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Camp Mystic parents sue state health department for licensing the retreat

The federal lawsuit accuses the state of violating their daughters' constitutional rights by licensing the camp two days before the July 4 flooding disaster despite its lack of an evacuation plan

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The parents of nine victims killed in the July 4 flash flood at Camp Mystic filed a federal lawsuit Monday against the Texas Department of State Health Services, accusing that agency of wrongfully licensing the camp two days before the disaster despite its lack of an evacuation plan.

The lawsuit claims the state health services department knew that Camp Mystic had no written evacuation plans on file. State law requires Texas youth camps to have written evacuation plans posted in all buildings on their grounds.

"The camp is responsible, but so are the state officials who helped create this inexcusable risk to life by directing and executing a policy of non-compliance with Texas law," said the lawsuit filed by Houston attorneys Paul Yetter and Richard Mithoff, who represent the families suing the state health department. "Young campers and counselors were killed because the camp had no plan."

The July 4 catastrophe killed 28 people at Camp Mystic — 25 children who were camping there, two young adult counselors and one of the camp's co-owners and executive directors, Richard "Dick" Eastland. They were among at least 119 people in Kerr County who died in the disaster.

Lt. Gov. Dan Patrick sent a letter to the state health department Monday urging officials not to issue a license to Camp Mystic until the July 4 deaths have been investigated and any necessary corrective actions are taken.

“I would not feel comfortable sending my grandchildren to a camp where 27 young girls lost their lives less than a year ago, particularly while key questions remain unanswered,” Patrick wrote. “Texans deserve transparency and clear answers before the Department of State Health Services issues a seal of approval allowing Camp Mystic to operate.

“It would be naive to allow Camp Mystic to return to normal operations before all of the facts are known,” Patrick added.

Camp Mystic officials said a newer portion of its retreat known as Camp Mystic Cypress Lake — which they plan to reopen to nearly 1,000 registered guests this summer — complies with all aspects of the state’s new youth camp safety laws. The Cypress Lake section of the camp sits on higher ground and did not flood during the disaster.

“There is, consequently, no regulatory basis to deny Camp Mystic Cypress Lake its license,” the camp said, echoing identical remarks it made to state lawmakers in an Oct. 22 letter. “Camp Mystic Cypress Lake is a separate property that is not adjacent to the Guadalupe River and sustained no significant damage from the historic flood on July 4.”

The parents’ lawsuit targets Texas Department of State Health Services Commissioner Jennifer Shuford and five other agency officials involved in the oversight and inspection of youth camps: Timothy H. Stevenson, Jeffrey Adam Buuck, Annabelle Dillard, Lindsey Eudey and Maricela Torres Zamarripa.

The state health department has not yet been served, spokeswoman Lara Anton said Monday. The agency does not comment on litigation, she noted.

A torrential storm pushed the Guadalupe River to a record-breaking height of nearly 40 feet during the dark, early morning hours that day. Camp Mystic officials managed to evacuate people from only five of its cabins before floodwaters engulfed the property, located on the south fork of the Guadalupe River, near Hunt, about 18 miles southwest of Kerrville.

Instead of having an evacuation plan, the camp posted written instructions that told campers and counselors to remain inside their cabins during a flooding emergency, the lawsuit stated.

The lawsuit accused the state agency of violating their daughters’ constitutional rights to life and bodily integrity.

“The DSHS officials responsible for licensing youth camps deliberately looked the other way,” Yetter said in a statement Monday. “While Camp Mystic bears responsibility and is also being sued, state officials knew the camp’s emergency plan lacked a required evacuation component and still licensed it as safe.”

The state health department “quietly decided” not to enforce the requirement for written evacuation plans at Texas youth camps, the lawsuit claimed.

“This policy is no mere mistake,” the petition stated. “It was deliberate, longstanding and directed down the chain by or to each defendant. It was in place and followed for years, including at Camp Mystic.”

Written evacuation plans are required for licensure in Texas, it said.

“Without an existing evacuation plan, confusion, uncertainty and fear can turn a manageable emergency into a mass casualty event,” the lawsuit said.

Zamarripa inspected Camp Mystic annually on the state agency’s behalf from at least 2015 up through last year, the lawsuit claimed. In each of those years, the complaint said, Camp Mystic had no evacuation plan.

The lawsuit also accused officials at the state health department of “consciously and recklessly” endangering children that state laws were designed to protect.

Camp Mystic’s youth camp license has not been revoked by the state. That state license remains valid through March 6, Yetter and Mithoff said in a statement.

The federal lawsuit was filed by the parents of campers Lila Bonner, Molly Dewitt, Lainey Landry, Blakely McCrory, Anna Margaret Bellows, Sarah Catherine Marsh and Mary Kathryn Jacobs, as well as the parents of counselors Chloe Childress and Katherine Ferruzzo.

All of the families live in Houston, except for the Bonner family, who lives in Dallas, and the Marsh family, who lives in Birmingham, Alabama.

Camp Mystic’s attorney, Mikal Watts, has said the flash flood was unexpected and unforeseeable, and that the camp’s lawyers will prove that the sudden surge of water far exceeded any previous flood in the area “by several magnitudes.” Watts has also pointed out that no adequate early warning flood systems existed in the area.

But the parents of another flood victim, Will and CiCi Steward of Austin, are seeking a temporary restraining order and injunction to stop Camp Mystic from re-opening and halt any construction there until after their lawsuit has gone to trial. Their daughter, Cile Steward, 8, also was killed in the catastrophe. Her remains still have not been recovered.