

ILLINOIS DEPARTMENT OF CHILDREN AND FAMILY SERVICES
KINGAP PROGRAM

GUIDE FOR PROSPECTIVE GUARDIANS --
HOW TO HIRE AN ATTORNEY FOR SUBSIDY REVIEW

If you are the caregiver of a child who is a youth in care, and you are the child's proposed private guardian, you will likely be receiving a subsidy from the Department after the guardianship order is entered. If you wish to, you may choose and hire an attorney to review your subsidy agreement. This must occur prior to the court date when the guardianship order is entered.

The following information is provided so that you can make an informed decision on which attorney to hire for the subsidy review and what to expect from her or him.

First, you should know that:

- A DCFS attorney from the DCFS Office of Legal Services will prepare the guardianship petition and other court documents for your child and will conduct the guardianship hearing in court. **You do not need a private attorney to represent you in court at the guardianship hearing.**
- When the child is a ward of DCFS and you are the proposed guardian, if the child is subsidy eligible, you are entitled to payment of non-recurring legal fees directly related to the review of the subsidy for a child with special needs. Total fees for the subsidy review may not exceed \$2000 per child, as provided in Department Rule 302.410.
- If you want a private attorney to review your subsidy, DCFS can pay the attorney fees for the subsidy review. These fees will be paid directly to the attorney on your behalf if you choose an attorney who is on the DCFS Statewide Adoption Attorney Panel. These attorneys are trained in subsidy reviews for **both adoption and guardianship cases**. Your attorney must review your guardianship subsidy agreement with you prior to the date the guardianship order is entered in court.
- If you have a DCFS Panel Attorney review your subsidy with you, you should not be charged any fees by the attorney.

What exactly should you expect an attorney to do for you?

- Your attorney should review the guardianship subsidy with you. Your attorney will not need to go to court with you. The subsidy review can be conducted in person or by telephone conference. Your attorney can also negotiate any needed changes to the subsidy.

How do you find an attorney to review the subsidy?

DCFS and private agency staff are not permitted to refer caregivers to specific attorneys. If you are directed by a DCFS or private agency staff person to use a specific attorney, please report this information to the DCFS Advocacy Office at the phone number listed below.

You are the client and you get to choose who your subsidy-review-attorney will be. If you don't already know who you want to hire, get the current list of lawyers who are currently on the DCFS Statewide Adoption Attorney Panel.

- You can ask other guardianship parents who they used for their subsidy review.
- Choose some names on the list and call them.
- Explain that you need an attorney to review your guardianship subsidy and that you have some questions before making a final decision:
 - Choose some attorneys who practice in your geographic area.
 - How many subsidies has the lawyer reviewed in the last year? Ideally, the lawyer will have done at least a few.
 - Ask the lawyer to explain the subsidy review process.
 - If the lawyer doesn't return your calls within a day or so, cross him or her off the list.
 - You want someone who is experienced and responsive to you.

The Department has developed a list of attorneys who have experience in the review of subsidized guardianship and adoption subsidies. These attorneys:

- Have completed Department sponsored training on reviewing adoption and guardianship subsidies.
- Have a license in good standing to practice law in Illinois;
- Have not been disciplined by the Illinois Attorney Registration and Disciplinary Commission within the past five years;
- Have malpractice insurance coverage; and
- Have been practicing as attorneys for at least 3 years.

You can get a DCFS Statewide Adoption Attorney Panel list by calling:

- **DCFS Advocacy Office for Children and Families**
(800) 232-3798 or TTY: (800) 513-4980; or
- by checking the **DCFS web site at: www.state.il.us/dcfs. Click on 'Adoption,' then on 'Legal Resources.'**

What is the process for payment of legal fees by DCFS?

- If the attorney is on the DCFS Statewide Adoption Attorney Panel, the Department will pay the attorney directly, on your behalf, for reasonable and necessary fees and costs for subsidy review provided to you.
- If you select an attorney who is not on the Statewide Adoption Attorney Panel list, you must first pay the attorney, then DCFS will reimburse you. The maximum amount allowed, per Department rule, is \$2000 per child. You may obtain this payment by submitting the bill from your attorney to your regional post adopt subsidy unit.