

Kinship Caregivers



What Is Kinship Care?

Kinship care refers to a temporary or permanent arrangement in which a relative – or any non-relative adult who has a long-standing relationship or bond with the child and/or family – has taken over the full-time, substitute care of a child whose parents are unable or unwilling to do so.

Kinship care can be established by an informal arrangement, a legal custody or guardianship court order, a relative foster care placement, or a kinship adoption. For more information on the topics below, and additional topics such as financial options, education, and medical services, check out the Ohio Resource Guide for Relatives Caring for Children:

<http://ocwtp.net/PDFs/ProtectOHIO/OhioResourceGuideforRelatives.pdf>



Navigating the Legal System

Legal assistance may be necessary to aid in medical care, school enrollment, and custody processes for the children in your care. Lawyers can help use the law as a tool to support the needs of the children you are looking after.

Finding a Lawyer: A lawyer can help you understand decisions about legal issues, legal risks, establish agreements with parents, and medical coverage. It is advisable to look for a lawyer with experience in abuse and neglect law, guardianship, adoption, and for someone who has knowledge about programs like SSI or adoption subsidies that could be an option for your family.

Once you find an attorney you like, preferably one who offers free initial consultations, make an appointment to provide the attorney with the main facts of the case. Only hire a lawyer who you feel comfortable with and who you can work with as a team.

Cost of Legal Services: If a lawyer is too expensive, there are other options. You can access your county's Legal Aid, which are offices that help low-income people with common legal problems.

Law school clinics are also good resources where you can receive assistance from law students supervised by experienced lawyers. Law schools near you may have clinics that represent kinship caregivers in child welfare or custody cases.

Private lawyers can also sometimes work for free or for a reduced fee. If trying to change an unfair law or challenge an unfair state policy, there may be interested lawyers. Call the Ohio State Bar Association at 614-487-2050, and also contact your county or city bar association to see if they might have pro bono attorneys willing to take the case.



Legal Options:

If you want to file for legal custody, you can file a Complaint or Motion with the Domestic Relations Court (if the parents are married) or the Juvenile Court (if the parents are not married). If a case has already been filed in a court regarding the child, the Complaint/Motion must be filed in the existing case. Before a Court can award custody to a non-parent, the court must first determine that the parents are “unfit” or “unsuitable.” Once the court has made this finding, they will then decide if it is in the best interest of the child for custody to be granted to the kinship caregiver.

If the local public children services agency (PCSA) has filed a case in the court and you want the child to be placed with you, you should contact your local agency and ask to be considered for placement AND file a Motion for Custody with the Court prior to the disposition hearing (held 90 days after the PCSA files their case in court). Even if your local PCSA does not place the child with you, you still have the right to file the Motion and ask the Court to consider you as a legal custodian for the child.



Defining Legal Custody

Court-ordered legal custody provides certain rights and responsibilities to the adult kinship caregiver. Legal custody allows caregivers to: (1) provide emotional support for the child, (2) determine where and with whom the child will live, (3) make decisions regarding the child’s care, upbringing, education, and medical needs, (4) provide food, shelter, education, and ordinary medical care for the child, and (5) protect and discipline the child.

Legal custody is not limited to parents and blood relatives. Courts may award custody to an unrelated person who has demonstrated a willingness and ability to raise the child if it is in the best interest for the emotional and physical well-being of the child.

There are three ways to gain legal custody of a child: (1) a custody order – you will be responsible for the child’s day-to-day care, but the parents will continue to have a legal relationship with the child, will have the right to visit, and could ask a judge to return custody to them, (2) guardianship – if appointed as the child’s legal guardian, you will be given day-to-day responsibility for the child, while parents keep some rights. It differs from a custody order because a guardianship is usually granted in the probate court, with different rules. (3) Adoption – if the child is adopted, you will become the child’s legal parent in every way, and the legal relationship between the child and child’s birth parents will end. The birth parents will never again have the right to ask a judge to send the children back to them, except in rare situations during the first year after an adoption decree.



Other Options:

If you are a grandparent and your grandchild is living with you, but you do not have legal custody or guardianship, you can make decisions about and access the child’s medical care and school needs with a Grandparent Caretaker Affidavit or a Grandparent Power of Attorney form. These forms can be found on the Supreme Court of Ohio’s website at <https://www.supremecourt.ohio.gov/JCS/CFC/DRForms/>.



Seek Help!

Your local county or region has a Kinship Navigator that can help you, answer questions, and provide information on available resources for kinship caregivers. To find your local Navigator, call **1-844-OHIO-KAN (1-844-644-6586)**.



Resources can also be found at the Ohio Kindship and Adoption Navigator Program, which can be contacted at 1-844-OhioKAN (644-6526) or visited at ohiokan.jfs.ohio.gov. The link can be opened by scanning the QR code to the left with a smartphone camera.

The information on this flyer is not legal advice.

**If you are seeking representation or legal advice, please contact
LASC or SEOLS.**

**An attorney-client relationship does not exist between you and LASC
or SEOLS.**

Contact for Services: Intake line: 1-844-302-1800

www.columbuslegalaid.org

www.seols.org

LASC provides services in Central Ohio and has offices in Columbus and Marion.

SEOLS provides services in 34 counties in Southeastern Ohio and has offices in Athens, Chillicothe, New Philadelphia, Newark, Portsmouth, and Steubenville