

Authorization for Nonparent Care of a Child

A parent can sign an “Authorization Agreement” form to give a close relative or approved nonrelative the authority to care for and make decisions for a child. Unlike a court order, an Authorization Agreement can be cancelled by the parent at any time. **[LINK TO FORM HERE \(http://www.dfps.state.tx.us/Application/Forms/showFile.aspx?NAME=2638.pdf\)](http://www.dfps.state.tx.us/Application/Forms/showFile.aspx?NAME=2638.pdf)** [1].



Texas Authorization Agreement for Nonparent Relative or Voluntary Caregiver Form

The **[Authorization Agreement for Nonparent Relative or Voluntary Caregiver \(https://www.dfps.state.tx.us/Application/Forms/showFile.aspx?NAME=2638.pdf\)](https://www.dfps.state.tx.us/Application/Forms/showFile.aspx?NAME=2638.pdf)** [2] is available in the **[forms bank web site of the Texas Department of Family and Protective Services \(https://www.dfps.state.tx.us/site_map/forms.asp\)](https://www.dfps.state.tx.us/site_map/forms.asp)** [3].

What does an Authorization Agreement for Nonparent Relative or Voluntary Caregiver form do?

An Authorization Agreement for Nonparent Relative or Voluntary Caregiver ("Authorization Agreement" for short) authorizes the nonparent to:

1. consent to medical treatment for the child; and
2. get insurance for the child; and
3. enroll the child in school or daycare; and
4. consent to extracurricular activities; and
5. consent to the child getting a driver's license or state identification card; and
6. consent to the child getting a job; and
7. apply for and receive public benefits on behalf of the child; and
8. get copies of the child's state-issued personal identification documents, such as the birth certificate; and
9. get copies of federally issued personal identification documents such as the social security card (to the extent authorized under federal law).

An Authorization Agreement does not authorize the nonparent to consent to an abortion or emergency contraception for the child.

The Authorization Agreement form includes a more specific list of authorized actions. Get the form **here** (http://www.dfps.state.tx.us/site_map/forms.asp) [4].



Read the law about nonparent authorization agreements here: **Texas Family Code Chapter 34** (<http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.34.htm>) [5].

Who can be authorized?

Any adult caregiver can be authorized to make decisions for a child using the Authorization Agreement for Nonparent Relative or Voluntary Caregiver form.

See **Texas Family Code section 34.0015** (<http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.34.htm#34.0015>) [6].

NOTE: The law changed on September 1, 2017. The new law allows **any adult caregiver** to be authorized to provide temporary care for a child using an Authorization Agreement form. See **House Bill 871** (<http://www.capitol.state.tx.us/BillLookup/History.aspx?LegSess=85R&Bill=HB871>) [7]. Previously, an Authorization Agreement could only be issued to the child's grandparent, the child's aunt or uncle, the child's adult sibling, or other voluntary caregiver (if the child is placed with the caregiver under a Child Protective Services (CPS) parental child safety agreement).

What if I want to authorize someone else to make decisions for my child?

Talk with a lawyer if you want someone other than the nonparents listed above to care for and make decisions for your child.

What if I'm caring for someone else's child but I'm not on the list of the people who can be authorized?

If you're not on the list of people who can be authorized to make decisions for a child using an Authorization Agreement, you may want to consider asking for:

- a custody order. Get information, instructions and forms here: **I need a SAPCR (custody) order. I am not the child's parent.** (<https://texaslawhelp.org/family-divorce-children/child-custody-visitation/toolkit/i-need-custody-order-i-am-not-childs-parent>) [8]
- a temporary authorization order. See **Going to Court to Get Temporary Authorization to Care for a Child** (<https://texaslawhelp.org/article/going-court-get-temporary-authorization-care-child>) [9].



Where can I get the Authorization Agreement for Nonparent Relative or Voluntary Caregiver form?

Get the form **here** (http://www.dfps.state.tx.us/site_map/forms.asp) [4].

Who must sign the Authorization Agreement form?

At least one parent **and** the nonparent must sign the Authorization Agreement form.

Do I have to tell the child's other parent if I sign an Authorization Agreement form?

Yes. You must mail a copy of the signed Authorization Agreement form to the other parent **within 10 days of signing the form**. Make sure to send the signed form by **certified mail return receipt requested** (or international registered mail if applicable) and by regular mail.

Note: You do **not** have to send a copy of the Authorization Agreement form to a parent whose parental rights were terminated.

And, if a parent who did not sign the Authorization Agreement *does not have court-ordered visitation or access*, you do not have to mail a copy of the agreement to the non-signing parent *if* either of the following applies:

- the other parent is subject to a protective order involving you or one of your children, **or**
- the other parent was convicted of certain crimes.

The **Authorization Agreement for Nonparent Relative form**

(https://www.dfps.state.tx.us/site_map/forms.asp) [3] includes a specific list of exceptions to the mailing requirement.

Important! Talk with a lawyer if there has been violence or if you are concerned about a non-signing parent having a copy of the Authorization Agreement form. Call the Family Violence Legal Line at (800) 374-4673 for free advice.

Do I need to go to court for the Authorization Agreement to be effective?
Court permission is needed **only if**:



- There is a current court order about the child, **or**
- There is a pending case in court involving the child.

Talk to a lawyer if you need court permission.

If you do not already have the parent's written authorization, **Texas Family Code chapter 35** (<http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.35.htm>) [10] established a way to ask the court to get that permission. See **Going to Court to Get Temporary Authorization to Care for a Child** (<https://texaslawhelp.org/article/going-court-get-temporary-authorization-care-child>) [9].

How long does an Authorization Agreement last?

The Authorization Agreement lasts (remains effective) until you cancel it in writing or until the expiration date you wrote on the form. If you check the applicable box on the form, the Authorization Agreement form can remain effective after your incapacity or death.

If a court case about the child occurs after the Authorization Agreement form is signed, the judge will decide if the form remains in effect.

Can the parent or parents take back an Authorization Agreement?

Yes. If you are the parent, you can take back or cancel an Authorization Agreement at any time in writing. See **Texas Family Code chapter 34.008** (<https://statutes.capitol.texas.gov/Docs/FA/htm/FA.34.htm#34.008>) [11].

However, leaving your child with a nonparent for an extended time could affect your rights as a parent. Talk to a lawyer before signing an Authorization Agreement.

If you are the nonparent and are concerned about the parent (or parents) canceling the Authorization Agreement, you may want to consider getting a custody order. Get information, instructions and forms here: **[I need a SAPCR \(custody\) order. I am not the child's parent. \(https://texaslawhelp.org/family-divorce-children/child-custody-visitation/toolkit/i-need-custody-order-i-am-not-childs-parent\)](https://texaslawhelp.org/family-divorce-children/child-custody-visitation/toolkit/i-need-custody-order-i-am-not-childs-parent)** [8] Talk to a lawyer if you have questions or need advice.



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Links

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- [3] https://www.dfps.state.tx.us/site_map/forms.asp
- [4] http://www.dfps.state.tx.us/site_map/forms.asp
- [5] <http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.34.htm>
- [6] <http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.34.htm#34.0015>
- [7] <http://www.capitol.state.tx.us/BillLookup/History.aspx?LegSess=85R&Bill=HB871>
- [8] <https://texaslawhelp.org/family-divorce-children/child-custody-visitation/toolkit/i-need-custody-order-i-am-not-childs-parent>
- [9] <https://texaslawhelp.org/article/going-court-get-temporary-authorization-care-child>
- [10] <http://www.statutes.legis.state.tx.us/Docs/FA/htm/FA.35.htm>
- [11] <https://statutes.capitol.texas.gov/Docs/FA/htm/FA.34.htm#34.008>