

A Guide for Relative Caregivers

What type of caregiver is best for you and the child?

What court should you go through?

What does the law require of you and the child's parents?

What else do you need to know as a caregiver?

What resources and services are available?

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Introduction



There are thousands of children within the state of Massachusetts who do not live with their parents. Instead, they are usually cared for by family members who are referred to as relative or kinship caregivers.

If you are, or may become, a relative caregiver in the Greater Boston area, this guide will:

- A) Help you decide what type of caregiver is best for you and the child;
- B) Describe the legal process for each type of caregiver;
- C) Outline what resources are available for both you and the child.

Relative caregivers are a special type of caregiver. Under your care, children who cannot remain with their parents are given a sense of safety and stability. Research has shown that children do much better mentally, physically, and emotionally when living with a relative, rather than with an adult whom they do not know.

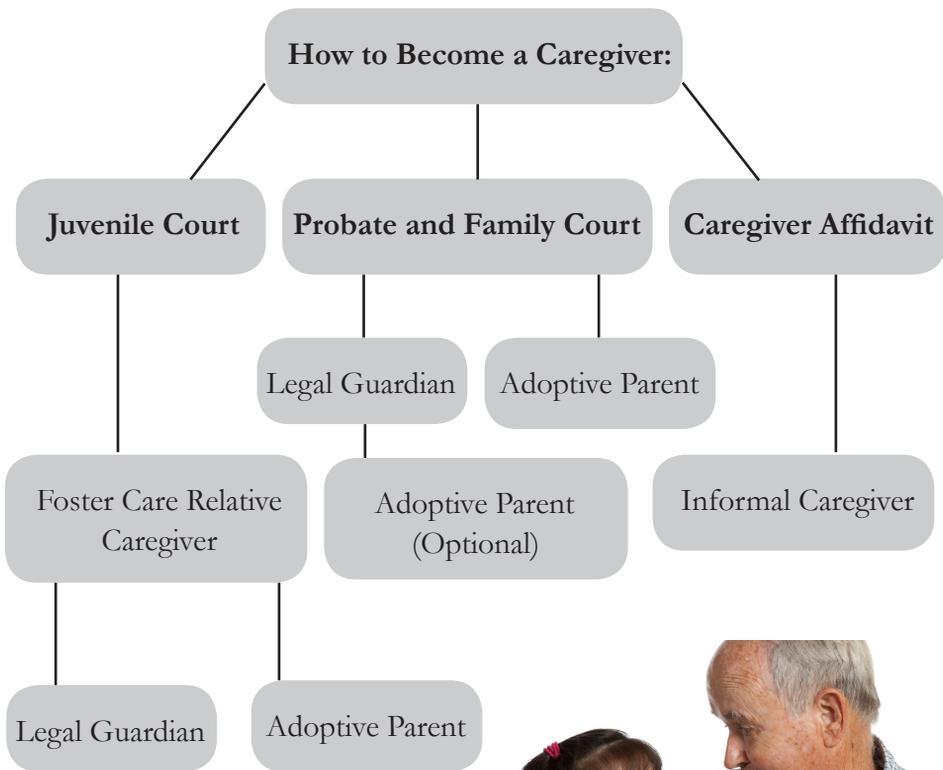
As you may know, caring for a child is not easy and can be extremely costly and tiring. However, most relative caregivers are unaware of the various resources that are available. Your access to specific resources depends on a few things:

- How you become a relative caregiver;
- What type of caregiver you are;
- What court system (**Juvenile** or **Probate and Family Court**) you work with.

Keep in mind: Relative caregivers do not have the same rights as the child's biological parent(s). This guide will explain why this is the case and outline your rights and responsibilities regarding the child.

This guide is not meant to be a “do-it-yourself” handbook or to provide legal advice. You will most likely require an attorney’s assistance at some point during your role as a relative caregiver. The information in this guide is based on federal law and the law of Massachusetts and the resources available to residents of Suffolk County and Middlesex County.

This guide will refer to four different types of relative caregivers and help you decide which one you are. The next two pages provide more information on the types of caregivers and the chart below shows how to become a caregiver.



Note: Throughout the book words will be highlighted in bold. These words are defined in the glossary on page 32.

1. Informal Relative Caregivers:

These relatives care for the child based on an informal arrangement with the child's parent(s) and are *not* involved with either court, **Department of Children and Families (DCF)**, or other authorities. The child's biological parent(s) still have custody, but the relative caregiver provides the everyday basic needs. See *Box A* for an example.

2. Foster Care Relative

Caregivers: These are relatives who care for a child who has been removed from his or her parents' home and placed in the state's foster care system. Usually when the child is removed, DCF is given legal custody and can place the child with a relative who has been approved as a placement by DCF. If the child and parent(s) cannot be reunited, the foster care relative caregiver can begin the process of obtaining legal guardianship through the Juvenile Court or move towards adoption. See *Box B* for an example.

Note: DCF always tries to place children with a relative or a close family friend (known as a *non-related extended family member*). If this is not possible, the child is temporarily placed with a licensed foster care parent.

Box A. Pamela has cared for her three grandchildren for the past five months. The children's mother, Jane, gave birth to her first child at age fifteen and now lives in another state with her boyfriend. Pamela has not taken any legal action to get custody of her grandchildren, so the court does not know the family's situation. Pamela is having a difficult time supporting her three grandchildren because she currently does not receive any benefits from the state of Massachusetts and will have difficulty enrolling the oldest child in school this year.

Box B. Susan is currently raising her sister's two young children, who were found alone in their parents' apartment. Susan received a call one day when neighbors reported Mary to the *Child-At-Risk-Hotline*. When a social worker from DCF arrived, the mother had returned but she was unstable and the worker noticed bruises on the children. They were immediately placed in state custody and temporarily placed under Susan's immediate care. Susan completed the state requirements through DCF and is now a licensed foster-care parent. She continues to care for her niece and nephew.

3. Legal Guardians: These caregivers work with the court system to get both **legal AND physical custody** of the child. Once this happens, the child's biological parent(s) cannot regain custody without an official court order. In the Juvenile Court, after the Department of Children and Families (DCF) files a **Care and Protection Petition** because of abuse or neglect, the court can decide to give custody directly to another person or to place the child in foster care through DCF. In Probate and Family Court, relatives can file a **Petition for Guardianship of a Minor**. The court could give legal custody to the petitioners without any help or support from DCF. See *Box C* for an example.

4. Adoptive Parents: Relative caregivers who have officially adopted the child through a series of court proceedings are referred to as adoptive parents. The biological parents either consent to the adoption or the court terminates their parental rights (see glossary term **termination of parental rights**) before the adoption is granted. See *Box D* for an example.

Box C. Beth and Tom, parents of Robert (age 4), were both called to serve in the Army at the same time. Tom's parents (the child's grandparents) filed a petition for guardianship with the Probate and Family Court, asking for legal custody of Robert. With legal guardianship, they now have the right to make decisions regarding the child, such as medical care and school enrollment. When the parents return from their service abroad, they can ask the court to return custody to them.

Box D. Claudia and Juan have been caring for their granddaughter, Isabella, since she was born. DCF placed Isabella in their care because her mother was addicted to drugs while pregnant and Isabella had been prenatally exposed. Isabella's biological father has never been identified and her mother was unable to complete parenting classes and drug rehabilitation ordered by the court. After caring for Isabella for two years as relative foster care parents, Claudia and Juan adopted Isabella.

Section 1 | Becoming a Caregiver: A Court Guide

Which path will work best for both you and the child? There are two courts that make custody decisions for caregivers: the Juvenile Court and the Probate & Family Court. This information is provided to help you understand the court systems and their relationship with the type of caregiver you are. While you may have related to some of the characters in the personal stories you have read, for example, it is very important to remember that every case is different. Relative caregiving can be a complicated, detailed process. If necessary, seek legal advice to get the information and answers specific to *your* case before making any legal decisions.

Informal Relative Caregivers:

This type of caregiver does not go to court to get custody. Because the informal relative caregiver nurtures a child on a more casual level, he or she may face certain problems. Let's hear more of Pamela's situation. *See Box E.*

As an informal caregiver whose grandchildren live with her, Pamela can sign a **caregiver affidavit** (page 35) that allows her to make important decisions on the children's behalf. While the affidavit does not transfer custody of the child, it does allow you to enroll the child in school and authorize health care for the child. For instance, you cannot add the child to your private health insurance or your apartment lease. Since the parent(s) still has legal custody, decisions regarding the child should be made together— between you, the caregiver, and the child's biological parent(s). The caregiver affidavit must be signed by both you and the child's parent(s) and notarized. It can be cancelled by the parent at any time.



Box E. Pamela does not have any of her grandchildren's important documents, such as their birth certificates or social security cards. She is having trouble getting immunizations and enrolling the oldest in kindergarten. If she could locate Jane and get her to sign the caregiver affidavit, perhaps she could move ahead.

Foster Care Relative Caregivers:

These are relative caregivers of children who are currently in DCF custody. Foster care is generally a temporary solution to give parents the time they need to get help for things like drug rehabilitation or parenting classes before being reunified with their child. During this time period, the child and parent(s) are working toward reunification. If the parents fail to improve enough to provide a safe home for the children, the permanent plan may change to adoption or guardianship, preferably with the foster care relative caregiver.

This type of caregiver **MUST** be approved by the state of Massachusetts. To receive certain benefits and resources as a foster care relative caregiver, you must meet specific requirements and complete DCF licensing requirements. These include completing a foster parent training program, passing living and sleeping space requirements in your home, and passing background checks of those living in your home to make sure the home will be safe for the child. The child's DCF social worker will explain all of these details to you. *See Box F.*

As a relative foster parent, you will be invited to attend court hearings, but will not have an attorney assigned to represent you. If you would like to participate in any of the Juvenile Court proceedings, you must obtain the court's permission.

Siblings: It is important to know that if the abused or neglected child has siblings who are also in danger, DCF will try to temporarily place the other children with you as well. If you are a Foster Care Relative Caregiver, you will receive additional funding for each sibling. If, however, the siblings cannot be placed together, DCF will arrange sibling visitation.

Box F. In Susan's case, her niece and nephew were abused and neglected by their parents. The social worker decided they were not safe in their current home, so after Juvenile Court handed custody to DCF, the children were placed with their aunt. Most children in foster care are eventually reunited with their parents. But, in some cases, parents are never able to care for their children again and a relative can be given full parental rights through adoption.

A Guide for Relative Caregivers

Legal Guardianship through Probate & Family Court:

The most common reasons for filing for guardianship in Probate and Family Court involve unfit parenting due to drug use/addiction, mental instability, domestic violence, homelessness, abandonment, or incarceration. Other reasons may include the need for medical insurance for the child, or parental absence or death.

If the child is not involved with DCF and you want to become a legal guardian, you will have to **petition for guardianship (of a minor)** through the Probate and Family Court. If the parents do not consent and you need legal authority immediately, you can also file a petition for temporary guardianship. Once a hearing is scheduled, the child has the right to be represented by an attorney upon request. If the parents lose custody, they can still be ordered to pay child support. They also have the right to return to court and request that the court returns custody to them. Your guardianship ends when the child turns 18, legally marries, or if and when the court removes guardianship from you. *See Box G.*

After you receive custody of the child through guardianship, you may decide to adopt. You will need to file legal documents showing that the parents continue to be unfit and ask the court to terminate their parental rights and allow you to adopt the child.

Legal Guardianship through Juvenile Court:

You can file a petition for guardianship through Juvenile Court if the child has an ongoing delinquency or a **Child in Need of Services (CHINS)** case. If the parent does not give consent, you will need to provide evidence that shows unfit parenting and that it would be in the child's best interest to be placed in your custody. Additionally, the child must also give consent to your petition for guardianship if 14 or older.

Box G. Grandmother Pamela cannot locate her daughter to obtain her consent and signature for the caregiver affidavit. Pamela also fears that her daughter will return one day, wanting to take back her children. Legally, Jane has every right to do so. Pamela needs to obtain health care for them and enroll them in school. If she has legal custody of the children, she can add them to her health insurance. She decides to file a petition for guardianship for each child in Probate and Family Court.

Section 1 | Becoming a Caregiver: A Court Guide

In **Care and Protection cases**, you can work with DCF to obtain legal guardianship of the child you have been caring for if reunification efforts with the parent fail and you do not wish to adopt the child.

Adoptive Parents:

You can become an adoptive parent through either Juvenile Court *or* Probate and Family Court. You can adopt if the biological parents surrender their parental rights or the court terminates their parental rights after hearing clear and convincing evidence that the parents are unfit and that it is in the best interest of the child to be adopted. *See Box H.* Remember: *Adoption is permanent* and you will become fully responsible for the child.

In addition to understanding which court system may be best to work with (Juvenile or Probate and Family Court), it is also important that you understand the different requirements of you and resources available (to you) before you make the decision on the type of caregiver that is best for your particular situation.

If reunification efforts with the child's parents have failed and the child is involved with DCF, you can work with DCF to adopt. If you were receiving a monthly foster care stipend and you adopt, you may continue to receive financial assistance at least until the child is 18. If you decide to adopt a child who is not in foster care, through Probate and Family Court, you will need to hire an attorney for the termination of parental rights and the adoption. If you do not adopt through foster care, you will be fully responsible for supporting the child. It is important to talk with your social worker or lawyer before filing any documents to make sure that you and the child will qualify for any assistance you may need.

Box H. In the case of Claudia and Juan and their adopted granddaughter, Isabella, a series of court proceedings have taken place and the rights and responsibilities of Isabella's biological parents have been terminated. Claudia and Juan are now legally considered Isabella's parents. Claudia and Jean were the licensed foster parents of Isabella before they adopted her so they will be able to continue to receive a monthly stipend called "Adoption Assistance."

Section 2 | What's Expected of the Child's Parent(s)?

Depending on the type of caregiver you are, you may have a number of questions about the relationship between you, the child, and the child's biological parent(s). Here is some information about what you can expect from the *child's parent(s)*:

If you are an **Informal Relative Caregiver:**

Child Support: The parent(s) is still expected to pay child support. If you are not receiving child support and get welfare for the child, contact the Department of Revenue to pursue legal action for child support from the parents. If you are afraid the parent(s) may remove the child from your care if the court orders him or her to pay child support, you may want to consider obtaining legal guardianship through Probate and Family Court first. In that case, the court can give *you* custody *before* you begin the process of obtaining child support from the parent(s).

Parental Visitation: This is determined by you and the parent. Since the parents still have legal custody, they have the right to see their child whenever they desire. If you believe that visits between the parents and child are unsafe, you must first get custody of the child through court to control visitation.

Reunification: Since you are an informal caregiver and do not have any legal power over the parents, nor custody of the child, the parents can remove the child from your care at any point in time.

If you are a **Foster Care Relative Caregiver:**

Child Support: You will receive monthly support payments from DCF, as well as other services, depending on the age of the child. The monthly stipend from DCF will continue if you are given guardianship after foster care or if you adopt.

Parental Visitation: Visitation is determined by DCF and Juvenile Court and is recommended, unless there is evidence that visitations would harm the child. If you are awarded guardianship after foster care and the parents request visits with their child (only if it is safe), the court may order you to set up and supervise visitation with the parents.

Section 2 | What's Expected of the Child's Parent(s)?

Reunification: Aside from the most serious cases, the goal in foster care is for **parent reunification** within 1 year, if (and only if) it is safe for the child. DCF and Juvenile Court determine whether the parent has taken all of the necessary steps, within the timeframes set by the court, required to provide good care for the child.

If you are a **Legal Guardian through Probate and Family Court** without involvement with DCF first:

Child Support: In some cases, the parents will pay child support without being forced. But, most of the time, the parent either refuses or is unable to pay. If you became a guardian for the child through Probate and Family Court and receive welfare, the Department of Revenue can bring an action against the parents who earn income and force them to pay child support.

Parental Visitation: Depending on court orders, parents may have visitation rights. If the court has not made specific visitation guidelines, you, as the guardian, can determine whether or not the parents can visit the child.

Reunification: Parents have the right to ask the court for custody if they believe they can care for the child. If the Probate and Family Court determines that the parents are no longer unfit, and it is in the best interest of the child, your guardianship will be terminated and the child will be reunified with his or her parents.

If you are the **Adoptive Parent:**

Child Support: The biological parents do not have any rights or responsibilities. You now have full responsibility as a parent of the child. If you adopt the child after foster care, you *may* be able to receive monthly payments from DCF (at least until the child turns 18).

Parental Visitation: Any visits are up to you, the parents and the child, unless you have signed an agreement known as an *Open Adoption Agreement*.

Reunification: The child *cannot* be legally reunited with his or her parents, as they have given up all legal rights and responsibilities to the child.

Section 3 | What resources are available?

Being a relative caregiver is a huge responsibility. Resources are available in the community to help you. The chart below gives an idea of what is available depending on what type of caregiver you are. Still, it is important to consult with your social worker or lawyer for the resources that are specific to your case.

Benefits	Informal Caregiver	Foster Care Caregiver	Legal Guardians <i>(through Probate & Family Court ONLY)</i>	Adoptive Parents
Financial Support	Able to receive welfare cash assistance “ <i>child-only grant</i> ” for related children in your care regardless of your personal income. Eligibility is based on child’s income and/or informal monetary support from parent(s)	Eligible for foster care, guardianship, or adoption assistance, a monthly stipend, clothing grants, and holiday payments. Amount varies by need and child’s age	May receive cash assistance “ <i>child-only grant</i> ” for children, regardless of your personal income. Can receive child support from parent(s), if able to pay	Probate & Family Court: N/A unless child was previously in foster care (DCF custody) Juvenile Court: May be eligible for the resources listed under <i>Foster Care Caregiver</i> until the child is at least 18
Licensing	N/A	Full licensure must be completed within 40 working days	N/A	N/A

Section 3 | Resources by Caregiver Type

Benefits	Informal Caregiver	Foster Care Caregiver	Legal Guardians <i>(through Probate & Family Court ONLY)</i>	Adoptive Parents
Special Needs: Financial Support	N/A	Extra financial support may be provided until age 22	N/A, unless child is severely disabled and qualifies for Supplemental Security Income (SSI)	<p>Probate & Family Court:</p> <p>N/A, unless child was in foster care or qualifies for SSI</p> <p>Juvenile Court:</p> <p>Child may be eligible for extra support through age 21</p>
Medical Insurance Coverage	May apply for MassHealth if child qualifies. Cannot include child on caregiver's private health insurance plan.	Each child in your care will receive Medicaid benefits (through MassHealth). These cover medical, dental, and psychiatric care	Can apply for Children's Medical Security Plan (CMSP), MassHealth, or include child on your private health insurance plan	<p>Probate & Family Court:</p> <p>If income eligible, can apply for MassHealth or CMSP. Can include child on private health insurance</p> <p>Juvenile Court:</p> <p>Eligible for Medicaid or MassHealth</p>
State Involvement	N/A	An assigned social worker will visit your home each month	You must file a yearly report in court regarding the child's care	N/A

Section 4 | Things every caregiver should know

The section below provides an overview of things you may need to know. If you'd like to learn more about a particular resource or organization, see the **Resource Directory** (page 19) for contact information.

Birth Certificate: A copy of the child's birth certificate is crucial in most legal procedures and is required, for example, to get a driver's license. You can request a copy through the Massachusetts Document Retrieval. There are some restrictions on the release of birth records that can be found at <http://www.mass.gov/legis/laws/mgl/gl-46-toc.htm>. Note: If the child was not born in the state of Massachusetts, you will need to contact authorities in his or her state of birth.

Healthcare: In Massachusetts, everyone is required to have health care. There are several, affordable options available to families. MassHealth provides healthcare to many residents through Medicaid and the Commonwealth Care Health Insurance Program (C-CHIP). Children currently living in foster care or who go from foster care to guardianship or adoption are on MassHealth. If you have private insurance, you may place the child on your family policy if you are the legal guardian.

Housing: The Department of Housing and Community Development has several, affordable options for families. Other resources include the Massachusetts Public Housing Agencies (PHAs)/Boston Housing Authority and the Massachusetts Housing Consumer Education Centers.

Child Care Services: There are several programs that provide childcare and preschool vouchers to families who may be eligible for TAFDC (Transitional Aid to Families with Dependent Children), teen parent childcare, and Early Intervention and Head Start programs, as well as children whose parents are supervised by DCF or who are in foster care.

Car seats: Massachusetts law requires that children under the age of 8 or less than 4 feet, 9 inches tall must be secured in a car seat or booster seat. Seats must be approved by federal law and installed correctly. Low-cost car or booster seats are available to some low income caregivers. Call 617-534-5197 for more information.

Youth Employment: The Dept. of Labor and Workforce Development allows teenagers (age 14-17) to work with a permit, but there are limits on the number of hours per week and time of day during certain times of the year and the type of job.

Section 4 | Things Every Caregiver Should Know

Driver's license: Teenagers 16 or older can apply for a learner's permit. At 16 ½ years old *with* 6 months experience with a permit, a teenager can apply for a Junior Operator driver's license. In order to obtain this license, the teenager needs to fulfill the requirements of driver's education and supervised driving time. He or she has certain driving restrictions until 18.

Emancipation: *Emancipation* is a process that ends most parental rights and responsibilities to control a minor's finances. In Massachusetts, this process does not have any formal court procedures. The *age of majority* or automatic emancipation is 18 years old. Emancipation cannot take place if the child runs away from home before age 18.

School: If you are an informal or foster care relative caregiver, it may be best for the child to remain in his or her home school district. If the child is waiting for foster care placement elsewhere or is staying with you for the time being, transportation to and from the home school may be provided. If, however, the child is staying with you on a more permanent basis, you may want to register him or her in the school district nearest to your home. Contact the child's school district to speak with the designated *Homeless Education Liaison* for more information.

Special Education: Every child has a right to a free and public education. Your child may have specialized educational needs or disabilities, so it is important to work closely with teachers and schools to develop an appropriate plan. Special education is focused on active relationship between the parent(s) and/or guardian/caretaker, student, and teacher(s) to evaluate the child's needs for the development of an Individualized Education Program (IEP).

» *Disability Types in Massachusetts:* A child has a disability under Massachusetts education law if he or she is evaluated to have one of the following conditions: Autism, a developmental delay, an intellectual, sensory, neurological, emotional, physical, health, or communication impairment, or a specific learning disability.

» *Developing an Individualized Education Program (IEP) for the child:* If you and/or the child's teacher believe that the child would benefit from special education, you can submit a written request for an initial evaluation to see if he or she is eligible. The evaluation will look at all areas related to the child's potential needs using a variety of assessment techniques. You and the child will then work with the school's teachers and professionals to develop an IEP that will be used to determine educational services and placement decisions that are best suited for the child's needs.

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Immunizations: Children need to receive certain vaccines in order to attend public school. For information on what they *must* receive, see the chart below. For information on the Public Health Immunization Program, visit the Division of Immunization’s website or call directly. You should also speak with the child’s primary physician about any required and/or recommended immunizations.

	Child Care/ Preschool	Kindergarten	Grades 1 - 6	Grades 7 - 12
Hepatitis B	3 doses, or proof of immunity	3 doses, or proof of immunity	3 doses, or proof of immunity	3 doses, or proof of immunity
DTaP/ DTP/ Td	At least 4 doses of DTaP/DTP	5 doses (unless 4th dose given after 4th birthday)	At least 4 doses of DTaP/DTP, or at least 3 doses of Td	At least 4 doses of DTaP/DTP, or at least 3 doses of Td + booster
Polio	At least 3 doses	4 doses	At least 3 doses	At least 3 doses
Hib	1-4 doses depending on vaccine and age	N/A	N/A	N/A
MMR	1 dose	2 measles, 1 mumps, 1 rubella	2 measles, 1 mumps, 1 rubella	2 measles, 1 mumps, 1 rubella
Varicella	1 dose, or history of chickenpox	1 dose, or history of chickenpox	1 dose, or history of chickenpox	1 dose, or history of chickenpox
Meningococcal	N/A	N/A	1 dose (if in residential school)	1 dose (if in residential school)

Section 5 | Resources for you and/or the child

Below is a list of organizations and services available to Massachusetts caregivers based on either their or the child's current condition. Qualification and eligibility depends on your family's specific needs. You may be eligible for the following services depending on your specific situation.

If you are Low-Income

(Note: The meaning of "low income" may vary for each service or program. For more information on eligibility, visit: <http://www.mass.gov/courts/sjc/docs/instructionsforaffidavit.pdf>).

EDUCATION:

- » *Head Start / Early Head Start*: Early childhood education program for pregnant women and children from birth to age 5 who are low-income or in foster care.
- » *Supplemental Educational Services*: This program provides tutoring in Math, Reading, and Language Arts for children who receive free or reduced-priced lunch in a Title 1 school.
- » *Community Partnerships for Children*: Helps families get financial assistance for preschool and provides services such as parenting education, referrals, and health and nutrition services.

CHILD CARE:

- » *Department of Transitional Assistance (DTA)*: Provides child care services for former or current TAFDC members. The child must be under 13 to qualify for these services, unless he/she has special needs. Children who are in foster care, under court supervision, or receive Supplemental Security Income (SSI) also qualify. Eligible families may be placed on a waiting list.
- » *Income-Eligible Child Care*: This service provides subsidized child care for families who do not qualify for TAFDC. The caregiver must be working, in school, disabled, or in a job-training program to receive child care services. The child must be under 14 years old, unless he/she has special needs.

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FINANCIAL ASSISTANCE:

- » *Transitional Aid to Families with Dependent Children (TAFDC) or Welfare:* A cash-assistance program that includes a clothing allowance for dependent children. Depending on the type of caregiver you are, welfare benefits may be given based solely on the child's eligibility, not on the caregiver's income.
- » *Unemployment Insurance:* A temporary program that provides assistance to workers who are unemployed through no fault of their own. A weekly payment is based on a percentage of your income while you were employed, as well as the number of dependents in your care.

HOUSING & ENERGY:

- » *Section 8 Housing:* A federal housing assistance program that helps families, the elderly, and disabled residents by offering rent or mortgage vouchers or project-based subsidies. The voucher is used to directly pay the landlord; the tenant (you) must pay the difference between the rent charged and the amount given (discounted) by the program.
- » *Public Housing:* Units that are built for low and moderate-income families, the elderly, people with disabilities, and certain veterans. Income guidelines will differ depending on whether it is state or federal housing.
- » *Low Income Home Energy Assistance Program (LIHEAP):* Usually called fuel assistance, this service helps both tenants and homeowners pay their heating bills. The amount of fuel assistance you will get depends on your income, your housing status, and your heating costs. You may be able to receive fuel assistance even if you rent.
- » *Good Neighbor Energy Fund:* Helps Massachusetts residents pay for winter heating fuel and other energy bills. If you are temporarily unable to pay your energy bills and do not qualify for government energy assistance programs, you may be eligible to receive this service.



Section 5 | Resources for you and/or the child

HEALTH CARE

- » *MassHealth*: Will cover medical, dental, and mental health care for those who qualify. Eligibility is based on family size and income. If you are 65 or older or need long-term-care services, eligibility is based on income and assets. Immigration status does not affect your eligibility for MassHealth, but may affect the type of benefits that are available. For services for children and youth with mental, emotional or substance abuse issues, contact the Children's Behavioral Health Initiative or the Mobile Crisis Intervention (Boston).
- » *Commonwealth Care*: Helps Massachusetts adult residents find health insurance coverage and avoid tax penalties. It is low or no-cost health insurance for those who qualify. The state pays a portion of your healthcare premiums depending on your income. Children get MassHealth.

FOOD & NUTRITION:

- » *Supplemental Nutrition Assistance Program (SNAP) or food stamps*: Provides coupons or an electronic benefit transfer (EBT) card that can be used at participating grocery and convenient stores. The monthly stipend for food is based on family income and expenses of the household.
- » *Women, Infants, and Children (WIC)*: Provides monthly checks for healthy food. You will also receive health and immunization screenings, referrals, free, healthy food and nutrition counseling. You are eligible for this program if you receive SNAP, TAFDC, or MassHealth. Foster children under 5 years automatically meet the requirements.
- » *School Meals/ Summer Program*: Breakfast, lunch, and after-school snacks are offered to children. The Summer Food Program provides meals and snacks for children and teens in various program locations. You are eligible if you receive TAFDC or SNAP or are in foster care.



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If the Child has a Disability (see page 17 for more information on disabilities)

» *Section 504 Services:* Children who do not qualify for Special Education Services may qualify for Section 504. To receive services, a student must have a mental or physical impairment that substantially impairs a major life activity, and requires special accommodations.

EDUCATION:

» *Early Intervention:* Services for children birth to age 3 who are at-risk for, or have, a developmental delay.

» *Special Education Services:* Provides special education services for children with learning and other types of disabilities. This is for children over age 3. Contact the child's school in writing to request an evaluation for the child.

CHILD CARE:

» See the "Child Care" section for **low-income** caregivers (page 19).

FINANCIAL ASSISTANCE:

» *Supplemental Security Income (SSI):* Designed to help elderly, blind, and disabled people who have little or no income. A monthly stipend is provided to those who qualify. The child's financial eligibility is determined based on the parent or guardian's income and resources.

» You also may qualify for *Emergency Aid to the Elderly, Disabled, and Children*.

HOUSING & ENERGY:

» See the "Housing & Energy" section for **low-income** caregivers (page 20).

HEALTH CARE:

» If you are on SSI, you are automatically eligible for *MassHealth*. See the "Health Care" section for **low-income** caregivers (page 21).

FOOD & NUTRITION:

» See the "Food & Nutrition" section for **low-income** caregivers (page 21).

If you are an Elderly Caregiver

FINANCIAL ASSISTANCE:

- » See the “Financial Assistance” section for children who have a **disability** (page 22).

HOUSING ASSISTANCE

- » *GrandFamilies House*: A 27-unit building in Boston that supports grandparents raising their grandchildren. Also provides informational house meetings, legal aid experts, counselors, transportation services, and on-site preschool and after-school programs. Section 8 rental vouchers are accepted here and within the surrounding community housing.
- » Also, see the “Housing & Energy” section for **low-income** caregivers for additional resources (page 20).

If the Child is in Foster Care

EDUCATION

- » *Adoptive/Foster Youth Tuition Waiver Program*: Provides free undergraduate tuition and fees (at the in-state rate) to students who age-out of foster care, are adopted from foster care, or are in legalized guardianship placements through foster care. The youth must be a full-time student and a resident of Massachusetts who is enrolled at a Massachusetts state or community college or university. Youth may use the waiver until age 25, and must file a Free Application for Federal Student Aid (FAFSA)
- » *Foster Child Grant Program*: Provides grant money for youth attending public and private post-secondary school (full-time) in a degree-granting program. Eligible youth were in the custody of DCF until age 18, and were either unable to return home or were not adopted. The maximum award per academic year is \$6,000 for eligible students enrolled in public institutions or private non-profit or private for profit institutions. Youth must file a Free Application for Federal Student Aid (FAFSA)
- » Also, see the “Education” section for **low-income** caregivers for additional resources (page 19).

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FOOD & NUTRITION:

- » See the “Food & Nutrition” section for **low-income** caregivers (page 21).

If the Child’s Parent(s) is/are Disabled or Deceased

FINANCIAL ASSISTANCE:

- » *Social Security Benefits and Disability Insurance (SSDI)*: Provides a monthly cash benefit to disabled workers and/or family members of disabled or deceased workers. The child must have a parent that is deceased or disabled with a work history. The monthly payment is based on the amount of time worked and money earned by the parent.
- » *Veteran’s Benefits*: Massachusetts provides financial benefits for dependents of an indigent or deceased veteran.

HEALTH CARE:

- » You may qualify for *MassHealth*. See the “Health Care” section for **low-income** caregivers (page 21).

All Families may be eligible for:

HEALTH CARE:

- » *Children’s Medical Security Plan (CMSP)*: Funded by MassHealth for children under the age of 19 at any income level, who do not qualify for any other MassHealth coverage types (except MassHealth Limited) and do not have physician and hospital health-care coverage. The amounts you pay for coverage depend upon your total family size and income. Some costs may be completely covered.

FOOD & NUTRITION:

- » *Project Bread*: Callers are referred to food sources within their communities and given information about food stamps and other nutrition programs.



Section 5 | Resources for you and/or the child

COUNSELING AND FAMILY SUPPORT:

- » *Children's Advocacy Center of Suffolk County:* This organization serves parents and caregivers of children who have been physically or sexually abused. Services provided by this program include investigations into abuse, medical services, and mental health programs, as well as other services to help families understand and cope with child abuse.
- » *Wayside Youth & Family Support Network:* This residential center for at-risk youth provides counseling services, including substance abuse support and treatment, as well as educational and training services. Wayside offers a family counseling center, parent support groups and education, and a young adult resource center.

LEGAL SERVICES

Becoming a kinship caregiver can be a confusing and challenging process, but is also one that can be extremely rewarding. You might have questions about your rights. These services can help you get the legal advice you need. For assistance with legal guardianship, contact VLP. Contact either one of these organizations for more legal information.

The Volunteer Lawyers Project

99 Chauncy Street, Suite 400
Boston, MA 02111
617-423-0648
www.vlpnet.org

Greater Boston Legal Services

197 Friend Street
Boston, MA 02114-1802
617-742-9179
www.gbls.org



Resource Directory

This directory includes contact information for each organization mentioned in the guide, as well as several others that may be of use to you. Remember: these resources are meant for *you*, so do not hesitate to make that first phone call and inquire about what may be available for you, as a relative caregiver, and the child.

Note: In some cases, a TTY (*Teletypewriter*) number is available for those with hearing impairment.

Organization/Agency	Contact Information
800AgeInfo: for Massachusetts Elders & Their Families	800-243-4636 (TTY: 800-872-0166) www.800ageinfo.com
American Association of Retired Persons (AARP)	888-687-2277 (TTY: 877-434-7589) www.aarp.org
Adoptive/Foster Youth Tuition Waiver Program	617-748-2232
Car/Child Safety Seats	1-800-227-7233 www.mass.gov/childsafetyseats
Child-at-Risk Hotline	1-800-792-5200
Children's Advocacy Center of Middlesex County	781-897-8400 www.middlesexcac.org
Children's Advocacy Center of Suffolk County	617-779-2146 www.suffolkcac.org
Children's Behavioral Health Initiative (MassHealth)	1-800-495-0086 (TTY: 617-790-4130)
Children's Law Center of Massachusetts	781-581-1977 www.clcm.org/minors_rights.htm
Children's Medical Security Plan (CMSP)	1-800-909-2677 www.cmspkids.com
Commonwealth Care Health Insurance Program (C-CHIP)	1-877-623-6765 www.mahealthconnector.org

Resource Directory

Organization/Agency	Contact Information
Community Partnerships for Children	1-800-345-0131 www.massresources.org
Court Appointed Special Advocates (CASA)	617-788-6390 www.casaboston.com
Dept. of Children & Families (DCF)	617-748-2000 www.mass.gov/dcf
Dept. of Early Education & Care (EEC)	617-988-6600 www.mass.gov/eec
Dept. of Early & Secondary Education (ESE)	781-338-3000 (TTY: 800-439-2370) www.doe.mass.edu
Dept. of Housing and Community Development (DHCD)	617-573-1100 www.mass.gov/dhcd
Dept. of Labor and Workforce Development	617-626-6800 or 877-626-6800 www.mass.gov/dol
Dept. of Public Health	617-624-6000 (TTY: 617-624-6001) www.mass.gov/dph
Dept. of Revenue (DOR)	617-887-6367 or 1-800-392-6089 www.mass.gov/dor
Dept. of Transitional Assistance (DTA)	617-348-8500 or 1-800-249-2007 www.mass.gov/dta
Division of Immunization	617-983-6800 www.mass.gov/dph/imm
Division of Unemployment Assistance	617-626-5400 www.mass.gov/dua
Early Intervention (EI)	1-800-905-8437 www.massfamilyties.org
Emergency Aid to Elderly, Disabled & Children (EAEDC)	1-800-249-2007 www.mass.gov/hhs (under “For Consumers”)

A Guide for Relative Caregivers

Organization/Agency	Contact Information
Free Application for Federal Student Aid (FAFSA)	1-800-433-3243 or 319-337-5665 (TTY: 1-800-730-8913) www.fafsa.ed.gov
Foster Child Grant Program	617-748-2309 www.osfa.mass.edu
Good Neighbor Energy Fund	1-800-334-3047 www.magoodneighbor.org
Grand Families of America	301-898-8023 or 1-866-203-8926 (ext. 8103) www.grandfamiliesofamerica.com
GrandFamilies House	617-266-2257 or 617-367-0520
<i>GrandsPlace: Grandparents as Parents</i>	978-372-5052 or 617-262-3935 www.grandsplace.org
Grandparents Raising Grandchildren in Massachusetts	617-541-3561 or 617-983-5874 www.raisingyourgrandchildren.com/States/Massachusetts
Greater Boston Legal Services	617-742-9179 www.gbpls.org
HeadStart / Early HeadStart	1-866-763-6841 www.massheadstart.org
Income-eligible Childcare	1-800-345-0131 www.massresources.org
Individualized Education Program (IEP)	781-338-3375 www.doe.mass.edu/sped/iep
Interpreter Information	617-367-9293
Juvenile Court: Middlesex County	617-494-4100 www.mass.gov/courts
Juvenile Court: Suffolk County	617-788-8571 www.mass.gov/courts
Low-Income Home Energy Assistance (LIHEAP)	1-800-632-8175 www.acf.hhs.gov/programs/ocs/liheap

Resource Directory

Organization/Agency	Contact Information
Massachusetts Adoption Resource Exchange (MARE)	617-542-3678 or 1-800-882-1176 (TTY: 617-542-7772) www.mareinc.org
Massachusetts Document Retrieval	617-239-0232 www.massdoc.com
Massachusetts Housing Consumer Education Centers	617-367-0646 www.masshousinginfo.org/agencies
Massachusetts Public Housing Agencies (PHA) / Boston Housing Authority	617-988-4000 www.hud.gov/offices/pih/pha
MassHealth	1-800-841-2900 (TTY: 1-800-497-4648) www.mass.gov/masshealth
Medicare	1-800-633-4227 www.medicare.gov
Mobile Crisis Intervention (MassHealth)	1-800-981-4357
Office of Elder Affairs (Massachusetts)	617-727-7750 www.mass.gov (under “State Agencies”)
Probate & Family Court: Middlesex County	208 Cambridge Street P.O. Box 410480 East Cambridge, MA 02141 617-768-5858 www.mass.gov/courts
Probate & Family Court: Suffolk County	617-788-8300 www.mass.gov/courts
Project Bread	617-723-5000 or 1-800-645-8333 www.projectbread.org
Public Housing: Office of Housing & Economic Development	617-788-3610 www.mass.gov/eohed

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Organization/Agency	Contact Information
Registry of Motor Vehicles (RMV)	617-351-4500 (TTY: 1-877-768-8833) www.massdot.state.ma.us/rmv
Salvation Army (Massachusetts)	617-542-5420 or 339-502-5900 www.use.salvationarmy.org
Section 504 Services	781-338-3700 www.doe.mass.edu/sped/links/sec504.html www.massresources.org
Section 8 Housing	617-573-1150 www.mass.gov/dhcd www.massresources.org
Special Education	781-338-3375 www.doe.mass.edu/sped www.fcsn.org/parentguide/pguide1.html
Supplemental Educational Services	781-338-6276 www.ed.gov/nclb/choice/help/ses/index.html
Supplemental Nutrition Assistance Program (SNAP) / Food Stamps	1-866-950-3663 www.fns.usda.gov/fsp
Supplemental Security Income (SSI)	1-800-772-1213 www.socialsecurity.gov/ssi/index.htm
Transitional Aid to Families with Dependent Children (TAFDC) / Welfare	1-800-249-2007 www.massresources.org
Volunteer Lawyers Project	617-423-0648 www.vlpnet.org
Wayside Youth & Family Support Network	508-879-9800 www.waysideyouth.org
Women, Infants & Children (WIC)	1-800-942-1007 www.fns.usda.gov/wic

Resource Directory

As we have explained throughout this booklet, kinship care providers may get legal services through either the Juvenile Court or the Probate and Family Court. In both Middlesex and Suffolk Counties, these two courts are located in the same building. See below for the towns included in each county. Also, visit www.mass.gov/courts or contact either court directly for exact locations.



Towns in Middlesex County: Acton, Arlington, Ashby, Ashland, Ayer, Bedford, Belmont, Billerica, Boxborough, Burlington, Cambridge, Carlisle, Chelmsford, Concord, Dracut, Dunstable, Everett, Framingham, Groton, Holliston, Hopkinton, Hudson, Lexington, Lincoln, Littleton, Lowell, Malden, Marlborough, Maynard, Medford, Melrose, Natick, Newton, North Reading, Pepperell, Reading, Sherborn, Shirley, Somerville, Stoneham, Stow, Sudbury, Tewksbury, Townsend, Tyngsborough, Wakefield, Waltham, Watertown, Wayland, Westford, Weston, Wilmington, Winchester, Woburn

Towns in Suffolk County: Boston (all neighborhoods), Chelsea, Revere, Winthrop

Glossary



Adoption: A legal process where birth parents' rights are terminated by the court and given to another person who becomes the legal parent of the child. This is permanent.

Care and Protection Case: When a child is removed from the parent's or guardian's home for abuse or neglect in an emergency, DCF must file a **Care and Protection petition** alleging abuse or neglect and the court must schedule a hearing within 72 hours. Once the petition is filed, a series of court hearings are held to determine if the child is at risk or whether the child can safely be reunited with the parent or guardian.

Caregiver Affidavit: If you are an informal caregiver, you can use the caregiver affidavit to enroll the child in school and obtain medical care for the child. The affidavit must be signed by both the relative caregiver AND the parent(s). Legal custody is still in the hands of the parents, however, and they can cancel the affidavit at any time.

Child in Need of Services (CHINS): A court case in which the Juvenile Court tries to help parents, guardians and/or school officials deal with troubled youth. The person filing the CHINS petition must show the judge that the child regularly runs away from home, constantly disobeys the commands of a parent or legal guardian, misses school on a regular basis, and/or constantly fails to follow school rules.

Department of Children & Families (DCF): A Massachusetts state agency that oversees children who have been reported for or removed from their home for being abused or neglected. DCF works with the Juvenile Court system and rarely may appear in Probate and Family Court. DCF has a hotline for reporting abuse and/or neglect, known as the Child-At-Risk hotline: 1-800-792-5200. It is available 24/7.

Foster Care: Foster care is generally a temporary solution to give parents the time they need to get help for things like drug rehabilitation or parenting classes in order to become a better parent. During this time period, the child and parents are working toward reunification. If the parents fail to improve enough to provide a safe home for the children, the permanent plan may change to adoption or guardianship, preferably with the foster care relative caregiver.

Foster Care Relative Caregiver: This is a type of caregiver who provides care for a related child who is in DCF custody.

Informal Relative Caregiver: A relative who cares for the child based on an informal agreement between the caregiver and the child's biological parent(s), outside of any court system. The parent(s) still have *legal custody*, but the caregiver provides the day-to-day care and basic needs.

Juvenile Court: Deals with delinquency, children in need of services (CHINS), care and protection petitions and guardianship and adoption for children in custody of DCF.

Legal Custody: To be legally responsible for a child's care and have the right to make decisions regarding the child's life.

Legal Guardian: Selected and chosen by the court, this type of caregiver has both legal AND physical custody of the child until the child is 18. The parent(s) are still required to pay child support. The parents cannot assume custody without a court order.

Juvenile Court: You can file the petition for guardianship through Juvenile Court if the child has an ongoing delinquency OR a Child in Need of Services (CHINS) case. An attorney can be appointed to the child upon request.

Probate & Family Court: If you want to become the child's legal guardian, the child's parents must sign a notarized consent form OR, if the parents refuse to give consent, you are required to inform parents of the assigned court date after you file the petition for guardianship. If the parents appear on the set court date and still disagree, you must prove in court that the parents are unfit and that guardianship with you is in the best interest of the child. The child or you may request that the court appoint an attorney to represent the child.

Petition for Guardianship of a Minor: In Probate and Family Court, relative caregivers can file a petition to get custody of the child. However, the caregiver will not receive any assistance or support from DCF. A lawyer for the day may be available at court to help complete the forms. The forms can be found at: <http://bcpcf.com/Pamphlets/petgminstructions.pdf> or at the Probate and Family Court clerk's desk.

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Physical Custody: To have primary responsibility for the day to day care of a minor child.

Probate and Family Court: Deals with guardianship of minors, divorce, paternity, adoption, probate and estates, conservatorship and domestic violence issues.

Termination of Parental Rights (TPR): If you wish to adopt the child, the biological parents must agree to give up all rights or the court can terminate parental rights based on clear and convincing evidence.

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CAREGIVER AUTHORIZATION AFFIDAVIT

Massachusetts General Laws Chapter 201F

1. AUTHORIZING PARTY (Parent/Guardian)

I, _____, residing at _____

am: (circle one) the parent legal guardian legal custodian of the minor child(ren) listed below.

I do hereby authorize _____, residing at _____ to exercise concurrently the rights and responsibilities, except those prohibited below, that I possess relative to the education and health care of the minor children whose names and dates of birth are:

_____	_____	_____	_____
name	date of birth	name	date of birth
_____	_____	_____	_____
name	date of birth	name	date of birth

The caregiver may NOT do the following: (If there are any specific acts you do not want the caregiver to perform, please state those acts here.)

The following statements are true: *(Please read)*

- There are no court orders in effect that would prohibit me from exercising or conferring the rights and responsibilities that I wish to confer upon the caregiver. *(If you are the legal guardian or custodian, attach the court order appointing you.)*
- I am not using this affidavit to circumvent any state or federal law, for the purposes of attendance at a particular school, or to re-confer rights to a caregiver from whom those rights have been removed by a court of law.
- I confer these rights and responsibilities freely and knowingly in order to provide for the child(ren) and not as a result of pressure, threats or payments by any person or agency.
- I understand that, if the affidavit is amended or revoked, I must provide the amended affidavit or revocation to all parties to whom I have provided this affidavit.

This document shall remain in effect until _____ *(not more than two years from today)* or until I notify the caregiver in writing that I have amended or revoked it.

I hereby affirm that the above statements are true, under pains and penalties of perjury.

Signature: _____
Printed name: _____
Telephone number: _____

2. WITNESSES TO AUTHORIZING PARTY SIGNATURE

(To be signed by persons over the age of 18 who are not the designated caregiver.)

Witness #1 Signature

Witness #2 Signature

Printed Name, Address and Telephone

Printed Name, Address and Telephone

3. NOTARIZATION OF AUTHORIZING PARTY'S SIGNATURE

Commonwealth of Massachusetts

_____, ss

On this date, _____, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding document, and swore under the pains and penalties of perjury that the foregoing statements are true.

Signature and seal of notary: _____
Printed name of notary: _____
My commission expires: _____

4. CAREGIVER ACKNOWLEDGMENT

I, _____, am at least 18 years of age and the above child(ren) currently reside with me at _____.

I am the children's *(state your relationship to the child)* _____.

I understand that I may, without obtaining further consent from a parent, legal custodian or legal guardian of the child(ren), exercise concurrent rights and responsibilities relative to the education and health care of the child(ren), except those rights and responsibilities prohibited above. However, I may not knowingly make a decision that conflicts with the decision of the child(ren)'s parent, legal guardian or legal custodian.

I understand that, if the affidavit is amended or revoked, I must provide the amended affidavit or revocation to all parties to whom I have provided this affidavit prior to further exercising any rights or responsibilities under the affidavit.

I hereby affirm that the above statements are true, under pains and penalties of perjury.

Signature of caregiver: _____
Printed name: _____
Telephone Number: _____
Date: _____

ANNUAL REPORT OF GUARDIAN OF MINOR	Docket No.	Commonwealth of Massachusetts The Trial Court Probate and Family Court
In the Interests of: _____ First Name Middle Name Last Name Minor	_____ Division _____ _____ _____	

Child's name, date of birth and address:

_____ (Date of Birth)

 First Name Middle Name Last Name (Date of Birth)

 (Address Line 1) (Apt. Unit, No. etc.) (City/Town) (State) (Zip)

Each guardian's name and address:

1. _____
 First Name M.I. Last Name

 (Address Line 1) (Apt. Unit, No. etc.) (City/Town) (State) (Zip)

 First Name M.I. Last Name

 (Address Line 1) (Apt. Unit, No. etc.) (City/Town) (State) (Zip)

1. Please list the names, ages and relationship to you of all persons currently living in your household:

	First Name	M.I.	Last Name	Age	Relationship

2. Have you been investigated for abuse or neglect since the last report or since you were in court? Yes No

If **YES**, please state the date(s), circumstances, investigating agency, outcome and any information regarding court involvement such as the name of the court and docket number of the case:

3. Has the child moved since your last report or since you were last in court? Yes No

If **YES**, please explain:

4. Is the child currently in school?

Yes No

If **NO**, and the child is over age 6, please explain:

If **YES**, please answer the following:

What grade is the child in? _____

How is the child doing in school? Please describe the child's grades and any special services the child is receiving in school:

5. Has the child's physical, psychological or medical condition changed since the last report?
Has he/she been hospitalized or injured?

Yes No

If **YES**, please explain:

6. Does the child have contact with his or her parent(s)?

Yes No

If **YES**, how frequently, how recently, is it regular, and what is the quality of the contact?

7. Has the child been involved in any court cases since the last report or since you were last in court? For example - delinquency or criminal charges, CHINS petition?

Yes No

If **YES**, please explain:

8. Please provide any other information you believe will assist the court in reviewing the child's general well being. (*Attach additional pages if needed*)

I hereby swear or affirm that the statements contained in this Annual Report of Guardian of Minor are true and correct to the best of my knowledge.

Date _____

Guardian's signature

Date _____

Co-guardian's signature

