

## How Guardianship Differs From Adoption

Guardianship	Adoption
Suspends the rights and responsibilities of the birth parents.	Adoption terminates the rights and responsibilities of birth parents (except for Tribal Customary Adoption).
Child may receive inheritance from the birth parents.	Child inherits from the adoptive parents
Visitation with birth relatives may be ordered by court.	Contact with birth relatives is optional and voluntary
A guardian can be removed or the guardianship itself may be terminated by the court	The rights of adoptive parent are the same as a biological parent and cannot be terminated unless the child is abused or neglected.
The guardianship usually ends when child turns 18 years old.	
If the guardian moves outside of California, the court must approve and/or guardianship may have to be reordered by the out-of-state court.	The adoptive parent/s always remains the parent/s of the adoptive child. An adoptive family may move out-of-state without court approval or involvement.
Annual clothing allowances are available.	

### If I want to Adopt what should I do?

Whether you are currently a relative care provider or foster parent, your social worker and an adoption worker are available to meet with you in order to:

- Explain the benefits, roles and requirements of adoptive parenting as they relate to the needs of the child,
- If applicable, discuss the importance of the sibling bond and the priority to keep siblings together where possible,
- Evaluate strengths and level of commitment to the child,
- Discuss adoption assistance, community resources and specialized training to help you care for the child, and
- Answer your questions about the adoption process.

### If I am interested in KinGAP what should I do?

- Tell the social worker you would like to take guardianship of the child and ask them to explain the process,
- Understand that guardianship cannot not be established until the parents' reunification services are terminated.
- If the child's social worker will not recommend you for guardianship and you believe this is unfair or not good for the child, you may contact the child's attorney and explain your point of view.



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## Successful adoptive families have the ability to:

**Make a commitment** - Adoptive parents understand that it is a lifelong commitment. Children in adoptive homes may test this commitment. To be successful, your commitment to the child must be unwavering.

**Accept the concept of "other parent"** – Children may have emotional attachments to their parents or former caretakers. Successful adoptive parents help their children grieve the loss of these significant people.

**Anticipate the effects on the family** - Families have their own unique ways of functioning. When a child joins the family, the usual ways are changed for all members. Successful adoptive families are flexible and prepared to make difficult adjustments.

**Accept differences** - Children waiting for adoption usually come from backgrounds that are very different than that of their adoptive family. Accepting and cherishing a child as a unique individual is crucial.

**Use community resources and support systems** - Families often need support from each other, extended family, friends and professionals. Successful adoptive families are not cut off from their community and have a strong support system that they can rely on.

## Adoption Assistance Program

The Adoption Assistance Program (AAP) provides financial assistance, including help with medical care, to families who adopt children who would otherwise remain in foster care.

The adoptive parent(s) are not subject to an income eligibility requirement in order to apply for AAP. However, when determining the amount of the AAP grant, the child's specific needs and the family's circumstances are considered along with the resources available in the community. The payment amount cannot exceed what it would have cost to maintain the child in foster care.



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# Foster Care to Permanency



This brochure has been developed to provide information to existing resource families, relative

and non-relative child care providers who are considering extending their commitment to a child through adoption or guardianship.



If you are presently caring for a court dependent child through San Joaquin County Children Services, you are already a valued partner in providing a safe and nurturing environment, working with the court, Children's Services, the community and the child's family toward the child's return home or another permanent placement. Children Services is committed to reducing the number of temporary placements by finding permanent placements with caring and capable adoptive or guardian families. The information in this brochure explains some of the important aspects of adoption and guardianship and a comparison of these programs.



## Adoption

Adoption offers a child the greatest and most preferred level of permanence. Through adoption, a child is the recipient of a family that has chosen to care for the child in the same way they would unconditionally love, support and nurture a birth child. Some of the many benefits of adoption include:

- Birth parent rights are terminated and the birth parents cannot reclaim the child.
- Adopting parents have all parenting rights and responsibilities the same as it is with a child born to them.
- The child experiences a strong emotional tie to the adoptive family because of the legal commitment to the child.
- Medical and financial assistance is available to help support the child.
- Adoption agency assistance after the adoption is finalized, if requested.
- Family connections that last a lifetime; it is the greatest contribution you can make to a child's life. 

## Guardianship

While adoption offers a child the greatest level of permanence, guardianship provides a temporary means of permanency (typically until age 18) by providing a way for the child to leave the foster care system. Guardianship establishes authority and responsibility which may not be permanent, to care for and financially support a child and may be subject to ongoing supervision by the court. A legal guardian may:

- Give consent for medical treatment,
- Choose the child's school and educational program,
- Give consent for a youth to get married,
- Consent to youth's enlistment in the armed services, and
- Consent to a youth having a driver's license.



## KinGAP

A child's foster care placement may become unstable over time if they do not have a permanent plan. This could result in a disruption in the child's life. In order to make their commitment clear, relatives may be asked to adopt or take legal guardianship of the child in their care. The Kinship Guardian Assistance Payment program (KinGAP) is a relative guardianship program to provide permanency for children placed with relatives when adoption is not an option. The relative may petition the court to close the dependency case and create a relative guardianship, allowing the child to leave the dependency system if reunification services have been terminated.

### The following minimum requirements must be met by relatives for KinGAP eligibility:

- Child removed from parental home pursuant to a voluntary placement agreement or be a dependent child of the juvenile court.
- Child has resided in the home of prospective relative guardian for six months under jurisdiction of the juvenile court or a voluntary placement agreement.
- The prospective relative guardian entered into a written binding agreement with the county child welfare agency or the tribe with a Title IV-E agreement with the state.
- A kinship guardianship was established, or Dependency was dismissed/ terminated with the establishment of the kinship guardianship.
- The home has been approved by the Resource Family Approval program for at least six (6) months.

## Age Extended Benefits

A former dependent child who is 16 yrs old before the KinGAP agreement becomes effective may continue to receive aid up to 21 years of age. The youth must sign the **KG 1-Mutual Agreement** and one or more of the following conditions must exist:

- \* The youth is completing secondary education or a program leading to an equivalent credential.
- \* The youth is enrolled in an institution which provides postsecondary or vocational education.
- \* The youth is participating in a program or activity designed to promote, or remove barriers to employment.
- \* The youth is employed for at least 80 hours per month.
- \* The youth is incapable of doing any of the above activities, due to a medical condition supported by regularly updated information in the case plan of the individual.

## Guardianship Services

Under guardianship, children under 18 are entitled to AFDC-Foster Care (FC) financial benefits if the child is made a ward of a non-related legal guardian by the court. Children of non-related guardians are eligible for FC benefits. Non-related guardianships require an initial assessment by the SW and reassessments completed every 6 months. Guardians are paid the basic FC rate and are entitled to any regional center rates. For court dependents, the Juvenile Court orders guardianship for a non-relative and dismisses court dependency. Probate court orders non-related guardianship for non-dependents. Non-related Probate cases remain open as long as FC payments are paid.

## KinGAP Assistance

If you decide to take guardianship of the child in your care, leaving the FC system with **KinGAP** assistance, you will:

- Receive a payment equal to FC rate until child's 18th birthday (19th birthday if still in high school) or 21 if handicapped requiring continued assistance,
- Receive Medi-Cal coverage for the child ,
- Be eligible for Independent Living Program (ILP) services for teens after age 16 until age 21,
- Receive a reimbursement for expenses incurred while pursuing the guardianship (up to \$2,000),
- Be eligible for a Dual Agency rate or Whole Family Foster Home rate based on the needs of the child
- Receive a Special Care Increment (SCI) if the child has a special mental or physical health care need,
- Enter into an agreement to be available for re-determination every 2 years whereby the amount of **KinGAP** may be re-negotiated based on the needs of the child and the circumstances of the relative,
- Receive **KinGAP** benefits if you move to another state,
- Allow birth parents to be involved in child's life (depending on the child's relationship with parent).

## Post Adoptive Services

After an adoption is finalized, Children Services closes the adoption file and there is no further agency involvement. However, we understand that parenting a child comes with its challenges. Post Adoptive Services are available to adoptive families when assistance is needed. These services may include assistance pertaining to:

- **Medical information**
- **Referral to Wraparound Program**
- **Financial assistance**
- **Birth Parent contact (after adoptee reaches 18)**
- **Sibling contact**
- **Community resources**

