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Attaining permanence : securing legal aid for relative caregivers

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Attaining Permanence: Securing Legal Aid for Relative Caregivers

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Abstract: This Capstone Project addresses the relative caregiver population of Kinship Center's *Family Ties* Program. The problem is the lack of access to legal permanence for relative families. The Capstone Project was to collaborate with private attorneys from Monterey County and Santa Cruz County to provide pro-bono services to Kinship Center Family Ties clients who could attain legal services.

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Executive Summary

Kinship Center has provided support for families with the security of having permanency whether it being a relative, adoptive or foster family. Kinship Center and Family Ties program began their partnership in 2002 and began focusing their sights on serving families residing Monterey County who are caring for relative or “near-kin” children. Kinship Center’s Family Ties values the need of permanency for relative children and their families. These children like anyone else’s deserve a chance for permanency and opportunity to evolve into strong human beings.

This Capstone Project addresses relative caregivers’ inability to access legal services. Kinship Center Family Ties caregivers range from grandparents, aunts, uncles, siblings to family friends who are in need of legal permanency of the child(ren) they are taking care of. In the past two years, according to the Family Ties program’s record keeping, case managers refer 25 to 30 families to the contracted agency, California Rural Legal Assistance to help with legal assistance. Unfortunately, 10 to 12 families do not get access to this legal agency due to income level being too high.

Family Ties provides referrals to California Rural Legal Assistance and Legal Services for Seniors which can help relative caregivers to obtain legal guardianship. The biggest need of Kinship Center’s Family Ties relative caregivers is legal guardianship. And when Family Ties clients are beginning being part of the program do not have legal guardianship established. This capstone project will allow families who did not qualify for legal services through

California Rural Legal Services due to being over income and Legal Services for Seniors due to the relative caregiver being 60 years old or over.

Kinship Center's Family Ties Program

The mission of Kinship Center is the following: "Recognizing that stable families are core to a thriving society, Kinship Center will be a mission-driven organization, filling the gap that government cannot by connecting children to permanent families and sustaining them through support, guidance, encouragement, and a broad spectrum of vital services", (Kinship Center). The *Family Ties* program focuses on the caregivers who are caring for relative children to, "Increase the chances for children's success by building the capacity of kin caregivers to meet their health, financial, social, emotional, and child rearing challenges", (Kinship Center).

The mission of both Kinship Center and the Family Ties program allows the program to support and provide services to all the relative families that are in need. Kinship Center's beginnings began on with Carol Bishop and Carol Biddle belief that every child needs to have permanency. Kinship Center's Family Ties serves Monterey County relative and near-kin families.

Kinship Center's Family *Ties* program provides many services and support to their clients such as support groups, case management, referrals to therapy and legal assistance, recreational program for all ages, food, clothing, advocacy and lastly, parent education. Kinship Center's Family Ties offices are located in three locations with Monterey County: Salinas, Seaside (Fort Ord) and lastly, Greenfield, which is located in South County.

Description of Problem

The obstacle that Family Ties' relative caregivers face is the lack of accessing legal agencies for legal guardianship assistance. The majority of Family Ties clients are referred from the County Department of Social and Employment Services and by word of mouth from community members.

Once a relative family is part of the Family Ties program and the case manager has assessed the family and found that legal assistance is a need, the case manager will then refer the relative family to either California Rural Legal Assistance or Legal Services for Seniors depending on the relative caregivers' age. If the caregivers' age is 59 years old and younger, then the referral would be forwarded to California Rural Legal Assistance. However, if the caregiver is 60 years old or older, then the referral would be forwarded to Legal Services for Seniors. Fortunately, if the caregiver is 60 years old and older, Legal Services for Seniors do not have an income base and are helped with their legal matters. But, relative caregivers being referred to California Rural Legal Assistance are subject to be denied to being over income.

According to the statistics that I have obtained from the legal secretary from California Rural Legal Services regarding the legal guardianship referrals to California from Family Ties case managers. The date ranges from the statistics are from July 2005 to July 2006 & August 2006 to July 2007. According to the legal secretary, Family Ties case managers has referred an average of 28 families and about 12 families were rejected due to being "over-income" for their legal services. These 12 families cannot afford spending thousands of money to

hire a private attorney and do not have sufficient legal knowledge to file the legal guardianship petition themselves. Family Ties relative families not being helped with legal assistance becomes an issue due to the fact that the children are not establishing their permanency and do not have security of their relative caregivers making the decisions while in their care.

Background of Problem

Legal guardianship is a court order that says someone who is not the child's parent is in charge of taking care of the child. Legal guardians have a lot of the same rights and responsibilities as parents. They can decide where the child lives and goes to school, and they can make decisions about the child's health care. There are more responsibilities and rights that legal guardianship are healthcare, education, social services, financial support, marriage and child misconduct. "Thousands of children in California need legal guardians because their parents have died, abandoned them or are otherwise unable to care for them" (The Guardianship). About fifty percent of the relative children involved in the Family Ties program are children that have one or both birth parents are incarcerated.

Due to the long absences of the birth parents and/or involvement in the child(ren) life, there will be need for permanency in their life. Attaining legal guardianship involves time and effort on the part of the relative family and is not always guaranteed depending on the circumstances. The result of not attaining the legal guardianship is the child(ren) not having that permanency and fearing

that the one chance they will enter birth parents unstableness, if birth parents have not stabilized.

“The majority of adults who assume the care of their relative children are grandparents, most who have not planned to begin parenting all over again at this time of their lives” (Kinship Center, *Family Ties* program). The majority of the populations who are impacted throughout Monterey County are caregivers who are grandparents, some aunts, uncles, cousins, siblings, near kin, yet the majority of whom are single grandmothers who are caring for one or more of their grandchildren. Besides the caregivers, the children who are born to teen parents are greatly impacted by life changing experiences, with multiple new homes, possibly schools, and lifestyles, (Kinship Center Family Ties program). Even though at this time, Family Ties does have a legal agency that can help the grandparents, the focus of this capstone project is to make the sense of relief happen for all of relative caregivers.

Description of Capstone Project

My capstone project is to have relative families have access to obtain legal guardianship at no or nominal additional costs. Kinship Center Family Ties and I would be asking practicing Monterey and Santa Cruz county attorneys to provide pro-bono services to one relative family. This project would be beneficial for the attorney as well because the attorneys would be connected to the community in ways that they had never been before.

One of the first things I did was research the list of Monterey and Santa Cruz County attorneys that were practicing law. How I researched this listing

was using the California Bar Association website and on their website it states their names, what type of law they practice, if there are practicing and contact information. I made four lists in regards to my research. The first two lists would be attorneys that specialize in Family Law, one list would be Family Law attorneys that had emails and the second list would be Family Law attorneys that have mailing addresses. My next two lists would be attorneys that do not state any specialization; one list would be email addresses and the second list would be the attorneys that had mailing addresses.

Once the lists were established, I began sending a mass email to the attorneys that had emails. I sent 200 emails and eleven emails came back as “undeliverable”. “Undeliverable” would mean that the emails provided have either changed or been deleted. However, as of May 15th, 2008, I have received three emails back from attorneys that are willing to help with this capstone project. Each of the attorneys, that happen to be from Monterey County are interested in doing pro-bono services for multiple families.

Now that Kinship Center’s Family Ties program has three interested attorneys; the next step would be to be designing the Memorandum of Understanding. The Memorandum of Understanding would be the written contract that would be between Kinship Center’s Family Ties and the attorneys that are interested in providing the pro-bono services.

Once my mentor and Kinship Center Headquarters approve the Memorandum of Understanding, I will be contacting interested to schedule face-to-face meetings to introduce Kinship Center’s Family Ties program to the

attorneys. Also, my mentor, Charles Chambers also suggested that in the face to face meetings that brochures and PowerPoint presentation should be done.

The benefits of this capstone project is the permanency that child(ren) would have. It would also accommodate the relative families that did not financially qualify through our contracted services and motivate clients to continue through the legal process. And lastly the major benefit would be the child(ren) would feel they belong into the family unit.

Methods

- **Analysis:** I reviewed the statistics that I obtained from California Rural Legal Assistance from July 2005 to June 2006 and July 2006 to June 2007 of which families had denied from being over income from Seaside, Greenfield and Salinas office. This analysis allowed me to understand the severity of these families' need of legal guardianship.
- **Collaboration:** I collaborated with the California Rural Legal Assistance for the information that would be my basis for the need of legal guardianship. Also I collaborated with the private attorneys to go begin the process of trying to have the child being the permanency process in their life.

Major Learning Outcomes

One of the major learning outcomes I completed was the collaboration. The collaboration between California Rural Legal Assistance, private attorneys and lastly, was with my mentor. I have a strong support of the Family Ties staff

and my mentor was able to direct and help me with the collaboration with California Rural Legal Assistance and the private attorneys.

The second major learning outcome fulfilled was Cross Cultural Competency. The reason I fulfilled this major learning outcome was working with the legal community and the relative caregiver community. Even though, I have been intern with Family Ties for over a year, I still feel like I learned so much about this community especially about the financial worries that a relative caregiver has when a child or children's permanency is at stake. The last major learning outcome that my capstone fulfilled was the knowledge of health and human services. The knowledge of health and human services has allowed me to know the diverse issues and needs of a relative caregiver and relative children. The understanding of the basic social problems within the relative community allows me as person to know how I as a helping professional can help this community.

CSUMB Vision Statement

- Diverse families in tri-county area
- Teaching of mutual respect and pursuit of excellence in the interest of relative families
- Integrate working with learning

These three bullets are what I am fulfilling when speaking about the California State University, Monterey Bay Vision Statement. When beginning this project, I wanted to help all races, all family dynamics and income standing within the Family Ties program. I completed the first bullet by just beginning this

project. The second bullet of teaching of mutual respect and pursuit of excellence is what I would like the capstone project to help the families that are soon going to participate in this capstone project. No matter what the circumstance may, I believe there would be teaching of mutual respect. And the last bullet would be integrating working with learning. Integrating working with learning is the collaboration of me, Kinship Center's Family Ties and the private attorneys that can help our capstone to be a learning process for everyone involved. Community involvement can always influence others to do the right thing and to give back to the community.

Conclusion

My capstone project will provide benefits Kinship Center's Family Ties, the relative caregivers and private attorneys in the following ways:

- Collaboration with community partners that do not ordinary participates in this matter.
- Gives caregiver authority to care and advocate for the child in their care
- Caregivers are no longer afraid that the child will be taken from the home by biological parents.
- Enhance attorney's position in the community as being one giving back into the community.
- Family Ties would be fulfilling their commitment through this collaboration
- Child would feel as though they "belong" and are accepted into the family unit.
- It keeps the child connected to their family

As I began this project, I was overjoyed to envision that families are step closer to achieving permanency for their child(ren). I learned many essential skills. One of these skills is the importance of Community Involvement and the legal community. Without the involvement of the clients and the private attorneys, this capstone and the needs of the families could not be fulfilled. The hard work that involves with this project has definitely helped me understand the importance of how our capstone can really benefit the community. The only recommendation I have for Kinship Center's Family Ties program is to make this an annual effort. It does not have to be implemented how I did it but, the idea of reaching out to the community is part of the capstone. It makes me happy to imagine that there are more children that can benefit this capstone project in the future. It makes me feel as though I have done a great job and can feel that I have really enhanced Kinship Center's Family Ties mission.

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