

| <b>Comparison of Child Custody Options<br/>Non-Parent Caregiver (NPC)<br/>Child Custody Options</b> | <b>Filing</b>   | <b>Financial Support</b>  | <b>Eligibility for Assigned counsel</b>   | <b>Court Involvement &amp; ACS/DSS Supervision &amp; Services</b>  | <b>Segue To Other Child Custody Options</b>  |
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| <b>Art. 6—V docket Custody</b>  | <p>Non-Parent Caregiver (NPC)—relative or suitable person—can file petition. Temp Art 6 At 1017, perm Art. 6 at Dispo or PH</p> <p>NPC becomes the legally responsible adult for the child</p> <p>Custodial Responsibility ends at age 18</p> | <p>NPC supports child<br/>Eligible for public assistance (PA).</p> <p>Can seek Child support from parent(s)</p> | <p>NPC not entitled to free lawyer unless court rules or if there is a prior court order granting custody</p> | <p>No ongoing court review</p> <p>Court not allowed to order DSS supervision or to provide services but the non-parent caregiver (NPC) can apply for preventive services &amp; Court can order NPC to apply for preventive services</p> <p>Court may order child not return to parent without court review.</p> <p>No Permanency Hearings (PH)</p> | <p>NPC can sign a voluntary (BUT there will be no IV-E money)</p> <p>NPC can file to adopt with consent of parent or based upon abandonment, mental illness or mental retardation grounds.</p> <p>Return to parent custody is always possible.</p> |

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| <b>SCPA—G docket<br/>Letters of Guardianship (“Regular”)</b>  | <p>NPC (relative or suitable person) can file for letters of guardianship</p> <p>Venue is governed by SCPA and NPC must live in county of filing</p> <p>Custodial Responsibility can go to age 21</p> | <p>NPC supports child<br/>Eligibility for PA</p> <p>May be eligible for preventive services</p> <p>Child Support</p>   | <p>No free lawyer<br/>NPC not entitled to free lawyer unless court rules or if there is a prior court order granting custody</p>                                     | <p>No ongoing court review<br/>Court order could require return to court for any changes.<br/>Court not allowed to order DSS supervision or to provide services but the non-parent caregiver (NPC) can apply for preventive services &amp; Court can order NPC to apply for preventive services<br/>Continue 18-21 yrs if youth consents.</p> | <p>DSS can accept Voluntary Placement if in agreement. IV-E money if a Voluntary Placement</p> <p>Return to parent custody is always possible.</p>                  |
| <b>Art. 10—N docket<br/>Custody via FCA 1017</b>  | <p>Abuse or Neglect petition filed.</p> <p>NPC may ask or other party may ask or file motion to be considered as placement resource.</p>  | <p>NPC supports child<br/>Eligibility for PA.</p> <p>May apply to become a foster parent but if foster parent certification occurs after 6 months of placement, no IV-E money for DSS.</p> | <p>No free lawyer<br/>NPC not entitled to free lawyer before child is placed in the home. Unless court rules or if there is a prior court order granting custody</p> | <p>Art. 10 custodian is under court jurisdiction.</p> <p>Ongoing court review every 6 months via PH—FCA 1089</p> <p>NPC will be supervised by DSS and receive services but not foster care stipend/subsidy unless they become certified FP</p>  | <p>1017 NPC may be eligible for Dale P. TPR or regular TPR if NPC becomes foster parent</p> <p>1017 NPC may also file for Art 6 Custody</p> <p>Return to parent</p> |

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| <b>Foster Parents (FP)</b>  | Abuse, Neglect, Voluntary Placement, or PINS/JD/UMR  | DSS supports<br>FP gets stipend/ subsidy diaper and clothing allowance for child<br><br>Child always gets Medicaid in FC but once adopted only if IV-E or otherwise eligible | FP can ask to be considered for free attorney if indigent.<br>262 | ACS/DSS has custody<br><br>Ongoing court review every 6 months via PH—FCA 1089<br><br>DSS Supervision, Services | Return to Parent<br><br>If otherwise eligible, NPC-relative could do a subsidized guardianship<br><br>TPR—Adoption |
| <b>Permanent Guardian</b>   | Child must be freed for adoption or orphaned<br><br>Alternative to adoption<br><br>Anyone can file | Guardian Supports<br>May apply for public assistance.<br>May be able to obtain other benefits due for child  | No free lawyer unless court rules otherwise                       | Continue 18-21 yrs if youth consents.   | Could adopt child or consent to someone else adopting child  |

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| <b>Subsidized Guardianship</b>  | <p>NPC must be relative and must be a certified foster parent, with the child living in the home over 6 months</p> <p>NPC Relative files petition only after DHS approves and there is a signed agreement</p> <p>Relative means related to child by blood, marriage or adoption</p> <p>Both fact finding and 1<sup>st</sup> permanency hearing must be completed</p> | <p>NPC-Relative receives a subsidy similar in amount to foster care and adoption</p> <p>NPC Relative entitled up to \$2,000 for expenses of obtaining guardianship</p> <p>May be eligible for preventive services</p> <p>Can list a “successor guard”</p> | <p>Entitled to money for expenses, may be used for attorney fees.</p> | <p>Court not allowed to order DHS supervision or to provide services</p> | <p>No more permanency hearings will be held.</p> <p>Court could order that child cannot be returned to parent without court review</p> <p>Could still later free child and do an adoption – and subsidy for adoption still possible</p> <p>Child could also return to parent.</p> |

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| <b>Designation of a Person in Parental Relation</b><br>GOL 5-1551 – law                             | <p>Parent can sign a designation for a person to act like a parent for a child in areas such as school and medical issues.</p> <p>No court action needed</p> <p>Time limit, no more than 6 months at a time</p> <p>Does not operate by itself to change school district</p> | <p>No foster care funding</p> <p>May apply for a NPC “child only grant”</p> |   |   | <p>Return to parent is an option.</p> <p>Can’t do it to change School District</p> <p>May be renewed</p> <p>Parent can revoke the designation and any decisions made at any time.</p> |
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