

Texas Kincare Taskforce



The Texas Kincare Taskforce (TKT) is made possible by the Brookdale Foundation, Relatives as Parents Program (RAPP). The RAPP is designed to encourage and promote the creation or expansion of services for grandparents and other relatives who have taken on the responsibility of surrogate parenting.

The TKT membership is comprised of persons interested in kincare from across the State. For more information about TKT, managing conservatorship or guardianship please contact:

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Kincare Choices In Texas

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Texas has nearly **602,000** children living in households headed by **grandparents** or other **relatives**. In many of these households, grand-parents and other relatives are the **primary** caregivers for children.

Kincare Choices in Texas

Managing Conservatorship

In other states managing conservatorship is known as child custody.

The legal action for managing conservatorship in Texas is called a “**Suit Affecting the Parent-Child Relationship**” (SAPCR). A court SAPCR can allocate custody, visitation rights, and child support.

The following are among the persons who can file a SAPCR:

- A person with actual care, control, and possession of the child for at least 6 months in Texas
- A relative within the third degree, if both parents are deceased. For example the child's aunt, uncle, or grandparent

Additionally Grandparents may file a SAPCR if:

- The child's present environment presents a serious question concerning the child's physical health or welfare
- If both parents, surviving parent, or custodian agrees

Grandparents can also file a SAPCR if:

- The grandparent's child (the parent of the grandchild) has been incarcerated, is found incompetent, or is no longer living.
- The child has been abused or neglected by a parent.

Guardianship

What is Guardianship?
Guardianship is a legal process designed to protect vulnerable persons from abuse, neglect, and exploitation.

Parents are able to sign a consent to guardianship form, which simplifies the guardianship process.

If one parent of the child is still living:

- Unless the surviving parent's rights have been terminated, the parent has been found unfit or incapacitated, the surviving parent is considered the guardian

If the minor child is an orphan:

- If the surviving parent did not appoint a guardian, then the nearest relative in direct line is entitled to guardianship.
- If more than one relative exists, then the court shall appoint one of them, according to the best interests of the minor.
- If the minor has no direct relative, the nearest kin shall be appointed, according to the best interests of the minor.

- The child is delinquent, or has court ordered supervision
- The grandparent requesting access to the child is the parent of a person whose parent-child relationship has been terminated

Legal Considerations

In a Conservatorship: Courts that hear family law matters are accustomed to considering petitions for managing conservatorship (“custody”). Judges are accustomed to routinely entering orders for visitation (“possessory conservatorship”), and child support. However, unless Child Protective Services is in the case, the court might not appoint an attorney to represent the child.

In a Guardianship:

Courts that hear guardianship cases can enter orders for managing conservatorship, visitation, and child support. However, some guardianship courts do not routinely handle these issues. In guardianship cases, the court must appoint an attorney ad litem to represent the proposed ward (minor).

- The child has lived with the grandparents for 6 months within the past 2 years
- The parents of the minor child are divorced or have lived apart