



CONTINUING CARE IN AUSTRALIA: AN ANALYSIS OF STATE AND TERRITORY LEGISLATION AND POLICY

Commissioned by Anglicare Victoria
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*Continuing out of home
care to age 21*

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1. Purpose

This brief report summarises current Australian state and territory legislation and policy (as at September 2016) concerning transition planning and post-care support for young people leaving state out-of-home care. The report then outlines the nature of these provisions available, and interrogates whether extending care arrangements beyond 18 years of age is feasible in the current legislative and policy environment. Provisions for extending or continuing care in international jurisdictions are then examined, including those in the UK, Canada and the US. Finally, the broad legislative amendments capable of supporting continuing care arrangements in Australian jurisdictions are outlined.

2. Definitions

The following broad definitions are adopted for the purpose of this report:

- **Transition planning** refers to purposeful, documented planning during a young person's time in out-of-home care, to support their transition from care.
- **Post-care support** refers to the provision of government-funded professional support and brokerage to young people who have left out-of-home care.
- **Continuing care** refers to the extension of care arrangements beyond 18 years for young people previously under statutory out-of-home care arrangements. This entails the provision of accommodation, funding and casework support.

3. Current Australian state and territory legislation and policy

Table 1 below summarises the current state/territory legislation and policy in relation to **transition planning** and **post-care support**.

State/ Territory	Legislation/ Policy	Duration of support
Northern Territory (NT)	Legislation	Transition planning from 15 years. Post-care support available to 25 years for those in care for a continuous period of at least 6 months.
Victoria (VIC)	Legislation	Transition planning from 15 years and at least 12 months prior to the young person exiting care. To be reviewed six-monthly*. Post-care support available to 21 years.
Western Australia (WA)	Legislation	Transition planning from 15 years. Post-care support available to 25 years for those in care for a continuous period of at least 6 months since the age of 15 years.

New South Wales (NSW)	Legislation	Transition planning from 15 years, and at least 12 months prior to the planned exit from care. Planning to commence two years prior to leaving care in the case of young people with a disability. Post-care support available to 25 years for young people who have been in care for at least 12 months (cumulative). Support beyond 25 years at the Minister's discretion.
Australian Capital Territory (ACT)	Legislation	Transition planning from 15 years, and the director-general must ensure the plan is implemented. Post-care support available to 25 years. Provisions to extend payments to kinship or foster carers at Minister's discretion up to 21 years.
South Australia (SA)	Policy	Transition planning from 15 years.** Post-care support available to 25 years under Transitioning from Care policy or via Post Care Service (no specified upper age limit).*
Tasmania (TAS)	Policy	Transition planning from 15 years, to be reviewed annually. Post-care support available to 24 years. Financial support may be approved for young care leavers who were in care for 2 or more years from the age of 14 years.
Queensland (QLD)	Policy	Transition planning from 15 years ** Post-care support available to 21 years.

*Table 1 Adapted from FaHCSIA (2010) *Policy only **Referenced in legislation*

As part of the first Action Plan under the National Framework for Protecting Australia's Children (2009-2020), in 2011 a suggested national approach to leaving care planning and post-care support was developed (FaHCSIA and National Framework Implementation Working Group, 2011). The national approach recommends that leaving care planning should commence from 15 years, progressing through preparation, transition and aftercare phases, and should continue until the age of 25 years where the young person requests or requires assistance (FaHCSIA and National Framework Implementation Working Group, 2011).

Despite the introduction of suggested minimum standards for leaving care in 2011 (FaHCSIA and National Framework Implementation Working Group, 2011), as shown in the table above, there remains much discrepancy between jurisdictions as to the support provided to care leavers nationally. These discrepancies include:

- the extent to which these provisions are enshrined in legislation;
- the extent to which leaving care and post-care support provisions are mandatory or permissive/discretionary;

- the criteria requiring fulfilment to access leaving care and post-care supports and services; and
- the age to which support is, or may be, provided to care leavers.

As shown in Table 1 above, the legislation in many jurisdictions mentions a requirement for planning for exits from state care. However with the exception of the Australian Capital Territory (ACT), leaving care planning for older adolescents transitioning to independence is not specifically differentiated from other exits from state care. Nor is a minimum age for commencement of transition planning stipulated in leaving care legislative provisions.

Five jurisdictions now have the power for provision of post-care support enshrined in legislation, while the remainder have only policy provisions. Among these legislative provisions, Western Australia currently has the most robust legislative obligation to provide post-care services to qualifying care leavers. However the nature of these services remains at the discretion of the CEO, and provision of financial support is entirely discretionary. Elsewhere, legislative and policy stipulations for providing support to care leavers also remains purely discretionary, as detailed in the individual state and territory summaries provided in the next section.

Clauses such as **“may provide”, “may assist”, “may provide financial assistance”, “as the Minister considers necessary”, “at the discretion of ...”** clearly indicate an optional (permissive) power to provide support to care leavers. However in the majority of instances, the legislative and policy provisions only give the state the power to provide post-care services and financial assistance to care leavers, rather than the obligation or mandate to do so.

The age until which these discretionary supports are available varies from 21 years in Victoria and Queensland to 24 or 25 years in all other jurisdictions. New South Wales is the only jurisdiction with a legislative provision to extend support to care leavers older than 25 years under certain circumstances.

The ACT is the only jurisdiction to have a legislative provision for continuing care post-18 years (see pp. 11-12 below), though this has limited application to specific care leavers in foster care placements only. Legislation concerning post-care support and funding in other jurisdictions does not necessarily prohibit the possibility of funding extended care arrangements, however no specific provisions exist. Additionally, the Victorian legislation¹ (see p. 5) specifies the support should be to transition *“to independent living”*, which would prohibit extending any kinship, foster or residential care placements post-18.

The next section examines each jurisdiction’s provisions for care leavers in greater detail. Together with the above discussion, these indicate no enforceable mandate requiring states and territories to provide continuing care services to Australian care leavers.

¹ Children Youth and Families Act 2005 (VIC) S.16(1)(g)

4. State and territory summaries

Summaries are provided below of each jurisdiction's specific policy and/or legislative provisions in relation to transition planning and post-care support. Sections are emphasised in bold either create a statutory or policy requirement for the provision of various actions, on the one hand, or enable the provision of support or action to remain discretionary, on the other hand.

Northern Territory

Legislation: *Care and Protection of Children Act 2007(NT)*

Policy: Standards of Professional Practice (Northern Territory Government, 2014)²

Transition planning

The need for transition planning is detailed in the NT Act (Division 2, Section 71(2)), however leaving care planning for older adolescents is not specifically differentiated from other exits from state care. Current state policy describes an expectation that leaving care planning will begin from age 15 years (Northern Territory Government, 2014).

The Act (Section 71) states that:

*(1) **The CEO may modify the care plan** at any time if the CEO considers it appropriate to do so.*

*(2) Without limiting subsection (1), **the CEO must modify the plan if the child is about to leave the CEO's care.***

*(3) The modified plan **must:***

(a) identify the needs of the child in:

(i) preparing to leave the CEO's care; and

(ii) the child's transition to other living arrangements after leaving the CEO's care;

and

(b) outline measures that must be taken to assist the child in meeting those needs.

² Note that the Northern Territory Child Protection Policy and Procedures Manual was not available online.

Post-care support

The NT Act (Section 68) defines a young person who has left the CEO's care as being aged between 15 and 25 years of age, and was in the CEO's care for a continuous period of six months, and unlikely to be in the care of the CEO in the future.

The Act specifies the assistance available to such young people (Division 5, Sections 86 (2), (3), (4), and (5)) as follows:

(2) The CEO must ensure the person is provided with child-related services and other services the CEO considers appropriate.

(3) Without limiting subsection (2), the CEO may assist the person in obtaining any of the following:

- (a) accommodation;*
- (b) education or training;*
- (c) employment;*
- (d) legal services;*
- (e) health services;*
- (f) counselling services.*

(4) In addition, the CEO may give financial assistance to the person for any of the following purposes:

- (a) the person's education or training;*
- (b) obtaining and furnishing the person's accommodation;*
- (c) living in close proximity to the place where the person is or will be:
 - (i) undertaking education or training; or*
 - (ii) employed or seeking employment.**

(5) The financial assistance must be given on terms and conditions the CEO considers appropriate in the circumstances.

Summary: The Act appears to direct the CEO to ensure that appropriate services are provided to care leavers (Section 86 (2)). While certain examples of appropriate services are given in Section 86(3), these and the provision of financial assistance are entirely discretionary.

Victoria

Legislation: *Children, Youth and Families Act 2005 (VIC)*

Policy: Care and transition planning for leaving care in Victoria: A framework and guide (State of Victoria, 2012)

Transition planning

No specific reference to transition planning exists in the Victorian Act, however an extensive policy concerning transition planning and post-release support exists (State of Victoria, 2012). This policy directs that **transition planning must begin at 15 years** of age, and that **plans be reviewed six monthly from 16 years of age** (State of Victoria, 2012).

Post-care support

Section 16(1) of the *Children, Youth, and Families Act 2005(Vic)* indicates that *the Secretary has a responsibility:*

- (g) to provide or arrange the provision of services to assist in supporting a person under the age of 21 years to gain the capacity to make the transition to independent living where—*
 - (i) the Secretary has had parental responsibility for the person; and*
 - (ii) on the Secretary's parental responsibility ending, the person is of an age, or intends, to live independently;*

At the same time Section 16(2) states that:

The statement of responsibilities of the Secretary under this **section does not create, or confer on any person, any right or entitlement enforceable at law.**

Section 16(4) states that:

- (4) The kinds of services that **may be provided** to support a person to make the transition to independent living include—*
 - (a) the provision of information about available resources and services;*
 - (b) depending on the Secretary's assessment of need—*
 - (i) financial assistance;*
 - (ii) assistance in obtaining accommodation or setting up a residence;*
 - (iii) assistance with education and training;*
 - (iv) assistance with finding employment;*
 - (v) assistance in obtaining legal advice;*
 - (vi) assistance in gaining access to health and community services;*
 - (c) counselling and support.*

Summary: As has been emphasised by Mendes and colleagues (2011), the provision in Section 16(2) indicates that provision of post-care supports is discretionary, rather than a mandatory right of care leavers across the state.

Western Australia

Legislation: *Children and Community Services Act 2004 (WA)*

Policy: Leaving care policy (Government of Western Australia, 2011)

Transition planning

The *Children and Community Services Act 2004*, outlines the requirement for providing transition planning to care leavers. However, as with the Northern Territory, leaving care planning for older adolescents is not specifically differentiated from other exits from state care in the state legislation. Section Part 4, Division 5, Sections 89(5)(a) & (b) of the Act state that:

(5) Without limiting subsection (4), the CEO must, in the case of a child who is about to leave the CEO's care, modify the care plan for the child so that it —

(a) identifies the needs of the child in preparing to leave the CEO's care and in his or her transition to other living arrangements after leaving the CEO's care; and

(b) outlines steps or measures designed to assist the child to meet those needs.

Leaving care policy in Western Australia supplements this legislative provision, outlining that leaving care planning should commence from the age of 15 years (Government of Western Australia, 2011).

Post-care support

Division 6, Section 96 of the Act outlines the criteria for qualifying for post-care assistance, stating that;

*For the purposes of this Division a person **qualifies for assistance** if —*

(a) the person has left the CEO's care; and

(b) the person is under 25 years of age; and

(c) the person at any time after the person reached 15 years of age —

(i) was the subject of a protection order (time-limited) or a protection order (until 18); or

(ii) was the subject of a negotiated placement agreement in force for a continuous period of at least 6 months; or

(iii) was provided with placement services under section 32(1)(a) for a continuous period of at least 6 months.

Section 98(1) of the Act relates to the provision of services post-care, stating that:

*The CEO **must ensure** that a child who leaves the CEO's care is provided with any social services **that the CEO considers appropriate** having regard to the needs of the child as identified in the care plan for the child under section 89.*

Section 99 of the Act describes the provision of assistance:

*Without limiting section 98, **the CEO must ensure** that a person who qualifies for assistance **is provided with services to assist** the person to do any one or more of the following —*

- (a) obtain accommodation;*
- (b) undertake education and training;*
- (c) obtain employment;*
- (d) obtain legal advice;*
- (e) access health services;*
- (f) access counselling services.*

Section 100 of the Act describes the provision of financial assistance:

*(1) **The CEO may provide a person who qualifies** for assistance with financial assistance in the form of —*

- (a) a contribution to expenses incurred in obtaining, furnishing and equipping accommodation; or*
- (b) a contribution to expenses incurred by the person in living near the place where the person is, or will be —*
 - (i) employed or seeking employment; or*
 - (ii) undertaking education or training; or*
- (c) a grant to enable the person to meet expenses connected with his or her education or training.*

*(2) Financial assistance **may be provided** under this section on any terms and conditions that the CEO considers appropriate.*

(3) Without limiting subsection (2), the terms and conditions may include provisions as to repayment and the recovery of outstanding amounts.

Summary: Unlike other states and territories, the Western Australian legislation provides a statutory obligation to, at a minimum, support care leavers to access services to meet the range of needs outlined in Section 99 of the Act. However the provision of financial support remains discretionary, and assistance to access the range of supports described in Section 99 remains limited to those services which the CEO considers appropriate.

New South Wales

Legislation: *Children and Young Person's (Care and Protection) Act 1998 (NSW)*

Policy: Guidelines on the provision of assistance after leaving out-of-home care (the Ministerial Guidelines) (NSW Government, 2008)

Transition planning

Chapter 8, Part 6, Section 166 of the Children and Young Person's (Care and Protection) Act outlines legislative requirements in relation to transition planning, stating that:

- (1) The designated agency having supervisory responsibility for a child or young person must **prepare a plan**, in consultation with the child or young person, before the child or young person leaves out-of-home care.*
- (2) A plan is to include reasonable steps that will prepare the child or young person and, if necessary, his or her parents, the authorised carer and others who are significant to the child or young person for the child's or person's leaving out-of-home care.*
- (3) The designated agency is to implement the plan when the child or young person leaves out-of-home care.*

Again, the NSW legislation does not differentiate leaving care from other exits from out-of-home care. However guidelines published in 2008 stipulate that planning should commence from age 15, and at least 12 months prior to the planned exit from care. In the case of young people with a disability, this is required to commence two years prior to leaving care. Additionally, the Out-of-Home Care Standards published by the NSW Office of the Children's Guardian similarly direct that planning should commence from 15 years (Office of the Children's Guardian, 2013).

Post-care support

Chapter 8, Part 6, Section 165 of the Act details the legislative provisions for post-care support, stating that:

- (1) The Minister is to provide or arrange such assistance for children of or above the age of 15 years and young persons who leave out-of-home care until they reach the age of 25 years **as the Minister considers necessary** having regard to their safety, welfare and well-being.*
- (2) Appropriate assistance **may include:***

(a) provision of information about available resources and services, and

(b) assistance based on an assessment of need, including financial assistance and assistance for obtaining accommodation, setting up house, education and training, finding employment, legal advice and accessing health services, and

(c) counselling and support.

(3) The Minister has a discretion to continue to provide or arrange appropriate assistance to a person after he or she reaches the age of 25 years. Note: The assistance may be provided under section 166 by a designated agency.

(4) The Minister may cause to be published guidelines specifying the circumstances in which assistance may be granted under this section.

Summary: As with many other jurisdictions, the NSW legislation does not create an enforceable requirement for provision of post-care support. Aside from these legislative provisions, the 2008 guidelines also state that young people are required to have been under the parental care or responsibility of the state for at least 12 months (cumulatively) to be eligible to receive post-care assistance (NSW Government, 2008). Note that NSW is currently the only jurisdiction with provisions for assisting care leavers beyond the age of 25 years.

Australian Capital Territory

Legislation: *Children and Young People Act 2008 (ACT)*

Policy: A step up for our kids: Out of home care strategy 2015-2020

Transition planning

Section 529D of the Act details the provisions for transition planning for ACT care leavers. It states that:

*(1) The director-general **must prepare** a transition plan for a young person who is— (a) in out-of-home care; and (b) at least 15 years old.*

*(2) The director-general **must take reasonable steps to ensure** that the transition plan is implemented.*

Section 529F directs that these plans are reviewed at least once a year.

Post-care support

Legislation relating to the provision of post-care support is detailed in Section 529I of the Act, which states that:

*(1) The director-general **may provide the services** that the director-general considers*

appropriate to a young person, or young adult, who was previously in out-of-home care.

*(2) Without limiting subsection (1), the director-general **may provide** the young person, or young adult, with **services to assist the young person, or young adult, with obtaining**—*

- (a) information about relevant resources and services; and*
- (b) accommodation; and*
- (c) education and training; and*
- (d) employment; and (e) financial security; and*
- (f) legal advice; and*
- (g) social support; and*
- (h) life skills support; and*
- (i) personal, family and relationship counselling; and*
- (j) access to information and records held during the young person's out-of-home care; and*
- (k) health care.*

*(3) **This section does not require the director-general to pay** for any service. Note Financial assistance may be available under s 529J.*

Section 529J details provisions for financial support to be provided to care leavers:

*(1) The director-general **may provide** financial assistance to a young person, or young adult, who was previously in out-of-home care.*

*(2) The director-general **may provide** financial assistance only if satisfied on reasonable grounds that the assistance is— (a) for an appropriate purpose; and (b) reasonably necessary considering the young person's, or young adult's, circumstances*

*(3) The director-general **may provide** financial assistance on the conditions that the director-general considers appropriate.*

Additional provisions to enable financial assistance to be provided to previous out-of-home carers (including kinship carers and foster carers) are found under Section 529JA, which states that:

(1) This section applies if— (a) a young adult is younger than 21 years old; and (b) a transition plan is in force for the young adult which provides for the young adult to live with a previous out-of-home carer; and (c) the young adult is in fact living with the previous out-of-home carer.

*(2) The director-general **may provide** financial assistance to the previous out-of-home carer.*

*(3) The director-general **may provide** financial assistance only if satisfied on reasonable*

grounds that the assistance is reasonably necessary considering the previous out-of-home carer's circumstances.

(4) The director-general **may provide** financial assistance on the conditions that the director-general considers appropriate.

(5) The director-general **may provide** financial assistance—

(a) to the previous out-of-home carer directly; or

(b) if the previous out-of-home carer was a foster carer—to the foster carer's approved kinship and foster care organisation, for the organisation to provide to the carer.

The ACT out-of-home care strategy (ACT Government, 2015, p. 39) reiterates the provisions outlined in the Act, stating that the strategy will:

- *if needed, extend the therapeutic plan and any associated outlays to young people as they mature out of the care system*
- *extend the subsidy paid to kinship carers and foster carers in select cases where it can be demonstrated that the young person's wellbeing will otherwise be jeopardised by the cessation of subsidy at 18. This will be for a period of time not exceeding the young person's 21st birthday*
- *increase casework resources dedicated to supporting young people in care as they transition to adulthood. This will be particularly beneficial to Aboriginal and Torres Strait Islander young people when they seek to re-establish family and cultural connections.*

Summary: The ACT legislation again does not create an enforceable mandate to provide post-care support. However this is the only jurisdiction with legislative provisions for continuing care post-18, albeit limited to a specific cohort of young people in foster care placements.

South Australia

Legislation: *Children's Protection Act 1993 (SA)*

Policy: Standards of alternative care in South Australia (Government of South Australia, 2008) Transitioning from Care Policy³ & Post-care Policy²

³ Copies of policies were unavailable online, and subsequently requested from Families SA. The author is advised that the post-care space is currently under review due to its age, and will be revised as a result of the findings of the South Australian Nyland Royal Commission.

Transition planning

Part 2, Division 1, Section 8(1)(h) of the Act lists among the general functions of the Minister, **to endeavour:**

(h) to provide, or assist in the provision of, services—

(i) to assist children who are under the guardianship or in the custody of the Minister; and (ii) to assist persons who, as children, have been under the guardianship or in the custody of the Minister, to prepare for transition to adulthood;

Other specific guidance for transition planning is detailed in the Standards of Alternative Care in South Australia (Core Standard 7) (Government of South Australia, 2008), as well as other specific transition and post-care policies. These indicate that:

“Transition planning in relation to young people leaving care will occur for each young person from 15 years and will gain clarity and intensity as the young person approaches 18 years and/or their planned exit from care” (Government of South Australia, 2008, p. 113).

Post-care support

In addition to the above legislative provisions, Standard 7.3 of the Standards for Alternative Care indicates that **“post-care support will be provided to all care leavers, regardless of age”** (Government of South Australia, 2008, p. 121).

The policy indicates that:

- 7.3.1 *Ongoing post care supports, financial or case management **at the discretion of the District Centre** and require support from the District Centre Manager.*
- 7.3.2 *Where the necessary service and supports are of a transitioning nature (e.g. accommodation supports, life skills) and the care leaver is under 25 years, a referral to Youth Support Teams **may be given**.*
- 7.3.3 *Where the necessary service and supports include information, advocacy and referral service, a referral to Post Care Services **may be given**. There is no upper age limit to this service. Care leavers can self refer to Families SA Post Care Services.*

Summary: South Australian leaving care and post-care services are also discretionary. The Post Care Services mentioned in Section 7.3.3 of the SA policy are available to young people who were in the care of the state for a period of six months or longer. Again, the nature of post-care support detailed in policy is discretionary, particularly in the case of accommodation and financial supports mentioned in Section 7.3.1.

Tasmania

Legislation: *Children, Young Persons and Their Families Act 1997 (TAS)*

Policy: Planning for Leaving Care and Aftercare Support (Department of Health and Human Services, 2010), After care support publication (Tasmanian Government, 2016)

Transition planning

There is no reference in the Tasmanian legislation for the need for transition planning for young people leaving out-of-home care.

A previous version of the Act did include such provisions but these appear to have since been amended⁴.

Leaving care policy directs that planning **should commence from 15 years**, and should continue until 25 years via annual case and care reviews (Department of Health and Human Services, 2010 cited in Beauchamp (2014)).

Post-care support

Post-care support (including information and referral) is available to all care leavers under state policy. The upper age threshold for non-financial support from the After Care Support Program is somewhat unclear through publicly available information⁵, however funded programs accessible through the CREATE Foundation are available to 25 years of age. Financial post-care assistance is available for care leavers aged 18 to 24 years who were in care for two years or more from the age of 14 (Tasmanian Government, 2016), and includes brokerage to assist with:

- Undertaking further education or training;
- Improving employment opportunities;
- Developing and maintaining relationships with family members;
- Improving links to the wider community;
- Accessing counselling services; and
- Participating in sporting and creative activities.

The maximum amount of assistance is \$2,500 per year, at the **discretion of the Department**.

Summary: There are no legislative provisions for leaving care and post-care support in the Tasmanian legislation. Though state policy directs that leaving care planning should occur from 15 to 25 years, and that post-care supports should be available, provision of these is not

⁴ The previous version of The Children, Young Persons and Their Families Act 1997 (Part 1, Section 7[2h]) required the Minister *“to provide, or assist in the provision of, services to help persons who have been under the guardianship or in the custody of the Secretary during childhood to make a successful transition to adulthood.”*

⁵ See http://www.dhhs.tas.gov.au/children/adoption/support_for_care_leavers/after_care_support_publication

mandatory. While financial post-care assistance is available to selected care leavers, provision of this support is entirely discretionary.

Queensland

Legislation: *Child Protection Act 1999 (QLD)*

Policy: Policy statement - Transitioning from care into adulthood (Queensland Government, 2012)

Transition planning

The Child Protection Act 1999 includes broadly describes the provision of transition planning for young people leaving care. Section 75 of the Act states that:

(2) as far as practicable, the chief executive officer must ensure the child or person is provided with help in the transition from being a child in care to independence.

(3) Without limiting subsection (2), the help may include financial assistance provided under section 159.

Schedule 1 of the Act also outlines the *Charter of rights for a child in care*, which includes a provision that children and young people have the right:

(k) to receive appropriate help with the transition from being a child in care to independence, including, for example, help about housing, access to income support and training and education.

The transitioning from care policy statement further directs that “Child Safety Services will commence a planning process from the calendar year a young person turns 15” which should gain “clarity and intensity at age 17” (Queensland Government, 2012, p.1). The policy also instructs that the case plan may be continued post-18 years if required, through the opening of a support service case (Queensland Government, 2012, p. 1).

Post-care support

Section 159(2) of the Queensland Act states that:

*... the chief executive **may pay** the amount decided by the chief executive towards expenses incurred in the care and maintenance of a person who has been a child in the custody or under the guardianship of the chief executive to the person or the person’s carer to help the person with the transition from being a child in care to independence.*

The policy indicates that, for children who have been on long-term Guardianship Orders:

“In unforeseen circumstances, a young person who is no longer residing in the direct care of the guardian and who is no longer being supported by the guardian is eligible for transition from care casework and financial support by the department, including the provision of a support service case (if required) after the young person turns 18 years of age.”

Summary: Both the Act and the policy do not appear to oblige the Queensland Government to provide universal post-care support services, or the period of time for which post-care support should be available. However in 2015, Next Step Aftercare was launched which provides access points to post-care support for care leavers aged up to 21 years (The State of Queensland, 2016). It is unclear from the available policy documents whether any state-funded brokerage is available to care leavers in Queensland.

5. International provisions for continuing care

This section of the report summarises provisions for continuing care in various international jurisdictions, including the UK, the US, and Canada. These identified provisions exist over and above various leaving care and post-care services already in place in these jurisdictions, which are outside the scope of the summary. The purpose of this summary is to examine the nature of the specific legislative and policy clauses which support the delivery of continuing care in the identified regions.

United Kingdom (UK)

In the UK, specific duties in relation to leaving care are described across various Acts of the constituent countries⁶. These commonly include directives for leaving care planning (known as pathway planning), the need to maintain ongoing contact with care leavers post-18 years, to continue to provide advice and support via personal advisors, and review and update the pathway plan as necessary until 21 years⁷. It is interesting to note that, in some cases, the UK provisions are framed as a mandatory duty to be fulfilled except under certain circumstances, rather than a permissive, discretionary power as seen in Australian state and territory legislation. For instance, in England the *Children (Leaving Care) Act 2000* (Sections 8 and 9) state that:

⁶ These include the Children’s Act 1989, the Children (Leaving Care) Act 2000, the Children (Northern Ireland) Order 1995, the Children (Leaving Care) Act (Northern Ireland) 2002, Children (Scotland) Act 1995, the Regulation of Care (Scotland) Act 2001, and the Social Services and Well-being (Wales) Act 2014

⁷ In some cases this support is able to be extended until the time that education or training is completed, for instance in England under the Children (Leaving Care) Act 2000.

(8) The responsible local authority **shall safeguard and promote the child's welfare and, unless they are satisfied that his welfare does not require it, support him by—**

(a) maintaining him;

(b) providing him with or maintaining him in suitable accommodation; and

(c) providing support of such other descriptions as may be prescribed.

(9) Support under subsection (8) may be in cash.

Provisions for continuing care in the UK have primarily been implemented over the past five years.

- These first emerged in Northern Ireland (known as the '**Going the Extra Mile (GEM) Scheme**') in 2006 (Department of Health Social Services and Public Safety, 2016).
- England subsequently introduced the '**Staying Put**' duty in Section 98 of the *Children and Families Act* in 2014 (UK Department for Education, 2016).
- In Wales this provision is known as the '**When I am Ready**' scheme, legislatively described as a 'Post-18 Living Arrangement' in the *Social Services and Well-being Act 2014* (Welsh Government, 2016).
- In Scotland they are referred to as both '**Continuing Care**' and '**Staying Put arrangements**', implemented in 2015 (The Scottish Government, 2013).

Continuing care arrangements seen in the UK contain largely **similar core components**, namely:

- A responsibility of the local authority to ascertain whether the young person and their foster carer wish to continue their living arrangements;
- The assessment of whether such an arrangement is consistent with the young person's wellbeing; and
- The provision of advice, in-kind and financial support to maintain this arrangement. Variations exist in relation to the duration of support, and whether conditions relating to the young person's participation in education, training and employment are applicable.

Specific examples of legislative provisions for continuing care in the UK are provided below.

Northern Ireland

The **Going the Extra Mile (GEM) scheme** is a policy initiative facilitated under a number of pieces of legislation, including the Children (Leaving Care) Act (NI) 2002, the Children (Leaving Care) Regulations (NI) 2005 and Volume 8 of the Children (NI) Order 1995 Guidance - Leaving and

Aftercare (Department of Health Social Services and Public Safety, 2016). There is no single piece of legislation which directs the establishment of the scheme, however Sections 2(8) and (9) of the *Children (Leaving Care) Act (Northern Ireland) 2002*, state that:

(8) The responsible authority shall safeguard and promote the child's welfare and, unless the authority is satisfied that his welfare does not require it, support him by—

(a) maintaining him;

(b) providing him with or maintaining him in suitable accommodation; and

(c) providing support of such other descriptions as may be prescribed.

(9) Support under paragraph (8) may be in cash.

Information from the Northern Ireland Government indicates that the Going the Extra Mile (GEM) scheme was initially piloted in 2006, is available to foster care leavers aged 18 years and older who are engaged in employment, education and training. The scheme aims to ensure that “*appropriate and agreed levels of financial support are available to assist carers to continue to meet the care, accommodation and support needs of these young people until the young person is aged at least 21*” (Department of Health Social Services and Public Safety, 2016, p. 7). Little other information could be located as to eligibility requirements, or the level of financial and case support offered as part of this scheme.

England

In England, the ‘**Staying Put**’ duty was introduced via the *Children and Families Act 2014*, which directs provisions to be inserted in *The Children’s Act 1989*. Part 5, Section 98(2) of the *Children and Families Act 2014* directs the following continuing care provisions to be made available:

“Arrangements for certain former relevant children to continue to live with former foster parents

(1) Each local authority in England have the duties provided for in subsection (3) in relation to a staying put arrangement.

(2) A “staying put arrangement” is an arrangement under which—

(a) a person who is a former relevant child by virtue of section 23C(1)(b), and

(b) a person (a “former foster parent”) who was the former relevant child’s local authority foster parent immediately before the former relevant child ceased to be looked after by the local authority, continue to live together after the former relevant child has ceased to be looked after.

(3) It is the duty of the local authority (in discharging the duties in section 23C(3) and by other means)—

(a) to monitor the staying put arrangement, and

(b) to provide advice, assistance and support to the former relevant child and the former foster parent with a view to maintaining the staying put arrangement.

(4) Support provided to the former foster parent under subsection (3)(b) must include financial support.

Section 98(3) of the Act indicates that the local authority, in preparing a young person to leave care:

...must determine whether it would be appropriate to provide advice, assistance and support under this Act in order to facilitate a staying put arrangement, and with a view to maintaining such an arrangement, after the local authority cease to look after him or her.

And

must provide advice, assistance and support under this Act in order to facilitate a staying put arrangement if— (a) the local authority determine under sub-paragraph (2) that it would be appropriate to do so, and (b) the eligible child and the local authority foster parent wish to make a staying put arrangement.

While these provisions enable continuing care to be provided to a cohort of care leavers, this is reliant on the agreement of the specific foster carer. A 2016 review of residential care in England also recommended the introduction of ‘**Staying Close**’, an alternative to ‘Staying Put’ for young people in residential care. The scheme proposes to support residential care leavers to live independently, though close to their former residential care home, to enable ongoing connection and access to support (Narey, 2016). In July 2016, the UK Department for Education indicated a commitment to introduce ‘Staying Close’ (UK Department for Education, 2016), and arrangements for piloting the scheme are to be developed.

Wales

Welsh continuing care provisions are detailed in Section 108 of the *Social Services and Well-being (Wales) Act 2014*, which states that:

(2) The responsible local authority must ascertain whether the young person and his or her local authority foster parent wish to make a post-18 living arrangement.

(3) A “post-18 living arrangement” is an arrangement under which—

(a) a category 3 young person—

(i) who is under the age of 21, and

(ii) who was being looked after by a local authority when he or she reached the age of 18 and, immediately before ceasing to be looked after, was a category 1 young person, and

*(b) a person (a “former foster parent”) who was the young person's local authority foster parent immediately before he or she ceased to be looked after, **continue to live together** after the young person has ceased to be looked after.*

*(4) Where the young person and his or her local authority foster parent wish to make a post-18 living arrangement, the responsible local authority **must provide advice and other support** in order to facilitate the arrangement.*

(5) Subsection (4) does not apply if the responsible local authority considers that the making of a post-18 living arrangement between the young person and his or her local authority foster parent would not be consistent with the young person's well-being.

Further details are provided in the ‘*When I am ready*’ Good Practice Guide (Welsh Government, 2016), including:

- A description of the changes to the legal arrangement once the young person turns 18 years of age. At this time the former foster carer becomes the landlord of the young person, and the placement is legally recognised as a lodging. The arrangement is regarded as a commercial arrangement, providing the young person with a rental history, and, in some instances the capacity to claim housing benefits.
- The general availability of the Living Together Agreement until the young person is 21 years of age, and its potential extension to 25 years if the young person is participating in approved education, training or employment.
- Support includes six monthly reviews of the arrangement and pathway plan, support for the former foster carer, as well as financial support to maintain the arrangement.
- The local authority provides financial support directly to the former foster carer. While there is some flexibility, this is generally the minimum allowance paid to foster carers. Additional expenses such as clothing, personal items, travel allowances etc. are expected to be paid for via the young person’s benefits or entitlements.

Scotland

Scottish continuing care provisions are detailed in Section 67 of the *Children and Young People (Scotland) Act 2014* as follows:

Continuing care: looked after children

(1) After section 26 of the 1995 Act insert—

“26A Provision of continuing care: looked after children

(1) This section applies where an eligible person ceases to be looked after by a local authority.

(2) An “eligible person” is a person who—

(a) is at least sixteen years of age, and

(b) is not yet such higher age as may be specified.

*(3) Subject to subsection (5) below, the local authority **must provide** the person with continuing care.*

*(4) “Continuing care” means **the same accommodation and other assistance as was being provided for the person by the authority**, in pursuance of this Chapter of this Part, immediately before the person ceased to be looked after.*

*(5) The duty to provide **continuing care does not apply if—***

(a) the accommodation the person was in immediately before ceasing to be looked after was secure accommodation,

*(b) the accommodation the person was in immediately before ceasing to be looked after was a care placement and the carer has indicated to the authority that the **carer is unable or unwilling to continue to provide the placement**, or*

(c) the local authority considers that providing the care would significantly adversely affect the welfare of the person.

*(6) A local authority’s **duty to provide continuing care lasts**, subject to subsection (7) below, until the expiry of such period as may be specified.*

*(7) The duty to provide continuing care **ceases if—***

(a) the person leaves the accommodation of the person’s own volition,

(b) the accommodation ceases to be available, or

(c) the local authority considers that continuing to provide the care would significantly adversely affect the welfare of the person.

Unlike England and Wales, Scotland has legislated for continuing care to be available **regardless of the young person’s placement type**, including for young people in residential care arrangements. While the upper age threshold for such arrangements is not described in the legislation, according to policy they are applicable to care leavers up to 21 years of age (The Scottish Government, 2016). There is a duty for other forms of post-care support to be provided up until the age of 19 years, and for local governments to assess eligible needs of

care leavers until 26 years of age, or beyond in certain circumstances (The Scottish Government, 2016).

United States (US)

In 2008, the US introduced federal legislation under the *Fostering Connections to Success and Increasing Adoptions Act*, supporting states to extend the provision of care and until 21 years, provided that the young person is:

- completing secondary education or equivalent credential;
- enrolled in an institution which provides post-secondary or vocational education;
- participating in a program to promote or remove barriers to employment;
- employed for at least 80 hours per month; or
- incapable of doing these activities due to a medical condition.

The law pertains to young people residing in foster care, group care, or independent living arrangements (Courtney, Dworsky, & Napolitano, 2013). Subsequently, at least 47 implemented and 4 pending Bills relating to extending care were introduced between 2009 and 2014 across 28 states (National Confederate of State Legislature, 2016). As at January 2013, 18 states had a federally-approved plan for extending the provision of foster care beyond 18 years (Casey Family Programs, 2013). Examples of the introduced legislation in these states⁸ are provided below, most of which are premised on a voluntary agreement between the young person and either the state or the foster carer, and a view that such an arrangement is in the best interests of the young person. Some states have also amended legislation to make provisions for young people to reside independently in supervised placements after 18 years, while remaining under the guardianship of the State. Additionally, provisions exist in many cases for young people to transition to independence and return to care at a later date, prior to the age of 21 years, where they meet certain conditions (e.g. engagement in education).

California

California was one of the first states to put forward legislation to extend care. The *Fostering Connections to Success Act* was introduced in 2008⁹, signed into law in 2010, and implemented in 2012. Section 43 of the Act states that:

⁸ This information was sourced from the National Confederate of State Legislatures on 21st September 2016: <http://www.ncsl.org/research/human-services/extending-foster-care-to-18.aspx#Additional Resources>

⁹ Also known as Assembly Bill 12 or AB 12.

... Effective January 1, 2012, these nonminor dependents **shall be eligible to receive support up to 19 years of age**, effective January 1, 2013, up to 20 years of age, and effective January 1, 2014, up to 21 years of age, consistent with their transitional independent living case plan.

And:

A nonminor dependent receiving aid pursuant to this chapter, who satisfies the age criteria set forth in subdivision (a), **shall meet the legal authority for placement and care** by being under a foster care placement order by the juvenile court, or the voluntary reentry agreement...and is otherwise eligible for AFDC-FC payments pursuant to Section 11401.

Effective January 1, 2012, a nonminor former dependent child or ward of the juvenile court who is receiving AFDC-FC benefits pursuant to Section 11405 and who satisfies the criteria set forth in subdivision (a) **shall be eligible to continue to receive aid as long as the nonminor is otherwise eligible for AFDC-FC benefits under this subdivision.**

This subdivision shall apply when one or more of the following conditions exist:

- (1) The nonminor is completing secondary education or a program leading to an equivalent credential.
- (2) The nonminor is enrolled in an institution which provides postsecondary or vocational education.
- (3) The nonminor is participating in a program or activity designed to promote, or remove barriers to employment.
- (4) The nonminor is employed for at least 80 hours per month.
- (5) The nonminor is incapable of doing any of the activities described in subparagraphs (1) to (4), inclusive, due to a medical condition, and that incapability is supported by regularly updated information in the case plan of the nonminor.

And:

A nonminor dependent **may receive all of the payment directly provided that the nonminor is living independently in a supervised placement**, as described in subdivision (w) of Section 11400, and that both the youth and the agency responsible for the foster care placement have signed a mutual agreement... that documents the continued need for supervised out-of-home placement, and the nonminor's and social worker's or probation officer's agreement to work together to facilitate implementation of the mutually developed supervised placement agreement and transitional independent living case plan.

The requirement to inform care leavers of their eligibility to access this support is also contained under this Section (43) of the Act:

*The county welfare department, county probation department, or tribal entity **shall notify all foster youth who attain 16 years of age** and are under the jurisdiction of that county or tribe, including those receiving Kin-GAP, and AAP, of the existence of the aid prescribed by this section.*

Provisions **to enable a voluntary return to foster care** are found under Section 27 of the Act as follows:

*If the court has dismissed dependency jurisdiction pursuant to subdivision (d) of Section 391, **the nonminor, who has not attained 21 years of age, may subsequently file a petition** pursuant to subdivision (e) of Section 388 **to have dependency jurisdiction resumed** and the court may vacate its previous order dismissing dependency jurisdiction over the nonminor dependent.*

District of Columbia

In 2010, the District of Columbia passed a Bill to amend the *District of Columbia Code* to include the following provision for continuing care:

*Subject to subsection (b) of this section, the court shall have jurisdiction to enter guardianship order and **shall retain jurisdiction** to enforce, modify, or terminate a guardianship order **until a child reaches 21 years** of age; provided, that when the child reaches 18 years of age, the child consents and the court finds it is in the best interest of the child.*

And:

*For guardianships that are finalized on or after May 7, 2010, **eligibility for subsidy payments** under this section **shall continue** during the period of the guardianship order until the child reaches 21 years of age.*

Michigan

In 2011, Michigan enacted continuing care provisions under the *Young Adult Voluntary Foster Care Act*. Article II of the Act states that:

Sec. 5. The department shall implement the young adult voluntary foster care act in accordance with the state's approved title IV-E state plan.

*Sec. 7. A youth who exited foster care after reaching 18 years of age but before reaching 21 years of age **may reenter foster care and receive extended foster care services.***

Sec. 9. The department **may provide extended foster care services** if the youth meets 1 of the following conditions for eligibility:

- (a) The youth is completing secondary education or a program leading to an equivalent credential.
- (b) The youth is enrolled in an institution that provides postsecondary or vocational education.
- (c) The youth is participating in a program or activity designed to promote employment or remove barriers to employment.
- (d) The youth is employed for at least 80 hours per month.
- (e) The youth is incapable of doing any part of the activities in subdivisions (a) to (d) due to a medical condition. This assertion of incapacity must be supported by regularly updated information in the youth's case plan.

Arkansas

In 2013, Arkansas made a series of amendments to their Juvenile Code which included adding provisions for continuing care as follows:

The department **shall develop a transitional plan** with every juvenile in foster care not later than the juvenile's seventeenth birthday or within ninety (90) days of entering a foster care program for juveniles who enter foster care at seventeen (17) years of age or older. **The plan shall include** without limitation written information and confirmation concerning:

- (1) **The juvenile's right to stay in foster care after reaching eighteen (18) years of age** for education, treatment, or work and specific programs and services, including without limitation the John H. Chafee Foster Care Independence Program and other transitional services

Wisconsin

In 2104, Wisconsin made the following amendments to the Wisconsin Statutes to enable the provision of continuing care:

APPLICABILITY. This section applies to a person who is placed in a foster home, group home, or residential care center for children and youth, in the home of a relative other than a parent, or in a supervised independent living arrangement ... that terminates ... on or after the person attains 18 years of age or who is in the guardianship and custody of an agency ... or under an order under s. 48.43, who is a full-time student of a secondary school or its vocational or technical equivalent, and for whom an individualized education program ... is in effect.

And:

*VOLUNTARY TRANSITION-TO-INDEPENDENT-LIVING AGREEMENT. (a) On termination of an order described in sub. (1), the person who is the subject of the order, or the person's guardian on behalf of the person, and the agency primarily responsible for providing services to the person under the order **may enter into a transition-to-independent-living agreement** under which the person continues in out-of-home care and continues to be a full-time student at a secondary school or its vocational or technical equivalent under an individualized education ... until the date on which the person reaches 21 years of age, is granted a high school or high school equivalency diploma, or terminates the agreement as provided in par. (b), whichever occurs first, and the agency provides services to the person to assist him or her in transitioning to independent living.*

*(b) **The person** who is the subject of an agreement under par. (a) or his or her guardian **may terminate the agreement at any time** during the term of the agreement by notifying the agency primarily responsible for providing services under the agreement in writing that the person wishes to terminate the agreement.*

*(c) **A person who terminates a voluntary agreement** under this subsection, or the person's guardian on the person's behalf, **may request** the agency primarily responsible for providing services to the person under the agreement **to enter into a new voluntary agreement** under this subsection at any time before the person is granted a high school or high school equivalency diploma or reaches 21 years of age, whichever occurs first, so long as the person is a full-time student at a secondary school or its vocational or technical equivalent and an individualized education program ... is in effect for him or her. If the request meets the conditions set forth in the rules promulgated under sub. (4) (b), **the agency shall enter into a new voluntary agreement** with that person.*

Canada

Like Australia, each Canadian jurisdiction has its own child protection and leaving care legislation. Provincial definitions of 'children' for the purposes of child protection vary substantially, from 16 to 19 years across the country. Many provinces offer what are termed '**Extended Care and Maintenance Agreements**' (ECMs) or an equivalent (e.g. Ontario, Manitoba, Alberta) (Knoke, 2009). These agreements generally provide an ongoing allowance and case work to the young person until 20 or 21 years, provided they are engaged in education or training (Knoke, 2009; The Office of the Provincial Advocate for Children and Youth (Ontario), 2012). **Ontario and Alberta now have discretionary continuing care arrangements** in place.

Ontario

In 2011 **Ontario** introduced the *Building Families and Support Youth to Be Successful Act*, which amended the *Child and Family Services Act* with the following clauses (Section 71.1(1) & (3)):

*(1)A society or agency **may provide care and maintenance** in accordance with the regulations to a person **who is 18 years of age or more** if, when the person was 16 or 17 years of age, he or she was eligible for support services prescribed by the regulations, whether or not he or she was receiving such support services.*

(3)Subject to the terms and conditions in this section, a person who chooses to stop receiving care and maintenance under this section may choose to resume receiving it.

These provisions are discretionarily available to care leavers until 21 years, and include fixed income support (The Office of the Provincial Advocate for Children and Youth (Ontario), 2012). According to the Ontario Ministry of Children and Youth Services (2016), young people aged 18 to 21 **may be eligible to remain with foster carers**, on a funded basis, where they require additional time to complete high school. There are some indications that Ontario is considering extending these provisions to the age of 24, and removing requirements in relation to involvement in education and training (Doucet, 2015).

Alberta

In Alberta, Section 67.3 (Post-18 care and maintenance) of the *Child, Youth and Family Enhancement Act 2000* contains the following provisions for post-care support:

*57.3 When a youth who is the subject of a family enhancement agreement under section 57.2(1), a custody agreement under section 57.2(2), a temporary guardianship order or a permanent guardianship agreement or order attains the age of 18 years, a director **may continue to provide the person with support and financial assistance***

(a) for the periods and the purposes, and

(b) on the conditions prescribed in the regulations.

These discretionary powers are further detailed in the *Child, Youth and Family Enhancement Regulation* as follows:

*6(1) A director **may enter into an agreement** in Form 12 of Schedule 1 with a person described in section 57.3 of the Act with respect to the provision of support and financial assistance required to assist or enable the person to establish or maintain an independent living arrangement if, in the opinion of the director, the*

support and financial assistance are not reasonably available to the person from other sources.

*(2) An agreement referred to in subsection (1) **must include a plan for the person's transition to independence** and adulthood in Form 9 of Schedule 1.*

*(3) An agreement referred to in subsection (1) **may provide support and financial assistance** that are required for the health, well-being and transition to independence and adulthood of the person referred to in section 57.3 of the Act, including*

(a) living accommodation,

(b) financial assistance related to necessities of life,

(c) if the person is less than 20 years of age, financial assistance related to training and education,

(d) if the person is less than 20 years of age, health benefits, and

(e) any other services that may be required to enable the person to live independently or achieve independence.

(4) No agreement referred to in subsection (1) may be entered into or remains in force after the person's 24th birthday.

Again, these legislative provisions suggest discretionary powers to support care leavers beyond 18 years under certain circumstances. The legislation currently underpins the Alberta policy, which allows for '**Support and Financial Assistance Agreements**' to be entered into by care leavers aged 18 to 24 years (Alberta Human Services, 2016). These are negotiated agreements, which may include the provision of:

- accommodation,
- health benefits,
- support services to attain transition to independence plan goals, or
- financial assistance for basic necessities.

The following additional supports are limited to care leavers aged between 18 and 20 years:

- financial assistance related to training and education
- health benefits

6. Continuing care in Australia – mapping the ways forward

The examination of international continuing care schemes (Section 5) indicates that the legislation underpinning these provisions in the UK is generally more directive than those seen in Australia. Clauses such as *“must provide”*, and *“is the duty”* create a mandate for the extension for care, where such arrangements are agreed upon by the young person and their carer(s).

In the US, the legislation for continuing care is framed slightly differently, focusing on young peoples' *eligibility* to receive ongoing care under specific circumstances. However the intent is similar to the UK in that voluntary continuing care arrangements can be entered into providing the young person meets certain eligibility criteria, such as participation in education, training or employment, or is exempt from such requirements due to a medical condition.

In Canada, continuing care legislative provisions are less developed compared to the US and the UK. At the same time, continuing care has been delivered in two provinces, though it appears these are mainly limited to foster care leavers who are engaged in education, training or employment.

Overall, these international schemes enable care to continue to be funded beyond the statutory period, to a specified upper age limit, provided that certain conditions are met, including:

- Agreement of the young person
- In some cases, agreement of the former foster carer - it is worth noting that in some jurisdictions such as Wisconsin, continuing care is provided to young people in independent supported living arrangements
- Participation in education, training or employment – again, it is worth noting that this is not the case for all continuing care schemes, and exceptions are made in some jurisdictions for young people who cannot participate in such schemes due to illness or disability.
- It is also important to note that most continuing care schemes allow for the young person to move to independence, and return to non-statutory care at a later date within the eligibility period (e.g. before their 21st birthday). This provides an enhanced safety net, while still enabling young people to experiment with varying degrees of independence at different times.

In summary, sections 3 and 4 of this report outlined the current landscape with respect to the provision of post-care support in Australian states and territories. This analysis suggests that there is currently no enforceable legislative mandate to provide continuing care services to Australian care leavers. While not directly comparable, the international experience suggests that legislative amendments appear to be necessary for Australian jurisdictions to support the delivery of continuing care schemes.

The most robust legislative provisions for supporting continuing care are those seen in the UK, particularly England and Scotland. These create a specific mandate to provide ongoing care, advice, and support (including financial support) to care leavers. However, based on international experience, there are a range of possible approaches for legislative amendments which could be adopted in the Australian context, including:

- Extending the age threshold for guardianship on a voluntary basis (as seen in the District of Columbia);
- Creating a mandate to provide continuing care (as seen in many UK constituent countries);
- Creating eligibility criteria for young people to receive continuing care (as seen in many US examples); or
- Providing for voluntary arrangements between young people and carers to be extended beyond 18 years (as seen in the ACT provisions for foster and kinship care).

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Children, Young Persons and Their Families Act 1997 (TAS)

Children, Youth and Families Act 2005 (VIC)

Children's Protection Act 1993 (SA)