

Legal Rights and Financial Support

The U.S. Census Bureau data shows more than 6 million children nationwide are being raised in households headed by grandparents and other relatives. In Louisiana, approximately 117,859 children live in grandparent-headed households and another 26,691 children live in households headed by other relatives.

The Grandparents Raising Grandchildren Information Center and other agencies have developed this brochure to give you information regarding legal rights and financial assistance available to assist you with the care of your grandchild or relative child.



For additional information access the following websites:

Office of Community Services
www.dss.state.la.us/departments/ocs

Office of Family Support
www.dss.state.la.us/departments/ofs



www.grgicl.org

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Grandparents Raising Grandchildren Information Center of Louisiana

Giving Support and Information to Help You Be A Good Parent

Temporary Custody vs. Legal Guardianship vs. Adoption



Legal Rights and Responsibilities

The following definitions apply to terms used in the Louisiana Children's Code regarding legal rights and responsibilities of adults caring for minor (under age 18 in LA) children.

"Legal Custody" means the right to have physical custody of the child and to determine where and with whom the child shall reside; to exercise the rights and duty to protect, train, and discipline the child; the authority to consent to major medical, psychiatric, and surgical treatment; and to provide the child with food, shelter, education, and ordinary medical care, all subject to any residual rights possessed by the child's parents.

"Legal Guardianship" means the duty and authority to make important decisions in matters having a permanent effect on the life and development of the child and the responsibility for the child's general welfare until he reaches the age of majority, subject to any residual rights possessed by the child's parents. It shall include but not necessarily be limited to:

- the authority to consent to marriage, to enlistment in the armed forces of the United States, to represent the minor in legal actions, to make other decisions of substantial legal significance concerning the minor.
- The authority and duty of reasonable visitation, except to the extent that such right of visitation has been limited by court order.
- The rights and responsibilities of legal custody.

"Residual Parental Rights" means those rights and responsibilities remaining with the parents after the legal transfer of custody of their child, including but not necessarily limited to right of visitation, consent to adoption, right to determine religious affiliation, responsibility of support, and the right of inheritance from the child.

"Adoption" is the method provided by law to establish the legal and social relationship of parents and children between persons with the mutual rights and obligations that exist between children and their birth parents.

Financial Assistance

During the first year of working toward obtaining custody you may receive financial assistance. Upon having Legal Custody or Legal Guardianship you may be eligible to receive various forms of help through the Office of Family Support (OFS), Department of Social Services and Department of Health & Hospitals (DHH). These options may include:

- Louisiana Temporary Assistance to Needy Families (TANF)
- Kinship Care Subsidy Program (KCSP)
- Family Independence Temporary Assistance Program (FITAP)
- Child Care Assistance Program
- Food Stamps Program
- A Medicaid Card

If your grandchild or relative's child is in foster care and the birth parents' rights have been terminated by the court or the parents have surrendered their rights, you may make application to the Office of Community Services to adopt the child. You may be eligible for adoption subsidy payments to help meet the needs of the adopted children until they reach 18 years of age.

Types of Adoption Subsidies offered by OCS Include:

- Maintenance— an allowance for room and board, the child's personal incidents, and clothing.
- Special Services— pre-existing health-related expenses not covered by other sources
- Special Board Rates— provides additional financial assistance when the level of care required is above and beyond that which is ordinarily needed for a child of a similar age.
- Non-recurring Adoption Expenses— fees of an attorney, court costs associated with finalizing the adoption, and the cost of a revised birth certificate.