

Permanency Care Assistance: Key Issues for Judges

The Permanency Care Assistance (PCA) program offers long-term financial assistance for relative and fictive kin (longstanding and significant relationship with the child) caregivers, who take permanent legal responsibility for children in DFPS conservatorship. PCA benefits are similar to adoption assistance benefits but are available to certain caregivers when reunification and adoption are not appropriate.

PCA Key Eligibility Requirements

(For complete list, see: 42 U.S.C. § 673(d); 40 Tex. Administrative Code, Chapter 700, Subchapter J, Division 2)

- Neither reunification nor adoption is an appropriate permanency goal for the child.
- The child shows a strong attachment to the caregiver who is the prospective permanent managing conservator (PMC) and that caregiver is committed to caring for the child permanently.
- Children must be consulted about the arrangement if they are 14 or older.
- **The caregiver must become a verified foster parent AND receive foster care reimbursement for the child for a minimum of six consecutive months before becoming the child's permanent managing conservator.**
- The PCA agreement must be negotiated and signed **before** the Court appoints the caregiver as the permanent managing conservator. (*Note: If DFPS is named joint managing conservator with the prospective permanent managing conservator before the PCA agreement is signed, the caregiver will lose eligibility for foster care reimbursement and therefore PCA.*)

**IF THE CHILD HAS NOT BEEN
IN THE HOME FOR A MINIMUM OF
SIX CONSECUTIVE MONTHS
AFTER THE HOME BECOMES VERIFIED,
THE CHILD IS INELIGIBLE
TO RECEIVE PCA BENEFITS
UNDER STATE AND FEDERAL LAW**

Important Points about Permanency Care Assistance (PCA)

1. Determine whether the parties want the caregiver to become the child's permanent managing conservator with the support of PCA.
 - a. If so, the court must ensure that the PCA agreement is negotiated and signed by DFPS and the caregiver(s) before issuing final orders naming the caregiver as permanent managing conservator. Otherwise, the caregiver(s) will lose eligibility for PCA benefits.
 - b. If an agreement cannot be negotiated and signed prior to the 12-month deadline because the child has not been in the home as a verified foster home for six consecutive months, consider one of the following options below to ensure that the caregiver will qualify for PCA:
 - Appoint DFPS as managing conservator in the final order, and once the caregiver qualifies for PCA, DFPS can seek a modification of the final order alleging a material and substantial change in circumstances and request that the caregiver be appointed permanent managing conservator with PCA.
 - Grant a one-time extension of the mandatory dismissal deadline.
 - c. If the parties are not planning to get PCA benefits for a prospective permanent managing conservator, ask if they have considered it and determine if that is in the child's best interest.
 - If applicable, inform the caregiver in open court that agreeing to serve as PMC for the child before qualifying for PCA means those benefits will not be available in the future.
2. At the appropriate time (after the PCA agreement has been negotiated and signed) make sure the pleadings request that the caregiver serve as PMC with the support of PCA.
3. Consider the following important implications before naming the caregiver joint PMC with the department or any other person.
 - If DFPS is named joint managing conservator with the prospective PMC, *the prospective PMC will lose eligibility for foster care reimbursement and PCA.*
 - The prospective PMC will lose eligibility for PCA if the court's final order awards joint permanent managing conservatorship to both the prospective PCA recipient and a parent of the child, or enters any other orders that effectively reunite the parent with the child
 - The court's final order may award joint PMC of the child to more than one caregiver, relative, or fictive kin but only the caregiver(s) who met all PCA eligibility criteria will be eligible to receive PCA benefits for the child.