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### Engage family members in permanency decisions

- When families are engaged in case planning, they are more likely to actively participate in the plan and work toward its requirements.
- Define key terms when discussing the permanency plan. Do not use unfamiliar jargon or acronyms.
- Be clear and honest about your obligation to secure permanency for the child. Explain that if reunification with the parents is not possible, you need to place the child with a new permanent family through adoption or guardianship.
- Communicate frequently with all family members so they are informed on the permanency plan and the agency's intentions.
- Assess the unique needs of the child and prospective caregivers, and discuss the different resources that will be available for each permanency plan option to ensure all parties are making an informed decision.
- Explain the differences between adoption and guardianship to older children and listen to the youth's thoughts and wishes.

(Child Welfare Information Gateway. Bulletin for Professionals. Engaging Families in Case Planning.)

## Choosing Guardianship as a Permanency Plan

### There are benefits to guardianship when reunification and adoption have been ruled out.

- Guardianship can increase a child's sense of normalcy by retaining the original family roles, such as grandparent and grandchild.
- Birth parents can remain involved in the child's life, if appropriate. If parental rights are not terminated, the parents may retain rights to visit the child.
- Guardianship can be less traumatic for parents, and help retain dignity.
- Parents may agree to guardianship, which avoids difficult contested termination (TPR) hearings and achieves permanency more quickly.
- Relatives who do not want the parents' rights terminated, or are hopeful that the parents will be able to change and assume parenting in the future, may feel more comfortable with guardianship.
- In some situations, guardianship is the only alternative for children who might otherwise remain in out-of-home care without permanency.
- A significant person in the child's life may not want to adopt, but may be willing to be a guardian.

### Consider the impacts to the child, parents, and guardian when determining which plan is in the child's best interest.

- Provide children with age-appropriate information on adoption and guardianship to prepare them to voice their preferences.
- Reunification is the preferred permanency option, when it can be achieved safely and within a timeframe that meets the child's needs.
- Adoption is a more permanent option than guardianship, and provides a lifelong legal relationship between the child and adoptive parent.
- Consider the needs and wishes of each child in a sibling group, particularly about maintaining sibling connections. An older sibling may prefer guardianship because of existing relationships, but adoption of a sibling by a different family often results in long-term sibling separation.
- Adoption subsidy provides more financial aid and support services than are offered through guardianship subsidy. For example, guardians must apply for AHCCCS for the child and renew their eligibility yearly, while AHCCCS is provided through adoption subsidy.
- Juvenile court-ordered permanent guardianship continues until the child is an adult. Guardians must be prepared to care for the child until adulthood.
- DCS services for the parents to help them achieve reunification will end when guardianship is ordered. If the parents want to regain custody of the child, they will need to seek services on their own.
- A Permanent Guardianship may require some court and agency follow-up. Usually this is a one-time home visit a year after the guardianship is finalized. Sometimes the court may order additional follow-up by DCS and/or additional court hearings. Make sure the caregiver is able and willing to participate in future home visits.
- Classes to provide caregivers with information on Adoption and Guardianship and Kinship Foster Care are available by calling any of the agencies listed in the last section of this Practice Guideline.

### Guardianship may be more culturally respectful.

- Historical oppression and other influences on cultural values may impact a caregiver's view on adoption as a permanency option.
- Explain the goal of permanency and the available options. Ask the family about their beliefs and consider permanency options consistent with these values.
- Be sensitive to family member's language, roles, and parenting expectations.
- Guardianship is a more culturally respectful option for many American Indian families.

*"...adoption has been practiced in most tribal communities through custom and ceremony. In general, tribes did not practice termination of parental rights...adoption became a negative thing due to forced assimilation policies; it was used as a tool to destroy Indian families and culture"*

(National Indian Child Welfare Association)

### Additional considerations

- The guardianship can be granted in the child's county of jurisdiction or the guardian's county of residence.
- ICPC must be approved before guardianship is finalized with an out-of-state caregiver.
- Guardianship Subsidy is available only to permanent guardians appointed by the Juvenile Division of the Superior Court of the state of Arizona.

### Guardianship maintains family connections

Guardianship increases children's sense of family stability and allows them to retain rights of association with their family members. Parents, children, and caregivers may feel more comfortable with guardianship because they retain their original roles as grandparent/grandchild, aunt/uncle and nephew/niece, siblings, and parent/child.

### Legal Authority and Responsibility

When a permanency goal of guardianship is selected, the DCS Specialist may file a motion for permanent guardianship if:

- A child has been in a relative or foster home for at least nine months as a dependent child. (DCS may request that the court waive the nine month requirement for "good cause." such as the child lived with the placement prior to entering DCS custody or the prospective guardians are planning to move out-of-state.)
- The prospective guardian has made a commitment to care for the child and ensure the child's continued safety through transition to adulthood.
- It is determined by the court that guardianship is in the best interest of the child.
- The court may order permanent guardianship prior to the child being adjudicated dependent (see DCS Policy Chapter 5: Section 25 for DCS management approval information).

### Guardianship Subsidy

- Financial supports (guardianship subsidy payments) may be available to a permanent guardian of a child who was in the custody of DCS at the time the permanent guardianship was granted by the Juvenile Division of the Superior Court in Arizona. Should the guardian choose to adopt at a later date, the child may qualify for adoption subsidy at the guardianship subsidy rate.
- The DCS Specialist assists the family in filling out the Guardianship Subsidy Application. The application should be completed in Guardian, and sent to the Guardianship Subsidy office 30 days prior to the guardianship hearing.
- Within ten (10) working days of receipt of the Guardian Subsidy application a letter is sent to the guardian (applicant), acknowledging receipt. Upon approval, the guardian is informed of the amount of the subsidy and the start date for payment.
- Guardianship subsidy payments do not cover all of the expenses of caring for the child. The DCS Specialist should help the prospective caregivers assess the amount of support they will receive from subsidy payments and state and federal benefits to assure they can meet the basic needs of the child. The permanent guardian will need to apply for any federal benefits (SSI/SSD) the child may be eligible for following the finalization of the guardianship. For questions about applying for Social Security benefits, call 1-800-722-1213
- DCS will review the family's guardianship subsidy agreement annually through annual review to ensure the family is still eligible for guardianship subsidy, and that the subsidy rate is still appropriate to support the needs of the child. The permanent guardian will need to submit the completed paperwork and any supporting documentation to the Guardianship Subsidy Specialist within thirty (30) days of receipt of the request to complete the annual review process.
- The permanent guardian will notify DCS in writing within two weeks of the following:
  - ▶ Termination of the guardianship
  - ▶ Death of the child
  - ▶ Child no longer residing with the guardian
  - ▶ Change in federal/state program benefits
  - ▶ Change in address.

### Resources for caregivers

- The “What are the differences between Adoption, Permanent Guardianship, and APPLA” matrix (CSO-1060A) provides a comparison between adoption, permanent guardianship or APPLA (often referred to as AYAP or Independent Living).
- The Title 8 Guardianship Subsidy pamphlet (CSO-1163A) provides written information on available financial resources for guardians.
- The child will receive a courtesy enrollment into an AHCCCS health plan with notification to the guardian from the Family Assistance Administration (FAA). For questions regarding Health Care through AHCCCS, please contact:
  - ▶ AHCCCS: 602-417-4230
  - ▶ KidsCare: 602-417-5437 in Phoenix, 1-877-764-5437 statewide.
- Arizona Kinship Support Services assists kin caregivers with identifying community resources in Tucson at (520)602-7664 and in Maricopa County at (480)748-9269. (ArizonaKinship.org)
- The following resources are specific for supporting grandparents raising their grandchildren. Arizona Grandparent Ambassadors (520)722-5945 \* azga.org; Duet Kinship Care Services (602)274-5022 \* duetaz.org
- Day care assistance may be available through the DES Child Care Administration. In order to avoid the wait list, it is important that the permanent guardian apply within 30 days of the guardianship order.

#### For assistance regarding the Guardianship Subsidy Program, please contact:

<b>Phoenix office</b> - Serving families residing in Maricopa, Apache, Coconino, La Paz, Navajo, Mohave, and Yavapai counties	1818 E Sky Harbor Circle N Ste 100 Phoenix, AZ 85034 Main office line – 602-771-6470 Fax – 602-771-6480
<b>Tucson Office</b> - Serving families residing in Pima, Pinal, Cochise, Graham, Greenlee, Gila, Santa Cruz, and Yuma counties	4201 S Santa Rita Ave #105 Tucson, AZ 85714 Main line – 520-885-8002 Fax – 520-885-8033