

Policies and guidelines

Financial support for children and young people in guardianship arrangements

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Types of guardianship payments

Guardians are eligible for financial assistance as per section 79C (1) and (2) of the [Children and Young Persons \(Care and Protection\) Act 1998](#) (the Act).

Guardianship allowance

The guardianship allowance is expected to cover *typical costs* associated with the day-to-day care of a child or young person in the general 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.

Transitioned guardians

Carers who transitioned to guardianship on 29 October 2014 will continue to receive an allowance paid at the same indexed rate as they were receiving prior to the transition to guardianship.

New guardians (guardianship orders made after 29 October 2014)

For guardianship orders made after 29 October 2014, guardians receive an allowance paid at the same rate as the Department of Communities and Justice (DCJ) Statutory Care Allowance.

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

Guardianship Standard Care, Care +1 and Care +2 Allowance

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, which will be completed by DCJ prior to the guardianship order being made.

Guidelines for the guardianship allowance

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.

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.

Parents living in the home

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.

Payment for children and young people who move interstate

Where DCJ has made the decision to place the child or young person with a prospective 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 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 or young person would otherwise be disadvantaged.

Payment commences on the day the guardianship order is made by the Children's Court of NSW.

Payment ceases

- on the day the child or young person exits the placement
- when the young person turns 18
- If a decision is made to cease the allowance after being advised a parent is residing in the home
- If a guardian has moved interstate for a period of three months or more, unless approval is sought from the DCJ EDD to continue the allowance.

Review Period

- Annually on completion of the Guardianship Annual Review Report

Guardianship support payments

Prior to seeking a guardianship order, a Guardianship Financial Plan must be completed. The financial plan must outline the type and amount of guardianship support required to best meet the needs of the child or young person now and into the future. This includes services already engaged and any services planned to be provided, e.g. counselling, tutoring, child care, speech therapy, orthodontics.

Estimate of costs from practitioners or service providers are required as well as an indication of time period these services will be required. Where applicable, evidence that the service is required and in the child or young person's best interests must be provided.

These financial supports must also be documented in the child's case plan and attached to the Care Plan lodged with the Children's Court. As case plans are not required after the making of a guardianship order, the last approved case plan (together with the Guardianship Financial Plan) is the basis for approving any expenditure for the duration of the order.

It is important to include a thorough assessment of the child's financial support needs at the time of completing the Guardianship Assessment Report and anticipate the child's needs for the duration of the order. Prospective guardians, parents, caseworkers and professionals connected with the child must be consulted when preparing the Guardianship Financial Plan.

The Guardianship Financial Plan template prompts caseworkers to itemise financial support and to specify related timeframes for each item (or to indicate that the support is to be provided for the duration of the order). The Guardianship Financial Plan must be approved by DCJ prior to the making of a guardianship 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 or young person not require some of the anticipated support services then DCJ does not release the allocated funds.

In exceptional circumstances, DCJ may consider a request from a guardian to review the contingencies available for a child or young person if a guardian can provide evidence that the child or young person would be otherwise disadvantaged. This review would be undertaken by DCJ at the time of the request.

The local CSC is responsible for approving, monitoring and processing Guardianship Financial Plan support payments following the making of an order.

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 or young person. These supports cannot exceed the amount endorsed by DCJ.

The Guardianship Financial Plan identifies funds for support in the following areas only:

- Cultural activities and life story work (includes supporting family time)
- Child care costs (including vacation care, before or after school care)
- 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 NDIS and other NSW Government agencies, before a service can be accessed via DCJ contingency payments.

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

In limited circumstances, DCJ may provide vouchers or reimburse a guardian or birth parent for family time costs upon presentation of an invoice.

Guardianship Financial Plan supports

Cultural and life story work (includes supporting family time)

This payment is for cultural and life story activities that assist in maintaining the personal and cultural identity of a child or young person in a guardianship arrangement. Staying connected to family, kin, community and culture is central.

These payments could include:

- attendance at cultural camps
- visits to community and country
- travel and accommodation costs for family time visits
- attendance at cultural events
- family history research.

The payment is made to the approved service provider to support the child's cultural identity development or life story work.

Note: It is expected that guardians will utilise the guardianship allowance to cover the costs of developing and purchasing photos of the children and young people in their care as part of their life story work and the purchase of small gifts and postage to the child's family members.

Travel and accommodation for family time (contact) visits

Family time (contact) financial support is designed to support the child to maintain a connection with their family. In circumstances where financial support is required to ensure family time occurs, DCJ may cover:

- travel and accommodation costs for the birth family
- travel and accommodation costs for the child and their guardian family
- meals during the travel period.

This is particularly relevant for children who may be living with their guardian a significant distance from their birth family. For example, their guardian family lives in Southern NSW and their birth family has relocated to QLD.

It is not anticipated that DCJ would cover costs where both the guardian and birth families live nearby, unless there were exceptional circumstances which should be detailed in the child's Guardianship Financial Plan when seeking approval.

Examples of appropriate family time support

Caseworkers should consider the following as appropriate family time support:

- Accommodation, where either the child and their guardian or their birth parents are required to travel a significant distance from their home for family time visits

- Airfares, where either the child and their guardian or their birth parents are required to travel a significant distance from their home for family time visits
- Fuel or other travel vouchers (such as train travel) for the guardian or birth parents to attend family time visits, where appropriate
- Meal vouchers, where either the child and their guardian or their birth parents are travelling a significant distance from their home for family time visits
- Other support considered appropriate and approved in the child's Guardianship Financial Plan.

Managing family time and supervision

There is no support for supervision of family time or casework support in managing family time. The guardian must still satisfy the eligibility criteria in managing these arrangements independently.

Though supervision of family time remains the responsibility of the guardian, there may be extenuating circumstances where provision of supervision of family time is required to support the guardianship order. In these circumstances, applications for additional support can be made via the out-of-guidelines payments process below. It is important to note that the provision of supervision **should not undermine** the requirement of the guardian under the order to support and actively facilitate family time.

The approval process

Submit the Guardianship Financial Plan with attached evidence for cultural and life story work payments to DCJ for approval.

Information required for the approval

- Estimate of costs from service provider and indication of time period these services will be required
- Payment of the payment
- Evidence that this service is required and will meet the child or young person's cultural, life story, personal identity and family time needs.

Childcare

This payment is to secure approved child care services, such as:

- preschool
- family day care
- day care/long day care
- before and after school care
- vacation care.

The payment is made to the child care service upon receipt of invoice.

Process for the payment

All guardians should apply to Centrelink for the Commonwealth Child Care Subsidy (CCS). The Child Care Subsidy is paid directly to the child care service provider. It is important to note that not all guardians are eligible for CCS. In particular, they must pass the work, training, study test for the week the approved care was provided. For further information visit <https://www.servicesaustralia.gov.au/individuals/services/centrelink/child-care-subsidy>

Where the NGO is recommending that support payments for child care are included in the financial plan, the following process should be followed:

- record current or anticipated childcare costs in the financial plan for approval by the relevant delegate
- Guardians will be advised DCJ will assist with costs by paying the 'gap' between the CCS and ACCS (child wellbeing). In most cases, the full cost of child care will be covered. Whether or not a gap will need to be paid depends on how much the provider charges
- The guardian completes the CCS online assessment at Centrelink via MyGov.
- The child care centre issues a 'certificate' so the guardian can receive the ACCS (child wellbeing) via the Provider Entry Point or their child care software product. The certificate is given for a maximum of six weeks and is only valid at one service.
- The CCS and ACCS is paid by the Commonwealth to the child care centre once the child's attendance data has been submitted.
- During the six week period, the guardian should ask the child care centre to apply for a 'determination' to continue the ACCS for a further 13 weeks. Evidence should be provided to the child care service to support a determination.
- Examples of approved evidence are:
 - a letter stating that the child meets the Commonwealth Child Care Subsidy Minister's Rules 2017 for eligibility
 - a child's case plan (only provide relevant parts)
 - a court order that indicates the child is/was at risk (this alone is sufficient evidence)
 - a written statement that a case of abuse or neglect has been substantiated (this alone is sufficient evidence).
- The child care centre will need to apply to renew the determination before the 13 weeks expires.
- If the combined CCS and ACCS do not cover the full fees of child care, make arrangements with the child care provider to pay the 'gap' fee on behalf of the guardian. Third party payment of a gap fee can only be made where the ACCS applies.

This process is repeated each year for which a child care service is required.

Grandparent Child Care Benefit

Guardians who are grandparents may be entitled to the Commonwealth Grandparent Child Care Benefit which covers the full cost of approved child care for up to 50 hours per child per week. It is paid directly to the child care service. Where NGOs are supporting grandparent guardians, they should support them to access this payment.

Information required for approval

- Estimate of weekly costs from child care service provider and indication of time period these services will be required.

Education

This payment is for exceptional items required by a child or young person for the purpose of meeting their ongoing education and training needs in addition to those expenses met by the guardianship allowance.

The payment is made to either:

- school or other educational institution
- provider of the service or item.

Guidelines for the payment

The guardian is expected to meet the child's general education expenses from the guardianship allowance. General education costs may include uniforms, writing materials, excursions and school camps, school levies and text books.

Other costs that arise (where not provided by the Department of Education) may be paid by DCJ as part of an approved case plan and Guardianship Financial Plan. For example, tutoring to assist a child to catch up to their peers after periods of absence from school or infrequent attendance, or the purchase of a computer for the young person's education.

Non-government school fees

DCJ has no obligation to fund fees associated with non-government schooling. The Executive District Director will only approve the payment of non-government school fees in exceptional circumstances and as part of a child or young person's care plan.

The approval process

Submit the Guardianship Financial Plan with attached evidence for non-government school fees or other service provision to DCJ for approval.

Teenage Education Payment (TEP)

The TEP may be paid to guardians if they meet the eligibility criteria in the payment guidelines. Access to the TEP should be included in the financial plan but the TEP is not a pre-approved guardianship contingency payment. TEP eligibility can only be determined when the young person is aged 15 and may only be paid once the young person reaches age 16. Guardians will receive an application form when the young person is 15. The guardian is responsible for submitting the application.

Subject to approval, the TEP may continue after the young person turns 18 if they are completing Year 12 or equivalent study on a full-time basis.

Caseworkers should check the TEP resources on the DCJ website for payment guidelines and forms:

<https://www.facs.nsw.gov.au/providers/children-families/oohc-education-resources-and-tools/teenage-education-payment-guidelines-and-resources>

Information required for the approval

- Estimate of costs from non-government school or other service provider and indication of time period these services will be required.
- Evidence as to why remaining in, or moving to, a non-government school is in the child or young person's best interests.

Specialist medical, dental, optical

This payment is for approved specialist medical, dental, special optical needs and specialist medical aids (not covered by NDIS) for a child or young person.

The payment is made to the practice providing the service or item.

Guidelines for the payment

Guardians who receive an allowance for a child or young person are expected to cover the following typical day-to-day costs that arise when parenting, including:

- general medical costs, including GP visits
- general pharmaceutical costs, including prescription and non-prescription medications
- general dental costs including check-ups, x-rays, cleaning, fillings
- general optical visits
- health insurance.

Costs that are not expected to be covered by the guardianship allowance may include:

- specialist dental treatment
- orthodontic treatment
- medical aids not covered by NDIS
- optical appliances
- medication not covered by the Pharmaceutical Benefits Scheme (PBS) or NDIS.

Orthodontic treatment

The prospective guardian **must** have DCJ approval for financial support for orthodontic treatment prior to the commencement of orthodontic treatment.

Specialised medications

In situations where long-term medication, not covered under the PBS, has been recommended for a child or young person and approved as part of the case plan and financial plan prior to final orders, DCJ will reimburse the cost of this medication. Pre-approval is needed before expenditure. Payment of an invoice balance should occur after the guardian has claimed Medicare and any health fund rebates.

Medicare Card

All children and young people should have their own Medicare Card or be included on the guardian's card.

Health Care Cards

Current Centrelink criteria indicates that any person caring for a child who is not their birth or adopted child is eligible for a Health Care Card. This includes guardians.

Guardians should apply to Centrelink if the child or young person does not already have a Health Care Card. DCJ should complete the Health Care Card Request Form and provide this to guardians.

The Health Care Card allows for assistance such as discounted prescription medication under the PBS and free ambulance travel.

The approval process

Submit the Guardianship Financial Plan with attached evidence for medical/dental/optical support payments to DCJ for approval.

Information required for the approval

- Estimate of costs from practitioner or service provider and indication of time period these services will be required.
- Evidence that this service is required (or may be required in the future based on their family history or trauma experience) and this support payment is in the child or young person's best interests.

Professional therapy

This payment is for approved therapeutic intervention to meet the child or young person's emotional, psychological, social or behavioural needs.

The payment is made to the approved professional/agency providing the professional therapeutic service.

Guidelines for the payment

Therapeutic intervention should only be approved if recommended by an assessment conducted by a qualified professional. In circumstances where the child is young and may not yet be displaying symptoms that a particular intervention is required, caseworkers should consider the child's background of abuse and neglect and their family history in determining what therapeutic interventions may be required in the future. Evidence should then be provided at the time that the guardian is requesting the payment for approval prior to accessing that service.

Examples of professional therapy could include counselling, psychological therapy, physiotherapy, occupational therapy, play therapy, group therapy, behaviour therapy, family therapy and speech therapy.

Wherever possible, all attempts should be made to access therapeutic services through NDIS, in the community or through government-funded service providers.

When including therapeutic intervention in Guardianship Financial Plans:

- identify the purpose of the professional therapy or counselling (e.g. addressing the effects of trauma and maltreatment), the regularity of appointments and time period required
- ensure the professional therapy service has been provided with the child or young person's most recent Health Care Plan to inform their work
- provide evidence that public professional therapy services are unavailable and outline the reason for accessing private professional therapy (e.g. long waiting periods in public system).

The approval process

Submit the financial plan with attached evidence for professional therapy support payments to DCJ for approval.

Information required for the approval

- Estimate of service provider costs and indication of time period these services will be required
- Therapy goals and purpose
- Evidence that this professional therapy is required and this support payment is in the child or young person's best interests.

Out-of-guidelines payments

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

However, out-of-guidelines payment of contingencies may be considered on a case-by-case basis, where the child has developed unforeseen needs not detailed in their financial plan. Any out-of-guidelines submissions must relate to the available support categories identified in the [Guardianship Support Payments section](#) in this document.

The circumstances must be considered exceptional and all other options explored to meet the needs of the child prior to submitting an out-of-guidelines submission. For example, the guardian should provide evidence that the service or need is not able to be sourced or funded within local universal services, NDIS, Centrelink etc.

As DCJ manages all post order allowances and payment of contingencies, NGOs should refer guardians to their local CSC to discuss their circumstances if they feel there are exceptional circumstances.

More information

For more information on guardianship or financial guidelines, please contact the DCJ Guardianship Information Line on 1300 956 416 or email GuardianshipInformation-NSWFACS@facs.nsw.gov.au.