

Oregon's legal guide for grandparents and other older relatives raising children

2016



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 his or her 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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Note: The material in this guide was up-to-date as of January 2016 and applies only to relatives of children living in Oregon.

The law can change at any time as a result of the actions of courts and the Legislature. This guide contains general information only. It does not take the place of legal advice for the facts in your situation.

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, the problem of getting access to grandchildren when a parent does not encourage or support contact, and situations where grandparents must temporarily or permanently take over the job of parenting their grandchildren.

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 will appear in boldface type. Those words 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 and other relatives 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 and other relatives 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 2009, almost three million grandparents were parenting their grandchildren. Sixty-two percent of those grandparents were female, many of them single and parenting alone. Those numbers have held steady. More than 51,000 children in Oregon are living with grandparents or other relatives.

Relatives 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. All of these changes are reflected in the law.

This guide aims to help non-parent families, especially elders, know about some of the legal problems they might run into, some possible solutions to those problems, and describe various legal options to consider as they forge relationships with their grandchildren.

A companion guide, *A Resource Guide for Grandparents and Other Relatives Raising Children in Oregon* (2015), 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 natural 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 natural 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 wife 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 the child of another 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 a father’s parental rights, making him no longer the legal father of a child or the father can give up his parental rights by agreeing to allow someone else to adopt his child.

A stepparent who has not adopted his or her spouse’s children does not have parental rights. Under Oregon law, he or she has 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 relative 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 parental 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.

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 and until 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 specific legal advice 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 the relatives 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, one 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. He doesn't have the right to expose them to danger, which he would do by driving with the children when he is under the influence of intoxicants.

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, so long as you agree to that person’s sharing the power with you.

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. 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. You can exercise all of the parental rights the parent has unless the parent puts limits in the power of attorney about what you can do. An exception to this is 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 the 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.

The parent who is giving power over more than one child to one relative can list all the children on one form. The grandparent 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 end (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 statement should give the date the power is revoked. (The date of revocation can be no earlier than the date the parent notifies the grandparent 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 father who is not the children’s “legal” father 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 grandparent who receives the power of attorney for childcare, even if the power is renewed for several six month periods, has no legally enforceable right to **child support** from either of the parents. 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 gives the grandparent 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

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 _____, 201____. (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 _____, 201____.

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 _____, 201____.

Notary Public for Oregon. My commission expires: _____

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 service. 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.”

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 grandchild 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:

1. 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.
2. 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.
3. 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.
4. 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 still won’t consent or 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 _____, 201__.

_____ 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 him or her.
- 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 does 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 relatives 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.

Relatives 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?
- Would spending time with you interfere unreasonably with the child's time with the custodial parent?
- Has the parent encouraged or 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 the grandparent 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, 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 his or her 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?
- Is or was the grandparent recently the primary caregiver for the child?
- Would it be harmful for the child if the grandparent or other relative were not made the guardian of the child?
- Has the legal parent encouraged or unreasonably denied or limited contact between the child and the grandparent?

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 him or her.

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 or other relative 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 relative 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 relative's household, such as through the establishment of legal custody, if the relative's income is low. The child may be able to get benefits through the Affordable Care Act program in Oregon, 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 situations. DHS will try to place the children with other relatives who are fit and willing if it is decided they cannot be safe in their own home. The court must look at:

- The ability and willingness of the relative to cooperate with authorities in restricting contact with the parents or others considered to be unsafe for the child;
- The ability and willingness of the relative to prevent anyone from trying to influence the child regarding the facts of the case;
- The ability of the person to take care of the child's physical, emotional and educational needs; and
- Which relative has the closest relationship with the child.

The court keeps the case open after the placement is made while state caseworkers 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 asking for those rights. A legal grandparent is not a party to the juvenile court proceeding solely because of 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 or other relative who wants to be considered as a permanent “placement” for the children may be able to **intervene** in the dependency proceedings. The person must have a “caretaker relationship” with the children to intervene.

A caretaker relationship between grandparent and grandchildren:

- 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 person provided daily for the love, nurturing, and other necessities required to meet the child’s psychological and physical needs.

The grandparent must describe his or her involvement in the child’s life, why intervention is in the best interests of the child, and why the parents 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 relative 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 person 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 grandchildren 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 grandmother to become a child's legal mother.

Some parents who don't want to or can't support their children financially find adoption by a grandparent or other relative 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. A court can include the parties' agreement in its judgment of adoption.

Putting the written 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, 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 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.

The relative can ask the court to waive the requirement of a home study if:

- The relative is a grandparent, sibling, aunt or uncle of the child; and
- The child has lived with the relative since birth for at least six months or has lived with the relative continuously for at least one year immediately before the relative 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 relatives 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 grandparent can adopt a grandchild with permission of the 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 seriously threatened 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, be 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.

Domestic violence resources:

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

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 bands that are not recognized by the 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 his or her 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* (2015) 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: "Children 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 with him or her 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.

The short answer. Schools must admit students who live in their district.

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 can guide you to resources that give that kind of service.

A child with a genuine learning disability may need help from a tutor or a strong advocate to persuade his or her 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 the promise 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. Grandchildren 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 the OHP agency denies coverage for certain care. You may be able to get an exception. If you receive a notice of denial, you should contact 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 | 1-800-699-9075

Oregon Health Plan (OHP) | www.oregon.gov/OHA/healthplan/Pages/index.aspx | 1-800-273-0557

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 grandchildren as tax dependents and who purchase health insurance for them from 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 grandchildren. 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 \$180. 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 grandchild are considered in the same household if you are taking care of a grandchild 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 grandchild after the death of his or her parents, the child may be eligible for Social Security survivors' 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 grandchild 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.

Resource:

U.S. Department of Housing
and Urban Development (HUD)
[http://portal.hud.gov/hudportal/
HUD?src=/states/oregon](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 the 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

www.irs.gov/Credits-&-Deductions

8. Resources for college

College is expensive; 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.adrcforegon.org

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

See pages 61–64 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 | 503-223-8917

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.

Grandparents will likely need to show immigration officials at ports of departure and entry 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 parents who want to take a child to one of the non-treaty countries to get permission from a court to do so; they 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 the parents' written permission (or power of attorney) for any travel, especially extended travel or a move with grandchildren, so you can deal with medical and other emergencies. 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 are legal guardians or custodians, should check your court order to see if it contains any limitations on how far or where you can travel or move with the grandchildren. 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 grandchildren to a new home.

Parents or other relatives who have “parenting time” rights with the grandchildren 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 grandparents who are parenting their grandchildren.

Community-based support makes it easier for seniors to stay independent and in their homes, and to continue caring for their grandchildren. You can find out about such services through your local Aging and Disability Resource Connection (ADRC) or Area Agency on Aging. (See pages 61–64)

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 grandchildren 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 an elder-law lawyer about health care planning before taking this step.

One other resource some caretaker grandparents 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 61–64 for AAA contact information, or call 1-855-673-2372 (1-855-ORE-ADRC)
www.adrcoforegon.org

American Bar Association

Kinship Care Legal Research Center
800-285-2221

www.abanet.org/child/kinshipcare.shtml

Lawyer Referral and Information Service/Modest Means Panel

Oregon State Bar
(Reduced-fee initial consultations)
503-431-6408
800-452-8260 ext. 408
www.osbar.org

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

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
541-385-6944
800-678-6944

Curry

OLC Coos Bay Regional Office
541-269-1226
800-303-3638

Deschutes

LASO Bend Regional Office
541-385-6944
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
888-610-8764

Jackson

Center for Non-profit Legal Services
541-779-7291
541-779-7000 (persons over 60)

Jefferson

LASO Bend Regional Office
 541-385-6944
 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
 800-575-9283

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
 888-610-8764

Polk

Marion-Polk Legal Aid,
 LASO Regional Office
 503-581-5265
 800-359-1845

Sherman

LASO Portland Regional Office
 503-224-4086
 888-610-8764

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
888-610-8764

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

Baker	541-523-6305	Malheur	541-437-5171
Benton	541-766-6828	Marion	503-588-5105
Clackamas	503-655-8670	Morrow	541-676-5264
Clatsop	503-325-8555	Multnomah	503-988-3957
Columbia	503-397-2327	Polk	503-623-3154
Coos	541-396-7500	Sherman	541-565-3650
Crook	541-447-6541	Tillamook	503-842-2596
Curry	541-247-4511	Umatilla	
Deschutes	541-388-5300	Pendleton.....	541-278-0341
Douglas	541-957-2471	Hermiston	541-667-3020
Gilliam	541-384-3572	Union	541-962-9500
Grant	541-575-1438	Wallowa	541-426-4991
Harney	541-573-5207	Wasco	541-506-2700
Hood River	541-386-3535	Washington	503-846-8888
Jackson	541-475-7171 Ext. 120	Wheeler	541-763-2451
Josephine	541-476-2309	Yamhill	503-434-7530
Klamath	541-883-5503		
Lake	541-947-6051		
Lane	541-682-4020		
Lincoln	541-265-4236		
Linn	541-967-3845		

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, OR 97814
541-523-6591/1-800-823-6501
www.ccno.org

Benton

Oregon Cascades West
Council of Governments
1400 Queen Avenue S.E., Suite 206
Albany, OR 97322
541-967-8630/1-800-638-0510
www.ocwcog.org/

Clackamas

Clackamas Area Agency on Aging
2051 Kaen Road, P.O. Box 2950
Oregon City, OR 97045-0295
503-655-8640
[www.clackamas.us/socialservices/
senior.html](http://www.clackamas.us/socialservices/senior.html)

Clatsop

NorthWest Senior & Disability Services
2002 Chokeberry Avenue
Warrenton, OR 97146
503-861-4200/1-800-442-8614
www.nwsds.org

Columbia

Area Agency on Aging
Community Action Team
125 N. 17th Street
St. Helens, OR 97051
503-397-3511
www.cat-team.org

Coos

So. Coast Business Employment Corp.
93781 Newport Lane
Coos Bay, OR 97420
541-269-2013/1-800-858-5777
[https://www.agingcare.com/local/Area-
Agency-on-Aging-District-7-Coos-Bay-Area-
Agency-on-Aging-OR](https://www.agingcare.com/local/Area-Agency-on-Aging-District-7-Coos-Bay-Area-Agency-on-Aging-OR)

Crook

Central Oregon Council on Aging
1135 S.W. Highland Avenue
Redmond, OR 97756
541-548-8817
www.councilonaging.org

Curry

So. Coast Business Employment Corp.
93781 Newport Lane
Coos Bay, OR 97420
541-269-2013/1-800-858-5777
[https://www.agingcare.com/local/Area-
Agency-on-Aging-District-7-Coos-Bay-Area-
Agency-on-Aging-OR](https://www.agingcare.com/local/Area-Agency-on-Aging-District-7-Coos-Bay-Area-Agency-on-Aging-OR)

Deschutes

Central Oregon Council on Aging
373 NE Greenwood Ave
Bend, OR 97701
541-678-5483
www.councilonaging.org

Douglas

DHS Aging and People with Disabilities

621 West Madrone Street

Roseburg, OR 97470

541-440-3580

<https://www.agingcare.com/local/Douglas-County-Senior-Services-Division-Roseburg-Area-Agency-on-Aging-OR>

Gilliam

Mid-Columbia Council of Governments

1113 Kelly Avenue #e

Dalles, OR 97058

541-298-4101/1-800-831-8217

www.mccog.com/area-agency-on-aging/

Grant

Community Connection of

Northeast Oregon

142 NE Dayton

John Day, OR 97845

541-575-2949

www.ccno.org

Harney

Senior and Community Services Center

17 S. Alder Street

Burns, OR 97720

541-573-6024

www.co.harney.or.us/seniorcenter.html

Hood River

Mid-Columbia Council of Governments

205 Wasco Loop Suite 101

Hood River, OR 97031

541-386-6300

www.mccog.com/area-agency-on-aging/

Jackson

Rogue Valley Council of Governments

155 N. First Street

Central Point, OR 97502

541-664-6674

www.rvcog.org

Jefferson

Central Oregon Council on Aging

1135 S.W. Highland Avenue

Redmond, OR 97756

541-548-8817

www.councilonaging.org

Josephine

Rogue Valley Council of Governments

155 N. First Street

Central Point, OR 97502

541-664-6674

www.rvcog.org

Klamath

Klamath & Lake Counties

Council on Aging

700 Main Street, Ste. 107

Klamath Falls, OR 97602

541-205-5400

Lake

Klamath Basin Senior

Citizens Council

700 Main Street, Ste. 107

Klamath Falls, OR 97602

Phone 541-205-5400

Lane

Senior and Disability Services,
a Division of Lane Council of
Governments
1015 Willamette Street
Eugene, OR 97401-3178
541-682-3353/1-800-441-4038
www.sdslane.org

Lincoln

Oregon Cascades West
Council of Governments
203 N. Main Street
Toledo 97391
541-336-2289/1-800-282-6194
www.ocwcog.org

Linn

Oregon Cascades West Council of
Governments
1400 Queen Avenue S.E., Suite 206
Albany 97322
541-967-8630/1-800-638-0510
www.ocwcog.org

Malheur

Malheur Council on Aging and
Community Services
842 S.E. First Avenue
Ontario 97914
541-889-7651
www.mcoainfo.org

Marion

NorthWest Senior and Disability Services
3410 Cherry Avenue N.E.
Salem 97309
503-304-3400/1-800-469-8772
www.nwsds.org

Morrow

Community Action Program East
Central Oregon
721 S.E. Third Street, Suite D
Pendleton 97801
541-276-1926/1-800-752-1139
www.capeco-works.org/senior.htm

Multnomah

Multnomah County Aging and
Disability Services
211 Toll-free
www.multco.us/ads

Polk

NorthWest Senior and Disability Services
260 N.E. Kings Valley Highway
Dallas 97338
503-831-0581/1-800-582-7458
www.nwsds.org

Sherman

Mid-Columbia Council of Governments
1113 Kelly Avenue
The Dalles 97058
541-298-4101/1-800-831-8217
www.mccog.com/area-agency-on-aging/

Tillamook

NorthWest Senior and Disability Services
5010 E. Third Street
Tillamook 97141
503-842-2770/1-800-584-9712
www.nwsds.org

Umatilla

Community Action Program East
Central Oregon

721 S.E. Third Street, Suite D

Pendleton 97801

541-276-1926/1-800-752-1139

www.capeco-works.org/senior.htm

Union

Community Connection of
Northeast Oregon

2802 Adams Ave

La Grande 97850

541-963-3186/1-800-838-3186

www.ccno.org

Wallowa

Community Connection of
Northeast Oregon

702 N.W. First Street

Enterprise 97850

541-426-3840/1-800-772-3840

www.ccno.org

Wasco

Mid-Columbia Council of Governments

1113 Kelly Avenue

The Dalles 97058

541-298-4101/1-800-831-8217

www.mccog.com/area-agency-on-aging/

Washington

Washington County Disability,
Aging & Veteran Services

133 S.E. Second Avenue

Hillsboro 97123

503-846-3060

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

Wheeler

Mid-Columbia Council of
Governments

1113 Kelly Avenue

The Dalles 97058

541-298-4101/1-800-831-8217

www.mccog.com/area-agency-on-aging/

Yamhill

NorthWest Senior and Disability
Services

300 S.W. Hill Road

McMinnville 97128

503-472-9441/1-866-333-7218

www.nwsds.org

10f. Oregon Department of Human Services, Self-Sufficiency offices, by county

State office

Department of Human Services

500 Summer Street NE

Salem, OR 97301

503-945-5944

TTY 503-945-6214

www.oregon.gov/DHS/Offices/Pages/Self-Sufficiency.aspx

Baker	541-523-648	Harney	541-573-5227
Benton	541-757-4201	Hood River	541-386-3199
Clackamas		Jackson	
North Clackamas	503-731-3400	Ashland	541-482-2041
Oregon City	971-673-7300	Medford	541-776-6172
Clatsop		White City	541-864-8700
Astoria	503-325-2021	Jefferson	
Columbia	503-397-1784	Madras	541-475-6131
Coos		Warm Springs	541-553-1626
Coquille	541-396-7282	Josephine	
Coos Bay	541-888-2667	Cave Junction	541-592-4149
Crook	541-447-3851	Grants Pass	541-474-3101
Curry	541-247-7036	Klamath	
Deschutes		541-883-5511	
Bend	541-388-6010	Lake	
LaPine	541-536-5380	Lakeview	541-947-3376
Redmond	541-548-5547	Christmas Valley	541-576-2115 x 25
Douglas		Lane	
Canyonville	541-839-6901	Cottage Grove	541-942-9186
Roseburg	541-440-3301	Eugene	541-686-7878
Gilliam	541-384-2882	Eugene, West	541-686-7722
Grant	541-575-0309	Florence	541-997-8251
		Springfield	541-726-3525

Lincoln	541-265-2248	Polk	503-623-5526
Linn		Sherman	541-384-2882
Albany.....	541-967-2078	Tillamook	503-842-4453
Lebanon	541-259-5860	Umatilla	
Malheur	541-889-9141	Hermiston.....	541-567-2253
Marion		Milton-Freewater	541-938-6627
Keizer.....	503-373-0808	Pendleton	541-276-9000
Salem, North	503-378-2731	Union	541-963-4113
Salem, South	503-378-6327	Wallowa	541-426-4558
Santiam/Sublimity	503-769-7439	Wasco	541-298-4961
Woodburn.....	503-980-6677	Washington	
Morrow	541-481-2093	Beaverton	503-646-9952
Multnomah		Hillsboro	503-693-4555
Gresham	503-491-1979	Tigard	503-670-9711
Portland, Alberta	971-673-6900	Wheeler.....	541-384-2882
Portland, Maywood	971-673-0909	Yamhill	503-472-0311
Portland, New Market ...	971-673-1400		
Portland, Northeast	971-673-5722		
Portland, St. Johns.....	971-673-5500		
Portland, Southeast	971-673-2550		

10g. Oregon Department of Human Services, Child Welfare offices, by county

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

Baker

Baker City..... 541-523-6423

Benton

Corvallis 541-757-4121

Clackamas

North Clackamas..... 503-731-3400

Oregon City 971-673-7200

Clatsop

Astoria 503-325-9179

Columbia

St. Helens 503-397-3292

Coos

Coos Bay/North Bend .. 541-756-5500

Crook

Prineville 541-447-6207

Curry

Gold Beach 541-247-5437

Deschutes

Bend 541-388-6161

Douglas

Reedsport..... 541-271-4851

Roseburg 541-440-3373

Gilliam

Condon 541-440-3373

Grant

John Day 541-575-0728

Harney

Burns 541-573-2086

Hood River

Hood River 541-386-2962

Jackson

Medford 541-776-6120

Jefferson

Madras..... 541-475-2292

Josephine

Grants Pass 541-474-3120

Klamath

Klamath Falls 541-883-5570

Lake

Lakeview 541-947-2273

Lane

Eugene..... 541-686-7555

Springfield 541-726-6644

West Eugene 541-686-7722

Lincoln

Newport 541-265-8557

Linn

Albany..... 541-967-2060

Malheur

Ontario 541-889-9194

Marion

Salem 503-378-6800

Morrow

Boardman..... 541-481-9482

Multnomah

Alberta 971-673-6800

Child Welfare Hotline 503-731-3100

East Child Welfare 971-673-2100

Gresham 503-674-3610

Midtown 971-673-1800

Polk

Dallas..... 503-623-8118

Sherman

Condon 541-384-2882

Tillamook

Tillamook..... 541-842-5571

Umatilla

Hermiston..... 541-567-2253

Pendleton 541-276-9220

Union

La Grande 541-963-4113

Wallowa

Enterprise 541-426-4558

Wasco

The Dalles 541-298-5136

Washington

Beaverton 503-646-7234

Hillsboro 503-648-8951

Wheeler

Condon 541-384-2882

Yamhill

McMinnville 503-472-4634

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 — 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.

OHP — the Oregon Health Plan (Oregon's Medicaid program).

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 relatives. This program is administered by DHS and can include a small amount of cash monthly.

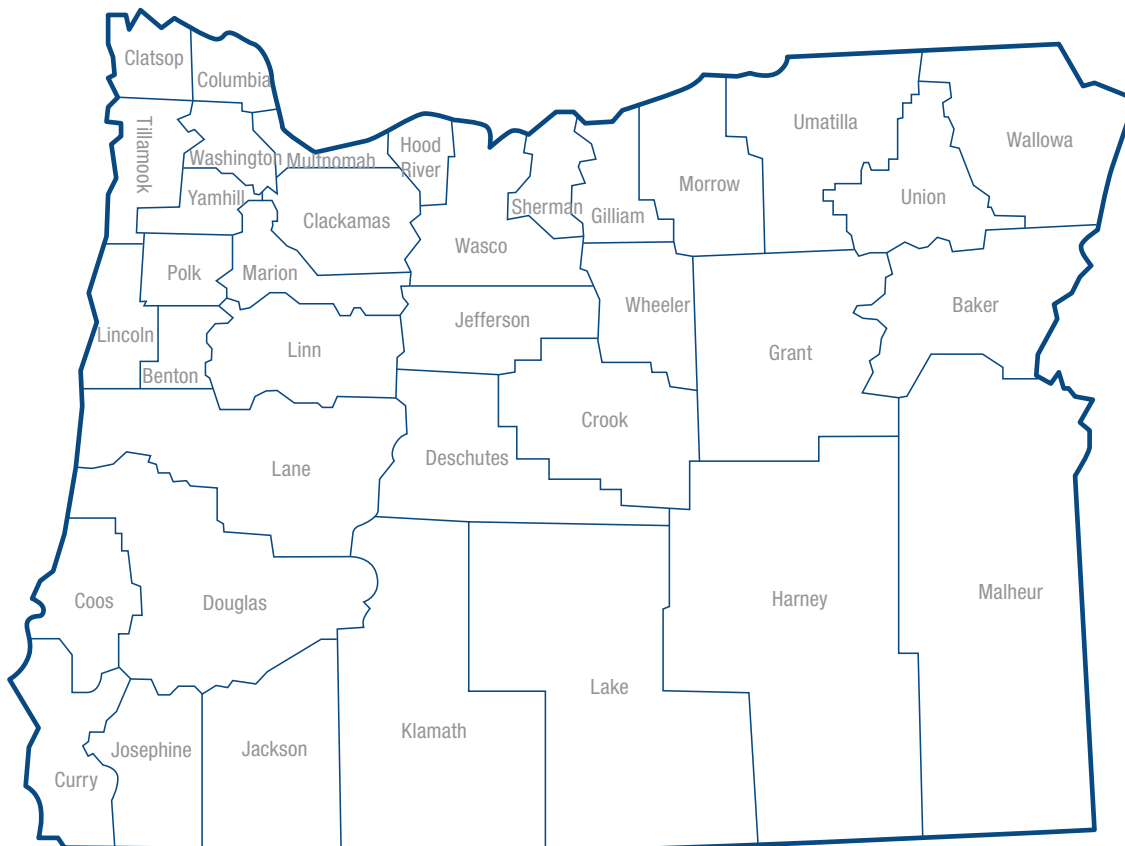
Temporary power of attorney for childcare — a document, valid for up to six months (longer for parents on active military duty), that allows another person to care for your children and gives the person the authority to deal with the children's medical and other issues.

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.



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1-855-ORE-ADRC
www.ADRCoforegon.org**

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