

Frequently Asked Questions

By Grandparents Raising Grandchildren

How can I make sure that my grandchild has HEALTH INSURANCE?

- Private health insurance companies will not add your grandchild to your policy unless you have been appointed legal guardianship.
- Your grandchild is eligible for Medicaid because he/she is not living with his/her parents
- Go to the nearest Income Support Division (ISD) office and explain the situation.

Can I enroll my grandchild in SCHOOL?

- Yes. Under the McKinney-Vento Act, children are considered “homeless” if they are not living with parents. ***This homeless status legally assures that a child should be enrolled in school, no questions asked.*** Child is considered homeless until he/she returns to parents or legal guardianship is obtained by someone else. Ask to speak to the school’s McKinney-Vento Act liaison for assistance if needed.
- You can use the Caregiver’s Authorization Affidavit to facilitate school enrollment. The *form is available at <http://www.nmadvocacy.org>*

Can I enroll my grandchild in DAYCARE whether I work or not (Head start, Early Intervention, Preschool)?

- Daycare providers should allow you to enroll your grandchild if you have a signed and notarized Caregiver’s Authorization Affidavit.

I work, but I can’t afford to pay for daycare. Can I get help?

- You may be eligible for subsidized daycare through CYFD.
- Currently, it is necessary to apply for cash assistance through the Temporary Assistance for Needy Families (TANF) program in order to be eligible for subsidized daycare without regard to your income.

I can’t afford to support myself AND my grandchild. Can I get FINANCIAL HELP?

- Yes, you can; Benefits such as TANF, Women-Infants-Children (WIC) and Supplemental Nutritional Assistance Program (food stamps) are available through the Income Support Division (ISD). (See Rights and Benefits Section for details)
- WIC benefits are available regardless of your income.
- Parents will be pursued for child support payments upon you applying for TANF

I don’t have legal guardianship or a Power of Attorney form signed by the parent. How can I access HEALTHCARE for my grandchild?

- The easiest thing to do is to use a Caregiver’s Authorization Affidavit.
- However, children 14 and older do have some rights to access healthcare on their own, especially if they are not living with their parent or legal guardian.
- Go to www.pegasuslaw.org to find more information about the rights of children to access healthcare on their own (including dental and mental healthcare). See Medical Section for more information.

What happens if the mother or father come and try to TAKE MY GRANDCHILD AWAY?

- If CYFD has placed the child with you, they are probably investigating abuse or neglect by the parents. The investigation could last as long as 45 days. During that period, the CYFD investigator will not allow the parents to remove the child.
- If the parents show up at your door and won't listen to reason, call the police and the CYFD investigator
- It is very important that you follow all the CYFD investigators instructions! If you end up going to court, you want to be able to say that you did all you could to be compliant.
- If you are worried that the parents are going to cause problems, it is a good idea to call the Guardianship Legal Helpline (GLH) for information and advice. 800-980-1165 or 505-217-1660

I don't believe that my grandchild's parent is going to change. How can I get LEGAL GUARDIANSHIP?

- Getting guardianship is easy if the parents agree
- If both parents don't agree, you will have to have the child in your home for at least 90 days before you can ask a judge to appoint you as the child's guardian.
- Call the Minor Guardianship Legal Helpline (GLH) for assistance at 800-

Remember, you are not alone!

- There is support out there if you seek it out. The Guardianship Legal Helpline can be very helpful as well as the other resources listed in the Resource Section (*maybe we could insert some here*)
- An often, easily overlooked resource and source for mutual support, is other relative caregivers who may have insights, advice or references that they've found and utilized. Don't be afraid to connect with others who are in the same or similar situation as you.
- Ask questions without feeling intimidated. If you have to ask the same question more than once, that's alright. There are no stupid questions when it comes to child welfare.

Prepared by the NM Grandparents Raising Grandchildren Task Force, 2018

Glossary of Terms and Acronyms For Grandparents Raising Grandchildren

- **Caregivers Authorization Affidavit:** A form created by state law that help caregivers access the services and supports they need for a child in their care.
- **Child Protective Services (CPS):** The division of CYFD that investigates child abuse and neglect
- **CYFD:** The Children Youth and Families Department
- **Early Intervention:** Free services provided through state and federal funds to help children with developmental delays or disabilities
- **Federal Poverty Guidelines (FPG):** A measure that many state and federal programs us to determine eligibility
- **Head Start:** A federally funded preschool program for low-income families
- **Income Support Division (ISD):** A division of the New Mexico Health and Human Services Department that administers state and federal benefit programs
- **Legal Guardianship:** A court process that suspends the parents' rights and gives a caregiver most of the rights of a parent
- **McKinney-Vento Act:** A federal law that guarantees that homeless children can enroll in school and participate fully in all school activities
- **McKinney-Vento Liaison:** The person with the School District who is responsible for making sure the schools follow the requirements of the McKinney-Vento Act
- **Power of Attorney:** A form created by state law that allows a parent to delegate or give their parental authority to another person. No court process is necessary
- **Pulltogether.org:** CYFD community resource guide
- **Supplemental Nutritional Assistance Program (SNAP):** Formerly known as Food Stamps, SNAP provides a monthly allowance, accessed through an electronic debit card, to help low-income families buy healthy food
- **Temporary Assistance for Needy Families (TANF):** A federal program administered by the state, which provides formula for infants and toddlers
- **Department of Aging and Long-Term Aging: (ALTSD):** This state agency provides accessible, integrated services to older adults, adults with disabilities, and caregivers

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