



LEGAL OPTIONS FOR RELATIVE CAREGIVERS

Depending on how you came about having your grandchild(ren) or other relative in your care, you do have some options to establishing legal authority to making decisions on behalf of the child. These options are different in every state, and sometimes in different counties or jurisdictions. All options take consideration, guidelines and consequences that may or may not meet your needs and should be carefully considered. This information is meant to be a resource and not legal advice.

The first thing to consider is this a long term or short-term guardianship of your grandchild(ren) or kin. Knowing up front what your options are and how to achieve them will be different for every family. Situations need to be considered before making a decision on the long-term goals of your family.

Legal Decisions

First you must decide where you are in your situation, and what your expectations are. Every family is different.

- Is Child Welfare involved?
 - You have the right to apply to be an interviewer in a Dependency and Neglect Case.
 - You may consider becoming a Certified Kinship Foster Caregiver and what that will entail as well as if it is an option.
 - Consider what will happen if the parents' rights are terminated. Adoption must occur if this happens.
 - If adoption does occur through Child Welfare you may qualify for Relative Guardian Assistance Program.
- Where are the parents and what is their current and potential future involvement?
- Is this short term or long term?
- Is it possible that the parent possibly will return to care for their child(ren)?
- Can you support that parent emotionally in reunification and how?
- If not, what is the financial support that will help you raise the child?
 - Child Support?
 - Social Security (either SSDI or SSI), death benefit or disability income?
 - Your own financial needs and abilities?
 - Are you retired or still working? How long can you work? Do you have a financial plan moving forward? (if not make one)
- Do you need certain decision-making capabilities for the child, ability to enroll the child in school, take the child to the doctor, out of state, etc.?
- Is adoption right for your family? Is guardianship an option? Is an Allocation of Parental Responsibilities a consideration so that parents can be involved (Parent time, and defined interaction with the child(ren)). What is the long-term impact of these decisions?

LEGAL OPTIONS FOR CAREGIVERS (continued)

Legal Options

- **Delegation of Power:** A [Delegation of Power by Parent or Guardian pursuant to §15-14-105, C.R.S.](#) is a temporary document allowing a parent to give permission for someone to perform any and all acts necessary for the day-to-day care, education (enrollment in school), medical and dental exams, tests, x-rays, surgeries, anesthesia, and hospital care, recreation, and property for the child. This special power of attorney does not give power to consent to the marriage or adoption, **nor does it terminate parental rights**. It only gives power for the caregiver to see to basic need in the event a parent is not available. Further powers can be defined in the document, may be revoked at any time, and is only valid for one year. It must be signed and notarized by the parent with whom custody lies. A copy of this form in English and Spanish can be found in our Grandfamily 101 legal documents [HERE](#) or searching the Colorado Court Self Help website <https://www.courts.state.co.us/Index.cfm>.
- **Guardianship** is a process by which the court appoints an individual to make decisions on behalf of an individual who does not have the capacity to make decisions for themselves. Such as when a parent has abandoned or is incapable of making those decisions. The Guardianship process does **not terminate parental rights**. For more information about the court process to obtain a guardianship see https://www.courts.state.co.us/Self_Help/minorguardianship/ Guardianship can be temporary or long term. It can be defined in a way to outline parenting time, decision making and however the agreement between the parent and guardian request of the court and can be redefined at any time. Guardianship can be removed by the parent petition to the court that the guardian is no longer capable of performing their role. This can only be done once every two years.
- **Allocation of Parental Responsibilities** is commonly called “APR.” An APR order defines what you might traditionally think of as custody and visitation of a child. This includes defining parenting time and decision-making authority. In most cases this is what is granted through the court during a Dependency and Neglect case (see below) against the parent. It does **not terminate parental rights**. APR can only be removed in the event the parent shows that they are capable of returning to the parental role through a proceeding in the court and can only be requested once every two years.
- **Dependency and Neglect** is a type of court proceeding where the state intervenes on behalf of a child who is abused, neglected, or otherwise lacks proper parental care. In some cases, a dependency and neglect proceeding will result in the termination of parental rights, legally ending the parent-child relationship, but that is not always the outcome.
- **Adoption:** When you adopt a child, he or she legally becomes your “child.” This means that you now have all the rights and obligations that a parent would have with respect to the child. There are a number of legal requirements that must be met in order for a child to be adopted. For more information, see https://www.courts.state.co.us/Self_Help/adoption/
 - If adoption occurs out of a Dependency and Neglect case, it is possible you will qualify for [Adoption Assistance](#) or [Relative Guardian Assistance Programs](#) under some situations. Be sure to check with the Kinship Caseworker in your case.
 - Refer to this resource for [Adoption v Guardianship in Kinship Foster Care](#) https://drive.google.com/drive/folders/1QaDORR-RbN7c8eUXG7wwQCy5GT_cafG2
- Be sure to visit GFC’s Grandfamily 101 two page documents and resources offered by Generations United for more information and to print and share at: https://drive.google.com/drive/folders/1hCznz_GgOJWvUdsaEoJgFm7FnNTRN1zB?usp=drive_link