



# Children and Families (Wales) Measure 2010

## 2010 nawm 1

### PART 4

#### MISCELLANEOUS AND GENERAL

*Children's needs arising from community care and health needs of their parents*

#### **67 Children's needs arising from community care needs of their parents**

- (1) This section applies to a child where it appears to a local authority that the child's parent—
  - (a) is a person for whom it may provide or arrange for the provision of community care services, and
  - (b) may be in need of any such services.
- (2) A local authority must consider whether the child appears to the authority to be a child in need as a result of the needs of the parent.
- (3) A local authority must take account of the results of its consideration under subsection (2) in deciding—
  - (a) whether or not to assess the needs of the child for the purposes of section 17 of the Children Act 1989 (c. 41) (provision of services for children in need), and
  - (b) what, if any, services to provide under that section for the child or the child's family.
- (4) A local authority must take account of the results of its consideration under subsection (2) in making any decision in respect of the parent under section 47(1)(b) of the National Health Service and Community Care Act 1990 (c. 19) (assessment of needs for community care services).
- (5) In this section—

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*Status: This is the original version (as it was originally enacted).*

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“child in need” (“plentyn mewn angen”) means a child taken to be in need for the purposes of Part 3 of the Children Act 1989;

“community care services” (“gwasanaethau gofal cymunedol”) has the same meaning as in section 46 of the National Health Service and Community Care Act 1990.

- (6) In this section and in section 68 “parent”, in relation to a child, includes any individual—
- (a) who is not a parent of the child but who has parental responsibility for the child, or
  - (b) who has care of the child.
- (7) For the purposes of subsection (6)—
- (a) “parental responsibility” has the same meaning as in the Children Act 1989 (c. 41);
  - (b) in determining whether an individual has care of a child, any absence of the child at a hospital, children’s home or foster placement and any other temporary absence is to be disregarded.

## **68 Children’s needs arising from the health conditions of their parents**

- (1) This section applies to the provision of specified health services to a child’s parent where the services are provided by, or secured by, a specified National Health Service body.
- (2) A specified National Health Service body must make such arrangements as it thinks fit—
- (a) for consideration to be given to the effect of any health condition of the parent on the needs of the child and whether that effect may call for the provision of services by a local authority in the exercise of its social services functions;
  - (b) for referral of appropriate cases to the relevant local authority, subject to any duty owed by the National Health Service body to the child or the parent in respect of the disclosure of information relating to the child or the parent.
- (3) In this section—
- “health” (“iechyd”) means physical or mental health;
- “National Health Service body” (“corff Gwasanaeth Iechyd Gwladol”) means any one of the following—
- (a) a Local Health Board;
  - (b) a National Health Service trust;
- “specified” (“penodedig”) means specified by order of the Welsh Ministers.