

Adoption & Permanent Managing Conservatorship

When children need to be placed in loving homes, Child Protective Services (CPS) looks for relatives or other adults who are already close to the family or children, such as grandparents or godparents. Sometimes it's for a short time. Other times, the children cannot return home and need a new, permanent home.

If you are reading this, you are probably thinking about providing a permanent and loving home to a child now in state care through the CPS division of the Texas Department of Family and Protective Services (DFPS).

This flyer will help you weigh your options. Each has its own rights and responsibilities. Whichever is decided for the child, when he or she cannot be returned home, the goal is for the child to have a permanent, stable and caring home without involvement from CPS.

Adoption

What is adoption?

Adoption is the legal process through which a child joins a family different from his or her birth parents. Adoption is a permanent lifelong commitment to a child. In CPS cases, adoption becomes an option if CPS and the child's birth parents cannot resolve issues that made it unsafe for the child to live at home. Then, CPS may suggest to the court to end the parents' rights to the child and place the child with another family permanently. A child can also become legally free for adoption if both birth parents give up their parental rights.

When the new family is ready to adopt the child, DFPS and the family complete the adoptive placement paperwork. After children have lived in their new home for six months, the adoptive family and CPS can make the adoption permanent. In many cases, the children may have already been living with the family as a kinship care or foster home so they are familiar with their new family. The adoptive family can submit a document to court called a "petition to adopt" and if approved by a judge, the adoption becomes permanent (also known as "consummated"). At this point, CPS is dismissed from the child's case, and DFPS will no longer be involved with the child or your family.

Once adopted, a child has the same legal and inheritance rights as any naturally born children.

What are the benefits of adoption?

Stable Home and Legal Protection

Adoption is the best choice for a child in CPS care when it's not safe for the child to return home and for the relative or close family friend who wishes to be a permanent home for the child. It gives the child a stable and permanent home and lifelong support. It also gives the adoptive family legal protection because adoptive parents have the same legal rights as birth parents. Adoption can give children a sense of belonging and security because they know they will have a lifelong relationship with the adoptive family.

Right to Inherit

Adopted children may have the right to inherit from both adoptive parents and birth parents.

Adoption Assistance

If approved, your adopted child may receive benefits.

To receive any adoption assistance benefits, you **must** sign an Adoption Assistance Agreement with DFPS **before** your adoption is finalized in court.

Post Adoption Services Program

Counseling, therapy, and other services for your child and family may be available.

State College Tuition Assistance

If you adopted a child through DFPS, he or she may be eligible for free tuition and fees at a Texas state college if:

1. you adopted the child on or after 9/1/09 and the child enrolls at a Texas state college by his or her 25th birthday; or
2. the child receives a monthly subsidy and Medicaid. There is not a time limit regarding enrollment at a Texas state college.

Permanent Managing Conservatorship

What is Permanent Managing Conservatorship (PMC)?

Permanent Managing Conservatorship (PMC) is a legal term in Texas used in child custody cases. It means that a judge appoints a person to be legally responsible for a child without adopting the child. The court can give PMC to someone other than a parent, including DFPS, a relative, a close family friend, or a foster parent. PMC can only be given by a judge. The judge decides the rights and responsibilities, depending upon the specific situation. When someone other than a parent is named as "permanent managing conservator," he or she is given certain rights and duties about caring for the child such as the right or duty to:

- Physically possess the child;
- Choose moral and religious training;
- Provide clothing, food, shelter, and education;
- Provide and consent to medical, psychiatric, psychological, dental, and surgical care;
- Get the child's medical records;
- Receive money that supports the child;
- Hold or give out money that benefits the child;
- Consent to get married;
- Consent to join armed forces;
- Represent the child in legal issues;
- Make legal decisions;
- Decide where the child lives and goes to school; and
- Make other decisions that the child's parent would normally make.

For more information, see the Texas Family Code, Section 153.371.

Once the court names you permanent managing conservator, the judge will dismiss DFPS from the case. This means DFPS will no longer be involved with the child or your family.

This also means you will not receive services such as case management, day care, and post placement services from DFPS.

If you are the child's foster parent, you will not continue to receive foster care payments after you become permanent managing conservator. ("Foster parent" means that you have completed the process to become a foster parent through a child placing agency.)

If you are permanent managing conservator and decide to adopt later, you will not receive adoption assistance.

What are the benefits of PMC?

Stable Home and Legal Parent

If you become a child's permanent managing conservator, you become that child's permanent home. You may be able to receive the following benefits if you are approved.

Permanency Care Assistance

Permanency Care Assistance (PCA) includes monthly financial help and health care coverage for the child up to age 18. These benefits may last until age 21 if the child is age 16 or older when you sign the Permanency Care Assistance (PCA) Agreement, and the child meets certain educational/vocational requirements. The PCA Agreement provides details about the financial help and health care coverage.

Kinship families who become permanent managing conservators may get PCA if:

- DFPS and the courts rule out returning children to their birth families;
- DFPS rules out adoption as an option; and
- you are approved.

To be approved, kinship caregivers must:

- complete the verification process through a child placing agency to become foster parents for their related child;
- serve as the child's foster parents for at least six months;
- negotiate and sign a PCA Agreement with DFPS; and
- then go into court and receive PMC.

Medicaid

If you become a permanent managing conservator, you may apply to get Medicaid for the child, unless the child already receives Medicaid as part of a Permanency Care Assistance Agreement with DFPS.

Public Assistance

You may be able to receive benefits other than Medicaid such as SNAP food benefits (formerly called “Food Stamps”) and Temporary Assistance to Needy Families (TANF). For more information, you must apply and be approved by your local Health and Human Services Commission office.

State College Tuition Assistance

If you became permanent managing conservator on or after 9/1/09, the child may be eligible for free tuition/fees at a Texas state college. The child must enroll by his or her 25th birthday.

If you think you may be interested in pursuing PMC, then talk with the child’s caseworker about the benefits that may be available.

How Does PMC Affect the Rights of Parents?

Parents’ rights are always affected when a court names someone other than the parent as the Permanent Managing Conservator of a child. However, the biggest effect comes from the court’s decision whether or not to terminate their parental rights.

PMC with Termination of Parental Rights:

- Birth parents have no legal rights or duties regarding the child.
- As permanent managing conservator, you have the duty to protect the child from the birth parents, if applicable.

PMC without Termination of Parental Rights:

- Birth parents may continue to have contact with the child as determined by the court order.
- Birth parents or relatives can come back at any time until the child’s 18th birthday and petition the court to obtain certain rights, including custody of the child.
- As permanent managing conservator, you can petition the court to issue additional orders as needed with regard to the birth family.
- As permanent managing conservator, you may apply to get Medicaid coverage for the child. You must be approved to get any other benefits such as SNAP food benefits and TANF.
- The birth parents may be ordered by the court to pay child support.
- As permanent managing conservator, you are responsible for enforcing and attempting to collect child support if the parents are ordered to pay. You may need to hire an attorney and petition the court.
- If birth parents are not court ordered to pay child support, you and the birth parents may decide that the birth parents will informally provide financial assistance or support the placement in other ways, such as by transporting the child to doctor’s appointments.

Adapted from: https://www.dfps.state.tx.us/Adoption_and_Foster_Care/About_Adoption/pmc.asp