

Allocation of Parental Rights and Duties for Texas

Conservatorship rights and duties can be ordered and/or agreed to in six different ways. Below is a chart that shows how the rights are customarily ordered. I wanted to clarify the difference of independent rights versus by agreement. I believe the others are self-explanatory:

Independent: Each party can make this decision independent of the other party.

Agreement: The parties must agree to the decision.

| | RIGHTS AND DUTIES | Each has at all times | Each has during possession. | Solely mother | Solely father | Independent | By agreement |
|----|--|-----------------------|-----------------------------|---------------|---------------|-------------|--------------|
| 1 | Duty to inform the other conservator[s] of the child in a timely manner of significant information concerning the health, education, and welfare of the child. | √ | | | | | |
| 2 | Duty to inform the other conservator[s] of the child by prescribed notice if the conservator resides with for at least thirty days, marries, or intends to marry a person the parent knows is a registered sex | √ | | | | | |
| 3 | Right to receive information from any other conservator of the child concerning the health, education, and welfare of the child | √ | | | | | |
| 4 | Right to confer with the other parent, to the extent possible, before making a decision concerning the health, education, and welfare of the child | √ | | | | | |
| 5 | Right of access to medical, dental, psychological, and educational records of the child | √ | | | | | |
| 6 | Right to consult with a physician, dentist, or psychologist of the child | √ | | | | | |
| 7 | Right to consult with school officials concerning the child's welfare and educational status, including school activities | √ | | | | | |
| 8 | Right to attend school activities | √ | | | | | |
| 9 | Right to be designated on the child's records as a person to be notified in case of an emergency. | √ | | | | | |
| 10 | Right to consent to medical, dental, and surgical treatment during an emergency involving immediate danger to the health and safety of the child | √ | | | | | |
| 11 | Right to manage the child's estate to the extent the estate has been created by the parent or the parent's family. | √ | | | | | |
| 12 | Duty of care, control, protection, and reasonable discipline of the child | | √ | | | | |
| 13 | Duty to support the child, including providing the child with clothing, food, shelter, and medical and dental care not involving an invasive procedure. | | √ | | | | |
| 14 | Right to consent for the child to medical and dental care not involving an invasive procedure | | √ | | | | |

| | | | | | | | |
|----|--|-----|-----|--|--|-----|-----|
| 15 | Right to direct the moral and religious training of the child | | √ | | | | |
| 16 | Duty to make periodic child-support payments | N/A | N/A | | | N/A | N/A |
| 17 | Right to designate the primary residence of the child [without regard to geographic location/within [geographical area] | N/A | N/A | | | N/A | N/A |
| 18 | Right to consent to medical, dental, and surgical treatment involving invasive procedures | N/A | N/A | | | | |
| 19 | Right to consent to psychiatric and psychological treatment | N/A | N/A | | | | |
| 20 | Right to receive and give receipt for periodic payments for the support of the child and hold or disburse the funds for the benefit of the child. | N/A | N/A | | | N/A | N/A |
| 21 | Right to represent the child in legal action and to make other decisions of substantial legal significance concerning the child | N/A | N/A | | | | |
| 22 | Right to consent to marriage and enlistment in armed services of U.S. | N/A | N/A | | | | |
| 23 | Right to make decisions concerning the child's education | N/A | N/A | | | | |
| 24 | Right to services and earnings of the child, except as provided by section 264.0111 of the Texas Family Code | N/A | N/A | | | | |
| 25 | 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 | N/A | N/A | | | | |
| 26 | Duty to manage the child's estate to the extent the estate has been created by community property or the joint property of the parents | N/A | N/A | | | | |