

Public Guardian with an Advocacy function: NGO Checklist for applications

A protocol between Family and Community Services (FACS) and the NSW Public Guardian supports the appointment of the Public Guardian with an Advocacy function for young people aged 16 or 17 who are transitioning from statutory care to adult disability services.

This checklist has been developed to assist OOHC NGO caseworkers identify eligible young people and the tasks required to submit an application. It should be read in conjunction with the Factsheet [Transitioning from statutory out-of-home care to adult disability services](#) and the [protocol](#).

It is important to note that while an OOHC NGO may have case management responsibility and plays a key role in identifying eligible young people and preparing the application, they do not have the delegation to lodge an application for the appointment of the Public Guardian with an Advocacy function when parental responsibility is with the Minister for Family and Community Services.

Criteria for consideration of eligibility

- The young person has impaired decision-making capacity because of disability.
- 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 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 with an Advocacy function. 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 the young person becomes eligible at 16 years of age.