

## Frequently Asked Questions

### What is the Informal Relative Caregivers Statutory Declaration?

The [Informal Relative Caregivers Statutory Declaration](#) (**Declaration**) is a document that allows a person to declare that they have primary responsibility for the regular care of a child (or children). The Declaration can assist a person to give consent for the child to participate in activities, such as school excursions.

The Declaration is made under the *Oaths Act 1900* and there are penalties for making a false Declaration – please see below for more information.

### Who can make the Declaration?

Only a relative of the child can make the Declaration. The relative must be over 18 years old and may be a:

- parent, grandparent, sibling, aunt, uncle, niece or nephew of the child (by blood, marriage or law); or
- de facto partner of one of the child's parents who has lived with that parent for at least 12 months; or
- an Aboriginal or Torres Strait Islander relative of a child, according to traditional kinship ties.

The child must also live with the person making the Declaration.

### Why should I use Declaration?

You may use the Declaration as evidence that you have regular care of a child.

### When should I use the Declaration?

You can show the Declaration to any organisation that requires evidence from you, that you have regular care of a child. This is usually for the purposes of giving consent.

You should first check with the organisation what information or documentation they require from you.

### Will all government organisations accept the Declaration as evidence of my care-giving status?

The Declaration can be used as evidence of your care-giving status. However, a NSW or other Australian government organisation may require you to provide more information.

### What happens if the information I include in the Declaration is incorrect?

It is **very important** that everything you include in the Declaration is **correct and true**. The Declaration is made under the *Oaths Act 1900* and it is an offence to make a false Declaration, knowing it to be untrue. The maximum penalty for the offence is five years imprisonment.

### How long is the Declaration valid for?

The Declaration is valid for six (6) months or until the child stops living with you.

**What if the child stops living with me?**

The Declaration is invalid once the child stops living with you.

**Does the Declaration affect rights of the parents or legal guardian/s?**

No. The Declaration does not change or limit the legal rights of the birth parents or legal guardians of the child.

**Will the Declaration give me any legal rights over the child, such as legal guardianship or parental responsibility of the child?**

No. The Declaration does not give you any legal rights over the child nor does it give you legal guardianship or parental responsibility for the child.

For example, a doctor or dentist usually requires consent to treat a child under 14 years old from someone with parental responsibility for the child. The Declaration does not give you parental responsibility for the child. However, it may be used to support your claim that the parents of the child have delegated parental responsibility to you.

*(The following questions relate to specific sections in the Declaration.)*

**What if I am unsure who has parental responsibility or legal guardianship of the child (sections 4 & 5)?**

The parents of the child usually have parental responsibility and legal guardianship of the child. If you do not know who the parents are, or are not sure who else has parental responsibility or legal guardianship of the child, it may not be appropriate for you to make the Declaration. You should seek legal advice.

If you do not have contact details for any person you name in section 4 of the Declaration, you can put 'Unknown' under 'Contact Details'.

**Can I attach documents certified copies of photographic identification issued by a foreign government (section 6)?**

No. The identification must be issued by the NSW Government or another Australian government.

**Who can certify the documents I need to attach and who can witness the Declaration (section 6)?**

A person who is a Justice of the Peace (JP), Notary Public, Australian Legal Practitioner, Commissioner of the Court for taking affidavits or any other person authorised by law to administer an oath, in the jurisdiction or place that the oath is taken.

You can find a JP near you from the JP Register website:

<http://jp.lawlink.nsw.gov.au/public/welcomePublic.do>

**Where can I get more information or a copy of the Declaration?**

You can call **LawAccess NSW** on **1300 888 529** for more information (Monday to Friday, 9am and 5pm; closed on public holidays). LawAccess NSW can also post you a hardcopy of the Declaration. To get an electronic copy of the Declaration, visit LawAccess Online [www.lawaccess.nsw.gov.au](http://www.lawaccess.nsw.gov.au) (in the search box, type 'informal caregivers') or [www.lawlink.nsw.gov.au](http://www.lawlink.nsw.gov.au).