MontGuide

Kinship Caregivers Raising Relative Children: Navigating the Resources

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There are more than 7,700 grandparents raising grandchildren in the state of Montana and many more relative caregivers raising children. A family crisis is often the reason that a kinship caregiver is raising a relative child, prompting the need for emotional, financial and legal resources. This publication shares resources to help navigate kinship caregiving.

APPROXIMATELY 7,700 GRANDPARENTS ARE raising their grandchildren in Montana. There are many more kinship caregivers raising their relative children Montana as well. These kinship caregivers range in age from 30-90 years old. There are many reasons why a relative child is being raised by a kinship caregiver including family crisis, parental substance abuse problems, death, mental or physical health issues, financial difficulties, abandonment, or military deployment. In any of these situations, it is important for kinship caregivers to become familiar with parental rights, completing paperwork for relative children’s medical care, how to make the best education-related decisions, and how to seek opportunities for financial assistance associated with the costs of raising a relative child.

Family unification is the primary goal anytime a child is separated from a parent. Unfortunately, the amount of time that a child may be under the care of a relative caregiver can be an unknown. On average, grandparents in Montana raise their grandchildren for seven years. Navigating resources can be frustrating, confusing and overwhelming. The following topics are the main areas that have been identified by grandparents and other relative caregivers as challenging resources to navigate.

Legal Resources

The legal system can be confusing and expensive, therefore it is essential to know the fundamental rights as a caregiver raising a relative child.

A power of attorney (POA) gives legal authority to act on the relative child's behalf and does not diminish the rights of the parent(s). The POA does not require the court to be involved, but does require the signature of the parent. This document can be revoked by the parent(s) at any time for any reason. The POA is an option for individuals that are looking to provide for their relative child's medical and educational needs, for example, through the informal system (see chart 1 to determine the system that reflects the situation).

Guardianship allows for more rights than a POA. Guardianship can be granted through the “formal” or “informal” system and is typically given when parent(s) are unable or unwilling to parent and gives legal rights to an individual to make decisions for the child, including physical, medical, and educational needs. In this situation the parental rights are suspended but not terminated. The appointed guardian steps into the role of parent, however, parental rights are to be given back to the parents when the guardianship is terminated.

Guardianship allows the relative caregivers to seek resources and act in the best interest of the relative child. In Montana, guardianship can be done through a private attorney or within the Child and Family Services system.
Adoption is another option for relative caregivers. Adoption is something that is available through both formal and informal systems. All parental rights are terminated and granted to the relative caregiver (or guardian) through the adoption process. When seeking adoption through the “informal” system, a private attorney must be retained to complete the process. If following the “formal” system, a state attorney will be appointed to represent the children.

Although the steps for obtaining guardianship and custody can be lengthy, there are situations when they are appropriate to help ensure the positive well-being, safety and development of the relative child. There are a variety of resources available for a relative caregiver when they must navigate the legal system while advocating for a relative child. The Guardianship Assistance program (see chart 2, page 5) is available in a variety of different situations and most often for relative children that pass through the formal system. Other resources include the Montana Legal Assistance Program and Montana Judicial Branch’s Court Help Program. For information and resources, see charts 1 and 2.

**Financial Resources**

Caring for a relative child includes housing costs, but there are also unexpected expenses such as an increase in monthly food costs. There are a variety of options that can help reduce the financial burden of raising a relative child. The Department of Health and Human Services (DPHHS) houses the Temporary Assistance for Needy Families (TANF) program. This program offers grants in the form of cash assistance to individuals that need assistance. The TANF-Child Only Grant is for minor children and only the children’s income or assets are used to determine qualification. The relative caregiver’s income and assets are not considered.

Social Security is another source of income. Children most often receive social security benefits if a parent gets social security retirement benefits or disability benefits. Children are also able to receive death benefit funds if a parent is deceased or dies. The best way to obtain Social Security information is to speak to the Social Security Administration directly or visit www.ssa.gov. For benefits specifically for children, visit https://www.ssa.gov/pubs/EN-05-10085.pdf.

Other programs that provide resources include the foster parent system, Supplemental Nutrition Assistance Program (SNAP) and the Women, Infants and Children (WIC) Program. Relative caregivers who receive their relative children through the formal system can become foster parents. The relative caregivers must complete an application and schedule a home visit from a state caseworker. Relative caregivers are required to take the foster parent training, but many of the home requirements for foster parents are waived for relative caregivers. In this situation, the relative caregivers can receive foster care payments which are determined by the age of the child. The child is a ward of the state and placed with the relative caregivers. There are advantages to taking this route; access to a higher payment rate to help raise the child and more services that may be paid for by the state. The SNAP Program benefits low-income recipients by providing additional money for food. The relative caregivers’ income is a consideration in determining the eligibility of SNAP benefits. The recipients use an EBT card, similar to a debit card, to purchase SNAP approved food items.

**Relative Caregiver Rights**

MCA 40-6-601 and 40-6-602 provides relative families with some protection: “For these reasons, it is the purpose of the legislature in enacting 40-6-602 and this section to exercise its police powers for the health and welfare of children who have been abandoned by their parents to the care of relatives and to create a procedure, applicable in limited situations caused by the voluntary surrender of a child by a parent, under circumstances indicating abandonment, whereby a child in the care of a relative may remain with that relative while the issue of abandonment by the parent is reviewed and determined by a court of law.”

Another option for relative caregivers to be proactive in the care for their relative child is utilizing the Close Relatives Registry through the DPHHS Child Abuse Hotline. The Fostering Connections to Success and Increasing Adoptions Act of 2008 was passed by Congress to improve outcomes of foster care recipients. This act requires that within 30 days of removal of a child from the custody of a parent, the state shall exercise due diligence to identify and provide notice to all adult relatives. This led to the Close Relative Registry being added to the MCA during the 2009 Montana Legislative Session. If a person believes a child they are related to may become involved with CFS, one can call the Child Abuse Hotline, a toll-free number that operates 24 hours a day, 1-866-820-5437. Ask to be entered on the Relative Registry. This service is available to family members including grandparents, aunts, uncles, adult brothers, and sisters.

For more on Grandparents Raising Grandchildren, now the Montana Kinship Navigator Program, read the MontGuide Parenting the Second Time Around (MT200706HR).
Which system?

There are many reasons you may be caring for your relative child and the steps leading to that are not simple. The process in which you receive your relative children can determine some of the services available or not available to you and your relative child. Use this flow chart to get an idea of available services based on your situation.

Scenario:
At 11:30 p.m. William, a 56-year-old grandfather receives a phone call from his 8-year-old granddaughter, Callie, asking for a ride to his house. William is a frequent caregiver for Callie while her mother Alice spends time with her friends. Alice has made it clear she does not need help with the care of her daughter. When William arrives at Alice’s home to pick up Callie, Alice and her friends are intoxicated and want to drive Callie to get food across town. William is concerned for Callie’s safety, but Alice refuses to let her father take Callie to his house. William does not want to cause a scene and is worried for his granddaughters safety.

He has two options....

William chooses to take his granddaughter back to his home. His daughter Alice calls the following day saying she has left town and doesn’t know when she will be back. As a result his granddaughter has entered the “informal” system.

Alice takes Callie across town and William immediately calls the police to report a drunk driver. After the police arrive, Callie is taken to the Child and Family Services office. William is registered with the Close Relatives Registry and is called to pick up Callie. Callie has now entered the “formal” system.

Informal System
- Grandparents or relative caregivers have no legal ties to grandchildren or relative children
- Might receive TANF and Medicaid for grandchild or relative child
- No other services
- Parents can take child back at any time
- Some caregivers seek private attorneys to obtain guardianship or adoption

Formal System
- Child is usually a ward of the state
- Grandparents or relative caregivers may receive foster care payments for child
- Many other services are available as listed in the box below
- Can lead to guardianship or adoption

Resources (F = formal; I = informal)
- Montana Kinship Navigator Program Support Groups (MTKNP, formerly the Grandparents Raising Grandchildren Project) (F,I)
- Temporary Assistance for Needy Families (TANF) (F,I)
- Social Security Income (F)
- Guardianship Assistance Program (F)
- Close Relative Registry (F)
- Medicaid (F,I)
- Supplemental Nutrition Assistance Program (SNAP) (F,I)
- Montana Legal Services Assoc. (F,I)
- Montana Lifespan Respite Program (F,I)
- Healthy Montana Kids Insurance (HMK) (F,I)
- Montana Judicial Branch’s Court Help Program (F,I)
Healthcare and Medical Resources
Obtaining support for health care cost is essential when caring for a relative child. A health care affidavit is required to manage or be responsible for the health care for your relative child. The health care affidavit is similar to the POA and, depending on the situation, can be included in the POA document. A health care affidavit gives a relative caregiver the power to make health care decisions regarding the relative child and does not require a parent signature (MCA 40-6-501 and 40-6-502). Parental rights are not terminated with a health care affidavit although this document requires the signature of a parent. By having a health care affidavit, the relative caregiver will have access to make medical appointments and any necessary health care decisions in case of an emergency.

Healthy Montana Kids Program (HMK), formerly known as Children’s Health Insurance Program or CHIP, is health insurance for children. It offers free or low-cost coverage to children under the age of 19. Children who fall under a certain income level qualify for Healthy Montana Kids Plus. Visit the DPHHS website at [https://dphhs.mt.gov/HMK](https://dphhs.mt.gov/HMK) for more information on income eligibility and how to register.

Healthy Montana Kids is a low-cost health insurance plan available to qualifying kids under the age of 19. Blue Cross Blue Shield supports this program. Medicaid is another available healthcare program which provides for the health care coverage of income eligible participants, including those with a disability, families with dependent children, or children meeting age requirements. It is important to know that although you may not fall into one of these categories specifically, you may still qualify. For more information visit your local Office of Public Assistance (OPA), call 888-706-1535 or [dphhs.mt.gov/MontanaHealthcarePrograms](http://dphhs.mt.gov/MontanaHealthcarePrograms).

Education and Childcare Resources
As a caregiver or a guardian of a relative child, getting a relative child enrolled in child care or school can be challenging. It is important for the relative child to continue their normal routine to create a smooth transition. If the child is not enrolled in school but is school age, a relative caregiver needs to complete the Caretaker Relative Educational Authorization Affidavit (MCA 20-5-501-5-3), which allows a relative caregiver to enroll the relative child in school or child care. This affidavit does not require a parent signature.

Once a child is enrolled in school, there are additional available resources within the school, such as teachers and school counselors. Some children need help in the classroom and depending on the qualification, an Individualized Education Plan (IEP) may be available. IEP’s are for children who have been diagnosed with a learning disability or who need extra help in the classroom. Relative caregivers can request that their relative child is reviewed by the school psychologist to determine if there are any psychological or academic concerns to address. The relative caregiver, general education teacher, special needs education teacher, and school psychologist or specialist work together to create a plan to help the child succeed in school and provide additional support free of charge in public schools. The goal of an IEP is to help students improve in the classroom setting by identifying their strengths and their current challenges, to help them create a plan that encourages ongoing success.

One major challenge for relative caregivers, specifically when they are still working, is providing quality, affordable childcare for their relative child. The Montana Child Care Resource and Referral Network is a resource that provides information and education about child care providers in their area. The Montana Child Resource and Referral Network also has the Best Beginnings Childcare Scholarship which can help pay for childcare. Montana Head Start is a child development program that serves low-income families of children from birth to age five. Head Start has a variety of services available including comprehensive early childhood education, health and nutrition services.

Social Support
Maintaining health and well-being is vital while facing the challenges of raising a relative child. Research shows that during caregiving, psychological well-being is improved when social support systems are utilized. Montana State University Extension has a Montana Kinship Navigator Program (MTKNP, formerly the Grandparents Raising Grandchildren Project) with support groups throughout the state of Montana. Six of 10 caregivers report having less time to spend with friends or family. These families report having difficulty managing stress and maintaining relationships. Becoming involved with a support group can help relative caregivers focus on themselves and the successes and challenges of raising a relative child. Raising a relative child can be difficult! Call the MTKNP (GRG) office at 406-994-3395, or toll free at 833-445-3395, or visit montanagrandparents.org to find a support group near you.
Healthy Montana Kids (F,I) Free or low-cost health insurance plan for eligible Montana children to the age of 19. Services covered include medical, dental, eyeglasses and other related services. Contact Office of Public Assistance at 888-706-1535.

Montana Legal Assistance Program (F,I) non-profit law firm that empowers income-eligible people by providing legal information and other services free of charge. Visit mtlsa.org for more information.

Montana Judicial Branch’s Court Help Program (F,I) a free service to assist with non-criminal legal problems. They cannot give legal advice and will direct you to self-help resources. Visit courts.mt.gov/selfhelp for more information.

Close Relative Registry (F) List organized by DPHHS Child Abuse Hotline for grandparents, relative caregivers, and adult family members. Register by calling 1-866-820-5437; ask to be added to the Relative Registry.

Guardianship Assistance Program (F) provides assistance to help reduce the financial burden or barriers to care for and raise a relative child. For more information visit dphhs.mt.gov/cfds

TANF (F,I) monthly cash payments for food, utilities, clothing and household. Review qualifications at dphhs.mt.gov/hcsd/tanf

SNAP(F,I) supplemental food and nutrition assistance to low-income individuals, qualifications and program information at dphhs.mt.gov/hcsd/SNAP

Social Security Income (SSI) (F,I) Federal income to help children who have little to no income or disabilities to meet basic needs. Survivor benefits are also available for children following the loss of a parent. More information at ssa.gov or call (800) 772-1213

Low Income Energy Assistance Program (LIEAP) (F,I) provides additional help in paying for part of the winter energy bills for eligible individuals. For more information visit dphhs.mt.gov/hcsd/energyassistance.aspx

Healthy Montana Kids (F,I)

Montana Legal Assistance Program (F,I)

Montana Judicial Branch’s Court Help Program (F,I)

Close Relative Registry (F)

Guardianship Assistance Program (F)

TANF (F,I)

SNAP(F,I)

Social Security Income (SSI) (F,I)

Low Income Energy Assistance Program (LIEAP)

Relative Caregivers Support Groups (F,I)

Grandfamilies.org (F,I)

Montana Child Care Resource and Referral Network (F,I)

Montana Head Start (F,I)

MCA 20-5-501-503 (F,I)
Additional Considerations, Tips, and Resources

It is challenging to raise a relative child; please remember that you are doing your best with what you have. It may be difficult to keep the best interest of the relative child in mind. There are a variety of emotions tied to raising a relative child such as anger, guilt, grief, fear, and embarrassment. It is important to remember, that as a relative caregiver continues to care for their relative child, they must continue to care for themselves. Respite care is available to relative caregivers through the Montana Lifespan Respite Voucher Program (http://dphhs.mt.gov/respite). This program provides the opportunity to take a break or run errands. Funding is provided on a sliding scale and can be used through a respite agency or to hire a private provider, or a combination of the two.

Some tips for relative caregivers as they move through these events include:

- Keep good records, and keep legal documents in a safe place.
- Keep all correspondence between professionals and family members – document as much as possible
- Record names and contact information of social workers, lawyers, service providers, physicians, etc.
- Keep a journal with dates, times, activities and decisions to document events.
- Attend all meetings and appointments regarding the relative child with specific documentation
- Write down and ask many questions of social workers, judges, lawyers and other service providers – they are there to help advocate for your relative child and his/her well-being.

Other resources that have proven to be helpful to relative caregivers include AARP, Generations United, Area Agencies on Aging (Senior Citizen Centers), Big Brothers Big Sisters, Montana State University Extension has a Montana Kinship Navigator Program (MTKNP, formerly the Grandparents Raising Grandchildren Project), the Montana Lifespan Respite Coalition, and MSU Extension MontGuides (for a place to organize notes and important numbers refer to MontGuide Parenting the Second Time Around, MT200706HR).

Entities that may be involved in the organization of care for a relative child:

- Department of Health and Human Services (DPHHS)
- Child and Family Services (CFS)
- Lawyer
- Family physician
- Counselor
- Office of Public Assistance (OPA)
- School teachers or counselors
- Police department
- Social worker
- Foster care system
- Court Appointed Special Advocate (CASA)

Definitions

AARP – an organization open to anyone 50 years of age and older. The organization focuses on issues relevant to older adults. Members receive discounts on motels, insurance, and other items. http://www.aarp.org

Adoption – a legal process whereby a person or persons become new parents for a minor child. The former parent’s rights must be terminated before a minor child can be adopted.

Affidavit – a sworn statement that is signed by a person stating that the information given is true and correct.

Area Agencies on Aging are public or private non-profit agencies, designated by the Aging Services Bureau, to address the needs and concerns of older Montanans at the local level. http://dphhs.mt.gov/sltc/aging/areaagenciesonaging.aspx; 800-551-3191

Close Relative Registry – List organized by DPHHS Child Abuse Hotline for grandparents and adult family members. Family members can register by calling 1-866-820-5437 and ask to be added to the Relative Registry.

Custody – the responsibility of someone’s care, including legal and physical custody. A court of law assigns custody.

Foster care – the formal system where a child becomes a ward of the state due to documented child abuse or neglect.

Guardianship – the legal right of a person to make decisions about another person including decisions about physical, medical, and educational needs of the individual. A court of law assigns guardianship.


Legal custody – a court order given to an indivual or individuals to make decisions regarding a minor child’s interest.


MCA §41-3-101 – close relative registry to notify relative on registry on the first working day after placing the child.

Sources


DPHHS: SNAP Eligibility and Resource Information http://dphhs.mt.gov/hcsd/SNAP

DPHHS: TANF Eligibility and Resource Information http://dphhs.mt.gov/hcsd/tanf

DPHHS: WIC Eligibility and Resource Information http://dphhs.mt.gov/publichealth/wic#148767932-participant-information-and-resources-

DPHHS: Becoming a Foster Parent in Montana http://dphhs.mt.gov/CFSD/Fosterparent


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