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Cash Assistance

Many grandparents and other relative caregivers already are living on limited incomes. The added expense of raising a child may make it even more difficult to make ends meet. Your community or faith-based organization can help by letting kinship caregivers know that they can apply to their state for cash benefits on behalf of the children under their care. While the amount of the monthly benefit varies by state, the extra income may be just what the caregiver needs to take the best possible care of his or her child. The following is designed to give kinship care families and those who are helping them basic information about the federal cash benefit program, Temporary Assistance for Needy Families (TANF). Your state or local government also may have some general assistance or short-term emergency assistance available.

Many kinship caregivers in your community are eligible to apply for a monthly cash payment to help support the children they are raising.

TANF was established by the 1996 federal welfare legislation to provide public assistance and other services to low-income families. This program replaced the Aid to Families with Dependent Children Program (AFDC). Among its other general purposes, TANF allows states “to provide assistance to needy families so that children may be cared for in

their own homes or in the homes of relatives.” As a result, all states have cash assistance programs to help children and their families. Each state has a different name for its TANF program, such as Colorado Works or Arkansas’ Transitional Employment Assistance (TEA) program. Each state also offers a different monthly payment. For a list of the names of the TANF programs in each state, log on to www.acf.hhs.gov//programs/ofa/tfnames.htm, or call 1-800-333-4636. You can also link directly to your state’s TANF Web site by logging on to www.acf.hhs.gov/programs/ofa/stlinks.htm.

Kinship caregivers should be aware that there are two ways to apply for TANF benefits.

TANF was established to encourage families to remain on cash assistance only for a temporary period while they prepare to go back to work. In addition to parents, TANF also is available to certain relatives who are raising needy children full time. Each state defines who qualifies as a “relative” for eligibility purposes. In almost all states, kinship caregivers can apply for TANF benefits in one of two ways. It is very important for kinship caregivers to understand the difference between these two ways, so that they can be clear when talking to TANF agency representatives.



- **Child-Only Grants:** Most kinship caregivers apply for TANF “child-only grants.” With a child-only grant, only the child’s income is counted for the purposes of determining his or her eligibility for cash benefits. Since the benefit is intended only for the child, a relative kinship caregiver does not have to share her income information or comply with welfare program work requirements. More importantly, there is no time limit on the receipt of a child-only grant. Eligible children can continue to receive monthly assistance until they reach the age of 18—or 19, if they are full-time students.
- **Regular TANF Grant:** Income-eligible related caregivers could also apply for cash assistance on behalf of themselves as well as the children they are raising. In this case, the caregiver would include themselves in the grant as “part of the assistance unit.” This means that the state would take the caregiver’s income into account in determining the entire family’s TANF eligibility and benefit levels. If an adult caregiver is included in the assistance unit, the monthly grant will be higher than a child-only grant, but the caregiver receiving benefits also would be subject to work participation requirements. In addition, the caregiver and the child only could receive benefits for a maximum of five years (many states impose even shorter time limits).

Kinship caregivers can contact their state’s TANF program to get information on how and where to apply for benefits by calling 1-800-333-4636 or logging on to www.acf.hhs.gov/programs/ofa/stlinks.htm. Caregivers also can find out more general information about TANF by contacting the Welfare Information Network (WIN) at 202-587-1000 or www.financeprojectinfo.org/win/.

Remind kinship caregivers to be persistent when they apply for TANF benefits.

As with other government benefits programs, TANF agency caseworkers are not always aware of how eligibility guidelines apply to kinship care families. Many caregivers have reported that when they go to apply for TANF, they are told that they cannot apply on behalf of the children they are raising because they don’t have legal custody or guardianship. Even in cases where they are applying for a child-only grant for the child, the worker may tell caregivers that their income will be counted and ask for unnecessary financial information. Your community or faith-based program can help grandparents and other relatives understand what they can receive by discussing the eligibility guidelines highlighted in these resource pages. Unless a child has an income of his or her own through child support, social security, or a trust fund, for example, almost all children in

kinship care families should be eligible for some benefits. A child who is already receiving foster care payments is not eligible for TANF benefits, but there may be other children in the home who are eligible.

Note: Caregivers related by blood to the child do *not* need legal custody or guardianship to receive TANF benefits. Caregivers not related by blood may be required to obtain legal custody or guardianship.

Some kinship caregivers may not want to apply for TANF because they are afraid people might think that “they are looking for a handout.”

Your community or faith-based organization can encourage kinship caregivers to apply for TANF by explaining that, like Social Security benefits, TANF is one of many public programs designed to provide children and needy adults with the help they deserve. There are currently more than one-half million kinship caregivers who are receiving TANF funds to help support the children they are raising. They should not feel ashamed to apply for help when they need it. In fact, they should be applauded for doing the

best they can for their children.

In addition to TANF, children being raised by kinship caregivers may be eligible for other benefits, such as food stamps, Medicaid, or the state Children’s Health Insurance Program (CHIP), child care subsidies, disability benefits and others. For more information about these benefit programs, please see the “Food and Nutrition,” “Health Care,” “Children with Physical and Mental Disabilities,” and “Child Care and Early Education” resource pages in this resource kit. To find out about additional government benefits programs, kinship caregivers also can log on to www.govbenefits.gov or call 1-800-333-4636. Kinship caregivers themselves also may be eligible for a range of benefits. See the “Senior Resources” resource page in this resource kit for information about available programs.

Child Care and Early Education

Many grandparents and other relative caregivers worry about finding the right child care and early education programs for the children they are raising. You can help caregivers in your community or congregation by giving them information about the different types of child care and early childhood education programs that may be available to their families. In addition to the information summarized below, the Children's Defense Fund (CDF) has developed the "Grandparents and Other Relative Caregiver's Guide to Child Care and Early Education," which offers additional information about available programs. To obtain a copy of the guide, visit www.childrensdefense.org/ss_kin_guides.php, or contact CDF's Child Welfare and Mental Health Division at 202-662-3568, or e-mail child_welfare@childrendefense.org.

Different types of child care and early childhood education programs may be available to kinship caregivers raising children in your community.

Child care and after-school activities help shape the way children think, learn, and behave for the rest of their lives. All children deserve the quality child care and early childhood education experiences necessary to get a head start in life. Many kinship caregivers need to work while they are raising their grandchildren, and they want them to be in a safe place while they are away. They want the children they are raising to get early learning experiences so that they

start school ready to succeed. School-age children may also need safe and age-appropriate activities after school.

There are several types of child care. They are not all available in all communities, and they have different costs. It is important to research the costs and benefits of each type of child care to make sure the kinship caregiver finds the right one for his or her family.

- **In-home care.** With this type of child care, someone comes to the grandparent's or other relative's home to care for their children. Having the child care provider in the kinship caregiver's own home gives him or her more control over where the children are and keeps the children in a familiar setting.
- **Family child care.** With this type of child care, the children are cared for in a small home-like setting, usually in the child care provider's own home. Most family child care providers work alone, so the caregiver should have a back up if the child care provider is sick or cannot work some days. Some communities have a network of family child care providers. Some states license family child care providers, while others do not. Check with your state child care licensing agency. Even if they are not licensed, family child care providers should have basic health and safety training.



- **Center care.** Centers usually are licensed by the state and required to meet standards for cleanliness, safety, health conditions, staffing, and program activities. They offer different ranges of activities. Centers should have staff who are trained and have child development experience. Nonprofit, community, or faith-based groups may run centers, as do public schools, government agencies, or employers.
- **Early childhood education.** This usually refers to center-based programs that offer a range of activities to help children develop physically, socially, emotionally, and mentally. Activities are based on the children's age, and change as children get older. Early childhood education programs have more structured learning experiences for older children than what younger children usually get. There are many different names for early childhood education programs such as child care center, nursery school, preschool or prekindergarten, or child development center. Head Start is a popular federally-funded early childhood education program for lower-income families that offers comprehensive services and an assurance of quality care for children ages 3 to 5. The Early Head Start Program offers care for infants and toddlers.

Finding good child care and early childhood education programs is one of the most important decisions kinship caregivers can make for their children.

It is important to find child care or early childhood education programs that provide age-appropriate activities for each child. When children are very young, it is important to find a child care provider or program that can give them a lot of individual attention. As they get older, children need activities to help them learn and grow. They also need basic lessons to prepare them for school, including activities that help them learn how to read and play with others. School-age children can benefit greatly from before- or after-school programs if a kinship caregiver works or cannot be with them during those times of the day. These programs can provide children with the tutoring, additional instruction, sports, art, and music activities they may not get during their regular school day.

Caregivers may have a choice of programs for before- and after-school care in their community. Child care programs; recreation centers; or youth, community, or faith-based groups may run such programs. They can check the telephone book for the local YMCA or YWCA and Boys or Girls Clubs. Many schools offer before- and after-school care as well. For example, the federal government runs some through its 21st Century Community Learning Centers programs. The learning centers offer activities

for school-age children in a safe, drug-free, and supervised environment. The learning centers help schools stay open longer; provide a safe place to do homework; and have recreational, music, and art activities. Visit the 21st Century Community Web site at www.ed.gov/21stcclc/grantees.html to find local centers and the grade levels they serve.

Kinship caregivers and others should be encouraged to use the following tips when selecting a child care program.

No matter who operates the child care program, caregivers should look for one where the staff members have child development training. Most early childhood education programs are licensed and registered by the state. This means they meet certain standards for cleanliness, safety, health conditions, staffing, and program activities. When choosing a program, encourage the kinship caregiver to visit each place, speak with the staff, and talk with other families who use the program or provider. Do other parents think it is safe? Do their children like it? When they visit, they should pay attention to how the home or center looks and feels to them. Watch how the staff speak and act with the children. Watch how the children play with each other. They should ask the staff questions. You or others in your organization or congregation may want to help by accompanying caregivers when they visit different facilities. Here are some things to look for:

- Is it clean? Is it in good repair? Are there railings on all staircases? Are the bathrooms clean?
- Is there a safe place for the children to play outside? Does it have a fence? Does it have a gate that locks so the children cannot run into the street?
- Is it child proof? Are medicines and cleaning supplies out of reach? Are the electrical outlets covered or out of reach?
- Does it have a plan to get everyone out if there is a fire? What will they do if there is an accident or another kind of emergency?
- Do staff have good health habits? Do they wash their hands before giving the children food? Do they wash their hands after changing diapers?
- Do staff supervise the children at all times? How many adults are there compared to the number of children? Do staff have any child development training? Do they have previous child care experience? Do they seem to enjoy the children? Does the provider or program do criminal background checks on its staff?
- How long has the provider worked in this program?
- How do the children spend their time? Are there enough books and toys for them? Are there different activities for children of different ages?
- How are children guided toward appropriate behaviors?
- Does it feel safe? Would you feel comfortable leaving your grandchild there?



After the visit, help the kinship caregiver think about these questions and talk about what they saw so they can choose the best program to meet the needs of the children they are raising. You also may want to encourage kinship caregivers to contact their local child care resource and referral agency. In many communities, the staff at these agencies can help caregivers learn about local child care programs for children of all ages. Each resource and referral agency has up-to-date lists of licensed or registered child care programs. The lists include information about where space is available, the ages of children served, hours of operation, fees, and types of programs. They often also have a checklist to help kinship caregivers evaluate child care providers that are being considered. To find a local resource and referral agency, contact Child Care Aware at 1-800-424-2246 or www.childcareaware.org. Enter the zip code and find the telephone number for local referral agencies.

Kinship caregivers can get help to pay for child care for the children they are raising.

The federal government gives money to states to help some low-income families pay for child care and early childhood education programs while they work. The amount of help each kinship caregiver may get depends on his or her family income. Generally, otherwise eligible families with children under age 13 qualify for help with child care. There are other forms of help as well: Some kinship

caregivers can qualify for tax assistance to pay for child care while they work. Each state decides what children they will help and by which method of payment.

To find out if kinship caregivers in your organization or congregation qualify for help paying for child care, contact your state child care subsidy agency. The National Child Care Information Center can give you the telephone number for your state agency at 1-800-616-2242 or <http://nccic.org>.

Kinship caregivers may need other helpful resources to get started.

The groups listed below provide information or services that should be helpful for grandparents and other family members looking for good child care and early childhood education programs.

Child Care Aware

1-800-424-2246
www.childcareaware.org

Child Care Aware has telephone numbers for child care resource and referral agencies across the country. They can find a local agency to get information about child care providers and financial help. They also have a free checklist to help evaluate the quality of family day care or child care centers being considered. Enter a zip code to get the telephone number for a local referral agency.

Children's Defense Fund (CDF)

25 E Street N.W.
Washington, DC 20001
202-662-3568
202-662-3550 fax
www.childrensdefense.org
childwelfare@childrensdefense.org e-mail

CDF provides information and resources on issues facing grandparents and other relative caregivers, including information on federal legislation that helps kinship care families. CDF has a series of kinship care family guides in four issue areas: health insurance, food and nutrition programs, child care and early childhood programs, and children with disabilities. Call, write or fax for a copy of any of the kinship care guides. CDF also works extensively to promote quality child care and early childhood education for children and families who need this help.

Early Head Start National Resource Center

Zero to Three
2000 M Street, N.W. Suite 200
Washington, DC 20036
202-638-1144
202-638-0851 fax
www.ehsnrc.org

The Early Head Start National Resource Center provides information to parents and providers about the Head Start program. Check the Web site to find local Early Head Start programs.

National Child Care Information Center (NCCIC)

243 Church Street, NW, 2nd Floor
Vienna, VA 22180
1-800-616-2242
1-800-716-2242 fax
1-800-516-2242 TTY
info@nccic.org e-mail
www.nccic.org

The National Child Care Information Center provides information about child care to families, providers, states, and the general public. Its Web site has state contact information for different state agencies involved in child care. Visit the Web site or ask the center for a list of groups that have written checklists to help families pick the right child care.

Child Support

Many grandparents and other relatives may be eligible to receive child support on behalf of the children they are raising.

Child support is a regular payment provided by the child's parent(s) that can be used to help cover a child's living expenses. It also can include payments for a specific benefit, such as health insurance or child care for the child. Your community or faith-based organization can let kinship caregivers know that child support may be available and encourage them to consider applying for it through the court system.

Sometimes kinship caregivers do not want to pursue child support because they think it might make the child's parents angry. In some cases, a caregiver may feel that if he or she "goes after" the child support, the parent may remove the child from the caregivers home. In these situations, caregivers may choose not to pursue child support and should not be pressured to do so.

Kinship caregivers should know that the children they are raising may be eligible for child support from their parents.

Unless parental rights have been terminated by a court, a child's parents generally are legally obligated to financially support a child until that child reaches the age of majority, marries, joins the military, or becomes self-supporting. Any relative or other adult who is caring full time for a child is eligible to apply for and receive child support on behalf of that child from one or both parents, even if the kinship caregiver has sufficient funds to support the child on his

or her own. The amount of child support ordered by a court varies depending on the parents' income and other factors.

Each state has its own guidelines to determine how much child support a child should receive.

Each state has established "child support guidelines" that determine how much child support must be paid for a child. The guidelines vary by state, but many states simply calculate an amount of child support based upon a percentage of a parent's income.

Sources of income can include wages, investments, pensions and retirement benefits, worker's compensation, disability payments, unemployment benefits, veterans benefits, and social security payments.

Income does not include Temporary Assistance to Needy Families (TANF) or Supplemental Security Income Program (SSI) payments received by a parent. Courts also may count as parental income any money, goods, or services (such as a free place to live) provided by relatives and friends (including new spouses or girlfriends or boyfriends).

If kinship caregivers are receiving TANF on a child's behalf, child support will be used to reimburse the state TANF agency.

If children are receiving TANF payments, any child support collected on their behalf will be paid directly to the state TANF agency to reimburse it for the costs of the child's welfare benefits. Kinship caregivers should be aware that some states "pass through" to the child some portion of child support collected,



in addition to the monthly TANF cash grant. Once a child no longer receives TANF, most current child support payments will go directly to the child.

Kinship caregivers receiving TANF on a child's behalf may have to help a state establish a child support order.

The states sometimes require kinship caregivers who are raising a child receiving TANF to help locate the child's parents and establish a child support order by providing any information they may have about the parents' whereabouts. If a kinship caregiver feels, however, that attempts to make a parent pay child support will jeopardize the child's physical or emotional safety or their own, they can make an argument to the agency that there is "good cause" not to cooperate. Kinship caregivers also should keep in mind that if they are already receiving child support payments on behalf of a child on TANF, they must report the child support payments to the TANF caseworker. If they don't, they will be committing welfare fraud and may be required to pay back benefits received to the state or serve jail time.

Kinship caregivers may need basic information on how to apply for child support.

Grandparents and other relatives raising children may seek to collect child support from the child's parents in several ways: (1) by hiring a private attorney; (2) by securing an attorney at no charge from a local legal services office; (3) by filing a child support

petition in court and representing themselves; or (4) by applying for assistance with a state's child support enforcement agency.

- **Private attorneys.** The local bar association for your county (the professional organization for lawyers) should be able to provide you with a list of private attorneys who specialize in child support cases. Sometimes they will include attorneys willing to take cases for lower-income clients at a low or sliding-scale fee. Your community or faith-based organization also may want to see if there are any volunteers who would be willing to take on child support cases for free.
- **Legal services.** Most counties are served by a legal services or legal aid office that provides legal services to eligible low-income clients. Kinship caregivers can find their local legal service agency by calling directory assistance or looking in the phone book. Caregivers also can log on to www.lawhelp.org or www.abanet.org/legalservices/probono for a list of local legal service providers who provide representation in child support cases.
- **Self-representation.** Kinship caregivers may file a "petition" for child support and represent themselves in the court that hears child support cases in their county of residence or in the county where the child's parent lives. In some counties the court that decides child support cases is called Family Court; in others, the local civil court has a special Family Court or Child Support division. The petition

is the legal document that starts a child support case and asks the court to make a decision about how much child support a parent should provide for a child.

- **Local child support enforcement agency.** You may also seek assistance from your local child support enforcement agency. The purpose of these agencies is to help increase child support collections. There is usually a \$25 application fee to use agency services, although this fee can be waived. The agency can help you to do the following: locate a child's parents through the state or federal parent locator service and/or state or federal directory of new hires; find out information about where the parents work and what assets they have that may be available to help pay child support; establish paternity, if necessary; secure child support orders; enforce child support orders by collecting current payments and past-due support (arrears); and review child support orders periodically to
- **Other resources.** For more information about child support and where to start, the federal government provides a how-to guide called the "Handbook on Federal Child Support Enforcement." The guide can be ordered by calling 1-800-fed-info or logging on to www.pueblo.gsa.gov/cic_text/children/childenf/enforce.htm. Many communities also have grass-roots organizations that provide support to caregivers and parents who are trying to secure child support. One national child support advocacy group is the Association for Children for the Enforcement of Support (ACES), based in Ohio. It has local chapters across the country. ACES can be contacted at 1-800-738-ACES or by logging on to www.childsupport-aces.org.

make sure they are current and appropriate. Local child support enforcement agencies may be found by logging on to www.acf.dhhs.gov/programs/cse/extinf.htm.

Child Welfare and Kinship Foster Care

Right now in the United States, almost one-third of the children who have been removed from their homes by the state for abuse and neglect are being cared for by grandparents and other relatives. This is sometimes referred to as “formal kinship care,” as opposed to “informal kinship care,” because children have come under the formal supervision of the state due to abuse or neglect. In “informal kinship care,” relatives usually take over from the parent without formal state involvement. Sometimes grandparents and relatives who are providing “formal” care have been licensed as a child’s foster parent. Some are taking care of a child in foster care with little state supervision or funding. Whatever the case, kinship caregivers who are providing foster care sometimes face special challenges in negotiating the child welfare system. Studies have shown, for example, that some kinship caregivers do not have the same access to caseworker support and supplemental services for the child as other non-related foster parents.

Community and faith-based organizations can help kinship care families raising children in foster care by sharing information and resources, including the newest information about effective programs designed to support families. Organizations also can help children in the child welfare system by volunteering their time and resources. The following information explains some of the ways you can help.

Kinship caregivers raising children in foster care may need specific information about how to navigate this complex system.

While some foster care agency caseworkers already may have provided useful information and resources, some kinship care families may feel lost in the child welfare system and would benefit from additional kinship care-specific resources. The Child Welfare League of America (CWLA) recently has published a guide to help kinship caregivers interact better with child welfare agency caseworkers. It also provides basic information on how to navigate the child welfare system. The guide, “A Tradition of Caring: Information, Resources, and Support for Kinship Caregivers,” is available by calling CWLA at 202-638-2952 or by logging on to www.cwla.org/pubs/pubdetails.asp?PUBID=8552.

Kinship caregivers should be aware that most states have a kinship care division in their child welfare agency. This division focuses exclusively on the needs of kinship care families and the policies that affect them. Specific information on kinship care and the child welfare system is available from the State Kinship Care Fact Sheets that can be downloaded at www.childrensdefense.org/ss_kincare.php. Hard copies of the fact sheets also are available through CDF’s Child Welfare and Mental Health Division at 202-662-3568 or childwelfare@childrensdefense.org.

In addition to information, Generations United, a national organization dedicated to promoting inter-generational programs and policies, has established the KinNET program, a series of support groups



across the country specifically aimed at kinship caregivers raising children who are in foster care or at risk of entering foster care. For a list of KinNet sites and more information about kinship grants, call Generations United at 202-638-1263, or visit www.gu.org/kinpub.htm.

Kinship caregivers who want to care permanently for their foster children should know about options available to them.

Thirty-four states and the District of Columbia now have subsidized guardianship programs to help provide permanent homes for children in foster care. These programs provide ongoing payments to grandparents and other relative caregivers who have legal guardianship of children they were caring for in foster care but for whom adoption is not an appropriate option. For a list of all the state subsidized guardianship programs and their contacts, kinship caregivers can obtain a copy of “Expanding Permanency Options for Children: A Guide to Subsidized Guardianship Programs,” published by CDF and Cornerstone Consulting Group. The guide may be obtained by logging on to www.childrensdefense.org/ss_kincare.php by contacting CDF’s Child Welfare and Mental Health Division at 202-662-3568, or e-mailing childwelfare@childrensdefense.org.

Since the enactment of the Adoption and Safe Families Act in 1997, there has been increased pressure on state child welfare agencies to move children in foster care to permanent families. Formal kinship caregivers in your community may be receiving pressure from the child welfare agency to adopt the children for whom they are caring. You can help

them understand their options for adopting or for seeking legal guardianship to care long-term for the children. If the child had special needs, the caregiver may be eligible for ongoing adoption assistance if he or she adopts the child. There also may be a subsidized guardianship program in your state that will provide monthly cash assistance if the caregiver obtains guardianship of the child. (For more information about these options, see the resource pages on “Legal Options” in this resource kit).

Community and faith-based organizations should find out about and participate in innovative new child welfare programs that help kinship care families.

One of these exciting efforts is called Family Group Decision Making (FGDM). The FGDM process involves gathering family members, service providers, pastors and other faith leaders, and others chosen by the family to help plan how they can work together to ensure a child’s long- and short-term safety. A child welfare agency staff member is involved in the preliminary planning and provides basic information to the group, but then lets the family group develop a plan for the child and family. The staff must approve the group plan and monitor the continuing progress of the family as it works toward meeting its goal.

FGDM differs from traditional child welfare practices because it acknowledges the important roles of family and community. It is based on the principle that families often know their strengths and weaknesses better than the state. The goals of FGDM include helping families become self-sufficient within time limits, improving family functioning, and finding a long-term safe solution to the family’s problems



without using foster care or keeping children in the formal child welfare system. FGDM may be referred to as “family group conferencing,” the “family unity model,” “family team meetings,” or a similar name. Some form of FGDM is being used in at least 100 communities in 30 states. The National Center on Family Group Decision Making provides a directory of FGDM programs around the world on their Web site at www.ahafgdm.org or by calling 1-866-242-1877. A representative of your local child welfare agency should know if your community is currently using FGDM to resolve cases.

In addition to sharing information with kinship care families about the availability of family group decision making, representatives from community and faith-based organizations also may volunteer to participate in these meetings on behalf of kinship caregivers and their children. Ministers, rabbis, teachers, and other adults who know the child and family may be asked by the child’s parents or caregivers to take part in the meeting to help find solutions that work best for the child and other family members.

Your community or faith-based organization also can actively participate in community and state efforts to establish a community-partnership approach to child protection.

Since 1996, the Community Partnership for Protecting Children Initiative has made an effort to change the fundamental principles surrounding child protective services. This initiative is premised on the idea that no single person, organization, or government agency has either the responsibility or the capacity to protect our children alone. Rather,

it is up to all of these community partners, be they faith leaders, parents, the child welfare agency, other child-serving agencies, or community leaders, to help families and children by empowering them and providing supportive services before maltreatment occurs, responding when abuse or neglect does occur, and strengthening families to reduce the reoccurrence of maltreatment. Keeping children safe must be everybody’s business.

The community-partnership approach already has been implemented in four cities — St. Louis, Mo.; Cedar Rapids, Iowa; Jacksonville, Fla; and Louisville, Ky. — and is being expanded in these states and established in others. For partnerships to be successful, community and faith-based organizations must be part of the neighborhood networks established to protect children. Both formal and informal resources are key to their success. There must be a partnership with the formal child protection agency, which also must begin to do business differently. Family-group decision making is a core piece of partnerships at many sites.

If your community has not yet instituted the community-partnership approach to child protection, you can help by informing your local child welfare agency about these efforts and how much they are needed in your community. To get started in your community, see “Getting Started on Community Child Protection” by the Center for the Study of Social Policy. This brief guide suggests how a wide range of local and state leaders, from faith-based leaders to parents and neighborhood organizers, can begin the process of creating reform in the child protection system, as well as where different groups can begin. It outlines



the core elements of community child protection as well as potential first steps needed to begin moving child protection toward a neighborhood-based system. For more information about community child protection and a copy of the guide, contact The Clearinghouse on Community-Based Approaches to Child Protection at www.cssp.org/child_protection/index.php?db=22 or call the Center for Community Partnerships in Child Welfare at 212-979-2369.

Community and faith-based organizations also can encourage their members to volunteer to help other children who have been abused or neglected.

In addition to helping individual kinship care families, community and faith-based organizations can reach out to children who have been abused and neglected by encouraging the individual involvement of their members and volunteering group resources.

Members might volunteer to be Court Appointed Special Advocates, participate on Citizen Review Boards, or be foster or adoptive parents. For more information about ways to volunteer, your organization can request a copy of CDF's brochure "Protecting Children is Everyone's Business: 25 Things Individuals, Organizations and Businesses Can Do to Help Protect Children." This brochure provides a range of ideas for individuals, congregations, and businesses to make keeping children safe a community effort. To obtain a copy, visit www.childrensdefense.org, contact CDF's Child Welfare and Mental Health Division at 202-662-3568, or e-mail childwelfare@childrensdefense.org.

Children with Physical and Mental Disabilities

Grandparents and other relative caregivers may be raising children who have disabilities due to various physical or mental health problems. Some may be raising children who are at a high risk of developing disabilities if they do not receive services to help them while they are young. Fortunately, many federal, state, and local programs are available to help kinship caregivers raise children who have disabilities. Your community or faith-based organizations can help kinship care families find out more about these programs by providing them with the information described below. CDF also has developed the “Grandparents and Other Relative Caregiver’s Guide to Raising Children with Disabilities,” which offers even more detailed information about this subject. To obtain a copy of the guide, log on to www.childrensdefense.org/ss_kin_guides.php, contact CDF’s Child Welfare and Mental Health Division at 202-662-3568, or e-mail childwelfare@childrensdefense.org.

Kinship caregivers should be aware of the types of support available for children with disabilities.

Children with disabilities may be eligible for free or low-cost help for many of their needs. More information about how to apply for these programs is available elsewhere in this resource kit. Help includes the following:

- **Cash benefits.** The Social Security Administration provides a monthly cash benefit through SSI to eligible adults and children with serious disabilities. The federal Social Security Administration runs the program, but there also are local Social Security offices. In most states, children whose income and disability qualify them for SSI also qualify for free medical care through Medicaid and may qualify for food stamps. As children get older, special SSI rules may allow them to work and still get cash benefits and Medicaid.
- **Early intervention services.** State or county early intervention programs, often operated through Part C of the Individuals with Disabilities Education Act (IDEA), may provide services for infants and toddlers to make sure they get the help they need before a physical or developmental problem gets worse.
- **Education.** Children being raised by kinship caregivers may qualify for special education or related services in school. IDEA requires that free, appropriate public education and related services be available to all children with disabilities who qualify.
- **Family support services.** Family support programs may provide services or cash assistance to prevent children with disabilities from going into residential care.
- **Health insurance.** Health insurance often is available through Medicaid or the Children’s Health Insurance Program. Please refer to the resource pages on “Health Care” in this resource kit for more information.
- **Child care and early childhood education.** Local agencies and programs may offer public child care, Early Head Start, or Head Start programs that serve children with disabilities. Please refer to the resource pages on “Child Care” in this resource kit for more information.
- **Respite care.** Your community or congregation already have or may want to establish services to give kinship caregivers a break from caregiving duties for a child with disabilities. Please refer to “How to Set Up a Respite Care Program” in this resource kit for more information.



Kinship caregivers also should be aware that children with disabilities have specific legal rights.

Children who have disabilities are protected against discrimination by civil rights laws. These laws are written to make sure that people with disabilities are treated the same way as people who do not have disabilities. Major civil rights laws for children with disabilities include:

- **Rehabilitation Act** (often called “Section 504”). This law protects access for people with disabilities to schools, child care programs, hospitals, mental health centers, and other human service programs that receive funds from the federal government. A Section 504 plan describes what accommodations and services the school will provide to help a kinship caregiver’s child learn with other students who do not have disabilities. For example, a Section 504 plan may include assistive technology, such as special computer equipment, to help the child participate in classroom activities. The law requires public schools to identify all students who may qualify for this assistance. Schools must have evaluation procedures to decide who qualifies. The law also requires all schools to provide access to the same programs that are available to students who do not have disabilities. All school districts must have a Section 504 coordinator and a grievance procedure for students and their families who are denied services or believe they are not receiving the right services.
- **Americans with Disabilities Act** (often called “ADA”). This law protects access for people with disabilities to programs provided by state and local governments. It also protects access for them to transportation and to places of “public accommodation,” such as nonprofit service programs. It applies to almost all child care centers except those run by religious groups. Call the ADA

Information Line at 1-800-514-0301 or 1-800-514-0383 (TDD) for more information. Their Web site is www.usdoj.gov/crt/ada/adahom1.htm; click on “Disabilities” to read about how to file a complaint and learn more about the ADA.

- **Individuals with Disabilities Education Act** (often called “IDEA”). IDEA guarantees special education and related services for eligible students with disabilities from ages 3 to 21. Children who qualify have the right to a “free and appropriate public education” (often called FAPE) and related services. To qualify for special education and related services, your caregiver’s grandchild or other relative must have one or more specific disabilities that negatively affect his or her ability to perform in school. These include mental retardation, hearing impairments (including deafness), speech or language impairments, visual impairments (including blindness), serious emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities.

Kinship caregivers may need other helpful resources to get started.

The groups listed below provide information or services to grandparents and other family members raising children with disabilities.

Children’s Defense Fund (CDF)

25 E Street, N.W.
 Washington, DC 20001
 202-628-8787
 202-662-3550 fax
www.childrensdefense.org
childwelfare@childrensdefense.org e-mail

CDF provides information and resources on issues facing grandparents and other relative caregivers,

The Federation is a national parent- and caregiver-run organization that addresses the needs of children and youths with emotional, behavioral, or mental disorders and their families. The Web site has a list of state organizations and local chapters.

SAMHSA's National Mental Health Information Center

P.O. Box 42557
 Washington, D.C. 20015
 1-800-789-2647
 866-889-2647 TDD
 301-984-8796 fax
www.mentalhealth.org

The center provides information about a range of diagnosed and undiagnosed mental health problems and disorders. Trained staff members answer a national toll-free hotline where people can ask questions and get referrals to local service providers. There is no charge to call, and all conversations are private and confidential.

National Association of State Directors of Developmental Disabilities Services (NASDDDS)

113 Oronoco Street
 Alexandria, VA 22314
 703-683-4202
 703-683-8773 fax
ksnyder@nasddds.org e-mail
www.nasddds.org/index.shtml

NASDDDS helps state agencies develop service delivery systems and supports for people with developmental disabilities. To find a specific state office, go to the Web site and click on "State Member Agencies."

National Information Center for Children and Youth with Disabilities (NICHCY)

P.O. Box 1492
 Washington, DC 20013
 1-800-695-0285 voice/TTY
 202-884-8441 fax
nichcy@aed.org e-mail
www.nichcy.org

NICHCY serves as a national information and referral center for families and professionals who addresses disabilities, with a special focus on issues for children and youths from birth to age 22. NICHCY has bilingual information specialists who can answer specific questions from parents in both English and Spanish. The Web site offers "State Resource Sheets," listing groups and agencies that can help find information and services.

National Mental Health Association (NMHA)

2001 N. Beauregard Street, 12th Floor
 Alexandria, VA 22311
 703-684-7722
 800-433-5959 TTY
 703-684-5968 fax
 Mental Health Information Center:
 1-800-969-NMHA
www.nmha.org

NMHA works to improve the mental health of all Americans through advocacy, education, research, and service through the Mental Health Information Center. It provides information and referrals for individuals seeking help for themselves, family members, or friends. It also produces pamphlets on a variety of topics, including children's mental health. One series of pamphlets covers topics relating to teen mental health: depression and suicide, self-esteem, eating disorders, and stress.

Parent Training and Information (PTI) Centers

Visit www.ed.gov/Programs/bastmp/SPTIC.htm or www.taalliance.org/PTIs.htm for a list of centers in each state.

Each state has at least one parent-run organization to help parents learn more about the needs of their children with disabilities. PTIs provide information to parents of infants, toddlers, school-age children, and young adults with disabilities. It also works with professionals who serve these children. PTI staff members can help you talk with professionals about your child's needs. They also can help you learn how to participate in planning processes for your child's education. The centers provide information about programs, services, and resources in your state.

Protection and Advocacy Agency (P&A)

www.protectionandadvocacy.com

The state P&A provides legal and other advocacy services to adults and children with disabilities. The P&A also investigates conditions in facilities and programs that take care of people with disabilities. Many P&A agencies provide help to families so they can get education and other services for their children with disabilities. Each state P&A decides what services it will provide, with community representatives and P&A staff members making these decisions together.

Domestic Violence

While domestic violence is commonly believed to occur only between spouses and intimate partners, kinship caregivers also may be victims of violence — and threats of violence — from the parents of the children they are raising or from other family members. Domestic violence presents a very serious situation for the caregiver and the children who may witness the violence or become victims themselves. Community and faith-based organizations should understand that when others outside the family try to intervene in any domestic violence situation, the violence may get worse instead of better. Because of the unpredictable nature of family violence, community and faith-based congregations can help most effectively by providing kinship care families with the information and resources they need to get safe, professional advice.

Community and faith-based organizations can provide emergency information and resources to kinship caregivers who are being abused or threatened with abuse.

If kinship caregivers believe that they or the children being raised are in immediate danger of violence, they should call 911 immediately and alert the police. If kinship caregivers believe that domestic violence is likely to occur again, they should contact the National Domestic Violence hot line at 1-800-799-7233. The hot line provides advocacy, counseling, and referral services in any language. It also can link caregivers and other domestic violence victims directly with state and local domestic violence hotlines, domestic violence shelters, and law enforcement. The hot line is confidential and is available 24 hours a day. For more general domestic violence information, articles, and other resources, kinship caregivers also may contact the National Resource Center on Domestic Violence at 1-800-537-2238, the Battered Women's

Justice Project of the National Clearinghouse for the Defense of Battered Women at 1-800-903-0111 (ext. 3), or visit www.bwjp.org. **Note:** Caregivers should be aware that any Internet activity is *not* confidential and can be tracked by others.

Kinship caregivers may want to consider getting a court order to protect themselves from a family member who has abused them or threatened abuse.

Kinship caregivers who are afraid the child's parent or another family member may come back again to hurt them or the child may want to consider asking a local court for a protective order. A protective order (sometimes called a "restraining order" or a "stay-away order") makes it illegal for the person named in the order to come near the caregiver or, in some cases, a child. If they find that a caregiver or child is in danger, most courts will issue a temporary protective order in an emergency situation and then hold a hearing later to consider putting a more permanent order into place. It is against the law for someone who is the subject of a protective order to purchase or possess a gun. If a caregiver fears that an abuser with a protective order against them has a gun, they should contact law enforcement to seek removal of the firearm. To find local legal help in domestic violence cases, caregivers should contact the National Coalition Against Domestic Violence (NCADV) at 303-839-1852 or www.ncadv.org. NCADV has a directory of local programs and statewide coalitions, most of which keep updated lists of qualified domestic violence attorneys and free legal service providers. Caregivers also can log on to the American Bar Association's Commission on Domestic Violence Web site at www.abanet.org/domviol/home.html.



Community and faith-based organizations also can give kinship caregivers valuable information about the impact of domestic violence on children.

Even after an abusive parent has left, children still may be profoundly affected by the domestic violence they have witnessed between parents or other family members. Studies have shown that the impact of domestic violence varies for each individual child based on the frequency, nature, and extent of the violence; the age and personality of the child; and the child's relationship with other adults in his or her life. However, children who experience violence in their homes may display a range of emotional and behavioral disturbances, physical disorders, and academic problems. If a caregiver believes that the child needs help dealing with past domestic violence between parents or other loved ones, he or she

should be encouraged to get help for the child. To find appropriate services for children who have been exposed to domestic violence, contact domestic violence programs in your community. The Family Violence Prevention Fund also has excellent information and resources on the impact of domestic violence on children at 415-252-8900 or www.endabuse.org. The "Children with Physical and Mental Disabilities" and "Health Care" resource pages contained in this resource kit might also be helpful in getting mental health services. CDF has a fact sheet on the impact of domestic violence on children, which can be obtained at www.childrensdefense.org/childwelfare/domesticviolence/factsheet.asp or by contacting the Child Welfare and Mental Health Division at 202-662-3568, or e-mailing childwelfare@childrensdefense.org.

Many kinship caregivers find it difficult to enroll the children they are raising in school or authorize the children's participation in school-related activities without legal custody or guardianship of the children. Some grandparents and other relative caregivers may need information on how to advocate on behalf of their children for special education programs and related services. Other kinship care families may benefit from additional information on how to take a more active role in their child's general education.

Kinship caregivers may find it difficult to enroll the children they are raising in school without legal custody or guardianship.

Many local public schools only allow parents or legal guardians to enroll a child in school. While this is not always the case, kinship caregivers first should talk with the principal's office at their local school to find out the enrollment policy for children being cared for by their relatives. If enrollment is denied because the caregiver does not have a legal relationship to the child, he or she should check with the local school district superintendent's office to find out if the proper policy is being applied. It is important to request a written copy of the policy because, in some cases, individual schools may be misinformed about enrollment procedures for children in kinship care families. If the school district's policy makes it difficult for caregivers to enroll their children, your organization may want to gather together a group of caregivers to meet with key members of the local school board or the state's Department of Education about these enrollment problems.

Some states may have special laws that allow kinship caregivers to enroll their children in school without legal custody or guardianship.

Several states recently have passed educational enrollment laws that allow kinship caregivers to enroll the children they are raising in school without going to court. Most of these laws require the caregiver to sign a form or "affidavit" certifying that they

are caring for the child full time. This form assures the school district that the child is not pretending to live with the kinship caregiver full time in order to go to a different or a better school. To find out if your state has an educational enrollment law, kinship caregivers can contact Generations United to ask for a copy of "State Laws and Regulations Affecting Grandparent- and other Relative-Headed Families" at www.gu.org or 202-638-1263. Generations United also has a helpful fact sheet called "Grandparents and Other Relatives Raising Children: Access to Education." A list of all the state laws affecting kinship care families, including educational enrollment laws, also is available in the "Kinship Care State Fact Sheets," which are available through CDF's Child Welfare and Mental Health Division at 202-662-3568, childwelfare@childrensdefense.org or online at www.childrensdefense.org/childwelfare/kinshipcare/fact_sheets. If there is no educational enrollment law to accommodate kinship care families in your state, your organization may want to consider organizing a group of kinship caregivers to educate state legislators about the importance of laws that prevent children in kinship care families from being denied an education.

Kinship caregivers also may need information on how to advocate for special education and related services if a child they are raising has special needs.

A federal law, the Individuals with Disabilities Education Act (IDEA) requires all eligible children with disabilities to get a free and appropriate public education in the least restrictive environment. To qualify for special education and other related services, a child must have one or more specific disabilities that negatively affect their ability to perform in school, including mental retardation, hearing, visual, speech or language impairments, serious emotional disturbances, specific learning disabilities, and other health impairments. A caregiver does not need legal custody or guardianship to advocate on a child's behalf for special education and related services. For more detailed information about kinship care, special education, and other programs available to



children with disabilities, visit www.childrensdefense.org/ss_kin_guides.php to obtain a copy of “The Grandparent’s and Other Relative Caregiver’s Guide to Raising Children with Disabilities,” or contact CDF’s Child Welfare and Mental Health Division at 202-662-3568 or childwelfare@childrensdefense.org.

Kinship caregivers may want additional information about how they can become more involved with their children’s general education.

Grandparents and other relative caregivers may want to find new ways to participate in their children’s educational and related activities. By being involved, they more easily can build on what the children are doing in school when they are home. A federal law, the Elementary and Secondary Education Act (ESEA), provides funds and requires schools to offer a range of “parent involvement” activities to ensure that parents can play an active role in improving their child’s school. These parent and caregiver involvement policies must be developed jointly with parents and caregivers and must include at least one annual meeting open to all parents and caregivers. Schools also must provide parents and caregivers, in writing, a description of the school’s parent and caregiver involvement policy and information on the school’s curriculum, assessments, and academic goals. School districts are required to send parents and caregivers school-level report cards on student achievement levels at each school in the district. Parents and caregivers also are given the right to request information about the qualifications of their child’s teacher.

The ESEA defines “parent” to include legal guardians or other persons acting in the place of a parent, such as a kinship caregiver. In addition to volunteering to participate in school-sponsored parental activities, kinship caregivers also should participate in their local school’s Parent-Teacher Organization (PTO), a program that encourages parents, caregivers, and teachers to work together to improve children’s educational experiences. To find out more information about local parent-teacher programs, kinship caregivers can contact the National Parent Teacher Association at 312-670-6782 or visit www.pta.org. The National Association of Elementary School Principals also offers a booklet called “The Apple of Your Eye” to help grandparents and other relative caregivers encourage children to do well in school. This publication can be ordered by contacting the Educational Products Division of The National Association of Elementary School Principals at 1-800-386-2377 or www.naesp.org.

Many grandparents and other relative caregivers worry about whether the children they are raising are getting the food they need to grow up healthy and ready to learn in school. Some kinship caregivers may want to learn more about how to make sure their children eat nutritional meals. Others might need information about how to apply for government food programs or how to get special supplemental foods for children they are raising who have specific health problems. Whatever the situation, community and faith-based organizations can help kinship care families care for all their children's nutritional needs by sharing the program information below. In addition, CDF has developed "The Grandparent's and Other Relative Caregiver's Guide to Food and Nutrition Programs for Children," which contains more detailed food and nutrition resources. To obtain a copy of the guide, visit www.childrensdefense.org/ss_kin_guides.php, contact CDF's Child Welfare and Mental Health Division at 202-662-3568, or e-mail childwelfare@childrensdefense.org.

Community and faith-based organizations can let kinship care families know that extra food may be available in their local area.

Your community or faith-based organization, other local food banks, or food pantries may provide free groceries to help kinship care families and others in need. Other groups in your community may offer free government bulk food or other food items. Grandparents and other relative caregivers should be told about the availability of these programs, given specific information about where and how they can apply, and encouraged to ask for additional help if they need it.

Eligible kinship care families should be encouraged to participate in federal food and nutrition programs.

The federal government has several national programs that may help eligible kinship caregivers get nutritious foods for the children they are raising. These programs can help kinship care families and others buy groceries, baby formula, and food supplements. Some children also may qualify for free or reduced-price meals and snacks at school.

- **Food stamps** are food coupons that are available to eligible, low-income individuals and families. Food stamps are used like cash or electronic "debit" cards at most grocery stores. Generally, they can be used to buy food items that are prepared and eaten at home as well as seeds and plants to grow food. Food stamps cannot be used to buy preprepared hot foods that might be eaten in the grocery store or at home, or for any nonfood items like toilet paper, soap, paper towels, toothpaste, or pet food. Food stamps cannot be used to buy alcohol, cigarettes, vitamins, or medicine and are not accepted in restaurants. Kinship caregivers do not need legal custody or guardianship to apply for food stamps on behalf of the children they are raising. To find the nearest food stamp application site, kinship caregivers should contact the national Food Stamp hot line 1-800-221-5689, or visit www.fns.usda.gov/fsp.

The Women, Infants and Children (WIC) Program can help eligible kinship caregivers meet the special nutritional needs of their young grandchildren. WIC provides free food and formula to eligible low-income children up to age five. It also serves certain eligible women who are pregnant or have recently had a child. WIC staff members educate caregivers about proper nutrition and refer children to health care providers. To qualify, women and children must be low-income and "nutritionally-at-risk." This means that the grandchildren must have certain types of health conditions, like anemia or growth problems, or they may need to eat more nutritious food. Children must get a health screening when they apply to see if their condition qualifies. To apply for WIC, the kinship caregiver must go to an approved local agency that runs a WIC program. Visit www.fns.usda.gov/wic to find the toll-free number you need to call to find a local WIC program in your state. Kinship caregivers do not have to have legal custody or guardianship to apply for WIC on behalf of the child they are raising.



- **National School Breakfast and National School Lunch Programs** provide free or low-cost nutritious meals to all eligible students in the United States. Children through age 18 also can receive snacks if they attend after-school programs at participating sites. Generally, kinship caregiver's children can qualify for these meals if they are income-eligible and their schools participate in the program. Many public and nonprofit private schools serving kindergarten through grade 12 offer these meals. They also are available at residential child care programs. Caregivers can ask their children's teacher school principal, or school district's director of nutrition for an application. The same application covers both breakfast and lunch programs. Kinship caregivers do not have to have legal custody or guardianship to apply for school breakfast and lunch programs on behalf of the children they are raising.
- The **Summer Food Service Program** provides free meals and snacks to low-income children up to age 18 at summer food sites when school is not in session. The program can help stretch kinship caregivers' food budgets during the summer when their grandchildren are not getting breakfast, lunch, or snacks at school. It also offers free meals and snacks for individuals with disabilities over age 18 who attend school programs for people with physical or mental disabilities. The child does not have to apply individually for the program. States approve locations for the Summer Food Service Program as either "open" or "enrolled" sites, and children at the sites can qualify for the program. "Open" sites are located in low-income neighborhoods where at least half of the children qualify for free and reduced-price school meals. In these cases, all children who come to the open site get free meals. There is no application to participate. The other choice is an "enrolled" Summer Food site. These sites provide meals only to children who are enrolled in a program at the site. The sites are located in programs where at least half of the enrolled children qualify for free and reduced-price school meals. All enrolled children get free meals regardless of their income. To participate in an enrolled site, the grandchild must be registered in the program.
- The **Child and Adult Care Food Program** can help reduce kinship caregivers' living expenses by providing extra help to feed the children they are raising. The program gives free meals and snacks to children who attend child care centers, family child care homes, before- and after-school programs, and Head Start centers. It also provides meals and snacks at after-school programs for school-age children and youths up to age 19. Generally, only children who attend the programs approved to get these special funds are eligible to be served. Many child care centers, group and family child care homes, Head Start programs, after-school programs, recreation centers, and settlement houses get these special funds. To find local programs that offer the Child and Adult Care Food Program, kinship caregivers should call the national toll-free number at 1-800-424-2246 to get the telephone number for a local child care resource and referral service. Visit www.childcareaware.org to find a local agency, or see what agency runs the program in your state by checking www.fns.usda.gov/cnd/care/cacfp/cacfphome.htm.

Kinship caregivers may need a range of additional information about food and nutrition programs.

To learn more about federal food and nutrition programs kinship caregivers also may contact the following resources:

United States Department of Agriculture (USDA)
 USDA/FNS Public Information Staff
 3101 Park Center Drive, Room 926
 Alexandria, VA 22302
 1-800-221-5689
www.fns.usda.gov

Food Research and Action Center (FRAC)
 1875 Connecticut Avenue, N.W., Suite 540
 Washington, DC 20009
 202-986-2200
 202-986-2525 fax
www.frac.org

Regular medical care is essential to provide all children with the healthy start they deserve in life. Children being raised by grandparents and other relatives may have physical and mental health problems that require immediate attention or long-term treatment. Fortunately, most children in kinship care families are eligible for free or low-cost health insurance through two public programs: Medicaid and the Children's Health Insurance Program (CHIP). Some caregivers and even some staff in health agencies or health centers, however, may not know that this health insurance coverage is available or how to enroll children in these programs. You can help the children in your community or congregation being raised by kinship caregivers get the health coverage and care they deserve.

Medicaid and CHIP provide free or low-cost children's health insurance coverage.

Medicaid is a public health insurance program that covers the cost of medical care for eligible low-income children and adults. Medicaid covers most basic health care for children, including doctor visits, prescriptions, and hospital costs. All children who receive Medicaid also are eligible for Early and Periodic Screening, Diagnosis, and Treatment (or "EPSDT") services. EPSDT provides children with preventive testing, health screenings, and regular checkups. It also covers the cost of treatment for problems that are found in the EPSDT checkups, including treatment for mental health conditions.

CHIP is a public program that provides health insurance coverage to uninsured children in families with incomes too high to qualify for Medicaid, but who cannot afford the high cost of private health insurance. CHIP programs usually cover most basic health services, such as regular checkups, immunizations, hospital care, prescription drugs, dental care, and eyeglasses. In some states, Medicaid and CHIP have been combined into one health insurance program for children. In those states the comprehensive EPSDT set of services is available to all children in the program. Some states use the same name for both the Medicaid and CHIP programs. Other states have different names for them.

Most children being raised by kinship caregivers are eligible for Medicaid or CHIP.

All 50 states and the District of Columbia have policies that allow grandparents and other relative caregivers to apply for Medicaid or CHIP coverage on behalf of the children they are raising. Under most states' policies:

- kinship caregivers do *not* have to get legal custody or guardianship in order to enroll the children they are raising in Medicaid or CHIP.
- kinship caregivers' income is *not* counted in determining a child's eligibility for Medicaid or CHIP; only the child's income (e.g. trust fund, social security death benefits, or child support) is counted.
- kinship caregivers are *not* required to submit any proof of the absent parent's income in order to enroll the children they are raising in Medicaid and CHIP (although the state may request information about the parent's whereabouts, income, and employment for the purposes of pursuing medical child support).
- kinship caregivers do *not* have to prove their blood relationship to the child or their status as the child's full-time caregiver with formal documentation or an affidavit.
- the child does *not* have to have lived or resided in the state or the home of the kinship caregiver for a certain period of time before becoming eligible to receive Medicaid or CHIP coverage. Most states require only that the child live with the kinship caregiver at the time the application is made.

Kinship caregivers should be aware that they are usually eligible to apply for Medicaid or CHIP on a child's behalf even if they initially are turned away.

Kinship caregivers may not be aware that they are eligible to apply for health insurance for a child, because often the advertisements, brochures, and Web sites for states' Medicaid and CHIP programs only mention parents. In other cases, the agency workers handling the child's Medicaid or CHIP application may not be aware of the enrollment policies that apply to kinship care families.



Encourage the kinship caregivers in your organization or congregation to be persistent. If their children are not allowed to apply for Medicaid or CHIP or have been denied coverage under either of these programs, you can recommend that they politely ask to speak with a supervisor who may be more familiar with the enrollment policies. You also can be helpful by assigning a volunteer to go with the kinship caregiver when he or she applies for these programs to provide moral support and encouragement if difficulties arise.

Kinship caregivers might find it difficult to consent to medical care.

Enrolling a child in Medicaid or CHIP does not give the caregiver the legal right to consent to a child's medical treatment. Doctors, hospitals, and other medical service providers may require the consent of the child's parent or legal guardian to provide medical care. Some states have "medical consent" or "power of attorney" laws that allow a child's parent to give caregivers written permission to authorize medical treatment without going to court to get legal custody or guardianship. To find out if your state has these types of laws, contact Generations United's Grandparents and Relatives Raising Children Project at 202-638-1263, or visit www.gu.org.

If your state does not have this type of law, caregivers should consider going to court to ask for formal legal authority. If the caregiver cannot afford an attorney, you might consider asking a lawyer in your community or congregation to help for free. Grandparents and other relatives also can visit www.lawhelp.org or www.abanet.org/legalservices/probono for a list of local free legal service providers in their area.

Some kinship caregivers also may be eligible for free health insurance coverage.

Depending on their income, grandparents and other relative caregivers may qualify for Medicaid coverage as the "needy caretaker relative" of a Medicaid-eligible child. If kinship caregivers apply for coverage for themselves, the caregivers' income then will be counted in determining their own eligibility, as well as the eligibility of the children they are raising.

Unlike Medicaid, CHIP is only available to grandparents and other relative caregivers in a handful of states. To find out more about kinship caregivers' eligibility for Medicaid and other public benefits programs, older caregivers can use the National Council on Aging's Benefits CheckUp Web site at www.benefitscheckup.org. The Web site will ask them to answer several simple, confidential questions to help determine their eligibility for a variety of benefits programs.

More health insurance information is available for kinship care families

To find out information about the Medicaid and CHIP programs in their states, kinship caregivers should call 1-877-KIDS-NOW. This number will connect callers directly to their appropriate state agency. CDF also offers a complete health insurance guide for kinship care families, "Healthy Ties: The Grandparent's and Other Relative Caregiver's Guide to Health Insurance for Children." To obtain a copy of the guide visit www.childrensdefense.org/ss_kin_guides.php, contact CDF's Child Welfare and Mental Health Division at 202-662-3568, or e-mail childwelfare@childrensdefense.org.

HIV/AIDS hot lines across the country. Confidential questions also may be e-mailed to info@nmac.org.

The National Native American AIDS Prevention Center addresses the needs of Native American Families, at 510-444-2051 or www.nnaapc.org. Confidential questions also may be e-mailed to information@nnaapc.org.

Kinship caregivers may need legal services and information to plan for their children's futures.

Kinship caregivers raising children whose parents have HIV/AIDS may need legal help to make sure that the children will continue to live with them after their parents' death. Caregivers may encourage the child's parents to create a will designating them as the child's guardian after they die. Your organization or congregation can be helpful by finding volunteer lawyers to help kinship care families draw up appropriate wills and guardianship arrangements. (Please also see the "Legal Options" resource page provided in this resource kit.) If you cannot recruit volunteer lawyers to donate their services, your organization or congregation can help by linking kinship care families to local legal service providers, some of whom may provide legal services for free or on a sliding scale. A list of free local legal service providers also may be found at www.abanet.org/legalservices/probono or www.lawhelp.org. You also may want to check with your local bar association or law school to see if they

offer any free legal help. The AIDS Education Global Information System (AEGIS), a worldwide electronic bulletin board for individuals and families dealing with HIV/AIDS, also offers a helpful list of local legal resources and an extensive law library. AEGIS can be reached at 949-248-5843 or www.aegis.org.

Many states also now have standby guardianship laws. These laws allow parents with HIV/AIDS and other illnesses to designate an alternate caregiver or guardian in the event that they become incapacitated or die. To find out if your state has a standby guardianship law, check with your local lawyer or legal services provider. For a list of state laws and regulations affecting grandparent- and other relative-headed families, contact the Generations United Grandparents and Relatives Raising Children Project at 202-638-1263 or www.gu.org, e-mail gic@aarp.org, or call the AARP Grandparent Information Center at 1-800-424-3410.

Kinship caregivers also may be caring for a child who is infected with HIV/AIDS.

HIV/AIDS may affect children differently than it affects adults. Treatment advances have substantially reduced the transmission of HIV/AIDS from mother to child. Unfortunately, however, many younger children and an even greater number of older children and adolescents are still living with HIV/AIDS. It is essential that a kinship caregiver raising a child with

HIV/AIDS have current, accurate information to ensure that the child has access to the most effective treatment options, services, and new techniques for daily care. Caregivers also may want help in talking to child care providers or teachers about their child with HIV/AIDS. In addition to the general HIV/AIDS information resources described above, caregivers of children living with HIV/AIDS can contact the National Pediatric and Family HIV Resource Center at 1-800-362-0071 or visit its Web site for families at www.thebody.com/nphrc/nphrc.page.html. The Elizabeth Glaser Pediatric AIDS Foundation also is a good resource for caregivers caring for a grandchild with HIV/AIDS at 1-888-499-HOPE. The Foundation's Web site is located at www.pedaids.org. Click on the box entitled "Pediatric AIDS and You." Confidential questions about children and HIV/AIDS also can be e-mailed to info@pedaids.org.

Kinship caregivers face their own stresses in caring for family members affected by HIV/AIDS.

Kinship caregivers who are caring for a child or other family member with HIV/AIDS face tremendous stresses in their everyday lives. Sometimes they need a break from their daily caregiving responsibilities. Your area already may have respite care programs that serve kinship care families. For a national directory of respite care programs available in each state, caregivers should contact the ARCH National Resource

Center at 919-490-5577 or www.chtop.com. If respite care services are not available in your area, your community or faith-based organization may want to provide them. (Please see "How to Set Up a Respite Care Program," also provided in this resource kit).

Kinship care families also can benefit from national efforts to increase HIV/AIDS awareness.

Many families who are dealing with the frustration of watching a loved one struggle with HIV/AIDS have found it helpful to get involved in broader state and national efforts to bring attention and more research funding to fight the disease. There are several national organizations that welcome the participation of adults and children affected by HIV/AIDS and their caregivers. The National Association of People with AIDS (NAPWA) advocates on the national, state and local levels on behalf of all people who are living with HIV/AIDS. NAPWA can be contacted at 202-898-0414 or www.napwa.org. The NAMES Project Foundation sponsors the AIDS Memorial Quilt, a national project designed to give family members and others the opportunity to honor a loved one and increase HIV/AIDS awareness by creating a square in an enormous quilt that travels and is displayed across the nation. The Foundation can be contacted at 404-688-5500 or www.aidsquilt.org.



Kinship care families also may need information to educate their children and adolescents about how to prevent HIV/AIDS.

Grandparents and other relative caregivers raising children for the second time around may need basic information about HIV/AIDS, how it is transmitted and, most importantly, how to prevent it. With young people under the age of 25 as the fastest-growing population of people infected with HIV/AIDS, helpful resources and advice on how to talk with children and adolescents about its risks are

vital. Caregivers can call the Centers for Disease Control (CDC) National Prevention Information Network at 1-800-458-5231. The hot line is staffed with information specialists to answer a wide range of questions about HIV/AIDS risk facts and prevention. Confidential questions also can be e-mailed to CDC information experts at info@cdcnpin.org. Their Web site, www.cdcnpin.org/scripts/index.asp, also has valuable information and fact sheets.

Grandparents and other relative caregivers must deal with many stresses when they assume full-time responsibility for raising children. One of the most common challenges is finding and staying in appropriate housing. Some kinship caregivers, for example, may be threatened with eviction from senior public housing when they take in young children. Others live in apartments that are simply too small to accommodate children safely. Few grandparent caregivers have the financial resources to afford larger homes that can accommodate additional family members, and most affordable family housing is designed for younger, more physically fit parents.¹

It may be confusing for grandparents and other kinship caregivers to understand what options are available to them when it comes to housing. You may be able to help the kinship caregivers in your community or faith-based organization by sorting through some of the available options and offering them some helpful housing resources. Generations United, a national nonprofit membership organization — whose mission is to promote intergenerational public policies, strategies, and programs — compiled much of the following information. Generations United is leading a fight for legislation to improve housing options for kinship care families. For more information about Generations United and its housing work, please see the information listed at the end of this section of resource pages.

Kinship caregivers raising children may be living in public or senior housing that is funded by the federal government.

Many kinship caregivers who take in children may live in housing that is funded by the federal government and administered by a local housing agency or public housing authority (sometimes called a “PHA”). Kinship care families often report that housing agency workers are not familiar with how housing policies apply to kinship care families. Grandparents and other relative caregivers, for example, may be incorrectly told that they need legal custody or guardianship of their children in order to stay in public housing. Some may be told that they do not qualify for larger apartments in public housing. Kinship caregivers can use the following information to help remind housing agency workers how housing policies should be applied to kinship care families.

There are several different types of public and senior housing.

The U.S. Department of Housing and Urban Development (HUD) funds four primary types of federal housing assistance to low-income families:

- **Public housing.** Rental units owned and operated by PHAs. Public housing tenants pay rent directly to the PHAs. The PHA sets the amount of rent required based on income levels. The rest of the operating and maintenance costs are paid through available PHA funds.



- **Tenant-based Section 8 vouchers and certificates.** Families can use these subsidies to rent housing in the private market. The PHAs pay the landlords an amount equal to the difference between the tenant’s required rental payments and the approved “market rent.”
- **Project-based Section 8 assistance.** These rental units are owned and operated by private owners who have received a subsidy from the federal government to help keep rental fees affordable for lower-income tenants.
- **Section 202 Supportive Housing for the Elderly Program.** Sometimes referred to as “senior housing,” the current program provides capital advances through HUD to finance the development of very low-income rental housing with supportive services. Rent subsidies also are provided to make the units affordable to very low-income households.

Federal law does not require grandparents and other relatives to have legal custody or guardianship of the children they are raising to continue to qualify for federal housing programs.

The biggest perceived barrier to caregivers living in any form of housing that receives funding from HUD is the belief that relative caregivers are required to have legal guardianship or custody of the children they are raising before they can qualify for or remain in public housing. While this misperception is widespread (even among local public housing authorities), it is not true. In 1996, HUD

revised its definition of “family” for both public housing and Section 8 programs and clarified that the public housing authority must be notified of additions to the household and that permission must be requested to add noncustodial children. However, HUD regulations do not require that kinship caregivers obtain legal custody or guardianship to stay in public housing or in Section 8 programs.²

There are many other misconceptions about whether kinship caregivers and the children they are raising qualify for public housing.

- **No children.** The widespread perception, even by many housing experts, is that children are not allowed in Section 202 housing (senior housing). However, HUD’s policy is just the opposite: “When an applicant for a Section 202 project is otherwise eligible and there is an appropriate-size unit available, that applicant shall not be rejected solely on the basis of a child being a member of the household.”³
- **Unit size.** HUD regulations limit the maximum size of Section 202 housing units to two bedrooms. This means that, as a practical matter, it may be difficult for larger kinship care families to stay in or move into a Section 202 unit. However, grandparent-headed families are not faced with immediate eviction if the presence of their grandchildren puts them in violation of the occupancy standards. The Section 202 regulations state: “If the owner determines that because of change in household size, an assisted unit is smaller than appropriate, project rental assistance payment with respect to

the unit will not be reduced or terminated until the eligible household has been relocated to an appropriate alternate unit.”⁴

There also are important federal laws that protect kinship caregivers against discrimination in private housing.

Title VIII of the Civil Rights Act of 1968⁵ made it illegal to discriminate in any aspect related to the sale, rental, or financing of housing. Discrimination is illegal based on race, color, religion, sex, or national origin. The Fair Housing Amendments Act of 1988⁶ added prohibitions against discrimination based on handicap or family status, which is defined to include the presence of a minor child. The Act and its subsequent amendments apply to housing owners and professionals in the public and private sectors. While family status became a protected class in 1988, the Act and its subsequent amendments do allow for seniors-only housing under special circumstances. A building in which at least 80 percent of the units are occupied by at least one person who is 55 years of age or older can legally exclude families with children.

Kinship caregivers may need other helpful resources to get started.

The groups listed below provide information or services that should be helpful for kinship caregivers who are looking for advice on housing issues:

The Fair Housing Information Clearinghouse

1-800-343-3442

1-800-290-1617 TTY

www.hud.gov/offices/ftheo/index.cfm

This organization supplies national and local information and links to fair housing resources.

Generations United (GU)

122 C Street, N.W., Suite 820

Washington, DC 20001

202-638-1263

202-638-7555 fax

www.gu.org

At GU’s Web site, click on “Kinship Care” and then on “Fact Sheet” to learn more about the innovative GrandFamilies Housing Replication Projects in several different states.

National Academy of Elder Law Attorneys (NAELA)

1604 N. Country Club Road

Tucson, AZ 85716

520-881-4005

520-325-7925 fax

www.naela.org

The National Academy of Elder Law Attorneys, Inc. is a nonprofit association that assists lawyers, bar organizations, and others who work with older clients and their families. Established in 1987, the academy provides information, education, networking, and assistance to those who must deal with the many specialized issues involved with legal services for the



Boston Finds a New Home for Kinship Care Families

Communities throughout the United States are trying to model new programs based on GrandFamilies House in Boston, Mass., the first housing development in the country designed to serve the physical and economic needs of grandparent-headed families. The house is comprised of 26 two-, three-, and four-bedroom apartments that have safety features for children and seniors, including grab bars in the bathrooms, electrical outlet covers, and an extensive communal program space. Supportive services include an on-site resident service coordinator, live-in house manager, educational services, and assistance with accessing outside services. In addition, YWCA-Boston offers an on-site program called Generations Learning Together (GLT). GLT provides a pre-school and an after-school care program. The after-school program focuses on developing and improving math, computer, and science skills. Through this program, residents also have access to a computer learning center, homework assistance, and senior fitness programs. The GrandFamilies House was created by the nonprofit group Boston Aging Concerns. It also obtained 100 designated Section 8 voucher subsidies from the Massachusetts Department of Housing and Community Development, in addition to federal "HOME" housing program funds. Individuals over the age of 50 with children under the age of 18 qualify to be residents. Other states are currently replicating this project. To find out more information about GrandFamilies House, contact Stephanie Chacker at bacyou@compuserve or 617-266-2257.⁷

elderly and disabled. The Web site offers a national directory of attorneys who belong to NAELA.

National Council of State Housing Agencies

444 N. Capitol Street, N.W., Suite 438
Washington, DC 20001
202-624-7710
202-624-5899 fax
info@ncsha.org e-mail
www.ncsha.org

This Web site provides information on how to contact the local housing commissions.

National Low Income Housing Coalition

1012 14th Street, N.W., Suite 610
Washington, DC 20005
202-662-1530
202-393-1973 fax
www.nlihc.org

The National Low Income Housing Coalition provides excellent advocacy and informational materials on issues affecting low-income housing.

**U.S. Department of Housing and Urban
Development (HUD)**

451 7th Street, S.W.
Washington, DC 20410
202-708-1112
202-708-1455 TTY
www.hud.gov

HUD's Web site will help clarify who qualifies and how to apply for federally subsidized programs, such as public housing, Section 202 Supportive Housing for the Elderly, and the Section 8 Voucher Program.

¹ *The Source*, Housing Options for Grandparent Caregivers, NAIARC Newsletter, 9, 1, <http://ist-socrates.berkeley.edu/~aiarc/source/win99hou.htm>.

² National Housing Law Project, HUD Housing Programs: Tenants' Rights, (Oakland: National Housing Law Project, 1998), p. 2/4.

³ Ibid.

⁴ 24 CFR, Part 891.420.

⁵ 42 U.S.C. 3601-3619.

⁶ Pub. L. 100-430.

⁷ Generations United Fact Sheet, Grandparents and Other Relatives Raising Children: Housing Needs and Challenges — The GrandFamilies House Response.

Incarcerated Parents

Many grandparents and other relatives are raising children because their parents are incarcerated. Incarceration presents many challenges for kinship care families. In addition to the daily tasks of raising children, caregivers also find themselves responsible for making sure the children maintain a healthy relationship with their incarcerated parent. While this added stress sometimes results in increased family conflict and frustration, there are many local and national resources to help kinship caregivers, children, and incarcerated parents find the support they need.

Community and faith-based organizations can help kinship caregivers find counseling and support for their entire family.

The most successful kinship care relationships involve a partnership between the caregiver, the parent(s), and the child. Because the isolation of incarceration can make maintaining this relationship very difficult, kinship caregivers may need support from organizations that have a special understanding of incarceration and how it affects families:

- The **Federal Resource Center for Children of Prisoners**, operated by the Child Welfare League of America, conducts research, collects and disseminates information, provides training and technical assistance, and increases awareness among the service systems that come in contact with families separated by incarceration. The center's ultimate goal is to improve the quality of information available about children with incarcerated
- parents and to develop resources that will help create better outcomes for these children and their families. The center can be reached at 202-638-2952 or www.cwla.org/programs/incarcerated/cop_03.htm.
- The **American Friends Service Committee's Criminal Justice Program** provides information, support, and referrals for prisoners and their families and also helps families to advocate for criminal-justice reforms. The program can be contacted at 215-241-7130 or www.afsc.org (click on "criminal justice").
- The **Center for Children of Incarcerated Parents** provides counseling and support services for prisoners and their families. The program also offers a training curriculum for incarcerated parents, caregivers of prisoners' children, and professionals working with offenders. The center can be contacted at 626-449-2470 or www.e-ccip.org.
- The **Family and Corrections Network** is a national organization that offers resources and referrals for kinship caregivers and others with incarcerated family members. The network offers a directory of state and national programs for inmates and their families. Contact the network at 434-589-3036 or www.fcnetwork.org.



Community and faith-based organizations can help provide and connect families with programs that help children visit their parents in prison.

For many families with relatives in prison, maintaining regular contact can be difficult. Currently, more than 60 percent of parents in state prison and 84 percent of parents in federal prison are more than 100 miles from their homes. Several national and local programs help facilitate regular visitation between children and their families in prison. Girl Scouts Beyond Bars, for example, is one program for girls whose mothers are in prison. The program provides transportation for children to visit their mothers at correctional facilities twice a month. The girls spend the other two weekends each month in traditional Girl Scout activities. For more information about this program (now available in 22 states), kinship care families can contact 1-800-478-7248 or www.girlscouts.org. The national resources noted above also can help in finding resources to facilitate visits between parents and their children. If special visitation programs do not exist locally, community and faith-based organizations can help kinship care families by providing regular transportation and support for children who want to visit their parents in prison.

Kinship caregivers may need special resources to help them prepare the child they are raising for a visit with an incarcerated parent.

While it is important, visiting with a parent in prison may be a very emotional experience for children and their caregivers. Your community or congregation can help enhance this experience by directing kinship caregivers to information provided by Prison

Family Support Services (PFSS). PFSS provides tips on how to prepare a child for a visit with a parent in prison, including how to explain the visit to the child and what to talk about after the visit is over. The organization also offers additional practical advice for the caregiver and the child and can be contacted at 804-643-2401 or www.pfss.org.

Kinship caregivers should be encouraged to connect the child's incarcerated parents with services that will help them in prison.

There are several national programs that offer educational programs, counseling, and other supportive services to help incarcerated parents improve their parenting skills and stay in touch with their children. Community and faith-based organizations can encourage kinship caregivers to share these opportunities with their family members:

- **Parents as Teachers** is a nationwide organization focused on encouraging parents to act as their children's first teachers. Parents as Teachers provides incarcerated parents with parenting and child development classes, helps to facilitate parent-child visits, and offers parents opportunities to make personalized objects for their children. The services offered by Parents as Teachers are available in various correctional facilities nationwide. For more information, call 314-432-4330, or visit www.patnc.org.

- **The National Institute of Corrections (NIC)** offers extensive information and resources for prison inmates, including a Web site with a list of state and local programs for female offenders and their children. The list and other useful resources are available by calling 1-800-877-1461 or by clicking on the “women offenders” section of the NIC’s Web site at www.nicic.org.
- **Motheread, Inc.** provides training and a curriculum to promote literacy among incarcerated parents. Once literate, the parents are given storybooks to read aloud and send to their children. Services are available nationwide by calling 919-781-2088 or visiting www.motheread.org.
- **The Offender-Preparation and Education Network, Inc. (OPEN)** provides self-help books and other parent and family educational resources for offenders and families of offenders. For more information, call 972-271-1971, or visit www.openinc.org.

Grandparents and other relative caregivers in your community or congregation may be raising children who have had previous experience with the juvenile or adult criminal justice systems or facing problems that put them at risk for delinquent or criminal behavior. You can help kinship care families by sharing the following information and resources.

Kinship caregivers may need help keeping their children on the right track.

The extent to which children encounter violence in their lives can affect both the child's immediate well-being and long-term development and behavior. Research indicates that children who experience violence in the home are more likely to behave violently throughout adolescence and into adulthood. While exposure to family and media violence tends to cross cultural and economic lines, children in lower socioeconomic neighborhoods are at a higher risk for exposure to various forms of community violence. Bullying, a historically overlooked schoolyard occurrence, also is a common source of violence in schools that contributes to a feeling of fear among students. Older children and teens often feel helpless to control the violence around them, and it affects their ability to function in school and form healthy peer relationships. These youths also may turn to violence in order to gain a sense of control or as a form of self-protection, which contributes to more violence in the community.

After-school programs can help to curb troubling behaviors when they most frequently occur — between the hours of 3 p.m. and 6 p.m. These programs are important because they do more than just make youths and communities safer, they also help to ensure positive youth development. Children and youth who participate in after-school and youth development programs are less likely to use drugs,

drink alcohol, become sexually active, or smoke — and are more likely to have stronger interpersonal skills, higher academic achievement, and healthier relationships with others. The U.S. Department of Education sponsors a comprehensive Web site, www.afterschool.gov, which allows caregivers to learn more about after-school programs and locate a program in their community. You also may call the Department of Education at 1-800-USA-LEARN.

There are national resources that can help kinship care families get basic information about what they can do if they are concerned that a child in their care is being bullied in school or engaging in other risky or harmful behaviors. The National Youth Violence Prevention Resource Center provides information for parents and other caregivers on violence in schools, youth violence prevention programs, teen suicide, and strategies to foster healthy youth development. The center can be contacted by calling 1-866-SAFEYOUTH or visiting www.safeyouth.org. The site also features an extensive collection of links to other sites that offer information on youth violence, as well as tools and technical assistance to prevent violence.

Kinship care families may need information to educate their children about how to behave should they come in contact with law enforcement officials or be arrested.

Some kinship caregivers may want help advising their children about what to do if they come in contact with the police or other law enforcement officials or are arrested. Where are their rights? Can they ask that their kinship caregiver be notified immediately? Do they have the right to a lawyer? It might be helpful for your community or faith-based organization to sponsor sessions where caregivers and children (both separately and together) can hear



from trained attorneys and other advocates about their rights and responsibilities in these areas. It also may be useful to include special information about children with disabilities, including serious emotional disturbances or behavioral problems. Kinship caregivers may need help to understand the importance of making sure that accurate information about the child's mental health history is provided when appropriate. Information about a child's history will allow law enforcement officers and the court, when relevant, to better understand the child and the circumstances related to the offense and may result in more appropriate treatment and other services for the child. For more information about how to obtain a lawyer, caregivers should contact the National Legal Aid and Defender Association at 202-452-0620 or www.nlada.org for a list of providers in the area. If the child has a disability, caregivers also can contact their state protection and advocacy agency (the National Association of Protection and Advocacy Systems Inc.) at 202-408-9514 or www.protectionandadvocacy.com.

Kinship caregivers also may be caring for a child who is currently incarcerated or has had prior experience with the juvenile or criminal justice systems.

Grandparents or other relative caregivers may be struggling with raising a child who is involved in the juvenile justice system or has had some prior experience in the system. Most young people involved in the juvenile justice system are not violent and do not re-offend, but often are struggling with social, educational, or economic hardships. The American Bar Association's Juvenile Justice Center has a list of resources for parents and caregivers available at www.abanet.org/crimjust/juvjus or by calling 202-662-1506. The National Center on Education,

Disability, and Juvenile Justice has specific resources for caregivers of incarcerated youth with disabilities. The center can be reached by calling 301-405-6462 or visiting www.edjj.org.

For caregivers in communities of color, the Building Blocks for Youth Initiative provides useful information on the disparate treatment of minority youth in the juvenile justice system and what can be done to promote more fair and effective treatment of young people in the juvenile and criminal justice systems. Visit www.buildingblocksforyouth.org or call 202-637-0377 for more information.

Kinship caregiver families can benefit from national efforts to raise awareness about youth violence and delinquency prevention.

Everyone who cares for children and young people can get involved in broader state and national efforts to prevent youth violence and ensure that youths who are judged to be delinquent are treated fairly and provided with the services they need to become healthy, productive adults. General information about youth violence prevention and juvenile justice is available through the Office of Juvenile Justice and Delinquency Prevention's Juvenile Justice Clearinghouse at www.ojjdp.ncjrs.org. CDF advocates on behalf of all children and youth. To learn more about CDF's activities relating to youth violence prevention and juvenile justice and how you can get involved, call 202-628-8787, or visit www.childrensdefense.org or www.cdfactioncouncil.org.

Legal Options

Many kinship caregivers need help deciding the legal options that are best for them and their children. Should they go to court to obtain legal custody or guardianship of the children they are raising? What should they do if the child's parents won't consent to a new legal arrangement? Where should they go to get a will? While kinship caregivers considering legal action always should speak with a qualified attorney, community and faith-based organizations can help by sharing the following basic information about where to start. Organizations also should encourage lawyers in their congregations and communities to volunteer their time to help kinship care families who cannot afford the high cost of legal services. For example, Grand Central, a kinship caregiver resource center in Philadelphia, held a legal resource fair where attorneys from the Philadelphia area answered questions one-on-one with individual kinship caregivers at no cost.

Community and faith-based organizations can help by asking kinship caregivers whether they have considered the appropriateness of various legal options in the care of their children.

Understandably, kinship caregivers often are so overwhelmed with the daily care of the children they are raising that they have not had the opportunity to think about legal options or have not considered court involvement in the care of their children. In fact, a formal legal arrangement may not be the best result for every kinship care family. On the other hand, formal legal arrangements can provide valuable resources and a sense of permanency and security for caregivers and their children. Your community or faith-based organization can help kinship care families consider some important questions to help them decide whether they want to ask a court for formal legal authority to continue caring for their children:

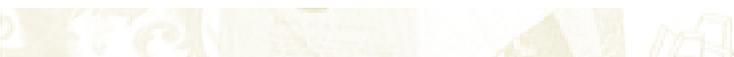
- Does the caregiver anticipate caring permanently for the children until they reach 18 years of age (or longer if the children remain in school or have disabilities)?
- Will the caregiver be able to care for the children permanently, given the ages of the caregiver and the children and other special needs that they may have?
- Does the caregiver have trouble enrolling the children in school, obtaining health care for the children, or accessing other benefits for the children because he or she doesn't have legal custody?
- Is the caregiver worried that the child's parent(s) will take the child back unexpectedly or inappropriately?
- How long have the children lived with the caregiver?
- How strong is the relationship between the caregiver and the child?
- What is the likelihood that the child's parent(s) will be able to resume custody?
- What kind of changes in family relationships will be caused by court involvement?
- What kinds of emotional, social, and financial supports are available to the kinship family now? How would legal custody help enhance the supports available?



Community and faith-based organizations can share information about the types of legal options that may be available to kinship caregivers.

There are several legal options available to grandparents and other relative caregivers in most states, each with slightly different characteristics. A brief description of each option is provided below. Please note that the formal names of these legal options may vary from state to state. Before making a decision to pursue any of these options, it is important that kinship caregivers speak with a qualified attorney about what is best for their situation.

- **Legal guardianship** is a type of **legal custody** that grants caregivers basic legal authority over their relationship with the children they are raising. Every state has a means for caregivers to obtain these primary rights and duties for children in their care, although guardianship laws differ from state to state. Even when a child is placed in a guardianship arrangement, the birth parents still have some rights, called “residual rights,” which typically include the right to consent to adoption, the right to change the child’s name, and the obligation to financially support the child. In addition, when a caregiver has guardianship of a child, the birth parents can petition the court for termination of the guardianship. However, a court usually will not terminate a guardianship unless it is in the best interests of the child. Some states have **subsidized guardianship** programs that allow guardians to receive money to help with the care of the child with limited or no continuing involvement from an agency. For more information on subsidized guardianship, see the resource pages “Child Welfare and Kinship Foster Care” also included in this resource kit.
- **Co-guardianship between relatives and parents** has many of the same features of traditional guardianship relationships. It provides stability for children and relatives, but also allows willing and able birth parents to have a role in the child’s life. In an increasing number of states, a variation on co-guardianship is **standby guardianship** or **springing guardianship**. In these arrangements, a parent appoints a standby guardian to take over the legal care of the child in the event of his or her incapacitation or death.
- **Adoption** is a legal option that typically requires the complete and permanent termination of all legal aspects of the original parent-child relationship. The relative caregiver who becomes a parent through a traditional adoption procedure becomes invested with all of the rights and obligations of a birth parent. Because of the perceived finality of traditional adoption, this option may not be appealing to some kinship caregivers, especially those who harbor hope that the birth parent(s) will one day again care for their children.
- **Open adoption** describes an arrangement whereby the court grants the adoption but enters a directive that the birth parent(s) may have communication rights after the adoption. Communication in an open adoption may range from allowing a written note to be sent to the child to regular visitation. In some states, ongoing communication must be acceptable to both parties before it will be approved. Courts also may mandate an ongoing relationship between siblings. Open adoption is not available in every state.
- **Power of Attorney** is a written document in which a parent can confer a specific type of authority to a caregiver, such as authority over a child’s finances. In some states, parents can use a Power of Attorney to confer medical or educational decision-making authority. A Power of Attorney, however, can be easily revoked and is not as comprehensive as legal custody or guardianship. Some states have **medical consent** and **educational consent** laws that allow parents to confer limited authority to caregivers. For more information about medical and educational



consent laws, please see the “Education” and “Health Care” resource pages contained in this resource kit.

NOTE: Many kinship caregivers believe that a signed and notarized letter from the child’s parent is enough to confer legal authority. This is not true. In most cases, a court must formally recognize a new legal kinship relationship before a caregiver can obtain the benefits of any of the legal options discussed above. Court practices and procedures vary by state, and a caregiver will need to consult with an attorney before and throughout the process of obtaining judicial recognition of a kinship relationship.

Community and faith-based organizations can help kinship caregivers find legal representation to help obtain legal authority over the children they are raising.

There are several legal resources that may be available for relative caregivers seeking legal advice. The following organizations may be able to directly provide legal services to caregivers or refer caregivers to an attorney:

- **Legal Services Corporation** offices may provide free or low-cost services to eligible individuals whose income is within 125 percent of the federal poverty level. For contact information for Legal Services offices throughout the country, visit the Legal Services Corporation Web site at www.lsc.gov. In addition, Pine Tree Legal Assistance, a Legal Services in Maine, has a Web site, www.ptla.org/links.htm, that has links to most state-based Legal Services organizations in the country, pro bono attorneys, law school legal aid programs, state bar foundations, and information on representing oneself in legal proceedings.
- **Many local law schools and bar associations** offer clinical programs that provide free legal services by law students under the supervision of licensed attorneys. In addition, local professional

organizations for attorneys (called “bar associations”) also may offer free legal services or be able to direct caregivers to affordable legal services in the area.

- **Nonprofit organizations addressing children’s and senior’s issues**, such as the AARP, also can be helpful. AARP is a national organization that provides a Legal Services Network, which is a directory of attorneys across the country who charge reduced fees for AARP members. More information about this is available on AARP’s Web site at www.aarp.org. In addition, AARP and Generations United have produced a useful brochure entitled, “State Laws and Regulations Affecting Grandparent and Other Relative-Headed Families,” which outlines important laws and provides a glossary of relevant legal terms. The brochure is available by contacting Generations United at 202-638-1263 or by visiting www.gu.org.
- **State agencies or the courts** may provide legal services or referrals if the children were removed from the birth parent(s)’ home by the state and were placed with the relative caregiver through a state agency (such as the Department of Social Services, the Department of Family Services, etc.). Caregivers should consult their agency caseworker or the local family court or juvenile court judge for more information.
- **Kinship caregiver service and support programs** in the area can provide a valuable legal referral system for relative caregivers. For a list of nearby kinship care service and support programs, kinship caregivers can download a copy of their state kinship care fact sheets at www.childrensdefense.org/ss_kincare.php. Hard copies of the state fact sheets are available by calling CDF’s Child Welfare and Mental Health Division at 202-662-3568.

National Family Caregiver Support Program

Like all caregivers caring for family members of different ages, kinship caregivers face enormous stresses in raising the children under their care. In recognition of family caregivers' commitment to their family members, the federal government has set up the National Family Caregiver Support Program, which may provide useful services and supports for the older kinship caregivers in your community or congregation.

The National Family Caregiver Support Program can help kinship caregivers age 60 and older.

In November 2000, Congress established the National Family Caregiver Support Program as part of a larger law called the "Older Americans Act." The program is designed to provide support services for family caregivers of individuals age 60 and older and grandparents and other relatives age 60 and older who are raising children.

These support services may include:

- information to caregivers about available services;
- assistance to caregivers in gaining access to available services;
- individual counseling, organization of support groups, and training of caregivers to help them make decisions and solve problems relating to their caregiving roles;
- respite care to enable caregivers to be temporarily relieved from their caregiving responsibilities; and
- supplemental services, on a limited basis, to complement the care provided by caregivers.

Many states already are using the National Family Caregiver Support Program to help older kinship caregivers.

Many states already have developed programs specifically targeted to older kinship caregivers. In Michigan, for example, the state's largest Area Agency on Aging has published and distributed copies of a resource and information guide for grandparents and other older relatives raising children. Oklahoma's State Unit on Aging helped to develop the Oklahoma Respite Resource Network that has been providing respite services to many types of family caregivers, including kinship caregivers.

Older kinship caregivers should be encouraged to take full advantage of services offered under this program.

The National Family Caregiver Support Program is administered by the U.S. Department of Health and Human Services through its Administration on Aging (AoA). The AoA provides money through the program to the states. Each state then funds its own Area Agencies on Aging (AAA), community-based agencies that provide services and support for older people in their local area.

While the law gives each state the option to use up to 10 percent of its program funds to provide support services to older grandparents and other relative caregivers, not all states have chosen to set up programs specifically for kinship caregivers. Contact your state's aging agency to learn if it has developed special programs for kinship caregivers. You can call the AoA's National Information Center at 202-619-7501 to get the name of your state's unit on aging. You also can find information about your state unit on aging at www.aoa.gov/aoa/pages/state.html.



If your state’s aging agency doesn’t have a special program for older kinship caregivers, ask it to start one.

If your state has not yet established any supportive programs for kinship care families, you still can help by letting your local aging agency know how much these programs are needed in your community. Many state units on aging are just becoming familiar with the unique issues facing older kinship caregivers. To help states start new programs, a national organization, Generations United, has prepared “A Guide to the National Family Caregiver Support Program and Its Inclusion of Grandparents and Other Relatives Raising Children.” This guide provides

state aging agencies with examples of model programs for older kinship caregivers and national resources for states to use in setting up similar programs. It also contains a copy of the law authorizing the National Family Caregiver Support Program and the amount of money provided to each state based on its aging population. The guide can be ordered by calling 202-638-1263. It is also available online at www.gu.org.

CDF appreciates the assistance of Ana Beltran of Generations United — a national nonprofit membership organization whose mission is to promote intergenerational public policies, strategies, and programs — in developing this resource section.

Many grandparents and other relatives are older caregivers who find themselves raising children later in life instead of retiring. Some have health problems that make it difficult to care for the children. Others may need a break from the stresses of their caregiving responsibilities. In addition, caregivers may need information on government benefits programs for seniors, such as Medicare and Social Security. Whatever their needs, it is important that kinship caregivers not ignore their own needs or increase the stress in their busy lives. Your community or faith-based organization can help senior kinship caregivers find the supports they need to care for their children and themselves.

Kinship caregivers may find immediate supports and activities from their local Area Agency on Aging (AAA).

The federal government's Administration on Aging (AoA) funds local organizations called Area Agencies on Aging (AAA) that provide services, resources, and information for seniors in a variety of issue areas. To find out more about the individual services and activities your local AAA offers, kinship caregivers can contact the government's Eldercare Locator at 1-800-677-1116 or www.eldercare.gov. This service will connect caregivers with the nearest AAA and provide other national resources. Respite care also may be available to senior kinship caregivers through their local AAA's under the National Family Caregiver Program. For more information about this program and respite care, please see the resource pages on the "National Family Caregiver Support Program" and "How to Start a Respite Care Program," also available in this resource kit.

With added caregiving responsibilities, kinship caregivers may need easily accessible information on a range of senior issues.

The AoA also has additional general resources to offer to seniors looking for services and referrals. The National Aging Information Center offers a listing of helpful books and resources for grandparents and other individuals raising children. The center can be contacted by calling 202-619-0724 or visiting www.aoa.gov or www.seniors.gov.

Kinship caregivers also may need help finding out what government benefits are available to them.

As with benefits for children, senior kinship caregivers may need help finding their way through the maze of government programs for seniors. The National Council on the Aging (NCOA) now has the Benefits Checkup Web site, which allows seniors to find out what type of benefits may be available to them in the areas of financial assistance, health care programs, prescription drug assistance, home energy assistance, and others. Seniors do not have to provide personal information such as their Social Security numbers, name, or address in order to use the service. Once seniors fill out a simple online questionnaire, they can print out a report that lists all of the assistance programs they may be eligible for and where they can apply locally. The Web site is at www.benefitscheckup.org. The federal government also has a Web site to help seniors and others find more information about benefits programs, at www.govbenefits.gov. Senior caregivers who do not have access to a computer through local libraries and community and faith-based organizations can call the National Aging Information Center at 202-619-0724.

Kinship caregivers may need information to help them with a variety of legal matters.

In addition to the legal resources mentioned in the "Legal Options" resource pages, senior caregivers may need advice on a range of other legal matters, such as landlord-tenant law, trusts and estates, and more. The Brookdale Center on Aging of Hunter College provides legal information to grandparents and professionals and publishes analyses of the policy needs of grandparent caregivers and other seniors. The center also has a list of elder law service providers on the state and local levels. The center can be contacted at 212-481-3780 or www.brookdale.org.



Kinship caregivers may want to become more involved in national organizations that advocate on behalf of seniors.

There are two national organizations that provide a wide variety of services and supports for seniors. The AARP is a national organization dedicated to providing resources and advocacy to anyone 50 years or older for a fee of \$12.50 a year. In addition to publications, volunteer programs, discounts, and other benefits, AARP also has a Grandparent Information Center (GIC) devoted specifically to the issues facing grandparents and kinship caregivers. The GIC can be

contacted at 1-800-424-3410 or visiting www.aarp.org/contacts/programs/gic.html. The National Council on the Aging is a national organization dedicated to promoting the dignity, independence, well-being and contributions of older Americans. In addition to programs and services that assist communities in helping seniors, NCOA also has constituent groups that allow their members to address specific issues. One example is the National Interfaith Coalition on Aging, which provides practical guidance on enhancing spirituality in the lives of seniors. NCOA can be contacted at 202-479-1200 or www.ncoa.org.

Substance Abuse

Grandparents and other relative caregivers raising children whose parents abuse drugs or alcohol face many challenges. They may feel embarrassed about their family problems and isolate themselves from their friends and community support networks. Parental substance abuse also may be compounded by mental illness, family violence, unemployment, or legal problems. Kinship caregivers may even feel that their child's substance abuse problems are a result of their own failures as a parent, and they may frequently worry about how to prevent the children they are raising from getting involved in drugs and alcohol.

Kinship caregivers need basic information to help them cope with the substance abuse in their lives and prevent the cycle from repeating itself in the lives of their children. Your community or faith-based organization can help kinship care families find the resources to create a drug-free environment and future for the children in their care.

Like all parents, kinship caregivers should be encouraged to help prevent substance abuse.

The Children of Alcoholics Foundation's (COAF) "Ties That Bind" project in New York City, in conjunction with a national team of social workers and substance abuse specialists, has created resource materials that cover a broad range of issues common to kinship care families struggling with parental alcohol and substance abuse. The project is designed to provide substance abuse information for kinship caregivers, children and teenagers, as well as absent birth parents and professionals working with kinship care families.

The project offers a 90-page substance abuse handbook and 25 different fact sheets, designed specifically for kinship care families, on relevant issues:

- Substance abuse is not your fault
- How addiction happens
- Support groups and other options for help

- Preserving your marriage
- Anger and jealousy from family members
- Managing children's behavioral problems
- Caring for an infant
- Caring for a child
- Caring for a teenager
- Helping children cope
- House rules and safety practices
- Managing threats of violence
- Visits with parents
- Preparing for reunification
- Talking with children about substance abuse
- Discussing parental drug and alcohol abuse
- Your own use of alcohol and other drugs
- Getting drug users help

For a reasonable fee, the "Ties That Bind" project also has experienced trainers available to teach community and faith-based organizations, kinship care families, and others about how to prevent substance abuse. Trainers include child welfare workers, social workers, teachers and educators, medical professionals, substance abuse treatment specialists, and kinship caregivers who are trained in substance abuse issues.

For more information about materials and training from the "Ties That Bind" project, kinship caregivers should contact the Children of Alcoholics Foundation at 1-800-488-DRUG or visit www.coaf.org.



Kinship caregivers should be aware that the children they are raising may have problems as a result of their parent's substance abuse.

If the child's mother was using drugs while she was pregnant, a kinship caregiver may wonder if the child has a disability or other problems related to the parent's substance abuse. Caregivers should be encouraged to talk to their doctor or other health service provider about getting the child evaluated. If the doctor finds a problem, the child may qualify for early intervention services that provide evaluation, prevention, treatment, and support. Each state has an agency that coordinates early intervention services, although some states charge fees for those services based on a caregiver's income. To contact the state early intervention coordinator, kinship caregivers may contact the National Information Center for Children and Youth with Disabilities at 1-800-695-0285 or www.nichcy.org.

Kinship caregivers also may want to find out more information about drug treatment for the child's parent or for themselves.

In addition to information on ways to help the child they are raising, kinship caregivers also may need help for an adult child with a drug or alcohol problem. In some cases, the caregiver may have a substance abuse problem but is unwilling to address it because of fears that the state might take the child away.

Community and faith-based organizations can provide kinship care families with national resources to help them find confidential information and treatment in their local area. Kinship caregivers may contact the National Clearinghouse for Alcohol and Drug Information at 1-800-729-6686 or www.health.org. The clearinghouse is a one-stop resource for the most current information about substance abuse prevention and treatment.

Kinship caregivers also can contact DrugHelp Treatment Referrals, a nonprofit information and referral network run by the American Council for Drug Education that provides information on specific drugs and treatment options, referrals to public and private treatment programs, self-help groups, family support groups, and crisis centers throughout the United States. DrugHelp can be contacted at 1-800-488-DRUG or by visiting www.drughelp.org. To find a local Alcoholics Anonymous treatment and support group, caregivers can contact Al-Anon/Alateen World Groups at 1-888-4AL-ANON or www.al-anon.org.