

## Funding Sources

# Adoption Assistance Program (AAP)

The Adoption Assistance Program is available to both relative and non-relative families who adopt children from foster care. AAP reduces financial barriers to the adoption of children who might otherwise remain in foster care. Eligibility is not based on family income, but rather on the eligibility of the child. The AAP rate is negotiated with each family, and is based on the child's basic and special needs and the circumstances of the family. Information is available at [www.dss.cahwnet.gov/pf/PUB152.pdf](http://www.dss.cahwnet.gov/pf/PUB152.pdf)

### **Kin-GAP**

Kin-GAP is a cash aid program that supports eligible relative caregivers in California who become legal guardians. Kin-GAP provides eligible relative guardians with the basic AFDC-FC rate for the child's age. Kin-GAP gives relative caregivers that are unable or unwilling to adopt a youth an option for exiting the child welfare system.

A Kin-GAP guardian cannot receive Kin-GAP funding if s/he moves out of California; however, guardians can reinstate Kin-GAP once they move back to California. If a prospective Kin-GAP eligible guardian plans to leave the state, Kin-GAP should be established before dependency is dismissed so that the guardian could receive Kin-GAP aid if they ever move back to California. Kin-GAP eligibility cannot be re-established once dependency has been dismissed.

A relative must meet certain eligibility criteria to be a Kin-GAP guardian. Detailed information about the Kin-Gap Program and eligibility criteria is available from your social worker or at <http://www.dss.cahwnet.gov/getinfo/pdf/pub272.pdf>

## Basic Foster Care Rates

Refer to the chart on page 20 that shows current AFDC-FC standardized basic rates for foster family homes set by the California Department of Social Services.

Chart 2 considers and compares the following factors in regards to Adoption, Legal Guardianship (Relative/Non-Relative) and Long Term Foster Care:

1. Eligibility/placement criteria
2. Ongoing agency involvement
3. Legal relationship
4. Legal permanence
5. Parenting rights and responsibilities
6. Education decisions
7. Child's residence/Moves out of state
8. Child's driving/License
9. Armed services
10. Marriage of minor child
11. Services available
12. Death of caregiver
13. Special conditions/court jurisdiction

## Chart 2: A Comparison of Legal and Psychosocial Factors

# Comparison Of Legal and Psychosocial Factors

	Adoption	Legal Guardianship		Long Term Foster Care
		Relative/ Non-Relative Extended Family Member	Foster Parent	

**Note:** “Agency” means Child Protective Services throughout this document.

<b>Eligibility Placement Criteria</b>	<p>Adoptive parents must meet all state guidelines and requirements for approval, including completion of training and assessment, resulting in an approved Adoption Home study. Approval must be from a licensed Adoption Agency. Agency must make recommendation to Court for final approval.</p>	<p>Relative and non-related extended family members (NREFM) must meet all state guidelines and requirements first for foster care placement, including training and assessment, and pass relative Approval process. Agency must make recommendation to Court for Legal Guardianship, and final approval comes from Court.</p>	<p>Non-related caregivers (who are not NREFMs) must first be licensed or certified foster families. Families must complete training, assessment, and meet licensing regulations. Agency 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 a Certified Foster Family Agency. Additionally, families must complete training and undergo an assessment. Relatives must also be approved for placement through a Relative Approval Process. Juvenile Court approves all placements.</p>
<b>Ongoing Agency Involvement</b>	<p>Agency closes child’s case following finalization. Agency is involved only for the provision of AAP, if eligible, or if the family requests, post adoption services may be made available.</p>	<p>Court may dismiss Juvenile Court Dependency following order of Guardianship. If so, no further Agency support or involvement is given. If dependency is continued, Agency supervision, case management and Court supervision continues. For non-relative guardians, receiving foster care funding, they are visited every 6 months by a social worker.</p>	<p>Court may dismiss Juvenile Court dependency following order of guardianship, although technically, court maintains right to supervise placement. When a family receives foster care funding, a social worker visits every 6 months. Court supervision and case management continues if dependency is not dismissed. If child is on SSI and a Regional Center client, the Regional Center provides case management.</p>	<p>Agency continues to hold custody of the child and provides case management services to the child and sometimes the family. Caregivers must keep license or certification active and are subject to regulations and involvement by the Agency in their home and with family.</p>

# Comparison Of Legal and Psychosocial Factors

	Adoption	Legal Guardianship		Long Term Foster Care
		Relative/ Non-Relative Extended Family Member	Foster Parent	

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<b>Legal Relationship</b>	<p>Adoptive parents commit to a permanent lifelong relationship with the child. An adopted child becomes their child in all respects. The legal relationship is the same as it is to a child born to them. The child's court dependency is dismissed when the adoption is finalized.</p>	<p>Guardianship suspends the legal rights of birth parents. The guardian(s) have parental responsibility for care, custody, control, and conduct of the child.</p>	<p>Guardianship suspends the legal rights of birth parents. The guardian(s) have parental responsibility for care, custody, control, and conduct of the child.</p>	<p>While foster parents and relative/NREFM caregivers provide food, housing and care to a child, the Juvenile Court has legal jurisdiction over the child and the Agency is responsible for the case management and supervision of the child in the home.</p>
<b>Legal Permanence</b>	<p>Adoption is a lifelong legally binding relationship and provides the highest level of legal permanence. The adoptive parents become the legal parents. Birth parents rights are terminated, and birth parents cannot reclaim the child.</p>	<p>Guardianship provides permanence, however, it is not as legally secure as adoption. The court can terminate guardianship, the birth parents can petition the court to terminate the guardianship, or the legal guardian may ask the court to dismiss guardianship. Birth parents' rights are usually not terminated, and birth parents may have the right to visit the child. The legal guardian has authority to allow birth parents to be involved in decisions regarding the child. Legal Guardianship ends at age 18 or may be extended if youth is still in high school.</p>	<p>Guardianship provides permanence, however, it is not as legally secure as adoption. The Court can terminate guardianship, the birth parents can petition the court to terminate the guardianship, or the legal guardian may ask the court to dismiss guardianship. Birth parents' rights are usually not terminated, and birth parents may have the right to visit the child. The legal guardian has authority to allow birth parents to be involved in decisions regarding the child. Legal guardianship ends at age 18 or may be extended if youth is still in high school.</p>	<p>Foster care is meant to be temporary, and does not provide legal permanence for a child. The Agency continues to maintain custody of the child through 18<sup>th</sup> birthday or until age 19/High School graduation. The agency can remove the child from the caregiver's home, or the caregiver can request child's removal. Placement can disrupt at any time. Birth parents rights are generally not terminated, and birth parents maintain the right to visit and be involved in major decisions regarding the child, depending on case situation. The agency makes recommendations to court regarding the child, and the Juvenile Court makes major decisions.</p>

# Comparison Of Legal and Psychosocial Factors

	Adoption	Legal Guardianship		Long Term Foster Care
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<b>Parenting Rights and Responsibilities</b>	Adoptive parents possess all parenting rights and responsibilities for the child.	Legal guardians possess parenting rights and responsibilities. When birth parent rights are not terminated, they retain right to visitation. The court can make visitation orders that limit parents’ rights.	Legal guardians possess parenting rights and responsibilities. When birth parent rights are not terminated, they retain right to visitation. The court can make visitation orders that limit parents’ rights.	Caregivers must share parenting rights with the agency. They must obtain agency permission for some medical procedures, travel with the child, etc. Agency/court make major decision regarding the child. Birth parents may still be involved in major decisions regarding the child. Court decides on major medical decisions.
<b>Education Decisions</b>	Adoptive parents make all decisions regarding the education of the child. They can request special services from schools, regional centers and any other service provider.	Guardians can choose the child’s school and educational program. They can request special services from schools, regional centers and any other service provider. The birth parent may have the right to be involved in school meetings and planning for the child. In special situations, the court may be involved in decisions.	Guardians can choose the child’s school and educational program. They can request special services from schools, regional centers and any other service provider. The birth parent may have the right to be involved in school meetings and planning for the child. In special situations, the court may be involved in decisions.	Unless parental rights are terminated or the birth parent’s educational rights are limited, the birth parent retains the right to make critical decisions regarding education for the child. The child welfare agency and the courts are involved in specific decisions. Foster parents can be appointed to make educational decisions for the child.

# Comparison Of Legal and Psychosocial Factors

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<b>Child's Residence/ Moves out of County or State</b>	Residence is solely determined by the adoptive parents. Adoptive parents are free to relocate anywhere in the U.S. and/or out of the country. Adoptive assistance follows the family.	Guardians with non-dependents have the right to move anywhere in state. If the Guardian plans to move out of California, they must obtain court permission and the Guardian is no longer eligible for Kin-Gap funding (if guardian is a relative) from California. Guardianship and/or funding may need to be reestablished in the new state, subject to the new state's laws and eligibility rules.  Guardians with dependent children need to obtain permission from the court to move out of the county or state.	Guardians with non-dependents have the right to move anywhere in state. If the Guardian plans to move out of California, they must obtain court permission. Guardianship and/or funding may need to be reestablished in the new state, subject to the new state's laws and eligibility rules.	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). The Juvenile Court and the Child Welfare Agency determine where the child lives. Courtesy supervision is arranged when a child moves with caregiver out of county or out of state. Interstate Compact Program rules must be followed when a child moves out of state and licensing/ certification procedures for that state must be followed.
<b>Driving/ License</b>	The adoptive parents may sign for the youth's driver's license. By signing for the license the adoptive parents assume responsibility for insurance coverage. The parent can withdraw consent at any time.	The guardian may sign for the youth's driver's license. By signing for the license, the guardian assumes responsibility for insurance coverage. The guardian can withdraw their consent to the license at any time.	The guardian may sign for the youth's driver's license. By signing for the license, the guardian assumes responsibility for insurance coverage. The guardian can withdraw their consent to the license at any time.	Youth is required to file proof of financial responsibility. A responsible adult can sign the DMV application; liability issues may be of concern.

# Comparison Of Legal and Psychosocial Factors

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<b>Armed Services</b>	The adoptive parents may consent to the enlistment of a minor.	A guardian may consent to the enlistment of a minor.	A guardian may consent to the enlistment of a minor.	The Juvenile Court retains the responsibility to consent to the enlistment of a minor until the youth emancipates.
<b>Marriage of Minor Child</b>	Adoptive parents may consent to marriage of their minor child.	Both the court and the relative guardians must give consent to the marriage of a minor child.	Both the court and the relative guardians must give consent to the marriage of a minor child.	The Juvenile Court maintains the responsibility to consent to the marriage of a minor under its jurisdiction.
<b>Services Available</b>	The adoptive family is eligible for post- adoption services, which may include providing resources and referrals, brief care management, and crisis intervention.	The family is eligible for services available for any family receiving TANF funding. If dependency is dismissed, the agency no longer provides support. Support may be available through local kinship centers.	When dependency is dismissed, the agency continues to provide support, through resources, referrals, and home visits every 6 months. If court dependency continues, child continues to be eligible for services through the agency.	Child and caregiver eligible for services through the agency. Agency provides supervision, case management and crisis intervention services.
<b>Death of Caregiver</b>	The adopted child is treated the same as a birth child. The adoptive parents can designate in their will who will raise the child in the event of their death. AAP does not continue at the death of the adoptive parent(s).	Guardianship terminates in the event of death of the guardian. Birth parents may attempt to regain custody. The court may appoint a successor guardian or reestablish dependency and place the child in foster care.	Guardianship terminates in the event of death of the guardian. Birth parents may attempt to regain custody. The court may appoint a successor guardian or reestablish dependency and place the child in foster care.	The agency retains placement authority and must locate another living arrangement for the child.

# Comparison Of Legal and Psychosocial Factors

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<b>Special Conditions/ Court Jurisdiction</b>	If adoptive parents agree, a post adopt mediation may occur prior to the adoption and a plan may be ordered at the adoption regarding visitation/contact with birth parents and/ or relatives.	The court may ask the guardian to agree to other special agreements concerning the child's welfare.	The court may ask the guardian to agree to other special agreements concerning the child's welfare.	Caregivers must follow agency and court directions regarding visitation and supervision. They must adhere to court orders.
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## Acknowledgements

Jonathan Pearson and Tiffany Hagler collected quotes from current and former foster youth in the Sacramento County Independent Living Program for use in this booklet.

Terry Clauser and Laurie Slothower of Sacramento County Child Protective Services edited the booklet.

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