

COMPARISON OF LEGAL AND FINANCIAL BENEFITS ADOPTION, LEGAL GUARDIANSHIP AND PLANNED PERMANENT LIVING ARRANGEMENT

Adapted from *A Guide to Permanency Options for Youth*, Alameda County Social Services Agency, 2005

FACTOR	ADOPTION [Adoption Assistance Program (AAP) Funded]	LEGAL GUARDIANSHIP		PLANNED PERMANENT LIVING ARRANGEMENT (Long Term Foster Care)
		RELATIVE GUARDIANSHIP (supported by Kin-GAP)	NON-RELATIVE/ RELATIVE GUARDIANSHIP (supported by foster care funds)	
1. ELIGIBILITY/ PLACEMENT CRITERIA	<p>Adoptive parents must meet all state guidelines and requirements for approval, including completion of training and assessment, resulting in an approved Adoption Homestudy/Family Assessment.</p> <p>Approval must be from a licensed Adoption Agency</p> <p>Agency must make recommendation to Court for final approval of the adoption, and final approval comes from Court.</p> <p>Tribal Customary Adoptions (TCA) – Only the tribe can select TCA as an option for a Native American Child.</p>	<p>Relatives must meet all state guidelines and requirements first for foster care placement, including orientation and assessment, and pass Relative Approval process.</p> <p>CSW must make recommendation to Court, and final approval for Legal Guardianship comes from Court.</p> <p>The child* must be placed in a relative home for 6 consecutive months prior to legal guardianship being granted.</p> <p>Any sibling(s) of an existing federally eligible child is also eligible for federally funded Kin-GAP when placed with the same relative under the same kinship guardianship arrangement. DCFS and the relative must mutually agree that the sibling placement and arrangement is appropriate. There is no requirement that the siblings be placed simultaneously. This includes step-siblings, half-siblings and adoptive siblings of the eligible child.</p>	<p>Non-related caregivers must meet licensing requirements to be approved and licensed by the state, the county or Certified Foster Family Agency.</p> <p>Relatives must be approved for placement through a Relative Approval Process.</p> <p>CSW must make recommendation to court, and final approval for Legal Guardianship comes from Court.</p>	<p>Caregivers must meet licensing requirements to be approved and licensed by the state, the county or Certified Foster Family Agency.</p> <p>Relatives must be approved for placement through a Relative Approval Process.</p> <p>Juvenile court approves all placements and planned permanent living arrangement.</p> <p>A more permanent legal alternative plan for the child is continually pursued for children in planned permanent living arrangement.</p>

* Here and throughout, “child” as referenced in this document may also apply to youth 18 - 21 years old, under the Extended Foster Care or Kin-GAP/AAP extended benefits programs.

COMPARISON OF LEGAL AND FINANCIAL BENEFITS ADOPTION, LEGAL GUARDIANSHIP AND PLANNED PERMANENT LIVING ARRANGEMENT

Adapted from *A Guide to Permanency Options for Youth*, Alameda County Social Services Agency, 2005

FACTOR	ADOPTION [Adoption Assistance Program (AAP) Funded]	LEGAL GUARDIANSHIP		PLANNED PERMANENT LIVING ARRANGEMENT (Long Term Foster Care)
		RELATIVE GUARDIANSHIP (supported by Kin-GAP)	NON-RELATIVE/ RELATIVE GUARDIANSHIP (supported by foster care funds)	
2. ONGOING AGENCY INVOLVEMENT	<p>The child's Court case and DCFS case is closed once the adoption is granted.</p> <p>DCFS is involved only for the provision of AAP, if eligible, or if the family requests, post adoption services.</p>	<p>The child's Court case and DCFS case is closed following order of Guardianship.</p> <p>CSW is no longer involved. A CSW is assigned for reassessment purposes only.</p> <p>Support may be available through a local Kinship Resource Center.</p>	<p>The child's Court case may be closed following order of Guardianship; however, the Court reinstates jurisdiction if the guardianship needs to be terminated or modified.</p> <p>If the child's Court case remains opened, Court and DCFS will continue to supervise placement.</p> <p>If the child's Court case is closed, case management will continue.</p> <p>When a family receives foster care funding, they are visited at a minimum once every 6 months by a CSW.</p> <p>If the child is a Regional Center client and the child's Court case is closed, the Regional Center provides case management</p>	<p>DCFS continues to hold custody of the child and provides case management services to the child and sometimes to the family.</p> <p>Caregivers must keep foster care license certification, or relative approval active and are subject to regulations and involvement by DCFS in their home and with the family.</p> <p>CSW visits the family monthly unless a visitation plan of less frequent visits is approved by the Court.</p>

COMPARISON OF LEGAL AND FINANCIAL BENEFITS

ADOPTION, LEGAL GUARDIANSHIP AND PLANNED PERMANENT LIVING ARRANGEMENT

Adapted from *A Guide to Permanency Options for Youth*, Alameda County Social Services Agency, 2005

FACTOR	ADOPTION [Adoption Assistance Program (AAP) Funded]	LEGAL GUARDIANSHIP		PLANNED PERMANENT LIVING ARRANGEMENT (Long Term Foster Care)
		RELATIVE GUARDIANSHIP (supported by Kin-GAP)	NON-RELATIVE/ RELATIVE GUARDIANSHIP (supported by foster care funds)	
3. LEGAL RELATIONSHIP	<p>Adoptive parent(s) commit to a permanent, lifelong relationship with the child.</p> <p>An adopted child becomes your child in all respects.</p> <p>The legal relationship is the same as it is to a child born to you.</p> <p>Tribal Customary Adoption only – The Tribal Customary Adoption Order (TCAO) will establish the legal relationship, responsibilities and privileges between the Native American child and the adoptive family and the modified legal relationship between the Native American child and the birth parents.</p>	<p>Legal guardianship suspends some rights and responsibilities of birth parents.</p> <p>The guardian(s) have parental responsibility for care, custody, control and conduct of the child.</p>	<p>Legal guardianship suspends some rights and responsibilities of birth parents.</p> <p>The guardian(s) have parental responsibility for care, custody, control and conduct of the child.</p>	<p>Foster parents and relative caregivers provide food, housing, and nurturance to a child, the Juvenile Court has legal jurisdiction over the child and DCFS is responsible for the case management and supervision of the child in the home.</p>
4. LEGAL PERMANENCE	<p>Adoption is a lifelong legally binding relationship and provides the highest level of legal permanence.</p> <p>The adoptive parent(s) become legal parents.</p> <p>Birth parents rights are terminated and birth parents cannot reclaim the child.</p> <p>Tribal Customary Adoption only – Birth parents rights are not</p>	<p>Legal guardianship is a formal commitment made between the child and the guardian.</p> <p>Guardianship provides permanence, however, it is not as legally secure as adoption; the Court can terminate guardianship, and birth parents can petition the court to terminate the guardianship, or the Legal Guardian may ask the court to dismiss guardianship.</p> <p>Birth parents' rights are usually not</p>	<p>Guardianship is a formal commitment made between the child and the guardian.</p> <p>Guardianship provides permanence, however, it is not as legally secure as adoption; the Court can terminate the guardianship, and birth parents can petition the court to terminate the guardianship, or the Legal Guardian may ask the court to dismiss the guardianship.</p> <p>Birth parents' rights are usually not</p>	<p>Foster care is meant to be temporary, and does not provide legal permanence for a child.</p> <p>Court can continue jurisdiction up to age 21. See #10 under Payment Amount/Duration factor for more information on age extensions after 18 years of age/nonminor provisions.</p> <p>The birth parents can challenge continuing need for custody in Court. DCFS</p>

COMPARISON OF LEGAL AND FINANCIAL BENEFITS

ADOPTION, LEGAL GUARDIANSHIP AND PLANNED PERMANENT LIVING ARRANGEMENT

Adapted from *A Guide to Permanency Options for Youth*, Alameda County Social Services Agency, 2005

FACTOR	ADOPTION [Adoption Assistance Program (AAP) Funded]	LEGAL GUARDIANSHIP		PLANNED PERMANENT LIVING ARRANGEMENT (Long Term Foster Care)
		RELATIVE GUARDIANSHIP (supported by Kin-GAP)	NON-RELATIVE/ RELATIVE GUARDIANSHIP (supported by foster care funds)	
4. LEGAL PERMANENCE (cont.)	<p>terminated. Although the birth parents rights are not terminated in a TCA, they are modified by the tribe by and through the TCAO.</p>	<p>terminated, and birth parents may have the right to visit the child.</p> <p>The court can make visitation orders that limit parents' rights.</p> <p>The Legal Guardian has authority to allow birth parents to be involved in decisions regarding the child.</p> <p>Legal Guardianship ends when the child turns 18, marries, becomes emancipated, is adopted, or guardianship is dismissed. See #10 under Payment Amount/Duration factor for information on receipt of Kin-GAP payment/benefits beyond 18 years of age.</p>	<p>terminated, and birth parents may have the right to visit the child.</p> <p>The Legal Guardian has authority to allow birth parents to be involved in decisions regarding the child.</p> <p>Legal Guardianship ends when the child turns 18, marries, becomes emancipated, is adopted, or guardianship is dismissed. See #10 under Payment Amount/Duration factor for information on receipt of Kin-GAP payment/benefits beyond 18 years of age.</p>	<p>can remove the child from the caregiver's home, or the caregiver can request child's removal.</p> <p>Placement can disrupt at any time.</p> <p>Birth parents rights are generally not terminated and birth parents maintain right to visit and be involved in major decisions regarding the child, depending on case situation.</p> <p>DCFS makes recommendations to Court regarding the child and the Juvenile Court makes major decisions.</p> <p>DCFS must continue to report on-going efforts to achieve a more permanent plan.</p>
5. PARENTING RIGHTS AND RESPONSIBILITIES	<p>Adoptive parents possess all parenting rights and responsibilities for the child.</p> <p>They can request special services from schools, regional centers and any other service provider.</p> <p>Tribal Customary Adoptions only - Subject only to the terms of the TCAO, Tribal customary adoptive parents will be afforded the same rights and privileges, and are</p>	<p>The guardian(s) has sole rights to custody and control of the child's residence, health care, sports participation, & employment.</p> <p>Granting of legal guardianship transfers some parental authority from the parent to the legal guardian. This includes care, control, protection, and education.</p> <p>Birth parents retain right to visitation. The court can make visitation orders that limit parents' rights.</p>	<p>The guardian(s) has sole rights to custody and control of the child's residence, health care, sports participation, & employment.</p> <p>Granting of legal guardianship transfers some parental authority from the parent to the legal guardian. This includes care, control, protection, and education.</p> <p>Birth parents retain right to visitation. The court can make visitation orders</p>	<p>DCFS/Court makes major decisions regarding the child.</p> <p>Birth parents may still be involved in major decisions regarding the child.</p> <p>Court decides on major medical decisions.</p> <p>Birth Parents maintain the right to determine the child's religion.</p> <p>Unless the Court has limited the birth parents educational rights, the birth parents retain the right to make critical decisions regarding education for the child, including</p>

COMPARISON OF LEGAL AND FINANCIAL BENEFITS

ADOPTION, LEGAL GUARDIANSHIP AND PLANNED PERMANENT LIVING ARRANGEMENT

Adapted from *A Guide to Permanency Options for Youth*, Alameda County Social Services Agency, 2005

FACTOR	ADOPTION [Adoption Assistance Program (AAP) Funded]	LEGAL GUARDIANSHIP		PLANNED PERMANENT LIVING ARRANGEMENT (Long Term Foster Care)
		RELATIVE GUARDIANSHIP (supported by Kin-GAP)	NON-RELATIVE/ RELATIVE GUARDIANSHIP (supported by foster care funds)	
5. PARENTING RIGHTS AND RESPONSIBILITIES (cont.)	subject to all the duties of any other adoptive parent consistent with the TCAO.	<p>The guardian(s) may sign for the child's California ID or Drivers License, and may, with a court order, enroll the child in the military, Job Corps, or relocation to another state.</p> <p>Birth Parents maintain the right to determine the child's religion.</p> <p>If the minor child wishes to marry, both guardian and the court must give consent.</p>	<p>that limit parents' rights.</p> <p>The guardian(s) may sign for the child's California ID or Drivers License, and may, with a court order, enroll the child in the military, Job Corps, or relocation to another state.</p> <p>Birth Parents maintain the right to determine the child's religion.</p> <p>If the minor child wishes to marry, both guardian and the court must give consent.</p>	<p>the rights to veto any private or parochial schooling.</p> <p>Court can limit a parent's educational rights and appoint the child's caregiver or any other educational representative to make educational decisions for the child.</p>
6. CHILD'S RESIDENCE/ MOVES OUT OF COUNTY OR OUT OF STATE	<p>Residence is solely determined by the adoptive parents.</p> <p>AAP funding is paid to family regardless of where adoptive families choose to live (e.g., another county, another state or another country).</p> <p>If the family moves to another country, state, or county, the AAP benefit amount may be based on the receiving county or state's rate or the rate of Los Angeles county, whichever is higher. Adoptive parent must notify DCFS of the new payment address.</p>	<p>Guardians have the right to move anywhere in state.</p> <p>The county that formally had court-ordered jurisdiction of the child is responsible for paying the child's Kin-GAP benefits regardless of where the child actually resides. Kin-GAP payment/benefits continue regardless of the state of residency in which the relative guardian and child reside. The payment will be based on the host county's/state's rate, or the rate of the county/state which had court-ordered jurisdiction over the legal guardianship if it is determined that the host county/state rate cannot be paid. A child who is under the jurisdiction of the</p>	<p>Guardians have the right to move anywhere in state.</p> <p>If the child's Court case and DCFS case is closed and the family moves to another county, the foster care rate will continue to be based on the rate the child would receive in Los Angeles County. The Legal Guardian must notify DCFS of the new payment address.</p> <p>If the Legal Guardian plans to move to another county and the Court case is closed but the family has an open service case with DCFS, the service case will be closed. If the Legal Guardian wants to receive funds in the "new" county, a new case must be</p>	<p>Legal residence is determined by residence of birth parents. (However, for educational purposes, a foster child may be considered a resident of the location where he or she is placed).</p> <p>The Juvenile Court and DCFS determine where the child lives.</p> <p>Interstate Compact Program rules must be followed when a child moves out of state and licensing/ certification procedures for that state must be followed.</p> <p>Courtesy supervision is arranged when a child moves w/ caregiver out of county or out of state.</p>

COMPARISON OF LEGAL AND FINANCIAL BENEFITS

ADOPTION, LEGAL GUARDIANSHIP AND PLANNED PERMANENT LIVING ARRANGEMENT

Adapted from *A Guide to Permanency Options for Youth*, Alameda County Social Services Agency, 2005

FACTOR	ADOPTION [Adoption Assistance Program (AAP) Funded]	LEGAL GUARDIANSHIP		PLANNED PERMANENT LIVING ARRANGEMENT (Long Term Foster Care)
		RELATIVE GUARDIANSHIP (supported by Kin-GAP)	NON-RELATIVE/ RELATIVE GUARDIANSHIP (supported by foster care funds)	
6. CHILD'S RESIDENCE/ MOVES OUT OF COUNTY OR OUT OF STATE (cont.)		<p>California juvenile court system and is placed with an out-of-state relative is eligible for the Kin-GAP Program, if all requirements are met. Relative guardians must apply for Medicaid on behalf of the federally eligible child in the new state of residence. Families moving out of California or the United States should research the applicable laws of the new state or country of residency to determine the impact the move will have on all other issues, including the ability to enroll the child in school, arrange for health coverage and accessibility to other appropriate services with California) and access other appropriate. See #14 under Medical Insurance factor for more information.</p>	<p>opened in the "new" county.</p> <p>If the Legal Guardian plans to move to another county and the child's Court case is opened, they must obtain court permission. The child's case may be transferred to the other county.</p> <p>If the Legal Guardian plans to move out of state and the child's Court case is opened, they must obtain court permission.</p> <p>Interstate Compact Program rules must be followed when a child moves out of state and licensing/ certification procedures for that state must be followed.</p> <p>If the child's Court case is closed and the Legal Guardian plans to move out of state, guardianship and/or funding may need to be re-established in the new state, subject to the new state's laws and eligibility rules. Also, the foster care rate is based on that state's rates not Los Angeles County foster care rates.</p>	<p>Non-minor dependents receiving CalWORKS, placed in approved relative homes and residing out of state are eligible for extended CalWORKS benefits.</p> <p>The county in which a non-minor dependent is living may be designated the county of residence if he or she has lived continuously for one year in that county and intend to remain in that county. An Inter-county Transfer (ICT) may be initiated.</p>

COMPARISON OF LEGAL AND FINANCIAL BENEFITS

ADOPTION, LEGAL GUARDIANSHIP AND PLANNED PERMANENT LIVING ARRANGEMENT

Adapted from *A Guide to Permanency Options for Youth*, Alameda County Social Services Agency, 2005

FACTOR	ADOPTION [Adoption Assistance Program (AAP) Funded]	LEGAL GUARDIANSHIP		PLANNED PERMANENT LIVING ARRANGEMENT (Long Term Foster Care)
		RELATIVE GUARDIANSHIP (supported by Kin-GAP)	NON-RELATIVE/ RELATIVE GUARDIANSHIP (supported by foster care funds)	
7. SERVICES AVAILABLE	<p>The adoptive family is eligible for post-adoption services, which may include providing resource and referral, brief case management, and crisis intervention.</p> <p>AAP covers the cost of the state-approved rate for group home placement or residential treatment program for which the child is eligible, up to 18 months per episode.</p> <p>No clothing allowance is provided.</p> <p>Family Preservation and Wraparound services are available.</p>	<p>There is no Court involvement and a CSW is no longer assigned to the case.</p> <p>Support services such as support groups, training and conferences, education and financial assistance, counseling, mental health and health assessment referrals are available through the Kinship Resource Center.</p> <p>To access funds for group home placement or residential treatment, guardianship may need to be rescinded and/or dependency reinstated.</p> <p>Voluntary Placement Services up to 180 days may be available.</p> <p>Child is eligible to receive a Back-to-School Clothing Allowance if funding is appropriated. This amount can vary and is payable based on the county of residence.</p> <p>For a Kin-GAP youth who is a teen parent and has a nondependent child living in the same home, in addition to the infant supplement, the Kin-GAP rate includes the \$200 monthly payment provided to a relative guardian in a "whole family foster home". The shared responsibility plan requirements do not apply.</p>	<p>DCFS continues to provide support, through resource and referral, and home visits every 6 months.</p> <p>To access fund for group home placement or residential treatment, guardianship may need to be rescinded and/or dependency reinstated.</p> <p>Child is eligible to receive a Back-to-School Clothing Allowance if funding is appropriated. This amount can vary and is payable based on the county of residence.</p> <p>Voluntary Placement Services up to 180 days may be available.</p> <p>Voluntary Placement Services up to 180 days may be available.</p>	<p>Child and caregiver are eligible for services through DCFS.</p> <p>DCFS provides supervision, case management and crisis intervention services.</p> <p>Funding is provided for placement in group home or residential treatment based on child's eligibility and the state approved rate.</p> <p>Child is eligible to receive a Back-to-School Clothing Allowance if funding is appropriated. This amount can vary and is payable based on the county of residence.</p> <p>A youth who is a teen parent and has a nondependent child living in the same home, in addition to the infant supplement, the foster care rate includes the \$200 monthly payment provided to a "whole family foster home". The shared responsibility plan requirements apply.</p>

COMPARISON OF LEGAL AND FINANCIAL BENEFITS

ADOPTION, LEGAL GUARDIANSHIP AND PLANNED PERMANENT LIVING ARRANGEMENT

Adapted from *A Guide to Permanency Options for Youth*, Alameda County Social Services Agency, 2005

FACTOR	ADOPTION [Adoption Assistance Program (AAP) Funded]	LEGAL GUARDIANSHIP		PLANNED PERMANENT LIVING ARRANGEMENT (Long Term Foster Care)
		RELATIVE GUARDIANSHIP (supported by Kin-GAP)	NON-RELATIVE/ RELATIVE GUARDIANSHIP (supported by foster care funds)	
7. SERVICES AVAILABLE (cont.)		Child-care services through DCFS are no longer available. The payments will be discontinued after the current certification period, if the family was receiving child care services. If a Legal Guardian is in need of financial assistance and the only child in the home is a child receiving Kin-GAP funding, the guardian is/remains eligible for CalWORKs as a needy family of one.		
8. DEATH OF CAREGIVER	<p>The adopted child is treated the same as a birth child.</p> <p>The adoptive parents can designate in their will who will raise the child in the event of their death.</p> <p>AAP funding can only be paid to an adoptive parent. AAP funding will end upon death of adoptive parent(s).</p> <p>AAP can be re-initiated if the child is adopted again.</p> <p>An adopted child has inheritance rights from the adoptive parent(s).</p>	<p>Guardianship terminates in the event of the death of the guardian(s).</p> <p>If an alternate guardian or co-guardian is appointed pursuant to Section 366.3 who is also a kinship guardian, the alternate or co-guardian shall be entitled to receive Kin-GAP on behalf of the child. A new period of six months of placement with the alternate guardian or co-guardian shall not be required if that alternate guardian or co-guardian has been assessed pursuant to Sections 361.3 and 361.4 and the court terminates dependency jurisdiction.</p> <p>If there is not an alternate kin guardian or co-guardian Court may re-establish dependency and appoint a successor guardian and eventually enter Kin-GAP, or place the child in foster care.</p>	<p>Guardianship terminates in the event of the death of the guardian(s).</p> <p>The court may appoint a successor guardian or re-establish dependency and place the child in foster care.</p> <p>Birth parents may attempt to regain custody.</p> <p>A child has no inheritance rights from the legal guardian.</p>	<p>DCFS continues to be responsible for the financial care and placement needs of the child upon the death of the foster parent(s) or caregivers.</p> <p>DCFS must locate another living arrangement for the child.</p>

COMPARISON OF LEGAL AND FINANCIAL BENEFITS

ADOPTION, LEGAL GUARDIANSHIP AND PLANNED PERMANENT LIVING ARRANGEMENT

Adapted from *A Guide to Permanency Options for Youth*, Alameda County Social Services Agency, 2005

FACTOR	ADOPTION [Adoption Assistance Program (AAP) Funded]	LEGAL GUARDIANSHIP		PLANNED PERMANENT LIVING ARRANGEMENT (Long Term Foster Care)
		RELATIVE GUARDIANSHIP (supported by Kin-GAP)	NON-RELATIVE/ RELATIVE GUARDIANSHIP (supported by foster care funds)	
8. DEATH OF CAREGIVER (cont.)		A child has no inheritance rights from the legal guardian. Birth parents may attempt to regain custody.		
9. SOCIAL SECURITY (SSA-DEPENDENT OR SURVIVOR BENEFITS, SSI OR OTHER INCOME – BASED ON THE CHILD'S ELIGIBILITY)	<p>When an adopted parent(s) retires, becomes unable to work due to disability, or dies, the adopted child may be eligible for dependent or survivor benefits.</p> <p>An adopted child may be eligible to Supplemental Security Income (SSI) benefits due to a disability. The adoptive family directly receives these funds for the care of the child. (Note: Family must report AAP benefits when applying for SSI.)</p>	<p>When the birth parent(s) retires, becomes unable to work due to disability, or dies, the child may be eligible for dependent or survivor benefits.</p> <p>If the SSA amount exceeds the Kin-GAP rate, Kin-GAP funds may be ended and the full SSA amount can be paid to the legal guardian.</p> <p>The Kin-GAP Programs applies the exemption for earned income of a dependent child or ward meeting specified conditions set forth in WIC Section 11008.15. Unearned income and earned income to the child that does not meet these conditions is to be offset against the amount of the negotiated Kin-GAP payment. Families may consult with the SSI Unit as necessary. However, Supplemental Security Income (SSI) benefits received by the youth are subject to offset rules that vary according to whether the youth is receiving state or federal Kin-GAP</p>	<p>When the birth parent(s) retires, becomes unable to work due to disability, or dies, the child may be eligible for dependent or survivor benefits.</p> <p>If the SSA amount exceeds the foster care rate, the foster care rate may be ended and the full SSA amount can be paid to the legal guardian.</p> <p>When the child is disabled, the same factors apply as described above.</p>	<p>SSA determines who the payee is for SSA funds for dependent children, when the birth parent is disabled or dies.</p> <p>If the payee of the funds is DCFS, the funds are applied to the cost of the foster care expense for the child's placement. A trust fund account is established for any extra funds, and DCFS is responsible to use these funds to meet the child's needs. Trust accounts cannot go beyond \$2,000.</p> <p>When the child is disabled, the same factors apply as described above.</p>

COMPARISON OF LEGAL AND FINANCIAL BENEFITS

ADOPTION, LEGAL GUARDIANSHIP AND PLANNED PERMANENT LIVING ARRANGEMENT

Adapted from *A Guide to Permanency Options for Youth*, Alameda County Social Services Agency, 2005

FACTOR	ADOPTION [Adoption Assistance Program (AAP) Funded]	LEGAL GUARDIANSHIP		PLANNED PERMANENT LIVING ARRANGEMENT (Long Term Foster Care)
		RELATIVE GUARDIANSHIP (supported by Kin-GAP)	NON-RELATIVE/ RELATIVE GUARDIANSHIP (supported by foster care funds)	
9. SOCIAL SECURITY (SSA-DEPENDENT OR SURVIVOR BENEFITS, SSI OR OTHER INCOME – BASED ON THE CHILD'S ELIGIBILITY) (cont.)		<p>benefits. The relative should consult with the SSA office to get information on how SSI benefits may be affected in order to make an informed decision.</p> <p>The income of the child's parents, Kin-GAP guardian, or any other relative living in the household is not to be used to determine the child's Kin-GAP eligibility.</p>		
10. PAYMENT AMOUNT/DURATION	<p>AAP payments are based on the child's needs and the circumstances of the adopting parents, but that amount shall not exceed the foster care maintenance payment, and any applicable Specialized Care Increment, that the child would have received while placed in a licensed or approved family home.</p> <p>A child receiving regional center services may receive the basic dual agency rate, with a possible supplement for child's extraordinary care and supervision.</p> <p>AAP funding ends at age 18 unless the child has a mental or physical handicap which warrants the</p>	<p>Youth who do not have a physical or mental disability and who began to receive Kin-GAP payments before reaching 16 years of age may receive Kin-GAP benefits after age 18 if they are reasonably expected to complete high school or the equivalent program before they turn 19 and continues to live with their Kin-GAP guardian. They are eligible to receive Kin-GAP benefits until 19 or when they graduate, whichever occurs first.</p> <p>Kin-GAP benefits may continue until age 21 if the youth has a physical or mental disability that warrants the continuation of assistance regardless of the age of the child when the guardianship was ordered.</p>	<p>The basic payment amount is based on the child's age and the approved foster care rates set by the state.</p> <p>Child is eligible for any specialized care increment for which (s)he would have been eligible had (s)he remained in foster care.</p> <p>A child receiving regional center services may receive the basic dual agency rate, with a possible supplement for child's extraordinary care and supervision.</p> <p>On and after January 1, 2012, a "nonminor" youth whose nonrelated guardianship was ordered in juvenile court pursuant to Section 360 or 366.26, and whose dependency was dismissed, may be eligible for</p>	<p>The basic payment amount is based on the child's age and the approved foster care rates set by the state including any age-related increases</p> <p>Child is eligible for any specialized care increment if he or she meets the criteria for the rate.</p> <p>A child receiving regional center services may receive the basic dual agency rate, with a possible supplement for child's extraordinary care and supervision .</p> <p>If the child in foster care is not found to be federally eligible, and is placed with a relative caregiver, then the relative must apply for CalWORKs funds to support the child as a 'non-needy caretaker'. CalWORKs may be extended beyond 18 up 21 years as long as youth meets educational/training/employment/medical</p>

COMPARISON OF LEGAL AND FINANCIAL BENEFITS

ADOPTION, LEGAL GUARDIANSHIP AND PLANNED PERMANENT LIVING ARRANGEMENT

Adapted from *A Guide to Permanency Options for Youth*, Alameda County Social Services Agency, 2005

FACTOR	ADOPTION [Adoption Assistance Program (AAP) Funded]	LEGAL GUARDIANSHIP		PLANNED PERMANENT LIVING ARRANGEMENT (Long Term Foster Care)
		RELATIVE GUARDIANSHIP (supported by Kin-GAP)	NON-RELATIVE/ RELATIVE GUARDIANSHIP (supported by foster care funds)	
10. PAYMENT AMOUNT/DURATION – (cont.)	<p>continuation of assistance until age 21. Family should consult with the Post Adoption Services Unit.</p> <p>Effective January 1, 2012, a former dependent child or ward of the juvenile court who attained 16 years of age before receiving AAP may be eligible for extended AAP benefits beyond age 18, and up until age 21. Receipt of AAP payment/benefits beyond 18 years of age is contingent upon the child meeting one or more of certain educational/training/employment/medical requirements. The adoptive parents must request for extended benefits.</p>	<p>Effective January 1, 2012, a former dependent child or ward of the juvenile court who attained 16 years of age before Kin-GAP payments started may be eligible for extended Kin-GAP benefits beyond age 18 and up until age 21. Receipt of Kin-GAP payment/benefits beyond 18 years of age is also contingent upon the youth meeting one or more of certain educational/training/employment/medical exemption requirements and the previous guardian must continue to provide support for the youth. The previous guardian must request extended benefits.</p> <p>Kin-GAP payments are based on the child's needs otherwise covered in AFDC-FC payments (minus any non-exempt income) and the circumstances of the relative guardian, but that shall not exceed the foster care maintenance payment that would have been paid based on the age-related state-approved foster family home care rate and any applicable Specialized Care Increment (SCI) for a child placed in a licensed or approved family home.</p> <p>The SCI is a rate based on LA County's approved Specialized Care Rate (SCR)</p>	<p>extended AFDC-FC benefits if the youth is not more than 19 years of age on or after January 1, 2012, not more than 20 years of age on or after January 1, 2013, or not more than 21 years of age on or after January 1, 2014 and provided that the youth enters into a mutual agreement with DCFS and the youth meets the conditions of eligibility, as described in WIC Section 11403 (educational, training, employment or medical exemption; supervised placement requirements) and the previous guardian must continue to provide support for the youth.</p>	<p>exemption requirements</p> <p>Special rates are not available for relative placements funded through CalWORKs.</p> <p>A non-minor dependent who is not more than 19 years of age on or after January 1, 2012, not more than 20 years of age on or after January 1, 2013, or not more than 21 years of age on or after January 1, 2014 is eligible for extended foster care benefits as long as the non-minor has signed a mutual agreement with DCFS and is otherwise eligible for AFDC-FC payments; and the youth meets the conditions of eligibility, as described in WIC Section 11403 (educational, training, employment or medical exemption; supervised placement requirements). Youth who turn 18 on or after January 1, 2012 and meet one of the eligibility criteria remain eligible to continue in foster care until reaching age 21 years.</p>

COMPARISON OF LEGAL AND FINANCIAL BENEFITS ADOPTION, LEGAL GUARDIANSHIP AND PLANNED PERMANENT LIVING ARRANGEMENT

Adapted from *A Guide to Permanency Options for Youth*, Alameda County Social Services Agency, 2005

FACTOR	ADOPTION [Adoption Assistance Program (AAP) Funded]	LEGAL GUARDIANSHIP		PLANNED PERMANENT LIVING ARRANGEMENT (Long Term Foster Care)
		RELATIVE GUARDIANSHIP (supported by Kin-GAP)	NON-RELATIVE/ RELATIVE GUARDIANSHIP (supported by foster care funds)	
10. PAYMENT AMOUNT/DURATION – (cont.)		<p>Plan and is available to the relative caregiver or relative guardian once DCFS determines that the assessed child meets the SCI criteria of that Plan. The SCI can be increased or decreased as the special needs of the child change consistent with the county SCR Plan. If the relative guardian resides outside the county with payment responsibility, the county with payment responsibility pays the host county's specialized care rate or its own specialized care rate if the host county has no specialized care system.</p> <p>A child who is a consumer of regional center services and who also receives Kin-GAP payment/benefits may be eligible for a dual agency rate and the supplemental rate for child's extraordinary care and supervision.</p> <p>Kin-GAP recipients are automatically eligible for any age-related increases. Also, once the case has entered the new Kin-GAP program, a reassessment is required i.e. the review of the needs of the Kin-GAP child or circumstances of the relative guardian shall be conducted no less frequently than every two years following the case's entry into the Kin-GAP Program. If the needs of</p>		

COMPARISON OF LEGAL AND FINANCIAL BENEFITS

ADOPTION, LEGAL GUARDIANSHIP AND PLANNED PERMANENT LIVING ARRANGEMENT

Adapted from *A Guide to Permanency Options for Youth*, Alameda County Social Services Agency, 2005

FACTOR	ADOPTION [Adoption Assistance Program (AAP) Funded]	LEGAL GUARDIANSHIP		PLANNED PERMANENT LIVING ARRANGEMENT (Long Term Foster Care)
		RELATIVE GUARDIANSHIP (supported by Kin-GAP)	NON-RELATIVE/ RELATIVE GUARDIANSHIP (supported by foster care funds)	
10. PAYMENT AMOUNT/DURATION – (cont.)		<p>the child or circumstances of the relative guardian change, DCFS and relative guardian may negotiate to adjust a payment or benefits more frequently than every two years.</p> <p>When a WIC 388 petition is filed on a KinGAP case and court reinstates jurisdiction, even though the child will not be removed and will remain in the care of the relative legal guardian and despite the case being previously determined federally eligible, the case becomes ineligible for Title IV-E Federal AFDC-FC benefits. If this event occurs, the relative legal guardian will be referred to CalWORKS. This includes but is not limited to situations where the court reinstates jurisdiction following a WIC 388 petition due to a parent contesting the current guardianship, a need to appoint a co-guardian, or the relative guardian wanting to adopt. For a KinGAP guardian filing a WIC 388 to adopt, CalWORKS will be the source of funding for the case until after the adoptive placement when AAP can then be initiated.</p>		
11. SPECIAL CONDITIONS/	If all parties agree, post adopt mediation may occur prior to the	Unless there is a court-ordered visitation schedule, the legal guardian(s)	Unless there is a court-ordered visitation schedule, the legal	Caregivers must follow DCFS and Court directions re: visitation and supervision.

COMPARISON OF LEGAL AND FINANCIAL BENEFITS

ADOPTION, LEGAL GUARDIANSHIP AND PLANNED PERMANENT LIVING ARRANGEMENT

Adapted from *A Guide to Permanency Options for Youth*, Alameda County Social Services Agency, 2005

FACTOR	ADOPTION [Adoption Assistance Program (AAP) Funded]	LEGAL GUARDIANSHIP		PLANNED PERMANENT LIVING ARRANGEMENT (Long Term Foster Care)
		RELATIVE GUARDIANSHIP (supported by Kin-GAP)	NON-RELATIVE/ RELATIVE GUARDIANSHIP (supported by foster care funds)	
<p>COURT JURISDICTION</p> <p>11. SPECIAL CONDITIONS/ COURT JURISDICTION (cont.)</p>	<p>adoption being granted.</p> <p>If all parties agree, a plan may be ordered at the adoption regarding visitation/contact with birth parents and/or relatives.</p> <p>Tribal Customary Adoption only – If there are problems with the TCAO, adopting parents and birth parents must show evidence of good faith efforts to resolve the dispute prior to seeking judicial relief. They may use either tribal or other dispute resolution services to address the problem, but failure to comply with the TCAO does not undo the TCA. The parties may return to court to address the issues if the dispute resolution fails.</p>	<p>can make all decisions concerning visitation by the parents and relatives according to the best interests of the child.</p> <p>The Court may ask the Guardian to agree to other special agreements concerning the child's welfare.</p>	<p>guardian(s) can make all decisions concerning visitation by the parents and relatives according to the best interests of the child.</p> <p>The Court may ask the Guardian to agree to other special agreements concerning the child's welfare.</p>	<p>Caregiver is accountable for any funds received on behalf of the child. They must adhere to Court orders.</p>
<p>12. INDEPENDENT LIVING PROGRAM (ILP) ELIGIBILITY</p>	<p>Youth adopted after their 16th birthday may participate in ILP services, except for Housing Assistance Programs. Family must contact agency to request services.</p>	<p>The Kin-GAP child is eligible for ILP services when he or she attains age 16 regardless of what age (s)he exited from the foster care program and such services are requested by the youth and/or the caregiver. However the youth will not be eligible for the Chafee Educational/Training Voucher unless the youth remains in foster care until age 16 prior to the transfer to Kin-GAP. The child will not be eligible for the</p>	<p>Effective 1/1/2011, eligibility for ILP has been extended to former foster youth placed with a non-relative legal guardian, whose guardianship was ordered on or after the child's eighth birthday.</p> <p>ILP services are available to youth in Legal Guardianship after their 16th birthday regardless of what age guardianship was granted if the</p>	<p>Youth who remain in foster care through their 18th/19th birthday are eligible for all ILP programs, until age 21, including housing assistance programs.</p> <p>Child's social worker must request services.</p>

COMPARISON OF LEGAL AND FINANCIAL BENEFITS

ADOPTION, LEGAL GUARDIANSHIP AND PLANNED PERMANENT LIVING ARRANGEMENT

Adapted from *A Guide to Permanency Options for Youth*, Alameda County Social Services Agency, 2005

FACTOR	ADOPTION [Adoption Assistance Program (AAP) Funded]	LEGAL GUARDIANSHIP		PLANNED PERMANENT LIVING ARRANGEMENT (Long Term Foster Care)
		RELATIVE GUARDIANSHIP (supported by Kin-GAP)	NON-RELATIVE/ RELATIVE GUARDIANSHIP (supported by foster care funds)	
		Transitional Housing Program or the Transitional Housing Program Plus.	youth's court case remains open on or after age 16. Child's social worker must request services.	
13. TAX DEPENDENCY/ TAX CREDIT	The adopted child is generally a tax dependent of the adoptive parents. Adoptive parents may be eligible for a federal tax credit and a state tax credit. Families should consult with their tax consultant for direction.	The child may be an allowable tax dependent of the relative guardian. Families should consult with their tax consultant for direction.	The child may be an allowable tax dependent of the legal guardian. Families should consult with their tax consultant for direction.	The child may be an allowable tax dependent of the foster parents. Families should consult with their tax consultant for direction.
14. MEDICAL INSURANCE	<p>Children eligible for AAP are eligible for Medi-Cal.</p> <p>The family may also enroll the child under their private health insurance; if enrolled, private insurance is used first. Medi-Cal is still provided, and may offer some benefits that the private insurance does not cover.</p> <p>Medi-cal eligibility ends at age 18 unless the child has a mental or physical handicap which warrants the continuation of assistance until age 21 or meets eligibility for extended AAP benefits as described in #10 under Payment Amount/Duration factor. Family should consult with the Post Adoption Services Unit.</p>	<p>Child is eligible for Medi-Cal or the family may enroll the child under their private health insurance; if enrolled, private insurance is used first. Medi-Cal is still provided, and may offer some benefits that the private insurance does not cover.</p> <p>Child is eligible for Medi-Cal until age 21.</p> <p>A child determined federally eligible for Kin-GAP is eligible for Medi-cal/Medicaid in the state where the child resides. A child receiving state-funded Kin-GAP is eligible for California Medi-Cal as long as the child is eligible for the Kin-GAP payment and is a resident of California.</p>	<p>Child is eligible for Medi-Cal or the family may enroll the child under their private health insurance; if enrolled, private insurance is used first. Medi-Cal is still provided, and may offer some benefits that the private insurance does not cover.</p> <p>Child are eligible for Medi-Cal until age 21.</p>	Child is eligible for Medi-Cal until age 21.

COMPARISON OF LEGAL AND FINANCIAL BENEFITS

ADOPTION, LEGAL GUARDIANSHIP AND PLANNED PERMANENT LIVING ARRANGEMENT

Adapted from *A Guide to Permanency Options for Youth*, Alameda County Social Services Agency, 2005

FACTOR	ADOPTION [Adoption Assistance Program (AAP) Funded]	LEGAL GUARDIANSHIP		PLANNED PERMANENT LIVING ARRANGEMENT (Long Term Foster Care)
		RELATIVE GUARDIANSHIP (supported by Kin-GAP)	NON-RELATIVE/ RELATIVE GUARDIANSHIP (supported by foster care funds)	
14. MEDICAL INSURANCE (cont.)	<p>A child receiving state funded AAP is eligible for California medi-cal as long as the child is eligible for AAP and is a resident of California. State-only eligible AAP may not receive Medicaid if the new state of residence does not have reciprocity with California.</p> <p>A child receiving federally funded AAP is eligible for Medicaid if the family moves out-of-state.</p> <p>Families moving out of California or the United States should research the applicable laws of the new state or country of residency to determine the impact the move will have on health coverage and other services to meet the child's needs.</p>	<p>Recipients moving or living out-of-state should be made aware of the availability of medical benefits. <i>State-only</i> eligible Kin-GAP recipients may not receive Medicaid if the new state of residence does not have reciprocity with California.</p>		
15. REASSESSMENT/FINANCIAL RECERTIFICATION	<p>AAP must be recertified at least every 2 years.</p> <p>There are no age increases; however AAP benefits can be increased at any time if the child's needs or family's situation changes. Documentation must be presented to justify increase.</p>	<p>Legal Guardians must complete an annual Kin-GAP redetermination (KG2) or funding will stop.</p> <p>Once the case has entered the new Kin-GAP program, a reassessment is required i.e. the review of the needs of the Kin-GAP child or circumstances of the relative guardian shall be conducted no less frequently than every two years following the case's entry into the Kin-</p>	<p>The guardian must go through an annual redetermination.</p>	<p>DCFS does an annual redetermination.</p>

COMPARISON OF LEGAL AND FINANCIAL BENEFITS

ADOPTION, LEGAL GUARDIANSHIP AND PLANNED PERMANENT LIVING ARRANGEMENT

Adapted from *A Guide to Permanency Options for Youth*, Alameda County Social Services Agency, 2005

FACTOR	ADOPTION [Adoption Assistance Program (AAP) Funded]	LEGAL GUARDIANSHIP		PLANNED PERMANENT LIVING ARRANGEMENT (Long Term Foster Care)
		RELATIVE GUARDIANSHIP (supported by Kin-GAP)	NON-RELATIVE/ RELATIVE GUARDIANSHIP (supported by foster care funds)	
		GAP Program. If the needs of the child or circumstances of the relative guardian change, DCFS and relative guardian may negotiate to adjust a payment or benefits more frequently than every two years.		
16. ELIGIBILITY FOR FINANCIAL ASSISTANCE FOR HIGHER EDUCATION	<p>Adopted youth may be eligible for federal and state financial aid; however, eligibility is based on the youth <u>and</u> adoptive family's income. However, youth adopted after their 13th birthday will not have to include their adoptive parent's income in the calculations for determining their need for financial aid.</p> <p>Youth should consult with school's financial aid office.</p>	<p>Legal Guardianship youth may be eligible for federal and state financial aid.</p> <p>The Legal Guardian's income is <u>not</u> considered. Youth should consult with school's financial aid office.</p>	<p>Legal Guardianship youth may be eligible for federal and state financial aid.</p> <p>The Legal Guardian's income is <u>not</u> considered. Youth should consult with school's financial aid office.</p>	<p>Youth who remain in foster care through their 18th birthday are eligible for federal and state financial aid. Only the youth's income is considered.</p> <p>These youth may also be eligible for other funding designated specifically for foster youth. Youth should consult with school's financial aid office.</p>