

Caring For Your Relative's Children: Public Benefits Summary

Do you have close relatives who are having problems, and need someone to take care of their children? If so, this is a summary of the help you may be able to get as you care for your relatives' children.

Monthly Cash Aid

CalWORKs is the family cash aid program. You can apply just for the relative's children as a "non-needy" relative caregiver. If you also need aid, you can apply for yourself as well.

- ❖ To be eligible, **you must be a close relative**. A close relative is a grandparent, sibling, uncle or aunt, granduncle or grandaunt (that is, the uncle or aunt of one's parent), niece or nephew, first cousin or a first cousin "once removed" (that is, the children of a first cousin), and any "great" or "great-great" grandparent or grandaunt or granduncle (for example, a great grandparent).
- ❖ **If you don't ask for aid for yourself**, you are applying as a non-needy caregiver relative. This means the county does not count any of your income or your property to determine if the children are eligible.
- ❖ **The children must be low-income**. If their parents are able to pay enough in child support, the children cannot get CalWORKs.
- ❖ When you apply for the children, you must have your **finger-image** (fingerprints) and **picture** taken. You must reapply every year, if you keep taking care of the children.
- ❖ **If you do want aid for yourself**, your income and property will count. Unless you are age 60 or older, you will also have to do the "Welfare-to-Work" program and start your limited time on aid. Some people are excused ("exempt") from Welfare-to-Work, and may not be using up their limited aid. Adults can get CalWORKs for a total of 48 months in their lives, unless exempt. **If you are age 60 or older, you are exempt**.

CalFresh Benefits (Food Stamps)

You may be able to get help to buy food through the CalFresh program. When you apply for CalFresh, you apply for your household - everyone who lives with you and "buys and cooks" their food together.. Children under 18 generally must be in the same CalFresh household as the adult caretaker. This means that usually your income will be used to see if you and the children are eligible. If you are 60 or older, or get disability benefits, there is no up-front income limit. You also get more income deductions. Whether you can get CalFresh for you and the children will depend on the size of the household and its income, after taking permitted deductions. Unlike CalWORKs, there is no non-needy relative caregiver eligibility for CalFresh.

Health Benefits

The children would qualify for some form of health benefits. If they are low-income, they will get Medi-Cal. If they are insured through their parents, that will be the first insurance that applies, but Medi-Cal can make up the extra charges or coverage. To get information about health benefits or help with health benefit problems, call toll free (888) 804-3536.

Foster Care

Foster care is paid per child, and at a rate that is higher than CalWORKs family benefits. It often can be paid until the child turns age 22. There may be additional housing and education benefits for young people age 18-21. There may be a yearly clothing allowance. Usually, foster children do not get CalFresh food benefits. You have the choice to not get CalFresh benefits for them, or include them in your household's CalFresh application. If you include the foster children, their foster care aid will count as income, for the purpose of determining whether or not your household is eligible.

Usually, if Child Protective Services (CPS) removed the children from their parents, they start a Juvenile Court foster-care case. Sometimes the parents sign a voluntary agreement with CPS for temporary care of their children (up to 180 days). When either of these things happen, the caretakers then usually get Foster Care payments. Relatives are not able to get State Foster Care payments. This means that the children, and their placement, must meet the federal rules. The federal rules are very complicated.

If Child Protective Services (CPS) asked you to care for the children

- ❖ Ask about Foster Care. If told “no,” ask for a notice in writing. If you have questions, call your local legal aid office right away.
- ❖ Ask about the Adult Relative Caregiver program. If told “no,” ask for a notice in writing. If you have questions, call your local legal aid office right away.
- ❖ CPS is not allowed to make an “informal placement.” This is when CPS asks you to care for the children, but does not keep a case open. If CPS decides the children are not safe at home, they must either get a “voluntary placement agreement” from the parents or file a foster care case with the court.
- ❖ If you want to help your relatives, and do not want CPS to be involved, that is up to you and your relatives. You will get less monthly cash aid, but will not have regular court dates or worker visits. You can care for the children informally, without any legal papers, and the parents can take the children back whenever they want.

You can file a Caregiver's Authorization Affidavit to make medical decisions and enroll the children in school. You can become a Guardian. Guardianships are done by your local court. It requires an investigation of you and the court asks whether the parents agree, or if not, what is best for the child. Guardianship gives you full legal rights in caring for the child.

Your Rights

- ❖ **Notice:** Whenever you apply for public aid (cash, food, or health benefits or services), the county must give you a written decision on your application. This is called a “notice of action.” The county must also give you a notice of action any time it plans on lowering your grant or stopping the benefits.
- ❖ **Right To Challenge An Action:** You can ask for a state hearing to have an independent administrative law judge (ALJ) review the county’s decision. You can ask for free legal help to get advice about the notice. You can ask for a hearing using the form on the back of county notices of action. The back of the notice also lists your local free Legal Aid office. (There are other offices or organizations not listed on notices that may use the term “Legal Aid” or “Legal Services,” but actually charge for their services. These are not the right offices to call for free help.)

IF YOU NEED LEGAL HELP, CONTACT LEGAL SERVICES OF NORTHERN CALIFORNIA