

# **EXHIBIT 8**

CAUSE NO. \_\_\_\_\_

**PFLAG, Inc., et al.,**

**Plaintiffs,**

**v.**

**GREG ABBOTT, et. al,**

**Defendants.**

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**IN THE DISTRICT COURT OF**

**TRAVIS COUNTY, TEXAS**

**\_\_\_\_ JUDICIAL DISTRICT**

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**AFFIDAVIT OF ADAM BRIGGLE**

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1. “My name is Adam Briggle. I am over 18 years of age, of sound mind, and capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct. I would testify competently to these facts if called to do so.

2. Along with my wife Amber Briggle, I am a Plaintiff in this case. We are bringing claims on behalf of ourselves and as the parents and next friends of our son, M.B.<sup>1</sup>

3. My wife and I are members of PFLAG, which is also a Plaintiff in this case.

4. My wife and I have two children. We have been married for twenty years and reside in Texas—our home for the past thirteen years.

5. Our son, M.B., is fourteen years old. We love and support him and only want what is best for him. M.B. is a good kid who rarely gets into trouble. He is outgoing, a good student, and is well-liked among his peers. M.B. is also a gifted musician—he plays many instruments and has no problem picking up a new instrument and teaching himself how to play. A few of the instruments M.B. currently plays are the ukulele, cello, guitar, bass guitar, vihuela, and piano.

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<sup>1</sup> Because M.B. is a minor, M.B. is proceeding pseudonymously.

M.B. is also a gifted athlete. He has two black belts in Taekwondo, and is an experienced gymnast with multiple medals.

6. M.B. is transgender. When he was born, his sex was designated as “female,” even though he is a boy.

7. From a very young age, M.B. expressed himself and behaved in manner that does not conform with the stereotypes associated with the sex he was designated at birth.

8. We have always permitted M.B. to express himself and explore who he is. When M.B. was two years and three months old, he began telling us that he was a boy.

9. Because M.B. persisted in telling us that he was a boy, we began to educate ourselves about what it means to be transgender—when a person’s gender identity differs from the sex they were designated at birth.

10. We also consulted with physicians and mental health providers who are experts in their field about the best ways to support M.B. M.B. was diagnosed with gender dysphoria when he was about seven years old. He was also diagnosed with a breathing disorder when he was young. Regardless of whether it is gender dysphoria, a breathing disorder, a cavity, or any other type of healthcare our kids need, we seek out the best advice we can and then follow the recommendations of the experts and specialists who know better than we do. At present, M.B. is under the care of physicians for all of his health care, including his breathing disorder and his gender dysphoria. As any loving and supportive parent would, we are following the advice, guidance and expertise of his health care providers with respect to medically necessary treatment as is appropriate for his gender dysphoria, his breathing disorder, and all of his medical conditions.

11. The most important priority and commitment for Amber and me is to ensure the health, safety, and wellbeing of M.B., and our other child, whom my wife and I love and support

with everything we have. We want to give M.B. and our other child every opportunity to live full and happy lives.

12. In addition to supporting and affirming M.B. personally, my wife and I began to advocate for M.B. and other LGBTQ+ kids like him. In 2016, we invited Texas Attorney General Ken Paxton into our home, to share a meal with us, to meet M.B., and to learn from our respective lived experiences. In 2017, my wife participated in Trans Texas Lobby Day with M.B. at her side, and in 2019, we participated in an open community discussion at City Hall in Denton, Texas in support of a proposed local ordinance which would prohibit discrimination against LGBTQ+ people in housing, employment, and public accommodations. The ordinance passed.

13. Amber has testified twice before the Texas Legislature against the passage of legislation that would harm transgender young people, including in 2021, when she testified before the Texas Senate Committee on State Affairs against proposed bills that would have included the provision of medically necessary gender-affirming health care for transgender youth as child abuse. At the conclusion of the 2021 Texas Legislative sessions, none of the proposed legislation that would have harmed transgender youth or their families by restricting access to medically necessary gender-affirming health care passed.

14. After the issuance of Attorney General Paxton's opinion dated February 18, 2022 ("Opinion"), and Governor Abbott's letter dated February 22, 2022 ("Directive"), directing the Texas Department of Family and Protective Services ("DFPS") to investigate the provision of medically necessary gender-affirming health care as "abuse," my life, my wife's life, M.B.'s life, and our family's lives were turned upside down.

15. Within forty-eight hours of Governor Abbott's Directive to DFPS to begin investigating families, we were contacted by a DFPS Child Protective Services ("CPS")

investigator. Fear and panic washed over us at the prospect of M.B. being taken away from our close and extended family, from his friends, and from the life that he loves.

16. After leaving a message on Friday, February 25, 2022, at Amber's place of business, the CPS investigator contacted us again the following Monday, stating she was thirty minutes away from our home and that she wanted to talk to us. Amber asked the CPS investigator to come to her office instead, which she agreed to do. The CPS investigator showed up at Amber's office. We asked her why she was there. She said DFPS had received a report that we were engaging in "transgender transformation" of M.B. When we asked what that meant, she said CPS was investigating us "because of the Governor's Directive."

17. Later that week, the CPS Investigator came to our home and asked us very intimate, personal, and invasive questions to determine if Amber and I had committed "abuse" by affirming our transgender son's identity and following the advice of his medical and mental health care professionals. The CPS investigator interviewed Amber and me together, in the presence of our attorney, but interviewed M.B., who was also accompanied by a different attorney, apart from us. The interview was conducted in our living room. The CPS investigator asked us to sign releases to obtain M.B.'s medical records, but we refused to sign them.

18. The CPS investigator also went into and inspected every room in our home except M.B. and our other child's bedrooms. When we came to the doorways of our kids' bedrooms I stopped as if to say, that is far enough. The CPS investigator seemed to understand the nonverbal cue and instead of going into their bedrooms, she stood in each doorway and looked inside. The inspection included opening every drawer and cabinet in our kitchen, opening our refrigerator, inspecting our food, opening every drawer and cabinet in our bathrooms, inspecting the medicine in our cabinets, looking in our closets, showing her M.B. and his sibling's artwork on the walls,

showing her their toys, books, and games in the family room, walking into the dining room where the chalice that we light before dinner sits and our Unitarian Universalist Principles Banner hangs, and finally, showing her the trampoline in our backyard. I have never felt more invaded in the place that I feel the safest – ever. I observed how Amber, M.B., and our other child looked uncomfortable, anxious, and even scared as their home was invaded, too.

19. During her visit, the CPS investigator disclosed that the sole allegation against our family is that my wife and I have a transgender son and that we allowed our son to undergo treatment for gender transition.

20. After the CPS investigator left, all four of us were visibly shaken. The CPS investigation was a gross and egregious intrusion into our home, into nearly every aspect our private lives, into our affirmation and support for M.B., into our entire family, into our parents' relationships with M.B. and his sibling, into M.B.'s relationships with his friends, into his grades, and also into the medical and mental health advice that we received from M.B.'s doctors and therapists. After the CPS visit, Amber and I did not sleep, I found it hard to concentrate in my job as an Associate Professor of Philosophy and Religion and Director of Graduate Studies at the University of North Texas, and I had headaches. I observed that Amber found it hard to eat and did not have an appetite. I am anxious, and worry about what we can do to keep our family intact and our son safe and healthy.

21. The investigation into our family has been open since on or about February 24, 2022, or for over three months. Though it was put on hold by the early injunctions in the *Doe v. Abbott* litigation, after the Texas Supreme Court's opinion in *In re Abbott*, Cause No. 22-0229 (May 13, 2022), DFPS has continued to pursue it.

22. We first came out publicly as a family with a transgender son in 2016 and were

never previously investigated by DFPS. The only thing that changed in the nearly six years since we first shared our story was the issuance of the Paxton Opinion and the Governor's Directive.

23. The issuance of the Paxton Opinion and the Governor's Directive, along with DFPS's implementation of the substantive change in DFPS policy in response to both of these, has caused overwhelming fear, stress and anxiety for each of us: me, Amber, M.B., and our other child, as well as other family members of ours who love and support M.B. and us. We are terrified for M.B.'s physical and mental health, safety, and wellbeing, and for our family. We live in constant fear every day that one or both of our children will be taken away from us. We are also worried that if M.B. is taken away from us, the closeness that he has to our other child will be significantly harmed, and that his sibling will not have the opportunity to grow up, laugh with, and learn from M.B. Since the Paxton Opinion and the Governor's Directive, my wife and I have been called criminals, child abusers, and "groomers" on social media. For the first time, we have installed cameras outside of our home. And since the Governor's Directive, I have been followed in our minivan, and yelled at by a person in another vehicle.

24. Prior to the opening of the CPS investigation into our family, M.B. was typically playful, joyful, and happy. Now, M.B. is scared, anxious, and worried that he will be removed from our home, taken away from us, his sibling, friends, school, and the life and activities he loves. M.B. has also had a hard time sleeping, he is moodier, and has stayed home from school. M.B.'s grades have suffered, which has never been an issue before.

25. In addition, since the Paxton Opinion and the Governor's Directive and the investigation into our family, both M.B. and our other child are now in therapy to help them cope with the stress of thinking that they will be taken away from us.

26. My wife and I worry about the potential short-term and long term physical and

mental health consequences of our failure to follow the advice, guidance and counseling of M.B.'s physicians and mental health professionals with respect to medically necessary treatment as is appropriate for him for his gender dysphoria. We do not want to risk our son's health, safety, or well-being and instead want to make sure that he continues to thrive.

27. There is simply no good or valid reason for this kind of treatment by our elected and appointed officials when our son is thriving and growing into young adulthood with all of the opportunities we can provide him and that other family members, including his grandparents have been providing him. The fear we feel is constant, unwarranted, and unpalatable. And it has grown even more worrisome since DFPS has refused to close the investigation after the Texas Supreme Court's opinion in *In re Abbott*.

28. Amber and I have seriously considered moving to another state that is more inclusive and that does not have laws or executive actions that harm our son. However, I am a tenured professor, working for a university that I love very much. Much of my research and publications are about fracking which is abundant in North Texas. Leaving Texas would be a severe financial hardship. It would also be a hardship on our children and especially M.B. because of the friendships he has developed, because he is accepted for who he is here and at his school and in his activities, and because of our established relationships with his healthcare providers.

29. Texas is our home. We are part of a community that has known M.B. all his life and that has been supportive and affirming. We worry not only about the multitude of harms caused by DFPS's implementation of Paxton's Opinion and the Governor's Directive 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 M.B., and their families. Our family is just as much a part of Texas as any other family, and M.B. has the right to be provided with the same

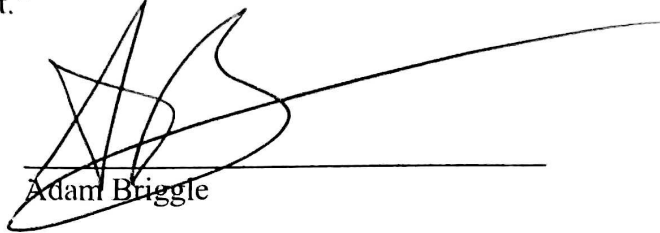


affirmation, love, and ability to thrive as any other youth in our state.

30. The actions by DFPS, the Governor, and the Attorney General threaten the health, safety, and wellbeing of transgender youth like M.B. and the integrity of families like ours. Because the investigation is ongoing, we are suffering immediate and irreparable harm as described though the facts set forth above.

31. Further Affiant Sayeth Not."

Signed on this the 6<sup>th</sup> day of June 2022.



Adam Briggie

State of Texas

County of Denton

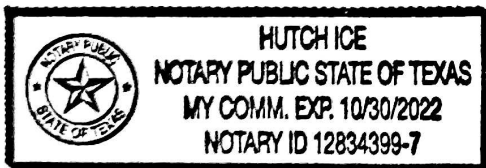
Before me, a notary public, on this day personally appeared Adam Briggie, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements therein contained are true and correct.

Sworn to and subscribed before me on the 6<sup>th</sup> day of June 2022, by Adam Briggie.

(Personalized Seal)



Notary Public's Signature





Texas Department of Family and Protective Services (“Commissioner Masters”); and the Texas Department of Family and Protective Services (collectively, “Defendants”).

From the facts set forth in Plaintiffs’ Petition, and the declarations attached thereto, the Court finds sufficient cause to enter a Temporary Restraining Order against Commissioner Masters and the Texas Department of Family and Protective Services (“DFPS”). Plaintiffs state a valid cause of action under the Texas Administrative Procedure Act against Commissioner Masters and DFPS and have a probable right to the declaratory and permanent injunctive relief they seek. For the reasons detailed in Plaintiffs’ Application and accompanying evidence, there is a substantial likelihood that Plaintiffs will prevail after a trial on the merits because improper rulemaking and implementation by Commissioner Masters and DFPS of a new policy based on Governor Abbott’s Letter and Attorney General Paxton’s Opinion, as announced in DFPS’s Statement, are void because they were adopted without following the necessary procedures under the APA, are contrary to DFPS’s enabling statute and beyond the authority provided to the Commissioner and the agency, and otherwise contrary to law.

It clearly appears to the Court that unless Defendants are immediately enjoined from implementing and enforcing the new DFPS rule, Governor Abbott’s Letter and Attorney General Paxton’s Opinion, as announced in DFPS’s Statement, the Voe, Roe, and Briggie families (collectively, “Plaintiff Families”) and members of Plaintiff PFLAG will suffer immediate and irreparable injury. Such injury includes, but is not limited to: gross invasions of privacy in the home and school, and the resulting trauma felt by parents, siblings, and other household members; outing an adolescent as transgender; adverse effects on grades and participation in school activities; fear and anxiety associated with the threat of having a child removed from the home; increased incidence of depression and risk of self-harm or suicide; the deprivation or disruption of

medically necessary care for the parents' adolescents; having to uproot their lives and their families to seek medically necessary care in another state; being placed on the child abuse registry and the consequences that result therefrom; and criminal prosecution and the threat thereof.

The Court further finds that Commissioner Masters's and DFPS's wrongful actions cannot be remedied by any award of damages or other adequate remedy at law.

IT IS THEREFORE ORDERED that Defendants Commissioner Masters and DFPS are immediately enjoined and restrained from implementing or enforcing DFPS's new rule, implementing the Abbott Letter and the Paxton Opinion as announced in the DFPS Statement, with regards to Plaintiff Families and other members of Plaintiff PFLAG, and such restraint encompasses but is not limited to: (1) investigating Plaintiff Families and members of PFLAG for possible child abuse solely based on allegations that they have a minor child that is transgender, gender nonconforming, gender transitioning, or receiving or being prescribed gender-affirming medical treatment, and (2) taking any actions against Plaintiff Families and other members of PFLAG solely based on allegations that they have a child that is transgender, gender nonconforming, gender transitioning, or receiving or being prescribed gender-affirming medical treatment.

IT IS FURTHER ORDERED that in furtherance of the above, DFPS and its employees, agents, contractors, as well as any individuals or entities in active concert with them, directly or indirectly under their control, or participating with them, who receive notice that the person(s) reported for suspected child abuse solely based on allegations that they have a minor child that is transgender, gender nonconforming, gender transitioning, or receiving or being prescribed gender-affirming medical treatment, is a member of Plaintiff PFLAG, shall

immediately cease any intake, investigation, or assessment, including ceasing any contact, communications, or other activity related to processing such report.

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 \_\_\_\_\_, at \_\_\_\_\_ o'clock. The purpose of the hearing is to determine 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 \$100.00 dollars.

Signed this \_\_\_\_ day of June 2022, at \_\_\_\_\_ o'clock in Travis County, Texas.

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JUDGE PRESIDING