

RELATIVES AS PARENTS:

Answers to Basic Concerns

Legal Issues

One of the most stressful challenges for many people who are raising the child of a relative is dealing with the legal system. It can cost a lot, be confusing, take a lot of time, and be emotionally draining. But in many cases, relatives have to deal with the court system in order to look out for the best interests of the child.

The court system is complex. Ask a lawyer for advice before you make any decisions. Make sure that you ask the lawyer to explain all of your options.

What types of guardianship and custody are available?

Informal custody is when a child lives with a relative, such as a grandchild living with the grandparents, but the parents keep all rights and responsibilities. The grandparents have no legal rights. The parents may take the child back at any time.

A court may award **legal custody** (or **legal guardianship**). In this case, the grandparents or other relatives may make decisions about the child's care. They can take the child for medical care and sign for school-related activities. The parents still have the right to visit the child. They may ask the court to return the child to their care.

Temporary guardianship (or **standby** or **short-term guardianship**) is when a court awards custody for a limited period of time. This could happen when the parent is in jail.

Again, it is very important that you speak to a lawyer about your options.

Where can I get legal help?

One program for low-cost legal help is Indiana Legal Services
1-800-869-0212

Legal Aid: You can find the number for a local office in the phone book under Legal Aid or Attorneys.

Indiana State Bar Association
1-317-639-5465
1-800-266-2581

Indiana Foster Care and Adoption Associations Inc.
1-888-25ADOPT

What is relative placement?

The court may order that the child be removed from the parents' home because of abuse or neglect. The court then must decide whom to place the child with. If the court decides to place the child with relatives, this is called relative placement. The parents still have rights, so they may visit and communicate with the child if the court decides it is in the child's best interest.

Many Area Agencies on Aging can help refer you to a legal service provider. To contact your local Area Agency on Aging visit <http://www.in.gov/fssa/elderly/aaa/index.html> or call 1-800-986-3505.

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