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Growing Numbers of Grandparents Are Primary Caregivers of Children

Kinship Caregivers Struggle to Navigate the Family Court System

New York, NY, September 9, 2013--Sunday, September 8th marked the thirty-fifth anniversary of Grandparents Day, a national holiday designated to honor the critical role that grandparents play in transmitting cultural values and lived history to younger generations. President Carter's 1968 Grandparents Day Proclamation described grandparents as "a continuing tie to the near-past." Yet, an increasing number of grandparents serve as present day, primary caregivers for their grandchildren, years after they thought their parenting days were over.

"Grandparents are an invaluable resource for children at risk of entering foster care. They provide close to 60% of all out of home informal kinship care. Simply put, they are our nation's most abundant natural resource for providing care to vulnerable children," said Gerard Wallace, Director of the New York State Kinship Navigator. "In New York City, many of these de facto parents, often referred to as 'kinship caregivers,' struggle to overcome their own health and poverty-related concerns while raising children who were abandoned due to their parents' struggles with substance abuse, incarceration, mental illness, or death," explained Barbara Graves-Poller, Supervising Attorney for the Kinship Caregiver Law Project at MFY Services, that provide free representation to grandparent and other relatives caring for family. Ms. Graves-Poller further explained that since kinship caregivers are not biological parents, they are not entitled to mandated representation in Family Court proceedings. "Frequently, kinship caregivers approach us after trying, unsuccessfully, to navigate the Family Court pro se or after being erroneously denied urgent financial support for the children in their care," said Sara Wood, Senior Staff Attorney at MFY and Co-Chair of the New York City Kinship Task Force.

Relative caregivers face strict limitations periods for commencing actions to challenge traditional foster care placements and appeal agency denials of their foster care certifications. Too often, caseworkers fail to advise grandparents and other potential caregivers of their rights before the limitations period expires. "Family members who seek custody of relative children in placement often confront difficulties in accessing the courts, the Administration for Children's Services (ACS) and foster care agencies. Big caseloads in combination with under-resourced public and private institutions lead to understandably long delays inside and outside of the courtroom. As time passes, the window of opportunity for children to live with family closes rapidly -- along with any possibility of parental reunification," said Adam Halper, Director of Legal Services, The Family Center. To better educate caregivers about their rights, the New York City Kinship Task Force, a coalition of

government and nonprofit advocates for kincare families developed educational materials for grandparents and other caregivers. ACS has declined to distribute the brochure.

“Currently kinship caregivers are left to navigate through a quagmire of bureaucracies in a fragmented system of services where they’re often denied entitlements and benefits that would support their relative children,” said Deborah Langosch, PhD, LCSW, Project Director, Kinship Care Program and Co-Chair, New York City Kincare Task Force. To establish legislative and policy recommendations that would better address the needs of kinship caregivers, the New York State Kinship Navigator will convene a broad coalition of academics, grandparent support groups, policy advocates, and social service providers for the 2013 New York State Kinship Summit in Albany on October 22, 2013. “The Summit will focus on the dire need to integrate systems of care to streamline access and stabilize families,” said Dr. Langosch.