

WHO WILL SAVE THE CHILDREN?

Presented by

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BUILDING GENERATIONAL WEALTH WEBCAST

❖ Part of the **Generational Poverty Law Project**, a partnership between Atlanta Legal Aid Society, Georgia Heirs Property Law Center, and Pro Bono Partnership of Atlanta.

❖ Project Goals:

- Utilize joint resources to create pathways out of generational poverty for low-income families in metro-Atlanta.
- Provide free and vital legal services to help multigenerational families in Atlanta:
 - Retain ownership of their homes;
 - Ensure they are living in safe and habitable environments;
 - Avoid predatory practices; and
 - Leverage their homes to create generational wealth, reduce neighborhood blights and transform underserved communities.
- Conduct outreach and education to metro-Atlanta families living in poverty and the nonprofits serving them by providing tools to help families remain housing stable and transform underserved communities.



*Generational Poverty Law Project is
generously funded by The Junior League of
Atlanta.*

To provide non-attorneys with the skills, knowledge, and tools needed to assist low-income persons who qualify for free legal services from civil legal aid service providers, with referrals to the correct resources; and to provide helpful information for those non-parent caregivers of minor children.

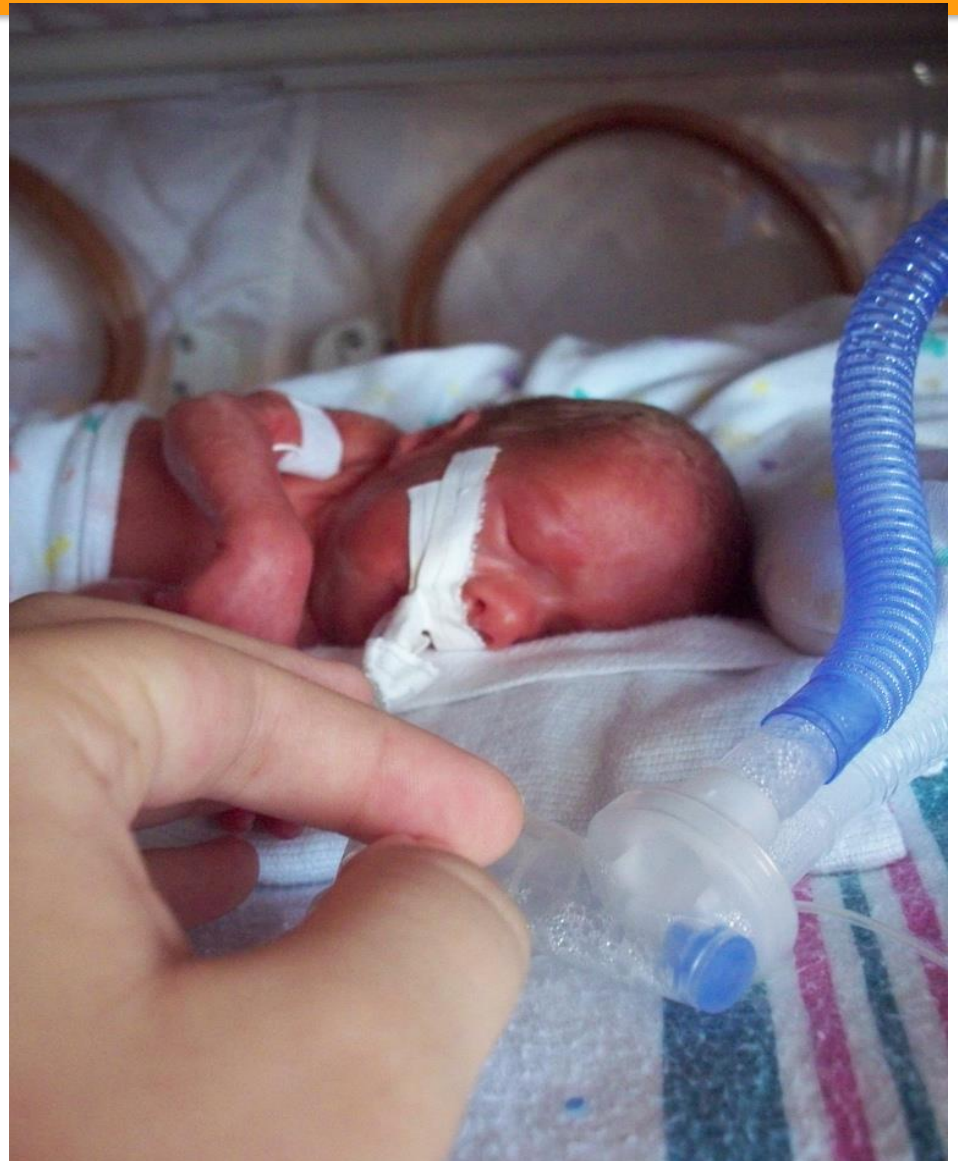
- History of Atlanta Legal Aid's Kinship Care Services
- Power of Attorney for Minor Children
- Temporary Guardians and Standby Guardians
- Deprivation Actions in Juvenile Court
- Third Party Custody in Superior Court
- Termination of Parental Rights and Adoptions
- Availability of Public Benefits to Assist Financially

Kinship Care Services

- Program began in the late-'90's
- Grandparent's Project
- How did clients get to the services??
- Clients are income-eligible for Legal Aid and are caring for children for whom they are not parents
- How do clients get to services today?
 - Pro bono component
 - Senior Hotline

The Grandparent's Project

Started as a joint venture between the Family Law Unit and the Senior Citizens Law Project in the Downtown office of Atlanta Legal Aid



- Growing awareness of number of clients coming in who were caring for children not their own
- Why?
- What did we do?

The need continues...

As of 2015, over 90,000 children in Georgia lived in a home with a relative other than their parent. (see **Grandfacts** state fact sheet for Georgia)

Our service area encompasses the entire state of Georgia for advice and counsel. We provide direct representation in the 5-county metro-Atlanta area.

Let's look at some of the issues our clients face and the services available to them

Part of the Problem



RT America @RT_America 55m

Over 5 million American children have a parent in jail – report

on.rt.com/7b21



POWER OF ATTORNEY FOR MINOR CHILD

- NEW STATUTE, effective September 1, 2018
- Enacted pursuant to the “Supporting and Strengthening Families Act”, OCGA sections 19-9-120 et seq.
- Replaces “Grandparents Power of Attorney”
- Can be temporary (parent granting POA sets time limit)
- Easily terminated by granting parent
- Best when all parties get along and parent(s) just need a temporary arrangement.

- Legal document
- Filed in Probate Court of County where guardian/child lives
- As name implies, is meant to be temporary, but what does that mean?
- Once granted, birth parent can revoke by filing a petition in Probate Court, but Guardian may object to revocation

Forms are available at
your county Probate
Courthouse!

or

Download at

<http://gaprobate.gov/content/2017-2018-fillable-pdf-standard-forms>



When are these best used?

- Parents are available and will consent
- Parents are absent and will be served by publication (not likely to object)
- Caregiver needs documents to enable education and other decision making

Stand-by Guardianship

- For emergency situations- health usually
- Limited in time and power
- Provides a stop-gap until some other form of custody or control can be given/taken
- Automatically expires at end of a four month period

Stand-by Guardianship

Activated when health care professional certifies that parent or permanent guardian is incapacitated. No court review, but stand-by guardian must file copy of designation and certification with probate court (in the county where minor is domiciled). No bond required.

Who is a deprived child?

OCGA § 15-11-2 defines a deprived child in Georgia:

1. a child who is without proper parental care or control, subsistence
2. a child who is without education as required by law, or other care or control necessary for his or her physical, mental, or emotional health or morals
3. a child who has been placed for care or adoption in violation of the law
4. a child who has been abandoned by his parents or other legal custodian; or is without a parent, guardian, or custodian.

Deprivation- continued

- Can be found deprived as a result of a DFCS/CPS action
- Can be found deprived as a result of a private deprivation action
- Court will determine placement and services
- Court will determine if reunification is in child's best interests

- A legal hybrid: Standard is best interest plus for relatives
- Standard is unfitness of parents for non-relatives
- Best used when parents will not agree to guardianship and deprivation may not be best option
- Parent can only regain custody by showing a “material change in circumstance affecting child’s welfare” and that modification will be in child’s best interest

Why take this type of action?

- Caregiver/Relatives may have a ‘blemish’ on their record
- Caregiver can show a long, established bond with child
- Parents are not likely to consent, but caregiver can prove unfitness or best interest plus

Adoption: The Final Solution

- Parent has failed to support child
- Parent has failed to communicate with child for more than one year
- Parent has abandoned their interests in their child

OR

- Parent is willing to surrender their rights

- Parent who surrenders only has 4 days to change their mind after signing documents
- Cannot revoke except under extraordinary circumstances
- Birth parent loses all rights and adoptive parents gain same rights as birth parents

- Why would a caregiver not want to adopt?
 - Eligibility for benefits
 - Emotional ties with the parent(s)
- Why should a caregiver consider adoption?
 - Parent is completely out of the picture
 - Availability of additional benefits with adoption
 - Emotional ties with the children

Available Public Benefits



Temporary Assistance to Needy Families

- Can be available as a benefit for the child/children only
- Advise to apply for child/children only, then household income will not be considered
- If child's benefit then NOT subject to time limit or work requirement

- Supplement to TANF
- \$100 per child
- Only available after TANF approved
- Only available for caregiver who is related to a certain degree or who is a legal guardian of a child; and is over the age of 55 or legally disabled



Crisis Intervention Services Payments

- For emergencies. What are emergencies?
- Family must be approved for TANF and GRG payments
- Up to 4 times the family's maximum TANF amount



Extra mouths to feed in a household already straining to make ends meet may mean hunger.
The SNAP program may help.

SNAP/ Food Stamps

- Household must be income eligible
- Household resource limits apply
- Caregiver must be able to show relationship to the child; often entailing filing for custody or guardianship

- Not the same as Food Stamps
- Administered through the Department of Public Health- **APPLY AT LOCAL HEALTH DEPARTMENT CLINICS**
- Available for infants and children up to age 5 with income eligible caregivers
- Voucher driven program

- Available to Caregivers who are in DFCS GRG Program
- Available to caregivers of disabled children
- Available to children in other special priority groups

From the Department of Early Care and Learning's (DECAL) website, CAPS is designed to:

1. Provide access to high quality and affordable early learning environments for families who are considered low income.
2. Support DECAL's efforts in increasing positive school readiness outcomes.
3. Assist families in achieving and maintaining self-sufficiency by providing financial supports for child care costs.

- Always advise the person you are assisting to apply
- There are many different programs and there may be one that the child/children or the entire family may fit under
- Legal guardianship may be required for many family applications- be aware when steering people towards one method of custody over another. Have them consult with an attorney always on the effect of their choice on the possible public benefits for the children for whom they are caring!

- Housing



If the caregiver is on a subsidy, adding a child or children **WILL** make a difference!

Education

- Can the caregiver enroll the child in school? McKinney Act
 - Can the parent take the child out of school?
- Special Services, IEP, SST and IDEA
- School Records

LEGAL AID OFFICES:

Fulton

54 Ellis Street NE

Atlanta, 30303

404/524-5811

Dekalb

246 Sycamore St, Suite 120

Decatur, 30030

Cobb

30 S. Park Square

Marietta, 30060

770-528-2565

9519

So. Fulton/Clayton

77 Cleveland Avenue SW

Suite 410

Atlanta, 30315

404-669-0233

Gwinnett

324 W. Pike St, Suite 200

Lawrenceville, 30046

678-376-4545

Senior Legal Hotline (age 60+)

404-657-9915 or 1-888-257-

- Georgia Probate Courts at gaprobate.org

All Probate Court Forms including guardianships

- Kinship Navigators

<https://dhs.georgia.gov/kinship-navigator-program>

To enroll and to find your local kinship navigator

- Family Law Information Center (Fulton County Superior Court)

<https://www.fultoncourt.org/family/family-flic.php>

For a variety of useful forms, and free legal advice. Other counties may have similar services, but forms downloaded here may be used with edits throughout the State of Georgia

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