



Written by [Luis Miguel](#) on May 13, 2022

Texas Supreme Court Kills Injunction that Stopped Child-abuse Investigations into Parents of Trans Kids

The Texas Supreme Court on Friday [issued a ruling](#) that strikes down a lower-court injunction that blocked state investigations into parents who subject their children to sex-change procedures.

Yet because the ruling struck down the investigation into one “trans” minor and because the court asserted the governor’s office does not have the authority to initiate these investigations, LGBT proponents are also claiming victory.

In February, Texas’ Republican governor, Greg Abbot, ordered the Texas Department of Family and Protective Services (DFPS) to probe child-abuse claims filed against parents who might be putting their children through sex-altering treatment.

One of the first cases the agency looked into was of one of its own employees, who has a child who identifies as transgender. This promoted the American Civil Liberties Union and Lambda Legal to sue on behalf of the employee (referred to as Jane Doe) and Megan Mooney, a psychologist who treats transgender minors.

In March, a federal judge upheld a statewide injunction halting all investigations under Abbot’s order.

Attorney General Ken Paxton, a Republican, appealed the case, culminating in the injunction being struck down on Friday. Although the high court blocked the investigation into Doe’s family, there are still eight other investigations opened by the state that apparently can still be pursued.

Justice Jimmy Blacklock wrote in the opinion that Abbott and Paxton lack the authority to direct the child protective services agency to investigate the parents of transgender minors.

“The Governor and the Attorney General were certainly well within their rights to state their legal and policy views on this topic, but DFPS was not compelled by law to follow them,” he wrote. “The Legislature has granted to DFPS, not to the Governor or the Attorney General, the statutory responsibility to ‘make a prompt and thorough investigation of a report of child abuse or neglect.’”

The American Civil Liberties Union, ACLU of Texas, and Lambda Legal issued a [joint statement](#) on Friday claiming victory:

The court rejected the attorney general’s arguments that our lawsuit should be dismissed and affirmed that DFPS is not required to follow the governor’s directive or the attorney general’s non-binding opinion.

Though the court limited its order to the Doe family and Dr. Mooney, it reaffirmed that



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Texas law has not changed and no mandatory reporter or DFPS employee is required to take any action based on the governor's directive and attorney general opinion. By upholding the injunction, the court credited the finding that investigations based solely on the provision of medically necessary gender-affirming care cause irreparable harm. It would be unconscionable for DFPS to continue these lawless investigations while this lawsuit continues, and we will not stop fighting to protect the safety and lives of transgender youth here in Texas.

Paxton, however, also took the ruling as a victory.

Families currently under investigation by DFPS say they are concerned about what the ruling could mean for them, and at least one is now making plans to leave the state.

"The injunction protected my family from further investigation," wrote Amber Briggie, whose 13-year-old son is trans, on [Twitter](#). "Now that that has been overturned, CPS can once again knock on my door any minute now."

Houston parent Katie L. said her 15-year-old son heard about the Texas Supreme Court decision Friday and asked her to pick him up from school early.

"He is in panic mode," Katie said. She had told NBC News back in March that her family was planning to move to Denver over the summer. Now, however, she believes they may not wait that long.

"At this point, I'm going to be talking to our future landlord about maybe even bumping up our lease date just to see what the possibilities are if we wanted to leave faster," Katie said. "It's so unfortunate. All of this time and energy should be spent on positive things for our family and positive things for our future, and it feels like we're always getting thrown back into this defensive, adrenaline-fueled position. It's a nightmare."

Adri Pèrez, policy and advocacy strategist for LGBTQ equality at the American Civil Liberties Union of Texas, claimed there's been "a tsunami of parents leaving the state of Texas" over the investigations.



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