

COMPARISON OF RIGHTS AND RESPONSIBILITIES				
	ADOPTIVE PARENTS	TRIBAL CUSTOMARY ADOPTIVE PARENTS	LEGAL GUARDIANS	FOSTER PARENTS/RELATIVE CAREGIVER
Relationship	The child becomes the adoptive parent's child in all respects	The child becomes the adoptive parent's child in all respects	The child becomes the "ward" of the guardian	The child remains the responsibility of the county agency and Juvenile Court
Parental legal rights and responsibilities for the child are transferred to the adopting relative	Yes	Yes	No	No
Relative makes decisions for the child	Yes	Yes	Most	Some
Relative has control over visitation with parents	All	May be determined through Tribal Customary Adoption Order (TCAO)	Some	None
Child will stay in the foster care system	No	No	Maybe	Yes
A payment and Medi-Cal is available for the child	Yes	Yes	Yes	Yes

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Child's Residence	Residence solely determined by adoptive family	Residence solely determined by adoptive family. Tribe may request that minors remain in local area to maintain their Tribal ties.	Guardian may decide where child and family live in California. Need court permission to move from California or placed back with parent. If move to new state, must re-establish guardianship in new state, subject to new state's rules	Placement/residence determined by Juvenile Court and Social Services Department. Juvenile Court must pre-approve any move out of California. The family may need to be licensed in the new state
Education	Adoptive parents make all decisions. Special services may be available from schools, regional centers and other service providers	Adoptive parents make all decisions. Special services may be available from schools, regional centers and other service providers Johnson O'Malley Act College benefit – may be college benefits through the tribe.	Guardian can make all decisions. Legal guardian can request special services from schools, regional centers, or any other service providers	Unless education rights are limited by the Court or parental rights are terminated, the birth parents retain the right to make critical decisions regarding education
Marriage	Adoptive parents may consent to the marriage of the child	Adoptive parents may consent to the marriage of the child	Both guardian and the court must give consent to the child's marriage. If the child enters a valid marriage, the child becomes emancipated under California law	Juvenile Court retains the responsibility to consent to the marriage of a child under its jurisdiction

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Child's Drivers License and Driving	Adoptive parents may sign for child's drivers license. The law requires anyone signing DMV application get insurance to cover the child driver	Adoptive parents may sign for child's drivers license. The law requires anyone signing DMV application get insurance to cover the child driver	Guardian has authority to consent to the child's application for drivers' license. Guardian becomes liable for any civil damages that may result if the child causes accident. The law requires anyone signing DMV application get insurance to cover the child driver	Require child to file proof of financial responsibility. Certain adults, such as biological parents, can sign the DMV application. Contact DMV
Armed Services	Adoptive parents may consent to enlistment of child	Adoptive parents may consent to enlistment of child	Guardian may consent to enlistment of child. If child enters into active duty with the armed forces, the child becomes emancipated under California law	Juvenile Court retains the responsibility to consent to the enlistment of child
Death of Caregiver	Adoptive child is treated the same as birth child. Adoptive parents can designate who will raise child in the event of their deaths. Adoption Assistance Program payments will terminate	Wills, advanced directive, may be addressed in TCAO	Guardianship terminates in event of death of caregiver. Birth parents may attempt to regain custody. Court may appoint successor guardian, in which case Kin-GAP eligibility may be continued, or reopen dependency and place child in long-term foster care	The agency retains placement authority and must locate a new living situation for the child

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Social Security Benefits	An adopted child may be eligible for Social Security dependent's or survivor's benefits when the adopted parent(s) retires, becomes disabled or dies	An adopted child may be eligible for Social Security dependent's or survivor's benefits when the adopted parent(s) retires, becomes disabled or dies Child may also be eligible for dependent/survivor benefits from birth parents	Eligible for benefits under the birth parent's accounts	Eligible for benefits under birth parent's accounts
Inheritance	An adoptive child is a legal heir of the adoptive parents	An adoptive child is a legal heir of the adoptive parents Child may inherit from birth parents. May be specified in TCAO	Child has no inheritance rights unless the guardian chooses to make the child a legal heir through a will. The child retains rights of inheritance from the birth parents	Child has no inheritance rights unless the foster parent chooses to make the child a legal heir through a will. The child retains rights of inheritance from the birth parents
Child Misconduct/ Destruction of Property	Adoptive parent is generally responsible for damages resulting from a child's misconduct or destruction of property of others	Adoptive parent is generally responsible for damages resulting from a child's misconduct or destruction of property of others	A guardian, like a parent, is liable for the harm and damages caused by the willful misconduct of a child. There are special rules concerning harm caused by the use of a firearm. If you are concerned about your possible liability, you should consult an attorney	The foster parents are not legally liable for the behavior of the child

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Support of Child	Adoptive parent is legally responsible for the support of the child	Adoptive parent is legally responsible for the support of the child	The parents remain legally responsible for the child's support. The child may be eligible for TANF (formerly known as AFDC), social security benefits, Veterans Administration benefits, and other public or private funds	The foster parent has no responsibility for the financial support of his/her foster child
Additional Responsibilities	Adoptive child is treated as birth child	Adoptive child is treated as birth child. Other: May include specifics regarding culture, activities, ceremony, name and birth certificate changes	Judge may ask the guardian to agree to other special conditions concerning the child's welfare, such as ongoing visitation with birth parents. A birth parent can petition the court at any time to rescind the guardianship and return custody to the parent. The court will determine if this is a safe and appropriate plan for the child	Foster parents are expected to remain available and to make the child available for visitation by the birth parent and for regular contact with the social worker, CASA, child's attorney and/or other professionals needing access to the child. They must be accountable for any monies received on behalf of the child