

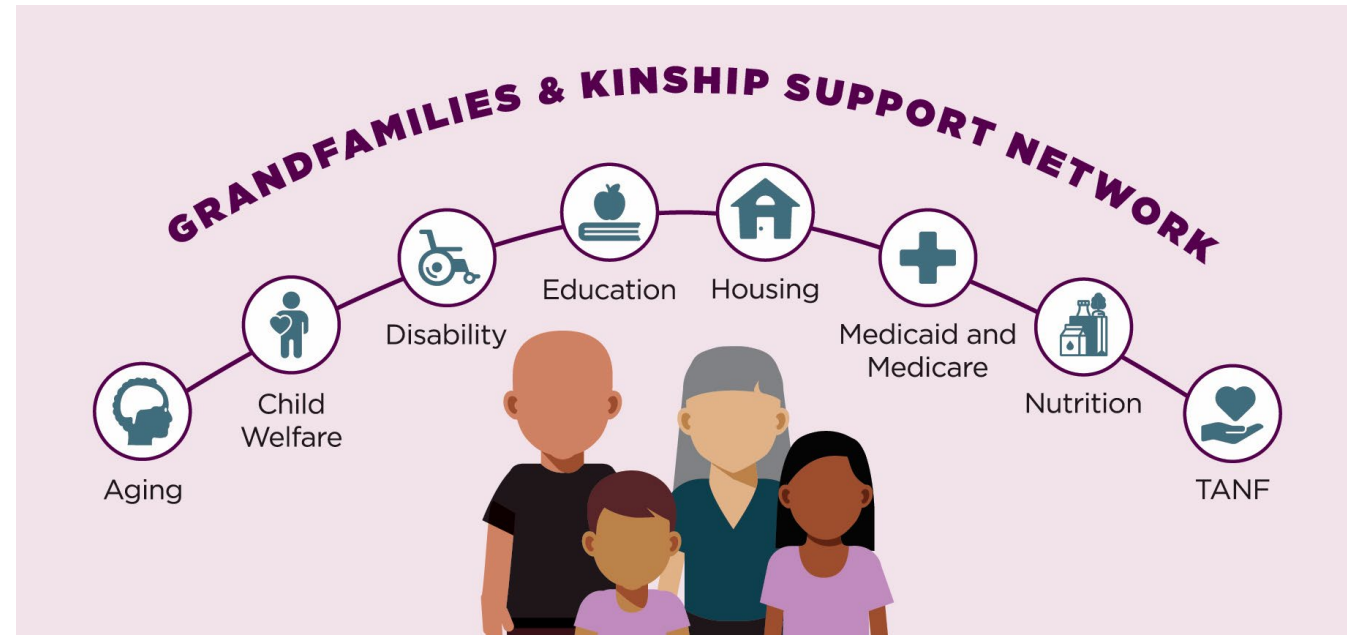
# Legal Service Models for Kin Caregivers May 14, 2025

- Welcome, we will begin at the top of the hour
- Please type in the **chat** box - your name, state, tribe (if applicable), and role
- Type questions in the **chat** box at any point during our time together
- **We will provide a separate meeting link for a 30-minute Q&A with panelists starting in an hour, at 3 PM ET**
- By the end of the week, all participants will receive a link to the slides and the recording

# GRANDFAMILIES & KINSHIP SUPPORT NETWORK

A National Technical Assistance Center

- Since 2021, Generations United, in cooperation with the US Administration for Community Living, has operated the first-ever federally funded technical assistance center on kinship/grandfamilies
- Purpose is to provide technical assistance to the array of state, territorial, and tribal government agencies and organizations so they can better serve the families by working across systems and maximizing resources



# How We Help



## Learning Collaboratives and Information Dissemination

The Network hosts [webinars](#) and facilitates learning collaboratives.



## Individual Assistance

We respond to [individual requests for help](#) from government agencies, kinship navigators, and community-based nonprofits.



## A Centralized Hub

The Network is elevating exemplary kinship/grandfamily practices and programs from around the country on its accessible website, [www.GKSNetwork.org](http://www.GKSNetwork.org).

## The Only National Technical Assistance Center for those who Serve Kinship/Grandfamilies

We help 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.



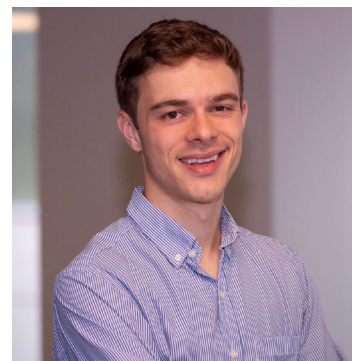


# Welcome our Presenters



**Heidi Redlich Epstein**

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Managing Attorney, Center for Elder Law & Justice



**Celeste E. Miller**

Statewide Kinship Care Legal Aid Coordinator, King County Bar Association

# ABA Center on Children and the Law

- Mission: promote access to justice for children and families
- Structure:
  - 22-person team of attorneys and core staff
  - Grant projects across the country focused on:
    - improving legal representation, and
    - improving legal systems that impact children and families' lives
  - Connect child welfare and other legal topics (e.g., immigration, education access, kinship)
- Approach:
  - Collaboration and coalition building
  - Local, state and national levels



[www.americanbar.org/child](http://www.americanbar.org/child)

# Legal Assistance And Referral for Kinship (LAARK)

- *LAARK lawyers offer free legal advice and referrals to kinship caregivers over the phone.*
- *LAARK focuses on child custody, minor guardianship, and related legal issues.*
- *LAARK does not represent caregivers in court.*
- *If the child is subject to a dependency or termination case, LAARK advice is limited to information about how the process works.*
- *LAARK does not assist people who are not kinship caregivers.*
- *LAARK is open to kinship caregivers who live in Washington state.*

# Legal Assistance And Referral for Kinship (LAARK)

- *LAARK is funded by the state of Washington.*
- *LAARK does not have an income eligibility limit.*
- *The program has been open since October 2022 and as of April 15, 2025 has served 703 kinship caregivers in the state of Washington. Just over one third of clients helped are people of color (36%), and LAARK has helped clients from 34 of the 39 counties in Washington. Age-wise, LAARK's clients range from 18 to 83, but the majority of clients are between 50-70 years old.*
- *90% identify as women, 8.7% identify as men, 0.1% transgender, 0.1% genderfluid, and 0.3% agender.*
- *In terms of socioeconomic status, 60% of LAARK clients are under 200% of the Federal Poverty Level (FPL). About 25% are between 200-400% FPL, and only about 9% are above 400% FPL.*
- *Informal kinship caregivers make up 80% of LAARK's clients, while formal kinship caregivers only make up 7%.*



# Statewide Kinship Care Legal Aid Coordinator – Washington State

- Position created in 2019 through kinship care community's legislative advocacy
- Funded by the state of Washington
- One full-time attorney coordinator
  - Consults with statewide programs including:
    - Kinship Care Oversight Committee
    - Pro Bono Council
    - DSHS Kinship Navigator Program
    - Office of Public Defense
    - Washington State Bar Association
- Statutory duties include:
  - identify and facilitate development of local and regional kinship care legal aid initiatives
  - Develop, expand, and deliver training materials for pro bono and low bono attorneys for kinship care legal support
  - Implement recommendations from the kinship care oversight committee (including the LAARK program)

# Center for Elder Law and Justice

- Mission: To improve the quality of life for older, disabled, and low-income adults through the provision of free legal services, primarily in Western New York. Our goal is to use the legal system to ensure that our clients may live independently and with dignity.
- Structure: About 80 staff with over 14 practice areas including:
  - Eviction & Foreclosure Defense
  - Health Care Advocacy
  - Elder Abuse Prevention
  - Substance Use Awareness and Advocacy
  - Older Refugees & New Americans
  - Income & Financial Management
  - Pride Law
  - Consumer Protection

# Center for Elder Law and Justice

## *Kinship Unit*

- A kinship caregiver is "a relative or non-relative who is acting as a parent and who: (A) is related to the child through blood, marriage, or adoption; (B) is related to a half-sibling of the child through blood, marriage, or adoption; or (C) is an adult with a positive prior relationship with the child, a half-sibling of the child, or the child's parent, including, but not limited to, a step-parent, godparent, neighbor, or family friend." NYS SSL § 371(22)
- Started in 2000
- Provide direct representation in Erie and Niagara Counties; provide advice & counsel statewide
- We employ attorneys, paralegals, and social workers to serve our clients. We represent them in court and administrative proceedings, assist with securing entitlement benefits and other services
- GOAL: To keep minimize trauma while children cannot be with their parents by mitigating barriers to placement with kin until they may be reunited

# **Kinship/ Grandfamilies & Their Legal Needs**





# Legal Obstacles

- Unlike parents, grandparents and other kin lack an automatic legal relationship to the children they raise
- Getting such a legal relationship can be very costly and take a long time
- Without it, kinship caregivers may not be able to access services and supports for the child
- The families are their own best expert, but they need accurate information to make the decision that works for them

“They're frustrated. They don't know what to do. They're dealing with a lot. [We hear]: ‘I don't really have the financial means, and I've been trying to clothe my grandkids, get them into school, get them to the doctor. The doctor won't even see them. The school's telling me I need something. They're gonna kick him out of school in a couple months if I don't come up with this paperwork,’ just a lot of frustration.”

*- Melissa LaRocco, Director of Pro Bono at Legal Aid of Western Ohio*



# Legal Service Models for Kin Caregivers



← Resource Library

GUIDE/REPORT

## Legal Service Models for Kin Caregivers

Download This Resource

Available at:

[www.gksnetwork.org/resources/legal-service-models-for-kin-caregivers/](http://www.gksnetwork.org/resources/legal-service-models-for-kin-caregivers/)

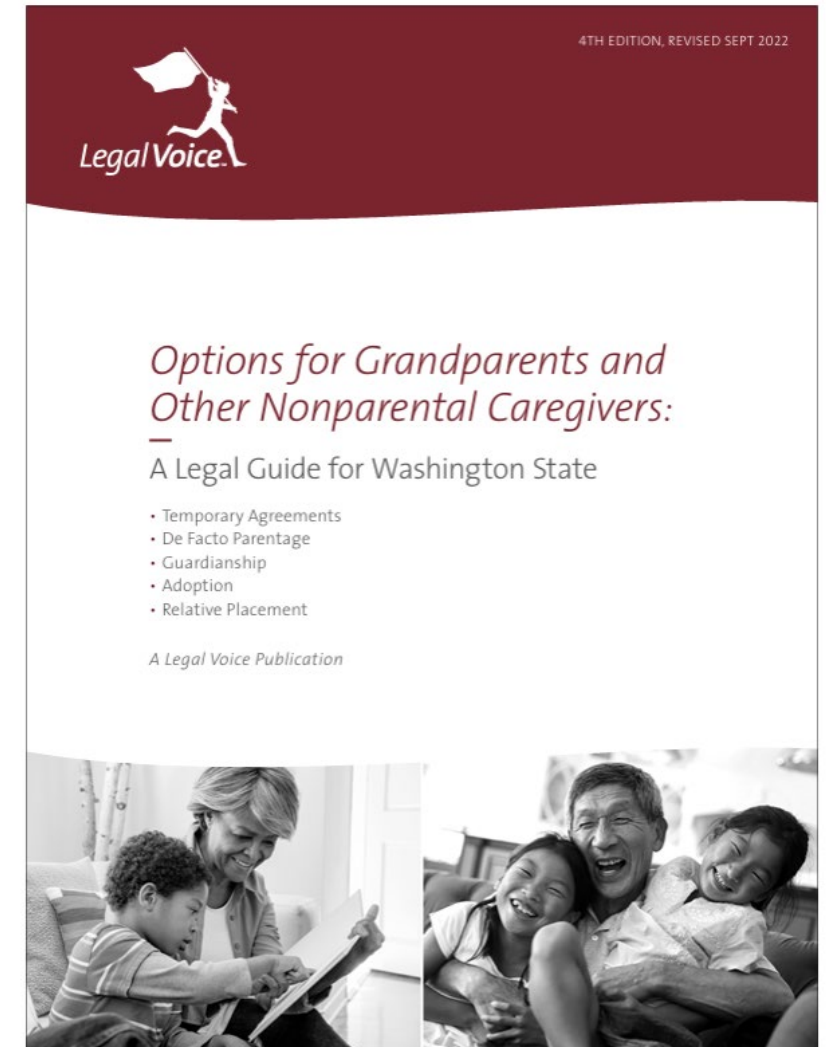
# Legal Service Model 1: Legal Education/Resources

## 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



This guide and other examples [here](#)

# Legal Service Model 2: Brief Legal Services

## Category A: “Pop-up” Legal Clinics

### 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

### Advantages:

- Assistance at the place and moment it’s most needed
- Improves court efficiency

### Downsides:

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

## Category C: Legal Helplines

### 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
- Technological barriers
- Limited assistance

# Legal Service Model 3: Legal Representation

## Category A: Legal Aid and Other Nonprofits

### 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 Organizations

### Advantages:

- Connection with other supports or legal assistance specific to seniors
- Legal expertise and knowledge of services in related areas

### 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

### 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

# Legal Services Model 3D: Tribal Representation

## 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

“[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, Native Law Supervising Attorney at Alaska Legal Services Corporation (ALSC)



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			

# Tips



# Tips from Featured Program Models

1. Build strong partnerships
2. Include kin caregivers in program design
3. Maximize flexibility in eligibility requirements
4. Provide services in multiple languages
5. Bring your services to your community
6. Serve as an important voice in policy change to help kinship families





# **Additional Resources**



# Funding

## Legal funding sources include:

- Legal Services Corporation
- National Family Caregiver Support Program
- Temporary Assistance for Needy Families
- Title IV-E
- Victims of Crime Act



Available at: [www.grandfamilies.org](http://www.grandfamilies.org)



Available at [www.gksnetwork.org](http://www.gksnetwork.org)



< Resources

TIP SHEET

## Tips to Include Kinship/Grandfamilies in Programmatic Decision-Making

Download This Resource

Increasingly, government and nonprofit leaders are recognizing the value of engaging individuals with lived experience when creating and enhancing programs and services. Programs and services are more effective, trusted, and used when they intentionally draw on the perspectives of those they seek to serve.



← Resource Library

TIP SHEET

## Legal Assistance for Native Kinship/ Grandfamilies Involved with Child Welfare: How to Find an Attorney & Help Them Help You

Download This Resource

**GRANDFAMILIES & KINSHIP  
SUPPORT NETWORK**  
A National Technical Assistance Center



If you are a Native parent or relative caregiver (whether grandparent, other extended family member, or family friend) of a child who was removed from their parents by a state child welfare system, this resource prepared by the National Indian Child Welfare Association (NICWA) is for you.

# Kinship Caregiving Options

National overview about choices and considerations to help caregivers both inside and outside the child welfare system make informed decisions.

Available at: [www.grandfamilies.org/](http://www.grandfamilies.org/)



## Kinship Caregiving Options

Considerations for Caregivers

December 2021



### Purpose

This publication—

- ▶ helps kinship families and the professionals who assist them compare caregiving options.
- ▶ provides a broad, national overview about the choices and considerations to help caregivers make informed decisions about the pathways to pursue.

How caregiving options look at the state, tribal, territorial, and local levels differ. Kin caregivers should consider this an informational resource and consult local kinship navigator programs, attorneys or legal professionals, caseworkers, and other available professionals. Ultimately, kin caregivers and their families must choose the caregiving option that best meets their needs.

For information on programs and state and national data on children in kinship families, see [www.grandfamilies.org/State-Fact-Sheets](http://www.grandfamilies.org/State-Fact-Sheets).

About 2.6 million children are being cared for by kin—both blood relatives and people with a significant connection to the family (sometimes referred to as “fictive kin”)—without parents present in the home. Of these children, approximately 137,000 are being cared for by kin in the legal custody of the child welfare system. Although this number represents almost one-third (34%) of all children in foster care, most children cared for by kin are not in child welfare system custody and therefore do not get the same level of support as those inside the system.



Family and close family friends stepping up to raise children is not new. Kinship care is a traditional practice among families in most cultures and has evolved into a leading form of foster care.

### Kinship Care Benefits

Research repeatedly shows that, compared to placement in non-kin settings, placement with kin:

- ▶ reduces a child's trauma of removal from their parents, and
- ▶ reduces their chance of being moved to other homes.

Children with kin are more likely to:

- ▶ have better behavioral health outcomes,
- ▶ stay connected to siblings,
- ▶ keep their cultural identity and community connections, and
- ▶ exit foster care to a permanent family if they cannot return to their parents.





# Adoption and Guardianship for Children in Kinship Foster Care: Comparison Charts

National and 50 state comparison charts

Each chart includes information on:

- Rights and Responsibilities
- Financial and Legal Assistance
- Public Benefits
- Health Insurance
- Federal and State Tax Credits
- Caregiver Successor Planning and Death Benefits for Children
- College and Independent Living

## **CHART** Adoption and Guardianship for Children in Kinship Foster Care: National Comparison Chart

This chart is designed to help kinship foster parents compare adoption and guardianship as two options that you and the children in your care can pursue to exit foster care and create permanent families. It provides a broad, national overview of these legal pathways. Adoption and guardianship laws are developed and implemented at the state, tribal and local levels, so the details of these legal relationships differ in important ways. You should review those differences when deciding which option to pursue. You can get initial information about your specific state's laws at [www.grandfamilies.org/Search-Laws](http://www.grandfamilies.org/Search-Laws).



While this chart is directed at kinship foster parents, it is also intended as a tool to help child welfare and other case workers assist kinship foster parents. Birth parents and older children may also find it helpful to review as part of their decision-making.

Generations United welcomes jurisdictions to either share the chart as is or tailor it to your own specific laws and policies. A related brief on *Adoption and Guardianship for Children in Kinship Foster Care* is available at [www.grandfamilies.org](http://www.grandfamilies.org).

ADOPTION		GUARDIANSHIP
Rights and Responsibilities		
<i>What are my legal rights and responsibilities for the child?</i>	You will become the parent in the eyes of the law forever. You have all rights and responsibilities for the child.	You will have most of the rights and responsibilities that come with caring for a child until the child reaches adulthood or the guardianship is ended.
<i>What are the birth parents' rights and responsibilities for the child?</i>	The birth parents' rights are terminated.	Birth parents keep the rights to visit the child and to consent to adoption and/or name change.  Birth parents keep the obligation to financially support the child and pay child support.
<i>Do I have authority to access services for the child?</i>	As an adoptive parent, access to services for the child is the same as for any birth parent.	Guardians access to services for the child is typically the same as for any birth parent.

**generations  
united**  
Because we're stronger together®

 **Dave Thomas  
Foundation  
for Adoption**  
Building Resilient Families for Children in Foster Care

# Stay Connected & Access Support

Sign up for our monthly newsletter which will provide you with updates on new Network resources.



Request assistance

For the latest updates, follow the Network on LinkedIn!





**Kinship Preconference  
June 25, 2025**

**Kinship Track  
June 26-27, 2025**

Programming dedicated to  
your professional interests

Register at [www.guconf.org](http://www.guconf.org)

Registration rates increase  
after April 30th

# 2025 GLOBAL INTERGENERATIONAL CONFERENCE

**Kinship Track and  
Preconference**

**JUNE 25-27**

Marriott Downtown  
**Louisville, KY**

**REGISTER TODAY!**



# Questions?

# Contact Information

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