

# **Social Rehabilitation Child Care**

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# Policy

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## 1. Purpose

1.1 This policy provides guidance on administering eligibility for social rehabilitation related **child** care under the Veterans' Support Act 2014 (the Act). This document should be read together with separate papers on:

- *Rehabilitation Services Eligibility*
- *Rehabilitation Section of Your Plans*
- *Social Rehabilitation*

## 2. Legislative Reference

2.1 The relevant legislation is the Act, sections 115, 120-124, and 212, and clauses 7 and 10 of Part 1 of Schedule 2.

## 3. Purpose of Child Care

3.1 Child care involves caring for, or supervising the care of, a **veteran's child**(ren). It is one option to consider when:

- the veteran's **accepted disability** prevents them carrying out child care responsibilities
- the veteran would not be able to undergo the necessary rehabilitation for an accepted disability without child care assistance
- the veteran's spouse/partner is required to work because of the veteran's condition and had no alternative child care arrangements in place before the veteran was injured/became ill.

## 4. Eligibility for Child Care

4.1 **See section 4 of separate paper on Social Rehabilitation.**

## 5. Applications for Child Care

5.1 The provision of child care will be decided on the basis of medical/occupational therapist assessments undertaken at the time of a veteran's application for an entitlement or for rehabilitation services (**see section 5 of separate paper on Rehabilitation Services Eligibility**).

5.2 In deciding whether to provide or contribute to the cost of child care, Veterans' Affairs will consider:

- any **rehabilitation outcome** that would be achieved by providing it; and

- the number of the veteran's children and their need for child care; and
- the extent to which child care was provided by other household family members before the veteran's injury or illness; and
- the extent to which other household family members or other family members might reasonably be expected to provide child care services after the veteran's injury or illness; and
- the need to avoid substantial disruption to the employment or other activities of the household family members.

*Clause 10(1), Schedule 2, Part 1, of the Veterans' Support Act 2014*

## **6. Children under 5 years of age**

- 6.1 For children under 5 years of age the location of child care should be the veteran's **home**, or another caregiver's home, or an accredited child care facility such as a play centre or kindergarten, if it is a cost-effective alternative to the veteran's own home.

## **7. Children from 5 to 14 years of age**

- 7.1 For children from the age of 5 to 14 years of age, Veterans' Affairs may contribute to the costs of after school care and holiday programmes.

## **8. Children from 14 to 18 years of age**

- 8.1 Veterans' Affairs will not contribute to the costs of care of children from 14 to 18 years of age (see section 9 below for exceptions).

## **9. Children with special needs**

- 9.1 Veterans' Affairs has decided as a matter of policy that if the veteran's child is under the 18 years of age and has special needs, Veterans' Affairs may help with additional child care arrangements. The needs assessment report should identify any additional child care services required and the reasons for this. Assistance should be sought from the DHB in the first instance.
- 9.2 Where the veteran is responsible for providing care for a child over 18 years of age, other relevant health services may need to be contacted to assess the child's care needs.

## **10. What Veterans' Affairs will not cover**

- 10.1 Veterans' Affairs is not required to provide child care where it continues to be provided following a veteran's injury or illness by someone who:
- lives in the veteran's home, or did so immediately before the veteran's injury or illness; and

- provided child care before the veteran's injury or illness; or
- the child is being provided with attendant care, education support, or training for independence from ACC.

*Clause 10(3) & (4), Schedule 2, Part 1, of the Veterans' Support Act 2014*

- 10.2 Veterans' Affairs will not cover child care for children from 14 to 18 years of age, except in certain circumstances (**See sections 8 and 9**).
- 10.3 Under the Act a grandchild of a veteran is not considered as a child of the veteran unless the veteran acts or has acted as a parent or **guardian**. A child includes a **whāngai** child to whom the veteran acts or has acted as a parent or guardian, and a child of whom the veteran is the legal guardian.

## 11. Living Overseas

- 11.1 The social rehabilitation child care policy applies equally to all New Zealand veterans, irrespective of their country of residence.

## 12. Reviews, Appeals and Complaints

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

## Glossary

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### **accepted disability** [policy definition]

Means an injury, illness or condition that Veterans' Affairs accepts as being service-related.

### **child** [section 7]

In relation to a veteran:

- (a) means a natural child of the veteran; and
- (b) includes—
  - (i) an adopted child of the veteran; and
  - (ii) a child of whom the veteran is or has been a guardian; and
  - (iii) a grandchild or a whāngai of the veteran in relation to whom the veteran acts or has acted as a parent or a guardian; and
- (c) includes any other child who would ordinarily be regarded as a child of the veteran because the veteran—
  - (i) is or has been the spouse or partner of one of the child's parents; and
  - (ii) acts or has acted as a parent of the child.

### **guardian** [section 7]

Has the same meaning as in section 15 of the Care of Children Act 2004.

### **home** [section 7]

- (a) means residential premises in which the veteran lives and that are owned, rented, or otherwise lawfully occupied by the veteran or the veteran's parent, guardian, spouse or partner; and
- (b) includes residential premises in which the veteran proposes to live after they are built and that will be owned, rented, or otherwise lawfully occupied by the veteran or the veteran's parent, guardian, spouse, or partner; and
- (c) includes any other premises in which the veteran lives and for which the veteran is solely responsible for home maintenance; but
- (d) does not include any hotel or motel, or any hospital, hostel, rest home, or other institution.

### **home help** [clause 7 Schedule 2]

Means the provision of domestic activities.

### **member of the armed forces** [section 7]

Means a person who is or has been a member of the New Zealand armed force raised by the Governor-General on behalf of the Sovereign,—

- (a) whether in New Zealand or elsewhere; and
- (b) whether before or after the passing of this Act.

### **partner** [section 7]

Means a civil union partner or a de facto partner.

### **qualifying operational service** [section 8]

Means—

- (a) service on any deployment treated as a war or emergency for the purposes of the War Pensions Act 1954; or

(b) service on any deployment declared to be operational service under section 9.

**qualifying routine service** [section 8]

Means service in the armed forces before 1 April 1974 that is not qualifying operational service.

**rehabilitation outcome** [clause 7 Schedule 2]

Means:

- (a) before an individual rehabilitation plan is agreed, a rehabilitation goal, objective, or result determined by Veterans' Affairs
- (b) if an individual rehabilitation plan is agreed, a goal, objective, or result specified in the plan.

**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
- (aa) a member of the armed forces who took part in qualifying routine service before 1 April 1974; 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.

**whāngai** [section 7]

Means a child adopted by the veteran in accordance with Māori custom.