

Guardianship

Background Notes

There are two types of guardianship options available through DHS. A Permanent Guardianship results from a process similar to a termination of parental rights. In addition in a permanent guardianship the birth parents cannot petition the court to regain custody of the child. The more frequently used guardianship option is a Durable Guardianship. This option does not require a termination of parental rights, nor does it require parents to agree with the plan, but it does require that parents be notified of the plan. In a durable guardianship a parent may request the court review changes in their circumstances which would make them a safe parenting resource for their child and, if proven, request the court vacate the guardianship. There is an option for a Guardianship to have a subsidy which helps facilitate the process for relatives who might not be able to add a child into their home without assistance. Guardianship with relatives can be a better fit for some families and cases than termination of parental rights.

Tasks / Assignments:

- Attend a permanency committee in your local office in which guardianship is the permanency choice.
- Read the [Legal Permanency, Concurrent Planning, and Use of Permanency Committee](#), Guardianship as a Permanency Plan and Guardianship Assistance sections of the rules in Division 70.
- Read [Determining the Appropriateness of Adoption as a Permanency Plan for a Child](#) rule in Division 110.

References:

Division 70:

http://www.dhs.state.or.us/policy/childwelfare/manual_1/division_70.pdf

Division 110:

http://www.dhs.state.or.us/policy/childwelfare/manual_1/division_110.pdf

Discoveries:

- *What were the factors which most influenced the decision to seek guardianship as the permanency plan of choice in the staffing you attended?*
- *What preparation is required to staff a case before the permanency committee?*
- *Who else must you staff a guardianship case with prior to the court changing the plan to Guardianship?*
- *What did you learn about Guardianship Assistance?*