

**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) (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 the child's legal guardian and sustain day to day parenting responsibilities, making more decisions regarding their young person without having to ask the Department for Child Protection (DCP). These include decisions relating to their child or young persons:

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

### **How do I apply?**

To apply to be assessed you must be an approved Carer and have cared for the child for a minimum of two consecutive years. If a Carer has cared for a young person for less than two years, they may still discuss the option of LTG with their 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 six months 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 Long Term Guardianship (Specified Person) [application form](#) available on the DCP website. Once completed the Carer can then submit to [longtermguardianship@sa.gov.au](mailto:longtermguardianship@sa.gov.au) for consideration.

### **The LTG Assessment Process**

The LTG Application 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 process involves a meeting between the Carers and the DCP to consider if the items below can be satisfied:

- the child or young person is currently under Guardianship of the Chief Executive until 18 years of age;
- the child or young person currently resides with an approved Carer and has done so for a minimum of two consecutive years;
- the child or young person shares a close and positive relationship with their current Carer;
- all parties are informed about the LTG Application process and the Carer is committed to a permanency care arrangement with their child or 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 child or young person's connection with culture.

### Phase 2 Assessment criteria

If the Phase 1 assessment criteria is met, 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 the Carers:

- attitudes and connections;
- personal resilience;
- child focused nurture; and
- working with others.

The Assessor will then develop a care plan in consultation with the Carer, birth family and caseworker.

### **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 child or young person's care and future needs whilst under Guardianship.

The Long Term care plan will include:

- how the child or young person's health, education, social and special needs will be met;

- how the child or young person will maintain connection to their family of origin, their community and culture;
- how the child or 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; and
- how any future disputes between parties will be resolved.

Long Term care plans will be reviewed annually in consultation with the Carer.

### **Legal proceeding process**

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

#### First hearing

The first hearing involves:

- the Carer becoming a party to the proceedings;
- the views of the birth parents are 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.

If a Carer wishes to dispute the LTG Application Process, they are welcome to submit an Internal Review. The CF&KC-SA Carer Advocate Team can assist this process.

### **What does LTG mean for me as a Carer?**

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

- care for their child or young person into the future and consider if there anything that could adversely affect this decision;
- manage the sometimes turbulent adolescent years and how they might access services and supports available through community, government and non-government organisations;
- provide care and emotional support to their child or young person beyond 18 years of age

- provide on-going care if their child or young person has a disability and needs care beyond 18 years of age.

Following the transfer of guardianship, the child will no longer receive departmental case work or case management.

### **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 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)

#### 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 child or young person's eligibility for support. The Carers must agree to any decisions regarding the contents of the NDIS Plan and management of any funding provided. To determine the child or young person's eligibility Carers, are welcome to complete the My Access Checker available at [www.ndis.gov.au](http://www.ndis.gov.au), a guide available for information purposes only.



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### 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). To find out more about these grants visit [www.sa.gov.au](http://www.sa.gov.au) and [www.dss.gov.au](http://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 us:

**Email:** [support@cfc-sa.org.au](mailto:support@cfc-sa.org.au)

**Freecall:** 1800 732 272