

### **13. Permanency Options Comparison Chart & 2015 Foster Care Rates**

- a. Permanency Options Comparison Chart
- b. 2015 Foster Care Rates



## Permanency Options Comparison Chart

This chart provides information about various permanency options **for adjudicated neglected children** in the District of Columbia (*i.e.*, children who are the subjects of neglect cases pursuant to D.C. Code § 16-2301 *et seq.*). As a result, some of the information is only applicable to children in the neglect system, although some information is relevant to any child.

It is intended as a general overview of relevant statutes, regulations, and cases and should not be used as a substitute for legal research and a fact-specific analysis. We try to provide accurate and up-to-date legal information, but we make no claims, promises, or guarantees about the correctness, completeness, or adequacy of the information contained in the chart.

Revised January 2016

	<b>Adoption</b>	<b>Guardianship</b> ( <i>Note: this category refers only to guardianships filed pursuant to D.C. Code §16-2381 et seq.</i> )	<b>Custody</b>	<b>Another Planned Permanent Living Arrangement (APPLA)</b>
<b>What is it?</b>	A final decree of adoption establishes the relationship of parent and child between the adopter and the adoptee for all purposes as if the adoptee were born to the adopter. <i>See</i> D.C. Code § 16-312(a) (2001).	Legal guardianship refers to the authority and duty to make long-range decisions concerning the child’s life, including education, discipline, medical care and other matters of major significance. <i>See</i> D.C. Code § 16-2389(a) (Supp. 2005).	Legal custody refers to the authority and duty to make long-range decisions concerning the child’s life, including education, discipline, medical care and other matters of major significance. <i>See</i> D.C. Code §§ 16-831.01(3), 16-831.10 (2009); <i>cf.</i> D.C. Code § 16-914(a)(1)(B) (Supp. 2005); <i>Ysla v. Lopez</i> , 684 A.2d 775, 777-78 (D.C. 1996).	Planned permanent living arrangement is one of several permanency goals that can be set for a child who has been adjudicated neglected. Permanent planned living arrangements include continued placement through the neglect case with, <i>e.g.</i> , a kinship or other foster parent or in independent living. <i>See</i> D.C. Code § 16-2323(c)(4) (Supp. 2005).
<b>Who can seek this option?</b>	Anyone may petition to become an adoptive parent. D.C. Code § 16-301, 302(2001); <i>see also In re M.M.D.</i> , 662 A2d 837 (D.C. 1995). Before a final order can be entered, the child must have resided with the adoptive parent for six months. <i>See</i> D.C. Code § 16-309(c).	Anyone may file to become a legal guardian. <i>See</i> D.C. Code § 16-2384(a)(2001). Before a final order can be entered, the child must have resided with the guardian for six months. <i>See</i> D.C. Code § 16-2383(a).	Non-parents have standing to file for custody under the circumstances set forth in D.C. Code §§ 16-831.02, 16-831.03 (2009).	Federal and D.C. law contains preferences for adoption, custody, and guardianship as permanency goals for children. However, under certain circumstances, the court in the neglect case may determine that a goal of planned permanent living arrangement is in the child’s best interest. <i>See</i> D.C. Code § 16-2323(c)(4) (Supp. 2005). In 2015, by Federal Statute, APPLA was eliminated as a goal for children under 16. <i>See</i> Preventing Sex Trafficking

	<b>Adoption</b>	<b>Guardianship</b> ( <i>Note: this category refers only to guardianships filed pursuant to D.C. Code §16-2381 et seq.</i> )	<b>Custody</b>	<b>Another Planned Permanent Living Arrangement (APPLA)</b>
				and Strengthening Families Act, Pub. L. No. 113-183, § 112, 128 Stat. 1919, 1926 (2014) amending 42 U.S.C. § 675(5)(C)(i).
<b>What is the legal standard?</b>	Best interest of child guided by the factors set forth in D.C. Code § 16-2353(b). <i>See</i> D.C. Code §§ 16-304, 16-309 (2001); Super. Ct. Adoption R. 43; <i>In re D.R.M.</i> , 570 A.2d 796, 805-06 (D.C. 1990); <i>Petition of W.D.</i> , 988 A.2d 456 (D.C. 2010).	The permanent guardianship is in the child's best interests; adoption, termination of parental rights, or return to parent is not appropriate for the child; and the proposed permanent guardian is suitable and able to provide a safe and permanent home for the child. <i>See</i> D.C. Code § 16-2383(c) (2001). "Best interest" guided by factors set forth in D.C. Code § 16-2383(d) (2001).	Rebuttal of presumption in favor of parental custody and in the best interest of child, guided by the factors set forth in D.C. Code § 16-831 <i>et seq.</i> (2009).	Compelling circumstances. <i>See</i> D.C. Code § 16-2323(c)(4) (Supp. 2005), Preventing Sex Trafficking and Strengthening Families Act, Pub. L. No. 113-183, § 112, 128 Stat. 1919, 1926 (2014) amending 42 U.S.C. § 675(5)(C)(i).
<b>What rights will the birth parents retain?</b>	It depends. An adoption decree terminates parental rights. However, under the Adoption Reform	Parental rights have not been permanently terminated and are intact; however, the guardian has the right to make most	Parental rights have not been permanently terminated and are intact; however, the extent of the parents'	Parental rights have not been permanently terminated and are intact. The parent retains certain "residual rights" and also

	<b>Adoption</b>	<b>Guardianship</b> ( <i>Note: this category refers only to guardianships filed pursuant to D.C. Code §16-2381 et seq.</i> )	<b>Custody</b>	<b>Another Planned Permanent Living Arrangement (APPLA)</b>
	Amendment Act of 2010, subject to Court approval, a pre-adoptive parent and a birth parent (or other birth relative) may enter into a judicially enforceable post-adoption contact (“PAC”) agreement. Absent such agreement, biological parents retain no right to have any contact with adopted children, although the adoptive parents may allow the child to see whomever they deem appropriate. <i>See</i> D.C. Code §§ 4-361, 16-312.	major decisions. <i>See</i> D.C. Code § 16-2389.  The parent retains the opportunity to demonstrate parental fitness and to seek modification of the guardianship and regain physical and legal custody. At any time, the parents can move the court to change the provisions of the guardianship order. <i>See</i> D.C. Code §§ 16-2390, 16-2395(d) (Supp. 2005).	custodial rights depends on the terms of the custody order that is issued. <i>See</i> D.C. Code §§ 16-831.01, 16-831.10.  The parent retains the opportunity to demonstrate parental fitness and to seek modification and custody. At any time, the parents can move the court to change the provisions of the custody order. <i>See</i> D.C. Code § 16-831.11 (2009).	the opportunity to demonstrate parental fitness and to seek reunification. If determined by the court to be in the child’s best interest, the court can return the child to his/her parent. <i>See</i> D.C. Code § 16-2301(21), 16-2301(22), 16-2323 (Supp. 2005).
<b>What rights and responsibilities will the caretaker have?</b>	The adoptive parents have the same rights and responsibilities to the child as would a birth parent. <i>See</i> D.C. Code § 16-312(a) (2001).	The guardian has legal authority to make most major decisions concerning the child’s life. <i>See</i> D.C. Code § 16-2389(a) (Supp. 2005).	The custodian has legal authority to make most major decisions concerning the child’s life but the specific extent depends on the court’s order. <i>See</i> D.C. Code § 16-831 <i>et seq.</i> (2009); <i>cf.</i> D.C. Code § 16-914 (2013); <i>Ysla v. Lopez</i> , 684 A.2d 775 (D.C. 1996).	Children in CFSA custody are under the jurisdiction of the D.C. Superior Court, which has ultimate decision-making authority in connection with most issues. CFSA and the foster parent may have decision-making authority in the first instance. The parent retains certain “residual rights.” <i>See, e.g.,</i> D.C. Code

	<b>Adoption</b>	<b>Guardianship</b> ( <i>Note: this category refers only to guardianships filed pursuant to D.C. Code §16-2381 et seq.</i> )	<b>Custody</b>	<b>Another Planned Permanent Living Arrangement (APPLA)</b>
				§§ 16-2301(22), 16-2320.

	<b>Adoption</b>	<b>Guardianship</b> ( <i>Note: this category refers only to guardianships filed pursuant to D.C. Code §16-2381 et seq.</i> )	<b>Custody</b>	<b>Another Planned Permanent Living Arrangement (APPLA)</b>
<b>Does the birth parent have the right to visit the child?</b>	Possibly. Under the Adoption Reform Amendment Act, a pre-adoptive parent and a birth parent may enter into a judicially enforceable post-adoption contact (“PAC”) agreement. Absent such agreement, biological parents and family retain no right to visitation/contact, although the adoptive parent may allow the child to see whomever s/he deems appropriate. <i>See</i> D.C. Code §§ 4-361, 16-312.	The guardianship order may specify the nature and frequency of visitation between the child and the birth parents. In the absence of a court order, the guardian may decide whether to allow the parent to visit. <i>See</i> D.C. Code §§ 16-2389(a)(9), 16-2389(d).	The custody order may specify the nature and frequency of visitation between the child and the birth parents. In the absence of a court order, the custodian may decide whether to allow the parent to visit.	The court determines the nature and frequency of visitation.
<b>What happens to the neglect case?</b>	Customarily, the neglect case is closed by the court <i>sua sponte</i> or upon motion of a party.	Typically the case remains open after the guardianship order, however it is inactive and periodic review hearings are not held. <i>See</i> D.C.	Customarily, the neglect case is closed by the court <i>sua sponte</i> or upon motion of a party.	The neglect case remains open in order to maintain the child’s custodial status and can remain open until the child is 21. When the

	<b>Adoption</b>	<b>Guardianship</b> (Note: this category refers only to guardianships filed pursuant to D.C. Code §16-2381 et seq.)	<b>Custody</b>	<b>Another Planned Permanent Living Arrangement (APPLA)</b>
		Code § 16-2389(e) (Supp. 2005). The case can be “reactivated” as a result of a motion to modify or terminate the guardianship. The court can modify the guardianship; the court can also hold a dispositional hearing pursuant to D.C. Code §16-2320 and place the child in CFSA custody (if the child is under 18). See D.C. Code §16-2317.		court is requested to close the case prior to the child reaching 21 years of age, the court must first find that commitment is no longer necessary to safeguard the child’s welfare. See D.C. Code § 16-2322(f) (Supp. 2005); <i>In re A.R.</i> , 950 A.2d 667 (D.C. 2008).
<b>Can this custody arrangement be modified in the future?</b>	No. A final decree of adoption cannot be modified, and it cannot be challenged unless there is a procedural or jurisdictional defect and the motion is filed within one year following the decree. See D.C. Code § 16-310 (2001). A final decree may be vacated under certain circumstances after one year. See <i>In re M.N.M.</i> , 605 A.2d 921 (D.C. 1992).	Yes. If there is a substantial and material change in the child’s circumstances and modification is in the child’s best interest. See D.C. Code §§ 16-2390, 16-2395(d) (2010).  A child who exits foster care to guardianship may not reenter foster care	Yes. If there is a substantial and material change in circumstances and modification is in the best interest of the child. See D.C. Code § 16-831.11(a) (Supp. 2008); cf. D.C. Code § 16-914(f)(1) (Supp. 2005).	Yes. At a permanency hearing, the Court may determine that permanent planned living arrangement is not in the child’s best interest, set a different goal and, ultimately, change the child’s placement. See D.C. Code § 16-2323(c)(4) (Supp. 2005).

	<b>Adoption</b>	<b>Guardianship</b> <i>(Note: this category refers only to guardianships filed pursuant to D.C. Code §16-2381 et seq.)</i>	<b>Custody</b>	<b>Another Planned Permanent Living Arrangement (APPLA)</b>
		after age 18. D.C. Code § 16-2390(b) (2010).		In addition, regardless of the goal that has been set, a person may file for adoption, custody, or guardianship of the child.

	<b>Adoption</b>	<b>Guardianship</b> <i>(Note: this category refers only to guardianships filed pursuant to D.C. Code §16-2381 et seq.)</i>	<b>Custody</b>	<b>Another Planned Permanent Living Arrangement (APPLA)</b>
<b>What cash benefits can the child receive?</b>	<p>A special needs child may receive an adoption subsidy until age 21. See D.C. Code § 4-301(e) (2010).</p> <p>CFSA can receive Title IV-E funding for adoption subsidies for eligible children until age 18. Title IV-E is a federally-</p>	Guardianship subsidy is available if: (1) the child has been adjudicated neglected, (2) the child is committed to the legal custody of CFSA, and (3) a subsidy payment agreement is entered into by CFSA and the permanent guardian. D.C. Code § 16-	A custodian may be eligible to receive Temporary Assistance for Needy Families (TANF), which provides cash benefits to children who are deprived of parental financial support. The child must be living with a relative as defined by the statute. TANF is a means-	Foster care payments continue until the neglect case closes (the case may remain open until child's 21 <sup>st</sup> birthday).



	<b>Adoption</b>	<b>Guardianship</b> <i>(Note: this category refers only to guardianships filed pursuant to D.C. Code §16-2381 et seq.)</i>	<b>Custody</b>	<b>Another Planned Permanent Living Arrangement (APPLA)</b>
	<p>funded program under the Adoption Assistance and Child Welfare Act of 1980, P.L. 96-272 (as amended). Title IV-E dollars will be available until age 21 if the state determines that the child has a mental or physical handicap that warrants the continuation of assistance, or if the child was adopted after turning 16 and works half-time, is in school of any sort, or is too disabled to do either. See 42 U.S.C.A. § 673(a)(4) (West 2014).</p> <p>Effective Oct. 1, 2010, CFSA may also receive funding until the child turns 21 if the child attained 16 years of age before the subsidy agreement became effective and the child is either (1) enrolled in school; (2) employed 80 hours per month; or (3) is incapable of doing either 1 or 2 due to a medical condition. <i>Id.</i></p>	<p>2399(b)(4) (2012) (as amended by the Adoption Reform Amendment Act of 2010).</p> <p>The child must be: (1) in the legal custody of CFSA and (2) at least two years of age; or (3) a member of a sibling group for whom all the other requirements for guardianship subsidy are met and at least one child is at least 2 years of age and (4) has resided with the approved kinship caregiver for at least six continuous months and (5) for whom CFSA has determined that the permanency plans of reunification and adoption are not in the child’s best interest, and (6) for whom CFSA has determined that the permanency plan of legal guardianship with the approved kinship parent is in the child’s best interest. See 29 D.C. Mun. Regs. § 6101.1</p>	<p>based program; however the income of the caretaker is not counted if he/she is not seeking to be a part of the grant unit. See 42 U.S.C.A. § 601 <i>et seq.</i> (West 2003) and D.C. Code § 4-205.01 <i>et seq.</i> (2014) for eligibility requirements.</p> <p>If the custodian is a grandparent (the term grandparent is defined to include great-grandparents, great-aunts, and great-uncles), the custodian may be eligible for a subsidy through the “Grandparent Caregivers Program”. To be eligible, the caregiver must: (1) have resided with the child for more than six months and the parent cannot have resided in the home for the last six months except under certain specified circumstances; (2) submit to a criminal background check along with</p>	

	<b>Adoption</b>	<b>Guardianship</b> <i>(Note: this category refers only to guardianships filed pursuant to D.C. Code §16-2381 et seq.)</i>	<b>Custody</b>	<b>Another Planned Permanent Living Arrangement (APPLA)</b>
	<p>In addition to meeting the Title IV-E eligibility requirements, the child must have special needs as defined by the state. CFSA considers a “special needs child” to be based on one or more of the following conditions: based on one or more of the following conditions: (a) child has a chronic medically diagnosed disability that substantially limits one or more major life activities, or requires professional treatment, or assistance in self-care; OR (b) child has been diagnosed by a qualified mental health professional to have a psychiatric condition which impairs the child’s mental, intellectual, or social functioning, and for which the child requires professional services; OR (c) child has been determined to be mentally disabled by a qualified medical professional; OR (d) child has</p>	<p>(Weil 2012). Note that the Adoption Reform Amendment Act of 2010 has repealed the requirement that the permanent guardian be a “kinship caregiver;” and thus the existing regulations conflict with the law.</p> <p>The amount of the subsidy used to be based on the guardian’s federal adjusted gross income and on the amount of the foster care payment paid for the child’s support in foster care. However, CFSA has now changed its policy to enable the guardian to receive the full guardianship subsidy regardless of income; however the regulations have not been updated to reflect this change. See 29 D.C. Mun. Regs. § 6103.2 (Weil 2001).</p> <p>The subsidy will continue until the child’s 21st birthday (for</p>	<p>any other adults residing in the home; (3) have a household income below 200% of the federally defined poverty level; (4) reside in the District; (5) apply for TANF benefits for the child; and (6) comply with any implementing regulations. Legal custody is not required. The subsidy is provided on a first come, first served basis subject to the availability of funds (which are limited). See D.C. Code § 4-251.01 <i>et seq.</i>; 29 D.C. Mun. Regs. § 6801 <i>et. seq.</i></p> <p>If the child is not a relative, the custodian may be eligible for the General Assistance for Children (GAC) program. GAC is only available in D.C. See D.C. Code § 4-205.05a (2001) for eligibility requirements, which are similar to TANF.</p>	

	<b>Adoption</b>	<b>Guardianship</b> <i>(Note: this category refers only to guardianships filed pursuant to D.C. Code §16-2381 et seq.)</i>	<b>Custody</b>	<b>Another Planned Permanent Living Arrangement (APPLA)</b>
	<p>been diagnosed by a qualified mental health professional to have behavioral or emotional disorder characterized by situationally inappropriate behavior which deviates substantially from behavior appropriate to the child’s age and interferes significantly with the child’s intellectual, social, and personal adjustment; OR (e) child meets all medical or disability requirements of Title XVI of the Social Security Act with respect to eligibility for supplemental security income benefits; OR (f) child is a member of a sibling group, in which the siblings should be placed together and the adoptions must be finalized at the same time; OR (g) child is of an age or has an ethnic or racial background which presents a barrier to adoption; OR (h) child has been legally free for adoption for six (6)</p>	<p>guardianships finalized after May 7, 2010). <i>See</i> D.C. Code § 16-2399(d)(2) (2010).</p> <p>If the child does not qualify for a guardianship subsidy, he or she may be eligible to receive Temporary Assistance for Needy Families (TANF). TANF is a means-based program; however the income of the guardian is not counted if he or she is not seeking to be a part of the grant unit. <i>See</i> D.C. Code § 4-205.01 <i>et seq.</i> (2006) for eligibility requirements.</p>		

	<b>Adoption</b>	<b>Guardianship</b> ( <i>Note: this category refers only to guardianships filed pursuant to D.C. Code §16-2381 et seq.</i> )	<b>Custody</b>	<b>Another Planned Permanent Living Arrangement (APPLA)</b>
	<p>months or more an adoptive placement has not been found.</p> <p><a href="http://cfsa.dc.gov/publication/program-adoption-subsidy">http://cfsa.dc.gov/publication/program-adoption-subsidy</a></p> <p>Typically, the subsidy rate is the same as the child’s foster care board rate. In the rare circumstances that a child does not qualify for an adoption subsidy, he or she may be eligible to receive Temporary Assistance for Needy Families (TANF). TANF is a means-based program; the income of the adoptive parent is considered. See D.C. Code § 4-205.01 <i>et seq.</i> (2006) for eligibility requirements.</p>			
<b>Can the child receive Medicaid?</b>	<p>Yes, if the adoption is subsidized. An adopted child with Title IV-E subsidy is automatically eligible to receive D.C. Medicaid or Medicaid in the state of residence. The adoptive</p>	<p>Yes, if the guardianship is subsidized. The child is categorically eligible for Medicaid if they receive a Title IV-E eligible guardianship subsidy (if the guardian is kin to the child and the child</p>	<p>Probably, in most situations. The child is subject to general Medicaid eligibility requirements. Medicaid is a means-based program however a non-parent custodian’s income is not</p>	<p>Yes. A child in foster care receives D.C. Medicaid or may, under certain circumstances, be eligible for Medicaid in the state of residence.</p>

	<b>Adoption</b>	<b>Guardianship</b> <i>(Note: this category refers only to guardianships filed pursuant to D.C. Code §16-2381 et seq.)</i>	<b>Custody</b>	<b>Another Planned Permanent Living Arrangement (APPLA)</b>
	<p>parent's income is not counted. <i>See</i> 42 U.S.C.A. § 671(a)(21) (West 2008); 42 U.S.C.A. § 1396a (West 2015).</p> <p>A child without Title IV-E subsidy is subject to general Medicaid eligibility requirements. Medicaid is a means-based program and the adoptive parent's income is counted in determining eligibility. <i>See</i> 29 D.C. Mun. Regs. § 901 (Weil 2003) for income requirements.</p> <p>Specific eligibility requirements for non-subsidy-based Medicaid may vary according to jurisdiction, as this federal program is administered by each state. To qualify for Medicaid in D.C. you must be categorically eligible and have low income and resources. Some eligibility groups are: the medically disabled, children under the</p>	<p>meets all other IV-E requirements). The District has also promised via subsidy agreement to provide Medicaid to non-IV-E eligible children. Otherwise, the child is subject to general Medicaid eligibility requirements, and is likely to be eligible. Medicaid is a means-based program and the guardian's income is not counted in determining eligibility. <i>See</i> 29 D.C. Mun. Regs. § 901 (Weil 2003) for income requirements.</p> <p>Specific eligibility requirements for Medicaid may vary according to jurisdiction, as this federal program is administered by each state. To qualify for Medicaid in D.C. you must be categorically eligible and have low income and resources. Some eligibility categories are: the medically disabled, children under the age of 19,</p>	<p>counted in determining eligibility. <i>See</i> 29 D.C. Mun. Regs. § 901 (Weil 2003) for income requirements.</p> <p>Specific eligibility requirements for Medicaid may vary according to jurisdiction, as this federal program is administered by each state. To qualify for Medicaid in D.C. you must be categorically eligible and have low income and resources. Some eligibility categories are: the medically disabled, children under the age of 19, or the medically needy. <i>See</i> 42 U.S.C.A. § 1396a (West 2015); D.C. Code § 1-307.02 (2001).</p>	<p>Effective Jan. 1, 2014, former foster care youth who have spent more than 6 months in care and leave care after age 21 can receive Medicaid coverage until age 26. <i>See</i> 42 U.S.C.A. § 1396a as amended by Health Care Reform Act, 111 P.L. 148, §§ 2004, 10201.</p>

	<b>Adoption</b>	<b>Guardianship</b> ( <i>Note: this category refers only to guardianships filed pursuant to D.C. Code §16-2381 et seq.</i> )	<b>Custody</b>	<b>Another Planned Permanent Living Arrangement (APPLA)</b>
	age of 19, or the medically needy. <i>See</i> 42 U.S.C.A. § 1396a (West 2015); D.C. Code § 1-307.02 (2001).	or the medically needy. <i>See</i> 42 U.S.C.A. § 1396a (West 2015); D.C. Code § 1-307.02 (2001).		
<b>Could the child receive Supplemental Security Income (SSI) benefits (if the child is otherwise eligible based on physical or mental handicap)?</b>	<p>Probably not. Even if the child was receiving SSI prior to the final decree of adoption, SSI is a means-based program and the adoptive parent's income is counted in determining eligibility. Many adoptive families' income will be over the limit to receive SSI for the adoptee.</p> <p>If the child is eligible, SSI benefits will be reduced based on any adoption subsidy being received. <i>See</i> 42 U.S.C.A. § 1382(c)(5) <i>et seq.</i> (West Supp. 2005) for eligibility requirements.</p>	<p>Probably, in most situations. SSI is a means-based program but the caretaker's income is not counted in determining eligibility. <i>See</i> 42 U.S.C.A. § 1381 <i>et seq.</i> (West 2003) for eligibility requirements and 42 U.S.C.A. § 1382a <i>et seq.</i> (West Supp. 2005) for a list of excluded income.</p> <p>A handicapped child who qualifies for SSI could receive SSI benefits as well as guardianship subsidy. If the child is eligible, SSI benefits will be reduced based on the guardianship subsidy. <i>See</i> 42 U.S.C.A. § 1382(c)(5) <i>et seq.</i> (West Supp. 2005) for a list of excluded income.</p>	<p>Probably, in most situations. SSI is a means-based program but the caretaker's income is not counted when determining the eligibility of a child for SSI benefits. <i>See</i> 42 U.S.C.A. § 1381 <i>et seq.</i> (West 2003) for eligibility requirements and 42 U.S.C.A. § 1382a <i>et seq.</i> (West Supp. 2005) for a list of excluded income.</p>	<p>Yes. SSI is a means-based program and the foster parent's income is not counted when determining the eligibility of a child for SSI benefits. <i>See</i> 42 U.S.C.A. § 1381 <i>et seq.</i> (West 2003) for eligibility requirements and 42 U.S.C.A. § 1382a <i>et seq.</i> (West Supp. 2005) for a list of excluded income.</p> <p>CFSA customarily serves as the representative payee for a foster child. CFSA may be entitled to use at least some of a child's SSI benefits to pay for the child's foster care expenses. <i>See Wash. State Dep't of Soc. &amp; Health Servs. v. Guardianship Estate of Keffeler</i>, 537 U.S. 371 (2003).</p>

	<b>Adoption</b>	<b>Guardianship</b> <i>(Note: this category refers only to guardianships filed pursuant to D.C. Code §16-2381 et seq.)</i>	<b>Custody</b>	<b>Another Planned Permanent Living Arrangement (APPLA)</b>
<b>Can the child receive Social Security survivors' benefits from his/her birth parent?</b>	<p>Probably not. Subject to some exceptions (generally relating to time of application and time of adoption), the definition of an eligible child rests on whether, under state law, the child has the right to inherit from the insured; under D.C. law, adoption cuts off inheritance rights from the birth parent. <i>See</i> 42 U.S.C.A. §§ 402(d)(8), 416(e) (West Supp. 2005) (for eligibility requirements); 20 C.F.R. §§ 404.355, 404.361; D.C. Code § 16-312.</p> <p>The adopted child is probably eligible to receive benefits under the adoptive parent's Social Security work quarters if the adoptive parent dies.</p>	<p>Yes. The child is eligible to receive benefits through the birth parents, if the birth parents have enough Social Security vested quarters. The child would not be eligible to receive survivors' benefits from the guardian's work quarters. <i>See</i> 42 U.S.C.A. §§ 402, 416 (West Supp. 2005) (for eligibility requirements); 20 C.F.R. §§ 404.355, 404.361.</p>	<p>Yes. The child is eligible to receive benefits through the birth parents if the birth parents have enough Social Security vested quarters. The child would not be eligible to receive survivors' benefits from the custodian's work quarters. <i>See</i> 42 U.S.C.A. §§ 402, 416 (West Supp. 2005) (for eligibility requirements); 20 C.F.R. §§ 404.355, 404.361.</p>	<p>Yes. The child is eligible to receive benefits through the birth parents if the birth parents have enough Social Security vested quarters. <i>See</i> 42 U.S.C.A. §§ 402, 416 (West Supp. 2005) (for eligibility requirements); 20 C.F.R. §§ 404.355, 404.361.</p>
<b>Can the child receive subsidized daycare services?</b>	<p>Typically, daycare expenses are not covered by the adoption subsidy. However in 2014 and 2015, after negotiations with CFSA's subsidy unit, subsidy agreements have included coverage for some daycare expenses for a finite period of time. Funding may be available through Title XX of the Social Security Act.</p>	<p>Daycare expenses are not covered by the guardianship subsidy. However in 2014 and 2015, after negotiations with CFSA's subsidy unit, subsidy agreements have included coverage for some daycare expenses for a finite period of time. Funding may be</p>	<p>Funds are available through Title XX of the Social Security Act. Funding may be administered through a means-based program. Service availability may be limited due to financial constraints. <i>See</i> 42</p>	<p>CFSA is usually willing, or directed by the court, to provide necessary daycare services.</p> <p>CFSA will typically pay up to a certain rate per week to a licensed daycare provider of the caretaker's choice.</p>

	Funds are administered through a means-based program and the adoptive parent's income is counted. Service availability may be limited due to financial constraints. <i>See</i> 42 U.S.C.A. § 1397 <i>et seq.</i> (West 2010).	available through Title XX of the Social Security Act. Funds are administered through a means-based program. Service availability may be limited due to financial constraints. <i>See</i> 42 U.S.C.A. § 1397 <i>et seq.</i> (West 2010).	U.S.C.A. § 1397 <i>et seq.</i> (West 2010).	
--	---	--	---	--

	<b>Adoption</b>	<b>Guardianship</b> ( <i>Note: this category refers only to guardianships filed pursuant to D.C. Code §16-2381 et seq.</i> )	<b>Custody</b>	<b>Another Planned Permanent Living Arrangement (APPLA)</b>
<b>Can the child receive special education services?</b>	Eligibility for special education services is based on federal law (the Individual with Disabilities Education Act, 20 U.S.C.A. § 1400 <i>et seq.</i> ) as implemented by the state where the adoptive parent resides. <i>See, e.g.,</i> 5 D.C. Mun. Regs. §E3000 <i>et seq.</i> (Weil 2003) for D.C. law regarding eligibility.	Eligibility for special education services is based on federal law (the Individual with Disabilities Education Act, 20 U.S.C.A. § 1400 <i>et seq.</i> ) as implemented by the state where the guardian resides. <i>See, e.g.,</i> 5 D.C. Mun. Regs. §E3000 <i>et seq.</i> (Weil 2003) for D.C. law regarding eligibility.	Eligibility for special education services is based on federal law (the Individual with Disabilities Education Act, 20 U.S.C.A. § 1400 <i>et seq.</i> ) as implemented by the state where the custodian resides. <i>See, e.g.,</i> 5 D.C. Mun. Regs. §E3000 <i>et seq.</i> (Weil 2003).	Eligibility for special education services is based on federal law (the Individual with Disabilities Education Act, 20 U.S.C.A. § 1400 <i>et seq.</i> ) as implemented by D.C. without regard to where the child is living. <i>See</i> 5 D.C. Mun. Regs. §E3000 <i>et seq.</i> (Weil 2003).



	<b>Adoption</b>	<b>Guardianship</b> ( <i>Note: this category refers only to guardianships filed pursuant to D.C. Code §16-2381 et seq.</i> )	<b>Custody</b>	<b>Another Planned Permanent Living Arrangement (APPLA)</b>
	The adoption subsidy does not provide for tuition, tutoring, testing, or special education.	The guardianship subsidy does not provide for tuition, tutoring, testing, or special education.		CFSA is responsible for the education of children in its custody. See D.C. Code § 16-2301(21)(C). CFSA may be willing or directed by the court to provide funding for necessary educational services.
<b>Is college financial aid available?</b>	There are no special programs available. The child may be eligible for a number of federal and state programs. For example, the D.C. State Education Office administers several financial aid programs, including the D.C. Tuition Assistance Grant Program (DCTAG) and the D.C. Leveraging Educational Assistance Partnership Program (DCLEAP) for D.C. residents. See D.C. Code § 38-2731 et seq. (2009) (DC LEAP); 29 D.C. Mun. Regs. § 7000 et seq. (Weil 2001) (for DC TAG eligibility requirements); see also <a href="https://hefs.seo.dc.gov/appforms/seo_logon.aspx">https://hefs.seo.dc.gov/appforms/seo_logon.aspx</a> .  ETV (Education Training Voucher) is available to anyone who was in	There are no special programs available. The child may be eligible for a number of federal and state programs. For example, the D.C. State Education Office administers several financial aid programs, including the D.C. Tuition Assistance Grant Program (DCTAG) and the D.C. Leveraging Educational Assistance Partnership Program (DCLEAP) for D.C. residents. See D.C. Code § 38-2731 et seq. (2009) (DC LEAP)*; 29 D.C. Mun. Regs. § 7000 et seq. (Weil 2001) (for DC TAG eligibility requirements); see also <a href="https://dconeapp.dc.gov">https://dconeapp.dc.gov</a>	There are no special programs available. The child may be eligible for a number of federal and state programs. For example, the D.C. State Education Office administers several financial aid programs, including the D.C. Tuition Assistance Grant Program (DCTAG) and the D.C. Leveraging Educational Assistance Partnership Program (DCLEAP) for D.C. residents. See D.C. Code § 38-2731 et seq. (2009) (DC LEAP)*; 29 D.C. Mun. Regs. § 7000 et seq. (Weil 2001) (for DC TAG eligibility requirements); see also <a href="https://dconeapp.dc.gov">https://dconeapp.dc.gov</a>	CFSA is responsible for funding educational expenses of foster children and may be willing or directed by the court to provide necessary educational services. College funding is currently handled by CFSA’s “Keys for Life” program.  The child may also be eligible for a number of federal and state programs. For example, the D.C. State Education Office administers a variety of financial aid programs, including the D.C. Tuition Assistance Grant Program (DCTAG) and the D.C. Leveraging Educational Assistance Partnership Program (DCLEAP) for D.C. residents.

	<b>Adoption</b>	<b>Guardianship</b> <i>(Note: this category refers only to guardianships filed pursuant to D.C. Code §16-2381 et seq.)</i>	<b>Custody</b>	<b>Another Planned Permanent Living Arrangement (APPLA)</b>
	<p>“out-of-home care at the age of 15 years or older or adopted after the age of 16,” (CFSA Administrative Issuance: CFSA 06-9). Eligible students may receive grants up to \$5,000 per year for up to five years or until their 23<sup>rd</sup> birthday. Federal financial aid is administered through FAFSA, <a href="http://www.fafsa.ed.gov/">http://www.fafsa.ed.gov/</a>. <u>Students who were in care at 13 or older are considered independent students for FAFSA and other financial aid eligibility purposes (Fostering Adoption to Further Student Achievement Act).</u></p>	<p>ETV (Education Training Voucher) is available to anyone who was in “out-of-home care at the age of 15 years or older or adopted after the age of 16,” (CFSA Administrative Issuance: CFSA 06-9). Eligible students may receive grants up to \$5,000 per year for up to five years or until their 23<sup>rd</sup> birthday.</p> <p>Federal financial aid is administered through FAFSA, <a href="http://www.fafsa.ed.gov/">http://www.fafsa.ed.gov/</a>. <u>Students who were in care at 13 or older are considered independent students for FAFSA and other financial aid eligibility purposes (Fostering Adoption to Further Student Achievement Act).</u></p>	<p>Federal financial aid is administered through FAFSA, <a href="http://www.fafsa.ed.gov/">http://www.fafsa.ed.gov/</a></p>	<p>See D.C. Code § 38-2731 et seq. (2009) (DC LEAP)*; 29 D.C. Mun. Regs. § 7000 et seq. (Weil 2001) (for DC TAG eligibility requirements); <i>see also</i> <a href="https://dconeapp.dc.gov">https://dconeapp.dc.gov</a>ETV (Education Training Voucher) is available to anyone who was in “out-of-home care at the age of 15 years or older or adopted after the age of 16,” (CFSA Administrative Issuance: CFSA 06-9). Eligible students may receive grants up to \$5,000 per year for up to five years or until their 23<sup>rd</sup> birthday.</p> <p>Federal financial aid is administered through FAFSA, <a href="http://www.fafsa.ed.gov/">http://www.fafsa.ed.gov/</a> <u>Students who were in care at 13 or older are considered independent students for FAFSA and other financial aid eligibility purposes (Fostering Adoption to Further Student Achievement Act).</u></p>

	<b>Adoption</b>	<b>Guardianship</b> <i>(Note: this category refers only to guardianships filed pursuant to D.C. Code §16-2381 et seq.)</i>	<b>Custody</b>	<b>Another Planned Permanent Living Arrangement (APPLA)</b>
<b>What other services can the caretaker receive for the child (based on the child's status)?</b>	If the child is receiving a Title IV-E adoption subsidy, payments may be available for medical care, therapy, or other services related to a diagnosed physical or mental handicapping condition existing prior to adoption and not covered by the adoptive family's medical insurance or Medicaid. CFSA may request documentation that the service is not available through any other resource.	If the child is receiving a Title IV-E guardianship subsidy, the subsidy agreement must specify any "additional services and assistance" that the agency will provide. 42 U.S.C.A § 673(d)(1)(B)(ii). In addition, D.C.'s guardianship subsidy agreement includes a heading "subsidy amount and services." However, it is unclear whether CFSA is prepared at this time to offer additional services through guardianship subsidy other than the monthly stipend.	No special services are available based solely on the child's status.	The foster child is in the custody of CFSA. As such, CFSA is responsible for his/her welfare and may be willing or directed by the court to provide needed services.
<b>Will the child be able to inherit from his/her birthparents ?</b>	No. The child may not inherit after a finalized adoption. See D.C. Code § 16-312(a) (2001).	Yes. The child may still inherit from his/her birth parents. See D.C. Code § 16-2389(c)(1) (Supp. 2005).	Yes. The child may still inherit from his/her birth parents.	Yes. The child may still inherit from his/her birth parents.
<b>What tax benefits will the caretaker receive?</b>	The adoptive parent may be eligible for tax credits, including but not limited to the <u>adoption credit</u> (tax credit for qualifying adoption expenses paid to adopt an eligible child, which can be	The legal guardian may be eligible for tax credits, including, but not limited to, the <u>child care credit</u> (limited credit for certain services incurred to enable the	The legal custodian may be eligible for tax credits, including, but not limited to, the <u>child care credit</u> (limited credit for certain services incurred to enable the	Foster parents may claim a foster child as a dependent (i.e. <u>dependent exemption</u> ) if the foster parent provided half of the child's support throughout the year which does not include

	<b>Adoption</b>	<b>Guardianship</b> <i>(Note: this category refers only to guardianships filed pursuant to D.C. Code §16-2381 et seq.)</i>	<b>Custody</b>	<b>Another Planned Permanent Living Arrangement (APPLA)</b>
	<p>subtracted directly from tax liability); the <u>child care credit</u> (limited credit for certain services incurred to enable the taxpayer to work); the <u>child tax credit</u> (a credit against tax liability for children under 17 years of age); and the <u>earned income tax credit</u> (a credit available to low-income parents).</p> <p>The adoptive parent may also be eligible for a <u>dependent exemption</u> (an annual exemption for each adopted child that is based on the taxpayer's gross income).</p> <p>Also see the National Foster Parent Association's Federal Tax Guide For Foster Parents: <a href="http://nfpaonline.org/taxinfo">http://nfpaonline.org/taxinfo</a></p>	<p>taxpayer to work); the <u>child tax credit</u> (a credit against tax liability for children under 17 years of age); and the <u>earned income tax credit</u> (a credit available to very low-income parents).</p> <p>He or she may also be eligible for a <u>dependent exemption</u> (an annual exemption for each supported child that is based on the taxpayer's gross income).</p> <p>Also see the National Foster Parent Association's Federal Tax Guide For Foster Parents: <a href="http://nfpaonline.org/taxinfo">http://nfpaonline.org/taxinfo</a></p>	<p>taxpayer to work); the <u>child tax credit</u> (a credit against tax liability for children under 17 years of age); and the <u>earned income tax credit</u> (a credit available to very low-income parents).</p> <p>He or she may also be eligible for a <u>dependent exemption</u> (an annual exemption for each supported child that is based on the taxpayer's gross income).</p>	<p>foster care payments received from the state.</p> <p>Foster parents may be eligible for tax credits, including, but not limited to, the <u>child care credit</u> (limited credit for certain services incurred to enable the taxpayer to work); the <u>child tax credit</u> (a credit against tax liability for children under 17 years of age); and the <u>earned income tax credit</u> (a credit available to very low-income parents).</p> <p>Also see the National Foster Parent Association's Federal Tax Guide For Foster Parents: <a href="http://nfpaonline.org/taxinfo">http://nfpaonline.org/taxinfo</a></p>
<b>Can the caretaker add the child to his/her health</b>	An adoptive parent can place children on his/her health insurance either upon signing of placement agreement or final decree of adoption.	The ability of the guardian to place a child on his/her health insurance will depend upon the terms of the policy and the law of the state where the policy is written.	The ability of the custodian to place a child on his/her health insurance will depend upon the terms of the policy and the law of the state where the policy is written.	The ability of the foster parent to place a child on his/her health insurance will depend upon the terms of the policy and the law of the state where the policy is written.

	<b>Adoption</b>	<b>Guardianship</b> ( <i>Note: this category refers only to guardianships filed pursuant to D.C. Code §16-2381 et seq.</i> )	<b>Custody</b>	<b>Another Planned Permanent Living Arrangement (APPLA)</b>
<b>insurance policy?</b>	Effective for plan years beginning on or after the date that is 6 months after March 23, 2010, “a group health plan and a health insurance issuer offering group or individual health insurance coverage that provides dependent coverage of children shall continue to make such coverage available for an adult child until the child turns 26 years of age.” 42 U.S.C.S. § 300gg-14(a) (2010).	Effective for plan years beginning on or after the date that is 6 months after March 23, 2010, “a group health plan and a health insurance issuer offering group or individual health insurance coverage that provides dependent coverage of children shall continue to make such coverage available for an adult child until the child turns 26 years of age.” 42 U.S.C.S. § 300gg-14(a) (2010).	Effective for plan years beginning on or after the date that is 6 months after March 23, 2010, “a group health plan and a health insurance issuer offering group or individual health insurance coverage that provides dependent coverage of children shall continue to make such coverage available for an adult child until the child turns 26 years of age.” 42 U.S.C.S. § 300gg-14(a) (2010).	
<b>How does the caretaker initiate the proceedings?</b>	Filing of petition for adoption. <i>See</i> D.C. Code § 16-305 (2001); Super. Ct. Adoption R. 7.	Filing of guardianship motion in the neglect case. <i>See</i> D.C. Code § 16-2384 (Supp. 2005).	Filing of complaint for custody. <i>See</i> Super. Ct. Dom. Rel. R. 3.	Request the court to set a permanency goal of APPLA pursuant to D.C. Code § 16-2323.
<b>What is the procedure generally?</b>	Procedure in adoption cases is governed by the adoption statute, D.C. Code § 16-301 <i>et seq.</i> (Supp. 2005 & 2013), the Uniform Child Custody Jurisdiction Enforcement Act, D.C. Code § 16-4601.01 <i>et seq.</i> , and the Superior Court of the	Procedure in guardianship cases is governed by the guardianship statute, D.C. Code § 16-2381 <i>et seq.</i> (Supp. 2005), the Uniform Child Custody Jurisdiction Enforcement Act, Uniform	Procedure in custody cases involving third parties is governed by the “Safe and Stable Homes for Children And Youth Act,” D.C. Code § 16-831 <i>et seq.</i> (2009); the Uniform Child Custody	Procedure in neglect cases is governed by the Uniform Child Custody Jurisdiction Enforcement Act (UCCJEA); D.C. Code § 16-2301 <i>et seq.</i> (2012); and the District of Columbia Superior Court Neglect Rules.

	<b>Adoption</b>	<b>Guardianship</b> ( <i>Note: this category refers only to guardianships filed pursuant to D.C. Code §16-2381 et seq.</i> )	<b>Custody</b>	<b>Another Planned Permanent Living Arrangement (APPLA)</b>
	District of Columbia Adoption Rules.	Child Custody Jurisdiction Enforcement Act, D.C. Code § 16-4601.01 <i>et seq.</i> , and D.C. Code § 16-2381 <i>et seq.</i> (Supp. 2005). In addition, the Superior Court of the District of Columbia has issued Administrative Order 02-05 concerning procedure in guardianship cases.	Jurisdiction Enforcement Act, Uniform Child Custody Jurisdiction Enforcement Act, D.C. Code § 16-4601.01 <i>et seq.</i> , and the District of Columbia Superior Court Domestic Relations Rules. <i>Cf.</i> D.C. Code § 16-914 (2013).	
<b>Does the Interstate Compact on the Placement of Children (ICPC) apply?</b>	Yes. ICPC approval is required when child is placed across state lines. <i>See</i> D.C. Code § 4-1422, Art. III(a) (2001).  Current CFSA procedure calls for separate ICPC approval for adoption, distinct from the one for foster care placement.	Yes. ICPC approval is required when child is initially placed across state lines. <i>See</i> D.C. Code § 4-1422, Art. III(a) (2001).	ICPC approval is not required for non-neglect custody cases; however, ICPC approval is required when child is initially placed across state lines in a neglect-involved case. <i>See</i> D.C. Code § 4-1422, Art. III(a) (2001).	Yes. ICPC approval is required when child is initially placed across state lines. <i>See</i> D.C. Code § 4-1422, Art. III(a) (2001).



**CHILD AND FAMILY SERVICES AGENCY**  
**Foster Care Rates Effective January 1, 2015**  
**Children age 11 and under**

<u>Level</u>	<u>Daily</u>	<u>30 Day Month</u>	<u>31 Day Month</u>
I - Regular	\$33.69	\$1,010.70	\$1,044.39
II – Special	\$34.36	\$1,030.80	\$1,065.16
III – Handicapped	\$36.53	\$1,095.90	\$1,132.43
IV – Multi-handicap	\$42.87	\$1,286.10	\$1,328.97

**Children age 12 and over**

<u>Level</u>	<u>Daily</u>	<u>30 Day Month</u>	<u>31 Day Month</u>
I - Regular	\$37.92	\$1,137.60	\$1,175.52
II – Special	\$39.29	\$1,178.70	\$1,217.99
III – Handicapped	\$42.01	\$1,260.30	\$1,302.31
IV – Multi-handicap	\$49.50	\$1,485.00	\$1,534.50

-----  
**Foster Care Rates Effective January 1, 2014 – December 31, 2014**

**Children age 11 and Under**

<u>Level</u>	<u>Daily</u>	<u>30 Day Month</u>	<u>31 Day Month</u>
I - Regular	\$33.04	\$991.20	\$1,024.24
II – Special	\$33.69	\$1,010.70	\$1,044.39
III – Handicapped	\$35.81	\$1,074.30	\$1,101.10
IV – Multi-handicap	\$42.03	\$1,260.90	\$1,302.93

**Children age 12 and over**

<u>Level</u>	<u>Daily</u>	<u>30 Day Month</u>	<u>31 Day Month</u>
I - Regular	\$37.23	\$1,116.90	\$1,154.13
II – Special	\$38.56	\$1,156.80	\$1,195.36
III – Handicapped	\$41.23	\$1,236.90	\$1,278.13
IV – Multi-handicap	\$48.58	\$1,457.40	\$1,505.98