

FA

DEC 02 2016

At 4:22 P.M.
Velva L. Price, District Clerk

No. D-1-GN-15-004336

GRASSROOTS LEADERSHIP, INC.,	§	IN THE DISTRICT COURT OF
<i>et al.,</i>	§	
Plaintiffs,	§	
	§	
v.	§	
	§	
TEXAS DEPARTMENT OF FAMILY	§	TRAVIS COUNTY, TEXAS
AND PROTECTIVE SERVICES (DFPS),	§	
<i>et al.,</i>	§	
Defendants,	§	
	§	
and	§	
	§	
CORRECTIONS CORPORATION OF	§	353rd JUDICIAL DISTRICT
AMERICA, INC., and	§	
THE GEO GROUP,	§	(All proceedings assigned to the
Intervenors.	§	250th Judicial District Court)

FINAL JUDGMENT

On this day, the Court considered Defendants Texas Department of Family and Protective Services (“DFPS”), Texas Health and Human Services Commission (“HHSC”), and their Commissioners’ (collectively “Defendants”) Third Amended Plea to the Jurisdiction.

The Court, having considered Defendants’ Third Amended Plea to the Jurisdiction and arguments of counsel, is of the opinion that the plea should be GRANTED in part and DENIED in part as follows:

1. IT IS ORDERED that Defendants’ Plea to the Jurisdiction is GRANTED on the following claims: (a) Plaintiffs’ claims under the Uniform Declaratory Judgment Act; and (b) Plaintiffs’ claims for the recovery of attorney’s fees under the Uniform Declaratory Judgment Act and Tex. Civ. Prac. & Rem. Code § 37.009; and

2. IT IS THEREFORE ORDERED that Plaintiffs' claims under the Uniform Declaratory Judgment Act and for the recovery of attorney's fees under the Uniform Declaratory Judgment Act and Tex. Civ. Prac. & Rem. Code § 37.009 are DISMISSED with prejudice; and
3. IT IS FURTHER ORDERED that Defendant's Plea to the Jurisdiction is DENIED on all remaining grounds.

By agreement of the parties, the Court considered the following Cross-Motions for Summary Judgment regarding the validity of the regulation adopted by the Texas Department of Family and Protective Services and published in the Texas Register at Title 40, Part 19, Chapter 748, Subchapter A, Rule § 748.7 (effective March 1, 2016), 41 Tex. Reg. 1493-1502 (Feb 26, 2016) (hereinafter referred to as the "FRC Rule") by submission:

1. Plaintiffs' Motion for Summary Judgment;
2. Defendants' Motion for Summary Judgment;
3. Intervenor Corrections Corporation of America's ("CCA") Motion for Summary Judgment; and
4. Intervenor The GEO Group's ("GEO") Motion for Summary.

After reviewing the parties' Cross-Motions for Summary Judgment and responses thereto, the evidence presented and objections thereto, the pleadings on file, and the applicable law, IT IS ORDERED, ADJUDGED, AND DECLARED that:

1. Plaintiffs' Motion for Summary Judgment on Plaintiffs' claim for declaratory relief under TEX. GOV'T CODE § 2001.038, also known as the Administrative Procedure Act (APA), is GRANTED;

2. The FRC Rule contravenes Texas Human Resources Code § 42.002(4) and runs counter to the general objectives of the Texas Human Resources Code and is, therefore, invalid;
3. Defendants' Motion for Summary Judgment is DENIED;
4. Intervenor GEO Group's Motion for Summary Judgment is DENIED;
5. Intervenor Correction Corporation of America's Motion for Summary Judgment is DENIED; and
6. All relief not expressly granted herein is DENIED.

All costs are assessed against each party incurring the same.

This Final Judgment disposes of all parties and claims and is a final and appealable judgment.

SIGNED on this the 2nd day of December 2016.



JUDGE PRESIDING
KARIN CRUMP