

Your responses suggest that the partner of the parent of the child is legally incapable of caring for the child.

1.4 Meaning of *incapable of caring for a child*

- (1) A person is *incapable of caring for a child* on a day if, on that day:
 - (a) there is a parenting order in force resulting in the person not providing care for the child; or
 - (b) the person is deceased; or
 - (c) the person is in prison or otherwise institutionalised; or
 - (d) the person's whereabouts are unknown; or
 - (e) the person suffers from a medical condition that makes the person incapable of providing care for the child; or
 - (f) the Secretary is satisfied that the person is, for a reason outside the control of the person, incapable of providing care for the child.
- (2) The person is not incapable of caring for a child if the person voluntarily chooses not to provide care for the child.

Example

A person may voluntarily choose not to provide care for a child by deciding to travel overseas on a holiday or to visit relatives or friends or by deciding to look after other relatives.