

Also, the guardian may be able to obtain some stabilization services in order to help maintain guardianship.

What if, after services have been provided, the guardian still cannot handle the child?

Depending on the circumstances of the individual family, it is possible that the case may be brought back into court. If that happens, the judge may appoint DCFS as the child's guardian. If the judge does this then, depending on the individual circumstances, DCFS may appoint the subsidized guardian as a non-relative or relative foster parent and provide appropriate services. There is some risk, however, that DCFS may recommend to the court that the child's best interests require placement elsewhere.

Subsidized guardianship should be considered a permanent arrangement. Only in extraordinary circumstances should guardianship be vacated.

What if a subsidized guardian is interested in adopting the child?

Private guardians can apply to adopt a child in their care. In order to adopt the child, the child's parents must consent to the adoption or the court must find the parents unfit and terminate their parental rights. The court can consider the guardian's request to adopt the child only after the child is "free for adoption" through termination of parental rights. The guardian would most likely be eligible for an adoption subsidy.

What if I believe that my rights under the subsidized guardianship agreement have been violated in some way?

If there is a problem with guardianship, the DCFS appeals system may be available to address the concerns. Guardians have the right to appeal any of the Department's decisions to reduce, change, or terminate subsidized guardianship. If you would like more information on how this appeals system works, contact:

Administrative Hearings Office
Illinois Department of Children and
Family Services
160 N. LaSalle, 6th Floor
Chicago, IL 60601
(312) 814-5540



If you are a relative caregiver or foster parent and believe that subsidized guardianship or adoption may be right for you, please call DCFS at (312) 814-8626 to request a handbook containing more information or contact your caseworker. This handbook will explain the next steps.

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Printed by Authority of the State of Illinois
CFS 1050-44 IL 418-0643
6M Rev. 2/97

Subsidized Guardianship for Foster Parents and Relative Caregivers



Relative caregivers and foster parents may be eligible for a new program—**subsidized guardianship**—for children where return home and adoption are not acceptable alternatives. Adoption is always the preferred permanency option if caregivers (relative and non-relative) are ready to make a permanent commitment to the child or children in their care and if returning home to the birth parents has been ruled out. However, if adoption is not a viable option then subsidized guardianship should be explored. This brochure is meant to help explain some of the differences between **subsidized guardianship** and **adoption**.

Illinois Department of Children
and Family Services

Background

The Illinois Department of Children and Family Services (DCFS) is committed to providing permanent, safe and stable homes for the children in its care. Because of the increasing complexity of problems facing children in foster care, family reunification and adoption are not able to meet the needs of all the children currently in foster care. **Subsidized guardianship** was created to meet the needs of those children living with caregivers who provide a safe and stable environment, but for whom goals of adoption and return home have been ruled out as options.

What is subsidized guardianship?

Subsidized guardianship is the transfer of legal responsibility for a child from DCFS custody to that of a private caregiver who becomes the legal guardian of the child. This means that DCFS is no longer involved in the care, supervision, or custody of the child. A subsidy is paid to the legal guardian to assist in the child's care.

Who is eligible for subsidized guardianship?

The DCFS or private agency caseworker for the family will help determine the eligibility of the child for subsidized guardianship. The following are *minimum* requirements for eligibility:

- Child must be at least 12 years old if the foster parent is a non-relative
- Child may be any age if the foster parent is a relative

- Child has been in DCFS custody for two years and is likely to remain in care
- Child has lived with the foster parent for at least one year (this requirement is waived for siblings when at least one sibling meets all criteria)
- Permanency goals of return home and adoption have been ruled out for the child and a goal of permanent family placement has been selected
- Birth parents have consented to the subsidized guardianship arrangement **or** the birth parents have been provided adequate notice under law

Note: These are minimum requirements and, even though a child may meet all of the above criteria, he or she still may not be eligible for subsidized guardianship.

How is subsidized guardianship different from adoption?

Adoption requires the complete termination of the birth parents' rights. Subsidized guardianship generally allows birth parents to maintain the following rights:

- reasonable visitation with the child
- consent to adoption

What decisions can a guardian make for the child?

Rights of care, custody and supervision of the child are legally assigned to the guardian. This means, the guardian assumes the rights and responsibilities to make important decisions in matters having an effect on the life,

education and development of the child, including the right to consent to marriage, major medical treatment, or obtaining representation for the child in legal matters.

How much is the subsidy?

Each child in the subsidized guardianship program is eligible for a subsidy. However, the specific circumstances of the guardian and the special needs of the child are taken into consideration on an individual basis when determining the type and amount of assistance to be provided under each guardianship assistance agreement. The family's caseworker can work with potential guardians to find out exactly what amount they may receive as guardian of the child. Typically, the types of payments that a subsidized guardian might receive are:

- One-time only payments, if required, to assist in the cost of the transfer of guardianship
- Health and special care needs not paid for by public or private insurance or other public resources
- Ongoing monthly payments based on the same calculations used to determine adoption assistance. (If a child receives Social Security Administration (SSA) benefits, the amount of the SSA benefits will be considered in determining the amount of the subsidy)

What happens if the guardian discovers that he or she can't handle the child without help?

There will be a post guardianship unit to provide resource and referral to guardians.