

When Minors Live With Grandparents: Public School Considerations

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This Weekly Newsletter
is brought to you by

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Situations occasionally arise for our senior clients when it becomes necessary for them to take in and care for minor grandchildren. This may occur when the parent becomes ill or dies, when the parent feels they can no longer care for the minor, or when other family dynamics would make living with the grandparent the best option for the minor. If the grandparent lives in a different school district as the parent, there are several factors to consider in determining where the minor will attend school and how the minor will be enrolled. If the child will be attending a public school in Virginia, state law will govern these determinations.

Virginia Code § 22.1-3 provides that the public schools in each school division shall be free to each child of school age who resides within the school division. Circumstances in which a child shall be deemed to reside in a school division include:

1. When the child is living with a natural parent or a parent by legal adoption;
2. When the child is living with a noncustodial parent or other person standing in loco parentis (in the place of a parent), not solely for school purposes, pursuant to a Military Power of Attorney;
3. When the parents of the child are dead and the child is living with a person in loco parentis who actually resides within the school division;
4. When the parents of the child are unable to care for the child and the child is living, not solely for school purposes, with another person who resides in the school division and is (a) the court-appointed guardian, or has legal custody of the child, (b) acting in loco parentis pursuant to placement of the person for adoption, or (c) an adult relative providing temporary kinship care (full-time care, nurturing, and protection) of the child;
5. When the child is emancipated and living in the school division not solely for school purposes; and

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(cont'd)

6. When the child is homeless, meaning that he or she lacks a fixed, regular, and adequate nighttime residence. (As this will most likely not be the case for the purposes of this article, I will not go into further detail here).

In situations where the child is living with the grandparent as a temporary arrangement not relating to military service, or when the parent does not want the grandparent to become the legal guardian of the child, option 4(c) will most likely apply. The school division, in its discretion, may require one or both parents and the relative providing kinship care to submit affidavits explaining why the parents are unable to care for the child, detailing the kinship care arrangement, and agreeing to notify the school within 30 days when the arrangement ends, as well as a power of attorney authorizing the adult relative to make educational decisions regarding the child. The school division may also require a written verification from the department of social services that the kinship arrangement serves a legitimate purpose that is in the best interest of the child other than school enrollment. If the kinship care arrangement lasts more than one year, a school division may require continued verification directly from the department of social services.

If the child wants to live with the grandparent solely for the purpose of attending school in the grandparent's school district, or when none of the above situations apply, the child may pay tuition in order to attend the public school, pursuant to Virginia Code § 22.1-5. Each school district sets the cost of tuition on its own. Virginia Beach, for example, has set nonresident student tuition for the 2014-2015 school year at \$4,200 for elementary level schools and \$5,150 for secondary level schools, for children who would otherwise be eligible to attend school in another Virginia school district, and \$12,200 for children who would not otherwise be eligible to attend school in Virginia.

If you find yourself caring for a grandchild or other relative from a different school district, give us a call. The Hook Law Center can assist you and your loved ones in determining which of the above options to pursue, and can assist you in getting a guardian appointed, creating affidavits and powers of attorney for educational decisions, and successfully navigating this legal maze to obtain the best result for you and your loved ones.



Wonders of Felines - Part II

Hook Law Center: Kit Kat, what else can you tell us about the wonders of felines?

Kit Kat: Yes, there's more to the story that I started last week. The study done recently by the BBC and the Royal Veterinary College has indeed found out a lot of interesting things. In addition to their excellent vision and flexible spines which I discussed last week, cats also possess exceptional hearing. They can detect 11 octaves which is 2 more than humans. This ability allows them to detect squeaks from smaller animals like voles. My

sister Misty was especially good at hunting them, and then would deposit them on our driveway near the house as a gift for our parents. Their ears also have the ability to move independently of each other, rotating to angles as much as 180°. This enables them to catch more sound waves.

Another physical trait cats possess is a superb sense of smell. Their sense of smell is at least 100% more powerful than humans. Their noses contains small "scrolled bones covered in hundreds of millions of receptors which quickly pick up all the scent information and take it to a highly-developed part of the brain for processing."

The British researchers also say that cats have become very adaptable to city life. They cooperate with their fellow felines and have learned to share territory. They also appear to be killing less prey and exhibiting better communications skills with people and other felines. So stay tuned as scientists continue to learn more about these wonderful, complicated creatures. (www.bbc.com/news/magazine-28795300)

Upcoming Events

- **October 29, 2014** - Hook Law Center will be represented at the Virginia Beach 2014 Senior Showcase at the Princess Anne Recreation Center, 1400 Nimmo Parkway, Virginia Beach, VA 23456 from 9:00 a.m. until 2:00 p.m. This event is free and open to the public.
- **November 1, 2014** - Andrew H. Hook will be presenting a workshop on Financial Fitness at Senior Services of Southeastern Virginia's "The Art of Healthy Aging Forum and Expo" to be held at the Virginia Beach Convention Center, 1000 19th Street, Virginia Beach, VA, 23451. The expo hours are 8:00 a.m. until 1:30 p.m. To register, please call SSSEVA at 757-461-9481, ext. 204. For more information, please contact Debbie Schwartz with Senior Services of Southeastern Virginia at 757-461-9481, x 105.
- **November 4, 2014** - Hook Law Center is sponsoring Senior Advocate's Active Aging Series at Westminster Canterbury, 3100 Shore Drive, Virginia Beach VA 23451. HLC Attorney Shannon Laymon-Pecoraro will provide an overview of Hook Law Center's Practice Areas at the meeting which begins at 10:00 a.m. To RSVP, please call Senior Advocate at 757-645-6364. *RSVP responses will be taken on a first-come, first-served basis.* Each session includes a complimentary lunch. We look forward to seeing you there!
- **November 12, 2014** - Andrew H. Hook and Shannon Laymon-Pecoraro will be presenting a seminar on Medicaid Liens to a local Virginia personal injury law firm.
- **November 13, 2014** - Andrew Hook will speak to the Central Virginia Estate Planning Council in Charlottesville, Virginia regarding Elder Health Care-What Will It Look Like Tomorrow and How Much Will It Cost?

Upcoming Events

- **December 2, 2014** - Hook Law Center is sponsoring Senior Advocate's Active Aging Series at Westminster Canterbury, 3100 Shore Drive, Virginia Beach VA 23451. HLC Attorney Shannon Laymon-Pecoraro will provide an overview of Hook Law Center's Practice Areas at the meeting which begins at 10:00 a.m. To RSVP, please call Senior Advocate at 757-645-6364. *RSVP responses will be taken on a first-come, first-served basis.* Each session includes a complimentary lunch. We look forward to seeing you there!



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