

# Ala. Code § 38-12-32

## Section 38-12-32 - Definitions

As used in this article, the following terms shall have the following meanings:

- (1) **CAREGIVER.** An individual 21 years of age or older, other than a child's parent, legal guardian, or legal custodian who is an approved foster parent, who is a relative of the child, and who has been providing care and support for the child while the child has been residing in the caregiver's home for at least the last six consecutive months while in the legal custody of the Department of Human Resources, a designated official for a child-placing agency, or a successor guardian.
- (2) **CHILD.** An individual under 18 years of age who is in foster care with the caregiver and over whom a court has exercised continuing jurisdiction.
- (3) **COURT.** The juvenile court.
- (4) **DEPARTMENT.** The Department of Human Resources.
- (5) **KINSHIP GUARDIAN.** A caregiver who is willing to assume care of a child because of parental incapacity of a parent, legal guardian, legal custodian, or other dependency reason, with the intent to raise the child to adulthood, and who is appointed the kinship guardian of the child by a juvenile court. A kinship guardian shall be responsible for the care and protection of the child and for providing for the health, education, and maintenance of the child.
- (6) **PARENTAL INCAPACITY.** Abandonment or incapacity of such a serious nature as to demonstrate that the parent, legal guardian, or legal custodian is unable, unavailable, or unwilling to perform the regular and expected functions or care and support of the child.
- (7) **PROGRAM.** The Kinship Guardianship Subsidy Program established by Section 38-12-33.
- (8) **RELATIVE.** An individual who is legally related to the child by blood, marriage, or adoption within the fourth degree of kinship, including only a brother, sister, uncle, aunt, first cousin, grandparent, great grandparent, great aunt, great uncle, great great grandparent, niece, nephew, grand niece, grand nephew, or a stepparent.
- (9) **SUCCESSOR GUARDIAN.** A person or persons named in a kinship guardianship assistance agreement, or any amendment thereto, as the person or persons to provide care and guardianship for a child in the event of the death or incapacity of a kinship guardian. The successor guardian may be unrelated to the child.

*Ala. Code § 38-12-32 (1975)*

Amended by Act 2016-129, § 1, eff. 7/1/2016.

Act 2010-712, p. 1744, § 3.