Subject: [Records Center] Public Information Request :: R002219-040422
Date: Friday, August 19, 2022 at 3:06:00 PM Eastern Daylight Time
From: TXDFPS Records Management Group
To: AO Records

EXTERNAL SENDER

--- Please respond above this line ---

08/19/2022

Emma Lewis
1030 15th Street NW, Suite B255
Washington, DC 20005

RE: OPEN RECORDS REQUEST of April 04, 2022., Reference # R002219-040422.

Dear Emma Lewis,

This e-mail is regarding your request for records submitted on April 04, 2022 for information about:

“Please see attached request (TX-DFPS-22-0329)”

We have reviewed your request and prepared the responsive records. Please log in to the Public Records Center at the following link to retrieve your request documents.

Public Information Request - R002219-040422

IMPORTANT: The DFPS Records Portal uses the browser popup feature as part of the downloading process of responsive documents so it is highly recommended to check your browser to ensure popup blockers have been disabled before attempting to download any documents, otherwise it could adversely affect your ability to

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download the information. Also, our portal system is optimized for use with Google Chrome. Using a browser other than Google Chrome could result in technical issues when attempting to access your account and / or downloading documents.

Additionally, we have determined that some of the information requested is subject to redaction under the Public Information Act under the following exemptions:

552.101: Information that is confidential by law, either constitutional, statutory, or by judicial decision including common law privacy concerns.552.117: Confidentiality of Certain Addresses, Telephone Numbers, Social Security Numbers, and Personal Family Information.
552.136: Confidentiality of Credit Card, Debit Card, Charge Card, and Access Device Numbers.
552.137: Confidentiality of Certain E-Mail Addresses.
Family Code 261.201: CPS investigations and services - no request to AG required on this exception. Prior determination OR2003-5590.
Please let us know if you have any questions. You may contact us by replying to this e-mail.

Sincerely,

DFPS Open Records Coordinator
512-929-6764
1-877-764-7230

CONFIDENTIALITY NOTICE: This electronic transmission and any attachments constitute confidential information which is intended only for the named recipient(s) and may be legally privileged. If you have received this communication in error please contact the sender immediately. Any disclosure, copying, distribution or the taking of any action concerning the contents of this communication by anyone other than the named recipient(s) is strictly prohibited.

To monitor the progress or update this request please log into the Public Records Center

GovQA logo

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From: Chris Craft
To: Craft,Christopher M (DFPS)
Date: Tuesday, March 1, 2022 4:05:09 PM
Attachments: petition_-_doe_v._abbott_-_final_1_2.pdf

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https://www.lambdalegal.org/sites/default/files/legal-docs/downloads/petition_-_doe_v._abbott_-_final_1_2.pdf

Cordially,

Chris Craft

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From: Chavez,Robin (DFPS)
To: Chavez,Robin (DFPS)
Date: Tuesday, March 1, 2022 1:42:53 PM
Attachments: O-MastersJaime202202221358.pdf

AMERICAN OVERSIGHT

From: Sanchez,Christina (DFPS)
To: amyrosetejada@gmail.com
Date: Saturday, February 26, 2022 6:28:00 PM
Attachments: AG Ken Paxton"s Legal Opinion.pdf

AMERICAN OVERSIGHT

From: Marisa Stubbs
To: Stubbs,Marisa K (DFPS)
Date: Friday, February 25, 2022 1:56:04 PM
Attachments: PDF document.pdf
abbott-letter-to-masters.pdf

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https://s3.documentcloud.org/documents/21272649/abbott-letter-to-masters.pdf

Marisa Stubbs

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From: Florey,Dawn K (DFPS)
To: Lazalde,Reyna (DFPS Contractor)
Date: Wednesday, February 23, 2022 9:58:21 PM
Attachments: Attorney General Opinion How Gender Reassignment is Child Abuse.pdf

---

Just for you to read and maybe fill out the log. Tracy found it I'm just sharing with you for tomorrow

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From:	Nava,Tracy L (DFPS Contractor)
To:	Lazalde,Reyna (DFPS Contractor)
Date:	Wednesday, February 23, 2022 7:55:59 PM
Attachments:	Attorney General Opinion How Gender Reassignment is Child Abuse.pdf

Here you go...

Best Regards,

Tracy Nava
S.A.V.E. Intern
817-548-4528
https://www.cptctx.org/save

AMERICAN OVERSIGHT

From: Howard,Shakia (DFPS)
To: Harris,Tara S (DFPS)
Date: Wednesday, February 23, 2022 11:48:01 AM
Attachments: O-MastersJaime202202221358.pdf

Thank you,
Shakia S. Howard
CVS Specialist II, Unit D4
Brittany Moorning, Supervisor
8700 N. Stemmons Fwy
Ste. 104
Dallas, TX. 75247
(682) 219-9722 (Business Cell)
(512) 276-3246 (Fax)

AMERICAN OVERSIGHT

From:	Wharton,Jarita N (DFPS)
To:	Edison,Althea (DFPS)
Cc:	Jones,Fredrick A (DFPS)
Subject:	Attorney General Opinion
Date:	Thursday, February 24, 2022 9:02:00 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

---

Good Morning,

FYI -

A legal opinion was released by the AG's office on February 21, 2022. The governor subsequently provided further direction to DFPS to these reported matters.

These two documents are attached to this communication which gives guidance and direction regarding how the department is to handle intakes related to gender transitioning.

**This is something that we need to discuss with the PD's.

We will need to discuss having a designated caseworker handle these special cases when they come up. It is being asked that these cases are worked thoroughly without text messages/emails to the family etc.

Thanks,

Jarita

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From:	Phillips,Kathleen V (DFPS)
To:	Adams,Stefanie (DFPS); Anderson,Regina (DFPS); Arriaga,Dennis (DFPS); Britt,Dewey D (DFPS); Cordray,Glenna (DFPS); Kinsler,Brenda L (DFPS); Palmquist,Laura R (DFPS); Surratt,Michele L (DFPS); Tai,Eric T. (DFPS); Valdez,Lucinda (DFPS)
Subject:	letter
Date:	Wednesday, February 23, 2022 10:31:00 AM
Attachments:	O-MastersJaime202202221358.pdf

fyi

Kathy Phillips
Managing Attorney
Region 11
Texas Department of Family and Protective Services
361-878-7481 Office
361-944-1824 Cell
kathleen.phillips@dfps.texas.gov

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From: Walker,Mary (DFPS)
To: Walker,Mary (DFPS)
Subject: News Clips3/1//22
Date: Tuesday, March 1, 2022 10:20:00 AM

STAR-TELEGRAM

Paxton legal opinion on transgender youth uses misleading citations, 'shocking' parallels

https://www.star-telegram.com/news/politics-government/state-politics/article258890593.html

Paxton legal opinion on transgender youth uses misleading citations, 'shocking' parallels

BY EMILY BRINDLEY

UPDATED MARCH 01, 2022 9:08 AM

The Texas attorney general's recent legal opinion that called transgender health care for minors "child abuse" cited sources in a misleading way and drew parallels that researchers say simply do not exist, according to an analysis by the Star-Telegram.

Attorney General Ken Paxton issued a legal opinion on Feb. 18, saying that certain types of gender-affirming health care, including puberty blockers and surgery, should be classified as child abuse when used for minors. Several days later, Gov. Greg Abbott issued a letter directing state agencies to investigate transgender health care for youth as abuse.

Gender-affirming care can include a host of services, from counseling sessions to surgery. However, surgeries are rare for minors, and medical experts already recommend that such surgeries be delayed until after a transgender person turns 18.

In his non-binding opinion, Paxton cites a number of sources, including research articles, to bolster his argument. Researchers say some of these citations were inaccurate.

One researcher said Paxton distorted her work for political purposes and that she's "mortified" her research was included in the opinion.

Alexandra Minna Stern, a professor of history at the University of Michigan, studies the history of forced sterilization in the United States. Paxton's office drew a parallel between forced sterilization and gender affirmation surgeries

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for minors.

“I’m adamantly opposed to this interpretation and it does not align with my research and the conclusions of my research,” she said. “If they knew anything about my scholarship more generally, they would know that I am someone whose research demonstrates the harm of the very types of policies they’re trying to enact on marginalized people.”

The attorney general’s office did not return requests for comment.

Paxton faces three Republican challengers in Tuesday’s primary: Texas Land Commissioner George P. Bush, U.S. Rep. Louie Gohmert and former Texas Supreme Court Justice Eva Guzman.

MISLEADING CITATIONS

In his opinion, Paxton cited the work of Dr. Cecilia Dhejne, a Stockhom-based researcher, to support the idea that gender-affirming health care could be harmful to transgender children.

Dhejne led a 2011 study that found that transgender people who have undergone gender-affirmation surgery have worse mental health outcomes than the general population.

Dhejne did not respond to a request for comment. However, in the text of the 2011 study, Dhejne and her team caution specifically against using the study to conclude that gender-affirming surgery is problematic, noting that the study did not compare the mental health outcomes of people before and after gender-affirming surgery.

The study’s “results should not be interpreted such as sex reassignment per se increases morbidity and mortality. Things might have been even worse without sex reassignment,” the study says.

Dhejne and her colleagues wrote instead that the study shows a need for better support for transgender people after they undergo surgery.

Paxton also asserts that there has been a recent “spike” in minors receiving gender-affirming “procedures.” He cited the Society for Evidence Based Gender Medicine, an anti-trans advocacy group.

The link in Paxton’s citation leads to a graph showing an increase in youth referrals to the United Kingdom’s Gender Identity Development Service. That national clinic provides a range of care, including counseling; the number of clinic referrals is not necessarily the number of medical interventions like the legal opinion implies.

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Similarly, Paxton's opinion cited the World Professional Association for Transgender Health and said that transgender people should typically be adults before receiving the listed types of gender-affirming care.

In a statement to the Star-Telegram, WPATH said that Paxton applied the citation too broadly. While WPATH does state in its standards of care that genital surgery should typically wait until a transgender person reaches the age of majority, Paxton's opinion applied that standard to less-invasive interventions, too, including puberty blockers.

"It's disheartening to see the Texas Attorney General's opinion referencing WPATH to bolster an overall argument completely at odds with WPATH guidance," the organization said in a written statement. "The citation is accurate but does not apply here because the AG's opinion is arguing against reversible blockers while the cited WPATH content relates to gender affirming surgery."

The legal opinion also includes a list of potential health risks associated with gender-affirming health care. The source for that list, however, is not a research study but a slide presentation made by LGBTQ advocacy organization Fenway Health.

Like nearly all health care, surgical and hormonal interventions are associated with some risks; however, the attorney general's legal opinion appears to inflate some of the risks listed in the Fenway Health source material. Paxton's list includes "hepatotoxicity," which is liver disease, and does not mention that the Fenway presentation includes a question mark after that potential risk. The attorney general's list of risks also includes "serious mental health effects," while the Fenway presentation simply says "mental health effects." The legal opinion names no other sources for its list of potential harms.

Fenway Health did not reply to a request for comment, but has posted on social media opposing Abbott and Paxton's stances, with Fenway's Dr. Alex Keuroghlian saying the stances are "entirely divorced from medical evidence, consensus and mainstream practice."

QUESTIONABLE PARALLELS

Stern, the University of Michigan professor, said she didn't know that her work had been cited in Paxton's opinion until the Star-Telegram reached out to her. She said she'd never seen her work on forced sterilization used in the way that Paxton's legal opinion used it: to argue against transgender health care for

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youth.
“They didn’t really read the article closely, which is all about the horrors of state reproductive abuse, mainly in institutions. This is not about choices being made with parents and doctors in the child’s best interest, so they’re really twisting it,” Stern said.
But that’s not the only section of the legal opinion that has experts scratching their heads.
Paxton’s legal opinion also draws parallels between health care for trans youth and the opioid epidemic and factitious disorder imposed on another.
To loop opioids into the conversation, the attorney general essentially argues that there are times when health systems may recommend an intervention that is ultimately harmful to patients.
“There is always the potential for novel medical determinations to promote purported remedies that may not improve patient outcomes and can even result in tragic harms. The same potential for harm exists for minors who have engaged in the type of procedures or treatments above,” the opinion says.
Jaclyn Hughto, a research professor at Brown University who is not cited in the legal opinion itself, said it was “quite shocking” to see the attorney general draw a parallel between the opioid epidemic and gender-affirming health care.
“It absolutely felt like the intention was to create fear in the general population,” Hughto said. “The opioid epidemic is greatly impacting people today and by drawing a parallel, or trying to draw a parallel, it seems like it’s intended to make people think that providing gender-affirming care to transgender youth is going to result in all these unintended consequences.”
Hughto, whose research focuses on the health of sexual and gender minorities and people living with substance use disorders, said there are several key differences between opioids and gender-affirming care. Most notably, she said, the opioid epidemic was spurred by profit-making pharmaceutical companies that were uninterested in scientific studies. On the flip side, Hughto said, gender-affirming care is sought by parents and medical professionals with the backing of research studies.
“When you actually break down the argument, it very much falls apart,” Hughto said.
In the case of factitious disorder imposed on another — a relatively rare occurrence, previously known as Munchausen syndrome by proxy, in which

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caregivers seek unnecessary and harmful medical treatment for a dependent — the attorney general argues there is a similarity to gender-affirming care because both involve the "imposition of unnecessary medical procedures upon children."

Brenda Bursch, a psychologist and professor at UCLA whose specialties include illness falsification, said in an email that the parallel doesn't track. Factitious disorder imposed on another is harmful to the child, Bursch said, while research has shown that gender-affirming care helps to improve a transgender child's mental health.

"While any child can be the victim of any type of child abuse, appropriately seeking gender-affirming care is protective, not harmful," she said.

The state Department of Family and Protective Services, whose material was cited as the reference for the attorney general's analogy to factitious disorder imposed by another, declined to comment on the use of its material in the opinion. Department spokesperson Marissa Gonzalez said only that the department "will comply with Texas law as described in the opinion and the Governor's directive."

The DFPS' cited material does not compare factitious disorder to transgender health care.

THE BACKDROP

Paxton's legal opinion didn't come out of nowhere.

In August 2021, the office of Abbott asked the state Department of Family and Protective Services to decide whether "reassignment surgery" for transgender youth constitutes child abuse. Several days later, DFPS issued a letter that classified gender-affirming surgery as "genital mutiliation" and child abuse.

In response to DFPS' letter, state Rep. Matt Krause — a Republican from Fort Worth who had previously advanced anti-transgender legislation and who is now running for Tarrant County district attorney — requested in late August that the attorney general's office provide clarification on whether other forms of gender-affirming care also count as child abuse.

Paxton's office took several months to respond to Krause, issuing a legal opinion on Feb. 18. His opinion, which does not change state law, contends that other types of transgender health care for minors also constitute child abuse. Paxton's legal opinion specifically states that prescribing puberty-blocking drugs to minors is child abuse, as is gender-affirming surgery.

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Several days later, Abbott issued a letter in support of Paxton's opinion. The governor also directed the DFPS to investigate any claims of such health care as abuse, and wrote that there could be "criminal penalties" for teachers, nurses and doctors who don't report. It's unclear whether such penalties would actually be enforced.

Both Abbott and Paxton framed the move as an effort to protect children, similar to the framing used several months ago when the Texas Legislature passed a bill banning transgender students from participating in sports teams that align with their gender identity.

Over the last week, critics have rejected that framing: more than 30,000 people have signed a petition against the letter and opinion; five Texas district attorneys issued a joint statement decrying the "cruel directives"; the American Civil Liberties Union called the directives, and similar actions in other states, part of "a nationwide crisis of politicians using their power to attack trans kids"; and a White House spokesperson denounced the decisions.

KSTX TEXAS PUBLIC RADIO

Texas leaders direct state agencies to investigate gender-affirming care for transgender youth as 'child abuse'

Texas leaders direct state agencies to investigate gender-affirming care for transgender youth as 'child abuse' | TPR

TUESDAY on "The Source" — Texas GOP leaders continue to target and create barriers for transgender youth, most recently by threatening criminal penalties for parents, teachers and doctors who allow or fail to report gender-affirming care for kids as "child abuse."

Last week, Texas Attorney General Ken Paxton released a new legal interpretation asserting that under state law, certain types of medical care for trans youth such as hormone therapy treatments and puberty blockers

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can constitute child abuse.

The legal opinion was then reinforced by a directive from Gov. Greg Abbott that state agencies – including the Department of Family and Protective Services, the Health and Human Services Commission, the Texas Medical Board and the Texas Education Agency – should investigate certain medical treatments for transgender children as abuse.

Abbott said Texas law imposes reporting requirements on all licensed professionals who have direct contact with children and that state agencies are required to conduct "a prompt and thorough investigation of any reported instances of these abusive procedures in the State of Texas."

Last legislative session, state lawmakers failed to pass a bill which also classified gender-affirming health care as child abuse.

The nation's and state's top medical groups remain opposed to the classification of gender-affirming care as abuse, and continue to urge leaders and lawmakers not to target children's access to such treatments.

They say evidence-backed options are safe and critical to the mental health of transgender and gender-diverse kids, and that state leaders' actions last week "directly threaten the health and well-being of transgender youth."

Transgender advocates say Abbott and Paxton are using transgender kids as pawns for political gain as they both run for reelection.

Nearly 14,000 Texans between the ages 13 and 17 self-identified as transgender in 2017.

What do these developments mean for the future of transgender children in Texas, and their doctors, teachers and parents?

Guests:

Marin Wolf, health care reporter for the Dallas Morning News
Andrea Segovia, senior field and policy strategist for the Transgender Education Network of Texas
Joe Gonzales, Bexar County District Attorney
Bhavik Kumar, MD, family physician and Texas State Lead for the Committee to Protect Health Care

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**This interview will be recorded on Tuesday, March 1.*

KERA RADIO

Texas families and advocates worry over gender-affirming care for trans kids

Texas families and advocates worry over gender-affirming care for trans kids | TPR

KERA | By By Sara Willa Ernst/ Elena Rivera | KERA
Published February 28, 2022 at 6:34 PM CST

Pilar Hernandez was hoping the nightmare for her family was over.

For months last year, transgender advocates in Texas fought a group of bills in the Legislature seeking to ban transition care by arresting parents and delicensing doctors who provide transition care to children. Several of those bills died, but the ordeal scared Hernandez, the mother of a 17-year-old transgender boy in Houston.

Last week, those fears resurfaced: Attorney General Ken Paxton issued an opinion that defined providing access to certain gender-affirming treatment as child abuse, leaving some parents worried about the safety of their families and some advocates concerned about the well-being of trans kids in Texas.

"I had this fantasy that this year we'll be able to at least rest a little," Hernandez said while fighting back tears. "I think we all have post traumatic stress syndrome from last year, so this brings everything back."

The AG's definition is opposed by major medical organizations, such as the American Academy of Pediatrics, the Pediatric Endocrine Society and the American Medical Association, which say these treatments are within the standards of care and often lifesaving.

They're also opposed by families who have reaped the benefits of these medications. Hernandez said her family has considered moving out of state for her son's sake, though it's not an option they want to resort to.

Her son Alexander began taking testosterone a few years ago and said the treatment has significantly improved his gender dysphoria and anxiety.

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Pilar Hernandez is the mother of a 17-year-old transgender boy in Houston.

"I feel great about it," Alexander said. "It's one of the best things I've done for my health just all around."

In the nonbinding opinion, Paxton classified gender reassignment surgery — which is rare for kids — as abuse under Texas law. He also did the same for puberty blockers, testosterone and estrogen treatments, which are more common, less invasive and often reversible.

"There is no doubt that these procedures are 'abuse' under Texas law, and thus must be halted," Paxton wrote in a statement accompanying the opinion. "The Texas Department of Family and Protective Services (DFPS) has a responsibility to act accordingly. I'll do everything I can to protect against those who take advantage of and harm young Texans."

Three days later, Abbott issued his directive to DFPS, noting a requirement to report abuse among all licensed professionals in Texas.

A spokesperson told The Texas Newsroom that the Department will follow the law "as explained by the Attorney General opinion" but there were no pending cases on the matter as of last Monday.

Several district and county attorneys in Texas' democratic regions have openly opposed Paxton's opinion and said they refuse to investigate such cases as abuse.

"I will not prosecute any parent, any facility, or anyone else for providing medically appropriate care to transgender children," said Harris County DA Kim Ogg. "I will continue to enforce the Constitution and the state's criminal laws to assure the greatest degree of freedom and order that we can achieve."

There's also an open question of whether schools will be a safe space for trans kids. In the letter, Abbott said licensed professionals like teachers are mandatory reporters of child abuse.

Jackie Anderson – the president of Houston Federation of Teachers, the union representing Houston ISD teachers – said this interpretation of child abuse is disruptive to the education of students.

"We are supposed to snitch on parents who are seeking medical and emotional assistance for their kids?" Anderson said in an email. "Really?"

Houston ISD did not respond to questions about whether the district is expecting teachers to report transgender students and their families to the authorities. However, in a statement, Superintendent Millard House II said, "it's the responsibility of our district to protect all its students, including our transgender students."

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Some school districts contacted by Houston Public Media said they were waiting for guidance from their legal council or the Texas Association of School Boards. Others did not respond to requests for comment. Austin's largest school district told KUT staff should reassure trans students and their families that they not be reported.

Organizations like the Transgender Education Network of Texas (TENT) say they aren't surprised by such statements from Texas leaders.

"Time after time, it's no longer a shock but it's a disappointment," said Andrea Segovia, senior field and policy advisor for TENT. "You're talking about kids that are just trying to figure out who they are."

She's concerned about the mental health impact these statements have on trans youth.

"If you keep seeing how much your state leadership hates you, do you ever feel like it's gonna get better?" Segovia said. "We say the state of Texas would rather see dead kids than trans kids thrive. And it's absolutely true, because we keep seeing these attacks on kids."

That's a concern shared by other trans care providers. Cece Cox, CEO of the Dallas-based community organization Resource Center, said statements like the ones issued by Abbott and Paxton have the effect of publicly challenging the humanity of trans Texans.

But Cox also stressed that challenges to transgender rights are happening all across the nation, making it all the more important to support families targeted by such actions.

"Texas is not this crazy outlier," Cox said. "There's negative bills and positive bills being filed all across the United States. We all have to stick together in this along the way."

Providers like Dallas-based therapist Diana Diduck aren't sure how the statements on mandated reporting will affect her work with patients, many of whom she helps navigate through gender dysphoria, depression and anxiety.

She said it's an important and vulnerable step to seek care, which now feels threatened.

"Am I supposed to not provide care?" Diduck said. "Am I supposed to not refer the family to a pediatrician or an endocrinologist or to a psychologist for further evaluation? I'm very confused as to what this could mean."

Meanwhile, some transgender kids are doing their best to keep optimistic, both for themselves and their community.

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Student Hayden Cohen is a non-binary 17-year-old and co-president of their schools' Gay Straight Alliance at Houston ISD. Last Wednesday, they received a rush of panicked messages from members of the club.

Cohen told everyone to keep calm, and noted it wasn't even clear yet whether such guidance from the AG would stand up under legal scrutiny.

"If anything comes up, there are resources," Cohen said. "This isn't something we need to worry too much about just yet."

"Take a deep breath," they said. "It'll be OK."

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By Sara Willa Ernst/ Elena Rivera | KERA
KRIS-TV

Supporters of LGBTQIA+ community react to Abbott's statement

Supporters of LGBTQIA+ community react to Abbott's statement (kristv.com)
By: Eran Hami
Posted at 5:21 PM, Feb 27, 2022
and last updated 12:54 PM, Feb 28, 2022

CORPUS CHRISTI, Texas — This week Gov. Greg Abbott issued an opinion that a number of sex change procedures completed on minors, constitutes child abuse.

Following a similar letter by Texas Attorney General Ken Paxton, Abbott gave his opinion to the Texas Department of Family and Protective services. Abbott wants licensed professionals and the general public to report parents of transgender children. He called on the department to investigate these parents for child abuse.

On Sunday, supporters of the LGBTQ community in Corpus Christi gathered for a monthly Diva Brunch. There we heard from people on what they thought on Abbott's comments.

“It really bothered me as a trans-woman because I feel like Greg Abbott

is trying to further marginalize a population that is already living on the fringes of society," said Lisa Perry, the 2021 Miss Gay Corpus Christi.

Many local leaders attended the fundraising brunch. Of them were Eric Holguin, president of LULAC Para Todos and Dr. Nancy Vera, president of Corpus Christi American Federation of Teachers. They called Abbott's opinion an attack on children.

"We're a community of family and family means we accept and love everyone," said Holguin. "And that's something we at LULAC Para Todos really advocate for, is whether you're transgender, or gay, or bisexual, or non-binary whatever you identify as you should be accepted into community unconditionally."

"As a 35 year educator, where I've educated the gamuts, from rich to poor, gay and straight, LGBTQIA+, students who have been battered and all sorts of issues I think it's an asinine idea," Vera said. "That Gov. Abbott has had to try to dismiss transgender students in the classroom. I think it's an obscenity as far as I'm concerned. I think that his off-the-cuff ideas or mandates don't need to be in our classrooms. We need to accept children for who they are and teach them equitably and teach them about themselves."

Holguin and Perry both said Abbott's comments were a political ploy

"I think he's pushing his own personal agenda and as a representative he needs to really represent his community," Perry said. "And his community is not cis white men. His community is a diverse group of people. And he really needs to accept and love and support all of his community."

Members from both sides of the political aisle were out at the Diva Brunch.

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"We don't really see events like this in Corpus Christi so it's dying to see it," Holguin said. "And we're open to everyone attending whether you're Republican or Democrat, as long as you believe and support the LGBTQIA+ community, then you're more than welcomed and accepted and loved here."

“I think that means it's a coming together of a community," said Vera. "A community where everyone is accepted no matter what. And we in Corpus Christi are that kind of community.”

The Diva Brunch is a monthly even that was created this year. Each Brunch raises money to be donated to a different non-profit organization. Sunday's Brunch raised $1,500 for South Texas Animal Rescue.

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New York Times

Supreme Court to Hear Challenge to Law on Adopting Native American Children

The Indian Child Welfare Act of 1978 gives preference to adoption solutions that would keep Native children within the tribal community.

https://www.nytimes.com/2022/02/28/us/supreme-court-native-american-children.html

By Adam Liptak

Feb. 28, 2022

WASHINGTON — The Supreme Court agreed on Monday to hear a challenge to the constitutionality of the Indian Child Welfare Act of 1978, which makes it hard to remove Native American children from their parents, their tribes and their heritage.

The law, which calls for special procedures in adoptions, was rooted in the sovereignty of Indian nations and a history of abusive child welfare practices involving Native American children. Before the law was enacted, hundreds of thousands of Native children were taken from their homes, sometimes by force, and placed in institutions or with families with no ties to their tribes.

Family courts ordinarily base their decisions on the best interests of the child before them. The 1978 law said that where Native American children are concerned, those interests include protecting their relationships with their tribes.

“The tribe has an interest in the child which is distinct from but on a parity with the interest of

the parents," Justice William J. Brennan Jr. wrote in a 1989 decision, Mississippi Band of Choctaw Indians v. Holyfield. This was, Justice Brennan added, "a relationship that many non-Indians find difficult to understand."

Legal scholars say that if the rationale for striking down the law survives, it could also threaten laws that guard tribal casinos and water and land rights.

Three states — Texas, Louisiana and Indiana — and seven people sued the federal government to challenge the law, saying it was an impermissible intrusion into matters traditionally governed by state law and a violation of equal protection principles by putting a thumb on the legal scale based on the race of one of the parties.

Lawyers for the states told the Supreme Court that the law "creates a child-custody regime for Indian children that is determined by a child's genetics and ancestry," adding that "this race-based system is designed to make the adoption and fostering of Indian children by non-Indian families a last resort through various legal mechanisms that play favorites based on race."

Several tribes, including the Cherokee and the Navajo, two of the country's largest, intervened in the case to defend the law. In the Supreme Court, they called the states' race-discrimination argument inflammatory. The 1978 law, they wrote, "is tied to membership in Indian tribes — which is about politics, not race."

The tribes and the federal government told the court that the law has been effective but that Native American children remain more likely to be removed from their homes than other children.

In its brief, Texas said that was a result of societal conditions. "The United States and tribes make no effort," lawyers for Texas wrote in a brief, "to disprove the common-sense conclusion that today, the high numbers of adoptions and fostering of Indian children are often a sign, not the cause, of the high risk of neglect, violence, gang activity, drug abuse, alcoholism and suicide among Indian children."

The challengers mostly prevailed before a federal trial court and a divided three-judge panel of the United States Court of Appeals for the Fifth Circuit, in New Orleans. The full Fifth Circuit reheard the case, issuing a fractured decision that caused both sides to seek Supreme Court review.

The Supreme Court granted review in four appeals, including Haaland v. Brackeen, No. 21-476. The court will hear arguments in its next term, which begins in October.

Supreme Court to review Native American child adoption law

Supreme Court to review Native American child adoption law (ktre.com)

By The Associated Press

WASHINGTON (AP) — The Supreme Court has agreed to review a case involving a federal law that gives Native Americans preference in adoptions of Native children.

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The high court said Monday it would take the case that presents the most significant legal challenges to the Indian Child Welfare Act since it was passed in 1978. The law has long been championed by Native American leaders as a means of preserving their families and culture.

The law gives Native American families priority in foster care and adoption proceedings involving Native children, and it places reporting and other requirements on states. A federal appeals court in April upheld the law and Congress' authority to enact it. But the judges also found some of the law's provisions unconstitutional, including preferences for placing Native American children with Native adoptive families and in Native foster homes.

The case won't be argued until after the high court begins its new term in October.

Texas, Louisiana, Indiana and seven individuals — three non-Native couples and the biological mother of a Native American child that was adopted by a non-Native family — had sued over provisions in the law. The children are enrolled or potentially could be enrolled as Navajo or Cherokee, White Earth Band of Ojibwe, and Ysleta del Sur Pueblo.

A federal district court in Texas initially sided with the group of plaintiffs in 2018 and struck down much of the law, ruling it was unconstitutional because it was race-based and violates the Equal Protection Clause.

But in 2019, a three-judge federal appeals court panel voted 2-1 to reverse the district court and uphold the law. The full court then agreed to hear the case, and struck some provisions. It upheld the determination that the law is based on the political relationship between the 574 federally recognized tribes and the U.S. government, not race.

The Biden administration asked the Supreme Court to review the case, arguing that the provisions should not have been struck.

Before the Indian Child Welfare Act was passed, between 25% and 35% of Native American children were being taken from their homes and placed with adoptive families, in foster care or in institutions. Most were placed with white families or in boarding schools in attempts to assimilate them.

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AMERICAN OVERSIGHT

From:	Cindy Williams
To:	Perry R. Pack; Aulstin Gardiner; Robin O. Dettmer; Ginette A. Harrell; Deanna L. Belknap; Loretta L. Hewitt; Kimberly K. Pearson
Subject:	FW: "sex change" procedures = child abuse
Date:	Friday, February 25, 2022 3:44:01 PM
Attachments:	Gov Feb 22 2022 letter.pdf

FYI –

This is being received by DFPS as a directive to remove certain children when sex change measures are being taken or underway. Doctors and teachers are also being mandated to report any such conduct that they become aware of.

Right now, there is a case in Denton Co that falls under this directive, and one pending investigation in Tarrant that may fall under this. With the new mandate to report placed on doctors/medical professionals, I suspect we shall see more of these cases being investigated.

CPI will not remove before they have staffed the case with state office, and Matt Gilbert has stated he will include our office in those staffings. I have requested direction from Sharen on how she would like us to proceed with a request for removal. I will keep you apprised of any changes.

From: Leslie L. Hunt
Sent: Wednesday, February 23, 2022 10:29 AM
To: Sharen Wilson <SWilson@tarrantcountytx.gov>; Cindy Williams <CMWilliams2@tarrantcountytx.gov>
Cc: Larry M. Moore <LMMoore@tarrantcountytx.gov>
Subject: "sex change" procedures = child abuse

The AG issued an opinion yesterday stating that gender-affirming care constitutes child abuse under Texas law. Today, Governor Abbott is calling on DFPS to investigate cases involving elective procedures for gender transitioning. The Governor's letter to DFPS, along with the AG ruling is attached hereto.

-Leslie

LESLIE L. HUNT
Chief – Civil Division
Phone: 817-884-2662

AMERICAN OVERSIGHT

From: coastalbend@list.naswtx.org on behalf of Hampton, Tiffanie A. (via coastalbend list)
To: coastalbend@list.naswtx.org
Subject: [CoastalBend] FW: Social Workers oppose efforts
Date: Thursday, February 24, 2022 10:19:36 AM

WARNING: This email is from outside the DFPS system. Do not click on links or attachments unless you expect them from the sender and know the content is safe.

From: NASW-TX Advocacy <aboleware.naswtx@socialworkers.org>
Sent: Thursday, February 24, 2022 10:13 AM
To: Hampton, Tiffanie A. <Tiffanie.Hampton@va.gov>
Subject: [EXTERNAL] Social Workers Support Trans Kids & Families

NASW-TX Continues to Oppose any Efforts to Redefine Child Abuse to Include Gender Affirming Care

The National Association of Social Workers – Texas Chapter (NASW-TX) stands opposed to any efforts to change the definition of child abuse to include "gender affirming care" as referenced in the Texas Attorney General's non-binding opinion KP-0401 released on February 18, 2022, as well as Gov. Abbott's February 22, 2022 letter to the Department of Family and Protective Services (DFPS) Commissioner "directing" DFPS to investigate such accusations. These continued attempts to change the definition of child abuse are in direct opposition to social work values, principles, and our Code of Ethics and pose danger to transgender youth and their families.

NASW-TX reminds licensed social workers that this a non-binding legal opinion and they still have professional discretion on mandatory reporting. No rules on reporting were changed through this opinion, nor through the Governor's letter.

As mental health professionals working in a variety of settings, social workers are called to care for all Texans. Redefining child abuse to include gender affirming care would endanger how mental health professionals serve people in the LGBTQ community. The social work Code of Ethics provides a framework for how social workers empower and support the self-determination of all people, as well as engage in conversations about identity. Those conversations within a therapeutic or any social work relationship should never be defined as child abuse.

This position aligns with our previous advocacy actions regarding this policy issue:

- We signed on to a joint letter supporting gender affirming care as evidence-based care for transgender youth in November 2019.
- We publicly testified against legislation that would have redefined child abuse to

AMERICAN OVERSIGHT

include gender affirming care during the 87th Legislative Session in 2021.
- We submitted multiple joint letters to DFPS and the Governor's Office during August 2021 in response to this issue.

NASW-TX continues to urge Texas leadership to heed the advice of the legal, medical and mental health professional communities about how these proposed actions would endanger youth and families while negatively impacting the licensed professionals who serve as mandatory reports of child abuse. This non-binding legal opinion does not require DFPS to implement modifications to its current practices and rules which guide the investigation of reports of child abuse and neglect in Texas. We therefore ask the DFPS leadership team to stand in support of all Texas children and families by rejecting this harmful and discriminatory opinion.

Click the link below to log in and send your message:
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From: coastalbend@list.naswtx.org on behalf of Hampton, Tiffanie A. (via coastalbend list)
To: coastalbend@list.naswtx.org
Subject: [CoastalBend] FW: URGENT: NASWTX Response to AG opinion
Date: Thursday, February 24, 2022 10:29:44 AM
Attachments: image004.png
image005.png
NASWTX AG Statement Feb 2022 FINAL.pdf
AG Opinion KP-0401.pdf

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Official NASW/TX Statement Re: Att General's non-binding opinion on Gender Affirming Care

NASWTX Full statement attached, will be posted on social media and sent to ALL emails (both member and nonmember) in the next hour or so.

NASW-TX Continues to Oppose any Efforts to Redefine Child Abuse to Include Gender Affirming Care

The National Association of Social Workers – Texas Chapter (NASW-TX) stands opposed to any efforts to change the definition of child abuse to include "gender affirming care" as referenced in the Texas Attorney General's non-binding opinion KP-0401 released on February 18, 2022, as well as Gov. Abbott's February 22, 2022 letter to the Department of Family and Protective Services (DFPS) Commissioner "directing" DFPS to investigate such accusations. These continued attempts to change the definition of child abuse are in direct opposition to social work values, principles, and our Code of Ethics and pose danger to transgender youth and their families.

NASW/TX reminds licensed social workers that this a non-binding legal opinion and they still have professional discretion on mandatory reporting. No rules on reporting were changed through this opinion, nor through the Governor's letter.

We are also working with mental health and child welfare partners on a joint-letter. If you'd like to sign your org on or sign on as an individual – see here.

Alison Mohr Boleware, LMSW
Government Relations Director
National Association of Social Workers –
Texas Chapter
Pronouns: she/her/hers
810 W. 11th Street
Austin, Texas 78701
Working remotely, use:
432-425-2061 (Cell)

@naswtx_advocacy
Aboleware.naswtx@socialworkers.org

Get involved: check out our Advocacy Toolkit and take action on our Advocacy Alerts!

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From: naswtex.naswtx@socialworkers.org
To: jessica.perales@dfps.state.tx.us
Subject: [MARKETING] Statement: NASW-TX Continues to Oppose any Efforts to Redefine Child Abuse to Include Gender Affirmi
Date: Wednesday, February 23, 2022 2:39:49 PM

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FULL STATEMENT ON THE ATTORNEY GENERAL'S OPINION

NASW-TX stands opposed to any efforts to change the definition of child abuse to include "gender affirming care" as referenced in the Texas Attorney General's non-binding opinion KP-0401 released on February 18, 2022, as well as Gov. Abbott's February 22, 2022 letter to the Department of Family and Protective Services (DFPS) Commissioner "directing" DFPS to investigate such accusations. These continued attempts to change the definition of child abuse are in direct opposition to social work values, principles, and our Code of Ethics and pose danger to transgender youth and their families.

NASW-TX reminds licensed social workers that this a non-binding legal opinion and they still have professional discretion on mandatory reporting. No rules on reporting were changed through this opinion, nor through the Governor's letter.

February 23, 2022

NASW-TX Continues to Oppose any Efforts to Redefine Child Abuse to Include Gender Affirming Care

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- We submitted multiple joint letters to DFPS and the Governor's Office during August 2021 in response to this issue.

NASW-TX continues to urge Texas leadership to heed the advice of the legal, medical and mental health professional communities about how these proposed actions would endanger youth and families while negatively impacting the licensed professionals who serve as mandatory reports of child abuse. This non-binding legal opinion does not require DFPS to implement modifications to its current practices and rules which guide the investigation of reports of child abuse and neglect in Texas. We therefore ask the DFPS leadership team to stand in support of all Texas children and families by rejecting this harmful and discriminatory opinion.

National Association of Social Workers, Texas Chapter (NASW/Texas)
810 West 11th Street
Austin, TX 78701
512-474-1454
naswtex.naswtx@socialworkers.org
www.naswtx.org

To unsubscribe from all emails from the National Association of Social Workers, Texas Chapter, visit http://www.naswtx.org/members/EmailOptPreferences.aspx?id=35397387&e=jessica.perales@dfps.state.tx.us&h=6850ab8681cde5f01380cf65205363c951f4dbdf. We'll stop sending you emails about resources & member benefits, webinars & CEs, licensing support, career/jobs, chapter news, advocacy, and other topics useful to social workers.

AMERICAN OVERSIGHT

From:	PACEsConnection
To:	Dougherty,Veronica (DFPS)
Subject:	[New Blog Post] Texas Governor Pushes to Investigate Medical Treatments for Trans Youth as 'Child Abuse' [nytimes.com]
Date:	Friday, February 25, 2022 2:13:30 PM

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== To reply by email, write above this line. ==

New Blog Post

Texas Governor Pushes to Investigate Medical Treatments for Trans Youth as 'Child Abuse' [nytimes.com]

Natalie Audage (PACEs Connection Staff)

By Azeen Ghorayshi, Photo: Callaghan O'Hare/The New York Times, The New York Times, February 23, 2022

Gov. Greg Abbott told state health agencies in Texas on Tuesday that medical treatments provided to transgender adolescents, widely considered to be the standard of care in medicine, should be classified as "child abuse" under existing state law.

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His statements, made in a letter to the Texas Department of Family and Protective Services, followed an opinion on Friday by Attorney General Ken Paxton that said providing medical treatments like puberty-suppressing drugs and hormones to transgender teenagers should be investigated as child abuse.

Governor Abbott specified that the reporting requirements applied to “all licensed professionals who have direct contact with children who may be subject to such abuse, including doctors, nurses, and teachers, and provides criminal penalties for failure to report such child abuse.”

[**Please click here to read more**.]

[VIEW BLOG POST]

PACEsConnection

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AMERICAN OVERSIGHT

From:	Hicks,Brenda (DFPS)
To:	Powell,Andrea (DFPS); Musokwa,Dorothy (DFPS); Cuellar,Teresa (DFPS); Brown,Jamonica A (DFPS); Douglas,Sheila (DFPS); Hicks,Jacqueline (DFPS); Huitareo,Stephanie (DFPS); Lewis,Kaylee (DFPS); Linares,Jaquelyne (DFPS); Peacock,Payton (DFPS); Simmons,Semone (DFPS); Stobaugh,Bethany (DFPS); Brown,Cree (DFPS); Campbell,Khadeem (DFPS); Creeks,Mikhia (DFPS); Gorden,Natiya (DFPS); Massey,Roosevelt (DFPS); Miller,Tambra (DFPS); Ridout,Tiavonna (DFPS); Rochard,Chelsea (DFPS); Stafford,Stephanie (DFPS); Brown,Dawn D (DFPS); Bustos,Esbeydi (DFPS); Cavazos,Scarlett (DFPS); Darwin,Sara (DFPS); Joneswilliams,Kewanna N (DFPS); Massey,Sharbra L (DFPS); Ramey,Lashonta (DFPS); Reyna,Veronica (DFPS); Romero,Claudia (DFPS); Thomas,Tanjila (DFPS); Carrisalez,Fabian (DFPS); Chavez,Lidia (DFPS); Gray-Harrison,Blaire (DFPS); Howard,Shakia (DFPS); Jones,Daisy (DFPS); Landaverde,Odalys (DFPS); Moorning,Brittany D (DFPS); Sanchez,Jorge (DFPS); Santos,Ryan (DFPS); Smith,Tabitha K (DFPS)
Subject:	RE: 9:30 a.m. Program Meeting Today
Date:	Wednesday, February 23, 2022 10:11:12 AM
Attachments:	O-MastersJaime202202221358.pdf image001.png

Please find Governor Abbott's letter to the Commissioner.
Respectfully,

Brenda Hicks

CPS Supervisor -Unit 0H
8700 N Stemmons Frwy #104
Dallas, TX 75247
Cell: 214-507-0598
Fax: 512-276-3531
Email: Brenda.hicks@dfps.texas.gov
Hotline: 1-800-252-5400

From: Powell,Andrea (DFPS)
Sent: Wednesday, February 23, 2022 9:00 AM
To: Musokwa,Dorothy (DFPS) <Dorothy.Musokwa@dfps.texas.gov>; Cuellar,Teresa (DFPS) <Teresa.Cuellar@dfps.texas.gov>; Brown,Jamonica A (DFPS) <Jamonica.Brown@dfps.texas.gov>; Douglas,Sheila (DFPS) <Sheila.Douglas@dfps.texas.gov>; Hicks,Jacqueline (DFPS) <Jacqueline.Hicks@dfps.texas.gov>; Huitareo,Stephanie (DFPS) <Stephanie.Huitareo@dfps.texas.gov>; Lewis,Kaylee (DFPS) <Kaylee.Lewis@dfps.texas.gov>; Linares,Jaquelyne (DFPS) <Jaquelyne.Linares@dfps.texas.gov>; Peacock,Payton (DFPS) <Payton.Peacock@dfps.texas.gov>; Simmons,Semone (DFPS) <Semone.Simmons2@dfps.texas.gov>; Stobaugh,Bethany (DFPS) <Bethany.Stobaugh@dfps.texas.gov>; Brown,Cree (DFPS) <Cree.Brown@dfps.texas.gov>; Campbell,Khadeem (DFPS) <Khadeem.Campbell@dfps.texas.gov>; Creeks,Mikhia (DFPS) <Mikhia.Creeks@dfps.texas.gov>; Gorden,Natiya (DFPS) <Natiya.Gorden@dfps.texas.gov>; Massey,Roosevelt (DFPS) <Roosevelt.Massey@dfps.texas.gov>; Miller,Tambra (DFPS) <Tambra.Miller@dfps.texas.gov>; Ridout,Tiavonna (DFPS) <Tiavonna.Ridout@dfps.texas.gov>; Rochard,Chelsea (DFPS) <Chelsea.Rochard@dfps.texas.gov>; Stafford,Stephanie (DFPS) <Stephanie.Stafford@dfps.texas.gov>; Brown,Dawn D (DFPS) <Dawn.Brown@dfps.texas.gov>; Bustos,Esbeydi (DFPS) <Esbeydi.Bustos@dfps.texas.gov>; Cavazos,Scarlett (DFPS) <Scarlett.Cavazos@dfps.texas.gov>; Darwin,Sara (DFPS) <Sara.Darwin@dfps.texas.gov>; Hicks,Brenda (DFPS) <Brenda.Hicks@dfps.texas.gov>; Joneswilliams,Kewanna N (DFPS) <Kewanna.Joneswilliams@dfps.texas.gov>; Massey,Sharbra L

AMERICAN OVERSIGHT

(DFPS) <Sharbra.Massey@dfps.texas.gov>; Ramey,Lashonta (DFPS) <Lashonta.Ramey@dfps.texas.gov>; Reyna,Veronica (DFPS) <Veronica.Reyna@dfps.texas.gov>; Romero,Claudia (DFPS) <Claudia.Romero2@dfps.texas.gov>; Thomas,Tanjila (DFPS) <Tanjila.Thomas@dfps.texas.gov>; Carrisalez,Fabian (DFPS) <Fabian.Carrisalez@dfps.texas.gov>; Chavez,Lidia (DFPS) <Lidia.Chavez2@dfps.texas.gov>; Gray-Harrison,Blaire (DFPS) <Blaire.Grayharrison@dfps.texas.gov>; Howard,Shakia (DFPS) <Shakia.Howard@dfps.texas.gov>; Jones,Daisy (DFPS) <Daisy.Jones2@dfps.texas.gov>; Landaverde,Odalys (DFPS) <Odalys.Landaverde@dfps.texas.gov>; Moorning,Brittany D (DFPS) <Brittany.Moorning@dfps.texas.gov>; Sanchez,Jorge (DFPS) <Jorge.Sanchez@dfps.texas.gov>; Santos,Ryan (DFPS) <Ryan.Santos@dfps.texas.gov>; Smith,Tabitha K (DFPS) <Tabitha.Smith@dfps.texas.gov>

Subject: 9:30 a.m. Program Meeting Today

Importance: High

Good Morning All,

This is a reminder that our Virtual Program Meeting is today at 9:30 a.m. Please arrive on time, have your cameras on, and be prepared for Program and Agency updates. Bring your thoughts and ideas for us to continue moving forward as a team. During our last meeting I asked all to be prepared with thoughts and ideas of what you would like our Program's mission, vision, and values to look like. We will be creating them today. The link for today's meeting is below.

Microsoft Teams meeting

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+1 469-998-7368,,221082422# United States, Dallas

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Thanks,
Andrea L. Powell, MSW
Conservatorship Program Director
Units 0H, E0, D4, F9, Q0
8700 N. Stemmons Fwy, Suite 104
Dallas, TX. 75247
(214) 689-7274 (Office Phone)
(469) 323-6356 (Business Cell)
(512) 276-3565 (Fax)
Andrea.Powell@dfps.texas.gov

"Protecting The Unprotected"

TEXAS Health and Human Services | Texas Department of Family and Protective Services

AMERICAN OVERSIGHT

From: Molly Mead
To: Sosa,Phoebe (DFPS); Nicole Curcio; tlinseisin@mail.utexas.edu; j.begley@outlook.com
Subject: Fwd: A Short Note on Protecting Our Trans & Non-Binary Students
Date: Thursday, February 24, 2022 11:08:18 AM

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---------- Forwarded message ---------
From: **Molly Mead** <molly.mead@dvisd.net>
Date: Thu, Feb 24, 2022 at 10:55 AM
Subject: A Short Note on Protecting Our Trans & Non-Binary Students
To: Baty Distribution Group <batyelem@dvisd.net>

Good Morning Staff,

As _____ Social worker, I feel called to provide the following information given Gov. Abbott's announcement regarding transgender children, KP-0401, released on February 18, 2022, as well as his February 22, 2022 letter to the Department of Family and Protective Services (DFPS) Commissioner directing DFPS to investigate such accusations.

This statement has provided guidance to the Texas DFPS to begin investigating all transgender children in the state and their parents as child abusers. Our LGBTQIA+ students grapple with the implications of social injustice on a daily basis and this will be an added challenge to their safety. These continued attempts to change the definition of child abuse are in direct opposition to social work values, principles, and our Code of Ethics and pose danger to transgender & non-binary youth and their families.

NASW-TX reminds licensed social workers that this is a non-binding opinion, and that they maintain professional discretion on mandatory reporting. **I would like to convey to staff the same message; that no rules on reporting were changed through this opinion, nor through the Governor's letter.**

I invite you to sign this petition facilitated by Trevor Project (**https://actnow.io/I4COEul**) and share the link with fellow educators.

If you're interested in further information or discussing how we can continue to facilitate_____being a safety net for our children, please reach out to me! I'd love to make this an ongoing conversation.

--
Sincerely,

AMERICAN OVERSIGHT

Molly Mead LMSW
Baty Elementary School Social Worker
molly.mead@dvisd.net

--
Sincerely,

Molly Mead LMSW
Baty Elementary School Social Worker
molly.mead@dvisd.net

AMERICAN OVERSIGHT

From:	Santiago,Shaun (DFPS)
To:	Aguirre, Francie (CAO)
Subject:	FW: Abbot/Paxton Opinion
Date:	Thursday, February 24, 2022 10:15:00 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image001.png

---

Francie
What is going to be HCAO stance when this makes it to your office? I have told my boss I will resign before I RTB on a family whose child is transitioning

From: Santiago,Shaun (DFPS)
Sent: Thursday, February 24, 2022 10:09 AM
To: Shaunbroughton74@aol.com
Subject: Abbot/Paxton Opinion

Shaun Santiago
CPI/Alternative Response Program Director
2525 Murworth Drive
Houston TX 77054
Cell: 713-876-5394
Shaun.santiago@dfps.texas.gov

Texas Department of
Family and Protective Services
Child Protective Investigations

AMERICAN OVERSIGHT

From:	Santiago.Shaun (DFPS)
To:	Shaunbroughton74@aol.com
Subject:	Abbot/Paxton Opinion
Date:	Thursday, February 24, 2022 10:08:00 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image001.png

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Shaun Santiago
CPI/Alternative Response Program Director
2525 Murworth Drive
Houston TX 77054
Cell: 713-876-5394
Shaun.santiago@dfps.texas.gov

AMERICAN OVERSIGHT

From: Nabours,Patricia (DFPS)
To: Williams,Lauren (DFPS)
Subject: FW: Abbott letter 02/22/22
Date: Wednesday, February 23, 2022 9:42:00 PM
Attachments: O-MastersJaime202202221358.pdf

FYI. Hot off of the press from yesterday. Thought you would be interested in this!

From: Pat Nabours <patnabours78@gmail.com>
Sent: Wednesday, February 23, 2022 7:14 PM
To: Nabours,Patricia (DFPS) <Patricia.Nabours@dfps.texas.gov>
Subject: Abbott letter 02/22/22
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https://gov.texas.gov/uploads/files/press/O-MastersJaime202202221358.pdf

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From:	Pat Nabours
To:	Nabours,Patricia (DFPS)
Subject:	Abbott letter 02/22/22
Date:	Wednesday, February 23, 2022 8:17:40 PM
Attachments:	O-MastersJaime202202221358.pdf

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Sent from my iPad

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From:	Surratt,Michele L (DFPS)
To:	Chavez,Terri D (DFPS)
Subject:	FW: Abbott letter to DFPS
Date:	Thursday, February 24, 2022 4:19:34 PM
Attachments:	Abbott Letter.pdf

From: Kimberly Toulet <KToulet@mcounty.com>
Sent: Wednesday, February 23, 2022 12:59 PM
To: Surratt,Michele L (DFPS) <Michele.Surratt@dfps.texas.gov>
Subject: Abbott letter to DFPS

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Michele:
Have you received any direction on how the Department intends to handle this?
Thanks,

Kimberly Toulet
First Assistant County Attorney
432.688.4490 | ktoulet@mcounty.com

BOARD CERTIFIED Texas Board of Legal Specialization CHILD WELFARE LAW
Texas Bar College *Professionalism Through Education*

AMERICAN OVERSIGHT

From: Kimberly Toulet
To: Surratt,Michele L (DFPS)
Subject: Abbott letter to DFPS
Date: Wednesday, February 23, 2022 1:01:54 PM
Attachments: Abbott Letter.pdf

WARNING: This email is from outside the DFPS system. Do not click on links or attachments unless you expect them from the sender and know the content is safe.

Michele:
Have you received any direction on how the Department intends to handle this?
Thanks,

Kimberly Toulet
First Assistant County Attorney
432.688.4490 | ktoulet@mcounty.com

AMERICAN OVERSIGHT

From:	Cochrangreen,Jennifer (DFPS)
To:	Cochrangreen,Jennifer (DFPS)
Subject:	FW: ACLU Lawsuit
Date:	Wednesday, March 2, 2022 8:51:27 AM
Attachments:	doe_v._abbott_-_petition.pdf

From: Kinsler,Brenda L (DFPS)
Sent: Tuesday, March 1, 2022 6:45 PM
To: Bradley,Kathryn (DFPS) <Kathryn.Bradley@dfps.texas.gov>; Dodd,Katharine (DFPS) <Katharine.Dodd@dfps.texas.gov>; Cochrangreen,Jennifer (DFPS) <Jennifer.Cochrangreen@dfps.texas.gov>; Walker,Pamela (DFPS) <Pamela.Walker@dfps.texas.gov>; Bailey,Jamie J (DFPS) <Jamie.Bailey@dfps.texas.gov>; Savage,Patrice (DFPS) <Cecilia.Savage@dfps.texas.gov>
Subject: FW: ACLU Lawsuit

Thought you might be interested.

Brenda L. Kinsler

Managing Attorney Regions 4, 5, and 7

Department of Family and Protective Services
Ph: (512) 550-8833
Board Certified Child Welfare Law
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***Please note that my email address has changed to Brenda.kinsler@dfps.texas.gov ***

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From: Phillips,Kathleen V (DFPS)
Sent: Tuesday, March 1, 2022 12:50 PM
To: Adams,Stefanie (DFPS) <Stefanie.Adams@dfps.texas.gov>; Anderson,Regina (DFPS) <Regina.Anderson@dfps.texas.gov>; Arriaga,Dennis (DFPS) <Dennis.Arriaga@dfps.texas.gov>; Britt,Dewey D (DFPS) <Dewey.Britt@dfps.texas.gov>; Cordray,Glenna (DFPS) <Glenna.Cordray@dfps.texas.gov>; Kinsler,Brenda L (DFPS) <Brenda.Kinsler@dfps.texas.gov>; Palmquist,Laura R (DFPS) <Laura.Palmquist@dfps.texas.gov>; Surratt,Michele L (DFPS) <Michele.Surratt@dfps.texas.gov>; Tai,Eric T. (DFPS) <Eric.Tai@dfps.texas.gov>; Valdez,Lucinda (DFPS) <Lucinda.Valdez@dfps.texas.gov>
Subject: ACLU Lawsuit

Kathy Phillips
Managing Attorney
Region 11
Texas Department of Family and Protective Services
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361-944-1824 Cell
kathleen.phillips@dfps.texas.gov

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From:	Kinsler,Brenda L (DFPS)
To:	Bradley,Kathryn (DFPS); Dodd,Katharine (DFPS); Cochrangreen,Jennifer (DFPS); Walker,Pamela (DFPS); Bailey,Jamie J (DFPS); Savage,Patrice (DFPS)
Subject:	FW: ACLU Lawsuit
Date:	Tuesday, March 1, 2022 6:45:29 PM
Attachments:	doe_v._abbott_-_petition.pdf

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Brenda L. Kinsler

Managing Attorney Regions 4, 5, and 7

Department of Family and Protective Services

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From: Phillips,Kathleen V (DFPS)

Sent: Tuesday, March 1, 2022 12:50 PM

To: Adams,Stefanie (DFPS) <Stefanie.Adams@dfps.texas.gov>; Anderson,Regina (DFPS) <Regina.Anderson@dfps.texas.gov>; Arriaga,Dennis (DFPS) <Dennis.Arriaga@dfps.texas.gov>; Britt,Dewey D (DFPS) <Dewey.Britt@dfps.texas.gov>; Cordray,Glenna (DFPS) <Glenna.Cordray@dfps.texas.gov>; Kinsler,Brenda L (DFPS) <Brenda.Kinsler@dfps.texas.gov>; Palmquist,Laura R (DFPS) <Laura.Palmquist@dfps.texas.gov>; Surratt,Michele L (DFPS) <Michele.Surratt@dfps.texas.gov>; Tai,Eric T. (DFPS) <Eric.Tai@dfps.texas.gov>; Valdez,Lucinda (DFPS) <Lucinda.Valdez@dfps.texas.gov>

Subject: ACLU Lawsuit

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From:	Britt,Dewey D (DFPS)
To:	Alvey,Todd L (DFPS); Ferguson,Pamela D (DFPS); Panger,Julie (DFPS); Schulte,Megan (DFPS); Amanda Martin ; Amy Rodriguez (arodriguez@hutchinsoncnty.com); Anna Hord; Cheryl Nelson (cherylnelsonlaw@gmail.com); Courtney Wiggins; Craig C. Jones (cjones@hutchinsoncnty.com); Daniel Trout (danieltrout@co.potter.tx.us); Joe Meraz (j.meraz@countylaw.com); Katy Rendon (KRendon@lubbockcounty.gov); Melinda Powell (melindapowell@co.potter.tx.us); Neal Burt (nburt@co.lubbock.tx.us); Pam Cervantes; Scott M. Higginbotham (mcatty@moore-tx.com); Teresa Gutierrez; Tirey, Jim (halecountyattorney@gmail.com); Ward, Deirdre
Subject:	FW: ACLU Lawsuit
Date:	Tuesday, March 1, 2022 4:07:56 PM
Attachments:	doe_v._abbott_-_petition.pdf

FYI.
Interesting read.

Dewey Duane Britt
Department of Family and Protective Services
Managing Attorney
Region 01
State Bar No. 03025220
1622 10th Street
Lubbock, TX 79401
806.742.9172 ofc
512.927.5707 fax
806.231.6608 cell

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From: Phillips,Kathleen V (DFPS)
Sent: Tuesday, March 1, 2022 12:50 PM
To: Adams,Stefanie (DFPS) <Stefanie.Adams@dfps.texas.gov>; Anderson,Regina (DFPS) <Regina.Anderson@dfps.texas.gov>; Arriaga,Dennis (DFPS) <Dennis.Arriaga@dfps.texas.gov>; Britt,Dewey D (DFPS) <Dewey.Britt@dfps.texas.gov>; Cordray,Glenna (DFPS) <Glenna.Cordray@dfps.texas.gov>; Kinsler,Brenda L (DFPS) <Brenda.Kinsler@dfps.texas.gov>; Palmquist,Laura R (DFPS) <Laura.Palmquist@dfps.texas.gov>; Surratt,Michele L (DFPS) <Michele.Surratt@dfps.texas.gov>; Tai,Eric T. (DFPS) <Eric.Tai@dfps.texas.gov>; Valdez,Lucinda (DFPS) <Lucinda.Valdez@dfps.texas.gov>
Subject: ACLU Lawsuit

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kathleen.phillips@dfps.texas.gov

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From:	Anderson,Regina (DFPS)
To:	Means,Randell (DFPS); Skloss,Wendi (DFPS); Galvan,John Q (DFPS); Saint,James (DFPS); Scott,Anne (DFPS); Cherry,Veronica E (DFPS)
Subject:	FW: ACLU Lawsuit
Date:	Tuesday, March 1, 2022 2:25:00 PM
Attachments:	doe_v._abbott_-_petition.pdf

From: Phillips,Kathleen V (DFPS)
Sent: Tuesday, March 1, 2022 12:50 PM
To: Adams,Stefanie (DFPS) <Stefanie.Adams@dfps.texas.gov>; Anderson,Regina (DFPS) <Regina.Anderson@dfps.texas.gov>; Arriaga,Dennis (DFPS) <Dennis.Arriaga@dfps.texas.gov>; Britt,Dewey D (DFPS) <Dewey.Britt@dfps.texas.gov>; Cordray,Glenna (DFPS) <Glenna.Cordray@dfps.texas.gov>; Kinsler,Brenda L (DFPS) <Brenda.Kinsler@dfps.texas.gov>; Palmquist,Laura R (DFPS) <Laura.Palmquist@dfps.texas.gov>; Surratt,Michele L (DFPS) <Michele.Surratt@dfps.texas.gov>; Tai,Eric T. (DFPS) <Eric.Tai@dfps.texas.gov>; Valdez,Lucinda (DFPS) <Lucinda.Valdez@dfps.texas.gov>
Subject: ACLU Lawsuit

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From: Phillips,Kathleen V (DFPS)
To: Lennan,John J (DFPS)
Subject: FW: ACLU Lawsuit
Date: Tuesday, March 1, 2022 2:20:20 PM
Attachments: doe_v._abbott_-_petition.pdf

Kathy Phillips
Managing Attorney
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Texas Department of Family and Protective Services
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From: Phillips,Kathleen V (DFPS)
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To: Adams,Stefanie (DFPS) <Stefanie.Adams@dfps.texas.gov>; Anderson,Regina (DFPS) <Regina.Anderson@dfps.texas.gov>; Arriaga,Dennis (DFPS) <Dennis.Arriaga@dfps.texas.gov>; Britt,Dewey D (DFPS) <Dewey.Britt@dfps.texas.gov>; Cordray,Glenna (DFPS) <Glenna.Cordray@dfps.texas.gov>; Kinsler,Brenda L (DFPS) <Brenda.Kinsler@dfps.texas.gov>; Palmquist,Laura R (DFPS) <Laura.Palmquist@dfps.texas.gov>; Surratt,Michele L (DFPS) <Michele.Surratt@dfps.texas.gov>; Tai,Eric T. (DFPS) <Eric.Tai@dfps.texas.gov>; Valdez,Lucinda (DFPS) <Lucinda.Valdez@dfps.texas.gov>
Subject: ACLU Lawsuit
Kathy Phillips
Managing Attorney
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AMERICAN OVERSIGHT

From:	Palmquist,Laura R (DFPS)
To:	Dominguez,Corine (DFPS)
Subject:	FW: ACLU Lawsuit
Date:	Tuesday, March 1, 2022 1:17:00 PM
Attachments:	doe_v._abbott_-_petition.pdf

Corine – if program approaches you on an investigation involving a transgender child, let me know asap. We will handle that together. Also…see the attached petition.

From: Phillips,Kathleen V (DFPS)
Sent: Tuesday, March 1, 2022 12:50 PM
To: Adams,Stefanie (DFPS) <Stefanie.Adams@dfps.texas.gov>; Anderson,Regina (DFPS) <Regina.Anderson@dfps.texas.gov>; Arriaga,Dennis (DFPS) <Dennis.Arriaga@dfps.texas.gov>; Britt,Dewey D (DFPS) <Dewey.Britt@dfps.texas.gov>; Cordray,Glenna (DFPS) <Glenna.Cordray@dfps.texas.gov>; Kinsler,Brenda L (DFPS) <Brenda.Kinsler@dfps.texas.gov>; Palmquist,Laura R (DFPS) <Laura.Palmquist@dfps.texas.gov>; Surratt,Michele L (DFPS) <Michele.Surratt@dfps.texas.gov>; Tai,Eric T. (DFPS) <Eric.Tai@dfps.texas.gov>; Valdez,Lucinda (DFPS) <Lucinda.Valdez@dfps.texas.gov>
Subject: ACLU Lawsuit

Kathy Phillips
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From:	Phillips,Kathleen V (DFPS)
To:	Adams,Stefanie (DFPS); Anderson,Regina (DFPS); Arriaga,Dennis (DFPS); Britt,Dewey D (DFPS); Cordray,Glenna (DFPS); Kinsler,Brenda L (DFPS); Palmquist,Laura R (DFPS); Surratt,Michele L (DFPS); Tai,Eric T. (DFPS); Valdez,Lucinda (DFPS)
Subject:	ACLU Lawsuit
Date:	Tuesday, March 1, 2022 12:49:59 PM
Attachments:	doe_v._abbott_-_petition.pdf

Kathy Phillips
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AMERICAN OVERSIGHT

From: Phillips,Kathleen V (DFPS)
To: Smith,Michelle L (DFPS); Skipper,Shaun S (DFPS); Skipper,Allison (DFPS)
Subject: AG Opinion
Date: Tuesday, March 1, 2022 10:44:59 AM
Attachments: kp-0401_0.pdf

In regard to the AG opinion about gender reassignment, if program contacts you with any questions or wanting to staff a case with this issue, you need to notify me immediately and do not give any advice in regard to this subject.
Leg me know if you have any questions.

Kathy Phillips
Managing Attorney
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361-944-1824 Cell
kathleen.phillips@dfps.texas.gov

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AMERICAN OVERSIGHT

From:	Crimmins,Patrick (DFPS)
To:	"Goldenstein, Taylor"
Cc:	Gonzales,Marissa L (DFPS)
Subject:	RE: AG opinion
Date:	Tuesday, February 22, 2022 4:18:33 PM
Attachments:	AG Opinion Statement.docx

Taylor – please see attached

From: Crimmins,Patrick (DFPS)
Sent: Tuesday, February 22, 2022 2:32 PM
To: Goldenstein, Taylor <Taylor.Goldenstein@chron.com>
Cc: Gonzales,Marissa L (DFPS) <Marissa.Gonzales@dfps.texas.gov>
Subject: RE: AG opinion

Hi Taylor – we've been reviewing the opinion and should have a response for you today……
Patrick

From: Goldenstein, Taylor <Taylor.Goldenstein@chron.com>
Sent: Tuesday, February 22, 2022 11:18 AM
To: patrick.crimmins@dfps.state.tx.us
Subject: AG opinion

WARNING: This email is from outside the DFPS system. Do not click on links or attachments unless you expect them from the sender and know the content is safe.

Hi Patrick,

Hope you're well! I am reaching out to ask what the AG's latest opinion that certain types of health care for transgender children constitute child abuse, in line with your agency's August opinion that reassignment surgery is abuse (but it seems his is a little broader since it extends to hormone therapy and other medications).

1. What, logistically, will change, if anything with this new AG opinion?
2. Also, how has your office's policy been going since August? Can you tell me how many investigations you've initiated and whether anyone has actually been charged or whether legal action has been taken?
3. How exactly does DFPS enforce this, since it doesn't have jurisdiction over the health care facilities? What is within the agency's power to do if it learns of alleged abuse of this kind?
4. Since the AG opinion is non-binding, does that mean this will eventually need to be tested in court or solidified through a new state law?

Thanks for your time,
Taylor

--

Taylor Goldenstein
Austin bureau reporter | Houston Chronicle/Hearst Newspapers

AMERICAN OVERSIGHT

o 512-439-2891 **m** 512-200-2910

e taylor.goldenstein@chron.com

Twitter: @taygoldenstein

AMERICAN OVERSIGHT

From:	Surratt,Michele L (DFPS)
To:	Pipes,Glenn (DFPS); Walker,Clarence (DFPS)
Subject:	FW: AG Opinion in re Sex Change = Abuse
Date:	Wednesday, March 2, 2022 4:31:19 PM
Attachments:	Attorney General Opinion No. KP-0401 -Sex changes and abuse.pdf

From: Kinsler,Brenda L (DFPS)
Sent: Tuesday, February 22, 2022 10:39 AM
To: Phillips,Kathleen V (DFPS) <Kathleen.Phillips@dfps.texas.gov>; Britt,Dewey D (DFPS) <Dewey.Britt@dfps.texas.gov>; Arriaga,Dennis (DFPS) <Dennis.Arriaga@dfps.texas.gov>; Anderson,Regina (DFPS) <Regina.Anderson@dfps.texas.gov>; Palmquist,Laura R (DFPS) <Laura.Palmquist@dfps.texas.gov>; Valdez,Lucinda (DFPS) <Lucinda.Valdez@dfps.texas.gov>; Surratt,Michele L (DFPS) <Michele.Surratt@dfps.texas.gov>; Tai,Eric T. (DFPS) <Eric.Tai@dfps.texas.gov>; Adams,Stefanie (DFPS) <Stefanie.Adams@dfps.texas.gov>; Cordray,Glenna (DFPS) <Glenna.Cordray@dfps.texas.gov>
Cc: Kozikoujekian,Vicki (DFPS) <Vicki.Kozikoujekian@dfps.texas.gov>
Subject: AG Opinion in re Sex Change = Abuse

Interesting opinion.

Brenda L. Kinsler

Managing Attorney Regions 4, 5, and 7
Department of Family and Protective Services
Ph: (512) 550-8833
Board Certified Child Welfare Law

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From:	Kozikoujekian,Vicki (DFPS)
To:	Price,Kellie (DFPS)
Subject:	FW: AG Opinion in re Sex Change = Abuse
Date:	Tuesday, February 22, 2022 12:40:00 PM
Attachments:	Attorney General Opinion No. KP-0401 -Sex changes and abuse.pdf

Did not see you on the list.

From: Kinsler,Brenda L (DFPS) <Brenda.Kinsler@dfps.texas.gov>
Sent: Tuesday, February 22, 2022 10:39 AM
To: Phillips,Kathleen V (DFPS) <Kathleen.Phillips@dfps.texas.gov>; Britt,Dewey D (DFPS) <Dewey.Britt@dfps.texas.gov>; Arriaga,Dennis (DFPS) <Dennis.Arriaga@dfps.texas.gov>; Anderson,Regina (DFPS) <Regina.Anderson@dfps.texas.gov>; Palmquist,Laura R (DFPS) <Laura.Palmquist@dfps.texas.gov>; Valdez,Lucinda (DFPS) <Lucinda.Valdez@dfps.texas.gov>; Surratt,Michele L (DFPS) <Michele.Surratt@dfps.texas.gov>; Tai,Eric T. (DFPS) <Eric.Tai@dfps.texas.gov>; Adams,Stefanie (DFPS) <Stefanie.Adams@dfps.texas.gov>; Cordray,Glenna (DFPS) <Glenna.Cordray@dfps.texas.gov>
Cc: Kozikoujekian,Vicki (DFPS) <Vicki.Kozikoujekian@dfps.texas.gov>
Subject: AG Opinion in re Sex Change = Abuse

Interesting opinion.

Brenda L. Kinsler

Managing Attorney Regions 4, 5, and 7

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Ph: (512) 550-8833
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Texas Board of Legal Specialization

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From:	Kinsler,Brenda L (DFPS)
To:	Phillips,Kathleen V (DFPS); Britt,Dewey D (DFPS); Arriaga,Dennis (DFPS); Anderson,Regina (DFPS); Palmquist,Laura R (DFPS); Valdez,Lucinda (DFPS); Surratt,Michele L (DFPS); Tai,Eric T. (DFPS); Adams,Stefanie (DFPS); Cordray,Glenna (DFPS)
Cc:	Kozikoujekian,Vicki (DFPS)
Subject:	AG Opinion in re Sex Change = Abuse
Date:	Tuesday, February 22, 2022 10:39:14 AM
Attachments:	Attorney General Opinion No. KP-0401 -Sex changes and abuse.pdf

Interesting opinion.

Brenda L. Kinsler

Managing Attorney Regions 4, 5, and 7

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BOARD CERTIFIED

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From:	Arriaga,Dennis (DFPS)
To:	Mikeska,William (DFPS); Roberson,Tom (DFPS); Smith,Lacey (DFPS); Bradley,Marilyn (DFPS); Morales,Teresa B (DFPS); Keiler-Green,Emily (DFPS); Schneider,Brandt (DFPS); Martinez,Rafael O (DFPS); Cuadrado,Melissa J (DFPS)
Subject:	Attorney General Opinion
Date:	Tuesday, February 22, 2022 11:33:06 AM
Attachments:	Attorney General Opinion No. KP-0401 -Sex changes and abuse.pdf

Just an FYI.

AMERICAN OVERSIGHT

From:	Beaudoin,Lashonna R (DFPS)
To:	Barnaby,Uriah (DFPS); Geiselhart,Loree W. (DFPS); Mckoy,Nicoya N (DFPS); Romero,Gorky (DFPS); Smith,Deitra M (DFPS)
Subject:	Attorney General Opinion
Date:	Wednesday, March 2, 2022 2:58:26 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

A legal opinion was released by the AG's office on February 21, 2022. The governor subsequently provided further direction to DFPS to these reported matters.

Those two documents are attached to this communication which gives guidance and direction regarding how the department is to handle intakes related to gender transitioning.

Please consult with your PD regarding any questions you may have.

Thanks,

LaShonna Beaudoin
Investigative and Alternative Response Program Director
3 Northpoint
Houston, Tx 77060
281-405-3428 office
832-454-4512 cell

AMERICAN OVERSIGHT

From:	Ulmer,Nathan (DFPS)
To:	Rodriguez,Ruby A (DFPS); Scott,Shane K (DFPS); Wilson Morris,Pansie (DFPS); Munoz,Eric (DFPS); Blau,Tracie (DFPS); Matthews,Rebecca (DFPS); Jackson,Leslie (DFPS); Henry,Michael B (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Tuesday, March 1, 2022 6:39:58 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

I read Abbott's letter more thoroughly and it appears that allowing a child to take hormone blockers is also something we now constitute as PHAB, not just the physical reassignment surgery. Our directive is more accurately explained in the governor's letter verse AG's opinion.
Nathan

From: Black,Stephen D (DFPS) <Stephen.Black@dfps.texas.gov>

Sent: Wednesday, February 23, 2022 3:31 PM

To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>

Subject: Attorney General Opinion

Hello SWI,
A legal opinion was released by the AG's office on February 21, 2022. The governor subsequently provided further direction to DFPS to these reported matters.
Those two documents are attached to this communication which gives guidance and direction regarding how the department is to handle intakes related to gender transitioning.
Please consult with your PA regarding any questions you may have.
Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Morris,Ruth J (DFPS)
To:	Valmont,Crystal R (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Tuesday, March 1, 2022 4:55:00 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png

---

Have you seen this?

From: Bell,Tiffany (DFPS) <Tiffany.Bell2@dfps.texas.gov>
Sent: Tuesday, March 1, 2022 1:42 PM
To: Morris,Ruth J (DFPS) <Ruth.Morris@dfps.texas.gov>
Subject: FW: Attorney General Opinion

From: Trahan,Kyndall (DFPS) <Kyndall.Trahan@dfps.texas.gov>
Sent: Thursday, February 24, 2022 9:48 AM
To: Mayon,Lashanda (DFPS) <Lashanda.Mayon@dfps.texas.gov>; Frank,Courtney (DFPS) <Courtney.Frank@dfps.texas.gov>; Wiltz,Lechanda (DFPS) <Lechanda.Wiltz@dfps.texas.gov>; Jones,Sade (DFPS) <Sade.Jones@dfps.texas.gov>; Tyler,Christiana L (DFPS) <Christiana.Tyler@dfps.texas.gov>; Bell,Tiffany (DFPS) <Tiffany.Bell2@dfps.texas.gov>; Balser,Jodi L. (DFPS) <Jodi.Balser@dfps.texas.gov>; Derry,Tiffany (DFPS) <Tiffany.Derry@dfps.texas.gov>; Lambert,Kellie (DFPS) <Kellie.Lambert@dfps.texas.gov>; Marks,Tracey (DFPS) <Tracey.Marks@dfps.texas.gov>; Ponthieu,Minda (DFPS) <Minda.Ponthieu@dfps.texas.gov>; Simon,Savannah (DFPS) <Savannah.Simon@dfps.texas.gov>; Woods,Kristen (DFPS) <Kristen.Woods@dfps.texas.gov>
Cc: Bailey,Brittany (DFPS) <Brittany.Bailey@dfps.texas.gov>
Subject: FW: Attorney General Opinion

FYI –
Essentially the Governor wants reporters (professional and personnel) to report any parents that are encouraging/allowing/involved in allowing their minor children, who identify as transgendered, to go through the transition process. Governor Abbott is also mandating that DFPS investigate these parents and to have SWI process the intakes for field response.
I know there are lots of feelings around this and more questions than answers right now. Upper management is very involved as this is totally new ground for the agency. If you get a case that I miss, please let me know immediately so I can report it up the chain.
Please know that this email is not the platform for opinions or discussion on this topic. If we need to meet privately, my door is always open.
Thanks,
Kyndall

From: Prewitt,Amanda R. (DFPS)
Sent: Wednesday, February 23, 2022 7:47 PM
To: Trahan,Kyndall (DFPS) <Kyndall.Trahan@dfps.texas.gov>; Bailey,Brittany (DFPS) <Brittany.Bailey@dfps.texas.gov>; Murphy,Lana (DFPS) <Lana.Murphy@dfps.texas.gov>; Nellar,Pansy (DFPS) <Pansy.Nellar@dfps.texas.gov>; Parrott,Katheryn (DFPS) <Katheryn.Parrott@dfps.texas.gov>; Cameron,Crystal (DFPS) <Crystal.Cameron@dfps.texas.gov>; Mczeal,Scheerish A (DFPS) <Scheerish.Mczeal@dfps.texas.gov>

AMERICAN OVERSIGHT

Cc: Boshuizen,Steven (DFPS) <Steven.Boshuizen@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Amanda R. Prewitt
Child Protective Investigations Program Director: Region 4
420 Athens Brick Road, Athens Texas 75751
☎State Cell: 903-368-0064 | ☎Fax: 512-276-3581
☎Report abuse: 1-800-252-5400
✉ E-mail: Amanda.Prewitt@dfps.texas.gov

Texas Department of Family and Protective Services
Child Protective Investigations

From: Liles,Lou R (DFPS) <Lou.Liles@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 6:53 PM
To: Prewitt,Amanda R. (DFPS) <Amanda.Prewitt@dfps.texas.gov>; Phillips,Deirdre (DFPS) <Deirdre.Phillips@dfps.texas.gov>; Peterson,Nicole (DFPS) <Nicole.Peterson@dfps.texas.gov>; Claude,Jennifer L (DFPS) <Jennifer.Claude@dfps.texas.gov>; Chesnut,Andrew (DFPS) <Andrew.Chesnut@dfps.texas.gov>; Boshuizen,Steven (DFPS) <Steven.Boshuizen@dfps.texas.gov>
Subject: Fwd: Attorney General Opinion

If you receive any of these intakes I need to know immediately. Please share with all of your supervisors

---

From: Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 4:18 PM
To: Liles,Lou R (DFPS)
Subject: Fwd: Attorney General Opinion

From: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:54:57 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
Subject: FW: Attorney General Opinion

See email below and attachments—email/attachments sent to SWI staff. I believe we have three right now in the intake stage—or being worked on by SWI. Stephen will send me the case numbers as soon as he has them for us to be aware in order to assist our staff with these cases.
Thanks,
Marta

Marta Talbert
Director of Investigation and Alternative Response

AMERICAN OVERSIGHT

512-438-3357
marta.talbert@dfps.texas.gov

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:46 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: FW: Attorney General Opinion

fyi
Stephen Black
512-960-9352

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

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Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Mitchell,Jimmie (DFPS)
To:	Garza,Clara (DFPS); Jackson,Amy (DFPS); King,Cullen (DFPS); Mcelhinney,Kara (DFPS); Molina,Maria (DFPS); Peterman,Ashley (DFPS); Turner,Stacy (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Tuesday, March 1, 2022 2:49:36 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image001.png

---

From: Abascal-Roemer,Allison J (DFPS) <Allison.Abascalroemer@dfps.texas.gov>
Sent: Tuesday, March 1, 2022 2:31 PM
To: Dominguez,Mark A (DFPS) <Mark.Dominguez@dfps.texas.gov>; Evens,Kristin (DFPS) <Kristin.Evens@dfps.texas.gov>; Malik,Elisha (DFPS) <Elisha.Malik@dfps.texas.gov>; Mitchell,Jimmie (DFPS) <Jimmie.Mitchell@dfps.texas.gov>
Subject: FW: Attorney General Opinion

So this goes to the email I sent last week. If we get any inv. in that voice any concerns regarding children and any gender changing procedures notify me immediately so we can notify the chain of command.

Allison Abascal-Roemer
Inv. Rural Program Director
Child Protective Investigations
819 Water St. suite 230 Kerrville, TX
830-792-4303 ex 0230 office
830-928-5174 cell

NOTICE: There has been a change to my email address. Effective immediately, my new email address is:

Allison.AbascalRoemer@dfps.texas.gov

From: Tyler,Michelle L (DFPS)
Sent: Tuesday, March 1, 2022 2:07 PM
To: Alcoser,Vanessa (DFPS) <Vanessa.Alcoser@dfps.texas.gov>; Abascal-Roemer,Allison J (DFPS) <Allison.Abascalroemer@dfps.texas.gov>; Beavers,Gwen E (DFPS) <Gwen.Beavers@dfps.texas.gov>; Moore,Maddison Y (DFPS) <Maddison.Moore@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Please see attached. We need to know if we get any of these reports in.

Michelle Tyler
CPI Program Administrator
Region 8
10223 Nacogdoches Rd.
San Antonio, Texas
210-262-1922

Texas Department of Family and Protective Services
Investigations

From: Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>
Sent: Tuesday, March 1, 2022 12:27 PM

AMERICAN OVERSIGHT

To: Tyler,Michelle L (DFPS) <Michelle.Tyler@dfps.texas.gov>; Ross,Jarlene (DFPS) <Jarlene.Ross@dfps.texas.gov>

Subject: FW: Attorney General Opinion

Be sure to share with the PD's, as we will need to know about any intakes that come in related to this topic.

If the supervisor or PD can forward the intakes to us ASAP. I am sure this is something we are asked about often.

Michelle Cunningham, MSW
Child Protective Investigations
Regional Director (R8)
10223 Nacogdoches Rd.
San Antonio, Texas
Office phone 210-871-3106
Cell Phone 830-433-0924

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AMERICAN OVERSIGHT

From: Malik,Elisha (DFPS)
To: Weers,Debbie (DFPS)
Subject: FW: Attorney General Opinion
Date: Tuesday, March 1, 2022 2:37:00 PM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf
image001.png

For unit meeting
Warm regards,

Elisha Malik

Rural Investigations and Alternative Response Supervisor
Unit 32 Comal and Kendall County
Child Protective Investigations
115 Green Valley St
New Braunfels, Texas 78130
Cell: 210.262.7431
Fax: 512.934.9620

From: Abascal-Roemer,Allison J (DFPS)
Sent: Tuesday, March 1, 2022 2:31 PM
To: Dominguez,Mark A (DFPS) <Mark.Dominguez@dfps.texas.gov>; Evens,Kristin (DFPS) <Kristin.Evens@dfps.texas.gov>; Malik,Elisha (DFPS) <Elisha.Malik@dfps.texas.gov>; Mitchell,Jimmie (DFPS) <Jimmie.Mitchell@dfps.texas.gov>
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CPI Program Administrator

AMERICAN OVERSIGHT

Region 8
10223 Nacogdoches Rd.
San Antonio, Texas
210-262-1922

Texas Department of Family and Protective Services
Investigations

From: Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>
Sent: Tuesday, March 1, 2022 12:27 PM
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Cell Phone 830-433-0924

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AMERICAN OVERSIGHT

From: Walker,Lynette (DFPS)
To: Montgomery,Andrea (DFPS Contractor)
Subject: FW: Attorney General Opinion
Date: Tuesday, March 1, 2022 2:31:00 PM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

From: Estupinan,Jennifer (DFPS) <Jennifer.Estupinan@dfps.texas.gov>
Sent: Tuesday, March 1, 2022 2:24 PM
To: Justice,Tyiesha (DFPS) <Tyiesha.Justice@dfps.texas.gov>; Walker,Lynette (DFPS) <Lynette.Walker@dfps.texas.gov>; Wilson,Chasidy (DFPS) <Chasidy.Wilson@dfps.texas.gov>; Robinson,Tasia (DFPS) <Tasia.Robinson@dfps.texas.gov>; Mackeen,Jessica E (DFPS) <Jessica.Mackeen@dfps.texas.gov>; Warren,Tiffani (DFPS) <Tiffani.Warren@dfps.texas.gov>; Lyles,Brittany (DFPS) <Brittany.Lyles@dfps.texas.gov>
Subject: FW: Attorney General Opinion
Importance: High

Information that we are discussing during the conference call today.

From: Douglas,Diepriye (DFPS) <Diepriye.Douglas@dfps.texas.gov>
Sent: Tuesday, March 1, 2022 11:43 AM
To: Estupinan,Jennifer (DFPS) <Jennifer.Estupinan@dfps.texas.gov>; Ludwig,Tamala (DFPS) <Tamala.Ludwig@dfps.texas.gov>; Mcdonnell,Maria (DFPS) <Maria.Mcdonnell2@dfps.texas.gov>; Rayson,Kearia A (DFPS) <Kearia.Rayson@dfps.texas.gov>; Rosolino,Juliana G (DFPS) <Juliana.Rosolino@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Good morning all,
I am not sure if you have heard of this (see attached) however if you get a case that falls into this category, **immediately notify me** before sending a worker out. We need to staff it up.
Call me if you need to discuss further.

Kind regards,
Diepriye Douglas, MSW, LCSW
CPI Program Director of Investigation and Alternative Response
6300 Chimney Rock Rd
Houston, TX 77081
Cell: 832 449 0502
Fax 512 276 3011
Child Abuse Hotline 800 252 5400

From: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:55 PM
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AMERICAN OVERSIGHT

Subject: FW: Attorney General Opinion

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Thanks,

Marta

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Director of Investigation and Alternative Response

512-438-3357

marta.talbert@dfps.texas.gov

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Sent: Wednesday, February 23, 2022 3:46 PM

To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>

Subject: FW: Attorney General Opinion

fyi

Stephen Black

512-960-9352

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SWI Associate Commissioner

512-960-9352

AMERICAN OVERSIGHT

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To: Dominguez,Mark A (DFPS); Evens,Kristin (DFPS); Malik,Elisha (DFPS); Mitchell,Jimmie (DFPS)
Subject: FW: Attorney General Opinion
Date: Tuesday, March 1, 2022 2:31:00 PM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
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image001.png

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AMERICAN OVERSIGHT

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To:	Alcoser,Vanessa (DFPS); Abascal-Roemer,Allison J (DFPS); Beavers,Gwen E (DFPS); Moore,Maddison Y (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Tuesday, March 1, 2022 2:07:29 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image001.png

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Regional Director (R8)
10223 Nacogdoches Rd.
San Antonio, Texas
Office phone 210-871-3106
Cell Phone 830-433-0924

NOTICE: There has been a change to my email address. Effective immediately, my new email address is: **Michelle.Cunningham@dfps.texas.gov**

AMERICAN OVERSIGHT

From:	Bell,Tiffany (DFPS)
To:	Morris,Ruth J (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Tuesday, March 1, 2022 1:41:00 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png

---

From: Trahan,Kyndall (DFPS) <Kyndall.Trahan@dfps.texas.gov>
Sent: Thursday, February 24, 2022 9:48 AM
To: Mayon,Lashanda (DFPS) <Lashanda.Mayon@dfps.texas.gov>; Frank,Courtney (DFPS) <Courtney.Frank@dfps.texas.gov>; Wiltz,Lechanda (DFPS) <Lechanda.Wiltz@dfps.texas.gov>; Jones,Sade (DFPS) <Sade.Jones@dfps.texas.gov>; Tyler,Christiana L (DFPS) <Christiana.Tyler@dfps.texas.gov>; Bell,Tiffany (DFPS) <Tiffany.Bell2@dfps.texas.gov>; Balser,Jodi L. (DFPS) <Jodi.Balser@dfps.texas.gov>; Derry,Tiffany (DFPS) <Tiffany.Derry@dfps.texas.gov>; Lambert,Kellie (DFPS) <Kellie.Lambert@dfps.texas.gov>; Marks,Tracey (DFPS) <Tracey.Marks@dfps.texas.gov>; Ponthieu,Minda (DFPS) <Minda.Ponthieu@dfps.texas.gov>; Simon,Savannah (DFPS) <Savannah.Simon@dfps.texas.gov>; Woods,Kristen (DFPS) <Kristen.Woods@dfps.texas.gov>
Cc: Bailey,Brittany (DFPS) <Brittany.Bailey@dfps.texas.gov>
Subject: FW: Attorney General Opinion

FYI –
Essentially the Governor wants reporters (professional and personnel) to report any parents that are encouraging/allowing/involved in allowing their minor children, who identify as transgendered, to go through the transition process. Governor Abbott is also mandating that DFPS investigate these parents and to have SWI process the intakes for field response.
I know there are lots of feelings around this and more questions than answers right now. Upper management is very involved as this is totally new ground for the agency. If you get a case that I miss, please let me know immediately so I can report it up the chain.
Please know that this email is not the platform for opinions or discussion on this topic. If we need to meet privately, my door is always open.
Thanks,
Kyndall

From: Prewitt,Amanda R. (DFPS)
Sent: Wednesday, February 23, 2022 7:47 PM
To: Trahan,Kyndall (DFPS) <Kyndall.Trahan@dfps.texas.gov>; Bailey,Brittany (DFPS) <Brittany.Bailey@dfps.texas.gov>; Murphy,Lana (DFPS) <Lana.Murphy@dfps.texas.gov>; Nellar,Pansy (DFPS) <Pansy.Nellar@dfps.texas.gov>; Parrott,Katheryn (DFPS) <Katheryn.Parrott@dfps.texas.gov>; Cameron,Crystal (DFPS) <Crystal.Cameron@dfps.texas.gov>; Mczeal,Scheerish A (DFPS) <Scheerish.Mczeal@dfps.texas.gov>
Cc: Boshuizen,Steven (DFPS) <Steven.Boshuizen@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Amanda R. Prewitt
Child Protective Investigations Program Director: Region 4
420 Athens Brick Road, Athens Texas 75751
☎State Cell: 903-368-0064 | ☎Fax: 512-276-3581

AMERICAN OVERSIGHT

☎Report abuse: 1-800-252-5400
✉ E-mail: Amanda.Prewitt@dfps.texas.gov

Texas Department of Family and Protective Services
Child Protective Investigations

From: Liles,Lou R (DFPS) <Lou.Liles@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 6:53 PM
To: Prewitt,Amanda R. (DFPS) <Amanda.Prewitt@dfps.texas.gov>; Phillips,Deirdre (DFPS) <Deirdre.Phillips@dfps.texas.gov>; Peterson,Nicole (DFPS) <Nicole.Peterson@dfps.texas.gov>; Claude,Jennifer L (DFPS) <Jennifer.Claude@dfps.texas.gov>; Chesnut,Andrew (DFPS) <Andrew.Chesnut@dfps.texas.gov>; Boshuizen,Steven (DFPS) <Steven.Boshuizen@dfps.texas.gov>
Subject: Fwd: Attorney General Opinion
If you receive any of these intakes I need to know immediately. Please share with all of your supervisors

---

From: Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 4:18 PM
To: Liles,Lou R (DFPS)
Subject: Fwd: Attorney General Opinion

From: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:54:57 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
Subject: FW: Attorney General Opinion
See email below and attachments—email/attachments sent to SWI staff. I believe we have three right now in the intake stage—or being worked on by SWI. Stephen will send me the case numbers as soon as he has them for us to be aware in order to assist our staff with these cases.
Thanks,
Marta

Marta Talbert
Director of Investigation and Alternative Response
512-438-3357
marta.talbert@dfps.texas.gov

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:46 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>

AMERICAN OVERSIGHT

Subject: FW: Attorney General Opinion

fyi

Stephen Black
512-960-9352

From: Black,Stephen D (DFPS)

Sent: Wednesday, February 23, 2022 3:31 PM

To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>

Subject: Attorney General Opinion

Hello SWI,

A legal opinion was released by the AG's office on February 21, 2022. The governor subsequently provided further direction to DFPS to these reported matters.

Those two documents are attached to this communication which gives guidance and direction regarding how the department is to handle intakes related to gender transitioning.

Please consult with your PA regarding any questions you may have.

Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From: Cunningham,Michelle S (DFPS)
To: Tyler,Michelle L (DFPS); Ross,Jarlene (DFPS)
Subject: FW: Attorney General Opinion
Date: Tuesday, March 1, 2022 12:26:45 PM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

Be sure to share with the PD's, as we will need to know about any intakes that come in related to this topic.
If the supervisor or PD can forward the intakes to us ASAP. I am sure this is something we are asked about often.

Michelle Cunningham, MSW
Child Protective Investigations
Regional Director (R8)
10223 Nacogdoches Rd.
San Antonio, Texas
Office phone 210-871-3106
Cell Phone 830-433-0924

NOTICE: There has been a change to my email address. Effective immediately, my new email address is: **Michelle.Cunningham@dfps.texas.gov**

From: Talbert,Marta L (DFPS)
Sent: Tuesday, March 1, 2022 12:20 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
Subject: FW: Attorney General Opinion

I want to double check---we currently only have three intakes/investigations regarding the legal opinion-Whether certain medical procedures performed on children constitute child abuse??
Correct?—Two out of Lisa's area and One out of Matts' area.
Tonya had one but found out doesn't meet so closing the case—has this been closed?
Need answer quickly.

Marta Talbert
Director of Investigation and Alternative Response
512-438-3357
marta.talbert@dfps.texas.gov

AMERICAN OVERSIGHT

From:	Talbert,Marta L (DFPS)
To:	Harmon,Tonya (DFPS); Toni Sutton (DFPS; Gilbert,Matthew (DFPS); Gailes,Keith D (DFPS); Wharton,Jarita N (DFPS); Sanders,Monica L (DFPS); Guyton,Lisa M (DFPS); Cunningham,Michelle S (DFPS); Baquero,Myrna I (DFPS); Yzaguirre,Marina C (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Tuesday, March 1, 2022 12:22:43 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

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Tonya had one but found out doesn't meet so closing the case—has this been closed?

Need answer quickly.

Marta Talbert

Director of Investigation and Alternative Response

512-438-3357

marta.talbert@dfps.texas.gov

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AMERICAN OVERSIGHT

From:	Talbert,Marta L (DFPS)
To:	Harmon,Tonya (DFPS); Toni Sutton (DFPS; Gilbert,Matthew (DFPS); Gailes,Keith D (DFPS); Wharton,Jarita N (DFPS); Sanders,Monica L (DFPS); Guyton,Lisa M (DFPS); Cunningham,Michelle S (DFPS); Baquero,Myrna I (DFPS); Yzaguirre,Marina C (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Tuesday, March 1, 2022 12:20:00 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

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Need answer quickly.

Marta Talbert

Director of Investigation and Alternative Response

512-438-3357

marta.talbert@dfps.texas.gov

AMERICAN OVERSIGHT

From:	Douglas,Diepriye (DFPS)
To:	Vidrine,Lineshia (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Tuesday, March 1, 2022 11:47:00 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

---

This is what I sent to my staff

Kind regards,
Diepriye Douglas, MSW, LCSW
CPI Program Director of Investigation and Alternative Response
6300 Chimney Rock Rd
Houston, TX 77081
Cell: 832 449 0502
Fax 512 276 3011
Child Abuse Hotline 800 252 5400

From: Douglas,Diepriye (DFPS)
Sent: Tuesday, March 1, 2022 11:43 AM
To: Estupinan,Jennifer (DFPS) <Jennifer.Estupinan@dfps.texas.gov>; Ludwig,Tamala (DFPS) <Tamala.Ludwig@dfps.texas.gov>; Mcdonnell,Maria (DFPS) <Maria.Mcdonnell2@dfps.texas.gov>; Rayson,Kearia A (DFPS) <Kearia.Rayson@dfps.texas.gov>; Rosolino,Juliana G (DFPS) <Juliana.Rosolino@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Good morning all,
I am not sure if you have heard of this (see attached) however if you get a case that falls into this category, **immediately notify me** before sending a worker out. We need to staff it up.
Call me if you need to discuss further.

Kind regards,
Diepriye Douglas, MSW, LCSW
CPI Program Director of Investigation and Alternative Response
6300 Chimney Rock Rd
Houston, TX 77081
Cell: 832 449 0502
Fax 512 276 3011
Child Abuse Hotline 800 252 5400

From: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:55 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
Subject: FW: Attorney General Opinion

See email below and attachments—email/attachments sent to SWI staff. I

AMERICAN OVERSIGHT

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Thanks,
Marta

Marta Talbert
Director of Investigation and Alternative Response
512-438-3357
marta.talbert@dfps.texas.gov

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:46 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: FW: Attorney General Opinion

fyi
Stephen Black
512-960-9352

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

Hello SWI,
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Please consult with your PA regarding any questions you may have.
Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Douglas,Diepriye (DFPS)
To:	Estupinan,Jennifer (DFPS); Ludwig,Tamala (DFPS); Mcdonnell,Maria (DFPS); Rayson,Kearia A (DFPS); Rosolino,Juliana G (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Tuesday, March 1, 2022 11:43:13 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

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Kind regards,
Diepriye Douglas, MSW, LCSW
CPI Program Director of Investigation and Alternative Response
6300 Chimney Rock Rd
Houston, TX 77081
Cell: 832 449 0502
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From: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
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To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
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Marta

Marta Talbert
Director of Investigation and Alternative Response
512-438-3357
marta.talbert@dfps.texas.gov

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:46 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: FW: Attorney General Opinion

fyi

AMERICAN OVERSIGHT

Stephen Black
512-960-9352

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
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Please consult with your PA regarding any questions you may have.

Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Truss,Stacey L (DFPS)
To:	Cruz,Teresa (DFPS); Inyangala,Dorothy (DFPS); Jacksoncooper,Marquesa S (DFPS); Patel,Shefali (DFPS); Young,Aaricka (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Tuesday, March 1, 2022 11:25:54 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image001.png

Please let me know if you receive any cases surrounding our Transgender Community. Before cases can be routed out please let me know because I need to let Monica and Kendrick know.
Thank You
Stacey Truss

Stacey Truss
CPI Program Director
Investigations and Alternative Response
6300 Chimney Rock Rd
Houston TX 77081
281 797 5421 cell
stacey.truss@dfps.texas.gov

From: Garrett,Kendrick L (DFPS) <Kendrick.Garrett@dfps.texas.gov>
Sent: Thursday, February 24, 2022 8:52 AM
To: Beaudoin,Lashonna R (DFPS) <Lashonna.Beaudoin@dfps.texas.gov>; Heath,Claudia M (DFPS) <Claudia.Heath@dfps.texas.gov>; Phynon,Domeka (DFPS) <Domeka.Phynon@dfps.texas.gov>; Truss,Stacey L (DFPS) <Stacey.Truss@dfps.texas.gov>
Subject: FW: Attorney General Opinion
FYI

Kind Regards,
Kendrick L. Garrett
Region 6A Program Adminstrator
DFPS/CPI (A**lternative **R**esponse & Investigations**)
832-454-7311 business cell
Kendrick.garrett@dfps.texas.gov

Texas Department of
Family and Protective Services
Child Protective Investigations

AMERICAN OVERSIGHT

From: Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>
Sent: Thursday, February 24, 2022 8:05 AM
To: Polk,Marilyn D (DFPS) <Marilyn.Polk@dfps.texas.gov>; Garrett,Kendrick L (DFPS) <Kendrick.Garrett@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Please try to get through this and share and process with the PDs.

From: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:55 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
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Marta Talbert
Director of Investigation and Alternative Response
512-438-3357
marta.talbert@dfps.texas.gov

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:46 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: FW: Attorney General Opinion

fyi
Stephen Black
512-960-9352

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Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

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AMERICAN OVERSIGHT

Please consult with your PA regarding any questions you may have.

Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From: Guerra,Marissa (DFPS)
To: Aguilar,Melissa (DFPS)
Subject: Fwd: Attorney General Opinion
Date: Tuesday, March 1, 2022 9:36:54 AM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf
image001.png
image005.png

From: Montoya,Erika (DFPS) <Erika.Montoya@dfps.texas.gov>
Sent: Tuesday, March 1, 2022 8:34 AM
To: Zachary,Adriana A (DFPS); Blair-Santaella,Kimberly (DFPS); Rodriguez,Joel (DFPS); Flores,Aaron (DFPS); Guerra,Marissa (DFPS); Reyes,Sonia (DFPS)
Subject: FW: Attorney General Opinion

Team:
We will discuss this thoroughly on Thursday's unit meeting. Please bring your questions and be ready for a very honest, genuine, open discussion.
Thank you kindly,

Texas Department of Family and Protective Services
Child Protective Investigations

Erika Monique Montoya, MS, LPCA, NCC
Supervisor II/Military Liasion
7400 Diana Dr. El Paso TX, 79904
Region 10
Mobile: 915.356.4089
Fax: 512.929.5789
erika.montoya@dfps.texas.gov
DFPS Hotline: 1.800.252.5400

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From: Garcia,John A (DFPS)
Sent: Monday, February 28, 2022 4:26 PM
To: Carreon,Frankie T (DFPS) <Frankie.Carreon@dfps.texas.gov>; Martinez,Amanda (DFPS) <Amanda.Martinez@dfps.texas.gov>; Montoya,Erika (DFPS) <Erika.Montoya@dfps.texas.gov>; Morales,Carmelo (DFPS) <Carmelo.Morales@dfps.texas.gov>; Rubio,Veronica G (DFPS) <Veronica.Rubio@dfps.texas.gov>; Salazar,Teresa (DFPS) <Teresa.Salazar@dfps.texas.gov>
Subject: FW: Attorney General Opinion
Importance: High

We will be reviewing this Tuesday morning. Thanks.

John Anthony Garcia
CPS Investigations Program Director
501 Hawkins
El Paso, Texas 79915
Office 915-521-3865
Work Cell 915-929-8532
Fax. 512-927-5788

CONFIDENTIALITY NOTICE
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Texas Department of
Family and Protective Services
Child Protective Investigations

Mission
We promote safe and healthy families and protect children and vulnerable adults from abuse, neglect, and exploitation.
Vision
Improving the lives of those we serve.
Values
We are Accountable, Respectful, Diverse, Collaborative, Professional

---

From: Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>
Sent: Thursday, February 24, 2022 8:04 AM
To: Johnson,Christin (DFPS) <Christin.Johnson@dfps.texas.gov>; Ortega,Edna V (DFPS) <Edna.Ortega@dfps.texas.gov>; Garcia,John A (DFPS) <John.Garcia@dfps.texas.gov>; Wicker,Joseph (DFPS) <Joseph.Wicker@dfps.texas.gov>; Lopez,Isaac (DFPS) <Isaac.Lopez@dfps.texas.gov>; Valdez,Deric J (DFPS) <Deric.Valdez@dfps.texas.gov>
Subject: FW: Attorney General Opinion
Importance: High

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Those two documents are attached to this communication which gives guidance and direction regarding how the department is to handle intakes related to gender transitioning.
Please consult with your PA or RD regarding any questions you may have.
Myrna

AMERICAN OVERSIGHT

From:	Montoya,Erika (DFPS)
To:	Zachary,Adriana A (DFPS); Blair-Santaella,Kimberly (DFPS); Rodriguez,Joel (DFPS); Flores,Aaron (DFPS); Guerra,Marissa (DFPS); Reyes,Sonia (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Tuesday, March 1, 2022 9:34:57 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image001.png image005.png

Team:
We will discuss this thoroughly on Thursday's unit meeting. Please bring your questions and be ready for a very honest, genuine, open discussion.
Thank you kindly,

Texas Department of Family and Protective Services
Child Protective Investigations

Erika Monique Montoya, MS, LPCA, NCC
Supervisor II/Military Liasion
7400 Diana Dr. El Paso TX, 79904
Region 10
Mobile: 915.356.4089
Fax: 512.929.5789
erika.montoya@dfps.texas.gov
DFPS Hotline: 1.800.252.5400

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From: Garcia,John A (DFPS)
Sent: Monday, February 28, 2022 4:26 PM
To: Carreon,Frankie T (DFPS) <Frankie.Carreon@dfps.texas.gov>; Martinez,Amanda (DFPS) <Amanda.Martinez@dfps.texas.gov>; Montoya,Erika (DFPS) <Erika.Montoya@dfps.texas.gov>; Morales,Carmelo (DFPS) <Carmelo.Morales@dfps.texas.gov>; Rubio,Veronica G (DFPS) <Veronica.Rubio@dfps.texas.gov>; Salazar,Teresa (DFPS) <Teresa.Salazar@dfps.texas.gov>
Subject: FW: Attorney General Opinion
Importance: High

We will be reviewing this Tuesday morning. Thanks.

John Anthony Garcia
CPS Investigations Program Director
501 Hawkins
El Paso, Texas 79915
Office 915-521-3865
Work Cell 915-929-8532
Fax. 512-927-5788

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The information in this email may be confidential and/or privileged. This email is intended to be reviewed by only the individual or organization named above. If you are not the intended recipient or an authorized representative of the intended recipient, you are hereby notified that any review, dissemination or copying of this email and its attachments, if any, or the information contained herein is prohibited. If you have received this email in error, please immediately notify the sender by return email and delete this email from your system.

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Texas Department of
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Child Protective Investigations

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Vision
Improving the lives of those we serve.
Values
We are Accountable, Respectful, Diverse, Collaborative, Professional

From: Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>
Sent: Thursday, February 24, 2022 8:04 AM
To: Johnson,Christin (DFPS) <Christin.Johnson@dfps.texas.gov>; Ortega,Edna V (DFPS) <Edna.Ortega@dfps.texas.gov>; Garcia,John A (DFPS) <John.Garcia@dfps.texas.gov>; Wicker,Joseph (DFPS) <Joseph.Wicker@dfps.texas.gov>; Lopez,Isaac (DFPS) <Isaac.Lopez@dfps.texas.gov>; Valdez,Deric J (DFPS) <Deric.Valdez@dfps.texas.gov>
Subject: FW: Attorney General Opinion
Importance: High

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Myrna

AMERICAN OVERSIGHT

From:	Martinez,Amanda (DFPS)
To:	Amaya,Stephanie (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Monday, February 28, 2022 5:34:00 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image001.png

Effing bull poop.

From: Garcia,John A (DFPS)

Sent: Monday, February 28, 2022 4:26 PM

To: Carreon,Frankie T (DFPS) <Frankie.Carreon@dfps.texas.gov>; Martinez,Amanda (DFPS) <Amanda.Martinez@dfps.texas.gov>; Montoya,Erika (DFPS) <Erika.Montoya@dfps.texas.gov>; Morales,Carmelo (DFPS) <Carmelo.Morales@dfps.texas.gov>; Rubio,Veronica G (DFPS) <Veronica.Rubio@dfps.texas.gov>; Salazar,Teresa (DFPS) <Teresa.Salazar@dfps.texas.gov>

Subject: FW: Attorney General Opinion

Importance: High

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CPS Investigations Program Director
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To: Johnson,Christin (DFPS) <Christin.Johnson@dfps.texas.gov>; Ortega,Edna V (DFPS) <Edna.Ortega@dfps.texas.gov>; Garcia,John A (DFPS) <John.Garcia@dfps.texas.gov>; Wicker,Joseph

AMERICAN OVERSIGHT

(DFPS) <Joseph.Wicker@dfps.texas.gov>; Lopez,Isaac (DFPS) <Isaac.Lopez@dfps.texas.gov>; Valdez,Deric J (DFPS) <Deric.Valdez@dfps.texas.gov>

Subject: FW: Attorney General Opinion

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Myrna

AMERICAN OVERSIGHT

From:	Garcia,John A (DFPS)
To:	Carreon,Frankie T (DFPS); Martinez,Amanda (DFPS); Montoya,Erika (DFPS); Morales,Carmelo (DFPS); Rubio,Veronica G (DFPS); Salazar,Teresa (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Monday, February 28, 2022 5:26:35 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image001.png

---

We will be reviewing this Tuesday morning. Thanks.

John Anthony Garcia
CPS Investigations Program Director
501 Hawkins
El Paso, Texas 79915
Office 915-521-3865
Work Cell 915-929-8532
Fax. 512-927-5788

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AMERICAN OVERSIGHT

related to gender transitioning.
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Myrna

AMERICAN OVERSIGHT

From:	Hendrix,Latosha (DFPS)
To:	Dean,Monikka L (DFPS); Saldivar III,Julian (DFPS); Brinkley,Brandy (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Monday, February 28, 2022 4:11:12 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image003.png image001.png

We will discuss during sup meeting today.
Thanks,

Latosha Hendrix
CPI Program Director
Dallas/Outlying AHR Investigations
7950 Elmbrook Drive | Dallas, Texas 75247
817-727-0386 (cell)
512-276-3550 (fax)
Latosha.Hendrix@dfps.texas.gov

Texas Department of Family and Protective Services
Child Protective Investigations

One Team – One Goal, Making a Difference

From: Chancellor,Veronica M (DFPS) <Veronica.Chancellor@dfps.texas.gov>
Sent: Friday, February 25, 2022 2:22 PM
To: Hendrix,Latosha (DFPS) <Latosha.Hendrix@dfps.texas.gov>; Green,Lakeshia (DFPS) <Lakeshia.Green@dfps.texas.gov>; Morrow,Belinda (DFPS) <Belinda.Morrow@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Team we will discuss further on our 3pm meeting.
TY

From: Sutton,Toni (DFPS) <Marie.Sutton@dfps.texas.gov>
Sent: Thursday, February 24, 2022 3:46 PM
To: Riles,Vincent A (DFPS) <Vincent.Riles2@dfps.texas.gov>; Riley,Leighann (DFPS) <Mary.Riley@dfps.texas.gov>; Chancellor,Veronica M (DFPS) <Veronica.Chancellor@dfps.texas.gov>; Coaston,Marva (DFPS) <Marva.Coaston2@dfps.texas.gov>; Ferbrache,Belinda (DFPS) <Belinda.Ferbrache@dfps.texas.gov>
Subject: FW: Attorney General Opinion

As follow up to our meeting please review the attached documents. As we receive intakes about this, please ensure I am notified immediately. These cases will be investigated by our worker V's – for now Tonita Day. Investigations will be conducted according to current policy. Please ensure we are not communicating about these cases via email and text, internally and externally, due to the sensitive nature. Call me if there are any questions.

Toni Sutton, LCSW
CPI Regional Director
Region 3 East
214.583.4037 (office)

AMERICAN OVERSIGHT

469.340.9561 (mobile)
8700 N Stemmons FWY
Dallas, TX 75247
marie.sutton@dfps.texas.gov

Texas Department of Family and Protective Services
Child Protective Investigations

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:46 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: FW: Attorney General Opinion

fyi
Stephen Black
512-960-9352

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

Hello SWI,
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Please consult with your PA regarding any questions you may have.
Stephen Black
SWI Associate Commissioner
512-960-9352

NOTICE: There has been a change to my email address. Effective immediately, my new email address is: Marta.Talbert@dfps.texas.gov.

AMERICAN OVERSIGHT

From:	Chavez,Gloria (DFPS)
To:	Mainali,Mona (DFPS); Barnett,Lexus (DFPS); Delvalle,Patricia (DFPS); Pacheco,Victoria (DFPS); Fisher,Kalayah (DFPS); Dalton,Daniel (DFPS); Hawthorne,Hillary (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Monday, February 28, 2022 10:36:41 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png image001.png

---

Just FYI.
Thanks,
Gloria Chavez
Alternative Response Supervisor, Unit 66
8700 N. Stemmons Fwy. Suite 104
Dallas, Tx 75247
Business Cell: 214-458-0454
Email: gloria.chavez@dfps.texas.gov

Texas Department of Family and Protective Services
Child Protective Investigations

From: Williams,Nicole H (DFPS) <Nicole.Williams@dfps.texas.gov>
Sent: Thursday, February 24, 2022 1:16 PM
To: Adams,Crystal (DFPS) <Crystal.Adams@dfps.texas.gov>; Brooks,Tammy R (DFPS) <Tammy.Brooks@dfps.texas.gov>; Brown,Ariva (DFPS) <Ariva.Brown2@dfps.texas.gov>; Hannah,Marnette N (DFPS) <Marnette.Hannah@dfps.texas.gov>; Chisanga,Chikwanda M (DFPS) <Chikwanda.Chisanga@dfps.texas.gov>; Chavez,Gloria (DFPS) <Gloria.Chavez@dfps.texas.gov>
Subject: FW: Attorney General Opinion

We will discuss briefly in our meeting at 2pm

Nicole Hawley Williams
Child Protective Services
Alternative Response Program Director
8700 N. Stemmons Frwy
Dallas, TX 75247
214-686-8558 cell
512-276-3833 fax
Nicole.Williams@dfps.texas.gov

Texas Department of Family and Protective Services
Child Protective Investigations

From: Riley,Leighann (DFPS)
Sent: Thursday, February 24, 2022 11:59 AM
To: Williams,Nicole H (DFPS) <Nicole.Williams@dfps.texas.gov>; Jones,Katherine (DFPS) <Katherine.Jones@dfps.texas.gov>; Gibson,John (DFPS) <John.Gibson@dfps.texas.gov>; Nichols,Jennifer (DFPS) <Jennifer.Nichols@dfps.texas.gov>
Subject: FW: Attorney General Opinion

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From: Sutton,Toni (DFPS)
Sent: Thursday, February 24, 2022 10:37 AM
To: Riles,Vincent A (DFPS) <Vincent.Riles2@dfps.texas.gov>; Riley,Leighann (DFPS) <Mary.Riley@dfps.texas.gov>; Chancellor,Veronica M (DFPS) <Veronica.Chancellor@dfps.texas.gov>; Coaston,Marva (DFPS) <Marva.Coaston2@dfps.texas.gov>; Ferbrache,Belinda (DFPS) <Belinda.Ferbrache@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Toni Sutton, LCSW
CPI Regional Director
Region 3 East
214.583.4037 (office)
469.340.9561 (mobile)
8700 N Stemmons FWY
Dallas, TX 75247
marie.sutton@dfps.texas.gov

Texas Department of Family and Protective Services
Child Protective Investigations

From: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:55 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
Subject: FW: Attorney General Opinion

See email below and attachments—email/attachments sent to SWI staff. I believe we have three right now in the intake stage—or being worked on by SWI. Stephen will send me the case numbers as soon as he has them for us to be aware in order to assist our staff with these cases.
Thanks,
Marta

Marta Talbert
Director of Investigation and Alternative Response
512-438-3357
marta.talbert@dfps.texas.gov

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:46 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: FW: Attorney General Opinion

fyi
Stephen Black
512-960-9352

AMERICAN OVERSIGHT

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

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SWI Associate Commissioner
512-960-9352

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AMERICAN OVERSIGHT

From:	Hohmann,Ruth E (DFPS)
To:	Washington,Alexius (DFPS); Brown,Ashley N (DFPS); Hodges,Derek (DFPS); Golden,Jacqueline (DFPS); Crawford,Nicholas (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Monday, February 28, 2022 9:14:59 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png image001.png

---

Do not post about this on social media!
Thx

From: Riles,Vincent A (DFPS)
Sent: Friday, February 25, 2022 3:39 PM
To: Boldon,Loretta (DFPS) <Loretta.Boldon@dfps.texas.gov>; Gordon,Lauren (DFPS) <Lauren.Gordon@dfps.texas.gov>; Hughes,Kamesha D (DFPS) <Kamesha.Hughes@dfps.texas.gov>; Lopez,Martin U (DFPS) <Martin.Lopez@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Vincent Riles, MS, LPC
CPI Program Administrator
Office 214-583-4181
Cell 214-543-0576
Fax 512-276-3531
Vincent.Riles2@dfps.texas.gov

Texas Department of Family and Protective Services
Child Protective Investigations

From: Sutton,Toni (DFPS)
Sent: Thursday, February 24, 2022 10:37 AM
To: Riles,Vincent A (DFPS) <Vincent.Riles2@dfps.texas.gov>; Riley,Leighann (DFPS) <Mary.Riley@dfps.texas.gov>; Chancellor,Veronica M (DFPS) <Veronica.Chancellor@dfps.texas.gov>; Coaston,Marva (DFPS) <Marva.Coaston2@dfps.texas.gov>; Ferbrache,Belinda (DFPS) <Belinda.Ferbrache@dfps.texas.gov>
Subject: FW: Attorney General Opinion

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469.340.9561 (mobile)
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Dallas, TX 75247
marie.sutton@dfps.texas.gov

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Subject: FW: Attorney General Opinion

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Marta

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Director of Investigation and Alternative Response
512-438-3357
marta.talbert@dfps.texas.gov

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:46 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: FW: Attorney General Opinion

fyi
Stephen Black
512-960-9352

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

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512-960-9352

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AMERICAN OVERSIGHT

From:	Amin,Tammy L (DFPS)
To:	tonieplonowski@yahoo.com
Subject:	FW: Attorney General Opinion
Date:	Saturday, February 26, 2022 10:51:00 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

---

From: Black,Stephen D (DFPS)

Sent: Wednesday, February 23, 2022 3:31 PM

To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>

Subject: Attorney General Opinion

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512-960-9352

AMERICAN OVERSIGHT

From:	Salinas,Patricia (DFPS)
To:	Esquivel,Maria V (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Friday, February 25, 2022 7:02:46 PM
Attachments:	image001.png AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

Agenda item

From: Requenez,Janie I (DFPS) <Janie.Requenez@dfps.texas.gov>

Sent: Friday, February 25, 2022 11:44 AM

To: Cano,Martha J (DFPS) <Martha.Cano@dfps.texas.gov>; Leticia.Rodriguez@dfps.state.tx.us; Patricia.Salinas@dfps.state.tx.us

Subject: FW: Attorney General Opinion

Just another reminder….these need to be escalated.
janie

From: Yzaguirre,Marina C (DFPS)

Sent: Wednesday, February 23, 2022 9:49 PM

To: Amaro,Kristy (DFPS) <Kristy.Amaro@dfps.texas.gov>; Guerra,Betzabel (DFPS) <Betzabel.Guerra@dfps.texas.gov>; Requenez,Janie I (DFPS) <Janie.Requenez@dfps.texas.gov>

Subject: FW: Attorney General Opinion

Fyi---if we receive any intakes that pertain to this particular issue they must be escalated up for further guidance and direction.

Thanks!

MARINA YZAGUIRRE, MSSW
Child Protective Investigations
Regional Director
Region 11
Edinburg, Tx 78539
Off. 956-316-8238
Mbl. 956-802-4921

Texas Department of Family and Protective Services

From: Talbert,Marta L (DFPS)

Sent: Wednesday, February 23, 2022 3:55 PM

To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>

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AMERICAN OVERSIGHT

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Sent: Wednesday, February 23, 2022 3:46 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: FW: Attorney General Opinion

fyi
Stephen Black
512-960-9352

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

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Stephen Black
SWI Associate Commissioner
512-960-9352

NOTICE: There has been a change to my email address. Effective immediately, my new email address is: Janie.Requenez@dfps.texas.gov**.**

AMERICAN OVERSIGHT

From:	Salinas,Patricia (DFPS)
To:	Esquivel,Maria V (DFPS); Banda,Sonia (DFPS); Cantu Rodriguez,Sharon (DFPS); Castillo,Esmeralda (DFPS); Castillo,Geronimo (DFPS); Esqueda,Daniel G (DFPS); Reyes,Ramiro (DFPS); Lara,Selina (DFPS); Ledbetter,Tina (DFPS); Luna,Laura L (DFPS); Scott,Christina (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Friday, February 25, 2022 7:02:34 PM
Attachments:	image001.png AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

Please review. We will discuss in our next meeting.
If you get any intakes regarding this issue, please immediately CALL ME to staff; no emails or texts are allowed.
Thank you
Patti

From: Requenez,Janie I (DFPS) <Janie.Requenez@dfps.texas.gov>
Sent: Friday, February 25, 2022 11:44 AM
To: Cano,Martha J (DFPS) <Martha.Cano@dfps.texas.gov>; Leticia.Rodriguez@dfps.state.tx.us; Patricia.Salinas@dfps.state.tx.us
Subject: FW: Attorney General Opinion

Just another reminder….these need to be escalated.
janie

From: Yzaguirre,Marina C (DFPS)
Sent: Wednesday, February 23, 2022 9:49 PM
To: Amaro,Kristy (DFPS) <Kristy.Amaro@dfps.texas.gov>; Guerra,Betzabel (DFPS) <Betzabel.Guerra@dfps.texas.gov>; Requenez,Janie I (DFPS) <Janie.Requenez@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Fyi---if we receive any intakes that pertain to this particular issue they must be escalated up for further guidance and direction.
Thanks!

MARINA YZAGUIRRE, MSSW
Child Protective Investigations
Regional Director
Region 11
Edinburg, Tx 78539
Off. 956-316-8238
Mbl. 956-802-4921

Texas Department of
Family and Protective Services

From: Talbert,Marta L (DFPS)
Sent: Wednesday, February 23, 2022 3:55 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS)

AMERICAN OVERSIGHT

<Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>

Subject: FW: Attorney General Opinion

See email below and attachments—email/attachments sent to SWI staff. I believe we have three right now in the intake stage—or being worked on by SWI. Stephen will send me the case numbers as soon as he has them for us to be aware in order to assist our staff with these cases.

Thanks,

Marta

Marta Talbert

Director of Investigation and Alternative Response

512-438-3357

marta.talbert@dfps.texas.gov

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SWI Associate Commissioner

512-960-9352

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AMERICAN OVERSIGHT

From:	Walls,Montasia (DFPS)
To:	Bruton,Shanon (DFPS); Rodriguez,Kassandra (DFPS); Dixon,Jordan (DFPS); Singleton,Keshia (DFPS); Moore,Machell (DFPS); Jenkins,Jordan (DFPS); Martinez-Alvizo,Cristal (DFPS); Singleton,Keshia (DFPS); James,Laquanda (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Friday, February 25, 2022 4:58:31 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png image001.png image004.png

Good afternoon,
Please see the attached.
Thank you,

Montasia Walls, M.A.
Investigations Supervisor
CPI | Unit 73
8700 N. Stemmons Fwy
Dallas, Texas, 75247
Mobile: 469.805.4736
Office: 214.583.4063
Email: Montasia.Walls@dfps.texas.gov
To Report Child Abuse or Neglect: 1.800.252.5400

Texas Department of
Family and Protective Services
Child Protective Investigations

From: Hughes,Kamesha D (DFPS) <Kamesha.Hughes@dfps.texas.gov>
Sent: Friday, February 25, 2022 4:02 PM
To: Caldwell,Thelma (DFPS) <Thelma.Caldwell@dfps.texas.gov>; Craven,Meilani (DFPS) <Meilani.Craven@dfps.texas.gov>; Mitchell,Angelica (DFPS) <Angelica.Mitchell2@dfps.texas.gov>; Scott,Melissia (DFPS) <Melissia.Scott@dfps.texas.gov>; Walls,Montasia (DFPS) <Montasia.Walls@dfps.texas.gov>
Subject: FW: Attorney General Opinion
Thank you,

Kamesha Hughes,
Program Director
8700 N. Stemmons Fwy, Ste 104
Dallas, TX 75247
(214) 583-4032/Office
(469) 657-9268/Mobile
(512) 919-1018/Fax

AMERICAN OVERSIGHT

Texas Department of Family and Protective Services
Child Protective Investigations

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Sent: Friday, February 25, 2022 3:39 PM
To: Boldon,Loretta (DFPS) <Loretta.Boldon@dfps.texas.gov>; Gordon,Lauren (DFPS) <Lauren.Gordon@dfps.texas.gov>; Hughes,Kamesha D (DFPS) <Kamesha.Hughes@dfps.texas.gov>; Lopez,Martin U (DFPS) <Martin.Lopez@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Vincent Riles, MS, LPC
CPI Program Administrator
Office 214-583-4181
Cell 214-543-0576
Fax 512-276-3531
Vincent.Riles2@dfps.texas.gov

Texas Department of Family and Protective Services
Child Protective Investigations

From: Sutton,Toni (DFPS)
Sent: Thursday, February 24, 2022 10:37 AM
To: Riles,Vincent A (DFPS) <Vincent.Riles2@dfps.texas.gov>; Riley,Leighann (DFPS) <Mary.Riley@dfps.texas.gov>; Chancellor,Veronica M (DFPS) <Veronica.Chancellor@dfps.texas.gov>; Coaston,Marva (DFPS) <Marva.Coaston2@dfps.texas.gov>; Ferbrache,Belinda (DFPS) <Belinda.Ferbrache@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Toni Sutton, LCSW
CPI Regional Director
Region 3 East
214.583.4037 (office)
469.340.9561 (mobile)
8700 N Stemmons FWY
Dallas, TX 75247
marie.sutton@dfps.texas.gov

Texas Department of Family and Protective Services
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AMERICAN OVERSIGHT

<Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>

Subject: FW: Attorney General Opinion

See email below and attachments—email/attachments sent to SWI staff. I believe we have three right now in the intake stage—or being worked on by SWI. Stephen will send me the case numbers as soon as he has them for us to be aware in order to assist our staff with these cases.

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Marta

Marta Talbert

Director of Investigation and Alternative Response

512-438-3357

marta.talbert@dfps.texas.gov

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fyi

Stephen Black

512-960-9352

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SWI Associate Commissioner

512-960-9352

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AMERICAN OVERSIGHT

From:	Terry,Maria R (DFPS)
To:	Posey,Nicole (DFPS); Quintero,Jaclyn (DFPS); Moorer,Costina (DFPS); Koppels,Sean (DFPS); Clendening,Michaela (DFPS); Anderson,Tockneea M (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Friday, February 25, 2022 4:12:49 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png image001.png

Everyone you need to stay off of social media with any opinions based on the following. We will be investigating these cases. This will get messy.

From: Lopez,Martin U (DFPS)
Sent: Friday, February 25, 2022 3:58 PM
To: Barnhart,Haley (DFPS) <Haley.Barnhart@dfps.texas.gov>; Giancola,Tracy L (DFPS) <Tracy.Giancola@dfps.texas.gov>; Hohmann,Ruth E (DFPS) <Ruth.Hohmann@dfps.texas.gov>; Sanich,Stephanie L (DFPS) <Stephanie.Sanich@dfps.texas.gov>; Terry,Maria R (DFPS) <Maria.Terry@dfps.texas.gov>; Weston,Stacy L (DFPS) <Stacy.Weston@dfps.texas.gov>
Subject: FW: Attorney General Opinion

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I know people are not going to be happy but as you need to let them know we d work for the State. Please tell them to be careful what they post on social media regarding this too. Im also trying to get more info from Alyson about the legal ramifications, I will let you al know what she says.

Time Item Owner

3:30p Gender-Transitioning Cases and our practice moving forward. We will need to investigate these cases and legal action can be taken based on medical procedures that have been performed on the child toward gender transitioning. PA

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Subject: FW: Attorney General Opinion

Vincent Riles, MS, LPC

AMERICAN OVERSIGHT

CPI Program Administrator
Office 214-583-4181
Cell 214-543-0576
Fax 512-276-3531
Vincent.Riles2@dfps.texas.gov

Texas Department of Family and Protective Services
Child Protective Investigations

From: Sutton,Toni (DFPS)
Sent: Thursday, February 24, 2022 10:37 AM
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Subject: FW: Attorney General Opinion

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CPI Regional Director
Region 3 East
214.583.4037 (office)
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Dallas, TX 75247
marie.sutton@dfps.texas.gov

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AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

From:	Weston,Stacy L (DFPS)
To:	Ratliff,Hannah (DFPS); Day,Diana (DFPS); Martin,Ingrid (DFPS); Mogaka,Tom N (DFPS); Opel,Jarrod W (DFPS); Piacente,Abra (DFPS); Stubbs,Marisa K (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Friday, February 25, 2022 4:11:51 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png image001.png

PLEASE SEE BELOW AND ATTACHED ~ VERY IMPORTANT!!!!!
This is actually on the news right now in my living room, so you all have probably already heard about it. Worker V's (which I don't even know who they are….) will be assigned to do these. I'm sure there will be more information to come down.
And, we all know everyone likely has an opinion BUT…….read below!!!!!!!
I will continue to provide information as it comes. Please make sure you read all of this though!!

Stacy Weston
Child Protective Investigations Supervisor II
Children's Advocacy Center of Collin County
2205 Los Rios, Plano, TX 75074
Office #: 972-633-6641
Mobile #: 214-901-4664
Fax #: 512-276-3546
stacy.weston@dfps.texas.gov

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CPI Regional Director
Region 3 East
214.583.4037 (office)
469.340.9561 (mobile)
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Dallas, TX 75247
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Program Director
8700 N. Stemmons Fwy, Ste 104
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CPI Regional Director

AMERICAN OVERSIGHT

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Sent: Wednesday, February 23, 2022 3:55 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
Subject: FW: Attorney General Opinion

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Thanks,
Marta

Marta Talbert
Director of Investigation and Alternative Response
512-438-3357
marta.talbert@dfps.texas.gov

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:46 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: FW: Attorney General Opinion

fyi
Stephen Black
512-960-9352

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

Hello SWI,
A legal opinion was released by the AG's office on February 21, 2022. The governor subsequently provided further direction to DFPS to these reported matters.
Those two documents are attached to this communication which gives

AMERICAN OVERSIGHT

guidance and direction regarding how the department is to handle intakes related to gender transitioning.
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Stephen Black
SWI Associate Commissioner
512-960-9352

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AMERICAN OVERSIGHT

From:	Lopez,Martin U (DFPS)
To:	Barnhart,Haley (DFPS); Giancola,Tracy L (DFPS); Hohmann,Ruth E (DFPS); Sanich,Stephanie L (DFPS); Terry,Maria R (DFPS); Weston,Stacy L (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Friday, February 25, 2022 3:58:02 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png image001.png

FYI we can discuss this more Monday. Basically we do have to investigate these cases, kind of. Actually the worker V's in the region are so if you get one let me know because Im certain we do not have any worker V's.
I know people are not going to be happy but as you need to let them know we d work for the State. Please tell them to be careful what they post on social media regarding this too. Im also trying to get more info from Alyson about the legal ramifications, I will let you al know what she says.

Time Item Owner

3:30p Gender-Transitioning Cases and our practice moving forward. We will need to investigate these cases and legal action can be taken based on medical procedures that have been performed on the child toward gender transitioning. PA

These cases will need to be worked by the Worker V caseworkers in the region.

Dallas County DA's office has already stated that they will not file these cases. Legal action will need to be filed through the Regional Attorney.

Staff need to be clear that as state employees their public/social media opinions must be neutral to non-existent.

From: Riles,Vincent A (DFPS)
Sent: Friday, February 25, 2022 3:39 PM
To: Boldon,Loretta (DFPS) <Loretta.Boldon@dfps.texas.gov>; Gordon,Lauren (DFPS) <Lauren.Gordon@dfps.texas.gov>; Hughes,Kamesha D (DFPS) <Kamesha.Hughes@dfps.texas.gov>; Lopez,Martin U (DFPS) <Martin.Lopez@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Vincent Riles, MS, LPC
CPI Program Administrator
Office 214-583-4181
Cell 214-543-0576
Fax 512-276-3531
Vincent.Riles2@dfps.texas.gov

Texas Department of
Family and Protective Services
Child Protective Investigations

AMERICAN OVERSIGHT

From: Sutton,Toni (DFPS)
Sent: Thursday, February 24, 2022 10:37 AM
To: Riles,Vincent A (DFPS) <Vincent.Riles2@dfps.texas.gov>; Riley,Leighann (DFPS) <Mary.Riley@dfps.texas.gov>; Chancellor,Veronica M (DFPS) <Veronica.Chancellor@dfps.texas.gov>; Coaston,Marva (DFPS) <Marva.Coaston2@dfps.texas.gov>; Ferbrache,Belinda (DFPS) <Belinda.Ferbrache@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Toni Sutton, LCSW
CPI Regional Director
Region 3 East
214.583.4037 (office)
469.340.9561 (mobile)
8700 N Stemmons FWY
Dallas, TX 75247
marie.sutton@dfps.texas.gov

Texas Department of Family and Protective Services
Child Protective Investigations

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Subject: FW: Attorney General Opinion

fyi
Stephen Black
512-960-9352

AMERICAN OVERSIGHT

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SWI Associate Commissioner
512-960-9352

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AMERICAN OVERSIGHT

To:	Lopez program
Subject:	FW: Attorney General Opinion
Date:	Friday, February 25, 2022 3:54:39 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png image001.png

FYI we can discuss this more Monday. Basically we do have to investigate these cases, kind of. Actually the worker V's in the region are so if you get one let me know because Im certain we do not have any worker V's. Also please let the investigators know that as a State Employee they cannot be posting stuff on social media with their stance

Time Item Owner

3:30p Gender-Transitioning Cases and our practice moving forward. We will need to investigate these cases and legal action can be taken based on medical procedures that have been performed on the child toward gender transitioning. PA

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Subject: FW: Attorney General Opinion

Vincent Riles, MS, LPC
CPI Program Administrator
Office 214-583-4181
Cell 214-543-0576
Fax 512-276-3531
Vincent.Riles2@dfps.texas.gov

Texas Department of
Family and Protective Services
Child Protective Investigations

From: Sutton,Toni (DFPS)
Sent: Thursday, February 24, 2022 10:37 AM
To: Riles,Vincent A (DFPS) <Vincent.Riles2@dfps.texas.gov>; Riley,Leighann (DFPS)

AMERICAN OVERSIGHT

<Mary.Riley@dfps.texas.gov>; Chancellor,Veronica M (DFPS) <Veronica.Chancellor@dfps.texas.gov>; Coaston,Marva (DFPS) <Marva.Coaston2@dfps.texas.gov>; Ferbrache,Belinda (DFPS) <Belinda.Ferbrache@dfps.texas.gov>

Subject: FW: Attorney General Opinion

Toni Sutton, LCSW
CPI Regional Director
Region 3 East
214.583.4037 (office)
469.340.9561 (mobile)
8700 N Stemmons FWY
Dallas, TX 75247
marie.sutton@dfps.texas.gov

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Subject: FW: Attorney General Opinion

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Subject: FW: Attorney General Opinion

fyi

Stephen Black
512-960-9352

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Sent: Wednesday, February 23, 2022 3:31 PM

To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>

AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

From:	Morrow,Belinda (DFPS)
To:	Gonzalez,Katie C (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Friday, February 25, 2022 3:48:00 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image003.png image001.png

FYI….
If you receive any case with this, you **MUST** call me. I added you to my weekly PD check in to discuss it then.
Thanks,

Belinda Morrow
Child Protective Services
Investigation Program Director
Region 3 East
214-673-7992 Work Cell

Texas Department of
Family and Protective Services
Child Protective Investigations

From: Chancellor,Veronica M (DFPS)
Sent: Friday, February 25, 2022 2:22 PM
To: Hendrix,Latosha (DFPS) <Latosha.Hendrix@dfps.texas.gov>; Green,Lakeshia (DFPS) <Lakeshia.Green@dfps.texas.gov>; Morrow,Belinda (DFPS) <Belinda.Morrow@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Team we will discuss further on our 3pm meeting.
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From: Sutton,Toni (DFPS) <Marie.Sutton@dfps.texas.gov>
Sent: Thursday, February 24, 2022 3:46 PM
To: Riles,Vincent A (DFPS) <Vincent.Riles2@dfps.texas.gov>; Riley,Leighann (DFPS) <Mary.Riley@dfps.texas.gov>; Chancellor,Veronica M (DFPS) <Veronica.Chancellor@dfps.texas.gov>; Coaston,Marva (DFPS) <Marva.Coaston2@dfps.texas.gov>; Ferbrache,Belinda (DFPS) <Belinda.Ferbrache@dfps.texas.gov>
Subject: FW: Attorney General Opinion

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Region 3 East
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469.340.9561 (mobile)
8700 N Stemmons FWY

AMERICAN OVERSIGHT

Dallas, TX 75247
marie.sutton@dfps.texas.gov

Texas Department of Family and Protective Services
Child Protective Investigations

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Sent: Wednesday, February 23, 2022 3:46 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
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AMERICAN OVERSIGHT

To:	Gonzalez,Katie C (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Friday, February 25, 2022 3:46:24 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image003.png image001.png

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Child Protective Services
Investigation Program Director
Region 3 East
214-673-7992 Work Cell

Texas Department of Family and Protective Services
Child Protective Investigations

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Sent: Friday, February 25, 2022 2:22 PM
To: Hendrix,Latosha (DFPS) <Latosha.Hendrix@dfps.texas.gov>; Green,Lakeshia (DFPS) <Lakeshia.Green@dfps.texas.gov>; Morrow,Belinda (DFPS) <Belinda.Morrow@dfps.texas.gov>
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To: Riles,Vincent A (DFPS) <Vincent.Riles2@dfps.texas.gov>; Riley,Leighann (DFPS) <Mary.Riley@dfps.texas.gov>; Chancellor,Veronica M (DFPS) <Veronica.Chancellor@dfps.texas.gov>; Coaston,Marva (DFPS) <Marva.Coaston2@dfps.texas.gov>; Ferbrache,Belinda (DFPS) <Belinda.Ferbrache@dfps.texas.gov>
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AMERICAN OVERSIGHT

Dallas, TX 75247
marie.sutton@dfps.texas.gov

Texas Department of Family and Protective Services
Child Protective Investigations

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AMERICAN OVERSIGHT

From:	Riles,Vincent A (DFPS)
To:	Boldon,Loretta (DFPS); Gordon,Lauren (DFPS); Hughes,Kamesha D (DFPS); Lopez,Martin U (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Friday, February 25, 2022 3:39:00 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png image001.png

Vincent Riles, MS, LPC
CPI Program Administrator
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Cell 214-543-0576
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Texas Department of Family and Protective Services
Child Protective Investigations

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AMERICAN OVERSIGHT

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To:	Onorato,Bethany A (DFPS); ANDERSON,KAMISHA (DFPS); Caples,Marnell M (DFPS); KRIEG,COURTNEY (DFPS); Marroquin,Adriane S (DFPS); Robinson,Brooklyn (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Friday, February 25, 2022 3:07:34 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image003.png image001.png

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AMERICAN OVERSIGHT

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Child Protective Investigations

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AMERICAN OVERSIGHT

Subject: FW: Attorney General Opinion
Date: Friday, February 25, 2022 2:47:23 PM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

AMERICAN OVERSIGHT

From:	Davis,Tad (DFPS)
To:	Kapoor,Shabnam (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Friday, February 25, 2022 2:47:00 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

---

From: Polk,Marilyn D (DFPS) <Marilyn.Polk@dfps.texas.gov>
Sent: Thursday, February 24, 2022 9:05 AM
To: Bluford,Jamilla K (DFPS) <Jamilla.Bluford@dfps.texas.gov>; Douglas,Diepriye (DFPS) <Diepriye.Douglas@dfps.texas.gov>; Hammon,Stephanie A (DFPS) <Stephanie.Hammon@dfps.texas.gov>; Santiago,Shaun (DFPS) <Shaun.Santiago@dfps.texas.gov>; Vidrine,Lineshia (DFPS) <Lineshia.Vidrine@dfps.texas.gov>
Cc: Polk,Marilyn D (DFPS) <Marilyn.Polk@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Good Morning Team Polk,
Please review and let me know if you have any questions.

Thank You
Marilyn Polk, M.A
CPI Division
Houston, TX 77054
Office (713) 394-4060
Cell (713) 269-4545

From: Sanders,Monica L (DFPS)
Sent: Thursday, February 24, 2022 8:42 AM
To: Polk,Marilyn D (DFPS) <Marilyn.Polk@dfps.texas.gov>; Garrett,Kendrick L (DFPS) <Kendrick.Garrett@dfps.texas.gov>
Cc: Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>
Subject: FW: Attorney General Opinion

PLEASE explain to the PDs that they must notify PA/RD if their program receives an assignment from SWI on these.

Immediately.

We must treat these as normal investigations. I will discuss this at Tuesday's BB meeting.

From: Sanders,Monica L (DFPS)
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Subject: FW: Attorney General Opinion

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From: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:55 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>;

AMERICAN OVERSIGHT

Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>

Subject: FW: Attorney General Opinion

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Thanks,

Marta

Marta Talbert

Director of Investigation and Alternative Response

512-438-3357

marta.talbert@dfps.texas.gov

From: Black,Stephen D (DFPS)

Sent: Wednesday, February 23, 2022 3:46 PM

To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>

Subject: FW: Attorney General Opinion

fyi

Stephen Black

512-960-9352

From: Black,Stephen D (DFPS)

Sent: Wednesday, February 23, 2022 3:31 PM

To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>

Subject: Attorney General Opinion

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Please consult with your PA regarding any questions you may have.

Stephen Black

SWI Associate Commissioner

512-960-9352

AMERICAN OVERSIGHT

From: Green,Lakeshia (DFPS)
To: Boldon,Loretta (DFPS)
Subject: FW: Attorney General Opinion
Date: Friday, February 25, 2022 2:41:58 PM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf
image003.png

Yall probably meeting on this

From: Chancellor,Veronica M (DFPS)
Sent: Friday, February 25, 2022 2:22 PM
To: Hendrix,Latosha (DFPS) <Latosha.Hendrix@dfps.texas.gov>; Green,Lakeshia (DFPS) <Lakeshia.Green@dfps.texas.gov>; Morrow,Belinda (DFPS) <Belinda.Morrow@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Team we will discuss further on our 3pm meeting.
TY

From: Sutton,Toni (DFPS) <Marie.Sutton@dfps.texas.gov>
Sent: Thursday, February 24, 2022 3:46 PM
To: Riles,Vincent A (DFPS) <Vincent.Riles2@dfps.texas.gov>; Riley,Leighann (DFPS) <Mary.Riley@dfps.texas.gov>; Chancellor,Veronica M (DFPS) <Veronica.Chancellor@dfps.texas.gov>; Coaston,Marva (DFPS) <Marva.Coaston2@dfps.texas.gov>; Ferbrache,Belinda (DFPS) <Belinda.Ferbrache@dfps.texas.gov>
Subject: FW: Attorney General Opinion

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Toni Sutton, LCSW
CPI Regional Director
Region 3 East
214.583.4037 (office)
469.340.9561 (mobile)
8700 N Stemmons FWY
Dallas, TX 75247
marie.sutton@dfps.texas.gov
Texas Department of Family and Protective Services
Child Protective Investigations

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:46 PM
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SWI Associate Commissioner
512-960-9352

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AMERICAN OVERSIGHT

From:	Hammon,Stephanie A (DFPS)
To:	Rohr,Rosa L (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Friday, February 25, 2022 2:38:45 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

fyi

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AMERICAN OVERSIGHT

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Subject: FW: Attorney General Opinion

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Marta

Marta Talbert

Director of Investigation and Alternative Response

512-438-3357

marta.talbert@dfps.texas.gov

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To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>

Subject: FW: Attorney General Opinion

fyi

Stephen Black

512-960-9352

From: Black,Stephen D (DFPS)

Sent: Wednesday, February 23, 2022 3:31 PM

To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>

Subject: Attorney General Opinion

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Stephen Black

SWI Associate Commissioner

512-960-9352

AMERICAN OVERSIGHT

From:	Chancellor,Veronica M (DFPS)
To:	Hendrix,Latosha (DFPS); Green,Lakeshia (DFPS); Morrow,Belinda (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Friday, February 25, 2022 2:22:33 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image003.png

Team we will discuss further on our 3pm meeting.
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From: Sutton,Toni (DFPS) <Marie.Sutton@dfps.texas.gov>
Sent: Thursday, February 24, 2022 3:46 PM
To: Riles,Vincent A (DFPS) <Vincent.Riles2@dfps.texas.gov>; Riley,Leighann (DFPS) <Mary.Riley@dfps.texas.gov>; Chancellor,Veronica M (DFPS) <Veronica.Chancellor@dfps.texas.gov>; Coaston,Marva (DFPS) <Marva.Coaston2@dfps.texas.gov>; Ferbrache,Belinda (DFPS) <Belinda.Ferbrache@dfps.texas.gov>
Subject: FW: Attorney General Opinion

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469.340.9561 (mobile)
8700 N Stemmons FWY
Dallas, TX 75247
marie.sutton@dfps.texas.gov
Texas Department of Family and Protective Services
Child Protective Investigations

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AMERICAN OVERSIGHT

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SWI Associate Commissioner
512-960-9352

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AMERICAN OVERSIGHT

From: Liles,Lou R (DFPS)
To: McFarland,Tasha A (DFPS)
Subject: FW: Attorney General Opinion
Date: Friday, February 25, 2022 12:50:56 PM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

AMERICAN OVERSIGHT

From:	Lazaro,Deborah (DFPS)
To:	txkhl1@gmail.com
Subject:	FW: Attorney General Opinion
Date:	Friday, February 25, 2022 12:20:00 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

---

From: Black,Stephen D (DFPS) <Stephen.Black@dfps.texas.gov>

Sent: Wednesday, February 23, 2022 3:31 PM

To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>

Subject: Attorney General Opinion

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SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From: Requenez,Janie I (DFPS)
To: Cano,Martha J (DFPS); Leticia.Rodriguez@dfps.state.tx.us; Patricia.Salinas@dfps.state.tx.us
Subject: FW: Attorney General Opinion
Date: Friday, February 25, 2022 11:46:34 AM
Attachments: image001.png
AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

Just another reminder….these need to be escalated.
janie

From: Yzaguirre,Marina C (DFPS)
Sent: Wednesday, February 23, 2022 9:49 PM
To: Amaro,Kristy (DFPS) <Kristy.Amaro@dfps.texas.gov>; Guerra,Betzabel (DFPS) <Betzabel.Guerra@dfps.texas.gov>; Requenez,Janie I (DFPS) <Janie.Requenez@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Fyi---if we receive any intakes that pertain to this particular issue they must be escalated up for further guidance and direction.
Thanks!

MARINA YZAGUIRRE, MSSW
Child Protective Investigations
Regional Director
Region 11
Edinburg, Tx 78539
Off. 956-316-8238
Mbl. 956-802-4921

Texas Department of
Family and Protective Services

From: Talbert,Marta L (DFPS)
Sent: Wednesday, February 23, 2022 3:55 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
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Director of Investigation and Alternative Response
512-438-3357

AMERICAN OVERSIGHT

marta.talbert@dfps.texas.gov

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512-960-9352

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Stephen Black
SWI Associate Commissioner
512-960-9352

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AMERICAN OVERSIGHT

From:	Requenez,Janie I (DFPS)
To:	Cano,Martha J (DFPS); Leticia.Rodriguez@dfps.state.tx.us; Patricia.Salinas@dfps.state.tx.us
Subject:	FW: Attorney General Opinion
Date:	Friday, February 25, 2022 11:44:00 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image001.png

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To: Amaro,Kristy (DFPS) <Kristy.Amaro@dfps.texas.gov>; Guerra,Betzabel (DFPS) <Betzabel.Guerra@dfps.texas.gov>; Requenez,Janie I (DFPS) <Janie.Requenez@dfps.texas.gov>
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Child Protective Investigations
Regional Director
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Texas Department of
Family and Protective Services

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Marta Talbert
Director of Investigation and Alternative Response
512-438-3357

AMERICAN OVERSIGHT

marta.talbert@dfps.texas.gov

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Sent: Wednesday, February 23, 2022 3:46 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
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fyi
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Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Lipham,Alexis P (DFPS)
To:	Bailey,James (DFPS); Garza,Stephanie (DFPS); Hodges,Lora M (DFPS); Latham,Bailey (DFPS); Messer,Abigail (DFPS); Reyna,Miranda (DFPS); Silva,Alura (DFPS); Brady,Mary (DFPS); Garza,Dawn (DFPS); King,Amie (DFPS); Mclellan,Madisyn (DFPS); Morris-Brown,Elizabeth (DFPS); Quillin,Vella (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Friday, February 25, 2022 10:20:50 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png image001.png

All,
Please review these when you have time. One of them is pretty lengthy. We discussed this on our supervisor call yesterday. If you receive an intake regarding this material let your supervisor know immediately as it will have to be staffed all of the way up. If you have questions, please **only call,** Amie or I, regarding this material, and we will discuss further. This is information that will be discussed at our next unit meetings as well, but here is the material to read in the meantime.

Alexis Lipham

Investigations Supervisor – Unit 04

325/574-0932

3610 Vine Street, Abilene, Texas, 79602

Texas Department of Family and Protective Services
Child Protective Services

From: Etheredge,Todd (DFPS) <Todd.Etheredge@dfps.texas.gov>
Sent: Thursday, February 24, 2022 2:38 PM
To: Chavira,Ninfa (DFPS) <Ninfa.Chavira@dfps.texas.gov>; Cross,Angie J (DFPS) <Angie.Cross@dfps.texas.gov>; King,Amie (DFPS) <Amie.King@dfps.texas.gov>; Lipham,Alexis P (DFPS) <Alexis.Lipham@dfps.texas.gov>; Meador,Angela G (DFPS) <Angela.Meador@dfps.texas.gov>; Montoya,Erica A (DFPS) <Erica.Montoya@dfps.texas.gov>; Speaks,Ginger L (DFPS) <Ginger.Speaks@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Please review
Thank you,

Todd Etheredge
Children Protective Investigations and Alternative Response Program Director
3610 Vine Street
Abilene, Texas 79602
Office (325) 691-8149
Cell (325) 514-5041

Texas Department of Family and Protective Services
Investigations

AMERICAN OVERSIGHT

From: Harmon,Tonya (DFPS)
Sent: Thursday, February 24, 2022 9:48 AM
To: Vangelderen,John (DFPS) <John.Vangelderen@dfps.texas.gov>; Etheredge,Todd (DFPS) <Todd.Etheredge@dfps.texas.gov>; Hanson,Michelle R (DFPS) <Michelle.Hanson@dfps.texas.gov>; Castillo,Lilia (DFPS) <Lilia.Castillo@dfps.texas.gov>; Cash,Crystal (DFPS) <Crystal.Cash@dfps.texas.gov>
Cc: Ward,Shannon M (DFPS) <Shannon.Ward@dfps.texas.gov>
Subject: FW: Attorney General Opinion

We will be discussing on our leadership call. Thanks, Tonya

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Sent: Wednesday, February 23, 2022 3:46 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: FW: Attorney General Opinion

fyi
Stephen Black
512-960-9352

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

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AMERICAN OVERSIGHT

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Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Harmon,Tonya (DFPS)
To:	Vandygriff,Shawn (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Friday, February 25, 2022 9:02:00 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

---

From: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:55 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
Subject: FW: Attorney General Opinion

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AMERICAN OVERSIGHT

Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Moore,Lindey (DFPS)
To:	Fonseca,Elda (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Friday, February 25, 2022 8:29:40 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

From: Black,Stephen D (DFPS)

Sent: Wednesday, February 23, 2022 3:31 PM

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AMERICAN OVERSIGHT

From:	Westbrook,Debra (DFPS)
To:	mdkwestbrook@yahoo.com
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 8:50:00 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

From: Black,Stephen D (DFPS)

Sent: Wednesday, February 23, 2022 3:31 PM

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AMERICAN OVERSIGHT

From:	Visser,Rhonda A (DFPS)
To:	Visser,Rhonda A (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 6:19:00 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

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Sent: Wednesday, February 23, 2022 3:31 PM

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512-960-9352

AMERICAN OVERSIGHT

From:	ESTY,STACY A (DFPS)
To:	Johnson,Brittany (DFPS); Boyd,Sharlina (DFPS); Mendez,Lisa K. (DFPS); Johnson,Angelle C (DFPS); Curry,Shelena D. (DFPS); Perez,Magdalena (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 6:09:23 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image001.png

---

FYI .. This is what has been on the news

From: Gaynor,Sarah J. (DFPS)
Sent: Thursday, February 24, 2022 5:43 PM
To: Addison,Stephanie M (DFPS) <Stephanie.Addison@dfps.texas.gov>; ESTY,STACY A (DFPS) <Stacy.ESTY@dfps.texas.gov>; Kelly,Toni L (DFPS) <Toni.Kelly@dfps.texas.gov>; Taylor-Owens,Jennifer L (DFPS) <Jennifer.Taylor-Owens@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Please read attachments

Sarah Gaynor

Cell: 832-454-7263

From: Thomas,Montorea (DFPS) <Montorea.Thomas@dfps.texas.gov>
Sent: Thursday, February 24, 2022 4:46 PM
To: Cage,Natasha (DFPS) <Natasha.Cage@dfps.texas.gov>; Gaynor,Sarah J. (DFPS) <Sarah.Gaynor@dfps.texas.gov>; Jones,Alina S (DFPS) <Alina.Jones@dfps.texas.gov>
Subject: FW: Attorney General Opinion

See below. FYI

Montorea R. Thomas, MSW
Department of Family & Protective Services
Service Program Administrator/Region 6A
CVS, Court, PAL, Kinship, DDS, EDS, FGDM Liaison
2525 Murworth Dr.
Houston, TX 77054
☎**Office:** (713)394-4139
☎**Cell:** (713) 301-9810
Fax: (512) 276-3017
✉**Email: montorea.thomas@dfps.texas.gov**

From: Broussard-White,CJ (DFPS)
Sent: Thursday, February 24, 2022 4:40 PM
To: Easley,Shaundricka L (DFPS) <Shaundricka.Easley@dfps.texas.gov>; Lee,John L (DFPS) <John.Lee@dfps.texas.gov>; Reynolds,David E (DFPS) <David.Reynolds@dfps.texas.gov>; Thomas,Montorea (DFPS) <Montorea.Thomas@dfps.texas.gov>; Jones,Alina S (DFPS) <Alina.Jones@dfps.texas.gov>; Clark,Jennifer L. (DFPS) <Jennifer.Clark@dfps.texas.gov>; Levit,Lindy

AMERICAN OVERSIGHT

(DFPS) <Lindy.Levit@dfps.texas.gov>; Plummer,Lataisha M. (DFPS) <Lataisha.Plummer@dfps.texas.gov>; Marks,Iker R (DFPS) <Iker.Marks@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Team,
Please see below and attached.
cj

From: Sanders,Monica L (DFPS)
Sent: Thursday, February 24, 2022 1:47 PM
To: Broussard-White,CJ (DFPS) <CJ.BroussardWhite@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Just an FYI
Notification from Gov. Abbott/AG Paxton

From: Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>
Sent: Thursday, February 24, 2022 8:42 AM
To: Polk,Marilyn D (DFPS) <Marilyn.Polk@dfps.texas.gov>; Garrett,Kendrick L (DFPS) <Kendrick.Garrett@dfps.texas.gov>
Cc: Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>
Subject: FW: Attorney General Opinion

PLEASE explain to the PDs that they must notify PA/RD if their program receives an assignment from SWI on these.

Immediately.

We must treat these as normal investigations. I will discuss this at Tuesday's BB meeting.

From: Sanders,Monica L (DFPS)
Sent: Thursday, February 24, 2022 8:05 AM
To: Polk,Marilyn D (DFPS) <Marilyn.Polk@dfps.texas.gov>; Garrett,Kendrick L (DFPS) <Kendrick.Garrett@dfps.texas.gov>
Subject: FW: Attorney General Opinion

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AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

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To:	Addison,Stephanie M (DFPS); ESTY,STACY A (DFPS); Kelly,Toni L (DFPS); Taylor-Owens,Jennifer L (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 5:43:43 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image001.png

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AMERICAN OVERSIGHT

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To: Reyna,Debra M (DFPS); Saldivar,Vanessa (DFPS); Daniels,Ebony (DFPS)
Subject: Fwd: Attorney General Opinion
Date: Thursday, February 24, 2022 5:10:16 PM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

Alina Jones
Harris County Court & PAL Program Director
C: 832.360.6923

From: Broussard-White,CJ (DFPS) <CJ.BroussardWhite@dfps.texas.gov>
Sent: Thursday, February 24, 2022 4:40:29 PM
To: Easley,Shaundricka L (DFPS) <Shaundricka.Easley@dfps.texas.gov>; Lee,John L (DFPS) <John.Lee@dfps.texas.gov>; Reynolds,David E (DFPS) <David.Reynolds@dfps.texas.gov>; Thomas,Montorea (DFPS) <Montorea.Thomas@dfps.texas.gov>; Jones,Alina S (DFPS) <Alina.Jones@dfps.texas.gov>; Clark,Jennifer L. (DFPS) <Jennifer.Clark@dfps.texas.gov>; Levit,Lindy (DFPS) <Lindy.Levit@dfps.texas.gov>; Plummer,Lataisha M. (DFPS) <Lataisha.Plummer@dfps.texas.gov>; Marks,Iker R (DFPS) <Iker.Marks@dfps.texas.gov>
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512-960-9352

AMERICAN OVERSIGHT

Subject: FW: Attorney General Opinion
Date: Thursday, February 24, 2022 5:07:07 PM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf
image001.png

Thank you,

Isaac K. Lopez

Program Director
Region 09 INV/AR
622 S. Oakes Ste. L
San Angelo, TX, 76903
O: 325-657-8940
C: 325-315-7569

Mission

We promote safe and healthy families and protect children and vulnerable adults from abuse, neglect, and exploitation.

Vision

Improving the lives of those we serve.

Values

We are Accountable, Respectful, Diverse, Collaborative, Professional

Texas Department of
Family and Protective Services
Child Protective Investigations

From: Baquero,Myrna I (DFPS)
Sent: Thursday, February 24, 2022 9:04 AM
To: Johnson,Christin (DFPS) <Christin.Johnson@dfps.texas.gov>; Ortega,Edna V (DFPS) <Edna.Ortega@dfps.texas.gov>; Garcia,John A (DFPS) <John.Garcia@dfps.texas.gov>; Wicker,Joseph (DFPS) <Joseph.Wicker@dfps.texas.gov>; Lopez,Isaac (DFPS) <Isaac.Lopez@dfps.texas.gov>; Valdez,Deric J (DFPS) <Deric.Valdez@dfps.texas.gov>
Subject: FW: Attorney General Opinion
Importance: High

NOTE: All before you share this I want us to have a conversation. Deric please schedule a teams call for late this afternoon or tomorrow morning. Is everyone available at 4 pm central time? I am also available tomorrow morning.

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Myrna

AMERICAN OVERSIGHT

From:	Thomas,Montorea (DFPS)
To:	Cage,Natasha (DFPS); Gaynor,Sarah J. (DFPS); Jones,Alina S (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 4:45:45 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image001.png

See below. FYI

Montorea R. Thomas, MSW

Department of Family & Protective Services
Service Program Administrator/Region 6A
CVS, Court, PAL, Kinship, DDS, EDS, FGDM Liaison
2525 Murworth Dr.
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Sent: Thursday, February 24, 2022 1:47 PM
To: Broussard-White,CJ (DFPS) <CJ.BroussardWhite@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Just an FYI
Notification from Gov. Abbott/AG Paxton

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Sent: Thursday, February 24, 2022 8:42 AM
To: Polk,Marilyn D (DFPS) <Marilyn.Polk@dfps.texas.gov>; Garrett,Kendrick L (DFPS) <Kendrick.Garrett@dfps.texas.gov>
Cc: Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>

AMERICAN OVERSIGHT

Subject: FW: Attorney General Opinion

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marta.talbert@dfps.texas.gov

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Subject: FW: Attorney General Opinion

fyi
Stephen Black
512-960-9352

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AMERICAN OVERSIGHT

From: Ratliff,Janet (DFPS)
To: Jones,Larissa (HHSC)
Subject: Fwd: Attorney General Opinion
Date: Thursday, February 24, 2022 4:42:10 PM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf
image002.png

From: Ratliff,Janet (DFPS) <Janet.Ratliff@dfps.texas.gov>
Sent: Thursday, February 24, 2022 4:41:26 PM
To: Wells,Shauna (DFPS) <Shauna.Wells@dfps.texas.gov>
Subject: Fwd: Attorney General Opinion

From: Meador,Angela G (DFPS) <Angela.Meador@dfps.texas.gov>
Sent: Thursday, February 24, 2022 2:50:33 PM
To: Ratliff,Janet (DFPS) <Janet.Ratliff@dfps.texas.gov>; Yoder,Jeffrey A (DFPS) <Jeffrey.Yoder@dfps.texas.gov>; Galaviz,Eduardo (DFPS) <Eduardo.Galaviz@dfps.texas.gov>; Nelson,Chrisstena D (DFPS) <Chrisstena.Nelson@dfps.texas.gov>; Coston,Stephanie (DFPS) <Stephanie.Coston@dfps.texas.gov>; Coulter,Kandi (DFPS) <Kandi.Coulter@dfps.texas.gov>
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Children Protective Investigations and Alternative Response Program Director
3610 Vine Street
Abilene, Texas 79602
Office (325) 691-8149
Cell (325) 514-5041

Texas Department of Family and Protective Services
Investigations

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Sent: Thursday, February 24, 2022 9:48 AM
To: Vangelderen,John (DFPS) <John.Vangelderen@dfps.texas.gov>; Etheredge,Todd (DFPS) <Todd.Etheredge@dfps.texas.gov>; Hanson,Michelle R (DFPS) <Michelle.Hanson@dfps.texas.gov>;

AMERICAN OVERSIGHT

Castillo,Lilia (DFPS) <Lilia.Castillo@dfps.texas.gov>; Cash,Crystal (DFPS) <Crystal.Cash@dfps.texas.gov>
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AMERICAN OVERSIGHT

Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Lee,John L (DFPS)
To:	McKentie,Teara S (DFPS); William,Alisa M (DFPS); Brown,Paulla E. (DFPS); Powell ,Deedra R (DFPS); Stewart,Cynthia D (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 4:42:05 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

Please see below and attachments.

John Lee
Region 6A Conservatorship Program Administrator
2525 Murworth
Houston, Texas 77054
Office: 713.394.4050
Cell: 832.454.5725

From: Broussard-White,CJ (DFPS) <CJ.BroussardWhite@dfps.texas.gov>
Sent: Thursday, February 24, 2022 4:40 PM
To: Easley,Shaundricka L (DFPS) <Shaundricka.Easley@dfps.texas.gov>; Lee,John L (DFPS) <John.Lee@dfps.texas.gov>; Reynolds,David E (DFPS) <David.Reynolds@dfps.texas.gov>; Thomas,Montorea (DFPS) <Montorea.Thomas@dfps.texas.gov>; Jones,Alina S (DFPS) <Alina.Jones@dfps.texas.gov>; Clark,Jennifer L. (DFPS) <Jennifer.Clark@dfps.texas.gov>; Levit,Lindy (DFPS) <Lindy.Levit@dfps.texas.gov>; Plummer,Lataisha M. (DFPS) <Lataisha.Plummer@dfps.texas.gov>; Marks,Iker R (DFPS) <Iker.Marks@dfps.texas.gov>
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AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

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Date:	Thursday, February 24, 2022 4:41:30 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png

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AMERICAN OVERSIGHT

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To:	Easley,Shaundricka L (DFPS); Lee,John L (DFPS); Reynolds,David E (DFPS); Thomas,Montorea (DFPS); Jones,Alina S (DFPS); Clark,Jennifer L. (DFPS); Levit,Lindy (DFPS); Plummer,Lataisha M. (DFPS); Marks,Iker R (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 4:41:03 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

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AMERICAN OVERSIGHT

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To:	Monk,Sakara N (DFPS); Mendoza,Carolina (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 3:48:00 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image003.png

Notify me and I'll notify Toni.

From: Sutton,Toni (DFPS) <Marie.Sutton@dfps.texas.gov>

Sent: Thursday, February 24, 2022 3:46 PM

To: Riles,Vincent A (DFPS) <Vincent.Riles2@dfps.texas.gov>; Riley,Leighann (DFPS) <Mary.Riley@dfps.texas.gov>; Chancellor,Veronica M (DFPS) <Veronica.Chancellor@dfps.texas.gov>; Coaston,Marva (DFPS) <Marva.Coaston2@dfps.texas.gov>; Ferbrache,Belinda (DFPS) <Belinda.Ferbrache@dfps.texas.gov>

Subject: FW: Attorney General Opinion

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Toni Sutton, LCSW
CPI Regional Director
Region 3 East
214.583.4037 (office)
469.340.9561 (mobile)
8700 N Stemmons FWY
Dallas, TX 75247
marie.sutton@dfps.texas.gov
Texas Department of Family and Protective Services
Child Protective Investigations

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AMERICAN OVERSIGHT

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Sent: Wednesday, February 23, 2022 3:46 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: FW: Attorney General Opinion

fyi
Stephen Black
512-960-9352

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

Hello SWI,
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Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

NOTICE: There has been a change to my email address. Effective immediately, my new email address is: Marta.Talbert@dfps.texas.gov**.**

AMERICAN OVERSIGHT

From:	Coaston,Marva (DFPS)
To:	Monk,Sakara N (DFPS); Mendoza,Carolina (DFPS)
Subject:	Attorney General Opinion
Date:	Thursday, February 24, 2022 3:38:00 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png image001.png

FYI!

From: Sutton,Toni (DFPS) <Marie.Sutton@dfps.texas.gov>
Sent: Thursday, February 24, 2022 10:37 AM
To: Riles,Vincent A (DFPS) <Vincent.Riles2@dfps.texas.gov>; Riley,Leighann (DFPS) <Mary.Riley@dfps.texas.gov>; Chancellor,Veronica M (DFPS) <Veronica.Chancellor@dfps.texas.gov>; Coaston,Marva (DFPS) <Marva.Coaston2@dfps.texas.gov>; Ferbrache,Belinda (DFPS) <Belinda.Ferbrache@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Toni Sutton, LCSW
CPI Regional Director
Region 3 East
214.583.4037 (office)
469.340.9561 (mobile)
8700 N Stemmons FWY
Dallas, TX 75247
marie.sutton@dfps.texas.gov

Texas Department of Family and Protective Services
Child Protective Investigations

From: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:55 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
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Thanks,
Marta

Marta Talbert
Director of Investigation and Alternative Response
512-438-3357

AMERICAN OVERSIGHT

marta.talbert@dfps.texas.gov

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AMERICAN OVERSIGHT

From:	Harty,Kimberly (DFPS)
To:	Rodriguez,Michael (DFPS); Perea,Nicholas (DFPS); Njatcha,Cynthia (DFPS); Organ,Kalee (DFPS); Rietz,Emily (DFPS); Kendall-Ball,Jennifer (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 3:27:03 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

This is the email I was referencing.
Thanks,

Kimberly Harty
Alternative Response Supervisor II
1622 10th St. Lubbock, Texas 79401
Office: (806) 742-9140
Cell: (806) 543- 8272
Fax: (512) 927-5745

CONFIDENTIALITY NOTICE: This communication, and any attachments, contains confidential information under §552.139 of the Texas Public Information Act and/or other applicable state and federal laws. Because of the secure content, this message is intended solely for the use of the addressees named above. If you have received this message in error, please notify the sender immediately, delete this e-mail from your system, and destroy any copies you have made of this communication or any attachments. Recipients may not forward this communication to unauthorized persons, and must segregate copies of this e-mail and any attachments from any publicly accessible records. Unauthorized interception of this e-mail may be prosecuted as a violation of federal criminal law.

From: Castillo,Lilia (DFPS) <Lilia.Castillo@dfps.texas.gov>
Sent: Thursday, February 24, 2022 12:00 PM
To: Harris,Cortney (DFPS) <Cortney.Harris@dfps.texas.gov>; Harty,Kimberly (DFPS) <Kimberly.Harty@dfps.texas.gov>; Hurtt,Lawrence (DFPS) <Lawrence.Hurtt@dfps.texas.gov>; Jones,Darnisha T (DFPS) <Darnisha.Jones@dfps.texas.gov>; Moses,Sommer (DFPS) <Sommer.Moses@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Lilia M. Castillo
CPI Investigation Program Director
Lubbock
806-281-7217

From: Harmon,Tonya (DFPS)
Sent: Thursday, February 24, 2022 9:48 AM
To: Vangelderen,John (DFPS) <John.Vangelderen@dfps.texas.gov>; Etheredge,Todd (DFPS) <Todd.Etheredge@dfps.texas.gov>; Hanson,Michelle R (DFPS) <Michelle.Hanson@dfps.texas.gov>; Castillo,Lilia (DFPS) <Lilia.Castillo@dfps.texas.gov>; Cash,Crystal (DFPS) <Crystal.Cash@dfps.texas.gov>
Cc: Ward,Shannon M (DFPS) <Shannon.Ward@dfps.texas.gov>
Subject: FW: Attorney General Opinion

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AMERICAN OVERSIGHT

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To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
Subject: FW: Attorney General Opinion

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Marta Talbert
Director of Investigation and Alternative Response
512-438-3357
marta.talbert@dfps.texas.gov

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Subject: FW: Attorney General Opinion

fyi
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To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

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Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Templeton,Kelly (DFPS)
To:	Ferguson,Penelope K (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 3:19:00 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

Hi Penny –
I am sure you have received these, but just in case not, I wanted to forward to you. One of the screeners sent to me. It will be interesting to see how this will play out.

Kelly Templeton
Child Safety Specialist
Region 1
1622 10th street
Lubbock, Tx. 79401
Office: 806-742-9167
Cell: 806-224-5597

AMERICAN OVERSIGHT

From:	Meador,Angela G (DFPS)
To:	Ratliff,Janet (DFPS); Yoder,Jeffrey A (DFPS); Galaviz,Eduardo (DFPS); Nelson,Chrisstena D (DFPS); Coston,Stephanie (DFPS); Coulter,Kandi (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 2:50:36 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png

---

Ill have more info after meeting with Todd this afternoon.

From: Etheredge,Todd (DFPS)
Sent: Thursday, February 24, 2022 2:38 PM
To: Chavira,Ninfa (DFPS) <Ninfa.Chavira@dfps.texas.gov>; Cross,Angie J (DFPS) <Angie.Cross@dfps.texas.gov>; King,Amie (DFPS) <Amie.King@dfps.texas.gov>; Lipham,Alexis P (DFPS) <Alexis.Lipham@dfps.texas.gov>; Meador,Angela G (DFPS) <Angela.Meador@dfps.texas.gov>; Montoya,Erica A (DFPS) <Erica.Montoya@dfps.texas.gov>; Speaks,Ginger L (DFPS) <Ginger.Speaks@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Please review
Thank you,
Todd Etheredge
Children Protective Investigations and Alternative Response Program Director
3610 Vine Street
Abilene, Texas 79602
Office (325) 691-8149
Cell (325) 514-5041

Texas Department of Family and Protective Services
Investigations

From: Harmon,Tonya (DFPS)
Sent: Thursday, February 24, 2022 9:48 AM
To: Vangelderen,John (DFPS) <John.Vangelderen@dfps.texas.gov>; Etheredge,Todd (DFPS) <Todd.Etheredge@dfps.texas.gov>; Hanson,Michelle R (DFPS) <Michelle.Hanson@dfps.texas.gov>; Castillo,Lilia (DFPS) <Lilia.Castillo@dfps.texas.gov>; Cash,Crystal (DFPS) <Crystal.Cash@dfps.texas.gov>
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AMERICAN OVERSIGHT

<Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>

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Thanks,

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Director of Investigation and Alternative Response

512-438-3357

marta.talbert@dfps.texas.gov

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Subject: FW: Attorney General Opinion

fyi

Stephen Black

512-960-9352

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Stephen Black

SWI Associate Commissioner

512-960-9352

AMERICAN OVERSIGHT

From:	Etheredge,Todd (DFPS)
To:	Chavira,Ninfa (DFPS); Cross,Angie J (DFPS); King,Amie (DFPS); Lipham,Alexis P (DFPS); Meador,Angela G (DFPS); Montoya,Erica A (DFPS); Speaks,Ginger L (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 2:37:43 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png

Please review
Thank you,
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AMERICAN OVERSIGHT

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marta.talbert@dfps.texas.gov

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AMERICAN OVERSIGHT

From:	Phillips,Deirdre (DFPS)
To:	Burnette,Ashley (DFPS); Drennan,Kelsey M. (DFPS); Galindo,Jessica (DFPS); Strange,Sogunda (DFPS); Wilson,Loresha (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 2:32:48 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

---

From: Liles,Lou R (DFPS) <Lou.Liles@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 6:53 PM
To: Prewitt,Amanda R. (DFPS) <Amanda.Prewitt@dfps.texas.gov>; Phillips,Deirdre (DFPS) <Deirdre.Phillips@dfps.texas.gov>; Peterson,Nicole (DFPS) <Nicole.Peterson@dfps.texas.gov>; Claude,Jennifer L (DFPS) <Jennifer.Claude@dfps.texas.gov>; Chesnut,Andrew (DFPS) <Andrew.Chesnut@dfps.texas.gov>; Boshuizen,Steven (DFPS) <Steven.Boshuizen@dfps.texas.gov>
Subject: Fwd: Attorney General Opinion
If you receive any of these intakes I need to know immediately. Please share with all of your supervisors

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From: Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 4:18 PM
To: Liles,Lou R (DFPS)
Subject: Fwd: Attorney General Opinion

From: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:54:57 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
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AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

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Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 2:30:53 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

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marta.talbert@dfps.texas.gov

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To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>

AMERICAN OVERSIGHT

Subject: FW: Attorney General Opinion

fyi

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512-960-9352

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Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From: Sanders,Monica L (DFPS)
To: Broussard-White,CJ (DFPS)
Subject: FW: Attorney General Opinion
Date: Thursday, February 24, 2022 1:47:45 PM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

Just an FYI
Notification from Gov. Abbott/AG Paxton

From: Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>
Sent: Thursday, February 24, 2022 8:42 AM
To: Polk,Marilyn D (DFPS) <Marilyn.Polk@dfps.texas.gov>; Garrett,Kendrick L (DFPS) <Kendrick.Garrett@dfps.texas.gov>
Cc: Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>
Subject: FW: Attorney General Opinion

PLEASE explain to the PDs that they must notify PA/RD if their program receives an assignment from SWI on these.

Immediately.

We must treat these as normal investigations. I will discuss this at Tuesday's BB meeting.

From: Sanders,Monica L (DFPS)
Sent: Thursday, February 24, 2022 8:05 AM
To: Polk,Marilyn D (DFPS) <Marilyn.Polk@dfps.texas.gov>; Garrett,Kendrick L (DFPS) <Kendrick.Garrett@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Please try to get through this and share and process with the PDs.

From: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:55 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
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Thanks,
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Marta Talbert
Director of Investigation and Alternative Response
512-438-3357

AMERICAN OVERSIGHT

marta.talbert@dfps.texas.gov

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Sent: Wednesday, February 23, 2022 3:46 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: FW: Attorney General Opinion

fyi
Stephen Black
512-960-9352

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

Hello SWI,
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Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Calderon,Porsche (DFPS)
To:	Ross,Shenel (DFPS); Bowes,Akeelah (DFPS); Mitchell,Derona (DFPS); Callens,Donna (DFPS); Williams,Dominique (DFPS)
Cc:	Bryant,Edwin (DFPS); Osegueda,Franklin (DFPS); Matthews,Chelsia (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 1:24:46 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image001.png

From: Phynon,Domeka (DFPS) <Domeka.Phynon@dfps.texas.gov>
Sent: Thursday, February 24, 2022 12:52 PM
To: Alaniz,Jose (DFPS) <Jose.Alaniz@dfps.texas.gov>; Dorchak,James (DFPS) <James.Dorchak@dfps.texas.gov>; Moore,Adrienne (DFPS) <Adrienne.Moore@dfps.texas.gov>; Munoz,Luis (DFPS) <Luis.Munoz@dfps.texas.gov>; Calderon,Porsche (DFPS) <Porsche.Calderon@dfps.texas.gov>; Matthews,Kirby (DFPS) <Kirby.Matthews2@dfps.texas.gov>; Salazar,Melanie (DFPS) <Melanie.Salazar@dfps.texas.gov>; Taylor,Jasmine (DFPS) <Jasmine.Taylor@dfps.texas.gov>
Subject: FW: Attorney General Opinion
FYI

Domeka Phynon
CPI Investigation and **A**lternative **R**esponse (AR) Program Director
3 NorthPoint Drive Suite 248
Houston, TX 77060
Fax: (512)276-3011
Business: (281)847-7000
Cell: (713)413-7176

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FYI

Kind Regards,
Kendrick L. Garrett
Region 6A Program Adminstrator
DFPS/CPI (A**lternative **R**esponse & Investigations**)
832-454-7311 business cell
Kendrick.garrett@dfps.texas.gov

Texas Department of
Family and Protective Services
Child Protective Investigations

AMERICAN OVERSIGHT

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Subject: Attorney General Opinion

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AMERICAN OVERSIGHT

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Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Williams,Nicole H (DFPS)
To:	Adams,Crystal (DFPS); Brooks,Tammy R (DFPS); Brown,Ariva (DFPS); Hannah,Marnette N (DFPS); Chisanga,Chikwanda M (DFPS); Chavez,Gloria (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 1:16:44 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png image001.png

We will discuss briefly in our meeting at 2pm

Nicole Hawley Williams
Child Protective Services
Alternative Response Program Director
8700 N. Stemmons Frwy
Dallas, TX 75247
214-686-8558 cell
512-276-3833 fax
Nicole.Williams@dfps.texas.gov

Texas Department of Family and Protective Services
Child Protective Investigations

From: Riley,Leighann (DFPS)
Sent: Thursday, February 24, 2022 11:59 AM
To: Williams,Nicole H (DFPS) <Nicole.Williams@dfps.texas.gov>; Jones,Katherine (DFPS) <Katherine.Jones@dfps.texas.gov>; Gibson,John (DFPS) <John.Gibson@dfps.texas.gov>; Nichols,Jennifer (DFPS) <Jennifer.Nichols@dfps.texas.gov>
Subject: FW: Attorney General Opinion

From: Sutton,Toni (DFPS)
Sent: Thursday, February 24, 2022 10:37 AM
To: Riles,Vincent A (DFPS) <Vincent.Riles2@dfps.texas.gov>; Riley,Leighann (DFPS) <Mary.Riley@dfps.texas.gov>; Chancellor,Veronica M (DFPS) <Veronica.Chancellor@dfps.texas.gov>; Coaston,Marva (DFPS) <Marva.Coaston2@dfps.texas.gov>; Ferbrache,Belinda (DFPS) <Belinda.Ferbrache@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Toni Sutton, LCSW
CPI Regional Director
Region 3 East
214.583.4037 (office)
469.340.9561 (mobile)
8700 N Stemmons FWY
Dallas, TX 75247
marie.sutton@dfps.texas.gov

Texas Department of Family and Protective Services
Child Protective Investigations

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AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

From:	Phynon,Domeka (DFPS)
To:	Alaniz,Jose (DFPS); Dorchak,James (DFPS); Moore,Adrienne (DFPS); Munoz,Luis (DFPS); Calderon,Porsche (DFPS); Matthews,Kirby (DFPS); Salazar,Melanie (DFPS); Taylor,Jasmine (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 12:52:05 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image001.png

FYI

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AMERICAN OVERSIGHT

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Stephen Black

SWI Associate Commissioner

512-960-9352

AMERICAN OVERSIGHT

From:	Jones,Katherine (DFPS)
To:	Matthews,Cheri (DFPS); Parsons,Joshua (DFPS); Valdez,Selena (DFPS); Berogan,Brittany (DFPS)
Subject:	Fwd: Attorney General Opinion
Date:	Thursday, February 24, 2022 12:34:45 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png

Again, answer questions of staff however cases will not be going to individual field staff. Any cases in this category will be investigated by Worker IV for the Region.

From: Riley,Leighann (DFPS) <Mary.Riley@dfps.texas.gov>
Sent: Thursday, February 24, 2022 11:58 AM
To: Williams,Nicole H (DFPS); Jones,Katherine (DFPS); Gibson,John (DFPS); Nichols,Jennifer (DFPS)
Subject: FW: Attorney General Opinion

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Dallas, TX 75247
marie.sutton@dfps.texas.gov

Texas Department of Family and Protective Services
Child Protective Investigations

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AMERICAN OVERSIGHT

From: Chancellor,Veronica M (DFPS)
To: Day,Tonita (DFPS)
Subject: FW: Attorney General Opinion
Date: Thursday, February 24, 2022 12:12:00 PM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf
image002.png

Hello Tonita, I wanted to share this information with you and also to let you know for right now intakes received that fit this category will be assigned to you for completion. We will talk more once additional information is received.
Thanks

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AMERICAN OVERSIGHT

From:	Castillo,Lilia (DFPS)
To:	Harris,Cortney (DFPS); Harty,Kimberly (DFPS); Hurtt,Lawrence (DFPS); Jones,Darnisha T (DFPS); Moses,Sommer (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 12:00:01 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

---

Lilia M. Castillo
CPI Investigation Program Director
Lubbock
806-281-7217

From: Harmon,Tonya (DFPS)
Sent: Thursday, February 24, 2022 9:48 AM
To: Vangelderen,John (DFPS) <John.Vangelderen@dfps.texas.gov>; Etheredge,Todd (DFPS) <Todd.Etheredge@dfps.texas.gov>; Hanson,Michelle R (DFPS) <Michelle.Hanson@dfps.texas.gov>; Castillo,Lilia (DFPS) <Lilia.Castillo@dfps.texas.gov>; Cash,Crystal (DFPS) <Crystal.Cash@dfps.texas.gov>
Cc: Ward,Shannon M (DFPS) <Shannon.Ward@dfps.texas.gov>
Subject: FW: Attorney General Opinion

We will be discussing on our leadership call. Thanks, Tonya

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To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
Subject: FW: Attorney General Opinion

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Thanks,
Marta

Marta Talbert
Director of Investigation and Alternative Response
512-438-3357
marta.talbert@dfps.texas.gov

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:46 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: FW: Attorney General Opinion

fyi

AMERICAN OVERSIGHT

Stephen Black
512-960-9352

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

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Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Riley,Leighann (DFPS)
To:	Williams,Nicole H (DFPS); Jones,Katherine (DFPS); Gibson,John (DFPS); Nichols,Jennifer (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 11:58:47 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png

---

From: Sutton,Toni (DFPS)
Sent: Thursday, February 24, 2022 10:37 AM
To: Riles,Vincent A (DFPS) <Vincent.Riles2@dfps.texas.gov>; Riley,Leighann (DFPS) <Mary.Riley@dfps.texas.gov>; Chancellor,Veronica M (DFPS) <Veronica.Chancellor@dfps.texas.gov>; Coaston,Marva (DFPS) <Marva.Coaston2@dfps.texas.gov>; Ferbrache,Belinda (DFPS) <Belinda.Ferbrache@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Toni Sutton, LCSW
CPI Regional Director
Region 3 East
214.583.4037 (office)
469.340.9561 (mobile)
8700 N Stemmons FWY
Dallas, TX 75247
marie.sutton@dfps.texas.gov
Texas Department of Family and Protective Services
Child Protective Investigations

From: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:55 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
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512-438-3357
marta.talbert@dfps.texas.gov

AMERICAN OVERSIGHT

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Subject: FW: Attorney General Opinion

fyi
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512-960-9352

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

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Please consult with your PA regarding any questions you may have.
Stephen Black
SWI Associate Commissioner
512-960-9352

NOTICE: There has been a change to my email address. Effective immediately, my new email address is: Marta.Talbert@dfps.texas.gov.

AMERICAN OVERSIGHT

From:	Raschke,Daniel J (DFPS)
To:	Brown,Kristen (DFPS); Gossett,Yashika (DFPS); Raines,Karley (DFPS); Strong,Bailey (DFPS); Tave,Ashley (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 11:57:00 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png

---

From: Prewitt,Amanda R. (DFPS) <Amanda.Prewitt@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 7:45 PM
To: Hickerson,Felicia (DFPS) <Felicia.Hickerson@dfps.texas.gov>; Kirkpatrick,Jennifer (DFPS) <Jennifer.Kirkpatrick@dfps.texas.gov>; Gonzalez,Mario H (DFPS) <Mario.Gonzalez@dfps.texas.gov>; Cole,Monica (DFPS) <Monica.Cole@dfps.texas.gov>; Raschke,Daniel J (DFPS) <Daniel.Raschke@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Please review and share with staff. Please keep in mind if you get any reports of this nature (gender reassignment, transitioning, etc) I need you to immediately notify me of such so I can pass it up the chain. Make sure you are reviewing intakes and that staff know to keep an eye out for this too. This is our current hot topic!

Amanda R. Prewitt
Child Protective Investigations Program Director: Region 4
420 Athens Brick Road, Athens Texas 75751
☎State Cell: 903-368-0064 | ☎Fax: 512-276-3581
☎Report abuse: 1-800-252-5400
✉ E-mail: Amanda.Prewitt@dfps.texas.gov

Texas Department of Family and Protective Services
Child Protective Investigations

From: Liles,Lou R (DFPS) <Lou.Liles@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 6:53 PM
To: Prewitt,Amanda R. (DFPS) <Amanda.Prewitt@dfps.texas.gov>; Phillips,Deirdre (DFPS) <Deirdre.Phillips@dfps.texas.gov>; Peterson,Nicole (DFPS) <Nicole.Peterson@dfps.texas.gov>; Claude,Jennifer L (DFPS) <Jennifer.Claude@dfps.texas.gov>; Chesnut,Andrew (DFPS) <Andrew.Chesnut@dfps.texas.gov>; Boshuizen,Steven (DFPS) <Steven.Boshuizen@dfps.texas.gov>
Subject: Fwd: Attorney General Opinion

If you receive any of these intakes I need to know immediately. Please share with all of your supervisors

---

From: Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 4:18 PM
To: Liles,Lou R (DFPS)
Subject: Fwd: Attorney General Opinion

From: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:54:57 PM

AMERICAN OVERSIGHT

To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
Subject: FW: Attorney General Opinion

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Marta Talbert
Director of Investigation and Alternative Response
512-438-3357
marta.talbert@dfps.texas.gov

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:46 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: FW: Attorney General Opinion

fyi
Stephen Black
512-960-9352

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

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Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Hanson,Michelle R (DFPS)
To:	Campbell,Summer (DFPS); Desmond,Nicole A (DFPS); Heugatter,Brooke (DFPS); Latimer,Marc (DFPS); Matthews,Jana (DFPS); MORENO,AMANDA G (DFPS); Rice,Christopher (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 11:02:50 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

---

Michelle Hanson
CPI Program Director Region 02
925 Lamar Street
Wichita Falls, Texas 76301
940-531-8396

From: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>
Sent: Thursday, February 24, 2022 9:48 AM
To: Vangelderen,John (DFPS) <John.Vangelderen@dfps.texas.gov>; Etheredge,Todd (DFPS) <Todd.Etheredge@dfps.texas.gov>; Hanson,Michelle R (DFPS) <Michelle.Hanson@dfps.texas.gov>; Castillo,Lilia (DFPS) <Lilia.Castillo@dfps.texas.gov>; Cash,Crystal (DFPS) <Crystal.Cash@dfps.texas.gov>
Cc: Ward,Shannon M (DFPS) <Shannon.Ward@dfps.texas.gov>
Subject: FW: Attorney General Opinion

We will be discussing on our leadership call. Thanks, Tonya

From: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:55 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
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Director of Investigation and Alternative Response
512-438-3357
marta.talbert@dfps.texas.gov

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:46 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: FW: Attorney General Opinion

AMERICAN OVERSIGHT

fyi
Stephen Black
512-960-9352

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
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Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Perez,Maria C (DFPS)
To:	Williams,Christopher (DFPS); Hobbs,Beth A (DFPS); Martin,Jeremy L (DFPS); Womack,Renee (DFPS); Chini,Theresa L (DFPS); Dygert,Ashley (DFPS); Gonzalez,Brenda N (Region 08) (DFPS); Livingston,Nilza E (DFPS); Maldonado,Jennifer (DFPS); Martinez,Audra C (DFPS); Pena,Frances C (DFPS); Pena,Maria L (DFPS); Robles,Norma (DFPS); Rodriguez,Noelia (DFPS); Rosas,Diana (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 10:59:14 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

Good morning, we need to have a short meeting at 11:30 AM to discuss this. I will be sending an invite via Teams, shortly.
Thank you,

Mary Perez,
SWI/CPI Screener Supervisor
Regions 8, 10 & 11
(956) 969-9255, office
(956) 373-0110, cell

From: Allen,Brenda O (DFPS)
Sent: Wednesday, February 23, 2022 4:25 PM
To: Stancik,Abigail (DFPS) <Abigail.Stancik@dfps.texas.gov>; Malrey,Kristi D (DFPS) <Kristi.Malrey@dfps.texas.gov>; Ball,Tommy (DFPS) <Tommy.Ball2@dfps.texas.gov>; Jeter,Scott M. (DFPS) <Scott.Jeter@dfps.texas.gov>; Shavers,Christin L. (DFPS) <Christin.Shavers@dfps.texas.gov>; Perez,Maria C (DFPS) <Maria.Perez1@dfps.texas.gov>; Gonzalez,Brenda N (Region 08) (DFPS) <Brenda.Gonzalez2@dfps.texas.gov>
Subject: FW: Attorney General Opinion

We will have a meeting tomorrow to discuss this and then you can share info with your staff.

Brenda Allen
SWI Screener Program Administrator
Cell: 281-782-8934

From: Black,Stephen D (DFPS) <Stephen.Black@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

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SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Sutton,Toni (DFPS)
To:	Riles,Vincent A (DFPS); Riley,Leighann (DFPS); Chancellor,Veronica M (DFPS); Coaston,Marva (DFPS); Ferbrache,Belinda (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 10:37:22 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png

Toni Sutton, LCSW
CPI Regional Director
Region 3 East
214.583.4037 (office)
469.340.9561 (mobile)
8700 N Stemmons FWY
Dallas, TX 75247
marie.sutton@dfps.texas.gov

From: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:55 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
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AMERICAN OVERSIGHT

From:	Campbell,Mckaylie (DFPS)
To:	Templeton,Kelly (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 10:36:39 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image001.png

Did you see this?

McKaylie Campbell
SWI CPI Investigation/Alternative Response Screener II
806-543-7174 cell

From: Shavers,Christin L. (DFPS)
Sent: Thursday, February 24, 2022 10:21 AM
To: Aguirre,Patricia J (DFPS) <Patricia.Aguirre@dfps.texas.gov>; Bohach,Cassara N (DFPS) <Cassara.Bohach@dfps.texas.gov>; Campbell,Mckaylie (DFPS) <Mckaylie.Campbell@dfps.texas.gov>; Duenes,Kathie (DFPS) <Kathie.Duenes@dfps.texas.gov>; Johnson,Rhonda (DFPS) <Rhonda.Johnson@dfps.texas.gov>; Kissinger,Rhonda M (DFPS) <Rhonda.Kissinger@dfps.texas.gov>; Mcfarland,Trannie (DFPS) <Trannie.Mcfarland@dfps.texas.gov>; Rankin,Iris V (DFPS) <Iris.Rankin@dfps.texas.gov>; Rodriquez,Deidre (DFPS) <Deidre.Rodriquez@dfps.texas.gov>; Thomas,Tinya R (DFPS) <Tinya.Thomas@dfps.texas.gov>; Thornton,Debra C (DFPS) <Debra.Thornton2@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Did y'all get this?
Thanks,
Christin Shavers
SWI Screener Supervisor
Regions 1, 2, 7, & 9
512-968-0260
Christin.shavers@dfps.texas.gov

From: Black,Stephen D (DFPS) <Stephen.Black@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
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Stephen Black

AMERICAN OVERSIGHT

SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From: Campbell,Mckaylie (DFPS)
To: mckayliec@gmail.com
Subject: FW: Attorney General Opinion
Date: Thursday, February 24, 2022 10:36:00 AM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
image001.png

Texas Department of
Family and Protective Services
Child Protective Investigations

McKaylie Campbell
SWI CPI Investigation/Alternative Response Screener II
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From: Shavers,Christin L. (DFPS)
Sent: Thursday, February 24, 2022 10:21 AM
To: Aguirre,Patricia J (DFPS) <Patricia.Aguirre@dfps.texas.gov>; Bohach,Cassara N (DFPS) <Cassara.Bohach@dfps.texas.gov>; Campbell,Mckaylie (DFPS) <Mckaylie.Campbell@dfps.texas.gov>; Duenes,Kathie (DFPS) <Kathie.Duenes@dfps.texas.gov>; Johnson,Rhonda (DFPS) <Rhonda.Johnson@dfps.texas.gov>; Kissinger,Rhonda M (DFPS) <Rhonda.Kissinger@dfps.texas.gov>; Mcfarland,Trannie (DFPS) <Trannie.Mcfarland@dfps.texas.gov>; Rankin,Iris V (DFPS) <Iris.Rankin@dfps.texas.gov>; Rodriquez,Deidre (DFPS) <Deidre.Rodriquez@dfps.texas.gov>; Thomas,Tinya R (DFPS) <Tinya.Thomas@dfps.texas.gov>; Thornton,Debra C (DFPS) <Debra.Thornton2@dfps.texas.gov>
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SWI Screener Supervisor
Regions 1, 2, 7, & 9
512-968-0260
Christin.shavers@dfps.texas.gov

From: Black,Stephen D (DFPS) <Stephen.Black@dfps.texas.gov>
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512-960-9352

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

From:	Peterson,Nicole (DFPS)
To:	Baker,Tonya (DFPS); Brunson,Bethany A (DFPS); Estrada,Sara (DFPS); Harry,Jessica (DFPS); Johnson,Melinda (DFPS); Woods,Dana (DFPS)
Subject:	Fwd: Attorney General Opinion
Date:	Thursday, February 24, 2022 10:29:33 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image001.png

---

From: Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>
Sent: Thursday, February 24, 2022 10:28:15 AM
To: Liles,Lou R (DFPS) <Lou.Liles@dfps.texas.gov>; Peterson,Nicole (DFPS) <Nicole.Peterson@dfps.texas.gov>; Kelly,Eurika (DPFS) <Eurika.Kelly@dfps.texas.gov>; Walton,Michelle (DFPS) <Jerri.Walton@dfps.texas.gov>; Prewitt,Amanda R. (DFPS) <Amanda.Prewitt@dfps.texas.gov>; Chesnut,Andrew (DFPS) <Andrew.Chesnut@dfps.texas.gov>; Boshuizen,Steven (DFPS) <Steven.Boshuizen@dfps.texas.gov>; Claude,Jennifer L (DFPS) <Jennifer.Claude@dfps.texas.gov>; Phillips,Deirdre (DFPS) <Deirdre.Phillips@dfps.texas.gov>
Subject: Attorney General Opinion

Leaders,
I need to know immediately if we receive a case that meets the criteria as describe in the above attachments. The RD, PA, PD, Supervisor and worker will staff prior to initiation. We need to ensure our high performing workers are assigned these cases because there will be a lot of eyes on them.
Thanks,

Texas Department of
Family and Protective Services

Keith D. Gailes

CPI Regional Director, Regions 4/5
3103 Summerhill Road
Texarkana, Texas 75503
(903) 791-3304 Office
(903) 791-3262 Fax
"Every Case Matters."

AMERICAN OVERSIGHT

From:	Claude,Jennifer L (DFPS)
To:	Cruz-Vazquez,Jose (DFPS); Farmer,Kellie (DFPS); May,Krystella (DFPS); Perodin,Reta (DFPS); Rodgers,Leslie (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 10:29:02 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image001.png

---

From: Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>
Sent: Thursday, February 24, 2022 10:28 AM
To: Liles,Lou R (DFPS) <Lou.Liles@dfps.texas.gov>; Peterson,Nicole (DFPS) <Nicole.Peterson@dfps.texas.gov>; Kelly,Eurika (DPFS) <Eurika.Kelly@dfps.texas.gov>; Walton,Michelle (DFPS) <Jerri.Walton@dfps.texas.gov>; Prewitt,Amanda R. (DFPS) <Amanda.Prewitt@dfps.texas.gov>; Chesnut,Andrew (DFPS) <Andrew.Chesnut@dfps.texas.gov>; Boshuizen,Steven (DFPS) <Steven.Boshuizen@dfps.texas.gov>; Claude,Jennifer L (DFPS) <Jennifer.Claude@dfps.texas.gov>; Phillips,Deirdre (DFPS) <Deirdre.Phillips@dfps.texas.gov>
Subject: Attorney General Opinion

Leaders,
I need to know immediately if we receive a case that meets the criteria as describe in the above attachments. The RD, PA, PD, Supervisor and worker will staff prior to initiation. We need to ensure our high performing workers are assigned these cases because there will be a lot of eyes on them.
Thanks,

Texas Department of
Family and Protective Services

Keith D. Gailes

CPI Regional Director, Regions 4/5
3103 Summerhill Road
Texarkana, Texas 75503
(903) 791-3304 Office
(903) 791-3262 Fax
"Every Case Matters."

AMERICAN OVERSIGHT

From:	Gailes,Keith D (DFPS)
To:	Liles,Lou R (DFPS); Peterson,Nicole (DFPS); Kelly,Eurika (DPFS); Walton,Michelle (DFPS); Prewitt,Amanda R. (DFPS); Chesnut,Andrew (DFPS); Boshuizen,Steven (DFPS); Claude,Jennifer L (DFPS); Phillips,Deirdre (DFPS)
Subject:	Attorney General Opinion
Date:	Thursday, February 24, 2022 10:28:18 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image001.png

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3103 Summerhill Road
Texarkana, Texas 75503
(903) 791-3304 Office
(903) 791-3262 Fax
"**Every Case Matters.**"

AMERICAN OVERSIGHT

From: Santiago,Shaun (DFPS)
To: Adams,Stefanie (DFPS)
Subject: FW: Attorney General Opinion
Date: Thursday, February 24, 2022 10:27:24 AM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

Stefanie

Whats your take on this? Can we be forced to do this? This is an infringement on civil liberties and as part of the community I refuse to punish those that are part of the community simply because they are trans. We have trans workers here at DFPS, what kind of message are we sending to them?

From: Polk,Marilyn D (DFPS) <Marilyn.Polk@dfps.texas.gov>
Sent: Thursday, February 24, 2022 9:05 AM
To: Bluford,Jamilla K (DFPS) <Jamilla.Bluford@dfps.texas.gov>; Douglas,Diepriye (DFPS) <Diepriye.Douglas@dfps.texas.gov>; Hammon,Stephanie A (DFPS) <Stephanie.Hammon@dfps.texas.gov>; Santiago,Shaun (DFPS) <Shaun.Santiago@dfps.texas.gov>; Vidrine,Lineshia (DFPS) <Lineshia.Vidrine@dfps.texas.gov>
Cc: Polk,Marilyn D (DFPS) <Marilyn.Polk@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Good Morning Team Polk,
Please review and let me know if you have any questions.

Thank You
Marilyn Polk, M.A
CPI Division
Houston, TX 77054
Office (713) 394-4060
Cell (713) 269-4545

From: Sanders,Monica L (DFPS)
Sent: Thursday, February 24, 2022 8:42 AM
To: Polk,Marilyn D (DFPS) <Marilyn.Polk@dfps.texas.gov>; Garrett,Kendrick L (DFPS) <Kendrick.Garrett@dfps.texas.gov>
Cc: Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>
Subject: FW: Attorney General Opinion

PLEASE explain to the PDs that they must notify PA/RD if their program receives an assignment from SWI on these.

Immediately.

We must treat these as normal investigations. I will discuss this at Tuesday's BB meeting.

From: Sanders,Monica L (DFPS)
Sent: Thursday, February 24, 2022 8:05 AM
To: Polk,Marilyn D (DFPS) <Marilyn.Polk@dfps.texas.gov>; Garrett,Kendrick L (DFPS) <Kendrick.Garrett@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Please try to get through this and share and process with the PDs.

AMERICAN OVERSIGHT

From: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:55 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
Subject: FW: Attorney General Opinion

See email below and attachments—email/attachments sent to SWI staff. I believe we have three right now in the intake stage—or being worked on by SWI. Stephen will send me the case numbers as soon as he has them for us to be aware in order to assist our staff with these cases.
Thanks,
Marta

Marta Talbert
Director of Investigation and Alternative Response
512-438-3357
marta.talbert@dfps.texas.gov

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:46 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: FW: Attorney General Opinion

fyi
Stephen Black
512-960-9352

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

Hello SWI,
A legal opinion was released by the AG's office on February 21, 2022. The governor subsequently provided further direction to DFPS to these reported matters.
Those two documents are attached to this communication which gives guidance and direction regarding how the department is to handle intakes related to gender transitioning.
Please consult with your PA regarding any questions you may have.
Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Shavers,Christin L. (DFPS)
To:	Aguirre,Patricia J (DFPS); Bohach,Cassara N (DFPS); Campbell,Mckaylie (DFPS); Duenes,Kathie (DFPS); Johnson,Rhonda (DFPS); Kissinger,Rhonda M (DFPS); Mcfarland,Trannie (DFPS); Rankin,Iris V (DFPS); Rodriquez,Deidre (DFPS); Thomas,Tinya R (DFPS); Thornton,Debra C (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 10:21:25 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

Did y'all get this?
Thanks,
Christin Shavers
SWI Screener Supervisor
Regions 1, 2, 7, & 9
512-968-0260
Christin.shavers@dfps.texas.gov

From: Black,Stephen D (DFPS) <Stephen.Black@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
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SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Santiago,Shaun (DFPS)
To:	Davis,Tad (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 10:12:05 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

---

This is BS

From: Polk,Marilyn D (DFPS) <Marilyn.Polk@dfps.texas.gov>
Sent: Thursday, February 24, 2022 9:05 AM
To: Bluford,Jamilla K (DFPS) <Jamilla.Bluford@dfps.texas.gov>; Douglas,Diepriye (DFPS) <Diepriye.Douglas@dfps.texas.gov>; Hammon,Stephanie A (DFPS) <Stephanie.Hammon@dfps.texas.gov>; Santiago,Shaun (DFPS) <Shaun.Santiago@dfps.texas.gov>; Vidrine,Lineshia (DFPS) <Lineshia.Vidrine@dfps.texas.gov>
Cc: Polk,Marilyn D (DFPS) <Marilyn.Polk@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Good Morning Team Polk,
Please review and let me know if you have any questions.

Thank You
Marilyn Polk, M.A
CPI Division
Houston, TX 77054
Office (713) 394-4060
Cell (713) 269-4545

From: Sanders,Monica L (DFPS)
Sent: Thursday, February 24, 2022 8:42 AM
To: Polk,Marilyn D (DFPS) <Marilyn.Polk@dfps.texas.gov>; Garrett,Kendrick L (DFPS) <Kendrick.Garrett@dfps.texas.gov>
Cc: Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>
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Sent: Wednesday, February 23, 2022 3:55 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>;

AMERICAN OVERSIGHT

Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>

Subject: FW: Attorney General Opinion

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Marta

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Director of Investigation and Alternative Response

512-438-3357

marta.talbert@dfps.texas.gov

From: Black,Stephen D (DFPS)

Sent: Wednesday, February 23, 2022 3:46 PM

To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>

Subject: FW: Attorney General Opinion

fyi

Stephen Black

512-960-9352

From: Black,Stephen D (DFPS)

Sent: Wednesday, February 23, 2022 3:31 PM

To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>

Subject: Attorney General Opinion

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Please consult with your PA regarding any questions you may have.

Stephen Black

SWI Associate Commissioner

512-960-9352

AMERICAN OVERSIGHT

From: Martinez,Dalila (DFPS)
To: Melcer,Janine F (DFPS)
Subject: FW: Attorney General Opinion
Date: Thursday, February 24, 2022 10:11:00 AM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf
image001.png

Good morning,
I am slowly starting to get questions about this from my workers…

- Will PPM be providing any guidance for assessment on these calls?
- What exactly would cause something to be an intake and what possible allegation/allegations (MDNG/EMAB) we would be using for this?
- If the child is in a placement outside of the home who is listed as an AP for the allegation?
- Would we only take an intake if the child is receiving hormone treatment/surgical procedures for gender reassignment?
- What priority should be assigned to these intakes?

Thank you,
Dalila Martinez
DFPS SWI Supervisor II Unit 26
Tuesday-Saturday 8AM-4:30 PM
Cell (737) 249-8369

Texas Department of
Family and Protective Services

From: Black,Stephen D (DFPS) <Stephen.Black@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
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Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From: Santiago,Shaun (DFPS)
To: Levit,Lindy (DFPS)
Subject: FW: Attorney General Opinion
Date: Thursday, February 24, 2022 10:04:57 AM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

There you go Lindy

From: Polk,Marilyn D (DFPS) <Marilyn.Polk@dfps.texas.gov>
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To: Bluford,Jamilla K (DFPS) <Jamilla.Bluford@dfps.texas.gov>; Douglas,Diepriye (DFPS) <Diepriye.Douglas@dfps.texas.gov>; Hammon,Stephanie A (DFPS) <Stephanie.Hammon@dfps.texas.gov>; Santiago,Shaun (DFPS) <Shaun.Santiago@dfps.texas.gov>; Vidrine,Lineshia (DFPS) <Lineshia.Vidrine@dfps.texas.gov>
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Subject: FW: Attorney General Opinion

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CPI Division
Houston, TX 77054
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AMERICAN OVERSIGHT

Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>

Subject: FW: Attorney General Opinion

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Marta

Marta Talbert

Director of Investigation and Alternative Response

512-438-3357

marta.talbert@dfps.texas.gov

From: Black,Stephen D (DFPS)

Sent: Wednesday, February 23, 2022 3:46 PM

To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>

Subject: FW: Attorney General Opinion

fyi

Stephen Black

512-960-9352

From: Black,Stephen D (DFPS)

Sent: Wednesday, February 23, 2022 3:31 PM

To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>

Subject: Attorney General Opinion

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Please consult with your PA regarding any questions you may have.

Stephen Black

SWI Associate Commissioner

512-960-9352

AMERICAN OVERSIGHT

From:	Bailey,Brittany (DFPS)
To:	Dennis,Sheretta (DFPS); Easily,Randi (DFPS); Frank,Courtney (DFPS); Jordan,Willie (DFPS); Mobley,Bethany (DFPS); Moses,Courtney (DFPS); Vanwright,Charles (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 9:52:18 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png image001.png

Good morning Team, please take some to review this email and the attachments with it thoroughly. This new change is coming straight from state office and Kydnall provided a brief overview (see below). But please take the time out to read and let me know if there are any questions.

Brittany Bailey
CPI Supervisor Unit 16
Department of Family & Protective Services
4200 Jimmy Johnson Blvd Port Arthur, TX 77642
Cell: 409-550-0331
Fax: 512-276-3078

From: Trahan,Kyndall (DFPS) <Kyndall.Trahan@dfps.texas.gov>
Sent: Thursday, February 24, 2022 9:48 AM
To: Mayon,Lashanda (DFPS) <Lashanda.Mayon@dfps.texas.gov>; Frank,Courtney (DFPS) <Courtney.Frank@dfps.texas.gov>; Wiltz,Lechanda (DFPS) <Lechanda.Wiltz@dfps.texas.gov>; Jones,Sade (DFPS) <Sade.Jones@dfps.texas.gov>; Tyler,Christiana L (DFPS) <Christiana.Tyler@dfps.texas.gov>; Bell,Tiffany (DFPS) <Tiffany.Bell2@dfps.texas.gov>; Balser,Jodi L. (DFPS) <Jodi.Balser@dfps.texas.gov>; Derry,Tiffany (DFPS) <Tiffany.Derry@dfps.texas.gov>; Lambert,Kellie (DFPS) <Kellie.Lambert@dfps.texas.gov>; Marks,Tracey (DFPS) <Tracey.Marks@dfps.texas.gov>; Ponthieu,Minda (DFPS) <Minda.Ponthieu@dfps.texas.gov>; Simon,Savannah (DFPS) <Savannah.Simon@dfps.texas.gov>; Woods,Kristen (DFPS) <Kristen.Woods@dfps.texas.gov>
Cc: Bailey,Brittany (DFPS) <Brittany.Bailey@dfps.texas.gov>
Subject: FW: Attorney General Opinion

FYI –
Essentially the Governor wants reporters (professional and personnel) to report any parents that are encouraging/allowing/involved in allowing their minor children, who identify as transgendered, to go through the transition process. Governor Abbott is also mandating that DFPS investigate these

AMERICAN OVERSIGHT

parents and to have SWI process the intakes for field response.
I know there are lots of feelings around this and more questions than answers right now. Upper management is very involved as this is totally new ground for the agency. If you get a case that I miss, please let me know immediately so I can report it up the chain.
Please know that this email is not the platform for opinions or discussion on this topic. If we need to meet privately, my door is always open.
Thanks,
Kyndall

From: Prewitt,Amanda R. (DFPS)
Sent: Wednesday, February 23, 2022 7:47 PM
To: Trahan,Kyndall (DFPS) <Kyndall.Trahan@dfps.texas.gov>; Bailey,Brittany (DFPS) <Brittany.Bailey@dfps.texas.gov>; Murphy,Lana (DFPS) <Lana.Murphy@dfps.texas.gov>; Nellar,Pansy (DFPS) <Pansy.Nellar@dfps.texas.gov>; Parrott,Katheryn (DFPS) <Katheryn.Parrott@dfps.texas.gov>; Cameron,Crystal (DFPS) <Crystal.Cameron@dfps.texas.gov>; Mczeal,Scheerish A (DFPS) <Scheerish.Mczeal@dfps.texas.gov>
Cc: Boshuizen,Steven (DFPS) <Steven.Boshuizen@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Amanda R. Prewitt
Child Protective Investigations Program Director: Region 4
420 Athens Brick Road, Athens Texas 75751
☎State Cell: 903-368-0064 | ☎Fax: 512-276-3581
☎Report abuse: 1-800-252-5400
✉ E-mail: Amanda.Prewitt@dfps.texas.gov

Texas Department of Family and Protective Services
Child Protective Investigations

From: Liles,Lou R (DFPS) <Lou.Liles@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 6:53 PM
To: Prewitt,Amanda R. (DFPS) <Amanda.Prewitt@dfps.texas.gov>; Phillips,Deirdre (DFPS) <Deirdre.Phillips@dfps.texas.gov>; Peterson,Nicole (DFPS) <Nicole.Peterson@dfps.texas.gov>; Claude,Jennifer L (DFPS) <Jennifer.Claude@dfps.texas.gov>; Chesnut,Andrew (DFPS) <Andrew.Chesnut@dfps.texas.gov>; Boshuizen,Steven (DFPS) <Steven.Boshuizen@dfps.texas.gov>
Subject: Fwd: Attorney General Opinion
If you receive any of these intakes I need to know immediately. Please share with all of your supervisors

---

From: Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 4:18 PM
To: Liles,Lou R (DFPS)
Subject: Fwd: Attorney General Opinion

From: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:54:57 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS)

AMERICAN OVERSIGHT

<Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>

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fyi

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512-960-9352

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AMERICAN OVERSIGHT

From:	Trahan,Kyndall (DFPS)
To:	Mayon,Lashanda (DFPS); Frank,Courtney (DFPS); Wiltz,Lechanda (DFPS); Jones,Sade (DFPS); Tyler,Christiana L (DFPS); Bell,Tiffany (DFPS); Balser,Jodi L. (DFPS); Derry,Tiffany (DFPS); Lambert,Kellie (DFPS); Marks,Tracey (DFPS); Ponthieu,Minda (DFPS); Simon,Savannah (DFPS); Woods,Kristen (DFPS)
Cc:	Bailey,Brittany (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 9:48:43 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png

FYI –
Essentially the Governor wants reporters (professional and personnel) to report any parents that are encouraging/allowing/involved in allowing their minor children, who identify as transgendered, to go through the transition process. Governor Abbott is also mandating that DFPS investigate these parents and to have SWI process the intakes for field response.
I know there are lots of feelings around this and more questions than answers right now. Upper management is very involved as this is totally new ground for the agency. If you get a case that I miss, please let me know immediately so I can report it up the chain.
Please know that this email is not the platform for opinions or discussion on this topic. If we need to meet privately, my door is always open.
Thanks,
Kyndall

From: Prewitt,Amanda R. (DFPS)
Sent: Wednesday, February 23, 2022 7:47 PM
To: Trahan,Kyndall (DFPS) <Kyndall.Trahan@dfps.texas.gov>; Bailey,Brittany (DFPS) <Brittany.Bailey@dfps.texas.gov>; Murphy,Lana (DFPS) <Lana.Murphy@dfps.texas.gov>; Nellar,Pansy (DFPS) <Pansy.Nellar@dfps.texas.gov>; Parrott,Katheryn (DFPS) <Katheryn.Parrott@dfps.texas.gov>; Cameron,Crystal (DFPS) <Crystal.Cameron@dfps.texas.gov>; Mczeal,Scheerish A (DFPS) <Scheerish.Mczeal@dfps.texas.gov>
Cc: Boshuizen,Steven (DFPS) <Steven.Boshuizen@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Amanda R. Prewitt
Child Protective Investigations Program Director: Region 4
420 Athens Brick Road, Athens Texas 75751
☎State Cell: 903-368-0064 | ☎Fax: 512-276-3581
☎Report abuse: 1-800-252-5400
✉ E-mail: Amanda.Prewitt@dfps.texas.gov

Texas Department of Family and Protective Services
Child Protective Investigations

From: Liles,Lou R (DFPS) <Lou.Liles@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 6:53 PM
To: Prewitt,Amanda R. (DFPS) <Amanda.Prewitt@dfps.texas.gov>; Phillips,Deirdre (DFPS) <Deirdre.Phillips@dfps.texas.gov>; Peterson,Nicole (DFPS) <Nicole.Peterson@dfps.texas.gov>; Claude,Jennifer L (DFPS) <Jennifer.Claude@dfps.texas.gov>; Chesnut,Andrew (DFPS)

AMERICAN OVERSIGHT

<Andrew.Chesnut@dfps.texas.gov>; Boshuizen,Steven (DFPS) <Steven.Boshuizen@dfps.texas.gov>
Subject: Fwd: Attorney General Opinion
If you receive any of these intakes I need to know immediately. Please share with all of your supervisors

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Sent: Wednesday, February 23, 2022 4:18 PM
To: Liles,Lou R (DFPS)
Subject: Fwd: Attorney General Opinion

From: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:54:57 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
Subject: FW: Attorney General Opinion
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Thanks,
Marta

Marta Talbert
Director of Investigation and Alternative Response
512-438-3357
marta.talbert@dfps.texas.gov

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:46 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: FW: Attorney General Opinion
fyi
Stephen Black
512-960-9352

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion
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AMERICAN OVERSIGHT

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Please consult with your PA regarding any questions you may have.
Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Harmon,Tonya (DFPS)
To:	Vangelderen,John (DFPS); Etheredge,Todd (DFPS); Hanson,Michelle R (DFPS); Castillo,Lilia (DFPS); Cash,Crystal (DFPS)
Cc:	Ward,Shannon M (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 9:48:34 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

We will be discussing on our leadership call. Thanks, Tonya

From: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:55 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
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marta.talbert@dfps.texas.gov

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AMERICAN OVERSIGHT

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Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From: Hardie,Sherrie F (DFPS)
To: Barker-White,Thomas M (DFPS)
Subject: FW: Attorney General Opinion
Date: Thursday, February 24, 2022 9:46:34 AM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

Sounds about right. We will take it case by case. There have been some that came through yesterday.
Sherrie

From: Barker-White,Thomas M (DFPS) <Thomas.Barker-White@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 6:15 PM
To: Hardie,Sherrie F (DFPS) <Sherrie.Hardie@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Reading through the legalese, we're taking a case if the parents are surgically or chemically supporting transition. Does that sound about right?

Thomas Barker-White
SWI Supervisor
Sun, Mon, Wed, Thur 2p – 12:30a
State Cell: 512-460-8438

From: Black,Stephen D (DFPS) <Stephen.Black@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

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Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Santiago,Shaun (DFPS)
To:	Johnson,Andrea L (DFPS); Rhodes,Jocelyn (DFPS); Stewart,Daylon (DFPS); Taylor,Cassandra L (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 9:37:17 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

---

From: Polk,Marilyn D (DFPS) <Marilyn.Polk@dfps.texas.gov>
Sent: Thursday, February 24, 2022 9:05 AM
To: Bluford,Jamilla K (DFPS) <Jamilla.Bluford@dfps.texas.gov>; Douglas,Diepriye (DFPS) <Diepriye.Douglas@dfps.texas.gov>; Hammon,Stephanie A (DFPS) <Stephanie.Hammon@dfps.texas.gov>; Santiago,Shaun (DFPS) <Shaun.Santiago@dfps.texas.gov>; Vidrine,Lineshia (DFPS) <Lineshia.Vidrine@dfps.texas.gov>
Cc: Polk,Marilyn D (DFPS) <Marilyn.Polk@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Good Morning Team Polk,
Please review and let me know if you have any questions.

Thank You
Marilyn Polk, M.A
CPI Division
Houston, TX 77054
Office (713) 394-4060
Cell (713) 269-4545

From: Sanders,Monica L (DFPS)
Sent: Thursday, February 24, 2022 8:42 AM
To: Polk,Marilyn D (DFPS) <Marilyn.Polk@dfps.texas.gov>; Garrett,Kendrick L (DFPS) <Kendrick.Garrett@dfps.texas.gov>
Cc: Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>
Subject: FW: Attorney General Opinion

PLEASE explain to the PDs that they must notify PA/RD if their program receives an assignment from SWI on these.

Immediately.

We must treat these as normal investigations. I will discuss this at Tuesday's BB meeting.

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Sent: Thursday, February 24, 2022 8:05 AM
To: Polk,Marilyn D (DFPS) <Marilyn.Polk@dfps.texas.gov>; Garrett,Kendrick L (DFPS) <Kendrick.Garrett@dfps.texas.gov>
Subject: FW: Attorney General Opinion

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AMERICAN OVERSIGHT

Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>

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Thanks,

Marta

Marta Talbert

Director of Investigation and Alternative Response

512-438-3357

marta.talbert@dfps.texas.gov

From: Black,Stephen D (DFPS)

Sent: Wednesday, February 23, 2022 3:46 PM

To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>

Subject: FW: Attorney General Opinion

fyi

Stephen Black

512-960-9352

From: Black,Stephen D (DFPS)

Sent: Wednesday, February 23, 2022 3:31 PM

To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>

Subject: Attorney General Opinion

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Stephen Black

SWI Associate Commissioner

512-960-9352

AMERICAN OVERSIGHT

From:	Parrott,Katheryn (DFPS)
To:	Bryant,Kasi (DFPS); Clark,Kaitlin (DFPS); Medina,Skylar (DFPS); Johnson,Michelle (DFPS); Emerson,Mary (DFPS); Hancock,Baleigh (DFPS); Lavender,Amy (DFPS); Budwine,Shalisa (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 9:34:00 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png

Please see attached.
Take care,
Katheryn Parrott
Child Protective Investigations Supervisor
Office: 409-385-1641
Cell: 409-289-5171
Fax: 512-276-3077

From: Prewitt,Amanda R. (DFPS)
Sent: Wednesday, February 23, 2022 7:47 PM
To: Trahan,Kyndall (DFPS) <Kyndall.Trahan@dfps.texas.gov>; Bailey,Brittany (DFPS) <Brittany.Bailey@dfps.texas.gov>; Murphy,Lana (DFPS) <Lana.Murphy@dfps.texas.gov>; Nellar,Pansy (DFPS) <Pansy.Nellar@dfps.texas.gov>; Parrott,Katheryn (DFPS) <Katheryn.Parrott@dfps.texas.gov>; Cameron,Crystal (DFPS) <Crystal.Cameron@dfps.texas.gov>; Mczeal,Scheerish A (DFPS) <Scheerish.Mczeal@dfps.texas.gov>
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Amanda R. Prewitt
Child Protective Investigations Program Director: Region 4
420 Athens Brick Road, Athens Texas 75751
☎State Cell: 903-368-0064 | ☎Fax: 512-276-3581
☎Report abuse: 1-800-252-5400
✉ E-mail: Amanda.Prewitt@dfps.texas.gov

Texas Department of Family and Protective Services
Child Protective Investigations

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Sent: Wednesday, February 23, 2022 6:53 PM
To: Prewitt,Amanda R. (DFPS) <Amanda.Prewitt@dfps.texas.gov>; Phillips,Deirdre (DFPS) <Deirdre.Phillips@dfps.texas.gov>; Peterson,Nicole (DFPS) <Nicole.Peterson@dfps.texas.gov>; Claude,Jennifer L (DFPS) <Jennifer.Claude@dfps.texas.gov>; Chesnut,Andrew (DFPS) <Andrew.Chesnut@dfps.texas.gov>; Boshuizen,Steven (DFPS) <Steven.Boshuizen@dfps.texas.gov>
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AMERICAN OVERSIGHT

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512-960-9352

AMERICAN OVERSIGHT

From:	Santiago,Shaun (DFPS)
To:	Rushing,Rachel C (DFPS); Rangel,Rey (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 9:32:26 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

---

I will resign

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SWI Associate Commissioner

512-960-9352

AMERICAN OVERSIGHT

From:	Kirkpatrick,Jennifer (DFPS)
To:	Deshotel,Kathryn C (DFPS); Gill,Rogerick (DFPS); Rose,Lisa (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 9:22:24 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png

---

Please see attached

From: Prewitt,Amanda R. (DFPS) <Amanda.Prewitt@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 7:45 PM
To: Hickerson,Felicia (DFPS) <Felicia.Hickerson@dfps.texas.gov>; Kirkpatrick,Jennifer (DFPS) <Jennifer.Kirkpatrick@dfps.texas.gov>; Gonzalez,Mario H (DFPS) <Mario.Gonzalez@dfps.texas.gov>; Cole,Monica (DFPS) <Monica.Cole@dfps.texas.gov>; Raschke,Daniel J (DFPS) <Daniel.Raschke@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Please review and share with staff. Please keep in mind if you get any reports of this nature (gender reassignment, transitioning, etc) I need you to immediately notify me of such so I can pass it up the chain. Make sure you are reviewing intakes and that staff know to keep an eye out for this too. This is our current hot topic!

Amanda R. Prewitt
Child Protective Investigations Program Director: Region 4
420 Athens Brick Road, Athens Texas 75751
☎State Cell: 903-368-0064 | ☎Fax: 512-276-3581
☎Report abuse: 1-800-252-5400
✉ E-mail: Amanda.Prewitt@dfps.texas.gov

Texas Department of Family and Protective Services
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From: Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 4:18 PM
To: Liles,Lou R (DFPS)
Subject: Fwd: Attorney General Opinion

From: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:54:57 PM

AMERICAN OVERSIGHT

To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
Subject: FW: Attorney General Opinion

See email below and attachments—email/attachments sent to SWI staff. I believe we have three right now in the intake stage—or being worked on by SWI. Stephen will send me the case numbers as soon as he has them for us to be aware in order to assist our staff with these cases.
Thanks,
Marta

Marta Talbert
Director of Investigation and Alternative Response
512-438-3357
marta.talbert@dfps.texas.gov

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:46 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: FW: Attorney General Opinion

fyi
Stephen Black
512-960-9352

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

Hello SWI,
A legal opinion was released by the AG's office on February 21, 2022. The governor subsequently provided further direction to DFPS to these reported matters.
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Please consult with your PA regarding any questions you may have.
Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Justice,Alyssa N (DFPS)
To:	Martinez,Dalila (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 9:20:00 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image001.png image002.png image004.png

Good morning
I know we take each call on a case by case basis, but I was wondering what would cause something to be an intake and what possible allegation/allegations we would be using for this.
Thanks!

Alyssa Justice, PSIS III
Sat, Tues-Fri. 9 a.m.-5:30 p.m.
Texarkana Office
Cell: 903-277-2746
Work Cell: 737-239-5726

From: Martinez,Dalila (DFPS)
Sent: Thursday, February 24, 2022 9:17 AM
To: Aparicio,Alexandra (DFPS) <Alexandra.Aparicio@dfps.texas.gov>; Burke,Jill (DFPS) <Jill.Burke@dfps.texas.gov>; Byron,William J (DFPS) <William.Byron@dfps.texas.gov>; Humphreys,Paul D (DFPS) <Paul.Humphreys2@dfps.texas.gov>; Justice,Alyssa N (DFPS) <Alyssa.Justice@dfps.texas.gov>; Crandall,Najeana (DFPS) <Najeana.Crandall@dfps.texas.gov>; Meaney,Sheila (DFPS) <Sheila.Meaney2@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Good morning,
Please let me know if you have any questions so that I can forward along to Janine for clarification.
Thank you,

Dalila Martinez
DFPS SWI Supervisor II Unit 26
Tuesday-Saturday 8AM-4:30 PM
Cell (737) 249-8369

Texas Department of Family and Protective Services

From: Black,Stephen D (DFPS) <Stephen.Black@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
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SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Martinez,Dalila (DFPS)
To:	Aparicio,Alexandra (DFPS); Burke,Jill (DFPS); Byron,William J (DFPS); Humphreys,Paul D (DFPS); Justice,Alyssa N (DFPS); Crandall,Najeana (DFPS); Meaney,Sheila (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 9:17:51 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image001.png

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SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Polk,Marilyn D (DFPS)
To:	Bluford,Jamilla K (DFPS); Douglas,Diepriye (DFPS); Hammon,Stephanie A (DFPS); Santiago,Shaun (DFPS); Vidrine,Lineshia (DFPS)
Cc:	Polk,Marilyn D (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 9:05:14 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

Good Morning Team Polk,
Please review and let me know if you have any questions.

Thank You
Marilyn Polk, M.A
CPI Division
Houston, TX 77054
Office (713) 394-4060
Cell (713) 269-4545

From: Sanders,Monica L (DFPS)
Sent: Thursday, February 24, 2022 8:42 AM
To: Polk,Marilyn D (DFPS) <Marilyn.Polk@dfps.texas.gov>; Garrett,Kendrick L (DFPS) <Kendrick.Garrett@dfps.texas.gov>
Cc: Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>
Subject: FW: Attorney General Opinion

PLEASE explain to the PDs that they must notify PA/RD if their program receives an assignment from SWI on these.

Immediately.

We must treat these as normal investigations. I will discuss this at Tuesday's BB meeting.

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Sent: Thursday, February 24, 2022 8:05 AM
To: Polk,Marilyn D (DFPS) <Marilyn.Polk@dfps.texas.gov>; Garrett,Kendrick L (DFPS) <Kendrick.Garrett@dfps.texas.gov>
Subject: FW: Attorney General Opinion

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Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Baquero,Myrna I (DFPS)
To:	Johnson,Christin (DFPS); Ortega,Edna V (DFPS); Garcia,John A (DFPS); Wicker,Joseph (DFPS); Lopez,Isaac (DFPS); Valdez,Deric J (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 9:04:26 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

NOTE: All before you share this I want us to have a conversation. Deric please schedule a teams call for late this afternoon or tomorrow morning. Is everyone available at 4 pm central time? I am also available tomorrow morning.

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Please consult with your PA or RD regarding any questions you may have.

Myrna

AMERICAN OVERSIGHT

From:	Wharton,Jarita N (DFPS)
To:	Edison,Althea (DFPS)
Cc:	Jones,Fredrick A (DFPS)
Subject:	Attorney General Opinion
Date:	Thursday, February 24, 2022 9:02:42 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

Good Morning,

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**This is something that we need to discuss with the PD's.

We will need to discuss having a designated caseworker handle these special cases when they come up. It is being asked that these cases are worked thoroughly without text messages/emails to the family etc.

Thanks,

Jarita

AMERICAN OVERSIGHT

From: Phynon,Domeka (DFPS)
To: Hammon,Stephanie A (DFPS)
Subject: Fwd: Attorney General Opinion
Date: Thursday, February 24, 2022 8:53:41 AM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf
image001.png

Domeka Phynon
CPI Investigation and Alternative Response (AR) Program Director
3 Northpoint Drive Suite 248
Houston, TX 77060
Fax (512)276-3011
Cell (713)413-7176

From: Garrett,Kendrick L (DFPS) <Kendrick.Garrett@dfps.texas.gov>
Sent: Thursday, February 24, 2022 8:51:54 AM
To: Beaudoin,Lashonna R (DFPS) <Lashonna.Beaudoin@dfps.texas.gov>; Heath,Claudia M (DFPS) <Claudia.Heath@dfps.texas.gov>; Phynon,Domeka (DFPS) <Domeka.Phynon@dfps.texas.gov>; Truss,Stacey L (DFPS) <Stacey.Truss@dfps.texas.gov>
Subject: FW: Attorney General Opinion

FYI

Kind Regards,
Kendrick L. Garrett
Region 6A Program Adminstrator
DFPS/CPI (A**lternative **R**esponse & Investigations**)
832-454-7311 business cell
Kendrick.garrett@dfps.texas.gov

Texas Department of
Family and Protective Services
Child Protective Investigations

From: Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>
Sent: Thursday, February 24, 2022 8:05 AM
To: Polk,Marilyn D (DFPS) <Marilyn.Polk@dfps.texas.gov>; Garrett,Kendrick L (DFPS) <Kendrick.Garrett@dfps.texas.gov>
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AMERICAN OVERSIGHT

<Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>

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AMERICAN OVERSIGHT

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Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 8:52:11 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image001.png

FYI

Kind Regards,

Kendrick L. Garrett

Region 6A Program Adminstrator

DFPS/CPI (A**lternative **R**esponse & Investigations**)

832-454-7311 business cell

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512-960-9352

AMERICAN OVERSIGHT

From:	May,Krystella (DFPS)
To:	Collins,Randy (DFPS); Garza,Andy (DFPS); Peters,Maddison (DFPS); Vela,Bianca (DFPS); Willey,Maloree (DFPS); Wright,Lindsey (DFPS); Zuniga,Bridgett (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 8:45:12 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

---

Krystella Pressley Crawford
Investigations Supervisor
1225 West Church St.
Livingston, Tx 77351
Office: (936) 327-6726
Cell: (936) 553-1443
Fax: (512) 276-3076
Abuse Hotline: 1-800-252-5400

From: Claude,Jennifer L (DFPS) <Jennifer.Claude@dfps.texas.gov>
Sent: Thursday, February 24, 2022 8:19 AM
To: Cruz-Vazquez,Jose (DFPS) <Jose.Cruzvazquez@dfps.texas.gov>; Farmer-Perry,Kellie (DFPS) <Kellie.Farmerperry@dfps.texas.gov>; May,Krystella (DFPS) <Krystella.May@dfps.texas.gov>; Perodin,Reta (DFPS) <Reta.Perodin@dfps.texas.gov>; Rodgers,Leslie (DFPS) <Leslie.Rodgers@dfps.texas.gov>
Subject: FW: Attorney General Opinion

From: Liles,Lou R (DFPS) <Lou.Liles@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 6:53 PM
To: Prewitt,Amanda R. (DFPS) <Amanda.Prewitt@dfps.texas.gov>; Phillips,Deirdre (DFPS) <Deirdre.Phillips@dfps.texas.gov>; Peterson,Nicole (DFPS) <Nicole.Peterson@dfps.texas.gov>; Claude,Jennifer L (DFPS) <Jennifer.Claude@dfps.texas.gov>; Chesnut,Andrew (DFPS) <Andrew.Chesnut@dfps.texas.gov>; Boshuizen,Steven (DFPS) <Steven.Boshuizen@dfps.texas.gov>
Subject: Fwd: Attorney General Opinion
If you receive any of these intakes I need to know immediately. Please share with all of your supervisors

---

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Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From: Parrott,Katheryn (DFPS)
To: Snoek,Robin G (DFPS)
Subject: FW: Attorney General Opinion
Date: Thursday, February 24, 2022 8:41:49 AM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf
image002.png

Take care,
Katheryn Parrott
Child Protective Investigations Supervisor
Office: 409-385-1641
Cell: 409-289-5171
Fax: 512-276-3077

From: Prewitt,Amanda R. (DFPS)
Sent: Wednesday, February 23, 2022 7:47 PM
To: Trahan,Kyndall (DFPS) <Kyndall.Trahan@dfps.texas.gov>; Bailey,Brittany (DFPS) <Brittany.Bailey@dfps.texas.gov>; Murphy,Lana (DFPS) <Lana.Murphy@dfps.texas.gov>; Nellar,Pansy (DFPS) <Pansy.Nellar@dfps.texas.gov>; Parrott,Katheryn (DFPS) <Katheryn.Parrott@dfps.texas.gov>; Cameron,Crystal (DFPS) <Crystal.Cameron@dfps.texas.gov>; Mczeal,Scheerish A (DFPS) <Scheerish.Mczeal@dfps.texas.gov>
Cc: Boshuizen,Steven (DFPS) <Steven.Boshuizen@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Amanda R. Prewitt
Child Protective Investigations Program Director: Region 4
420 Athens Brick Road, Athens Texas 75751
☎State Cell: 903-368-0064 | ☎Fax: 512-276-3581
☎Report abuse: 1-800-252-5400
✉ E-mail: Amanda.Prewitt@dfps.texas.gov

Texas Department of Family and Protective Services
Child Protective Investigations

From: Liles,Lou R (DFPS) <Lou.Liles@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 6:53 PM
To: Prewitt,Amanda R. (DFPS) <Amanda.Prewitt@dfps.texas.gov>; Phillips,Deirdre (DFPS) <Deirdre.Phillips@dfps.texas.gov>; Peterson,Nicole (DFPS) <Nicole.Peterson@dfps.texas.gov>; Claude,Jennifer L (DFPS) <Jennifer.Claude@dfps.texas.gov>; Chesnut,Andrew (DFPS) <Andrew.Chesnut@dfps.texas.gov>; Boshuizen,Steven (DFPS) <Steven.Boshuizen@dfps.texas.gov>
Subject: Fwd: Attorney General Opinion
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Sent: Wednesday, February 23, 2022 4:18 PM
To: Liles,Lou R (DFPS)
Subject: Fwd: Attorney General Opinion

AMERICAN OVERSIGHT

From: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:54:57 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
Subject: FW: Attorney General Opinion

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Thanks,
Marta

Marta Talbert
Director of Investigation and Alternative Response
512-438-3357
marta.talbert@dfps.texas.gov

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:46 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: FW: Attorney General Opinion

fyi
Stephen Black
512-960-9352

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

Hello SWI,
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Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Rodgers,Leslie (DFPS)
To:	Fenton,Tammy (DFPS); Fontnett,Kenya D (DFPS); Galvan,Shari (DFPS); Harper-Reising,Linda (DFPS); Irvine,Keith C (DFPS); Jones,Breona (DFPS); Jones,Janice D (DFPS); Roberts,Sharonica (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 8:35:55 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

Please be sure to look over the attachments.

From: Claude,Jennifer L (DFPS) <Jennifer.Claude@dfps.texas.gov>
Sent: Thursday, February 24, 2022 8:19 AM
To: Cruz-Vazquez,Jose (DFPS) <Jose.Cruzvazquez@dfps.texas.gov>; Farmer-Perry,Kellie (DFPS) <Kellie.Farmerperry@dfps.texas.gov>; May,Krystella (DFPS) <Krystella.May@dfps.texas.gov>; Perodin,Reta (DFPS) <Reta.Perodin@dfps.texas.gov>; Rodgers,Leslie (DFPS) <Leslie.Rodgers@dfps.texas.gov>
Subject: FW: Attorney General Opinion

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To: Prewitt,Amanda R. (DFPS) <Amanda.Prewitt@dfps.texas.gov>; Phillips,Deirdre (DFPS) <Deirdre.Phillips@dfps.texas.gov>; Peterson,Nicole (DFPS) <Nicole.Peterson@dfps.texas.gov>; Claude,Jennifer L (DFPS) <Jennifer.Claude@dfps.texas.gov>; Chesnut,Andrew (DFPS) <Andrew.Chesnut@dfps.texas.gov>; Boshuizen,Steven (DFPS) <Steven.Boshuizen@dfps.texas.gov>
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AMERICAN OVERSIGHT

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fyi
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512-960-9352

AMERICAN OVERSIGHT

From:	Claude,Jennifer L (DFPS)
To:	Cruz-Vazquez,Jose (DFPS); Farmer,Kellie (DFPS); May,Krystella (DFPS); Perodin,Reta (DFPS); Rodgers,Leslie (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 8:19:41 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

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Sent: Wednesday, February 23, 2022 6:53 PM
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AMERICAN OVERSIGHT

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512-960-9352

AMERICAN OVERSIGHT

From: Sanders,Monica L (DFPS)
To: Polk,Marilyn D (DFPS); Garrett,Kendrick L (DFPS)
Subject: FW: Attorney General Opinion
Date: Thursday, February 24, 2022 8:05:54 AM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

Please try to get through this and share and process with the PDs.

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Sent: Wednesday, February 23, 2022 3:55 PM
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AMERICAN OVERSIGHT

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Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Moore,Morgan (DFPS)
To:	Allen,Darian O (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Wednesday, February 23, 2022 9:50:38 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png

---

From: Uribe-Woods,JR (DFPS)

Sent: Wednesday, February 23, 2022 7:36 PM

To: Moore,Morgan (DFPS) <Morgan.Moore@dfps.texas.gov>

Subject: FW: Attorney General Opinion

In reply to your text.
Not fully sure what this means for us at SWI, but during the most recent legislative session our policy changed because of Texas law to add PHAB for "sexual reassignment surgery for non-medical purposes." (see #18 under PHAB in CPI Guidelines).
So far I have not seen this situation come up, nor have I heard it come up prior to this change in guidelines. I will discuss further during the unit meeting tonight.

J.R. Uribe-Woods
Statewide Intake Supervisor
Wed-Sat, 7:00pm - 5:30am
(512) 460-8464 *(work cell)*
(512) 929-6405 *(office)*

Texas Department of Family and Protective Services
Statewide Intake

From: Black,Stephen D (DFPS) <Stephen.Black@dfps.texas.gov>

Sent: Wednesday, February 23, 2022 3:31 PM

To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>

Subject: Attorney General Opinion

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512-960-9352

AMERICAN OVERSIGHT

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To: Allen,Darian O (DFPS)
Subject: FW: Attorney General Opinion
Date: Wednesday, February 23, 2022 9:50:00 PM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf
image002.png

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AMERICAN OVERSIGHT

From:	Yzaguirre,Marina C (DFPS)
To:	Amaro,Kristy (DFPS); Guerra,Betzabel (DFPS); Requenez,Janie I (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Wednesday, February 23, 2022 9:49:06 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image001.png

Fyi---if we receive any intakes that pertain to this particular issue they must be escalated up for further guidance and direction.

Thanks!

MARINA YZAGUIRRE, MSSW
Child Protective Investigations
Regional Director
Region 11
Edinburg, Tx 78539
Off. 956-316-8238
Mbl. 956-802-4921

Texas Department of Family and Protective Services

From: Talbert,Marta L (DFPS)
Sent: Wednesday, February 23, 2022 3:55 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
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AMERICAN OVERSIGHT

From: Gomez,George O. (DFPS)
To: Nunez,Ricky (DFPS)
Subject: FW: Attorney General Opinion
Date: Wednesday, February 23, 2022 9:26:00 PM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

Here's the latest on that topic we just staffed.

Best Regards,

George Gomez
TDFPS, SWI Supervisor II, Unit 14
Su-Th, 9p-5:30a
512.929.6784 ext. 5133
Work Cell: 512.460.8468

From: Black,Stephen D (DFPS) <Stephen.Black@dfps.texas.gov>
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AMERICAN OVERSIGHT

From:	Gonzalez,Mario H (DFPS)
To:	Cassett,Jessica M (DFPS); Harris,Jessica (DFPS); Mejia,Priscilla (DFPS); Roberts,Cody (DFPS); Robertson,Christi (DFPS); Wolfe,Kevin (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Wednesday, February 23, 2022 8:02:55 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png

Team, please review. I know there will be lots of opinions. We will talk about it in the morning.

From: Prewitt,Amanda R. (DFPS)
Sent: Wednesday, February 23, 2022 7:45 PM
To: Hickerson,Felicia (DFPS) <Felicia.Hickerson@dfps.texas.gov>; Kirkpatrick,Jennifer (DFPS) <Jennifer.Kirkpatrick@dfps.texas.gov>; Gonzalez,Mario H (DFPS) <Mario.Gonzalez@dfps.texas.gov>; Cole,Monica (DFPS) <Monica.Cole@dfps.texas.gov>; Raschke,Daniel J (DFPS) <Daniel.Raschke@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Please review and share with staff. Please keep in mind if you get any reports of this nature (gender reassignment, transitioning, etc) I need you to immediately notify me of such so I can pass it up the chain. Make sure you are reviewing intakes and that staff know to keep an eye out for this too. This is our current hot topic!

Amanda R. Prewitt
Child Protective Investigations Program Director: Region 4
420 Athens Brick Road, Athens Texas 75751
☎State Cell: 903-368-0064 | ☎Fax: 512-276-3581
☎Report abuse: 1-800-252-5400
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Texas Department of Family and Protective Services
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Director of Investigation and Alternative Response
512-438-3357
marta.talbert@dfps.texas.gov

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:46 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: FW: Attorney General Opinion

fyi
Stephen Black
512-960-9352

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

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Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Prewitt,Amanda R. (DFPS)
To:	Trahan,Kyndall (DFPS); Bailey,Brittany (DFPS); Murphy,Lana (DFPS); Nellar,Pansy (DFPS); Parrott,Katheryn (DFPS); Cameron,Crystal (DFPS); Mczeal,Scheerish A (DFPS)
Cc:	Boshuizen,Steven (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Wednesday, February 23, 2022 7:47:03 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png

Amanda R. Prewitt
Child Protective Investigations Program Director: Region 4
420 Athens Brick Road, Athens Texas 75751
☎State Cell: 903-368-0064 | ☎Fax: 512-276-3581
☎Report abuse: 1-800-252-5400
✉ E-mail: Amanda.Prewitt@dfps.texas.gov

Texas Department of Family and Protective Services
Child Protective Investigations

From: Liles,Lou R (DFPS) <Lou.Liles@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 6:53 PM
To: Prewitt,Amanda R. (DFPS) <Amanda.Prewitt@dfps.texas.gov>; Phillips,Deirdre (DFPS) <Deirdre.Phillips@dfps.texas.gov>; Peterson,Nicole (DFPS) <Nicole.Peterson@dfps.texas.gov>; Claude,Jennifer L (DFPS) <Jennifer.Claude@dfps.texas.gov>; Chesnut,Andrew (DFPS) <Andrew.Chesnut@dfps.texas.gov>; Boshuizen,Steven (DFPS) <Steven.Boshuizen@dfps.texas.gov>
Subject: Fwd: Attorney General Opinion
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Sent: Wednesday, February 23, 2022 4:18 PM
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Subject: Fwd: Attorney General Opinion

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AMERICAN OVERSIGHT

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SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Prewitt,Amanda R. (DFPS)
To:	Hickerson,Felicia (DFPS); Kirkpatrick,Jennifer (DFPS); Gonzalez,Mario H (DFPS); Cole,Monica (DFPS); Raschke,Daniel J (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Wednesday, February 23, 2022 7:45:31 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png

Please review and share with staff. Please keep in mind if you get any reports of this nature (gender reassignment, transitioning, etc) I need you to immediately notify me of such so I can pass it up the chain. Make sure you are reviewing intakes and that staff know to keep an eye out for this too. This is our current hot topic!

Amanda R. Prewitt
Child Protective Investigations Program Director: Region 4
420 Athens Brick Road, Athens Texas 75751
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AMERICAN OVERSIGHT

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fyi

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512-960-9352

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Subject: Attorney General Opinion

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Stephen Black

SWI Associate Commissioner

512-960-9352

AMERICAN OVERSIGHT

From:	Uribe-Woods,JR (DFPS)
To:	Moore,Morgan (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Wednesday, February 23, 2022 7:35:00 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png

In reply to your text.
Not fully sure what this means for us at SWI, but during the most recent legislative session our policy changed because of Texas law to add PHAB for “sexual reassignment surgery for non-medical purposes.” (see #18 under PHAB in CPI Guidelines).
So far I have not seen this situation come up, nor have I heard it come up prior to this change in guidelines. I will discuss further during the unit meeting tonight.

J.R. Uribe-Woods
Statewide Intake Supervisor
Wed-Sat, 7:00pm - 5:30am
(512) 460-8464 *(work cell)*
(512) 929-6405 *(office)*

Texas Department of Family and Protective Services
Statewide Intake

From: Black,Stephen D (DFPS) <Stephen.Black@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

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SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Corbitt,Melisha (DFPS)
To:	Melisha.corbitt@gmail.com
Subject:	Fw: Attorney General Opinion
Date:	Wednesday, February 23, 2022 7:26:00 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

---

From: Black,Stephen D (DFPS) <Stephen.Black@dfps.texas.gov>

Sent: Wednesday, February 23, 2022 3:30 PM

To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>

Subject: Attorney General Opinion

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512-960-9352

AMERICAN OVERSIGHT

From:	Chesnut,Andrew (DFPS)
To:	Hurley,Lesley M (DFPS); Miller,Sarah D. (DFPS); Rojas,Francisca (DFPS); Sartain,Brittani M (DFPS); Stutts,Jeremy R (DFPS)
Subject:	Fw: Attorney General Opinion
Date:	Wednesday, February 23, 2022 7:13:12 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

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From: Liles,Lou R (DFPS) <Lou.Liles@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 6:53 PM
To: Prewitt,Amanda R. (DFPS) <Amanda.Prewitt@dfps.texas.gov>; Phillips,Deirdre (DFPS) <Deirdre.Phillips@dfps.texas.gov>; Peterson,Nicole (DFPS) <Nicole.Peterson@dfps.texas.gov>; Claude,Jennifer L (DFPS) <Jennifer.Claude@dfps.texas.gov>; Chesnut,Andrew (DFPS) <Andrew.Chesnut@dfps.texas.gov>; Boshuizen,Steven (DFPS) <Steven.Boshuizen@dfps.texas.gov>
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AMERICAN OVERSIGHT

From:	Peterson,Nicole (DFPS)
To:	Baker,Tonya (DFPS); Brunson,Bethany A (DFPS); Estrada,Sara (DFPS); Harry,Jessica (DFPS); Woods,Dana (DFPS); Johnson,Melinda (DFPS)
Subject:	Fwd: Attorney General Opinion
Date:	Wednesday, February 23, 2022 6:58:23 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

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Sent: Wednesday, February 23, 2022 6:53:01 PM
To: Prewitt,Amanda R. (DFPS) <Amanda.Prewitt@dfps.texas.gov>; Phillips,Deirdre (DFPS) <Deirdre.Phillips@dfps.texas.gov>; Peterson,Nicole (DFPS) <Nicole.Peterson@dfps.texas.gov>; Claude,Jennifer L (DFPS) <Jennifer.Claude@dfps.texas.gov>; Chesnut,Andrew (DFPS) <Andrew.Chesnut@dfps.texas.gov>; Boshuizen,Steven (DFPS) <Steven.Boshuizen@dfps.texas.gov>
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Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

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AMERICAN OVERSIGHT

From:	Barker-White,Thomas M (DFPS)
To:	Hardie,Sherrie F (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Wednesday, February 23, 2022 6:15:00 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

Reading through the legalese, we're taking a case if the parents are surgically or chemically supporting transition. Does that sound about right?

Thomas Barker-White
SWI Supervisor
Sun, Mon, Wed, Thur 2p – 12:30a
State Cell: 512-460-8438

From: Black,Stephen D (DFPS) <Stephen.Black@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
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AMERICAN OVERSIGHT

From: Cunningham,Michelle S (DFPS)
To: Tyler,Michelle L (DFPS); Ross,Jarlene (DFPS)
Cc: Boubel,Rebecca (DFPS)
Subject: FW: Attorney General Opinion
Date: Wednesday, February 23, 2022 5:57:26 PM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

Fyi….

Michelle Cunningham, MSW
Child Protective Investigations
Regional Director (R8)
10223 Nacogdoches Rd.
San Antonio, Texas
Office phone 210-871-3106
Cell Phone 830-433-0924

NOTICE: There has been a change to my email address. Effective immediately, my new email address is: **Michelle.Cunningham@dfps.texas.gov**

From: Talbert,Marta L (DFPS)
Sent: Wednesday, February 23, 2022 3:55 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
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Sent: Wednesday, February 23, 2022 3:46 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: FW: Attorney General Opinion

fyi
Stephen Black
512-960-9352

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:31 PM

AMERICAN OVERSIGHT

To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>

Subject: Attorney General Opinion

Hello SWI,

A legal opinion was released by the AG's office on February 21, 2022. The governor subsequently provided further direction to DFPS to these reported matters.

Those two documents are attached to this communication which gives guidance and direction regarding how the department is to handle intakes related to gender transitioning.

Please consult with your PA regarding any questions you may have.

Stephen Black
SWI Associate Commissioner
512-960-9352

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From:	Talbert,Marta L (DFPS)
To:	Kozikoujekian,Vicki (DFPS)
Cc:	Richman,Robert (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Wednesday, February 23, 2022 5:39:00 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

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Vicki,
We have three intakes regarding the duty on DFPS to investigate the parents of a child who is subjected to abusive gender-transitioning procedures. I think Stephen has been talking to you but me and the RDs have some questions regarding these investigation. Do you have time tomorrow to talk about this? I have a call with the RDs tomorrow morning at 8, I can add you if you have the time or we can talk anytime that is convenient for you.

[redacted]

Marta Talbert
Director of Investigation and Alternative Response
512-438-3357
marta.talbert@dfps.texas.gov

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From: Florey,Dawn K (DFPS)
To: Lazalde,Reyna (DFPS Contractor)
Date: Wednesday, February 23, 2022 9:58:21 PM
Attachments: Attorney General Opinion How Gender Reassignment is Child Abuse.pdf

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Just for you to read and maybe fill out the log. Tracy found it I'm just sharing with you for tomorrow

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KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 18, 2022

The Honorable Matt Krause
Chair, House Committee on General
Investigating
Texas House of Representatives
Post Office Box 2910
Austin, Texas 78768-2910

Opinion No. KP-0401

Re: Whether certain medical procedures performed on children constitute child abuse (RQ-0426-KP)

Dear Representative Krause:

You ask whether the performance of certain medical and chemical procedures on children—several of which have the effect of sterilization—constitute child abuse.[1] You specifically ask about procedures falling under the broader category of "gender reassignment surgeries." Request Letter at 1. You state that such procedures typically are performed to "transition individuals with gender dysphoria to their desired gender," and you identify the following specific "sex-change procedures":

> (1) sterilization through castration, vasectomy, hysterectomy, oophorectomy, metoidioplasty, orchiectomy, penectomy, phalloplasty, and vaginoplasty; (2) mastectomies; and (3) removing from children otherwise healthy or non-diseased body part or tissue.

Id. at 1 (footnotes omitted). Additionally, you ask whether "providing, administering, prescribing, or dispensing drugs to children that induce transient or permanent infertility" constitutes child abuse. *See id*. at 1–2. You include the following categories of drugs: (1) puberty-suppression or puberty-blocking drugs; (2) supraphysiologic doses of testosterone to females; and (3) supraphysiologic doses of estrogen to males. *See id.*

[1] *See* Letter from Honorable Matt Krause, Chair, House Comm. on Gen. Investigating, to Honorable Ken Paxton, Tex. Att'y Gen. at 1 (Aug. 23, 2021), https://www2.texasattorneygeneral.gov/opinions/opinions/51paxton/rq/2021/pdf/RQ0426KP.pdf ("Request Letter"); *see also* Letter from Honorable Jaime Masters, Comm'r, Tex. Dept. of Family & Protective Servs., to Honorable Greg Abbott, Governor, State of Tex. at 1 (Aug. 11, 2021), https://gov.texas.gov/uploads/files/press/Response_to_August_6_2021_OOG_Letter_08.11.2021.pdf (on file with the Op. Comm.) (hereinafter "Commissioner's Letter").

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You qualify your question with the following statement: "Some children have a medically verifiable genetic disorder of sex development or do not have the normal sex chromosome structure for male or female as determined by a physician through genetic testing that require procedures similar to those described in this request." *Id.* at 2. In other words, in rare circumstances, some of the procedures you list are borne out of medical necessity. For example, a minor male with testicular cancer may need an orchiectomy. This opinion does not address or apply to medically necessary procedures.

I. Executive Summary

Based on the analysis herein, each of the "sex change" procedures and treatments enumerated above, when performed on children, can legally constitute child abuse under several provisions of chapter 261 of the Texas Family Code.

- These procedures and treatments can cause "mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning." TEX. FAM. CODE § 261.001(1)(A).

- These procedures and treatments can "caus[e] or permit[] the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child's growth, development, or psychological functioning." *Id*. § 261.001(1)(B).

- These procedures and treatments can cause a "physical injury that results in substantial harm to the child." *Id*. § 261.001(1)(C).

- These procedures and treatments often involve a "failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child[,]" particularly by parents, counselors, and physicians. *Id*. § 261.001(1)(D).

In addition to analysis under the Family Code, we discuss below the fundamental right to procreation, issues of physical and emotional harm associated with these procedures and treatments, consent laws in Texas and throughout the country, and existing child abuse standards. Each of the procedures and treatments you ask about can constitute child abuse when performed on minor children.

II. Nature and context of the question presented

Forming the basis for your request, you contend that the "sex change" procedures and treatments you ask about are typically performed to transition individuals with gender dysphoria to their desired gender. *See* Request Letter at 1. The novel trend of providing these elective sex changes to minors often has the effect of permanently sterilizing those minor children. While you refer to these procedures as "sex changes," it is important to note that it remains medically impossible to truly change the sex of an individual because this is determined biologically at

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conception. No doctor can replace a fully functioning male sex organ with a fully functioning female sex organ (or vice versa). In reality, these "sex change" procedures seek to destroy a fully functioning sex organ in order to cosmetically create the illusion of a sex change.

Beyond the obvious harm of permanently sterilizing a child, these procedures and treatments can cause side effects and harms beyond permanent infertility, including serious mental health effects, venous thrombosis/thromboembolism, increased risk of cardiovascular disease, weight gain, decreased libido, hypertriglyceridemia, elevated blood pressure, decreased glucose tolerance, gallbladder disease, benign pituitary prolactinoma, lowered and elevated triglycerides, increased homocysteine levels, hepatotoxicity, polycythemia, sleep apnea, insulin resistance, chronic pelvic pain, and increased cancer and stroke risk.[2]

While the spike in these procedures is a relatively recent development,[3] sterilization of minors and other vulnerable populations without clear consent is not a new phenomenon and has an unsettling history. Historically weaponized against minorities, sterilization procedures have harmed many vulnerable populations, such as African Americans, female minors, the disabled, and others.[4] These violations have been found to infringe upon the fundamental human right to procreate. Any discussion of sterilization procedures in the context of minor children must, accordingly, consider the fundamental right that is at stake: the right to procreate. Given the uniquely vulnerable nature of children, and the clear dangers of sterilization demonstrated throughout history, it is important to emphasize the crux of the question you present today—*whether facilitating (parents/counselors) or conducting (doctors) medical procedures and treatments that could permanently deprive minor children of their constitutional right to procreate, or impair their ability to procreate, before those children have the legal capacity to consent to those procedures and treatments, constitutes child abuse*.

The medical evidence does not demonstrate that children and adolescents benefit from engaging in these irreversible sterilization procedures. The prevalence of gender dysphoria in children and adolescents has never been estimated, and there is no scientific consensus that these sterilizing procedures and treatments even serve to benefit minor children dealing with gender dysphoria. As stated by the Centers for Medicare and Medicaid Services, "There is not enough high-quality evidence to determine whether gender reassignment surgery improves health outcomes for Medicare beneficiaries with gender dysphoria and whether patients most likely to benefit from these types of surgical intervention can be identified prospectively."[5] Also, "several studies show a higher rate of regret at being sterilized among younger women than among those

[2]*See* Timothy Cavanaugh, M.D., *Cross-Sex Hormone Therapy*, FENWAY HEALTH (2015), https://www.lgbtqiahealtheducation.org/wp-content/uploads/Cross-Sex-Hormone-Therapy1.pdf.

[3]SOCIETY FOR EVIDENCE BASED GENDER MEDICINE, https://segm.org/ (demonstrating a spike in referrals to Gender Identify Development Services around the mid-2010s).

[4]Alexandra Stern, Ph.D., *Forced sterilization policies in the US targeted minorities and those with disabilities – and lasted into the 21st Century*, (Sept. 23, 2020), https://ihpi.umich.edu/news/forced-sterilization-policies-us-targeted-minorities-and-those-disabilities-and-lasted-21st.

[5]Centers for Medicare and Medicaid Services, Decision Memo for Gender Dysphoria and Gender Reassignment Surgery (CAG-00446N) (Aug. 30, 2016), http://www.lb7.uscourts.gov/documents/17-264URL1DecisionMemo.pdf.

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who were sterilized at a later age." 43 FED. REG. at 52,151, 52,152. This further indicates that minor children are not sufficiently mature to make informed decisions in this context.

There is no evidence that long-term mental health outcomes are improved or that rates of suicide are reduced by hormonal or surgical intervention. "Childhood-onset gender dysphoria has been shown to have a high rate of natural resolution, with 61-98% of children reidentifying with their biological sex during puberty. No studies to date have evaluated the natural course and rate of gender dysphoria resolution among the novel cohort presenting with adolescent-onset gender dysphoria."[6] One of the few relevant studies monitored transitioned individuals for 30 years. It found high rates of post-transition suicide and significantly elevated all-cause mortality, including increased death rates from cardiovascular disease and cancer, although causality could not be established.[7] The lack of evidence in this field is why the Centers for Medicare & Medicaid Services rejected a nationwide coverage mandate for adult gender transition surgeries during the Obama Administration. Similarly, the World Professional Association for Transgender Health states that with respect to irreversible procedures, genital surgery should not be carried out until patients reach the legal age of majority to give consent for medical procedures in a given country.[8]

Generally, the age of majority is eighteen in Texas. TEX. CIV. PRAC. & REM. CODE § 129.001. With respect to consent to sterilization procedures, Medicaid sets the age threshold even higher, at twenty-one years old. Children and adolescents are promised relief and asked to "consent" to life-altering, irreversible treatment—and to do so in the midst of reported psychological distress, when they cannot weigh long-term risks the way adults do, and when they are considered by the State in most regards to be without legal capacity to consent, contract, vote, or otherwise. Legal and ethics scholars have suggested that it is particularly unethical to radically intervene in the normal physical development of a child to "affirm" a "gender identity" that is at odds with bodily sex.[9]

State and federal governments have "wide discretion to pass legislation in areas where there is medical and scientific uncertainty." *Gonzales v. Carhart*, 550 U.S. 124, 163 (2007). Thus, states routinely regulate the medical profession and routinely update their regulations as new trends arise and new evidence becomes available. In the opioid context, for instance, states responded to an epidemic caused largely by pharmaceutical companies and medical professionals. Dismissing as "opioidphobic" any concern that "raising pain treatment to a 'patients' rights' issue could lead to overreliance on opioids," these experts created new pain standards and assured doctors that

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[6]SOCIETY FOR EVIDENCE BASED GENDER MEDICINE, https://segm.org/.

[7]*See* Cecilia Dhejne, et al., *Long-term Follow-up of Transsexual Persons Undergoing Sex Reassignment Surgery: Cohort Study in Sweden*, 6 PLOS ONE, Issue 2, 5 (Feb. 22, 2011) (19 times the expected norm overall (Table 2), and 40 times the norm for biological females (Table s1)), https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0016885.

[8]WORLD PROFESSIONAL ASS'N FOR TRANSGENDER HEALTH, *Standards of Care for the Health of Transsexual, Transgender, and Gender-Nonconforming People* at 59 (7th ed. 2012), available at https://www.wpath.org/media/cms/Documents/SOC%20v7/SOC%20V7_English2012.pdf?_t=1613669341.

[9]Ryan T. Anderson & Robert P. George, Physical Interventions on the Bodies of Children to "Affirm" their "Gender Identity" Violate Sound Medical Ethics and Should Be Prohibited, PUBLIC DISCOURSE: THE JOURNAL OF THE WITHERSPOON INSTITUTE (Dec. 8, 2019), https://www.thepublicdiscourse.com/2019/12/58839/.

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prescribing more opioids was largely risk free.[10] *Id.* As we know now, the results were—indeed, *are*—nothing short of tragic.[11] There is always the potential for novel medical determinations to promote purported remedies that may not improve patient outcomes and can even result in tragic harms. The same potential for harm exists for minors who have engaged in the type of procedures or treatments above.

The State's power is arguably at its zenith when it comes to protecting children. In the Supreme Court's words, that is due to "the peculiar vulnerability of children." *Bellotti v. Baird*, 443 U.S. 622, 634 (1979); *see also Ginsberg v. New York*, 390 U.S. 629, 640 (1968) ("The State also has an independent interest in the well-being of its youth."). The Supreme Court has explained that children's "inability to make critical decisions in an informed, mature manner" makes legislation to protect them particularly appropriate. *Bellotti*, 443 U.S. at 634. The procedures that you ask about impose significant and irreversible effects on children, and we therefore address them with extreme caution, mindful of the State's duty to protect its children. *See generally T.L. v. Cook Children's Med. Ctr.*, 607 S.W.3d 9, 42 (Tex. App.—Fort Worth 2020), *cert. denied*, 141 S. Ct. 1069 (2021) ("Children, by definition, are not assumed to have the capacity to take care of themselves. They are assumed to be subject to the control of their parents, and if parental control falters, the State must play its part as *parens patriae.* In this respect, the [child]'s liberty interest may, in appropriate circumstances, be subordinated to the State's *parens patriae* interest in preserving and promoting the welfare of the child.") (citation omitted).

III. To the extent that these procedures and treatments could result in sterilization, they would deprive the child of the fundamental right to procreate, which supports a finding of child abuse under the Family Code.

A. The procedures you describe can and do cause sterilization.

The surgical and chemical procedures you ask about can and do cause sterilization.[12] Similarly, the treatments you ask about often involve puberty-blocking medications. Such medications suppress the body's production of estrogen or testosterone to prevent puberty and are being used in this context to pause the sexual development of a person that occurs during puberty. The use of these chemical procedures for this purpose is not approved by the federal Food and Drug Administration and is considered an "off-label" use of the medications. These chemical procedures prevent a person's body from developing the capability to procreate. There is insufficient medical evidence available to demonstrate that discontinuing the medication resumes a normal puberty process. *See generally Hennessy-Waller v. Snyder*, 529 F. Supp. 3d 1031, 1042 (D. Ariz. 2021), citing *Bell v. Tavistock and Portman NHS Foundation Trust*, 2020 EWHC 3274,

[10] *See* David W. Baker, *The Joint Commission's Pain Standards: Origins and Evolution* 4 (May 5, 2017) (footnotes omitted), https://perma.cc/RZ42-YNRC ("[N]o large national studies were conducted to examine whether the standards improved pain assessment or control.").

[11] *See generally* U.S. HEALTH & HUMAN SERVS., WHAT IS THE U.S. OPIOID EPIDEMIC?, https://www.hhs.gov/opioids/about-the-epidemic/index html.

[12] *See* Philip J. Cheng, *Fertility Concerns of the Transgender Patient*, TRANSL ANDROL UROL. 2019;9(3):209-218 (explaining that hysterectomy, oophorectomy, and orchiectomy "results in permanent sterility"), https://www ncbi nlm nih.gov/pmc/articles/PMC6626312/.

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¶ 134 (Dec. 1, 2020) (referring to *Bell's* conclusion that a clinic's practice of prescribing puberty-suppressing medication to individuals under age 18 with gender dysphoria and determining such treatment was experimental). Thus, because the procedures you inquire about can and do result in sterilization, they implicate a minor child's constitutional right to procreate.

B. The United States Constitution protects a fundamental right to procreation.

The United States Supreme Court recognizes that the right to procreate is a fundamental right under the Fourteenth Amendment. *See Skinner v. Oklahoma*, 316 U.S. 535, 541 (1942). Almost a century ago, the Court explained the unique concerns sterilization poses respecting this fundamental right:

> The power to sterilize, if exercised, may have subtle, far reaching and devastating effects. In evil or reckless hands it can cause races or types which are inimical to the dominant group to wither and disappear. There is no redemption for the individual whom the law touches. Any experiment which the State conducts is to his irreparable injury. He is forever deprived of a basic liberty.

Id. To the extent the procedures you describe cause permanent damage to reproductive organs and functions of a child before that child has the legal capacity to consent, they unlawfully violate the child's constitutional right to procreate. *See generally* 43 FED. REG. at 52,146–52,152 (discussing ripeness for coercion and regret rates among minor children).

C. Because children are legally incompetent to consent to sterilization, procedures and treatments that result in a child's sterilization are unauthorized and infringe on the child's fundamental right to procreate.

Under Texas law, a minor is a person under eighteen years of age that has never been married and never declared an adult by a court. *See* TEX. CIV. PRAC. & REM. CODE § 129.001; TEX. FAM. CODE §§ 1.104, 101.003 (including a minor on active duty in the military, one who does not live with a parent or guardian and who manages their own financial affairs, among others). State law recognizes seven instances in which a minor can consent to certain types of medical treatment on their own. *See id.* § 32.003. None of the express provisions relating to a minor's ability to consent to medical treatment addresses consent to the procedures used for "gender-affirming" treatment. *See generally id.*

The lack of authority of a minor to consent to an irreversible sterilization procedure is consistent with other law. The federal Medicaid program does not allow for parental consent, has established a minimum age of 21 for consent to sterilization procedures, and imposes detailed requirements for obtaining that consent. 42 C.F.R. §§ 441.253(a); 441.258 ("Consent form requirements"). Federal Medicaid funds may not be used for any sterilization without complying with the consent requirements, meaning a doctor may not be reimbursed for sterilization procedures performed on minors. *Id*. § 441.256(a).

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The higher age limit for sterilization procedures was implemented due to a number of special concerns, including historical instances of forced sterilization. *See* 43 FED. REG. 52146, 52148. "[M]inors and other incompetents have been sterilized with federal funds and . . . an indefinite number of poor people have been improperly coerced into accepting a sterilization operation under the threat that various federally supported welfare benefits would be withdrawn unless they submitted to irreversible sterilization." *Relf v. Weinberger*, 372 F. Supp. 1196, 1199 (D.D.C. 1974), *vacated*, 565 F.2d 722 (D.C. Cir. 1977). In addition, the 21-year minimum age-of-consent rule accounted for concerns that minors were more susceptible to coercion than those over 21 and that younger women had higher rates of regret for sterilization than those who were sterilized at a later age. 43 FED. REG. at 52,151 (pointing to comments suggesting that "persons under 21 are more susceptible to coercion than those over 21 and are more likely to lack the maturity to make an informed decision" and acknowledging "these considerations favor protecting such individuals by limiting their access to the procedure"); *see id.* at 52,151–52,152 (pointing to "several studies [that] show a higher rate of regret at being sterilized among younger women than among those who were sterilized at a later age").

Regarding parental consent, Texas law generally recognizes a parent's right to consent to a child's medical care. TEX. FAM. CODE § 151.001(a)(6) ("A parent of a child has the following rights and duties: . . . (6) the right to consent to the child's . . . medical and dental care, and psychiatric, psychological, and surgical treatment . . ."). But this general right to consent to certain medically necessary procedures does not extend to elective (not medically necessary) procedures and treatments that infringe upon a minor child's constitutional right to procreate. Indeed, courts have analyzed the imposition of unnecessary medical procedures upon children in similar circumstances in the past to determine whether doing so constitutes child abuse.

One such situation that the law has addressed is often referred to as "Munchausen by proxy" or "factitious disorder imposed on another":

> [A] psychological disorder that is characterized by the intentional feigning, exaggeration, or induction of the symptoms of a disease or injury in oneself or another and that is accompanied by the seeking of excessive medical care from various doctors and medical facilities typically resulting in multiple diagnostic tests, treatments, procedures, and hospitalizations. Unlike the malingerer, who consciously induces symptoms to obtain something of value, the patient with a factitious disorder consciously produces symptoms for unconscious reasons, without identifiable gain.[13]

In situations such as this, an individual intentionally seeks to procure—often by deceptive means, such as exaggeration—unnecessary medical procedures or treatments either for themselves or others, usually their children. In Texas, courts have found that these "Munchausen by proxy" situations can constitute child abuse. *See generally Williamson v. State*, 356 S.W.3d 1, 19–21 (Tex. App.—Houston [1st Dist.] 2010, pet. ref'd) (recognizing that an unnecessary medical procedure

[13] *Factitious disorder*, MERRIAM-WEBSTER.COM DICTIONARY, https://www merriam-webster.com/dictionary/factitious%20disorder.

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may cause serious bodily injury, supporting a charge of injury to a child under section 22.04 of the Penal Code).[14]

In the context of elective sex change procedures for minors, the Legislature has not provided any avenue for parental consent, and no judicial avenue exists for the child to proceed with these procedures and treatments without parental consent. By comparison, Texas law respecting abortion requires parental consent and, in extenuating circumstances, permits non-parental consent for a minor to obtain an abortion. TEX. OCC. CODE § 164.052(19) (requiring written consent of a child's parent before a physician may perform an abortion on an unemancipated minor); TEX. FAM. CODE § 33.003 (authorizing judicial approval of a minor's abortion without parental consent in limited circumstances). But the Texas Legislature has not decided to make those same allowances for consent to sterilization, and thus a parent cannot consent to sterilization procedures or treatments that result in the permanent deprivation of a minor child's constitutional right to procreate.[15] Thus, no avenue exists for a child to consent to or obtain consent for an elective procedure or treatment that causes sterilization.

IV. The procedures and treatments you describe can constitute child abuse under the Family Code.

Having established the legal and cultural context of this opinion request, we now consider whether these procedures and treatments qualify as child abuse under the Family Code. *See* Request Letter at 1. Where, as a factual matter, one of these procedures or treatments cannot result in sterilization, a court would have to go through the process of evaluating, on a case-by-case basis, whether that procedure violates any of the provisions of the Family Code—and whether the procedure or treatment poses a similar threat or likelihood of substantial physical and emotional harm. Thus, where a factual scenario involving non-medically necessary, gender-based procedures or treatments on a minor causes or threatens to cause harm or irreparable harm[16] to the child—comparable to instances of Munchausen syndrome by proxy or criminal injury to a child—or demonstrates a lack of consent, etc., a court could find such procedures to constitute child abuse under section 261.001.

A. The Texas Legislature defines child abuse broadly.

Family Code chapter 261 provides for the reporting and investigation of abuse or neglect of a child. *See* TEX. FAM. CODE §§ 261.001–.505; *see also* TEX. PENAL CODE § 22.04 (providing for the offense of injury to a child). Section 261.001 defines abuse through a broad and nonexclusive list of acts and omissions. TEX. FAM. CODE § 261.001(1); *see also In re Interest of*

[14] *See also* Tex. Dep't of Fam. & Protective Servs., Tex. Practice Guide for Child Protective Servs. Att'ys, § 7, at 15 (2018), https://www.dfps.state.tx.us/Child_Protection/Attorneys_Guide/default.asp.

[15] Federal Medicaid programs will not reimburse for these types of procedures on minors, regardless of whether the child or parent consents, because of the numerous concerns outlined in the Federal Register provisions discussed above. *See* 43 FED. REG. at 52,146–52,159.

[16] For example, a non-medically necessary procedure or treatment that seeks to alter a minor female's breasts in such a way that would or could prevent that minor female from having the ability to breastfeed her eventual children likely causes irreparable harm and could form the basis for a finding of child abuse.

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S.M.R., 434 S.W.3d 576, 583 (Tex. 2014). Of course, this broad definition of abuse would apply to and include criminal acts against children, such as "female genital mutilation"[17] or "injury to a child."[18]

Your questions implicate several components of section 261.001(1). Subsection 261.001(1)(A) identifies "mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning." Subsection 261.001(1)(B) provides that "causing or permitting the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child's growth, development, or psychological functioning" is abuse. Subsection 261.001(1)(C) includes as abuse a "physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child." And subsection 261.001(1)(D) includes "failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child."

Offering some clarity to the scope of "abuse" under subsection 261.001(1), the Texas Department of Family and Protective Services ("Department") adopted rules giving meaning to the key terms and phrases used in the definition. The Department acknowledges that emotional abuse is a subset of abuse that includes "[m]ental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning." 40 TEX. ADMIN. CODE § 707.453(a) (Tex. Dept. of Fam. & Protective Servs., What is Emotional Abuse?). The Department's rules provide that "[m]ental or emotional injury" means

> [t]hat a child of any age experiences significant or serious negative effects on intellectual or psychological development or functioning. . . . and exhibits behaviors indicative of observable and material impairment . . . . mean[ing] discernable and substantial damage or deterioration to a child's emotional, social, and cognitive development.

Id. § 707.453(b)(1)–(2).

With respect to physical injuries, the Department further clarified the meaning of the phrase "[p]hysical injury that results in substantial harm to the child," explaining that it means in relevant part a

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[17]A person commits an offense if the person: (1) knowingly circumcises, excises, or infibulates any part of the labia majora or labia minora or clitoris of another person who is younger than 18 years of age; (2) is a parent or legal guardian of another person who is younger than 18 years of age and knowingly consents to or permits an act described by Subdivision (1) to be performed on that person; or (3) knowingly transports or facilitates the transportation of another person who is younger than 18 years of age within this state or from this state for the purpose of having an act described by Subdivision (1) performed on that person. TEX. HEALTH & SAFETY CODE § 167.001.

[18]A person commits an offense if he intentionally, knowingly, recklessly, or with criminal negligence, by act or intentionally, knowingly, or recklessly by omission, causes to a child, elderly individual, or disabled individual: (1) serious bodily injury; (2) serious mental deficiency, impairment, or injury; or (3) bodily injury. TEX. PENAL CODE § 22.04.

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> real and significant physical injury or damage to a child that includes but is not limited to . . . [a]ny of the following, if caused by an action of the alleged perpetrator directed toward the alleged victim: . . . *impairment of or injury to any bodily organ or function*; . . . .

Id. § 707.455(b)(2)(A) (emphasis added). The Department's rules also define a "[g]enuine threat of substantial harm from physical injury" to include the

> *declaring or exhibiting the intent or determination to inflict real and significant physical injury or damage to a child.* The declaration or exhibition does not require actual physical contact or injury.

Id. § 707.455(b)(1) (emphasis added).

Subsection 261.001(1) and these rules define "abuse" broadly to include mental or emotional injury in addition to a physical injury. To the extent the specific procedures about which you ask may cause mental or emotional injury or physical injury within these provisions, they constitute abuse.

Further, the Legislature has explicitly defined "female genital mutilation" and made such act a state jail felony. *See* TEX. HEALTH & SAFETY CODE § 167.001(a)–(b). While the Legislature has not elsewhere defined the phrase "genital mutilation", nor specifically for males of any age,[19] the Legislature's criminalization of a particular type of genital mutilation supports an argument that analogous procedures that include genital mutilation—potentially including gender reassignment surgeries—could constitute "abuse" under the Family Code's broad and non-exhaustive examples of child abuse or neglect.[20] *See* TEX. FAM. CODE § 261.001(1)(A)–(M); *see generally* Commissioner's Letter at 1 (concluding that genital "mutilation may cause a genuine threat of substantial harm from physical injury to the child"). Thus, many of the procedures and treatments you ask about can constitute "female genital mutilation," a standalone criminal act. But even where these procedures and treatments may not constitute "female genital mutilation" under Texas law, a court could still find that these procedures and treatments constitute child abuse under section 261.001 of the Family Code.

B. Each of these procedures and treatments can constitute abuse under Texas Family Code § 261.001(1)(A), (B), (C), or (D).

The Texas Family Code is clear—causing or permitting substantial harm to the child or the child's growth and development is child abuse. Courts have held that an unnecessary surgical

[19]Your letter does not mention nor request an analysis under federal law. However, under federal law, there are at least two definitions of female genital mutilation, 8 U.S.C § 1374 and 18 U.S.C. § 116. For purposes of this opinion, we have not considered federal statutes, nor have we undertaken any analysis under state or federal constitutions beyond that included here.

[20]The Eighty-seventh Legislature considered multiple bills that would have amended Family Code subsection 261.001(1) to expressly include in the definition of abuse the performing of surgery or other medical procedures on a child for the purpose of gender transitioning or gender reassignment. Those bills did not pass. *See, e.g.*, Tex. H.B. 22, 87th Leg., 3d C.S. (2021).

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procedure that removes a healthy body part from a child can constitute a real and significant injury or damage to the child. *See generally Williamson v. State*, 356 S.W.3d 1, 19–21 (Tex. App.—Houston [1st Dist.] 2010, pet. ref'd) (recognizing that an unnecessary medical procedure may cause serious bodily injury, supporting a charge of injury to a child under section 22.04 of the Penal Code). The *Williamson* case involved a "victim of medical child abuse, sometimes referred to as Munchausen Syndrome by Proxy." *Id.* at 5. Munchausen syndrome by proxy is "where an alleged perpetrator . . . attempts to gain medical procedures and issues for [their] child for secondary gain for themselves . . . . [A]s a result, the children are subjected to multiple diagnostic tests, therapeutic procedures, sometimes operative procedures, in order to treat things that aren't really there." *Williamson*, 356 S.W.3d at 11. In the *Williamson* case, the abuse was perpetrated on the child when he was five and six years old by his mother. *Id.* The evidence showed that two surgeries performed on the child "were not medically necessary and that [his mother] knowingly and intentionally caused the unnecessary procedures to be performed by fabricating, exaggerating, and inducing the symptoms leading to the surgeries." *Id.*

Similarly, in *Austin v. State*, a court of appeals upheld the conviction for felony injury of a child of a mother suffering from Munchausen syndrome by proxy who injected her son with insulin. *See* 222 S.W.3d 801, 804 (Tex. App.—Austin 2007, pet. ref'd); *see also In re McCabe*, 580 S.E.2d 69, 73 (N.C. Ct. App. 2003) (concluding that abuse through Munchausen syndrome by proxy was abuse under state statute defining abuse in a similar manner as chapter 261); *Matter of Aaron S.*, 625 N.Y.S.2d 786, 793 (Fam. Ct. 1993), *aff'd sub nom. Matter of Suffolk Cnty. Dep't of Soc. Servs on Behalf of Aaron S.*, 626 N.Y.S.2d 227 (App. Div. 1995) (finding that a mother neglected her son by subjecting him to a continuous course of medical treatment for condition which he did not have and that he was a neglected child under state statute governing abuse of a child). In guidance documents published for its child protective services attorneys, the Texas Department of Family and Protective Services explains that "Munchausen by proxy syndrome is relatively rare, but when it occurs, it is frequently a basis for a finding of child abuse."[21] Whether motivated by Munchausen syndrome by proxy or otherwise, it is clear that unnecessary medical treatment inflicted on a child by a parent can constitute child abuse under the Family Code.

By definition, procedures and treatments resulting in sterilization cause "physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child" by surgically altering key physical body parts of the child in ways that render entire body parts, organs, and the entire reproductive system of the child physically incapable of functioning. Thus, such procedures and treatments can constitute child abuse under section 261.001(1)(C). Even where the procedure or treatment does not involve the physical removal or alteration of a child's reproductive organs (*i.e.* puberty blockers), these procedures and treatments can cause "mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning" by subjecting a child to the mental and emotional injury associated with lifelong sterilization—an impairment to

[21] TEX. DEP'T OF FAM. & PROTECTIVE SERVS., TEX. PRACTICE GUIDE FOR CHILD PROTECTIVE SERVS. ATT'YS, § 7, at 15 (2018), https://www.dfps.state.tx.us/Child_Protection/Attorneys_Guide/default.asp (citing *Reid v. State*, 964 S.W.2d 723 (Tex. App.—Amarillo 1998, pet. ref'd) (mem. op.) (expert testimony admitted regarding general acceptance of Munchausen diagnosis as a form of child abuse)).

AMERICAN OVERSIGHT

one's growth and development. Therefore, a court could find these procedures and treatments to be child abuse under section 261.001(1)(A). Further, attempts by a parent to consent to these procedures and treatments on behalf of their child may, if successful, "cause or permit the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child's growth, development, or psychological functioning[,]" and could be child abuse under section 261.001(1)(B). Additionally, the failure to stop a doctor or another parent from conducting these treatments and procedures on a minor child can constitute a "failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child[,]" and this "failure to make a reasonable effort to prevent" can also constitute child abuse under section 261.001(1)(D). Any person that conducts or facilitates these procedures or treatments could be engaged in child abuse, whether that be parents, doctors, counselors, etc.

It is important to note that anyone who has "a reasonable cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report" as described in the Family Code. TEX. FAM. CODE § 261.101(a). Further, "[i]f a professional has reasonable cause to believe that a child has been abused or neglected or may be abused or neglected, or that a child is a victim of an offense under Section 21.11, Penal Code, and the professional has reasonable cause to believe that the child has been abused as defined by Section 261.001, the professional shall make a report not later than the 48th hour after the hour the professional first has reasonable cause to believe that the child has been or may be abused or neglected or is a victim of an offense under Section 21.11, Penal Code." TEX. FAM. CODE § 261.101(b). The term includes teachers, nurses, doctors, day-care employees, employees of a clinic or health care facility that provides reproductive services, juvenile probation officers, and juvenile detention or correctional officers. *Id*. A failure to report under these circumstances is a criminal offense. TEX. FAM. CODE § 261.109(a).

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S U M M A R Y

Each of the "sex change" procedures and treatments enumerated above, when performed on children, can legally constitute child abuse under several provisions of chapter 261 of the Texas Family Code.

When considering questions of child abuse, a court would likely consider the fundamental right to procreation, issues of physical and emotional harm associated with these procedures and treatments, consent laws in Texas and throughout the country, and existing child abuse standards.

Very truly yours,

K E N P A X T O N
Attorney General of Texas

BRENT E. WEBSTER
First Assistant Attorney General

LESLEY FRENCH
Chief of Staff

MURTAZA F. SUTARWALLA
Deputy Attorney General for Legal Counsel

AARON REITZ
Deputy Attorney General for Legal Strategy

RALPH M. MOLINA
Special Counsel to the First Assistant Attorney General

VIRGINIA K. HOELSCHER
Chair, Opinion Committee

CHARLOTTE M. HARPER
Assistant Attorney General, Opinion Committee

AMERICAN OVERSIGHT

From:	Moore,Morgan (DFPS)
To:	Allen,Darian O (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Wednesday, February 23, 2022 9:50:38 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png

---

From: Uribe-Woods,JR (DFPS)

Sent: Wednesday, February 23, 2022 7:36 PM

To: Moore,Morgan (DFPS) <Morgan.Moore@dfps.texas.gov>

Subject: FW: Attorney General Opinion

In reply to your text.
Not fully sure what this means for us at SWI, but during the most recent legislative session our policy changed because of Texas law to add PHAB for "sexual reassignment surgery for non-medical purposes." (see #18 under PHAB in CPI Guidelines).
So far I have not seen this situation come up, nor have I heard it come up prior to this change in guidelines. I will discuss further during the unit meeting tonight.

J.R. Uribe-Woods
Statewide Intake Supervisor
Wed-Sat, 7:00pm - 5:30am
(512) 460-8464 *(work cell)*
(512) 929-6405 *(office)*

Texas Department of Family and Protective Services
Statewide Intake

From: Black,Stephen D (DFPS) <Stephen.Black@dfps.texas.gov>

Sent: Wednesday, February 23, 2022 3:31 PM

To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>

Subject: Attorney General Opinion

Hello SWI,
A legal opinion was released by the AG's office on February 21, 2022. The governor subsequently provided further direction to DFPS to these reported matters.
Those two documents are attached to this communication which gives guidance and direction regarding how the department is to handle intakes related to gender transitioning.
Please consult with your PA regarding any questions you may have.

Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Uribe-Woods,JR (DFPS)
To:	Allen,Darian O (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Wednesday, February 23, 2022 9:50:00 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png

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Statewide Intake

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512-960-9352

AMERICAN OVERSIGHT

From:	Yzaguirre,Marina C (DFPS)
To:	Amaro,Kristy (DFPS); Guerra,Betzabel (DFPS); Requenez,Janie I (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Wednesday, February 23, 2022 9:49:06 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image001.png

Fyi---if we receive any intakes that pertain to this particular issue they must be escalated up for further guidance and direction.

Thanks!

MARINA YZAGUIRRE, MSSW
Child Protective Investigations
Regional Director
Region 11
Edinburg, Tx 78539
Off. 956-316-8238
Mbl. 956-802-4921

Texas Department of Family and Protective Services

From: Talbert,Marta L (DFPS)
Sent: Wednesday, February 23, 2022 3:55 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
Subject: FW: Attorney General Opinion

See email below and attachments—email/attachments sent to SWI staff. I believe we have three right now in the intake stage—or being worked on by SWI. Stephen will send me the case numbers as soon as he has them for us to be aware in order to assist our staff with these cases.

Thanks,
Marta

Marta Talbert
Director of Investigation and Alternative Response
512-438-3357
marta.talbert@dfps.texas.gov

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:46 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: FW: Attorney General Opinion

fyi
Stephen Black

AMERICAN OVERSIGHT

512-960-9352

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Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Nabours,Patricia (DFPS)
To:	Williams,Lauren (DFPS)
Subject:	FW: Abbott letter 02/22/22
Date:	Wednesday, February 23, 2022 9:42:00 PM
Attachments:	O-MastersJaime202202221358.pdf

FYI. Hot off of the press from yesterday. Thought you would be interested in this!

From: Pat Nabours [redacted]
Sent: Wednesday, February 23, 2022 7:14 PM
To: Nabours,Patricia (DFPS) <Patricia.Nabours@dfps.texas.gov>
Subject: Abbott letter 02/22/22
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Sent from my iPad

AMERICAN OVERSIGHT

GOVERNOR GREG ABBOTT

February 22, 2022

The Honorable Jaime Masters
Commissioner
Texas Department of Family and Protective Services
701 West 51st Street
Austin, Texas 78751

Dear Commissioner Masters:

Consistent with our correspondence in August 2021, the Office of the Attorney General (OAG) has now confirmed in the enclosed opinion that a number of so-called "sex change" procedures constitute child abuse under existing Texas law. Because the Texas Department of Family and Protective Services (DFPS) is responsible for protecting children from abuse, I hereby direct your agency to conduct a prompt and thorough investigation of any reported instances of these abusive procedures in the State of Texas.

As OAG Opinion No. KP-0401 makes clear, it is already against the law to subject Texas children to a wide variety of elective procedures for gender transitioning, including reassignment surgeries that can cause sterilization, mastectomies, removals of otherwise healthy body parts, and administration of puberty-blocking drugs or supraphysiologic doses of testosterone or estrogen. *See* TEX. FAM. CODE § 261.001(1)(A)–(D) (defining "abuse"). Texas law imposes reporting requirements upon all licensed professionals who have direct contact with children who may be subject to such abuse, including doctors, nurses, and teachers, and provides criminal penalties for failure to report such child abuse. *See id.* §§ 261.101(b), 261.109(a-1). There are similar reporting requirements and criminal penalties for members of the general public. *See id.* §§ 261.101(a), 261.109(a).

Texas law also imposes a duty on DFPS to investigate the parents of a child who is subjected to these abusive gender-transitioning procedures, and on other state agencies to investigate licensed facilities where such procedures may occur. *See* TEX. FAM. CODE § 261.301(a)–(b). To protect Texas children from abuse, DFPS and all other state agencies must follow the law as explained in OAG Opinion No. KP-0401.

Sincerely,

Greg Abbott
Governor

AMERICAN OVERSIGHT

GA:jsd

Enclosure

cc: Ms. Cecile Young, Executive Commissioner, Health and Human Services Commission
Mr. Stephen B. Carlton, Executive Director, Texas Medical Board
Ms. Katherine A. Thomas, Executive Director, Texas Board of Nursing
Dr. Tim Tucker, Executive Director, Texas State Board of Pharmacy
Mr. Darrell Spinks, Executive Director, Texas Behavioral Health Executive Council
Mr. Mike Morath, Commissioner, Texas Education Association
Ms. Cristina Galindo, Chair, Texas State Board of Educator Certification
Ms. Camille Cain, Executive Director, Texas Juvenile Justice Department

AMERICAN OVERSIGHT

From: Gomez,George O. (DFPS)
To: Nunez,Ricky (DFPS)
Subject: FW: Attorney General Opinion
Date: Wednesday, February 23, 2022 9:26:00 PM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

Here's the latest on that topic we just staffed.

Best Regards,

George Gomez
TDFPS, SWI Supervisor II, Unit 14
Su-Th, 9p-5:30a
512.929.6784 ext. 5133
Work Cell: 512.460.8468

From: Black,Stephen D (DFPS) <Stephen.Black@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

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Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Pat Nabours
To:	Nabours,Patricia (DFPS)
Subject:	Abbott letter 02/22/22
Date:	Wednesday, February 23, 2022 8:17:40 PM
Attachments:	O-MastersJaime202202221358.pdf

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Sent from my iPad

AMERICAN OVERSIGHT

From:	Gonzalez,Mario H (DFPS)
To:	Cassett,Jessica M (DFPS); Harris,Jessica (DFPS); Mejia,Priscilla (DFPS); Roberts,Cody (DFPS); Robertson,Christi (DFPS); Wolfe,Kevin (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Wednesday, February 23, 2022 8:02:55 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png

Team, please review. I know there will be lots of opinions. We will talk about it in the morning.

From: Prewitt,Amanda R. (DFPS)
Sent: Wednesday, February 23, 2022 7:45 PM
To: Hickerson,Felicia (DFPS) <Felicia.Hickerson@dfps.texas.gov>; Kirkpatrick,Jennifer (DFPS) <Jennifer.Kirkpatrick@dfps.texas.gov>; Gonzalez,Mario H (DFPS) <Mario.Gonzalez@dfps.texas.gov>; Cole,Monica (DFPS) <Monica.Cole@dfps.texas.gov>; Raschke,Daniel J (DFPS) <Daniel.Raschke@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Please review and share with staff. Please keep in mind if you get any reports of this nature (gender reassignment, transitioning, etc) I need you to immediately notify me of such so I can pass it up the chain. Make sure you are reviewing intakes and that staff know to keep an eye out for this too. This is our current hot topic!

Amanda R. Prewitt
Child Protective Investigations Program Director: Region 4
420 Athens Brick Road, Athens Texas 75751
☎State Cell: 903-368-0064 | ☎Fax: 512-276-3581
☎Report abuse: 1-800-252-5400
✉ E-mail: Amanda.Prewitt@dfps.texas.gov

Texas Department of Family and Protective Services
Child Protective Investigations

From: Liles,Lou R (DFPS) <Lou.Liles@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 6:53 PM
To: Prewitt,Amanda R. (DFPS) <Amanda.Prewitt@dfps.texas.gov>; Phillips,Deirdre (DFPS) <Deirdre.Phillips@dfps.texas.gov>; Peterson,Nicole (DFPS) <Nicole.Peterson@dfps.texas.gov>; Claude,Jennifer L (DFPS) <Jennifer.Claude@dfps.texas.gov>; Chesnut,Andrew (DFPS) <Andrew.Chesnut@dfps.texas.gov>; Boshuizen,Steven (DFPS) <Steven.Boshuizen@dfps.texas.gov>
Subject: Fwd: Attorney General Opinion

If you receive any of these intakes I need to know immediately. Please share with all of your supervisors

From: Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 4:18 PM
To: Liles,Lou R (DFPS)
Subject: Fwd: Attorney General Opinion

AMERICAN OVERSIGHT

From: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:54:57 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
Subject: FW: Attorney General Opinion

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Thanks,
Marta

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Director of Investigation and Alternative Response
512-438-3357
marta.talbert@dfps.texas.gov

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Sent: Wednesday, February 23, 2022 3:46 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: FW: Attorney General Opinion

fyi
Stephen Black
512-960-9352

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512-960-9352

AMERICAN OVERSIGHT

From:	Nava,Tracy L (DFPS Contractor)
To:	Lazalde,Reyna (DFPS Contractor)
Date:	Wednesday, February 23, 2022 7:55:59 PM
Attachments:	Attorney General Opinion How Gender Reassignment is Child Abuse.pdf

Here you go...

Best Regards,

Tracy Nava
S.A.V.E. Intern
817-548-4528
https://www.cptctx.org/save

AMERICAN OVERSIGHT

From:	Prewitt,Amanda R. (DFPS)
To:	Trahan,Kyndall (DFPS); Bailey,Brittany (DFPS); Murphy,Lana (DFPS); Nellar,Pansy (DFPS); Parrott,Katheryn (DFPS); Cameron,Crystal (DFPS); Mczeal,Scheerish A (DFPS)
Cc:	Boshuizen,Steven (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Wednesday, February 23, 2022 7:47:03 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png

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AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

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Date:	Wednesday, February 23, 2022 7:45:31 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png

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✉ E-mail: Amanda.Prewitt@dfps.texas.gov

Texas Department of Family and Protective Services
Child Protective Investigations

From: Liles,Lou R (DFPS) <Lou.Liles@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 6:53 PM
To: Prewitt,Amanda R. (DFPS) <Amanda.Prewitt@dfps.texas.gov>; Phillips,Deirdre (DFPS) <Deirdre.Phillips@dfps.texas.gov>; Peterson,Nicole (DFPS) <Nicole.Peterson@dfps.texas.gov>; Claude,Jennifer L (DFPS) <Jennifer.Claude@dfps.texas.gov>; Chesnut,Andrew (DFPS) <Andrew.Chesnut@dfps.texas.gov>; Boshuizen,Steven (DFPS) <Steven.Boshuizen@dfps.texas.gov>
Subject: Fwd: Attorney General Opinion
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From: Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 4:18 PM
To: Liles,Lou R (DFPS)
Subject: Fwd: Attorney General Opinion

From: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:54:57 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>

AMERICAN OVERSIGHT

Subject: FW: Attorney General Opinion

See email below and attachments—email/attachments sent to SWI staff. I believe we have three right now in the intake stage—or being worked on by SWI. Stephen will send me the case numbers as soon as he has them for us to be aware in order to assist our staff with these cases.

Thanks,

Marta

Marta Talbert

Director of Investigation and Alternative Response

512-438-3357

marta.talbert@dfps.texas.gov

From: Black,Stephen D (DFPS)

Sent: Wednesday, February 23, 2022 3:46 PM

To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>

Subject: FW: Attorney General Opinion

fyi

Stephen Black

512-960-9352

From: Black,Stephen D (DFPS)

Sent: Wednesday, February 23, 2022 3:31 PM

To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>

Subject: Attorney General Opinion

Hello SWI,

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Please consult with your PA regarding any questions you may have.

Stephen Black

SWI Associate Commissioner

512-960-9352

AMERICAN OVERSIGHT

From: Uribe-Woods,JR (DFPS)
To: Moore,Morgan (DFPS)
Subject: FW: Attorney General Opinion
Date: Wednesday, February 23, 2022 7:35:00 PM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf
image002.png

In reply to your text.
Not fully sure what this means for us at SWI, but during the most recent legislative session our policy changed because of Texas law to add PHAB for "sexual reassignment surgery for non-medical purposes." (see #18 under PHAB in CPI Guidelines).
So far I have not seen this situation come up, nor have I heard it come up prior to this change in guidelines. I will discuss further during the unit meeting tonight.

J.R. Uribe-Woods
Statewide Intake Supervisor
Wed-Sat, 7:00pm - 5:30am
(512) 460-8464 *(work cell)*
(512) 929-6405 *(office)*

Texas Department of Family and Protective Services
Statewide Intake

From: Black,Stephen D (DFPS) <Stephen.Black@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

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Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Corbitt,Melisha (DFPS)
To:	Melisha.corbitt@gmail.com
Subject:	Fw: Attorney General Opinion
Date:	Wednesday, February 23, 2022 7:26:00 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

---

From: Black,Stephen D (DFPS) <Stephen.Black@dfps.texas.gov>

Sent: Wednesday, February 23, 2022 3:30 PM

To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>

Subject: Attorney General Opinion

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SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Chesnut,Andrew (DFPS)
To:	Hurley,Lesley M (DFPS); Miller,Sarah D. (DFPS); Rojas,Francisca (DFPS); Sartain,Brittani M (DFPS); Stutts,Jeremy R (DFPS)
Subject:	Fw: Attorney General Opinion
Date:	Wednesday, February 23, 2022 7:13:12 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

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Sent: Wednesday, February 23, 2022 6:53 PM
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Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Peterson,Nicole (DFPS)
To:	Baker,Tonya (DFPS); Brunson,Bethany A (DFPS); Estrada,Sara (DFPS); Harry,Jessica (DFPS); Woods,Dana (DFPS); Johnson,Melinda (DFPS)
Subject:	Fwd: Attorney General Opinion
Date:	Wednesday, February 23, 2022 6:58:23 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

---

From: Liles,Lou R (DFPS) <Lou.Liles@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 6:53:01 PM
To: Prewitt,Amanda R. (DFPS) <Amanda.Prewitt@dfps.texas.gov>; Phillips,Deirdre (DFPS) <Deirdre.Phillips@dfps.texas.gov>; Peterson,Nicole (DFPS) <Nicole.Peterson@dfps.texas.gov>; Claude,Jennifer L (DFPS) <Jennifer.Claude@dfps.texas.gov>; Chesnut,Andrew (DFPS) <Andrew.Chesnut@dfps.texas.gov>; Boshuizen,Steven (DFPS) <Steven.Boshuizen@dfps.texas.gov>
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AMERICAN OVERSIGHT

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512-960-9352

AMERICAN OVERSIGHT

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Subject:	Fwd: Attorney General Opinion
Date:	Wednesday, February 23, 2022 6:53:31 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

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Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Barker-White,Thomas M (DFPS)
To:	Hardie,Sherrie F (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Wednesday, February 23, 2022 6:15:00 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

Reading through the legalese, we're taking a case if the parents are surgically or chemically supporting transition. Does that sound about right?

Thomas Barker-White
SWI Supervisor
Sun, Mon, Wed, Thur 2p – 12:30a
State Cell: 512-460-8438

From: Black,Stephen D (DFPS) <Stephen.Black@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

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SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From: Cunningham,Michelle S (DFPS)
To: Tyler,Michelle L (DFPS); Ross,Jarlene (DFPS)
Cc: Boubel,Rebecca (DFPS)
Subject: FW: Attorney General Opinion
Date: Wednesday, February 23, 2022 5:57:26 PM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

Fyi….

Michelle Cunningham, MSW
Child Protective Investigations
Regional Director (R8)
10223 Nacogdoches Rd.
San Antonio, Texas
Office phone 210-871-3106
Cell Phone 830-433-0924

NOTICE: There has been a change to my email address. Effective immediately, my new email address is: **Michelle.Cunningham@dfps.texas.gov**

From: Talbert,Marta L (DFPS)
Sent: Wednesday, February 23, 2022 3:55 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
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marta.talbert@dfps.texas.gov

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Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Allen,Brenda O (DFPS)
To:	Stancik,Abigail (DFPS); Malrey,Kristi D (DFPS); Ball,Tommy (DFPS); Jeter,Scott M. (DFPS); Shavers,Christin L. (DFPS); Perez,Maria C (DFPS); Gonzalez,Brenda N (Region 08) (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Wednesday, February 23, 2022 4:24:00 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

Please do not discuss this with your staff yet. We will have a meeting tomorrow to discuss this and then you can share info with your staff.

Brenda Allen
SWI Screener Program Administrator
Cell: 281-782-8934

From: Black,Stephen D (DFPS) <Stephen.Black@dfps.texas.gov>

Sent: Wednesday, February 23, 2022 3:31 PM

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AMERICAN OVERSIGHT

From: Gailes,Keith D (DFPS)
To: Liles,Lou R (DFPS)
Subject: Fwd: Attorney General Opinion
Date: Wednesday, February 23, 2022 4:18:04 PM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

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AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

From:	Reeves,Natalie (DFPS)
To:	Salinas,Alex (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Wednesday, February 23, 2022 4:00:00 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

---

Natalie Reeves, LPC-S, LCCA
Deputy Director of Investigations & Alternative Response
512.929.6913
Natalie.Reeves@dfps.texas.gov

From: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:55 PM
To: Green,Jerome (DFPS) <Jerome.Green@dfps.texas.gov>; Reeves,Natalie (DFPS) <Natalie.Reeves@dfps.texas.gov>
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From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

Hello SWI,

A legal opinion was released by the AG's office on February 21, 2022. The governor subsequently provided further direction to DFPS to these reported matters.

Those two documents are attached to this communication which gives guidance and direction regarding how the department is to handle intakes related to gender transitioning.

Please consult with your PA regarding any questions you may have.

Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Talbert,Marta L (DFPS)
To:	Harmon,Tonya (DFPS); Gilbert,Matthew (DFPS); Toni Sutton (DFPS; Gailes,Keith D (DFPS); Wharton,Jarita N (DFPS); Sanders,Monica L (DFPS); Guyton,Lisa M (DFPS); Cunningham,Michelle S (DFPS); Baquero,Myrna I (DFPS); Yzaguirre,Marina C (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Wednesday, February 23, 2022 3:55:35 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

See email below and attachments—email/attachments sent to SWI staff. I believe we have three right now in the intake stage—or being worked on by SWI. Stephen will send me the case numbers as soon as he has them for us to be aware in order to assist our staff with these cases.
Thanks,
Marta

Marta Talbert
Director of Investigation and Alternative Response
512-438-3357
marta.talbert@dfps.texas.gov

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:46 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: FW: Attorney General Opinion

fyi
Stephen Black
512-960-9352

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

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Stephen Black
SWI Associate Commissioner
512-960-9352

NOTICE: There has been a change to my email address. Effective immediately, my new email address is: **Marta.Talbert@dfps.texas.gov.**

AMERICAN OVERSIGHT

From: Talbert,Marta L (DFPS)
To: Green,Jerome (DFPS); Reeves,Natalie (DFPS)
Subject: FW: Attorney General Opinion
Date: Wednesday, February 23, 2022 3:55:00 PM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

Marta Talbert
Director of Investigation and Alternative Response
512-438-3357
marta.talbert@dfps.texas.gov

From: Talbert,Marta L (DFPS)
Sent: Wednesday, February 23, 2022 3:55 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; 'Toni Sutton (DFPS' <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
Subject: FW: Attorney General Opinion

See email below and attachments—email/attachments sent to SWI staff. I believe we have three right now in the intake stage—or being worked on by SWI. Stephen will send me the case numbers as soon as he has them for us to be aware in order to assist our staff with these cases.
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To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: FW: Attorney General Opinion

fyi
Stephen Black
512-960-9352

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

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AMERICAN OVERSIGHT

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Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Talbert,Marta L (DFPS)
To:	Harmon,Tonya (DFPS); Gilbert,Matthew (DFPS); Toni Sutton (DFPS; Gailes,Keith D (DFPS); Wharton,Jarita N (DFPS); Sanders,Monica L (DFPS); Guyton,Lisa M (DFPS); Cunningham,Michelle S (DFPS); Baquero,Myrna I (DFPS); Yzaguirre,Marina C (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Wednesday, February 23, 2022 3:54:00 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

See email below and attachments—email/attachments sent to SWI staff. I believe we have three right now in the intake stage—or being worked on by SWI. Stephen will send me the case numbers as soon as he has them for us to be aware in order to assist our staff with these cases.
Thanks,
Marta

Marta Talbert
Director of Investigation and Alternative Response
512-438-3357
marta.talbert@dfps.texas.gov

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:46 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: FW: Attorney General Opinion

fyi
Stephen Black
512-960-9352

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

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Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From: Holiday,Kelley (DFPS)
To: Steinberg,Christine D (DFPS)
Subject: FW: Attorney General Opinion
Date: Wednesday, February 23, 2022 3:50:00 PM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

I wish this had not been sent out. People are immediately going to ask “so what does this mean to us”. It should have come through PPM with updated intake guidelines and assessment guidance. Does the mere existence of one of these procedures meet the legal definition or do we have to have the impact on the minor for EMAB like any other EMAB intake?
Just because it “could have” an emotional impact, so could ***not*** doing it.
Kelley

From: Black,Stephen D (DFPS) <Stephen.Black@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

Hello SWI,
A legal opinion was released by the AG’s office on February 21, 2022. The governor subsequently provided further direction to DFPS to these reported matters.
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Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Black,Stephen D (DFPS)
To:	Talbert,Marta L (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Wednesday, February 23, 2022 3:45:54 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

fyi
Stephen Black
512-960-9352

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

Hello SWI,
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Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From: Mcmillen,Lydia (DFPS)
To: [redacted]
Subject: FW: Attorney General Opinion
Date: Wednesday, February 23, 2022 3:32:00 PM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf
image001.png
image003.png

Lydia McMillen, PSIS IV
Sat, Tues-Fri. 6 a.m.-3:30 p.m.
Texarkana Office
Cell: 903-717-2727

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

Hello SWI,
A legal opinion was released by the AG's office on February 21, 2022. The governor subsequently provided further direction to DFPS to these reported matters.
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Please consult with your PA regarding any questions you may have.
Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Black,Stephen D (DFPS)
To:	DL DFPS SWI AUST0193
Subject:	Attorney General Opinion
Date:	Wednesday, February 23, 2022 3:31:15 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

Hello SWI,
A legal opinion was released by the AG's office on February 21, 2022. The governor subsequently provided further direction to DFPS to these reported matters.
Those two documents are attached to this communication which gives guidance and direction regarding how the department is to handle intakes related to gender transitioning.
Please consult with your PA regarding any questions you may have.
Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From: Quevison,Jaya (DFPS)
To: Irving,Angela C (DFPS)
Subject: FW: News Clips 2/23/2022
Date: Wednesday, February 23, 2022 3:29:00 PM

From: Upchurch,Rebecca (DFPS)
Sent: Wednesday, February 23, 2022 2:18 PM
To: Amin,Tammy L (DFPS) <Tammy.Amin@dfps.texas.gov>; Emmrich,Rebecca (DFPS) <Rebecca.Emmrich@dfps.texas.gov>; Holiday,Goodman W (DFPS) <Goodman.Holiday@dfps.texas.gov>; Holley,Sara N (DFPS) <Sara.Holley@dfps.texas.gov>; Lucero,Rebecca (DFPS) <Rebecca.Lucero@dfps.texas.gov>; Mcmillen,Lydia (DFPS) <Lydia.Mcmillen@dfps.texas.gov>; Quevison,Jaya (DFPS) <Jaya.Quevison@dfps.texas.gov>; Sterling,Andrea (DFPS) <Andrea.Sterling@dfps.texas.gov>; Strand,Hillary L (DFPS) <Hillary.Strand2@dfps.texas.gov>; Upchurch,Rebecca (DFPS) <Rebecca.Upchurch@dfps.texas.gov>
Subject: FW: News Clips 2/23/2022

FYI

From: Melcer,Janine F (DFPS) <Janine.Melcer@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 10:31 AM
To: Upchurch,Rebecca (DFPS) <Rebecca.Upchurch@dfps.texas.gov>; Steinberg,Mathew (DFPS) <Mathew.Steinberg@dfps.texas.gov>; Wells,Karen L (DFPS) <Karen.Wells@dfps.texas.gov>; Liles,Blair (DFPS) <Blair.Liles@dfps.texas.gov>; Lazaro,Deborah (DFPS) <Deborah.Lazaro@dfps.texas.gov>; Koppelman,Margaret (DFPS) <Margaret.Koppelman@dfps.texas.gov>; Martinez,Dalila (DFPS) <Dalila.Martinez@dfps.texas.gov>; Lopez,Abelardo (DFPS) <Abelardo.Lopez@dfps.texas.gov>; Lopez,Abelardo (DFPS) <Abelardo.Lopez@dfps.texas.gov>
Subject: FW: News Clips 2/23/2022

From: Black,Stephen D (DFPS) <Stephen.Black@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 10:30:37 AM (UTC-06:00) Central Time (US & Canada)
To: Allen,Brenda O (DFPS) <Brenda.Allen@dfps.texas.gov>; Berthot,Amanda (DFPS) <Amanda.Berthot@dfps.texas.gov>; Bethel,Sonja E (DFPS) <Sonja.Bethel@dfps.texas.gov>; Demars,Amanda (DFPS) <Amanda.Demars@dfps.texas.gov>; Hardie,Sherrie F (DFPS) <Sherrie.Hardie@dfps.texas.gov>; Imhoff,Larry (DFPS) <Larry.Imhoff@dfps.texas.gov>; Melcer,Janine F (DFPS) <Janine.Melcer@dfps.texas.gov>; Steinberg,Mathew (DFPS) <Mathew.Steinberg@dfps.texas.gov>; Zappler,Dina (DFPS) <Dina.Zappler@dfps.texas.gov>
Subject: FW: News Clips 2/23/2022

fyi
Stephen Black
512-960-9352

From: Crimmins,Patrick (DFPS) <PATRICK.CRIMMINS@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 10:25 AM
To: Olah,Tara (DFPS) <Tara.Olah@dfps.texas.gov>; Black,Stephen D (DFPS) <Stephen.Black@dfps.texas.gov>; Dryden,Deneen (DFPS) <Deneen.Dryden@dfps.texas.gov>; Frank,Julie (DFPS) <Julie.Frank@dfps.texas.gov>; Kanne,Lisa M (DFPS) <Lisa.Kanne@dfps.texas.gov>; Kozikoujekian,Vicki (DFPS) <Vicki.Kozikoujekian@dfps.texas.gov>; Lawson,Corliss (DFPS) <Corliss.Lawson@dfps.texas.gov>; Martinez,Jose A (DFPS) <Jose.Martinez@dfps.texas.gov>; Masters,Jaime D (DFPS) <Jaime.Masters@dfps.texas.gov>; Mency,Eric (DFPS)

AMERICAN OVERSIGHT

<Eric.Mency@dfps.texas.gov>; Rasco,Sasha (DFPS) <Sasha.Rasco@dfps.texas.gov>; Richman,Robert (DFPS) <Robert.Richman@dfps.texas.gov>; Watson,Chance R (DFPS) <Chance.Watson@dfps.texas.gov>; Wold,Kezeli A (DFPS) <Kezeli.Wold@dfps.texas.gov>
Subject: News Clips 2/23/2022

Texas Department of Family and Protective Services

DFPS News Clips

February 23, 2022
(Full stories reprinted below for your convenience)

Dallas Morning News

Texas Gov. Abbott: Agencies must investigate gender-affirming care for trans kids as 'child abuse'

Confusion, defiance mark reactions to new interpretation of state law targeting certain medical treatments for transgender children.
https://www.dallasnews.com/news/politics/2022/02/22/texas-gov-abbott-agencies-must-investigate-gender-affirming-care-for-trans-kids-as-child-abuse/

Houston Chronicle

Texas CPS says it will treat hormone treatments for transgender kids as possible child abuse

https://www.houstonchronicle.com/politics/texas/article/abbott-paxton-gender-affirming-care-child-abuse-16938490.php

NBC – News

Texas AG says transition care for minors is child abuse under state law

Advocates say Ken Paxton's opinion is politically motivated, but that it could have grave consequences for trans youth and their families.
https://www.nbcnews.com/nbc-out/out-politics-and-policy/texas-ag-says-transition-care-minors-child-abuse-state-law-rcna17176

New York Post

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Texas parents may be guilty of ‘child abuse’ if they help kids transition: AG

https://nypost.com/2022/02/22/texas-ag-its-abuse-if-parents-help-kids-transition-genders/

The Texan

Abbott Directs DFPS to Investigate Use of Puberty Blockers as Child Abuse After Attorney General Opinion

Abbott had previously promised to issue the DFPS directive once Attorney General Ken Paxton finished an opinion on the topic.

https://thetexan.news/abbott-directs-dfps-to-investigate-use-of-puberty-blockers-as-child-abuse-after-attorney-general-opinion/

CBN- TV

TX Attorney General: Puberty-Blockers and 'Sex-Changes' on Children Are Child Abuse Under State Law

https://www1.cbn.com/cbnnews/2022/february/tx-attorney-general-puberty-blockers-and-sex-changes-on-children-are-child-abuse-under-state-law

KXAN-TV

Abbott says parents, doctors should face ‘abuse’ investigations for transgender health care

https://www.kxan.com/news/texas-politics/abbott-says-parents-doctors-should-face-abuse-investigations-for-transgender-health-care/

KEYE-TV and KFOX-TV

Gov. Abbott directs DFPS to investigate gender transition procedure as child abuse

https://cbsaustin.com/news/local/gov-abbott-directs-dfps-to-investigate-gender-transition-procedure-as-child-abuse-texas-sex-change-sexchange-gregabbott-texas-elpaso-childabuse

WOAI-TV

Gov. Abbott directs DFPS to investigate gender-transitioning procedures as child abuse

https://news4sanantonio.com/news/local/gov-abbott-directs-dfps-to-investigate-gender-transitioning-procedures-as-child-abuse-department-family-protective-services-attorney-

AMERICAN OVERSIGHT

From: Ficke Kevin (DFPS)
To: Galvan Raquel R (DFPS)
Subject: Fwd: New AG Opinion/DFPS
Date: Wednesday, February 23, 2022 3:07:52 PM
Attachments: kp-0401_0.pdf
image001.png
image002.png

See below

From: Vela,Robert J (DFPS) <Robert.Vela@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 8:47 AM
To: Turner,Andrea D (DFPS); Ficke,Kevin (DFPS); Ruiz,Robert (DFPS); Madsen,Clint (DFPS); Enriquez,Eduardo (DFPS)
Subject: FW: New AG Opinion/DFPS

Good Morning,
Please see below regarding AG's opinion on child abuse on sex changes of minors.
Thanks,
Robert J. Vela
Regional Director - Special Investigations Division
Regions 8 and 11
1919 Austin Avenue
McAllen, Texas 78501
Cell (956)279-5798
Office (956)664-4882

CONFIDENTIALITY NOTICE: This electronic transmission and any attachments constitute confidential information which is intended only for the named recipient(s) and may be legally privileged. If you have received this communication in error, please contact the sender above immediately. Any disclosure, copying, and distribution or the taking of any action concerning the contents of this communication by anyone other than the named recipient(s) is strictly prohibited.

From: Phillips,Kathleen V (DFPS)
Sent: Wednesday, February 23, 2022 7:11 AM
To: Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>; Amaro,Kristy (DFPS) <Kristy.Amaro@dfps.texas.gov>; Cano,Martha J (DFPS) <Martha.Cano@dfps.texas.gov>; Escaname,Belinda (DFPS) <Belinda.Escaname@dfps.texas.gov>; Guerra,Betzabel (DFPS) <Betzabel.Guerra@dfps.texas.gov>; Rangel,Rey (DFPS) <Rey.Rangel@dfps.texas.gov>; Requenez,Janie I (DFPS) <Janie.Requenez@dfps.texas.gov>; Rodriguez,Leticia G (DFPS) <Leticia.Rodriguez@dfps.texas.gov>; Salinas,Patricia (DFPS) <Patricia.Salinas@dfps.texas.gov>; Salinas-Maldonado,Olga (DFPS) <Olga.Salinas-Maldonado@dfps.texas.gov>; Shives,Jovita M (DFPS) <Jovita.Shives@dfps.texas.gov>
Cc: Vela,Robert J (DFPS) <Robert.Vela@dfps.texas.gov>; Barrera,Denise S (DFPS) <Denise.Barrera@dfps.texas.gov>
Subject: RE: New AG Opinion/DFPS

I have attached the opinion.
Kathy Phillips
Managing Attorney
Region 11
Texas Department of Family and Protective Services
361-878-7481 Office
361-944-1824 Cell
kathleen.phillips@dfps.texas.gov
CONFIDENTIALITY NOTICE: *This message and all attachments are confidential and may be protected by the attorney-client or other privileges. Any review, use, disclosure, or distribution by persons other than the intended recipient is prohibited and may be unlawful. If you believe this message has been sent to you in error, please notify the sender and*

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delete this message and copy of it (in any form) without disclosing it. Unless expressly stated in this e-mail, nothing in this message should be construed as a digital or electronic signature.

From: Yzaguirre,Marina C (DFPS)
Sent: Tuesday, February 22, 2022 4:28 PM
To: Amaro,Kristy (DFPS) <Kristy.Amaro@dfps.texas.gov>; Cano,Martha J (DFPS) <Martha.Cano@dfps.texas.gov>; Escaname,Belinda (DFPS) <Belinda.Escaname@dfps.texas.gov>; Guerra,Betzabel (DFPS) <Betzabel.Guerra@dfps.texas.gov>; Rangel,Rey (DFPS) <Rey.Rangel@dfps.texas.gov>; Requenez,Janie I (DFPS) <Janie.Requenez@dfps.texas.gov>; Rodriguez,Leticia G (DFPS) <Leticia.Rodriguez@dfps.texas.gov>; Salinas,Patricia (DFPS) <Patricia.Salinas@dfps.texas.gov>; Salinas-Maldonado,Olga (DFPS) <Olga.Salinas-Maldonado@dfps.texas.gov>; Shives,Jovita M (DFPS) <Jovita.Shives@dfps.texas.gov>
Cc: Vela,Robert J (DFPS) <Robert.Vela@dfps.texas.gov>; Barrera,Denise S (DFPS) <Denise.Barrera@dfps.texas.gov>; Phillips,Kathleen V (DFPS) <Kathleen.Phillips@dfps.texas.gov>
Subject: FW: New AG Opinion/DFPS

Fyi---please be sure to escalate up to your PA and me if one of these kinds of cases presents itself in our region.

Thanks!

MARINA YZAGUIRRE, MSSW
Child Protective Investigations
Regional Director
Region 11
Edinburg, Tx 78539
Off. 956-316-8238
Mbl. 956-802-4921

Texas Department of
Family and Protective Services

From: Talbert,Marta L (DFPS)
Sent: Tuesday, February 22, 2022 11:56 AM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
Subject: FW: New AG Opinion/DFPS

fyi

Marta Talbert
Director of Investigation and Alternative Response
512-438-3357
marta.talbert@dfps.texas.gov

From: Crimmins,Patrick (DFPS)
Sent: Monday, February 21, 2022 3:41 PM
To: Black,Stephen D (DFPS) <Stephen.Black@dfps.texas.gov>; Dryden,Deneen (DFPS) <Deneen.Dryden@dfps.texas.gov>; Frank,Julie (DFPS) <Julie.Frank@dfps.texas.gov>; Kanne,Lisa M (DFPS) <Lisa.Kanne@dfps.texas.gov>; Kozikoujekian,Vicki (DFPS) <Vicki.Kozikoujekian@dfps.texas.gov>; Lawson,Corliss (DFPS) <Corliss.Lawson@dfps.texas.gov>; Martinez,Jose A (DFPS) <Jose.Martinez@dfps.texas.gov>; Masters,Jaime D (DFPS) <Jaime.Masters@dfps.texas.gov>; Mency,Eric (DFPS) <Eric.Mency@dfps.texas.gov>; Rasco,Sasha (DFPS) <Sasha.Rasco@dfps.texas.gov>; Richman,Robert (DFPS) <Robert.Richman@dfps.texas.gov>; Watson,Chance R (DFPS) <Chance.Watson@dfps.texas.gov>; Wold,Kezeli A (DFPS) <Kezeli.Wold@dfps.texas.gov>
Cc: Gonzales,Marissa L (DFPS) <Marissa.Gonzales@dfps.texas.gov>; Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: RE: New AG Opinion/DFPS

AMERICAN OVERSIGHT

Here is text of press release if link won't work

AG Paxton Declares So-Called Sex-Change Procedures on Children and Prescription of Puberty Blockers to be "Child Abuse" Under Texas Law

AUSTIN – Attorney General Ken Paxton released a formal attorney general opinion concluding that performing certain "sex-change" procedures on children, and prescribing puberty-blockers to them, is "child abuse" under Texas law. The holding comes at a critical time when more and more Texans are seeing the horrors that flow from the merging of medicine and misguided ideology.

Specifically, the opinion concludes that certain procedures done on minors such as castration, fabrication of a "penis" using tissue from other body parts, fabrication of a "vagina" involving the removal of male sex organs, prescription of puberty-suppressors and infertility-inducers, and the like are all "abuse" under section 261.001 of the Texas Family Code.

"There is no doubt that these procedures are 'abuse' under Texas law, and thus must be halted," said Attorney General Paxton. "The Texas Department of Family and Protective Services (DFPS) has a responsibility to act accordingly. I'll do everything I can to protect against those who take advantage of and harm young Texans."

This opinion comes after Attorney General Paxton opined in an October 2019 letter to DFPS, stating that the "transition" of James Younger—the biological male son of Jeff Younger—to a "female" through puberty-blocking drugs, among other things, was "abuse" under at least three definitions set out in the Family Code, and that DFPS, therefore, had an independent duty to investigate.

The opinion also follows Gov. Abbott's August 2021 letter to DFPS requesting a determination of "whether genital mutilation of a child for purposes of gender transitioning through reassignment surgery constitutes child abuse." The Commissioner of DFPS replied that "genital mutilation of a child through reassignment surgery is child abuse."

Read the opinion here.

From: Crimmins,Patrick (DFPS)

Sent: Monday, February 21, 2022 3:02 PM

To: Black,Stephen D (DFPS) <Stephen.Black@dfps.texas.gov>; Dryden,Deneen (DFPS) <Deneen.Dryden@dfps.texas.gov>; Frank,Julie (DFPS) <Julie.Frank@dfps.texas.gov>; Kanne,Lisa M (DFPS) <Lisa.Kanne@dfps.texas.gov>; Kozikoujekian,Vicki (DFPS) <Vicki.Kozikoujekian@dfps.texas.gov>; LAWSON,corliss <corliss.lawson@dfps.texas.gov>; Martinez,Jose A (DFPS) <Jose.Martinez@dfps.texas.gov>; Masters,Jaime D (DFPS) <Jaime.Masters@dfps.texas.gov>; Mency,Eric (DFPS) <Eric.Mency@dfps.texas.gov>; Rasco,Sasha (DFPS) <Sasha.Rasco@dfps.texas.gov>; Richman,Robert (DFPS) <Robert.Richman@dfps.texas.gov>; Watson,Chance R (DFPS) <Chance.Watson@dfps.texas.gov>; Wold,Kezeli A (DFPS) <Kezeli.Wold@dfps.texas.gov>

Cc: Gonzales,Marissa L (DFPS) <Marissa.Gonzales@dfps.texas.gov>; Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>

Subject: New AG Opinion/DFPS

Hi Commissioner – the media has contacted me about the AG's new opinion, which he has publicized in a press release (below). Our comment is that we will be reviewing……

Patrick

https://mail.google.com/mail/u/0/#inbox/FMfcgzGmvBpdjpHcwNrpCmxpxvvWdjWP

https://texasattorneygeneral.gov/sites/default/files/global/KP-0401.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=

Patrick

Patrick Crimmins
Director of Communications
Texas Department of Family and Protective Services
(512) 929-6727 office
(512) 787-5090 cell

AMERICAN OVERSIGHT

From:	Melcer,Janine F (DFPS)
To:	Allen,Brenda O (DFPS)
Subject:	FW: Message to Staff
Date:	Wednesday, February 23, 2022 2:55:50 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

---

Janine Melcer, SWI PA
512-960-9273 (business cell)
512-929-6970 (office)
Department of Family and Protective Services Statewide Intake (SWI)

From: Hardie,Sherrie F (DFPS)
Sent: Wednesday, February 23, 2022 2:54 PM
To: Black,Stephen D (DFPS) <Stephen.Black@dfps.texas.gov>; Melcer,Janine F (DFPS) <Janine.Melcer@dfps.texas.gov>; Steinberg,Mathew (DFPS) <Mathew.Steinberg@dfps.texas.gov>; Zappler,Dina (DFPS) <Dina.Zappler@dfps.texas.gov>; Berthot,Amanda (DFPS) <Amanda.Berthot@dfps.texas.gov>
Subject: FW: Message to Staff

This looks to be a good message.
Sherrie

From: Black,Stephen D (DFPS) <Stephen.Black@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 2:53 PM
To: Hardie,Sherrie F (DFPS) <Sherrie.Hardie@dfps.texas.gov>; Melcer,Janine F (DFPS) <Janine.Melcer@dfps.texas.gov>; Steinberg,Mathew (DFPS) <Mathew.Steinberg@dfps.texas.gov>; Zappler,Dina (DFPS) <Dina.Zappler@dfps.texas.gov>
Cc: Berthot,Amanda (DFPS) <Amanda.Berthot@dfps.texas.gov>
Subject: Message to Staff

A legal opinion was released by the AG's office on February 21, 2022. The governor subsequently provided further direction to DFPS to these reported matters.
Those two documents are attached to this communication which gives guidance and direction regarding how the department is to handle intakes related to gender transitioning.
Please consult with your PA regarding any questions you may have.
Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From: Jones,Stacie (DFPS)
To: Jones,Stacie (DFPS)
Subject: Gov Abbott
Date: Wednesday, February 23, 2022 2:53:38 PM
Attachments: O-MastersJaime202202221358.pdf

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https://gov.texas.gov/uploads/files/press/O-MastersJaime202202221358.pdf

Stacie Michel Jones LMSW

AMERICAN OVERSIGHT

From:	Black,Stephen D (DFPS)
To:	Hardie,Sherrie F (DFPS); Melcer,Janine F (DFPS); Steinberg,Mathew (DFPS); Zappler,Dina (DFPS)
Cc:	Berthot,Amanda (DFPS)
Subject:	Message to Staff
Date:	Wednesday, February 23, 2022 2:52:48 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

---

A legal opinion was released by the AG's office on February 21, 2022. The governor subsequently provided further direction to DFPS to these reported matters.

Those two documents are attached to this communication which gives guidance and direction regarding how the department is to handle intakes related to gender transitioning.

Please consult with your PA regarding any questions you may have.

Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From: Nava,Tracy L (DFPS Contractor)
To: Florey,Dawn K (DFPS)
Subject: Re: policy-if you don"t like this one let me know
Date: Wednesday, February 23, 2022 2:12:00 PM
Attachments: Attorney General Opinion How Gender Reassignment is Child Abuse.pdf

---

I read the one you sent me, and I have also attached another interesting read I found about how gender reassignment surgery could be considered child abuse under the current legislature (I found it on social media, it is getting a lot of attention there).

I will be ready to discuss both tomorrow.

Best Regards

Tracy Nava
S.A.V.E. Intern
817-548-4528
https://www.cptctx.org/save

From: Florey,Dawn K (DFPS) <Dawn.Florey@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 10:25 AM
To: Nava,Tracy L (DFPS Contractor) <Tracy.Nava@dfps.texas.gov>
Subject: policy-if you don't like this one let me know

7000 Background Checks for DFPS Volunteers and Interns

Background Checks September 2019

The DFPS Background Checks program completes background checks on DFPS volunteers and interns.
A background check has two parts, as follows:
• A Texas name-based criminal history check.
• A DFPS history check.
If a background check reveals any criminal or DFPS history for a person, the Background Checks staff considers the history to determine whether the potential volunteer or intern would put DFPS clients or resources at risk. See 7430 Risk Assessment for the criteria for assessing risk.
The Background Checks staff also does an FBI criminal history check in certain circumstances. See 7210 FBI Criminal History Check.
A person who has cleared a background check under another DFPS Background Checks policy is also required to clear a background check under this policy before being allowed to volunteer or intern with DFPS.

7320 Criminal History

Background Checks September 2019

The Background Checks staff uses the charts in Appendix 3000-1: Criminal History Chart for DFPS Employees, Volunteers, Interns, Prospective Employees, and Non-DFPS Staff to determine whether to allow a person to

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volunteer or intern with DFPS.

References to DFPS employment in the charts also apply to volunteering and interning.

The charts indicate the following:

- The criminal convictions that are absolute bars to DFPS employment. These convictions cause a person to be ineligible to volunteer or intern with DFPS.
- The criminal convictions that are likely or possible contraindications to DFPS employment. These convictions require further review (risk assessment) to determine whether the person is eligible to volunteer or intern with DFPS. See 7430 Risk Assessment.

2440 Assessing the Results of Background Checks

2441 Assessing DFPS and Criminal History Records

Background Checks February 2018

BC makes its initial determination about whether to allow direct contact with DFPS clients based on the following determination charts:

Appendix 2000-1: PCS Background Check Criminal History Chart
Appendix 2000-2: PCS Background Check DFPS History Chart

The charts indicate:

- the criminal convictions that are absolute bars to direct contact with DFPS clients;
- the criminal convictions that are eligible for a risk evaluation;
- the DFPS findings on abuse, neglect, or exploitation that are absolute bars to direct contact with DFPS clients;
- the DFPS findings on abuse, neglect, or exploitation that are contraindications to direct contact with DFPS clients; and
- the DFPS findings on abuse, neglect, or exploitation that are cleared.

Although DFPS background checks determine whether a PCS contractor's staff person may or may not have direct contact with DFPS clients, the determination does not prohibit the contractor's staff person from remaining employed or volunteering with the contractor. The decision to hire, terminate employment, or remove a volunteer is made at the discretion of the contractor; however, the contractor ensures that staff who are not cleared by DFPS have no direct contact with DFPS clients.

2442 Assessing Sex Offender Registry Records

Background Checks February 2018

BC receives information regarding sex offender registration as part of the criminal history background check process. If the subject of a PCS background check is currently a registered sex offender in Texas or any other state, this person will be barred from direct contact with DFPS clients or client information.

2443 Assessing Juvenile History Records

Background Checks February 2018

DFPS receives certain juvenile history records from DPS and the FBI in the course of conducting a criminal background check.

BC reviews juvenile history records and assesses the risk to clients based on the following factors:

- the age of the victim, if applicable;
- the age of the juvenile at the time of the incident noted in the juvenile

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history;
- the length of time since the incident occurred;
- the severity of the incident in the juvenile history;
- whether the incident would justify a bar according to this background check policy, if the incident is similar to an adult crime;
- a pattern of any type of juvenile history or adult criminal history;
- the role that the PCS contractor or contractor's staff person played in the incident;
- the current position and responsibilities of the contractor or the contractor's staff person;
- the contractor's history of compliance with DFPS policies;
- whether the contractor or contractor's staff person has taken any measures toward rehabilitation; and
- whether any additional factors mitigate the risk to DFPS clients.

If BC determines that there is a risk of immediate harm because of the juvenile history, BC consults with DFPS legal staff to seek approval to take action; that is to:

- require the contractor to submit a risk evaluation on the person who is the subject of the juvenile history; or
- inform the contactor that the subject of the juvenile history cannot have direct contact with DFPS clients.

2444 Assessing Incomplete, Inconclusive, or Contested Criminal History Records

Background Checks February 2018

BC notifies PCS contractors about incomplete or inconclusive criminal history records that require further action. Subjects of a background check have the opportunity to contest the results of a check that BC has identified as belonging to them.

BC makes a final determination about a background check only after issues related to incomplete, inconclusive, or contested criminal history records have been resolved.

Incomplete Records

To resolve incomplete criminal history records, contractors must provide BC with documentation from the applicable Texas court, county attorney, district attorney, or arresting agency.

Inconclusive Records

An inconclusive criminal history record is one that BC is unable to confirm as belonging to the subject of the background check, based on the information available.

To resolve inconclusive criminal history records, BC may require a PCS contractor or contractor's staff person to submit to a fingerprint-based criminal history check.

Contested Records

If the subject of a background check indicates that the criminal history provided from either the DPS or the FBI does not belong to him or her, DFPS staff explain to the person that he or she may formally contest the information.

For information on reviewing and contesting Texas name-based criminal history results, see:

Criminal History Error Resolution*External Link*

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Crime Records Service*PDF Document**External Link*

For information on reviewing and contesting FBI results, see:

Identification Record Request / Criminal Background Check*External Link*

Challenge of a Criminal Record*External Link*

The subject of the background check may also direct questions to BC representative who sent notification about the results of the background check.

2450 Making a Determination

2451 Cleared

Background Checks February 2021

A background check is cleared when the results show the following:

- No record of crimes that DFPS monitors.
- No record of sex offender registration.
- No DFPS history that contraindicates direct contact with DFPS clients.

DFPS does not notify the contractor about crimes that are not listed on the PCS Background Check Criminal History Chart or not monitored by DFPS.

When Background Checks staff determines that a background check is clear, they electronically notify the ABCS requestor or contractor.

2452 Absolute Bar

Background Checks February 2021

Background Checks staff notifies the contractor if he or she determines that any of the following is true about a PCS contractor or contractor's employee:

- He or she is a registered sex offender.
- He or she as a criminal conviction or history of abuse, neglect, or exploitation that justifies an absolute bar on direct contact with DFPS clients.

2453 Eligible for a Risk Evaluation on DPS Criminal History

Background Checks February 2021

The contractor may request a risk evaluation for a person who has a DPS criminal conviction that is noted as eligible in Appendix 2000-1: PCS Background Check Criminal History Chart. Background Checks staff completes a risk evaluation for DPS Criminal History to determine whether the crime poses a risk to the health or safety of children and therefore justifies a bar to direct contact with DFPS clients.

DFPS also reserves the right to determine that a risk evaluation for DPS Criminal History is required, if the subject has a history of either of the following:

- Certain juvenile incidents or crimes.
- Adult crimes not included in Appendix 2000-1: PCS Background Check Criminal History Chart.

If a DPS criminal conviction is eligible for a risk evaluation or Background Checks staff determines that a risk evaluation is required, Background Checks staff does the following:

- Sends a notification letter electronically to the contract manager, contractor, or contractor's employee.
- Includes Form 2973c Request for Risk Evaluation Based on Criminal

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History Results*PDF Document*.

If the PCS contractor decides to request a risk evaluation for a DPS criminal conviction, the PCS contractor does the following:

- Completes Form 2973c.
- Gathers the documentation required in the form.
- Returns the form and documentation to Background Checks staff for review within 30 days of the date noted on notification letter from Background Checks.

Background Checks staff must approve the risk evaluation before the PCS contractor or contractor's employee may have direct contact with DFPS clients.

If additional time is needed to complete the request for a DPS risk evaluation, the contractor may request an extension before the 30-day deadline.

If the contractor does not complete the request for a DPS risk evaluation within the 30-day deadline (or 60-day deadline, if a 30-day extension is approved), then the contractor or contractor's employee is barred from having direct contact with DFPS clients.

Once Background Checks staff receives a request for a DPS risk evaluation, he or she uses the documentation submitted to assess the risk that the contractor or contractor's employee poses to DFPS clients.

To assess the risk to clients, Background Checks staff considers such factors as the following:

- Whether the person has taken any measures toward rehabilitation.
- The length of time since the crime occurred.
- The severity of the crime.
- Whether there is a pattern of any type of crime.
- The role that the contractor or the contractor's employee played in the crime.
- The current or prospective position and responsibilities of the contractor or the contractor's employee.
- The contractor's history of compliance with DFPS policies.
- Whether any additional factors mitigate the risk to DFPS clients.

2454 Eligible for a Risk Evaluation on FBI Criminal History

Background Checks February 2021

Per a 2019 FBI Audit, DFPS does not release information to the PCS contractor regarding criminal history results returned in the FBI Criminal History check. DFPS works directly with the subject to obtain any required court documents or additional information regarding the FBI results.

The subject may request an FBI risk evaluation for himself or herself when the person's FBI results include a criminal conviction that is noted as eligible in Appendix 2000-1: PCS Background Check Criminal History Chart.

Background Checks staff conducts a risk evaluation for FBI Criminal History to determine whether the crime poses a risk to the health or safety of children and therefore justifies a bar to direct contact with DFPS clients.

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DFPS also reserves the right to determine that an FBI risk evaluation is required, if the subject has a history of either of the following:

- Certain juvenile incidents or crimes.
- Adult crimes not included in Appendix 2000-1: PCS Background Check Criminal History Chart.

If an FBI criminal conviction listed on the on the person's FBI Criminal History Results is either of the following:

- Eligible for a risk evaluation.
- Background Checks staff determines that a risk evaluation is required, then he or she takes the following actions:
  - Sends a notification letter electronically to the subject of the background check.
  - Includes Form 2973c Request for Risk Evaluation Based on Criminal History Results*PDF Document*.

If the subject decides to request an FBI risk evaluation, he or she does the following:

- Completes Form 2973c*PDF Document*.
- Gathers the documentation required in the form.
- Returns the form and documentation to Background Checks for review within 30 days of the date noted on Background Checks's notification letter.

Background Checks staff must approve the FBI risk evaluation before the PCS contractor or contractor's employee may have direct contact with DFPS clients.

If additional time is needed to complete the request for an FBI risk evaluation, the subject may request an extension before the 30-day deadline.

If the subject does not complete the request for an FBI risk evaluation within the 30-day deadline (or 60-day deadline, if a 30-day extension is approved), then the subject is barred from having direct contact with DFPS clients.

Once Background Checks staff receives a complete request for an FBI risk evaluation, he or she uses the documentation submitted to assess the risk that the contractor or contractor's employee poses to DFPS clients.

To assess the risk to clients, Background Checks staff considers such factors as the following:

- Whether the person has taken any measures toward rehabilitation.
- The length of time since the crime occurred.
- The severity of the crime.
- Whether there is a pattern of any type of crime.
- The role that the contractor or the contractor's employee played in the crime.
- The current or prospective position and responsibilities of the contractor or the contractor's employee.
- The contractor's history of compliance with DFPS policies.
- Whether any additional factors mitigate the risk to DFPS clients.

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Once Background Checks staff has reached a determination regarding the FBI risk evaluation, he or she will notify the contractor via email whether the subject is cleared or barred.

If a subject is barred due to FBI criminal history, the contractor must contact the subject to obtain information regarding the criminal history returned on the FBI background check.

2455 Contraindication

Background Checks February 2021

Background Checks staff completes a risk assessment to determine whether the contractor or employee may have direct contact with DFPS clients if the following are true:

A PCS contractor or contractor's employee has a finding of abuse, neglect, or exploitation that contraindicates direct contact with DFPS clients.

The finding does not justify an absolute bar (as defined in 2452 Absolute Bar).

To assess the risk to clients, Background Checks staff reviews the case documentation and consider such factors as the following:

- The length of time since the abuse, neglect, or exploitation occurred.
- The severity of the abuse, neglect, or exploitation.
- A pattern of any type of abuse, neglect, or exploitation.
- The role that the contractor or contractor's staff played in the case.
- The current position and responsibilities of the contractor or the contractor's employee.
- The contractor's history of compliance with DFPS policies.
- Whether any additional factors mitigate the risk to DFPS clients.

If necessary, Background Checks staff may seek additional information from any of the following:

- The contractor.
- The contractor's employee (the subject of the background check).
- A DFPS program employee who has either direct knowledge about the investigation or specific knowledge about the contractor or contractor's staff.

Based on the results of the assessment, Background Checks staff notifies the contractor and the DFPS contract manager that the contractor or contractor's employee is either of the following:

- Cleared and may have direct contact with DFPS clients.
- Barred and must not have direct contact with DFPS clients.

Background Checks staff does not share the details of a DFPS history check on abuse, neglect, or exploitation with the contractor. The contractor is informed that the contractor or contractor's employee may not have direct contact with DFPS clients.

When a finding raises concern for the health and safety of others, including immediate concerns, Background Checks staff refers to the procedures for emergency and nonemergency disclosure in the policy handbook of the DFPS program that conducted the investigation.

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See:

Child Protective Services Handbook, 1290 Release Hearings When CPI Releases Investigation Findings

Child Care Investigations Handbook, 7727 Emergency Release

Adult Protective Services Handbook, 14300 Due Process for Non-EMR (Employee Misconduct Registry) Cases

HHSC Provider Investigations Handbook*External Link*

For information on conducting reviews of background check determinations, see 1320 Reviewing Background Check Decisions.

Thank you,

Dawn Florey, LCSW

Program Supervisor – S.A.V.E. & Tarrant County Crisis Intervention Programs

Unit N2

401 W. Sanford, Suite 2400

Arlington, Texas 76011

Cell: 817-727-7276

ECI Liaison

“The work will wait while you show the child the rainbow, but the rainbow won't wait while you do the work.”

AMERICAN OVERSIGHT

From: Gonzales,Marissa L (DFPS)
To: bethania@snopes.com
Subject: RE: Snopes reporter with question about Gov. Abbott"s order on transgender children"s health care
Date: Wednesday, February 23, 2022 1:59:00 PM
Attachments: AG Opinion Statement.docx
image001.png
image002.png

Hi, Bethania. I've attached DFPS' statement on this issue. Thanks.
Marissa Gonzales
Media Relations Director
TX Dept. of Family and Protective Services
(817) 312-4144

From: Bethania Palma <bethania@snopes.com>
Sent: Wednesday, February 23, 2022 12:53:43 PM
To: Wilson,Mark D (DFPS) <Mark.Wilson@dfps.texas.gov>
Subject: Snopes reporter with question about Gov. Abbott's order on transgender children's health care

WARNING: This email is from outside the DFPS system. Do not click on links or attachments unless you expect them from the sender and know the content is safe.

Hi Mark,
I'm a reporter for the fact checking website Snopes. I had a couple of questions about the letter from Gov. Abbott directing DFPS to investigate reports of alleged child abuse involving health care for transgender children.
My first questions are about general process by which DFPS operates, ie. how it launches investigations and files criminal charges. My other questions are about how DFPS will deal with the directive from Abbott:
- How does DFPS typically launch child abuse investigations. Is it usually driven by reports of abuse from the public and/or mandated reporters and/or does DFPS independently launch investigations if there is evidence of child abuse?
- When an investigation is launched does it require a law enforcement agency (ie. DA or county attorney) to file criminal charges? How does the process normally play out?
- Does DFPS plan to adopt Paxton's opinion as the interpretation of state law?
- How will DFPS interpret an opinion that appears to contradict standards of medical care, and how will DFPS investigate reports that involve patients receiving standard medical care?
Thanks in advance, I am on deadline for end-of-day today.
Bethania Palma
Snopes

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Statement on Governor's Letter/AG Opinion

In accordance with Governor Abbott's directive today to Commissioner Masters, we will follow Texas law as explained in Attorney General opinion KP-0401.

At this time, there are no pending investigations of child abuse involving the procedures described in that opinion. If any such allegations are reported to us, they will be investigated under existing policies of Child Protective Investigations.

AMERICAN OVERSIGHT

From: Kimberly Toulet
To: Surratt,Michele L (DFPS)
Subject: Abbott letter to DFPS
Date: Wednesday, February 23, 2022 1:01:54 PM
Attachments: Abbott Letter.pdf

WARNING: This email is from outside the DFPS system. Do not click on links or attachments unless you expect them from the sender and know the content is safe.

Michele:
Have you received any direction on how the Department intends to handle this?
Thanks,

Kimberly Toulet
First Assistant County Attorney
432.688.4490 | ktoulet@mcounty.com

AMERICAN OVERSIGHT

From: Arriaga,Dennis (DFPS)
To: Martinez,Rafael O (DFPS); Mikeska,William (DFPS); Keiler-Green,Emily (DFPS); Cuadrado,Melissa J (DFPS); Roberson,Tom (DFPS); Bradley,Marilyn (DFPS); Schneider,Brandt (DFPS); Morales,Teresa B (DFPS); Smith,Lacey (DFPS)
Subject: Letter from Governor
Date: Wednesday, February 23, 2022 12:26:38 PM
Attachments: O-MastersJaime202202221358.pdf

FYI

AMERICAN OVERSIGHT

From:	Palmquist,Laura R (DFPS)
To:	Dominguez,Corine (DFPS)
Subject:	FW: letter
Date:	Wednesday, February 23, 2022 12:20:00 PM
Attachments:	O-MastersJaime202202221358.pdf

From: Phillips,Kathleen V (DFPS)
Sent: Wednesday, February 23, 2022 10:32 AM
To: Adams,Stefanie (DFPS) <Stefanie.Adams@dfps.texas.gov>; Anderson,Regina (DFPS) <Regina.Anderson@dfps.texas.gov>; Arriaga,Dennis (DFPS) <Dennis.Arriaga@dfps.texas.gov>; Britt,Dewey D (DFPS) <Dewey.Britt@dfps.texas.gov>; Cordray,Glenna (DFPS) <Glenna.Cordray@dfps.texas.gov>; Kinsler,Brenda L (DFPS) <Brenda.Kinsler@dfps.texas.gov>; Palmquist,Laura R (DFPS) <Laura.Palmquist@dfps.texas.gov>; Surratt,Michele L (DFPS) <Michele.Surratt@dfps.texas.gov>; Tai,Eric T. (DFPS) <Eric.Tai@dfps.texas.gov>; Valdez,Lucinda (DFPS) <Lucinda.Valdez@dfps.texas.gov>
Subject: letter

fyi

Kathy Phillips
Managing Attorney
Region 11
Texas Department of Family and Protective Services
361-878-7481 Office
361-944-1824 Cell
kathleen.phillips@dfps.texas.gov

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AMERICAN OVERSIGHT

From:	Lennan,John J (DFPS)
To:	Gonzales,Marissa L (DFPS)
Subject:	Media - Travis County - Abbott orders state agency to treat gender-affirming care as child abuse
Date:	Wednesday, February 23, 2022 11:57:53 AM

Published this morning … currently listed as homepage lead story

Abbott orders state agency to treat gender-affirming care as child abuse

Chuck Lindell
Austin American-Statesman
Published 9:30 a.m. CT Feb. 23, 2022 Updated 10:12 a.m. CT Feb. 23, 2022
Texas Gov. Greg Abbott: gender-affirming care reported as child abuse (statesman.com)

Responding to conservative Republican opposition to gender-affirming care for young transgender Texans, Gov. Greg Abbott on Tuesday ordered the state child welfare agency to investigate reports of "gender-transitioning procedures" as child abuse.

The move came one day after Texas Attorney General Ken Paxton issued a written opinion defining gender-affirming care as child abuse under state laws — and months after state lawmakers considered but did not pass similar bills when the Legislature met last year.

Transgender advocates accused Abbott and Paxton of twisting state law to meet their political goals and biases, particularly after efforts to define gender-affirming medical care as child abuse died last year in the Texas House after passage in the Senate.

Religious and social conservatives praised the move.

"This (Paxton) opinion means nothing if it’s not enforced," said Rep. Matt Schaefer, R-Tyler. "The truth is, though, that we need a special session immediately to address this now that we have the backing of the attorney general’s office. We are not going to back down on this — this is a hill we are ready to die on."

The Texas Pediatric Society, Texas Medical Association and Texas Academy of Family Physicians opposed last year's legislative efforts to limit gender-affirming

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care, including puberty blockers, which doctors described as reversible medication that delays the onset of physical changes to allow time for transgender Texans to consider more permanent options.

Several Republican bills also sought to outlaw hormone therapy involving testosterone and estrogen for minors. Doctors testified last year at Capitol hearings that the treatments introduce body changes that are permanent and are generally recommended after age 16. Surgery is generally offered around age 18 and never to young children, they testified.

Texas Freedom Network President Val Benavidez said the state action could deny "life-saving care for transgender youth."

"Transgender people already experience stigma and discrimination, harassment and violence simply because of who they are," Benavidez said, adding that politicians are using vulnerable youths as political pawns. "Regardless of opposition from child welfare and medical groups, Paxton and the Texas GOP continue to create barriers and laws that strip transgender children and their families of civil and equal rights."

Equality Texas, an LGBTQ advocacy group, said all children deserve to grow up healthy and learn to take care of their bodies in a way that helps them live full, happy lives.

"For transgender kids, this might include gender-affirming care that has been endorsed by pediatricians and proven to help kids’ mental health and future well-being," the organization said in a statement.

Abbott, in Tuesday's letter to the Texas Department of Family and Protective Services, ordered the agency to conduct "a prompt and thorough investigation of any reported instances of these abusive procedures in the State of Texas."

"As (Paxton's opinion) makes clear, it is already against the law to subject Texas children to a wide variety of elective procedures for gender transitioning, including reassignment surgeries that can cause sterilization, mastectomies, removals of otherwise healthy body parts, and administration of puberty-blocking drugs or supraphysiologic doses of testosterone or estrogen," Abbott wrote.

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The governor added that state law requires licensed professionals who have direct contact with children — including doctors, nurses and teachers — to report instances of "such abuse," with criminal penalties available for those who fail to report.

"There are similar reporting requirements and criminal penalties for members of the general public," Abbott wrote.

Texas law also requires the Department of Family and Protective Services to investigate parents who allow gender-affirming care for their children, Abbott told the agency.

AMERICAN OVERSIGHT

From: Howard,Shakia (DFPS)
To: Harris,Tara S (DFPS)
Date: Wednesday, February 23, 2022 11:48:01 AM
Attachments: O-MastersJaime202202221358.pdf

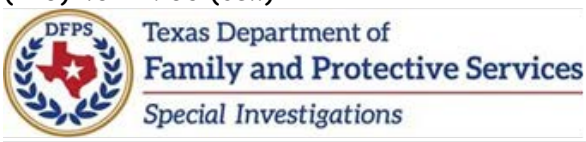
Thank you,
Shakia S. Howard
CVS Specialist II, Unit D4
Brittany Moorning, Supervisor
8700 N. Stemmons Fwy
Ste. 104
Dallas, TX. 75247
(682) 219-9722 (Business Cell)
(512) 276-3246 (Fax)

AMERICAN OVERSIGHT

From: Madsen Clint (DFPS)
To: Cardona-Mcguill Hortencia (DFPS); Espinosa Jesus (DFPS); Galvez Danny (DFPS); Garcia Jesse Q (DFPS); Gomez Erica (DFPS); Gonzalez Eli (DFPS); Gonzalez Jose (DFPS); Gutierrez Porfirio (DFPS); Hein Conrad (DFPS)
Subject: FW: New AG Opinion/DFPS
Date: Wednesday, February 23, 2022 11:36:04 AM
Attachments: kp-0401_0.pdf
image001.png
image002.png
image003.png

Please see the attachment and emails below regarding AG's opinion on child abuse on sex changes of minors. Let me know if you have any questions.

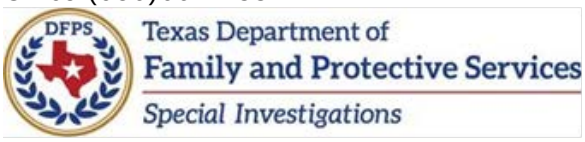
Clint Madsen
Special Investigations Program Director
Region 11 (North) Unit 12
(210) 461-2703 (cell)



From: Vela,Robert J (DFPS)
Sent: Wednesday, February 23, 2022 8:47 AM
To: Turner,Andrea D (DFPS) <Andrea.Turner@dfps.texas.gov>; Ficke,Kevin (DFPS) <Kevin.Ficke@dfps.texas.gov>; Ruiz,Robert (DFPS) <Robert.Ruiz@dfps.texas.gov>; Madsen,Clint (DFPS) <Clint.Madsen@dfps.texas.gov>; Enriquez,Eduardo (DFPS) <Eduardo.Enriquez@dfps.texas.gov>
Subject: FW: New AG Opinion/DFPS

Good Morning,
Please see below regarding AG's opinion on child abuse on sex changes of minors.
Thanks,

Robert J. Vela
Regional Director - Special Investigations Division
Regions 8 and 11
1919 Austin Avenue
McAllen, Texas 78501
Cell (956)279-5798
Office (956)664-4882



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From: Phillips,Kathleen V (DFPS)
Sent: Wednesday, February 23, 2022 7:11 AM
To: Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>; Amaro,Kristy (DFPS) <Kristy.Amaro@dfps.texas.gov>; Cano,Martha J (DFPS) <Martha.Cano@dfps.texas.gov>; Escaname,Belinda (DFPS) <Belinda.Escaname@dfps.texas.gov>; Guerra,Betzabel (DFPS) <Betzabel.Guerra@dfps.texas.gov>; Rangel,Rey (DFPS) <Rey.Rangel@dfps.texas.gov>; Requenez,Janie I (DFPS) <Janie.Requenez@dfps.texas.gov>; Rodriguez,Leticia G (DFPS) <Leticia.Rodriguez@dfps.texas.gov>; Salinas,Patricia (DFPS) <Patricia.Salinas@dfps.texas.gov>; Salinas-Maldonado,Olga (DFPS) <Olga.Salinas-Maldonado@dfps.texas.gov>; Shives,Jovita M (DFPS) <Jovita.Shives@dfps.texas.gov>
Cc: Vela,Robert J (DFPS) <Robert.Vela@dfps.texas.gov>; Barrera,Denise S (DFPS) <Denise.Barrera@dfps.texas.gov>
Subject: RE: New AG Opinion/DFPS

I have attached the opinion.

AMERICAN OVERSIGHT

Kathy Phillips
Managing Attorney
Region 11
Texas Department of Family and Protective Services
361-878-7481 Office
361-944-1824 Cell
kathleen.phillips@dfps.texas.gov
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From: Yzaguirre,Marina C (DFPS)
Sent: Tuesday, February 22, 2022 4:28 PM
To: Amaro,Kristy (DFPS) <Kristy.Amaro@dfps.texas.gov>; Cano,Martha J (DFPS) <Martha.Cano@dfps.texas.gov>; Escaname,Belinda (DFPS) <Belinda.Escaname@dfps.texas.gov>; Guerra,Betzabel (DFPS) <Betzabel.Guerra@dfps.texas.gov>; Rangel,Rey (DFPS) <Rey.Rangel@dfps.texas.gov>; Requenez,Janie I (DFPS) <Janie.Requenez@dfps.texas.gov>; Rodriguez,Leticia G (DFPS) <Leticia.Rodriguez@dfps.texas.gov>; Salinas,Patricia (DFPS) <Patricia.Salinas@dfps.texas.gov>; Salinas-Maldonado,Olga (DFPS) <Olga.Salinas-Maldonado@dfps.texas.gov>; Shives,Jovita M (DFPS) <Jovita.Shives@dfps.texas.gov>
Cc: Vela,Robert J (DFPS) <Robert.Vela@dfps.texas.gov>; Barrera,Denise S (DFPS) <Denise.Barrera@dfps.texas.gov>; Phillips,Kathleen V (DFPS) <Kathleen.Phillips@dfps.texas.gov>
Subject: FW: New AG Opinion/DFPS

Fyi---please be sure to escalate up to your PA and me if one of these kinds of cases presents itself in our region.

Thanks!

MARINA YZAGUIRRE, MSSW
Child Protective Investigations
Regional Director
Region 11
Edinburg, Tx 78539
Off. 956-316-8238
Mbl. 956-802-4921

Texas Department of Family and Protective Services

From: Talbert,Marta L (DFPS)
Sent: Tuesday, February 22, 2022 11:56 AM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
Subject: FW: New AG Opinion/DFPS

fyi

Marta Talbert
Director of Investigation and Alternative Response
512-438-3357
marta.talbert@dfps.texas.gov

From: Crimmins,Patrick (DFPS)
Sent: Monday, February 21, 2022 3:41 PM

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To: Black,Stephen D (DFPS) <Stephen.Black@dfps.texas.gov>; Dryden,Deneen (DFPS) <Deneen.Dryden@dfps.texas.gov>; Frank,Julie (DFPS) <Julie.Frank@dfps.texas.gov>; Kanne,Lisa M (DFPS) <Lisa.Kanne@dfps.texas.gov>; Kozikoujekian,Vicki (DFPS) <Vicki.Kozikoujekian@dfps.texas.gov>; Lawson,Corliss (DFPS) <Corliss.Lawson@dfps.texas.gov>; Martinez,Jose A (DFPS) <Jose.Martinez@dfps.texas.gov>; Masters,Jaime D (DFPS) <Jaime.Masters@dfps.texas.gov>; Mency,Eric (DFPS) <Eric.Mency@dfps.texas.gov>; Rasco,Sasha (DFPS) <Sasha.Rasco@dfps.texas.gov>; Richman,Robert (DFPS) <Robert.Richman@dfps.texas.gov>; Watson,Chance R (DFPS) <Chance.Watson@dfps.texas.gov>; Wold,Kezeli A (DFPS) <Kezeli.Wold@dfps.texas.gov>
Cc: Gonzales,Marissa L (DFPS) <Marissa.Gonzales@dfps.texas.gov>; Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: RE: New AG Opinion/DFPS

Here is text of press release if link won't work

AG Paxton Declares So-Called Sex-Change Procedures on Children and Prescription of Puberty Blockers to be "Child Abuse" Under Texas Law

AUSTIN – Attorney General Ken Paxton released a formal attorney general opinion concluding that performing certain "sex-change" procedures on children, and prescribing puberty-blockers to them, is "child abuse" under Texas law. The holding comes at a critical time when more and more Texans are seeing the horrors that flow from the merging of medicine and misguided ideology.

Specifically, the opinion concludes that certain procedures done on minors such as castration, fabrication of a "penis" using tissue from other body parts, fabrication of a "vagina" involving the removal of male sex organs, prescription of puberty-suppressors and infertility-inducers, and the like are all "abuse" under section 261.001 of the Texas Family Code.

"There is no doubt that these procedures are 'abuse' under Texas law, and thus must be halted," said Attorney General Paxton. "The Texas Department of Family and Protective Services (DFPS) has a responsibility to act accordingly. I'll do everything I can to protect against those who take advantage of and harm young Texans."

This opinion comes after Attorney General Paxton opined in an October 2019 letter to DFPS, stating that the "transition" of James Younger—the biological male son of Jeff Younger—to a "female" through puberty-blocking drugs, among other things, was "abuse" under at least three definitions set out in the Family Code, and that DFPS, therefore, had an independent duty to investigate.

The opinion also follows Gov. Abbott's August 2021 letter to DFPS requesting a determination of "whether genital mutilation of a child for purposes of gender transitioning through reassignment surgery constitutes child abuse." The Commissioner of DFPS replied that "genital mutilation of a child through reassignment surgery is child abuse."

Read the opinion here.

From: Crimmins,Patrick (DFPS)
Sent: Monday, February 21, 2022 3:02 PM
To: Black,Stephen D (DFPS) <Stephen.Black@dfps.texas.gov>; Dryden,Deneen (DFPS) <Deneen.Dryden@dfps.texas.gov>; Frank,Julie (DFPS) <Julie.Frank@dfps.texas.gov>; Kanne,Lisa M (DFPS) <Lisa.Kanne@dfps.texas.gov>; Kozikoujekian,Vicki (DFPS) <Vicki.Kozikoujekian@dfps.texas.gov>; LAWSON,corliss <corliss.lawson@dfps.texas.gov>; Martinez,Jose A (DFPS) <Jose.Martinez@dfps.texas.gov>; Masters,Jaime D (DFPS) <Jaime.Masters@dfps.texas.gov>; Mency,Eric (DFPS) <Eric.Mency@dfps.texas.gov>; Rasco,Sasha (DFPS) <Sasha.Rasco@dfps.texas.gov>; Richman,Robert (DFPS) <Robert.Richman@dfps.texas.gov>; Watson,Chance R (DFPS) <Chance.Watson@dfps.texas.gov>; Wold,Kezeli A (DFPS) <Kezeli.Wold@dfps.texas.gov>
Cc: Gonzales,Marissa L (DFPS) <Marissa.Gonzales@dfps.texas.gov>; Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: New AG Opinion/DFPS

Hi Commissioner – the media has contacted me about the AG's new opinion, which he has publicized in a press release (below). Our comment is that we will be reviewing……
Patrick
https://mail.google.com/mail/u/0/#inbox/FMfcgzGmvBpdjpHcwNrpCmxpxvvWdjWP
https://texasattorneygeneral.gov/sites/default/files/global/KP-0401.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=

Patrick

Patrick Crimmins
Director of Communications
Texas Department of Family and Protective Services

AMERICAN OVERSIGHT

(512) 929-6727 office
(512) 787-5090 cell

AMERICAN OVERSIGHT

From:	Phillips,Kathleen V (DFPS)
To:	Adams,Stefanie (DFPS); Anderson,Regina (DFPS); Arriaga,Dennis (DFPS); Britt,Dewey D (DFPS); Cordray,Glenna (DFPS); Kinsler,Brenda L (DFPS); Palmquist,Laura R (DFPS); Surratt,Michele L (DFPS); Tai,Eric T. (DFPS); Valdez,Lucinda (DFPS)
Subject:	letter
Date:	Wednesday, February 23, 2022 10:31:49 AM
Attachments:	O-MastersJaime202202221358.pdf

fyi

Kathy Phillips
Managing Attorney
Region 11
Texas Department of Family and Protective Services
361-878-7481 Office
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kathleen.phillips@dfps.texas.gov

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To:	Adams,Stefanie (DFPS); Anderson,Regina (DFPS); Arriaga,Dennis (DFPS); Britt,Dewey D (DFPS); Cordray,Glenna (DFPS); Kinsler,Brenda L (DFPS); Palmquist,Laura R (DFPS); Surratt,Michele L (DFPS); Tai,Eric T. (DFPS); Valdez,Lucinda (DFPS)
Subject:	letter
Date:	Wednesday, February 23, 2022 10:31:00 AM
Attachments:	O-MastersJaime202202221358.pdf

---

fyi

Kathy Phillips
Managing Attorney
Region 11
Texas Department of Family and Protective Services
361-878-7481 Office
361-944-1824 Cell
kathleen.phillips@dfps.texas.gov

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From: Lennan,John J (DFPS)
To: Phillips,Kathleen V (DFPS)
Subject: letter
Date: Wednesday, February 23, 2022 10:28:00 AM
Attachments: O-MastersJaime202202221358.pdf

Attached letter

AMERICAN OVERSIGHT

From:	Hicks,Brenda (DFPS)
To:	Powell,Andrea (DFPS); Musokwa,Dorothy (DFPS); Cuellar,Teresa (DFPS); Brown,Jamonica A (DFPS); Douglas,Sheila (DFPS); Hicks,Jacqueline (DFPS); Huitareo,Stephanie (DFPS); Lewis,Kaylee (DFPS); Linares,Jaquelyne (DFPS); Peacock,Payton (DFPS); Simmons,Semone (DFPS); Stobaugh,Bethany (DFPS); Brown,Cree (DFPS); Campbell,Khadeem (DFPS); Creeks,Mikhia (DFPS); Gorden,Natiya (DFPS); Massey,Roosevelt (DFPS); Miller,Tambra (DFPS); Ridout,Tiavonna (DFPS); Rochard,Chelsea (DFPS); Stafford,Stephanie (DFPS); Brown,Dawn D (DFPS); Bustos,Esbeydi (DFPS); Cavazos,Scarlett (DFPS); Darwin,Sara (DFPS); Joneswilliams,Kewanna N (DFPS); Massey,Sharbra L (DFPS); Ramey,Lashonta (DFPS); Reyna,Veronica (DFPS); Romero,Claudia (DFPS); Thomas,Tanjila (DFPS); Carrisalez,Fabian (DFPS); Chavez,Lidia (DFPS); Gray-Harrison,Blaire (DFPS); Howard,Shakia (DFPS); Jones,Daisy (DFPS); Landaverde,Odalys (DFPS); Moorning,Brittany D (DFPS); Sanchez,Jorge (DFPS); Santos,Ryan (DFPS); Smith,Tabitha K (DFPS)
Subject:	RE: 9:30 a.m. Program Meeting Today
Date:	Wednesday, February 23, 2022 10:11:12 AM
Attachments:	O-MastersJaime202202221358.pdf image001.png

Please find Governor Abbott's letter to the Commissioner.
Respectfully,

Brenda Hicks

CPS Supervisor -Unit 0H
8700 N Stemmons Frwy #104
Dallas, TX 75247
Cell: 214-507-0598
Fax: 512-276-3531
Email: Brenda.hicks@dfps.texas.gov
Hotline: 1-800-252-5400

From: Powell,Andrea (DFPS)
Sent: Wednesday, February 23, 2022 9:00 AM
To: Musokwa,Dorothy (DFPS) <Dorothy.Musokwa@dfps.texas.gov>; Cuellar,Teresa (DFPS) <Teresa.Cuellar@dfps.texas.gov>; Brown,Jamonica A (DFPS) <Jamonica.Brown@dfps.texas.gov>; Douglas,Sheila (DFPS) <Sheila.Douglas@dfps.texas.gov>; Hicks,Jacqueline (DFPS) <Jacqueline.Hicks@dfps.texas.gov>; Huitareo,Stephanie (DFPS) <Stephanie.Huitareo@dfps.texas.gov>; Lewis,Kaylee (DFPS) <Kaylee.Lewis@dfps.texas.gov>; Linares,Jaquelyne (DFPS) <Jaquelyne.Linares@dfps.texas.gov>; Peacock,Payton (DFPS) <Payton.Peacock@dfps.texas.gov>; Simmons,Semone (DFPS) <Semone.Simmons2@dfps.texas.gov>; Stobaugh,Bethany (DFPS) <Bethany.Stobaugh@dfps.texas.gov>; Brown,Cree (DFPS) <Cree.Brown@dfps.texas.gov>; Campbell,Khadeem (DFPS) <Khadeem.Campbell@dfps.texas.gov>; Creeks,Mikhia (DFPS) <Mikhia.Creeks@dfps.texas.gov>; Gorden,Natiya (DFPS) <Natiya.Gorden@dfps.texas.gov>; Massey,Roosevelt (DFPS) <Roosevelt.Massey@dfps.texas.gov>; Miller,Tambra (DFPS) <Tambra.Miller@dfps.texas.gov>; Ridout,Tiavonna (DFPS) <Tiavonna.Ridout@dfps.texas.gov>; Rochard,Chelsea (DFPS) <Chelsea.Rochard@dfps.texas.gov>; Stafford,Stephanie (DFPS) <Stephanie.Stafford@dfps.texas.gov>; Brown,Dawn D (DFPS) <Dawn.Brown@dfps.texas.gov>; Bustos,Esbeydi (DFPS) <Esbeydi.Bustos@dfps.texas.gov>; Cavazos,Scarlett (DFPS) <Scarlett.Cavazos@dfps.texas.gov>; Darwin,Sara (DFPS) <Sara.Darwin@dfps.texas.gov>; Hicks,Brenda (DFPS) <Brenda.Hicks@dfps.texas.gov>; Joneswilliams,Kewanna N (DFPS) <Kewanna.Joneswilliams@dfps.texas.gov>; Massey,Sharbra L

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(DFPS) <Sharbra.Massey@dfps.texas.gov>; Ramey,Lashonta (DFPS) <Lashonta.Ramey@dfps.texas.gov>; Reyna,Veronica (DFPS) <Veronica.Reyna@dfps.texas.gov>; Romero,Claudia (DFPS) <Claudia.Romero2@dfps.texas.gov>; Thomas,Tanjila (DFPS) <Tanjila.Thomas@dfps.texas.gov>; Carrisalez,Fabian (DFPS) <Fabian.Carrisalez@dfps.texas.gov>; Chavez,Lidia (DFPS) <Lidia.Chavez2@dfps.texas.gov>; Gray-Harrison,Blaire (DFPS) <Blaire.Grayharrison@dfps.texas.gov>; Howard,Shakia (DFPS) <Shakia.Howard@dfps.texas.gov>; Jones,Daisy (DFPS) <Daisy.Jones2@dfps.texas.gov>; Landaverde,Odalys (DFPS) <Odalys.Landaverde@dfps.texas.gov>; Moorning,Brittany D (DFPS) <Brittany.Moorning@dfps.texas.gov>; Sanchez,Jorge (DFPS) <Jorge.Sanchez@dfps.texas.gov>; Santos,Ryan (DFPS) <Ryan.Santos@dfps.texas.gov>; Smith,Tabitha K (DFPS) <Tabitha.Smith@dfps.texas.gov>

Subject: 9:30 a.m. Program Meeting Today

Importance: High

Good Morning All,

This is a reminder that our Virtual Program Meeting is today at 9:30 a.m. Please arrive on time, have your cameras on, and be prepared for Program and Agency updates. Bring your thoughts and ideas for us to continue moving forward as a team. During our last meeting I asked all to be prepared with thoughts and ideas of what you would like our Program's mission, vision, and values to look like. We will be creating them today. The link for today's meeting is below.

Microsoft Teams meeting

Join on your computer or mobile app

Click here to join the meeting

Or call in (audio only)

+1 469-998-7368,[redacted] States, Dallas

Phone Conference ID: [redacted]

Find a local number | Reset PIN

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Thanks,

Andrea L. Powell, MSW
Conservatorship Program Director
Units 0H, E0, D4, F9, Q0
8700 N. Stemmons Fwy, Suite 104
Dallas, TX. 75247
(214) 689-7274 (Office Phone)
(469) 323-6356 (Business Cell)
(512) 276-3565 (Fax)
Andrea.Powell@dfps.texas.gov

"Protecting The Unprotected"

TEXAS Health and Human Services | Texas Department of Family and Protective Services

AMERICAN OVERSIGHT

From:	Barrera Denise S (DFPS)
To:	Ybarra Ryan (DFPS); Gonzalez Denysse Y (DFPS)
Subject:	FW: New AG Opinion/DFPS
Date:	Wednesday, February 23, 2022 8:48:25 AM
Attachments:	kp-0401_0.pdf image001.png

FYI
dsb

From: Phillips,Kathleen V (DFPS) <Kathleen.Phillips@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 7:11 AM
To: Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>; Amaro,Kristy (DFPS) <Kristy.Amaro@dfps.texas.gov>; Cano,Martha J (DFPS) <Martha.Cano@dfps.texas.gov>; Escaname,Belinda (DFPS) <Belinda.Escaname@dfps.texas.gov>; Guerra,Betzabel (DFPS) <Betzabel.Guerra@dfps.texas.gov>; Rangel,Rey (DFPS) <Rey.Rangel@dfps.texas.gov>; Requenez,Janie I (DFPS) <Janie.Requenez@dfps.texas.gov>; Rodriguez,Leticia G (DFPS) <Leticia.Rodriguez@dfps.texas.gov>; Salinas,Patricia (DFPS) <Patricia.Salinas@dfps.texas.gov>; Salinas-Maldonado,Olga (DFPS) <Olga.Salinas-Maldonado@dfps.texas.gov>; Shives,Jovita M (DFPS) <Jovita.Shives@dfps.texas.gov>
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Subject: RE: New AG Opinion/DFPS

I have attached the opinion.

Kathy Phillips
Managing Attorney
Region 11
Texas Department of Family and Protective Services
361-878-7481 Office
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Cc: Vela,Robert J (DFPS) <Robert.Vela@dfps.texas.gov>; Barrera,Denise S (DFPS) <Denise.Barrera@dfps.texas.gov>; Phillips,Kathleen V (DFPS) <Kathleen.Phillips@dfps.texas.gov>
Subject: FW: New AG Opinion/DFPS

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Thanks!

MARINA YZAGUIRRE, MSSW
Child Protective Investigations
Regional Director
Region 11
Edinburg, Tx 78539
Off. 956-316-8238
Mbl. 956-802-4921

AMERICAN OVERSIGHT

Texas Department of
Family and Protective Services

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Subject: FW: New AG Opinion/DFPS

fyi

Marta Talbert
Director of Investigation and Alternative Response
512-438-3357
marta.talbert@dfps.texas.gov

From: Crimmins,Patrick (DFPS)
Sent: Monday, February 21, 2022 3:41 PM
To: Black,Stephen D (DFPS) <Stephen.Black@dfps.texas.gov>; Dryden,Deneen (DFPS) <Deneen.Dryden@dfps.texas.gov>; Frank,Julie (DFPS) <Julie.Frank@dfps.texas.gov>; Kanne,Lisa M (DFPS) <Lisa.Kanne@dfps.texas.gov>; Kozikoujekian,Vicki (DFPS) <Vicki.Kozikoujekian@dfps.texas.gov>; Lawson,Corliss (DFPS) <Corliss.Lawson@dfps.texas.gov>; Martinez,Jose A (DFPS) <Jose.Martinez@dfps.texas.gov>; Masters,Jaime D (DFPS) <Jaime.Masters@dfps.texas.gov>; Mency,Eric (DFPS) <Eric.Mency@dfps.texas.gov>; Rasco,Sasha (DFPS) <Sasha.Rasco@dfps.texas.gov>; Richman,Robert (DFPS) <Robert.Richman@dfps.texas.gov>; Watson,Chance R (DFPS) <Chance.Watson@dfps.texas.gov>; Wold,Kezeli A (DFPS) <Kezeli.Wold@dfps.texas.gov>
Cc: Gonzales,Marissa L (DFPS) <Marissa.Gonzales@dfps.texas.gov>; Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: RE: New AG Opinion/DFPS

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AG Paxton Declares So-Called Sex-Change Procedures on Children and Prescription of Puberty Blockers to be "Child Abuse" Under Texas Law

AUSTIN – Attorney General Ken Paxton released a formal attorney general opinion concluding that performing certain "sex-change" procedures on children, and prescribing puberty-blockers to them, is "child abuse" under Texas law. The holding comes at a critical time when more and more Texans are seeing the horrors that flow from the merging of medicine and misguided ideology.

Specifically, the opinion concludes that certain procedures done on minors such as castration, fabrication of a "penis" using tissue from other body parts, fabrication of a "vagina" involving the removal of male sex organs, prescription of puberty-suppressors and infertility-inducers, and the like are all "abuse" under section 261.001 of the Texas Family Code.

"There is no doubt that these procedures are 'abuse' under Texas law, and thus must be halted," said Attorney General Paxton. "The Texas Department of Family and Protective Services (DFPS) has a responsibility to act accordingly. I'll do everything I can to protect against those who take advantage of and harm young Texans."

This opinion comes after Attorney General Paxton opined in an October 2019 letter to DFPS, stating that the "transition" of James Younger—the biological male son of Jeff Younger—to a "female" through puberty-blocking drugs, among other things, was "abuse" under at least three definitions set out in the Family Code, and that DFPS, therefore, had an independent duty to investigate.

The opinion also follows Gov. Abbott's August 2021 letter to DFPS requesting a determination of "whether genital mutilation of a child for purposes of gender transitioning through reassignment surgery constitutes child abuse." The Commissioner of DFPS replied that "genital mutilation of a child through reassignment surgery is child abuse."

Read the opinion here.

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AMERICAN OVERSIGHT

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https://texasattorneygeneral.gov/sites/default/files/global/KP-0401.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=

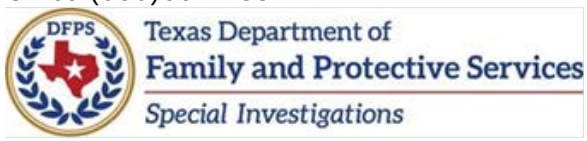
Patrick

Patrick Crimmins
Director of Communications
Texas Department of Family and Protective Services
(512) 929-6727 office
(512) 787-5090 cell

AMERICAN OVERSIGHT

From: Vela Robert J (DFPS)
To: Turner Andrea D (DFPS); Ficke Kevin (DFPS); Ruiz Robert (DFPS); Madsen Clint (DFPS); Enriquez Eduardo (DFPS)
Subject: FW: New AG Opinion/DFPS
Date: Wednesday, February 23, 2022 8:47:10 AM
Attachments: kp-0401_0.pdf
image001.png
image002.png

Good Morning,
Please see below regarding AG's opinion on child abuse on sex changes of minors.
Thanks,
Robert J. Vela
Regional Director - Special Investigations Division
Regions 8 and 11
1919 Austin Avenue
McAllen, Texas 78501
Cell (956)279-5798
Office (956)664-4882



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From: Phillips,Kathleen V (DFPS)
Sent: Wednesday, February 23, 2022 7:11 AM
To: Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>; Amaro,Kristy (DFPS) <Kristy.Amaro@dfps.texas.gov>; Cano,Martha J (DFPS) <Martha.Cano@dfps.texas.gov>; Escaname,Belinda (DFPS) <Belinda.Escaname@dfps.texas.gov>; Guerra,Betzabel (DFPS) <Betzabel.Guerra@dfps.texas.gov>; Rangel,Rey (DFPS) <Rey.Rangel@dfps.texas.gov>; Requenez,Janie I (DFPS) <Janie.Requenez@dfps.texas.gov>; Rodriguez,Leticia G (DFPS) <Leticia.Rodriguez@dfps.texas.gov>; Salinas,Patricia (DFPS) <Patricia.Salinas@dfps.texas.gov>; Salinas-Maldonado,Olga (DFPS) <Olga.Salinas-Maldonado@dfps.texas.gov>; Shives,Jovita M (DFPS) <Jovita.Shives@dfps.texas.gov>
Cc: Vela,Robert J (DFPS) <Robert.Vela@dfps.texas.gov>; Barrera,Denise S (DFPS) <Denise.Barrera@dfps.texas.gov>
Subject: RE: New AG Opinion/DFPS

I have attached the opinion.

Kathy Phillips
Managing Attorney
Region 11
Texas Department of Family and Protective Services
361-878-7481 Office
361-944-1824 Cell
kathleen.phillips@dfps.texas.gov

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<Janie.Requenez@dfps.texas.gov>; Rodriguez,Leticia G (DFPS) <Leticia.Rodriguez@dfps.texas.gov>; Salinas,Patricia (DFPS) <Patricia.Salinas@dfps.texas.gov>; Salinas-Maldonado,Olga (DFPS) <Olga.Salinas-Maldonado@dfps.texas.gov>; Shives,Jovita M (DFPS) <Jovita.Shives@dfps.texas.gov>

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Subject: FW: New AG Opinion/DFPS

Fyi---please be sure to escalate up to your PA and me if one of these kinds of cases presents itself in our region.

Thanks!

MARINA YZAGUIRRE, MSSW
Child Protective Investigations
Regional Director
Region 11
Edinburg, Tx 78539
Off. 956-316-8238
Mbl. 956-802-4921

Texas Department of Family and Protective Services

From: Talbert,Marta L (DFPS)

Sent: Tuesday, February 22, 2022 11:56 AM

To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>

Subject: FW: New AG Opinion/DFPS

fyi

Marta Talbert
Director of Investigation and Alternative Response
512-438-3357
marta.talbert@dfps.texas.gov

From: Crimmins,Patrick (DFPS)

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AMERICAN OVERSIGHT

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Cc: Gonzales,Marissa L (DFPS) <Marissa.Gonzales@dfps.texas.gov>; Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>

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Patrick

https://mail.google.com/mail/u/0/#inbox/FMfcgzGmvBpdjpHcwNrpCmxpxvvWdjWP

https://texasattorneygeneral.gov/sites/default/files/global/KP-0401.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=

Patrick

Patrick Crimmins
Director of Communications
Texas Department of Family and Protective Services
(512) 929-6727 office
(512) 787-5090 cell

AMERICAN OVERSIGHT

From: Gonzales,Marissa L (DFPS)
To: Boyette, Chris
Cc: Sarisohn, Hannah
Subject: RE: Media Request: Defining gender-affirming care for transgender youth as child abuse
Date: Wednesday, February 23, 2022 8:05:00 AM
Attachments: AG Opinion Statement.docx
image001.png
image002.png

Hi, Chris. Please find DFPS' statement attached. Thanks.

Marissa Gonzales
Media Relations Director
TX Dept. of Family and Protective Services
(817) 312-4144

From: Boyette, Chris <chris.boyette@warnermedia.com>
Sent: Wednesday, February 23, 2022 5:30 AM
To: Gonzales,Marissa L (DFPS) <Marissa.Gonzales@dfps.texas.gov>
Cc: Sarisohn, Hannah <hannah.sarisohn@warnermedia.com>
Subject: Media Request: Defining gender-affirming care for transgender youth as child abuse
Importance: High

WARNING: This email is from outside the DFPS system. Do not click on links or attachments unless you expect them from the sender and know the content is safe.

Hello,
I am seeking comment on AG Paxton's and Gov Abbott's recent notes on defining gender-affirming care for transgender youth as child abuse.
Does the Texas Department of Family and Protective Services agree with Paxton's legal opinion and will it comply?
I look forward to hearing from you as soon as possible. Thanks. I'm copying a colleague on this email. Please reply all.
Best,

Chris Boyette *(he/him)*
CNN National News Editor
Newsroom: 404.827.1568
Mobile: 347.802.7812
Twitter: @Chris__Boyette

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Statement on Governor's Letter/AG Opinion

In accordance with Governor Abbott's directive today to Commissioner Masters, we will follow Texas law as explained in Attorney General opinion KP-0401.

At this time, there are no pending investigations of child abuse involving the procedures described in that opinion. If any such allegations are reported to us, they will be investigated under existing policies of Child Protective Investigations.

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From:	Phillips Kathleen V (DFPS)
To:	Yzaguirre Marina C (DFPS); Amaro Kristy (DFPS); Cano Martha J (DFPS); Escaname Belinda (DFPS); Guerra Betzabel (DFPS); Rangel Rey (DFPS); Requenez Janie I (DFPS); Rodriguez Leticia G (DFPS); Salinas Patricia (DFPS); Salinas-Maldonado Olga (DFPS); Shives Jovita M (DFPS)
Cc:	Vela Robert J (DFPS); Barrera Denise S (DFPS)
Subject:	RE: New AG Opinion/DFPS
Date:	Wednesday, February 23, 2022 7:11:51 AM
Attachments:	kp-0401_0.pdf image001.png

I have attached the opinion.

Kathy Phillips
Managing Attorney
Region 11
Texas Department of Family and Protective Services
361-878-7481 Office
361-944-1824 Cell
kathleen.phillips@dfps.texas.gov

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Texas Department of
Family and Protective Services

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Patrick
Patrick Crimmins
Director of Communications
Texas Department of Family and Protective Services
(512) 929-6727 office
(512) 787-5090 cell

AMERICAN OVERSIGHT

From: Gonzales,Marissa L (DFPS)
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Subject: RE: KXAN request for Texas DFPS
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Attachments: AG Opinion Statement.docx
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image003.png
image004.png

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Sent: Tuesday, February 22, 2022 2:40 PM
To: Will.DuPree@kxan.com
Subject: RE: KXAN request for Texas DFPS

Hi, Will. We've been reviewing the opinion and should have a response for you later this afternoon. Thanks.

From: Will DuPree <Will.DuPree@kxan.com>
Sent: Tuesday, February 22, 2022 12:02 PM
To: Wilson,Mark D (DFPS) <Mark.Wilson@dfps.texas.gov>
Subject: KXAN request for Texas DFPS

WARNING: This email is from outside the DFPS system. Do not click on links or attachments unless you expect them from the sender and know the content is safe.

Good afternoon, Mark:

My name is Will DuPree, and I work at KXAN here in Austin. I'm reaching out today about this tweet posted by Gov. Abbott: https://twitter.com/GregAbbott_TX/status/1496114209238794247. It's referencing the opinion shared by Attorney General Ken Paxton about gender-affirming care for transgender children.

The governor wrote, "The Texas Dept. of Family & Protective Services will enforce this ruling and investigate & refer for prosecution any such abuse."

What information can you share about how the DFPS will enforce this ruling? What will that entail? When does it go into effect?

Please let me know what you can pass along. I'm working on a story that will air tonight at 6 p.m., so I hope you can share a response by this afternoon. Thanks for the help.

Take care,

Will DuPree
Digital Anchor / Reporter
KXAN|KNVA|KBVO|Border Report
908 W Martin Luther King Jr Blvd

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Austin, TX 78701
870-512-8414 cell
will.dupree@kxan.com
www.kxan.com
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AMERICAN OVERSIGHT

From: Crimmins,Patrick (DFPS)
To: "Goldenstein, Taylor"
Cc: Gonzales,Marissa L (DFPS)
Subject: RE: AG opinion
Date: Tuesday, February 22, 2022 4:18:33 PM
Attachments: AG Opinion Statement.docx

Taylor – please see attached

From: Crimmins,Patrick (DFPS)
Sent: Tuesday, February 22, 2022 2:32 PM
To: Goldenstein, Taylor <Taylor.Goldenstein@chron.com>
Cc: Gonzales,Marissa L (DFPS) <Marissa.Gonzales@dfps.texas.gov>
Subject: RE: AG opinion

Hi Taylor – we've been reviewing the opinion and should have a response for you today.....
Patrick

From: Goldenstein, Taylor <Taylor.Goldenstein@chron.com>
Sent: Tuesday, February 22, 2022 11:18 AM
To: patrick.crimmins@dfps.state.tx.us
Subject: AG opinion

WARNING: This email is from outside the DFPS system. Do not click on links or attachments unless you expect them from the sender and know the content is safe.

Hi Patrick,

Hope you're well! I am reaching out to ask what the AG's latest opinion that certain types of health care for transgender children constitute child abuse, in line with your agency's August opinion that reassignment surgery is abuse (but it seems his is a little broader since it extends to hormone therapy and other medications).

1. What, logistically, will change, if anything with this new AG opinion?
2. Also, how has your office's policy been going since August? Can you tell me how many investigations you've initiated and whether anyone has actually been charged or whether legal action has been taken?
3. How exactly does DFPS enforce this, since it doesn't have jurisdiction over the health care facilities? What is within the agency's power to do if it learns of alleged abuse of this kind?
4. Since the AG opinion is non-binding, does that mean this will eventually need to be tested in court or solidified through a new state law?

Thanks for your time,
Taylor

--

Taylor Goldenstein
Austin bureau reporter | Houston Chronicle/Hearst Newspapers

AMERICAN OVERSIGHT

o 512-439-2891 **m** 512-200-2910

e taylor.goldenstein@chron.com

Twitter: @taygoldenstein

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From: Hicks,Brenda (DFPS)
To: Hicks,Brenda (DFPS)
Subject: Letter to Commission
Date: Tuesday, February 22, 2022 3:47:38 PM
Attachments: O-MastersJaime202202221358.pdf

---

https://gov.texas.gov/uploads/files/press/O-MastersJaime202202221358.pdf

AMERICAN OVERSIGHT

From:	Karimjee,Sophia A (DFPS)
To:	Gregg,Quyona (DFPS); Brady,Denise A (DFPS); Mclaughlin,Katharine (DFPS); Attie,Kristen (DFPS); Villa,Lauren Z (DFPS)
Subject:	FW: KP-0401.pdf
Date:	Tuesday, February 22, 2022 12:42:23 PM
Attachments:	KP-0401.pdf

Just FYI. I saw this on the news yesterday as well.

Sophia Karimjee | Associate General Counsel for Policy and Program Support
DFPS Office of General Counsel
P.O. Box 149030 | Austin, TX | 78714-9030 | Mailcode E-611
(512) 929-6688 (office) | (512) 289-2196 (cell)
(512) 339-5876 (fax)
Sophia.Karimjee@dfps.texas.gov

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From: Kozikoujekian,Vicki (DFPS)
Sent: Tuesday, February 22, 2022 12:40 PM
To: Karimjee,Sophia A (DFPS) <Sophia.Karimjee@dfps.texas.gov>
Subject: FW: KP-0401.pdf

In case you have not seen this AG Opinion regarding gender transition and child abuse.

AMERICAN OVERSIGHT

From:	Kozikoujekian,Vicki (DFPS)
To:	Price,Kellie (DFPS)
Subject:	FW: AG Opinion in re Sex Change = Abuse
Date:	Tuesday, February 22, 2022 12:40:00 PM
Attachments:	Attorney General Opinion No. KP-0401 -Sex changes and abuse.pdf

Did not see you on the list.

From: Kinsler,Brenda L (DFPS) <Brenda.Kinsler@dfps.texas.gov>
Sent: Tuesday, February 22, 2022 10:39 AM
To: Phillips,Kathleen V (DFPS) <Kathleen.Phillips@dfps.texas.gov>; Britt,Dewey D (DFPS) <Dewey.Britt@dfps.texas.gov>; Arriaga,Dennis (DFPS) <Dennis.Arriaga@dfps.texas.gov>; Anderson,Regina (DFPS) <Regina.Anderson@dfps.texas.gov>; Palmquist,Laura R (DFPS) <Laura.Palmquist@dfps.texas.gov>; Valdez,Lucinda (DFPS) <Lucinda.Valdez@dfps.texas.gov>; Surratt,Michele L (DFPS) <Michele.Surratt@dfps.texas.gov>; Tai,Eric T. (DFPS) <Eric.Tai@dfps.texas.gov>; Adams,Stefanie (DFPS) <Stefanie.Adams@dfps.texas.gov>; Cordray,Glenna (DFPS) <Glenna.Cordray@dfps.texas.gov>
Cc: Kozikoujekian,Vicki (DFPS) <Vicki.Kozikoujekian@dfps.texas.gov>
Subject: AG Opinion in re Sex Change = Abuse

Interesting opinion.

Brenda L. Kinsler

Managing Attorney Regions 4, 5, and 7

Department of Family and Protective Services
Ph: (512) 550-8833
Board Certified Child Welfare Law
BOARD CERTIFIED
Texas Board of Legal Specialization

***Please note that my email address has changed to Brenda.kinsler@dfps.texas.gov ***

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From: Kozikoujekian,Vicki (DFPS)
To: Karimjee,Sophia A (DFPS)
Subject: FW: KP-0401.pdf
Date: Tuesday, February 22, 2022 12:39:00 PM
Attachments: KP-0401.pdf

In case you have not seen this AG Opinion regarding gender transition and child abuse.

AMERICAN OVERSIGHT

From:	Arriaga,Dennis (DFPS)
To:	Mikeska,William (DFPS); Roberson,Tom (DFPS); Smith,Lacey (DFPS); Bradley,Marilyn (DFPS); Morales,Teresa B (DFPS); Keiler-Green,Emily (DFPS); Schneider,Brandt (DFPS); Martinez,Rafael O (DFPS); Cuadrado,Melissa J (DFPS)
Subject:	Attorney General Opinion
Date:	Tuesday, February 22, 2022 11:33:06 AM
Attachments:	Attorney General Opinion No. KP-0401 -Sex changes and abuse.pdf

Just an FYI.

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From: Phillips,Kathleen V (DFPS)
To: Smith,Michelle L (DFPS); Skipper,Shaun S (DFPS); Skipper,Allison (DFPS)
Subject: FW: Notification of Opinion: KP-0401
Date: Tuesday, February 22, 2022 10:40:46 AM
Attachments: kp-0401_0.pdf

Attached is the opinion.

Kathy Phillips
Managing Attorney
Region 11
Texas Department of Family and Protective Services
361-878-7481 Office
361-944-1824 Cell
kathleen.phillips@dfps.texas.gov

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From: Office of TX Attorney General <TXAttorneyGeneral@public.govdelivery.com>
Sent: Tuesday, February 22, 2022 9:41 AM
To: kathleen.phillips@dfps.state.tx.us
Subject: Notification of Opinion: KP-0401

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Ken Paxton Attorney General of Texas

Request for Opinion

Re: Whether certain medical procedures performed on children constitute child abuse (RQ-0426-KP)

Opinion: KP-0401

Summary

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Each of the “sex change” procedures and treatments enumerated above, when performed on children, can legally constitute child abuse under several provisions of chapter 261 of the Texas Family Code.

When considering questions of child abuse, a court would likely consider the fundamental right to procreation, issues of physical and emotional harm associated with these procedures and treatments, consent laws in Texas and throughout the country, and existing child abuse standards.

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From:	Kinsler,Brenda L (DFPS)
To:	Phillips,Kathleen V (DFPS); Britt,Dewey D (DFPS); Arriaga,Dennis (DFPS); Anderson,Regina (DFPS); Palmquist,Laura R (DFPS); Valdez,Lucinda (DFPS); Surratt,Michele L (DFPS); Tai,Eric T. (DFPS); Adams,Stefanie (DFPS); Cordray,Glenna (DFPS)
Cc:	Kozikoujekian,Vicki (DFPS)
Subject:	AG Opinion in re Sex Change = Abuse
Date:	Tuesday, February 22, 2022 10:39:14 AM
Attachments:	Attorney General Opinion No. KP-0401 -Sex changes and abuse.pdf

Interesting opinion.

Brenda L. Kinsler

Managing Attorney Regions 4, 5, and 7

Department of Family and Protective Services
Ph: (512) 550-8833
Board Certified Child Welfare Law

***Please note that my email address has changed to Brenda.kinsler@dfps.texas.gov ***

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From: Ellison,Thomas W (DFPS)
To: Pipes,Glenn (DFPS)
Subject: FW: Child Welfare in the News - February 22, 2022
Date: Tuesday, February 22, 2022 10:13:32 AM

Tom Ellison, MSSW
PAL Coordinator Region 9
3401 North "A" Street
Midland Tx, 79705
432.686.2259 office
432.553.4158 cell
512.927.5780 fax
www.texasyouthconnection.org

From: Child Welfare Information Gateway Library <cwin@communications.childwelfare.gov>
Sent: Tuesday, February 22, 2022 9:59 AM
To: Ellison,Thomas W (DFPS) <Thomas.Ellison@dfps.texas.gov>
Subject: Child Welfare in the News - February 22, 2022

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A free service to connect child welfare and related professionals to daily news.

Child Welfare In the News is a collection of news stories from across the country, and the world, on key topics related to child welfare. The included articles do not imply endorsement of any view expressed in a resource and may not reflect the opinions of Child Welfare Information Gateway, the Children's Bureau, or staff. For more information, please read our About Child Welfare in the News.

CA: Advocates and Officials Press Case for Overhauling Key Adoption and Child Welfare Law
Imprint - February 21, 2022
Billed as the first protest of its kind in California, attendees at the Jan. 18 rally united in one particularly urgent appeal: Pressure state lawmakers to push back against a federal law that incentivizes adoption with federal funds and, they say, places unreasonable timelines and barriers on families who are already facing difficulties. The 1997 Adoption and Safe Families Act's central provision states that if a child has been in foster care for 15 out of 22 months, and parents have not corrected maltreatment concerns to the court's satisfaction, local child welfare agencies are required to pursue termination of parental rights. The law includes exceptions - which some national data suggests states take frequent advantage of. But the timelines typically fall heaviest on the incarcerated and parents working through substance use disorder programs, those at the Sacramento rally argued.
https://imprintnews.org/child-welfare-2/advocates-and-officials-asfa-overhaul/62671

CO: $76 million could fix Colorado's youth mental health system, study finds as kids are sent out of state for care (Includes audio)
Colorado Sun - February 21, 2022
The operators of Colorado's youth residential treatment centers, where children with the most

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acute mental health struggles go to recover, have warned for years that the system could fall apart without more funding. More than 1,000 beds, and 44 youth treatment centers, have closed since 2007. Of the 40 centers left in Colorado, only a handful are willing to take young people with the most severe mental and behavioral health problems.
https://coloradosun.com/2022/02/21/childrens-mental-health-residential-beds/

FL: House community-based care proposal could sap $17M from Southeast Florida to boost funding elsewhere

Florida Politics - February 22, 2022

The House budget plan could send more than $127 million in new funding to community-based care agencies. But while most of the state would see a boost in funding from that plan, providers in Miami-Dade, Monroe, and Broward counties could see their funding cut. Multiple foster care providers in Southwest Florida ahead of Session sought a change in state funding formulas to address inequities. And the House might wipe out any problems for those providers. But with the increase in funding comes a change in how dollars are allocated. That change could see more than $17 million cut from the budget of Citrus Health Network, which serves as the provider in Miami-Dade and Monroe counties. Citrus' budget sits at around $77.5 million in Fiscal Year 2021-22. That $17 million figure represents a 22% cut and could result in significant services being scaled back.
Also: Fiscal Year 2022-23 Florida House Proposed General Appropriations Act:
https://bit.ly/35gV2ue
https://floridapolitics.com/archives/498915-community-based-care-wins-big-in-house-budget-but-will-the-senate-go-along/

FL: Fatherhood initiative draws concern: Black kids labeled in state law as 'special needs' children

Florida Phoenix - February 21, 2022

Last week, the state House approved the policy initiative called HB 7065, entitled, "An act relating to child welfare." But what happened on the House floor that day sparked questions and concerns by lawmakers from the Florida Legislative Black Caucus, about language in existing state law that defines a "special needs child" as a child "of black or racially mixed parentage." That particular language doesn't specify the race of other children. State Rep. Patricia Williams, a Democrat representing part of Broward County, pushed to amend the fatherhood bill in the House, to take away the term "special needs child" and replace it with a "difficult to place" child. The amendment failed. State Rep. Thad Altman, the fatherhood bill sponsor in the House last week, said, "unfortunately, at this point in time, we have multiple bills in play, as far as multiple statutory references, it would be difficult to make such a change; it would be cumbersome. I can understand that these words have meaning in both vernacular and statute, we have a specific definition of a special needs, adoptive child."
Also: HB7065: An act relating to child welfare:
https://flsenate.gov/Session/Bill/2022/7065/BillText/e1/PDF
https://floridaphoenix.com/2022/02/21/fatherhood-initiative-draws-concern-black-kids-labeled-in-state-law-as-special-needs-children/

IL: New research shows trauma and inequity created worsening mental health for Chicago's young men of color (Includes audio)

WBBM - February 21, 2022

The youth research group Ujima, which is made up of young men between the ages of 14 and 19 who live in the Albany Park, Austin, North Lawndale, Roseland, and West Ridge neighborhoods, conducted a study to answer one question: "As boys and young men of color, what are the challenges we face and what are the resources we need to support our mental health and

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wellbeing?" asked Ujima member Jermal Ray. They found 66% of young men say they're struggling with mental health and another 59% said they'd consider professional counseling if given the chance. Other findings show that trauma is often normalized for young men of color and that they feel they cannot share their full experiences and emotions with mental health providers without negative repercussions.

Also: Report: Changing the Beat of Mental Health: Amplifying Our Voice: https://bit.ly/3JJ4Tb0

https://www.audacy.com/wbbm780/news/local/trauma-inequity-worsening-mental-health-for-men-of-color

IN: Bill expanding DCS info required in child fatality reports passes Senate committee (Includes video)

WTHR - February 21, 2022

New legislation expanding what the Indiana Department of Child Services is required to include in their end-of-year child fatality reports moved out of the Senate Child and Family Services Committee by a unanimous vote on Monday. House Bill 1247, authored by Rep. Ryan Laurer, R-Columbus, would require DCS to include if a deceased child had a prior history with DCS, and the location and status of the child at the time of death. The agency would also have to indicate whether a child had an open case with DCS at the time of their death.

Also: House Bill 1247: http://iga.in.gov/legislative/2022/bills/house/1247/

https://www.wthr.com/article/life/family/bill-expanding-what-dcs-must-include-in-child-fatality-reports-advances-indiana-statehouse/531-61299aeb-f107-4fd7-aba8-e45508e9ba80

NE: New study finds correlations between foster care and missing children (Includes video)

KLKN - February 21, 2022

Researchers have uncovered alarming correlations with Nebraska children placed in out-of-home care that go missing. More research is sure to follow, but for now, experts have to plan for what changes need to be made. Nebraska's Foster Care Review office conducted an analysis digging into the missing person population and started to notice patterns. Out of all of the missing person reports in the state, two-thirds were minors, and a significant number of those missing children were involved in out-of-home care placement.

Also: Special Report: Examining Missingness among Children in Out-of-Home Care Placements in Nebraska: https://bit.ly/3s9osTW

https://www.klkntv.com/new-study-finds-correlations-between-foster-care-and-missing-children/

NH: What do you do when you've institutionalized children as young as age 7 in a place that was the subject of a "cascade of complaints" alleging abuse? If you're New Hampshire, you give 'em a $9.8 million contract, of course! (Opinion)

NCCPR Child Welfare Blog - February 21, 2022

On the surface, this story from New Hampshire may seem like just another example of children institutionalized in a place that has been the subject of multiple allegations of abuse. In fact, it's much more. It's a story about the willingness of regulators to bend over backwards to dismiss complaints against such places.

Also: Report: System Review 2020-01: Review of Complaints about Nashua Children's Home: https://bit.ly/3H8wWyT

https://www.nccprblog.org/2022/02/childabuseNH.html

NM: New Mexico's first Native family court points to success keeping kids in tribal communities

Youth Today - February 21, 2022

Veronica Krupnick, a member of the Hopi Tribe who also has Navajo and Jemez Pueblo heritage,

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was six years old when she entered New Mexico's child welfare system, ultimately severing her connections to her family, community and culture. Today, a case like Krupnick's would come before New Mexico's Native family court, which was inaugurated in January, 2020, with the intention of helping prevent the separation of Indigenous children from their families and tribes. The court, based in Albuquerque, is dedicated to hearing child welfare cases that fall under the Indian Child Welfare Act, or ICWA. Child welfare advocates, attorneys and court officials say the court has already achieved success in keeping families together by strengthening tribal involvement.

https://youthtoday.org/2022/02/new-mexicos-first-native-family-court-points-to-success-keeping-kids-in-tribal-communities/

TX: New child abuse laws change the way judges rule in court (Includes video)

KSAT - February 21, 2022

On the heels of two child deaths in San Antonio, allegedly from abuse, KSAT is taking a look at new laws passed last year that affect abuse and Child Protective Services cases. Several laws passed in September 2021 have an impact on the way CPS and child abuse cases are interpreted. "The trend is with these legislative changes are heightened thresholds, heightened requirements of proof for judges, like me, to consider removal orders or protection orders," said Judge Monique Diaz of the 150th District Court.

Also: House Bill 567: https://legiscan.com/TX/bill/HB567/2021

Also: House Bill 3379: https://legiscan.com/TX/bill/HB3379/2021

https://www.ksat.com/news/local/2022/02/22/new-child-abuse-laws-change-the-way-judges-rule-in-court/

TX: Texas Attorney General Ken Paxton: Gender-affirming care for transgender children is abuse (Includes audio)

Dallas Morning News - February 21, 2022

Attorney General Ken Paxton has issued a new interpretation of state law that says certain types of medical care for transgender children are abuse, a dramatic change contrary to medical standards that if implemented could make Texas one of the most aggressive states in targeting trans youth access to health care. On Monday, Paxton issued an opinion stating his office believes gender-affirming health care for transgender youth - including treatments like hormone therapy and puberty blockers - is a form of child abuse. The move comes despite opposition from the top medical and child welfare groups, who oppose blanket bans to care.

Also: Opinion No. KP-0401: https://www.documentcloud.org/documents/21271867-kp-0401

https://www.dallasnews.com/news/politics/2022/02/21/texas-attorney-general-ken-paxton-health-care-for-transgender-children-is-abuse/

TX: Commissioners distributing $1.5 million

Uvalde Leader-News - February 20, 2022

Uvalde County employees as well as some local non-profits will soon have several thousand dollars more after county commissioners agreed last Monday to distribute over $1.5 million in coronavirus relief funds. The Humane Society of Uvalde will receive $9,454.57; and the Uvalde County Child Welfare Board, CASA, St. Henry De Osso Family Project, Herby Ham Activity Center, Southwest Family Life Center, and the Uvalde Food Pantry will get $14,182.31 each.

https://www.uvaldeleadernews.com/articles/commissioners-distributing-1-5-million/

US: When Foster Youth Have Their Own Kids, Our Support Disappears (Opinion)

Imprint - February 21, 2022

Attend any meeting or conference discussing the child protection system and you'll hear

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advocates coalesce upon our need to support kids aging out of foster care. Let's extend the amount of time they can stay in the system. Let's provide them with financial assistance. Let's give them housing. These policy solutions fit into what we know about youth who have experienced so much trauma in their lives. They need significant support to overcome the barriers they face and to achieve their hopes and dreams. Because they have the same hopes and dreams that all young adults do. To their credit, policymakers in Washington and around the country have heeded those calls. But when these older youth have children, the system starts singing a different tune, one much less nurturing.

https://imprintnews.org/opinion/when-foster-youth-have-their-own-kids-our-support-disappears/62731

US: This Is the Difference Between a Family Surviving and a Family Sinking (Opinion) (Requires subscription)

New York Times - February 18, 2022

Last summer the vast majority of American families with children saw money appear in their bank accounts without doing anything at all. Thanks to legislation passed by Democrats earlier in the year, an expanded Child Tax Credit automatically sent out $300 each month through the rest of the year for every child under 6 and $250 for older ones to people who regularly file taxes. It showcased what government can do when it works at its most efficient: seamlessly deliver meaningful benefits without requiring people to take much, or really any, action. But for the roughly 2.3 million children whose families hadn't recently filed income taxes, the Child Tax Credit showcased all the worst instincts of governmental bureaucracy.

https://www.nytimes.com/2022/02/18/opinion/sunday/child-tax-credit-poverty-benefits.html?searchResultPosition=1

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From:	Shives Jovita M (DFPS)
To:	Salinas Leonel (DFPS); Gorena Damaryce Rubi (DFPS); Monrreal Maria B (DFPS); Salinas Leonel (DFPS); Cruz Elizabeth (Laredo) (DFPS); Rodriguez Joycelyn (DFPS)
Cc:	Torres Virginia (DFPS)
Subject:	FW: New AG Opinion/DFPS
Date:	Thursday, February 24, 2022 10:46:00 PM
Attachments:	kp-0401_0.pdf image001.png

FYI

From: Phillips,Kathleen V (DFPS)
Sent: Wednesday, February 23, 2022 7:11 AM
To: Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>; Amaro,Kristy (DFPS) <Kristy.Amaro@dfps.texas.gov>; Cano,Martha J (DFPS) <Martha.Cano@dfps.texas.gov>; Escaname,Belinda (DFPS) <Belinda.Escaname@dfps.texas.gov>; Guerra,Betzabel (DFPS) <Betzabel.Guerra@dfps.texas.gov>; Rangel,Rey (DFPS) <Rey.Rangel@dfps.texas.gov>; Requenez,Janie I (DFPS) <Janie.Requenez@dfps.texas.gov>; Rodriguez,Leticia G (DFPS) <Leticia.Rodriguez@dfps.texas.gov>; Salinas,Patricia (DFPS) <Patricia.Salinas@dfps.texas.gov>; Salinas-Maldonado,Olga (DFPS) <Olga.Salinas-Maldonado@dfps.texas.gov>; Shives,Jovita M (DFPS) <Jovita.Shives@dfps.texas.gov>
Cc: Vela,Robert J (DFPS) <Robert.Vela@dfps.texas.gov>; Barrera,Denise S (DFPS) <Denise.Barrera@dfps.texas.gov>
Subject: RE: New AG Opinion/DFPS

I have attached the opinion.

Kathy Phillips
Managing Attorney
Region 11
Texas Department of Family and Protective Services
361-878-7481 Office
361-944-1824 Cell
kathleen.phillips@dfps.texas.gov

CONFIDENTIALITY NOTICE: *This message and all attachments are confidential and may be protected by the attorney-client or other privileges. Any review, use, disclosure, or distribution by persons other than the intended recipient is prohibited and may be unlawful. If you believe this message has been sent to you in error, please notify the sender and delete this message and copy of it (in any form) without disclosing it. Unless expressly stated in this e-mail, nothing in this message should be construed as a digital or electronic signature.*

From: Yzaguirre,Marina C (DFPS)
Sent: Tuesday, February 22, 2022 4:28 PM
To: Amaro,Kristy (DFPS) <Kristy.Amaro@dfps.texas.gov>; Cano,Martha J (DFPS) <Martha.Cano@dfps.texas.gov>; Escaname,Belinda (DFPS) <Belinda.Escaname@dfps.texas.gov>; Guerra,Betzabel (DFPS) <Betzabel.Guerra@dfps.texas.gov>; Rangel,Rey (DFPS) <Rey.Rangel@dfps.texas.gov>; Requenez,Janie I (DFPS) <Janie.Requenez@dfps.texas.gov>; Rodriguez,Leticia G (DFPS) <Leticia.Rodriguez@dfps.texas.gov>; Salinas,Patricia (DFPS) <Patricia.Salinas@dfps.texas.gov>; Salinas-Maldonado,Olga (DFPS) <Olga.Salinas-Maldonado@dfps.texas.gov>; Shives,Jovita M (DFPS) <Jovita.Shives@dfps.texas.gov>
Cc: Vela,Robert J (DFPS) <Robert.Vela@dfps.texas.gov>; Barrera,Denise S (DFPS) <Denise.Barrera@dfps.texas.gov>; Phillips,Kathleen V (DFPS) <Kathleen.Phillips@dfps.texas.gov>
Subject: FW: New AG Opinion/DFPS

Fyi---please be sure to escalate up to your PA and me if one of these kinds of cases presents itself in our region.
Thanks!

MARINA YZAGUIRRE, MSSW
Child Protective Investigations
Regional Director
Region 11
Edinburg, Tx 78539
Off. 956-316-8238
Mbl. 956-802-4921

AMERICAN OVERSIGHT

Texas Department of
Family and Protective Services

From: Talbert,Marta L (DFPS)
Sent: Tuesday, February 22, 2022 11:56 AM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
Subject: FW: New AG Opinion/DFPS

fyi

Marta Talbert
Director of Investigation and Alternative Response
512-438-3357
marta.talbert@dfps.texas.gov

From: Crimmins,Patrick (DFPS)
Sent: Monday, February 21, 2022 3:41 PM
To: Black,Stephen D (DFPS) <Stephen.Black@dfps.texas.gov>; Dryden,Deneen (DFPS) <Deneen.Dryden@dfps.texas.gov>; Frank,Julie (DFPS) <Julie.Frank@dfps.texas.gov>; Kanne,Lisa M (DFPS) <Lisa.Kanne@dfps.texas.gov>; Kozikoujekian,Vicki (DFPS) <Vicki.Kozikoujekian@dfps.texas.gov>; Lawson,Corliss (DFPS) <Corliss.Lawson@dfps.texas.gov>; Martinez,Jose A (DFPS) <Jose.Martinez@dfps.texas.gov>; Masters,Jaime D (DFPS) <Jaime.Masters@dfps.texas.gov>; Mency,Eric (DFPS) <Eric.Mency@dfps.texas.gov>; Rasco,Sasha (DFPS) <Sasha.Rasco@dfps.texas.gov>; Richman,Robert (DFPS) <Robert.Richman@dfps.texas.gov>; Watson,Chance R (DFPS) <Chance.Watson@dfps.texas.gov>; Wold,Kezeli A (DFPS) <Kezeli.Wold@dfps.texas.gov>
Cc: Gonzales,Marissa L (DFPS) <Marissa.Gonzales@dfps.texas.gov>; Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: RE: New AG Opinion/DFPS

Here is text of press release if link won't work

AG Paxton Declares So-Called Sex-Change Procedures on Children and Prescription of Puberty Blockers to be "Child Abuse" Under Texas Law

AUSTIN – Attorney General Ken Paxton released a formal attorney general opinion concluding that performing certain "sex-change" procedures on children, and prescribing puberty-blockers to them, is "child abuse" under Texas law. The holding comes at a critical time when more and more Texans are seeing the horrors that flow from the merging of medicine and misguided ideology.

Specifically, the opinion concludes that certain procedures done on minors such as castration, fabrication of a "penis" using tissue from other body parts, fabrication of a "vagina" involving the removal of male sex organs, prescription of puberty-suppressors and infertility-inducers, and the like are all "abuse" under section 261.001 of the Texas Family Code.

"There is no doubt that these procedures are 'abuse' under Texas law, and thus must be halted," said Attorney General Paxton. "The Texas Department of Family and Protective Services (DFPS) has a responsibility to act accordingly. I'll do everything I can to protect against those who take advantage of and harm young Texans."

This opinion comes after Attorney General Paxton opined in an October 2019 letter to DFPS, stating that the "transition" of James Younger—the biological male son of Jeff Younger—to a "female" through puberty-blocking drugs, among other things, was "abuse" under at least three definitions set out in the Family Code, and that DFPS, therefore, had an independent duty to investigate.

The opinion also follows Gov. Abbott's August 2021 letter to DFPS requesting a determination of "whether genital mutilation of a child for purposes of gender transitioning through reassignment surgery constitutes child abuse." The Commissioner of DFPS replied that "genital mutilation of a child through reassignment surgery is child abuse."

Read the opinion here.

From: Crimmins,Patrick (DFPS)

AMERICAN OVERSIGHT

Sent: Monday, February 21, 2022 3:02 PM
To: Black,Stephen D (DFPS) <Stephen.Black@dfps.texas.gov>; Dryden,Deneen (DFPS) <Deneen.Dryden@dfps.texas.gov>; Frank,Julie (DFPS) <Julie.Frank@dfps.texas.gov>; Kanne,Lisa M (DFPS) <Lisa.Kanne@dfps.texas.gov>; Kozikoujekian,Vicki (DFPS) <Vicki.Kozikoujekian@dfps.texas.gov>; LAWSON,corliss <corliss.lawson@dfps.texas.gov>; Martinez,Jose A (DFPS) <Jose.Martinez@dfps.texas.gov>; Masters,Jaime D (DFPS) <Jaime.Masters@dfps.texas.gov>; Mency,Eric (DFPS) <Eric.Mency@dfps.texas.gov>; Rasco,Sasha (DFPS) <Sasha.Rasco@dfps.texas.gov>; Richman,Robert (DFPS) <Robert.Richman@dfps.texas.gov>; Watson,Chance R (DFPS) <Chance.Watson@dfps.texas.gov>; Wold,Kezeli A (DFPS) <Kezeli.Wold@dfps.texas.gov>
Cc: Gonzales,Marissa L (DFPS) <Marissa.Gonzales@dfps.texas.gov>; Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: New AG Opinion/DFPS

Hi Commissioner – the media has contacted me about the AG's new opinion, which he has publicized in a press release (below). Our comment is that we will be reviewing……
Patrick
https://mail.google.com/mail/u/0/#inbox/FMfcgzGmvBpdjpHcwNrpCmxpxvvWdjWP
https://texasattorneygeneral.gov/sites/default/files/global/KP-0401.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=
Patrick

Patrick Crimmins
Director of Communications
Texas Department of Family and Protective Services
(512) 929-6727 office
(512) 787-5090 cell

AMERICAN OVERSIGHT

From: Westbrook,Debra (DFPS)
To: [redacted]
Subject: FW: Attorney General Opinion
Date: Thursday, February 24, 2022 8:50:00 PM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

Hello SWI,
A legal opinion was released by the AG's office on February 21, 2022. The governor subsequently provided further direction to DFPS to these reported matters.
Those two documents are attached to this communication which gives guidance and direction regarding how the department is to handle intakes related to gender transitioning.
Please consult with your PA regarding any questions you may have.
Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From: Smith,Stephanie A (DFPS)
To: Welch,Sarah (DFPS)
Subject: information
Date: Thursday, February 24, 2022 6:30:12 PM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

AMERICAN OVERSIGHT

From: Smith,Stephanie A (DFPS)
To: Welch,Sarah (DFPS)
Subject: what I gathered
Date: Thursday, February 24, 2022 6:21:21 PM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

AMERICAN OVERSIGHT

From: Smith,Stephanie A (DFPS)
To: [redacted]
Subject: FW: Here you go
Date: Thursday, February 24, 2022 6:21:00 PM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

AMERICAN OVERSIGHT

From:	Visser,Rhonda A (DFPS)
To:	Visser,Rhonda A (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 6:19:00 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

---

From: Black,Stephen D (DFPS)

Sent: Wednesday, February 23, 2022 3:31 PM

To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>

Subject: Attorney General Opinion

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Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	ESTY,STACY A (DFPS)
To:	Johnson,Brittany (DFPS); Boyd,Sharlina (DFPS); Mendez,Lisa K. (DFPS); Johnson,Angelle C (DFPS); Curry,Shelena D. (DFPS); Perez,Magdalena (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 6:09:23 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image001.png

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FYI .. This is what has been on the news

From: Gaynor,Sarah J. (DFPS)
Sent: Thursday, February 24, 2022 5:43 PM
To: Addison,Stephanie M (DFPS) <Stephanie.Addison@dfps.texas.gov>; ESTY,STACY A (DFPS) <Stacy.ESTY@dfps.texas.gov>; Kelly,Toni L (DFPS) <Toni.Kelly@dfps.texas.gov>; Taylor-Owens,Jennifer L (DFPS) <Jennifer.Taylor-Owens@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Please read attachments

Sarah Gaynor

Cell: 832-454-7263

From: Thomas,Montorea (DFPS) <Montorea.Thomas@dfps.texas.gov>
Sent: Thursday, February 24, 2022 4:46 PM
To: Cage,Natasha (DFPS) <Natasha.Cage@dfps.texas.gov>; Gaynor,Sarah J. (DFPS) <Sarah.Gaynor@dfps.texas.gov>; Jones,Alina S (DFPS) <Alina.Jones@dfps.texas.gov>
Subject: FW: Attorney General Opinion

See below. FYI

Montorea R. Thomas, MSW
Department of Family & Protective Services
Service Program Administrator/Region 6A
CVS, Court, PAL, Kinship, DDS, EDS, FGDM Liaison
2525 Murworth Dr.
Houston, TX 77054
☎**Office:** (713)394-4139
☎**Cell:** (713) 301-9810
Fax: (512) 276-3017
✉**Email: montorea.thomas@dfps.texas.gov**

From: Broussard-White,CJ (DFPS)
Sent: Thursday, February 24, 2022 4:40 PM
To: Easley,Shaundricka L (DFPS) <Shaundricka.Easley@dfps.texas.gov>; Lee,John L (DFPS) <John.Lee@dfps.texas.gov>; Reynolds,David E (DFPS) <David.Reynolds@dfps.texas.gov>; Thomas,Montorea (DFPS) <Montorea.Thomas@dfps.texas.gov>; Jones,Alina S (DFPS) <Alina.Jones@dfps.texas.gov>; Clark,Jennifer L. (DFPS) <Jennifer.Clark@dfps.texas.gov>; Levit,Lindy

AMERICAN OVERSIGHT

(DFPS) <Lindy.Levit@dfps.texas.gov>; Plummer,Lataisha M. (DFPS) <Lataisha.Plummer@dfps.texas.gov>; Marks,Iker R (DFPS) <Iker.Marks@dfps.texas.gov>

Subject: FW: Attorney General Opinion

Team,
Please see below and attached.
cj

From: Sanders,Monica L (DFPS)

Sent: Thursday, February 24, 2022 1:47 PM

To: Broussard-White,CJ (DFPS) <CJ.BroussardWhite@dfps.texas.gov>

Subject: FW: Attorney General Opinion

Just an FYI
Notification from Gov. Abbott/AG Paxton

From: Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>

Sent: Thursday, February 24, 2022 8:42 AM

To: Polk,Marilyn D (DFPS) <Marilyn.Polk@dfps.texas.gov>; Garrett,Kendrick L (DFPS) <Kendrick.Garrett@dfps.texas.gov>

Cc: Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>

Subject: FW: Attorney General Opinion

PLEASE explain to the PDs that they must notify PA/RD if their program receives an assignment from SWI on these.

Immediately.

We must treat these as normal investigations. I will discuss this at Tuesday's BB meeting.

From: Sanders,Monica L (DFPS)

Sent: Thursday, February 24, 2022 8:05 AM

To: Polk,Marilyn D (DFPS) <Marilyn.Polk@dfps.texas.gov>; Garrett,Kendrick L (DFPS) <Kendrick.Garrett@dfps.texas.gov>

Subject: FW: Attorney General Opinion

Please try to get through this and share and process with the PDs.

From: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>

Sent: Wednesday, February 23, 2022 3:55 PM

To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>

Subject: FW: Attorney General Opinion

See email below and attachments—email/attachments sent to SWI staff. I believe we have three right now in the intake stage—or being worked on by SWI. Stephen will send me the case numbers as soon as he has them for us to be aware in order to assist our staff with these cases.
Thanks,

AMERICAN OVERSIGHT

Marta

Marta Talbert
Director of Investigation and Alternative Response
512-438-3357
marta.talbert@dfps.texas.gov

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:46 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: FW: Attorney General Opinion

fyi

Stephen Black
512-960-9352

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

Hello SWI,

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Please consult with your PA regarding any questions you may have.

Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From: Crimmins,Patrick (DFPS)
To: Preyor-Johnson, Nancy
Subject: RE: Statement on Transgender affirming care as child abuse
Date: Thursday, February 24, 2022 5:50:00 PM
Attachments: AG Opinion Statement.docx

Attached is our statement. Here is some helpful investigations information, and a link to current investigations policy which remains in place as is; there is no new policy.
http://www.dfps.state.tx.us/Investigations/default.asp
https://www.dfps.state.tx.us/handbooks/CPS/Files/CPS_pg_2000.asp#CPS_2113
Patrick

From: Preyor-Johnson, Nancy <Nancy.Preyor-Johnson@express-news.net>
Sent: Thursday, February 24, 2022 5:45 PM
To: Crimmins,Patrick (DFPS) <PATRICK.CRIMMINS@dfps.texas.gov>
Subject: Statement on Transgender affirming care as child abuse

WARNING: This email is from outside the DFPS system. Do not click on links or attachments unless you expect them from the sender and know the content is safe.

Hi, Patrick.
Can you please confirm information in this article and get me additional information on your policy?
Do you have a memo from Paxton? A new policy?
https://www.houstonchronicle.com/politics/texas/article/abbott-paxton-gender-affirming-care-child-abuse-16938490.php

Nancy M. Preyor-Johnson
San Antonio Express-News
Editorial Board Associate Editor | Columnist

AMERICAN OVERSIGHT

From:	Gaynor,Sarah J. (DFPS)
To:	Addison,Stephanie M (DFPS); ESTY,STACY A (DFPS); Kelly,Toni L (DFPS); Taylor-Owens,Jennifer L (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 5:43:43 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image001.png

Please read attachments

Sarah Gaynor

Cell: 832-454-7263

From: Thomas,Montorea (DFPS) <Montorea.Thomas@dfps.texas.gov>
Sent: Thursday, February 24, 2022 4:46 PM
To: Cage,Natasha (DFPS) <Natasha.Cage@dfps.texas.gov>; Gaynor,Sarah J. (DFPS) <Sarah.Gaynor@dfps.texas.gov>; Jones,Alina S (DFPS) <Alina.Jones@dfps.texas.gov>
Subject: FW: Attorney General Opinion

See below. FYI

Montorea R. Thomas, MSW
Department of Family & Protective Services
Service Program Administrator/Region 6A
CVS, Court, PAL, Kinship, DDS, EDS, FGDM Liaison
2525 Murworth Dr.
Houston, TX 77054
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Subject: FW: Attorney General Opinion

Team,
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cj

From: Sanders,Monica L (DFPS)
Sent: Thursday, February 24, 2022 1:47 PM

AMERICAN OVERSIGHT

To: Broussard-White,CJ (DFPS) <CJ.BroussardWhite@dfps.texas.gov>
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AMERICAN OVERSIGHT

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fyi

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Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From: Jones,Alina S (DFPS)
To: Reyna,Debra M (DFPS); Saldivar,Vanessa (DFPS); Daniels,Ebony (DFPS)
Subject: Fwd: Attorney General Opinion
Date: Thursday, February 24, 2022 5:10:16 PM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

Alina Jones
Harris County Court & PAL Program Director
C: 832.360.6923

From: Broussard-White,CJ (DFPS) <CJ.BroussardWhite@dfps.texas.gov>
Sent: Thursday, February 24, 2022 4:40:29 PM
To: Easley,Shaundricka L (DFPS) <Shaundricka.Easley@dfps.texas.gov>; Lee,John L (DFPS) <John.Lee@dfps.texas.gov>; Reynolds,David E (DFPS) <David.Reynolds@dfps.texas.gov>; Thomas,Montorea (DFPS) <Montorea.Thomas@dfps.texas.gov>; Jones,Alina S (DFPS) <Alina.Jones@dfps.texas.gov>; Clark,Jennifer L. (DFPS) <Jennifer.Clark@dfps.texas.gov>; Levit,Lindy (DFPS) <Lindy.Levit@dfps.texas.gov>; Plummer,Lataisha M. (DFPS) <Lataisha.Plummer@dfps.texas.gov>; Marks,Iker R (DFPS) <Iker.Marks@dfps.texas.gov>
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Sent: Thursday, February 24, 2022 8:05 AM
To: Polk,Marilyn D (DFPS) <Marilyn.Polk@dfps.texas.gov>; Garrett,Kendrick L (DFPS) <Kendrick.Garrett@dfps.texas.gov>

AMERICAN OVERSIGHT

Subject: FW: Attorney General Opinion

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From: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:55 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
Subject: FW: Attorney General Opinion

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Thanks,
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marta.talbert@dfps.texas.gov

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Subject: FW: Attorney General Opinion

fyi
Stephen Black
512-960-9352

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

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Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

Subject: FW: Attorney General Opinion
Date: Thursday, February 24, 2022 5:07:07 PM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf
image001.png

Thank you,

Isaac K. Lopez

Program Director
Region 09 INV/AR
622 S. Oakes Ste. L
San Angelo, TX, 76903
O: 325-657-8940
C: 325-315-7569

Mission

We promote safe and healthy families and protect children and vulnerable adults from abuse, neglect, and exploitation.

Vision

Improving the lives of those we serve.

Values

We are Accountable, Respectful, Diverse, Collaborative, Professional

Texas Department of
Family and Protective Services
Child Protective Investigations

From: Baquero,Myrna I (DFPS)
Sent: Thursday, February 24, 2022 9:04 AM
To: Johnson,Christin (DFPS) <Christin.Johnson@dfps.texas.gov>; Ortega,Edna V (DFPS) <Edna.Ortega@dfps.texas.gov>; Garcia,John A (DFPS) <John.Garcia@dfps.texas.gov>; Wicker,Joseph (DFPS) <Joseph.Wicker@dfps.texas.gov>; Lopez,Isaac (DFPS) <Isaac.Lopez@dfps.texas.gov>; Valdez,Deric J (DFPS) <Deric.Valdez@dfps.texas.gov>
Subject: FW: Attorney General Opinion
Importance: High

NOTE: All before you share this I want us to have a conversation. Deric please schedule a teams call for late this afternoon or tomorrow morning. Is everyone available at 4 pm central time? I am also available tomorrow morning.

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AMERICAN OVERSIGHT

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Myrna

AMERICAN OVERSIGHT

From:	Thomas,Montorea (DFPS)
To:	Cage,Natasha (DFPS); Gaynor,Sarah J. (DFPS); Jones,Alina S (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 4:45:45 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image001.png

See below. FYI

Montorea R. Thomas, MSW

Department of Family & Protective Services
Service Program Administrator/Region 6A
CVS, Court, PAL, Kinship, DDS, EDS, FGDM Liaison
2525 Murworth Dr.
Houston, TX 77054
☎**Office:** (713)394-4139
☎**Cell:** (713) 301-9810
Fax: (512) 276-3017
Email: montorea.thomas@dfps.texas.gov

From: Broussard-White,CJ (DFPS)
Sent: Thursday, February 24, 2022 4:40 PM
To: Easley,Shaundricka L (DFPS) <Shaundricka.Easley@dfps.texas.gov>; Lee,John L (DFPS) <John.Lee@dfps.texas.gov>; Reynolds,David E (DFPS) <David.Reynolds@dfps.texas.gov>; Thomas,Montorea (DFPS) <Montorea.Thomas@dfps.texas.gov>; Jones,Alina S (DFPS) <Alina.Jones@dfps.texas.gov>; Clark,Jennifer L. (DFPS) <Jennifer.Clark@dfps.texas.gov>; Levit,Lindy (DFPS) <Lindy.Levit@dfps.texas.gov>; Plummer,Lataisha M. (DFPS) <Lataisha.Plummer@dfps.texas.gov>; Marks,Iker R (DFPS) <Iker.Marks@dfps.texas.gov>
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cj

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Subject: FW: Attorney General Opinion

fyi
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Sent: Wednesday, February 23, 2022 3:31 PM
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Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From: Ratliff,Janet (DFPS)
To: Jones,Larissa (HHSC)
Subject: Fwd: Attorney General Opinion
Date: Thursday, February 24, 2022 4:42:10 PM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf
image002.png

From: Ratliff,Janet (DFPS) <Janet.Ratliff@dfps.texas.gov>
Sent: Thursday, February 24, 2022 4:41:26 PM
To: Wells,Shauna (DFPS) <Shauna.Wells@dfps.texas.gov>
Subject: Fwd: Attorney General Opinion

From: Meador,Angela G (DFPS) <Angela.Meador@dfps.texas.gov>
Sent: Thursday, February 24, 2022 2:50:33 PM
To: Ratliff,Janet (DFPS) <Janet.Ratliff@dfps.texas.gov>; Yoder,Jeffrey A (DFPS) <Jeffrey.Yoder@dfps.texas.gov>; Galaviz,Eduardo (DFPS) <Eduardo.Galaviz@dfps.texas.gov>; Nelson,Chrisstena D (DFPS) <Chrisstena.Nelson@dfps.texas.gov>; Coston,Stephanie (DFPS) <Stephanie.Coston@dfps.texas.gov>; Coulter,Kandi (DFPS) <Kandi.Coulter@dfps.texas.gov>
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Sent: Thursday, February 24, 2022 2:38 PM
To: Chavira,Ninfa (DFPS) <Ninfa.Chavira@dfps.texas.gov>; Cross,Angie J (DFPS) <Angie.Cross@dfps.texas.gov>; King,Amie (DFPS) <Amie.King@dfps.texas.gov>; Lipham,Alexis P (DFPS) <Alexis.Lipham@dfps.texas.gov>; Meador,Angela G (DFPS) <Angela.Meador@dfps.texas.gov>; Montoya,Erica A (DFPS) <Erica.Montoya@dfps.texas.gov>; Speaks,Ginger L (DFPS) <Ginger.Speaks@dfps.texas.gov>
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Please review
Thank you,
Todd Etheredge
Children Protective Investigations and Alternative Response Program Director
3610 Vine Street
Abilene, Texas 79602
Office (325) 691-8149
Cell (325) 514-5041

Texas Department of Family and Protective Services
Investigations

From: Harmon,Tonya (DFPS)
Sent: Thursday, February 24, 2022 9:48 AM
To: Vangelderen,John (DFPS) <John.Vangelderen@dfps.texas.gov>; Etheredge,Todd (DFPS) <Todd.Etheredge@dfps.texas.gov>; Hanson,Michelle R (DFPS) <Michelle.Hanson@dfps.texas.gov>;

AMERICAN OVERSIGHT

Castillo,Lilia (DFPS) <Lilia.Castillo@dfps.texas.gov>; Cash,Crystal (DFPS) <Crystal.Cash@dfps.texas.gov>
Cc: Ward,Shannon M (DFPS) <Shannon.Ward@dfps.texas.gov>
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AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

From: Lee,John L (DFPS)
To: McKentie,Teara S (DFPS); William,Alisa M (DFPS); Brown,Paulla E. (DFPS); Powell ,Deedra R (DFPS); Stewart,Cynthia D (DFPS)
Subject: FW: Attorney General Opinion
Date: Thursday, February 24, 2022 4:42:05 PM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

Please see below and attachments.

John Lee
Region 6A Conservatorship Program Administrator
2525 Murworth
Houston, Texas 77054
Office: 713.394.4050
Cell: 832.454.5725

From: Broussard-White,CJ (DFPS) <CJ.BroussardWhite@dfps.texas.gov>
Sent: Thursday, February 24, 2022 4:40 PM
To: Easley,Shaundricka L (DFPS) <Shaundricka.Easley@dfps.texas.gov>; Lee,John L (DFPS) <John.Lee@dfps.texas.gov>; Reynolds,David E (DFPS) <David.Reynolds@dfps.texas.gov>; Thomas,Montorea (DFPS) <Montorea.Thomas@dfps.texas.gov>; Jones,Alina S (DFPS) <Alina.Jones@dfps.texas.gov>; Clark,Jennifer L. (DFPS) <Jennifer.Clark@dfps.texas.gov>; Levit,Lindy (DFPS) <Lindy.Levit@dfps.texas.gov>; Plummer,Lataisha M. (DFPS) <Lataisha.Plummer@dfps.texas.gov>; Marks,Iker R (DFPS) <Iker.Marks@dfps.texas.gov>
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AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

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To:	Wells,Shauna (DFPS)
Subject:	Fwd: Attorney General Opinion
Date:	Thursday, February 24, 2022 4:41:30 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png

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SWI Associate Commissioner
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AMERICAN OVERSIGHT

From:	MELANIE BALLARDO
To:	Emma.Menchaca@dfps.state.tx.us
Subject:	Brief Presentation Request
Date:	Thursday, February 24, 2022 4:36:31 PM
Attachments:	O-MastersJaime202202221358.pdf

WARNING: This email is from outside the DFPS system. Do not click on links or attachments unless you expect them from the sender and know the content is safe.

Hello Ms. Menchaca,

Considering Governor Abbot letter sent out on Feb 22, our district administration is needing guidance/clarification. Would it be possible to schedule a brief meeting/presentation to provide guidance/clarification on this area?
It would be maybe a 15/30-minute presentation or if you could direct me to guideline that we can use to present or provide to them as guidance.

Feel free to call me at your convenience.

Thank You,

Melanie Ballardo, Ph.D.
SEL Supervisor
Intake/Student Engagement Department
904 Hester Avenue
Donna, Texas 78537
P: 956.461.4322 ext.
F: 956.464.
meballardo@donnaisd.net

"Around here we don't look backwards for very long. We keep moving forward, opening new doors, and doing new things, because we're curious and curiosity keeps leading us down new paths." ~ Walt Disney

AMERICAN OVERSIGHT

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AMERICAN OVERSIGHT

From:	Rushing,Rachel C (DFPS)
To:	Smith,Stephanie A (DFPS)
Subject:	Here you go
Date:	Thursday, February 24, 2022 3:58:00 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

---

If you have any questions about it, you can give me a call, but here is what was published.

AMERICAN OVERSIGHT

From:	Coaston,Marva (DFPS)
To:	Monk,Sakara N (DFPS); Mendoza,Carolina (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 3:48:00 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image003.png

Notify me and I'll notify Toni.

From: Sutton,Toni (DFPS) <Marie.Sutton@dfps.texas.gov>
Sent: Thursday, February 24, 2022 3:46 PM
To: Riles,Vincent A (DFPS) <Vincent.Riles2@dfps.texas.gov>; Riley,Leighann (DFPS) <Mary.Riley@dfps.texas.gov>; Chancellor,Veronica M (DFPS) <Veronica.Chancellor@dfps.texas.gov>; Coaston,Marva (DFPS) <Marva.Coaston2@dfps.texas.gov>; Ferbrache,Belinda (DFPS) <Belinda.Ferbrache@dfps.texas.gov>
Subject: FW: Attorney General Opinion

As follow up to our meeting please review the attached documents. As we receive intakes about this, please ensure I am notified immediately. These cases will be investigated by our worker V's – for now Tonita Day. Investigations will be conducted according to current policy. Please ensure we are not communicating about these cases via email and text, internally and externally, due to the sensitive nature. Call me if there are any questions.

Toni Sutton, LCSW
CPI Regional Director
Region 3 East
214.583.4037 (office)
469.340.9561 (mobile)
8700 N Stemmons FWY
Dallas, TX 75247
marie.sutton@dfps.texas.gov
Texas Department of Family and Protective Services
Child Protective Investigations

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:46 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: FW: Attorney General Opinion

fyi
Stephen Black
512-960-9352

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

Hello SWI,
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AMERICAN OVERSIGHT

reported matters.
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Please consult with your PA regarding any questions you may have.

Stephen Black
SWI Associate Commissioner
512-960-9352

NOTICE: There has been a change to my email address. Effective immediately, my new email address is: Marta.Talbert@dfps.texas.gov.

AMERICAN OVERSIGHT

From:	Coaston,Marva (DFPS)
To:	Monk,Sakara N (DFPS); Mendoza,Carolina (DFPS)
Subject:	Attorney General Opinion
Date:	Thursday, February 24, 2022 3:38:00 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png image001.png

FYI!

From: Sutton,Toni (DFPS) <Marie.Sutton@dfps.texas.gov>
Sent: Thursday, February 24, 2022 10:37 AM
To: Riles,Vincent A (DFPS) <Vincent.Riles2@dfps.texas.gov>; Riley,Leighann (DFPS) <Mary.Riley@dfps.texas.gov>; Chancellor,Veronica M (DFPS) <Veronica.Chancellor@dfps.texas.gov>; Coaston,Marva (DFPS) <Marva.Coaston2@dfps.texas.gov>; Ferbrache,Belinda (DFPS) <Belinda.Ferbrache@dfps.texas.gov>
Subject: FW: Attorney General Opinion

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CPI Regional Director
Region 3 East
214.583.4037 (office)
469.340.9561 (mobile)
8700 N Stemmons FWY
Dallas, TX 75247
marie.sutton@dfps.texas.gov
Texas Department of Family and Protective Services
Child Protective Investigations

From: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:55 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
Subject: FW: Attorney General Opinion

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Thanks,
Marta

Marta Talbert
Director of Investigation and Alternative Response
512-438-3357

AMERICAN OVERSIGHT

marta.talbert@dfps.texas.gov

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Subject: FW: Attorney General Opinion

fyi
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SWI Associate Commissioner
512-960-9352

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AMERICAN OVERSIGHT

From:	Harty,Kimberly (DFPS)
To:	Rodriguez,Michael (DFPS); Perea,Nicholas (DFPS); Njatcha,Cynthia (DFPS); Organ,Kalee (DFPS); Rietz,Emily (DFPS); Kendall-Ball,Jennifer (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 3:27:03 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

This is the email I was referencing.
Thanks,

Kimberly Harty
Alternative Response Supervisor II
1622 10th St. Lubbock, Texas 79401
Office: (806) 742-9140
Cell: (806) 543- 8272
Fax: (512) 927-5745

CONFIDENTIALITY NOTICE: This communication, and any attachments, contains confidential information under §552.139 of the Texas Public Information Act and/or other applicable state and federal laws. Because of the secure content, this message is intended solely for the use of the addressees named above. If you have received this message in error, please notify the sender immediately, delete this e-mail from your system, and destroy any copies you have made of this communication or any attachments. Recipients may not forward this communication to unauthorized persons, and must segregate copies of this e-mail and any attachments from any publicly accessible records. Unauthorized interception of this e-mail may be prosecuted as a violation of federal criminal law.

From: Castillo,Lilia (DFPS) <Lilia.Castillo@dfps.texas.gov>
Sent: Thursday, February 24, 2022 12:00 PM
To: Harris,Cortney (DFPS) <Cortney.Harris@dfps.texas.gov>; Harty,Kimberly (DFPS) <Kimberly.Harty@dfps.texas.gov>; Hurtt,Lawrence (DFPS) <Lawrence.Hurtt@dfps.texas.gov>; Jones,Darnisha T (DFPS) <Darnisha.Jones@dfps.texas.gov>; Moses,Sommer (DFPS) <Sommer.Moses@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Lilia M. Castillo
CPI Investigation Program Director
Lubbock
806-281-7217

From: Harmon,Tonya (DFPS)
Sent: Thursday, February 24, 2022 9:48 AM
To: Vangelderen,John (DFPS) <John.Vangelderen@dfps.texas.gov>; Etheredge,Todd (DFPS) <Todd.Etheredge@dfps.texas.gov>; Hanson,Michelle R (DFPS) <Michelle.Hanson@dfps.texas.gov>; Castillo,Lilia (DFPS) <Lilia.Castillo@dfps.texas.gov>; Cash,Crystal (DFPS) <Crystal.Cash@dfps.texas.gov>
Cc: Ward,Shannon M (DFPS) <Shannon.Ward@dfps.texas.gov>
Subject: FW: Attorney General Opinion

We will be discussing on our leadership call. Thanks, Tonya

AMERICAN OVERSIGHT

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Sent: Wednesday, February 23, 2022 3:55 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
Subject: FW: Attorney General Opinion

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Thanks,
Marta

Marta Talbert
Director of Investigation and Alternative Response
512-438-3357
marta.talbert@dfps.texas.gov

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:46 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: FW: Attorney General Opinion

fyi
Stephen Black
512-960-9352

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

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Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Templeton,Kelly (DFPS)
To:	Ferguson,Penelope K (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 3:19:00 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

Hi Penny –
I am sure you have received these, but just in case not, I wanted to forward to you. One of the screeners sent to me. It will be interesting to see how this will play out.

Kelly Templeton
Child Safety Specialist
Region 1
1622 10th street
Lubbock, Tx. 79401
Office: 806-742-9167
Cell: 806-224-5597

AMERICAN OVERSIGHT

From:	Meador,Angela G (DFPS)
To:	Ratliff,Janet (DFPS); Yoder,Jeffrey A (DFPS); Galaviz,Eduardo (DFPS); Nelson,Chrisstena D (DFPS); Coston,Stephanie (DFPS); Coulter,Kandi (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 2:50:36 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png

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Ill have more info after meeting with Todd this afternoon.

From: Etheredge,Todd (DFPS)
Sent: Thursday, February 24, 2022 2:38 PM
To: Chavira,Ninfa (DFPS) <Ninfa.Chavira@dfps.texas.gov>; Cross,Angie J (DFPS) <Angie.Cross@dfps.texas.gov>; King,Amie (DFPS) <Amie.King@dfps.texas.gov>; Lipham,Alexis P (DFPS) <Alexis.Lipham@dfps.texas.gov>; Meador,Angela G (DFPS) <Angela.Meador@dfps.texas.gov>; Montoya,Erica A (DFPS) <Erica.Montoya@dfps.texas.gov>; Speaks,Ginger L (DFPS) <Ginger.Speaks@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Please review
Thank you,
Todd Etheredge
Children Protective Investigations and Alternative Response Program Director
3610 Vine Street
Abilene, Texas 79602
Office (325) 691-8149
Cell (325) 514-5041

Texas Department of Family and Protective Services
Investigations

From: Harmon,Tonya (DFPS)
Sent: Thursday, February 24, 2022 9:48 AM
To: Vangelderen,John (DFPS) <John.Vangelderen@dfps.texas.gov>; Etheredge,Todd (DFPS) <Todd.Etheredge@dfps.texas.gov>; Hanson,Michelle R (DFPS) <Michelle.Hanson@dfps.texas.gov>; Castillo,Lilia (DFPS) <Lilia.Castillo@dfps.texas.gov>; Cash,Crystal (DFPS) <Crystal.Cash@dfps.texas.gov>
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To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS)

AMERICAN OVERSIGHT

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Subject: FW: Attorney General Opinion

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Thanks,

Marta

Marta Talbert

Director of Investigation and Alternative Response

512-438-3357

marta.talbert@dfps.texas.gov

From: Black,Stephen D (DFPS)

Sent: Wednesday, February 23, 2022 3:46 PM

To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>

Subject: FW: Attorney General Opinion

fyi

Stephen Black

512-960-9352

From: Black,Stephen D (DFPS)

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To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>

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SWI Associate Commissioner

512-960-9352

AMERICAN OVERSIGHT

From:	Etheredge,Todd (DFPS)
To:	Chavira,Ninfa (DFPS); Cross,Angie J (DFPS); King,Amie (DFPS); Lipham,Alexis P (DFPS); Meador,Angela G (DFPS); Montoya,Erica A (DFPS); Speaks,Ginger L (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 2:37:43 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png

Please review
Thank you,
Todd Etheredge
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SWI Associate Commissioner
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AMERICAN OVERSIGHT

From:	Phillips,Deirdre (DFPS)
To:	Burnette,Ashley (DFPS); Drennan,Kelsey M. (DFPS); Galindo,Jessica (DFPS); Strange,Sogunda (DFPS); Wilson,Loresha (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 2:32:48 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

---

From: Liles,Lou R (DFPS) <Lou.Liles@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 6:53 PM
To: Prewitt,Amanda R. (DFPS) <Amanda.Prewitt@dfps.texas.gov>; Phillips,Deirdre (DFPS) <Deirdre.Phillips@dfps.texas.gov>; Peterson,Nicole (DFPS) <Nicole.Peterson@dfps.texas.gov>; Claude,Jennifer L (DFPS) <Jennifer.Claude@dfps.texas.gov>; Chesnut,Andrew (DFPS) <Andrew.Chesnut@dfps.texas.gov>; Boshuizen,Steven (DFPS) <Steven.Boshuizen@dfps.texas.gov>
Subject: Fwd: Attorney General Opinion
If you receive any of these intakes I need to know immediately. Please share with all of your supervisors

---

From: Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 4:18 PM
To: Liles,Lou R (DFPS)
Subject: Fwd: Attorney General Opinion

From: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:54:57 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
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SWI Associate Commissioner
512-960-9352

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AMERICAN OVERSIGHT

From:	Phillips,Deirdre (DFPS)
To:	Burnette,Ashley (DFPS); Drennan,Kelsey M. (DFPS); Galindo,Jessica (DFPS); Strange,Sogunda (DFPS); Wilson,Loresha (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 2:30:53 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

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Sent: Wednesday, February 23, 2022 3:54:57 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
Subject: FW: Attorney General Opinion
See email below and attachments—email/attachments sent to SWI staff. I believe we have three right now in the intake stage—or being worked on by SWI. Stephen will send me the case numbers as soon as he has them for us to be aware in order to assist our staff with these cases.
Thanks,
Marta

Marta Talbert
Director of Investigation and Alternative Response
512-438-3357
marta.talbert@dfps.texas.gov

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:46 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>

AMERICAN OVERSIGHT

Subject: FW: Attorney General Opinion

fyi

Stephen Black
512-960-9352

From: Black,Stephen D (DFPS)

Sent: Wednesday, February 23, 2022 3:31 PM

To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>

Subject: Attorney General Opinion

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Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From: Sanders,Monica L (DFPS)
To: Broussard-White,CJ (DFPS)
Subject: FW: Attorney General Opinion
Date: Thursday, February 24, 2022 1:47:45 PM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

Just an FYI
Notification from Gov. Abbott/AG Paxton

From: Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>
Sent: Thursday, February 24, 2022 8:42 AM
To: Polk,Marilyn D (DFPS) <Marilyn.Polk@dfps.texas.gov>; Garrett,Kendrick L (DFPS) <Kendrick.Garrett@dfps.texas.gov>
Cc: Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>
Subject: FW: Attorney General Opinion

PLEASE explain to the PDs that they must notify PA/RD if their program receives an assignment from SWI on these.

Immediately.

We must treat these as normal investigations. I will discuss this at Tuesday's BB meeting.

From: Sanders,Monica L (DFPS)
Sent: Thursday, February 24, 2022 8:05 AM
To: Polk,Marilyn D (DFPS) <Marilyn.Polk@dfps.texas.gov>; Garrett,Kendrick L (DFPS) <Kendrick.Garrett@dfps.texas.gov>
Subject: FW: Attorney General Opinion

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From: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:55 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
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512-438-3357

AMERICAN OVERSIGHT

marta.talbert@dfps.texas.gov

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512-960-9352

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Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Calderon,Porsche (DFPS)
To:	Ross,Shenel (DFPS); Bowes,Akeelah (DFPS); Mitchell,Derona (DFPS); Callens,Donna (DFPS); Williams,Dominique (DFPS)
Cc:	Bryant,Edwin (DFPS); Osegueda,Franklin (DFPS); Matthews,Chelsia (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 1:24:46 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image001.png

---

From: Phynon,Domeka (DFPS) <Domeka.Phynon@dfps.texas.gov>
Sent: Thursday, February 24, 2022 12:52 PM
To: Alaniz,Jose (DFPS) <Jose.Alaniz@dfps.texas.gov>; Dorchak,James (DFPS) <James.Dorchak@dfps.texas.gov>; Moore,Adrienne (DFPS) <Adrienne.Moore@dfps.texas.gov>; Munoz,Luis (DFPS) <Luis.Munoz@dfps.texas.gov>; Calderon,Porsche (DFPS) <Porsche.Calderon@dfps.texas.gov>; Matthews,Kirby (DFPS) <Kirby.Matthews2@dfps.texas.gov>; Salazar,Melanie (DFPS) <Melanie.Salazar@dfps.texas.gov>; Taylor,Jasmine (DFPS) <Jasmine.Taylor@dfps.texas.gov>
Subject: FW: Attorney General Opinion
FYI

Domeka Phynon
CPI Investigation and **A**lternative **R**esponse (AR) Program Director
3 NorthPoint Drive Suite 248
Houston, TX 77060
Fax: (512)276-3011
Business: (281)847-7000
Cell: (713)413-7176

From: Garrett,Kendrick L (DFPS) <Kendrick.Garrett@dfps.texas.gov>
Sent: Thursday, February 24, 2022 8:52 AM
To: Beaudoin,Lashonna R (DFPS) <Lashonna.Beaudoin@dfps.texas.gov>; Heath,Claudia M (DFPS) <Claudia.Heath@dfps.texas.gov>; Phynon,Domeka (DFPS) <Domeka.Phynon@dfps.texas.gov>; Truss,Stacey L (DFPS) <Stacey.Truss@dfps.texas.gov>
Subject: FW: Attorney General Opinion
FYI

Kind Regards,
Kendrick L. Garrett
Region 6A Program Adminstrator
DFPS/CPI (A**lternative **R**esponse & Investigations**)
832-454-7311 business cell
Kendrick.garrett@dfps.texas.gov

Texas Department of
Family and Protective Services
Child Protective Investigations

AMERICAN OVERSIGHT

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Subject: FW: Attorney General Opinion

fyi
Stephen Black
512-960-9352

From: Black,Stephen D (DFPS)
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To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

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AMERICAN OVERSIGHT

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Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Williams,Nicole H (DFPS)
To:	Adams,Crystal (DFPS); Brooks,Tammy R (DFPS); Brown,Ariva (DFPS); Hannah,Marnette N (DFPS); Chisanga,Chikwanda M (DFPS); Chavez,Gloria (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 1:16:44 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png image001.png

We will discuss briefly in our meeting at 2pm

Nicole Hawley Williams
Child Protective Services
Alternative Response Program Director
8700 N. Stemmons Frwy
Dallas, TX 75247
214-686-8558 cell
512-276-3833 fax
Nicole.Williams@dfps.texas.gov

Texas Department of Family and Protective Services
Child Protective Investigations

From: Riley,Leighann (DFPS)
Sent: Thursday, February 24, 2022 11:59 AM
To: Williams,Nicole H (DFPS) <Nicole.Williams@dfps.texas.gov>; Jones,Katherine (DFPS) <Katherine.Jones@dfps.texas.gov>; Gibson,John (DFPS) <John.Gibson@dfps.texas.gov>; Nichols,Jennifer (DFPS) <Jennifer.Nichols@dfps.texas.gov>
Subject: FW: Attorney General Opinion

From: Sutton,Toni (DFPS)
Sent: Thursday, February 24, 2022 10:37 AM
To: Riles,Vincent A (DFPS) <Vincent.Riles2@dfps.texas.gov>; Riley,Leighann (DFPS) <Mary.Riley@dfps.texas.gov>; Chancellor,Veronica M (DFPS) <Veronica.Chancellor@dfps.texas.gov>; Coaston,Marva (DFPS) <Marva.Coaston2@dfps.texas.gov>; Ferbrache,Belinda (DFPS) <Belinda.Ferbrache@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Toni Sutton, LCSW
CPI Regional Director
Region 3 East
214.583.4037 (office)
469.340.9561 (mobile)
8700 N Stemmons FWY
Dallas, TX 75247
marie.sutton@dfps.texas.gov

Texas Department of Family and Protective Services
Child Protective Investigations

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AMERICAN OVERSIGHT

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SWI Associate Commissioner
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AMERICAN OVERSIGHT

From:	Phynon,Domeka (DFPS)
To:	Alaniz,Jose (DFPS); Dorchak,James (DFPS); Moore,Adrienne (DFPS); Munoz,Luis (DFPS); Calderon,Porsche (DFPS); Matthews,Kirby (DFPS); Salazar,Melanie (DFPS); Taylor,Jasmine (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 12:52:05 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image001.png

FYI

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CPI Investigation and **A**lternative **R**esponse (AR) Program Director
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AMERICAN OVERSIGHT

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SWI Associate Commissioner

512-960-9352

AMERICAN OVERSIGHT

From:	Jones,Katherine (DFPS)
To:	Matthews,Cheri (DFPS); Parsons,Joshua (DFPS); Valdez,Selena (DFPS); Berogan,Brittany (DFPS)
Subject:	Fwd: Attorney General Opinion
Date:	Thursday, February 24, 2022 12:34:45 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png

Again, answer questions of staff however cases will not be going to individual field staff. Any cases in this category will be investigated by Worker IV for the Region.

From: Riley,Leighann (DFPS) <Mary.Riley@dfps.texas.gov>
Sent: Thursday, February 24, 2022 11:58 AM
To: Williams,Nicole H (DFPS); Jones,Katherine (DFPS); Gibson,John (DFPS); Nichols,Jennifer (DFPS)
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AMERICAN OVERSIGHT

From:	Chancellor,Veronica M (DFPS)
To:	Day,Tonita (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 12:12:00 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png

Hello Tonita, I wanted to share this information with you and also to let you know for right now intakes received that fit this category will be assigned to you for completion. We will talk more once additional information is received.
Thanks

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Stephen Black
512-960-9352

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

Hello SWI,
A legal opinion was released by the AG's office on February 21, 2022. The governor subsequently provided further direction to DFPS to these reported matters.
Those two documents are attached to this communication which gives guidance and direction regarding how the department is to handle intakes related to gender transitioning.
Please consult with your PA regarding any questions you may have.
Stephen Black
SWI Associate Commissioner
512-960-9352

NOTICE: There has been a change to my email address. Effective immediately, my new email address is: Marta.Talbert@dfps.texas.gov.

AMERICAN OVERSIGHT

From:	Castillo,Lilia (DFPS)
To:	Harris,Cortney (DFPS); Harty,Kimberly (DFPS); Hurtt,Lawrence (DFPS); Jones,Darnisha T (DFPS); Moses,Sommer (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 12:00:01 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

---

Lilia M. Castillo
CPI Investigation Program Director
Lubbock
806-281-7217

From: Harmon,Tonya (DFPS)
Sent: Thursday, February 24, 2022 9:48 AM
To: Vangelderen,John (DFPS) <John.Vangelderen@dfps.texas.gov>; Etheredge,Todd (DFPS) <Todd.Etheredge@dfps.texas.gov>; Hanson,Michelle R (DFPS) <Michelle.Hanson@dfps.texas.gov>; Castillo,Lilia (DFPS) <Lilia.Castillo@dfps.texas.gov>; Cash,Crystal (DFPS) <Crystal.Cash@dfps.texas.gov>
Cc: Ward,Shannon M (DFPS) <Shannon.Ward@dfps.texas.gov>
Subject: FW: Attorney General Opinion

We will be discussing on our leadership call. Thanks, Tonya

From: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:55 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
Subject: FW: Attorney General Opinion

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Thanks,
Marta

Marta Talbert
Director of Investigation and Alternative Response
512-438-3357
marta.talbert@dfps.texas.gov

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:46 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: FW: Attorney General Opinion

fyi

AMERICAN OVERSIGHT

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Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Riley,Leighann (DFPS)
To:	Williams,Nicole H (DFPS); Jones,Katherine (DFPS); Gibson,John (DFPS); Nichols,Jennifer (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 11:58:47 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png

---

From: Sutton,Toni (DFPS)
Sent: Thursday, February 24, 2022 10:37 AM
To: Riles,Vincent A (DFPS) <Vincent.Riles2@dfps.texas.gov>; Riley,Leighann (DFPS) <Mary.Riley@dfps.texas.gov>; Chancellor,Veronica M (DFPS) <Veronica.Chancellor@dfps.texas.gov>; Coaston,Marva (DFPS) <Marva.Coaston2@dfps.texas.gov>; Ferbrache,Belinda (DFPS) <Belinda.Ferbrache@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Toni Sutton, LCSW
CPI Regional Director
Region 3 East
214.583.4037 (office)
469.340.9561 (mobile)
8700 N Stemmons FWY
Dallas, TX 75247
marie.sutton@dfps.texas.gov

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Sent: Wednesday, February 23, 2022 3:55 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
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Marta Talbert
Director of Investigation and Alternative Response
512-438-3357
marta.talbert@dfps.texas.gov

AMERICAN OVERSIGHT

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512-960-9352

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AMERICAN OVERSIGHT

From:	Raschke,Daniel J (DFPS)
To:	Brown,Kristen (DFPS); Gossett,Yashika (DFPS); Raines,Karley (DFPS); Strong,Bailey (DFPS); Tave,Ashley (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 11:57:00 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png

---

From: Prewitt,Amanda R. (DFPS) <Amanda.Prewitt@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 7:45 PM
To: Hickerson,Felicia (DFPS) <Felicia.Hickerson@dfps.texas.gov>; Kirkpatrick,Jennifer (DFPS) <Jennifer.Kirkpatrick@dfps.texas.gov>; Gonzalez,Mario H (DFPS) <Mario.Gonzalez@dfps.texas.gov>; Cole,Monica (DFPS) <Monica.Cole@dfps.texas.gov>; Raschke,Daniel J (DFPS) <Daniel.Raschke@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Please review and share with staff. Please keep in mind if you get any reports of this nature (gender reassignment, transitioning, etc) I need you to immediately notify me of such so I can pass it up the chain. Make sure you are reviewing intakes and that staff know to keep an eye out for this too. This is our current hot topic!

Amanda R. Prewitt
Child Protective Investigations Program Director: Region 4
420 Athens Brick Road, Athens Texas 75751
☎State Cell: 903-368-0064 | ☎Fax: 512-276-3581
☎Report abuse: 1-800-252-5400
✉ E-mail: Amanda.Prewitt@dfps.texas.gov

Texas Department of Family and Protective Services
Child Protective Investigations

From: Liles,Lou R (DFPS) <Lou.Liles@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 6:53 PM
To: Prewitt,Amanda R. (DFPS) <Amanda.Prewitt@dfps.texas.gov>; Phillips,Deirdre (DFPS) <Deirdre.Phillips@dfps.texas.gov>; Peterson,Nicole (DFPS) <Nicole.Peterson@dfps.texas.gov>; Claude,Jennifer L (DFPS) <Jennifer.Claude@dfps.texas.gov>; Chesnut,Andrew (DFPS) <Andrew.Chesnut@dfps.texas.gov>; Boshuizen,Steven (DFPS) <Steven.Boshuizen@dfps.texas.gov>
Subject: Fwd: Attorney General Opinion

If you receive any of these intakes I need to know immediately. Please share with all of your supervisors

---

From: Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 4:18 PM
To: Liles,Lou R (DFPS)
Subject: Fwd: Attorney General Opinion

From: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:54:57 PM

AMERICAN OVERSIGHT

To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
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Marta

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Director of Investigation and Alternative Response
512-438-3357
marta.talbert@dfps.texas.gov

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:46 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: FW: Attorney General Opinion

fyi
Stephen Black
512-960-9352

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

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Please consult with your PA regarding any questions you may have.
Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From: Crimmins,Patrick (DFPS)
To: Reese Oxner
Cc: Gonzales,Marissa L (DFPS)
Subject: RE: Information request, Texas Tribune
Date: Thursday, February 24, 2022 11:33:41 AM
Attachments: AG Opinion Statement.docx

I've attached our response, and I assume you have the Governor's letter to the Commissioner. We don't have any current investigations involving what was described in the AG opinion.
We never talk about specific investigations, or types of investigations other than those types currently in policy. Here is some specific information about our investigations program and a link to policy.
http://www.dfps.state.tx.us/Investigations/default.asp
https://www.dfps.state.tx.us/handbooks/CPS/Files/CPS_pg_2000.asp#CPS_2113
Patrick

From: Reese Oxner <reese.oxner@texastribune.org>
Sent: Thursday, February 24, 2022 10:17 AM
To: Crimmins,Patrick (DFPS) <PATRICK.CRIMMINS@dfps.texas.gov>
Subject: Information request, Texas Tribune

WARNING: This email is from outside the DFPS system. Do not click on links or attachments unless you expect them from the sender and know the content is safe.

Hello, Patrick,
I hope you're doing well. In light of Gov. Abbott's letter on Tuesday over children receiving gender-affirming medical care, I wanted to ask some questions.
- Does this guidance change DFPS' and CPS' operations? Will there be any policy changes? Has there been any internal communication regarding Gov. Abbott's directive?
- Gov. Abbott called on "licensed professionals" and "members of the general public" to report the parents of transgender minors to state authorities if it appears the minors are receiving gender-affirming medical care. Has DFPS/CPS received reports of transgender children following Gov. Abbott and AG Paxton's remarks/letters starting this week?
- Were the reports prior to Abbott's letter? If so, would you have statistics on how many reports there have been?
- Has CPS traditionally investigated the parents of transgender children over whether they are recieving gender-affirming care?
Thank you,
Reese Oxner
--

The Texas Tribune is proud to celebrate 10 years of exceptional journalism for an exceptional state.
Explore the next 10 years with us.

Reese Oxner
Breaking News Reporter

919 Congress Ave., Sixth Floor

AMERICAN OVERSIGHT

Austin, TX 78701
www.texastribune.org

AMERICAN OVERSIGHT

From:	Molly Mead
To:	Sosa,Phoebe (DFPS); Nicole Curcio; tlinseisin@mail.utexas.edu; j.begley@outlook.com
Subject:	Fwd: A Short Note on Protecting Our Trans & Non-Binary Students
Date:	Thursday, February 24, 2022 11:08:18 AM

WARNING: This email is from outside the DFPS system. Do not click on links or attachments unless you expect them from the sender and know the content is safe.

---------- Forwarded message ---------
From: **Molly Mead** <molly.mead@dvisd.net>
Date: Thu, Feb 24, 2022 at 10:55 AM
Subject: A Short Note on Protecting Our Trans & Non-Binary Students
To: Baty Distribution Group <batyelem@dvisd.net>

Good Morning Staff,

As _____ Social worker, I feel called to provide the following information given Gov. Abbott's announcement regarding transgender children, KP-0401, released on February 18, 2022, as well as his February 22, 2022 letter to the Department of Family and Protective Services (DFPS) Commissioner directing DFPS to investigate such accusations.

This statement has provided guidance to the Texas DFPS to begin investigating all transgender children in the state and their parents as child abusers. Our LGBTQIA+ students grapple with the implications of social injustice on a daily basis and this will be an added challenge to their safety. These continued attempts to change the definition of child abuse are in direct opposition to social work values, principles, and our Code of Ethics and pose danger to transgender & non-binary youth and their families.

NASW-TX reminds licensed social workers that this is a non-binding opinion, and that they maintain professional discretion on mandatory reporting. **I would like to convey to staff the same message; that no rules on reporting were changed through this opinion, nor through the Governor's letter.**

I invite you to sign this petition facilitated by Trevor Project (**https://actnow.io/I4COEul**) and share the link with fellow educators.

If you're interested in further information or discussing how we can continue to facilitate_____being a safety net for our children, please reach out to me! I'd love to make this an ongoing conversation.

--
Sincerely,

AMERICAN OVERSIGHT

Molly Mead LMSW
Baty Elementary School Social Worker
molly.mead@dvisd.net

--
Sincerely,

Molly Mead LMSW
Baty Elementary School Social Worker
molly.mead@dvisd.net

AMERICAN OVERSIGHT

From:	Hanson,Michelle R (DFPS)
To:	Campbell,Summer (DFPS); Desmond,Nicole A (DFPS); Heugatter,Brooke (DFPS); Latimer,Marc (DFPS); Matthews,Jana (DFPS); MORENO,AMANDA G (DFPS); Rice,Christopher (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 11:02:50 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

---

Michelle Hanson
CPI Program Director Region 02
925 Lamar Street
Wichita Falls, Texas 76301
940-531-8396

From: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>
Sent: Thursday, February 24, 2022 9:48 AM
To: Vangelderen,John (DFPS) <John.Vangelderen@dfps.texas.gov>; Etheredge,Todd (DFPS) <Todd.Etheredge@dfps.texas.gov>; Hanson,Michelle R (DFPS) <Michelle.Hanson@dfps.texas.gov>; Castillo,Lilia (DFPS) <Lilia.Castillo@dfps.texas.gov>; Cash,Crystal (DFPS) <Crystal.Cash@dfps.texas.gov>
Cc: Ward,Shannon M (DFPS) <Shannon.Ward@dfps.texas.gov>
Subject: FW: Attorney General Opinion

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Subject: FW: Attorney General Opinion

AMERICAN OVERSIGHT

fyi
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512-960-9352

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SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Perez,Maria C (DFPS)
To:	Williams,Christopher (DFPS); Hobbs,Beth A (DFPS); Martin,Jeremy L (DFPS); Womack,Renee (DFPS); Chini,Theresa L (DFPS); Dygert,Ashley (DFPS); Gonzalez,Brenda N (Region 08) (DFPS); Livingston,Nilza E (DFPS); Maldonado,Jennifer (DFPS); Martinez,Audra C (DFPS); Pena,Frances C (DFPS); Pena,Maria L (DFPS); Robles,Norma (DFPS); Rodriguez,Noelia (DFPS); Rosas,Diana (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 10:59:14 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

Good morning, we need to have a short meeting at 11:30 AM to discuss this. I will be sending an invite via Teams, shortly.
Thank you,

Mary Perez,
SWI/CPI Screener Supervisor
Regions 8, 10 & 11
(956) 969-9255, office
(956) 373-0110, cell

From: Allen,Brenda O (DFPS)
Sent: Wednesday, February 23, 2022 4:25 PM
To: Stancik,Abigail (DFPS) <Abigail.Stancik@dfps.texas.gov>; Malrey,Kristi D (DFPS) <Kristi.Malrey@dfps.texas.gov>; Ball,Tommy (DFPS) <Tommy.Ball2@dfps.texas.gov>; Jeter,Scott M. (DFPS) <Scott.Jeter@dfps.texas.gov>; Shavers,Christin L. (DFPS) <Christin.Shavers@dfps.texas.gov>; Perez,Maria C (DFPS) <Maria.Perez1@dfps.texas.gov>; Gonzalez,Brenda N (Region 08) (DFPS) <Brenda.Gonzalez2@dfps.texas.gov>
Subject: FW: Attorney General Opinion

We will have a meeting tomorrow to discuss this and then you can share info with your staff.

Brenda Allen
SWI Screener Program Administrator
Cell: 281-782-8934

From: Black,Stephen D (DFPS) <Stephen.Black@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:31 PM
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AMERICAN OVERSIGHT

From:	Sutton,Toni (DFPS)
To:	Riles,Vincent A (DFPS); Riley,Leighann (DFPS); Chancellor,Veronica M (DFPS); Coaston,Marva (DFPS); Ferbrache,Belinda (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 10:37:22 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png

---

Toni Sutton, LCSW
CPI Regional Director
Region 3 East
214.583.4037 (office)
469.340.9561 (mobile)
8700 N Stemmons FWY
Dallas, TX 75247
marie.sutton@dfps.texas.gov

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AMERICAN OVERSIGHT

From:	Campbell,Mckaylie (DFPS)
To:	Templeton,Kelly (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 10:36:39 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image001.png

Did you see this?

McKaylie Campbell
SWI CPI Investigation/Alternative Response Screener II
806-543-7174 cell

From: Shavers,Christin L. (DFPS)
Sent: Thursday, February 24, 2022 10:21 AM
To: Aguirre,Patricia J (DFPS) <Patricia.Aguirre@dfps.texas.gov>; Bohach,Cassara N (DFPS) <Cassara.Bohach@dfps.texas.gov>; Campbell,Mckaylie (DFPS) <Mckaylie.Campbell@dfps.texas.gov>; Duenes,Kathie (DFPS) <Kathie.Duenes@dfps.texas.gov>; Johnson,Rhonda (DFPS) <Rhonda.Johnson@dfps.texas.gov>; Kissinger,Rhonda M (DFPS) <Rhonda.Kissinger@dfps.texas.gov>; Mcfarland,Trannie (DFPS) <Trannie.Mcfarland@dfps.texas.gov>; Rankin,Iris V (DFPS) <Iris.Rankin@dfps.texas.gov>; Rodriquez,Deidre (DFPS) <Deidre.Rodriquez@dfps.texas.gov>; Thomas,Tinya R (DFPS) <Tinya.Thomas@dfps.texas.gov>; Thornton,Debra C (DFPS) <Debra.Thornton2@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Did y'all get this?
Thanks,
Christin Shavers
SWI Screener Supervisor
Regions 1, 2, 7, & 9
512-968-0260
Christin.shavers@dfps.texas.gov

From: Black,Stephen D (DFPS) <Stephen.Black@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

Hello SWI,
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Please consult with your PA regarding any questions you may have.
Stephen Black

AMERICAN OVERSIGHT

SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Campbell,Mckaylie (DFPS)
To:	mckayliec@gmail.com
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 10:36:00 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf image001.png

Texas Department of
Family and Protective Services
Child Protective Investigations

McKaylie Campbell
SWI CPI Investigation/Alternative Response Screener II
806-543-7174 cell

From: Shavers,Christin L. (DFPS)
Sent: Thursday, February 24, 2022 10:21 AM
To: Aguirre,Patricia J (DFPS) <Patricia.Aguirre@dfps.texas.gov>; Bohach,Cassara N (DFPS) <Cassara.Bohach@dfps.texas.gov>; Campbell,Mckaylie (DFPS) <Mckaylie.Campbell@dfps.texas.gov>; Duenes,Kathie (DFPS) <Kathie.Duenes@dfps.texas.gov>; Johnson,Rhonda (DFPS) <Rhonda.Johnson@dfps.texas.gov>; Kissinger,Rhonda M (DFPS) <Rhonda.Kissinger@dfps.texas.gov>; Mcfarland,Trannie (DFPS) <Trannie.Mcfarland@dfps.texas.gov>; Rankin,Iris V (DFPS) <Iris.Rankin@dfps.texas.gov>; Rodriquez,Deidre (DFPS) <Deidre.Rodriquez@dfps.texas.gov>; Thomas,Tinya R (DFPS) <Tinya.Thomas@dfps.texas.gov>; Thornton,Debra C (DFPS) <Debra.Thornton2@dfps.texas.gov>
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Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

AMERICAN OVERSIGHT

From: Gonzales,Marissa L (DFPS)
To: Lennan,John J (DFPS)
Subject: please add
Date: Thursday, February 24, 2022 10:30:00 AM

To clips.
https://www.nytimes.com/2022/02/23/science/texas-abbott-transgender-child-abuse.html

Texas Governor Pushes to Investigate Medical Treatments for Trans Youth as 'Child Abuse'

While it's unclear whether the order could be enforced, medical providers and child welfare advocates condemned the move as dangerous.

By Azeen Ghorayshi

Feb. 23, 2022

Gov. Greg Abbott told state health agencies in Texas on Tuesday that medical treatments provided to transgender adolescents, widely considered to be the standard of care in medicine, should be classified as "child abuse" under existing state law.

His statements, made in a letter to the Texas Department of Family and Protective Services, followed an opinion on Friday by Attorney General Ken Paxton that said providing medical treatments like puberty-suppressing drugs and hormones to transgender teenagers should be investigated as child abuse.

Governor Abbott specified that the reporting requirements applied to "all licensed professionals who have direct contact with children who may be subject to such abuse, including doctors, nurses, and teachers, and provides criminal penalties for failure to report such child abuse."

It is still unclear how and whether the orders, which do not change Texas law, would be enforced. While the state's child welfare agency has said that it will investigate such claims, some county and district attorneys have stated that they will not enforce the opinion.

"This is a complete misrepresentation of the definition of abuse in the family code," Christian Menefee, the Harris County attorney, said in an interview. Mr. Menefee said that any such investigations in Harris County, the state's most populous county, will not be prosecuted. "We don't believe that allowing someone to take puberty suppressants constitutes abuse," he said.

Governor Abbott's effort to criminalize medical care for transgender youth is a new front in a broadening political drive to deny treatments that help align the adolescents' bodies with their gender identities and that have been endorsed by major medical groups. Twenty-one states introduced such bills last year, according to the Williams Institute at the University of California, Los Angeles, School of Law. Arkansas passed a law making it illegal for clinicians to offer puberty blockers and hormones to adolescents and banning insurers from covering care. But the law was temporarily blocked by a federal judge in July after the American Civil Liberties Union sued on behalf of four families and two doctors.

Several such bills were also introduced in Texas. None passed. Facing political pressure, the University of Texas Southwestern Medical Center and Children's Medical Center Dallas closed the state's only multidisciplinary clinic for transgender youth in November.

The letter from the Texas governor comes as early voting has begun in primary elections across the state. Election Day is March 1. Mr. Abbott and Mr. Paxton, both Republicans, face challengers who have questioned whether they have been sufficiently conservative. Mr. Paxton, a two-term incumbent who has been indicted on securities fraud charges, is seen as

AMERICAN OVERSIGHT

particularly vulnerable. Political strategists say he is unlikely to receive more than 50 percent of the vote and is heading for a runoff.

Professional medical groups and transgender health experts have overwhelmingly condemned legal attempts to limit "gender-affirming" care and contend that they would greatly harm transgender young people.

"Gender-affirming care for transgender youth is essential and can be lifesaving," Adm. Rachel Levine, assistant secretary for health for the Department of Health and Human Services and the Biden administration's highest-ranking pediatrician, said in an emailed statement. "Our nation's leading pediatricians support evidence-based, gender-affirming care for transgender young people."

A growing number of transgender adolescents have sought medical treatments in recent years. Transgender teenagers are at high risk for attempting suicide, according to the Centers for Disease Control and Prevention. Preliminary research has suggested that adolescents who receive such medical treatments have improved mental health. Long-term studies are ongoing.

Marissa Gonzales, a spokeswoman for the Texas Department of Family and Protective Services, said that there were no pending investigations of child abuse involving the procedures described, but that the agency would investigate cases that were reported. Whether children can be taken from their parents for allowing them to receive such medical care will ultimately be at the discretion of the courts.

"At this moment, it's unclear what child protective services, prosecutors and judges are going to do with this nonbinding opinion from the attorney general," Kate Murphy, senior policy associate for child protection at Texans Care for Children, a nonprofit children's policy group, said in an emailed statement. "What is clear is that politicians should not be tearing apart loving families — and sending their kids into the foster care system — when parents provide recommended medical care that they believe is in the best interest of their child."

If local attorneys do not pursue cases, the state attorney general's office could do it, Mr. Menefee, the Harris County attorney, said, adding that the position taken by the governor and the attorney general could have a chilling effect. "It's designed to make parents scared," he said. "It's designed to make doctors scared for even facilitating gender-affirming health care."

Some treatments used in gender-related care carry medical risks. Puberty-blocking drugs, which suppress the production of testosterone and estrogen, can weaken bone development, though evidence suggests it recovers once puberty starts. If blockers are used at an early stage of puberty and a teenager pursues hormone therapy, the drug regimens can lead to fertility loss. The standards of care for transgender health therefore recommend that patients and their families be counseled on how to preserve fertility by delaying the use of blockers if having children is important to them. The standards also recommend that doctors and families wait until the teenager has reached the age of majority, which is 18 in Texas, before pursuing irreversible genital surgeries.

Some political groups who oppose gender-related treatments for young people say the stakes are simply too high.

"Minors are prohibited from purchasing paint, cigarettes, alcohol, or even getting a tattoo," Jonathan Covey, director of policy for the group Texas Values, said in an emailed statement. "We cannot allow minors or their parents to make life-altering decisions on body-mutilating procedures and irreversible hormonal treatments."

Experts who work with transgender patients, like Dr. Alex Keuroghlian, a clinical psychiatrist at Fenway Health in Boston and the director of the Psychiatry Gender Identity Program at Massachusetts General Hospital, say decisions about treatments for young people should be weighed only by a patient, their parents and their physicians. Dr. Keuroghlian denounced Governor Abbott's letter: "It's legislating in a manner that is entirely divorced from medical evidence, consensus and mainstream practice."

AMERICAN OVERSIGHT

Though some doctors have debated how much time should be spent on psychological assessments for adolescents before starting treatment, medical groups broadly agree that puberty suppression and hormones benefit transgender teens.

Erica Anderson, a clinical psychologist and the former president of the United States Professional Association of Transgender Health, has pushed for more assessment for such teenagers before initiating medical treatments. She said that blocking gender-affirming care and forcing teenagers to go through the physical changes of puberty for a gender they don't identify with was "inhumane."

"For legislators or politicians to weigh in on an area of medicine for which they have no background is preposterous," Dr. Anderson said. "People in Texas should be outraged."

Adri Pérez, a policy and advocacy strategist at the A.C.L.U. of Texas who uses gender-neutral pronouns, called the governor and attorney general's stance politically motivated and said it could prevent young trans people from getting the medical care they urgently need.

"Gender-affirming care saved my life," they said in a statement. "Trans kids today deserve the same opportunity by receiving the highest standard of care."

J. David Goodman contributed reporting.

AMERICAN OVERSIGHT

From:	Peterson,Nicole (DFPS)
To:	Baker,Tonya (DFPS); Brunson,Bethany A (DFPS); Estrada,Sara (DFPS); Harry,Jessica (DFPS); Johnson,Melinda (DFPS); Woods,Dana (DFPS)
Subject:	Fwd: Attorney General Opinion
Date:	Thursday, February 24, 2022 10:29:33 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image001.png

---

From: Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>
Sent: Thursday, February 24, 2022 10:28:15 AM
To: Liles,Lou R (DFPS) <Lou.Liles@dfps.texas.gov>; Peterson,Nicole (DFPS) <Nicole.Peterson@dfps.texas.gov>; Kelly,Eurika (DPFS) <Eurika.Kelly@dfps.texas.gov>; Walton,Michelle (DFPS) <Jerri.Walton@dfps.texas.gov>; Prewitt,Amanda R. (DFPS) <Amanda.Prewitt@dfps.texas.gov>; Chesnut,Andrew (DFPS) <Andrew.Chesnut@dfps.texas.gov>; Boshuizen,Steven (DFPS) <Steven.Boshuizen@dfps.texas.gov>; Claude,Jennifer L (DFPS) <Jennifer.Claude@dfps.texas.gov>; Phillips,Deirdre (DFPS) <Deirdre.Phillips@dfps.texas.gov>
Subject: Attorney General Opinion

Leaders,
I need to know immediately if we receive a case that meets the criteria as describe in the above attachments. The RD, PA, PD, Supervisor and worker will staff prior to initiation. We need to ensure our high performing workers are assigned these cases because there will be a lot of eyes on them.
Thanks,

Texas Department of
Family and Protective Services

Keith D. Gailes

CPI Regional Director, Regions 4/5
3103 Summerhill Road
Texarkana, Texas 75503
(903) 791-3304 Office
(903) 791-3262 Fax
"Every Case Matters."

AMERICAN OVERSIGHT

From:	Claude,Jennifer L (DFPS)
To:	Cruz-Vazquez,Jose (DFPS); Farmer,Kellie (DFPS); May,Krystella (DFPS); Perodin,Reta (DFPS); Rodgers,Leslie (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 10:29:02 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image001.png

---

From: Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>
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To: Liles,Lou R (DFPS) <Lou.Liles@dfps.texas.gov>; Peterson,Nicole (DFPS) <Nicole.Peterson@dfps.texas.gov>; Kelly,Eurika (DPFS) <Eurika.Kelly@dfps.texas.gov>; Walton,Michelle (DFPS) <Jerri.Walton@dfps.texas.gov>; Prewitt,Amanda R. (DFPS) <Amanda.Prewitt@dfps.texas.gov>; Chesnut,Andrew (DFPS) <Andrew.Chesnut@dfps.texas.gov>; Boshuizen,Steven (DFPS) <Steven.Boshuizen@dfps.texas.gov>; Claude,Jennifer L (DFPS) <Jennifer.Claude@dfps.texas.gov>; Phillips,Deirdre (DFPS) <Deirdre.Phillips@dfps.texas.gov>
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"Every Case Matters."

AMERICAN OVERSIGHT

From:	Gailes,Keith D (DFPS)
To:	Liles,Lou R (DFPS); Peterson,Nicole (DFPS); Kelly,Eurika (DPFS); Walton,Michelle (DFPS); Prewitt,Amanda R. (DFPS); Chesnut,Andrew (DFPS); Boshuizen,Steven (DFPS); Claude,Jennifer L (DFPS); Phillips,Deirdre (DFPS)
Subject:	Attorney General Opinion
Date:	Thursday, February 24, 2022 10:28:18 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image001.png

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Texarkana, Texas 75503
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"**Every Case Matters.**"

AMERICAN OVERSIGHT

From: Santiago,Shaun (DFPS)
To: Adams,Stefanie (DFPS)
Subject: FW: Attorney General Opinion
Date: Thursday, February 24, 2022 10:27:24 AM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

Stefanie

Whats your take on this? Can we be forced to do this? This is an infringement on civil liberties [redacted] I refuse to punish those that are part of the community simply because they are trans. We have trans workers here at DFPS, what kind of message are we sending to them?

From: Polk,Marilyn D (DFPS) <Marilyn.Polk@dfps.texas.gov>
Sent: Thursday, February 24, 2022 9:05 AM
To: Bluford,Jamilla K (DFPS) <Jamilla.Bluford@dfps.texas.gov>; Douglas,Diepriye (DFPS) <Diepriye.Douglas@dfps.texas.gov>; Hammon,Stephanie A (DFPS) <Stephanie.Hammon@dfps.texas.gov>; Santiago,Shaun (DFPS) <Shaun.Santiago@dfps.texas.gov>; Vidrine,Lineshia (DFPS) <Lineshia.Vidrine@dfps.texas.gov>
Cc: Polk,Marilyn D (DFPS) <Marilyn.Polk@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Good Morning Team Polk,
Please review and let me know if you have any questions.

Thank You
Marilyn Polk, M.A
CPI Division
Houston, TX 77054
Office (713) 394-4060
Cell (713) 269-4545

From: Sanders,Monica L (DFPS)
Sent: Thursday, February 24, 2022 8:42 AM
To: Polk,Marilyn D (DFPS) <Marilyn.Polk@dfps.texas.gov>; Garrett,Kendrick L (DFPS) <Kendrick.Garrett@dfps.texas.gov>
Cc: Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>
Subject: FW: Attorney General Opinion

PLEASE explain to the PDs that they must notify PA/RD if their program receives an assignment from SWI on these.

Immediately.

We must treat these as normal investigations. I will discuss this at Tuesday's BB meeting.

From: Sanders,Monica L (DFPS)
Sent: Thursday, February 24, 2022 8:05 AM
To: Polk,Marilyn D (DFPS) <Marilyn.Polk@dfps.texas.gov>; Garrett,Kendrick L (DFPS) <Kendrick.Garrett@dfps.texas.gov>
Subject: FW: Attorney General Opinion

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AMERICAN OVERSIGHT

From: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:55 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
Subject: FW: Attorney General Opinion

See email below and attachments—email/attachments sent to SWI staff. I believe we have three right now in the intake stage—or being worked on by SWI. Stephen will send me the case numbers as soon as he has them for us to be aware in order to assist our staff with these cases.
Thanks,
Marta

Marta Talbert
Director of Investigation and Alternative Response
512-438-3357
marta.talbert@dfps.texas.gov

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:46 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: FW: Attorney General Opinion

fyi
Stephen Black
512-960-9352

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

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SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

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To:	Aguirre,Patricia J (DFPS); Bohach,Cassara N (DFPS); Campbell,Mckaylie (DFPS); Duenes,Kathie (DFPS); Johnson,Rhonda (DFPS); Kissinger,Rhonda M (DFPS); Mcfarland,Trannie (DFPS); Rankin,Iris V (DFPS); Rodriquez,Deidre (DFPS); Thomas,Tinya R (DFPS); Thornton,Debra C (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 10:21:25 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

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SWI Screener Supervisor
Regions 1, 2, 7, & 9
512-968-0260
Christin.shavers@dfps.texas.gov

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SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Santiago,Shaun (DFPS)
To:	Aguirre, Francie (CAO)
Subject:	FW: Abbot/Paxton Opinion
Date:	Thursday, February 24, 2022 10:15:00 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image001.png

---

Francie
What is going to be HCAO stance when this makes it to your office? I have told my boss I will resign before I RTB on a family whose child is transitioning

From: Santiago,Shaun (DFPS)
Sent: Thursday, February 24, 2022 10:09 AM
To: Shaunbroughton74@aol.com
Subject: Abbot/Paxton Opinion

Shaun Santiago
CPI/Alternative Response Program Director
2525 Murworth Drive
Houston TX 77054
Cell: 713-876-5394
Shaun.santiago@dfps.texas.gov

Texas Department of
Family and Protective Services
Child Protective Investigations

AMERICAN OVERSIGHT

From: Santiago,Shaun (DFPS)
To: Davis,Tad (DFPS)
Subject: FW: Attorney General Opinion
Date: Thursday, February 24, 2022 10:12:05 AM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

This is BS

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Cc: Polk,Marilyn D (DFPS) <Marilyn.Polk@dfps.texas.gov>
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AMERICAN OVERSIGHT

Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>

Subject: FW: Attorney General Opinion

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Marta

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Director of Investigation and Alternative Response

512-438-3357

marta.talbert@dfps.texas.gov

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Sent: Wednesday, February 23, 2022 3:46 PM

To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>

Subject: FW: Attorney General Opinion

fyi

Stephen Black

512-960-9352

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To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>

Subject: Attorney General Opinion

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Stephen Black

SWI Associate Commissioner

512-960-9352

AMERICAN OVERSIGHT

From: Martinez,Dalila (DFPS)
To: Melcer,Janine F (DFPS)
Subject: FW: Attorney General Opinion
Date: Thursday, February 24, 2022 10:11:00 AM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf
image001.png

Good morning,
I am slowly starting to get questions about this from my workers…

- Will PPM be providing any guidance for assessment on these calls?
- What exactly would cause something to be an intake and what possible allegation/allegations (MDNG/EMAB) we would be using for this?
- If the child is in a placement outside of the home who is listed as an AP for the allegation?
- Would we only take an intake if the child is receiving hormone treatment/surgical procedures for gender reassignment?
- What priority should be assigned to these intakes?

Thank you,
Dalila Martinez
DFPS SWI Supervisor II Unit 26
Tuesday-Saturday 8AM-4:30 PM
Cell (737) 249-8369

Texas Department of
Family and Protective Services

From: Black,Stephen D (DFPS) <Stephen.Black@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

Hello SWI,
A legal opinion was released by the AG's office on February 21, 2022. The governor subsequently provided further direction to DFPS to these reported matters.
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Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From: Santiago.Shaun (DFPS)
To: [redacted]
Subject: Abbot/Paxton Opinion
Date: Thursday, February 24, 2022 10:08:00 AM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf
image001.png

Shaun Santiago
CPI/Alternative Response Program Director
2525 Murworth Drive
Houston TX 77054
Cell: 713-876-5394
Shaun.santiago@dfps.texas.gov

Texas Department of
Family and Protective Services
Child Protective Investigations

AMERICAN OVERSIGHT

From: Santiago,Shaun (DFPS)
To: Levit,Lindy (DFPS)
Subject: FW: Attorney General Opinion
Date: Thursday, February 24, 2022 10:04:57 AM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

There you go Lindy

From: Polk,Marilyn D (DFPS) <Marilyn.Polk@dfps.texas.gov>
Sent: Thursday, February 24, 2022 9:05 AM
To: Bluford,Jamilla K (DFPS) <Jamilla.Bluford@dfps.texas.gov>; Douglas,Diepriye (DFPS) <Diepriye.Douglas@dfps.texas.gov>; Hammon,Stephanie A (DFPS) <Stephanie.Hammon@dfps.texas.gov>; Santiago,Shaun (DFPS) <Shaun.Santiago@dfps.texas.gov>; Vidrine,Lineshia (DFPS) <Lineshia.Vidrine@dfps.texas.gov>
Cc: Polk,Marilyn D (DFPS) <Marilyn.Polk@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Good Morning Team Polk,
Please review and let me know if you have any questions.

Thank You
Marilyn Polk, M.A
CPI Division
Houston, TX 77054
Office (713) 394-4060
Cell (713) 269-4545

From: Sanders,Monica L (DFPS)
Sent: Thursday, February 24, 2022 8:42 AM
To: Polk,Marilyn D (DFPS) <Marilyn.Polk@dfps.texas.gov>; Garrett,Kendrick L (DFPS) <Kendrick.Garrett@dfps.texas.gov>
Cc: Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>
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Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>

Subject: FW: Attorney General Opinion

See email below and attachments—email/attachments sent to SWI staff. I believe we have three right now in the intake stage—or being worked on by SWI. Stephen will send me the case numbers as soon as he has them for us to be aware in order to assist our staff with these cases.

Thanks,

Marta

Marta Talbert

Director of Investigation and Alternative Response

512-438-3357

marta.talbert@dfps.texas.gov

From: Black,Stephen D (DFPS)

Sent: Wednesday, February 23, 2022 3:46 PM

To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>

Subject: FW: Attorney General Opinion

fyi

Stephen Black

512-960-9352

From: Black,Stephen D (DFPS)

Sent: Wednesday, February 23, 2022 3:31 PM

To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>

Subject: Attorney General Opinion

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Stephen Black

SWI Associate Commissioner

512-960-9352

AMERICAN OVERSIGHT

From:	Bailey,Brittany (DFPS)
To:	Dennis,Sheretta (DFPS); Easily,Randi (DFPS); Frank,Courtney (DFPS); Jordan,Willie (DFPS); Mobley,Bethany (DFPS); Moses,Courtney (DFPS); Vanwright,Charles (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 9:52:18 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png image001.png

Good morning Team, please take some to review this email and the attachments with it thoroughly. This new change is coming straight from state office and Kydnall provided a brief overview (see below). But please take the time out to read and let me know if there are any questions.

Brittany Bailey
CPI Supervisor Unit 16
Department of Family & Protective Services
4200 Jimmy Johnson Blvd Port Arthur, TX 77642
Cell: 409-550-0331
Fax: 512-276-3078

From: Trahan,Kyndall (DFPS) <Kyndall.Trahan@dfps.texas.gov>
Sent: Thursday, February 24, 2022 9:48 AM
To: Mayon,Lashanda (DFPS) <Lashanda.Mayon@dfps.texas.gov>; Frank,Courtney (DFPS) <Courtney.Frank@dfps.texas.gov>; Wiltz,Lechanda (DFPS) <Lechanda.Wiltz@dfps.texas.gov>; Jones,Sade (DFPS) <Sade.Jones@dfps.texas.gov>; Tyler,Christiana L (DFPS) <Christiana.Tyler@dfps.texas.gov>; Bell,Tiffany (DFPS) <Tiffany.Bell2@dfps.texas.gov>; Balser,Jodi L. (DFPS) <Jodi.Balser@dfps.texas.gov>; Derry,Tiffany (DFPS) <Tiffany.Derry@dfps.texas.gov>; Lambert,Kellie (DFPS) <Kellie.Lambert@dfps.texas.gov>; Marks,Tracey (DFPS) <Tracey.Marks@dfps.texas.gov>; Ponthieu,Minda (DFPS) <Minda.Ponthieu@dfps.texas.gov>; Simon,Savannah (DFPS) <Savannah.Simon@dfps.texas.gov>; Woods,Kristen (DFPS) <Kristen.Woods@dfps.texas.gov>
Cc: Bailey,Brittany (DFPS) <Brittany.Bailey@dfps.texas.gov>
Subject: FW: Attorney General Opinion

FYI –
Essentially the Governor wants reporters (professional and personnel) to report any parents that are encouraging/allowing/involved in allowing their minor children, who identify as transgendered, to go through the transition process. Governor Abbott is also mandating that DFPS investigate these

AMERICAN OVERSIGHT

parents and to have SWI process the intakes for field response.
I know there are lots of feelings around this and more questions than answers right now. Upper management is very involved as this is totally new ground for the agency. If you get a case that I miss, please let me know immediately so I can report it up the chain.
Please know that this email is not the platform for opinions or discussion on this topic. If we need to meet privately, my door is always open.
Thanks,
Kyndall

From: Prewitt,Amanda R. (DFPS)
Sent: Wednesday, February 23, 2022 7:47 PM
To: Trahan,Kyndall (DFPS) <Kyndall.Trahan@dfps.texas.gov>; Bailey,Brittany (DFPS) <Brittany.Bailey@dfps.texas.gov>; Murphy,Lana (DFPS) <Lana.Murphy@dfps.texas.gov>; Nellar,Pansy (DFPS) <Pansy.Nellar@dfps.texas.gov>; Parrott,Katheryn (DFPS) <Katheryn.Parrott@dfps.texas.gov>; Cameron,Crystal (DFPS) <Crystal.Cameron@dfps.texas.gov>; Mczeal,Scheerish A (DFPS) <Scheerish.Mczeal@dfps.texas.gov>
Cc: Boshuizen,Steven (DFPS) <Steven.Boshuizen@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Amanda R. Prewitt
Child Protective Investigations Program Director: Region 4
420 Athens Brick Road, Athens Texas 75751
☎State Cell: 903-368-0064 | ☎Fax: 512-276-3581
☎Report abuse: 1-800-252-5400
✉ E-mail: Amanda.Prewitt@dfps.texas.gov

Texas Department of Family and Protective Services
Child Protective Investigations

From: Liles,Lou R (DFPS) <Lou.Liles@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 6:53 PM
To: Prewitt,Amanda R. (DFPS) <Amanda.Prewitt@dfps.texas.gov>; Phillips,Deirdre (DFPS) <Deirdre.Phillips@dfps.texas.gov>; Peterson,Nicole (DFPS) <Nicole.Peterson@dfps.texas.gov>; Claude,Jennifer L (DFPS) <Jennifer.Claude@dfps.texas.gov>; Chesnut,Andrew (DFPS) <Andrew.Chesnut@dfps.texas.gov>; Boshuizen,Steven (DFPS) <Steven.Boshuizen@dfps.texas.gov>
Subject: Fwd: Attorney General Opinion
If you receive any of these intakes I need to know immediately. Please share with all of your supervisors

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From: Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 4:18 PM
To: Liles,Lou R (DFPS)
Subject: Fwd: Attorney General Opinion

From: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:54:57 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS)

AMERICAN OVERSIGHT

<Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>

Subject: FW: Attorney General Opinion

See email below and attachments—email/attachments sent to SWI staff. I believe we have three right now in the intake stage—or being worked on by SWI. Stephen will send me the case numbers as soon as he has them for us to be aware in order to assist our staff with these cases.

Thanks,

Marta

Marta Talbert

Director of Investigation and Alternative Response

512-438-3357

marta.talbert@dfps.texas.gov

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fyi

Stephen Black

512-960-9352

From: Black,Stephen D (DFPS)

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AMERICAN OVERSIGHT

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To:	Mayon,Lashanda (DFPS); Frank,Courtney (DFPS); Wiltz,Lechanda (DFPS); Jones,Sade (DFPS); Tyler,Christiana L (DFPS); Bell,Tiffany (DFPS); Balser,Jodi L. (DFPS); Derry,Tiffany (DFPS); Lambert,Kellie (DFPS); Marks,Tracey (DFPS); Ponthieu,Minda (DFPS); Simon,Savannah (DFPS); Woods,Kristen (DFPS)
Cc:	Bailey,Brittany (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 9:48:43 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png

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Texas Department of Family and Protective Services
Child Protective Investigations

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AMERICAN OVERSIGHT

<Andrew.Chesnut@dfps.texas.gov>; Boshuizen,Steven (DFPS) <Steven.Boshuizen@dfps.texas.gov>
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AMERICAN OVERSIGHT

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Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Harmon,Tonya (DFPS)
To:	Vangelderen,John (DFPS); Etheredge,Todd (DFPS); Hanson,Michelle R (DFPS); Castillo,Lilia (DFPS); Cash,Crystal (DFPS)
Cc:	Ward,Shannon M (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 9:48:34 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

We will be discussing on our leadership call. Thanks, Tonya

From: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:55 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
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SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From: Hardie,Sherrie F (DFPS)
To: Barker-White,Thomas M (DFPS)
Subject: FW: Attorney General Opinion
Date: Thursday, February 24, 2022 9:46:34 AM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

Sounds about right. We will take it case by case. There have been some that came through yesterday.
Sherrie

From: Barker-White,Thomas M (DFPS) <Thomas.Barker-White@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 6:15 PM
To: Hardie,Sherrie F (DFPS) <Sherrie.Hardie@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Reading through the legalese, we're taking a case if the parents are surgically or chemically supporting transition. Does that sound about right?

Thomas Barker-White
SWI Supervisor
Sun, Mon, Wed, Thur 2p – 12:30a
State Cell: 512-460-8438

From: Black,Stephen D (DFPS) <Stephen.Black@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

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Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Santiago,Shaun (DFPS)
To:	Johnson,Andrea L (DFPS); Rhodes,Jocelyn (DFPS); Stewart,Daylon (DFPS); Taylor,Cassandra L (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 9:37:17 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

---

From: Polk,Marilyn D (DFPS) <Marilyn.Polk@dfps.texas.gov>
Sent: Thursday, February 24, 2022 9:05 AM
To: Bluford,Jamilla K (DFPS) <Jamilla.Bluford@dfps.texas.gov>; Douglas,Diepriye (DFPS) <Diepriye.Douglas@dfps.texas.gov>; Hammon,Stephanie A (DFPS) <Stephanie.Hammon@dfps.texas.gov>; Santiago,Shaun (DFPS) <Shaun.Santiago@dfps.texas.gov>; Vidrine,Lineshia (DFPS) <Lineshia.Vidrine@dfps.texas.gov>
Cc: Polk,Marilyn D (DFPS) <Marilyn.Polk@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Good Morning Team Polk,
Please review and let me know if you have any questions.

Thank You
Marilyn Polk, M.A
CPI Division
Houston, TX 77054
Office (713) 394-4060
Cell (713) 269-4545

From: Sanders,Monica L (DFPS)
Sent: Thursday, February 24, 2022 8:42 AM
To: Polk,Marilyn D (DFPS) <Marilyn.Polk@dfps.texas.gov>; Garrett,Kendrick L (DFPS) <Kendrick.Garrett@dfps.texas.gov>
Cc: Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>
Subject: FW: Attorney General Opinion

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Immediately.

We must treat these as normal investigations. I will discuss this at Tuesday's BB meeting.

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To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>;

AMERICAN OVERSIGHT

Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>

Subject: FW: Attorney General Opinion

See email below and attachments—email/attachments sent to SWI staff. I believe we have three right now in the intake stage—or being worked on by SWI. Stephen will send me the case numbers as soon as he has them for us to be aware in order to assist our staff with these cases.

Thanks,

Marta

Marta Talbert

Director of Investigation and Alternative Response

512-438-3357

marta.talbert@dfps.texas.gov

From: Black,Stephen D (DFPS)

Sent: Wednesday, February 23, 2022 3:46 PM

To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>

Subject: FW: Attorney General Opinion

fyi

Stephen Black

512-960-9352

From: Black,Stephen D (DFPS)

Sent: Wednesday, February 23, 2022 3:31 PM

To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>

Subject: Attorney General Opinion

Hello SWI,

A legal opinion was released by the AG's office on February 21, 2022. The governor subsequently provided further direction to DFPS to these reported matters.

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Stephen Black

SWI Associate Commissioner

512-960-9352

AMERICAN OVERSIGHT

From:	Parrott,Katheryn (DFPS)
To:	Bryant,Kasi (DFPS); Clark,Kaitlin (DFPS); Medina,Skylar (DFPS); Johnson,Michelle (DFPS); Emerson,Mary (DFPS); Hancock,Baleigh (DFPS); Lavender,Amy (DFPS); Budwine,Shalisa (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 9:34:00 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png

Please see attached.
Take care,
Katheryn Parrott
Child Protective Investigations Supervisor
Office: 409-385-1641
Cell: 409-289-5171
Fax: 512-276-3077

From: Prewitt,Amanda R. (DFPS)
Sent: Wednesday, February 23, 2022 7:47 PM
To: Trahan,Kyndall (DFPS) <Kyndall.Trahan@dfps.texas.gov>; Bailey,Brittany (DFPS) <Brittany.Bailey@dfps.texas.gov>; Murphy,Lana (DFPS) <Lana.Murphy@dfps.texas.gov>; Nellar,Pansy (DFPS) <Pansy.Nellar@dfps.texas.gov>; Parrott,Katheryn (DFPS) <Katheryn.Parrott@dfps.texas.gov>; Cameron,Crystal (DFPS) <Crystal.Cameron@dfps.texas.gov>; Mczeal,Scheerish A (DFPS) <Scheerish.Mczeal@dfps.texas.gov>
Cc: Boshuizen,Steven (DFPS) <Steven.Boshuizen@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Amanda R. Prewitt
Child Protective Investigations Program Director: Region 4
420 Athens Brick Road, Athens Texas 75751
☎State Cell: 903-368-0064 | ☎Fax: 512-276-3581
☎Report abuse: 1-800-252-5400
✉ E-mail: Amanda.Prewitt@dfps.texas.gov

Texas Department of Family and Protective Services
Child Protective Investigations

From: Liles,Lou R (DFPS) <Lou.Liles@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 6:53 PM
To: Prewitt,Amanda R. (DFPS) <Amanda.Prewitt@dfps.texas.gov>; Phillips,Deirdre (DFPS) <Deirdre.Phillips@dfps.texas.gov>; Peterson,Nicole (DFPS) <Nicole.Peterson@dfps.texas.gov>; Claude,Jennifer L (DFPS) <Jennifer.Claude@dfps.texas.gov>; Chesnut,Andrew (DFPS) <Andrew.Chesnut@dfps.texas.gov>; Boshuizen,Steven (DFPS) <Steven.Boshuizen@dfps.texas.gov>
Subject: Fwd: Attorney General Opinion
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From: Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 4:18 PM
To: Liles,Lou R (DFPS)

AMERICAN OVERSIGHT

Subject: Fwd: Attorney General Opinion

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Sent: Wednesday, February 23, 2022 3:54:57 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
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Director of Investigation and Alternative Response
512-438-3357
marta.talbert@dfps.texas.gov

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Sent: Wednesday, February 23, 2022 3:46 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: FW: Attorney General Opinion

fyi
Stephen Black
512-960-9352

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

Hello SWI,
A legal opinion was released by the AG's office on February 21, 2022. The governor subsequently provided further direction to DFPS to these reported matters.
Those two documents are attached to this communication which gives guidance and direction regarding how the department is to handle intakes related to gender transitioning.
Please consult with your PA regarding any questions you may have.
Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Santiago,Shaun (DFPS)
To:	Rushing,Rachel C (DFPS); Rangel,Rey (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 9:32:26 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

---

I will resign

From: Polk,Marilyn D (DFPS) <Marilyn.Polk@dfps.texas.gov>
Sent: Thursday, February 24, 2022 9:05 AM
To: Bluford,Jamilla K (DFPS) <Jamilla.Bluford@dfps.texas.gov>; Douglas,Diepriye (DFPS) <Diepriye.Douglas@dfps.texas.gov>; Hammon,Stephanie A (DFPS) <Stephanie.Hammon@dfps.texas.gov>; Santiago,Shaun (DFPS) <Shaun.Santiago@dfps.texas.gov>; Vidrine,Lineshia (DFPS) <Lineshia.Vidrine@dfps.texas.gov>
Cc: Polk,Marilyn D (DFPS) <Marilyn.Polk@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Good Morning Team Polk,
Please review and let me know if you have any questions.

Thank You
Marilyn Polk, M.A
CPI Division
Houston, TX 77054
Office (713) 394-4060
Cell (713) 269-4545

From: Sanders,Monica L (DFPS)
Sent: Thursday, February 24, 2022 8:42 AM
To: Polk,Marilyn D (DFPS) <Marilyn.Polk@dfps.texas.gov>; Garrett,Kendrick L (DFPS) <Kendrick.Garrett@dfps.texas.gov>
Cc: Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>
Subject: FW: Attorney General Opinion

PLEASE explain to the PDs that they must notify PA/RD if their program receives an assignment from SWI on these.

Immediately.

We must treat these as normal investigations. I will discuss this at Tuesday's BB meeting.

From: Sanders,Monica L (DFPS)
Sent: Thursday, February 24, 2022 8:05 AM
To: Polk,Marilyn D (DFPS) <Marilyn.Polk@dfps.texas.gov>; Garrett,Kendrick L (DFPS) <Kendrick.Garrett@dfps.texas.gov>
Subject: FW: Attorney General Opinion

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AMERICAN OVERSIGHT

Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>

Subject: FW: Attorney General Opinion

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Marta

Marta Talbert

Director of Investigation and Alternative Response

512-438-3357

marta.talbert@dfps.texas.gov

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Sent: Wednesday, February 23, 2022 3:46 PM

To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>

Subject: FW: Attorney General Opinion

fyi

Stephen Black

512-960-9352

From: Black,Stephen D (DFPS)

Sent: Wednesday, February 23, 2022 3:31 PM

To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>

Subject: Attorney General Opinion

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Stephen Black

SWI Associate Commissioner

512-960-9352

AMERICAN OVERSIGHT

From:	Kirkpatrick,Jennifer (DFPS)
To:	Deshotel,Kathryn C (DFPS); Gill,Rogerick (DFPS); Rose,Lisa (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 9:22:24 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png

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Please see attached

From: Prewitt,Amanda R. (DFPS) <Amanda.Prewitt@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 7:45 PM
To: Hickerson,Felicia (DFPS) <Felicia.Hickerson@dfps.texas.gov>; Kirkpatrick,Jennifer (DFPS) <Jennifer.Kirkpatrick@dfps.texas.gov>; Gonzalez,Mario H (DFPS) <Mario.Gonzalez@dfps.texas.gov>; Cole,Monica (DFPS) <Monica.Cole@dfps.texas.gov>; Raschke,Daniel J (DFPS) <Daniel.Raschke@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Please review and share with staff. Please keep in mind if you get any reports of this nature (gender reassignment, transitioning, etc) I need you to immediately notify me of such so I can pass it up the chain. Make sure you are reviewing intakes and that staff know to keep an eye out for this too. This is our current hot topic!

Amanda R. Prewitt
Child Protective Investigations Program Director: Region 4
420 Athens Brick Road, Athens Texas 75751
☎State Cell: 903-368-0064 | ☎Fax: 512-276-3581
☎Report abuse: 1-800-252-5400
✉ E-mail: Amanda.Prewitt@dfps.texas.gov

Texas Department of Family and Protective Services
Child Protective Investigations

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Sent: Wednesday, February 23, 2022 6:53 PM
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Subject: Fwd: Attorney General Opinion

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Sent: Wednesday, February 23, 2022 3:54:57 PM

AMERICAN OVERSIGHT

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512-438-3357
marta.talbert@dfps.texas.gov

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:46 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: FW: Attorney General Opinion

fyi
Stephen Black
512-960-9352

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

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Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From: Justice,Alyssa N (DFPS)
To: Martinez,Dalila (DFPS)
Subject: FW: Attorney General Opinion
Date: Thursday, February 24, 2022 9:20:00 AM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf
image001.png
image002.png
image004.png

Good morning
I know we take each call on a case by case basis, but I was wondering what would cause something to be an intake and what possible allegation/allegations we would be using for this.
Thanks!

Alyssa Justice, PSIS III
Sat, Tues-Fri. 9 a.m.-5:30 p.m.
Texarkana Office
Cell: 903-277-2746
Work Cell: 737-239-5726

From: Martinez,Dalila (DFPS)
Sent: Thursday, February 24, 2022 9:17 AM
To: Aparicio,Alexandra (DFPS) <Alexandra.Aparicio@dfps.texas.gov>; Burke,Jill (DFPS) <Jill.Burke@dfps.texas.gov>; Byron,William J (DFPS) <William.Byron@dfps.texas.gov>; Humphreys,Paul D (DFPS) <Paul.Humphreys2@dfps.texas.gov>; Justice,Alyssa N (DFPS) <Alyssa.Justice@dfps.texas.gov>; Crandall,Najeana (DFPS) <Najeana.Crandall@dfps.texas.gov>; Meaney,Sheila (DFPS) <Sheila.Meaney2@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Good morning,
Please let me know if you have any questions so that I can forward along to Janine for clarification.
Thank you,
Dalila Martinez
DFPS SWI Supervisor II Unit 26
Tuesday-Saturday 8AM-4:30 PM
Cell (737) 249-8369

Texas Department of Family and Protective Services

From: Black,Stephen D (DFPS) <Stephen.Black@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

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AMERICAN OVERSIGHT

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Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Martinez,Dalila (DFPS)
To:	Aparicio,Alexandra (DFPS); Burke,Jill (DFPS); Byron,William J (DFPS); Humphreys,Paul D (DFPS); Justice,Alyssa N (DFPS); Crandall,Najeana (DFPS); Meaney,Sheila (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 9:17:51 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image001.png

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Tuesday-Saturday 8AM-4:30 PM
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Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Polk,Marilyn D (DFPS)
To:	Bluford,Jamilla K (DFPS); Douglas,Diepriye (DFPS); Hammon,Stephanie A (DFPS); Santiago,Shaun (DFPS); Vidrine,Lineshia (DFPS)
Cc:	Polk,Marilyn D (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 9:05:14 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

Good Morning Team Polk,
Please review and let me know if you have any questions.

Thank You
Marilyn Polk, M.A
CPI Division
Houston, TX 77054
Office (713) 394-4060
Cell (713) 269-4545

From: Sanders,Monica L (DFPS)
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To: Polk,Marilyn D (DFPS) <Marilyn.Polk@dfps.texas.gov>; Garrett,Kendrick L (DFPS) <Kendrick.Garrett@dfps.texas.gov>
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Subject: FW: Attorney General Opinion

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AMERICAN OVERSIGHT

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Marta

Marta Talbert
Director of Investigation and Alternative Response
512-438-3357
marta.talbert@dfps.texas.gov

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512-960-9352

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Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Baquero,Myrna I (DFPS)
To:	Johnson,Christin (DFPS); Ortega,Edna V (DFPS); Garcia,John A (DFPS); Wicker,Joseph (DFPS); Lopez,Isaac (DFPS); Valdez,Deric J (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 9:04:26 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

NOTE: All before you share this I want us to have a conversation. Deric please schedule a teams call for late this afternoon or tomorrow morning. Is everyone available at 4 pm central time? I am also available tomorrow morning.

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Please consult with your PA or RD regarding any questions you may have.

Myrna

AMERICAN OVERSIGHT

From:	Wharton,Jarita N (DFPS)
To:	Edison,Althea (DFPS)
Cc:	Jones,Fredrick A (DFPS)
Subject:	Attorney General Opinion
Date:	Thursday, February 24, 2022 9:02:42 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

Good Morning,

FYI -

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**This is something that we need to discuss with the PD's.

We will need to discuss having a designated caseworker handle these special cases when they come up. It is being asked that these cases are worked thoroughly without text messages/emails to the family etc.

Thanks,

Jarita

AMERICAN OVERSIGHT

From:	Wharton,Jarita N (DFPS)
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Cc:	Jones,Fredrick A (DFPS)
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Jarita

AMERICAN OVERSIGHT

From: Phynon,Domeka (DFPS)
To: Hammon,Stephanie A (DFPS)
Subject: Fwd: Attorney General Opinion
Date: Thursday, February 24, 2022 8:53:41 AM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf
image001.png

Domeka Phynon
CPI Investigation and Alternative Response (AR) Program Director
3 Northpoint Drive Suite 248
Houston, TX 77060
Fax (512)276-3011
Cell (713)413-7176

From: Garrett,Kendrick L (DFPS) <Kendrick.Garrett@dfps.texas.gov>
Sent: Thursday, February 24, 2022 8:51:54 AM
To: Beaudoin,Lashonna R (DFPS) <Lashonna.Beaudoin@dfps.texas.gov>; Heath,Claudia M (DFPS) <Claudia.Heath@dfps.texas.gov>; Phynon,Domeka (DFPS) <Domeka.Phynon@dfps.texas.gov>; Truss,Stacey L (DFPS) <Stacey.Truss@dfps.texas.gov>
Subject: FW: Attorney General Opinion

FYI

Kind Regards,
Kendrick L. Garrett
Region 6A Program Adminstrator
DFPS/CPI (A**lternative **R**esponse & Investigations**)
832-454-7311 business cell
Kendrick.garrett@dfps.texas.gov

Texas Department of
Family and Protective Services
Child Protective Investigations

From: Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>
Sent: Thursday, February 24, 2022 8:05 AM
To: Polk,Marilyn D (DFPS) <Marilyn.Polk@dfps.texas.gov>; Garrett,Kendrick L (DFPS) <Kendrick.Garrett@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Please try to get through this and share and process with the PDs.

From: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:55 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS)

AMERICAN OVERSIGHT

<Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>

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Thanks,

Marta

Marta Talbert

Director of Investigation and Alternative Response

512-438-3357

marta.talbert@dfps.texas.gov

From: Black,Stephen D (DFPS)

Sent: Wednesday, February 23, 2022 3:46 PM

To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>

Subject: FW: Attorney General Opinion

fyi

Stephen Black

512-960-9352

From: Black,Stephen D (DFPS)

Sent: Wednesday, February 23, 2022 3:31 PM

To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>

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SWI Associate Commissioner

512-960-9352

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To:	Beaudoin,Lashonna R (DFPS); Heath,Claudia M (DFPS); Phynon,Domeka (DFPS); Truss,Stacey L (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 8:52:11 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image001.png

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SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	May,Krystella (DFPS)
To:	Collins,Randy (DFPS); Garza,Andy (DFPS); Peters,Maddison (DFPS); Vela,Bianca (DFPS); Willey,Maloree (DFPS); Wright,Lindsey (DFPS); Zuniga,Bridgett (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Thursday, February 24, 2022 8:45:12 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

---

Krystella Pressley Crawford
Investigations Supervisor
1225 West Church St.
Livingston, Tx 77351
Office: (936) 327-6726
Cell: (936) 553-1443
Fax: (512) 276-3076
Abuse Hotline: 1-800-252-5400

From: Claude,Jennifer L (DFPS) <Jennifer.Claude@dfps.texas.gov>
Sent: Thursday, February 24, 2022 8:19 AM
To: Cruz-Vazquez,Jose (DFPS) <Jose.Cruzvazquez@dfps.texas.gov>; Farmer-Perry,Kellie (DFPS) <Kellie.Farmerperry@dfps.texas.gov>; May,Krystella (DFPS) <Krystella.May@dfps.texas.gov>; Perodin,Reta (DFPS) <Reta.Perodin@dfps.texas.gov>; Rodgers,Leslie (DFPS) <Leslie.Rodgers@dfps.texas.gov>
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AMERICAN OVERSIGHT

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To: Polk,Marilyn D (DFPS); Garrett,Kendrick L (DFPS)
Cc: Sanders,Monica L (DFPS)
Subject: FW: Attorney General Opinion
Date: Thursday, February 24, 2022 8:42:12 AM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

PLEASE explain to the PDs that they must notify PA/RD if their program receives an assignment from SWI on these.

Immediately.

We must treat these as normal investigations. I will discuss this at Tuesday's BB meeting.

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AMERICAN OVERSIGHT

From: Parrott,Katheryn (DFPS)
To: Snoek,Robin G (DFPS)
Subject: FW: Attorney General Opinion
Date: Thursday, February 24, 2022 8:41:49 AM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf
image002.png

Take care,
Katheryn Parrott
Child Protective Investigations Supervisor
Office: 409-385-1641
Cell: 409-289-5171
Fax: 512-276-3077

From: Prewitt,Amanda R. (DFPS)
Sent: Wednesday, February 23, 2022 7:47 PM
To: Trahan,Kyndall (DFPS) <Kyndall.Trahan@dfps.texas.gov>; Bailey,Brittany (DFPS) <Brittany.Bailey@dfps.texas.gov>; Murphy,Lana (DFPS) <Lana.Murphy@dfps.texas.gov>; Nellar,Pansy (DFPS) <Pansy.Nellar@dfps.texas.gov>; Parrott,Katheryn (DFPS) <Katheryn.Parrott@dfps.texas.gov>; Cameron,Crystal (DFPS) <Crystal.Cameron@dfps.texas.gov>; Mczeal,Scheerish A (DFPS) <Scheerish.Mczeal@dfps.texas.gov>
Cc: Boshuizen,Steven (DFPS) <Steven.Boshuizen@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Amanda R. Prewitt
Child Protective Investigations Program Director: Region 4
420 Athens Brick Road, Athens Texas 75751
☎State Cell: 903-368-0064 | ☎Fax: 512-276-3581
☎Report abuse: 1-800-252-5400
✉ E-mail: Amanda.Prewitt@dfps.texas.gov

Texas Department of Family and Protective Services
Child Protective Investigations

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To:	Fenton,Tammy (DFPS); Fontnett,Kenya D (DFPS); Galvan,Shari (DFPS); Harper-Reising,Linda (DFPS); Irvine,Keith C (DFPS); Jones,Breona (DFPS); Jones,Janice D (DFPS); Roberts,Sharonica (DFPS)
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Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

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To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
Subject: FW: Attorney General Opinion
See email below and attachments—email/attachments sent to SWI staff. I believe we have three right now in the intake stage—or being worked on by SWI. Stephen will send me the case numbers as soon as he has them for us to be aware in order to assist our staff with these cases.
Thanks,
Marta

Marta Talbert
Director of Investigation and Alternative Response
512-438-3357
marta.talbert@dfps.texas.gov

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:46 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>

AMERICAN OVERSIGHT

Subject: FW: Attorney General Opinion

fyi

Stephen Black
512-960-9352

From: Black,Stephen D (DFPS)

Sent: Wednesday, February 23, 2022 3:31 PM

To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>

Subject: Attorney General Opinion

Hello SWI,

A legal opinion was released by the AG's office on February 21, 2022. The governor subsequently provided further direction to DFPS to these reported matters.

Those two documents are attached to this communication which gives guidance and direction regarding how the department is to handle intakes related to gender transitioning.

Please consult with your PA regarding any questions you may have.

Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From: Sanders,Monica L (DFPS)
To: Polk,Marilyn D (DFPS); Garrett,Kendrick L (DFPS)
Subject: FW: Attorney General Opinion
Date: Thursday, February 24, 2022 8:05:54 AM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

Please try to get through this and share and process with the PDs.

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512-960-9352

AMERICAN OVERSIGHT

From: Salinas Patricia (DFPS)
To: Banda Sonia (DFPS); Cantu Rodriguez Sharon (DFPS); Castillo Esmeralda (DFPS); Castillo Geronimo (DFPS); Esqueda Daniel G (DFPS); Reyes Ramiro (DFPS)
Subject: FW: New AG Opinion/DFPS
Date: Friday, February 25, 2022 7:10:48 PM
Attachments: kp-0401_0.pdf
image001.png

FYI

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Sent: Wednesday, February 23, 2022 7:11 AM
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Managing Attorney
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Thanks!

MARINA YZAGUIRRE, MSSW
Child Protective Investigations
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Mbl. 956-802-4921

AMERICAN OVERSIGHT

Texas Department of
Family and Protective Services

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Specifically, the opinion concludes that certain procedures done on minors such as castration, fabrication of a "penis" using tissue from other body parts, fabrication of a "vagina" involving the removal of male sex organs, prescription of puberty-suppressors and infertility-inducers, and the like are all "abuse" under section 261.001 of the Texas Family Code.

"There is no doubt that these procedures are 'abuse' under Texas law, and thus must be halted," said Attorney General Paxton. "The Texas Department of Family and Protective Services (DFPS) has a responsibility to act accordingly. I'll do everything I can to protect against those who take advantage of and harm young Texans."

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The opinion also follows Gov. Abbott's August 2021 letter to DFPS requesting a determination of "whether genital mutilation of a child for purposes of gender transitioning through reassignment surgery constitutes child abuse." The Commissioner of DFPS replied that "genital mutilation of a child through reassignment surgery is child abuse."

Read the opinion here.

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AMERICAN OVERSIGHT

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Patrick

Patrick Crimmins
Director of Communications
Texas Department of Family and Protective Services
(512) 929-6727 office
(512) 787-5090 cell

AMERICAN OVERSIGHT

From: Salinas Patricia (DFPS)
To: Esquivel Maria V (DFPS)
Subject: FW: New AG Opinion/DFPS
Date: Friday, February 25, 2022 7:10:39 PM
Attachments: kp-0401_0.pdf
image001.png

Agenda item

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Date:	Friday, February 25, 2022 7:02:46 PM
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Agenda item

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Just another reminder….these need to be escalated.
janie

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From: Talbert,Marta L (DFPS)

Sent: Wednesday, February 23, 2022 3:55 PM

To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>

Subject: FW: Attorney General Opinion

See email below and attachments—email/attachments sent to SWI staff. I believe we have three right now in the intake stage—or being worked on by SWI. Stephen will send me the case numbers as soon as he has them

AMERICAN OVERSIGHT

for us to be aware in order to assist our staff with these cases.
Thanks,
Marta

Marta Talbert
Director of Investigation and Alternative Response
512-438-3357
marta.talbert@dfps.texas.gov

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:46 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: FW: Attorney General Opinion

fyi

Stephen Black
512-960-9352

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

Hello SWI,
A legal opinion was released by the AG's office on February 21, 2022. The governor subsequently provided further direction to DFPS to these reported matters.
Those two documents are attached to this communication which gives guidance and direction regarding how the department is to handle intakes related to gender transitioning.
Please consult with your PA regarding any questions you may have.

Stephen Black
SWI Associate Commissioner
512-960-9352

NOTICE: There has been a change to my email address. Effective immediately, my new email address is: Janie.Requenez@dfps.texas.gov.

AMERICAN OVERSIGHT

From:	Salinas,Patricia (DFPS)
To:	Esquivel,Maria V (DFPS); Banda,Sonia (DFPS); Cantu Rodriguez,Sharon (DFPS); Castillo,Esmeralda (DFPS); Castillo,Geronimo (DFPS); Esqueda,Daniel G (DFPS); Reyes,Ramiro (DFPS); Lara,Selina (DFPS); Ledbetter,Tina (DFPS); Luna,Laura L (DFPS); Scott,Christina (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Friday, February 25, 2022 7:02:34 PM
Attachments:	image001.png AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

Please review. We will discuss in our next meeting.
If you get any intakes regarding this issue, please immediately CALL ME to staff; no emails or texts are allowed.
Thank you
Patti

From: Requenez,Janie I (DFPS) <Janie.Requenez@dfps.texas.gov>
Sent: Friday, February 25, 2022 11:44 AM
To: Cano,Martha J (DFPS) <Martha.Cano@dfps.texas.gov>; Leticia.Rodriguez@dfps.state.tx.us; Patricia.Salinas@dfps.state.tx.us
Subject: FW: Attorney General Opinion

Just another reminder….these need to be escalated.
janie

From: Yzaguirre,Marina C (DFPS)
Sent: Wednesday, February 23, 2022 9:49 PM
To: Amaro,Kristy (DFPS) <Kristy.Amaro@dfps.texas.gov>; Guerra,Betzabel (DFPS) <Betzabel.Guerra@dfps.texas.gov>; Requenez,Janie I (DFPS) <Janie.Requenez@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Fyi---if we receive any intakes that pertain to this particular issue they must be escalated up for further guidance and direction.
Thanks!

MARINA YZAGUIRRE, MSSW
Child Protective Investigations
Regional Director
Region 11
Edinburg, Tx 78539
Off. 956-316-8238
Mbl. 956-802-4921

Texas Department of Family and Protective Services

From: Talbert,Marta L (DFPS)
Sent: Wednesday, February 23, 2022 3:55 PM
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AMERICAN OVERSIGHT

<Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
Subject: FW: Attorney General Opinion

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SWI Associate Commissioner
512-960-9352

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AMERICAN OVERSIGHT

From: Brindley, Emily
To: Gonzales,Marissa L (DFPS)
Subject: Re: Star-T: Media request
Date: Friday, February 25, 2022 6:12:35 PM

WARNING: This email is from outside the DFPS system. Do not click on links or attachments unless you expect them from the sender and know the content is safe.

Okay, understood, and I do appreciate your responding.

I'd like to ask a related question so that you might be able to elaborate a bit, and so that I can make sure I get this right.

Has DFPS itself ever drawn a parallel between Munchausen by proxy and medical interventions for transgender youth?

-Emily

On Fri, Feb 25, 2022 at 5:45 PM Gonzales,Marissa L (DFPS) <Marissa.Gonzales@dfps.texas.gov> wrote:

> I understand. At this time, we don't have a comment beyond our previous statement that DFPS will comply with Texas law as described in the opinion and the Governor's directive.
>
> Thanks.

From: Brindley, Emily <ebrindley@star-telegram.com>
Sent: Friday, February 25, 2022 5:32 PM
To: Gonzales,Marissa L (DFPS) <Marissa.Gonzales@dfps.texas.gov>
Subject: Re: Star-T: Media request

WARNING: This email is from outside the DFPS system. Do not click on links or attachments unless you expect them from the sender and know the content is safe.

Marissa,

I don't want to draw my own inferences here, that's why I'm asking for some input on this. The AG's letter draws the parallels pretty explicitly -- my question is whether DFPS agrees with those parallels. Can you please provide a comment on that?

My deadline has been extended slightly, so I'd still appreciate a comment on this.

Thanks,

> **Emily Brindley**

AMERICAN OVERSIGHT

Investigative reporter

C

817-390-7014

E

ebrindley@star-telegram.com

W

star-telegram.com

SUBSCRIBE

HERE

On Fri, Feb 25, 2022 at 5:07 PM Gonzales,Marissa L (DFPS) <Marissa.Gonzales@dfps.texas.gov> wrote:

> Emily, I don't know about drawing a parallel here. You have the practice guide and can make your own inferences. Thanks.
>
> ---
>
> **From:** Brindley, Emily <ebrindley@star-telegram.com>
> **Sent:** Friday, February 25, 2022 1:44 PM
> **To:** Gonzales,Marissa L (DFPS) <Marissa.Gonzales@dfps.texas.gov>
> **Subject:** Re: Star-T: Media request
>
> **WARNING:** This email is from outside the DFPS system. Do not click on links or attachments unless you expect them from the sender and know the content is safe.
>
> Hi Marissa,
>
> The AG's citation refers to the "Tex. Practice Guide for Child Protective Servs. Att'ys" and includes this link to the DFPS website.
>
> If you'd like to see the citations directly, the AG's opinion is at this link, and the citations are in the footnotes (citation #14 on PDF page 8 and citation #21 on PDF page 11).
>
> You can see in the opinion itself that the AG's office is using the DFPS documents regarding Munchausen by proxy and drawing a parallel between that and certain types of transgender health care for minors.

AMERICAN OVERSIGHT

Emily Brindley

Investigative reporter

C

817-390-7014

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ebrindley@star-telegram.com

W

star-telegram.com

SUBSCRIBE

HERE

On Fri, Feb 25, 2022 at 1:39 PM Gonzales,Marissa L (DFPS) <Marissa.Gonzales@dfps.texas.gov> wrote:

> Hi, Emily. I'm not sure I understand the question. Can you specify what DFPS document you're referring to?
>
> ---
>
> **From:** Brindley, Emily <ebrindley@star-telegram.com>
> **Sent:** Friday, February 25, 2022 11:26 AM
> **To:** Gonzales,Marissa L (DFPS) <Marissa.Gonzales@dfps.texas.gov>
> **Subject:** Star-T: Media request
>
> **WARNING:** This email is from outside the DFPS system. Do not click on links or attachments unless you expect them from the sender and know the content is safe.
>
> Hi Marissa,
>
> My name is Emily, I'm a reporter at the Fort Worth Star-Telegram. Just left a voicemail but wanted to reach out over email as well.
>
> I'm working on a story about the Attorney General's legal opinion regarding transgender youth, looking specifically at the sources that are cited in the opinion.
>
> A DFPS document is cited twice in the opinion (see pages 8 and 11 of the opinion, at

AMERICAN OVERSIGHT

this link), specifically with regards to Munchausen by proxy.

I'm hoping to get a comment from DFPS on these ciations, and whether there are parallels to be drawn between Munchausen by proxy and health care for transgender youth.

I'm working on deadline, so if I could get a comment/talk with someone today, that'd be great.

Thank you,

Emily Brindley

Investigative reporter

C

817-390-7014

E

ebrindley@star-telegram.com

W

star-telegram.com

SUBSCRIBE

HERE

NOTICE: There has been a change to my email address. Effective immediately, my new email address is: **Marissa.Gonzales@dfps.texas.gov.**

--

Emily Brindley

Investigative reporter

C 817-390-7014

E ebrindley@star-telegram.com

W star-telegram.com

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AMERICAN OVERSIGHT

From:	Giancola,Tracy L (DFPS)
To:	Bazile,Chastity (DFPS); Grigsby,Devon C (DFPS); Johnson,Shannon D (DFPS); Munoz,Gustavo (DFPS); Richards,Kelly (DFPS); Stovall,Megan (DFPS); Washington,Meredith (DFPS)
Subject:	Gender Related Cases
Date:	Friday, February 25, 2022 6:07:31 PM
Attachments:	Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf AG Ken Paxton"s Legal Opinion.pdf image001.png

Hello all~

Attached please find information pertaining to transgender related cases screeners will be sending to the field. They have been informed they may not PN any of these cases. With that being said, it doesn't necessarily mean we won't be closing case(s) administratively. We will be learning more about the new law and expectations of the Department.

Please be sensitive, mindful and cognizant of this law and child abuse cases and refrain from posting personal comments/opinions on social media, etc.. We will discuss as more information is learned and in our next unit meeting.

Thank you in advance!

Tracy

Tracy L. Giancola, LMSW

Supervisor II

Child Protective Investigations

Children's Advocacy Center of Collin County

2205 Los Rios Boulevard

Plano, Texas 75074

Direct Phone Number: (972) 633-6696

Mobile PhoneNumber: (469) 247-3228

Texas Department of
Family and Protective Services
Child Protective Investigations

The material in this e-mail is intended only for the use of the individual to whom it is addressed and may contain information that is confidential, privileged, and exempt from disclosure under applicable law. If you are not the intended recipient, be advised that the unauthorized review, use, disclosure, duplication, distribution, or the taking of any action in reliance on this information is strictly prohibited. Any review, retransmission, dissemination or other use of, or taking of any action by persons or entities other than the intended recipient will be considered a violation of confidentiality and legal action may be taken. If you have received this e-mail in error, please notify the sender by return email, delete and/or destroy all electronic and paper copies of the original message and any attachments immediately. Please note that neither the Texas Department of Family and Protective Services nor the sender accepts any responsibility for viruses and it is your responsibility to scan attachments (if any). Thank You.

AMERICAN OVERSIGHT

From:	Walls,Montasia (DFPS)
To:	Bruton,Shanon (DFPS); Rodriguez,Kassandra (DFPS); Dixon,Jordan (DFPS); Singleton,Keshia (DFPS); Moore,Machell (DFPS); Jenkins,Jordan (DFPS); Martinez-Alvizo,Cristal (DFPS); Singleton,Keshia (DFPS); James,Laquanda (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Friday, February 25, 2022 4:58:31 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png image001.png image004.png

Good afternoon,
Please see the attached.
Thank you,

Montasia Walls, M.A.
Investigations Supervisor
CPI | Unit 73
8700 N. Stemmons Fwy
Dallas, Texas, 75247
Mobile: 469.805.4736
Office: 214.583.4063
Email: Montasia.Walls@dfps.texas.gov
To Report Child Abuse or Neglect: 1.800.252.5400

Texas Department of
Family and Protective Services
Child Protective Investigations

From: Hughes,Kamesha D (DFPS) <Kamesha.Hughes@dfps.texas.gov>
Sent: Friday, February 25, 2022 4:02 PM
To: Caldwell,Thelma (DFPS) <Thelma.Caldwell@dfps.texas.gov>; Craven,Meilani (DFPS) <Meilani.Craven@dfps.texas.gov>; Mitchell,Angelica (DFPS) <Angelica.Mitchell2@dfps.texas.gov>; Scott,Melissia (DFPS) <Melissia.Scott@dfps.texas.gov>; Walls,Montasia (DFPS) <Montasia.Walls@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Thank you,

Kamesha Hughes,
Program Director
8700 N. Stemmons Fwy, Ste 104
Dallas, TX 75247
(214) 583-4032/Office
(469) 657-9268/Mobile
(512) 919-1018/Fax

AMERICAN OVERSIGHT

Texas Department of Family and Protective Services
Child Protective Investigations

From: Riles,Vincent A (DFPS)
Sent: Friday, February 25, 2022 3:39 PM
To: Boldon,Loretta (DFPS) <Loretta.Boldon@dfps.texas.gov>; Gordon,Lauren (DFPS) <Lauren.Gordon@dfps.texas.gov>; Hughes,Kamesha D (DFPS) <Kamesha.Hughes@dfps.texas.gov>; Lopez,Martin U (DFPS) <Martin.Lopez@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Vincent Riles, MS, LPC
CPI Program Administrator
Office 214-583-4181
Cell 214-543-0576
Fax 512-276-3531
Vincent.Riles2@dfps.texas.gov

Texas Department of Family and Protective Services
Child Protective Investigations

From: Sutton,Toni (DFPS)
Sent: Thursday, February 24, 2022 10:37 AM
To: Riles,Vincent A (DFPS) <Vincent.Riles2@dfps.texas.gov>; Riley,Leighann (DFPS) <Mary.Riley@dfps.texas.gov>; Chancellor,Veronica M (DFPS) <Veronica.Chancellor@dfps.texas.gov>; Coaston,Marva (DFPS) <Marva.Coaston2@dfps.texas.gov>; Ferbrache,Belinda (DFPS) <Belinda.Ferbrache@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Toni Sutton, LCSW
CPI Regional Director
Region 3 East
214.583.4037 (office)
469.340.9561 (mobile)
8700 N Stemmons FWY
Dallas, TX 75247
marie.sutton@dfps.texas.gov

Texas Department of Family and Protective Services
Child Protective Investigations

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Sent: Wednesday, February 23, 2022 3:55 PM
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AMERICAN OVERSIGHT

<Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>

Subject: FW: Attorney General Opinion

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Marta

Marta Talbert

Director of Investigation and Alternative Response

512-438-3357

marta.talbert@dfps.texas.gov

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Stephen Black

SWI Associate Commissioner

512-960-9352

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AMERICAN OVERSIGHT

From:	Terry,Maria R (DFPS)
To:	Posey,Nicole (DFPS); Quintero,Jaclyn (DFPS); Moorer,Costina (DFPS); Koppels,Sean (DFPS); Clendening,Michaela (DFPS); Anderson,Tockneea M (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Friday, February 25, 2022 4:12:49 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png image001.png

Everyone you need to stay off of social media with any opinions based on the following. We will be investigating these cases. This will get messy.

From: Lopez,Martin U (DFPS)
Sent: Friday, February 25, 2022 3:58 PM
To: Barnhart,Haley (DFPS) <Haley.Barnhart@dfps.texas.gov>; Giancola,Tracy L (DFPS) <Tracy.Giancola@dfps.texas.gov>; Hohmann,Ruth E (DFPS) <Ruth.Hohmann@dfps.texas.gov>; Sanich,Stephanie L (DFPS) <Stephanie.Sanich@dfps.texas.gov>; Terry,Maria R (DFPS) <Maria.Terry@dfps.texas.gov>; Weston,Stacy L (DFPS) <Stacy.Weston@dfps.texas.gov>
Subject: FW: Attorney General Opinion

FYI we can discuss this more Monday. Basically we do have to investigate these cases, kind of. Actually the worker V's in the region are so if you get one let me know because Im certain we do not have any worker V's.
I know people are not going to be happy but as you need to let them know we d work for the State. Please tell them to be careful what they post on social media regarding this too. Im also trying to get more info from Alyson about the legal ramifications, I will let you al know what she says.

Time Item Owner

3:30p Gender-Transitioning Cases and our practice moving forward. We will need to investigate these cases and legal action can be taken based on medical procedures that have been performed on the child toward gender transitioning. PA

These cases will need to be worked by the Worker V caseworkers in the region.

Dallas County DA's office has already stated that they will not file these cases. Legal action will need to be filed through the Regional Attorney.

Staff need to be clear that as state employees their public/social media opinions must be neutral to non-existent.

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Sent: Friday, February 25, 2022 3:39 PM
To: Boldon,Loretta (DFPS) <Loretta.Boldon@dfps.texas.gov>; Gordon,Lauren (DFPS) <Lauren.Gordon@dfps.texas.gov>; Hughes,Kamesha D (DFPS) <Kamesha.Hughes@dfps.texas.gov>; Lopez,Martin U (DFPS) <Martin.Lopez@dfps.texas.gov>
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Vincent Riles, MS, LPC

AMERICAN OVERSIGHT

CPI Program Administrator
Office 214-583-4181
Cell 214-543-0576
Fax 512-276-3531
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Child Protective Investigations

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marta.talbert@dfps.texas.gov

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AMERICAN OVERSIGHT

From:	Weston,Stacy L (DFPS)
To:	Ratliff,Hannah (DFPS); Day,Diana (DFPS); Martin,Ingrid (DFPS); Mogaka,Tom N (DFPS); Opel,Jarrod W (DFPS); Piacente,Abra (DFPS); Stubbs,Marisa K (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Friday, February 25, 2022 4:11:51 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png image001.png

PLEASE SEE BELOW AND ATTACHED ~ VERY IMPORTANT!!!!!
This is actually on the news right now in my living room, so you all have probably already heard about it. Worker V's (which I don't even know who they are….) will be assigned to do these. I'm sure there will be more information to come down.
And, we all know everyone likely has an opinion BUT…….read below!!!!!!!
I will continue to provide information as it comes. Please make sure you read all of this though!!

Stacy Weston
Child Protective Investigations Supervisor II
Children's Advocacy Center of Collin County
2205 Los Rios, Plano, TX 75074
Office #: 972-633-6641
Mobile #: 214-901-4664
Fax #: 512-276-3546
stacy.weston@dfps.texas.gov

Texas Department of
Family and Protective Services
Child Protective Investigations

From: Lopez,Martin U (DFPS)
Sent: Friday, February 25, 2022 3:58 PM
To: Barnhart,Haley (DFPS) <Haley.Barnhart@dfps.texas.gov>; Giancola,Tracy L (DFPS) <Tracy.Giancola@dfps.texas.gov>; Hohmann,Ruth E (DFPS) <Ruth.Hohmann@dfps.texas.gov>; Sanich,Stephanie L (DFPS) <Stephanie.Sanich@dfps.texas.gov>; Terry,Maria R (DFPS) <Maria.Terry@dfps.texas.gov>; Weston,Stacy L (DFPS) <Stacy.Weston@dfps.texas.gov>
Subject: FW: Attorney General Opinion

FYI we can discuss this more Monday. Basically we do have to investigate these cases, kind of. Actually the Worker V's in the region are, so if you get one let me know because Im certain we do not have any Worker V's. I know people are not going to be happy but they need to be reminded that they work for the State. Please tell them to be careful what they post on social media regarding this too. The Department has a social media policy that all employees must adhere to. I'm also trying to get more info from Alyson about the legal ramifications, I will let you al know what she says.

Time Item Owner

AMERICAN OVERSIGHT

3:30p Gender-Transitioning Cases and our practice moving forward. We will need to investigate these cases and legal action can be taken based on medical procedures that have been performed on the child toward gender transitioning. PA

These cases will need to be worked by the Worker V caseworkers in the region.

Dallas County DA's office has already stated that they will not file these cases. Legal action will need to be filed through the Regional Attorney.

Staff need to be clear that as state employees their public/social media opinions must be neutral to non-existent.

From: Riles,Vincent A (DFPS)
Sent: Friday, February 25, 2022 3:39 PM
To: Boldon,Loretta (DFPS) <Loretta.Boldon@dfps.texas.gov>; Gordon,Lauren (DFPS) <Lauren.Gordon@dfps.texas.gov>; Hughes,Kamesha D (DFPS) <Kamesha.Hughes@dfps.texas.gov>; Lopez,Martin U (DFPS) <Martin.Lopez@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Vincent Riles, MS, LPC
CPI Program Administrator
Office 214-583-4181
Cell 214-543-0576
Fax 512-276-3531
Vincent.Riles2@dfps.texas.gov

Texas Department of
Family and Protective Services
Child Protective Investigations

From: Sutton,Toni (DFPS)
Sent: Thursday, February 24, 2022 10:37 AM
To: Riles,Vincent A (DFPS) <Vincent.Riles2@dfps.texas.gov>; Riley,Leighann (DFPS) <Mary.Riley@dfps.texas.gov>; Chancellor,Veronica M (DFPS) <Veronica.Chancellor@dfps.texas.gov>; Coaston,Marva (DFPS) <Marva.Coaston2@dfps.texas.gov>; Ferbrache,Belinda (DFPS) <Belinda.Ferbrache@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Toni Sutton, LCSW
CPI Regional Director
Region 3 East
214.583.4037 (office)
469.340.9561 (mobile)
8700 N Stemmons FWY
Dallas, TX 75247
marie.sutton@dfps.texas.gov

AMERICAN OVERSIGHT

Texas Department of
Family and Protective Services
Child Protective Investigations

From: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:55 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
Subject: FW: Attorney General Opinion

See email below and attachments—email/attachments sent to SWI staff. I believe we have three right now in the intake stage—or being worked on by SWI. Stephen will send me the case numbers as soon as he has them for us to be aware in order to assist our staff with these cases.
Thanks,
Marta

Marta Talbert
Director of Investigation and Alternative Response
512-438-3357
marta.talbert@dfps.texas.gov

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:46 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: FW: Attorney General Opinion

fyi
Stephen Black
512-960-9352

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

Hello SWI,
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Those two documents are attached to this communication which gives guidance and direction regarding how the department is to handle intakes related to gender transitioning.
Please consult with your PA regarding any questions you may have.

Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

NOTICE: There has been a change to my email address. Effective immediately, my new email address is: Marta.Talbert@dfps.texas.gov.

AMERICAN OVERSIGHT

From:	Hughes,Kamesha D (DFPS)
To:	Caldwell,Thelma (DFPS); Craven,Meilani (DFPS); Mitchell,Angelica (DFPS); Scott,Melissia (DFPS); Walls,Montasia (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Friday, February 25, 2022 4:01:39 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png image001.png

---

Thank you,
Kamesha Hughes,
Program Director
8700 N. Stemmons Fwy, Ste 104
Dallas, TX 75247
(214) 583-4032/Office
(469) 657-9268/Mobile
(512) 919-1018/Fax

Texas Department of
Family and Protective Services
Child Protective Investigations

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Sent: Friday, February 25, 2022 3:39 PM
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Office 214-583-4181
Cell 214-543-0576
Fax 512-276-3531
Vincent.Riles2@dfps.texas.gov

Texas Department of
Family and Protective Services
Child Protective Investigations

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Sent: Thursday, February 24, 2022 10:37 AM
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Subject: FW: Attorney General Opinion

Toni Sutton, LCSW
CPI Regional Director

AMERICAN OVERSIGHT

Region 3 East
214.583.4037 (office)
469.340.9561 (mobile)
8700 N Stemmons FWY
Dallas, TX 75247
marie.sutton@dfps.texas.gov

Texas Department of Family and Protective Services
Child Protective Investigations

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Director of Investigation and Alternative Response
512-438-3357
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Subject: FW: Attorney General Opinion

fyi
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Subject: Attorney General Opinion

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AMERICAN OVERSIGHT

guidance and direction regarding how the department is to handle intakes related to gender transitioning.
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Stephen Black
SWI Associate Commissioner
512-960-9352

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AMERICAN OVERSIGHT

From:	Morrow,Belinda (DFPS)
To:	Gonzalez,Katie C (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Friday, February 25, 2022 3:48:00 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image003.png image001.png

FYI….
If you receive any case with this, you **MUST** call me. I added you to my weekly PD check in to discuss it then.
Thanks,

Belinda Morrow
Child Protective Services
Investigation Program Director
Region 3 East
214-673-7992 Work Cell

Texas Department of Family and Protective Services
Child Protective Investigations

From: Chancellor,Veronica M (DFPS)
Sent: Friday, February 25, 2022 2:22 PM
To: Hendrix,Latosha (DFPS) <Latosha.Hendrix@dfps.texas.gov>; Green,Lakeshia (DFPS) <Lakeshia.Green@dfps.texas.gov>; Morrow,Belinda (DFPS) <Belinda.Morrow@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Team we will discuss further on our 3pm meeting.
TY

From: Sutton,Toni (DFPS) <Marie.Sutton@dfps.texas.gov>
Sent: Thursday, February 24, 2022 3:46 PM
To: Riles,Vincent A (DFPS) <Vincent.Riles2@dfps.texas.gov>; Riley,Leighann (DFPS) <Mary.Riley@dfps.texas.gov>; Chancellor,Veronica M (DFPS) <Veronica.Chancellor@dfps.texas.gov>; Coaston,Marva (DFPS) <Marva.Coaston2@dfps.texas.gov>; Ferbrache,Belinda (DFPS) <Belinda.Ferbrache@dfps.texas.gov>
Subject: FW: Attorney General Opinion

As follow up to our meeting please review the attached documents. As we receive intakes about this, please ensure I am notified immediately. These cases will be investigated by our worker V's – for now Tonita Day. Investigations will be conducted according to current policy. Please ensure we are not communicating about these cases via email and text, internally and externally, due to the sensitive nature. Call me if there are any questions.

Toni Sutton, LCSW
CPI Regional Director
Region 3 East
214.583.4037 (office)
469.340.9561 (mobile)
8700 N Stemmons FWY

AMERICAN OVERSIGHT

Dallas, TX 75247
marie.sutton@dfps.texas.gov
Texas Department of
Family and Protective Services
Child Protective Investigations

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:46 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: FW: Attorney General Opinion

fyi
Stephen Black
512-960-9352

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
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Stephen Black
SWI Associate Commissioner
512-960-9352

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AMERICAN OVERSIGHT

From: Cindy Williams
To: Perry R. Pack; Aulstin Gardiner; Robin O. Dettmer; Ginette A. Harrell; Deanna L. Belknap; Loretta L. Hewitt; Kimberly K. Pearson
Subject: FW: "sex change" procedures = child abuse
Date: Friday, February 25, 2022 3:44:01 PM
Attachments: Gov Feb 22 2022 letter.pdf

FYI –
This is being received by DFPS as a directive to remove certain children when sex change measures are being taken or underway. Doctors and teachers are also being mandated to report any such conduct that they become aware of.

[redacted]With the new mandate to report placed on doctors/medical professionals, I suspect we shall see more of these cases being investigated.
CPI will not remove before they have staffed the case with state office, and Matt Gilbert has stated he will include our office in those staffings. I have requested direction from Sharen on how she would like us to proceed with a request for removal. I will keep you apprised of any changes.

From: Leslie L. Hunt
Sent: Wednesday, February 23, 2022 10:29 AM
To: Sharen Wilson <SWilson@tarrantcountytx.gov>; Cindy Williams <CMWilliams2@tarrantcountytx.gov>
Cc: Larry M. Moore <LMMoore@tarrantcountytx.gov>
Subject: "sex change" procedures = child abuse
The AG issued an opinion yesterday stating that gender-affirming care constitutes child abuse under Texas law. Today, Governor Abbott is calling on DFPS to investigate cases involving elective procedures for gender transitioning. The Governor's letter to DFPS, along with the AG ruling is attached hereto.
-Leslie

LESLIE L. HUNT
Chief – Civil Division
Phone: 817-884-2662

AMERICAN OVERSIGHT

From:	Riles,Vincent A (DFPS)
To:	Boldon,Loretta (DFPS); Gordon,Lauren (DFPS); Hughes,Kamesha D (DFPS); Lopez,Martin U (DFPS)
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Date:	Friday, February 25, 2022 3:39:00 PM
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Vincent Riles, MS, LPC
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Texas Department of Family and Protective Services
Child Protective Investigations

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Subject: FW: Attorney General Opinion

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214.583.4037 (office)
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8700 N Stemmons FWY
Dallas, TX 75247
marie.sutton@dfps.texas.gov

Texas Department of Family and Protective Services
Child Protective Investigations

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512-960-9352

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SWI Associate Commissioner
512-960-9352

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AMERICAN OVERSIGHT

From:	Salinas,Leonel (DFPS)
To:	Solis,Cynthia A (DFPS); Sifuentes,Melissa (DFPS); Rodriguez,Olga (DFPS); Bernal,Anette (DFPS); Flores,Norma (DFPS)
Subject:	FW: New AG Opinion/DFPS
Date:	Friday, February 25, 2022 3:31:21 PM
Attachments:	kp-0401_0.pdf image001.png image002.png

Hi everyone,
We will discuss next week, but for now, please review the attachment regarding cases where a child/family is considering sex reassignment surgery.
**Norma, for next unit meeting.

Leonel Salinas, MPA
CPI Investigative Supervisor II Unit 04
1919 Austin Ave
McAllen, TX 78501
Office: (956) 664-4821
Cell: (956) 802-6831
Fax: 512-934-9657

TEXAS Health and Human Services | Texas Department of Family and Protective Services

From: Shives,Jovita M (DFPS) <Jovita.Shives@dfps.texas.gov>
Sent: Thursday, February 24, 2022 10:46 PM
To: Salinas,Leonel (DFPS) <Leonel.Salinas@dfps.texas.gov>; Gorena,Damaryce Rubi (DFPS) <Damaryce.Gorena@dfps.texas.gov>; Monrreal,Maria B (DFPS) <Maria.Monrreal@dfps.texas.gov>; Salinas,Leonel (DFPS) <Leonel.Salinas@dfps.texas.gov>; Cruz,Elizabeth (Laredo) (DFPS) <Elizabeth.Cruz@dfps.texas.gov>; Rodriguez,Joycelyn (DFPS) <Joycelyn.Rodriguez3@dfps.texas.gov>
Cc: Torres,Virginia (DFPS) <Virginia.Torres@dfps.texas.gov>
Subject: FW: New AG Opinion/DFPS

FYI

From: Phillips,Kathleen V (DFPS)
Sent: Wednesday, February 23, 2022 7:11 AM
To: Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>; Amaro,Kristy (DFPS) <Kristy.Amaro@dfps.texas.gov>; Cano,Martha J (DFPS) <Martha.Cano@dfps.texas.gov>; Escaname,Belinda (DFPS) <Belinda.Escaname@dfps.texas.gov>; Guerra,Betzabel (DFPS) <Betzabel.Guerra@dfps.texas.gov>; Rangel,Rey (DFPS) <Rey.Rangel@dfps.texas.gov>; Requenez,Janie I (DFPS) <Janie.Requenez@dfps.texas.gov>; Rodriguez,Leticia G (DFPS) <Leticia.Rodriguez@dfps.texas.gov>; Salinas,Patricia (DFPS) <Patricia.Salinas@dfps.texas.gov>; Salinas-Maldonado,Olga (DFPS) <Olga.Salinas-Maldonado@dfps.texas.gov>; Shives,Jovita M (DFPS) <Jovita.Shives@dfps.texas.gov>
Cc: Vela,Robert J (DFPS) <Robert.Vela@dfps.texas.gov>; Barrera,Denise S (DFPS) <Denise.Barrera@dfps.texas.gov>
Subject: RE: New AG Opinion/DFPS

AMERICAN OVERSIGHT

I have attached the opinion.

Kathy Phillips
Managing Attorney
Region 11
Texas Department of Family and Protective Services
361-878-7481 Office
361-944-1824 Cell
kathleen.phillips@dfps.texas.gov

CONFIDENTIALITY NOTICE: *This message and all attachments are confidential and may be protected by the attorney-client or other privileges. Any review, use, disclosure, or distribution by persons other than the intended recipient is prohibited and may be unlawful. If you believe this message has been sent to you in error, please notify the sender and delete this message and copy of it (in any form) without disclosing it. Unless expressly stated in this e-mail, nothing in this message should be construed as a digital or electronic signature.*

From: Yzaguirre,Marina C (DFPS)
Sent: Tuesday, February 22, 2022 4:28 PM
To: Amaro,Kristy (DFPS) <Kristy.Amaro@dfps.texas.gov>; Cano,Martha J (DFPS) <Martha.Cano@dfps.texas.gov>; Escaname,Belinda (DFPS) <Belinda.Escaname@dfps.texas.gov>; Guerra,Betzabel (DFPS) <Betzabel.Guerra@dfps.texas.gov>; Rangel,Rey (DFPS) <Rey.Rangel@dfps.texas.gov>; Requenez,Janie I (DFPS) <Janie.Requenez@dfps.texas.gov>; Rodriguez,Leticia G (DFPS) <Leticia.Rodriguez@dfps.texas.gov>; Salinas,Patricia (DFPS) <Patricia.Salinas@dfps.texas.gov>; Salinas-Maldonado,Olga (DFPS) <Olga.Salinas-Maldonado@dfps.texas.gov>; Shives,Jovita M (DFPS) <Jovita.Shives@dfps.texas.gov>
Cc: Vela,Robert J (DFPS) <Robert.Vela@dfps.texas.gov>; Barrera,Denise S (DFPS) <Denise.Barrera@dfps.texas.gov>; Phillips,Kathleen V (DFPS) <Kathleen.Phillips@dfps.texas.gov>
Subject: FW: New AG Opinion/DFPS

Fyi---please be sure to escalate up to your PA and me if one of these kinds of cases presents itself in our region.

Thanks!

MARINA YZAGUIRRE, MSSW
Child Protective Investigations
Regional Director
Region 11
Edinburg, Tx 78539
Off. 956-316-8238
Mbl. 956-802-4921

Texas Department of Family and Protective Services

From: Talbert,Marta L (DFPS)
Sent: Tuesday, February 22, 2022 11:56 AM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS)

AMERICAN OVERSIGHT

<Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>

Subject: FW: New AG Opinion/DFPS

fyi

Marta Talbert
Director of Investigation and Alternative Response
512-438-3357
marta.talbert@dfps.texas.gov

From: Crimmins,Patrick (DFPS)
Sent: Monday, February 21, 2022 3:41 PM
To: Black,Stephen D (DFPS) <Stephen.Black@dfps.texas.gov>; Dryden,Deneen (DFPS) <Deneen.Dryden@dfps.texas.gov>; Frank,Julie (DFPS) <Julie.Frank@dfps.texas.gov>; Kanne,Lisa M (DFPS) <Lisa.Kanne@dfps.texas.gov>; Kozikoujekian,Vicki (DFPS) <Vicki.Kozikoujekian@dfps.texas.gov>; Lawson,Corliss (DFPS) <Corliss.Lawson@dfps.texas.gov>; Martinez,Jose A (DFPS) <Jose.Martinez@dfps.texas.gov>; Masters,Jaime D (DFPS) <Jaime.Masters@dfps.texas.gov>; Mency,Eric (DFPS) <Eric.Mency@dfps.texas.gov>; Rasco,Sasha (DFPS) <Sasha.Rasco@dfps.texas.gov>; Richman,Robert (DFPS) <Robert.Richman@dfps.texas.gov>; Watson,Chance R (DFPS) <Chance.Watson@dfps.texas.gov>; Wold,Kezeli A (DFPS) <Kezeli.Wold@dfps.texas.gov>
Cc: Gonzales,Marissa L (DFPS) <Marissa.Gonzales@dfps.texas.gov>; Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: RE: New AG Opinion/DFPS

Here is text of press release if link won't work

AG Paxton Declares So-Called Sex-Change Procedures on Children and Prescription of Puberty Blockers to be "Child Abuse" Under Texas Law

AUSTIN – Attorney General Ken Paxton released a formal attorney general opinion concluding that performing certain "sex-change" procedures on children, and prescribing puberty-blockers to them, is "child abuse" under Texas law. The holding comes at a critical time when more and more Texans are seeing the horrors that flow from the merging of medicine and misguided ideology.

Specifically, the opinion concludes that certain procedures done on minors such as castration, fabrication of a "penis" using tissue from other body parts, fabrication of a "vagina" involving the removal of male sex organs, prescription of puberty-suppressors and infertility-inducers, and the like are all "abuse" under section 261.001 of the Texas Family Code.

"There is no doubt that these procedures are 'abuse' under Texas law, and thus must be halted," said Attorney General Paxton. "The Texas Department of Family and Protective Services (DFPS) has a responsibility to act accordingly. I'll do everything I can to protect against those who take advantage of and harm young Texans."

This opinion comes after Attorney General Paxton opined in an October 2019 letter to DFPS, stating that the "transition" of James Younger—the biological male son of Jeff Younger—to a "female" through puberty-blocking drugs, among other things, was "abuse" under at least three definitions set out in the Family Code, and that DFPS, therefore, had an independent duty to investigate.

The opinion also follows Gov. Abbott's August 2021 letter to DFPS requesting a determination of "whether genital mutilation of a child for purposes of gender

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transitioning through reassignment surgery constitutes child abuse." The Commissioner of DFPS replied that "genital mutilation of a child through reassignment surgery is child abuse."
Read the opinion here.

From: Crimmins,Patrick (DFPS)
Sent: Monday, February 21, 2022 3:02 PM
To: Black,Stephen D (DFPS) <Stephen.Black@dfps.texas.gov>; Dryden,Deneen (DFPS) <Deneen.Dryden@dfps.texas.gov>; Frank,Julie (DFPS) <Julie.Frank@dfps.texas.gov>; Kanne,Lisa M (DFPS) <Lisa.Kanne@dfps.texas.gov>; Kozikoujekian,Vicki (DFPS) <Vicki.Kozikoujekian@dfps.texas.gov>; LAWSON,corliss <corliss.lawson@dfps.texas.gov>; Martinez,Jose A (DFPS) <Jose.Martinez@dfps.texas.gov>; Masters,Jaime D (DFPS) <Jaime.Masters@dfps.texas.gov>; Mency,Eric (DFPS) <Eric.Mency@dfps.texas.gov>; Rasco,Sasha (DFPS) <Sasha.Rasco@dfps.texas.gov>; Richman,Robert (DFPS) <Robert.Richman@dfps.texas.gov>; Watson,Chance R (DFPS) <Chance.Watson@dfps.texas.gov>; Wold,Kezeli A (DFPS) <Kezeli.Wold@dfps.texas.gov>
Cc: Gonzales,Marissa L (DFPS) <Marissa.Gonzales@dfps.texas.gov>; Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: New AG Opinion/DFPS

Hi Commissioner – the media has contacted me about the AG's new opinion, which he has publicized in a press release (below). Our comment is that we will be reviewing……Patrick
https://mail.google.com/mail/u/0/#inbox/FMfcgzGmvBpdjpHcwNrpCmxpxvvWdjWP
https://texasattorneygeneral.gov/sites/default/files/global/KP-0401.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=

Patrick
Patrick Crimmins
Director of Communications
Texas Department of Family and Protective Services
(512) 929-6727 office
(512) 787-5090 cell

AMERICAN OVERSIGHT

From:	Morrow,Belinda (DFPS)
To:	Onorato,Bethany A (DFPS); ANDERSON,KAMISHA (DFPS); Caples,Marnell M (DFPS); KRIEG,COURTNEY (DFPS); Marroquin,Adriane S (DFPS); Robinson,Brooklyn (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Friday, February 25, 2022 3:07:34 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image003.png image001.png

FYI….

If you receive any case with this, you **MUST** call me.

Belinda Morrow
Child Protective Services
Investigation Program Director
Region 3 East
214-673-7992 Work Cell

Texas Department of Family and Protective Services
Child Protective Investigations

From: Chancellor,Veronica M (DFPS)

Sent: Friday, February 25, 2022 2:22 PM

To: Hendrix,Latosha (DFPS) <Latosha.Hendrix@dfps.texas.gov>; Green,Lakeshia (DFPS) <Lakeshia.Green@dfps.texas.gov>; Morrow,Belinda (DFPS) <Belinda.Morrow@dfps.texas.gov>

Subject: FW: Attorney General Opinion

Team we will discuss further on our 3pm meeting.

TY

From: Sutton,Toni (DFPS) <Marie.Sutton@dfps.texas.gov>

Sent: Thursday, February 24, 2022 3:46 PM

To: Riles,Vincent A (DFPS) <Vincent.Riles2@dfps.texas.gov>; Riley,Leighann (DFPS) <Mary.Riley@dfps.texas.gov>; Chancellor,Veronica M (DFPS) <Veronica.Chancellor@dfps.texas.gov>; Coaston,Marva (DFPS) <Marva.Coaston2@dfps.texas.gov>; Ferbrache,Belinda (DFPS) <Belinda.Ferbrache@dfps.texas.gov>

Subject: FW: Attorney General Opinion

As follow up to our meeting please review the attached documents. As we receive intakes about this, please ensure I am notified immediately. These cases will be investigated by our worker V's – for now Tonita Day. Investigations will be conducted according to current policy. Please ensure we are not communicating about these cases via email and text, internally and externally, due to the sensitive nature. Call me if there are any questions.

Toni Sutton, LCSW
CPI Regional Director
Region 3 East
214.583.4037 (office)
469.340.9561 (mobile)
8700 N Stemmons FWY
Dallas, TX 75247

AMERICAN OVERSIGHT

marie.sutton@dfps.texas.gov

Texas Department of Family and Protective Services
Child Protective Investigations

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:46 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: FW: Attorney General Opinion

fyi
Stephen Black
512-960-9352

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

Hello SWI,
A legal opinion was released by the AG's office on February 21, 2022. The governor subsequently provided further direction to DFPS to these reported matters.
Those two documents are attached to this communication which gives guidance and direction regarding how the department is to handle intakes related to gender transitioning.
Please consult with your PA regarding any questions you may have.
Stephen Black
SWI Associate Commissioner
512-960-9352

NOTICE: There has been a change to my email address. Effective immediately, my new email address is: Marta.Talbert@dfps.texas.gov.

AMERICAN OVERSIGHT

From:	Jones,Stacie (DFPS)
To:	Thompson,Nakie (DFPS); Dixon,Vicki (DFPS); Reyes,Katie (DFPS); Caldwell,Latasha (DFPS); White,Daphne (DFPS)
Cc:	Banks,Kayla (DFPS); Jones,Stacie (DFPS)
Subject:	FW: Unit Meeting Agenda and Sign In Sheet
Date:	Friday, February 25, 2022 2:55:03 PM
Attachments:	unit meeting agenda.pdf sign in sheet.pdf Agenda for unit meeting Feb. 2022.docx O-MastersJaime202202221358.pdf

---

I also added the agenda item that I needed to discuss and the letter from Gov. Abbott as well, please let me know if you have any questions

From: Banks,Kayla (DFPS)

Sent: Friday, February 25, 2022 2:34 PM

To: Caldwell,Latasha (DFPS) <Latasha.Caldwell@dfps.texas.gov>; Dixon,Vicki (DFPS) <Vicki.Dixon@dfps.texas.gov>; Reyes,Katie (DFPS) <Katie.Reyes2@dfps.texas.gov>; White,Daphne (DFPS) <Daphne.White@dfps.texas.gov>

Cc: Jones,Stacie (DFPS) <Stacie.Jones@dfps.texas.gov>

Subject: Unit Meeting Agenda and Sign In Sheet

Hey ya'll! We missed you this morning, here is the agenda and stuff we went over. Also if you can sign this sign in sheet and send back to me, thanks!

Thank you!

Kayla Banks

CPS CVS Admin

Unit DO

Cell: 254-224-1621

AMERICAN OVERSIGHT

Subject: FW: Attorney General Opinion
Date: Friday, February 25, 2022 2:47:23 PM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

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From:	Davis,Tad (DFPS)
To:	Kapoor,Shabnam (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Friday, February 25, 2022 2:47:00 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

---

From: Polk,Marilyn D (DFPS) <Marilyn.Polk@dfps.texas.gov>
Sent: Thursday, February 24, 2022 9:05 AM
To: Bluford,Jamilla K (DFPS) <Jamilla.Bluford@dfps.texas.gov>; Douglas,Diepriye (DFPS) <Diepriye.Douglas@dfps.texas.gov>; Hammon,Stephanie A (DFPS) <Stephanie.Hammon@dfps.texas.gov>; Santiago,Shaun (DFPS) <Shaun.Santiago@dfps.texas.gov>; Vidrine,Lineshia (DFPS) <Lineshia.Vidrine@dfps.texas.gov>
Cc: Polk,Marilyn D (DFPS) <Marilyn.Polk@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Good Morning Team Polk,
Please review and let me know if you have any questions.

Thank You
Marilyn Polk, M.A
CPI Division
Houston, TX 77054
Office (713) 394-4060
Cell (713) 269-4545

From: Sanders,Monica L (DFPS)
Sent: Thursday, February 24, 2022 8:42 AM
To: Polk,Marilyn D (DFPS) <Marilyn.Polk@dfps.texas.gov>; Garrett,Kendrick L (DFPS) <Kendrick.Garrett@dfps.texas.gov>
Cc: Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>
Subject: FW: Attorney General Opinion

PLEASE explain to the PDs that they must notify PA/RD if their program receives an assignment from SWI on these.

Immediately.

We must treat these as normal investigations. I will discuss this at Tuesday's BB meeting.

From: Sanders,Monica L (DFPS)
Sent: Thursday, February 24, 2022 8:05 AM
To: Polk,Marilyn D (DFPS) <Marilyn.Polk@dfps.texas.gov>; Garrett,Kendrick L (DFPS) <Kendrick.Garrett@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Please try to get through this and share and process with the PDs.

From: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:55 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>;

AMERICAN OVERSIGHT

Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>

Subject: FW: Attorney General Opinion

See email below and attachments—email/attachments sent to SWI staff. I believe we have three right now in the intake stage—or being worked on by SWI. Stephen will send me the case numbers as soon as he has them for us to be aware in order to assist our staff with these cases.

Thanks,

Marta

Marta Talbert

Director of Investigation and Alternative Response

512-438-3357

marta.talbert@dfps.texas.gov

From: Black,Stephen D (DFPS)

Sent: Wednesday, February 23, 2022 3:46 PM

To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>

Subject: FW: Attorney General Opinion

fyi

Stephen Black

512-960-9352

From: Black,Stephen D (DFPS)

Sent: Wednesday, February 23, 2022 3:31 PM

To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>

Subject: Attorney General Opinion

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Stephen Black

SWI Associate Commissioner

512-960-9352

AMERICAN OVERSIGHT

From: Green,Lakeshia (DFPS)
To: Boldon,Loretta (DFPS)
Subject: FW: Attorney General Opinion
Date: Friday, February 25, 2022 2:41:58 PM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf
image003.png

Yall probably meeting on this

From: Chancellor,Veronica M (DFPS)
Sent: Friday, February 25, 2022 2:22 PM
To: Hendrix,Latosha (DFPS) <Latosha.Hendrix@dfps.texas.gov>; Green,Lakeshia (DFPS) <Lakeshia.Green@dfps.texas.gov>; Morrow,Belinda (DFPS) <Belinda.Morrow@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Team we will discuss further on our 3pm meeting.
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marie.sutton@dfps.texas.gov
Texas Department of Family and Protective Services
Child Protective Investigations

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AMERICAN OVERSIGHT

From:	Hammon,Stephanie A (DFPS)
To:	Rohr,Rosa L (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Friday, February 25, 2022 2:38:45 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

---

fyi

From: Polk,Marilyn D (DFPS)
Sent: Thursday, February 24, 2022 9:05 AM
To: Bluford,Jamilla K (DFPS) <Jamilla.Bluford@dfps.texas.gov>; Douglas,Diepriye (DFPS) <Diepriye.Douglas@dfps.texas.gov>; Hammon,Stephanie A (DFPS) <Stephanie.Hammon@dfps.texas.gov>; Santiago,Shaun (DFPS) <Shaun.Santiago@dfps.texas.gov>; Vidrine,Lineshia (DFPS) <Lineshia.Vidrine@dfps.texas.gov>
Cc: Polk,Marilyn D (DFPS) <Marilyn.Polk@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Good Morning Team Polk,
Please review and let me know if you have any questions.

Thank You
Marilyn Polk, M.A
CPI Division
Houston, TX 77054
Office (713) 394-4060
Cell (713) 269-4545

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AMERICAN OVERSIGHT

Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>

Subject: FW: Attorney General Opinion

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Marta Talbert

Director of Investigation and Alternative Response

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marta.talbert@dfps.texas.gov

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Subject: FW: Attorney General Opinion

fyi

Stephen Black

512-960-9352

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SWI Associate Commissioner

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AMERICAN OVERSIGHT

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Subject:	FW: Attorney General Opinion
Date:	Friday, February 25, 2022 2:22:33 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image003.png

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marie.sutton@dfps.texas.gov
Texas Department of Family and Protective Services
Child Protective Investigations

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AMERICAN OVERSIGHT

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Stephen Black
SWI Associate Commissioner
512-960-9352

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AMERICAN OVERSIGHT

From: Menchaca,Emma (DFPS)
To: Bolton,Valinda (DFPS)
Subject: FW: Brief Presentation Request
Date: Friday, February 25, 2022 2:07:00 PM
Attachments: O-MastersJaime202202221358.pdf

Hi Valinda
Received the email below. Who do I refer them to and really??? This is Texas now? Because this is BS. Sorry not sorry. Really??? So, who do I refer them to and is this really what we are doing now? CPS I mean.
Thanks
EM

From: MELANIE BALLARDO <MEBALLARDO@donnaisd.net>
Sent: Thursday, February 24, 2022 4:33 PM
To: Emma.Menchaca@dfps.state.tx.us
Subject: Brief Presentation Request

WARNING: This email is from outside the DFPS system. Do not click on links or attachments unless you expect them from the sender and know the content is safe.

Hello Ms. Menchaca,

Considering Governor Abbot letter sent out on Feb 22, our district administration is needing guidance/clarification. Would it be possible to schedule a brief meeting/presentation to provide guidance/clarification on this area?

It would be maybe a 15/30-minute presentation or if you could direct me to guideline that we can use to present or provide to them as guidance.

Feel free to call me at your convenience.

Thank You,

Melanie Ballardo, Ph.D.

SEL Supervisor

Intake/Student Engagement Department

904 Hester Avenue

Donna, Texas 78537

P: 956.461.4322 ext.

AMERICAN OVERSIGHT

F: 956.464.

meballardo@donnaisd.net

"Around here we don’t look backwards for very long. We keep moving forward, opening new doors, and doing new things, because we're curious and curiosity keeps leading us down new paths." ~ Walt Disney

Confidentiality Notice: This email message, including all attachments, is for the sole use of the intended recipient(s) and may contain confidential student and/or employee information. Unauthorized use and/or disclosure is prohibited under the federal Family Education Rights & Privacy Act (20 U.S.C. 1232g, 34 CFR Part 99,19 TAC 24.2, Texas Government Code 552.023, Texas Education Code 23.355,29 CFR 1630.14 (b) (c). If you are not the intended recipient, you may not use, disclose, copy or disseminate this information. Please call the sender immediately or reply by email and destroy all copies of the original message including attachments.

Discrimination Notice: Donna ISD along with M.A.P. Munoz does not discriminate on the basis of race, religion, color, national origin, sex, or disability in providing education services, activities, and programs, including vocational programs, in accordance with Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Educational Amendments of 1972; section 504 of the Rehabilitation Act of 1973, as amended.

AMERICAN OVERSIGHT

From:	Marisa Stubbs
To:	Stubbs,Marisa K (DFPS)
Date:	Friday, February 25, 2022 1:56:04 PM
Attachments:	PDF document.pdf abbott-letter-to-masters.pdf

WARNING: This email is from outside the DFPS system. Do not click on links or attachments unless you expect them from the sender and know the content is safe.

https://s3.documentcloud.org/documents/21272649/abbott-letter-to-masters.pdf

Marisa Stubbs

AMERICAN OVERSIGHT

From:	Kinsler,Brenda L (DFPS)
To:	Savage,Patrice (DFPS); Bailey,Jamie J (DFPS); Jobe,Baily (DFPS); Waldon,Kim R (DFPS); Dodd,Katharine (DFPS); Walker,Pamela (DFPS); Seago,Kimberly (DFPS); Vargas,Amy C (DFPS); Cochrangreen,Jennifer (DFPS); Hill,Paul (DFPS); Bradley,Kathryn (DFPS); Mason,Shaunna M (DFPS); Mayers,Amanda (DFPS)
Subject:	OAG OPINION
Date:	Friday, February 25, 2022 12:53:25 PM
Attachments:	O-MastersJaime202202221358.pdf Attorney General Opinion No. KP-0401 -Sex changes and abuse.pdf

Some of you may have heard or read about this in the news or your CPI's. If you have any questions, please face chat me in Teams. If you all want a quick meeting; that's fine too.

Brenda L. Kinsler

Managing Attorney Regions 4, 5, and 7

Department of Family and Protective Services
Ph: (512) 550-8833
Board Certified Child Welfare Law

***Please note that my email address has changed to Brenda.kinsler@dfps.texas.gov ***

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AMERICAN OVERSIGHT

From: Liles,Lou R (DFPS)
To: McFarland,Tasha A (DFPS)
Subject: FW: Attorney General Opinion
Date: Friday, February 25, 2022 12:50:56 PM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

AMERICAN OVERSIGHT

From:	Wicker,Joseph (DFPS)
To:	Carrasco,Susana S (DFPS); Ellis,Rhianna (DFPS); Hagman,Vincent Z (DFPS); Ruiz,Mayra B (DFPS); Whitfield,Myrissa (DFPS); Wiseman,Jessica (DFPS)
Cc:	Davis,Carla (DFPS); Mann,Krystal (DFPS)
Subject:	Decision
Date:	Friday, February 25, 2022 12:37:04 PM
Attachments:	OP-1.pdf LET-2.pdf image001.png

Here are the 2 documents.
Joe

Joseph R. Wicker
INV/AR Program Director – Odessa, Andrews, Big Spring, Out Counties West
2525 N. Grandview Ste 100
Mail Code: 366-1
Odessa, TX 79761
Office: (432) 368-2673
Cell: (432) 553-4637
RightFax: (512) 927-5770

Texas Department of
Family and Protective Services
Child Protective Investigations

CONFIDENTIALITY NOTICE
The information in this email may be confidential and/or privileged. This email is intended to be reviewed by only the individual or organization named above. If you are not the intended recipient or an authorized representative of the intended recipient, you are hereby notified that any review, dissemination or copying of this email and its attachments, if any, or the information contained herein is prohibited. If you have received this email in error, please immediately notify the sender by return email and delete this email from your system.

NOTICE: There has been a change to my email address. Effective immediately, my new email address is: Joseph.Wicker@dfps.texas.gov

AMERICAN OVERSIGHT

From:	Escaname Belinda (DFPS)
To:	Banda Celia (DFPS); Gallo Carolina (DFPS); Garza Sandra (DFPS); Rivas San Juanita (DFPS)
Subject:	FW: New AG Opinion/DFPS
Date:	Friday, February 25, 2022 12:31:34 PM
Attachments:	kp-0401_0.pdf image001.png

FYI

Belinda

From: Phillips,Kathleen V (DFPS)
Sent: Wednesday, February 23, 2022 7:11 AM
To: Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>; Amaro,Kristy (DFPS) <Kristy.Amaro@dfps.texas.gov>; Cano,Martha J (DFPS) <Martha.Cano@dfps.texas.gov>; Escaname,Belinda (DFPS) <Belinda.Escaname@dfps.texas.gov>; Guerra,Betzabel (DFPS) <Betzabel.Guerra@dfps.texas.gov>; Rangel,Rey (DFPS) <Rey.Rangel@dfps.texas.gov>; Requenez,Janie I (DFPS) <Janie.Requenez@dfps.texas.gov>; Rodriguez,Leticia G (DFPS) <Leticia.Rodriguez@dfps.texas.gov>; Salinas,Patricia (DFPS) <Patricia.Salinas@dfps.texas.gov>; Salinas-Maldonado,Olga (DFPS) <Olga.Salinas-Maldonado@dfps.texas.gov>; Shives,Jovita M (DFPS) <Jovita.Shives@dfps.texas.gov>
Cc: Vela,Robert J (DFPS) <Robert.Vela@dfps.texas.gov>; Barrera,Denise S (DFPS) <Denise.Barrera@dfps.texas.gov>
Subject: RE: New AG Opinion/DFPS

I have attached the opinion.

Kathy Phillips
Managing Attorney
Region 11
Texas Department of Family and Protective Services
361-878-7481 Office
361-944-1824 Cell
kathleen.phillips@dfps.texas.gov

CONFIDENTIALITY NOTICE: *This message and all attachments are confidential and may be protected by the attorney-client or other privileges. Any review, use, disclosure, or distribution by persons other than the intended recipient is prohibited and may be unlawful. If you believe this message has been sent to you in error, please notify the sender and delete this message and copy of it (in any form) without disclosing it. Unless expressly stated in this e-mail, nothing in this message should be construed as a digital or electronic signature.*

From: Yzaguirre,Marina C (DFPS)
Sent: Tuesday, February 22, 2022 4:28 PM
To: Amaro,Kristy (DFPS) <Kristy.Amaro@dfps.texas.gov>; Cano,Martha J (DFPS) <Martha.Cano@dfps.texas.gov>; Escaname,Belinda (DFPS) <Belinda.Escaname@dfps.texas.gov>; Guerra,Betzabel (DFPS) <Betzabel.Guerra@dfps.texas.gov>; Rangel,Rey (DFPS) <Rey.Rangel@dfps.texas.gov>; Requenez,Janie I (DFPS) <Janie.Requenez@dfps.texas.gov>; Rodriguez,Leticia G (DFPS) <Leticia.Rodriguez@dfps.texas.gov>; Salinas,Patricia (DFPS) <Patricia.Salinas@dfps.texas.gov>; Salinas-Maldonado,Olga (DFPS) <Olga.Salinas-Maldonado@dfps.texas.gov>; Shives,Jovita M (DFPS) <Jovita.Shives@dfps.texas.gov>
Cc: Vela,Robert J (DFPS) <Robert.Vela@dfps.texas.gov>; Barrera,Denise S (DFPS) <Denise.Barrera@dfps.texas.gov>; Phillips,Kathleen V (DFPS) <Kathleen.Phillips@dfps.texas.gov>
Subject: FW: New AG Opinion/DFPS

Fyi---please be sure to escalate up to your PA and me if one of these kinds of cases presents itself in our region.

Thanks!

MARINA YZAGUIRRE, MSSW
Child Protective Investigations
Regional Director
Region 11
Edinburg, Tx 78539
Off. 956-316-8238
Mbl. 956-802-4921

AMERICAN OVERSIGHT

Texas Department of
Family and Protective Services

From: Talbert,Marta L (DFPS)
Sent: Tuesday, February 22, 2022 11:56 AM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
Subject: FW: New AG Opinion/DFPS

fyi

Marta Talbert
Director of Investigation and Alternative Response
512-438-3357
marta.talbert@dfps.texas.gov

From: Crimmins,Patrick (DFPS)
Sent: Monday, February 21, 2022 3:41 PM
To: Black,Stephen D (DFPS) <Stephen.Black@dfps.texas.gov>; Dryden,Deneen (DFPS) <Deneen.Dryden@dfps.texas.gov>; Frank,Julie (DFPS) <Julie.Frank@dfps.texas.gov>; Kanne,Lisa M (DFPS) <Lisa.Kanne@dfps.texas.gov>; Kozikoujekian,Vicki (DFPS) <Vicki.Kozikoujekian@dfps.texas.gov>; Lawson,Corliss (DFPS) <Corliss.Lawson@dfps.texas.gov>; Martinez,Jose A (DFPS) <Jose.Martinez@dfps.texas.gov>; Masters,Jaime D (DFPS) <Jaime.Masters@dfps.texas.gov>; Mency,Eric (DFPS) <Eric.Mency@dfps.texas.gov>; Rasco,Sasha (DFPS) <Sasha.Rasco@dfps.texas.gov>; Richman,Robert (DFPS) <Robert.Richman@dfps.texas.gov>; Watson,Chance R (DFPS) <Chance.Watson@dfps.texas.gov>; Wold,Kezeli A (DFPS) <Kezeli.Wold@dfps.texas.gov>
Cc: Gonzales,Marissa L (DFPS) <Marissa.Gonzales@dfps.texas.gov>; Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: RE: New AG Opinion/DFPS

Here is text of press release if link won't work

AG Paxton Declares So-Called Sex-Change Procedures on Children and Prescription of Puberty Blockers to be "Child Abuse" Under Texas Law

AUSTIN – Attorney General Ken Paxton released a formal attorney general opinion concluding that performing certain "sex-change" procedures on children, and prescribing puberty-blockers to them, is "child abuse" under Texas law. The holding comes at a critical time when more and more Texans are seeing the horrors that flow from the merging of medicine and misguided ideology.

Specifically, the opinion concludes that certain procedures done on minors such as castration, fabrication of a "penis" using tissue from other body parts, fabrication of a "vagina" involving the removal of male sex organs, prescription of puberty-suppressors and infertility-inducers, and the like are all "abuse" under section 261.001 of the Texas Family Code.

"There is no doubt that these procedures are 'abuse' under Texas law, and thus must be halted," said Attorney General Paxton. "The Texas Department of Family and Protective Services (DFPS) has a responsibility to act accordingly. I'll do everything I can to protect against those who take advantage of and harm young Texans."

This opinion comes after Attorney General Paxton opined in an October 2019 letter to DFPS, stating that the "transition" of James Younger—the biological male son of Jeff Younger—to a "female" through puberty-blocking drugs, among other things, was "abuse" under at least three definitions set out in the Family Code, and that DFPS, therefore, had an independent duty to investigate.

The opinion also follows Gov. Abbott's August 2021 letter to DFPS requesting a determination of "whether genital mutilation of a child for purposes of gender transitioning through reassignment surgery constitutes child abuse." The Commissioner of DFPS replied that "genital mutilation of a child through reassignment surgery is child abuse."

Read the opinion here.

From: Crimmins,Patrick (DFPS)

AMERICAN OVERSIGHT

Sent: Monday, February 21, 2022 3:02 PM
To: Black,Stephen D (DFPS) <Stephen.Black@dfps.texas.gov>; Dryden,Deneen (DFPS) <Deneen.Dryden@dfps.texas.gov>; Frank,Julie (DFPS) <Julie.Frank@dfps.texas.gov>; Kanne,Lisa M (DFPS) <Lisa.Kanne@dfps.texas.gov>; Kozikoujekian,Vicki (DFPS) <Vicki.Kozikoujekian@dfps.texas.gov>; LAWSON,corliss <corliss.lawson@dfps.texas.gov>; Martinez,Jose A (DFPS) <Jose.Martinez@dfps.texas.gov>; Masters,Jaime D (DFPS) <Jaime.Masters@dfps.texas.gov>; Mency,Eric (DFPS) <Eric.Mency@dfps.texas.gov>; Rasco,Sasha (DFPS) <Sasha.Rasco@dfps.texas.gov>; Richman,Robert (DFPS) <Robert.Richman@dfps.texas.gov>; Watson,Chance R (DFPS) <Chance.Watson@dfps.texas.gov>; Wold,Kezeli A (DFPS) <Kezeli.Wold@dfps.texas.gov>
Cc: Gonzales,Marissa L (DFPS) <Marissa.Gonzales@dfps.texas.gov>; Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: New AG Opinion/DFPS

Hi Commissioner – the media has contacted me about the AG's new opinion, which he has publicized in a press release (below). Our comment is that we will be reviewing……
Patrick
https://mail.google.com/mail/u/0/#inbox/FMfcgzGmvBpdjpHcwNrpCmxpxvvWdjWP
https://texasattorneygeneral.gov/sites/default/files/global/KP-0401.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=
Patrick

Patrick Crimmins
Director of Communications
Texas Department of Family and Protective Services
(512) 929-6727 office
(512) 787-5090 cell

AMERICAN OVERSIGHT

From: Lazaro,Deborah (DFPS)
To: [redacted]
Subject: FW: Attorney General Opinion
Date: Friday, February 25, 2022 12:20:00 PM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

From: Black,Stephen D (DFPS) <Stephen.Black@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

Hello SWI,
A legal opinion was released by the AG's office on February 21, 2022. The governor subsequently provided further direction to DFPS to these reported matters.
Those two documents are attached to this communication which gives guidance and direction regarding how the department is to handle intakes related to gender transitioning.
Please consult with your PA regarding any questions you may have.
Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From: Requenez,Janie I (DFPS)
To: Cano,Martha J (DFPS); Leticia.Rodriguez@dfps.state.tx.us; Patricia.Salinas@dfps.state.tx.us
Subject: FW: Attorney General Opinion
Date: Friday, February 25, 2022 11:46:34 AM
Attachments: image001.png
AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

Just another reminder….these need to be escalated.
janie

From: Yzaguirre,Marina C (DFPS)
Sent: Wednesday, February 23, 2022 9:49 PM
To: Amaro,Kristy (DFPS) <Kristy.Amaro@dfps.texas.gov>; Guerra,Betzabel (DFPS) <Betzabel.Guerra@dfps.texas.gov>; Requenez,Janie I (DFPS) <Janie.Requenez@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Fyi---if we receive any intakes that pertain to this particular issue they must be escalated up for further guidance and direction.
Thanks!

MARINA YZAGUIRRE, MSSW
Child Protective Investigations
Regional Director
Region 11
Edinburg, Tx 78539
Off. 956-316-8238
Mbl. 956-802-4921

Texas Department of
Family and Protective Services

From: Talbert,Marta L (DFPS)
Sent: Wednesday, February 23, 2022 3:55 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
Subject: FW: Attorney General Opinion

See email below and attachments—email/attachments sent to SWI staff. I believe we have three right now in the intake stage—or being worked on by SWI. Stephen will send me the case numbers as soon as he has them for us to be aware in order to assist our staff with these cases.
Thanks,
Marta

Marta Talbert
Director of Investigation and Alternative Response
512-438-3357

AMERICAN OVERSIGHT

marta.talbert@dfps.texas.gov

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:46 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: FW: Attorney General Opinion

fyi
Stephen Black
512-960-9352

From: Black,Stephen D (DFPS)
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Stephen Black
SWI Associate Commissioner
512-960-9352

NOTICE: There has been a change to my email address. Effective immediately, my new email address is: **Janie.Requenez@dfps.texas.gov.**

AMERICAN OVERSIGHT

From:	Requenez,Janie I (DFPS)
To:	Cano,Martha J (DFPS); Leticia.Rodriguez@dfps.state.tx.us; Patricia.Salinas@dfps.state.tx.us
Subject:	FW: Attorney General Opinion
Date:	Friday, February 25, 2022 11:44:00 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image001.png

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janie

From: Yzaguirre,Marina C (DFPS)
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To: Amaro,Kristy (DFPS) <Kristy.Amaro@dfps.texas.gov>; Guerra,Betzabel (DFPS) <Betzabel.Guerra@dfps.texas.gov>; Requenez,Janie I (DFPS) <Janie.Requenez@dfps.texas.gov>
Subject: FW: Attorney General Opinion

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Thanks!

MARINA YZAGUIRRE, MSSW
Child Protective Investigations
Regional Director
Region 11
Edinburg, Tx 78539
Off. 956-316-8238
Mbl. 956-802-4921

Texas Department of
Family and Protective Services

From: Talbert,Marta L (DFPS)
Sent: Wednesday, February 23, 2022 3:55 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
Subject: FW: Attorney General Opinion

See email below and attachments—email/attachments sent to SWI staff. I believe we have three right now in the intake stage—or being worked on by SWI. Stephen will send me the case numbers as soon as he has them for us to be aware in order to assist our staff with these cases.
Thanks,
Marta

Marta Talbert
Director of Investigation and Alternative Response
512-438-3357

AMERICAN OVERSIGHT

marta.talbert@dfps.texas.gov

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:46 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: FW: Attorney General Opinion

fyi
Stephen Black
512-960-9352

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

Hello SWI,
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Please consult with your PA regarding any questions you may have.
Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Lipham,Alexis P (DFPS)
To:	Bailey,James (DFPS); Garza,Stephanie (DFPS); Hodges,Lora M (DFPS); Latham,Bailey (DFPS); Messer,Abigail (DFPS); Reyna,Miranda (DFPS); Silva,Alura (DFPS); Brady,Mary (DFPS); Garza,Dawn (DFPS); King,Amie (DFPS); Mclellan,Madisyn (DFPS); Morris-Brown,Elizabeth (DFPS); Quillin,Vella (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Friday, February 25, 2022 10:20:50 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png image001.png

All,
Please review these when you have time. One of them is pretty lengthy. We discussed this on our supervisor call yesterday. If you receive an intake regarding this material let your supervisor know immediately as it will have to be staffed all of the way up. If you have questions, please **only call,** Amie or I, regarding this material, and we will discuss further. This is information that will be discussed at our next unit meetings as well, but here is the material to read in the meantime.

Alexis Lipham

Investigations Supervisor – Unit 04

325/574-0932

3610 Vine Street, Abilene, Texas, 79602

Texas Department of Family and Protective Services
Child Protective Services

From: Etheredge,Todd (DFPS) <Todd.Etheredge@dfps.texas.gov>
Sent: Thursday, February 24, 2022 2:38 PM
To: Chavira,Ninfa (DFPS) <Ninfa.Chavira@dfps.texas.gov>; Cross,Angie J (DFPS) <Angie.Cross@dfps.texas.gov>; King,Amie (DFPS) <Amie.King@dfps.texas.gov>; Lipham,Alexis P (DFPS) <Alexis.Lipham@dfps.texas.gov>; Meador,Angela G (DFPS) <Angela.Meador@dfps.texas.gov>; Montoya,Erica A (DFPS) <Erica.Montoya@dfps.texas.gov>; Speaks,Ginger L (DFPS) <Ginger.Speaks@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Please review
Thank you,

Todd Etheredge
Children Protective Investigations and Alternative Response Program Director
3610 Vine Street
Abilene, Texas 79602
Office (325) 691-8149
Cell (325) 514-5041

Texas Department of Family and Protective Services
Investigations

AMERICAN OVERSIGHT

From: Harmon,Tonya (DFPS)
Sent: Thursday, February 24, 2022 9:48 AM
To: Vangelderen,John (DFPS) <John.Vangelderen@dfps.texas.gov>; Etheredge,Todd (DFPS) <Todd.Etheredge@dfps.texas.gov>; Hanson,Michelle R (DFPS) <Michelle.Hanson@dfps.texas.gov>; Castillo,Lilia (DFPS) <Lilia.Castillo@dfps.texas.gov>; Cash,Crystal (DFPS) <Crystal.Cash@dfps.texas.gov>
Cc: Ward,Shannon M (DFPS) <Shannon.Ward@dfps.texas.gov>
Subject: FW: Attorney General Opinion

We will be discussing on our leadership call. Thanks, Tonya

From: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:55 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
Subject: FW: Attorney General Opinion

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Thanks,
Marta

Marta Talbert
Director of Investigation and Alternative Response
512-438-3357
marta.talbert@dfps.texas.gov

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:46 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: FW: Attorney General Opinion

fyi
Stephen Black
512-960-9352

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

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AMERICAN OVERSIGHT

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Please consult with your PA regarding any questions you may have.
Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From: Rodriguez Leticia G (DFPS)
To: Almaraz Luis E (DFPS); Espinoza Priscilla (DFPS); Ramos Zoila S (DFPS); Santana Claudia M (DFPS); Vieyra Isaias (DFPS)
Cc: Garcia Monica (DFPS)
Subject: READ FW: New AG Opinion/DFPS
Date: Friday, February 25, 2022 10:18:41 AM
Attachments: kp-0401_0.pdf
image001.png

Please read, share and escalate these types of case immediately even before making contact with me or any PD on call. We will discuss more
Monica, meeting
Letty Rodriguez

From: Phillips,Kathleen V (DFPS) <Kathleen.Phillips@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 7:11 AM
To: Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>; Amaro,Kristy (DFPS) <Kristy.Amaro@dfps.texas.gov>; Cano,Martha J (DFPS) <Martha.Cano@dfps.texas.gov>; Escaname,Belinda (DFPS) <Belinda.Escaname@dfps.texas.gov>; Guerra,Betzabel (DFPS) <Betzabel.Guerra@dfps.texas.gov>; Rangel,Rey (DFPS) <Rey.Rangel@dfps.texas.gov>; Requenez,Janie I (DFPS) <Janie.Requenez@dfps.texas.gov>; Rodriguez,Leticia G (DFPS) <Leticia.Rodriguez@dfps.texas.gov>; Salinas,Patricia (DFPS) <Patricia.Salinas@dfps.texas.gov>; Salinas-Maldonado,Olga (DFPS) <Olga.Salinas-Maldonado@dfps.texas.gov>; Shives,Jovita M (DFPS) <Jovita.Shives@dfps.texas.gov>
Cc: Vela,Robert J (DFPS) <Robert.Vela@dfps.texas.gov>; Barrera,Denise S (DFPS) <Denise.Barrera@dfps.texas.gov>
Subject: RE: New AG Opinion/DFPS

I have attached the opinion.

Kathy Phillips
Managing Attorney
Region 11
Texas Department of Family and Protective Services
361-878-7481 Office
361-944-1824 Cell
kathleen.phillips@dfps.texas.gov

CONFIDENTIALITY NOTICE: *This message and all attachments are confidential and may be protected by the attorney-client or other privileges. Any review, use, disclosure, or distribution by persons other than the intended recipient is prohibited and may be unlawful. If you believe this message has been sent to you in error, please notify the sender and delete this message and copy of it (in any form) without disclosing it. Unless expressly stated in this e-mail, nothing in this message should be construed as a digital or electronic signature.*

From: Yzaguirre,Marina C (DFPS)
Sent: Tuesday, February 22, 2022 4:28 PM
To: Amaro,Kristy (DFPS) <Kristy.Amaro@dfps.texas.gov>; Cano,Martha J (DFPS) <Martha.Cano@dfps.texas.gov>; Escaname,Belinda (DFPS) <Belinda.Escaname@dfps.texas.gov>; Guerra,Betzabel (DFPS) <Betzabel.Guerra@dfps.texas.gov>; Rangel,Rey (DFPS) <Rey.Rangel@dfps.texas.gov>; Requenez,Janie I (DFPS) <Janie.Requenez@dfps.texas.gov>; Rodriguez,Leticia G (DFPS) <Leticia.Rodriguez@dfps.texas.gov>; Salinas,Patricia (DFPS) <Patricia.Salinas@dfps.texas.gov>; Salinas-Maldonado,Olga (DFPS) <Olga.Salinas-Maldonado@dfps.texas.gov>; Shives,Jovita M (DFPS) <Jovita.Shives@dfps.texas.gov>
Cc: Vela,Robert J (DFPS) <Robert.Vela@dfps.texas.gov>; Barrera,Denise S (DFPS) <Denise.Barrera@dfps.texas.gov>; Phillips,Kathleen V (DFPS) <Kathleen.Phillips@dfps.texas.gov>
Subject: FW: New AG Opinion/DFPS

Fyi---please be sure to escalate up to your PA and me if one of these kinds of cases presents itself in our region.
Thanks!

MARINA YZAGUIRRE, MSSW
Child Protective Investigations
Regional Director
Region 11
Edinburg, Tx 78539

AMERICAN OVERSIGHT

Off. 956-316-8238
Mbl. 956-802-4921

Texas Department of Family and Protective Services

From: Talbert,Marta L (DFPS)
Sent: Tuesday, February 22, 2022 11:56 AM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
Subject: FW: New AG Opinion/DFPS

fyi

Marta Talbert
Director of Investigation and Alternative Response
512-438-3357
marta.talbert@dfps.texas.gov

From: Crimmins,Patrick (DFPS)
Sent: Monday, February 21, 2022 3:41 PM
To: Black,Stephen D (DFPS) <Stephen.Black@dfps.texas.gov>; Dryden,Deneen (DFPS) <Deneen.Dryden@dfps.texas.gov>; Frank,Julie (DFPS) <Julie.Frank@dfps.texas.gov>; Kanne,Lisa M (DFPS) <Lisa.Kanne@dfps.texas.gov>; Kozikoujekian,Vicki (DFPS) <Vicki.Kozikoujekian@dfps.texas.gov>; Lawson,Corliss (DFPS) <Corliss.Lawson@dfps.texas.gov>; Martinez,Jose A (DFPS) <Jose.Martinez@dfps.texas.gov>; Masters,Jaime D (DFPS) <Jaime.Masters@dfps.texas.gov>; Mency,Eric (DFPS) <Eric.Mency@dfps.texas.gov>; Rasco,Sasha (DFPS) <Sasha.Rasco@dfps.texas.gov>; Richman,Robert (DFPS) <Robert.Richman@dfps.texas.gov>; Watson,Chance R (DFPS) <Chance.Watson@dfps.texas.gov>; Wold,Kezeli A (DFPS) <Kezeli.Wold@dfps.texas.gov>
Cc: Gonzales,Marissa L (DFPS) <Marissa.Gonzales@dfps.texas.gov>; Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: RE: New AG Opinion/DFPS

Here is text of press release if link won't work

AG Paxton Declares So-Called Sex-Change Procedures on Children and Prescription of Puberty Blockers to be "Child Abuse" Under Texas Law

AUSTIN – Attorney General Ken Paxton released a formal attorney general opinion concluding that performing certain "sex-change" procedures on children, and prescribing puberty-blockers to them, is "child abuse" under Texas law. The holding comes at a critical time when more and more Texans are seeing the horrors that flow from the merging of medicine and misguided ideology.

Specifically, the opinion concludes that certain procedures done on minors such as castration, fabrication of a "penis" using tissue from other body parts, fabrication of a "vagina" involving the removal of male sex organs, prescription of puberty-suppressors and infertility-inducers, and the like are all "abuse" under section 261.001 of the Texas Family Code.

"There is no doubt that these procedures are 'abuse' under Texas law, and thus must be halted," said Attorney General Paxton. "The Texas Department of Family and Protective Services (DFPS) has a responsibility to act accordingly. I'll do everything I can to protect against those who take advantage of and harm young Texans."

This opinion comes after Attorney General Paxton opined in an October 2019 letter to DFPS, stating that the "transition" of James Younger—the biological male son of Jeff Younger—to a "female" through puberty-blocking drugs, among other things, was "abuse" under at least three definitions set out in the Family Code, and that DFPS, therefore, had an independent duty to investigate.

The opinion also follows Gov. Abbott's August 2021 letter to DFPS requesting a determination of "whether genital mutilation of a child for purposes of gender transitioning through reassignment surgery constitutes child abuse." The Commissioner of DFPS replied that "genital mutilation of a child through reassignment surgery is child abuse."

AMERICAN OVERSIGHT

Read the opinion here.

From: Crimmins,Patrick (DFPS)
Sent: Monday, February 21, 2022 3:02 PM
To: Black,Stephen D (DFPS) <Stephen.Black@dfps.texas.gov>; Dryden,Deneen (DFPS) <Deneen.Dryden@dfps.texas.gov>; Frank,Julie (DFPS) <Julie.Frank@dfps.texas.gov>; Kanne,Lisa M (DFPS) <Lisa.Kanne@dfps.texas.gov>; Kozikoujekian,Vicki (DFPS) <Vicki.Kozikoujekian@dfps.texas.gov>; LAWSON,corliss <corliss.lawson@dfps.texas.gov>; Martinez,Jose A (DFPS) <Jose.Martinez@dfps.texas.gov>; Masters,Jaime D (DFPS) <Jaime.Masters@dfps.texas.gov>; Mency,Eric (DFPS) <Eric.Mency@dfps.texas.gov>; Rasco,Sasha (DFPS) <Sasha.Rasco@dfps.texas.gov>; Richman,Robert (DFPS) <Robert.Richman@dfps.texas.gov>; Watson,Chance R (DFPS) <Chance.Watson@dfps.texas.gov>; Wold,Kezeli A (DFPS) <Kezeli.Wold@dfps.texas.gov>
Cc: Gonzales,Marissa L (DFPS) <Marissa.Gonzales@dfps.texas.gov>; Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: New AG Opinion/DFPS

Hi Commissioner – the media has contacted me about the AG's new opinion, which he has publicized in a press release (below). Our comment is that we will be reviewing……
Patrick
https://mail.google.com/mail/u/0/#inbox/FMfcgzGmvBpdjpHcwNrpCmxpxvvWdjWP
https://texasattorneygeneral.gov/sites/default/files/global/KP-0401.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=

Patrick

Patrick Crimmins
Director of Communications
Texas Department of Family and Protective Services
(512) 929-6727 office
(512) 787-5090 cell

AMERICAN OVERSIGHT

From:	Monrreal Maria B (DFPS)
To:	Gonzalez Adabel (DFPS); Azoca Allisa (DFPS); Cavazos Ovidio (DFPS); Espinoza Jessica (DFPS); Paez Raquel (DFPS)
Subject:	FW: New AG Opinion/DFPS
Date:	Friday, February 25, 2022 9:48:54 AM
Attachments:	kp-0401_0.pdf image001.png image003.png

All,

I want for us to go over this together on this. For these type of cases, I will not be sending an email or text that you have been assinged this case. I would be calling you. If we get a case like this, I need to call Jovita to let her know.

Maria Monrreal
CPI Supervisor II, Unit 05
Adjusted Schedule: *Sunday thru Wednesday 8 AM – 7 PM*
maria.monrreal@dfps.texas.gov
Office: 1919 Austin Ave. McAllen, TX 78501
State Cell 956-802-6591
Texas Department of Family and Protective Services
Child Protective Services

From: Shives,Jovita M (DFPS)
Sent: Thursday, February 24, 2022 10:46 PM
To: Salinas,Leonel (DFPS) <Leonel.Salinas@dfps.texas.gov>; Gorena,Damaryce Rubi (DFPS) <Damaryce.Gorena@dfps.texas.gov>; Monrreal,Maria B (DFPS) <Maria.Monrreal@dfps.texas.gov>; Salinas,Leonel (DFPS) <Leonel.Salinas@dfps.texas.gov>; Cruz,Elizabeth (Laredo) (DFPS) <Elizabeth.Cruz@dfps.texas.gov>; Rodriguez,Joycelyn (DFPS) <Joycelyn.Rodriguez3@dfps.texas.gov>
Cc: Torres,Virginia (DFPS) <Virginia.Torres@dfps.texas.gov>
Subject: FW: New AG Opinion/DFPS

FYI

From: Phillips,Kathleen V (DFPS)
Sent: Wednesday, February 23, 2022 7:11 AM
To: Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>; Amaro,Kristy (DFPS) <Kristy.Amaro@dfps.texas.gov>; Cano,Martha J (DFPS) <Martha.Cano@dfps.texas.gov>; Escaname,Belinda (DFPS) <Belinda.Escaname@dfps.texas.gov>; Guerra,Betzabel (DFPS) <Betzabel.Guerra@dfps.texas.gov>; Rangel,Rey (DFPS) <Rey.Rangel@dfps.texas.gov>; Requenez,Janie I (DFPS) <Janie.Requenez@dfps.texas.gov>; Rodriguez,Leticia G (DFPS) <Leticia.Rodriguez@dfps.texas.gov>; Salinas,Patricia (DFPS) <Patricia.Salinas@dfps.texas.gov>; Salinas-Maldonado,Olga (DFPS) <Olga.Salinas-Maldonado@dfps.texas.gov>; Shives,Jovita M (DFPS) <Jovita.Shives@dfps.texas.gov>
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Subject: RE: New AG Opinion/DFPS

I have attached the opinion.

Kathy Phillips
Managing Attorney
Region 11
Texas Department of Family and Protective Services
361-878-7481 Office
361-944-1824 Cell
kathleen.phillips@dfps.texas.gov

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Subject: FW: New AG Opinion/DFPS

Fyi---please be sure to escalate up to your PA and me if one of these kinds of cases presents itself in our region.

Thanks!

MARINA YZAGUIRRE, MSSW
Child Protective Investigations
Regional Director
Region 11
Edinburg, Tx 78539
Off. 956-316-8238
Mbl. 956-802-4921

Texas Department of
Family and Protective Services

From: Talbert,Marta L (DFPS)
Sent: Tuesday, February 22, 2022 11:56 AM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
Subject: FW: New AG Opinion/DFPS

fyi

Marta Talbert
Director of Investigation and Alternative Response
512-438-3357
marta.talbert@dfps.texas.gov

From: Crimmins,Patrick (DFPS)
Sent: Monday, February 21, 2022 3:41 PM
To: Black,Stephen D (DFPS) <Stephen.Black@dfps.texas.gov>; Dryden,Deneen (DFPS) <Deneen.Dryden@dfps.texas.gov>; Frank,Julie (DFPS) <Julie.Frank@dfps.texas.gov>; Kanne,Lisa M (DFPS) <Lisa.Kanne@dfps.texas.gov>; Kozikoujekian,Vicki (DFPS) <Vicki.Kozikoujekian@dfps.texas.gov>; Lawson,Corliss (DFPS) <Corliss.Lawson@dfps.texas.gov>; Martinez,Jose A (DFPS) <Jose.Martinez@dfps.texas.gov>; Masters,Jaime D (DFPS) <Jaime.Masters@dfps.texas.gov>; Mency,Eric (DFPS) <Eric.Mency@dfps.texas.gov>; Rasco,Sasha (DFPS) <Sasha.Rasco@dfps.texas.gov>; Richman,Robert (DFPS) <Robert.Richman@dfps.texas.gov>; Watson,Chance R (DFPS) <Chance.Watson@dfps.texas.gov>; Wold,Kezeli A (DFPS) <Kezeli.Wold@dfps.texas.gov>
Cc: Gonzales,Marissa L (DFPS) <Marissa.Gonzales@dfps.texas.gov>; Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: RE: New AG Opinion/DFPS

Here is text of press release if link won't work

AG Paxton Declares So-Called Sex-Change Procedures on Children and Prescription of

AMERICAN OVERSIGHT

Puberty Blockers to be "Child Abuse" Under Texas Law

AUSTIN – Attorney General Ken Paxton released a formal attorney general opinion concluding that performing certain "sex-change" procedures on children, and prescribing puberty-blockers to them, is "child abuse" under Texas law. The holding comes at a critical time when more and more Texans are seeing the horrors that flow from the merging of medicine and misguided ideology.

Specifically, the opinion concludes that certain procedures done on minors such as castration, fabrication of a "penis" using tissue from other body parts, fabrication of a "vagina" involving the removal of male sex organs, prescription of puberty-suppressors and infertility-inducers, and the like are all "abuse" under section 261.001 of the Texas Family Code.

"There is no doubt that these procedures are 'abuse' under Texas law, and thus must be halted," said Attorney General Paxton. "The Texas Department of Family and Protective Services (DFPS) has a responsibility to act accordingly. I'll do everything I can to protect against those who take advantage of and harm young Texans."

This opinion comes after Attorney General Paxton opined in an October 2019 letter to DFPS, stating that the "transition" of James Younger—the biological male son of Jeff Younger—to a "female" through puberty-blocking drugs, among other things, was "abuse" under at least three definitions set out in the Family Code, and that DFPS, therefore, had an independent duty to investigate.

The opinion also follows Gov. Abbott's August 2021 letter to DFPS requesting a determination of "whether genital mutilation of a child for purposes of gender transitioning through reassignment surgery constitutes child abuse." The Commissioner of DFPS replied that "genital mutilation of a child through reassignment surgery is child abuse."

Read the opinion here.

From: Crimmins,Patrick (DFPS)

Sent: Monday, February 21, 2022 3:02 PM

To: Black,Stephen D (DFPS) <Stephen.Black@dfps.texas.gov>; Dryden,Deneen (DFPS) <Deneen.Dryden@dfps.texas.gov>; Frank,Julie (DFPS) <Julie.Frank@dfps.texas.gov>; Kanne,Lisa M (DFPS) <Lisa.Kanne@dfps.texas.gov>; Kozikoujekian,Vicki (DFPS) <Vicki.Kozikoujekian@dfps.texas.gov>; LAWSON,corliss <corliss.lawson@dfps.texas.gov>; Martinez,Jose A (DFPS) <Jose.Martinez@dfps.texas.gov>; Masters,Jaime D (DFPS) <Jaime.Masters@dfps.texas.gov>; Mency,Eric (DFPS) <Eric.Mency@dfps.texas.gov>; Rasco,Sasha (DFPS) <Sasha.Rasco@dfps.texas.gov>; Richman,Robert (DFPS) <Robert.Richman@dfps.texas.gov>; Watson,Chance R (DFPS) <Chance.Watson@dfps.texas.gov>; Wold,Kezeli A (DFPS) <Kezeli.Wold@dfps.texas.gov>

Cc: Gonzales,Marissa L (DFPS) <Marissa.Gonzales@dfps.texas.gov>; Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>

Subject: New AG Opinion/DFPS

Hi Commissioner – the media has contacted me about the AG's new opinion, which he has publicized in a press release (below). Our comment is that we will be reviewing……

Patrick

https://mail.google.com/mail/u/0/#inbox/FMfcgzGmvBpdjpHcwNrpCmxpxvvWdjWP

https://texasattorneygeneral.gov/sites/default/files/global/KP-0401.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=

Patrick

Patrick Crimmins
Director of Communications
Texas Department of Family and Protective Services
(512) 929-6727 office
(512) 787-5090 cell

AMERICAN OVERSIGHT

From:	Harmon,Tonya (DFPS)
To:	Vandygriff,Shawn (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Friday, February 25, 2022 9:02:00 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

---

From: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:55 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
Subject: FW: Attorney General Opinion

See email below and attachments—email/attachments sent to SWI staff. I believe we have three right now in the intake stage—or being worked on by SWI. Stephen will send me the case numbers as soon as he has them for us to be aware in order to assist our staff with these cases.
Thanks,
Marta

Marta Talbert
Director of Investigation and Alternative Response
512-438-3357
marta.talbert@dfps.texas.gov

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:46 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: FW: Attorney General Opinion

fyi
Stephen Black
512-960-9352

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

Hello SWI,
A legal opinion was released by the AG's office on February 21, 2022. The governor subsequently provided further direction to DFPS to these reported matters.
Those two documents are attached to this communication which gives guidance and direction regarding how the department is to handle intakes related to gender transitioning.
Please consult with your PA regarding any questions you may have.

AMERICAN OVERSIGHT

Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Godfrey,Lori A (DFPS)
To:	Baker,Wendy L (DFPS); Cleff,Ashley (DFPS); Fowler,Morgan (DFPS); Kirchner,Michael (DFPS); Metcalf,Stacey (DFPS); Sargent,Britni (DFPS); Seyfried,Stephen (DFPS)
Subject:	Gov Abbott letter
Date:	Friday, February 25, 2022 8:33:19 AM
Attachments:	O-MastersJaime202202221358.pdf image001.png

Lori A. Godfrey
CPI Unit 13 Investigator
Parker County
1224 Clear Lake Road
Weatherford, Texas 76086
Office- 682-803-7210
Cell- 972-209-7866
Fax- 512-276-3548
lori.godfrey@dfps.texas.gov

AMERICAN OVERSIGHT

From:	Moore,Lindey (DFPS)
To:	Fonseca,Elda (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Friday, February 25, 2022 8:29:40 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

---

From: Black,Stephen D (DFPS)

Sent: Wednesday, February 23, 2022 3:31 PM

To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>

Subject: Attorney General Opinion

Hello SWI,

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Please consult with your PA regarding any questions you may have.

Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From: Jones,Katherine (DFPS)
To: Berogan,Brittany (DFPS); Matthews,Cheri (DFPS); Parsons,Joshua (DFPS); Vasquez,Delia J. (DFPS)
Subject: FW: February 2022 Supervisor meeting
Date: Sunday, February 27, 2022 8:18:39 PM
Attachments: February 2022 Supervisor meeting.msg
image001.png

Attached is the agenda for tomorrow along with handouts we will discuss. Most handouts I have sent to you as I get them but I like to send them together for our Supervisor meeting.
Laura will be joining us for her required attendance at periodic Supervisor meetings, so anything you want to discuss with her, it will be your chance.
Looking forward to seeing everyone in their TEAMS "attire"!!!
My address is [redacted]
I will have lunch for us!

Katherine Jones
CPI Program Director
Investigations/Alternative Response
Outlying Counties
972-876-1015 (office)
469-383-6670 (cell)
2707 N. Kaufman
Ennis, Texas 75119
Katherine.Jones@dfps.texas.gov

Texas Department of
Family and Protective Services
Child Protective Investigations

AMERICAN OVERSIGHT

From: Scott,Anne (DFPS)
To: CHARITY BORSERINE
Subject: FW: Transgender children
Date: Wednesday, March 2, 2022 5:59:00 PM
Attachments: O-MastersJaime202202221358.pdf

Anne Scott ~ Legal Assistant II
1200 E. Copeland Road, Arlington, Texas 76011
817-269-9252 (Cell) ~ 512-276-3560 (Fax)

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From: Anderson,Regina (DFPS)
Sent: Tuesday, March 1, 2022 9:25 AM
To: Galvan,John Q (DFPS) <John.Galvan@dfps.texas.gov>; Skloss,Wendi (DFPS) <Wendi.Skloss@dfps.texas.gov>; Scott,Anne (DFPS) <Feletha.Scott@dfps.texas.gov>; Suarez,Cindy (DFPS) <Cindy.Suarez@dfps.texas.gov>; Mendez,Michelle (DFPS) <Sandra.Mendez2@dfps.texas.gov>; Cherry,Veronica E (DFPS) <Veronica.Cherry@dfps.texas.gov>; Saint,James (DFPS) <James.Saint2@dfps.texas.gov>; Means,Randell (DFPS) <Randell.Means@dfps.texas.gov>; Serrato,Yuriria H (DFPS) <Yuriria.Serrato@dfps.texas.gov>
Subject: Transgender children

We will discuss this letter at the unit meeting today.

Regina Anderson
Managing Attorney for Region 3 and Region 4
1200 East Copeland, Suite 310
Arlington, Texas 76011
817-792-4410 (office)
817-412-9601 (cell)
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SBN 24040436
Regina.Anderson@dfps.state.tx.us

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AMERICAN OVERSIGHT

From: Jones,Stacie (DFPS)
To: Banks,Kayla (DFPS)
Subject: FW: Unit Meeting Agenda and Sign In Sheet
Date: Wednesday, March 2, 2022 4:57:00 PM
Attachments: unit meeting agenda.pdf
sign in sheet.pdf
Agenda for unit meeting Feb. 2022.docx
O-MastersJaime202202221358.pdf

Is Nakie the only one who has signed off on the unit meeting agenda?

From: Jones,Stacie (DFPS)
Sent: Friday, February 25, 2022 2:54 PM
To: Thompson,Nakie (DFPS) <Nakie.Thompson2@dfps.texas.gov>; Dixon,Vicki (DFPS) <Vicki.Dixon@dfps.texas.gov>; Reyes,Katie (DFPS) <Katie.Reyes2@dfps.texas.gov>; Caldwell,Latasha (DFPS) <Latasha.Caldwell@dfps.texas.gov>; White,Daphne (DFPS) <Daphne.White@dfps.texas.gov>
Cc: Banks,Kayla (DFPS) <Kayla.Banks@dfps.texas.gov>; Jones,Stacie (DFPS) <Stacie.Jones@dfps.texas.gov>
Subject: FW: Unit Meeting Agenda and Sign In Sheet
Importance: High

I also added the agenda item that I needed to discuss and the letter from Gov. Abbott as well, please let me know if you have any questions

From: Banks,Kayla (DFPS)
Sent: Friday, February 25, 2022 2:34 PM
To: Caldwell,Latasha (DFPS) <Latasha.Caldwell@dfps.texas.gov>; Dixon,Vicki (DFPS) <Vicki.Dixon@dfps.texas.gov>; Reyes,Katie (DFPS) <Katie.Reyes2@dfps.texas.gov>; White,Daphne (DFPS) <Daphne.White@dfps.texas.gov>
Cc: Jones,Stacie (DFPS) <Stacie.Jones@dfps.texas.gov>
Subject: Unit Meeting Agenda and Sign In Sheet

Hey ya'll! We missed you this morning, here is the agenda and stuff we went over. Also if you can sign this sign in sheet and send back to me, thanks!

Thank you!

Kayla Banks

CPS CVS Admin

Unit DO

Cell: 254-224-1621

AMERICAN OVERSIGHT

From: Walker,Clarence (DFPS)
To: [redacted]
Subject: Fwd: letter
Date: Wednesday, March 2, 2022 4:42:06 PM
Attachments: O-MastersJaime202202221358.pdf

From: Surratt,Michele L (DFPS) <Michele.Surratt@dfps.texas.gov>
Sent: Wednesday, March 2, 2022 4:30:23 PM
To: Pipes,Glenn (DFPS) <Glenn.Pipes@dfps.texas.gov>; Walker,Clarence (DFPS) <Clarence.Walker@dfps.texas.gov>
Subject: FW: letter

We need to find a time to do a quick Teams meeting on this. I am available all day on the 7th. After lunch on the 9th or the morning of the 10th. Should only take about 15 minutes.

From: Phillips,Kathleen V (DFPS)
Sent: Wednesday, February 23, 2022 10:32 AM
To: Adams,Stefanie (DFPS) <Stefanie.Adams@dfps.texas.gov>; Anderson,Regina (DFPS) <Regina.Anderson@dfps.texas.gov>; Arriaga,Dennis (DFPS) <Dennis.Arriaga@dfps.texas.gov>; Britt,Dewey D (DFPS) <Dewey.Britt@dfps.texas.gov>; Cordray,Glenna (DFPS) <Glenna.Cordray@dfps.texas.gov>; Kinsler,Brenda L (DFPS) <Brenda.Kinsler@dfps.texas.gov>; Palmquist,Laura R (DFPS) <Laura.Palmquist@dfps.texas.gov>; Surratt,Michele L (DFPS) <Michele.Surratt@dfps.texas.gov>; Tai,Eric T. (DFPS) <Eric.Tai@dfps.texas.gov>; Valdez,Lucinda (DFPS) <Lucinda.Valdez@dfps.texas.gov>
Subject: letter

fyi

Kathy Phillips
Managing Attorney
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Texas Department of Family and Protective Services
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kathleen.phillips@dfps.texas.gov

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AMERICAN OVERSIGHT

From:	Surratt,Michele L (DFPS)
To:	Pipes,Glenn (DFPS); Walker,Clarence (DFPS)
Subject:	FW: AG Opinion in re Sex Change = Abuse
Date:	Wednesday, March 2, 2022 4:31:19 PM
Attachments:	Attorney General Opinion No. KP-0401 -Sex changes and abuse.pdf

From: Kinsler,Brenda L (DFPS)
Sent: Tuesday, February 22, 2022 10:39 AM
To: Phillips,Kathleen V (DFPS) <Kathleen.Phillips@dfps.texas.gov>; Britt,Dewey D (DFPS) <Dewey.Britt@dfps.texas.gov>; Arriaga,Dennis (DFPS) <Dennis.Arriaga@dfps.texas.gov>; Anderson,Regina (DFPS) <Regina.Anderson@dfps.texas.gov>; Palmquist,Laura R (DFPS) <Laura.Palmquist@dfps.texas.gov>; Valdez,Lucinda (DFPS) <Lucinda.Valdez@dfps.texas.gov>; Surratt,Michele L (DFPS) <Michele.Surratt@dfps.texas.gov>; Tai,Eric T. (DFPS) <Eric.Tai@dfps.texas.gov>; Adams,Stefanie (DFPS) <Stefanie.Adams@dfps.texas.gov>; Cordray,Glenna (DFPS) <Glenna.Cordray@dfps.texas.gov>
Cc: Kozikoujekian,Vicki (DFPS) <Vicki.Kozikoujekian@dfps.texas.gov>
Subject: AG Opinion in re Sex Change = Abuse

Interesting opinion.

Brenda L. Kinsler

Managing Attorney Regions 4, 5, and 7
Department of Family and Protective Services
Ph: (512) 550-8833
Board Certified Child Welfare Law
BOARD CERTIFIED
***Please note that my email address has changed to Brenda.kinsler@dfps.texas.gov ***

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From: Surratt,Michele L (DFPS)
To: Pipes,Glenn (DFPS); Walker,Clarence (DFPS)
Subject: FW: letter
Date: Wednesday, March 2, 2022 4:30:27 PM
Attachments: O-MastersJaime202202221358.pdf

We need to find a time to do a quick Teams meeting on this. I am available all day on the 7th. After lunch on the 9th or the morning of the 10th. Should only take about 15 minutes.

From: Phillips,Kathleen V (DFPS)
Sent: Wednesday, February 23, 2022 10:32 AM
To: Adams,Stefanie (DFPS) <Stefanie.Adams@dfps.texas.gov>; Anderson,Regina (DFPS) <Regina.Anderson@dfps.texas.gov>; Arriaga,Dennis (DFPS) <Dennis.Arriaga@dfps.texas.gov>; Britt,Dewey D (DFPS) <Dewey.Britt@dfps.texas.gov>; Cordray,Glenna (DFPS) <Glenna.Cordray@dfps.texas.gov>; Kinsler,Brenda L (DFPS) <Brenda.Kinsler@dfps.texas.gov>; Palmquist,Laura R (DFPS) <Laura.Palmquist@dfps.texas.gov>; Surratt,Michele L (DFPS) <Michele.Surratt@dfps.texas.gov>; Tai,Eric T. (DFPS) <Eric.Tai@dfps.texas.gov>; Valdez,Lucinda (DFPS) <Lucinda.Valdez@dfps.texas.gov>
Subject: letter

fyi

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From:	Beaudoin,Lashonna R (DFPS)
To:	Barnaby,Uriah (DFPS); Geiselhart,Loree W. (DFPS); Mckoy,Nicoya N (DFPS); Romero,Gorky (DFPS); Smith,Deitra M (DFPS)
Subject:	Attorney General Opinion
Date:	Wednesday, March 2, 2022 2:58:26 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

---

A legal opinion was released by the AG's office on February 21, 2022. The governor subsequently provided further direction to DFPS to these reported matters.

Those two documents are attached to this communication which gives guidance and direction regarding how the department is to handle intakes related to gender transitioning.

Please consult with your PD regarding any questions you may have.

Thanks,

LaShonna Beaudoin
Investigative and Alternative Response Program Director
3 Northpoint
Houston, Tx 77060
281-405-3428 office
832-454-4512 cell

AMERICAN OVERSIGHT

From:	Harmon,Tonya (DFPS)
To:	Ward,Shannon M (DFPS)
Subject:	FW: Media - Texas - ACLU, LAMBDA LEGAL SUE TO BLOCK TEXAS FROM INVESTIGATING PARENTS WHO SUPPORT THEIR TRANSGENDER KIDS
Date:	Wednesday, March 2, 2022 12:11:00 PM
Attachments:	doe_v._abbott_-_petition.pdf image001.png

FYI --- For you only.

From: Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
Sent: Tuesday, March 1, 2022 1:15 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Sutton,Toni (DFPS) <Marie.Sutton@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>
Cc: Guardiola,Heather N (DFPS) <Heather.Guardiola2@dfps.texas.gov>
Subject: FW: Media - Texas - ACLU, LAMBDA LEGAL SUE TO BLOCK TEXAS FROM INVESTIGATING PARENTS WHO SUPPORT THEIR TRANSGENDER KIDS

fyi

Thanks!

MARINA YZAGUIRRE, MSSW
Child Protective Investigations
Regional Director
Region 11
Edinburg, Tx 78539
Off. 956-316-8238
Mbl. 956-802-4921

Texas Department of
Family and Protective Services

From: Phillips,Kathleen V (DFPS)
Sent: Tuesday, March 1, 2022 1:09 PM
To: Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>; Barrera,Denise S (DFPS) <Denise.Barrera@dfps.texas.gov>; Smith,Michelle L (DFPS) <Michelle.Smith3@dfps.texas.gov>; Skipper,Shaun S (DFPS) <Shaun.Skipper@dfps.texas.gov>; Skipper,Allison (DFPS) <Allison.Skipper@dfps.texas.gov>
Subject: FW: Media - Texas - ACLU, LAMBDA LEGAL SUE TO BLOCK TEXAS FROM INVESTIGATING PARENTS WHO SUPPORT THEIR TRANSGENDER KIDS

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From: Lennan,John J (DFPS)
Sent: Tuesday, March 1, 2022 12:01 PM
To: Phillips,Kathleen V (DFPS) <Kathleen.Phillips@dfps.texas.gov>
Subject: Media - Texas - ACLU, LAMBDA LEGAL SUE TO BLOCK TEXAS FROM INVESTIGATING PARENTS WHO SUPPORT THEIR TRANSGENDER KIDS

Hello Kathy …. Just an FYI this just published to the web about 25 minutes ago,
https://www.aclutx.org/en/press-releases/aclu-lambda-legal-sue-block-texas-investigating-parents-who-support-their-transgender

ACLU, LAMBDA LEGAL SUE TO BLOCK TEXAS FROM INVESTIGATING PARENTS WHO SUPPORT THEIR TRANSGENDER KIDS

MEDIA CONTACT

Antonio Arellano, ACLU of Texas, 713-459-8212, media@aclutx.org
MARCH 1, 2022

AUSTIN, Texas — The American Civil Liberties Union, ACLU of Texas, and Lambda Legal today asked a Texas state court to block the Texas Department of Family and Protective Services (DFPS) from investigating parents who work with medical professionals to provide their adolescent children with medically necessary gender-affirming care.

The lawsuit names Texas Gov. Greg Abbott, who recently issued a directive stating that providing gender-affirming care should be considered a form of child abuse. The suit also names DFPS Commissioner Jaime Masters and DFPS, as defendants. The lawsuit includes claims that these recent directives were issued without proper authority, in violation of the Texas Administrative Procedures Act, the separation of powers requirements of the Texas Constitution, and the constitutional rights of transgender youth and their parents.

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“No family should have to fear being torn apart because they are supporting their trans child,” said **Adri Pérez (they/them), policy and advocacy strategist at the ACLU of Texas.** “A week before an election, Gov. Abbott and Attorney General Ken Paxton issued a partisan political attack that isn’t rooted in the needs of families, the evidence from doctors and the expertise from child welfare professionals. Families with trans kids in Texas have been under attack for too long. Gender-affirming health care saved my life, and other trans Texans should be able to access medically necessary, lifesaving care.”

The lawsuit was filed on behalf of an employee of DFPS with a transgender child, her husband, and the teen herself. According to the complaint, this family has had an investigator already arrive at their house. The family has filed the lawsuit anonymously. Dr. Megan Mooney, a licensed psychologist who is considered a mandatory reporter under Texas law and cannot comply with the governor’s directive without harming her clients and violating her ethical obligations, is also a plaintiff in the suit.

"For Governor Abbott and Attorney General Paxton, it seems the cruelty is the point,” said **Paul Castillo (he/him), Lambda Legal Senior Counsel.** “They are joining a politically motivated misinformation campaign with no consideration of medical science and seem determined to criminalize parents seeking to care and provide for their kids, and medical professionals abiding by accepted standards of care for transgender youth. Gender-affirming care for the treatment of gender dysphoria is medically necessary care, full stop. Criminalizing that care and threatening to tear children from their families is unconscionable and terrifying, and cannot stand.”

“Our youth, our communities, will not be used as political props,” said **Emmett Schelling (he/him), executive director of Transgender Education Network of Texas (TENT).** “We will not allow for these continued efforts to restrict access to life-saving care and criminalize families based on patently false information. To Attorney General Paxton and Gov. Abbott, we will not continue to play a sadistic role in your political theater.”

While doctors and medical organizations have been providing gender-affirming care to youth, including transgender youth, for decades, it has increasingly become a target of attacks from state lawmakers. After

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Arkansas became the first state to pass a ban on gender-affirming care for trans youth last year, a federal court blocked the law from being enforced. While dozens of states have proposed laws similar to what became law in Arkansas — including some like Alabama that have proposed criminal penalties for providing gender-affirming care to youth — Texas is the only state saying providing this lifesaving care could lead to a child being removed from their family and placed in the foster care system.

"Disinformation, being spread about transgender people and their healthcare, highlights, exaggerates and imagines a non-existent problem as an urgent moral emergency that must be tackled right away," said **Ricardo Martinez, (he/him), chief executive officer for Equality Texas.** "It's predictable and sad that politicians will further sow civil discord by amplifying lies about trans people to score political points. Misconstruing the law and amplifying junk science to attack innocent children and their parents is cruel — beneath contempt — and could have a devastating effect on transgender youth and their families."

"These efforts to cut off and criminalize necessary health care for transgender minors are in direct conflict with the recommendations of medical professionals and have nothing to do with what's best for trans youth," said **Chase Strangio (he/him), deputy director for trans justice with the ACLU LGBTQ & HIV Project.** "They may be escalating, but these attacks are not new. Trans youth need you to take the fury you have over what's happening in Texas and share it with lawmakers in every state that is trying to make it harder for trans youth to survive."

A court could rule as soon as Tuesday. The lawsuit was filed by the American Civil Liberties Union Jon L. Stryker and Slobodan Randjelovic LGBTQ & HIV Project, the ACLU Women's Rights Project, the ACLU of Texas, Lambda Legal, and the law firm of Baker Botts LLP.

AMERICAN OVERSIGHT

From: Lennan,John J (DFPS)
To: Walker,Mary (DFPS)
Subject: FW: Petition - Lawsuit - Filed in Travis County 353rd District Court
Date: Wednesday, March 2, 2022 11:06:00 AM
Attachments: doe_v._abbott_-_petition.pdf

FYI – 68 pages

AMERICAN OVERSIGHT

3/1/2022 9:02 AM
Velva L. Price
District Clerk
Travis County
D-1-GN-22-000977
Ruben Tamez

D-1-GN-22-000977

CAUSE NO. _____

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,	§	
Plaintiffs	§	
	§	IN THE DISTRICT COURT OF TRAVIS COUNTY, TEXAS
v.	§	_____ JUDICIAL DISTRICT
	§	353RD, DISTRICT COURT
GREG ABBOTT, sued in his official capacity as Governor of the State of Texas; JAIME MASTERS, sued in her official capacity as Commissioner of the Texas Department of Family and Protective Services; and the TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES,	§	
Defendants.	§	

PLAINTIFFS' ORIGINAL PETITION AND APPLICATION FOR TEMPORARY RESTRAINING ORDER, TEMPORARY INJUNCTION, PERMANENT INJUNCTION, AND REQEUST FOR DECLARATORY RELIEF

Plaintiffs Jane and John Doe[1], individually and as parents and next friends of Plaintiff Mary Doe, a minor; and Dr. Megan Mooney (collectively, "Plaintiffs") file this Petition and Application

[1] Plaintiffs Jane Doe, John Doe, and Mary Doe proceed pseudonymously in order to protect their right to privacy, particularly that of Mary Doe, who is a minor. The Texas Rules of Civil Procedure recognize the need to protect a minor's identity. *See* Tex. R. Civ. P. 21c(a)(3). Such goal would not be possible if the identities of Jane Doe and John Doe were public. Moreover, the disclosure of the Doe Plaintiffs' identities "would reveal matters of a highly sensitive and personal nature, specifically [Mary Doe]'s transgender status and h[er] diagnosed medical condition—gender dysphoria." *Foster v. Andersen*, No. 18-2552-DDC-KGG, 2019 WL 329548, at *2 (D. Kan. Jan. 25, 2019). "[O]ther courts have recognized the highly personal and sensitive nature of a person's transgender status and thus have permitted transgender litigants to proceed under pseudonym." *Id.* (collecting cases). Furthermore, as courts have recognized, the disclosure of a person's transgender status "exposes them to prejudice, discrimination, distress, harassment, and violence." *Arroyo Gonzalez v. Rossello Nevares*, 305 F. Supp. 3d 327, 332 (D.P.R. 2018); *see also Foster*, 2019 WL 329548, at *2. Such is the case here.

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for Temporary Restraining Order, Temporary Injunction, Permanent Injunction, and Request for Declaratory Relief ("Petition") against Defendants Greg Abbott, in his official capacity as Governor of the State of Texas ("Governor Abbott" or the "Governor"), Jaime Masters, in her official capacity as Commissioner of the Texas Department of Family and Protective Services ("Commissioner Masters" or the "Commissioner"), and the Texas Department of Family and Protective Services ("DFPS") (collectively, "Defendants"). In support of their Petition, Plaintiffs respectfully show the following:

I. PRELIMINARY STATEMENT

1. After the Texas legislature failed to pass legislation criminalizing well-established and medically necessary treatment for adolescents with gender dysphoria, the Texas Governor, Attorney General, and Commissioner of the Department of Family and Protective Services have attempted to legislate by press release. Governor Abbott's letter instructing DFPS to investigate the families of transgender children is entirely without Constitutional or statutory authority; and despite this, the Commissioner nonetheless issued a statement directing DFPS to carry out the Governor's wishes and agreeing to follow a nonbinding legal opinion that did not change Texas law.

2. The Governor has circumvented the will of the legislature and, in so doing, he and the Commissioner have run afoul of numerous Constitutional and statutory limits on their power. Additionally, by their actions, Defendants have trampled on the Constitutional rights of transgender children, their parents, and professionals who provide vital care to transgender children. The Defendants have, without Constitutional or statutory authority, acted to create a new definition of "child abuse" that singles out a subset of loving parents for scrutiny, investigation, and potential family separation. Their actions caused terror and anxiety among transgender youth and their families across the Lone Star State and singled out transgender youth and their families

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for discrimination and harassment. What is more, the Governor's, Attorney General's, and Commissioner's actions threaten to endanger the health and wellbeing of transgender youth in Texas by depriving them of medically necessary care, while communicating that transgender people and their families are not welcome in Texas.

3. The Governor has also declared that teachers, doctors, and the general public are all required, on pain of criminal penalty, to report to DFPS any person who provides or is suspected of providing medical treatment for gender dysphoria, a recognized condition with well-established treatment protocols. And DFPS has started investigating families for child abuse based on reports that the families have followed doctor-recommended treatments for their adolescent children.

4. The actions of the Governor, the Commissioner, and DFPS violate the Texas Administrative Procedure Act, are *ultra vires* and therefore invalid, violate the separation of powers guaranteed by the Texas Constitution, and violate equality and due process protections guaranteed by the Texas Constitution. Plaintiffs ask the Court to enjoin these violations of Texas law and of the plaintiffs' rights and immediately return to the *status quo ante*.

II. PARTIES

5. Plaintiffs Jane Doe, John Doe, and Mary Doe are all residents of Texas. Plaintiffs Jane Doe and John Doe are the parents and next friends of Plaintiff Mary Doe, who is a minor. Plaintiff Mary Doe is transgender, has been diagnosed with gender dysphoria, a serious medical condition, and is currently receiving medically necessary care for the treatment of her gender dysphoria. Plaintiff Jane Doe is an employee of Defendant DFPS.

6. Plaintiff Dr. Megan Mooney is a clinical psychologist and mandated reporter under Texas law. She has a practice based in Houston, Texas that includes transgender patients, many of whom have been diagnosed with gender dysphoria and are receiving treatment for this condition.

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7. Defendant Greg Abbott is the Governor of the State of Texas and is sued in his official capacity only. He may be served at 1100 San Jacinto Blvd., Austin, Texas 78701.

8. Defendant Jaime Masters is the Commissioner of the Texas Department of Family and Protective Services and is sued in her official capacity only. She may be served at 701 West 51st Street, Austin, Texas 78751.

9. Defendant Texas Department of Family and Protective Services is a state agency that is statutorily tasked with promoting safe and healthy families and protecting children and vulnerable adults from abuse, neglect, and exploitation. DFPS fulfills these statutory obligations through investigations, services and referrals, and prevention programs. It may be served at 701 West 51st Street, Austin, Texas 78751.

III. JURISDICTION AND VENUE

10. The subject matter in controversy is within the jurisdictional limits of this Court, and the Court has jurisdiction over this action pursuant to Article V, Section 8, of the Texas Constitution and section 24.007 of the Texas Government Code, as well as the Texas Uniform Declaratory Judgments Act, Texas Civil Practice & Remedies Code sections 37.001 and 37.003, and the Texas Administrative Procedure Act, Texas Government Code section 2001.038.

11. This Court has jurisdiction over the parties because all Defendants reside or have their principal place of business in Texas.

12. Plaintiffs seek non-monetary relief.

13. Venue is proper in Travis County because Defendants have their principal office in Travis County. Tex. Civ. Prac. & Rem. Code § 15.002(a)(3).

IV. DISCOVERY CONTROL PLAN

14. Plaintiffs intend for discovery to be conducted under Level 3 of Texas Rule of Civil Procedure 190.

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TX-DFPS-22-0329-A-000646

V. FACTUAL BACKGROUND

A. Governor Abbott, Attorney General Paxton, and Commissioner Masters Create New Definitions of "Child Abuse" Under State Law.

15. On February 21, 2022, Attorney General Paxton released Opinion No. KP-0401 ("Paxton Opinion") dated February 18, 2022, which addressed "Whether certain medical procedures performed on children constitute child abuse."[2] The Paxton Opinion was issued in response to Representative Matt Krause's request dated August 23, 2021 about whether certain enumerated "sex-change procedures" when used to treat a minor with gender dysphoria constitute child abuse under state law. Specifically, Representative Krause inquired about and Attorney General Paxton purportedly addressed the following procedures: "sterilization through castration, vasectomy, hysterectomy, oophorectomy, metoidioplasty, orchiectomy, penectomy, phalloplasty, and vaginoplasty; …mastectomies; and … removing from children otherwise healthy or non-diseased body part or tissue."[3] The Paxton Opinion also responded to Representative Krause's additional inquiries about: whether "the following categories of drugs: (1) puberty-suppression or puberty-blocking drugs; (2) supraphysiologic doses of testosterone to females; and (3) supraphysiologic doses of estrogen to males" when used to treat minors with gender dysphoria could constitute child abuse.[4]

16. In summary, Attorney General Paxton's Opinion concluded that the enumerated procedures *could* constitute child abuse. The Opinion was based on the premise that "elective sex

[2] Ken Paxton et al., Re: Whether Certain Medical Procedures Performed on Children Constitute Child Abuse (RQ-0426-KP), Opinion No. KP-0401, at 1 (Feb. 18, 2022), https://texasattorneygeneral.gov/sites/default/files/global/KP-0401.pdf.
[3] *Id.*
[4] *Id.*

AMERICAN OVERSIGHT

changes to minors often has [sic] the effect of permanently sterilizing those minor children."[5] The Paxton Opinion specifies that it "does not address or apply to *medically necessary* procedures."[6]

17. In response to the Paxton Opinion, Governor Abbott sent a letter to DFPS Commissioner Jaime Masters dated February 22, 2022 ("Abbott Letter" of "Abbott's Letter") directing the agency "to conduct a prompt and thorough investigation of any reported instances" of "sex-change procedures," without any regard to medical necessity.[7] The Abbott Letter claimed that "a number of so-called 'sex change' procedures constitute child abuse under existing Texas law."[8] In addition to directing DFPS to investigate reports of procedures referenced in the Paxton Opinion, under threat of criminal prosecution, the Abbott Letter directs "all licensed professionals who have direct contact with children" and "members of the general public" to report instances of minors who have undergone the medical procedures outlined in his Letter and the Paxton Opinion.[9]

18. On February 22, 2022, DFPS announced that it would "follow Texas law as explained in (the) Attorney General opinion" and comply with the Paxton Opinion and Abbott letter and "investigate[]" any reports of the procedures outlined in the new directives ("DFPS Statement"), again, without any regard to medical necessity.[10]

19. Commissioner Masters claimed that prior to the issuance of the Paxton Opinion and Abbott letter, the agency had "no pending investigations of child abuse involving the procedures described in that opinion."[11]

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[5] *Id.* at 2.
[6] *Id.* at 2 (emphasis added).
[7] Greg Abbott, Letter to Hon. Jaime Masters, Commissioner, Tex. Dep't of Fam. & Protective Servs. (Feb. 22, 2022), https://gov.texas.gov/uploads/files/press/O-MastersJaime202202221358.pdf.
[8] *Id.*
[9] *Id.*
[10] Isaac Windes, *Texas AG says trans healthcare is child abuse. Will Fort Worth schools have to report*?, Fort Worth Star-Telegram (Feb. 23, 2022), https://www.star-telegram.com/news/local/crossroads-lab/article258692193.html.
[11] *Id.*

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20. Previously, on September 3, 2021, Commissioner Masters responded to an inquiry from Representative Bryan Slaton about the same underlying medical treatment and explained, "I will await the opinion issued by the Attorney General's office before I reach any final decisions on the matters you raise."[12]

21. In the hours and days following the February 2022 actions of Attorney General Paxton, Governor Abbott, and Commissioner Masters, DFPS initiated investigations into families with transgender children, which continue.

22. During the 87th Regular session, the Texas legislature considered, but did not pass, proposed legislation that would have changed Texas law to include treatment for gender dysphoria under the definition of child abuse. Specifically, Senate Bill 1646 ("SB 1646") would have amended Section 261.001 of the Family Code to add certain treatments to the definition of "child abuse." The bill would have amended this provision of the law to include within the definition of "child abuse": "administering or supplying, or consenting to or assisting in the administration or supply of, a puberty suppression prescription drug or cross-sex hormone to a child, other than an intersex child, for the purpose of gender transitioning or gender reassignment; or performing or consenting to the performance of surgery or another medical procedure on a child other than an intersex child, for the purpose of gender transitioning or gender reassignment."[13] SB 1646 did not pass. The legislature considered additional bills that would have prohibited medical treatment for gender dysphoria in minors, including House Bill 68 and House Bill 1339. None of these bills were passed by the duly elected members of the legislature.

[12] Jaime Masters, Letter to Hon. Bryan Slaton, Representative, District 2, Re: Correspondence (Sept. 3, 2021), http://thetexan.ews/wp-content/uploads/2021/09/Response-Letter_Representative-Slaton_Addressing-Gender-Reassignment-090321.pdf.
[13] S.B. 1646, 87th Leg. (Tex. 2021), https://capitol.texas.gov/tlodocs/87R/billtext/pdf/SB01646E.pdf.

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23. On July 19, 2021, after the above-referenced legislation failed to pass, Governor Abbott explained on a public radio show that he had a "solution" to what he called the "problem" of medical treatment for minors with gender dysphoria.[14]

B. Responses to New Child Abuse Directives

24. Following the recent attempts by Defendants to change the definition of "child abuse" under Texas law, experts in pediatric medicine, endocrinology, mental health care, and social work issued statements condemning the action and warning that it was counter to established protocols for treating gender dysphoria, could force providers to violate their professional ethics, and would cause substantial harm to minors and their families in Texas.

25. In response to the actions taken by Defendants, the National Association of Social Workers issued the following statement: "The continued attempts in Texas to change the definition of child abuse are in direct opposition to social work values, principles, and Code of Ethics and pose an imminent danger to transgender youth and their families. Furthermore, these shameful actions undermine the established truth supported by every credible medical and mental health organization in the country that the concepts of sexual orientation and gender identity are real and irrefutable components of one's individual identity."[15]

26. The American Academy of Pediatrics and the Texas Pediatric Society condemned the actions of Texas executive officials explaining that "[t]he AAP has long supported gender-affirming care for transgender youth, which includes the use of puberty-suppressing treatments when appropriate, as outlined in its own policy statement, urging that youth who identify as

[14] The Mark Davis Show, *July 19, 2021 8am Hour*, at 11:04 (July 19, 2021), https://omny.fm/shows/the-mark-davis-show/july-19-2021-8am-hour.

[15] *NASW Condemns Efforts to Redefine Child Abuse to Include Gender-Affirming Care*, Nat'l Ass'n Soc. Workers (Feb. 25, 2022), https://www.socialworkers.org/News/News-Releases/ID/2406/NASW-Condemns-Efforts-to-Redefine-Child-Abuse-to-Include-Gender-Affirming-Care.

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transgender have access to comprehensive, gender-affirming, and developmentally appropriate health care that is provided in a safe and inclusive clinical space in close consultation with parents."[16]

27. The president of the Texas Pediatric Society explained of the efforts to change the definition of "child abuse" under Texas law: "Evidence-based medical care for transgender and gender diverse children is a complex issue that pediatricians are uniquely qualified to provide. This directive undermines the physician-patient-family relationship and will cause undue harm to children in Texas. TPS opposes the criminalization of evidence-based, gender-affirming care for transgender youth and adolescents. We urge the prioritization of the health and well-being of all youth, including transgender youth."[17]

28. The Endocrine Society condemned the efforts to re-define "child abuse" explaining that these efforts "reject[] evidence-based transgender medical care and will restrict access to care for teenagers experiencing gender incongruence or dysphoria."[18] The Endocrine Society statement went on to explain, "Health care providers should not be punished for providing evidenced-based care that is supported by major international medical groups—including the Endocrine Society, American Medical Association, the American Psychological Association, and the American Academy of Pediatrics—and Clinical Practice Guidelines."[19]

29. The President of the American Psychological Association issued the following statement: "This ill-conceived directive from the Texas governor will put at-risk children at even

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[16] *AAP, Texas Pediatric Society Oppose Actions in Texas Threatening Health of Transgender Youth*, Am. Acad. Pediatrics (Feb. 24, 2022), https://www.aap.org/en/news-room/news-releases/aap/2022/aap-texas-pediatric-society-oppose-actions-in-texas-threatening-health-of-transgender-youth/.
[17] *Id.*
[18] *Endocrine Society Alarmed at Criminalization of Transgender Medicine*, Endocrine Soc'y (Feb. 23, 2022), https://www.endocrine.org/news-and-advocacy/news-room/2022/endocrine-society-alarmed-at-criminalization-of-transgender-medicine.
[19] Id.

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higher risk of anxiety, depression, self-harm, and suicide. Gender-affirming care promotes the health and well-being of transgender youth and is provided by medical and mental health professionals, based on well-established scientific research. The peer-reviewed research suggests that transgender children and youth who are treated with affirmation and receive evidence-based treatments tend to see improvements in their psychological well-being.

Asking licensed medical and mental health professionals to 'turn in' parents who are merely trying to give their children needed and evidence-based care would violate patient confidentiality as well as professional ethics. The American Psychological Association opposes politicized intrusions into the decisions that parents make with medical providers about caring for their children."[20]

30. Prevent Child Abuse America issued the following statement: "Prevent Child Abuse America (PCA America) knows that providing necessary and adequate medical care to your child is not child abuse, and that transgender and non-binary children need access to age-appropriate, individualized medical care just like every other child. Therefore, PCA America opposes legislation and laws that would deny healthcare access to any child, regardless of their gender identity. Such laws threaten the safety and security of our nation's most vulnerable citizens—children and youth."[21]

31. The Ray E. Helfer Society, an international, multi-specialty society of physicians having substantial research and clinical experience with all medical facets of child abuse and neglect, likewise condemned Defendants' actions. The Helfer Society "opposes equating evidence based, gender affirming care for transgender youth with child abuse, and the criminalization of

[20] *APA President Condemns Texas Governor's Directive to Report Parents of Transgender Minors*, Am. Psych. Ass'n (Feb. 24, 2022), https://www.apa.org/news/press/releases/2022/02/report-parents-transgender-children.
[21] Melissa Merrick, *A Message from Dr. Melissa Merrick in Response to Texas AG Opinion on Gender-Affirming Care*, Prevent Child Abuse Am. (Feb. 23, 2022), https://preventchildabuse.org/latest-activity/gender-affirming-care/.

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such care. The provision of medical and mental health care, consistent with the standard of care, is in no way consistent with our definitions of child abuse."[22]

32. Parents and families across the state of Texas are fearful that if they follow the recommendations of their medical providers to treat their adolescent children's suffering from gender dysphoria, they could face investigation, criminal prosecution and the removal of their children from their custody. As a result, parents are scared to remain in Texas, to send their children to school or to the doctor, and to otherwise meet their basic survival needs. They are also scared that if they do not pursue this medically prescribed and necessary care for their children in order to avoid investigation and criminal prosecution, their children's mental and physical health will suffer dramatically.

33. Upon information and belief, some doctors and other providers have discontinued prescribing medically necessary treatment for gender dysphoria to transgender youth as a result of Defendants' actions, causing patients to suffer physical and mental health consequences.

34. The actions taken by Defendants have already caused severe and irreparable harm to families across the state of Texas, including the Doe family, and have put medical and mental health providers in the impossible position of either following their legal and ethical professional responsibilities or facing criminal prosecution or civil and professional repercussions under Texas law.

[22] *Position Statement of the Ray E. Helfer Society On Gender Affirming Care Being Considered Child Abuse and Neglect*, Ray E. Helfer Soc'y (Feb. 2022), https://www.helfersociety.org/assets/docs/Helfer%20Society%20Statement%20On%20Texas%20Transgender%20Action%2002.22.pdf.

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C. Treatment for Gender Dysphoria is Well-Established and Medically Necessary.

35. The health care that Governor Abbott has directed DFPS to consider child abuse is actually medically necessary, essential, and often lifesaving medical care that is endorsed and adopted by every major medical organization in the United States.

36. Doctors in Texas use well-established guidelines to diagnose and treat youth with gender dysphoria. Medical treatment for gender dysphoria is prescribed to adolescents only after the onset of puberty and only when doctors determine it to be medically necessary. Parents, doctors, and minors work together to develop a treatment plan consistent with widely accepted protocols supported by every major medical organization in the United States.

37. "Gender identity" refers to a person's internal, innate, and immutable sense of belonging to a particular gender.

38. Although the precise origin of gender identity is unknown, a person's gender identity is a fundamental aspect of human development. There is a general medical consensus that there is a significant biological component to gender identity.

39. Everyone has a gender identity. A person's gender identity is durable and cannot be altered through medical intervention.

40. A person's gender identity usually matches the sex they were designated at birth based on their external genitalia. The terms "sex designated at birth" or "sex assigned at birth" are more precise than the term "biological sex" because there are many biological sex characteristics, including gender identity, and these may not always be in alignment with each other. For example, some people with intersex characteristics may have a chromosomal configuration typically associated with a male sex designation but genital characteristics typically associated with a female sex designation. For these reasons, the Endocrine Society, an international medical organization

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of over 18,000 endocrinology researchers and clinicians, warns practitioners that the terms "biological sex" and "biological male or female" are imprecise and should be avoided.[23]

41. Most boys were designated male at birth based on their external genital anatomy, and most girls were designated female at birth based on their external genital anatomy.

42. Transgender youth have a gender identity that differs from the sex assigned to them at birth. A transgender boy is someone who was assigned a female sex at birth but persistently, consistently, and insistently identifies as male. A transgender girl is someone who was assigned a male sex at birth but persistently, consistently, and insistently identifies as female.

43. Some transgender people become aware of having a gender identity that does not match their assigned sex early in childhood. For others, the onset of puberty, and the resulting physical changes in their bodies, leads them to recognize that their gender identity is not aligned with their sex assigned at birth. The lack of alignment between one's gender identity and sex assigned at birth can cause significant distress.

44. According to the American Psychiatric Association's Diagnostic & Statistical Manual of Mental Disorders ("DSM-V"), "gender dysphoria" is the diagnostic term for the condition experienced by some transgender people of clinically significant distress resulting from the lack of congruence between their gender identity and the sex assigned to them at birth. In order to be diagnosed with gender dysphoria, the incongruence must have persisted for at least six months and be accompanied by clinically significant distress or impairment in social, occupational, or other important areas of functioning.

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[23] *See* Wylie C. Hembree et al., *Endocrine Treatment of Gender-Dysphoric/Gender-Incongruent Persons: An Endocrine Society* Clinical Practice Guideline*, 102 J. Clinical Endocrinology & Metabolism 3869, 3875 (2017), https://academic.oup.com/jcem/article/102/11/3869/4157558 [hereinafter "Endocrine Guideline"] ("Biological sex, biological male or female: These terms refer to physical aspects of maleness and femaleness. As these may not be in line with each other (e.g., a person with XY chromosomes may have female-appearing genitalia), the terms biological sex and biological male or female are imprecise and should be avoided.").

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45. Being transgender is not itself a medical condition to be cured. But gender dysphoria is a serious medical condition that, if left untreated, can result in debilitating anxiety, severe depression, self-harm, and suicidality.

46. The World Professional Association for Transgender Health ("WPATH") and the Endocrine Society have published widely accepted guidelines for treating gender dysphoria.[24] The medical treatment for gender dysphoria is to eliminate the clinically significant distress by helping a transgender person live in alignment with their gender identity. This treatment is sometimes referred to as "gender transition," "transition related care," or "gender affirming care." These standards of care are recognized by the American Academy of Pediatrics, which agrees that this care is safe, effective, and medically necessary treatment for the health and wellbeing of youth suffering from gender dysphoria.[25]

47. The precise treatment for gender dysphoria for any individual depends on that person's individualized needs, and the guidelines for medical treatment differ depending on whether the treatment is for an adolescent or an adult. No medical treatment is recommended or necessary prior to the onset of puberty, however.

48. Before puberty, gender transition does not include any pharmaceutical or surgical intervention. Instead, it involves social transition, such as using a name and pronouns typically associated with the child's gender identity and dressing consistently with their gender identity.

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[24] Endocrine Guideline; World Prof'l Ass'n for Transgender Health, Standards of Care for the Health of Transsexual, Transgender, and Gender-Nonconforming People (7th Version, 2012), https://www.wpath.org/media/cms/Documents/SOC%20v7/SOC%20V7_English2012.pdf?_t=1613669341 [hereinafter, WPATH SOC].

[25] Jason Rafferty, et al., Am. Academy Pediatrics, *Ensuring Comprehensive Care and Support for Transgender and Gender-Diverse Children and Adolescents*, 142 Pediatrics (2018), https://publications.aap.org/pediatrics/article/142/4/e20182162/37381/Ensuring-Comprehensive-Care-and-Support-for; Lee Savio Beers, *American Academy of Pediatrics Speaks Out Against Bills Harming Transgender Youth*, Am. Academy Pediatrics (Mar. 16, 2021), https://www.aap.org/en/news-room/news-releases/aap/2021/american-academy-of-pediatrics-speaks-out-against-bills-harming-transgender-youth/.

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49. Under the WPATH Standards of Care and the Endocrine Society Guideline, medical interventions may become medically necessary and appropriate as transgender youth reach puberty. In providing medical treatments to adolescents, pediatric physicians and endocrinologists work in close consultation with qualified mental health professionals experienced in diagnosing and treating gender dysphoria.

50. For many transgender adolescents, going through puberty in accordance with the sex assigned to them at birth can cause extreme distress. Puberty-delaying medication allows transgender adolescents to avoid that, thus minimizing and potentially preventing the heightened gender dysphoria and permanent physical changes that puberty would cause.

51. Under the Endocrine Society Clinical Guideline, transgender adolescents may be eligible for puberty-delaying treatment if:

- A qualified mental health professional has confirmed that:
    - the adolescent has demonstrated a long-lasting and intense pattern of gender nonconformity or gender dysphoria (whether suppressed or expressed),
    - gender dysphoria worsened with the onset of puberty,
    - coexisting psychological, medical, or social problems that could interfere with treatment (e.g., that may compromise treatment adherence) have been addressed, such that the adolescent's situation and functioning are stable enough to start treatment,

      the adolescent has sufficient mental capacity to give informed consent to this (reversible) treatment,
- And the adolescent:

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- has sufficient mental capacity to give informed consent to this (reversible) treatment,
- the adolescent has been informed of the effects and side effects of treatment (including potential loss of fertility if the individual subsequently continues with sex hormone treatment) and options to preserve fertility,
- the adolescent has given informed consent and (particularly when the adolescent has not reached the age of legal medical consent, depending on applicable legislation) the parents or other caretakers or guardians have consented to the treatment and are involved in supporting the adolescent throughout the treatment process,

- And a pediatric endocrinologist or other clinician experienced in pubertal assessment:
  - agrees with the indication for gonadotropin-releasing hormone ("GnRH") agonist treatment,
  - has confirmed that puberty has started in the adolescent, and
  - has confirmed that there are no medical contraindications to GnRH agonist treatment.

52. Puberty-delaying treatment is reversible. If an adolescent discontinues the medication, puberty consistent with their assigned sex will resume. Contrary to the assertions in the Paxton Opinion, puberty-delaying treatment does not cause infertility.

53. For some adolescents, it may be medically necessary and appropriate to initiate puberty consistent with the young person's gender identity through gender-affirming hormone

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therapy (testosterone for transgender boys, and estrogen and testosterone suppression for transgender girls).

54. Under Endocrine Society Clinical Guidelines, transgender adolescents may be eligible for gender-affirming hormone therapy if:

- A qualified mental health professional has confirmed:
  - the persistence of gender dysphoria,
  - any coexisting psychological, medical, or social problems that could interfere with treatment (e.g., that may compromise treatment adherence) have been addressed, such that the adolescent's environment and functioning are stable enough to start sex hormone treatment,
  - the adolescent has sufficient mental capacity to estimate the consequences of this (partly) irreversible treatment, weigh the benefits and risks, and give informed consent to this (partly) irreversible treatment,
- And the adolescent:
  - has been informed of the partly irreversible effects and side effects of treatment (including potential loss of fertility and options to preserve fertility),
  - has given informed consent and (particularly when the adolescent has not reached the age of legal medical consent, depending on applicable legislation) the parents or other caretakers or guardians have consented to the treatment and are involved in supporting the adolescent throughout the treatment process,

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- And a pediatric endocrinologist or other clinician experienced in pubertal induction:
    - agrees with the indication for sex hormone treatment, and
    - has confirmed that there are no medical contraindications to sex hormone treatment.

55. Under the WPATH Standards of Care, transgender young people may also receive medically necessary chest reconstructive surgeries before the age of majority, provided the young person has lived in their affirmed gender for a significant period of time. Genital surgery is not recommended until patients reach the age of majority.

56. Chest reconstructive surgeries have no impact on fertility.

57. Medical treatment recommended for and provided to transgender adolescents with gender dysphoria can substantially reduce lifelong gender dysphoria and can eliminate the medical need for surgery later in life.

58. The treatment protocols for gender dysphoria supported by every major medical organization in the United States are based on extensive research and clinical experience. When existing protocols are followed, no minor is rushed into treatment. The process, instead, requires extensive mental health evaluation and informed consent procedures.

59. Providing gender-affirming medical care can be lifesaving treatment and change the short and long-term health outcomes for transgender youth.

60. All of the treatments used to treat gender dysphoria are also used to treat other conditions in minors with comparable side effects and risks.

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61. Many forms of treatment in pediatric medicine and medicine generally are prescribed "off-label". Use of medication for "off-label" non-FDA approved purposes is a common and necessary practice in medicine.

D. Legal Status of Treatment for Gender Dysphoria in the United States

62. No state in the country considers medically recommended treatment for gender dysphoria to be a form of child abuse.

63. No state in the country prohibits doctors from treating, or parents from consenting to treatment for, minor patients with gender dysphoria.

64. Arkansas is the only state to pass a law prohibiting such treatment but the law was enjoined in court before it went into effect and does not classify the treatment as a form of child abuse.[26] When the Arkansas General Assembly passed the bill prohibiting treatment for minors with gender dysphoria, Governor Asa Hutchinson vetoed it, explaining: "I vetoed this bill because it creates new standards of legislative interference with physicians and parents as they deal with some of the most complex and sensitive matters concerning our youths. It is undisputed that the number of minors who struggle with gender incongruity or gender dysphoria is extremely small. But they, too, deserve the guiding hand of their parents and the counseling of medical specialists in making the best decisions for their individual needs. H.B. 1570 puts the state as the definitive oracle of medical care, overriding parents, patients, and health-care experts. While in some instances the state must act to protect life, the state should not presume to jump into the middle of every medical, human and ethical issue. This would be—and is—a vast government overreach."[27]

[26] *Brandt v. Rutledge*, Case No.: 4:21-cv-00450-JM, 2021 WL 3292057 (E.D. Ark. Aug. 2, 2021).
[27] Asa Hutchinson, Opinion, *Why I Vetoed My Party's Bill Restricting Health Care for Transgender Youth*, Wash. Post (Apr. 8, 2021), https://www.washingtonpost.com/opinions/asa-hutchinson-veto-transgender-health-bill-youth/2021/04/08/990c43f4-9892-11eb-962b-78c1d8228819_story.html.

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65. In Arkansas, a simple majority of the General Assembly overrode Governor Hutchinson's veto and nonetheless enacted a ban on health care treatments for minors with gender dysphoria. In July 2021, that law was enjoined in federal court. Based on an extensive preliminary injunction record, the court found: "If the Act is not enjoined, healthcare providers in this State will not be able to consider the recognized standard of care for adolescent gender dysphoria. Instead of ensuring that healthcare providers in the State of Arkansas abide by ethical standards, the State has ensured that its healthcare providers do not have the ability to abide by their ethical standards which may include medically necessary transition-related care for improving the physical and mental health of their transgender patients."[28] The court further held that the law "cannot withstand heightened scrutiny and based on the record would not even withstand rational basis scrutiny if it were the appropriate standard of review."[29]

VI. PLAINTIFFS

The Doe Family

66. Plaintiff Jane Doe is married to Plaintiff John Doe and together they are the proud parents of Plaintiff Mary Doe, a 16-year-adolescent. Ex. 1, Decl. of Jane Doe.

67. Plaintiffs Jane and John have called Texas their home for nearly 20 years and Texas is the only home Mary has ever known.

68. Mary Doe is transgender. When she was born, she was designated as "male" on her birth certificate, but she is a girl.

69. From a very young age, Mary has expressed herself and behaved in manner that does not conform with the stereotypes associated with the sex she was designated at birth.

[28] *Brandt v. Rutledge*, Case No.: 4:21-cv-00450-JM, 2021 WL 3292057, at *4 (E.D. Ark. Aug. 2, 2021).
[29] *Id.*

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70. Mary's parents have been supportive and accepting of her, giving her the space to express herself and explore who she is.

71. Mary has been under the care of the same pediatrician most of her life. Her pediatrician diagnosed her with gender dysphoria and referred the family to other medical professionals who likewise confirmed that Mary suffers from gender dysphoria.

72. The family has also done research to educate themselves about gender dysphoria and its treatment, and connected Mary with youth support groups that would permit them to have discussions as a family.

73. Following Mary's diagnosis of gender dysphoria, Mary's doctors recommended that Mary be provided with medical care to treat and alleviate her gender dysphoria. This care has included the prescription of puberty-delaying medication and hormone therapy to initiate puberty consistent with her female gender.

74. In consultation with these doctors and after extensive discussions about the benefits and potential side effects of this treatment, Jane Doe, John Doe, and Mary Doe jointly decided to initiate treatment for Mary's gender dysphoria. This treatment has been prescribed by Mary's doctors in accordance with what they believe are best medical practices and what the Doe family understands will be the best course of action to protect Mary's physical and mental health.

75. Mary was worried about having to undergo a puberty that would result in permanent physical characteristics not in alignment with her female gender. Jane and John observed how the prospect of beginning this puberty caused Mary significant distress and exacerbated her dysphoria.

76. Being able to be affirmed as who she is, including through the course of treatment prescribed by her doctors, has brought Mary significant relief and allowed her to thrive.

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77. Plaintiff Jane Doe has worked in the field of child protective services at various times throughout her career. At present, Plaintiff Jane Doe is an employee of DFPS, where she works on the review of reports of abuse and neglect. Her track record as a DFPS employee has been exemplary and commended by her supervisors.

78. The issuance of the Paxton Opinion and the Abbott Letter, followed by DFPS's implementation of these to investigate the provision of medically necessary gender-affirming health care as abuse, has wreaked havoc on the Doe family.

79. Plaintiffs Jane Doe, John Doe, and Mary Doe are terrified for Mary's health and wellbeing, and for their family.

80. On February 23, 2022, following the issuance of the Paxton Opinion and the Abbott Letter, Jane communicated with her supervisor at DFPS to seek clarification of how the Abbott Letter would affect DFPS policy. Such clarification was important for her family as well as to her ability to perform her job at DFPS.

81. That same day, and just mere hours later, Jane Doe was placed on leave from her employment because she has a transgender daughter with a medical need for treatment of gender dysphoria.

82. The next day, on the afternoon of February 24, 2022, Plaintiff Jane Doe was informed that her family would be investigated in accordance with Governor Abbott's letter to determine if Jane Doe and John Doe had committed abuse by affirming their transgender daughter's identity and obtaining the medically necessary health care that she needs.

83. On February 25, 2022, a DFPS Child Protective Services (CPS) investigator visited the Doe family's home to interview Jane Doe, John Doe, and Mary Doe. The CPS investigator interviewed Jane Doe and John Doe, who were accompanied by counsel, together, while he

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interviewed Mary Doe, who was accompanied by different counsel, apart from her parents. Aside from interviewing the Doe family, the CPS investigator sought access through releases to Mary Doe's medical records, which the Doe Plaintiffs refused to sign.

84. The CPS investigator disclosed that the sole allegation against Jane Doe and John Doe is that they have a transgender daughter and that their daughter may have been provided with medically necessary gender-affirming health care and is "currently transitioning from male to female."

85. The issuance of the Paxton Opinion and the Abbott Letter, along with DFPS's implementation of these, has terrorized the Doe family and inflicted ongoing and irreparable harm.

86. As a result of DFPS's implementation and the subsequent investigation of the Doe family, Jane Doe has been placed on leave from her employment. Should DFPS incorrectly find that Jane Doe and John Doe have committed "abuse" based on Governor Abbott's and Attorney General Paxton's erroneous and misguided missives and understanding of medical treatment for gender dysphoria, Jane Doe could face termination, which would result not only in the loss of income for the family but also their health care coverage.

87. Should DFPS incorrectly issue a finding that there is reason to believe that Jane Doe and John Doe have committed "abuse" based on Governor Abbott's and Attorney General Paxton's erroneous and misguided missives and understanding of medical treatment for gender dysphoria, they would automatically be placed on a child abuse registry and be improperly subject to all of the effects that flow from such placement.

88. The issuance of the Attorney General's opinion and Governor's letter, along with DFPS's implementation of these, has caused a significant amount of stress, anxiety, and fear for the Doe family. For example, Mary has been traumatized by the prospect that she could be

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separated from her parents and could lose access to the medical treatment that has enabled her to thrive. The stress has taken a noticeable toll on her, and her parents have observed how their daughter who is typically joyful and happy, is now moodier, stressed, and overwhelmed. Similarly, Jane and John are now filled anxiety and worry. Jane has been unable to sleep, worrying about what they can do and how they can keep their family intact and their daughter safe and healthy. The Doe family is living in constant fear about what will happen to them due to the actions by DFPS, the Governor, and the Attorney General.

89. Plaintiffs Jane and John also worry about the potential physical and mental health consequences of depriving Mary of the medical treatment her doctors have prescribed and that she needs. Not providing Mary with the medically necessary health care that she needs is not an option for them, as their topmost goal and duty are to ensure Mary's health and wellbeing.

Dr. Megan A. Mooney

90. Plaintiff Dr. Megan A. Mooney is a licensed psychologist in Texas. For almost two decades now, she has worked with children and families to respond to and mitigate trauma and harm. Ex. 2, Decl. of Dr. Mooney.

91. Dr. Mooney is also a mandatory reporter obligated to report child abuse and neglect to DFPS. She has received and conducted trainings on mandatory reporting requirements and is familiar with Texas law on child abuse and neglect.

92. She runs a private psychology practice based in Houston that serves children, adolescents, and families. However, she also sees clients elsewhere in the state, including outside of the major metropolitan areas, by video conference.

93. She is bound by professional codes of ethics from the American Psychological Association to do no harm to her patients.

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94. Many of her patients are transgender or non-binary young people under the age of 18, including youth with gender dysphoria.

95. Part of Dr. Mooney's job includes providing mental health evaluations for youth with gender dysphoria, referring youth with gender dysphoria for medical treatment, and continuing to treat young people who receive medical treatment for gender dysphoria.

96. She provides this care only after careful mental health evaluations of her clients and with the informed consent of parents and the assent of minor patients.

97. As someone who works closely with LGBTQ+ young people, she has seen first-hand the trauma and harm they face and the bullying and harassment they experience, especially in schools.

98. From a clinical perspective, Dr. Mooney has also observed the tremendous health benefits that her patients experience as a result of medical treatment for gender dysphoria. These clinical observations have been supported by the most up-to-date data and scientific studies she reviews as part of her ongoing professional obligations.

99. Dr. Mooney has seen young people who were depressed and feeling hopeless and scared for their future begin to feel happy and optimistic just by starting medications to suppress puberty or to develop the secondary sex characteristics that align with their gender identity.

100. The Governor's directive and DFPS implementation have placed Dr. Mooney in an untenable situation.

101. If Dr. Mooney fails to report her clients who receive gender-affirming care, she faces the prospect of civil and criminal penalties, the loss of her license, and other severe consequences.

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102. However, if she does follow the Governor's letter and DFPS' erroneous reliance on it, she faces even more damaging personal and professional consequences.

103. Dr. Mooney would be violating her professional standards of ethics and inflict serious harm and trauma on her clients.

104. Many clients that she works with have already experienced trauma, and reporting them to DFPS simply for receiving gender-affirming care from a licensed medical provider would cause immense and irreversible harm by subjecting them to an investigation and possible family separation.

105. Being subject to an investigation would dramatically worsen the mental health outcomes of her clients, and could worsen the already tragic rate of suicide among transgender youth.

106. In addition, she would irreparably damage the bonds of trust that she has built with her clients and, as a consequence, could face the possible closure of her practice if clients know that she cannot maintain their trust. She could also be subject to malpractice lawsuits from her clients for failing to adhere to ethical guidelines and for harming her clients.

107. Dr. Mooney could also confront harsh penalties, including prison time, for the false reporting of child abuse, as she would be making a report to DFPS when she knows child abuse is not happening.

108. Thus, the issuance of the Governor's letter and DFPS' implementation has threatened and continues to threaten Dr. Mooney's morality, liberty, and livelihood.

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VII. CAUSES OF ACTION

A. Request for Declaratory Relief Under the Texas Administrative Procedure Act – By All Plaintiffs Against Defendants Commissioner Masters and DFPS

109. Plaintiffs incorporate the foregoing paragraphs in support of the following causes of action.

110. Plaintiffs request declaratory relief under the Texas Administrative Procedure Act ("APA"). *See* Tex. Gov't Code § 2001.038(a) ("The validity or applicability of a rule, including an emergency rule adopted under Section 2001.034, may be determined in an action for declaratory judgment if it is alleged that the rule or its threatened application interferes with or impairs, or *threatens to interfere with or impair, a legal right or privilege of the plaintiff*.") (emphasis added).

111. The APA contains a waiver of sovereign immunity to the extent of creating a cause of action for declaratory relief regarding the validity or applicability of a "rule." *Id.*

The DFPS Statement Constitutes a Rule, and Commissioner Masters Bypassed Mandatory APA Procedures for Rule Promulgation.

112. Under the APA, a rule

> (A) means a state agency statement of general applicability that: (i) implements, interprets, or prescribes law or policy; or (ii) describes the procedure or practice requirements of a state agency; (B) includes the amendment or repeal of a prior rule; and (C) does not include a statement regarding only the internal management or organization of a state agency and not affecting private rights or procedures.
>
> *Id.* § 2001.003(6) (line breaks omitted).

113. As DFPS Commissioner, Commissioner Masters is statutorily authorized to "provide protective services for children" and "develop and adopt standards for persons who investigate suspected child abuse or neglect at the state or local level" via rulemaking. Tex. Hum. Res. Code § 40.002(b); Tex. Fam. Code § 261.310(a).

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114. As a state agency, DFPS is required to follow APA rulemaking procedures when adopting or changing rules. APA's mandatory procedural requirements for promulgating agency rules, including public notice, comment, and a reasoned justification for the rule. *See* Tex. Gov't Code §§ 2001.023, .029, .033. To be valid, a rule must be adopted in substantial compliance with these procedures. *See id.* § 2001.035. The February 22, 2022 DFPS Statement conveys the Department's official position with respect to the investigation of gender-affirming care as child abuse. The DFPS Statement, issued in accordance with Abbott's Letter, is a statement of general applicability that is (1) directed at a class of all persons similarly situated and (2) affects the interests of the public at large. The statement provides that DFPS *will* implement the Abbott letter's directive and investigate allegations relating to gender-affirming medical care as "child abuse" according to the new definition formulated by the Paxton Opinion. The DFPS Statement thus applies to and affects the private rights of class of persons—all parents of transgender children—as well as members of the general public. *El Paso Hosp. Dist. v. Tex. Health & Human Servs. Comm'n*, 247 S.W. 3d 709, 714 (Tex. 2008) (holding that statement of Health and Human Services Commission had "general applicability" because it applied to "all hospitals"); *Combs v. Entm't Publ'ns, Inc.*, 292 S.W.3d 712, 721-22 (Tex. App.—Austin 2009, no pet.) (holding that Comptroller's statements constituted "rule" under the APA because it applied to all persons and entities similarly situated"); *see also Teladoc, Inc. v. Tex. Med. Bd.*, 453 S.W.3d 606, 615 (Tex. App.—Austin 2014, pet. denied) ("Agency statements of 'general applicability' refer to those 'that affect the interest of the public at large such that they cannot be given the effect of law without public comment,' as contrasted with statements 'made in determining individual rights.'" (citation omitted)).

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115. The DFPS Statement prescribes a new DFPS enforcement policy with respect to the investigation of gender-affirming care to minors as child abuse, which changes DFPS policy and constitutes a rule for purposes of the APA. *See Texas Alcoholic Beverage Comm'n v. Amusement & Music Operators of Texas, Inc*., 997 S.W.2d 651, 657-58 (Tex. App.—Austin 1999, writ dism'd w.o.j.) (holding that memoranda constituted a "rule" because they "set out binding practice requirements" that "substantially changed previous enforcement policy" with respect to eight-liner machines). Prior to the DFPS Statement, DFPS had not promulgated any rule pertaining to the investigation of gender-affirming care as child abuse.[30] The DFPS Commissioner explicitly disavowed pursuing these investigations in September, stating "I will await the opinion issued by the Attorney General's office before I reach any final decisions" relating to investigations of gender affirming care as child abuse. The agency has now made a statement that it *will* conduct investigations in accordance with the Attorney General's opinion, while stating that there were "no pending investigations of child abuse involving the procedures described in [the Paxton Opinion]" when DFPS announced this policy change on February 22. Prior to the Commissioner's announcement, there were *no* pending investigations being pursued by DFPS. But now there are investigations targeting Plaintiffs and the Commissioner's statement prescribed a new policy that greatly expands DFPS's scope of enforcement. *See John Gannon, Inc. v. Tex. Dep't of Transp.*, No. 03-18-00696-CV, 2020 WL 6018646, at *5 (Tex. App.—Austin Oct. 9, 2020, pet. denied) (mem. op.) (agency statements that "advise third parties regarding applicable legal requirements" may "constitute 'rules' under the APA" (quoting *LMV-AL Ventures, LLC v. Texas Dep't of Aging & Disability Servs*., 520 S.W.3d 113, 121 (Tex. App.—Austin 2017, pet. denied))).

[30] Even if DFPS had previously promulgated a rule providing for the investigation of gender-affirming medical care as "child abuse", such a rule would have exceeded the bounds of DFPS's authority. *See infra* paras. 118-125.

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116. In declaring that investigations would be initiated based on a non-binding opinion from the Attorney General, the Commissioner entirely bypassed the APA's mandatory procedural requirements for promulgating agency rules. The Commissioner did not provide public notice or an opportunity for and full consideration of comments from the public. Additionally, the Commissioner provided no reasoned justification for the policy change, nor for the implementation of the Abbott letter which goes even further than Paxton's Opinion by making no mention of medical necessity. Neither the non-binding Paxton Opinion nor the Abbott Letter—both of which conflict with well-established medical standards of care—are a legitimate basis for the rule. The rule, therefore, is also arbitrary and capricious.

117. A rule that is not properly promulgated under mandatory APA procedures is invalid. *El Paso Hosp. Dist.*, 247 S.W.3d at 715. As such, the DFPS Statement is invalid and should not be given effect, and DFPS enforcement activity implementing the DFPS Statement should be enjoined.

The DFPS Statement Conflicts with DFPS's Enabling Statute, Exceeding its Authority.

118. The DFPS Statement is also invalid because it stands in direct conflict with DFPS's enabling statute and, as such, is an overreach of DFPS's power as established by the legislature.

119. "To establish the rule's facial invalidity, a challenger must show that the rule: (1) contravenes specific statutory language; (2) runs counter to the general objectives of the statute; or (3) imposes burdens, conditions, or restrictions in excess of or inconsistent with the relevant statutory provisions." *Gulf Coast Coal. of Cities v. Pub. Util. Comm'n*, 161 S.W.3d 706, 712 (Tex. App.—Austin 2005).

120. The DFPS Statement contravenes specific language in DFPS's enabling statute. Section 40.002 of the Texas Human Resources Code specifies that DFPS "*shall* . . . provide family support and family preservation services *that respect the fundamental right of parents to control*

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the education and upbringing of their children." Tex. Hum. Res. Code § 40.002 (emphasis added). As demonstrated herein, the DFPS Statement infringes on the rights of parents to direct the custody and care of their children, including by providing them with needed medical care. *See infra*, Section VII.D. The new DFPS rule thus conflicts with the obligations imposed on DFPS by its enabling statute and, therefore, is, invalid.

121. In addition to conflicting with specific statutory language, the DFPS Statement also conflicts with the general objectives of DFPS's enabling statute. *See Gulf Coast Coal. of Cities*, 161 S.W.3d at711-12. These general objectives are informed by the specific duties imposed on DFPS by the legislature and encompass the objective of protecting children against abuse while respecting parents' fundamental right to control the upbringing of their children. *See* Tex. Hum. Res. Code § 40.002(b). Not only does the DFPS Statement infringe on parents' fundamental rights, it also *causes* immense harm to minor children with gender dysphoria who have a medical need for treatment that is now considered "child abuse" under the new agency rule.

122. Pursuant to the DFPS Statement and implementation thereof, the Doe Parent Plaintiffs cannot provide medically necessary and doctor-recommended medical treatment to their adolescent child without exposing themselves to criminal liability. Precisely because this medical treatment is necessary, if the Does ceased providing this care, Mary will be greatly and irreparably harmed, including by being forced to undergo endogenous puberty with the permanent physical changes that can result. The new DFPS rule, though cloaked under the guise of protecting children, actually *causes* harm where none existed in the first place. Furthermore, the mere *threat* of enforcement has already impacted Mary by causing her immeasurable anxiety and distress: she is forced to choose between the medical care that she needs and exposing her parents to criminal liability and potentially being removed from their care or, alternatively, abstaining from such

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medically necessary care and suffering the physical and mental consequences, all in order to protect their family from DFPS investigation. As such, the new DFPS rule cannot be harmonized with DFPS's general objectives as set forth in its enabling statute. *See R.R. Comm'n of Tex. v. Lone Star Gas Co*., 844 S.W.2d 679, 685 (Tex.1992); *Gerst v. Oak Cliff Sav. & Loan Ass'n*, 432 S.W.2d 702, 706 (Tex. 1968).

123. Every major medical organization in the United States considers the treatment now effectively banned and criminalized by DFPS to be medically necessary. Such a radical disregard of medical science and the medical needs of a subset of minors in Texas cannot be squared with the agency's authority as prescribed by Statute.

124. Finally, nothing in DFPS's enabling statute authorizes it to expand the scope of statutory definitions established by the legislature. The definition of "child abuse" is provided by statute and is not within DFPS's jurisdiction. Because the DFPS Statement is not rooted in any rulemaking authority provided by the legislature, it is invalid. *See Williams v. Tex. State Bd. of Orthotics & Prosthetics*, 150 S.W.3d 563, 568 (Tex. App.-Austin 2004, no pet.) ("An agency rule is invalid if [] the agency had no statutory authority to promulgate it . . . .").

125. This unauthorized expansion of the definition of "child abuse" not only harms the Does, but also altered the duties of mandatory reporters such as Dr. Mooney, subjecting them to criminal liability for failing to report when they are aware that a transgender adolescent is being provided medically necessary treatment for gender dysphoria.

Implementation of the DFPS Statement Interferes with Plaintiffs' Constitutional Rights.

126. Separate and apart from the procedural defects set forth above, the DFPS Statement is also invalid because its application interferes with Plaintiffs' fundamental parental rights and other equality and due process guarantees of the Texas Constitution.

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127. Under the APA, an action for declaratory judgment can be sustained if a "rule or its threatened application interferes with or impairs, or threatens to interfere with or impair, a legal right." Tex. Gov't Code § 2001.038(a). Agency rules that are unconstitutional can be invalidated through declaratory judgment. *See Williams*, 150 S.W.3d at 568.

128. The DFPS Statement and implementation thereof interfere with the Doe Parent Plaintiffs' fundamental right to care for their children guaranteed by the Texas State Constitutions. *Wiley v. Spratlan*, 543 S.W.2d 349, 352 (Tex. 1976). The Texas legislature has codified its acknowledgement that parents possess fundamental, constitutional rights beyond those expressly provided for by statute. Tex. Fam. Code § 151.001(a)(11) (concluding enumerated list of parental rights and obligations by stating that a parent has "any other right or duty existing between a parent and child by virtue of law").

129. DFPS's purported interest in preventing transgender children from receiving life-saving and medically recommended treatment for gender dysphoria is far outweighed by parents' rights to determine what medical care is necessary and in the best interests of their child, in consultation with doctors and evidence-based standards of care. A parent's right to control the care of their child is one of the most ancient and natural of all fundamental rights. *See Holick v. Smith*, 685 S.W.2d 18, 20 (Tex. 1985) ("This natural parental right has been characterized as essential, a basic civil right of man, and far more precious than property rights." (citation and quotations omitted)).

130. By, in effect, cutting off the ability of parents to treat their minor adolescent children in accordance with doctor-recommended and clinically appropriate care, the agency's new rule infringes on the Does' parental rights. The agency's new rule substitutes parents' judgment as to what medical care is in the best interests of their children for the judgment of the

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government. There is no justification sufficiently compelling to warrant such a gross invasion of parental rights. The DFPS Statement creates a presumption that following clinical guidelines for treating gender dysphoria is incompatible with the best interests of transgender youth, forecloses determinative issues of competence and care, and "run[s] roughshod over the important interests of both parent and child." *Stanley v. Illinois*, 405 U.S. 645, 657 (1972).

131. As such, the DFPS Statement must be declared invalid because it conflicts with Plaintiffs' fundamental rights of parents under the Texas Constitution, as well as other equality and due process guarantees of the Texas Constitution.

B. Ultra Vires Claims – By All Plaintiffs Against Defendants Governor Abbott and Commissioner Masters

132. Plaintiffs incorporate the foregoing paragraphs in support of the following causes of action.

133. Plaintiffs request declaratory relief under the Uniform Declaratory Judgments Act ("UDJA").

134. The UDJA is remedial and intended to settle and afford relief from uncertainty and insecurity with respect to rights under state law and must be liberally construed to achieve that purpose. Tex. Civ. Prac. & Rem. Code. § 37.002. The UDJA waives the sovereign immunity of the State and its officials in actions that challenge the constitutionality of government actions and that seek only equitable relief.

135. Pursuant to the UDJA, Plaintiffs seek a declaratory judgment of the Court that Abbott's Letter and the DFPS Statement directing DFPS to investigate families for providing their children with medically necessary health care:

a. Is *ultra vires* and exceeds the Governor's and the Commissioner's authority under the Texas Family Code; and

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b. Contravenes separation of powers established by Article II of the Texas Constitution.

136. In order to stop the Governor's and Commissioner's *ultra vires* and unconstitutional directives from being enforced, Plaintiffs also seek temporary and permanent injunctive relief pursuant to Texas Civil Practices & Remedies Code §§ 37.011 and 65.011.

137. A government official commits an *ultra vires* act when the officer "act[s] without legal authority or fail[s] to perform a purely ministerial act." *City of El Paso v. Heinrich*, 284 S.W.3d 366, 372 (Tex. 2009). An officer acts without legal authority "if he exceeds the bounds of his granted authority or if his acts conflict with the law itself." *Houston Belt & Terminal Ry. Co. v. City of Houston*, 487 S.W.3d 154, 158 (Tex. 2016).

138. In this case, both Governor Abbott and Commissioner Masters have acted without legal authority in directing DFPS to initiate investigations for any reported instances of the enumerated medical procedures in the Abbott Letter. For the reasons discussed below, there is a "probable right to relief" here on the *ultra vires* claims. *See Abbott v. Harris Cty.*, No. 03-21-00429-CV, 2022 WL 92027, at *10 (Tex. App. Jan. 6, 2022) (finding that plaintiffs had established "a probable right to relief on their claim that the Governor's issuance of [an executive order] constitutes an ultra vires act" in granting injunctive relief).

Governor Abbott Has Exceeded His Authority.

139. Governor Abbott has exceeded his authority by unilaterally redefining child abuse and then ordering "prompt and thorough investigation[s]" based on his redefinition.[31]

[31] Greg Abbott, Letter to Hon. Jaime Masters, Commissioner, Tex. Dep't of Fam. & Protective Servs. (Feb. 22, 2022), https://gov.texas.gov/uploads/files/press/O-MastersJaime202202221358.pdf.

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140. In contrast to the Governor's past executive orders, *see, e.g.*, Executive Order GA-38 (citing Tex. Gov't Code. § 418.016), Governor Abbott issued this directive without citing any gubernatorial authority.

141. Instead, the Abbott Letter cites only to the Texas Family Code. The Texas Family Code, however, does not give Governor Abbott any authority to define the contours of "child abuse" or to "direct the agency to "conduct . . . investigation[s]," as he attempted to do in his letter.[32] The Texas Family Code itself defines child abuse and outlines DFPS's investigatory authority. *See* Tex. Fam. Code §§ 261.001, 261.301. These laws also specifically task the DFPS Commissioner with establishing procedures for investigating abuse and neglect, based on the definitions of abuse and neglect under Texas law and in accordance with the APA. Thus, the Governor has no authority to define the contours of what constitutes child abuse under Texas law or to unilaterally change any DFPS procedures. Indeed, even the Paxton Opinion merely identified what *could* be considered "child abuse". Governor Abbott then took that non-binding analysis and directed DFPS to presume, in all cases, that a minor adolescent with gender dysphoria with medical treatment consistent with well-established medical guidelines amounted to abuse.

142. Furthermore, the Texas Constitution makes clear that the Governor only administers the law pursuant to the general grant to "cause the laws to be faithfully executed." Tex. Const. art. 4, § 10. The Governor neither makes the law nor possesses the authority to suspend laws under the Texas Constitution. *See* Tex. Const. art. 1, § 28 ("No power of suspending laws in this State shall be exercised except by the Legislature.").

143. Even where a state agency like DFPS has been delegated the power to make rules, the Governor cannot lawfully order the Commissioner to adopt a particular rule, much less order

[32] *Id.*

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her to do so without following the proper rulemaking process. *See* Tex. Hum. Res. Code § 40.027(c)(3) (tasking the Commissioner, not the Governor, with "oversee[ing] the development of rules relating to the matters within the department's jurisdiction").

Commissioner Masters Has Exceeded Her Authority.

144. Commissioner Masters has also exceeded her authority and acted *ultra vires* by implementing Governor Abbott's unlawful redefinition of child abuse. In accordance with the DFPS Statement issued soon after the Abbott Letter, Commissioner Masters has already directed her department to investigate any reports of minors who have undergone the medical procedures outlined in the Abbott Letter.

145. These actions contravene Commissioner Masters' limited statutory authority to "adopt rules and policies for the operation of and the provision of services by the department." Tex. Hum. Res. Code § 40.027(e). As set forth in Count A, Commissioner Masters has completely ignored the APA's mandatory rulemaking process. Therefore, the issuance and implementation of the DFPS Statement is *ultra vires* of the Commissioner's statutory rulemaking authority. *See City of El Paso v. Public Util. Comm'n*, 839 S.W.2d 895, 910 (Tex. App.—Austin 1992) ("[I]f there is no specific express authority for a challenged [agency] action, and if the action is inconsistent with a statutory provision or ascertainable legislative intent, we must conclude that, by performing the act, the agency has exceeded its grant of statutory authority."), *aff'd in part & rev'd in part*, 883 S.W.2d 179 (Tex. 1994). Furthermore, the Commissioner lacked authority to issue the DFPS Statement as new law or policy because it is the legislature's constitutional mandate to "provide for revising, digesting and publishing the laws." Tex. Const. art. 3, § 43.

146. Moreover, the DFPS Statement contradicts DFPS's enabling statute, which requires the department to "provide protective services for children" and "provide family support and family preservation services that respect the fundamental right of parents to control the education

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and upbringing of their children." Tex. Hum. Res. Code § 40.002(b). Rather than support children and respect the right of parents to raise their children and the rights of transgender minors to receive medically necessary treatment available to similarly situated non-transgender minors, Commissioner Masters' action has already directly caused harm to loving families across Texas. This harm will become even more irreparable as investigations turn into family separations and medically necessary treatments are terminated.

147. Finally, this sequence of events, in which a Commissioner agrees to follow a Governor's unlawful directive—issued not as an executive order but as a letter—has never before been recognized by a court as a proper execution of government authority, further supporting the *ultra vires* nature of both officials' actions here.

C. Separation of Powers Claims – By All Plaintiffs Against Defendants Governor Abbott and Commissioner Masters

148. Plaintiffs incorporate the foregoing paragraphs in support of the following causes of action.

149. Defendants' actions violate the separation of powers established by Article II of the Texas Constitution. Defendants' actions run afoul of Article II in two ways:

a. *First*, the Governor's directive, which criminalizes conduct by adding a new definition of "child abuse" under Section 261.001 of the Texas Family Code, unduly interferes with the functions of the state legislature, which possesses *sole* authority to establish criminal offenses and designate applicable penalties. *See Martinez v. State*, 323 S.W.3d 493, 501 (Tex. Crim. App. 2010).

b. *Second*, all Defendants seek to adopt and enforce an overbroad interpretation of "child abuse." They do this in contravention of the plain

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meaning of the statute, and despite the state legislature's recent decision not to adopt such a definition. This too represents an overreach by the executive branch into the legislative function.

150. The Texas Constitution prohibits one branch of state government from exercising power inherently belonging to another branch. Tex. Const. art. II, § 1; *see also Gen Servs. Comm'n v. Little-Tex. Insulation Co.*, 39 S.W.3d 591, 600 (Tex. 2001) (superseded by statute on other grounds).

151. A separation of powers constitutional violation occurs when: (1) one branch of government has assumed or has been delegated a power more "properly attached" to another branch, or (2) one branch has unduly interfered with another branch so that the other branch cannot effectively exercise its constitutionally assigned powers. *Jones v. State*, 803 S.W.2d 712, 715 (Tex. Crim. App. 1991) (citing *Rose v. State*, 752 S.W.2d 529, 535 (Tex. Crim. App. 1987)).

152. The "power to make, alter, and repeal laws" lies with the state legislature, and such power is plenary, "limited only by the express or clearly implied restrictions thereon contained in or necessarily arising from the Constitution." *Diaz v. State*, 68 S.W.3d 680, 685 (Tex. App.—El Paso 2000, pet. denied).

153. In particular, the legislature possesses the *sole* authority to establish criminal offenses and designate applicable penalties. *See Martinez*, 323 S.W.3d at 501; *see also Matchett v. State*, 941 S.W.2d 922, 932 (Tex. Crim. App. 1996) (the authority to define crimes and prescribe penalties for those crimes is vested exclusively with the legislature).

154. Governor Abbott's directive unduly interferes with the state legislature's sole authority to establish criminal offenses and penalties. First, the Abbott Letter outright claims that

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"a number of so-called 'sex change' procedures constitute child abuse under existing Texas law," despite the fact that the legislature has failed to pass nearly identical legislation.

155. The Abbott Letter also violates separation of powers by inventing a separate crime when it directs, under the threat of *criminal prosecution*, "all licensed professionals who have direct contact with children" as well as "members of the general public" to report instances of minors who have undergone the medical procedures outlined in the Letter and the Paxton Opinion. This, too, is without legislative approval and represents an overreach by the executive into the core legislative function of establishing crimes and criminal penalties.

156. Second, separate and apart from the criminalization of conduct that has heretofore been legal, all Defendants violate separation of powers by seeking to adopt and enforce an overbroad interpretation of "child abuse" under the Family Code.

157. Courts have repeatedly held that the executive branch and the courts must, in construing statutes, take them as they find them. *See Tex. Highway Comm'n v. El Paso Bldg. & Const. Trades Council*, 234 S.W.2d 857, 863 (Tex. 1950); *Simmons v. Arnim*, 220 S.W. 66, 70 (Tex. 1920); *City of Port Arthur v. Tillman*, 398 S.W.2d 750, 752(Tex. 1965). In particular, the other branches are not empowered to "substitute what [they] believe is right or fair for what the legislature has written," *Vandyke v. State*, 538 S.W.3d 561, 569 (Tex. Crim. App. 2017) (citations omitted), or to give meanings to statutory language that contravene their plain meaning or clear legislative intent. *See Burton v. Rogers*, 492 S.W.2d 695 (Tex. Civ. App.—Beaumont 1973), writ granted, (July 11, 1973) and *judgment rev'd on other grounds*, 504 S.W.2d 404 (Tex. 1973) (finding that words employed by the legislature must be taken in their ordinary and popular acceptation). To do otherwise would once again violate the core legislative power to make, alter, and repeal laws.

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158. Defendants violate separation of powers when they attempt to create new and novel definitions for "child abuse" under the Family Code. Defendants endeavored to redefine "child abuse" in spite of the state legislature's recent refusal to adopt Senate Bill 1646, which would have included certain treatments for gender dysphoria in adolescents under the definition of child abuse, and bills like it, such as House Bills 68 and 1339. In expanding the definition of child abuse beyond the limits permitted by the plain meaning of the Family Code, and in clear defiance of legislative intent, the Defendants impermissibly invade the legislative field. *See Brazos River Auth. v. City of Graham*, 354 S.W.2d 99, 109 (Tex. 1961).

159. Finally, there has been no delegation of powers from the state legislature to the executive that would in any way cure the separation of powers violation. While the legislature may not generally delegate its law-making power to another branch, it may designate some agency to carry out legislation for the purposes of practicality or efficiency. *See Tex Boll Weevil Eradication Found., Inc. v. Lewellen*, 952 S.W.2d 454, 466 (Tex. 1997). Separation of powers requires that in statutes delegating such power, the legislature provide definite guidelines and prescribe sufficient standards to guide the discretion conferred. *See State v. Rhine*, 255 S.W.3d 745, 749 (Tex. App.—Fort Worth 2008, pet. granted). Such standards must be reasonably clear and acceptable as standards of measurement. Tex. Const. art. II § 1.

160. In the instant case, the Texas Family Code provides no such delegation in any way from the state legislature to the executive of the power to expand—unilaterally and without legislative approval—the definition of "child abuse." Recent decisions by the state legislature in fact signal that the legislature does not intend and has explicitly declined to expand the definition of child abuse at this time to include certain gender-affirming care for minors.

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161. For the foregoing reasons, Defendants' actions violate state constitutional separation of powers.

D. Due Process Vagueness Claims – By All Plaintiffs Against Defendants Governor Abbott and Commissioner Masters

162. Article 1, Section 19 of the Texas Constitution states: "No citizen of this State shall be deprived of life, liberty, property, privileges or immunities, or in any manner disfranchised, except by the due course of the law of the land." Under this guarantee, a governmental enactment is unconstitutionally vague if it fails to provide a person of ordinary intelligence fair notice of what is prohibited or is so standardless that it authorizes or encourages seriously discriminatory enforcement. *See Ex parte Jarreau*, 623 S.W.3d 468, 472 (Tex. App.--San Antonio 2020) (quoting *Sessions v. Dimaya*, 138 S. Ct. 1204, 1212 (2018)). Differently stated, governmental enactments are unconstitutionally void for vagueness when their prohibitions are not clearly defined.

163. Criminal enactments are subject to an even stricter vagueness standard because "the consequences of imprecision are... severe." *Hoffman Estates v. Flipside, Hoffman Estates, Ic.*, 455 U. S. 489, 498–499 (1982). Each ground—a lack of fair notice and a lack of standards for enforcement—provides an independent basis for a facial vagueness challenge. *Ex parte Jarreau*, 623 S.W.3d at 472.

164. The Abbott letter and DFPS's attempt to adopt and enforce an overbroad interpretation of "child abuse" under the Family Code create precisely this type of unconstitutional vagueness. These vague prohibitions leave parents like Plaintiffs Jane and John Doe uncertain how to act in order to avoid criminal penalty in their efforts to provide for the medical needs of the children they love. Under the text of the Family Code itself, a parent is liable for neglect for "failing to seek, obtain, or follow through with medical care for a child, with the failure resulting in or presenting an immediate danger of death, disfigurement, or bodily injury or with the failure

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resulting in an observable and material impairment to the growth, development, or functioning of the child." Tex. Fam. Code § 261.001(4)(A)(ii)(b). Failing to seek medically necessary treatment for an adolescent's gender dysphoria could fall within this statutory definition. But if parents pursue the medical care necessary to their transgender minor adolescent's growth, development, or functioning, Defendants' recent actions make them liable for abuse. These parents are left without fair notice of how their actions will be assessed and what standard DFPS will employ.

165. The same is true for mandatory reporters like Plaintiff Dr. Mooney, who are left in a similarly untenable position. Under Defendants' actions, failing to report her clients who receive gender-affirming care will subject her to civil and criminal penalties, the loss of her license, and other severe consequences. If she does report her clients solely because they have sought essential and necessary medical care, however, she will be subject to penalty for violating professional standards of ethics and false reporting of child abuse under the plain terms of the statute, let alone having inflicted serious harm and trauma on her clients. Mandated reporters are left without fair notice of how their actions will be assessed and what standards will apply to them.

E. Deprivation of Parental Rights Due Process Claims – By Plaintiffs Jane and John Doe Against Defendants Governor Abbott and Commissioner Masters

166. Plaintiffs incorporate the foregoing paragraphs in support of the following causes of action.

167. Plaintiffs' right to care for their children is a fundamental liberty interest protected by the Texas Constitution and acknowledged by the legislature. *See Wiley v. Spratlan*, 543 S.W.2d 349, 352 (Tex. 1976); *see also* Tex. Fam. Code § 151.001(a)(11).

168. Under substantive due process, the government may not infringe parental rights unless there exist exceptional circumstances capable of withstanding strict scrutiny. *See Wiley v. Spratlan*, 543 S.W.2d 349, 352 (Tex. 1976). The state must have a compelling state interest, and

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the state action in question "*must* be narrowly drawn to express *only* the legitimate state interests at stake." *Gibson v. J.W.T.*, 815 S.W.2d 863, 868 (Tex. App. – Beaumont 1991, writ granted), *aff'd and remanded In re J.W.T.*, 872 S.W.2d 189 (Tex. 1994) (citations omitted).

169. In the present case, there are no exceptional circumstances that would justify Defendants' complete negation of Plaintiffs' fundamental liberty interests in parental autonomy. There is perhaps no right more fundamental than the right of parents to care for their children. *See Holick v. Smith*, 685 S.W.2d 18, 20 (Tex. 1985). Defendants have trampled Plaintiffs' right to care for their children by effectively criminalizing the act of providing medically necessary care to their children in consultation with medical professionals in accordance with applicable standards of care. Defendants' actions cause immeasurable harm to both parents and young people, threaten family separation, and lack any legitimate justification at all, let alone a constitutionally adequate one. This is not a "narrowly drawn" policy that respects Plaintiffs' fundamental due process rights to parent their children.

F. Violation of the Guarantee of Equal Rights and Equality Under the Law – By Plaintiff Mary Doe Against Defendants Governor Abbott and Commissioner Masters

170. The Abbott Letter, DFPS's statement, and DFPS's implementation of these violates the Texas Constitution by denying transgender youth equal protection under law. Under the Texas Constitution, all persons "have equal rights," Tex. Const. art. I, § 3, and "[e]quality under the law shall not be denied or abridged because of sex." Tex. Const. art. I, § 3a.

171. The Abbott letter, incorporated into DFPS's statement, specifically designates "*gender*-transitioning procedures" to be abusive and refers to the Paxton Opinion by noting that it deems "'*sex* change' procedures [to] constitute child abuse." The Abbott letter, incorporated into DFPS's statement, explicitly uses sex-based terms, making plain that the discrimination at issue here is based on sex. Moreover, it discriminates against transgender youth, like Mary, because

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they are transgender and they fail to conform to the stereotypes associated with the sex they were designated at birth.

172. As the United States Supreme Court has explained, however, "discrimination based on … transgender status necessarily entails discrimination based on sex." *Bostock v. Clayton Cty., Georgia*, 140 S. Ct. 1731, 1747 (2020); *cf. Tarrant Cty. Coll. Dist. v. Sims*, 621 S.W.3d 323, 329 (Tex. App. 2021) ("[W]e conclude we must follow Bostock and read the TCHRA's prohibition on discrimination 'because of ... sex' as prohibiting discrimination based on an individual's status as a … transgender person."). Likewise, discrimination based on transgender status is independently unconstitutional. *See Brandt v. Rutledge*, No. 4:21CV00450 JM, 2021 WL 3292057, at *2 (E.D. Ark. Aug. 2, 2021) ("The Court concludes that heightened scrutiny applies to Plaintiffs' Equal Protection claims because Act 626 rests on sex-based classifications and because 'transgender people constitute at least a quasi-suspect class.'" (quoting *Grimm v. Gloucester Cty. Sch. Bd.*, 972 F.3d 586, 607 (4th Cir. 2020)).

173. The Abbott letter, DFPS's statement, and DFPS's implementation of these directives therefore unlawfully discriminate against transgender youth by deeming the medically necessary care for the treatment of their gender dysphoria as presumptively abuse because they are transgender when the same treatment is permitted for non-transgender youth. By doing so, the Abbott letter, DFPS's statement, and DFPS's implementation of these directives place a stigma and scarlet letter upon transgender youth and subject them to additional harms. For example, the Abbott letter, DFPS's statement, and DFPS's implementation of these directives do nothing to protect transgender youth, yet subject them to abuse investigations simply because of who they are and force the denial of their medically necessary care unless they are separated from their families or their parents are penalized.

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VIII. APPLICATION FOR EMERGENCY TEMPORARY RESTRAINING ORDER, TEMPORARY INJUNCTION, AND PERMANENT INJUNCTION

174. In addition to the above-requested relief, Plaintiffs seek a temporary restraining order, temporary injunction, and permanent injunction to stop this *ultra vires*, unlawful, and unconstitutional Order from being enforced by Defendants.

175. A temporary restraining order's purpose is to maintain the status quo pending trial. "The status quo is the last actual, peaceable, non-contested status which preceded the pending controversy." *In re Newton*, 146 S.W.3d 648, 651 (Tex. 2004) (citing *Janus Films, Inc. v. City of Fort Worth*, 358 S.W.2d 589, 589 (Tex. 1962) (per curiam)). Until a permanent injunction can be decided on the merits, Plaintiffs are entitled to a temporary restraining order pursuant to Texas Civil Practice & Remedies Code sections 37.011 and 65.011 and Texas Rules of Civil Procedure 680 *et seq.* to preserve the status quo before the unconstitutional enactment of Abbott's Letter and the DFPS Statement, which incorporate and reference the Paxton Opinion.

176. Plaintiffs meet all the elements necessary for immediate injunctive relief with respect to their APA, *ultra vires*, and separation of powers claims described above. Plaintiffs state a valid cause of action against each Defendant and have a probable right to the relief sought. For the reasons detailed above, there is a substantial likelihood that Plaintiffs will prevail after a trial on the merits because the Governor's directive is *ultra vires*, beyond the scope of his authority, and unconstitutional, and the improper rulemaking and implementation by Commissioner Masters and DFPS are similarly unlawful and void. Further, the Governor's and Commissioner's actions violate the separation of powers by impermissibly encroaching into the legislature's domain. Plaintiffs have already been injured by these actions and will continue to experience imminent and irreparable harm without injunctive relief.

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177. Plaintiffs in this suit will face imminent and irreparable harms absent intervention by the Court. Specifically, Jane Doe has already been placed on administrative leave at work and is at risk of losing her job, her livelihood, and the means of caring for her family. Jane, John and Mary Doe face the imminent and ongoing deprivation of their constitutional rights. Mary faces the potential loss of her medically necessary care, which if abruptly discontinued can cause severe physical and emotional harms, including anxiety, depression, and suicidality. If placed on the Child Abuse Registry, Jane could lose the ability to practice her profession, and Jane and John Doe would be barred from ever working with children, including as volunteers in their community. Absent intervention by this court, Dr. Mooney could face civil suit by patients for failing to treat them in accordance with professional standards and loss of licensure for failing to follow her professional ethics, if she complies with Defendants' orders and actions. If she does not comply with Defendants' orders, Dr. Mooney could face immediate criminal prosecution.

178. For the same reasons above, Plaintiffs request the Court issue a temporary restraining order now and a temporary injunction following a hearing within 14 days and a permanent injunction after a trial on the merits. Since there is no adequate remedy at law that is complete, practical, and efficient to the prompt administration of justice in this case, equitable relief is necessary to enjoin the enforcement of enforcement of Defendants' illegal policy, preserve the status quo, and ensure justice.

179. In balancing the equities between Plaintiffs and Defendants, Plaintiffs will suffer imminent, irreparable, and ongoing harm including the deprivation of their vocations, their medical

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treatment, and their constitutional rights, whereas the injury to Defendants is nominal pending the outcome of this suit. In fact, enjoining the Order will free an already overburdened DFPS.[33]

180. Plaintiffs are willing to post a bond if ordered to do so by the Court, but request that the bond be minimal because Defendants are acting in a governmental capacity, have no pecuniary interest in the suit, and no monetary damages can be shown. Tex. R. Civ. P. 684.

IX. CONDITIONS PRECEDENT

181. All conditions precedent have been performed or have occurred.

X. RELIEF REQUESTED

182. For the foregoing reasons, Plaintiffs request the Court grant the following relief:

a. A temporary restraining order to preserve the *status quo* and restrain Defendants from improperly relying on Abbott's Letter and the Paxton Opinion to investigate and report families based on the fact that their adolescent children are transgender; are transitioning; or have been prescribed or are being provided with medical treatment for their gender dysphoria, while the validity of Abbott's Letter and the Paxton Opinion are determined at a hearing to be held within 14 days;

b. Upon hearing, a temporary injunction prohibiting Defendants from enforcing Abbott's Letter, the Paxton Opinion, or the DFPS Statement, including by: requiring mandatory reporters or the general public to report families with minor children who are transgender or who have a diagnosis of gender dysphoria and are receiving medically recommended treatment for that condition, and investigating families for possible child abuse based

[33] Reese Oxner & Neelam Bohra, *Texas foster care crisis worsens, with fast-growing numbers of children sleeping in offices, hotels, churches*, Tex. Trib. (July 19, 2021), https://www.texastribune.org/2021/07/19/texas-foster-care-crisis/.

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on allegations that they have a child that is transgender or that they have a minor child with gender dysphoria who is being treated with medically prescribed treatment for that condition;

c. After trial, a permanent injunction prohibiting Defendants from enforcing Abbott's Letter or the DFPS Statement, including by: requiring mandatory reporters or the general public to report families with minor children who are transgender or who have a diagnosis of gender dysphoria and are receiving medically recommended treatment for that condition, and investigating families for possible child abuse based on allegations that they have a child that is transgender or that they have a minor child with gender dysphoria who is being treated with medically prescribed treatment for that condition;

d. Declaratory judgment that the DFPS Statement violates the Texas Administrative Procedure Act;

e. Declaratory judgment that Abbott's Letter and the DFPS Statement are *ultra vires* and unconstitutional;

f. Reasonable and necessary attorneys' fees and costs as are equitable and just under Tex. Civ. Prac. & Rem. Code § 37.009; and

g. All other relief, general and special, at law and in equity, as the Court may deem necessary and proper.

[Signature Page Follows]

AMERICAN OVERSIGHT

Dated: March 1, 2022

Respectfully submitted:

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Pro hac vice forthcoming

Attorneys for Plaintiffs

CERTIFICATE OF CONFERENCE

I certify that Plaintiffs have notified Defendants pursuant to the Local Rules of the District Courts of Travis County and will file the certification for requested temporary restraining order hearing.

/s/ Paul D. Castillo
Paul D. Castillo

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TX-DFPS-22-0329-A-000693

Exhibit 1

AMERICAN OVERSIGHT

CAUSE NO. _____

JANE DOE, *et al.*,	§	**IN THE DISTRICT COURT OF**
	§	
Plaintiffs,	§	
	§	**TRAVIS COUNTY, TEXAS**
v.	§	**_____ JUDICIAL DISTRICT**
	§	
	§	
GREG ABBOTT, *et. al*,	§	
	§	
Defendants.	§	

DECLARATION OF JANE DOE

I, Jane Doe,[1] hereby declare and state as follows:

1. I am over 18 years of age, of sound mind, and in all respects competent to testify. I have personal knowledge of the facts set forth in this Declaration and would testify competently to those facts if called to do so.

2. Along with my husband John Doe, I am a Plaintiff in this action. We are bringing claims on behalf of ourselves and as the parents and next friends of our daughter, Mary Doe.

3. We are residents of Texas.

4. Our daughter, Mary Doe, is 16 years old. We love and support her and only want what is best for her.

5. Mary is transgender. When she was born, she was designated as "male" on her birth certificate, even though she is a girl.

[1] Jane Doe, John Doe, and Mary Doe are pseudonyms. My husband, daughter (who is a minor), and I are proceeding under pseudonyms to protect our right to privacy and ourselves from discrimination, harassment, and violence, as well as retaliation for seeking to protect our rights.

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6. From a very young age, Mary has expressed herself and behaved in manner that does not conform with the stereotypes associated with the sex she was designated at birth.

7. We have always permitted Mary to express herself and explore who she is.

8. In 2021, Mary informed us that she was transgender.

9. Mary has been under the care of the same pediatrician her entire life. Her pediatrician diagnosed her with gender dysphoria and referred our family to other medical professionals for further evaluation and treatment. These other medical professionals confirmed that Mary suffers from gender dysphoria.

10. We also did research as a family and connected Mary with youth support groups that would permit us to have discussions as a family.

11. Following Mary's diagnosis of gender dysphoria, Mary's doctors recommended that Mary be provided with medical care to treat and alleviate her gender dysphoria. This care has included the prescription of puberty-delaying medications and hormone therapy.

12. In consultation with these doctors and after extensive discussions about the benefits and potential side effects of this treatment, John, Mary, and I jointly decided to initiate treatment for Mary's gender dysphoria. This treatment has been prescribed by Mary's doctors in accordance with what they believe are best medical practices and what we understand will be the best course of action to protect Mary's physical and mental health.

13. Mary was worried about having to undergo a puberty that would result in permanent physical characteristics not in alignment with her female gender. We observed how the prospect of beginning this puberty caused Mary significant distress and exacerbated her dysphoria.

14. Being able to be affirmed as who she is, including through the course of treatment prescribed by her doctors, has brought Mary significant relief and allowed her to thrive.

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15. My topmost commitment as a parent is to ensure to the health, safety, and wellbeing of my daughter, whom John and I love and support.

16. I have worked in the field of child protective services at various times throughout my career. At present, I am an employee for the Texas Department of Family and Protective Services (DFPS), where I work on the review of reports of abuse and neglect. My supervisors have recognized and commended my performance, which has been recognized through career advancement and merit compensation.

17. The issuance of Attorney General Paxton's opinion dated February 18, 2022 and Governor Abbott's letter on February 22, 2022, followed by DFPS's implementation of these to investigate the provision of medically necessary gender-affirming health care as abuse, has wreaked havoc on our lives.

18. We are terrified for Mary's health and wellbeing, and for our family. I feel betrayed by my state and the agency for whom I work.

19. On February 23, 2022, following the issuance of Attorney General Paxton's opinion and Governor Abbott's letter, I contacted my direct supervisor at DFPS to inquire how these would affect DFPS policy. The answer to my inquiry was important for my family as well as to my ability to perform my job at DFPS.

20. That same day, just mere hours later, I was placed on paid leave from my employment because I was the parent of a transgender adolescent who requires necessary medical care for the treatment of gender dysphoria.

21. On February 24, 2022, I was contacted by a DFPS Child Protective Services (CPS) Investigator, who was unknown to me, and informed that my family would be investigated in accordance with Governor Abbott's letter to determine if John and I had committed abuse by

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affirming our transgender daughter's identity and following the advice of medical professionals to initiate treatment for her gender dysphoria.

22. On February 25, 2022, the CPS investigator visited our family home to interview Mary, John, and me. The CPS investigator interviewed John and me together, in the presence of our attorney, but he interviewed Mary, who was also accompanied by different attorney, apart from us. Aside from interviewing us, the CPS investigator asked us to sign releases to obtain Mary's medical records; we refused.

23. During his visit, the CPS investigator disclosed that the sole allegation against our family is that John and I have a transgender daughter and that our daughter may have been provided with medically necessary gender-affirming health care and is "currently transitioning from male to female."

24. The issuance of the Attorney General's opinion and Governor's letter, along with DFPS's implementation of these, has caused a significant amount of stress, anxiety, and fear for our family. For example, Mary has been traumatized by the prospect that she could be separated from her parents and could lose access to the medical treatment that has enabled her to thrive. The stress has taken a noticeable toll on her, and our daughter who is typically joyful and happy, is now moodier, stressed, and overwhelmed. Similarly, John and I are now filled anxiety and worry. I have been unable to sleep, worrying about what we can do and how we can keep our family intact and our daughter safe and healthy. We are living in constant fear about what will happen to our family due to the actions by DFPS, the Governor, and the Attorney General.

25. As a result of DFPS's implementation of the Attorney General's opinion and Governor's letter, I have not only been placed on leave from my employment, but may face termination, which would result not only in the loss of income for our family and a job I genuinely

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care about.

26. John and I worry about the potential physical and mental health consequences of depriving Mary of the medical treatment her doctors have prescribed and that she needs. Not providing Mary with the medically necessary health care that she needs is not an option for us. Our primary goal and duty are to ensure Mary's health and wellbeing.

27. We do not believe it is a choice to deprive Mary of the medically necessary and essential health care that she requires and risk her health and wellbeing in order to avoid a finding that there is reason to believe that John and I have committed "abuse" and the consequences that would follow such a finding based on DFPS's implementation of the Attorney General's opinion and Governor's letter.

28. John and I have called Texas our home for nearly 20 years and Texas is the only home Mary has ever known. Even if feasible, moving out of state is not a desirable option, as among other things, it could mean the physical separation of our family, the loss of my employment, and separating Mary from her lifelong health care providers.

29. Texas is our home. We are part of a community that has known Mary all her life and been supportive and affirming. We worry not only about the multitude of harms caused by DFPS's implementation of the Attorney General's opinion and Governor's letter that I have described herein, but also about the effect that the actions by DFPS, the Governor, and the Attorney General will have on other transgender youth, like Mary, and their families. Our family is just as much a part of Texas as any other family, and Mary has the right to be provided with the same affirmation, love, and ability to thrive as any other youth in our state.

30. The actions by DFPS, the Governor, and the Attorney General threaten the health and wellbeing of transgender youth like Mary and the integrity of families like ours. We deserve

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better from our state and government.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 28th day of February 2022 in Texas.

Jane Doe

Jane Doe

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Exhibit 2

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CAUSE NO. _____

JANE DOE, *et. al.*,	§	
	§	
Plaintiffs,	§	**IN THE DISTRICT COURT OF**
	§	**TRAVIS COUNTY, TEXAS**
v.	§	**_____ JUDICIAL DISTRICT**
	§	
GREG ABBOTT, *et. al*,	§	
	§	
Defendants.	§	

DECLARATION OF MEGAN A. MOONEY, PH.D.

I, Megan A. Mooney, declare and state as follows:

1. I am over 18 years of age, of sound mind, and in all respects competent to testify. I have personal knowledge of the facts set forth in this Declaration and would testify competently to those facts if called to do so. I am a Plaintiff in this action and I am bringing claims on behalf of myself.

2. I am a licensed psychologist in Texas. For approximately the past 19 years, I have worked with children and families to respond to and mitigate trauma and harm. I am bound by professional codes of ethics to do no harm to my patients.

3. I run a private psychology practice in Houston that serves children, adolescents, and families. Many of my patients are transgender or non-binary young people under the age of 18, including youth with gender dysphoria. According to the American Psychiatric Association's Diagnostic & Statistical Manual of Mental Disorders ("DSM-V"), gender dysphoria is the diagnostic term for the condition experienced by some transgender people of clinically significant distress resulting from the lack of congruence between their gender identity and the sex assigned

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to them at birth. In order to be diagnosed with gender dysphoria, the incongruence must have persisted for at least six months and be accompanied by clinically significant distress or impairment in social, occupational, or other important areas of functioning.

4. Part of my job includes providing mental health evaluations for youth with gender dysphoria, referring youth with gender dysphoria for medical treatment, and continuing to treat young people who receive medical treatment for gender dysphoria.

5. I am a mandatory reporter obligated to report child abuse and neglect to the Texas Department of Family Protective Services (DFPS). I have received and conducted trainings on mandatory reporting requirements and am familiar with Texas law on child abuse and neglect. I have reported cases of child abuse to DFPS where appropriate and have testified in court cases involving child abuse and neglect.

6. From a clinical perspective, I have observed the tremendous health benefits that my patients experience as a result of medical treatment for gender dysphoria. My clinical observations are also supported by data and scientific studies. Gender-affirming medical treatment does not harm minors but rather greatly improves their health, wellbeing, and quality of life.

7. The latest actions purporting to require me to report gender-affirming care as child abuse put me in an untenable situation. If I fail to report my clients who receive this medical treatment, I face the prospect of civil and criminal penalties, the loss of my license, and other severe consequences. But if I report any of my clients for receiving critical and medically necessary care, I would be violating professional standards of ethics, inflict serious harm and trauma on my clients, irreparably damage the bonds of trust that I have built with my clients, face the possible closure of my practice if clients know that I cannot maintain their trust, and confront harsh penalties for false reporting of child abuse.

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Background

8. I have a bachelor's degree in psychology from Vanderbilt University and completed both a master's degree and doctorate in clinical psychology at the University of Arkansas. During my doctoral program, which I completed in 2005, I was a child and family specialist and a clinical psychology intern at Baylor College of Medicine.

9. Since 2008, I have been a licensed psychologist with the Texas State Board of Examiners of Psychologists (TX License #33819, expires July 31, 2023). I have met all of the requirements for licensing and renewal for psychologists established under Texas Occupations Code, Section 501.2525.

10. As a licensed psychologist, I am required to follow the ethical principles of psychologists and code of conduct from the American Psychological Association ("APA"). The code of conduct requires me to strive to benefit my patients and do no harm, and I must respect the dignity and worth of all people, and the rights of individuals to privacy, confidentiality, and self-determination.[1]

11. I have spent nearly two decades working as a psychologist in Texas with children, adolescents, adults, and families. My focus is on helping young people and families respond to trauma. For over twelve years, I worked at DePelchin Children's Center in Houston, where I supervised a trauma program and provided therapy to children, adolescents, adults, and families. Because DePelchin is a licensed foster care agency, I became intimately familiar with DFPS and cases of abuse and neglect, received training regarding child welfare and mandatory reporting requirements, and I advised other mental health professionals, psychology trainees, and other

[1] Ethical Principles of Psychologists and Code of Conduct (Am. Psych. Ass'n 2017), https://www.apa.org/ethics/code.

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employees about mandatory reporting requirements and how to respond to trauma, abuse, and neglect.

12. I am a member of the APA, the Texas Psychological Association ("TPA"), and the Houston Psychological Association. I was president of the TPA in 2020 and served on the board for over seven years. I remain an ex officio member of the TPA board.

13. I teach and train students in psychology at Baylor College of Medicine and the University of Texas Health Sciences Center at Houston. I have also published research and scholarship on trauma faced by LGBTQ+ youth in the Journal of Family Strengths.

14. I am an affiliate member of the National Child Traumatic Stress Network, where I serve on the Sexual Orientation and Gender Identity/Expression (SOGIE) workgroup and helped create resources on LGBTQ+ youth and trauma. I am also part of a working group striving to improve services and treatment for LGBTQ+ youth in foster care in Texas.

15. As someone who works closely with LGBTQ+ young people, I have seen first-hand the trauma and harm they face and the bullying and harassment they experience, especially in schools.[2]

16. In April 2021, I testified against Senate Bill 1646 (Perry), which sought to change the definition of child abuse in Section 261.001 of the Texas Family Code to encompass gender-affirming care, including providing puberty blockers and hormone therapy to transgender youth. This bill was opposed by the TPA, the APA, the Texas Medical Association, the Texas Pediatric

[2] The GLSEN 2019 National School Climate Survey found that 98.8% of LGBTQ+ students had heard negative remarks about gender expression and 87.4% heard negative remarks specifically about transgender people. Joseph G. Kosciw et al., The 2019 National School Climate Survey: The Experiences of Lesbian, Gay, Bisexual, Transgender, and Queer Youth in Our Nation's Schools xviii-xix, GLSEN (2020), https://www.glsen.org/sites/default/files/2021-04/NSCS19-FullReport-032421-Web_0.pdf. In Texas, the vast majority of LGBTQ+ students also regularly heard negative remarks about gender expression and transgender people. School Climate for LGBTQ Students in Texas (State Snapshot), GLSEN (2021), https://www.glsen.org/sites/default/files/2021-01/Texas-Snapshot-2019.pdf.

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Society, and the Texas Academy of Family Physicians, among other professional associations. This bill did not become law.

Current Practice and Professional Responsibilities

17. I founded a private psychological practice in 2018 to serve young people and families in Houston and its surrounding areas. Most of my clients live in Houston, but I also see clients who live outside of Houston and Harris County, including by video conference. My practice focuses on providing therapeutic services to children and adolescents and I specialize in assisting clients with trauma and grief. Many of my clients identify as LGBTQ+ and the majority are transgender or non-binary.

18. As a psychologist, I often evaluate and diagnose gender dysphoria in my patients. I sometimes refer patients for medical treatment for gender dysphoria and oversee their ongoing mental health care during the course of such treatment. This care is only provided after careful mental health evaluation and with the informed consent of parents and the assent of minor patients.

19. Medical interventions to treat gender dysphoria in adolescence are effective, safe, and often lifesaving. I have personally witnessed time and time again, young people who were depressed and feeling hopeless and scared for their future begin to feel happy and optimistic just by starting medications to suppress puberty or to develop the secondary sex characteristics that align with their gender identity. Given the exceptionally high rates of suicidality in this population, medical interventions are a critical part of treatment and often save lives. At least 44% of transgender youth attempt suicide during their lifetime as compared to the national average of about 4% for teens.[3] This treatment does not harm patients but helps them; it is not abuse.

[3] *See* Brian S. Mustanski et al., *Mental Health Disorders, Psychological Distress, and Suicidality in a Diverse Sample of Lesbian, Gay, Bisexual, and Transgender Youths*, 100 Am. J. Pub. Health 2426 (2010), https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2978194/; Matthew K. Nock et al., *Prevalence, correlates, and treatment of lifetime suicidal behavior among adolescents: results from the National Comorbidity Survey Replication*

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20. As part of my ongoing professional obligations, I stay up to date on the latest data on mental health and medical interventions to treat patients with gender dysphoria. I have read numerous studies that document how being able to access gender-affirming care improves the mental health of transgender and non-binary youth and reduces suicidal ideation.[4]

21. As a licensed psychologist, I am required to follow the guidance of the APA and TPA, which recognize the scientific research and medical consensus that gender-affirming care is medically necessary for certain youth with gender dysphoria. The APA has published detailed protocols for providing culturally competent and developmentally appropriate psychological care for transgender and gender non-conforming people.[5] The APA recognizes that "diversity in gender identity and expression is part of the human experience and transgender and gender nonbinary

Adolescent Supplement, 70 JAMA Psychiatry 300 (2013), https://pubmed.ncbi.nlm.nih.gov/23303463/; Michelle M. Johns et al., *Trends in Violence Victimization and Suicide Risk by Sexual Identity Among High School Students - Youth Risk Behavior Survey, United States, 2015-2019*, 69 Morbidity & Mortality Weekly Rep. Supp. 19 (2020), https://pubmed.ncbi.nlm.nih.gov/32817596/; Michelle M. Johns et al., *Transgender Identity and Experiences of Violence Victimization, Substance Use, Suicide Risk, and Sexual Risk Behaviors Among High School Students - 19 States and Large Urban School Districts, 2017*, 68 Morbidity & Mortality Weekly Rep. 67 (2019), https://pubmed.ncbi.nlm.nih.gov/30677012/.

[4] *See, e.g.*, Amy E. Green et al., *Association of Gender-Affirming Hormone Therapy With Depression, Thoughts of Suicide, and Attempted Suicide Among Transgender and Nonbinary Youth*, J. Adolescent Health (2021), https://www.jahonline.org/article/S1054-139X(21)00568-1/fulltext (finding lower rates of depression and suicide among transgender and non-binary youth who receive gender-affirming hormone therapy); Diana M. Turdof et al., *Mental Health Outcomes in Transgender and Nonbinary Youths Receiving Gender-Affirming Care*, 5 JAMA Network Open (2022), https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2789423 (finding that gender-affirming medical interventions were associated with lower odds of depression and suicidality in transgender and non-binary youth); Laura E. Kuper et al., *Body Dissatisfaction and Mental Health Outcomes of Youth on Gender-Affirming Hormone Therapy*, 145 Pediatrics (2020), https://pubmed.ncbi.nlm.nih.gov/32220906/ (reviewing longitudinal studies and finding hormone therapy to improve mental health outcomes for transgender adolescents); Stephen M. Rosenthal, *Challenges in the care of transgender and gender- diverse youth: an endocrinologist's view*, 17 Nature Reviews Endocrinology 581 (2021), https://www.nature.com/articles/s41574-021-00535-9 (reviewing empirical studies identifying mental health benefits of gender-affirming care); Connor Grannis et al., *Testosterone Treatment, Internalizing Symptoms, and Body Image Dissatisfaction in Transgender Boys*, 132 Psychoneuroendocrinology (2021), https://pubmed.ncbi.nlm.nih.gov/34333318/; Jack L. Turban et al., *Pubertal Suppression for Transgender Youth and Risk of Suicidal Ideation*, 145 Pediatrics (2020), https://pubmed.ncbi.nlm.nih.gov/31974216/.

[5] Guidelines for Psychological Practice With Transgender and Gender Nonconforming People (Am. Psych. Ass'n 2015), https://www.apa.org/practice/guidelines/transgender.pdf.

AMERICAN OVERSIGHT

identities and expressions are healthy, incongruence between one's sex and gender is neither pathological nor a mental health disorder."[6]

22. The APA also recognizes that "[s]ome transgender and gender nonbinary individuals seek gender-affirming medical care (e.g., hormone therapy, surgery) while others do not" and has established that "invalidation and rejection of transgender and gender nonbinary identities and diverse gender expressions by others (e.g., families, therapists, school personnel) are forms of discrimination, stigma, and victimization, which result in psychological distress."[7]

23. In 2019, after a review of the research as well as professional guidelines, TPA crafted a formal statement in which it concluded that "transgender children fare best when caregivers and treatment providers establish an affirming and supportive environment within which they can understand their emerging gender identity."

24. Pursuant to these guidelines, it is my job to support all patients in an exploration of their identity and appropriately diagnose and evaluate them. Many clients that I work with have already experienced trauma, and reporting them to DFPS simply for receiving gender-affirming care from a licensed medical provider would cause immense and irreversible harm.

The Governor's Directive and DFPS Implementation

25. Forcing me to report a client and their parents to DFPS for receiving the health care that they need would be catastrophic. Instead of benefiting my patients' mental health and helping them thrive, I would subject them to trauma and stress. My clients and their families could be investigated for child abuse, and families could be split apart simply for providing young people with the medical care that they need.

---

[6] APA Resolution on Gender Identity Change Efforts 2 (Am. Psych. Ass'n 2021), https://www.apa.org/about/policy/resolution-gender-identity-change-efforts.pdf.
[7] *Id.* at 1-2.

AMERICAN OVERSIGHT

26. Under the Governor's directive and DFPS's implementation of its redefinition of gender-affirming health care as child abuse, my clients could be separated from their parents and guardians and removed for their homes. My clients' parents could also face catastrophic consequences. And having their families be subject to an investigation will dramatically worsen the mental health outcomes of my clients, and could worsen the already tragic rate of suicide among transgender youth.

27. The recent actions taken by Governor Abbott threaten me with criminal sanctions and put me in an impossible position. If I follow my ethical duties and Texas law by not reporting any of my clients for the health care described in the Governor's letter, I could be subject to prosecution for failure to report child abuse or neglect, which is a Class A misdemeanor and punishable by up to a year in prison and/or a fine of up to $4,000. I could also be subject to an investigation by the Texas Board of Examiners of Psychologists and lose my license, which would end my livelihood and private practice.

28. If I am compelled to follow the Governor's letter and DFPS's erroneous reliance on it, the personal and professional consequences that I face are even more devastating. Under Section 261.107 of the Texas Family Code, I could be charged with false reporting of child abuse if I make a report to DFPS when I know that child abuse is not happening. It is a state jail felony punishable by up to two years in prison and/or a $10,000 fine to falsely report child abuse. I also could be subject to an investigation by the Texas Board of Examiners of Psychologists and lose my license for failing to follow the ethical code of conduct promulgated by the APA. And I could be subject to malpractice lawsuits from my clients for failing to adhere to ethical guidelines and harming my clients. Even worse, it would be a betrayal of the bonds of trust between me and my clients and the oath that I swore as a psychologist to do no harm to my patients.

AMERICAN OVERSIGHT

I declared under the penalty of perjury that the foregoing is true and correct.

Signed on this the 1st day of March, 2022.

Megan A. Mooney, PhD.

AMERICAN OVERSIGHT

From:	Cochrangreen,Jennifer (DFPS)
To:	Cochrangreen,Jennifer (DFPS)
Subject:	FW: ACLU Lawsuit
Date:	Wednesday, March 2, 2022 8:51:27 AM
Attachments:	doe_v._abbott_-_petition.pdf

From: Kinsler,Brenda L (DFPS)
Sent: Tuesday, March 1, 2022 6:45 PM
To: Bradley,Kathryn (DFPS) <Kathryn.Bradley@dfps.texas.gov>; Dodd,Katharine (DFPS) <Katharine.Dodd@dfps.texas.gov>; Cochrangreen,Jennifer (DFPS) <Jennifer.Cochrangreen@dfps.texas.gov>; Walker,Pamela (DFPS) <Pamela.Walker@dfps.texas.gov>; Bailey,Jamie J (DFPS) <Jamie.Bailey@dfps.texas.gov>; Savage,Patrice (DFPS) <Cecilia.Savage@dfps.texas.gov>
Subject: FW: ACLU Lawsuit

Thought you might be interested.

Brenda L. Kinsler

Managing Attorney Regions 4, 5, and 7

Department of Family and Protective Services
Ph: (512) 550-8833
Board Certified Child Welfare Law
BOARD CERTIFIED

***Please note that my email address has changed to Brenda.kinsler@dfps.texas.gov ***

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From: Phillips,Kathleen V (DFPS)
Sent: Tuesday, March 1, 2022 12:50 PM
To: Adams,Stefanie (DFPS) <Stefanie.Adams@dfps.texas.gov>; Anderson,Regina (DFPS) <Regina.Anderson@dfps.texas.gov>; Arriaga,Dennis (DFPS) <Dennis.Arriaga@dfps.texas.gov>; Britt,Dewey D (DFPS) <Dewey.Britt@dfps.texas.gov>; Cordray,Glenna (DFPS) <Glenna.Cordray@dfps.texas.gov>; Kinsler,Brenda L (DFPS) <Brenda.Kinsler@dfps.texas.gov>; Palmquist,Laura R (DFPS) <Laura.Palmquist@dfps.texas.gov>; Surratt,Michele L (DFPS) <Michele.Surratt@dfps.texas.gov>; Tai,Eric T. (DFPS) <Eric.Tai@dfps.texas.gov>; Valdez,Lucinda (DFPS) <Lucinda.Valdez@dfps.texas.gov>
Subject: ACLU Lawsuit

Kathy Phillips
Managing Attorney
Region 11
Texas Department of Family and Protective Services
361-878-7481 Office
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kathleen.phillips@dfps.texas.gov

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From:	Kozikoujekian,Vicki (DFPS)
To:	Valdez,Lucinda (DFPS); Phillips,Kathleen V (DFPS); Arriaga,Dennis (DFPS); Cordray,Glenna (DFPS); Anderson,Regina (DFPS); Surratt,Michele L (DFPS); Palmquist,Laura R (DFPS); Adams,Stefanie (DFPS); Kinsler,Brenda L (DFPS); Britt,Dewey D (DFPS); Tai,Eric T. (DFPS); Price,Kellie (DFPS)
Subject:	FW: Notice of Filing in the District Courts of Travis County Seeking Injunctive Relief
Date:	Tuesday, March 1, 2022 8:49:29 PM
Attachments:	LL Notice to GOVERNOR.pdf Proposed Order - Final.pdf Petition - Doe v. Abbott - Final.pdf

FYI-- lawsuit has been filed in Travis County regarding the gender affirming procedures issue. A TRO hearing is scheduled for tomorrow morning. OAG is representing the Governor and the Commissioner. Thanks

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From:	Kinsler,Brenda L (DFPS)
To:	Bradley,Kathryn (DFPS); Dodd,Katharine (DFPS); Cochrangreen,Jennifer (DFPS); Walker,Pamela (DFPS); Bailey,Jamie J (DFPS); Savage,Patrice (DFPS)
Subject:	FW: ACLU Lawsuit
Date:	Tuesday, March 1, 2022 6:45:29 PM
Attachments:	doe_v._abbott_-_petition.pdf

Thought you might be interested.

Brenda L. Kinsler

Managing Attorney Regions 4, 5, and 7

Department of Family and Protective Services
Ph: (512) 550-8833
Board Certified Child Welfare Law

***Please note that my email address has changed to Brenda.kinsler@dfps.texas.gov ***

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From: Phillips,Kathleen V (DFPS)
Sent: Tuesday, March 1, 2022 12:50 PM
To: Adams,Stefanie (DFPS) <Stefanie.Adams@dfps.texas.gov>; Anderson,Regina (DFPS) <Regina.Anderson@dfps.texas.gov>; Arriaga,Dennis (DFPS) <Dennis.Arriaga@dfps.texas.gov>; Britt,Dewey D (DFPS) <Dewey.Britt@dfps.texas.gov>; Cordray,Glenna (DFPS) <Glenna.Cordray@dfps.texas.gov>; Kinsler,Brenda L (DFPS) <Brenda.Kinsler@dfps.texas.gov>; Palmquist,Laura R (DFPS) <Laura.Palmquist@dfps.texas.gov>; Surratt,Michele L (DFPS) <Michele.Surratt@dfps.texas.gov>; Tai,Eric T. (DFPS) <Eric.Tai@dfps.texas.gov>; Valdez,Lucinda (DFPS) <Lucinda.Valdez@dfps.texas.gov>
Subject: ACLU Lawsuit

Kathy Phillips
Managing Attorney
Region 11
Texas Department of Family and Protective Services
361-878-7481 Office
361-944-1824 Cell
kathleen.phillips@dfps.texas.gov

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From:	Ulmer,Nathan (DFPS)
To:	Rodriguez,Ruby A (DFPS); Scott,Shane K (DFPS); Wilson Morris,Pansie (DFPS); Munoz,Eric (DFPS); Blau,Tracie (DFPS); Matthews,Rebecca (DFPS); Jackson,Leslie (DFPS); Henry,Michael B (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Tuesday, March 1, 2022 6:39:58 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

I read Abbott's letter more thoroughly and it appears that allowing a child to take hormone blockers is also something we now constitute as PHAB, not just the physical reassignment surgery. Our directive is more accurately explained in the governor's letter verse AG's opinion.
Nathan

From: Black,Stephen D (DFPS) <Stephen.Black@dfps.texas.gov>

Sent: Wednesday, February 23, 2022 3:31 PM

To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>

Subject: Attorney General Opinion

Hello SWI,
A legal opinion was released by the AG's office on February 21, 2022. The governor subsequently provided further direction to DFPS to these reported matters.
Those two documents are attached to this communication which gives guidance and direction regarding how the department is to handle intakes related to gender transitioning.
Please consult with your PA regarding any questions you may have.
Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From: Henson,Schrietta M. (DFPS)
To: [redacted]
Subject: FW: Lawsuit
Date: Tuesday, March 1, 2022 6:05:00 PM
Attachments: doe_v._abbott_-_petition.pdf
image001.png
image002.png

From: Storey,Debora L (DFPS) <Debora.Storey@dfps.texas.gov>
Sent: Tuesday, March 1, 2022 5:28 PM
To: Henson,Schrietta M. (DFPS) <Schrietta.Henson@dfps.texas.gov>
Subject: FW: Lawsuit

Here is the suit. Don't share.

Texas Department of Family and Protective Services

DFPS CVS PD Clerk / Accounting Tech II / Universal Mailbox Region 4 & 5
4200 Jimmy Johnson Blvd. Suite A
Port Arthur, TX 77642
409-960-4138 Cell
debora.storey@dfps.texas.gov

AMERICAN OVERSIGHT

From:	Morris,Ruth J (DFPS)
To:	Valmont,Crystal R (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Tuesday, March 1, 2022 4:55:00 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png

---

Have you seen this?

From: Bell,Tiffany (DFPS) <Tiffany.Bell2@dfps.texas.gov>
Sent: Tuesday, March 1, 2022 1:42 PM
To: Morris,Ruth J (DFPS) <Ruth.Morris@dfps.texas.gov>
Subject: FW: Attorney General Opinion

From: Trahan,Kyndall (DFPS) <Kyndall.Trahan@dfps.texas.gov>
Sent: Thursday, February 24, 2022 9:48 AM
To: Mayon,Lashanda (DFPS) <Lashanda.Mayon@dfps.texas.gov>; Frank,Courtney (DFPS) <Courtney.Frank@dfps.texas.gov>; Wiltz,Lechanda (DFPS) <Lechanda.Wiltz@dfps.texas.gov>; Jones,Sade (DFPS) <Sade.Jones@dfps.texas.gov>; Tyler,Christiana L (DFPS) <Christiana.Tyler@dfps.texas.gov>; Bell,Tiffany (DFPS) <Tiffany.Bell2@dfps.texas.gov>; Balser,Jodi L. (DFPS) <Jodi.Balser@dfps.texas.gov>; Derry,Tiffany (DFPS) <Tiffany.Derry@dfps.texas.gov>; Lambert,Kellie (DFPS) <Kellie.Lambert@dfps.texas.gov>; Marks,Tracey (DFPS) <Tracey.Marks@dfps.texas.gov>; Ponthieu,Minda (DFPS) <Minda.Ponthieu@dfps.texas.gov>; Simon,Savannah (DFPS) <Savannah.Simon@dfps.texas.gov>; Woods,Kristen (DFPS) <Kristen.Woods@dfps.texas.gov>
Cc: Bailey,Brittany (DFPS) <Brittany.Bailey@dfps.texas.gov>
Subject: FW: Attorney General Opinion

FYI –
Essentially the Governor wants reporters (professional and personnel) to report any parents that are encouraging/allowing/involved in allowing their minor children, who identify as transgendered, to go through the transition process. Governor Abbott is also mandating that DFPS investigate these parents and to have SWI process the intakes for field response.
I know there are lots of feelings around this and more questions than answers right now. Upper management is very involved as this is totally new ground for the agency. If you get a case that I miss, please let me know immediately so I can report it up the chain.
Please know that this email is not the platform for opinions or discussion on this topic. If we need to meet privately, my door is always open.
Thanks,
Kyndall

From: Prewitt,Amanda R. (DFPS)
Sent: Wednesday, February 23, 2022 7:47 PM
To: Trahan,Kyndall (DFPS) <Kyndall.Trahan@dfps.texas.gov>; Bailey,Brittany (DFPS) <Brittany.Bailey@dfps.texas.gov>; Murphy,Lana (DFPS) <Lana.Murphy@dfps.texas.gov>; Nellar,Pansy (DFPS) <Pansy.Nellar@dfps.texas.gov>; Parrott,Katheryn (DFPS) <Katheryn.Parrott@dfps.texas.gov>; Cameron,Crystal (DFPS) <Crystal.Cameron@dfps.texas.gov>; Mczeal,Scheerish A (DFPS) <Scheerish.Mczeal@dfps.texas.gov>

AMERICAN OVERSIGHT

Cc: Boshuizen,Steven (DFPS) <Steven.Boshuizen@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Amanda R. Prewitt
Child Protective Investigations Program Director: Region 4
420 Athens Brick Road, Athens Texas 75751
☎State Cell: 903-368-0064 | ☎Fax: 512-276-3581
☎Report abuse: 1-800-252-5400
✉ E-mail: Amanda.Prewitt@dfps.texas.gov

Texas Department of Family and Protective Services
Child Protective Investigations

From: Liles,Lou R (DFPS) <Lou.Liles@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 6:53 PM
To: Prewitt,Amanda R. (DFPS) <Amanda.Prewitt@dfps.texas.gov>; Phillips,Deirdre (DFPS) <Deirdre.Phillips@dfps.texas.gov>; Peterson,Nicole (DFPS) <Nicole.Peterson@dfps.texas.gov>; Claude,Jennifer L (DFPS) <Jennifer.Claude@dfps.texas.gov>; Chesnut,Andrew (DFPS) <Andrew.Chesnut@dfps.texas.gov>; Boshuizen,Steven (DFPS) <Steven.Boshuizen@dfps.texas.gov>
Subject: Fwd: Attorney General Opinion

If you receive any of these intakes I need to know immediately. Please share with all of your supervisors

---

From: Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 4:18 PM
To: Liles,Lou R (DFPS)
Subject: Fwd: Attorney General Opinion

From: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:54:57 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
Subject: FW: Attorney General Opinion

See email below and attachments—email/attachments sent to SWI staff. I believe we have three right now in the intake stage—or being worked on by SWI. Stephen will send me the case numbers as soon as he has them for us to be aware in order to assist our staff with these cases.
Thanks,
Marta

Marta Talbert
Director of Investigation and Alternative Response

AMERICAN OVERSIGHT

512-438-3357
marta.talbert@dfps.texas.gov

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:46 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: FW: Attorney General Opinion

fyi
Stephen Black
512-960-9352

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

Hello SWI,
A legal opinion was released by the AG's office on February 21, 2022. The governor subsequently provided further direction to DFPS to these reported matters.
Those two documents are attached to this communication which gives guidance and direction regarding how the department is to handle intakes related to gender transitioning.
Please consult with your PA regarding any questions you may have.
Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Britt,Dewey D (DFPS)
To:	Alvey,Todd L (DFPS); Ferguson,Pamela D (DFPS); Panger,Julie (DFPS); Schulte,Megan (DFPS); Amanda Martin ; Amy Rodriguez (arodriguez@hutchinsoncnty.com); Anna Hord; Cheryl Nelson (cherylnelsonlaw@gmail.com); Courtney Wiggins; Craig C. Jones (cjones@hutchinsoncnty.com); Daniel Trout (danieltrout@co.potter.tx.us); Joe Meraz (j.meraz@countylaw.com); Katy Rendon (KRendon@lubbockcounty.gov); Melinda Powell (melindapowell@co.potter.tx.us); Neal Burt (nburt@co.lubbock.tx.us); Pam Cervantes; Scott M. Higginbotham (mcatty@moore-tx.com); Teresa Gutierrez; Tirey, Jim (halecountyattorney@gmail.com); Ward, Deirdre
Subject:	FW: ACLU Lawsuit
Date:	Tuesday, March 1, 2022 4:07:56 PM
Attachments:	doe_v._abbott_-_petition.pdf

FYI.
Interesting read.

Dewey Duane Britt
Department of Family and Protective Services
Managing Attorney
Region 01
State Bar No. 03025220
1622 10th Street
Lubbock, TX 79401
806.742.9172 ofc
512.927.5707 fax
806.231.6608 cell

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From: Phillips,Kathleen V (DFPS)
Sent: Tuesday, March 1, 2022 12:50 PM
To: Adams,Stefanie (DFPS) <Stefanie.Adams@dfps.texas.gov>; Anderson,Regina (DFPS) <Regina.Anderson@dfps.texas.gov>; Arriaga,Dennis (DFPS) <Dennis.Arriaga@dfps.texas.gov>; Britt,Dewey D (DFPS) <Dewey.Britt@dfps.texas.gov>; Cordray,Glenna (DFPS) <Glenna.Cordray@dfps.texas.gov>; Kinsler,Brenda L (DFPS) <Brenda.Kinsler@dfps.texas.gov>; Palmquist,Laura R (DFPS) <Laura.Palmquist@dfps.texas.gov>; Surratt,Michele L (DFPS) <Michele.Surratt@dfps.texas.gov>; Tai,Eric T. (DFPS) <Eric.Tai@dfps.texas.gov>; Valdez,Lucinda (DFPS) <Lucinda.Valdez@dfps.texas.gov>
Subject: ACLU Lawsuit

Kathy Phillips
Managing Attorney
Region 11
Texas Department of Family and Protective Services
361-878-7481 Office
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kathleen.phillips@dfps.texas.gov

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From: Chris Craft
To: Craft,Christopher M (DFPS)
Date: Tuesday, March 1, 2022 4:05:09 PM
Attachments: petition_-_doe_v._abbott_-_final_1_2.pdf

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https://www.lambdalegal.org/sites/default/files/legal-docs/downloads/petition_-_doe_v._abbott_-_final_1_2.pdf

Cordially,

Chris Craft

AMERICAN OVERSIGHT

From: Montoya,Erika (DFPS)
To: Zachary,Adriana A (DFPS); Blair-Santaella,Kimberly (DFPS); Rodriquez,Joel (DFPS); Flores,Aaron (DFPS); Guerra,Marissa (DFPS); Reyes,Sonia (DFPS); Bustamante,Mariel (DFPS Contractor)
Subject: In preparation for Thursday"s unit meeting**********
Date: Tuesday, March 1, 2022 4:00:53 PM
Attachments: February MEETING IN A BOX.docx
Unit Meeting.docx
preponderance_of_evidence_facilitator_guide.pdf
2220 Documentation.docx
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf
AG Ken Paxton"s Legal Opinion.pdf
image006.png

1462.2 Items Retained in the External Record

CPS June 2021

DFPS retains the records after a case is closed to do the following:

- Document the services provided to clients.
- Meet state and federal requirements for accountability.

DFPS Rules, 40 TAC §700.106(a)External Link

During an active case, DFPS staff members store forms, photos, records, memorabilia, and other case-related materials.

When the case is closed, the following items are retained as part of the external record:

- All photos taken during the *Investigation* stage.
- Original case notes taken by the caseworker during the investigation.
- Photos taken during the *Family-based Safety Services* (*FBSS*) and *Conservatorship* (*CVS*) stages that document the presence or absence of abuse or neglect.
- Copies of medical, dental, and psychological records.
- Court documents.
- Correspondence, both sent and received.
- Documents that require or contain signatures.
- Supporting documents received from external sources, such as police reports.
- Reports from caregivers.
- Copies of original birth certificates, Social Security cards, passports, or other forms of official identification.
- Information about family group decision-making.
- Audio and video recordings (DVDs, CDs, and other media) received from other people or entities (for example, Children's Advocacy Centers).
- The child's Health Passport (retained in the Health Passport system; see 11240 Using the Health Passport).

See 1470 Retention and Disposition of Case Information.

Thank you kindly,

Texas Department of Family and Protective Services
Child Protective Investigations

Erika Monique Montoya, MS, LPCA, NCC
Supervisor II/Military Liasion
7400 Diana Dr. El Paso TX, 79904
Region 10
Mobile: 915.356.4089
Fax: 512.929.5789
erika.montoya@dfps.texas.gov
DFPS Hotline: 1.800.252.5400

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AMERICAN OVERSIGHT

From:	Gailes,Keith D (DFPS)
To:	Liles,Lou R (DFPS)
Subject:	FW: Media - Texas - ACLU, LAMBDA LEGAL SUE TO BLOCK TEXAS FROM INVESTIGATING PARENTS WHO SUPPORT THEIR TRANSGENDER KIDS
Date:	Tuesday, March 1, 2022 3:58:11 PM
Attachments:	doe_v._abbott_-_petition.pdf image001.png image003.png

FYI

Texas Department of
Family and Protective Services

Keith D. Gailes

CPI Regional Director, Regions 4/5
3103 Summerhill Road
Texarkana, Texas 75503
(903) 791-3304 Office
(903) 791-3262 Fax
"Every Case Matters."

From: Yzaguirre,Marina C (DFPS)
Sent: Tuesday, March 1, 2022 1:15 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Sutton,Toni (DFPS) <Marie.Sutton@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>
Cc: Guardiola,Heather N (DFPS) <Heather.Guardiola2@dfps.texas.gov>
Subject: FW: Media - Texas - ACLU, LAMBDA LEGAL SUE TO BLOCK TEXAS FROM INVESTIGATING PARENTS WHO SUPPORT THEIR TRANSGENDER KIDS

fyi

Thanks!

MARINA YZAGUIRRE, MSSW
Child Protective Investigations
Regional Director
Region 11
Edinburg, Tx 78539
Off. 956-316-8238
Mbl. 956-802-4921

Texas Department of
Family and Protective Services

From: Phillips,Kathleen V (DFPS)
Sent: Tuesday, March 1, 2022 1:09 PM
To: Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>; Barrera,Denise S (DFPS) <Denise.Barrera@dfps.texas.gov>; Smith,Michelle L (DFPS) <Michelle.Smith3@dfps.texas.gov>;

AMERICAN OVERSIGHT

Skipper,Shaun S (DFPS) <Shaun.Skipper@dfps.texas.gov>; Skipper,Allison (DFPS) <Allison.Skipper@dfps.texas.gov>

Subject: FW: Media - Texas - ACLU, LAMBDA LEGAL SUE TO BLOCK TEXAS FROM INVESTIGATING PARENTS WHO SUPPORT THEIR TRANSGENDER KIDS

fyi

Kathy Phillips
Managing Attorney
Region 11
Texas Department of Family and Protective Services
361-878-7481 Office
361-944-1824 Cell
kathleen.phillips@dfps.texas.gov

CONFIDENTIALITY NOTICE: *This message and all attachments are confidential and may be protected by the attorney-client or other privileges. Any review, use, disclosure, or distribution by persons other than the intended recipient is prohibited and may be unlawful. If you believe this message has been sent to you in error, please notify the sender and delete this message and copy of it (in any form) without disclosing it. Unless expressly stated in this e-mail, nothing in this message should be construed as a digital or electronic signature.*

From: Lennan,John J (DFPS)
Sent: Tuesday, March 1, 2022 12:01 PM
To: Phillips,Kathleen V (DFPS) <Kathleen.Phillips@dfps.texas.gov>
Subject: Media - Texas - ACLU, LAMBDA LEGAL SUE TO BLOCK TEXAS FROM INVESTIGATING PARENTS WHO SUPPORT THEIR TRANSGENDER KIDS

Hello Kathy …. Just an FYI this just published to the web about 25 minutes ago,
https://www.aclutx.org/en/press-releases/aclu-lambda-legal-sue-block-texas-investigating-parents-who-support-their-transgender

ACLU, LAMBDA LEGAL SUE TO BLOCK TEXAS FROM INVESTIGATING PARENTS WHO SUPPORT THEIR TRANSGENDER KIDS

MEDIA CONTACT

Antonio Arellano, ACLU of Texas, 713-459-8212, media@aclutx.org
MARCH 1, 2022

AUSTIN, Texas — The American Civil Liberties Union, ACLU of Texas, and Lambda Legal today asked a Texas state court to block the Texas Department of Family and Protective Services (DFPS) from investigating parents who work with medical professionals to provide their adolescent

AMERICAN OVERSIGHT

children with medically necessary gender-affirming care.
The lawsuit names Texas Gov. Greg Abbott, who recently issued a directive stating that providing gender-affirming care should be considered a form of child abuse. The suit also names DFPS Commissioner Jaime Masters and DFPS, as defendants. The lawsuit includes claims that these recent directives were issued without proper authority, in violation of the Texas Administrative Procedures Act, the separation of powers requirements of the Texas Constitution, and the constitutional rights of transgender youth and their parents.

“No family should have to fear being torn apart because they are supporting their trans child,” said **Adri Pérez (they/them), policy and advocacy strategist at the ACLU of Texas.** “A week before an election, Gov. Abbott and Attorney General Ken Paxton issued a partisan political attack that isn’t rooted in the needs of families, the evidence from doctors and the expertise from child welfare professionals. Families with trans kids in Texas have been under attack for too long. Gender-affirming health care saved my life, and other trans Texans should be able to access medically necessary, lifesaving care.”

The lawsuit was filed on behalf of an employee of DFPS with a transgender child, her husband, and the teen herself. According to the complaint, this family has had an investigator already arrive at their house. The family has filed the lawsuit anonymously. Dr. Megan Mooney, a licensed psychologist who is considered a mandatory reporter under Texas law and cannot comply with the governor’s directive without harming her clients and violating her ethical obligations, is also a plaintiff in the suit.

"For Governor Abbott and Attorney General Paxton, it seems the cruelty is the point,” said **Paul Castillo (he/him), Lambda Legal Senior Counsel.** “They are joining a politically motivated misinformation campaign with no consideration of medical science and seem determined to criminalize parents seeking to care and provide for their kids, and medical professionals abiding by accepted standards of care for transgender youth. Gender-affirming care for the treatment of gender dysphoria is medically necessary care, full stop. Criminalizing that care and threatening to tear children from their families is unconscionable and terrifying, and cannot stand.”

“Our youth, our communities, will not be used as political props,” said

AMERICAN OVERSIGHT

Emmett Schelling (he/him), executive director of Transgender Education Network of Texas (TENT). "We will not allow for these continued efforts to restrict access to life-saving care and criminalize families based on patently false information. To Attorney General Paxton and Gov. Abbott, we will not continue to play a sadistic role in your political theater."

While doctors and medical organizations have been providing gender-affirming care to youth, including transgender youth, for decades, it has increasingly become a target of attacks from state lawmakers. After Arkansas became the first state to pass a ban on gender-affirming care for trans youth last year, a federal court blocked the law from being enforced. While dozens of states have proposed laws similar to what became law in Arkansas — including some like Alabama that have proposed criminal penalties for providing gender-affirming care to youth — Texas is the only state saying providing this lifesaving care could lead to a child being removed from their family and placed in the foster care system.

"Disinformation, being spread about transgender people and their healthcare, highlights, exaggerates and imagines a non-existent problem as an urgent moral emergency that must be tackled right away," said **Ricardo Martinez, (he/him), chief executive officer for Equality Texas.** "It's predictable and sad that politicians will further sow civil discord by amplifying lies about trans people to score political points. Misconstruing the law and amplifying junk science to attack innocent children and their parents is cruel — beneath contempt — and could have a devastating effect on transgender youth and their families."

"These efforts to cut off and criminalize necessary health care for transgender minors are in direct conflict with the recommendations of medical professionals and have nothing to do with what's best for trans youth," said **Chase Strangio (he/him), deputy director for trans justice with the ACLU LGBTQ & HIV Project.** "They may be escalating, but these attacks are not new. Trans youth need you to take the fury you have over what's happening in Texas and share it with lawmakers in every state that is trying to make it harder for trans youth to survive."

A court could rule as soon as Tuesday. The lawsuit was filed by the American Civil Liberties Union Jon L. Stryker and Slobodan Randjelovic LGBTQ & HIV Project, the ACLU Women's Rights Project, the ACLU of Texas,

AMERICAN OVERSIGHT

Lambda Legal, and the law firm of Baker Botts LLP.

AMERICAN OVERSIGHT

From:	Carolina Cruz
To:	Crimmins,Patrick (DFPS)
Cc:	Wilson,Mark D (DFPS)
Subject:	Request from Univision Austin: Time sensitive
Date:	Tuesday, March 1, 2022 3:51:02 PM
Attachments:	image911187.png image535865.png doe_v._abbott_-_petition.pdf

WARNING: This email is from outside the DFPS system. Do not click on links or attachments unless you expect them from the sender and know the content is safe.

Televisa Univision

Carolina Cruz|Multimedia Journalist
TelevisaUnivision, Inc. |http://televisaunivision.com
2233 W. North Loop Boulevard,Austin,TX,78756

From: Carolina Cruz
Sent: Tuesday, March 1, 2022 3:25 PM
To: Mark.Wilson@dfps.texas.gov; marissa.gonzales@dfps.texas.gov
Cc: Carolina Cruz <ccvjournalist@gmail.com>
Subject: Request from Univision Austin: Time sensitive

Hello! My name is Carolina Cruz and I'm a News Reporter for Univision Austin.
We are doing a story about ACLU of Texas, and Lambda Legal petitioning the courts to block the Texas Department of Family and Protective Services (DFPS) from investigating parents who work with medical professionals to provide their adolescent children with medically necessary gender-affirming care.
Is there any statement your office can provide so we can include in our news report for today at 5pm?
Your time and help are greatly appreciated.

AMERICAN OVERSIGHT

From: Carolina Cruz
To: Wilson,Mark D (DFPS); Gonzales,Marissa L (DFPS)
Cc: Carolina Cruz
Subject: Request from Univision Austin: Time sensitive
Date: Tuesday, March 1, 2022 3:27:00 PM
Attachments: image425516.png
image173067.png
doe_v._abbott_-_petition.pdf

WARNING: This email is from outside the DFPS system. Do not click on links or attachments unless you expect them from the sender and know the content is safe.

Hello! My name is Carolina Cruz and I'm a News Reporter for Univision Austin.
We are doing a story about ACLU of Texas, and Lambda Legal petitioning the courts to block the Texas Department of Family and Protective Services (DFPS) from investigating parents who work with medical professionals to provide their adolescent children with medically necessary gender-affirming care.
Is there any statement your office can provide so we can include in our news report for today at 5pm?
Your time and help are greatly appreciated.

Televisa Univision

Carolina Cruz|Multimedia Journalist
TelevisaUnivision, Inc. |http://televisaunivision.com
2233 W. North Loop Boulevard,Austin,TX,78756

AMERICAN OVERSIGHT

From:	Storey,Debora L (DFPS)
To:	Guidry,Kelli R (DFPS)
Subject:	FW: Lawsuit
Date:	Tuesday, March 1, 2022 3:13:00 PM
Attachments:	doe_v._abbott_-_petition.pdf image001.png image002.png

Can't even believe this. I'm speechless.

Texas Department of Family and Protective Services

DFPS CVS PD Clerk / Accounting Tech II / Universal Mailbox Region 4 & 5
4200 Jimmy Johnson Blvd. Suite A
Port Arthur, TX 77642
409-960-4138 Cell
debora.storey@dfps.texas.gov

From: Pulliam,Shari M (DFPS) <Shari.Pulliam@dfps.texas.gov>
Sent: Tuesday, March 1, 2022 2:57 PM
To: Storey,Debora L (DFPS) <Debora.Storey@dfps.texas.gov>
Subject: Lawsuit

AMERICAN OVERSIGHT

From: Pulliam,Shari M (DFPS)
To: Storey,Debora L (DFPS)
Subject: Lawsuit
Date: Tuesday, March 1, 2022 2:57:39 PM
Attachments: doe_v._abbott_-_petition.pdf

AMERICAN OVERSIGHT

From: Nicholas Guillory
To: Masters,Jaime D (DFPS)
Subject: FW: Notice of Filing in the District Courts of Travis County Seeking Injunctive Relief
Date: Tuesday, March 1, 2022 2:56:41 PM
Attachments: LL Notice to DFPS.pdf
Proposed Order - Final.pdf
Petition - Doe v. Abbott - Final.pdf

WARNING: This email is from outside the DFPS system. Do not click on links or attachments unless you expect them from the sender and know the content is safe.

Dear Commissioner Jamie Masters,
Please see attached Notice of Filing, Plaintiffs' Original Petition And Application For Temporary Restraining Order, Temporary Injunction, Permanent Injunction and Request for Declaratory Relief against Defendants Governor Greg Abbott, the Department of Family and Protective Services and Commissioner Jamie Masters, Texas Department of Family and Protective Services. We are requesting a hearing on the Petition this morning.
Plaintiffs intend to present their Petition to the Duty Judge for a hearing today. Please contact either Paul Castillo (216-965-6227) to advise whether you are in agreement with or in opposition to the Petition and the relief sought therein.
Best Regards,
Nicholas "Guilly" Guillory (he/him) | Lambda Legal | Cell 512-229-8657 | nguillory@lambdalegal.org

Lambda Legal: Making the case for equality

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From: Nicholas Guillory
Sent: Tuesday, March 1, 2022 8:52 AM
To: Jaime.Masters@dfps.texas.org
Cc: Vicki.Kozikoujekian@dfps.texas.gov; Corliss.Lawson@dfps.texas.gov
Subject: Notice of Filing in the District Courts of Travis County Seeking Injunctive Relief
Dear Commissioner Jamie Masters,
Please see attached Notice of Filing, Plaintiffs' Original Petition And Application For Temporary Restraining Order, Temporary Injunction, Permanent Injunction and Request for Declaratory Relief against Defendants Governor Greg Abbott, the Department of Family and Protective Services and Commissioner Jamie Masters, Texas Department of Family and Protective Services. We are requesting a hearing on the Petition this morning.
Plaintiffs intend to present their Petition to the Duty Judge for a hearing today. Please contact either Paul Castillo (216-965-6227) to advise whether you are in agreement with or in opposition to the Petition and the relief sought therein.
Best Regards,
Nicholas "Guilly" Guillory
Pronouns**:** he|him|his (why this?)
Tyron Garner Memorial Law Fellow
Lambda Legal | South Central Regional Office

AMERICAN OVERSIGHT

3500 Oak Lawn Avenue, Suite 500
Dallas, TX 75219-6722
Cell (512) 229-8657
nguillory@lambdalegal.org
www.lambdalegal.org
To become a member or make a donation, visit http://www.lambdalegal.org/join

Lambda Legal: Making the case for equality

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AMERICAN OVERSIGHT

From:	Mitchell,Jimmie (DFPS)
To:	Garza,Clara (DFPS); Jackson,Amy (DFPS); King,Cullen (DFPS); Mcelhinney,Kara (DFPS); Molina,Maria (DFPS); Peterman,Ashley (DFPS); Turner,Stacy (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Tuesday, March 1, 2022 2:49:36 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image001.png

---

From: Abascal-Roemer,Allison J (DFPS) <Allison.Abascalroemer@dfps.texas.gov>
Sent: Tuesday, March 1, 2022 2:31 PM
To: Dominguez,Mark A (DFPS) <Mark.Dominguez@dfps.texas.gov>; Evens,Kristin (DFPS) <Kristin.Evens@dfps.texas.gov>; Malik,Elisha (DFPS) <Elisha.Malik@dfps.texas.gov>; Mitchell,Jimmie (DFPS) <Jimmie.Mitchell@dfps.texas.gov>
Subject: FW: Attorney General Opinion

So this goes to the email I sent last week. If we get any inv. in that voice any concerns regarding children and any gender changing procedures notify me immediately so we can notify the chain of command.

Allison Abascal-Roemer
Inv. Rural Program Director
Child Protective Investigations
819 Water St. suite 230 Kerrville, TX
830-792-4303 ex 0230 office
830-928-5174 cell

NOTICE: There has been a change to my email address. Effective immediately, my new email address is:

Allison.AbascalRoemer@dfps.texas.gov

From: Tyler,Michelle L (DFPS)
Sent: Tuesday, March 1, 2022 2:07 PM
To: Alcoser,Vanessa (DFPS) <Vanessa.Alcoser@dfps.texas.gov>; Abascal-Roemer,Allison J (DFPS) <Allison.Abascalroemer@dfps.texas.gov>; Beavers,Gwen E (DFPS) <Gwen.Beavers@dfps.texas.gov>; Moore,Maddison Y (DFPS) <Maddison.Moore@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Please see attached. We need to know if we get any of these reports in.

Michelle Tyler
CPI Program Administrator
Region 8
10223 Nacogdoches Rd.
San Antonio, Texas
210-262-1922

Texas Department of Family and Protective Services
Investigations

From: Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>
Sent: Tuesday, March 1, 2022 12:27 PM

AMERICAN OVERSIGHT

To: Tyler,Michelle L (DFPS) <Michelle.Tyler@dfps.texas.gov>; Ross,Jarlene (DFPS) <Jarlene.Ross@dfps.texas.gov>

Subject: FW: Attorney General Opinion

Be sure to share with the PD's, as we will need to know about any intakes that come in related to this topic.

If the supervisor or PD can forward the intakes to us ASAP. I am sure this is something we are asked about often.

Michelle Cunningham, MSW
Child Protective Investigations
Regional Director (R8)
10223 Nacogdoches Rd.
San Antonio, Texas
Office phone 210-871-3106
Cell Phone 830-433-0924

NOTICE: There has been a change to my email address. Effective immediately, my new email address is: **Michelle.Cunningham@dfps.texas.gov**

AMERICAN OVERSIGHT

From: Malik,Elisha (DFPS)
To: Weers,Debbie (DFPS)
Subject: FW: Attorney General Opinion
Date: Tuesday, March 1, 2022 2:37:00 PM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf
image001.png

For unit meeting
Warm regards,

Elisha Malik

Rural Investigations and Alternative Response Supervisor
Unit 32 Comal and Kendall County
Child Protective Investigations
115 Green Valley St
New Braunfels, Texas 78130
Cell: 210.262.7431
Fax: 512.934.9620

From: Abascal-Roemer,Allison J (DFPS)
Sent: Tuesday, March 1, 2022 2:31 PM
To: Dominguez,Mark A (DFPS) <Mark.Dominguez@dfps.texas.gov>; Evens,Kristin (DFPS) <Kristin.Evens@dfps.texas.gov>; Malik,Elisha (DFPS) <Elisha.Malik@dfps.texas.gov>; Mitchell,Jimmie (DFPS) <Jimmie.Mitchell@dfps.texas.gov>
Subject: FW: Attorney General Opinion

So this goes to the email I sent last week. If we get any inv. in that voice any concerns regarding children and any gender changing procedures notify me immediately so we can notify the chain of command.

Allison Abascal-Roemer
Inv. Rural Program Director
Child Protective Investigations
819 Water St. suite 230 Kerrville, TX
830-792-4303 ex 0230 office
830-928-5174 cell

NOTICE: There has been a change to my email address. Effective immediately, my new email address is:

Allison.AbascalRoemer@dfps.texas.gov

From: Tyler,Michelle L (DFPS)
Sent: Tuesday, March 1, 2022 2:07 PM
To: Alcoser,Vanessa (DFPS) <Vanessa.Alcoser@dfps.texas.gov>; Abascal-Roemer,Allison J (DFPS) <Allison.Abascalroemer@dfps.texas.gov>; Beavers,Gwen E (DFPS) <Gwen.Beavers@dfps.texas.gov>; Moore,Maddison Y (DFPS) <Maddison.Moore@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Please see attached. We need to know if we get any of these reports in.

Michelle Tyler
CPI Program Administrator

AMERICAN OVERSIGHT

Region 8
10223 Nacogdoches Rd.
San Antonio, Texas
210-262-1922

Texas Department of Family and Protective Services
Investigations

From: Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>
Sent: Tuesday, March 1, 2022 12:27 PM
To: Tyler,Michelle L (DFPS) <Michelle.Tyler@dfps.texas.gov>; Ross,Jarlene (DFPS) <Jarlene.Ross@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Be sure to share with the PD's, as we will need to know about any intakes that come in related to this topic.
If the supervisor or PD can forward the intakes to us ASAP. I am sure this is something we are asked about often.

Michelle Cunningham, MSW
Child Protective Investigations
Regional Director (R8)
10223 Nacogdoches Rd.
San Antonio, Texas
Office phone 210-871-3106
Cell Phone 830-433-0924

NOTICE: There has been a change to my email address. Effective immediately, my new email address is: **Michelle.Cunningham@dfps.texas.gov**

AMERICAN OVERSIGHT

From: Lennan,John J (DFPS)
To: Crimmins,Patrick (DFPS)
Cc: Gonzales,Marissa L (DFPS); Pulliam,Shari M (DFPS)
Subject: Petition - Lawsuit - Filed in Travis County 353rd District Court
Date: Tuesday, March 1, 2022 2:34:15 PM
Attachments: doe_v._abbott_-_petition.pdf

FYI – 68 pages

AMERICAN OVERSIGHT

From:	Walker,Lynette (DFPS)
To:	Montgomery,Andrea (DFPS Contractor)
Subject:	FW: Attorney General Opinion
Date:	Tuesday, March 1, 2022 2:31:00 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

---

From: Estupinan,Jennifer (DFPS) <Jennifer.Estupinan@dfps.texas.gov>
Sent: Tuesday, March 1, 2022 2:24 PM
To: Justice,Tyiesha (DFPS) <Tyiesha.Justice@dfps.texas.gov>; Walker,Lynette (DFPS) <Lynette.Walker@dfps.texas.gov>; Wilson,Chasidy (DFPS) <Chasidy.Wilson@dfps.texas.gov>; Robinson,Tasia (DFPS) <Tasia.Robinson@dfps.texas.gov>; Mackeen,Jessica E (DFPS) <Jessica.Mackeen@dfps.texas.gov>; Warren,Tiffani (DFPS) <Tiffani.Warren@dfps.texas.gov>; Lyles,Brittany (DFPS) <Brittany.Lyles@dfps.texas.gov>
Subject: FW: Attorney General Opinion
Importance: High

Information that we are discussing during the conference call today.

From: Douglas,Diepriye (DFPS) <Diepriye.Douglas@dfps.texas.gov>
Sent: Tuesday, March 1, 2022 11:43 AM
To: Estupinan,Jennifer (DFPS) <Jennifer.Estupinan@dfps.texas.gov>; Ludwig,Tamala (DFPS) <Tamala.Ludwig@dfps.texas.gov>; Mcdonnell,Maria (DFPS) <Maria.Mcdonnell2@dfps.texas.gov>; Rayson,Kearia A (DFPS) <Kearia.Rayson@dfps.texas.gov>; Rosolino,Juliana G (DFPS) <Juliana.Rosolino@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Good morning all,
I am not sure if you have heard of this (see attached) however if you get a case that falls into this category, **immediately notify me** before sending a worker out. We need to staff it up.
Call me if you need to discuss further.

Kind regards,
Diepriye Douglas, MSW, LCSW
CPI Program Director of Investigation and Alternative Response
6300 Chimney Rock Rd
Houston, TX 77081
Cell: 832 449 0502
Fax 512 276 3011
Child Abuse Hotline 800 252 5400

From: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:55 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>

AMERICAN OVERSIGHT

Subject: FW: Attorney General Opinion

See email below and attachments—email/attachments sent to SWI staff. I believe we have three right now in the intake stage—or being worked on by SWI. Stephen will send me the case numbers as soon as he has them for us to be aware in order to assist our staff with these cases.

Thanks,

Marta

Marta Talbert

Director of Investigation and Alternative Response

512-438-3357

marta.talbert@dfps.texas.gov

From: Black,Stephen D (DFPS)

Sent: Wednesday, February 23, 2022 3:46 PM

To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>

Subject: FW: Attorney General Opinion

fyi

Stephen Black

512-960-9352

From: Black,Stephen D (DFPS)

Sent: Wednesday, February 23, 2022 3:31 PM

To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>

Subject: Attorney General Opinion

Hello SWI,

A legal opinion was released by the AG's office on February 21, 2022. The governor subsequently provided further direction to DFPS to these reported matters.

Those two documents are attached to this communication which gives guidance and direction regarding how the department is to handle intakes related to gender transitioning.

Please consult with your PA regarding any questions you may have.

Stephen Black

SWI Associate Commissioner

512-960-9352

AMERICAN OVERSIGHT

From: Abascal-Roemer,Allison J (DFPS)
To: Dominguez,Mark A (DFPS); Evens,Kristin (DFPS); Malik,Elisha (DFPS); Mitchell,Jimmie (DFPS)
Subject: FW: Attorney General Opinion
Date: Tuesday, March 1, 2022 2:31:00 PM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf
image001.png

So this goes to the email I sent last week. If we get any inv. in that voice any concerns regarding children and any gender changing procedures notify me immediately so we can notify the chain of command.

Allison Abascal-Roemer
Inv. Rural Program Director
Child Protective Investigations
819 Water St. suite 230 Kerrville, TX
830-792-4303 ex 0230 office
830-928-5174 cell

NOTICE: There has been a change to my email address. Effective immediately, my new email address is:

Allison.AbascalRoemer@dfps.texas.gov

From: Tyler,Michelle L (DFPS)
Sent: Tuesday, March 1, 2022 2:07 PM
To: Alcoser,Vanessa (DFPS) <Vanessa.Alcoser@dfps.texas.gov>; Abascal-Roemer,Allison J (DFPS) <Allison.Abascalroemer@dfps.texas.gov>; Beavers,Gwen E (DFPS) <Gwen.Beavers@dfps.texas.gov>; Moore,Maddison Y (DFPS) <Maddison.Moore@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Please see attached. We need to know if we get any of these reports in.

Michelle Tyler
CPI Program Administrator
Region 8
10223 Nacogdoches Rd.
San Antonio, Texas
210-262-1922

Texas Department of Family and Protective Services
Investigations

From: Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>
Sent: Tuesday, March 1, 2022 12:27 PM
To: Tyler,Michelle L (DFPS) <Michelle.Tyler@dfps.texas.gov>; Ross,Jarlene (DFPS) <Jarlene.Ross@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Be sure to share with the PD's, as we will need to know about any intakes that come in related to this topic.
If the supervisor or PD can forward the intakes to us ASAP. I am sure this is something we are asked about often.

AMERICAN OVERSIGHT

Michelle Cunningham, MSW
Child Protective Investigations
Regional Director (R8)
10223 Nacogdoches Rd.
San Antonio, Texas
Office phone 210-871-3106
Cell Phone 830-433-0924

NOTICE: There has been a change to my email address. Effective immediately, my new email address is: **Michelle.Cunningham@dfps.texas.gov**

AMERICAN OVERSIGHT

From:	Anderson,Regina (DFPS)
To:	Means,Randell (DFPS); Skloss,Wendi (DFPS); Galvan,John Q (DFPS); Saint,James (DFPS); Scott,Anne (DFPS); Cherry,Veronica E (DFPS)
Subject:	FW: ACLU Lawsuit
Date:	Tuesday, March 1, 2022 2:25:00 PM
Attachments:	doe_v._abbott_-_petition.pdf

From: Phillips,Kathleen V (DFPS)
Sent: Tuesday, March 1, 2022 12:50 PM
To: Adams,Stefanie (DFPS) <Stefanie.Adams@dfps.texas.gov>; Anderson,Regina (DFPS) <Regina.Anderson@dfps.texas.gov>; Arriaga,Dennis (DFPS) <Dennis.Arriaga@dfps.texas.gov>; Britt,Dewey D (DFPS) <Dewey.Britt@dfps.texas.gov>; Cordray,Glenna (DFPS) <Glenna.Cordray@dfps.texas.gov>; Kinsler,Brenda L (DFPS) <Brenda.Kinsler@dfps.texas.gov>; Palmquist,Laura R (DFPS) <Laura.Palmquist@dfps.texas.gov>; Surratt,Michele L (DFPS) <Michele.Surratt@dfps.texas.gov>; Tai,Eric T. (DFPS) <Eric.Tai@dfps.texas.gov>; Valdez,Lucinda (DFPS) <Lucinda.Valdez@dfps.texas.gov>
Subject: ACLU Lawsuit

Kathy Phillips
Managing Attorney
Region 11
Texas Department of Family and Protective Services
361-878-7481 Office
361-944-1824 Cell
kathleen.phillips@dfps.texas.gov

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AMERICAN OVERSIGHT

From:	Estupinan,Jennifer (DFPS)
To:	Justice,Tyiesha (DFPS); Walker,Lynette (DFPS); Wilson,Chasidy (DFPS); Robinson,Tasia (DFPS); Mackeen,Jessica E (DFPS); Warren,Tiffani (DFPS); Lyles,Brittany (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Tuesday, March 1, 2022 2:23:00 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

Information that we are discussing during the conference call today.

From: Douglas,Diepriye (DFPS) <Diepriye.Douglas@dfps.texas.gov>

Sent: Tuesday, March 1, 2022 11:43 AM

To: Estupinan,Jennifer (DFPS) <Jennifer.Estupinan@dfps.texas.gov>; Ludwig,Tamala (DFPS) <Tamala.Ludwig@dfps.texas.gov>; Mcdonnell,Maria (DFPS) <Maria.Mcdonnell2@dfps.texas.gov>; Rayson,Kearia A (DFPS) <Kearia.Rayson@dfps.texas.gov>; Rosolino,Juliana G (DFPS) <Juliana.Rosolino@dfps.texas.gov>

Subject: FW: Attorney General Opinion

Good morning all,
I am not sure if you have heard of this (see attached) however if you get a case that falls into this category, **immediately notify me** before sending a worker out. We need to staff it up.
Call me if you need to discuss further.

Kind regards,
Diepriye Douglas, MSW, LCSW
CPI Program Director of Investigation and Alternative Response
6300 Chimney Rock Rd
Houston, TX 77081
Cell: 832 449 0502
Fax 512 276 3011
Child Abuse Hotline 800 252 5400

From: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>

Sent: Wednesday, February 23, 2022 3:55 PM

To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>

Subject: FW: Attorney General Opinion

See email below and attachments—email/attachments sent to SWI staff. I believe we have three right now in the intake stage—or being worked on by SWI. Stephen will send me the case numbers as soon as he has them for us to be aware in order to assist our staff with these cases.
Thanks,
Marta

Marta Talbert
Director of Investigation and Alternative Response

AMERICAN OVERSIGHT

512-438-3357
marta.talbert@dfps.texas.gov

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:46 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: FW: Attorney General Opinion

fyi
Stephen Black
512-960-9352

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

Hello SWI,
A legal opinion was released by the AG's office on February 21, 2022. The governor subsequently provided further direction to DFPS to these reported matters.
Those two documents are attached to this communication which gives guidance and direction regarding how the department is to handle intakes related to gender transitioning.
Please consult with your PA regarding any questions you may have.
Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From: Phillips,Kathleen V (DFPS)
To: Lennan,John J (DFPS)
Subject: FW: ACLU Lawsuit
Date: Tuesday, March 1, 2022 2:20:20 PM
Attachments: doe_v._abbott_-_petition.pdf

Kathy Phillips
Managing Attorney
Region 11
Texas Department of Family and Protective Services
361-878-7481 Office
361-944-1824 Cell
kathleen.phillips@dfps.texas.gov
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From: Phillips,Kathleen V (DFPS)
Sent: Tuesday, March 1, 2022 12:50 PM
To: Adams,Stefanie (DFPS) <Stefanie.Adams@dfps.texas.gov>; Anderson,Regina (DFPS) <Regina.Anderson@dfps.texas.gov>; Arriaga,Dennis (DFPS) <Dennis.Arriaga@dfps.texas.gov>; Britt,Dewey D (DFPS) <Dewey.Britt@dfps.texas.gov>; Cordray,Glenna (DFPS) <Glenna.Cordray@dfps.texas.gov>; Kinsler,Brenda L (DFPS) <Brenda.Kinsler@dfps.texas.gov>; Palmquist,Laura R (DFPS) <Laura.Palmquist@dfps.texas.gov>; Surratt,Michele L (DFPS) <Michele.Surratt@dfps.texas.gov>; Tai,Eric T. (DFPS) <Eric.Tai@dfps.texas.gov>; Valdez,Lucinda (DFPS) <Lucinda.Valdez@dfps.texas.gov>
Subject: ACLU Lawsuit
Kathy Phillips
Managing Attorney
Region 11
Texas Department of Family and Protective Services
361-878-7481 Office
361-944-1824 Cell
kathleen.phillips@dfps.texas.gov
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AMERICAN OVERSIGHT

From:	Tyler,Michelle L (DFPS)
To:	Alcoser,Vanessa (DFPS); Abascal-Roemer,Allison J (DFPS); Beavers,Gwen E (DFPS); Moore,Maddison Y (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Tuesday, March 1, 2022 2:07:29 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image001.png

Please see attached. We need to know if we get any of these reports in.

Michelle Tyler
CPI Program Administrator
Region 8
10223 Nacogdoches Rd.
San Antonio, Texas
210-262-1922

Texas Department of Family and Protective Services
Investigations

From: Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>

Sent: Tuesday, March 1, 2022 12:27 PM

To: Tyler,Michelle L (DFPS) <Michelle.Tyler@dfps.texas.gov>; Ross,Jarlene (DFPS) <Jarlene.Ross@dfps.texas.gov>

Subject: FW: Attorney General Opinion

Be sure to share with the PD's, as we will need to know about any intakes that come in related to this topic.
If the supervisor or PD can forward the intakes to us ASAP. I am sure this is something we are asked about often.

Michelle Cunningham, MSW
Child Protective Investigations
Regional Director (R8)
10223 Nacogdoches Rd.
San Antonio, Texas
Office phone 210-871-3106
Cell Phone 830-433-0924

NOTICE: There has been a change to my email address. Effective immediately, my new email address is: **Michelle.Cunningham@dfps.texas.gov**

AMERICAN OVERSIGHT

From: Chavez,Robin (DFPS)
To: Chavez,Robin (DFPS)
Date: Tuesday, March 1, 2022 1:42:53 PM
Attachments: O-MastersJaime202202221358.pdf

AMERICAN OVERSIGHT

From: Bell,Tiffany (DFPS)
To: Morris,Ruth J (DFPS)
Subject: FW: Attorney General Opinion
Date: Tuesday, March 1, 2022 1:41:00 PM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf
image002.png

From: Trahan,Kyndall (DFPS) <Kyndall.Trahan@dfps.texas.gov>
Sent: Thursday, February 24, 2022 9:48 AM
To: Mayon,Lashanda (DFPS) <Lashanda.Mayon@dfps.texas.gov>; Frank,Courtney (DFPS) <Courtney.Frank@dfps.texas.gov>; Wiltz,Lechanda (DFPS) <Lechanda.Wiltz@dfps.texas.gov>; Jones,Sade (DFPS) <Sade.Jones@dfps.texas.gov>; Tyler,Christiana L (DFPS) <Christiana.Tyler@dfps.texas.gov>; Bell,Tiffany (DFPS) <Tiffany.Bell2@dfps.texas.gov>; Balser,Jodi L. (DFPS) <Jodi.Balser@dfps.texas.gov>; Derry,Tiffany (DFPS) <Tiffany.Derry@dfps.texas.gov>; Lambert,Kellie (DFPS) <Kellie.Lambert@dfps.texas.gov>; Marks,Tracey (DFPS) <Tracey.Marks@dfps.texas.gov>; Ponthieu,Minda (DFPS) <Minda.Ponthieu@dfps.texas.gov>; Simon,Savannah (DFPS) <Savannah.Simon@dfps.texas.gov>; Woods,Kristen (DFPS) <Kristen.Woods@dfps.texas.gov>
Cc: Bailey,Brittany (DFPS) <Brittany.Bailey@dfps.texas.gov>
Subject: FW: Attorney General Opinion

FYI –
Essentially the Governor wants reporters (professional and personnel) to report any parents that are encouraging/allowing/involved in allowing their minor children, who identify as transgendered, to go through the transition process. Governor Abbott is also mandating that DFPS investigate these parents and to have SWI process the intakes for field response.
I know there are lots of feelings around this and more questions than answers right now. Upper management is very involved as this is totally new ground for the agency. If you get a case that I miss, please let me know immediately so I can report it up the chain.
Please know that this email is not the platform for opinions or discussion on this topic. If we need to meet privately, my door is always open.
Thanks,
Kyndall

From: Prewitt,Amanda R. (DFPS)
Sent: Wednesday, February 23, 2022 7:47 PM
To: Trahan,Kyndall (DFPS) <Kyndall.Trahan@dfps.texas.gov>; Bailey,Brittany (DFPS) <Brittany.Bailey@dfps.texas.gov>; Murphy,Lana (DFPS) <Lana.Murphy@dfps.texas.gov>; Nellar,Pansy (DFPS) <Pansy.Nellar@dfps.texas.gov>; Parrott,Katheryn (DFPS) <Katheryn.Parrott@dfps.texas.gov>; Cameron,Crystal (DFPS) <Crystal.Cameron@dfps.texas.gov>; Mczeal,Scheerish A (DFPS) <Scheerish.Mczeal@dfps.texas.gov>
Cc: Boshuizen,Steven (DFPS) <Steven.Boshuizen@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Amanda R. Prewitt
Child Protective Investigations Program Director: Region 4
420 Athens Brick Road, Athens Texas 75751
☎State Cell: 903-368-0064 | ☎Fax: 512-276-3581

AMERICAN OVERSIGHT

☎Report abuse: 1-800-252-5400
✉ E-mail: Amanda.Prewitt@dfps.texas.gov

Texas Department of Family and Protective Services
Child Protective Investigations

From: Liles,Lou R (DFPS) <Lou.Liles@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 6:53 PM
To: Prewitt,Amanda R. (DFPS) <Amanda.Prewitt@dfps.texas.gov>; Phillips,Deirdre (DFPS) <Deirdre.Phillips@dfps.texas.gov>; Peterson,Nicole (DFPS) <Nicole.Peterson@dfps.texas.gov>; Claude,Jennifer L (DFPS) <Jennifer.Claude@dfps.texas.gov>; Chesnut,Andrew (DFPS) <Andrew.Chesnut@dfps.texas.gov>; Boshuizen,Steven (DFPS) <Steven.Boshuizen@dfps.texas.gov>
Subject: Fwd: Attorney General Opinion
If you receive any of these intakes I need to know immediately. Please share with all of your supervisors

---

From: Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 4:18 PM
To: Liles,Lou R (DFPS)
Subject: Fwd: Attorney General Opinion

From: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:54:57 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
Subject: FW: Attorney General Opinion
See email below and attachments—email/attachments sent to SWI staff. I believe we have three right now in the intake stage—or being worked on by SWI. Stephen will send me the case numbers as soon as he has them for us to be aware in order to assist our staff with these cases.
Thanks,
Marta

Marta Talbert
Director of Investigation and Alternative Response
512-438-3357
marta.talbert@dfps.texas.gov

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:46 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>

AMERICAN OVERSIGHT

Subject: FW: Attorney General Opinion

fyi

Stephen Black
512-960-9352

From: Black,Stephen D (DFPS)

Sent: Wednesday, February 23, 2022 3:31 PM

To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>

Subject: Attorney General Opinion

Hello SWI,

A legal opinion was released by the AG's office on February 21, 2022. The governor subsequently provided further direction to DFPS to these reported matters.

Those two documents are attached to this communication which gives guidance and direction regarding how the department is to handle intakes related to gender transitioning.

Please consult with your PA regarding any questions you may have.

Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Yzaguirre,Marina C (DFPS)
To:	Talbert,Marta L (DFPS); Baquero,Myrna I (DFPS); Cunningham,Michelle S (DFPS); Gailes,Keith D (DFPS); Gilbert,Matthew (DFPS); Guyton,Lisa M (DFPS); Harmon,Tonya (DFPS); Sanders,Monica L (DFPS); Sutton,Toni (DFPS); Wharton,Jarita N (DFPS)
Cc:	Guardiola,Heather N (DFPS)
Subject:	FW: Media - Texas - ACLU, LAMBDA LEGAL SUE TO BLOCK TEXAS FROM INVESTIGATING PARENTS WHO SUPPORT THEIR TRANSGENDER KIDS
Date:	Tuesday, March 1, 2022 1:14:56 PM
Attachments:	doe_v._abbott_-_petition.pdf image001.png

fyi

Thanks!

MARINA YZAGUIRRE, MSSW
Child Protective Investigations
Regional Director
Region 11
Edinburg, Tx 78539
Off. 956-316-8238
Mbl. 956-802-4921

Texas Department of Family and Protective Services

From: Phillips,Kathleen V (DFPS)
Sent: Tuesday, March 1, 2022 1:09 PM
To: Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>; Barrera,Denise S (DFPS) <Denise.Barrera@dfps.texas.gov>; Smith,Michelle L (DFPS) <Michelle.Smith3@dfps.texas.gov>; Skipper,Shaun S (DFPS) <Shaun.Skipper@dfps.texas.gov>; Skipper,Allison (DFPS) <Allison.Skipper@dfps.texas.gov>
Subject: FW: Media - Texas - ACLU, LAMBDA LEGAL SUE TO BLOCK TEXAS FROM INVESTIGATING PARENTS WHO SUPPORT THEIR TRANSGENDER KIDS

fyi

Kathy Phillips
Managing Attorney
Region 11
Texas Department of Family and Protective Services
361-878-7481 Office
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kathleen.phillips@dfps.texas.gov

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From: Lennan,John J (DFPS)
Sent: Tuesday, March 1, 2022 12:01 PM
To: Phillips,Kathleen V (DFPS) <Kathleen.Phillips@dfps.texas.gov>
Subject: Media - Texas - ACLU, LAMBDA LEGAL SUE TO BLOCK TEXAS FROM INVESTIGATING

AMERICAN OVERSIGHT

PARENTS WHO SUPPORT THEIR TRANSGENDER KIDS

Hello Kathy …. Just an FYI this just published to the web about 25 minutes ago,
https://www.aclutx.org/en/press-releases/aclu-lambda-legal-sue-block-texas-investigating-parents-who-support-their-transgender

ACLU, LAMBDA LEGAL SUE TO BLOCK TEXAS FROM INVESTIGATING PARENTS WHO SUPPORT THEIR TRANSGENDER KIDS

MEDIA CONTACT

Antonio Arellano, ACLU of Texas, 713-459-8212, media@aclutx.org
MARCH 1, 2022

AUSTIN, Texas — The American Civil Liberties Union, ACLU of Texas, and Lambda Legal today asked a Texas state court to block the Texas Department of Family and Protective Services (DFPS) from investigating parents who work with medical professionals to provide their adolescent children with medically necessary gender-affirming care.

The lawsuit names Texas Gov. Greg Abbott, who recently issued a directive stating that providing gender-affirming care should be considered a form of child abuse. The suit also names DFPS Commissioner Jaime Masters and DFPS, as defendants. The lawsuit includes claims that these recent directives were issued without proper authority, in violation of the Texas Administrative Procedures Act, the separation of powers requirements of the Texas Constitution, and the constitutional rights of transgender youth and their parents.

"No family should have to fear being torn apart because they are supporting their trans child," said **Adri Pérez (they/them), policy and advocacy strategist at the ACLU of Texas.** "A week before an election, Gov. Abbott and Attorney General Ken Paxton issued a partisan political attack that isn't rooted in the needs of families, the evidence from doctors and the expertise from child welfare professionals. Families with trans kids in Texas have been under attack for too long. Gender-affirming health care saved my life, and other trans Texans should be able to access medically necessary, lifesaving care."

AMERICAN OVERSIGHT

The lawsuit was filed on behalf of an employee of DFPS with a transgender child, her husband, and the teen herself. According to the complaint, this family has had an investigator already arrive at their house. The family has filed the lawsuit anonymously. Dr. Megan Mooney, a licensed psychologist who is considered a mandatory reporter under Texas law and cannot comply with the governor's directive without harming her clients and violating her ethical obligations, is also a plaintiff in the suit.

"For Governor Abbott and Attorney General Paxton, it seems the cruelty is the point," said **Paul Castillo (he/him), Lambda Legal Senior Counsel.** "They are joining a politically motivated misinformation campaign with no consideration of medical science and seem determined to criminalize parents seeking to care and provide for their kids, and medical professionals abiding by accepted standards of care for transgender youth. Gender-affirming care for the treatment of gender dysphoria is medically necessary care, full stop. Criminalizing that care and threatening to tear children from their families is unconscionable and terrifying, and cannot stand."

"Our youth, our communities, will not be used as political props," said **Emmett Schelling (he/him), executive director of Transgender Education Network of Texas (TENT).** "We will not allow for these continued efforts to restrict access to life-saving care and criminalize families based on patently false information. To Attorney General Paxton and Gov. Abbott, we will not continue to play a sadistic role in your political theater."

While doctors and medical organizations have been providing gender-affirming care to youth, including transgender youth, for decades, it has increasingly become a target of attacks from state lawmakers. After Arkansas became the first state to pass a ban on gender-affirming care for trans youth last year, a federal court blocked the law from being enforced. While dozens of states have proposed laws similar to what became law in Arkansas — including some like Alabama that have proposed criminal penalties for providing gender-affirming care to youth — Texas is the only state saying providing this lifesaving care could lead to a child being removed from their family and placed in the foster care system.

"Disinformation, being spread about transgender people and their healthcare, highlights, exaggerates and imagines a non-existent problem as

an urgent moral emergency that must be tackled right away," said **Ricardo Martinez, (he/him), chief executive officer for Equality Texas.** "It's predictable and sad that politicians will further sow civil discord by amplifying lies about trans people to score political points. Misconstruing the law and amplifying junk science to attack innocent children and their parents is cruel — beneath contempt — and could have a devastating effect on transgender youth and their families."

"These efforts to cut off and criminalize necessary health care for transgender minors are in direct conflict with the recommendations of medical professionals and have nothing to do with what's best for trans youth," said **Chase Strangio (he/him), deputy director for trans justice with the ACLU LGBTQ & HIV Project.** "They may be escalating, but these attacks are not new. Trans youth need you to take the fury you have over what's happening in Texas and share it with lawmakers in every state that is trying to make it harder for trans youth to survive."

A court could rule as soon as Tuesday. The lawsuit was filed by the American Civil Liberties Union Jon L. Stryker and Slobodan Randjelovic LGBTQ & HIV Project, the ACLU Women's Rights Project, the ACLU of Texas, Lambda Legal, and the law firm of Baker Botts LLP.

AMERICAN OVERSIGHT

From:	Sanders Monica L (DFPS)
To:	Polk Marilyn D (DFPS); Garrett Kendrick L (DFPS); Clark Jennifer L. (DFPS); Beaudoin Lashonna R (DFPS); Bluford Jamilla K (DFPS); Douglas Diepriye (DFPS); Hammon Stephanie A (DFPS); Heath Claudia M (DFPS); Phynon Domeka (DFPS); Santiago Shaun (DFPS); Truss Stacey L (DFPS); Vidrine Lineshia (DFPS)
Subject:	The ACLU Is Suing Texas to Block the Worst Anti-Trans Program in the Country
Date:	Tuesday, March 1, 2022 12:39:04 PM

Just sharing the news article; do not reply. I'd prefer you not respond.

Melissa Gira Grant/March 1, 2022

The ACLU Is Suing Texas to Block the Worst Anti-Trans Program in the Country

A Texas family investigated under a "child abuse" directive targeting trans youth is taking the state to court.

Last Saturday, in Central Texas, Marin Brice was out with her 10-year-old daughter, driving to get a treat after acting class, talking about an upcoming political protest. She told me she explained it as simply as she could: "Our governor wants to make it so that trans kids can't have puberty blockers—because that's something she understands—and if anyone helps trans kids receive or get puberty blockers, they could get in trouble and can go to jail." The protest, she said, was "because everyone thinks this is awful. And we want

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to let the governor know that he is wrong." Her daughter got quiet, Brice told me, so she asked, did she understand? (Brice, out of concern for her family and their safety, asked to use a pseudonym.) She said yes, but she also had a question. "*Am I going to die?*"

A few days earlier, Texas Attorney General Ken Paxton offered a "legal opinion" that providing medical care to treat adolescents with gender dysphoria could be "child abuse," and Governor Greg Abbott instructed the Texas State Department of Family and Protective Services, or DFPS, to immediately investigate cases of alleged "sex change" procedures, as he described them. On Tuesday, a Texas family and a psychologist filed a legal challenge to the directive, asking the district court in Travis County to block enforcement of Abbott's order—which had warned that health care providers, educators, other "licensed professionals who have direct contact with children," and "members of the general public" could face criminal penalties "for failure to report such child abuse"—and to block DFPS's interpretation of the order. The plaintiffs are represented by the American Civil Liberties Union, the American Civil Liberties Union of Texas, Lambda Legal, and the law firm Baker Botts. (Brice's family is not a plaintiff.) While neither Abbott nor Paxton has the authority to change Texas state law, they are attempting to shift the legal landscape, directing DFPS to conduct investigations based on the presumption that gender-affirming treatment for transgender adolescents is child abuse.

The new legal filing in Travis County shows that at least one family, the plaintiffs known as the Doe family, is already being investigated. Jane Doe, the mother of a trans child, Mary, is herself a DFPS employee, according to the filing. On February 23, after the Paxton and Abbott directives, she sought guidance from her supervisor about how the changes would impact her work. "Such clarification was important for her family as well as to her ability to perform her job at DFPS," the filing states. "That same day, and just mere hours later, Jane Doe was placed on leave from her employment because she has a transgender daughter with a medical need for treatment of gender dysphoria."

The Does are also now being investigated by DFPS. Two days after Jane was sent home on leave, a DFPS Child Protective Services investigator came to the Doe home. "The CPS investigator

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disclosed that the sole allegation against Jane Doe and John Doe is that they have a transgender daughter and that their daughter may have been provided with medically necessary gender-affirming health care and is 'currently transitioning from male to female.'"

As a result of these directives, families like the Does have been exposed immediately to such investigations—including surprise home visits from CPS and efforts to obtain their confidential medical records. "These extralegal actions from Texas's top executive officials violate the Texas Administrative Procedure Act, the Texas Constitution's separation of powers, and infringe the rights of parents, minors, and mandatory reporters under the Texas Constitution," said Chase Strangio, deputy director for transgender justice with the ACLU's LGBT & HIV Project, one of the attorneys for the plaintiffs. "We are suing today to put a stop to the abuses in these directives and to vindicate the rights of Texas youth and families."

State Republicans, Strangio added, "acted far beyond the scope of their legal authority in an effort to transform Texas law to punish transgender people and their families and to deputize the general public to assist them in that unauthorized endeavor."

When Paxton and Abbott issued their directives early last week, they prompted the strongest national reaction yet to the wave of anti-trans bills currently moving through state legislatures across the country. "These actions perpetuate the spirit of intolerance and discrimination against transgender youth," Department of Health and Human Services Assistant Secretary Rachel Levine said on Twitter. "It is unconscionable that evidence-based care is being politicized." Texas Democrats, including the Texas House LGBTQ Caucus, the Texas Legislative Black Caucus, and the Texas Women's Health Caucus, have condemned Paxton and Abbott's directives, calling them representative of "an ongoing attempt to scapegoat innocent children for political gain," and saying that their actions "contribute to a dangerous campaign of misinformation that has fueled fear, discrimination, and violence, threatening the lives of children across our state." To date, five Texas district attorneys—from Bexar, Dallas, Fort Bend, Harris, Nueces, and Travis counties—say they oppose the directive and

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they would not prosecute such cases.

Paxton's opinion justifying all this was also deceptive, a move with political purpose. A review by the *Fort Worth Star-Telegram* found that Paxton "cited sources in a misleading way and drew parallels that researchers say simply do not exist." As one researcher cited told the *Star-Telegram*, "If they knew anything about my scholarship more generally, they would know that I am someone whose research demonstrates the harm of the very types of policies they're trying to enact on marginalized people."

Misinformation about these treatments has circulated across the Right, sometimes quite intentionally. Terry Schilling, president of the American Principles Project, or APP, took substantial credit for Abbott and Paxton's moves in an interview last week on Steve Bannon's podcast, *War Room*. "We put together a $750,000 grassroots advocacy campaign with the War Room's support, and we put pressure on him right before the election," said Schilling. "It wasn't a coincidence" that Abbott did this, he added, and it "would not have happened" without Ken Paxton and without Bannon's War Room "posse," who were helping APP "really make this pro-family movement more muscular." Schilling also spoke at the Conservative Political Action Conference in Orlando on Saturday, in a breakout session with the title, "Silly Doctor! Sex Changes Aren't for Kids. As the *Miami Herald* reported, "Schilling told attendees to keep pressure on the issue, and said the 'real bad guys' in the culture wars of transgender rights are pharmaceutical companies and medical professionals that participate in gender reassignment surgeries for children." This was a victory lap. The campaign to "protect kids from gender activists" was so successful, Schilling recently tweeted, Trump has parroted it.

Even before Abbott's directive, a broader, years-long Republican effort to spread misinformation about trans health care helped fuel protests and a disinformation campaign targeting one of the few providers of mental health services and hormone treatments to children and adolescents. It lead the program to disband late last year. Texas parents had been preparing for these attacks, some with "exit plans," Brice told me this week, but many intended to stay and fight. Last legislative session, they defeated every anti-trans bill introduced—including one deeming gender-affirming care

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abuse—until a sports ban passed in a *third* special session. Notably, Paxton and Abbott issued their directives within days of their respective primaries, with both facing challenges from their right. Three of Abbott's opponents called for another special session specifically to pass a law defining gender-affirming care as child abuse.

With the midterms looming and Republicans leaning into attacks on trans kids, Democrats have yet to meet them with a similarly loud defense. On one level, it may be because these attacks seem so calculated that they don't merit a response, though parents fear it's also because liberals are just less invested in protecting trans kids. "I keep on hearing, *these politicians are just using trans kids as their pawns to score political points*," Brice said. "And that's true…. and, how would you feel if your child was being treated as a game? As a means to an end?" She said she was getting tired of people telling her, *it's just a political stunt*. "Yes, they're right, but it's a political stunt that causes real harm."

Then Brice shared the story about her daughter's reaction to hearing of Abbott's new order—*am I going to die?* "My daughter, my child, she's sitting behind me, and I can't see her face, but I hear this question." Brice pulled over. She got in the back seat, and asked her daughter if it was okay to give her a hug. "I'm holding her, and we're sitting there in a parking lot, somewhere between her acting camp and getting a donut, and I'm telling my daughter that she is not going to die, and that I will always keep her safe, and that's my job. And I'm worried that it's getting to the point that it's going to be hard for her to believe me."

AMERICAN OVERSIGHT

From: Cunningham,Michelle S (DFPS)
To: Tyler,Michelle L (DFPS); Ross,Jarlene (DFPS)
Subject: FW: Attorney General Opinion
Date: Tuesday, March 1, 2022 12:26:45 PM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

Be sure to share with the PD's, as we will need to know about any intakes that come in related to this topic.
If the supervisor or PD can forward the intakes to us ASAP. I am sure this is something we are asked about often.

Michelle Cunningham, MSW
Child Protective Investigations
Regional Director (R8)
10223 Nacogdoches Rd.
San Antonio, Texas
Office phone 210-871-3106
Cell Phone 830-433-0924

NOTICE: There has been a change to my email address. Effective immediately, my new email address is: **Michelle.Cunningham@dfps.texas.gov**

From: Talbert,Marta L (DFPS)
Sent: Tuesday, March 1, 2022 12:20 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
Subject: FW: Attorney General Opinion

I want to double check---we currently only have three intakes/investigations regarding the legal opinion-Whether certain medical procedures performed on children constitute child abuse??
Correct?—Two out of Lisa's area and One out of Matts' area.
Tonya had one but found out doesn't meet so closing the case—has this been closed?
Need answer quickly.

Marta Talbert
Director of Investigation and Alternative Response
512-438-3357
marta.talbert@dfps.texas.gov

AMERICAN OVERSIGHT

From:	Talbert,Marta L (DFPS)
To:	Harmon,Tonya (DFPS); Toni Sutton (DFPS; Gilbert,Matthew (DFPS); Gailes,Keith D (DFPS); Wharton,Jarita N (DFPS); Sanders,Monica L (DFPS); Guyton,Lisa M (DFPS); Cunningham,Michelle S (DFPS); Baquero,Myrna I (DFPS); Yzaguirre,Marina C (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Tuesday, March 1, 2022 12:22:43 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

I want to double check---we currently only have three intakes/investigations regarding the legal opinion-Whether certain medical procedures performed on children constitute child abuse??

Correct?—[redacted]

Tonya had one but found out doesn't meet so closing the case—has this been closed?

Need answer quickly.

Marta Talbert

Director of Investigation and Alternative Response

512-438-3357

marta.talbert@dfps.texas.gov

NOTICE: There has been a change to my email address. Effective immediately, my new email address is: **Marta.Talbert@dfps.texas.gov.**

AMERICAN OVERSIGHT

From:	Talbert,Marta L (DFPS)
To:	Harmon,Tonya (DFPS); Toni Sutton (DFPS; Gilbert,Matthew (DFPS); Gailes,Keith D (DFPS); Wharton,Jarita N (DFPS); Sanders,Monica L (DFPS); Guyton,Lisa M (DFPS); Cunningham,Michelle S (DFPS); Baquero,Myrna I (DFPS); Yzaguirre,Marina C (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Tuesday, March 1, 2022 12:20:00 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

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Correct?—[redacted]

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Need answer quickly.

Marta Talbert

Director of Investigation and Alternative Response

512-438-3357

marta.talbert@dfps.texas.gov

AMERICAN OVERSIGHT

From:	Douglas,Diepriye (DFPS)
To:	Vidrine,Lineshia (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Tuesday, March 1, 2022 11:47:00 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

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This is what I sent to my staff

Kind regards,
Diepriye Douglas, MSW, LCSW
CPI Program Director of Investigation and Alternative Response
6300 Chimney Rock Rd
Houston, TX 77081
Cell: 832 449 0502
Fax 512 276 3011
Child Abuse Hotline 800 252 5400

From: Douglas,Diepriye (DFPS)
Sent: Tuesday, March 1, 2022 11:43 AM
To: Estupinan,Jennifer (DFPS) <Jennifer.Estupinan@dfps.texas.gov>; Ludwig,Tamala (DFPS) <Tamala.Ludwig@dfps.texas.gov>; Mcdonnell,Maria (DFPS) <Maria.Mcdonnell2@dfps.texas.gov>; Rayson,Kearia A (DFPS) <Kearia.Rayson@dfps.texas.gov>; Rosolino,Juliana G (DFPS) <Juliana.Rosolino@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Good morning all,
I am not sure if you have heard of this (see attached) however if you get a case that falls into this category, **immediately notify me** before sending a worker out. We need to staff it up.
Call me if you need to discuss further.

Kind regards,
Diepriye Douglas, MSW, LCSW
CPI Program Director of Investigation and Alternative Response
6300 Chimney Rock Rd
Houston, TX 77081
Cell: 832 449 0502
Fax 512 276 3011
Child Abuse Hotline 800 252 5400

From: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:55 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
Subject: FW: Attorney General Opinion

See email below and attachments—email/attachments sent to SWI staff. I

AMERICAN OVERSIGHT

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Thanks,
Marta

Marta Talbert
Director of Investigation and Alternative Response
512-438-3357
marta.talbert@dfps.texas.gov

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:46 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: FW: Attorney General Opinion

fyi
Stephen Black
512-960-9352

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

Hello SWI,
A legal opinion was released by the AG's office on February 21, 2022. The governor subsequently provided further direction to DFPS to these reported matters.
Those two documents are attached to this communication which gives guidance and direction regarding how the department is to handle intakes related to gender transitioning.
Please consult with your PA regarding any questions you may have.
Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Douglas,Diepriye (DFPS)
To:	Estupinan,Jennifer (DFPS); Ludwig,Tamala (DFPS); Mcdonnell,Maria (DFPS); Rayson,Kearia A (DFPS); Rosolino,Juliana G (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Tuesday, March 1, 2022 11:43:13 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf

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CPI Program Director of Investigation and Alternative Response
6300 Chimney Rock Rd
Houston, TX 77081
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Sent: Wednesday, February 23, 2022 3:55 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
Subject: FW: Attorney General Opinion

See email below and attachments—email/attachments sent to SWI staff. I believe we have three right now in the intake stage—or being worked on by SWI. Stephen will send me the case numbers as soon as he has them for us to be aware in order to assist our staff with these cases.
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Marta

Marta Talbert
Director of Investigation and Alternative Response
512-438-3357
marta.talbert@dfps.texas.gov

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Sent: Wednesday, February 23, 2022 3:46 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: FW: Attorney General Opinion

fyi

AMERICAN OVERSIGHT

Stephen Black
512-960-9352

From: Black,Stephen D (DFPS)
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To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

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Please consult with your PA regarding any questions you may have.

Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From:	Truss,Stacey L (DFPS)
To:	Cruz,Teresa (DFPS); Inyangala,Dorothy (DFPS); Jacksoncooper,Marquesa S (DFPS); Patel,Shefali (DFPS); Young,Aaricka (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Tuesday, March 1, 2022 11:25:54 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image001.png

Please let me know if you receive any cases surrounding our Transgender Community. Before cases can be routed out please let me know because I need to let Monica and Kendrick know.
Thank You
Stacey Truss

Stacey Truss
CPI Program Director
Investigations and Alternative Response
6300 Chimney Rock Rd
Houston TX 77081
281 797 5421 cell
stacey.truss@dfps.texas.gov

From: Garrett,Kendrick L (DFPS) <Kendrick.Garrett@dfps.texas.gov>
Sent: Thursday, February 24, 2022 8:52 AM
To: Beaudoin,Lashonna R (DFPS) <Lashonna.Beaudoin@dfps.texas.gov>; Heath,Claudia M (DFPS) <Claudia.Heath@dfps.texas.gov>; Phynon,Domeka (DFPS) <Domeka.Phynon@dfps.texas.gov>; Truss,Stacey L (DFPS) <Stacey.Truss@dfps.texas.gov>
Subject: FW: Attorney General Opinion
FYI

Kind Regards,
Kendrick L. Garrett
Region 6A Program Adminstrator
DFPS/CPI (A**lternative **R**esponse & Investigations**)
832-454-7311 business cell
Kendrick.garrett@dfps.texas.gov

Texas Department of
Family and Protective Services
Child Protective Investigations

AMERICAN OVERSIGHT

From: Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>
Sent: Thursday, February 24, 2022 8:05 AM
To: Polk,Marilyn D (DFPS) <Marilyn.Polk@dfps.texas.gov>; Garrett,Kendrick L (DFPS) <Kendrick.Garrett@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Please try to get through this and share and process with the PDs.

From: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:55 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
Subject: FW: Attorney General Opinion

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marta.talbert@dfps.texas.gov

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:46 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: FW: Attorney General Opinion

fyi
Stephen Black
512-960-9352

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

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Those two documents are attached to this communication which gives guidance and direction regarding how the department is to handle intakes related to gender transitioning.

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Please consult with your PA regarding any questions you may have.

Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

From: Scott,Anne (DFPS)
To: [redacted]
Subject: Transgender Children
Date: Tuesday, March 1, 2022 11:19:00 AM
Attachments: O-MastersJaime202202221358.pdf

FYI

Anne Scott ~ Legal Assistant II
1200 E. Copeland Road, Arlington, Texas 76011
817-269-9252 (Cell) ~ 512-276-3560 (Fax)

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AMERICAN OVERSIGHT

From: Phillips,Kathleen V (DFPS)
To: Smith,Michelle L (DFPS); Skipper,Shaun S (DFPS); Skipper,Allison (DFPS)
Subject: AG Opinion
Date: Tuesday, March 1, 2022 10:44:59 AM
Attachments: kp-0401_0.pdf

In regard to the AG opinion about gender reassignment, if program contacts you with any questions or wanting to staff a case with this issue, you need to notify me immediately and do not give any advice in regard to this subject.
Leg me know if you have any questions.

Kathy Phillips
Managing Attorney
Region 11
Texas Department of Family and Protective Services
361-878-7481 Office
361-944-1824 Cell
kathleen.phillips@dfps.texas.gov

CONFIDENTIALITY NOTICE: *This message and all attachments are confidential and may be protected by the attorney-client or other privileges. Any review, use, disclosure, or distribution by persons other than the intended recipient is prohibited and may be unlawful. If you believe this message has been sent to you in error, please notify the sender and delete this message and copy of it (in any form) without disclosing it. Unless expressly stated in this e-mail, nothing in this message should be construed as a digital or electronic signature.*

AMERICAN OVERSIGHT

From: Guerra,Marissa (DFPS)
To: Aguilar,Melissa (DFPS)
Subject: Fwd: Attorney General Opinion
Date: Tuesday, March 1, 2022 9:36:54 AM
Attachments: AG Ken Paxton"s Legal Opinion.pdf
Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf
image001.png
image005.png

From: Montoya,Erika (DFPS) <Erika.Montoya@dfps.texas.gov>
Sent: Tuesday, March 1, 2022 8:34 AM
To: Zachary,Adriana A (DFPS); Blair-Santaella,Kimberly (DFPS); Rodriguez,Joel (DFPS); Flores,Aaron (DFPS); Guerra,Marissa (DFPS); Reyes,Sonia (DFPS)
Subject: FW: Attorney General Opinion

Team:
We will discuss this thoroughly on Thursday's unit meeting. Please bring your questions and be ready for a very honest, genuine, open discussion.
Thank you kindly,

Texas Department of Family and Protective Services
Child Protective Investigations

Erika Monique Montoya, MS, LPCA, NCC
Supervisor II/Military Liasion
7400 Diana Dr. El Paso TX, 79904
Region 10
Mobile: 915.356.4089
Fax: 512.929.5789
erika.montoya@dfps.texas.gov
DFPS Hotline: 1.800.252.5400

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From: Garcia,John A (DFPS)
Sent: Monday, February 28, 2022 4:26 PM
To: Carreon,Frankie T (DFPS) <Frankie.Carreon@dfps.texas.gov>; Martinez,Amanda (DFPS) <Amanda.Martinez@dfps.texas.gov>; Montoya,Erika (DFPS) <Erika.Montoya@dfps.texas.gov>; Morales,Carmelo (DFPS) <Carmelo.Morales@dfps.texas.gov>; Rubio,Veronica G (DFPS) <Veronica.Rubio@dfps.texas.gov>; Salazar,Teresa (DFPS) <Teresa.Salazar@dfps.texas.gov>
Subject: FW: Attorney General Opinion
Importance: High

We will be reviewing this Tuesday morning. Thanks.

John Anthony Garcia
CPS Investigations Program Director
501 Hawkins
El Paso, Texas 79915
Office 915-521-3865
Work Cell 915-929-8532
Fax. 512-927-5788

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Texas Department of
Family and Protective Services
Child Protective Investigations

Mission
We promote safe and healthy families and protect children and vulnerable adults from abuse, neglect, and exploitation.
Vision
Improving the lives of those we serve.
Values
We are Accountable, Respectful, Diverse, Collaborative, Professional

---

From: Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>
Sent: Thursday, February 24, 2022 8:04 AM
To: Johnson,Christin (DFPS) <Christin.Johnson@dfps.texas.gov>; Ortega,Edna V (DFPS) <Edna.Ortega@dfps.texas.gov>; Garcia,John A (DFPS) <John.Garcia@dfps.texas.gov>; Wicker,Joseph (DFPS) <Joseph.Wicker@dfps.texas.gov>; Lopez,Isaac (DFPS) <Isaac.Lopez@dfps.texas.gov>; Valdez,Deric J (DFPS) <Deric.Valdez@dfps.texas.gov>
Subject: FW: Attorney General Opinion
Importance: High

A legal opinion was released by the AG's office on February 21, 2022. The governor subsequently provided further direction to DFPS to these reported matters.
Those two documents are attached to this communication which gives guidance and direction regarding how the department is to handle intakes related to gender transitioning.
Please consult with your PA or RD regarding any questions you may have.
Myrna

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From:	Montoya,Erika (DFPS)
To:	Zachary,Adriana A (DFPS); Blair-Santaella,Kimberly (DFPS); Rodriguez,Joel (DFPS); Flores,Aaron (DFPS); Guerra,Marissa (DFPS); Reyes,Sonia (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Tuesday, March 1, 2022 9:34:57 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image001.png image005.png

Team:
We will discuss this thoroughly on Thursday's unit meeting. Please bring your questions and be ready for a very honest, genuine, open discussion.
Thank you kindly,

Texas Department of Family and Protective Services
Child Protective Investigations

Erika Monique Montoya, MS, LPCA, NCC
Supervisor II/Military Liasion
7400 Diana Dr. El Paso TX, 79904
Region 10
Mobile: 915.356.4089
Fax: 512.929.5789
erika.montoya@dfps.texas.gov
DFPS Hotline: 1.800.252.5400

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From: Garcia,John A (DFPS)
Sent: Monday, February 28, 2022 4:26 PM
To: Carreon,Frankie T (DFPS) <Frankie.Carreon@dfps.texas.gov>; Martinez,Amanda (DFPS) <Amanda.Martinez@dfps.texas.gov>; Montoya,Erika (DFPS) <Erika.Montoya@dfps.texas.gov>; Morales,Carmelo (DFPS) <Carmelo.Morales@dfps.texas.gov>; Rubio,Veronica G (DFPS) <Veronica.Rubio@dfps.texas.gov>; Salazar,Teresa (DFPS) <Teresa.Salazar@dfps.texas.gov>
Subject: FW: Attorney General Opinion
Importance: High

We will be reviewing this Tuesday morning. Thanks.

John Anthony Garcia
CPS Investigations Program Director
501 Hawkins
El Paso, Texas 79915
Office 915-521-3865
Work Cell 915-929-8532
Fax. 512-927-5788

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Subject: FW: Attorney General Opinion
Importance: High

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Please consult with your PA or RD regarding any questions you may have.
Myrna

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From:	Anderson,Regina (DFPS)
To:	Galvan,John Q (DFPS); Skloss,Wendi (DFPS); Scott,Anne (DFPS); Suarez,Cindy (DFPS); Mendez,Michelle (DFPS); Cherry,Veronica E (DFPS); Saint,James (DFPS); Means,Randell (DFPS); Serrato,Yuriria H (DFPS)
Subject:	Transgender children
Date:	Tuesday, March 1, 2022 9:25:00 AM
Attachments:	O-MastersJaime202202221358.pdf

We will discuss this letter at the unit meeting today.

Regina Anderson
Managing Attorney for Region 3 and Region 4
1200 East Copeland, Suite 310
Arlington, Texas 76011
817-792-4410 (office)
817-412-9601 (cell)
512-276-3500 (fax)
SBN 24040436
Regina.Anderson@dfps.state.tx.us

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AMERICAN OVERSIGHT

From: Harris,Tara S (DFPS)
To: Ware,Jennifer M (DFPS)
Subject: Greg Abbott"s Letter
Date: Tuesday, March 1, 2022 6:32:00 AM
Attachments: Greg Abbott Letter.pdf

Enclosed is the letter from Greg Abbott's Office.

Tara S. Harris MSW and MSC
Conservatorship Supervisor I Unit A4
Tara.harris@dfps.texas.gov
535 S. Loop 288 Suite 2081
Denton, Texas 76205
817-879-5935 (work cell)
Statewide Intake: 800-252-5400

AMERICAN OVERSIGHT

From: R. C.
To: Chapman,Rose (DFPS)
Subject: O-MastersJaime202202221358.pdf
Date: Monday, February 28, 2022 9:30:57 PM
Attachments: O-MastersJaime202202221358.pdf

WARNING: This email is from outside the DFPS system. Do not click on links or attachments unless you expect them from the sender and know the content is safe.

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From: Tara May <info@sg.actionnetwork.org>
Sent: Monday, February 28, 2022 10:17 AM
To: DFPS Council
Subject: Oppose the criminalization of trans youth!

WARNING: This email is from outside the DFPS system. Do not click on links or attachments unless you expect them from the sender and know the content is safe.

DFPS Council Liaison Cheryl Gomez,

Texas Governor Gregg Abbott and Attorney General Ken Paxton are promoting the criminalization of loving families, friends, and caregivers of trans children. Without doubt, this measure will cause great harm to families, communities, transgender children and youth. Abbott, Paxton, and other conservatives have cruelly identified all trans-affirming medical care as "child abuse."

Not only that, they are also criminalizing all professionals who work with children and the general public who may know of a child receiving trans-affirming care if they do not report that child as a victim of child abuse. This is absolutely unconscionable.

This action will cause widespread harm to trans children and youth by preventing them from accessing supportive and sometimes life-saving medical and mental health interventions.

Abbott claims that there is no evidence children benefit from gender-affirming care. This is absolutely false. Among recent studies was one involving over 20,000 trans adults that looked at their experience with trans-affirming care and found that access to puberty blockers had far reaching effects, lowering odds of lifetime suicidal ideation. See Turban, J. L., King, D., Carswell, J. M., & Keuroghlian, A. S. (2020). Pubertal suppression for transgender youth and risk of suicidal ideation. Pediatrics, 145(2).

Paxton and Abbott and other supporters of this measure are claiming that they are protecting children from forced surgeries (gender-affirming surgeries are extremely rare under the age of 18) and coerced medical interventions that create sterility. However, most gender-affirming care for children is related to help with social transition. Medical interventions are not even considered until after the start of puberty. Puberty blockers simply delay the onset of puberty to allow young persons the opportunity to consider their choices. Puberty resumes on cessation of the treatment.

Paxton and Abbot and other supporters are creating an environment that not only denies medical treatment that is in line with ALL professional medical guidelines, they are also promoting the removal of trans children from loving supportive families and caregivers. This is unacceptable.

We urge you to recognize the dire circumstances these state actions create for trans children and their supportive and loving families. We hope that you will take any and all

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actions that may be available to you to counter this false narrative that claims healthcare that can be so important -- even life-saving -- is "child abuse."

Thank you for your attention and assistance in this matter!

Tara May
pulsar_upland.0g@icloud.com
196 Borgels Point Road
Chester Basin, Nova Scotia B0J 1K0

AMERICAN OVERSIGHT

From:	Martinez,Amanda (DFPS)
To:	Amaya,Stephanie (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Monday, February 28, 2022 5:34:00 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image001.png

---

Effing bull poop.

From: Garcia,John A (DFPS)

Sent: Monday, February 28, 2022 4:26 PM

To: Carreon,Frankie T (DFPS) <Frankie.Carreon@dfps.texas.gov>; Martinez,Amanda (DFPS) <Amanda.Martinez@dfps.texas.gov>; Montoya,Erika (DFPS) <Erika.Montoya@dfps.texas.gov>; Morales,Carmelo (DFPS) <Carmelo.Morales@dfps.texas.gov>; Rubio,Veronica G (DFPS) <Veronica.Rubio@dfps.texas.gov>; Salazar,Teresa (DFPS) <Teresa.Salazar@dfps.texas.gov>

Subject: FW: Attorney General Opinion

Importance: High

We will be reviewing this Tuesday morning. Thanks.

John Anthony Garcia
CPS Investigations Program Director
501 Hawkins
El Paso, Texas 79915
Office 915-521-3865
Work Cell 915-929-8532
Fax. 512-927-5788

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(DFPS) <Joseph.Wicker@dfps.texas.gov>; Lopez,Isaac (DFPS) <Isaac.Lopez@dfps.texas.gov>; Valdez,Deric J (DFPS) <Deric.Valdez@dfps.texas.gov>

Subject: FW: Attorney General Opinion

Importance: High

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Please consult with your PA or RD regarding any questions you may have.

Myrna

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From:	Garcia,John A (DFPS)
To:	Carreon,Frankie T (DFPS); Martinez,Amanda (DFPS); Montoya,Erika (DFPS); Morales,Carmelo (DFPS); Rubio,Veronica G (DFPS); Salazar,Teresa (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Monday, February 28, 2022 5:26:35 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image001.png

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We will be reviewing this Tuesday morning. Thanks.

John Anthony Garcia
CPS Investigations Program Director
501 Hawkins
El Paso, Texas 79915
Office 915-521-3865
Work Cell 915-929-8532
Fax. 512-927-5788

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related to gender transitioning.
Please consult with your PA or RD regarding any questions you may have.
Myrna

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From:	Lopez,Isaac (DFPS)
To:	Killough,Cassie (DFPS); Hooks,Jenna L (DFPS); Martin,Jody (DFPS); Miller,Kara M (DFPS); Peterson,Mallory (DFPS)
Cc:	Johnson,Christin (DFPS)
Subject:	Monday Check-In - 02/28/2022
Date:	Monday, February 28, 2022 5:11:04 PM
Attachments:	image001.png FW Attorney General Opinion .msg REMINDER - Safety Assessment correctionsdeletions - Effective Jan 10 2022.msg

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Available:

U2 – Cater on [redacted]
U3 – Gagne is on leave
U4 – Russell on Leave today and tomorrow
U7 – Mary Alice on leave Thursday / Friday
U94 – All available

Discussion:

MIAB

- Peer Support Team
- Form 2617 – Alleged Perpetrator's Rights
- FACN Consultations
- AR Engagement Guide
- AR FAQ's
- Contacting SWI When There are Issues

Be intentional with 15 Day Reviews and staffing. Document staffing
Handling Subpoenas email
Attorney General Opinion (Attached)
Abbreviated cases closure policy
Safety Assessment correction process (Email Attached)
Prepare for Mary Alice retiring – Jenna/Mallory/Cassie will set up meeting with admin's and HST's
FTM Referrals

Thank you,

Isaac K. Lopez
Program Director
Region 09 INV/AR
622 S. Oakes Ste. L
San Angelo, TX, 76903
O: 325-657-8940
C: 325-315-7569

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Texas Department of
Family and Protective Services
Child Protective Investigations

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From:	Hendrix,Latosha (DFPS)
To:	Dean,Monikka L (DFPS); Saldivar III,Julian (DFPS); Brinkley,Brandy (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Monday, February 28, 2022 4:11:12 PM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image003.png image001.png

We will discuss during sup meeting today.
Thanks,

Latosha Hendrix
CPI Program Director
Dallas/Outlying AHR Investigations
7950 Elmbrook Drive | Dallas, Texas 75247
817-727-0386 (cell)
512-276-3550 (fax)
Latosha.Hendrix@dfps.texas.gov

Texas Department of Family and Protective Services
Child Protective Investigations

One Team – One Goal, Making a Difference

From: Chancellor,Veronica M (DFPS) <Veronica.Chancellor@dfps.texas.gov>
Sent: Friday, February 25, 2022 2:22 PM
To: Hendrix,Latosha (DFPS) <Latosha.Hendrix@dfps.texas.gov>; Green,Lakeshia (DFPS) <Lakeshia.Green@dfps.texas.gov>; Morrow,Belinda (DFPS) <Belinda.Morrow@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Team we will discuss further on our 3pm meeting.
TY

From: Sutton,Toni (DFPS) <Marie.Sutton@dfps.texas.gov>
Sent: Thursday, February 24, 2022 3:46 PM
To: Riles,Vincent A (DFPS) <Vincent.Riles2@dfps.texas.gov>; Riley,Leighann (DFPS) <Mary.Riley@dfps.texas.gov>; Chancellor,Veronica M (DFPS) <Veronica.Chancellor@dfps.texas.gov>; Coaston,Marva (DFPS) <Marva.Coaston2@dfps.texas.gov>; Ferbrache,Belinda (DFPS) <Belinda.Ferbrache@dfps.texas.gov>
Subject: FW: Attorney General Opinion

As follow up to our meeting please review the attached documents. As we receive intakes about this, please ensure I am notified immediately. These cases will be investigated by our worker V's – for now Tonita Day. Investigations will be conducted according to current policy. Please ensure we are not communicating about these cases via email and text, internally and externally, due to the sensitive nature. Call me if there are any questions.

Toni Sutton, LCSW
CPI Regional Director
Region 3 East
214.583.4037 (office)

AMERICAN OVERSIGHT

469.340.9561 (mobile)
8700 N Stemmons FWY
Dallas, TX 75247
marie.sutton@dfps.texas.gov

Texas Department of
Family and Protective Services
Child Protective Investigations

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:46 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: FW: Attorney General Opinion

fyi
Stephen Black
512-960-9352

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

Hello SWI,
A legal opinion was released by the AG's office on February 21, 2022. The governor subsequently provided further direction to DFPS to these reported matters.
Those two documents are attached to this communication which gives guidance and direction regarding how the department is to handle intakes related to gender transitioning.
Please consult with your PA regarding any questions you may have.
Stephen Black
SWI Associate Commissioner
512-960-9352

NOTICE: There has been a change to my email address. Effective immediately, my new email address is: Marta.Talbert@dfps.texas.gov.

AMERICAN OVERSIGHT

From: Matthews,Cheri (DFPS)
To: Valdez,Selena (DFPS)
Subject: FW: February 2022 Supervisor meeting
Date: Monday, February 28, 2022 12:10:11 PM
Attachments: February 2022 Supervisor meeting.msg
image001.png

Cheri Matthews
CPI Investigations and Alternative Response Supervisor I
Mobile: 469-340-9517
2707 N. Kaufman St.
Ennis, TX 75119
cheri.matthews@dfps.texas.gov

From: Jones,Katherine (DFPS)
Sent: Sunday, February 27, 2022 8:14 PM
To: Berogan,Brittany (DFPS) <Brittany.Berogan@dfps.texas.gov>; Matthews,Cheri (DFPS) <Cheri.Matthews@dfps.texas.gov>; Parsons,Joshua (DFPS) <Joshua.Parsons@dfps.texas.gov>; Vasquez,Delia J. (DFPS) <Delia.Vasquez@dfps.texas.gov>
Subject: FW: February 2022 Supervisor meeting
Importance: High

Attached is the agenda for tomorrow along with handouts we will discuss. Most handouts I have sent to you as I get them but I like to send them together for our Supervisor meeting.
Laura will be joining us for her required attendance at periodic Supervisor meetings, so anything you want to discuss with her, it will be your chance.
Looking forward to seeing everyone in their TEAMS "attire"!!!
My address is [redacted]
I will have lunch for us!

Katherine Jones
CPI Program Director
Investigations/Alternative Response
Outlying Counties
972-876-1015 (office)
469-383-6670 (cell)
2707 N. Kaufman
Ennis, Texas 75119
Katherine.Jones@dfps.texas.gov

Texas Department of
Family and Protective Services
Child Protective Investigations

AMERICAN OVERSIGHT

From:	Jones,Katherine (DFPS)
To:	Valdez,Selena (DFPS)
Subject:	FW: February 2022 Supervisor meeting
Date:	Monday, February 28, 2022 11:55:00 AM
Attachments:	February 2022 Supervisor meeting.msg image001.png

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Katherine Jones
CPI Program Director
Investigations/Alternative Response
Outlying Counties
972-876-1015 (office)
469-383-6670 (cell)
2707 N. Kaufman
Ennis, Texas 75119
Katherine.Jones@dfps.texas.gov

Texas Department of
Family and Protective Services
Child Protective Investigations

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From:	Chavez,Gloria (DFPS)
To:	Mainali,Mona (DFPS); Barnett,Lexus (DFPS); Delvalle,Patricia (DFPS); Pacheco,Victoria (DFPS); Fisher,Kalayah (DFPS); Dalton,Daniel (DFPS); Hawthorne,Hillary (DFPS)
Subject:	FW: Attorney General Opinion
Date:	Monday, February 28, 2022 10:36:41 AM
Attachments:	AG Ken Paxton"s Legal Opinion.pdf Gov Greg Abbott"s letter to DFPS Commissioner Masters.pdf image002.png image001.png

---

Just FYI.
Thanks,
Gloria Chavez
Alternative Response Supervisor, Unit 66
8700 N. Stemmons Fwy. Suite 104
Dallas, Tx 75247
Business Cell: 214-458-0454
Email: gloria.chavez@dfps.texas.gov

Texas Department of Family and Protective Services
Child Protective Investigations

From: Williams,Nicole H (DFPS) <Nicole.Williams@dfps.texas.gov>
Sent: Thursday, February 24, 2022 1:16 PM
To: Adams,Crystal (DFPS) <Crystal.Adams@dfps.texas.gov>; Brooks,Tammy R (DFPS) <Tammy.Brooks@dfps.texas.gov>; Brown,Ariva (DFPS) <Ariva.Brown2@dfps.texas.gov>; Hannah,Marnette N (DFPS) <Marnette.Hannah@dfps.texas.gov>; Chisanga,Chikwanda M (DFPS) <Chikwanda.Chisanga@dfps.texas.gov>; Chavez,Gloria (DFPS) <Gloria.Chavez@dfps.texas.gov>
Subject: FW: Attorney General Opinion

We will discuss briefly in our meeting at 2pm

Nicole Hawley Williams
Child Protective Services
Alternative Response Program Director
8700 N. Stemmons Frwy
Dallas, TX 75247
214-686-8558 cell
512-276-3833 fax
Nicole.Williams@dfps.texas.gov

Texas Department of Family and Protective Services
Child Protective Investigations

From: Riley,Leighann (DFPS)
Sent: Thursday, February 24, 2022 11:59 AM
To: Williams,Nicole H (DFPS) <Nicole.Williams@dfps.texas.gov>; Jones,Katherine (DFPS) <Katherine.Jones@dfps.texas.gov>; Gibson,John (DFPS) <John.Gibson@dfps.texas.gov>; Nichols,Jennifer (DFPS) <Jennifer.Nichols@dfps.texas.gov>
Subject: FW: Attorney General Opinion

AMERICAN OVERSIGHT

From: Sutton,Toni (DFPS)
Sent: Thursday, February 24, 2022 10:37 AM
To: Riles,Vincent A (DFPS) <Vincent.Riles2@dfps.texas.gov>; Riley,Leighann (DFPS) <Mary.Riley@dfps.texas.gov>; Chancellor,Veronica M (DFPS) <Veronica.Chancellor@dfps.texas.gov>; Coaston,Marva (DFPS) <Marva.Coaston2@dfps.texas.gov>; Ferbrache,Belinda (DFPS) <Belinda.Ferbrache@dfps.texas.gov>
Subject: FW: Attorney General Opinion

Toni Sutton, LCSW
CPI Regional Director
Region 3 East
214.583.4037 (office)
469.340.9561 (mobile)
8700 N Stemmons FWY
Dallas, TX 75247
marie.sutton@dfps.texas.gov

Texas Department of Family and Protective Services
Child Protective Investigations

From: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Sent: Wednesday, February 23, 2022 3:55 PM
To: Harmon,Tonya (DFPS) <Tonya.Harmon@dfps.texas.gov>; Gilbert,Matthew (DFPS) <Matthew.Gilbert2@dfps.texas.gov>; Toni Sutton (DFPS <marie.sutton@dfps.state.tx.us>; Gailes,Keith D (DFPS) <Keith.Gailes@dfps.texas.gov>; Wharton,Jarita N (DFPS) <Jarita.Wharton@dfps.texas.gov>; Sanders,Monica L (DFPS) <Monica.Sanders@dfps.texas.gov>; Guyton,Lisa M (DFPS) <Lisa.Guyton@dfps.texas.gov>; Cunningham,Michelle S (DFPS) <Michelle.Cunningham@dfps.texas.gov>; Baquero,Myrna I (DFPS) <Myrna.Baquero@dfps.texas.gov>; Yzaguirre,Marina C (DFPS) <Marina.Yzaguirre@dfps.texas.gov>
Subject: FW: Attorney General Opinion

See email below and attachments—email/attachments sent to SWI staff. I believe we have three right now in the intake stage—or being worked on by SWI. Stephen will send me the case numbers as soon as he has them for us to be aware in order to assist our staff with these cases.
Thanks,
Marta

Marta Talbert
Director of Investigation and Alternative Response
512-438-3357
marta.talbert@dfps.texas.gov

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:46 PM
To: Talbert,Marta L (DFPS) <Marta.Talbert@dfps.texas.gov>
Subject: FW: Attorney General Opinion

fyi
Stephen Black
512-960-9352

AMERICAN OVERSIGHT

From: Black,Stephen D (DFPS)
Sent: Wednesday, February 23, 2022 3:31 PM
To: DL DFPS SWI AUST0193 <dldfpsswiaust0193@dfps.texas.gov>
Subject: Attorney General Opinion

Hello SWI,

A legal opinion was released by the AG's office on February 21, 2022. The governor subsequently provided further direction to DFPS to these reported matters.

Those two documents are attached to this communication which gives guidance and direction regarding how the department is to handle intakes related to gender transitioning.

Please consult with your PA regarding any questions you may have.

Stephen Black
SWI Associate Commissioner
512-960-9352

NOTICE: There has been a change to my email address. Effective immediately, my new email address is: Marta.Talbert@dfps.texas.gov.

AMERICAN OVERSIGHT

[redacted]

From: Luis Saenz <luis.saenz@gov.texas.gov>
Sent: Friday, August 6, 2021 1:45 PM
To: jaime.masters@dfps.state.tx.us
Subject: As discussed by phone earlier....

WARNING: This email is from outside the DFPS system. Do not click on links or attachments unless you expect them from the sender and know the content is safe.

Luis J. Saenz
Chief of Staff
Office of Governor Greg Abbott

AMERICAN OVERSIGHT

[redacted]

From: Eric Woomer <eric@ericwoomer.com> No confidentiality claimed for this email
Sent: Monday, August 16, 2021 3:27 PM
To: Elizabeth Farley <Elizabeth.Farley@gov.texas.gov>
Subject: 2nd letter

[**EXTERNAL SENDER**] - Do not click on links or open attachments in unexpected messages.

Our letter

ERICWOOMER
Policy Solutions

Eric Woomer
1604 San Antonio
Austin, Texas. 78701
(512) 845-9552
Eric@EricWoomer.com
www.ericwoomer.com

AMERICAN OVERSIGHT

Texas Pediatric Society
The Texas Chapter of the American Academy of Pediatrics
INCORPORATED IN TEXAS

401 West 15th Street, Suite 682 Austin, Texas 78701-1665
Phone (512) 370-1506 • FAX (512) 370-1500 • txpeds.org

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Medical Student Representative
Ali Sawani

Alt. Medical Student Representative
Tiffany Ho

August 16, 2021

The Honorable Jaime Masters Via email: jaime.masters@dfps.texas.gov
Commissioner
Texas Department of Family and Protective Services
701 West 51st Street
Austin, Texas 78751

Dear Commissioner Masters:

On behalf of the 4,600 pediatrician, pediatric subspecialist and medical student members of the Texas Pediatric Society, the Texas Chapter of the American Academy of Pediatrics, we write to implore you to review the full range of evidence and the current recommendations developed by the American Academy of Pediatrics[i] and affirmed by every major American medical association before providing a response to the August 12th letter submitted to you by Representative Bryan Slaton. We believe that doing so will make it absolutely clear that providing gender affirming care to transgender children and adolescents unequivocally does not constitute child abuse.

Over the past several years, state legislatures across the country have been pursuing bills that have the effect of threatening the health and well-being of transgender children and adolescents and criminalizing the care provided to them by pediatricians and other specialists. In fact, an Arkansas law which bans gender-affirming health care for transgender children and adolescents was recently temporarily enjoined[ii]. An amicus brief submitted by the American Academy of Pediatrics and additional national and state medical, mental health, and education organizations outlines the risk of suffering and irreparable harm the law would have on transgender children and adolescents.[iii]

Legislation filed in the 87th Texas Legislature which would have gone even further to criminalize gender affirming care by classifying it as child abuse failed to pass. The Texas Pediatric Society has unequivocally opposed this legislation as it would have criminalized best practice standards of care for transgender children and adolescents and stigmatized their life experience. Transgender children and adolescents are first and foremost children and adolescents, and our Society's goals of protecting all children and adolescents from harm does not falter in this circumstance. We expect the Texas Department of Family and Protective Services – similarly charged with ensuring the safety and well-being of our state's most vulnerable children and adolescents – to take the same stance.

1.8% of children and adolescents identify as transgender, and an additional 1.6% are questioning or gender diverse.[iv] Transgender children and adolescents are particularly at risk of feeling unsafe and reporting suicidal ideations – over 50 percent have suicidal ideations and one third attempt suicide.[v] We know that when children and adolescents are provided with appropriate gender affirming care, including puberty suppressors, the risk of lifetime suicidal ideation falls dramatically.[vi]

AMERICAN OVERSIGHT

Medical care for transgender children and adolescents is evidence-based and has proven effectiveness. Guidelines for appropriate treatment have been carefully developed and endorsed by the American Academy of Pediatrics[vii], the American College of Obstetrics and Gynecology[viii], the Pediatric Endocrine Society[ix], the American College of Physicians[x], World Professional Association for Transgender Health[xi], and the American Psychological Association.[xii]

The decision of whether and when to initiate gender-affirmative treatment is personal and involves careful consideration of risks, benefits, and other factors unique to each patient and family. These are medical decisions reached in consultation between the patients and their parents. The process involves repeated psychological and medical evaluation, with the participation and consent of a child's or adolescent's parents. Gender-affirming care for children and adolescents with gender diversity or gender dysphoria begins with social affirmation. Before puberty, there is no medical or surgical treatment that is used at all. Care for these children and adolescents includes allowing them to express themselves for who they are – including living with the name, pronouns that are true for them. We know that social transitioning alone reduces the risk of suicide for transgender children and adolescents.[xiii]

Only after the onset of puberty is medical treatment used, and only in some patients – again, with complete consent of the child's or adolescent's parents. Treatment with medications to temporarily suppress puberty is reversible and allows the patient and their family time, with the ongoing medical supervision of their doctor, to explore their gender identity, access psychosocial supports, and further determine their treatment goals. Puberty-suppressing medications delay the development of secondary sex characteristics that often spark intense distress for transgender patients. Data shows that puberty suppression leads to improved mental health and decreases suicidal ideations for transgender children and adolescents. These same medications are commonly prescribed for other conditions, such as early puberty in children and prostate conditions in men, and their safety is well documented.

Later, teenagers can elect to receive hormonal therapy, if it is indicated, generally after the age of 16 and after living in their authentic gender for some time. Again, this treatment is safe, evidence-based, and only occurs after extensive discussion with the patient, family, and health care team. Fewer than one quarter of transgender patients ever have surgical procedures, and these are generally recommended after the age of 18.

As physicians, we must be able to practice medicine that is informed by our years of medical education, training, experience, and available evidence, freely and without threat of punishment. Providing patient care that helps rather than harms is our duty according to the oaths we took as doctors. Gender-affirming care is part of the comprehensive primary care we provide to our patients and should not be criminalized or stigmatized.

Sincerely,

Seth D. Kaplan MD FAAP

Seth D. Kaplan, MD, FAAP
President

Copy to: Trevor Wood, DFPS Associate Commissioner trevor.wood@dfps.texas.gov
Demetrie Mitchell, DFPS Government Relations demetrie.mitchell@dfps.texas.gov

AMERICAN OVERSIGHT

[i] Rafferty J. Ensuring Comprehensive Care and Support for Transgender and Gender-Diverse Children and Adolescents. Committee on Psychosocial Aspects of Child and Family Health, Committee on Adolescence and Section on Gay, Lesbian, Bisexual and Transgender Health and Wellness. *Pediatrics.* Oct 2018, 142 (4) e20182162; DOI: https://doi.org/10.1542/peds.2018-2162. Retrieved from: https://pediatrics.aappublications.org/content/142/4/e20182162

[ii] Cathey, Libby. Judge blocks Arkansas law banning health care for transgender youth. ABC News. July 21, 2021. Retrieved from: https://abcnews.go.com/Politics/judge-blocks-arkansas-law-banning- health-care-transgender/story?id=78954056

[iii] Brief of American Academy of Pediatrics, et al. as Amicus Curiae, *Dylan Brandt v. Leslie Rutledge,* Case No. 4:21-CV-00450-JM, United State District Court, Eastern District of Arkansas. Retrieved from: https://downloads.aap.org/DOFA/AmicusBriefARtransgenderlaw.pdf

[iv] Jones B, Arcelus J, Bouman W, Haycraft E. Sport and Transgender People: A Systematic Review of theLiterature Relating to Sport Participation and Competitive Sport Policies. Sports Med. 2017; 47(4): 701–716.

[v] Ibid.

[vi] Turban JL, King D, Carswell JM, Keuroghlian AS. Pubertal Suppression for Transgender Youth and Risk of Suicidal Ideation. *Pediatrics.* Feb 2020;145(2)doi:10.1542/peds.2019-1725

[vii] Rafferty J. Ensuring Comprehensive Care and Support for Transgender and Gender-Diverse Children and Adolescents. Committee on Psychosocial Aspects of Child and Family Health, Committee on Adolescence and Section on Gay, Lesbian, Bisexual and Transgender Health and Wellness. *Pediatrics.* Oct 2018, 142 (4) e20182162; DOI: https://doi.org/10.1542/peds.2018-2162

[viii] Care for Transgender Adolescents. Committee on Adolescent Health Care, American College of Obstetricians and Gynecologists. Committee opinion, January 2017 number 685 (Reaffirmed 2020). https://www.acog.org/clinical/clinical-guidance/committee-opinion/articles/2017/01/care-for-transgender-adolescents

[ix] Hembree W, Cohen-Kettenis P, Gooren L, Hannema S, Meyer W, Murad M, Rosenthal S, Safer J, Tangpricha V, T'Sjoen T. Endocrine Treatment of Gender-Dysphoric/Gender-Incongruent Persons: An Endocrine Society Clinical Practice Guideline. *The Journal of Clinical Endocrinology & Metabolism*, Volume 102, Issue 11, 1 November 2017, Pages 3869–3903, https://doi.org/10.1210/jc.2017-01658

[x] Safer J, Tangpricha V. Care of the Transgender Patient. *Annals of Internal Medicine*. July 2, 2019. https://doi.org/10.7326/AITC201907020

[xi] Standards of Care for the Health of Transsexual, Transgender and Gender Nonconforming People. The World Professional Association for Transgender Health. 2011. https://www.wpath.org/publications/soc, Accessed January 9 2021.

[xii] Guidelines for Psychological Practice with Transgender and Gender Nonconforming People. American Psychological Association. *American Psychologist,* December 2015. Vol. 70, No. 9, 832–864 http://dx.doi.org/10.1037/a0039906

[xiii] Ibid.

AMERICAN OVERSIGHT

From:	FSSMTP@dfps.state.tx.us
To:	Miller,Jeannie (DFPS); Briceno,Florence J (DFPS)
Subject:	Bryan Slayton Letter
Date:	Tuesday, August 17, 2021 9:53:47 AM
Attachments:	DOC21081709_51_51.pdf

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AMERICAN OVERSIGHT

TEXAS HOUSE OF REPRESENTATIVES
BRYAN SLATON
District 2

RECEIVED
AUG 16 2021
BY:

August 12, 2021

The Honorable Jaime Masters
Commissioner
Texas Department of Family and Protective Services
701 West 51st Street
Austin, Texas 78751

Dear Commissioner Masters:

I appreciate your quick response to the long awaited inquiry from Governor Abbott. These life-altering surgeries on children are reprehensible, and I look forward to your prompt and thorough investigations and appropriate actions to put an end to this barbaric practice.

In regards to your response to Governor Abbott's inquiry whether genital mutilation of a child for the purposes of gender transitioning through reassignment surgery constitutes child abuse, I was hoping to get a clarification on a few other procedures, and if they may also be defined as child abuse through the broad definitions already in code.

In your letter, you stated the following: "Genital mutilation of a child through reassignment surgery is child abuse, subject to all rules and procedures pertaining to child abuse. Such mutilation may cause a 'genuine threat of substantial harm from physical injury to the child.' TEX. FAM. CODE § 261.001(1)(C)." While reassignment surgery through altering genitalia is a key part in early transitioning of children, it is not the only method utilized.

The clarifications I seek is whether or not, in your opinion, do the following also constitute child abuse:

- Mastectomies for the purposes of affirmation of a gender different than their biological gender;
- Chemical transition procedures through puberty blockers and cross-sex hormones;
- And the mental preparations by psychologists and the instruction often given to minors for the purpose of psychological transitioning and the ultimate goal of genital mutilation of minors in Texas.

P.O. Box 2910 • Austin, Texas 78768-2910 • *phone* (512) 463-0880 • bryan.slaton@house.texas.gov

AMERICAN OVERSIGHT
TX-DFPS-22-0329-A-000802

If these methods do constitute child abuse, will they be held to a standard equal to those performing these life altering and abusive surgeries? I think most Texans would be concerned if DFPS decided that only "some" genital mutilation was wrong while condoning other mutilation.

Thank you for your clarification and quick response to this long awaited cause,

Bryan Slaton
State Representative, House District 2

AMERICAN OVERSIGHT

From: FSSMTP@dfps.state.tx.us
To: Briceno,Florence J (DFPS); Miller,Jeannie (DFPS)
Subject: Bryan Slayton Letter
Date: Tuesday, August 17, 2021 9:53:27 AM
Attachments: DOC21081709_51_28.pdf

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DFPS Xerox

AMERICAN OVERSIGHT

From:	Miller,Jeannie (DFPS)
To:	Tinajero,Eddy (DFPS)
Subject:	Update the mail log
Date:	Wednesday, August 11, 2021 11:55:00 AM
Attachments:	Response to August 6 2021 OOG Letter.pdf image003.png

Eddy,

Attached is the new response letter dated 8/11. Please remove the letter dated 8/10 from the mail log.

Thank you,

Jeannie Miller
Executive Assistant to Commissioner Jaime Masters
Texas Department of Family and Protective Services
512-438-4119 Office | 512-587-4575 Cell
ora.miller@dfps.texas.gov

AMERICAN OVERSIGHT

Texas Department of Family and Protective Services

Commissioner
Jaime Masters

August 11, 2021

The Honorable Greg Abbott
Governor
Office of the Governor
P.O. Box 12428
Austin, TX 78711-2428

Dear Governor Abbott:

In your August 6, 2021 letter, you requested that the Department of Family and Protective Services (DFPS) determine whether genital mutilation of a child for the purposes of gender transitioning through reassignment surgery constitutes child abuse pursuant to state law.

Genital mutilation of a child through reassignment surgery is child abuse, subject to all rules and procedures pertaining to child abuse. Such mutilation may cause a "genuine threat of substantial harm from physical injury to the child." TEX. FAM. CODE § 261.001(1)(C). As you have described, this surgical procedure physically alters a child's genitalia for non-medical purposes potentially inflicting irreversible harm to children's bodies. Generally, children in the care and custody of a parent lack the legal capacity to consent to surgical treatments, making them more vulnerable. *See* Id. § 32.003.

When medically necessary, this surgical procedure may not constitute abuse. It may be warranted for the following conditions including, but not limited to, a child whose body parts have been affected by illness or trauma; who is born with a medically verifiable genetic disorder of sex development, such as the presence of both ovarian and testicular tissue; or who does not have the normal sex chromosome structure for male or female as determined through genetic testing.

Pursuant to Texas Family Code, Section 261.101, a professional who has "cause to believe" a child has been or may be abused must report that belief to DFPS within 48-hours after the professional first suspects the abuse. A professional may not delegate to or rely on another person to make the report. Professionals include teachers, nurses, doctors, day-care employees and others who are either licensed by the state or work in a facility licensed or operated by the state and who have direct contact with children through their job.

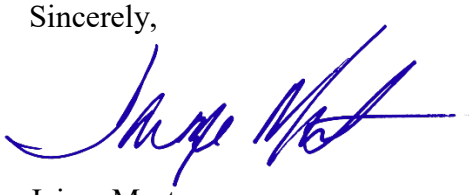
Failure to report is a Class A misdemeanor punishable by up to one year in jail, a fine of up to $4,000, or both. TEX. FAM. CODE § 261.109(a-1), (c); TEX. PENAL CODE § 12.21.

AMERICAN OVERSIGHT

If it is shown that the professional intentionally concealed the abuse, then the offense is a state jail felony. TEX. FAM. CODE § 261.109(c).

Finally, allegations involving genital mutilation of a child through reassignment surgery will be promptly and thoroughly investigated and any appropriate actions will be taken.

Sincerely,



Jaime Masters,
Commissioner

AMERICAN OVERSIGHT

From:	Miller,Jeannie (DFPS)
To:	jennifer.bush@dfps.texas.gov
Cc:	Stephenson,Ryan M (DFPS)
Subject:	Aug 6 OOG Letter Encryption Issue
Date:	Wednesday, August 11, 2021 11:16:00 AM
Attachments:	Response to August 6 2021 OOG Letter.pdf image003.png

Per Ryan Stephenson, I am requesting assistance to send the attached letter to Luis Saenz from the Office of the Governor via email per the DFPS Commissioner.

Jeannie Miller

Executive Assistant to Commissioner Jaime Masters
Texas Department of Family and Protective Services
512-438-4119 Office | 512-587-4575 Cell
ora.miller@dfps.texas.gov

Texas Department of
Family and Protective Services

AMERICAN OVERSIGHT

Texas Department of Family and Protective Services

Commissioner
Jaime Masters

August 11, 2021

The Honorable Greg Abbott
Governor
Office of the Governor
P.O. Box 12428
Austin, TX 78711-2428

Dear Governor Abbott:

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Genital mutilation of a child through reassignment surgery is child abuse, subject to all rules and procedures pertaining to child abuse. Such mutilation may cause a "genuine threat of substantial harm from physical injury to the child." TEX. FAM. CODE § 261.001(1)(C). As you have described, this surgical procedure physically alters a child's genitalia for non-medical purposes potentially inflicting irreversible harm to children's bodies. Generally, children in the care and custody of a parent lack the legal capacity to consent to surgical treatments, making them more vulnerable. *See* Id. § 32.003.

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Pursuant to Texas Family Code, Section 261.101, a professional who has "cause to believe" a child has been or may be abused must report that belief to DFPS within 48-hours after the professional first suspects the abuse. A professional may not delegate to or rely on another person to make the report. Professionals include teachers, nurses, doctors, day-care employees and others who are either licensed by the state or work in a facility licensed or operated by the state and who have direct contact with children through their job.

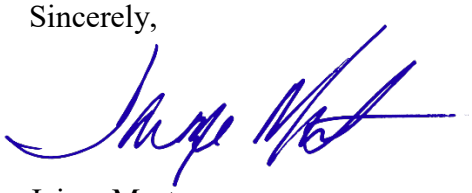
Failure to report is a Class A misdemeanor punishable by up to one year in jail, a fine of up to $4,000, or both. TEX. FAM. CODE § 261.109(a-1), (c); TEX. PENAL CODE § 12.21.

AMERICAN OVERSIGHT

If it is shown that the professional intentionally concealed the abuse, then the offense is a state jail felony. TEX. FAM. CODE § 261.109(c).

Finally, allegations involving genital mutilation of a child through reassignment surgery will be promptly and thoroughly investigated and any appropriate actions will be taken.

Sincerely,



Jaime Masters,
Commissioner

AMERICAN OVERSIGHT

From: FSSMTP@dfps.state.tx.us
To: Miller,Jeannie (DFPS)
Subject: Scanned from a DFPS Xerox MFD
Date: Wednesday, August 11, 2021 9:06:05 AM
Attachments: DOC21081109_03_54.pdf

Please open the attached document. It was sent to you using a Xerox multifunction printer.

Number of Images: 2

Multifunction Printer Location: AUSTIN-WINTER-Exec-6W-652C

DFPS Xerox

AMERICAN OVERSIGHT

Texas Department of Family and Protective Services

Commissioner
Jaime Masters

August 11, 2021

The Honorable Greg Abbott
Governor
Office of the Governor
P.O. Box 12428
Austin, TX 78711-2428

Dear Governor Abbott:

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AMERICAN OVERSIGHT

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Sincerely,

Jaime Masters,
Commissioner

AMERICAN OVERSIGHT

Final letter will be released.

Texas Department of Family and Protective Services

Commissioner
Jaime Masters

August 11, 2021

The Honorable Greg Abbott
Governor
Office of the Governor
P.O. Box 12428
Austin, TX 78711-2428

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AMERICAN OVERSIGHT

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Sincerely,

Jaime Masters,
Commissioner

AMERICAN OVERSIGHT

From:	Miller,Jeannie (DFPS)
To:	Kozikoujekian,Vicki (DFPS)
Subject:	Confidential // Final Letter to OOG
Date:	Wednesday, August 11, 2021 11:50:13 AM
Attachments:	Response to August 6 2021 OOG Letter.pdf image003.png

Per your request, attached is the letter sent to the OOG today.

Jeannie Miller

Executive Assistant to Commissioner Jaime Masters
Texas Department of Family and Protective Services
512-438-4119 Office | 512-587-4575 Cell
ora.miller@dfps.texas.gov

AMERICAN OVERSIGHT

Texas Department of Family and Protective Services

Commissioner
Jaime Masters

August 11, 2021

The Honorable Greg Abbott
Governor
Office of the Governor
P.O. Box 12428
Austin, TX 78711-2428

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AMERICAN OVERSIGHT

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Sincerely,

Jaime Masters,
Commissioner

AMERICAN OVERSIGHT

[redacted]

[redacted]

From: Luis Saenz <luis.saenz@gov.texas.gov>
Sent: Friday, August 6, 2021 1:45 PM
To: jaime.masters@dfps.state.tx.us
Subject: As discussed by phone earlier....

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Luis J. Saenz
Chief of Staff
Office of Governor Greg Abbott

AMERICAN OVERSIGHT

Texas Department of Family and Protective Services

Commissioner
Jaime Masters

August 11, 2021

The Honorable Greg Abbott
Governor
Office of the Governor
P.O. Box 12428
Austin, TX 78711-2428

Dear Governor Abbott:

In your August 6, 2021 letter, you requested that the Department of Family and Protective Services (DFPS) determine whether genital mutilation of a child for the purposes of gender transitioning through reassignment surgery constitutes child abuse pursuant to state law.

Genital mutilation of a child through reassignment surgery is child abuse, subject to all rules and procedures pertaining to child abuse. Such mutilation may cause a "genuine threat of substantial harm from physical injury to the child." TEX. FAM. CODE § 261.001(1)(C). As you have described, this surgical procedure physically alters a child's genitalia for non-medical purposes potentially inflicting irreversible harm to children's bodies. Generally, children in the care and custody of a parent lack the legal capacity to consent to surgical treatments, making them more vulnerable. *See* Id. § 32.003.

When medically necessary, this surgical procedure may not constitute abuse. It may be warranted for the following conditions including, but not limited to, a child whose body parts have been affected by illness or trauma; who is born with a medically verifiable genetic disorder of sex development, such as the presence of both ovarian and testicular tissue; or who does not have the normal sex chromosome structure for male or female as determined through genetic testing.

Pursuant to Texas Family Code, Section 261.101, a professional who has "cause to believe" a child has been or may be abused must report that belief to DFPS within 48-hours after the professional first suspects the abuse. A professional may not delegate to or rely on another person to make the report. Professionals include teachers, nurses, doctors, day-care employees and others who are either licensed by the state or work in a facility licensed or operated by the state and who have direct contact with children through their job.

Failure to report is a Class A misdemeanor punishable by up to one year in jail, a fine of up to $4,000, or both. TEX. FAM. CODE § 261.109(a-1), (c); TEX. PENAL CODE § 12.21.

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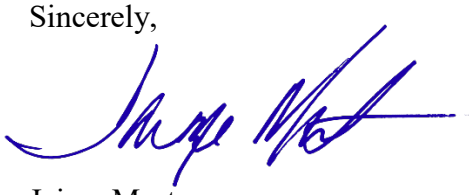
If it is shown that the professional intentionally concealed the abuse, then the offense is a state jail felony. TEX. FAM. CODE § 261.109(c).

Finally, allegations involving genital mutilation of a child through reassignment surgery will be promptly and thoroughly investigated and any appropriate actions will be taken.

Sincerely,



Jaime Masters,
Commissioner

AMERICAN OVERSIGHT

From:	DFPS_ExecAssignments
To:	Masters,Jaime D (DFPS)
Cc:	Woodruff,Trevor A (DFPS); Mitchell,Demetrie M (DFPS)
Subject:	Mail - Response Requested - Letter from State Rep Slayton
Date:	Tuesday, August 17, 2021 10:16:48 AM
Attachments:	State Rep Bryan Slayton Letter to Commissioner Masters_08.16.2021.pdf image001.png

Commissioner, please find attached a letter received yesterday via us mail for your review.

Jeannie Miller

Executive Assistant to Commissioner Jaime Masters

Texas Department of Family and Protective Services

512-438-4119 Office | 512-587-4575 Cell

ora.miller@dfps.texas.gov

Texas Department of Family and Protective Services

AMERICAN OVERSIGHT

From: Crimmins,Patrick (DFPS)
To: Masters,Jaime D (DFPS); Mitchell,Demetrie M (DFPS); Kozikoujekian,Vicki (DFPS); Lawson,Corliss (DFPS); Woodruff,Trevor A (DFPS); Dryden,Deneen (DFPS)
Cc: Gonzales,Marissa L (DFPS)
Subject: Bryan Slaton Letter
Date: Monday, August 16, 2021 6:17:53 PM
Attachments: image001.png

Only one hit, from the Texan, which looks like media but is really a newsletter published by former state legislator Konni Burton. If media picks up I will let everyone know.

Patrick

From: Gonzales,Marissa L (DFPS)
Sent: Monday, August 16, 2021 5:50 PM
To: Crimmins,Patrick (DFPS) <PATRICK.CRIMMINS@dfps.texas.gov>
Subject: Bryan Slaton

I found his tweet and a story from the conservative news site The Texan.

https://twitter.com/BryanforHD2/status/1425919438646358024?s=20

https://thetexan.news/texas-lawmaker-asks-agency-to-treat-mastectomies-puberty-blockers-transition-counseling-as-child-abuse/

Texas Lawmaker Asks Agency to Treat Mastectomies, Puberty Blockers, Transition Counseling as Child Abuse

Slaton's request comes after the Department of Family and Protective Services announced

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it will treat genital transition surgeries as abuse.

ISAIAH MITCHELLAUGUST 13, 2021

(The Texan/Brad Johnson)

In the eyes of some Republicans, Governor Greg Abbott's newly heightened attention to child gender transition hasn't quite made up for the death of proposed bans that died in the legislature.

After the Texas Department of Family and Protective Services (DFPS) announced that it will treat sex-change surgeries for minors as child abuse, state Rep. Bryan Slaton (R-Royse City) asked the agency to include chemical procedures, mastectomies, and transition counseling as well.

"While reassignment surgery through altering genitalia is a key part in early transitioning of children, it is not the only method utilized," Slaton wrote in a letter to DFPS.

He goes on to ask if breast removal surgery, counseling to affirm or encourage a non-biological gender, and chemical procedures like puberty blockers also count as abuse.

"If these methods do constitute child abuse, will they be held to a standard equal to those life altering and abusive surgeries? I think most Texans would be concerned if DFPS decided that only 'some' genital mutilation was wrong while condoning other mutilation."

DFPS announced that it will begin investigating child sex transition surgeries as acts of abuse shortly after Governor Greg Abbott asked the agency to weigh in on the issue.

Abbott's letter and the DFPS response both mention genital surgeries only.

While Slaton filed no bills himself to address these procedures, he repeatedly offered bill amendments to limit them. For example, he proposed an amendment to exclude puberty blockers from a bill that would establish a prescription drug savings program. None of his amendments passed.

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While Slaton's gadfly attitude and individualistic votes made him something of an outcast in his own party during the regular session, he is not alone. Republican lawmakers filed several bills in the regular session to ban child gender modification, all of which died before a vote in the House despite the support of nearly 50 coauthors for certain bills. In the first special session that followed, support for a proposed ban grew to 75 coauthors.

Abbott, meanwhile, has handled the issue with a light touch. Withholding support from legislative efforts without criticizing them, he quietly left the topic off his priority lists and special session calls. Potentially with one eye on his upcoming election, Abbott has given the issue unprecedented attention from his office of late since he first publicly supported a child gender transition ban last month during a radio interview.

The bills that died during the regular session would have banned surgeries and drugs meant to aid a child's gender transition. Even for Slaton and the party, counseling is a new addition.

Don Huffines, one of Abbott's primary election challengers, has blasted him repeatedly for withholding support from a legislative child gender modification ban. In addition, Huffines recently criticized him for appointing the counselor of James Younger to several state boards.

James Younger is the young Texas boy at the center of perhaps the state's highest-profile custody case. His mother wants to raise him as a girl, while his father insists that James presents himself as a boy around him. James' story inspired the earliest legislation to ban gender modification procedures for children in Texas.

While James' mother has said she is not pursuing a physical transition for him, James still attends court-ordered counseling that his father calls one-sided since it aligns with the mother's possession schedule. As a result, the father claims, James only attends counseling with his mother and thus while presenting himself as a girl.

Because of late child support payments and refusal to comply with court orders including the counseling, a court recently awarded exclusive custody rights to James' mother for almost all decisions. The one exception is physical gender reassignment, which still requires the father's consent. Counseling, however, is solely up to James' mother.

Disclosure: Unlike almost every other media outlet, The Texan is not beholden to any special interests, does not apply for any type of state or federal funding, and relies exclusively on its readers for financial support. If you'd like to become one of the people we're financially accountable to, click here to subscribe.

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From:	Clayton Travis
To:	Masters,Jaime D (DFPS); Woodruff,Trevor A (DFPS); Mitchell,Demetrie M (DFPS)
Cc:	Tricia Hall
Subject:	Texas Pediatric Society Letter Regarding Gender Affirming Care
Date:	Monday, August 16, 2021 1:07:35 PM
Attachments:	TPS Letter to Comm Masters re Gender Affirming Care FINAL.pdf

WARNING: This email is from outside the DFPS system. Do not click on links or attachments unless you expect them from the sender and know the content is safe.

Commissioner Masters,

On behalf of Dr. Seth D. Kaplan, President of the Texas Pediatric Society, please find the attached letter regarding gender affirming care for transgender youth. Thank you for your attention to this important matter. Please don't hesitate to reach out for any further follow-up or questions.

Best,

Clayton Travis, MSSW, Director of Advocacy and Health Policy
Texas Pediatric Society, the Texas Chapter of the AAP
401 W. 15th St., Ste. 682 Austin, TX 78701
P: (512) 370-1516 | C: (214) 686-2272
clayton.travis@txpeds.org | www.txpeds.org | Follow TPS on Twitter @TXPeds

AMERICAN OVERSIGHT

Texas Pediatric Society
The Texas Chapter of the American Academy of Pediatrics
INCORPORATED IN TEXAS

401 West 15th Street, Suite 682 Austin, Texas 78701-1665
Phone (512) 370-1506 • FAX (512) 370-1500 • txpeds.org

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August 16, 2021

The Honorable Jaime Masters Via email: jaime.masters@dfps.texas.gov
Commissioner
Texas Department of Family and Protective Services
701 West 51st Street
Austin, Texas 78751

Dear Commissioner Masters:

On behalf of the 4,600 pediatrician, pediatric subspecialist and medical student members of the Texas Pediatric Society, the Texas Chapter of the American Academy of Pediatrics, we write to implore you to review the full range of evidence and the current recommendations developed by the American Academy of Pediatrics[i] and affirmed by every major American medical association before providing a response to the August 12th letter submitted to you by Representative Bryan Slaton. We believe that doing so will make it absolutely clear that providing gender affirming care to transgender children and adolescents unequivocally does not constitute child abuse.

Over the past several years, state legislatures across the country have been pursuing bills that have the effect of threatening the health and well-being of transgender children and adolescents and criminalizing the care provided to them by pediatricians and other specialists. In fact, an Arkansas law which bans gender-affirming health care for transgender children and adolescents was recently temporarily enjoined[ii]. An amicus brief submitted by the American Academy of Pediatrics and additional national and state medical, mental health, and education organizations outlines the risk of suffering and irreparable harm the law would have on transgender children and adolescents.[iii]

Legislation filed in the 87th Texas Legislature which would have gone even further to criminalize gender affirming care by classifying it as child abuse failed to pass. The Texas Pediatric Society has unequivocally opposed this legislation as it would have criminalized best practice standards of care for transgender children and adolescents and stigmatized their life experience. Transgender children and adolescents are first and foremost children and adolescents, and our Society's goals of protecting all children and adolescents from harm does not falter in this circumstance. We expect the Texas Department of Family and Protective Services – similarly charged with ensuring the safety and well-being of our state's most vulnerable children and adolescents – to take the same stance.

1.8% of children and adolescents identify as transgender, and an additional 1.6% are questioning or gender diverse.[iv] Transgender children and adolescents are particularly at risk of feeling unsafe and reporting suicidal ideations – over 50 percent have suicidal ideations and one third attempt suicide.[v] We know that when children and adolescents are provided with appropriate gender affirming care, including puberty suppressors, the risk of lifetime suicidal ideation falls dramatically.[vi]

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Medical care for transgender children and adolescents is evidence-based and has proven effectiveness. Guidelines for appropriate treatment have been carefully developed and endorsed by the American Academy of Pediatrics[vii], the American College of Obstetrics and Gynecology[viii], the Pediatric Endocrine Society[ix], the American College of Physicians[x], World Professional Association for Transgender Health[xi], and the American Psychological Association.[xii]

The decision of whether and when to initiate gender-affirmative treatment is personal and involves careful consideration of risks, benefits, and other factors unique to each patient and family. These are medical decisions reached in consultation between the patients and their parents. The process involves repeated psychological and medical evaluation, with the participation and consent of a child's or adolescent's parents. Gender-affirming care for children and adolescents with gender diversity or gender dysphoria begins with social affirmation. Before puberty, there is no medical or surgical treatment that is used at all. Care for these children and adolescents includes allowing them to express themselves for who they are – including living with the name, pronouns that are true for them. We know that social transitioning alone reduces the risk of suicide for transgender children and adolescents.[xiii]

Only after the onset of puberty is medical treatment used, and only in some patients – again, with complete consent of the child's or adolescent's parents. Treatment with medications to temporarily suppress puberty is reversible and allows the patient and their family time, with the ongoing medical supervision of their doctor, to explore their gender identity, access psychosocial supports, and further determine their treatment goals. Puberty-suppressing medications delay the development of secondary sex characteristics that often spark intense distress for transgender patients. Data shows that puberty suppression leads to improved mental health and decreases suicidal ideations for transgender children and adolescents. These same medications are commonly prescribed for other conditions, such as early puberty in children and prostate conditions in men, and their safety is well documented.

Later, teenagers can elect to receive hormonal therapy, if it is indicated, generally after the age of 16 and after living in their authentic gender for some time. Again, this treatment is safe, evidence-based, and only occurs after extensive discussion with the patient, family, and health care team. Fewer than one quarter of transgender patients ever have surgical procedures, and these are generally recommended after the age of 18.

As physicians, we must be able to practice medicine that is informed by our years of medical education, training, experience, and available evidence, freely and without threat of punishment. Providing patient care that helps rather than harms is our duty according to the oaths we took as doctors. Gender-affirming care is part of the comprehensive primary care we provide to our patients and should not be criminalized or stigmatized.

Sincerely,

Seth D. Kaplan MD FAAP

Seth D. Kaplan, MD, FAAP
President

Copy to: Trevor Wood, DFPS Associate Commissioner trevor.wood@dfps.texas.gov
Demetrie Mitchell, DFPS Government Relations demetrie.mitchell@dfps.texas.gov

AMERICAN OVERSIGHT

[i] Rafferty J. Ensuring Comprehensive Care and Support for Transgender and Gender-Diverse Children and Adolescents. Committee on Psychosocial Aspects of Child and Family Health, Committee on Adolescence and Section on Gay, Lesbian, Bisexual and Transgender Health and Wellness. *Pediatrics.* Oct 2018, 142 (4) e20182162; DOI: https://doi.org/10.1542/peds.2018-2162. Retrieved from: https://pediatrics.aappublications.org/content/142/4/e20182162

[ii] Cathey, Libby. Judge blocks Arkansas law banning health care for transgender youth. ABC News. July 21, 2021. Retrieved from: https://abcnews.go.com/Politics/judge-blocks-arkansas-law-banning- health-care-transgender/story?id=78954056

[iii] Brief of American Academy of Pediatrics, et al. as Amicus Curiae, *Dylan Brandt v. Leslie Rutledge,* Case No. 4:21-CV-00450-JM, United State District Court, Eastern District of Arkansas. Retrieved from: https://downloads.aap.org/DOFA/AmicusBriefARtransgenderlaw.pdf

[iv] Jones B, Arcelus J, Bouman W, Haycraft E. Sport and Transgender People: A Systematic Review of theLiterature Relating to Sport Participation and Competitive Sport Policies. Sports Med. 2017; 47(4): 701–716.

[v] Ibid.

[vi] Turban JL, King D, Carswell JM, Keuroghlian AS. Pubertal Suppression for Transgender Youth and Risk of Suicidal Ideation. *Pediatrics.* Feb 2020;145(2)doi:10.1542/peds.2019-1725

[vii] Rafferty J. Ensuring Comprehensive Care and Support for Transgender and Gender-Diverse Children and Adolescents. Committee on Psychosocial Aspects of Child and Family Health, Committee on Adolescence and Section on Gay, Lesbian, Bisexual and Transgender Health and Wellness. *Pediatrics.* Oct 2018, 142 (4) e20182162; DOI: https://doi.org/10.1542/peds.2018-2162

[viii] Care for Transgender Adolescents. Committee on Adolescent Health Care, American College of Obstetricians and Gynecologists. Committee opinion, January 2017 number 685 (Reaffirmed 2020). https://www.acog.org/clinical/clinical-guidance/committee-opinion/articles/2017/01/care-for-transgender-adolescents

[ix] Hembree W, Cohen-Kettenis P, Gooren L, Hannema S, Meyer W, Murad M, Rosenthal S, Safer J, Tangpricha V, T'Sjoen T. Endocrine Treatment of Gender-Dysphoric/Gender-Incongruent Persons: An Endocrine Society Clinical Practice Guideline. *The Journal of Clinical Endocrinology & Metabolism*, Volume 102, Issue 11, 1 November 2017, Pages 3869–3903, https://doi.org/10.1210/jc.2017-01658

[x] Safer J, Tangpricha V. Care of the Transgender Patient. *Annals of Internal Medicine*. July 2, 2019. https://doi.org/10.7326/AITC201907020

[xi] Standards of Care for the Health of Transsexual, Transgender and Gender Nonconforming People. The World Professional Association for Transgender Health. 2011. https://www.wpath.org/publications/soc, Accessed January 9 2021.

[xii] Guidelines for Psychological Practice with Transgender and Gender Nonconforming People. American Psychological Association. *American Psychologist,* December 2015. Vol. 70, No. 9, 832–864 http://dx.doi.org/10.1037/a0039906

[xiii] Ibid.

AMERICAN OVERSIGHT

Texas Department of Family and Protective Services

Commissioner
Jaime Masters, MS, MFT

September 3, 2021

The Honorable Bryan Slaton
Representative, District 2
Via Email

RE: Correspondence

Dear Representative Slaton:

I am in receipt of your letter of August 12, 2021, seeking clarification on my letter to Governor Abbott regarding gender reassignment surgery.

I have reviewed your letter carefully. As you may know, Representative Krause recently sent a letter to The Honorable Ken Paxton seeking an official opinion on the issues discussed in your letter. I will await the opinion issued by the Attorney General's office before I reach any final decisions on the matters you raise.

Thank you for your leadership and service to Texas children and families.

Sincerely,

Jaime Masters

AMERICAN OVERSIGHT
TX-DFPS-22-0329-A-000830

From:	Crimmins,Patrick (DFPS)
To:	Masters,Jaime D (DFPS); Kozikoujekian,Vicki (DFPS); Frank,Julie (DFPS); Richman,Robert (DFPS); Talbert,Marta L (DFPS); Lawson,Corliss (DFPS); Dryden,Deneen (DFPS)
Cc:	Gonzales,Marissa L (DFPS); Tennyson,Susan (DFPS)
Subject:	Governor on AG Opinion/DMN Request for Information
Date:	Tuesday, February 22, 2022 9:58:49 AM
Attachments:	image001.png

Earlier today the Governor tweeted this:

552.111 Policy Discussion

[redacted]

Dear Mr. Crimmins,

I have a couple questions regarding Texas AG Ken Paxton's opinion yesterday regarding gender-

AMERICAN OVERSIGHT

affirming care for transgender minors. He is interpreting state law to read that this care, including puberty suppression and hormone therapy, should be defined as "child abuse."

This morning, Gov. Abbott promised the state would implement his opinion.

1) What is DFPS' process for implementing attorney general opinions like this? Must there be new rules written? Public comment taken? How long might that process take? Will the agency proactively undertake investigations, or will it only tackle those complaints it receives from the outside?
2) Will there be any policy changes at DFPS that take place immediately? If so, what are they?
3) What is the agency's general response to the opinion?
4) Last year, the agency agreed that surgical interventions for transgender children is abuse. Have there been any reports of this kind of abuse to the agency and, if so, what were they and what was the outcome of the investigation?

I would very much appreciate a response by the end of the day. This is in the public interest as transgender children and their parents are eager to know what this opinion means for the future of their access to care.

Regards,
Lauren McGaughy

--

Lauren McGaughy
Investigative Reporter
The Dallas Morning News
Mobile: 512-423-6024
Google Voice: 512-436-3641
She/Her

AMERICAN OVERSIGHT

To: Crimmins,Patrick (DFPS) <PATRICK.CRIMMINS@dfps.texas.gov>
Subject: Fwd: Request for media interview - Dallas Express

Marissa Gonzales
Media Relations Director
817-312-4144

From: Edgar James <ejames@dallasexpress.org>
Sent: Monday, December 27, 2021 12:10 PM
To: Gonzales,Marissa L (DFPS); Butler,Tiffani (DFPS)
Subject: Request for media interview - Dallas Express

WARNING: This email is from outside the DFPS system. Do not click on links or attachments unless you expect them from the sender and know the content is safe.

Hello Marissa and Tiffani
I am writing a follow up article for Dallas Express about Attorney General Ken Paxton's expectation that Jaime Masters, commissioner of the Department of Family and Protective Services, is investigating the use of puberty blockers among children in order to change their gender. Would there be someone in your office who can answer a few questions on this topic? Ideally, Jaime Masters but, if not, then someone in her office?

My questions include:
What actions is Jaime Masters taking to hold medical providers accountable if and when they are prescribing these medications?
What will Jaime Masters' investigation into drug manufacturers and medical providers entail?
What is your response to organizations like Save Texas Kids that are demanding medical providers at Southwestern Medical and Children's Medical be prosecuted? (see Save Texas Kids letter attached)

Look forward to hearing from you.
Thank you

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Dec 22 - Written By Save Texas Kids

STK Sends Letter to Texas DFPS

Texas Attorney General Ken Paxton has said puberty blockers are child abuse. It is time for the doctor who perform these cruel and irreversible procedures and the parents who allow this to happen to their young children to be held accountable both by District Attorneys and by the Department of Family and Protective Services.

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Save Texas Kids

〈 STK Protest Against Child Mutilation

STK Sends Letter to TX DA's 〉

Made with Squarespace

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Stephen Black
SWI Associate Commissioner
512-960-9352

AMERICAN OVERSIGHT

[redacted]

From: Nicholas Guillory <NGuillory@lambdalegal.org>
Sent: Tuesday, March 1, 2022 8:56 AM
To: txgov@dir.texas.gov
Cc: Luis Saenz <luis.saenz@gov.texas.gov>; James Sullivan <James.Sullivan@gov.texas.gov>
Subject: Notice of Filing in the District Courts of Travis County Seeking Injunctive Relief

[**WARNING**] - The sender of this email could not be validated, and may not match the display name.
[**EXTERNAL SENDER**] - Do not click on links or open attachments in unexpected messages.

Dear Governor Greg Abbott

Please see attached Notice of Filing, Plaintiffs' Original Petition And Application For Temporary Restraining Order, Temporary Injunction, Permanent Injunction and Request for Declaratory Relief against Defendants Governor Greg Abbott, the Department of Family and Protective Services and Commissioner Jamie Masters, Texas Department of Family and Protective Services. We are requesting a hearing on the Petition this morning.

Plaintiffs intend to present their Petition to the Duty Judge for a hearing today. Please contact either Paul Castillo (216-965-6227) to advise whether you are in agreement with or in opposition to the Petition and the relief sought therein.

Best Regards,

Nicholas "Guilly" Guillory
Pronouns**:** he|him|his (why this?)
Tyron Garner Memorial Law Fellow
Lambda Legal | South Central Regional Office

AMERICAN OVERSIGHT

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Lambda Legal: Making the case for equality

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Lambda Legal
making the case for equality

March 1, 2022

Via Email and Facsimile

Governor Greg Abbott
Office of the Governor
P.O Box 12428
Austin, Texas 7811-2428
Facsimile 512-463-1849
txgov@dir.texas.gov

RE: Notice of Filing in the District Courts of Travis County Plaintiffs' Original Petition And Application For Temporary Restraining Order, Temporary Injunction, Permanent Injunction and Request for Declaratory Relief against Defendants Governor Greg Abbott, the Department of Family and Protective Services and Commissioner Jamie Masters, Texas Department of Family and Protective Services

Dear Governor Greg Abbott

Please find enclosed a copy of Plaintiffs' Original Petition and Application For Temporary Restraining Order, Temporary Injunction, Permanent Injunction and Request for Declaratory Relief against Defendants Governor Greg Abbott, Department of Family and Protective Services and Commissioner Jamie Masters, Texas Department of Family and Protective Services.

Plaintiffs intend to present their Petition to the Duty Judge for a hearing today. Please contact either Paul Castillo (216-965-6227) or Shelly Skeen (214-454-6687) to advise whether you are in agreement with or in opposition to the Petition and the relief sought therein.

Very truly yours,

LAMBDA LEGAL DEFENSE AND EDUCATION FUND, INC.

Paul D. Castillo, Senior Counsel

PDC:mcl

cc: James P. Sullivan, General Counsel to the Governor
Luis Saenz, Chief of Staff to the Governor

Enclosure: Petition

AMERICAN OVERSIGHT

CAUSE NO. _____

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,	§	
Plaintiffs	§	
	§	IN THE DISTRICT COURT OF
	§	TRAVIS COUNTY, TEXAS
v.	§	_____ JUDICIAL DISTRICT
GREG ABBOTT, sued in his official capacity as Governor of the State of Texas; JAIME MASTERS, sued in her official capacity as Commissioner of the Texas Department of Family and Protective Services; and the TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES,	§	
Defendants.	§	

[PROPOSED] ORDER GRANTING PLAINTIFFS' APPLICATION FOR TEMPORARY RESTRAINING ORDER

On this day the Court considered the application by Plaintiffs Jane and John Doe, individually and as parents and next friends of Plaintiff Mary Doe, a minor, and Dr. Megan Mooney (collectively, "Plaintiffs") for a Temporary Restraining Order, as found in Plaintiffs' Petition and Application for Temporary Restraining Order, Temporary Injunction, and Permanent Injunction, and Request for Declaratory Relief ("Petition") filed against Defendants Greg Abbott, in his official capacity as Governor of the State of Texas, Jaime Masters, in her official capacity as Commissioner of the Texas Department of Family and Protective Services, and the Texas Department of Family and Protective Services (collectively, "Defendants").

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From the facts set forth in Plaintiffs' Petition, and the declarations attached thereto, it clearly appears to the Court that unless Defendants are immediately restrained from enforcing the Governor's letter and the DFPS statement, both issued February 22, 2022 and which make reference to and incorporate Attorney General Paxton's Opinion No. KP-0401, Plaintiffs will suffer irreparable injury. Jane Doe has already been placed on administrative leave at work and is at risk of losing her job, her livelihood, and the means of caring for her family. Jane, John and Mary Doe face the imminent and ongoing deprivation of their constitutional rights and the stigma attached to being the subject of a child abuse investigation. Mary faces the potential loss of her medically necessary care, which if abruptly discontinued can cause severe physical and emotional harms, including anxiety, depression, and suicidality. If placed on the Child Abuse Registry, Jane Doe could lose the ability to practice her profession and both Jane and John Doe could lose their ability to work with minors and volunteer in their community. Absent intervention by this court, Dr. Mooney could face civil suit by patients for failing to treat them in accordance with professional standards and loss of licensure for failing to follow her professional ethics, if she complies with Defendants' orders and actions. If she does not comply with Defendants' orders, Dr. Mooney could face immediate criminal prosecution, as set forth in the Governor's letter. Defendants' wrongful actions cannot be remedied by any award of damages or other adequate remedy at law.

IT IS THEREFORE ORDERED that Defendants are immediately enjoined and restrained from enforcing the Governor's letter and DFPS statement, both issued February 22, 2022, as well as Attorney General Paxton's Opinion No. KP-0401 which they reference and incorporate, and such restraint encompasses but is not limited to: taking any actions against Plaintiffs based on the Governor's letter and DFPS statement, both issued February 22, 2022, as

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well as Attorney General Paxton's Opinion No. KP-0401 which they reference and incorporate; investigating reports of any persons facilitating or providing gender-affirming care to transgender minors solely based on the fact that the minors are transgender, gender transitioning, or receiving or being prescribed gender-affirming medical treatment; prosecuting or referring for prosecution such reports; and imposing reporting requirements on persons who are aware of others who facilitate or provide gender-affirming care to transgender minors solely based on the fact that the minors are transgender, gender transitioning, or receiving or being prescribed gender-affirming medical treatment.

IT IS FURTHER ORDERED that Plaintiffs' Application for Temporary Injunction be heard before the Honorable _____, Judge of the _____ Judicial District Court of Travis County, Texas on _____, 2022, at _____ o'clock in the courtroom of the _____ Judicial District of Travis County, Texas, then and there to show cause, if any thereby, why a temporary injunction should not be issued as requested by Plaintiffs. The Clerk of the Court is hereby directed to issue a show cause notice to Defendants to appear at the temporary injunction hearing.

The Clerk of the Court shall forthwith, on filing by Plaintiffs of the Bond hereinafter required, and on proving of the same according to law, issue a temporary restraining order in conformity with the laws and terms of this Order.

This Order shall not be affected unless and until Plaintiffs execute and file with the Clerk a bond in conformity with the law, in the amount of _____ dollars.

Signed this _____ day of March 2022, at _____ o'clock in Travis County, Texas.

_____
JUDGE PRESIDING

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CAUSE NO. _____

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,	§	
Plaintiffs	§	
	§	IN THE DISTRICT COURT OF
	§	TRAVIS COUNTY, TEXAS
v.	§	_____ JUDICIAL DISTRICT
GREG ABBOTT, sued in his official capacity as Governor of the State of Texas; JAIME MASTERS, sued in her official capacity as Commissioner of the Texas Department of Family and Protective Services; and the TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES,	§	
Defendants.	§	

PLAINTIFFS' ORIGINAL PETITION AND APPLICATION FOR TEMPORARY RESTRAINING ORDER, TEMPORARY INJUNCTION, PERMANENT INJUNCTION, AND REQEUST FOR DECLARATORY RELIEF

Plaintiffs Jane and John Doe[1], individually and as parents and next friends of Plaintiff Mary Doe, a minor; and Dr. Megan Mooney (collectively, "Plaintiffs") file this Petition and Application

[1] Plaintiffs Jane Doe, John Doe, and Mary Doe proceed pseudonymously in order to protect their right to privacy, particularly that of Mary Doe, who is a minor. The Texas Rules of Civil Procedure recognize the need to protect a minor's identity. *See* Tex. R. Civ. P. 21c(a)(3). Such goal would not be possible if the identities of Jane Doe and John Doe were public. Moreover, the disclosure of the Doe Plaintiffs' identities "would reveal matters of a highly sensitive and personal nature, specifically [Mary Doe]'s transgender status and h[er] diagnosed medical condition—gender dysphoria." *Foster v. Andersen*, No. 18-2552-DDC-KGG, 2019 WL 329548, at *2 (D. Kan. Jan. 25, 2019). "[O]ther courts have recognized the highly personal and sensitive nature of a person's transgender status and thus have permitted transgender litigants to proceed under pseudonym." *Id.* (collecting cases). Furthermore, as courts have recognized, the disclosure of a person's transgender status "exposes them to prejudice, discrimination, distress, harassment, and violence." *Arroyo Gonzalez v. Rossello Nevares*, 305 F. Supp. 3d 327, 332 (D.P.R. 2018); *see also Foster*, 2019 WL 329548, at *2. Such is the case here.

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for Temporary Restraining Order, Temporary Injunction, Permanent Injunction, and Request for Declaratory Relief ("Petition") against Defendants Greg Abbott, in his official capacity as Governor of the State of Texas ("Governor Abbott" or the "Governor"), Jaime Masters, in her official capacity as Commissioner of the Texas Department of Family and Protective Services ("Commissioner Masters" or the "Commissioner"), and the Texas Department of Family and Protective Services ("DFPS") (collectively, "Defendants"). In support of their Petition, Plaintiffs respectfully show the following:

I. PRELIMINARY STATEMENT

1. After the Texas legislature failed to pass legislation criminalizing well-established and medically necessary treatment for adolescents with gender dysphoria, the Texas Governor, Attorney General, and Commissioner of the Department of Family and Protective Services have attempted to legislate by press release. Governor Abbott's letter instructing DFPS to investigate the families of transgender children is entirely without Constitutional or statutory authority; and despite this, the Commissioner nonetheless issued a statement directing DFPS to carry out the Governor's wishes and agreeing to follow a nonbinding legal opinion that did not change Texas law.

2. The Governor has circumvented the will of the legislature and, in so doing, he and the Commissioner have run afoul of numerous Constitutional and statutory limits on their power. Additionally, by their actions, Defendants have trampled on the Constitutional rights of transgender children, their parents, and professionals who provide vital care to transgender children. The Defendants have, without Constitutional or statutory authority, acted to create a new definition of "child abuse" that singles out a subset of loving parents for scrutiny, investigation, and potential family separation. Their actions caused terror and anxiety among transgender youth and their families across the Lone Star State and singled out transgender youth and their families

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for discrimination and harassment. What is more, the Governor's, Attorney General's, and Commissioner's actions threaten to endanger the health and wellbeing of transgender youth in Texas by depriving them of medically necessary care, while communicating that transgender people and their families are not welcome in Texas.

3. The Governor has also declared that teachers, doctors, and the general public are all required, on pain of criminal penalty, to report to DFPS any person who provides or is suspected of providing medical treatment for gender dysphoria, a recognized condition with well-established treatment protocols. And DFPS has started investigating families for child abuse based on reports that the families have followed doctor-recommended treatments for their adolescent children.

4. The actions of the Governor, the Commissioner, and DFPS violate the Texas Administrative Procedure Act, are *ultra vires* and therefore invalid, violate the separation of powers guaranteed by the Texas Constitution, and violate equality and due process protections guaranteed by the Texas Constitution. Plaintiffs ask the Court to enjoin these violations of Texas law and of the plaintiffs' rights and immediately return to the *status quo ante*.

II. PARTIES

5. Plaintiffs Jane Doe, John Doe, and Mary Doe are all residents of Texas. Plaintiffs Jane Doe and John Doe are the parents and next friends of Plaintiff Mary Doe, who is a minor. Plaintiff Mary Doe is transgender, has been diagnosed with gender dysphoria, a serious medical condition, and is currently receiving medically necessary care for the treatment of her gender dysphoria. Plaintiff Jane Doe is an employee of Defendant DFPS.

6. Plaintiff Dr. Megan Mooney is a clinical psychologist and mandated reporter under Texas law. She has a practice based in Houston, Texas that includes transgender patients, many of whom have been diagnosed with gender dysphoria and are receiving treatment for this condition.

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7. Defendant Greg Abbott is the Governor of the State of Texas and is sued in his official capacity only. He may be served at 1100 San Jacinto Blvd., Austin, Texas 78701.

8. Defendant Jaime Masters is the Commissioner of the Texas Department of Family and Protective Services and is sued in her official capacity only. She may be served at 701 West 51st Street, Austin, Texas 78751.

9. Defendant Texas Department of Family and Protective Services is a state agency that is statutorily tasked with promoting safe and healthy families and protecting children and vulnerable adults from abuse, neglect, and exploitation. DFPS fulfills these statutory obligations through investigations, services and referrals, and prevention programs. It may be served at 701 West 51st Street, Austin, Texas 78751.

III. JURISDICTION AND VENUE

10. The subject matter in controversy is within the jurisdictional limits of this Court, and the Court has jurisdiction over this action pursuant to Article V, Section 8, of the Texas Constitution and section 24.007 of the Texas Government Code, as well as the Texas Uniform Declaratory Judgments Act, Texas Civil Practice & Remedies Code sections 37.001 and 37.003, and the Texas Administrative Procedure Act, Texas Government Code section 2001.038.

11. This Court has jurisdiction over the parties because all Defendants reside or have their principal place of business in Texas.

12. Plaintiffs seek non-monetary relief.

13. Venue is proper in Travis County because Defendants have their principal office in Travis County. Tex. Civ. Prac. & Rem. Code § 15.002(a)(3).

IV. DISCOVERY CONTROL PLAN

14. Plaintiffs intend for discovery to be conducted under Level 3 of Texas Rule of Civil Procedure 190.

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TX-DFPS-22-0329-A-000847

V. FACTUAL BACKGROUND

A. Governor Abbott, Attorney General Paxton, and Commissioner Masters Create New Definitions of "Child Abuse" Under State Law.

15. On February 21, 2022, Attorney General Paxton released Opinion No. KP-0401 ("Paxton Opinion") dated February 18, 2022, which addressed "Whether certain medical procedures performed on children constitute child abuse."[2] The Paxton Opinion was issued in response to Representative Matt Krause's request dated August 23, 2021 about whether certain enumerated "sex-change procedures" when used to treat a minor with gender dysphoria constitute child abuse under state law. Specifically, Representative Krause inquired about and Attorney General Paxton purportedly addressed the following procedures: "sterilization through castration, vasectomy, hysterectomy, oophorectomy, metoidioplasty, orchiectomy, penectomy, phalloplasty, and vaginoplasty; …mastectomies; and … removing from children otherwise healthy or non-diseased body part or tissue."[3] The Paxton Opinion also responded to Representative Krause's additional inquiries about: whether "the following categories of drugs: (1) puberty-suppression or puberty-blocking drugs; (2) supraphysiologic doses of testosterone to females; and (3) supraphysiologic doses of estrogen to males" when used to treat minors with gender dysphoria could constitute child abuse.[4]

16. In summary, Attorney General Paxton's Opinion concluded that the enumerated procedures *could* constitute child abuse. The Opinion was based on the premise that "elective sex

[2] Ken Paxton et al., Re: Whether Certain Medical Procedures Performed on Children Constitute Child Abuse (RQ-0426-KP), Opinion No. KP-0401, at 1 (Feb. 18, 2022), https://texasattorneygeneral.gov/sites/default/files/global/KP-0401.pdf.
[3] *Id.*
[4] *Id.*

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changes to minors often has [sic] the effect of permanently sterilizing those minor children."[5] The Paxton Opinion specifies that it "does not address or apply to *medically necessary* procedures."[6]

17. In response to the Paxton Opinion, Governor Abbott sent a letter to DFPS Commissioner Jaime Masters dated February 22, 2022 ("Abbott Letter" of "Abbott's Letter") directing the agency "to conduct a prompt and thorough investigation of any reported instances" of "sex-change procedures," without any regard to medical necessity.[7] The Abbott Letter claimed that "a number of so-called 'sex change' procedures constitute child abuse under existing Texas law."[8] In addition to directing DFPS to investigate reports of procedures referenced in the Paxton Opinion, under threat of criminal prosecution, the Abbott Letter directs "all licensed professionals who have direct contact with children" and "members of the general public" to report instances of minors who have undergone the medical procedures outlined in his Letter and the Paxton Opinion.[9]

18. On February 22, 2022, DFPS announced that it would "follow Texas law as explained in (the) Attorney General opinion" and comply with the Paxton Opinion and Abbott letter and "investigate[]" any reports of the procedures outlined in the new directives ("DFPS Statement"), again, without any regard to medical necessity.[10]

19. Commissioner Masters claimed that prior to the issuance of the Paxton Opinion and Abbott letter, the agency had "no pending investigations of child abuse involving the procedures described in that opinion."[11]

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[5] *Id.* at 2.
[6] *Id.* at 2 (emphasis added).
[7] Greg Abbott, Letter to Hon. Jaime Masters, Commissioner, Tex. Dep't of Fam. & Protective Servs. (Feb. 22, 2022), https://gov.texas.gov/uploads/files/press/O-MastersJaime202202221358.pdf.
[8] *Id.*
[9] *Id.*
[10] Isaac Windes, *Texas AG says trans healthcare is child abuse. Will Fort Worth schools have to report*?, Fort Worth Star-Telegram (Feb. 23, 2022), https://www.star-telegram.com/news/local/crossroads-lab/article258692193.html.
[11] *Id.*

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20. Previously, on September 3, 2021, Commissioner Masters responded to an inquiry from Representative Bryan Slaton about the same underlying medical treatment and explained, "I will await the opinion issued by the Attorney General's office before I reach any final decisions on the matters you raise."[12]

21. In the hours and days following the February 2022 actions of Attorney General Paxton, Governor Abbott, and Commissioner Masters, DFPS initiated investigations into families with transgender children, which continue.

22. During the 87th Regular session, the Texas legislature considered, but did not pass, proposed legislation that would have changed Texas law to include treatment for gender dysphoria under the definition of child abuse. Specifically, Senate Bill 1646 ("SB 1646") would have amended Section 261.001 of the Family Code to add certain treatments to the definition of "child abuse." The bill would have amended this provision of the law to include within the definition of "child abuse": "administering or supplying, or consenting to or assisting in the administration or supply of, a puberty suppression prescription drug or cross-sex hormone to a child, other than an intersex child, for the purpose of gender transitioning or gender reassignment; or performing or consenting to the performance of surgery or another medical procedure on a child other than an intersex child, for the purpose of gender transitioning or gender reassignment."[13] SB 1646 did not pass. The legislature considered additional bills that would have prohibited medical treatment for gender dysphoria in minors, including House Bill 68 and House Bill 1339. None of these bills were passed by the duly elected members of the legislature.

[12] Jaime Masters, Letter to Hon. Bryan Slaton, Representative, District 2, Re: Correspondence (Sept. 3, 2021), http://thetexan.ews/wp-content/uploads/2021/09/Response-Letter_Representative-Slaton_Addressing-Gender-Reassignment-090321.pdf.

[13] S.B. 1646, 87th Leg. (Tex. 2021), https://capitol.texas.gov/tlodocs/87R/billtext/pdf/SB01646E.pdf.

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23. On July 19, 2021, after the above-referenced legislation failed to pass, Governor Abbott explained on a public radio show that he had a "solution" to what he called the "problem" of medical treatment for minors with gender dysphoria.[14]

B. Responses to New Child Abuse Directives

24. Following the recent attempts by Defendants to change the definition of "child abuse" under Texas law, experts in pediatric medicine, endocrinology, mental health care, and social work issued statements condemning the action and warning that it was counter to established protocols for treating gender dysphoria, could force providers to violate their professional ethics, and would cause substantial harm to minors and their families in Texas.

25. In response to the actions taken by Defendants, the National Association of Social Workers issued the following statement: "The continued attempts in Texas to change the definition of child abuse are in direct opposition to social work values, principles, and Code of Ethics and pose an imminent danger to transgender youth and their families. Furthermore, these shameful actions undermine the established truth supported by every credible medical and mental health organization in the country that the concepts of sexual orientation and gender identity are real and irrefutable components of one's individual identity."[15]

26. The American Academy of Pediatrics and the Texas Pediatric Society condemned the actions of Texas executive officials explaining that "[t]he AAP has long supported gender-affirming care for transgender youth, which includes the use of puberty-suppressing treatments when appropriate, as outlined in its own policy statement, urging that youth who identify as

[14] The Mark Davis Show, *July 19, 2021 8am Hour*, at 11:04 (July 19, 2021), https://omny.fm/shows/the-mark-davis-show/july-19-2021-8am-hour.

[15] *NASW Condemns Efforts to Redefine Child Abuse to Include Gender-Affirming Care*, Nat'l Ass'n Soc. Workers (Feb. 25, 2022), https://www.socialworkers.org/News/News-Releases/ID/2406/NASW-Condemns-Efforts-to-Redefine-Child-Abuse-to-Include-Gender-Affirming-Care.

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transgender have access to comprehensive, gender-affirming, and developmentally appropriate health care that is provided in a safe and inclusive clinical space in close consultation with parents."[16]

27. The president of the Texas Pediatric Society explained of the efforts to change the definition of "child abuse" under Texas law: "Evidence-based medical care for transgender and gender diverse children is a complex issue that pediatricians are uniquely qualified to provide. This directive undermines the physician-patient-family relationship and will cause undue harm to children in Texas. TPS opposes the criminalization of evidence-based, gender-affirming care for transgender youth and adolescents. We urge the prioritization of the health and well-being of all youth, including transgender youth."[17]

28. The Endocrine Society condemned the efforts to re-define "child abuse" explaining that these efforts "reject[] evidence-based transgender medical care and will restrict access to care for teenagers experiencing gender incongruence or dysphoria."[18] The Endocrine Society statement went on to explain, "Health care providers should not be punished for providing evidenced-based care that is supported by major international medical groups—including the Endocrine Society, American Medical Association, the American Psychological Association, and the American Academy of Pediatrics—and Clinical Practice Guidelines."[19]

29. The President of the American Psychological Association issued the following statement: "This ill-conceived directive from the Texas governor will put at-risk children at even

[16] *AAP, Texas Pediatric Society Oppose Actions in Texas Threatening Health of Transgender Youth*, Am. Acad. Pediatrics (Feb. 24, 2022), https://www.aap.org/en/news-room/news-releases/aap/2022/aap-texas-pediatric-society-oppose-actions-in-texas-threatening-health-of-transgender-youth/.
[17] *Id.*
[18] *Endocrine Society Alarmed at Criminalization of Transgender Medicine*, Endocrine Soc'y (Feb. 23, 2022), https://www.endocrine.org/news-and-advocacy/news-room/2022/endocrine-society-alarmed-at-criminalization-of-transgender-medicine.
[19] Id.

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higher risk of anxiety, depression, self-harm, and suicide. Gender-affirming care promotes the health and well-being of transgender youth and is provided by medical and mental health professionals, based on well-established scientific research. The peer-reviewed research suggests that transgender children and youth who are treated with affirmation and receive evidence-based treatments tend to see improvements in their psychological well-being.

Asking licensed medical and mental health professionals to 'turn in' parents who are merely trying to give their children needed and evidence-based care would violate patient confidentiality as well as professional ethics. The American Psychological Association opposes politicized intrusions into the decisions that parents make with medical providers about caring for their children."[20]

30. Prevent Child Abuse America issued the following statement: "Prevent Child Abuse America (PCA America) knows that providing necessary and adequate medical care to your child is not child abuse, and that transgender and non-binary children need access to age-appropriate, individualized medical care just like every other child. Therefore, PCA America opposes legislation and laws that would deny healthcare access to any child, regardless of their gender identity. Such laws threaten the safety and security of our nation's most vulnerable citizens—children and youth."[21]

31. The Ray E. Helfer Society, an international, multi-specialty society of physicians having substantial research and clinical experience with all medical facets of child abuse and neglect, likewise condemned Defendants' actions. The Helfer Society "opposes equating evidence based, gender affirming care for transgender youth with child abuse, and the criminalization of

[20] *APA President Condemns Texas Governor's Directive to Report Parents of Transgender Minors*, Am. Psych. Ass'n (Feb. 24, 2022), https://www.apa.org/news/press/releases/2022/02/report-parents-transgender-children.
[21] Melissa Merrick, *A Message from Dr. Melissa Merrick in Response to Texas AG Opinion on Gender-Affirming Care*, Prevent Child Abuse Am. (Feb. 23, 2022), https://preventchildabuse.org/latest-activity/gender-affirming-care/.

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such care. The provision of medical and mental health care, consistent with the standard of care, is in no way consistent with our definitions of child abuse."[22]

32. Parents and families across the state of Texas are fearful that if they follow the recommendations of their medical providers to treat their adolescent children's suffering from gender dysphoria, they could face investigation, criminal prosecution and the removal of their children from their custody. As a result, parents are scared to remain in Texas, to send their children to school or to the doctor, and to otherwise meet their basic survival needs. They are also scared that if they do not pursue this medically prescribed and necessary care for their children in order to avoid investigation and criminal prosecution, their children's mental and physical health will suffer dramatically.

33. Upon information and belief, some doctors and other providers have discontinued prescribing medically necessary treatment for gender dysphoria to transgender youth as a result of Defendants' actions, causing patients to suffer physical and mental health consequences.

34. The actions taken by Defendants have already caused severe and irreparable harm to families across the state of Texas, including the Doe family, and have put medical and mental health providers in the impossible position of either following their legal and ethical professional responsibilities or facing criminal prosecution or civil and professional repercussions under Texas law.

[22] *Position Statement of the Ray E. Helfer Society On Gender Affirming Care Being Considered Child Abuse and Neglect*, Ray E. Helfer Soc'y (Feb. 2022), https://www.helfersociety.org/assets/docs/Helfer%20Society%20Statement%20On%20Texas%20Transgender%20Action%2002.22.pdf.

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C. Treatment for Gender Dysphoria is Well-Established and Medically Necessary.

35. The health care that Governor Abbott has directed DFPS to consider child abuse is actually medically necessary, essential, and often lifesaving medical care that is endorsed and adopted by every major medical organization in the United States.

36. Doctors in Texas use well-established guidelines to diagnose and treat youth with gender dysphoria. Medical treatment for gender dysphoria is prescribed to adolescents only after the onset of puberty and only when doctors determine it to be medically necessary. Parents, doctors, and minors work together to develop a treatment plan consistent with widely accepted protocols supported by every major medical organization in the United States.

37. "Gender identity" refers to a person's internal, innate, and immutable sense of belonging to a particular gender.

38. Although the precise origin of gender identity is unknown, a person's gender identity is a fundamental aspect of human development. There is a general medical consensus that there is a significant biological component to gender identity.

39. Everyone has a gender identity. A person's gender identity is durable and cannot be altered through medical intervention.

40. A person's gender identity usually matches the sex they were designated at birth based on their external genitalia. The terms "sex designated at birth" or "sex assigned at birth" are more precise than the term "biological sex" because there are many biological sex characteristics, including gender identity, and these may not always be in alignment with each other. For example, some people with intersex characteristics may have a chromosomal configuration typically associated with a male sex designation but genital characteristics typically associated with a female sex designation. For these reasons, the Endocrine Society, an international medical organization

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of over 18,000 endocrinology researchers and clinicians, warns practitioners that the terms "biological sex" and "biological male or female" are imprecise and should be avoided.[23]

41. Most boys were designated male at birth based on their external genital anatomy, and most girls were designated female at birth based on their external genital anatomy.

42. Transgender youth have a gender identity that differs from the sex assigned to them at birth. A transgender boy is someone who was assigned a female sex at birth but persistently, consistently, and insistently identifies as male. A transgender girl is someone who was assigned a male sex at birth but persistently, consistently, and insistently identifies as female.

43. Some transgender people become aware of having a gender identity that does not match their assigned sex early in childhood. For others, the onset of puberty, and the resulting physical changes in their bodies, leads them to recognize that their gender identity is not aligned with their sex assigned at birth. The lack of alignment between one's gender identity and sex assigned at birth can cause significant distress.

44. According to the American Psychiatric Association's Diagnostic & Statistical Manual of Mental Disorders ("DSM-V"), "gender dysphoria" is the diagnostic term for the condition experienced by some transgender people of clinically significant distress resulting from the lack of congruence between their gender identity and the sex assigned to them at birth. In order to be diagnosed with gender dysphoria, the incongruence must have persisted for at least six months and be accompanied by clinically significant distress or impairment in social, occupational, or other important areas of functioning.

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[23] *See* Wylie C. Hembree et al., *Endocrine Treatment of Gender-Dysphoric/Gender-Incongruent Persons: An Endocrine Society* Clinical Practice Guideline*, 102 J. Clinical Endocrinology & Metabolism 3869, 3875 (2017), https://academic.oup.com/jcem/article/102/11/3869/4157558 [hereinafter "Endocrine Guideline"] ("Biological sex, biological male or female: These terms refer to physical aspects of maleness and femaleness. As these may not be in line with each other (e.g., a person with XY chromosomes may have female-appearing genitalia), the terms biological sex and biological male or female are imprecise and should be avoided.").

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45. Being transgender is not itself a medical condition to be cured. But gender dysphoria is a serious medical condition that, if left untreated, can result in debilitating anxiety, severe depression, self-harm, and suicidality.

46. The World Professional Association for Transgender Health ("WPATH") and the Endocrine Society have published widely accepted guidelines for treating gender dysphoria.[24] The medical treatment for gender dysphoria is to eliminate the clinically significant distress by helping a transgender person live in alignment with their gender identity. This treatment is sometimes referred to as "gender transition," "transition related care," or "gender affirming care." These standards of care are recognized by the American Academy of Pediatrics, which agrees that this care is safe, effective, and medically necessary treatment for the health and wellbeing of youth suffering from gender dysphoria.[25]

47. The precise treatment for gender dysphoria for any individual depends on that person's individualized needs, and the guidelines for medical treatment differ depending on whether the treatment is for an adolescent or an adult. No medical treatment is recommended or necessary prior to the onset of puberty, however.

48. Before puberty, gender transition does not include any pharmaceutical or surgical intervention. Instead, it involves social transition, such as using a name and pronouns typically associated with the child's gender identity and dressing consistently with their gender identity.

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[24] Endocrine Guideline; World Prof'l Ass'n for Transgender Health, Standards of Care for the Health of Transsexual, Transgender, and Gender-Nonconforming People (7th Version, 2012), https://www.wpath.org/media/cms/Documents/SOC%20v7/SOC%20V7_English2012.pdf?_t=1613669341 [hereinafter, WPATH SOC].

[25] Jason Rafferty, et al., Am. Academy Pediatrics, *Ensuring Comprehensive Care and Support for Transgender and Gender-Diverse Children and Adolescents*, 142 Pediatrics (2018), https://publications.aap.org/pediatrics/article/142/4/e20182162/37381/Ensuring-Comprehensive-Care-and-Support-for; Lee Savio Beers, *American Academy of Pediatrics Speaks Out Against Bills Harming Transgender Youth*, Am. Academy Pediatrics (Mar. 16, 2021), https://www.aap.org/en/news-room/news-releases/aap/2021/american-academy-of-pediatrics-speaks-out-against-bills-harming-transgender-youth/.

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49. Under the WPATH Standards of Care and the Endocrine Society Guideline, medical interventions may become medically necessary and appropriate as transgender youth reach puberty. In providing medical treatments to adolescents, pediatric physicians and endocrinologists work in close consultation with qualified mental health professionals experienced in diagnosing and treating gender dysphoria.

50. For many transgender adolescents, going through puberty in accordance with the sex assigned to them at birth can cause extreme distress. Puberty-delaying medication allows transgender adolescents to avoid that, thus minimizing and potentially preventing the heightened gender dysphoria and permanent physical changes that puberty would cause.

51. Under the Endocrine Society Clinical Guideline, transgender adolescents may be eligible for puberty-delaying treatment if:

- A qualified mental health professional has confirmed that:
    - the adolescent has demonstrated a long-lasting and intense pattern of gender nonconformity or gender dysphoria (whether suppressed or expressed),
    - gender dysphoria worsened with the onset of puberty,
    - coexisting psychological, medical, or social problems that could interfere with treatment (e.g., that may compromise treatment adherence) have been addressed, such that the adolescent's situation and functioning are stable enough to start treatment,

      the adolescent has sufficient mental capacity to give informed consent to this (reversible) treatment,
- And the adolescent:

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- has sufficient mental capacity to give informed consent to this (reversible) treatment,
- the adolescent has been informed of the effects and side effects of treatment (including potential loss of fertility if the individual subsequently continues with sex hormone treatment) and options to preserve fertility,
- the adolescent has given informed consent and (particularly when the adolescent has not reached the age of legal medical consent, depending on applicable legislation) the parents or other caretakers or guardians have consented to the treatment and are involved in supporting the adolescent throughout the treatment process,

- And a pediatric endocrinologist or other clinician experienced in pubertal assessment:
  - agrees with the indication for gonadotropin-releasing hormone ("GnRH") agonist treatment,
  - has confirmed that puberty has started in the adolescent, and
  - has confirmed that there are no medical contraindications to GnRH agonist treatment.

52. Puberty-delaying treatment is reversible. If an adolescent discontinues the medication, puberty consistent with their assigned sex will resume. Contrary to the assertions in the Paxton Opinion, puberty-delaying treatment does not cause infertility.

53. For some adolescents, it may be medically necessary and appropriate to initiate puberty consistent with the young person's gender identity through gender-affirming hormone

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therapy (testosterone for transgender boys, and estrogen and testosterone suppression for transgender girls).

54. Under Endocrine Society Clinical Guidelines, transgender adolescents may be eligible for gender-affirming hormone therapy if:

- A qualified mental health professional has confirmed:
  - the persistence of gender dysphoria,
  - any coexisting psychological, medical, or social problems that could interfere with treatment (e.g., that may compromise treatment adherence) have been addressed, such that the adolescent's environment and functioning are stable enough to start sex hormone treatment,
  - the adolescent has sufficient mental capacity to estimate the consequences of this (partly) irreversible treatment, weigh the benefits and risks, and give informed consent to this (partly) irreversible treatment,
- And the adolescent:
  - has been informed of the partly irreversible effects and side effects of treatment (including potential loss of fertility and options to preserve fertility),
  - has given informed consent and (particularly when the adolescent has not reached the age of legal medical consent, depending on applicable legislation) the parents or other caretakers or guardians have consented to the treatment and are involved in supporting the adolescent throughout the treatment process,

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- And a pediatric endocrinologist or other clinician experienced in pubertal induction:
    - agrees with the indication for sex hormone treatment, and
    - has confirmed that there are no medical contraindications to sex hormone treatment.

55. Under the WPATH Standards of Care, transgender young people may also receive medically necessary chest reconstructive surgeries before the age of majority, provided the young person has lived in their affirmed gender for a significant period of time. Genital surgery is not recommended until patients reach the age of majority.

56. Chest reconstructive surgeries have no impact on fertility.

57. Medical treatment recommended for and provided to transgender adolescents with gender dysphoria can substantially reduce lifelong gender dysphoria and can eliminate the medical need for surgery later in life.

58. The treatment protocols for gender dysphoria supported by every major medical organization in the United States are based on extensive research and clinical experience. When existing protocols are followed, no minor is rushed into treatment. The process, instead, requires extensive mental health evaluation and informed consent procedures.

59. Providing gender-affirming medical care can be lifesaving treatment and change the short and long-term health outcomes for transgender youth.

60. All of the treatments used to treat gender dysphoria are also used to treat other conditions in minors with comparable side effects and risks.

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61. Many forms of treatment in pediatric medicine and medicine generally are prescribed "off-label". Use of medication for "off-label" non-FDA approved purposes is a common and necessary practice in medicine.

D. Legal Status of Treatment for Gender Dysphoria in the United States

62. No state in the country considers medically recommended treatment for gender dysphoria to be a form of child abuse.

63. No state in the country prohibits doctors from treating, or parents from consenting to treatment for, minor patients with gender dysphoria.

64. Arkansas is the only state to pass a law prohibiting such treatment but the law was enjoined in court before it went into effect and does not classify the treatment as a form of child abuse.[26] When the Arkansas General Assembly passed the bill prohibiting treatment for minors with gender dysphoria, Governor Asa Hutchinson vetoed it, explaining: "I vetoed this bill because it creates new standards of legislative interference with physicians and parents as they deal with some of the most complex and sensitive matters concerning our youths. It is undisputed that the number of minors who struggle with gender incongruity or gender dysphoria is extremely small. But they, too, deserve the guiding hand of their parents and the counseling of medical specialists in making the best decisions for their individual needs. H.B. 1570 puts the state as the definitive oracle of medical care, overriding parents, patients, and health-care experts. While in some instances the state must act to protect life, the state should not presume to jump into the middle of every medical, human and ethical issue. This would be—and is—a vast government overreach."[27]

[26] *Brandt v. Rutledge*, Case No.: 4:21-cv-00450-JM, 2021 WL 3292057 (E.D. Ark. Aug. 2, 2021).
[27] Asa Hutchinson, Opinion, *Why I Vetoed My Party's Bill Restricting Health Care for Transgender Youth*, Wash. Post (Apr. 8, 2021), https://www.washingtonpost.com/opinions/asa-hutchinson-veto-transgender-health-bill-youth/2021/04/08/990c43f4-9892-11eb-962b-78c1d8228819_story.html.

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65. In Arkansas, a simple majority of the General Assembly overrode Governor Hutchinson's veto and nonetheless enacted a ban on health care treatments for minors with gender dysphoria. In July 2021, that law was enjoined in federal court. Based on an extensive preliminary injunction record, the court found: "If the Act is not enjoined, healthcare providers in this State will not be able to consider the recognized standard of care for adolescent gender dysphoria. Instead of ensuring that healthcare providers in the State of Arkansas abide by ethical standards, the State has ensured that its healthcare providers do not have the ability to abide by their ethical standards which may include medically necessary transition-related care for improving the physical and mental health of their transgender patients."[28] The court further held that the law "cannot withstand heightened scrutiny and based on the record would not even withstand rational basis scrutiny if it were the appropriate standard of review."[29]

VI. PLAINTIFFS

The Doe Family

66. Plaintiff Jane Doe is married to Plaintiff John Doe and together they are the proud parents of Plaintiff Mary Doe, a 16-year-adolescent. Ex. 1, Decl. of Jane Doe.

67. Plaintiffs Jane and John have called Texas their home for nearly 20 years and Texas is the only home Mary has ever known.

68. Mary Doe is transgender. When she was born, she was designated as "male" on her birth certificate, but she is a girl.

69. From a very young age, Mary has expressed herself and behaved in manner that does not conform with the stereotypes associated with the sex she was designated at birth.

[28] *Brandt v. Rutledge*, Case No.: 4:21-cv-00450-JM, 2021 WL 3292057, at *4 (E.D. Ark. Aug. 2, 2021).
[29] *Id.*

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70. Mary's parents have been supportive and accepting of her, giving her the space to express herself and explore who she is.

71. Mary has been under the care of the same pediatrician most of her life. Her pediatrician diagnosed her with gender dysphoria and referred the family to other medical professionals who likewise confirmed that Mary suffers from gender dysphoria.

72. The family has also done research to educate themselves about gender dysphoria and its treatment, and connected Mary with youth support groups that would permit them to have discussions as a family.

73. Following Mary's diagnosis of gender dysphoria, Mary's doctors recommended that Mary be provided with medical care to treat and alleviate her gender dysphoria. This care has included the prescription of puberty-delaying medication and hormone therapy to initiate puberty consistent with her female gender.

74. In consultation with these doctors and after extensive discussions about the benefits and potential side effects of this treatment, Jane Doe, John Doe, and Mary Doe jointly decided to initiate treatment for Mary's gender dysphoria. This treatment has been prescribed by Mary's doctors in accordance with what they believe are best medical practices and what the Doe family understands will be the best course of action to protect Mary's physical and mental health.

75. Mary was worried about having to undergo a puberty that would result in permanent physical characteristics not in alignment with her female gender. Jane and John observed how the prospect of beginning this puberty caused Mary significant distress and exacerbated her dysphoria.

76. Being able to be affirmed as who she is, including through the course of treatment prescribed by her doctors, has brought Mary significant relief and allowed her to thrive.

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77. Plaintiff Jane Doe has worked in the field of child protective services at various times throughout her career. At present, Plaintiff Jane Doe is an employee of DFPS, where she works on the review of reports of abuse and neglect. Her track record as a DFPS employee has been exemplary and commended by her supervisors.

78. The issuance of the Paxton Opinion and the Abbott Letter, followed by DFPS's implementation of these to investigate the provision of medically necessary gender-affirming health care as abuse, has wreaked havoc on the Doe family.

79. Plaintiffs Jane Doe, John Doe, and Mary Doe are terrified for Mary's health and wellbeing, and for their family.

80. On February 23, 2022, following the issuance of the Paxton Opinion and the Abbott Letter, Jane communicated with her supervisor at DFPS to seek clarification of how the Abbott Letter would affect DFPS policy. Such clarification was important for her family as well as to her ability to perform her job at DFPS.

81. That same day, and just mere hours later, Jane Doe was placed on leave from her employment because she has a transgender daughter with a medical need for treatment of gender dysphoria.

82. The next day, on the afternoon of February 24, 2022, Plaintiff Jane Doe was informed that her family would be investigated in accordance with Governor Abbott's letter to determine if Jane Doe and John Doe had committed abuse by affirming their transgender daughter's identity and obtaining the medically necessary health care that she needs.

83. On February 25, 2022, a DFPS Child Protective Services (CPS) investigator visited the Doe family's home to interview Jane Doe, John Doe, and Mary Doe. The CPS investigator interviewed Jane Doe and John Doe, who were accompanied by counsel, together, while he

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interviewed Mary Doe, who was accompanied by different counsel, apart from her parents. Aside from interviewing the Doe family, the CPS investigator sought access through releases to Mary Doe's medical records, which the Doe Plaintiffs refused to sign.

84. The CPS investigator disclosed that the sole allegation against Jane Doe and John Doe is that they have a transgender daughter and that their daughter may have been provided with medically necessary gender-affirming health care and is "currently transitioning from male to female."

85. The issuance of the Paxton Opinion and the Abbott Letter, along with DFPS's implementation of these, has terrorized the Doe family and inflicted ongoing and irreparable harm.

86. As a result of DFPS's implementation and the subsequent investigation of the Doe family, Jane Doe has been placed on leave from her employment. Should DFPS incorrectly find that Jane Doe and John Doe have committed "abuse" based on Governor Abbott's and Attorney General Paxton's erroneous and misguided missives and understanding of medical treatment for gender dysphoria, Jane Doe could face termination, which would result not only in the loss of income for the family but also their health care coverage.

87. Should DFPS incorrectly issue a finding that there is reason to believe that Jane Doe and John Doe have committed "abuse" based on Governor Abbott's and Attorney General Paxton's erroneous and misguided missives and understanding of medical treatment for gender dysphoria, they would automatically be placed on a child abuse registry and be improperly subject to all of the effects that flow from such placement.

88. The issuance of the Attorney General's opinion and Governor's letter, along with DFPS's implementation of these, has caused a significant amount of stress, anxiety, and fear for the Doe family. For example, Mary has been traumatized by the prospect that she could be

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separated from her parents and could lose access to the medical treatment that has enabled her to thrive. The stress has taken a noticeable toll on her, and her parents have observed how their daughter who is typically joyful and happy, is now moodier, stressed, and overwhelmed. Similarly, Jane and John are now filled anxiety and worry. Jane has been unable to sleep, worrying about what they can do and how they can keep their family intact and their daughter safe and healthy. The Doe family is living in constant fear about what will happen to them due to the actions by DFPS, the Governor, and the Attorney General.

89. Plaintiffs Jane and John also worry about the potential physical and mental health consequences of depriving Mary of the medical treatment her doctors have prescribed and that she needs. Not providing Mary with the medically necessary health care that she needs is not an option for them, as their topmost goal and duty are to ensure Mary's health and wellbeing.

Dr. Megan A. Mooney

90. Plaintiff Dr. Megan A. Mooney is a licensed psychologist in Texas. For almost two decades now, she has worked with children and families to respond to and mitigate trauma and harm. Ex. 2, Decl. of Dr. Mooney.

91. Dr. Mooney is also a mandatory reporter obligated to report child abuse and neglect to DFPS. She has received and conducted trainings on mandatory reporting requirements and is familiar with Texas law on child abuse and neglect.

92. She runs a private psychology practice based in Houston that serves children, adolescents, and families. However, she also sees clients elsewhere in the state, including outside of the major metropolitan areas, by video conference.

93. She is bound by professional codes of ethics from the American Psychological Association to do no harm to her patients.

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94. Many of her patients are transgender or non-binary young people under the age of 18, including youth with gender dysphoria.

95. Part of Dr. Mooney's job includes providing mental health evaluations for youth with gender dysphoria, referring youth with gender dysphoria for medical treatment, and continuing to treat young people who receive medical treatment for gender dysphoria.

96. She provides this care only after careful mental health evaluations of her clients and with the informed consent of parents and the assent of minor patients.

97. As someone who works closely with LGBTQ+ young people, she has seen first-hand the trauma and harm they face and the bullying and harassment they experience, especially in schools.

98. From a clinical perspective, Dr. Mooney has also observed the tremendous health benefits that her patients experience as a result of medical treatment for gender dysphoria. These clinical observations have been supported by the most up-to-date data and scientific studies she reviews as part of her ongoing professional obligations.

99. Dr. Mooney has seen young people who were depressed and feeling hopeless and scared for their future begin to feel happy and optimistic just by starting medications to suppress puberty or to develop the secondary sex characteristics that align with their gender identity.

100. The Governor's directive and DFPS implementation have placed Dr. Mooney in an untenable situation.

101. If Dr. Mooney fails to report her clients who receive gender-affirming care, she faces the prospect of civil and criminal penalties, the loss of her license, and other severe consequences.

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102. However, if she does follow the Governor's letter and DFPS' erroneous reliance on it, she faces even more damaging personal and professional consequences.

103. Dr. Mooney would be violating her professional standards of ethics and inflict serious harm and trauma on her clients.

104. Many clients that she works with have already experienced trauma, and reporting them to DFPS simply for receiving gender-affirming care from a licensed medical provider would cause immense and irreversible harm by subjecting them to an investigation and possible family separation.

105. Being subject to an investigation would dramatically worsen the mental health outcomes of her clients, and could worsen the already tragic rate of suicide among transgender youth.

106. In addition, she would irreparably damage the bonds of trust that she has built with her clients and, as a consequence, could face the possible closure of her practice if clients know that she cannot maintain their trust. She could also be subject to malpractice lawsuits from her clients for failing to adhere to ethical guidelines and for harming her clients.

107. Dr. Mooney could also confront harsh penalties, including prison time, for the false reporting of child abuse, as she would be making a report to DFPS when she knows child abuse is not happening.

108. Thus, the issuance of the Governor's letter and DFPS' implementation has threatened and continues to threaten Dr. Mooney's morality, liberty, and livelihood.

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VII. CAUSES OF ACTION

A. Request for Declaratory Relief Under the Texas Administrative Procedure Act – By All Plaintiffs Against Defendants Commissioner Masters and DFPS

109. Plaintiffs incorporate the foregoing paragraphs in support of the following causes of action.

110. Plaintiffs request declaratory relief under the Texas Administrative Procedure Act ("APA"). *See* Tex. Gov't Code § 2001.038(a) ("The validity or applicability of a rule, including an emergency rule adopted under Section 2001.034, may be determined in an action for declaratory judgment if it is alleged that the rule or its threatened application interferes with or impairs, or *threatens to interfere with or impair, a legal right or privilege of the plaintiff*.") (emphasis added).

111. The APA contains a waiver of sovereign immunity to the extent of creating a cause of action for declaratory relief regarding the validity or applicability of a "rule." *Id.*

The DFPS Statement Constitutes a Rule, and Commissioner Masters Bypassed Mandatory APA Procedures for Rule Promulgation.

112. Under the APA, a rule

> (A) means a state agency statement of general applicability that: (i) implements, interprets, or prescribes law or policy; or (ii) describes the procedure or practice requirements of a state agency; (B) includes the amendment or repeal of a prior rule; and (C) does not include a statement regarding only the internal management or organization of a state agency and not affecting private rights or procedures.
>
> *Id.* § 2001.003(6) (line breaks omitted).

113. As DFPS Commissioner, Commissioner Masters is statutorily authorized to "provide protective services for children" and "develop and adopt standards for persons who investigate suspected child abuse or neglect at the state or local level" via rulemaking. Tex. Hum. Res. Code § 40.002(b); Tex. Fam. Code § 261.310(a).

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114. As a state agency, DFPS is required to follow APA rulemaking procedures when adopting or changing rules. APA's mandatory procedural requirements for promulgating agency rules, including public notice, comment, and a reasoned justification for the rule. *See* Tex. Gov't Code §§ 2001.023, .029, .033. To be valid, a rule must be adopted in substantial compliance with these procedures. *See id.* § 2001.035. The February 22, 2022 DFPS Statement conveys the Department's official position with respect to the investigation of gender-affirming care as child abuse. The DFPS Statement, issued in accordance with Abbott's Letter, is a statement of general applicability that is (1) directed at a class of all persons similarly situated and (2) affects the interests of the public at large. The statement provides that DFPS *will* implement the Abbott letter's directive and investigate allegations relating to gender-affirming medical care as "child abuse" according to the new definition formulated by the Paxton Opinion. The DFPS Statement thus applies to and affects the private rights of class of persons—all parents of transgender children—as well as members of the general public. *El Paso Hosp. Dist. v. Tex. Health & Human Servs. Comm'n*, 247 S.W. 3d 709, 714 (Tex. 2008) (holding that statement of Health and Human Services Commission had "general applicability" because it applied to "all hospitals"); *Combs v. Entm't Publ'ns, Inc.*, 292 S.W.3d 712, 721-22 (Tex. App.—Austin 2009, no pet.) (holding that Comptroller's statements constituted "rule" under the APA because it applied to all persons and entities similarly situated"); *see also Teladoc, Inc. v. Tex. Med. Bd.*, 453 S.W.3d 606, 615 (Tex. App.—Austin 2014, pet. denied) ("Agency statements of 'general applicability' refer to those 'that affect the interest of the public at large such that they cannot be given the effect of law without public comment,' as contrasted with statements 'made in determining individual rights.'" (citation omitted)).

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115. The DFPS Statement prescribes a new DFPS enforcement policy with respect to the investigation of gender-affirming care to minors as child abuse, which changes DFPS policy and constitutes a rule for purposes of the APA. *See Texas Alcoholic Beverage Comm'n v. Amusement & Music Operators of Texas, Inc*., 997 S.W.2d 651, 657-58 (Tex. App.—Austin 1999, writ dism'd w.o.j.) (holding that memoranda constituted a "rule" because they "set out binding practice requirements" that "substantially changed previous enforcement policy" with respect to eight-liner machines). Prior to the DFPS Statement, DFPS had not promulgated any rule pertaining to the investigation of gender-affirming care as child abuse.[30] The DFPS Commissioner explicitly disavowed pursuing these investigations in September, stating "I will await the opinion issued by the Attorney General's office before I reach any final decisions" relating to investigations of gender affirming care as child abuse. The agency has now made a statement that it *will* conduct investigations in accordance with the Attorney General's opinion, while stating that there were "no pending investigations of child abuse involving the procedures described in [the Paxton Opinion]" when DFPS announced this policy change on February 22. Prior to the Commissioner's announcement, there were *no* pending investigations being pursued by DFPS. But now there are investigations targeting Plaintiffs and the Commissioner's statement prescribed a new policy that greatly expands DFPS's scope of enforcement. *See John Gannon, Inc. v. Tex. Dep't of Transp.*, No. 03-18-00696-CV, 2020 WL 6018646, at *5 (Tex. App.—Austin Oct. 9, 2020, pet. denied) (mem. op.) (agency statements that "advise third parties regarding applicable legal requirements" may "constitute 'rules' under the APA" (quoting *LMV-AL Ventures, LLC v. Texas Dep't of Aging & Disability Servs*., 520 S.W.3d 113, 121 (Tex. App.—Austin 2017, pet. denied))).

[30] Even if DFPS had previously promulgated a rule providing for the investigation of gender-affirming medical care as "child abuse", such a rule would have exceeded the bounds of DFPS's authority. *See infra* paras. 118-125.

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116. In declaring that investigations would be initiated based on a non-binding opinion from the Attorney General, the Commissioner entirely bypassed the APA's mandatory procedural requirements for promulgating agency rules. The Commissioner did not provide public notice or an opportunity for and full consideration of comments from the public. Additionally, the Commissioner provided no reasoned justification for the policy change, nor for the implementation of the Abbott letter which goes even further than Paxton's Opinion by making no mention of medical necessity. Neither the non-binding Paxton Opinion nor the Abbott Letter—both of which conflict with well-established medical standards of care—are a legitimate basis for the rule. The rule, therefore, is also arbitrary and capricious.

117. A rule that is not properly promulgated under mandatory APA procedures is invalid. *El Paso Hosp. Dist.*, 247 S.W.3d at 715. As such, the DFPS Statement is invalid and should not be given effect, and DFPS enforcement activity implementing the DFPS Statement should be enjoined.

The DFPS Statement Conflicts with DFPS's Enabling Statute, Exceeding its Authority.

118. The DFPS Statement is also invalid because it stands in direct conflict with DFPS's enabling statute and, as such, is an overreach of DFPS's power as established by the legislature.

119. "To establish the rule's facial invalidity, a challenger must show that the rule: (1) contravenes specific statutory language; (2) runs counter to the general objectives of the statute; or (3) imposes burdens, conditions, or restrictions in excess of or inconsistent with the relevant statutory provisions." *Gulf Coast Coal. of Cities v. Pub. Util. Comm'n*, 161 S.W.3d 706, 712 (Tex. App.—Austin 2005).

120. The DFPS Statement contravenes specific language in DFPS's enabling statute. Section 40.002 of the Texas Human Resources Code specifies that DFPS "*shall* . . . provide family support and family preservation services *that respect the fundamental right of parents to control*

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the education and upbringing of their children." Tex. Hum. Res. Code § 40.002 (emphasis added). As demonstrated herein, the DFPS Statement infringes on the rights of parents to direct the custody and care of their children, including by providing them with needed medical care. *See infra*, Section VII.D. The new DFPS rule thus conflicts with the obligations imposed on DFPS by its enabling statute and, therefore, is, invalid.

121. In addition to conflicting with specific statutory language, the DFPS Statement also conflicts with the general objectives of DFPS's enabling statute. *See Gulf Coast Coal. of Cities*, 161 S.W.3d at711-12. These general objectives are informed by the specific duties imposed on DFPS by the legislature and encompass the objective of protecting children against abuse while respecting parents' fundamental right to control the upbringing of their children. *See* Tex. Hum. Res. Code § 40.002(b). Not only does the DFPS Statement infringe on parents' fundamental rights, it also *causes* immense harm to minor children with gender dysphoria who have a medical need for treatment that is now considered "child abuse" under the new agency rule.

122. Pursuant to the DFPS Statement and implementation thereof, the Doe Parent Plaintiffs cannot provide medically necessary and doctor-recommended medical treatment to their adolescent child without exposing themselves to criminal liability. Precisely because this medical treatment is necessary, if the Does ceased providing this care, Mary will be greatly and irreparably harmed, including by being forced to undergo endogenous puberty with the permanent physical changes that can result. The new DFPS rule, though cloaked under the guise of protecting children, actually *causes* harm where none existed in the first place. Furthermore, the mere *threat* of enforcement has already impacted Mary by causing her immeasurable anxiety and distress: she is forced to choose between the medical care that she needs and exposing her parents to criminal liability and potentially being removed from their care or, alternatively, abstaining from such

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medically necessary care and suffering the physical and mental consequences, all in order to protect their family from DFPS investigation. As such, the new DFPS rule cannot be harmonized with DFPS's general objectives as set forth in its enabling statute. *See R.R. Comm'n of Tex. v. Lone Star Gas Co*., 844 S.W.2d 679, 685 (Tex.1992); *Gerst v. Oak Cliff Sav. & Loan Ass'n*, 432 S.W.2d 702, 706 (Tex. 1968).

123. Every major medical organization in the United States considers the treatment now effectively banned and criminalized by DFPS to be medically necessary. Such a radical disregard of medical science and the medical needs of a subset of minors in Texas cannot be squared with the agency's authority as prescribed by Statute.

124. Finally, nothing in DFPS's enabling statute authorizes it to expand the scope of statutory definitions established by the legislature. The definition of "child abuse" is provided by statute and is not within DFPS's jurisdiction. Because the DFPS Statement is not rooted in any rulemaking authority provided by the legislature, it is invalid. *See Williams v. Tex. State Bd. of Orthotics & Prosthetics*, 150 S.W.3d 563, 568 (Tex. App.-Austin 2004, no pet.) ("An agency rule is invalid if [] the agency had no statutory authority to promulgate it . . . .").

125. This unauthorized expansion of the definition of "child abuse" not only harms the Does, but also altered the duties of mandatory reporters such as Dr. Mooney, subjecting them to criminal liability for failing to report when they are aware that a transgender adolescent is being provided medically necessary treatment for gender dysphoria.

Implementation of the DFPS Statement Interferes with Plaintiffs' Constitutional Rights.

126. Separate and apart from the procedural defects set forth above, the DFPS Statement is also invalid because its application interferes with Plaintiffs' fundamental parental rights and other equality and due process guarantees of the Texas Constitution.

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127. Under the APA, an action for declaratory judgment can be sustained if a "rule or its threatened application interferes with or impairs, or threatens to interfere with or impair, a legal right." Tex. Gov't Code § 2001.038(a). Agency rules that are unconstitutional can be invalidated through declaratory judgment. *See Williams*, 150 S.W.3d at 568.

128. The DFPS Statement and implementation thereof interfere with the Doe Parent Plaintiffs' fundamental right to care for their children guaranteed by the Texas State Constitutions. *Wiley v. Spratlan*, 543 S.W.2d 349, 352 (Tex. 1976). The Texas legislature has codified its acknowledgement that parents possess fundamental, constitutional rights beyond those expressly provided for by statute. Tex. Fam. Code § 151.001(a)(11) (concluding enumerated list of parental rights and obligations by stating that a parent has "any other right or duty existing between a parent and child by virtue of law").

129. DFPS's purported interest in preventing transgender children from receiving life-saving and medically recommended treatment for gender dysphoria is far outweighed by parents' rights to determine what medical care is necessary and in the best interests of their child, in consultation with doctors and evidence-based standards of care. A parent's right to control the care of their child is one of the most ancient and natural of all fundamental rights. *See Holick v. Smith*, 685 S.W.2d 18, 20 (Tex. 1985) ("This natural parental right has been characterized as essential, a basic civil right of man, and far more precious than property rights." (citation and quotations omitted)).

130. By, in effect, cutting off the ability of parents to treat their minor adolescent children in accordance with doctor-recommended and clinically appropriate care, the agency's new rule infringes on the Does' parental rights. The agency's new rule substitutes parents' judgment as to what medical care is in the best interests of their children for the judgment of the

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government. There is no justification sufficiently compelling to warrant such a gross invasion of parental rights. The DFPS Statement creates a presumption that following clinical guidelines for treating gender dysphoria is incompatible with the best interests of transgender youth, forecloses determinative issues of competence and care, and "run[s] roughshod over the important interests of both parent and child." *Stanley v. Illinois*, 405 U.S. 645, 657 (1972).

131. As such, the DFPS Statement must be declared invalid because it conflicts with Plaintiffs' fundamental rights of parents under the Texas Constitution, as well as other equality and due process guarantees of the Texas Constitution.

B. Ultra Vires Claims – By All Plaintiffs Against Defendants Governor Abbott and Commissioner Masters

132. Plaintiffs incorporate the foregoing paragraphs in support of the following causes of action.

133. Plaintiffs request declaratory relief under the Uniform Declaratory Judgments Act ("UDJA").

134. The UDJA is remedial and intended to settle and afford relief from uncertainty and insecurity with respect to rights under state law and must be liberally construed to achieve that purpose. Tex. Civ. Prac. & Rem. Code. § 37.002. The UDJA waives the sovereign immunity of the State and its officials in actions that challenge the constitutionality of government actions and that seek only equitable relief.

135. Pursuant to the UDJA, Plaintiffs seek a declaratory judgment of the Court that Abbott's Letter and the DFPS Statement directing DFPS to investigate families for providing their children with medically necessary health care:

a. Is *ultra vires* and exceeds the Governor's and the Commissioner's authority under the Texas Family Code; and

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b. Contravenes separation of powers established by Article II of the Texas Constitution.

136. In order to stop the Governor's and Commissioner's *ultra vires* and unconstitutional directives from being enforced, Plaintiffs also seek temporary and permanent injunctive relief pursuant to Texas Civil Practices & Remedies Code §§ 37.011 and 65.011.

137. A government official commits an *ultra vires* act when the officer "act[s] without legal authority or fail[s] to perform a purely ministerial act." *City of El Paso v. Heinrich*, 284 S.W.3d 366, 372 (Tex. 2009). An officer acts without legal authority "if he exceeds the bounds of his granted authority or if his acts conflict with the law itself." *Houston Belt & Terminal Ry. Co. v. City of Houston*, 487 S.W.3d 154, 158 (Tex. 2016).

138. In this case, both Governor Abbott and Commissioner Masters have acted without legal authority in directing DFPS to initiate investigations for any reported instances of the enumerated medical procedures in the Abbott Letter. For the reasons discussed below, there is a "probable right to relief" here on the *ultra vires* claims. *See Abbott v. Harris Cty.*, No. 03-21-00429-CV, 2022 WL 92027, at *10 (Tex. App. Jan. 6, 2022) (finding that plaintiffs had established "a probable right to relief on their claim that the Governor's issuance of [an executive order] constitutes an ultra vires act" in granting injunctive relief).

Governor Abbott Has Exceeded His Authority.

139. Governor Abbott has exceeded his authority by unilaterally redefining child abuse and then ordering "prompt and thorough investigation[s]" based on his redefinition.[31]

[31] Greg Abbott, Letter to Hon. Jaime Masters, Commissioner, Tex. Dep't of Fam. & Protective Servs. (Feb. 22, 2022), https://gov.texas.gov/uploads/files/press/O-MastersJaime202202221358.pdf.

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140. In contrast to the Governor's past executive orders, *see, e.g.*, Executive Order GA-38 (citing Tex. Gov't Code. § 418.016), Governor Abbott issued this directive without citing any gubernatorial authority.

141. Instead, the Abbott Letter cites only to the Texas Family Code. The Texas Family Code, however, does not give Governor Abbott any authority to define the contours of "child abuse" or to "direct the agency to "conduct . . . investigation[s]," as he attempted to do in his letter.[32] The Texas Family Code itself defines child abuse and outlines DFPS's investigatory authority. *See* Tex. Fam. Code §§ 261.001, 261.301. These laws also specifically task the DFPS Commissioner with establishing procedures for investigating abuse and neglect, based on the definitions of abuse and neglect under Texas law and in accordance with the APA. Thus, the Governor has no authority to define the contours of what constitutes child abuse under Texas law or to unilaterally change any DFPS procedures. Indeed, even the Paxton Opinion merely identified what *could* be considered "child abuse". Governor Abbott then took that non-binding analysis and directed DFPS to presume, in all cases, that a minor adolescent with gender dysphoria with medical treatment consistent with well-established medical guidelines amounted to abuse.

142. Furthermore, the Texas Constitution makes clear that the Governor only administers the law pursuant to the general grant to "cause the laws to be faithfully executed." Tex. Const. art. 4, § 10. The Governor neither makes the law nor possesses the authority to suspend laws under the Texas Constitution. *See* Tex. Const. art. 1, § 28 ("No power of suspending laws in this State shall be exercised except by the Legislature.").

143. Even where a state agency like DFPS has been delegated the power to make rules, the Governor cannot lawfully order the Commissioner to adopt a particular rule, much less order

[32] *Id.*

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her to do so without following the proper rulemaking process. *See* Tex. Hum. Res. Code § 40.027(c)(3) (tasking the Commissioner, not the Governor, with "oversee[ing] the development of rules relating to the matters within the department's jurisdiction").

Commissioner Masters Has Exceeded Her Authority.

144. Commissioner Masters has also exceeded her authority and acted *ultra vires* by implementing Governor Abbott's unlawful redefinition of child abuse. In accordance with the DFPS Statement issued soon after the Abbott Letter, Commissioner Masters has already directed her department to investigate any reports of minors who have undergone the medical procedures outlined in the Abbott Letter.

145. These actions contravene Commissioner Masters' limited statutory authority to "adopt rules and policies for the operation of and the provision of services by the department." Tex. Hum. Res. Code § 40.027(e). As set forth in Count A, Commissioner Masters has completely ignored the APA's mandatory rulemaking process. Therefore, the issuance and implementation of the DFPS Statement is *ultra vires* of the Commissioner's statutory rulemaking authority. *See City of El Paso v. Public Util. Comm'n*, 839 S.W.2d 895, 910 (Tex. App.—Austin 1992) ("[I]f there is no specific express authority for a challenged [agency] action, and if the action is inconsistent with a statutory provision or ascertainable legislative intent, we must conclude that, by performing the act, the agency has exceeded its grant of statutory authority."), *aff'd in part & rev'd in part*, 883 S.W.2d 179 (Tex. 1994). Furthermore, the Commissioner lacked authority to issue the DFPS Statement as new law or policy because it is the legislature's constitutional mandate to "provide for revising, digesting and publishing the laws." Tex. Const. art. 3, § 43.

146. Moreover, the DFPS Statement contradicts DFPS's enabling statute, which requires the department to "provide protective services for children" and "provide family support and family preservation services that respect the fundamental right of parents to control the education

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and upbringing of their children." Tex. Hum. Res. Code § 40.002(b). Rather than support children and respect the right of parents to raise their children and the rights of transgender minors to receive medically necessary treatment available to similarly situated non-transgender minors, Commissioner Masters' action has already directly caused harm to loving families across Texas. This harm will become even more irreparable as investigations turn into family separations and medically necessary treatments are terminated.

147. Finally, this sequence of events, in which a Commissioner agrees to follow a Governor's unlawful directive—issued not as an executive order but as a letter—has never before been recognized by a court as a proper execution of government authority, further supporting the *ultra vires* nature of both officials' actions here.

C. Separation of Powers Claims – By All Plaintiffs Against Defendants Governor Abbott and Commissioner Masters

148. Plaintiffs incorporate the foregoing paragraphs in support of the following causes of action.

149. Defendants' actions violate the separation of powers established by Article II of the Texas Constitution. Defendants' actions run afoul of Article II in two ways:

a. *First*, the Governor's directive, which criminalizes conduct by adding a new definition of "child abuse" under Section 261.001 of the Texas Family Code, unduly interferes with the functions of the state legislature, which possesses *sole* authority to establish criminal offenses and designate applicable penalties. *See Martinez v. State*, 323 S.W.3d 493, 501 (Tex. Crim. App. 2010).

b. *Second*, all Defendants seek to adopt and enforce an overbroad interpretation of "child abuse." They do this in contravention of the plain

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meaning of the statute, and despite the state legislature's recent decision not to adopt such a definition. This too represents an overreach by the executive branch into the legislative function.

150. The Texas Constitution prohibits one branch of state government from exercising power inherently belonging to another branch. Tex. Const. art. II, § 1; *see also Gen Servs. Comm'n v. Little-Tex. Insulation Co.*, 39 S.W.3d 591, 600 (Tex. 2001) (superseded by statute on other grounds).

151. A separation of powers constitutional violation occurs when: (1) one branch of government has assumed or has been delegated a power more "properly attached" to another branch, or (2) one branch has unduly interfered with another branch so that the other branch cannot effectively exercise its constitutionally assigned powers. *Jones v. State*, 803 S.W.2d 712, 715 (Tex. Crim. App. 1991) (citing *Rose v. State*, 752 S.W.2d 529, 535 (Tex. Crim. App. 1987)).

152. The "power to make, alter, and repeal laws" lies with the state legislature, and such power is plenary, "limited only by the express or clearly implied restrictions thereon contained in or necessarily arising from the Constitution." *Diaz v. State*, 68 S.W.3d 680, 685 (Tex. App.—El Paso 2000, pet. denied).

153. In particular, the legislature possesses the *sole* authority to establish criminal offenses and designate applicable penalties. *See Martinez*, 323 S.W.3d at 501; *see also Matchett v. State*, 941 S.W.2d 922, 932 (Tex. Crim. App. 1996) (the authority to define crimes and prescribe penalties for those crimes is vested exclusively with the legislature).

154. Governor Abbott's directive unduly interferes with the state legislature's sole authority to establish criminal offenses and penalties. First, the Abbott Letter outright claims that

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"a number of so-called 'sex change' procedures constitute child abuse under existing Texas law," despite the fact that the legislature has failed to pass nearly identical legislation.

155. The Abbott Letter also violates separation of powers by inventing a separate crime when it directs, under the threat of *criminal prosecution*, "all licensed professionals who have direct contact with children" as well as "members of the general public" to report instances of minors who have undergone the medical procedures outlined in the Letter and the Paxton Opinion. This, too, is without legislative approval and represents an overreach by the executive into the core legislative function of establishing crimes and criminal penalties.

156. Second, separate and apart from the criminalization of conduct that has heretofore been legal, all Defendants violate separation of powers by seeking to adopt and enforce an overbroad interpretation of "child abuse" under the Family Code.

157. Courts have repeatedly held that the executive branch and the courts must, in construing statutes, take them as they find them. *See Tex. Highway Comm'n v. El Paso Bldg. & Const. Trades Council*, 234 S.W.2d 857, 863 (Tex. 1950); *Simmons v. Arnim*, 220 S.W. 66, 70 (Tex. 1920); *City of Port Arthur v. Tillman*, 398 S.W.2d 750, 752(Tex. 1965). In particular, the other branches are not empowered to "substitute what [they] believe is right or fair for what the legislature has written," *Vandyke v. State*, 538 S.W.3d 561, 569 (Tex. Crim. App. 2017) (citations omitted), or to give meanings to statutory language that contravene their plain meaning or clear legislative intent. *See Burton v. Rogers*, 492 S.W.2d 695 (Tex. Civ. App.—Beaumont 1973), writ granted, (July 11, 1973) and *judgment rev'd on other grounds*, 504 S.W.2d 404 (Tex. 1973) (finding that words employed by the legislature must be taken in their ordinary and popular acceptation). To do otherwise would once again violate the core legislative power to make, alter, and repeal laws.

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158. Defendants violate separation of powers when they attempt to create new and novel definitions for "child abuse" under the Family Code. Defendants endeavored to redefine "child abuse" in spite of the state legislature's recent refusal to adopt Senate Bill 1646, which would have included certain treatments for gender dysphoria in adolescents under the definition of child abuse, and bills like it, such as House Bills 68 and 1339. In expanding the definition of child abuse beyond the limits permitted by the plain meaning of the Family Code, and in clear defiance of legislative intent, the Defendants impermissibly invade the legislative field. *See Brazos River Auth. v. City of Graham*, 354 S.W.2d 99, 109 (Tex. 1961).

159. Finally, there has been no delegation of powers from the state legislature to the executive that would in any way cure the separation of powers violation. While the legislature may not generally delegate its law-making power to another branch, it may designate some agency to carry out legislation for the purposes of practicality or efficiency. *See Tex Boll Weevil Eradication Found., Inc. v. Lewellen*, 952 S.W.2d 454, 466 (Tex. 1997). Separation of powers requires that in statutes delegating such power, the legislature provide definite guidelines and prescribe sufficient standards to guide the discretion conferred. *See State v. Rhine*, 255 S.W.3d 745, 749 (Tex. App.—Fort Worth 2008, pet. granted). Such standards must be reasonably clear and acceptable as standards of measurement. Tex. Const. art. II § 1.

160. In the instant case, the Texas Family Code provides no such delegation in any way from the state legislature to the executive of the power to expand—unilaterally and without legislative approval—the definition of "child abuse." Recent decisions by the state legislature in fact signal that the legislature does not intend and has explicitly declined to expand the definition of child abuse at this time to include certain gender-affirming care for minors.

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161. For the foregoing reasons, Defendants' actions violate state constitutional separation of powers.

D. Due Process Vagueness Claims – By All Plaintiffs Against Defendants Governor Abbott and Commissioner Masters

162. Article 1, Section 19 of the Texas Constitution states: "No citizen of this State shall be deprived of life, liberty, property, privileges or immunities, or in any manner disfranchised, except by the due course of the law of the land." Under this guarantee, a governmental enactment is unconstitutionally vague if it fails to provide a person of ordinary intelligence fair notice of what is prohibited or is so standardless that it authorizes or encourages seriously discriminatory enforcement. *See Ex parte Jarreau*, 623 S.W.3d 468, 472 (Tex. App.--San Antonio 2020) (quoting *Sessions v. Dimaya*, 138 S. Ct. 1204, 1212 (2018)). Differently stated, governmental enactments are unconstitutionally void for vagueness when their prohibitions are not clearly defined.

163. Criminal enactments are subject to an even stricter vagueness standard because "the consequences of imprecision are... severe." *Hoffman Estates v. Flipside, Hoffman Estates, Ic.*, 455 U. S. 489, 498–499 (1982). Each ground—a lack of fair notice and a lack of standards for enforcement—provides an independent basis for a facial vagueness challenge. *Ex parte Jarreau*, 623 S.W.3d at 472.

164. The Abbott letter and DFPS's attempt to adopt and enforce an overbroad interpretation of "child abuse" under the Family Code create precisely this type of unconstitutional vagueness. These vague prohibitions leave parents like Plaintiffs Jane and John Doe uncertain how to act in order to avoid criminal penalty in their efforts to provide for the medical needs of the children they love. Under the text of the Family Code itself, a parent is liable for neglect for "failing to seek, obtain, or follow through with medical care for a child, with the failure resulting in or presenting an immediate danger of death, disfigurement, or bodily injury or with the failure

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resulting in an observable and material impairment to the growth, development, or functioning of the child." Tex. Fam. Code § 261.001(4)(A)(ii)(b). Failing to seek medically necessary treatment for an adolescent's gender dysphoria could fall within this statutory definition. But if parents pursue the medical care necessary to their transgender minor adolescent's growth, development, or functioning, Defendants' recent actions make them liable for abuse. These parents are left without fair notice of how their actions will be assessed and what standard DFPS will employ.

165. The same is true for mandatory reporters like Plaintiff Dr. Mooney, who are left in a similarly untenable position. Under Defendants' actions, failing to report her clients who receive gender-affirming care will subject her to civil and criminal penalties, the loss of her license, and other severe consequences. If she does report her clients solely because they have sought essential and necessary medical care, however, she will be subject to penalty for violating professional standards of ethics and false reporting of child abuse under the plain terms of the statute, let alone having inflicted serious harm and trauma on her clients. Mandated reporters are left without fair notice of how their actions will be assessed and what standards will apply to them.

E. Deprivation of Parental Rights Due Process Claims – By Plaintiffs Jane and John Doe Against Defendants Governor Abbott and Commissioner Masters

166. Plaintiffs incorporate the foregoing paragraphs in support of the following causes of action.

167. Plaintiffs' right to care for their children is a fundamental liberty interest protected by the Texas Constitution and acknowledged by the legislature. *See Wiley v. Spratlan*, 543 S.W.2d 349, 352 (Tex. 1976); *see also* Tex. Fam. Code § 151.001(a)(11).

168. Under substantive due process, the government may not infringe parental rights unless there exist exceptional circumstances capable of withstanding strict scrutiny. *See Wiley v. Spratlan*, 543 S.W.2d 349, 352 (Tex. 1976). The state must have a compelling state interest, and

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the state action in question "*must* be narrowly drawn to express *only* the legitimate state interests at stake." *Gibson v. J.W.T.*, 815 S.W.2d 863, 868 (Tex. App. – Beaumont 1991, writ granted), *aff'd and remanded In re J.W.T.*, 872 S.W.2d 189 (Tex. 1994) (citations omitted).

169. In the present case, there are no exceptional circumstances that would justify Defendants' complete negation of Plaintiffs' fundamental liberty interests in parental autonomy. There is perhaps no right more fundamental than the right of parents to care for their children. *See Holick v. Smith*, 685 S.W.2d 18, 20 (Tex. 1985). Defendants have trampled Plaintiffs' right to care for their children by effectively criminalizing the act of providing medically necessary care to their children in consultation with medical professionals in accordance with applicable standards of care. Defendants' actions cause immeasurable harm to both parents and young people, threaten family separation, and lack any legitimate justification at all, let alone a constitutionally adequate one. This is not a "narrowly drawn" policy that respects Plaintiffs' fundamental due process rights to parent their children.

F. Violation of the Guarantee of Equal Rights and Equality Under the Law – By Plaintiff Mary Doe Against Defendants Governor Abbott and Commissioner Masters

170. The Abbott Letter, DFPS's statement, and DFPS's implementation of these violates the Texas Constitution by denying transgender youth equal protection under law. Under the Texas Constitution, all persons "have equal rights," Tex. Const. art. I, § 3, and "[e]quality under the law shall not be denied or abridged because of sex." Tex. Const. art. I, § 3a.

171. The Abbott letter, incorporated into DFPS's statement, specifically designates "*gender*-transitioning procedures" to be abusive and refers to the Paxton Opinion by noting that it deems "'*sex* change' procedures [to] constitute child abuse." The Abbott letter, incorporated into DFPS's statement, explicitly uses sex-based terms, making plain that the discrimination at issue here is based on sex. Moreover, it discriminates against transgender youth, like Mary, because

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they are transgender and they fail to conform to the stereotypes associated with the sex they were designated at birth.

172. As the United States Supreme Court has explained, however, "discrimination based on … transgender status necessarily entails discrimination based on sex." *Bostock v. Clayton Cty., Georgia*, 140 S. Ct. 1731, 1747 (2020); *cf. Tarrant Cty. Coll. Dist. v. Sims*, 621 S.W.3d 323, 329 (Tex. App. 2021) ("[W]e conclude we must follow Bostock and read the TCHRA's prohibition on discrimination 'because of ... sex' as prohibiting discrimination based on an individual's status as a … transgender person."). Likewise, discrimination based on transgender status is independently unconstitutional. *See Brandt v. Rutledge*, No. 4:21CV00450 JM, 2021 WL 3292057, at *2 (E.D. Ark. Aug. 2, 2021) ("The Court concludes that heightened scrutiny applies to Plaintiffs' Equal Protection claims because Act 626 rests on sex-based classifications and because 'transgender people constitute at least a quasi-suspect class.'" (quoting *Grimm v. Gloucester Cty. Sch. Bd.*, 972 F.3d 586, 607 (4th Cir. 2020)).

173. The Abbott letter, DFPS's statement, and DFPS's implementation of these directives therefore unlawfully discriminate against transgender youth by deeming the medically necessary care for the treatment of their gender dysphoria as presumptively abuse because they are transgender when the same treatment is permitted for non-transgender youth. By doing so, the Abbott letter, DFPS's statement, and DFPS's implementation of these directives place a stigma and scarlet letter upon transgender youth and subject them to additional harms. For example, the Abbott letter, DFPS's statement, and DFPS's implementation of these directives do nothing to protect transgender youth, yet subject them to abuse investigations simply because of who they are and force the denial of their medically necessary care unless they are separated from their families or their parents are penalized.

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VIII. APPLICATION FOR EMERGENCY TEMPORARY RESTRAINING ORDER, TEMPORARY INJUNCTION, AND PERMANENT INJUNCTION

174. In addition to the above-requested relief, Plaintiffs seek a temporary restraining order, temporary injunction, and permanent injunction to stop this *ultra vires*, unlawful, and unconstitutional Order from being enforced by Defendants.

175. A temporary restraining order's purpose is to maintain the status quo pending trial. "The status quo is the last actual, peaceable, non-contested status which preceded the pending controversy." *In re Newton*, 146 S.W.3d 648, 651 (Tex. 2004) (citing *Janus Films, Inc. v. City of Fort Worth*, 358 S.W.2d 589, 589 (Tex. 1962) (per curiam)). Until a permanent injunction can be decided on the merits, Plaintiffs are entitled to a temporary restraining order pursuant to Texas Civil Practice & Remedies Code sections 37.011 and 65.011 and Texas Rules of Civil Procedure 680 *et seq.* to preserve the status quo before the unconstitutional enactment of Abbott's Letter and the DFPS Statement, which incorporate and reference the Paxton Opinion.

176. Plaintiffs meet all the elements necessary for immediate injunctive relief with respect to their APA, *ultra vires*, and separation of powers claims described above. Plaintiffs state a valid cause of action against each Defendant and have a probable right to the relief sought. For the reasons detailed above, there is a substantial likelihood that Plaintiffs will prevail after a trial on the merits because the Governor's directive is *ultra vires*, beyond the scope of his authority, and unconstitutional, and the improper rulemaking and implementation by Commissioner Masters and DFPS are similarly unlawful and void. Further, the Governor's and Commissioner's actions violate the separation of powers by impermissibly encroaching into the legislature's domain. Plaintiffs have already been injured by these actions and will continue to experience imminent and irreparable harm without injunctive relief.

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177. Plaintiffs in this suit will face imminent and irreparable harms absent intervention by the Court. Specifically, Jane Doe has already been placed on administrative leave at work and is at risk of losing her job, her livelihood, and the means of caring for her family. Jane, John and Mary Doe face the imminent and ongoing deprivation of their constitutional rights. Mary faces the potential loss of her medically necessary care, which if abruptly discontinued can cause severe physical and emotional harms, including anxiety, depression, and suicidality. If placed on the Child Abuse Registry, Jane could lose the ability to practice her profession, and Jane and John Doe would be barred from ever working with children, including as volunteers in their community. Absent intervention by this court, Dr. Mooney could face civil suit by patients for failing to treat them in accordance with professional standards and loss of licensure for failing to follow her professional ethics, if she complies with Defendants' orders and actions. If she does not comply with Defendants' orders, Dr. Mooney could face immediate criminal prosecution.

178. For the same reasons above, Plaintiffs request the Court issue a temporary restraining order now and a temporary injunction following a hearing within 14 days and a permanent injunction after a trial on the merits. Since there is no adequate remedy at law that is complete, practical, and efficient to the prompt administration of justice in this case, equitable relief is necessary to enjoin the enforcement of enforcement of Defendants' illegal policy, preserve the status quo, and ensure justice.

179. In balancing the equities between Plaintiffs and Defendants, Plaintiffs will suffer imminent, irreparable, and ongoing harm including the deprivation of their vocations, their medical

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treatment, and their constitutional rights, whereas the injury to Defendants is nominal pending the outcome of this suit. In fact, enjoining the Order will free an already overburdened DFPS.[33]

180. Plaintiffs are willing to post a bond if ordered to do so by the Court, but request that the bond be minimal because Defendants are acting in a governmental capacity, have no pecuniary interest in the suit, and no monetary damages can be shown. Tex. R. Civ. P. 684.

IX. CONDITIONS PRECEDENT

181. All conditions precedent have been performed or have occurred.

X. RELIEF REQUESTED

182. For the foregoing reasons, Plaintiffs request the Court grant the following relief:

a. A temporary restraining order to preserve the *status quo* and restrain Defendants from improperly relying on Abbott's Letter and the Paxton Opinion to investigate and report families based on the fact that their adolescent children are transgender; are transitioning; or have been prescribed or are being provided with medical treatment for their gender dysphoria, while the validity of Abbott's Letter and the Paxton Opinion are determined at a hearing to be held within 14 days;

b. Upon hearing, a temporary injunction prohibiting Defendants from enforcing Abbott's Letter, the Paxton Opinion, or the DFPS Statement, including by: requiring mandatory reporters or the general public to report families with minor children who are transgender or who have a diagnosis of gender dysphoria and are receiving medically recommended treatment for that condition, and investigating families for possible child abuse based

[33] Reese Oxner & Neelam Bohra, *Texas foster care crisis worsens, with fast-growing numbers of children sleeping in offices, hotels, churches*, Tex. Trib. (July 19, 2021), https://www.texastribune.org/2021/07/19/texas-foster-care-crisis/.

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on allegations that they have a child that is transgender or that they have a minor child with gender dysphoria who is being treated with medically prescribed treatment for that condition;

c. After trial, a permanent injunction prohibiting Defendants from enforcing Abbott's Letter or the DFPS Statement, including by: requiring mandatory reporters or the general public to report families with minor children who are transgender or who have a diagnosis of gender dysphoria and are receiving medically recommended treatment for that condition, and investigating families for possible child abuse based on allegations that they have a child that is transgender or that they have a minor child with gender dysphoria who is being treated with medically prescribed treatment for that condition;

d. Declaratory judgment that the DFPS Statement violates the Texas Administrative Procedure Act;

e. Declaratory judgment that Abbott's Letter and the DFPS Statement are *ultra vires* and unconstitutional;

f. Reasonable and necessary attorneys' fees and costs as are equitable and just under Tex. Civ. Prac. & Rem. Code § 37.009; and

g. All other relief, general and special, at law and in equity, as the Court may deem necessary and proper.

[Signature Page Follows]

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Dated: March 1, 2022

Respectfully submitted:

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Pro hac vice forthcoming

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CERTIFICATE OF CONFERENCE

I certify that Plaintiffs have notified Defendants pursuant to the Local Rules of the District Courts of Travis County and will file the certification for requested temporary restraining order hearing.

/s/ Paul D. Castillo
Paul D. Castillo

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TX-DFPS-22-0329-A-000894

Exhibit 1

AMERICAN OVERSIGHT

CAUSE NO. _____

JANE DOE, *et al.*,	§	**IN THE DISTRICT COURT OF**
	§	
Plaintiffs,	§	
	§	**TRAVIS COUNTY, TEXAS**
v.	§	**_____ JUDICIAL DISTRICT**
	§	
	§	
GREG ABBOTT, *et. al*,	§	
	§	
Defendants.	§	

DECLARATION OF JANE DOE

I, Jane Doe,[1] hereby declare and state as follows:

1. I am over 18 years of age, of sound mind, and in all respects competent to testify. I have personal knowledge of the facts set forth in this Declaration and would testify competently to those facts if called to do so.

2. Along with my husband John Doe, I am a Plaintiff in this action. We are bringing claims on behalf of ourselves and as the parents and next friends of our daughter, Mary Doe.

3. We are residents of Texas.

4. Our daughter, Mary Doe, is 16 years old. We love and support her and only want what is best for her.

5. Mary is transgender. When she was born, she was designated as "male" on her birth certificate, even though she is a girl.

[1] Jane Doe, John Doe, and Mary Doe are pseudonyms. My husband, daughter (who is a minor), and I are proceeding under pseudonyms to protect our right to privacy and ourselves from discrimination, harassment, and violence, as well as retaliation for seeking to protect our rights.

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6. From a very young age, Mary has expressed herself and behaved in manner that does not conform with the stereotypes associated with the sex she was designated at birth.

7. We have always permitted Mary to express herself and explore who she is.

8. In 2021, Mary informed us that she was transgender.

9. Mary has been under the care of the same pediatrician her entire life. Her pediatrician diagnosed her with gender dysphoria and referred our family to other medical professionals for further evaluation and treatment. These other medical professionals confirmed that Mary suffers from gender dysphoria.

10. We also did research as a family and connected Mary with youth support groups that would permit us to have discussions as a family.

11. Following Mary's diagnosis of gender dysphoria, Mary's doctors recommended that Mary be provided with medical care to treat and alleviate her gender dysphoria. This care has included the prescription of puberty-delaying medications and hormone therapy.

12. In consultation with these doctors and after extensive discussions about the benefits and potential side effects of this treatment, John, Mary, and I jointly decided to initiate treatment for Mary's gender dysphoria. This treatment has been prescribed by Mary's doctors in accordance with what they believe are best medical practices and what we understand will be the best course of action to protect Mary's physical and mental health.

13. Mary was worried about having to undergo a puberty that would result in permanent physical characteristics not in alignment with her female gender. We observed how the prospect of beginning this puberty caused Mary significant distress and exacerbated her dysphoria.

14. Being able to be affirmed as who she is, including through the course of treatment prescribed by her doctors, has brought Mary significant relief and allowed her to thrive.

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15. My topmost commitment as a parent is to ensure to the health, safety, and wellbeing of my daughter, whom John and I love and support.

16. I have worked in the field of child protective services at various times throughout my career. At present, I am an employee for the Texas Department of Family and Protective Services (DFPS), where I work on the review of reports of abuse and neglect. My supervisors have recognized and commended my performance, which has been recognized through career advancement and merit compensation.

17. The issuance of Attorney General Paxton's opinion dated February 18, 2022 and Governor Abbott's letter on February 22, 2022, followed by DFPS's implementation of these to investigate the provision of medically necessary gender-affirming health care as abuse, has wreaked havoc on our lives.

18. We are terrified for Mary's health and wellbeing, and for our family. I feel betrayed by my state and the agency for whom I work.

19. On February 23, 2022, following the issuance of Attorney General Paxton's opinion and Governor Abbott's letter, I contacted my direct supervisor at DFPS to inquire how these would affect DFPS policy. The answer to my inquiry was important for my family as well as to my ability to perform my job at DFPS.

20. That same day, just mere hours later, I was placed on paid leave from my employment because I was the parent of a transgender adolescent who requires necessary medical care for the treatment of gender dysphoria.

21. On February 24, 2022, I was contacted by a DFPS Child Protective Services (CPS) Investigator, who was unknown to me, and informed that my family would be investigated in accordance with Governor Abbott's letter to determine if John and I had committed abuse by

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affirming our transgender daughter's identity and following the advice of medical professionals to initiate treatment for her gender dysphoria.

22. On February 25, 2022, the CPS investigator visited our family home to interview Mary, John, and me. The CPS investigator interviewed John and me together, in the presence of our attorney, but he interviewed Mary, who was also accompanied by different attorney, apart from us. Aside from interviewing us, the CPS investigator asked us to sign releases to obtain Mary's medical records; we refused.

23. During his visit, the CPS investigator disclosed that the sole allegation against our family is that John and I have a transgender daughter and that our daughter may have been provided with medically necessary gender-affirming health care and is "currently transitioning from male to female."

24. The issuance of the Attorney General's opinion and Governor's letter, along with DFPS's implementation of these, has caused a significant amount of stress, anxiety, and fear for our family. For example, Mary has been traumatized by the prospect that she could be separated from her parents and could lose access to the medical treatment that has enabled her to thrive. The stress has taken a noticeable toll on her, and our daughter who is typically joyful and happy, is now moodier, stressed, and overwhelmed. Similarly, John and I are now filled anxiety and worry. I have been unable to sleep, worrying about what we can do and how we can keep our family intact and our daughter safe and healthy. We are living in constant fear about what will happen to our family due to the actions by DFPS, the Governor, and the Attorney General.

25. As a result of DFPS's implementation of the Attorney General's opinion and Governor's letter, I have not only been placed on leave from my employment, but may face termination, which would result not only in the loss of income for our family and a job I genuinely

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care about.

26. John and I worry about the potential physical and mental health consequences of depriving Mary of the medical treatment her doctors have prescribed and that she needs. Not providing Mary with the medically necessary health care that she needs is not an option for us. Our primary goal and duty are to ensure Mary's health and wellbeing.

27. We do not believe it is a choice to deprive Mary of the medically necessary and essential health care that she requires and risk her health and wellbeing in order to avoid a finding that there is reason to believe that John and I have committed "abuse" and the consequences that would follow such a finding based on DFPS's implementation of the Attorney General's opinion and Governor's letter.

28. John and I have called Texas our home for nearly 20 years and Texas is the only home Mary has ever known. Even if feasible, moving out of state is not a desirable option, as among other things, it could mean the physical separation of our family, the loss of my employment, and separating Mary from her lifelong health care providers.

29. Texas is our home. We are part of a community that has known Mary all her life and been supportive and affirming. We worry not only about the multitude of harms caused by DFPS's implementation of the Attorney General's opinion and Governor's letter that I have described herein, but also about the effect that the actions by DFPS, the Governor, and the Attorney General will have on other transgender youth, like Mary, and their families. Our family is just as much a part of Texas as any other family, and Mary has the right to be provided with the same affirmation, love, and ability to thrive as any other youth in our state.

30. The actions by DFPS, the Governor, and the Attorney General threaten the health and wellbeing of transgender youth like Mary and the integrity of families like ours. We deserve

AMERICAN OVERSIGHT

better from our state and government.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 28th day of February 2022 in Texas.

Jane Doe

Jane Doe

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Exhibit 2

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CAUSE NO. _____

JANE DOE, *et. al.*,	§	
	§	
Plaintiffs,	§	**IN THE DISTRICT COURT OF**
	§	**TRAVIS COUNTY, TEXAS**
v.	§	**_____ JUDICIAL DISTRICT**
	§	
GREG ABBOTT, *et. al*,	§	
	§	
Defendants.	§	

DECLARATION OF MEGAN A. MOONEY, PH.D.

I, Megan A. Mooney, declare and state as follows:

1. I am over 18 years of age, of sound mind, and in all respects competent to testify. I have personal knowledge of the facts set forth in this Declaration and would testify competently to those facts if called to do so. I am a Plaintiff in this action and I am bringing claims on behalf of myself.

2. I am a licensed psychologist in Texas. For approximately the past 19 years, I have worked with children and families to respond to and mitigate trauma and harm. I am bound by professional codes of ethics to do no harm to my patients.

3. I run a private psychology practice in Houston that serves children, adolescents, and families. Many of my patients are transgender or non-binary young people under the age of 18, including youth with gender dysphoria. According to the American Psychiatric Association's Diagnostic & Statistical Manual of Mental Disorders ("DSM-V"), gender dysphoria is the diagnostic term for the condition experienced by some transgender people of clinically significant distress resulting from the lack of congruence between their gender identity and the sex assigned

AMERICAN OVERSIGHT

to them at birth. In order to be diagnosed with gender dysphoria, the incongruence must have persisted for at least six months and be accompanied by clinically significant distress or impairment in social, occupational, or other important areas of functioning.

4. Part of my job includes providing mental health evaluations for youth with gender dysphoria, referring youth with gender dysphoria for medical treatment, and continuing to treat young people who receive medical treatment for gender dysphoria.

5. I am a mandatory reporter obligated to report child abuse and neglect to the Texas Department of Family Protective Services (DFPS). I have received and conducted trainings on mandatory reporting requirements and am familiar with Texas law on child abuse and neglect. I have reported cases of child abuse to DFPS where appropriate and have testified in court cases involving child abuse and neglect.

6. From a clinical perspective, I have observed the tremendous health benefits that my patients experience as a result of medical treatment for gender dysphoria. My clinical observations are also supported by data and scientific studies. Gender-affirming medical treatment does not harm minors but rather greatly improves their health, wellbeing, and quality of life.

7. The latest actions purporting to require me to report gender-affirming care as child abuse put me in an untenable situation. If I fail to report my clients who receive this medical treatment, I face the prospect of civil and criminal penalties, the loss of my license, and other severe consequences. But if I report any of my clients for receiving critical and medically necessary care, I would be violating professional standards of ethics, inflict serious harm and trauma on my clients, irreparably damage the bonds of trust that I have built with my clients, face the possible closure of my practice if clients know that I cannot maintain their trust, and confront harsh penalties for false reporting of child abuse.

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Background

8. I have a bachelor's degree in psychology from Vanderbilt University and completed both a master's degree and doctorate in clinical psychology at the University of Arkansas. During my doctoral program, which I completed in 2005, I was a child and family specialist and a clinical psychology intern at Baylor College of Medicine.

9. Since 2008, I have been a licensed psychologist with the Texas State Board of Examiners of Psychologists (TX License #33819, expires July 31, 2023). I have met all of the requirements for licensing and renewal for psychologists established under Texas Occupations Code, Section 501.2525.

10. As a licensed psychologist, I am required to follow the ethical principles of psychologists and code of conduct from the American Psychological Association ("APA"). The code of conduct requires me to strive to benefit my patients and do no harm, and I must respect the dignity and worth of all people, and the rights of individuals to privacy, confidentiality, and self-determination.[1]

11. I have spent nearly two decades working as a psychologist in Texas with children, adolescents, adults, and families. My focus is on helping young people and families respond to trauma. For over twelve years, I worked at DePelchin Children's Center in Houston, where I supervised a trauma program and provided therapy to children, adolescents, adults, and families. Because DePelchin is a licensed foster care agency, I became intimately familiar with DFPS and cases of abuse and neglect, received training regarding child welfare and mandatory reporting requirements, and I advised other mental health professionals, psychology trainees, and other

[1] Ethical Principles of Psychologists and Code of Conduct (Am. Psych. Ass'n 2017), https://www.apa.org/ethics/code.

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employees about mandatory reporting requirements and how to respond to trauma, abuse, and neglect.

12. I am a member of the APA, the Texas Psychological Association ("TPA"), and the Houston Psychological Association. I was president of the TPA in 2020 and served on the board for over seven years. I remain an ex officio member of the TPA board.

13. I teach and train students in psychology at Baylor College of Medicine and the University of Texas Health Sciences Center at Houston. I have also published research and scholarship on trauma faced by LGBTQ+ youth in the Journal of Family Strengths.

14. I am an affiliate member of the National Child Traumatic Stress Network, where I serve on the Sexual Orientation and Gender Identity/Expression (SOGIE) workgroup and helped create resources on LGBTQ+ youth and trauma. I am also part of a working group striving to improve services and treatment for LGBTQ+ youth in foster care in Texas.

15. As someone who works closely with LGBTQ+ young people, I have seen first-hand the trauma and harm they face and the bullying and harassment they experience, especially in schools.[2]

16. In April 2021, I testified against Senate Bill 1646 (Perry), which sought to change the definition of child abuse in Section 261.001 of the Texas Family Code to encompass gender-affirming care, including providing puberty blockers and hormone therapy to transgender youth. This bill was opposed by the TPA, the APA, the Texas Medical Association, the Texas Pediatric

[2] The GLSEN 2019 National School Climate Survey found that 98.8% of LGBTQ+ students had heard negative remarks about gender expression and 87.4% heard negative remarks specifically about transgender people. Joseph G. Kosciw et al., The 2019 National School Climate Survey: The Experiences of Lesbian, Gay, Bisexual, Transgender, and Queer Youth in Our Nation's Schools xviii-xix, GLSEN (2020), https://www.glsen.org/sites/default/files/2021-04/NSCS19-FullReport-032421-Web_0.pdf. In Texas, the vast majority of LGBTQ+ students also regularly heard negative remarks about gender expression and transgender people. School Climate for LGBTQ Students in Texas (State Snapshot), GLSEN (2021), https://www.glsen.org/sites/default/files/2021-01/Texas-Snapshot-2019.pdf.

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Society, and the Texas Academy of Family Physicians, among other professional associations. This bill did not become law.

Current Practice and Professional Responsibilities

17. I founded a private psychological practice in 2018 to serve young people and families in Houston and its surrounding areas. Most of my clients live in Houston, but I also see clients who live outside of Houston and Harris County, including by video conference. My practice focuses on providing therapeutic services to children and adolescents and I specialize in assisting clients with trauma and grief. Many of my clients identify as LGBTQ+ and the majority are transgender or non-binary.

18. As a psychologist, I often evaluate and diagnose gender dysphoria in my patients. I sometimes refer patients for medical treatment for gender dysphoria and oversee their ongoing mental health care during the course of such treatment. This care is only provided after careful mental health evaluation and with the informed consent of parents and the assent of minor patients.

19. Medical interventions to treat gender dysphoria in adolescence are effective, safe, and often lifesaving. I have personally witnessed time and time again, young people who were depressed and feeling hopeless and scared for their future begin to feel happy and optimistic just by starting medications to suppress puberty or to develop the secondary sex characteristics that align with their gender identity. Given the exceptionally high rates of suicidality in this population, medical interventions are a critical part of treatment and often save lives. At least 44% of transgender youth attempt suicide during their lifetime as compared to the national average of about 4% for teens.[3] This treatment does not harm patients but helps them; it is not abuse.

[3] *See* Brian S. Mustanski et al., *Mental Health Disorders, Psychological Distress, and Suicidality in a Diverse Sample of Lesbian, Gay, Bisexual, and Transgender Youths*, 100 Am. J. Pub. Health 2426 (2010), https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2978194/; Matthew K. Nock et al., *Prevalence, correlates, and treatment of lifetime suicidal behavior among adolescents: results from the National Comorbidity Survey Replication*

AMERICAN OVERSIGHT

20. As part of my ongoing professional obligations, I stay up to date on the latest data on mental health and medical interventions to treat patients with gender dysphoria. I have read numerous studies that document how being able to access gender-affirming care improves the mental health of transgender and non-binary youth and reduces suicidal ideation.[4]

21. As a licensed psychologist, I am required to follow the guidance of the APA and TPA, which recognize the scientific research and medical consensus that gender-affirming care is medically necessary for certain youth with gender dysphoria. The APA has published detailed protocols for providing culturally competent and developmentally appropriate psychological care for transgender and gender non-conforming people.[5] The APA recognizes that "diversity in gender identity and expression is part of the human experience and transgender and gender nonbinary

Adolescent Supplement, 70 JAMA Psychiatry 300 (2013), https://pubmed.ncbi.nlm.nih.gov/23303463/; Michelle M. Johns et al., *Trends in Violence Victimization and Suicide Risk by Sexual Identity Among High School Students - Youth Risk Behavior Survey, United States, 2015-2019*, 69 Morbidity & Mortality Weekly Rep. Supp. 19 (2020), https://pubmed.ncbi.nlm.nih.gov/32817596/; Michelle M. Johns et al., *Transgender Identity and Experiences of Violence Victimization, Substance Use, Suicide Risk, and Sexual Risk Behaviors Among High School Students - 19 States and Large Urban School Districts, 2017*, 68 Morbidity & Mortality Weekly Rep. 67 (2019), https://pubmed.ncbi.nlm.nih.gov/30677012/.

[4] *See, e.g.*, Amy E. Green et al., *Association of Gender-Affirming Hormone Therapy With Depression, Thoughts of Suicide, and Attempted Suicide Among Transgender and Nonbinary Youth*, J. Adolescent Health (2021), https://www.jahonline.org/article/S1054-139X(21)00568-1/fulltext (finding lower rates of depression and suicide among transgender and non-binary youth who receive gender-affirming hormone therapy); Diana M. Turdof et al., *Mental Health Outcomes in Transgender and Nonbinary Youths Receiving Gender-Affirming Care*, 5 JAMA Network Open (2022), https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2789423 (finding that gender-affirming medical interventions were associated with lower odds of depression and suicidality in transgender and non-binary youth); Laura E. Kuper et al., *Body Dissatisfaction and Mental Health Outcomes of Youth on Gender-Affirming Hormone Therapy*, 145 Pediatrics (2020), https://pubmed.ncbi.nlm.nih.gov/32220906/ (reviewing longitudinal studies and finding hormone therapy to improve mental health outcomes for transgender adolescents); Stephen M. Rosenthal, *Challenges in the care of transgender and gender- diverse youth: an endocrinologist's view*, 17 Nature Reviews Endocrinology 581 (2021), https://www.nature.com/articles/s41574-021-00535-9 (reviewing empirical studies identifying mental health benefits of gender-affirming care); Connor Grannis et al., *Testosterone Treatment, Internalizing Symptoms, and Body Image Dissatisfaction in Transgender Boys*, 132 Psychoneuroendocrinology (2021), https://pubmed.ncbi.nlm.nih.gov/34333318/; Jack L. Turban et al., *Pubertal Suppression for Transgender Youth and Risk of Suicidal Ideation*, 145 Pediatrics (2020), https://pubmed.ncbi.nlm.nih.gov/31974216/.

[5] Guidelines for Psychological Practice With Transgender and Gender Nonconforming People (Am. Psych. Ass'n 2015), https://www.apa.org/practice/guidelines/transgender.pdf.

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identities and expressions are healthy, incongruence between one's sex and gender is neither pathological nor a mental health disorder."[6]

22. The APA also recognizes that "[s]ome transgender and gender nonbinary individuals seek gender-affirming medical care (e.g., hormone therapy, surgery) while others do not" and has established that "invalidation and rejection of transgender and gender nonbinary identities and diverse gender expressions by others (e.g., families, therapists, school personnel) are forms of discrimination, stigma, and victimization, which result in psychological distress."[7]

23. In 2019, after a review of the research as well as professional guidelines, TPA crafted a formal statement in which it concluded that "transgender children fare best when caregivers and treatment providers establish an affirming and supportive environment within which they can understand their emerging gender identity."

24. Pursuant to these guidelines, it is my job to support all patients in an exploration of their identity and appropriately diagnose and evaluate them. Many clients that I work with have already experienced trauma, and reporting them to DFPS simply for receiving gender-affirming care from a licensed medical provider would cause immense and irreversible harm.

The Governor's Directive and DFPS Implementation

25. Forcing me to report a client and their parents to DFPS for receiving the health care that they need would be catastrophic. Instead of benefiting my patients' mental health and helping them thrive, I would subject them to trauma and stress. My clients and their families could be investigated for child abuse, and families could be split apart simply for providing young people with the medical care that they need.

---

[6] APA Resolution on Gender Identity Change Efforts 2 (Am. Psych. Ass'n 2021), https://www.apa.org/about/policy/resolution-gender-identity-change-efforts.pdf.
[7] *Id.* at 1-2.

AMERICAN OVERSIGHT

26. Under the Governor's directive and DFPS's implementation of its redefinition of gender-affirming health care as child abuse, my clients could be separated from their parents and guardians and removed for their homes. My clients' parents could also face catastrophic consequences. And having their families be subject to an investigation will dramatically worsen the mental health outcomes of my clients, and could worsen the already tragic rate of suicide among transgender youth.

27. The recent actions taken by Governor Abbott threaten me with criminal sanctions and put me in an impossible position. If I follow my ethical duties and Texas law by not reporting any of my clients for the health care described in the Governor's letter, I could be subject to prosecution for failure to report child abuse or neglect, which is a Class A misdemeanor and punishable by up to a year in prison and/or a fine of up to $4,000. I could also be subject to an investigation by the Texas Board of Examiners of Psychologists and lose my license, which would end my livelihood and private practice.

28. If I am compelled to follow the Governor's letter and DFPS's erroneous reliance on it, the personal and professional consequences that I face are even more devastating. Under Section 261.107 of the Texas Family Code, I could be charged with false reporting of child abuse if I make a report to DFPS when I know that child abuse is not happening. It is a state jail felony punishable by up to two years in prison and/or a $10,000 fine to falsely report child abuse. I also could be subject to an investigation by the Texas Board of Examiners of Psychologists and lose my license for failing to follow the ethical code of conduct promulgated by the APA. And I could be subject to malpractice lawsuits from my clients for failing to adhere to ethical guidelines and harming my clients. Even worse, it would be a betrayal of the bonds of trust between me and my clients and the oath that I swore as a psychologist to do no harm to my patients.

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I declared under the penalty of perjury that the foregoing is true and correct.

Signed on this the 1st day of March, 2022.

Megan A. Mooney, PhD.

AMERICAN OVERSIGHT

From:	Nicholas Guillory
To:	Masters,Jaime D (DFPS)
Subject:	FW: Notice of Filing in the District Courts of Travis County Seeking Injunctive Relief
Date:	Tuesday, March 1, 2022 2:56:41 PM
Attachments:	LL Notice to DFPS.pdf Proposed Order - Final.pdf Petition - Doe v. Abbott - Final.pdf

WARNING: This email is from outside the DFPS system. Do not click on links or attachments unless you expect them from the sender and know the content is safe.

Dear Commissioner Jamie Masters,

Please see attached Notice of Filing, Plaintiffs' Original Petition And Application For Temporary Restraining Order, Temporary Injunction, Permanent Injunction and Request for Declaratory Relief against Defendants Governor Greg Abbott, the Department of Family and Protective Services and Commissioner Jamie Masters, Texas Department of Family and Protective Services. We are requesting a hearing on the Petition this morning.

Plaintiffs intend to present their Petition to the Duty Judge for a hearing today. Please contact either Paul Castillo (216-965-6227) to advise whether you are in agreement with or in opposition to the Petition and the relief sought therein.

Best Regards,

Nicholas "Guilly" Guillory (he/him) | Lambda Legal | Cell 512-229-8657 | nguillory@lambdalegal.org

Lambda Legal: Making the case for equality

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From: Nicholas Guillory
Sent: Tuesday, March 1, 2022 8:52 AM
To: Jaime.Masters@dfps.texas.org
Cc: Vicki.Kozikoujekian@dfps.texas.gov; Corliss.Lawson@dfps.texas.gov
Subject: Notice of Filing in the District Courts of Travis County Seeking Injunctive Relief

Dear Commissioner Jamie Masters,

Please see attached Notice of Filing, Plaintiffs' Original Petition And Application For Temporary Restraining Order, Temporary Injunction, Permanent Injunction and Request for Declaratory Relief against Defendants Governor Greg Abbott, the Department of Family and Protective Services and Commissioner Jamie Masters, Texas Department of Family and Protective Services. We are

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requesting a hearing on the Petition this morning.

Plaintiffs intend to present their Petition to the Duty Judge for a hearing today. Please contact either Paul Castillo (216-965-6227) to advise whether you are in agreement with or in opposition to the Petition and the relief sought therein.

Best Regards,

Nicholas “Guilly” Guillory
Pronouns**:** he|him|his (why this?)
Tyron Garner Memorial Law Fellow
Lambda Legal | South Central Regional Office
3500 Oak Lawn Avenue, Suite 500
Dallas, TX 75219-6722
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From: Jim Loveland
To: Masters,Jaime D (DFPS)
Subject: Protect trans youth in Texas!
Date: Friday, March 4, 2022 4:12:52 PM

WARNING: This email is from outside the DFPS system. Do not click on links or attachments unless you expect them from the sender and know the content is safe.

Dear Commissioner Jamie Masters ,

In light of Governor Abbott's unlawful guidance to your department to begin investigating all transgender children in Texas and prosecuting their parents as child abusers, I urge you to reject his misinformation and make an unequivocal statement that he does not have the power to make arbitrary law.

His request to teachers, doctors, and caregivers to begin reporting any trans students they see, as part of their existing mandate to report child abuse is dangerous and could put young lives at risk.

The Trevor Project's research consistently demonstrates that trans youth who feel accepted by the adults in their lives, including family members, teachers, and doctors, are less likely to attempt suicide.

You have the power to stop this.

Regards,
Jim Loveland
2500 54th Ave N
St. Petersburg, FL 33714

AMERICAN OVERSIGHT

[redacted]

From: Katie Olse <kolse@tacfs.org>
Sent: Thursday, February 24, 2022 3:40 PM
To: Lawson,Corliss (DFPS) <Corliss.Lawson@dfps.texas.gov>; Frank,Julie (DFPS) <Julie.Frank@dfps.texas.gov>
Cc: Audrey Carmical <acarmical@tacfs.org>
Subject: AG Opinion - Questions

WARNING: This email is from outside the DFPS system. Do not click on links or attachments unless you expect them from the sender and know the content is safe.

Hi Julie and Corliss,

We are looking for some guidance regarding application of the Attorney General's Opinion KP-0401. We understand this is a highly charged topic and many people are weighing in. At this point, we are trying to understand the practical implications of our providers and the children they're serving. We hope you can provide us with guidance.

Given that our members are wanting to maintain focus on the child and the child's needs, we are seeking your guidance on how DFPS will approach situations in which a child is already undergoing treatment, in particular administration of puberty-blocking medication or other drugs addressed in the opinion as temporarily or permanently causing infertility. We understand that the treatment regimen would trigger a reporting obligation but assuming all of that has been addressed, our members are concerned with how to best treat the child if the legally responsible parties and medical providers have already put into place a treatment regimen. In other words, will DFPS direct foster parents or staff to immediately discontinue treatment that has previously been ordered, which may be harmful to the child to stop too suddenly? Or will providers be given a chance to work with the medical community to safely titrate a child off medications previously prescribed? In addition, as you are well aware, failure to follow a treatment plan or plan of care is specifically enumerated as a basis for neglect against staff and others working under the auspices of a regulated operation. Tex. Fam. Code 261.001(4)(A)(iv). Will DFPS classify as neglect the failure to follow a treatment plan, the following of which would also be classified as abuse? Will there be guidance on how to best support the individual children from a medical standpoint as DFPS works to implement the opinion and gubernatorial directive? We want to follow the law, but more than that, we want to

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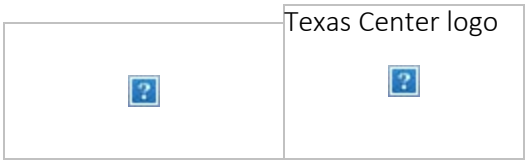
serve children in a way that is supported medically.

We appreciate your guidance on this difficult issue.

Thank you,
Katie

Katie Renner Olse, CEO
Texas Alliance of Child and Family Services
Texas Center for Child and Family Studies
409 West 13th St. Austin, TX 78701
kolse@tacfs.org; 512-963-9049
Twitter: @TXalliancecfs, @txcentercfs



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Tennyson,Susan (DFPS)

From: Lawson,Corliss (DFPS)
Sent: Thursday, March 3, 2022 9:42 AM
To: Richman,Robert (DFPS)
Subject: FW: D-1-GN-22-000977; Jane Doe vs. Greg Abbott, et al. Envelope Number: 62166014 - Request for Emergency Hearing on Temporary Restraining Order
Attachments: D-1-GN-22-000977 File-stamped copy of Order Granting Plaintiffs' Application for Temporary Restraining Order.pdf

fyi

From: Vicky Mescher <Vicky.Mescher@traviscountytx.gov>
Sent: Wednesday, March 2, 2022 5:21 PM
To: Ryan Kercher <Ryan.Kercher@oag.texas.gov>; Dwertman, Maddy <maddy.dwertman@bakerbotts.com>; Alicia Racanelli <Alicia.Racanelli@traviscountytx.gov>; EXT Guillory, Nicholas <NGuillory@lambdalegal.org>; EXT Skeen, Shelly <sskeen@lambdalegal.org>; Masters,Jaime D (DFPS) <Jaime.Masters@dfps.texas.gov>; EXT Klosterboer, Brian <bklosterboer@aclutx.org>; Lawson,Corliss (DFPS) <Corliss.Lawson@dfps.texas.gov>; Kozikoujekian,Vicki (DFPS) <Vicki.Kozikoujekian@dfps.texas.gov>; EXT Castillo, Paul <PCastillo@lambdalegal.org>; Katrina Shanks <Katrina.Shanks@oag.texas.gov>; txgov@dir.texas.gov; luis.saenz@gov.texas.gov; James.Sullivan@gov.texas.gov; Kenneth Paxton <kenneth.paxton@oag.texas.gov>
Cc: 201 Submission <201.Submission@traviscountytx.gov>
Subject: RE: D-1-GN-22-000977; Jane Doe vs. Greg Abbott, et al. Envelope Number: 62166014 - Request for Emergency Hearing on Temporary Restraining Order
Importance: High

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Counsel-
Attached courtesy file-stamped copy of Order signed by Judge Meachum regarding this matter.

Thank you.

From: Ryan Kercher <Ryan.Kercher@oag.texas.gov>
Sent: Wednesday, March 2, 2022 11:16 AM
To: Dwertman, Maddy <maddy.dwertman@bakerbotts.com>; Vicky Mescher <Vicky.Mescher@traviscountytx.gov>; Alicia Racanelli <Alicia.Racanelli@traviscountytx.gov>; EXT Guillory, Nicholas <NGuillory@lambdalegal.org>; EXT Skeen, Shelly <sskeen@lambdalegal.org>; Jaime.Masters@dfps.texas.gov; EXT Klosterboer, Brian <bklosterboer@aclutx.org>; Corliss.Lawson@dfps.texas.gov; Vicki.Kozikoujekian@dfps.texas.gov; EXT Castillo, Paul <PCastillo@lambdalegal.org>; Katrina Shanks <Katrina.Shanks@oag.texas.gov>; txgov@dir.texas.gov; luis.saenz@gov.texas.gov; James.Sullivan@gov.texas.gov; Kenneth Paxton <kenneth.paxton@oag.texas.gov>
Cc: 201 Submission <201.Submission@traviscountytx.gov>
Subject: [CAUTION EXTERNAL] RE: D-1-GN-22-000977; Jane Doe vs. Greg Abbott, et al. Envelope Number: 62166014 - Request for Emergency Hearing on Temporary Restraining Order

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Ms. Mescher –

Please see enclosed pdf and Word versions of Defendants' proposed order.

Regards,

RGK

From: Dwertman, Maddy <maddy.dwertman@bakerbotts.com>
Sent: Wednesday, March 2, 2022 11:09 AM
To: Vicky Mescher <Vicky.Mescher@traviscountytx.gov>; Alicia Racanelli <Alicia.Racanelli@traviscountytx.gov>; EXT Guillory, Nicholas <NGuillory@lambdalegal.org>; EXT Skeen, Shelly <sskeen@lambdalegal.org>; Jaime.Masters@dfps.texas.gov; EXT Klosterboer, Brian <bklosterboer@aclutx.org>; Corliss.Lawson@dfps.texas.gov; Vicki.Kozikoujekian@dfps.texas.gov; EXT Castillo, Paul <PCastillo@lambdalegal.org>; Ryan Kercher <Ryan.Kercher@oag.texas.gov>; Katrina Shanks <Katrina.Shanks@oag.texas.gov>; txgov@dir.texas.gov; luis.saenz@gov.texas.gov; James.Sullivan@gov.texas.gov; Kenneth Paxton <kenneth.paxton@oag.texas.gov>
Cc: 201 Submission <201.Submission@traviscountytx.gov>
Subject: RE: D-1-GN-22-000977; Jane Doe vs. Greg Abbott, et al. Envelope Number: 62166014 - Request for Emergency Hearing on Temporary Restraining Order

Please see attached Plaintiffs' Proposed Order in PDF and Word.

Best,

Maddy Dwertman
Senior Associate
(pronouns: they/them)

Baker Botts L.L.P.
maddy.dwertman@bakerbotts.com
T +1.512.322.2521
F +1.512.322.8321
M +1.512.413.9429

98 San Jacinto Blvd., Suite 1500
Austin, Texas 78701
USA

BAKER BOTTS

From: Vicky Mescher <Vicky.Mescher@traviscountytx.gov>
Sent: Wednesday, March 2, 2022 10:56 AM
To: Alicia Racanelli <Alicia.Racanelli@traviscountytx.gov>; EXT Guillory, Nicholas <NGuillory@lambdalegal.org>; EXT Skeen, Shelly <sskeen@lambdalegal.org>; Jaime.Masters@dfps.texas.gov; EXT Klosterboer, Brian <bklosterboer@aclutx.org>; Dwertman, Maddy <maddy.dwertman@bakerbotts.com>; Corliss.Lawson@dfps.texas.gov; Vicki.Kozikoujekian@dfps.texas.gov; EXT Castillo, Paul <PCastillo@lambdalegal.org>; ryan.kercher@oag.texas.gov; katrina.shanks@oag.texas.gov; txgov@dir.texas.gov; luis.saenz@gov.texas.gov; James.Sullivan@gov.texas.gov;

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Kenneth.paxton@oag.texas.gov
Cc: 201 Submission <201.Submission@traviscountytx.gov>
Subject: RE: D-1-GN-22-000977; Jane Doe vs. Greg Abbott, et al. Envelope Number: 62166014 - Request for Emergency Hearing on Temporary Restraining Order

[EXTERNAL EMAIL]

Counsel-

Please send this Court your current proposed orders in PDF and Word. Thank you.

From: Alicia Racanelli <Alicia.Racanelli@traviscountytx.gov>
Sent: Wednesday, March 2, 2022 9:20 AM
To: Nicholas Guillory <NGuillory@lambdalegal.org>; Vicky Mescher <Vicky.Mescher@traviscountytx.gov>; Shelly Skeen <sskeen@lambdalegal.org>; Jaime.Masters@dfps.texas.gov; Brian Klosterboer <bklosterboer@aclutx.org>; Dwertman, Maddy <maddy.dwertman@bakerbotts.com>; Corliss.Lawson@dfps.texas.gov; Vicki.Kozikoujekian@dfps.texas.gov; Paul Castillo <PCastillo@lambdalegal.org>; ryan.kercher@oag.texas.gov; katrina.shanks@oag.texas.gov; txgov@dir.texas.gov; luis.saenz@gov.texas.gov; James.Sullivan@gov.texas.gov; Kenneth.paxton@oag.texas.gov
Cc: 201 Submission <201.Submission@traviscountytx.gov>
Subject: Re: D-1-GN-22-000977; Jane Doe vs. Greg Abbott, et al. Envelope Number: 62166014 - Request for Emergency Hearing on Temporary Restraining Order

Mr. Guillory,

I apologize. I added .com at the end of your email address instead of .org. My apologies.

Alicia

Alicia Racanelli

Official Court Reporter for

District Judge Amy Clark Meachum

201st District Court, Travis County

From: Nicholas Guillory <NGuillory@lambdalegal.org>
Sent: Wednesday, March 2, 2022 9:15 AM
To: Vicky Mescher <Vicky.Mescher@traviscountytx.gov>; Shelly Skeen <sskeen@lambdalegal.org>; Jaime.Masters@dfps.texas.gov <Jaime.Masters@dfps.texas.gov>; Brian Klosterboer <bklosterboer@aclutx.org>; Dwertman, Maddy <maddy.dwertman@bakerbotts.com>; Corliss.Lawson@dfps.texas.gov

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<Corliss.Lawson@dfps.texas.gov>; Dwertman, Maddy <maddy.dwertman@bakerbotts.com>; Vicki.Kozikoujekian@dfps.texas.gov <Vicki.Kozikoujekian@dfps.texas.gov>; Paul Castillo <PCastillo@lambdalegal.org>; ryan.kercher@oag.texas.gov <ryan.kercher@oag.texas.gov>; katrina.shanks@oag.texas.gov <katrina.shanks@oag.texas.gov>; txgov@dir.texas.gov <txgov@dir.texas.gov>; luis.saenz@gov.texas.gov <luis.saenz@gov.texas.gov>; James.Sullivan@gov.texas.gov <James.Sullivan@gov.texas.gov>; Kenneth.paxton@oag.texas.gov <Kenneth.paxton@oag.texas.gov>; Paul Castillo <PCastillo@lambdalegal.org>
Cc: Alicia Racanelli <Alicia.Racanelli@traviscountytx.gov>; 201 Submission <201.Submission@traviscountytx.gov>
Subject: [CAUTION EXTERNAL] RE: D-1-GN-22-000977; Jane Doe vs. Greg Abbott, et al. Envelope Number: 62166014 - Request for Emergency Hearing on Temporary Restraining Order

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Ms. Racanelli,

Has the Box link been sent out?

Thanks,

Nicholas "Guilly" Guillory (he/him) | Lambda Legal | Cell 512-229-8657 | nguillory@lambdalegal.org

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From: Vicky Mescher <Vicky.Mescher@traviscountytx.gov>
Sent: Wednesday, March 2, 2022 8:25 AM
To: Shelly Skeen <sskeen@lambdalegal.org>; Jaime.Masters@dfps.texas.gov; Brian Klosterboer <bklosterboer@aclutx.org>; Dwertman, Maddy <maddy.dwertman@bakerbotts.com>; Corliss.Lawson@dfps.texas.gov; Dwertman, Maddy <maddy.dwertman@bakerbotts.com>; Vicki.Kozikoujekian@dfps.texas.gov; Paul Castillo <PCastillo@lambdalegal.org>; Nicholas Guillory <NGuillory@lambdalegal.org>; ryan.kercher@oag.texas.gov; katrina.shanks@oag.texas.gov; txgov@dir.texas.gov; luis.saenz@gov.texas.gov; James.Sullivan@gov.texas.gov; Kenneth.paxton@oag.texas.gov; Paul Castillo <PCastillo@lambdalegal.org>
Cc: Alicia Racanelli <Alicia.Racanelli@traviscountytx.gov>; Vicky Mescher <Vicky.Mescher@traviscountytx.gov>; 201 Submission <201.Submission@traviscountytx.gov>
Subject: RE: D-1-GN-22-000977; Jane Doe vs. Greg Abbott, et al. Envelope Number: 62166014 - Request for Emergency Hearing on Temporary Restraining Order

Counsel,

A binder was dropped off yesterday to Judge Meachum for today's hearing. As we are all still working remotely, she will not be able to access the binder.

I am sending you a Box link to upload any documents you would like the Judge to view.

Kindest regards,

Alicia

Alicia Racanelli

Official Court Reporter for

District Judge Amy Clark Meachum

201st District Court, Travis County

From: Shelly Skeen <sskeen@lambdalegal.org>
Sent: Tuesday, March 1, 2022 3:51 PM
To: Jaime.Masters@dfps.texas.gov
Cc: Brian Klosterboer <bklosterboer@aclutx.org>; Paul Castillo <PCastillo@lambdalegal.org>; Maddy <maddy.dwertman@bakerbotts.com>; Nicholas Guillory <NGuillory@lambdalegal.org>; ryan.kercher@oag.texas.gov; katrina.shanks@oag.texas.gov; txgov@dir.texas.gov; luis.saenz@gov.texas.gov; James.Sullivan@gov.texas.gov; Vicki.Kozikoujekian@dfps.texas.gov; Dwertman, Maddy <maddy.dwertman@bakerbotts.com>; Corliss.Lawson@dfps.texas.gov; Kenneth.paxton@oag.texas.gov; 201 Submission <201.Submission@traviscountytx.gov>; Paul Castillo <PCastillo@lambdalegal.org>
Subject: [CAUTION EXTERNAL] RE: D-1-GN-22-000977; Jane Doe vs. Greg Abbott, et al. Envelope Number: 62166014 - Request for Emergency Hearing on Temporary Restraining Order

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Counsel:

Per Travis County Local Rule 10.6, please see the attached two documents. In accordance with same, we sent a binder to the Court via courier this afternoon. The attached index shows what was included in the binder. Our complaint includes the documents in the binder and/or links to the documents in the binder with the exception of the attached article, which we are serving upon Defendants here.

Shelly

Shelly L. Skeen (she/her) [lambdalegal.org] [nam11.safelinks.protection.outlook.com]| Lambda Legal | 214-219-8585 x5228 | Cell 214-454-6687 | sskeen@lambdalegal.org

Please contact me on my cell phone, at (214) 454-6687. Please DO NOT leave a voicemail on my cell phone. Please text me if I do not answer your call. (You may also leave me a voice mail at the office and I will return your call at my earliest convenience).

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From: Shelly Skeen <sskeen@lambdalegal.org>
Sent: Tuesday, March 1, 2022 3:05 PM
To: Jaime.Masters@dfps.texas.gov
Cc: Brian Klosterboer <bklosterboer@aclutx.org>; Paul Castillo <PCastillo@lambdalegal.org>; Maddy <maddy.dwertman@bakerbotts.com>; Nicholas Guillory <NGuillory@lambdalegal.org>; ryan.kercher@oag.texas.gov; katrina.shanks@oag.texas.gov; Shelly Skeen <sskeen@lambdalegal.org>; txgov@dir.texas.gov; luis.saenz@gov.texas.gov; James.Sullivan@gov.texas.gov; Jaime.Masters@dfps.texas.org; Vicki.Kozikoujekian@dfps.texas.gov; Dwertman, Maddy <maddy.dwertman@bakerbotts.com>; Corliss.Lawson@dfps.texas.gov; Kenneth.paxton@oag.texas.gov; 201 Submission <201.Submission@traviscountytx.gov>
Subject: FW: D-1-GN-22-000977; Jane Doe vs. Greg Abbott, et al. Envelope Number: 62166014 - Request for Emergency Hearing on Temporary Restraining Order
Importance: High

Ms. Masters: Please see the hearing notice below which was sent to the wrong email address.

Counsel,

Judge Meachum will hear the request for emergency hearing on TRO regarding this matter tomorrow, **Wednesday March 2nd at 10:00 A.M. by Zoom**. Below is the court's Zoom information. Thank you.

Join Zoom Meeting
https://txcourts.zoom.us/j/84928718254 [nam11.safelinks.protection.outlook.com]
[nam11.safelinks.protection.outlook.com]

Meeting ID: 849 2871 8254
One tap mobile
+13462487799,,84928718254# US (Houston)
+12532158782,,84928718254# US (Tacoma)

Dial by your location
+1 346 248 7799 US (Houston)
+1 253 215 8782 US (Tacoma)
+1 669 900 6833 US (San Jose)
+1 929 205 6099 US (New York)
+1 301 715 8592 US (Washington DC)
+1 312 626 6799 US (Chicago)
Meeting ID: 849 2871 8254
Find your local number: https://txcourts.zoom.us/u/kb47BBVJ4 [nam11.safelinks.protection.outlook.com]
[nam11.safelinks.protection.outlook.com]

Shelly L. Skeen (she/her) [lambdalegal.org] [nam11.safelinks.protection.outlook.com]| Lambda Legal | 214-219-8585 x5228 | Cell 214-454-6687 | sskeen@lambdalegal.org

Please contact me on my cell phone, at (214) 454-6687. Please DO NOT leave a voicemail on my cell phone. Please text me if I do not answer your call. (You may also leave me a voice mail at the office and I will return your call at my earliest convenience).

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From: Vicky Mescher <Vicky.Mescher@traviscountytx.gov>
Sent: Tuesday, March 1, 2022 2:25 PM
To: Shelly Skeen <sskeen@lambdalegal.org>; txgov@dir.texas.gov; luis.saenz@gov.texas.gov; James.Sullivan@gov.texas.gov; Jaime.Masters@dfps.texas.org; Vicki.Kozikoujekian@dfps.texas.gov; Corliss.Lawson@dfps.texas.gov; Kenneth.paxton@oag.texas.gov; 201 Submission <201.Submission@traviscountytx.gov>
Cc: Brian Klosterboer <bklosterboer@aclutx.org>; Paul Castillo <PCastillo@lambdalegal.org>; Dwertman, Maddy <maddy.dwertman@bakerbotts.com>; Nicholas Guillory <NGuillory@lambdalegal.org>; ryan.kercher@oag.texas.gov; katrina.shanks@oag.texas.gov
Subject: D-1-GN-22-000977; Jane Doe vs. Greg Abbott, et al. Envelope Number: 62166014 - Request for Emergency Hearing on Temporary Restraining Order
Importance: High

Counsel,
Judge Meachum will hear the request for emergency hearing on TRO regarding this matter tomorrow, **Wednesday March 2nd at 10:00 A.M. by Zoom**. Below is the court's Zoom information. Thank you.

Join Zoom Meeting
https://txcourts.zoom.us/j/84928718254 [nam11.safelinks.protection.outlook.com]
[nam11.safelinks.protection.outlook.com]

Meeting ID: 849 2871 8254
One tap mobile
+13462487799,,84928718254# US (Houston)
+12532158782,,84928718254# US (Tacoma)

Dial by your location
+1 346 248 7799 US (Houston)
+1 253 215 8782 US (Tacoma)
+1 669 900 6833 US (San Jose)
+1 929 205 6099 US (New York)
+1 301 715 8592 US (Washington DC)
+1 312 626 6799 US (Chicago)
Meeting ID: 849 2871 8254
Find your local number: https://txcourts.zoom.us/u/kb47BBVJ4 [nam11.safelinks.protection.outlook.com]
[nam11.safelinks.protection.outlook.com]

From: Vicky Mescher
Sent: Tuesday, March 1, 2022 11:10 AM
To: Shelly Skeen <sskeen@lambdalegal.org>; txgov@dir.texas.gov; luis.saenz@gov.texas.gov;

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James.Sullivan@gov.texas.gov; Jaime.Masters@dfps.texas.org; Vicki.Kozikoujekian@dfps.texas.gov; Corliss.Lawson@dfps.texas.gov; Kenneth.paxton@oag.texas.gov; 201 Submission <201.Submission@traviscountytx.gov>
Cc: Brian Klosterboer <bklosterboer@aclutx.org>; Paul Castillo <PCastillo@lambdalegal.org>; Dwertman, Maddy <maddy.dwertman@bakerbotts.com>; Nicholas Guillory <NGuillory@lambdalegal.org>; ryan.kercher@oag.texas.gov; katrina.shanks@oag.texas.gov
Subject: RE: Case: 62166014; ; Envelope Number: 62166014 - Request for Emergency Hearing on Temporary Restraining Order

Ms. Keen,
I received a call from the office of Mr. Ryan Kercher for the Attorney General's office regarding this matter and that they need to be included in your communication to this court. His contact information is below including his legal assistant. Thank you.

Below is our contact information:
Ryan.Kercher@oag.texas.gov Phone: 512-417-5282
Katrina.Shanks@oag.texas.gov Phone: 512-743-5587

From: Shelly Skeen <sskeen@lambdalegal.org>
Sent: Tuesday, March 1, 2022 10:52 AM
To: txgov@dir.texas.gov; luis.saenz@gov.texas.gov; James.Sullivan@gov.texas.gov; Jaime.Masters@dfps.texas.org; Vicki.Kozikoujekian@dfps.texas.gov; Corliss.Lawson@dfps.texas.gov; Kenneth.paxton@oag.texas.gov; 201 Submission <201.Submission@traviscountytx.gov>; Vicky Mescher <Vicky.Mescher@traviscountytx.gov>
Cc: Brian Klosterboer <bklosterboer@aclutx.org>; Paul Castillo <PCastillo@lambdalegal.org>; Dwertman, Maddy <maddy.dwertman@bakerbotts.com>; Nicholas Guillory <NGuillory@lambdalegal.org>
Subject: [CAUTION EXTERNAL] RE: Case: 62166014; ; Envelope Number: 62166014 - Request for Emergency Hearing on Temporary Restraining Order
Importance: High

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Ms. Mescher:

I am following up on our filing below. Please advise of its acceptance and the time of the emergency hearing at your earliest convenience. My cell phone is below should you have any questions. As of the present, the filing has not yet been accepted.

Shelly

Shelly L. Skeen (she/her) [lambdalegal.org] [nam11.safelinks.protection.outlook.com] [nam11.safelinks.protection.outlook.com]| Lambda Legal | 214-219-8585 x5228 | Cell 214-454-6687 | sskeen@lambdalegal.org

Please contact me on my cell phone, at (214) 454-6687. Please DO NOT leave a voicemail on my cell phone. Please text me if I do not answer your call. (You may also leave me a voice mail at the office and I will return your call at my earliest convenience).

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From: Shelly Skeen
Sent: Tuesday, March 1, 2022 10:32 AM
To: 'txgov@dir.texas.gov' <txgov@dir.texas.gov>; 'luis.saenz@gov.texas.gov' <luis.saenz@gov.texas.gov>; 'James.Sullivan@gov.texas.gov' <James.Sullivan@gov.texas.gov>; 'Jaime.Masters@dfps.texas.org' <Jaime.Masters@dfps.texas.org>; 'Vicki.Kozikoujekian@dfps.texas.gov' <Vicki.Kozikoujekian@dfps.texas.gov>; 'Corliss.Lawson@dfps.texas.gov' <Corliss.Lawson@dfps.texas.gov>; 'Kenneth.paxton@oag.texas.gov' <Kenneth.paxton@oag.texas.gov>; 201 Submission <201.Submission@traviscountytx.gov>; 'Vicky Mescher' <Vicky.Mescher@traviscountytx.gov>
Cc: Brian Klosterboer <bklosterboer@aclutx.org>; Paul Castillo <PCastillo@lambdalegal.org>; Dwertman, Maddy <maddy.dwertman@bakerbotts.com>; Nicholas Guillory <NGuillory@lambdalegal.org>
Subject: Case: 62166014; ; Envelope Number: 62166014 - Request for Emergency Hearing on Temporary Restraining Order
Importance: High

Please see the attached certification of temporary restraining order request that Plaintiffs' Original Petition And Application For Temporary Restraining Order, Temporary Injunction, Permanent Injunction and Request for Declaratory Relief against Defendants Governor Greg Abbott, the Department of Family and Protective Services and Commissioner Jamie Masters, Texas Department of Family and Protective Services.

Thank you very much. If you have any questions, please call my cell phone.

Shelly L. Skeen
Senior Attorney
Pronouns: she, her, hers [lambdalegal.org] [nam11.safelinks.protection.outlook.com] [nam11.safelinks.protection.outlook.com]
Lambda Legal
South Central Regional Office
3500 Oak Lawn Avenue, Suite 500
Dallas, TX 75219-6722
Tel 214-219-8585 ext. 5228
***Cell 214-454-6687**
Fax 214-219-4455
sskeen@lambdalegal.org
www.lambdalegal.org [lambdalegal.org] [nam11.safelinks.protection.outlook.com] [nam11.safelinks.protection.outlook.com]

Please contact me on my cell phone, at (214) 454-6687. Please DO NOT leave a voicemail on my cell phone. Please text me if I do not answer your call. (You may also leave me a voice mail at the office and I will return your call at my earliest convenience).

To become a member or make a donation, visit http://www.lambdalegal.org/join [lambdalegal.org] [nam11.safelinks.protection.outlook.com] [nam11.safelinks.protection.outlook.com]

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From:	Crimmins,Patrick (DFPS)
To:	Masters,Jaime D (DFPS); Frank,Julie (DFPS); Lawson,Corliss (DFPS); Steele,Jason D (DFPS); Richman,Robert (DFPS); Talbert,Marta L (DFPS); Reeves,Natalie (DFPS); Kozikoujekian,Vicki (DFPS)
Cc:	Gonzales,Marissa L (DFPS)
Subject:	Media Update/AG Opinion
Date:	Tuesday, February 22, 2022 5:14:18 PM
Attachments:	AG Opinion Statement.docx

To catch you up, the attached statement was sent to the media outlets listed. Media is being very aggressive on this and we can expect requests for new intakes. Media is also contacting local prosecutors to gauge their reaction. The first stories should be posted online soon.

Dallas Morning News
Houston Chronicle
Texas Tribune
New York Times
New York Post
Austin American-Statesman
Fort Worth Star-Telegram
KXAN-TV

Patrick Crimmins
Director of Communications
Texas Department of Family and Protective Services
(512) 929-6727 office
(512) 787-5090 cell

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Statement on Governor's Letter/AG Opinion

In accordance with Governor Abbott's directive today to Commissioner Masters, we will follow Texas law as explained in Attorney General opinion KP-0401.

At this time, there are no pending investigations of child abuse involving the procedures described in that opinion. If any such allegations are reported to us, they will be investigated under existing policies of Child Protective Investigations.

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