

This guide is intended to assist Foster and Kinship carers (Carers) understand the Long Term Guardianship (Specified Person) Application process.

Long Term Guardianship (Specified Person) arrangement (herein referred to as LTG) provides certainty of long term care to vulnerable children who cannot live at home with their birth parents safely. Under section 53(1)(h) of the *Children and Young People (Safety) Act 2017* the Youth Court can appoint up to two people, other than the Chief Executive, as the legal guardian(s) of a child.

Under a LTG arrangement, Carers become their child's legal guardian and sustain day to day parenting responsibilities, allowing the Carer to make additional decisions regarding their young person without having to ask the Department for Child Protection (DCP). These include decisions relating to their young persons:

- health;
- education;
- holidays; and
- emotional, social & cultural needs.

How does a Carer apply for LTG?

To apply to be assessed for LTG the Carer must be an approved Carer and have cared for their young person for a minimum of two consecutive years (from the date the child was placed with their Carer). If a Carer has cared for a young person for less than two years, they may still discuss the option of LTG with their child's caseworker.

The LTG application process involves a two phase assessment, followed by an application to the Youth Court. The LTG process can take up to 18 months to 2 years due to the detailed assessments and legal processes the DCP must complete.

Approved Carers can decide to make an application for LTG by accessing and completing the [application form](#) available on the DCP website or through the child or young person's case worker. Once completed the Carer can then submit to longtermguardianship@sa.gov.au for consideration.

The LTG application process

The LTG process consists of two assessment phases. Approved Carers must meet the criteria of Phase 1 in order to proceed to Phase 2 of the assessment.

1. Approved Carer submits LTG application form
2. Phase 1 Assessment → recommendation for Phase 2 (yes or no)
3. Phase 2 Assessment
4. Long Term care plan prepared
5. Legal process

Phase 1 Assessment criteria

The Phase 1 assessment process involves a meeting between the Carer(s) and the DCP to consider if the items below can be satisfied:

- the young person is currently under Guardianship of the Chief Executive until 18 years of age;
- the young person currently resides with an approved Carer and has done so for a minimum of two consecutive years;
- the young person shares a close and positive relationship with their current Carer;
- all parties including birth parents are informed about the LTG assessment process and the Carer is committed to a permanency care arrangement with their young person;
- the Carer has a current, valid Department of Human Services Working With Children Check;
- the Carer has no substantiated Care Concerns or patterns of substantiated Moderate Care Concerns; and
- The Carer is willing to maintain the young person's connection with culture.

Documentation required prior to referral submission to Phase 2:

- Signed LTG Application
- Current order
- C&P Application
- Birth certificate
- Home Safety Checklist
- Child's Care Plan
- Genogram (3 generations for birth family; 2 generations for carers)
- Complexity Assessment Tool (CAT)
- Education plan
- Phase 1 meeting minutes
- Action Plans (where existent)
- Aboriginal Cultural Identity Support Tool (ACIST) (where required)
- Cultural Identity Plan (where required)
- National Disability Insurance Scheme NDIS Plan (where required)
- Victims of Crime Eligibility & Status
- Documented views of child/ren, carer/s, and birth parents on LTG
- Financial Agreement*

Phase 2 Assessment criteria

If the Phase 1 assessment criteria is met successfully, the application is then referred to the DCP LTG Assessment Team for Phase 2 assessment. The Step by Step Carer Competencies four main criteria are utilised as part of this process.

This includes assessing:

1. The Carers have demonstrated capacity to provide a high level of care for the child.
2. The Carer family are committed to the child maintaining connection to their family of origin, community and culture.
3. The Carers and child share a strong, positive relationship.
4. The Carers have sufficient personal and professional support and resources to provide care for the child now and into the future.

If a Carer wishes to dispute an LTG Phase 2 Assessment decision, they may choose to submit a request for an Internal Review. The Carer Advocacy Service at Connecting Foster and Kinship Carers South Australia (CF&KC-SA) can assist with this process.

Long Term care plan

As part of the Phase 2 assessment process, a Long Term care plan is developed. The aim of the Long Term care plan is to fully consider the young person's care and future needs whilst under Guardianship.

The Long Term care plan will include:

- how the young person's health, education, social and special needs will be met;
- how the young person will maintain connection to their family of origin, their community and culture;
- how the young person will have regular family access visits;
- if financial support is required and how payments will be reviewed;
- the support and services required and how they will be delivered and reviewed;
- how any future disputes between parties will be resolved; and
- details of any compensation paid or payable to the child or young person under the Victims of Crime Act 2001.

The Long Term care plan is not reviewed regularly by DCP once the order has been granted. However, the Long Term care plan can be amended by the LTG Case Management team if information is identified and requires inclusion. Once Phase 2 assessment is completed and recommended, the legal process commences.

Legal proceeding process

Prior to the first hearing, birth parents will be served with the Sealed Court Application.

First hearing

The first hearing involves:

- the Carer becoming a party to the proceedings;
- the views of the birth parents sought; and
- the Youth Court scheduling a date for the second hearing.

Second hearing

The second hearing involves:

- hearing the child's views (where applicable);
- hearing the Carers views; and
- the judge making a decision.

The application process involves a minimum of two hearings. When a decision cannot be reached, additional hearings are scheduled until a final decision is made.

What does LTG mean for me as a Carer?

As the LTG Carer you will provide an environment where your young person will thrive and grow into a confident, secure and prepared individual, ready for life beyond guardianship as an independent adult from age 18. Before going through the LTG application process you are encouraged to consider your ability to:

- care for your young person into the future and consider if there is anything that could adversely affect this decision;
- manage the sometimes turbulent adolescent years and how you might access services and supports available through community, government and non-government organisations;
- provide care and emotional support to your young person beyond 18 years of age; and
- provide on-going care if your young person has a disability and needs care beyond 18 years of age.

Following the transfer of guardianship, your young person will no longer receive DCP case work or case management. However, your young person will be allocated to the central LTG case management team for administrative purposes inclusive of annual financial reviews and long-term care plan reviews. The LTG case management team will provide information and support to you as the Carer to access community resources and service providers.

What should I consider negotiating to meet long term expenses for my child or young person?

Entitlements, allowances and grants

Once LTG is granted and approved, Carers will continue to receive the basic subsidy payment.

Carers can choose to seek support from local community services, including child and family support, family counselling, health services and disability services. The child or young person will continue to receive the same entitlements to services provided through 'Investing in their future' as well as eligibility for a health care card, SA Dental services, Medicare card and centralised Ambulance cover.

Entitlements include but are not limited to:

- Basic carer subsidy
- Special Needs Loading (if applicable)*
- Private tuition and therapy (previous agreements only)*
- Education grant
- "Investing in their Future" Initiative (i.e. health care card, SA Dental services, Medicare card and Ambulance cover)
- Dame Roma Mitchell Trust Fund and Transition to Independent living arrangements

If there are considerable changes with the child or young person's needs, you can request for a re-assessment of finances. Potentially inclusive of CAT and SNL loading.

Commonwealth support

The Carer is considered the child or young person's legal guardian and may be eligible for support services from the Commonwealth Department of Human Services (Centrelink) such as child care benefit, child care rebate, youth allowance. Youth allowance may be paid, regardless of the assets or income of the Carer, as long as the young person meets the standard criteria required by the Commonwealth Department (such as study or training).

National Disability Insurance Scheme (NDIS)

Children and young people with a NDIS Plan may be eligible for supports. The National Disability Services Agency (NDIA) assesses the young person's eligibility for support. Carers must agree to any decisions regarding the contents of the NDIS Plan and management of any funding provided. To determine the young person's eligibility Carers are welcome to complete the My Access Checker available at www.ndis.gov.au, a guide available for information purposes only.

Funding for young people

Young people can apply for grants from both the Dame Roma Mitchell Trust Fund and the Transition to Independent Living Arrangements (TILA) for short term financial support. To find out more about these grants visit www.sa.gov.au and www.dss.gov.au

For further information about the LTG Application Process, please consult the DCP Carer portal.

For more information, or to discuss your personal circumstances, please contact the team at CF&KC-SA:

Email: support@cfc-sa.org.au

Freecall: 1800 732 272