

with enough finances and good mental health needed to raise a child.

A custodian can be terminated if the child's parent proves that they are able to care for the child. The parents' prior conduct is only a limited factor in deciding whether to end the custodianship and return the children to the natural parent. When the child turns 18 the custodianship will expire. A custodian must file a report each year with the court about how the child is progressing.

Interested grandparents should hire an attorney to obtain a custodianship.

### **Foster Care/Juvenile Court Placement**

Grandparents can ask to receive custody of children that are in the care of SRS or in Juvenile Court. The courts will usually look for relatives to place the children with before going anywhere else. The immediate family will get first priority in most cases. You may contact the SRS office involved to identify yourself as a placement option. The goal of foster care is to provide day to day care for a "Child in Need of Care", while the parents work to improve their parenting. A maximum time limit of 12 months is usually involved for the parents to resume custody. A child protective services worker from SRS and/or a contracted agency social worker will remain involved and will check on the children regularly while they are in your care.

### **Adoption**

This type of custody is only possible if all parental rights have been severed. It is permanent; when

you adopt a child, the role of the parent is forever yours.

The court may be concerned about whether grandparents can maintain their health until the child reaches a mature age. They may also be concerned about the continuing relationship between the grandparent and the natural parent. If the parent of the child is voluntarily placing the child for adoption, court approval of a grandparent as an adoptive parent is likely to be approved.

Grandparents must hire an attorney to handle the adoption.

### **Toward The Future**

The law today has a goal to keep children safe until the parents can safely resume their role. A grandparent who "helps out", may find that the parent is given many opportunities to continue as parent. This happens even when the grandparent could do a better job. Kansas law requires parents to be found unfit by The Court before they can be permanently, or even temporarily, deprived of the ability to raise their children.

This information is provided by the  
**Children's Advocacy Resource Center**

**1-877-298-2674**

Kansas Legal Services  
Marilyn Harp, Executive Director  
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# **Grandparents Raising Grandchildren**



This pamphlet was assembled to answer commonly asked questions by grandparents wanting to raise a grandchild. This brochure is designed to help with information you might need on your journey to raise your grandchild. It is our hope that this information will be of assistance to those loving persons, giving their grandchild a chance to grow up.

## Finances/Insurance

The first concern encountered by many grandparents is how to financially support additional children in their home. This section addresses those aspects.

### **Are my grandchildren eligible for SRS assistance while they are with me?**

If you are a blood relative, you can apply for cash assistance and a medical card (Medicaid) for children in your home. They are eligible because they are without the care of either of their parents. If you are a grandparent and do not ask for any cash benefits for yourself, your income is *not* considered. Applications are available through local offices of the Department of Social and Rehabilitation Services (SRS).

Temporary Assistance to Families (TAF) cash benefits are not time-limited in child-only cases. A shelter benefit may also be available.

If you seek cash assistance for your grandchild(ren) from the state, a division of SRS called **Child Support Enforcement (CSE)**, will pursue obtaining child support from the parents. CSE is available to anyone seeking court ordered child support for children in their care. The relationship of the father (paternity) must be found through the court or the birth certificate before you can claim child support.

<http://www.srskansas.org>

785-296-3237

### **What health insurance options do I have?**

If you are provided health insurance through an employer, you may be able to obtain free coverage or purchase coverage for your grandchildren on that plan. This depends on the type of coverage provided by your employer. In most situations, you will have to become the court appointed custodian of the children, before they qualify on your health insurance coverage.

**Medicaid** provides health coverage to income eligible children, families, pregnant women, seniors and individuals with disabilities. Individuals receive a medical card each month they are eligible for benefits.

Individuals under twenty who receive Medicaid benefits are also eligible for **KAN Be Healthy**. KAN Be Healthy is a program to keep children and young adults healthy through regular check-ups. The program helps ensure good health by finding and treating medical, dental, developmental and emotional problems.

1-800-766-9012

(Medicaid and KanBe Healthy)

Another option for individuals who are not Medicaid eligible in the state of Kansas is **HealthWave**. HealthWave is a program for children in families with limited incomes that provides insurance at little or no cost. Children though the age of nineteen in households with income below 200% of poverty guidelines qualify.

1-800-792-4884

### **If I adopt my grandchildren, can I get any financial help?**

You can receive a Federal Tax Credit for any legal fees that occur while adopting a child. The tax credit increases for a special needs child. You may be entitled to other financial assistance. Contact your local SRS office for more information.

## Legal Authority

As a grandparent, you have no legal authority over your grandchildren. You may want to obtain some legal authority through one of the methods listed below.

### **Durable Power of Attorney**

A parent may voluntarily assign their parental rights to another person. The assignment is temporary and can be ended at any time, and expires upon the child's 18th birthday. The form usually covers medical care and education decisions. This form is available through the Children's Advocacy Resource Center at 1-877-298-2674 (in Topeka at 234-8345).

### **Custodianship**

This is a more permanent legal arrangement. A grandparent asks the court to appoint them custodian. A parent usually consents to a Custodianship. However, this can be done with or without the parent's consent, but parents must be notified of the court process. The court must find that the parent is unfit to care for the child and that the custodian is appropriate to care for the children. You must provide a stable home