

Guardianship and Adoption **COMPARISON GUIDE**



Washington State Department of
CHILDREN, YOUTH & FAMILIES

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Guardianship or Adoption: *Tools to Answer Some of Your Questions*

PERMANENCY PLANNING

Permanency planning starts at first contact with the family and continues until a permanency goal is achieved. Concurrent Planning describes when DCYF is working on multiple plans at the same time. This planning provides for timely reunification services while anticipating and preparing for an alternate permanent plan.

Permanent plan options include:

- Return home to the child's parent, guardian or legal custodian
- Guardianship (Title 11 & 13)
- Adoption

This publication is designed to guide proposed guardians or adoptive parents with their questions about guardianship and adoption. Birth parents, older children, and case workers may also find this tool helpful.

The publication also discusses the differences between Title 13 guardianship and Title 11 Guardianship of a minor. **When addressing Title 11 Guardianship of a minor this document refers only to those involving a child or youth in an open dependency.** The majority of Title 11 Guardianship cases do not involve DCYF but are informal kinship caregivers.

This document is not all-encompassing, and anyone considering adoption or guardianship should consult with their case worker and seek legal advice from an attorney.

PERMANENCY PLANNING MATRIX

DCYF must discuss and consider permanent plan options including reunification, guardianship (Title 11 & 13), and adoption using the *Permanency Planning Matrix* (CWP_0088) (https://www.dcyf.wa.gov/publications-library/CWP_0088) with the parent(s), caregiver(s), relatives/kin, child, and tribe.

OBJECTIVE

This publication highlights many topics relating to permanency plans (medical coverage, education benefits, etc.) Under each topic you'll see the headings described below followed by a brief description of how that permanency plan option (guardianship/adoption) is affected by the topic.

Title 13 Guardianship

Provides permanency for a child with an open dependency with an approved adult when reunification and adoption is not determined to be in the best interest of the child.

Legal relationship ends on the child's 18th birthday.

Title 11 Guardianship

The Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act (UGA) – RCW 11.130 – was designed to protect the rights and needs of individuals with incapacities, while also ensuring the liberty and autonomy of those individuals is restricted only to the extent necessary to adequately provide for their health and safety, or adequately manage their financial affairs.

Adoption

Provides permanency for a child when adoption rather than reunification or guardianship is determined to be in the child's best interest. The child becomes a permanent and legal member of a family with all the legal rights and responsibilities of a birth child. Adoption is a lifelong commitment.

Title 13 Guardianship

Ch 13.36 RCW:
<https://apps.leg.wa.gov/RCW/default.aspx?cite=13.36>

Title 11 Guardianship

Ch 11.130 RCW:
<https://app.leg.wa.gov/RCW/default.aspx?cite=11.130>
Title 11 Guardianship subsidy and post-permanency benefits are only for children/youth who were dependent of DCYF when the guardianship was established.

Adoption

Ch 26.33 RCW:
<https://app.leg.wa.gov/RCW/default.aspx?cite=>

INITIATING PERMANENCY PLANNING

✔ Title 13 Guardianship

✔ Title 11 Guardianship

- The plan of Title 13 and Title 11 Guardianships provide permanency for a child with an approved adult. DCYF must discuss guardianship (both a Title 11 and 13) as a permanent plan with the caregiver, parent, and child once a child has been in out-of-home care for more than six months.
- DCYF must assess if guardianship is available as a permanent option, continuously explore all kinship placement options, address efforts DCYF made to support a guardianship, and actively pursue ways to remove barriers to achieving guardianship. Permanency is assessed based on the child's best interest.

✔ Adoption

- The plan of adoption provides permanency for a child when adoption rather than reunification or guardianship is determined to be in the child's best interest and/or due to the unavailability of a qualified guardian.
- Prior to adoption, the court must terminate all parental rights and DCYF must fully explore guardianship as a permanent plan including actively removing barriers to achieve guardianship prior to filing a petition to terminate parental rights.
- DCYF must continuously explore all relative placement options unless the child is placed with a relative. Permanency is assessed based on the child's best interest.



Sources for Further Information

DROP-IN SESSIONS

Adoption

To learn more about the Adoption Support Program, attend an informational session on the first Wednesday of every month at noon or 6 p.m.

Information includes:

- Adoption Support program
- Eligibility and application process
- Benefits available through the program
- Additional resources

Learn more at <https://www.dcyf.wa.gov/services/adoption-support-program>



OTHER SOURCES

Title 13 Guardianship

Contact your regional guardianship gatekeeper or email guardianship@dcyf.wa.gov

Title 11 Guardianship

- 2021 Overview of WA Uniform Guardianship Act for Kinship Caregivers Kinship Care Legal Aid Coordinator: <https://www.youtube.com/watch?v=9esUo48-aXg>
- Kinship Care Legal Aid Coordinator Videos: <https://www.youtube.com/@kinshipcarelegalaidcoordin1824>
- Webinar - An Introduction to Minor Guardianship (9/17/2021) King County Law Library: https://www.youtube.com/watch?v=BG4JE4d_22g
- Webinar - Minor Guardianships (4/19/2023) King County Law Library: www.youtube.com/watch?v=do1lERaPkQE
- Webinar - Washington's 2021 Minor Guardianship Law Beresford Booth: www.youtube.com/watch?v=AjtUiHEMloc

Adoption

- For general adoption information contact your local caseworker or visit: <https://www.dcyf.wa.gov/services/adoption>
- For adoption support information contact: www.dcyf.wa.gov/services/adoption-support-program/contacts
- Post Adoption: Questions and Answers (CWP_0063): https://www.dcyf.wa.gov/publications-library/CWP_0063

Rights and Responsibilities

LEGAL RIGHTS AND RESPONSIBILITIES FOR THE CHILD

✔ Title 13 Guardianship

- The legal guardian maintains physical and legal custody with full responsibility for care, custody, and the right to make decisions for the child or youth.
- For eligible licensed caregivers, Guardianship Assistance Program (GAP) (<https://www.dcyf.wa.gov/4340-guardianships/43401-guardianship-assistance-program-gap-and-extended-guardianship-assistance>) subsidy can transfer to a successor guardian if named in the GAP agreement and the legal guardian becomes incapacitated or dies
- Additional rights and responsibilities can be added to the guardianship order, as requested, such as:
 - Authority to apply for passport and travel internationally
 - Authority to apply for driver's license or State I.D.

✔ Title 11 Guardianship

- The guardian has full care, custody, and control of the child.
- Typically, a Title 11 guardianship is in place until the age of 18 unless specified differently in the court order.
- The judge may specify specific responsibilities. Additional rights and responsibilities can be added to the guardianship order including:
 - Additional rights and responsibilities can be added to the guardianship order including:
 - School/educational decisions
 - Healthcare (non-emergent)
 - Authority to apply for passport and travel internationally
 - Authority to apply for driver's license or State I.D.

✔ Adoption

You have all rights and responsibilities for the child as if the child was born to you.





BIRTH PARENTS' RIGHTS AND RESPONSIBILITIES FOR THE CHILD

✓ Title 13 Guardianship

- Parental rights of birth parents are not required to be terminated, and usually are not, however the guardian has full care, custody, and control of the child.
- Certain rights, such as visitation or medical decision making, may be reserved to the parents in the guardianship orders.

✓ Title 11 Guardianship

- Parental rights of birth parents are not required to be terminated, and usually are not, however the guardian has full care, custody, and control of the child. The court may order that the parent remain involved in some specified decision making (e.g., education and medical decisions).
- Certain rights, such as visitation or medical decision making, may be reserved to the parents in the guardianship orders.

✓ Adoption

- The birth parents' rights are terminated.
- An open adoption agreement may create a legal right to contact.
- If a parent owes back child support prior to the termination of parental rights, they may be obligated to pay for any remaining back child support.

CHILD SUPPORT FROM THE BIRTH PARENTS

✓ Title 13 Guardianship

- DCYF's policy is not to seek child support against a parent. However, if the guardian applies for public benefits, Federal law may require an order of child support.

✓ Title 11 Guardianship

- Birth parents keep the obligation to financially support the child and could be ordered to pay child support. However, if the guardian applies for public benefits, Federal law may require an order of child support.

✓ Adoption

- No child support may be ordered after termination of parental rights occurs.

ACCESSING SERVICES FOR THE CHILD

- As a guardian or adoptive parent, access to services for the child are typically the same as that of any birth parent.



VISITATION FROM THE BIRTH PARENTS

✔ Title 13 Guardianship

✔ Title 11 Guardianship

- Guardianship orders must address a visitation plan between the child and biological parent(s) unless otherwise determined by the courts.
- Visits are the responsibility of the guardian and biological parent(s).

✔ Adoption

- You may have an open adoption agreement in place as part of the adoption. An open adoption agreement represents the legal minimum for contact in a given case.
- It is your responsibility to ensure you are following the requirements of the open adoption agreement.

CHANGING THE CHILD'S NAME

✔ Title 13 Guardianship

✔ Title 11 Guardianship

- Senate Bill 5028 allows for a name change for a child under certain conditions. Effective date July 23, 2023. The guardian may apply for a name change for the child.
- The birth parent names remain on the birth certificate.

✔ Adoption

- You can change any part of the child or youth's name as part of the adoption process.
- As the adoptive parent, your name goes onto the birth certificate as though you were the birth parent.





DCYF FUTURE INVOLVEMENT



Title 13 Guardianship



Title 11 Guardianship

- Once you obtain guardianship the dependency case is closed.
- DCYF will not conduct monthly health and safeties with you and the child.
- If the guardian receives a guardianship assistance program (GAP) subsidy on behalf of the child, you will be required to follow the terms of the GAP Agreement and may contact the agency for any necessary changes to that agreement.



Adoption

- Once you adopt, the dependency case is closed. DCYF will not conduct monthly health and safeties with you and the child.
- If the adoptive parent receives adoption support on behalf of the child, you will be required to follow the terms of the Adoption Support Agreement and may contact the agency for any necessary changes to that agreement.

CONTINUED COURT INVOLVEMENT



Title 13 Guardianship



Title 11 Guardianship

- There will not be any scheduled court hearings. The case is finalized and DCYF's involvement is closed. However, the birth parents can go to court and ask to have the child returned to them. See section Modification and Termination for more information.



Adoption

- There will not be any scheduled court hearings. The case is finalized and DCYF's involvement is closed.

MODIFICATION AND TERMINATION



Title 13 Guardianship

- After guardianship is established and DCYF has dismissed the dependency, the parent, the guardian, or any party to the guardianship maintains the right to petition the court to modify visitation (per RCW 13.36.060) and/or terminate the guardianship (per RCW 13.36.070). <https://app.leg.wa.gov/rcw/default.aspx?cite=13.36.070>
- RCW 13.36.070 provides more details explaining the factors that are considered when contesting or terminating a guardianship order, which includes but is not limited to:
 - The parent must show that they have successfully corrected the parenting deficiencies identified by the court in the dependency action, and the circumstances of the parent have changed to such a degree that returning the child to the custody of the parent no longer creates a risk of harm to the child’s health, welfare, and safety.
 - If age twelve years or older, the child agrees to termination of the guardianship and the return of custody to the parent; and
 - The termination of the guardianship and return of custody of the child to the parent is in the child’s best interests.
- For all legal requirements visit: <https://app.leg.wa.gov/rcw/default.aspx?cite=13.36.070>



Title 11 Guardianship

- After guardianship is established and DCYF has dismissed the dependency, the parent, the guardian, or any party to the guardianship maintains the right to petition the court to modify visitation and/or terminate the guardianship (per RCW 11.130.240).
- For all legal requirements visit: <https://app.leg.wa.gov/RCW/default.aspx?cite=11.130.240>



Adoption

- Birth parents cannot come back and seek custody of the child.
- Their rights and responsibilities are terminated.



IF THE GUARDIAN OR ADOPTIVE PARENT BECOMES INCAPACITATED OR DIES

✓ Title 13 Guardianship

✓ Title 11 Guardianship

- If GAP eligible, the GAP subsidy can transfer to a successor guardian if named in the GAP agreement and the legal guardian becomes incapacitated.
- The successor guardian is not required to be licensed or have a home study, but they would need to establish legal guardianship and all adults living in the home must pass a background check to qualify for GAP.
- The child does not automatically inherit from the guardian, but the guardian can create a will and include the child in the inheritance of the estate.
- The child continues to be able to automatically inherit from birth parents.
- The child of a guardian is not eligible for Dependent Benefits through social security. Read more at: <https://www.ssa.gov/>

✓ Adoption

- The adoptive child legally has inheritance rights. Under Washington State law, an adopted child is considered an “heir” and is eligible to inheritance from the adoptive parent(s). Under Washington State law, spouses may inherit before children.
- The child will not automatically inherit from the birth parents. However, they can share their estate through a will.
- If the adoptive parent becomes disabled, retires, or dies, the child may be entitled to what’s called Dependent Benefits through social security if work credits are available. Read more at: <https://www.ssa.gov/>
- Children who were Title IV-E eligible in a prior adoption may be eligible to receive adoption support in a secondary adoption.



COULD THE CHILD RETURN TO FOSTER CARE?

✓ Title 13 Guardianship

✓ Title 11 Guardianship

- Just like any child in the state of Washington, the child welfare agency can remove the child from a guardian in the event of abuse or neglect.
- If a guardian is experiencing difficulties, they may consult with:
 - Assigned Regional Guardianship Gatekeeper for options or email guardianship@dcyf.wa.gov
 - Call the intake hotline (local reporting hotline) and request Family Voluntary Services <https://www.dcyf.wa.gov/safety/report-abuse>

✓ Adoption

- Just like any child in the state of Washington, the child welfare agency can remove the child from the adoptive parent in the event of abuse or neglect.
- If an adoptive parent is experiencing difficulties, they may consult with:
 - Assigned Adoption Support worker for options.
 - Call the intake hotline (local reporting hotline) and request Family Voluntary Services <https://www.dcyf.wa.gov/safety/report-abuse>

THE AGE THE LEGAL RELATIONSHIP ENDS

✔ Title 13 Guardianship

✔ Title 11 Guardianship

- The legal relationship between a guardian and the youth ends at the age of 18.
- If an adult guardianship is needed, please see RCW 11.130 for additional information.

✔ Adoption

- As with any parent, once a child turns 18, the parent is no longer legally responsible for the child.
- However, under Washington State law, an adopted child is considered an “heir” and is eligible for inheritance from the adoptive parent(s).

HELP AFTER THE DEPENDENCY CASE IS CLOSED

✔ Title 13 Guardianship

✔ Title 11 Guardianship

- There may be post-permanency supports available such as Guardianship Assistance Program Subsidy (GAP).
- Family Voluntary Services (FVS) or Family Reconciliation Services (FRS) lets parents or guardians choose to participate in services to meet their child’s safety, health, and well-being needs.
- Contact your local DCYF office for more information.
- For additional information see Financial Subsidy Post Permanency, Public Benefits, Health insurance and Federal Tax Credits Sections in this document.

✔ Adoption

- There may be post-permanency supports available such as the Adoption Support Program.
- If your child receives Adoption Support, you can contact the Adoption Support Program.
- Family Voluntary Services (FVS) or Family Reconciliation Services (FRS) lets parents or guardians choose to participate in services to meet their child’s safety, health, and well-being needs.
- Contact your local DCYF office for more information.
- For additional information see Financial Subsidy Post Permanency, Public Benefits, Health insurance and Federal Tax Credits Sections in this document.





DISCLOSURE OF RECORDS

✓ Title 13 Guardianship

Guardianship disclosure of child records to the proposed guardian includes but is not limited to:

- Medical and dental records
- Court reports
- Educational records
- Evaluations and assessments of the child and Indian Child Welfare information RCW 74.13.280

Client information gives DCYF the authority to provide specific information to the caregiver thus permitting limited disclosure to be provided to the proposed guardian. Youth consent may be required to disclose specific records per *Consent Decision Tree* (CWP_0006): https://www.dcyf.wa.gov/sites/default/files/pubs/CWP_0006.pdf

✓ Title 11 Guardianship

- Disclosure of child records is not required to be provided to the proposed guardian for a Title 11 Guardianship.
- If dependency is established, guardianship disclosure as outlined for a Title 13 may be followed.

✓ Adoption

- Adoption disclosure includes case notes, legal documents, health, mental health, and education records.
- Youth consent may be required to disclose specific records per *Consent Decision Tree* (CWP_0006): https://www.dcyf.wa.gov/sites/default/files/pubs/CWP_0006.pdf
- Family Genetic and Medical History is also provided including documentation on *DCYF's Family and Genetic Medical History* (13-041) form: <https://www.dcyf.wa.gov/sites/default/files/forms/13-041.pdf>

CHANGING THE PERMANENCY PLAN ONCE THE DEPENDENCY IS DISMISSED. GOING FROM GUARDIANSHIP TO ADOPTION.

If later, you decide to adopt the child:

- You would be responsible for adoption home study and legal fees.
- You are not eligible for adoption support.
- If you were receiving a GAP subsidy (cash and medical) it would end.

As an adoptive parent, you cannot later become the child's guardian.

Legal Assistance

ATTORNEY AND LEGAL INFORMATION

✓ Title 13 Guardianship

- Any party to a dependency petition may file the Title 13 guardianship petition in Superior Court.
- The proposed guardian is not required to hire an attorney to finalize a guardianship.
- The proposed guardian is encouraged to seek legal advice before finalizing a plan of guardianship.

✓ Title 11 Guardianship

- To initiate a Title 11 guardianship, a petition is filed in Superior Court.
- DCYF does not file Title 11 petitions.
- Concurrent jurisdiction in the dependency matter is necessary if a dependency case is open.
- The petitioner may be the proposed guardian, someone interested in the child's welfare, or the child.
- The petitioner is responsible for filing and serving parties.
- The proposed guardian is encouraged to seek legal advice before finalizing a plan of guardianship.

✓ Adoption

- The prospective adoptive family may be required to hire an attorney to file an adoption petition to finalize an adoption in Washington state.
- The prospective adoptive family is encouraged to seek legal advice before finalizing a plan of adoption.



REIMBURSEMENT FOR NON-RECURRING COST TO OBTAIN THE PERMANENCY PLAN

✓ Title 13 Guardianship

✓ Title 11 Guardianship

- Reimbursement for non-recurring cost up to \$2,000 in expenses towards obtaining the guardianship through the Guardianship Assistance Program (GAP) if eligible.
- Non-recurring cost may include court cost, guardianship fees, attorney fees, transportation cost, and other reasonable and necessary cost directly related to finalizing the guardianship of a child or youth.
- The amounts must be negotiated prior to expenditure. These expenses include legal fees, court filing fees, and travel costs.

✓ Adoption

- Reimbursement for non-recurring costs up to \$1,500 per child may be available through the Adoption Support Program to establish an adoption if Adoption Support eligible.
- Non-recurring costs may include: court costs, adoption fees, attorney fees, transportation costs, and other reasonable and necessary costs directly related to finalizing the legal adoption of the child.



FINALIZING THE PERMANENCY PLAN

✔ Title 13 Guardianship

- Dependency must be established for any/all parents.
- To obtain DCYF approval for guardianship, the caregivers must have a home study with approval for placement and the child must be placed in that caregiver's home for at least six months (this is a separate eligibility condition and not for GAP).
- The proposed guardian must also sign a Declaration of Proposed Guardian - Superior Court of Washington.

✔ Title 11 Guardianship

- Dependency is not required to finalize a Title 11 guardianship. However, without an established dependency action, the guardianship is not eligible for a GAP subsidy or other post-permanency benefits.
- The proposed guardian must have an approved home study prior to DCYF recommending the plan of a Title 11 guardianship.
- Concurrent jurisdiction is necessary if a dependency case is open.
- The court must have the Washington State Patrol and the DCYF background checks of all living in the home to make a final ruling in the guardianship case. This is requested through Public Disclosure.

✔ Adoption

- Parental rights must be terminated for any/all parents and the child must be legally free for adoption.
- To obtain DCYF consent for adoption, the caregivers must have a home study with approval for adoption and DCYF practice is for children to be placed in the home for at least six months prior to finalization.
- If an appeal on the termination of parental rights has been filed, the appeal process must be complete prior to finalization of adoption.
- In certain situations, parental rights do not need to be terminated and a customary adoption may be finalized, per tribal code.

Ongoing Benefit Programs: GAP and Adoption Support

FOSTER CARE LICENSE REQUIREMENTS POST-PERMANENCY SUBSIDY

✔ Title 13 Guardianship

✔ Title 11 Guardianship

- In order to be eligible for the Guardianship Assistance Program (GAP), the child must be in an open dependency, the proposed guardian must be fully licensed and caring for the child for at least six consecutive months post licensing. The time in the Initial License does not count towards the GAP time clock.
- Once the Guardianship is established, a family who receives GAP benefits does not need to maintain their license to continue to receive their GAP benefits.

✔ Adoption

A family does not have to have any kind of license to be eligible for the Adoption Support Program. However, the family does have to have an approved adoption home study.



ELIGIBILITY CRITERIA FOR POST-PERMANENCY BENEFIT PROGRAMS

✓ Title 13 Guardianship

The Guardianship Assistance Program (GAP) can provide a guardian who has met all of the eligibility requirements with a monthly subsidy payment.

The program is intended to provide families with an alternative to an adoption subsidy when adoption is not an appropriate permanency option.

Eligibility requirements include:

- The child is a dependent of the juvenile court.
- The child has been placed in the approved home of the proposed guardian for at least six consecutive months while under the jurisdiction of the juvenile court.
- The proposed guardian is granted, at a minimum, a Kinship license and cares for the child for at least six consecutive months post licensing.
- The guardian has entered into a subsidy agreement prior to the establishment of the guardianship.

Title 11 guardianships may be eligible for GAP subsidies if they meet all eligibility criteria.

✓ Title 11 Guardianship

✓ Adoption

The Adoption Support Program can provide an adoptive parent with an array of benefits, if eligibility criteria is met.

For a child to be eligible for participation in the adoption support program, the child must:

1. Be less than eighteen years old when the department and the adoptive parents sign the adoption support agreement and at the time the adoption is finalized;
2. Be legally free for adoption or eligible for a customary adoption;
3. Be placed with a family with an approved preplacement report or home study (RCW 26.33.190);
4. Be a child with “special needs” as defined in WAC 110-80-0050; and
5. Meet at least one of the following criteria:
 - a. Is residing in a foster home or child caring institution or was determined by the department to be eligible for and likely to be so placed (For a child to be considered “eligible for and likely to be placed in foster care” the department must have opened a case and determined that removal from the home was in the child’s best interest); or
 - b. Is eligible for federally funded adoption assistance as defined in Title IV-E of the Social Security Act, the C.F.R., and the U.S. DHHS guidelines for states to use in determining a child’s eligibility for Title IV-E adoption assistance. (WAC 110-80-0040)



AMOUNT OF MONTHLY FINANCIAL ASSISTANCE

✔ Title 13 Guardianship

✔ Title 11 Guardianship

- The monthly dollar amount of GAP cash support cannot be more than the child was or would be eligible for in foster care maintenance payments.
- Per state law, it may be negotiated up to 80 to 95% of the foster care maintenance payment for that child, depending on the child's age at guardianship.
- Washington has post-guardianship supports through DCYF: <https://www.dcyf.wa.gov/4340-guardianships/43401-guardianship-assistance-program-gap-and-extended-guardianship-assistance>

✔ Adoption

- The amount of any Adoption Support monthly maintenance payment cannot be more than the child was or would be eligible for in foster care maintenance payments.
- Per state law, it may be negotiated up to 80 to 95% of the foster care maintenance payment for that child, depending on the child's age at adoption.

Washington has post-adoption supports available through Washington's DCYF: www.dcyf.wa.gov/services/adoption-support-program

OTHER SUBSIDY SUPPORT POST-PERMANENCY SERVICES

✔ Title 13 Guardianship

✔ Title 11 Guardianship

GAP benefits through the agreement may include:

- Medical Coverage (Title XIX Medicaid)
- Reimbursement for non-recurring guardianship expenses up to \$2,000 for establishing Guardianship. This must be negotiated prior to expense.
- Negotiated monthly cash payment up to 80 to 95% of the foster care maintenance payment

Additional benefits available to families who receive GAP may include:

- Training through the Alliance for Professional Development, Training, and Caregiver Excellence.
- One-time financial support if the family faces hardship due to an unforeseen family situation (up to \$1,500)
- Funds through the Promoting & Supporting Permanency Committee
- Counseling services accessible through Medicaid.

Guardians who do not qualify for GAP may apply for financial support from the Temporary Assistance for Needy Families (TANF) program through the Department of Social and Health Services (DSHS). Household income is not reviewed to determine eligibility for non-needy TANF grants.

Also see www.dshs.wa.gov/esa/community-services-offices/non-needy-relative-loco-parentis-and-legal-guardian-grant

✔ Adoption

Adoption support benefits through the agreement may include:

- Medical Coverage (Title XIX Medicaid)
- Reimbursement for non-recurring adoption expenses up to \$1,500 to establish the adoption
- Negotiated monthly cash payment up to 80 to 95% of the foster care maintenance payment
- Financial assistance paid directly to providers for pre-authorized counseling for the child or youth

Additional benefits available to families who receive Adoption Support may include:

- Training through the Alliance for Professional Development, Training, and Caregiver Excellence
- One-time financial support if the family faces hardship due to an unforeseen family situation (up to \$1,500)
- Funds through the Promoting & Supporting Permanency Committee
- Counseling services accessible through Medicaid.
- Financial assistance paid directly to providers for pre-authorized counseling including family or adoptive parent counseling
- Access to contracted DCYF Combined In-Home Services

For more information, please visit: www.dcyf.wa.gov/services/adoption-support-program



MOVING OUT OF STATE: IMPACT ON BENEFITS

✔ Title 13 Guardianship

✔ Title 11 Guardianship

- The GAP Agreement will remain with DCYF in Washington State, and DCYF will continue to be responsible for the benefits contained in that agreement.
- Per the GAP Agreement:
 - You are required to notify the GAP Program, in writing, if there is a change in the permanent or payment address.
 - Reciprocal Medicaid coverage may not be available in every state. Please contact the GAP Program with questions.

✔ Adoption

- The Adoption Support Agreement will remain with DCYF in Washington State, and DCYF will continue to be responsible for the benefits contained in that agreement.
- Per the Adoption Support Agreement:
 - You are required to notify the Adoption Support Program, in writing, if there is a change in the permanent or payment address.
 - Reciprocal Medicaid coverage may not be available in every state. Please contact the Adoption Support Program with questions.

LENGTH OF TIME FOR SUBSIDY POST-PERMANENCY BENEFITS

✔ Title 13 Guardianship

✔ Title 11 Guardianship

- In Washington, GAP assistance payments last until age 18.
- Payments may continue until age 21 provided that the youth meet certain other eligibility criteria.

✔ Adoption

- In Washington, Adoption Support benefits last until age 18.
- Benefits may continue beyond age 18 up to a maximum of age 21, provided that other eligibility criteria are met.

Public Benefits

Please contact each public benefit program directly for questions and more information as eligibility changes.



FREE AND REDUCED SCHOOL MEALS

- Children or youth who exit foster care during the school year remain eligible for free school meals for the remainder of the school year.
- After that, your income is used to determine if the child is eligible.

WORKING CONNECTIONS CHILD CARE (WCCC)

- ✔ Title 13 Guardianship
- ✔ Title 11 Guardianship

- DCYF will no longer pay your child care.
- Guardian(s) in an approved work activity may be eligible for WCCC.
- The guardian's income is not considered when determining WCCC eligibility.

- ✔ Adoption

- DCYF will no longer pay your child care.
- The adoptive parents' income is used to determine the household's eligibility for WCCC. The adoptive child is now part of the household: www.dcyf.wa.gov/services/earlylearning-childcare/getting-help.

HEADSTART/ECEAP

- Families are encouraged to access HeadStart/ECEAP.
- For guardianship, kinship care children, and children adopted from foster care, only the child and their income are counted when determining eligibility (ex: Adoption Support)
- For more information contact your local HeadStart/ECEAP Program.

Early Learning: www.dcyf.wa.gov/services/earlylearning-childcare/getting-help

HeadStart information: <https://www.dcyf.wa.gov/services/earlylearning-childcare/eceap-headstart>

Kinship Care in ECEAP (EL_0002): https://www.dcyf.wa.gov/publications-library/EL_0002

STATE FOOD BENEFITS (SNAP): GUARDIANSHIP AND ADOPTION SUPPORT CASH PAYMENTS

- ✔ Title 13 Guardianship
- ✔ Title 11 Guardianship

- A family may apply for SNAP food benefits.
- The guardians' income is used to determine the household's eligibility for SNAP.
- GAP assistance payments count as income for purposes of determining SNAP eligibility.

- ✔ Adoption

- A family may apply for SNAP food benefits.
- The adoptive parents' income is used to determine the household's eligibility for SNAP. The adoptive child is now part of the household.
- Adoption monthly maintenance payments count as income for purposes of SNAP eligibility.



RECEIVING TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) AND NON-NEEDY TANF



Title 13 Guardianship



Title 11 Guardianship

- Non-needly Grant
 - The non-needly relative and legal guardian grant provides TANF benefits including cash and medical assistance for children in the care of a guardian.
 - You cannot receive a GAP Subsidy and a non-needly TANF grant for your kinship child at the same time.
 - The child income, not the caretaker's income, is used to determine eligibility.
 - The income of the guardian is not considered, but GAP benefits may impact eligibility.
 - To apply for Non-needly TANF visit [dshs.wa.gov/esa/community-services-offices/non-needly-relative-locoparentis-and-legal-guardian-grant](https://www.dshs.wa.gov/esa/community-services-offices/non-needly-relative-locoparentis-and-legal-guardian-grant)
- Needy TANF
 - Income based.
 - GAP benefits are not counted towards household income.
 - To apply for Needy TANF visit <https://www.dshs.wa.gov/esa/community-services-offices/tanf-and-support-services>



Adoption

- Non-needly TANF grant
 - The child's adoption means the adoptive parents are now the child's legal parents. Not eligible for a non-needly TANF grant.
- Needy TANF grant
 - Income based.
 - Adoption Support is not counted towards household income.
 - To apply for Needy TANF visit <https://www.dshs.wa.gov/esa/community-services-offices/tanf-and-support-services>

RETIREMENT, DISABILITY, OR SURVIVOR SOCIAL SECURITY BENEFITS BASED ON THE GUARDIAN OR ADOPTIVE PARENTS WORK HISTORY

✔ Title 13 Guardianship

✔ Title 11 Guardianship

- It is not possible to qualify for Social Security benefits based on your work record if the child is your grandchild or is in guardianship.
- There are a number of other eligibility requirements, including that the birth parents must generally be deceased or disabled.
- The child remains eligible to receive any Social Security benefits based on the parents' work records (i.e. survivor benefits).
- The child of a guardian is not eligible for Dependent Benefits through social security.
- Rules for social security are complex and we would encourage you to contact your local Social Security Administration or visit www.ssa.gov/people/kids/

✔ Adoption

- The child may be able to get Social Security benefits based on your work record if:
 1. The child is not receiving Social Security benefits from their birth parents
 2. You have already adopted the child at the time you retire, die or become disabled, and
 3. When that retirement, death or disability occurs, the child's birth parents were not living in the same household and contributing regularly to the support of the child.
- Rules for social security are complex and we would encourage you to contact your local Social Security Administration or visit www.ssa.gov/people/kids/



CHILD DISABILITY BENEFITS (SSI)

✔ Title 13 Guardianship

✔ Title 11 Guardianship

- If the child qualifies for SSI based on their own disability, the Social Security Administration (SSA) determines continued eligibility based on the guardian(s) finances.
- The guardian may receive both GAP and SSI but must report the financial support provided through GAP to SSA.
- The SSA will determine if SSI is to be reduced against the GAP subsidy. Contact SSA for more information about benefits. Also see www.ssa.gov/ssi/text-child-ussi.htm

✔ Adoption

- If the child qualifies for SSI based on their own disability, the Social Security Administration (SSA) determines continued eligibility based on the adoptive parent(s) finances.
- The adoptive parent(s) may receive both adoption support and SSI but must report the financial support provided through adoption support to SSA.
- The SSA will determine if SSI is to be reduced against the adoption support subsidy. Contact SSA for more information about benefits. Also see www.ssa.gov/ssi/text-child-ussi.htm

GUARDIAN OR ADOPTIVE PARENTS WORK HISTORY AND SSI INCOME

SSI may consider GAP subsidy or Adoption Support as income when determining your benefits: www.ssa.gov/ssi/text-child-ussi.htm



TITLE II SOCIAL SECURITY BENEFITS

✔ Title 13 Guardianship

✔ Title 11 Guardianship

- If the child receives Title II Benefits through social security based on the disability, retirement, or death of a biological parent, continued Title II benefits may be available post-permanency.
- GAP does not take Title II Benefits into account because the GAP negotiation is not based on family income. GAP is negotiated based on the child's needs and what the family has available to reasonably support the additional special needs of the child.
- Contact Social Security Administration for more information about benefits. Also see <https://www.ssa.gov/>

✔ Adoption

- If the child receives Title II Benefits through social security based on a disability, retirement, or death of a biological parent, continued Title II benefits may be available post-permanency.
- Adoption support will determine if the subsidy is to be reduced against the Title II benefits.
- Contact Social Security Administration for more information about benefits. Also see <https://www.ssa.gov/>

WOMEN, INFANTS & CHILDREN (WIC) NUTRITION PROGRAM

- If your child receives Title 19 Medicaid as their medical insurance, they are automatically eligible to receive benefits through the WIC program.
- Please contact WIC directly for more information at <https://doh.wa.gov/you-and-your-family/wic/wic-eligibility>

Please contact each public benefit program directly for questions and more information as eligibility changes.

Health Insurance

PRIVATE HEALTH INSURANCE

✓ Title 13 Guardianship

- Some private policies allow for the child to be included, but not all.
- You will need to check with your insurance carrier.
- Medicaid coverage would then become secondary.

✓ Title 11 Guardianship

✓ Adoption

- Your adoptive child can be put on your private health insurance just like a birth child.
- If you choose to add your adopted child to your private insurance, Medicaid coverage would then become a secondary.

MEDICAID

✓ Title 13 Guardianship

Medical and Dental Coverage

Subsidized guardianship (with GAP):

- If you remain in Washington State then Apple Health Core Connections (AHCC) may continue to be available.
- Reach out to the Foster Care and Adoption Support (FCAS) Team at the Health Care Authority (HCA) for ongoing eligibility at FCAS@hca.wa.gov.
- If you live out of state or move out of state, Washington may not be able to provide medical coverage.
- Children who receive a federally funded Title IV-E GAP subsidy are categorically eligible for Title XIX Medicaid benefits from their state of residence. Some states may be able to open Medicaid coverage for children/youth with a GAP Agreement.
- Contact your GAP Gatekeeper to find out if Medicaid can be opened in the state you are moving. <https://aaicama.org/wp-content/uploads/2021/09/AAICAMA-Resource-Medicaid-State-Guardianship-Final-9.7.2021.pdf>
- If a child is receiving a state (not IV-E eligible) GAP subsidy and the guardian and child or youth are living outside of Washington, Medicaid eligibility is contingent upon the rules in the state where the child resides. Please check with your GAP Gatekeeper for assistance.
- If you are required to apply for Medicaid in another state, there may be income requirements that can vary from state to state.

✓ Title 11 Guardianship

- Other services may be available such as Evidence-Based or Evidence-Informed Counseling to guardianship families when requested through Family Voluntary Services (FVS) or Family Reconciliation Services (FRS).
- Not covered: specialized care including but not limited to group homes, treatment facilities, etc. You may be able to access CLIP and WISe through Medicaid.

Non-subsidized guardianship (no GAP)

- Children without a GAP subsidy in a guardianship may be eligible for free Washington Apple Health coverage. When applying for medical coverage it is important to apply as the guardian, so the guardians' income is not counted.
- An application must be filled out online or by calling the customer service center. Apply for Washington Health Care Finder by calling 1-855-923-4633 or visiting <http://www.wahealthplanfinder.org/>

Both Subsidized and Non- subsidized Guardianships

- It may be possible to put the child/youth on the guardian's personal insurance plan, if allowed by the employer.
- If a child has private insurance they may continue to qualify for Washington State Medicaid Fee for Service Coverage as secondary.

✓ Adoption

- If you are eligible for Adoption Support, the child is automatically eligible for Medicaid.
- If Adoption Support eligible, medical and dental coverage is provided as specified in the agreement. If the adoptive parent continues with Medicaid as the child/youth's primary coverage, access to Coordinated Care continues to be available.

- Adoptive parents, regardless of eligibility, may put the child on their own insurance if their personal insurance plan allows. Medicaid coverage would then become secondary.
- If you move out of state, Adoption Support can request reciprocal Medicaid coverage in the majority of other states under the Adoption Support Agreement.



PAYING FOR GROUP HOMES, TREATMENT FACILITIES

GAP or Adoption Support does not cover access to non-Medicaid contracted specialized care including but not limited to group homes, treatment facilities, residential facilities, etc.

You may be able to access CLIP and WISe through Medicaid. See <https://clipadministration.org/> and <https://www.hca.wa.gov/free-or-low-cost-health-care/i-need-behavioral-health-support/wraparound-intensive-services-wise>

PREMIUM PAYMENT PROGRAM

Through this program, families can get reimbursed for private health insurance coverage costs when Medicaid is used as a secondary coverage: <https://www.hca.wa.gov/free-or-low-cost-health-care/i-help-others-apply-and-access-apple-health/premium-payment-program>

Federal Tax Credits

SPECIALIZED TAX CREDIT

✔ Title 13 Guardianship

✔ Title 11 Guardianship

There is no federal guardianship tax credit.

✔ Adoption

- Currently, there is a federal adoption tax credit that families who adopt can claim when they file their taxes for the year they finalize the adoption. In 2023, a family can claim up to \$15,950. If you receive Adoption Support for your child, you will not be required to prove expenses to qualify.
- For more information on this tax credit, visit <https://www.irs.gov/taxtopics/tc607> and <https://nacac.org/help/adoption-tax-credit/>

OTHER TAX CREDITS AVAILABLE

- There are other tax credits that you may be able to claim, including the Earned Income Tax Credit, Child Tax Credit, Additional Child Tax Credit, and the Child and Dependent Care Tax Credit.
- For information, see the IRS website at www.irs.gov

TAX CREDITS CONSIDERATION AS “INCOME” FOR PURPOSES OF DETERMINING ELIGIBILITY FOR PUBLIC BENEFITS

- Tax credits do not count as income.
- This is true even if you owe no taxes and receive a refund check from the IRS.



Caregiver Successor Planning and Death Benefits for Children

SUCCESSION PLANNING

✔ Title 13 Guardianship

✔ Title 11 Guardianship

- You may name a successor guardian as part of your GAP assistance agreement. That person will be able to step in your shoes and continue to receive the monthly financial guardianship assistance.
- The successor guardian must go to court and become the official guardian as well as all adults age 18 or older living in the home must pass a background check before the GAP subsidy can be transferred.
- If the guardian does not receive GAP, the process to appoint a successor requires a petition to the court (RCW 11.130.240).
- For additional information for the legal requirement for modifications of a Title 13 guardianship visit: <https://app.leg.wa.gov/rcw/default.aspx?cite=13.36.070>

✔ Adoption

- Like any parent, you can name a guardian in your will to take over your rights and responsibilities should you become gravely disabled or die.
- If the guardian then wishes to adopt the child and the child was receiving federally funded adoption support, the new adoptive parent can apply to receive adoption support benefits for that child prior to adoption finalization.

INHERITANCE

✔ Title 13 Guardianship

✔ Title 11 Guardianship

- The child does not automatically inherit from the guardian, but the guardian can create a will and include the child in the inheritance of the estate.
- The child continues to be able to automatically inherit from birth parents.

✔ Adoption

- As an adopted child, the child is eligible to inherit from the adoptive parent even without a will.
- The child will not automatically inherit from the birth parents. However, they can share their estate through a will.

PENSION OR MILITARY BENEFITS IF THE GUARDIAN OR ADOPTIVE PARENT DIES

✔ Title 13 Guardianship

✔ Title 11 Guardianship

The child will typically not be automatically able to get your pension or military benefits as they usually only pass down to a birth or adoptive child.

However, once guardianship is granted a military family may access eligible benefits through proper military channels. Contact your local base for more information.

VA benefits are complex and the best way to get answers is to contact your local VA office. Locations can be found at <https://www.va.gov/>

✔ Adoption

The child will be able to receive your pension and military benefits the same as a birth child.

The child will no longer be able to automatically receive pension or military benefits from their birth parents.

VA benefits are complex and the best way to get answers is to contact your local VA office. Locations can be found at <https://www.va.gov/>



Services Beyond age 18: Extended Benefits, College and Independent Living

POST 18 SUBSIDY FOR YOUTH GENERAL ELIGIBILITY CRITERIA

✔ Title 13 Guardianship

✔ Title 11 Guardianship

- In Washington, GAP assistance payments last until age 18.
- Extended Guardianship Assistance Program (EGAP) subsidy may continue until age 21 provided that the youth meet certain other eligibility criteria.
- Benefits may be extended beyond age 18 in the following circumstances:

There is no age requirement for when the child entered the guardian-ship only previously receiving a GAP subsidy, and

Continue to receive financial support from their guardians or live in a DCYF approved Supervised Independent Living (SIL) and, one of the criteria below:

- The youth is in high school, or
 - The youth is in a post-secondary or vocational program, or
 - The youth is employed and working 80+ hours/month, or
 - The youth is participating in a job training program designed to remove barriers for employment, or
 - The youth cannot participate in any of the above activities due to a documented medical condition, and
 - The youth continue to receive financial support from their adoptive parent(s)
- There is an application process contact your local office for more details or email guardianship@dcyf.wa.gov.
 - Under no circumstance may EGAP benefits continue beyond a youth turning 21 years of age.

See Policy 43401 for GAP Details:

<https://www.dcyf.wa.gov/4340-guardianships/43401-guardianship-assistance-program-gap-and-extended-guardianship-assistance>

For more information contact your regional guardianship gatekeeper or email guardianship@dcyf.wa.gov



✔ Adoption

- In Washington, Adoption Support benefits last until age 18.
- Benefits may be extended beyond age 18 in the following circumstances:
- For youth adopted prior to age 16:
 - The youth is attending a full-time high school or GED program, and
 - The youth continue to receive financial support from their adoptive parent(s)
- For youth adopted at age 16+, they may be eligible for Extended Adoption Support, if they meet the below eligibility criteria:
 - The youth is in high school, or
 - The youth is in a post-secondary or vocational program, or
 - The youth is employed and working 80+ hours/month, or
 - The youth is participating in a job training program designed to remove barriers for employment, or
 - The youth cannot participate in any of the above activities due to a documented medical condition, and
 - The youth continue to receive financial support from their adoptive parent(s)
- Under no circumstances may Adoption Support benefits continue beyond a youth turning 21 years of age: www.dcyf.wa.gov/services/adoption-support-program/youth-turning-18
- For more information contact your adoption support consultant.



INDEPENDENT LIVING OR EDUCATION VOUCHERS

If the child was adopted or entered a guardianship after age 15 + 30 days, the child will remain eligible for the Independent Living Program and can apply at <https://www.dcyf.wa.gov/services/foster-youth/ilp>

COLLEGE AND FINANCIAL AID

Children that have been in foster care in Washington state are not guaranteed college assistance, regardless of the established permanency plan. Any assistance is generally based on youth that have been in foster care at age 13 or older, and are discussed below.

✔ Title 13 Guardianship

✔ Title 11 Guardianship

- The guardian's income is not considered in determining financial aid.
- A child in a guardianship is typically considered "independent" and the child's past foster care status may be considered when determining aid.

For more information contact your high school counselor or visit <https://studentaid.gov/>.

✔ Adoption

- Your income is considered when determining financial aid as part of the Free Application for Federal Student Aid (FAFSA). Visit <https://studentaid.gov/apply-for-aid/fafsa/filling-out/dependency>
- If the child was adopted at age 14 or older, the child maintains eligibility for the Washington Bound Scholarship: <https://wsac.wa.gov/college-bound>
- If the child was adopted at age 13 or older, the child is considered "independent," and your income does not count.

For more information contact your high school counselor or visit <https://studentaid.gov/>.



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Washington State Department of
CHILDREN, YOUTH & FAMILIES

www.dcyf.wa.gov

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