

## How To Navigate the Courts and Help A Child At Risk Live With A Relative Caregiver

Written by Alex

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In today's society caregivers who are relatives are becoming a special type of caregiver. It is a situation in which children can not remain with their biological parents because of issues related to safety and stability. Studies have shown that children do much better, emotionally, physically and mentally when living with a relative, rather than in a foster care situation or with an adult that they do not know.

Having a child live with you under such circumstances can be financially and emotionally challenging at times. While there are resources available for relative caregivers but it is easy to get overwhelmed.

How do you become a relative caregiver? Do you should go to Juvenile Court or Probate and Family Court? What are the differences and the advantages for you? (One of the things you need to remember is that parents have special constitutional rights and other protections which are not afforded to a relative caregiver.)

In becoming a caregiver there are three different approaches that you should consider:

(1) The most common approach is going to the Probate and Family Court to become a legal guardian or an adoptive parent. There are different legal forms that an attorney can explain to you about filling out and different standards that need to be met for each one.

(2) Another approach is Juvenile Court which generally would involve foster care by a relative caregiver. This is generally accomplished through the Department of Children & Families ("DCF"). Also, if there is DCF involvement, you might request (in a Care & Protection case) for direct custody by the Judge or seek a guardianship in Juvenile Court. You can also seek to become the legal guardian or adoptive resource after being a foster care relative or guardian.

(3) Another potential option is something called a "Caregivers Affidavit", which you can generally get in Probate Court; this gives you some limited protections as a more informal caregiver. Some of the benefits of being an informal relative caregiver are that it is a more informal arrangement with the children's parents while the parents are involved with the Court and/or the Department of Children and Families ("DCF"). The biological parents still have

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custody, but the relative caregiver can provide the child's everyday basic needs.

(4) You can also seek "Foster Care Relative Caregivers" status. For this you would inquire if DCF has to look to "family first" and could they place the child with you as a relative. You must be approved as a placement resource by DCF which can take time. If a child and the parents are not able to be reunified, the foster care relative can apply for guardianship or adoption.

(5) Another option is a legal guardianship which involves getting legal and physical custody of the child. If that happens, the parent, rather than DCF, has to get an official court order allowing that to take place.

In Probate Court you can file a petition for guardianship of a minor (just as you can sometimes do in a care and protection case) either at the time of the filing or after the filings have occurred. You could also seek legal custody and physical custody through the DCF's petition which would allow DCF to give you potential resources support, but with some restrictions on some of your caretaking decisions.

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### ADOPTION

To adopt a child, you have to go through a series of court proceedings and the biological parties must consent to the adoption or the court needs to terminate their parental rights before the adoption would be granted.

Making the decision to be a relative care giver is hard but there are many legal options. This article can provide an idea of a some of the options but you should speak to an attorney before filing.