



— OREGON —
KINSHIP NAVIGATOR



Legal Guide

**For Grandparents and Other Relatives
Raising Children in Oregon**

2020

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A Legal Guide for Grandparents and Other Relatives Raising Children in Oregon

Many families in Oregon find themselves with the unexpected opportunity of caring for their relatives' children. The willingness to step up and provide care and support can be a gift to both the child and the relative. However, the relative needs to understand their legal options and obligations when raising a young child. This guide discusses legal topics grandparents and other relatives need to know when caring for a young child. Info applies to all minors in the elder's home.

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Table of Contents

About reading this guide	4
Introduction	4
Part 1. The rights of parents: A framework for discussion	6
Part 2. Occasional contact with the children	7
2a. Authorization for health care	7
2b. Who can take the kids from my care?.....	8
2c. What if the kids aren't safe with their parent?.....	9
Part 3. The grandchildren are staying with me for now	10
3a. Temporary power of attorney for childcare	10
3b. Temporary power of attorney for children of military families	11
3c. Temporary power of attorney form	12
3d. Having the children without written authority	14
Part 4. No contact with the grandchildren	16
4a. What's keeping you apart?	16
4b. Court-ordered visitation.....	17
4c. Considerations for court.....	19
Part 5. Taking over primary care of children	20
5a. Temporary power of attorney for childcare	20
5b. Guardianship—with the parents' cooperation	20
5c. Guardianship without the parents' cooperation.....	21
5d. Legal custody.....	23
5e. Juvenile dependency cases	24
5f. Adoption	26
Part 6. Violence in the family	29
Part 7. Tribal involvement in court cases that affect children	31
Part 8. Day-to-day issues for caretaker relatives	33
8a. School registration.....	33
8b. Problems at school.....	34
8c. Medical costs and insurance	35
8d. Affordable Care Act and tax credits	36
8e. Financial help.....	36
8f. Getting a break from childcare	40
8g. Living in “seniors only” rental housing.....	41
8h. Housing discrimination against families	42
8i. Other housing situations	43
8j. Traveling and moving.....	44
Part 9. Planning for the future	46
Part 10. Resources and services	48
10a. Legal resources	48
10b. Legal service programs, by county	48
10c. Oregon County Circuit Courts	51
10d. Tribal Courts	52
10e. Area Agencies on Aging offices by county	53
10f. Oregon Department of Human Services Self-Sufficiency:	58
10g. Oregon Department of Human Services Child Welfare Offices.....	59
10h. Organizations and services.....	60
Part 11. Glossary	61

About reading this guide

This guide looks at problems met by grandparents and other relatives and the laws that apply. It includes simple issues faced by relatives who are regularly in contact with their grandchildren or other relatives, the problem of getting access to their relative child when a parent does not encourage or support contact, and situations where grandparents must temporarily or permanently take over the job of parenting their relative child.

Because grandparents are also parents and the parents of grandchildren are children too, talking about the relationships among the three generations can get confusing. This is what is meant when using those terms:

The law that applies to grandparents also applies to other non-parent relatives. “Grandparent” will always include aunts, uncles, cousins, siblings, great-uncles, etc., (even stepparents who have not adopted their spouse’s or domestic partner’s children) unless the guide says otherwise.

“Parent” or “parents” will always mean the parents of the minor children the grandparent or other relative is concerned about.

“Child,” “children,” “grandchild” or “grandchildren” will always identify the minor children the grandparent is concerned about.

Important terms in this guide are defined in the glossary at the end of this guide.

Introduction

The role of grandparents in the United States has undergone dramatic changes in the last century. In the early 1900s, grandparents, aunts and uncles often shared the family home. The “nuclear family” was born less than 50 years later as parents and children moved hundreds, sometimes thousands of miles away from their extended families for new jobs and opportunities. Grandparents became faces in photographs and voices on the phone to their grandchildren.

Other social changes — divorce, single parenting, an epidemic in drug and alcohol problems — affected whether and how extended families continued to connect. In extreme cases, grandparents never saw their grandchildren again, no matter how much they wanted to see them.

In a growing trend, many grandparents find themselves in the role of parents all over again as the primary caretakers of the children of their own adult children. Shifts in the economy mean more extended families living together as parents and children move in with grandparents after the loss of a job or their home.

The number of American children living with relatives other than their parents rose from four million to more than six million over the past two decades. By 2018, more than three million grandparents were parenting their grandchildren. More than 51,000 children in Oregon are living with grandparents, and an additional 16,500 are living with other relatives.



Grandparents who care for these children may find these unexpected new relationships very rewarding. They also can place tremendous strain on those who have health problems or limited finances.

This guide aims to help non-parent families learn about some of the legal problems they might run into, some possible solutions to those problems, and various legal options to consider as they forge relationships with the children in their care.

A companion guide, *A Resource Guide for Grandparents and Other Relatives Raising Children in Oregon* (2020), describes many other kinds of resources available for grandparents once again taking on the challenges of parenting.

The Governor’s Advocacy Office, DHS Ombudsman and Children’s Ombudsman

The Governor’s Advocacy Office serves thousands of families throughout Oregon every year. Residents who need information about services or programs provided by the Department of Human Services (DHS) can get help and direction from ombudsmen in the Governor’s Advocacy Office.

- ▶ The Governor’s Advocacy Office can answer questions about:
- ▶ Child and elder abuse and neglect
- ▶ Health and dental programs
- ▶ Homelessness
- ▶ Personal or family crisis
- ▶ Drug and alcohol treatment
- ▶ Mental health programs
- ▶ Services for people with developmental disabilities
- ▶ Management of chronic pain
- ▶ Other issues

Phone: 503-945-6904

Toll-free: 1-800-442-5238

www.oregon.gov/DHS/ABOUTDHS/Pages/gao.aspx

Part 1. The rights of parents: A framework for discussion

It was not so long ago when the law viewed women and children as the property of men. Although women no longer are defined that way under the law, courts have hesitated about the rights of children. Courts still say the Constitution protects the “liberty” interest of parents to rear their children the way they see fit. The law presumes parents act in the best interest of their children. When the state believes a parent is not acting in the children’s best interest, it will first look to the other parent to take over the care of the children. The state cannot permanently remove a child from the parents’ home without their permission unless it can show the parents are unfit.

Both parents of a child have equal say in the child’s life, unless there is a court order limiting the rights of the parents (through legal custody and parenting time, for example). The rights of parents include decision-making about everyday matters and important social matters, such as medical treatment, education and religion.

What makes a person a legal parent? Generally, a child’s birth mother is the child’s legal mother (unless the birth mother is acting as a surrogate) until the child is legally adopted by another person or the birth mother’s parental rights are terminated by the state. Whether a man is a child’s legal father is sometimes more difficult to determine. The husband of a woman who gives birth to a child during their marriage is presumed to be the legal father of the child (unless he or the woman later proves otherwise). He is still considered the legal father if the child was conceived by artificial insemination. A man who signs an official state form acknowledging he is the father is presumed to be the father of the child. A man who legally adopts a child becomes the child’s legal father. In a paternity case, the court can determine whether a man (married to the mother or not) is the legal father of a child.

The state can terminate parental rights, making the mother and/or father no longer the legal parent of a child. Mothers and fathers can also give up their parental rights by agreeing to allow someone else to adopt their children.

Stepparents and same-sex spouses who have not adopted their spouses’ children do not have parental rights. Under Oregon law, stepparents have rights similar to those grandparents have.

Part 2. Occasional contact with the children

2a. Authorization for health care

“I’m just an occasional babysitter for my grandkids after school or on Saturday nights. Is there anything I need to know?”

A grandparent who is babysitting has no more authority over a child than a stranger would have. Unless one of the parents gives you permission, you usually can’t authorize medical or dental care for a child. (In emergencies, hospital staff are allowed to provide life-saving treatment and other major medical procedures, but they can do nothing beyond that without permission.)

The simple solution is to get written permission from one of the parents. It can be handwritten and include only the date, the name and birth date of the child, the name of the person authorized to get care for the child, and a statement that the parent permits the person to authorize necessary medical and dental care.

See the example below.

To whom it may concern:

I hereby give to [grandparent’s name] the authority to get necessary medical or dental treatment for my minor child, [name], [date of birth].

Our health insurance policy is with [insurance company], [group #, policy #]. (If child has special medical needs, list them here.)

My child’s regular doctor is [doctor’s name], [doctor’s address].

Sincerely,

[Signature and date]

It is helpful for the parent to provide information about the child's regular physician or health insurance, but not essential. The doctor or hospital will need that information if the child is covered by the Oregon Health Plan (OHP) or other Medicaid or Medicare coverage.

Children who are at least 15 years old can consent to their own medical and dental treatment without parental consent, and Children 14 years or older can consent to mental health and chemical dependency treatment without parental consent. For more information on minors' rights to consent to health care, please see "Minor Rights: Access and Consent to Health Care" at <https://www.oregon.gov/oha/PH/HEALTHYPEOPLEFAMILIES/YOUTH/Documents/minor-rights.pdf>.

Doctors can insist on getting paid at the time they see the child in a non-emergency situation. If the parents have no insurance or Medicaid coverage for the child, ask them to leave money with you for or have some emergency cash on hand. If you have Medicare, Medicaid, or OHP coverage, remember your personal coverage will not be accepted for the child. See Section 8c for more information about health care coverage for grandchildren in your care.

The short answer. *You should always get written permission from a parent to deal with the children's medical or dental problems.*

2b. Who can take the kids from my care?

"I babysit my grandchildren while my daughter works. She and the father of the children are not married. If he wants the children when they are with me, what are my rights?"

The scope of your rights, unless you have your own court order giving you specific rights, depends on the scope of your daughter's rights. Both legal parents, married or not, have equal rights over their children unless a court gives one greater rights than the other.

Either parent can take the children from a non-parent on demand if there is no court order giving one parent specific times with the children. You do not have to turn them over to their father if a current court order says your daughter has the right to the children during the time you are babysitting.

You can even tell the other parent to leave your home if he or she has no legal right to be there.

It can be very helpful to have a copy of the court order on hand when the children are with you if the order says who is to have the children and when. You may be asked to show the order to a police officer if the other parent tries to get help from the police.

Parents may have more than one court order, and those orders may conflict with each other. There may be no court order, and it may even be unclear whether

the father is legally the father of the children. It is extremely important to get legal advice specific to your situation before taking any action to hand over or withhold the children.

Some grandparents are able to get parents to agree to a court order allowing them to have the children for periods of time. (See Part 4.) Or you may even have a court order for visits without their cooperation. (See Part 4b.) If you have the children when they are authorized by a court order to be with you, you do not have to turn them over to anyone else during that time unless a judge says so.

You should be sure to have a copy on hand to show to police or other officials if they question your rights.

The short answer. *Unless a court order says otherwise, either of the child's parents has the same right to the child the other parent has, and you must relinquish the child to either one when asked.*

2c. What if the kids aren't safe with their parent?

"I took care of my son's two kids yesterday afternoon. When he came to get them, it was obvious he had been drinking. I was afraid to let the kids get into a car with him, but I didn't know what else to do."

Oregon's Department of Human Services Child Welfare has a duty to intervene in cases of child abuse and neglect. Unfortunately, it is virtually impossible to get an agency investigator onto the scene in the time it takes to put children in a car. The parent has the right to take the grandchildren with him unless there is a court order that keeps the parent from taking children under circumstances like these.

The grandparent or anyone else in this situation can try to persuade the parent to use a taxi, can offer to drive everyone, or try to convince the parent to wait until he or she is sober. You can try to contact the other parent if you have time. The best you may be able to do is make sure the children are buckled safely in the back seat, get the license number of the car, and call the police right away to report a drunk driver.

Calling the police may seem harsh or disloyal, but not doing so can mean the children are injured or killed. Sometimes police involvement is necessary before a parent with an alcohol or drug problem is willing to change behavior. Police can provide important independent evidence that the children need outside help if you are seriously concerned about the parent's general ability to care properly for the children. (See Parts 5e and 6.)

The short answer. *A grandparent cannot lawfully keep the children away from the parent if there is no court order to stop an impaired parent from exposing children to potential danger.*

Part 3. The grandchildren are staying with me for now

3a. Temporary power of attorney for childcare

“My son and his wife are planning to spend the summer and part of the fall in Europe. They want the children to stay with me. How can I get authority to care for the children’s medical and school needs while the parents are gone?”

“My daughter, who is in the Army, is about to be deployed. She will be gone for perhaps a year, maybe even longer. What do I need to do to take care of my grandchild while she’s overseas?”

Oregon has laws that allow people to authorize other people to handle various kinds of affairs on their behalf. The usual way to authorize someone else to handle things for you is through a power of attorney. A power of attorney doesn’t give away your rights to handle your own affairs, it gives those rights to someone in addition to you for as long as you want to share power with that person.

Oregon law provides a special temporary power of attorney parents can use to give others the right to take care of their children for up to six months at a time. A sample of a form for this purpose is printed in Part 3c. This form will work for most purposes. For parents who will be on long-time active duty when children can’t accompany them, see Part 3b, below.

The parent can give you authority to make decisions about medical care and enroll the child in school using this kind of power of attorney. Unless the parent puts limits on what you can do in the power of attorney, you can exercise all of the parental rights the parent has except the right to agree to the marriage or the adoption of the child.

No court involvement is necessary to obtain this power of attorney or to end it. The parent can stop sharing power without needing a reason, even before the six-month limit of the power of attorney is reached. The parent has the right to get the children back at any time.

A parent who is giving power over more than one child to one person can list all the children on one form. The person who receives a temporary power of attorney for children should keep the original signed form until the power expires or is cancelled (or “revoked”).

The parent who wants to cancel (revoke) this kind of power of attorney before the date of the document should give a written statement to that effect to the person who has the power of attorney. The written statement should include the

date when the parent wants the power of attorney to end. (The date of revocation cannot be before the date the parent notifies the person that the power is revoked.) No reason is required.

This type of power of attorney expires automatically after six months if the parent does not specify an earlier date for it to end. A parent can make a new power of attorney for childcare every six months, if desired.

There are some drawbacks to the use of the temporary power of attorney for childcare:

A parent cannot share authority greater than the authority he or she has. A parent who is not the child’s “legal” parent has no authority to give. A parent who has court-ordered status as the custodial parent can share any of the rights the court has granted to him or her. A noncustodial parent under such a court order generally has fewer rights, which can differ from person to person.

Court orders involving custody and parenting time often place some limits on where the children can travel or live. (See Part 8i.) Inquire about any court orders that describe that parent’s rights and have a lawyer look over the documents if you are concerned about what rights a parent has lawfully given you.

The person who receives a power of attorney for childcare has no legally enforceable right to child support from either of the parents — even if the power is renewed for several six month periods. Nevertheless, it may be possible to get financial and medical benefits for the child. (See Parts 8c and d.)

3b. Temporary power of attorney for children of military families

Parents who are going on active military duty can sign a temporary power of attorney for childcare. Six months may not be long enough for some parents. Reservists and National Guard members may be deployed for 15 to 18 months.

These parents can give a special power of attorney that will last for the time they are actively deployed, plus 30 more days. Some of the language in the standard form in Part 3c, below, will need to be changed for these parents. The military parent cannot give the power to anyone other than the child’s other parent if the child is already living with the other parent except in unusual circumstances. It is still true whoever gives the power can give no more power than he or she possesses over the child.

The short answer. *Generally, a temporary power of attorney the necessary authority to act on a child’s behalf in the parents’ absence for up to six months, or longer if the parents are on active military duty.*

3c. Temporary power of attorney form

How to fill out this form

1. In the first two blanks of this model form, type or neatly print the name of the parent who will sign over the power, followed by the city where the parent lives.
2. In the next two blanks, put the name of the person who will get the power and the city where that person lives.
3. Fill in the names and dates of birth of all of the children involved.
4. Next, have the parent take the form, with photo identification, to a notary public to sign the form and have it notarized. Notary publics can be found in most banks, real estate offices and law offices. Some charge for their services. Note: If the parent is in another state, that state may have a specific form the parent should use instead. If no specific form is required there, the sample form here should be changed to show the state where it is signed and notarized.
5. The parent gives the completed form to the person who will act as the caregiver — that is, the “attorney.”
6. For the parent who is going on active duty, slightly different language will be needed in a temporary power of attorney for childcare.
7. At the beginning of the form, where the parent states his or her name, the parent also should identify himself or herself as a member of a specific branch of the U.S. military.
8. In the section of the form that says how long the power is to last, the military parent should say that “The power designated above is delegated for the period until [the date the deployment ends, if known]/[a period not exceeding the term of active duty service, if the ending date is not known], plus 30 days.”

Temporary power of attorney form

POWER OF ATTORNEY RE: MINOR CHILDREN

I, _____ of _____, Oregon, mother/father of the child/ren named below, by this document do temporarily appoint _____ of _____, Oregon to be my true and lawful attorney, for me and in my name and place, and for my benefit:

To have the care, custody, and control of my child/ren:

_____, born _____

_____, born _____

_____, born _____

and to do all things necessary to properly care for the/se child/ren.

To consent to and authorize any and all medical treatment necessary for the proper care of my child/ren; and

To consent to and authorize any and all actions necessary for the proper care of my child/ren regarding her/his/their attendance at any public or private institution or school.

I hereby grant my said attorney full power and authority to do every act necessary to be done, and fully to all intents and purposes, as I might or could do if personally present, and I hereby ratify and confirm that which my said attorney shall lawfully do or cause to be done by virtue of this document.

(Initial one:)

_____ This power of attorney is valid for six months from the date on which I have signed it, unless I revoke it sooner.

_____ This power of attorney is valid until _____, 20____. (Time period must be shorter than six months from date of signing.)

In witness thereof, I have signed this power of attorney on this day of _____, 20____.

Signature: _____ Print name: _____

STATE OF OREGON _____) _____) ss.

County of _____)

SUBSCRIBED AND SWORN to by _____ before me, _____, a Notary Public for the State of Oregon this _____ day of _____, 20____.

Notary Public for Oregon. My commission expires: _____

3d. Having the children without written authority

“My daughter dropped off my grandchildren at my house three months ago, and I haven’t heard from her since. How can I get them in to see a doctor or get them into my local school without her OK?”

Under Oregon law, a grandparent who becomes responsible for the care of a child when parents are away may be able to get medical and dental care for the child and enroll the child in school without the parents’ approval in some situations. The grandchild must already be living with the grandparent. The grandparent also must try in good faith to contact at least one of the parents to ask for consent for medical care or for admission to school, or be able to explain why he or she couldn’t contact the parent. The grandparent must then fill out an affidavit and sign it in front of a notary public. A sample form, called affidavit of relative caregiver, is shown on the next page.

How to complete the form:

In the first three blanks, type or neatly print your full name, your Oregon driver license or state identification number, and the date of your birth.

List your relationship (grandmother, etc.) to the children, then list the full names of the children and their dates of birth. These children must be living with you. State the address where you all live.

List the full name of at least one of the legal parents or legal guardians of the children, and that person’s last known address and phone number. Put your initials on the short line before the person’s response when you contacted him or her or them or, if you couldn’t locate the person, put your initials on the short line before that information. Do not initial BOTH.

Sign this document before an Oregon notary. Be sure to have picture identification with you.

You can present it to medical and dental providers and to schools once you have signed the document. Get legal advice right away if the provider or school does not accept the form. Immediately tell the providers and the schools if the minor child stops living with you. This affidavit will expire one year after you sign it. You can get a new one if the parents’ consent still can’t be found.

Providers can hold both you and the parents responsible for payment for services, but you also have the right to be reimbursed by the parents if you pay.

AFFIDAVIT OF RELATIVE CAREGIVER

I, _____, Oregon driver license/official identification number _____, date of birth _____, declare under penalty of perjury that:

1. I am a competent adult and the _____ of the following minor child/ren:
_____ Date of birth: _____
_____ Date of birth: _____
_____ Date of birth: _____
who reside/s with me at _____,
_____, Oregon.

2. The child/ren’s parent or legal guardian is _____,
whose last address known to me is _____ and
whose last phone number known to me is _____.

3. It is my intention to give consent for medical treatment/educational services for the
minor child/ren.

4. I have contacted the child/ren’s legal parent/legal guardian to inform him/her/them
of this intention.

5. _____ The response of the legal parent/legal guardian was: _____

OR _____ I was unable to contact the legal parent/legal guardian because _____

Signature: _____ Print name: _____

STATE OF OREGON _____) _____) ss.

County of _____)

SUBSCRIBED AND SWORN to by _____ before me this day of _____, 20 ____.

_____ Notary Public for Oregon

Part 4. No contact with the grandchildren

4a. What's keeping you apart?

"My former daughter-in-law won't let me see my grandchildren at all and rarely even lets me talk to them on the phone.

What can I do to keep from losing touch with them?"

This question has several answers, depending on the situation. When deciding what to do, it is helpful to know why the parent does not want to allow you to have contact. Different situations call for different responses. Here are some reasons custodial parents give for not permitting contact between children and a grandparent:

- ▶ They may want to have the children close during a difficult time so the children feel more secure.
- ▶ They may feel the grandparent's home is dangerous for toddlers because the home is not "baby-proof."
- ▶ They may feel the grandparent does not respect or tries to undermine the parent's rules about food, religion, behavior, etc.
- ▶ They may believe the grandparent has "taken sides" against them.
- ▶ They may see that a grandparent has actively supported the other parent who has been physically abusive or has a serious alcohol or drug problem.
- ▶ Some abusive, alcoholic, or drug-using parents come from homes where one of the grandparents also is abusive or an addict.
- ▶ They may be abusive to the children or suffer from addiction and not want the grandparent or other relative to find out.

It may be possible to talk through some kinds of problems with the parents. You may be able to get some help with the discussion from a court mediator. All Oregon counties offer mediation services through their family courts, and a trained mediator often can help people face painful issues in a constructive way. The services are confidential. The service is available only if you have filed court papers in some counties, but in others the service is open to all. There may be a fee for the service if no court case is pending. The family court clerk can tell you about the services offered in your county.

You should try to maintain reasonable phone contact if possible, and to send cards and letters. Sending lavish gifts is not a good idea; you do not want to be accused of trying to "buy" the affection of the grandchildren. It also is important not to get into discussion with the children about the behavior of their parents

toward you or toward each other.

Many grandparents find they are able to spend time with the children when the other parent has time with the children, even when the first parent refuses access when she or he has the children. This solution is often the least stressful and least expensive for grandparents who want to continue their relationship with the children.

What if nothing seems to work? It may be advisable to seek visitation rights through the court.

The short answer. *Learning the reason the parent is uncooperative can help you come to an informal agreement in many cases. Visiting the children when the other parent has them is often an option, too.*

4b. Court-ordered visitation

“Since my daughter’s death, my son-in-law has refused even to talk to me, much less allow me to have a relationship with my grandkids. Other relatives, friends, even our minister have tried to talk with him, to no avail. Can a court force him to let me see my grandkids?”

“My former daughter-in-law remarried last year. Her new husband wants to adopt my grandson. How would a stepparent adoption affect my rights?”

In Oregon, it is possible for some grandparents and others to get court-ordered visitation with the grandchildren. How to go about it varies depending on the family situation.

Grandparents can seek court-ordered visitation by participating in a case already underway, except in the case of a stepparent adoption, or they can start a case of their own. (Rights in a stepparent adoption are discussed later in this section.)

A grandparent can intervene in the court case to ask for time or contact with the children if the parents are in the process of divorcing or deciding custody. The process will be relatively simple and brief if the parents agree to your proposal. A judge can sign an order to give you enforceable rights that can be changed only by another court order.

Either one of the parents can object to your request for time with the grandchildren. The law requires you to demonstrate that:

- ▶ You have had an ongoing relationship with the child for at least a year, spending time together regularly;

- ▶ Continuing contact with you is in the child’s best interest; and
- ▶ The parent is not acting in the best interest of the child by denying contact with you.

Oregon law presumes parents act in a child’s best interest, and it can be difficult to prove a parent is going against that interest. The law requires this proof to be strong. Getting the right of contact over a parent’s objection is not easy.

When considering how to decide the case, the judge must look at these questions:

- ▶ Are you or were you the child’s primary caretaker?
- ▶ Would it be harmful to the child not to have contact with you?
- ▶ Has the parent encouraged or consented to the relationship between you and the child?
- ▶ Would spending time with you interfere unreasonably with the child’s time with the custodial parent?
- ▶ Has the parent unreasonably denied or limited contact between you and the child?

You can start a case yourself if no court custody case is going on right now between the parents. You would start the case by filing a formal petition in circuit court. (There are no standard, “do-it-yourself” forms for this purpose.) You would have to prove the things described above at a hearing, and the judge would have to consider the same factors as those listed above.

Parents cannot lawfully divorce or even get enforceable custody rights without using the court. Many cases don’t involve any hearings in a courtroom, so it may be hard to tell whether a case is being processed by the court. Even the parent who has filed court papers may not understand he or she has a “case” going on. The best way to find out if a case is open is to ask the circuit court clerk in the county (or counties) where the parents live if a divorce or custody case is going on between them. Ask for the case number and the date the case was filed if there is an open case. This information will be important for an attorney to know if you seek legal advice.

The rules in a stepparent adoption case are a little different. Until a few years ago, adoption ended more than the rights of the former parent. It also ended any rights of the mother and father of that parent. Now the law contains protections for these grandparents.

A stepparent who files court papers for adoption must give legal notice to the “parents of the party whose parental rights would be terminated.” The right to this notice applies only to actual grandparents, not to any other relative. This notice is necessary unless the stepparent convinces the court there is a very good reason not to notify the grandparents.

A grandparent has 30 days after getting the notice to file court papers asking for the right to have regular contact with the grandchild. At a hearing on this

request, the grandparent must make a strong showing that:

- ▶ The grandparent and the child had a “substantial relationship” before the adoption.
- ▶ Regular visits with the grandparent would not interfere significantly with the relationship of the child and the adoptive family.
- ▶ Visits with the grandparent would be in the child’s best interest.

A grandparent who already has court-ordered visiting rights (or even court-ordered custody) when a stepparent starts an adoption case should not ignore the notice. The old court order may not be enforceable when the child gets a new legal status. Getting timely legal advice will be important.

The short answer. *Grandparents who have a strong relationship with grandchildren may be able to get court-ordered contact with them.*

4c. Considerations for court

Going to court is not a step a person should take lightly. There are many things to take into account. The most obvious one is how strong your case is. Do you have enough information to convince the judge the parents are doing the wrong thing by keeping their child away from you?

Another consideration is the financial cost of going to court. Lawyers are expensive. You should be able to take advantage of court mediation services, which are usually able to help people resolve their differences early in the case

before the cost adds up. There are cases when a court may order one or more of the parties to undergo a psychological examination, another significant expense. Preparing for your case can mean time away from your job, if you are employed. And you may spend months waiting to get a hearing and a decision as the case goes through the system.

Even if you win the right to spend time with your grandchildren, you most likely will not be able to convince the court that the parents should reimburse you for your costs. The court can even require you to pay the attorney fees of the parents if you lose your case, particularly if your position is weak under the law.

Winning the case in court may not make getting access to the children easier if the parents are determined to resist and you are unable to go back to court because of the expense.

There are personal costs, too. A court case is very stressful, even for the person who is almost certain to “win.” A court battle can be risky indeed if your health is poor. Your decision to go to court in that situation should include a consultation with your doctor as well as one with your lawyer.

Part 5. Taking over primary care of children

“My son was widowed six years ago. He just found out he has cancer and must undergo extensive treatment. He won’t really be able to be there for the kids and wants to know if I can help out.”

“My daughter and son-in-law are in trouble with the law because of a drug problem. They want me to take care of their child for a while, until they have dealt with their addiction.”

Every family has its problems. A job loss can sometimes mean the loss of the family home. Some families experience violence, drug use, alcohol abuse. Some deal with severe mental or physical illness. A child’s parents may be killed or seriously injured in a traffic accident. Sometimes parents wind up facing criminal charges and even spending time in jail or prison. Any of these problems will have a serious impact on the well-being of the children. And any of these problems might mean a grandparent or other relative will be called on to take over as the head of the family, for a short time or a long one. How can the law help you deal with this responsibility?

5a. Temporary power of attorney for childcare

A temporary power of attorney for childcare may be the right choice if you are able to take on the responsibility of being the full-time caretaker for the child. See Part 3 for more information about powers of attorney and Part 3c for a sample power of attorney form.

5b. Guardianship—with the parents’ cooperation

One option for longer-term caregiving is guardianship. A guardianship can give you more power over the child than can a power of attorney. A parent cannot decide arbitrarily to take the child away when a caretaker has guardianship. A judge would have to agree that returning the child to the parent is appropriate. Oregon’s law about financial support for children also applies to guardianships, and you would be entitled to seek child support from both of the parents while you are taking full-time care of the child. (You may not get financial support if the parents have no income, but the law makes it possible for the state to force payment when there is income.)

Guardianship requires the filing of court papers and the signing of an order by a judge. It does not necessarily mean a “court battle.” The parents can give written consent to make you the child’s guardian when you file the court papers, and the process will not take long. When the child may be a tribal member or eligible to be a tribal member, it will be necessary to communicate with the tribe about

the case. (See Part 7.)

The parents (or you) can have the guardianship ended by a new court order once the problem that gives rise to the guardianship has been resolved. The guardianship will end by itself when the child turns 18 if there is no further legal action.

There are some potential financial drawbacks to becoming a child’s guardian, especially for people with moderate or middle incomes. The child may need medical care, for example, and the guardian may not have access to health insurance that covers the child. (See Part 8 for insurance programs that might help.)

A child who lives in a low-income household away from his or her parents may be eligible for medical and dental coverage and monthly cash assistance with or without a guardianship.

The Oregon Health Plan (OHP) does not cover all kinds of illnesses, conditions or treatment. It can be a serious problem when a child with significant medical needs isn’t covered by OHP and the household is unable to get assistance to pay for his or her health care.

The Oregon Health Authority (OHA) may have some help for guardian families that don’t qualify for OHP, such as the Children’s Health Insurance Program. OHA can also refer families to low-cost community clinics and resources for free or low-cost prescriptions. See Parts 8c and d for a description of some of the benefits available.

The short answer. *A temporary power of attorney or a court-ordered guardianship may help intervene in a difficult, potentially long-term family crisis.*

5c. Guardianship without the parents’ cooperation

“Can I get guardianship over my grandchildren if the parents do not agree?”

The legal proceeding to obtain guardianship when the parents agree is fairly simple but becomes longer and more complicated when they do not. You can intervene in the case as you could if you were seeking the right to visit the child if the parents are currently involved in a divorce or custody case. You would start a case yourself by filing a petition if there is no case under way between the parents.

What you have to prove and what the judge has to consider in a guardianship case is somewhat different from what is required for visitation. You must be able to show you had a “parent-child” relationship with the child for a period at least

part of which occurred within the six months before you file your petition for the guardianship. The law defines a “parent-child” relationship this way:

- ▶ You have or had physical custody of the child (the child lived with you without the parents) or you lived in the same household as the child (with one or both of the parents or with other people).
- ▶ You provide or provided for the necessities of life for the child (food, clothing, care, education, religious training, etc.). You can do this by providing these things physically or by providing money for someone else to do this physically.
- ▶ You do or did have day-to-day interaction with the child (not just babysitting on weekends).
- ▶ The relationship with you fulfilled the child’s physical and psychological needs for a parent.

How do you count the required six-month period? Here are some examples:

- ▶ If the child has been living with you (with or without others) during the last six months and is still living with you, you can file now.
- ▶ If the child moves out, you can still file during the next five months
- ▶ If the child lived with you until five months ago, you can file now, but it will be too late to file (unless the parents agree in court papers to your becoming the guardian) after another month goes by.

You also must persuade the judge, based on the evidence, that it is more likely than not the legal parent is currently not acting in the best interests of the child (because of abandonment, instability, abuse, imprisonment, addiction, etc.). You must then show it is in the child’s best interest for the child to have you — rather than someone else, such as the other parent or a different relative — as the child’s primary caretaker.

The judge must look at these questions when evaluating the case:

- ▶ Is the legal parent unwilling or unable to care adequately for the child?
- ▶ Are or were you recently the primary caregiver for the child?
- ▶ Would it be harmful for the child if you were not made the guardian of the child?

You need to weigh the pluses and minuses of going to court just as in a case to obtain the right to contact the children. See Considerations for court, Part 4c.

A juvenile court can establish another kind of guardianship. (See Part 5e.)

Cases involving children who are enrolled or eligible to be enrolled as members of a federally recognized Native American tribe have special requirements. The tribe has the right to be informed about the case at the time it is filed (except plain divorce cases and custody cases just between the parents). The Indian Child Welfare Act (ICWA) gives the tribe the right to intervene in the case to

make sure the children’s extended family is involved in the child’s care. The tribe is unlikely to become involved when a grandparent is participating in the case.

Be sure to alert your attorney to the need to notify the tribe if your grandchild is a tribal member or eligible to be one. See Part 7 for more information about when and how ICWA applies.

The short answer. *Establishing a court-ordered guardianship over the objection of either parent can be difficult, and may be impossible for grandparents who do not already have a strong relationship with the child.*

Note — if the child is in the legal custody of DHS, guardianship assistance may be available. This assistance includes financial or medical benefits paid to guardian families for costs associated with the needs of the child. Benefits may be in the form of cash and/or Medicaid coverage.

5d. Legal custody

“My grandchildren have been living with me informally for a couple of years. We rarely hear from their parents, who have split up and are usually out of the state. Would it make sense for me to seek full legal custody of the children?”

When Oregon law mentions the word “custody,” it may be talking about more than one thing. Custody sometimes means actual custody — the children are actually living with someone regardless of who has legal rights over them. It may mean legal custody, which is the court-granted right to make decisions over children’s schooling, medical care, religious training and other basic choices on behalf of the children. Legal custody can often include physical custody — the right of someone to have the children live with them.

The grandparent in the question above has actual custody of the children, potentially without any legal rights over them. The grandparent has no way to force the parents to provide support for the children and no confidence the parents won’t just show up someday and whisk the children away from their stable home. Like guardianship, legal and physical custody gives the grandparent enforceable control over the children.

Custody and guardianship differ from each other in one important way. Courts look at guardianships (except those established in juvenile court proceedings, see Part 5e) as temporary, no matter how long they last, because a guardianship can end when the problem that gave rise to it has been resolved. Courts look at custody as a permanent situation. Once someone has obtained legal custody over children, anyone else — even a parent — must show it is not in the children’s best interest to continue that situation. Ending custody is harder than

ending a guardianship.

A legal custodian can approve a child’s marriage or adoption. The custodian is also entitled to financial support from the parents on behalf of the child.

The standards the grandparent has to meet to get custody are the same as the ones described in Parts 5b and 5c to get a guardianship.

Because custody is theoretically permanent, a grandparent should expect to show the parent is likely unwilling or unable to look after the best interest of the child both now and in the future.

A child who has little income or few resources may be eligible for ongoing health coverage and a small amount of cash assistance from the state, as noted in the first section on guardianship. (See Parts 5b and 5c.) The child may still be eligible after the child becomes a member of a grandparent’s household, such as through the establishment of legal custody, if the grandparent’s income is low. The child may be able to get benefits through the Oregon Health Plan, too. (See Part 8 for more information.)

As mentioned in the section on guardianship, the ICWA requires that those who file a custody case involving children enrolled or eligible to be enrolled in a tribe must give notice to the tribe when the case is filed. The failure to give the necessary notice can invalidate the court decision in your case. (See Part 7 for more information.)

5e. Juvenile dependency cases

“My daughter called last night at midnight. The police had just come for her and they took the children to the county. What’s going to happen now?”

Sometimes parents get into trouble with the law. If they are arrested, the police must make arrangements — perhaps very short-term — for the care of children. Police or other government agents who believe that children are in danger because of abandonment, neglect, or abuse by their parents may remove the children from the home while they conduct an investigation. The children are placed in protective custody until a court determines it is either safe for them to return home with services from the state, or it is not safe and the children must live somewhere else for a while.

The grandparent may be contacted during the investigation by a child protective services worker or by a special volunteer called a CASA (court-appointed special advocate) whose job is to look out for the children’s best interest. The CASA compiles a report to help the court decide what to do next to protect the children.

The court begins dependency proceedings while this investigation goes on. DHS is charged with making decisions for the placement of children in these situa-

tions. DHS will try to place the children with other grandparents who are fit and willing if it is decided the children cannot be safe in their own home. The court must look at:

- ▶ Whether the grandparents can keep the child safe. This includes the grandparents' ability and willingness to cooperate with authorities in restricting contact with parents or others considered to be unsafe for the children, and whether the grandparents are able and willing to prevent anyone from trying to influence the child regarding the facts of the case;
- ▶ The ability of the grandparents to take care of the children's physical, emotional, and educational needs;
- ▶ Which person has the closest relationship with the child; and
- ▶ Whether any siblings of the child can also be placed with the grandparents.

The court keeps the case open after the placement is made while state case-workers attempt to work with the parents to improve conditions in the home. The state has legal custody of the children during this time even though the children may be living with their grandparents or other relatives.

The children and the parents are entitled to free legal assistance if they do not have the ability to pay for an attorney in juvenile court proceedings. Other persons do not have this right, and may have to pay for legal representation or go without it.

A legal grandparent, but not other relatives, may be able to ask the juvenile court to place the children with him or her whether or not the grandparent tries to become formally involved in the case as described below. If a grandparent learns that their grandchildren are in the custody of DHS, they can get notice of court proceedings involving their grandchildren and the right to talk at hearings by writing to the DHS office in the county where the case is going on and asking for those rights. A legal grandparent doesn't become a party to the juvenile court proceeding solely by asking for notice and an opportunity to be heard.

Be sure to keep a copy of the request. It is better to send the letter by certified mail with a return receipt rather than deliver it personally, so you can prove you asked for these rights if you need to.

A grandparent who wants to be considered as a permanent "placement" for the children may be able to intervene in the dependency proceedings. The grandparent must have a "caretaker relationship" with the children to intervene.

To prove a caretaker relationship, the grandparent has to show:

- ▶ The relationship was in place during the year before the case started, or for at least six months while the case was pending, or for half the child's life if the child is under six months old; and
- ▶ The grandparent provided daily for the love, nurturing, and other ne-

cessities required to meet the child’s psychological and physical needs.

The grandparent must describe their involvement in the child’s life, why intervention is in the best interests of the child, and why the people already participating in the dependency proceedings cannot adequately present a case on behalf of the child. The court does not have to agree to the intervention.

The court can allow a grandparent to become an intervenor: someone who can provide a temporary home for the child or be a resource in other ways. The intervenor can offer to care for the child permanently once a court allows the grandparent to intervene and places the children somewhere other than a parent’s home.

The state may ask the court to terminate the parental rights of one or both parents and ask the court to permit someone to adopt the children. The state also may ask the court to create a permanent guardianship. This kind of guardianship is different from the kind described in Parts 5b and 5c. When a juvenile court orders a permanent guardianship, the parents do not have the right to ask the court to terminate it.

It is important for grandparents concerned about the future of their family members’ children to get legal representation as early in the juvenile dependency proceedings as possible. Early involvement will help their chance of getting guardianship or visitation rights with the children later on.

Juvenile court proceedings involving children who are enrolled or eligible to be enrolled in a federally recognized Native American tribe have special requirements. The Indian Child Welfare Act requires the state to alert the tribe when the case is filed. The tribe has the right to intervene in support of the child’s extended family — including grandparents — on behalf of the children. (See Part 7 for more information.)

The short answer. *Grandparents have greater rights than other relatives in juvenile court cases. Early involvement still can be crucial.*

5f. Adoption

“My daughter says she wants me to take care of her children permanently, but she wants to keep in contact with them. And she doesn’t want to pay child support. Is this kind of arrangement possible?”

Adoption is a legal proceeding that substitutes someone new for a former parent or set of parents. The former parents no longer have any rights over the adopted child, nor any responsibility (not even the duty to provide financial support) for

the child. The person or persons who adopt take over all aspects of the parent relationship. Adoption makes it possible for a grandparent to become a child's legal parent.

Some parents who don't want to or can't support their children financially find adoption by a grandparent more appealing than granting custody or guardianship rights to that person. There is nothing in Oregon law that prohibits most former parents and their former children from continuing to have some contact if the adopting person agrees to it. The agreement to continue contact can be included in the court's judgment of adoption.

Putting the agreement into the judgment makes the agreement enforceable in court. Giving the former parent this right may not always be advisable. Some obvious examples include contact with former parents who have a history of sexually molesting or physically abusing children and have not benefited from treatment, or parents whose mental health problems or drug addictions make them dangerous to the children, etc.

Adoptions can be by agreement if both of the legal parents consent to it in writing, or contested if one or both of them are unwilling to end their rights over the child. A child who is aged 14 or older also must agree to the adoption.

The prospective grandparent in any type of adoption must pass a criminal background check done by the state, and in some cases must submit to a home study. (The results of the home study must accompany the court petition for adoption.)

A home study can be both expensive and time-consuming.

If the prospective parent is a grandparent, sibling, aunt, or uncle of the child, a court can waive the requirement of a home study if:

- ▶ The child has lived with the grandparent since birth for at least six months; or
- ▶ The child has lived with the grandparent continuously for at least one year immediately before the grandparent filed the petition for adoption.

A grandparent can adopt grandchildren over the parents' objections only when the state has started the process to terminate the parents' rights because of abuse, neglect or abandonment of the children. (See Part 5e about juvenile dependency proceedings.) However, there are some situations in which the law allows grandparents to go forward with an adoption without the consent of a parent. The case can go forward without consent when:

- ▶ A court has ruled the non-consenting parent is mentally ill or intellectually delayed and the parent is still in that condition at the time of the adoption case;
- ▶ The parent is in prison for a term of more than three years and has served at least three years of the term; or
- ▶ The court finds the non-consenting parent has willfully abandoned or

neglected the child without a good reason for a minimum of one year.

The parent who fits into one of these categories can ask for a hearing about the proposed adoption after being notified about the case. The court must still decide whether adoption is in the child’s best interest whether that parent asks for a hearing or not.

The court decision to approve an adoption relies to some extent on a placement report from DHS. (The requirement for the report can be waived if the child is aged 14 or older.) DHS recommends or discourages the proposed adoption based on how well it believes both the child and the adopting person can adjust to the adoption.

The state provides financial support to adoptive families in some situations. Continuing changes in the state’s ability to provide this kind of support mean a grandparent who is considering adoption of grandchildren should get up-to-date information directly from DHS.

Adoptive families who do not get this kind of assistance may qualify for other kinds of help if their income and resources are very low. See Part 8c and 8d for more information about health coverage, a health insurance subsidy, SNAP (Supplemental Nutrition Assistance Program) and monthly cash assistance.

The Indian Child Welfare Act applies to adoption cases if the child to be adopted is enrolled in or eligible to be enrolled in a federally recognized tribe. The tribe is a legal party and entitled to notice when the case is filed. The tribe has the right to look at solutions to keep the child connected to the tribe. See Part 7 for more information about the role of a tribe in these cases.

The short answer. *A relative can adopt a child with permission of the child’s parents after passing a criminal background check, and a home study if needed. There are a few circumstances when permission of the parents may not be required.*

Note: If you adopt a relative child, you may receive adoption assistance through Child Welfare to help pay for your child’s special needs. This program can help with financial support for legal and other fees related to the adoption for one-time, unexpected expenses. The child must meet specific criteria to be eligible (diagnosed with a disability, part of a large sibling group, part of a racial or ethnic community, eight years of age or older, etc.). A child can be eligible for adoption until age 18.

Contact your local DHS Child Welfare office www.oregon.gov/DHS/Offices/Pages/Child-Welfare.aspx

Part 6. Violence in the family

“My daughter recently left her husband, an extremely violent person. She is afraid of him — and so am I. What can I do to protect myself and the grandchildren when they are with me?”

You have no way to protect yourself from otherwise lawful contact if the parent who is violent has done nothing to you. You can talk to a domestic violence shelter advocate about some practical steps you can take to prevent a confrontation.

A grandparent who receives threats — or worse — from a parent of the grandchildren should always report the incident to the police. It is also important to create a logical safety plan if finding a safe place becomes urgent. Local domestic violence shelter organizations can be very helpful for this purpose.

A parent who has been the victim of violence by the other parent may be able to get a Family Abuse Prevention Act (FAPA) restraining order from the court. The FAPA order will designate which parent will be responsible for the children. You should have a copy of the responsible parent’s order and tell the police if the other parent violates the order with regard to contact or time with the children. A FAPA order requires the violent parent to stay away from the spouse or other adult family-member victim. A FAPA order can force the violent person to move out of the family home. He or she can be arrested for violating the order.

You cannot get a FAPA order unless you were living in the same place with the parent who was violent or were seriously threatened with violence. A person who is at least 65 years old, or who has a disability, is likely eligible for a similar kind of restraining order for elderly or disabled persons. Both FAPA and elder-abuse protection orders are available at no charge to people who meet the requirements of the protection laws. Forms are available at the offices of court clerks, online on the state court website and from domestic violence shelters.

You also may be eligible for a stalking protection order depending on the behavior of the violent parent. There is no age limit or family-relationship requirement for stalking orders. Stalking orders can require someone to stay away from you even if there has been no violence. You simply have to show the person’s repeated behavior toward you has been intentionally threatening and frightening (stalking). Examples of stalking behavior include keeping watch outside a person’s home or workplace, placing harassing or hang-up phone calls, following a person, sending frightening letters, etc. There is no cost to obtain this kind of order.

People who violate restraining or stalking orders can be arrested immediately and, in some instances, charged with a new crime. It’s a good idea to talk to a domestic violence advocate or an attorney about how to get a stalking order.

The short answer. *Using court-issued protection orders and common-sense safety plans can help avoid conflict or prevent further violence.*

Domestic violence resources:

Domestic violence resources are available 24 hours a day to help survivors of domestic violence, sexual assault, stalking and human trafficking. The National Domestic Violence Hotline connects callers to state resources throughout the country.

National Domestic Violence Hotline:

1-800-799-7233 / 1-800-787-3224

www.thehotline.org

Part 7. Tribal involvement in court cases that affect children

“The father of my grandchildren is an enrolled member of an Indian tribe. I plan to become the guardian of those children. Does the law require me to do anything different in court?”

A federal law called the Indian Child Welfare Act (ICWA) comes into play when a non-parent seeks the right in court to become a foster placement, a guardian, a legal custodian or the adoptive parent of a child with ties to a federally recognized Native American nation. This law does not apply to Native American nations that are not recognized by the federal government.

Congress passed this law as a part of changes to long-standing public policy that had broken up Native American families and clans. The policy sent children to distant schools where they were punished for using their own language, or allowed non-Native Americans to adopt Native American children without their families’ knowledge or permission.

ICWA gives a federally recognized tribe with which a child is connected the right to participate in any court case that determines who (other than a parent) will have custody and control over that child. The role of the tribe is to ensure the decision takes into account the child’s connection to the tribe and to family and clan members within the tribe who can protect the child’s relationship with their heritage and culture.

“When does ICWA apply to a case involving a child?”

ICWA normally does not apply to juvenile court when a Native American child has been charged with an offense, or to a divorce or custody case in which only the parents are involved.

The tribe determines whether a child is a member or eligible for membership, as that status is what gives the tribe the right to enter the case. Every tribe has its own rules about membership. Sometimes a child may be eligible for membership in more than one tribe and each of the tribes is entitled to notice.

There are nine federally recognized tribes in Oregon. Their names and contact information are listed in Part 10f.

If a grandparent in a foster care, guardianship, custody or adoption case believes a grandchild might be eligible for membership in a tribe — even if the grandparent doesn’t know which tribe that might be — the grandparent, or his or her lawyer, must give this information to the circuit court immediately. The parties

have a duty to get information about the child's status from the tribe. If the tribe does not have this information, the parties must seek it from the Bureau of Indian Affairs. A court decision can be invalidated in a case involving any Native American child that goes forward in state court without notice to the relevant tribe or tribes.

The short answer. *The court and the tribe must receive notice that ICWA may apply to a case that affects guardianship, foster placement, custody, or adoption.*

Part 8. Day-to-day issues for caretaker relatives

The legal issues that arise from the rights of parents are only one part of the questions grandparents and other relatives face when they take on responsibility for grandchildren. They may face problems with children’s schools, their health care and insurance, the impact of the cost of care on small retirement incomes, their landlords, and more. This part looks at some of these typical problems.

Oregon’s companion book to this one, *A Resource Guide for Grandparents and Other Relatives Raising Children in Oregon* (2020) has more information about day-to-day issues.

8a. School registration

“My grandchildren just moved in with me from another school district. How do I enroll them in school?”

Oregon law protects children living with non-parents by requiring school districts to allow children to attend school in the district where they reside.

School districts sometimes resist admitting some children, suspecting families give false addresses just to get their children into a better school.

Oregon Revised Statute 339.133 states, “Individuals between the ages of 4 and 18 shall be considered resident for school purposes in the school district in which their parents, guardian, or persons in parental relationship to them reside.”

Be prepared to show you are in a parent-child relationship when you go to the school to register your grandchild. This proof is easy if you have a court order showing the child is supposed to be living with you.

Otherwise, a temporary power of attorney for childcare signed by a parent and your records of how long the child has lived full-time with you, or information about the reason the child is living with you, should satisfy the school. The power of attorney form alone is not enough proof. You may find it necessary, if the parents do not cooperate, to show the school a relative caretaker affidavit. (See powers of attorney and this affidavit in Parts 3 and 5a.)

The records you use can include:

- ▶ Letters (including the envelopes) the child has received at your home;
- ▶ Receipts for bills you have paid for food, clothing, and health care;
- ▶ Notes from witnesses (such as your neighbor or your landlord, and the child’s parent or other relatives); and
- ▶ Utility bills and phone bills that have been higher because you have someone new in your home.

You may have a hard time proving the children live with you if they have just moved in. You may need to show school

personnel a copy of the wording of ORS 339.133. A lawyer may need to talk to the school in some cases. See the end of this book for help finding legal assistance.

8b. Problems at school

“My grandson moved in with me because his life at home was so unstable. Now he’s having problems at school.”

It’s not unusual for children who have been through hard times at home to suffer from depression, insecurity and anxiety. These feelings may result at school in problems concentrating, inappropriate anger or violent behavior, or severe withdrawal. In addition, some children have learning disorders that get worse when the children are under stress.

It’s important to meet and stay in touch with your grandchild’s teachers, who likely can spot behavior and mood problems early on. Most schools have student counselors who can often help students — and their grandparents — work through tough issues. School counselors cannot provide in-depth mental health counseling, but they can guide you to resources with that kind of service.

A child with a genuine learning disability may need help from a tutor or a strong advocate to persuade the school it needs to offer special services.

Sometimes these services take the form of an individual education plan (IEP) that the school must craft with help from the student’s family. Some schools are very helpful in this way; some resent having to spend additional money on students who need help. Most communities have parents’ groups that help families work for better services from their children’s schools. Children have a legal right to an education appropriate for them.

Your ability to work directly with the school depends on how much legal authority you have over a child. You may have to permit the child’s parents to make decisions if you do not have the authority you need. A temporary power of attorney for childcare, such as the power described in Part 3, should work.

The short answer. *Teachers and school counselors can be a resource for grandparents and children, especially if grandparents have authority to make decisions about the child’s education.*

Resource:

FACT Oregon (Family and Community Together)

Advocacy organization that assists children with special needs and their families in regard to special education

1-888-988-3228

<http://factoregon.org/>

8c. Medical costs and insurance

Even if you have permission from the parents to make medical decisions for your grandchild, you may not be able to force them to pay for medical or dental treatment. The money may come out of your own pocket, unless insurance coverage or help from the state is available.

Grandparents who have private insurance should check their policy (especially the definitions section of the policy) to see if it covers dependents. Very few insurance policies will cover any dependent living in the policyholder’s home. Others require the dependent to be a child of the policyholder or the child’s legal guardian. Ask your insurance agent for clarification if your policy seems unclear.

Make sure any good news from your agent is in writing, or you will not be able to enforce it later.

Your health insurance company may allow you to add the children to your policy. There likely will be an extra cost to add them. Under the Affordable Care Act, Oregon’s Healthcare.gov may allow you to make changes to your insurance plan to one that works better for you and your new household. You also may want to talk with a certified insurance agent about your questions.

Medicare and “Medigap” policies do not cover minor dependents under any circumstances. Medicaid, known in this state as the Oregon Health Plan (OHP), covers low-income children. OHP includes dental care, too.

Low-income grandparents and other relatives may themselves already be enrolled in OHP. They can easily enroll other low-income family members in OHP, too. You can get OHP so long as you can show your grandchildren are living with you and they have few financial resources of their own. You do not need to go through court or even get a parent’s power of attorney before you are able to get OHP coverage for the children. Children living with you may be eligible for OHP coverage through the Children’s Health Insurance Program even if you are not financially eligible yourself.

OHP does not cover every kind of illness, condition or treatment. Sometimes coverage is denied for certain care. You may be able to get an exception. If you receive a notice of denial, you should contact your Coordinated Care Organization or a legal aid office about getting an exception as soon as you can.

Below is contact information to find out more about insurance coverage through Healthcare.gov and OHP.

Resources:

www.Healthcare.gov

1-800-318-2596

Oregon Health Plan (OHP)

www.oregon.gov/OHA/healthplan/Pages/index.aspx

1-800-375-2863

8d. Affordable Care Act and tax credits

“I know that the Affordable Care Act allows families to get tax credits under some circumstances. Do grandparents qualify for the credit?”

Grandparents who claim children as tax dependents and who purchase health insurance for them from [Healthcare.gov](http://www.Healthcare.gov) may receive a tax credit in some situations. The lower the household’s income, the higher the credit can be. Other rules come into play, too, if the household qualifies for OHP. Grandparents should talk to a public benefits expert about their situation to be sure they get the credit they are entitled to. Legal aid programs are the best resource for answers to these questions.

8e. Financial help

“I was happy to be able to take in my teenage grandson when his parents were having problems. Now I have a problem — my food bill is four times higher than it was when I lived by myself! How can I afford to keep him?”

Many grandparents struggle with the increased financial burden of caring for their children. Fixed retirement pensions or Social Security payments are often not enough to meet all the needs of a growing child. In fact, one grandparent in five who takes over parenting duties ends up living in poverty. Oregon offers several kinds of assistance for low-income families — some of it short-term, some of it longer term. This help is good news for grandparents.

1. SNAP (Supplemental Nutrition Assistance Program), WIC and food banks

You may already be receiving SNAP benefits (a debit card used at grocery stores to buy food). You may be eligible to receive SNAP benefits if you are not getting them now. Many lower income people are unaware they may qualify for this important benefit (originally called food stamps).

SNAP benefits can be used only for food. SNAP benefits can free up your other limited cash for necessities that SNAP won’t cover such as aspirin, bandages,

shampoo, trash bags, soap, toothbrushes, laundry detergent, toilet paper, etc.

The average monthly amount of SNAP benefits per household is around \$250. How much your household might qualify for will depend on how many people are in the household and how much income they have. The law considers several things when it defines household. You and the child are considered in the same household if you are taking care of the child in your home, even if you are not the child's legal guardian or legal custodian. If the child's parent is living elsewhere and receiving SNAP benefits and claims the child is a member of his or her household, DHS may ask you to prove the child really is staying with you.

Your household should be eligible for SNAP benefits if your income and assets are small and the grandchild receives little or no income. If the child has little or no income but you have a moderate income, your household may qualify for only a small amount of assistance. Any level of SNAP eligibility may qualify the child to have free or reduced-cost lunches at school and other assistance. (See TANF below.)

The Women, Infants and Children program (WIC) offers food assistance and nutritional screening to children under the age of 5. Grandparents can apply for WIC. WIC has income guidelines but serves people with somewhat higher incomes than SNAP does.

In a food emergency, you can turn to a local food bank.

Resources:

SNAP Program

You can apply through your local DHS Self-Sufficiency office or DHS Aging and People with Disabilities office

www.oregon.gov/dhs/assistance/food-benefits/Pages/index.aspx

WIC Program

Call 211 (www.211.org) or go to

<http://public.health.oregon.gov/HealthyPeopleFamilies/wic/Pages/index.aspx>

Food banks

Call 211 or go to www.oregonfoodbank.org/Get-Help

2. Financial assistance for needy families

Another resource for very low-income households is Temporary Assistance for Needy Families (TANF). This benefit is cash paid monthly to the household for care of the children. Households that qualify for TANF are automatically eligible for OHP.

The grandparent's income and resources may be low enough that both the grandparent and the child will qualify for a small monthly TANF payment. The child may be able to qualify separately for a small payment even if the grandparent's income and assets are too high. The child also will qualify for OHP.

Relatives need to demonstrate they are related by blood or marriage to the child and that the child lives with them.

Resource:

Temporary Assistance for Needy Families

www.oregon.gov/DHS/ASSISTANCE/CASH/Pages/Apply-TANF.aspx

3. Social Security and SSI

If you become the guardian of a child after the death of the child’s parents, the child may be eligible for Social Security survivor’s benefits until age 18. The child may be eligible for these benefits if one of the parents is receiving Social Security disability payments even if the parents are living.

Federal law may terminate the disability payments of a parent who goes to jail or prison. The child, however, should continue to receive payments until age 18 (or 19 if the child is still in school but not college at age 18).

Contact the local Social Security Administration office as soon as possible if payments to the child are cut off. You may need help from a lawyer in this situation.

A grandparent who adopts a child will be glad to know that the adoption does not cause the child’s survivor’s benefits to end, even though adoption terminates all parental rights.

Some children who have severe disabilities — including serious learning disabilities — may be eligible for a federal program called Supplemental Security Income (SSI). This program provides Medicaid coverage and a small amount of monthly cash assistance. SSI is available only to people whose household income and assets are very low. Social Security regulations determine whose income is counted as being available to the child. A lawyer familiar with this program can be very helpful to you in determining whether the child’s disability might qualify for benefits and how much income your family can have and still qualify for the program.

Resource:

Social Security Administration

www.ssa.gov

4. Childcare subsidy

If you are caring for young children and work outside of the home, you may qualify for childcare subsidy through the Employment Related Day Care program. Ask DHS staff about this program.

www.oregon.gov/DHS/assistance/CHILD-CARE/pages/index.aspx

IMPORTANT

Public agency staff have to interpret and apply rules that are complex and frequently changing. These agencies must allow you to apply for benefits, in writing; don’t let a worker discourage you from applying. Any denial of benefits must be in writing, giving specific reasons for the denial.

If you believe you have been denied a benefit you think you qualify for, ask right away — in writing — for a hearing. There is no cost for a hearing. Then try to get an appointment with a legal aid program or other law office that deals with public benefits law as soon as possible.

After reviewing the rules related to your case, the lawyer should be able to tell you whether your appeal is likely to succeed. You may choose to withdraw your appeal if the chances are poor. There is no cost to do so.

5. Low-cost housing

Another possible resource is low-cost housing. Help with housing can happen in two ways: help with rental money (called “housing vouchers”) for a place owned by a private landlord, or housing designed for low-income families. Seniors must have fairly low incomes and resources for both of these kinds of programs, although not as low as the limits for TANF or SNAP. There may be a long wait for this kind of housing in some areas.

Contact your local housing authority (your county government will know the name of your agency), the Oregon Housing and Community Services, the

U.S. Department of Agriculture Rural Development program, or the U.S. Department of Housing and Urban Development (HUD) for information about low-cost housing opportunities.

Resources:

U.S. Department of Housing and Urban Development (HUD)

<http://portal.hud.gov/hudportal/HUD?src=/states/oregon>

211 (www.211.org)

Oregon Housing and Community Services

www.ohcs.oregon.gov

US Department of Agriculture

www.rd.usda.gov/or

6. Child support

Some grandparents may be able to get child support for the children from the parents. With few exceptions, persons who obtain legal guardianship or custody of children get a court order for such support. (You may not have to ask for support if you can show the court you reasonably believe one of the parents will try to harm you or the child if you try to get support.) Getting a court order for support means the state can garnish wages and seize tax refunds and some other kinds of income or resources, even if the parent does not want to pay. The parent may not have the money to pay even when the court orders payment.

Resource:

Oregon Child Support Program

www.oregonchildsupport.gov



7. Tax benefits

You generally can claim a child as a dependent for income tax purposes if you provide more than 50 percent of the financial support for a child. There are exceptions to this rule that depend on your legal relationship, so talk with an IRS representative or your attorney before claiming the child. If the child has lived with you for more than half of the year and you have earnings from work that are relatively low, you also may qualify for the Earned Income Tax Credit. You must file a return to claim the tax credit even if you do not have enough earnings to file a tax return. (See Part 8e about medical insurance and tax credits.)

Resource:

Internal Revenue Service tax credits and deductions

<https://www.irs.gov/credits-deductions-for-individuals>

8. Resources for college

College is expensive; and it is best to start planning early. Grandparents can set up college savings accounts, such as IRS 529 accounts, to help prepare for the cost. Qualifying Oregon children in lower-income homes can start saving in an “Individual Development Account” (IDA), as early as age 12. IDAs earn \$2 in donations for every \$1 deposited monthly into a college savings account. A local community action agency or other assistance agency should be able to give you more information about this program.

Students and their caretakers can learn more about student grants and loans from numerous websites, including the National Consumer Law Center (www.nclc.org).

Resources on paying for college, scholarships, grants and student loans:

www.oregonstudentaid.gov/default.aspx

www.nclc.org/issues/student-loans.html

www.oregon529network.com/

8f. Getting a break from childcare

If you are frazzled from the unexpected burdens that come with taking care of children, you also may be able to get some occasional help to substitute for you while you shop, get medical care or even take a much-needed nap.

The Family Caregiver Support Program (FCSP) provides services to family caregivers that include information, assistance, individual counseling, support groups, training, respite and supplemental services. Not all counties have all these services.

You are eligible for FCSP if you are “a grandparent or step-grandparent of a child, or a relative of a child by blood or marriage, and you are at least 55.” You must live with the child and be the primary caregiver of the child because the biological or adoptive parents are unable or unwilling to care for the child. You do not

have to have legal custody or guardianship over the child.

You can reach FCSP through the Aging and Disability Resource Connection (ADRC) or calling your local Area Agency on Aging (AAA). www.adrcoforegon.org

1-855-673-2372 or 1-855-ORE-ADRC

See [pages 54–58](#) for local AAA contact information

8g. Living in “seniors only” rental housing

“I want my grandchildren to live with me. But I live in seniors-only rental housing. Will I be evicted if they move in here?”

The answer to this question depends on what kind of seniors-only housing you live in. Your rights will depend in part on the terms of your rental agreement, state law, federal law and, in some cases, federal regulations.

All seniors-only housing has written rental agreements, so you have a place to start in answering this question.

Look at your rental agreement for a definition of the kind of seniors-only housing you live in. Is it for persons all of whom are older than 62? Or is it for households in which at least one person is older than 55?

Housing of the second kind may allow you to have your grandchildren live with you. Your rental needs to be large enough for your “new” family. The complex where you live also must have enough 55-and-over residents (80 percent or more) to make it possible for younger people to continue to move in. In a 55-and-over complex, you have the right to get a list of the ages of people in each unit from the management. A court may have to decide whether the policy of keeping your family together is more important than the policy of providing child-free housing for elders.

Your rental agreement will tell you whether the housing complex is owned and financed by a private landlord; owned by a private landlord but financed by federal or state government loans; run by a federal government agency, such as HUD (Department of Housing and Urban Development) and RD (Department of Agriculture’s Rural Development agency); funded or run by a state agency; or run by a local housing authority.

There are helpful laws and regulations for housing financed or owned by a government agency — even if it is operated by a private landlord. The laws and regulations depend on the kind of financing involved and the agency.

It is highly likely some of these laws and regulations apply to your situation if you live in housing that is “subsidized,” “below-market rent,” or the rent is based on the amount of your income and resources. Often in these kinds of housing, the definition of “family” or “household” is broad enough to cover an elder who is

caring for grandchildren. Unfortunately, the regulations differ from one type of housing to another, so no general answer fits all.

Get some specific legal information about your rights before you welcome your grandchildren into your rented home. You and your grandchildren may be lawfully evicted from affordable housing and have nowhere else to go if you don't seek legal advice first.

The short answer. *Get legal advice about your rights before inviting your grandchildren to live with you in seniors-only housing.*

8h. Housing discrimination against families

“But I don’t live in seniors-only housing! Why is my landlord telling me I can’t have my grandkids here?”

Oregon’s landlord-tenant law says in all but “senior housing,” landlords who limit the number of occupants per rental must avoid discriminating against children. The law specifically requires that landlords cannot limit occupancy to fewer than two people per bedroom of 70 square feet or larger.

The law takes into account the size of the total living space, because sometimes dining areas, studies, dens or other rooms can qualify as bedrooms if they have ready access to a fire exit.

Even if their rental agreements and the law allow for grandparents to bring their grandchildren into their homes, some landlords are unfamiliar with the rights of all families to have children in their homes. Your landlord may attempt to evict you in violation of the law because you now have children even though you are not violating any law. Get legal help if you receive a “no cause” or a “too many occupants” eviction notice, or if your landlord tries to increase your rent based on the number of people living in the unit. Also contact the Fair Housing Council of Oregon, which can sometimes help. See Part 10 for more information. Do not delay in getting assistance!

The short answer. *In all housing except some seniors-only places, it is illegal for landlords to discriminate against families with children. Get legal assistance as soon as you can if you believe you are experiencing discrimination.*

“My landlord says my grandchildren can’t even visit me in my home. Is that legal?”

Neither private nor public landlords can prohibit visitors to tenants on the basis of the visitor’s age. They can prohibit visits by certain visitors on the basis of the person’s past conduct at the complex, and sometimes because of their conduct in other places. This can apply to children, too. A landlord can bar visits from children who have a history of setting fires, sexually abusing other children, torturing pets, or deliberately damaging the landlord’s property.

A landlord who puts a blanket prohibition against child visitors is likely violating housing laws. The Fair Housing Council of Oregon can give you more information and ideas about what to do.

Public and subsidized landlords can put reasonable limits on how often a tenant can have a visitor and how long visitors can stay. A limit that says children can stay only for a few hours at a time is not reasonable.

Check your rental agreement for the terms at your complex. If the limits don’t seem reasonable to you, get some legal advice.

The short answer. *You have the right to have your grandchildren as company unless they have caused problems in the past where you live.*

Resource:

Fair Housing Council of Oregon

www.fhco.org

800-424-3247

8i. Other housing situations

“Are my rights different if I own my own home but rent space in a manufactured dwelling park? What if I live in a co-op or a condominium complex or a retirement center?”

The landlord of a mobile home park can make reasonable rules about occupancy, so long as the rules do not discriminate unlawfully against children.

There may be lawful restrictions against children in a seniors-only park, depending on the terms of the rental agreement and whether the park is for age 55-and-over households or is an exclusively 62-and-over complex.

Cooperative and condominium dwellers also may live in general-population or seniors-only housing. The rules in these places may put varying restrictions on

apartments and houses in the complex, but laws about discrimination apply to all kinds of housing, not just to rental housing. Read your contract and get legal advice if you have concerns about your right to have your grandchildren in your home. Retirement center services vary so much it is impossible to give a general answer to the question of whether grandchildren can live there with their relatives. The centers are subject to state law, however, and elders who want the law clearly to allow grandchildren to live with them can urge legislators to put some guarantees into the law for that purpose.

The short answer. *Conditions vary greatly among different kinds of housing. Specific legal advice about your situation is essential.*

8j. Traveling and moving

“I’m planning a trip to Ireland this summer. May I take my granddaughter along?”

Grandparents and other relatives who are legal guardians or custodians can obtain passports for minor children who do not already have passports. They will need to submit proof of their legal status (a court-certified copy of their court order should be enough) to the Department of Homeland Security, along with the other required information for passport applications.

At ports of departure and entry, relatives will likely need to show immigration officials that they have the parents’ permission to take the child outside the United States. A version of the temporary power of attorney form sample shown in Part 3c can be used for that purpose.

Grandparents who are not legal guardians or custodians will need to obtain the cooperation of the child’s parents (or custodial parent, if there is a court order of custody) to apply for a passport on behalf of the child.

Some foreign countries have treaties with the United States to help people with legal rights over a child get the child back if someone else takes the child out of the United States without proper authority or does not bring the child back when required to do so. Not every country has such a treaty.

Oregon law requires a parent who wants to take a child to one of the non-treaty countries to get permission from a court to do so; the parent may have to pay for a bond. The law does not mention the rights or duties of other caretaker relatives, however. Get legal advice to avoid problems if you are considering going with your grandchild to one of those countries.

All commercial airlines require government-issued identification for all passengers — including children — even if your travel plans don't take you out of the country. Make sure you have the necessary ID for the children.

It is a good idea to get both parents' written permission (or power of attorney) for any travel, especially extended travel or a move with grandchildren, so medical and other emergencies can be dealt with. Another good reason to get written permission is self-protection. If the parents get into a dispute with you or with each other over your right to have the children, you want to be able to show that you were acting in good faith.

Grandparents who have become legal guardians or custodians should check the court order to see if it contains any limitations on how far or where the children can travel or be moved. Consult an attorney about your rights, too, as the court order alone may not contain all of the information about how state law can affect your ability to take the children to a new home.

Parents or other relatives who have “parenting time” rights with the children will likely need to be notified of your plans to move so a new parenting time schedule can be established and approved by the court before you leave. (In a few cases, courts have even prohibited custodial parents from permanently leaving the state with their own children when the other parent objects.)

The short answer. Never take children away from their home area without documentation that you have the right to do so.

Part 9. Planning for the future

“If I die or become disabled, what will happen to the kids?”

One thing young parents rarely think about is their own health and mortality. These topics are never far from the minds of seniors. These issues have special significance for children being parented by relatives.

Community-based support makes it easier for seniors to stay independent and in their homes, and to continue caring for children. You can find out about such services through your local Aging and Disability Resource Connection (ADRC) or Area Agency on Aging. [\(See pages 54–58\)](#)

Caring for children in these circumstances can still be difficult without outside help. It may become impossible in some cases, depending on the ages and needs of the children.

What happens will depend to some extent on the legal relationship of the grandparent and the grandchildren. Grandparents who have adopted the children have the right to name a temporary or permanent guardian for them through formal court proceedings. You can even arrange for someone else to adopt them by going through court. Legal custody gives you the right to name a guardian for the children, although you must give notice of the filing of the case to the parents if their parental rights have not been terminated by a court.

You can use a form like the one in Part 3c to exercise a temporary power of attorney for children; you don’t have to use formal court proceedings. You cannot authorize someone else to have powers that you do not possess.

You can specify in a will whom you would like to act as guardian for the children at your death. If the children’s parents are no longer living or if you have adopted the children, your wish is likely to be followed by the court so long as the person you select is a reasonable choice. Parents who are alive can object to your choice and the court will have to decide.

A will can be important if you want the children to inherit from you. Your own children will automatically inherit in equal shares if you do not have a will and your spouse is no longer living. A will can allow you to set up a trust on behalf of the children so a responsible adult can supervise the use of their inheritance. You also can transfer some kinds of property automatically by establishing a “transfer on death” (TOD) account or deed. Your bank or credit union can help you set up the account, but you’ll need to talk with an attorney about real estate TODs. Talk to your broker about your options if you own stocks or bonds, then speak to a lawyer to make sure the solution the broker offers is a good one for your situation.

Caution: If you think you may be eligible someday for Medicaid long-term health care coverage, it is probably not a good idea to give your grandchildren now what

they stand to inherit later! Medicaid eligibility regulations are very strict; the law presumes you are giving away property only to become eligible for free care. See a lawyer about health care planning before taking this step.

One other resource some caretakers overlook is their life insurance policies. The policies can name the grandchildren as beneficiaries. Some grandparents who do not have such insurance may be able to obtain it, making it possible for the grandchildren to have at least some financial security in the future. It is also possible that certain retirement and investment plans have a death benefit. You can name the grandchildren or a trust for the grandchildren as the beneficiary of death benefits.

The short answer. *A range of options is available depending on your situation. It is a good idea to talk to a lawyer about planning for your future health care and your estate so the children can be taken care of.*

Part 10. Resources and services

10a. Legal resources

Aging and Disability Resource Connection (ADRC)/Area Agencies on Aging (AAA)

Free or low cost legal assistance for people aged 60 or older; limited funds available; services available are different in each AAA. [See pages 54–58](#) for AAA contact information, or call 1-855-673-2372 (1-855-ORE-ADRC) www.adrcforegon.org

American Bar Association Center on Children and the Law 202-662-1720 www.americanbar.org/groups/public_interest/child_law

Lawyer Referral and Information Service/Modest Means Panel

Oregon State Bar
(Reduced-fee initial consultations)
503-684-3763
800-452-7636 ext. 408
www.osbar.org/public/ris/#mm

10b. Legal service programs, by county

Some offices have free services for people aged 60 and older, no income limitations. All offer free services for very low-income people of all ages.

Baker

OLC Ontario Regional Office

541-889-3121
888-250-9877

Benton

LASO Albany Regional Office

541-926-8678
800-817-4605

Clackamas

LASO Portland Regional Office

503-224-4086
800-228-6958

Clatsop

LASO Hillsboro Regional Office

503-640-4115
877-296-4076

Columbia

OLC St. Helens

503-397-1628

Coos

OLC Coos Bay Regional Office

541-269-1226
800-303-3638

Crook

LASO Bend Regional Office

541-385-6950
800-678-6944

Curry

OLC Coos Bay Regional Office

541-269-1226
800-303-3638

Deschutes

LASO Bend Regional Office

541-385-6950
800-678-6944

Douglas

LASO Roseburg Regional Office

541-673-1181
888-668-9406

Gilliam

LASO Pendleton Regional Office

541-276-6685
800-843-1115

Grant

OLC Ontario Regional Office

541-889-3121
888-250-9877

Harney

OLC Ontario Regional Office

541-889-3121
888-250-9877

Hood River

LASO Portland Regional Office

503-224-4086
800-228-6958

Jackson

Center for Non-profit Legal Services

541-779-7291
541-779-7000 (persons over 60)

Jefferson

LASO Bend Regional Office

541-385-6950
800-678-6944

Josephine

OLC Grants Pass Regional Office

541-476-1058

Klamath

LASO Klamath and Lake Counties

541-273-0533
800-480-9160

Lake

LASO Klamath and Lake Counties

541-273-0533
800-480-9160

Lane

Lane County Legal Aid & Advocacy Center

541-485-1017
800-575-8330

Lincoln

LASO Lincoln County Regional Office

541-265-5305
800-222-3884

Linn

LASO Albany Regional Office

541-926-8678
800-817-4605

Malheur

OLC Ontario Regional Office

541-889-3121
888-250-9877

Marion

Marion-Polk Legal Aid, LASO Regional Office

503-581-5265
800-359-1845

Morrow

LASO Pendleton Regional Office

800-843-1115
541-276-6685

Multnomah

LASO Multnomah County Office

503-224-4086
800-228-6958

Polk

Marion-Polk Legal Aid, LASO Regional Office

503-581-5265
800-359-1845

Sherman

LASO Portland Regional Office

503-224-4086
800-228-6958

Tillamook

LASO Hillsboro Regional Office

503-640-4115
877-296-4076

Umatilla

LASO Pendleton Regional Office

541-276-6685
800-843-1115

Union

LASO Pendleton Regional Office

541-276-6685
800-843-1115

Wallowa

LASO Pendleton Regional Office

541-276-6685
800-843-1115

Native American Program, Legal Aid Services of Oregon

503-223-9483

Wasco

LASO Portland Regional Office

503-224-4086
800-228-6958

Washington

OLC Hillsboro Regional Office

503-640-4115
877-296-4076

Wheeler

LASO Pendleton Regional Office

541-276-6685
800-843-1115

Yamhill

OLC Hillsboro Regional Office

503-472-9561 (McMinnville satellite)
503-640-4115 (Hillsboro)



10c. Oregon County Circuit Courts

Baker541-523-6305
Benton541-766-6828
Clackamas503-655-8670
Clatsop503-325-8555
Columbia503-397-2327
Coos541-396-7500
Crook541-447-6541
Curry541-247-4511
Deschutes541-388-5300
Douglas.....541-957-2471
Gilliam541-384-3572
Grant.....541-575-1438
Harney541-573-5207
Hood River541-386-3535
Jackson541-475-7171 Ext. 120
Josephine.....541-476-2309
Klamath.....541-883-5503
Lake541-947-6051
Lane541-682-4020
Lincoln.....541-265-4236
Linn541-967-3845
Malheur541-437-5171
Marion503-588-5105
Morrow541-676-5264
Multnomah.....503-988-3957
Polk.....503-623-3154
Sherman.....541-565-3650
Tillamook503-842-2596

Umatilla
Pendleton 541-278-0341
Hermiston 541-667-3020
Union541-962-9500
Wallowa.....541-426-4991
Wasco541-506-2700
Washington.....503-846-8888
Wheeler541-763-2451
Yamhill.....503-434-7530

10d. Tribal Courts

Burns Paiute

541-573-2793

Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians

541-888-1306

Confederated Tribes of Grand Ronde

503-879-2303

Confederated Tribes of Siletz Indians

541-444-8228

Confederated Tribes of Umatilla Indian Reservation

541-276-2046

Confederated Tribes of Warm Springs

541-553-3278

Coquille Indian Tribe

541-756-0904, ext. 10220

Cow Creek Band of Umpqua Tribe of Indians

541-672-9405

Klamath Tribes Judiciary

541-783-3020



10e. Area Agencies on Aging offices by county

Baker

Community Connection of Northeast Oregon, Inc.

2810-1/2 Cedar Street
Baker City 97814

Phone: 541-523-6591
1-800-823-6501

Fax: 541-524-1221

www.ccno.org

Benton

Oregon Cascades West Council of Governments

1400 Queen Avenue S.E., Suite 206
Albany 97322

Phone: 541-967-8630
1-800-638-0510

Fax: 541-967-6423

www.ocwcog.org

Clackamas

Clackamas Area Agency on Aging

2051 Kaen Road, P.O. Box 2950
Oregon City 97045-0295

Phone: 503-655-8640

Fax: 503-650-5722

www.clackamas.us/socialservices/senior.html

Clatsop

NorthWest Senior and Disability Services

2002 Chokeberry Avenue
Warrenton 97146

Phone: 503-861-4200
1-800-442-8614

Fax: 503-861-0934

www.nwsds.org

Columbia

Area Agency on Aging Community Action Team

125 N. 17th Street
St. Helens 97051

Phone: 503-397-3511

Fax: 503-397-3290

www.cat-team.org

Coos

So. Coast Business Employment Corp.

93781 Newport Ln
Coos Bay 97420

Phone: 541-269-2013
1-800-858-5777

Fax: 541-267-0194

www.scbec.org/scbec-senior-services

Area Agencies on Aging offices, by county

Crook

Central Oregon Council on Aging

373 NE Greenwood Ave.
Bend 97701

Phone: 541-678-5483

Fax: 541-647-2689

www.councilonaging.org

Curry

So. Coast Business Employment Corp.

93781 Newport Ln
Coos Bay 97420

Phone: 541-269-2013
1-800-858-5777

Fax: 541-267-0194

www.scbec.org/scbec-senior-services

Deschutes

Central Oregon Council on Aging

373 NE Greenwood Ave
Bend 97701

Phone: 541-678-5483

Fax: 541-647-2689

www.councilonaging.org

Douglas

Douglas County Senior Services

1036 SE Douglas Ave, Rm. 221
Roseburg 97470

Phone: 541-440-3580
1-800-234-0985

Fax: 541-440-3599

www.co.douglas.or.us/ss/default.asp

Gilliam

Gilliam County Senior Services

221 S Oregon St
Condon 97823

Phone: 541-384-2114

Fax: 541-384-3304

www.co.gilliam.or.us/residents/index.php

Grant

Community Connection of Northeast Oregon

1504 Albany Street
LaGrande 97850

Phone: 541-963-7532

Fax: 541-963-5932

www.ccno.org

Harney

Senior and Community Services Center

17 S. Alder Street
Burns 97720

Phone: 541-573-6024

Fax: 541-573-6025

www.co.harney.or.us/index.php/senior-community-center-services

Hood River

Seniors and People with Disabilities

3641 Klindt Dr.
The Dalles 97058

Phone: 541-298-4114

www.ADRCofofOregon.org

Area Agencies on Aging offices, by county

Jackson

Rogue Valley Council of Government

155 N. First Street
Central Point 97502

Phone: 541-664-6674

Fax: 541-664-7927

www.rvcog.org

Jefferson

Central Oregon Council on Aging

1135 S.W. Highland Avenue
Redmond 97756

Phone: 541-548-8817

Fax: 541-548-2893

www.councilonaging.org

Josephine

Rogue Valley Council of Governments

155 N. First Street
Central Point 97502

Phone: 541-664-6674

Fax: 541-664-7927

www.rvcog.org

Klamath

Klamath & Lake Counties Council on Aging

404 Main Street, Ste. 6
Klamath Falls 97601

Phone: 541-205-5400

www.klamathlakeareaonaging.org/

Lake

Klamath Basin Senior Citizens Council

404 Main Street, Ste. 6
Klamath Falls 97601

Phone: 541-205-5400

www.klamathlakeareaonaging.org/

Lane

Lane Council of Governments

1015 Willamette Street
Eugene 97401-3178

Phone: 541-682-4038

1-800-441-4038

Fax: 541-682-2461

www.sdslane.org

Lincoln

Oregon Cascades West Council of Governments (OCWCOG)

203 N. Main Street
Toledo 97391

Phone: 541-336-2289

1-800-282-6194

Fax: 541-336-1510

www.ocwcog.org

Linn

Oregon Cascades West Council of Governments (OCWCOG)

1400 Queen Avenue S.E., Suite 206
Albany 97322

Phone: 541-967-8630

1-800-638-0510

Fax: 541-967-6423

www.ocwcog.org

Area Agencies on Aging offices, by county

Malheur

Malheur Council on Aging and Community Services

842 S.E. First Avenue
Ontario 97914

Phone: 541-889-7651

Fax: 541-889-7433

www.mcoacs.org/

Marion

NorthWest Senior and Disability Services (NWSDS)

3410 Cherry Avenue N.E.
Salem 97309

Phone: 503-304-3400
1-800-469-8772

Fax: 503-304-3421

www.nwsds.org

Morrow

Community Action Program East Central Oregon

721 S.E. Third Street, Suite D
Pendleton 97801

Phone: 541-276-1926
1-800-752-1139

Fax: 541-276-7541

www.capeco-works.org/senior.htm

Multnomah

Multnomah County Aging and Disability Services (ADS)

Phone: 211 Toll-free

Fax: 503-988-6945

www.multco.us/ads

Polk

NorthWest Senior and Disability Services

260 N.E. Kings Valley Highway
Dallas 97338

Phone: 503-831-0581
1-800-582-7458

Fax: 503-606-7601

www.nwsds.org

Sherman

Sherman County Senior & Community Center

300 Dewey St
Moro 97039

Phone: 541-565-3191

www.co.sherman.or.us/departments/senior-center/

Tillamook

NorthWest Senior and Disability Services (NWSDS)

5010 E. Third Street
Tillamook 97141

Phone: 503-842-2770
1-800-584-9712

Fax: 503-842-6290

www.nwsds.org

Umatilla

Community Action Program East Central Oregon

721 S.E. Third Street, Suite D
Pendleton 97801

Phone: 541-276-1926
1-800-752-1139

Fax: 541-276-7541

www.capeco-works.org/senior.htm

Area Agencies on Aging offices, by county

Union

Community Connection of Northeast Oregon

1504 N Albany St.
La Grande 97850

Phone: 541-963-7532
1-800-331-7532

Fax: 541-963-5932

www.ccno.org

Wallowa

Community Connection of Northeast Oregon

702 N.W. First Street
Enterprise 97850

Phone: 541-426-3840
1-800-772-3840

Fax: 541-426-6260

www.ccno.org

Wasco

Mid-Columbia Senior Center

1112 W 9th Ave
The Dalles 97058

Phone: 541-296-4788

www.midcolumbiaseniorcenter.com/p/contact-us.html

Washington

Washington County Disability, Aging & Veteran Services

133 S.E. Second Avenue
Hillsboro 97123

Phone: 503-846-3060

Fax: 503-846-3065

www.co.washington.or.us/HHS/DAVS/

Wheeler

Wheeler County Family Services

712 SE 3rd Suite D
Pendleton 97801

Phone: 541-276-1926

Fax: 541-276-7541

www.wheelercountyoregon.com/family-services

Yamhill

NorthWest Senior and Disability Services

300 S.W. Hill Road
McMinnville 97128

Phone: 503-472-9441
1-866-333-7218

Fax: 503-472-4724

www.nwsds.org



10f. Oregon Department of Human Services Self-Sufficiency:

****Please call or visit the website to learn more about your local Self-Sufficiency office**

State Office

Department of Human Services

500 Summer Street N.E.
Salem 97301

Phone: 503-945-5944

Fax: 503-378-2897

TTY: 503-945-6214

www.oregon.gov/DHS/offices/pages/self-sufficiency.aspx

10g. Oregon Department of Human Services Child Welfare Offices

****Please call or visit the website to learn more about your local Child Welfare office**

State Office

Department of Human Services

500 Summer Street NE Salem, OR 97301

caf.info@state.or.us

www.oregon.gov/dhs/children/pages/localoffices.aspx

10h. Organizations and services

AARP — Oregon state office

866-554-5630

<http://www.aarp.org/>

Administration on Community Living/ Administration on Aging

202-401-4634

www.ACL.gov

Brookdale Foundation

201-836-4602

www.brookdalefoundation.org

Child Welfare Information Gateway

800-394-3366

www.childwelfare.gov

Child Welfare League of America

202-688-4200

www.cwla.org

Children’s Defense Fund

202-628-8787 or 800-233-1200

www.childrensdefense.org

Dougy Center

Provides support to children and families who are grieving a death.

1-866-775-5683

www.dougy.org

Generations United

202-289-3979

www.gu.org

National Council on Aging

“Benefits Checkup” (Federal benefits that may be available to caregivers)

www.benefitscheckup.org

National Kinship Alliance for Children

www.kinshipalliance.org

Oregon Post Adoption Resource Center

Provides support and information to Oregon families who have adopted through any state foster care system and to Oregon assisted guardianship families. Great resource for relative parents who may be in need of a support group.

503-241-0799

www.orparc.org

Pathfinders of Oregon

Provides supportive services and education to adults in Oregon prison system and their families.

503-892-5396

www.pathfindersoforegon.com

211 (formerly Oregon SAFENET-211 info)

Provides information on housing, food and energy assistance.

211

www.211.org



Part 11. Glossary

Actual custody — A person has physical custody of a child if the child lives with the person and the person takes care of the child. Actual custody does not have any legal rights attached to it. See legal custody and physical custody.

Adoption — a legal process that substitutes someone new for a former parent or set of parents.

Affidavit of relative caretaker — a document grandparents can use for authority to get medical or educational services for a child living with them, when parents do not consent.

Affordable Care Act — health insurance program available for many families who lack insurance at work or Medicaid.

Certified mail — a way to send mail that provides proof the mail was received.

Child support — the duty of parents to provide financial support for their children. Also, an order by a court for one or both parents to pay a regular amount to the person who has physical custody of their child.

Childcare subsidy — financial help from DHS for payment to day care providers.

Children’s Health Insurance Program — Low-cost insurance option to cover children in families that earn too much to qualify for OHP.

Circuit court — the trial court in Oregon.

Court mediator — a trained worker in family courts who helps people create their own solutions to their problems instead of relying on a judge to decide for them.

Custodial parent — the parent who, as the result of a court decision, has the right to make decisions affecting a child’s interest and the primary responsibility for taking care of the child.

Custody — the responsibility for someone’s care. See actual custody, legal custody, and physical custody.

Defendant — also known as a respondent; the person against whom someone starts a case in court.

Department of Human Services (DHS) — an Oregon government agency responsible for several programs to assist low-income Oregonians, such as the Oregon Health Plan, SNAP, TANF (financial help for families), child protection, child adoption and other services.

Dependency proceedings — action taken by juvenile court to protect children from neglect or abuse by their parents and other family members.

Domestic violence shelter — in many Oregon communities, an organization that provides temporary safe space to victims of family violence. These organizations generally also provide counseling, safety planning and other services to families escaping abuse.

Family Abuse Prevention Act (FAPA)

— an Oregon law that makes it possible for adult victims of violence within the family to get court orders restraining the abuser from further violence. The law provides for arrest if the abuser violates the order. The court can name the victim, at least temporarily, as the custodial parent of children, and can force the abuser out of the family home.

Family Court — a part of the state circuit courts that deals with legal problems among family members over divorce, child custody, guardianship, paternity, and violence in the family.

Full legal custody — see legal custody.

Garnish — to take a portion of a person’s wage or self-employment income to collect on a debt.

Guardian — a person who gets the legal right from a court to control and care for another person, such as a minor child.

Guardianship — a court-ordered legal right of one person to make decisions for another person, including decisions about the person’s physical, medical, and educational needs.

[Healthcare.gov](https://www.healthcare.gov) — Health insurance exchange for individuals and families who do not have health insurance through their place of work or qualify for Medicaid.

Home study — an evaluation by a trained worker to see whether a proposed living situation will be suitable for the people who would be living together after an adoption.

Household — a person or group of people with a certain relationship who live in one home together. Many government programs that provide assistance to needy families base the help on the number and income of the people in a household. A household does not necessarily mean everyone who lives in a place together; the relationship of the people is what determines who makes up the household. The definition is different for different programs.

Indian Child Welfare Act (ICWA) — A federal law that requires parties to give formal notice to the tribe in cases involving Native American children or children eligible for membership in a tribe.

Intervene — see intervenor.

Intervenor — a person permitted by the court to make a claim in a case when the person is not the plaintiff or defendant in the case.

Juvenile court — a special court that deals with offenses against children by family members, and with offenses by children against persons and property.

Legal custody — the right, given by court order, to make decisions in a child’s interest.

Mediation service — a service offered by most family courts in which a trained worker helps families work out agreements to solve their own problems instead of relying on a decision by a judge.

Medicaid — a government-sponsored program to provide health-care coverage to low-income persons. In Oregon, it is called the Oregon Health Plan.

Oregon Health Plan (OHP) — Oregon’s Medicaid program to provide health-care coverage for low-income Oregonians.

Parenting time — the periods of time when, according to a court order, a parent has the authority to take care of the parent’s children.

Paternity — fatherhood. As a legal term, it is one of several legal processes (including a court decision), that declares a man to be a child’s legal father.

Petition — the first papers filed in a court to start a court case.

Physical custody — the responsibility for taking care of a child.

Plaintiff — also known as a petitioner, the person who starts a case in court.

Power of attorney — a document that gives another person the legal authority to act on your behalf.

Protective custody — the temporary removal of children from their home by the state for their own protection; generally used only in emergency situations.

Respite — planned or emergency short-term relief to caregivers from the demands of ongoing care for an individual with special needs or at risk of abuse or neglect.

Safety plan — a set of ideas and actions a person can take if it becomes necessary to escape from an abusive situation.

Separate household — see household.

SNAP (formerly food stamps) — Supplemental Nutrition Assistance Program, a program administered by DHS that provides food benefits to eligible families.

Stalking — threatening conduct by another, even if there has been no actual violence.

Stalking protection order — a court order to restrain a stalker from further contact; violation results in arrest.

Surrogate — a woman who carries the fetus of another and gives birth to the other’s child on behalf of that person.

Temporary Assistance for Needy Families (TANF) — temporary financial assistance for needy families or caretaker grandparents. This program is administered by DHS and can include a small amount of cash monthly.

Temporary power of attorney for childcare — a document, valid for up to six months (longer for parents on active military duty), that allows another person to care for your children and gives the person the authority to deal with the children’s medical and other issues.

Transfer on death (TOD) — a way of designating beneficiaries to take over property, such as assets and real estate, at the original owner’s death.

Trust — funds or other property set aside for use over time on behalf of a person. A trustee handles the funds and distributes them according to the instructions of the person who created the trust.

Unfit — a child’s parent (or other legal guardian) is unfit if a court determines the person is permanently unwilling or unable to act in the child’s best interest. A court can terminate the parent-child relationship without the parent’s consent only if it is convinced the parent is unfit.

Visitation — a legal right, given by a court order, for a parent or other person to spend certain periods of time with the children. In Oregon, this right is called parenting time when it refers to time spent by a parent with his or her children.

This document can be provided upon request in alternate formats for individuals with disabilities or in a language other than English for people with limited English skills. To request this form in another format or language, contact info@oregonkinshipnavigator.org or call 833-201-5557.

