

Rights of Parent Appointed Conservator

“Conservator,” when that term is used alone, includes a sole managing conservator, a joint managing conservator, and a possessory conservator.

At all times, each parent appointed a conservator has the following rights, subject to any limitation imposed by court order:

1. To receive information from any other conservator concerning the health, education, and welfare of the child; and
2. To confer with the other parent to the extent possible before making a decision concerning the health, education, and welfare of the child; and
3. To have access to medical, dental, psychological, and educational records of the child; and
4. To consult with a physician, dentist, or psychologist of the child; and
5. To consult with school officials concerning the child’s welfare and educational status, including school activities; and
6. To attend school activities; and
7. To be designated on the child’s records as a person to be notified in case of an emergency; and
8. To consent to medical, dental, and surgical treatment during an emergency involving an immediate danger to the health and safety of the child; and
9. To manage the estate of the child to the extent the estate has been created by the parent or the parent’s family.

During the period that a parent who is appointed a conservator has possession of the child, that parent retains the following rights and duties, subject to any limitation imposed by court order:

1. The duty of care, control, protection, and reasonable discipline of the child; and
2. The duty to support the child, including providing the child with clothing, food, shelter, and medical and dental care not involving an invasive procedure; and
3. The right to consent for the child to medical and dental care not involving an invasive procedure; and
4. The right to direct the moral and religious training of the child.

When one parent is named as sole managing conservator, they have the following rights exclusively. The other parent (possessory conservator) has none of the following rights:

Sole Managing Conservator

A parent appointed the sole managing conservator of a child has the following exclusive rights, subject to any limitation imposed by court order:

1. The right to designate the primary residence of the child; and
2. The right to consent to medical, dental, and surgical treatment involving invasive procedures; and
3. The right to consent to psychiatric and psychological treatment; and
4. The right to receive and give receipt for periodic payments for the support of the child and to hold or disburse these funds for the benefit of the child; and
5. The right to represent the child in legal action and to make other decisions of

substantial legal significance concerning the child; and

6. The right to consent to marriage and to enlistment in the armed forces of the United States; and
7. The right to make decisions concerning the child's education; and
8. The right to services and earnings of the child; and
9. Except when a guardian of the child's estate or a guardian or attorney ad litem has been appointed for the child, the right to act as an agent of the child in relation to the child's estate if the child's action is required by a state, the United States, or a foreign government.

Joint Managing Conservators

“Joint managing conservatorship” means the sharing of the rights and duties of a parent by two parties, even if the exclusive right to make certain decisions is awarded to one party. If joint managing conservators are appointed, the court will specify the rights and duties of a parent that are to be exercised by each parent independently, by the joint agreement of the parents, and exclusively by one parent.

Joint managing conservatorship does not require the award of equal or nearly equal periods of physical possession of and access to the child to each of the joint conservators.

The appointment of joint managing conservators does not impair or limit the authority of the court to order one joint managing conservator to pay child support to the other.

Therefore, when the parties are named as joint managing conservators, which is the presumption in Texas unless there has been domestic violence, abuse or neglect of the children, the parties (or the Court if no agreement between the parties) must decide whether the word “independent”, “subject to agreement” or “exclusive” goes in front of each of the following rights and duty:

1. The right to designate the primary residence of the child; and
2. The right to consent to medical, dental, and surgical treatment involving invasive procedures; and
3. The right to consent to psychiatric and psychological treatment; and
4. The right to receive and give receipt for periodic payments for the support of the child and to hold or disburse these funds for the benefit of the child; and
5. The right to represent the child in legal action and to make other decisions of substantial legal significance concerning the child; and
6. The right to consent to marriage and to enlistment in the armed forces of the United States; and
7. The right to make decisions concerning the child's education; and
8. The right to services and earnings of the child; and
9. Except when a guardian of the child's estate or a guardian or attorney ad litem has been appointed for the child, the right to act as an agent of the child in relation to the child's estate if the child's action is required by a state, the United States, or a foreign government.

Example:

Parent A has the exclusive right to designate the primary residence of the child.

Parent A has the independent right to make decisions concerning the child's education.

Parent A has the right, subject to the agreement of Parent B, to consent to psychiatric and psychological treatment of the child.