



**TEXAS**

**Department of Family  
and Protective Services**

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*Child Protective Services*

**Extended Court  
Jurisdiction  
Resource Guide**

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## **Resource Guides**

The purpose of Resource Guides is to provide information that helps you do your job better. This information includes reference material, procedures, and guidelines that help you complete the tasks you are required to do by policy.

It's important to remember that the information in Resource Guides **does not substitute for policy**. We may sometimes include policy statements, but only to show you the policy to which the information is related. We will highlight any policy that actually appears in the Resource Guide, and will almost always include a link to the actual policy. For example:

***Per [4222.2 Re-Allowing Placement](#):***

If the caseworker learns of a detailed justification for changing the status of and considering placements in a foster family that is on Disallowed Placement status, the caseworker must elevate this consideration through the regional chain of command to the regional director.

The policy in the handbook always takes precedence over what is in the Resource Guide. We try to keep policy and Resource Guides synchronized, but sometimes there is a delay. **If you have questions, always follow the policy in the Policy Handbook.**

Resource Guides provide important information on a range of topics, for the purpose of assisting and guiding staff to:

- make essential decisions
- develop strategies to address various issues
- perform essential procedures
- understand important processes
- identify and apply best practices

The information in the Resource Guides is not policy (except where noted), and the actions and approaches described here are not mandates. You should adapt the way you perform critical tasks to the individual needs and circumstances of the children and families with whom you work.

State office and field staff are working together to identify Resource Guide topics, define the content, and develop the appropriate guides. CPS will regularly post Resource Guides as they are developed, and update them as needed. Check the Resource Guides page, in the CPS Handbook, to see new or revised Guides.

We hope these Guides provide useful information to guide and assist CPS staff in effectively performing their job tasks. These Guides, combined with clear and concise policy in the Handbook, should help staff provide a high level of service to children in Texas.



## EXTENDED COURT JURISDICTION WHEN A YOUTH TURNS 18

See [5600](#) Extending the Court's Jurisdiction When a Youth Turns 18 and its subitems.

### GENERAL PROVISIONS

#### Overview of Extending a Court's Jurisdiction When a Youth Turns 18

DFPS conservatorship ends when a youth reaches adulthood at age 18.

Although conservatorship ends, the Texas Family Code contains both mandatory and voluntary provisions for continuing the court's jurisdiction beyond the dismissal of conservatorship. Continuing jurisdiction beyond conservatorship is known as extended jurisdiction.

A court's extended jurisdiction never extends beyond a young adult's 21st birthday.

For a diagram of the extended jurisdiction process, see the [Extended Court Jurisdiction Flow Chart](#).

#### Mandatory Extension of a Court's Jurisdiction

##### Extended Foster Care

See:

[5620](#) Extended Foster Care and its subitems

[10400](#) Extended Foster Care for Youth Who Are Age 18 or Older and its subitems

[Extended Foster Care](#) Resource Guide

[Extended Foster Care](#) page on the DFPS public website

The court must extend its jurisdiction over any young adult who remains in extended foster care; that is, remains in foster care after reaching adulthood at age 18. Extended jurisdiction may extend up to the young adult's 21st birthday.

For the purposes of a court's extended jurisdiction, a young adult is considered to be in extended foster care only if the young adult is living in one of the following types of DFPS-paid placements:

- A licensed or verified foster home, foster group home, or general residential operation (such as a residential treatment center)
- A supervised independent living (SIL) setting provided by a contractor to young adults who have aged out of DFPS conservatorship. For details, see [10460](#) Supervised Independent Living (SIL).

##### Trial Independence

See [5630](#) Trial Independence and its subitems.

The court must extend its jurisdiction over each young adult who:

- does not enter extended foster care at age 18; or
- leaves extended foster care before turning 21.

This period is referred to as trial independence (TI).

*Texas Family Code* [§263.601\(3-a\)](#)

All young adults who were in DFPS conservatorship on the day before turning 18 and do not live in extended foster care after turning 18 are considered to be in trial independence. This includes young adults who were in DFPS temporary or permanent managing conservatorship, but were not living in DFPS-paid foster care before turning 18 because:

- they were runaways; or
- they were living in a kinship placement. A kinship placement means they were living with relatives or other persons with whom they have a longstanding and significant relationship.

Trial independence lasts for a minimum of six months and begins on:

- the young adult's 18th birthday, for any young adult who does not immediately enter extended foster care after turning 18 (for example, a youth who is a runaway); or
- the date the young adult leaves extended foster care after turning 18.

The court may issue an order that extends the trial independence period for up to 12 months.

A young adult is not limited to a single trial independence period. A new period begins each time a young adult leaves extended foster care, up to the young adult's 21st birthday.

### **End of Mandatory Jurisdiction**

A court's mandatory extended jurisdiction ends on the last day of the month in which a young adult's trial independence period ends, unless the young adult returns to extended foster care before then.

When the young adult returns, the extended jurisdiction continues:

- for as long as the young adult remains in extended foster care; and
- for the duration of any new trial independence period that begins when the young adult again leaves extended foster care.

*Texas Family Code [§263.602](#)*

Even though mandatory jurisdiction ends as explained above, the court may voluntarily continue its jurisdiction:

- in a case that involves transitional living services, if the young adult requests it; or
- during the process of referring a young adult to HHSC for guardianship.

See [10500](#) Trial Independence and Return for Extended Foster Care.

### **Voluntary Extension of a Court's Jurisdiction**

The court may voluntarily extend its jurisdiction over a young adult who turned 18 while in DFPS conservatorship if:

- the young adult is not living in extended foster care, but is receiving transitional living services. The young adult may request that the court continue to extend its jurisdiction after the young adult's trial independence period expires if the young adult receives transitional living services from DFPS; or
- a guardianship referral to HHSC is pending.

*Texas Family Code [§§263.6021; 263.603](#)*

### **Transitional Living Services**

See [5640](#) Young Adults Who Continue to Receive Transitional Living Services After Trial Independence Period and its subitems.

When a young adult is not living in extended foster care, but is receiving transitional living services, the young adult may request that the court continue to extend its jurisdiction over the young adult after the young adult's trial independence period expires. This form of extended jurisdiction is voluntary on the part of both the young adult and the court.

If the court chooses to extend its jurisdiction over a young adult under this circumstance, the court's jurisdiction ends on one of the following (whichever comes first):

- The date that the young adult submits a written request to the court withdrawing the young adult's consent to the voluntary extension
- The young adult's 21st birthday

*Texas Family Code [§263.6021](#)*

### **Timeframe**

This form of voluntary extended jurisdiction must be requested before the trial independence period ends. Once the court's jurisdiction ends, the Texas Family Code has no provision for reopening a case that was previously dismissed.

**Referral to HHSC for Guardianship**

See [5650](#) Referral to HHSC Guardianship and its subitems.

The court may extend its jurisdiction over a young adult while a referral to HHSC for guardianship is pending, if the young adult is not living in extended foster care and is not on trial independence. This voluntary form of extended jurisdiction does not require consent from the young adult.

Extended jurisdiction under this scenario ends when:

- HHSC denies, or the probate court rejects, the referral for guardianship; or
- a guardian is appointed, and the guardian does not request voluntary extended jurisdiction of the family court (for the purpose of continuing to review any transitional living services that the young adult may continue to receive from DFPS).

If an appointed guardian qualifies, the young adult is not considered to be in extended foster care or on trial independence, and the court's jurisdiction ends on the date that the guardian is established.

*Texas Family Code [§§263.603](#) and [263.604](#)*

**Other Legal Issues Related to Extending a Court's Jurisdiction****Unauthorized or Unfunded Services**

A court cannot order DFPS to provide a service to a young adult that DFPS is not authorized or funded to provide under state or federal law and DFPS rules.

**Required Services**

If the court believes that a young adult is entitled to additional services under DFPS rules or policies, or under a contract with a service provider, the court may order DFPS to take appropriate action to ensure that the young adult receives the additional services. However, the court cannot order DFPS to provide services that the agency is not legally authorized to provide.

*Texas Family Code [§263.607](#)*

**Court-Appointed Advocates**

The court may appoint or continue the appointment of an attorney ad litem, guardian ad litem, a court appointed special advocate (CASA), or any combination of these advocates for the young adult.

*Texas Family Code [§263.605](#)*

**Rights Under Court Jurisdiction**

A young adult has the same rights as any other young adult who is not under a court's jurisdiction.

*Texas Family Code [§263.608](#)*