



Manual of Practice: Long-term Guardianship (Specified Person) chapter

The Department for Child Protection (DCP) Manual of Practice has been developed to support and guide DCP staff to undertake child protection practice. The Manual of Practice is reviewed and updated regularly to ensure it provides best practice guidance to staff based on research and in alignment with relevant legislation. DCP practitioners are encouraged to apply professional judgment to each individual child protection case in its specific context.

The DCP Manual of Practice contains links to websites that are external to DCP. DCP takes reasonable care in linking to websites but has no direct control over the content of the linked sites, or the changes that may occur to the content on those sites. It is the responsibility of users to make decisions about the accuracy, currency, reliability and correctness of information contained in linked external websites.

Purpose

A Long-term Guardianship (Specified Person) (LTGSP) order transfers guardianship powers with respect to a child or young person from the Chief Executive to one or two approved carers. It provides long-term care to vulnerable children and young people where it is unsafe for them to live at home with their parents.

Aboriginal children and young people to have the right to live in safe, stable and caring environments. However, for Aboriginal children and young people placed in non-Aboriginal care arrangements, their stability of relationships, sense of belonging to family and community and identity are critical to their ongoing safety and emotional wellbeing. A proposed LTGSP order with a non-Aboriginal carer poses significant risks for an Aboriginal child or young person's stability and sense of belonging if their care arrangement does not allow them to develop a healthy Aboriginal identity through connection with family, kin, culture and Country.

Under section 12(2)(c) of the *Children and Young People (Safety) Act 2017* (CYPS Act) the objectives of the Aboriginal and Torres Strait Islander Child Placement Principle include supporting Aboriginal children and young people to maintain their connection with their family and culture, and working in partnership with Aboriginal families and communities to make decisions about the care of Aboriginal children and young people. Section 12(3)(c) also requires DCP to consult with and consider the recommendations of a recognised Aboriginal organisation to make decisions regarding an Aboriginal child or young person's placement in care.

An approved carer who has provided care to a child or young person for at least two years may apply to the Chief Executive to request an application to be made for a Youth Court order placing the child or young person under the carer's guardianship. In exceptional circumstances, the Chief Executive can determine that an application may be made sooner than two years.

A LTGSP application is assessed in two phases. The Phase 1 Assessment is conducted by the child or young person's DCP case worker and the Phase 2 Assessment is conducted by the LTGSP Assessment Team.

If an LTGSP order is granted by the Youth Court, the child or young person's carer becomes their guardian to the exclusion of all others. DCP ceases to have formal case management responsibility for the child or young person, and the long-term guardian holds the duties, powers, responsibilities and authority that parents have by law in relation to their birth children, with some exclusions (for further information, refer to the [Long Term Guardianship Policy](#)).



Scope

All staff providing case management for children and young people in long-term care and staff responsible for assessing carers applying for LTGSP.

The term 'DCP case worker' is used throughout the Manual of Practice to refer to the range of roles held by DCP staff with case management responsibility. Certain powers and functions prescribed by the *Children and Young People (Safety) Act 2017* can only be exercised by DCP staff in specified roles. DCP staff must refer to both the [Guide to authorisations and delegation of powers and functions - by legislative provision](#) and the [Authorised child protection officers – list of positions eligible for authorisation](#) for guidance on what powers can be exercised within their role. It is the decision maker's responsibility to ensure they have the appropriate delegation so that decisions are lawfully made.

Authority

Sections 12, 53(1)(h), 89, 90 and 91 of the *Children and Young People (Safety) Act 2017* (CYPS Act) and regulations 22 and 23 of the *Children and Young People (Safety) Regulations 2017* (CYPS Regulations).

Section 25A(2) of the *Births, Deaths and Marriages Registration Act 1996*.

Section 3 of the *Coroner's Act 2003*.

Family Law Act 1975.

Principles

- The safety of children and young people is the paramount consideration.
- Children and young people's views and rights must be considered.
- The critical need of children and young people to develop secure attachments is reflected in case planning and timely decision making.
- Decision making about the long-term care of Aboriginal children and young people is guided by the Aboriginal Child Placement Principle.
- Cultural connection and participation are essential for ensuring the long-term safety and wellbeing of children and young people.
- For Aboriginal children and young people, long-term care arrangements should:
 - promote their human and cultural rights
 - enable them to know where they come from and who they are connected to
 - enable them to learn their histories, stories and traditions
 - enable them to participate in cultural practices, including arts, songs, dance and ceremonies
 - enable them to learn and speak their language without discrimination.
- Children and young people's right to know about and experience their family, culture, community and Country must be actively supported through long-term care planning.
- Planning and critical decision making must be done in partnership with children and young people, families and carers.
- Relationships between children and young people, and their carers are valued and protected.

Significant decisions for Aboriginal children and young people

For Aboriginal children and young people a significant decision is a decision made about the care and protection of a child or young person that is likely to have an enduring and significant impact on their lives, which includes decisions about making an application for a LTGSP order.

It is important that those who may be affected by this decision, particularly the child or young person, their birth parents and key family members, participate as early as possible in the decision making process. Family



led decision making is enabled when Aboriginal children, young people and their families are supported to participate in decision making.

For further practice support when working with Aboriginal children, young people and families, refer to the Aboriginal Child Placement Principle (ACPP) active effort prompts throughout this chapter. These prompts should be read in conjunction with the [Aboriginal and Torres Strait Islander Child Placement Principle practice paper](#).

Flowchart

[Long-term guardianship \(specified person\) flowchart](#)

Key Steps

1. Support a prospective long-term guardian to make an application
2. Acknowledge the application
3. Complete a Phase 1 Assessment
4. Refer the application for Phase 2 Assessment
5. Complete the Phase 2 Assessment and long-term care plan
6. Seek approval from the Executive Director, Out of Home Care to proceed/not proceed
7. Make an application to the Youth Court
8. Monitor care arrangements once the order has been granted

1. Support a prospective long-term guardian to make an application

An approved carer can make an application for long-term guardianship with the support of the DCP case worker through regular casework or through an independent application made to the Chief Executive.

Support an application for long-term guardianship through case work

When a child or young person has been placed with an approved carer for a period of two years or longer (or a shorter period, subject to the approval of the Chief Executive), LTGSP should be considered as part of regular case planning, review and annual review and also in the course of case work. A prospective guardian can also be identified by the kinship care worker or placement support worker.

It is important to re-consider the suitability of LTGSP with the child or young person and their carer as part of regular assessment of:

- the extent to which the child or young person's placement provides them with a safe, stable, nurturing and secure care environment
- the carer's willingness and commitment to provide long-term care to the child or young person
- the child or young person's views about their carer, other household members, and the placement.



For Aboriginal children and young people for whom LTGSP is being considered, the DCP case worker should ensure that at minimum, the following details are included in the child or young person's case plan:

- details of the child or young person's Aboriginal Nation group
- active efforts being taken to implement the Aboriginal Child Placement Principle elements of prevention, partnership, connection, participation and placement and the identity precursor
- Aboriginal life story work being undertaken.



Where a prospective long-term guardian is identified, the DCP case worker in consultation with their supervisor, and, if the child or young person is Aboriginal, a Principal Aboriginal Consultant (PAC) or if the child or young person is from a culturally and linguistically diverse (CALD) background, DCP Multicultural Services, and the kinship care worker or placement support worker must consider whether:

- LTGSP may be in the child or young person's best interests
- the carer is likely to meet the Phase 1 Assessment criteria for LTGSP (set out in [the Phase 1 Assessment Meeting Decision template](#))
- for Aboriginal children and young people, the carer has the capacity to maintain and strengthen the child or young person's connection to their culture, community and Country (for further guidance, refer to the [Aboriginal and Torres Strait Islander Child Placement Principle practice paper](#)); and
- for children and young people from CALD backgrounds, the carer has capacity to maintain and strengthen the child or young person's connection to their culture, language, religion and community of origin (for further guidance, refer to the [Working with cultural diversity Practice Paper](#)).

	Aboriginal Child Placement Principle active effort prompt
Connection	<p>To keep a child or young person connected to their family, culture, community and Country, detailed information must be recorded in the Aboriginal Cultural Identity Support Tool (ACIST) as part of case planning. The child or young person, their parents and key family members are best placed to provide this information. Provide opportunities for the child or young person and their family to participate in family led decision making.</p>
	<p>A thorough assessment of the carer's suitability to proceed with a long-term guardianship assessment should consider information about how the child or young person will be supported to develop and maintain connections and what supports and resources the carer needs to provide that support. An assessment of a non-Aboriginal carer's suitability and capacity to support the child or young person's connections should consider whether the carer has consistently implemented actions from the ACIST and proactively sought out learning opportunities to develop an understanding of important cultural values, beliefs and practices held by the child or young person and their family. The assessment should also consider how the carer has demonstrated that they value the role that the child or young person's family and community have as the primary source of cultural knowledge.</p>
Participation	

Where these criteria are met, and discussions with the child or young person and their carer indicate that the carer is willing to make an application to become a long-term guardian, the DCP case worker should provide the carer with a copy of the [Long-term Guardianship \(Specified Person\) brochure](#). The carer should complete the [Application to the Chief Executive to seek a Long-term Guardianship \(Specified Person\) order](#).

If exceptional circumstances exist that warrant an early application (for example, to assess LTGSP for a sibling group) the DCP case worker must consult with DCP Legal and seek approval from the Chief Executive before proceeding.

If the carer does not wish to make an application, this must be noted in the child or young person's annual review report, with the reasons for their decision clearly stated. If the child or young person's carer wishes to make an application and is not deemed to have met the eligibility criteria (for example, they have not cared for the child or young person for at least two years), this should also be noted in the child or young person's annual review report, with the reasons for the decision clearly stated. Depending on the reasons for not proceeding with an application for LTGSP, the DCP case worker may, through further assessment of the child



or young person's and carer's circumstances, and in collaboration with the kinship care worker or placement support worker, explore the option of LTGSP again at a later date. For further guidance on conducting and recording annual reviews, refer to the [Case planning, review and annual review chapter](#). For further guidance on permanency planning, refer to the [Permanency planning practice paper](#).

In exceptional circumstances, it is possible for DCP to seek an order for a person who is not an approved carer to become a child or young person's long-term guardian. In these circumstances, it is strongly recommended that the DCP case worker consult with a practice leader, a PAC if the child or young person is Aboriginal, and the Crown Solicitor's Office (CSO) before proceeding.

There may be circumstances where long-term guardianship is not pursued, but where it may be appropriate to delegate some decision-making powers to the child or young person's carer. For further guidance on delegation of decision-making powers to a carer, refer to [Work in partnership to make decisions about a child or young person](#).

Independent application by carer

Any approved carer who has cared for a child or young person for at least two years is entitled to apply for LTGSP by completing [Application to the Chief Executive to seek a Long-term Guardianship \(Specified Person\) order](#), which is available from the [DCP website](#).

Non-government organisations wishing to refer an approved carer for LTGSP should also advise the carer to complete this form.

2. Acknowledge the application

Applications from approved carers to become a child or young person's long-term guardian should be submitted to the [LTGSP Assessment Team](#).

The LTGSP Assessment Team Supervisor will acknowledge receipt of the application within five working days of receiving an application from an approved carer using the [Acknowledgement of LTGSP application letter](#).

The LTGSP Assessment Team Supervisor must ensure that the letter is attached to a note in C3MS. The DCP case worker and/or their supervisor will be immediately notified of the carer's application via email and C3MS workflow.

3. Complete a Phase 1 Assessment

A Phase 1 Assessment is an initial assessment of whether a carer may be suitable to become the child or young person's long-term guardian and whether LTGSP is in the child or young person's best interests. The DCP case worker should make initial contact with the carer within five working days of receiving notice from the LTGSP Assessment Team of the carer's application, to discuss the Phase 1 Assessment process. The Phase 1 Assessment must be completed by the DCP case worker within three months of receiving notice from the LTGSP Assessment Team of the carer's application.

The assessment criteria and required supporting documents and evidence are listed in the [Phase 1 Assessment Meeting Decision template](#). The assessment will consider:

- the child or young person's views (and, if psychologically and developmentally appropriate, whether they have expressed a wish for their carer to be their guardian)
- the carer's ability to support for the child or young person's contact and identification with their birth family and kin



- the carer's ability to meet the child or young person's cultural needs as identified in the ACIST and/or the CALDIST section of the case plan
- whether contact determinations have been varied or created; all people who have contact with the child or young person (including siblings) have had the opportunity to be consulted in the agreement and advised of the outcome (noting that a contact determination cannot be reviewed by the Contact Arrangements Review Panel after LTGSP is granted)

It is important to ensure that prior to proceeding with the assessment, the child or young person's cultural identity has been thoroughly explored. While a child or young person and their family may not have identified as Aboriginal during the earlier phases of child protection intervention, it is important that they are given multiple opportunities to confirm that information about their cultural identity has been recorded correctly and details such as the child or young person's clan group, Nation, Country, and other important information (such as skin group, skin name or totem) are captured. For further information about discussing Aboriginal cultural identity with children, young people and their families, refer to the [Aboriginal and Torres Strait Islander Child Placement Principle practice paper](#) and the [Aboriginal and Torres Strait Islander Child Placement Principle: a guide to support implementation](#). Refer to [Identify and respond to the cultural needs of Aboriginal children and young people](#) in the Manual of Practice for further information about supporting children and young people to develop and maintain their cultural identity.



Identity

Aboriginal Child Placement Principle active effort prompt

Supporting Aboriginal children and young people to build a positive narrative about their identity relies on Elders, parents and families passing on cultural knowledge to succeeding generations. This knowledge supports children and young people to develop and maintain a strong sense of culture, identity and belonging.

Consult with the child or young person, birth family and relevant parties

LTGSP is a significant decision and those who may be affected by it should be consulted as early as possible in the assessment process. It is particularly important that the child or young person and their birth parents are consulted before the Phase 1 Assessment meeting.

Consult with the child or young person

The DCP case worker should provide the child or young person with age and developmentally appropriate information about LTGSP. The DCP case worker should support the child or young person to participate meaningfully and share their views regarding guardianship and contact with their birth family and kin.

It is important to be mindful that multiple conversations will often be required to obtain the child or young person's views. As part of their discussions with the child or young person, the DCP case worker may ask about topics including, but not limited to:

- the child or young person's relationship with their carer and other people in the placement
- the child or young person's sense of safety (including cultural safety) and belonging with their carer
- what the child or young person likes about living with their carer
- what they wish could be different about living with their carer
- who they currently have contact with, and whether they would like a change in the amount of contact they have (or the type of contact)
- who they would like to have contact with
- what they think long-term guardianship would mean for them.



Participation

Aboriginal Child Placement Principle active effort prompt

It is important to consider cultural safety for the child or young person in their home. Discuss whether they feel comfortable and confident to express aspirations about their culture and connections, and if they think they would be helped to understand and know about their culture from their carer.

For children or young people who are non-verbal, the DCP case worker may need to consider other means of obtaining their views, including observation of non-verbal cues in their interactions with their carer, or, if the child or young person has a developmental delay or disability, using communication aids. For further advice, refer to [Identify and respond to a child or young person's disability needs](#) in the Manual of Practice.

Consult with the child or young person's birth family and kin

The views of birth parents should be sought as early as possible. If the child or young person's birth parents were unable to be informed prior to the Phase 1 Assessment meeting, attempts must be made to inform them of a decision to proceed with the Phase 2 Assessment.

The DCP case worker must ensure the child or young person's birth parents and other interested persons such as family members and kin are advised about the application (either verbally or in writing using the [Letter to parent - Phase 1 Assessment template](#), and the [Second letter to parent – Phase 1 Assessment template](#) if required) and provided with a genuine opportunity to share their views and have those views considered. If the DCP case worker arranges a meeting with the child or young person's birth parents, family members and kin, the DCP case worker should give them the option of attending with a support person or advocate.

The DCP case worker must make reasonable attempts to locate and contact the child or young person's birth parents. These attempts must be clearly documented in C3MS.

Reasonable efforts can be defined as:

- contacting the relatives or friends of the parent(s) and asking for the parent's contact details
- checking telephone directories for the parent's contact details
- checking the Electoral Roll for the parent's residential/postal address
- checking Centrelink records
- sending correspondence to the parent's last known residential/postal address and not receiving a reply or having mail 'returned to sender'.

If one or both of the child or young person's birth parents have a disability or are experiencing mental illness, a support person from a relevant agency may also be consulted and support the parent. This may be at the request of the parent, a family member or by making an inquiry to the relevant agency supporting the parent.

For Aboriginal and CALD children and young people, it may be appropriate for a cultural support agency be included in consultation with parents.



Participation

Aboriginal Child Placement Principle active effort prompt

Recognise that for Aboriginal children and young people, family is broader than just their parents. For Aboriginal families, a genuine family led process includes extended family and kin who are involved and responsible for the raising of children and young people, and/or community members who can provide cultural support and advocacy for the child or young person and their family.

Consult with other relevant parties

If the child or young person is Aboriginal, the DCP case worker must consult with relevant parties to assess the extent to which the proposed long-term guardianship order supports the development and maintenance of the child or young person's connection with their Aboriginal family, kin, community, culture and Country. It is strongly recommended the DCP case worker consults with a PAC and a recognised Aboriginal or Torres Strait Islander organisation. For further guidance, refer to the [Consult with a recognised organisation \(for Aboriginal children and young people\) key step](#) in the Manual of Practice. Where appropriate, a representative of an Aboriginal Community Controlled Organisation (ACCO) or the child or young person's kinship network or community should also be consulted.

It is recommended that the DCP case worker consults with relevant DCP staff as required. This may include:

- the supervisor
- practice leader
- DCP Psychological Services
- the regional disability consultant
- DCP Multicultural Services (if the child or young person is from a CALD background)
- the kinship care worker or placement support worker, and
- the Carer Approval and Review Unit (CARU).

Members of the child or young person's family may have an advocate or support person with them during consultation or may be provided with assistance to access an advocate or support person if they require it.

Gather information

The DCP case worker must consider if the carer is likely to meet the Phase 1 assessment criteria and gather supporting documents and evidence.

Gather evidence of carer competencies

To support the Phase 1 assessment, the DCP case worker should prepare to discuss specific, behaviourally-based examples of how the carer meets the carer competencies. For a full list of the carer competencies, refer to the [Phase 1 Assessment Meeting template](#).

These competencies will be discussed at the Phase 1 Assessment meeting.

Gather supporting documents

The DCP case worker should obtain supporting documents:

- The signed [Application to the Chief Executive to seek a Long-term Guardianship \(Specified Person\) order](#)



- The child or young person's current order
- Care and Protection application
- Birth certificate (noting that if paternity is disputed, additional documents should be sourced to finalise the child or young person's paternity)
- Genograms for the child or young person's birth family and kin (showing at least three generations) and the carer (at least two generations)
- The [child or young person's case plan](#), inclusive of
 - Aboriginal Cultural Identity Support Tool (ACIST)
 - CALD Identity Support Tool
 - Contact determinations
- Contact determinations for birth parents and relevant family members
- One Plan
- NDIS Plan (where appropriate; refer to [Identify and respond to a child or young person's disability needs](#) in the Manual of Practice for further guidance)
- Victims of Crime compensation eligibility and status (refer to [Victims of Crime Compensation](#) in the Manual of Practice for further guidance)
- Death Certificate (if one or both parents are deceased).

To inform an assessment of the child or young person's needs into the future, the DCP case worker should consider care team meeting minutes, previous professional assessments and reports from specialist staff working with the child or young person (such as a psychologist, speech pathologist or occupational therapist). If further information is required to enable an assessment of the child or young person's future needs, the DCP case worker should consider making a referral for [psychological assessment](#) or to a [health](#) or [disability](#) specialist.

For Aboriginal children and young people, the DCP case worker should ensure that their clan group and/or Nation, language group and other relevant information is recorded in C3MS and in their case plan. For further guidance on recording Aboriginal cultural identity in C3MS, refer to [Life Domains – recording and viewing information about a person's Aboriginal cultural identity](#). For children and young people from CALD backgrounds, the DCP case worker should ensure that the child or young person's nationality, ethnicity, language and religion are recorded in C3MS and in their case plan.

Complete a Complexity Assessment Tool and Special Needs Loading

Carers are eligible for base rate carer payments until the child or young person's LTGSP order expires. If the child or young person is assessed as having special needs and the carer has been eligible for Special Needs Loading (SNL) to meet these needs, this will continue. The DCP case worker should complete a Complexity Assessment Tool (CAT) and SNL assessment to determine payment eligibility. These assessments will support the development of the financial agreement required for the phase 2 assessment. Refer to [Make a placement request \(if required\)](#) in the Manual of Practice for further guidance.

Convene the Phase 1 Assessment meeting

The DCP case worker must convene a Phase 1 Assessment meeting within three months of receiving notice from the LTGSP Assessment Team of the carer's application.

The assessment meeting must be chaired by a practice leader or DCP psychologist for non-Aboriginal children and young people or by a PAC for Aboriginal children and young people. It should be attended by the DCP case worker, the supervisor, carer and child or young person (in cases where it is deemed to be in the child or young person's best interests to participate), and the kinship care worker or placement support worker. For children and young people from a CALD background, it is strongly recommended that a representative from DCP Multicultural Services be invited to participate in the meeting.



The purpose of the meeting is to consider the Phase 1 Assessment criteria and case direction.

When conducting the meeting, the chair must follow the [Phase 1 Assessment meeting decision template](#). The template provides meeting prompts, the full list of assessment criteria, case direction considerations and required supporting documents. Comprehensive minutes must also be taken by the DCP case worker, senior practitioner or supervisor at the meeting and recorded directly onto the template.

When considering the extent to which the assessment criteria have been met, the participants should consider any relevant actions that should be undertaken to address the criteria. This includes establishing whether the child or young person is Aboriginal, providing details of how this was ascertained, and if not, the recommended actions required to confirm the child or young person's cultural identity.

At the conclusion of the Phase 1 Assessment meeting, one of the following assessment decisions must be made. **The decision must be approved by the meeting chair.**

Phase 1 Assessment decision	Outcome and next steps
Referral to Phase 2 Assessment recommended	<ul style="list-style-type: none"> The application meets the Phase 1 Assessment criteria and will be referred for Phase 2 Assessment.
Referral to Phase 2 Assessment not recommended - further case work required	<ul style="list-style-type: none"> The application does not yet meet the Phase 1 Assessment criteria, but may with further case work. A plan is developed and recorded in the Phase 1 Assessment meeting decision template setting out agreed actions to be taken by the carer, DCP case worker, kinship care worker and placement support worker, and when these actions will occur. A review meeting must also be scheduled to review the application. The DCP case worker undertakes a case plan review, records the actions in the child or young person's case plan, and undertakes agreed case work tasks.
Referral to Phase 2 Assessment not recommended	<ul style="list-style-type: none"> The application does not meet the Phase 1 Assessment criteria and is unlikely to in the foreseeable future. The carer is provided with a copy of the Phase 1 Assessment Meeting minutes, which includes a clear rationale for the decision. If the carer is dissatisfied with the decision, they must be informed about their right to seek an Internal Review.

The meeting minutes must clearly record the assessment decision and rationale. A copy of the minutes must be signed by all meeting participants, provided to the carer, and uploaded to the 'Meetings' tab in C3MS.

The DCP case worker is responsible for advising the child or young person and their birth parents of the Phase 1 assessment and again seek their views about the proposed application for long-term guardianship. In the event that the DCP case worker is unsuccessful in contacting the child or young person's birth parents, the LTGSP assessor will attempt to make contact during Phase 2 of the assessment.

Any recommended actions from the Phase 1 Assessment meeting must be completed before the assessment can progress to Phase 2.

4. Refer the application for Phase 2 Assessment

If the outcome of the Phase 1 Assessment is that the application should proceed to a Phase 2 Assessment, the DCP case worker must, within 14 days of the Phase 1 Assessment meeting, complete the following tasks:



- ensure that all documents and evidence supporting the application (as listed on the [Phase 1 Assessment meeting template](#)) are available in C3MS
- ensure all case work tasks are completed
- create a person group in C3MS if there are two or more children or young people in the same household; and
- complete the referral to the LTGSP Assessment Team in C3MS (for further guidance, refer to the [Referrals - C3MS Guide](#)).

The completed referral and supporting documents must be reviewed by the senior practitioner and approved by the supervisor. Once approved, the DCP case worker must forward the referral to the LTGSP Assessment Team via C3MS. For further guidance about recording a referral to the LTGSP Assessment team, refer to [Referrals – C3MS Guide](#) and [C3MS Referrals Instructions](#).

Occasionally a DCP office may undertake the Phase 2 Assessment. This is negotiated between the office and the LTGSP Assessment Team Supervisor (noting that case management staff undertaking the assessment must have completed the appropriate assessment training). Where an office is undertaking the assessment, no referral is made to the LTGSP Assessment Team. The case management supervisor is responsible for allocating and overseeing the assessment, LTGSP long-term care plan, Letter of Instruction to Crown and Court report and Court processes with input from the practice leader, and where applicable, the PAC or DCP Multicultural Services.

5. Complete the Phase 2 Assessment and long-term care plan

Conduct the Phase 2 assessment

When a referral is made to the LTGSP Assessment Team for a Phase 2 Assessment, the LTGSP Assessment Team Supervisor will review the referral and supporting documentation. As part of their review, the LTGSP Assessment Team Supervisor will ensure that the referral is complete and all supporting documentation has been provided. If any tasks remain outstanding, the DCP case worker and meeting chair will be notified and advised to complete all tasks within four weeks before the referral can be progressed. When complete, the LTGSP Assessment Team Supervisor will allocate the referral to an LTGSP assessor.

The LTGSP assessor will assess the application using the method determined most appropriate by the LTGSP Assessment Team Supervisor. The assessment may be undertaken using a designated assessment tool in discussion with the LTGSP Assessment Team Supervisor. Prior to beginning the assessment, the LTGSP assessor should contact the child or young person's carer. This may be done in writing using the [Letter to carer- LTGSP assessor template](#).

Wherever possible, carer assessments should be conducted face to face. Where this is not possible, remote methods can be used including video and telephone conferencing.

The Phase 2 Assessment must be completed within six months of allocation, pending allocation capacity, unless the LTGSP Assessment Team Supervisor or case management supervisor has approved an extension of time. The outcome of the assessment of the carer's suitability to be the long-term guardian of the child or young person will be recorded in a final assessment report (using the relevant assessment tool template).

If the Phase 2 Assessment raises concerns that LTGSP may not be in the child or young person's or carer's best interests, the DCP case worker and the LTGSP assessor must seek to resolve the concerns with the carer. If the case is complex, it is recommended that the LTGSP assessor or DCP case worker also consult with relevant DCP staff, such as a practice leader, PAC, DCP Multicultural Services, and/or a DCP psychologist.



If the concerns cannot be resolved, and the outcome of the assessment is non-recommendation, the LTGSP assessor will convene a Phase 2 outcome meeting with the practice leader, DCP psychologist, and where relevant, the PAC and/or DCP Multicultural Services to seek agreement on the decision. The decision not to proceed with the application must be approved by the Executive Director, Out of Home Care (OOHC).

Develop a LTG Financial Agreement

As part of the LTGSP Phase 2 assessment the allocated assessor is to complete a LTG Financial Agreement. The [LTG Financial Agreement](#) sets out the financial responsibilities of DCP and the carer as well as the expectations for how costs associated with the child or young person's care will be covered into the future. The LTGSP assessor should work collaboratively with the DCP case worker to identify the carer's support needs.

The financial agreement should:

- document what carer payments and SNL payments the carer is eligible to receive
- document any existing financial arrangements that will continue to be honoured post LTGSP (for example, non-government school fees and therapies). Consideration of this ongoing financial arrangement should be determined as part of the LTGSP Phase 2 assessment and must be in the child or young person's best interests
- document agreed financial supports for children and young persons to maintain birth family contact and Return to Country trips.



Connection

Aboriginal Child Placement Principle active effort prompt

To keep a child or young person connected to their family, culture, community and Country, it is important that the LTGSP financial agreement is developed with appropriate consideration for the child or young person's long-term care needs and is completed in consultation with the practice leader and a PAC.

The financial agreement must be signed by the carer, the LTGSP assessor, the LTGSP Team supervisor, and approved by the Out of Home Care Carer Assessment manager.

Prepare the long-term care plan

If the outcome of the Phase 2 Assessment is that the carer is suitable to become the child or young person's long-term guardian, the LTGSP assessor must complete the [Long-term care plan template](#).

The long-term care plan sets out the intended future care arrangements for the child or young person. It should be developed collaboratively with all parties, including DCP, the prospective guardian, the child or young person and their birth parents (whenever possible), and other significant family members. The kinship care worker or placement support worker should also be consulted as part of the development of the long-term care plan. When seeking the views of birth parents on the long-term care plan, the LTGSP assessor should use the [Letter to parent – long-term care plan template](#). The long-term care plan include the specific topic areas required by the CYPs Act and all sections must be completed.

Prepare a cultural maintenance plan for an Aboriginal child or young person

The long-term care plan for an Aboriginal child or young person must include a part relating to cultural maintenance. The cultural maintenance plan should provide details on how the child or young person will be supported to continue to develop and maintain their cultural identity. This includes details of:



- regular, ongoing activities that will be undertaken to support the child or young person to develop and maintain their cultural identity and connection to community, culture, and language
- how the child or young person will be linked to culturally appropriate services, community groups, cultural events, and cultural learning materials and experiences
- how the child or young person will be supported to connect to Country, practice their culture, including participation in age-appropriate cultural ceremonies and traditions, and maintain connection with their Aboriginal community of origin.

The cultural maintenance plan should provide details of consultation undertaken with a PAC, an Aboriginal or Torres Strait Islander recognised organisation, ACCO, members of the child or young person's kinship networks, interested parties or a member of the child or young person's Aboriginal community (for further guidance, refer to the [Aboriginal and Torres Strait Islander Child Placement Principle practice paper](#)).

Prepare a cultural maintenance plan for a child or young person from a CALD background

For children and young people from a CALD background, the cultural maintenance plan in the long-term care plan should provide details of:

- how the child or young person will be supported to maintain cultural and/or religious observances (such as prayer, dress, or dietary requirements) and connection to their cultural community of origin
- supports the prospective guardian will be provided with to facilitate the child or young person's ongoing connection to their culture.

DCP Multicultural Services should be contacted to advise and provide support with consultation to be undertaken with relevant cultural community and religious leaders, organisations, members of the child or young person's kinship and community networks, and a member of the child or young person's cultural community. For further guidance, refer to the [Working with cultural diversity Practice Paper](#)).

Submit long-term care plan for review

The long-term care plan and all related documentation must be submitted to the LTGSP Assessment Team Supervisor for review. If the assessment has been conducted by a DCP office, the documents must also be approved by the office manager and regional director.

6. Seek approval from the Executive Director, Out of Home Care to proceed/not proceed

The recommended outcome for each Phase 2 assessment must be submitted via internal memo for approval from the Executive Director, Out of Home Care (OOHC). The Executive Director, OOHC will approve the recommendation within five working days.

Where LTGSP is recommended to proceed, the following documentation must be provided:

- memo to Executive Director, OOHC with recommendation to proceed or not proceed
- assessment report
- draft long-term care plan.

Once approval has been obtained from the Executive Director, OOHC, the LTGSP assessor (or the DCP case worker or supervisor, if the assessment was undertaken by the DCP office) must advise the carer of the outcome in writing.

Where the outcome is that the application will not proceed, the carer must be provided with a clear explanation of the decision and rationale using the [Letter to carer – non recommendation outcome](#)



[template](#). The DCP case worker should also advise the child or young person and their birth parents of the outcome of the assessment.

If the carer is not satisfied with the decision and/or rationale, they must be advised that they are entitled to seek an Internal Review of that decision.

The time and date at which written notice of the outcome of the assessment was provided to the carer, as well as any conversations about the outcome that are had with the carer following the written decision being provided, should be recorded under the 'Service Provision' tab by the LTGSP supervisor in C3MS.

Once the application is approved to proceed to the Youth Court, the long-term care plan must be finalised and signed by the:

- child or young person's parents
- proposed guardians
- case management supervisor
- office manager
- LTGSP assessor
- LTGSP Assessment Team Supervisor.

7. Make an application to the Youth Court

Youth Court process

Once Executive Director OOHC approval has been given to progress, a [Crown Instruction Letter](#) must be prepared by the LTGSP Assessment Team. In all cases, the supervisor, as the delegate for the Chief Executive, must sign the Crown Instruction Letter and Court documents. These documents should be reviewed and signed within two weeks of receiving the Executive Director OOHC's approval.

The LTGSP Assessment Team senior social worker will usually support the application through the Youth Court process. Where an office has conducted the assessment, the DCP case worker or supervisor will support the application. The Youth Court application must include:

- the child or young person's birth certificate
- a copy of the child or young person's current order
- the long-term care plan
- the address withheld details form (if applicable)
- the birth parents' death certificate (if applicable).

Before proceedings commence, the carer should be provided with a copy of the [LTGSP Youth Court Processes Fact Sheet](#).

Guidance on Court processes and proceedings can be found in the [Make an application for care and protection orders](#) in the Ongoing Intervention chapter of the Manual of Practice. This includes timelines, serving documents, the role of the Child Representative, and how to support the application through the Court process.

Due to intergenerational trauma experienced as a result of past government policies and legal practices, Aboriginal families may be reluctant or find it difficult to attend Court. Care should be taken when supporting the child or young person, their family and kin to participate in the Court process. This may include offering them the option of having a cultural support person attend hearings with them.

In addition, the following information is specific to proceedings dealing with LTGSP applications.



First Youth Court hearing

The LTGSP assessment team will serve or arrange the service of the Youth Court documents to the child or young person's birth parents and advise them of the first Youth Court hearing. For further guidance about service of Court documents, refer to the '[Make an application for care and protection orders](#)' key step in the Ongoing intervention chapter of the Manual of Practice. In addition to drawing the birth parents' attention to the date and time of the first hearing during service of the documents, the LTGSP assessor may also provide the birth parent with details of the hearing using the [Letter to parent – LTGSP Youth Court application hearing template](#).

Where developmentally and psychologically appropriate (and where no dispensation of service has been applied for, refer to the '[Make an application for care and protection orders](#)' key step in the Ongoing intervention chapter of the Manual of Practice for further information) the DCP case worker will serve the child or young person.

The LTGSP assessor will prepare the Affidavits of Service for the parties they have served and forward them to the allocated solicitor for filing in the Youth Court. Where another person (including a Process Server) has served the documents they will prepare the Affidavit of Service and forward it to the LTGSP assessor. The LTGSP assessor will then forward the affidavit to the allocated solicitor.

At the first Youth Court hearing, the allocated solicitor will seek an order to be made to join the prospective guardian to the application. The views of the child or young person's birth parents will be sought. The allocated solicitor will seek an order to be made to join the carers (as the prospective guardians) as a party to the application.

The matter will then be adjourned and a date for the second hearing to occur will be scheduled by the Youth Court.

Second Youth Court hearing

The Court Registrar will provide the child or young person's birth parents with notice of the second hearing in writing. The LTGSP assessor will serve, or arrange service of the sealed Youth Court documents to the carer. The DCP case worker will also serve the child or young person with the sealed Youth Court documents (if developmentally and psychologically appropriate; refer to the '[Make an application for care and protection orders](#)' key step in the Ongoing intervention chapter of the Manual of Practice for further information about applying for dispensation of service).

The Legal Services Commission will advise DCP that an interview with the Child Representative has been scheduled. The LTGSP assessor will contact the carer to advise them of the interview and to confirm their attendance and may use the [Letter to carer – LTGSP Child Representative template](#).

At the time of service to the parents and carer, the LTGSP assessor should draw their attention to the date and time of the hearing and inform them of their right to seek independent legal advice. The completed affidavit of service must be scanned and uploaded to C3MS.

At the second hearing, the views of the child or young person (where applicable) and the carer will be heard.

Where all of the parties are consenting to the application and have made submissions to the Youth Court, the LTGSP order may be made at the second hearing.

If consensus between DCP, the child or young person, their birth parents, and the carer has not been reached by the second hearing the matter may be adjourned and referred for a Family Group Conference or scheduled for trial. The child or young person's existing order will remain in place unless it is revoked or varied by the Youth Court.

Actions once the order is granted



Once the order of long-term guardianship is granted, the carer becomes the guardian to the child or young person to the lawful exclusion of any other person under section 68 of the CYPs Act. The DCP office ceases to undertake regular case management responsibilities for the child or young person.

Once an order is granted, the Courts Administration Authority Office will send a copy to DCP, the CSO, the child or young person's birth parents and the guardian. The LTGSP assessor or DCP case worker responsible for the assessment will advise the child or young person's birth parents that the order has been granted using the [Letter to Parent – LTGSP order granted template](#). As this process may take several days, in the interim the LTGSP assessor or DCP case worker will provide the child or young person's guardian with a letter advising that the order has been granted using the [Letter to Carer – LTGSP order confirmation template](#).

The DCP Subpoena and Information Release Team will upload the order and change the legal authority in C3MS. The LTGSP assessor or DCP case worker is responsible for uploading the long-term care plan to C3MS in the 'Plan' Tab.

The LTGSP assessor or DCP case worker must notify the DCP Carer Payments Team and CARU of the new order within five working days of the order being granted. CARU will then issue a Guardian Card to the guardian along with a long-term guardianship information package.

In cases where the guardian was a kinship carer, the kinship care supervisor is responsible for closing the kinship carer cases in C3MS.

DCP does not have the power to enforce LTGSP orders. However, a person who contravenes or fails to comply with a care and protection order may be guilty of an offence. If child protection concerns where the alleged perpetrator is the guardian or a family member of the guardian are reported to the Child Abuse Report Line, the allegation will be recorded, assessed and investigated as per existing DCP policy and procedure for responding to screened in notifications.

8. Monitor care arrangements once the order has been granted

Support for the child or young person and their guardian

The guardian will continue to receive basic subsidy carer payments until the child or young person's LTGSP order expires. If the child has been assessed as having special needs, the guardian will continue to receive a Special Needs Loading (SNL) on top of their base rate payment (subject to annual financial review). These payments will continue until the:

- child or young person reaches 18 years (unless eligible for Stability in Family-Based Care Program)
- LTGSP order is revoked
- child or young person leaves the care of the guardian before they attain the age of 18 years.

To undertake the annual financial review, the LTGSP Case Management team should make arrangements for the guardian to complete the [Financial review statutory declaration for Long-term Guardianship \(Specified Person\)](#), which must be witnessed by an [approved witness](#) (such as a Justice of the Peace).

This statutory declaration may also be used to request a review of the long-term care plan or their current financial supports if the child or young person's circumstances or care needs change significantly. If the guardian requests a review of their current financial arrangements and it is assessed that a change in the level of SNL is required, the DCP office with administrative responsibility for the child or young person will undertake a CAT assessment. To assist in completing the CAT, the LTGSP Case Management team may request information from the guardian (such as copies of relevant professional assessments or reports) to inform their assessment. The LTGSP Case Management team should use the CAT assessment to submit a new SNL application. For further guidance on completing a CAT assessment and submitting an SNL application, refer to the [Place a child or young person in care chapter](#) in the Manual of Practice.



The child or young person continues to be entitled to state and federal government assistance in the form of ambulance cover, school card and access to Dame Roma Mitchell Trust grants. A young person may also be entitled to federal government assistance in the form of a Health Care Card, Youth Allowance and Transition to Independent Living Allowance (TILA). These benefits can be accessed by the guardian.

A child or young person with a permanent or significant disability may be eligible to access the National Disability Insurance Scheme (NDIS). In most cases, the DCP case worker will be responsible for ensuring arrangements are in place prior to the transfer of guardianship. In the event that a child or young person's disability emerges after the LTGSP order is established, the guardian is responsible for making NDIS arrangements but may request assistance from the DCP office with administrative responsibility for the child or young person.

If a DCP regional office is currently facilitating contact between a child or young person and their birth parent/s after a LTGSP order is granted, the responsibility of facilitating contact remains with the regional office.

Respond to a request to change the child or young person's name

DCP retains some decision making power regarding change of name under section 25A(2) of the *Births, Deaths and Marriages Registration Act 1996*. Under this Act, the child or young person's guardian may apply to the Chief Executive to direct the Registrar of Births Deaths and Marriages to register a change of name for the child or young person. The application form should be submitted to the LTGSP Case Management team. The LTGSP Case Management team are responsible for undertaking the assessment of the request and for preparing the briefing to the Chief Executive. For further guidance, refer to [Support the child or young person to change their name](#) in the Manual of Practice.

Support a child or young people under LTGSP to travel or reside interstate/overseas

Guardians can make decisions regarding the child or young person's interstate and overseas travel. If interstate travel is required to maintain contact with the child or young person's birth family, or the guardian wishes to reside interstate or overseas with the child or young person (that is, they wish to leave the jurisdiction), they should register the order in the Family Court under the *Family Law Act 1975* to assist with the enforcement of the orders if needed.

Before moving interstate, the guardian should reach agreement with the child or young person's birth family about maintaining contact.

If the child or young person ceases being in the guardian's full-time care, the guardian must notify the LTGSP Case Management team .

Manage disputes

The guardian and birth parent(s) should make reasonable attempts to resolve any dispute, including disputes relating to contact arrangements. If agreement cannot be reached the parties may arrange to attend mediation, such as Relationships Australia's [Family Dispute Resolution Service](#). Reduced fees may apply to this service and the parties should [contact Relationships Australia](#) directly to enquire about cost and eligibility.

If mediation is unsuccessful, the birth parents and/or guardians can contact the LTGSP Case Management team to request assistance.



Amend the long-term care plan (if required)

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 LTGSP Case Management team if information is identified that requires inclusion. LTGSP Case Management team should advise the guardian to request a review of the long-term care plan as part of the annual financial review process (see the [‘Support for the child or young person and the guardian’](#) section above).

Respond to the death of the child or young person

The circumstances in which a death is reportable to the SA Coroner is set out in section 3 of the *Coroner’s Act 2003*. This includes where the death is unexpected, unnatural, unusual, violent or unknown cause. The DCP staff member who becomes aware of the death (either via the Call Centre or local office) must refer to [Death of a child or young person in care Procedure](#) and notify the State Coroner or SAPOL.

Decisions regarding the donation of organs, funeral and burial rights revert to the senior available next of kin following the death of the child or young person. Senior available next of kin means (in order of priority): a birth parent of the child or young person; the child or young person’s biological brother or sister, who has attained the age of eighteen years; or the child or young person’s guardian.

The guardian should be advised of their right to apply to the Registrar of Births, Deaths and Marriages to request that their name be added to the Death Register and death certificate in addition to the parents’ names. A summary of conversations regarding this decision with a guardian should be recorded in C3MS.

Respond to the death of the child or young person’s guardian

Where the Youth Court has granted joint guardianship or parental responsibility to two people, and one person dies, the surviving person will continue as the child or young person’s guardian (subject to the terms of the order).

If the guardian’s death is expected, the remaining guardian should notify DCP.

In the event where the sole guardian passes away, or both guardians pass away, the child’s guardianship will likely revert to the biological parents of the child. The Department will have to assess whether the child or young person is at risk, as defined by the CYPs Act, and act appropriately.

A long-term guardian cannot appoint another guardian by deed or will in the event of their death. Only the biological mother or father of the child or young person can appoint a guardian by deed or will.

The guardian/s should make appropriate arrangements for the department to be notified in circumstances where both guardians pass away simultaneously. The child or young person’s situation will then be referred to the relevant DCP office to ensure that appropriate arrangements are put in place for the child or young person’s ongoing care. This will involve an assessment of whether the child or young person is at risk and if so, an assessment about seeking appropriate Court orders, in the same way that an assessment would be undertaken for any other child or young person considered at risk.

Review of decisions



If a carer, child or young person, birth parent or other person is aggrieved by a decision made by DCP relating to LTGSP assessment they should contact the DCP office, the child or young person's allocated DCP case worker, supervisor, or the LTGSP Assessment Team.

They must also be advised that they are entitled to seek an Internal Review of that decision. Confirmation that a carer has been advised of their options for seeking an Internal Review should be recorded appropriately in C3MS. The review process pathway is set out in the [Internal Review Procedure](#). For Aboriginal carers and carers from CALD backgrounds, it is particularly important to ensure that they are aware of the different channels available for submitting an application for Internal Review (including submission to the DCP office, or emailing or posting the application to the DCP Complaints and Feedback Management Unit). The carer may also seek advocacy or support from organisations including the Aboriginal Legal Rights Movement, a recognised Aboriginal and Torres Strait Islander organisation, or Connecting Foster and Kinship Carers SA.

Enquiries about Internal Reviews and external complaints processes (such as the Health and Community Services Complaints Commissioner, Ombudsman or SACAT) should be directed to the [DCP Complaints and Feedback Management Unit](#) in the first instance.



Document control

Reference No./ File			
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Accountable Director: Executive Director of OOHC			
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	Minor	Unlikely	Low

REVISION RECORD		
Approval Date	Version	Revision description
15 October 2021	1.0	New Manual of Practice chapter that replaces the Long Term Guardianship (Specified Person) Procedure.
1 April 2022	1.1	Minor amendments to update hyperlinks.
6 May 2022	1.2	Minor amendments to update hyperlinks and link to guidance regarding referral for psychological assessments.
5 August 2022	1.3	Content updated to reflect LTGSP Policy (V2.0, August 2022) and the inclusion of the Long-term Guardianship Specified Person (LTGSP) Case Management team responsibilities
18 January 2023	1.4	Minor amendment to update requirements for submitting a change of name request for children and young people under long-term guardianship (specified person) orders.
3 February 2023	1.5	Minor amendment to insert a reference to the Long-term guardianship (specified person) flowchart.
2 May 2023	1.6	Minor amendment to include reference to the Guide to authorisations and delegations.
28 March 2024	1.7	Minor amendment to link Court practice guidance to the Make and application for care and protection orders key step in the Ongoing intervention chapter of the Manual of Practice.
27 March 2024	1.8	Minor amendment to include reference to care team meetings.
30 April 2024	1.9	Change in process for financial agreements moved from phase 1 assessment to phase 2 assessment and completed by an LTG (SP) assessor.
13 May 2024	1.10	Minor amendments made in response to recommendations of the Independent Inquiry into Foster and Kinship Care in South Australia to



REVISION RECORD		
Approval Date	Version	Revision description
		strengthen guidance about information sharing and record keeping.
20 August 2024	1.11	Minor amendment to strengthen existing guidance about recording referrals for long-term guardianship assessment.
19 September 2024	1.12	Minor amendment to update requirements for recording minutes of the Phase 1 Assessment meeting.
19 December 2024	1.13	Minor amendment to update hyperlinks and document titles.