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Leaving care and after care support

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Provides procedural guidance on:

- Access to records by OOHC leavers
- ADHC Leaving Care Program
- Leaving care and after care support

The NCAT content within this procedure has been updated however further review of the other sections within the procedure are still required. A new form [NCAT Application Form and Protocol](#) has been amended for Family and Community Services use and you are to use this form when required.

Practice

Used when working with a child/young person with a case plan goal of leaving care, and for the provision of assistance to persons who have left out-of-home care.

Leaving care

Family and Community Services (FACS) develops case plans to address the needs of children and young persons who are leaving out-of-home care (OOHC), as are requirements under Sections 165 and 166 of the [Children and Young Persons \(Care and Protection\) Act 1998](#), and the [Guidelines on the provision of leaving and after care assistance](#). As described in the [Case planning and review](#) procedure, where the case plan goal is leaving care, the case plan serves as the leaving care plan.

Leaving care planning needs to focus on the eight measures of wellbeing, as described in the [Case planning framework](#), which are embedded in the [Case planning/review template](#). Planning for and addressing these measures helps support the child and carer work towards this major transition point.

Research note: Research demonstrates that preparation for leaving care, results in better outcomes for the child or young person. Young people leaving care are a particularly vulnerable group within the community. They may need continuing access to services after leaving care, especially if they have had a history of many placements while they were in out-of-home care or went into care at a very young age, and/or have limited connection to family and social supports. Consult with a FACS psychologist on ideas for preparing a young person to leave care.

After care

The provision of after care assistance is to assist with a smooth transition to and stability in independent living through the provision of support, referrals and targeted financial assistance. It is not intended to involve ongoing intensive case management or to duplicate services and assistance that are the responsibility of the Commonwealth or other NSW agencies.

Assistance may include:

- provision of information
- referral and follow up
- financial assistance
- assistance with accommodation
- setting up a home
- education, training and employment
- health and legal advice.

This assistance is based on an assessment of need.

Young people who are considered to be at risk of not making a successful transition to independent living, would be eligible for after care assistance, based on at least three of the indicators contained in the [Financial support for children and young people in OOHC: policies and guidelines](#). This also outlines the types of financial support, amounts and criteria.

Role of authorised carers in leaving care preparations

Authorised carers play a pivotal role in preparing a young person for their exit from care. Through their daily interactions they will be in the best position to assist the young person to develop skills to live independently. Similarly, those young people placed in residential care, require ongoing support and monitoring from residential workers and management.

Role of specialist after care services

Specialist NGO's are available to provide a range of support services to young people who have left OOHC, based on assessment of need. These services work with eligible young people aged between 15 and 25 years to access a range of supports including:

- assistance to view personal files and access personal documentation
- accommodation
- health care
- legal advice and representation
- financial assistance
- information about available resources and services
- counselling

1. Developing and reviewing the leaving care plan

Where the case plan goal is leaving care, the case plan serves as the leaving care plan.

1.1 Commence planning to address leaving care arrangements when the child is 15 years of age as stated by the [NSW Standards for out-of-home care](#) (if the child/young person plans to exit care at 18 years)

Completed by: CW

1.2 If the young person has a disability and is likely to have significant support needs upon leaving care, follow the ADHC leaving care program section in this procedure.

Completed by: CW

1.3 Discuss with the child/young person, the parent(s), carer(s) and other significant person(s) the process of leaving care planning.

Completed by: CW

1.4 Provide a copy of the brochure [Your Next Step](#) to the child upon their 15th birthday and advise how it can also be accessed on the FACS website.

Practice Tip!

Explain to the young person that [Your Next Step](#):

- outlines the process for planning their exit from care
- details the entitlements of a person leaving statutory care
- helps them identify what they want included in their plan
- can be used to identify living skills that they should develop
- provides details of the services and supports available to them

Completed by: CW

1.5 Provide the carer/s with a copy of Leading the Way and advise how it can be accessed on the FACS website

Practice Tip!

Outline that Leading the Way:

- is the FACS guide for carers of young persons transitioning from care to independent living
- provides practical tips on teaching life skills
- raises issues the carer will need to consider regarding the end of a placement e.g. the potential to experience a sense of loss and grief

Completed by: CW

1.6 Document the discussions and provision of the brochure in the most appropriate record on KiDS. e.g. if a meeting was held use a Meeting record undertaken.

Completed by: CW

1.7 Support the child/young person to complete the Independent living skills checklist. This tool assesses their independent living skills and areas of need, which will further assist with planning support at the case planning meeting.

Completed by: CW

1.8 Follow the Case planning and review procedure. It provides required tasks for the preparation, arrangement and conducting of the case planning meeting, and the recording and distribution of the case plan.

Important note: Case plans with goal of leaving care can be approved by MCW if no financial assistance is identified. If financial assistance is required (see 3.1 – 3.3), the DCS is required to approve.

Completed by: CW

Leaving care plan

Case plans assess the child or young person's needs in relation to the eight measures of wellbeing. For children and young people with a leaving care case plan goal, considerations under the measures of wellbeing include:

Identity

1.9 If the young person is from an Aboriginal or Torres Strait Islander background, or from culturally and linguistically diverse background, encourage the establishment and maintenance of links with their cultural identity by:

- Consulting an Aboriginal or Multicultural caseworker from the young person's cultural community
- Helping the young person to make contact with specific community/cultural organisations and associations
- Identifying significant people in the young person's life who can assist in maintaining links with the community

See: Aboriginal consultation guide; CALD assessment checklist; Cultural support planning for CALD children and young people in care

Completed by: CW

Approval by: MCW

1.10 Assist the young person to ask the carer(s) about their future relationship after they leave care (if the child/young person wishes).

Completed by: CW

1.11 Complete outstanding life story work tasks, and detail arrangements for the provision of the life story work to the young person prior to them leaving care.

Completed by: CW

1.12 Provide support and assistance to young people in making contact with significant family/others (where this is identified in the case plan), and support the young person to explore how they would like to manage these relationships after leaving care.

Completed by: CW

1.13 Ensure that the young person is provided with information about accessing, free of charge, records held by FACS. See section on: Access to records by OOHC leavers.

Completed by: CW

1.14 Provide information on available resources and services to support their social/peer relationships and livings skills.

Completed by: CW

Legal issues

1.15 Identify the child/young persons legal entitlements and needs such as:

- trust funds (usually held with the Public Guardian and Trustee)
- involvement in ongoing litigation.

Completed by: CW

1.16 Arrange for the young persons FACS and NGO files are audited by a legal practitioner to determine whether they are eligible for victim's compensation or any other civil claim, prior to a young person leaving care

See: Rights of victims of crime

Completed by: CW

Approval by: MCW

1.17 Check if funds are held in trust or if the young person has received an award of compensation which is held by the NSW Public Guardian and Trustee's office. Include the financial management arrangements in the case plan, which will commence when this money is released.

Completed by: CW

Approval by: MCW

1.18 Document these entitlements in a General File Note record (with the most appropriate Sub Type e.g. Trust, Wills & Inheritance).

Completed by: CW

1.19 Prepare and send letter to young person providing information about:

- potential claims
- claims lodged
- services providing legal advice
- ongoing legal representation

Completed by: CW

Approval by: MCW

Housing

1.20 Plan accommodation options and assistance, and provide relevant housing information to the young person.

Completed by: CW

Approval by: MCW

1.21 Plan whether the young person may require to remain in placement until such time as they complete full time studying (for example, undertaking the HSC) or vocational training, if they are to turn 18 prior to completion.

Completed by: CW

Approval by: MCW/DCS

Financial Support

1.22 See procedural steps 2.1 – 2.6 regarding assistance based on assessment of need, and procedural steps 3.1 – 3.3 regarding provision of financial assistance.

Completed by: CW

1.23 Provide support to all children leading up to their 16th birthday, to apply for Youth Allowance, through the provision of the following documents:

- Letter to authorised carer regarding Youth Allowance application
- Letter to child regarding Youth Allowance application
- Centrelink Youth Allowance application letter

Completed by: CW

Approval by: MCW

1.24 Advise the young person of their entitlement to the Commonwealth Government's Transition to Independent Living Allowance (TILA) and:

- Assess the young person's entitlement to the allowance using the TILA eligibility criteria contained in the FACTSHEET – TILA information for caseworkers
- If the young person is eligible, provide them with FACTSHEET – TILA information for young people and carers
- If the young person is eligible, complete the TILA Application Form and send to:

Southern Youth & Family Services (email: tilansw@syfs.org.au or Fax: 02 4228 4613)

For assistance with TILA in NSW contact **Southern Family & Youth Services** on 1300 761 961.

More information can be found at the Department of Social Services website.

Completed by: CW

Other

1.25 Assist the young person to access mainstream or funded specialised after care services that will support their ongoing needs with particular emphasis on services relating to:

- education, vocational training and employment assistance
- financial assistance and income support (including ABSTUDY and Youth Allowance)
- mental and physical health
- legal assistance
- financial management skills
- personal identity (including cultural)

Consider consulting or making a referral to a FACS psychologist.

Completed by: CW

1.26 Eligible pregnant young persons or young parents are given priority of access should they wish to be considered for the Brighter Futures program when leaving care:

- discuss a referral with the pregnant young person or parent who is leaving care - if the young person agrees, the referral should be included in the leaving care plan
- the services and support they are receiving in out-of-home-care should be maintained while they are being transitioned from care to Brighter Futures.

In order to maximise a smooth transition for the young person, the out-of-home-care team should liaise with the early intervention team at least three months before a transition referral is made.

Completed by: CW

Approval by: MCW

2. Eligibility of assistance and assistance based on assessment of need

2.1 Assess the whether the young person meets the eligibility criteria for after care assistance as per the Financial support for children and young people in OOHC: policies and guidelines (section 1.6)

The 12 month period may be cumulative; however children and young people must have been in the care of the Minister or Secretary immediately prior to turning 15 years.

Completed by: CW

Approval by: MCW

2.2 Determine what type of assistance is required/ requested. The Act outlines assistance based on assessment of need for:

- financial assistance
- obtaining accommodation
- setting up house
- education
- training
- finding employment
- legal advice
- accessing health services, counselling and support

Completed by: CW

Approval by: MCW

2.3 Assess the following factors to determine whether additional assistance is granted:

- whether any request for assistance is consistent with the leaving care case plan
- whether the young person is likely to be positively assisted by a one off provision of after care support (aftercare is not intended to offer intensive support which can be provided by mainstream services)
- eligibility for additional assistance should also include a judgment about whether the level of assistance that can feasibly be provided will be likely to contribute to the young person's successful transition to independent living
- whether aftercare assistance has already been provided either by FACS or other service providers

Care leavers who are considered to be at risk of not making a successful transition to independent living would be eligible for after care assistance if at least three of the indicators, as contained in

Financial support for children and young people in OOHC: policies and guidelines (page 136) are present.

Completed by: CW

Approval by: MCW

2.4 Document the assessment in the After Care Needs Assessment record.

Completed by: CW

2.5 Incorporate into the child or young persons case plan, if they are still in care

Completed by: CW

Approval by: MCW/DCS (if financial assistance)

2.6 If the assessment determines financial assistance is required, see Steps 5.1- 5.4

Completed by: CW

Approval by: MCW

3. Financial assistance for young persons who are leaving OOHC and young persons (up to 25 years of age) who have already left care

3.1 Financial assistance may be provided in the form of an after care payment as described in the Financial support for children and young people in OOHC: policies and guidelines

Young persons who are studying are not automatically eligible to receive this income subsidy. It is based on assessment of need and any assistance must be consistent with the leaving care plan

Completed by: CW

3.2 Financial assistance may also be provided in the form of a one off contingency payment for matters that include:

- education and training
- professional therapy
- official documents (fees)
- establishment costs
- legal costs
- medical costs
- respite/support workers
- out of guidelines payments (in exceptional circumstances)

See: Financial support for children and young people in OOHC: policies and guidelines (section 7)

Completed by: CW

Approval by: MCW

3.3 If financial assistance for the young person is agreed before the young person has left care then this is recorded in the Case Plan.

Important note: Contact by the young person (who has already left care) will be documented as a Request for Assistance and a new plan will need to be created to document the request and the decision made by FACS in the After Care Needs Assessment record.

Completed by: CW

Approval by: DCS

4. Leaving care planning for young people where case management is transferred to a non-government organisation (NGO).

As outlined in FACS [Case management policy](#), an agency with case management responsibility for a young person's placement is responsible for initiating, and developing a leaving care plan based on an assessment of need of the young person. If an NGO provides case management, the responsibility to provide assistance for leaving care lies jointly with the NGO and FACS. The NGO and FACS are responsible for the following:

4.1 Draft a leaving care plan for the young person based on an assessment of the young person's individual needs, including consultation with the young person, FACS and relevant stakeholders.

Completed by: NGO

4.2 Identify whether young person have particular legal entitlements, such as:

- trust funds (usually held with the Public Guardian and Trustee)
- entitled to bring legal claims (such as victim compensation)
- are involved in ongoing litigation

Completed by: C&FRU

4.3 Prepare and send letter to young person providing information about:

- potential claims
- claims lodged
- services providing legal advice
- ongoing legal representation

Completed by: CLSLO

Approval by: C&FRU

4.4 Document these entitlements in a General File Note record (with the most appropriate Sub Type e.g. Trust, Wills & Inheritance).

Completed by: C&FRU

4.5 Consider and forward the leaving care plan for approval to the regional director.

FACS retains financial responsibility for after care assistance, except when an agency is funded to provide after care assistance.

Completed by: C&FRU

Approval by: DCS

4.6 Complete an after care needs assessment record on KiDS, attaching the approved leaving care plan and the paper file of the young person.

Completed by: C&FRU

4.7 Provide a copy of the approved leaving care plan to the NGO for their records.

Completed by: C&FRU

4.8 Provide a copy of the approved leaving care plan to the young person

Completed by: NGO

5. Discharge at age 18 years from the parental responsibility of the Minister

5.1 If the young person is due to leave care, but is in the middle of full time study (e.g. HSC) or vocational training at the time they turn 18, arrange for financial assistance to sustain the placement for a reasonable transition period while the young person completes studies/training.

Completed by: MCW

Approval by: DD

5.2 Email a completed Leaving care Letter Template to the FACS Return mailbox (DO NOT email the letter directly to the Minister's Office) four weeks before the young person's 18th birthday. Ministerial and Parliamentary Services (MAPS) will review and recommend endorsement of the letter (for the Minister's signature).

Completed by: CW

Approval by: DD

5.3 MAPS will issue the letter signed by the Minister, together with a copy of Your Next Step, to the young person to coincide with their birthday. A copy of this letter will be returned to the CSC for filing on the young person's file.

5.4 End the young persons placement in KiDS, unless negotiated and approved to continue, on their 18th birthday

Completed by: CW

Approval by: MCW

6. Assistance for care leavers over 25 years

Assistance beyond 25 years should only be made where special circumstances apply and threshold issues have been considered. See Financial support for children and young people in OOHC: policies and guidelines (Section 7.1 - Assistance for care leavers over 25 years)

6.1 The Minister has discretion to provide after care assistance to care leavers over 25 years. FACS funds a number of services to support the needs of this group and referrals to these services should be considered in the first instance:

- Relationships Australia
- Care Leavers Australia Network (CLAN)
- Link-up NSW
- Salvation Army
- Post Adoption Resource Centre (PARC)

Completed by: CW

Approval by: MCW

6.2 Assistance beyond the age of 25 years should only be made available where special circumstances apply, such as:

- a person has been unable to advance in employment or educational opportunities identified in their leaving care plan due to health problems, pregnancy or parental responsibilities
- a leaving care plan was not undertaken due to the person being detained for periods of time due to criminal behaviour

Completed by: CW

Approval by: MCW

6.3 In addition to other eligibility criteria as outlined above, threshold issues need to be considered, such as:

- age of the person
- reasons for delay in seeking assistance
- the goals of the leaving care case plan
- assistance provided between the ages of 15 and 25 years
- likelihood that the assistance will significantly enhance the person's life skills and opportunities

Completed by: CW

Approval by: MCW

6.4 Contact by the care leaver over 25 years will be documented as a Request for Assistance and a new plan will need to be created to document the request and the decision made by FACS in the After Care Needs Assessment record.

Completed by: CW

Approval by: MCW/DCS

Access to records by OOHC leavers

Practice

The NCAT content within this procedure has been updated however further review of the other sections within the procedure are still required. A new form NCAT Application Form and Protocol has been amended for Community Services use and you are to use this form when required.

To advise casework staff of the procedure when people who have been in out-of-home care make requests for access to information relating to them from FACS.

FACS retains records relating to persons who have been in out-of-home care as a child or young person.

Section 168 of the Children and Young Persons (Care and Protection) Act 1998 provides that on leaving, or having left out-of-home care, a person is entitled to have access free of charge to personal information relating directly to the person in any records kept by FACS.

This information includes:

- records about why they came into care
- records about their time in care.

However, care leavers cannot see information that identifies a reporter, personal or business information about any other people, such as parents, siblings or carers, or material subject to legal professional privilege.

Section 168(2) provides that FACS "is to provide an appropriate person to support and assist the person seeking access to information at the time when access to the information occurs".

Note: This applies to all care leavers regardless of when they left care and they are not required to apply under the Government Information (Public Access) Act 2009.

Community Service Centre (CSC) role

The CSC will receive applications from care leavers and help them if necessary to complete the application form and/or write a letter applying for priority access. The relevant Manager Casework will

allocate an experienced caseworker, senior caseworker or Manager Casework to sit with the care leaver when they access the records to provide support or answer questions, as required.

Care Leaver Records Access Unit

The Care Leaver Records Access Unit is responsible for processing the records for all requests from care leavers to view information about themselves held by FACS. The Care Leaver Records Access Unit is also available to provide advice and assistance to staff and care leavers if required.

The unit aims to process relevant records within eight weeks of receiving a completed application from a care leaver. This time frame may be longer when a large number of applications are received or where there is a large number of records relating to a particular request.

The Care Leaver Records Access Unit can be contacted on 1300 137 160 or CareLeaverRecordsAccessUnit@facs.nsw.gov.au.

When a CSC sends a care leaver records access application to the Care Leaver Records Access Unit and the application form shows that the care leaver was in both FACS and NGO care, the Care Leaver Records Access Unit will write directly to the care leaver to provide the contact details (when known) for them to access records about their time in NGO care. The Unit will also process the relevant FACS records for the care leaver to access via the CSC in accordance with this procedure.

Accessing records held by non-government organisations (NGO)

Section 168 (2) applies to NGOs as well as to FACS. Care leavers who were in the care of an NGO need to apply directly to the NGO to access any records the NGO holds about their time in care. Care leavers who were case managed by both FACS and an NGO during their period in care will access FACS records through FACS, and NGO records through the NGO.

NGOs are required to provide their OOHC records to FACS seven years after a care leaver leaves NGO care. When the records have been transferred to the Government Records Repository (GRR), the GRR will provide the records to the NGO for it to arrange the access.

Applications for priority access

FACS recognises that there may be circumstances where the usual eight week processing time to access records may disadvantage some care leavers.

The Care Leaver Records Access Unit will apply a Priority Access Policy to ensure that applicants with special circumstances can receive records within a shorter timeframe. To be eligible, care leavers must meet one or more of the eligibility criteria listed below. Care leavers can submit their request for priority access at the CSC at the same time as they submit their [care leaver application for access to records form](#) or at any time after this.

Care leavers may need CSC staff to help them to write a letter explaining why they are eligible for priority access and provide appropriate supporting documentation, e.g. if applying for priority access on medical grounds this may be a letter from a doctor, or if applying on legal grounds it may be a letter from a solicitor.

The following are the criteria for priority access:

Medical

- serious or terminal illness, e.g. cancer
- serious illness requiring medical history of care leaver or family medical history
- genetic condition
- transmissible health condition
- pregnancy
- serious psychological/psychiatric illness requiring history of care leaver to develop urgent therapeutic response.

Compassionate

- care leaver is 65 years or older

Service provision

- birth certificate required to enable applicant to access services, e.g. to apply for a passport or gain citizenship in another country.

Legal

- claim for victim's compensation (where there is a time limit on lodging an application) requiring information contained in records about care leaver
- court matter where records will be provided as evidence
- management of an estate where records:
 - may assist in determining how assets will be distributed, or
 - may enable an applicant to make a claim on an estate or trust.

7. Care leaver application submitted at CSC

7.1 Provide care leaver with Care leaver application for access to records held by FACS.

Important note: if the care leaver was also in NGO care and they require the NGO contact details, this application form will still be used. The Care Leaver Records Access Unit will write to the care leaver with the relevant NGO contact details. The Care Leaver Records Access Unit will also process and provide any FACS records that may exist if the care leaver was in both FACS and NGO care.

Completed by: CW

7.2 Assist care leaver to complete form and copy personal identification documents.

Completed by: CW

7.3 Provide care leaver with priority access to records policy (if applicable) and assist care leaver to write letter, if appropriate, and copy supporting documentation e.g solicitor's letter, medical certificate.

Completed by: CW

7.4 Complete the 'Office Use Only' section at the end of the application form to record the name of the CSC and provide the name and contact details of a contact person with whom the Care Leaver Records Access Unit can liaise about that application.

Completed by: CW

7.5 Forward completed application/s to Care Leaver Records Access Unit.

Completed by: CSO

7.6 Send request by email to relevant manager casework when records are held at a CSC, or to the Records Unit if records have been sent to State Records, for records to be sent to the Care Leaver Records Access Unit.

Completed by: Care Leaver Records Access Unit

7.7 Forward records to Care Leaver Records Access Unit or provide information about when and what file/s were archived.

Important note: All client files must be sent by the authorised courier (Toll Priority Services) utilising the electronic tracking system. For more information please refer to the fact sheet – DX, courier and freight services.

Completed by: CSO

7.8 Notify the Care Leaver Records Access Unit that the file has been sent and provide the electronic tracking number.

Completed by: MCW

7.9 If relevant, determine eligibility for priority access and advise care leaver and CSC of decision.

Completed by: Coordinator, Care Leaver Records Access Unit

7.10 Prepare copies of the records, deleting any information which identifies a reporter, relates to other people's personal or business information, and/or material subject to legal professional privilege.

Completed by: Care Leaver Records Access Unit

7.11 Send copy of the prepared records, including any relevant original documents, to the CSC nominated by the care leaver as their preferred location at which to access records.

Completed by: Care Leaver Records Access Unit

8. Care leaver access to information at CSC

8.1 Care Leaver Records Access Unit provides a copy of the prepared records to the appropriate CSC.

Completed by: Care Leaver Records Access Unit

8.2 Contact care leaver and make an appointment for them to view information.

Important note: for Aboriginal care leavers staff should enquire if the care leaver would like the support of an Aboriginal staff member or support service.

Completed by: CW

8.3 Ask care leaver to bring identification. If name has changed since they were in care, identification will need to show they are the same person unless the change is recorded in existing FACS records.

Completed by: CW

8.4 Provide experienced caseworker, senior caseworker or manager casework to sit with the care leaver and answer any questions or provide support, as required.

Important note: Aboriginal care leavers may request the support of an Aboriginal staff member or support service when accessing information, this should be provided wherever possible.

Completed by: MCW

8.5 Provide care leaver with a copy of information prepared by the Care Leaver Records Access Unit, including any original documentation such as birth certificates, photos etc.

Completed by: CW

8.6 Return all information that is not kept by the care leaver to the Care Leaver Records Access Unit.

Completed by: CW

Disability ADHC Leaving Care Program

Practice

Used when an order allocating PR to the Minister for a young person with a disability is due to expire or has expired and it has been identified that they may benefit from ongoing supports through the ADHC Leaving Care Program.

Young people with a disability often require additional supports and services to assist them in transitioning from the care of the Minister to live as independently as possible. When a young person, who has a disability and is under the parental responsibility of the Minister turns 15 or is three years away from the expiry of a final order, consideration should be given to identifying what additional assistance the young person will require, see: Leaving care support.

The young person should also be encouraged and supported to participate, where possible, in the decision making process in relation to their long term accommodation and support needs.

It is important to note that young people who were not previously eligible for ADHC direct services through the Community Support Teams (CST) may be eligible for the ADHC Leaving Care Program. This is to ensure that all young people who are defined as having a disability under the NSW Disability Services Act (DSA) 1993 are considered for the ADHC Leaving Care Program.

Collaborative practice is an underlying principle of the Memorandum of Understanding between Community Services and Ageing, Disability and Home Care on Children and Young People with a Disability (MOU). The Regional protocols and joint practice guidelines further support the implementation of the MoU and guide our joint decision making processes and dispute resolution, also see the Child wellbeing and child protection – NSW interagency guidelines.

ADHC Leaving Care Program

The ADHC Leaving Care Program (LCP) is focused on the provision of services for young people with a disability aged 18 years and over who have been in the parental responsibility of the Minister for Family and Community Services and who have been determined by FACS or an NGO with case management responsibility as requiring ongoing funded support and:

- are unable to return to their birth family
- the young person has had significant case work and service interventions to restore them into the family home without success
- are unable to remain with the foster family without further assistance
- has a disability as defined under the NSW Disability Services Act (DSA) 1993.

Through the ADHC Leaving Care Program, young people will have access to the flexible services they need to reach their full potential to lead more independent lives and will be supported to live in and be part of the community. The ADHC Leaving Care Program does this by providing transition planning, case management and access to:

- flexible support linked to accommodation that best meets the young persons individual needs, including maintaining current foster placement
- vocational opportunities and skill development
- the Leaving Care Mentoring Service
- opportunities for social and community participation.

1. Eligibility for the ADHC Leaving Care Program

Young people who may not have been eligible for ADHC services previously may still be eligible for the ADHC Leaving Care Program as the scope for acceptance under this program is much more inclusive than the specific criteria for ADHC Community Support Team (CST) services.

The ADHC Leaving Care Program accepts young people with a disability as defined under Section 5.1 of the NSW Disability Services Act (DSA) 1993. For the purposes of the DSA, a person is in the target group if the person has a disability (however arising and whether or not of a chronic episodic nature) that:

- is attributable to an intellectual, psychiatric, cognitive, neurological, sensory or physical impairment or a combination of those impairments

- is permanent or likely to be permanent
- that results in:
 - a substantially reduced capacity in one or more major life activities such as communication, learning, mobility, decision making or self care
 - the need for support, whether or not of an ongoing nature.

Caseworkers can consult with the FACS psychologists or the district ADHC Information, Referral and Intake (IRI) team if they are unsure whether the young person meets the eligibility criteria for the ADHC Leaving Care Program.

If the young person does not have a diagnosis and the caseworker has concerns regarding a possible disability, a referral should be made to the ADHC Information, Referral and Intake (IRI) Team. The Information, Referral and Intake team can provide advice and referrals to assist with completing an assessment including an ADHC psychologist conducting the assessment. Caseworkers can also contact the young person's school counsellor to clarify what assessments may have been previously conducted.

Although the ADHC Leaving Care Program is focused on the provision of services for young people with a disability who have been under the parental responsibility of the Minister, a young person residing in an OOHC placement under an alternative order by the Children's Court, may also be considered. This will be determined on a case by case basis. Caseworkers can refer to their regional protocol for further clarification as these young people are covered under the Memorandum of Understanding between Community Services and Ageing, Disability and Home Care on Children and Young People with a Disability.

2. Referrals to the ADHC Leaving Care Program

FACS or an NGO with case management responsibility has the responsibility to make all referrals to the Leaving Care Program through the ADHC Information, Referral and Intake team. The young person and carer should be informed of the referral.

A referral should be made, where possible, before the young person's 15th birthday or three years prior to the court order expiring where the court order expires before the young person's 18th birthday.

Public Guardian (Advocacy Function) for young people with a disability

FACS should also give consideration as to whether an application should be made to the NSW Civil and Administrative Tribunal (NCAT) - Guardianship Division I for a Guardianship Order before the young person's 16th birthday or two years prior to the Children's Court Order expiring. The Public Guardian would adopt an advocacy role which may involve attending planning meetings.

Information on applying for a Public Guardian with an advocacy function can be found on the [NCAT website](#). Community Services and ADHC have entered into a Joint Protocol for the Public Guardian Advocacy Function with the Public Guardian.

Applications should utilise the application form that has been adapted for use by FACS see: [NCAT Application Form and Protocol](#). Please attach various reports, as specified in the application, as well as the Protocol itself, to the application before submitting. The Protocol has been attached to the application form and is available in a PDF.

The Protocol creates a framework for facilitating OOHC providers to apply to the NCAT to consider appointing a guardian to provide both guardianship and advocacy services to a child or young person with disability who is leaving statutory OOHC, in a manner commensurate with the best interests of the child or young person.

In providing an advocacy function, a guardian may focus on advocating on behalf of the young person on specific matters such as:

- leaving care planning
- future accommodation needs
- support service planning; and

- funding

The Protocol stipulates that:

- an application should be made for an eligible child or young person two years prior to their leaving care (which in most cases is when the person attains 16 years of age), so as to allow sufficient time for an appointed Public Guardian to participate fully in the leaving care planning and transition processes.

Financial Guardianship

Application for financial guardianship through NCAT should occur in the months leading up to the young person turning 18 years.

There is no need for a financial management order through NCAT in cases where the young person is under 18 years because the Minister has responsibility for this.

Note: Young people identified as being eligible for the ADHC Leaving Care Program may not be aware that they qualify as a result of meeting the disability definition as outlined in the NSW Disability Services Act (DSA) 1993. This has the potential to cause confusion and distress to the young person and it is recommended that both the carer and the young person are spoken to prior to any contact with an ADHC worker.

The above referral process allows for a three year planning period and adequate time for ADHC to assess and develop transition plans for the young person. Some children and young people with a disability may already be receiving ADHC or agency support but it cannot be assumed that a referral to the ADHC Leaving Care Program will automatically occur for the young person.

The pathway to the program is initiated by FACS or an NGO with case management responsibility. In circumstances where a three year planning window is not able to be achieved, an immediate referral is required to maximise the planning time required for the young person.

If caseworkers become aware that the three year planning window has not been met (i.e. the young person is already between the ages of 15-18 years) then advice should be given to the manager casework and manager client services who will report to the Director Community Services. Referrals to the ADHC Leaving Care Program are monitored by both agencies District Directors. The Public Guardian has indicated that they will take an interest in the referral process for young people with a Guardianship Order.

In situations where the minimum planning period is not provided and where the young person has turned 18 years, funding arrangements are to be negotiated and documented, on a case by case basis between both agencies with regional director approval. FACS retains case management responsibilities for each referred young person until the date of their transfer from care is complete (post 18 years in cases where transition and transfer have not been finalised). Where transfer has not occurred any financial agreements need to be documented in order to enable any reimbursement if required.

In cases where case management responsibility has been transferred to an NGO during a young person's placement in OOHC, the NGO is responsible for meeting the timeframes for referrals to the ADHC Leaving Care Program. Where the young person has turned 18 years and the minimum planning period has not been provided, the NGO will need to notify the district FACS Child & Family Regional Unit of this. In these cases Community Services, the NGO and ADHC will need to negotiate funding arrangements post the young person turning 18 until the transfer of case management to ADHC has been completed.

To progress a referral, the caseworker is to contact their local ADHC Information, Referral and Intake Team and obtain the requisite paperwork. This is then completed and approved by the manager casework and sent to ADHC District Intake Panel within their region. The caseworker is to ensure the District Intake Panel has access to relevant assessment information and reports to support the referral if available.

Attachments to the referral include:

- details and a copy of the young persons care orders (where in place)

- details of the young persons cultural background
- written evidence that the person referred has a disability (if this is not available, written information is required as to why they may be eligible for the program and why no supporting evidence is available). This type of information is usually contained within a medical (Paediatric or Psychiatric) report or educational assessment
- written consent is to be submitted with the referral as ADHC is a consensual and voluntary service. Consent may be provided by the manager casework up until the care order expires, thereafter, consent will be required from the individual or legal guardian.

Caseworkers should ensure that all relevant information is provided to ADHC so as to facilitate the provision of services to the young person, see: [Exchanging information](#).

The ADHC District Intake Panel will consider the referral and the young person's eligibility for the Leaving Care Program. At the time of eligibility determination ADHC will provide a written response in relation to whether the referral has been accepted or not accepted for services from the program. Feedback from ADHC takes approximately three weeks from registration of the referral as long as all supporting evidence and documentation has been provided.

3. Transition planning for the ADHC Leaving Care Program

Once accepted into the ADHC Leaving Care Program, transition planning commences and includes appropriate representatives from Community Services/ADHC/carers / parents and any other relevant professional or agency that is currently involved with the young person. For a young person with a Guardianship Order, the Public Guardian has noted they have expressed interest to be involved in the transition planning from Community Services to ADHC care.

FACS/NGO with case management responsibility remain responsible for case management and all aspects of leaving care and after care planning. This includes preparation and approval of the after care plan. Where case management responsibility has been transferred to an NGO, the NGO is responsible for preparation of the after care plan however FACS retains responsibility for approval of that plan, see: [OOHC service provision guidelines](#).

The specific transition planning for a young person entering the Leaving Care Program forms part of the overall case planning for the young person leaving the parental responsibility of the Minister, see: Leaving care support.

ADHC has specific responsibilities in relation to the young person's transition planning into the ADHC Leaving Care Program. ADHC will allocate a District Leaving Care Officer and are responsible for initiating contact within two weeks of a referral being accepted. The District Leaving Care Officer will act as the primary contact for the caseworker to facilitate:

- leaving care needs assessment
- support needs assessment profile (SNAP)
- leaving care transition plan
- referral to the Leaving Care Program mentoring service.

The leaving care transition plan covers a range of areas including:

- assessments undertaken to assist future planning and the identification of current and future support needs
- an outline of the young persons current assessed decision making capacity
- educational (school/TAFE) and/or work placements
- day program or community participation options
- respite needs
- social and leisure activities
- family supports
- current services purchased by FACS

- supports required from ADHC
- guardianship – where the Public Guardian is involved in transition planning, details of any future supports required after leaving care should be discussed including details of:
- the need for a public or private guardian to make decisions about matters such as accommodation, service access, healthcare (medical and dental access and treatment and consent issues)
- personal finances – the need for financial management orders via either a private financial manager or Protective Commissioner.

The leaving care transition plan must be appropriate for the cultural, language and religious background and needs of the young person.

The leaving care transition plan is to be developed in consultation with the young person, wherever possible, and those involved in his or her formal and informal support network. This leaving care transition plan will be signed off by the relevant caseworker and ADHC managers and will be subject to reviews.

The caseworker and ADHC District Leaving Care Officer, or delegate, are responsible for undertaking reviews of the young person's leaving care transition plan at three monthly intervals and the ADHC DLCO or delegate is responsible for updating this document.

Community Services should update the ADHC DLCO if the young person's circumstances change. Tasks identified at the review of the leaving care transition plan may be allocated to appropriate staff from either agency; however Community Services retains case management responsibility.

The ADHC District Leaving Care Officer or ADHC Children's Casework Consultant (or appointed NGO Leaving Care Case Coordinator) will then take over the case management and coordination responsibilities after the young person leaves care, the order expires or as negotiated between the agencies in the care transitioning planning.

Guardianship

In cases where the Public Guardian is involved in transition planning, it is important that the Public Guardian is consulted on the development of the leaving care transition plan.

The Guardianship Tribunal Enquiry Service can assist with queries about the role and function of the Guardianship Tribunal and issues relating to guardianship, financial management, consent to medical or dental treatment, review of enduring power of attorney and review of enduring guardianship appointments, see [Office of the Public Guardian](#).

Housing

Where a young person is unable to remain in their existing placement following their 18th birthday or when the order expires, a referral to Housing NSW will be made by ADHC, consistent with the operating agreement between those agencies, see [Housing NSW](#).

9. Eligibility for the ADHC Leaving Care Program

Refer to procedure section on Leaving care support for further detailed information regarding financial assistance available to young people preparing to leave or after they have left care.

9.1 Determine whether the young person with a disability who is / has been under the Parental Responsibility of the Minister for Family and Community Services will require ongoing funded support after 18 years of age and:

- is unable to return to their birth family
- has had significant casework and service interventions to restore them into the family home without success
- is unable to remain with the foster family/ current service provider without further assistance
- has a disability as defined by NSW Disability Services Act (DSA) 1993

Important note: If a young person is residing in an OOHC placement under an alternative order by the Children's Court, consideration for inclusion into the ADHC Leaving Care Program will be on a case by case basis.

Completed by: CW

Approval by: MCW

9.2 Review the eligibility criteria for the Leaving Care Program and determine whether the young person may be eligible

For assistance, discuss with the FACS psychologist or contact the ADHC District Information, Referral and Intake Team (for contact details for all ADHC IRI teams), see: [ADHC district office locations](#)

Completed by: CW

Approval by: MCW

9.3 Contact the Information, Referral and Intake Team for advice and referral to assist with completing an assessment if the young person does not have a diagnosis and there are concerns regarding the young persons disability.

Completed by: CW

Approval by: MCW

10. Referrals to the ADHC Leaving Care Program

10.1 Contact the local Information, Referral and Intake Team and request and complete the relevant paperwork.

Completed by: CW

Approval by: MCW

10.2 Collate the required documentation to support the referral to the Leaving Care Plan including:

- details and a copy of the young person's care orders (where in place)
- details of the young person's cultural background
- written evidence that the young person referred has a disability (if not available written information is required as to why they may be eligible for the program and why no supporting evidence is available)
- written consent to be submitted with the referral as ADHC is a consensual and voluntary service (Consent may be provided by manager casework up until the care order expires thereafter consent will be required from the individual or legal guardian)

Important note: Written evidence of a disability is usually contained within a medical (paediatric or psychiatric), psychology report or educational assessment. Where requested assessments are not available or outside FACS caseworker expertise, seek guidance and support from the ADHC IRI team.

Completed by: CW

10.3 Send the required ADHC paperwork and collated supporting documents to ADHC District Intake Panel

Completed by: CW

10.4 Provide any other requested documents to the District Intake Panel

When forwarding reports authored by another organisation ensure adherence to s.29 of the Children and Young Persons (Care and Protection) Act 1998

Completed by: CW

10.5 Inform the manager casework and manager client services if the three year planning window has not been met (i.e. the young person is already between the ages of 15-18 years, or is less than 3 years away from the expiry of the final order, and a late referral is being made)

Completed by: CW

Approval by: MCW /MCS

10.6 Inform the Director Community Services if the three year planning window has not been met in order to allow for these referrals to be monitored by both agencies regional directors

Completed by: MCW

Approval by: DCS

11. Transition planning for the ADHC Leaving Care Program

11.1 Provide any required assistance to the ADHC District Leaving Care Officer who will facilitate the leaving care needs assessment and the support needs assessment profile

Completed by: CW

11.2 Work in collaboration with the ADHC District Leaving Care Officer to develop the young persons leaving care transition plan

Completed by: CW

Approval by: MCW

11.3 Consult with the young person and those involved with the formal and informal support network when developing the leaving care transition plan

Completed by: CW

11.4 Ensure the leaving care transition plan covers a range of areas including:

- Assessments undertaken to assist future planning and the identification of current and future support needs
- An outline of the young persons current assessed decision making capacity
- Educational (school/TAFE) and/or work placements
- Day program or community participation options
- Respite needs
- Social and leisure activities
- Family supports
- Guardianship details (post leaving) – The need for public or private guardian to make decisions about accommodation, health and dental care and the need for personal financial management order via a private financial manager or Protective Commissioner
- Current services purchased by FACS
- Supports required from ADHC
- Cultural, language and religious background of the young person

Completed by: CW

Approval by: MCW

11.5 Seek endorsement of the leaving care transition plan from the manager casework

Completed by: CW

Approval by: MCW

11.6 Participate in the review of the young person's leaving care transition plan, minimum three monthly. The ADHC District Leaving Care Officer (or delegate) is responsible for updating the leaving care transition plan.

Tasks may be allocated to appropriate staff from either agency however FACS retains case management responsibility

Completed by: CW

Approval by: MCW

11.7 Complete and submit the Guardianship application if the young person requires a guardian post turning 18 years

Completed by: CW

Approval by: MCW

11.8 Support the implementation of the leaving care transition plan by working in collaboration with the RLCO/ADHC children's caseworker or delegate

Completed by: CW

Approval by: MCW

Legal framework

Legislation

Adoption Act 2000

Children & Young Persons (Care & Protection Act) 1998

Children and Young Persons (Care and Protection) Regulation 2000

Government Information (Public Access) Act 2009

NSW Disability Services Act (DSA) 1993

Privacy and Personal Information Act 1998

State Records Act 1998

MOUs and protocols and policy

Assessment of child family & carers (OOHC adoption)

Child Wellbeing and Child Protection – NSW Interagency Guidelines

Commonwealth information sharing protocol

Commonwealth information sharing protocol - Appendix one: Centrelink - Appendix two: Medicare - Process for obtaining information from Medicare

Financial support for children and young people in OOHC: policies and guidelines

Good practice guide for working with culturally and linguistically diverse people and communities

Guidelines on the provision of leaving and after care assistance

Memorandum of Understanding between Community Services and Ageing, Disability and Home Care on children and young persons with a disability

[Memorandum of Understanding between CS and DADHC regarding young people with a disability who are leaving care](#)

[Memorandum of Understanding between Department of Community Services and the Legal Aid Commission of NSW](#)

[Ministerial guidelines on the provision of leaving care and after care assistance](#)

[NSW standards for statutory out-of-home care](#)

[Records Management](#)

[Working together for NSW \(An agreement between the NSW Government and NSW non-government human services organisations\)](#)

[Youth protocol \(case management protocol between Commonwealth agencies and State Authorities for unsupported young people\)](#)

Practice tools

[Children and young people participation and rights](#)

[Joint practice guidelines for joint work with children and young people with a disability](#)

[Leading the Way](#)

[Participation and rights - parents and others](#)

[Your Next Step](#)

Related links

[ADHC district office locations](#)

[Care Leavers Australia Network \(CLAN\)](#)

[Create Foundation](#)

[Legal Aid NSW](#)

[Link-up NSW](#)

Resources

[Aboriginal consultation guide](#)

[Aftercare Resource Centre \(ARC\)](#)

[CALD assessment checklist](#)

[Care Leavers Australia Network \(CLAN\)](#)

[Create](#)

[Cultural support planning for CALD children and young people in care](#)

[Find and Connect- web resource for mature-age care leavers](#)

[Leading the Way](#)

[Tips for carers of CALD children and young people](#)

[Wattle Place – NSW support service for Forgotten Australians](#)

[Your Next Step](#)

Forms

[Care leaver application for access to records held by Community Services form](#)

[Case planning/review template](#)

[Centrelink Youth Allowance application letter](#)

[Discharge of young person in the PR to the Minister or protected person form](#)

[Fact sheet – DX, courier and freight services](#)

[Independent living skills checklist](#)

[Letter to authorised carer regarding Youth Allowance application](#)

[Letter to child regarding Youth Allowance application](#)

[NCAT Application Form and Protocol](#)

[Leaving care Letter](#)

- [FACTSHEET – TILA information for caseworkers](#)
- [FACTSHEET – TILA information for young people and carers](#)
- [TILA Application Form](#)

Categories [Leaving care and after care](#)

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