

Grandparents Raising Grandchildren



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GRANDPARENTS
RAISING
GRANDCHILDREN

This pamphlet is not a substitute for legal representation or advice. If you need help, contact:

**CONNECTICUT LEGAL SERVICES
(Grandparents Age 55 or older)**

WATERBURY OFFICE:
203-756-8074 OR 800-413-7797

<http://www.connlegalservices.org>
<http://www.ctlawhelp.org>

**STATEWIDE LEGAL SERVICES
Grandparents Under Age 55
800-453-3320**

WESTERN CT AGENCY ON AGING
203-757-5449 or 800-994-9422
<http://www.wcaaa.org>

UNITED WAY INFO LINE
2-1-1
<http://www.infoline.org>

I. INTRODUCTION

If you're a grandparent raising a grandchild, you're providing an essential safety net for your family.

Connecticut Legal Services, the Western Connecticut Agency on Aging (WCAAA) and 2-1-1 CT developed this brochure to provide you with valuable information to help you navigate the legal system and find help when you need it.

When you take on the responsibility of caring for your grandchild, there are legal options you should consider. There are also public benefit programs that can supplement your income, provide health insurance, and assist your household in other ways if you qualify. This pamphlet will provide you with resources that can help you navigate courts and public agencies.

II. THE LEGAL SYSTEM

When a grandchild is placed in your care, it's a good idea to establish a legal relationship with him

or her. You do NOT need to go to court to collect public assistance (called TFA or Temporary Financial Assistance) or allow a grandchild to live in your home. However, you may need legal authority to make some decisions on behalf of your grandchild, or you may be drawn into the legal system for other reasons. Taking a grandchild to live with you can affect your lease in some cases as well. The first part of this brochure will give you an overview of the types of courts in Connecticut that oversee guardianship and custody.

A. Parental Rights

First, you should understand the court's view of parents' rights and what parents can do if they need you to care for their children.

You won't be surprised to learn that the courts in Connecticut strongly protect parents' right to raise their children. Parents generally have

custodial rights and they are also their child's **guardian**.

Custody is the physical control over and care of a child.

Guardianship also includes the authority to make major decisions affecting the minor's education and welfare.

With the court's approval, parental rights can be changed **voluntarily**, through written agreement.

The court can also change the rights of a parent **involuntarily**, through the judicial process.

CAUTION: Changing custody or guardianship of a child can be a contentious, difficult process. It is important that you consult with an attorney who has expertise in the area of law for any questions you may have.

Even a parent whose guardianship is changed has rights. A parent will have the right to visit their child, but a Judge will decide the terms of that visitation, including whether it is supervised or unsupervised.

B. Voluntary Guardianship Agreements

Sometimes, a parent knows that in the future they may need help from their own parents (or someone else) to raise their children. Some (but not all) of the reasons this might happen: physical incapacity; during military service; due to mental illness; during incarceration; or in estate planning when minor children are expected to outlive a parent due to illness.

In Connecticut, parents may name a **stand-by guardian** for any minor child. This type of guardianship takes effect when a specific event happens. There must be a written document that names the stand-by guardian. To be recognized legally, the document that names a stand-by guardian **MUST** be:

1. In writing.
2. Signed and dated by the parent(s). (If both parents are living, both parents must sign

unless one parent's rights have been terminated by the court).

3. Witnessed by two adults.

When it is in effect, the document allows the stand-by guardian access to medical and school records for the child, and permits the stand-by guardian to make decisions regarding the child's welfare.

C. The Judicial Process

There are three separate courts that can change the parent-child relationship in Connecticut: Probate Court, Juvenile Court and Family Court. Probate Court is a separate system within the Connecticut judiciary system. Juvenile and Family Courts are both subdivisions of the Superior Court System.

i. Probate Court

You'll access the Probate Court system if you grandchild is *not* involved in an action in any other

court. These courts hear matters concerning estates and families.

- Probate judges can grant guardianship to a grandparent on a **temporary** or **permanent** basis. The length of temporary guardianship is set by the judge, can last for up to one year, and can be renewed. Probate judges can also create a **co-guardianship**, which gives a grandparent rights without terminating the rights of a parent.
- Probate judges can approve a **voluntary** change in guardianship, and they can also order the **involuntary** removal of one or both parents as guardians in favor of a grandparent.
- Probate judges can also completely terminate parental rights for one or both parents. When this happens, a minor child may be adopted. **Adoption** is a separate court proceeding, but it can also be arranged through the Probate Court.

How guardianship is changed through the Probate Court system

To initiate an action for guardianship through the Probate Court, you will file a petition with the Probate Court. Then, three things will happen:

- 1) An attorney will be appointed for the minor child. This is to make sure that the child's best interest is represented.
- 2) The Department of Children and Families (DCF) will conduct an investigation.
- 3) The probate Court will schedule a hearing.

At the Probate Court hearing, the judge will listen to all of the information that is presented and then make a determination on the petition.

There is a Probate Court located in your area.

For information on Connecticut Probate Courts and to find out where the one covering your town is located go to <http://www.jud.ct.gov/probate/> or call the office of the Probate Court Administrator at 860-231-2442.

ii. Juvenile Court

This court hears cases involving children (under the age of 16) and youth (ages 16-18) and all proceedings in this court are confidential. Contact with Juvenile Court happens in one of two ways:

- The court learns of an issue with the child's behavior (for example, truancy or involvement in a criminal matter).
- The family is reported to the Department of Children and Families by someone, usually to allege child abuse or neglect.

The role of the Department of Children and Families (DCF)

DCF provides protective services for children who are abused or neglected. When DCF receives a report of abuse or neglect, the agency must investigate. Not all allegations are substantiated, but when they are DCF usually institutes some type of monitoring and support services.

Where very serious abuse or neglect is suspected, DCF has the right to remove a child from the home immediately. When this happens, the child will either be returned to home after 96 hours or DCF will seek an Order of Temporary Custody to place the child elsewhere. In Connecticut, DCF is required to notify the grandparents if the agency removes a child from his/her parents' home. Grandparents may provide contact information to DCF during the investigation.

When the agency finds that support and monitoring is not enough to protect the child, DCF has the authority to petition the Juvenile Court to make changes in **guardianship** or **custody**. The change may be **voluntary** or **involuntary**. It may be **permanent** or **temporary**. DCF can even petition the Juvenile Court to **terminate** parental rights completely. When parental rights are terminated, a child is free to be adopted.

How guardianship is changed through the Juvenile Court system

- 1) A petition is made, usually by DCF and often accompanied by a request to order temporary custody to DCF or to a third party (like a grandparent or other relative, or a family friend). Remember, **custody** is the physical control and care of a child, not the termination of parental rights.
- 2) Upon receipt of the petition, the court will schedule a hearing where evidence of abuse and/or neglect will be presented. This is called **adjudication**.
- 3) The final outcome is called the disposition of the case. If there is a finding of abuse/neglect, the petition will be granted, which means that custody or guardianship of the child will be transferred to DCF or the third party. Alternatively, the court may terminate parental rights completely and make the child available for adoption.

IMPORTANT: If you want to be certified for ***Subsidized Guardianship*** you **MUST** stay in touch with the DCF case worker **and you MUST apply for the program PRIOR to the establishment of guardianship.**

(See Section III a (ii)(2) of this brochure for more information on this financial assistance program.)

What grandparents need to know about Juvenile Court proceedings

- As a grandparent, you may request intervenor status through the Juvenile Court. If the judge grants you intervenor status, you will be allowed to participate in the court proceedings.
- If you are willing to provide a home for your grandchild, it is **VERY IMPORTANT** that you tell this to the DCF caseworker assigned to the investigation.
- If you had DCF involvement with your own children when you were parenting, you may have to clear your old record if you want

your grandchildren to be with you. *Please note: DCF was formerly known as DCYS—Department of Children and Youth Services.*

iii. Family Court

Most guardianship cases that reach this division of the Superior Court involve a child's parents, often when they are involved in divorce proceedings or when one parent has requested that a restraining order be issued against the other. As a grandparent, you are more likely to find yourself involved with Probate or Juvenile Court.

If you are a grandparent seeking formal visitation with your grandchildren, however, you might seek to intervene in a Family Court action. To be granted **intervenor** status in this court, your burden of proof will be high. You must prove *both* of the following:

- 1) Your relationship with the child is similar in nature to a parent-child relationship; **and**

- 2) Denial of visitation will cause real and significant harm to the child.

III. FINDING FINANCIAL & MEDICAL ASSISTANCE

The second part of this brochure provides you with resources that may help you in maintaining your household and providing healthcare for your grandchild (and perhaps yourself as well).

A. Public agencies that administer programs that might help you

i. Connecticut Department Of Social Services (DSS)

DSS is the lead agency for administering welfare programs and Medicaid in the state of Connecticut. DSS administers two important programs that may help you if you qualify.

1. **Medicaid** is health insurance for people with low income.

- All low-income children not covered under a private health insurance plan qualify for Medicaid, called Husky A.
- You may qualify for Medicaid for yourself if you do not exceed certain income levels. If you, the grandparent, receive other assistance through DSS or supplemental social security income, you are eligible for Medicaid.

DIAL 2-1-1 FOR INFORMATION ON WHERE TO APPLY FOR MEDICAID.

2. Temporary Family Assistance (TFA) provides cash support to needy families. *You do not need to have legal custody through the court system to be eligible to receive TFA benefits.*

You can apply for TFA for your grandchild only, or for both you and your grandchild. This cash benefit is paid directly to the grandparent.

Applying for yourself

If your income and resources are limited, you may apply for assistance for both yourself *and* your grandchild. If you qualify for TFA, you will receive cash assistance for no more than 21 months and will be subject to TFA work requirements. (Work exemptions are rarely granted.)

Applying for your grandchild only

If your income and resources exceed TFA limits, or if you do not want to comply with TFA work requirements, you can still apply for cash assistance for your grandchild. Your income and assets will be considered *only* if you have legally adopted your grandchild.

If your grandchild's parent also lives with you, you will not receive benefits unless that parent is also a minor.

***DIAL 2-1-1 FOR INFORMATION ON WHERE TO
APPLY FOR TFA.***

3. Housing Assistance

DSS is sometimes able to help with security deposits by providing a two-month guarantee. The **Eviction and Foreclosure Prevention Program** mediates disputes between landlords and tenants and can provide up to \$1,200.00 to qualified recipients for back-rent to prevent eviction. DSS cash assistance recipients may also qualify for funds to make repairs if they are needed to allow homeowners to remain in the home.

APPLY AT DSS. DIAL 2-1-1 TO FIND THE OFFICE NEAREST TO YOU

ii. Connecticut Department Of Children And Families (DCF)

The mission of the DCF is to protect children from neglect and abuse, and to strengthen families by providing various types of help. Three DCF programs provide cash and healthcare benefits that significantly exceed what is available through DSS programs:

1. Foster Care

When a child is removed from a parent's home, one option is for the grandparent to become a foster parent. Foster parents receive monthly cash payments and healthcare coverage for the children in their care. *However, DCF retains custody or guardianship of the children in the foster care program.* This means that your ability to make decisions regarding your grandchild will be legally limited and under some circumstances DCF can remove the grandchild from your home.

2. Subsidized Guardianship

This program provides the same monthly benefits received by foster parents and includes healthcare coverage. You **MUST** be approved for this program **before** guardianship is transferred to you by the Juvenile Court. Speak with your DCF caseworker. You are eligible for this program after your grandchild has resided with you for at

least six months and upon recommendation by the DCF caseworker assigned to your family.

3. Subsidized Adoption

This DCF program provides assistance that is similar to the support available under the subsidized guardianship program. The majority of children placed by DCF for adoption in the state of Connecticut receive some kind of subsidy.

iii. Social Security Administration

Two programs administered by the Social Security Administration provide cash assistance for minors. If your grandchild qualifies for one of the programs, you can become the “representative payee” and collect the child’s benefits to use for his/her care.

1. Supplemental Security Income (SSI)

If your grandchild is disabled, he or she may be eligible for SSI, which is welfare for disabled

persons. *If you have adopted your grandchild your income and assets will be considered in the determination of eligibility. If you qualify for TFA, your grandchild may receive SSI even if that child does not receive TFA benefits.*

2. Survivor or Disability Benefits

Your grandchild may be eligible for this benefit if his or her parent (1) had a work history and (2) is now disabled or deceased. This program (unlike SSI, above) does not consider the assets of other household members or of the child. Benefits are determined based on the parent's work history.

IMPORTANT: Adoption will generally end a child's eligibility for Social Security Survivor or Disability Dependency Benefits based on the parent's record. This is because you become the legal parent when you adopt your grandchild. In some cases your grandchild may become eligible for benefits based on your work record. Your income and assets will be considered in determining SSI eligibility and benefits if you adopt your grandchild. Other Social Security benefits may be available for your adopted grandchild without considering your income and assets.

*DIAL 2-1-1 TO FIND YOUR LOCAL SOCIAL
SECURITY OFFICE*

B. Other sources of assistance

i. Earned Income Credit (EIC)

You may be entitled to this tax credit even if you otherwise would not have to pay federal income tax. To qualify:

- You must file a tax return.
- You must have limited income.
- You must have provided a home to your grandchild for at least six of the last twelve months.
- Your grandchild must be under the age of 19 or, if a full time student or disabled, under the age of 24.
- You grandchild cannot be claimed on someone else's tax return.

*GO TO WWW.IRS.GOV FOR MORE
INFORMATION AND FILING FORMS.*

ii. Child Support

Your grandchild's parent may still be legally responsible for the support of your grandchild. Child support is sought through the courts. If your grandchild receives public benefits from DSS, you may be required to cooperate in child support enforcement.

*CONTACT THE CONNECTICUT CHILD
SUPPORT INFORMATION AND PROBLEM
RESOLUTION LINE AT 800-228-KIDS.*

iii. Energy Assistance

1. Community Action Agencies (CAA's)

CAA's provide energy assistance for winter heating, including a small payment, including a small payment if heat is included in rent.

Applications are accepted beginning August 15th but benefits are not available until November 1st.

*FOR THE APPLICATION SITE CLOSEST TO
YOU CALL ENERGY ASSISTANCE AT*

800-842-1132 OR DIAL 2-1-1.

2. Local Fuel Banks

Local Fuel Banks are administered by local volunteer agencies.

CHECK WITH 2-1-1

3. Arrearage Forgiveness Programs

If you receive energy assistance (above) the company that provides your heat may “forgive” old debt in exchange for restructured payment plans. This program also protects participating households from service shut-off. The following companies are required to offer an arrearage forgiveness program during the winter to their heating customers who receive energy assistance:

Connecticut Light & Power (CL&P), United Illuminating (UI), Southern Connecticut Gas (SCG), Connecticut Natural Gas (CNG) and Yankee Gas (YG). Some companies, including

CLS&P and UI, voluntarily offer forgiveness programs during other times of the year.

*APPLY WITH YOUR UTILITY COMPANY
DURING THE MONTH OF NOVEMBER.*

4. Weatherization

Weatherization is available to a small portion of the lowest income energy assistance recipients through utility companies and Community Action Agencies. CL&P customers apply to the “WRAP” program at 800-388-9727. UI customers apply to “UI Helps” at 203-499-2732. DSS cash assistance recipients may also qualify for funds to make repairs that are needed to allow homeowners to remain in the home.

*CONTACT YOUR UTILITY COMPANY FOR
MORE INFORMATION.
DIAL 2-1-1 FOR APPLICATION SITES*

5. Hardship Protection

Hardship protection prevents utility companies from shutting off service between November 1st and May 1st. If lack of service is life threatening, utility companies must provide year-round service. If your heat was previously shut off, you may have to pay a fee (no more than \$100) to restore service.

*YOU MUST APPLY FOR HARDSHIP
PROTECTION THROUGH YOUR UTILITY
COMPANY EVERY FALL.*

iv. Housing Assistance

Rental Assistance or Subsidized Housing may be available if your grandchild is living with you. To increase your chances of finding subsidized housing, provide the name of every town you would agree to live in, including your current town, if you are willing to move.

DIAL 2-1-1 TO FIND OUT WHERE TO APPLY

v. Child Care Assistance And Caregiver Support

1. Locating Licensed Child Care

The Child Care INFOLINE: 800-505-1000 or www.infoline.org provides listings of local licensed child care providers and centers, ages of children accepted and available openings.

2. Care 4 Kids Program

The Care 4 Kids Program provides assistance in paying for child care to allow a parent or adult in the household to work or attend job training. For more information, contact Care 4 Kids Program at 888-214-5437 or <http://www.ctcare4kids.com>.

3. National Family Caregiver Support Program

The National Family Caregiver Support Program provides family caregivers of older adults aged 60+ years, and grandparents and relative care givers, aged 55+ caring for children under age 19

with respite care to provide temporary breaks in caregiving responsibilities and supplemental services including items or services designed to help “fill the gap” when there is a need or there are no other ways to obtain the services or item. To apply, call 800-994-9422.

4. Assistance for Children with Intellectual and Developmental Disabilities

The Family Support Grant Program provides a monthly subsidy of up to \$250 (\$3,000 annually) to a parent or other family member with primary responsibility for a child age 5 through 18 years with a developmental disability other than mental retardation, to meet the extraordinary expenses of that child, including medical expenses, special equipment, medical transportation, and special clothing. Gross income cannot be greater than 140% of the previous year’s median family income for Connecticut.

*APPLY AT YOUR LOCAL DSS OFFICE OR
CONTACT DSS' SOCIAL WORK SERVICES AT
860-424-5388, AND COMPLETE THE WAITING
LIST REQUEST FORM.*

IV. RESOURCE DIRECTORY

The following list of local and state resources, while not exhaustive, provides a guide to more of the agencies, offices and organizations that may be of assistance to you in raising your grandchild. If you don't see what you need here, one of the first four resources may be able to help you:

Connecticut Legal Services, Inc.

(for grandparents age 55+)

Waterbury: 203-756-8074 or 800-413-7797

<http://www.connlegalservices.org>

<http://ctelderlaw.org>

Statewide Legal Services

For grandparents under age 55

800-453-3320

Western Connecticut Agency on Aging (WCAAA)

CONTACT WCAAA AT 203-757-5449 OR

WWW.WCAAA.ORG

2-1-1, the United Way Info Line

<http://www.infoline.org>

2-1-1, Finding Child Care In Connecticut

<http://www.211.childcare.org>

Adult Protective Services for Older Adults:

888-385-4225- calls route to local Protective Services office

Adult Protective Services for Adults with Disabilities:

(Serves ages 18-59)

203-551-2700

Care 4 Kids

Helps low to moderate income families in Connecticut pay for child care costs. This program is sponsored by the State of Connecticut's Department of Social Services (also called DSS).
<http://www.ctcare4kids.com>

CT Alzheimer's Association

24 hour helpline: 800-356-5502

Phone: 866-363-6679

CT Department of Veteran Affairs

75 Middle Street, Bridgeport, CT 06604

203-336-2570

CT Judicial Branch Law Library:

A collection of useful resources concerning Connecticut law about Grandparents' rights at
<http://www.jud.ct.gov/LawLib/Law/grandparent.htm>

Center for Medicare Advocacy:

Phone: 800-262-4414

CHOICES: Connecticut's program for Health insurance assistance, Outreach, Information and referral, Counseling, Eligibility Screening.
Phone: 800-994-9422

Congregate Meal Sites:

Contact WCAAA at 203-757-5449 or
www.wcaaa.org

CT National Family Caregiver Program:

Contact WCAAA at 203-757-5449 or
www.wcaaa.org

CT Alzheimer's Respite Program:

Contact WCAAA at 203-757-5449 or
www.wcaaa.org

CT Coalition against Domestic Violence:

24-Hour Hotline: 888-774-2900 *or* 2-1-1

State of CT Consumer Protection:

Phone: 800-842-2649

Department of Children and Families (DCF)

Danbury: 203-207-5100

Torrington: 860-496-5700

Waterbury: 203-759-7000

Department of Immigration & Naturalization:

800-375-5282

2-1-1 or www.211infoline.org

Grandparents Raising Grandchildren

Family and Children's Agency:

34 Murray Street

Waterbury, CT 06710: (203) 756-8317

Fuel Assistance:

Contact WCAAA at 203-757-5449 or

www.wcaaa.org

Independent Living Center

Independence Northwest (203) 729-3299

Food Stamp Program:

Call local DSS office

Fraud and Protection & Reporting:

State of CT offices: 860-808-5240

Friendly Visitors:

Contact Local Senior Center

Housing Lists:

Contact WCAAA at 203-757-5449 or

www.wcaaa.org

Meals on Wheels:

Contact WCAAA at 203-757-5449 or

www.wcaaa.org

Municipal Agents:

Contact WCAAA at 203-757-5449 or

www.wcaaa.org

Parish Nurses:

Call WCAAA for list

Probate Courts:

See Blue Pages- Local communities

Property Tax Assistance Programs for Homeowners:

Contact WCAAA at 203-757-5449 or
www.wcaaa.org

Reverse Mortgages:

Home Equity- DSS 800-442-9946
2-1-1, www.211infoline.org
CHOICES Counselor at 800-994-9422

State of CT Attorney General:

Phone: 860-808-5318

Senior Community Services Employment Program:

Contact WCAAA at 203-757-5449 or
www.wcaaa.org

Senior Centers:

Contact WCAAA for a list, call local town hall or
check blue pages in the telephone book.

Social Security:

Torrington, CT (877) 405-0486
Waterbury, CT (800) 772-1213

State of CT Mental Health & Addiction Services:

Phone: 800-478-4449

Western CT Agency on Aging (WCAAA)

203-757-5449 / 800-994-9422

<http://www.wcaaa.org/>

Statewide Legal Services (Under age 55)

800-453-3320

State of CT Department of Social Services:

Waterbury (203) 597-4000

Danbury (203) 207-8900

Torrington (860) 496-6900

State of CT. Board of Education + CT Services for the Blind:

Phone: 860-602-4000

Transportation:

[City of Torrington, Medical Transportation](#)

(860) 489-2580

[Waterbury Senior Shuttle](#) (203) 346-2607

<http://www.wcaaa.org>

Voluntary Services for the Blind

945 Summer Street

Stamford, CT 06905

203-324-6611