

# Kinship Care Legal Services Program

## Empower Families. Change Communities.

We provide free legal services to relative caregivers of all ages in Niagara County\*. Our goal is to keep children out of non-relative foster care when there is a suitable relative available to serve as caretaker.

Call us to schedule an appointment. We will evaluate your case, and if we believe that we can be of assistance, we will represent you throughout your court proceedings, assist with filing petitions and applying for benefits.

\* Income restrictions may apply.

*Services Made Possible by:*  
Niagara County Dept. of Senior Services  
New York State Office for the Aging  
IOLA  
Judiciary Civil Legal Services  
Funds in New York

**(716) 878-9297**

**elderjusticenyc.org**

TRANSLATION & NY RELAY AUXILIARY SERVICES ARE AVAILABLE

Niagara County Office:  
175 Walnut Street, Suite 1  
Lockport, NY 14094



*Keeping Children With Family*



**FREE LEGAL ASSISTANCE IN  
NIAGARA COUNTY  
(716) 878 - 9297**

*A project of*



# What is Kinship Care?

Kinship care refers to non-parents caring for children. In New York, it is estimated that there are over 200,000 kinship families.

The need for grandparents and other relatives to serve as caretakers of children arises when parents are unable to continue parenting. Often, the parents may be suffering from substance abuse, mental health issues or other disabling conditions.

If Child Protective Services is involved, the law requires that a “suitable relative” be located before placing the children in non-relative foster care.

Grandparents and other relatives have certain legal rights in regard to custody and visitation.

## What to Expect In Court

### *How do I file a petition for custody?*

Petitions for custody are filed at Family Court. Family Court staff cannot provide you with advice- for advice, you will need your own attorney. If Child Protective Services is involved, they may have filed their own petitions and may seek you out to serve as a caretaker. You may need to speak with the CPS caseworker to make sure they know you are available as a resource caregiver.

### *What should I bring with me to Court?*

Be sure to bring as much information as you can about the case. At a minimum, you will need the names and addresses of the other parties, as well as the names and dates of birth of the children.



### *Will the parents appear in Court?*

The parents may or may not appear on your court date. If they do not appear, they will need to be personally served with copies of your petitions. Sometimes the Court will allow other methods to serve the parents.

### *How will the Court make a decision?*

The Court will need to have valid legal reasons as to why you are seeking custody. Relative caregivers want to provide love and a good home, but the Court will need to know why the parents are unable to provide this care themselves. Sometimes, a hearing before a judge is necessary to resolve these issues. Usually, many appearances are necessary before a final decision is made.