

## *Policy: Property of Children in Care*

### Policy purpose

To ensure the property of a child is properly managed.

### Policy Statement

When a child in the care of the Chief Executive Officer (CEO) and has no other adult who has the authority to manage, control or deal with the child's property, the Case Manager can apply for the Public Trustee to take control.

### Definition of Property

For the purpose of this policy 'property' includes money, real estate, stocks, shares, bonds, debentures and income derived from these sources.

### Provisions under the Act

Under s83 of the *Care and Protection of Children Act 2007* (the Act) the CEO can apply to the Court for the Public Trustee to take control of the property of a child.

Action under s83(1) is to be taken only when there is no other adult who has the authority to manage, control or deal with the child's property.

### Decision to Proceed

The Case Manager is to consult with the Team Leader and Legal Services for Territory Families to determine if action under s83(1) is appropriate. Legal Services will consult with the Public Trustee as necessary for this purpose. If a decision is made to proceed, the Case Manager must complete an *Application for Order Empowering Public Trustee to Manage Property of Child* in the name of the Manager.

The original documentation is to be lodged with the Clerk of Courts and a hearing date obtained.

Copies of the documents, including the hearing date, are to be provided to the:

- Public Trustee;
- Attorney General's Solicitor;
- Child's parent/s;
- Child; and
- Recorded in the Child's file.

Following the Court Hearing:

- Case Manager advises the outcome to the Manager in writing, including a copy of the Court Order;
- Case Manager must explain the Court Order to the child parent/s and any other relevant persons;
- Attorney General's solicitor will advise the Public Trustee of the outcome of the Court Hearing;
- All documentation is to be placed on the child's hard copy file and on CCIS.

## Management of the child's property

When the Public Trustee has been appointed to control the child's property, the CEO will be informed and consulted regarding any requests by the child or another party to access the child's property. The Manager is delegated to approve any transactions.

### Public Trustee fees

The Public Trustee is entitled to charge fees for the management of the child's property. The fees are deducted from the child's income or property under the Public Trustee's control. If the deductions would seriously disadvantage the child, approval can be given by the Manager to pay the fee(s) as an *Additional Child Related Costs* item.

### Legislative Basis

[Care and Protection of Children Act 2007](#)

### Standards

[Standards of Professional Practice](#)

Authorised by:

<b>Executive Director, Service Development and Policy on:</b>	16/03/2015	<b>Active from:</b>	16/03/2015
<b>Version 1.0</b>	The purpose of this policy is to ensure that all property of a child in care is properly managed.		

Current Version V 1.01

<b>Active from:</b>	6/02/2017	<b>Authorised by:</b>	Director, Policy
<b>Update:</b>	Rebranded and links updated. Caseworker to Case Manager.		
<b>Review due:</b>	June 18	<b>Maintenance:</b>	Policy TF.Policy@nt.gov.au