

LEGAL INFORMATION & RESOURCES

**FOR ONTARIO GRANDPARENTS*
RAISING THEIR GRANDCHILDREN**



NICE

National Initiative for the Care of the Elderly

Initiative nationale pour le soin des personnes âgées

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Ensemble pour le bien-être des aînés



Government of Canada

**Networks of Centres
of Excellence**

Many grandparents in Ontario are raising their grandchildren. If you have taken on this important task, you are entitled to some assistance.

This brochure provides legal information and a list of resources that may help you.

LEGAL INFORMATION

The way you take on the role of caregiver for your grandchildren may affect:

- » Your ongoing right to raise your grandchildren
- » Your ability to get financial assistance

Here is some important information to help you understand the legal issues of raising your grandchildren.

Definitions:

What does **ADOPTION** mean?

- » Adoption ensures that your grandchildren will not be taken away from you
- » When you adopt your grandchildren they become your children *under the law*
- » But, when you adopt your grandchildren, the government no longer has to provide you with certain types of assistance
- » If the child was a *crown ward* you may be eligible to receive some assistance based on the child's specific needs (i.e. counseling)

What does **LEGAL CUSTODY** mean?

- » Having legal custody gives you the right to make legal decisions for your grandchildren

RAISING THEIR GRANDCHILDREN

- » It allows your grandchildren to be included on medical insurance and to travel out of the country
- » There are two ways you can get legal custody of grandchildren
 - *You can apply for custody through a lawyer the way divorced couples do, or*
 - *The Children's Aid Society (CAS) can ask you to take legal custody because the children are not safe with their parents.*
- » Once CAS is involved with your grandchild, they may be able to assist you with getting legal custody
- » If you are asked by CAS to take custody, make sure you understand what is expected and whether they will help. You don't have to agree.
- » Having legal custody means you will not be able to get monthly foster payments

The grandchildren's parents can challenge your legal custody any time. The judge may decide the parents are capable of parenting again.

To make sure you are making the right choice, get legal advice.

LEGAL RESOURCES

Published Legal Information

- » Use the Internet at:
www.cleo.on.ca/english/pub/onpub/online.htm
www.cleonet.ca/

Family Court Information

- » You may be able to use a *duty counsel lawyer* to help you in court. It depends on your income and your circumstances.
- » Advice from staff is also available at certain times.
- » The forms you will need to prepare for court are available online or at any family law court.
- » Free information about family law issues, resources, and court procedures is also available at each courthouse where family law is practiced

Where can I get more information?

- » Call toll-free: **1-800-518-7901**
- » Use the Internet at:
www.attorneygeneral.jus.gov.on.ca/english/family/
- » See the free publication “Family Law Resources in Ontario” at: **<http://www.cleo.on.ca/english/pub/onpub/PDF/family/familyresource.pdf>**

Legal Aid Ontario

- » If you cannot pay for a lawyer, Legal Aid may be able to help.
- » You will have to complete an ‘eligibility test’ at the legal aid office closest to you.
- » The test will ask you about the nature of your legal problem and your ability to pay for a lawyer
- » Your ability to pay for a lawyer is decided by your assets, income and expenses
- » Only those with the lowest incomes will be able to get all their legal costs paid for

- » Legal aid may be able to arrange loans and/or subsidies for those with slightly higher incomes

Where can I get more information?

- » Call: **1-800-668-8258**
- » Use the Internet at:
www.legalaid.on.ca/en/getting/

Community Legal Clinics in Ontario

To locate a community legal clinic near you, use the Internet at:

www.cleo.on.ca/english/links.htm

Lawyer Referral Service

- » If you are having a hard time finding a lawyer, referral services can be used to help find lawyers which can take on your case
- » Before you talk to a lawyer ask about the cost of a *consultation*
- » Also, ask for a printed copy of the cost of each of the legal services they will provide
- » Two popular services are:
The Lawyer Referral Service of the Law Society of Upper Canada (Ontario)
Call: **1-900-565-4577** (\$6.00 for a call)
E-mail: **lawrefer@lsuc.on.ca**
- » *Canlaw*
A free online referral service that can find lawyers anywhere in Canada
Use the Internet at:
www.canlaw.com/referrals/referralindex.htm

FOR UPDATED INFORMATION ON:

Legal information & resources

Financial resources

Resources for children with special needs

Support groups

Other issues facing grandparent caregivers

Use the Internet at www.cangrands.com

Legal Information & Resources For Ontario Grandparents* Raising Their Grandchildren

This pamphlet provides you with important legal information and resources to help you and your grandchildren.

*** or other adults raising the children of relatives**



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National Initiative for the Care of the Elderly
222 College Street, Suite 106, Toronto, Ontario M5T 3J1
Tel: 416-978-2197 • Website: www.nicenet.ca

FINANCIAL RESOURCES

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FINANCIAL RESOURCES

Ontario Works

Who can get funding?

- » Make an appointment with Ontario Works to find out if you are eligible for *Temporary Care Assistance*.
- » Bring the child's documents (OHIP, Birth Certificates, Report Cards, legal documents).
- » You may also be able to get a *community start-up grant* to buy beds, dressers, etc. to help set a room for the child, or an *allowance for special dietary needs*.

Where can I get more information?

- » Use the Internet at:
www.mcsc.gov.on.ca/mcsc/english/pillars/social/ow
- » Check *local listings* under Ministry of Community and Social Services.

Child Care Subsidies

Subsidies for child care may be available

- » Use the internet at:
www.gov.on.ca/children/english/programs/beststart/care/STELo1_136541.html

Children's Aid Societies (CAS)

If CAS is involved with your grandchild, there are two types of arrangements that may be made:

Kinship Care

- » If the child is a ward of the CAS and it has been decided that it is in the child's best interest to live with you, you may be eligible for monthly foster payments. This is called Kinship Care.
- » To qualify for kinship foster care payments, you must meet the same standards as other foster care homes. This is a difficult process. You will be asked to do training, get medicals and references, and have your home inspected.

All legal decisions about the child will be made by the CAS. You will have to follow their rules and work cooperatively with them.

Kinship Service

If the child is not a ward but there is an open CAS file, you may still be able to receive occasional help.

For example, CAS may help buy extras such as a crib or car seat.

- » Funding is decided case by case. The worker will ask for receipts.
- » To find out whether you can get funding, talk to your local CAS kinship support worker.

Where can I get more information?

- » Call the Ontario Association of Children's Aid Societies at: **416-987-7725**

- » Use the Internet at:
www.oacas.org/contacts.htm
- » Call the Ministry of Child and Youth Services toll-free at:
1-866-559-4597
- » Use the Internet at:
www.gov.on.ca/children/english/resources/child

Canadian Pension Plan (CPP)

Who can get funding?

- » If you are raising the child of a parent who has died or is disabled you may be able to get *CPP Survivor Benefits* or *CPP Disability Benefits*.
- » You need to get an *application kit*.

Where can I get an application kit?

- » To get an application kit sent to you call:
1-800-277-9914
- » Use the Internet at:
www.hrsdc.gc.ca/eng/isp/cpp/cpptoc.shtml
- » You can also get kits at Service Canada Centres or at funeral homes.

Revenue Canada

Who can get funding?

- » You may be able to claim your grandchild for deductions and tax credits.
- » You should be receiving the monthly *Universal Child Care Benefit*.
- » A child may also qualify as a *deductible dependent* or as an *equivalent to spouse*.

FINANCIAL RESOURCES - CONTINUED

- » Some of the childcare costs are deductible if you are working.
- » If you have a low income, you may be able to get the *Canada child tax benefit*, the *National child benefit supplement*, and the *GST tax credit*.
- » Some may also be able to get the *Caregiver tax credit*, *Child disability tax benefit*, *Medical expenses tax credit*, and *Adoption tax credit*.
- » If your grandchildren are older, tuition and education costs may be allowed as deductions.
- » You can apply for many of the credits and benefits by filling out a form.

Where can I get the forms?

- » Call your local Revenue Canada office
- » Use the Internet at:
www.cra-arc.gc.ca/menu-eng.html

Employment Insurance (EI)

Who can get funding?

- » If you are working, you may be able to get benefits to take a *parental leave* of up to 35 weeks.

Where can I get more information and apply for benefits?

- » Use the Internet at:
<http://www.servicecanada.gc.ca/eng/ei/types/special.shtml>

FOR UPDATED INFORMATION ON:

Financial resources

Legal information & resources

Resources for children with special needs

Support groups

Other issues facing grandparent caregivers

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Financial Resources For Ontario Grandparents* Raising Their Grandchildren

This pamphlet will give you important information about ways you can get funding to help you & your grandchildren

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