



# FOSTER + SAFETY CARE INFO PACK





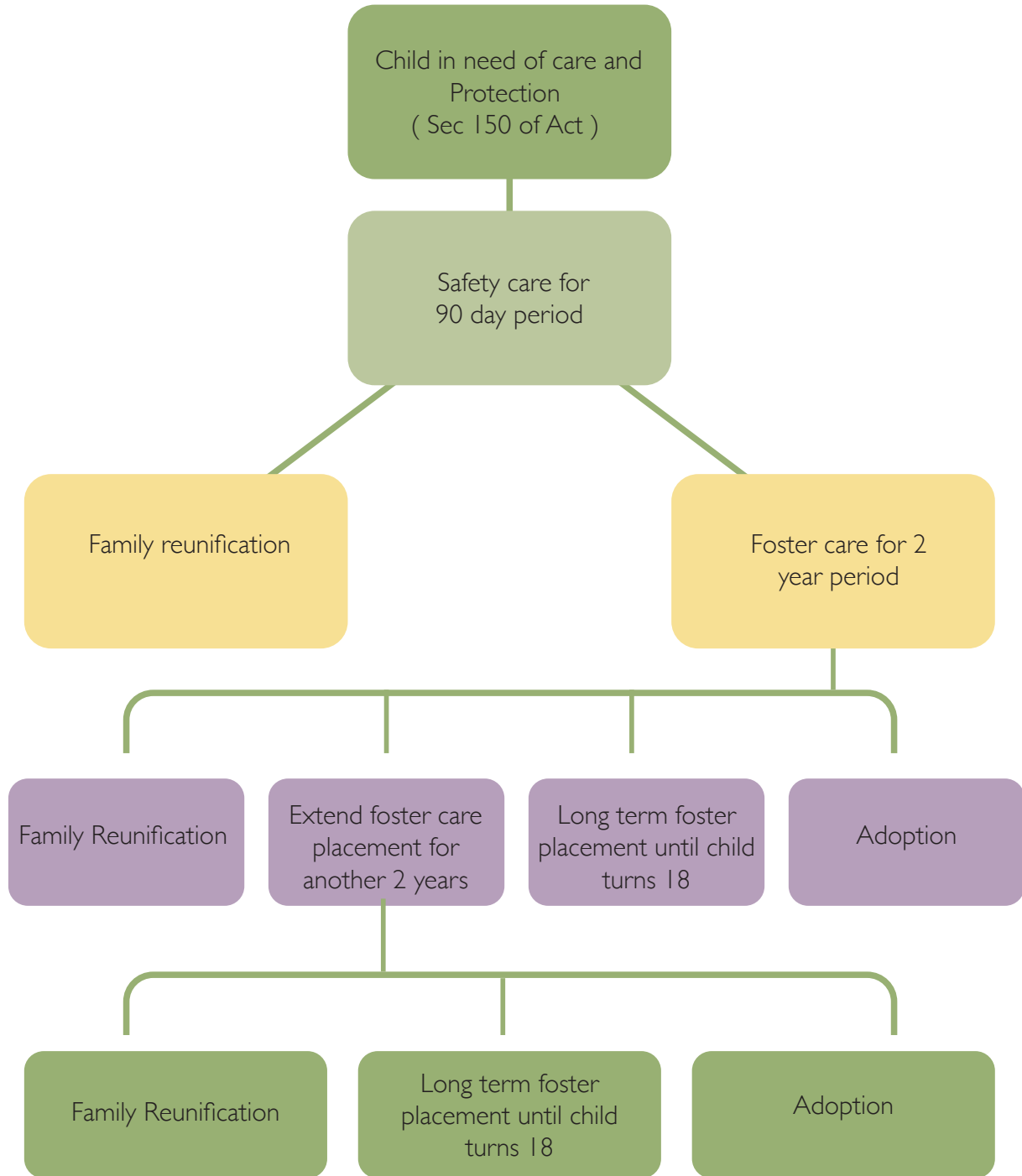
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In South Africa there is a great need for parents and families who can rise to the challenge and provide care for our nations vulnerable children.

In a society where children are often left to fend for themselves, safety and foster parents become a beacon of light and hope. These families can not do it on their own and they need the support of the community to raise the next generation. Let's change South Africa together.



# Process for a child





## THE CHILD

Social workers follow legislation when making placement decisions about children, the most important being the Children's Act (2005, as amended). Within the Children's Act there are sections that specify:

- Under which criteria does a child need care and protection
- The best interest of the child principle
- The different options for alternative care
- Characteristics/criteria for those who may/may not provide care for children

These will all be discussed in more detail below.

## A CHILD IN NEED OF CARE AND PROTECTION

This section highlights, according to legislation, which child may be deemed in "need of care and protection", in other words it specifies which children require intervention from designated child protection agencies.

### Section 150 of the Children's Act:

#### 1. A child is in need of care and protection if, the child -

- Has been abandoned or orphaned and is without any visible means of support;
- Displays behaviour which cannot be controlled by the parent or care-giver;
- Lives or works on the streets, begs for a living;
- Is addicted to a dependence-producing substance and is without any support to obtain treatment for such dependency;
- Has been exploited or lives in circumstances that expose the child to exploitation;
- Lives in or is exposed to circumstances which may seriously harm that child's physical, mental or social well-being;
- May be at risk if returned to the custody of the parent, guardian or care-giver of the child as there is reason to believe that he or she will live in or be exposed to circumstances which may seriously harm the physical, mental or social well-being of the child;
- Is in a state of physical or mental neglect;
- Is being maltreated, abused, deliberately neglected or degraded by a parent, a care-giver, a person who has parental responsibilities and rights or a family member of the child or by a person under whose control the child is.

#### 2. A child found in the following circumstances may be a child in need of care and protection and must be referred for investigation by a designated social worker:

- a) A child who is a victim of child labour; and
- b) A child in a child-headed household.

#### 3. If after investigation a social worker finds that a child referred to in sub-section (2) is not a child in need of care and protection as contemplated in sub-section (1), the social worker must where necessary take measure to assist the child,

- including counselling, mediation, prevention and early intervention services,
- family reconstruction and rehabilitation, behaviour modification, problem solving and referral to another suitably qualified person or organisation.



## GENERAL PRINCIPLES

### Section 7: Best interest standard

1. Whenever a provision of this Act requires the best interests of the child standard to be applied, the following factors must be taken into consideration where relevant, namely-
  - a) The nature of the personal relationship between-
    - (i) The child and the parents, or any specific parent; and
    - (ii) The child and any other care-giver or person relevant in those circumstances;
  - b) The attitude of the parents, or any specific parent, towards-
    - (i) the child; and
    - (ii) the exercise of parental responsibilities and rights in respect of the child;
  - c) The capacity of the parents, or any specific parent, or of any other caregiver or person, to provide for the needs of the child, including emotional and intellectual needs;
  - d) The likely effect on the child of any change in the child's circumstances, including the likely effect on the child of any separation from-
    - (i) both or either of the parents; or
    - (ii) any brother or sister or other child, or any other caregiver or person, with whom the child has been living;
  - e) The practical difficulty and expense of a child having contact with the parents, or any specific parent, and whether that difficulty or expense will substantially affect the child's right to maintain personal relations and direct contact with the parents, or any specific parent, on a regular basis;
  - (f) the need for the child-
    - (i) to remain in the care of his or her parent, family and extended family; and
    - (ii) to maintain a connection with his or her family, extended family, culture or tradition;
  - (g) the child's-
    - (i) age, maturity and stage of development;
    - (ii) gender;
    - (iii) background; and
    - (iv) any other relevant characteristics of the child;
  - (h) The child's physical and emotional security and his or her intellectual, emotional, social and cultural development;
  - (i) Any disability that a child may have;
  - (j) Any chronic illness from which a child may suffer;
  - (k) The need for a child to be brought up within a stable family environment and, where this is not possible, in an environment resembling as closely as possible a caring family environment;





- (l) The need to protect the child from any physical or psychological harm that may be caused by-
  - (i) subjecting the child to maltreatment, abuse, neglect, exploitation or degradation or exposing the child to violence or exploitation or other harmful behaviour; or
  - (ii) Exposing the child to maltreatment, abuse, degradation, ill-treatment, violence or harmful behaviour towards another person;
- (m) Any family violence involving the child or a family member of the child; and
- (n) Which action or decision would avoid or minimise further legal or administrative proceedings in relation to the child.

## **Section 9: Best interest of a child paramount**

In all matters concerning the care, protection and well-being of a child, the standard that the child's best interest is of paramount importance, must be applied ( According to Section 7 of the act).

## **Section 10 : Child participation**

Every child that is of such an age, maturity and stage of development as to be able to participate in any matter concerning, that child has the right to participate in an appropriate way and views expressed by the child must be given due consideration.





This section explains from the Children's Act **what Foster Care is, children eligible for foster care placement, the purposes of foster care, the determination of the placement, the number of children per household, the duration of care and the contact with the biological parents/family.**

These sections of the act have been summarised for easier reading, please refer to the full Children's Act 38, 2005 (as amended) for full details. Things to note is that the legislation always highlights the best interest of the child (as discussed in detail on previous page). Therefore, all decisions need to be made by social workers with this in mind. The best placement for a child is with extended biological family or people with an existing relationship with the child (where appropriate), however where this is not possible the Act makes provision for placement with people from different race, cultural, linguistic backgrounds where this is deemed to be in the best interest of the child.

**Please also note foster care orders are made for a 2 year period, however provision may be made for extensions and even placements up to 18 years**

## SEC 180. Foster care

- (1) A child is in foster care if the child has been placed in the care of a person who is not the parent or guardian of the child as a result of
  - (a) an order of a children's court; or
  - (b) a transfer
- (2) Foster care excludes the placement of a child—
  - (a) in temporary safe care; or
  - (b) in the care of a child and youth care centre.
- (3) A children's court may place a child in foster care—
  - (a) with a person who is not a family member of the child;
  - (b) with a family member who is not the parent or guardian of the child; or
  - (c) in a registered cluster foster care scheme.

## SEC 181. Purposes of foster care.

- (a) protect and nurture children by providing a safe, healthy environment with positive support;
- (b) promote the goals of permanency planning, first towards family reunification, or by connecting children to other safe and nurturing family relationships intended to last a lifetime; and
- (c) respect the individual and family by demonstrating a respect for cultural, ethnic and community diversity.

## SEC 184. Determination of placement of child in foster care.

- (1) Before a children's court places a child in foster care by court order, the court must consider a report by a designated social worker about
  - (a) The cultural, religious and linguistic background of the child; and
  - (b) the availability of a suitable person with a similar background to that of the child who is willing and able to provide foster care to the child.
- (2) A child may be placed in the foster care of a person from a different cultural, religious and linguistic background to that of the child, but only if
  - (a) There is an existing bond between that person and the child; or
  - (b) A suitable and willing person with a similar background is not readily available to provide foster care to the child.



## **SEC 185. Number of children to be placed in foster care per household.**

- (1) Not more than six children may be placed in foster care with a single person or two persons sharing a common household, except where
  - (a) The children are siblings or blood related; or
  - (b) The court considers this for any other reason to be in the best interest of all the children.
- (2) More than six children may be placed in foster care in terms of a registered cluster foster care scheme.

## **SEC 186. Duration of foster care placement.**

- 1) A children's court may decide, after a child has been in foster care with a person other than a family member for more than two years and after having considered the need for creating stability in the child's life, that
  - (a) no further social worker supervision is required for that placement;
  - (b) no further social worker reports are required in respect of that placement; and
  - (c) the foster care placement subsists until the child turns 18 years, unless otherwise directed.
- 2) A children's court may, after having considered the need for creating stability in the child's life, place a child in foster care with a family member for more than two years, extend such an order for more than two years at a time or order that the foster care placement subsists until the child turns 18 years, if
  - (a) the child has been abandoned by the biological parents; or
  - (b) the child's biological parents are deceased; or
  - (c) there is for any other reason no purpose in attempting reunification between the child and the child's biological parents; and
  - (d) it is in the best interest of the child.
- 3) Despite the provisions of subsections (1) and (2), a social service professional must visit a child in foster care at least once every two years to monitor and evaluate the placement.

## **SEC 187. Reunification of child with biological parent.**

- 1) If a children's court placing a child in foster care is of the view that reunification between the child and the child's biological parents is possible and in the best interest of the child, the court must issue the placement order subject to conditions providing for a designated social worker to facilitate such reunification.
- 2) If the child has not been reunited with the child's biological parents two months before the expiry of the initial court order or any extension of the order, the designated social worker appointed to facilitate the reunification must submit a report to the children's court
  - (a) explaining why the child was not reunited with the biological parents; and
  - (b) recommending any steps that may be taken to stabilise the child's life.
- (3) The children's court considering the report may
  - (a) order that the designated social worker must continue facilitating the reunification; or
  - (b) order the termination of the reunification services if there are no prospects of reunification.





Although this document focuses primarily on foster care, there are many people who have questions around adoption and many ask about being able to adopt a foster child. The Children's Act in Chapter 15 discusses adoption: its purposes, children who may be adopted, people who can adopt, the Register on Adoptable Children and Adopting Parents (RACAP) and consent to adopt. In this section a brief overview of adoption is given.

The most important thing to note is that not all children in alternative care, ie. in foster care are "adoptable." There are very specific criteria (listed below) and the best interest of the child is always paramount. Especially important to understand is what the permanency plan is for the child, that means what is the end goal for the best interest of the child: is it reunification with biological family or permanent placement such as adoption for example.

## SEC 229. Purposes of adoption

The purposes of adoption are to:

- (a) protect and nurture children by providing a safe, healthy environment with positive support; and
- (b) promote the goals of permanency planning by connecting children to other safe and nurturing family relationships intended to last a lifetime.

## SEC 230. Child who may be adopted

(1) Any child may be adopted if:

- (a) the adoption is in the best interests of the child;
- (b) the child is adoptable; and
- (c) the provisions of this chapter are complied with.

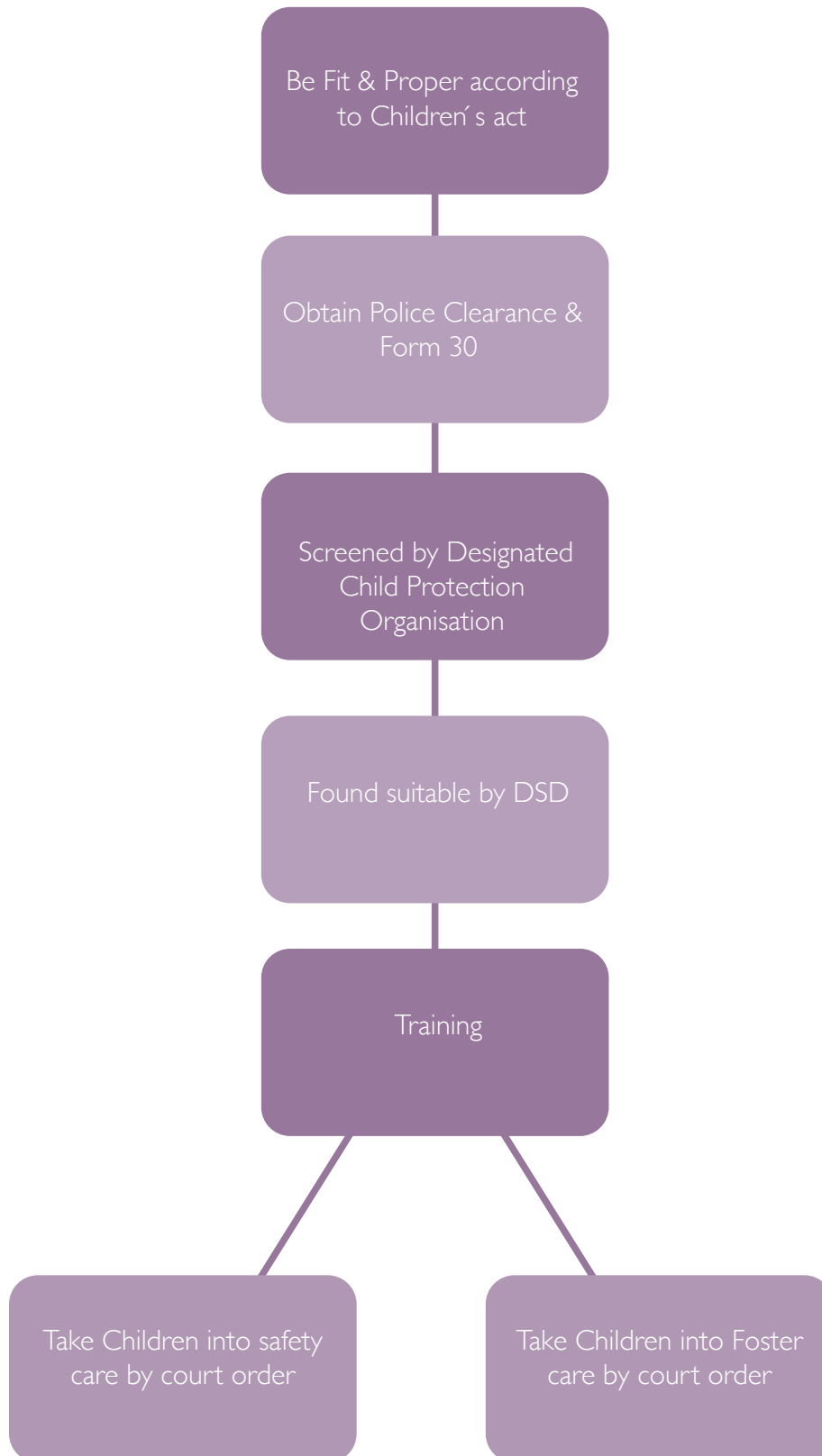
(2) An adoption social worker must make an assessment to determine whether a child is adoptable.

(3) A child is adoptable if:

- (a) the child is an orphan and has no guardian or caregiver who is willing to adopt the child;
- (b) the whereabouts of the child's parent or guardian cannot be established;
- (c) the child has been abandoned;
- (d) the child's parent or guardian has abused or deliberately neglected the child, or has allowed the child to be abused or deliberately neglected; or
- (e) the child is in need of a permanent alternative placement.



# Process for the safety/foster parent





## **FIT AND PROPER – SEC 182**

A prospective foster parent must:

- Be a fit and proper person to be entrusted with the care of a child;
- Be willing and able to undertake, exercise and maintain the responsibilities of such care;
- Have the capacity to provide an environment that is conducive to the child's growth and development; and
- Be properly assessed by a designated social worker

## **POLICE CLEARANCE**

Contact your nearest police station to confirm when they are open for police clearance. Take the following items with you to the police station:

- R114 cash (have the exact amount as SAPS do not have change and cannot keep your change)
- ID
- Proof of address
- The police will give you a document (with your fingerprints) this you need to courier to Pretoria and back when they let you know that it is done, you can also track your process online at <https://www.saps.gov.za/services/certificate.php>

## **FORM 30**

A form 30 is completed by an individual to enquire if his/her name appears in Part B of the National Child Protection Register. To obtain a form 30:

- Complete the form 30 – you can download it at [www.adoption.org.za](http://www.adoption.org.za)
- Email the completed form 30 with a certified copy of your ID to [MaphefoL@dsd.go.za](mailto:MaphefoL@dsd.go.za)
- Wait 21 working days and follow up until you receive the forms – sometimes you receive it within a few days and other times it takes much longer. If you email your form 30 you will receive an electronic copy of the form 30 while the original is mailed.

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## **SAFETY PARENT**

Safety parents offer temporary safe care to a child for a period of up to 90 days, this however may be extended if need be. All children should be placed by court with a valid court order or form 36.

## **FOSTER PARENT**

Foster parenting is a long term commitment. It usually starts with a 2 year placement that is reviewed after approximately 20 months. If the child can be reunified with their family they will return home, if not then the foster placement is extended for another 2 year period, in some cases where it is not in the best interest of the child to be reunified with their biological family a court order can be issued by which the child is placed in foster care until they turn 18.



While waiting for your police clearance and form 30, you can get the other leg of the paper process started. In order to be a registered safety or foster parent you need to be screened by the Designated Child Protection Organisation (DCPO)

- Impilo in Gauteng
- Wandisa in the Western Cape
- You can also check [www.adoption.org.za](http://www.adoption.org.za) for DCPO's in your area (can take some time due to work load)

1. Contact the DCPO delivering services in your area and make an appointment.
2. Each DCPO has their own system but most require you to attend a meeting at their office and fill in paperwork, then they will schedule a home visit.
3. After the home visit is completed and the social worker finds the circumstances beneficial to a child in need of care they will write a report and submit it to the Department of Social development.

#### Documents they might request:

- ID's
  - Marriage certificate
  - Reference letters
  - DCPO application forms
  - Proof of income and list of expenses – basic budget
  - Proof of address
  - CV's
4. This process usually takes 2-3 months – please ensure that you have all requested documents in place when you attend the office meeting as this will ease the process.
  5. Have patience – the social worker at the DCPO's have massive caseloads, limited resources and non-stop crises – ask the social worker for a time frame and if they do not get back to you after the indicated time, follow up with them.

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*Our children are our greatest treasure.  
They are our future. Those who abuse  
them tear at the fabric of our society and  
weaken our nation.*

- NELSON MANDELA

# Frequently Asked Questions



## FINANCIAL SUPPORT – SASSA:

### Qualifying requirements:

- You and the child must live in South Africa
- The child must have been placed in your legal foster care and you must have a valid court order to confirm this
- You must be a SA citizen, permanent resident or refugee
- The child must remain in your care

### SASSA PROCESS:

- Contact SASSA to find your nearest SASSA office (021) 9028600 or [www.sassa.gov.za](http://www.sassa.gov.za) (021) 9028610 and take the following documents and persons with you:
  - Your ID document and that of your spouse
  - The foster child's birth certificate – if the child does not have a birth certificate take an affidavit
  - A letter from the school which the child attends stating that the child attends school – ensure that it is on the school's letterhead and contains the child's full name and surname, ID number and grade
  - Proof of address
  - Your marriage certificate – or death certificate, divorce order

## **MOST IMPORTANTLY THE FOSTER CHILD NEEDS TO BE WITH YOU IN PERSON**

SASSA takes the child's fingerprints to add the child on their system  
**WITHOUT THE CHILD THEY WILL NOT PROCESS YOUR APPLICATION**

### OTHER FINANCIAL SUPPORT:

Foster children are exempt from school fees at public schools – need to fill in application form at the school  
Foster children receive free medical care at government health services

### CAN I HOME SCHOOL MY FOSTER CHILD:

Yes, however you do need to register the child with DOE

### CONTACT WITH BIOLOGICAL FAMILY:

It is important that children remain in contact with their biological families when it is in the best interest of the child. All contact has to be arranged by and through the case manager. Contact usually happens at a neutral venue.

### CAN I TRAVEL WITH MY FOSTER CHILD IN SOUTH AFRICA:

Yes, you just need to inform your social worker and include the following details:

- When you will leave
- Where you will be staying
- Contact detail
- When you will return

# For further information



For further information contact TLC Children's Home:



+27 11 948 7917

info@tlc.org.za

www.tlc.org.za

www.adoption.org.za