

## Financial support for children and young people in guardianship

Guardianship orders provide greater stability for children when the Children's Court makes a decision they cannot live with their parents.

Guardians may be relative or kinship carers or another 'suitable' person. A prospective guardian must be able to demonstrate that they can meet the long-term needs of the child without case management support from the Department of Communities and Justice (DCJ) or their non-government agency (NGO).

Prospective guardians must also show they can meet the goals in the child's cultural support plan, case plan and care plan. This includes arranging for the child to spend time with their parents, siblings and extended family members.

### Financial support for guardians

Guardians are eligible for financial assistance to support the children in their care<sup>1</sup>. The guardian will receive a guardianship allowance. When approved as part of the child's guardianship financial plan, guardians may have limited access to additional guardianship support payments in the following areas:

- Cultural and life story work (includes supporting family time)
- Education
- Child care
- Medical and dental
- Professional therapy.

### What guardians do not receive

Guardians do not receive casework support from DCJ or their NGO, including:

- respite or support workers
- casework support for the coordination or supervision of family time (contact) visits.

Young people under guardianship orders do not receive:

- leaving care or aftercare services
- TILA (Transition to Independent Living Allowance).

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<sup>1</sup> Guardians are eligible for financial assistance as per section 79C(1) and (2) of the *Children and Young Persons (Care and Protection) Act 1998*.

## Guardianship allowance

The guardianship allowance is paid at the same rate as the [DCJ statutory care allowance](#). The allowance covers the typical costs associated with day to day care of a child in the community (excluding childcare), such as:

- Food
- shelter
- clothing and footwear
- household provisions
- daily travel and suitable car restraints
- holidays
- gifts
- hair cuts
- pocket money
- hobbies
- music lessons
- sporting activities
- spending time with family and friends
- general education costs
- school excursions
- general hygiene needs
- general medical costs
- general pharmaceutical costs
- entertainment.

The guardianship allowance contributes to the cost of providing care for children who are unable to live with their parents. It is paid in recognition of costs associated with raising children and enables guardians to meet their needs.

## Guardianship standard care and care +1 and care +2 allowances

Guardians are eligible to receive the standard care allowance at a minimum. They may be eligible for a guardianship care +1 or guardianship care +2 allowance depending on the outcome of a special needs allowance assessment. This assessment can be conducted prior to making of the guardianship order, and can be reviewed once the guardian has returned the annual review confirming if the child's care needs remain the same or have changed.

## Teenage Education Payment (TEP)

The TEP is a payment made to guardians who care for young people who are 16 or 17 years of age who are attending education or training in NSW on a full-time or part-time basis.

To be eligible for this payment the guardian must demonstrate eligibility to receive Family Tax Benefit Part A and provide evidence of the young person's engagement in education or training on a six-monthly basis.

Guardians will received a TEP application form when a young person turns 15 and six months with further details about applying for this payment.

## Annual review

Guardians who receive an allowance must complete the guardianship annual review report each year, confirming that:

- the child or young person remains in their full-time care
- the parents are not residing in the home
- they will advise DCJ if any changes in circumstances occur.

The annual review must be returned to DCJ within 21 days for the continuation of the guardianship allowance.

If the guardian is requesting the continuation of a guardianship care +1 or guardianship care +2 allowance, the guardian must provide supporting evidence (e.g. a medical or specialist report) that the higher needs of the child continue.

In these cases DCJ may approve continuing payment of the allowance or may elect to assign the review of the allowance as a casework task and complete a special needs assessment (SNA). An SNA must be completed in any instance where the guardian indicates that an increased allowance rate may be required.

The annual review is sent to the guardian by post, so it is important that guardians keep their contact details up-to-date with DCJ. In the event the guardian intends to travel around the time the annual review is usually completed, they should contact their local CSC prior to travel to complete the review early to ensure the guardianship allowance continues to be paid.

## Parents living in the home

If the child's parents are living in the home, the guardian must advise DCJ immediately. Upon advice that a parent is residing in the guardians' home, a guardianship annual review is triggered.

DCJ's priority is to assess any safety risk and to determine whether the guardians are continuing to provide parenting. As an outcome of this review, a decision may need to be made about whether the current order remains appropriate, and whether the allowance should be ceased.

## Payments for children who move interstate

Where DCJ has made the decision to place the child with a guardian who resides outside NSW, or has supported an authorised carer to move with the child interstate prior to seeking a guardianship order, DCJ will remain responsible for any allowance.

Where a guardian makes the decision to move outside NSW, the allowance will continue for a period of **three months** while the guardian and child make the transition from NSW. The continuation of a guardianship allowance beyond this time requires approval from the DCJ Executive District Director (EDD). This is particularly relevant for guardian families living in border towns.

Upon the return of a child and guardian to NSW, the guardian may seek reinstatement of the guardianship allowance if:

- the guardianship allowance ceased after leaving NSW
- the guardian intends to remain in NSW
- the completion of the Guardianship Annual Review satisfies the criteria for the allowance to resume
- the guardian supplies evidence that the child or young person will be financially disadvantaged without the allowance (given they did not receive the allowance whilst interstate or overseas).

Any contingencies outlined in the child's approved financial plan may also be reinstated if the child would otherwise be disadvantaged.

## Guardianship support payments

Guardianship support payments are available where the payment has been agreed upon and approved in the child's last case plan or guardianship financial plan prior to final orders being made.

If approved, these support payments are paid in addition to any guardianship allowance.

The payments that a guardian may be able to access will depend on how they came to be a guardian and the documentation that was prepared prior to the guardianship order being made. For example, if they transitioned to guardianship on 29 October 2014, or have had their guardianship order made after this date.

## Carers who transitioned to guardianship on 29 October 2014

DCJ made a commitment that there would be no disadvantage to guardians as a result of the transition of their orders from Parental Responsibility to a Relative (PRR). This was achieved by ensuring that previously agreed contingency payments remained in place.

DCJ will continue to provide contingency support to transitioned guardians in line with the expenditure that was approved in the child's last approved case plan or as part of the financial commitments in the care plan lodged as part of the court order.

Transitioned guardians do not have their contingency support payments reviewed, and there is no requirement on DCJ to initiate a review. Eligibility for a continuing allowance is assessed at the time of annual review as outlined in the previous section.

If there was no case plan or an outdated case plan prior to transition, or if a transitioned guardian seeks a review of contingency support payments, DCJ may be able to develop a financial plan in line with the supports that transitioned guardians are eligible to receive. Transitioned guardians should discuss with their local CSC.

The guardian will be required to provide evidence that the support is needed and cannot be sourced privately through local services, that there are exceptional circumstances or that the child in their care would be otherwise disadvantaged without the support.

Guardianship support for **transitioned guardians** may include:

- Maintaining identity and culture
- Kin/relative carer assessment
- Long-term establishment costs
- Teenage Education Payment (TEP)
- Out-of-guidelines payment
- Respite/support workers
- Travel (excluding holidays)
- Back payment (<13 wks.)
- Professional reports
- Professional therapy
- Clothing and footwear
- Therapeutic camps
- Removal/storage
- Family time (contact) costs
- Legal costs
- Childcare
- Education
- Medical/dental.

## Carers who moved to guardianship after October 2014: guardianship financial plan support payments

A guardianship financial plan is completed prior to the making of a guardianship order. The financial plan outlines the type and amount of guardianship support required to best meet the needs of the child **now and into the future**. This includes services already engaged and any services planned to be provided.

These financial supports are documented in the child's case plan and attached to the care plan lodged with the Children's Court. Guardians have a right to have a copy of the case plan and Children's Court care plan.

Case plans are not required after a guardianship order is made, so the last approved case plan (together with the guardianship financial plan) is the basis for approving any expenditure for the duration of the order.

**Once a guardianship order is made the financial plan cannot be amended.** The guardianship support payments are released by the CSC upon receipt of an invoice from the service provider. Should the child not require some of the anticipated support services, DCJ does not release the allocated funds.

## What support can be included in the guardianship financial plan?

A guardianship financial plan identifies supports required to meet the ongoing needs of the child. This support is in the following areas only:

- Cultural activities and life story work (includes supporting family time)
- Child care costs (including vacation care or OOSH)
- Education
- Professional therapy costs

- Medical/dental.

Guardians must provide evidence of attempts to access all available Commonwealth income and family support payments, as well as service support through other NSW Government agencies, including the NDIS if required, before a service can be accessed via DCJ contingency payments.

Service providers should send their invoices directly to the DCJ CSC for processing. Only invoices made out to DCJ will be paid. Invoices should include the service provider's ABN.

### **Cultural/Life Story work (includes supporting family time)**

A guardianship support payment is available for cultural activities that assist a child to maintain their identity and culture and for life story work. This includes travel and accommodation costs for the child and their guardian, or their birth family to travel to attend family time (contact) visits.

The processing of photos, special events such as birthday parties, school photos, gifts for family members and postage are expected to be paid for using the guardianship allowance.

### **Child Care**

This payment is to support access to approved child care services such as:

- Preschool
- Family day care, childcare/long day care
- After school care
- Vacation care.

The guardian must receive a written agreement from DCJ regarding the child's attendance at an approved childcare centre for a specified number of hours and days and apply for the Child Care Subsidy prior to enrolling the child.

### **Grandparent Child Care benefit**

Guardians who are grandparents may be entitled to the grandparent's child care benefit which covers the full costs of approved child care for up to 50 hours per week. This payment is paid directly to the child care centre. Further information can be obtained through Centrelink.

### **Education**

The guardian is expected to meet general educational costs from their allowance. This may include, but is not limited to uniforms, stationary and writing material, excursions and school camps, school fees, levies and text book hire.

DCJ may provide additional assistance to assist with education if this is approved as part of the child's care plan and guardianship financial plan. For example this may include tutoring.

## Non-government schools

If enrolment of a child in a non-government school is recommended due to **exceptional circumstances**, fees must be approved by the DCJ Executive District Director and arrangements must be documented in the child's care plan. In these circumstances only the school fees will be paid. All additional educational costs should be funded by the guardianship allowance.

## Medical/dental

General medical cost such as visits to the GP, dentist and pharmacy are expected to be covered by the guardianship allowance. However, additional support is available through the guardianship support payment to cover:

- Special dental treatment (excluding general dental costs such as check-ups, x-rays, cleaning and fillings which should be met from the guardianship allowance)
- Orthodontic treatment, medical aids, optical appliances.

## Orthodontic treatment

Where approved in the financial plan the guardian must seek approval for financial assistance prior to commencement of orthodontic treatment.

## Private health insurance

The cost of private health insurance is to be met by the guardian from the allowance.

## Medicare Cards

All children should have their own Medicare card or be included on their guardian's card.

## Health Care Cards

All guardians are eligible for a Health Care Card for the child they are guardian for. The Health Care Card allows for assistance such as discounted medication under the Pharmaceutical Benefits Scheme (PBS) and free ambulance travel. To assist with the application process via Centrelink, DCJ must complete the Health Care Card Request Form and give it to the guardian so they can lodge it with Centrelink.

## Professional therapy

Professional therapy could include counselling, physiotherapy and speech therapy when recommended in an assessment conducted by a suitably qualified therapist or counsellor. The guardian should provide DCJ with details of the aims of therapy for approval of the service prior to commencement.

Wherever possible, all attempts should be made to access mainstream Health and Community Health Services (Mental Health Plan via the GP) or DCJ funded services. If deemed eligible, support should also be accessed via the NDIS.



## Additional financial support from the Australian Government

### Centrelink benefits

In addition to the support listed above a guardian may also be eligible for support from the Commonwealth Department of Human Services (Centrelink) including but not limited to:

- Family Tax Benefit
- Child Care Subsidy
- ABSTUDY
- Youth Allowance.

Further information about the full range of Australian Government assistance including payment rates and eligibility criteria, is available on the Centrelink website at [www.humanservices.gov.au](http://www.humanservices.gov.au), by contacting Centrelink on 13 61 50 or by visiting a Centrelink Customer Service Centre.

### Work exemption for guardians: advice from the ATO

In line with advice from the Department of Human Services, only guardians who are **relatives or kin** are eligible to apply for work exemptions. The Work Exemption Form will need to be completed by the CSC once the *Continuation of Guardianship Allowance* form is returned by the guardian. As with the DCJ Statutory Care Allowance, the Guardianship Allowance is not taxable income.

## Where can a guardian go for help once an order is made?

Guardians must be able to meet the needs of the child without the support of their caseworker, and with limited contingency payments approved in the child's last case plan (for transitioned guardians) or the child's guardianship financial plan.

However, in exceptional circumstances, guardians can approach their local DCJ CSC for assistance. For example, a transitioned guardian requiring confirmation of the child's legal order or requesting additional support or if a child develops a significant need that was unforeseen and not included in their case plan or financial plan.





## More Information

For more information, call the DCJ Guardianship Information Line on 1300 956 416. Alternatively, you can email [GuardianshipInformation-NSWFACS@facs.nsw.gov.au](mailto:GuardianshipInformation-NSWFACS@facs.nsw.gov.au)

Prospective guardians can also talk with their child's case worker or visit the DCJ website <https://www.facs.nsw.gov.au/families/guardianship>

### **My Forever Family Care Line**

P: 1300 782 975

### **AbSec Foster Care Support Line**

P: 1800 888 698

### **Centrelink Grandparent Advisors**

P: 1800 245 965