

Legislative and Policy Framework

Leaving Care and After Care

Leaving care and after care processes are guided by the following legislation, policy, and guidelines. It is important you familiarise yourself with them. They must inform the leaving care and after care support you provide young people.

Children and Young Persons (Care and Protection) Act 1998

Under the *Children and Young Persons (Care and Protection) Act 1998* (the Act), you must work with eligible young people to prepare and implement a leaving care plan. Planning needs to commence when a child turns 15 years of age and must be completed before they leave care. For more information, see: [Section 166](#). Most young people are also legally entitled to after care assistance until they reach 25 when needed for safety, welfare, and wellbeing. The Act also allows discretion to provide after care assistance after a person reaches the age of 25 years. See: [Section 165](#).

Active Efforts

[Section 9A](#) of the Care Act refers to active efforts. . Active efforts should be applied when undertaking any function under the Care Act. Active efforts are the proactive actions casework staff take to support children and families. They include:

- **Engaging Family and Support Networks:** Actively seeking and involving extended family and support networks from the outset and maintaining this engagement throughout our involvement.
- **Family-Led Decision-Making:** Using family-led decision-making to guide assessments, case planning, and decisions regarding care and restoration.
- **Referrals and Support Services:** Referring families to relevant services, assisting with their engagement, and monitoring their progress.
- **Alternative Options to Removal:** Exploring alternative options to removal, such as Parent Responsibility Contracts, Parent Capacity Orders, Temporary Care Arrangements, and [Alternative Dispute Resolution](#), whenever safe and appropriate.
- **Timely Restoration Support:** Providing timely restoration casework to assist children, parents, and families in safely reuniting children with their families.

- **Case and Family Action Plan Development:** Developing, supporting, and monitoring comprehensive case plans and Family Action Plans.
- **Supporting Family Time:** Facilitating regular family time where caseworkers support parents in enhancing parenting skills, fostering positive interactions with their children, and rebuilding and strengthening family relationships

For more information about active efforts, see: [Information for non-government providers](#).

Guidelines For the Provision of Assistance After Leaving Long Term Statutory Out-of-Home Care

The NSW Government's [Guidelines for the provision of assistance after leaving long term statutory out-of-home care](#) inform your leaving care and after care work. The guidelines outline eligibility, planning, financial assistance, and other types of assistance.

NSW Child Safe Standards for Permanent Care

[The NSW Child Safe Standards for Permanent Care](#) were developed by the NSW Children's Guardian, the out-of-home care (OOHC) sector, and key peak organisations.

The Standards set the minimum requirements of agencies delivering OOHC services.

Standard 12: Living independently, relates closely to leaving care and after care support and says:

- “Young people between the ages of 15 and 25 years are entitled to services and assistance to support their transition from out-of-home care to independent living arrangements.
- Young people are entitled to receive services that meet their individual needs including financial assistance and assistance in securing appropriate accommodation, setting up a home, education and training, employment, legal advice, and accessing health and counselling services.
- Young people must have a leaving care plan before they leave out-of-home care, detailing the supports and services to be provided to the young person.
- Leaving care plans should be developed in consultation with the young person, their family, their carers, and other people who are significant in the life of the young person.”

Permanency Case Management Policies – Rules and Practice Guidance

The Department of Communities and Justice (DCJ) Permanency Case Management Policy and Aboriginal Case Management Policy describe the expectations of DCJ and Service Providers delivering the PSP. Both policies have specific guidelines to help you prepare young people to leave care, and when providing after care:

- [Permanency Case Management Policy - Rules and Practice Guidance](#) see pages 76-79
- [Aboriginal Case Management Policy - Rules and Practice Guidance](#) see pages 33-35.

Financial Assistance as a Part of a Leaving Care Plan

When supporting a young person to think about their finances in the future, keep in mind that financial assistance from DCJ must be “related to a current, identified need for safety, welfare or wellbeing”. You also must be able to provide rationale about why the assistance is required and why universally accessible services would not meet the need. For more information, and some examples, see [Financial assistance as part of a leaving care plan](#).

Care Leavers’ Charter of Rights

The [Care Leavers’ Charter of Rights](#) outlines the key principles you must follow when supporting care leavers. The charter reflects the voices of young people who have been in OOHC, and says what is important to them, how they should be treated, and what they expect from the practitioners who support them.

Keep these important words in mind when providing after care:

- “Make us a leader in our lives.”
- “Respect us and make us a priority.”
- “Communication is key, lead by example!”
- “Prioritise our connection to culture and community.”
- “Make sure we know and understand our rights.”
- “Listen and be adaptable to changes in our lives.”

National Guidance

Leaving care planning and after care support must also be consistent with the Australian Government’s approach to [Transitioning from out-of-home care to Independence: A Nationally Consistent Approach to Planning](#). This is another good resource to guide

practice in leaving care planning. It highlights the importance of planning that includes all life domains.

A nationally consistent approach to planning and supporting an effective transition from care to independence, is a specific action to support the implementation of [The National Framework for Protecting Australia's Children 2021-2031](#). For more information see: [Foundations of Leaving Care](#), [Foundations of After Care](#), [Leaving Care Plans](#), [Casework Practitioners Guide to Leaving and Aftercare](#), [Roles and Responsibilities in Leaving Care and After Care](#), and [Establishing Networks](#).