

RESOURCES

Legal Services of Southern Missouri
1-800-444-4863
417-881-0533 (Local)

Southwest Missouri Office on Aging
1-800-497-0822
417-862-0762 (Local)

Family Support Division
417-895-6000

AARP
1-800-424-3410

MC+ (Health Insurance
Program for Children)
1-888-275-5908



This project is a partnership between Legal Services of Southern Missouri and Southwest Missouri Office on Aging.

This brochure was written by Legal Services volunteer attorneys. Since laws apply differently in different situations, you should consult an attorney.

Legal Services of Southern Missouri is a non-profit 501(c)(3) organization funded in part by the Legal Services Corporation. The organization is restricted from engaging in certain types of legal work including fee-generating matters.

WEBSITES

Legal Services of Southern Missouri
www.lsosm.org

Southwest Missouri Office on Aging
www.swmoa.com

AARP-Grandparent Information Center
www.aarp.org/relationships/friends-family

Generations United
www.gu.org

National Council on Benefits Checkup
www.benefitscheckup.org

GRANDPARENTS AS CAREGIVERS FOR GRANDCHILDREN

Legal Options, Benefits, and Resources

What You Need to Know!



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PROVIDING QUALITY LEGAL AID

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Legal Services of Southern Missouri
809 N. Campbell Ave.
Springfield, MO 65802
1-800-444-4863
(417) 881-0533



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If you are a grandparent raising grandchildren, you are not alone:

- 5.8 million U.S. children under 18 live in grandparent-headed households (Census 2010).

LEGAL OPTIONS

Your family's circumstances will determine which legal option is best for you. Talk to an attorney to help you find the right option.

1) ADOPTION

Grandparents may adopt a grandchild when the parent's rights have been terminated. Parental rights may be terminated voluntarily or by the court.

When grandparents adopt their grandchildren, they become the parents in the eyes of the law. This fact may make access to services easier.



2) GUARDIANSHIP

Unlike adoption, guardianship does not sever the birth parent's rights in the eyes of the law.

A guardian is responsible for the care and custody of the child.

A court may grant guardianship when:

- (1) the child is incapacitated;
- (2) the child has no living parent;
- (3) the parents or surviving parent are unwilling, unable, or unfit to act as guardian; or
- (4) the parents or surviving parent have had their parental rights terminated under the juvenile code.

3) LEGAL CUSTODY

Legal custody is similar to guardianship, but is usually granted when the parents obtain a divorce.

The court will only award custody to a grandparent if:

- (1) each parent is unfit, unsuitable, or unable to become a custodian; and
- (2) grandparent custody is in the best interest of the child.

A grandparent may also obtain custody if a child is placed in foster care.

BENEFITS*

(*Must meet eligibility guidelines.)

- NPCR (Non-Parent Caretaker Relative Grant)
 - temporary assistance for needy families
 - financial help to low-income families
 - Family Support Division (FSD)
 - tested on child's income
- Food Stamps
 - program is based on household income and created to assist low-income families with food purchases
 - contact local FSD office
- MC+ for kids
 - Missouri's Health Insurance for kids of low- and medium-income families without health insurance. Call 1-888-275-5908 or contact your local FSD office
- Earned income tax credit (EITC)
 - available to working grandparents