

DEPARTMENT OF SOCIAL SERVICES

CHILDREN'S DIVISION

P. O. BOX 88

JEFFERSON CITY, MISSOURI

October 18, 2016

M E M O R A N D U M

TO: REGIONAL EXECUTIVE STAFF, CIRCUIT MANAGERS, AND CHILDREN'S DIVISION STAFF

FROM: TIM DECKER, DIRECTOR

SUBJECT: ADOPTION AND GUARDIANSHIP AS PERMANENCY OPTIONS

DISCUSSION:

The purpose of this memo is to clarify and reinforce the Division's vision in regards to the permanency goals of Adoption and Guardianship. Federal law guides the agency's priority of choosing the goals for children in our custody. The permanency options for children are (in order of preference):

1. Reunification with a parent
2. Adoption
3. Guardianship
4. Placement with a Fit and Willing Relative
5. Another Planned Permanent Living Arrangement (APPLA)

If the goal of Reunification with a parent is not possible, Adoption should be the next goal considered by the Family Support Team and Court. All options and factors regarding the stability and needs of the child should be reviewed, keeping in mind the long term permanency of this option. Court or legal difficulties are not valid reasons to pursue another permanency plan before adoption.

Guardianship should be considered for a child only after both Reunification and Adoption have been ruled out as feasible options. This option is for children who are under the age of 18 and have an identified caregiver willing to pursue the legal course of Guardianship. If a child has a plan that involves an adult guardianship or conservatorship, the child's permanency goal is considered to be APPLA.

A comparison chart has been developed to help facilitate discussion during Family Support Team Meetings regarding the difference between adoption and guardianship. The chart can be found on e-forms listed as *Adoption and Guardianship Comparison*.

Both adoption and guardianship are commitments to be taken seriously. The commitment entered into by adopting a child is one that lasts for a lifetime. Guardianship

legally ends when the child reaches adulthood, making it the less permanent of the two options. However, legal guardians entering into this commitment should intend it to be a lifetime relationship. This chart may aid in permanency planning for children in care.

Also, a newly developed letter is now available, giving the Family Support Team a child's perspective on choosing between adoption and guardianship as the most appropriate permanency plan. Children age 13 and over should, if appropriate, participate in the Family Support Team Meeting and should be given the opportunity to help with the development of the plan. For children of all ages, the Team should take into consideration the child's feelings about the plan of guardianship or adoption.

It should be noted that the child must be 16 or over for their permanency goal to be APPLA. This is in accordance with federal law PL 113-183 (<https://www.congress.gov/bill/113th-congress/house-bill/4980/text>) and Missouri State Statute HB 1877 (<http://house.mo.gov/billssummary.aspx?bill=HB1877&year=2016&code=R>) which goes into effect August 28, 2016.

Special Note on Adult Guardianships/Conservatorships: When working with local courts and public administrators, Children Service Workers should make contact and start planning at least one year in advance of the child's 21st birthday. The Division of Legal Services should also be contacted at this time to begin the planning process.

Several Child Welfare Manual changes have been made to reinforce these philosophies. The following sections have been updated:

- [4.9.4.2 Guardianship](#)
- [4.9.4.4 Another Planned Permanent Living Arrangement \(APPLA\)](#)
- [4.22.1 Definition and Purpose](#)
- [4.23.2 Case Study Examples of APPLAs](#)

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| NECESSARY ACTION | |
| <ol style="list-style-type: none"> 1. Review this memorandum with all Children's Division staff. 2. Review revised Child Welfare Manual chapters as indicated below. 3. All questions should be cleared through normal supervisory channels and directed to: | |
| PDS CONTACT | PROGRAM MANAGER |
| Jason Kearbey 417-895-6414 Jason.L.Kearbey@dss.mo.gov | Amy Martin 573-751-3171 Amy.L.Martin@dss.mo.gov |
| CHILD WELFARE MANUAL REVISIONS | |
| 4.9.4.2 Guardianship 4.9.4.4 Another Planned Permanent Living Arrangement (APPLA) 4.22.1 Definition and Purpose 4.23.2 Case Study Examples of APPLAs | |

FORMS AND INSTRUCTIONS

N/A

REFERENCE DOCUMENTS AND RESOURCES

[Adoption and Guardianship Comparison](#)

[Adoption and Guardianship Comparison PDF](#)

[Adoption –vs- Guardianship Sample Letter](#)

[Adoption-vs- Guardianship Sample Letter PDF](#)

RELATED STATUTE

HB 1877