Kinship Caregivers Guide A guide for adults who are caring for the children of relatives or family friends







AGENCY OF HUMAN SERVICES DEPARTMENT FOR CHILDREN & FAMILIES

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Additional Copies

To request additional copies of this guide, please call:

- Vermont Kin as Parents at (802) 871-5104
- Your local DCF Family Services Division District Office (see list on the inside back cover)

It is also available online at http://dcf.vermont.gov/pubs.

HELPFUL GUIDE:

A Parent's Guide to Vermont's Child Welfare & Youth Justice Agency

While written specifically for parents, this guide will give you a good overview of how the child welfare and youth justice system works in Vermont.

It covers topics such as:

- The Family Services Division
- Child welfare in Vermont
- Youth justice in Vermont
- DCF custody
- The court process

http://dcf.vermont.gov/pubs

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Chapter 1: Introduction

Relatives and friends have always played an important role in the lives of our children. Many of us make informal arrangements to care for each other's children during special events such as the birth of a child and through times of crisis such as the death or serious illness of a family member.

Today, more adults than ever are caring for the minor, dependent children of their friends or relatives, and they are doing so for longer periods of time.

How kinship care happens

Kinship care¹ can happen when the parents are:

- Separated from their children by choice or circumstance (e.g., substance abuse treatment, incarceration, serious mental/physical illness or military deployment)
- Unwilling or unable to provide their children with safe, appropriate care
- Deceased

It can happen through informal and formal arrangements, on a temporary or permanent basis.

- Kinship care involves children living with and being cared for by someone other than a biological, step or adoptive parent. This can include:
 - Relatives (e.g., grandparents, aunts, uncles, older siblings and cousins)
 - Non-related adults who have a family-like bond with the children and parents, often referred to as *fictive kin*

How this guide can help

Regardless of why kinship care is necessary, all caregivers share a common bond: the need for information, resources and support.

This guide can help! It includes information about:

- Some of the legal issues you may face
- Programs and services that can help with the cost of caring for the child
- Resources that can help from blogs and websites to support groups

It was produced by the Vermont Department for Children and Families (DCF) in partnership with Vermont Kin as Parents (VKAP).

Who the guide is for

This guide is for adults in Vermont who are:

- Thinking about providing kinship care
- Providing kinship care for children who are not in DCF custody

TIP: If you become licensed to provide kinship foster care for a child in DCF custody, you'll need additional information. Ask the worker for a copy of A Guide for Foster & Kinship Foster Families in Vermont. You can also get it online at http://dcf.vermont.gov/pubs.

Chapter 2: Legal Issues

This chapter explains some of the legal issues you'll face and how the decisions you make may affect your family and the children in your care - over both the short and long term.

For example:

- Should we go to court to get legal guardianship of the children we are caring for?
- How might the legal arrangement we choose affect the financial assistance that might be available to help us?

While only you can decide what's right for your family, you may want to consult a lawyer who has experience in this area to help you sort through the legal options and make informed decisions. See page 14 for a list of legal resources.

You may also want to contact Vermont Kin as Parents (VKAP) at (802) 871-5104. They can help you think through the issues you'll face as a kinship caregiver.

Kinship care arrangements in Vermont

There are six types of possible arrangements:

- 1. Informal arrangement
- 2. Minor guardianship (probate court)
- **3.** Legal custody (*family court*)
- **4.** Foster care (*family court*)
- 5. Permanent guardianship (family court)
- 6. Adoption (*probate court*)

1. Informal arrangement

Informal arrangements are made between parents and relatives or friends—without the involvement of either the court or child welfare system.

For example:

- A parent may leave their child with a grandparent while they are away for work
- An aunt may care for a nephew whose parents are dealing with a serious health issue
- An adult may take care of their friend's older children following the birth of a baby
- An informal arrangement:
- Does not have the force of a court order
- Does not grant "legal custody" of the children to the caregivers (the parents still have legal custody and may take the children home at any time)
- Does not legally transfer any parental rights or responsibilities to the caregivers

While informal arrangements may be appropriate in short-term situations, they are generally not appropriate for longer-term ones. Caregivers may have difficulty enrolling children in school, consenting to medical care and getting benefits for the children.

You may be eligible for public assistance to help you meet the child's basic needs. See Chapter 3 for more information.

2. Minor guardianship (probate court)

When parents are unable to care for their children, they can voluntarily arrange for family members or friends to care for them through the minor guardianship process in probate court. Along with custody, the court typically grants guardians the right to make important decisions on the children's behalf (e.g., enrolling them in school and making medical decisions).

Sometimes, however, the parents don't agree and the guardianship is involuntary (*contested*).

If you petition probate court for guardianship of a minor child without the consent of both parents, you:

- May want to seek legal advice
- ⇒ Will have to prove by *clear and convincing evidence* that:
 - The parent(s) abandoned or abused the child, the child is without proper care or the child is beyond the control of the parent(s)
 - ⇒ You are a suitable guardian

If a judge appoints you as a child's legal guardian:

- You'll be responsible for the child's care
- The parents will keep some legal parental rights
- The court can end the guardianship at anytime if the parents show they are able to take care of the child

ASSISTANCE

You may be eligible for public assistance to help you meet the child's basic needs. See Chapter 3 for more information.

3. Legal custody (family court)

This type of arrangement results from a family court proceeding in which the Department for Children and Families (DCF) alleges that a child or youth:

- Was abused or neglected (*maltreated*)
- Is without or beyond the parents' control
- Committed a delinquent act

If the judge grants legal custody of a child to you, the judge could impose conditions and limitations they deem necessary to ensure the child's safety and well-being. This is called a *Conditional Custody Order* or *CCO*.

When you have legal custody of a child, you will:

- Make most decisions about the child (except for those ordered by the court)
- Carry out the casework plan for the child (a DCF social worker will likely be involved to monitor progress and the child's well-being)
- Support contact between the child and parents
- Be responsible for enrolling the child in and getting the child to school
- Have to ask the court to change the custody order if you can no longer care for the child
- TIP: As the case moves forward, the court may transfer custody to the parent(s), establish a permanent guardianship or move towards termination of parental rights and adoption.

You may be eligible for public assistance to help you meet the child's basic needs. See Chapter 3 for more information.

ASSISTANCE

4. Foster care (family court)

If a family court judge grants legal custody of a child to the DCF Commissioner, DCF is responsible for placing that child in a licensed foster or kinship foster home. To care for a child in custody, you'll need to get a foster care license — a process that includes fingerprintsupported criminal background checks. Getting a license does not guarantee the child will placed with you.

If a child in DCF custody is placed with you:

- You'll have to comply with DCF foster care regulations (ask for a copy of the Licensing Regs)
- A social worker will be assigned to help you and the child's parents carry out the plan for the child
- DCF will support your relationship with the family
- DCF may ask you to help with the plan for contact between the child and parents
- DCF will be involved in many of the decisions that have to be made for the child
- The child may stay in their current school if it's in the child's best interest
- DCF may remove the child from your care if there are concerns about the child's safety & well-being
- Ask the social worker for a copy of A Guide for Foster & Kinship Foster Families in Vermont
- TIP: As the case moves forward, the court may return custody to the parent(s), establish a permanent guardianship or move towards termination of parental rights and adoption.

There is support available to help foster parents care for the children placed with them. See Chapter 3 for more information.

ASSISTANCE

5. Permanent guardianship (family court)

Permanent guardianship provides legal permanence for children/youth without requiring the termination of parental rights (TPR). Family court may establish a permanent guardianship for a child/youth who has been the subject of juvenile court proceedings.

The judge must first find that:

- Neither parent is able to assume or resume parental duties within a reasonable period of time
- The child has lived with the permanent guardian for at least six months
- Permanent guardianship is in the child's best interests
- The proposed guardian is suitable, able and willing to provide a safe, nurturing home for the child until he or she turns 18

If you become the permanent guardian for a child:

- The parents can't petition the court to end the guardianship or regain custody
- \bigcirc The court sets the plan for parent-child contact
- The parents retain certain parental rights and responsibilities (e.g., the right to have contact with the child and the responsibility to pay child support)

COURT INVOLVEMENT • DCF INVOLVEMENT

You may be eligible for guardianship or other public assistance to help you meet the child's basic needs. See Chapter 3 for more information.

6. Adoption (probate court)

The first hope for children and youth in DCF custody is to safely reunite with their parents. When that can't happen within a reasonable timeframe, DCF must explore other options for achieving permanence.

This is usually achieved through the termination of parental rights (TPR) in family court followed by finalization of the adoption in probate court. *TPR's can be either voluntary or involuntary*.

If you adopt your relative or friend's child:

- You become the child's legal parent with all the rights and responsibilities that entails
- The birth parents no longer have any legal rights or responsibilities with respect to the child

Post-adoption contact between the child and birth family members may be beneficial, especially if you have a good relationship with the parents. Contact may be through legally-enforceable agreements or non-enforceable informal agreements, depending on the circumstances.

Contact may be handled directly between the parties involved or through the Vermont Adoption Registry, which is part of DCF. Discuss the options for contact with the worker who is finalizing your adoption.

COURT INVOLVEMENT • DCF INVOLVEMEN

If you adopt the child in your care, there may be support available to help you meet their needs. See *Chapter 3 for more information.*

Legal Resources

Before deciding on the type of arrangement you want to pursue, you may want to consult with a lawyer who can help you understand the options available and how each one could affect your family. Look for a lawyer who has relevant experience and knowledge (e.g., family law and juvenile and child welfare statutes).

If you are a party to a family court case and can't afford a lawyer, ask the court clerk for an *Application for Public Defender Services*. The court will determine if you qualify.

South Royalton Legal Clinic (VT Law School) http://www.vermontlaw.edu/ • (802) 831-1500

Helps residents from several Vermont counties who can't afford lawyers with issues such as children's rights, family law, housing and welfare.

Vermont Bar Association's Online Lawyer Referral https://www.vtbar.org/LRS/ • 1-800-639-7036

Lawyers provide initial 30-minute consultations for no more than \$25. Go online or call during regular business hours.

Vermont Law Help

http://www.vtlawhelp.org • 1-800-889-2047

Easy-to-read legal information on topics such as public benefits, education and free legal services.

Vermont Legal Aid

http://www.vtlegalaid.org • 1-800-889-2047

Free civil legal services for people who are elderly, have a disability or have low income.

Chapter 3: Help With Basic Needs

This chapter provides information about the financial resources available to help kinship caregivers meet the basic needs of the children in their care.

INFORMAL ARRANGEMENT • MINOR GUARDIANSHIP • LEGAL CUSTODY • PERMANENT GUARDIANSHIP

Child-Only Reach Up

Monthly cash assistance to help kinship caregivers meet the basic needs of the children in their care.

Eligible children are:

- ⊃ Under 18
- Not in foster care
- Not getting SSI (however, they may get SSDI)
- With little or no income of their own
- Living with and being cared for by someone other than a biological, step or adoptive parent, including:
 - Relatives (e.g., grandparents, aunts, uncles, older siblings and cousins)
 - Non-related adults who have a family-like bond with the children and parents

To learn more, call DCF's Economic Services Division (ESD) at 1-800-479-6151 or visit a district office (*see next page*). For tips on the application process and to apply online, go to http://dcf.vermont.gov/benefits/reachup/child-only.

Any child support you get for the child will go to ESD to offset the cost of public assistance.

ESD District Offices

Visit a district office during regular business hours — 7:45AM to 4:30PM, Monday through Friday

> **Barre District** 5 Perry Street, Suite 150, Barre, VT

Bennington District 200 Veteran's Memorial Drive, Suite 6, Bennington, VT

> Brattleboro District 232 Main Street, 2nd Floor, Brattleboro, VT

Burlington District 119 Pearl Street, John Zampieri Building, Burlington, VT

Hartford District 118 Prospect Street, White River Junction, VT

Middlebury District 156 South Village Green, Suite 201, Middlebury, VT

Morrisville District 63 Professional Drive, Suite 4, Morrisville, VT

Newport District 100 Main Street, Suite 240, Newport, VT

Rutland District 320 Asa Bloomer Building, 88 Merchants Row, Rutland, VT

> Springfield District 100 Mineral Street, Suite 201, Springfield, VT

St. Albans District 27 Federal Street, Suite 400, St. Albans, VT

St. Johnsbury District 67 Eastern Avenue, Suite 7, St. Johnsbury, VT

INFORMAL ARRANGEMENT • MINOR GUARDIANSHIP • LEGAL CUSTODY • PERMANENT GUARDIANSHIP

Child Care Financial Assistance Program

You may be able to get help paying for child care if you:

- Have an accepted reason for child care (e.g., job, school or special health need) or it's authorized based on the child's special needs
- ⇒ Are getting *Child-Only Reach Up* for the child
- TIP: If you're caring for the child under an informal arrangement, you'll need to get minor guardianship or legal custody to keep getting this benefit.

Call 1-877-705-9008 to be directed to a local agency that can help you apply.

Medicaid for Children and Adults

You can apply for Medicaid (*Dr. Dynasaur*) for the child you're caring for. It helps cover the cost of doctor's visits, prescriptions, mental health services, dental care and more. The only income counted is the child's. Apply online at http://healthconnect.vermont.gov or call 1-855-899-9600.

INFORMAL ARRANGEMENT • MINOR GUARDIANSHIP • LEGAL CUSTODY • PERMANENT GUARDIANSHIP • FOSTER CARE

School Brookfact &

School Breakfast & Lunch

The child is eligible for free breakfast and lunch at school (up to grade 12) if the school participates in a federal meals program and the child is:

- In foster care OR
- Getting Child-Only Reach Up

Ask the school for an application form.

FOSTER CARE Foster Care Payment

You'll get a monthly foster care payment for each child placed with you. In addition:

- Subsidized child care is available through the Child Care Financial Assistance Program if it's authorized by DCF's Family Services Division (FSD)
- Health insurance is available either through the parents' insurance or Medicaid
- DCF may pay other costs (e.g., transportation if the child attends school in a town other than where you live)

Any child support you get for the child will go to FSD to offset the cost of public assistance.

PERMANENT GUARDIANSHIP

> Guardianship Assistance Program (GAP)

You may be eligible for assistance if you:

- Have been providing kinship foster care for the child for at least the past six months
- Are either the child's relative or you had a significant relationship with the child prior to DCF custody
- Meet other requirements

Assistance could include:

- A monthly guardianship assistance payment
- Medicaid for the child
- Reimbursement of certain one-time expenses related to establishing the guardianship (up to \$2,000)
- Payment for special services for the child

For more information, call DCF's Adoption Unit at (802) 241-2131.

If you become a permanent guardian but don't qualify for guardianship assistance, you may still be eligible to get Child-Only Reach Up and related benefits.

ADOPTION

> Adoption Assistance

Children must meet *all* of the following criteria to be eligible for adoption assistance. They:

- Are in DCF custody or the legal custody of someone other than a parent as the result of a CHINS or delinquency proceeding in family court
- Are legally freed for adoption
- Have at least one special need that makes adoption unlikely without assistance

Assistance could include:

- Monthly payments to help you meet the child's ongoing needs
- Medicaid for the child
- Reimbursement of certain one-time expenses related to adopting the child (up to \$2,000)
- Payment for special services for the child

To learn more:

- Call DCF's Adoption Unit at (802) 241-2131
- Read Adoption Assistance for Children Involved With DCF. Ask the worker finalizing the adoption for a copy or get it online at http://dcf.vermont.gov/pubs.

You must apply and be approved for adoption assistance before the adoption is legally finalized.

INFORMAL ARRANGEMENT • MINOR GUARDIANSHIP • LEGAL CUSTODY • FOSTER CARE • PERMANENT GUARDIANSHIP • ADOPTION

> WIC Nutrition Program

http://healthvermont.gov/family/wic • 1-800-649-4357 WIC provides healthy foods and nutrition resources to eligible Vermonters. Kinship caregivers may apply for the children in their care.

Children under 5 are eligible if they are:

- In foster care
- Getting 3SquaresVT, Child-Only Reach Up or Medicaid (called *Dr. Dynasaur*) OR
- Meet income guidelines

Call your local Vermont Department of Health Office to schedule an in-person WIC appointment to apply.

- ⇒ **Barre:** 1-888-253-8786, (802) 479-4200
- ⇒ **Bennington:** 1-800-637-7347, (802) 447-3531
- ⇒ Brattleboro: 1-888-253-8805, (802) 257-2880
- ⇒ Burlington: 1-888-253-8803, (802) 863-7323
- ⇒ Middlebury: 1-888-253-8804, (802) 388-4644
- ⇒ Morrisville: 1-888-253-8798, (802) 888-7447
- ⇒ Newport: 1-800-952-2945, (802) 334-6707
- ⇒ Rutland: 1-888-253-8802, (802) 786-5811
- ⇒ St. Albans: 1-888-253-8801, (802) 524-7970
- ⇒ St. Johnsbury: 1-800-952-2936, (802) 748-5151
- ⇒ Springfield: 1-888-296-8151, (802) 289-0600
- ⇒ White River Junction: 1-888-253-8799, (802) 295-8820

Chapter 4: Resources

ADOPTIVE/FOSTER/KINSHIP PARENTS

Vermont Adoption Consortium

http://www.vtadoption.org • (802) 241-0901

A consortium of agencies and groups that offer support to kinship caregivers and adoptive families across Vermont.

Vermont Kin as Parents (VKAP)

http://vermontkinasparents.org • (802) 871-5104

A grassroots organization that supports kin who are raising their relatives' children.

Voices at the Table Blog & Website

https://voicesatthetable.wordpress.com

A bi-weekly blog and website for Vermont kinship, foster, kinship foster and adoptive families.

ASSISTANCE & REFERRAL

Vermont 2-1-1

http://vermont211.org • Dial 2-1-1 from anywhere in VT A call specialist can help you find resources 24/7.

Vermont's Senior Help Line 1-800-642-5119

If you're age 60 or over, staff can help you find and apply for benefits, programs and services.

CHILD CARE

Child Care Referral Service

http://dcf.vermont.gov/childcare/parents • 1-877-705-9008 Call the number listed above to be directed to a local agency that can help you find quality child care.

CHILD DEVELOPMENT

Children's Integrated Services (CIS)

http://dcf.vermont.gov/child-development/cis CIS may be able to help if you are caring for a child:

- \Rightarrow Up to age 3 with a disability or developmental delay
- ⇒ Up to age 5 with a behavioral challenge or socialemotional issue

CIS services are family-centered, child-focused and available at low or no cost to families. This could include early intervention, home visits, parenting support and speech/language/vision services. *All children who need early intervention are eligible regardless of the family's income.*

To find out more:

- 1. Dial 2-1-1 toll free
- 2. Ask the operator for the name and phone number of your local CIS coordinator
- 3. Contact the coordinator to discuss your concerns

Help Me Grow Statewide Phone Line

Dial 2-1-1 toll free from anywhere in Vermont

Parents & caregivers of young children can talk to trained child development specialists (9AM to 6PM, M-F). They can answer your questions and connect you to resources.

ECONOMIC ASSISTANCE

Community Action Agencies

These agencies help lower-income Vermonters meet their basic needs and become self-sufficient. Services may include emergency food help, fuel and utility assistance, housing assistance and training.

- ⇒ BROC Community Action in Southwestern Vermont http://broc.org • (802) 775-0878, 1-800-717-2762 45 Union Street, Rutland, VT 05701
- ⇒ Capstone Community Action (Central Vermont) http://capstonevt.org/ •(802) 479-1053, 1-800-639-1053
 20 Gable Place, Barre, VT 05641
- ⇒ Champlain Valley Office of Economic Opportunity (CVOEO) https://cvoeo.org/ • (802) 862-2771
 255 South Champlain Street, Burlington, VT 05402
- ⇒ Northeast Kingdom Community Action (NEKCA)
 http://nekcavt.org/ •(802) 334-7316
 70 Main Street, Newport, VT 05855-5110
- ⇒ Southeastern VT Community Action (SEVCA) http://sevca.org/ • (802) 722-4575, 1-800-464-9951
 91 Buck Drive, Westminster, VT 05158

Social Security

https://www.ssa.gov/ • 1-800-772-1213

If the child you're caring for has a physical or mental disability or the child's parents are disabled or deceased, they may qualify for financial assistance. Call the number above or visit a local Social Security office.

Internet Essentials through Comcast www.internetessentials.com • 1-855-846-8376

You may qualify for affordable Internet service and a low-cost computer if your household:

- Lives in an area with Comcast Internet service
- Includes at least one child getting free or reduced cost school lunches
- Meets other criteria

EDUCATION

Head Start/Early Head Start

http://vermontheadstart.org

A range of comprehensive early education, health, nutrition, parental involvement/engagement and family support services primarily for at-risk children from birth to age 5 and their families.

Vermont Family Network (VFN)

http://vermontfamilynetwork.org • 1-800-800-4005 VFN offers services and supports to families of children with special needs and learning difficulties. They can help you advocate for the child's needs, learn about special education issues, prepare for meetings with the school and access community resources.

VT Federation of Families for Children's Mental Health http://vffcmh.org • (802) 876-7021 or 1-800-639-6071

Call the federation or visit their website if you need help with a child's educational, emotional or behavioral problems.

OTHER

Community Mental Health Centers http://mentalhealth.vermont.gov/

Each area of Vermont is served by community mental health centers, called *designated agencies*, that provide services to children and families (e.g., crisis response, treatment, support and referral).

PARENTING SUPPORT

Find & Go Seek

http://www.findandgoseek.net/

A fun and easy way to discover fun things to do with children in your neck of the woods.

Kids VT

http://www.kidsvt.com/

A great resource for parents, with county-by-county information on local events, playgroups, classes, summer camps and activities for children and families.

Parent Child Centers

http://dcf.vermont.gov/partners/pcc

A network of centers throughout Vermont that help families make sure children get off to a healthy start. Services include early childhood services, home visits to families with young children, playgroups, parent education, parent support, and information & referral. Visit the website listed above or dial 2-1-1 to find your local parent child center.

Parent Up

http://parentupvt.org/

A resource to help caregivers talk to teens about drug and alcohol use.

VT Parent's Home Companion & Resource Directory http://pcavt.org • 1-800-244-5373, (802) 229-5724

A guide that features tips for everyday problems and a complete list of local and statewide resources for children and families listed by county in Vermont.

SUPPORT GROUPS

Support Groups for Kin

http://vermontkinasparents.org • (802) 871-5104
Kinship support groups can be a lifeline for people who are raising the children of relatives or friends.
Resource information, friendship, emotional support and understanding help kinship caregivers when they get together.

Some support groups offer childcare. This makes it easier for folks to attend and allows the children to connect with each other.

There are kinship support groups located throughout Vermont. For information about the groups nearest you, visit the website listed above or call Vermont Kin as Parents at the number above.

DCF's Family Services Division

Barre: (802) 479-4260

Bennington: (802) 442-8138

Brattleboro: (802) 257-2888

Burlington: (802) 863-7370

Hartford: (802) 295-8840

Middlebury: (802) 388-4660

Morrisville: (802) 888-4576

Newport: (802) 334-6723

Rutland: (802) 786-5817

Springfield: (802) 289-0648

St. Albans: (802) 527-7741

St. Johnsbury: (802) 748-8374

Vermont Kin as Parents (VKAP)

Free information & referral service specifically for kinship caregivers. We can help you:

- Find programs, services, educational opportunities and other resources
- Figure out the right questions to ask so you can make informed decisions
- Connect with kinship caregivers and support groups throughout Vermont

(802) 871-5104 • http://vermontkinasparents.org

Vermont 2-1-1

- Free, confidential information and referral service for all Vermonters 24 hours a day, 7 days a week
- Call specialists can help you find government programs, community-based organizations, support groups and other resources

Dial 2-1-1 • http://vermont211.org

Benefits Available Through DCF

Find out about public benefits available through the Department for Children and Families, including 3SquaresVT, Child Care Financial Assistance, Energy Assistance, Fuel Assistance and Reach Up.

http://dcf.vermont.gov/benefits