



# Guidelines for the provision of assistance after leaving long term statutory out-of-home care

## 1. Basis for assistance

The permanent placement principles contained in the *Children and Young Persons (Care and Protection) Act 1998* (the Act) provide guidance on placing a child or young person safely in a permanent home.

Family preservation and restoration are the preferred options followed by guardianship and open adoption (except in the case of an Aboriginal child). Unfortunately, these options are not practicable for some children and they are placed in the long term parental responsibility of the Minister until they turn 18.

When a young person leaves care for life as an independent adult, they often need help with housing, employment or other challenges. A supportive family network may not be available for people who were in long term statutory care and universal services do not always provide enough assistance for those who may have faced trauma, disadvantage or isolation.

Section 165 of the Act requires the Minister to arrange or provide assistance to eligible care leavers until they reach 25 years of age where such assistance is considered necessary having regard to their safety, welfare and well-being.

These guidelines establish the leaving and after care assistance provided for people who remain in the parental responsibility of the Minister until 18 years of age. They include planning and preparation from age 15, and implementation of the plan, including any amendments to address changing circumstances, from ages 18 to 24.

Other policies or guidelines relate to assistance where parental responsibility is allocated to someone other than the Minister before a young person turns 18. For example, following restoration to a birth parent or court orders for guardianship or adoption.

For the purpose of these guidelines, 'leaving care' relates to the order allocating care responsibility. Leaving care does not necessarily mean leaving the carer's home and many young people and carers choose to continue this arrangement. Nor does leaving care mean that government support ends. Assistance continues to be provided as described in these guidelines.

## 2. Eligibility for leaving and aftercare assistance

To be eligible for the assistance described in these guidelines a person must meet the following criteria:

- (i) the Minister held parental responsibility (which must include the aspect of residence) for the person immediately before their 18<sup>th</sup> birthday pursuant to an order made under the *Children and Young Persons (Care and Protection) Act 1998*, or the person is otherwise a protected person at 18, and
- (ii) has been in this parental responsibility for a cumulative period of at least 12 months, and
- (iii) is under the age of 25 years (assistance for those over 25 may continue to be provided at the Minister's discretion).

If an adoption order is subsequently made after their 18th birthday, a person's eligibility for the assistance described in these guidelines will cease from that date.

## 3. Providing leaving care and aftercare assistance

Care leavers take part in the planning required to help prepare them for independence. Assistance is arranged to support a smooth transition from care into adulthood and aims to achieve positive outcomes for each young person that are equivalent to their peers.

To help maintain housing and support networks during early adulthood, a fortnightly allowance is provided to carers who continue to support a young person to continue to reside with them when they turn 18 up until they turn 21. A fortnightly allowance is also provided to young people of that age who live independently to support them with housing costs and other essential needs.

Other financial assistance is also provided to care leavers if assessment determines that universal services will not meet their needs and support is required to ensure their safety, welfare and wellbeing needs are met.

### (a) Planning by the designated agency prior to leaving care

Section 166 (1) of the Act requires the preparation of a plan before a child or young person leaves out-of-home care.

All young people leaving long term statutory care must have a leaving care plan developed by the agency managing their placement. This may be the Department of Communities and Justice (DCJ) or a non-government out-of-home care agency.

Planning is to commence at 15 years of age and be completed before the young person leaves care.

The young person is involved in developing the plan along with parents, carers and significant others. If the young person is unable or unwilling to participate, the plan is developed in consultation with those best placed to understand their needs.

The plan includes steps to prepare the young person for independence and is informed by a needs assessment. Plans include financial assistance, for finding accommodation and employment, setting up house, education and training, legal advice and accessing health services including counselling. Plans also address knowledge and understanding of personal history including cultural background, contact with family members, independent living skills including financial management and obtaining a provisional driver's licence.

These are the minimum requirements that a leaving care plan must address. Assistance may not be required for each aspect, but all must be considered. For example, assessment should consider whether a young person needs access to legal advice at the time of leaving care. If not, that is to be documented in the plan and the young person informed about how to obtain legal advice if it is ever needed.

Issues relating to safety, welfare and well-being that do not fall within the aspects/domains mentioned above, may be identified during the assessment. If so, they are to be included in the plan. The fact that they are not specifically mentioned in these guidelines does not mean that they are excluded.

The plan must specify, as far as possible, details of the agencies or persons who will provide the services or resources to implement the plan.

Plans are not generic, they are tailored to suit each individual. This includes identifying services and service providers appropriate to a care leaver of Aboriginal or Torres Strait Islander background or with intellectual or physical disability.

Plans are not static documents that remain fixed once the young person leaves care. Reviews and amendments are to be expected as the young person's circumstances change or new issues arise.

If a person exits care without a leaving care plan and later requests aftercare assistance, a plan is prepared at that time by the agency that last supervised their placement.

New plans or revisions proposed by a non-government out-of-home care agency must come to DCJ for approval of aftercare costs that are to be met by DCJ. Non-government agencies do not require DCJ approval for supports that are provided by the agency or for universal services arranged by the agency.

## **(b) Implementation of the plan and follow up support**

Section 166 (3) of the Act requires the designated agency to implement the plan they prepared when the young person leaves out-of-home care.

To comply with this requirement and ensure the plan is successfully implemented, the agency responsible for supervising a young person's last placement is to offer follow up to the care leaver at regular intervals after their exit from care.

Follow up support may include a review of the leaving care plan, ongoing advice, support and advocacy and assistance where appropriate e.g. to access universal services. Regular follow up will help to identify emerging challenges while they are still easily managed and to address them before they escalate.

### **(c) Information about and referral to available services**

Section 165 (2) (a) of the Act relates to the provision of information.

Information about available universal and specialist resources, services and referral points is provided to children aged 15 and young people exiting statutory out-of-home care.

Wherever available, care leavers are referred to mainstream services such as Centrelink or providers within the public health system to support their ongoing needs. Referral may include advocacy or other assistance to facilitate access to services. This ensures the young person is linked to the full range of supports and that services recognise the importance of assisting those who have been in care.

Assistance is provided to help the young person access any income support or financial assistance for which they may be eligible, especially the Australian Government's Transition to Independent Living Allowance (TILA).

Young people are offered support to access personal information and assistance to contact family/significant others. On leaving, or after having left care, a young person is entitled to access, free of charge, personal information held by the agency relating directly to them. The agency is to provide an appropriate person to support and assist the young person at the time when access to information occurs. This information must be provided in a timely manner.

### **(d) Counselling and support**

Section 165 (2) (c) of the Act relates to counselling and support.

Counselling and support is to be provided as necessary for the safety, welfare and well-being of the young person. This may include support to address abuse or neglect issues or to acquire appropriate independent living and social skills. The need for counselling is to be considered at every stage of leaving care planning from age 15 to 24. The frequency and duration of counselling is to be specified both in the initial leaving care plan and any reviews conducted after the young person has left care.

### **(e) Further assistance based on assessment of need**

Section 165 (2) (b) of the Act permits other assistance, including financial assistance, based on an assessment of need.

Beyond the assistance mentioned above in relation to planning, the provision of information, follow up support after leaving care, assistance to access mainstream services, and counselling and support; further assistance is guided by an

assessment of the young person's needs, their trauma history, current mental health and their risk of not making a successful transition to independent living.

Assessment will consider the following indicators:

- Length of time in care and the number of placements e.g. a long period of time in care with multiple placements
- Educational qualifications e.g. has not completed Year 10
- Dependants e.g. young parent or expecting a child
- Stability of accommodation e.g. homeless or at risk of homelessness
- Employment status and history e.g. unemployed and not engaged in study or volunteer work
- Contact with family and other personal supports e.g. a lack of positive relationships with birth family, relatives or significant others
- Capacity to live independently e.g. lack of independent living skills particularly to find accommodation and establish an income
- Health and well-being e.g. drug and alcohol addiction or psychiatric illness
- Criminal convictions e.g. detention or convictions that impact access to accommodation, education and employment.

Wherever possible, challenges are addressed through universal or targeted support incorporated into the leaving care plan.

The NSW Government wants young people leaving care to thrive and experience similar outcomes to all young people in NSW. If it is determined that universal services will not sufficiently meet the young person's needs in transitioning to independence or to support their safety, welfare and wellbeing after leaving care, DCJ will provide additional assistance. This can include financial assistance to the young person or the purchase of goods and services.

In this context, 'services' includes case work or case management directly related to supporting a person who has left care and who requires that case work or case management to implement their leaving care plan or where a new need arises that requires additional support.

#### **4. Financial assistance from Communities and Justice**

Approved financial elements after a young person has left care are provided by DCJ irrespective of whether the young person's last placement was managed by DCJ or a non-government agency funded by DCJ to provide out-of-home care.

All financial assistance must be included in the leaving care plan and approved in accordance with DCJ delegation and approval procedures.

## **(a) Allowances to support those aged 18 to 20**

Young people generally require the most assistance in their first year after leaving care, with this gradually tapering off over the following two years. The most common types of assistance needed are help with accommodation and finances.

Leaving care planning includes securing safe and stable housing. Where a young person is in a family based care setting or residing with a long-term foster carer with whom they experience security and connection, efforts are made to enable that arrangement to continue. This may include facilitating discussion between the carer and young person about paying board and adult rights and responsibilities.

If both are in agreement that the young person will stay on, an allowance is paid to the carer to continue to provide support and housing. This allowance is available until the young person moves out or reaches 21 years of age.

Young people who move to independent living receive a fortnightly allowance to help with rent and other costs if they need assistance with accommodation or other essential items. This allowance is also available until 21 years of age.

If assessment determines that these allowances will not sufficiently meet a young person's needs, additional financial assistance can be provided.

## **(b) Principles for the provision of additional financial assistance**

Assistance in addition to the allowances to support those aged 18 to 20:

- Will be provided where assessment determines that universal services will not sufficiently meet needs in regard to safety, welfare and well-being. This includes needs not identified until after the young person has left care.
- May be provided for support that is unrelated to safety, welfare and well-being if it promotes a transition to independence. Consideration is on a needs basis.

DCJ aftercare assistance cannot provide the ongoing, intensive support of universal services such as a health service nor does it replace the Australian Government welfare system.

Assistance is provided in response to reasonable requests where the young person will be positively assisted by the provision of timely and responsive support and the amount that can feasibly be provided will enhance their capacity to establish an independent life.

Financial assistance provided by DCJ to address safety, welfare and well-being does not equate to the co-dependent context of a family setting or other relationships. In a co-dependent relationship; values, responsibility, respect and negotiation skills are learned through contributions and exchanges. For example, it may be agreed that if the young person mows the lawn each week a parent will pay for their petrol or a housemate will pay for the household internet connection.

### **(c) Aftercare Allowance for those aged 21 to 24**

The fortnightly allowance available to young people aged 18 to 20 who are living independently may also be provided to care leavers aged 21 to 24 to help secure stable accommodation if the young person:

- is undertaking full time training or education, and
- would be at risk of homelessness if financial assistance was not provided.

Assistance from social housing providers must have been sought before this allowance is approved.

A care leaver attending a life skills course or drug and alcohol program may be eligible for the allowance where these programs had not been previously undertaken.

The allowance may be approved to support part-time study where for example a young person is completing the Higher School Certificate over two years or if parenting responsibilities or health problems prevent them from studying full time. Consideration is on a needs basis.

The allowance is a needs based measure to bridge the gap while a long term accommodation solution is found. The allowance is therefore provided for a three-month period, reviewable at that time.

### **(d) One-off payments (contingencies)**

In addition to ongoing fortnightly allowances to help with general costs, financial assistance may be provided to help with specific, individual expenses. This is commonly by way of payment of an invoice or contribution to a cost.

Eligible care leavers aged 18 to 24 with assessed need may receive financial assistance for expenses as they arise. This includes, but is not limited to, assistance for the following purposes:

- **Obtaining accommodation:** Eligibility for social housing or rent assistance from the relevant state and Commonwealth authorities is explored first. Up to \$1,660 is paid to assist in establishing a young person in suitable accommodation or \$2,380 if shared accommodation is not a viable option and there will be higher costs in establishing single accommodation.
- **Education and training:** Assistance up to \$1,800 may be provided for course fees, books materials etc. based on individual circumstance and needs.
- **Obtaining legal advice:** Assistance to obtain legal advice may be provided where government-funded legal aid and law access services are not available.
- **Finding employment:** Care leavers are assisted to make contact with Centrelink and employment services.

Care leavers with parenting responsibilities who are looking for employment, should be assisted to find child care and access Commonwealth subsidies and rebates. Financial assistance may be provided by DCJ for security deposits to secure a child care placement.

- **Accessing health services:** Young care leavers should be assisted to access universal public health services, wherever possible. Financial assistance for medical expenses may be provided where timely services cannot be provided within the public health system.

While the Act specifically mentions the provision of appropriate assistance for the above purposes, it does not limit assistance to these needs. Assistance may be provided for other purposes beyond the limits listed in accordance with the *Principles for the provision of additional financial assistance* (section 4 (b)).

## **5. Assistance for care leavers aged 25 or older**

Assistance beyond 25 years of age may be provided where special circumstances apply. For example, where a person has been unable to advance aspects of their leaving care plan due to health problems or parental responsibilities or if leaving care planning did not occur.

Considerations for providing aftercare assistance to care leavers 25 or older:

- age
- reasons for the delay in seeking assistance
- the goals of the leaving care plan, if applicable
- assistance provided since leaving care and
- likelihood that the assistance will significantly enhance the person's life skills and opportunities.

**The Hon. Kate Washington MP**  
**Minister for Families and Communities**  
**Minister for Disability Inclusion**

These guidelines replace the January 2023 *Guidelines for the provision of assistance after leaving long term statutory out-of-home care* that are hereby revoked.