

Asking the Court to Allow an Authorization Agreement for Nonparent Adult Caregiver

Texas Legal Services Center (<https://texaslawhelp.org/directory/legal-resource/texas-legal-services-center>) [1]

This article about asking the court to allow an authorization agreement for nonparent adult caregiver was written by **Texas Legal Services Center** (<http://www.tlsc.org>) [2].



Who can file a Request for Approval to Execute an Authorization Agreement for Nonparent Adult Caregiver?

Who can file this request? Either or both of the parents who are signing the Authorization Agreement, or the nonparent adult caregiver who will be providing care for the child.

Note: Ideally, both the agreeing parent(s) and the nonparent caregiver will go to court so that the judge can speak to each of them; however, it is possible for only one person to go to court to get the judge's permission. The person going to court should be the one filling out and filing the Request.

How do I know if a court has continuing, exclusive jurisdiction?

In general, if a court has issued a final order regarding your child and no action has been taken to transfer the case to another court, then that court retains continuing exclusive jurisdiction over the child.

Note: Even if you have never gone to court, you may still have a court order if you have applied for or been referred for child support through the Texas Attorney General's Office.

A court obtains continuing, exclusive jurisdiction over a child when it renders a final court order in a Suit Affecting Parent-Child Relationship regarding that child. This same court will continue to have jurisdiction over that case unless the case is successfully transferred to another court, or the court loses jurisdiction in some other way. See Texas Family Code Chapter 155.

The reason that we only want one court at a time making decisions about a child is so that there will not be multiple conflicting orders about that child, and confusion about which order should be followed.

If there is currently a court of continuing, exclusive jurisdiction for your child's case, or if there is pending litigation in a court regarding conservatorship (custody), possession, access, and visitation, or placement, then that court has to give permission for you to execute an Authorization Agreement for nonparent Adult Caregiver.

It is possible that one or more of the three options listed under number 3 on the Request form may apply to your case. If at least one box is checked, then the court's permission must be granted before the Authorization Agreement can be executed.

This is the form that the judge will sign to give you permission to execute (sign) the Authorization Agreement. You should fill out the cause number, style, court number, and County before going to court.

Both the agreeing parent and the nonparent caregiver should sign their name at the bottom of the order to show the judge that they are in agreement with the Order.

Will there be a filing fee?

Because you are not re-opening a custody case or asking for a new final order, there should not be a filing fee associated with this Request.

Do I need to serve anyone, including the other parent?

Chapter 34 of the Texas Family Code does not require you to serve anyone with a copy of this Request before you ask the court for permission to execute the Authorization Agreement.

However, if the request is granted and the Authorization Agreement is executed, you are required to give notice to a parent who did not sign the Authorization Agreement. A copy of the executed Authorization Agreement must be mailed (certified mail, return receipt requested) to the other parent's last known address within 10 days after the date the Authorization Agreement is signed.

[See existing texaslawhelp.org Authorization instructions for more info on this, as well as the instructions included with the statutory form.]

[Click here to chat.](#)

Links

[1] <https://texaslawhelp.org/directory/legal-resource/texas-legal-services-center>

[2] <http://www.tlsc.org>

