

In helping the caretaker determine what the best permanent home arrangement is for the child, review the following rights and responsibilities with the caretaker.

	ADOPTION	SUBSIDIZED GUARDIANSHIP	PERMANENT FOSTER CARE
LEGAL STATUS	<p>Birth parents' rights are terminated.</p> <p>The adoptive parent(s) given all the rights and responsibilities that once belonged to the birth parents.</p> <p>Adoption is a legal relationship that cannot be disrupted.</p>	<p>Birth parents' rights are not terminated.</p> <p>Guardian is given all rights and responsibilities that had belonged to Department of Human Services (DHS).</p> <p>The birth parent typically retains "residual rights", which enable them to have limited voice in the upbringing of the child. However, the court may specify the frequency and nature of visitation or contact with relatives, or make any other order to provide for the child's safety and well-being. This also includes orders for child support.</p> <p>Subsidized guardianship ends when the child is 18, regardless of whether he/she has graduated from high school, or until the caregiver can no longer care for the child.</p> <p>The court makes all decisions regarding the transfer of guardianship, but unless "Permanent Guardianship" is established the parents can petition the court to vacate the guardianship order. However, the court must consider whether termination of the guardianship is in the child's best interest and will not result in emotional and developmental problems for the child, or create attachment disorders.</p> <p>Guardians must file an annual report with the court to include:</p> <ol style="list-style-type: none"> a. A description of the management of child's finances during the previous year. b. A report on the health and well-being of the child. c. The current address of the child. d. Whether there is still a need for a guardian. 	<p>Birth parents' rights are not terminated.</p> <p>Court must approve the Permanent Foster Care Placement Authority. (CF 1014)</p> <p>DHS has legal custody of the child and delegates specific guardianship responsibilities to the Foster Parent, as outlined in the "Delegation of Guardianship Authority to Child's Permanent Foster Parents" agreement. (CF 1018)</p>

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DECISION-MAKING	All major decisions are made by the adoptive parent(s). Decisions about school, medical treatment, religion, etc.	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 decisions concerning the child's medical needs. The court may limit these rights in the order and letters of guardianship.	All decisions of major legal significance are retained by DHS. (CF 1018) Ongoing regular contact with DHS (bi-annual contact, annual recertification, CRBs etc.).
FINANCIAL RESPONSIBILITY	Adoption Assistance is available for special needs children (98% of DHS children) and may include: <ul style="list-style-type: none"> ongoing monthly cash payment for physical, emotional and mental health issues (periodically reevaluated). medical card. payment for legal expenses related to the adoption. Parent has legal/financial liability for child's actions. If child requires out-of-home placement (i.e.; residential/ foster care), the adoptive parent is exempt by Division of Child Support (DCS) from providing child support.	Guardianship Assistance is available for children receiving a Title IV-E foster care payment and may include: <ul style="list-style-type: none"> ongoing monthly cash payment equivalent to the basic foster care rate. The basic rate of pay does not automatically increase. a title XIX personal care payment. The hours of personal care services authorized will never exceed the hours last authorized while the child was in foster care. Personal care rates are reviewed annually per personal care/foster care policy guidelines. The amount of the payment may decrease. Medicaid coverage in Oregon. (Children residing out of state may not be entitled to receive a medical card from that state. An Oregon medical card will be issued.) payment for legal expenses related to the guardianship (payment is at a fixed rate for legal services). No one time payment or monthly special rate may be authorized. Guardians are not legally obligated to contribute to the support of a minor child from their own funds. Guardians are not liable to third parties for acts of the child.	Monthly payment (special rate and personal care rates are evaluated as per foster care guidelines). Medical card.

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ACCESSING SERVICES	<p>Parent is primary advocate for accessing services (school, mental/physical health, etc.), including residential treatment.</p> <p>Some post-adoption support services are available through DHS.</p>	<p>Guardian is primary advocate for accessing services (school, mental/physical health, etc.), including residential treatment.</p> <p>Some post guardianship services are available through the local DHS Child Welfare Services office and the Oregon Post Adoption Resource.</p> <p>Call the DHS Central Office Adoption Unit if assistance payment or medical card is not received.</p>	<p>DHS acts on behalf of child.</p> <p>If the child has developmental delays, Mental Health “DD” Services will be “lead” agency in accessing services.</p>
RELATIONSHIP WITH BIRTH	<p>The adoptive parents take the lead role in determining the type of relationship that the child will have with the birth parent(s).</p> <p>Mediation is encouraged as a part of the adoption process.</p>	<p>The birth parent(s) has/have the right to visit the child. The guardian will have input into how the visits are structured, but cannot prevent visits from occurring. If the guardian and the parents cannot work out visitation, the court may order that visits take place on certain days, times, etc.</p>	<p>DHS and courts determine relationship with birth parents, who may continue visitation and/or petition the court for return of the child to their care.</p>
CHILD'S LEGAL NAME	<p>The child usually assumes the adoptive parents' name.</p>	<p>The child retains his/her legal name.</p>	<p>Child retains his/her legal birth name.</p>
INHERITANCE	<p>The child has all of the same rights as a child born to the adoptive family, including rights to survivors benefits when there is no will. Otherwise, inheritance rights are established through a valid will.</p>	<p>The child has no rights of inheritance from the subsidized guardian unless he or she is included in the guardian's will.</p>	<p>Child has no rights of inheritance, unless provided for in a valid will.</p>

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INDEPENDENT LIVING PROGRAM SERVICES	<p>Independent Living Program (ILP) services or educational assistance to become self-sufficient and independent is available to youth less than age 21 and age 14 or older if the youth was in foster care for 180 days after the age of 14.</p>	<p>ILP services or educational assistance to become self-sufficient and independent is available to youth age 14 or older and less than age 21, if the youth was in foster care for 180 days after the age of 14.</p> <p>The ILP Subsidy Program <u>is not available</u> to youth under a guardian's care. These services are available only to youth in the legal care and custody of DHS for foster care services.</p> <p>Youth age 18 and formerly placed under a guardian's care <u>do not qualify</u> for financial housing assistance under the ILP Chafee Housing Program.</p>	<p>ILP services or educational assistance to become self-sufficient and independent are available to youth age 14 or older and less than age 21, if the youth was in foster care for 180 days after the age of 24.</p> <p>The ILP Subsidy Program may be available if the youth is age 16 or older; currently enrolled in ILP skills training; in the legal care and custody of DHS for foster care services; and in a program of education and/or employed full-time (40 hours per week). Funding for this program is dependent upon the availability of state funding.</p> <p>Youth may qualify for financial housing assistance under the ILP Chafee Housing Program if at the time of their discharge from DHS or a federally recognized tribe's custody they are age 18 or older and enrolled or soon to be enrolled in the ILP, and involved in a program of employment/ education. Funding for this program is dependent upon the availability of federal funding.</p>

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DEGREE OF PERMANENCY ENDING PARENTING RELATIONSHIP WITH CHILD	<p>Equal to biological parents and, as with birth parents, ending the parental role is difficult, and dependent on all of the following:</p> <p>A valid reason for doing so (i.e., the child was abused or neglected to the extent that termination of parental rights is warranted or if it is no longer in the child's best interest, voluntary relinquishment may be approved);</p> <p>A new resource family is identified; and</p> <p>The child has the ability to successfully transition to another family.</p>	<p>The parenting responsibility under guardianship could end as a result of:</p> <ul style="list-style-type: none"> • The court granting the parents' request that guardianship be taken away from the care taker. Unless Permanent Guardianship is granted by the court, the guardianship order could be dismissed. • Adoption. • A valid reason for doing so (i.e., the child was abused or neglected). • The child being out of the home for an extended period with no plans to return to the home, or the child is no longer living in the home. • It being demonstrated that the guardians are no longer legally responsible for the financial support of the child or the child is no longer receiving financial support from the guardian. • The child reaching age 18 or emancipation, whichever comes first. 	<p>Depending on specific criteria, relationships between DHS and foster parents, and commitment of all parties, the parenting responsibility under permanent foster care could end as a result of:</p> <p>Mutual decision by DHS and foster parents; or</p> <p>Development of an emancipation plan at age 16 (Independent Living Program services can assist in this transition, until age 21); or</p> <p>If certification of the foster parent ends for any reason (i.e., health issues, moves and is not recertified in new location, founded abuse, etc.); or</p> <p>Foster parent or DHS gives written notice as a result of "serious unusual circumstances" that make it impossible to fulfill the agreement; or</p> <p>Developmentally disabled child is transitioned into adult foster care by age 21; or</p> <p>Child's request is approved by DHS.</p> <p>DO NOT FILE IN CASE FILE.</p>