

Grandparents Raising Grandchildren: Parenting the second time around

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In Montana there are more than 6,600 grandparents raising grandchildren. Most grandparents become involved due to a family crisis. This guide answers many of the common questions grandparents and other relative caregivers have when they are faced with parenting a second time around.



MontGuide

MT200706HR Revised 2/16

AT 2:30 A.M. FRANCIS, A 62-YEAR-OLD WIDOW, receives a phone call from the police. Her daughter has been arrested for selling methamphetamine and her 10-year-old granddaughter, Marie, is in need of care. Francis hasn't seen her daughter or granddaughter in three years. She doesn't know where they had been living. The police officer tells Francis if she is unable to take her granddaughter, the state **Child and Family Services** worker will place Marie in temporary **foster care**. Without hesitation, Francis tells the officer to bring Marie to her home.

Marie arrives in pajamas, a paper bag filled with one change of clothes and a few things. The officer explains that Marie and her mother had been living in their car, and sometimes stayed with friends. Francis is happy to see her granddaughter but sad that it is under these circumstances. She makes a bed for Marie on the couch in her one-bedroom house. Tomorrow she will make a plan.

This scene is not uncommon for grandparents who are called upon to care for their grandchildren. In Montana, there are more than 6600 grandparents raising grandchildren. They range in age from 39 to late 80s. Grandparents are raising their grandchildren for a variety of reasons; the most common reason is a family crisis, such as parental substance abuse, death, mental or physical health problems, financial problems, abandonment or military deployment.

Many grandparents faced with parenting their grandchildren do not know where to turn for help. This guide will provide information on resources available in Montana. This guide does not offer legal advice. Grandparents who need legal help should contact an attorney or take advantage of the **Montana Legal Services Association's** pro bono program or the **Montana Judicial Branch's Court Help Program**. Contact information for these and other resources mentioned in this guide are included at the end of this guide.

How long will it be?

Many grandparents view their parenting situation as temporary. Most hope their adult children will be able to parent again. Family unification is always a goal but, unfortunately, many grandparents find that the situation is not temporary. On average, grandparents in Montana raise their grandchildren for seven years.

Some parents who have substance abuse or mental health problems repeatedly leave their child with grandparents. Often they return weeks or months later to take the child back. In many cases, the parents have not resolved problems, and aren't ready to parent again. Grandparents often worry because they do not have legal rights to keep the child when the parents return. Montana Code Annotated (**MCA**) **§40-6-601 & 602**, which became effective on October 1, 2007, provides some protection for grandfamilies: If grandchildren are left with grandparents for longer than six months, and it is unclear if, or when, the parent will return and re-take child **custody**, grandchildren do not have to be returned immediately to the parent when the parent returns. If the grandparent files an **affidavit** with the court containing all of the items required by law, the child may remain with the grandparent for five days while the court reviews the situation and issues an order regarding the custody of child.

Grandparents often ask how they can get custody or **guardianship** of their grandchildren when the parents are unable or unwilling to parent. Custody is granted by the court and gives the grandparent responsibility for the grandchild's care. **Legal custody**, physical custody, or both may be granted by the court. A court grants guardianship, which establishes a legal relationship between the guardian and the child, and grants the guardian some of the rights and responsibilities of a parent. Grandparents should contact a private attorney to pursue custody or guardianship of a child who is not part

of a Montana Department of Public Health and Human Services (DPHHS) Child and Family Services case. If a child is part of an open DPHHS Child and Family Services case, the grandparent should contact the assigned **Child Protection Specialist** to express their interest in pursuing custody or guardianship.

A grandparent may adopt a grandchild with the consent of the child's parents or if there are enough legal grounds to terminate both parents' rights. If the Montana DPHHS has been granted permanent legal custody of a person's grandchild, the grandparent must be approved as a prospective adoptive parent and DPHHS must consent to the **adoption** in order for the grandparent to adopt. DPHHS will prepare the legal papers and will reimburse the adoptive parent for certain fees associated with the adoption. The child may be eligible to receive an **adoption subsidy** from the State if the child meets the special needs criteria established by DPHHS.

Some adoptions are handled as private matters. If the child is not in the custody of DPHHS, the grandparents are encouraged to contact a private attorney. Grandparents may want to contact several attorneys in their area to see if they can find one who will complete the adoption at a reduced cost. Children adopted through a private adoption are generally not eligible for an adoption subsidy.

School

Francis discovered that Marie had not been in school for three months. Legislation that became effective October 1, 2007 makes it easier for relative caregivers to enroll children in school. Francis was able to contact her daughter in jail and have her sign a **power of attorney** form, which gave Francis the legal ability to act on Marie's behalf. If Francis had not been able to do this, **MCA §40-6-501 & 502**, allows grandparents to enroll their grandchildren in school when the adult children cannot be located, if the legal requirements, including completion of an educational authorization affidavit, are met.

Marie had difficulty reading. Francis wasn't sure if it was because of poor school attendance or if she had some learning disabilities. School is so different today than when Francis was raising her daughter. Francis talked to Marie's teacher who told her that the school had special services to help Marie with her reading skills, and, if this didn't help Marie, then Francis could consider having Marie tested for learning disabilities. The school district offers testing for free. Children who have learning problems can then be assigned an Individual Education Plan (IEP).

Medical Needs

Having the power of attorney gave Francis the authority to attend to Marie's medical needs. **MCA §40-6-501 & 502** effective October 1, 2007, allows grandparents medical authority for their grandchildren when the adult children cannot be located and, if the legal requirements, including completion of a relative medical authorization affidavit, are met. Although Francis could seek medical care for Marie, her insurance did not cover Marie. Francis's small pension and Social Security from her husband did not provide enough money for Marie's doctor visits. Francis went to her local **Office of Public Assistance** and found out that Marie could qualify for **Healthy Montana Kids**, an insurance program for families with limited incomes.

Financial Assistance

Francis talked to a Child Protection Specialist at the DPHHS Child and Family Services office about financial help for Marie's care. If Child and Family Services had placement authority in Marie's case, Francis could be approved as an unlicensed kinship home provider, and she could apply for **Temporary Assistance for Needy Families (TANF)** through the Office of Public Assistance. Most grandparents who are raising grandchildren can apply for and receive **TANF Child-Only Grants**, which provide small monthly grants for the child's care. Even if Child and Family Services did not have placement authority, Francis could apply for TANF on behalf of Marie. Since TANF is a form of public assistance, once TANF grants are applied for, a referral to the **Child Support Enforcement** Division will be made. The Child Support Enforcement Division will then seek child support from the child's parents.



If Child and Family Services had placement authority in Marie's case, Francis could choose to apply to become a licensed kinship foster home provider. Francis would need to attend foster parenting classes and meet foster home licensing requirements in order to be licensed. If Francis became a licensed kinship foster home provider she would receive foster care payments for Marie's care. Once Child and Family Services has been granted placement authority, placement decisions are made by child protection staff.

If Marie is unable to be reunited with her mother, Child and Family Services may determine that either adoption or guardianship is an appropriate permanent plan for her, and in either case, Marie may qualify for a subsidy. This would mean that her grandmother could continue to get financial assistance even after she had adopted Marie or became her guardian. Marie's case worker could assist Francis in obtaining information that would help her to understand the differences between adoption and guardianship.

Many grandparents begin caring for their grandchildren before allegations of abuse or neglect have been made against the children's parents. Some of these grandparents prefer not to have Child and Family Services become involved in what they consider a private matter, or they do not want Child and Family Services to have decision-making authority over the children or the children's placement. Other grandparents believe that intervention by Child and Family Services will be beneficial; if Child and Family Services makes a Child Protective Services referral recognizing that abuse or neglect may be substantiated, then Child and Family Services will have custody of the children.

Other Financial Resources

Francis and her husband had always worked for what they had. They were not wealthy, but they owned a home and an older-model car. When her husband died, Francis was left with enough income to get by. But now with Marie, she had additional costs such as higher utility, grocery, and clothing bills. Francis again talked to a worker at the Office of Public Assistance and found that she qualified for the **Supplemental Nutrition Assistance Program (SNAP)**. She discovered that through the **MSU Extension SNAP Education** program she could learn how to stretch her food budget. Marie is also eligible for free or reduced-cost meals while at school through the Child and Adult Food Care Program. The school provided Francis with the form needed to enroll Marie in this program. If Marie were under five years of age, she would be eligible for assistance from the **Women, Infants**

& Children (WIC) program. Francis found additional help from the local food bank. The Office of Public Assistance worker told her that through the **Low-Income Energy Assistance Program (LIEAP)** she may qualify for energy assistance to help with her higher utility bills.

Marie's mother and father never married, but her father is listed on her birth certificate. Marie's father died in a car accident when Marie was very young. Francis went to the **Social Security** office to see what benefits might be available for Marie.

Respite Care

Six months after Marie moved in with Francis, Francis found herself feeling exhausted, even though she enjoyed her granddaughter very much and loved having her around. She had returned to work to help make ends meet, taking a part-time job at a local mini mart while Marie was at school. Marie's activities kept Francis busy. Francis did not have the money to hire a babysitter. Through the **Montana Area Office on Aging**, Francis found that she qualified for respite care for Marie.* Respite funds are also available through the **Montana Lifespan Respite Coalition's** voucher program. This allowed Francis a little more time for herself, to get her hair done or have lunch with a friend. The school counselor told Francis about the **Big Brothers/Big Sisters program**.** The program matches a child with an adult who provides mentoring and fun for the child for four hours each week. The counselor thought this might be good for both Francis and Marie.

Child Care

Francis learned through the **Montana Child Care Resource and Referral Agency** in her county that there was an after school program Marie could attend, and the **Child Care for Working Caretaker Relatives Program** would help her pay for the program while she was working.

Social Support and Parenting Education

Francis felt very alone in her parenting a second time around. She wondered if she was the only grandmother in this situation. She had many conflicting thoughts and feelings about raising her granddaughter. Francis felt guilty that her daughter had so many problems, yet she knew that she and her husband had tried to be good parents. Francis wondered what she would do when her daughter was released from jail. Should she allow Marie to go back and live with her mom right away? Marie was doing well in Francis' home, however she had many behavior problems because of previous neglect. At times Marie would swear

* Respite care is not available in all locations. Check with your Senior Center or Area Agency on Aging to see if this resource is available in your community.

** Big Brothers/Big Sisters may not be available in all communities.

at Francis and be disrespectful. Francis wondered if she was handling problems in the right way. Francis called her county Extension office and learned about the **Montana Grandparents Raising Grandchildren Project**.

The Montana Grandparents Raising Grandchildren Project is sponsored by Montana State University Extension. Throughout the state there are support/education groups for grandparents raising grandchildren. The project publishes a newsletter and fact sheets on topics for grandfamilies. Educational programs and conferences are also offered. The project has a website, Facebook page, and Pinterest board that features local, regional and national information and events.

AARP and **Generations United** offer information for grandparents on their websites. AARP Montana is very involved with grandparent issues and a national newsletter in English and Spanish is available for grandparents raising grandchildren. Generations United is a national advocacy organization based in Washington DC that works to enact policy and promote programs that benefit grandparents raising grandchildren.



Conclusion

After three years raising Marie, Francis realizes that Marie will be living with her until she graduates from high school. Just like many other grandparents in Francis's situation, Francis feels she had no choice but to bring Marie into her home. At the same time, she wouldn't trade the situation now. Marie is a happy teenager and brings delight to Francis every day. Because of the activities and involvement in school programs, grandparents often report that their grandchildren "keep them young."

Francis and Marie converted an enclosed back porch in the house into a small bedroom for Marie, so that she can have space to herself. Francis's daughter will occasionally come by or call Marie. She still uses drugs. Francis loves her daughter very much but has come to accept that she has no control over her daughter's problems. She knows that the most important job she has now is to raise Marie. Francis still attends the grandparent support group in her community. She finds that she continues to learn from the other grandparents and is able to help those who are just starting their journey of parenting a second time around.

Each situation of grandparents raising grandchildren is unique. Laws regarding custody and guardianship often apply differently, depending on the circumstances. Resources that are available through various programs are not available in every situation. Some resources are given based on income or family assets. To find out what is available for you and your grandchild, contact the agency related to your questions. A resource guide for grandparents is available through the Montana Grandparents Raising Grandchildren Project.

For more information, contact the Montana Grandparents Raising Grandchildren Project at 406-994-3395 or grg@montana.edu.

Note: For American Indian grandparents and grandchildren, in addition to the information provided in this guide, contact your Tribal offices for programs that may be available on the reservation or for enrolled members.

Terms and resources in this guide

AARP is an organization open to anyone 50 years of age and older. The organization focuses on issues important to older adults. Members receive discounts on motels, insurance, and other items. <http://www.aarp.org>

Adoption subsidy – financial and/or medical assistance provided after an adoption is finalized for a child who has special needs. Subsidy is generally available only for children who have been in the Montana foster care system, unless the child is Social Security Insurance eligible.

Affidavit – a sworn statement that is signed by a person stating that the information given is true and correct.

Adoption – a legal process whereby a person or persons become new parents for a minor child. The former parent's rights must be terminated before a minor child can be adopted.

Area Agencies on Aging are public or private non-profit agencies, designated by the Aging Services Bureau, to address the needs and concerns of older Montanans at the local level. <http://dphhs.mt.gov/sltc/aging/areaagenciesonaging.aspx>; (800) 551-3191

Big Brothers Big Sisters is the oldest national youth mentoring program where youth are matched with adult mentors. <http://www.bbbs.org>

Child Care for Working Caretaker Relatives Program – a program that provides monetary subsidies to employed relative caretakers who have children in child care. http://mt.bridgetobenefits.org/Child_Care_Assistance_Program_CCAP2.html

Child and Family Services
<http://dphhs.mt.gov/CFSD.aspx>

Child Protection Specialist – a professional who works for Child and Family Services.

Child Support Enforcement Division
<http://dphhs.mt.gov/CSED.aspx>; (406) 444-9855 or (800) 346-5437

Children's Health Insurance Program – a health care insurance plan for limited-resource families. In Montana this is called Heathy Montana Kids. <http://dphhs.mt.gov/hmk.aspx>; (406) 444-6971 or (800) 362-8312

Custody – the responsibility for someone's care. This would include legal and physical custody. Custody is assigned by a court of law.

DPHHS is the Montana Department of Public Health and Human Services. <http://www.dphhs.mt.gov>

Food Assistance – a subsidy to assist income-eligible families in purchasing food. In Montana this is called the Supplemental Nutrition Assistance Program (SNAP). <http://dphhs.mt.gov/hcsd/SNAP.aspx>; (800) 221-5689

Foster care – is the formal system where a child becomes a ward of the state due to documented child abuse or neglect.

Food Stamps Hotline (food, clothing, shelter)
(888) 706-1535

Generations United is a national advocacy organization based in Washington DC that works to enact policy and promote programs that benefit grandparents rearing grandchildren. <http://www.gu.org>

Guardianship – the legal right for a person to make decisions about another person including decisions about physical, medical, and educational needs of the individual. Guardianship is assigned by a court of law.

Healthy Montana Kids provides health care coverage for low income children. <http://dphhs.mt.gov/hmk.aspx>

Legal custody – a court order given to an individual or individuals to make decisions regarding a minor child's interests.

Low-Income Energy Assistance Program (LIEAP)
<http://dphhs.mt.gov/hcsd/energyassistance.aspx>;
(800) 332-2272

Medicaid – a health care insurance plan for low-income individuals and families. <http://dphhs.mt.gov/MontanaHealthcarePrograms.aspx>

MCA §40-6-601 & 602 – caretaker relative continuing custody affidavit. [http://laws.leg.mt.gov/pls/laws07/law0203w\\$.startup](http://laws.leg.mt.gov/pls/laws07/law0203w$.startup)

MCA §40-6-501 & 502 – caretaker relative consent to medical care. [http://laws.leg.mt.gov/pls/laws07/law0203w\\$.startup](http://laws.leg.mt.gov/pls/laws07/law0203w$.startup)

MCA §20-5-501-503 – school enrollment by relative caretaker. [http://laws.leg.mt.gov/pls/laws07/law0203w\\$.startup](http://laws.leg.mt.gov/pls/laws07/law0203w$.startup)

Montana Child Care Resource & Referral Network assists families in locating childcare. <http://www.montanachildcare.com>; (406) 549-1028

Montana Grandparents Raising Grandchildren Project provides information, education, and research for grandparents raising grandchildren. <http://www.montanagrandparents.org>; (406) 994-3395

Montana Judicial Branch's Court Help Program is a free service provided by the Montana Supreme Court to assist people with civil, non-criminal legal problems. <http://courts.mt.gov/selfhelp>

Montana Legal Services Association is a law firm that empowers income-eligible people by providing legal information, advice, and other services free of charge. <http://www.mtlsa.org/>; (800) 666-6899

Montana Lifespan Respite Coalition offers an application to apply for respite funds. <http://dphhs.mt.gov/respite>; (800) 224-6034

Montana Office of Public Instruction (OPI) is the State office of Montana public schools. <http://www.opi.mt.gov>; (406) 444-3095 or (888) 231-9393

MSU SNAP-Ed Program provides nutrition education to families with children, and seniors who are applying for or receiving food assistance. <http://www.buyeatlivebetter.org/statecontacts.html>

Office of Public Assistance
<http://dphhs.mt.gov/hcsd/OfficeofPublicAssistance.aspx>; (888) 706-1535

Power of attorney – a document that gives the grandparent legal authority to act on the grandchild's behalf. More information on how to obtain a power of attorney can be found in the MSU Extension MontGuide Power of Attorney, <http://store.msuextension.org/publications/FamilyFinancialManagement/MT199001HR.pdf>

Senior & Long Term Care
<http://dphhs.mt.gov/SLTC>

Temporary Assistance for Needy Families (TANF) and TANF-Child Only is a program providing temporary financial assistance to needy families. <http://dphhs.mt.gov/hcsd/TANF.aspx>

U.S. Social Security Administration
<http://www.socialsecurity.gov/>

WIC is the Special Supplemental Nutrition Program for Women, Infants and Children. <http://dphhs.mt.gov/publichealth/wic.aspx>

Suggested Reading:

Callander, J. (1999). *Second time around: Help for grandparents who raise their children's kids.* Wilsonville, OR: BookPartners, Inc.

Houtman, S. (2003). *To grandma's house we...stay.* Northridge, CA: Studio 4 Productions.

Takas, M. (2005). *Relatives raising children: A guide to finding help and hope.* New York: Brookdale



MY NOTES

Local phone number for the Office of Public Assistance: _____

Dates of contact

Name of person contacted

Local phone number for Child and Family Services: _____

Dates of contact

Name of person contacted

My child's school phone number: _____

My child's doctor and phone number: _____

My child's dentist and phone number: _____

My child's therapist and phone number: _____

Other phone numbers: _____



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