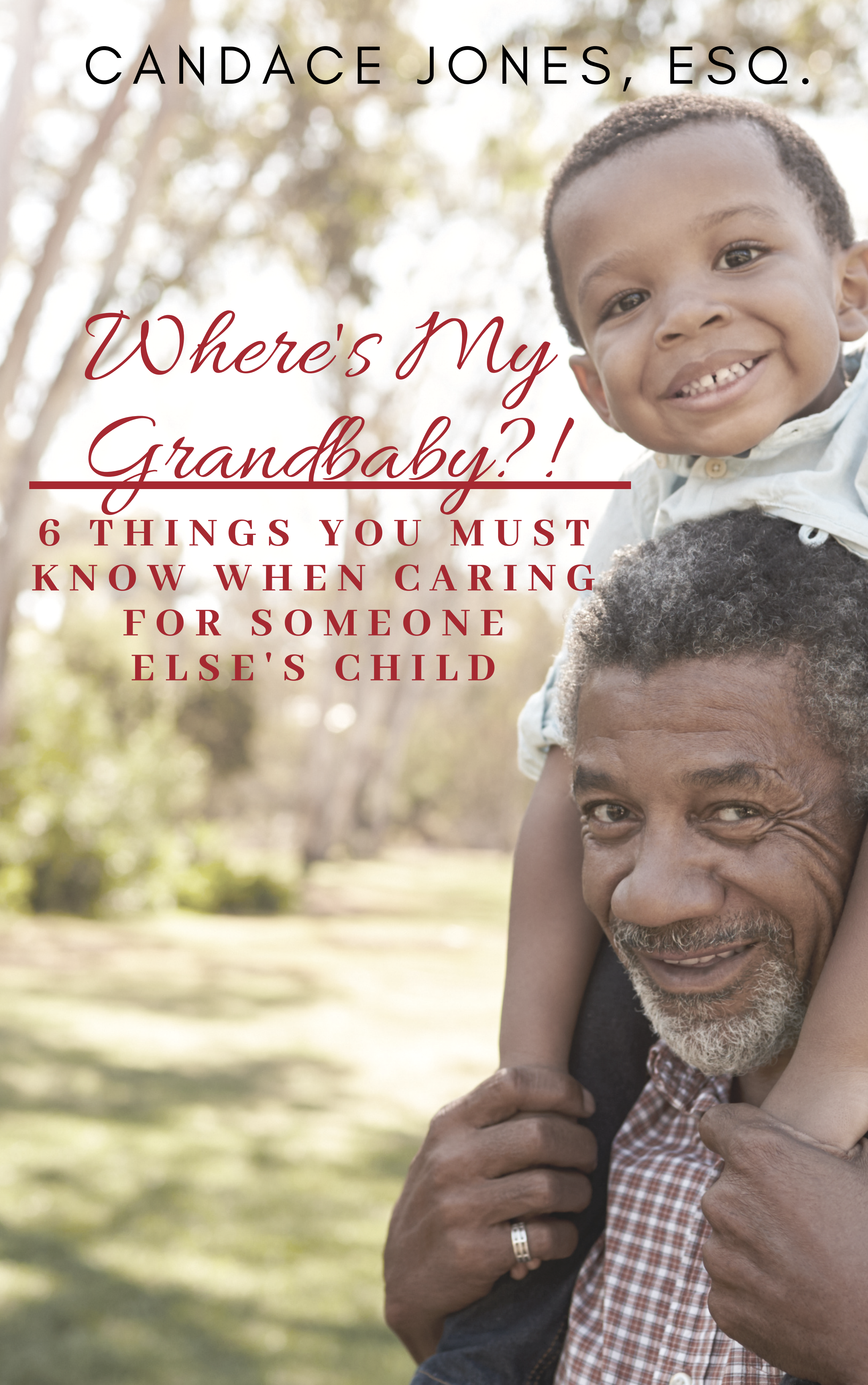


CANDACE JONES, ESQ.

*Where's My
Grandbaby?!*

6 THINGS YOU MUST
KNOW WHEN CARING
FOR SOMEONE
ELSE'S CHILD



Where's My Grandbaby?!

**6 THINGS YOU MUST
KNOW WHEN CARING
FOR SOMEONE
ELSE'S CHILD**

the Attorney.
NEXT DOOR



CANDACE JONES, ESQ.

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First edition

*For those who look after those
who can't look after themselves.*

Religion that God our Father accepts as pure and faultless
is this: to look after orphans and widows in their distress
and to keep oneself from being polluted by the world.

James 1:27



Stop! Please Read

The contents of this e-book are for informational purposes only. They are suggestions, opinions and thoughts-not hard and fast rules that apply to each and every situation. In all of my e-books I seek to provide a basic understanding of the legalities of a particular issue. Clearly the issues are usually much more complex and often times wrought with emotion.

I often write with humor and reference to pop culture. I don't do this because I think these issues are funny or because I'm cavalier. I do it under the old adage that "laughter is good for the soul." I recognize there is a world of pain encompassing the lives of people who seek legal assistance for

their families and I hope the e-books I offer help as a starting place to gain understanding and perspective.

The truth is every family is different.

Therefore, none of these e-books should be used in lieu of seeking legal advice for your situation. Moreover, none of these e-books are complete in legal advice and are more like highlights to legal issues that arise.

This e-book is based on California Law only.

Downloading/Reading this E-book does not create an attorney-client relationship. This e-book may constitute a legal ad.

-Candace

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Chapter One

SAVE THE PARENT- SAVE THE CHILD

Was anyone else a die-hard fan of *Little House on the Prairie*? Maybe I should be embarrassed about that, but I'm not. I'm so proud, I made it my opening sentence.

And I'm going to force you to love it too as I share one of my favorite quotes (spoiler alert, it's the chapter title). But first, I need to set up the backstory. This episode will make you want to cry—I know they all did—but this one required a box of tissues.

In the episode of *Little House on the Prairie* that I'm referring to, one of the kids in town was being physically abused by his alcoholic father and everyone knew it. Everyone gathered for a town meeting in the schoolhouse/church/everything-community-building and began to deliberate whether or not to intervene and how and when.

A growing number of the town residents became justifiably angry and proposed to just save the boy and take him in one of their homes and then thrash the alcoholic father. They wanted to leave the father alone in his misery and be done with the whole ugly situation.

But Caroline stands up in opposition, and with courage and conviction and she says:

“If you save the parent...you save the child.”

I haven't seen this episode in years. But as I write that line, I see her conviction. I feel it in my heart. It's the truth.

Many profess this ideology: “cut the rope and drop the load.” If people bring you drama, cut them off. Move on. Build a new bridge and cross it. Leave them far behind.



This ideology has moments of applicability. However, more and more, I realize, you “can’t love people in pieces” (Sean Connery said that as he portrayed King Arthur in *First Knight*).

People are intertwined, connected on multiple emotional and spiritual levels and the very best way to heal a person is to heal those who broke him. I’m going to write this again, because some of you are skim reading and you need to know that sometimes, the very best way to heal a person is to heal those who broke him.



No, you don't have an "S" on your chest and you don't change your clothes in phone booths (at least I hope not, you may need to talk to a criminal attorney if that's something you do) and I'm not telling you to start a Dr. Phil Show.

But I am saying that if you are raising a child* that has been removed from his home by a court or voluntarily by his parents, there is a reason for the placement.

You may never be able to fix it, and it's very possible you're not the right person to try. But, I am saying, that it is better to spend your energy finding the good traits about the parents and relaying that to the child rather than focusing on the ways the parent failed.

Save the parent; you save the child. If you can find the good in the parent, the child feels hope. If you can't find anything good about the parent, the child will struggle with how he could ever be better than the "deadbeat" parent from which he came.

**For the sake of simplicity, I assume there is only one male child when writing this e-book.*

Chapter Two

LET'S START AT THE VERY BEGINNING

There are some fundamental facts you should know about the court systems you may find yourself involved in. There are four that can directly impact the placement of the child in or out of your home: Dependency Court (Child Protective Services); Probate Court; Family Law Court; Adoption Court.

This is a basic explanation of each court system.

(1) Dependency Court (Child Protective Services)

If CPS has investigated the parent(s) AND a court case has opened up, the child may be removed from the parent at which point relatives are considered/evaluated as well as Resource Families (aka Foster Families).

If this court is involved, ingrained in the law is a reunification system such that for a period of time, the goal will be to remedy the safety concerns and return the child to one or

both parents. If the child cannot be returned then the court will consider a permanent plan which can include adoption, legal guardianship or a planned permanent living arrangement.

There is so much more where that came from and if you have questions it is better to ask them sooner than later. Time really matters in Dependency court and sometimes waiting may cost you relationships that truly matter to you.

Our Legal Guide 1,000 Shades of Gray: Know What an Attorney Knows About the CPS System-Relative/Caregiver Edition (click [here](#)) will walk you through this court system in depth so you can protect your loved ones.



(2) Probate Court

Probate court is where you will find yourself if you are pursuing custody of the child when CPS has not opened a court case in dependency.

There can be a myriad of reasons for this. Perhaps the parents agree to place the child in guardianship with you. Perhaps the parents have abandoned the child and you and you need to file for custody. Or perhaps you have concerns about the best interest of the child, but perhaps it's not a "safety" issue that would cause CPS to open a case. Or maybe one or both of the parents are deceased or incarcerated. Any of those situations may land you in probate court.



(3) Family Law Court

The main reason you might find yourself in family law court is if you are seeking grandparent's rights and not custody. Grandparent's rights create a court order for visitation with a grandchild. I discuss this further later in the e-book.



(4) Adoption Court

If you've been working with an agency, they will likely handle this for you-this includes dependency cases as well as private adoptions.

However, you may find yourself filing for adoption in Adoption court (there is only one in LA County) if you've had a legal guardianship for a long period of time and want to make the placement permanent.

Finally, you may also file for Step-Parent Adoption if your spouse has children you would like to adopt.

Chapter Three

ADOPTION VS. GUARDIANSHIP

This question will come up a lot if you are considering long-term placement of a child in your home who is not legally in your custody. A good rule of thumb is that if you are going to care for a child that is not legally in your care you need to establish a legal right to make decisions on behalf of the child.

I understand life happens and parents sometimes need support. So I'm not talking about a 2 week stay while a parent moves or some other short term situation. But if you're creeping up on three months or more and it's not a summer visit—you really need to have a serious conversation with the parent and figure out a plan to ensure stability for the child.

Long term solutions are Legal Guardianship and Adoption and the differences are as follows:

Legal Guardianship is temporary. Parents keep their parental rights, but they are "suspended" for the duration of the guardianship. But the parents can always jump back in the game. When the child turns 18 the guardianship terminates automatically by operation of law.

An adoption permanently severs all legal ties to the biological parents. The law no longer recognizes them as parents and the child legally receives new parents. Adoption is permanent.

As a general rule one may consider the following when discussing plans with loved ones:

0 days to 60 days: Caregiver Affidavit; Authorization to Consent to Medical/Dental Care of Minor; Assignment of Educational Decision Making Authority (Temporary/No Court Order Required; no official transfer of custody)

60 days to 2 years: Legal Guardianship

2+ years: Adoption

Chapter Four

THE TRUTH ABOUT GRANDPARENTS' RIGHTS

So I keep hearing people ask more and more about grandparents' rights. They do exist, but maybe not the way you think. In a short, non-legal way, if you have an established relationship with your grandchild and it has been cut off, there are laws that allow the court to order visitation between you and your grandchild.

As a rule of thumb, I don't jump to this. You never know what a judge will do and it's almost always better to fix the broken communication between you and the parent rather than to force their hand in court. "You can catch more flies with honey than vinegar."

These motions are typically filed in family law court. If there is an open CPS case, there's not a lot you can do aside from talking with the social worker. Certain motions can be filed, but again, I suggest considering fixing the relationship first and second and court third.

Chapter Five

WHAT HAPPENS IN VEGAS DOES NOT STAY IN VEGAS

That last section was for relatives who may be a bit over zealous. This section is for relatives who need to speak up.

I know it's your son, or daughter, or niece, or nephew, etc. I know you love them and I know they tell you to stay out of their business and you don't want to cause a rift in the family.

BUT if you know your son, or daughter, or niece, or nephew is engaged in unlawful behavior or a dangerous relationship or socially unacceptable behavior that is placing one of your kid relatives in danger. You may need to get involved.

The general rule of what happens in Vegas stays in Vegas does not apply when there are kids involved. We live in a society of mandated reporters and if you don't make the call to CPS, it's very possible a teacher, nurse,

police officer, therapist, or one of the many other mandated reporters in society might.

If and when that occurs, CPS may get involved and then your ability to intervene or offer placement becomes very narrow and ridden with red tape.

So if you have concerns, do your best to lovingly come along side parents and provide options for your kid relatives before the government does.



Chapter Six

IF THERE IS A CPS CASE, GET INVOLVED EARLY

Again, I know it's your son, or daughter, or niece, or nephew, etc. I know you love them and I know they tell you to stay out of their business and you don't want to cause a rift in the family.

BUT if you know CPS is involved and your kid relatives are not in a family member's home—get involved sooner than later.



You cannot rely on parents to tell you what's going on, because sometimes, they themselves may be unclear or too ashamed to face the truth. That's not shade, that's just the hard reality.

So you need to get involved early because your ability to access or request placement of a kid relative declines day by day, month by month.

Additional Resources

IF YOU NEED SOME HELP



If you feel like this, then feel free to join our online legal community. Answer 15 quick questions and then you will access to our online legal guides to help you navigate the system at an affordable cost.

We can help you with all the topics discussed in this e-book and help you determine which is best for you and your loved ones.

Just contact us at 661-622-3000, **click here** or visit us at www.theAttorneyNextDoor.com.