



Supporting Grandparents Raising Grandchildren

NIJII
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Justice Information Inclusion



Grandparents Raising Grandchildren

Approximately 2.1 million grandparents are raising their grandchildren, according to a 2021 U.S. Census Bureau report.¹ More and more grandparents are raising grandchildren, often due to illness such as Covid-19, the opioid crisis, and/or incarceration. Additional reasons might include birth parents are unfit, abandoned their children, or passed away.²

When grandparents take on the responsibility of raising grandchildren, important factors to consider include time, finances, and everyday living aspects for both the grandchildren and the grandparents. Different custodial arrangements affect and determine what information and resources can be accessed by the grandparents, such as medical care, education, health insurance, and food programs.

Legal Agreements, and Informal Arrangements Guidelines³

It's important to remember custody laws are state-specific and may include federal provisions as well. If possible, please consult with a family rights attorney, contact the ABA (American Bar Association), or reach out to the local legal aid in your area. The ABA now provides legal assistance for free.⁴

Formal Custody Agreements

include legal custody, guardianship, adoption, and formal kinship foster care.

Benefits:

- Legal and binding custodial arrangements
- Decision-making power for medical and education needs
- Ability to apply for federal and state assistance programs

Challenges:

- Harming the relationship between grandparents and parents
- Hiring an attorney or seeking legal advice

Informal Agreements

include physical custody, power of attorney (legal and medical), and temporary custodial authorization.

Benefits:

- No court involvement
- Good for a short time separation between parents and children
- Allowing for a good relationship between grandparents and parents

Challenges:

- No decision-making ability related to medical and education (without power of attorney)
- Cannot apply for most programs related to nutrition, financial assistance, healthcare

Comparing Types of Custodial Arrangements and Qualifying Programs and Services ⁵										
	Temporary or Permanent	Medical Decisions	Health Insurance Opportunities – Medicaid, CHIP	Education Decisions	SNAP	TANF	WIC	Free Lunch Programs	SSI	Need Parents Agreement
Legal Custody	Both	✓	✓	✓	✓	✓	✓	✓	✓	✗
Guardian	Both	✓	✓	✓	✓	✓	✓	✓	✓	✗
Adoption	Both	✓	✓	✓	✓	✓	✓	✓	✓	✗
Power of Attorney	Temp	✓	✗	✓	✗	✗	✗	✗	✗	✓
Kinship Foster	Temp	✗	✓	✗	✓	✓	✓	✓	✗	✓
Informal Custody Agreement	Temp	✗	✗	✗	✗	✗	✓	✓	✗	✓

NOTE: Grandchildren who qualify for TANF or SSI automatically qualify for Medicaid.

Financial Aid, Health Insurance & Food Assistance Programs⁶

TANF – Temporary Assistance for Needy Families

SSI – Supplemental Security Income

CHIP – Children’s Health Insurance Program

SNAP – Supplemental Nutrition Assistance Program

WIC - Special Supplemental Nutrition Program for Women, Infants, and Children

*****Additional information can be found at <https://www.nijii.org/grandparents>*****

References

1 *Grandparents and Their Coresident Grandchildren: 2021*, United States Census Bureau. Retrieved June 2025 from <https://www2.census.gov/library/publications/2024/demo/p20-588.pdf>

2 Devendorf, J., and Prebeck, N. *Can Grandparents Seek Custody of Their Grandchildren?* January 29, 2024. Retrieved March 2025 from <https://www.lawinfo.com/resources/child-custody-lawyers/grandparent-visitation/seeking-custody.html>

3 Saisan, J, Segal, J, and Reid, S. *Legal and Custody Help for Grandparents Raising Grandkids*, August 21, 2024, HelpGuide.org Retrieved March 2025 from <https://www.helpguide.org/family/parenting/legal-custody-help-for-grandparents>

4 *Free Legal Help* Retrieved March 2025 from https://www.americanbar.org/groups/legal_services/flh-home/flh-free-legal-help/

5 Saisan, J, Segal, J, and Reid, S. *Legal and Custody Help for Grandparents Raising Grandkids*, August 21, 2024, HelpGuide.org. Retrieved March 2025 from <https://www.helpguide.org/family/parenting/legal-custody-help-for-grandparents>

6 *Custody of Grandchildren Information for Grandparents* Retrieved March 2025 from https://www.nijii.org/_files/ugd/f6fe43_4ec400f9a93945ae816b0bbf83f5ff26.pdf

