

Legal Service Models for Kin Caregivers



Contents

Introduction	1
Funding Legal Services	1
Legal Service Models.....	2
Legal Service Model 1: Legal Education/Resources	2
Legal Service Model 2: Brief Legal Services	3
Legal Service Model 3: Legal Representation	4
About the Profiles	6
Profiled Organizations (with relevant models noted in parentheses).....	7
Profiles.....	9
Alaska Legal Services Corporation	9
Center for Elder Law & Justice.....	13
Children’s Service Society of Utah	16
Creating a Family- Support • Train • Strengthen / Foster • Adoptive • Kinship	18
Helmert+Associates	22
Legal Advice and Referral for Kinship Care (LAARK)	25
Legal Aid of Western Ohio	27
Michigan State Kinship Care Resource Center and Chance at Childhood Law School Clinic	31
Tips	35
Build Strong Partnerships.....	35
Include Kin Caregivers in Program Design.....	35
Maximize Flexibility in Eligibility Requirements	35
Provide Services in Multiple Languages.....	35
Bring Your Services to the Community.....	35
Serve as an Important Voice in Policy Change to Help Kinship Families	36

Introduction

Over 2.4 million children in the United States are being cared for by kin – either relatives or others with a significant connection to the family – without having their parents present in the home. When children cannot stay with their parents, [research](#) demonstrates that they do best with kin. One of the fundamental challenges for kinship families – that distinguishes them from parent-headed families – is that these caregivers lack automatic legal rights and responsibilities for the children. Consequently, legal assistance is one of their most urgent needs so they can access services and supports for the children in their care. There are many helpful models of providing legal assistance to kin caregivers around the country. This resource summarizes those models and provides profiles of organizations doing good work. The goal of this piece is to provide replicable ideas to others wanting to provide supportive legal assistance to kinship families in their communities.

Kin caregivers typically step up to care for children without the opportunity to prepare. They must navigate challenges related to their legal relationship with the child they are now caring for: What’s the difference between temporary custody and guardianship? Do I have the authority to give permission for their needed dental procedure? Legal placement and permanency options, foster care licensing procedures, and the implications of each are often not explained to kin caregivers. Even when they are, it can be hard to fully understand that information during an overwhelming time, and changing circumstances require updated guidance. Caregivers may also need legal help with accessing public benefits, understanding special education services, or other issues.

Legal professionals can help kin caregivers understand their options, and can help them obtain guardianship, power of attorney, or another legal relationship to children in their care. However, many caregivers struggle to afford or access legal services or are not aware that relevant legal services exist.

Funding Legal Services

Funds under several programs and entities are used to support these important legal services, including through the Legal Services Corporation, National Family Caregiver Support Program, Temporary Assistance for Needy Families, and Victims of Crime Act. See the Network’s [Federal Funding Primer](#) to learn more. Most recently, in July 2024, a federal Administration for Children, Youth & Families (ACYF) rule for Foster Care Legal Representation went into effect, explicitly allowing title IV-E child welfare agencies to use federal funds to cover the costs of legal representation for relative caregivers (see the box on the next page for more about the term “relative”) as a reimbursable expense. Allowable expenses include representation in civil legal proceedings that are not directly related to child welfare involvement, but could help keep kinship families together, such as defending families against eviction from their homes. Allowable expenses also include expenses related to legal representation, such as salaries for administrative support workers and peer advocates who work as part of a legal model. This rule provides an opportunity for

jurisdictions to expand funding for legal representation of kin and is flexible enough to accommodate many modes of legal service provision.

The federal government refers to “relative” in title IV-E. States, tribes, and territories have flexibility to define “relative” as they see fit. Most define it to include kin, like close family friends, coaches, etc., who are not related by blood, marriage, or adoption to the children. Jurisdictions also have the flexibility under federal law to have several definitions of “relative” for different purposes. For example, they might have a narrower definition of relative for the requirement to identify and notify relatives for children removed from their parents and a broader definition for legal representation.

Legal Service Models

Legal services are not limited to the traditional model of a lawyer representing a client in court. A broad range of legal service provision models can help overcome barriers to access and provide kin caregivers with the assistance they often need to safely care for the child in their home.

The following is a list of common legal service models that can be used to assist kinship/grandfamilies. Each brief description includes a list of generalized advantages and downsides for the model in question, but we recognize that individual programs within each of these models vary.

Legal Service Model 1: Legal Education/Resources

Many organizations create and share resources that help kinship families navigate legal systems and challenges and provide much-needed information. These resources take many forms, including handouts, sample forms, in-depth guides, website-based information, and videos. Organizations also often provide education by conducting trainings and presentations, both in-person and online. Some organizations ask lawyers to attend caregiver support group sessions so that they can explain the legal relationship options that are available to caregivers and answer their questions.

► Advantages

- Capable of reaching a broad audience simultaneously
- Relatively inexpensive and not time-intensive
- Can be shared by non-legal organizations and individuals

- May be translated into multiple languages for a broader reach

▶ **Downsides**

- Not tailored to individual circumstances
- No or limited opportunities for asking questions
- Information can quickly become outdated
- Literacy and/or technological barriers

Legal Service Model 2: Brief Legal Services

Category A: “Pop-up” Legal Clinics

“Pop-up” legal clinics provide legal assistance at certain limited places and times. These clinics often occur alongside community events or in spaces where potential clients are likely to spend time. They may be organized by established legal organizations, but often partner with non-legal organizations/agencies, and are frequently staffed by volunteers and/or law students. This type of representation is limited to consultation only and may or may not result in full representation. It is meant to assist with limited issues that are often resolved on the spot by the guidance provided to the kin caregiver.

▶ **Advantages**

- Can meet caregivers where they are
- Less time- and resource-intensive than a full-time legal office

▶ **Downsides**

- Limited availability
- Limited assistance
- Difficulty of providing ongoing support and follow-up

Category B: Courthouse Self-Help Centers

This model refers to resources located in courthouses, usually in rooms/centers staffed by volunteer attorneys or law students who provide legal information to unrepresented individuals seeking assistance. Again, this type of representation is limited to consultation only and is targeted at providing guidance and direction to support the kin caregiver, who is then required to complete the next steps pro se (by themselves without an attorney).

▶ **Advantages**

- Provides assistance at the place and moment that it is most needed

- Improves court efficiency

▶ **Downsides**

- Not preventing or resolving issues before they get to court
- No ongoing legal assistance
- Limited assistance

Category C: Legal Helplines

Legal helplines provide legal assistance over the phone or via video conferencing software, such as Zoom. Services provided can range from brief one-time conversations with a volunteer to ongoing advice from a staff attorney. Depending on the resources available and the caregiver's need, this interaction may or may not result in full representation or a referral to an attorney for further assistance.

▶ **Advantages**

- (Almost) no geographic limitations
- Convenience for clients and attorneys, particularly those who lack transportation or live in rural areas

▶ **Downsides**

- Less personal connection
- Can be harder to assist with paperwork or prepare for court without being in person together
- Technological barriers
- Limited assistance

Legal Service Model 3: Legal Representation

Category A: Legal Aid and Other Nonprofit Legal Representation

Many nonprofit organizations provide free or reduced-cost legal assistance to individuals with low incomes. Some of these organizations specifically serve kin caregivers or people involved with child welfare. Others address a range of civil legal issues faced by individuals with low-incomes and are commonly known as legal aid. Many legal aid organizations are funded by the Legal Services Corporation (LSC), which each year receives federal funding to support access to justice through organizations that provide legal assistance in non-criminal matters to individuals with low incomes. Like all of the categories under Model 3, the scope of services they provide can range from brief advice to full representation in

court. Some legal aid offices have units or attorneys who focus specifically on kinship issues. Others may assist kin caregivers through their family law or elder law units.

▶ **Advantages**

- Free for caregivers who qualify
- Legal expertise and knowledge of services in related areas such as housing, benefits, employment, etc.

▶ **Downsides**

- Often have strict income eligibility criteria
- Providing full legal representation requires significant cost, time, and expertise

Category B: Senior/Elder Law Organization Legal Representation

Some nonprofit organizations exclusively serve or primarily focus on seniors and elder law issues. Some of these organizations have units dedicated to helping grandparents and/or other elder kin raising children by addressing a variety of kinship issues.

▶ **Advantages**

- Connection with other supports or legal assistance specific to seniors
- Legal expertise and knowledge of services in related areas that typically impact the older adult population

▶ **Downsides**

- Younger caregivers may be ineligible
- Often don't include family law or child welfare law expertise
- Often have strict income eligibility criteria

Category C: Private Legal Representation

Many kin caregivers seek out private legal representation through law firms or solo practitioners. This representation can be provided either at-cost, on a sliding scale, or free as part of a law firm's pro bono services.

Additionally, pro bono programs can also be coordinated through bar associations or other nonprofit or legal aid organizations. For example, Atlanta Legal Aid's kinship project partners with a large law firm in Atlanta that has a pro bono legal coordinator who pairs a new attorney with an experienced attorney to handle each adoption case.

▶ **Advantage**

- Fewer limitations on eligibility, availability, and scope of representation

▶ **Downsides**

- Cost to caregivers
- Private attorneys are less likely to have relationships with other service providers

Category D: Legal Representation in Tribal Courts

Some legal organizations provide representation in tribal courts instead of, or in addition to, the state courts in their jurisdiction. Full faith and credit recognition of tribal orders is required when tribal courts hold custody proceedings for children who meet the definition of “Indian child” under the Indian Child Welfare Act (ICWA). Under ICWA, “tribal court” means a court with jurisdiction over child custody proceedings that is either a Court of Indian Offenses, a court established and operated under the code or custom of an Indian tribe, or any other administrative body of a tribe which is vested with authority over child custody proceedings, which could include a Tribal Council.¹ For more information about tribal courts, view the profile for the [Alaska Legal Services Corporation](#) (on page 9).

▶ **Advantages**

- Culturally responsive
- More flexibility to meet the needs of families

▶ **Downsides**

- Not an option for most families
- Requires legal knowledge and cultural understanding that many legal professionals lack

About the Profiles

The ABA Center on Children and the Law conducted informational interviews with nine organizations from across the country that provide some form of legal assistance to kin caregivers. Among these organizations are representatives of all of the models described previously, with many offering services across several models. These organizations are merely a sample of the many excellent legal providers that exist. The following profiles are

¹ Native American Rights Fund, National Indian Law Library, ICWA Guide Online | 8. Role of Tribal Courts, <https://www.narf.org/nill/documents/icwa/faq/role.html#Q1>

meant to highlight how these models look in practice, and what others can learn from their work. Each profile includes information about these programs in the following categories:

- ▶ Highlighted Legal Service Models
- ▶ Organizational Overview
- ▶ Need for Services
- ▶ Services Provided
- ▶ Population Served
- ▶ Staffing
- ▶ Funding
- ▶ Partnerships
- ▶ Outreach/Referral Process
- ▶ Tips and Insights

Profiled Organizations (with relevant models noted in parentheses)

- ▶ [Alaska Legal Services Corporation](#) (Legal Aid and Other Nonprofit Legal Representation, Legal Education/Resources, & Representation in Tribal Courts) – *Page 9*
- ▶ [Center for Elder Law & Justice \(NY\)](#) (Legal Aid and Other Nonprofit Legal Representation, Legal Education/Resources, Legal Helplines, & Senior/Elder Law Organizations) – *Page 13*
- ▶ [Children’s Service Society \(UT\)](#) (Legal Education/Resources, with referral relationships/partnerships with Courthouse Self-Help Centers, Legal Aid and Other Nonprofit Legal Representation, & Legal Helplines) – *Page 16*
- ▶ [Creating a Family \(NC\)](#) (Legal Education/Resources & “Pop-up” Legal Clinics) – *Page 18*
- ▶ [Helmert+Associates \(KY\)](#) (Private Representation) – *Page 22*
- ▶ [Legal Advice and Referral for Kinship Care \(LAARK\) \(WA\)](#) (Legal Education/Resources & Legal Helplines) – *Page 25*
- ▶ [Legal Aid of Western Ohio](#) (Legal Aid and Other Nonprofit Legal Representation, Legal Education/Resources, & Private Representation) – *Page 27*
- ▶ [Michigan State University \(MSU\) Kinship Care Resource Center and Chance at Childhood Law School Clinic](#) (Courthouse Self-Help Centers, Legal Aid and Other Nonprofit Legal Representation, Legal Education/Resources, Legal Helplines) – *Page 31*

The table on the next page presents the information about which of the profiles include which of the models in a more visual format. Table cells marked with an “X” indicate that the organization provides the identified model of legal services, and that work is highlighted in their profile. These organizations may also provide other services and/or partner with/refer clients to service providers that use other models.

Organization	Education/ Resources	Pop-Up Clinics	Courthouse Self-Help	Legal Helplines	Legal Aid/ Nonprofit	Elder Law	Private Representation	Tribal Representation
Alaska Legal Services	X				X			X
Center for Elder Law & Justice	X			X	X	X		
Children's Service Society	X							
Creating a Family	X	X						
Helmets+Associates							X	
Legal Advice and Referral for Kinship Care	X			X				
Legal Aid of Western Ohio	X				X		X	
MSU Kinship Care Resource Center	X			X				
MSU Chance at Childhood Clinic	X		X		X			

Profiles

Alaska Legal Services Corporation

Information for this profile was gathered both from a conversation with Pearl Pickett, Native Law Supervising Attorney at Alaska Legal Services Corporation (ALSC), and from ALSC's website, <https://www.alsc-law.org/>.

Highlighted Legal Service Models:

Legal Aid and Other Nonprofit Legal Representation, Legal Representation in Tribal Courts, & Legal Education/ Resources

Organizational Overview

Alaska Legal Services Corporation (ALSC) is a civil legal aid organization. They provide free legal assistance to eligible clients facing legal issues related to consumer law, family law, housing, public benefits, health care, Alaska Native law, and other areas specific to veterans or the elderly. ALSC has twelve offices and works statewide across Alaska.

Need for Services

Alaska has a large Indigenous population and is home to more than 200 federally recognized tribes. Tribal courts can exercise jurisdiction over child custody proceedings involving Indian children.² Similar to state courts, legal representation for families in tribal courts helps them navigate the process and advocate for their interests, particularly when that representation is familiar with tribal court customs and procedures that may differ significantly from state court.

American Indian and Alaska Native (AI/AN) grandparents who are caring for their grandchildren have a particularly acute need for services. AI/AN children in the child welfare system are less likely to be placed with kin than non-AI/AN children. This disparity persists despite the protections of the Indian Child Welfare Act (ICWA) and the well-documented traditional and statistical evidence of the critical role of AI/AN grandparents as child caregivers in their communities. In Alaska, extended family members are ineligible for emergency licensure under Alaska Office of Children's Services (OCS) policy. Even when interested and eligible, they are often not prioritized for the licensing process. To make matters worse, grandparent caregivers generally do not have a right to counsel in a child welfare proceeding. This makes advocacy and education critical to ensure that grandparents understand and can enforce their rights on behalf of a child in the child welfare system, both to secure the placement of their kin children with them and to receive necessary supports when the children are placed with them.

² The Indian Child Welfare Act defines "Indian child" as "any unmarried person who is under age eighteen and is either (1) a member of an Indian tribe or (2) is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe." 25 U.S.C. § 1903.

Services Provided

ALSC attorneys also represent tribes as a legal party in “child in need of aid” proceedings in state courts. Court hearings typically occur over the phone or video conference in Alaska because of the state’s geographical size and largely rural makeup. This representation often entails advocating for placement with a child’s relatives, who typically do not have their own attorneys. When a child is placed with relatives, ALSC also advocates for them to receive financial assistance such as child-only TANF benefits and services for which they may be eligible, and to be timely licensed as foster parents when interested. As a broader legal aid organization, they are also able to help kin caregivers with other legal issues, such as access to SNAP food assistance, housing, health care, and consumer protection.

Where kin caregivers are unable to navigate the process of foster care licensure alone or with tribal nonprofit assistance, ALSC, with the tribe’s support, can help caregivers. ALSC can prepare caregivers for home visits, assist caregivers with obtaining variances if they cannot meet the licensing standards, and advocate on their behalf to the Office of Children’s Services (OCS) when there are delays in investigating or approving a request.

“We’re not assisting [caregivers] in being meddlesome, but when clients come to us with a compelling legal need to formalize their kinship caregiving arrangement or get the type of assistance that they’re entitled to based on a pre-existing arrangement, then that’s something that we find compelling.”

– Pearl Pickett

Outside of the state court system, ALSC provides advice and technical assistance to tribal courts to ensure that their orders affecting children and families are afforded full faith and credit. This can include state court litigation regarding the recognition and enforcement of tribal court orders. ALSC also provides direct representation to caregivers, advising them of their options and assisting them in accessing tribal courts and navigating their procedures.

ALSC also periodically partners with Volunteers of America’s kin caregiver support group to present to kin caregivers about their legal options and rights.

Population Served

ALSC represents individuals with low incomes across Alaska. Much of their work with kin caregivers occurs through their representation of tribes, but they also serve caregivers directly statewide. Pickett and other tribal attorneys advocate for kin caregivers in their capacity as tribal attorneys in cases when the tribe supports a kinship placement and wants to ensure they have the resources they need.

Staffing

Pickett is one of four tribal attorneys at ALSC. Rather than having a dedicated kinship unit, most ALSC attorneys outside of the unit serving tribes are generalists and may work with kin caregivers along with other clients.

Funding

Much of ALSC's funding comes from the Legal Services Corporation, which limits client eligibility to those below or near the federal poverty line. However, they also receive other targeted grants. One such grant is dedicated to elders who are caring for minor children. This grant allows ALSC to provide some additional legal support to caregivers who otherwise would not meet the eligibility requirements.

Partnerships

ALSC tries to partner with tribes and tribal nonprofits as much as they can in their tribal representation work.

In 2019, ALSC started a Community Justice Worker project that was inspired by successful Alaska Native tribally operated community health programs. Non-lawyer volunteers are trained to support their local communities with civil legal issues.³ This has helped meet legal needs in rural Alaska, where there are few practicing attorneys, particularly after the Alaska Supreme Court's recent approval of a [waiver](#) allowing qualified non-lawyers to represent clients in court for certain issues. Pickett also reported the benefit of having advocates who are also community members who know individuals in the area and are familiar with the challenges they are navigating. These volunteers have not begun working on family law cases yet, but ALSC hopes they will as the program expands.

“When we know that there are active tribal partners, whether it's the tribes themselves or tribal nonprofits, we can refer folks to go to them for some assistance ... [They can] navigate the legal conflict with families in a way that's a lot more culturally appropriate.”

– Pearl Pickett

Outreach/Referral Process

ALSC becomes connected to clients in a variety of ways, including community outreach events, word of mouth, and referrals. They also use less conventional outreach methods, such as Facebook Live. Pickett often becomes connected with kin caregivers when the

³ For more information about this program, see Legal Services Corporation, “Alaska Legal Services Corporation: Moving Beyond Lawyer-Based Solutions with Community Justice Workers,” <https://lsc-live.app.box.com/s/4m9rcenmeu46uxvqe4d4gko0s528pu3t>.

tribes she is representing share their contact information with her. She then contacts them to see what, if anything, they need. She is usually only able to contact kin who have already demonstrated investment in a child through the tribe, as it is harder to obtain contact information for potential placements and other supportive kin.

Tips and Insights

Pickett emphasized the benefits of tribal courts. A tribal court is “a court with jurisdiction over child custody proceedings and which is either a Court of Indian Offenses, a court established and operated under the code or custom of an Indian tribe, or any other administrative body of a tribe which is vested with authority over child custody proceedings.”⁴ This could include a Tribal Council or other governing body of a tribe.⁵ Under ICWA, a tribal court can accept jurisdiction over a child custody proceeding “upon the motion of a parent or Indian custodian or the Indian child’s tribe.”⁶ Alaska tribes also can initiate their own child welfare cases, or hear cases brought by family members or caregivers. In Pickett’s experience, tribal courts tend to be less adversarial and allow for more flexibility to reach a caregiver’s desired outcome. She described some tribal courts as being more proactive and responsive to families’ needs and having the benefit of not requiring caregivers to present negative evidence about parents in order to meet the state court’s heightened burden that the child would likely be subject to “serious emotional or physical damage if left in the care of their parent.”⁷ Additionally, tribal courts have more affordable filing fees and better reflect the parties’ cultural traditions.

“[In tribal courts], maybe there’s a more responsive and creative way that we can make sure that families are being supported. Whereas a traditional guardianship or custody dispute might impose some burdens that the family really doesn’t want if the goal is to be a short-term caregiver.”

– Pearl Pickett

Pickett also highlighted the importance of financially supporting kin caregivers. She shared that, per state child welfare agency policy, relatives in Alaska are unable to receive the same financial support through emergency temporary licensing as non-relatives. Additionally, relatives often don’t receive information about licensing or child-only TANF, or other important information, when they begin caring for a child. This can lead to families struggling to afford the bills that come with adding a member to the family, even when they could be eligible for financial assistance.

⁴ 25 U.S.C. § 1903(12)

⁵ Native American Rights Fund, National Indian Law Library, ICWA Guide Online | 8. Role of Tribal Courts, <https://www.narf.org/nill/documents/icwa/faq/role.html#Q1>

⁶ Ibid.

⁷ Alaska Court Rules 10(c)(3)- see p. 16 of <https://courts.alaska.gov/rules/docs/cina.pdf>.

Center for Elder Law & Justice

Information for this profile was gathered both from a conversation with Sarah Hedden and through the Center for Elder Law & Justice's website, <https://www.elderjusticenyc.org/>.

Highlighted Legal Service Models:

Legal Aid Legal Representation, Legal Education/Resources, Legal Helpline, & Senior/Elder Law Organization Legal Representation

Organizational Overview

The Center for Elder Law & Justice (CELJ) provides free legal services to older adults, disabled adults, and adults with low incomes in ten counties in Western New York. They represent and advise clients about issues related to being a kin caregiver, as well as a range of topics, including housing, elder abuse, health care advocacy, and consumer protection. They also have a statewide helpline for anyone age 55+, and they engage in policy work around issues that impact older adults.

Need for Services

CELJ – previously known as Legal Services for the Elderly, Disabled, and Disadvantaged – began its kinship program around 2000. They originally only represented kin caregivers who were at least 60 years old, had a blood or marriage relationship with the child for whom they were caring, and resided in Erie County. In 2015, they expanded to Niagara County and removed the age requirement. In 2023, they expanded to Cattaraugus and Chautauqua Counties. They provide advice and counsel to kin caregivers in any county in New York State that does not have a kinship legal services provider. However, the funding for this program has been reduced and services are very limited, particularly in smaller counties.

CELJ is a member of the KinCare Coalition that is advocating for New York State to fund the Kinship Legal Network (KLN). If funded, five additional counties would receive funding to start programs to provide legal services to kin caregivers, as well as to collect data. If the pilot program is successful, the goal would be to expand the KLN statewide and ensure that all kin caregivers have access to representation.

Services Provided

Representation

CELJ provides a range of legal services, including full legal representation. They handle matters related to custody, guardianship, visitation (only after reunification), adoption (if reunification with a parent is not possible), and related child support or domestic abuse matters. They also handle administrative proceedings, including when a kin caregiver has a Child Protective Services (CPS) report that is a barrier to a child being placed with them, and represent clients in appellate matters on a case-by-case basis.

While most of CELJ's kinship work focuses on a caregiver's legal relationship to a child, they will also help caregivers with any legal issues they are knowledgeable about, such as housing, health care, or consumer issues.

“Our philosophy, and I hope that everyone who does this work has the same philosophy, is that return to parent is the number one goal from the get-go.”

– Sarah Hedden

Legal Helpline

CELJ offers a Legal Advice Helpline. Attorneys staff the line five days a week from 9 a.m. to 11 a.m. Outside of those times, callers can leave a message for a return call within three business days. The helpline began serving three counties in Western New York in 2017 but has since expanded to take calls from anyone in New York State aged 55 and over. The helpline typically provides brief answers to legal questions and referrals to additional resources. The helpline establishes a limited scope attorney-client relationship with callers over the phone. Usually, calls to the line are one-time interactions, but some cases involve follow-up or lead to full legal representation through other units at CELJ or outside legal services agencies.

Informational Materials

CELJ produces informational resources for families and shares materials on their [website](#). The site includes kinship care options flowcharts developed by CELJ and links to forms that help kin designate a standby guardian; complete a parental designation form for making medical and education decisions; and apply for TANF, SNAP, Medicaid, and Child Care Assistance. They also link to a [guide](#) on appealing a decision and clearing a record in the New York State Central Register of Child Abuse & Maltreatment.

Population Served

CELJ’s kinship attorneys represent non-parents who have a pre-existing relationship with a child who is at risk of entering foster care. There is no age restriction on who they can represent in kinship cases. Income eligibility for their services depends on the grants they have available. Generally, they can represent those who have incomes up to 200% of the federal poverty line. If the caregiver or child they are caring for was a victim of a crime, there is no income limit.

Staffing

CELJ now has roughly 80 total staff members. The kinship unit is staffed by a supervising attorney with a full caseload, two staff attorneys, and a full-time paralegal.

Funding

CELJ’s funding comes from a variety of grants. State and federal grants make up about two-thirds of their funding. They also receive funding through county grants, foundations, and donations, and they recently received funding for work in Erie County through the Purdue Pharma opioid settlement. Grants have different eligibility requirements based on

age and income level, but CELJ tries to provide at least some assistance to kin caregivers of all ages, provided that their income is not more than about 300% of the federal poverty line. Additionally, counties reimburse CELJ with up to \$1,000 or \$2,000 depending on the county for their work in adoption cases. This funding does not have the same restrictions as many grant funds and helps them fund litigation expenses such as out-of-state service.

Partnerships

CELJ had a grant with the New York State Kinship Navigator Program to provide brief advice and counsel to kin caregivers. CELJ partners with the Navigator as a member of the Kincare Coalition. They're currently advocating for the governor to allocate funding for pilot programs to provide legal services to kin in five additional counties. CELJ also partners with the Women Lawyers of Western New York to host an annual toy drive and holiday party for kinship families.

Outreach/Referral Process

Outreach

CELJ attends several hundred events each year. In a recent 12-month span, they helped over 13,500 people with their legal questions, including kinship-specific issues. Their attorneys and paralegals travel to senior centers, schools, and other locations, where they pass out information, answer questions, and conduct intake for potential clients. Some of that outreach is specific to kinship issues. They have more potential kinship clients than they have the capacity to help, so kinship-specific events focus on educating people rather than seeking new clients. They give presentations to kin caregiver support groups, foster care agencies, and community service organizations. They also have a long-standing Mobile Legal Unit through which attorneys bring laptops and hotspots with internet access into underserved communities and provide brief-service legal assistance.

Referral

CELJ receives referrals directly from CPS caseworkers, either when a child is placed with a kin caregiver, or when a safety plan is put in place. Kin can also be referred to CELJ when a petition is filed, or through an attorney for children or a caseworker. CELJ is also connected to clients who call them directly or meet them at community events.

Tips and Insights

Hedden emphasized the importance of building relationships with and educating courts and local Departments of Social Services (DSS) about the benefits of kinship care.

She was able to successfully communicate to the local DSS that, while DSS was well-intentioned, they were effectively giving legal advice to kin that they were unqualified to give, and they should instead refer them to CELJ or other legal professionals. This referral better serves kin, saves the agency time, and protects the agency from liability.

Hedden also shared the benefits of becoming involved in cases earlier. When CELJ gets involved in the later stages of a case, kin often have not had their options fully explained to them. This can prevent them from obtaining kinship guardianship assistance or other options they would have wanted if they were well-informed from the start.

“There's just so many benefits when kids stay with kin and getting the buy-in from other organizations that are charged with protecting children and a lot of education [about the benefits of kin]. From there, the floodgates of cases will open, and it's more proving yourself - that you do good work, support the goal of return to parent, and [in case] that can't happen, also concurrent planning.”

– Sarah Hedden

Children's Service Society of Utah

Information for this profile was gathered from a conversation with Alyssa Craven, GRANDfamilies Program Director of the Children's Service Society of Utah (CSS), a review of responses to a survey of kinship navigator programs, and CSS's website, <https://cssutah.org/services/kinship-care/grandfamilies-programs/>.

Highlighted Legal Service Models:

Legal Education/Resources, with referral relationships/partnerships with Courthouse Self-Help Centers, Legal Aid and Other Nonprofit Legal Representation, & Legal Helplines

Organizational Overview

The Children's Service Society of Utah started all the way back in 1884. The services they offer families have expanded and evolved over time. They now have nine offices across the state that offer support for kinship/grandfamilies, including support groups, assistance obtaining community resources, newsletters, children's groups, family activities, and adoptions. They do not directly provide legal services.

CSS applied for and earned the Network's Exemplary Program designation.

Need for Services

In 2002, CSS worked on a needs assessment with United Way and found that Utah had many kinship families, but there was little support for them, particularly those with no formal child welfare involvement. In response, they created a GRANDfamilies program that provided kinship support groups and non-legal case management services, such as laying out options to kin caregivers and helping them navigate guardianship paperwork. Those services have since expanded in scope and location to meet the needs of kinship families in the state.

Services Provided

Families that contact CSS are paired with a family advocate who helps them navigate challenges, legal and otherwise. Family advocates are trained on filling out forms for guardianship and applications for Medicaid and TANF and regularly assist kinship families in applying for those programs. Advocates will also attend court hearings with kin caregivers as a neutral, supportive individual. CSS also has an adoption program, working closely with any kinship families who determine that they would like to adopt and completing home studies for those clients. All of CSS's services are free for families.

Population Served

The only eligibility requirement for CSS's GRANDfamilies programs is for a potential client to be raising a child who is a relative or other close connection. There are no income requirements, and CSS applies a broad definition of kin.

Staffing

CSS's GRANDfamilies program has a staff of 26, about 20 of whom are family advocates. Some family advocates are licensed social workers, and all have some type of child or human development degree or experience.

Funding

Most of CSS's funding comes from the Utah state legislature, through the Department of Health and Human Services. While they request ongoing funding, for the past few years it has been allocated as one-time funding. CSS is also working on their evidence-based status to be eligible for Title IV-E prevention funds. In the meantime, they recently started implementing Nevada's Foster Kinship case management model, which earned a "promising" rating from the Title IV-E Prevention Services Clearinghouse. Using the Foster Kinship model allows CSS to receive federal reimbursement for 50% of their costs. CSS also receives smaller grants from a few different foundations.

Partnerships

CSS has relationships with legal service programs they can refer families to when needed. The Utah State Court Self Help Center is staffed by volunteer attorneys, and families can call or text their helpline, or make an appointment for in-person assistance. The Help Center offers assistance in several different languages. CSS has also partnered with the Help Center to give presentations to caregivers about their rights, and to answer common questions.

"We try to stay as well connected to as many partners as possible, just so when families come in and they have certain needs, we know exactly who we can refer them to."

– Alyssa Craven

CSS shared that most of the families they work with are able to resolve issues with their family advocates and do not need a lawyer. For clients who need a referral to an attorney,

CSS refers them to Timpanogos Legal Aid (TLA). TLA does not have a unit focused specifically on kinship but has attorneys who understand temporary guardianship and have experience working with kin caregivers. They are based in Salt Lake City but have a virtual service that serves families anywhere in Utah.

Outreach/Referral Process

Most of CSS's clients arrive through referrals. The majority of the referrals come from the Utah Division of Children & Family Services (DCFS). DCFS reaches out when they get a report about a child but decide not to open a case since the child is already safe in a kinship home. The Utah Department of Workforce Services also refers families to CSS when kinship families ask them for help with financial assistance. Clients also get connected to CSS by finding them through a Google search, through word-of-mouth from other caregivers, and through CSS community events.

Tips and Insights

CSS emphasized how much organizations can do to support kin caregivers through the legal guardianship process, even without providing them with attorneys. Having staff who understand the process, can explain the terminology, and assist caregivers with paperwork makes a big difference for caregivers who are often overwhelmed. CSS also highlighted the importance of partnering with other organizations, both legal and non-legal, who can provide needed services for families.

“Working with the [legal guardianship] side of it can be pretty intimidating, but I think it's one of the most important services that we can offer. At least 60-70% of the families that are coming through are coming for that guardianship process.”

– Alyssa Craven

Creating a Family- Support • Train • Strengthen / Foster • Adoptive • Kinship

Information for this profile was gathered from a conversation with Creating a Family's Executive Director, Dawn Davenport, and their Operations Director, Cressa Megown. The profile also incorporates responses to a survey of kinship navigator programs and information from Creating a Family's website, <https://creatingafamily.org/>.

Highlighted Legal Service Models:

Legal Education/Resources & “Pop-up” Legal Clinic

Organizational Overview

Creating a Family- Support • Train • Strengthen / Foster • Adoptive • Kinship is a support and training nonprofit for foster, adoptive, and kinship families. They work nationally, but

this profile focuses on their work in North Carolina, where much of their legal work is centered. While Creating a Family provides additional services to kinship families, such as support groups, multi-media resources on parenting kids who have experienced trauma, and a Kinship Interactive Training/Support Curriculum, this profile highlights two programs they operate to provide legal assistance to kinship families: a monthly online clinic and an interactive website.

Legal Clinic (“Pop-up” Legal Clinic)

Need for Services

A few years ago, Creating a Family conducted six listening sessions with kin caregivers. Their goal was to “understand what kinship caregivers perceived as their greatest needs and how they wanted us to help them as opposed to us making assumptions.” In those listening sessions, caregivers consistently mentioned that one of their greatest needs is understanding their legal options. Many kin caregivers wanted to obtain custody of the children they were caring for but struggled to find lawyers who handled kin custody cases rather than traditional custody cases between parents. While Creating a Family refers families to legal aid organizations, they have found that many of these families are ineligible for legal aid services or the legal aid organizations had a conflict of interest or lacked the capacity to take potential cases.

“We find a significant issue for kinship caregivers is they have many questions generally around access to legal services.”

– Cressa Megown

Services Provided

In response to feedback from the kin caregivers they work with, Creating a Family began a monthly online legal clinic in January 2024. It is free for and open to all kin caregivers in North Carolina. They provide services in English and Spanish. Each clinic serves between six and ten caregivers, is staffed by a family law attorney with experience in child welfare and kinship care, lasts roughly an hour and a half, and is conducted over Zoom. Interested individuals must register ahead of time to ensure that attorneys will have time to address everyone’s questions. Caregivers fill out a form before the clinic that asks about the county that they live in and what questions they plan to raise, so that attorneys can prepare before the meeting. Caregivers are also encouraged to send any relevant paperwork ahead of time for the attorney to review. The attorneys provide advice and guidance for families during these clinics, but they do not provide ongoing legal representation or represent kin caregivers in court. They are available to exchange follow-up emails after the clinic, and families are welcome to sign up for future clinics to ask any additional questions.

Population Served

The clinic is open to all kinship families in North Carolina, regardless of income or child welfare involvement.

Staffing

The clinic is staffed by three family law attorneys who rotate, so one is available each month. One attorney is fluent in Spanish and is available if a kin caregiver prefers Spanish.

Funding

Creating a Family shared that they have sought but not yet received specific funding for the legal clinic, so its funding comes from their general operating budget. While the attorneys offered to volunteer, Creating A Family felt it was important to pay them for their time to recognize the value of their work and ensure an enduring and committed partnership.

Partnerships

Creating a Family partners with many local organizations to support kinship families. For legal services, they occasionally refer caregivers to other attorneys or legal resources, if they need more intensive and ongoing legal services than the monthly clinic can provide.

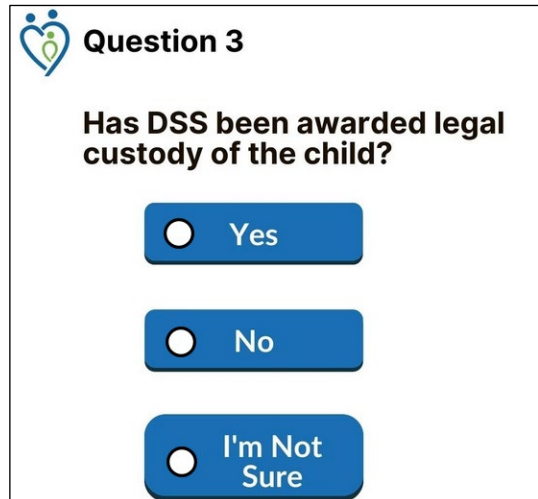
Tips and Insights

Davenport and Megown shared the importance of finding attorneys who were knowledgeable about legal issues specific to kin caregivers. They also expressed the importance of partnering with multiple attorneys to reduce the burden on the attorneys and provide flexibility if one attorney becomes unavailable.

[Legal Options for NC Kinship Families Website](#) (Legal Education/Resources)

Services Provided

Creating a Family partnered with attorneys, child welfare leadership and staff, and kin caregivers from throughout North Carolina to create a website detailing legal options for kin caregivers in the state, Legal Permanency Options for NC Kinship Families, available at www.NCKinshipFamilies.org. The website contains a “legal options quiz” that asks a series of questions to help guide kin caregivers through the website to determine what legal options may be available to them. The site then directs users to information and resources about those options. It contains questions to help users provide accurate answers to key queries.



Question 3

Has DSS been awarded legal custody of the child?

Yes

No

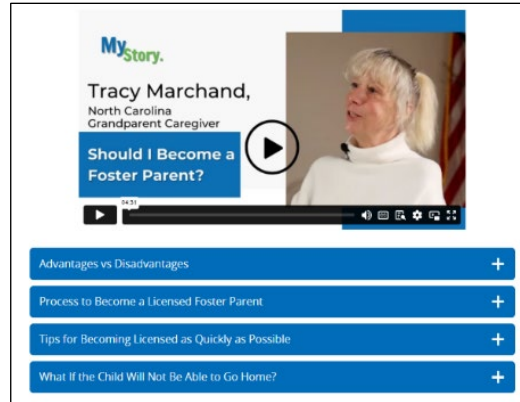
I'm Not Sure

Screenshot from the legal options quiz

Users may also click on the pages to learn more about various legal options without going through the quiz. Each legal option page includes brief informational videos from both a legal expert and a kin caregiver who went through the process. They also include written

information about the advantages and disadvantages of a legal option and answers to frequently asked questions.

Additionally, the website includes links to legal resources, including the monthly clinic.



Screenshot from the website

Partnerships

Creating a Family’s Legal Permanency Options for NC Kinship Families website was the result of a partnership with Creating a Family’s Kinship Advisory Committee, kinship families, legal and child welfare professionals, Blue Cross and Blue Shield of North Carolina, and state and national experts. After the initial design of the website, Creating a Family piloted it with numerous kin caregiver groups, including their support groups, as well as their Kinship Advisory Committee, to solicit their feedback. This helped them understand how much to synthesize information and what level of detailed explanation to include in resources, as well as how to make their legal options quiz more user-friendly.

Outreach/Referral Process

After completing the website, Creating a Family raised awareness through existing partners, presentations for Department of Social Services staff, and demonstrations for kin caregivers at support groups. Further promotion efforts included asking the state Department of Health and Human Services (DHHS) to send the link to their Division of Social Services (DSS) directors, exhibiting at state conferences, posting on the FFTACConnect for NC forum, posting on child welfare listservs, sharing with NC organizations serving retirees, posting on social media, and purchasing Google Ads. Creating a Family also advertised their legal clinic through many of these outreach efforts.

“Just because you build it, doesn’t mean they come.”

– Cressa Megown, on resources for kin caregivers

Tips and Insights

Creating a Family NC stressed the importance of involving the kin caregivers they hoped would use the website throughout the design process. For example, while testing the site, they received feedback that many caregivers were unsure whether child welfare was involved with the child they were caring for, so they added an “I’m not sure” option that included information to help the user answer the question. They also emphasized involving

legal professionals who knew the intricacies of local law and practice.

“We realize that legal matters are intimidating for anyone. And so we've tried to make [the legal options website] more user friendly.”

– Dawn Davenport

Helmets+Associates

Information for this profile was gathered both from a conversation with Melina Hettiaratchi, Senior Associate Attorney of Helmets+Associates (H+A), and from the H+A website, <https://www.helmetslaw.com/>.

Highlighted Legal Service Models:

Private Legal Representation

Organizational Overview

Helmets+Associates (H+A) is a small law firm based in Louisville, Kentucky that works exclusively on family law cases. While H+A takes a range of family law cases, much of their work is on behalf of kin caregivers.

Need for Services

Kentucky has a high rate of children living in kinship families, largely involving grandparents caring for their grandchildren. Parental substance use is often a factor in these cases. H+A frequently receives calls from grandparents who have begun caring for their grandchildren and are unsure about available resources and their legal options.

Services Provided

While the attorneys at H+A, namely John Helms Jr. and Melina Hettiaratchi, work on a range of family law issues, this profile focuses on their work with kin caregivers. In their non-court-appointed cases involving kin caregivers, H+A often represents kin caregivers once the child welfare agency, the Cabinet for Health and Family Services (CHFS), becomes involved with the child(ren)'s parent(s). When CHFS is involved, their clients who are relatives of the children often “want to be considered for placement, be involved in proceedings, ask for visits, and make sure the [child maintains connections to family].” When CHFS is not involved, H+A typically helps kin caregivers obtain a power of attorney if they expect the parent to be able to care for the children in the future or helps file private custody petitions if not. They also handle cases where kin caregivers must seek intervention from child protective services (CPS) because the caregiver cannot meet a child's mental health, behavioral, or medical needs. In these cases, H+A supports clients in the filing and/or adjudication and disposition of a “dependency” petition, in which the Court may find that “through no fault of the caregiver, the child is in need of services.” Often, these clients call for help because the child cannot qualify for residential treatment unless the state has custody. The firm has also filed for emergency custody orders and temporary

emergency protective orders on behalf of children who are victims of domestic violence, enabling kin to provide safe temporary care.

Hettiaratchi also serves on a panel of attorneys providing legal services as court-appointed counsel. In court-appointed cases, her representation role rotates. She may represent a child, a parent, or a kin caregiver if they are a temporary custodian or in a caregiver role. In CPS cases, there is an absolute right to a guardian ad litem for children, and a conditional right to counsel for parents or anyone named as a party (e.g., a grandparent, other relative, or non-relative kin caregiver who was in a custodial role when some harm came to the child) if that person proves that they cannot afford an attorney. Some judges in Louisville will also appoint counsel or provide referrals to counsel for relatives or non-relatives who have temporary custody, to help advise them of their rights and obligations as custodians.

“We’ll represent them all the way through a CPS case and then after that, if they have the child for longer, then a petition for adoption or custody, which I think is really nice about being a private lawyer; we can stick with that family through the whole life of the case.”

– *Melina Hettiaratchi*

Population Served

The firm works with a broad range of clients in Louisville and the surrounding areas. Many of their clients are kin caregivers.

Court-appointed attorneys across Kentucky serve on the same kinds of panels as Hettiaratchi. Kentucky state law now requires court-appointed counsel in dependency, neglect, and abuse actions to be randomly assigned as guardians ad litem, representing children, while also being available to be appointed to represent parents or kin caregivers who are temporary custodians in those cases. Hettiaratchi shared that representing each of these groups has expanded her understanding and perspective of the child welfare system. This has helped her advocate for the well-being of the whole family. She also shared that one advantage of placing children with relatives or other adults known to the child or family, in her experience, is that they are typically supportive of reunification and help children maintain connections with their parents.

Staffing

H+A is a small firm consisting of two lawyers, a paralegal, a law clerk, and a receptionist.

Funding

For non-court-appointed cases, H+A operates on a retainer-based, billable-hour model. Retainers are adjustable based on the complexity of the case, and any remaining funds

are refunded to the client if not fully used. While they don't offer an official sliding scale, the firm does provide flexible retainer options. For court-appointed CPS cases, the firm receives \$500 from the state finance cabinet whenever Hettiaratchi is appointed. This flat fee is the statutory maximum to provide representation to indigent parents and custodians in CPS cases. Some of these cases require a significant investment of time, which they view as a form of pro bono work.

Partnerships

H+A does not have any formal partnerships with service providers but has learned more about resources for kinship families from their clients' experiences. Hettiaratchi also reported using information and resources from Generations United, the Legal Impact Network for Kin (LINK), and Grandfamilies.org.

"It's not hard to say a child should stay with their family, but having the legal, case law, and social science resources can be so helpful to remind people why it matters."

– *Melina Hettiaratchi*

Outreach/Referral Process

For H+A, the primary means of obtaining clients who are not court-appointed is through word of mouth, including referrals from other family law firms for cases involving grandparents. Sometimes, even CPS workers will share H+A's information with families who could benefit from their services. H+A also gets clients who call them after finding their information through Google searches or Facebook.

They receive court-appointed cases by serving on a rotating panel. To be on the panel, attorneys must complete a training course, then sign up to be on the panel for one of the ten family court judges in Louisville who have a need. There are currently six attorneys on the panel on which Hettiaratchi serves.

Tips and Insights

Hettiaratchi shared the benefits of the flexibility of private practice. H+A is not limited to certain types of cases or clients, which can help the firm adapt to their client's needs throughout the life of their case. It also helps them work with families before there is any formal child welfare involvement. Early involvement can help their clients navigate a complicated and stressful time and often prevent them from needing to go to court.

Hettiaratchi also described challenges with Kentucky's family support services being understaffed and under-resourced. This has created delays and problems for their clients who are trying to access resources, such as parenting assessments, reunification counseling, and education support. Despite having a statutory obligation to make reasonable efforts to allow children to remain in their home, CPS workers often do not have to prove that they made those efforts (for example, by referring the family to services available in the community) before getting the family court involved. She also shared that sometimes services are available, but kin are not prioritized or eligible to receive those services because they do not have formal custody of a child in their care.

Legal Advice and Referral for Kinship Care (LAARK)

Information for this profile was gathered from a conversation with Washington’s Statewide Kinship Care Legal Aid Coordinator, Celeste Miller, and Kerry Clayman, a LAARK staff attorney, as well as from LAARK’s website, <https://www.kcba.org/?pg=LAARK>.

Highlighted Legal Service Models:

Legal Education/Resources & Legal Helplines

Organizational Overview

Legal Advice and Referral for Kinship Care (LAARK) began operating in October 2022. LAARK lawyers offer free legal advice and referrals to kin caregivers over the phone, complete paperwork, and often provide ongoing legal assistance, but they do not represent caregivers in court. They are based out of the King County Bar Association but serve kin caregivers throughout Washington state, focusing on child custody and issues related to minor guardianship (which is a permanency option that establishes a legal relationship between a caregiver and a child).

Need for Services

In 2003, Washington created a Kinship Care Oversight Committee (KCOC) “to provide guidance to the Legislature in identifying, supporting, and strengthening kinship care families.”⁸ The KCOC includes state agencies, kin caregivers, child and caregiver advocates, nonprofit service providers, tribes, and legal stakeholders. That group advocated for the creation of and funding for free legal services for kinship families statewide. That advocacy ultimately led to LAARK’s creation.

“You don’t want to think you’re making the right decision for a community without them actually telling you their input.”

– Celeste Miller

Services Provided

LAARK primarily provides advice, consultation, and brief services to eligible kinship families who apply. The brief services can include answering questions on the phone and helping caregivers fill out paperwork. Typically, they have several follow-up calls with caregivers in an effort to resolve issues.

“It’s pretty rare to have just one phone call be enough... this is just so stressful and hard that cutting people off after one phone call does not do a lot.”

– Kerry Clayman

About half of the time, LAARK provides more extensive assistance than just a consultation. Staff at the statewide [kinship navigator program](#) and caregivers provided feedback that

⁸ <https://dcyf.wa.gov/services/foster-parenting/kinship-caregivers/kcoc>

they would prefer for LAARK have fewer cases and go more in depth for each of them, rather than have more cases and less depth. Thus, LAARK's extensive services include drafting paperwork for clients and helping them file papers in court, most often for minor guardianship. They also work with kin who contact them when they are already in litigation and are frustrated that their cases are not moving forward. In response to these requests, LAARK can often access court records to help those clients identify and navigate roadblocks. LAARK does not represent kin caregivers in court.

LAARK also refers caregivers to local volunteer lawyer programs and other legal aid organizations, although not many handle minor guardianship. In King County, LAARK refers caregivers with low incomes to the King County Bar's [Kinship Care Solutions Project](#). The Project matches caregivers with volunteer attorneys for full representation.

Finally, LAARK partners with Catholic Community Services to conduct quarterly presentations on different legal options for kin caregivers in King County.

Population Served

LAARK has no income eligibility requirements, but income is a factor when prioritizing cases for extensive services. They also consider factors such as language and technology barriers that would make it more difficult for someone to navigate the legal system without help. Other considerations include safety concerns and prioritizing cases where the child is already living with the kin caregiver. The vast majority of LAARK's clients are kin caregivers who are not involved with the child welfare agency. Occasionally, LAARK talks to caregivers who have children placed with them by child welfare and who are curious about their options. LAARK developed an "FAQ: Caregivers and Dependency Cases" resource for clients with these types of questions.

Staffing

LAARK has two full-time attorneys balancing caseloads of about 45 to 60 cases each, and a part-time legal assistant. Miller also spends about 25% of her time supervising the program.

Funding

LAARK was created after a 2021 Washington budget proviso and receives \$350,000 per year from the state. The request for that funding was a collaboration between Washington's Kinship Care Oversight Committee, their legislative work group, and Celeste Miller in her role as the Statewide Kinship Care Legal Aid Coordinator.

Partnerships

In Miller's role as Washington's Statewide Kinship Care Legal Aid Coordinator, she works with groups of lawyers, courthouse facilitators, volunteer lawyer programs and local bar associations, and kinship navigators to spread the word about minor guardianship and educate them on the law. Her work in this capacity has built relationships that help LAARK provide effective referrals and services to support kin caregivers. In particular, LAARK

works closely with the statewide kinship navigator program. They communicate with navigators about how to constructively offer their services, and navigators often refer clients to them. LAARK also will refer clients to kinship navigators to help connect them with housing support, support groups, and other resources.

“What I've heard from a lot of the volunteer programs is they want to help, but they have a shortage of volunteers, and the volunteers are still getting familiar with the new minor guardianship law.”

– Celeste Miller

Outreach/Referral Process

LAARK has a public intake form on their website and a voicemail line that anyone can call. They also use a specific referral form to allow kinship navigators to refer clients directly to LAARK. Some clients hear about LAARK through their informational presentations, and as LAARK has become more established in the community, more clients hear about them through word-of-mouth or Google searches.

Tips and Insights

LAARK shared the importance of working with interpreters to be able to serve individuals who do not speak English as their primary language.

They also shared that some of their clients struggle with technology. They have partnered with the kinship navigator program to help clients navigate technology needs, such as by having the client go to the navigator's office so that the navigator can set up and assist them with joining a Zoom call or help them print out needed paperwork.

Finally, they shared the importance of persistent advocacy in creating LAARK. Washington's Kinship Care Oversight Committee has built strong partnerships among the state's kin-serving agencies and organizations, yet it still took nearly 20 years of advocacy to create LAARK. They hope that, over time, funding for LAARK will grow so that LAARK can serve more kinship families and provide full legal representation to clients across Washington.

Legal Aid of Western Ohio

Information for this profile was gathered from a conversation with Denise Zanni, Senior Attorney, and Melissa LaRocco, Director of Pro Bono, at Legal Aid of Western Ohio (LAWO), as well as a review of responses to a survey of kinship navigator programs and LAWO's website, <https://www.lawolaw.org/>.

Highlighted Legal Service Models:

Legal Aid Legal Representation,
Legal Education/Resources, &
Private Legal Representation

Organizational Overview

Legal Aid of Western Ohio (LAWO) is a civil legal aid organization with 7 offices that serve 32 counties in western and west-central Ohio. They represent clients with low incomes

across a range of issues, including housing, health care access, education, and domestic violence. Providing legal services to kin caregivers is one piece of that broader work.

Zanni leads the Grand Family Legal Assistance Project (GFLAP) within LAWO's Senior Project. LaRocco is the pro bono director for LAWO and primarily focuses on the rural counties serviced by LAWO.

Need for Services

Zanni shares that around 2017-2018, LAWO saw an influx of grandparents seeking assistance with legal custody issues. These cases were often associated with the opioid epidemic. LAWO then developed the GFLAP. This project was designed to address not just legal custody issues, but also other legal problems grandfamilies might encounter, such as access to medical care, education, and public benefits. The project is focused on rural areas since they have more need but less funding and fewer resources available.

LaRocco shared that their pro bono program began with pro se divorce clinics for individuals without children. However, they quickly realized that most of the population they served had children and opened the clinic to couples with children. Additionally, they observed that, among the population they served, "no one's really married anymore" and they needed to focus more on custody issues. Legal aid also had a role to play in filling the gap in custody matters because parents in Ohio now only receive court-appointed representation when the county children's services agency is formally involved, and the parent is at risk of losing their kids.

"When we started doing these divorce and custody proceeding clinics, we would be inundated with people coming in trying to do custody that way because they knew it was free of charge. And really what they needed was a grandparent affidavit or power of attorney."

– *Melissa LaRocco*

While LAWO attorneys were able to help caregivers fill out forms through these clinics, most of the kin caregivers were unable to find affordable legal representation in court, if needed. LAWO heard from judges that kin caregivers were unsure of what to do in court and the children's services agencies were placing the burden on the kin rather than providing them with services.

Services Provided

LAWO provides a wide range of services, from educational presentations and materials to full representation in court. Their work with kin caregivers primarily focuses on legal custody issues, but, as a broad civil legal aid organization, they can also assist kin caregivers with other issues, such as benefit access and housing. Resources for full representation are limited, and many families in need do not meet the eligibility requirements to be represented by LAWO (see the Population Served section on the next page). However, they are still

able to assist many families by sharing pro se materials they created, which assist unrepresented individuals with the processes to obtain custody and grandparent power of attorney. They are also in the process of developing clinics where they will provide brief advice on kinship care matters for unrepresented individuals, starting in 2025.

Population Served

Originally, GFLAP's full legal services were supported by grant funds that limited eligibility to grandparents who were 60 or older, living in rural counties, and caring for grandchildren because at least one parent was unavailable due to opioid use. However, they found that many grandparents seeking their services were younger than 60, so they broadened their ability to provide services by using other funding sources. LAWO typically can only represent clients who make less than 200% of the federal poverty line. This leaves a significant number of kin caregivers who make enough to be ineligible but still can't afford to pay a lawyer. If someone is ineligible, LAWO can give them educational resources but can't represent them. LAWO's educational presentations and resources are always open to all.

Staffing

Zanni is the only full-time attorney working on LAWO's kinship project. She handles cases in any of LAWO's 30 rural counties. LaRocco works with pro bono volunteers.⁹ The availability of volunteers changes, and the types of cases LAWO can assign to volunteers depends on their experience, time, and comfort level.

Funding

GFLAP is funded through local Area Agencies on Aging funding for older grandparents and through a dedicated OH Access to Justice Foundation and Substance Abuse Grant. Much of LAWO's funding comes from the federal Legal Services Corporation. This funding supports significant legal aid work across the country but comes with restrictions on eligibility for services by income and immigration status and cannot be used for certain activities, such as legislative advocacy or impact litigation.

Partnerships

LAWO has partnered with kinship navigator programs, such as the Ohio Kinship & Adoption Navigator (OhioKAN), to provide informational presentations, and to refer clients to each other when needed. They shared that this has been helpful, particularly for helping connect clients with non-legal needs to a variety of resources.

"The kinship care navigators were always willing to go above and beyond. They do some of the social aspects of the job that were helpful that I wasn't able to do if I was really focusing on the legal aspect of it."

– *Melissa LaRocco*

⁹ For more information, see the [Kinship Care Pro Se Clinics section of this webpage](#).

LAWO has also partnered with juvenile courts by sharing their pro se documents with judges, having them review and approve those documents, and then sharing them with kinship families as needed. They have found courts to be receptive to this, as they are overwhelmed with pro se cases, and empowering pro se caregivers with needed legal knowledge helps those cases move more smoothly. LAWO has also found that rural counties are receptive to posting their pro se materials on their websites. However, they commented that sometimes it is a struggle to find someone in the county with the time and technical knowledge to post those resources and keep them updated as needed.

Outreach/Referral Process

LAWO has given presentations to explain their services and connect with kin caregivers. They also receive referrals from kinship navigator programs and other service providers.

Tips and Insights

Zanni and LaRocco described witnessing significant unmet needs for legal services, financial assistance, and other supportive services for kin caregivers, particularly in rural Ohio. While their pro se resources help inform and prepare unrepresented caregivers, it can be difficult to adapt those materials to all the counties they serve, each of which has a unique context, and to ensure that they reach everyone who could benefit from them.

“[Deciding what legal option(s) a kin caregiver should pursue] is one-size-does-not-fit-all. We're always re-evaluating and tweaking and trying to find the best ways to deal with this issue.”

– Denise Zanni

They also shared that the kinship cases they have seen in recent years have tended to be more complicated and time-intensive – not because of the family law matters, but due to many families experiencing other challenges, such as issues related to mental health, housing, or domestic violence. They have found that it's important to provide a supportive space for clients to share those challenges before they can get into the legal nuts and bolts. However, they have limited time to spend with clients and try to refer them to support groups and other resources whenever possible.

Another tip they shared was to add context where legal resources for kin families are posted to make sure that they're understandable and accessible. When websites list links or resources without an explanation, caregivers are often unsure about which ones apply to their situation. Adding descriptions, such as clearly labeling which forms apply to parents vs. non-parents, or which form is needed to enroll a child in their care in school, can help point caregivers in the right direction. They also try to ensure that all their resources are written at or below a fifth-grade reading level.

Michigan State Kinship Care Resource Center and Chance at Childhood Law School Clinic

Information for this profile was gathered from a conversation with Jon Carey and Beth Lindley of the Kinship Care Resource Center (KCRC) and Joe Kozakiewicz of the Chance at Childhood Clinic (CAC), as well as a review of responses to a survey of kinship navigator programs and these programs' websites, <https://kinship.msu.edu/> and <https://www.law.msu.edu/clinics/childhood.html>.

Highlighted Legal Service Models:

Courthouse Self-Help Centers, Legal Aid and Other Nonprofit Legal Representation, Legal Education/ Resources, & Legal Helplines

Organizational Overview

The Kinship Care Resource Center (KCRC) and the Chance at Childhood Clinic (CAC) are Community Programs offered through the Michigan State University School of Social Work.

The KCRC serves kinship families across Michigan by providing information and referrals to resources and services for caregivers and the children they are raising. The KCRC maintains a phone line for kin caregivers that is staffed by individuals with lived experience as kin caregivers.

The CAC is a joint program based in the Michigan State University (MSU) School of Social Work in partnership with the MSU College of Law. Law and social work students collaborate to advocate for children in a variety of family law cases.

Need for Services

The CAC began with an exclusive focus on children's legal issues. However, they discovered that many of their calls came from kin caregivers in need of information. At the same time, the organization that predated the KCRC saw a need for helping kinship families to better understand their legal options. The organizations work together to provide information, training, and other services to kinship families.

"Probably 75% of the calls we get would qualify as kinship care questions ... [from grandparents] asking 'Do I get a guardianship? Do I do this? Do I do that?'"

– Joe Kozakiewicz, CAC

Services Provided

The KCRC and the CAC offer several different models of legal assistance. These models range from online resources and brief conversations to full legal representation.

Brief Legal Services and Advice

For many families who call the KCRC, their legal relationship to the children in their care is a concern. The KCRC spoke to the importance of staying connected with families, as they

often have follow-up questions or new questions as circumstances change. Additionally, the KCRC will occasionally conduct trainings to address topics relevant to a certain county or area. The KCRC also refers caregivers to the CAC or other attorneys as needed, when caregivers require more legal support.

Phone Line

“The thrust of that warm line is to listen, reflect. We answer that line with staff members who themselves have lived experience as kinship caregivers. They do the work of finding information that’s local to those caregivers and helping make those connections. Sometimes it’s not exactly a warm hand off because our staff is still pretty small, but they will do vetting prior to giving a number. So, if the caregiver says, ‘I have a 13-year-old in my care now and she’s wearing adult sizes, I can’t find clothing for her that’s affordable,’ they might call a foster closet in advance to just make sure that they’ll be able to accommodate the needs of that family.”

– Beth Lindley, KCRC

Legal Resource Guide

The KCRC and the CAC worked together to create an online [kinship legal guide](#) detailing options for kin caregivers. This guide was created in partnership with Rosemary Jackson of MSU’s School of Social Work, and with contributions from the Michigan Kinship Advisory Council.

Full Representation

The CAC offers the full spectrum of legal representation, including representation in court and help adopting children. However, most of their work consists of brief legal services and advice/counsel. About half of the clinic’s caseload involves kinship families.

Court Legal Self-Help Center

The CAC also provides legal advice through a Michigan court self-help center, both in-person and over Zoom. They help at the self-help center for 8 to 12 hours per week, with at least two students working per shift, with staff supervision. They have found that this helps the courts because court staff face frequent questions about individuals’ specific legal situations, and the questions can be directed to the self-help center for better resolution. Judges will also sometimes direct kin caregivers to get assistance from the self-help center when they see paperwork that has not been properly completed.

Population Served

All kin caregivers are eligible for the KCRC’s services; there are no income requirements. The KCRC serves kin caregivers regardless of whether they are formally involved in the

foster care system or not. The KCRC finds it is often difficult to identify whether the family is involved with foster care at the intake stage.

The CAC's services are limited to individuals with low incomes. However, Kozakiewicz shared that nearly all kin caregivers seeking their services are receiving some sort of public assistance and eligible for their services. For the CAC's work at the court self-help center (discussed in the previous section), anyone without an attorney is eligible for their assistance, regardless of income.

Staffing

The KCRC employs kinship navigators who have training on the basic legal issues that kin caregivers frequently encounter. They connect caregivers with legal supports when needed or requested.

The CAC is overseen by Kozakiewicz but largely staffed by Michigan State law and social work students, who are paired to work on cases together.

Funding

The KCRC is funded through a grant from the Michigan Department of Health and Human Services (MDHHS). They were able to partner with MDHHS to expand their services in 2019, when funding through the federal Families First Prevention Services Act (FFPSA) was available to support states in developing kinship navigator programs. The KCRC is engaged in a study with the goal of developing an evidence-based program. Program evaluation and the approval of the federal Title IV-E Prevention Services Clearinghouse will allow Michigan to receive federal support for kinship navigation services.

The CAC is primarily funded through an endowment created over 20 years ago. The Michigan State School of Social Work, College of Social Science, and College of Law also provide financial support and/or in-kind support through office space and staff support.

Partnerships

The KCRC and the CAC have an ongoing relationship and can make referrals to each other as needed. They collaborated to create a legal resource guide and sometimes give presentations together. Kozakiewicz and other Michigan State Law faculty members work closely with KCRC staff to help them better understand and advise clients on legal options.

The KCRC also participates in systems-level work through a statewide kinship advisory council. They have engaged in relationship building with local probate courts, including encouraging courts to share their legal guide and brochure with kin caregivers. Additionally, the KCRC partners with [Michigan 211](#) via an API (Application Programming Interface), which makes 211 digital resources searchable through the KCRC information hub.

Outreach/Referral Process

The KCRC reaches out to caregivers with new relative placements through child welfare each month as a part of their grant agreement with the Michigan Department of Health and Human Services (MDHHS). Each caregiver receives a letter of introduction from the KCRC, and their navigators make at least two phone attempts to connect with the caregiver. The KCRC also conducts legal presentations as well as general outreach about their services. These presentations explain the basics about legal options available for kin caregivers.

The CAC obtains clients through a combination of caregivers calling them, referrals from the KCRC and other service providers, and court appointments. When the CAC represents a child as their client, they are appointed by the court.

Tips and Insights

The KCRC emphasized the importance of having individuals with lived experience caring for kin answer their phone line. These staffers are able to speak to their personal experience navigating the same issues that callers are facing, which helps build trust with callers.

They also discussed how, when kin caregiver issues are only addressed through Area Agencies on Aging (AAAs) or other senior services with age eligibility requirements, they can miss many kinship families. This is because many relatives raising children are younger than the Older Americans Act/National Family Caregiver Support Program's age threshold of 55.

Tips

Each profile in this booklet includes a “Tips and Insights” section based on the conversations that informed the profile. A brief overview of some of the themes that emerged from the tips that programs shared is below.

Build Strong Partnerships

In nearly every conversation, the service provider mentioned the importance of their partnerships with kinship navigator programs, other service providers, agencies, courts, and other legal organizations. These partnerships expanded the types of support that they were able to offer to kinship families and helped them focus on what they do best. Building relationships also gave them the opportunity to provide other entities with information about the importance of kin and best practices for supporting kin caregivers.

Include Kin Caregivers in Program Design

Many organizations shared the importance of soliciting input from kin caregivers in determining which services to provide and how they would provide them. Working directly with kin helped them ensure that their organization was meeting the needs of kinship families. The Michigan State Kinship Care Resource Center also highlighted the value of having kin caregivers serve as peer mentors to answer their phone line and share their personal experiences navigating the same challenges that callers were experiencing.

Maximize Flexibility in Eligibility Requirements

Several organizations shared that eligibility requirements, usually tied to funding sources, can prevent them from serving caregivers who need help and cannot afford a private lawyer. A kin caregiver may have income slightly above an income cutoff or be too young to qualify for assistance for seniors. Being able to use different funding sources helps providers find a way to assist as many caregivers as possible.

Provide Services in Multiple Languages

Multiple organizations shared that they either made resources available in multiple languages or had translation services available. This is especially important for organizations that serve an area with a significant portion of individuals for whom English is not their primary language.

Bring Your Services to the Community

Several organizations spoke about the importance of bringing legal services to kin caregivers. Many caregivers are unaware of available legal services, or struggle to access them because of transportation or childcare needs. Multiple organizations host informational sessions or pop-up clinics in places that are convenient for kin caregivers, including during existing support group sessions and at senior centers, schools, and community events. Other organizations not profiled here have a bus that travels to provide

legal services. Interviewees shared that community outreach can help not just to raise awareness of and access to in-person legal services, but to spread the word about available print, online, and phone resources.

Serve as an Important Voice in Policy Change to Help Kinship Families

In addition to direct legal services, many of the programs we spoke with engage in policy advocacy alongside or on behalf of kin caregivers. Legal service providers are well-positioned to engage in this advocacy, as they work closely with kin caregivers and therefore understand the legal barriers encountered in caring for children. Many interviewees shared the need for additional resources and support for kinship families, greater funding for legal representation for kin, and policies preventing kin from being pressured into caring for children outside of the foster care system without having their options explained to them.

The Grandfamilies & Kinship Support Network: A National Technical Assistance Center (Network) helps government agencies and nonprofits in states, tribes, and territories work across jurisdictional and systemic boundaries to improve supports and services for families in which grandparents, other relatives, or close family friends are raising children whose parents are unable to do so. For more information, please visit www.GKSNetwork.org.

The Network is a project of Generations United.



Because we're stronger together®

The Network is supported by the Administration for Community Living (ACL), U.S. Department of Health and Human Services (HHS) as part of a financial assistance award totaling \$9,950,000 with 95 percentage funded by ACL/HHS and \$523,684 and 5 percentage funded by non-government sources. The contents are those of the authors and do not necessarily represent the official views of, nor an endorsement, by ACL/HHS, or the U.S. Government.

© Generations United and the ABA Center on Children and the Law, 2025