

No. D-1-GN-15-004336

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

**[PROPOSED]
TEMPORARY RESTRAINING ORDER**

On the date and time stated below, the Court heard Plaintiffs' application for a temporary restraining order. Defendants were given notice of the application and the opportunity to respond. After considering the pleadings, exhibits, and all other documents filed in this case to date, and the arguments of counsel, the Court is of the opinion that Plaintiff's application for a temporary restraining order should be, and is, GRANTED because:

(1) pursuant to TEX. GOV'T CODE § 2001.038(a), Plaintiffs have shown a probable right to a declaratory judgment that the following regulation adopted by the Texas Department of Family and Protective Services is invalid because it was adopted without statutory authority: Title 40, Part 19, Chapter 748, Subchapter A, Rule § 748.7 (effective March 1, 2016), published in 41 TEX. REG. 1493-1502 (Feb. 26, 2016);

(2) Plaintiffs will suffer immediate and irreparable harm absent a temporary restraining order because money damages are unavailable against the state agency and incapable of certain determination; and

(3) the temporary restraining order is necessary to preserve the *status quo* while the

validity of the agency's regulation is litigated pursuant to TEX. GOV'T CODE § 2001.038.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Plaintiffs' Application for Temporary Restraining Order be and is hereby GRANTED.

ACCORDINGLY, THE TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES, and its agents, servants, employees, and attorneys are hereby ORDERED to desist and refrain from implementing in any way the regulation that the agency published in the Texas Register (41 TEX. REG. 1493-1502) as 40 Tex. Admin. Code § 748.7 effective March 1, 2016, which includes relying upon § 748.7 to issue any license to the owner or operator of any residential facility for the detention of immigrant minor children until further order of this Court.

IT IS FURTHER ORDERED that the bond Plaintiffs has already executed and filed with this Court shall be held sufficient for issuance of this temporary restraining order in conformity with Rule 684 of the Texas Rules of Civil Procedure, to ensure that Plaintiffs will abide by the decision which may be made in the cause and that Plaintiffs will pay all sums of money and costs that may be adjudged against them.

The clerk shall forthwith, when so requested by Plaintiffs, issue a writ of temporary restraining order in conformity with the law and the terms of this Order.

IT IS FURTHER ORDERED that Plaintiff's application for a temporary injunction will be heard before this Court on _____, _____ 2016 at _____ o'clock ____ .m.

IT IS FURTHER ORDERED that this order expires no later than fourteen days after issuance or when amended by order of this Court, whichever occurs first.

SO ORDERED this _____ day of _____, 2016 at _____ o'clock ____ .m.

JUDGE PRESIDING