

CUSTODY ISSUES FOR GRANDPARENT-CAREGIVERS IN MINNESOTA

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INTRODUCTION

According to the United States Census Bureau, more than 6.2 million grandparents in the U.S. live in the same house household with one or more grandchildren under the age of 18². Some 2.5 million of these grandparents are the adults primarily responsible for the basic needs (physical and emotional) of the children living with them³. Nine percent of all children in the U.S. live with one or both grandparents; two-thirds of these live in the grandparents' home⁴. The number of grandparent-caregivers in the U.S. has been growing steadily since the mid-nineties, an increase that is attributed to economic hardships, the spread of HIV and AIDS, increasing rates of drug and alcohol dependency, among other factors⁵.

The legal status of grandparent-caregivers vis-a-vis the children in their care is sometimes precarious. In many if not most cases, grandparents have assumed responsibility for their grandchildren voluntarily, without intervention by or authority of the state. A legal parent can usually delegate some or all parental authority to the grandparent, but such a delegation may be revoked by the parent at any time. In the absence of a court order to the contrary, the rights of a grandparent-caregiver are wholly subordinate to those of a legal parent. Although most states have laws that can be used by grandparents to secure legal custody of their grandchildren, these laws are often complex and available to caregivers only in limited situations. In many cases, access to the courts via these laws is impossible without the assistance of a competent attorney.

Moreover, conflicting claims between a grandparent and a legal parent regarding custody must presumptively be resolved in favour of the parent, as a result of the United States Supreme Court's 2000 decision in *Troxel v. Granville*⁶. And, while certain public benefits are available to support non-custodial grandparents raising grandchildren, attempting to access these benefits can potentially trigger claims by the state against parents, which in turn may lead the parent to threaten or coerce the grandparent-caregiver into dropping a claim for benefits or giving up the child.

State laws affecting grandparent caregivers vary widely among jurisdictions. This article outlines and briefly discusses some of the legal issues facing grandparents who are raising grandchildren in the U.S. state of Minnesota, and how Minnesota law has attempted to reconcile constitutional and jurisdictional issues regarding custody of minor children with the needs of grandparent-caregivers and the best interests of the children in their charge⁷. It also describes how advocates for grandparent-caregivers can

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² U.S. Census Bureau, *Facts for Features: Grandparents Day 2009: Sept.13* (CB09-FF.16, July 13, 2009), available at http://www.census.gov/Press-Release/www/releases/archives/facts_for_features_special_editions/013971.html.

³ Id.

⁴ U.S. Census Bureau News, *As Baby Boomers Age, Fewer Families Have Children Under 18 at Home* (CB09-29, February 25, 2009), available at http://www.census.gov/Press-Release/www/releases/archives/families_households/013378.html.

⁵ See generally Jeffrey C. Goelitz, *Answering the Call to Support Elderly Kinship Caregivers*, 15 Elder L.J. 233, 237 (2007).

⁶ 530 U.S. 57 (2000).

⁷ Census Bureau statistics pertaining to grandparents raising children suggest that the overall percentage of children living in a grandparents' home is somewhat lower in Minnesota than the national average. See U.S. Census Bureau, *Census 2000 Brief, Grandparents Living with Grandchildren 2000* (October 2003), <http://www.census.gov/prod/2003pubs/c2kbr-31.pdf> (visited January 20, 2010). Nevertheless, the total number of children being raised by grandparents in the state is estimated to be about 34,000. AARP Foundation, *GrandFacts, A Fact Sheet for Grandparents and Other Relatives Raising Children, Minnesota* (September

assist them in obtaining access to the courts when they lack the financial resources to retain private attorneys.

NOTE ON JURISDICTION OVER CUSTODY RELATED CLAIMS

In the United States, virtually all family law-related matters lie within the exclusive jurisdiction of the state courts. Even when disputes involving custody of a minor child involve persons living in different states, the federal courts do not usually have jurisdiction to hear these cases. Uniform laws have been adopted in many states to help resolve choice of court and choice of law questions when multiple states may have an interest in a particular custody matter⁸, but ultimately subject matter jurisdiction, venue, and which state's law will apply to the dispute will be determined in a state court. Both the structure of a particular state's judicial system and the substantive law have an impact regarding the scope of grandparent's legal authority over a child and the options available to the grandparent if she wishes to obtain legal custody of the child. This article focuses only on Minnesota as an example of the larger picture in the United States.

Minnesota's state court system comprises primarily district (trial) courts (there are ten judicial districts covering the state's 87 counties), a Court of Appeals, and a Supreme Court. The district courts are further divided into numerous divisions including Civil, Criminal, Family, Juvenile, Probate, Housing, Misdemeanour, Conciliation (Small Claims) and Traffic⁹. Some divisions share jurisdiction over certain types of cases. In addition, some of Minnesota's federally-recognized Indian tribes have established tribal courts, which have jurisdiction over some criminal and civil matters, including some child custody proceedings¹⁰.

Several state statutory schemes are relevant to the issue of whether grandparents raising a grandchild may be awarded temporary or permanent legal custody over a grandchild in their care. In most circumstances, only one such scheme is likely to apply. Further complicating matters, different divisions of the district court have exclusive jurisdiction to resolve custody disputes arising under these statutes. Finally, in child custody cases involving Indian children, federal law imposes certain procedural and

2007), <<http://www.grandfactsheets.org/doc/Minnesota%2007%20New%20Template.pdf>>. This article does not address the important issue of the scope of rights of non-custodial grandparents to visit their grandchildren. In the *Troxel* decision mentioned earlier, the U.S. Supreme Court made it clear that grandparents have no constitutionally-protected right or interest to visit or have contact with their grandchildren. While states may create statutorily-based visitation rights, these laws must conform with the principle (one might say the fiction) that a fit parent will presumptively act in the best interests of his/her child. A grandparent visitation statute cannot, as a matter of federal constitutional law, allow a grandparent's desire to have a relationship with her grandchild override a fit parent's decision that visitation is not in the child's best interests. Challenges to parental decisions regarding grandparent visitation can be very difficult to mount. See generally K. Dayton, T. Guare, L. Mezzullo and M. Wood, *Advising the Elderly Client* Ch. 37:24 to :32 (Thomson West, 2009 update). Nor does the article discuss grandparent adoption, or voluntary delegations of parental authority, including what in Minnesota is called a "standby guardianship". In most if not all states, laws exist authorizing a parent voluntarily to assign legal authority to a third person, for either the short or long term. Such delegations are frequently used when a parent expects to be separated from the child due to military service, imprisonment, or a serious illness. They are not usually intended to confer permanent legal custody on a third party caregiver, and may be revoked by the parent at any time. For examples of a law authorizing voluntary delegation of parental authority, see Minn. Rev. Stat. § 524.5-211 (2010) (delegation of power by parent or guardian); Minn. Rev. Stat. §§ 257B.01 to .10 (2010) (standby custodian).

⁸ See National Conference of Commissioners on Uniform State Laws, *Uniform Child Custody Jurisdiction and Enforcement Act* (1997), Legislative Fact Sheet, <http://nccusl.com/Update/uniformact_factsheets/uniformacts-fs-uccjea.asp>.

⁹ Some district courts in the state also have "specialty" courts such as Drug Court, Mental Health Court, Truancy Court, Community Court, Teen Court or Peer Court. In addition, administrative courts exist as the initial forum for certain kind of disputes (e.g. tax disputes, matters involving administrative regulations and policy, etc.); appeals from the decisions of such courts can be taken either to the district courts or directly to the Court of Appeals, depending on the particular claim involved. For a general discussion of the Minnesota state judicial system, see Minnesota Judicial System, *About the Courts*, <<http://www.courts.state.mn.us/?page=162>>.

¹⁰ General information about tribal courts located in Minnesota is available via the National Tribal Justice Resource Center, <<http://www.tribalresourcecenter.org/tribalcourts/tribalcourtetails.asp?153>>.

substantive mandates that overlay state law¹¹. The resulting morass leads to confusion on the part of caregivers and those who advise them regarding what custodial options are actually available in a given situation. The next sections of this article outline these options and briefly explain the procedural and substantive issues they implicate.

OBTAINING CUSTODY THROUGH A GUARDIANSHIP PROCEEDING¹²

If a child's parents (or another person having formal legal custody) have both died or their parental rights have been legally terminated, jurisdiction to appoint a guardian for the child lies in the probate division of the district court. Minnesota has adopted a slightly modified version of the Uniform Guardianship and Protective Proceedings Act ("UGPPA"), a model statute promulgated in 1997 by the National Conference of Commissioners on Uniform State Laws¹³. The UGPPA is a revision of former Article V of the Uniform Probate Code, and is intended to replace that Article in states that have adopted the UPA. Through this historical accident, guardianship law is lodged in the probate provisions of state law, rather than included as part of the code regulating family law; accordingly, actions for guardianship of minors are considered a matter within the jurisdiction of the probate division rather than the family court.

Article 2 of the UGPPA as implemented in Minnesota addresses guardianship of minors. Under this statute, any person "interested in the welfare of a minor", including a grandparent who is raising or wishes to raise a grandchild, may file a petition in the probate division for appointment as guardian and conservator of the child¹⁴. Notice of the petition must be given to those individuals that might be expected to have an interest in the child's welfare, including the child's closest living relative, any person who has provided care to the child within the 60 days preceding filing, any person nominated by the parent to serve as guardian, the child herself if she is over the age of 14, and others listed in the statute¹⁵. A grandparent is as entitled as any other person to file such a petition, but is not given any statutory preference over other persons who might also wish to be named as the child's guardian unless the parent named the grandparent as guardian in a will or other legal document or, if the minor is over the age of 14, if nominated by the minor¹⁶.

Section 525.2-205(c) provides that "the court, upon hearing, shall make the appointment ... the best interest of the minor will be served by the appointment." The best interest standard, in this context, requires a consideration of such factors as the child's preferences, the interactions between grandparent and child, the grandparent's commitment to assuring the child's welfare¹⁷, and ability to maintain a current understanding of the ward's or conservatee's physical and mental status and needs. In the case of a ward, welfare includes: (i) food, clothing, shelter, and appropriate medical care; (ii) social, emotional, religious, and recreational requirements; and (iii) training, education, and rehabilitation¹⁸.

Grandparents—and even attorneys—do not always appreciate that the guardianship statute is available as a means to obtain legal authority *only* when a child's parents are deceased or their rights have been terminated by an appropriate court. This confusion is understandable—other sections of the statute, such as the standby guardianship law mentioned earlier, do permit the court to delegate authority (albeit temporarily) to a third party caregiver. Moreover, the terms "guardianship" and "conservatorship" are used in many other jurisdictions when a person other than a parent is given custody of a minor, and in

¹¹ 25 U.S.C. §§ 1901 et seq. (2006) (available online at <http://www.gpoaccess.gov/uscode/>).

¹² Minnesota law pertaining to guardianship of a minor is set out at Minn. Stat. §§ 524.5-201 to -211.

¹³ The full text of the UGPPA is available at <http://www.law.upenn.edu/bll/archives/ulc/fnact99/1990s/ugppa97.htm>.

¹⁴ Minn. Stat. § 524.4-205.

¹⁵ See also Minn. Stat. § 525.5-205(b) (discussing notice requirements).

¹⁶ Minn. Stat. §§ 525.5-202, -206.

¹⁷ "Welfare" includes: (i) food, clothing, shelter, and appropriate medical care; (ii) social, emotional, religious, and recreational requirements; and (iii) training, education, and rehabilitation. In re Guardianship of Kowalski, 478 N.W.2d 790, 792-93 (Minn. 1991) (discussing "best interest" standard under predecessor to section 525.5-205).

¹⁸ Id.

Minnesota as well when a parent is give legal authority over an adult child. Most grandparent-caregiver situations do not involve a deceased parent, but an absent one. Thus, in Minnesota guardianship is rarely an option for obtaining custody (legal authority) over a child whom the grandparent is raising and supporting financially and emotionally.

OBTAINING CUSTODY THROUGH THE “DE FACTO CUSTODIAN AND INTERESTED THIRD PARTY” STATUTE

Minnesota’s De Facto Custodian and Interested Third Party law (hereafter, “257C”), enacted in 2002, allows a grandparent or other third party caregiver who has physical but not legal custody of a child to petition for permanent legal custody in some circumstances¹⁹. The law defines who has standing to petition for custody, incorporates federal constitutional standards for resolving disputes between a parent and a third party seeking custody, and codifies the factors that must be considered in determining what is the best interest of the child who is the centre of the proceeding. Jurisdiction over these third party custody proceedings resides in Family Court, a division of the civil trial court. Venue lies either in the county in which the child resides or in the county in which a prior order of custody was entered.

Note on standing. Only persons meeting the statutory definition of either a “de facto custodian” or an “interested third party” have standing to petition for custody under section 257C. “An individual is a *de facto* custodian if he or she can show by clear and convincing evidence that:

- he or she has been the primary caregiver for a child;
- during the two years immediately preceding the filing of a petition for custody, a child resided with the petitioner individual for 1) a total period of six months or more if the child is less than three years of age, or 2) a total period of one year or more if the child is three years of age or older²⁰; and
- the parent has refused or neglected to comply with the duties imposed upon the parent by the parent-child relationship, including but not limited to providing the child with necessary food, clothing, shelter, health care, and education, and by creating a nurturing and consistent relationship and exerting other care and control necessary for the child’s physical, mental or emotional health and development.”²¹

An “interested third party” is any person who can show by clear and convincing evidence one of the following:

1. the parent has abandoned, neglected, or otherwise exhibited disregard for the child’s well-being to the extent that the child will be harmed by living with the parent;
2. placement of the child with the individual takes priority over preserving the day-to-day parent-child relationship because of the presence of physical or emotional danger to the child, or both; or
3. other extraordinary circumstances²².

A person who has custody of a child pursuant to a consent decree, court order, voluntary placement, or parental delegation of authority may not petition for custody as a de facto custodian, but can in some cases establish standing as an interested third party²³.

¹⁹ This law also governs claims by any non-parent for visitation of an unmarried minor. See Minn. Stat. § 257C.08.

²⁰ These time periods can be achieved by multiple, non-consecutive periods. Minn. Stat. § 257C.01(2).

²¹ Laurie Hanson and Irene Opsahl, *Legal Steps: Kinship Caregiver Resource Manual*, 2003 edition (2008 update), available at <http://www.mkca.org/demo/legalsteps2008.pdf> (hereafter “*Legal Steps*”).

²² Minn. Stat. § 257C.03(7).

²³ Minn. Stat. § 257C.01.

Provided that the petition contains the allegations supporting the petitioner's standing as either a de facto custodian or interested third party, the petitioner is entitled to an evidentiary hearing to prove that he or she satisfies the standing requirement²⁴.

In determining whether placement of the child with the petitioner rather than the parent(s) is in the child's best interests, the court must consider a number of factors, including but not limited to the wishes of the parties regarding custody, the child's reasonable preference, if the court deems the child to be of sufficient age to express preference; the child's primary caretaker; the intimacy of the relationship between each party and the child; the interaction and interrelationship of the child with a party or parties, siblings, and any other person who may significantly affect the child's best interests; the child's adjustment to home, school, and community; the length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity;) the permanence, as a family unit, of the existing or proposed custodial home; the mental and physical health of all individuals involved; except that a disability of a proposed custodian or the child shall not be determinative of the custody of the child, unless the proposed custodial arrangement is not in the best interests of the child; the capacity and disposition of the parties to give the child love, affection, and guidance, and to continue educating and raising the child in the child's culture and religion or creed, if any; the child's cultural background; and the effect on the child of the actions of an abuser that has occurred between the parents or the parties²⁵.

In weighing the "best interest" factors, the court may not accord a preference to the parent(s) The standing requirement of the de facto custodian and interested third party and the high standard of proof are intended to counter the *Troxel* presumption that a fit parent acts in the best interests of her child²⁶. These two requirements create a significant barrier for the petitioner to obtaining custody of child whose parent opposes the 257C petition.

OBTAINING CUSTODY THROUGH THE CHILD PROTECTION SYSTEM

If the state has become formally involved in the relationship between a parent and child, as when a report of abuse or neglect is made, custody determinations almost always implicate the juvenile justice system²⁷. In cases where a child is considered to be at risk according to a lengthy list of circumstances set out in the juvenile code²⁸, the county welfare agency is authorized to initiate a "CHIPS" (child in need of protection and services) proceeding; other persons, including a grandparent, may file a private CHIPS petition if the county declines to do so²⁹. The juvenile court, a division of the district court, has original and exclusive jurisdiction over these proceedings³⁰.

The purpose of a CHIPS proceeding is to determine whether a child can remain in her existing living situation if appropriate services are provided to the family, or if she must be removed either temporarily or permanently. The goal is always re-unification of the nuclear family unit if this can be achieved without endangering the child's welfare³¹. CHIPS proceedings involve several separate hearings held

²⁴ *Legal Steps*, supra, at 13.

²⁵ Minn. Stat. § 257C.04; *Legal Steps*, supra, at 14.

²⁶ The standing requirement of "extraordinary circumstances" and high standard of proof are intended to counter the *Troxel* presumption, 530 U.S. at 68.

²⁷ See generally Minn. Stat. 260C (child protection provisions of the Juvenile Court Act). All states in the U.S. have statutes requiring certain persons, including teachers, medical personnel, social workers, caregivers, and others who come in contact with children on a regular basis, to report suspected abuse or neglect of a minor. Minnesota law pertaining to reports of maltreatment of a minor is codified at Minn. Stat. § 626.556.

²⁸ Minn. Stat. § 260C.007(6).

²⁹ Minn. Stat. § 260C.141(1); *Legal Steps*, supra, at 27.

³⁰ Minn. Stat. 260C.101(1).

³¹ Minn. Stat. § 260C.001 states in pertinent part:

The purpose of . . . [CHIPS] is (1) to secure for each child alleged or adjudicated in need of protection or services and under the jurisdiction of the court, the care and guidance, preferably in the child's own home, as will best serve the spiritual, emotional, mental, and physical welfare of the child; (2) to provide judicial procedures which protect the welfare of the child; (3) to preserve

over several weeks or months. Because one possible outcome is removal of a child from the parent(s), a number of significant procedural protections are in place. Parents are entitled to a lawyer and one will be appointed for them if they cannot afford an attorney. Children age ten and older are also entitled to an attorney, and in some counties younger children may be as well³². In addition, CHIPS proceedings entail appointment of a guardian ad litem (GAL) for the child. The GAL—often a volunteer and almost never an attorney—advises the court regarding what type of disposition of the case is in the best interests of the child³³.

If it is determined by the parties through an agreement called a “voluntary placement agreement” or by the court after a trial that an out-of-home placement is in the child’s best interests, relatives have first priority over other foster parents if they obtain a foster care licence and can show that it is the best interest of the child to be placed with the relative. A grandparent or other relative can apply for an emergency licence. Licensed foster parents are entitled to a foster care subsidy that helps defray some of the costs of raising a minor child³⁴.

Under the CHIPS statute, a placement in foster care, with a relative or otherwise, is reviewed every 90 days to determine if the child can be returned to her parent(s)³⁵. Generally speaking, after a year the placement can be made permanent, and legal custody transferred to the foster parent, if the court decides that this is in the child’s best interests³⁶. A transfer of custody does not result in termination of parental rights, but in many cases the county will seek such termination. Long term placement in relative foster care is disfavoured, in part because foster care subsidies are larger than adoption subsidies, so counties often seek termination of parental rights in CHIPS proceedings once it appears that reunification with the parent is not likely.

Note on custody matters involving Indian children. The Indian Child Welfare Act (“ICWA”) is a federal statute that, in essence, confers the legal right on Indian tribes to participate in custody and adoption matters that involve children who are or may be members of the tribe³⁷. Minnesota has a comparable statute, the Minnesota Indian Family Preservation Act. The enactment of these laws was aimed at preventing the arbitrary removal of Indian children from the tribes and culture.

Under ICWA and MIFPA, an Indian tribe must be notified and permitted to participate in any probate, family court, or juvenile proceeding involving a child who is a member of, or is eligible for membership in, that particular tribe. Tribes are permitted to define the circumstances of tribal membership, which vary widely among the various nations and bands. It is up to the party who is seeking custody of the child to give the required notices of all proceedings; a failure to include the tribe as required by federal and state law can undermine the finality of a judgment entered in the case.

ICWA and MIFPA affect not only who can participate in a guardianship or custody-related proceeding involving an Indian child, but the nature of the proceedings themselves and the standard of proof that will justify placement of the child with a non-tribal custodian. “The court may not order placement unless it finds by clear and convincing evidence that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child³⁸. Evidence must include

and strengthen the child's family ties whenever possible and in the child's best interests, removing the child from the custody of parents only when the child's welfare or safety cannot be adequately safeguarded without removal...

³² Minn. Stat. § 260C.163(3)(b); *Legal Steps, supra*.

³³ Minn. Stat. § 260C.163(5).

³⁴ If a grandparent has physical but not legal custody of a child and applies to become the child’s foster parent, the application will be regarded as a maltreatment report and the CHIPS process engaged. This can in some circumstances result in placement of the child with a foster parent other than the grandparent, notwithstanding the purported legal preference for relatives over other potential foster parents. See *Legal Steps, supra*.

³⁵ Minn. Stat. § 260C.141.

³⁶ Minn. Stat. § 260C.201(11), (11a).

³⁷ For a comprehensive overview of ICWA, see Native American Rights Fund, A Practical Guide to the Indian Child Welfare Act (2007), available at <http://narf.org/icwa/>.

³⁸ 25 U.S.C. § 1912(e).

testimony by an expert in tribal child-rearing customs.”³⁹ The court must accord a preference to an extended family member, a foster home licensed, approved, or specified by the Indian child’s tribe; an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or an institution for children approved by an Indian tribe or operated by an Indian organization. Most custody cases involving Indian children must be transferred to a tribal court if the tribe so moves⁴⁰. The court must accord a preference to an extended family member; a foster home licensed, approved, or specified by the Indian child’s tribe; an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or an institution for children approved by an Indian tribe or operated by an Indian organization.

FINAL THOUGHTS

The complexity of Minnesota’s statutory scheme addressing custody of minors, and the substantive standards governing disposition of custody cases, present formidable challenges to grandparent-caregivers who desire to obtain legal authority over the children in their care. Unfortunately, few lawyers in Minnesota are well versed in the laws affecting non-parents who seek custody of a minor, and fewer still will take on these cases, which can be lengthy and contentious, without payment of a substantial retainer. In Minnesota, there is a dearth of legal resources to assist grandparents acting *pro se* in any of the custody matters described above. County workers seldom offer even rudimentary guidance on navigating the legal system, and anecdotal reports suggest they routinely fail to advise grandparents of their rights respecting grandchildren even when the law requires them to do so. The state’s legal aid organizations typically decline to represent grandparents in custody matters, and the two principal social service organizations that assist kinship caregivers in the state do not have lawyers on staff to provide legal advice or assistance⁴¹. Possible solutions to this unfortunate reality include establishing advice-only legal hotlines to guide grandparents through the maze of state laws that are relevant to custody matters⁴², broadening the scope of self-help resources such as court self-help centres to encompass non-parent custody matters⁴³, and establishing law school clinics that assist with kinship custody matters⁴⁴.

Ultimately, facilitating access to the courts for grandparent caregivers should be the responsibility of state governments that rely on the millions of hours of unpaid care these grandparents provide to vulnerable children, often risking their own impoverishment. It would acknowledge the important role that grandparents often play in the lives of children whose parents cannot or will not provide them with the structure and support they need, protect children from an inefficient and deeply flawed foster care system, and in the end preserve and protect the family relationships that ostensibly lie at the core of well-functioning and healthy societies.

³⁹ Legal Steps, *supra*, at 41.

⁴⁰ 25 U.S.C. § 1911(b) (2006). For a discussion of the standards governing transfer of a custody case from state to tribal court, see, e.g., *In the Matter of the Welfare of the Children of: R. A. J., D. W. A., and L. L. F., Parents*, 769 N.W.2d 297 (Minn. App. 2009).

⁴¹ These organizations, Lutheran Social Services of Minnesota GrandFamily Connection, see <http://www.lssmn.org/grandfamilies/default.htm> and the Minnesota Kinship Caregivers Association, <http://www.mkca.org>, are concerned primarily with providing social services and caregiver support to grandparent-caregivers; under the state’s laws governing the unauthorized practice of law they are not permitted to offer legal advice or assistance.

⁴² See, eg, California Senior Legal Hotline Grandparent Project, <http://www.seniorlegalhotline.org/>.

⁴³ See, eg, Minnesota Supreme Court Self-Help Center, <http://www.mncourts.gov/selfhelp/>.

⁴⁴ See, eg, Sixty Plus, Inc. Elder Law Clinic, Thomas M. Cooley Law School, Lansing, Michigan, <http://www.cooley.edu/clinics/intro60.htm>.