

Grandparents Raising Grandchildren Trust New Zealand

Te whakamana i nga tupuna me nga whānau whaanui ki te whakatipu tamariki pakari me te hauora me te rangatahi
Raising resilient and healthy children and youth by empowering grandparent and whānau care families

To: The Secretariat
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Submission to the Social Services Select Committee on the Social Security (Financial Assistance for Caregivers) Amendment Bill

Dear Select Committee Members

Thank you for the opportunity to make submissions on the **Social Security (Financial Assistance for Caregivers) Amendment Bill** ("the Bill").

This submission is made on behalf of Grandparents Raising Grandchildren Trust NZ ("GRG").

I am delighted to **confirm GRG's support for the Bill in its entirety.**

The Bill is a further positive step towards ensuring that in circumstances where they cannot be raised by their parents due to a family breakdown, or their parents have died, they are missing, or they have a long-term disablement; every child in New Zealand receives the support they need from the beginning of their "in care" journey, so that they can have a safe, secure, and loving home environment in which to thrive and realise their potential in life.

I also wish to take this opportunity at the outset to formally extend our sincere gratitude to the former Minister for Children, the Honourable Tracey Martin; for her work over the past decade that has focused on the legislative changes needed to ensure equity for all children and young people in state and non-state care in circumstances where they cannot be raised by their parents.

These submissions outline and discuss:

1. Grandparents Raising Grandchildren Trust NZ; who and how many families we represent,
2. The issues non-state caregivers typically face and our experience advocating for them in this context;
3. The injustices caused by the current 1 year (“the 12-month rule”) prerequisite for eligibility to receive financial support for children in care via the Orphan’s Benefit (OB) and the Unsupported Child’s Benefit (UCB) (sections [44](#) and [47](#) of the Social Security Act 2018), and why it is just to remove the 12-month rule from the eligibility criteria. Case examples are included to illustrate the injustices caused by it.
4. Concerns addressed by Members of Parliament during the First Reading of the Bill on 8 December 2020¹;
5. Why it is important for children in non-state care in receipt of the OB or UCB to access the Birthdays and Christmas Allowance that is currently available to children receiving the Foster Care Allowance.

¹ Refer Hansard Report Transcript: https://www.parliament.nz/en/pb/hansard-debates/rhr/combined/HansDeb_20201208_20201208_28

1. About GRG

- 1.1 Grandparents Raising Grandchildren Trust NZ** is a registered national charity that has been providing support services and education programmes to full-time grandparent and whānau care families since 2001.
- 1.2** Our membership of full-time caregivers who are raising someone else's children comprises:
- 93% grandparents²
 - 1% great grandparents
 - 6% whānau caregivers.
- 1.3** As such, GRG represents and advocates for the largest group of grandparent caregivers nationwide.
- 1.4** The ethnic demographics of our membership is:
- 49.8% NZ European
 - 41.2% Maori
 - 3% Pacific Peoples
 - 1.1% other European
 - 0.4% Asian
 - 0.3% MELAA and
 - 4.2% undisclosed.
- 1.5** We have only recorded the **ethnicity data for the children** in their care since 2018, but for the proportion that we do have information,
- 60% are Maori
 - 33% NZ European/Pakeha
 - 5% Pacific

² Note: A typo error in the original submissions sent to the Social Services and Community Select committee referred to 95%. The correct figure is 93% for the proportion of caregivers who are grandparents.

- 0.5% Asian
- 0.5% MELAA
- 1% other European (e.g., American, Australian, English).

- 1.6** We estimate, based on Oranga Tamariki, Work and Income New Zealand (WINZ), Statistics New Zealand and our own database figures that there are well over 25,000 children in New Zealand living with a state or non-state caregiver. The majority of whom are with their grandparents.
- 1.7** In our 20th year today, we provide support to around 5,500 families (9,000+ caregivers) raising between 12,000 and 16,000 children nationwide³.
- 1.8** Since 2015, on average around 600 new families have joined GRG for support each year⁴.
- 1.9** Our goal is to help these families overcome the tough start the children have had in their lives. The focus of our support and education programmes is to guide their caregivers through the many challenges that they experience along the way so that they can be **empowered to raise resilient and healthy children and youth.**
- 1.10** Our support services and programmes include:
- 0800 GRANDS helpline,
 - An advocacy and outreach service,
 - Information resources (newsletter, website, social media, handbooks);
 - A volunteer-led nationwide support and coffee group network (approx. 48 locations), and

³ Numbers of children GRG members report that they are caring for fluctuates. Estimates are based on membership data and research studies. The average number of children per caregiver is 1.8 (Refer Page 40, Gordon, Liz (2016) The empty nest is refilled: The joys and tribulations of raising grandchildren in Aotearoa Auckland: Grandparents Raising Grandchildren Trust (NZ))

⁴ Refer to our Annual Reports at <https://www.grg.org.nz/Who+we+are/Annual+Report.html>

- A trauma informed and strengths-based caregiver education workshop programme

2. Issues that typically face grandparent and whānau caregivers

- 2.1** The awareness of the needs of children in full-time grandparent and whānau care families has increased over the past decade, however there are still some people in our society who hold the view that children in non-state grandparent or whānau care do not have the same level of need for financial support as a child in foster care.
- 2.2** Over many years, GRG has been a strong advocate for the changes proposed in the Bill, because we have recognized that children meeting the criteria for the OB or UCB under sections 43 (1), (2) and 46 (1), (2)⁵ who cannot be raised by their parents, have the same financial and other support needs as if they were in state/foster care, due to the circumstances that exist when care starts.
- 2.3** This view is supported and informed by the research we have undertaken with these families in [2005](#), [2009](#), and [2016](#)⁶ in addition to our annual internal member feedback surveys. In our view, it is important therefore for the committee and the Members of Parliament voting on this Bill to have a real world understanding of the challenges these families, caregivers and children face. This will enable them to fully understand why their need for financial support is akin to that of a child in foster care and **why this Bill and the changes proposed are so important to ensure the wellbeing of children in non-state care** at the beginning of their care journey.
- 2.4** Working directly with the families and through research, we have learned that their needs are complex and multifaceted. The legal status of care and the path to care – be it state or non-state care can vary with varying outcomes in terms of the financial and other supports available for the children. However,

⁵ See Appendix C [attached](#) with the full text of the sections pertaining to the eligibility for the OB and UCB

⁶ Refer to <https://www.grg.org.nz/What+we+do/Publications/Research.html> Gordon, Liz (2016) The empty nest is refilled: The joys and tribulations of raising grandchildren in Aotearoa: Grandparents Raising Grandchildren Trust (NZ).

the reasons for non-state grandparent or whānau care and the kinds of issues affecting the children are largely the same as for state care placements with approved state caregivers as outlined below:

- 2.4.1** The most prevalent reason for children being placed in their grandparents' care is their parent's drug abuse, of which 86% of our caregivers cite methamphetamine and 81% cite cannabis as the main drugs involved, leading to the family breakdown and the parent's inability to care for their children.⁷
- 2.4.2** The other top five co-morbid factors or reasons for the family breakdown, in order of prevalence are: domestic violence, neglect, parent unable to cope, alcohol abuse and mental illness of the parent. The children have been exposed to this trauma in their parent's care and nearly a quarter of the children in grandparent care have also suffered physical, psychological, or sexual abuse.⁸
- 2.4.3** Around 60% of the children in grandparent and other whānau care have been adversely impacted by trauma. Over 40%⁹ have been diagnosed with a psychological disability, behavioural conduct disorder or have issues affecting their cognitive development. A further 20% are either too young for a diagnosis, or their caregiver cannot afford the cost of obtaining one.
- 2.4.4** Our 2016 Research also showed that **72% of children in grandparent or whānau care had been notified to Oranga Tamariki's predecessor, Child Youth and Family, with care and protection concerns and, or there was ongoing involvement with them.**

⁷ GRG Member Survey 2017 finding as to the most prevalent drugs used by parents where reason for children being placed in grandparent care involved parental drug abuse.

⁸ Ibid note 5

⁹ Ibid note 5

- 2.4.5** Our new member registrations in the period 1 July to 30 November 2020 revealed that Oranga Tamariki is or has been involved with the children prior to their grandparent’s care for 79% of our new member families.
- 2.4.6** In most cases, where Oranga Tamariki is involved and the children have moved to grandparent or whānau care, it is via a less formal process involving a Hui ā-whānau and may also include a Safety Plan. In these cusp of care cases, usually there are no court orders made in favour of the Chief Executive.¹⁰
- 2.4.7** This is because social workers assessing the case prefer to follow the less formal process of a Hui ā-whānau rather than the Family Group Conference and Family Court process. There is no eligibility for support with a Foster Care Allowance for these children unless the caregiver is approved by Oranga Tamariki as an “approved caregiver”¹¹. **Without the grandparents’ willingness to provide care (on a short term or long-term basis), the state would be required to take the children into state care.**

¹⁰ We are, however, aware of some outlier cases where, although the Chief Executive has section 101 Custody Orders under the Oranga Tamariki Act 1989 for the children and has placed the children in care with grandparents, no financial support (other than adhoc food/clothing/petrol vouchers) has been made available to the caregiver for the children’s needs via the Foster Care Allowance process. This is despite the fact that there is a clear duty on the Chief Executive to support the child’s reasonable needs pursuant to sections 361-363. In these cases, unless their grandparent can establish that they are eligible for the UCB/OB instead; these children receive no financial support for their care, despite the obvious care and protection issues and Oranga Tamariki’s involvement in the children’s care. Applications for the UCB are often declined because of the 12-month rule. The hardship caused in these circumstances is shocking. At the time of finalising these submissions I have learned of one new grandparent client with four grandchildren aged 6 months to 5 years of age. The grandparent has had them in her care for over five months with only adhoc food vouchers for support for the children and she is now facing eviction from her home. Oranga Tamariki is involved with a section 101 Custody Order, but they have failed to complete the process for her to become an approved caregiver for the FCA and instead wrote letters of support for the UCB but she was declined because of the 12 month rule!

¹¹ The approval process via the **Oranga Tamariki (National Care Standards and Related Matters) Regulations 2018** can be a lengthy administrative process and in our experience is not favoured by social workers for grandparent or whanau caregivers unless there is a likelihood of a long-term or a permanent placement. There is also no straight-forward mechanism within Oranga Tamariki to make funding available for the interim/short-term care placement for non-state care grandparents, which is why many social workers encourage caregivers to apply for the UCB/OB. Their support for an application does not guarantee success, despite the evidence supporting a family breakdown and no parent available to support the child. The 12-month rule is a significant hurdle to overcome for caregivers

- 2.4.8** Alternatively, the grandparents are often ‘encouraged’ by social workers to take it upon themselves to apply to the Family Court for parenting and guardianship orders. Sometimes with the threat that if they do not, the children will be taken into foster care and they will “never see them again.”
- 2.4.9** Or the grandparents have stepped in during a family crisis and breakdown in the parent’s ability to care for the children. They have taken them into their care informally, obviating the need for any involvement by Oranga Tamariki.

3. The Unjust 12-month Rule

- 3.1** We have worked with thousands of caregivers over the past 20 years, advocating on their behalf for their lawful entitlements to financial support under the law today (Social Security Act 2018) and its predecessor (Social Security Act 1964). This work has required an in-depth working knowledge of the law and policy as it pertains to eligibility for the UCB and OB.
- 3.2** Our 2016 Research and an [in-depth analysis](#) of the income support issues¹² revealed the alarming statistic that only 15% of caregivers approaching WINZ for financial support to help raise someone else’s child due to a family breakdown was correctly advised as to their potential eligibility for support via UCB. A significant part of our work with grandparents is advising them as to their eligibility for this support. Since the findings of our research were made public and shared with the Ministry, there have been some positive steps to improve the knowledge and understanding of the grandparent care scenario and their potential eligibility for the UCB amongst frontline WINZ case

¹² Liz Gordon (2017) Experiences of grandparents raising grandchildren in getting income support from work and income offices in New Zealand *Kōtuitui: New Zealand Journal of Social Sciences Online* 12.2 pages 134-145

managers. However, too many caregivers are still wrongly advised or have applications declined for reasons including, and in addition to, the 12-month rule.

- 3.3** For example, in the past three years alone, 1206 clients received information, advice, or advocacy assistance from our Specialist (Income Support) Advocacy Service, predominantly as to their eligibility for the UCB/OB. These figures do not include the work of our volunteer Support Coordinators throughout the country who have also provided advocacy support and advice on these issues to many member caregivers in their local communities.
- 3.4** Through our Specialist Advocacy Service, in the past four years:
- a.** We have also successfully advocated on behalf of 221 clients in Case Management reviews with WINZ Regional offices or the National Office, Benefit Review Hearings and Appeals to the Social Security Status Appeals Authority¹³. In each of these cases our clients were eventually granted the Unsupported Child Benefit after their applications had initially been declined, or they had been incorrectly told they did not qualify for this support.
 - b.** 83 clients¹⁴ have also received arrears payments totaling nearly \$2.4M, because of our successful advocacy on their behalf. These arrears payments have ranged from under \$1,000 through to over \$200,000 in some cases. The difference these payments have made to the children and their caregivers ability to pay for their needs and the reduction in stress and anxiety in their lives cannot be underestimated. Attached in Appendix A are raw feedback comments from members responding to our annual feedback survey, who had accessed our advocacy service in the year to May 2020.

¹³ All cases for which an appeal to the SSSAA was lodged, were settled in favour of our clients prior to the Appeal, once they were reviewed by MSD's National Office legal/case management team.

¹⁴ Refer to our Annual Reports 2017-2020. Total arrears recorded from information disclosed to GRG is \$2,393,210.

- 3.5** In the simplest of cases where the preponderance of available evidence supports the applicant's claim that they will be the caregiver for the long-term, the assessment by a WINZ case manager can be relatively straightforward resulting in a correct assessment as to a client's eligibility for the UCB or OB.
- 3.6** In our experience, sadly, this is not the case for most children for which an application for the UCB or OB is made. As outlined in paragraphs 2.4.1-2.4.9 above, and as referenced at footnote 9 above and the **Case Examples** in the attached Appendix B; many children are taken into the care of their grandparents or other whānau immediately following a family breakdown where the parents cannot care for the children. Often, Oranga Tamariki is or has been involved. At that time, the care arrangements may be viewed as short-term (i.e., less than a year). For example, to enable the parents to go to drug rehab, recover from a debilitating physical or mental illness, serve prison sentences, complete parenting programmes, or make other changes necessary in their lives to enable them to care for the children. Or they may be viewed as short-term, but due to other events, such as court hearings, Family Group Conferences and the involvement of other professionals involved in the case etc., there are delays extending the care beyond a year.
- 3.7** Amongst the clients included in the statistics in paragraph 3.3 and 3.4 above, we have advocated for many who have been denied support for the children simply because of how the 12-month rule has been interpreted and applied at the time they have applied for a UCB or OB. These cases have been resolved in one of two ways:
- (i) An application has been declined at the time of the application, and later overturned with the benefit of hindsight, as the care placement has by the time of the review, extended beyond 12 months. In these cases, upon further application by an advocate, arrears payments are also made dating back to the date of the original application.

(ii) An application has been declined at the time of the application, but inside the 12 months following the application, that decision is overturned following a Case Management Review or Benefit Review Hearing in which it is assessed that there is a likelihood of the care extending beyond 12 months.

- 3.8** The above two scenarios result in a successful, but delayed grant and financial support for the children. Most of the cases fall under 3.7(i) above. The adverse consequences of the above two scenarios are that for the interim period until a grant is made, the caregiver and children typically experience significant financial hardship, anxiety and stress as outlined in paragraphs 3.12 to 3.16 below.
- 3.9** The inherent problem with the requirement to assess the “likelihood” as to duration of care is that it requires the WINZ Case Manager to have prescient abilities in their assessment of the duration of care. Yet there are so many variables as to what may transpire over the course of the year and where there are unknown factors involved. For example, the care arrangement is being challenged in court, or the parents are facing sentencing and potential prison terms but may or may not go to jail. These factors are most often interpreted against the caregiver applicant’s assertion that it is more likely than not that they will have the care of the child beyond a year.
- 3.10** The third scenario is where an application for the UCB or OB is declined as the WINZ Case Manager correctly assesses that the care arrangements are unlikely to extend beyond a year, either because Oranga Tamariki has indicated that is the case, or there are other factors that support it being a short-term care arrangement.
- 3.11** For these ineligible caregivers, some may be eligible for the Sole Parent Support or Job-Seeker Support and have the child included in their benefit allowance. Others must rely on the Family Tax Credits (if they are eligible).

However, in most cases, the financial support is substantially less than if the child is supported by the UCB or OB.

- 3.12** However, there are caregivers who receive no financial support at all for the costs associated with the welfare and care of these children, and for which the 12-month rule is particularly discriminatory and unfair. For example, **grandparents over 65 years of age, receiving National Superannuation payments do not qualify for the Sole Parent or Job-seeker Support. They cannot therefore claim any support for the children as dependents.** They must rely solely on Family Tax Credits unless they can establish eligibility for the UCB/OB. This group of caregivers is the most vulnerable and most in need of the UCB or OB to help cover the costs of raising someone else's child. When a grant is declined because of the 12-month rule, we see significant poverty and hardship for this group of caregivers. **Case Example C** is a good example of the hardship often experienced.
- 3.13** In our experience, when a grandparent or whānau caregiver takes on the care of a child following a “family breakdown” or their parents have died, they are missing, or they have a long-term disablement, the children are also vulnerable, unsettled, anxious and experiencing grief. Grandparents have often downsized their homes and have limited income or financial resources to meet the costs associated with providing care.
- 3.14** Yet in the immediate period after the children come into their care, they are typically required to liaise with multiple professionals and agencies (e.g., social workers, hospitals, doctors, police, schools etc.), attend family group conferences, whānau meetings or court mediations, hearings etc., transport children to and from supervised contact/access with parents, ensure the children are enrolled in school, receive medical and dental care etc. They must pay for bedding and beds, prams, cots, car seats, milk formula, medical treatment, uniforms, school and/or pre-school costs and transport to school

and activities on top of providing food, shelter, clothing, and provide a safe and nurturing home environment for them.

- 3.15** Due to their limited financial resources, we too often learn of grandparents going without food, medical treatment, prescriptions, clothing, and adequate bed and bedding to ensure that the children have what they need. Extra-curricular activities for the children, participating in EOTC and school camps and having the requisite uniforms for school and sports, laptops and devices required for school and internet at home, are all extra costs that many of these children miss out on because there simply is not enough money to pay for them when they are denied financial support for their care.
- 3.16** Added to that, more than half of the children in grandparent care have physical disabilities or health issues and/or psychological/trauma/cognitive processing difficulties (e.g., ASD/ADHD/FAS) or mental health issues of their own and they need professional help. Without the active and supportive involvement of Oranga Tamariki and other agencies resourced to help them; access to this kind of support is severely limited or non-existent.
- 3.17** The reality is that without the grandparents or whānau caregivers' willingness to take on the care of the children in these circumstances, there would be no other alternative but a state care placement with foster caregivers. The children would, in those circumstances receive financial support from the time the care placement commenced, whether it is for three weeks or three months.
- 3.18** Often a child may be placed in state care with foster caregivers on a temporary basis awaiting a result of a Family Group Conference. Whereas if a child is placed with a non-state care whānau caregiver, they must prove they will be caring for them for at least 12 months. In our experience, Oranga Tamariki will typically prefer a whānau caregiver rather than a foster caregiver, outside the state-approved caregiver regime due to the principles

in the Oranga Tamariki legislation¹⁵ and for fiscal reasons.¹⁶ This does not obviate the reality that children who cannot be raised by their parents all need support wherever they end up living.

3.19 The 12-month rule in sections 44(e) and 47(e) also contravenes both Article 2 of the United Nations Convention on the Rights of the Child¹⁷ and Section 21(1)(l) of the Human Rights Act 1993,¹⁸ discriminating against children in care based on the legal status of their caregivers as non-state caregivers.

3.20 We therefore agree with the Bill and submit that the eligibility requirement in sections 44 and 47 that the caregiver must be “likely to be the principal caregiver for at least 1 year” should be repealed as it is **manifestly unfair and discriminatory towards children who cannot be supported by their parents for periods of less than one year.**

¹⁵ Sections 5 and 7AA, Oranga Tamariki Act 1989

¹⁶ Expert Advisory Panel Interim Report noted at page 65 that: “Numbers of children in care each year have remained fairly steady. This may, in part, be related to the fact that funding for State care is capped and there is therefore an incentive to restrict volumes (regardless of the needs of families and children).”

¹⁷ UN Convention on the Rights of the Child 1990 Article 2.1 States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. Article 2.2 States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

¹⁸ Section 21(1)(l) of the Human Rights Act 1993 prohibits discrimination on the grounds of family status; as in this case having the responsibility for the full-time care of children and being a relative of a particular person.

4. Members' Concerns Expressed During the First Reading

- 4.1 I note that during the First Reading of the Bill in Parliament on 8 December 2020, **Hon LOUISE UPSTON (National—Taupō)** referred to the

“reality that, when a family member is taking on the care of a child within their family, there might be some families who do have financial means to be able to support that child,”

and she raised the question as to whether the

“state should universally provide support, as opposed to providing financial support to those families who need it.”¹⁹

- 4.2 Within our membership of over 5,500 member families, we do have a small number of families who have the financial resources to provide for and care for the children without reliance on state support. They have deliberately chosen not to engage with WINZ or Oranga Tamariki, and they do not receive the UCB or OB as they have the financial means from other sources, yet they still rely on our support for information and advice on other non-financial issues and challenges they face raising grandchildren full-time.
- 4.3 Unfortunately for most children in non-state care who receive or should receive the UCB or OB; their caregivers do not have the financial resources to opt out of the support provided by the taxpayer. The UCB or OB is a payment to meet the basic needs of a child who cannot be raised by their parents due to a family breakdown or their parents have died, are missing, or have a long-term disablement. To this end, this basic level of support is targeted. It is not universal.
- 4.4 To qualify for the UCB, applicants must still meet the “family breakdown” test. This is an appropriate test to assess whether *“the breakdown of a child’s family involves the failure or collapse of the normal family dynamic which*

¹⁹ Refer Hansard Report Transcript: https://www.parliament.nz/en/pb/hansard-debates/rhr/combined/HansDeb_20201208_20201208_28

*results in both parents being unable to fulfil the role of parent to their child.”*²⁰

To assess a caregiver’s eligibility, the referral to the Family Breakdown Assessment investigation process is an appropriate mechanism to fairly assess whether a family breakdown has indeed occurred, and to ensure it is not simply a convenient and economic family arrangement that has led to the care placement.

4.5 Member **MAUREEN PUGH (National)** noted the lack of synergy between the UCB, OB and Foster Care Allowance for placements of under 12 months duration. Repealing the 12-month rule in sections 44 and 47 would substantially remove this anomaly. But the Members are right to point out that there are some children who have significantly more need for support and the UCB or OB payments do not come close to covering them. These issues are not covered within the scope of this Bill and it is hoped that in future the Government will address other anomalies that exist within the system as it relates to support for children in care²¹.

4.6 The Member **Hon LOUISE UPSTON (National—Taupō)** also referenced the work of the previous Government to address *“the children’s concerns about the stability and the certainty and the security in the family that they went to”* noting that *“if one of those challenges is providing financial assistance to that family to make sure that child is able to stay there for a longer period of time and have less movements, then that’s absolutely going to be better for that child. So, where there is a family who has a need, then absolutely we want to make sure that they get financial assistance that supports them raising that child, either on a short-term basis or, hopefully, for a longer-term basis, because we know from listening to the voices of those children, they don’t want to continue to be moved from house to house.”*

²⁰ [2012] NZSSAA 103 (20 December 2012). Also refer <https://www.workandincome.govt.nz/map/income-support/main-benefits/orphans-benefit-and-unsupported-childs-benefit/what-is-a-breakdown-in-the-child-s-family-01.html>

²¹ Some children in state care with higher needs are eligible for the Higher Foster Care Allowance, whereas children with similar higher needs in non-state care are unable to access financial support for their needs and this is an issue that can benefit from further legislative change to better align the supports available for children in need.

- 4.7** There is no doubt, in our experience, that if a child is settled and secure with a caregiver and they have a sense of belonging within their home (whether they are a grandparent or other member of their whānau) they have far better long-term outcomes than for children who experience multiple placements or who are shifted in and out of their parents' care or foster care. Removing the 12-month rule will ensure that where there is a need for a temporary care placement with a grandparent, and the children can be safely returned to the parents' care, there will be much less disruption for children within their family or extended whānau.
- 4.8** Members Upston and Pugh have both noted the fiscal implications that might result due to the removal of the 12-month rule and the risk that it might become abused. Conversely, providing support for a child at the commencement of their care placement (i.e., where a family breakdown or other criteria for the OB has been satisfied) may also result in fewer grandparents or whānau caregivers having to give up work and rely on other income supports as they may be better able to manage the extra costs for the child with the support of the UCB or OB. Perversely the current 12-month rule could, in some cases, incentivise some families to assert there is a likelihood of an extended care period beyond 12 months and beyond what is necessary, in order to ensure that there is financial support for the children in the period of time the parents cannot care for them.
- 4.9** In summary, we submit that the removal of the 12-month rule will ensure that there is focus on the reason for the child to be in someone else's care and in turn, ensure that for the period they need to be in care, they are financially supported for their reasonable daily living costs.

5. Why a Birthday and Christmas Allowance is important

- 5.1** We support the provision in the Bill to provide for the payment of Birthday and Christmas Allowances to caregivers receiving the OB or UCB in the same way and at the same rate as that received by recipients of the FCA.
- 5.2** During his address, introducing the Bill to the House, Minister for Children, the Hon Kelvin Davis, described the excitement and anticipation that most children growing up in New Zealand today experience when their birthdays roll around each year or at Christmas time. As the Minister has described, children in care do not universally have that experience and the principal reason is that their caregivers do not have the money to pay for it.
- 5.3** At the heart of this proposed change to the legislation is fairness and equity as between children in state and non-state care. We have an obligation under our laws and the UN Convention on the Rights of the Child to ensure that children are not discriminated against by reason of their legal status of care, among other things, and this change is necessary to ensure that the children in non-state care are not discriminated against.
- 5.4** We also believe that this change is in the best interests and wellbeing of children in non-state care. To anticipate and receive a gift is a joy that we believe all children should experience in life. It sets them up for life, teaching them to have an appreciation of what it means to give to others and learning the grace, humility and appreciation that also goes with receiving gifts.
- 5.5** It is heartening therefore to see that there is support for this change across Parliament.

6. Conclusion

- 6.1** In conclusion, I reiterate that when a child is first placed in care (be it state or non-state care) following a traumatic family breakdown or the death of one or both of their parents, they are particularly vulnerable, and it is in this stage in the initial months of their new placement when the trauma and stress involved for the child and their caregiver is so often at a high level.
- 6.2** Our system of support for children in these circumstances needs to be better focused on ensuring that appropriate resources are made available to ensure stability is maximised, the stresses they experience are minimised and the children are properly supported to recover from the abusive and traumatic circumstances from which they have had to be removed.
- 6.3** The Bill is a positive step towards ensuring this objective can be achieved, while maintaining sufficient checks and balances within the system to ensure that this support is not abused but is targeted to support eligible children.
- 6.4** If the Committee requires any further information or clarification, please do not hesitate to contact me.

Ngā mihi nui

Kate Bundle
Chief Executive



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Appendix A

2020 Outreach and Advocacy Client Services Feedback Survey

Client Feedback Comments regarding UCB grants:

"Financial support has helped us organize a happier healthy environment to bring our grandchildren up in. Before GRG got involved my partner & I struggled on are daily to feed cloth & sleep our mokopuna but our passion kept us going."

"great difference able to survive from week to week"

"I have gone from struggling from going bankrupt to being able to survive now"

"I was given incredible advice and support from GRG who went to bat for me getting the right benefits. Also from Whangarei GRG support coordinator who supported me at WINZ for my first appointment"

"The world of difference! Not just to us by alleviating financial stress, but to the kids. Lovely warm clothes, proper beds with mattresses that don't reek of urine and make them itch, making them feel at home and the opportunity to fit in at their new school by taking after-school classes and something simple like having proper shoes."

"I am able to put food on the table, get them some clothes. Less stress."

"The financial support has made a huge difference. It has given us peace of mind of having to worry about feeding and clothing the children. Less anxiety and stress."

"We were lost. The encouragement and welcomeness by the support staff made a difference right from first contact. Our interaction with WINZ was appalling and without GRG support, we would still be in the hamster wheel being intimidated and made to feel badly about our situation."

"Not knowing my rights and entitlements from Winz they had declined me unsupported benefit. I had children added on to my benefit but was only recieving Family Tax credit. I was just managing to feed and cloth children on a very tight budget. Information they told me was wrong, Now they are feed. warm and have everything they need for school."

"Food clothing the help is so amazing the advocate I have just knows every1.they even helped with housing. all essentials. great work."

"The support financially helped me in numerous ways as I had to give up my job to to settle my grandchildren. and sort out schooling. i am so grateful for GRG. i hope other grandparents know about you guys .it is a blessing to have GRG in my life. i can't thank you enough."

"My grandbaies can now have the nessecities and little extras we can live a little better than we ever have"

"I had missed the due date to apply for a grant from WINZ for my 2 mokos. GRG was nominated to advocate for me. I got paid and this bought my mokos, brand new school uniform, shoes, jerseys etc. Although she had 2nd hand uniforms, I believe a child needs to feel good in a new uniform when they

first start at school. It would have been a very tight budget to get the new uniform without the support from GRG."

"It's made a tremendous difference. Such as being able to meet some of her needs, been able to buy her clothes, food to keep her healthy, and well. And to be able to give her a little bit of pocket money for her chores each week, is and absolute delight for the joy she shows. Which we are so ever grateful for. And I thank you so much for this, as we could never of done this without the help of grandparents raising grandchildren."

"Financially stresses impact on our mental health. Mental health can lead to unhealthy relationships which can effect kids negatively. Knowing what you're entitled to, financially, can ensure & support the kids, so they have the essentials for a healthy, happy, stable environment/life."

"We no longer have to take money from our account to buy clothes or pay for things for our teen and are able to look at helping her through university. Prior to this we were concerned at what would happen when we were both on the pension."

"It has enabled me to pay for all school fees and activities the children wish to participate in. I am currently on superannuation and was struggling to cover the cost of food."

"Allows me to feed and clothe the boys properly and helps them have a more normal life."

"Now can get food nappies milk powder. some clothes bedding. did get nothing before that I starved to feed my grandson ."

"I was advised on the choices of benefits I could get when I finished working 8 months ago. I was then able to go into WINZ and tell them exactly what I needed & wanted."

"I took on two additional children. You help speed up the process towards getting financial assistance. As was unsure how long I would have children. No one wanted to financially help. If it wasn't for G.R.G. becoming involved I would have just given up when my application was declined the first time."

"It has been great to have someone tell us what financial support we are entitled to. GRG support people have been great to talk to and get ideas from. Financially this is going to make so much easier for us particularly as I am about to lose my job. I also turn 65 in 7 months time."

"Without grg I would not be able to provide my g children the things they needed financial advice from grg was extremely helpful as other agency don't know what they are doing"

"I was unsure of what i was entitled too with financial support of my grandchildren & my dependant children as I kept getting fobbed off or pushed to another agency (O.T) I was struggling but what took me months took one call from GRG & winz were reassessing my situation & it was all done dusted in just over a week."

"Enabled decent standard of living, reduced stress and allowed for some necessities, care and opportunities for grandchild."

"I couldn't afford to pay childcare and carry on working without this support from GRG [to get the UCB]"

"I was able to buy my moko winter clothing last year with the start up fund that I normally would have used afterpay and would leave essential things out due to budget and wait to buy then over the year also I found out I could try and access the extra fund when I thought I would never qualify."

Appendix B

GRG Case Examples of the 12-month rule and the injustices it has caused

Case Example A – 2020-current

Our client has been caring for her four grandchildren aged between 3 and 10 years for the past three months after having to travel to the other end of the country to collect them as the mother is on remand in prison awaiting sentencing in March 2021.

There is a possibility that the mother will not be sentenced to further time in prison and there is a question mark hanging over whether the children will be returned to her care at that time.

Meanwhile the grandmother has had to pay for the significant costs of flying from one end of the country to another to collect them. As she could only take one bag for each child, she is also short of clothes for them.

She contacted GRG in desperation when she needed to enrol the children in school, clothe them with uniforms and pay for their school costs. She had no money for this.

She is on a limited income, is unable to work now that she has care of her grandchildren and she is now on Sole Parent Support with the children included as dependents in her benefit.

Because of the uncertainty as to the length of care, she is not eligible for the Unsupported Child Benefit and the financial supports for the children's costs that would otherwise have been available with a UCB grant. i.e. The children have not been able to access the Establishment Grant or School and Year Start Up Payment (total for the four children = \$3150). All of which would have been a significant help for this grandmother to ensure the children had uniforms and all they needed to start their school year in a settled fashion. Instead, the grandmother has had to seek advances on her benefit to cover the costs of uniforms and GRG has provided some emergency clothing care packs to help.

Case Example B – 2019- 2020

A 50-year old grandmother client had been raising her two grandchildren (aged 5yrs and 5 months) full-time for four months when she sought our help. The parents were drug addicts (methamphetamine) and there were allegations of violence and abuse being investigated by the police.

Oranga Tamariki had stepped in to remove the children from their care. At a whanāu meeting (at which our client was not present) she was identified by the whanāu as being the most suitable caregiver for the children. She was required to drive to another region to collect the children on a Friday night after the whanāu meeting. The children had no clothes, were dirty, hungry and exhausted.

The Oranga Tamariki social worker advised her a week later to apply for the UCB and provided her with a letter that stated that *"It is anticipated that both children will remain [with her] for at least six months at this stage."*

The "support letter" went on to say *"As this is a whanāu placement, the Ministry is not paying board payments to [the grandmother], therefore I respectfully request that both children are provided support*

by way of the Unsupported Childs Benefit for both [children]. I also ask that the initial establishment grant also be provided for both children.”

The grandmother sought support and advice from GRG’s Outreach Advocacy Service.

When GRG’s Outreach Advocate pointed out to the OT Social Worker that the support letter would prevent our client from being successful in an application for the UCB because there needed to be a likelihood that the children would be in her primary care for at least 12 months. Due to the nature of allegations of violence and abuse along with the parents’ drug problems we argued with Oranga Tamariki that it was highly likely (and indeed it proved to be the case) that the children would remain in her care for more than 12 months. The Social Worker acknowledged the mistake and advised that her supervisor had also pointed that out to her too, but it was “too late now” and that she “could not correct her mistake” as her letter was now on the record.

The grandmother was unable to make an application for the UCB and yet she continued to care for the children for 15 months before they were finally returned to their parents after a lengthy process of increased contact with them, progressing to overnight then fulltime care. The Social Worker brokered a deal with the parents to “pass on” to her the financial support they received via their benefits each week but despite this agreement, no financial support was ever forthcoming despite endless promises. The grandmother’s relationship with her partner disintegrated in the process under the stress and she gave up trying to get financial support for the children while they were in her care.

It is important to also note that our client was also raising her own 8-year-old son at the same time as her two young grandchildren. The trauma of what the grandchildren had been through while in their parents care while they were in the grip of their methamphetamine addiction manifested in extremely troubling behaviour. The 5-year-old grandson exhibited signs of severe attachment/anxiety and trauma related issues, with violent episodes involving punching, screaming and grunting, becoming withdrawn, difficulty sleeping/night terrors. She couldn’t allow him to sleep in the bedroom with her son or his sister for fear of his behaviour and had to have him sleep in her room in a single bed. Our Outreach Advocate provided counsel/support regarding behaviour management and a referral to the Barnardos LEAP programme.

Because of the 12-month rule, our client received no financial support for children who, but for her stepping in to provide them with safety, a home, love and a willingness to work towards the children’s return to their parents’ care, there is no doubt that the children would have been placed in state-paid foster care.

Case Example C – 2019

An elderly couple on National Super living in a modified Housing NZ two-bedroom home had three children “placed” informally via a whanāu agreement in their care by Oranga Tamariki.

The grandfather is disabled and has a mobility scooter. Two children had to sleep in one room and the younger child had to be accommodated in a bed at the end of the grandparents’ bed in their room.

The couple received support and advocacy advice from our Specialist Financial Support Advocate who sought Oranga Tamariki support for their application for the UCB.

The social worker intended that the children would eventually return to their mother so would not support the grandparents’ application. They were not “approved caregivers” and did not qualify for any other support for the children’s reasonable needs.

They were denied the UCB and the only support they were provided with over seven-plus months was food and petrol vouchers.

Case Example D - 2019

Grandmother had two children aged 19 and 31 months in her care following a whanāu agreement involving Oranga Tamariki in which the grandmother’s care was considered “interim.”

There were violence/family harm and drug and alcohol abuse issues with the parents which the parents were expected to address as part of the plan for the return of the children to their care. Oranga Tamariki did not have any custody/guardianship orders over the children.

Despite a number of Family Group Conferences there had been no progress and due to violence and continued drug offending over the course of ten months the OT Social Worker acknowledged that they were no further ahead and were in fact back to square one in their plan to transition the children back into the care of the parents.

Because of the “interim” nature of care and the expectation that the parents would sort themselves out and have the children return to their care inside 12 months, the grandmother received no support whatsoever to meet the reasonable needs of the children. Care did extend beyond 12 months and the grandmother was successful in receiving the UCB and arrears back dated to the date of her application. Unfortunately for her, the application was not lodged until she had been the caregiver for some months.

Appendix C

Sections 43 – 48 Social Security Act 2018

Subpart 5—Orphan’s benefit

43 Orphan’s benefit: requirements

- (1) This section applies if, because of the circumstances specified in subsection (2), a child has no parent (as defined in subsection (3)) who is able to care for the child.
- (2) The circumstances are that each of the child’s parents (as defined in subsection (3))—
- (a) is dead; or
 - (b) is missing; or
 - (c) has a long-term serious disablement.
- (3) A *parent*, in relation to a child, and for the purposes only of this subpart and [section 31\(b\)\(i\)](#), means a natural parent or an adoptive parent (and so excludes, for those purposes, a step-parent) of the child.
- (4) A person (*P*) is entitled to an orphan’s benefit for the child if—
- (a) *P* is an eligible caregiver of the child; and
 - (b) either—
 - (i) the child is both resident and present in New Zealand; or
 - (ii) *P* has been both resident and present in New Zealand for a continuous period of 12 months at any time.

Compare: 1964 No 136 [s 28](#)

44 Who is eligible caregiver

- A person (*P*) is an eligible caregiver of a child if—
- (a) *P* is aged 18 years or over; and
 - (b) *P* is not a parent (as defined in [section 43\(3\)](#)) of the child; and
 - (c) the child is a dependent child of *P*; and
 - (d) *P* is a principal caregiver of the child; and
 - (e) *P* is likely to be the principal caregiver of the child for at least 1 year from the date of application for the orphan’s benefit.

Compare: 1964 No 136 [s 28](#)

45 Orphan’s benefit to be used for benefit of child

- (1) The purpose of the orphan’s benefit is to provide financial support for the cost of caring for a child who is not the caregiver’s own.
- (2) A caregiver who is granted an orphan’s benefit must use the benefit for the benefit of the child in respect of whom it was granted, including the child’s maintenance and education.

Compare: 1964 No 136 [s 31](#)

Subpart 6—Unsupported child’s benefit

46 Unsupported child’s benefit: requirements

(1) This section applies if, because of the circumstances specified in subsection (2), a child has no parent (as defined in subsection (3)) who is able to—

- (a) care for the child; or
- (b) provide fully for the child’s support.

(2) The circumstances are that there has been a breakdown in the child’s family.

(3) A *parent*, in relation to a child, and for the purposes only of this subpart and [section 31\(b\)\(ii\)](#), means a natural parent, an adoptive parent, or a step-parent of the child.

(4) A person (*P*) is entitled to an unsupported child’s benefit for the child if—

- (a) *P* is an eligible caregiver of the child; and
- (b) either—
 - (i) the child is both resident and present in New Zealand; or
 - (ii) *P* has been both resident and present in New Zealand for a continuous period of 12 months at any time.

Compare: 1964 No 136 [s 29](#)

47 Who is eligible caregiver

A person (*P*) is an eligible caregiver of a child if—

- (a) *P* is aged 18 years or over; and
- (b) *P* is not a parent (as defined in [section 46\(3\)](#)) of the child; and
- (c) the child is a dependent child of *P*; and
- (d) *P* is a principal caregiver of the child; and
- (e) *P* is likely to be the principal caregiver of the child for at least 1 year from the date of application for the unsupported child’s benefit.

Compare: 1964 No 136 [s 29](#)

48 Unsupported child’s benefit to be used for benefit of child

(1) The purpose of the unsupported child’s benefit is to provide financial support for the cost of caring for a child who is not the caregiver’s own.

(2) A caregiver who is granted an unsupported child’s benefit must use the benefit for the benefit of the child in respect of whom it was granted, including the child’s maintenance and education.

Compare: 1964 No 136 [s 31](#)