

# Permanency Options for Children Experiencing Foster Care in Delaware

Preferred Permanency Options	Benefits & Legal Criteria	Hyperlinks/ Information
<b>Reunification</b>	<u>Benefits:</u> Reunification of family with Division of Family Services (DFS) support <u>Legal Criteria:</u> -Biological parents must comply with DFS case plan and the court determines that the child is safe in the care of his/her parents -Custody must be rescinded by Family Court	<a href="http://kids.delaware.gov/">http://kids.delaware.gov/</a>
<b>Termination of Parental Rights (TPR)/Adoption</b>	<u>Benefits:</u> -Adoption is permanent. Child is legally the adoptive family's child -Child is automatically provided with Medicaid -Contact with birth family is at discretion of adoptive family -Family eligible for post-adoption services through A Better Chance (ABC) -Child <i>may</i> be eligible for an adoption subsidy until age 18 -If adopted at age 16 or older then still eligible for Independent Living (IL) services NOTE: Adult adoption can be sought for anyone age 18 or older <u>Legal Criteria:</u> -Parental rights must be terminated in Family Court and appeal process exhausted -Child must reside with caretaker for 6 months while being supervised by a licensed agency -If over age 14 then the child must consent to the adoption unless waived by the court - Home study must be completed and family approved by DFS	<a href="http://kids.delaware.gov/">http://kids.delaware.gov/</a>  <a href="http://www.abcfoc.org">www.abcfoc.org</a>  <a href="http://www.afisdelaaware.org">www.afisdelaaware.org</a>  <a href="http://courts.delaware.gov/Family/">http://courts.delaware.gov/Family/</a>
<b>Permanent Guardianship</b>	<u>Benefits:</u> -Caretaker can apply for needs-based financial assistance such as TANF, Purchase of Care (daycare), Medicaid, and Food Stamps through Social Services (DHSS) -Parents are permitted visitation per court order or agreement, and may seek court modification of any visitation order -Can apply for child support from biological parents -Child <i>may</i> be eligible for a subsidy until child is 18 -Birth parent <u>can not</u> apply to rescind guardianship -Guardians are eligible for post-adoption services (ABC) -If guardianship granted at age 16 or older then still eligible for IL services -NOTE: DFS will not remain involved with child's care <u>Legal Criteria:</u> -Petitioner must be a relative, guardian, <u>or</u> foster parent (and only if child is 12 years or older) -Child has resided with petitioner for at least 6 months (if foster parent or guardian) -Child 14 or older must consent to the permanent guardianship unless waived by the court -Social report (home study) is required -Proposed guardian must prove "Best Interests" and TPR grounds exist	<a href="http://courts.delaware.gov/Family/">http://courts.delaware.gov/Family/</a>  <a href="http://www.abcfoc.org">www.abcfoc.org</a>  <a href="http://www.afisdelaaware.org">www.afisdelaaware.org</a>  <a href="http://dhss.delaware.gov/dhss/">dhss.delaware.gov/dhss/</a>
<b>Guardianship</b>	<u>Benefits:</u> -Caretaker can apply for needs-based financial assistance such as TANF, Purchase of Care (daycare), Medicaid, and Food Stamps through Social Services (DHSS) -Can apply for child support from biological parents -Parents are permitted visitation per court order or agreement -If guardianship granted at age 16 or older then still eligible for IL services NOTE: DFS will not remain involved with child's care <u>Legal Criteria:</u> -Any interested person can petition for guardianship -Burden rests on potential guardian to prove parents are unfit and guardianship is in the child's best interests -No age restriction for child, but child 14 or older must consent to guardianship unless waived by the court -NOTE: The birth parent(s) can petition the court to rescind guardianship at any time	<a href="http://courts.delaware.gov/Family/">http://courts.delaware.gov/Family/</a>  <a href="http://dhss.delaware.gov/dhss/">dhss.delaware.gov/dhss/</a>
Alternate Permanency Options	Benefits & Legal Criteria	Hyperlinks/ Information
<b>Another Planned Permanent Living Arrangement (APPLA)</b>	<u>Benefits:</u> -Monthly board payments to foster family until child turns 18 -DFS support and financial assistance -Visitation with family members per DFS and Family Court - Court Review Hearings and Child Placement Review Board reviews are held on a regular basis -Independent Living Worker when child turns 16 years old -Status is flexible and may change dependent on circumstance NOTE: Youth 18 and older may be eligible for board extension or other funds to assist with housing, utilities, etc. <u>Legal Criteria:</u> -Reunification, adoption, and guardianship are not possible or appropriate, and the court determines that compelling reasons exist to find that it is not in the best interest of the child to have any of the other aforementioned goals	<a href="http://dyoi.org/">http://dyoi.org/</a>