



# Kinship Caregivers/Grandparents Raising Grandchildren/Custodial Relatives

Categories : [Children and Families](#), [Older Adult Programs](#)

## CUSTODY AND GUARDIANSHIP ISSUES

**IMMEDIATE TEMPORARY CUSTODY** of a child is granted to an adult relative, attorney for a minor child, or an adult with actual physical custody of the minor child by a probate court when returning the child would result in the child's being removed from the court's jurisdiction or places the child in risk of serious injury. Immediate Temporary Custody lasts for 5 business days and then the court will hold a second hearing on temporary custody with notice to all parties.

**TEMPORARY CUSTODY** of a grandchild or other dependent relative: an application must be filed to the probate court and a hearing is usually granted within 30 days. Before the hearing, a social worker from the Department of Children and Families (DCF) ([www.ct.gov/dcf/](http://www.ct.gov/dcf/)) will speak with the grandparent or relative and may conduct a home visit. If the social worker tells the court that DCF believes that the custodial relative can take good care of the child, the court will probably appoint them as Temporary Custodian. Temporary custody remains in effect while DCF conducts an investigation into whether the parents should be removed as guardians and the petitioning grandparent or relative should be appointed guardian in their place.

**STANDBY GUARDIAN:** Custody of a child can also be obtained without going to court by becoming a Standby Guardian. A standby guardianship is created by having the parents sign a document available from the probate court stating that they are consenting to have the grandparent or relative take guardianship of their child. The standby guardianship goes into effect when a triggering event occurs such as if the parents are temporarily unable to care for a child due to physical or mental disability, residence in a drug or alcohol rehabilitation program, going to jail for a period of less than one year, or other absence from home. Standby Guardianship lasts up to 1 year; it can end sooner if the parents' absence or illness ends before a year is up. In the event of the parents' death, it can last 90 additional days to give the standby guardian time to ask the probate court to make the guardianship permanent.

**TO REMOVE CHILD'S PARENTS AS GUARDIANS:** If a child's parents are unable to properly care for their child, an application can be filed in probate court to have the parents removed as guardians. Parents can have their rights as the natural guardians of the child removed if the parents give consent, if the child has been abandoned, if the child has been denied care, guidance and control necessary for his/her well-being, or if the child has had injuries inflicted upon him/her by other than accidental means. A grandparent or relative can be the guardian, or if there is no family member available, the DCF can be appointed as guardian.

**TERMINATION OF PARENTAL RIGHTS:** Termination of parental rights to a child is a final court order that completely severs the legal relationship between the parents and the child. The court may terminate parental rights if one or more of the following conditions can be proven:

- The parents have consented to the termination;
- The child has been abandoned by the parents;
- The parent and child have no ongoing relationship;
- The child was found to be neglected, and uncared for
- The parent's failure to rehabilitate themselves;
- The parent has killed or committed an assault upon another child of the parent, or



- The parent was convicted of sexual assault resulting in the conception of the child

If only one parent's rights are terminated, the other parent will become the child's sole parent and legal guardian. If both parents' rights are terminated, a grandparent, relative, or someone else will be appointed as guardian. A person applying as the child's guardian may be appointed at the same time that the parents' rights are terminated.

**TO GET APPOINTED AS GUARDIAN:** The probate court will ask DCF to conduct an investigation to determine the physical, mental, social, and financial conditions of the parents and the grandparents or relatives applying for guardianship. If the court grants guardianship, it will issue a written decree removing the parents as guardians and appointing the applicant as guardian in their place. It may also grant visitation rights to one or both parents or to other family members. Guardianship remains in effect until one or both parents apply to have their guardianship rights reinstated, until the guardian resigns or is removed, or until the child turns 18, when he/she is considered to be an adult.

**CO-GUARDIANS:** A grandparent or relative can also become a Co-Guardian if the child has only one parent. Being a co-guardian means sharing the legal responsibility for the care of the child with the sole remaining parent. As with guardianship, the probate court will grant co-guardianship after a DCF investigation and hearing.

### **ADOPTING A GRANDCHILD OR OTHER RELATIVE**

A grandparent or relative may want to consider adoption if they want to take complete and permanent responsibility for the child and eliminate the possibility that the child's birth parents, if alive, will ever be able legally to interfere. Adoption shouldn't be considered an option if the child may reunite with his/her birth parents someday or if the grandparent or relative can only care for the child temporarily. In order to adopt a child, the child must be free to be adopted by having the birth parents' rights terminated. Then, an adoption application needs to be filed with the probate court along with an agreement of adoption. DCF will investigate and determine whether the applicant would be a good adoptive parent. If the child is 12 or older, he or she must also agree to be adopted.

For additional information on Connecticut Law About Guardianship, see the Connecticut Judicial Branch Law Libraries website page at: <http://www.jud.ct.gov/lawlib/law/guardianship.htm>

### **RESOURCES FOR KINSHIP CAREGIVERS**

- AARP has a State Fact Sheet for Grandparents and Other Relatives Raising Children available online at its website: <http://www.aarp.org/relationships/friends-family/grandfacts-sheets/>
- The "Connecticut Resource Guide for Grandparents Raising Grandchildren" lists information on resources for help that is available for custodial grandparents or relatives. Topics included are:

**\*\*GRANDPARENT AND OTHER CUSTODIAL RELATIVES SUPPORT GROUPS** – There are support groups in Connecticut for relatives raising children. These groups supply information about benefit programs as well as social and emotional support to the caregiver. For referral to a Grandparent Support Group, call 2-1-1. For information for Grandparents Raising Grandchildren, contact your [Area Agency on Aging](#) or call 2-1-1. (or call 2-1-1. (<https://portal.ct.gov/AgingandDisability/Content-Pages/Programs/Grandparents-as-Parents-Support>))

**\*\*CHILD CARE** -The Connecticut Office of Early Childhood (OEC) (<http://www.ct.gov/oec/site/default.asp>) administers a Child Care Assistance program to provide child care subsidies for low to moderate income families with dependent children who need child care during their work or training hours. The program is run by Care 4 Kids and further information can be found at its website: <https://www.ctcare4kids.com/>

**\*\*SPECIAL EDUCATION** – A child with a disability is entitled to special educational services from his/her school district. Request an evaluation, which will be conducted by a Planning and Placement Team (PPT). The PPT will



then write up an Individual Education Plan (IEP) describing the program and services that the child will receive. Children younger than age 3 with developmental delays may be eligible for early intervention services through the Connecticut Birth to Three Program ([www.birth23.org/](http://www.birth23.org/))

## **FINANCIAL ASSISTANCE:**

**\*\*TFA** – Any relative who has a child living with them can receive TFA (Temporary Financial Assistance) for the child only, regardless of the relative's income or assets. The custody arrangement does not have to be legalized. Relatives will need to verify that they are related and that the child resides with them. In addition they will need to verify any income or assets that the child has. They will also be required to cooperate with child support in locating and obtaining child support from the absent parents. Information that will be needed includes parents' names, social security numbers, employment, known addresses, etc.

**\*\*KINSHIP FUND** – There are two funds for income eligible relatives who were granted guardianship of a relative's child by a Probate Court or Superior Court in Connecticut:

1) **KINSHIP GRANT** provides up to \$500 per child per year (with an annual family cap of \$2000) for children in the care of relatives who were appointed legal guardian by the Court. Funds must be used for the child's needs, such as the child's health needs, basic needs, enrichment and educational activities, and for expenses that help children participate fully in school life, such as school clubs and sports fees, events that mark milestones for the child such as class photos, graduation fees, and other events important to the child.

2) **RESPIRE GRANT** provides up to \$2000 per family per year to directly benefit guardians. Funds can be used for rent, rental deposits, household furnishings, utilities, food, transportation, and such other expenses as the Court determines appropriate.

**\*\*SUBSIDIZED GUARDIANSHIP PROGRAM** – Subsidized Guardianship Program provides a financial subsidy for DCF-committed children who are being taken care of by a blood relative. The purpose of the program is to provide a permanent plan for children when they have been placed with relative caregivers and they cannot return home. The subsidy amount is the same as DCF's foster care rate for the child's age and special needs, minus the child's assets and income. The subsidy includes medical benefits for the child. If the goal for the child is to reunify him/her with the birth parent, the relative is not eligible for this program. Once accepted into the program, all DCF involvement and assistance is discontinued. Relatives are referred for subsidy program by the child's DCF social worker; No self referrals. To be eligible, 1) The child must have been in DCF custody for at least 18 months, and at least 12 of these months the child must have been in the care of the relative seeking the subsidy; 2) The child must be under 18 years old when initiating the subsidy, but can be up to 21 years old to continue the subsidy if he/she is in secondary school, technical school, college fulltime, or in a state-accredited job training program; 3) The subsidized relative and all family members are assessed for suitability; assessment includes local, state and FBI criminal background checks, drug screens for all family members, demonstration that the relative can provide for the child's needs without DCF's continued involvement and support, except for the financial and/or medical subsidy, and demonstration that the relative has established a nurturing, stable relationship with the child.

**\*\*FOOD PROGRAMS** – Programs for adults or older adults include SNAP (food stamps), emergency food assistance through town social service agencies and departments, and the Elderly Nutrition Program for people ages 60 and older. Programs for children include school lunch/breakfast programs for students (contact the local school) and Women, Infants and Children (WIC) which provides food vouchers for pregnant women and children ages 4 and under. The Summer Food Service Program provides free lunches (and breakfasts at some sites) at parks, schools, churches, and other locations throughout Connecticut during the summer.

**\*\*HEALTH CARE** – All children in Connecticut can be eligible for health insurance under the HUSKY program. (<http://ct.gov/hh/site/default.asp>) Some custodial relatives are also eligible. Children who have a chronic, organic disabling condition can receive additional services through the Connecticut Children with Special Health Care



Needs Program. Also, check to see if the child's school has a School-Based Health Center. These centers provide many services at no cost.

**\*\*LEGAL SERVICES** – There are legal services agencies in all parts of Connecticut for low income households that provide free legal help for civil legal matters including children and family, financial assistance benefits, housing, and medical coverage. Contact Statewide Legal Services ([www.slsct.org/](http://www.slsct.org/)) for information and referrals.

**\*\*SOCIAL AND MENTAL HEALTH SERVICES** – Child guidance clinics, community mental health centers, and family service agencies can help with issues such as alcohol and drugs, depression, and stress. Call 2-1-1 for further information on local agencies that provide mental health services. Youth service bureaus can also help find counseling, employment, and other programs for children and teens. Call 2-1-1 to find your town's youth service bureau.

**\*\*TAX CREDITS** – The Earned Income Credit (EIC) is a federal tax credit for low to moderate-income working people. Eligible workers who are raising children, grandchildren, stepchildren, adopted children or foster children can qualify for a larger tax credit if the child has lived with them for at least six months (or for a full year for foster children). Other tax credits are the Child Tax Credit and the Child and Dependent Care Tax Credit.

#### **ADDITIONAL RESOURCES**

- CTLawHelp.org ([ctlawhelp.org/self-help-guides/elder-law](http://ctlawhelp.org/self-help-guides/elder-law))

#### **TO FIND PROVIDERS IN CONNECTICUT'S COMMUNITY RESOURCES DATABASE GO TO:**

[Kinship Caregivers](#)

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SOURCES: Resources Guide for Grandparents Raising Grandchildren: AARP website; 2-1-1 Database; Connecticut Judicial Branch Law Libraries website  
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