



MEDIA RELEASE

Hon. John Hatzistergos MLC
Attorney General
Minister for Citizenship
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NEW SYSTEM TO HELP RELATIVES CARING FOR CHILDREN

The NSW Government has introduced a new system that will make it easier for relatives such as grandparents who informally care for children to provide consent for day-to-day activities in the absence of the parents.

“There are often instances where carers of children, such as grandparents, face practical difficulties looking after children where they need to provide parental consent when the parents are unavailable,” Attorney General John Hatzistergos said.

“For example, they may need to enrol the child in school or consent to them attending a school excursion or receiving medical and dental treatment.

“This new system will enable grandparents and other relatives informally looking after a child to make a statutory declaration that they are responsible for the regular care of the young person.

“The declaration will help them establish their status as a carer so that they can work with the child’s school or access health care and other important services.

“This new system aims to address the difficulties informal carers often face in granting consent on behalf of children in their care.”

Mr Hatzistergos said there are many situations where a relative becomes the informal carer of child, for example, where a parent has gone missing but legal guardianship proceedings are yet to take place.

He said the statutory declaration would not alter the rights of the child’s legal guardian.

“The informal care provider will only be able to give consent to the day-to-day activities of the child in situations where the legal guardian is unavailable, for example, if a parent is missing,” Mr Hatzistergos said.

President of Council on the Ageing (NSW) Kath Brewster welcomed the announcement and said the statutory declaration will make things a little easier for grandparents, relatives and other kinship carers.

“We’ve been working with grandparents raising their grandchildren for many years to highlight the vital role they often take on when families break down,” she said.

“The reality is that grandparents often step in to care for grandchildren in desperate circumstances and this initiative is a real step forward in giving them some practical assistance in the day-to-day care of the children.”

Ms Brewster said situations where grandparents are caring for grandchildren had become increasingly prevalent over the past decade – a trend that has gone largely undetected by official data because it only reflects formal kinship arrangements.

The Australian Institute of Health and Welfare reported last year that the number of children and young people in out-of-home care had doubled in Australia in the last decade to 31,166. Almost half - 14,015 (45%) - were in formal kinship arrangements under statutory authority.

Ms Brewster said official figures did not give an accurate picture of the number of grandparents caring for children because it only reflected formal kinship arrangements.

“In our experience, it is becoming increasingly prevalent for grandparents and other relatives to step in to care for children in the absence of the parents and this trend has been seriously underestimated by official data,” she said.

The new system of statutory declarations will:

- uphold the best interests of the child;
- be efficient and free;
- be flexible and temporary to suit changing circumstances; and
- be used as an interim measure prior to legal arrangements being made for the care of the child.

Statutory declarations will remain valid for six months. Similar statutory declarations for relatives providing informal care exist in South Australia and Victoria.

The documents will assist informal carers of children in gaining access to services for the children which may include:

- Schools
- Kindergartens
- Child care facilities
- Health services
- Registry of Births, Deaths and Marriages
- Recreation such as sporting clubs or scouts/guides

Statutory declaration forms can be downloaded from the Department of Justice and Attorney General’s website www.lawlink.nsw.gov.au or at www.lawaccess.nsw.gov.au

LawAccess NSW can also post declarations. For more information call 1300 888 529.

Anyone who makes a false statutory declaration could be jailed for up to five years.