

# **A Basic Guide to Custody Arrangements**



## **Developed by:**

# **Alaska Center for Resource Families**

**A Project of Northwest Resource Associates** 



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### INTRODUCTION

This guidebook is intended for families and friends who step up to help a family member by taking care of his or her child. It gives general information about custody options to families who have an informal custody arrangement with a friend or family member. It is intended for informational purposes only and not intended to be a replacement for legal counsel that may be required. This guide is intended for families who live in the State of Alaska. Requirements for other states or interstate placements may vary or be similar, so check with your local state laws.

There are many reasons why you may be caring for a friend's or family member's child. The birth parents may be chronically ill, struggling with addiction, or facing criminal charges. This resource is for families who are caring for a child in circumstances where the Office of Children's Services is not involved. This guide will help you proactively seek out the custody option that best suits your needs and will direct you to community resources that can help. On behalf of the children and families you are helping, we would like to say thank you!

This guide is divided into four sections:

**One:** Gather Your Information

Two: Understand Your Options

**Three**: Complicating Circumstances

Four: FAQs and Other Resources



# **Gather Your Information**

Start by getting all your information in one place. Begin by answering the questions below. This will help you determine the best course of action for your particular circumstances. This worksheet can also guide conversations with professionals when you seek help.

QUESTIONS		WRITE INFORMATION HERE	
Is the State of Alaska Office of Children's Services currently involved with the family?	Yes No		
Does OCS have legal and/or physical custody of the child?	Yes No	If Yes, describe the custody conditions	
If Yes, who is a contact or the social worker for the child? Who is the Guardian ad Litem?			
If No, has the child ever been in state's custody (Alaska or another state)?	Yes No	If Yes, note where and when child was in custody. If another state, which state?	
Is the child Alaska Native or American Indian? If Yes, which tribe or village is the family from? Have you been in contact with them?	Yes No	Does that state still have jurisdiction over the case? Yes No Write any tribal affiliation information here and include names and contact numbers if you have them.	
How old is the child? How long has the child been with you? What is your relationship to the child?			
Is your current situation temporary or long term?		Explain.	
Do the children in your care want to live with you?	Yes No		
Is there anyone else actively seeking custody of the child or children?	Yes No	If Yes, who and what is their relationship to the child?	
Do the birth parents visit or support the child?	Yes No	If Yes, how often and in what ways?	

Do you have any Power of Attorney or authority to act on the child's behalf?  Do you have anything else in writing from the parent?	Yes No	If Yes, when does it expire?  If Yes, what do you have?
Do you know who both biological parents are? Who is on the birth certificate? Has there been any formal change in parental rights?	Yes No	If Yes, write down information.
Are you able to contact the birth parents?  How is your relationship with each parent?	Yes No	
Do you have legal rights to seek medical care for the child?	Yes No	
Do you have legal rights to enroll the child in school?	Yes No	
Why are you seeking a change? Why isn't the current arrangement working out anymore? Are the birth parents supportive of the change?		
Do you have any safety concerns about the birth parents? Is the child in danger if he is with them? If yes, describe how and why.	Yes No	
Have the birth parents requested and been denied visitation or contact by you or other agencies?	Yes No	If Yes, explain.
Has the youth been previously adopted?	Yes No	If Yes, explain.
Has the youth ever received an adoption subsidy from Alaska or another state?	Yes No	If Yes, explain.

<b>Please note:</b> If the State of Alaska Office of Children's Services is currently involved with this child, this guide is probably not for your situation. We suggest you contact OCS or refer to the Alaska Resource Family Handbook.



# **Understand Your Options**

As we move into exploring custody options, keep in mind that children have a birth mother and a birth father. If any custody arrangement does not involve both birth parents, it will not be binding. One of the parents can come back and take custody of the child. Even if a parent is unknown, cannot be found or is uninvolved with the child, you have to formally seek to find and notify them about your intention to establish legal custody, and in some cases the rights of the unknown or uninvolved parent will need to be terminated.

In order to determine the best course of action for your situation, you need to understand what options may apply. In this section we define various custody options. As you read, look for which options best fit your circumstances.

These options can be long or short term, temporary or permanent.

#### **Five Types of Custody/Care Options**

- 1. Physical Custody
- 2. Legal Custody
- 3. Power of Attorney
- 4. Legal Guardianship
- 5. Adoption



### **Research Your State's Laws**

The options each have specific required legal paperwork and/or court procedures that can vary from one state to the next. When you decide which type of custody best suits your needs, look up your state's requirements for how to transfer custody to another person. We suggest you "Google" your state's *Adoption Laws* or *Custody Laws*.

#### Let's Look At Each of These:

## 1. Physical Custody

SOURCE OF INFORMATION: Excerpted from Nolo's Essential Guide to Child Custody & Support, by Emily Doskow. Published by NOLO, November 30, 2011.

Physical custody refers to the location where the children live on a regular basis. It can be shared by two parties (shared physical custody) or granted to just one person (sole physical custody).

When a child lives primarily with one parent or relative and has visitation with others, generally the parent /relative with whom the child primarily lives (called the "custodial" parent) will have sole or

primary physical custody, and the other parent (the noncustodial parent) will have the right to visitation or parenting rights.

You may have physical custody for a child because a parent placed the child with you. However, physical custody of a child does not necessarily mean you have legal custody of the child. Legal custody is what determines the amount of decision-making power a caregiver has over a child. If you have physical custody but no legal rights, the parents can come back to pick up their child at any time.

## 2. Legal Custody

SOURCE OF INFORMATION: Lina Guillen, Attorney. Divorcenet.com Published by NOLO

Having legal custody of a child means that you are responsible for making decisions about the important things in their life, such as where they go to school, what religious instruction they receive, whether they need academic tutoring or psychological counseling, and when they go to the doctor.

As with physical custody, legal custody can be individual (sole) or shared between parties (joint).

**Joint legal custody:** Joint legal custody is shared between two parties who can cooperate in the decision-making process on behalf of the child. The parties must figure out how to work together in this situation. In circumstances where the birth parents are not involved, absent or uncooperative, sharing legal custody would be a difficult option. Joint legal custody can become a battleground between parents and relatives who cannot agree on things that might seem simple, like where the children should get medical care or go to school.

**Sole Legal Custody:** If the parents and relatives fight over every question related to their kids, the most common solution is for the judge to give one-person sole legal custody. A person might also be granted sole legal custody in one of the following circumstances:

- Parents and/or relatives fight over every question related to the children and can't work together to justify joint custody.
- Birth parents live far away or have sporadic contact with their kids.
- Birth parents are chronically homeless and cannot be contacted.
- There is a history of parental abuse, neglect, domestic violence, mental illness or substance abuse.
- A parent is not involved in the child's day-to-day life and doesn't spend time with the child.

It is also possible for a judge to order joint legal custody, but designate one person the tiebreaker, in the event the parents and relatives cannot agree. This is similar to the parent having sole legal custody, but it does encourage both parties to be involved in attempting to come to a resolution.

## 3. Power of Attorney

**SOURCE OF INFORMATION**: Retrieved from : <a href="https://www.legalzoom.com/personal/estate-planning/power-of-attorney-overview.html">https://www.legalzoom.com/personal/estate-planning/power-of-attorney-overview.html</a> Power of Attorney for Minor Children by Kelly Mroz, Demand Media

A Power of Attorney for a minor child allows a parent to designate another adult to make decisions for their child without giving up parental or custodial rights. The Power of Attorney is temporary and can be given by either a parent or guardian. The adult who receives the decision-making authority is called the **agent** or **attorney-in-fact**. As a formal legal document, the Power of Attorney must satisfy state law in how it is written and signed.

#### **Process**

The process for creating a valid Power of Attorney varies by state. The parent generally must sign the document in the presence of a notary. The original document is given to the agent as proof of their decision-making authority. Copies are provided to relevant schools or health care providers for their records when the agent uses the document.

#### Revocation

A parent can revoke the Power of Attorney at any time. This typically requires that the parent notify the agent of the revocation in writing and that the original (and any copies) be destroyed, if possible. The State may have additional requirements for the revocation document. If only one parent signed the Power of Attorney, and the other parent has joint custody of the child, there is nothing to stop this parent from revoking it or asking for custody of the child.

### What can I do with Power of Attorney?

When a parent establishes a Power of Attorney for his child, he does not give away any of his parental rights. The parent maintains custody and can still make decisions for the child. The parent may revoke this power at any time.

What Authority Does a Power of Attorney Give You? When creating a Power of Attorney, the parent specifies which decisions to delegate to the agent. The parent can grant specific authority, such as medical treatment or school registration, or the parent can delegate general authority, giving the agent whatever decision-making power the parent would normally possess. In some states, there are rights that a parent is not permitted to designate to an agent, such as consent to marriage, consent to adoption, or selling/gifting the minor's property. Because there is such a broad range of powers that can be granted, the parent should make sure the legal document clearly sets out which powers he is delegating.

When Should I Use a Power of Attorney? Powers of attorney for a minor child are commonly used by parents during a temporary absence. Parents unavailable due to things like deployment, education, vacation, inability to parent, illness or employment can use powers of attorney to provide for their children's care.

Are there time limits for a Power of Attorney? Powers of attorney for minor children are typically valid only for a limited period of time, as set by state law or stated in the document. The time limit varies by state. For example, in Utah, the document is valid for up to six months; in Alaska, it is valid up to 12 months. Federal law allows the Power of Attorney for the minor child of a deployed military member to last until the individual returns from the deployment.

### In Alaska: Delegation of Powers by Parent

Parents can delegate their parental rights to another person through the Delegation of Powers by **Parent or Guardian (pdf) form.** The delegation can be revoked by the parents at any time for any reason, as indicated in Alaska Statute (AS 13.26.020); This form can be downloaded from: http://doa.alaska.gov/opa/pdfs/Delegation.pdf

## 4. Legal Guardianship

There are two types of legal guardianship: temporary and permanent.

**Temporary guardianship:** This is useful in situations lasting a few months to a year. For example, a parent may grant guardianship to another relative during recovery from an illness. This is temporary and the child is usually returned to the parent when the emergency situation is over.

**Permanent guardianship:** In situations that need a longer term solution, you may seek to become a child's permanent legal guardian which puts the child under your supervisory control until the age of 18. A birth parent may become a co-guardian, have only visitation rights, or give up all parental rights. Be aware that a court may seek input on possible guardians from the child and the child may tell the court he wants a different relative or family friend as guardian.

## **How to Transfer Legal Guardianship**

**SOURCE OF INFORMATION**: Information taken from an article by Christopher Michael , eHow Contributor. Read more at http://www.ehow.com/how 8508310 transfer-legal-guardianship.html )

In some cases, you can legally transfer guardianship without involving a court if all parties agree. Guardianship laws vary from to state to state, and many do not involve a court. Depending on the law, you may be able to draw up a contract, sign it in front of a notary, and transfer guardianship. All that is needed is a comprehensive agreement among all parties involved, the consent of the biological parent, and a notary. To pursue this option, consider the following steps:

1. Research the guardianship laws in your state. Plain English versions of the laws can often be found on state courts websites, and the statutes can always be found online. Understand what constitutes a transfer of legal guardianship in your state.

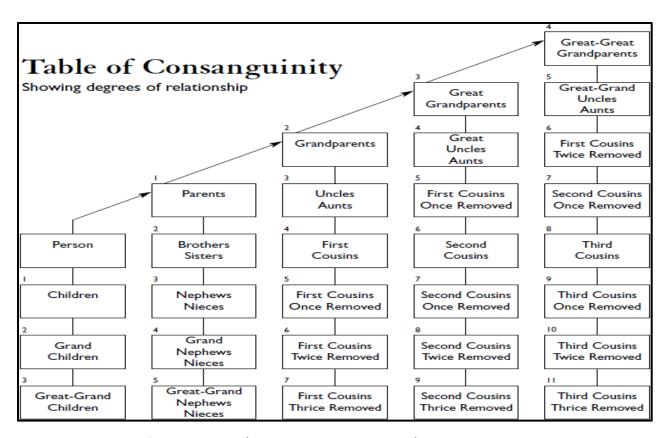
- 2. Talk with the parents and current guardian about taking over guardianship and how it might benefit the child. Come to an agreement about the length of the guardianship and the responsibilities of the guardian. Be explicit, forthright and use full disclosure.
- 3. Obtain a proper guardianship contract by writing a free-form contract, getting one from the local law library, or printing one out from your state's website. Write down the names, dates of birth, addresses and phone numbers of all parties involved including the biological parents and current guardian. Clearly and concisely write the terms of the guardianship in plain English.
- 4. Get all parties involved to sign the contract in front of a notary public and make copies for everyone.
- 5. File the contract appropriately. You may need to register the contract with your state's family court, or you may just need to keep a certified copy of the contract in a safe place.

## 5. Adoption

Adoption occurs when an adult assumes, through a formal court proceeding, legal and all other responsibilities for a child, creating a permanent parent-child relationship. The biological parents' legal rights are terminated, either before or as part of the adoption proceeding. Parents can freely give consent to adoption to a person who they want to be the permanent family for that child. In most cases, both biological parents need to give consent *or you need to document the efforts made to obtain consent from the missing parent*. The Petition to Adopt is the document filed with the court on your behalf to begin the adoption action. It states the legal basis on which you think you should be able to adopt this child, why the court has jurisdiction to grant the adoption, your qualifications to adopt this child and the name that you want to be given to your child when the requested adoption becomes final.

Adoption gives the adoptive family all the rights and privileges as if the child had been born to you. After adoption, the child will be issued a new birth certificate with the new parents listed. It is a permanent, legal relationship.

Home Studies: If you are not related to the child, you will be required to have a home study. The home study is an evaluation of the adoptive parent prior to adoption. The goals of the home study are to educate and prepare the adoptive family for adoption, and to assess whether the potential family is appropriate to adopt the child they are interested in. Home studies are completed by trained writers or licensed social workers. Family members within four lines on consanguinity (fancy word for bloodline) laterally or linearly do NOT have to do a home study. (See Graph Below) Please refer to Alaska Statute: <a href="http://codes.lp.findlaw.com/akstatutes/25/25.23./25.23.100">http://codes.lp.findlaw.com/akstatutes/25/25.23./25.23.100</a> and the Table of Consanguinity. If a child is in the custody of the State of Alaska Office of Children's Services, everyone who is adopting, including relatives is required to have a home study.



**CHART #1: Table of Consanguinity (From Wikimedia Commons)** 

The number above each box indicates the degree of relationship. The lower the number, the closer the relationship.

## **Stepparent Adoption**

**SOURCE OF INFORMATION:** <a href="https://www.stepparentadoptionforms.com/alaska-adoption/">https://www.stepparentadoptionforms.com/alaska-adoption/</a> <a href="https://www.courts.alaska.gov/shc/family/selfhelp.htm">https://www.stepparentadoptionforms.com/alaska-adoption/</a> <a href="https://www.courts.alaska.gov/shc/family/selfhelp.htm">https://www.stepparentadoptionforms.com/alaska-adoption/</a> <a href="https://www.stepparentadoptionforms.com/alaska-adoption/">https://www.stepparentadoptionforms.com/alaska-adoption/</a> <a href="https://www.stepparentadoptionforms.com/alaska-adoptionforms.com/">https://www.stepparentadoptionforms.com/alaska-adoptionforms.com/</a> <a href="https://www.stepparentadoptionforms.com/">https://www.stepparentadoptionforms.com/</a> <a href="https://www.step

Unlike other adoptions, a stepparent adoption without complicating factors can be done without the assistance of an attorney and all the required forms can be found online. However, before you begin the stepparent adoption process, here are few things to be aware of.

- 1. Marital Status: A stepparent in Alaska must be legally married to the child's parent.
- 2. **Parental Rights**: Both the biological father and the biological mother have parental rights to the child. In every adoption, the parental rights of absent or consenting parents will have to be terminated. This can be voluntary or involuntary.
- 3. **Child's Consent**: In Alaska, if the child is over 10 years of age, the child will be required to consent to the adoption.

4. Filing Fees: The Alaska Court System has all the required documents to file a stepparent adoption. The court filing fees for an adoption in Alaska are approximately \$200.

Just as with traditional adoption, a stepparent adoption gives the parent the same rights as if the child had been born to you. The child's new birth certificate will show the child's new name and will have the adoptive parent and the birth parent listed as the child's mother and father.

The Alaska Court System has court forms for adoption by a stepparent if the child is not an Indian child as defined in the Indian Child Welfare Act (ICWA). If the adopting person is not the child's stepparent, you will need to consult with an attorney to file a case with the court.

#### **Alaska Court Locations:**

Anchorage Superior Court: 825 W. 4th Avenue, Anchorage, Alaska 99501 Phone: 907-264-0671 Fairbanks Superior Court: 101 Lacey Street, Fairbanks, Alaska 99701 Phone: 907-452-9277

Juneau Superior Court: 123 4th Street, Juneau, AK 99811 Phone: 907-463-4700

For more information, and required documents for Stepparent adoption can be found at: https://www.stepparentadoptionforms.com/alaska-adoption/



# **Complicating Circumstances**

Sometimes there are situations that complicate the five permanency factors previously discussed. In these situations, it is wise to seek legal counsel as you move forward.

### 1. When Temporary Care Becomes Child Abandonment

Sometimes, when a friend or family member steps up to care for children in need, what started out to be a temporary arrangement (days or weeks), turns into months or even years. Family members find themselves with the full responsibility for raising a child, with little to no authority to enroll them in school, get public assistance and/or medical care.

If the child has been in your care for one year or more, and parents have not been providing support or have not maintained contact, you have the option to:

- File for termination of parental rights
- File a petition for adoption

In this circumstance, it is recommended to consult with an attorney for guidance and assistance.

#### According to Alaska Statute 47.10.013, Abandonment is defined as the following:

- (a) For purposes of this chapter, the court may find abandonment of a child if a parent or guardian has shown a conscious disregard of parental responsibilities toward the child by failing to provide reasonable support, maintain regular contact, or provide normal supervision, considering the child's age and need for care by an adult. Abandonment of a child also includes instances when the parent or guardian, without justifiable cause:
- (1) left the child with another person without provision for the child's support and without meaningful communication with the child for a period of three months;
- (2) has made only minimal efforts to support and communicate with the child;
- (3) failed for a period of at least six months to maintain regular visitation with the child;
- (4) failed to participate in a suitable plan or program designed to reunite the parent or guardian with the child;
- (5) left the child without affording means of identifying the child and the child's parent or guardian;
- (6) was absent from the home for a period of time that created a substantial risk of serious harm to a child left in the home;
- (7) failed to respond to notice of child protective proceedings; or

(8) was unwilling to provide care, support, or supervision for the child.

## 2. Safety and Emergency Situations

If a child is in danger or is not safe in the care of their birthparents, you do not have to stand by helpless to intervene. There are many actions you can take to protect a child from harm; however, it is recommended you seek the counsel of an attorney to assist you with these circumstances.

If the child is in need of immediate intervention:

- Call 911 if the danger or threat is imminent. Safety is the first priority.
- File a report of harm with the State of Alaska Office of Children's Services.
- You can file a petition for emergency custody.
- You can file a petition for emergency guardianship hearing to occur in 48 hours.
- You can file a petition to intervene in the case.

### 3. Absent or Unknown Birth Parents

Often, one of the birth parents gives their consent for adoption or guardianship but the other parent (usually the father) is absent, unwilling or unknown. Is it necessary to get consent from both parents to move forward with a permanency option?

This can be a complicated situation that depends on a number of factors. Is the birth father listed on the birth certificate? Does the birth mom know who the father is but refuses to disclose? Does the father know his child exists? Has either parent had visitation with the child or have they paid support for their child? Does either parent have a relationship with the child? Have they made any efforts to stay in contact with their child?

The pre-adoptive family has to show diligent efforts to locate the absent or unknown birthparent. This can include searching social media, contacting friends, families and former employers, or publishing a notice in the paper. You can download the form, <u>AFFIDAVIT OF REASONABLE INVESTIGATION</u>, P-355 (9/14) (cs) AS 25.23.100(c) from the Alaska Self-Help Law Center for information and the definition of "reasonable efforts."

*Involvement of OCS:* In the case of abandonment or child endangerment, OCS may become involved. If the child has been harmed or is at risk, you may need to make a report of harm in order to keep the child safe. If OCS intervenes and assumes legal custody of the child, please refer to the *Alaska Resource* 

Family Handbook (located on the State of Alaska OCS website) for information about the progression of events or contact the Alaska Center for Resource Families for assistance.

## 4. Alaska Native and American Indian Child

The Indian Child Welfare Act (ICWA) is a federal act that applies when an Indian or Alaska Native Child comes into a state's child welfare system. If the child is Alaska Native or American Indian and the State of Alaska is not involved in a child welfare case, only some of the provisions apply. **In situations of private adoptions**, the tribe will be notified unless birth parents file a tribal privacy request. Without this request, the tribe has to be served notice that the child is being adopted. The tribe has a right to intervene and delay the final hearing until they give or withhold approval. This applies even when the person adopting is a first preference ICWA placement, such as in the case of a relative.

Tribes through their tribal courts and tribal councils have the ability to also approve Tribal or Cultural Adoptions. Only the child's tribe has the authority to complete a tribal adoption for that child so you need to identify, contact and work the child's tribe. Tribal Council Adoptions or Cultural Adoptions are different than Tribal Court Adoptions and each involves a packet of paperwork (available through the Bureau of Vital Statistics) with the requirement of a tribal resolution. Contact the child's tribe for more information on how to proceed.



# **FAQs and Other Resources**

#### How can I access the foster parent stipend and Medicaid?

In order for you to receive a foster care stipend, the child must be in OCS custody and you must be licensed in order to receive Medicaid and foster parent payments. This means that a report of harm needs to be made to the Office of Children's Services and a protective services case needs to be opened up. Once the child is in state's custody, OCS is obligated to try to reunite a child with his birth mother or birth father which means you might not retain custody. To receive the foster parent stipend, you must become a licensed foster parent even if you are a relative.

### Can I get Medicaid or financial assistance to help with expenses for taking care of the child?

There are many programs that may be able to help you with medical and other expenses of care for a child. Each program has its own eligibility criteria and application process. These programs can be accessed through the Alaska Division of Public Assistance (DPA) at <a href="http://dhss.alaska.gov/dpa">http://dhss.alaska.gov/dpa</a>. There you will find links to Adult Public Assistance, Childcare Assistance, Acute Medical Assistance, Denali KidCare, Family Nutrition/ Including WIC, Food Stamps and SNAP, General Relief Assistance, and Temporary Assistance. You can apply for these programs online at MyAlaska (which is the same one you use to apply for a PFD.) Look under the tab Services for Individuals, and click on ARIES Self-Service Portal. You can also download and print out a paper application to fill out and mail or drop off. In rural communities, pick up the application from the fee agent in your village or at the DPA office.

- 1. **Denali KidCare / Family Medicaid:** Effective September 1, 2015, the following Medicaid groups are covered in Alaska:
- · Parents and other caretakers with dependent children
- Children under the age of 19
- · Young adults under the age of 21
- Former foster care children up to the age of 26
- · Adults without dependent children between the ages of 19 and 64
- · Pregnant women

This State of Alaska program provides excellent health insurance coverage for children and teens through age 18 who meet income guidelines. Pregnant women may be eligible under DenaliCare. The income guide on the website will help you determine if you meet the income guidelines for Denali KidCare. Remember, these are only guidelines.

2. **The Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA**): TEFRA Medical Assistance is a Medicaid program designed to help children under 19 years old with costs related to their disabilities. This covers significant medical, developmental or psychiatric needs. Though they may be deemed "disabled" or have high medical costs, not all children qualify for this program.

Criteria to Qualify for Alaska Medicaid TEFRA: Your child must meet one of the following three "level of care" criteria:

- Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID)
- Nursing Facility (skilled and/or intermediate) (NF)
- Inpatient Psychiatric Hospital (IPH)

Each of these categories has specific criteria, so not all children who receive one of these three levels of care will qualify for Alaska Medicaid - TEFRA.

3. Women, Infants and Children (WIC): WIC is the Special Supplemental Nutrition Program for Women, Infants and Children. This public health program is designed to improve health outcomes and influence lifetime nutrition and health behaviors in targeted, at-risk populations. Nutrition education is the cornerstone of the WIC Program. There are provisions for non-biological children to qualify for WIC. The main eligibility requirement is that a child is under 5, from there WIC would have to determine income eligibility for the family.

The WIC income Eligibility Tool can be found at:

https://health.alaska.gov/dpa/Pages/nutri/wic/default.aspx The best way for anyone to access WIC and see if they qualify is to call (907) 465-3100 and find the nearest WIC office in your region.

Tribal families can also access **Tribal TANF (Temporary Assistance for Needy Families)** where available.

Do grandparents have visitation rights once their grandchild has been adopted or comes into legal guardianship? Do grandparents retain any rights to their grandchildren after adoption?

If the grandparents want to retain visitation rights, it should be included as part of the adoption decree as Alaska Law does not provide legal rights or legal standing for grandparents. Grandparent privileges must be included in the relinquishment agreement or adoption decree for them to retain any rights. Beyond that, adoptive parents and legal guardians can use their discretion and judgment to determine who can have contact with the children in their care and how much contact is allowed.

#### Are there any sources of low cost or free legal counsel if money is an issue for me?

Alaska Legal Services Corporation provides legal services to low income people and communities and offers self-help clinics on family law and custody, as well as assistance to individuals. Find them at <a href="http://www.alsc-law.org/">http://www.alsc-law.org/</a>. The Alaska Bar Association is the attorney regulatory group that

provides education, oversite and referrals. They provide information about pro bono services and providers: <a href="https://www.alaskabar.org/">https://www.alaskabar.org/</a>

# Can parents come back and take the child away from me if the child has been in my care for several months?

It depends. If there is no written custody arrangement in place and the parents do not meet the criteria for abandonment or pose a safety risk to their children, then, they can remove the child from your care. If you are in this situation, it is highly recommended you seek legal counsel for assistance and options.

## **Legal Information Resources**

- Self-Help Center: Family Law The Alaska Court System has set up a page of legal documents and instructions on different topics, including one on Family Law (custody, guardianship, adoption, powers of attorney, grandparents and visitation. <a href="https://courts.alaska.gov/shc/family/index.htm">https://courts.alaska.gov/shc/family/index.htm</a>
- **Disability Law Center of Alaska** Focuses on law related to disability, special education, and access issues. http://www.dlcak.org/
- AlaskaLawHelp.Org Lists information to help understand issues related to family matters such as guardianship, custody, divorce and dissolution, grandparents' rights to visitation, and emancipation.
- Adoption Attorneys List The Alaska Center for Resource Families keeps a list of Alaskan attorneys who can assist with adoption finalizations. Contact us by email to receive the list at acrf@nwresource.org
- The Alaska Native Justice Center has a family law program and free legal clinics on child custody issues. Find their website and calendar at http://www.anjc.org/.
- ICWA Resources There are a ton of resources related to the Indian Child Welfare act listed on the Alaska Center for Resource Families website. Go to <a href="www.acrf.org">www.acrf.org</a> → Supports and Resources → ICWA/Tribal Resources

## **Especially for Grandparents**

- **Grandfamilies.org** A National Legal Resource in support within and outside the child welfare system. <a href="http://www.grandfamilies.org/">http://www.grandfamilies.org/</a>
- Grandparents' Rights and Custody Options: A Guide to Legal Rights and Support Services
   http://www.helpguide.org/articles/grandparenting/grandparents-legal-rights-and-custody-options.htm



## **Anchorage Office**

840 K Street, Suite 101 Anchorage, Alaska 99501

1-907-279-1799 or

1-866-478-7307

FAX: 1-907-279-1520 acrfsc@nwresource.org

## **Fairbanks Office**

815 Second Avenue, Suite 202

Fairbanks, Alaska 99701

1-907-479-7307 or 1-800-478-7307

FAX: 1-907-479-9666

acrf@nwresource.org

## **Mat-Su Office**

Physical: 5050 Dunbar Street, Suite A2

Mailing: PO Box 876844, Wasilla, Alaska 99687

1-907-376-4678

FAX: 1-907-376-4638

acrfms@nwresource.org