

# CTP claims for children injured in motor vehicle accidents

The Compulsory Third Party (CTP) Scheme has measures in place for injured children to meet their treatment, care and support needs and to protect their legal rights.

The Compulsory Third Party (CTP) Scheme provides no-fault cover for the reasonable and necessary treatment, care and support of children under the age of 16 years who are injured in an accident that occurred in South Australia on or after 1 July 2013.

A child under 18 years at the date of the accident may also be entitled to make a CTP claim for compensation if they were not at fault for the accident. Talk to your insurer if you would like more information about a child's eligibility.

## What is different about children's claims?

Insurers are expected to acknowledge the effect a motor vehicle accident injury can have on the child and their family.

An appropriate claims management strategy should be in place, which may include claims for significant injuries being managed by staff who are experienced in dealing with children's claims.

The guardian or legal representative should speak with the insurer handling the claim about being sensitive to the individual child's circumstances.

## Arranging independent assessments

When arranging independent assessments for children, the insurer must:

- endeavour to reach agreement with the child's parent or guardian

on the health professional who will undertake the assessment

- minimise the need for multiple assessments
- arrange assessments in a way which minimises disruption to the child's educational commitments.

## Court approval for settlements

Court approval is required for a child's claim before an agreed settlement can be finalised.

The insurer must advise the injured child's parent, guardian or legal representative of the process to obtain court approval.

The insurer must also notify the parent or guardian that the costs of seeking a court approval can be recovered from the insurer.

## Where can I get further information?

You can speak to the insurer or the child's legal representative for more information about the court approval process and claiming legal costs.

You can seek independent legal advice from the [Law Society of South Australia](#) on telephone 08 8229 0200 and [The Legal Services Commission of South Australia](#) on telephone 1300 366 424.