

Have you been asked to take in a child you are related to?

Here's what you need to know



Taking a child into your home is a big step. This paper can help you decide what **LEGAL** connection you want with the child. It explains your choices and what they might mean for you.

The kind of legal connection you have with the child makes a difference in:

- How much money, medical care and other help you can get for the child
- If you can OK the child's medical care or sign them up for school
- If the child's parents can visit and if they must pay child support
- If the child's parents can or can't take the child back.

5 ways you can legally take care of a child you are related to:

1. Family-Planned Care
2. Power of Attorney for Care of a Child
3. Legal Custody
4. Kinship Foster Care
5. Adoption

Can't decide which way is best for you? You may want to talk to a lawyer. You can call the Vanderbilt Legal Clinic at 615-322-4964. Or, you can call the University of Memphis Child Advocacy Clinic at 901-523-8822, ext. 253. Their help is free.

1. Family-Planned Care

This is when the parents just ask you to take care of the child. You don't go to court. You don't talk to the Department



of Children's Services (DCS). There are no legal papers. You and the parents just agree between you.

The parents can take the child back whenever they want.

You probably can't sign the child up for school.

You should be able to get basic medical care for the child. But, you probably can't make big medical decisions for the child.

In family-planned care, what kind of help can you get for a child?

Money:

1. Are you the child's sister, brother, grandparent, aunt, uncle or first cousin? Then you can get about **\$140** a month from the **Families First "child only"** program. If you take in more than one child, you would get a little more. You don't need legal custody. Apply for Families First at your local Department of Human Services. They are also called DHS or the food stamp office. Ask for a "child only" payment. Then your income would not count. Only the child's income counts.



2. You might get a cash payment from the **Earned Income Tax Credit**. You might also have less tax to pay. You can count the child as your dependent. You may also get the child care credit.

Medical care: You will also get free TennCare **health insurance** for the child. It comes with the Families First payment.

2. Power of Attorney for Care of a Child

Do the parents have a problem that keeps them from caring for the child? Then the parents and you can sign this legal paper.



The Power of Attorney paper makes you the official care giver for the child. It lets you make legal, medical and school decisions. It can also give you the right to make other decisions. But, the parents can take the child back whenever they want.

To set up a Power of Attorney for a child, you don't need a lawyer. You don't have to go to court. You just get the paper to fill out from DCS (Department of Children's Services). You and the parent must sign the paper in front of a notary.

DCS does **not** help you or check on the child.

With a Power of Attorney, what help can you get for a child?

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Medical care: You will also get free TennCare **health insurance** for the child. It comes with the Families First payment.

3. Legal Custody

You get a legal custody order from a judge. This may be in Juvenile, Chancery or Circuit court. You may or may not need a lawyer.



With a custody order, you can make decisions about school and medical care. You can also make other decisions.

The order usually says when the parents can visit or call the child. Usually, the order says the parents must pay child support.

DCS (Department of Children's Services) and the Court **don't** check on the child.

With Legal Custody, what help can you get for the child?

Money:

1. You have the right to get **child support** from the parents. The free lawyers at your Child Support Services office can help you collect your child support.

2. Are you the child's sister, brother, grandparent, aunt, uncle or first cousin?



Then you can get about **\$140** a month from the **Families First "child only"** program. If you take in more than one child, you would get a little more. You don't need legal custody. Apply for Families First at your local Department of Human Services. They are also called DHS or the food stamp office. Ask for a "child only"

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Medical care: You will also get free TennCare **health insurance** for the child. It comes with the Families First payment.

Other help

With Legal Custody, you might get help from the **Relative Caregiver Program**. They can help with:

- Emergency money
- Counseling
- Legal help
- Tutoring
- Things the child needs, like a bed, mattress and clothing
- Support groups
- Care for the child if you are sick or need a break
- Finding other places that will help you

Not all counties have a relative caregiver program. To find out what is in your area, call **615-741-8250**.

4. Kinship Foster Care

Department of Children's Services (DCS) keeps legal custody of the child. You apply to be a paid foster parent for this child. DCS will do a background check and a home study. You will have to take foster parent training classes.

If DCS OKs you as a kinship foster parent, the child will live with you. But, DCS will make the decisions about school and medical care. They will visit each month to check on the child and you.



You will also need to go to regular meetings and court hearings about the child. If DCS thinks the home is not safe, they can take the child.

DCS will probably let the parents visit or call the child. Most of the time parents must pay child support.

If you are a Kinship Foster Parent, what kind of help can you get for the child?

Money:

1. About **\$400** a month in foster care payments for each child.

2. Money to buy clothes for the child

Medical care: DCS pays for the child's medical, mental health and dental care.

Both the parents and you can also get other help, such as counseling.

To find out more, call the state DCS office at **1-877-327-5437**. It's a free call.

5. Adoption



If you adopt, you become the child's legal parent. A court order ends the parents' rights to the child forever. You decide if the birth parents can see the child or not. You will need a lawyer to adopt.

If you adopt, what kind of help can you get for the child?

Money:

1. Did DCS (Department of Children's Services) have legal custody of the child when you adopted? Then you may get **monthly adoption payments** and other help.
2. You might get a cash payment from the **Earned Income Tax Credit**. You might also have less tax to pay. You can count the child as your dependent. You may also get the child care credit.

This guide is published as a public service by the **Vanderbilt Legal Clinic** and the **Vanderbilt Child and Family Policy Center**, in collaboration with **Fostering Results** (www.fosteringresults.org), a national, nonpartisan public education project to raise awareness of issues facing children in foster care.