



# RAISING KIN

grandparents, relatives and kinship carers

# CONTENTS

	Page
1. Foreword	2
2. Types of care	4
3. Rights and responsibilities	8
4. Aboriginal and Torres Strait Islander care	12
5. Diverse cultural heritage	16
6. Caring for yourself	18
7. Early childhood	22
8. School years	28
9. Helping children cope with trauma, loss and grief	36
10. Financial assistance	42
11. Legal information	54
12. Contact and maintaining relationships	78
13. Advocacy and complaints	84
14. Key contacts and resources	88
15. Acknowledgements	100



# FOREWORD

Relative or kinship care is the primary care of children and young people by a member of extended family. Children usually move into relative care arrangements due to parental struggles with mental health issues, drug and alcohol issues, violence, disability, imprisonment or death. Relative carers may be grandparents, cousins, aunts or uncles and even siblings. For grandparents or extended family becoming the carer for a grandchild can be a wonderful experience as well as a challenge – especially when it’s an unexpected development in your life. Sometimes grandparents haven’t been aware of the issues that have led to this situation. The carer may experience feelings of shock, grief and even shame. If this describes how you are feeling, don’t worry: you’re not alone. Grandparents are the primary carers for grandchildren in thousands of families across Australia.

Kinship care has the highest proportion of children and young people living in out-of-home care placements. Often, children and young people who enter a kinship care arrangement have experienced considerable upheaval or adversity before they come to be cared for by you, their family member.

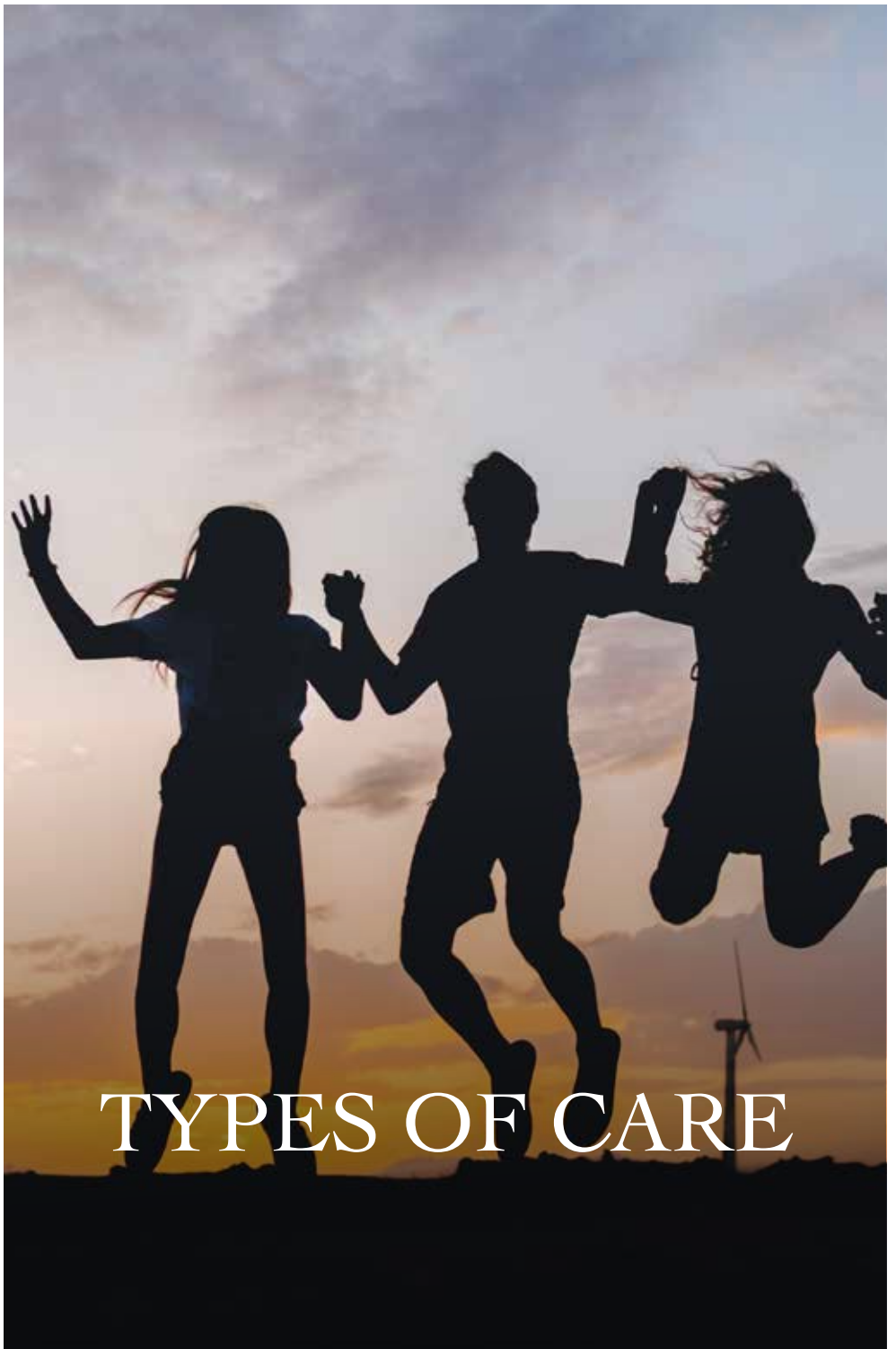
Kinship care may be for a short period, several years or until the young person turns eighteen (18), and in some case beyond. Children may be placed in relative care through a court order under the Children and Young Persons (Care and Protection Act) 1998, the Family Law Act 1975 or as an informal arrangement between family members. Every effort is made to support children to live with extended family – especially where the child already has a relationship and connection.

Guidance and information currently available for people who find themselves in the role of a relative carer can be confusing and may need to be accessed from a large variety of sources. The aim of this handbook is to provide a guide to available resources to assist you through the process.

This resource is updated from the previous Kinnections Book created by Springwood Neighbourhood Centre. It has been created by kinship carers for kinship carers. It cannot answer all the questions that may arise for families, but it can serve as a starting point. All the information is correct at the time of print however the reader is encouraged to seek appropriate legal advice if needed as laws can change regularly.

Toni Quigley  
Chief Executive Officer  
Springwood Neighbourhood Centre Co-operative  
2022





# TYPES OF CARE

There are three types of out-of-home care arrangements defined in the Children and Young Persons (Care and Protection) Act 1998.

**Statutory care** is provided for a period of more than 14 days following an order of the Children’s Court, or because the child or young person is a protected person. Under the Act, a protected person includes a child who is a ward of the Supreme Court, a child who is under the parental responsibility of the Department of Communities and Justice while awaiting adoption, or a child for whom the Minister of Communities and Justice has parental responsibility under the Family Law Act 1975.

**Supported out-of-home care (OOHC)** is care arranged, provided or supported by Department of Communities and Justice (DCJ) when DCJ has assessed that a child or young person needs care and protection, and the Children’s Court has made an order giving the relative or kin carer full parental responsibility for the child. It also includes situations where an order has been made in the Family Court or Federal Circuit Court (rather than the Children’s Court), but only when DCJ has been involved in the court process. Some children and young people are in supported out-of-home care with no court order. These care arrangements are historic and it is no longer possible for children to enter supported out-of-home care without a court order. The arrangements for these children are subject to annual reviews, and/or must not exceed two years. Supported out-of-home care can also include:

- Temporary care where the birth family is supported to resolve issues concerning the child or young person’s safety, welfare and wellbeing. Temporary care usually requires the consent of the parents and may range from a few weeks up to several months.
- Other supported out-of-home care which is care for 21 days or less, arranged, provided or supported by DCJ with no order.

**Voluntary care** is a voluntary arrangement made by the birth family with a designated agency or an agency registered with the NSW Children's Guardian. Voluntary care includes respite care for children and young people with disabilities. DCJ is not involved in this sort of placement.

### **Types of placements**

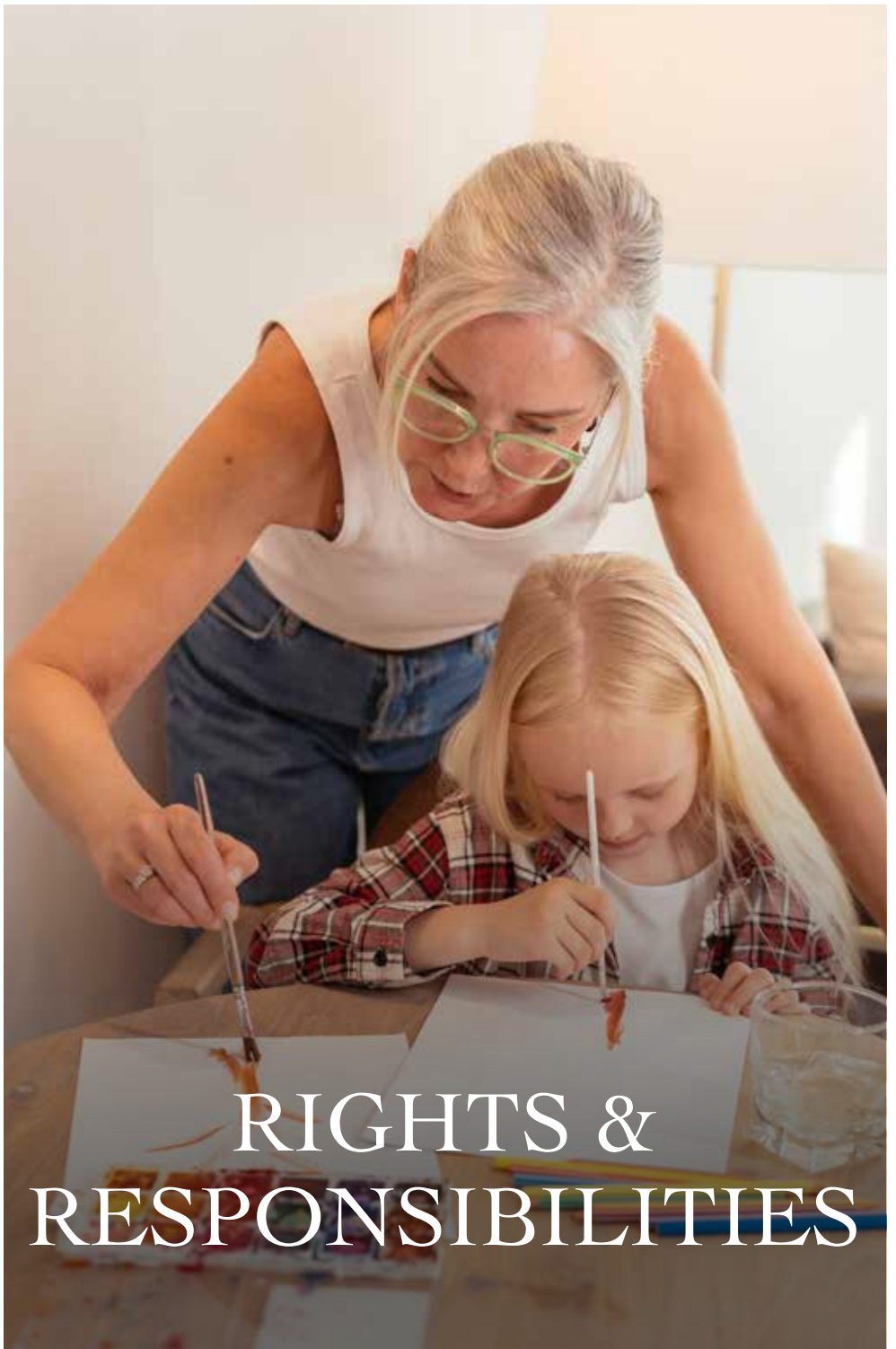
Placement of a child or young person may be organised through DCJ or an accredited non-government agency. There are different types of placements to suit different needs and situations.

- **Relative and kinship care**
- **Foster care**
- **Guardianship**
- **Open adoption**
- **Therapeutic residential care**

This handbook will focus on relative and kinship care arrangements.







# RIGHTS & RESPONSIBILITIES

Everyone has rights and responsibilities in out of home care arrangements.

## Children and young people's rights

Children have the right to expect certain things while in care and these rights are detailed in the following documents available via the Department of Communities and Justice website –

[www.dcj.nsw.gov.au](http://www.dcj.nsw.gov.au):

All children and young people in out-of-home care must have a copy of the Charter of Rights. There is a version of the Charter developed for children aged 7 to 12, and another for young people aged 13 to 17. The Charter is a statement of the fundamental rights of children and young people, including:

- The right to their own beliefs and way of life.
- The right to be treated fairly and with respect.
- The right to have contact with their family and community.
- The right to do things they enjoy.
- The right to take part in making important decisions affecting their life.

All agencies which provide out-of-home care services and all authorised carers must uphold the rights outlined in the Charter of Rights. As a carer you play a vital role in promoting as well as protecting the rights of the child or young person in your care. With your help, they can learn what their rights are and how to stand up for them. If your child doesn't have a copy of the Charter of Rights, contact your caseworker or agency to request a copy. Copies are also available at [facs.nsw.gov.au](http://facs.nsw.gov.au); search for 'Charter of Rights'.

## Parents' rights

While birth parents may not be responsible for the day-to-day care of their child, they're still the child or young person's parent and retain certain legal rights. This includes:

3

- The right to be kept informed of the whereabouts of their child, unless the Department of Communities and Justice (DCJ) believes this information will endanger the safety and wellbeing of the child, their carer or their carer's family.
- The right to be informed of their child's progress and development during the placement and be given information about the placement, including information about the carers.
- The right to seek assistance from DCJ to access services that will enable their child to return to the care of their family if this is appropriate.

## Carers' rights

The role of the relative carer wasn't really recognised for many years. The NSW Carers (Recognition) Act 2010 (the Act) was introduced to formally recognise the significant contribution carers make to those they care for and the community, by enacting the NSW Carers Charter and establishing the Carers Advisory Council.

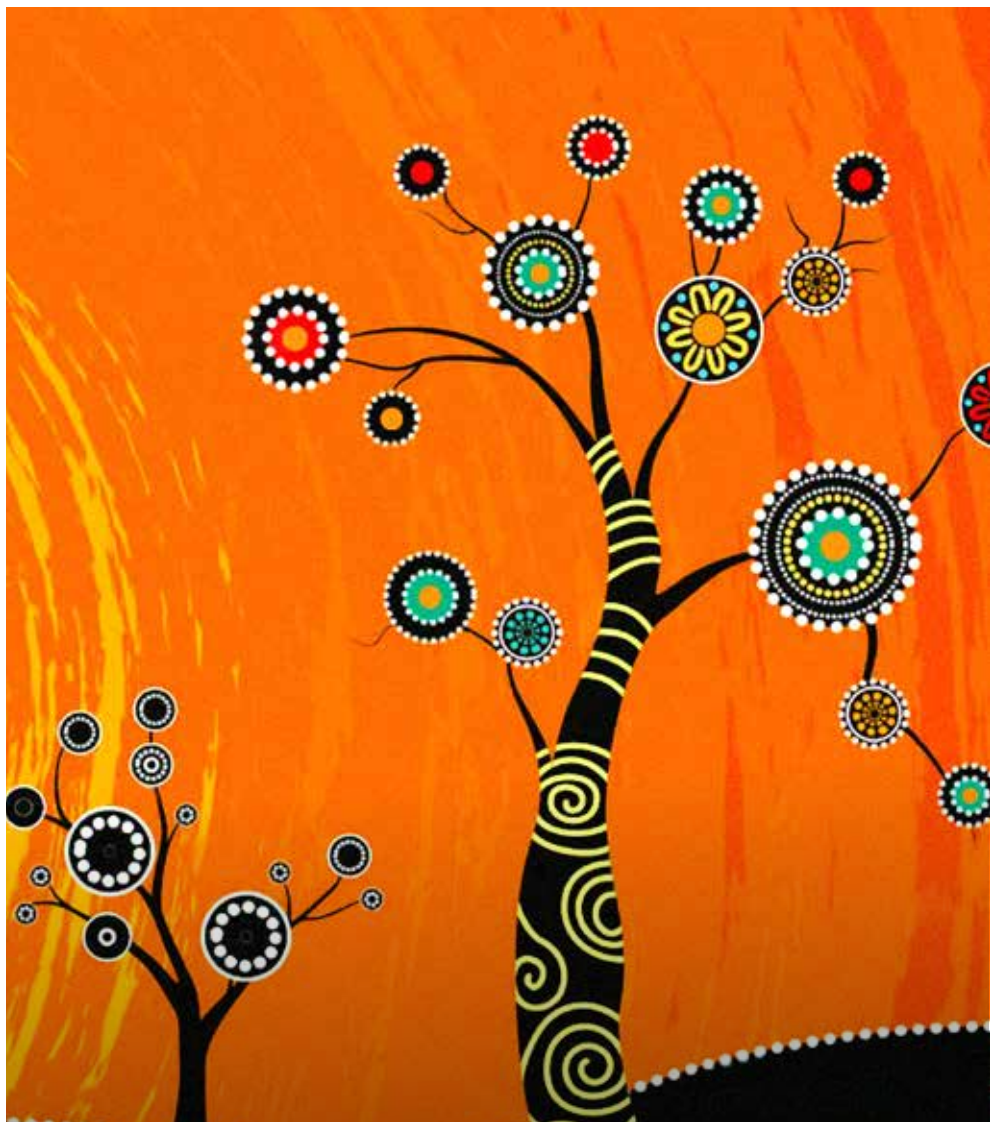
The revised NSW Carers Charter groups principles into four key areas:

1. Carers make a valuable contribution to the community.
2. Carers' health and well-being is important.
3. Carers are diverse and have individual needs within and beyond their caring role.
4. Carers are partners in care.

The Department of Communities and Justice (DCJ) is leading implementation of the NSW Carers (Recognition) Act 2010 in NSW.

As an authorised carer, you are one of the most important people in the child's life. You have rights too, including:

- The right to be treated fairly and with respect.
- The right to be given information about the child or young person for you to decide whether you can accept the placement.
- The right to say 'no' to a proposed placement.
- The right to participate in decision-making processes.
- The right to make certain decisions regarding the day-to-day care of the child or young person.
- The right to be informed about the process for having agency decisions reviewed and making a complaint.
- The right to be paid an allowance to address the needs of the child or young person.
- The right to have an annual review to identify your strengths and areas where skill development may be beneficial and be given training opportunities.
- The right to have regular contact with your caseworker to support you and your family during a placement.
- The right to receive information about services that can support you in your role as a carer, and help with accessing these services.
- The right to access any records relating to your role as a carer, such as your assessment report and approval as an authorised carer.
- The right to be compensated, in some circumstances, if the child or young person causes deliberate or accidental loss or damage to property or personal injury.



ABORIGINAL &  
TORRES STRAIT  
ISLANDER CARE

Aboriginal and Torres Strait Islander people have connections to culture, community and Country that nurture and support their wellbeing, spirituality and sense of identity. It is important to the wellbeing of children and their families that these connections are maintained and strengthened.

Caring for an Aboriginal or Torres Strait Islander family member can be an enriching and enjoyable experience for your family. As First Peoples of Australia, Aboriginal culture is rich in traditions, ceremony, art, stories, music and dance. Raising strong and healthy Aboriginal children and young people in out-of-home care can only be achieved with the active support of carers who acknowledge the importance of culture to their wellbeing.

All Aboriginal children and young people have the right to:

- Identify as Aboriginal and/or Torres Strait Islander without fear.
- An education that strengthens their culture and identity.
- Maintain their connection to Country.
- Maintain strong kinship ties and social obligations.
- Be taught cultural heritage from respected members of the community, such as Elders.
- Receive information in a culturally sensitive, relevant and accessible manner.

The Aboriginal and Torres Strait Islander Child Placement Principle aims to ensure that intervention into family life does not disconnect children from their family and culture. The aims of the Principle include:

- Recognition and protection of the rights of Aboriginal and Torres Strait Islander children, family members and communities in child welfare matters.

- Self-determination for Aboriginal and Torres Strait Islander people in child welfare matters.
- Reduction in the disproportionate representation of Aboriginal and Torres Strait Islander children in the child protection system.

In practice, this Principle means that the order of preference for placement options for Aboriginal and Torres Strait Islander children and young people is as follows:

4

- Family and kin networks.
- Aboriginal or Torres Strait Islander non-related carers in the child's community.
- Carers in another Aboriginal or Torres Strait Islander community.
- Non-Indigenous carers, provided they can maintain the child's connections to their family, community and cultural identity.

A cultural plan is part of the overall care plan for an Aboriginal child or young person who enters out-of-home care. They must have a cultural plan that keeps them connected to their family, community and Country.

## **If you are a non-Aboriginal or Torres Strait Islander carer**

If you are a non-Aboriginal carer looking after an Aboriginal family member, you may need to develop your cultural awareness so you can raise them in a culturally safe and supportive home environment. You will be required to undertake mandatory cultural training. Cultural competency is fundamental in promoting and strengthening resilience, and healing through connection to culture.

You may be aware that there are additional roles and responsibilities in caring for Aboriginal children and young people, which can include:

- Fostering their Aboriginal identity by ensuring that you prioritise and support activities and relationships that keep them connected to culture and community.
- Understanding the significance of the cultural plan and your responsibilities in implementing the plan.
- Referring to their parents and family in a manner that is accepting and respectful of their ongoing role in their life, cultural identity and spiritual beliefs.
- Understanding their family's rights in decision making, through supporting the actions agreed to in Aboriginal family-led decision-making meetings.
- Being aware of significant cultural events throughout the year, and what activities are occurring in the Aboriginal community in which your child or young person could participate.

If the child in your care is Aboriginal or Torres Strait islander, the NSW Child, Family and Community Peak Aboriginal Corporation (AbSec), formally known as The Aboriginal Child, Family and Community Care Secretariat, provide information, cultural advice and run support groups for people raising an Aboriginal child or young person. For more information about the services that the NSW Child, Family and Community Peak Aboriginal Corporation (Absec) provides visit [www.absec.org.au](http://www.absec.org.au) or call 02 9559 5299.



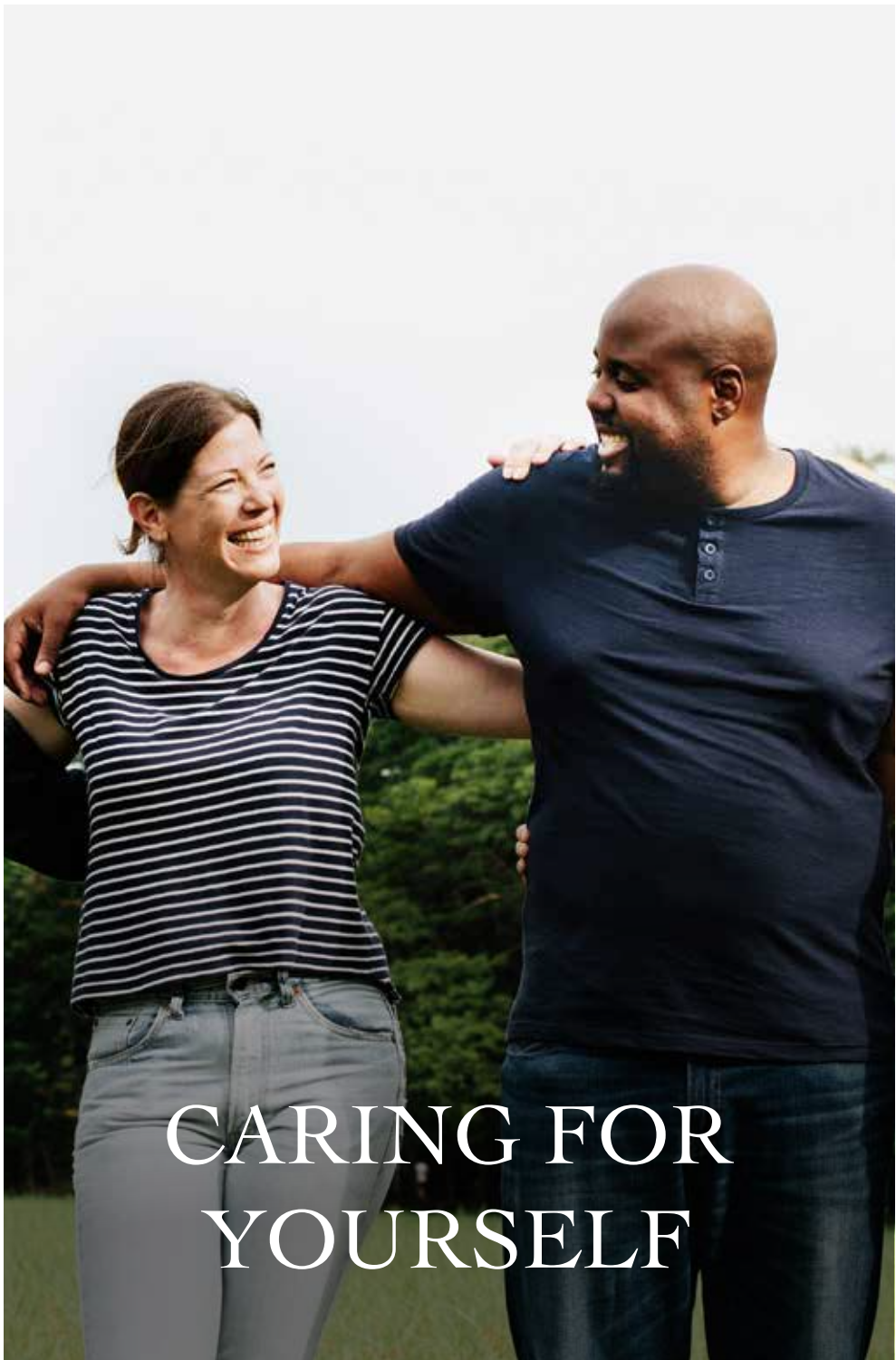


# DIVERSE CULTURAL HERITAGE

If the child in your care has a different cultural background to your own, it is important to provide them with a positive cultural identity and access to information about their culture. Contact with other relatives may help to provide this foundation, but kinship carers can also look to the local community to provide support.

It may be beneficial to:

- Expand your knowledge of that culture together with the child: watch videos, read books, listen to music and learn about languages.
- Identify local role models and celebrate their achievements.
- Get involved in community cultural events.
- Contact a local or regional cultural centre to meet community members. There may be mentoring or family programs to support your child.
- Ask the school your child attends if it provides relevant cultural support or educational programs.
- Find out if specific culturally appropriate medical services operate in your area and utilise them.



# CARING FOR YOURSELF

Maintaining emotional well-being is an important part of being a kinship carer and can be difficult to manage at any stage along your caring journey. As a kinship carer you may experience many positive opportunities through building a strong relationship with your grandchild, caring for them each day and moulding them into a caring and responsible adult.

However, you may also be experiencing some of the following challenges:

- Needing to alter plans and/or dreams for work and retirement.
- Changing relationships with your spouse, children, other grandchildren, relatives and friends.
- Managing your feelings and those of the children in your care about their parents.
- Dealing with other agencies who are also involved with the child in your care.
- Meeting the increased physical and emotional demands on an older person when raising a young child or adolescent.

The demands of being a carer can be high, and you are not alone in these experiences and the variety of feelings that go with them. When so much of your focus is on caring for a child or young person in need, it is easy to put aside your own needs. It is important to make sure you manage your health and are implementing adequate emotional, mental and physical self-care. There is support available in the community to help you and you may need to seek support at various times in your caring role. This may assist with understanding your own reactions and for advice about how to manage these effectively.

The following are some possible options available to you:

- Join a kinship carers group where shared knowledge and experience provides support. Connecting with others in similar situations can help with managing the practical challenges of your changing family situation, as well as providing opportunities for new friendships.
- Contact your local neighbourhood centre of local council and ask about support groups in your area.
- Practice mindfulness, meditation, yoga or any other activity that strengthens your health and wellbeing.

6

### Other Services that may be of assistance:

My Forever Family	<a href="http://www.myforeverfamily.org.au">www.myforeverfamily.org.au</a> or call 1300 782 975.
Lifeline	<a href="http://www.lifeline.org.au">www.lifeline.org.au</a> or call 13 11 14
Carers NSW	<a href="http://www.carersnsw.org.au">www.carersnsw.org.au</a> or call 02 9280 4744
Commonwealth Respite and Carelink Centre	Call 1800 052 222
NSW Child, Family and Community Peak Aboriginal Corporation (AbSec)	<a href="http://absec.org.au">http://absec.org.au</a> or call 02 9559 5299





EARLY  
CHILDHOOD

It may be some time since you cared for a baby, toddler or a pre-schooler and it can initially seem like a daunting task. Whilst there have been changes and new understandings of child development, there has also been an expansion in the services available to support families to care for young children.

## Development and learning

Children learn through connection and play, therefore carers can best support children's learning and development just by spending time together. Children are constantly curious which makes them natural learners. As a carer you can build on this curiosity by; allowing the child to watch, listen, ask questions and participate in things that take their interest. Children learn and develop by being part of everyday activities such as cooking, shopping and travelling and these are all fun learning experiences.

7

## Playgroups

Playgroups provide a great opportunity for children to interact with other children, while giving carers the opportunity to get to know other parents and carers. Some playgroups operate informally at members' houses, while others may be facilitated and supported by a local service. You can access local playgroups by contacting your local neighbourhood or community centres, through family services or at Playgroups NSW register of playgroups across the State:

[www.playgroupaustralia.com.au/nsw/](http://www.playgroupaustralia.com.au/nsw/)

## Libraries

Attending your local library with the child or young person in your care can have great benefits as children can explore the many age appropriate books available. Libraries often hold story time sessions and may also organise groups and events aimed at child learning and development such as baby time and toy libraries.



## Health needs

When a child comes into your care it is important to be aware of any healthcare needs of the child. This information may be known to you or presented in a hand over by a case worker.

However, each situation is different and you may be given care of a child with no handover or information on previous healthcare. It is important to take the child to your local GP as soon as reasonably possible, to get a general health check-up and become informed on any issues needing to be addressed. The GP will also be able to inform you whether the child is up to date with immunisations and what may be coming up, dependant on the child's age.

7

NSW Health provides support to children and families through community health centres and various specialist teams. Community Health Centre services for children may include:

- Occupational therapy, speech pathology and hearing screening.
- Developmental screening
- Counselling
- Immunisation and
- Parenting and Support groups

## Family support

Family support services provide assistance to families caring for children and young people. They provide individually tailored support to families via home visits or centre based sessions, as well as group programs. Family support services have information and resources about a wide range of children's issues including behavioural concerns, toilet training, how to manage fussy eaters through to information about local events and playgroups operating

in your area. Some family services or local neighbourhood/ community centres offer emergency financial or food relief, as well as counselling support. Your local council will also have information on family support services and neighbourhood or community centres operating in your area.

## Childcare

Most families will use childcare at some stage, whether it is on an occasional respite basis or 5 days per week for working carers. Childcare options typically include centre based long day care, occasional care, family day care, before and after school care and vacation care.

Once a child turns three that child is eligible to attend pre-school kindergarten or participate in a pre-school programme which focuses on preparation for the school environment. Each service is required to adhere to government regulations regarding the ratio of trained staff to children, safety of equipment and educational programs. Information about a range of child care services can be found at <https://www.startingblocks.gov.au> .

Information about financial assistance with childcare can be found at <https://www.servicesaustralia.gov.au/child-care-subsidy> <https://www.servicesaustralia.gov.au/grandparent-additional-child-care-subsidy?context=41866> .

### Further information:

Further in depth information on topics such as development, learning and play, daily care and healthcare, nutrition, behaviour and more, can be found through these services and their online websites.

Tresilian	<a href="http://www.trisilian.org.au">www.trisilian.org.au</a> or call 1300 272 736
Karitane	<a href="http://www.karitane.com.au">www.karitane.com.au</a> or call 1300 227 464
Parentline	<a href="http://www.parentline.org.au">www.parentline.org.au</a> or call 1300 1300 52
Raising Children Network	<a href="http://www.raisingchildren.net.au">www.raisingchildren.net.au</a>
Resourcing Parents	<a href="http://www.resourcingparents.nsw.gov.au/Parents">http://www.resourcingparents.nsw.gov.au/Parents</a>





SCHOOL  
YEARS

Starting school or attending a new school is an exciting and often emotional time for children. As a carer you play a vital role in supporting the child or young person in your care to participate and experience positive outcomes at school. Gathering information about school policies and meeting relevant staff before the child commences will enable you to ensure any care needs of the child are communicated and you're able to provide reassurance and support to the child through this transition. Upon enrolment the school will need a copy of any relevant court orders.

## Learning Structure and School life

### Preschool:

- Children aged three years to five years old may benefit from preschool or possibly childcare. Involving them in learning from a young age will give them the opportunity to learn communication and social skills to help them as they proceed to primary school.

### Primary School:

- In NSW children must be enrolled in and attending school, or be registered with the Board of Studies for home schooling, from the age of six. Some children start at the age of five. To be eligible to begin kindergarten a child must turn five on or before the 31st July of that school year.
- Keep in touch with school events by reading newsletters and consider volunteering at the school if you have time.
- Each school will have an approach towards homework and it usually forms part of the overall learning program for your child or young person. You can help with the homework routine by: providing a set space and regular time to do homework and asking the school for information or strategies on how you can

help if the child in your care is struggling. Some schools or local community venues may offer homework clubs or subsidised tutoring services.

- Learning and support plans (previously known as education plans) will help identify the kind of support your child or young person may need. This is an ongoing process and will be reviewed each year or on a needs basis. If a child enters your care through DCJ, or another private agency, the caseworker will make contact with the school principal to facilitate the learning and support planning process.
- The basic steps include:
  - i. Identifying educational needs;
  - ii. Developing and implementing the Learning and Support Plan
  - iii. Monitoring and reviewing the plan as required.

## 8

### High School and Higher education

- All students must stay at school until they finish Year 10 or turn 17. If they have completed Year 10 but are not yet 17 there are some options available. If a young person chooses to leave school at the end of Year 10 or when they turn 17, subsidised Smart and Skilled Training available for the majority of young people in NSW. Subsidised training to Certificate III, Certificate IV, Diploma or Advanced Diploma level may be possible, depending on funding availability. If the young person in your care chooses not to stay at school or to begin training or employment it can affect their income support, including Youth Allowance.

More details are available at <https://education.nsw.gov.au/skills-nsw/apprentices-and-trainees/low-cost-and-free-training-options/smart-and-skilled> .

There are a range of programs available for young people to complete further education. These include:

- Staying on to complete the Higher School Certificate (HSC),
- Taking Vocational Education and Training Courses (VET). Work completed by the student will count towards their Record of School Achievement (RoSA) in Year 10 and their HSC in Year 12
- Applying for a school-based apprenticeship or traineeship.

## **School Related Issues**

If the child or young person in your care is experiencing any school related issues, such as: school attendance or refusal; suspension; or expulsion, it is important to speak with the relevant teachers and your case worker, if you have one. Together you can investigate strategies to overcome potential problems. If your child has not gone to school and you don't know where they are contact your case worker or call the 24-hour Child Protection Helpline on 132111 for immediate support.

8

## **Support Services for Children and Young People in School Years**

### **School counsellor services**

School counsellors are available in all NSW state schools and in many private schools. The role of school counsellor is to keep students involved in education. School counsellors are available to meet with students, as well as parents/carers to discuss learning, educational issues, or other issues of concern such as anxiety, behavioural and friendship issues. The school counsellor can also facilitate funding applications for children with additional learning and/or support needs. You may wish to consider advising the school of other issues that may impact upon the child's education such as the circumstances in which the child has come into your care, any



trauma they may have experienced, any behavioural issues or past difficulties at school. This information will alert teachers to areas of concern and enable them to better assist your child.

## **Mentoring programs**

There are numerous volunteer mentoring programs on offer throughout NSW. You can find details of schemes operating in your area through accessing the following websites:

<https://www.youth.nsw.gov.au/youth-mentoring>

<https://raise.org.au>

## **Support for Aboriginal and Torres Strait Islander students**

Aboriginal Education Officers (AEOs) work in schools where significant numbers of Aboriginal students are enrolled. More information is available through your school or you can call the Department of Education on 1300 679332. Other services available to assist with the education of Aboriginal children include:

8

The NSW Aboriginal Education Consultative Group (AECG) and more information about their services can be found at

<https://www.aecg.nsw.edu.au/> or call (02) 9550 5666.

Australian Indigenous Mentoring Experience (AIME) helps to connect students with post-school opportunities, including further education and employment. More information is available at

<https://aimementoring.com/wp1/cinema/aime/>.

## **Camps**

A number of organisations offer a variety of camps for kids, tweens and the whole family. Contact the following services to find out more about their camps:

- Sport and Recreation NSW - <https://www.sport.nsw.gov.au/sport-and-recreation-centres>
- THE YMCA - [www.YMCA.org.au](http://www.YMCA.org.au)
- CRU Camps - [www.crucamps.com.au](http://www.crucamps.com.au) or call 02 9874 8933.

### Further information:

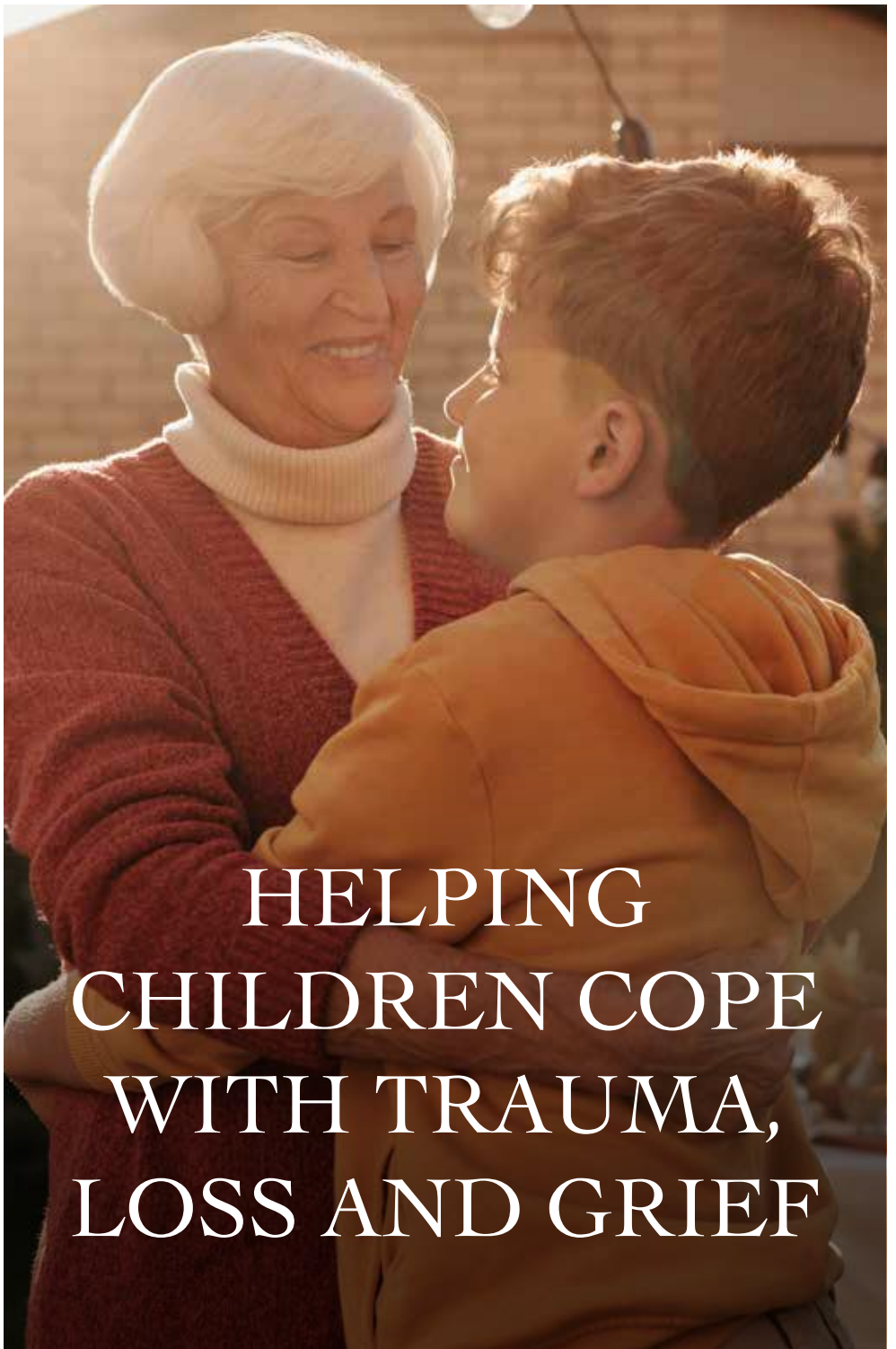
Further information about supporting children and young people through the school years can found through the following services:

The NSW Mental Health Line	call 1800 011 511.
The Kids Helpline	<a href="http://www.kidshelp.com.au">www.kidshelp.com.au</a> or call 1800 55 1800
Parent Line NSW	<a href="https://www.parentline.org.au/">https://www.parentline.org.au/</a> or call 1300 1300 52.
Headspace	<a href="http://www.headspace.org.au/">www.headspace.org.au/</a> .
Relationships Australia	<a href="https://relationships.org.au/">https://relationships.org.au/</a> or call 1300 364 277.
Caring for Kids	<a href="https://caring.childstory.nsw.gov.au/">https://caring.childstory.nsw.gov.au/</a>
Triple P Positive Parenting Program	<a href="https://www.triplep-parenting.net.au/au-uken/triple-p/">https://www.triplep-parenting.net.au/au-uken/triple-p/</a> .
Tuning into Kids and Tuning into Teens	<a href="https://tuningintokids.org.au/">https://tuningintokids.org.au/</a> .
NSW Child, Family and Community Peak Aboriginal Corporation (AbSec)	<a href="https://absec.org.au/">https://absec.org.au/</a> .

## Further information (cont.)

My Forever Family NSW	<a href="https://www.myforeverfamily.org.au/">https://www.myforeverfamily.org.au/.</a>
The CREATE Foundation	<a href="http://www.create.org.au">www.create.org.au.</a>
The Pyjama Foundation	<a href="http://www.pyjamafoundation.com">www.pyjamafoundation.com</a>
Mirabel Foundation	<a href="http://www.mirabelfoundation.org.au">www.mirabelfoundation.org.au</a> or Call 03 9527 9422.





HELPING  
CHILDREN COPE  
WITH TRAUMA,  
LOSS AND GRIEF

The effects of trauma, loss and grief can have a large and continuing impact on a child. Children can experience and be impacted by loss and grief in many ways due to: Being separated from their parents, pets and other family members; moving to a new home and/or school; loss of significant belongings; loss of a friendship due to moving away; or being involved in a family or natural crisis. How children process loss and grief is dependent on their developmental stage, past experiences and the significance of the loss. They may experience many overwhelming and confusing emotions such as sadness, disbelief, guilt, relief, fear, frustration, anger, anxiety and confusion.

Children can experience trauma from a single event, or by a series of experiences. The consequences of this impact can take many forms and affect each child differently dependent on their experience. Children who have experienced trauma may have difficulty processing their emotions, have reoccurring stress responses, or stop trusting and relying on adults. Trauma can have a large effect on the child's development and behaviour. It is important to understand what has happened to the child you care for and how to respond to these behaviours. Children who have experienced trauma, loss and grief can show challenging behaviours, and may require a therapeutic informed parenting approach. They may have difficulties in the following areas:

- Relationship skills – this may affect their ability to engage with others, navigate friendships, trust others, resolve conflict and participate in team work.
- Learning and decision making – this may affect their attention, concentration and organisation skills, they may have some difficulty solving problems, tackling challenges or making safe choices, they may struggle with risk assessment and awareness of danger.

- Managing emotions – this may affect their ability to stay in control, identify feelings and regulate emotions.
- Social awareness – this may affect their ability to understand social rules and show empathy towards others.
- Self-awareness – this may affect their understanding of their strengths and limitations.

## What can I do to help the child?

You can help re-establish security and stability for a child who has experienced trauma by:

- Setting guidelines and expectations for behaviour.
- Providing routine and speaking to the child about any changes in routine.
- Providing love and comfort through positive messages, affection and reassurance.
- Spending time together playing or doing activities.
- Making them feel valued and boost self-esteem.
- Celebrating their successes and achievements.
- Being open to listening to and speaking about concerns.
- Expanding the child's emotional vocabulary. Speak about, validate and acknowledge their feelings. Empathise with them and role model positive ways to express emotions.

Further information can be found at:

<https://caring.childstory.nsw.gov.au/everyday-caring/positive-behaviour> and <https://caring.childstory.nsw.gov.au/everyday-caring/health-and-wellbeing/emotional-wellbeing-and-mental-health>.

## Ask for help

If you feel that you need help don't be afraid to ask a professional such as a doctor, school counsellor or psychologist. Your local community health centre may also be able to help you find the right resource. It is important to ensure that you practise self-care and your mental health needs are met whilst caring for a child.

It may be helpful to explore trauma specific counselling, play therapy, art therapy or music therapy options. You may be able to access free support through services such as Child Protection Counselling Services, Child Youth Mental Health Service (CYMHS), Headspace, LINKS, Relationships Australia or your local family service.

## Crisis support

If you find yourself in an emergency and/or have been challenged or impacted by a child or young person's behaviour, there are a few options for support:

- If it is a life threatening or serious situation contact 000 for immediate assistance.
- Contact your case manager if you have one or ask to speak to the duty worker or manager if your case manager is not available. If your case worker is with a non-government agency, you can also call your agency's after hours contact number for assistance.
- Call the 24-hour child protection helpline on 132 111 (1800 212 936 for hearing or speech impaired).
- Contact a child protection hospital unit for assistance with immediate counselling, medical or psychosocial needs. Further information can be found at: <https://www.health.nsw.gov.au/parvan/childprotect/Pages/cp-units.aspx>



**Further information on trauma, grief and loss and support services available information:**

<https://blueknot.org.au/resources/understanding-trauma-and-abuse/>

<https://www.actforkids.com.au/the-issue/>

[https://www.fcq.com.au/images/resources/Trauma\\_booklet.pdf](https://www.fcq.com.au/images/resources/Trauma_booklet.pdf)

<https://kidshelpline.com.au/parents/issues/supporting-child-through-grief-and-loss>

<https://childhoodgrief.org.au/how-we-help/kids-grief/>

<https://www.myforeverfamily.org.au/page/110/specialised-supports>

<https://linkssupport.dcj.nsw.gov.au/links-trauma-healing-service>

<https://www.relationshipsnsw.org.au/support-services/>

<https://www.actforkids.com.au/locations/western-sydney/>

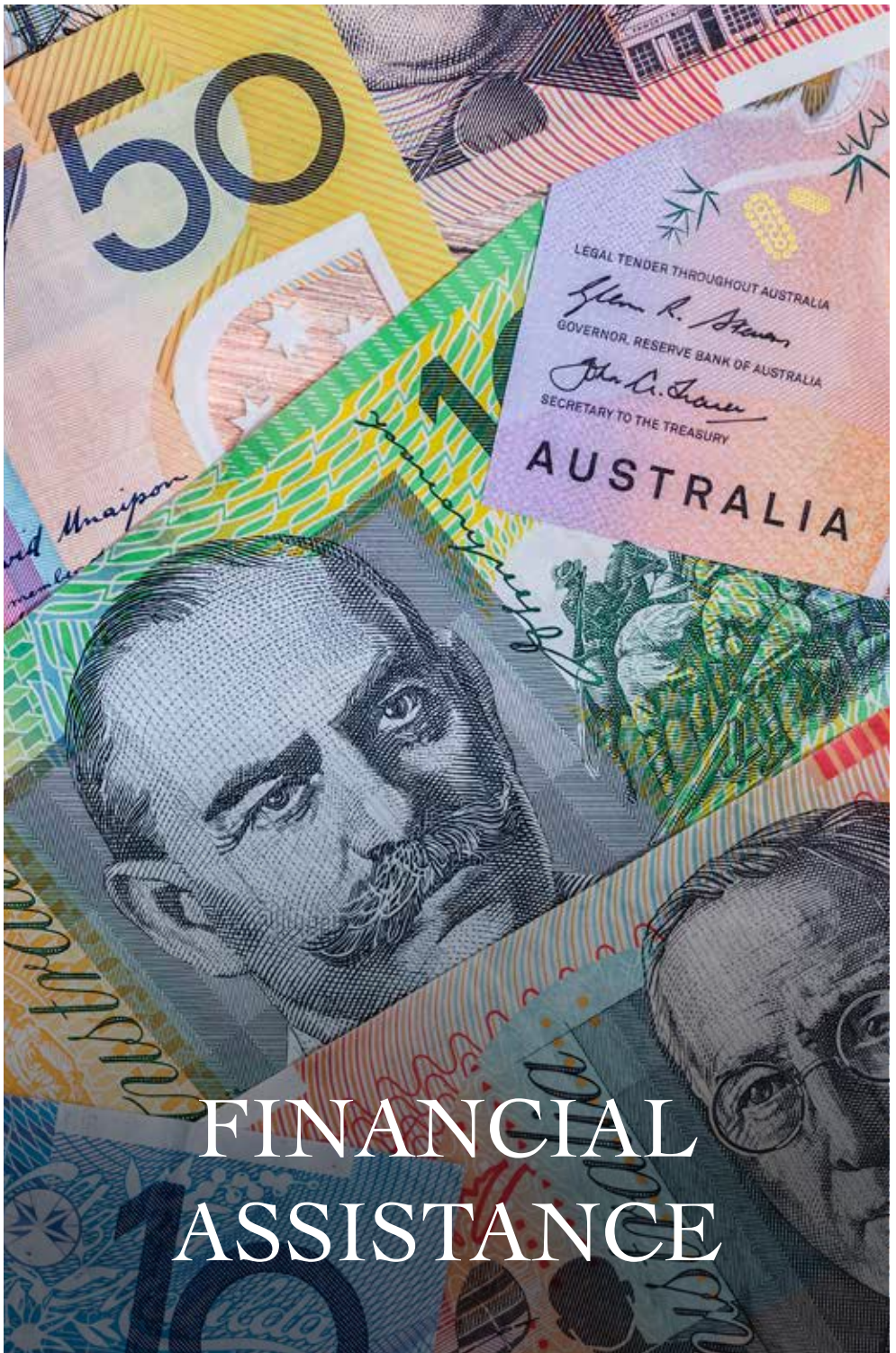
<https://www.nslhd.health.nsw.gov.au/CYFH/services/Pages/CYMHS.aspx#>

<https://headspace.org.au>

<https://www.health.nsw.gov.au/parvan/childprotect/Pages/counselling.aspx>

<https://www.health.nsw.gov.au/parvan/childprotect/Pages/cp-programs.aspx>





# FINANCIAL ASSISTANCE

## Department of Communities and Justice

The NSW Department of Communities and Justice (DCJ) is the leading government agency responsible for community services and the safety and wellbeing of children and young people.

DCJ has traditionally provided services across three key program areas:

- Prevention and early intervention;
- Child protection; and
- Out of home care.

However, under the “Keep Them Safe” action plan, the NSW Government has increasingly engaged non-government organisations (NGOs) to deliver some of these services, in particular, out of home care.

## Caseworkers and Care Plans

Each child under the parental responsibility of the Minister will have access to a case worker who provides information and support to carers and children in out of home care. The amount of contact with a case worker will vary according to the needs of the individual child and carer, and relative to the other priorities of the Community Service Centre or NGO. Caseworkers also develop a case plan for each child detailing their current and emerging needs, how these needs will be met and who will meet them. Case plans are updated as the child’s needs change.

Visit the Community Services website – [www.community.nsw.gov.au](http://www.community.nsw.gov.au) for current payments and the Community Services Carer Kit, Caring for Kids. This kit outlines the rights and responsibilities of statutory carers and caseworkers.

## Support for kinship / relative carers

DCJ may provide financial support for children and young

people who are unable to live with their parents. These fortnightly allowances provide recognition of the costs associated with caring for children and strives to ensure that children living in out of home care situations are not disadvantaged. They are intended to cover many of the day to day costs of raising a child, but not all expenses. These allowances are not means tested. The Department of Human Services (Centrelink, Child Support Agency) and the Australian Tax Office do not count these allowances as income.

In NSW there are three types of allowances available for children living with relatives other than their parents. These are called:

- Statutory Care Allowance;
- Support Care Allowance; and
- Guardianship Allowance.

### **Statutory Care Allowance**

This is an automatic payment to meet the needs of those children where parental responsibility lies with the Minister or Director General of DCJ via a Care and Protection Order in the Children's Court.

This is known as statutory care. It is paid to the carer until the order expires or the young person's 18th birthday. The allowance paid will vary according to the child's age and whether they are assessed as having special needs.

Carers of children with special needs or significant disabilities may be entitled to additional allowances known as the Care + 1 and Care + 2 allowances through an assessment process.

### **Extra Financial Support**

Other financial assistance or contingency payments may be available with the approval of your case worker and by being included in the case plan for the child. Additional payments may

include establishment costs for the purchase of items such as clothing, bedding and furniture when the child initially comes into your care. They may also include support for medical treatment, therapies and tutoring. If something arises where you think you might need extra financial support you need to talk to your caseworker. All services need to be pre-approved and are paid after the service has been provided.

Other payment issues that may need to be considered depending on your circumstances. These will need to be discussed with your caseworker as required. They may include:

- Care Allowance arrangements for children and young people who move interstate.
- Back Payment.
- Over payment.
- Compensation for loss or damage where a child in care has caused damage to a property.

## **Supported Care Allowance**

Changes were made to the criteria associated with the Supported Care Allowance in 2015 – 2016. There is now no entry into supported care without court orders. The Orders may be either Parental Responsibility (PR) through the Children’s Court or through the Family Law Court where DJC is a party to proceedings. This is not an automatic payment. Pay rates are the same for Statutory and Supported Care Allowances.

## **Applying for the Supported Care Allowance**

To apply for the Supported Care Allowance, you must call the 24-hour Child Protection Helpline on 132 111 and ask for a case worker and state that it is a “request for assistance”. The request will be sent to your local Community Service Centre where caseworkers will

contact you to discuss the matter. If an assessment is to take place, it will include a home visit to talk to you and the child / children in your care, plus income assessment and a working with children check. Your income level may affect your eligibility, as it needs to be demonstrated that the allowance is necessary to maintain the placement and, therefore, prevent the child from entering the care of DCJ. The situation of the parents will also be investigated to determine if the placement is in the best interests of the child's safety and wellbeing. A Supported Care Allowance assessment may take some time to process, depending on the workload of the local Community Service Centre and the complexity of the situation.

### **Teenage Education Payment (TEP)**

A payment of up to \$6,000 per year may also be available to assist carers of teenagers 16 – 17 years of age, who are in receipt of the supported or statutory care allowance. This payment aims to support teenagers to stay in school or training. Carers must demonstrate that they were in receipt of Family Tax Benefit Part A when the child was 15 years old. Further information about TEP can be found here: <https://www.facs.nsw.gov.au/providers/children-families/oohc-education-resources-and-tools/teenage-education-payment-guidelines-and-resources>.

### **Post care education financial support**

This is a payment aimed at helping young people aged from 18 - 24 to complete their Higher School Certificate (HSC). It provides financial support to the carer to keep supporting the young person in the carer's home while they complete their HSC.

### **Leaving Care Plans**

Young people in statutory out-of-home care should be engaged in the leaving care process for at least two (2) years before they



leave statutory care. Case workers develop an individual plan in conjunction with the young person which incorporates topics such as: accommodation; employment; income support; access to education and training; and independent living skills.

As part of this process young people may be able to access additional financial assistance through after-care payments or the transition to independent living allowance. (TILA) DCJ provides leaving care resources online at: <https://www.facs.nsw.gov.au/families/out-of-home-care/children-in-oohc/planning-for-your-future-and-support-after-care>.

## Department of Human Services

This section contains information about financial, social and health assistance kinship carers may be able to obtain from the Department of Human Services. Information and forms are available on line at: <https://www.servicesaustralia.gov.au>.

## Centrelink

Kinship carers may access a range of payments to assist with raising a child. All payments have specific eligibility criteria and require completion of detailed documentation. In some instances, you may be required to provide additional supporting information. You can get assistance from any DHS office if you are having difficulties completing any of the required paperwork. The Centrelink Family Assistance Office can be reached on 136 150 and the Disability, Sickness and Carers line on 132 717.

Centrelink social workers can also provide assistance to help you access support to meet specific needs. There are a lot of complexities in the Centrelink system and benefits and eligibility criteria do change. Centrelink has funded Grandparent Advisers in NSW to assist grandparents with primary responsibility for



their grandchildren to access relevant benefits. Contact the Grandparent Advisor on 1800 245 965 to discuss your situation.

## **Family Tax Benefit**

Family Tax Benefit (FTB) Part A assists families with the cost of raising children. Payment rates are determined by the household income, number of children in your care and their ages. It is also affected by any shared care arrangements for example, if you share the care of a child with a parent or other relative. If you or your partner receive a pension, you are exempt from the income test. Supported or statutory care allowances are not included in the income test. FBT Part B is an additional assistance for families with low income, which can be paid fortnightly or at the end of the tax year. FBT payments can take several weeks to process. If another person such as the child's parent was previously claiming FBT, Centrelink staff will contact them to ascertain that the child is no longer in their care. To expedite this process Centrelink may also ask you to provide evidence that the child is in your care, such as correspondence from schools or childcare providers. Once successful, payments can be backdated to the date of the claim.

## **Income Support**

Parenting Payment is an income support payment for those caring for a young child. Income and assets tests apply. If the child in your care is six years old or over and you are partnered, or eight years old and over and you are single, you can apply for Jobseeker Allowance. You may need to participate in certain activities such as looking for work or studying to receive payments. Time limited exemptions may be granted in particular circumstances. Other benefits that may apply include the Pharmaceutical Allowance.

## Special Needs

The Carer Payment provides financial support if you are unable to work due to caring for a child with a severe disability. It is income and asset tested.

A Carer Allowance is a supplementary payment if you are caring for a child with a severe disability or medical condition. The allowance is not means tested nor counted as taxable income.

To apply for the carer payment and/or allowance your doctor or other medical practitioner must complete part of the form indicating the child's level of disability. Carers may be eligible for both Carer Payment and Carer Allowance. For further information see <https://www.servicesaustralia.gov.au/getting-payment-if-youre-carer?context=60097>.

Other payments given to eligible carers include:

- The Annual Carer Supplement to assist with additional costs of caring.
- The Carer Adjustment Payment.
- The Child Disability Assistance Payment.
- The Double Orphan Pension (if both parents cannot look after the child or have died. For further information see <https://www.servicesaustralia.gov.au/double-orphan-pension>).

## Child Care Subsidy (CCS)

Child Care Subsidy assists families with the cost of paying for childcare and outside of school hours (OOSH) care. Payment rates are determined by household income, number of children attending care and the ages of the children. You can apply for the CCS through <https://www.servicesaustralia.gov.au/child-care-subsidy>.

To be eligible for the Child Care Subsidy (CCS) you must:

- Use an approved child care or OOSH service.
- Be responsible for paying the child care fees.
- Meet the residency and immunisation requirements.

Grandparents with primary care of their grandchild are eligible for the Grandparent Additional Child Care Subsidy. You can apply for the additional care subsidy through <https://www.servicesaustralia.gov.au/grandparent-additional-child-care-subsidy>.

To be eligible for the additional payment you must:

- Get an income support payment.
- Be the grandparent of the child.
- Have 65% or more care of the child.
- Make the day to day decisions about the child's care, welfare and development.

## **Newborn Upfront Payment and Newborn Supplement**

10

If you received care of a child within six months of its birth, and meet income tests, you may also be eligible for the Newborn Upfront Payment and Newborn Supplement. This payment aims to assist with the costs of a newborn and must be claimed within one year of the child's birth. It can only be claimed by one person.

## **Pension and Health Care Cards**

Holders of a Pension or Health Care Card may be entitled to a range of concessions from national, state and territory governments and some private organisations. These include bulk billed doctor's appointments and pharmaceutical concessions. If you are already receiving an income support payment such as the Age Pension or Parenting Payment or the maximum rate of FBT Part A, you will automatically receive a Pensioner Concession Card or Healthcare

Card. Children may also be covered by the card. If you are not automatically entitled to a Health Care Card, you may be entitled to a Low Income Health Care Card. There is no assets test for this assessment; it is based on your weekly income.

A Foster Child Health Care Card is available to relative carers caring for children through formal or informal care arrangements. There is no income or assets test associated with the card and it is issued in the name of the child. When you apply for this card you are required to take various documents including a copy of the child's birth certificate, court orders and a letter from your agency confirming the placement. If you are an informal carer, a letter from other agencies associated with the child such as a school principal, doctor or social worker may be needed as evidence.

## **Medicare**

As a relative carer you are able to claim Medicare benefits for medical expenses you incur on behalf of a child in your care. The child does need to be enrolled with Medicare and registered on a Medicare card, however you do not need to have their Medicare card with you to claim the benefit. The Doctor may ring Medicare Australia's enquiry number – 132 150 for the child's Medicare card number and use the information on a bulk bill claim. If the Doctor issues an account, the Medicare office will assist you to claim the rebate.

If you would like the child's name added to your Medicare card it will be necessary to provide documentation to Medicare to support your request. The child can have a card of their own when they have reached the age of fifteen years. Ensure that your child is listed as part of your family with Medicare in order to claim the Medicare Safety Net as a family. A child does not have to be listed on your

Medicare to be included. For more information: call Medicare on 132 011 or visit <https://www.servicesaustralia.gov.au/contact-medicare?context=26266>.

### **Child Support Agency**

Kinship carers may apply for child support through the Child Support Agency (CSA) if they provide care for children for at least 35% of the time, or a minimum of 128 nights over a twelve month period. The CSA will calculate child support according to a set formula based on the amount of care you provide, the children's ages and the income of the parents. If the parents have children with other partners, this is also taken into account. The income of the kinship carer is not taken into account. For more information call the CSA on 131 272 or visit <https://www.servicesaustralia.gov.au/contact-child-support?context=26266>.

### **Finances and education**

Supporting a child through school can be expensive. You may be able to get uniforms, excursions, or other items subsidised through assistance from the school itself or the Parents and Citizens Association. There are also various organisations that may be able to provide financial assistance for eligible families that can cover some costs associated with education.

**Further information:**

Further information about financial assistance can be found through the following services:

CREATE	<a href="http://www.createyourfuture.org.au/">www.createyourfuture.org.au/</a>
The Smith Family	<a href="https://www.thesmithfamily.com.au">https://www.thesmithfamily.com.au</a>
The School Student Transport Scheme (SSTS)	<a href="https://transportnsw.info/tickets-opal/ticket-eligibility-concessions/school-student-travel">https://transportnsw.info/tickets-opal/ticket-eligibility-concessions/school-student-travel</a>
NSW Government Vouchers and financial support (including Active and Creative Kids vouchers)	<a href="https://www.service.nsw.gov.au/campaign/savings-finder">https://www.service.nsw.gov.au/campaign/savings-finder</a>



# LEGAL INFORMATION

The following legislation and legal information is correct as of June 2022. All information is subject to change with time. It is recommended for further or updated information contact legal aid or your local community legal centre.

1. Legislation
2. Legal Processes and Carers
3. Care and Protection Matters through Children’s court  
Subheadings:
  - i. Aboriginal and Torres Strait Islander Placement Principles
  - ii. Authorised Carer Assessment
  - iii. Permanency Planning
  - iv. Parental Responsibility
  - v. Varying Final Orders in Relation to Parental Responsibility
  - vi. Adoption
4. Family Law  
Subheadings:
  - i. Family Dispute Resolution
  - ii. Consent Orders
  - iii. Parenting Orders
  - iv. Interim Orders
  - v. Contravening a Parenting Order
  - vi. Recovery Orders.
5. Parenting Plans and Informal Family Arrangements



## 6. Other Legal Issues

Subheadings:

- i. Accessing birth certificates
- ii. Passports
- iii. Wills
- iv. When a carer dies
- v. When a birth parent dies
- vi. Ending a placement
- vii. Victim compensation
- viii. DNA tests

## 7. Making a complaint

Subheadings:

- i. The NSW Ombudsman
- ii. The Commonwealth Ombudsman

## 8. Legal Support and Services

Subheadings:

- i. Legal Aid
- ii. Family Dispute Resolution Services
- iii. Court Support Scheme
- iv. The Chambers Register
- v. Law Access NSW
- vi. Legal Information Access Centre
- vii. Family Law Hotline
- viii. Community Legal Centres
- ix. Aboriginal Legal Service
- x. Indigenous Women's Legal Centre
- xi. Women's Legal Resource Centre

## 1. Legislation

The wellbeing of children or young people in care in NSW needs to be managed in accordance with the following legislation:

The Children and Young Persons (Care and Protection Act) 1998 which requires that the best interests of the child or young person are considered in all decisions and actions.

The Act is supported by the Children and Young Persons (Care and Protection) Regulation 2012 which provides more detailed guidance on what is required to meet the responsibilities around children and young people in care. In addition, there is also a Code of Conduct for Authorised Foster, Relative and Kinship Carers. This Code is a principle-based framework. It promotes the highest standards of conduct by authorised carers; sets out the standards of behaviour that apply to carers; and sets out the support and assistance that carers can expect to receive from the designated agency supervising the placement. You are not expected to have an in-depth knowledge of the legislation. Your agency will make sure that you have all the necessary information.

## 2. Legal Processes and Carers

As a kinship or relative carer the legal system can be an intimidating and challenging area to navigate. There can be a variety of legal issues to manage when a child comes into your care. Depending on your situation and needs you may have involvement in, or need to initiate proceedings in a variety of courts. Each Court has different proceedings and principles.

It is essential that you seek legal advice to ensure that your individual needs are professionally represented. This section is intended to give you information about legal circumstances that you may experience

as a relative carer and should only be used as a general guide to inform you of legal alternatives and services.

There are a variety of circumstances which may arise that result in you becoming a relative carer. Predominately relatives come into care of a child through:

- A non-government organisation or the involvement of the Department of Communities and Justice (DCJ) formally known as Family and Community Services (FaCS);
- Care and protection proceedings via an application by DCJ through the Children's Court;
- The Family Court via parenting orders, whether made by consent or after a court hearing; or
- A private informal family arrangement between the parents and relative carer with no court orders in place.

### **3. Care and Protection Matters through Children's Court**

The Children's Court of NSW hears matters which apply to children's care and protection cases. This means that if DCJ believes that a child is at risk of harm and in need of care and protection, they will apply to the Children's Court for a care order. Care orders are intended to be a last resort option and include various aspects of care depending on individual circumstances. The laws made by the NSW Parliament in the area of child protection are contained in the Children and Young Persons (Care and Protection) Act 1998. Relative carers may be given aspects of parental responsibility for the child placed within their care, without being involved in the Children's Court process. Children's Courts are conducted as closed courts. The general public is excluded in the interests of privacy and confidentiality.

People who have a right to appear in care and protection proceedings at children's court include:

- The child or young person;
- The independent children's lawyer, usually appointed by the court;
- Each person having parental responsibility for the child or young person;
- The NSW Department of Communities and Justice (or their approved representative)

People with a direct interest in proceedings such as relatives, can request the permission of the court to be present in the court room for the proceedings. The Children's Court has discretion to allow other interested parties to appear in the proceedings if they have a genuine concern for the safety and well-being of the child or young person. A current relative carer or potential future relative carer will usually be granted permission. A party to the proceedings who is dissatisfied with a final order of the Children's Court may appeal to a District Court.

Relative carers who are excluded from a Children's Court matter will not have access to the reports provided to the court, unless aspects of parental responsibility are allocated to you as a result of the Court proceedings. In this instance you will be provided with a copy of the final orders. This will be provided to you directly from the Court.

Legal Aid funding for a solicitor may be available to relative carers who have been made party to proceedings, subject to both a means and merit tests. Being represented by a lawyer for the court hearing may be beneficial as they can speak for you. Prior to a hearing a lawyer can meet with you to explain your options and discuss what you wish to present to the court. If you have been

unable to access a lawyer prior to the matter being heard, you can speak to a duty lawyer at the court on the day.

For more information regarding care applications and Children's Court visit: <https://www.childrenscourt.nsw.gov.au>

For more information about attending Children's Court visit: <https://www.facs.nsw.gov.au/families/legal/childrens-court/attending>

For more information regarding circumstances where a child may be at risk of harm visit: <https://www.facs.nsw.gov.au/families>

## **i. Aboriginal and Torres Strait Islander Child Placement Principles**

The Children and Young Persons (Care and Protection) Act 1998 acknowledges the harm caused to generations of Indigenous people by removal of children from their families and communities. The Act requires that wherever possible, Aboriginal and Torres Strait Islander children are to be placed with members of their own cultural communities. If this is not possible or deemed to be not in the best interests of the child, they should be placed with carers who are able to give them a positive cultural identity, knowledge of their culture and protection against discrimination.

More information regarding Aboriginal and Torres Strait Islander placement principles can be found at <https://www.facs.nsw.gov.au/families/children-and-families-policies-and-legislation/policies-and-law/aboriginal-placement-principles>.

## **ii. Authorised carer assessment**

When a child is unable to live with their birth parents DCJ will, in many cases, look for a relative to take on the role of carer. It is the

responsibility of DCJ to make sure that the child will be cared for in the most suitable environment. Even though you may have cared for a child on an informal basis previously, DCJ will still need to conduct a risk assessment to verify who is the most appropriate carer for the child.

### **iii. Permanency planning**

Permanency planning is an approach to case planning used by DCJ with the aim of providing a child or young person in out-of-home care with a stable placement that offers long term security. A permanent placement may be achieved by restoration of the child to the birth parent/s. Restoration is when a child is returned to live with their birth parent/s. If restoration is not an option, alternative long-term placement decisions must be considered which may include a placement with a relative who has been assessed as an authorised carer. Any decision made in terms of permanency planning will be made with child's best interests as the main consideration.

The permanency planning policy states that following the removal of a child or young person from their family by DCJ, a decision about whether restoration is a realistic possibility must be made within six months for children under the age of two years and within twelve months for children and young people over the age of two years. If DCJ has determined that restoration to the birth parent/s is not a possibility, the child or young person may still have continued contact as part of the long term care plan.

### **iv. Parental responsibility**

As an outcome of Care and Protection proceedings in the Children's Court, parental responsibility of a child may be removed from the parent and allocated to another person. As a relative carer this could mean that you share aspects of parental responsibility with the

Minister for Communities and Justice, whose responsibilities will be carried out by the DCJ case workers on behalf of the Minister. A child placed in the care of the Minister was formerly known as a “State Ward” or “Ward of the State”. These terms are no longer used. Orders allocating parental responsibility can be made for a specified period of time or until the child or young person reaches eighteen years of age. Orders may be made for a fixed period of between six months and two years if the court anticipates that the child may be restored to their parents.

### **Shared parental responsibility**

Many relative carers share aspects of parental responsibility with the Minister. This is established by the court and, if this happens, you will receive a court order detailing the specific aspects of how parental responsibility is to be allocated, including but not limited to matters such as: where the child will live; education and training; religious upbringing; medical treatment; and whom the child may have contact with and the frequency of that contact.

When parental responsibility is shared between a relative carer and the Minister, decisions about day to day care of the child and activities such as school excursions are made by the relative carer. Often the child’s caseworker will be required to approve decisions such as applying for a passport, changing schools and interstate holidays. If you do not have a copy of the relevant court order it is essential that you request one in order to assist you in ensuring that you are able to fulfil your responsibilities as allocated by the court. You can obtain a copy of the court orders from either the court where the matter was heard, or you can request one from DCJ.

### **Sole parental responsibility**

A relative carer can apply to the Children’s Court for a Sole Parental

Responsibility Order. A Sole Parental Responsibility Order reduces the involvement of DCJ and provides carers with the responsibility and authority that birth parents have in relation to a child. The child's birth parents are still recognised by law as their parents and the child keeps their name and identity. If you are successful in your application for sole parental responsibility DCJ care allowances may continue but will be subject to review. You will incur legal costs if you initiate a Sole Parental Responsibility Order and engage a lawyer to assist you with that process unless you are entitled to legal aid.

Key features of a Sole Parental Responsibility Order include:

- The consent of the persons who had care of the child before parental responsibility was allocated to the Minister and
- The consent of the child, if they are over twelve years of age and capable of giving consent.

## **v. Varying final care orders in relation to parental responsibility**

In the event that a care order needs to be either varied or rescinded (cancelled) either DCJ or a relative carer will be required to go back to court and apply for leave to have the court review the matter. The court may grant leave, meaning the court gives permission to re-open the case if it believes that there has been a significant and relevant change since the care order was made. If the court grants leave, the relevant parties will be required to indicate what variation to the orders they are seeking, file evidence and attend a hearing. Legal aid may be available for relative carers when applying to vary or rescind an existing care order subject to the requirements of both a means and merit test.

## **vii. Adoption**

Adoption is the legal process that transfers all parental rights and



responsibilities for a child or young person from their birth parents to the adoptive parents. The child legally becomes the child of the adoptive parent, and the adoptive parent has full parental responsibility of the child.

An Adoption Order will not be made unless it is clearly preferable to other alternatives and is in the best interests of the child. The adoption process involves an application to the Supreme Court for an Adoption Order. Given the nature of this type of legal application, significant costs can occur. In order to initiate the adoption process the child must have lived with the relative/carer for at least five years as required under the Adoption Act 2000. Where a child is under the age of five years the parents' consent is required. Where a child is over twelve years of age their consent is required. Additional procedures and exemptions may apply under the Adoption Act 2000. Further information can be found at <https://www.facs.nsw.gov.au/families/adoption>.

## 4. Family Law

When families are caring for a relative's child through an informal arrangement, Family Court orders can provide security and stability. The Family Court will make these orders with consideration of the best interests of the child. Care and Protection matters which involve DCJ are governed under State law while the Family Law Act is governed under Federal law. It is up to family members to start Family Law proceedings and DCJ usually does not have any involvement in Family Law matters, however they can become involved where cases have serious care and protection allegations. These cases are referred to as a Magellan Matter. What court processes you go through will depend on a variety of circumstances specific to your situation.

Orders may be made under the Family Law Act with consent of the

parties, usually being the parents and the carer and, if applicable, a lawyer appointed to act on behalf of the child. Alternatively, where there is no agreement by the parties, orders will be made after a hearing by the Family Court.

The birth parents of the child are usually parties in proceedings under the Family Law Act unless they do not wish to participate in the proceedings. In this case the Court will need to be satisfied that the parents have been served with a copy of the application and, in the event that they cannot be located, that all reasonable steps have been taken to find them and serve them with the relevant Court documents. More information can be found at:

[https://www.fcfcoa.gov.au/.](https://www.fcfcoa.gov.au/)

### **i. Family Dispute Resolution**

Before going to court about a parenting issue parties must attempt alternative dispute resolution. A court usually cannot hear an application for a Parenting Order unless a certificate from a family dispute resolution practitioner is filed with the court application. There are some circumstances where there may be an exemption from mandatory dispute resolution. These include the court's acceptance that the application is urgent, such as risk of abuse or family violence, risk of harm to the child or the child is being taken overseas.

The certificate will state whether a genuine effort has been made by all parties to resolve the dispute, if any party did not make a genuine effort to resolve the dispute or if a party did not attend. It is appropriate to access legal Aid advice prior to attending dispute resolution so that you are aware of your legal rights and can negotiate from an informed position. More information on family dispute resolution can be found at: <https://www.familyrelationships.gov.au/separation/family-mediation-dispute-resolution.>

## ii. Consent Orders

If you and the child's birth parents agree to the current care arrangements they can: remain as an informal agreement; a parenting plan can be established; or an application can be made to the court to approve a Consent Order. A Consent Order is an agreement stating where and with whom the child will live and other aspects of parental responsibility. A Consent Order requires the agreement of all parties. In the case of relative carers, that means that the child's birth parents must agree to the placement and show a willingness to work with you towards obtaining formal court orders. Consent Orders have the same legal effect as an order made after a court hearing.

## iii. Parenting Orders

A Parenting Order is a set of directions made by a court about parenting arrangements for a child. Any person concerned with the care, welfare or development of a child can apply for a Parenting Order. An application for a Parenting Order can be made to the Family Court, the Federal Circuit Court or the Local Court. If the matter cannot be resolved by agreement in the Local Court, it is likely to be referred to the Family Court or Federal Circuit Court for determination. Effective from mid 2007 an attempt must be made to address matters via family dispute resolution prior to applying for Parenting Orders.

If you are initiating a Parenting Order application and have concerns that the child involved has been abused, or is at risk of abuse, you must tell your solicitor. There will be an additional form called 'Notice of Child Abuse, Family Violence, or Risk of Family Violence' that must be filed informing the court of the allegation. DCJ will need to be served with a copy of this form and, if the allegations are serious enough, they may become a party to proceedings or commence

new proceedings in the Children's Court under the Children and Young Persons (Care and Protection) Act 1998.

Matters in the Family Court or the Federal Magistrates Court may take an extended period of time. A matter before the Family Court or the Federal Magistrates Court can be settled by agreement, even after the application has been filed or at any time prior to the hearing. More information on filing an application for parenting orders can be found here: <https://www.fcfcoa.gov.au/hdi/apply-parenting-orders>.

#### **iv. Interim Orders**

If a matter is urgent, you can seek interim orders. When you apply for interim orders you must complete a document called an affidavit, which is a formal sworn statement in writing, setting out your evidence and the facts of your case. You must file an Application for Final Orders when applying for interim orders. The Court will not make an interim order unless the application for final orders has also been filed. More information on how to write an affidavit can be found at <https://www.fcfcoa.gov.au/forms/affidavit>.

#### **v. Contravening a Parenting Order**

When a Parenting Order is made each person affected by the order must take all reasonable steps to comply with the order. A breach of the order is called a contravention. If the court establishes that a Parenting Order has been contravened without reasonable excuse, it will usually in the first instance, refer the contravening party to a parenting program and may vary the orders. If this does not result in the matter being rectified the court may impose fines, bonds or even terms of imprisonment on a party contravening the order.

The Family Court does not watch over parties to enforce an order.

If an order is breached parties are encouraged to resolve the issues between themselves. If a contravention occurs within twelve months of final orders the parties are able to skip dispute resolution, however, if it is after twelve months you must first attend dispute resolution. If a resolution can't be found you will be required to take the matter back to court by filing a Contravention Application. If you require a lawyer to act for you in contravention proceedings, you will incur legal costs and legal Aid is often not available for these matters. However, if the contravention is established, the court may direct the other party to pay your legal costs.

## **vi. Recovery Orders**

If a child has been taken from, or not returned to their primary carer, the carer should apply for a Recovery Order as soon as practicable. A recovery order may result in a warrant being issued to the police for the return of the child. You can apply for a recovery order if: you have a Parenting Order; parental responsibility; or if you are the child's grandparent. If you are the person with whom the child lives through an informal arrangement you can also apply for a Recovery Order even if this hasn't been formally documented in a Parenting Order.

An application for a Recovery Order should be filed in the Federal Circuit Court or the Family Law Court. If you do not have a current Parenting Order this should be applied for in the same application that you are applying for the Recovery Order. An affidavit must also be filed to support your application. This should include details about your relationship with the child and copies of any relevant existing orders should be included as annexures to the affidavit. These might include details of where the child might be and why it would be in the child's best interests to be returned to you.

The Court may issue an order and warrant that directs a person to: find; recover; and deliver the child. Predominantly this will be to the

Australian Federal Police or the NSW Police Force. A copy of the Recovery Order with a covering letter and the warrant shall be sent to both police forces providing details of where the child might be located.

## 5. Parenting Plans and Informal Family Arrangements

A Parenting Plan is an informal alternative to Parenting Orders for families caring for a relative's child. A Parenting Plan is not a legally enforceable document. A Parenting Plan is a written agreement and must also be executed by the child's birth parents. Courts are not bound by a Parenting Plan however; they must have regard for them when making decisions about a child. A Parenting Plan may include details about: with whom the child lives; with whom they spend time; the allocation of parental responsibility; and other aspects of the child's care, development and welfare. More information on parenting plans can be found at <https://www.familyrelationships.gov.au/parenting/parenting-agreements>.

Relative carers looking after children in an informal family arrangement may experience difficulties accessing services for children where parental consent is required. Completing a time limited NSW Statutory Declaration for Informal Relative Caregivers may assist in these instances. The declaration does not affect the legal status of the child's parents or legal guardians.

Call LawAccess NSW on 1300 888 529 for more information and to obtain a copy of the declaration.

Further information can be found at: <https://www.justice.nsw.gov.au/justicepolicy/Documents/statdecfaqs.pdf>.

## 6. Other Legal Issues

### i. Accessing Birth Certificates

Relative carers can apply for a copy of a birth certificate for the child in their care by applying to the Registrar of Births, Deaths and Marriages. You will be required to demonstrate that you have consent of one of the birth parents of the child or from a legally appointed guardian of the child.

More information can be found at [www.bdm.nsw.gov.au](http://www.bdm.nsw.gov.au).

### ii. Passports

An application for a passport can be made at either a passport office or at an Australian Post Office. In order to apply for a passport for a child you must have documentation confirming your legal authority over the child such as a Children's Court Order or an order made under the Family Law Act. You may need the permission and assistance of your caseworker. More information can be found at [www.passports.gov.au](http://www.passports.gov.au).

### iii. Wills

11 A will is a written document that states how a person wants their assets divided after their death. If you have parental responsibility in relation to a child, your will can appoint a testamentary guardian over that child. This, of course, will be subject to any Family Court orders, orders of the Children's Court and the existence of other people who have parental responsibility. There is no specific legislation for relative carers in relation to making a will.

### iv. When a carer dies

Carers are often concerned about what will happen to a child in their care when they die. When any situation changes that may

impact on the welfare of the child, the matter should return to the court where the orders were made.

Carers who have their relative's child through a Children's Court order and share parental responsibility with the Minister can document their preferred placement for the child in the event of their death. As with all decisions, the Department of Communities and Justice (DCJ) will consider the request in relation to the best interests of the child. After establishing a suitable placement, the matter may be returned to the Children's Court for new orders to be made establishing such a placement or, alternatively, giving full parental responsibility to the Minister.

When families have a Family Law Parenting Order in place and the carer dies, this does not automatically make the other family members on a parenting order their primary carer. EG if a grandchild is living with their grandmother and visits their birth father each fortnight, the birth father would normally be required to obtain a new Parenting Order for the child to live with him in the event of the grandmother's death. The Court may determine that it is in the child's best interests to live with another person.

### **v. When a birth parent dies**

If a birth parent dies and a grandparent or other interested party is caring for the child and wishes to continue caring for the child, they should consider seeking orders under the Family Law Act.

### **vi. Ending a placement**

Sometimes a relative carer is unable to continue caring for their relative's child. If the placement was made through Children's Court Order the carer is advised to contact the child's caseworker. If you do not have a case worker, you should contact your local DCJ



office. DCJ may ask you if there are other family members who are able to take care of the child, or offer temporary support such as respite, to assist you. Alternatively, a placement may be made with a foster carer. If, this occurs, you may have ongoing contact with the child if this is in the child's best interests. If the person is caring for the child under a Family Law Parenting Order and another person is available to care for the child, and is willing to take over the care of the child, an application for new orders will need to be made to reflect the proposed arrangements.

### **vii. Victim compensation**

If a child has been the victim of or witnessed violence or abuse, they may be eligible for Victims Compensation. Such claims are limited as to what types of injuries may be compensated and how much is to be paid. Detailed advice should be sought from a lawyer or Victims Services. Claims must be made against the Victims Services agency operating in the state where the injury occurred.

More information on Victims Services can be found at [www.lawlink.nsw.gov.au/vs](http://www.lawlink.nsw.gov.au/vs) or call 1800 633 063.

### **viii. DNA tests**

The Family Court can order DNA tests to prove paternity. These tests usually cost between \$700 - \$1,000. The court can order that these costs be shared between parties. If a relative is uncertain of a child's paternity, they may apply to the Family Court for a paternity testing procedure if they have a substantial role in the child's care and the doubts about the paternity are justified and will impact on the ongoing arrangements for the child.

## **7. Making a complaint**

There are various avenues to make a complaint about a government agency. If you are unhappy with a decision made by a

government department you should try to discuss the problem with the person who made the decision. If this does not resolve the issue one avenue is to contact the NSW Ombudsman's office. The NSW Ombudsman's office is impartial and independent of government. It receives complaints about state government departments, statutory authorities, public officials and their employees and seeks to resolve them.

### **i. The NSW Ombudsman**

The NSW Ombudsman is the appropriate office to register a complaint about the Department of Communities and Justice and the NSW Police. Complaints to the Ombudsman should be made in writing. More information regarding the services of the NSW Ombudsman can be found at <https://www.ombo.nsw.gov.au>

### **ii. The Commonwealth Ombudsman**

The Commonwealth Ombudsman is the appropriate office to register a complaint about Centrelink, Child Support Agency and Australian Government agencies such as the Federal Police. Complaints to the Commonwealth Ombudsman can be made by phone, in writing or by lodgement through their website. More information regarding the services of the Commonwealth Ombudsman can be found at [www.ombudsman.gov.au](http://www.ombudsman.gov.au)

## **8. Legal Support and Services**

### **i. Legal Aid NSW**

Legal Aid NSW has a head office in Sydney and a number of metropolitan and regional offices. You can get free legal advice from most Legal Aid offices. You will need to phone and make an appointment. More information about Legal Aid can be found at: [www.legalaid.nsw.gov.au](http://www.legalaid.nsw.gov.au)

Relative carers involved in the Children’s Court or the Family Court proceedings may be eligible for legal Aid if you meet the income and assets tests. In addition, a merit test may be applied which considers the strength and reasonableness of your case. You will be required to complete an application for Legal Aid.

The form asks a number of questions in order to assess:

- your financial means (your income and assets);
- the merit of your case (whether the cost can be justified or it’s likelihood of success);
- whether you meet the Legal Aid policy guidelines.

After your request has been assessed you will be notified in writing as to whether or not your application has been successful. Legal Aid is not always free. You will also be notified if you will be required to pay some of the costs and when payment is due. If you receive a grant of Legal Aid the Legal Aid Commission will provide a lawyer to help you with your case. The lawyer may be a Legal Aid Commission lawyer, a private lawyer or a community centre lawyer.

11

Legal Aid has a toll free telephone service for children and young people under the age of 18 years called Legal Aid Youth Hotline. Experienced criminal lawyers with expertise in juvenile justice provide legal advice to young people who have committed, or are suspected of having committed an offence. Legal Aid Youth Hotline – Free call 1800 10 18 10.

## **ii. Family Dispute Resolution Services**

The Australian Government funds a number of community-based organisations to provide family dispute resolution services. More information can be found at [www.familyrelationships.gov.au](http://www.familyrelationships.gov.au) or call 1800 050321 for family dispute resolution services.

### iii. Court Support Scheme

The Court Support Scheme provides information on court procedures and emotional and personal support for anyone involved in the judicial system. Volunteers operate in numerous local courts and tribunals in the Sydney region as well as the Family Court at Parramatta. More information can be found at <https://www.crcnsw.org.au/services/court-support/> or call 02 9 288 8700 for advice.

### iv. The Chamber Registrar

The Chamber Registrar is situated in the Local Court and provides information free of charge to members of the public. The role of the Chamber Registrar is different to that of a solicitor. They can provide free legal information and can assist you with completing forms. The Chamber Registrar will listen to your legal problem and advise you on the legal situation and may even indicate your chances of success if you undertake legal proceedings.

The Chamber Registrar will not advise you on what to do. They will tell you all the things that you need to know in order to make a more informed decision and explain options available to you, legal or otherwise.

### v. Law Access NSW

Law Access NSW is a state-wide telephone information, referral and advice service whose information officers can explain:

- Legal Aid policies and services
- How to apply for Legal Aid and
- How to get help with legal problems.

Law Access also gives referrals to other services and may answer simple legal questions. More information can be found at [www.lawaccess.nsw.gov.au](http://www.lawaccess.nsw.gov.au) or call 1300 888 529

## vi. Legal Information Access Centre

The Legal Information Access Centre (LIAC) is a free legal information service for all members of the community in to seek answers to everyday questions about law in NSW.

More information can be found at [www.legalanswers.sl.nsw.gov.au](http://www.legalanswers.sl.nsw.gov.au)

## vii. Family Law Hotline

The Family Law Hotline is a confidential telephone information service for people requiring assisted access to the full range of information available on the Family Law website. Go to Court Lawyers operates a Legal Hotline on 1 300 636 846 where you can talk directly to a lawyer from 7am – midnight, 7 days a week. You can call this number from anywhere within Australia and speak with a lawyer right away. More information can be found at [www.gotocourt.com.au/legal-advice/](http://www.gotocourt.com.au/legal-advice/)

## viii. Community Legal Centres

Community Legal Centres are independent, not for profit community organisations providing free legal advice, information and referrals for individuals and communities across NSW. There are multiple Community Legal Centres throughout NSW employing qualified staff, including solicitors, social workers and community legal educators. Contact the National Association of Community Legal Centres to find your local Centre. Further information about Community Legal Centres can be found at: <https://clcs.org.au/> or call 02 92649595.

## ix. Aboriginal Legal Service

The Aboriginal Legal Service is committed to providing a quality legal service, appropriate to Aboriginal communities across NSW and the ACT.

The organisation is predominantly a Criminal Law practice which provides advice and representation for Indigenous adults and young

people. They deal with Civil Matters, Family Law and Child Protection Matters, in addition to criminal practice. Call the Head Office on either 02 9 213 4100 or toll free 1800 765 767 to be referred to the relevant department or find the Aboriginal Legal Service office in your area. More information can be found at [www.alsnswact.org.au](http://www.alsnswact.org.au)

### **x. Indigenous Women's Legal Centre**

Wirringa Baiya Aboriginal Women's Legal Centre is a state-wide community legal centre for Aboriginal women, children and youth and focuses on issues relating to violence.

More information can be found at [www.wirringabaiya.org.au](http://www.wirringabaiya.org.au) or call 1800 686 587 for assistance.

### **xi. Women's Legal Resource Centre**

This is a free legal service for women in NSW. It deals mainly with Family Law issues but can refer callers to other relevant agencies if required. More information can be found at [www.wlsnsw.org.au](http://www.wlsnsw.org.au) or call 1800 801501



CONTACT AND  
MAINTAINING  
RELATIONSHIPS

Contact refers to the communication between a child and their parents, siblings, other relatives or people who are important in the child's life. It may include visits, phone calls, emails and/or letters and may be supervised or unsupervised. You may have a child in your care as an informal arrangement, by a court process or by a Department of Communities and Justice (DCJ) process. Contact can vary depending on your circumstances. Contact should not go ahead if a party involved in contact turns up under the influence of drugs or alcohol.

Safe and planned contact is important because it:

- Assists in maintaining relationships when a child is unable to live with their parents.
- Helps to minimise the impact of grief and loss.
- Assists a child to better understand the reasons why they are separated from their parents.
- Helps a child to maintain a sense of cultural identity.
- Supports the potential return of a child to the parents, where restoration may be possible.
- Provides an opportunity for increased involvement with the parents where restoration isn't possible.

## Formal contact arrangements

Court orders usually specify who shall have contact, how often and whether contact should be supervised. Carers who do not comply with contact orders may be found in breach of the court. Where the Minister for DCJ holds parental responsibility for the child, contact forms a part of the child's casework plan and will be reviewed regularly to meet the changing needs of the child. If you feel that the current contact arrangements are not meeting the needs of the child, it is important to raise the matter with the relevant caseworker.



## Informal contact arrangements

In situations where the caring arrangement is informal, or the carer has full parental responsibility, ongoing decisions may need to be made about the length, frequency and type of contact.

The following factors need to be considered:

- The age of the child and developmental stage.
- The child's daily routine.
- The reason for the child not being with parents.
- The history of that person's involvement with the child (both before and after the child came into care).
- Any concerns about the child's physical and emotional safety.
- The view of any specialists involved in the care of the child.

Family Relationships Centres can assist you with negotiating voluntary contact arrangements for the child. The intake process involves interviews with the key parties to gather background information and establish goals for family dispute resolution. Interviews are followed by information/education seminars and sessions with Family Dispute Resolution Practitioners, where parties negotiate parenting arrangements. Fees may be applied on a sliding scale. For more information contact Family Relationships at

[www.familyrelationships.gov.au](http://www.familyrelationships.gov.au) .

12

Many kinship carers are willing to have parents or other relatives come to their home. In situations where this is not the best option, consider meeting in a public place or local community venue. Children's Contact Services may also be able to provide assistance.

## Contact Orders

Contact Orders can be varied by agreement between the carer, the parents, the child and the caseworker. To have effect, this

agreement must be registered with the Children's Court. Where a dispute around Contact Orders cannot be resolved between the relevant parties an application for change to an existing contact order must be made to the Court.

## Care of Aboriginal children

Aboriginal kinship carers play a vital role in the lives of Aboriginal children and young people by raising them in a safe, secure, loving environment that is strongly connected to culture. An Aboriginal child's cultural identity is an important part of who they are. Children who are strong in their culture have higher self-esteem, confidence and expectations of what they can achieve. All carers of Aboriginal children should aim to provide culturally enriched care and maintain children's connections to their family, community, culture and Country. Contact <https://absec.org.au> for more information.

## Challenging relationships and family dynamics

As a kinship carer, you may face unique challenges when you are trying to build a relationship with a vulnerable child or young person, while also managing family dynamics. Kinship care will usually involve connection with the child or young person's parents and other family members, and you will be attempting to re-establish or maintain that connection for the benefit of the child or young person. In some circumstances, family contact may be so fraught with difficulties and challenges that establishing or maintaining family contact may not be possible. Some carers report that attempting to deal with family dynamics is the hardest part of their caring role and one that can impact significantly on their own emotional and physical wellbeing. If you have any concerns regarding contact, where possible please discuss the matter your case worker and/or seek professional advice.

## Managing children's behaviour around contact

Contact can be an emotional rollercoaster for both a child and the carer. The child may experience a range of heightened emotions and anxieties before, immediately after or later on following a contact visit. Children and carers may benefit from talking to a counsellor about these issues. An open discussion with the child about their past and their relationship with parents prior to contact can promote some more positive outcomes from contact, particularly where carers are involved in planning and supporting contact visits.

## Children's Contact Services

The Australian Children's Contact Services provides supervised contact and changeover services for separated parents and carers. Supervised contact sessions are usually offered for a period of up to two hours. There is usually a waiting list for supervised visits. Agencies may be government funded or privately run, but all will charge fees for the use of the service. This may vary from a nominal amount to a set amount per hour. Services may encourage self-management after a sustained period of stable supervised visits. You will need to ensure any changes to contact arrangements are in accordance with court orders. For more information, go to the Australian Children's Contact Services for a list of providers in your area.

[www.accsa.org.au](http://www.accsa.org.au)

**Shine for Kids** is a not for profit organisation that supports children with a parent in the criminal justice system. They provide a range of supported contact services including transport to a prison, child and parent activity days and video visits. For more information about the services that Shine for Kids offer call 02 9 837 4397 or visit

[www.shineforkids.org.au](http://www.shineforkids.org.au).

**The Community Restorative Centre** runs programs supporting families with a member in prison, as well as assisting inmates to transition back into the wider community. For more information about the services that the Community Restorative Centre offer visit [www.crcnsw.org.au](http://www.crcnsw.org.au) or call 02 9 288 8700.

**YMCA Siblings Reconnect Camps** is a program at Camp Yarramundi in Sydney where siblings who are living in separate homes due to kinship or foster care arrangements have the opportunity to spend time together, away from the formality of short visits supervised by caseworkers. The camps are held at Yarramundi each school holidays. For more information about the services that YMCA Siblings Reconnect Camps offer call 02 9 687 6233 or visit [www.ymcasydney.org](http://www.ymcasydney.org).

#### Other useful services:

Relationships Australia	<a href="http://www.relationshipsnsw.org.au">www.relationshipsnsw.org.au</a> or call 1300 1300 52.
Parent line	<a href="http://www.parentline.org.au">www.parentline.org.au</a> or call 1300 1300 52.
Caring for kids	<a href="http://caring.childstory.nsw.gov.au">http://caring.childstory.nsw.gov.au</a>
NSW Child, Family and Community Peak Aboriginal Corporation (AbSec)	<a href="https://absec.org.au">https://absec.org.au</a>
My Forever Family NSW	<a href="http://myforeverfamily.org.au">http://myforeverfamily.org.au</a>



ADVOCACY AND  
COMPLAINTS

## Advocacy

Family advocacy focuses on the importance of communication between all parties involved with the care of a child or young person. As a carer you advocate for your child or young person during discussions related to overall care, education, special needs, family interaction such as contact and any other matters relating to care. You have a responsibility and a right to provide feedback or make a complaint about a decision or a situation if you feel it could impact care of a child or young person. It is reasonable for you to expect your views and opinions to be taken into consideration and responded to in a way that is:

- transparent
- fair
- accountable
- outcome focused
- respectful.

It is important that you feel confident sharing your concerns with your caseworker, your agency or child protection at any time. This is the best way to prevent issues from becoming a bigger problem or escalating into a formal complaint.

## Making a complaint

If you experience difficulty in obtaining appropriate information or services for your needs, you may feel you need to raise a complaint.

- Act sooner rather than later. The first step is to raise the matter directly with your caseworker involved and/or their supervisor before making a formal complaint.
- Check your information about the issue to ensure that there is not just a simple misunderstanding.

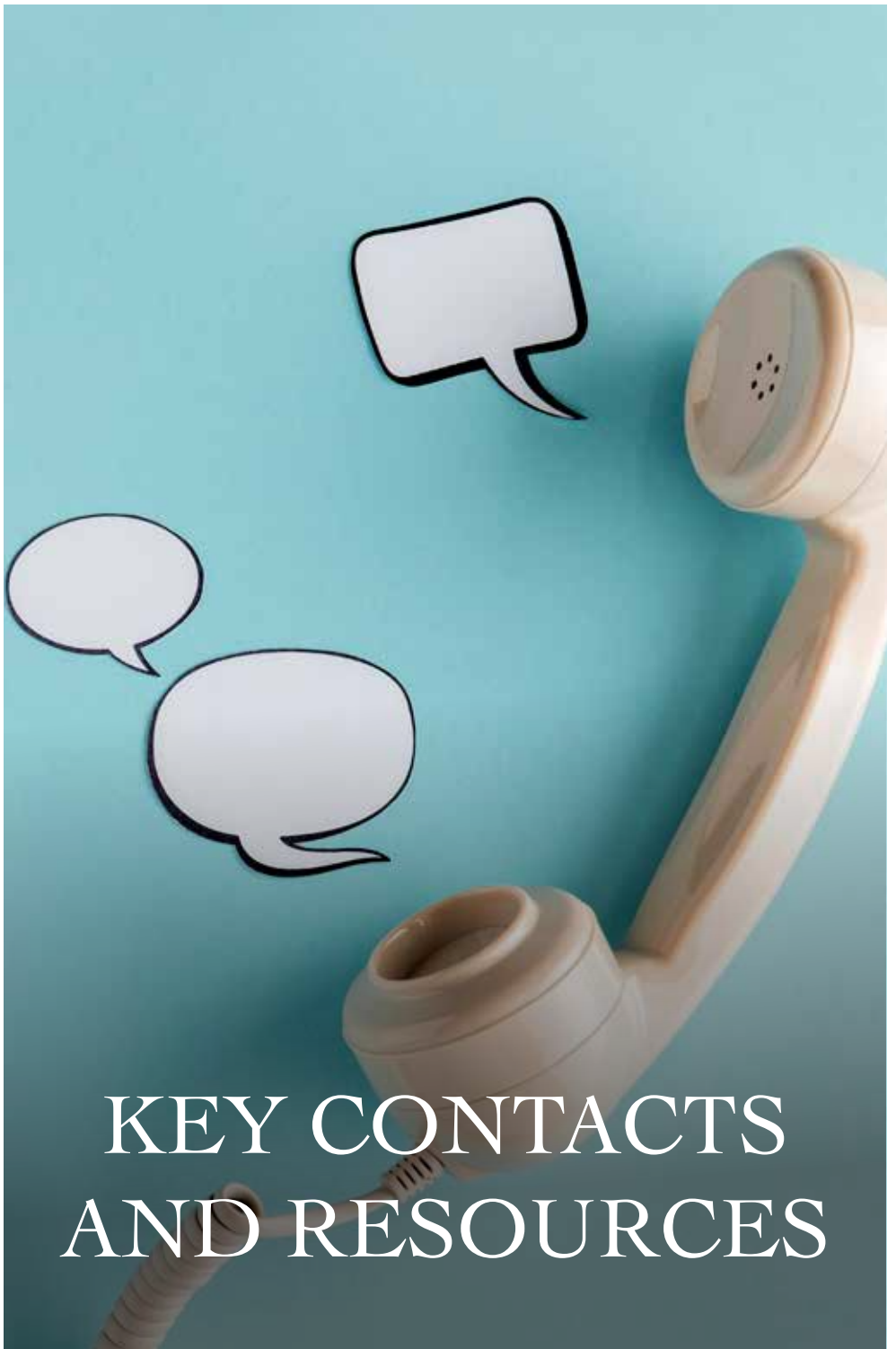
- Document your concerns so that you can be clear about the details of your concern or complaint.
- Keep a diary record of details such as phone calls, who you spoke to and the date. This information may be needed during consultation.
- If you are concerned about a decision made by the service, you are entitled to ask about the reasons on which the decision has been based.

If your complaint is not resolved to your satisfaction or is not dealt with in a reasonable time frame you may wish to escalate the matter. If you are intending to lodge a formal complaint, ensure that you understand and follow the organisation's complaints process.

- **If you are a DCJ carer:** you can call the 'Complaints Unit' on 1800 000 164 or go to <https://www.familyconnectsupport.dcj.nsw.gov.au/family-connect-and-support-home/contact-us/complaints.html> for further information.
- **If you are a carer from a non-government agency:** the resolution of your complaint may be supported by an internal or external unit.
- **If you are still unhappy** with the response you received, you can go to the NSW Ombudsman. The Ombudsman is an independent body that oversees a range of agencies in NSW, including those that deliver services to children.







# KEY CONTACTS AND RESOURCES

Service/Organisation	Contact Number	Website
ABSEC - NSW child, family and community peak Aboriginal corporation (formerly known as Aboriginal Child, Family and Community Care Secretariat)	(02) 9559 5299	<a href="https://absec.org.au">https://absec.org.au</a>
Aboriginal Carer Support Service Line (AbSec).	1800 888 698	
Aboriginal Education Consultative Group Inc. NSW		<a href="https://www.aecg.nsw.edu.au">https://www.aecg.nsw.edu.au</a>
Aboriginal Legal Service	(02) 9213 4100	<a href="https://www.alsnswact.org.au">https://www.alsnswact.org.au</a>
Aboriginal legal service for care and protection matters	1800 733 233	
Aboriginal legal service for police charges and court matters	1800 765 767	
Act for Kids	1300 228 000 or (07) 3850 3200	<a href="https://www.actforkids.com.au">https://www.actforkids.com.au</a>
AIME mentoring	(02) 9319 0439	<a href="https://aimementoring.com/wp1/">https://aimementoring.com/wp1/</a>

Australian Children's Contact Association Inc		<a href="https://accsa.org.au">https://accsa.org.au</a>
Australian Passport Office	131 232	<a href="https://www.passports.gov.au">https://www.passports.gov.au</a>
Backtrack	(02) 6771 3577	<a href="https://backtrack.org.au">https://backtrack.org.au</a>
Barnardos Australia	1800 066 757	<a href="https://www.barnardos.org.au">https://www.barnardos.org.au</a>
Benevolent society	1800 236 762	<a href="https://www.benevolent.org.au">https://www.benevolent.org.au</a>
Beyond Blue	1300 224 636	<a href="https://www.beyondblue.org.au">https://www.beyondblue.org.au</a>
Blue Knot	1300 675 380	<a href="https://blueknot.org.au">https://blueknot.org.au</a>
Carers NSW	(02) 9280 4744	<a href="https://www.carersnsw.org.au">https://www.carersnsw.org.au</a>
Caring for Children		<a href="https://caring.childstory.nsw.gov.au">https://caring.childstory.nsw.gov.au</a>
Child Care Subsidy Services NSW	136 150	<a href="https://www.servicesaustralia.gov.au/child-care-subsidy">https://www.servicesaustralia.gov.au/child-care-subsidy</a>
Child Protection Helpline	13 21 11	<a href="https://www.facs.nsw.gov.au/families/Protecting-kids/reporting-child-at-risk">https://www.facs.nsw.gov.au/families/Protecting-kids/reporting-child-at-risk</a>
Children's Court NSW		<a href="https://www.childrenscourt.nsw.gov.au">https://www.childrenscourt.nsw.gov.au</a>

Child, Youth Mental Health Service (CHYMS)		<a href="https://www.nslhd.health.nsw.gov.au/CYFH/services/Pages/CYMHS.aspx">https://www.nslhd.health.nsw.gov.au/CYFH/services/Pages/CYMHS.aspx</a>
Commonwealth Ombudsman	1300 362 072	<a href="https://www.ombudsman.gov.au">https://www.ombudsman.gov.au</a>
Community Legal Centres Australia	(02) 9264 9595	<a href="https://clcs.org.au">https://clcs.org.au</a>
Community Restorative Centre	(02) 9288 8700	<a href="https://www.crcnsw.org.au">https://www.crcnsw.org.au</a>
Court Support Scheme	(02) 9288 8700	<a href="https://www.crcnsw.org.au/services/court-support/">https://www.crcnsw.org.au/services/court-support/</a>
Create Foundation	1800 655 105	<a href="https://create.org.au">https://create.org.au</a>
CRU Camps	(02) 9874 0218	<a href="https://crucamps.com.au">https://crucamps.com.au</a>
Department of Communities and Justice New South Wales (DCJ)	02 9377 6000	<a href="https://www.dcj.nsw.gov.au">https://www.dcj.nsw.gov.au</a>
DCJ's Programs, Services and Support for Families		<a href="https://www.facs.nsw.gov.au/families/support-programs">https://www.facs.nsw.gov.au/families/support-programs</a>
Family Connect and Support		<a href="https://www.familyconnectsupport.dcj.nsw.gov.au">https://www.familyconnectsupport.dcj.nsw.gov.au</a>
Family Relationships Online		<a href="https://www.familyrelationships.gov.au">https://www.familyrelationships.gov.au</a>

Family Support Services NSW	1800 372 000	<a href="https://familyservices.org.au">https://familyservices.org.au</a>
Federal Circuit and Family Court of Australia	1300 352 000	<a href="https://www.fcfcqa.gov.au">https://www.fcfcqa.gov.au</a>
First Nations Women's Legal Program	1800 639 784 or (02) 8745 6977	<a href="https://www.wlsnsw.org.au/legal-services/indigenous-womens-legal-program/">https://www.wlsnsw.org.au/legal-services/indigenous-womens-legal-program/</a>
Go to Court	1300 636 846	<a href="https://www.gotocourt.com.au/legal-advice/">https://www.gotocourt.com.au/legal-advice/</a>
Grandparent Additional Child Care Subsidy Services NSW	136 150	<a href="https://www.servicesaustralia.gov.au/grandparent-additional-child-care-subsidy?context=41866">https://www.servicesaustralia.gov.au/grandparent-additional-child-care-subsidy?context=41866</a>
Headspace	(03) 9027 0100	<a href="https://headspace.org.au">https://headspace.org.au</a>
Healthy Families by Beyond Blue	1300 224 636	<a href="https://healthyfamilies.beyondblue.org.au/home">https://healthyfamilies.beyondblue.org.au/home</a>
Karitane	1300 227 464 or (02) 9794 2350	<a href="https://www.karitane.com.au">https://www.karitane.com.au</a>
Kinship Care Victoria		<a href="https://kinshipcarersvictoria.org">https://kinshipcarersvictoria.org</a>

Kids Help Line	1800 55 1800	<a href="https://kidshelpline.com.au">https://kidshelpline.com.au</a>
Law Access NSW	1300 888 529	<a href="https://www.lawaccess.nsw.gov.au">https://www.lawaccess.nsw.gov.au</a>
Legal Aid NSW Head Office	(02) 9219 5000	<a href="https://www.legalaid.nsw.gov.au">https://www.legalaid.nsw.gov.au</a>
Legal Aid Youth Hotline	1800 101 810	<a href="https://www.legalaid.nsw.gov.au/what-we-do/criminal-law/youth-hotline">https://www.legalaid.nsw.gov.au/what-we-do/criminal-law/youth-hotline</a>
Legal Information Access Centre NSW		<a href="https://legalanswers.sl.nsw.gov.au">https://legalanswers.sl.nsw.gov.au</a>
Lifeline	13 11 14	<a href="https://www.lifeline.org.au">https://www.lifeline.org.au</a>
LINKS		<a href="https://linkssupport.dcj.nsw.gov.au/links-trauma-healing-service">https://linkssupport.dcj.nsw.gov.au/links-trauma-healing-service</a>
Mental Health Line NSW	1800 011 511	

Mirabel Foundation NSW	(02) 4023 2347	<a href="https://www.mirabelfoundation.org.au">https://www.mirabelfoundation.org.au</a>
My Forever Family	1300 782 975	<a href="https://www.myforeverfamily.org.au">https://www.myforeverfamily.org.au</a>
National Centre for Childhood Grief	1300 654 554	<a href="https://childhoodgrief.org.au">https:// childhoodgrief.org.au</a>
National Counselling and Referral Service – Disability	1800 421 486	
New South Wales Ombudsman	1800 451 524	<a href="https://www.ombo.nsw.gov.au">https://www.ombo.nsw.gov.au</a>
Our Space: specialist support for children and young people in foster care and kinship care across NSW	1300 381 581	<a href="https://www.childhood.org.au/nsw-stories/">https://www.childhood.org.au/ nsw-stories/</a>
Parent Line NSW	1300 1300 52	<a href="https://www.parentline.org.au">https://www.parentline.org.au</a>
Playgroup NSW	1800 171 882 or (02) 9684 9500	<a href="https://www.playgroupnsw.org.au">https://www.playgroupnsw.org.au</a>

Prevention and Response to Violence, Abuse and Neglect, Health NSW		<a href="https://www.health.nsw.gov.au/parvan">https://www.health.nsw.gov.au/parvan</a>
Pyjama Foundation	(07) 3256 8802	<a href="https://thepyjamafoundation.com">https://thepyjamafoundation.com</a>
Raise (youth mentoring).	(02) 7208 8337	<a href="https://raise.org.au">https://raise.org.au</a>
Raising Children Network		<a href="https://raisingchildren.net.au">https://raisingchildren.net.au</a>
Reach Out		<a href="https://au.reachout.com">https://au.reachout.com</a>
Registry of Births Deaths and Marriages NSW	13 77 88	<a href="https://www.nsw.gov.au/births-deaths-marriages">https://www.nsw.gov.au/births-deaths-marriages</a>
Relationships Australia	1300 364 277	<a href="https://relationships.org.au">https://relationships.org.au</a>
Resourcing Parents NSW		<a href="http://www.resourcingparents.nsw.gov.au">http://www.resourcingparents.nsw.gov.au</a>



Services Australia (also known as the Department of Human Services)		<a href="https://www.servicesaustralia.gov.au">https://www. servicesaustralia. gov.au</a>
Service NSW vouchers and financial assistance		<a href="https://www.service.nsw.gov.au/campaign/savings-finder">https://www. service.nsw.gov.au/ campaign/ savings- finder</a>
School Student Travel Scheme (SSTS)		<a href="https://transportnsw.info/tickets-opal/ticket-eligibility-concessions/school-student-travel">https://transportnsw. info/tickets-opal/ ticket-eligibility- concessions/school- student-travel</a>
Shine for Kids	(02) 9714 3000	<a href="https://shineforkids.org.au">https://shineforkids. org.au</a>
Smart and Skilled		<a href="https://education.nsw.gov.au/skills-nsw">https://education. nsw.gov.au/skills-nsw</a>
Sport and Recreation Centres NSW	13 13 02	<a href="https://www.sport.nsw.gov.au/sport-and-recreation-centres">https://www.sport. nsw.gov.au/sport- and-recreation- centres</a>
Starting Blocks	13 28 11	<a href="https://www.startingblocks.gov.au">https://www. startingblocks.gov. au</a>

Teenage Education Payment (TEP)		<a href="https://www.facs.nsw.gov.au/providers/children-families/oohc-education-pathway-resources-and-tools/teenage-education-payment-guidelines-and-resources">https://www.facs.nsw.gov.au/providers/children-families/oohc-education-pathway-resources-and-tools/teenage-education-payment-guidelines-and-resources</a>
The Smith Family	1300 326 459	<a href="https://www.thesmithfamily.com.au">https://www.thesmithfamily.com.au</a>
Triple P Positive Parenting Program		<a href="https://www.triplep-parenting.net.au/au-uken/triple-p/">https://www.triplep-parenting.net.au/au-uken/triple-p/</a>
Tresillian	1300 272 736	<a href="https://www.tresillian.org.au">https://www.tresillian.org.au</a>
Tuning Into Kids and Tuning Into Teens		<a href="https://tuningintokids.org.au">https://tuningintokids.org.au</a>
Uniting	1800 864 846	<a href="https://www.uniting.org">https://www.uniting.org</a>
Victim Services NSW	1800 633 063	<a href="https://www.victimsservices.justice.nsw.gov.au">https://www.victimsservices.justice.nsw.gov.au</a>

Women’s Legal Service NSW	1800 801 501 or (02) 8745 6988	<a href="https://www.wlsnsw.org.au">https://www.wlsnsw.org.au</a>
Wesley Mission	(02) 9263 5555	<a href="https://www.wesleymission.org.au">https://www.wesleymission.org.au</a>
YMCA NSW	(02) 9687 6233	<a href="https://ymca.org.au">https://ymca.org.au</a>
Youth NSW	(02) 8233 1300	<a href="https://www.youth.nsw.gov.au">https://www.youth.nsw.gov.au</a>



# ACKNOWLEDGEMENTS

The systems relating to grandparent and kinship care are complex and the Raising Kin Handbook, modelled on the previous Kinnections publication, aims to provide updated information to guide and assist grandparent and kinship carers as they navigate the journey of raising children and young people.

The Springwood Neighbourhood Centre Co-operative (SNCC) is a supporter of the Raising Kin Grandparent Carer Support Group and is proud to support this project. Toni Quigley, CEO of the SNCC and Imelda Eames, Community Development Worker of the SNCC, were instrumental in progressing this project to a successful outcome. The SNCC would also like to acknowledge the dedication and hard work of Jenny Davies, Facilitator of the Raising Kin Grandparent Carer Support Group and Paige McManus, a Volunteer at the SNCC for their efforts in completing the handbook.



Springwood Neighborhood Centre Co-operative Ltd (SNCC) acknowledges that we work on the traditional lands of the Darug and Gundungurra peoples and pay respect to the strength, capacity and resilience of past and present Aboriginal people in the Blue Mountains region.

It would not have been possible to complete this project without the valuable financial support in the form of grants received from the following organisations, thank you for your generosity.



Finally, the SNCC wishes to acknowledge the invaluable support of the stakeholders who took time to review this publication and provide feedback.

### Other information resources include:

Department of Communities and Justice (DCJ) - Caring for Kids, a guide for foster, relative and kinship carers.

My Forever Family.

Kinship Carers Victoria – Manual for kinship carers.

Printing and Design – Springwood Printing Company



Disclaimer: This handbook is for general information purposes only. The information contained is not to be used as a substitute for specific, professional advice. Springwood Neighbourhood Centre Co-operative Ltd; disclaims all liability for any errors or omissions of any kind. Some information is relevant only to NSW residents. The information within this handbook is accurate as at the time of publication.

