

## Adoption versus Guardianship

	<b>Adoption</b>	<b>Guardianship</b>
<b>What is it?</b>	<ul style="list-style-type: none"> <li>Creates new parent-child relationship between adopter and adoptee</li> <li>As if the adoptee were born to the adopter</li> </ul>	<ul style="list-style-type: none"> <li>Gives guardian legal authority to make long-term decisions concerning child's welfare, education, discipline, medical care, etc.</li> </ul>
<b>What rights will the birth parents retain?</b>	<ul style="list-style-type: none"> <li>Birth parents do not retain rights</li> <li>Pre-adoptive parent and biological parent/relative may enter into a judicially enforceable post-adoption contact ("PAC") agreement</li> <li>Adoptive parents may allow the child to see whomever they deem appropriate</li> </ul>	<ul style="list-style-type: none"> <li>Parental rights intact, not terminated</li> <li>Guardian has right to make major decisions</li> <li>Parent retains ability to demonstrate parental fitness and to seek modification and custody</li> <li>Parents can move the court to change the provisions of the guardianship order</li> </ul>
<b>What happens to the neglect case?</b>	<ul style="list-style-type: none"> <li>Closed by court</li> </ul>	<ul style="list-style-type: none"> <li>Open but dormant after guardianship order</li> </ul>
<b>Can this custody arrangement be modified in the future?</b>	<ul style="list-style-type: none"> <li>No – Final decree of adoption can't be modified unless there is a procedural or jurisdictional defect</li> <li>Motion filed within one year following the decree</li> <li>Decree may be vacated in extreme cases after 1 yr.</li> <li>Adopted child can't reenter foster care after age 18</li> </ul>	<ul style="list-style-type: none"> <li>Yes – If there is substantial and material change in the child's circumstances and modification is in the child's best interest</li> <li>Child who exits foster care to guardianship can't reenter foster care after age 18</li> </ul>
<b>What cash benefits can the child receive?</b>	<ul style="list-style-type: none"> <li>Subsidy available until age 21</li> <li>Subsidy rate generally is the same as foster care board rate</li> </ul>	<ul style="list-style-type: none"> <li>Subsidy available until age 21</li> <li>Subsidy rate generally is the same as foster care board rate</li> </ul>
<b>Is college financial aid available?</b>	<ul style="list-style-type: none"> <li>Child may be eligible for federal and state programs depending on age left foster care</li> <li>DC Tuition Assistance Grant (DCTAG) grants of up to \$10,000 toward the difference between in-state and out-of-state tuition at public colleges and universities throughout the US</li> </ul>	<ul style="list-style-type: none"> <li>Child may be eligible for federal and state programs depending on age left foster care</li> <li>DC Tuition Assistance Grant (DCTAG) grants of up to \$10,000 toward the difference between in-state and out-of-state tuition at public colleges and universities throughout</li> </ul>

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	<ul style="list-style-type: none"> <li>DC Leveraging Educational Assistance Partnership (DCLEAP) - need-based grants of up to \$1,000 per year for undergraduate study</li> </ul>	<p>the US</p> <ul style="list-style-type: none"> <li>DC Leveraging Educational Assistance Partnership (DCLEAP) - need-based grants of up to \$1,000 per year for undergraduate study</li> </ul>
<p><b>What other benefits will I receive?</b></p>	<ul style="list-style-type: none"> <li>Child will be eligible for D.C. Medicaid</li> <li>Adoptive parent may be eligible for tax credits</li> <li>Adoption credit, child care credit, child tax credit, earned income tax credit, etc.</li> <li>The adoptive parent may also be eligible for a dependent exemption</li> </ul>	<ul style="list-style-type: none"> <li>Child will be eligible for D.C. Medicaid</li> <li>Guardian may be eligible for tax credits</li> <li>Child care credit, child tax credit, earned income tax credit, etc.</li> <li>May also be eligible for dependent exemption</li> </ul>