

## **LEGAL RESOURCES FOR GRANDPARENTS RAISING GRANDCHILDREN**

Grandparents caring for their grandchildren often need legal assistance to help them secure legal custody. Most grandparents seek a guardianship of the child for whom they are caring. These guardianship are usually obtained in a Probate and Family Court. There is one such court for each county.

A recent case by the Supreme Judicial Court (“SJC”), the state’s highest court, ruled that the judges of the Probate and Family Court have the discretion to appoint lawyers for low-income grandparents in these type of cases. Right now the biological parents of a child who is the subject of a guardianship are entitled to a lawyer, provided the parents are low income. The child is also entitled to a lawyer, but someone must ask the

judge to appoint a lawyer for the child. Usually it is a good idea for the grandparents to ask the Judge to appoint a lawyer for the child.

If a grandparent needs a lawyer in a guardianship case and believes they are low income, they should go the Court where the case is being decided. They should talk to one of the clerk's and tell them they want to fill out a Motion for Appointment of Counsel for Petitioner/ Guardian. The grandparents should be prepared to explain their financial circumstances to the Court.

If you would like a lawyer and you do not believe that you would be entitled to a court appointed lawyer because your income is too high, you can call the Lawyer Referral Service at either the Massachusetts Bar Association (866 627 -7577) or the Boston Bar Association ( 617 742- 0625). Either of these

programs can refer you to a lawyer who can help in this area of law and in your geographical area.

If you want more information about legal questions involved in raising your grandchildren, here are some places to check out:

1. The web site of the Commission on the Status of Grandparents Raising Grandchildren: [magrg.org](http://magrg.org)
2. [Masslegalhelp.org](http://Masslegalhelp.org). This provides information on how to obtain guardianship of your grandchild as well as many other topics
3. The Massachusetts Bar Association has a Dial a Lawyer Program. This happens the first Wednesday of every month from 5:30 to 7:30 p.m. At that time you will be able to talk to a lawyer about your situation and get

guidance on what you should do. The number for this program is 617 338 0610.

4. Volunteer Lawyers Project runs a guardianship project in both Suffolk and Middlesex counties. For more information about these programs, please call 617 603-1700.