

PERMANENCY PLANNING GUIDE

Following is an overview of some of the rights and responsibilities of a parent, guardian, relative provider or foster parent under each of the permanency plans below. **There are considerations other than those listed below which should be explored in determining which plan best meets the child’s needs for safety, permanence and well-being.**

	ADOPTION	GUARDIANSHIP	APPLA - PERMANENT FOSTER CARE/ PLACEMENT WITH A FIT AND WILLING RELATIVE
Legal Status	<p>The child has a permanent family through a legalized parental relationship.</p> <p>Birth parents’ rights are terminated.</p> <p>The adoptive parent is given all the rights and responsibilities that once belonged to the birth parent.</p> <p>Legal relationship between child and extended birth family no longer in place.</p>	<p>The court appointed guardian has the authority and duties similar to those of a parent (for further details, please see “Duties of a Guardian” CF975).</p> <p>Birth parents’ rights are not terminated.</p> <p>Guardianship lasts until the child is 18 (or age 21 in certain circumstances, and the extension is requested) or earlier if the guardianship is vacated by the Court. The Court considers the child’s best interest or whether a guardian is unwilling or unable to serve as grounds for vacating.</p> <p>If a Durable Guardianship is established, a parent with legal standing can request that the guardianship be vacated and the child returned to the parent’s care. A parent does not have this right in a Permanent Guardianship. When reviewing a request to return the child to the parent, the Court considers both the parent’s circumstances <u>and</u> the child’s best interest. A best interest determination includes but is not limited to considering the child’s need to maintain existing attachments and relationships.</p> <p>A guardian is required to file a report with the Court regarding the child’s status every year within 30 days after each anniversary date of the guardianship’s appointment.</p>	<p>The child remains in the legal custody of the department, and decision-making is retained by the Department.</p> <p>Birth parents’ rights are not terminated. If one or both parents meet safety standards, then DHS requests Return to Parent.</p> <p>Court approves the “Permanent Foster Care Placement Agreement” (CF 1014) for youth 16 and older in foster care or the “Permanent Placement with a Fit and Willing Relative Agreement” for relative placements.</p> <p>DHS retains legal custody of the child. There is no legal status distinction between foster/relative care and these two plans. No legal permissions are awarded to the foster parent or relative provider.</p>

	ADOPTION	GUARDIANSHIP	APPLA – PFC/Placement With a Fit and Willing Relative
Decision Making	All major decisions are made by the adoptive parent(s). Decisions about school, medical treatment, religion, etc.	<p>Most major decisions are made by the guardian including the right to make decisions concerning the child’s educational, social and religious activities. The guardian is also responsible for authorizing ordinary medical, dental, psychiatric, psychological or other remedial needs.</p> <p>The guardian cannot return the child to the parents or place the child with any other person without the approval of the Court.</p>	<p>All decisions except routine medical care are retained by DHS.</p> <p>Ongoing regular contact as required by administrative rule including monthly face to face contacts, maintenance of certificate of approval, CRBs, Court hearings, etc.</p>
Financial Responsibility and Support	<p>Adoption Assistance is available for most children and may include:</p> <ul style="list-style-type: none"> -Ongoing monthly cash payment negotiated between DHS and the adoptive parent based on the parent’s out of pocket expenses to meet the child’s needs. The level of care rate determined by a CANS screening is also included when applicable. Payment cannot exceed what child was eligible for in foster care and cannot cover day care, tutoring, medical or educational expenses. <p>For child whose placement is paid through DDS, payment limit for AA is the child welfare rate for foster care NOT rate paid by DDS foster care.</p>	<p>Guardianship Assistance is available for most children, including children not receiving a Title IV-E foster care payment, and may include:</p> <p>Ongoing monthly cash payment can be negotiated between DHS and the guardian based on the guardian’s out of pocket expenses to meet the child’s needs. The level of care rate determined by a CANS screening is also included when applicable. Rate cannot exceed what child is eligible for in foster care and cannot cover day care, tutoring, medical or educational expenses.</p> <p>For child whose placement is paid through DDS, payment limit for GA is rate child welfare would pay for foster care, NOT rate paid by DDS foster care.</p>	<p>Regular foster care payments are available for all children including any payment for enhanced supervision determined by a CANS screening and personal care rate.</p> <p>Medical Card</p> <p>Foster parent is not legally / financially liable for child’s actions.</p>

<p>Financial Responsibility and Support (Cont.)</p>	<p>A medical card through the Oregon Health Plan when residing in Oregon. For children residing out of state, most states will also provide a medical card. In event child is not provided a medical card by the state of residency, Oregon will provide a medical card. Legal expenses related to finalize the adoption.</p> <p>-Adoptive parent has legal / financial liability for child’s actions.</p> <p>-If the child requires out of home placement (i.e.: residential/foster care), the adoptive parent is exempt by DCS (Division of Child Support) from providing child support unless placement due to abuse, neglect by the adoptive parent.</p> <p>Child adopted after the age of 13 is defined as “independent student” through FAFSA, and is income eligible for a number of federal and state grants and scholarships.</p> <p>Child adopted on or after age 16, may request AA extension every year until age 21 as long as certain requirements are met. Same youth qualify for all ILP services and college funding eligible to aging out foster youth, except IL and Chafee Housing. AA, however, may be used as an independent living subsidy.</p>	<p>A medical card through the Oregon Health Plan when residing in Oregon. For children residing out of state, most states will also provide a medical card. In event child is not provided a medical card by the state of residency, Oregon will provide a medical card. Legal expenses related to establish the guardianship.</p> <p>Guardian is not legally / financially liable for child’s actions.</p> <p>The guardian is exempt by DCS for child support if child requires out of home placement (i.e.: residential/foster care).</p> <p>Guardians have certain duties required by law in handling money or property belonging to a child.</p> <p>Child at any age in a guardianship is defined as an “independent student” through FAFSA, and is income eligible for a number of federal and state grants and scholarships.</p> <p>Child in a guardianship on or after age 16, may request GA extension every year until age 21 as long as certain requirements are met. Same youth qualify for all ILP services and college funding eligible to aging out foster youth, except IL and Chafee Housing. GA, however, may be used as an independent living subsidy.</p>	<p>See Independent Living Program (ILP) Services and Funds Matrix - DHS Child Welfare & Indian Child Welfare Teens for information about eligibility requirements in planning with older teens.</p>
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	ADOPTION	GUARDIANSHIP	APPLA – PFC/Placement with a Fit and Willing Relative
Accessing Services	Adoptive parent is primary advocate for accessing services (school, mental/physical health, etc.), including residential treatment. Some post adoption services are available through DHS and the Oregon Post Adoption Resource Center. Families residing in Oregon can request voluntary support services through a local DHS office.	Guardian is primary advocate for accessing services (school, mental/physical health, etc.), including residential treatment. Some post guardianship services are available through the Oregon Post Adoption Resource Center. Families residing in Oregon can request voluntary support services through a local DHS office.	DHS acts on behalf of the child. DHS has responsibility to make referrals for services the child needs and will coordinate service provision with Developmental Disability Services when it is appropriate.
Relationship with Birth Parent(s)	The adoptive parent(s) take the lead role in determining the type of relationship that the child will have with the birth family. Mediation is encouraged as a part of the adoption process and funds are available through the Adoption Program.	A guardian may decide on appropriate contact between the parent, relatives, siblings and the child, unless the court orders specify differently. Parents in only a Durable guardianship may move to modify an order regarding visitation. Local office funds for mediation for post guardianship contact with the birth parent may be available.	DHS and the courts determine relationship with birth parents, who may continue visitation and/or petition the court for return of the child to their care.
Child’s Legal Name	The child usually assumes the adoptive parent(s) last name, decision is made by the adoptive parent.	The child retains his/her legal name.	Child retains his/her legal birth name.
Inheritance	The child has all of the same rights as a child born to the adoptive family, including rights to survivor’s benefits when there is no will. Otherwise, inheritance rights are established through a valid will.	The child has no rights of inheritance from the guardian unless he or she is included in the guardian’s will.	The child has no rights of inheritance from the foster parent, unless provided for in a valid will.