
PERMANENCY CARE ASSISTANCE (PCA)

A. What Is Permanency Care Assistance?

The Permanency Care Assistance (PCA) Program provides certain benefits and supports to qualifying kinship families who take permanent managing conservatorship (PMC) of a child. PCA families are eligible for:

- 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 \$1,200.

The maximum monthly payments are the same as those for adoption assistance and depend upon the child's authorized service level at the time the PCA is negotiated. [Tex. Fam. Code § 264.852\(a\)](#). Caregivers who apply must be:

- Related to, or has a longstanding relationship with, the child / children before the child is placed; and
- Verified by a child placing agency, and provide verified foster care for the child for at least six months AFTER verification and BEFORE the court awards PMC and dismisses the case.

DFPS may enter into a PCA Agreement with a kinship provider who is the prospective managing conservator of a foster child only if the kinship provider meets the eligibility criteria under federal and state law and DFPS rule. [Tex. Fam. Code § 264.852\(b\)](#). A court may not order DFPS to enter into a PCA agreement with a kinship provider unless the kinship provider meets the eligibility criteria under federal and state law and DFPS rule, including the requirements relating to criminal history background check of a kinship provider. [Tex. Fam. Code § 264.852\(c\)](#).

B. What Should Courts Do?

Before awarding permanent managing conservatorship to a kinship caregiver under this program and dismissing DFPS from a case, the court should ensure that:

- DFPS has determined that reunification and adoption are not appropriate permanency options for the child;
- The caregiver is verified (verified is not the same thing as licensed. DFPS licenses child placing agencies, and in turn, child placing agencies verify foster homes);

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- The child has been placed with the verified kin for at least six months following the date of the verification; and
 - DFPS and the kinship caregiver have signed a PCA Agreement and it is on file PRIOR to the award of PMC to the caregiver – the child must be in the temporary or permanent managing conservatorship of DFPS on the day before PMC is transferred to the relative.

The one-year deadline to dismiss a case still applies. For example, if the 12-month deadline is approaching, and a child has not lived with his or her verified caregiver for at least six months after the verification, the case must be extended under [Tex. Fam. Code § 263.401](#) or permanent managing conservatorship must be awarded to DFPS in order to allow sufficient time to satisfy the 6-month verified foster care requirement prior to the relative being awarded PMC.

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. If the caregiver and DFPS agree on the appropriateness of the arrangement; and if DFPS has temporary or permanent managing conservatorship of the joining sibling at the time the agreement is signed, the family must enter into a PCA agreement for the sibling BEFORE the court awards PMC of the sibling to the kin/caregiver and dismisses DFPS from the case.

A caregiver receiving PCA is not eligible for the Relative and Other Designated Caregiver Program. Relatives who do not meet the eligibility criteria under the PCA program can continue to take advantage of the Relative and Other Designated Caregiver Program.

The maximum monthly amount of assistance payments under a PCA agreement may not exceed the amount of the monthly foster care maintenance payment DFPS would pay to a foster care provider caring for the child for whom the kinship provider is caring. [Tex. Fam. Code § 264.854](#).

C. How Does PCA Affect Older Youth?

Extended PCA benefits are available to eligible youth to permit them to remain eligible for PCA through the month in which they turn 21. Youth in this category can also apply for educational training vouchers (ETVs) for vocational or college pursuits, by contacting regional PAL staff.

If DFPS first entered into a PCA agreement with a youth's kinship provider after the child's 16th birthday, DFPS may continue to provide PCA payments until the last day of the month of the youth's 21st birthday under [Tex. Fam. Code § 264.855](#), provided the youth or permanent managing conservator submits documentation sufficient to establish that the youth:

- Regularly attends high school (or a program leading toward a high school diploma or high school equivalency certificate);

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- Regularly attends an institution of higher education (or a postsecondary vocational or technical program);
 - Works at least 80 hours a month;
 - Participates in a program or activity that promotes employment or removes barriers to it; or
 - Is incapable of performing the activities described above because of a documented medical condition.

The PCA program was set to expire on August 31, 2017, according to the terms of [Tex. Fam. Code § 264.857](#) unless the Texas Legislature extended the program. The 85th Texas Legislature did extend the program by passing Senate Bill 203 which repealed [Tex. Fam. Code § 264.857](#). The bill passed by over two thirds vote in each house and was signed by the Governor on May, 29, 2017 making it effective immediately upon that date.

The Preventing Sex Trafficking and Strengthening Families Act, federal legislation passed by U.S. Congress on September 29, 2014, allows for the preservation of a child's eligibility for PCA payments in the event the caregiver dies or becomes incapacitated if a PCA-Successor (a person appointed to permanently care for your child in the event that the caregiver is no longer able) replaces the caregiver as the child's legal guardian.

PCA payments may continue to a PCA-Successor if all of the following conditions are met:

- The kinship caregiver completes an amendment to the Permanency Care Assistance Agreement to name a potential PCA-Successor to receive PCA benefits on the child's behalf in the event of their death or incapacitation.
- The PCA-Successor submits to DFPS the required background check information and that information meets DFPS standards.
- The PCA-Successor signs a Permanency Care Assistance Agreement with DFPS.
- The PCA-Successor submits to DFPS proof demonstrating that he or she has been given legal custody of the child by the court.

The PCA-Successor cannot begin receiving PCA payments from DFPS until he or she has signed a Permanency Care Assistance Agreement and has assumed legal custody of the child. If the PCA-Successor signs the Permanency Care Assistance Agreement after being given legal custody of the child by the court, DFPS may grant retroactive benefits back to the date legal custody was granted, for a period not to exceed 12 months.

The terms and conditions of the PCA Agreement originally signed by the kinship caregiver will also apply to the PCA-Successor.

D. What About Social Security Administration Benefits and Child Support?

While kinship families serve as foster parents, they receive a monthly foster care payment from DFPS. If the child in the kinship family's care receives Social Security Administration (SSA) benefits also or if child support monies have been court ordered, DFPS receives and uses these funds to offset the cost of the child's foster care payments. The kinship family will receive the foster care payments in lieu of the child's SSA benefits or child support they may have previously received from DFPS. When the court gives legal custody (PMC) to the kinship family and PCA benefits begin, the kinship family must apply with the SSA to become the representative payee of the child's SSA benefits and arrangements must also be made for the kinship family to receive any child support payments that have been court ordered.

E. Resources

Jurist in Residence Letters regarding PCA:

<http://texaschildrenscommission.gov/media/1365/jirfirstpca.pdf>

<http://texaschildrenscommission.gov/media/1366/pcajir.pdf>

<http://texaschildrenscommission.gov/media/1367/18-permanency-care-assistance-program-follow-up-3rd-letter.pdf>

Fostering Connections to Success and Increasing Adoptions Act: What it Means for Texas, Center for Public Policy Priorities located at: <http://library.cppp.org/files/4/newfostercare.pdf>

See Also: Chart of financial, education, and medical benefits available to children who exit DFPS conservatorship located at: <http://texaschildrenscommission.gov/media/83634/benefits-chart-2017.pdf>