

House of Assembly—No 11

As laid on the table and read a first time, 26 February 2015

South Australia

Statutes Amendment (Rights of Foster Parents and Guardians) Bill 2015

A BILL FOR

An Act to amend the *Births, Deaths and Marriages Registration Act 1996* and the *Family and Community Services Act 1972*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

- 5 This Act may be cited as the *Statutes Amendment (Rights of Foster Parents and Guardians) Act 2015*.

2—Commencement

This Act will come into operation 6 months after the day on which it is assented to by the Governor.

3—Amendment provisions

- 10 In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Births, Deaths and Marriages Registration Act 1996*

4—Insertion of Part 6 Division 3A

Part 6—after Division 3 insert:

Division 3A—Notification by foster parents and legal guardians

38A—Notification by foster parents and legal guardians

- (1) A person may give notice to the Registrar that a person named in the notice was a foster parent or legal guardian (other than a parent) of a person who has died (whether at the time of death or at an earlier time).
- (2) A notice under subsection (1) must—
 - (a) be given as soon as reasonably practicable after the death of the deceased; and
 - (b) be in writing in a form approved by the Registrar; and
 - (c) include the information required by the Registrar.
- (3) The Registrar may require a person giving notice under subsection (1)—
 - (a) to provide further specified information or documents within a specified time; and
 - (b) to verify, by statutory declaration, information provided for the purposes of the notice.
- (4) In this section—

foster parent has the same meaning as in the *Family and Community Services Act 1972*.

5—Amendment of section 39—Registration

Section 39—after subsection (2) insert:

- (3) If the Registrar has received notice under section 38A, and the Registrar thinks it is appropriate in the circumstances, the Registrar may, following consultation with the Chief Executive, include the name of a foster parent or legal guardian of the deceased in the entry in the Register relating to the death of the deceased.
- (4) In this section—

Chief Executive means the Chief Executive of the administrative unit of the Public Service that is, under a Minister, responsible for the administration of the *Family and Community Services Act 1972*.

Part 3—Amendment of *Family and Community Services Act 1972*

6—Insertion of section 47A

After section 47 insert:

5 **47A—Rights of foster parents in relation to funerals**

- 10
- (1) If a foster child dies while in the care of an approved foster parent, the person who is responsible for arranging the deceased's funeral and for the disposal of the deceased's remains must consult with the foster parent about those arrangements, unless the foster parent indicates that he or she does not wish to be consulted.
 - (2) The Department may, at the request of a party referred to in subsection (1), endeavour to assist the parties to reach an agreement about the funeral arrangements.