

Comparison of Child Custody Options Non-Parent Caregiver (NPC) Child Custody Options	Filing	Financial Support	Eligibility for Assigned counsel	Court Involvement & ACS/DSS Supervision & Services	Segue To Other Child Custody Options
Art. 6—V docket Custody	<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 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>If perm Art. 6, no ongoing court review</p> <p>If perm Art. 6, court not allowed to order DSS supervision or to provide services but the non-parent caregiver (NPC) can apply for preventive services & 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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SCPA—G docket Letters of Guardianship (“Regular”)	<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 Eligibility for PA</p> <p>May be eligible for preventive services</p> <p>Child Support</p>	<p>No free lawyer NPC not entitled to free lawyer unless court rules or if there is a prior court order granting custody</p>	<p>If perm guardianship, no ongoing court review Court order could require return to court for any changes.</p> <p>If perm guardianship, court not allowed to order DSS supervision or to provide services but the non-parent caregiver (NPC) can apply for preventive services & Court can order NPC to apply for preventive services 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>
Art. 10—N docket Custody via FCA 1017	<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 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 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 – must submit to 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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Foster Parents (FP)	Abuse, Neglect, Voluntary Placement, or PINS/JD/UMR	DSS supports FP gets stipend/ subsidy diaper and clothing allowance for child 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. FCA 262	ACS/DSS has custody Ongoing court review every 6 months via PH—FCA 1089 DSS Supervision, Services	Return to Parent If otherwise eligible, NPC-relative could do a subsidized guardianship TPR—Adoption
Permanent Guardian	Child must be freed for adoption or orphaned Alternative to adoption Anyone can file	Guardian Supports May apply for public assistance. 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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Subsidized Guardianship	<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 – this is about to change to allow for non relative, suitable person</p> <p>Both fact finding and 1st permanency hearing must be completed</p>	<p>NPC-Relative receives a subsidy similar in amount to foster care and adoption up to age 21</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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Designation of a Person in Parental Relation 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>