

# ***A Resource Guide for Massachusetts' Grandparents Raising their Grandchildren***

***Updated October, 2013***

*Collaborators*

**COMMISSION ON THE STATUS OF GRANDPARENTS RAISING GRANDCHILDREN**

**MASSACHUSETTS EXECUTIVE OFFICE OF ELDER AFFAIRS**

**MASSACHUSETTS OFFICE OF THE CHILD ADVOCATE**

**DEPARTMENT OF CHILDREN AND FAMILIES**

**MASSACHUSETTS EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES**

*Many people contributed to this Resource Guide in various ways.  
We are grateful for their assistance.*

**This Guide is dedicated to all Grandparents who have taken  
responsibility for raising their children's children.  
We appreciate their selfless caregiving.**

The collaborating agencies of this Guide encourage and give permission for the duplication and distribution of this material. This information is available online at [www.mass.gov/elders](http://www.mass.gov/elders)

## Introduction

Assuming the responsibility of raising grandchildren is often an unanticipated situation for grandparents. Identifying financial, social, health and legal resources can be confusing, difficult and time-consuming. Knowing what services and programs are available and where to access information is essential in managing a new family situation and parenting responsibilities. This Guide was developed to assist grandparents and other kinship caregivers to locate and obtain needed resources.

The Executive Office of Elder Affairs first initiated the project in 1994 and developed it in collaboration with the Executive Office of Health and Human Services. In 2009, the Massachusetts Office of the Child Advocate provided invaluable guidance and support to the creation of this updated Guide. All of these agencies recognize the complex situations that grandparents face in raising grandchildren.

The social phenomenon of grandparents raising grandchildren is not isolated to any particular racial or ethnic group, geographical location, or economic circumstance. The reasons for this need vary. In many situations, drug and alcohol may have seriously affected the parents' capacity to care for their children. Other circumstances that may lead grandparents to raise their children's children include military service, physical or mental illness, incarceration, teen pregnancy, death and abandonment.

Whatever the reason, grandparents' traditional roles change dramatically when they assume the total responsibility of caring for their grandchildren. Although each family situation is unique, there are many similar needs and concerns. The well-being of all family members is essential -- meeting the needs of both children and grandparents is of equal concern. Consideration and better support for these families are developing as the public and policy-makers become aware of this social issue and of the unmet needs and concerns of these grandparent-headed families. On July 8, 2008, the Child Advocate bill was signed into law which, among other things, established the Commission on the Status of Grandparents Raising Grandchildren. This Commission is actively working to better understand and address the needs of grandparents in this situation.

This Guide should be considered a resource of information and is not a substitute for legal counsel. Information in this Guide is subject to change.

We hope *A Resource Guide for Massachusetts' Grandparents Raising their Grandchildren* will be a useful source of information for you.

# Commission on the Status of Grandparents Raising Grandchildren

## Commission

John A. Lepper, Chair  
Lynn Girton, Vice-Chair  
Kerry Bickford, Secy/Treasurer  
Ted Dusbky  
Margo Chevers  
Jeffrey Quinn  
Manuela DaCosta  
Paul Donato  
Sheila Donahue-King  
Carol Flaherty  
Patricia Gorman  
Patricia Jehlen  
John Laing

On July 8, 2008, the Child Advocate bill was signed into law which included the establishment of the **Commission on the Status of Grandparents Raising Grandchildren** (Section 1 of Chapter 176, the Acts of 2008 M.G.L. Chapter 3, section 69. This legislation calls for “a permanent commission on the status of grandparents raising grandchildren which consists of 11 persons who have demonstrated a commitment to grandparents”.

The **Commission’s primary purpose** is to serve as a “resource to the commonwealth on issues affecting grandparents raising grandchildren”.

The **Commission’s responsibilities** include:

- ~ Fostering unity among grandparents raising grandchildren, communities and organizations in the commonwealth, by promoting cooperation and sharing of information and encouraging collaboration and joint activities;
- ~ Serving as a liaison between government and private interest groups with regard to the unique interest and concern of grandparents raising grandchildren;
- ~ Advising executive and legislative bodies of the potential effect of proposed legislation on grandparents raising grandchildren as the commission deems necessary and appropriate;
- ~ Identifying issues that are faced by relatives, other than parents, who are raising children.

Currently, the Commission meets monthly at the Executive Office of Elder Affairs located at One Ashburton Place, Boston. These meetings are open to the public. For meeting dates, please check the EOEI website at: [www.mass.gov/elders](http://www.mass.gov/elders).

### **To contact the Commission:**

**Mail:** Commission on the Status of Grandparents Raising Grandchildren  
c/o Executive Office of Elder Affairs, One Ashburton Place, Boston, MA 02108  
**Email:** [grandparents@capecoalition.com](mailto:grandparents@capecoalition.com)  
**Phone:** (to leave a message) Executive Office of Elder Affairs 617.727.7750 or  
Department of Children and Families 617.748.2000

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# I. Getting Started: What to Consider

- A. Where should I start?
  - B. What information is in this guide?
  - C. How do I use this guide?
- 

## A. Where should I start?

Caring for your grandchildren can be a planned arrangement or can happen unexpectedly. Either way, at times it may seem like an overwhelming responsibility. Each family has its own unique dynamic and resources that will impact decisions about what type of caretaking arrangement and support it needs. With this in mind, we suggest that grandparents, who are considering or just assuming this responsibility, ask yourselves the questions below. These questions are intended to lead you from assessing your situation and concerns to the resources and information you need. This Guide is a starting point in gaining information and referrals to resources.

### Questions to consider, to ask yourself...

1. Am I physically and emotionally healthy enough to assume this responsibility? Where applicable, is my spouse or partner?
2. How involved will the parents of my grandchildren be with their care, if at all?
3. Are there family members who I can rely on to help with this responsibility?
4. Will this be a temporary or permanent arrangement? If it will be temporary, for how long am I prepared to take on this responsibility?
5. Can I be flexible if something changes and I need to take care of my grandchildren for longer than I originally expected?
6. Do my grandchildren have any special health or educational needs? How will this impact my ability to care for them?
7. What level of financial support, if any, do I need to provide adequate care?
8. Will my grandchildren have to change schools or move to a new neighborhood? If so, how will this impact the decision about whether this is a temporary or arrangement?

9. Are there any existing legal or safety issues that need to be considered?
10. Is there any existing court order about who should have custody or visitation and is the court order being followed?
11. How old are the grandchildren involved? If appropriate, have their wishes been considered?
12. Do I have a back-up plan if I become injured or sick?

## **B. What information is in this guide?**

This Guide provides basic information and program descriptions of relevant state agencies and offers suggestions about accessing other public and private resources. It contains information about who to call for assistance; offers practical suggestions; and answers to some frequently asked questions. At the same time, there may be other resources available, not included in the guide. Because every family is unique, some of the information may not apply to your circumstances.

## **C. How do I use this guide?**

Some people may want to read the entire guide, while others will look only for contact information and resources, or answers to specific questions. We recommend that grandparents considering assuming responsibility for grandchildren read the section on **Care and Custody Basics**. This will give you an overview of your options.

This guide is organized into subjects that encompass a variety of the challenges for grandparents caring for their grandchildren. Whenever possible, the guide provides both telephone numbers and links to websites for relevant state agencies, community organizations and national resources.

We have made every effort to make the Guide information current but, inevitably, information may change. If you have a problem with contact information, try consulting [www.mass.gov](http://www.mass.gov) or your current local phone book.

This Guide should be considered a resource of information and is not a substitute for legal counsel.

## II. Care and Custody Basics

- A. Possible options for grandparents taking care of their grandchildren
    - 1. Temporary Agent
    - 2. Caregiver Authorization
    - 3. Guardianship
    - 4. Foster Care
    - 5. Adoption
  - B. The state's involvement with my grandchildren
    - 1. Department of Children and Families (formerly Department of Social Services)
    - 2. Child in Need of Services (CHINS)
  - C. Abused or neglected grandchildren
  - D. Visitation
  - E. Traveling out of state
  - F. Frequently asked questions
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### A. Possible Options for Grandparents Providing Care and Custody

Once a grandparent has made the decision to care for grandchildren, there are a number of different ways in which care can be assumed. It is important to remember that each arrangement has different legal consequences for you, your grandchild and the child's parents. Each way also presents possibilities, in terms of the programs and services that the child and/or the family may be eligible to receive. The following is a general description of each type of arrangement. For more detailed information you may wish to read through the *Frequently Asked Questions* at the end of the **Care and Custody Basics** section.

#### 1. Temporary Agent

The parent or legal guardian of a child or children can appoint a Temporary Agent who will have the power to make decisions for the children for a period not longer than 60 days. This can be very useful if they anticipate being temporarily unable to care for the children because of illness, employment, or travel and the children will be in the care of another adult. This gives the temporary agent any powers that the parent or guardian has regarding the care, custody and property of the child.

Nothing needs to be filed in court for this process but the parent or guardian must complete a \* TEMPORARY AGENT AFFIDAVIT. The parent, guardian or the

agent will need to give a copy of this form to the children's school, doctor, and anyone else who requires the signature of the children's guardian. A list of everyone to whom the form was given should be kept so that if any changes are needed, all can be notified. The original should be kept in a safe place.

\*A copy of this affidavit with instructions can be found at the end of this chapter.

## **2. Caregiver Authorization**

This is a new option created with the passage of the Massachusetts Uniform Probate Code in 2009. Parents may authorize a designated caregiver to exercise "concurrent parental rights". This authority extends to **health care and education only**. The "caregiver" must reside with the minor child. The authorization is valid for up to two years, but can then be renewed.

The Caregiver Authorization Affidavit is signed by the parent, witnessed and notarized. It does not require approval of any court. Parties to a Caregiver Authorization Affidavit will not be filing the Affidavit with the Court unless there is a dispute, in which case the Probate and Family court would have jurisdiction.

Use of this document may provide some families with an alternative to filing for Guardianship of a Minor. The circumstances in which the authorization is valid are, however, limited to those concerning the minor's education and health care.

This is a useful tool for stepparents, grandparents and other adults who live with the child and who may be called upon to make health care and educational decisions.

The form can be found at:

[Caregiver Authorization Affidavit Form](#)

For instructions to complete the form:

[Massachusetts Caregiver Authorization Affidavit Instructions](#)

## **3. Guardianship**

A guardianship is a temporary or permanent arrangement, decreed by the court, effectively suspending the rights of the child's parents and transferring them to a guardian who is legally given the power and duty to take care of the child. A guardian is appointed when a court determines that a child's parent(s) are unfit or unable to care for him or her. A grandparent may petition to be appointed as his or her grandchild's guardian, which would give the grandparent authority to act on behalf of his or her grandchild and generally to be able to make medical, educational, and financial decisions for the child. Guardians can sometimes obtain child support from the child's parents or the state. In a DCF sponsored guardianship, a child may continue to receive subsidy payments in amounts equal to that of foster care payments.

Guardianships can be temporary or permanent. A temporary guardianship usually expires after ninety (90) days. The guardian then has to go back to court to have the guardianship extended or the rights of the guardian to make decisions on behalf of the child will be terminated when the temporary guardianship expires.

A permanent guardianship does not have to be continually renewed by the court. However, the guardian must file a yearly report with the court that updates the court's information about the current living situation and care of the child. Permanent guardianships can be a good option for grandparents who don't want to have to return to court on a regular basis, but who are not ready to take the step of adopting their grandchildren. A permanent guardianship leaves open the possibility the parents may seek to have the child returned to them. If the parent can prove to the court he or she is a fit parent and able to properly care for the child, the court must return the child to his or her parent.

#### **4. Foster Care**

Foster care is substitute care for children, arranged by the state because the child's parents have been determined to be unfit or unavailable. Foster care usually means that the Department of Children and Families has legal custody of the child and places him or her in the care of an approved person. Foster parents can either be certified to take any child, or restricted substitute care providers, meaning they have been approved to care only for specific children. If a grandparent chooses to become a foster parent to a grandchild, the grandparent will be a restricted substitute care provider. When DCF has care or custody of the child, DCF will conduct a screening and approval process. Once approved, the family may be entitled to additional services, financial subsidy, MassHealth, and case management services. The child is eligible for these services regardless of caretaker income.

#### **5. Adoption**

Adoption is the most permanent way for a grandparent to assume care and responsibility of a grandchild. Adoption means the child legally becomes the grandparent's, and legally has the same relationship to the grandparent that a biological child would. Adoption terminates the parental rights of the biological parents. This process is done through the courts and may require witnesses, including you, to testify that the biological parents are unfit or unavailable. Once the court has approved the adoption and the adoption is final, the adoptive parents assume all of the rights and responsibilities of biological parents.

Adoption is permanent and there is no legal difference between the relationship and obligations of a parent to a biological child and one who has been adopted. Therefore, it is important to consider whether this significant step is right for your family before adopting your grandchildren. It is also important to remember

that once you legally adopt a child, you may no longer be eligible for certain subsidies or services available to guardians or foster parents. However, if a child is adopted through DCF, the family/child may continue to be eligible for some financial assistance or MassHealth services through the Adoption Subsidy Program.

## **B. The State is involved with Grandchildren**

When parents abuse or neglect their children, or the children are defiant and refuse to follow the lawful rules of their parent or guardian, the state may become involved. In some cases, these families will receive support services to protect the children while keeping the family intact. In other cases, it is necessary to remove the children from the custody of their parents and place them in another care arrangement for their safety. The two ways your family is most likely to interact with the state are through the Department of Children and Families (DCF) and the Child in Need of Services (CHINS) process through the courts.

### **1. Department of Children and Families (DCF)**

DCF, formerly the Department of Social Services (DSS), is the Massachusetts state agency responsible for protecting children from child abuse and neglect. When children are abused or neglected by the people responsible for caring for them, DCF will intervene to ensure the safety of the children. DCF responds to reports of abuse or neglect 24 hours a day. DCF becomes involved if there are any concerns that caretakers, parents, step-parents, guardians or other persons responsible for caring for children may be abusing or neglecting these children.

DCF may respond to a report of abuse by assigning an investigator to make a home visit. The investigator may also want to speak to your grandchild's teacher, pediatrician, school counselor, or other persons who may have relevant information concerning the case. If there is reasonable cause to believe that abuse or neglect has occurred, a social worker will complete an assessment and service plan for the family. DCF will take action to protect a child at risk of abuse or neglect, including removing the child from his or her home if necessary.

Whenever possible and appropriate, DCF attempts to keep families intact. DCF's goal is to ensure that children's health and safety needs are being addressed and to help parents care for their children in their own home, unless the child is at risk of harm.

### **2. Child in Need of Services (CHINS)**

CHINS is a special designation for a court case in which the Juvenile Court tries to help parents and school officials deal with troubled young people. The person

filing the CHINS petition must show the judge that the child:

- regularly runs away from home; or
- constantly disobeys the parent or legal guardian; or
- misses school on a regular basis; or
- constantly fails to follow school rules.

A parent or guardian may file a CHINS petition on a child who is under 17, who runs away, and/or does not or cannot follow the rules at home. A school district may file a CHINS petition on a child who is under 16, who is absent a lot or misbehaves at school. The police may file a CHINS petition on a child who is under 17 and is a runaway. Once the CHINS petition is issued, it is up to the judge, not the parent(s) or the school, to decide when to dismiss the CHINS.

Once a CHINS is filed, the child and family will meet with a probation officer to try to work out an informal solution that meets the child's needs without a court order. This is typically called informal assistance. If the child's problems cannot be resolved through informal assistance, the court will hold a trial and determine whether to designate the child as a Child In Need of Services. The child in a CHINS case is entitled to representation by a court-appointed lawyer. If the court determines that the CHINS designation is appropriate, the judge may issue orders pertaining to custody and care of the child. This may include placing the child in the custody of DCF, requiring supervision, medical, or psychiatric services for the child, or any other conditions or limitations the judge feels are necessary to serve the child's best interests. These requirements will continue as long as the child is designated as a CHINS case. CHINS cases are reviewed every six months and may be dismissed by the judge once he or she thinks the child is no longer in need of services, or when the child turns 18.

For more information on CHINS cases, consult the Massachusetts Children's Law Center website at [Massachusetts Children's Law Center](#)

### **C. Abused or Neglected Grandchild**

As in any emergency, if your grandchild is being abused and is in immediate physical danger you should call the police. In the case of immediate threatened or actual physical harm, ask the police about obtaining a restraining order to protect you and your grandchild from the person who is hurting or threatening to hurt him or her.

If it is not an emergency, you should make a report to DCF area offices if you believe that a child is suffering serious physical or emotional injury as a result of abuse or neglect by a caretaker. To report abuse or neglect, call the Child-at-Risk Hotline anytime of the day or night at 800-792-5200, or see the DCF web page at [Department of Children and Families](#). You should report to them that you believe your grandchild is being abused. DCF will then investigate the matter, and if DCF

agrees with you, DCF may open a case and provide services for your grandchild to make sure there is no further abuse. If DCF feels that it would be unsafe to leave the child with his or her parents, DCF will go to court to petition for removal of the child and may seek legal custody of the child. Be aware that while DCF tries to place children with family members, there are no guarantees that DCF will automatically place the child with you. When you contact DCF, you should let them know if you want your grandchild to be placed with you.

## D. Visitation

Whether or not your grandchild visits with his or her parent(s) while your grandchild is in your care will depend on many factors, and most importantly on your legal relationship to your grandchild. In some circumstances, you may decide if visits take place and in other circumstances, the court or DCF will order visits and set a schedule. **If there is a court order for visitation, you must follow it unless doing so would place your grandchild in immediate danger of physical harm (e.g., you are not required to let someone pick your grandchild up in a car when the driver is visibly intoxicated). Failing to follow a court order can hurt your case later if you are fighting for custody of your grandchildren, or result in a contempt action.**

If you have temporarily taken physical custody of your grandchild without making legal arrangements, his or her parents can return and take your grandchild at any time. Under these circumstances, if your grandchild's parent wants to visit but not take back the child, you may want to work out an informal arrangement as a family.

If you have guardianship of your grandchild, you have the right to make most every day decisions on your grandchild's behalf, including whether to allow visits if there is no court order. If the court established a visitation schedule when you obtained legal custody or guardianship, you **must** follow it. **You should always follow whatever legal instructions the court has given regarding visitation unless doing so would place your grandchild in immediate danger of physical harm.**

If you are a foster parent of your grandchild, DCF usually has legal custody of your grandchild. This means that DCF has the authority to determine whether visits are appropriate. You must follow DCF's instructions regarding visits.

If you have adopted your grandchild, you have the same rights as any other parent to decide with whom your child visits. However, if you have adopted your grandchild through an open adoption, you must follow the agreement you signed when you negotiated the open adoption, including any provisions about visits. If you fail to follow this agreement you can be sued for breach of contract.

In any circumstances where you and the child's parents are having a legal disagreement regarding visits, you will want to consult a lawyer whenever possible. Be aware that the court will treat visits independently from other legal arrangements you may have. For example, you cannot prevent court ordered visits with the children on the grounds that the other party has not paid you child support.

If you have safety concerns regarding visitation ordered by the court, you can petition the court to have the visits terminated, or to have supervised visits. Having visits terminated is a difficult process and you will want a lawyer to assist you. Supervised visits take place at an approved visitation center, where trained professionals observe the visit for safety. The visitation center will charge a fee for its services, usually paid by the person seeking the visits. Supervised visits are common where a parent has been abusive to a child and wants to rebuild a relationship with the child in a safe environment. If necessary, the parent and child can enter and leave the visitation center separately to avoid any confrontation. The court may later allow families who do well with supervised visits to transition to unsupervised visits, but this is not appropriate for all families.

For more information about supervised visitation, check out the Supervised Visitation Network, at [Supervised Visitation Network](#), or the individual visitation centers below:

- Brockton Family and Community Resources Visitation Program
- Elizabeth Freeman Center Supervised Visitation, Pittsfield
- Meeting Place: Supervised Child Access Service, Cambridge
- The Children's Visitation Program, MSPCC, Greenfield
- Supervised Visitation and Parent Support Program, MSPCC, Lowell
- New Hope Family Visitation Center, Worcester
- Safe Child Visitation Center, Fall River
- Supervised Visitation Program, Woburn Council of Social Concern
- YWCA Visitation Centers, Hampden and Hampshire Counties
- Alternative House Children's Visitation Center, Middlesex and Essex Counties

## **E. Traveling Out of State with a Grandchild Whose Parents Have Lost or Given Up Custody**

Unless you have adopted your grandchild, you will usually need court permission to take the child out of state. If your grandchild is in foster care, remember that DCF actually has legal custody of foster children. Under these circumstances, it is required to obtain approval from your grandchild's DCF caseworker if you want to leave the state with your grandchild. In cases where your grandchild is staying with you without a legal arrangement, you need the consent of the parents to take your grandchildren out of the state without the consent of the children's parents.

If you are concerned that someone may attempt to take your grandchild out of the state or country during a regularly scheduled visit, you can ask the court to order that person to remain in the state with the children. If you are worried about international travel, you can also ask the judge to order whoever has the child's passport to turn it over to you or to the court. If your grandchild does not have a passport and you have legal custody, you may wish to apply for a passport for your grandchild to ensure it will be in your possession.

## **F. Frequently Asked Questions**

### **RE: Custody of Grandchildren**

***~ My grandchild lives with me, the Department of Children and Families is not involved, and I have never been to court. What are my legal rights with respect to my grandchild?***

Although your grandchild is physically living in your home and you are raising this child, you do not have any legal rights or authority to make decisions on behalf of the child. There are legal options that you should review, as well as taking into consideration the circumstances under which your grandchild is living with you. Each option has a specific purpose: Temporary Agent; Caregiver Authorization; Guardianship Arrangements; and Adoption.

***~ What can I do to gain custodial rights with respect to my grandchild?***

If your grandchild is in custody of DCF, you should contact DCF regarding your interest in caring for the child. If DCF is not involved, you would need to petition the court for guardianship. Petitioning the court can be very complicated, especially if one of the child's parents does not want you to have custody. In these situations you should consult with a lawyer whenever possible.

***~ How does DCF become involved?***

DCF usually becomes involved with children after someone has filed a report of abuse or neglect (a "51A report"). If DCF believes the child is being abused or neglected, and that removal of the child from his or her parents is necessary, DCF will go to court and ask that the child be placed in the legal custody of DCF. This court action is called a Care and Protection Proceeding. If your grandchild is in the custody of DCF and you wish to care for him or her, you should contact DCF.

***~ If parental rights have been terminated, do I have any rights as the grandparent?***

No. Upon termination of parental rights, generally all legal relationships between parent and child are ended, as well as between the child and the child's grandparents. See *Adoption of Helen*, 429 Mass 856 (1999); M.G.L. c. 210, § 6. When parental rights are terminated, the parent no longer has any right to care for or to visit the child. Moreover, unless a grandparent is granted the right to adopt the child when the parent's rights are terminated, these extended familial

ties are also legally ended. The exception to this is when an open adoption is negotiated.

***~ Can I get custody of my grandchild without the consent of the child's parents?***

Yes. A court may deprive unfit parents of custody of their minor child upon a persuasive showing that returning the child to the parents would create a substantial risk or likelihood of serious harm to the child. M.G.L c. 201, § 5.

***~ Do I have the legal responsibility to care for my grandchild if the parents are unable to do so?***

No. It is up to the Commonwealth to assign custody to a suitable individual to care for your grandchild. The Probate and Family Court has the power to make such an appointment. While it may be a grandparents' desire to become responsible for the child, they are not required to as a matter of law.

***~ DCF called and said that if I don't take the children, the children will be placed in foster care. What should I do?***

Under these circumstances, you have three options: (1) you can go to Probate and Family Court and seek guardianship of the children, (2) you can tell DCF that you would like to be the children's foster parents, or (3) you can tell DCF you are not interested or not able to be your grandchildren's primary caregiver at this time. Before you make a decision, you should consult the Options section of this guide to be sure you understand the different consequences of each arrangement. If you become the grandchildren's legal guardian with legal custody, DCF involvement with your family is likely to be very limited, or DCF may not be involved at all so that you would retain significant authority over decisions about the children and your family. If you become a foster parent DCF will be more involved. However, when you are the children's foster care parent and DCF has legal custody, you are entitled to receive foster care payments, (providing more money than TAFDC) and it is much easier to get services through DCF.

***~ Can I be sure that if DCF has legal custody, the children can live with me?***

No. However, if DCF has gone to court and obtained custody, you should call DCF immediately and ask that the children be placed with you as their foster parent. If you are interested in being a foster parent but need time to make arrangements you should still notify DCF.

***~ Who makes the final decision where the child will be placed – is it the judge or DCF?***

Placement of children who are in the custody of DCF will be determined at the discretion of DCF and not the court. Massachusetts law gives DCF, as custodian, the authority to determine where the child should live. M.G.L. c. 119, §§ 21, 23, 32 and 33. There is no statutory provision granting the court the power to make specific placement decisions. The Supreme Judicial Court has noted: "when [DCF] is granted permanent custody of a child, it has virtually free rein to place that

child in a foster home of its choosing. This discretion is subject only to a petition for review which cannot be filed more than once every six months”.

***~ When a parent is unable to care for a child, is the immediate family always considered first (as permanent caretakers)?***

Generally, yes. Blood relatives are almost always considered first as a permanent caretaker when the parents are unable to care for the child. When the child is removed from his/her family, DCF will consider all factors relevant to the child’s physical, mental, and moral health. M.G.L. c. 119, § 33. Children in the care or custody of DCF will be placed in private families; or if the child is found to be in need of special care, treatment or education that is in the best interest of the child, the child may be placed in a public or private institution or school. M.G.L. c. 119, §32. Additionally, note that if you wish to be a foster parent, you must participate in a home study and a background check. You will be approved only for a specific child (in this case – your grandchild).

**RE: Guardianship**

***~ What is the difference between adoption and permanent guardianship?***

When a child is adopted, the birth parents lose any and all rights to the child, unless there is an “open adoption” agreement negotiated between the birth parent and the adoptive parents. In contrast, under any kind of guardianship, the parents do not lose their parental rights. In effect, the rights are merely suspended and the parent(s) could ask the court to give them custody at anytime. If the parents can prove they are fit (even if another individual has permanent guardianship), the court must return the children.

***~ In my case, DCF wanted me to adopt the children and the children’s parents agreed, but I’m not sure I’m comfortable adopting my own grandchildren. Are there any other options?***

Yes. An alternative to adoption is a permanent guardianship. A permanent guardianship means you will continue to be the child’s guardian until her or she is eighteen, or until the child’s parents ask the court to give back the child. Once a permanent guardianship is granted you no longer need to return to court, unless the child’s parents ask the court to return custody. If DCF was involved and you obtain a guardianship, you may be entitled to Subsidized Guardianship benefits. This would allow you to continue to receive the same amount you were receiving as foster care payments after the court has made you the children’s guardian. If you are interested in this option, you should discuss the matter with a DCF Social Worker.

***~ In my case, DCF was not involved. I went over to my daughter’s house and brought the children home with me because my daughter had a serious drug and alcohol problem and could not take care of her children. Now what should I do?***

How you handle this situation will depend on whether or not you can take care of

your grandchildren long term. If you want to keep the children with you, are able to be responsible for them, and DCF is not involved and the children are with you, you should probably go to court and seek to become the children's guardian. Becoming the children's guardian will enable you to legally make important decisions on their behalf, including things like when they should receive medical treatment.

To become a guardian, you must petition the Probate and Family Court in the county where the children are living. The court will give you the necessary forms. If you do not expect the children's parents to object to the guardianship it is usually a fairly straightforward process. However, if the issue is contested it will become complicated and you should seek legal assistance. You can consult the "lawyer of the day" in the Probate and Family Court or contact one of the legal services programs listed in this Guide.

***~ I want to become my grandchild's legal guardian, but I cannot afford the costs and court fees. What should I do?***

If you cannot afford the costs and fees, there are forms you can fill out asking the court to waive those costs and fees. These forms are called the "affidavit of indigency" and the "waiver of fees form". You will be asked to provide information about your financial situation. The court has discretion as to whether or not to grant a fee waiver.

***~ If I am not the child's legal guardian, can I give permission for necessary medical procedures?***

It depends on the situation. Parental consent is not required where a child must have immediate care to save his or her life or to prevent a serious risk to his or her health. Emergency care may be given where indicated and where delay would cause either risk to the child's health or unnecessary prolongation of pain or discomfort. The consent is said to be implied since any reasonable parent would consent to treatment in an emergency. Parental consent usually is required for non-emergency treatment. If your grandchild needs non-emergency medical care you should try to obtain consent from one of the child's parent's, or make formal custody arrangements so you can legally consent on behalf of the child. Also, refer to the Caregiver Authorization and the Temporary Agent sections at the beginning of this chapter.

***~ What are my responsibilities as the children's guardian?***

You are responsible for their physical wellbeing as well as ensuring that any money or resources they have are spent on their behalf. You will be able to make all decisions regarding their education or medical needs or other such matters. You are also responsible for following any orders of the court related to the guardianship.

***~ I understand that it can take some time to be appointed permanent guardian of my grandchild. Is there anything I can do to get legal custody in the meantime?***

Yes. If there is an immediate need for you to become the child's legal guardian, you should ask the court to appoint you as a temporary guardian. This lasts for only 90 days and after that you will need to go back to court to become the child's permanent guardian.

***~ What if there is an emergency and I need to get legal custody of my grandchildren immediately?***

If you believe that your grandchildren are in need of a guardian immediately, you can petition for temporary guardianship with custody and also request an emergency hearing on the temporary guardianship that same day. In order to get an emergency hearing, you will need to fill out an affidavit explaining why you believe the situation requires immediate action.

***~ My daughter died. Do her children become mine automatically?***

No. You do not have an automatic right to custody even if both parents are deceased. This is true even if either parent stated that you were the guardian of choice in his or her will. The will is considered evidence of the parent's intent. You will still need to petition the court to be appointed legal guardian with custody of the children or to adopt the children in order to gain custodial rights to the children. If the issue of who should act as a guardian for the child is contested you will want to consult a lawyer for assistance whenever possible.

***~ If my daughter stated in her will that she wanted me to care for her children, will I automatically be given custody of my grandchildren?***

No. A parent's stated preference regarding who should care for his/her children in the event of the death of the parent may be used as evidence to show the parent's intention; however, the court is not bound by the terms of the will. The court decides custody arrangements based on what is in the best interests of the children, and will take your relationship with your grandchildren into consideration. If the issue of who should act as a guardian for the child is contested, you will want to consult a lawyer for assistance whenever possible.

***~ My daughter is dying and would like to ensure that her children come live with me after her death. Is there anything we can do?***

Yes. You could seek guardianship now with your daughter's support if she would be willing and able to do so through the regular process. Another way she could be sure you become the caretaker would be to execute an appointment of guardian through a will which would become effective upon her death or by a different writing which would name you and which would become effective upon her incapacity. All of these ways will ultimately require court intervention to confirm but the court will honor her wishes unless they find good cause not to do so.

***~ What do I do if the children's parents want to see them after the court has made me their guardian?***

When the court appoints you as the children's guardian, the judge may include provisions concerning visitation by the parents in the court order. If so, you must follow the court's order unless doing so would place your grandchild in immediate physical danger. If the judge has ordered visitation and things change and later you think visitation is no longer good for the children, you should return to court to seek a change in the order. If there is no court order regarding visitation, you may decide whether or not and when to allow the parents to visit. M.G.L. c. 119, § 15.

***~ A judge made me guardian of my grandchildren several years ago but now their mother is saying she wants them back. What will happen?***

As long as the judge made you the permanent guardian, the children's mother has to go back to court in order to try to get the children back. She will have to ask the court to terminate the guardianship and place the children with her. The standard the court will use in making its decision is whether the party petitioning for the removal of the guardian has demonstrated "a substantial and material change of circumstances" and that the revocation is in the child's best interest. M.G.L. c. 201, §. If you think either of the parents will challenge your guardianship, you should keep a log indicating their contact with the children and the nature of his or her involvement in the children's lives. Try to be objective and note both positive and negative contact. You should also seek the help of a lawyer if you are concerned about a parent contesting the guardianship.

***~ What is a termination of guardianship hearing?***

A termination of guardianship hearing is a court proceeding to determine whether the guardianship should be ended. Typically, a guardianship ends when a ward (here, the grandchild) dies or is declared to have gained or regained competency. For example, a guardianship over a child would terminate when the child becomes an adult. A guardian's duties terminate on resignation, death (of the guardian or the ward), or removal by a court. However, a court will not accept a guardian's resignation as effective unless the court is satisfied that the best interests of the child would be served. Courts also remove guardians who become incapacitated, who fail to carry out their duties, or who violate their fiduciary obligations.

**RE: Adoption**

***~ I have had the children for several years and it is clear that their parents will never be able to care for them. Is it possible for me to adopt the children?***

Yes. In order for you to adopt the children, a probate court must allow the adoption. This is a fairly easy procedure if both parents consent to the adoption. If one or both of the parents do not consent to the adoption, a Petition to Dispense with Parental Consent must be filed in the adoption proceeding. M.G.L. c. 210, § 3. The court will then have to decide whether it is in the child's best

interest to terminate the parent's rights completely. If DCF is involved in the case, you can ask them to pursue the adoption for you. If DCF was never involved, you will definitely need a lawyer. You may need a home study which can be conducted by either DCF or a licensed private agency.

***~ A friend told me that I should try to negotiate an "open adoption." What does this mean?***

Parties can agree to negotiate an "open adoption." This means that you, as the grandparents, will become the child's legal parents but one or both of the birth parents will play some defined role in the child's life. This could mean visits, or phone conversations, or other arrangements based on a written contractual agreement. A judge must approve any agreement negotiated by the adoptive parents and the birth parents. M.G.L. c. 210, §§ 6C an6D.

***~ If we decide to adopt our grandchildren but we think that an open adoption is a good idea, are there any programs that can help us?***

There are programs in the Probate and Juvenile Court that provide mediation services to prospective adoptive parents and birth parents. The goal of these services is to assist the parties in identifying what plan makes the most sense for the child.

***~ If I adopt my grandchild, can I continue to get TAFDC for the child?***

This will depend on your income. Once you adopt your grandchild, your income will be included in determining whether or not the child is eligible for benefits. You may also be subject to time limits and work requirements.

***~ Is there any other financial assistance I can get if I adopt my grandchild?***

If you are planning on adopting your grandchildren, they may be entitled to benefits under the Adoption Assistance Program, but only if the children were in the custody of DCF. This would provide monthly payments in the same amount as foster care payments. If you are interested in this possibility, you should discuss this with DCF.

***~ If I decide to adopt my grandchild, how will I get assistance with legal fees?***

Generally, court fees and legal fees must be paid in any court proceeding. However, if you are applying for adoption and cannot afford to pay for the necessary fees, you can apply for a waiver of court fees and costs. Such waiver is left to the court's discretion. Moreover, you are not entitled to a court appointed attorney, so you can either represent yourself (*pro se*) or obtain legal assistance from the legal services office in your area. It is always advisable to consult an attorney in these matters. You can consult the Legal Assistance and Information section of this Guide for more information about obtaining legal representation.

***~ If I adopt my grandchildren, what will happen to their relationship with their parents or the other grandparents?***

If you adopt your grandchildren, you will have all the rights and responsibilities of any other parent. The rights of the children's parents are terminated so that

the parents will have no legal right to maintain contact with the child, unless you negotiate an open adoption. You have no obligation to give the other set of grandparents any visits with the children. If you believe it is good for the children to maintain contact with their parents or their other grandparents, you may voluntarily agree to a visitation schedule, but you are not obligated to do so, unless the court's order of adoption specified that visitation was to take place. M.G.L. c. 210, § 6.

~ ***What does "permanency planning" mean?***

"Permanency planning" is a clinical child welfare term which describes a process used by the probate court, Juvenile Court, or DCF to assess the child's needs as well as where the child should be permanently placed.

**RE: Foster Care**

~ ***My grandchildren are in DCF custody. How is the final decision made about where they live?***

Typically, DCF will make a decision about whether or not the children can return to their parent(s) and, if not, where the children should go permanently. A court must approve the decision and, if the parent(s) does not agree with DCF's decision, he/she will have the opportunity to argue that the children should be reunited with the parent. Your grandchildren will have a lawyer appointed for them during this process, and sometimes it is helpful to discuss the case with that lawyer. Neither foster parents nor grandparents are automatically legal parties, meaning you are not considered being on one "side" of the case. However, if you are concerned about the decisions being made and would like the court to hear your position, you can move to intervene, which would make you a party to the proceedings. Intervening is very hard and you should definitely consult with a lawyer in any contested custody matter.

~ ***Will I be considered above other foster parents?***

Under DCF regulations, the agency is supposed to first try to place the children with relatives, before placing the children with unrelated foster parents. DCF may have difficulty placing the children with you if other relatives wish to be foster parents or if you are unable to take the children right away and they would have to be sent to multiple placements which can be very disruptive. If you have concerns about DCF placing your grandchildren with someone else, you should try to get a lawyer to assist you with this process.

~ ***What is a Home Study?***

Before DCF can officially approve you as a foster parent, DCF must investigate you and your home to make sure that you and your home are safe and appropriate for placement of a foster child (for example, is your home large enough, do you have lead paint, has anyone in your home been convicted of a serious crime, etc.). DCF will send a DCF worker to your home to observe what it is like before placing children with you.

***~ If I become a foster parent to my grandchild, what sort of financial assistance will I receive?***

As a foster parent, you will receive a monthly check for daily expenses (the amount is based on the age of the child), a quarterly clothing allowance, and coverage of the child's dental and medical expenses. Some foster parents are paid for specialized services such as taking care of severely disabled children.

***~ Do non-related foster care parents receive more (or fewer) benefits than those who are grandparents or other relations?***

No. Familial relationships do not impact the amount of benefits a non-related foster parent would receive. As the grandparent, you would receive the same amount as any foster parent regardless of your relationship to the child.

***~ DCF placed my grandchild with me several months ago, but I'm still not receiving any financial support. What can I do?***

You should contact your grandchild's social worker and let him or her know. DCF will pay you from the day that DCF places the grandchild in your home. You can also call the DCF Payment Assistance Line (PAL) at 1-800-632-8218. You can apply for TAFDC benefits for your grandchild while you await completion of the home study. However, if you do this, DCF cannot also provide foster care payments for this same time period.

***~ If DCF has legal custody and the children live with me, who makes decisions regarding the children's medical and education needs?***

As long as DCF has legal custody, DCF has the responsibility to make decisions for the children. However, DCF usually delegates routine medical responsibilities and decisions to the foster parent. You are probably responsible for taking your grandchild to regular doctor's visits and other routine appointments. However, if you think a child needs a particular type of medical procedure, such as non-emergency surgery or other specialized medical treatment, you will need to obtain DCF's permission.

**RE: Visitation**

***~ How do I get visitation rights if my grandchildren's parents will not allow me to see them?***

You may petition your local county Probate and Family Court for visitation rights. G.L. c. 119, § 35, 39D. Grandparents are generally not entitled to visitation as a matter of law, but the court will determine visitation based on the best interests of the child. Grandparents who have acted like a parent to a grandchild are more likely to be awarded visitation. It is advisable that you also contact a lawyer for legal representation. (See the Legal Assistance and Information section of this Guide for more information about obtaining legal representation.)

***~ If the child's parent is in prison, must I bring the child to visit him/her?***

No. You are not required to bring the child to visit his or her incarcerated parent unless it is part of a court order. Visitation rights for parents without custody will be given to the extent that the best interest of the child will be served, although the influence of the non-custodial parent is presumed to be beneficial unless there is evidence presented to the contrary. Talk to your grandchild's social worker or therapist to help decide if it would be in the child's best interest to visit with his/her parents.

***~ My grandchild has been adopted by the other set of grandparents. What are my visitation rights, if any?***

Any visitation rights you may have regarding your grandchildren come from the rights of their parents. An adoption severs these parental rights, meaning you will no longer have legal visitation rights with the child. No visitation rights will be granted by the court if the minor child has been adopted by a person other than a stepparent. Furthermore, upon adoption of the child, any previously granted visitation rights will be terminated without any further action of the court. M.G.L. c.119, § 39D. The adoptive grandparents will have discretion in determining whether visitation is appropriate, so you should consider making arrangements with them to visit with your grandchild if possible.

***~ I am my grandchildren's foster parent and the children's mother wants to visit the children. May I allow the visits?***

If your grandchild is in DCF custody, DCF will determine whether or not visits between the children and their parents are appropriate and under what circumstances. It is important that you follow whatever DCF decides. If you or the children's parents do not agree with the visitation, you should discuss it with DCF or consult a lawyer.

**RE: Child Abuse and Neglect, Restraining Orders and Parental Unfitness**

***~ I am caring for my grandchild and their mother or father shows up at the house and is very violent and has threatened the children and me. What should I do?***

Whenever someone is violent and threatening to harm you or your grandchildren, you should call 9-1-1 and ask the police for assistance. If the immediate situation has ended but you are worried about future abuse, you may want to seek a restraining order under chapter 209A of the Massachusetts General Laws. You can obtain an initial restraining order against the abusive person from the Probate and Family Court, your local district court, or municipal court. The initial order can be entered without notice to the abusive party and is valid for ten days. After ten days, you will have to go back to court and show the court why the order should be extended, and the abusive party will have an opportunity to present his or her side to the court at that time. The court will determine whether to extend the order, usually for up to one year.

If many restraining orders have been issued against the same person the court may make the order permanent. The restraining order will prohibit the parent from abusing or threatening to abuse you or the children. The restraining order may also provide that he or she stay away from your home, your workplace, or your grandchildren's school. Because 209A orders usually only apply to family members, people who are in a dating relationship, or member of the same household, a 209A may not apply to your circumstances. In that case, you should ask the court for assistance in obtaining a more appropriate protective order.

Violating a restraining order is a crime. If you have a restraining order against someone and that person violates the order you should call the police and report the violation. If someone has taken a restraining order out against you, be sure you have read the order and understand what it means. Even if the order was based on false information you are still responsible for obeying the court's instructions and can be charged with violating the order.

***~ What legal rights do I have as a grandparent if I believe my grandchild is being abused or neglected and I want to care for her?***

As a grandparent you may report the abuse or neglect of your grandchild to DCF. DCF is authorized to locate substitute care should the child's parents become unable to provide the necessary care and protection to insure that the normal physical, mental, spiritual, and moral development and health needs of the child are met. You may ask the Probate and Family Court for custody as either a guardian or an adoptive parent. A grandparent could also file a care and protection petition under M.G.L. c., 119, § 24 in the Juvenile Court.

***~ What options do I have if I feel that it is best to keep the parent away from his or her child?***

In any situation where you or your grandchild is in immediate physical danger you should call the police. If the situation is not an emergency, you have the following options: (1) you could petition the probate court to be appointed as a temporary guardian, thus acquiring legal custody over the child, and you could simultaneously also file for a temporary restraining order against the parents, (2) you could notify DCF if you believe that the child is being abused, and (3) you could seek to adopt the child and have the parent's rights terminated. If there is proof of parental neglect, unfitness, or abandonment, the state would begin a proceeding to terminate the parent's rights involuntarily. Thereafter, the court would decide who will have custody of the child, including whether making you the custodial parent would be in the best interest of the child. You will definitely want to obtain a lawyer to help you in this situation. M.G.L. c. 209A, § 3, M.G.L. c. 119, § 24, 26, M.G. L. c. 201, § 5, M.G.L. c. 210, § 3.

***~ How do the courts determine when a parent is unfit?***

The primary focus of the court is on the best interests of the child. In determining if a parent is unfit the courts tend to focus on the effect parental conduct has or is likely to have on the child. In making a finding of unfitness, courts normally must

(a) examine the relationship (or lack thereof) which has existed between parent and child and (b) determine what the parent-child relationship is likely to be in the future. The court generally will not consider things like the parent's religion, lifestyle, or sexual orientation in these situations unless it somehow impacts what is in the child's best interests. M.G.L. c. 209A, § 3, M.G.L. c.119, § 2

## INSTRUCTIONS

### Massachusetts Temporary Agent Authorization Form



#### ***Who can use this form?***

If you are the parent, legal custodian, or legal guardian of a child, you can appoint a temporary agent who will have the power to make decisions for the child for a period not longer than 60 days. This can be very useful if you anticipate being temporarily unable to care for the child because of illness, employment, or travel and the child will be in the care of another adult.

#### ***Do I need to file anything in court if we use this form?***

No. This form gives the agent the power to make decisions without a court order.

#### ***What does the temporary agent do with this form?***

You or the agent will need to give a copy of this form to the child's school, doctor, and anyone else who requires the signature of the child's guardian. You should keep a list of everyone to whom you gave the form, in case you have to let them know about changes. You should make copies for yourself, and keep the original in a safe place.

#### ***What powers does the temporary agent have?***

Generally, the temporary agent will have any powers that you, the parent, legal custodian, or legal guardian, have regarding the care, custody, and property of the child(ren). The temporary guardian never has the power to consent to the marriage or the adoption of a minor. Further, you can specify additional powers that you do not want the agent to have. The authority of the agent can be altered or limited by the court.

#### ***If a parent signs this form, can the parent still make these decisions?***

Yes, a parent keeps the right to make these decisions as well.

### ***What happens if the agent and the parent disagree?***

If there is a disagreement, the parent makes the final decision.

### ***How long does this permission last?***

It lasts for up to 60 days. You will need a new one every 60 days.

### ***Can a parent change his or her mind?***

Yes. He or she needs to write a letter to the agent, saying that the agent no longer has permission to make these decisions. Please be sure to sign the letter and include the date. The parent or the agent gives a copy of this letter to the child's school, doctor, and anyone else who received a copy of this affidavit.

### ***Do I need the permission of the child's other parent?***

If the whereabouts of the child's other parent are known, and the other parent is willing and able to provide care and custody for the child, then you do need to get the other parent's written consent. This can be done by having that parent fill out Section 5 of this form. If you don't know where the other parent lives, or if that parent is unable to care for the child for any reason (ex. incarceration, poor health, or mental illness), you need not obtain that parent's signature.

## **HOW TO FILL OUT THE FORM**

### **Parent/custodian/guardian**

- Fills out Section 1, called "Authorizing Party"
- Sign this form in front of two witnesses (who are not the agent) and a notary public. Have the witnesses and notary sign Sections 2 and 3, called "Witnesses" and "Notarization," respectively.
- Notaries are often available at banks and courts. You can also find a notary in the yellow pages. Please note that you will need to show a picture I.D. to the notary. There may be a fee to have the form notarized.

### **Temporary Agent**

- The agent fills out Section 4, called "Temporary Agent Acknowledgement."

### **Non-Appointing Parent**

- The non-appointing parent fills out Section 5, called "Non-appointing Parent Consent."

***Both the parent/custodian/guardian and the agent should carefully read the form before signing, because you are swearing that the information in it is true.***

# TEMPORARY AGENT AFFIDAVIT

Massachusetts General Laws Chapter 190B, § 5-103

1. **AUTHORIZING PARTY** (Parent/custodian/guardian)

I, \_\_\_\_\_, residing at \_\_\_\_\_,  
am the: (*circle one*) parent legal guardian legal custodian of the minor  
child(ren) listed below.

I do hereby appoint \_\_\_\_\_, residing at \_\_\_\_\_  
\_\_\_\_\_ to exercise concurrently any power regarding the care, custody, or  
property [except the power to consent to marriage or adoption and any additional acts  
prohibited below], that I possess relative to the minor child(ren) whose names and  
dates of birth are:

\_\_\_\_\_ name \_\_\_\_\_ date of birth \_\_\_\_\_ name \_\_\_\_\_ date of birth

\_\_\_\_\_ name \_\_\_\_\_ date of birth \_\_\_\_\_ name \_\_\_\_\_ date of birth

The agent may NOT do the following: (*If there are any specific acts you do not want the agent to perform, please state those acts here.*)

\_\_\_\_\_  
\_\_\_\_\_

The following statements are true: (*Please read*)

- There are no court orders in effect that would prohibit me from exercising or conferring the rights and responsibilities that I wish to confer upon the agent. (*If you are the guardian or custodian, please attach the court order appointing you.*)
- I confer these rights and responsibilities freely and knowingly in order to provide for the child(ren) and not as a result of pressure, threats, or payments by any person or agency.
- I understand that, if the affidavit is amended or revoked, I must provide the amended affidavit or revocation to all parties to whom I have provided the affidavit.

This document shall remain in effect until \_\_\_\_\_ (*not more than 60 days from today*) or until I notify the agent in writing that I have amended or revoked it.

I hereby affirm that the previous statements are true, under pains and penalties of perjury.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Telephone number: \_\_\_\_\_

**2. WITNESSES TO AUTHORIZING PARTY SIGNATURE**

*(To be signed by persons over the age of 18 who are not the designated agent.)*

\_\_\_\_\_  
Witness #1 Signature

\_\_\_\_\_  
Witness #2 Signature

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Address and telephone number

\_\_\_\_\_  
Address and telephone number

**3. NOTARIZATION OF AUTHORIZING PARTY'S SIGNATURE**

Commonwealth of Massachusetts

\_\_\_\_\_, SS

On this date, \_\_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding document, and swore under the pains and penalties of perjury that the foregoing statements are true.

Signature and seal of notary: \_\_\_\_\_

Printed name of notary: \_\_\_\_\_

My commission expires: \_\_\_\_\_

**4. TEMPORARY AGENT ACKNOWLEDGMENT**

I, \_\_\_\_\_, am at least 18 years of age.

I understand that I may, without obtaining further consent from a parent, legal custodian, or legal guardian of the child(ren), exercise concurrent power relative to the child(ren), except those powers prohibited above. However, I may not knowingly make a decision that conflicts with the decision of the child(ren)'s parent, legal guardian, or legal custodian.

I understand that, if the affidavit is amended or revoked, I must provide the amended affidavit or revocation to all parties to whom I have provided this affidavit prior to further exercising any rights or responsibilities under the affidavit.

I hereby affirm that the above statements are true, under pains and penalties of perjury.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Telephone number: (\_\_\_\_) \_\_\_\_\_

**5. NONAPPOINTING PARENT CONSENT (if applicable)**

I, \_\_\_\_\_, residing at \_\_\_\_\_, am the non-appointing parent of the child(ren). I consent to the designation of \_\_\_\_\_ to be a temporary agent for my child(ren). I understand that the temporary agent will have any power regarding the care, custody, or property of the child(ren), [except as stated in Section 1].

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Telephone number: (\_\_\_\_) \_\_\_\_\_

### **III. Childcare, Preschool, After-School & School Programs**

- A. What resources are available for childcare, preschool, and after-school programs?
  - B. Where do I register my grandchild for school?
  - C. Can my grandchild stay in his or her current school district?
  - D. How much information should I give my grandchild's school, childcare or preschool programs about his or her custody situation?
  - E. How do I make sure my grandchild is safe at the childcare, preschool, school or after-school program?
  - F. My grandchild is having trouble in school. Where can I get extra help for him or her?
  - G. How should I handle bullying or other conflicts at school?
- 

#### **A. What Childcare Resources are Available?**

The Department of Early Education and Care establishes and enforces standards for childcare and coordinates resources for childcare and other children's services. Contact the Department of Early Education and Care Central Office at 617-988-6600 or visit their web site at [www.mass.gov/edu](http://www.mass.gov/edu) and click on to Department of Early Education and Care and then click on "key resources."

#### **B. *Where Do I Register My Grandchild for School?***

Where you register your grandchild for school depends on where your grandchild lives, and how permanent of a custody arrangement you have. If your situation is short-term, you may want to consider leaving your grandchild in his or her existing school. Moving your grandchild to a different school during an already disruptive time may make it harder for him or her to learn. If you will be caring for your grandchild long-term, you should register him or her in the school district where your grandchild is living. Every person of school age has a right to attend the public schools of the town where s/he actually resides. The Department of Elementary and Secondary Education states that children who actually live in a town, whether with their natural parents, a grandparent or other relatives, by themselves, in a foster or group home or in virtually any other living situation are legally entitled to attend the town's public schools. The

statute avoids technical questions of custody, guardianship and domicile, and focuses on where the child actually lives. M.G.L.c. 76, § 5. M.G.L. c. 74 § 7 provides for high school students to attend state-approved vocational technical education programs in schools in cities/towns in which they are not residents if their local high school does not have such programs. Additional information is contained in the Guidelines for the Vocational Technical Education Program Nonresident Student Tuition Process Pursuant to M.G.L. c. 74 – at [Vocational Technical Education Program Nonresident Student Tuition Process](#)

### **C. Can My Grandchild Stay in His or Her School District?**

In many cases, your grandchild may remain in his or her current school district. If you decide to adopt your grandchild or make other arrangements for your grandchild to live with you permanently, you should plan to register your grandchild in the school district where you live. However, if your grandchild is staying with you only temporarily, he or she can usually stay in his or her current district. Changing schools repeatedly can impair students' academic and social growth so it is a good idea to minimize the disruption as much as possible.

In some cases, you may be able to obtain assistance with transportation or other arrangements so that your grandchild can attend school in another community. Under the McKinney-Vento Homeless Education Act, public school students who are homeless can either remain in their current school district (referred to as the school of origin), or enroll in the district where they are staying. The school must provide transportation for the student at the request of the parent or legal Guardian. The Act's definition of who is considered homeless includes students staying with relatives because of a loss of housing or economic hardship, and students awaiting foster care placement. Each school district's Homeless Education Liaison must ensure that the parent or guardian of a homeless student is fully informed, in the language of the home, of all transportation services, including transportation to the school of origin, and is assisted in accessing transportation to the school selected.

For more information contact the Homeless Education Liaison at your grandchild's school, or the Massachusetts Department of Elementary and Secondary Education at [Massachusetts Department of Elementary and Secondary Education](#).

### **D. What Information Should I Give My Grandchild's School or Childcare Program about His or Her Custody Situation?**

In general, you can share as much or as little information as you are comfortable sharing with your grandchild's school or daycare provider. However, if you become the adoptive parent, foster parent, or temporary or permanent guardian for your grandchild, you should make the school or childcare program aware of

the legal status of your relationship and that you or DCF are in charge of making medical and legal decisions on your grandchild's behalf. If issues at home are likely to impact your grandchild's performance at school, it is a good idea to inform his or her teachers that your grandchild is going through a difficult transition and may be more likely to have academic or behavioral problems.

If you don't have custody of your grandchild, the child's parent or guardian may give you, as the child's caregiver, permission to make medical and educational decisions for your grandchild by signing a Massachusetts Caregiver Affidavit. A caregiver is defined as any adult the child lives with. The Caregiver Affidavit consists of a notarized statement granting decision-making rights to the caregiver that is signed by both the parent(s) and the caregiver(s). A sample Caregiver Affidavit may be found at: [Massachusetts Caregiver Affidavit](#).

The Caregiver affidavit is valid for two years, but may be revoked at any time by the parent. You should give a copy of the Caregiver Affidavit to your grandchild's school, doctor and dentist. A Caregiver Affidavit allows the caregiver to obtain access to school records including Individualized Education Plans (IEPs) and medical records that are protected by federal confidentiality laws and further allows the caregiver to place requests and make decisions in the absence of the parent/legal guardian. For more information about the Massachusetts Caregiver Affidavit, check the website at: [Massachusetts Caregiver Affidavit Information](#).

If you have a restraining order or other order of the court to prevent an abusive person from coming into contact with your grandchild, make your grandchild's school or daycare aware of the order. You may want to bring a copy of the order and a picture of the abusive individual to the facility so that they will be able to call the police and protect your grandchild if the abusive person attempts contact. This is especially helpful if your grandchild attends school or childcare programs in a different community than the one where the order was issued.

If you have concerns that someone may attempt to kidnap your grandchild by picking him or her up from daycare or school, make sure the school or daycare personnel know who may and may not pick up your grandchild. Talk to your grandchild about what to do if someone tries to pick him or her up, and instruct your grandchild not to leave the school with an unauthorized person or someone who makes him or her uncomfortable, including someone he or she knows. Older siblings can be given more information and help watch out for younger ones.

If your grandchild takes a bus to school, let your grandchild know what to do if someone approaches him or her at the bus stop. Your grandchild should notify the bus driver and not get off the bus if there is someone he or she is afraid of at the bus stop. Whenever possible, your grandchild should walk to and from the bus stop with siblings or other children from the neighborhood.

## **E. How Do I Make Sure My Grandchild is Safe at His or Her Childcare, Preschool Program, School or After-School Program?**

In selecting a childcare, preschool or after-school program, it is important to ask the provider

- *Is the program licensed by the Department of Early Education and Care? If not, is it operated by the public school or an established private or parochial school?*
- *Is the program accredited by the National Association for the Education of Young Children or some other recognized organized organization?*
- *Are children supervised by adults at all times?*
- *Are the facility, equipment, and play materials clean, safe and in good repair?*
- *Is the staff trained in CPR and First Aid?*
- *What is the policy for conducting criminal background checks on staff?*
- *Is the facility up to date on all inspections, including any that may be required for areas where food is prepared?*
- *Is there a parent (or family) handbook that includes the provider's policy on visitors and other policies)?*
- *What is the provider's emergency plan? Is the emergency plan practiced occasionally?*
- *Is transportation provided? If yes, does the provider use a proper vehicle, including car seats for young children?*
- *Are the ratio of children to staff and the group size appropriate? If you are uncertain of what a program for your grandchild should look like, or want more information on selecting a good care and early education program for children from infancy through kindergarten, see: Tips for Finding Childcare at: [http://www.eec.state.ma.us/docs/ChoosingChildCareFINAL\\_ENGLISH.pdf](http://www.eec.state.ma.us/docs/ChoosingChildCareFINAL_ENGLISH.pdf); or call the National Association for the Education of Young Children at 1-800-424-2460; or the Massachusetts Child Care Resource and Referral Network at 1-800-345-0131.*

## **F. My Grandchild is having Trouble in School. Where Can I Get Extra Help for Him or Her?**

There are a variety of ways you can get extra help for your grandchild. The first step is to consult with his or her teacher to find out the type of difficulty your grandchild is having and what is causing him or her to struggle. Bear in mind that transitioning to living with you may be a challenge that impacts your grandchild's studies. Teens may experience trouble in school because of bullying, issues with friends, or drugs or alcohol. In those situations it is important to address the underlying issue in addition to your grandchild's academic performance.

There are multiple sources of tutoring services. Speak with the school to find out if there are after school academic support programs offered at your grandchild's school or in your community. Depending on the school and the family income status, your grandchild may be eligible for Supplemental Educational Services (SES). Your grandchild's teacher may also be able to give you extra work or exercises you can do with your grandchild at home yourself. There are also public and private fee-based tutoring programs that may be available after school in your community. The Massachusetts Department of Elementary and Secondary Education provide resources to help Massachusetts' students and certain services are required under federal law. For more information about these tutoring programs visit the website at: [Department of Elementary and Secondary Education Tutoring Programs](#).

## **G. How Should I Handle Bullying or Other Conflicts at School?**

If your grandchild is being bullied or harassed at school, it is important to take his or her concerns seriously. It is also important to remember that new technology has changed the way students interact. Bullying, harassment, or other threatening statements may be made online, via text message to your grandchild's cellular phone, or through email.

If your grandchild is being bullied by someone at school, you should address the bullying with your grandchild and school personnel. It is important for your grandchild to feel safe in school so he or she can learn effectively.

Massachusetts has an Anti-bullying Law. The provisions of this law include requirements for schools to create and implement plans on addressing and preventing bullying. The law imposes tough restrictions on young people's use of any technology to bully another person. In 1989, the Massachusetts Office of the Attorney General created, SCORE, an effective program to help students resolve conflicts through peer mediation. For more information regarding the Anti-Bullying Law and SCORE, visit the Office of the Attorney General's website at: [Massachusetts Office of the Attorney General](#).

## **IV. Financial Issues, Child Support & Public Assistance**

### **Public Assistance**

- A.** Transitional Aid to Families with Dependant Children (TAFDC)
- B.** Emergency Aid to the Elderly, Disabled, and Children (EAEDC)
- C.** Energy Assistance
- D.** Supplemental Nutrition Assistance Program (SNAP) (formerly Food Stamps)
- E.** MassHealth/Medical Assistance
- F.** Social Security
- G.** Supplemental Security Income
- H.** Unemployment
- I.** Veterans' Benefits
- J.** Frequently Asked Questions

### **PUBLIC ASSISTANCE**

You or your grandchild may be eligible for Transitional Aid to Families with Dependent Children (TAFDC) and Food Stamp benefits through the Department of Transitional Assistance (DTA), MassHealth through DTA or through EOHHS, and/or Supplemental Security Income (SSI) through Social Security (if disabled) or Social Security (if the parent is disabled or deceased or retired). Benefits may also be available under the Women Infants & Children Nutrition Program (WIC) or Children's Medical Security Plan (CMSP) insurance through the Department of Public Health. If you are the primary caregiver for your grandchild, you may be entitled to get cash assistance, health insurance, food stamp benefits or other benefits on behalf of your grandchild.

The rules for each program differ, so read about each program carefully and consult the resources listed in this Guide for more information. In addition, your legal relationship with your grandchild (i.e., whether you are the child's legal guardian, foster parent, adoptive parent, or none of the above) may affect your ability to obtain benefits for your grandchild. For more information on legal relationships, you should refer to the section on custody in this Guide. If you have any questions, you should get help before you apply for benefits and/or before you make any decision regarding the legal relationship to your grandchild. You may be able to get help from local support groups, legal services offices, or the Probate and Family Court.

## **A. Transitional Aid to Families with Dependent Children (TAFDC)**

TAFDC is a program that provides cash assistance to help care for children who lack parental support. A child lacks parental support when one or both parents are: absent from the home; physically or mentally incapacitated and unable to work; unemployed and cannot find work; or deceased. This program is often referred to as “welfare.” Eligibility for TAFDC and the amount of assistance available is based on the number of children and adults in the household, income, assets and other requirements. (M.G.L. c. 118) (106 CMR 203.000, *et seq.*)

Requirements: Income and asset limits.

**Contact:** Local Department of Transitional Assistance Office Application information Unit at 1-800-249-2007.

## **B. Emergency Aid to the Elderly, Disabled and Children (EAEDC)**

Emergency Aid to the Elderly, Disabled, and Children is a financial benefit program for which you do not need to be related to the children in your care. EAEDC provides cash and medical benefits to eligible families and individuals who are not receiving TAFDC or other similar benefits. You need to go to a DTA office to apply for these benefits.

Requirements: Income and asset limits. Non-financial requirements.

**Contact:** Local Department of Transitional Assistance Office or DTA Application Information Unit at 1-800-249-2007.

## **C. Energy Assistance**

There are several energy assistance programs that can provide you with money to help pay for your heating bills, repairing or replacing parts of your heating system, and insulating your home. Eligibility for these programs varies.

**Contact:** Department of Housing and Community Development (DHCD) at 1-800-632-8175.

### **Fuel Assistance**

Benefits: Direct payment of heating bills, from November to March, for eligible homeowners and renters.

### **Weatherization**

Benefits: Home energy survey; provision and installation of such items/ services such as air-sealing, weather-stripping, storm windows, and attic and wall insulation for eligible homeowners and renters.

### **Heating System Services**

Benefits: Emergency burner repair or replacement; system cleaning and tune-up; system repair or replacement as needed.

Requirements: For the above ENERGY PROGRAMS, there are guidelines for eligibility based on gross annual household income, number of household members, and vulnerability to heating costs.

**Contact:** For specifics on application requirements, schedules, and local intake sites for all energy programs: HEATLINE 1-800-632-8175.

#### **D. Supplemental Nutrition Assistance Program (SNAP) (formerly Food Stamps)**

**SNAP** is a federal program that provides recipients with coupons or an Electronic Benefit Transfer (EBT) card that can be used at participating grocery stores to buy food. The benefits are issued monthly and the amount is based on income and expenses of the household. In addition, many households in which each person receives public assistance benefits are considered automatically eligible for food stamp benefits. Please note that the following sources of income are counted for eligibility: a job, child support payments, unemployment benefits, Social Security, and public assistance. The SNAP Program has complex rules and you should talk with a SNAP worker at DTA, if you want additional information.

**Contact:** Local Department of Transitional Assistance Office or DTA Application Information Unit at 1-800-249-2007; or check out the SNAP Program online at: [SNAP Program](#).

#### **E. MassHealth / Medical Assistance**

Most children who are eligible for financial assistance through TAFDC, EAEDC, SNAP Program, and other public programs are also eligible for health insurance through MassHealth or Commonwealth Care. Please consult the healthcare and insurance section for more information.

#### **F. Social Security Disability Income (SSDI)**

SSDI is a program run by the Social Security Administration that provides a monthly cash benefit to disabled workers and/or to family members of disabled or deceased workers. The benefit is based on the amount of time worked and the amount of money earned. If either parent of your grandchild is deceased or disabled and that parent had a work history, your grandchild may be entitled to benefits. If you think your child may be eligible, you should call the Social Security Administration.

**Contact:** Local Social Security Office or call 1-800-772-1213, TTY 1-800-325-0778 or visit: <http://www.ssa.gov/>.

## G. Supplemental Security Income (SSI)

SSI is a program that provides financial assistance to persons over 65 and to blind or disabled children. Eligibility for SSI is based on age, blindness, or disability, either as an adult or a child, and the recipient's living arrangements. The parents' income and resources will be used to determine the child's financial eligibility for SSI. SSI benefits may be reduced if the child receives support and maintenance or in-kind income from the parents or from some other source (e.g., a trust established for the child's benefit by his or her grandparents).

**Contact:** your local Social Security Office or call 1-800-772-1213, TTY 1-800-325-0778 or find out more on line at:

<http://www.socialsecurity.gov/ssi/index.htm>

## H. Unemployment Insurance (UI)

Unemployment insurance (UI) provides benefits to Massachusetts' workers who are unemployed through no fault of their own. Unemployment insurance is just that... insurance. It is a temporary income protection program for workers who have lost their jobs and who are able to work, available for work and looking for employment. Unemployment insurance will provide a weekly check based on a percentage of your income while you were employed and the number of dependants in your household. In order to be eligible, you must have left your job through no fault of your own and periodically report to the office on your attempts to find a new job. Agency/Department: Division of Unemployment Assistance overseen by the Department of Workforce Development.

**Contact:** Division of Unemployment Assistance, Customer Services, for information and local referral (617) 626-5400.

## I. Veterans' Benefits

If your grandchild's mother or father was a veteran, your grandchild may be entitled to special benefits from the federal government, especially if your grandchild's parent died in service of our country. Your grandchild may also be eligible for special benefits if he or she has certain disabilities or birth defects and your grandchild's parent served in Vietnam or other specific geographical areas.

**Contact:** the Massachusetts Department of Veterans' Services at 617-210-5480 to identify your local Veterans' Agent who can assist you or go to

<http://www.vba.va.gov>, the website for the federal Department of Veterans Affairs.

## J. Frequently Asked Questions

### RE: **DTA Services**

#### *~ How do I apply for DTA services?*

Call ahead and ask what documents and information you should bring to the DTA office with you. Fill out an application even if you don't have all the information needed to complete the application. This is very important because your application date establishes the date that you will become eligible for benefits. Even if it takes an additional six weeks for you to complete the application process and start getting benefits, you may be paid back to the date of your application. Everyone has the right to fill out an application, even if there is a possibility you may not qualify or if your application will be incomplete.

Be sure to get names and phone numbers as The Department of Transitional Assistance is a large agency and the person who does your intake probably will not be the same person who is assigned as your caseworker. For your own records, you should get the name and phone number of each person you speak with. That way if there is any confusion regarding your application, you can help the DTA retrace its steps and resolve the problem quickly.

#### *~ Can I get child support from the child's mother or father?*

Whether or not you can get child support from the child's mother or father will depend on a variety of factors. If you have legal custody or guardianship over the child, you can ask the court to order the child's parent to pay child support. The amount of child support is based on the income of the person paying and is calculated using guidelines established by the state.

If you have concerns that the child's parent is earning money but refusing to pay, you can ask the court to have child support payments administered by the Department of Revenue. This means that the Department of Revenue will obtain child support payments directly from the employer of the child's parent and send them to you instead of you having to deal with the process of trying to collect from the parent.

If you are receiving public assistance or foster care payments for your grandchild, the Department of Revenue will try to obtain support payments on behalf of the state to cover a portion of the cost. In this situation the state will give you money in the form of public assistance or foster care payments regardless of whether or not the parent pays support. The state then will attempt to collect payments from the parent to pay back the state for the money you received to support the child. You must accurately report any support you are receiving when you apply for public assistance.

**RE: TAFDC and the SNAP PROGRAM**

***~ Do I have to reveal the names of my grandson's parents in order to receive TAFDC benefits for him?***

Generally, yes. When a grandparent or other relative applies for TAFDC for a child in his or her care, the grandparent is required to give the names and addresses of the biological parents (if you have this information). This information is in turn given to the Department of Revenue (DOR), which will contact the parents for childcare support. If you have serious concerns regarding this requirement, such as the safety of your grandchild or yourself, you should discuss it with DTA when you apply. Be prepared to submit a statement from a doctor, counselor or other credible source to support your concern.

***~ Does my income count in determining the amount of the grant my grandchild will receive from TAFDC?***

It depends. A grandparent may apply for TAFDC benefits in caring for the child in either one of two ways:

- 1) On behalf of the grandchild alone; or
- 2) For the grandparent and the grandchild.

If the application is for grandchildren only, the grandparents' income and assets will not be counted in determining TAFDC eligibility. If the application is for both the grandparent and grandchildren, then the grandparents' income and assets will be counted.

***~ My adult son gives me fifty dollars a month for the support of his child whom I'm raising. It is very difficult for me to make ends meet. My son is doing the best he can. I know he can't afford any more than what he is giving me now. Can I still apply for TAFDC?***

Yes. If it is determined that the amount which he is giving you now is less than the TAFDC benefit, your grandchild will be eligible to receive TAFDC benefit. However, be aware that if it is determined that he can afford to give more support, he will be legally responsible for the additional amount. For example, if the state determines your son can pay \$100 per month instead of \$50, he will be responsible for paying \$100 if your grandchild is on TAFDC. The Department of Revenue would be involved. Your grandchild's parent would make child support payments to the Department of Revenue directly if the child starts receiving TAFDC.

***~ How do I get clothing and shoes for my grandchild if I do not have the money?***

TAFDC provides an annual clothing allowance for eligible dependent children. Moreover, if you are a DCF foster parent, you will receive a clothing allowance at rates established by the Department of Children and Families based upon the age of the child.

***~ Can I get help with moving costs?***

Subject to available funding, DTA provides transportation assistance to applicants or recipients of TAFDC who have asked for help moving outside the Commonwealth. Transportation assistance is provided through agencies under contract with the Department of Transitional Assistance. Transportation assistance is limited to personal transportation for the family or the individual. You are responsible for all other moving expenses (i.e., goods or furnishings, or costs for luggage or baggage). 106 CMR 705.800, et seq.

***~ How long will it take for my application for TAFDC to be processed?***

If all of the necessary paperwork is completed, your signed and completed application will be processed within thirty days from the date it is received by DTA. (M.G.L. c. 118, § 2). You have a right to receive an official written notice from DTA when a decision is made on your application and each time there is a change on the *case*. 106 CMR 702.500.

***~ If my application for TAFDC is denied, do I have the right to appeal?***

Yes. You have the right to file an appeal within a certain period if you disagree with any action taken on your case. You will find appeal instructions on the notices you receive. If you do not receive an official notice and an action is taken on your case, contact your local Department of Transitional Assistance office to obtain the appeal form and instructions. Additionally, if your TAFDC application is denied, you and your grandchild may be eligible for Medicaid, and you may still be eligible and file for Emergency Aid to the Elderly, Disabled and Children (EAEDC), and Food Stamps. See 106 CMR 705.000, *et seq.* (related benefits).

***~ Am I subject to the time limits and the work limits of TAFDC?***

Again, this will depend on whether you are receiving benefits for yourself and your grandchildren or only for your grandchildren. If you are receiving benefits for yourself, you may be subject to the time limit and work requirement rules. There are exceptions based on age and disability that may exempt you even if you are receiving benefits for yourself.

***~ I am raising my granddaughter. I have been told that I cannot get TAFDC for my granddaughter because my son's name is not on her birth certificate. Is this correct?***

No. The fact that your son's name is not on your granddaughter's birth certificate is not a barrier to your receiving TAFDC for her; however, it will make it more difficult to prove that you are eligible to get benefits for your granddaughter. To get the TAFDC for a grandchild, you must prove that you are related to your grandchild. If your son's name is not on your grandchild's birth certificate, you may provide alternative forms of verification such as school records, family bible, passport, hospital birth records, etc. 106 CMR 203.585(B), 203.570(B). DTA should also accept court papers that show the relationship; therefore, one way around this problem is to get appointed as your grandchild's legal guardian.

***~ I tried to get TAFDC for my grandchildren but I was told that their mother is already getting TAFDC benefits for them. What should I do?***

To get TAFDC for a child, you must prove that the child is living with you. Therefore, if you can show that the children are living with you, you should be able to get the benefits to come to you instead of the children's mother. One way to prove where the child is living is to get a letter from the child's mother or the child's school. Ask your case worker about other acceptable methods of verification. DTA may not prevent you from applying for benefits even if the mother's case is open.

***~ Do I need to have legal guardianship in order to get TAFDC for my grandchild?***

It depends. If the child's parent was subject to the 24-month time limit and the case was closed due to the 24-month time limit, then the grandparent may need legal custody or guardianship. If the child's parent was not subject to the 24-month time limit or the 24-month time limit has not expired, then legal custody or guardianship is not required. You need to prove that the child lives with you, that you are related to the child, and that the child lacks the support of a parent. Getting legal guardianship of the child may be helpful in proving these things.

***~ Are there other benefits I can apply for at the same time that I apply for TAFDC?***

Yes. If TAFDC is approved, there is automatic approval for MassHealth. Food stamp benefits may be approved as part of the TAFDC application if the grandparent is requesting TAFDC for himself or herself. Otherwise, a separate application may be completed for food stamp benefits. You may also apply for Emergency Assistance benefits.

***~ Will my income be counted if I apply for food stamp benefits for my grandchild(ren)?***

Yes. Unlike the TAFDC program, the Food Stamp Program (SNAP) will generally consider your income and assets and the income and assets of every other person in the child's household, if the members purchase food and prepare meals together.

**RE: SOCIAL SECURITY**

***~ How and when do I get a Social Security card for my grandchild?***

You may apply for a Social Security card at any local Social Security office. Everyone is required to have a Social Security number, so applications are generally made on the child's behalf. Proof of identity showing name, age, date of birth, proof of citizenship or immigrant status of the child must be submitted with the application. The individual filing the application may also be asked to show proof of his or her identity. In some instances, applications may also be made by mail. It generally takes two to three weeks to process the applications. Some examples of acceptable forms of identification viewed by the Social

Security Administration may include:

- 1) Driver's license;
- 2) Clinic, doctor, or hospital records;
- 3) U.S. government or state employee ID card;
- 4) Passport;
- 5) School ID card, record or report card;
- 6) Marriage or divorce record;
- 7) Health insurance card;
- 8) Military records;
- 9) Adoption records;
- 10) Court order of name change;
- 11) Church membership or confirmation record (if not used as evidence of age);
- 12) Insurance policy.

The Social Security office will NOT accept a birth certificate or hospital record as proof of your identity. It will accept other documents if they have enough information to identify you. Remember, the Social Security office must see original documents or copies certified by the county clerk or other official who keeps the record. Otherwise, call your local Social Security office.

**RE: UNEMPLOYMENT INSURANCE** (M.G.L. c. 151A)

**~ If I have to quit my job in order to care for my grandchild, will I be eligible for Unemployment Insurance?**

Generally, no. Unemployment insurance is usually only for people who lose their job involuntarily, such as workers who are laid off. You may be disqualified from receiving benefits if DUA determines that you:

- 1) left your job voluntarily without good cause;
- 2) were fired from your job for deliberate misconduct or violation of a company rule;
- 3) were suspended from your job because you broke company rules or regulations;
- 4) left your job because you were convicted of a felony or misdemeanor;
- 5) are not able and available to work full time or did not look for full time work;
- or
- 6) are unemployed because you are participating in a work stoppage due to a labor dispute. Note that a grandparent supporting his or her grandchild cannot quit his or her job voluntarily and recover unemployment compensation without just cause. See also M.G.L c.151A, § 29B.

Quitting your job, therefore, may make you ineligible for unemployment. However, even if you think you may be ineligible, you should still apply for unemployment and explain your circumstances to the Division of Unemployment Assistance.

**~ Will I get extra unemployment if I support a grandchild?**

Yes. If you are the whole or main source of support for your grandchildren, you may be eligible for a weekly dependency allowance. The allowance cannot be more than half your benefit rate and you must provide documentation, such as a birth certificate, for each child claimed. Your dependent children must be either under 18; under 24 and attending an educational institution full-time; or any age, but unable to earn wages due to mental or physical incapacity. M.G.L c. 151A, § 29B.

## V. Legal Services & Organizations

Assuming the responsibility of raising a grandchild is usually accompanied by a variety of issues and concerns which may raise legal considerations. The following is a list of legal resources you may want to contact for assistance and information.

• **Boston College Legal Assistance Bureau:** (781) 893-4793; TTY: (781) 736-9006. **Areas Served:** Newton, Waltham, and Watertown. **Elder Project:** serves persons over 60 living in the general areas served and Belmont, Brookline, Needham, Wellesley, Weston.

• **New Center for Legal Advocacy, Inc.:** (800) 244-9023. **Areas Served:** Abington, Acushnet, Attleboro, Avon, Berkeley, Bridgewater, Brockton, Dighton, East Bridgewater, Easton, Fairhaven, Fall River, Freetown, Gosnold, Hanover, Mattapoisett, Mansfield, New Bedford, North Attleboro, Norton, Raynham, Rehoboth, Rockland, Seekonk, Somerset, Stoughton, Swansea, Taunton, West Bridgewater, Westport, and Whitman.

• **South Coastal Counties Legal Services:** Fall River (508) 676-6265; Brockton (508) 586-2110; New Bedford 1-800-429-9721. **Areas Served:** Carver, Duxbury, Hanson, Halifax, Kingston, Lakeville, Marion, Marshfield, Middleborough, North Carver, Pembroke, Plympton, Plymouth, Rochester, Wareham.

• **Cambridge and Somerville Legal Services:** (617) 603-2700. **Areas Served:** Arlington, Belmont, Cambridge, Somerville, Winchester, and Woburn. **Elder Project:** general area served and Acton, Bedford, Boxborough, Burlington, Carlisle, Concord, Harvard, Lexington, Lincoln, Littleton, Maynard, Stow, Wilmington. **Disabilities:** Areas Served: Arlington, Belmont, Boxborough, Burlington, Cambridge, Harvard, Littleton, Somerville, Winchester, Woburn.

• **Community Legal Services and Counseling Center:** (617) 661-1010; **Areas Served:** Arlington, Belmont, Boston, Brookline, Cambridge, Chelsea, Everett, Medford, Somerville, Watertown.

• **Greater Boston Legal Services:** (617) 371-1234 or 1-800-323-3205; TTY; (617) 371-1228, [Greater Boston Legal Services](#); **Areas Served:** Boston, Braintree,

Brookline, Canton, Chelsea, Cohasset, Everett, Hingham, Holbrook, Hull, Malden, Medford, Melrose, Milton, Newton, Norwell, Quincy, Randolph, Reading, North Reading, Revere, Scituate, Stoneham, Wakefield, Waltham, Watertown, Weymouth, Winthrop.

• **Harvard Legal Aid Bureau:** (617) 495-4408, [Harvard Legal Aid Bureau](#); **Areas Served:** [non domestic cases] Suffolk County and the following towns in Middlesex County: Arlington, Belmont, Burlington, Cambridge, Everett, Malden, Medford, Melrose, Newton, Reading, North Reading, Somerville, Stoneham, Wakefield, Waltham, Watertown, Weston, Wilmington, Winchester, Woburn; [housing cases] Cambridge and Somerville only; [domestic cases] All of Middlesex and Suffolk counties.

• **Legal Advisory and Resource Center of the Boston Bar Association (LARC):** (617) 742-9179; 1-800-342-5297. **Area Served:** Statewide.

• **Legal Assistance Corporation of Central Mass:** In Worcester area: (508) 752-3718; 1-800-649-3718; TTY: (508) 755-3260. [Legal Assistance Corporation of Central Mass.](#) **Area Served:** All towns in Worcester County.

• **South Coastal Counties Legal Services, Inc.:** (508)775-7020; 1-800-742-4107. Plymouth County: (508) 746-2777; 1-800-585-4933. **Areas Served:** Barnstable, Bristol, Dukes, Nantucket and Plymouth counties.

• **Elder Law Project:** (508) 771-7458; 1-800-742-4107.

• **Merrimack Valley Legal Services:** Lowell: (978) 458-1465, 1-800-336-2262; TTY: (978) 452-4740. **Areas Served:** Amesbury, Andover, Billerica, Boxford, Chelmsford, Dracut, Dunstable, Georgetown, Groveland, Haverhill, Lawrence, Lowell, Merrimack, Methuen, Newbury, Newburyport, North Andover, Rowley, Salisbury, Tewksbury, Tyngsborough, Westford, West Newbury.

• **Neighborhood Legal Services:** 1-800-747-5056 voice and TDD (781) 477-6001; [Neighborhood Legal Services](#) **Areas served:** Beverly, Beverly Farms, Danvers, Essex, Gloucester, Hamilton, South Hamilton, Ipswich, Lynn, Lynnfield, Magnolia, Manchester, Marblehead, Middleton, Nahant, Peabody, Pride's Crossing, Rockport, Salem, Saugus, Swampscott, Topsfield, Wenham.

• **Children's Law Center of Massachusetts:** 1-888-543-5298

• **MetroWest Legal Services Elder Law Project:** (508) 620-1830; 1-800-696-1501. [MetroWest Legal Services Elder Law Project](#) **Areas Served:** Ashland, Canton, Dedham, Dover, Foxborough, Framingham, Holliston, Hopkinton, Hudson, Marlborough, Medfield, Millis, Natick, Norfolk, Northborough, and Norwood. **Elder Law Project: Areas Served:** Ashland, Canton, Dedham, Dover, Foxborough, Framingham, Holliston, Hopkinton, Hudson, Marlborough, Medfield, Millis,

Natick, Norfolk, Northborough, Norwood, Plainville, Sharon, Sherborn, Southborough, Sudbury, Walpole, Wayland, Westborough, Wrentham, Westwood.

• **Volunteer Lawyers Project:** (617) 423-0648; TTY: (617) 338-6790. **Areas Served:** Boston proper, Braintree, Brookline, Canton, Chelsea, Cohasset, Everett, Hingham, Hull, Holbrook, Malden, Medford, Melrose, Milton, Newton, Norwell, Quincy, Randolph, Revere, Scituate, Stoneham, Wakefield, Weymouth, Winthrop, Wollaston, Waltham, Watertown.

• **Massachusetts Justice Project:** 1-800-639-1209. **Areas Served:** Berkshire, Franklin, Hampden, and Hampshire Counties.

• **Western Mass Legal Services:** [Western Mass Legal Services](#)

**Springfield:** (413) 781-7814; 1-800-639-1109. **Areas Served:** Agawam, East Longmeadow, Hampden, Holland, Longmeadow, Monson, Palmer, Springfield, Wales, West Springfield, and Wilbraham.

**Northampton:** (413) 584-4034; 1-800-639-1309. **Areas Served:** Amherst, Blandford, Chester, Chesterfield, Cummington, Easthampton, Goshen, Granville, Hadley, Hatfield, Huntington, Middlefield, Montgomery, Northampton, Pelham, Plainfield, Russell, Southampton, Southwick, Tolland, Westfield, Westhampton, Williamsburg, Worthington.

**Greenfield:** (413) 774-3747; 1-800-639-1309. **Areas Served:** Ashfield, Athol, Bernardston, Buckland, Charlemont, Colrain, Conway, Deerfield, Erving, Gill, Greenfield, Hawley, Heath, Leverett, Leyden, Monroe, Montague, New Salem, Northfield, Orange, Petersham, Phillipston, Rowe, Royalston, Shelburne, Shutesbury, Sunderland, Warwick, Wendell, Whately and surrounding areas.

**Pittsfield:** (413) 499-1950; 1-800-639-1509. **Areas Served:** Adams, Alford, Becket, Cheshire, Clarksburg, Dalton, Egremont, Florida, Great Barrington, Hancock, Hinsdale, Lanesborough, Lee, Lenox, Monterey, Mount Washington, New Ashford, New Marlborough, North Adams, Otis, Peru, Pittsfield, Richmond, Sandisfield, Savoy, Sheffield, Stockbridge, Tyringham, Washington, West Stockbridge, Williamstown, Windsor.

### **SPECIAL TOPICS LEGAL REPRESENTATION**

Programs listed below provide representation, advice or assistance to people with special types of legal problems.

- Health Law Clinic: (617) 522-3003 [Health Law Clinic](#)
- Children's Law Center of Mass: (781) 581-1977 [Children's Law Center of Mass](#)
- Consumer Hotline, Office of the Attorney General: (617) 727-8400. This is also known as the Public Inquiry and Assistance number.

- Disability Law Center: (617) 723-8455 or 1-800-872-9992. TTY 1-800-381-0577  
[Disability Law Center](#)
- Boston Bar Association: (617-742-0615) [Boston Bar Association](#)  
Provides free or reduced fee legal assistance to pre-adoptive parents, and also assists guardians for children wishing to maintain a permanent guardianship.
- Child Support Consumer Service Bureau (Massachusetts Department of Revenue) 1-800-332-2733.
- The New Center for Legal Advocacy: New Bedford (508) 996-8576

### **LAWYER REFERRAL SERVICES**

Lawyer Referral Services (LRS) refer paying clients to lawyers for any kind of case including, but not limited to, contingency fee cases. Most LRS attorneys charge an initial half-hour consultation fee of \$25. Lawyers will then negotiate fees with clients who retain them after the consultation. Some LRS lawyers will charge lower fees to clients who meet the bar associations' financial guidelines.

- Boston Bar Association Lawyer Referral Service: (617) 742-0625  
[Boston Bar Association Lawyer Referral Service](#) Reduced fee panel
- Mass Bar Association Lawyer Referral Service: 1-866-627-7577  
[Mass Bar Association Lawyer Referral Service](#) Reduced fee panel
- Middlesex Bar Association: (781) 939-2797 [Middlesex Bar Association](#)  
Regular fee referral service.

## **VI. Healthcare & Insurance**

### **A. Healthcare and options**

### **B. Health insurance options**

1. Private Insurance
2. COBRA
3. MassHealth
4. Commonwealth Care
5. Commonwealth Choice
6. Children's Medical Security Plan
7. The Healthy Safety Net (formerly the Uncompensated Care Pool)
8. Special Kids/Special Care Pilot Program

### **C. Immunization Information**

### **D. HIV/AIDS**

E. Drug and Alcohol Abuse

F. Frequently asked questions

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## A. Healthcare for My Grandchild(ren)

In any medical emergency, including any severe injury or illness that poses a threat to your grandchild's life or long-term health, you should take your grandchild to the nearest emergency room immediately. If there is an immediate emergency and you are unable to transport your grandchild to the hospital, call 9-1-1 for assistance.

For non-emergency healthcare, such as vaccinations, check-ups, and minor routine illnesses like ear infections or strep throat, you should bring your grandchild to his or her pediatrician or your local community health center. To find a community health center near you, **contact** the Massachusetts League of Community Health Centers at 1- 800-475-8455 or online at [Mass League of Community Health Centers](#)

### Early Intervention Program

Provides comprehensive community-based developmental services through DPH certified programs to eligible children and their families. Eligible children are those from birth to three years of age who reside in Massachusetts and have a developmental delay or are at risk of developmental delay.

**Contact:** Department of Public Health – Division for Perinatal, Early Childhood & Special Health Needs – Early Intervention Services at (800) 905-8437.

## B. Health Insurance for My Grandchild(ren)

As of July 1, 2007, all individuals age 18 and over living in Massachusetts must have health insurance. Failure to obtain creditable health insurance coverage can result in financial consequences. Although the law only requires individuals over age 18 to obtain coverage, you should consider obtaining health insurance for a grandchild younger than 18 years of age even though it is not required. Depending on the insurance coverage, routine doctor's visits are usually included and more importantly emergency care and treatment for catastrophic illnesses or severe injuries. For more information you can **access** the Commonwealth Health Insurance Connector at [Commonwealth Health Insurance Connector](#) or *Healthcare For All* at [Healthcare For All](#) or 800-272-4232. *Healthcare For All* is a non-profit organization providing a free helpline and website to connect Massachusetts residents with healthcare resources.

There are many **health insurance options** for you to choose from for your grandchild. The best option for you will depend on your individual circumstances and your legal relationship to your grandchild.

**Private insurance** – There are several options for providing coverage for your grandchild through private insurance. First, if the situation is temporary and your grandchild is already covered by his or her parent’s policy, you may want to make an arrangement with the child’s parents to continue providing coverage. However, since your grandchild will be with you, it is a good idea to obtain his or her insurance card so you can show it to healthcare providers if you need to. If arranging insurance through your grandchild’s parents is unreliable or your grandchild is not covered by the parent’s insurance policy, you may be able to add your grandchild to your own policy at an additional cost. However, this will depend on your legal relationship to your grandchild and the terms and conditions of your insurance policy. Any insurance policy that provides coverage between a subscriber and corporation under an individual or group hospital plan which is delivered or renewed in Massachusetts must make insurance available to a subscriber for his or her:

- adoptive children from the date of filing the petition;
- foster children for whom the foster parent receives payments; and
- children who have been placed by a licensed placement agency for purposes of adoption.

Such insurance will provide benefits for expenses arising from illness, injury, congenital malformation, or premature birth. Any policy as described will also provide for a child's preventive and primary care services. You should contact your insurance company to find out if you can add your grandchild to your policy and what paperwork is required. Be aware that your insurance company may not pay for medical services for your grandchild if he or she was not properly added to your plan.

**COBRA** – COBRA is a federal program which mandates that an individual remain eligible for continued group health insurance in certain situations. This means you may be eligible to remain on the insurance you had through your job. However, you will be responsible for the entire cost, including whatever portion your employer used to pay for you. Eligible individuals include those who’s past employers met the insurance guidelines and who fall into these categories:

- worker was laid off or voluntarily terminated employment;
- employee had reduction of work hours;
- there was a death of the insured spouse;
- the individual became eligible for Medicare;
- a dependent child ceased to be a dependent.

For more information **contact** the Department of Labor Pension and Welfare Benefits office at (617) 565-9600

**MassHealth** – MassHealth is a state and federal program that covers most necessary medical services such as hospitals, prescription drugs, and long-term care facilities. To be eligible for MassHealth, an individual must be a citizen or legal alien, a resident of Massachusetts, and meet one of the categorical requirements (a pregnant woman, a child under 18 years of age, an individual 65 years or older, or a person who is disabled using Social Security Administration standards). The individual must also meet income guidelines (and asset guidelines for individuals who are age 65 and over.)

MassHealth uses state and federal rules when it decides if you or your family members are eligible for benefits. If you are eligible, you will receive the most complete coverage that you qualify for. There are some basic rules for who is eligible for MassHealth but if you even think you may be eligible, you should apply. Even if you or your family already has health insurance, you may be eligible if your family's income is low or medium and:

- you are a parent living with your children under age 19;
- you are an adult caretaker relative living with children under age 19 to whom you are related by blood, adoption, or marriage, or are a spouse or former spouse of one of those relatives, and you are the primary caretaker of these children when neither parent is living in the home;
- you are under age 19, whether or not you live with your family;
- you are pregnant, with or without children;
- you have been out of work for a long time;
- you are disabled; or
- you are HIV positive.

In deciding family size, MassHealth counts parents (natural, step, and adoptive) and their children under the age of 19 who live with them. If neither parent is living at home, a family group may be children under the age of 19 and a caretaker relative who is not their parent who are all living together. MassHealth will also count an unborn child (or children) as part of your family. If you are married and have no children under age 19, they will count you and your spouse. A caretaker relative may choose to be part of the family or not.

If you are age 65 or older, MassHealth will consider your assets and income when determining your eligibility. If your assets or income are above a certain amount, you may have to pay a deductible. **For more information** about MassHealth and how to apply visit the website at [MassHealth](#) or call MassHealth Customer Service at 1-800-841-2900 (TTY: 1-800-497-4648).

**Commonwealth Care** - Commonwealth Care is a subsidized insurance program for uninsured individuals over age 19 and their dependants, with incomes that fall within certain guidelines and who meet other qualifications. With Commonwealth Care, you choose a health plan and you choose your own doctor. The state will pay a portion or all of the premiums, depending on your income. The benefits of Commonwealth Care include regular check-ups, treatment when you are sick or injured, prescriptions at your local pharmacy, vision care, mental health or substance abuse treatment, and for some members, dental care. Commonwealth Care plans are offered by Boston Medical Center (BMC) Health Net Plan, Fallon Community Health Plan, Neighborhood Health Plan and Network Health. **To apply** for Commonwealth Care, begin by filling out a Medical Benefits Request Form (MBR). Many community-based organizations, hospitals, and community health centers can also help you with the MBR or help you apply by computer with assistance from staff. You can also **apply online** through the Commonwealth Health Insurance Connector at [Commonwealth Health Insurance Connector](#).

**Commonwealth Choice** – Commonwealth Choice plans are not subsidized healthcare plans, but they are required to meet certain standards of coverage to be approved by the commonwealth. Approved plans provide many benefits at better prices compared to those previously available for individuals, families, and small groups. Some plans offer benefits without a deductible. Commonwealth Choice plans are offered by: Blue Cross Blue Shield of Massachusetts, Fallon Community Health Plan, Harvard Pilgrim Health Care, Health New England, Neighborhood Health Plan, and Tufts Health Plan. Plans are rated bronze, silver, and gold depending on the services provided. You can **compare coverage and costs of policies online and apply** for a policy through the Commonwealth Health Insurance Connector at [Commonwealth Health Insurance Connector](#).

**Children’s Medical Security Plan** – Children’s Medical Security Plan is for children under the age of 19 who are Massachusetts’ residents at any income level, who do not qualify for MassHealth (except MassHealth Limited), and who are uninsured. The amount a family pays for CMSP coverage is dependent on family size and income. There is generally a small co-pay for services and there may be a waiting list to receive Children’s Medical Security Plan coverage. **Contact:** MassHealth Customer Service at 1-800-841-2900 (TTY: 1-800-497-4648).

**The Health Safety Net** - (previously known as the Uncompensated Care Pool or the Free Care Pool) – The Health Safety Net makes payments to acute care hospitals and community health centers in Massachusetts for eligible services provided to low- income uninsured and underinsured people. The Health Safety Net will provide different levels of payment for services not covered by insurance, or for uninsured individuals, depending on income. Funds for the Health Safety Net are limited and intended as a last resort, not a form of

routine healthcare coverage. You can apply for free care through the Health Safety Net at most hospitals and community health centers. **Contact** the hospital or community health center where you or your grandchild received treatment for more information, or **contact** the Division of Health Care Finance and Policy at 617-988-3100.

**Special Kids/Special Care Pilot Program** - The Department of Children and Families and MassHealth cosponsor a pilot program to enroll certain children in foster care who have special health care needs into Neighborhood Health Plan (NHP), a health plan that contracts with MassHealth. Through its network of providers, NHP provides and/or arranges for a full range of medical services to be delivered in the child's foster home or other appropriate settings when medically necessary.

For children who participate in this pilot program, a nurse practitioner from Neighborhood Health Plan works with the Department of Children and Families case manager and DCF family resource worker, the foster family, and the primary-care physician to develop an individualized medical care plan, arrange for the child to obtain the necessary care and services, and monitor the child's health care needs 24 hours a day. Neighborhood Health Plan also helps arrange and provide medically necessary home-health services, durable medical equipment, and medical supplies in the foster home. A child, who has been placed in the custody of the Department of Children and Families and is living in a foster home at the time of enrollment, may be eligible to participate in the pilot program. Also, the child must need: complex medical management on a regular basis over a prolonged period of time; and direct administration of skilled-nursing care requiring complex nursing procedures on a regular basis over a prolonged period of time; or skilled assessment or monitoring related to an unstable medical condition on a regular basis over a prolonged period of time. For more information **contact** the program directly at 617-573-1836.

## C. Immunization Information

Under Massachusetts law, the following immunizations are required before your grandchild can attend public school:

- Measles, Mumps and Rubella (MMR)
- Diphtheria, Tetanus, and Acellular Pertussis (DTaP) or combination vaccine
- Polio
- Hepatitis B or combination vaccine
- Varicella (chickenpox)

Immunizations are an important part of protecting your child and your community. If your grandchild has a medical or religious reason to refuse the

required immunizations, you must provide written documentation that he or she meets the standards for medical or religious exemption set forth in M.G.L. c. 76, § 15. In addition to these required vaccines, you may wish to vaccinate your grandchildren against:

- Meningitis - a rare but very serious infection of the tissue around the brain that can cause permanent brain damage or even death. This vaccine is required for all college students in Massachusetts and for any students who live in dorms or other communal living. Recommended 11-12, at seventh grade entry; and high- risk children.
- Human Papilloma Virus (HPV) – HPV is a very common virus that is sexually transmitted. It can cause cervical cancer in women and some types of genital warts in both genders. Most insurance will cover the vaccine for young women between the ages of 9 and 26 and the vaccine is most effective when it is given before a person becomes sexually active. State supplied vaccine is limited to 9- 18 years of age who are Vaccine For Children (VFC) eligible.

Immunizations can be arranged through a private physician, clinic, or the DPH immunization program. These programs are open to all children in need, either free or at a minimal cost. Arrangements can also be made by calling the designated office for the town in which you reside. **Call** local Board of Health for local provider. Vaccines are delivered directly to providers from distributor.

**State Head Office: Massachusetts Immunization Program Vaccine.**

Vaccine not administered or distributed at these sites. Vaccine and vaccination schedule questions may be directed to these sites: 305 South Street, Jamaica Plain, MA 02130 / 617-983-6800 or 1-888-658-2850.

Regional Offices: Vaccines no longer distributed through regional offices.

- Central Region West Boylston (508) 792-7880
- Western Region Amherst (413) 545-6600
- Metro Boston Region Jamaica Plain (617) 983-6860
- Northeastern Region Tewksbury (508) 851-7261
- Southeastern Region New Bedford (508) 984-0600

**CHILDREN’S IMMUNIZATION**

Schedules are subject to change. It is recommended that you check with your doctor, clinic, or the Department of Public Health for updated information.

## ADULT IMMUNIZATION INFORMATION

1. Protect yourself while protecting your grandchildren.
2. Everyone 50 years of age and older should get an influenza vaccine every year.
3. Everyone 65 years of age and older and younger people with chronic medical conditions, like heart or lung disease, diabetes or liver disease, should get a pneumococcal (pneumonia) vaccine.
4. Everyone should get a Td (tetanus/diphtheria) vaccine every 10 years.
5. Medicare Part B will cover influenza and pneumococcal vaccines for older adults.

If you have questions regarding immunization for you or your grandchildren, please **contact** the Massachusetts Immunization Program (MIP) at (617) 983-6800. Information is also available at the Department of Public Health's website at [Department of Public Health](#).

You may also obtain information by **contacting** the Center for Disease Control National Immunization Information Hotline at (800) 232-4636. TTY users please call (888) 232-6348. The web address for the CDC National Immunization Information Hotline is <http://www.cdc.gov/vaccines/>.

## D. HIV/AIDS

There are many agencies throughout the state which provide a variety of services to people who are at risk for HIV and/or which provide services to people who are living with HIV or AIDS. Below is a listing of service types.

### Prevention and Education Services

HIV prevention and education services include one-to-one education and prevention counseling, small group discussions, social network outreach, risk and harm reduction counseling, drop-in services, community-level and peer-led interventions. Many agencies also distribute educational materials and protective devices such as condoms, needles/syringes and bleach kits.

### Client Services

Client Services programs are those that provide non-medical support services to people living with HIV/AIDS. The core service, with which all other support services are coordinated, is case management. Other types of client services include residential support services based in transitional and permanent, congregate and scattered-site supportive housing settings, transportation to medical appointments, emergency financial assistance, respite and childcare, peer support, nutrition services, mental health services, acupuncture, and legal services.

### **Health Services**

Health Service programs include a range of clinical and care services for persons living with HIV/AIDS or those at high-risk for HIV infection. These programs include HIV Counseling, Testing and Referral Services, Enhanced Medical Management Services, Comprehensive Home-Based Medical Care, and HIV Correctional Health.

### **HIV Drug Assistance Program**

The Massachusetts HIV Drug Assistance Program (HDAP) provides access to critical HIV-related medications for residents of the Commonwealth of Massachusetts who are otherwise unable to obtain these drugs.

**Contact:** 800-228-2714 | 617—502-1704 (TTY) | [Community Research Initiative of New England](#)

### **Department of Public Health Office of HIV/AIDS**

**Contact:** 617-624-5300 | 617-624-5387 (TTY) | [Department of Public Health Office of HIV / AIDS](#)

### **HIV/AIDS Information Hotline**

**Contact:** 800-235-2331 | 617-437-1672 (TTY) | [AIDS Action Committee](#)

## **E. Drug and Alcohol Abuse**

Drug, alcohol, and other substance abuse is a huge concern for all parents and caregivers. The best way to help your grandchildren avoid drugs and alcohol is to warn them of the dangers of using these substances, model responsible behavior, and limit access to drugs and alcohol in your home. Be aware of less conventional forms of substance abuse like misusing prescription drugs or over the counter medicines like cough syrup, or inhaling products like spray paint or hair spray. Talking to your grandchild about the dangers of drug use, setting clear rules about drugs and alcohol, and having your grandchild practice what to do if someone offers him or her drugs will all help your grandchild resist drugs.

The following tips for preventing drug use are adapted for grandparents from the Drug Abuse Resistance Education (D.A.R.E.) Program's website:

1. Be your grandchildren's greatest fan. Compliment them on all of their efforts, the strength of their character and their individuality.
2. Get your grandchildren involved in adult-supervised after-school activities like sports, music, acting, and art. Ask them what types of activities they're interested in and contact the school principal or guidance counselor to find out what activities are available. Sometimes it takes a bit of experimenting to find out what children are best suited for, but it's worth the effort - feeling competent or skilled reduces the likelihood of drug use.

3. Help your grandchildren develop tools they can use to get out of alcohol or drug related situations. Let them know they can always call you to come get them if they are ever in a situation where people are using drugs or alcohol and they want to leave.
4. Get to know your grandchildren's friends and their parents. Call the parents and check to make sure they share in your views on alcohol, tobacco and other drugs.
5. Call children's parents if their home is to be used for a party. Make sure that the party will be alcohol-free and supervised by adults.
6. Set curfews and enforce them. Let your grandchildren know the consequences of breaking curfew in advance.
7. Encourage open dialogue with your grandchildren about their experiences. Make sure your grandchildren understand that they can ask you anything and that you will give them an honest answer.
8. Set a no-use rule for alcohol, tobacco and other drugs. Be clear that there are consequences to these behaviors and that they are not acceptable.
9. Sit down for dinner with your grandchildren at least once a week. Use the time to talk; don't eat in front of the TV.
- 10) Get-and stay-involved in your grandchildren's lives. For more information, call the D.A.R.E. program at your grandchild's school, or check out

Additional information can be found at websites [D.A.R.E.](#), or at [Partnership for a Drug Free America](#)

**If your grandchild has already started using drugs or alcohol**, it is important to get help for him or her immediately. There are different types of substance abuse services. Some are geared toward alcohol abuse, and others are geared toward addiction to a particular type of drug. Some programs are self-help, while others are highly structured and residential in nature.

Listed below is a Department of Public Health description of the various types of alcohol and drug treatment services. **Contact the Substance Abuse hotline at: 1-800-327-5050 or check the [Department of Public Health](#) website for the Substance Abuse Directory and Youth and Young Adult Services.** The 24-hour Statewide Drug and Alcohol Hotline provide general information as well as referral to local resources and detoxification information.

**Alcoholics Anonymous:** (Self-help organization). These meetings are for individuals who are or were abusing alcohol. For local meeting contacts see your local phone book under "Community Service Numbers" or, for a comprehensive listing of statewide services and meetings, check the AA website at: [AA Massachusetts](#).

Additional resources can be found at [Mass Department of Public Health](#).

## F. Frequently Asked Questions

***~ If the child does not qualify for MassHealth, are there other types of health insurance for which s/he might qualify?***

Yes. There are different types of health programs that provide services for free or reduced cost such as Commonwealth Care and the Children's Medical Security Plan (CMSP). See the Section C previous.

***~ I am on MassHealth. Are my grandchildren entitled to MassHealth benefits?***

It depends. They may be eligible for MassHealth provided they meet income guidelines and are under age 19. If age 19 or over, they would have to meet the various eligibility criteria for adults.

***~ How do I get health insurance for my grandchild?***

You may be able to get health insurance for your grandchild through MassHealth, the Children's Medical Security Plan (CMSP), or your own health plan. You should call MassHealth at 1-800-841-2900 for information.

***~ Is my grandchild eligible for health care coverage through the State?***

Any child who is eligible for either SSI or TAFDC is deemed "categorically eligible" and is also eligible for MassHealth. In addition, some children who have incomes above the "categorically needy" limits may still qualify as "medically needy" and would, therefore, be eligible for certain benefits.

***~ Where do I apply for MassHealth or CMSP?***

Where you apply depends on whether or not you plan to apply for TAFDC for your grandchild as well. If you plan to apply for TAFDC, then the TAFDC application includes MassHealth. If you are not applying for TAFDC benefits, then you should call MassHealth at 1-800-841-2900, TTY 800-497- 4548 or the Children's Medical Security Plan application phone number at 1-888-665-9993.

## VII. Safety In and Outside the Home

Safety is an important concern for everyone, but it is especially important for caregivers of children. This guide contains suggestions on how to keep your family safe, but it is not exhaustive and will not apply to all circumstances. **In any situation where your safety or that of your grandchild is in immediate danger, you should call 9-1-1 for assistance.**

- The best way to keep your grandchildren safe is to be involved in their lives and be prepared.
- Review tips on childproofing your home
- Review your family emergency plan

- Review internet safety tips including the FBI's [A Parent's Guide to Internet Safety](#).
- Talk to your grandchild's teachers and school if you have concerns about safety in the classroom, and maintain connections with the parents of your grandchild's friends so that you are informed about what goes on at friends' houses.
- Recommended that you select a day care provider who is licensed by the Department of Early Education and Care.
- If you have concerns about abuse or neglect, or you or your grandchildren have a restraining order against a dangerous individual, make sure your grandchild knows to tell an adult they trust if that individual approaches them. Violating a restraining order is a crime and violations should be reported to the police.
- Review the following for information on preventing sexual abuse.

### **Preventing sexual abuse and responsible use of the Massachusetts Sex Offender Registry**

Unfortunately, the danger of sexual abuse is a reality that any caregiver or parent must be concerned with. As many as one in four girls and one in six boys may be sexually abused or assaulted as children. However, there are simple steps you and your family can take to help prevent your grandchildren from being sexually abused.

The Massachusetts Children's Trust Fund offers the following tips for talking to children and keeping them safe from sexual abuse:

- 1. Be calm and reassuring.** A child should learn to be cautious, alert, and prepared - not fearful. Children feel less fearful when they are given the skills, information and confidence they need to act on their own behalf.
- 2. Role-play with children.** Just as children don't learn to ride a bicycle by talking about it, they don't learn prevention skills without opportunities to practice. Children learn by doing. They need to role-play and see how it feels to say NO in difficult situations.
  - Play the "What If" game and help the child think of several responses to a given situation such as "What if the babysitter" or "What if the school bus didn't arrive on time"
  - Choose real life situations like confronting a stranger while walking to school, getting separated in a crowded store, or playing in the front yard.
  - Have the child practice saying what they should say and do if they feel threatened. For instance, children should learn to yell in a loud voice, "This person is trying to take me. I need help."
  - Have children practice staying an arm's length away from someone who approaches them.
  - Have children practice not stopping if a stranger asks for directions.
- 3. Review and practice often.** Children do not learn well from one-time presentations. Research shows that safety skills need to be taught 5-10 times every year.

**4. Set body boundaries.** Set specific body boundaries and teach children to guard them. Tell them: Your private parts are the parts covered by a bathing suit. No one should touch your private parts. If someone touches your private parts, or makes you feel uncomfortable or confused, "IT'S OKAY TO SAY NO," and then to go and tell a trusted adult.

**5. Give permission to say "NO" and go and tell.** Explain that there are different kinds of secrets – "okay" secrets and "tell" secrets. Tell children if they are asked to keep a special secret about touching, say "No, I'm going to tell." Tell them they have the right to say NO even to someone who threatens them or to someone they know. (Children are usually hurt by someone they know, not by a stranger.)

**6. Teach them the buddy system.** Children should learn it is safer to be with a friend or trusted adult than alone.

**7. Teach them to check with others first.** Teach children to check with others before changing plans or going anywhere - even with adults the child knows.

**8. Help them identify trusted adults.** Talk openly about whom a child would go to in an emergency. Cite specific examples such as the person using a cash register at the mall, a mother with children, or a teacher.

**9. Teach your children telephone skills.** Teach them their phone number, how to dial "0" and "911" for help, and how to use a payphone.

**10. Inquire or request a prevention program in your child's school** such as *Talking About Touching*, provide children with structured opportunities to practice skills, as well as additional information for parents.

If you suspect someone is sexually abusing your grandchild, you should immediately report the abuse to the police department or the Department of Children and Families through their **Child at Risk Hotline at 1-800-792-5200**.

Another resource that is available to help prevent sexual abuse is the Massachusetts Sex Offender Registry. A sex offender is anyone who lives or works in Massachusetts that has been convicted of a sexual offense. The Sex Offender Registry Board is the state agency responsible for keeping a database of convicted sex offenders and classifying each offender so that the public may receive information about dangerous sex offenders who live or work in each community. The goal of the Sex Offender Registry is to educate the public and to prevent further victimization.

You can request information about sex offenders in your community at your local police station or by making a written request to the registry board. Some information regarding moderate or high-risk offenders is also available online at the Executive Office of Public Safety's website on Obtaining Information about Sex Offenders. Sex offender registry information is made available to you and your family for the purposes of

education and prevention. Using registry information for the purposes of harassing a listed offender or other misuse of the registry is a crime.

While the Massachusetts Sex Offender Registry is available as a resource for you and your family, it is important to remember that sexual abuse of children by a stranger is very rare. Children are much more likely to be abused by someone that they know than by a stranger. Therefore it is important to talk to your grandchildren early and often about how to prevent sexual abuse.

Additional Resources are available. For more information about preventing sexual abuse, visit the website [Enough Abuse Campaign](#).

The Department of Children and Families (DCF) is the Massachusetts state agency charged with the responsibility of protecting children from child abuse and neglect. To report abuse or neglect, call the Child-at-Risk Hotline anytime of the day or night at 1-800-792-5200.

### **Massachusetts Department of Children and Families**

(617) 748-2000 operator

(617) 748-2400 auto attendant

Fax: (617) 261-7435

For a listing of DCF offices, check their website at: <http://www.mass.gov/dcf>. The Family Support Unit of the Massachusetts Department of Children and Families has two main goals:

- to build the capacity of high risk communities to support families and prevent child abuse and neglect
- to integrate a strengths-based approach into the Department's practice.

To accomplish these goals, the Family Support Unit sustains a variety of initiatives. For more information about Family Support Initiatives and the Community Connections network, check this [Department of Children and Families](#) website or call the Department of Children and Families at 617-748-2000.

Additional important telephone numbers:

**Child-at-Risk Hotline: 1-800-792-5200**

**Baby Safe Haven Information and Resources: 1-866-814-SAFE [7233]**

**Parental Stress Line: 1-800-632-8188**

## VIII. Counseling, Mental and Behavioral Health

In many situations, children and grandparents may benefit from professional help in coping with a variety of emotional and psychological issues. There are a number of different agencies which provide counseling and other supportive services. Most work with individuals and/or families. Services may be covered under private insurance plans (varies according to the type of insurance), or at a set fee. You should contact your insurance plan to determine your coverage. Additionally, many agencies have sliding fee scales based on the individual's ability to pay. If your grandchild is enrolled in Mass Health Standard and CommonHealth, there are new services to treat behavioral issues through Children's Behavioral Health Initiative with information at the website [Massachusetts Behavioral Health Partnership](#). If you are concerned about your grandchild's behavior or moods, contact the child's school guidance counselor or doctor's office for assistance and referral.

### CHILDREN'S MENTAL HEALTH GUIDE

*The Parents' How-to Guide to Children's Mental Health Services in Massachusetts* was created by the Boston Bar Association with support from Children's Hospital Boston. It is an information resource and easy reference tool to make navigating the system simpler for families with children in need of mental health services. Each chapter of the Guide covers a specific topic and offers useful tips for parents and advocates. To access the Guide, call Children's Hospital Department of Psychiatry at 617-355- 6680 or check their website at [Children's Hospital Department of Psychiatry](#).

## IX. Disability Services

If you feel your grandchild is experiencing difficulties related to physical, emotional, social development or academics, you should seek help. If your grandchild is an infant or toddler, speak to a pediatrician, other health professional or contact the Department of Public Health, Early Intervention Program. If your grandchild is in school, speak to the teacher. Often there is confusion regarding disabilities and special needs criteria regarding the services available. The Department of Elementary and Secondary Education's document entitled "Is Special Education the Right Service?", available at <http://www.doe.mass.edu/sped/docs.html>, provides guidance and helpful information on the process for determining eligibility for special education services. The following information identifies key agencies providing services.

### **Massachusetts Commission for the Blind (MCB)**

<http://www.mass.gov/mcb> or call 1-617-727-5550

### **Department of Children and Families**

Provides consumers with vocational rehabilitation, counseling, advocacy, equipment, legal rights and benefits information. Check their website at <http://www.mass.gov/dcf>

### **Massachusetts Commission for the Deaf and Hard of Hearing (MCDHH)**

Check their website at <http://www.mass.gov/mcdhh> or call 1-617-740-6600 | TTY service at 1-617-740-1700 | Toll Free at 800-882-1155 | TTY Toll Free at 800-530-7570

### **Massachusetts Department of Developmental Services**

Serves adult individuals and families with mental retardation as well as community and family-based support to children with developmental disabilities and their families. Check their website at <http://www.mass.gov/dds> or call them at 617-727-5608

#### **Emergency Services**

Early intervention and crisis prevention in the home and community is provided through a 24-hour emergency telephone at 1-781-894-3600.

#### **Community Support Services**

Services such as family supports, crisis intervention, behavioral management education, case consultation, benefits management, in-home and facility-based respite and intensive in-home supports are provided to the families of individuals with mental retardation, developmental disabilities or autism. Check their website at <http://www.mass.gov/dds> or call 1-617-727-5608.

### **Massachusetts Rehabilitation Commission (MRC)**

MRC provides vocational rehabilitation and independent living services to individuals with disabilities. Check their website at <http://www.mass.gov/mrc> or call them at 1-800-345-6543

## **FREQUENTLY ASKED QUESTIONS**

### ***~ What do I do if my grandchild has an Individualized Education Program (IEP)?***

If your grandchild has an Individualized Education Program (IEP), ask his or her teachers for a copy of the IEP. If your grandchild has special needs and doesn't have an IEP, speak with his or her school about the process for determining eligibility for special education services. Each public school child who receives special education and related services must have an IEP. The IEP is developed by a team consisting of school personnel and the child's parent or guardian and is intended to develop a customized plan for meeting the child's educational needs. A parent or guardian is entitled to be involved in the process. At a minimum, you should review the IEP and ask your grandchild's teachers how you can support his or her learning.

If you plan to register your grandchild at another school, you should have his or her existing school send a copy of the IEP to the new school. For more information about special education and IEPs please see <http://www.doe.mass.edu/sped/iep/>. This page includes many helpful resources, including the "IEP Process Guide", "A Parent's Guide to Special Education", a three-page document entitled "The Basic Special Education Process under IDEA", and IEP forms and notices.

### ~ Is my grandchild eligible to receive SSI or SSDI?

If your grandchild is physically or mentally disabled, he or she may be eligible for SSI or SSDI. For more information on these programs check the Social Security Administration website at <http://www.ssa.gov/disability>.

## X. Resources of Specific Communities

### A. LGBT Community

### B. Military Families and Veterans

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### A. LGBT Community

In 2003, same-sex marriage became legal in Massachusetts. Although other states or the federal government may not recognize same-sex marriages performed in Massachusetts, within the Commonwealth, there is no legal difference between same-sex and opposite-sex marriages. The same laws and procedures that govern traditional marriage also apply to same-sex marriages in Massachusetts, including issues of custody, guardianship, etc.

There are many different legal arrangements that can impact custody of children of same-sex couples and the relationship between these children and their grandparents. Children of same-sex couples may have a legal relationship to one or both of their parents. These legal relationships are discussed below:

**Joint Adoption or Second Parent Adoption.** If your grandchild was adopted by both partners in a same-sex relationship, or is the biological child of one parent and was legally adopted by the other, then both parents have all the same legal parental rights of two heterosexual biological parents. If one parent dies in this situation, then the other parent automatically assumes custody. In addition, the child would have the automatic right to inherit from the deceased parent, even if there is no will, and possibly to collect social security survivor benefits. Finally, if adoptive parents separate, both parents have rights to custody and visitation and the court would determine what is in the best interests of the child, instead of custody going to the parent with a legal relationship to the child.

**Same-sex couples where only one parent has a legal relationship to the child.** In this situation, one parent usually has a legal relationship to the child either biologically or through adoption. If the other parent has been living with the child and acting as a parent, performing caretaking duties, and arranging for education and medical care, he or she may have rights to visitation and custody as a de facto parent, but these rights are not automatic the way they are for biological or adoptive parents. In these situations, it is important to consider

the child's emotional relationships to all parties involved. It may be more traumatic for grandparents to adopt a child than for the child to continue living with a de facto parent who has raised them with a same-sex partner for a number of years.

**Legal concerns and support services for LGBT grandparents.** In Massachusetts, single gay or lesbian individuals and same-sex couples can adopt children the same way opposite-sex couples can. Your sexual orientation does not have any impact on your ability to be a caretaker for your grandchildren. If the court does need to decide between you and another potential adoptive parent or caretaker, the decision is based on the child's best interests.

Gay and Lesbian Advocates and Defenders (GLAD) are a non-profit legal rights organization dedicated to assisting the LGBT community. If you or your grandchild is a member of the LGBT community and you have questions about Massachusetts family law, discrimination or other legal issues, GLAD offers a Legal InfoLine at the following numbers: Boston Area: (617) 426-1350 New England: 1-800-455-GLAD. You can also submit an inquiry to GLAD online at [http://www.glad.org/infoline/contact the infoline.php](http://www.glad.org/infoline/contact_the_infoline.php)

Massachusetts state law contains comprehensive prohibitions against discrimination on the basis of sexual orientation. Under M.G.L. c. 151B, it is illegal to discriminate in housing, lending/credit, services and places of public accommodation on the basis of sexual orientation.

If you or your family is discriminated against on the basis of your sexual orientation, you should file a complaint with the Massachusetts Commission Against Discrimination (MCAD). For more information about how to file a complaint visit <http://www.mass.gov/mcad/> or call the MCAD office nearest you at the telephone number listed below:

**Boston Office**  
(617) 994-6000  
(617) 994-6024 (Fax)

**Springfield Office**  
(413) 739-2145  
(413) 784-1056 (Fax)

**Worcester Office**  
(508) 799-8010  
(508) 799-8490 (Fax)

If you believe that your civil rights have been violated, you may also file a Civil Rights Complaint with the Civil Rights Division of the Office of Attorney General. The office is open from 8:30 a.m. to 5:30 p.m.

Office of the Attorney General  
Civil Rights Division  
100 Cambridge Street, 11th Floor  
Boston, MA, 02108

If, due to a disability, you seek an accommodation in filing a complaint, please contact the Office at (617) 727-2200 or (617) 727-4765 (TTY). For more

information, visit the Civil Rights Division website at <http://www.mass.gov/ago/bureaus/public-protection-and-advocacy/the-civil-rights-division/>

### **Support services for grandparents raising LGBT grandchildren**

Raising a gay, lesbian, bisexual or transgender child can pose unique challenges. It is normal to be confused, sad, or upset when you first find out that your grandchild is gay, lesbian, bisexual, or transgender. It is important to remember that the experience of coming out to others is very confusing and scary, and that your grandchild needs your love and support.

Gay, lesbian, bisexual and transgender youth are more likely than their straight peers to attempt suicide, abuse alcohol, or be injured or threatened at school. You can help your grandchild avoid these risks by being supportive at home and advocating for him or her at school. You may wish to join an organization such as Parents, Families & Friends of Gays and Lesbians <http://www.gbpflag.org/support> that can connect you and your family with other parents raising gay, lesbian, bisexual or transgender children and teens.

Most public schools now have student groups designed to advocate on behalf of gay, lesbian, bisexual or transgender students in school. These groups are typically referred to as Gay/Straight Alliances and are formed as a supportive community for gay, lesbian, bisexual or transgender youth and their straight friends or family at school. It is illegal for your grandchild to be discriminated against at school because of his or her sexual orientation. The Massachusetts Gay and Lesbian Student Rights Law was signed by Governor William F. Weld on December 10, 1993. The law prohibits discrimination in public schools on the basis of sexual orientation. Gay students are guaranteed redress when they suffer name-calling, threats of violence and unfair treatment in school. A student suffering from harassment can go to the principal, school board, and school administration and expect intervention and protection. Gay students have the legal right to full participation in all school courses, clubs and activities.

If your grandchild is having problems at school related to his or her sexual orientation, contact your grandchild's guidance counselor, vice principal, principal, or Title IX coordinator. If you are not satisfied with the school's response or want to file a formal complaint, you should contact the Massachusetts State Department of Elementary and Secondary Education at <http://www.doe.mass.edu/ssce/> or call 781-338- 000.

The Massachusetts Commission on Gay and Lesbian Youth was created by the General Court on July 1st, 2006. The Commission is an independent agency of the Commonwealth and has a mandate to create school-based and community-based programs focusing on suicide prevention, violence intervention, and the promotion of zero-tolerance policies regarding harassment and discrimination against gay,

lesbian, bisexual and transgender youth. The Commission also has a mandate to make recommendations about policies and programs supporting gay, lesbian, bisexual and transgender youth. For more information you can contact the Commission at: MA Commission on GLBT Youth Administrative Office, c/o MA DPH, 250 Washington Street, 4<sup>th</sup> floor, Boston, MA 02108 or by phone at 617-624-5485.

## **B. Military Families and Veterans**

If you are grandparent caring for your grandchildren while their parents serve our country on active duty, there are certain legal issues you should be aware of, as well as resources available to assist you. If you are a veteran yourself and are caring for your grandchildren, or are caring for your son or daughter who has become disabled as a result of his or her military service, there are additional resources and benefits you and your family may be eligible for. For additional information about benefits for service members and their families, contact the Massachusetts Department of Veterans Services or your local Veterans Service Officer for assistance.

Commonwealth of Massachusetts  
Department of Veterans' Services  
600 Washington St., Suite 1100  
Boston, MA 02111  
617-210-5480(TEL) 617-210-5755(FAX) <http://www.mass.gov/veterans>

### **Questions RE: Single Parents and Dual Military Couples**

#### ***My son or daughter is a single parent. Can he or she join the military?***

Generally, single parents are not permitted to join the armed forces. Whether or not your son or daughter can join the military as a single parent will depend on who has custody of his or her child. Department of Defense Instruction 1304.26 allows each military branch to establish its own policies on enlistment and prohibits the enlistment of any unmarried individual with a dependant under the age of 18. This requirement cannot be waived by the military or by the person enlisting. The only way a single parent can enlist is by permanently giving up custody of his or her child to someone else. A joint custody arrangement is insufficient.

Giving up custody can only be accomplished by court order and usually requires the consent of both of the child's parents. Be aware that most military branches also prohibit enlistment of a single parent who transfers custody of his or her children solely for the purpose of joining the military. If you are considering an arrangement where you would take custody of your grandchildren so that your son or daughter can enlist in the military, you should consult a lawyer.

#### ***Both of my grandchild's parents are in the military. Who will take care of my grandchild if they are both deployed?***

Families in which both parents are in the military (sometimes referred to as dual

military families or military-married-to-military couples), are required to complete a special Military Family Care Plan which outlines the arrangements that have been made for both long-term and short-term care for the couple's children or other dependants.

Department of Defense Directive 1342.17 requires a service member to notify his or her commander, supervisor, or the commander's designated representative immediately, but no later than 30 days after a change in family status or circumstances that would result in a military-married-to-military couple having responsibility over a dependant. For example, if your son or daughter and his or her spouse are both in the military and give birth to or adopt a child, or assume sole responsibility for caring for an elderly or disabled family member, they have 30 days to notify their commanding officers of that change in status. After discussing the matter with their commanding officers, a military-married-to-military couple has 60 days to submit a finalized Military Family Care Plan. Failure to submit a Military Family Care Plan within the required period may result in involuntary separation from military service.

***After enlisting and having children, my son or daughter became a single parent. Does my son or daughter have to leave the military?***

No. If your son or daughter had already enlisted in the military and then had children, he or she is not required to leave the military upon becoming a single parent. For example, if your son or daughter enlisted and had children but then his or her spouse died or the couple got divorced, your son or daughter can continue to serve despite being a single parent. Single parents are only prohibited from enlisting, not from continuing to serve. However, all military service members who become single parents must promptly notify their chain of command and complete a Military Family Care Plan.

Department of Defense Directive 1342.17 requires a service member to notify his or her commander, supervisor, or the commander's designated representative immediately, but no later than 30 days after a change in family status or circumstances (death, divorce, etc.) that led to him or her becoming a single parent. After discussing the matter with the commanding officer, a military service member has 60 days to submit a finalized Military Family Care Plan. Failure to submit a Military Family Care Plan within the required period may result in involuntary separation from military service.

***What is a Military Family Care Plan?***

A Military Family Care Plan is a detailed plan for who will be responsible for taking care of the children or other dependants of a military service member in his or her absence or in the event of an unplanned deployment, injury, or other emergency. Family Care Plans must make arrangements for short-term and long-term care for dependants, as well as their financial wellbeing. Arrangements usually include power of attorney and other appropriate designations of who can make decisions on behalf of the service member. At a minimum, the plan must designate someone

who is able to take on full responsibility for caring for a military service member's dependants at any time. Assistance with financial arrangements and planning can be obtained at military family centers, legal assistance offices and Service relief organizations

If your son or daughter is in the military and has asked to designate you to take care of your grandchildren in his or her Military Family Care Plan, you should review the plan carefully. You may be called upon to take care of your grandchildren unexpectedly or on very short notice. It is important to discuss how you will provide financially for your family as well. Be sure you understand all of the responsibilities that go along with such an arrangement and that you are capable of acting in that capacity before you agree to assume the responsibility.

#### **Questions RE: Deployment and Custody**

***My daughter is away on a deployment. Can her ex-husband try to get custody of the grandchildren while she is away?***

This is a very difficult question to answer. Technically, under the Service members Civil Relief Act, a court must postpone certain civil actions, including custody matters, for at least 90 days to give the service member more time to appear in court. Under the act, a service member is also entitled to re-open certain court actions decided in her or her absence. While the Massachusetts' courts respect the sacrifice of service members, they are primarily concerned with what is in the best interests of the child. Therefore, they may temporarily make changes in custody while a parent is deployed, and those changes may become permanent if the court feels it is in the child's best interests to stay with the other parent once the service member returns home.

If your son or daughter anticipates having a legal issue during a deployment, he or she should contact his or her military legal assistance officer. Family members can find a local legal assistance officer by going to: <http://legalassistance.law.af.mil/content/locator.php> and entering their zip code. If at all possible you will want to consult with a lawyer for assistance.

#### **Questions Re: Immigration**

***My son was killed during U.S. military service, but was not a U.S. citizen. Can I use his status as a service member to help get citizenship for my grandchildren?***

Yes. Under the Immigration and Nationality Act, family members may apply for citizenship for the service member after his or her death. This status can then form the basis of a citizenship application for surviving family members. For more information, visit the United States Citizenship and Immigration Services website at <http://www.uscis.gov/portal/site/uscis> or call toll free helpline 1-877-247-4645.

## Questions RE: **Benefits for Families of Service Members Disabled or Killed During Service**

### ***My grandchildren lost a parent who was killed during his or her service. How do I find out about the benefits available to me and my family?***

There are many state and federal benefits available to family members of deceased military service members. For assistance finding or applying for benefits, contact the Massachusetts Department of Veterans' Services for more information. Some of the most common benefits include the following:

- **Death Gratuity.** The death gratuity is a one-time payment made by the Department of Defense to a service member's next of kin. The service member must designate which family member receives this payment and payment is made by the deceased service member's last military command. Beginning in July 2008, military service members may designate a non-spouse caregiver to receive this benefit. A casualty assistance officer will contact you shortly after you have been notified of the service member's death with more information if you have been listed to receive this benefit.
- **Service member's Group Life Insurance and Veterans Group Life Insurance.** Service members and veterans are entitled to purchase life insurance through these programs, which are generally low cost. These programs are designed to cover military personnel and veterans who may not be able to obtain alternate coverage due to working in a hazardous occupation or having a disability or health issue related to service. Upon the death of the service member or veteran, the beneficiary named in the policy is entitled to payment. If you or your grandchild was designated to receive the benefits from a life insurance policy under these programs visit the Department of Veterans' Affairs insurance website, or contact the Massachusetts Department of Veterans' Services for more information.
- **VA Benefits.** If your grandchild's parent gave his or her life in service to our country or because of an injury or illness that occurred during his or her service, your grandchild may be entitled to dependant benefits from the Department of Veterans Affairs. For more information about VA benefits for dependants visit <http://www.vba.va.gov/survivors/index.htm>.

Your local Veterans' Service Officer or the Massachusetts Department of Veterans' Services at <http://www.mass.gov/veterans/utility/local-veterans-service-officers-3.html> can provide you with assistance applying for benefits. These offices can also provide you with appeals assistance if your request for benefits is denied. Alternatively, you may wish to contact the legal services organizations listed in this guide for legal assistance with appealing a benefits claim.

- **Burial Benefits.** There are a variety of state and federal burial benefits available for family members of deceased service members and veterans. There are multiple VA and state run cemeteries in Massachusetts which provide free burial services. For more information, contact the Department of Veterans Affairs National Cemetery Administration at 1-800-827-1000 or website at <http://www.cem.va.gov/> or the Massachusetts Department of Veterans Services.  
For information about having a loved one buried at Arlington National Cemetery contact the cemetery directly at <http://www.arlingtoncemetery.mil/>.

***My son is permanently disabled as a result of injuries from his military service. I am now caring for my grandchildren and my son full-time. What resources are available to me and my family?***

There are many types of disability compensation and other benefits that may be available to you and your family. For more information contact the Massachusetts Dept. of Veterans Services or your local Veterans Service Officer for assistance. Two specific types of benefits available from the Department of Veterans Affairs include:

- **Disability Benefits.** The VA will pay compensation to veterans for any disability that is determined to be caused or aggravated by military service. These disabilities are usually referred to as being “service-connected.” If your son or daughter is disabled because of military service, he or she is entitled to compensation. To file a claim for compensation visit: <http://www.va.gov> or contact the Massachusetts Dept. of Veterans Services or your local Veterans Service Officer for assistance.

If your son or daughter’s initial claim is denied but you think he or she is entitled to benefits, your son or daughter has the right to an appeal. Your local Veterans’ Service Officer or the Massachusetts Department of Veterans’ Services can provide you with assistance appealing a denial. Alternatively, you may wish to contact the legal services organizations listed in this guide for legal assistance with appealing a benefits claim.

- **Traumatic Injury Protection Program.** Beginning December 1, 2005, every veteran who purchases Servicemembers Group Life Insurance also receives Traumatic Injury Protection coverage. In the event that a service member becomes disabled, this coverage will entitle the service member to a one-time payment of up to \$100,000 depending on the type of injury and loss suffered. To find out if your son or daughter is entitled to these benefits, visit <http://www.insurance.va.gov/sgliSite/TSGLI/TSGLI.htm> for more information, or contact your local Veterans Service Officer for assistance.

***Where can I find out more about caregiver resources and other services available to military families?***

The Massachusetts Department of Veterans Services or your local Veterans Service Officer can provide you with access to the most up to date information about state and federal benefits available to you and your family. For more information about federal benefits from the Department of Veterans Affairs visit their website at <http://www.va.gov>.

The Department of Defense also maintains a website, <http://www.americasupportsyoudmil>, which has a lot of information about how to find assistance from non-profit organizations, search for scholarships for children of service members, and find healthcare and financial assistance

## **XI. Helpful Hints by Grandparents for Grandparents**

This Guide suggests many places to seek assistance and counsel. Grandparents, particularly those with years of experience in raising grandchildren, have much to offer. The following is a sampling of their practical advice.

- Become organized – get two calendars - a BIG one for the kitchen to write everything down on and small one for abbreviated information for your pocketbook. The trick is keeping them up-to-date.
- Compile a folder of important information such as social security number, medical, insurance and school records for your grandchild. I have started one for myself as well.
- It is hard but I find a little time, just for myself, whenever I can...having a cup of tea and a few quiet minutes reading something, an extra five minutes in the tub, an extra long conversation with a friend, or the luxury of going to the hairdresser.
- My advice to all grandparents is to first join a support group or start one. Joining a grandparent group has opened up new and needed relationships for me. We discuss parenting as well as offer support to each other on personal matters. I look forward to our meetings.
- Don't sweat the small stuff. Grin, bite your tongue and take a breath. If it's not dangerous, not anti-social and not destructive, rethink your plan to interfere.
- Taking a parenting refresher seminar is worthwhile. I never thought I would seek guidance in raising my pre-teen granddaughter. I keep saying to myself, "this is just a phase she is going through". However, I was worried knowing that the teen years were approaching fast and we were having communication problems. The seminar was great in that it validated things I was doing right and gave me insight on adolescence development that I never knew.

- **CHOOSE YOUR BATTLES.** Avoid power struggles over food and clothing and save your energy for more difficult and important issues like setting limits, school- work and curfews.
- Reading with my grandchildren has become a daily routine. The TV is off at a certain time and we all settle down. I quietly read to my two grandchildren who have difficulty in reading. They enjoy listening and talking about the stories. Our trips to the library for new books are also fun.
- Make as few rules as possible, then stick to them. Kids get confused when rules change.
- **CONSISTENCY, CONSISTENCY, CONSISTENCY.** It's hard, but it pays off.
- Kids need fair and consistent discipline. I'm convinced, no matter what age, kids are looking for rules and standards to guide them. I try very hard to talk things out with my grandson so we are perfectly clear on what is expected and what the consequence is if he makes a bad choice.
- Take advantage of community resources. The library offers a variety of programs that my grandchildren have enjoyed. Libraries also offer free passes to the Museum of Science and the Boston Aquarium.
- Say "YES" instead of "NO". When my two and four year old grandsons want lollipops just before lunch, I say "Yes, you can have one right after lunch", instead of saying "NO". This avoids a power struggle and sometimes a temper tantrum. This strategy can be used for picking up toys before going to the playground. It really works!
- I use a simple exercise when I get nervous or upset. I just STOP and take three deep breaths. This pause helps me to respond more calmly in situations.
- It took me a while to get my act together when I first took in my grandchildren. I was overwhelmed with the reality that it was just the grandchildren and me. I started to question myself; "can I do this?" My faith in God gave me the strength and determination to move forward with more self-reliance.
- Try hard to bring humor into your home. Laughing and doing silly things has helped my grandchildren and me through some difficult times.
- Don't be afraid to look for help and be prepared. Use your phone. Be ready with the questions you wish to ask, keep a piece of paper handy or notebook, and write down information, such as: what specific information you need to provide, whom you are speaking with, and if an appointment is made, be sure to write down the date, time, place and the person's name with whom you will meet. If you make any appointments, make sure you are there on time. Be prepared with the necessary information and a list of questions.

- I had to go to court regarding the guardianship of my grandchildren. I found the journal I kept (recording the relationship between my grandchildren and their parents) useful. Over time, the countless non-show visits, empty promises, chaotic visits and the children's reactions to all of this, produced legitimate documentation that was viewed by the court.
- It took me a while before I finally realized I needed to choose between my son and his two children whom I am raising. It was a hard decision but my grandchildren come first over the irresponsibility and dependence of my son. My grandchildren's lives have become stable and I am not in a constant state of stress. Ground rules for my son have been set which include no more financial support and conditions regarding his visits.
- Take it one day at a time, try not looking at it as if you have to raise the children for the next 10, 15, 18 years. Try getting through the day and deal with what tomorrow will bring when tomorrow arrives.
- BE GOOD TO YOURSELF: Take time, maybe once a week or once a month to treat yourself. It can be going shopping for that special something or pampering yourself to a manicure, pedicure, or new hairstyle.
- Enjoy your grandchildren while they are with you-even though it can be difficult at times. It goes by so quickly and then they are gone.

### **WE NEED YOUR HELP AND SUGGESTIONS**

This resource manual will be updated periodically. It is important we have current and correct information. If you are aware of an error(s), omission(s), or would like to see additional information mentioned, please notify:

Sheila Donahue-King  
 Massachusetts Executive Office of Elder Affairs  
 One Ashburton Place (5th Floor)  
 Boston, MA 02108  
 Phone: (617) 222-7421, (617) 727-7750, TTY: 1-800-872-0166  
 Fax: (617) 727-9368  
 Email: Sheila.Donahue-King@state.ma.us

Or  
 Erin Ferguson  
 Executive Office of Elder Affairs  
 One Ashburton Place (5th Floor)  
 Boston, MA 02108  
 Phone: (617) 222-7408, TTY: 617-727-0014  
 Fax: (617) 727-1396  
 Email: erin.ferguson@state.ma.us

**Please Note:** Additional information can be accessed by going to the Massachusetts Government website [www.mass.gov/elders](http://www.mass.gov/elders).