

## Is Adoption or Guardianship a Better Fit?

**A**t the Coalition, we often get calls from families who want to understand the difference between guardianships and adoption. Often these families have recently received a recommendation from a worker and are trying to gather information.

Although much of the impact will be based on your unique circumstances, we hope this tip sheet will help give you an overview of the differences so you can best prepare your family.

This information may also be helpful when you talk to your child about what may happen. Often children have strong feelings about being adopted or having a guardian, but sometimes they don't fully understand the lifelong implications of either one.

Having the conversation with your child about how this decision will affect his or her life may make ease the transition.

### What Is Adoption? What is Guardianship?

**Adoption** creates a parent-child relationship with all the rights and responsibilities a birth parent has to a child. A child can be adopted when the rights of the birth parents have been terminated by the court. Once the adoptive parents legally finalize the adoption, it can't be reversed.

As the adoptive parent, you are financially responsible for your child. (You could be eligible for a monthly adoption subsidy, as well as access to Medical Assistance if you need it.)

**Guardianship** means that you have the same legal rights as the parent until a specified time—usually when the child becomes an adult or when the child goes back to live with his or her parent. The parent has the right to petition the court (paperwork that requests some action of the court) to dissolve the guardianship rights at any time. A judge may or may not grant the request.

The parents continue to retain their parental rights and may even remain financially responsible.

Because the biological parents still retain their rights, they have a right to have contact with their child (unless prohibited by a judge).

As a guardian, you assume the day-to-day parenting responsibilities. You have the same rights as the parents. You can legally sign to consent for medical treatment or anything which requires a parental signature.

Anyone can file a petition the court to make changes to the guardianship relationship.



Continued on page 2

Guardianships dissolve when the child turns 18. If your child still requires one, you can petition the court for guardianship of an adult. For more information, see our [Guide to Obtaining Guardianship of an Adult](#) [Child tip sheet](#) on our website.

### What Families Say

To help better understand the benefits and challenges of both adoption and guardianship, we asked several Wisconsin families who completed an adoption or guardianship to share their thoughts on the topic. (See pages three and four.)

Many of the responses that we received were similar. In several cases, something is listed as both a benefit and a challenge, which really proves how different can be for every family.

As you are reading through the lists on pages three and four, think of the things that would be benefits and challenges to *your* family.

The overall theme in all of the responses from families was that when you are connected to children, and they are part of your family, then families do most anything to nurture those relationships, keep it that way regardless of the benefits or challenges of adoption or guardianship. Know the differences between these options and be ready to face the challenges that either one may bring.

### Self Reflection Questions

Following are some questions that may help you think about how this choice will affect

your family. It may be beneficial to discuss these issues with your partner, your child and the child's team.

- Will it benefit your child to take your last name or keep their birth name? How will this impact your child's relationship with you and their biological parents?
- Does your child have an opinion about the matter? And if so do they fully understand the difference between guardianship and adoption?
- How will adoption or guardianship benefit or challenge your child and your family?
- How will your relationship with your child change after the child becomes an adult depending on this choice?
- What level of financial responsibility is appropriate for your family right now? Are there any resources available to assist?

There is no right answer when it comes to guardianship or adoption. Collecting all of the information and speaking to other families that have faced this choice may be helpful. Finding permanent families for children can be achieved in more than one way, but what matters is that your child feels connected to a forever family.

If you have further questions about the decision between guardianship and adoption, please call us at 800-762-8063.

*Guardianship and adoption are legal relationships created through the court system. If you have specific questions about your situation, you should consult a lawyer.*



## What Families Say About Guardianship

### *Guardianship Benefits*

- “One of the benefits that I wasn’t expecting was the added emotional connection. I was proud to be her legal guardian, and it gave us both a sense of security without threatening the relationship she had with her mom.”
- Another Wisconsin foster parent says, “We built an additional emotional connection through guardianship. It forms a legal relationship that helped foster a bond and made our child feel like a part of your family.”
- There is no social worker involved, which can give your family more of a sense of normalcy.
- The child does not share your last name. This can allow the child to remain connected to a biological parent.
- Children in long-term foster care may still be required to request permission for certain things like an application for a driver’s license from a biological parent. Guardianship could spare your child the experience of trying to track down a biological parent who frequently disappears or who is incarcerated.

- A child with a legal guardian will still receive parental inheritance after the biological parent has passed away without a will.
- “I adopted two siblings, but their youngest sister was adamant that she didn’t want to be adopted. Even her mom wanted me to adopt her. Guardianship was a good solution for us.”

### *Guardianship Challenges*

- There may be limited or no funding for the child with a legal guardian, if the parents are unable to contribute.
- The child does not share your last name. This can take away from the child feeling connected to the guardian’s family.
- If the guardian is a family member, it can affect relationships within the family.

## What Families Say About Adoption

### *Adoption Benefits*

- The full sense of permanency and sense of who we are as a family is solidified by adoption. For us, adoption doesn't mean just here and now—it truly is about forever, for all of us as a family.
- “Our relationship is defined, permanent and ongoing.”
- Adoption solidifies the new family identity. This may change your child's identity, since they are no longer legally part of their biological family.
- Adoption creates security because of its permanent nature.
- “Both my teen daughter and I were on the fence about adoption. I was surprised at how deep the bond became once I really did adopt her. I allowed myself to finally take “ownership” in a way that I hadn't before. I didn't have to always consider her birth mom.”
- An adopted child can receive a parental inheritance from the adoptive parents after they pass away without a will. The same child may still receive parental inheritance from biological parents if legally willed.

### *Adoption Challenges*

- Adoption changes the family identity. This may change your child's identity, since they are no longer part of their birth family.
- A child may still want to be part of a family that cares for them, but not totally lose the connection to their identity as part of their biological family.
- The child's contact with the biological parents becomes a decision that the adoptive family makes. The biological parent no longer is entitled to any contact.