

## Comparison of Relative Placements

### Art. 6 Custody –

- Relative must file petition themselves
- Can be done by non relative
- Relative not entitled to free lawyer unless they have physical/legal custody
- Court NOT allowed to order DSS to “supervise” or “provide services”
- No perm hearings
- May or may not be eligible for preventive services – court can’t “order” DSS to provide them but could order parties to see if they are eligible
- Relative must support child or seek support on their own – may be eligible for various types of assistance such as food stamps, PA
- Could order that child cannot be returned to parent without court review
- DSS involvement- also can “load” Art. 6 up with other orders such as an o/p
- There is no statutory authority to “revoke” a custody order
- Can sign a voluntary but no IV-E money
- Cannot move to an adoption without consent, abandonment, mental illness or or mental illness or retardation – no “private” perm neglect grounds

### Art. 10 custody aka N docket Custody aka 1017 Custody aka direct placement aka “parole to”

- Must be an abuse or neglect petition filed
- Can be done by non-relative
- Art. 10 custodian is “under the jurisdiction” of the court
- Ongoing court reviews – custody from perm hearing to perm hearing
- Services and supervision by DSS
- Permanency planning by DSS and court
- Relative must support child – could be eligible for food stamps, PA, etc
- Can do a Dale P. TPR but not obligated to do so
- Can still move to foster care but no IVE money if after 6 months

### “Regular” Guardianship

- Relative must file papers, no free lawyer unless had custody
- Relative must support – could get PA or child support
- Can be done by non-relative
- No statutory provision for DSS to offer supervision or services
- May be eligible for preventive services but court cannot order DSS to provide
- No ongoing court review
- Could order require return to court for any changes
- Could move to a voluntary if DSS in agreement and would get IV-E money
- Guardianship can continue from 18 to 21 if youth consents

### Foster parents

- Must be abuse, neglect or a voluntary placement
- Will be supervision, services and money from DSS
- Can be done by non-relative

- DSS has legal custody and decision making power
- Option for emergency certification
- Process requires training and investigation
- Must do ongoing perm hearings
- DSS and court must do perm planning
- TPR possible but if relative then not mandated

#### “Subsidized” Guardians

- Relative must file petition themselves and only after local district approves
- Relative must fully certified or approved foster parent of child
- Relative gets a subsidy similar in amount to foster care and adoption
- Must be related to the child by blood, marriage or adoption
- Can be resolution after Art. 10 finding or done at a perm hearing
- Both FF and 1<sup>st</sup> perm hearing must be completed
- Child must have been in home over 6 months
- Relative entitled up to \$2,000 for expenses – like attorney fee
- Court NOT be allowed to order DSS to “supervise” or “provide services”
- No perm hearings
- May be eligible for preventive services – court can’t “order” DSS to provide
- Could order that child cannot be returned to parent without court review
- Could “load” up with other orders such as an o/p

#### “Permanent Guardian”

- Child must be freed for adoption or orphaned
- As alternative to adoption
- Youth can consent to continue between 18 and 21
- Custodian can handle school, medical and insurance, even adoption
- Can combine with subsidized guardian otherwise funding can be PA

#### Designation of a Person in Parental Relation – GOL § 5-1551 to 5-1555

- Parent can sign a ‘designation’ for a person to act like a parent for a child
- No court action needed
- Can’t be for more than 6 months at a time
- Helps for school and health issues – but does not change school district
- No foster care funding
- Parent can revoke