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## Grandparents Raising Grandchildren

### What custody options are available to me?

- **Kinship Foster Care (Relative Caregiver Program)** - If the Department of Children Services (DCS) has custody of your grandchild as a result of abuse or neglect of the child or incarceration or death of the parents, DCS can place the child in your care under Tennessee's Relative Caregiver Program. Under this program, the state has legal custody of the child but places the child with a grandparent who will be responsible for the daily care of the child. Relative caregivers do not receive a monthly stipend but may receive financial assistance to care for the child. If you are interested in becoming a relative caregiver, contact your local DCS office. Everyone in Tennessee has a duty to report child abuse and neglect. If you know a child is being abused or neglected, call 911 in an emergency, and in nonemergent situations, call the child abuse hotline at (877) 237-0004.
- **Legal Guardianship** - A court may name a grandparent to serve as the legal guardian of a child, which means that the parents will retain certain parental rights and may be entitled to visitation, but the grandparent will be responsible for the health, safety, and welfare of the child. If you are interested in becoming a child's legal guardian, you must petition a court to be appointed the child's legal guardian.
- **Custody** - Grandparents who are raising their grandchildren may seek custody of the child, which means the grandparent would have the ability to make legal decisions for the child and have the right to have the child live with them. Depending on the circumstances, a court may grant a grandparent custody of a child indefinitely or until a parent is able to assume full custody. A court may also grant a grandparent custody of a child until a more permanent arrangement can be made.
- **Termination & Adoption** - Grandparents may choose to legally adopt their grandchild. For a child to be adopted, parental or guardianship rights must be terminated. These rights may be terminated voluntarily or involuntarily. A court may terminate parental or guardianship rights where parents or guardians have abandoned, abused, or neglected a child. These rights may also be termination where a parent or guardian has been sentenced to more than two years imprisonment for conduct against a child residing in their home or where a parent or guardian is sentenced to ten years or more imprisonment when the child is under eight years old. These rights may be terminated where a parent has been

convicted of first or second-degree murder of the child's other parent or the parent has been found civilly liable for the intentional and wrongful death of the child's other parent or legal guardian.

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## **What is child abandonment?**

Under Tennessee state law, a child has been abandoned if the child's parent or legal guardian has willfully failed to visit or financially support the child for 4 consecutive months. Child abandonment can serve as grounds for terminating parental rights.

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## **What does it mean to terminate parental rights and how does it happen?**

Termination of parental rights ends the legal relationship between the parent or guardian and the child and absolves the parent of any legal duty owed to the child. Termination may be voluntary or involuntary.

To terminate parental rights, you must first file a petition in the appropriate court asking the court to terminate parental rights. The court will evaluate any evidence for termination and whether the termination is in the child's best interest.

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## **Can I receive child support while caring for my grandchildren?**

Yes. If a grandparent has a grandchild in their care, the grandparent can seek child support from the child's parents. Unless a parent has terminated his/her parental rights, the parent still has an obligation to support their child financially. Contact your local Child Support Services office for more information about setting child support.

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## **Can my grandchildren get Social Security benefits while I'm caring for them?**

Social Security will pay benefits to grandchildren when a grandparent retires, becomes disabled, or dies if certain conditions are met. The biological parents of the child must be deceased or disabled, or the grandparent must legally adopt the grandchild. To qualify, the child must have begun living with you before they turned 18, and you must have provided at least half of the support of the child for the year before the month you became eligible for retirement or disability benefits or died. If your grandchild was born during this one-year period, you must have lived with

and provided at least half of the child's support for the entire period from the date of birth to the month you became entitled to benefits. Also, the natural parents of the child must not be making regular contributions to support the child.

If you or your spouse were already getting benefits when the grandchild came into your care or you have not provided support for the year before you became eligible for benefits, you would need to adopt the child for them to qualify for benefits.

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## **What is a power of attorney for a minor child?**

To enroll a child in school or authorize certain medical care, a person must be a parent to the child or have legal authority to make these decisions in place of a parent. A power of attorney for a minor child allows parents to designate another person to make certain decisions concerning the child's health, education, and daily care. Court approval is not necessary to sign a power of attorney for a minor child.

The person designated to be the power of attorney for a minor child does not have legal custody of the child, and a parent with legal custody may revoke the power of attorney at any time. A parent with legal custody has a greater right to make decisions about the health and education of a child than a person with a power of attorney.

Click here for a [Power of Attorney for a Minor Child Form](#)

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## **What documentation do I need for the child?**

Grandparents who are responsible for caring for and raising a grandchild should collect the following documents:

- Grandchild's social security card (unless adopted, then a new card will be issued)
  - Death certificate of parent(s) (if applicable)
  - Immunization records
  - Citizenship papers (if applicable)
  - Court order or other documents naming you as legal guardian
  - Custody orders
  - Power of attorney for minor child (if you do not have legal custody)
  - Any other legal or medical documents related to the parent and/or the child
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## **What other resources are available to grandparents raising their grandchildren?**

# Financial Assistance

Visit [your local DHS office](#) or [apply online](#) to see if you or your grandchildren are eligible to receive Temporary Assistance for Needy Families (TANF), Guardianship Subsidies, Family First Child Only Grant, Supplemental Security Income, Social Security Benefits, or other child support services.

## Healthcare

- [Medicaid/TennCare](#)
- [CoverKids](#)
- [Find Free Clinic Near You](#)

## Nutrition Assistance

- For Supplemental Nutrition Assistance Program (SNAP) and/or WIC, visit [your local DHS office](#) or [apply online](#)
- [YMCA - Summer Food Program](#)
- Contact your grandchild's school or daycare center to learn more about local food programs

## Child Care & After School Activities

- [Boys and Girls Club of America](#)
- [Boy Scouts of America](#)
- [Girl Scouts of America](#)
- [Big Brothers Big Sisters of America](#)
- [YMCA Infant and Child Care](#)
- Check with your child's school to learn about other local programs and daycare option

## Recommended Reading for Grandparents Raising Grandchildren

- [AARP: Grandparents Raising Grandchildren](#)
- [Middle Tennessee's Council on Aging Empowering Grandparents: A Guide For Raising Grandchildren](#)

**For other resources, visit our [resources page](#).**

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<http://www.help4tn.org/senior-services/legal-information/family-law/grandparents-raising-grandchildren>

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