

Amendments to the Children's Act 38 of 2005 and the Children's Amendment Act 41 of 2007

July 25

This document is a summary of proposed amendments to the Children's Act 38 of 2005 and the Children's Amendment Act 41 of 2007 to be submitted by 25 July 2011.

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Section number	Section title	Proposed amendment/addition	Reasons	Decision by DSD: Proposal accepted Y/N	Reasons
Chapter 8	Prevention and Early Intervention				
143(1)(b)	Prevention and Early Intervention Programmes	Provided to families... may <u>compromise the child's well-being and require early intervention or statutory intervention.</u>	Reformulation to provide for early intervention which is part of the service continuum that makes up prevention, early intervention, and statutory intervention.		
143(2)(b)		Provided to families where there are children identified as being vulnerable, at risk of harm, or removal into alternative care.	The section formulation, as it stands, is awkward and may lead to confusion.		
144(1)(g)	Purposes of prevention and early intervention	Preventing the recurrence of problems in the family	Well-being refers to the condition of children in		

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	programmes	environment that may harm children or adversely affect their <u>well-being and</u> development.	the present as opposed to their future development.		
144(2)		Prevention and early intervention programmes include <u>but are not limited to</u>	This is not an exhaustive list of prevention and early intervention programmes and there needs to be scope for other programmes.		
144(2)(b)		Empowering families to obtain such necessities for themselves <u>and their children</u>	The addition emphasises that we are delivering services to the families for the benefit of children, which is more consistent with the spirit of the Act.		
144(2)(e)		Early childhood development	Early childhood		

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		<u>services and programmes</u>	development as a stand-alone concept refers only to child development, however, in this particular context it must be made clear that what is envisaged is active intervention, and therefore services and programmes.		
145(1)	Strategy for securing prevention and early intervention programmes	The Minister, after consultation with interested persons, <u>civil society, relevant stakeholders and the Ministers of Social Development, Education, Health, Finance, Co-operative Governance and Traditional Affairs, Home Affairs, Justice</u>	There needs to be provision for civil society input into the strategy. Furthermore, because prevention and early intervention programmes are holistic and reliant on inter-		

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		<p><u>and Constitutional Development, Correctional Services, Public Works, Rural Development and Land Reform, Women Children and People with Disabilities, and Agriculture</u></p>	<p>departmental co-operation, an expanded number of departments should be consulted.</p>		
145(4)		<p><u>The Minister, must ensure that monitoring & evaluation takes place to assess and review that the strategy is adequately resourced, effectively implemented and meets the priority targets</u></p>	<p>While monitoring and evaluation does take place for the Act as a whole, there are limited indicators for Prevention and Early Intervention and it is important to review provisioning, effectiveness and targeting to those for whom intervention</p>		

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			funding is prioritised.		
146(4)(c)	Provision of prevention and early intervention programmes	<u>To make prevention and early intervention programmes available to children up to school going age.</u>	The Welfare White Paper prioritises young children for service delivery. While children of school going age are in touch with services through schooling, the majority of children under school going age are not accessing services. This is a particularly vulnerable period for future development and therefore should also be prioritised.		