



Bridging Refugee Youth & Children's Services

Legal Guardianship

For Refugee Children Living in the U.S. with Relatives

This paper talks about "guardianship." If you are caring for a relative's child, you need to know about guardianship. Read these examples:

- **Amin, a 10-year-old boy:** Amin comes to the U.S. with his aunt and uncle. Amin's aunt and uncle apply for guardianship so that Amin's school will allow them to make important decisions about Amin's education.
- **Sara, a 15-year-old girl:** Sara comes to join her 23-year-old sister who already lives in the U.S. Their mother is still in a refugee camp. Sara's sister applies for guardianship so that she can make health care decisions about Sara and get copies of Sara's medical records.

The relatives of Amin and Sara have gone to court to get a legal document saying that they can make important decisions about Amin and Sara. In most states, this process is called "guardianship;" but in some states it may be called "custody." If an adult gets guardianship of a child, they are called a "guardian."

You must go to court to apply for guardianship of the children you are caring for. Going to the court does not mean you have done anything wrong. The court will decide if the relative can make decisions for the parent, while they are caring for the child.

Responsibilities of Guardians

- Health and medical care
- School attendance
- Food
- Clothes
- Housing
- Safety

Benefits of Guardianship

- Making decisions about school and getting school records;
- Making medical decisions and getting copies of medical records;
- Adding a non-biological child to an adult's health insurance coverage;
- Getting certain public benefits that include the child, such as public housing or financial supports;
- Getting a driver's license for a teenager.

In some states, guardians can apply for assistance (money or other support) to help them care for the child. Ask your resettlement agency for help with this.

It may help to talk with a lawyer about your options. A lawyer can help you decide if you should apply for guardianship, custody, or something else. You can find low cost legal services for each state at this Web site: www.lawhelp.org.



Gift of the United States Government

BRYCS is supported by the Office of Refugee Resettlement, Administration for Children and Families, U.S. Department of Health and Human Services.
Grant Numbers 90 RB 0022.



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