

Legislative requirements

The legislative requirements for the approval of kinship carers are specified in the *Child Protection Act 1999*, section 135(1)(b) and the *Child Protection Regulation 2011*, section 23.

Child Protection Act 1999

The chief executive must not grant an application for approval, or renewal of approval, unless satisfied of the following:

- the applicant is 'kin' to the child to whom the approval relates
- the applicant is a suitable person to be an approved kinship carer for the child
- all members of the applicant's household are suitable persons to associate on a daily basis with the child
- the applicant and each adult member of the applicant's household have a current positive prescribed notice or current positive exemption notice
- the applicant is able to meet the standards of care in the statement of standards
- the applicant is able to help in appropriate ways towards achieving plans for the child's protection.

Child Protection Regulation 2011

A person is suitable to be an approved kinship carer of a child if the person:

- does not pose a risk to the child's safety
- is able and willing to protect the child from harm
- understands, and is committed to the principles for administering the *Child Protection Act 1999*
- has completed any training reasonably required by the chief executive to ensure the person is able to properly care for the child.

Note: different suitability requirements apply where consideration is being given to a child protection order granting custody or guardianship of the child to a kinship carer.