



Case Summaries May 30, 2025

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DECIDED CASES

Tex. Dep't of Fam. & Protective Servs. v. Grassroots Leadership, Inc., ___ S.W.3d ___, 2025 WL ___ (Tex. May 30, 2025) [[23-0192](#)]

The issues in this case are whether the plaintiffs' claims are moot and whether, if they are, courts may nonetheless adjudicate them on the ground they raise an issue of considerable public importance.

The case began with a Texas Department of Family and Protective Services rule establishing licensing requirements for family residential centers used to detain immigrant families who had illegally entered the United States. Without a valid state license, the federal government could not detain minors there for more than a brief time. Several mothers detained at facilities licensed under the rule, along with Grassroots Leadership, Inc., challenged the rule as invalid under state law.

The trial court held the rule was invalid and enjoined the department from granting licenses under it. The court of appeals initially reversed, holding that the plaintiffs lacked standing, but this Court reversed. On remand, the court of appeals held the claims were moot because the detainees were no longer at the facilities and the capable-of-repetition-yet-evading-review exception to mootness did not apply. But the court invoked a "public-interest exception" to mootness which allowed it to reach the merits of the case. It then affirmed the trial court's invalidation of the rule.

The Supreme Court reversed the court of appeals' judgment as to jurisdiction. All plaintiffs had been released from the facilities, and none had demonstrated a reasonable likelihood of being re-detained with minor children, so the court of appeals correctly described the case as moot. For the same reasons, the capable-of-repetition exception did not apply. The Court then held that, under the Texas Constitution's text, structure, and history, a live dispute is essential at all stages of litigation, regardless of the importance of the underlying issues. Thus, there is no such thing as a public-interest exception to mootness in Texas, and the court of appeals erred in relying on that exception to reach the merits. Accordingly, the Court vacated the court of appeals' judgment as to the merits, and rendered a judgment of dismissal without prejudice for lack of subject-matter jurisdiction.

Paxton v. Annunciation House, Inc., ___ S.W.3d ___, 2025 WL ___, (Tex. May 30, 2025) [[24-0573](#)]

The issue presented is whether the trial court erred in granting injunctive relief based on the unconstitutionality of several state laws.

Annunciation House, Inc., a charitable organization, provides shelter to migrants. Based on suspicion it was violating state law that prohibits the harboring of illegal aliens, the Attorney General sought to inspect its records. He threatened to revoke its charter if it did not produce them.

Annunciation House sued the Attorney General, seeking declaratory relief that the statute authorizing his records request was unconstitutional. The Attorney General retracted the original records request but sought leave to file a quo warranto action to revoke Annunciation House's charter. The Attorney General claimed he had evidence of systemic harboring, a crime under Texas law. Annunciation House sought declaratory relief that the quo warranto action was also unconstitutional and requested injunctive relief.

The trial court granted summary judgment to Annunciation House. It held the records-request statute was unconstitutional for lack of a mechanism for pre-compliance review. As to the quo warranto filing, the Attorney General failed to adequately prove that Annunciation House harbored aliens; even if he had, alien harboring was not grounds for a quo warranto action; even if it were, the filing would violate the Texas Religious Freedom Restoration Act; and beyond all of that, the quo warranto action was unconstitutional on other grounds.

The Attorney General appealed directly to the Supreme Court, which reversed. It held the Attorney General has constitutional authority to file quo warranto actions, and denial of leave to file would require a facial showing that there was no legal basis to proceed. The Court rejected the trial court's conclusion that alleged criminal-law violations were an insufficient basis for quo warranto proceedings. It further held the Attorney General met his filing burden by plausibly alleging that Annunciation House violated the alien-harboring statute, and neither RFRA nor the Fourth Amendment defeated those allegations at the filing stage. As to alleged constitutional barriers to filing, the alien-harboring statute was neither unconstitutionally vague nor preempted by federal law, and a quo warranto action brought under the statute did not violate Annunciation House's constitutional rights as applied. As to the injunction against further records requests, Texas law guarantees an opportunity for pre-compliance review, so the statute was not unconstitutional. The Court accordingly reversed the trial court's judgment, vacated its orders in Annunciation House's favor, and remanded to that court for further proceedings.