

The New Jersey Department of Children and Families (DCF) Division of Child Protection and Permanency (CP&P) strives to support all youth in care to achieve legal permanency through reunification, adoption, or kinship legal guardianship (KLG). This document outlines legal and financial information regarding adoption and KLG. Additional information is provided regarding policy, practice, and supports related to non-permanency CP&P case goals to provide a full picture of permanency options available.

***Part I***  
**Legal and Financial Differences Between**  
**Adoption and Kinship Legal Guardianship (KLG)**

	<b>Adoption</b>	<b>Kinship Legal Guardianship (KLG)</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 KLG judgment is changed. The parent can seek return of custody and/or modification of visits at any time. If the KLG wants to adopt after CP&P case closes, s/he must file a private adoption complaint.
<b>CP&amp;P involvement once permanency goal achieved.</b>	CP&P closes case, except for payment of subsidy, if the child meets the criteria to qualify for a subsidy.	CP&P closes case, except for payment of a subsidy.
<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 the 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.	A parent retains right of visitation through court order, although the court may limit or restrict visitation if contact with the birth parent is harmful to the child. Once KLG judgement is finalized, CP&P no longer assists with arranging visits. The parent and the KLG have to work out logistics themselves.
<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.
<b>Transfer of legal authority</b>	As the 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 can be transferred to another person through Successor Guardianship named by the KLG guardian. If a KLG is married or living with a partner, it is recommended that both become kinship legal guardians. Parental rights are not terminated and the birth parent can return at any time and petition the court for the return of custody and visits.
<b>Subsidy payments</b>	A 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. There may be circumstances and needs where an exceptional waiver could be granted (i.e. extension to 21 for youth 16+ and youth with high needs). Families should be referred to Social Security regarding SSI related matters.	The subsidy amount is established when the final KLG judgment is granted and cannot be renegotiated. The subsidy stops, if the KLG stops caring for the child, at age 18 or when child graduates high school, whichever occurs later. Families will need to be referred to Social Security regarding SSI related matters.

<p><b>Medicaid</b></p>	<p>NJDCF Medicaid coverage will continue until the adoption subsidy ends. Through the Interstate Compact, for families that live or move out-of-state after the adoption is finalized, IV-E eligible children receive federally-funded Medicaid from the state of residence. For non-IV-E eligible adopted children, all states except HI, IL, NM, and NV will provide state-funded Medicaid coverage.</p>	<p>Only NJDCF Medicaid is guaranteed. If the child and KLG move out of NJ, the child needs to qualify for Medicaid in new state. NJDCF Medicaid ends when KLG subsidy ends.</p>
<p><b>Childcare</b></p>	<p>Preschool childcare is available through CP&amp;P if parent meets eligibility criteria.</p>	<p>There is no childcare assistance provided by CP&amp;P to KLG families. The KLG must seek assistance from the county resource and referral agency.</p>
<p><b>Other support services, including financial assistance.</b></p>	<p>Families may seek assistance by contacting the CP&amp;P Adoption Subsidy Unit.</p> <p>NJARCH provides assistance, 1-877-4ARCHNJ or through the website at <a href="http://www.njarch.org">www.njarch.org</a>.</p> <p>Post-Adoption Counseling (PAC) services are available.</p> <p>If the child has <b>behavioral health or developmental disabilities, the parent</b> can access the NJ Children's System of Care at <b>1-877-652-7624</b>.</p> <p>The Adoption Tax Credit may be available.</p> <p>Adopted adolescents may be eligible for Chafee services if adolescent was in foster care at age 16 or older before adoption finalized.</p>	<p>Families may seek assistance by contacting the CP&amp;P KLG Subsidy Unit.</p> <p>NJARCH provides assistance, 1-877-4ARCHNJ or through the website at <a href="http://www.njarch.org">www.njarch.org</a>.</p> <p>Post-Kinship Counseling (PAC) services are available.</p> <p>If the child has <b>behavioral health or developmental disabilities, the KLG</b> can access the NJ Children's System of Care at <b>1-877-652-7624</b>.</p> <p>Adolescents may be eligible for Chafee services if the adolescent was in foster care at age 16 or older before KLG judgment was granted.</p>
<p><b>College, trade school, or other post-secondary education assistance. The Free Application for Federal Student Aid (FAFSA) must be completed for federal, state, and school aid.</b></p>	<p>Adolescents adopted from foster care may be eligible for NJ Foster Care Scholars Program if they were adopted after age 16.</p> <p>Current state policy expands eligibility for Scholars Program to adolescents adopted after age 12 who are still receiving an adoption subsidy at the time of the application.</p> <p>If the youth was adopted after the age of 13, the youth should file their FAFSA as independent and the adoptive family's income should not be taken into consideration when filing the FAFSA.</p>	<p>If the adolescent was 16 or older at the time of the final KLG judgment the adolescent may be eligible for the NJ Foster Care Scholars Program.</p> <p>If the youth achieved KLG after the age of 13, the youth should file their FAFSA as independent and the KLG family's income should not be taken into consideration when filing the FAFSA.</p>
<p><b>Inheritance</b></p>	<p>Child can inherit from adoptive parent, with or without a will.</p>	<p>Child can inherit from birth parents; can only inherit from KLG through the KLG's will.</p>

**Part II**

**Non-Permanency Case Goals: Policy Practice, and Supports**

When all efforts have been exhausted to support legal permanency, there are non-permanency case goals available. The federal language calls these non-permanency case goals Another Planned Permanent Living Arrangement (APPLA). APPLA is rarely the best plan and CP&P must document, and the court must find, compelling reason to select APPLA as a case goal.

In New Jersey there are three APPLA goals:

- 1) **Independent Living:** This goal is **only** available for youth ages 16 and 17 when all legal permanency efforts have been exhausted. Concurrent planning efforts for legal permanency should continue even after this goal is selected.
- 2) **Other Long-Term Specialized Care:** This goal is rarely used but is available for youth starting at age 16 when all legal permanency efforts are exhausted and an independent living goal has been ruled out. This goal is selected when no appropriate family is able or willing to care for, and meet the needs of, a child with a serious medical, physical, emotional, or mental disability, and the child will remain institutionalized because no less restrictive living arrangement can meet his or her needs for care and treatment. Concurrent planning efforts for legal permanency should continue to be made.
- 3) **Individual Stabilization:** This goal is available for youth ages 18 up to 21 when CP&P services are voluntary. Concurrent planning efforts for legal permanency should continue once this goal is selected.

**Understanding Practice and Supports of Youth with APPLA Goals**

	<b>Independent Living Goal (16 and 17 years of age)</b>	<b>Individual Stabilization (18 up to 20 years of age)</b>	<b>Other Long-Term Specialized Care (16 up to 20 years of age)</b>
<b><u>CP&amp;P Case Planning and Services</u></b>	Case Plan, Transitional Plan for YOUth Success (TPYS) and the Independent Living Assessment are required planning documents.  Services are based on the youth's Case Plan and TPYS.	Voluntary Service Agreement (VSA), Transitional Plan for YOUth Success (TPYS) and the Independent Living Assessment are required planning documents. The TPYS replaces the Case Plan for this age group.  Services are based on the youth's TPYS.	Case Plan (until age 18), Transitional Plan for YOUth Success and the Independent Living Assessment are required planning documents. If youth is not able to complete these documents due to intellectual or developmental disability, the caregiver or the school's child study team, if applicable, can assist in completing.  Services are based on youth's Case Plan and/or TPYS.
<b><u>CP&amp;P Visitation Requirement</u></b>	One face-to-face visit per month.	Jointly determined between the youth and caseworker through the Voluntary Service Agreement.	One face-to-face visit per month.
<b><u>Healthcare</u></b>	Youth assigned to a Child Health Nurse and provided NJDCF Medicaid.	Youth assigned to a Child Health Nurse. Provided NJDCF Medicaid as long as they were in a CP&P supported placement on their 18 <sup>th</sup> birthday, otherwise healthcare insurance options are explored.	Youth assigned to a Child Health Nurse and provided NJDCF Medicaid unless more appropriate federal coverage (SSI) is established. Other adult coverage, typically SSI, must be established at the time NJDCF involvement terminates, in order for the youth to transition into adult services for the Developmentally Disabled.

<b><u>Placement or Living Arrangement Options</u></b>	Relative or non-relative resource home, independent living placement, independent living/youth housing program or out of home treatment	Relative or non-relative resource home, independent living arrangement, independent living/youth housing program or out of home treatment.	Medical or treatment facility/institution.
<b>College, Career Technical school, or other post-secondary education assistance. The Free Application for Federal Student Aid (FAFSA) must be completed for federal, state, and school aid.</b>	<p>Adolescents with a high school diploma or High School Equivalency and accepted into an approved school, may be eligible for assistance from NJ Foster Care Scholars Program to assist with post-high school education expenses if the adolescent was:</p> <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 or receiving CP&amp;P Independent Living stipends.</li> </ul> <p>Adolescents adopted from foster care may be eligible for NJ Foster Care Scholars Program if they were adopted after age 12.</p> <p>If the adolescent was 16 or older at the time of the final KLG judgment the adolescent are eligible for the NJ Foster Care Scholars Program.</p>	<p>Young adults with a high school diploma or High School Equivalency and accepted into an approved school, may be eligible for assistance from NJ Foster Care Scholars Program to assist with post-high school education expenses if the adolescent was:</p> <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 or receiving CP&amp;P Independent Living stipends.</li> </ul> <p>Adolescents adopted from foster care may be eligible for NJ Foster Care Scholars Program if they were adopted after age 12.</p> <p>If the adolescent was 16 or older at the time of the final KLG judgment the adolescent are eligible for the NJ Foster Care Scholars Program.</p>	If the youth's condition improves the case goal would be changed.
<b><u>Independent Living Stipend</u></b>	<p>Independent Living Stipend is not an entitlement. Youth may be eligible for stipend based on placement (ages 16 and 17) or living arrangement (18 up to 21). A budget must be completed to determine the amount the youth is eligible for. Transitional Plan for YOUth Success (TPYS) and the Independent Living Stipend Responsibility Agreement must be completed. If a youth is ages 18 up to 21, the Voluntary Services Agreement (VSA) must also be completed. The youth's income must less than 150% of the Federal Poverty Income Guidelines for a family of one.</p> <p>The Independent Living rent and/or food stipend <i>may</i> be applied to a youth's outstanding room and board expenses.</p>		If the youth's condition improves the case goal would be changed.