



# Children and Young People (Scotland) Act 2014

2014 asp 8

## PART 13

### SUPPORT FOR KINSHIP CARE

#### 71 Assistance in relation to kinship care orders

- (1) A local authority must make arrangements to secure that kinship care assistance is made available for a person residing in its area who falls within subsection (3).
- (2) “Kinship care assistance” is assistance of such description as the Scottish Ministers may by order specify.
- (3) A person falls within this subsection if the person is—
  - (a) a person who is applying for, or considering applying for, a kinship care order in relation to an eligible child who has not attained the age of 16 years,
  - (b) an eligible child who has not attained the age of 16 years who is the subject of a kinship care order,
  - (c) a person in whose favour a kinship care order in relation to an eligible child who has not attained the age of 16 years subsists,
  - (d) a child who has attained the age of 16 years, where—
    - (i) immediately before doing so, the child was the subject of a kinship care order, and
    - (ii) the child is an eligible child,
  - (e) a person who is a guardian by virtue of an appointment under section 7 of the 1995 Act of an eligible child who has not attained the age of 16 years (but this is subject to subsection (4)),
  - (f) an eligible child who has a guardian by virtue of an appointment under section 7 of the 1995 Act.
- (4) Subsection (3)(e) does not include a person who is also a parent of the child.
- (5) An “eligible child” is a child who the local authority considers—
  - (a) to be at risk of becoming looked after, or

- (b) to fall within such other description as the Scottish Ministers may by order specify.

## **72 Orders which are kinship care orders**

- (1) In section 71, “kinship care order” means—
  - (a) an order under section 11(1) of the 1995 Act which gives to a qualifying person the right mentioned in section 2(1)(a) of that Act in relation to a child,
  - (b) a residence order which has the effect that a child is to live with, or live predominantly with, a qualifying person, or
  - (c) an order under section 11(1) of the 1995 Act appointing a qualifying person as a guardian of a child.
- (2) For the purposes of subsection (1), a “qualifying person” is a person who, at the time the order is made—
  - (a) is related to the child,
  - (b) is a friend or acquaintance of a person related to the child, or
  - (c) has such other relationship to, or connection with, the child as the Scottish Ministers may by order specify.
- (3) But a parent of a child is not a “qualifying person” for the purposes of subsection (1).
- (4) The references in subsection (2) to a person who is related to a child include a person who is—
  - (a) married to or in a civil partnership with a person who is related to the child,
  - (b) related to the child by the half blood.

## **73 Kinship care assistance: further provision**

- (1) The assistance which may be specified as kinship care assistance includes—
  - (a) the provision of counselling, advice or information about any matter,
  - (b) the provision of financial support (or support in kind) of any description,
  - (c) the provision of any service provided by a local authority on a subsidised basis.
- (2) An order under section 71(1) may specify assistance by reference to assistance which a person was entitled to from, or being provided with by, a local authority immediately before becoming entitled to assistance under that section.
- (3) The Scottish Ministers may by order make provision about—
  - (a) when or how kinship care assistance is to be provided,
  - (b) when or how a local authority is to consider whether a child is within paragraph (a) or (b) of section 71(5),
  - (c) when or how a local authority is to review whether a child continues to be within paragraph (a) or (b) of section 71(5),
  - (d) such other matters about the provision of kinship care assistance as the Scottish Ministers consider appropriate.
- (4) An order under subsection (3)(d) may include provision about—
  - (a) circumstances in which a local authority may provide kinship care assistance subject to conditions (including conditions as to payment for the assistance or the repayment of financial support), and

- (b) consequences of such conditions not being met (including the recovery of any financial support provided).

#### **74 Interpretation of Part 13**

In this Part—

“kinship care assistance” has the meaning given by section 71(2),

“parent” has the same meaning as it has in Part 1 of the 1995 Act.