



STATUTORY INSTRUMENTS.

S.I. No. 171 of 2020



CHILD CARE (PLACEMENT OF CHILDREN WITH RELATIVES)
(EMERGENCY MEASURES IN THE PUBLIC INTEREST - COVID-19)
(AMENDMENT) REGULATIONS 2020

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I, KATHERINE ZAPPONE, Minister for Children and Youth Affairs, in exercise of the powers conferred on me by sections 41 (as amended by section 75 of the Health Act 2004 (No. 42 of 2004)) and 68 of the Child Care Act 1991 (No. 17 of 1991) and the Child Care (Transfer of Departmental Administration and Ministerial Functions) Order 2011 (S.I. No. 488 of 2011), hereby make the following regulations:

1. (1) These Regulations may be cited as the Child Care (Placement of Children with Relatives) (Emergency Measures in the Public Interest - Covid-19) (Amendment) Regulations 2020.

(2) The Principal Regulations and these Regulations may be cited together as the Child Care (Placement of Children with Relatives) Regulations 1995 to 2020 and shall be construed together as one.

2. In these Regulations:

“Covid-19” has the same meaning as it has in the Emergency Measures in the Public Interest (Covid-19) Act 2020; and

“Principal Regulations” means the Child Care (Placement of Children with Relatives) Regulations 1995 (S.I. No. 261 of 1995).

3. The Principal Regulations are amended by inserting after the definition of “authorised person” in Regulation 3 the following definition:

““Emergency period” means the period of three months commencing on the making of the Child Care (Placement of Children with Relatives) (Emergency Measures in the Public Interest - Covid-19) (Amendment) Regulations 2020 (S.I. No. 171 of 2020).”.

4. The Principal Regulations are amended in Regulation 5 by substituting “Regulation 6 or 6A, as appropriate,” for “Regulation 6”.

5. The Principal Regulations are amended by inserting after Regulation 6 the following Regulation:

“Emergency placements - emergency measures in the public interest - Covid-19.

6A. (1) Regulation 6 shall not apply for the duration of the emergency period.

(2) Where, during the emergency period, the Child and Family Agency is satisfied that the immediate placement of a child in its care with a relative of that child is in the interests of the child, the Child and Family Agency may, notwithstanding that one or more of the provisions of Regulation 5 of these Regulations has not been complied with in relation to that relative, place the child with his or her relative provided the Child and Family Agency is of the opinion, after having caused –

- (a) the relative concerned to be interviewed and his or her home to be assessed by an authorised person, and
- (b) such other enquiries as are practicable to be made in the particular circumstances of the case,

that the relative is a suitable person to take care of the child on behalf of the Child and Family Agency.

(3) Where a child is placed with a relative pursuant to sub-paragraph (2), the Child and Family Agency shall ensure that all of the requirements of Regulation 5 of these Regulations are complied with in relation to the relatives as soon as practicable, having due regard to all public health notifications and obligations.”.

6. The Principal Regulations are amended by inserting the following Regulation after Regulation 17:

“Supervision and visiting of children – emergency measures in the public interest - Covid-19.

17A. (1) Regulations 17(1), (2) and (3) shall not apply for the duration of the emergency period.

(2) Subject to sub-paragraph (3), a child who has been placed with a relative by the Child and Family Agency shall be visited by an authorised person as often as the Child and Family Agency considers practicable, having regard to the plan for the care and upbringing of the child prepared by the Child and Family Agency under Regulation 11 of these Regulations and to any review of such plan pursuant to Regulations 18, 19 or 20 of these Regulations.

(3) Where a child is placed with a relative by the Child and Family Agency, and:

- (a) the Child and Family Agency has not previously placed a child with the relative in question, or
- (b) the child is placed in accordance with this Regulation,

that child shall be visited within 4 weeks of the commencement of said placement.

(4) Any visit to a child placed with a relative, referred to in subparagraph (2) or (3) shall, at all times, have due regard to all public health notifications and obligations.

(5) A child who has been placed with a relative by the Child and Family Agency shall be contacted by the Child and Family Agency as often as necessary, having regard to the plan for the care and upbringing of the child prepared by the Child and Family Agency under Regulation 11 of these Regulations and to any review of such plan pursuant to Regulations 18, 19 or 20 of these Regulations, but in any event—

(a) at intervals not exceeding three months during the period of two years commencing on the date on which the child was placed with a relative, and

(b) thereafter at intervals not exceeding six months.

(6) A child who was placed with a relative by the Child and Family Agency not earlier than two years before the commencement of these Regulations shall be contacted at intervals not exceeding three months until the second anniversary of the date of the placement and thereafter at intervals not exceeding six months.

(7) A child who was placed with a relative by the Child and Family Agency earlier than two years before the commencement of these Regulations shall be contacted at intervals not exceeding six months.”.

7. The Principal Regulations are amended in Regulations 13(2)(g) and 18(5)(b) by substituting “Regulation 17 or 17A, as appropriate,” for “Regulation 17” in each place where it occurs.

8. Nothing in these Regulations shall affect the assessment of a relative which commenced under Regulation 5 of the Principal Regulations immediately prior to the coming into operation of these Regulations.



GIVEN under my Official Seal,
12 May, 2020.

KATHERINE ZAPPONE,
Minister for Children and Youth Affairs.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation)

These Regulations amend the Child Care (Placement of Children with Relatives) Regulations 1995 to provide for amendments to the assessment of relatives in cases of emergency placements, having regard to the obligations and restrictions required by the State for the safeguarding of public health, and to allow for the introduction, on a temporary basis, of a more flexible approval process. These Regulations also suspend the statutory time-periods for the visiting of children placed with relatives and allow for any visits required to take place in accordance with all public health notifications and obligations. In addition, contact must be maintained, outside of visits, by the Child and Family Agency with children placed with relatives, in accordance with the frequency set out in these Regulations.

These Regulations may be cited as the Child Care (Placement of Children with Relatives) (Emergency Measures in the Public Interest - Covid-19) (Amendment) Regulations 2020.

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