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REALITY OF GRANDPARENT CAREGIVING**

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# Laws and Policies Need to Reflect Reality of Grandparent Caregiving



Patricia E. Salkin

**T**he expression "taking care of grandchildren" may conjure up images of smuggling with a toddler for a story, sharing a favorite hobby with a budding artist or sports enthusiast, or treating a little one to ice cream. Those images do not do justice to the reality of grandparenting for many grandparents. For them, the reality means parenting a second time around.

Today, as many as 150,000 New Yorkers are raising more than 300,000 grandchildren full time, and, the numbers appear to be rising. This is not the extended family of yesteryear, as these grandparents and other caregivers are caring for children in homes without a parent present.

The explanations for this growing phenomenon are varied, including death, divorce or incarceration of a parent, parental health or financial problems, child abuse, neglect, or abandonment, and teen pregnancy. No social, ethnic, and economic group is untouched; however, the U.S. Census Bureau indicates that the majority of the caregivers are women, many of whom are living below the poverty level.

Parenting a second time can create enormous stress. Many adults who thought their child rearing days were behind them are once again coping with rebellious teenagers or with children with developmental or psychological problems, or with educational issues that stretch beyond their limited learning. They also have to deal with the heartache of their own children's lives and the circumstances that created the unanticipated caregiving arrangement. These grandparents and other relatives who take on the role of parenting face a variety of obstacles. Financial burdens can often cause the greatest dif-

ficulty as a caregiver may have a low or fixed income or may have lost income after leaving a job to care for a child.

Uncertainty and disagreement on the legal authority of a guardian, legal custodian, foster parent, and informal caregiver and the advantages and disadvantages of each role present a complex legal terrain, and provide fertile ground for lawmakers to begin to address some of the challenges. In some cases, judicial intervention to establish a formal legal relationship is the only course of action today, and this may exacerbate an already fragile situation.

The lack of legal authority to make decisions on behalf of the child or to obtain financial, medical and educational services all too often creates barriers to providing for the child's best interests. Physicians and hospitals may not recognize the grandparent's authority to consent to medical treatment. Insurance companies may deny private health coverage to the child. Inconsistent school district policies offer confusing direction about whether a grandparent can enroll a child in the school district without paying tuition. Housing also might be problematic if eligibility for housing excludes children.

Difficulties in accessing the foster care system or in establishing and maintaining other long term custodial arrangements can undermine efforts to establish a permanent home for the children, a particularly important goal for a child whose formative years have been marked by uncertainty and tragedy.

Around the state, grandparents and other caregivers have formed support groups and they are anxious for information and solutions. Not-for-profit agencies are developing programs to serve these families. The Office of Children and Family Services is mak-

ing available one million dollars for programs and assistance to promote and support these valuable family arrangements through the TANF program. However, until the laws of the state can provide clear guidance regarding the caregiver's legal authority in a variety of situations they confront on a daily basis, and insure the stability of these "parent-like" relationships by providing continuation of custodial relationships and adequate financial assistance when it is needed, much confusion will remain.

While there is no easy solution to these thorny issues, New York's lawmakers and policy makers should begin a dialogue among state, local, and private agencies and grandparents and other caregivers that can lead the way to discovering and crafting the best solutions to these problems in a comprehensive manner.

In the legislature, bills that would fund county resource centers, create special judicial safeguards for children living with relatives for substantial periods of time, and insure the availability of kinship foster care to relative caregivers reflect the growing awareness that grandparent caregivers are an irreplaceable resource. These efforts and others are partial solutions to the complex puzzle of non-parental caregiving to ensure that children are raised in loving, stable homes including the homes of their grandparents when their parents are not able to be physically present.

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