

# Child Care Payments for Children of a Deceased Veteran

Version 3.0

May 2016

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# Policy

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## 1. Purpose

- 1.1 The purpose of this document is to provide guidance on the administration of entitlements under the Veterans' Support Act 2014 (the Act) for **child** care payments for children of a deceased **veteran** who died as a result of **service-related** death.
- 1.2 Child care payments are for the purpose of assisting:
  - the surviving spouse or partner with child care so that he/she may continue or maintain employment or undertake vocational rehabilitation; or
  - the designated caregiver of the child(ren) when both the parents are deceased (evidence – e.g. a Court Order - that the caregiver is the legal carer of the child(ren) is required).

## 2. Legislative Reference

- 2.1 The relevant legislation is the Act, section 7 and Part 4, Schedule 2, clauses 52 and 64 to 67 and regulations 16A and 73 of the Veterans' Support Regulations 2014.

## 3. Eligibility for Child Care Payments for Children of a Deceased Veteran

- 3.1 For the purposes of this policy any child who is born within 12 months after the veteran's service-related death is deemed to be:
  - dependent on the veteran at the date of the veteran's death; and
  - under the care of the surviving parent of the child on that date.

*Clause 52 of Schedule 2 of the Veterans' Support Act 2014*

- 3.2 Veterans' Affairs will not fund child care payments following a veteran's service-related death if:
  - child care payments for the children concerned are payable under the Accident Compensation Act 2001 (although Veterans' Affairs will pay any difference between child care payments payable under the Accident Corporation Act 2001 and those payable under the Veterans' Support Act 2014)
  - the child has turned 14 years of age or 5 years have elapsed since the date on which the entitlement started (whichever is the earlier)

- in the case of an older child who has received child care because of his or her physical or mental condition 5 years have elapsed since the date on which the entitlement started or the child ceases to need child care (whichever is the earlier)
- immediately before the veteran's death the child was entitled to child care payments because of the death of another deceased veteran (note though that Veterans' Affairs must start counting the 5-year period referred to above at the date of the subsequent death). In other words, the child cannot receive a second batch of child care payments due to the death of another veteran, but the existing payments can be extended by up to a further five years from the date of the most recent veteran's death.

*Clauses 65 and 66 of Part 4, Schedule 2 of the Veterans' Support Act 2014*

## 4. Applications for Child Care Payments for Children of a Deceased Veteran

- 4.1 Application for child care payments to a child (children) of a veteran who has suffered service-related death must be made on the appropriate application form on behalf of the child by the person who is responsible for arranging the child's care.

*Clauses 64(1) and 67(1) of Part 4, Schedule 2 of the Veterans' Support Act 2014*

## 5. Payments

- 5.1 On receipt and approval of the signed application, Veterans' Affairs will make payments for child care on and from the date of death of the deceased veteran. The payments will be made to the person who is responsible for arranging the child's care.

*Clauses 64(1), 66 (1) and 67(1) of Part 4, Schedule 2 of the Veterans' Support Act 2014*

- 5.2 Veterans' Affairs is not obliged to see to the application of any money paid to a caregiver who is arranging the child's care, nor is it liable to the child for any such payment. In other words, if the person receiving the payments spends them on things other than child care, Veterans' Affairs takes no responsibility for this and the child is not entitled to additional payments.

*Clause 67(2) of Part 4, Schedule 2 of the Veterans' Support Act 2014*

- 5.3 Weekly payment amounts are set by the Veterans' Support Regulations 2014 and are CPI adjusted on an annual basis. Different amounts may be set according to the number of children of the deceased veteran. **Go to separate paper on Rates and Allowances for amounts of weekly payments for child care.**

*Section 31 and Clause 64(2) and (4) of Part 4, Schedule 2 of the Veterans' Support Act 2014 and regulations 16A and 73 of the Veterans' Support Regulations 2014*

- 5.4 Recipients of child care payments using New Zealand bank accounts will receive child care payments on a fortnightly basis.
- 5.5 Child care payments paid to an overseas bank account are paid on a four-weekly basis.
- 5.6 Veterans' Affairs is not responsible for any administration costs incurred by or on behalf of the child in purchasing child care.

*Clause 64(3) of Part 4, Schedule 2 of the Veterans' Support Act 2014*

## 6. Living Overseas

- 6.1 The policy on child care payments for children of a deceased veteran who suffered a service-related death applies equally to the children of all New Zealand veterans, irrespective of their country of residence.
- 6.2 Overseas entitlements do not affect the payment of New Zealand entitlements. However, other countries may view New Zealand entitlement payments as income which could impact on payments received from those countries. Recipients may also be required to pay tax on payments received. Veterans' Affairs is to advise recipients of the need to contact the appropriate local agency to ascertain what, if any, impact the receipt of Child Care Payments for Children of a Deceased Veteran will have at the time the entitlement is granted.

## 7. Reviews, Appeals and Complaints

- 7.1 If a claimant disagrees about a decision concerning eligibility for an entitlement or service **go to separate policies on Reviews and Appeals**. If a claimant is concerned about Veterans' Affairs' administration of an entitlement or service **go to separate policy on Complaints**.

## 8. Resolution of claims after death

- 8.1 Where Veterans' Affairs has received a claim and it has not been resolved prior to the claimant's death, the claim will be considered and determined based on the available information. If an entitlement is granted any payment is to be made to the claimant's estate.

## Glossary

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### accepted late-onset condition

- (a) means a condition specified in regulations made under section 265 as accepted as being linked to specific exposure or specific events occurring during qualifying operational service; and
- (b) without limiting paragraph (a), includes conditions specified in regulations referred to in that paragraph, being-
  - (i) a malignancy or other physical disorder that is capable of being caused by exposure during qualifying operational service that occurs 10 or more years before the onset of illness; or
  - (ii) a mental disorder that is capable of being caused by an event that occurs 10 or more years before the onset of illness; and
  - (iii) a mental disorder that is capable of being caused by an event that occurs less than 10 years before the onset of the illness and that is capable of causing the person suffering from it to be unable to seek medical help for the disorder during that period.

### child [section 7]

In relation to a veteran:

- (a) means a natural child of the veteran; and
- (b) includes an adopted child of the veteran; and
- (c) includes any other child who would ordinarily be regarded as a child of the veteran because the veteran:
  - (i) is or was the spouse or partner of one of the child's parents; and
  - (ii) acted as a parent of the child.

### service-related [section 7]

In relation to an injury, an illness, a condition, or a whole-person impairment, means an injury, an illness, or a whole-person impairment caused by, contributed to by, or aggravated by qualifying service.

### service-related death [section 7]

Means death attributable to qualifying service and

- (i) the death of a person who, at the time of the person's death, was taking part in qualifying operational service;
- (ii) the death of a person within 10 years after the person took part in qualifying operational service from a service-related illness or injury;
- (iii) the death of a person more than 10 years after the person took part in qualifying operational service from an accepted late-onset condition.

### veteran [section 7]

Means:

- (a) a member of the armed forces who took part in qualifying operational service at the direction of the New Zealand Government; or
- (b) a person:
  - (i) who has been:
    - (A) appointed as an employee of the Defence Force under section 61A of the Defence Act 1990; or
    - (B) seconded to the Defence Force with the permission of the Chief of Defence Force; and

- (ii) who took part in qualifying operational service at the direction of the New Zealand Government; or
- (c) a person who, immediately before the commencement of Part 3 of this Act, is eligible for a pension under the following provisions of the War Pensions Act 1954:
  - (i) section 19 (but only if the person was a member of the forces):
  - (ii) section 55 or 56:
  - (iii) Parts 4 and 5