



Adoption vs Custody vs Guardianship



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*Carroll County
Department of Aging
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Thank you to the
Carroll County
Bureau of Aging & Disabilities



Happiness is when you realize the children you've raised turn out to be good people.







health



education



emotional and spiritual life

Goals

- Provide the child with a stable and supportive home.
- Ability to make important decisions.
- Do what is in the child's best interest



Adoption



Custody



Guardianship



- Responsibilities to the child
- Process for each status
- Reporting obligations
- Duration of this relationship
- Your legal relationship with child.
- Your legal relationship with child's parent.
- Child's legal relationship with parent.
- Child's rights.



Adoption

- Is permanent.
- Severs the legal rights of biological parents.
- Adopted child can inherit from adoptive parents (provided adopted before the age of 18).
- Biological parents are relieved of child support obligations as of the date of the adoption decree.
- Child's role and participation in the process.
- Privacy of proceedings.

Custody

- Physical custody – where the child lives.
- Legal custody – authority to make decisions about the child's education, healthcare, religion.
- Courts start from preference for parents.
- Custodian has financial obligations to child.
- Subject to modification.
- Parents do not give up parental rights.
- Parents obligated to pay child support to non-parent custodian.
- End when child reaches majority.

Guardianship

- **Guardian of property** makes financial decisions, pays bills, collects income, manages property, files taxes, applies for benefits.
- **Guardian of person** decides where the minor lives, medical and mental health care, clothing, food, education, and everyday needs.
- *In Carroll County there is no stand alone guardian of person of a minor – this is accomplished through a custody action.*
- Parents' legal rights remain intact.
- Temporary; ends when child reaches majority, may end earlier if parents seek to change.
- Child has no right to inherit from the guardian.
- Parents may be required to provide child support.
- Training and annual reports required for all guardians.



Common to all three processes:

- Long term responsibility and commitment
- Court involvement in establishing relationship, maybe oversight.
- Best interest standard plus other criteria.
- Legal advice is helpful



Adoption of special needs children

- Financial subsidies may be available.
- Child may receive Medical Assistance health insurance.
- <https://www.nacac.org/help/adoption-assistance/adoption-assistance-us/state-programs/maryland-adoption-assistance-program/>
- Adopted child may collect Social Security under adoptive parents' record as a minor survivor or disabled child *but* if child is already eligible based on biological parent at the time of adoption may collect under biological parent's record.

Resources

- Circuit Court for Carroll County
- <https://circuitcourt.carrollcountymd.gov/>
- Carroll County Bar Association
- <https://www.mdcourts.gov/family/familyselfhelp>
- Maryland State Bar Association Family Law Section
<https://www.msba.org/for-members/sections/family/>
- State judiciary guardianship resources
<https://www.courts.state.md.us/family/guardianship-forms>
<https://www.courts.state.md.us/sites/default/files/import/family/guardianship/pdfs/guardianshipofminorshandbook.pdf>

Resources continued

- Information about assistance for parents adopting special needs children
- <https://www.nacac.org/help/adoption-assistance/adoption-assistance-us/state-programs/maryland-adoption-assistance-program/>
- <https://www.courts.state.md.us/legalhelp/family/childcustody>
- <https://www.courts.state.md.us/legalhelp/family/adoption>

Questions?

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