sup> These effects are present even in children who experience relatively short separations from their families.<sup>73</sup> Children who have been separated from their parents frequently exhibit anxiety and attachment disorders,

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Protective Services staff providing direct services. Meanwhile, federal Child Abuse Prevention Grants constituted only 6 million dollars of the budget. Tex. Dep't Fam. & Protective Servs., Operating Budget for Fiscal Year 2024 (Dec. 1, 2023), *available at* [https://www.dfps.texas.gov/About\\_DFPS/Budget\\_and\\_Finance/default.asp](https://www.dfps.texas.gov/About_DFPS/Budget_and_Finance/default.asp) (last visited July 23, 2025); *See also* Cong. Rsch. Serv., *Child Welfare: Purposes, Federal Programs, and Funding* (May 19, 2025), <https://www.congress.gov/crs-product/IF10590> (nearly 5 billion of 11 billion dollars expended on child welfare by the federal government went towards payments to foster caregivers during fiscal year 2024).

<sup>71</sup> *See, e.g.*, Vivek S. Sankaran & Christopher Church, *Easy Come, Easy Go: The Plight of Children who Spend Less Than Thirty Days in Foster Care*, 19.3 Univ. of Pa. J. of L. and Soc. Change 207, 210-12 (2017); *see also* Allison Eck, *Psychological Damage Inflicted By Parent-Child Separation is Deep, Long-Lasting*, NOVA NEXT (June 20, 2018), *available at* <http://www.pbs.org/wgbh/novalnext/body/psychological-damage-inflictedby-parent-child-separation-is-deep-long-lasting> ("The scientific evidence against separating children from families is crystal clear...").

<sup>72</sup> Dorothy E. Roberts, *Child Protection as Surveillance of African American Families*, 36 j. Soc. Welfare & Fam. L. 426, 430-431 (2014).

<sup>73</sup> Vivek Sankaran, et al., *A Cure Worse than the Disease? The Impact of Removal on Children and their Families*, 102 Marq. L. Rev. 1163, 1166 (2019).

as well as higher rates of aggression.<sup>74</sup> Children can expect multiple, often unexpected, placements over the course of their time in the foster system, which can further impact a child's psychological well-being and cause further grief and complex trauma.<sup>75</sup> Complex trauma can lead to body dysregulation, difficulty managing emotion, dissociation, poor self-regulation, cognitive impairment, and long-term health consequences for children.<sup>76</sup> The evidence of the harm caused by involuntarily separating children from their parents is overwhelming.

#### **D. Texas's Child Welfare System Is Itself Harmful to Children.**

As severe as the harm of separation is, it does not account for the many dangers and harmful practices that children face once they are in state custody.<sup>77</sup> By categorizing gender-affirming medical care for children as abuse, DFPS's rule puts transgender children at a higher risk of being taken from a safe home environment and placed in an unsafe foster environment.

Texas's child welfare system has repeatedly been shown to be harmful to children and has continued to place children at an unreasonable risk of harm despite extensive

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<sup>74</sup> See generally Shanta Trivedi, *The Harm of Child Removal*, 43 N.Y.U. Rev. of Law and Soc. Change 523, 528-34 (2019); Kimberly Howard, et al., *Early Mother-Child Separation, Parenting, & Child Well Being in Early Head Start Families*, 13 Attachment & Hum. Dev. 5, 21 (2011).

<sup>75</sup> Sankaran, *supra* note 73.

<sup>76</sup> *Id.* See also Sara Goudarzi, *Separating Families May Cause Lifelong Health Damage*, Scientific American (June 20, 2018), available at <https://www.scientificamerican.com/article/separating-families-may-cause-lifelong-health-damage/> (describing how removal can cause developmental regression, difficulty in sleeping, depression and acute stress, and can also lead to long-term chronic medical conditions like cardiovascular disease, hypertension, obesity and a shorter lifespan).

<sup>77</sup> See *infra* Section II.D.

efforts at reform. In 2011, a group of children in Permanent Managing Conservatorship (PMC) of the State of Texas initiated *M.D. v. Abbott*, in which they brought claims under the Fourteenth Amendment of the Constitution alleging that the state “had long been aware of . . . [the] deficiencies of the Texas foster care system, yet had failed to effectively address them.”<sup>78</sup> These deficiencies included insufficient caseworkers, insufficient placement options for children, failures to enforce compliance with licensing standards, and failures to provide children with permanent homes.<sup>79</sup> After a jury trial, a United States District Court in the Southern District of Texas found that DFPS was deliberately indifferent towards practices that harm children and did not exercise sufficient oversight over foster homes or maintain sufficient placements for children.<sup>80</sup> The most recent independent monitoring report shows that the state “continues to struggle with implementation of the Court’s remedial orders” in many areas relating to preventing sexual abuse of children in the system and the monitoring and oversight of licensed placements.<sup>81</sup> According to the monitors, even with court orders and oversight, DFPS has “repeatedly left children exposed to danger that in certain instances caused them terrible suffering and harm.”<sup>82</sup>

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<sup>78</sup> *M.D. v. Abbott*, 509 F. Supp. 3d 683, 697 (S.D. Tex. 2020) (holding Defendants in contempt).

<sup>79</sup> *M.D. v. Abbott*, 152 F. Supp. 3d 684 (S.D. Tex. 2015).

<sup>80</sup> *Id.*

<sup>81</sup> *M.D. v. Abbott*, 2:11-CV-00084, “Eighth Report of the Monitors,” Docket Entry 1599 (Oct. 25, 2024).

<sup>82</sup> *M.D. v. Abbott*, 2:11-CV-00084, “Seventh Report of the Monitors,” Docket Entry 1496 (January 10, 2024).

Transgender youth who interact with the child welfare system face unique challenges and are even more likely to be exposed to harm by the system itself. Transgender youth in the foster system face hostility on many levels, from bullying and unjustifiable targeting for punishment by caseworkers, foster families, and group home staff, to forcing transgender youth to live in group homes that do not match their gender identities.<sup>83</sup> As a result of the mistreatment to which they are subjected in the foster system, transgender youth in the foster system frequently run away from their placements and face high rates of homelessness.<sup>84</sup> Transgender youth with supportive families are safest when they can live with their families and when they can seek out and receive the services that they need. Transgender youth with families who are supportive of their identities report lower rates of depression.<sup>85</sup> In contrast, transgender youth in the foster system report higher instances of suicide attempts in the past year than youth not in the foster system.<sup>86</sup> Instead of supporting this vulnerable population, DFPS's rule seeks to further stigmatize these youth, taking youth out of a supportive

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<sup>83</sup> Human Rights Campaign, FosterClub, *LGBTQ Youth in the Foster Care System*, <https://hrc-prod-requests.s3-us-west-2.amazonaws.com/files/assets/resources/HRC-YouthFosterCare-IssueBrief-FINAL.pdf> at 3; Ariel Love, *A Room of One's Own: Safe Placement for Transgender Youth in Foster Care*, 89 N.Y.U. L. Rev. 2265, 2268 (Dec. 2014).

<sup>84</sup> Roxanna Asgarian, *America's Foster Care System Is a Dangerous Place for Trans Teens. Now They're Fighting for Change*, Time (Dec. 7, 2021), available at <https://time.com/6124930/oregon-foster-care-trans-youth-lawsuit/> (last visited Aug. 4, 2025).

<sup>85</sup> Lisa Simons, et al., *Parental Support and Mental Health Among Transgender Adolescents*, 53 J Adolescent Health 791, 792 (2013) (“[P]arental support was significantly associated with higher life satisfaction, lower perceived burden, and fewer depressive symptoms [in transgender adolescents]”).

<sup>86</sup> Trevor Project, *LGBTQ Youth with a History of Foster Care*, (May 12, 2021), available at <https://www.thetrevorproject.org/research-briefs/lgbtq-youth-with-a-history-of-foster-care-2/>.

family environment and putting them through the trauma of family separation and the foster system. This is directly contrary to child protection and welfare, and will disproportionately impact transgender Black, Indigenous, multiracial, and Latine youth, who are already at heightened risk of attempting suicide compared to their white, cisgender peers.<sup>87</sup>

As *M.D. v. Abbott* and the experiences of transgender youth in the foster system illustrate, the very system that should protect children from harm has instead perpetrated and exacerbated it. DFPS's rule mandating investigations of families merely because they are following medical advice by seeking gender-affirming care for their children will risk exposing more children to Texas's harmful child welfare system.

### **PRAYER**

For the foregoing reasons, *amici* ask the Court to affirm the District Court's temporary injunctions and affirm its jurisdiction over Respondents' claims.

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<sup>87</sup> *Id.*

August 7, 2025

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