

**2.29 Exceptional circumstances — primary claimants who have no specific relationship with child**

- (1) This rule is made for paragraph 2.28 (1) (d) and applies to a person who is not:
  - (a) the partner of the birth mother of the child; or
  - (b) for an adopted child — the partner of the adoptive parent of the child; or
  - (c) for parents who are divorced or separated:
    - (i) the other legal parent of the child; or
    - (ii) the partner of the other legal parent of the child.
- (2) For a person to whom this rule applies, the circumstances are as follows:
  - (a) the partner of the birth mother, or of the adoptive parent, is incapable of caring for the child;
  - (b) the child was not entrusted to the care of the person, or to the care of the person's partner, under a decision by a State or Territory child protection agency under legislation dealing with child protection in the State or Territory;
  - (c) the Secretary is satisfied on reasonable grounds that:
    - (i) the person became the primary carer of the child in special circumstances; and
    - (ii) it would be unreasonable for the partner of the child's birth mother, or the partner of the child's adoptive parent, to care for the child; and
    - (iii) it is in the interests of the child for the person to care for the child.

*Note* For what is unreasonable and in the interests of the child, see rule 2.31.