

Grandfamilies Tip Sheet Series

For grandparents & other relatives raising children



Legal Access and Issues

Legal process and laws vary across the country but it is important to know what resources are there!

Know your rights!

Key Findings

From GrOW's National Grandfamilies and COVID 19 Survey Wave 1 (600 caregivers surveyed in 2020) and Wave 2 (225 caregivers surveyed in 2021):

- In Wave 1, 30% of surveyed caregivers have no caregiving plan for children if they die and only 13% said they had a legal document or had made legal arrangements in reference to alternate care planning
- In Wave 2, 70% of survey respondents found it very difficult or difficult to access legal assistance
- In Wave 2, 71% of survey respondents found it very difficult or difficult to determine eligibility for federal benefits

Findings in Context

- Some kinship caregivers have been caregivers for years, others are new caregivers because of COVID-19
- Laws, rules, rights, and access can all feel arbitrary both in process, application, and outcome
- Caregivers are thinking about advance planning if they were no longer able to be a caregiver and this can be a source of anxiety and frustration
- Certain types of planning are not always possible, depending on the legal status as caregiver (legal custodian, legal guardian, adoptive parent, kinship foster parent, or no legally recognized status)

“(I need) legal advice at low or no cost. The county system is torture. Hard to navigate. Hard to get things corrected. One more stress.”

— Kinship Caregiver

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Resources

- Law Help: lawhelp.org
- Eldercare Locator: eldercare.acl.gov
- State Kinship Care Contacts and Programs: childwelfare.gov/organizations/?CWIGFunctionsaction=rols:main.dsplList&rolType=Custom&RS_ID=148
- Grandfamilies State Law and Policy Center: grandfamilies.org
- National Family Caregiver Support Program: acl.gov/programs/support-caregivers/national-family-caregiver-support-program
- Grandfamilies and Kinship Support Network: gksnetwork.org

Key Concepts and Practice Recommendations for Providers

Take time to understand, explain, and offer resources

Broadly, inequalities were exacerbated and heightened during the pandemic. Applications for any kind of financial assistance can be lengthy and applications can be denied or delayed while caregivers are trying to make ends meet. There are an unbelievable number of legal systems, terms, and rules for any caregiver and they may vary by child in the same household. Sometimes access to benefits is dependent on the legal status of the caregiver (i.e. legal custodian, legal guardian, kinship foster parent, or adoptive parent). The following resources exist in all states and may be worth exploring:

- **Child welfare involvement.** This may include monitoring and assistance, serving as kinship foster parents, terminating of parental rights, and adopting and everything in between
- **Other court involvement.** Caregivers could be in court for child support, paternity actions, custody, guardianship, and adoption all outside of the child welfare system
- **Health insurance.** Depending on the state and the needs of the child, a Medicaid program may be available for one or more members of the household
- **Supplemental Nutrition Assistance Program (SNAP).** Offers nutrition benefits, often still referred to as food stamps, and is based on income of the household
- **Kinship Caregiver Stipend.** Many states will offer a Kinship or Guardianship Assistance Program stipend, depending on income and legal status as caregiver
- **Housing.** Senior housing can be available but often places restrictions on minors in housing and affordable housing programs have lengthy wait times

Steps you can take

- Check with State and local bar associations for free or low-cost legal help for family court matters, special education issues, and advance planning (i.e. wills and powers of attorney documents)
- Check with State Kinship Navigator program to see if they offer legal information or other resources
- Many states have informal designations for education and health care with forms available online
- Check with local family caregiver support programs and senior centers for resources and support
- State university systems often offer services through their Extension program, which often include family, caregiving, and intergenerational programs
- If in ongoing court proceedings, always check with the local court about current practice, i.e. whether in person or online hearings
- Many public benefit programs offered extra assistance throughout the pandemic; work with families to ensure all government agencies have current addresses and income as the pandemic rules for these benefits are eased
- Offer reassurance and support throughout; court processes can be lengthy and all-consuming



The Grandfamilies Outcome Workgroup (GrOW) is a national collective comprised of multi-disciplinary stakeholders that work across systems of care in partnership with kinship families.

GrOW intentionally integrates the lived experiences of kinship caregivers in its evaluation methods, tools, and resources to support best practice in the field of kinship care. GrOW: Research to Inform Practice.

To learn more about GrOW, visit grandfamilieswork.org

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