



TO: Texas Judges Hearing Child Protective Services Cases

FROM: Hon. John Specia (ret.), Jurist in Residence
Office of Court Administration

DATE: March 8, 2010

RE: Permanency Care Assistance Program

Greetings fellow judges! For this installment of our Jurist in Residence letter series, I want to pass along important information about the Permanency Care Assistance (PCA) program, which is how Texas plans to implement a very important aspect of the *Fostering Connections to Success and Increasing Adoptions Act of 2008*.

Q: What is the Permanency Care Assistance (PCA) Program?

A: The program provides to qualifying kinship families who take Permanent Managing Conservatorship (PMC) of a child:

- Monthly cash assistance similar to adoption assistance;*
- Medicaid health coverage; and
- A one-time reimbursement of nonrecurring expenses, including legal fees, incurred in the process of obtaining custody of the child, up to a maximum of \$2,000.

* The maximum monthly PCA payments are the same as those for adoption assistance and depend upon the child's authorized service level (ASL) at the time the PCA agreement is negotiated.

For more information, go to, www.supreme.courts.state.tx.us/children/pdf/FAQPCA.pdf.

Q: What are the most important things a judge must know about the PCA Program?

A: Before awarding PMC to a relative under this program, the judge should ensure that:

1. The caregiver is verified;
2. The child has been placed with the verified kin for at least six months following the date of the verification;
3. DFPS has determined that reunification and adoption are not appropriate permanency options for the child;
4. DFPS and the kin have signed a PCA Agreement and it is on file PRIOR TO the award of PMC to the caregiver; and
5. Benefits begin once the Court awards PMC to the kin/caregiver

Q: Which kinship families qualify?

A: A caregiver who is:

1. related or who has a longstanding relationship with the child prior to the child being placed with the caregiver; and
2. a verified foster parent and has served as a verified foster parent of the child for at least *six consecutive months* after becoming verified and prior to appointment as PMC of the child.

Q: When does the "six consecutive month" eligibility period begin?

A: If the child is already placed with the kin, the six consecutive month period begins as soon as the kin becomes verified as a foster parent. If the child is not placed with the kin when they become verified, the six consecutive month period begins once the child is placed with the verified kin. The child must reside with the verified kin for at least six months AFTER verification and PRIOR to the award of PMC.

Q: What financial assistance is available to a family during the six consecutive month residency period?

A: Once a family is verified they are eligible to receive foster care payments from CPS in the same manner as any other verified foster family at the same rate until PCA payments begin.

Q: How do the statutory deadlines affect PCAs?

A: The one-year deadline to dismiss a case still applies. For example, if a caregiver becomes verified prior to the 12 month dismissal date, but the child has NOT lived with the caregiver at least six months, the case must be extended under §263.401 to satisfy the six month residency requirement.

Q: What if the parents are working towards reunification at the same time a kin/caregiver is becoming verified?

A: The kin/caregiver cannot qualify for PCA benefits if the parent is working toward reunification.

Q: What about siblings?

A: If a sibling is placed by CPS in the home of a child who is already the subject of a PCA agreement, the sibling is automatically eligible for PCA benefits and the six month residency requirement for the sibling is waived. However, the family must enter into a new PCA agreement that includes the sibling BEFORE the court awards PMC of the sibling to the kin/caregiver.

Q: Does the PCA program replace the existing DFPS program that offers financial and other

A: No. Relatives and fictive kin who do not meet the eligibility criteria under the PCA program can continue to take advantage of the Relative and Other Designated Caregiver Program.