

KinGAP vs. Adoption: Benefits, Rights, and Responsibilities

RESPONSIBILITIES/RIGHTS	KINSHIP GUARDIANSHIP ASSISTANCE PROGRAM (KinGAP)	ADOPTION
LEGAL	<ul style="list-style-type: none"> The relative guardian has the right to physical custody and control of the child until age 18. They are responsible for day-to-day care, supervision, and daily decision-making. Subsidy can continue to age 21 if certain extension criteria are met and the yearly proof is provided. After finalization by the court, DSS and Family Court are no longer actively involved in the case. Birth parents may petition the Court for the return of the child if there is proof of a change in circumstances that allows for proper care of the child. 	<ul style="list-style-type: none"> Adoptive parents have full legal, parental, and financial responsibilities for the child. All decisions are made by adoptive parents. Subsidy can continue to age 21 if certain extension criteria are met and the yearly proof is provided. After adoption finalization, DSS and Family Court are no longer actively involved in the case. Adoption cannot be overturned based on a change in the birth parents' circumstances.
BIRTH PARENTS	<ul style="list-style-type: none"> Suspends the birth parents' decision-making responsibility. Birth parents' rights may or may not be terminated, but not necessarily. Certain rights and responsibilities i.e. child support, consent to adoption, and visitation may be retained by birth parents. 	<ul style="list-style-type: none"> Terminates the child's legal relationship with the birth parents.
CHILD CARE	<ul style="list-style-type: none"> The family can receive up to 52 weeks of child care vouchers one time after being granted legal guardianship or finalization of the adoption. After that the legal guardian will have to apply for and meet the requirements for child care vouchers. 	<ul style="list-style-type: none"> The family can receive up to 52 weeks of child care vouchers one time after being granted legal guardianship or finalization of the adoption. After that the adoptive parents will have to apply for and meet the requirements for child care vouchers.
MEDICAID <i>(For SC Medicaid only. Contact your State Office Adoptions for Medicaid requirements if the family is in another state.)</i>	<ul style="list-style-type: none"> Children determined to be eligible for Title IV-E Supplemental Legal Guardianship Benefits are entitled to Medicaid that is not dependent upon the Legal Guardian's income. Children who are eligible for Non-Title IV-E funded Supplemental Legal Guardianship benefits are not eligible for Medicaid benefits based on receiving Subsidized Legal Guardianship. In order to receive Medicaid, the Legal Guardian will need to apply for Medicaid and meet the requirements established by Medicaid independently. 	<ul style="list-style-type: none"> Children entitled to Title IV-E and Non-Title IV-E Adoption Assistance Monthly payments are entitled to Medicaid coverage that is not dependent upon the Adoptive Family's income.