
JOINT MANAGING CONSERVATORSHIP

A. Background

At the request of several stakeholders, the Children’s Commission convened a meeting in August 2018 to discuss cases filed by DFPS where DFPS and the child’s parent(s) are appointed Joint Managing Conservator (JMC) of a child. Attendees at the meeting discussed fact patterns in JMC cases, DFPS policy and record keeping, the appointment of attorneys and guardians ad litem, possible statutory changes, as well as training and guidance to judges, attorneys, and advocates. The Children’s Commission also surveyed judges attending its annual Child Welfare Judges Conference held in November 2018 regarding the handling of JMC cases.

B. Questions Presented

Are judges applying the statutory framework of TMC cases under [Tex. Fam. Code Chapters 107, 262, and 263](#) to JMC with regard to appointment of attorneys and guardians ad litem, hearing schedules, filing service plans, legal deadlines, and retaining the option of terminating a parent’s rights?

C. Discussion

Judges who responded to the November 2018 survey indicated that they appoint attorneys and guardians for children in JMC cases as required under [Tex. Fam. Code Chapter 107](#). About half of the judges surveyed reported appointing attorneys for parents as well. The vast majority of judges also reported following the same statutory hearing schedule set by [Tex. Fam. Code Chapters 262 and 263](#) for TMC cases when presiding over JMC cases and many judges reported that they require DFPS to file a service plan required by [Tex. Fam. Code § 263.101](#) for parents in JMC cases. Every judge who reported having JMC cases reported applying the deadlines established by [Tex. Fam. Code § 263.401](#) and of the judges who had handled a JMC case, approximately half of those judges indicated that they had experience where termination of a parent’s rights was requested or granted.

D. Conclusion

The results of the Children’s Commission November 2018 survey indicate that the majority of judges apply the same statutes and practices from the Family Code as those used in TMC cases regarding appointment of attorneys and guardians ad litem, statutory hearing schedules, filing service plans, legal deadlines, and retaining the option of terminating a parents rights.

