



# What are the differences between Adoption, Permanent Guardianship, and APPLA?

(This handout contains summary information about adoption, permanent guardianship and APPLA (Another Permanent Planned Living Arrangement) for children in DCS care. Some information may be subject to change.)

	Adoption	Permanent Guardianship (Title 8)	APPLA <i>(16 &amp; older in out of home care, regardless of case plan type)</i>
Rights and Responsibilities	<ul style="list-style-type: none"> <li>Birth parent's legal rights are terminated</li> <li>Birth parents' rights are ended on a permanent basis ending their right to make decisions for a child.</li> <li>Adoption establishes a lifetime relationship conferring the adoptive parent with all the legal rights and responsibilities of a natural parent</li> <li>Legally secure life-long family relationship</li> <li>Once the adoption is final the court is no longer involved</li> </ul> <p><b>The adoptive parent makes all decisions concerning the child.</b></p> <ul style="list-style-type: none"> <li>Adoptive parent is the legal parent with all the rights and responsibilities for the child as if the child had been born to her/him.</li> </ul>	<ul style="list-style-type: none"> <li>Parental rights have been suspended-ending the right to make day-to-day decisions for a child.</li> <li>Permanent guardians have rights and responsibilities for:                             <ol style="list-style-type: none"> <li>Physical custody</li> <li>Every day decisions</li> <li>Decisions about health issues</li> <li>Where the guardian and child will live (e.g., move elsewhere)</li> <li>Where the child will go to school and educational services</li> </ol> </li> <li>The guardian has the right to have physical placement and the duty to provide for the child's daily needs</li> <li>The guardian has the right to authorize medical or other professional care and treatment.</li> <li>The guardian has the right to enroll the child in school</li> <li>The guardian has the right to consent to social and recreational activities.</li> </ul>	<ul style="list-style-type: none"> <li>Department of Child Safety is the legal guardian until, youth reaches the age of 18, at which time they are their own legal guardian, whether or not they remain in continued Voluntary Foster Care.</li> </ul>
Duration	<ul style="list-style-type: none"> <li>Legal responsibilities end at 18, but kids need "family" for life.</li> </ul> <p><b>Adoption is permanent legal relationship</b></p> <ul style="list-style-type: none"> <li>Adoption cannot be revoked</li> <li>Adoption affords the highest level of legal security that things will not change. This security is often valued by families in adoption.</li> <li>Adoptive child is eligible for inheritance.</li> <li>Adoptive child can receive Social Security, if caregiver is eligible for benefit.</li> <li>Adoptive child is eligible for survivors benefits up to age 18.</li> </ul>	<ul style="list-style-type: none"> <li>Legal responsibilities end at 18, but kids need "family" for life.</li> <li>The court reviews the guardianship within one year from the final order. The court may continue to review annually.</li> <li>Guardianships can be revoked but only by a judge.</li> <li>Parent must prove in court that the reasons that led to the guardianship are remedied and that return to their care is in the best interest of the child. The law permits a parent to go to court at any time to pursue reversal of a guardianship.</li> <li>The court can name a successor guardian.</li> <li>Not eligible for Social Security</li> <li>Not eligible for inheritance.</li> </ul>	<ul style="list-style-type: none"> <li>For youth 16 years of age and older, when family reunification, adoption, and permanent guardianship have been actively pursued and are determined not achievable prior to the youth reaching the age of majority.</li> <li>A permanency goal of APPLA does not preclude the Department from providing services that will support family reunification, adoption, or permanent guardianship should a change in circumstances arise, such as the identification of a potential permanent guardian.</li> <li>APPLA as a permanency goal shall not be recommended for children who have regular unsupervised visitation with their parent(s).</li> <li>All Young Adult Services end at 21.</li> </ul>
Visitation	<ul style="list-style-type: none"> <li>Adoptive parent(s) have the final decision about visitation and contact between child and anyone else including the birth parents and grandparents.</li> <li>Adoptive parents can mediate a post adoption communication agreement with birth parents. If the adoptive parent does not follow the agreement, a mediation and/or hearing may be set. The agreement, however, is viewed as very difficult to enforce if not followed.</li> </ul>	<ul style="list-style-type: none"> <li>Permanent Guardians have the final decision about visitation and contact between child and parent(s), unless the court has made specific orders allowing visitation.</li> </ul> <p><b>An Exception</b> There may be court orders for contact. If the guardian does not follow the orders, a mediation and/or hearing may be set.</p>	<ul style="list-style-type: none"> <li>Youth have the right to visit supportive people in their lives, including siblings and other relatives.</li> <li>Visits should be discussed as a team to ensure the youth is safe and supported.</li> <li>A visitation plan is developed with the youth and their team and includes necessary supports, i.e. transportation.</li> </ul>
<p>Visitation is an area where decisions are based on the child's best interest. In general it is believed that some contact is best for most children, even if it is of the most indirect kind.</p>			

<b>Education Support</b>	<b>Adoption</b>	<b>Permanent Guardianship (Title 8)</b>	<b>APPLA</b> <i>(16 &amp; older in out of home care, regardless of case plan type)</i>
	<ul style="list-style-type: none"> <li>FAFSA: Children adopted on or after their 13th birthday do not count parental income for determining college financial aid on FAFSA.</li> <li>AZ State Tuition Waiver: Children adopted on or after their 16th birthday qualify for the Waiver; Pell Grant is applied and then remaining tuition is waived. Funding ends at 23rd birthday.</li> <li>ETV: Children adopted on or after their 16th birthday qualify for the ETV, providing up to \$5000/year for post-secondary education based on need. Funding is applied after Waiver, can be used for room and board, etc. Funding ends at 21 unless enrolled at 21, then can extend to 23rd birthday.</li> </ul>	<ul style="list-style-type: none"> <li>FAFSA: Children going into permanent guardianship on or after their 13th birthday do not count parental income for determining college financial aid on FAFSA.</li> <li>AZ State Tuition Waiver: Children placed in permanent guardianship on or after their 16th birthday qualify for the Waiver; Pell Grant is applied and then remaining tuition is waived. Funding ends at 23rd birthday.</li> <li>ETV: Children placed in permanent guardianship on or after their 16th birthday qualify for the ETV, providing up to \$5000/year for post-secondary education, based on need. Funding is applied after Waiver, can be used for room and board, etc. Funding ends at 21 unless enrolled at 21, then can extend to 23rd birthday.</li> </ul>	<ul style="list-style-type: none"> <li>FAFSA: Students who were in out-of-home care after their 13th birthday do not count parental income for determining college financial aid on FAFSA.</li> <li>AZ State Tuition Waiver: Children in out of home care after their 16th birthday qualify for the Waiver; Pell Grant is applied and then remaining tuition is waived. Funding ends at 23rd birthday.</li> <li>Education and Training Voucher (ETV): Children in out of home care after their 16th birthday qualify for the ETV, and may receive up to \$5,000/year for post-secondary education, based on need. Funding is applied after the Waiver and may be used for books, tuition, room and board, etc. Funding ends at 21 unless enrolled at 21, then can extend to the 23rd birthday.</li> </ul>

<b>Supports &amp; Services</b>	<b>Adoption</b>	<b>Permanent Guardianship (Title 8)</b>	<b>APPLA</b> <i>(16 &amp; older in out of home care, regardless of case plan type)</i>
	<p><b>Health Coverage</b> Coverage is available through AHCCCS. For most children, coverage is available if the child moves to another state through. It depends on the child and the state in question.</p> <p><b>Behavioral Health Services</b> Services are available through the RBHA. Services are available if the child moves out of state through Medicaid.</p> <p><b>Services:</b> If a child is approved for adoption subsidy, the child qualifies for medical coverage through AHCCCS and mental health services through the RBHA. Adoption subsidy may cover some expenses to treat pre-existing conditions if private insurance, AHCCCS and community resources have been exhausted. Case management support is available. Youth ages 16 and older can be referred to life skills training through the DCS contracted provider, AzCA, until their adoption is finalized. Once adoption is finalized, youth can also receive life skills training from their behavioral health provider or from the adoptive parent. Youth who are adopted at age 16 or older can utilize DCS's contracted Transitional Independent Living Program(TILP) for after care services, including case management and support services at age 18 up until their 21st birthday.</p>	<p><b>Health Coverage</b> For a child who is in a permanent guardianship, the child will be pre-enrolled into an AHCCCS health plan with notification to the guardian from the Family Assistance Administration (FAA). The guardian will have 60 days to request a health plan change, if desired. The guardian may also choose to add the child to their private insurance.</p> <p><b>Behavioral Health Services</b> Behavioral health services are available through the RBHA (except if Title 19 medically ineligible). Coverage might be available if the child moves to another state through Medicaid.</p> <p><b>Services:</b> Youth ages 16 and older can be referred to life skills training through the DCS contracted provider, AzCA, until their guardianship is finalized. Once guardianship is finalized, youth can also receive life skills training from their behavioral health provider or from the guardian. Youth enter guardianship at age 16 or older can utilize DCS's contracted Transitional Independent Living Program(TILP) for after care services, including case management and support services at age 18 up until their 21st birthday.</p>	<p><b>Health Coverage</b> For youth who reach the age of 18 while in out-of-home care, health insurance to age 26 for eligible youth through AHCCCS - Young Adult Transitional Insurance.</p> <p><b>Behavioral Health Services</b> Eligible YATI recipients utilize Regional Behavioral Health Authority (RBHA) providers for behavioral health needs.</p> <p><b>Services:</b> Youth ages 16 and older who are in out-of-home care can be referred to life skills training through the DCS contract provider, AzCA. Youth can also receive life skills training from their behavioral health provider or paid placement. Youth who are age 18, 19 or 20, who were in out-of-home care at age 16 or older can utilize DCS's contracted Transitional Independent Living Program(TILP) for after care services, including case management and support services until their 21st birthday.</p> <p><b>Youth who reach the age of 18 while in out-of-home care may qualify for:</b></p> <ul style="list-style-type: none"> <li>Re-Entry into the continued Voluntary Foster Care program (enter through the TILP)</li> <li>Assistance with the cost of room and board.</li> </ul>

**CHILD CARE:** DCS will no longer pay for child care once guardianship or adoption is established.

Review	Adoption	Permanent Guardianship (Title 8)	APPLA <i>(16 &amp; older in out of home care, regardless of case plan type)</i>
	<ul style="list-style-type: none"> <li>There is an periodic review process to determine continued eligibility for the program.</li> <li>As long as the adoptive parent continues to be legally and financially responsible for the support of the child, the child is eligible for Adoption Subsidy until age 18. The child may be eligible through age 21 if the child is living in the adoptive parent's home, continuously attending school and has not completed high school nor received a GED equivalent.</li> </ul>	<ul style="list-style-type: none"> <li>There is an periodic review process to determine continued eligibility for the program.</li> <li>Guardianship subsidy will be suspended if the child is placed in the care, custody and control of any agency or individual other than the appointed guardian(s).</li> <li>As long as child remains in the care, custody or control of the guardian, the child is eligible for guardianship subsidy until age 18. The child may be eligible through age 21 if the child is living in the guardian's home, continuously attending school and has not completed high school nor received a GED equivalent.</li> </ul>	<ul style="list-style-type: none"> <li>Voluntary Foster Care participants age 18 and older and their DCSS meet every six months to review their case plans and assess their progress and participation in the program.</li> <li>If during the case plan review, the young adult has been found unwilling to progress in their identified goals, the DCSS will work with the young adult to remove barriers and support the young person. However, if an agreed upon plan for the young adult and their participation cannot be completed/verified, the closure process may be started.</li> </ul>
Subsidies	Adoption	Permanent Guardianship (Title 8)	APPLA <i>(16 &amp; older in out of home care, regardless of case plan type)</i>
	<p><b>Eligibility</b> Adoption subsidy is based on factors related to the child. Almost all children in Department of Child Services (DCS) care are eligible. It is recommended that you review your child's eligibility for Adoption Subsidy during permanency planning. Subsidy is available only if the child is in the custody of DCS.</p> <p>Title 8 Permanent Guardians who subsequently adopt may apply for adoption subsidy for the child. The child must be found eligible. The Permanent Guardian/Adoptive parent will work directly with the Adoption Subsidy unit to complete the required application. The adoption subsidy maintenance rate will be at the rate received in guardianship subsidy and as determined by the department.</p> <p><b>Supports</b></p> <ol style="list-style-type: none"> <li>Maintenance (cash assistance)</li> <li>Health Coverage</li> <li>Behavioral Health Services</li> <li>Services for preexisting conditions</li> <li>Support from a subsidy worker</li> <li>Reimbursement for non-recurring expenses (up to \$2,000), per petition.</li> </ol> <p><b>Maintenance (cash assistance)</b> The adoption subsidy daily rates mirror foster care rates and are based on the child's special needs.</p> <p>AM1: \$19.68 Teen: \$27.15 AM2: \$23.52 Teen: \$29.40 AM3: \$29.94 Teen: \$37.42</p> <p><b>Tax Credit</b> A federal adoption tax credit may be available. Consult with a tax professional.</p>	<p><b>Eligibility</b> Children are eligible for permanent guardianship subsidy if: The court ordered a Title 8 guardianship and the child is a citizen or qualified non-citizen.</p> <p><b>Supports</b></p> <p><b>Cash Assistance</b> The daily guardianship subsidy rate is \$12.95 per child. Special considerations may be given when a child enters guardianship from a licensed foster home. The subsidy daily rates are based on the child's placement rate eligibility while in foster care. If a child receives Social Security or other benefits, the amount is deducted from the guardianship subsidy.</p>	<p>The Department may provide a youth the opportunity to participate in the Independent Living Subsidy Program, continue to reside in a paid DCS placement (foster home, group home, kinship) if they meet the minimum requirements which are:</p> <ul style="list-style-type: none"> <li>Have an open DCS case at 18 or older and in continued care through an approved case plan (recognized as the Voluntary Foster Care Agreement for Young Adults 18 Through 20); in out-of-home care and in the custody of the Department; participating in an approved schedule of activities specific to the individual youth's educational, employment, vocational, and therapeutic goals as outlined in the youth's case plan.</li> <li>The Independent Living Subsidy Program provides youth with the experience of community living while receiving support and services from the Department. This program is an out-of-home care placement option, with the monthly stipend provided to the youth in lieu of any other foster care payment. This program permits youth to reside in unlicensed settings, including apartment living (alone or with roommates), dormitories and boarding with family, friends or others.</li> </ul> <p><b>Independent Living Subsidy may include:</b></p> <ul style="list-style-type: none"> <li>Independent Living Subsidy payments start at \$715 per month. Every six months, the subsidy amount decreases</li> <li>\$50/month.</li> <li>** The approved subsidy may not exceed the maximum amount allowable by DCS and is subject to availability of funds.</li> </ul>

Equal Opportunity Employer/Program • Under Titles VI and VII of the Civil Rights Act of 1964 (Title VI & VII), and the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and Title II of the Genetic Information Nondiscrimination Act (GINA) of 2008; the Department prohibits discrimination in admissions, programs, services, activities, or employment based on race, color, religion, sex, national origin, age, disability, genetics and retaliation. The Department must make a reasonable accommodation to allow a person with a disability to take part in a program, service or activity. For example, this means if necessary, the Department must provide sign language interpreters for people who are deaf, a wheelchair accessible location, or enlarged print materials. It also means that the Department will take any other reasonable action that allows you to take part in and understand a program or activity, including making reasonable changes to an activity. If you believe that you will not be able to understand or take part in a program or activity because of your disability, please let us know of your disability needs in advance if at all possible. To request this document in alternative format or for further information about this policy, contact your local office; TTY/TDD Services: 7-1-1. • Free language assistance for Department services is available upon request. • Ayuda gratuita con traducciones relacionadas con los servicios del DCS está disponible a solicitud del cliente.