

Public Guardian Advocacy Function NGO Checklist for Applications

A protocol between FACS and the NSW Public Guardian supports the appointment of a guardian with an advocacy function for young people aged 16 or 17 who are transitioning from care to adult disability services. The purpose of the advocate is to ensure that leaving care planning addresses the young person's needs and wishes.

This checklist helps NGOs to identify suitable clients and provide FACS with sufficient information to lodge an application. Note that although an NGO may have case management responsibility, they do not have the delegation to lodge an application for a guardian when parental responsibility is with the Minister for Family and Community Services.

The checklist should be read in conjunction with the [Protocol](#) and [Fact Sheet](#).

Criteria for consideration under the Protocol

- ☐ The young person has a disability which impairs their decision-making.
- ☐ The young person will transition from the care of the Minister to adult disability services within the next 3 years.
- ☐ There is no family member, carer or other person suitable to act as an advocate. Note that even if there is an alternative available it is best to seek an independent advocate if there is conflict or disagreement about the young person's future.

Steps to preparing for an application

- ☐ Identify eligible young people at 15 years of age, or during preparations for leaving care planning. Advise FACS urgently of any young person who is already 16 or 17 years old and who meets the Protocol criteria.
- ☐ Gather medical records or any other evidence relating to the young person's decision-making capacity.
- ☐ Provide information about current decision-making arrangements and discussions with the young person and others about the intention to apply for a Public Guardian. In particular, note who supports or opposes the application.
- ☐ Provide the young person's case plan (leaving care plan).
- ☐ Contact your FACS Child and Family District Unit (or other key contact in accordance with local arrangements) to discuss the case and provide the information you have gathered. This should occur while the young person is 15 so that FACS is able to lodge the application as soon as they become eligible at 16 years of age.