

Supporting Grandparents Raising Grandchildren: News from the General Assembly

The General Assembly is back in session, and House and Senate members are once again introducing, considering, and voting on bills that affect our families, our futures, and our wallets.

While every new law unavoidably affects families and children in some way, as of this writing --on day 10 of the 40-day legislative session -- there are a couple of bills that warrant notice. These particular bills, known as House Bill 1040 and Senate Bill 88, show that our State is putting much more emphasis on supporting grandparents and other relatives who are raising children whose parents are not able to do it themselves.

These two bills recognize the fact that many children are being raised by their grandparents, great-grandparents, or other relatives. According to the 2000 census figures, approximately 8% of children nationwide are being raised by a grandparent or grandparents. That figure is up dramatically from a decade ago. In Georgia, according to the AARP Foundation, close to 170,000 children are living in households where the grandparent is the primary caregiver. An additional 54,000 children are cared for by another relative. These relatives may be taking the place of a parent who is incarcerated, addicted to drugs, financially unable to care for a child, or serving our country overseas in the military.

Unfortunately, too often these grandparents and other relatives have little legal authority enabling them to make decisions for the child. They may find themselves in a bind when trying to enroll the child in school or obtain medical care for the child. While there is a legal process for appointing a relative as a temporary guardian for a child, many grandparents and relatives find the process expensive and complicated for the lay person.

Senate Bill 88 would simplify matters for grandparent caregivers by enacting the "Care of A Grandchild Act." The bill would allow a parent undergoing a hardship – such as a serious physical or mental illness, incarceration, the loss of a home, or active military duty – to sign a form giving a grandparent or great-grandparent a power of attorney to act on behalf of the child. Because many grandparents struggle to provide financially for themselves, the bill would also authorize the State to provide subsidies for low-income grandparents who are caring for their grandchildren under a power of attorney or guardianship.

Lest parents misuse the system to enroll a child in a better school system where the grandparent lives, the bill would specifically prohibit placing a child with a grandparent for that purpose.

Senate Bill 88 passed the Senate last year and was recently approved by a House committee that recommended the General Assembly adopt it.

Another interesting bill introduced this past week is House Bill 1040, which if enacted would allow juvenile court judges to grant permanent guardianship of deprived children to their grandparents, relatives, or other persons with whom they have a close relationship. Representative Ed Lindsey is the bill's chief sponsor.

Under current law, the juvenile court has limited options when attempting to give a permanent home to a child whose parents simply cannot care for him or her any longer. The court can go through the difficult and painful process of terminating the parents'

rights, thereby permanently severing all ties between the parent and child. Or, the court can permanently place the child with a relative.

HB 1040 provides a “middle way” for the court to give a child permanency: if the court has found that the child should no longer live with the parent, the court can make a relative or a close family friend the child’s permanent guardian. In this way, the child can know that he or she will always have a home, but at the same time the door will be left open for maintaining or re-establishing a relationship with biological parents, siblings, and other relatives.

These legislative initiatives show that our State is giving greater consideration to keeping families intact where possible while ensuring that children have a safe and permanent home. By promoting relative caregivers and supporting those who want to take care of their own, we can reduce the unnecessary use of foster care. We can also help achieve a worthy goal: helping create and maintain solid, healthy families.

If you would like to view HB 1040 or SB 88 for yourself, visit www.legis.ga.gov and enter the bill’s number in the search box. You can also learn much more about current programs in Georgia that support grandparents who care for their grandchildren by visiting www.grandfactsheets.org and clicking on the “Georgia” link.

And if you have any questions about legislation affecting children in Georgia, contact us by visiting www.gachildadvocate.org and clicking “contact.”