



Supported Care Allowance Frequently Asked Questions

Why is the Supported Care Allowance being changed?

The NSW Government is introducing important changes so that Community Services can focus its efforts and resources on children and young people who are at risk of significant harm and may require care by people other than their parents.

In future, Community Services will only pay an allowance to carers where, after an assessment, a child is found to be 'in need of care and protection'. This means the child is unable to live safely with one or both of their parents.

Each situation is different, but typical reasons why Community Services may decide that a child cannot live safely with one or both of their parents and is in need of care and protection include:

- the parents admit or we find that they will have serious difficulties in caring for the child
- the child is likely to suffer sexual abuse or significant physical injury in the care of their parents
- the child's basic needs are not likely to be met by their parents. This could be because of the parent's poor mental health or drug and alcohol abuse
- the child is likely to suffer serious emotional upset and harm in the care of their parents. This could be because of serious domestic violence in the home.

This is a change to the law about when the government (Community Services) needs to be involved with families to make sure that a child's needs are being met when they are not living with one or both of their parents.

What do you mean by an assessment?

The assessment that is talked about in the letter you received from Community Services is a new check. This **Supported Care Assessment** will help us decide whether or not the child would be at risk of physical, sexual or emotional abuse or neglect of a significant nature if they returned to live with one or both of their parents.

This will involve looking at what was happening before the child came to live with you, why they came to live with you and what is happening now.

Firstly, we will look at our records to see if Community Services was involved as a result of significant concerns for the child's safety, welfare or wellbeing, and if it

remains unsafe for the child to live with one or both of their parents. If our records clearly show this is the case then we do not need to review your situation any further for payment of the Allowance to be made. You will receive a letter to tell you that this is the case.

If there was no previous child protection involvement, or if we need more information about what happened in the past or what is happening now we may need to speak with you, the parents where possible and the child.

If we need more information we will ask you about the best way to speak with you and the child. We can speak with you separately to the child's parents and will be sensitive to the fact that it may be difficult to talk about how the child's parents were raising them.

Payment of the Supported Care Allowance is reviewed every 12 months and this will not change.

Can I have a support person present during the assessment?

As the carers you may wish to have someone present you feel can support you through this process. This may be another family member or someone from a support agency. If we speak with the child as part of the assessment (depending on their age) they may identify a person to help them understand what is being talked about.

It is important that the support person understands the need to respect the privacy of the child and their family.

How will the child and their parents be involved in the assessment?

We understand that it may be difficult for families to revisit the issues that led to the child coming to live with you. We will seek your views on how best to talk to the child and their parents. We can speak with you separately to the child's parents and will be sensitive to the fact that it may be difficult to talk about how the child's parents were raising them.

I have been assessed in the past – why do I need to be assessed again?

You may have been recently assessed to make sure you were a suitable person to look after the child and that the child would be safe in your care. Anyone who is paid an allowance by Community Services must be assessed and approved to be an authorised carer.

The Supported Care Assessment is a new check by Community Services that will help us decide whether or not the child would be at risk of physical, sexual or emotional abuse or neglect of a significant nature if they returned to live with one or both of their parents.

This will involve looking at what was happening before the child came to live with you, why they came to live with you and what is happening now. This will help us make a decision about whether the child is still in need of care and protection.

Community Services asked me to look after the children but didn't go to the Children's Court – so why am I now being assessed?

If Community Services asked you to look after a child because they could not live safely with their parents but Children's Court action was not taken, a Supported Care Assessment needs to confirm this is still the case for your current situation.

If our records show that Community Services was involved as a result of significant concerns for the child's safety, welfare or wellbeing, and it remains unsafe for the child to live with their parents, no further review of your situation may be necessary for payment of the Allowance to be made. You will receive a letter to tell you if this is the case.

The Allowance will continue to be paid to you subject to a review every 12 months to ascertain that the child still needs to be in your care and can not live with one or both of their parents.

I am an Aboriginal carer / relative carer and there is no Court order – does this mean the child will have to go to Court?

It is not necessary for Children's Court action to allow the child in your care to remain with you. However, where there is no Court order, payment of the Supported Care Allowance can only be made where a Supported Care Assessment determines that the child can not safely live with one or both their parents and is in need of care and protection.

The child's parents are dead / in jail – does this still apply to me?

The child's parents left them with me and now I don't know where the parents are – does this still apply to me?

The changes may or may not apply to you depending on the circumstances before the child came to live with you. The Supported Care Assessment will look at your individual situation, particularly if there was child protection involvement by Community Services prior to the Allowance being approved.

The need for the child to remain in your care may have to be reassessed as part of the annual review once the child's parent is released from jail.

If Community Services asked you to look after a child because they could not live safely with their parents but Children's Court action was not taken, a Supported Care Assessment needs to confirm this is the case for your current situation.

Why will it take so long before I know if I will still get the Allowance?

Community Services needs to check the care arrangements of about 2,600 children who are being looked after by a person who is not their parent without any Children's Court orders and an Allowance is paid.

We need to carefully look at whether there were child protection concerns before the child came to live with you and what is happening now.

Supported Care Assessments will be done by a specialist team of Community Services caseworkers to make sure that assessments are done as soon as possible, and that all cases are assessed in the same way.

How will Aboriginal carers be assessed?

Aboriginal caseworkers will be employed to do Supported Care Assessments for Aboriginal carers, wherever possible. Community Services will also make sure that there is appropriate consultation and that the assessments are culturally sensitive for Aboriginal families.

If the Supported Care Assessment finds that the children can safely return to live with one or both of their parents, and the parents want them, will I be forced to give them back even if they have been living with me for a long time and they do not want to return to their parent's care?

Community Services only has a role to play if we have assessed that the child would be at risk of physical, sexual or emotional abuse or neglect of a significant nature if they returned to live with one or both of their parents.

If the Supported Care Assessment determines that the child is not in need of care and protection and would be safe to return to live with one or both of their parents, we will not take the child from your care. It is a family decision about where the child should live.

The family should talk about what care arrangement would be in the child's best interests. The family should also listen to what the child wants to happen, depending on their age. You will continue to be paid an allowance for a reasonable period of time while the family comes to a decision and any new arrangements are set up. This may take up to six months depending on individual circumstances.

If the family is unable to agree about where the child should live you can contact the Family Court to ask about what assistance may be available to help the family come to an agreement. If you believe it is necessary to apply for a family law order to allocate parental responsibility you may wish to seek legal advice.

The Family Relationship Advice Line can provide family law information – Freecall 1800 050 321, or at www.familyrelationships.gov.au.

If the Allowance is stopped how will I afford to care for the children if the family agrees that they should remain in my care?

Even if we assess that the child could return to live safely with one or both of their parents, the family may agree that the child should remain in your care. This will be a private family decision, and Community Services will not be involved, and will not be able to continue to pay an allowance. It will be up to you and the parents to agree on how the costs of caring for the child will be shared. The Family Court can assist families that are unable to agree on these matters.

If the Allowance is stopped you should contact Centrelink on 13 6150 or visit a Centrelink Customer Service Centre to ask about your entitlements. In some circumstances Centrelink (Australian Government) provides income support payments for people who have the care of a child. There are also other Centrelink payments that you may be eligible for.

Young people aged sixteen years or older should contact Centrelink about the Youth Allowance payment and any other payments or benefits to which they may be entitled.

If the Allowance is stopped Community Services will help you to explore the full range of options and family supports that are available.

If the Allowance is stopped what will happen if I can't get financial assistance from another agency and I want to keep caring for the children?

If you have contacted Centrelink about whether you are eligible for income support payments and other benefits and have been told you are not eligible, Centrelink should give reasons for its decision.

If Centrelink has told you that the child's parents are still being paid for the child you are looking after but you wish to be able to receive Centrelink payments and benefits, you will have to tell Centrelink that the child now lives with you and you are the main carer.

What if I don't agree with the Supported Care Assessment / decision to stop payment of the Allowance?

If you receive a letter telling you of the Supported Care Assessment decision to stop payment of the allowance you will also be told who you can contact to discuss the reason for the decision. If you still disagree with the decision after talking with this person you can ask for an internal review of the assessment / decision to stop payment of the Allowance.

If you disagree with the decision you will need to tell us why you think a review is necessary. We will consider a request for a review based on an appropriate reason. A reason for a review may be that there is other information that needs to be considered.

If a decision is made to stop payment of the Allowance the letter will give you detailed information about your rights to review..

Allowance payments will not be stopped until after any review has been completed and you have been told about the outcome. However, the decision of the review will be final.

I am a carer for an NGO – does this affect me?

Carers who are supervised by an NGO [an agency other than Community Services] should rarely be affected because most of these care arrangements are statutory care.