

CAUSE NO. D-1-GN-24-009236

KATHERIN YOUNIACUTT AND TAMMY	§	IN THE DISTRICT COURT
THOMPSON,	§	
<i>PLAINTIFFS</i>	§	
	§	
v.	§	345th JUDICIAL DISTRICT
	§	
TEXAS STATE BOARD OF SOCIAL WORKER	§	
EXAMINERS ET AL.,	§	
<i>DEFENDANTS</i>	§	TRAVIS COUNTY, TEXAS

**ORDER DENYING DEFENDANTS' PLEA TO THE
JURISDICTION & RULE 91a MOTION TO DISMISS**

On March 11, 2025, the Court heard Defendants' Plea to the Jurisdiction and Rule 91a Motion to Dismiss and took them under advisement. After considering the relevant filings, the evidence, and the arguments of counsel, the Court **FINDS**:

1. When a plaintiff brings a substantive due course of law claim,

statutes are presumed to be constitutional. To overcome that presumption, the proponent of an as-applied challenge to an economic regulation statute under [Texas Constitution art. I,] Section 19's substantive due course of law requirement must demonstrate that either (1) the statute's purpose could not arguably be rationally related to a legitimate governmental interest; or (2) when considered as a whole, the statute's actual, real-world effect as applied to the challenging party could not arguably be rationally related to, or is so burdensome as to be oppressive in light of, the governmental interest.

Patel v. Tex. Dep't of Licensing and Regulation, 469 S.W.3d 69, 87 (Tex. 2015).

2. Plaintiffs allege that they are banned for life from obtaining a social-work license by Texas Occupations Code § 108.052 and 22 Texas Administrative Code § 882.42(e), and they argue that this lifetime ban is unconstitutional. Section 108.052 provides, in relevant part, that a "licensing authority shall deny an application for a license as a health care professional for an applicant who has been previously convicted of or placed on deferred adjudication community supervision for the commission of a felony offense involving the use or threat of force."
3. This lifetime ban is not the only criterion to obtain a social-work license; the application process also includes years of schooling, obtaining bachelor's and master's degrees, and passing licensing exams, as well as administrative steps.

4. This ban—when applied to Plaintiffs and those similarly situated—is not simply a ban on those convicted of aggravated felonies. In effect, it is a ban on a much smaller class of persons: Those who have been convicted of an aggravated felony and who have met the many requirements to obtain, have applied for, and are otherwise fully qualified for a social-work license. The rationality of the categorical ban depends on the risk that applicants convicted of aggravated felonies will be a danger to their potential clients. But any danger that otherwise qualified applicants—who have gone through years of schooling and met the onerous requirements needed for a social-work license—pose to potential clients is not rationally possible to determine on anything other than an individualized basis.
5. On the other hand, the persons affected by the ban have personal experience in the situations of those they hope to help as social workers, as well as personal experience getting out of those situations. A categorical ban on personal experience directly relevant to a job is irrational.
6. When considered as a whole, the actual, real-world effect of §108.052 and § 882.42(e)'s categorical ban with respect to social-work licensure—when applied to Plaintiffs and those similarly situated—is not rationally related to the relevant government interest.

The Court therefore **DENIES** Defendants' Plea to the Jurisdiction and Motion to Dismiss.

Date: April 14, 2025



THE HONORABLE LAURIE EISERLOH
455th District Court