



Bridging Refugee Youth & Children's Services

Guardianship Summary Sheet

This sheet is a brief summary of the six-page "Guardianship Fact Sheet for Staff Assisting Refugee Families." It gives basic information about guardianship issues specific to refugee families. Guardianship is recommended when a refugee family is caring for a child (under age 18) who is not their biological child (such as a grandchild, niece, nephew, cousin, sibling or friend.). These children are called "separated children," meaning they have become separated from their parents and are cared for by another adult.

► **What is guardianship?**

Guardianship is a court process giving legal responsibility for a child to an adult who is not the parent of the child. This court process will vary from state to state, or even from county to county within a state. Although the term "guardianship" is the most common word, some states may use another word.

► **Why is guardianship important?**

Guardianship protects children resettled without their parents and allows another adult caregiver to make decisions about the child. Also, the U.S. State Department requires refugee resettlement agencies to explain guardianship procedures to certain refugee families who will be caring for a separated child.

► **Why are the cases of separated children treated differently?**

These cases are treated with more care because separated children can be at higher risk for abuse, neglect, abandonment, or to having their needs overlooked. Children at greater risk include: children with weak or distant relationships to their guardian; children who have not lived with their guardian before resettlement; adolescents who are used to a lot of independence.

► **What are the benefits and responsibilities of guardianship?**

Guardianship is often necessary in the following common situations:

- making medical decisions and getting copies of medical records;
- making school-related decisions and getting educational records;
- adding a non-biological child to an adult's health insurance coverage;
- accessing certain public benefits, such as public housing;
- getting a driver's license for a teenager cared for by a guardian.

In some states, children without parents are eligible for financial or social service supports. The responsibilities of guardianship generally include providing for a child's health, education, nutrition, clothing, shelter and protection needs.

► **How is guardianship different from adoption?**

Legal guardianship allows the guardian to make the decisions that a parent would usually make. It does not permanently end the parents' relationship and rights to the child. Adoption, in contrast, permanently ends the biological parents' rights towards the child. Guardianship could be terminated and the child returned to the care of the parents, if that would be best for the child



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► **Who can be a guardian?**

Guardians are usually a blood-relative, but sometimes guardians are unrelated adults who care about the well being of a child. Guardians must be able to assure the court that they can provide for the basic needs of a child (ex: food, clothes, shelter, medical care, safety).

► **What does the guardianship process include?**

This process will be different in each state, and it may be called something other than guardianship. However, the process often includes: filing a guardianship request in court; paying a fee, or requesting a fee waiver; attending a court hearing; and reporting back to the court once or twice a year.

Legal guardianship can only be granted by the appropriate court, NOT by signing a form at a refugee resettlement office.

► **What if a refugee family moves to another county or another state?**

Once a family has guardianship, the guardian should tell the court of any address change. If the family moves to a different county or a different state, the guardian will probably need to request a “change of venue”, meaning that the guardian is asking for the case to be transferred to a court closer to the family’s new address.

► **When does guardianship end?**

The responsibilities of a guardian usually end, in a legal sense, when the child reaches 18 years of age, marries, is adopted, or if guardianship is ended by the court, the guardian, the child or the parent. Guardianship in some states will not automatically end at age 18, so the guardian will need to ask the court to end guardianship when the child turns 18.

► **What if the accompanying relative does not want to become the child’s guardian?**

In a few situations, adult relatives who arrived with a child have been unwilling or unable to take on the responsibilities of guardianship. In a few situations, children themselves have expressed concern about a particular adult serving as their guardian. If any of these situations arise, try to determine what the problem is. If the adult relative is not willing or able to care for the child, or if the child does not feel safe with the adult relative, this is very serious and requires immediate attention. Consult with your national office; Children’s Services staff of USCCB and LIRS can also be useful resources in discussing these concerns with refugee serving agencies. They can be reached as follows:

► **LIRS Children’s Services**
410/230-2757
childrenservices@lirs.org

► **Children’s Services, USCCB**
202/541-3114
nlummert@usccb.org

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