

CARING FOR ANOTHER PERSON'S CHILD

*A Guide for
Non-Parent
Caregivers in
Los Angeles
County*



Photo by: Hugh Williams



Photo by: Hugh Williams

INTRODUCTION

This Guide is designed to give caregivers practical information about how to access government programs and community services in Los Angeles County.

This guide explores:

- *The custodial options available to you for the child in your care, including informal care, foster care, legal guardianship and adoption;*
- *The financial resources available to provide for the child in your care, including cash assistance from CalWORKs (California Work Opportunities and Responsibility to Kids), foster care funding, child support, Supplemental Security Income (SSI) and other Social Security Benefits;*
- *Government programs and community services providing health care, food, educational programs, housing and child care; and*
- *Information on what to do if you are treated unfairly or do not receive what you are entitled to by law.*

Please pay special attention to the rules and policies that apply to the following special categories: children with disabilities, non-citizen or undocumented children, Native American children, terminally ill parents, incarcerated parents, deceased parents and caregivers who are non-relative extended family members.

If you need legal advice about your particular situation, you should seek an individual consultation with an attorney. The information in this guide is based on federal law and the law of California. It is intended for use by residents of Los Angeles County, California, although some aspects (particularly those which are based on federal law) may be applicable in other counties or other states. If you are not a resident of Los Angeles County, California, please consult an attorney in your area to supplement and verify the information contained in this guide.



Photo by: Hugh Williams

Due to California's budget crisis, at the time this manual was printed, significant cutbacks were being made to many government benefits for children, including CalWORKs, foster care, Medi-Cal, and Healthy Families. The rates and types of benefits under these programs may be reduced. Contact one of the legal service providers mentioned at the end of this book if you are told that a benefit you seek is no longer available or has been reduced.

OVERVIEW

WHO IS A CAREGIVER?

Thousands of children in Los Angeles live with caregivers who are not their parents. Most often, those caregivers are the child's relatives. But, caregivers can also be friends of the child or neighbors.

Why do some children need caregivers?

The child's parents may be in drug or alcohol treatment programs, in jail, deceased, deported, homeless or terminally ill. The parent may have lost custody because of child abuse, abandonment or neglect or the parent may be unwilling to care for the child. Family members who step in to care for children in these circumstances are called **relative or kinship caregivers**.

CAREGIVERS

Being a caregiver is extremely rewarding, but it can be challenging. Some caregivers need to quit their jobs or take a leave of absence to care for a child. Other caregivers have delayed retirement plans or taken a new job to pay for additional expenses. Sometimes the family needs to move into a bigger home or purchase a larger vehicle. Caregivers can be mentally and physically exhausted by their caregiving responsibilities. In addition, these caregivers are forced to deal with whole new sets of issues:

Who can they call for financial help?

How can they register the child for school?

Where can they go for medical help?

In the United States, no one is legally required to become a caregiver when a caregiver is needed. However, if someone does not come forward to care for a child in need, that child may be placed in a group or foster home through the foster care system.

The manner in which you become a caregiver, whether informally or through the courts, will determine the custodial and financial options that are available to you. We will explore those options in this guide. It is important, first, however, to understand the rights and responsibilities of a parent so that you, as a caregiver, can better understand your own rights and responsibilities.

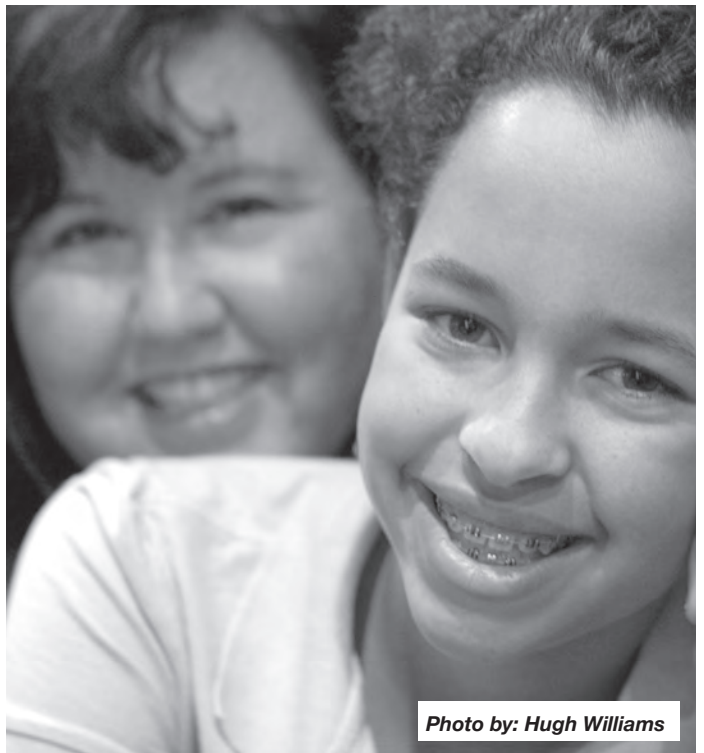


Photo by: Hugh Williams

THE RIGHTS OF PARENTS

Parents have many important rights that allow them to make crucial decisions for their children. Parents decide where the family will live and where the child will attend school. They also decide what religion the children will practice and make decisions regarding education and medical treatment for their children. In addition to these rights, parenthood also comes with many responsibilities. Parents are legally responsible to support their children and provide the basic necessities—food, clothing and shelter—until the child reaches the age of 18. Generally, we describe the parents' rights and responsibilities as legal custody.

Unless a court order suspends or terminates the mother's or father's parental rights, the mother and father have the ability to make decisions regarding their child, even if they had not previously lived with or cared for the child. For example, the parents can move the child to a different home, register the child in another school district, and prohibit the child from visiting with certain individuals.

What might a court order do to change the rights of a parent?

A court order may:

- give legal custody to either the mother or the father,
- appoint a non-parent as the **legal guardian** of the child and,
- open a case in the **Juvenile Court and give the Department of Children and Family Services (DCFS) or the Probation Department** legal custody of the child, or
- terminate the mother's and father's parental rights and allow another person to become the child's parent through **adoption**.

Absent a court order affecting parental rights, a parent's legal custody of a child ends when the child reaches the age of 18, marries, joins the armed forces or the child is emancipated by court order.



Photo by: Hugh Williams

TYPES OF CAREGIVERS

IN THIS GUIDE WE REFER TO FOUR TYPES OF CAREGIVERS:

Informal Caregivers are those caregivers who simply have assumed responsibility for a child in need without involvement from the court system, child protective services or other authorities. Informal caregivers may have physical custody of the child, but have limited rights to make decisions regarding a child in their care because they do not have legal custody.

Example:

Mrs. Jones, 50, a widow has cared for her three grandchildren since birth. Ms. Jones has not filed any court paperwork to obtain custody of her grandchildren and the Department of Children and Family Services (DCFS) has never been involved with the children.

Probate Court Legal Guardians are appointed by the court and are awarded legal and physical custody of a child. Once the guardianship is granted, parents or other interested parties cannot terminate the guardianship without a court order.

Example:

Susan and Tom were both tragically killed in an automobile accident, leaving two minor children. Susan's parents filed a petition for guardianship with the court requesting that they be given legal guardianship over the children so that they could consent to medical care and handle other matters on their behalf.

Foster Caregivers are those caregivers who care for a child who has been removed from the parents' home and is in the foster care system. The Department of Children and Family Services (DCFS) or the Probation Department has legal custody of the child who is then placed in the care of an approved caregiver. Some of these caregivers obtain legal guardianship, or adopt through the Juvenile Court.

Example:

Ms. Brown, 30, a bank manager, is rearing her youngest sister's two children. Her sister left the two children, ages 6 months and 2 years, alone in her apartment. Neighbors reported the sister to the police and child protective services took custody of the children and placed them with Ms. Brown. Ms. Brown completed the requirements to become an approved relative caregiver through the foster care system and is now taking care of the children.

Adoptive Parents are those caregivers who have participated in a court proceeding which occurs after both the mother's and father's parental rights have been terminated and are named as the child's parent. Adoption is permanent.

Example:

Claudia and Juan Escobar have been caring for their granddaughter, Elisa, since she was born. The Department of Children and Family Services placed Elisa in their care because she had been born prenatally exposed to drugs. Elisa's biological father was never identified and her mother was not able to complete a court-ordered program of parenting classes and drug rehabilitation. At 18 months, Mr. and Mrs. Escobar adopted Elisa.

It is very important to note that the monetary benefits available to caregivers differ depending on the type of caregiver that you are and the type of court, if any, that has approved the caregiving relationship.

When we discuss the type of caregiver relationship, we will also cover the financial and other benefits available to help you better understand the differences between the caregiving relationships and the options available to you. Also, please note that in some cases a child may be eligible for more than one form of financial assistance. If after reading this booklet, you are unsure about which type of benefit you qualify for, contact one of the legal service providers listed in the Services Directory on page 48.



Photo by: Hugh Williams

INFORMAL CAREGIVERS

WHO ARE INFORMAL CAREGIVERS?

An informal caregiver generally assumes his or her responsibility for a child without involvement from the court system, child protective services, or other authorities. As a result, the informal caregiver may have physical custody (the child lives with him or her) but does not have legal custody over the child (a court has not approved the living arrangement). This informal caregiving relationship may arise with or without the parents' consent and cooperation.

WHEN THE PARENT CONSENTS OR IS IN COMMUNICATION

Example:

When Carol's goddaughter, Tina, became pregnant at age 16, Carol and her husband took responsibility for the newborn infant and continued to care for him after Tina left home to go to college. Joey is now 11 and continues to live with his godparents. Tina has finished her education and now has a job. Although she no longer lives at home, Tina is in close contact with Joey.

This informal custodial arrangement has worked well for Carol and her family. Although the world has generally accepted Carol and her husband as Joey's primary caregivers, there have been instances when Tina needed to make decisions regarding Joey. For instance, when Joey needed corrective eye surgery, the hospital would not accept Carol's authorization to perform the surgery. Tina, as Joey's legal parent, needed to make those arrangements. This problem was resolved because the child's parent was available, cooperative and in communication with the caregiver.

If you are a caregiver and are in communication with and have cooperation from the child's parent(s), then you may not need to apply for formal court custody. **We recommend, however, that you get the following documents from the child's parent(s):**

- child's birth certificate,
- child's Social Security card, and
- any medical records, especially immunization history

You will find having copies of these documents will make your role as caregiver a little easier.

Next, ask the parents to sign a letter giving you permission to care for and make medical and educational decisions for the child as a safeguard in the event that the parent later falls out of communication. This letter does not give you any kind of legal custody regarding the child, nor does it suspend or terminate the parent's rights. However, it goes a long way toward guaranteeing recognition of an informal caregiver's status by doctors, schools and many others. **The letter should be signed by the parent(s) and the caregiver. It is also helpful to have it notarized. We have included a sample letter in the Sample Forms section of this booklet on page 53. When a notary stamps the letter, it means that they are an authorized witness and that the signature on the document is legitimate. Although it is not required by law, getting a document notarized will help ensure that doctors, school officials, and others will accept the document as valid. The fee to notarize a document is minimal (approximately \$10).**

Also, you should review the section on probate legal guardianship starting on page 13 to determine whether there is any need to obtain a court custody order for the child.

WHEN THE PARENT(S) DOES NOT
CONSENT OR IS NOT IN COMMUNICATION
WITH THE INFORMAL CAREGIVER

Example:

Lisa was a drug addict who lived with her friend Pat. Also living with them was Lisa's son, Nicholas. Nicholas' father is unknown. When Nicholas was only 3 years old, Lisa simply disappeared. It has been weeks since Pat heard from Lisa. Nicholas continues to live with Pat.

Unfortunately, Pat's situation has been more difficult than Carol's. Pat has no documents from Lisa designating Pat as the primary caregiver. Nor does she have copies of Nicholas' birth certificate or his Social Security card. Pat has only been able to obtain emergency medical care for Nicholas, and has had trouble enrolling Nicholas in pre-school. Pat is also fearful that Lisa, not having controlled her drug addiction, might return one day and take Nicholas away.

Pat's situation is less than ideal and it may be in her best interest, as well as Nicholas', to consider a more formal caregiving arrangement, either as Nicholas' foster parent, legal guardian or as his adoptive parent. These options will be discussed more fully later in this guide. However, all informal caregivers can take a certain amount of control over their situations.

COMMON PROBLEMS

As a caregiver, have you faced any of these problems?

- You need more income to pay for living expenses and to support the child.
- The child does not have health insurance.
- You are told that you cannot register the child for school or daycare.
- The doctor's office requires legal guardianship papers to treat the child.

If you answered yes to any of these situations, the following section will provide you with the resources to assist you.

WHAT DECISIONS CAN INFORMAL
CAREGIVERS MAKE ON BEHALF OF A
CHILD?

EDUCATION

Enrolling a Child in School

A caregiver, whether related or unrelated can enroll a child in school.

Using a Caregiver Affidavit

Under California law, the Caregiver's Authorization Affidavit enables a caregiver, whether related or unrelated, to enroll a child in school.

If you are related to the child, you may also consent to medical and dental treatment, including immunizations.

If you are unrelated to the child, this document allows you to make school-related medical decisions, such as obtaining vaccinations and medical examinations required for school enrollment.

The form does not require the signature of a parent, but does require that you make an effort and swear under written oath that you have attempted to contact the child's parent to get consent for non-school related medical care. The Affidavit is a simple two-page form and a sample may be found in the "Sample Forms" section of this booklet on page 51.

Education Rights Under the McKinney-Vento Act

The McKinney-Vento Act is a federal law which provides certain education rights to children who are "homeless". The definition of "homeless" includes children who are awaiting a permanent foster care placement or who are doubled up with friends or relatives because they cannot find or afford housing. Many children in informal caregiver situations, like the child in Pat's care discussed above, would qualify for help under the McKinney-Vento Act. Such children are entitled to be immediately enrolled in school, even if they do not have any documentation of residence, school records, or immunizations. Alternatively, the student can choose to remain in her original school and

receive free transportation to and from school. The student can also receive other assistance, such as emergency clothing, school supplies, and automatic enrollment in the free school lunch program.

TIP!

For more information on the McKinney-Vento Act please see the Children's Rights Project Publication entitled "Education: California School Rights and Responsibilities", which is available on the Public Counsel website or by calling the Children's Rights Project Intake Line (see the Legal Services Directory in the back of this book on page 48).

OTHER EDUCATIONAL DECISIONS

Special Education

Children who have disabilities can receive special education services and/or accommodations from school. If the child you are caring for has difficulty in school, low grades, behavior problems, or an unexplained lack of progress, the school can evaluate the child to see if they need special education services.

A non-parent caregiver **cannot** consent to an assessment or sign a child's special education plan if the parent is still available to make such decisions. In order for a non-parent caregiver to be able to consent to decisions regarding a child's special education needs, the caregiver must either obtain a written assignment of education rights by the parent, or be appointed by the school district to serve as the educational surrogate for the child. The school can only appoint a surrogate if the child's parents can not be identified or if the school district is unable to locate the parent, after diligent efforts. The school must follow certain guidelines in appointing a surrogate parent—for example, the surrogate parent must not have any interests that conflict with the child's interests, and the school must first try to appoint a relative caregiver, foster parent, or court appointed special advocate.

If the parents' location is known but they are just unwilling to participate, the non-parent caregiver will need to obtain probate legal guardianship in order to make special education decisions for the child.

If the child is in foster care, the court would need to limit the parents' education rights and

order that education rights be transferred to the caregiver (except for a foster parent in some circumstances) before the caregiver could consent to have the child assessed or placed in special education.

TIP!

If you think that you need to be appointed as the educational surrogate for a child who is in special education and in your care, tell the special education coordinator at your school immediately!

If a parent is willing to assign education rights to you, contact Public Counsel or one of the other Legal Service Providers in the back of the book, at page 48 for assistance.

For more information on Special Education, please refer to the Public Counsel pamphlet "Special Education: Students' and Parents' Rights and Responsibilities"-available on the Public Counsel website at www.publiccounsel.org.

Click on "Resources" and "Children's Rights Projects."

Extracurricular Activities

While the Caregiver Affidavit allows caregivers to enroll a child in school, it does not specifically give caregivers authority to consent to school extracurricular activities, such as participation in sports or field trips. School policies on this differ. If a school requires you to obtain a probate guardianship in order to consent to extracurricular activities, ask first to speak with the McKinney-Vento or Homeless Coordinator. All schools are required to have a McKinney-Vento or Homeless Coordinator. (Please refer to the Resources: Education section of this booklet on page 41).

If the Coordinator cannot assist you and a parent is not available to provide consent, you will need to obtain a probate legal guardianship in order to provide consent for these activities.

Daycare and Pre-school

The Caregiver Affidavit does not specifically authorize you to enroll a child in daycare or pre-school. You will likely need to obtain probate legal guardianship in order to do so, although some daycare and pre-school programs may accept the Caregiver Affidavit-particularly those associated with a school district.

MEDICAL DECISIONS

A caregiver who obtains a medical authorization from a parent can consent to the medical care specified in the authorization. In addition, a relative who uses a Caregiver Affidavit can consent to all medical care needed by a child. A non-relative using a Caregiver Affidavit can consent to school-related medical care. See p. 9 for additional discussion on the Caregiver Affidavit.

In certain limited circumstances, a child can consent to his or her own medical care. These circumstances include:

Emergency Treatment: *A child under 18 can receive emergency medical treatment without the consent of the parent or legal guardian.*

Pregnancy: *A child under 18 can consent to her own pregnancy-related medical care, including birth control, pregnancy testing, and prenatal care.*

Mental Health Treatment: *A child at least 12 years of age can obtain mental health treatment counseling or residential shelter if he or she is mature enough to participate intelligently in the treatment and is either (1) a danger to self or others without the requested treatment, or (2) is the alleged victim of incest or child abuse.*

A minor can obtain Minor Consent Medi-Cal to cover the cost of the above services by applying at a health clinic or welfare office.

For more detailed information about minor medical consent laws, please review the Children's Rights Project Publication, "Consent and Confidentiality: What Teens Should Know."

FINANCIAL ASSISTANCE

Generally, a child cared for by a relative is eligible for monthly cash assistance from CalWORKs and medical coverage through Medi-Cal. If you are unsure whether you would be considered a relative, see the definition of "relative" in the "Glossary of Terms" section on page 39. If a caretaker does apply for CalWORKs benefits, the Child Support Services Department will

often attempt to seek reimbursement from the parents by garnishing or taking their wages.

Non-relative caregivers are not eligible for CalWORKs, but they may be eligible to receive other benefits (see the Other Benefits section below). If you are a non-relative caregiver, you must obtain legal guardianship or become a foster parent before becoming eligible for monthly cash aid (called AFDC-FC or state foster care). However, you can obtain Medi-Cal for the child.

CALWORKS

Generally, a child being raised by a relative, regardless of the relative's immigration status or income, is eligible for a "non-needy caregiver" monthly cash assistance payment from CalWORKs. However, if the relative is low-income he/she may qualify for needy caregiver assistance under the general CalWORKs program (see the Other Benefits section at the back of this book, on page 32).

Contact the local Department of Public Social Services (DPSS) located in the County section of your telephone directory to complete a CalWORKs application. You can also find information at www.ladpss.org but not an online application.

TIP!

When applying for CalWORKs or Medi-Cal be sure to explain to the DPSS worker that you are making a "non-needy caregiver" application. Your household income should not be used to determine the child's eligibility for either program, unless you are also receiving CalWORKs or would like to receive CalWORKs for yourself.

Please note that the monthly cash assistance from CalWORKs is less than the monthly cash assistance from foster care, and does not provide supplements for children with special needs. (See Foster Care section below starting on page 16.)

HEALTH CARE

HEALTH INSURANCE

Most health insurance companies will require that you obtain guardianship before allowing you to add a child to your health plan. However, a caretaker, either related or unrelated, can obtain Medi-Cal for a child without first obtaining guardianship.

MEDI-CAL

Any caregiver, whether related or unrelated, can obtain Medi-Cal services for the child, without obtaining legal guardianship. A child receiving CalWORKs is automatically eligible for health coverage under the Medi-Cal program. Contact the local Department of Public Social Services (DPSS) located in the County section of your telephone directory to complete a Medi-Cal application.

Like CalWORKs, Medi-Cal benefits continue until the child is 18, or 19 if the child has a disability, health condition, or other situation (such as a school disruption due to domestic violence) that impairs his or her ability to graduate or can prove that he/she will graduate by age 19.

TIP!

If your application for CalWORKs or Medi-Cal is denied, you have a right to appeal the denial. Call the Toll-Free Number 800-952-5253 once you receive your Notice of Action. You can also follow the directions on the back of the notice to submit a request in writing. Some free legal assistance is available. Contact one of the Legal Service Providers listed in the “Services Directory” of this booklet on page 48 to find out if you qualify for free legal assistance.

OTHER BENEFITS

SOCIAL SECURITY AND CAPI

An informal caregiver may also apply to be the child’s representative payee for benefits from the Social Security Administration. These benefits include:

- *Supplemental Security Income (SSI), if the child is disabled (CAPI is a similar benefit provided by the state of California for certain immigrants with disabilities);*
- *Social Security Survivor’s Benefits, if the child’s parent(s) are deceased and have a work history; or*
- *Social Security Dependent’s Benefits, if the child’s parent(s) or grandparent(s) receive Social Security Retirement or Disability Benefits based on their work history.*

In addition, the child in your care may be eligible for additional benefits. For additional information on these benefits and how to apply for them, refer to the “Other Benefits” section on page 31.

****Important Note: The child must be a United States Citizen, Legal Permanent Resident or certain type of immigrant to receive CalWORKs, full-scope Medi-Cal and Social Security benefits. Some examples of a qualified immigrant are children who are refugees or asylees, permanently residing in the US under color of law, or victims of trafficking, or abuse by a U.S. citizen parent or step-parent. If you are not certain whether the child in your care is a qualified immigrant, please contact one of the Legal Services Providers in the Services Directory on page 48.***

OBTAINING FORMAL CUSTODY

Many informal caregivers reach a certain point when a more formal custody arrangement becomes necessary or desirable. A formal custody arrangement can be obtained through two very different court systems called probate and dependency. Adoption is a third alternative. The following sections contain information regarding these court systems, how they differ, and what benefits and services are available for the caretaker and child under each system.

PROBATE COURT LEGAL GUARDIANSHIP

Example:

Michael has cared for his grandson, Charles, since Charles was 11 years old. Charles is now a freshman in high school and is a member of the school band. In order for Charles to travel with the band to the regional competition this year, the school requires written permission from a parent or legal guardian. No one in the family has heard from Charles' parents for years. Michael has never had any problems before but was told to call a lawyer to get legal guardianship.

This section will explain the process for obtaining custody through probate court. Probate court can grant custody orders—called guardianships—to non-parents. Unlike adoption, guardianship does not terminate the child's parental rights but merely suspends them by taking away the parent's custody while the guardianship is in place.

Before deciding to pursue a probate court legal guardianship, review the sections on Dependency and Adoption. In certain circumstances, for example, if a social worker placed the child with you, you can request that the child be placed in your home through the foster care system. In these situations, if you file instead for probate court legal guardianship, you will not be eligible later for services from the foster care system and your financial assistance may be lower.

THE PROBATE GUARDIANSHIP COURT PROCESS

A non-parent who is caring for a child can apply for custody (guardianship) through probate court. The process of obtaining legal guardianship through probate court involves completing a

packet of forms which are then filed in court, having a home investigation, notifying family members of the court proceeding, and going to at least one court hearing. The entire process can be completed in as little as six weeks. The court requires a fee to file the papers for the legal guardianship. In Los Angeles County, the fee is substantial—approximately \$1300.00. However, if you are low-income, you can apply for a fee waiver. This means that if your request for a fee waiver is granted you can file the papers for free. The process is different from legal guardianship obtained through dependency court, which is described in the following section starting on page 16.

Probate court legal guardianship can be granted with or without the parents' consent or cooperation. A parent who consents to the guardianship can sign a guardianship nomination/consent. This nomination will be considered by the court. If the parent does not consent to the guardianship, the guardianship may still be granted. However, the person who requests the guardianship must serve the parent a copy of the guardianship application—called the "Petition"—and information regarding the time, date, and place of the court hearing. The child's grandparents and siblings must also be notified or consent to the guardianship.

After the guardianship petition is filed, the proposed guardian's home will be investigated. In Los Angeles County, if the proposed guardian is related to the child, the investigation is completed by the court investigator's office. If the proposed guardian is not related, the investigation will be completed by a social worker from the Department of Children and

Family Services. In both cases, the investigation will typically take about two hours and include a background check of all the adults in the household, an interview with the proposed guardian and the child (if old enough), a review of the child's medical and educational records, and a check of the home to ensure that the child is safe and well-cared for. The information is used to prepare a report to the judge, which either recommends or does not recommend the guardianship. The report is confidential but the proposed guardian and parents can request a copy of it. If the investigation uncovers potential issues of abuse, abandonment, or neglect by the proposed guardian, the investigator or social worker may initiate a child abuse referral and the proceeding may be transferred to dependency court. (See the section on dependency court starting on page 16 for information on what happens after a child abuse referral is made).

A parent or other interested person can object to the guardianship either by filing written paperwork or verbally stating an objection at the court hearing. The investigator will interview any person who objects and include this information in their report.

If a parent or other person objects, the guardianship is a "contested guardianship." The court may, in these instances, appoint an attorney to represent the interests of the child and to make a recommendation to the court. If you think that your petition for guardianship will be contested, it is probably in your best interest to find an attorney to assist you.

If the child in your care has financial assets, you may be required to apply for legal guardianship of the child and his or her estate. This will require additional record keeping and has reporting requirements.

JOINT PROBATE GUARDIANSHIPS

If you are caring for a child with a terminally ill parent, you can petition the court to become a joint guardian with the child's parent. Through this process, the terminally ill parent will continue to have custody of the child. However, you will have joint custody and be able to make decisions and care for the child if the parent is

too sick to do so or passes away. If you are a terminally ill parent, you can contact one of the Legal Services providers listed on page 48 to see if you qualify for free legal representation.

TIP!

In Los Angeles County, Public Counsel runs a Pro Per Guardianship Clinic at the Los Angeles Superior Court. At this free clinic, you can receive help from trained staff and volunteers to fill out guardianship papers and file them with the court. See the Services Directory/Legal Resources section of this booklet on page 48 for additional information.

GUARDIANS' RIGHTS AND RESPONSIBILITIES

Once the guardianship is approved by the court, the caregiver is called a "guardian." A guardian has the ability to act on the child's behalf and make decisions regarding the child as if the guardian were actually the child's parent. The guardian has legal and physical custody. The child's parents are prohibited from taking the child without the guardian's permission. A parent who takes the child without permission can be criminally prosecuted. However, the establishment of a guardianship does not terminate parental rights altogether, and a parent can petition the court to terminate the guardianship. In addition, a parent, or any other interested person, can petition to transfer the guardianship to another person, or to have formal visits with the child. Absent a court order, the guardian has the discretion to decide who can visit the child, and when. The guardian can decide where the child will live, but must notify the court of any change of address and get court approval before moving to a different state.

PUBLIC BENEFITS (FINANCIAL ASSISTANCE) FOR PROBATE COURT LEGAL GUARDIANSHIP

The parent of a child in a legal guardianship remains financially responsible for the child. A parent and guardian can work out an informal child support arrangement that is agreeable to both without involving any government agencies.

The guardian can receive child support payments through the Child Support Services Department. The guardian can also apply for other types of government financial assistance for the child, which may be higher (or lower) than child support payments, depending on the parents' income. If the guardian does apply for these benefits, the Child Support Services Department will often attempt to seek reimbursement from the parents by garnishing (taking) their wages. Below is information on a few types of financial assistance guardians qualify for, and how to apply for those benefits.

RELATED GUARDIANS

A related legal guardian is eligible to receive the same benefits as an informal relative caregiver, as discussed above, including:

- *a monthly cash assistance payment from CalWORKs,*
- *healthcare coverage through Medi-Cal.*

In order to qualify, the child must be a U.S. citizen, permanent resident, or other qualified immigrant.

Please refer to the Informal Caregiver- Financial Assistance and Health Care Sections above starting on page 11 for additional information on CalWORKs and Medi-Cal.

UNRELATED LEGAL GUARDIANS

An unrelated legal guardian can receive:

- *A monthly cash payment through AFDC-FC or the state foster care program. This includes eligibility for specialized "D" or "F" rates available to foster care providers. (See the section on foster care for more information).*
- *Healthcare coverage through Medi-Cal*
- *The child must be a U.S. citizen, resident, or qualified immigrant*

To apply for state foster care benefits, an unrelated legal guardian should call the Department of Children and Family Services (DCFS) Child Abuse Hotline at (800) 540-4000, or talk to the DCFS social worker who comes to your house to do the home inspection. When calling the Hotline, you should inform the social

worker that you are an unrelated guardian appointed through the probate court and want to apply for foster care benefits for the child. You should call as soon as you obtain temporary or permanent guardianship, because the benefits will be paid retroactively from the date that you first called and asked for them. After calling, a DCFS social worker will come to your home to meet with you. This is not the same social worker who completed the home inspection for the guardianship. Your benefits should begin shortly after that and they should be retroactive to the date you first called and asked for them.

Tip!

You should not be required to undergo additional home approvals (other than the home inspection required in the guardianship case) in order to obtain foster care benefits. If you do not hear from a DCFS social worker or your benefits are not retroactive, you should contact one of the Legal Service providers listed on page 48, or request a state fair hearing. You can request a hearing by calling (800) 952-8349.

OTHER BENEFITS

As with informal caregivers, probate court legal guardians (whether related or unrelated) can become the payee for Social Security Disability, Survivor's, and other benefits on behalf of the child.

For further information on these topics, please consult the section entitled Other Benefits on page 31.

DEPENDENCY COURT (FOSTER CARE)

Example 1: Thurston's first grade teacher noticed bruises on both of his legs. As a teacher, Ms. Kay is required by law to report suspected abuse. An emergency social worker investigated the report and removed Thurston from his father's home. The social worker contacted Thurston's grandmother who lived in the same neighborhood to see if she would care for Thurston.

Example 2: Jonathan's 20-year-old son, Robert, is a cocaine user. Sometimes, Robert and his girlfriend, Sherrie, will leave their 2-year-old daughter, Erin, with their babysitter for extended periods of time. The babysitter contacted Jonathan and asked him to pick up Erin because Robert and Sherrie left Erin with her for two days and had not called. Jonathan is considering contacting DCFS regarding his granddaughter.

HOW KIDS GET PLACED INTO THE FOSTER CARE SYSTEM

In Los Angeles County, the child protective service agency is called the Department of Children and Family Services (DCFS). DCFS is responsible for providing temporary care (usually called foster care) for children who have been abused or neglected.

CHILD ABUSE REFERRAL

Any person who suspects that a child is abused, neglected, or abandoned by his or her parents can make a referral to the Child Abuse Hotline. Some professionals, such as teachers, health care workers, and police officers, are mandated reporters and are required to make a report if they suspect child abuse. For example, a referral may be made at birth if the baby is born with drugs in her system. Once a call is made, a social worker from DCFS is sent to child's residence to investigate. Social workers are available 24 hours a day, 7 days a week, to protect children in dangerous situations.

DCFS may decide one of three things: (1) no action is needed, (2) to work with the family outside of the court system and provide **family preservation** services (with or without a Voluntary Placement Agreement), or (3) to remove the child from the parents and place the child in protective custody. If DCFS removes a child from the home, DCFS places the child in a foster home while the parent or guardian is given time to attempt to reunite with the children.

To reach the DCFS Child Abuse Hotline, call toll free 800-540-4000.

Possible Outcome # 1: DCFS Decides Child is not at Risk

Example:

Daniel's parents were arrested for robbery. His parents asked the police to take Daniel to his great-aunt Nelda's house. The police called DCFS. A social worker then called Nelda to see if she would be able to care for Daniel. The social worker informed Nelda that she could get probate guardianship of Daniel.

DCFS may determine, after investigating, that there is no need to take any action. This may be because they were not able to find any evidence of abuse, abandonment, or neglect by the parent or legal guardian. Or, DCFS may find that although the parent is unable to adequately care for the child, the parent has made adequate provisions for a child's care—for example, by asking a responsible relative or friend to care for their child.

If you believe that the child is at risk and should be in DCFS's care, but DCFS does not take the child into protective custody, you can file a petition with the Juvenile Court requesting that the court take jurisdiction. The petition is called "Application to Commence Proceeding by Affidavit and Decision by Social Worker (JV-210)." This form is available online at <http://www.courtinfo.ca.gov>.

TIP!

Sometimes, a social worker will contact a child's relatives to take care of a child and tell them they need to get probate guardianship.

If a child is placed in your home by a social worker, you are strongly encouraged to contact an attorney to discuss whether it would be appropriate to request that the child be placed with you through the foster care system instead. If you are considering this option, please carefully review this section as well as the section on probate guardianship.

While the concept of foster care sometimes carries with it negative associations, certain benefits and services are available through the foster care system that are not available to informal caregivers, probate court legal guardians or parents who adopt a child who is not in foster care.

The decision to request that the child be placed with you through the foster care system is a difficult one to make as there is always the possibility that the Department of Children and Family Services (DCFS) will determine that the current caregiver is not suited to care for the child and place the child elsewhere. However, if the child in your care is disabled (or has special health or mental health needs), an older teen, or undocumented, you may want to consider this option because more financial benefits and supports may be available to you, the caregiver, and to the child, through the foster care system.

Possible Outcome #2: DCFS Provides Family Preservation Services

If DCFS, after investigating a child abuse report, has concerns about the child's well-being DCFS must first determine whether they can protect the child's safety by providing the family with resources and social work support (opening up a family preservation case) without opening up a dependency or foster care **court case**. For example, the social worker can assist the parent in obtaining appropriate medical or mental health services for the child, or can refer the parent to classes that educate the parent as to appropriate discipline techniques. During the time, the parent continues to have legal custody of the child.

The social worker can provide these services while keeping the child in the parent's care. However, if the social worker believes that it would not be safe for the child to stay with the parent, the social worker can ask the parent to voluntarily place the child in the home of a relative or foster parent temporarily while the parent completes necessary programs or classes. These conditions can be made part of a Voluntary Placement Agreement (VPA), which the parent must agree to and sign.

If the parent does not agree and sign to the VPA and DCFS still thinks the child should not be with the parent, then DCFS must open up a case in dependency court to legally remove the child from the parent's custody. See Possible Outcome #3 below.

If the parent and social worker agree to a VPA, the parent is given up to six months to complete the necessary steps to create a safe environment for the child in the parent's home. If at the end of this time, the DCFS social worker determines that the parent complied with the plan, the social worker will close the family preservation case. If the parent does not comply, the social worker must begin the legal process to open up a dependency court case and remove the child from the parent's custody.

Tip!

The relative or foster parent caring for a child under a voluntary VPA is entitled to receive CalWORKs or foster care benefits. If you are a caretaker through a VPA, it is very important that the VPA not last more than six months, or the child will lose eligibility for federal foster care funding.

Possible Outcome #3: DCFS Opens Up a Dependency Court Case

If, after investigating a child abuse report, DCFS determines that the child's welfare is at risk, and the only way to protect the child is to immediately remove the child from the parent's custody, DCFS will file a dependency court case. Once the dependency court takes jurisdiction of a child, any other custody proceedings

involving the child are stopped. You cannot get guardianship of the child in probate court. Nor can a parent get a custody order through the family court. All custody decisions regarding the child must be made by the dependency court.

The section below provides information on the dependency court process.

WHAT IS THE JUVENILE COURT DEPENDENCY PROCESS?

When a child is removed from the parents' custody for abuse or neglect, DCFS must file a petition with the Juvenile Court Dependency Division within 48 hours stating the allegations of abuse or neglect. Once the petition is filed, a series of court hearings are held. The first hearing must occur within one court day after the petition is filed. The court must determine whether the child is "at risk" and needs to be removed from the parent's home.

In most cases, the child's parents or legal guardians will receive Family Reunification Services. This includes referrals to programs, such as parenting classes, drug rehabilitation, anger management, and counseling, to assist the parent in dealing with the issues that led to the child abuse referral. It also includes a schedule of visitation with the child, if the social worker believes it to be appropriate. In some severe cases, the court may waive reunification services and decide right away on a permanent placement for the child outside the parent or guardian's home. Examples of such severe cases include: (1) a finding that the parent's or guardian's whereabouts are unknown despite diligent efforts; (2) that the child is being removed as a result of physical or sexual abuse, and the child or child's sibling has been in foster care in the past as a result of physical or sexual abuse; and (3) the parent or guardian has been convicted of a certain type of violent felony. Parents who are incarcerated or institutionalized receive reunification services unless the court finds that such services would be detrimental to the child.

In dependency hearings, separate attorneys represent the mother, the father, the child and DCFS. Children in foster care also have a Children's Social Worker (CSW) and may have a Court Appointed Special Advocate (CASA volunteer). The social worker must visit the child at least once every month and write a court report regarding the child's condition and the parent's efforts at reunification before every court hearing.

The court will give the parent or guardian a certain period of time to complete the reunification requirements. The case is reviewed at least every six months. At each review hearing, DCFS must prove that conditions still exist that make it necessary for the court case to remain open. Otherwise, the court will close the case and return the child to the parent or legal guardian. This can take six, twelve, or eighteen months, depending on the age of the child and the efforts that the parent is taking to reunify with the child. If the parent or guardian does not complete the reunification requirements, the court will decide on one of the following permanent plans for the child: (1) adoption; (2) legal guardianship; or (3) long-term foster care.

BECOMING A CAREGIVER THROUGH DEPENDENCY COURT

After removing a child from the care of a parent or guardian, DCFS needs to consider what the most appropriate placement is for the child. Under the law, if a child cannot be placed with a parent, a child's grandparents, aunts, uncles, and adult siblings are given first preference to care for the child. Other relatives and close family friends are given secondary preference to care for the child.

A "relative" is considered to be any relation by blood, marriage or adoption who is within the 5th degree of kinship to the child. A close family friend, or "Non-Related Extended Family Member—(NREFM)" is an adult caregiver who has established a familial or mentoring relationship with the child or the parent. Relative and close family friend's homes must be approved by DCFS, but they do not need to obtain a foster care license.

TIP!

Under a recent law, within 30 days of a child being removed from the care of a parent, social workers (and probation officers) must conduct an investigation to locate relatives of the child and inform them that the child has been removed from the parents' custody. The social worker must provide these relatives with written information about how the child can be placed in the relative's home, how the relative can visit with the child, and the types of services and benefits available to relative caregivers. If you receive a letter from a social worker regarding a child, you will be able to contact the social worker to request that the child be placed with you or to provide information about the child.

If you are aware of a child who has been removed from his or her home and you want to care for this child but have not been contacted by a social worker, you should immediately call the DCFS Public Information Line. Tell them you want to care for the child and you need the name and phone number of the child's emergency social worker. Be prepared to provide the names, addresses and ages of the child, and the child's mother and father.

DCFS Public Information Line: (213) 351-5602 or (213) 351-5603

- Exemptions may be granted for certain criminal convictions at DCFS discretion;
- Caregiver qualifications require an ability to provide supervision for the child, and an ability to meet the child's needs; and
- A clean safe environment that provides for the storage of weapons, poisons, medications, and provides safe, healthy and comfortable accommodations.

Note that although DCFS must investigate all adults in the home of a prospective caregiver, and complete criminal background and child abuse checks, exemptions are only needed for convictions, as opposed to arrests or child abuse reports. Consider the following example:

John entered foster care. DCFS is determining whether John can be placed with his uncle Jack. Thirty years ago, Jack was arrested for burglary but was never charged or convicted. Twenty years ago, Jack was convicted of driving under the influence. Although DCFS must look at all aspects of Jack's past when determining whether placement is appropriate, DCFS only needs an exemption for the conviction of DUI.

TIP!

DCFS must make every effort to place the child with a relative or close family friend. If you are a relative or close family friend and your home is not approved because of something that can be fixed—for example, a broken lock, or the need for additional beds or smoke detectors—DCFS should help you fix those problems or assist you with purchasing necessary items.

If your home is not approved, DCFS is required to notify you of this decision in writing. This notification must include information regarding the grievance review procedure and your right to challenge the decision, a copy of the grievance review document and procedural regulations. The grievance or complaint must be submitted within five working days from the time you became aware of the decision not to

How DCFS APPROVES CAREGIVERS

Relative caregivers and close family friends must have their homes "approved" by DCFS before a child can be placed with them.

The requirements for "approval" consist of three major areas: criminal records clearance, caregiver qualifications and safety of the home environment.

- A criminal records check, which includes a child abuse records check, is required for all applicants and adults living in the home;

approve your home. You can obtain a copy of the grievance or complaint procedure and of the requirements for foster care caregivers on the DCFS website.

Click on the “Child Welfare Services Handbook” link, then to Section 0100-000 Out-of-Home Care.

<http://dcfs.co.la.ca.us/aboutus/policy.html>.

Look for: Procedural Guide 0100-520.10 “Evaluating a Prospective Caregiver”

In addition, the Kinship Resource Center assists relative caregivers:

DCFS Kinship Resource Center Toll-Free Number 888-694-7263

A foster parent who is not related to or is not a close family friend of a child is required to be “licensed” in the State of California. These individuals, in addition to undergoing the same home approval process required for relatives and close family friends, are required to attend a 36 hour class called Model Approaches to Partnerships in Parenting (MAPP).

Relatives or close family friends who already have a foster care license can have the child be placed in their care under their foster care license. They do not need to go through an additional home approval process.

MAPP classes are not required for relatives or close family friends but many caretakers have found it helpful to take a parenting course called Foster/Kinship Care Education Program. This class is offered at various community colleges in Los Angeles County. The curriculum at each college may be different.

Tip!

To locate the closest community college in your area that offers this program:

Go to www.dcfcs.co.la.ca.us/kinshippublic/default.html

Click on KEPS Program, then on Foster/ Kinship Care Education (FKCE) Program Director

FOSTER PARENTS AND DEPENDENCY COURT PROCEEDINGS

As a child’s foster parent, you will not automatically have a lawyer appointed to represent you. Because it is important for the judge and the other attorneys to know how you are caring for the child, you may want to attend the court hearings. The social worker is required to send you written notice of future hearings and copies of reports on parents’ progress or lack of progress toward reunification.

A foster care caregiver can submit a De Facto Parent Application to the court. The application requires the caregiver to detail the relationship, nature and frequency of contact with the child. Usually the court will grant De Facto Parent status only after it has terminated reunification efforts with the parents. If granted by the court, you will be afforded the same rights as the child’s parents and be allowed to be represented by an attorney and participate in the court hearings. The form is a simple one-page document.

Even if you are not appointed a De Facto Parent, prior to each dependency review hearing, or when necessary, you should complete a document called the Caregiver Information Form. This document allows you to submit written information to the court regarding the child’s physical health, education, adjustment to living arrangement or other helpful information. For example, the form asks the caregiver to keep the court informed of any special education needs of the child. The form should be signed by the foster care relative caregiver and submitted to the court well in advance of the hearing date. The form is a simple two-page document.

To obtain any of these forms, contact the Children’s Court Clerk’s office to get a copy of the application or print them from www.courtinfo.ca.gov/forms

JV-299 (De Facto Parent Pamphlet)

JV-295 (De Facto Parent Request)

JV-296 (De Facto Parent Statement)

JV-297 (De Facto Parent Order)

JV-290 (Caregiver Information Form)

TIP!

As a foster care caregiver, you should also make sure you keep all court forms in an organized folder. Throughout the process, you may be asked to provide copies of the child's birth certificate, Social Security card, medical appointments, education records, and various other papers.

We recommend that you get a spiral notebook with pockets so you can keep track of various activities and contact numbers. It is also a good idea to keep a record of all conversations with the child's social worker, minor's attorney, and parent(s).

DCFS RESOURCES

There are a variety of resources that are available to foster care relative and non-relative caregivers. These resources are designed to assist both the children and their caretakers. These resources are not available to informal caregivers or guardians appointed through probate court.

These resources may include:

- *Child care programs for foster care caregivers who are working or in school;*
- *Respite care in times of crisis or when temporary relief from the responsibilities of foster parenting is needed, such as the death of an immediate family member, and hospitalization of the caregiver;*
- *Clothing allowance for children who are receiving foster care (as opposed to CalWORKs) benefits;*
- *Kinship Resource Center Support Groups for relative caregivers;*
- *Independent Living Program (ILP). Starting at the age of 16, all foster children are eligible, on request, to participate in the program which provides resources and training to assist them in transitioning to living on their own. These benefits can include:*
 - *Money to pay for books and other education expenses*

- *Money to pay for car insurance*
- *Rental assistance, and eligibility to live in transitional living housing*
- *Classes that help children prepare to live on their own*
- *There are many other benefits available through ILP, see the "Other Benefits" section in the back of this booklet for more information and Public Counsel's A,B,C's of Transition and the Independent Living Program Manual, which can be downloaded from our website at www.publiccounsel.org.*

BENEFITS FOR INDIVIDUALS CARING FOR CHILDREN IN FOSTER CARE

All foster care caregivers are entitled to receive some kind of financial assistance. The type of financial assistance that you receive depends on several factors, including your relationship to the child (related or unrelated), the age of the child and whether the child has any special needs, the child's immigration status, and the number of children you are caring for.

TIP!

Related and unrelated foster care caregivers of undocumented children in foster care receive a foster care payment from the state or the County of Los Angeles (sometimes called non-federal funds).

Note that legal guardians through probate court, whether related or unrelated, are not eligible to receive financial assistance for undocumented children. However, refer to the "Special Cases" and "Undocumented Children" sections in the back of this booklet for information on whether the child might be eligible to apply for an immigration benefit.

Foster Care Benefits

Foster care benefits are monthly payments given to individuals who are caring for a child in the foster care system. All unrelated caregivers (including NRFMs- close family friends) receive

foster care benefits. However, related caregivers can only receive foster care benefits in certain circumstances. For this reason, being correctly identified as a relative or non-relative (NREFM) is important. Some common examples of individuals who are considered non-relatives are second cousins, and certain step-relatives (only step-siblings and step-parents are considered relatives). For purposes of funding, a relative can be considered a non-relative once parental rights are terminated.

For related caregivers, foster care benefits are also sometimes called “Youakim” benefits. In order to qualify, the child must have been eligible for a certain kind of welfare benefit when DCFS or the Probation Department removed the child from the parents’ home. The determination of whether a relative caregiver qualifies for federal foster care benefits is very technical, but the child must have come from a low-income household. The amount of the foster care monthly payment for a child is based on the child’s age and whether the child has emotional, behavioral, medical or developmental problems.

If the child has special medical needs, he or she may qualify for additional assistance above the basic foster care rate. In Los Angeles County, the “D” rate covers children with serious emotional or behavioral. The “F” rate covers children with serious medical conditions, physical disabilities or developmental delays. In addition, children with developmental delays who are Regional Center clients are eligible to receive a specialized “dual agency” rate, and supplement (for children 3 and older with extraordinary care or supervision needs). In order to obtain these specialized rates, additional documentation and/or evaluations are required. To receive a “D” or “F” rate, the caretaker will also need to undergo additional training and certification.

If you live outside of Los Angeles County, you will receive the specialized care rate that is given by the county in which you live.

Generally, foster care benefits continue until the child is 18, or to age 19 if the child has a disability that impairs his or her ability to graduate or can prove that he/she will graduate by age 19. In

Los Angeles County, county funds will be used to provide financial assistance to foster children with an open dependency court case until the age of 21.

Example:

DCFS recently placed seven-year old twins Sarah and Julie with Mary. Both girls have special needs, so Mary took D-rate and F-rate classes prior to the placement. Sarah has severe asthma which requires daily inhaler treatments and Julie has Reactive Attachment Disorder that severely impacts her functioning in school and home. Instead of getting the basic rate for each of the girls, Mary receives the F-2 rate for Sarah and D-rate for Julie.

TIP!!

If you believe that you were inappropriately denied foster care benefits, or are not getting the appropriate rate, contact the child’s attorney or a legal service provider as soon as possible. If you were denied benefits, you must file your appeal within 90 days to obtain benefits back to the time that the child was placed with you. If you request the hearing after 90 days, you will only obtain benefits from the time that you request the hearing.

CALWORKS

As discussed above, many foster care relative caregivers do not qualify for foster care benefits because they do not meet the federal standards.

However, just like informal relative caregivers, foster care relative caregivers qualify for CalWORKs if the child is a legal permanent resident, U.S. citizen, or other qualified immigrant. Unfortunately, the monthly cash assistance from CalWORKs is less than the monthly cash assistance from foster care benefits and does not provide for the extra money for children with special medical or health needs. Remember that informal relative caregivers can obtain CalWORKs without having to open up a foster care or probate guardianship case.

The child will continue to receive cash assistance until 18 years of age, or up to age 19 if the child will graduate by age 19 or has a disability, health condition, or other situation (such as a school disruption due to domestic violence) that impairs his or her ability to graduate by age 19. Contact the Children's Social Worker (CSW) assigned to your child or the local Department of Public Social Services (DPSS) to complete a CalWORKs application. You may be eligible to receive CalWORKs benefits beginning the date the dependency court placed the child in your home even if you wait to apply for CalWORKs.

TIP!

If your application for CalWORKs was denied, contact a legal service provider or the Appeals and State Hearing Toll-Free number 800-952-5253 after you receive the Notice of Action.

HEALTH CARE: MEDI-CAL

Children in foster care receiving Cal-WORKs, foster care benefits, and SSI are eligible to receive full medical coverage through Medi-Cal. Undocumented children are not eligible for full-scope Medi-Cal, however, they can receive emergency Medi-Cal and some other health benefits (see the section on Special Cases/Undocumented Children starting on page 29). DCFS is responsible for taking care of medical needs of foster children not otherwise covered.

TIP!

If the child has special needs that are not being met through Medi-Cal, additional financial resources are available from DCFS. Please contact the child's attorney, social worker, or the DCFS Kinship Resource Center.

OTHER BENEFITS

In addition to the benefits discussed above, the child in your care may be eligible for additional benefits which are identified in the section entitled Other Benefits on page 31.

DEPENDENCY COURT OUTCOMES

DCFS's primary goal is the safety of the child. DCFS attempts reunification of the child with the parent(s) whenever possible. If the child cannot be returned home, federal and state law require that a permanent plan be made for the child.

The following three permanent plan options are considered by the court, in order of preference:

- *Dependency Court Agency Adoption ;*
- *Dependency Court Legal Guardianship;*
- *Long-Term Foster Care*

DEPENDENCY COURT AGENCY ADOPTION

Adoption is the preferred permanent option in dependency court. Adoption establishes a permanent, life-long relationship of parent and child, creating rights and responsibilities equal to biological parents, including rights of inheritance. It is a legal process initiated after parental rights are terminated by a court or relinquished by a parent. Once parental rights are terminated, all rights and responsibilities of the birth parents cease to exist and a child is legally placed in the care, custody, and control of child protection services or licensed adoption agency while still remaining in the physical care of the prospective adoptive parent(s).

At a minimum, a child must be in the home of the prospective adoptive parent for six months under the supervision of a social worker before the adoption could go forward. A caregiver who is approved to adopt after passing a criminal clearance and home-study by a social worker may then go before a judge to grant the adoption. This home study is different, and much more comprehensive, than the home study that was completed to initially place the child in your home. When the adoption is granted by the court, the child is adopted by a caregiver who then becomes the child's legal parent.

Although by law adoption is the preferred permanent plan for a foster child, a court can allow a child to remain in the home of a relative caretaker under a legal guardianship if the caretaker is willing to accept legal or financial

responsibility for the child, but does not want to adopt, and it is in the child's best interest not to be removed from the caretaker. This can apply to non-relative caretakers as well as long as the child is not under six years of age or has a sibling that is under six and the court believes the siblings should be placed together permanently.

TIP!!

In California, a single person or a non-married couple may adopt – even a biological grandmother and aunt may adopt together (or other combinations of relatives).

But, if you were married, you must show proof that your spouse died, or that you either divorced your spouse or obtained his/her written permission to adopt, with some very narrow exceptions. Therefore, if you are still legally married (even though you may be physically separated) you should consider obtaining a divorce or written permission of your spouse prior initiating the adoption home-study process with a social worker.

BENEFITS FOR CAREGIVERS UNDER AGENCY ADOPTION

Cash Assistance from Adoption Assistance Program (AAP): The Adoption Assistance Program (AAP) was designed to enable caretakers to adopt children from the foster care system without having to alter their standard of living. Under AAP, an adopted child can continue to receive financial benefits.

The AAP payment will replace the foster care payment. The AAP payment is a negotiated amount based on the child's age and needs and the ability of the family to meet those needs. Children receiving AAP are eligible for the same higher specialized rates as children receiving foster care benefits, including the "D" rate for children with certain medical needs, the "F" rate for children with emotional or behavioral needs, and "dual agency" rate and supplement for children who are developmentally disabled

and a client of the Regional Center. Adoptive parents can receive these specialized rates even if they were previously receiving only the basic foster care rate or Cal-WORKs. In addition, AAP benefits for children who are under Los Angeles county court jurisdiction will continue even if the adoptive parents move (or currently live) outside of the county, state, or country.

The AAP agreement must be reviewed and any specialized rate recertified every two years. The AAP rate will never go below the basic foster care rate, but adoptive parents will not receive increases in the rate as the child gets older. The adoptive parents will continue to receive AAP payments until the child turns 18, or in some instances, if an adopted child has a severe mental or physical need, until the youth turns 21.

Health Care-Medi-Cal: When a foster child is adopted, he will continue to be eligible for Medi-Cal as long as the child is eligible for AAP. If an adoptive parent has private insurance, the child should be placed on the insurance plan as a dependent and still have Medi-Cal available as a secondary insurer.

DCFS Resources: Shortly after an adoption is finalized, the court case and the case with DCFS close. However, if adoptive parents have questions, concerns, or require referrals or assistance, they may contact their last adoption social worker within 6 months after the case is closed. In addition, if the child is at least 16 years old when adopted, the child is eligible for Independent Living Program (ILP) services.

In addition, the Post-Adoption Services (PAS) Unit is available for all adoptive families. PAS social workers provide support, information about community resources and recent literature about adoption to adoptees, adoptive families and birth families.

The PAS Unit can:

- *Help adoptive families with Adoption Assistance Program (AAP) reassessments for an increase in their AAP benefits.*
- *Provide emotional support through monthly*

adoptive parent support groups and individual discussions with social workers.

- *Provide referrals to community resources that deal specifically with adoption issues.*

The PAS Unit can be reached at (800) 735-4984.

DEPENDENCY COURT LEGAL GUARDIANSHIP

If the court finds that adoption is not in a child's best interest, legal guardianship is the preferred permanent plan for a child. Legal guardianship gives the caregiver custody of the child. If the court orders legal guardianship, usually parental rights are not terminated. Thus, the parents can attempt to regain custody of their child by filing a petition in dependency court. The parents must show that there is a change in circumstances that warrant a change in the custody order, and that such a change would be in the child's best interest. The court will usually close its case after the guardianship is granted, but in some cases it may be beneficial for you to request that the court case remain open.

TIP!

If you were awarded legal guardianship of a child through the foster care system, you must return to dependency court to change the order (for example, to add a co-guardian, transfer the guardianship to another person, or to return the child to the parent's custody). You must show that this change in placement is in the child's best interest. Use form JV-180 (request to change court order).

BENEFITS FOR DEPENDENCY COURT LEGAL GUARDIANSHIP

KIN-GAP

In California, a program called the Kinship Guardianship Assistance Program (Kin-GAP) is available to foster care relative caregivers.

Under the Kin-GAP program, the relative caregiver becomes the child's legal guardian and the dependency court terminates its jurisdiction over the child. The program allows the relative caregiver to continue to receive monthly cash assistance for the child. DCFS will close its social services case, and the child will no longer be visited by a social worker. However, the legal guardian and child can receive services, such as support groups, training and conferences, education and financial assistance, counseling, mental health and health assessment referrals through the Kinship Resource Center (see the Services Directory on page 46 in the back of this booklet for further information). Caregivers who become legal guardians can begin receiving Kin-GAP payments after the child has been in their care for at least 12 consecutive months. Before the 12 months have passed, the relative legal guardian will continue to receive the type of financial assistance he or she was receiving as a foster caregiver.

Before you become a legal guardian through the Kin-GAP program, it is also a good idea to attend a Kin-GAP orientation offered through the Los Angeles community colleges. The child's social worker can give you information on times and locations.

Kin-GAP Cash Assistance: The Kin-GAP payment will be equal to the foster care rate that the child was receiving prior to the Court terminating jurisdiction. If the child was receiving D or F rate foster care benefits prior to the Court terminating jurisdiction, the child will receive Kin-GAP at the same rate. In addition, children who are developmentally disabled and a client of the Regional Center can also receive a higher "dual agency" rate and "supplement" through Kin-GAP.

Benefits can continue up to age 18, and up to age 19 if the youth is still in high school, attending certain vocational programs, or completing a GED and expected to complete the program by their 19th birthday. In order to receive Kin-GAP, the youth must be living with the caretaker.

Note that caretakers living outside of Los Angeles County will receive the Kin-GAP rate for Los Angeles County. A legal guardian must obtain court approval before moving out of state. Kin-GAP cannot be paid to children living out-of-state.

TIP!

If you are caring for a child under the age of three who is receiving Early Start services through Regional Center, it is very important that you talk to the child's attorney or a legal service provider before closing the court case under Kin-GAP. The child must be assessed prior to his or her enrollment in Kin-GAP in order to determine whether the child will qualify for the dual agency rate. If the child becomes a Regional Center consumer, the Kin-GAP rate will be the dual agency rate.

Also, if you are caring for a child age three or older who has a developmental disability, the child should be assessed by the Regional Center and the dual agency rate BEFORE being referred to Kin-GAP.

Health Care–Medi-Cal: A child will continue to be eligible for Medi-Cal as long as the child is eligible for Kin-GAP. Eligibility for Medi-Cal can continue past the child's 18th birthday and until age 21 if the child is in school, but additional action will be required prior to the child's 18th birthday. If the child has special needs that are not being met through Medi-Cal, NO additional medical resources will be available from DCFS.

DCFS Resources: Under the Kin-GAP program, no further child welfare services or follow-up will be provided. However, beginning at age 16, the child can begin receiving Independent Living Program (ILP) services. ILP services and the clothing allowance are available to Kin-GAP youth regardless of when their dependency court case was closed. However, youth will not be eligible for the Chafee grant, which provides

up to \$5,000 a year for career and technical training or college unless their court case was closed after the age of 16.

TIP!

A related legal guardian can receive Kin-GAP even if he or she was only receiving Cal-WORKS, SSA, or any other source of funding besides foster care (or even no funding at all) as a foster caretaker. In these cases, the Kin-GAP rate will be equal to the basic foster care rate. The caregiver cannot receive any specialized "D", "F" or dual agency rates.

FOSTER CARE BENEFITS

Non-relatives do not qualify for Kin-GAP. Non-relative legal guardians will continue to receive the foster care rate they were receiving as foster caregivers.

Foster Care Benefits: Legal guardians through dependency court will continue to receive foster care benefits, including specialized "D", "F", and "dual agency" rates and supplements for children who qualify. Benefits continue to age 18, but can continue up to age 19 if the youth is in high school, attending some vocational programs, or pursuing a GED, and expected to complete the program by their 19th birthday.

Health Care–Medi-Cal: A child will continue to be eligible for Medi-Cal as long as the child is eligible for foster care benefits. Eligibility for Medi-Cal can continue until age 21 if the child is in school, but additional action will be required prior to the child's 18th birthday. If the child has special needs that are not being met through Medi-Cal, NO additional medical resources will be available from DCFS unless the dependency court case remains open.

DCFS Resources: DCFS will keep a social services case open and visit the family at least once every six months. Youth will be eligible for Independent Living Program (ILP) services and the Chafee grant only if the guardianship was granted after their 16th birthday or the court case closed after their 16th birthday.

LONG-TERM FOSTER CARE

Long term-foster care is the least desirable permanent plan because it offers the least amount of stability for a child. But youth who remain in foster care after the age of 16 are eligible to receive ILP (including Chafee grants). Please refer to the ILP section on page 35. If the permanent plan for the child is long-term foster care, it means the child is expected to remain in the custody of DCFS until he or she reaches at least 18 years of age.

If the court orders long-term foster care with you as the foster caregiver, you will continue to receive the same benefits, including cash assistance from either foster care or CalWORKs, medical coverage through Medi-Cal, and access to DCFS services and resources.

DELINQUENCY COURT CUSTODY (FOSTER CARE OR LEGAL GUARDIANSHIP)

Example:

Marcel, who is 15 years old, was cited for an altercation at school and is on probation. Marcel's probation officer believes that Marcel's mother's boyfriend is using drugs in the home and recommends that Marcel be placed in foster care during his probation.

A child who is cited for committing delinquent acts may be placed on probation and placed into the foster care system. Foster care through the delinquency court is usually referred to as “suitable placement”. If a child is placed into foster care by the Probation Department, the probation officer will attempt to locate a suitable home for the child. Just as with DCFS, a probation officer is required to make reasonable efforts to prevent or eliminate the need for removal of the minor from his or her home. Reasonable efforts include case management, counseling, parenting training, mentoring programs, vocational training, educational services, substance abuse treatment, transportation, and therapeutic day services.

As with DCFS, the law requires the Probation Department to look for relatives and close family members (called Non-Relative Extended Family Members –NREFM’s) to care for the child. If a relative or close family member is located, the individual will need to be “approved” before the child is placed in the caregiver’s home. The approval process is the same as for caregivers through foster care, which includes a home inspection and background check of all individuals living in the home. If no relative or close family member can be located, the child is placed in a licensed group or foster home.

Parents of children who are placed in “suitable placement” are given family reunification services, or services which would assist them in regaining custody of their child. These services are similar to the services that are given through foster care. The parent has up to 12 months to comply with the case plan so that their child can be returned to their care. If this does not happen, the delinquency court, like the dependency court, can grant a legal guardianship or terminate parental rights so that the child can be adopted.

FINANCIAL ASSISTANCE

The same benefits—Cal-WORKs and foster care benefits-- are provided to caretakers of children who are placed in their care by the Probation Department through a suitable placement order as children who are placed with caretakers through foster care. Likewise, legal guardians or adoptive parents through delinquency court are provided the same benefits as guardians or adoptive parents through dependency court—including foster care, Kin-GAP, and AAP benefits (including specialized and dual agency rates). Please review the dependency court section starting on page 16 for additional information.

ADOPTION

SHOULD YOU CONSIDER ADOPTION?

(An Adoption is a process where the rights of the child's biological parents are terminated, and the adoptive parents become the child's legal parents.)

There are several different kinds of adoption proceedings: agency, stepparent/domestic partner, independent, and international.

An agency adoption involves a child who was placed with the caretaker through the Department of Children and Family services. In these cases, contact the child's social worker for assistance with the adoption. Or, if the dependency court case is closed because you were appointed the child's legal guardian, call the DCFS Adoption intake line to begin the process. You should request an "adoption home study" and explain that the child is no longer under court jurisdiction. See the section on "Dependency Court" in this booklet for additional information. DCFS Adoption Intake Line: (888) 811-1121.

A step-parent/domestic partner adoption is an adoption where one parent remains as the child's parent and a step-parent or domestic partner steps in as the second parent. This booklet will not discuss step-parent/domestic partner adoptions. For additional information, contact the DCFS Step-parent Adoption Line: (213) 639-4750.

An independent adoption is an adoption of a child who is not placed with a caregiver through the Department of Children and Family Services. See below for additional information.

An international adoption involves the adoption of a child who was born outside of the United States and is not a U.S. Citizen.

TIP!

If the child in your care is not a U.S. Citizen, you should contact an attorney to assist you with your adoption case. If the child was abused, abandoned, or neglected by their parents, it may be possible to obtain

Special Immigrant Juvenile Status ("SIJS") for the child through the adoption process, but it must be done before the adoption is finalized. You should talk to an attorney. SIJS may also be obtained through the probate guardianship, dependency, or delinquency court process.

PROCESS FOR INDEPENDENT ADOPTION

In Los Angeles, an independent adoption petition is filed in dependency court. Once the petition is filed, DCFS will open a case and complete a "home study". The home study consists of at least two interviews, one of which is at the prospective adoptive parents' home. DCFS will investigate the fitness of the prospective adoptive parents and inspect the home. DCFS will also collect necessary records, for example, the birth certificate of the child and marriage certificate of the prospective adoptive and biological parents.

If the prospective adoptive parents are related to the child, and the biological parents consent to the guardianship, DCFS will obtain the necessary consents. If the prospective adoptive parents are not related, you will need to have a state licensed Adoptive-Service Provider (ASP) obtain the necessary consents. If one or both of the parents do not consent, a petition will need to be filed to terminate parental rights. This can be a difficult process which is best completed with the assistance of an attorney. In addition, a child who is 12 years of age or older must also consent to the adoption.

Once the home is approved, and the biological parent's consents obtained (or the court has terminated their rights) the court will schedule a court hearing to finalize the adoption. Once the adoption is approved, you will obtain a new birth certificate listing you as the child's parents.

Tip!

If a parent is willing to relinquish a child for adoption, it may be possible to process the adoption as an agency adoption (and thus be eligible for AAP benefits). Talk to a DCFS social worker at the Adoption Intake Line (888) 811-1121 or an attorney for assistance.

INDEPENDENT ADOPTION AND PROBATE LEGAL GUARDIANSHIP

If you are already caring for a child, you may choose to file only for independent adoption, file your adoption at the same time as a probate legal guardianship, or file for adoption after your probate legal guardianship has been granted.

If both of the child's parents consent to the adoption, the adoption proceeding can be fairly straightforward, and it may not be necessary for you to file for probate guardianship.

However, if the child's parents do not consent, you must request that the court terminate the parent's parental rights. Because this proceeding can be lengthy, you might want to consider applying for probate guardianship so that you can make decisions for the child while the adoption is pending. If you apply for probate guardianship and adoption at the same time, the cases will be consolidated and heard by one judge. If parental rights need to be terminated, you should consider contacting an attorney for assistance with the adoption case.

FINANCIAL ASSISTANCE

An informal caregiver or legal guardian who adopts a child who has never been in the foster care system is generally not eligible for any specific benefits based on the adoption. However, if the child was a prior dependent or receiving SSI benefits, s/he may be eligible for AAP. In order to qualify, the child must be assessed and qualify for AAP **before** a petition is filed for the Independent Adoption.

For additional information on public benefits, please review the "Other Benefits" section on page 31.

SPECIAL CATEGORIES

NATIVE AMERICAN CHILDREN

If a child in your care is Native American, please be aware that the Indian Child Welfare Act (ICWA) requires courts to give priority to placements in Native American homes. If you need assistance with this issue, please contact an attorney.

UNDOCUMENTED CHILDREN

If a child in your care does not have legal permanent resident status and is in foster care, under a probate guardianship, under a suitable placement order through the delinquency court, or has an independent adoption case pending, a special process can assist the child in obtaining residency papers. The process called Special Immigrant Juvenile Status is administered by U.S. Citizenship and Immigration Services in conjunction with the court. Contact the Child's Social Worker or an attorney to initiate this process. In order for the child to obtain residency papers (also known as a green card), before closing a case, the court having jurisdiction over a child must make an order with certain findings of fact before the child turns 18 years of age (for children in probate court or going through an adoption), or 21 (for children in dependency or delinquency court).

Public Assistance Benefits for Undocumented Children

Children who are not citizens, permanent residents, or qualified immigrants are not eligible for financial assistance unless they are placed in a foster home through Dependency Court. They can, however, access the following benefits: Regional Center; California Children's Services (CCS); public school education; School Breakfast and Lunch; Summer Lunch Food Program; Emergency Medi-Cal; pregnancy-related Medi-Cal; Minor Consent Services Medi-Cal, county mental health services; CHDP; WIC; and services provided by many free and community clinics.

RESOURCES FOR RELATIVE CAREGIVERS THROUGH FOSTER CARE

DCFS REGIONAL KINSHIP SUPPORT MEETINGS

The Department of Children and Family Services (DCFS) offers monthly support group meetings for relatives to share their caregiving experiences and exchange information about community resources.

Call 1-888-MY-GRAND (694-7263) for information.

DCFS KINSHIP RESOURCE CENTER

The Department of Children and Family Services (DCFS) has two office locations that provide support services to kinship families. Contact a Kinship Resource Center for additional information.

9834 Norwalk Boulevard
Santa Fe Springs, CA 90670-2936
562-777-1751 phone
562-777-1633 fax

5035 West Slauson Avenue
Suite G
Los Angeles, CA 90056
323-298-3515 phone
323-290-4601 fax



Photo by: Hugh Williams

OTHER BENEFITS



Photo by: Hugh Williams

CASH ASSISTANCE-CALWORKS

Relative caregivers can receive financial assistance for children, regardless of the caregiver's income, and regardless of whether they have obtained formal custody of the child through the court system. The children need to be U.S. citizens, permanent residents, or other qualified immigrants. This financial assistance is called "Non-Needy Caregiver" Cal-WORKs. However, Cal-WORKs is a much broader program of financial assistance to families, as explained below. Relative caregivers who receive CalWORKs benefits for themselves and their own children will receive an increase in their cash aid benefits (a child supplement) instead of Non-Needy Caregiver assistance.

The general CalWORKs program is a program for individuals that care for children younger than 19 years of age. CalWORKs provides money for children and the adult relatives caring for them. The cash aid can be used for housing, food, utilities, and other living expenses. Most adults can only get CalWORKs cash aid for 60 months in a lifetime.

If an individual qualifies for cash aid, he or she is also entitled to Medi-Cal for healthcare and food stamps. To be eligible for CalWORKs, a family must have a child who is 1) under age 18 or under age 19 if the child is currently attending high school vocational school and 2) deprived because the parent is dead, unemployed, disabled, incarcerated, or continually absent. In addition, CalWORKs applicants must also meet the income, residency, and resource requirements of the program. CalWORKs applicants are required to participate in the Welfare-to-Work Program, unless they are exempt.

CHILD CARE ASSISTANCE THROUGH CAL-WORKS

CalWORKs also offers a child care subsidy program that helps families access immediate, quality and affordable child care as they move towards employment and self-sufficiency. The child care subsidy is available for families that 1) currently receive CalWORKs cash assistance; 2) received CalWORKs cash assistance in the past;

or 3) received a lump-sum diversion payment to stay off CalWORKs cash assistance. In order to be eligible for CalWORKs child care the family must be low-income and either be working or participating in welfare-to-work activities. Even children who are not receiving CalWORKs cash assistance (e.g., children that receive SSI or are undocumented) may be eligible for CalWORKs child care.

In Los Angeles County, CalWORKs subsidized child care is available for children through age 12, and exceptional needs and severely disabled children through age 18. For children ages 11 and 12, use of an after-school program for child care is preferred. Families are eligible for subsidized child care until their income exceeds 75% of the State Median Income for their family size or their children exceed the age limits of the program.

In addition to CalWORKs, there are numerous other child care subsidy programs. For more information about subsidized child care programs, please contact your local Resource & Referral Agency. A list of these agencies can be found at the California Child Care Resource and Referral Network (Toll Free Number 800-543-7793, <http://www.rnetwork.org/>).

TIP!

For more information on CalWORKs visit www.ladpss.org/dpss/calworks or call the public help line at (562) 908-6603.

For more information on child care options, call 1-800-543-7793 or visit www.rnetwork.org.

CHILD SUPPORT

Parents are obliged to support their children even if they do not live in the same home. Therefore, a legal guardian is eligible to receive child support from either parent through the local child support agency. If the child receives CalWORKs or foster care benefits, the legal guardian may only be entitled to child support after the state is reimbursed. The

County Child Support Services Department (CSSD) administers the child support program in Los Angeles County. CSSD's free services include locating parents, establishing paternity, obtaining court orders for child support and collecting and distributing collected support.

**Los Angeles County Child Support
Services Department (CSSD)**
5770 South Eastern Avenue
Commerce, CA 90040-2924
Toll-Free Number (866) 901-3212

*To find the office location closest to you,
go to <http://cssd.lacounty.gov/divloc.htm>*

*You can also file an application online:
www.childsupport.co.la.ca.us*

FOOD PROGRAMS

WOMEN, INFANTS AND CHILDREN SUPPLEMENTAL NUTRITION PROGRAM (WIC)

The WIC program is a health and nutrition program that helps low-income children under age five, pregnant women and mothers with new babies eat well and stay healthy. Relative caregivers and legal guardians caring for children under the age of five also qualify for assistance. While in the WIC program, you will receive special checks, called vouchers, to buy healthy foods at a grocery store you choose.

WIC Application

*Call the Toll-Free Number 888-WIC-
WORKS to find your local office. Call the
local office to make an appointment. They
will tell you what documents to bring to
your appointment.*

NATIONAL SCHOOL LUNCH AND SCHOOL BREAKFAST PROGRAMS

Children from households whose income is at or below certain economic levels are eligible for free or reduced-price meals every school day. Children who receive food stamps, CalWORKs/

TANF, Food Distribution Program on Indian Reservations (FDPIR) or Kinship Guardian Assistance Payment (Kin-GAP) benefits are automatically eligible for free meals, regardless of the income of the household in which they reside. Foster children are generally eligible because the income criterion is based on the child's personal income. To apply, contact the child's school and request a "Free and Reduced-Price Meals" application. Contact information for all school districts in Los Angeles County is listed on the Los Angeles County Office of Education (LACOE) Web site.

SUMMER FOOD PROGRAM

The Summer Food Program serves free nutritious meals to children age 18 and under during the summer or any time school is out for more than 15 days. Meals and snacks are served at schools, parks and recreation centers in areas where at least half the children qualify for free or reduced price meals at home. However, any child 18 or younger can eat there regardless of where they live or their family's income.

**Los Angeles County Office of Education
(LACOE)**
www.lacoe.edu

**National School Lunch and School
Breakfast Programs**
United States Department of Agriculture
www.fns.usda.gov/cnd

FOOD STAMP PROGRAM

Households with income at or below certain levels are eligible for additional money to purchase food under the Food Stamp Program. Food Stamps are issued in dollar denominations and are used instead of money to purchase certain items at most grocery stores. Children who are undocumented or receiving SSI are ineligible for Food Stamps. Children who are in foster care can receive Food Stamps. However, it is usually not a good idea to include foster children in your Food benefits. You must apply for Food Stamps at your local Department of Public Social Services (DPSS).

Food Stamp Program
Toll-Free Number 877-597-4777
www.ladpss.org

HEALTH CARE BENEFITS

CALIFORNIA CHILDREN'S SERVICES (CCS)

CCS is a state program that helps children with certain diseases, physical limitations, or chronic health problems, such as congenital heart disease, cancer, tumors, problems caused by premature birth, hearing loss, cerebral palsy, and cataracts. The child must be under 21 years of age, and the family must meet certain financial eligibility criteria. CCS can pay for things like hospital stays, lab tests, x-rays, orthopedic appliances, and surgeries.

Los Angeles County CCS Office
9320 Telstar Ave., Ste. 226
El Monte, CA 91731
800-288-4584

**For more information, or to apply online,
go to www.dhcs.ca.gov.**

IN-HOME SUPPORTIVE SERVICES (IHSS)

The In-Home Supportive Services (IHSS) Program helps pay for services provided to eligible persons who are 65 years of age or over, or legally blind, or disabled adults and children, so they can remain safely in their own homes. IHSS is considered an alternative to out-of-home care, such as nursing homes or residential care facilities. Services authorized through IHSS can include household chores and personal care services such as non-medical assistance with respiration, bowel and bladder care, feeding, bathing, grooming, dressing, assistance with ambulation, help in and out of bed, assistance with medications and prosthesis care.

In order to qualify, you must be a United States citizen, Legal Permanent Resident, or other qualified immigrant, and meet all Supplemental Security Income (SSI) eligibility criteria. All applications for IHSS in Los Angeles County are made by telephone. You or someone acting for you can make a telephone application.

IHSS Application
Toll-Free Number 888-944-4477
www.ladpss.org

MEDI-CAL AND HEALTHY FAMILIES

Medi-Cal

Children who are receiving any of the following benefits are eligible for full-scope Medi-Cal: CalWORKs, Federal or State foster care, Adoption Assistance Program (AAP) payments, Kin-GAP, and SSI. You usually apply for Medi-Cal at the same time that you apply for CalWORKs or other benefits. However, you don't have to apply for CalWORKs or any other cash aid benefits to get Medi-Cal-- you can just apply for Medi-Cal if you want.

You can obtain Medi-Cal benefits for a child quickly. To apply for Medi-Cal for a child, you should submit the "Joint Medi-Cal and Healthy Families" mail-in application, which you can get from a DPSS office or by calling (877) 597-4777 or (800) 880-5305. If after an initial screening, the child appears to qualify, the child will get Medi-Cal temporarily while the County processes the application. If it appears that the child qualifies for Healthy Families instead, you will get a letter telling you so.

Restricted (Emergency) Medi-Cal

California residents, regardless of their immigration status, can obtain Medi-Cal coverage to cover emergency services, pregnancy-related care, and long-term care services. You can get an application from a DPSS office or by calling (877) 597-4777.

Healthy Families

Healthy Families is a program that provides low cost insurance for health, dental, and vision coverage to children who do not have insurance and do not qualify for no-cost Medi-Cal. The insurance pays most of a child's costs for visits to doctors, dentists, eye doctors, and specialists, including hospital care when necessary. Children are eligible for Healthy Families up to their 19th birthday. Families must meet the income guidelines for children to qualify for the program. In addition, children must be U.S. citizens, U.S. non-citizen nationals, or eligible qualified immigrants. Papers providing proof of citizenship or qualified immigrant status must be provided within two months of enrollment in Healthy Families. For a list of necessary documentation visit: <http://healthyfamilies.org>.

ca.gov/HFProgram/Immigration_Rules.aspx.

Participants pay a small share of cost for these services depending on their income. You can request an application at a DPSS office, by calling 800-880-5305 or go to www.healthyfamilies.ca.gov.

Healthy Kids

The Healthy Kids Program is designed to provide low-or no-cost health insurance to children ages 0 to 5 in L.A. County, who are not eligible for Medi-Cal or Healthy Families because their family income is too high. Participants are required to show proof of income, address, and a copy of their birth certificate.

Undocumented children are also eligible for the program as long as they are under the age of 5 ½ years old. The program's services include: doctor visits, immunizations, hospitalizations and surgeries, prescription drugs, dental care, vision care and eye glasses, and mental health services. The cost of the program ranges from \$0 to \$12 a month depending on a family's income and the number of children in the family.

YOUTH DEVELOPMENT SERVICES OR INDEPENDENT LIVING PROGRAM (ILP)

Youth are eligible for the Independent Living Program (ILP) up to their 21st birthday if one of the following criteria is met: 1) The youth is/was in foster care (through dependency court) or in suitable placement (through delinquency court) at any time from his or her 16th birthday to 19th birthday or 2) The youth is/was 16 to 18 years of age and in receipt of assistance from the Kinship Guardianship Assistance Payment Program. Youth younger than 16 years of age may participate in an ILP for younger youth if the county of jurisdiction has a county plan that includes such a program. In Los Angeles County, youth 14-16 can receive an educational assessment and 50 hours of individual tutoring. Please call 213-351-0100 for more info.

A summary of other services offered through ILP include:

- *Education-related costs and high school graduation expenses*
- *Chafee Education and Training Vouchers (up to \$5,000 a year for career and technical training or college). Go to www.chafee.csac.ca.gov/default.aspx for additional assistance.*
- *Referrals for work-related costs and transportation*

- *Career assistance and technology*
- *Referrals for mentoring resources*
- *Life skills training classes*
- *Housing programs; rental assistance; dorm assistance; start-up costs; homeless assistance funds*

Participants in the ILP program can contact the Youth Ombudsman Office with any concerns or complaints regarding ILP service delivery and the availability of services. Onitsha Thompson is the Youth Development Services Division Ombudsperson. She can be reached at 626-229-3583 (collect calls accepted) or by emailing her at news00@dcfs.lacounty.gov.

REGIONAL CENTERS

The California Department of Developmental Services (DDS) provides services and support to children and adults with developmental disabilities. These disabilities include mental retardation, cerebral palsy, epilepsy, autism and related conditions. The services are offered through Developmental Centers and Regional Centers. There is no charge for diagnosis and assessment for eligibility. Once eligibility is determined, most services are free regardless of age or income. Infants and toddlers (age 0 to 36 months) who were prenatally exposed to drugs may also qualify for services. If you have additional questions, see Public Counsel's brochure on Regional Center Benefits. For further information contact a local Regional Center.

California Department of Developmental Services (DDS)
(916) 654-1690
TTY: (916) 654-2054
www.dds.ca.gov

LOS ANGELES COUNTY REGIONAL CENTERS

Eastern Los Angeles Regional Center

The Eastern Los Angeles Regional Center serves Alhambra, East Los Angeles, Whittier and eastern Los Angeles County.

Eastern Los Angeles Regional Center
626-299-4700
www.elarc.org

Frank D. Lanterman Regional Center

The Frank D. Lanterman Regional Center serves Burbank, Glendale, Hollywood-Wilshire, Pasadena and central Los Angeles County.

Frank D. Lanterman Regional Center
213-383-1300
www.lanterman.org

Harbor Regional Center

The Harbor Regional Center serves Bellflower, Harbor, Long Beach, Torrance and southern Los Angeles County.

Harbor Regional Center
310-540-1711
www.hddf.com

North Los Angeles County Regional Center

The North Los Angeles County Regional Center serves the San Fernando and Antelope Valleys and northern Los Angeles County.

North L.A. County Regional Center
818-778-1900
www.nlacrc.com

San Gabriel/Pomona Regional Center

The San Gabriel/Pomona Regional Center serves El Monte, Monrovia, Pomona, and Glendora and eastern Los Angeles County.

San Gabriel/Pomona Regional Center
909-620-7722
www.sgprc.org

South Central Los Angeles Regional Center

The South Central Los Angeles Regional Center serves the cities of Compton, San Antonio, Gardena, and southern Los Angeles County.

South Central L.A. Regional Center
213-763-7800
www.sclarc.org

Westside Regional Center

The Westside Regional Center serves Culver City, Inglewood and Santa Monica and western Los Angeles County.

Westside Regional Center
310-258-4000
www.westsiderc.org

SOCIAL SECURITY ADMINISTRATION (SSA) BENEFITS AND CAPI

Caregivers can request that they be appointed payee for benefits from the Social Security Administration. Note that informal caregivers can request to become representative payees--there is no requirement that a caregiver become a foster parent, legal guardian, or adoptive parent to become the payee of these benefits. However, the Social Security Administration has an order of preference for appointing representative payees.

If the child is in foster care, DCFS is required to evaluate for possible eligibility for Social Security benefits. In addition, DCFS is required to inform youth who are approaching their 18th birthday regarding ongoing requirements for SSI/SSP program and information on how they could become their own representative payee or designate someone to be their payee. For youth who may not have been receiving SSI due to SSI not being the most appropriate source of funding or the youth being ineligible while in foster care, DCFS is required to ensure that the youth are referred for SSI and that they have these benefits in place when they transition out of foster care.

TIP!

If you are a relative receiving only CalWORKs funding for a child, and the child has a disability, you should apply for SSI benefits for the child. The SSI benefit amount is higher than CalWORKs. If you have questions regarding CalWORKs, foster care, and benefits from social security, and which benefits you qualify for, contact one of the Legal Service Providers in the Services Directory portion of this booklet.

SUPPLEMENTAL SECURITY INCOME (SSI) BENEFITS FOR DISABLED CHILDREN

If the child that you are caring for has either physical or mental disabilities, he or she may be eligible for Supplemental Security Income (SSI)

which is a cash assistance program available through the Social Security Administration (SSA). The amount of money varies from year to year. For children not living with their parents, the amount of money does not depend on household income. However, the process can be lengthy, taking as many as eight or more months before the application is approved.

SOCIAL SECURITY FAMILY/DEPENDENT'S BENEFITS

If the child's parents or caregivers are receiving retirement or disability benefits, the child may be eligible for Dependent's Benefits.

SOCIAL SECURITY DEPENDENT'S BENEFITS FOR ADULTS DISABLED SINCE CHILDHOOD

If a child was receiving disability benefits prior to his or her 18th birthday, the child may be eligible to continue to receive Dependent's Benefits as an adult.

SOCIAL SECURITY SURVIVOR'S BENEFITS

If the child's parent(s) is now deceased and has a work history, the child may be eligible for Social Security Survivor's Benefits. The amount of money available to the child will depend on the parent's earnings during his or her life.

An application for any of these benefits may be made at your local security office

The caregiver should go to the SSA office, explain that the child is now living with them, and ask for the SSA-11 form, which is the application to become the rep payee. The caregiver should bring documents to prove their identity and their relationship to the child (if they have them). SSA will then make a decision on whether they should be the rep payee. If denied, the caregiver can appeal.

Social Security Administration
Toll-Free Number 800-772-1213
www.ssa.gov

CASH ASSISTANCE PROGRAM FOR IMMIGRANTS (CAPI)

CAPI is cash assistance for certain low-income

immigrants who have a disability, are blind, 65 or older, and ineligible for SSI because of your immigration status. To get CAPI, you must be a Qualified Immigrant (includes immigrants who became citizens, lawful permanent residents, refugees, asylees, and persons granted withholding of deportation or removal), a victim of trafficking or an applicant for U visa/interim relief, or you must be PRUCOL (Permanently Residing Under Color of Law- meaning that immigration officials know that you are residing here but do not plan to deport you). CAPI benefits are similar to SSI.

To apply for CAPI, go to any DPSS office that handles GR or call (877) 481-1044.

VETERAN'S BENEFITS

If a parent of a child is deceased or disabled because of a service-related illness or injury, the child may be eligible for dependent's benefits. Contact a regional Veterans' Administration office to request an application.

Veteran's Administration Compensation & Pension Service
Toll-Free Number 800-827-1000
www.va.gov

GLOSSARY OF TERMS AND RESOURCES FOR ALL CAREGIVERS



Photo by: Hugh Williams

GLOSSARY OF TERMS

ADOPTION

A legal process where birth parents' rights are terminated and parental rights are given to another individual.

CLOSE FAMILY FRIEND, OR NON-RELATIVE EXTENDED FAMILY MEMBER

Any adult caregiver who has an established familial or mentoring relationship with a child.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES (DCFS)

The Los Angeles County Department charged with oversight of children who have been removed from their families for abuse or neglect.

DEPENDENCY COURT

A division of the Juvenile Court overseeing child protective service proceedings.

FOSTER CARE

The process where children in the custody of the juvenile court are placed with relative caregivers or foster parents.

JUVENILE COURT

A division of the Superior Court overseeing juvenile dependency and delinquency proceedings.

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 (OF THE PERSON)

A non-parent who is given custody of a minor child.

MINOR CHILD

A child under the age of 18.

PARENTAL RIGHTS

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

PHYSICAL CUSTODY

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

PROBATE COURT

A division of the Superior Court overseeing legal guardianship and conservatorship proceedings.

PROBATION DEPARTMENT

The county department that supervises juvenile offenders on court-ordered probation.

RELATIVE

Any person related to a minor child by blood, marriage or adoption who is within the fifth degree of kinship to the child. This includes: (1) The father, mother, brother, sister, half-brother, half-sister, uncle, aunt, first cousin, first cousin one-removed, nephew, niece, or any such person of a preceding generation with the prefixes grand, great-, great-great-, or great-great-great. who has assumed primary responsibility for the care of a minor child; (2) The stepfather, stepmother, stepbrother, or stepsister; (3) The spouse of any of the above persons, even after marriage has been terminated by death or dissolution.

TERMINATION OF PARENTAL RIGHTS

A legal process where parents' rights and responsibilities are completely terminated by court order.

RESOURCES FOR ALL CAREGIVERS

THE FOLLOWING SECTION INCLUDES A DISCUSSION OF A VARIETY OF ISSUES FACED BY ALL RELATIVES CARING FOR MINOR CHILDREN, WHETHER INFORMAL RELATIVE CAREGIVERS, LEGAL GUARDIANS, FOSTER CARE RELATIVE CAREGIVERS OR ADOPTIVE PARENTS.

BIRTH CERTIFICATE

The Registrar-Recorder/County Clerk's office issues copies of birth certificates for persons born in Los Angeles County. Parents, grandparents, siblings, and legal guardians can apply to obtain birth certificates.

Los Angeles County Registrar-Recorder/
County Clerk

Birth, Death and Marriage Records Section
P.O. Box 53120
Los Angeles, CA 90053-0120

Los Angeles County Registrar-
Recorder/County Clerk
Toll-Free Number 800-815-2666
562-462-2137
www.lavote.net

CHILD CARE

Please see the previous section on CalWORKs subsidized child care on page 32.

Families looking for child care:

Public and private organizations may provide free or reduced-cost child care and after school care for eligible minor children. These programs may be offered at local community centers, churches and schools. Eligibility for these programs will be based on a variety of factors, including child's age, household income and parent's or guardian's job hours.

For more information about finding an appropriate child care provider, state licensing requirements, and the availability of child care subsidies, please contact the California Child Care Resource and Referral Network (Toll Free Number 800-543-7793,

<http://www.rrnetwork.org>). The California Child Care Resource and Referral Network also administers the TrustLine, a registry of child care providers that have cleared criminal background checks in California. To check if a provider is registered with the TrustLine, call 1-800-822-8490 or visit their website at www.trustline.org.

Additional resources for families seeking child care:

The Los Angeles Centralized Eligibility List (LACEL) is a web-based system for low-income families seeking subsidized child care and development services. LACEL calculates eligibility and assigns admission priority to each family. For more information, please visit the Los Angeles County Office of Child Care website at <http://ceo.lacounty.gov/ccp/cel.htm#outreach>.

211 is a three-digit dialing code that allows a caller to access over 28,000 health and human service programs throughout Los Angeles County 24 hours per day, 7 days per week. 211 administers a First 5 LA Parent Helpline, which provides comprehensive information and referral services for callers with children 0-5 in LA County. Specialists can also assist with enrollment in public health insurance programs such as Healthy Families, Medi-Cal, and Healthy Kids. In addition, the Developmental Screening Project, offered to all callers with children birth to five years of age can screen for possible learning problems and provide needed referrals and support in the community. The First 5 LA Helpline can be accessed by dialing 1-888-347-7855. For more information, please visit the 211 LA County website at <http://www.infoline-la.org/Index.asp>.

Child Care Providers:

In most communities, there is a constant need for quality child care providers. For information on how to become a child care provider or to access low-cost/free trainings on health, safety, child development, and sound business practices, please contact the California Child Care Resource and Referral Network (Toll Free Number 800-543-7793, <http://www.rrnetwork.org/>). Local Resource & Referral Agencies also have a library of educational materials and toys that providers can utilize for their own child care programs.

California Child Care Resource and Referral Network
Toll-Free Number 800-543-7793
www.rrnetwork.org

CONSERVATORSHIP

A Conservatorship is a proceeding where a person or organization is appointed by the probate court to protect and manage the personal care, or property and financial affairs, or both of an adult who has been found unable to manage his or her own affairs.

As Conservator of the Person, you will make decisions regarding the person's health care, meals, clothing, personal care, housekeeping, transportation and recreation. As Conservator of the Estate, you will manage, invest and protect the person's assets.

If you are caring for a minor child with disabilities that will last into adulthood, you might consider contacting a legal service provider to assist you with the conservatorship process. Bet Tzedek runs a free self-help conservatorship clinic at the downtown Superior Court. See below for information. You can also review materials online at the California Courts Self Help Center Web site.

Pro Per Conservatorship Clinic
111 N. Hill St. Room 426
Los Angeles, CA 90012
Open Monday-Wednesday 9:30-12:30 p.m.

California Courts Self Help Center
www.courtinfo.ca.gov

EDUCATION

IMMUNIZATIONS

Immunizations are an important preventative health measure that protects children against dangerous diseases such as measles, mumps, rubella, polio, hepatitis B and chickenpox. Certain immunizations are required by California law in order to enroll a child in school. A variety of free or low-cost immunization clinics are available throughout Los Angeles County. A parent or guardian must accompany a child who is to be immunized and should bring a copy of the child's immunization record. A child may be exempted from some or all immunizations by (1) a doctor because of a medical condition or (2) a parent or guardian because of personal or religious beliefs. If you have questions, ask your child's school or child-care provider for additional details.

Los Angeles County
Department of Health Services
Public Health Immunization Program
Toll-Free Number 800-427-8700
www.lapublichealth.org/ip/index.htm

SPECIAL EDUCATION

Example:

Mary is 11 years old and a fifth grader. She has always loved reading but is not doing very well in her classes this year. Her aunt, Louise, is her legal guardian and has had several meetings with her teachers regarding Mary's school work. Louise is not getting much help from Mary's teachers and is not sure how to help her niece.

Do you think your child might have a disability that affects his or her educational performance at school? If so, your child may need special education services. Under the Individuals with Disabilities Education Act

(IDEA), a school is required by law to provide special education and related services to eligible children with disabilities, from three years through 21 years of age. Disabilities include hearing or visual impairment, emotional problems, learning impairment and physical impairment.

Special education instruction and related services are provided at no cost to the caregiver because state and federal law require that children with disabilities are entitled to a free, appropriate public education (FAPE). Some examples of these services include speech and language therapy, counseling services, transportation services to a specific school and specialized textbooks.

Although your child's school has a legal responsibility to identify students who are eligible for the special education services, school personnel may not on their own discover that your child needs help. It is therefore critical that you submit a written request for an assessment to determine if your child's problems in school are related to a disability that qualifies him or her for special education services. An example of a letter requesting a referral for assessment is included among the Sample Forms at the end of this booklet.

Note: You must become the child's legal guardian, be appointed as the educational representative or surrogate by the school district, or be given education rights by the dependency court before you can consent to special education assessments and services.

Once the Referral for Assessment letter is submitted, the school has 15 days to create a Proposed Assessment Plan. This plan will be submitted to the caregiver with education rights who then has 15 days to decide whether to sign and thereby agree to the proposed assessment plan. Once the assessment is conducted, the school has 60 days to develop an Individual Education Plan (IEP) for the child designed to meet the unique educational needs of the student.

The caregiver is required to participate in the process and has the ability to appeal decisions regarding the IEP. Consult your local school to obtain the evaluation request forms regarding the Individual Education Program (IEP) process, or a legal service provider listed in the Services Directory on page 48.

You can also consult Public Counsel's booklet: Special Education Rights and Responsibilities for more information. To obtain a copy, call (213) 385-2977 x500 or visit www.publiccounsel.org.

COLLEGE FINANCIAL AID

If you are caring for a child who is nearing high school graduation, it is important to discuss future plans, including college education. A student who plans to attend college needs to make sure that she is taking the required courses (often referred to as the A-G requirements). One helpful website for planning and reviewing required credits and courses needed is www.californiacolleges.edu/admissions. Click on High School Planner. Another helpful website is www.cacollegepathways.org, which provides an Education Planner for students.

In addition, it is important to complete the college financial aid in a timely manner to ensure the best financial aid package available. To receive financial aid from the federal government you must complete the Free Application for Student Aid (FAFSA) found at: <http://www.fafsa.ed.gov/>. To complete the FAFSA online you must request a Personal Identification Number ("PIN"), also available at <http://www.fafsa.ed.gov/>. For a hardcopy of the application simply request one from your high school counselor and or from any college or university financial aid office, trade and technical school, or at any public libraries.

Generally, the financial aid application requires that the student provide income information for her parents.

However, if the child's parents are not caring for him or her, the child can request that he or she be considered as an "independent student." A financial aid administrator at a college can designate a student as independent due to "other unusual circumstances" which can include homelessness or **separation from parents**. Contact the financial aid administrator at the college of your choice for more information. **Children who have been in foster care at any time after the age of 13 qualify automatically as "independent students."** Youth in foster care, can contact an ILP coordinator for assistance with college planning. See the section on Independent Living Program Services below for additional information.

EMANCIPATION

Emancipation is a court proceeding by which minor children, 14 through 17 years of age, may become freed from the custody and control of their parents or guardian. Emancipation means a child is legally separated from his or her parents or legal guardian and has some of the rights and responsibilities of an adult. Only older youth who do well in school and can support themselves financially will qualify.

Emancipation makes important changes in the child's relationship with parents, guardians and public agencies. For example,

- A child will lose the right to have financial support—basic living expenses and health care—paid by parents or guardians;
- Parents or guardians will no longer be legally or financially responsible for any injuries the child may cause to others.

If the child in your care has expressed an interest in becoming emancipated, we recommend you seek the advice of a legal services provider listed on page 48.

WORK PERMIT

In all states, laws regulate how and when a child is permitted to work. In California,

children who are 12 and 13 years old may obtain a work permit that allows them to work on school holidays and vacations.

With permission from their school or guardian, children who are 14 and 15 may also work on school days but are restricted to certain hours and lengths of employment.

However, a full-time work permit is available to children who are 14 to 16 years old, if the minor needs employment to support self or family or resides in foster care or with a guardian, and obtains the written permission of the foster parent, guardian or social worker and permission from their school. Children over the age of 16 can obtain full-time work permits without parental permission, while those over 18 years of age do not need work permits.

You must contact the child's school to obtain a copy of the "Statement of Intent to Employ Minor and Request for Work Permit (B1-1)." If a child is employed in the entertainment industry, work permits are issued through the Department of Industrial Relations, Division of Labor Standards Enforcement.

Department of Industrial Relations
Division of Labor Standards Enforcement
Los Angeles District Office
320 W. Fourth Street, Suite 450
Los Angeles, CA 90013
213-620-6330
www.dir.ca.gov/dlse

ESTATE PLANNING

A will is a document that directs how you want your estate to be handled after your death. It may include instructions on how to dispose of your remains, who is to handle your affairs (the Executor), who is to be the guardian of any minor children (if no other person is responsible for the children), whom to give your assets and real or personal property and any other matters. If you are caring for minor children, it is very important to write a will naming a guardian for the children.

You can get a copy of the California Statutory Will from www.courtinfo.ca.gov. If you have any questions about drafting a will, you should contact a legal services provider.

A trust is a long-term arrangement where a manager (called a “trustee”) invests and manages assets for someone (called a “beneficiary”) based on the terms of the person who set up the trust. There are many kinds of trusts, including trusts created by wills (called “testamentary trust”) and trusts created during your lifetime (called “living trust”). Because trusts can be complicated legal instruments, we recommend that you consult an attorney if you want to create a trust.

HOUSING

Unfortunately, no specific housing projects for caregivers are operated by the City or County of Los Angeles. However, both the City and County of Los Angeles offer public housing programs for residents. Individuals can apply for residence in certain public housing buildings or use the Section 8 program to select a residence. All housing programs currently have long waiting lists.

The City of Los Angeles Housing Authority (HACLA)
Toll-Free Number 800-555-4501

The Los Angeles County Housing Authority/CDC (HACoLA)
323-260-3300

INCOME TAX RETURNS

A minor may be required to file federal and state income tax returns if the child has earnings or unearned income in the form of interest in excess of certain limits. However, a parent or guardian may elect to claim the child as a “dependent” on federal or state income tax returns. If the minor child’s tax is not paid, a parent or guardian may be liable for that tax.

All caregivers should be aware of the following tax credits, deductions and exemptions that can be claimed on their federal and state income tax returns related to caring for a minor child. You may qualify for the credits even though you do not owe any income tax. You should consult a tax professional to discuss your particular circumstances.

- *Itemized Deductions: Medical and Dental Expenses*
- *Tax Credits: Child and Dependent Care Expenses, Child Tax Credit, Adoption Credit/Exclusion*
- *Payments: Earned Income Credit*

Internal Revenue Service
Toll-Free Number 800-829-1040
www.irs.gov

Franchise Tax Board
Toll-Free Number 800-338-0505
www.ftb.ca.gov

Taxpayer Advocate Service
Toll-Free Number 877-777-4778

SOCIAL SECURITY DOCUMENTS

The Social Security Administration (SSA) issues Social Security numbers.

Social Security Administration
Toll-Free Number 800-772-1213
www.ssa.gov

TRANSPORTATION

CHILD SAFETY SEATS

As of January 1, 2005, all children must be secured in a child passenger restraint (safety seat or booster seat) in the back seat of a car until they are at least 6 years old or weigh at least 60 pounds. Driver cited for transporting an unrestrained child can be fined and given a point on their driving record. If you need help adjusting a child safety seat, you can contact the California Highway Patrol (CHP)

for assistance. The CHP also provides a limited number of replacement child safety seats to those in need.

California Highway Patrol
Los Angeles Communications Center
323-259-2000

To find a child safety seat inspection station near you, go to:

www.nhtsa.gov

DRIVER'S LICENSE

At age 15, a child may apply for a provisional driver's license or permit. A parent or guardian will be required to sign the application form. When a parent or guardian signs the application form for a minor to get a driver's license, they are stating that they will accept financial responsibility for that minor. In California, drivers and vehicle owners are required to carry automobile insurance with minimum monetary limits. If you have questions, contact the Department of Motor Vehicles.

DMV
Toll-Free Number 800-777-0133
www.dmv.ca.gov



Photo by: Hugh Williams

SERVICES DIRECTORY



Photo by: Hugh Williams

EDUCATION

LOS ANGELES UNIFIED SCHOOL DISTRICT

The LAUSD Web site offers directories to reach schools, local districts A-K, California State Department of Education and the Los Angeles County Office of Education and includes a section on special education.

Administrative Offices
333 S. Beaudry Ave.
Los Angeles, CA 90017
Phone: 213-241-1000
www.lausd.k12.ca.us

OFFICE OF EDUCATION OF LOS ANGELES COUNTY

The Los Angeles County Office of Education (LACOE) provides classroom instruction for specialized student populations, including students with disabilities and juvenile offenders, and provides services to K-12 school districts in Los Angeles County. The LACOE Web site links to the web sites of all school districts in L.A. County.

9300 Imperial Highway
Downey, CA 90242
Phone: 562-922-6111
Fax: 562-922-6768
www.lacoe.edu

FOSTER CARE

EDMUND D. EDELMAN CHILDREN'S COURT

The Children's Court hears proceedings concerning children in foster care and adoption proceedings.

201 Centre Plaza Drive
Monterey Park, CA 91754
Phone: 323-526-6670
www.lasuperiorcourt.org/juvenile

LOS ANGELES CHILDREN'S GROUP HOME OMBUDSMAN

The Los Angeles Children's Group Home serves as an advocate and problem solver for children placed in group homes. The Ombudsman is independent from the agencies that place children in those facilities. Children are encouraged to call or e-mail the Ombudsman who will conduct an investigation of the issues they raise if needed

and provide assistance in resolution of problems. Conversations between the Ombudsman and children are confidential.

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 525
Los Angeles, CA 90012
Phone: 213-974-4225
Fax: 213-626-5427
www.auditor.co.la.ca.us

FOSTER CARE OMBUDSMAN

The Foster Care Ombudsman was established to create an avenue for foster children and youth to file complaints regarding their placement, care and services without fear of retribution from those who provide their care and services. The Ombudsman will investigate complaints made by or on behalf of children placed in foster care.

Foster Care Ombudsman - Department of Social Services
744 "P" St., MS 9-025
Sacramento, CA 95814
Phone: (877) 846-1602
e-mail: fosteryouthhelp@dds.ca.gov

COURT APPOINTED SPECIAL ADVOCATE (CASA) PROGRAM

CASA volunteer advocates are appointed by court order and advocate for children in dependency court proceedings. In Los Angeles County, CASAs report to the Edelman Children's Court in Monterey Park and the Superior Court in Lancaster (Antelope Valley).

Child Advocates Office of Los Angeles
Edmund D. Edelman Children's Court
201 Centre Plaza Drive
Monterey Park, CA 91754
Phone: 323-526-6666
Fax: 323-264-5020

DEPARTMENT OF CHILDREN AND FAMILY SERVICES OF LOS ANGELES COUNTY (DCFS)

DCFS is the child protective services organization for Los Angeles County.

425 Shatto Place
Los Angeles, CA 90020
Phone: 213-351-5602
www.dcfs.co.la.ca.us

CHILDREN'S LAW CENTER (CLC)

Children's Law Center (CLC) is divided into three different law firms that provide legal representation to children in juvenile dependency cases in Los Angeles County.

Edmund D. Edelman Children's Court
201 Centre Plaza Drive
Monterey Park, CA 91754
Phone: 323-980-1700
Fax: 323-980-1870

COURT-APPOINTED SPECIAL ATTORNEYS

Court-Appointed Special Attorneys are licensed attorneys appointed by the Juvenile Court to represent parents, and sometimes children, in dependency proceedings.

Edmund D. Edelman Children's Court
201 Centre Plaza Drive
Monterey Park, CA 91754
Phone: 323-262-0472

PROBATION DEPARTMENT OF LOS ANGELES COUNTY

The Juvenile Services Bureau provides investigation and supervision services for juvenile offenders on court-ordered probation or in specialized programs.

Probation Information Center
9150 East Imperial Highway
Downey, CA 90242
Phone: 866-931-2222
e-mail: pic@probation.lacounty.gov
www.probation.co.la.ca.us

UNITED FRIENDS OF THE CHILDREN (UFC)

UFC provides housing and education assistance to current and former foster youth.

United Friends of the Children
1055 Wilshire Blvd., Suite 1955
Los Angeles, CA 90017
Phone: 213.580.1850

LEGAL SERVICES

ALLIANCE FOR CHILDREN'S RIGHTS

The Alliance for Children's Rights is a non-profit legal services agency that assists children and caregivers with issues such as access to health care, adoption of foster children, assistance to foster care caretakers and children in obtaining appropriate funding and services, probate court legal guardianship, and special education.

3333 Wilshire Boulevard, Suite 550
Los Angeles, CA 90010-4111
Phone: 213-368-6010
Facsimile: 213-368-6016

BET TZEDEK LEGAL SERVICES

Bet Tzedek Legal Services is a non-profit, public interest law firm which provides free legal services to low-income residents of Los Angeles County.

145 South Fairfax Avenue
Suite 200
Los Angeles, CA 90036
Phone: 323-939-0506
Fax: 323-549-5880
www.bettzedek.org

LEGAL AID FOUNDATION OF LOS ANGELES (LAFLA)

LAFLA is a non-profit, public interest law firm which provides free legal services to low income residents of Los Angeles County.

Main Office
1102 South Crenshaw Boulevard
Los Angeles, California 90019
Phone: 323-801-7989
www.lafla.org

Government Benefits/Foster Care
5228 East Whittier Boulevard
Los Angeles, CA 90022
Phone: 213-640-3883

PUBLIC COUNSEL LAW CENTER

Public Counsel is a non-profit, public interest law firm which provides free legal services to low-income residents of Los Angeles County. The Children's Rights Project assists caretakers and youth with education, probate legal guardianship, special immigrant juvenile status, foster care adoptions, special education and education

rights, AAP benefits, and transitioning foster youth services.

Children's Rights Project
610 South Ardmore Avenue
Los Angeles, CA 90005
Phone: 213-385-2977 ext. 500
www.publiccounsel.org

Pro Per Guardianship Clinic
Superior Court of California
111 N. Hill St.
Los Angeles, CA 90012
Monday-Wednesday. Call for current schedule:
213-385-2977 ext. 500.
Self-help assistance in probate legal
guardianship matters.

SUPPORT SERVICES

COMMISSION FOR CHILDREN AND FAMILIES OF LOS ANGELES COUNTY

The Commission works with various county departments to enhance services to families in Los Angeles County.

500 West Temple Street
Room B-22
Los Angeles, CA 90012
Phone: 213-974-1558
www.bos.co.la.ca.us/commission

COMMISSION FOR CHILDREN, YOUTH AND FAMILIES OF THE CITY OF LOS ANGELES

The Commission works with various city departments to expand services to the city's children, youth and families.

200 North Spring Street
Suite 2200
Los Angeles, CA 90012
Phone: 213-978-1840
www.lachildrenscommission.org

ADDITIONAL RESOURCES FOR RELATIVE CAREGIVERS

The following organizations provide a variety of services to relative caregivers, including referral services, support groups and resource information. You may also find information on services on the Kinship Care Directory, available through the City of Los Angeles Department of Aging, at <http://aging.la.city.org/pdf/brochures/KinshipCare.pdf>.

COMMUNITY COALITION

8101 South Vermont Avenue
Los Angeles, CA 90044
Phone: 323-750-9087
www.cocosouthla.org

GRANDPARENTS AS PARENTS (GAP)

22048 Sherman Way, Ste. 217
Canoga Park, CA 91383
Phone: 818-264-0880

KINSHIP CARE PROGRAM- OLDER ADULT PARENTING PROGRAM

CITY OF LOS ANGELES

DEPARTMENT OF RECREATION AND PARKS

Felicia Mahood Multipurpose Senior Center

11338 Santa Monica Boulevard
Phone: 310-231-9228

Wilkinson Multipurpose Senior Center

8956 Vanalden Ave.
Northridge, CA 91324
310-479-4119

RELATIVE CAREGIVERS ASSISTANCE PROGRAM

BEULAH BAPTIST CHURCH

1454 East 100th Street
Los Angeles, CA 90002
Phone: 323-564-4983
www.beulahbaptistla.org

SAMPLE FORMS



Photo by: Hugh Williams

CAREGIVER'S AUTHORIZATION AFFIDAVIT

Use of this affidavit is authorized by Part 1.5 (commencing with Section 6550) of Division 11 of the California Family Code.

Instructions: Completion of items 1-4 and the signing of the affidavit is sufficient to authorize enrollment of a minor in school and authorize school-related medical care. Completion of items 5-8 is additionally required to authorize any other medical care. Print clearly. The minor named below lives in my home and I am 18 of age or older.

1. Name of minor:

2. Minor's birth date:

3. My name (adult giving authorization):

4. My home address:

5. ☐ I am a grandparent, aunt, uncle, or other qualified relative of the minor (see back of this form for a definition of "qualified relative").

6. Check one or both (for example, if one parent was advised and the other cannot be located):

☐ I have advised the parent(s) or other person(s) having legal custody of the minor of my intent to authorize medical care and have received no objection.

☐ I am unable to contact the parent(s) or other person(s) having legal custody of the minor at this time, to notify them of my intended authorization.

7. My date of birth:

8. My California driver's license or identification card number:

Warning: Do not sign this form if any of the statements above are incorrect, or you will be committing a crime punishable by a fine, imprisonment, or both.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated:

Signed:

Notices:

1. *This declaration does not affect the rights of the minor's parents or legal guardian regarding the care, custody, and control of the minor and does not mean that the caregiver has legal custody of the minor.*
2. *A person who relies on this affidavit has no obligation to make any further inquiry or investigation.*

Additional Information:

TO CAREGIVERS:

1. "Qualified relative," for purposes of item 5, means a spouse, parent, stepparent, brother, sister, stepbrother, stepsister, half-brother, half-sister, uncle, aunt, niece, nephew, first cousin, or any person denoted by the prefix "grand" or "great," or the spouse of any of the persons specified in this definition, even after the marriage has been terminated by death or dissolution.
2. The law may require you, if you are not a relative or currently licensed foster parent, to obtain a foster home license in order to care for a minor. If you have any questions, please contact your local department of social services.
3. If the minor stops living with you, you are required to notify any school, health care provider, or health care service plan to which you have given this affidavit. The affidavit is invalid after the school, health care provider, or health care service plan receives notice that the minor no longer lives with you.
4. If you do not have the information requested in item 6 (California driver's license or I.D.), provide another form of identification such as your social security number or Medi-Cal number.

TO SCHOOL OFFICIALS:

1. Section 48204 of the Education Code provides that this affidavit constitutes a sufficient basis for determination of residency of the minor, without the requirement of a guardianship or other custody order, unless the school district determines from actual facts that the minor is not living with the caregiver.
2. The school district may require additional reasonable evidence that the caregiver lives at the address provided in item 4.

TO HEALTH CARE PROVIDERS AND HEALTH CARE SERVICE PLANS:

1. A person who acts in good faith reliance upon a caregiver's authorization affidavit to provide medical or dental care, without actual knowledge of facts contrary to those stated on the affidavit, is not subject to criminal liability or to civil liability to any person, and is not subject to professional disciplinary action, for such reliance if the applicable portions of the form are completed.
2. This affidavit does not confer dependency for health care coverage purposes.

CHILD CARE AUTHORIZATION

I, _____, am the parent or guardian of the following child(ren), and legally entitled to grant this authorization.

CHILD'S NAME:

DATE OF BIRTH:

CHILD'S NAME:

DATE OF BIRTH:

CHILD'S NAME:

DATE OF BIRTH:

CHILD'S NAME:

DATE OF BIRTH:

I grant authority, limited to the below defined powers, over the above child(ren) to:

NAME OF PERSON GRANTED AUTHORIZATION:

ADDRESS:

NAME OF PERSON GRANTED AUTHORIZATION:

ADDRESS:

The powers granted to _____ are the following (check and initial):

☐ To authorize medical and dental care for the above children, including but not limited to medical examinations, x-rays, tests, anesthetic, surgical operations, hospital care, or other treatments that are needed or useful for my child. Such medical treatment shall only be provided upon the advice of and supervision by a physician, surgeon, dentist, or other medical practitioner licensed to practice in the United States;

☐ To provide food and shelter for the above-named child(ren), and to make decisions regarding their day-to-day activities;

☐ To enroll the child(ren) in school and/or daycare and make educational decisions, including authority to consent to school-related activities and field trips;

☐ To transport the child(ren), including authorization to pick the child up from school or daycare;

☐ Other powers granted (for example if you want the caretaker to have authority to take the child(ren) out of state, write that here):

Check one:

☐ This grant of authority is effective as of _____ and shall remain in effect until terminated by the undersigned parent or guardian.

☐ This grant of authority shall be valid for the following time period: From _____, 20__ until _____, 20__.

Parent/Guardian's signature: _____ Date: _____

Parent/Guardian's signature: _____ Date: _____

Caregiver's signature: _____ Date: _____

Notary Seal: (OPTIONAL)

INDIVIDUAL EDUCATION PLAN (IEP)

REQUEST FOR INITIAL SPECIAL EDUCATION ASSESSMENT AND IEP

Date: / /

Principal: School:

Address:

Re: Request for Initial Special Education Assessment and IEP

Student Name: D.O.B.: / /

Dear Sir or Madam:

I am the parent of (student name) _____, a student attending your school. I am very concerned that my child is not progressing in school and may need a special education program to meet his/her educational needs.

Thus, I am requesting a multi-disciplinary team evaluation to determine whether (student name) _____ is eligible for special education and related services under IDEA (including the IDEA "Other Health Impaired" category), Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Section 794, California Education Code Sections 56029 and 56302, and 5 C.C.R. Section 3021.

In preparation for this meeting, I am requesting that comprehensive assessments be conducted in all areas of suspected disability including, but not limited to, health and development, vision, including low vision, hearing, motor abilities, language function (speech/language), general intelligence, academic performance, communicative status, self-help, orientation and mobility skills, career and vocational abilities and interests, and social and emotional status. **See** Cal. Educ. Code § 56320(f). Also, please ☐ Fax to () _____ or ☐ Mail] a copy of **such evaluations and the protocols** to my attention within a reasonable time **prior to** the meeting. **See** Cal. Educ. Code § 56329(a)(3).

I look forward to receiving a copy of the assessment plan within 15 days. See Cal. Educ. Code § 56043(a). Please be sure to attach a notice of parent's rights to this assessment. **See** Cal. Educ. Code § 56301(d)(2). I also understand that an **IEP team meeting must be held within 60 days** of my consent for an evaluation. **See** Cal. Educ. Code § 56302.1(a); **see also** Cal. Educ. Code

§ 56043(f)(1). A ☐ morning or ☐ afternoon] IEP team meeting would be convenient for me. As you know, all efforts should be made to schedule the IEP meeting at a mutually agreed upon time and place. See Cal. Educ. Code § 56341.5(c).

Thank you in advance for your prompt action regarding this request. If you have any questions or concerns, please feel free to call me at () _____.

Sincerely,

Signature of Parent/Legal Guardian

Print Name/Relationship to Student

REQUEST FOR RECORDS

Date:

/ /

Principal:

School:

Address:

Re: Request for Records

Student Name:

D.O.B.:

/ /

☐ Special Education Student

Dear Sir or Madam:

In order to help me better understand my child's educational progress and how to help him/her in school, I am writing to request a copy of all school records for (student name) _____, including, but not limited to, the **cumulative file** and ALL:

- Individualized Education Programs ("IEPs")/504 Plans;
- Disciplinary Records, including, but not limited to, suspension and expulsion notices and referrals to a counselor or other school official;
- Attendance Records;
- Standardized Test Scores;
- Reports;
- Assessments and protocols;
- Grades/Progress Reports;
- Notes by teachers or other staff members;
- Memoranda.

As you are aware, **the law requires that the records be provided within five (5) business days of the request.** See Cal. Educ. Code §§ 56504, 56043(n) (special education students) and 49069 (all students); **see also** FERPA, 20 U.S.C. § 1232(g) and 34 C.F.R. § 99.10 (discussing access to records generally).

Also, specifically, low-income parents have a right to receive copies of school records free of charge. **See** Cal. Educ. Code § 56504. I request that any fees associated with the production of copies be waived based upon financial hardship.

Please ☐ Fax to () _____ or ☐ Mail or ☐ Arrange for pickup on / /] a copy of these records to my attention. Thank you in advance for your prompt action regarding this request. If you have any questions, please feel free to call me at () _____.

Sincerely,

Signature of Parent/Legal Guardian

Print Name/Relationship to Student

The following charts compare some of the main legal differences between informal relative caregivers, legal guardians, and adoptive parents. Note that legal guardianship can be obtained through probate, dependency or delinquency court.

INFORMAL CUSTODY	LEGAL GUARDIANSHIP	ADOPTION
<i>Parents have full rights, including the right to reclaim the child at any time</i>	<i>Parents' rights suspended and transferred temporarily to legal guardian; parent must go to court to terminate the legal guardianship before reclaiming the child</i>	<i>Parent's rights are terminated. The adoptive parent becomes the child's legal parent.</i>



CAREGIVER'S BENEFIT CHART

TYPE OF CAREGIVER (IMMIGRATION STATUS OF CAREGIVER IS IRRELEVANT)

TYPE OF BENEFIT

	Non-Needy Cal-Works	Foster Care (Federal, state, or county)	Full-Scope Medi-Cal*	SSI (if child has qualifying disability**)	Kin-Gap	AAP
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INFORMAL CAREGIVER

Relative	Child is citizen, LPR, or qualified immigrant	YES	NO	YES	YES	NO	NO
	Child is not citizen, LPR, or qualified immigrant***	NO	NO	NO*	NO	NO	NO
Non-Relative Caregiver	Child is citizen, LPR, or qualified immigrant	NO	NO	YES	YES	NO	NO
	Child is not citizen, LPR, or qualified immigrant***	NO	NO	NO*	NO	NO	NO

PROBATE COURT LEGAL GUARDIANSHIP

Relative Legal Guardian	Child is citizen, LPR, or qualified immigrant	YES	NO	YES	YES	NO	NO
	Child is not citizen, LPR or qualified immigrant***	NO	NO	NO*	NO	NO	NO
Non-Relative Legal Guardian	Child is citizen, LPR, or qualified immigrant	NO	YES	YES	YES	NO	NO
	Child is not citizen, LPR or qualified immigrant***	NO	NO	NO*	NO	NO	NO

**TYPE OF CAREGIVER
(IMMIGRATION STATUS OF
CAREGIVER IS IRRELEVANT)**

TYPE OF BENEFIT

	Non-Needy Cal-Works	Foster Care (Federal, state, or county)	Full-Scope Medi-Cal*	SSI (if child has qualifying disability**)	Kin-Gap	AAP
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**DEPENDENT/DELINQUENCY
COURT**

Relative Foster Parent OR Relative Caregiver through Suitable Placement	Child is citizen, LPR or qualified immigrant	YES	MAYBE*	YES	YES	NO	NO
	Child is not citizen, LPR or qualified immigrant***	NO	YES	NO*	NO	NO***	NO
Non-Relative Foster Parent/ Dependency or suitable placement	Child is citizen, LPR or qualified immigrant	NO	YES	YES	YES	NO	NO
	Child is not citizen, LPR or qualified immigrant***	NO	YES	YES	NO	NO	NO
Relative Legal Guardian***		YES (see Dependency Court section on next page)	MAYBE (see Dependency Court section on next page)	YES	YES	YES (see Dependency Court section on next page)	NO
Non-Relative Legal Guardian***		NO	YES	YES	YES	NO	YES
Adoptive Parent (related or unrelated)***		NO	NO	YES	YES**	NO	YES

INDEPENDENT ADOPTION

	NO	NO	NO (but see Independent Adoption section on next page)	YES	NO	NO (but see Independent Adoption section on next page)
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*** MEDI-CAL**

Children cannot obtain full-scope Medi-Cal if they are not U.S. citizens, lawful permanent residents, or other qualified immigrant. In addition, an unrelated informal caregiver cannot obtain full-scope Medi-Cal for a minor (the caregiver must obtain a formal court custody in order to do so). Children who do not qualify for full-scope Medi-Cal can still receive Emergency Medi-Cal, Minor Consent Medi-Cal, and Pregnancy-related Medi-Cal.

**** SSI**

Children in low-income households, or who are not living with their parents, with certain qualifying disabilities may receive SSI. In some cases, it would be beneficial for a caregiver to apply for SSI because the benefit amount would be higher than other benefit programs the child is eligible for. In other instances, the child may qualify for other forms of financial assistance that would be higher than SSI.

Generally, if you are a relative caregiver and receiving non-needy caregiver CalWORKs, and you are caring for a child with a disability, it would be beneficial to apply for SSI. However, if you are receiving foster care benefits or AAP benefits, specialized rates exist for children with disabilities, medical issues, or significant emotional difficulties. If the child is receiving the right specialized rate, this rate will be higher than the SSI rate. If you are receiving only the basic foster care rate and are caring for a child with a disability, you can request that the child be evaluated for a higher rate. The county may still apply for SSI for the child in order to reimburse itself in part for the cost of foster care.

***** SPECIAL IMMIGRANT JUVENILE STATUS**

If a child is under the jurisdiction of the dependency, delinquency, or probate court, or undergoing an independent adoption, and has been abused, abandoned, or neglected by one or both parents, it may be possible to obtain legal residency for the child through Special Immigrant Juvenile Status (SIJS). If the child is undocumented, it is very important the court case does not close with legal guardianship or adoption before the SIJS is approved by Citizenship and Immigration Services. If the child has a social worker, he or she can refer you to the DCFS Special Immigrant Unit. Otherwise, contact an attorney for assistance.



Photo by: Hugh Williams

CAREGIVER BENEFITS INFORMATION SHEET

INFORMAL CAREGIVER (does not have court custody order):

Related informal caregivers can receive CalWORKs and full-scope Medi-Cal benefits. No formal custody order is necessary. Caregiver's income is not taken into account if caregiver is applying for the child only. Minor must be U.S. citizen, legal permanent resident, or other qualified immigrant to qualify. Caregiver's immigration status is not relevant.

Unrelated informal caregivers are not entitled to receive financial assistance. They must become legal guardians through probate court, or have the child placed with them through dependency court (foster care) to qualify. However, they can receive Medi-Cal for the child (through a child-only application).

PROBATE COURT LEGAL GUARDIAN

Related probate court legal guardians can receive CalWORKs and full-scope Medi-Cal benefits. Caregiver's income is not taken into account if caregiver is applying for the child only. Minor must be U.S. citizen, legal permanent resident, or other qualified immigrant to qualify. Caregiver's immigration status is not relevant.

Unrelated probate court legal guardians can receive foster care benefits and full-scope Medi-Cal if the child is a citizen, legal permanent resident, or qualified immigrant.

DEPENDENCY AND DELINQUENCY COURT

Foster caregiver (Dependency Court)

OR

Caregiver through Suitable Placement Order (Delinquency Court)

Related caregiver: A related caregiver will receive either non-needy caregiver CalWORKs, or foster care assistance for the child. Foster care benefits are higher than CalWORKs benefits. The rules regarding which children qualify for foster care benefits are complicated,

but the child must have come from a low-income household. Foster care benefits include specialized (higher) rates for children with certain medical or emotional problems. If a child is undocumented, the related caregiver will receive a foster care payment from the county (but, if the child later becomes a permanent resident or qualified immigrant, the related caregiver will receive non-needy CalWORKs instead of foster care payments). The child can also receive full-scope Medi-Cal.

Unrelated caregiver: Unrelated foster caregivers can receive foster care benefits. The child's immigration status is not relevant, but if the child is not a citizen, permanent resident, or qualified immigrant, county funds will be used. The child can also receive full-scope Medi-Cal.

Dependency or Delinquency Court Legal Guardian

A related legal guardian who has cared for a child for at least a year may qualify to receive Kin-GAP payments after the court case has been closed. Kin-GAP payments are equal to the foster care rates, and can include the higher specialized rates that are given to children with medical or emotional difficulties, or developmental disabilities if the child had received these rates previously. Once granted legal guardianship and after the court closes the case, a related caregiver can receive the Kin-GAP rate even if she was only previously only receiving CalWORKs benefits (or no benefits at all).

A related guardian who does not qualify for Kin-GAP (because the child has not been living with her for at least a year) will continue to receive either CalWORKs or foster care benefits--- the same benefits that the caretaker was receiving before obtaining legal guardianship. Once the child has lived with the related guardian for at least a year, the related guardian can receive Kin-GAP if all other eligibility criteria are met.

An unrelated guardian will continue to receive foster care benefits, including any specialized rate.

All guardians will also receive Medi-Cal benefits for the child.

Agency Adoption (through DCFS)

A parent who adopted a child through the foster care system will receive AAP benefits. AAP benefits are negotiated with DCFS and can include increased rates for children with medical or emotional difficulties. Children adopted through foster care who are developmentally disabled and Regional Center clients can also qualify for higher “dual agency” rates. AAP rates will be reviewed periodically (around every 2 years). A child adopted through foster care is also eligible for Medi-Cal.

INDEPENDENT ADOPTION

If you adopt a child who was not placed with you through DCFS, you are not eligible for AAP, foster care, Kin-GAP, or non-needy caregiver CalWORKs. You are also not eligible for Medi-Cal. If the child is disabled, you may apply for SSI benefits for the child. NOTE: if the child was previously in foster care, receiving SSI benefits, or the parent relinquishes the child, it may be possible to obtain AAP payments. You would need to request the AAP payments before filing the adoption.



Photo by: Hugh Williams



CARING FOR ANOTHER PERSON'S CHILD

A Guide for Non-Parent Caregivers in Los Angeles County

This booklet was originally prepared by Bet Tzedek Legal Services and Public Counsel Law Center, with funding from the City of Los Angeles Department of Aging. It has been extensively revised by Leslie Parrish, Senior Attorney at Public Counsel Law Center, in collaboration with The Alliance for Children's Rights and The Legal Aid Foundation of Los Angeles. Special thanks to Sharon Balmer of Legal Aid, and Natasha Frost, formerly with the Alliance for Children's Rights for their contributions, and to Laura Brown for the graphic design.

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