

# CHART

## Adoption and Guardianship for Children in Kinship Foster Care: Comparison Chart for Kansas

This chart is designed to help kinship foster parents compare adoption and guardianship as two options that you and the children in your care can pursue to exit foster care and create permanent families in **Kansas**.

While this chart is directed at kinship foster parents, it is also intended as a tool to help child welfare and other case workers assist kinship foster parents. Birth parents and older children may also find it helpful to review as part of their decision-making.

Generations United created this chart in collaboration with Foster Adopt Connect. It is developed from Generations United’s National Comparison Chart and accompanying Brief on Adoption and Guardianship for Children in Kinship Foster Care, which are available at [www.grandfamilies.org](http://www.grandfamilies.org). The content on this chart should not be considered legal advice, but rather general information to help guide your decision. Anyone considering adoption or guardianship should consult with a local legal professional.



### RIGHTS AND RESPONSIBILITIES

#### ADOPTION

#### GUARDIANSHIP

<i>What are my legal rights and responsibilities for the child?</i>	You will become the parent in the eyes of the law forever. You have all rights and responsibilities for the child.	You will have most of the rights and responsibilities that come with caring for a child until the child reaches adulthood or the guardianship ends.
<i>What are the birth parents’ rights and responsibilities for the child?</i>	The birth parents’ rights are forever terminated.	Birth parents keep the rights to visit the child. Birth parents have an obligation to financially support the child if ordered by the court to pay child support.
<i>Do I have authority to access services for the child?</i>	As an adoptive parent, access to services for the child is the same as for any birth parent.	As a guardian, access to services for the child is typically the same as for any birth parent.



# RIGHTS AND RESPONSIBILITIES

## ADOPTION

## GUARDIANSHIP

<p><i>Can the child visit their birth parents?</i></p>	<p>You will have the right to determine whether the child visits their birth parents. You may have an agreement in place as part of the adoption, and you should follow that.</p>	<p>The birth parents typically keep their right to visit the child. The court awarding guardianship often sets up terms for that visitation, which you must follow. You may have to supervise those visits.</p>
<p><i>Can I change the child's last name?</i></p>	<p>You can change the child's last name as part of the adoption process.</p>	<p>You cannot change the child's last name as part of the guardianship process.</p>
<p><i>Is the child welfare agency still in our lives?</i></p>	<p>Once you adopt, the child welfare agency will no longer be in your lives.</p> <p>If the child receives adoption assistance, you will need to complete a short annual form regarding the subsidy.</p>	<p>Once you obtain guardianship, the child welfare agency will no longer be in your lives.</p> <p>If the child receives guardianship assistance, you will need to complete a short annual form regarding the subsidy.</p>
<p><i>Will we continue to be involved with the court?</i></p>	<p>The case will be finalized. You are now the parent.</p>	<p>The birth parents can go to court and ask to have the child returned to them. In Kansas, the court keeps a case open to monitor the guardianship. The judge determines if and when a court hearing will take place. Birth parents retain the right to petition the court for a hearing and request to have the child returned to them.</p>
<p><i>Can the birth parents come back to claim the child?</i></p>	<p>Birth parents cannot come back and claim the child. Their rights and responsibilities are terminated.</p>	<p>Parents can seek to have the child returned to them. They must show the judge that something has changed with them, the child or you as the caregiver and that the return is in the best interest of the child.</p>
<p><i>Can the child end up back in foster care?</i></p>	<p>The Department for Children and Families, with the support of law enforcement and the Court, may remove a child from their caregiver in the event of suspected abuse or neglect. There are circumstances in which a child's needs may increase over time. The parent should reach out to adoption competent service providers such as the Kansas Post Adoption Resource Center (K-PARC) or the Department for Children and Families.</p>	<p>Just like any child in the United States, the child welfare agency can remove the child from you in the event of abuse or neglect. You may be able to voluntarily surrender the child back to the agency. If you are considering such a serious step, you should consult with professionals in your area.</p>
<p><i>When does the legal relationship end?</i></p>	<p>Adoption does not end – the child is permanently part of the family.</p>	<p>Guardianship ends when the child reaches adulthood, which is age 18 in Kansas.</p>

# FINANCIAL AND LEGAL ASSISTANCE

## ADOPTION

## GUARDIANSHIP

<p><i>Is there financial assistance to help meet the needs of the child?</i></p>	<p>All states have adoption assistance for relatives adopting children with "special needs" from foster care. "Special needs" is defined broadly and 90 percent of all children adopted from foster care are eligible for adoption assistance.</p> <p>Kansas has federally funded and state-funded adoption assistance. See <a href="#">Adoption Assistance Brochure (ks.gov)</a> and <a href="#">For Families – Adopt Kansas Kids (adoptkaskids.org)</a> for more information.</p>	<p>Federally funded guardianship assistance programs exist in about 40 states and 14 tribes. They are modeled on adoption assistance and work in a similar way.</p> <p>The Kansas Guardianship Program is available to youth 14 years and up. Exceptions can be granted on a case by case basis with approval from the Department for Children and Families.</p> <p>More information about Kansas' state-funded Guardianship Assistance Program can be found at <a href="#">CFS PPM2 (ks.gov)</a>.</p>
<p><i>How much is this assistance?</i></p>	<p>Under both Kansas federally funded and state-funded adoption assistance programs, the assistance amount is based on the needs of the child and the adoptive family's ability to meet these needs.</p> <p>Kansas has post-adoption supports available through the Kansas Department for Children and Families. See <a href="#">Adoption Assistance - Prevention and Protection Services (ks.gov)</a> and <a href="#">Adoption Assistance Brochure (ks.gov)</a> for more information.</p>	<p>Under Kansas state-funded guardianship assistance programs, families can receive up to \$300 per child age 14 and up.</p> <p>Kansas has post-guardianship supports available through the regional case management provider, for 6 months following finalization of the guardianship. See <a href="#">Foster Care Providers - Services (ks.gov)</a> for more information.</p>
<p><i>How long does this assistance last?</i></p>	<p>In Kansas, adoption assistance payments last until the youth turns 18 or graduates high school, whichever comes last. Payments may be available until age 21 if the youth has a physical or mental disability which warrants continuation beyond age 18.</p>	<p>In Kansas, guardianship assistance payments last until the youth turns 18 or graduates high school, whichever comes last. Payments may be available until age 21 if the youth has a physical or mental disability which warrants continuation beyond age 18.</p>
<p><i>Will I be reimbursed for my expenses to obtain the permanency option?</i></p>	<p>If you are adopting an eligible child with "special needs" from foster care under the federally-or state-funded adoption assistance program, Kansas will reimburse you up to \$2,000 in nonrecurring expenses that you spent in getting the adoption. These expenses include legal fees, court filing fees, and travel costs. Special service payments are also available. For more information, visit <a href="#">CFS PPM2 (ks.gov)</a> .</p>	<p>Kansas does not reimburse nonrecurring expenses incurred in obtaining guardianship.</p>

## PUBLIC BENEFITS

### ADOPTION

### GUARDIANSHIP

*Is the child eligible for free school meals?*

Children adopted from foster care during the school year will remain eligible for free school meals for the remainder of the school year.

Children who exit foster care to guardianship during the school year will remain eligible for free school meals for the remainder of the school year.

After that, your income is used to determine if the child is eligible.

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*Is the child eligible for SNAP, which used to be known as food stamps?*

Your income is used to determine the household's eligibility for SNAP. The adoptive child is now part of your household. Any adoption assistance counts as income for purposes of SNAP eligibility.

You decide whether to include the child in the household for purposes of determining SNAP eligibility. If the child is included, guardianship assistance payments count as income for purposes of determining SNAP eligibility. If you choose not to include the child in the household for SNAP eligibility, the guardianship assistance payments will not count as income, but you will not receive SNAP for the child.

*Can the child receive welfare benefits under Temporary Assistance for Needy Families (TANF)?*

The child's adoption assistance will be counted as income and that alone will likely disqualify the child from a TANF child-only grant. Furthermore, TANF child-only grants are only available to children living with parents in a few limited situations – they are mostly for children living with non-parents.

The child's guardianship assistance will be counted as income and will likely disqualify the child from a TANF child-only grant.

Whether to include the child (and the child's income) in a TANF family-grant will depend on whether that will help the family financially or not.

Children in guardianships who do not receive guardianship assistance payments will likely qualify for a TANF child-only grant. Relative guardians may apply for TANF on behalf of the child. EES will exempt the subsidy payment in determining the TANF benefit amount. All other applicable income for the child will be considered in determining both the subsidy and TANF payment.

Whether to include the child (and the child's income) in a TANF family-grant will depend on whether that will help the family financially or not.

*Will the child be able to get disability or survivor Social Security benefits based on my work record?*

The child may be able to get Social Security benefits based on your work record if: (1) the child is not receiving Social Security benefits from the birth parents, (2) you have already adopted the child at the time you die or become disabled, and (3) when that death or disability occurs, the child's birth parents were not living in the same household and contributing regularly to the support of the child.

It is only possible for the child to qualify for Social Security benefits based on your work record if the child is your grandchild. There are a number of other eligibility requirements, including that the birth parents must generally be deceased or disabled. See [www.ssa.gov/people/kids/](http://www.ssa.gov/people/kids/)

The child remains eligible to receive any Social Security benefits based on the parents' work records.

## HEALTH INSURANCE

### ADOPTION

### GUARDIANSHIP

<i>Can I put the child on my private health insurance?</i>	Your adoptive child can be put on your private health insurance just like a birth child.	Some private policies allow for the child to be included, but not all. You will need to check with your insurance carrier.
<i>Can the child receive Medicaid?</i>	<p>The child you adopted from foster care is automatically eligible for Medicaid if the child is receiving federally-funded adoption assistance.</p> <p>Kansas does not provide Medicaid automatically with state-funded adoption assistance. The child must meet definition of special needs to qualify. For more information, visit <a href="https://ks.gov/cfs/ppm2">CFS PPM2 (ks.gov)</a>.</p>	<p>If you obtained guardianship with a federally-funded guardianship assistance agreement, the child is automatically eligible for Medicaid.</p> <p>Kansas does not automatically provide Medicaid with state-funded guardianship assistance. The child and family must meet criteria. For more information, visit <a href="https://ks.gov/cfs/ppm2">CFS PPM2 (ks.gov)</a>.</p>

## FEDERAL AND STATE TAX CREDITS

### ADOPTION

### GUARDIANSHIP

<i>Is there a special tax credit that can help me?</i>	<p>There is a federal adoption tax credit, which you can claim for up to \$15,950 per child adopted in 2023 (the rate typically increases each year). You may be eligible for the maximum amount of credit regardless of whether you had any qualifying expenses. For more information on this tax credit, visit <a href="https://www.irs.gov/taxtopics/tc607.html">www.irs.gov/taxtopics/tc607.html</a> and <a href="https://www.nacac.org/category/adoption-tax-credit/">www.nacac.org/category/adoption-tax-credit/</a></p> <p>Kansas has a state adoption tax credit to claim against your state income tax. Visit <a href="https://ks.gov/cfs/ppm2">Kansas State Adoption Assistance Program - The North American Council on Adoptable Children (nacac.org)</a> for more information.</p>	<p>There is no federal guardianship tax credit.</p> <p>Kansas does not have a state guardianship tax credit to claim against your state income tax.</p>
<i>Are there any other tax credits that I can claim?</i>	There are no similar state tax credits to claim against your Kansas income tax.	There are no similar state tax credits to claim against your Kansas income tax.
<i>Are these tax credits considered "income" for purposes of determining eligibility for public benefits?</i>	Tax credits do not count as income. This is true even if you owe no taxes and receive a refund check.	Tax credits do not count as income. This is true even if you owe no taxes and receive a refund check.

# CAREGIVER SUCCESSOR PLANNING AND DEATH BENEFITS FOR CHILDREN

## ADOPTION

## GUARDIANSHIP

<p><i>Can I plan for the child's care if I should die?</i></p>	<p>Like any parent, you can name a guardian in your will to take over your rights and responsibilities after your death. That person will need court approval to become the child's guardian.</p> <p>If the guardian wishes to adopt the child and the child was receiving adoption assistance, the new adoptive parent may be able to receive those payments.</p>	<p>You may name a successor guardian as part of your kinship guardianship agreement. That person may be able to step in your shoes pending court approval after your death and continue to receive the monthly guardianship assistance.</p>
<p><i>Can the child inherit from me?</i></p>	<p>As an adopted child, the child will automatically inherit from you even without a will.</p> <p>The child will not automatically inherit from the birth parents. However, they can share their estate through a legal document known as a will.</p>	<p>The child cannot automatically inherit from you, but you can create a will and share your estate that way.</p> <p>The child continues to be able to automatically inherit from birth parents.</p>
<p><i>Will the child be able to get my pension or military benefits when I die?</i></p>	<p>The child will be able to receive your pension and military benefits the same as a birth child.</p> <p>The child will no longer be able to automatically receive pension or military benefits from birth parents.</p>	<p>The child will typically not be automatically able to get your pension or military benefits as they usually only pass down to a birth or adoptive child.</p>

## COLLEGE AND INDEPENDENT LIVING

### ADOPTION

### GUARDIANSHIP

<p><i>What type of independent living or education vouchers are available for an older child?</i></p>	<p>If adopted before age 16, the child is not eligible for independent living services or education and training vouchers (ETV).</p> <p>If the child was adopted after age 16, the child will remain eligible and can apply for this support at or after age 18.</p>	<p>If the child exited foster care to a guardianship before age 16, the child is not eligible for independent living services or ETV.</p> <p>If the child entered a guardianship after age 16, the child will remain eligible and can apply for this support at or after age 18.</p>
<p><i>How is my income used to determine the child's eligibility for financial aid for college?</i></p>	<p>Your income is considered when determining financial aid as part of the Free Application for Federal Student Aid (FAFSA). However, the child's past foster care status may be considered when determining aid.</p> <p>If the child was adopted at age 13 or older, the child is considered "independent" and your income does not count.</p>	<p>The guardian's income is not considered in determining financial aid. A child in a guardianship is typically considered "independent" and the child's past foster care status may be considered when determining aid.</p>

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## Generations United's National Center on Grandfamilies

For over twenty years, Generations United's National Center on Grandfamilies has been a leading voice for families headed by grandparents, other relatives, and close family friends. Through the Center, Generations United leads an advisory group of organizations, caregivers and youth that sets the national agenda to advance public will in support of these families. Center staff conduct federal advocacy, release an annual State of Grandfamilies Report, and train grandfamilies to advocate for themselves. The Center raises awareness about the strengths and needs of the families through media outreach, weekly communications, and awareness-raising events. It offers a broad range of guides, fact sheets and tools for grandfamilies, which cover issues from education and health care access to financial and legal supports. Those resources can be found at [www.gu.org](http://www.gu.org) and [www.grandfamilies.org](http://www.grandfamilies.org).

## Foster Adopt Connect

Foster Adopt Connect works with children, youth, and families as they navigate the complexities of the child welfare system. With the help of innovative tools, a dedicated professional staff, and over 20 years of experience working in the Kansas and Missouri foster care systems, we're equipped to connect children with families that provide love, healing, and stability for a brighter future. Programs and services vary by location. More information and contact links can be found here: [Contact FosterAdopt Connect in Kansas & Missouri](#).



