

How to find an advocate

You may benefit from an advocate's help. Advocates have knowledge and experience in areas such as child protection, poverty law and family law. They can give you information about your rights, help you keep information organized, and work with you to create an action plan.

Advocates may help you to find and talk with a lawyer. They may also accompany you to meetings with social workers or other government representatives. Advocates usually work out of community agencies.

To find an advocate visit: PovNet at http://www.povnet.org/find_an_advocate. (604) 876-8638, or email: info@povnet.org.

For more information on advocacy visit: http://www.familylaw.lss.bc.ca/resources/fact_sheets/what_An_Advocate_Can_Do.asp

Also check The Representative for Children and Youth www.rcybc.ca

☎ 250.356.6710
☎ 1.800.476.3933

For information about support groups and resources for Grandparents Raising Grandchildren or to order copies of **Grandparents Raising Grandchildren: A Legal Guide** contact:

Parent Support Services Society

☎ 604 669 1616
☎ 1.877.345.9PSS (9777)

Email: office@parentsupportbc.ca
Website: www.parentsupportbc.ca



When your grandchild first comes into your care

Some grandparents end up raising their grandchildren because of circumstances that prevent the parent(s) from caring for their child. The grandparent and parent(s) can make an agreement that the grandparent will care for the children for a set period of time or indefinitely.

This can be a simple arrangement between parent(s) and grandparent or it can be a more formal agreement, such as a custody agreement or court order. In situations where MCFD or a Delegated Aboriginal Agency (DAA) is involved, a social worker may agree with the parent(s) and grandparent that the child should live with the grandparent for a period of time. In cases where the child's safety is at risk, the ministry or the DAA may remove the child from the parent(s)' custody and ask relatives to provide care.

Some Options

There are several options, depending on the unique circumstances of each family:

- an arrangement for a relative to provide care without any, or without further involvement of the ministry;
- an Extended Family Program agreement;
- the child may be placed temporarily in your care by a court order under the supervision of a social worker; or
- the child may be taken into MCFD or DAA care and you may be assessed and approved as a restricted foster care placement for the child.

Extended Family Program

(EFP) is a temporary three-way agreement between the parent(s), the grandparent (or other relative) and the social worker for the grandparent to care for the child. The purpose of the EFP is to work towards the child's return to the parent(s)' home. The child is not in MCFD or DAA care, and the parent(s) continue to have guardianship of the child and remain involved in the planning for the child. Ask your social worker about the financial assistance and other support services that you may be eligible for under this agreement. More information is available on the MCFD website:

http://www.mcf.gov.bc.ca/alternativestofostercare/extended_family.htm

Interim or Temporary Custody

is when a serious concern about the child's safety or well being results in the social worker removing the child from the parent(s) and the court orders short-term custody of the child to the grandparent or others known to the child. The placement is supervised by the social worker, and financial assistance and other support services are available when needed.

Restricted Foster Care means your grandchild is in the care of MCFD or a DAA and you are approved to provide her/his care. You must have a home study completed, be assessed and approved as a foster parent, agree to mandatory training and meet foster home standards. Restricted foster parents receive the same basic maintenance rate as regular foster parents and are supported with services. For details:

<http://www.mcf.gov.bc.ca/foster/index.htm>

Grandparents Raising Grandchildren

Legal Issues and Resources: A brief B.C. introduction

Updated May 20, 2011



This grew out of a joint project of the University of Victoria School of Social Work and Parent Support Services Society of BC, 2007 – 2009, funded by the Law Foundation of BC & the Provincial Government.

The resources offered in this pamphlet are general information only, and should not be regarded as legal advice.
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Support Services

MCFD and DAAs offer many programs and services for families who voluntarily request assistance.

MCFD Support Line - Support for Kinship Care Providers

If you have immediate concerns relating to a child in your care, MCFD provides an After Hours Support line for both foster parents and kinship care providers. Call: **1-888-495-4440**

Some Legal Options

Custody

Custody involves the physical day to day care and control of a child, as well as the transfer of some parental rights and responsibilities to you. Just having your grandchild live with you does not mean you have legal custody.

There are two types of custody arrangements: sole and joint (shared). Custody orders may be temporary or permanent and can change with changing circumstances.

Applications for custody can be made to the BC Provincial Court or BC Supreme Court. For information visit: www.familylaw.lss.bc.ca/legal_issues/custody.aspx

Guardianship

Guardianship generally involves a responsibility for making major decisions for a child about such things as education, health care, and religion, as well as managing the child's estate (e.g. property or money). A grandparent could have custody while the parent maintains guardianship. A grandparent could have both custody and guardianship. **A grandparent will not be eligible for**

the Extended Family Program if they have guardianship of the child.

Adoption

When you adopt your grandchildren, you become their legal parent. Their parents no longer have any parental rights. This is the most legally secure relationship.

For more info about adopting visit: <http://www.mcf.gov.bc.ca/adoption> and Adoptive Families Association of BC <http://www.bcadoption.com>

Post Adoption Assistance

For grandparents who adopt grandchildren with special needs through MCFD, this program pays for services such as respite, counselling, therapy, and special equipment. For more information, visit:

www.mcf.gov.bc.ca/adoption/index.htm

Resources for Aboriginal families

Policies may differ for Indigenous families. For local information and resources, contact your band office or local Friendship Centre. Also try the BC Aboriginal Child Care Society:

www.acc-society.bc.ca

☎ 604.913.9128. or Native Courtworker and Counselling Association of BC www.nccabc.ca ☎ 604.985.5355

Financial assistance

Depending on the legal arrangement, grandparents may be eligible for various benefits. To learn more visit: www.familylaw.lss.bc.ca/resources/factsheets/grandparents_benefits.asp

Possible benefits include:

- Child Care Subsidy
- Special Needs Supplement (supported child care)
- Canada Child Tax Benefit
- Child Disability Credit
- Extended Family Program*
- Post Adoption Assistance Program

* call MCFD for info ☎ 1.877.387.7027

How to find a lawyer

Finding a lawyer

Look for a family law lawyer who has experience with guardianship, adoption or child protection. Ask your friends for recommendations. You can also try the

Lawyer Referral Service.

☎ 1.800.663.1919

Access Pro Bono Society may provide free legal assistance for those who cannot afford a lawyer and do not qualify for Legal Aid. Email: help@accessprobono.ca

Legal Resources

Legal Services Society of BC

www.lss.bc.ca

www.familylaw.lss.bc.ca

Access Pro Bono Society of BC

www.accessprobono.ca

☎ 604.878.7400 or ☎ 1.877.762.6664

Family LawLine is provided by LSS. You will be screened for eligibility.

☎ 604.408.2172, or

☎ 1.866.577.2525 (toll-free)

People's Law School

www.publiclegaled.bc.ca

Dial-A-Law ☎ 604.687.4680

Courthouse Libraries BC and ClickLaw

www.courthouselibrary.ca

www.clicklaw.bc.ca

Alternatives to going to court

BC Dispute Resolution Office

The Ministry of Attorney General's Dispute Resolution Office offers options within the justice system and government such as mediation. For more information, visit:

<http://www.ag.gov.bc.ca/dro/>

Family Justice Centres

Family Justice Centres provide various services free of charge to families. Mediators are also available to assist families in making important decisions.

Find the Family Justice Centres nearest you at <http://www.ag.gov.bc.ca/family-justice/index.htm> or phone Enquiry BC ☎ 1.800.663.7867 (toll-free)

Collaborative Planning and Decision Making

This includes shared decision making options, such as mediation, Family Group Conferencing and traditional decision making processes. In all of these, the family, MCFD and other service providers work together to reach an agreement about what is best for the child. To find out more, visit:

http://www.mcf.gov.bc.ca/child_protection/mediation.htm