



# Grandparents Corner

*December 2014*

## *Forms of Grandparent Custody and Kinship Care*

Different circumstances cause grandparents or other relatives to be placed in the position of raising a child. Parenting grandparents are created in a number of ways; some just help out with the grandkids, taking more and more responsibility until one day they realize that they are raising their grandchildren. Other grandparents transition into parents in a more sudden fashion.

Grandparent custody comes in several different forms. Below is a list of legal relationships that grandparents typically have:

- Physical Custody with Power of Attorney - When a grandparent is responsible for a grandchild's physical well-being and day-to-day care, the grandparent is said to have physical custody. This situation usually occurs when a parent or guardian asks the grandparent to take care of a child on temporary basis. The grandparent typically has a power of attorney (POA) that allows the grandparent to take care of the grandchild's medical and educational needs. This can be as simple as having the parent sign a notarized form. The POA would remain effective until the child is no longer a minor or unless the parent files to revoke the POA, which a parent can do at any time.
- Grandparents as Foster Parents - If a state has removed a grandchild from a parent's custody, a grandparent may be offered the opportunity to serve as a foster parent. This is sometimes called kinship care. In such cases, the grandparent has physical custody, but the state retains legal custody. The grandparent may take care of the child without much oversight or assistance from the state, sometimes called informal kinship care, or the grandparent may go through the training and certification to become an official foster parent.
- Legal Custody - A grandparent who wants more control over the grandchild can go to court and ask for legal custody, which is established through court order. It is possible for parents to regain legal custody, although they will have to petition the court. In most cases, parents have visitation rights even though grandparents have legal custody.
- Guardianship - Of all the forms of grandparent custody, the term guardian probably has the widest variation in meaning. In some states, guardianship is just the term used for legal custody. In other states, guardians have additional rights, including the right to name someone else to care for a grandchild in the event that the grandparent is unable to carry out those duties. Generally, a parent retains visitation rights while a child is under guardianship.
- Adoption - The most permanent arrangement that can be made between a parenting grandparent and the grandchild is adoption. Adoption is permanent and ends parental rights.

Studies have shown that children are more likely to thrive and placements more likely to be permanent when children are placed with relatives. A federal law, passed in 2008, requires that social services locate and notify adult relatives when children are taken into state custody. This bill is called "Fostering Connections to Success and Increasing Adoptions Act." The Act is aimed at connecting children in need of foster care with willing relative caregivers and providing support to make those fostering situations successful.

*During cold weather and the holiday season, fire safety is a special concern. Whether or not you smoke, friends and relatives who visit your home may. It is important to be careful with all smoking materials. Read the issue and answer True or False to the questions below.*

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1. Poor vision, limited mobility, hearing loss, a reduced sense of smell, medication side effects (drowsiness), and dementia all contribute to the danger of fire for seniors.    T    F
2. Smoking materials are the number one cause of home fires that kill seniors.    T    F
3. More than 50 percent of home fire deaths occur between 10:00 PM and 6:00 AM, when most people are sleeping.    T    F
4. If you smell a gas leak, do not turn on or off any electrical appliances or light switches.    T    F
5. Cooking rarely causes fires.    T    F
6. If you have practiced escape routes from the home, your memory and instinct will help you move in the right direction.    T    F
7. Space heaters are especially dangerous and responsible for two out of every three home-heating fires.    T    F
8. Never allow smoking near an oxygen tank.    T    F
9. Caregivers cannot be helpful by reducing the chance of the person in their care being killed or injured by a fire.    T    F
10. People over 80 years of age do not die in fires more often than younger seniors.    T    F

**KEY:** 1. T 2. T 3. T 4. T 5. F 6. T 7. T 8. T 9. F 10. F