

Legal Assistance of Western New York, Inc. ®

Kinship Care in New York

We provide free legal aid to people with civil legal problems in western New York.

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Kinship Care in New York

What is kinship care?

- Kinship care means that a child is raised by an adult relative other than a parent.
- If a child is removed from the child's parent or custodian by Social Services, the Department must investigate whether the child has relatives who should be given notice, who may want to apply to have the child placed in their home.

How does kinship care happen?

- There are many situations in which a parent becomes unable to take care of a child and an adult relative or friend cares for the child instead.
- The parent and other caregiver may agree to this arrangement without a court order. The Form to do this is specified under General Obligations Law Section 1551, and can be obtained at: [Parental Designation Form](#)
- The court may give the caregiver custody or guardianship.
- The court may place the child with a caregiver like foster care with supervision from an agency or the Department of Social Services. The caregiver can decide whether to become a foster parent.

Can a kinship caregiver apply for public assistance or food stamps?

- The caregiver can apply for public assistance benefits and food stamps at the local Department of Social Services.
- The caregiver does not need a custody order for the child to receive public assistance, but he/she must provide proof that he/she is caring for the child.
- The caregiver does not have to provide financial information about himself to receive public assistance. However, the caregiver has to provide financial information to receive food stamps because the children are eligible for food stamps only if the caregiver is eligible.

Where can I find other information about kinship care?

- New York State Kinship Navigator www.nysnavigator.org

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This article provides general information about this subject. Laws affecting this subject may have changed since this article was written. For specific legal advice about a problem you are having, get the advice of a lawyer. Receiving this information does not make you a client of our office.

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