

17. What if the child is eligible for other benefit programs or income?

A child who meets a program’s eligibility requirements will most likely be able to receive those benefits. But eligibility requirements do vary so the custodian should contact the program office for specific information.

18. Can an approved custodian be a foster parent at the same time?

Yes, if the custodian has or would like to have other foster children. If a foster parent becomes an approved custodian for all the foster children in his or her home and does not want more placements, the home will be closed after custodianship is finalized.

19. Can a custodian move out of the area?

Yes, but the custodian must contact the Allegheny County Court of Common Pleas, Family Division Court – Adult Section to address visitation obligations. The custodian must also notify CYF of his or her intent to move and must continue to participate in redeterminations

Health insurance for the child is not guaranteed if the custodian moves out of the state.

20. What if a custodian no longer wishes to care for a child?

Until the child turns 18, the custodian should contact the Agency. The Agency will assess the concerns and make efforts to preserve the placement. If there are allegations of maltreatment or neglect, it will be treated as an emergency. Telephone: 412-473-2000.

21. Can the custodian agreement ever be revoked or terminated after it is signed?

Yes, for a number of reasons. It would be done by CYF and can occur by mutual agreement between the custodian and CYF, at the custodian’s request, or by CYF.

22. What can cause termination of the agreement?

If the custodian:

- Is not meeting his or her custodial responsibilities*
- Is no longer caring for child*
- No longer has custody of the child*
- No longer requires the subsidy*
- Has certain criminal convictions*
- Refuses to participate in the annual redetermination
- Refuses to follow a program change
- Requests termination

Termination can also occur by:

- The child turning 18 years old
- The state ending the program
- Court order*
- The death of the custodian(s)*

* The custodian (or an individual on his or her behalf) must provide written notice of any of these events to CYF immediately (no later than 30 days) after the occurrence.

23. Should a custodian let the child visit with his birth parent(s)?

Yes, if Juvenile Court orders visitation. Because the rights of the birth parents are not terminated as they are in adoptions, the birth parents keep the right to visit their children. If Juvenile Court orders supervised visitation, custodians should not let the children alone with their parents.

24. What if the birth parents want the child to live with them? What if the child requests to live with his or her birth parents?

The custodian must refuse these requests for a number of reasons. First, the child remained in care because conditions were not safe enough to justify return to his or her birth parents. Second, permanent custodians are legally responsible for the child’s safety, health, and well-being. Third, a condition of permanent legal custodianship (whether or not it is subsidized) is that the child lives with the custodian. Fourth, it adds confusion to the child’s life about what is his or her permanent home and who should be seen as the parent figure in his or her life.

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Children, Youth and Families

Permanent Legal Custodianship

Questions & answers about Permanent Legal Custodianship



**ALLEGHENY COUNTY
DEPARTMENT OF
HUMAN SERVICES**

alleghenycounty.us/dhs



1. What is Permanent Legal Custodianship?

It is the third of five permanency goals for children in out-of-home placements. (The other goals are – in descending order of preference – reunification, adoption, placement with a fit and willing relative, and other permanent living arrangements (OPLA) that are approved by the court.) It is available to Juvenile Court and the Allegheny County Department of Human Services, Office of Children, Youth and Families (CYF) under a Pennsylvania law called the Juvenile Act.

The philosophy behind the goal of permanency is that every child deserves the most permanent home that can be found for him or her. A child is provided with a greater sense of having a permanent home by permanent legal custodianship than by foster care, even with the same caregiver.

Under this goal, the approved custodian agrees to care for the child permanently. When custodianship is finalized, legal custody of the child is shifted from CYF to the custodian. The child is then removed from CYF and Juvenile Court oversight. The custodian has certain legal rights regarding the care, custody and supervision of the child that he or she did not have as a foster parent.

2. What is subsidized permanent legal custodianship?

It is the same as permanent legal custodianship except that the state of Pennsylvania, through CYF, provides financial assistance to the custodian to help care for the child. The subsidy is initiated after Juvenile Court approves and finalizes the custodianship.

3. Why do approved foster parents need to become approved custodians?

It is required by law. One of the law's features is that the safety of the child must be ensured. Because not every foster parent will want to, or should, become a permanent legal custodian, a separate approval process lets

CYF ensure the child's safety and well being before finalizing a legal arrangement that is intended to be permanent.

4. What must occur for a foster parent to be approved as a permanent legal custodian?

First, CYF will discuss custodianship with interested foster parents when appropriate. If they are eligible, the family service caseworker will ask Juvenile Court to change the permanency goal to permanent legal custodianship. If the court agrees, the foster parent will be assigned to a caseworker who will update the foster home study. Once all the requirements are met and the family is approved, the custodian will be asked to sign a custodianship agreement and Juvenile Court will finalize the custodianship. CYF will then close the child's record.

If Juvenile Court does not change the goal, CYF must continue to work towards achieving the current permanency goal.

5. What are the eligibility criteria?

- Caregivers must be willing to provide a safe and secure home environment permanently, or at least until the child is 18.
- Caregivers must state that they are not willing to adopt the child.
- Caregivers must have full approval status as a foster home.
- The foster child must have been in the caregiver's home for at least six consecutive months. (For most families, the child will have been with them much longer.)
- Juvenile Court must rule out reunification and adoption as permanency goals.

6. What does full approval status mean?

It means that foster home is in full compliance with all the regulations that pertain to foster homes and foster parents. The regulations are listed in the annual foster home re-evaluation form that is sent to foster parents every year.

Foster parents should contact their foster care caseworker if they are not certain about their status.

7. If foster parents are married or reside in the home as a couple, can only one be named as a permanent legal custodian?

No, both foster parents must be named as the permanent legal custodians. One parent will be named as the payee to receive the subsidy.

8. What is the difference between being a custodian and being a foster parent?

A permanent legal custodian has more rights in caring for a child than a foster parent. Custodians have the legal right to make decisions about the child's care, custody, and supervision. Foster parents cannot legally make these decisions and must let the birth parents (or CYF or Juvenile Court in their place) make them.

9. What happens after a foster parent is approved as a custodian?

A caseworker will manage the custodian's case. He or she will contact the custodian yearly to conduct a "redetermination." This is done to make sure that the needs of the child have not changed and that the custodian is still eligible to participate in the program. The custodian is required to sign a document to verify his or her eligibility.

10. Does a custodian have to take training every year?

No. Once finalized, custodianship requires no training although it can be recommended if the family is experiencing parenting difficulties.

11. What if a foster parent does not want to become a custodian?

The child will remain in the home, and the foster parents will remain open with the provider agency. Foster home requirements will have to be maintained. CYF may be required to pursue other permanency goals.

12. What if a foster parent is not approved as a custodian?

If the approval process raises a serious concern, the placement of the child in the home will be assessed. Otherwise, the child will remain in the home and the foster parents will remain open with the provider agency. Foster home requirements will have to be maintained. The remaining permanency goals will be pursued.

13. Can the custodian appeal the decision of CYF?

Yes. Custodians' appeal rights are in the CYF correspondence related to custodianship approval and redeterminations.

14. Must a custodian participate in the redetermination?

Yes. If he or she does not, the custodian agreement will be terminated. The custodian would no longer receive financial assistance and the child may be removed from the home.

15. Will custodians continue to get foster care board payment?

Yes, but it will not be called that. Instead, it is a custodianship subsidy that, in most cases, will be equal to the amount received from the foster care agency that approved the custodian as a foster parent. The subsidy is calculated on a daily basis and is paid monthly.

16. What about medical insurance and the clothing allowance?

Almost all children will receive Medical Assistance (MA) until age 18. MA will contact the custodian to select a health care plan for the child. If the custodian fails to select a plan, MA will assign one. The clothing allowance will continue but it will be calculated at a daily rate and will be included in the monthly subsidy. Any other costs necessary for the child's care will be included in the subsidy as well.