THE #FKLM FAMILY BLUEPRINT

Know the Language: Custody, Guardianship, and Kinship Care

Legal & Policy Literacy · Know the Language

Plain-language definitions of the three terms families mix up most often.

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A free guide from My Fairy GodParents — for youth impacted by parental incarceration, justice-impacted youth, and the caregivers and families who support them.
myfairygodparents.org/resources/family-blueprint

Print, write on it, and share it with the people helping your family.

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THE DIFFERENCE THIS MAKES

Custody, guardianship, and kinship care are three different words, and families affected by incarceration use them interchangeably all the time, which is understandable and also costly. A school, a hospital, or a court will hear the word you say and act on its specific legal meaning, not on the situation you are trying to describe.

This mix-up is not a small thing. Saying "I have custody" when what you actually have is an informal kinship arrangement can lead a school to tell you that you cannot enroll a child, or a clinic to tell you that you cannot authorize care, even though your day-to-day role is exactly what a custodial caregiver does. The word triggers the process, and the wrong word triggers the wrong process.

This lesson is educational only. It explains what these three terms generally mean so you can describe your own situation accurately and ask better questions. It does not tell you which one applies to your family — that depends on your state's laws and your specific facts, and only a court, a caseworker, or an attorney licensed where you live can tell you that.

CUSTODY, IN PLAIN TERMS

Custody generally refers to legal authority over a child — the right to make decisions about school, medical care, and religion (legal custody) — and to where the child physically lives day to day (physical custody). Courts can award these together or separately, and can award them fully to one adult, jointly, or in some combination.

Custody is most often discussed between parents, in divorce or separation cases, but it is not exclusively a parent-to-parent concept. A relative can, in some states and circumstances, be awarded custody of a child, which is a different legal path than guardianship even though the everyday result — a relative raising the child — can look identical from the outside.

The word "custody" carries a specific meaning in a courtroom, and using it loosely with a school or clinic can create confusion in either direction: it can make staff assume you have more formal authority than you do, or it can make them doubt authority you actually hold. Precision protects you.

+ GUARDIANSHIP, IN PLAIN TERMS

Guardianship is typically a court process that gives an adult who is not the child's legal parent the authority to make decisions for that child, and sometimes to have physical care of them as well. It is a common path for grandparents, aunts, uncles, and family friends raising a child whose parent is incarcerated, because it creates a legal record of authority that schools, clinics, and other agencies recognize.

Guardianship does not usually end a parent's legal rights the way an adoption would. In many states a guardianship can be temporary, limited to certain decisions, or reversible if circumstances change — but the exact rules on parental rights, notice to parents, and how a guardianship ends are set by each state, so what is true in one state may not be true in another.

Getting a guardianship generally means going through a probate or family court, sometimes with the help of a court self-help center or legal aid, and sometimes requiring notice to the child's parents. This process, timeline, and cost vary widely by county as well as by state.

+ KINSHIP CARE, IN PLAIN TERMS

Kinship care describes a relative or close family friend raising a child — it is a description of who is doing the caregiving, not a specific legal status. A kinship caregiver can be entirely informal, with no court or agency involved at all, or can hold a formal status such as guardianship or a licensed foster placement.

Because kinship care is a description rather than a legal category, it does not by itself grant any authority to enroll a child in school, consent to medical treatment, or make other decisions. That authority comes from a separate document or court order — power of attorney, a caregiver authorization affidavit, guardianship, or a formal placement — layered on top of the kinship relationship.

This is why a kinship caregiver benefits from being able to name both things clearly: "I am a kinship caregiver — my niece's great-aunt — and the document I hold is [X]." That sentence tells any institution exactly what they need to know.

+ WHY THE DIFFERENCE MATTERS DAY TO DAY

Schools, pediatricians, and courts each ask a version of the same question — who is legally allowed to act for this child — and they answer it by looking for a specific document or order, not by trusting a description of the relationship. Knowing which word describes your situation lets you produce the right paper instead of explaining your family history.

It also matters for planning. A family deciding what arrangement to pursue is really deciding between different levels of formality, permanence, and court involvement, and each comes with different costs, timelines, and effects on the parent's rights. That decision belongs with an attorney, a court self-help center, or a child welfare agency, not with general information.

None of this is meant to push a family toward more formal arrangements than they need. Many households function well for years on an informal kinship basis. The point of learning the words is to be able to move to something more formal quickly and correctly if a specific need — usually school or medical — requires it.

+ THE WORD THAT STALLED AN ENROLLMENT

A grandmother raising her grandson told the school registrar she had "custody," because that was the word she had always used at home. The registrar asked for a custody order. She had no such order — she had been raising him informally since his mother's incarceration, with the family's agreement but nothing in writing.

The registrar could not enroll him without either a custody order, a guardianship order, or her state's caregiver authorization affidavit, which does not require a court at all. Because she had used the word "custody," the registrar had been searching for the wrong document for two weeks.

Once she called her state's kinship navigator program and learned the correct term for her actual situation — informal kinship care, needing a caregiver authorization affidavit — the enrollment was resolved in a single visit. The facts of her household had not changed. The words she used to describe them had.

+ WORDS YOU CAN USE

Describing your situation accurately to a school or clinic

Use when you are not sure which document applies.

“I'm the relative raising [child's name] day to day. I don't currently have a court custody or guardianship order — I'd describe it as an informal kinship arrangement. Can you tell me exactly what document your school/office needs from someone in my situation?”

Asking a court self-help center for a plain-language explanation

“I'm trying to understand the difference between custody and guardianship in this state, and whether either applies to a relative raising a child informally. Can you point me to any self-help materials, and tell me where these cases are filed?”

Asking a kinship navigator to confirm your category

“I'm a relative raising a child full time, with no court order in place. Based on how things generally work in this state, what would you call our arrangement, and what is the next document most families in our situation get?”

+ NAME YOUR FAMILY'S SITUATION CORRECTLY

- [ ] Write down, in one sentence, who has physical care of the child day to day.
- [ ] Write down whether any court has ever issued an order about the child.
- [ ] Do not assume the word "custody," "guardianship," or "kinship care" applies until you have confirmed it

with a knowledgeable source.

- [ ] Ask your state's kinship navigator program, a court self-help center, or legal aid which term describes your situation.
- [ ] Ask what document, if any, currently gives you authority to act for the child.
- [ ] Use the confirmed term consistently with schools, clinics, and agencies.
- [ ] Keep any order or document you do have in your paperwork folder, ready to show.
- [ ] Revisit this if your family's arrangement changes — the right word can change too.

+ REFLECT AND WRITE

Which of these three words have I been using for my family's situation, and am I sure it is the right one?

Do I currently hold any document or court order, or is our arrangement informal?

What is one place — school, clinic, or court — where the wrong word has already caused confusion?

Who is the one knowledgeable source I will ask this week to confirm which term applies to us?

+ YOUR NEXT STEP

> Write down which term describes your family's arrangement today.

+ WHERE THIS COMES FROM

Source: U.S. Courts — verified August 2026. Curated and summarized by MFGP.
https://www.uscourts.gov/about-federal-courts/types-cases
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For decisions with legal, medical, financial, or clinical consequences, work with a licensed professional or the organizations listed with each resource.
The information provided through The #FKLM Family Blueprint is for general educational purposes and is not legal advice. Laws and policies differ by jurisdiction and may change. Families needing advice about their individual circumstances should consult an appropriately qualified attorney or legal-services organization.

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