



SB 1166 – Permanent Guardianship; Subsidy

Abused and neglected children can be connected to lifelong families through an option known as “Permanent Guardianship” which allows children to leave foster care and live with people they already know. After nearly two decades of experience with Permanent Guardianship in Arizona and changes over the years in state practices, SB 1166 will update a couple of laws that will improve children’s stability and security.

- State law currently restricts the ability of guardians to seek the life-time commitment to a child through adoption and receive an adoption subsidy. Currently A.R.S. §8-143 limits eligibility for adoption subsidy to “*Foster parents who are interested in adopting a child in their home or any other persons interested in adopting a child under public or private agency care.*” Children in a permanent guardianship are no longer in foster care or under public or private agency care.” The bill allows families to move from guardianship to adoption subsidy.

Some guardians receive a subsidy as do most families that adopt children from foster care. Guardianship is chosen as an option for children to leave foster care when the child cannot safely return home or be adopted. Often adoption is ruled out when a child is in foster care because there are not legal grounds for termination of parental rights. But for a few families, circumstances may change, and adoption becomes an option. Adoption is a permanent, lifelong, legal relationship, affords the highest level of security for children, establishes inheritance rights and children are automatically entitled to survivor’s benefits. Once the adoption is final, the court is no longer involved. If the guardian is receiving a subsidy for the child, then the guardian should be permitted to secure their relationship with the child through adoption and be considered for an adoption subsidy.

- A.R.S. §8-143 requires a guardian to seek benefits from other state and federal programs before seeking a permanent guardianship subsidy. DCS has been determining eligibility for guardianship subsidy after the court decision. The bill allows DCS to consider other state and federal program benefits, and determine eligibility for permanent guardianship subsidy before the court decision as DCS does for adoption subsidy. This eases the transition from foster care to guardianship, allows families to know if they are eligible and what the guardianship subsidy will be, and there would be no delay in supporting the child and family.

These two steps make a start in updating and strengthening guardianship policies to make sure families have good options and that they connect with the supports they qualify for to provide stable and permanent homes for children.