

RECOMMENDED AMENDMENTS OF REGULATIONS AND INPUT WITH REGARDS TO RACAP POLICY, BY THE NATIONAL ADOPTION COALITION:

Regulation	Concerns	Recommendation
CHAPTER 16: ADOPTION		
<p>Abandoned and orphaned children:</p> <p>56(1)....must cause an advertisement to be published.....</p>	<ol style="list-style-type: none"> 1. There are different opinions regarding the wording and identifying details placed in a newspaper. The number of characters in an advertisement determines the cost, for which social workers are responsible. 2. As adoption social workers network with each other and therefore work in courts throughout SA, there should be a guideline as to the content of the advertisement – as the case may be delayed due to a lack of information in the advertisement. It might mean that you have to advertise again!! The cost of an advertisement might vary between R500 and R800 	<p>The following should be included in the regulations:</p> <p>Name and surname (assumed) Date and time when found Place where found Estimated age/date of birth Gender Any other relevant identifying details</p> <p>Ex: A baby girl of approximately one month was found in the JHB station ladies restroom on the 3rd June at 20h00. She was dressed in a blue baby grow. Any person with details, please contact the social worker, Ms Thandi at 012 319 2001.</p>
<p>RACAP</p> <p>98 (3) An adoption social worker who is satisfied that a child is adoptable....must apply for the child’s name to be registered on RACAP</p>	<ol style="list-style-type: none"> 1. There are different opinions on when the child should be submitted, in the case of advertisement for the biological father (mother signed consent), the advertisement 	<p>Sec 98: The term adoptable should be clearly clarified in the regulations.</p> <p>To include LEGALLY adoptable:</p> <ul style="list-style-type: none"> • 60 days has lapsed

READ in conjunction with Regulation 104:
Social worker **MAY place an advert in a newspaper** in order to obtain the required details.....

timeframe as well as the area in which the advertisement should be placed needs to be addressed in the regulations. Also clarify that this is a MUST when you have the name/surname of the biological father or in the case where a mother made an allegation of rape, without a formal case opened at the SAPS.

2. The reaction time should be in line with the 30day notice period – there is currently a understanding that it should be three months like in the case of abandonment.
3. Babies are already 3 months old when they are submitted on RACAP – it is crucial to place adoptable babies as young as possible for bonding and for their future development, the current time frame causes a delay in submission which is not in the child or adoptive parents' interest. If you submit 3 months after birth, you have to search for match, apply for provincial letter (sometimes taking a month) – then baby has been in baby home for almost six months before placement!

- 30 days notice period for biological father
- 30 days reaction time on advertisement for biological father, if a mother signed consent
- 90 days advertisement reaction time in the case of an abandoned child
- In the case of a parent not fulfilling his parental responsibilities for a period of twelve months, **there should be detailed guidelines on the process to be followed.....**

Regulation 104: To include:

- An advertisement **MUST** be placed where the name and/or surname of the alleged biological father is known – no address is known for purposes of notice.
- In the case where the birthmother has been raped and a case was made at the police station, there is no need for an advertisement
- In the case of rape, where there is an allegation, but no formal case opened at the SAPS, an advertisement **MUST** be placed.

<p>98 (3) An adoption social worker who is satisfied that a child is adoptable....must apply for the child's name to be registered on RACAP</p>	<ol style="list-style-type: none"> 1. RACAP should also contribute towards the identifying of children in foster care and specifically in residential care that could and should benefit from adoptions. RACAP should assist to promote permanency, specifically in the case of abandoned children 2. The regulation state that an adoption social worker should submit a child on RACAP – What about Social workers working in CPO's and CYCC where abandoned children are not referred to adoption social workers? Many social workers do not follow up on these children and they stay in homes, although they could have been adopted. The Act clearly states that abandoned children MUST be adopted. 3. It is NOT recommended that CYCC's do adoptions, as this could lead dangerous adoption practice, BUT the CYCC's experience that children get stuck in the system, as the legally responsible social worker does not act in the child's best interest. The court and or Provincial Department could play a role in this process. The CCYC manager/social worker could insist to be present at the court hearing and recommend adoption if the child has 	<p>The identifying and monitoring function of the Provincial Department and court should be addressed in the Regulations</p> <ul style="list-style-type: none"> • All CYCC managers/social workers should submit information of abandoned children to DSD/Provincial Head on a quarterly basis. • CYCC managers/social workers should report unprofessional social workers, not acting in the best interest of the child, to DSD • Social workers, both Department and CPO's should be trained to identify adoptable children • Abandoned/adoptable children should be referred to adoption social workers for further investment and submission on RACAP
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	<p>been abandoned.</p> <p>4. The Act also state that Presiding Officers should identify and refer children that could benefit from adoption.</p>	
<p>98(2) An application must be.....Form 58</p> <p>98(4) An application must be.....Form 59</p> <p>98(5)(6) The DG MUST inform the social worker of his decision and provide a registration number</p>	<p>This format is no longer relevant</p> <p>It is a priority to urgently finalize the planned IT version as the current manual process creates a lot of challenges for both DSD and adoption social workers:</p> <ol style="list-style-type: none"> 1. The lack of acknowledgement results in the fact that some children have not been registered, although info has been submitted. This causes more delays 2. Dependency on electronic communication, backlog of submissions, and difference in date formats due to computer settings. 3. Delay of CA applications, due to availability of staff, manual checking process. 	<p>Regulations should also include the following:</p> <ul style="list-style-type: none"> • Electronic submissions should be acknowledged within 3 working days • A registration number should be included for reference purposes • Once the 60 day RACAP period has lapsed, an electronic confirmation that there has not been a successful national match should be sent to the adoption social worker. • An inter country adoption could be considered. The RACAP confirmation letter, containing the RACAP registration number should be handed in together with the CA application for inter country adoption.
<p>Applications for consent</p> <p>99(3)(b).....provided that if the parent is a child that parent is assisted by his or her</p>	<ol style="list-style-type: none"> 1. Courts have different opinions on the word “assisted”. Some require that the guardian also sign the consent form, others accept a 	<p>To include in 99(3)(b): Written consent or as per affidavit</p> <p>TO ADD:</p>

<p>guardian</p> <p>Also in relation to Sec 240(1)(b) – all reasonable preferences expressed by a parent and stated in the consent</p>	<p>note/confirmation that the guardian does not oppose. Once again, this should be specified, as it becomes a problem at the finalization of the adoption – often not the same court where the mother signed legal consent</p> <p>2. It should also be included in the regulations that consent can be signed in front of ANY presiding officer – some Presiding officers indicates that consent should be signed in the court’s jurisdiction where the child is residing – this caused unnessasry delays and has financial and practical implications on parents wanting to sign consent</p> <p>3. The preferences of the parent should be stated in the consent document. A birth parent might indicate her preference to be a heterosexual married couple. There might only be a single same sex person on RACAP???</p>	<p>Consent for an adoption can be signed in the presence of ANY presiding officer.</p> <p>To include in 99(3)(e): The reasonable preference of the parent should be included in the consent document, after being counseled by an adoption social worker</p>
<p>103 Format of post adoption agreements</p> <p>In relation to Sec 234(1) The parent or guardian of a child MAY.....enter into a post adoption agreement</p>	<p>1. It should be emphasized that it is the parent’s choice and in the best interest of the child, and not be forced by a Presiding officer</p>	<p>To include in 103: A parent may, after counseling by a social worker on the implications of a post adoption agreement, indicate if she wants to enter into such an agreement. Her decision should be included in the consent document.</p>
<p>107 Fees payable to accredited CPO’s</p>	<p>1. This is related to Intercountry</p>	<p>To move to Section 17 – as per example of</p>

	<p>adoptions and this regulation should be moved to Chapter 17.</p> <ul style="list-style-type: none">• The fee structure for Inter country adoptions should be based on the fact that this service is rendered by a CPO, accredited as per Sec 259, and not a private practitioner as currently indicated. The example in the Guide to Good Practice should be used as guideline.• Input in this regard has been submitted to DSD for discussion. <p>2. It is however important that a guideline for fees charged for national adoptions be included in this Chapter – this fee structure should be based on hours spent on professional adoption services – also for network purposes – CPO’s/adoption social workers could use this structure in determining the distribution of fees according to services rendered.</p>	<p>Fee Structure in Guide to Good Practice</p> <p>The current regulation 107 is better suited for national adoptions and does not really apply to a CPO.</p>

RECCOMENDATION WITH REGARDS TO RACAP POLICY

1. The purpose of RACAP is:

- Keeping a record of all adoptable children – *This means that it should also be used as instrument to identify children in the system that could benefit from adoption – many children is in CYCC, not being considered for adoption (specifically abandoned and special needs children. Provincial Heads should ensure that all adoptable children in their provinces is referred to adoption social workers and submitted on RACAP once adoptable*
- Keeping a record of all fit and proper adoptive parents – *screened and prepared for adoption, not only in process*
- ONLY CHILDREN AND PARENTS THAT COULD NOT BE MATCHED, should be registered on RACAP. The purpose is to assist social workers to find suitable national matchings.

2. Access to RACAP

- DSD Officials
- Head of Provincial Departments
- Accredited Adoption social workers

3. Management of RACAP

- Adoption social workers should register Adoptable children and screened adoptive parents on RACAP – information should be complete and correct and updated if changed
- Written acknowledgement to be received within 3 days after submission
- A registration number to be included in the letter of acknowledgement
- A weekly updated list should be available for adoption social workers, to use for the purpose of network – this list should also automatically update the age of children, as some children stay on the list for long periods.
- If the status of the child/parent has changed, it should be indicated on the list, i.e. if the child/parent has been matched, it could be color coded or flagged. This would avoid many unnecessary telephone calls between social workers
- Adoption social workers should use the data basis on a regular basis to identify possible matchings
- Social workers should aim to match children within the same province as a priority – matching over provinces has financial and practical implications

- If a possible matching is identified, the relevant social worker should request a detailed background report on the parents and the possible matching should be discussed in an adoption panel, to determine if this would be in the best interest of the child. Should it be a suitable matching, the child should be formally proposed (background report, photo and all medical reports) to the social worker of the parents. An agreement regarding the placement, legal finalization and fees should be signed between the two parties.
- Officials of DSD should be informed in writing if social workers experience difficulty to network with specific organizations regarding matching. They could assist with networking efforts where needed.
- After 60 days on RACAP has lapsed, an automatic electronic mail will be sent to the adoption social working, confirming that no national placement could be found and the subsidiary principle has been met. This mail should contain the name of the child, registration number on RACAP, date the child has been submitted and the name of a CPO accredited to render Inter country adoptions. The case should then be referred to the relevant CPO. DSD should inform the referred CPO that a child has been referred – this would minimize further time delays.

4. Profile of children available for adoption:

- Most parents indicate that they are open to adopt to adopt healthy babies (0-6 months)
- Parents should be informed that most babies registered on RACAP is
 - Older than six months (due to legal and medical investigation)
 - Born prematurely
 - Has developmental delays
 - Mild exema and allergies
 - Born from incestuous relationships
 - HIV exposed
 - Siblings
 - Older, traumatized children
 - Children with severe special needs

5. Submission of screened adoptive parents:

- Applicant must have met minimum standards of screening. (Need to be set in guidelines).
- The preferences should be clearly indicated in relation to:
 - Age
 - Race (Ethnic group, skin complexion)
 - Health condition (indicating what medical condition would be considered, if any)

- The willingness/ability of parents to travel – the adoption would most probably be finalized in the area where the child reside

6. Submission of adoptable children

ALL adoptable children should be submitted once they are legally available for adoption:

- 60 days has lapsed
- 30 days notice period for biological father
- **30 days** reaction time on advertisement for biological father, if a mother signed consent
- 90 days advertisement reaction time in the case of an abandoned child In the case of a parent not fulfilling his parental responsibilities for a period of twelve months, **there should be detailed guidelines on the process to be followed.....**

There should also be minimum medical testing before a child can be submitted:

- HIV (Elisa and PCR)
- Hepatitis B
- Syphilis
- All relevant medical information