

# CARING FOR ANOTHER PERSON'S CHILD

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

Public  
Counsel 

Photo by: Hugh Williams



# **CARING FOR ANOTHER PERSON'S CHILD**

## **A GUIDE FOR NON-PARENT CAREGIVERS IN LOS ANGELES COUNTY**

### **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, adoption assistance program (AAP) benefits, 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.

### **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 first important, however, to understand the rights and responsibilities of a parent so that you, as a caregiver, can better understand your own rights and responsibilities.

### **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 children 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 child and provide the basic necessities—food, clothing and shelter—until the child reaches the age of 18. Generally, we describe the parent’s 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 (if the father is on the birth certificate or has established paternity) 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,
- 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 terminating 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 when the child is **emancipated** by court order.

## 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 has cared for her three grandchildren since birth. Although Mrs. Jones' daughter lives in the same city, she has not been financially or emotionally supportive of the children. Mrs. Jones has a notarized letter from her daughter allowing her to care for the children and consent to their medical care, but has not obtained legal custody through court. Mrs. Jones is an informal caregiver.

- **Legal Guardians** appointed by the **Probate Court** 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. The court granted their petition. Susan's parents are legal guardians through the probate court.

- **Foster Caregivers** are those caregivers who care for a child who has been removed from the parents' home and is in the juvenile court 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 become adoptive parents through the Juvenile Court.

**Example:**

Ms. Brown is rearing her two godchildren. The children's mother repeatedly left the children, ages 5 and 7, alone in her apartment. Neighbors reported the mother to the police and child protective services took custody of the children and placed them with Ms. Brown. Ms. Brown is an approved foster caregiver through the juvenile dependency court.

**Example:**

Antonio and his wife Sara are taking care of Antonio's younger sister, Jenna, who is 14 years old. Jenna was arrested for robbery. After her release from juvenile hall, her probation officer recommended that Jenna be placed in "suitable placement" with Antonio and Sara because Jenna's mother is an alcoholic and not providing adequate supervision for Jenna. Antonio and Sara are relative caregivers through the juvenile delinquency court.

- **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 was 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 71.**

## **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 daughter, 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 grandparents. Tina has finished her education and now has a job. Although she no longer lives at home, Tina is in close contact with Joey. Tina does not want to remove Joey from the home in which he has always lived. Tina has given her mother authority to make medical and general educational decisions for Joey through a Child Care Authorization.

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 allows you to legally make certain decisions for the child. **The letter should be signed by the parent(s) and the caregiver.**

### **TIP!!**

We have included a sample Child Care Authorization in the Sample Forms section of this booklet on page 77. We recommend getting this document notarized to help ensure that doctors, school officials, and others will accept the document as valid. When a notary stamps the letter, it means that they are an authorized witness and that the signature on the document is legitimate. 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 is 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, without 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 caretaking 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 are able to make certain decisions and obtain some public assistance benefits for a child without a court custody order.**

## 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.
- You don't have copies of the child's birth certificate or Social Security card.

If you answered yes to any of these situations, the following section will provide you with some 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 sign under oath that you have either informed the parent of your intent to authorize medical care for the child and have received no objection, or that you were unable to contact the parent. The Affidavit is a simple two-page form and a sample may be found in the "Sample Forms" section of this booklet on page 75. The Affidavit is signed under penalty of perjury and it is not necessary to have it notarized.



## 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 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 with a Focus on Los Angeles Unified School District”, 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 71).

To access the publication from the Public Counsel website, Click on “Practice Areas,” then on “Children’s Rights Project, and finally on “Resources.”

## 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 cannot 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.

### **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 71 for assistance.

For more information on Special Education, please refer to the Public Counsel pamphlet "Special Education"-available on the Public Counsel website at [www.publiccounsel.org](http://www.publiccounsel.org).

Click on "Practice Areas," then on "Children's Rights Project, and finally on "Resources."

## **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).

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 consent to 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 page 75 for additional discussion on the Caregiver Affidavit.

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

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

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

**Treatment for Sexual Assault, including Rape**

**Testing and Treatment for sexually transmitted diseases, including HIV; alcohol and drug treatment.** A child can consent to these if at least 12 years of age.

**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, "Health Care & Teens: Who makes decisions? Who pays? Are parents notified?" Go to [www.publiccounsel.org](http://www.publiccounsel.org), click on "Practice Areas", then "Children's Rights Project", then "Publications".

## 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 55. If a caregiver does apply for CalWORKs benefits, the Child Support Services Department will often attempt to seek reimbursement from the parents by garnishing (in other words, 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 to apply for monthly cash aid (called AFDC-FC or state foster care). You can, however, obtain Medi-Cal for the child without a legal guardianship.

## 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 a U.S. citizen or permanent legal resident and 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 42.)

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](http://www.ladpss.org).

### **TIP!!**

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 17.)

## **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 caregiver, whether related or unrelated, can apply for Medi-Cal for a child without first obtaining guardianship.

#### **Medi-Cal**

A caregiver, whether related or unrelated, can apply for 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, or at <http://ladpss.org/dpss/health/mcApplication.cfm> 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 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 71 to find out if you qualify for free legal assistance.

## OTHER BENEFITS

SOCIAL SECURITY BENEFITS) and CAPI (Cash Assistance Program for Immigrants)

An informal caregiver may also apply to be the child's representative payee for benefits from the Social Security Administration. These benefits can 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 sufficient 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 other benefits. For additional information on these benefits and how to apply for them, refer to the "Other Benefits" section on page 42.

**\*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 71.

## 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 juvenile (which includes dependency and delinquency). 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 caregiver 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. It is important to make a careful decision. A probate guardianship may be the right solution to keep the child safe and stable in your home without the need for DCFS involvement, but in some cases it may be better for DCFS to file a case and place the child with you through the foster care system. A probate court legal guardianship will not make you eligible for services from DCFS, and your financial benefits 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 an 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 charges a fee to file the papers for the legal guardianship. In Los Angeles County, the fee is substantial—approximately \$1,400.00. 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 17.

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 child's placement with the proposed guardian will be evaluated by the court. 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), and a review of the child's medical and educational records. DCFS will also make a home visit 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 a case may be opened in dependency court. (See the section on dependency court starting on page 17 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/social worker will likely interview any person who objects and include this information in their report.

If a parent 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 the child in your care has financial assets, for example, if the child is the beneficiary of a life insurance policy, you may be required to apply for legal guardianship of the child and his or her estate. This will require additional record keeping and reporting.

## **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 71 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 67 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. The guardian will be required to apply for guardianship in the new state of residence.

## **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 10 for additional information on CalWORKs and Medi-Cal.



## UNRELATED LEGAL GUARDIANS

An unrelated legal guardian can receive:

- A monthly cash payment through the state foster care program, depending on the circumstances. This includes eligibility for specialized “D” or “F” rates and the “dual agency” rate and its supplement available to foster care providers. The benefits continue until the child turns 18, or up to age 19 if the youth will graduate by age 19 or has a disability that impairs his or her ability to graduate by age 19. Note that unrelated legal guardians through probate court are not eligible for extended foster care benefits under AB 12. (See the section on foster care for more information).
- Healthcare coverage through MediCal
- The child must be a U.S. citizen, resident, or qualified immigrant. For information on benefits for undocumented children see page 40 below.

To apply for state foster care benefits, an unrelated legal guardian should call the Department of Children and Family Services (DCFS) at (213) 765-7260, or talk to the DCFS social worker who comes to your house to do the home inspection. When calling, you should say 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 71, 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 SSI, 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 42.

## 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 the child.

**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 or legal guardian 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. Daniel's great-aunt Nelda was present at the time of the arrest. His parents asked Nelda to take Daniel. The police called DCFS. A social worker asked Nelda to see if she would be able to care for Daniel. The social worker went to Nelda's home and determined that she was a suitable caregiver and that the parent's plan for the care of Daniel was appropriate. 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 to request that the court take jurisdiction. First, you must file a petition with DCFS alleging that the child is at risk of abuse or neglect and requesting that DCFS open up a case. The petition is called "Application to Commence Proceeding by Affidavit and Decision by Social Worker (JV-210)." If DCFS decides not to open a case, or does not respond within 3 weeks, you can then file a petition in dependency court asking for a review of the social worker's decision not to open up a case. This petition is called "Application to Review Decision by Social Worker Not to Commence Proceedings (JV-215). Both forms are available online at <http://www.courtinfo.ca.gov>.

## TIP!

Sometimes, a social worker will contact a child's relatives to ask them 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 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 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 to and sign 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 caregiver through a VPA, it is very important that the VPA not last more than 180 days (about 6 months), or the child will lose eligibility for federal foster care funding. Under DCFS policy, a VPA is required to be evaluated after five months to prevent this from occurring.

### **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 parents' 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 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 and removal of the child. 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 a finding that: (1) the parents' whereabouts are unknown despite diligent efforts; (2) 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 has been convicted of a 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). The social worker must visit the child 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) another planned permanent living arrangement (formerly referred to as 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 5<sup>th</sup> 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!**

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**

## 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 (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.

**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.

The child can be placed in your home on an emergency/temporary basis while your home approval is pending as long as you have no criminal convictions.

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. You can request a state hearing within ten working days from the time you became aware of the decision not to approve your home. You can obtain a copy of the grievance or complaint procedure and of the requirements for foster caregivers on the DCFS website.

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

Click on “DCFS Policy”, then on the “Child Welfare Services Handbook” link.

**Look for the following:**

Procedural Guide 0100-520.10 “Evaluating a Prospective Caregiver”

Procedural Guide 0100-520.09 “Caregiver Approval: Requesting Goods and Services”



Procedural Guide 0100-502.52 “Grievance Review Regarding Placement/Removal of a Child from a Foster Family Home, or Denial of Home Approval for a Relative/Non-Relative Extended Family Member Home”

To help you resolve an issue regarding placement of a child, you can call the **DCFS Ombudsman** at (888) 889-9800.

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 or certified through a Foster Family Agency (FFA). For more information go to <http://www.childsworld.ca.gov/PG1346.htm> and <http://lacdcfs.org/shareyourheartla/index.html>.

Relatives or close family friends who already have a foster care license or certification can have the child be placed with them under their foster care license or certification. 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 caregivers have found it helpful to take a parenting course called Foster/Kinship Care Education Program. This class is offered at most community colleges in Los Angeles County. The curriculum at each college may be different. To obtain information on the KEPS classes, call your local community college and ask for the “foster care unit”.

Foster/Kinship Care Education Programs are available at these colleges:

Cerritos College: (562) 860-2451 ext. 2548

LACC: (323) 953-4000 ext. 2335

Long Beach City College: (562) 938-3014

West Los Angeles College: (310) 287-7255

## **FOSTER PARENTS AND DEPENDENCY COURT PROCEEDINGS**

As a child’s foster parent, you will not 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.

A De Facto Parent is a person who has been found by the court to have assumed on a day to day basis, the role of parent, fulfilling both the child’s physical and psychological needs for care and affection, and who has assumed that role for a substantial period of time.

A foster 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 allowed to be represented by an attorney and participate in the court hearings.

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 parents and submitted to the court well in advance of the hearing date.

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](http://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 parent, 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 or 3-ring binder 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 may be available to foster care relative and non-relative caregivers. These resources are designed to assist both the children and their caregivers. These resources are not available to informal caregivers or guardians appointed through probate court.

These resources 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;
- Independent Living Program (ILP). Starting at the age of 14, 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
  - Programs to help teens 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 “The ABC’s of Transition and the Independent Living Program” Manual, which can be downloaded from our website at [www.publiccounsel.org](http://www.publiccounsel.org).

## **BENEFITS FOR INDIVIDUALS CARING FOR CHILDREN IN FOSTER CARE**

All foster parents 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 parents of undocumented children in foster care can receive a foster care payment from the County of Los Angeles (sometimes called non-federal funds or General Relief-Ineligible (GRI)).

Note that legal guardians through probate court, whether related or unrelated, are not eligible to receive financial assistance for undocumented children. However, they are eligible for other government programs. They may also be eligible for certain immigration benefits. Please refer to the “Special Cases” and “Undocumented Children” sections in the back of this booklet for additional information.

## **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 NREFM's- 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 will be considered a non-relative once parental rights are terminated. This may then allow the caregiver to receive state foster care benefits. Caregivers should contact the child's social worker or attorney for assistance with this process.

For related caregivers, federally-funded 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 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 needs. The "F" rate covers children with serious medical conditions, physical disabilities or developmental delays. In addition, children with developmental disabilities or delays who are Regional Center clients are eligible to receive a specialized "dual agency" rate. Children who are three and older with extraordinary care and supervision needs (deficits in self-help skills, impairments in physical coordination and mobility, medical conditions including sensory disabilities, and disruptive or self-injurious behavior) may qualify for a supplement to the "dual agency" rate. In order to obtain these specialized rates, additional documentation and/or evaluations are required. To receive a "D" or "F" rate, the caregiver will also need to undergo additional training and certification. Caregivers should contact the child's social worker or attorney for assistance with obtaining the appropriate foster care rate.

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, unless the residence county does not have a specialized care rate system. In this case, you should receive the applicable specialized care rate offered by Los Angeles County.

If you are certified foster parent through an FFA, you will receive a different rate, even if your child has special needs or is regional center eligible. You are not eligible for a specialized or dual agency rate as a certified foster parent.

## **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.

## **The California Fostering Connections to Success Act / AB 12**

Thanks to this law, you may be able to continue to receive benefits (including specialized and dual agency rates) for a youth until the youth's 21<sup>st</sup> birthday.

Foster parents: If you are caring for a child in the foster care or delinquency system, the youth must have either

- turned 18 in 2012 or after while under a foster care placement order (or suitable placement order if in delinquency system); or
- turned 18 in 2011 while under a foster care placement/suitable placement order AND the case was open on or after January 1, 2012 with an order for foster care/suitable placement.

Legal Guardians: If you are a legal guardian receiving Kin-GAP, the youth must have turned 16 before the Kin-GAP payments began. If you are a non-related legal guardian, you could continue to receive foster care benefits regardless of when the guardianship was granted by a juvenile court.

Adoptive Parents: If you are an adoptive parent receiving AAP, the first AAP agreement must have been signed when the child was 16 or older.

Participation Requirements: The youth must meet one of the following participation requirements:

- Completing high school or an equivalent program (i.e. GED); OR
- Enrolled in college, community college or a vocational education program; OR
- Participating in a program designed to remove barriers to employment; OR
- Employed at least 80 hours a month; OR
- Unable to do one of the above requirements because of a medical condition.

For additional information on AB 12, please go to [www.cafosteringconnections.org](http://www.cafosteringconnections.org).

**TIP!**

AB 12 allows youth in foster care to reside in a Supervised Independent Living Placement (SILP). This can include a college dorm, their own apartment, or renting a room from a relative or friend (however the youth cannot live with his/her biological parents). In a SILP, the youth will usually receive the foster care payment directly and is responsible to pay for his/her own rent and living expenses. The youth's social worker or probation officer must agree that the youth is ready to live in a SILP and the home must pass the county's health and safety inspection on a yearly basis. The inspection is less rigorous than the standards that foster parents must meet.

The home of a relative or family friend can become a SILP. However, SILP placements are not eligible for specialized care rates- the youth will only receive the basic foster care payment amount. Because in a SILP placement, the youth, rather than the caregiver, receives the foster care payment, it is a good idea that the youth and caregiver discuss and sign a shared living agreement before the caregiver's home becomes a SILP placement. A sample shared living agreement can be found at [www.cafosteringconnections.org](http://www.cafosteringconnections.org).

NOTE: Youth who continue to receive Kin-GAP benefits, foster care payments under a non-related legal guardianship or AAP are not eligible to live in SILPs.

## CalWORKs

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

However, foster parents who are relatives 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 extra money for children with special medical or health needs.

The child will continue to receive cash assistance until 18 years of age, or up to age 19 if the youth will graduate by age 19 or has a disability that impairs his or her ability to graduate by age 19. Benefits may also extend to youth older than 18 years of age if AB 12 participation requirements are met (see the previous section on the California Foster Connections to Success Act/AB 12).

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 from 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 CalWORKs, foster care benefits, and SSI are eligible to receive full medical coverage through Medi-Cal. Further, under the Affordable Care Act, youth who were in foster care at the age of 18 can receive Medi-Cal until the age of 26. 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 40). 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 42.

**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;
- Another Planned Permanent Living Arrangement (formerly referred to as 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 adoption is the preferred permanent plan for a foster child, a court can grant legal guardianship instead, if a relative caregiver prefers legal guardianship to adoption for reasons that do not show a lack of permanent commitment to the child. The court may also allow non-relatives to opt for legal guardianship instead of adoption, but only in extraordinary circumstances.

### **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 and are not currently living with your spouse, 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 ADOPTIONS

**Adoption Assistance Program (AAP):** The Adoption Assistance Program (AAP) was designed to enable caregivers 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 the “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 CalWORKs.

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. For determining the maximum AAP benefit for the child, Los Angeles County must pay either its specialized care rate or that of the residence county, whichever amount is higher.

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. Unlike foster care payments though, children whose initial AAP agreements were signed on or after January 1, 2010 will no longer be eligible to receive age-related increases. However, an annual cost of living adjustment will be provided. The adoptive parents will continue to receive AAP payments until the child turns 18. Benefits can continue until the youth turns 21 if the youth has a documented mental or physical disability, or, under AB 12, if the first AAP agreement was signed when the youth was 16 years or older and the youth meets the participation criteria discussed on page 28. However, to receive benefits under AB 12, the adoptive parent must make the request and verify that the child meets the participation requirements listed on page 28. According to DCFS’ AAP Reassessment Policy, the AAP Reassessment Unit should contact the family at least 90 days before the current benefit term is set to expire. If not contacted by the AAP Reassessment Unit, an adoptive parent should call Post-Adoption Services at least 2 months before the child turns 18 to make the request and send a follow-up letter (see below for additional information on Post-Adoption Services).

**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 the child moves to a different state, the child’s ability to access the new state’s Medicaid system through the child’s AAP-linkage will depend on whether the AAP is federally-funded or if the new state has a reciprocity agreement with California to provide Medicaid services for non-federal AAP cases. If the family is considering a move out-of-state, or currently resides out-of-state, the family should contact the AAP Hotline at (800) 697-4444 to provide the address change to DCFS and determine whether additional steps need to be taken to establish Medicaid for the child in the new state.

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. For children whose Medi-Cal is linked through foster care or AAP benefits, the computer system that verifies Medi-Cal eligibility for providers should automatically override the indicator that the child has private insurance. The override does not preclude the caregiver from using the other health coverage if they want, but providers will not see the other health coverage when checking for Medi-Cal eligibility so that services will not be delayed.

**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. Afterwards, Post Adoptions Services can be contacted for assistance. 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).

**IMPORTANT:** If you are a relative guardian receiving federal Kin-GAP, a 388 petition to reopen the dependency case (for any reason) will cause a "triggering event" to occur for purposes of federal eligibility and Kin-GAP will be terminated. The caregiver will then only be eligible to receive CalWORKs (or SSI if the child is disabled). The Alliance for Children's Rights has been working on a resolution to this issue and can be contacted for additional information.

Alliance for Children's Rights: (213) 368-6010.

If you are a legal guardian under the Kin-GAP program, you can call the Placement and Recruitment Unit (PRU) to obtain assistance with adopting the child.

Placement and Adoption Unit: (888) 811-1121

## **BENEFITS FOR DEPENDENCY COURT LEGAL GUARDIANSHIP**

### **KIN-GAP**

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

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 67 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 6 consecutive months. Before the 6 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 who are clients of the Regional Center can also receive a higher “dual agency” rate and “supplement” through Kin-GAP. The Kin-GAP rate can be negotiated and adjusted periodically based on the child’s needs. This can be done at the scheduled Kin-GAP re-assessment, or by special request beforehand.

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 19<sup>th</sup> birthday. Benefits may also extend until the youth’s 21<sup>st</sup> birthday if the youth has a physical or mental disability or under AB 12 if the youth began receiving Kin-GAP payments on or after his/her 16<sup>th</sup> birthday and the youth meets the participation criteria discussed on page 28. In order to receive benefits past the age of 18, the youth must sign a mutual agreement before or in the month of the youth’s 18<sup>th</sup> birthday. Contact the Kinship Support Center for additional information at 1-888-MYGRAND.

Note that caregivers living outside of Los Angeles County will receive the Kin-GAP rate for Los Angeles County. If you move out of state, you will receive the foster care rate available in your state of residence.

**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 18<sup>th</sup> birthday, until age 21 if the child is in school, but additional action will be required prior to the child’s 18<sup>th</sup> 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 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 CalWORKs, SSA, or any other source of funding besides foster care (or even no funding at all) as a foster caregiver. 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 parents.

**Foster Care Benefits:** Non-relative 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 19<sup>th</sup> birthday. Benefits may also extend to youth older than 18 years of age, irrespective of when the guardianship was established, if AB-12 participation requirements are met (see the section on the extension of foster care benefits starting on page xx).

**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 only if the guardianship was granted after their 16<sup>th</sup> birthday or the court case closed after their 16<sup>th</sup> birthday.

## **ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT (FORMERLY CALLED LONG-TERM FOSTER CARE)**

If the court orders “Another Planned Permanent Living Arrangement” it means the child is expected to remain in the custody of DCFS until he or she reaches at least 18 years of age. This is the least desirable permanent plan because it offers the least amount of stability to a child.

If the court orders “Another Planned Permanent Living Arrangement” 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—CalWORKs and foster care benefits-- are provided to caregivers of children who are placed by the Probation Department through a suitable placement order as children who are placed 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). Children in suitable placement are also eligible for benefits under AB 12. Please review the dependency court section starting on page 17 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 caregiver 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) 351-0163.

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.

If the prospective adoptive parents are related to the child, and the biological parents consent to the adoption, 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 parents' 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.

## **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 who received AAP through a previous adoption that terminated or is determined by Social Security Administration to be eligible to receive SSI benefits prior to the finalization of the independent adoption, s/he may be eligible for AAP. In order to qualify, the child must be assessed and qualify for AAP, including having a signed AAP agreement in effect with the County, *before* for the Independent Adoption is finalized. DCFS should be advising families who are seeking an independent adoption of these available paths for AAP benefits eligibility during the home study process.

For additional information on public benefits, please review the "Other Benefits" section on page 42.



## **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, is under a probate guardianship, is 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), prior to 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 FOSTER PARENTS**

### **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 (GRANDMA'S HOUSE)**

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

**OTHER BENEFITS**

## **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" CalWORKs. However, CalWORKs 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 48 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 or 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 CALWORKS**

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.

Relatives receiving a Non-Needy CalWORKs grant do not qualify for CalWORKs subsidized childcare. However, in addition to CalWORKs, there are 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.rrnetwork.org/>).

**TIP!!**

For more information on CalWORKs visit [www.ladpss.org/dpss/CalWORKs](http://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.rrnetwork.org](http://www.rrnetwork.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](http://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 are in foster care, 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. 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](http://www.lacoe.edu)

National School Lunch and School Breakfast Programs

United States Department of Agriculture

[www.fns.usda.gov/cnd](http://www.fns.usda.gov/cnd)

## **CALFRESH PROGRAM (FORMERLY FOOD STAMPS)**

Households with income at or below certain levels are eligible for additional money to purchase food under the CalFresh Program. EBT cards are issued and are used instead of money to purchase certain items at most grocery stores. Children who are undocumented, in Foster Care or receiving SSI are ineligible for CalFresh. You may request an application for CalFresh by phone, in person, by fax or mail from your county social services office. You can download an application at <http://www.dss.cahwnet.gov>.

**CalFresh Program**  
**Toll-Free Number 877-597-4777**  
[www.ladpss.org](http://www.ladpss.org)

**If you live in LA County, you can apply for CalFresh online at**  
<https://www.dpssbenefits.lacounty.gov/ybn/Index.html>.

**For assistance with CalFresh advocacy or to apply, you can call Public Counsel at (213) 385-2977 ext. 285.**

## **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, reside in California and have a covered condition to be eligible. Generally, the family must also meet certain financial eligibility criteria to be eligible for the full range of services available through CCS, except that adopted children who qualified for CCS prior to the adoption can continue to qualify for all services. CCS can pay for things like hospital stays, lab tests, x-rays, orthopedic appliances, and surgeries. Occupational therapy and physical therapy provided through CCS' Medical Therapy Program (MTP) are available irrespective of family income if the child meets the medical eligibility criteria.

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](http://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. IHSS may also pay for protective supervision, which is a service for people, who due to a mental impairment or mental illness, need to be observed 24 hours per day to protect them from injuries, hazards, or accidents.

In order to qualify for IHSS, you must be a United States citizen, Legal Permanent Resident, or other qualified immigrant, and receive or be eligible to receive Supplemental Security Income (SSI) eligibility, or meet all SSI eligibility criteria except for income or citizenship/immigration status. 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](http://www.ladpss.org)

## **MEDI-CAL AND HEALTHY FAMILIES**

### **MEDI-CAL/HEALTHY FAMILIES**

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.

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. As of January 1, 2013, Healthy Families is no longer enrolling new children. The Medi-Cal program has been expanded to provide health care coverage to children who would have been eligible under the previous Healthy Families Program. Families currently enrolled in the Healthy Families will be transitioned to the Medi-Cal program throughout 2013.

You can obtain Medi-Cal benefits for a child quickly. To apply for Medi-Cal for a child, you should submit the "Medi-Cal for Families" mail-in application, which you can get from a DPSS office or by calling (877) 597-4777 or (800) 880-5305. You can also apply online at [www.healthapp.net](http://www.healthapp.net).

### **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 apply at a local clinic or hospital.



## 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.

For additional information or to enroll in Healthy Kids, call 1-888-347-7855.

## INDEPENDENT LIVING PROGRAM (ILP)

Youth are eligible for the Independent Living Program (ILP) up to their 21<sup>st</sup> 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 16<sup>th</sup> birthday to 19<sup>th</sup> 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](http://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 in Los Angeles. She can be reached at 626-229-3583 (collect calls accepted) or by emailing her at [news00@dcfs.lacounty.gov](mailto: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 intellectual disability (formerly known as “mental retardation”) cerebral palsy, epilepsy, autism and related conditions. Community-based developmental services and supports are offered through Regional Centers. Developmental services and supports include, but are not limited to, behavioral intervention services, community integration services, social skills training, adaptive skills training, adaptive equipment, specialized medical and dental care, counseling and family support services such as respite, day care and diapers. There is no charge for diagnosis and assessment for establishing eligibility. Immigration status of the applicant is irrelevant. Once eligibility is determined, most services are free regardless of age or income.

Infants and toddlers (age 0 to 36 months) who are developmentally delayed are eligible, while those with certain risk conditions, such as being prenatally exposed to drugs or alcohol, may also qualify for, Early Intervention services through the Regional Center. These services include, but are not limited to, infant stimulation programs, occupational, feeding, physical and speech therapies, and behavioral intervention services. If you have additional questions, see Public Counsel’s brochure on Regional Center Benefits. For further information contact a local Regional Center.

Caregivers of children under the jurisdiction of the dependency or delinquency court can be appointed as the developmental services decision-maker to make decisions regarding Regional Center services for the child.

California Department of Developmental Services (DDS)  
(916) 654-1690  
TTY: (916) 654-2054  
[www.dds.ca.gov](http://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](http://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  
213-744-7000  
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. The Social Security Administration is a government agency that administers several federal benefits programs, including SSI (for people with disabilities), SSDI (for dependents of retired/disabled persons), and survivor's benefits (for children of deceased parents who paid into the Social Security system). 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 18<sup>th</sup> birthday regarding ongoing requirements for the 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 and depends, too, on the household income. However, the process can be lengthy, taking as many as eight or more months before the application is approved. Applicants with certain qualifying conditions can request SSA to make them presumptively eligible for SSI benefits pending a final determination of eligibility.

## **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 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.

## **SOCIAL SECURITY DEPENDENT'S BENEFITS FOR DISABLED ADULT CHILD**

If a child was receiving Dependent or Survivor's Benefits prior to his or her 18th birthday, he or she may be eligible to continue to receive Dependent or Survivor's Benefits as a "Disabled Adult Child." To qualify, he or she must be over 18, unmarried, and had a disability that began before the age of 22.

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](http://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. Applicants with certain qualifying conditions can request that the County make them presumptively eligible for CAPI benefits pending a final determination of eligibility.

To apply for CAPI, go to the Wilshire Special DPSS office at 2415 W. 6<sup>th</sup> St., Los Angeles, CA 90057 or call (877) 481-1044.

## VETERANS' BENEFITS

If a child is a dependent of a qualified veteran, the child may be eligible for dependent's benefits. Similar to Social Security Dependent Adult Child Benefits mentioned above, certain helpless adult children of deceased veterans may also be eligible for dependent benefits. Contact a regional Veterans' Administration office to request an application for dependent benefits.

Veteran's Administration Compensation & Pension Service  
Toll-Free Number 800-827-1000  
[www.va.gov](http://www.va.gov)

### TIP!

Public Counsel's Center for Veteran's Advancement assists veterans and their families in securing access to government benefits, including VA, SSI, GR, and health benefits. For assistance, call (213) 385-2977 ext. 301.

**GLOSSARY OF TERMS AND RESOURCES FOR ALL  
CAREGIVERS**

## GLOSSARY OF TERMS

### **Adoption**

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

### **Non-Related 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.

### **Delinquency Court**

A division of the Juvenile Court charged with oversight of children who may have committed a delinquent act.

### **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 parents 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](http://www.lavote.net)

### CHILD CARE

Please see the previous section on CalWORKs subsidized child care on page 11.

#### 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](http://www.trustline.org).

**Additional resources for families seeking child care:**

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. 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](http://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 following locations. See below for information. You can also review materials online at the California Courts Self Help Center Web site.

### **Pro Per Conservatorship Clinic**

Downtown (Stanley Mosk) Superior Court  
111 N. Hill St. Room 426  
Los Angeles, CA 90012  
Monday, Tuesday and Thursday 9:00-12:00 noon

Norwalk Superior Court  
12720 Norwalk Blvd. Room 104E  
Norwalk, CA 90650  
Wednesdays 9:00 a.m. – 12:00 noon

Pasadena Superior Court  
300 E. Walnut Street, Room 300  
Pasadena, CA 91101  
Fridays 9:00 a.m. – 12:00 noon

California Courts Self Help Center  
[www.courtinfo.ca.gov](http://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](http://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.** Caregivers of children under the jurisdiction of the dependency or delinquency court can be appointed as the educational rights holder to make educational decisions for the child. In making the appointment, the court will first try to appoint a relative or other adult known to the child who is willing and able to serve in this capacity before appointing someone not known to the child.

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 67.

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](http://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.californiacollages/admissions](http://www.californiacollages/admissions). Click on High School Planner. Another helpful website is [www.cacollegepathways.org](http://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 71.

### **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).” School districts have discretion to approve or deny a work permit application. 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  
213-576-6227 (for recorded general information)  
[www.dir.ca.gov/dlse](http://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](http://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”). “Special needs trusts” may be used to protect government benefits of people with disabilities who inherit property, settle claims, or win judgments. Because trusts can be complicated legal instruments, we recommend that you consult an attorney with expertise in this area 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)  
213-252-2500

The Los Angeles County Housing Authority/CDC (HACoLA)  
323-890-7001

## 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

**TIP!!**

The Volunteer Income Tax Assistance (VITA) provides free tax preparation assistance to individuals who earn \$51,000 or less. For a list of VITA locations, call 1 (800) 906-9887 between January and April or go to <http://irs.treasury.gov/freetaxprep/>.

Internal Revenue Service  
Toll-Free Number 800-829-1040  
[www.irs.gov](http://www.irs.gov)

Franchise Tax Board  
Toll-Free Number 800-338-0505  
[ww.ftb.ca.gov](http://ww.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](http://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](http://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](http://www.dmv.ca.gov)

## **SERVICES DIRECTORY**

## **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  
[home.lausd.net/](http://home.lausd.net/)

### **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](http://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: 323-526-6343  
[www.lasuperiorcourt.org/juvenile](http://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: 213-974-8301  
Fax: 213-626-5427  
[auditor.lacounty.gov/](http://auditor.lacounty.gov/)

## **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](mailto: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, Suite 1100  
Monterey Park, CA 91754  
Phone: 323-859-2888  
Fax: 323-264-5020  
[www.casala.org/](http://www.casala.org/)

## **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  
[dcfs.co.la.ca.us](http://dcfs.co.la.ca.us)

## **Children's Law Center (CLC)**

Children's Law Center (CLC) are attorneys appointed by the Juvenile Court to represent children in juvenile dependency cases in Los Angeles County.

Edmund D. Edelman Children's Court  
201 Centre Plaza Drive, Suite 10  
Monterey Park, CA 91754  
Phone: 323-980-1700  
Fax: 323-980-1708

[www.clcla.org/](http://www.clcla.org/)

## **Los Angeles Dependency Lawyers**

Los Angeles Dependency Lawyers are attorneys appointed by the Juvenile Court to represent parents, , in dependency proceedings.

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

Fax: 323-262-1420

[www.ladlinc.org/](http://www.ladlinc.org/)

## **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](mailto:pic@probation.lacounty.gov)  
[probation.co.la.ca.us](http://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  
Fax: 213-580-1820  
[www.unitedfriends.org/](http://www.unitedfriends.org/)

## **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 caregivers 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  
<http://kids-alliance.org/>

### **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.

3250 Wilshire Blvd., 13<sup>th</sup> Floor  
Los Angeles, CA 90010  
Phone: 323-939-0506  
Fax: 213-471-4568  
[www.bettzedek.org](http://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

Fax: 323-801-7921

[www.lafla.org](http://www.lafla.org)

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

Fax: 213-640-3911

### **Public Counsel**

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 caregivers and youth with education, probate legal guardianship, special immigrant juvenile status, foster care adoptions, special education and education rights, regional center services, 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](http://www.publiccounsel.org)

Pro Per Guardianship Clinic  
Superior Court of California  
111 N. Hill St.  
Los Angeles, CA 90012  
Monday-Wednesday. Arrive by 9:00 a.m.  
Self-help assistance in probate legal guardianship matters.

## **ADDITIONAL RESOURCES FOR CAREGIVERS**

The following organizations provide a variety of services to 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.lacity.org/pdf/brochures/KinshipCare.pdf>.

### **Community Coalition**





8101 South Vermont Avenue  
Los Angeles, CA 90044  
Phone: 323-750-9087  
Fax: 323-750-9640  
[www.cocosouthla.org](http://www.cocosouthla.org)

**Grandparents as Parents (GAP)**  
22048 Sherman Way, Ste. 217  
Canoga Park, CA 91303  
Phone: 818-264-0880  
Fax: 818-264-0882  
Email: [info@grandparentsasparents.org](mailto:info@grandparentsasparents.org)  
[www.grandparentsasparents.org](http://www.grandparentsasparents.org)

**Kinship Care Program- Older Adult Parenting Program**  
**City of Los Angeles**  
**Department of Recreation and Parks**  
[www.laparks.org](http://www.laparks.org)

**Felicia Mahood Multipurpose Senior Center**  
11338 Santa Monica Boulevard  
Los Angeles, CA 90025  
Phone: 310-479-4119

**Wilkinson Multipurpose Senior Center**  
8956 Vanalden Ave.  
Northridge, CA 91324  
Phone: 818-756-9747

**Relative Care Assistance Program**  
**Beulah Baptist Church**  
1454 East 100th Street  
Los Angeles, CA 90002  
Phone: 323-564-4983  
[www.beulahbaptistla.com](http://www.beulahbaptistla.com)

## **SAMPLE FORMS**

## 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:

CHILD'S NAME:

DATE OF BIRTH:

DATE OF BIRTH:

CHILD'S NAME:

CHILD'S NAME:

DATE OF BIRTH:

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 child(ren), 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 caregiver 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: (RECOMMENDED)

**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.*

<b>Informal Custody</b>	<b>Legal Guardianship</b>	<b>Adoption</b>
Parents have full rights, including the right to reclaim the child at any time	Parents' rights suspended and transferred temporarily to legal guardian; parent must go to court to terminate the legal guardianship before reclaiming the child	Parent's rights are terminated. The adoptive parent becomes the child's legal parent.

## CAREGIVER'S BENEFIT CHART

TYPE OF CAREGIVER	TYPE OF BENEFIT (Child must be a citizen, legal resident, or qualified immigrant***)					
	Non-Needy CalWorks	Foster Care (federal, state, or county)	Full-Scope Medi-Cal *	SSI (if child has qualifying disability**)	Kin-Gap	AAP
<b>INFORMAL CAREGIVER</b>						
Relative	Yes	No	Yes	Yes	No	No
Non-Relative Caregiver	No	No	Yes	Yes	No	No
<b>PROBATE COURT LEGAL GUARDIAN</b>						
Relative	Yes	No	Yes	Yes	No	No
Non-Relative	No	Yes	Yes	Yes	No	No
<b>DEPENDENCY/DELINQUENCY COURT</b>						
Relative Foster Parent OR Relative Caregiver through Suitable Placement	Yes	Yes	Yes	Yes	No	No
Non-Relative Foster Parent through Dependency or Suitable Placement	No	Yes	Yes	Yes	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	No
Adoptive Parent (related or unrelated)	No	No	Yes	Yes **	No	Yes
<b>INDEPENDENT ADOPTION</b>	No	No	Generally, no (but see Independent Adoption section on next page)	Yes	No	Generally, no (but see Independent Adoption section on next page)

\* **MEDI-CAL**

Children cannot obtain full-scope Medi-Cal if they are not U.S. citizens, lawful permanent residents, or other qualified immigrants. 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 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 in most counties for children with disabilities, medical issues, or other significant emotional difficulties. If the child is receiving the right specialized rate, this rate may 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 specialized rate through the county. If you are receiving SSI, you must report to the Social Security Administration any other benefits you receive (such as Foster Care or AAP). The SSI may be reduced based on receipt of these other benefits. The county may still apply for SSI for the child in order to reimburse itself in part for the cost of foster care. For more information about specialized rates, see:

<http://www.childsworld.ca.gov/PG1649.htm>

## **\*\*\* IMMIGRATION STATUS**

A child must be a citizen, lawful permanent resident or other qualified immigrant in order to qualify for Non-Needy Cal-Works, federal or state foster care, Social Security, full-scope Medi-Cal, Kin-Gap, or AAP. In Los Angeles County, a child who is in the foster care system or in suitable placement through the delinquency system can receive a foster care benefit paid through the county. In addition, the child can receive other benefits, such as the ones listed in the Special Categories/Undocumented Children section above, on page 40.

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.

# 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) or under a suitable placement order (delinquency) to qualify. They can, however, obtain full-scope Medi-Cal for the child.

## **PROBATE COURT LEGAL GUARDIAN**

Related probate court legal guardians can receive non-needy CalWorks and full-scope Medi-Cal benefits. Caregiver's income is not taken into account if caregiver is applying for the child only. The child must be a 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 can also receive full-scope Medi-Cal. If the child is not a citizen, permanent resident, or qualified immigrant, county funds will be used to financially assist the caregiver and provide medical treatment that is not covered by Emergency Medi-Cal.

### **Dependency or Delinquency Court Legal Guardian**

A related legal guardian who has cared for a child for at least six months may qualify to receive Kin-Gap payments. 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 six months) will continue to receive either CalWorks or foster care benefits--- the same benefits that the caregiver 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 foster care, Kin-Gap, non-needy caregiver CalWorks, and in most cases, AAP. The child is also not automatically eligible for Medi-Cal. You can receive needy CalWORKs and Medi-Cal if you are low-income and meet the requirements. If the child is disabled, you may apply for SSI benefits for the child. NOTE: If the child is found eligible for SSI *prior* to the finalization of the adoption, you could be eligible for AAP payments but you must enter into an AAP agreement prior to finalization. Lastly, if the child was previously adopted from foster care and received AAP through the prior adoption, it may also be possible to obtain AAP payments.

**Caring for Another'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, with funding from the City of Los Angeles Department of Aging. It has been updated by Public Counsel.

