

**Legal and Financial Differences Between Adoption, Kinship Legal Guardianship (KLG) and Another Planned Permanent Living Arrangement (APPLA)**

	<b>Adoption</b>	<b>Kingship Legal Guardianship (KLG)</b>	<b>Another Planned Permanent Living Arrangement</b>
<b>Legal authority over child</b>	The adoptive parent’s legal authority over the child is the same as if the parent had given birth to child. Adoption judgment is final. Adoptive parent can transfer legal authority of the child to another person.	The kinship legal guardian (KLG) has almost the same decision-making authority over the child as a parent until the child turns 18 or judgment is changed. Parent can seek return of custody at a later date. If the KLG wants to adopt after DCP&P case closes, s/he must file a private adoption complaint.	APPLA, which NJ statute calls an <b>alternative permanent placement</b> , can become the plan for a youth when other permanency options are inappropriate and there is a compelling reason for selecting APPLA. Legal authority over child continues to be shared between DCP&P, the parent and resource parent if one is involved.
<b>DCP&amp;P involvement once permanency goal achieved. Information regarding subsidy and other financial supports is below and on other side.</b>	DCP&P closes case, except for payment of subsidy if the child meets the criteria to qualify for a subsidy.	DCP&P closes case, except for payment of a subsidy.	DCP&P case remains open until the youth turns 21, unless the youth, at age 18 or older, agrees that it should close sooner, or the youth is not cooperating with services and DCP&P has attempted to work with the youth and given proper notice of case closure.
<b>Contact between child and birth parents.</b>	As the legal parent, an adoptive parent can choose to maintain contact between the child and the birth parent, but birth parent has no enforceable right to contact with the child. The birth parent may register with the Adoption Registry and can contribute to the child’s Life Book.	Parent retains right of visitation through court order, although court may limit or restrict visitation if contact with the birth parent is harmful to the child. Parties work out logistics. DCP&P no longer assists with arranging visits.	Visitation between parent and youth continues per court order until case closes. DCP&P is responsible for implementation of visitation orders.
<b>Authority to change child’s name</b>	The adoptive parent can change the child’s name.	The KLG cannot change the child’s name or consent to an adoption by a third party.	The child’s name cannot be changed without parental consent. At age 18, youth can petition court for name change.
<b>Transfer of legal authority</b>	As legal parent, the adoptive parent can transfer custody or legal authority of the child to another person. The adoptive parents can make arrangements for the care and the custody of the child in the event of incapacitation or death.	The kinship legal guardian’s legal authority over the child cannot be transferred to another person. So if a KLG is married or living with a partner, it is recommended that both become kinship legal guardians.	DCP&P relinquishes legal authority over child when case is closed.
<b>Subsidy payments</b>	Subsidy is paid if the child is determined to be a “special needs” child, and generally at the board rate at the time the adoption is finalized. For children with extreme needs, the subsidy can exceed the board rate. Subsidy can be reduced by amount of child’s SSI payment and stops at age 18 or when child graduates high school, whichever occurs later.	The subsidy amount is established when the final KLG judgment is granted and cannot be renegotiated. The subsidy can be reduced by amount of children’s SSI payments, and stops, if the KLG stops caring for the child, at age 18 or when child graduates high school, whichever occurs later.	Current board rate can continue to be paid to resource parent until youth leaves foster care; special approval may be required. If the youth is in school or working and not making much money, youth is eligible for transitional living program or independent living funds.

	<b>Adoption</b>	<b>Kinship Legal Guardianship (KLG)</b>	<b>Another Planned Permanent Living Arrangement (APPLA)</b>
<b>Medicaid</b>	All IV-E eligible children receive medical coverage from state of residence; non-IV-E cases are covered through the Interstate Compact (all but 2 states belong). Medicaid ends when adoption subsidy ends.	Only NJ Medicaid is guaranteed. If child and KLG move out of NJ, child needs to qualify for Medicaid in new state. Medicaid ends when KLG subsidy ends.	Medicaid continues. If youth closes DCP&P case, youth can obtain health insurance until age 21 through the Medicaid Extension for Young Adults, 1-888-235-4766, so long as youth was in a DCP&P-paid placement on 18 <sup>th</sup> birthday. Youth under age 26 as of January 2014 who were in foster care on their 18 <sup>th</sup> birthday may also be eligible for Medicaid regardless of income under the federal ACA.
<b>Other support services, including financial assistance.</b>	Preschool child care is available. Post-adoption counseling available through DCP&P providers. If child has behavioral health or developmental disabilities, the parent can access the NJ Children's System of Care at <b>1-877-652-7624</b> . NJARCH provides assistance, 1-877-4ARCHNJ or through website at <a href="http://www.njarch.org">www.njarch.org</a> . Adopted teens may be eligible for Chafee wraparound services if teen was in foster care at age 16 before adoption finalized.	KLG may seek whatever services available to families within the community. If child has behavioral health or developmental disabilities, KLG can access the NJ Children's System of Care at <b>1-877-652-7624</b> . A <b>relative</b> KLG can seek assistance through the state Kinship Navigator Program by calling 2-1-1 <b>once the DCP&amp;P case is closed</b> . Teens may be eligible for Chafee wraparound services if teen was in foster care at age 16 before KLG finalized.	Youth continues to receive services through DCP&P if case remains open or through Aftercare Programs if DCP&P case is closed. Either way, youth between 18 and 21 are eligible for Chafee wraparound services. This program can help with rent, security deposit, job placement fees, school application fees, driving lessons, tutoring and mentoring.
<b>Social Security through caregiver</b>	Adoptive parent can receive Social Security for minor child and the adoption subsidy if minor child resided with caregiver for at least 1 year prior to caregiver receiving Social Security for self.	Social Security not available through KLG caregiver.	Social Security not available through caretaker.
<b>College, trade school, or other post-secondary education assistance. The Free Application for Federal Student Aid (FAFSA) must be completed for most aid.</b>	Teens adopted from foster care may be eligible for NJ Foster Care Scholars Program if they were adopted after age 16.  Current state policy expands eligibility for Scholars Program to teens adopted after age 12 who are still receiving an adoption subsidy at the time of the application.	A teen in KLG home from foster care may be eligible for NJ Foster Care Scholars Program if the teen was in foster care for an extended period of time prior to the entry of the final KLG judgment. Decisions are made on case-by-case basis. The KLG family's income should not be taken into consideration when processing the FAFSA.	Teens with a high school diploma or GED and accepted into approved school, may be eligible for assistance from NJ Foster Care Scholars Program to pay for post-high school education if the teen was: <ul style="list-style-type: none"> <li>· In foster care for 9 months or more after his/her 16<sup>th</sup> birthday, or</li> <li>· In foster care for a total of 18 months after his/her 14<sup>th</sup> birthday; or</li> <li>· In an independent living program for 3 months or more.</li> </ul> Contact NJ Foster Care Scholars Program for more information. <a href="http://www.fafsaonline.org">www.fafsaonline.org</a> or 1-800-222-0047.
<b>Inheritance</b>	Child can inherit from adoptive parent, with or without a will.	Child can inherit from birth parents; can only inherit from KLG through the KLG's will.	Child can inherit from birth parents.