

Making An Informed Decision:

THE DIFFERENCE BETWEEN
ADOPTION AND
PERMANENT GUARDIANSHIP



What is meant
by

PERMANENCY




“Permanency” is not
about the parents.....


It's is about the children



Permanency
gives a child



Consistency
Stability
Predictability





Permanency
gives a child

*Relief from **multiple** changes
in **placement**

*Relief from **multiple** changes
in **placement** **uncertainty**

*Relief from **indecision**


*Relief from **uncertainty**

When does permanency planning
start?
At the time of removal!

What are the available Permanent
Placement Options?

Child in the Custody of DCS
Return to the Birth Parent
Permanent Guardianship
Adoption



What is DCS Considering?

Federal Law Requirements

- Reasonable efforts to reunify & timelines

Decision making involves:

- Case manager and supervisor
- Attorneys and GAL's
- Parents and youth
- Caregivers
- Extended Family
- Other Team Members
- The Judge
- ICWA and Tribal staff



ICWA Considerations

The Indian Child Welfare Act: A Federal Law

- If the child is a member of an Indian tribe or eligible for membership
- The Tribe must be notified of proceedings
- The Tribe has a right to intervene
- ICWA mandates the consideration of preferences in placements.



ICWA Consideration

In foster care or pre-adoptive placements including guardianship preferences are:

- *a member of the Indian child's extended family
- *a specifically approved foster home with the tribe
- *an Indian foster home
- *an institution approved by the Indian tribe



When Does ICWA Apply?

When there is a child custody proceeding involving an Indian child.

- o Foster Care Placements
- o Guardianships
- o Termination of Parental Rights
- o Pre-Adoptive Placement
- o Adoptive Placements
- o Voluntary Placements



DCS and ICWA



- What are the responsibilities for DCS under ICWA?
 - Identification
 - Notification
 - Active Efforts
 - Placement Preferences
 - Qualified Expert Witness



Adoption or Permanent Guardianship?



It's important to educate yourself now because the decision you make will impact your life and the life of child forever.



Why is it called a Permanent Guardianship?

- Because it's intended to last until the child is 18 years old (legal relationship).
- Emotional relationship should last for a lifetime.



WHAT'S THE DIFFERENCE?

Permanent Guardianship

Adoption

- Duration
- Birth parents rights
- Visitation
- Role of the Court
- Subsidy



How will your decision affect the child?



- * Where is the child developmentally?
- * How might loyalty issues complicate this for the child?
- *What are the child's long term needs in all of this?
- *What decision serves the best interests of the child?
- * Everyone needs relationship which last a lifetime.
- * What cultural considerations are there?



