



GRANDPARENTS RAISING GRANDCHILDREN IN PENNSYLVANIA – HOW DO OUR LAWS WORK?

Grandparents raising grandchildren face an enormous number of obstacles in attempting to act as “substitute parents” for their loved ones. Beyond the social and economic difficulties they must face, grandparents must deal with a complicated set of legal issues regarding their care of their grandchildren, particularly when they do not have legal custody of the children.

AARP and Generations United, two organizations working to further the interests of grandparents and grandchildren, have worked together to identify seven categories of state law which may affect grandparents raising grandchildren. The two organizations have attempted to determine the status of the law in each state in these categories, and have produced a comparative law chart for the states.

This by no means is a comprehensive list of all possible issues that should be addressed by states regarding grandparents raising grandchildren, but it does give an indication of what kinds of laws have been enacted in different states and may show areas which Pennsylvania may wish to address.

We have compiled the following short description of these categories of law along with their status in Pennsylvania. More information on these laws can be obtained from the Pennsylvania AARP office.

GUARDIANSHIP SUBSIDIES

Twenty-five states have some sort of subsidized guardianship in which cash assistance is provided to families where relatives act as guardians of children. Pennsylvania **does not** provide this type of assistance.

RESPITE CARE

Six states currently offer temporary in-home and/or out-of-home child care for relatives raising children who are temporarily incapacitated. Four other states offer other support services for kinship care. Pennsylvania **does not** provide any assistance of this type.

MEDICAL CONSENT LAWS

Twenty-four states have laws which allow a designated caregiver who does not have legal custody or guardianship to seek or consent to medical care for a child. Pennsylvania **does** have a law permitting this practice.

EDUCATIONAL CONSENT LAWS

Six states have laws which allow a designated caregiver to enroll a child in school. Pennsylvania **does not** have a law permitting this practice.

DE FACTO CUSTODIAN LAWS

Two states (Indiana and Kentucky) currently have laws giving custodians who meet a certain definition the same standing as parents in custody cases. A number of other states, **not including** Pennsylvania, are considering such laws.

STANDBY GUARDIANSHIP LAWS

Eighteen states currently have laws which allow a parent to designate in writing a standby guardian to take over the day-to-day care of a child in the event of a parent's death, incapacity, or other inability to function in a parental role, without limiting the rights of other living parents. Pennsylvania **does** have a law permitting this practice.

OPEN ADOPTION LAWS

Seventeen states currently have laws which allow biological parents and adoptive parents to enter into enforceable agreements for post-adoption contact between children and their biological parents. Pennsylvania **does not** have such a law.

February 23, 2001
Ray Landis, State Legislative Representative
AARP – Pennsylvania Office
RLANDIS@aarp.org