

Grandparents Parenting ... Again



Relative Resource Guide

This publication was produced by a lot of research and collaboration by GrandFamilies of America and Grandparents Parenting . . . Again.

We would like to thank GrandFamilies of America for their dedication and diligence in producing a wonderful guide that we were able to start with and then “tweak” to be in compliance with California Law and also to add local resources that will be helpful to our wonderful clients.....you, the Relative Caregiver



Grandparents Parenting . . . Again

707-566-8676

Mail: 1014 Hopper Avenue, #221

Santa Rosa, CA 95403



[GrandFamilies of America](#)

National Office:

6525 Fish Hatchery Road

Thurmont, Maryland 21788

1-301- 898-8023 - Direct

Toll Free: 1-866-203-8926, ext. 8103

or 1-301-898-4462 Fax

Please note: All information in this guide is general information and not intended to be legal or medical advice.

© Copyright 2007

Table of Contents

Welcome	5
Introduction	5
What do we know about children & grandparents	5
Why are so many children being raised by grandparents	6
Legal Options for Grandparents (and other relatives) Raising Grandchildren	6
Informal Custody.....	6
Legal Custody	7
Guardianship.....	7
Foster Care	8
Adoption	9
Power of Attorney.....	10
Caregiver Authorization	11
De facto Custody.....	11
Special Legal Issued.....	11
Should You File for Custody	12
Qualifying to File for Custody	12
Reasons to Consider Filing for Custody	13
Obstacles to Getting Custody	14
Uniform Child Custody Jurisdiction & Enforcement Act (UCCJEA)	16
Filing for Custody	16
Legal Papers	17
Service of Process	17
Diligent Search	17
Hearing.....	17
The Role of the Lawyer	19
Advantages to Hiring a Lawyer	19
Disadvantages of Hiring a Lawyer	20
What can a Grandparent of Limited Means Do?.....	20

Finances.....	20
Financial Assistance	20
Tax Benefits.....	22
Health Care for Your Grandchild	23
Health Insurance Coverage.....	23
Children’s Health Care Services	25
Tips for Raising Healthy Grandchildren	26
Education for your Grandchild	27
School Enrollment.....	28
Educational Consent	28
Child Care for Your Grandchild	28
Types of Child Care Available.....	28
Choosing Suitable Child Care	29
Conclusion	30
Appendixes.....	31
Sample California Guardianship Forms.....	33
Assessing Yourself for Foster Care	73
Caregivers Authorization	77
DeFacto Parent Pamphlet.....	81
Sample Food Stamp Application	87
Information on Applying for WIC.....	95
Where to Call for Child Care Referrals.....	99
Glossary.....	101
Resources to help:	107
Legal Resources.....	107
Financial, Clothing & Food	110
Healthcare Resources	113

Welcome to Grandparents Parenting . . . Again

When you first became a grandparent, you probably never thought you would be raising your grandchild. However, what could you do when your phone rang and someone asked you, “Would you please take your grandchild?” Remember, you are not alone, there are many grandparents raising their grandchildren, but what many of them have that you probably need, is information. This guide will help you get that much needed information.

I. Introduction

This guide was designed to provide an overview of options for relative caregivers. It is intended to offer general legal information and guidance only. It is not designed to be a substitute for legal counsel.

If you have any questions, you should seek the services of a qualified lawyer in your county and state. This should be used as a road map to help relative caregivers.

A. What do we know about children and grandparents?

More than 4.5 million children are being raised in grandparent headed households in all ethnic groups, socioeconomic levels and locations, according to AARP. They represent over 6% of all children under the age of 18. Another 1.5 million children are being raised by other relatives. These figures are up 30% since 1990, according to the 2000 U.S. Census. Half of these children are under the age of six, and at least one third have no health insurance.

There are 2.4 million grandparents who say they are responsible for most of the basic needs of grandchildren who live with them. About one-third (34%) are raising these children without a parent present in the home. There are many more likely to live in poverty than other families with children according to the 2000 U.S. Census. Many are unaware of the help that is available to them and their grandchildren, which is how this Resource Guide came about.

Raising grandchildren often comes at a high cost to grandparents. In over half of the instances, the grandparents are over the age of 50. Often times, they are raising children with special needs. They have economic difficulties, housing issues,

family problems, and legal troubles. They must continually fear the natural parent's intrusion; they must worry about their ability to be there as the children get older. They must parent without the recognition and support of our society, our laws, and our institutions. Despite these enormous difficulties, they are assisting our country in saving the lives of our children.

B. Why are so many children being raised by grandparents?

There is usually a crisis or chronic problem in the family that causes grandparents, or other relatives, to step in and raise these children. Substance abuse is the leading cause. Other causes include mental illness, incarceration, HIV/AIDS, divorce, death of a parent, child abuse and neglect, teen pregnancy, unemployment, and family (domestic) violence.

II. Legal Options for Grandparents (and other relatives) Raising Grandchildren

This is general information and not intended to be legal advice. If you have any questions you should seek the advice of an attorney who practices in child custody or guardianship.

When a grandparent takes over caring for a child, the first question is: *"How can I have legal authority and legal control over my grandchildren?"* Grandparents must now learn some new terms in order to help them make an informed decision as to what is the best legal option.

In general, there are two types of custody; *informal custody* and *legal custody*. Informal custody does not involve the courts, while legal custody is ordered by the courts. Both types of custody mean that the custodian has physical custody (care and control) of the child.

A. Informal Custody

In informal custody arrangements, the grandparents have few recognized legal rights to make decisions for their grandchildren. The child's parents maintain the right to make decisions about the child's medical and educational needs, the right to visit the child, and the right to take the child away from the grandparent who has informal custody. There is no court order needed for informal custody.

B. Legal Custody

Legal custody generally exists when a judge awards a grandparent the legal right to care for the child. A grandparent should seek legal custody when he/she wants clear legal authority to care for the grandchild, but does not necessarily want permanent responsibility for the grandchild. It is important to note that legal custody is permanent, but the court may change an order of custody. Also, a judge may limit the authority of a custodian (grandparent) or award a joint custody award with a parent. A grandparent who wants legal custody must get the parents' consent or go to court and prove to the judge that the parents are not fit to care for the children.

If the parents do not consent, the grandparent will have to prove, in court, that there are extraordinary circumstances that make it necessary for the court to decide whether to remove the child from the parents' custody and give the grandparent custody. "Extraordinary circumstances" is a legal term that includes such things as abandonment, neglect, unfitness, abuse, molestation, as well as an extended period of time during which the child lived with the grandparents. The parents will have the right to a lawyer, and, in some cases, the court will appoint a CASA (Court Appointed Special Advocate) or GAL (Guardian Ad Litem) for the child.

C. Guardianship

Guardianship is a legal arrangement granted by a court. This gives the grandparent the right to act on behalf of the grandchild when the child's parents are unwilling or unable to care for the child. In California, there are three types of guardianship: (1) guardianship of the person where the guardian has the legal right to make all daily decisions concerning the grandchild, including education and medical care; (2) guardianship of the estate (or property) whereby the guardian is placed in charge of the grandchild's property and finances; and (3) guardianship of the person and estate, which includes taking care of the grandchild and his/her property and finances.

Guardians have the authority to:

- ◆ Make medical decisions on behalf of the grandchild
- ◆ Designate a successor guardian who will take over the responsibilities of guardian if the grandparent dies or becomes unable to care for the child.

- ◆ Add a grandchild to insurance plans
- ◆ Enroll the grandchild in school

Some of the benefits of a guardianship are that the child's parents can no longer make decisions for the child and they cannot take your grandchild away from you at any time, unless a court ends (terminates) the guardianship. However, the rights and responsibilities of the parents do not end if you become the guardian of your grandchild. The parents may still be responsible for the financial support of your grandchild and, if the court orders, they may also be allowed to visit their child, and the parents may still have a right to raise their child if they become fit.

Grandparents may want to become guardians in the following instances:

- ◆ The parents of the child are deceased
- ◆ You have custody of your grandchild, and you are having trouble enrolling the child in school or seeking medical care for the child.
- ◆ The child's parents are abusing him/her, are in jail, are unable to be located, or are otherwise not able to care for the child.

[See Appendix A for sample guardianship forms.](#)

Before you petition for a guardianship, you should carefully consider that there may be other family that is not happy with your decision. If that is the case in your family, you would be wise to seek legal counsel before you begin.

D. Foster Care

Children who are abused, neglected, or abandoned by their parents may be placed in the legal custody of the State (through the Department of Human Services - Family, Youth & Children's Division, also commonly known as CPS or Child Protective Services) after a court has decided that the parents cannot safely care for the children. Children who are removed from their homes are placed in a foster family home, a group home, a child care institution or with relatives. It is important for grandparents to know that once a child is living in their home, it is most likely too late for the grandparent to become a foster parent. Grandparents who want to be foster parents should make sure that the child is first placed in the custody of the State. Then, the grandparents can request to become the relative foster parent, and in most instances, the court will place the child with the grandparents because it is the goal of the Department of Human Services to seek relative placement first. Relatives are given preference as the

first placement choice when foster care is needed and relatives can provide a safe, stable home as defined by foster care policy

If the child is already in foster care, the grandparents should contact the agency

The foster parent has only the temporary physical custody of the child, not the legal custody (that belongs to the State). This means that the grandparent (or foster parent) takes care of the child's daily needs but cannot make any legal or major decisions regarding the child without first obtaining the consent of the Department of Human Services. An advantage to relative foster care is that you (as the grandparent) may be able to receive foster care payments to assist you with the care of your grandchild if your grandchild is placed with you.

Some grandparents choose not to become foster parents because they prefer to take care of the child without the Department of Human Services supervision and involvement in their home since the agency's continuing custody of the child means the grandparents cannot make major decisions regarding the grandchild without the consent of the Department. The law regarding relative foster care is changing rapidly due to the need for foster parents and the need to place children in permanent homes.

The goal of foster care is to find a permanent home for the child. The Department of Human Services will first try to reunite the child with the parents. If this cannot happen, the Department may go to court to request that the parental rights be terminated and the child placed for adoption.

[See Appendix B for information on assessing yourself as a foster parent.](#)

If you have any questions, call the social worker!

E. Adoption

Adoption is the only permanent legal arrangement granted by a court. In adoption, the rights of the child's birth parents are terminated and the adoptive parent obtains all the parental rights and responsibilities of the original parents. Once you have adopted a grandchild, you will be the child's legal "parent" and the child's birth parents will no longer have any rights to that child.

If you adopt your grandchild you will be legally and financially responsible for the care, education and support of your grandchild. Adoption subsidies may be available for children

adopted through relative care if the child has special needs or is considered hard to place. Also, a special feature of adoption of relative foster care children is the opportunity for birth parents to make an enforceable agreement with the adopting parents for continuing contact with the child if the grandparents are in agreement with this plan. Parents can consent to the adoption. Consent is the voluntary surrender of the rights of the parent of the legal and physical custody of the child. The child's parents must consent to the adoption. In many states, if the child is over 12 years of age, the child must also consent to the adoption in the presence of a judge. All consents must be in writing.

If one parent does not consent to the adoption, the adoption may be challenged unless that parent's rights to the child have been terminated. In rare circumstances, a caregiver can ask the court to terminate the rights of the parent who does not consent. The caregiver must prove:

- ◆—that it is in the child's best interest to terminate the parent/child relationship
- ◆—that the parent has shown a "substantial lack of regard" for his/her parental obligations; and
- ◆—that the parent is withholding consent to the adoption against the child's best interests.

F. Power of Attorney

This is a document that gives you some limited legal rights on behalf of your grandchild. People who are going to jail often sign a Power of Attorney form to allow a grandparent limited, temporary, decision making power for children while the parent is incarcerated. This is not actual legal custody, it is usually temporary, and may be rescinded at any time.

This is sometimes referred to as a temporary written agreement. Here, a parent gives another person (e.g. the grandparent) the authority to care for and make decisions for the child. This anticipates that the parents will resume their parenting in the future. This document must be notarized and signed by both parties. It is not necessary to get a lawyer to draw up this document.

The benefits to the parent here is that it helps to show that the parent did not abandon the child and it provides for certain services to be authorized by the caregiver. The benefit for the caregiver is that he/she has the authority to obtain medical treatment for the child, enroll the child in school, etc.

G. Caregiver Authorization

If you are unable to contact the parent or other person having legal custody of the child and you are a grandparent, aunt, uncle or other qualified relative, a Caregiver Authorization Affidavit may be of help to you. This affidavit is authorized by Part 1.5 section 6550 of Division 11 of the California Family Code. The affidavit does not have to be notarized but is signed under penalty of perjury. ([See appendix C](#))

H. de facto Custody

What is a "de facto parent"?

You may be a de facto parent if:

- ◆ The child is a dependent of the juvenile court.
- ◆ You are or have been taking care of the child every day.
- ◆ You have been acting as the child's parent.
- ◆ You are meeting (or have met) the child's needs for food, shelter, and clothing. You have also met the child's needs for care and affection.

No law says exactly what a "de facto parent" needs to be. Judges make this decision based on other court cases and on rule 5.502 (10) of the [California Rules of Court](#). ([See Appendix D](#))

I. Special Legal Issues

1) Abandonment

Abandonment can be defined as any conduct by the birth mother, legal father (or any other man that qualifies as the father), that demonstrates a purpose to forego all duties and relinquish all parental claims to the child.

Conduct that could be construed as abandonment by the mother includes:

- ◆ Failure to financially support the child
- ◆ Failure to visit or otherwise communicate with the child

Conduct that could be construed as abandonment by the father includes:

- ◆ Denouncing paternity
- ◆ Failure to contribute to financial support of the child
- ◆ Failure to visit or communicate with the child

2) Grandparent Visitation

Grandparents do not have the “automatic” right to visit with their grandchildren. This is an explosive issue since the United States Supreme Court held a Washington state pro-grandparent statute unconstitutional in 2005, in the *Troxel v Granville* case. In California, the law is now tilting toward giving greater weight to the parent’s decision not allowing the grandparent to visit with the child.

As the law stands in California, grandparents may seek court-ordered visitation if:

- ◆ either biological parent is deceased;
- ◆ the parents’ marriage has been dissolved in California;
- ◆ if the child was born out of wedlock and paternity has been established.

Visitation rights terminate when the child is adopted, unless the adoption is by the child’s stepparent or by a person who is biologically related to the child (such as an aunt or sibling).

III. Should You File For Custody?

Over the past 25 years, the number of grandparents raising their grandchildren has risen dramatically.

A. Qualifying to File for Custody

Each state has requirements that grandparents must meet in order to obtain legal custody. In order to have standing to seek custody in most states, you will have to establish that you had significant past contacts with your grandchild. In the overwhelming majority of states the court starts out presuming that the parents should have custody. The burden is on the grandparents to overcome that presumption. Various states use different words and phrases to describe what it takes to overcome that burden, but generally you must prove that the parents are unfit in order to take custody from them. In states that do not have the *parental preference*, the *best interest of the child* is the determining factor.

B. Reasons to Consider Filing for Custody

Before you make the decision to file for custody, you will need to weight the factors that might help you win a custody case and the factors that might cause you to lose.

1. Abusive or Neglectful Parents

There are many causes of abuse or neglect; however there are some frequently occurring situations that you should know about. Addicted parents may leave their children with the grandparents, forcing them to seek custody. In other cases, the grandparents may become the primary caregivers for their grandchildren as a result of action by a child welfare agency. Often, grandparents may become aware of instances of abuse or neglect on their own and decide to seek custody in order to protect their grandchildren.

Regardless of how the grandparents become involved in custody litigation relating to abuse or neglect, a contested custody case is likely to be messy. Most parents who invest the time and money to contest a custody case will vigorously deny that they have abused or neglected their children. Abuse, especially sexual abuse, can be difficult to prove. Very young children are not competent to testify. Older children are easily confused about dates, times, and sequences of events.

Undertaking a custody case of this nature is very serious. It requires a major investment of time and money, and is very difficult to handle without a lawyer. If you lose the case, you may be denied contact with your grandchildren.

Neglect is also difficult to prove. Most times, it depends on the testimony others. However, if you are able to prove either abuse or neglect, this does not automatically mean you will get custody of your grandchildren. You still have to convince the judge or jury of your fitness as a custodian.

2. Unstable Parents

Another situation that may give rise to a custody fight is when the parents are unstable. Instability may refer to a number of situations: financial instability, job instability, housing instability, and emotional instability. It will take a significant amount of instability to win a custody battle.

3. Absent Parents

Parents may be absent from their children's lives for a number of reasons. The most obvious reason is death. Other reasons include drug and alcohol abuse and incarceration. Sometimes, the parents will simply vanish and become homeless or change their lifestyle. Grandparents who care for the grandchildren will need to seek custody for legal reasons such as consent to medical care and to enroll the child in school. The basic problems involved in a contested custody case do not apply in this situation, as the absent parents are not likely to be in court contesting the change of custody to the grandparents.

C. Obstacles to Getting Custody

Age

One of the factors a court considers in making a custody determination is long-term stability of the child's situation. All things being equal, a younger grandparent with good health will have an advantage over an older grandparent.

2. Your Track Record as a Parent

If you are competing against your son or daughter for custody, you should expect your son or daughter to bring up every mistake you have ever made as a parent. If the discipline you employed may be considered abuse by today's standard, it will go against you in court. Similarly, if you were an absent parent because of a job or other reasons, it will also go against you in court. On the other hand, if there are only minor negative things, it may be in your favor.

3. Your Relationship with your Child

A grandparent with poor or nonexistent relationship with their own children will be at a significant disadvantage when compared to a grandparent with a good relationship with the children. Another related factor the court examines is the motivation for the grandparent seeking custody. Is it to control the son or daughter? Or is it based on a need to parent? If the answer is "yes" to either question, you should re-evaluate the issue of custody.

4. Your Financial Situation

Raising children can be expensive. Many grandparents are on fixed incomes and may find it difficult to make ends meet. While money is not a determining factor, it is one the court considers.

D. Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)

This is a law designed to avoid conflicts between courts of different states in child custody actions. All fifty states and the District of Columbia have enacted some version of this law, and most provisions will be the same in every state. Generally, the courts in a particular state can hear a child custody case in any of the following situations:

- ◆ –if that state is the home state of the child on the date the legal proceeding began.
- ◆ –if that state has been the child’s home state within 6 months of the date the legal proceeding began
- ◆ –if the child has been removed from that state by someone and a parent continues to live in the state.
- ◆ –if the child and at least one parent have a significant connection with that state, other than mere physical presence in the state.
- ◆ –if the child is physically present in the state and has either been abandoned or is in danger of being abused or neglected.
- ◆ –if another state has deferred to your state.

Assuming your state can hear your custody case, there are some specific provisions in the UCCJEA with which you must comply. The most important of these relates to information that must be provided to the court in the first document you file. This information must be provided in the form of an affidavit. This UCCJEA Affidavit must include the child’s name and present address, the places the child has previously lived, the names and addresses of the persons with which the child has previously lived, list any prior litigation involving the child, and if there is any other party with an interest in the custody of the child.

Before filing, it is important to check your state laws and seek advice of legal counsel.

IV Filing for custody

In order to obtain custody of your grandchild, you will have to file in court. The exact documents you will file depend on the status of any legal proceedings between the parents. For example, if the parents have abandoned the children, you may want legal

guardianship. Or, if there were previous pleadings between the parents and a court has entered an order for custody of the children, you may need to file a lawsuit to modify the custody order. Or, if the parents are in the process of a divorce, you may file a motion to intervene.

A. Legal Papers

In all cases, you initiate the legal proceedings by filing some sort of initial pleading (e.g. legal document). It will usually be called a *complaint* or a *petition*. These documents vary depending on the type of case and the type of proceeding. Everything you file with the court must usually be typed, double-spaced, and in the proper format. (In Sonoma County the Probate Court has relaxed the requirement to type all documents. If you can print very neatly, the papers to file for guardianship may be hand written. (For other filings check with the court clerk.) You can find out what the requirements for your state are by asking the court clerk or by using the Internet.

B. Service of Process

After you have completed your complaint or petition, you will need to notify the other interested parties (e.g. the biological parents). Each state has its own rules for how *process* (e.g. court papers) are to be served (or delivered). If you know the address of the parents, the sheriff may have to deliver the documents, or you may have to send by certified mail. In some states, the clerk of the court serves and in other states, service is your responsibility. If you do not know the address, you may have to notify by publication in a local newspaper.

C. Diligent search

If you do not know the whereabouts of a person entitled to service of process in Sonoma County, you must complete a form titled "Declaration of Diligent Search". This form asks you questions on what you did to try to locate this person. The form must be completed for each person you cannot find

D. Hearing

Once service has been made, a hearing will be set. If the other party does not come to court, there **MAY** be a default. This means that you will prevail simply because the other party failed to appear at the hearing. This is **not** always the case.

1) Contested vs. Uncontested Hearings

There are two ways litigation can go, *contested* cases are where the parties cannot reach an agreement. *Uncontested* cases involve an agreement between the parties. Contested cases are much more complex and time consuming.

2) Motions

Prior to the hearing, either party may request things from the court. These requests are called *motions*. One such motion is for a home study to be conducted by the welfare agency. Another motion is for an appointment of a *guardian ad litem*; this is an adult appointed to represent the best interest of the child. Either party could request a psychiatric/psychological evaluation.

3) Discovery

In most states, you will have *discovery* devices available to you. These are ways to obtain information on the case. With the aid of the court reporter, you can *depose* people such as doctors, psychologists, case workers and the like. Depositions are expensive and time consuming. You can also *subpoena* documents, such as medical records, school records, and the like. A subpoena is issued by the court clerk. Each state has its own from that is available from the court clerk.

4) Final Order

This is the final decision of the court. Once the judge announces his/her decision, you will have to prepare the final order (sometimes called a decree or a judgment).

5) Appeals

It is possible to appeal a decision made by the judge after the hearing/trial. The appeals process is time consuming and expensive. It involves strict deadlines and extensive legal research. You can only appeal an issue of law, not one of fact. This means that if a judge finds the facts of the case don't warrant a change of custody, there is nothing to appeal. A party gets one day in court, and an appeals court cannot substitute its judgment for that of the trial court. What can be appealed is if a judge makes an error in interpreting the law. For example, if a judge rules that a law is unconstitutional, or that it does not apply to certain parties when it actually does.

6) Evidence

When a judge decides a case, it is on the basis of the evidence formally presented in court. Evidence consists of things, such as records and other documents, and testimony from witnesses. Some of the kinds of evidence you will need to show the best interest of the child include:

- ◆ –the love, affection, and other emotional ties existing between the child and the grandparent;
- ◆ –the length and quality of the prior relationship between the child and the grandparent;
- ◆ –the role performed by the grandparent;
- ◆ –the grandparent’s moral fitness;
- ◆ –the grandparent’s mental and physical health;
- ◆ –the child’s reasonable preference;
- ◆ –the willingness of the grandparent, except in cases of abuse or neglect, to encourage a close relationship between the child and the parent;
- ◆ –the effect on the child of hostility between the parent and the grandparent;
- ◆ –any history of physical, emotional, or sexual abuse or neglect of any child by the grandparent;
- ◆ –any other factor relevant to the physical or psychological wellbeing of the child.

V. The Role of the Lawyer

A. Advantages to Hiring a Lawyer

- ◆ –the lawyer knows the law.
- ◆ –the lawyer is objective and will not allow emotions to cloud judgment.
- ◆ –the court will take you more seriously if represented by a lawyer.
- ◆ –you do not have the responsibility for all the administrative details of the case (e.g. filing court papers, knowing the proper format for pleadings, and service of summons...)

B. Disadvantages of Hiring a Lawyer

- ◆ –losing the ability to personally be in charge of the case.
- ◆ ~ the cost. Legal cases are expensive. Many cases can cost upwards of \$1,500 with no guarantees of winning the case.

C. What Can a Grandparent of Limited Means Do?

Many grandparents are on a fixed income and cannot afford to hire a lawyer. In some cases, with all that is at stake, grandparents can hardly afford not to hire a lawyer. In Sonoma County there are agencies that may be able to help you with legal assistance. ([See the resource list in the back of this guide.](#))

VI. Finances

A. Financial Assistance

One possible consequence of a grandparent raising a grandchild is the need for additional financial resources. There are a number of government programs that provide financial assistance for low income and/or financially needy children. ([See the resource list in the back of this guide.](#)) These include:

1. **Temporary Assistance for Needy Families (TANF)** (formerly known as AFDC).

This is cash assistance for needy children and their families to help pay for basic needs like food, clothing, and rent. Eligibility is based on the number of people in the family unit, family income and assets. This program applies to any close family member who cares for low-income children. Recipients of TANF are required to participate in work activities, job training, or community work experience as a condition of receiving cash assistance. However, there are certain people who are exempt from the work requirements, including the disabled and those over the age of sixty.

2. Child-Only Grant

Complex eligibility rules coupled with a difficult application process prevents some eligible grandchildren from receiving Family Assistance benefits. For example, grandparents should be aware that their income does not count on determining eligibility unless they are applying for TANF **with** their grandchild or if they have adopted their grandchild. You may apply for a child-only grant, in which you would be considered a non-needy caregiver. In this case, you should fill out the application for your grandchild, not for yourself. **Hint:** *You should fill out the forms as if you were the child.*

If you also meet criteria for welfare benefits, you may apply with your grandchild as a family unit. In this case, your income and assets will be counted in determining eligibility.

3. Food Stamps

These are used to purchase food items and are redeemed by using an *Electronic Benefit Card*. Food stamp eligibility is based on the income of everyone in the household. For instance, if a grandchild is income eligible for Family Assistance but the grandparents do not qualify, it is unlikely that the family unit would be eligible for Food Stamps. ([See Appendix E](#))

4. Women, Infants and Children (WIC)

WIC Clinics provide special supplemental nutrition for high-risk pregnant and breast-feeding women, as well as to infants and children up to five years of age. Clients gain access to medical care and are provided supplemental food vouchers, nutrition education and breast-feeding support. ([See Appendix F](#))

5. Supplemental Security Income (SSI)

This is cash assistance for people who are aged, blind or disabled and have limited income and resources.

6. Social Security Benefits

These are monthly cash benefits for unmarried children under the age of 18 (or full-time students under the age of 19 and older disabled children) whose parents have died. The parent in question must have worked, paid Social Security taxes, and earned enough credits to generate benefits. Applications should

be made at the Social Security Office. You will need original documents or certified copies of the child's Social Security card and birth certificates, the parent's Social Security number, the parent's death certificate, and the deceased parent's W2 forms or Federal tax return (if self-employed) for the most recent year. If a child has lived with the grandparent for at least six months before the grandparent applied for Social Security and the child's parents are dead or disabled, the child is eligible for the benefits of the grandparent. A child who is adopted by the grandparent is also eligible.

B. Tax Benefits

1. Child and Dependent Care Tax Credit

This is a benefit for working people with children who pay for someone else to care for the children while they are working. In a single-parent family, the single parent must be working. In a two-parent family, both parents must be working. In order to qualify, the child must be either less than 13 years old or older than 12 and physically or emotionally unable to care for him/herself. The child must have a Social Security number or Individual Taxpayer Identification Number (TIN) and must live with the parents or grandparents. Tax credit is based on the cost of childcare. In 2005 the tax credit maximum is \$3,000 for one child per year and for two or more children, the maximum is \$6,000 per year. The parent must provide the childcare provider's Social Security or TIN number, the same of the organization and its address.

2. Earned Income Tax Credit (EIC)

This is a special benefit for low and moderate income working people, including grandparents raising children. The EIC program provides working grandparents with additional income if they are raising a grandchild. EIC is a tax credit program that is administered by the United States Internal Revenue Service (IRS). It differs from other tax credits because it provides grandparents with a cash payment (in the form of a check) even if they do not owe taxes. In most cases, the EIC does not affect eligibility for benefits like Temporary Assistance to Needy Families (TANF), Medicaid, Food Stamps, Supplemental Security (SSI), or public or subsidized housing. The only way for you to get the EIC is to file an income tax return with Form 1040A or 1040 and fill out and

attach Schedule EIC. You can file an income tax return even if you have low or no income as long as your grandchild has lived with you for more than six months. If you need more information, call the IRS and ask for Publication 506.

3. Employee Dependent Care Accounts

A growing number of employers allow employees to have up to \$5,000 a year in pre-tax dollars taken directly from their paychecks. This is known as a Dependent Care Account. The money is then used to reimburse expenses for childcare or elder care. You must have the money set aside before you can use it. ***Grandparents should be aware that money in the plan that is not used could be lost.*** It is essential that you know exactly how much to have deducted.

4. Free Tax Information

Free tax assistance and help completing tax forms is available to grandparents over fifty. Additionally, the AARP Tax Aide Program with its local sites usually operates from February 1 through April 15th and can help with the appropriate forms. You can contact the AARP for local sites. You can also check with local colleges and senior centers. They offer assistance to grandparents.

VII. Health Care for Your Grandchild

A. Health Insurance Coverage.

Grandparent caregivers may find it difficult to find health insurance coverage for their grandchildren. Working grandparents that have employer provided insurance may run into problems; group health insurance is generally not available for children in relative-care arrangements. In most cases the policy does not provide coverage for informal custodians. It is usually necessary for you to have some kind of legal agreement before you can obtain coverage.

Grandparents who are retired and on Medicare are either forced to buy an individual policy or must find out whether their grandchild qualifies for State Medical Assistance. ([See Attached list of phone numbers and addresses for assistance.](#))

1. Medicaid (In California, it is called Medi-Cal)

This is a program funded by the state and federal government, which helps people who are receiving public assistance or have a low income pay for doctors and hospital bills and some medications. A grandparent may apply for Medicaid on the grandchild's behalf at a Social Service Office. Make sure you complete the application as soon as possible because payment for medical expenses can only go back 3 months from the date of the application.

a) Eligibility

Federal law requires states to provide medical assistance benefits to individuals who receive Temporary Assistance for Needy Children (TANF) grants, Supplemental Security Income (SSI), and children in foster care.

b) Child/Teen Health Programs (CTHP)

This is provision of the Federal Medicaid program, which provides financially needy children with preventive health care. Every child who is eligible for Medicaid is eligible for federally funded CTHP services. CTHP is a critical program for your grandchild because it provides many services that may not be available to adult Medicaid recipients.

When you see your doctor for a CTHP exam (sometimes called a well-child visit or check-up), your grandchild should receive the following:

- ◆ –a complete physical exam
- ◆ –eye and hearing tests
- ◆ –lab tests, including levels, if needed
- ◆ –immunizations, if needed
- ◆ –dental assessment
- ◆ –health education about issues of concern for you and your grandchild
- ◆ –nutrition assessment
- ◆ –developmental assessment

2. Medical Consent

Under California Law, a person acting in place of a parent may consent to health care on behalf of a child if no guardian has been appointed for health care purposes, or the guardian is unavailable, refuses to act, or is unknown to the health care provider.

B. Children's Health Care Services

The Department of Health, in many counties offers at no cost or on a sliding fee scale, the following services for children:

1. Clinics

- ◆ Immunization Clinics
- ◆ Tuberculosis Control Clinics
- ◆ Sexually Transmitted Diseases (STD) testing
- ◆ HIV Counseling and Testing
- ◆ Women, Infants and Children (WIC) clinics provide special supplemental nutrition for high-risk pregnant and breast-feeding women, as well as to infants and children up to 5 years of age.

2. Physically Handicapped Children's Programs (PHCP)

This program offers financial assistance for medical and surgical rehabilitation to children and young adults to age 21, who have conditions diagnosed as physically handicapping.

3. Environmental Health

The Division of Environmental Health provides services directed at safety and the prevention of disease, as well as the alleviation or prevention of human suffering resulting from harmful environmental conditions. Major responsibilities include the surveillance of all public water supplies, including the bacteriological and chemical content of water, the inspection of food service establishments in both commercial and non-commercial settings, and the approval of plans for realty subdivision, sewage systems, water supplies, and swimming pools.

C. Tips for Raising Health Grandchildren

1. Immunizations

These are shots that protect children from many contagious diseases. It is important for your grandchildren to get their shots at the right times in order to prevent them from getting sick.

School districts and daycare centers require proof of immunizations before a child can be enrolled.

2. Lead Poisoning

Many American children are at risk for lead poisoning. One out of every six American children has too much lead in their blood. The biggest source of lead in the home is lead-based paint used on walls, floors, doorway trim, windowsills and radiators. Children with high levels of lead in their bodies can suffer from brain damage, hearing loss, or developmental delays.

Guidelines for keeping your grandchild safe from leaded paint in the home:

- ◆ –let your tap water run for a few minutes in the morning before using it for drinking, cooking, or making baby formula. Use only cold water. Hot water or water that has been sitting in the pipes for hours may contain high levels of lead.
- ◆ –wash your grandchild's hands often.
- ◆ –store your food and beverages in plastic, glass, or stainless steel containers only.
- ◆ –keep cribs and beds away from painted radiators
- ◆ –look out for any chipping, peeling, or flaking in your apartment or rental house. Report it in writing to your landlord. When work is being completed on the painted surfaces, remove children from the environment. Thoroughly damp-dust and wet mop the renovated area before the children return.

3. SIDS (Sudden Infant Death Syndrome)

This is a sudden and unexplained death of an infant under one year of age. SIDS, sometimes known as crib death, strikes nearly 5,000 babies in the United States every year. Doctors and nurses don't know what causes SIDS, but they have found some things you can do to make your baby safer.

- ◆ One of the most important things you can do to help reduce the risk of SIDS is to put your healthy baby to sleep on his/her back. Do this when your baby is being put down for a nap or to bed for the night.
- ◆ Bedding. Make sure that your baby sleeps on a firm mattress. Do not use fluffy blankets or comforters under the baby. Do not let the baby sleep on a waterbed. Sheepskin, a pillow or other soft material. Do not place stuffed toys or pillows in the crib.
- ◆ Temperature. Babies should be kept warm, but they should not be allowed to get too warm. Keep the temperature in your baby's room at a level that feels comfortable to you.
- ◆ Smoke-free. Create a smoke-free zone around your baby. No one should smoke around your baby.
- ◆ Doctor/Clinic Visits. If your baby seems ill, call the doctor or health clinic immediately.

VIII. Education for your grandchild

Grandparents who are raising their grandchildren will need to enroll them in school. Boards of Education issue guidelines about who can enroll a child in school or see a child's school records. These guidelines vary depending on where the grandchild lives. However, most states say that persons in parental relation to the child may enroll a child in school. These persons include:

- ◆ –the child's father or mother
- ◆ –the child's adopted father or mother
- ◆ –the child's step-father or step-mother
- ◆ –the child's court appointed guardian
- ◆ –the child's custodian

A. School Enrollment

In order to enroll a child in a public school, it is necessary to show that the child is residing with you and will continue to live in your home. Schools may require an affidavit stating that you are the child's grandparent and the reason you are caring for your grandchild. Schools may also request documents that prove where the grandparent and grandchild live (such as a utility bill, driver's license, medical insurance card, etc.). A Power of Attorney form, signed by the child's parents giving you the authority to care for the child, or a caregivers authorization affidavit may also be required in some states.

[\(See caregiver affidavit- appendix C- at the end of this guide.\)](#)

B. Educational Consent

A caregiver may enroll a child in school without being the child's legal guardian. The caregiver must provide proof that the child is supported by, cared for by, and living with the caregiver. The caregiver must also sign a "Custodial Agreement Form" indicating that he/she is responsible for the child. ([See caregiver affidavit- appendix C- at the end of this guide.](#))

IX Child Care for Your Grandchild

The early years are a time of rapid growth and development for your grandchild. There will be new ideas to explore, skills to master and many new people to meet. A good early childhood program should nurture your grandchild's development on all levels.

A. Types of Child Care Available

The following are the types of child care that are available for full-time or regular/part-time care:

1) Child Care Centers

These are full or part day programs at private locations. They include day-care centers and Head Start programs. Eligible children are grouped according to age.

2) Family Child Care Homes

This involves care for children in the home of another family. Children of various ages can be accommodated in a small-group setting and flexible hours can be arranged. The number of children allowed in the care of any family home is regulated by the state.

3) In-Home Care

This is care in a child's own home by a person hired specifically for that purpose, similar to a nanny.

4) Summer Day Camps

Camps offer summer activities usually for school-age children. Days and hours vary. Some churches even offer Summer Bible Camps.

5) School-Age Child Care

School-age child care means care provided on a regular basis to children 7 – 13 years of age or children incapable of caring for themselves. ([See appendix G for a list of where to call for child care referrals](#))

B. Choosing Suitable Child Care

When deciding what type of childcare best suits your needs, you should visit several potential programs and/or providers. During your visit consider the following questions:

Do the adults-

- ◆ -appear warm and friendly? Do they seem calm and gentle?
- ◆ -hold and touch each child in a caring and appropriate manner?
- ◆ -have experience working with children?
- ◆ -treat each child as an individual and with respect?
- ◆ -share your values and methods of discipline?
- ◆ -Is there ample opportunity for your child to enjoy good quality picture books?
- ◆ -educational toys?
- ◆ -creative materials which a child can use in his/her own way?

- ◆ -active play indoors and outside?

Do children-

- ◆ -receive individual attention?
- ◆ -work alone as well as in small groups?
- ◆ -have a balance between vigorous outdoor play and quiet indoor activities?

Once you have found good childcare, how can you maintain a good relationship between you and your child care provider? Here are a few suggestions:

- ◆ -Keep your side of the contract.
- ◆ -Pay tuition and fees on time,
- ◆ -Provide all requested items for your child,
- ◆ -Be prompt for pick-up and drop-off time.
- ◆ -Talk things over. A short talk each day with the provider will be all you need. You might want to mention anything that has happened in your grandchild's life that is affecting his/her behavior.
- ◆ -Consider the caregiver's feelings.
- ◆ -Show the caregiver that you appreciate what she is doing.
- ◆ -Don't just wait for problems to arise before you provide feedback to your caregiver.
- ◆ -If you disagree with the caregiver's methods, discuss these differences with her privately. State how you would like things done and the reasons for it. Listen to her reasons and try to compromise.

X. CONCLUSION

Grandparents need to know their rights and they need to know what resources are available to them. It is our hope that this Resource Guide helps to answer some of your general questions and point you in the right direction to find help raising your grandchild. Remember, never say "This cannot happen to me," because it could be your grandchild you find on your doorstep with no where to go and no one to care for him or her. The greatest reward that you as a grandparent will ever receive is to have your grandchild climb onto your lap and say, "Nana (or Pappa), would you please read me a story?"

Appendixes

<u>Sample California Guardianship Forms</u>	A
<u>Assessing Yourself for Foster Care</u>	B
<u>Caregiver Authorization</u>	C
<u>De Facto Parent Pamphlet</u>	D
<u>Sample Food Stamp application</u>	E
<u>Information about WIC</u>	F
<u>Where to Call for Child Care Referrals</u>	G

Appendix A

Sample California Guardianship Forms

Please note:

Some California Counties have additional forms that may be need to be filed with the following required State forms.

For example:

Sonoma County requires you file forms

- ◆ PR-2 Report of Proposed Guardian &
- ◆ PR-7 Declaration of Diligent Search

The following sample forms are not intended to be the entire set of forms that are required to obtain guardianship of a child, they are only a sample of what you may be required to file.

In addition, any California Judicial Council form is subject to be changed, replaced or discontinued twice a year.

This is usually in January and July.

Please check the Judicial Council website to be sure the forms you are filing are correct.

<http://www.courtinfo.ca.gov/forms/>

This page intentionally left blank

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i> TELEPHONE NO.: _____ FAX NO. <i>(Optional):</i> _____ E-MAIL ADDRESS <i>(Optional):</i> _____ ATTORNEY FOR <i>(Name):</i> _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
GUARDIANSHIP OF <i>(Name):</i> _____	CASE NUMBER: _____
PETITION FOR APPOINTMENT OF GUARDIAN OF <input type="checkbox"/> MINOR <input type="checkbox"/> MINORS <input type="checkbox"/> Person* <input type="checkbox"/> Estate*	HEARING DATE AND TIME: _____ DEPT.: _____

1. **Petitioner** *(name each):*

requests that

a. *(Name):*
(Address and telephone):

be appointed guardian of the PERSON of the minor or minors named in item 2 and Letters issue upon qualification.

b. *(Name):*
(Address and telephone):

be appointed guardian of the ESTATE of the minor or minors named in item 2 and Letters issue upon qualification.

- c. (1) bond not be required because the petition is for guardian of the person only because the proposed guardian is a corporate fiduciary or an exempt government agency for the reasons stated in Attachment 1c.
- (2) \$ _____ bond be fixed. It will be furnished by an authorized surety company or as otherwise provided by law. *(Specify reasons in Attachment 1c if the amount is different from the minimum required by Prob. Code, § 8482.)*
- (3) \$ _____ in deposits in a blocked account be allowed. Receipts will be filed. *(Specify institution and location):*

- d. authorization be granted under Probate Code section 2590 to exercise the powers specified in Attachment 9.
- e. orders relating to the powers and duties of the proposed guardian of the person under Probate Code sections 2351–2358 be granted *(specify orders, facts, and reasons in Attachment 1e)*.
- f. an order dispensing with notice to the persons named in Attachment 10 be granted.
- g. other orders be granted *(specify in Attachment 1g)*.

2. Attached is a copy of *Guardianship Petition—Child Information Attachment* (form GC-210(CA)) for **each** minor for whom this petition requests the appointment of a guardian. The full legal name and date of birth of each minor is :

- | | |
|----------|--|
| a. Name: | Date of Birth <i>(month/day/year):</i> |
| b. Name: | Date of Birth <i>(month/day/year):</i> |
| c. Name: | Date of Birth <i>(month/day/year):</i> |
| d. Name: | Date of Birth <i>(month/day/year):</i> |

The names and dates of birth of additional minors are specified on Attachment 2 to this petition.

*** You MAY use this form or form GC-210(P) for a guardianship of the person. You MUST use this form for a guardianship of the estate or the person and estate. Do NOT use this form for a temporary guardianship.**

GUARDIANSHIP OF (Name): <div style="text-align: right; margin-top: 10px;">MINOR</div>	CASE NUMBER:
--	----------------------

3. Petitioner is
- a. related to the minor or minors named in item 2, as shown in item 7 of each minor's attached form GC-210(CA).
 - b. the minor named in item 2, who is 12 years of age or older.
 - c. other person on behalf of minor or minors named in item 2, as shown in item 7 of each minor's attached form GC-210(CA).
4. The proposed guardian is (check all that apply):
- a. a nominee (affix a copy of nomination as Attachment 4 or file Nomination of Guardian (form GC-211, items 2 and 3) with this petition.
 - b. related to the minor or minors named in item 2, as shown in item 3 of each minor's attached form GC-210(CA).
 - c. other, as shown in item 3 of each minor's attached form GC-210(CA).
5. Petitioner, with intent to adopt, has accepted or intends to accept physical care or custody of the minor.
6. A person other than the proposed guardian has been nominated as the guardian of the minor by will other writing. A copy of the nomination is affixed as Attachment 6. (Specify name and address of nominee in item 2 of minor's attached form GC-210(CA).)
7. **Character and estimated value of property of the estate** (complete if petition requests appointment of a guardian of the estate or the person and estate):
- a. Personal property: \$ _____
 - b. Annual gross income from all sources, including real and personal property, wages, pensions, and public benefits: \$ _____
 - c. **Total:** \$ _____
 - d. Real property: \$ _____
8. Appointment of a guardian of the person estate of the minor or minors named in item 2 is necessary or convenient for the following reasons:

- Continued in Attachment 8. Parental custody would be detrimental to the minor or minors named in item 2.
9. Granting the proposed guardian of the estate powers to be exercised independently under Probate Code section 2590 would be to the advantage and benefit and in the best interest of the guardianship estate. Reasons for this request and the powers requested are specified in Attachment 9.
10. Notice to the persons named in Attachment 10 should be dispensed with under Probate Code section 1511 because
- they cannot with reasonable diligence be given notice (specify names and efforts to locate in Attachment 10).
 - giving notice to them would be contrary to the interest of justice (specify names and reasons in Attachment 10).

GUARDIANSHIP OF (Name): <div style="text-align: right; margin-top: 10px;">MINOR</div>	CASE NUMBER:
--	----------------------

11. (Complete this item if this petition is filed by a person who is not related to a minor named in item 2 and is not a petition for appointment of a guardian of the estate only.)
- a. Petitioner is the proposed guardian and will promptly furnish all information requested by any agency referred to in Probate Code section 1543.
- b. Petitioner is not the proposed guardian. A statement by the proposed guardian that he or she will promptly furnish all information requested by any agency referred to in Probate Code section 1543 is affixed as Attachment 11b.
- c. The proposed guardian's home is is not a licensed foster family home.
- d. The proposed guardian has never filed a petition for adoption of the minor except as specified in Attachment 11d.
12. Attached to this petition is a *Declaration Under Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)* (form FL-105/GC-120) concerning all children listed in item 2. (*Guardianship of the person or the person and estate.*)
13. Filed with this petition are the following (check all that apply):
- Consent of Proposed Guardian* (form GC-211, item 1)
 - Nomination of Guardian* (form GC-211, items 2 and 3)
 - Consent to Appointment of Guardian and Waiver of Notice* (form GC-211, item 4)
 - Petition for Appointment of Temporary Guardian* (form GC-110)
 - Petition for Appointment of Temporary Guardian of the Person* (form GC-110(P))
 - Confidential Guardianship Screening Form* (form GC-212)
 - Other (specify):

14. All attachments to this form are incorporated by this reference as though placed here in this form. There are _____ pages attached to this form.

Date: _____
▶ _____
 (SIGNATURE OF ATTORNEY*)

*** (All petitioners must also sign (Prob. Code, § 1020).)**

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

Date: _____
▶ _____
 (SIGNATURE OF PETITIONER)

 (TYPE OR PRINT NAME)

Date: _____
▶ _____
 (SIGNATURE OF PETITIONER)

 (TYPE OR PRINT NAME)

Date: _____
▶ _____
 (SIGNATURE OF PETITIONER)

This page intentionally left blank

GUARDIAN OF (Name):	CASE NUMBER:
MINOR	

- e. Medical treatment** - As guardian, you are responsible for meeting the medical needs of the child. In most cases, you have the authority to consent to the child's medical treatment. However, if the child is 14 years or older, surgery may not be performed on the child unless either (1) both the child and the guardian consent or (2) a court order is obtained that specifically authorizes the surgery. This holds true except in emergencies. A guardian may not place a child involuntarily in a mental health treatment facility under a probate guardianship. A mental health conservatorship proceeding is required for such an involuntary commitment. However, the guardian may secure counseling and other necessary mental health services for the child. The law also allows older and more mature children to consent to their own treatment in certain situations such as outpatient mental health treatment, medical care related to pregnancy or sexually transmitted diseases, and drug and alcohol treatment.
- f. Community resources** - There are agencies in each county that may be helpful in meeting the specific needs of children who come from conflicted, troubled, or deprived environments. If the child has special needs, you must strive to meet those needs or secure appropriate services.
- g. Financial support** - Even when the child has a guardian, the parents are still obligated to financially support the child. The guardian may take action to obtain child support. The child may also be eligible for Temporary Aid for Needy Families, TANF (formerly known as AFDC), social security benefits, Veterans Administration benefits, Indian child welfare benefits, and other public or private funds.
- h. Visitation** - The court may require that you allow visitation or contact between the child and his or her parents. The child's needs often require that the parent-child relationship be maintained, within reason. However, the court may place restrictions on the visits, such as the requirement of supervision. The court may also impose other conditions in the child's best interest.
- i. Driver's license** - As guardian of the person, you have the authority to consent to the minor's application for a driver's license. If you consent, you will become liable for any civil damages that may result if the minor causes an accident. The law requires that anyone signing the DMV application obtain insurance to cover the minor.
- j. Enlistment in the armed services** - The guardian may consent to a minor's enlistment in the armed services. If the minor enters into active duty with the armed forces, the minor becomes emancipated under California law.
- k. Marriage** - For the minor to marry, the guardian **and the court** must give permission. If the minor enters a valid marriage, the minor becomes emancipated under California law.
- l. Change of address** - A guardian must notify the court in writing of any change in the address of either the child or the guardian. This includes any changes that result from the child's leaving the guardian's home or returning to the parent's home. You **must** always obtain **court permission** before you move the child to another state or country.
- m. Court visitors and status reports** - Some counties have a program in which "court visitors" track and review guardianships. If your county has such a program, you will be expected to cooperate with all requests of the court visitor. As guardian, you may also be required to fill out and file status reports. In all counties, you must cooperate with the court and court investigators.
- n. Misconduct of the child** - A guardian, like a parent, is liable for the harm and damages caused by the willful misconduct of a child. There are special rules concerning harm caused by the use of a firearm. If you are concerned about your possible liability, you should consult an attorney.
- o. Additional responsibilities** - The court may place other conditions on the guardianship or additional duties upon you, as guardian. For example, the court may require the guardian to complete counseling or parenting classes, to obtain specific services for the child, or to follow a scheduled visitation plan between the child and the child's parents or relatives. As guardian, you must follow all court orders.

(Continued on page three)

GUARDIAN OF (Name):	CASE NUMBER:
MINOR	

- p. **Termination of guardianship of the person** - A guardianship of the person automatically ends when the child reaches the age of 18, is adopted, marries, is emancipated by court order, enters into active military duty, or dies. If none of these events has occurred, the child, a parent, or the guardian may petition the court for termination of guardianship. But it must be shown that the guardianship is no longer necessary or that termination of the guardianship is in the child's best interest.

2. GUARDIANSHIP OF THE ESTATE

If the court appoints you as *guardian of the child's estate*, you will have additional duties and obligations. The money and other assets of the child are called the child's "estate." Appointment as guardian of a child's estate is taken very seriously by the court. The guardian of the estate is required to manage the child's funds, collect and make an inventory of the assets, keep accurate financial records, and regularly file financial accountings with the court.

MANAGING THE ESTATE

- a. **Prudent investments** - As guardian of the estate, you must manage the child's assets with the care of a prudent person dealing with someone else's property. This means that you must be cautious and may not make speculative or risky investments.
- b. **Keeping estate assets separate** - As guardian of the estate, you must keep the money and property of the child's estate separate from everyone else's, including your own. When you open a bank account for the estate, the account name must indicate that it is a *guardianship* account and not your personal account. You should use the child's social security number when opening estate accounts. You should never deposit estate funds in your personal account or otherwise mix them with your own funds or anyone else's funds, even for brief periods. Securities in the estate must be held in a name that shows that they are estate property and not your personal property.
- c. **Interest-bearing accounts and other investments** - Except for checking accounts intended for ordinary expenses, you should place estate funds in interest-bearing accounts. You may deposit estate funds in insured accounts in federally insured financial institutions, but you should not put more than \$100,000 in any single institution. You should consult with an attorney before making other kinds of investments.
- d. **Blocked accounts** - A *blocked account* is an account with a financial institution in which money is placed. No person may withdraw funds from a blocked account without the court's permission. Depending on the amount and character of the child's property, the guardian may elect **or the court may require** that estate assets be placed in a blocked account. As guardian of the estate, you must follow the directions of the court and the procedures required to deposit funds in this type of account. The use of a blocked account is a safeguard and may save the estate the cost of a bond.
- e. **Other restrictions** - As guardian of the estate, you will have many other restrictions on your authority to deal with estate assets. Without prior court order, you **may not** pay fees to yourself or your attorney. You may not make a gift of estate assets to anyone. You may not borrow money from the estate. As guardian, you may not use estate funds to purchase real property without a prior court order. If you do not obtain the court's permission to spend estate funds, you may be compelled to reimburse the estate from your own personal funds and may be removed as guardian. You should consult with an attorney concerning the legal requirements relating to sales, leases, mortgages, and investment of estate property. If the child of whose estate you are the guardian has a living parent or if that child receives assets or is entitled to support from another source, you must obtain court approval before using guardianship assets for the child's support, maintenance, or education. You must file a petition or include a request for approval in the original petition, and set forth which exceptional circumstances justify any use of guardianship assets for the child's support. The court will ordinarily grant such a petition for only a limited period of time, usually not to exceed one year, and only for specific and limited purposes.

INVENTORY OF ESTATE PROPERTY

- f. **Locate the estate's property** - As guardian of the estate, you must locate, take possession of, and protect the child's income and assets that will be administered in the estate. You must change the ownership of all assets into the guardianship estate's name. For real estate, you should record a copy of your *Letters of Guardianship* with the county recorder in each county where the child owns real property.

(Continued on reverse)

GUARDIAN OF (Name): MINOR	CASE NUMBER:
----------------------------------	--------------

- g. Determine the value of the property** - As guardian of the estate, you must arrange to have a court-appointed referee determine the value of the estate property unless the appointment is waived by the court. You—not the referee—must determine the value of certain "cash items." An attorney can advise you about how to do this.
- h. File an inventory and appraisal** - As guardian of the estate, you must file an inventory and appraisal within 90 days after your appointment. You may be required to return to court 90 days after your appointment as guardian of the estate to ensure that you have properly filed the inventory and appraisal.

INSURANCE

- i. Insurance coverage** - As guardian of the estate, you should make sure that there is appropriate and sufficient insurance covering the assets and risks of the estate. You should maintain the insurance in force throughout the entire period of the guardianship or until the insured asset is sold.

RECORD KEEPING AND ACCOUNTING

- j. Records** - As guardian of the estate, you must keep complete, accurate records of each financial transaction affecting the estate. The checkbook for the guardianship checking account is essential for keeping records of income and expenditures. You should also keep receipts for all purchases. Record keeping is critical because you will have to prepare an accounting of all money and property that you have received, what you have spent, the date of each transaction, and its purpose. You will also have to be able to describe in detail what is left after you have paid the estate's expenses.
- k. Accountings** - As guardian of the estate, you must file a petition requesting that the court review and approve your accounting one year after your appointment and at least every two years after that. The court may ask that you justify some or all expenditures. You should have receipts and other documents available for the court's review, if requested. If you do not file your accounting as required, the court will order you to do so. You may be removed as guardian for failure to file an accounting.
- l. Format** - As guardian of the estate, you must comply with all state and local rules when filing your accounting. A particular format is specified in the Probate Code, which you must follow when you present your account to the court. You should check local rules for any special local requirements.
- m. Legal advice** - An attorney can advise you and help you prepare your inventories, accountings, and petitions to the court. If you have questions, you should consult with an attorney.

3. OTHER GENERAL INFORMATION

- a. Removal of a guardian** - A guardian may be removed for specific reasons or when it is in the child's best interest. A guardian may be removed either on the court's own motion or by a petition filed by the child, a relative of the child, or any other interested person. If necessary, the court may appoint a successor guardian, or the court may return the child to a parent if that is found to be in the child's best interest.
- b. Legal documents** - For your appointment as guardian to be valid, the *Order Appointing Guardian of Minor* must be signed. Once the court signs the order, the guardian **must** go to the clerk's office, where *Letters of Guardianship* will be issued. *Letters of Guardianship* is a legal document that provides proof that you have been appointed and are serving as the guardian of a minor. You should obtain several certified copies of the *Letters* from the clerk. These legal documents will be of assistance to you in the performance of your duties, such as enrolling the child in school, obtaining medical care, and taking care of estate business.
- c. Attorneys and legal resources** - If you have an attorney, the attorney will advise you on your duties and responsibilities, the limits of your authority, the rights of the child, and your dealings with the court. **If you have legal questions, you should consult with your attorney.** Please remember that the court staff cannot give you legal advice.

(Continued on page five)

GUARDIAN OF (Name):	MINOR	CASE NUMBER:
---------------------	-------	--------------

If you are not represented by an attorney, you may obtain answers to your questions by contacting community resources, private publications, or your local law library.

NOTICE: This statement of duties is a summary and is not a complete statement of the law. Your conduct as a probate guardian is governed by the law itself and not by this summary.

ACKNOWLEDGMENT OF RECEIPT

1. I have petitioned the court to be appointed as a guardian.
2. I acknowledge that I have received a copy of this statement of the duties of the position of guardian.

Date: _____

(TYPE OR PRINT NAME)

▶

(SIGNATURE OF PETITIONER)

Date: _____

(TYPE OR PRINT NAME)

▶

(SIGNATURE OF PETITIONER)

Date: _____

(TYPE OR PRINT NAME)

▶

(SIGNATURE OF PETITIONER)

This page intentionally left blank

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, State Bar number, and address</i>): <hr/> <p style="text-align: center;">TELEPHONE NO.: _____ FAX NO. (<i>Optional</i>): _____</p> <p>E-MAIL ADDRESS (<i>Optional</i>): _____</p> <p>ATTORNEY FOR (<i>Name</i>): _____</p>	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (<i>Name</i>):	
<input type="checkbox"/> CONSENT OF PROPOSED GUARDIAN <input type="checkbox"/> NOMINATION OF GUARDIAN <input type="checkbox"/> CONSENT TO APPOINTMENT OF GUARDIAN AND WAIVER OF NOTICE	CASE NUMBER:

CONSENT OF PROPOSED GUARDIAN

1. I consent to serve as guardian of the person estate of the minor.

Date: _____

_____ _____

(TYPE OR PRINT NAME) (SIGNATURE OF PROPOSED GUARDIAN)

NOMINATION OF GUARDIAN

2. I am a parent of the minor a donor of a gift to the minor. I nominate (*name and address*):

as guardian of the person estate of the minor.

3. I am a parent of the minor a donor of a gift to the minor. I nominate (*name and address*):

as guardian of the person estate of the minor.

Date: _____

_____ _____

(TYPE OR PRINT NAME) (SIGNATURE)

NOTICE: The guardian of the person of a minor child has full legal and physical custody until the child becomes an adult or is adopted, the court changes guardians, or the court terminates the guardianship. Parents or other interested persons must petition the court to terminate the guardianship. The court will not do so unless the judge decides that termination would be in the child's best interest.

CONSENT TO APPOINTMENT OF GUARDIAN AND WAIVER OF NOTICE

4. I consent to appointment of the guardian as requested in the *Petition for Appointment of Guardian of Minor*, filed on (*date*): . I am entitled to notice in this proceeding, but I waive notice of hearing of the petition, including notice of any request for independent powers contained in it. I waive timely receipt of a copy of the petition.

DATE	(TYPE OR PRINT NAME)	(SIGNATURE)	RELATIONSHIP TO MINOR
DATE	(TYPE OR PRINT NAME)	(SIGNATURE)	RELATIONSHIP TO MINOR
DATE	(TYPE OR PRINT NAME)	(SIGNATURE)	RELATIONSHIP TO MINOR

Continued on Attachment 4.

This page intentionally left blank

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, State Bar number, and address):</i> <hr/> <p style="text-align: center;">TELEPHONE NO.: FAX NO. <i>(Optional):</i></p> <p>E-MAIL ADDRESS <i>(Optional):</i></p> <p>ATTORNEY FOR <i>(Name):</i></p>	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER: RESPONDENT:	
DECLARATION UNDER UNIFORM CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT (UCCJEA)	CASE NUMBER:

1. I am a party to this proceeding to determine custody of a child.
2. My present address is not disclosed. It is confidential under Family Code section 3429. I have listed the address of the children presently residing with me as confidential.
3. *(Number):* _____ minor children are subject to this proceeding as follows:
(Insert the information requested below. The residence information must be given for the last FIVE years.)

a. Child's name		Place of birth	Date of birth	Sex
Period of residence to present	Address <input type="checkbox"/> Confidential	Person child lived with <i>(name and present address)</i>	Relationship	
to				
to				
to				
to				

b. Child's name		Place of birth	Date of birth	Sex
<input type="checkbox"/> Residence information is the same as given above for child a. <i>(If NOT the same, provide the information below.)</i>				
Period of residence to present	Address <input type="checkbox"/> Confidential	Person child lived with <i>(name and present address)</i>	Relationship	
to				
to				
to				

C. Additional children are listed on Attachment 3c. *(Provide all requested information for additional children.)*

SHORT TITLE: _____	CASE NUMBER: _____
-----------------------	-----------------------

4. Have you participated as a party or a witness or in some other capacity in another litigation or custody proceeding, in California or elsewhere, concerning custody of a child subject to this proceeding?

No Yes (If yes, provide the following information):

- a. Name of each child: _____
- b. I was a: party witness other (specify): _____
- c. Court (specify name, state, location): _____
- d. Court order or judgment (date): _____

5. Do you have information about a custody proceeding pending in a California court or any other court concerning a child in this case, other than that stated in item 4?

No Yes (If yes, provide the following information):

- a. Name of each child: _____
- b. Nature of proceeding: dissolution or divorce guardianship adoption other (specify): _____
- c. Court (specify name, state, location): _____
- d. Status of proceeding: _____

6. One or more domestic violence restraining /protective orders are now in effect. (Attach a copy of the orders if you have one.)

The orders are from the following court or courts (specify county and state):

- | | |
|---|---|
| a. <input type="checkbox"/> Criminal: County/state: _____
Case No. (if known): _____ | c. <input type="checkbox"/> Juvenile: County/state: _____
Case No. (if known): _____ |
| b. <input type="checkbox"/> Family: County/state: _____
Case No. (if known): _____ | d. <input type="checkbox"/> Other: County/state: _____
Case No. (if known): _____ |

7. Do you know of any person who is not a party to this proceeding who has physical custody or claims to have custody of or visitation rights with any child in this case?

No Yes (If yes, provide the following information):

a. Name and address of person <input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights	b. Name and address of person <input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights	c. Name and address of person <input type="checkbox"/> Has physical custody <input type="checkbox"/> Claims custody rights <input type="checkbox"/> Claims visitation rights
Name of each child	Name of each child	Name of each child

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

Date: _____

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

8. Number of pages attached after this page: _____

NOTICE TO DECLARANT: You have a continuing duty to inform this court if you obtain any information about a custody proceeding in a California court or any other court concerning a child subject to this proceeding.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SONOMA

Probate Division
600 Administration Drive, Room 107-J
Santa Rosa, CA 95403-2878

IN THE MATTER OF THE PROPOSED
GUARDIANSHIP OF:

Court No.: _____

Hearing Date: _____

_____ Minor(s)

REPORT OF PROPOSED GUARDIAN

Pursuant to local court policy, this report MUST be fully completed by all persons petitioning to be appointed as guardian for a minor. The information in the report will be used by the Court for the following purposes:

1. To determine whether an investigation should be performed in accordance with Section 1513 of the Probate Code; and
2. To determine whether Sonoma County should be reimbursed, in whole or in part, for the expense of an investigation.

The original of this report must be filed with the Petition for Appointment of Guardian. The Superior Court Clerk's Office will not accept petitions not accompanied by this report.

After filing the original, an endorsed copy of this report, together with a copy of the petition and ALL attachments, must be delivered within five days to the Office of the Court Investigator at the following address:

Office of the Court Investigator
1450 Guerneville Road
Santa Rosa, CA 95403

If you are asking to be appointed guardian of more than one minor, please provide the information requested in paragraph 1 for each minor by attaching separate sheets of paper.

I. MINOR:

- A. Birth name: _____ Age: _____ Date of Birth: _____
- B. With whom has minor lived from birth to present date:
19__ to 19__ with _____
19__ to 19__ with _____
19__ to 19__ with _____
- C. Who presently has **legal** custody of the minor?

- D. Name under which minor is presently enrolled in school:

- E. School in which minor is presently enrolled:

- F. Does the minor have a history of attendance, achievement or adjustment problems in school?
- G. Does the minor have a history of involvement with the police, the Juvenile Court, the Probation Department, the Social Service Department or the Child Protective Service?
- H. Does the minor have any special physical, medical, developmental, educational or psychological needs requiring restricted activity, ongoing medical supervision, special educational services or professional counseling?
- I. Has the minor ever been a patient in an institution operated by a State Department of Mental Health or a state Department of Developmental Services?
- J. Are there currently pending any other proceedings affecting the Minor's custody such as adoption, Juvenile court or Dissolution of Marriage proceedings?
- K. Has the minor ever been married?
- L. If you answered **yes** to any of the above, please elaborate:

M. How does the minor feel about your appointment as guardian?

II. MINOR'S BIRTH PARENTS:

A. Father (if unknown, a certified copy of the minor's birth certificate must be attached to this Report).

1. Name _____ DOB _____

2. Address _____ Phone _____

3. Occupation _____ Employer _____

4. Does the father have a history of ongoing contact and involvement with the minor?

5. Is the father contributing to the minor's support?

6. Does the father agree with your appointment as guardian?

B. Mother

1. Name _____ DOB _____

2. Address _____ Phone _____

3. Occupation _____ Employer _____

4. Does the mother have a history of ongoing contact and involvement with the minor?

5. Is the mother contributing to the minor's support?

6. Does the mother agree with your appointment as guardian?

III. PROPOSED GUARDIANS:

A. Name _____ Age _____ Date of Birth _____

B. Social Security # _____ Driver's License # _____

C. Address _____

D. Telephone: 1. Home _____ 2. Work _____

Continued

PROPOSED GUARDIANS:

- E. Occupation _____ Employer _____
- F. Children:
1. Name _____ Age _____ Address _____
2. Name _____ Age _____ Address _____
3. Name _____ Age _____ Address _____
- G. Identify all people residing in your home (including date of birth if 18 years and over):
1. Name _____ Age _____ Relation _____
Date of Birth _____ Driver's License # _____ SS# _____
2. Name _____ Age _____ Relation _____
Date of Birth _____ Driver's License # _____ SS# _____
3. Name _____ Age _____ Relation _____
Date of Birth _____ Driver's License # _____ SS# _____
- H. Your relation to the minor _____
- I. Do you anticipate being able to provide a stable and permanent home for the minor until the minor becomes 18 years of age?
- J. Have you filed a *Petition for Adoption of the Minor*?
- K. Is your home licensed as a foster family home?
- L. Have you ever been arrested?
- M. Have you or any member of your family ever been referred to a law enforcement agency or a child protective service agency because of suspected harm to or neglect of a minor?
- N. What is your gross monthly income from all sources?
- O. If appointed guardian, would you need financial assistance to provide for the minor's needs?
- P. Will you be requesting payment for your services as guardian?

Q. If the costs associated with an investigation did not exceed \$450.00, would you have the ability to pay for the investigation?

R. Have you ever served as a guardian, conservator, executor, personal representative or trustee?

1. If your answer is YES list the dates and county of your service and the court number of the proceeding:

_____ Date _____ County _____ Case number

_____ Date _____ County _____ Case number

IV. MINOR'S PROPERTY AND INCOME:

A. Does the minor possess money or property other than clothes, toys and common personal items?

1. If your answer is YES, what is the approximate value of the minor's property?

\$ _____

B. Is the minor expected to receive in the future an inheritance from a deceased relative, proceeds from an insurance policy, a settlement from a civil action, or funds from any other source?

1. If your answer is YES, what is the value of the money the minor is expected to receive?

\$ _____

C. Is the minor entitled to receive benefits from the Veterans or Social Security Administration?

1. If your answer is YES, what amount per month is the minor entitled to receive?

\$ _____

D. To the best of your knowledge, does any person or entity responsible for the minor's support, including the minor's parents, have the financial ability to pay the costs associated with an investigation if these costs do not exceed \$450.00?

1. If your answer is YES, who has the ability to pay for the investigation?

V. EXPLANATIONS:

A. Please briefly explain the reason(s) you believe a guardianship is necessary or convenient:

B. Use this space to provide any additional information or comments you feel the Courts should have:

Additional Information:

VI. VERIFICATION:

A. I declare under penalty of perjury that the foregoing is true and correct.

B. This report and verification were executed on *(date)* _____ 20____

at *(City,State)* _____.

Signature

Signature

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): <hr/> TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
<input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name): <div style="text-align: right;"><input type="checkbox"/> MINOR <input type="checkbox"/> (PROPOSED) CONSERVATEE</div>	
NOTICE OF HEARING—GUARDIANSHIP OR CONSERVATORSHIP	CASE NUMBER: _____

This notice is required by law.
This notice does not require you to appear in court, but you may attend the hearing if you wish.

1. NOTICE is given that (name):
 (representative capacity, if any):
 has filed (specify):

2. You may refer to documents on file in this proceeding for more information. (Some documents filed with the court are confidential. Under some circumstances you or your attorney may be able to see or receive copies of confidential documents if you file papers in the proceeding or apply to the court.)


3. The petition includes an application for the independent exercise of powers by a guardian or conservator under Probate Code section 2108 Probate Code section 2590.
 Powers requested are specified below specified in Attachment 3.

4. A HEARING on the matter will be held as follows:

a. Date:	Time:	<input type="checkbox"/> Dept.:	<input type="checkbox"/> Room:
----------	-------	---------------------------------	--------------------------------

b. Address of court same as noted above is (specify):

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available upon request if at least 5 days notice is provided. Contact the clerk's office for *Request for Accommodations by Persons with Disabilities and Order* (form MC-410). (Civil Code section 54.8.)



<input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (Name): _____ <input type="checkbox"/> MINOR <input type="checkbox"/> (PROPOSED) CONSERVATEE	CASE NUMBER _____
---	----------------------

PROOF OF PERSONAL SERVICE OF NOTICE OF HEARING—GUARDIANSHIP OR CONSERVATORSHIP

(Attach a separate completed and signed copy of this form or other proof of personal service to Notice of Hearing—Guardianship or Conservatorship for each person who personally served a copy of the Notice.)

1. I am over the age of 18 and not a party to this cause.
2. I served the attached *Notice of Hearing—Guardianship or Conservatorship* by personally delivering a copy to each person listed below at the address and on the date and time indicated below.
3. I served with the attached *Notice of Hearing—Guardianship or Conservatorship* a copy of the petition or other document referred to in the Notice.
4. I served with the attached *Notice of Hearing—Guardianship or Conservatorship* copies of the following documents (*specify*):

 Continued on Attachment 4.
5. I am (*check all that apply*):
 - a. not a registered California process server.
 - b. a California sheriff or marshal.
 - c. a registered California process server.
 - d. an employee or independent contractor of a registered California process server.
 - e. exempt from registration (Bus. & Prof. Code, § 22350(b)).
6. My name, address, telephone number, and, if applicable, county of registration and number, are (*specify*):

NAME OF EACH PERSON PERSONALLY SERVED, ADDRESS WHERE SERVED, AND DATE AND TIME SERVICE WAS MADE

<u>Name</u>	<u>Address where served (number, street, city, and state)</u>	<u>Date and time service made</u>
		Date: _____ Time: _____
		Date: _____ Time: _____
		Date: _____ Time: _____
		Date: _____ Time: _____

List of names and addresses of persons personally served by the undersigned continued on an attachment.
(You may use Attachment to Notice of Hearing Proof of Personal Service, form DE-120(PA)/GC-020(PA), for this purpose.)

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

(For California sheriff or marshal use only)
I certify that the foregoing is true and correct

Date: _____

Date: _____

 (SIGNATURE)

 (SIGNATURE)

This page intentionally left blank

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar Number and Address):	COURT USE ONLY
ATTORNEY FOR (Name):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SONOMA 600 ADMINISTRATION DRIVE SANTA ROSA, CA 95403	
In the Matter of:	Case Number:
DECLARATION OF DILIGENT SEARCH	Date: Time: Ctrm:

I do not know the current address for a person entitled to notice in this proceeding. The name of the person I cannot locate is: _____ . The last known address for this person was _____ . The date when the person last resided at this address was approximately: _____ . I have made the following attempts to locate this person and to date my efforts have been unsuccessful. (Attach additional pages as required.)

1. I checked the telephone directories for listings. The details of my attempts are:

2. I checked with directory assistance. The details of my attempts are:

3. I checked with friends, relatives, and acquaintances of the person entitled to notice. The details of my attempts are:

4. I checked with the person who is the subject of this petition. The details of my attempts are:

5. I checked with former employers. The details of my attempts are:

6. I checked the real and personal property indexes in the recorder's and assessor's offices for the county where the person was last known or believed to reside. The details of my attempts are:

7. Any additional facts to explain why the person's address cannot be located:

I declare under penalty of perjury, the foregoing is true and correct.

Date:

Print or Type Name
Signature

This page intentionally left blank

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, state bar number, and address):</i> _____ ATTORNEY FOR <i>(Name):</i> SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	TELEPHONE AND FAX NOS.:	FOR COURT USE ONLY
<input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP OF <i>(Name):</i> <div style="text-align: right;"> <input type="checkbox"/> MINOR <input type="checkbox"/> CONSERVATEE </div>		CASE NUMBER:
ORDER DISPENSING WITH NOTICE		

1. **THE COURT FINDS** that a petition for *(specify)*:
 has been filed and
 - a. *(for guardianship only)* the following persons cannot with reasonable diligence be given notice *(names)*:

 - b. *(for guardianship only)* the giving of notice to the following persons is contrary to the interest of justice *(names)*:

 - c. good cause exists for dispensing with notice to the following persons referred to in Probate Code section 1460(b) *(names)*:

 - d. other *(specify)*:

2. **THE COURT ORDERS** that notice of hearing on the petition for *(specify)*:
 - a. is not required except to persons requesting special notice under Probate Code section 2700.
 - b. is dispensed with to the following persons *(names)*:

Date: _____

JUDGE OF THE SUPERIOR COURT

This page intentionally left blank

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name, state bar number, and address</i>): TELEPHONE AND FAX NOS.:	FOR COURT USE ONLY
ATTORNEY FOR (<i>Name</i>): SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
GUARDIANSHIP OF THE <input type="checkbox"/> PERSON <input type="checkbox"/> ESTATE OF (<i>Name</i>): <div style="text-align: right;">MINOR</div>	
ORDER APPOINTING GUARDIAN OF <input type="checkbox"/> MINOR <input type="checkbox"/> MINORS	CASE NUMBER:
WARNING: THIS APPOINTMENT IS NOT EFFECTIVE UNTIL LETTERS HAVE ISSUED.	

1. The petition for appointment of guardian came on for hearing as follows (*check boxes c, d, and e to indicate personal presence*):

- a. Judge (*name*):
- b. Hearing date: _____ Time: _____ Dept.: _____ Room: _____
- c. Petitioner (*name*):
- d. Attorney for Petitioner (*name*):
- e. Attorney for minor (*name, address, and telephone*):

THE COURT FINDS

- 2. a. All notices required by law have been given.
- b. Notice of hearing to the following persons has been should be dispensed with (*names*):
- 3. Appointment of a guardian of the person estate of the minor is necessary and convenient.
- 4. Granting the guardian powers to be exercised independently under Probate Code section 2590 is to the advantage and benefit and is in the best interest of the guardianship estate.
- 5. Attorney (*name*): _____ has been appointed by the court as legal counsel to represent the minor in these proceedings. The cost for representation is: \$ _____
- 6. The appointed court investigator, probation officer, or domestic relations investigator is (*name, title, address, and telephone*):

THE COURT ORDERS

- 7. a. (*Name*): _____
 (*Address*): _____ (*Telephone*): _____

is appointed guardian of the PERSON of (*name*): _____
 and *Letters* shall issue upon qualification.

Do NOT use this form for a temporary guardianship. (Continued on reverse)

ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name, state bar number, and address):</i> TELEPHONE AND FAX NOS.:	FOR COURT USE ONLY
ATTORNEY FOR <i>(Name):</i> SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
GUARDIANSHIP OF <i>(Name):</i> <div style="text-align: right;">MINOR</div>	
LETTERS OF GUARDIANSHIP <input type="checkbox"/> Person <input type="checkbox"/> Estate	CASE NUMBER:

LETTERS

1. *(Name):*
is appointed guardian of the person estate
of *(name):*
2. Other powers have been granted and conditions have
been imposed as follows:
 - a. Powers to be exercised independently under
Probate Code section 2590 as specified in
Attachment 2a *(specify powers, restrictions,
conditions, and limitations).*
 - b. Conditions relating to the care and custody of
the property under Probate Code section
2402 as specified in Attachment 2b.
 - c. Conditions relating to the care, treatment,
education, and welfare of the minor under
Probate Code section 2358 as specified in
Attachment 2c.
 - d. Other *(specify in Attachment 2d).*
3. The guardian is not authorized to take possession of
money or any other property without a specific court
order.
4. Number of pages attached: _____

WITNESS, clerk of the court, with seal of the court affixed.

(SEAL)

Date: _____
 Clerk, by _____

 (DEPUTY)

AFFIRMATION

I solemnly affirm that I will perform the duties of guardian
according to law.

Executed on *(date):* _____

at *(place):* _____



 (SIGNATURE OF APPOINTEE)

CERTIFICATION

I certify that this document and any attachments is a correct
copy of the original on file in my office, and that the *Letters*
issued to the person appointed above have not been revoked,
annulled, or set aside and are still in full force and effect.

WITNESS, clerk of the court, with seal of the court affixed.

(SEAL)

Date: _____
 Clerk, by _____

 (DEPUTY)

This page intentionally left blank

Appendix B

Assessing Yourself for Foster Care

The decision to become a foster parent is one that should be made only after careful evaluation. The following information is intended to help you in that evaluation process.

This first series of questions gives some general information about foster care.

What is a foster home?

A temporary home for a child where he/she will live as a member of your family until a return home or some other permanent arrangement becomes feasible.

Who are the foster children?

Children, under 18 years old, whose parents are unable to care for them. Some may need a temporary home for only a few months, others for longer periods of time. There are children of all ages and ethnic groups. Many times there are sibling groups who should be able to stay together. Most of these children have experienced some kind of abuse and/or neglect and require care providers with skill and dedication to care for their needs. All have a great need for care, understanding, appropriate discipline, and affection if they are to become self-reliant.

Is a license required?

Yes. According to California Law, any person other than a close relative caring for a child under 18 must have a license. Licenses are issued by the Human Services Department of Sonoma County after a completed application has been approved. There is no charge for the license.

What inspections or tests are necessary?

A licensing social worker will visit you, see your home and meet all members of your family. There may be visits by a Fire Marshall or others if appropriate. All adults living in, working in, or frequenting your home must show that they are free of tuberculosis and do not have a criminal record.

Who provides medical and dental care?

Medical and dental care are provided either by the agency placing the children, or the children's own parents. Most of the children are covered by Medi-Cal.

What is a family reunification social worker?

As an officer of the court, this social worker is responsible for the development of plans for the foster child. This usually includes services to reunify the child with his/her natural parents. This social worker will contact you at least monthly to discuss all aspects of the child's care. As a foster parent you work closely with the child's social worker before any decisions are made related to the child's health, emotional condition and over-all functioning.

What is a permanency planning social worker?

After a child has been out of his/her parent's home for 12-18 months, the Juvenile Court may order adoption, guardianship, or long term foster care. The Permanency Planning social worker will work with you to achieve the determined goal. If long term foster care is the plan, the social worker is responsible for maintaining a stable, secure environment and will work with you to achieve that goal.

Who are foster parents?

Foster parents are adults who are flexible, stable, patient, and emotionally mature. They are in good health and able to have disruptions in their lives. A sense of humor is essential. Foster parents may or may not have children of their own. They may have varied educational backgrounds, be of different racial and economic groups, be married or single, and range in age from young to old.

Foster parents are a very special group of people. They are able to accept a child as a member of their family, work to love and raise that child and then when the time comes for the child to return home, the foster parents help him/her do so. They are people who understand that children benefit most when their family is helped, strengthened and able to function in a healthy way. The process works especially well when foster parents work together with Human Services to help the birth parents become competent parents.

Please examine your own personal situation as you consider this next section.

Do you have room for another child?

This can mean two things. Do you have the physical room for another child to fit comfortably into your home and do you have the emotional room? Can your family adapt to the additional needs of another child? Sometimes, this means a willingness to alter their living space, schedule, and time they are accustomed to spending with you. Children coming into foster care often need extra tender loving care that the other family members can be most valuable in providing. A supportive family can make foster parenting a reward for all.

Can you accept different lifestyles and values?

Children in foster care come from a variety of backgrounds. Your family has learned rules over a period of time that may be unfamiliar to a newcomer. Can you tolerate differences in food preferences, levels of personal responsibility and respect? Can you stand the extra wear and tear on your house? How will the relatives react?

Are the members of your family healthy?

You will be required to get a T.B. test by the Department but you should evaluate your family's overall health. Caring for children can often be hard work for long hours.

How stable is your family?

Every family has its problems but experts concur that the addition of a family member can be stressful. Does your family discuss problems openly and act on them? Do your current children get along fairly well and are they doing well in school? The addition of a new child may not give you enough time to work on existing problems. The spousal relationship is extremely important. Are you prepared to work as a team to make foster care in your home a success? The strength of foster parents' bonds to each other can be severely tested if a manipulative child perceives a weakness that can be exploited. Share the responsibility. Sometimes one of the parents can succeed with the foster child where the other has made no progress.

How are you doing as parents?

Are you successful as parents to your own children? Do you enjoy being a parent? How do your children feel about becoming a foster family? Explain your interest. Let your children know why you feel your family could be a successful foster family. Let them ask questions and make them part of the planning. They are likely to be enthusiastic if they feel they are part of the plan. After all, they are being asked to share their family and home.

What age children would best fit in with your family?

What ages have you found to be the most rewarding and easy? Some parents don't cope well with the demands of an infant but consider the emerging independence of a two year old exciting. Some parents find that children too close in age to their own children trigger competition and resentment, while others find that closeness in age promotes companionship.

What are your schools like?

Some foster children have experiences that have caused them to fall behind in their schoolwork. Does your school offer remedial classes and tutoring? Are they willing to work with you?

Are you looking for short-term or long-term foster care?

Do you want children who need to have a foster parent for only a few weeks or a teenager that may need care until he or she is 18? You should think of general guidelines that will best meet your needs. Your guidelines can always change depending on the situation.

In general, the primary goal of foster care is to unite the family. Therefore, much of the social worker's efforts will be made to accomplish this plan. However, if after a year or 18 months at the most, the parents cannot care for their child in placement, then the Court will find a permanent home for the child. This means either adoption of the child, legal guardianship by a responsible person, or a permanent placement in a Foster Home. A Foster Parent is a very important person at any stage of this process to make it as successful as possible for the child. Foster Parents are willing to share themselves, their family and their home.

Appendix C

Caregiver's Authorization Affidavit

This page intentionally left blank

Grandparent Issues #7:

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 years 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 page 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 is: _____
- 8. My California driver's license or identification card number is: _____

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.

Date: _____ Signed: _____

Notices:

1. This declaration does not affect the rights of the minor's parents or legal guardians 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.
3. This affidavit is not valid for more than one year after the date on which it is executed.

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.
4. If you do not have the information requested in item 8 (CA 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 a 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 SERVICE PLANS

1. No 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 subject to criminal liability or 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.

Appendix D

DeFacto Parent Pamphlet

This page intentionally left blank

De Facto Parent Pamphlet

You have been taking care of a child who has been declared a dependent of the juvenile court. You want to be more involved in the child's court case and are considering becoming a de facto parent.

This pamphlet describes:

- ◆ What your rights are if the juvenile court decides you are a de-facto parent.
- ◆ What is a de facto parent
- ◆ How to apply to the juvenile court to see if you are a de facto parent. and
- ◆ How the juvenile court decides if you are a de facto parent.

If you want additional information or have specific questions, you may want to consult with an attorney. Call your local Bar Association to ask for a referral.

What are my rights as a de facto parent?

You have the following rights if a juvenile court judge finds that you are a de facto parent:

- ◆ To be present at dependency proceedings (Note: as a caregiver you can go to all dependency review and permanency hearings even if you are not a de facto parent.)
- ◆ To be represented by a lawyer, if you hire one. (In dome cases the court may appoint a lawyer at no cost to you if the judge thinks it is necessary.)
- ◆ To present evidence and cross-examine witnesses and
- ◆ To participate as a party in the disposition hearing and any hearing after that.

You can learn more about these rights by reading rule 5.534(e) of the California Rules of Court (available on the California Courts Web site: www.courtinfo.ca.gov).

Remember: A de facto parent is not the same as a parent. You do not have the right to:

- ◆ Reunification services
- ◆ Attorney fees (But in some cases the judge may give

- you an attorney, and the court will pay the fees.)
- ◆ Rehearing (You cannot ask for another hearing if you don't agree with the judges decision, but you may have a right to appeal.)

What is a “de facto parent”?

You may be a de facto parent if:

The child is a dependent of the juvenile court
You are or have been taking care of the child every day.
You have been acting as the child's parent.
You are meeting (or have met) the child's needs for food, shelter, and clothing. You have also met the child's needs for care and affection.

No law says exactly what a “de facto parent” needs to be. Judges make this decision based on other court cases and on rule 5.502 (10) of the California Rules of Court. You can read the rule on the California Courts Web site: www.courtinfo.ca.gov.

How do I apply for de Facto parent status?

To apply, fill out the following forms: [JV-295](#) and [JV-296](#)

Form JV-295 asks for your name, address, and phone number. On the form, you tell the judge that you or someone else wants to be the child's de facto parent. If you are asking for someone else, you need to write that person's information on the form. Then you sign and date the form. If you have an attorney, he or she will sign the form too.

On form [JV-296](#), you say why you think the judge should decide that you or the other person named on [JV-295](#) are a de facto parent. List important things you did for the child and how often you did them. This is so the judge has all the information he or she needs to make a decision. Give information like:

How long you have cared for the child
What you do with the child
What you do for the child
How much you care for the child
What you know about the child's special needs, desires, and hopes
How you can meet the child's needs

You can also attach letters from others who know you and the child. For example: teachers, therapists, pediatricians, spiritual advisors, etc.

How does the juvenile court decide if I am a de facto parent?

Only the juvenile court can decide if you are a de facto parent. The judge will apply case law and rule 5.502(10). He or she will consider the care you gave the child and how long you did it. Also, the judge will decide if you can help the court understand what is best for the child-the child's best interests. If you have harmed the child or put the child at risk, the judge will likely decide that you are not a de facto parent.

If the judge decides you are not a de facto parent, you may still tell the judge what you feel or know about the child by filling JV-290, the *Caregiver Information Form*, or, if you are not the current caregiver, by sending a letter to the court.

This page intentionally left blank

Appendix E

Sample Food Stamp Application

This page intentionally left blank

SAMPLE FOOD STAMP APPLICATION

APPLICATION FOR FOOD STAMPS

Section 1

Applicant:

Please use a pen.

Fill in this form carefully and truthfully.

IF YOU ARE NOT SURE OF ANY QUESTION LEAVE THE SPACE BLANK.

You have the right to file an application for food stamps immediately.

Provide:

your name.

address.

signature.

date signed.

If you are determined to be eligible, your benefits will be paid from that date.

If your application is mailed to the County Welfare Agency (CWA):
Your benefits start the date received by the CWA.

When you file an application, you must provide all the required information about your situation.

To complete the application a face to face interview is required.

If you are found eligible, you can get food stamps within 30 days.
(From the date the Food Stamp office receives your application.)

Applicant's name:

(Last) _____ (First) _____ (MI) _____ (Maiden) _____

SSN# _____

Resident Address:

(The place where you actually live.)

(Number and Street or RFD) _____ (City) _____
(State) _____ (Zip Code) _____

Address where your mail goes:

(If different from your resident address.)

(P.O. Box, Street Address, or RFD) (City)
(State) (Zip Code)

Daytime telephone number: () _____
Evening: () _____

You can allow a person(s) outside your household to
apply for Food Stamps for you.
obtain Food Stamp benefits for you.
use your Families First card to buy food for you.

3. To select such a person, complete the following:

Name of Authorized		SSN
Representative	Telephone	
(Optional)	Number	Address

Signature of Applicant/Recipient
Date:

4. EXPEDITED FOOD STAMPS

You may get Food Stamps within 7 days if:
your household has little or no income now.
(Your household is you and those who live and eat with you.);
and you file a complete application;
and you submit the application within the 7 days.
You may get Food Stamps within 7 days if:
your household income, cash and resources are less than your
monthly rent or mortgage and utilities a month. (Utilities are gas,
electric, water and phone.)
or your gross monthly income is less than \$150.
and your household resources are \$100 or less. (Resources are
the money you have in the bank or in cash. Your money in the
bank can be in a checking account or a savings account.)
or your household has migrant or seasonal farm workers in it.

What is your total household income this month? _____

What is your total household cash and savings? _____

What do you pay in rent or mortgage each month? _____

What do you pay for utilities each month? _____

What is the total for rent or mortgage plus utilities? _____

Are you, or is any one in your household
a fleeing felon? Yes No
a probation violator? Yes No
a parole violator? Yes No

6. This application is for Food Stamps. Below are other programs you may want to apply. These are at the CWA. Check other programs for which you want to apply.

Cash Assistance Medical Assistance
 Refugee Resettlement

If you are denied expedited services, but feel that you are entitled to it

You may request a conference with the County Welfare Agency. The conference will be within 2 working days of the date of your request.

The Use of Your Social Security Number (SSN)

To apply, you MUST give us your SSN or apply for one. This is as required by P.L. 97-98.

WE USE SOCIAL SECURITY NUMBERS TO:

check that you are who you say you are.
keep you from getting more aid than you have a right to.
change the amount of help you get.
check other computer and government records and to make sure you qualify.

We check social security, IRS and Employment records.

If those records do not match what you say, it may affect whether you qualify.

how much cash or food stamps you get.

Information for non-citizens

You can get food stamps benefits for eligible family members. Even if you have family members who are not eligible because of immigration status.

Example

Immigrant parents may apply for food stamp benefits for their U.S. citizen or qualified immigrant children. Even if the parents are not eligible.

You may have a family member who is not eligible for food stamp benefits because of immigration status. If so, you do not have to provide information about them. You do not need to provide their:

immigration status information.
social security numbers.
or documents.

You do have to provide their
proof of income.
resources.

Using food stamp benefits
will not affect your immigration status.
will not affect the immigration status of your family.

Immigration information is
private.
confidential.
We will contact BCIS only for the status of the applicant.

Statement of Understanding/Penalty Warning
I am applying for assistance.
I know that the information I provide on this application is subject to verification by:
Federal officials.
State officials.
Local officials.

Verification will determine if your information is true. It will include matching by computer with other agencies.
I understand that if I knowingly provide incorrect information:
I may be reduced or denied benefits.
I may be subject to criminal prosecution.
I may be disqualified from the program.

I agree the information I give on this form may be verified.
By the Division of Family Development.
By the County Welfare Agency.
By authorized Federal Agencies.
The information given at my interview will also be verified.

I agree that information may be obtained from:
my past employers.
my present employers.
This information is also subject to audit and program reviews.

To the best of my knowledge, I certify under penalty of perjury:
that the information on this form is true.
all the other information provided is true. (Information given to
County Welfare office.)

I understand that I can be prosecuted
if I provide false information.
if I hide information.

Interview and re-interview information
I understand the budget reflects the expenses I tell you about.
Expenses not disclosed will not be budgeted in calculating the
amount of my food stamps.

I understand that I must cooperate with Quality Control.

In accordance with Federal law and U. S. Department of
Agriculture policy, this institution is prohibited from discriminating
on the basis of
race.
color.
national origin.
sex.
age.
religion.
political beliefs.
disability.

To file a complaint of discrimination, write
USDA Director
Office of Civil Rights
Room 326-W
Whitten Building
1400 Independence Avenue SW
Washington, DC 20250-9410
Call (202) 720-5954 (voice and TDD)

USDA is an equal opportunity provider and employer.

S:\working\wfnjform\FSP-901.doc

This page intentionally left blank

Appendix F

Information on applying for WIC

This page intentionally left blank

Information on applying for WIC

In order to apply for WIC one of the following must apply:

- ◆ You must be pregnant
- ◆ You must be breastfeeding an infant less than 12 months old
- ◆ You are not breastfeeding and your pregnancy ended less than 6 months ago
- ◆ You have a child under age 5 (including foster children & fathers or grandparents raising children)

Income Guidelines

Effective May 1, 2006 to June 30, 2007					
Number of Persons in Family Unit	GROSS INCOME				
	Annual	Monthly	Bi-Monthly	Bi-Weekly	Weekly
1	\$18,130	\$1,511	\$756	\$698	\$349
2	24,420	2,035	1,018	940	470
3	30,710	2,560	1,280	1,182	591
4	37,000	3,084	1,542	1,424	712
5	43,290	3,608	1,804	1,666	833
6	49,580	4,132	2,066	1,908	954
7	55,870	4,656	2,328	2,150	1,075
8	62,160	5,180	2,590	2,392	1,196
8+	\$6,290 per added family member	\$525 per added family member	\$263 per added family member	\$242 per added family member	\$121 per added family member

*Note: A pregnant woman counts as 2 in determining number of persons in family unit.

If you exceed the income guidelines above, but are receiving Medi-Cal, Food Stamps, or TANF, you may still be eligible for WIC benefits.

This page intentionally left blank

Appendix G

Where to Call For Child Care Referrals

Community Child Care Council

544-3077

396 Tesconi Court
Santa Rosa, Ca 95401

Extended Child Care

545-2402

335 College Avenue
Santa Rosa, CA 95401

PACEApp

585-0600

6050 Commerce Blvd
Rohnert Park, CA 94928

This page intentionally left blank

GLOSSARY

Adoption:

This is a family-building permanency option that provides a permanent home for a child until adulthood. Adoption terminates the legal rights of the parent. Check your local and state laws regarding adoption.

Best Interest of the Child:

This is the legal standard used to guide decisions about child custody and child support.

Child Abuse and Neglect:

This means physical injury, mental or emotional injury, sexual abuse, sexual exploitation, sale/attempted sale, negligent treatment or maltreatment of a child by a parent, guardian or custodian who is responsible for the child's welfare, under circumstances which harm or threaten the health and welfare of the child.

Community Worker (CW):

A paraprofessional employee who enters the work force with relevant life experience, proven problem-solving skills, familiarity with the needs of the client population, knowledge of community resources, the ability to communicate verbally, in writing, in meetings, with other members of the team and who are committed to providing supportive services to the target client population.

Consent:

The surrender of parental rights by birth parents or guardians to an individual for the purpose of adoption.

Court-Appointed Special Advocate (CASA):

A volunteer working with the court to provide volunteer guardian ad litem for children in dependency and/or family court matters.

Custody:

There are two categories of custody – physical and legal. Physical custody is the right to have a child live with you. Legal custody is the right to make legal decisions about a child (i.e. schools, medical care, religious practices, etc.)

“de-facto Parent”:

An adult who acts as the parent of a child. Someone who has cared for the child on a day-to-day basis. When “de-facto Parent” status is used in the Juvenile Court, it refers to a legal status that

is conferred by the Court. This status gives the relative or other adult the right to have an appointed attorney as well as full legal standing before the court. “de-facto Parent” forms can be obtained from the Juvenile Court in every community.

Department of Health and Human Services (DHHS):

Federal agency responsible for implementing all legislation affecting health and social service programs.

Dependent of the Court:

Children and teens under the age of 18, who come within the jurisdiction of the Juvenile Court because of abuse, neglect, abandonment, etc. (Section 300, California Welfare and Institutions)

Family Law Court:

A division of the Superior Court involved with divorce matters including child custody and visitation.

Family Court Services/Conciliation Court:

A department of the Superior Court providing services to families experiencing disputes which are being processed by the Domestic Court division of the Superior Court. The services include mediation, counseling, child custody evaluation, marriage counseling, etc.

Foster Care:

Services provided by a person not related to the child who has been certified to provide care in an out-of-home living situation when no suitable relative or kinship placement is available.

Guardian Ad Litem:

A person who is appointed by the court and paid to represent the best interest of the child in legal proceedings.

Home study:

A home study or family assessment is the process by which information is gathered and evaluated to assess a family’s ability to provide care for children who may be placed in the home through foster care. This assessment includes evaluating the physical environment of the home for safety and to determine adequate space, the family’s capacity for parenting, as well as, the family’s motivation and commitment to providing a safe, caring environment for children.

IEP (Individual Education Plan):

A plan that outlines the goals and objectives to be accomplished by children who have a learning disability. Additional information can be obtained from the School District Special Education Program.

Intake Worker (IW):

A community worker who handles the initial client contact when a family is referred for case-managed program services.

Job Opportunities and Basic Skills Training (JOBS) Program:

Under AFDC, nonexempt adult recipients receiving cash assistance were required to participate in this program. PRWORA (1996) eliminated this program.

Juvenile Court:

A division of Superior Court that has jurisdiction over juvenile matters as defined by the California Welfare and Institutions Code. Sections 300, 601, 602.

Kinship Care/Kinship Foster Care:

Extended family members who are the caregivers of their relatives' child (ren). More often than not, it is the grandmother who is the caregiver. Although not a new tradition in many cultures and among many ethnic groups, kinship foster care looms as a significant course of family preservation with the increase in substance abuse, unemployment, family breakdown, violence, incarceration, etc.

Legal Guardianship:

A legally binding relationship between a child and a caregiver, other than the child's biological parent, which may be considered as a permanent placement option for the child(ren). This arrangement transfers all the rights and responsibilities for a child from the Department of Health and Human Resources to the caregiver through a court sanctioned process. If not contested, requires only a finding of "necessary or convenient". If contested, requires a finding that remaining with the parent is "detrimental for the child". Parents are still technically financially responsible.

Open Adoption:

An adoptive arrangement that permits on-going communication and/or contact between the birth family and the child subsequent to a finalized adoption.

Permanency Planning:

A systematic effort to provide long-term continuity for children in

foster care. This planning must begin the moment the child enters foster care and must drive services and actions for the child.

Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA):

Created the Temporary Assistance for Needy Families (TANF) block grant, replacing the Aid to Families with Dependent Children (AFDC) programs and giving states flexibility to create new cash assistance programs for families with children

Power of Attorney:

A non-legally binding custody agreement between the mother or father, and the caregiver of the child. With this Power of Attorney, the caregiver can obtain routine medical care, enroll child in school and/or childcare. The agreement should make it clear that the parent retains legal custody of the child, and that the agreement is only for the period of the parents' absence. It is revocable at any time.

Probate Court:

The division of the Superior Court that deals with probate matters including Independent Guardianships requested by relatives, parents or others.

Program Initiatives (3):

Safety – The focus is on ensuring that children in foster care live in safe, secure and health environments and are not in danger of abuse or mistreatment.

Legal Permanency – There is an acknowledgment that children grow and develop best in a permanent home and with consistent and predictable caregivers.

Emancipation – The focus is on youth that remain in long-term foster care and leave that care at age 18. The Emancipation Program assists youth (ages 14 – 18) in preparing for independent living and in developing skills that will help them access educational and vocational opportunities and services.

Relative/Kinship Care:

Services provided by any person related to the child by blood or marriage including cousins and in-laws. Persons who the child considers a relative, such as a godparent or significant others whom the child claims as kin may also be considered as a placement resource. These individuals must meet the criteria to be certified as foster care providers in order to receive boarding care payments.

Relinquishment:

The surrender of parental rights by birth parents or guardians to an outside agency for the purpose of adoption.

Respite Care:

Temporary out-of home or in-home childcare provided by someone other than the relative caregiver. Respite Care for relatives is a significant need that should be addressed through your support groups or some other community/public service.

Social Support Network:

Social support can be defined as a feeling or an attitude or an act of concern and compassion. It is what relatives, friends and good neighbors provide to each other in times of need or crisis. When these individuals link together for the purpose of helping, they form a social support network. Only the term is new; the concept is a natural response to others and has existed since the beginning of communities.

State Custody:

Assignment of a child into the legal custody of the Department of Health and Human Resources. Children may enter into the custody of the Department through court ordered child abuse and neglect proceedings, through the juvenile justice system, by voluntary placement, relinquishment by the parents, or voluntary placement by a child age 18-21.

Superior Court:

The first level of the state judicial system. Each county has a Superior Court and each Superior Court is organized into Divisions, which cover: Juvenile, Probate, Family (Domestic), Civil and Criminal matters.

TANF (Temporary Assistance to Needy Families):

This is a public assistance program funded through Federal, State and County dollars, which provides subsidy to eligible families who have dependent children still living at home.

TANF-FC (Temporary Assistance to Needy Families – Foster Care):

This public assistance program subsidizes the care of eligible children, who are in foster care, through Federal dollars. This may be paid to relatives if they meet the eligibility guidelines.

Termination of Parental Rights:

Termination of parental rights is a legal procedure that ends the legal relationship between a child and parent. Parental rights are protected rights and are terminated by court order only when the court has sufficient reason to do so and after notice and hearing are given to the parents.

Temporary Restraining Order (TRO):

A legal remedy designed to protect victims of physical or psychological abuse from an abuser who has intentionally or recklessly caused the victim bodily harm, committed a sexual assault or has caused fear of physical or emotional harm. If the abuser is a family member who lives in the home, the restraining order may contain a provision ordering the abuser to leave the home immediately (called a “kick out” order) until a court hearing can be scheduled to determine whether or not the abuser must stay away permanently. The KSSP staff (particularly the caregiver’s Community Worker) may have to assist and support the relative in need of a TRO to protect themselves and their children from the abuser (who may be a birth parent).

Visitation Rights:

As a grandparent/relative caregiver, accepting the responsibility of your grandchild(ren) will have an effect on your ability to obtain financial assistance. For some grandparents financial assistance is not an issue, but visitation rights are. Every state has at least one statute that addresses the issue of grandparents’ visitation. Approximately ¼ of the states (including California) have adopted a broad based, general statute providing grandparents visitation when it is found to be in the best interest of the child, regardless of whether the parents’ marriage is intact or some family disruption occurred. An AARP brochure entitled: For Grandparents: “Questions & Answers About Your Visitation Rights and How to Obtain Them” provides a state by state review of protective laws.

Welfare and Institutions (W&I) Code:

State laws governing protection, care and assistance to children, aged persons and others in need of government social and protective services are compiled in this Section of the California Statutes.

Resources to help with:

Legal, Financial, Clothing, & Food

Legal Resources:

American Association of Retired Persons (AARP)

601 E Street NW
Washington, DC 20049
800-OUR-AARP 800-687-2277

<http://www.aarp.org/families/grandparents/>

AARP is a national organization that provides a Legal Services Network, which is a directory of attorneys across the country, who charge reduced fees for AARP members.

American Bar Association

Center on Children and Law
1800 M Street NW #200 South
Washington, DC 20036
202-662-1720 or 800-285-2221

www.abanet.org/child/home/html

Contains a section on Child Welfare Law tips and provides an excellent “Consumer’s Guide to Legal Help” web site for every state at: www.abanet.org click “find legal help”, then click on your state.

Grandparents Parenting . . . Again

Self-help guardianship clinic
3725 Westwind Boulevard (by appointment only)
Santa Rosa, CA 95403
707-566-8676

www.grandparentsparentingagain.org

Offers a self-help guardianship clinic 5 times a month to help those persons that wish to obtain guardianship of a family member’s child at little or no cost.

Sonoma County Family Law Facilitator

600 Administration Drive; Room 223-J
Santa Rosa, CA 95403
707-565-2841

Offers an individual meeting with an attorney.
Provides assistance with filling out court forms, modifications of spousal and child support, support calculations, wage assignments, child visitation, guardianship, divorce, custody, mediation and referrals.

Sonoma County Legal Aid

1105 N. Dutton Avenue, Suite 101
Santa Rosa, CA 95401
707-542-1290

Provides legal services in the area of family law and eviction defense. Also conducts community education workshops, self-help clinics, makes referrals to volunteer attorneys. Assistance is available to SonomaWorks participants who have legal barriers to employment.

Sonoma County Legal Services Foundation

1212 Fourth Street #1
Santa Rosa, CA 95404
707-542-1290

Assists with Domestic violence/civil harassment restraining orders; guardianship services & Eviction/housing cases. Under certain circumstances, Legal Aid may be able to refer you to an attorney who can assist you in court. There is no charge for this service.

California Indian Legal Services

37 Old Courthouse Square, Suite 209
Santa Rosa, CA 95404
707-573-8016

Provides free legal services for those who are eligible, must meet federal poverty index guidelines, includes Temporary Assistance for Needy Families recipients. Does not handle criminal law, dissolutions or bankruptcy findings.

California Rural Legal Assistance

725 Farmers Lane, Suite 10
Santa Rosa, CA 95405
707-528-9941

Provides legal assistance. Limited staff & resources.
Priorities for services are workers' rights, housing, educational rights, environmental, health and welfare rights.

Council on Aging Services for Seniors

Lawyer Referral Services
730 Bennett Valley Road
Santa Rosa, CA 95404
707-525-1146

Offers a panel of Sonoma County elder law attorneys for consultations

Santa Rosa City Schools

Child Welfare and Attendance
2230 Lomas Avenue
Santa Rosa, CA 95404
707-528-5137

Assists parents of school age children who are not attending school. The Santa Rosa Police Department, 528-5222, has the responsibility to investigate possible truancy.

Sonoma County Bar Association

Lawyer Referral Service
37 Old Courthouse Square, Suite 100
Santa Rosa, CA 95404
707-546-5297

Designed to assist people in finding the right lawyer at the right time. More than 60 attorneys who are experienced in 16 major fields of law are available to serve you

Superior Court of California-County of Sonoma

Temporary Restraining Order Clinic
600 Administration Drive
Hall of Justice
Santa Rosa, CA 95403
707-565-1161

Offers free help in completing forms regarding Civil Harassment and Domestic Violence Restraining Orders.

Financial, Clothing & Food

Sonoma County Department of Child Support Services

1755 Copperhill Parkway
Santa Rosa, CA 95403
888-271-4214

Establishes paternity for children born out of wedlock including DNA testing for determination of paternity if needed, establishes child support orders where none exists, enforces child support and family support orders, locates non-custodial parents and, or their income and assets, collects and distributes support payments.

County of Sonoma Human Services

Food Stamps and General Assistance

2550 Paulin Drive
Santa Rosa, CA 95402
707-565-2715

Provides food stamps to assist low income residents or individuals not receiving cash assistance, with monthly benefits to supplement the household's food budget. Also provides general assistance that assists with basic items of need for disabled or unemployed adults who are not eligible for other programs.

SonomaWORKS

2225 Challenger Way, Suite 101
Santa Rosa, CA 95407
707-565-2715

SonomaWORKS is a comprehensive, welfare-to-work program for Temporary Assistance for Needy Families applicants and recipients providing employment and training services, cash assistance, and supportive services that include child care, transportation, and mental health and substance abuse services.

**PICK UP APPLICATIONS AT 2550 PAULIN DRIVE,
SANTA ROSA**

Friends in Sonoma Helping

FISH of Sonoma Valley
18330 Sonoma Highway
Sonoma, CA 95476
707-996-0111

Provides a 3-day supply of groceries once a month. Also supplies free clothing, rides to medical appointments, and some assistance for rental and utility bills. Services are limited to residents of Sonoma Valley.

Jewish Family and Children's Services

Step to Work Family Loan Program
1360 North Dutton Avenue, Suite C
Santa Rosa, CA 95401
707-571-8131

Provides low-interest loans of up to \$3,000 to help low-income parents pay for unexpected job or education related expenses, like car purchases or repairs, housing deposit or rent, work or school uniforms, tools for a trade, or childcare. Must be employed or in vocational training full time for at least three months or part time for six months, or be enrolled in at least nine units per semester and have received at least nine units during the past semester.

Pacific Gas & Electric Company

CARE
800-743-5000

Offers up to 20% discount and exemption for surcharges on your monthly electricity bill.

Petaluma People Services Center

Rental Assistance Programs
1500A Petaluma Blvd. South
Petaluma, CA 94952
707-765-8488

Operates programs designed to prevent homelessness by assisting low-income households with back rent, deposit or critical needs.

AT&T**Universal Lifeline**

800-772-3140

Offers discounted telephone service plans to make basic phone service even more affordable for qualified customers. Qualifying low-income customers can save 50% per month on flat rate service or measured rate telephone service. Plus, you may be eligible for a discount on connection services.

Salvation Army Santa Rosa Corps**Family Services**

160 Montgomery Drive
Santa Rosa, CA 95404
707-542-0998

Provides emergency food once every 3 months, clothing and rental assistance. Provides assistance for birth certificates. Offers referrals and tutoring. Also runs a Christmas food & gift program.

REACH Program

160 Montgomery Drive
Santa Rosa, CA 95404
707-542-0998

A PG&E sponsored program administered by the Salvation Army to assist low-income households experiencing difficulty in paying their energy bills.

Santa Rosa Junior College**CalWORKS Program**

1501 Mendocino Avenue
Santa Rosa, CA 95401
707-527-4011

Provides assistance for students while attending Santa Rosa Junior College for adult basic skills education or vocational training in cooperation with the Sonoma County Human Services Department SonomaWORKS Program, Cal-Learn, or other counties CalWORKS programs. Also provides childcare funding and subsidized employment opportunities to eligible students.

Healthcare Resources

Community Dental Clinics:

Cloverdale

Alexander Valley Regional Medical Center Dental Clinic
100 West Third Street
Cloverdale
707-894-2094
(Ages 1 yr. up) Spanish

Guerneville

Russian River Dental Clinic
16312 Third Street
Guerneville
707-869-2933
(Ages 2 ½ up)

Healdsburg

Alliance Medical Center Dental Clinic
1681 University Avenue
Healdsburg
707-433-8161
(Ages 4 yrs up) Spanish

As of 3/1/06 this clinic only sees patients of Alliance Health Center

Santa Rosa

St. Joseph Children's Dental Clinic
751 Lombardi Court
Santa Rosa
707-547-2221
(Any age up to 16 yrs) Spanish

Currently see new patients 5 years of age and older one day every other month on first come first serve basis (20 clients). Call for dates. Children under 5 yrs are seen more frequently. Call for appointment.

St. Joseph Health System Mobile Dental Unit
707-547-2237

Serving agricultural workers and their families in various areas of the county. Spanish

Sonoma County Indian Health Project
144 Stony Point Road
Santa Rosa
707-521-4600
(Age 2 yrs. Up)

Require copy of Social Security card and MediCal card in order to be seen.

Other Resources

UCSF Pediatric Dental Clinic
San Francisco
415-476-3276 or 415-476-1891
Orthodontics 415-476-2841

University of the Pacific (UOP), San Francisco
Orthodontics 415-929-6555 or main # 415-929-6501

DentiCal
800-322-6384

There are other providers who accept DentiCal, so it is always a good idea to check with your family dentist. He/she may accept your foster children into the practice even though the office is not accepting new DentiCal. The providers listed below are currently accepting new DentiCal patients, but this could change at any time. Some accept a limited number of DentiCal patients. Some accept children of or after a certain age or only if a child is able to behave. Be sure to ask when scheduling.

Cotati

Cotati Family Dentistry
421 East Cotati Avenue
Cotati
707-664-1200
(6 yrs. & under only) Spanish

Petaluma

Dr. Elizabeth Van Tassell

135 Keller St., Ste. F
Petaluma 707-778-6006
(Up to 5 yrs for OR. NBRC/special needs all ages)

New patients must be referred by another dentist. Spanish

Petaluma Dental Clinic

47 Maria Drive, Ste. 813
Petaluma
707-776-2722
(1 yr up)

Spanish

Rohnert Park

Rohnert Park Dental (Gateway)
5755 Redwood Drive
Rohnert Park
707-584-1000
(5 yrs up)

Spanish

Santa Rosa

Dr. Norman Chau

2921 Cleveland Avenue
Santa Rosa
707-544-4818
(15 yrs up)
Spanish

Basic care only

Smile Care

140 Stony Point Road
Santa Rosa
707-578-3118 (3 yrs up; must behave)
Spanish

General dental care and also do evaluations for orthodontia

Western Dental

1240 Farmers Lane
Santa Rosa
707-542-5200
(5 yrs up)

Spanish

Western Dental does general care and orthodontia

Western Dental
4100 Montgomery Drive
Santa Rosa
707-537-2021
(5 yrs up)

Spanish

Windsor

Lakewood Dental
9046 Brooks Road, South
Windsor
707-836-8685
(2 yrs up)

Spanish

Additional Places to go for help

On the Web:

GrandFamilies of America
<http://www.grandfamiliesofamerica.com/>

Sonoma Kinship Center
<http://www.sonomakinship.org/go>

