

ADOPTION & TITLE 8 PERMANENT GUARDIANSHIP INFORMATION

(This handout has summary information about adoption and permanent guardianship for children in DCS care. Some information may be subject to change.)

Rights and Responsibilities

Adoption	Permanent Guardianship (Title 8)
<p>Parents' rights are ended on a permanent basis for adoption. Adoptive parents make all decisions concerning the child.</p> <p>Adoption is preferred when reunification is not possible, because it returns a child to a permanent place in a family (legally and socially).</p>	<p>Parents' rights are suspended for permanent guardianship. Guardians make all decisions concerning the child, except when there are court orders.</p> <p>Permanent guardians have rights and responsibilities for:</p> <ol style="list-style-type: none"> 1. Physical custody 2. Every day decisions 3. Decisions about health issues 4. Where the guardian and child will live (e.g., move elsewhere) 5. Where the child will go to school and educational services

Visitation and Contact

Adoption	Permanent Guardianship (Title 8)
<p>Adoptive parents make all decisions about contact and visitation.</p> <p>Post Adoption Contact Agreement Adoptive parents can voluntarily mediate a post adoption contact agreement with birth parents. If the adoptive parent does not follow the agreement, mediation and/or a hearing may be set. The agreement, however, is viewed as very difficult to enforce if not followed.</p> <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>	<p>Permanent guardians make all decisions about contact and visitation.</p> <p>An Exception There may be court orders for contact. If the guardian does not follow the orders, a mediation and/or hearing may be set.</p>

Duration

Adoption	Permanent Guardianship (Title 8)
<p>Legal responsibilities end at 18 years of age, but children need "family" for life.</p> <p>Legal Security Adoption affords the highest level of legal security. When the adoption is final the child has all the rights of a birth child. This security is often valued by families in adoption</p>	<p>Legal responsibilities end at 18 years of age, but children need "family" for life.</p> <p>Undoing a Guardianship Guardianships can be reversed, but only by a judge. Parents must show: 1) the problems that brought about the guardianship have been remedied, and 2) it is in the child's best interest. A parent may go to court at any time to pursue reversal of a guardianship.</p> <p>Successor Guardianships The court can name a successor guardian.</p>

Subsidies and Supports

Adoption	Permanent Guardianship (Title 8)						
<p>Eligibility Adoption subsidy is based on factors related to the child. Almost all children in 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. Adoption subsidy will not be available for guardians who later adopt.</p> <p>Supports Depending on an assessment, subsidy may include various supports. An adoption subsidy worker can provide information about:</p> <ol style="list-style-type: none"> 1. Maintenance (cash assistance) 2. AHCCCS 3. Behavioral Health Services 4. Services for preexisting conditions 5. Support from a subsidy worker 6. Reimbursement for court expenses for adoption (up to \$2,000) <p>Maintenance (cash assistance) The adoption subsidy daily rates mirror foster care rates and are based on the child's special needs.</p> <table style="width: 100%; border: none;"> <tr> <td style="padding-right: 20px;">AM1: \$19.68</td> <td>Teen: \$27.15</td> </tr> <tr> <td>AM2: \$23.52</td> <td>Teen: \$29.40</td> </tr> <tr> <td>AM3: \$29.94</td> <td>Teen: \$37.42</td> </tr> </table> <p>Health Coverage Coverage is available through AHCCCS. Coverage is available if the child moves to another state through Medicaid.</p> <p>Behavioral Health Services Services are available through the RBHA. Services are available if the child moves to another state through Medicaid.</p> <p>Tax Credit A federal adoption tax credit may be available. Consult with a tax professional.</p>	AM1: \$19.68	Teen: \$27.15	AM2: \$23.52	Teen: \$29.40	AM3: \$29.94	Teen: \$37.42	<p>Eligibility 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>Supports</p> <ol style="list-style-type: none"> 1. Cash assistance 2. AHCCCS if eligible <p>Cash Assistance 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>Health Coverage Coverage may be available through AHCCCS. Guardians will need to apply at DES Family Assistance for AHCCCS for the child and renew the application annually. Coverage might be available if the child moves to another state through Medicaid.</p> <p>Behavioral Health Services Behavioral health services may be available through the RBHA if the child is Title 19 eligible. Coverage might be available if the child moves to another state through Medicaid.</p>
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<p>Education Supports FAFSA: Children adopted or going into permanent guardianship on or after their 13th birthday do not count parental income for determining college financial aid on FAFSA. ETV: Children adopted on or after their 16th birthday qualify for the ETV, providing up to \$5,000 per year for post-secondary education based on need.</p>
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<p>CHILD CARE: DCS will no longer pay for child care once guardianship or adoption is established.</p>

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