

- 6. Meeting the emotional, cognitive, sensory, spiritual, moral, physical, social and communication development needs of children**
- (a) Programmes must be appropriate to the developmental stages and evolving capacity of children.
  - (b) Programmes must ensure that parents and care-givers are involved in the development of children.
  - (c) Programmes must provide education and support to parents, caregivers and families to fulfil their responsibilities towards child-rearing and the holistic development of their children.
  - (d) Programmes must be accessible to especially vulnerable children in their homes.
  - (e) For children up to three years of age, programmes should, as much as possible, include household visits for increased accessibility to children.
  - (f) Programmes must promote cognitive development in children.
  - (g) Programmes must promote the development of fine sensory and motor skills in children.
  - (h) Activities must promote a positive relationship between the centre, families and the community.
  - (i) Programmes must teach age appropriate self control and independent behaviour.
  - (j) Existing community resources and strengths must be utilised in promoting the development of children.
  - (k) The emotional needs of children must be addressed and children must be encouraged to express their emotions in a safe, supportive and protective environment.
  - (l) Parents, care-givers and families of vulnerable children, children with disabilities and child-headed households must be provided with information, knowledge and skills to promote the development of their children.
  - (m) Children must be enabled to develop a positive sense of identity and self worth.
  - (n) Programmes must be based on an integrated approach.
  - (o) Children should feel valued and respected when participating in activities.

**PART III**  
**NATIONAL NORMS AND STANDARDS FOR CHILD PROTECTION**

For the purposes of section 106(2) of the Act, the following are national norms and standards for child protection:

**1. Prevention and early intervention programmes**

Prevention and early intervention programmes must—

- (a) strengthen and support family structures and build capacity;
- (b) be aimed at the improvement of the well-being of families and children;
- (c) if applicable, reunify and reintegrate family members;
- (d) be aimed at the identification of high risk families and children;
- (e) be family centred with family members seen as the main focus;
- (f) focus on the strengths and capabilities of family members;
- (g) if applicable, provide for the development of family plans in participation with family members;
- (h) enable family members to take responsibility and accountability for their involvement in programmes;
- (i) take the needs of children into account and the safety of the children in particular;
- (j) if applicable, provide for assessment and permanency planning;
- (k) if applicable, be based on a multi-disciplinary and inter-sectoral approach;
- (l) be sensitive to the linguistic needs, religious and cultural values of children and their families;
- (m) be home-based and community based;
- (n) make provision for the training, support and supervision of service providers; and
- (o) if applicable, ensure that early intervention decisions are based on developmental assessment.

**2. Assessment of children who have been abused or deliberately neglected**

Assessment of children who have been abused or deliberately neglected must be—

- (a) undertaken by service providers who have the appropriate training, support and supervision to maximise their abilities and capacity to conduct assessments;

- (b) undertaken within 48 hours of receipt of reports on abuse or deliberate neglect of children;
- (c) done in accordance with the broad risk assessment framework contemplated in regulation 35;
- (d) conducted by service providers who have appropriate knowledge of indicators of abuse or neglect and an understanding of the multi-disciplinary approach;
- (e) followed by informing the child, his or her parents, guardians or care-givers of the outcome of the assessment and any decisions affecting them;
- (f) conducted in a manner that involves the child, his or her family and any significant other persons and must be conducive to their participation;
- (g) sensitive to the linguistic needs, religious and cultural values of children and their families;
- (h) conducted in such a manner that the persons involved can understand the assessment and the implications thereof;
- (i) aimed at the provision of sufficient and helpful information to the child, his or her family and significant other persons;
- (j) aimed at securing an appropriate care plan and individual development plan for the child;
- (k) conducted in a safe and protected environment; and
- (l) sensitive to the child's need for support and assistance during assessment, especially for children with disabilities.

### **3. Therapeutic programmes**

Therapeutic programmes must –

- (a) be conducted by service providers who have the appropriate training, support and supervision to maximise their abilities and capacity to render such programmes;
- (b) take account of the assessment framework, the assessment report and any other relevant information;
- (c) be based on a multi-disciplinary and inter-sectoral approach;
- (d) be sensitive to the linguistic needs and religious and cultural values of children and their families;
- (e) be aimed at meeting the needs of the recipient as indicated during assessment;

- (f) ensure that the recipients feel emotionally and physically safe in the therapeutic situation and that information is kept confidential;
- (g) ensure that the goals, time periods and expected outcomes of all therapeutic interventions are discussed and agreed upon and that recipients understand their rights and have sufficient information to make informed choices;
- (h) assist recipients to use their strengths while they are assisted to deal with trauma;
- (i) be conducted in a non-discriminatory manner and in a comfortable, friendly and safe environment that is conducive to the best interests of recipients;
- (j) make provision for the involvement of the child, his or her family and significant other persons during therapy;
- (k) ensure that recipients are provided with the name and contact number of the case manager or social worker;
- (l) provide adequate opportunity for additional consultation and counselling;
- (m) monitor the growth and progress of recipients;
- (n) ensure that records are kept and data captured;
- (o) be aimed at the minimisation of secondary abuse and trauma;
- (p) ensure that recipients are free to express dissatisfaction with service providers and that concerns and complaints are addressed seriously; and
- (q) be reviewed on a regular basis according to the needs of recipients.

#### **4. After care services**

After care services must—

- (a) be provided by service providers who have the appropriate training, support and supervision to maximise their abilities and capacity to render such services;
- (b) be based on a multi-disciplinary and inter-sectoral approach;
- (c) be sensitive to the linguistic needs, religious and cultural values of children and their families;
- (d) be rendered in a non-discriminatory manner;
- (e) ensure that recipients are provided with the name and contact number of the case manager or social worker;
- (f) ensure that after care programmes are sufficiently monitored and regularly reviewed;

- (g) ensure that records are kept and data captured on programmes available to children and on the number and identifying particulars of children attending the programme;
- (h) be aimed at the identification of high risk situations and behaviour and the appropriate minimisation of risk;
- (i) focus on the strengths and capacity of recipients; and
- (j) be home based and community based.

#### **5. Family reunification and integration services**

Family reunification and integration services must—

- (a) be provided by service providers who have the appropriate training, support and supervision to maximise their abilities and capacity to render such services;
- (b) be based on a multi-disciplinary and inter-sectoral approach;
- (c) be sensitive to the linguistic needs, religious and cultural values of children and their families;
- (d) be rendered in a non-discriminatory manner;
- (e) strengthen and support family structures and render capacity building;
- (f) improve the well-being and resilience of families and children;
- (g) be aimed at the identification of high risk families and children;
- (h) focus on the strengths of families;
- (i) ensure that family plans are developed with the participation of all family members;
- (j) enable families to take responsibility and accountability for their involvement in programmes;
- (k) provide for the referral of recipients to other appropriate programmes;
- (l) if applicable, provide for family development, family skills training, family group conferencing and mentorship;
- (m) if applicable, address parenting skills, conflict management, role clarification, gender and partner abuse, unemployment, substance abuse and deviant behaviour;
- (n) prevent and deal with out-of-home placements with the purpose of keeping families together except where this would not be in the best interests of the child;
- (o) ensure the provision of family centred programmes; and

- (p) facilitate the participation of family members and be aimed at the empowerment of families.

#### **6. Foster care services**

Foster care services, supervision and arrangements around such supervision must—

- (a) be based on a care plan and an individual development plan for the child concerned;
- (b) where applicable, include participation of the child and his or her family during the placement process;
- (c) take account of the need for maximum appropriate access to information to enable the child and his or her family to participate in decisions;
- (d) ensure support and capacity building with regard to the child and his or her foster parents;
- (e) allow foster parents to participate in the planning and drafting of a care plan and individual development plan and to be consulted and informed of plans;
- (f) be conducted in a manner that makes the child, his or her family and the foster parents aware of what is expected from them, their rights and responsibilities;
- (g) be sensitive to the religious, cultural, and linguistic background of the child;
- (h) take account of the child's physical, emotional and social needs;
- (i) be appropriate to the child's developmental needs and be based on respect for the child's individuality, strengths, dignity, cultural, religious and linguistic heritage;
- (j) encourage, ensure and provide the opportunity for choice, decision-making and the building and strengthening of rapport and relationships;
- (k) ensure that basic needs are appropriately met;
- (l) ensure that the care plan and individual development plan are based on a proper developmental assessment of the child;
- (m) allow the child to observe his or her religion, to meet with others of similar background, to dress in accordance with his or her religion and to observe dietary requirements without difficulty, ridicule or embarrassment;
- (n) ensure the provision of support and strengthening services to foster parents and the monitoring of their roles to ensure outcomes around placement;
- (o) be based on a clear written policy and procedures regarding foster care services; and

- (p) ensure that care plans and individual development plans are reviewed regularly by the social worker managing the foster care with the participation of the child and foster parents, within their respective abilities.

#### **7. Integration into alternative care services**

Integration into alternative care services must—

- (a) be rendered by service providers who have the appropriate training, support and supervision to maximise their abilities and capacity to render integration programmes;
- (b) be based on a multi-disciplinary and inter-sectoral approach;
- (c) be sensitive to the linguistic needs, religious and cultural values of children and their families;
- (d) be aimed at meeting the needs of recipients as indicated during assessment;
- (e) ensure that the recipients feel emotionally and physically safe in the therapeutic situation and that information is kept confidential;
- (f) be conducted in a non-discriminatory manner;
- (g) make provision for the involvement of the child, his or her family and significant other persons;
- (h) ensure that recipients understand their rights and responsibilities and are provided with sufficient information to make informed choices;
- (i) ensure that recipients are provided with the name and contact number of the case manager or social worker;
- (j) ensure that a comfortable, child-friendly and safe environment is available for children;
- (k) ensure that programmes are conducive to the best interests of recipients;
- (l) provide adequate opportunity for additional consultation and counselling;
- (m) monitor the growth and progress of recipients;
- (n) be aimed at the minimisation of secondary abuse and trauma;
- (o) ensure that recipients are free to express dissatisfaction with service providers and that concerns and complaints are addressed seriously;
- (p) allow for the review of programmes according to the needs of recipients;
- (q) be based on a care plan and an individual development plan for the child concerned;

- (r) include participation of the child and his or her family during the placement process;
- (s) take account of the need for maximum appropriate access to information to enable the child and his or her family to participate in decisions;
- (t) be conducted in a manner that takes account of the child's physical, emotional and social needs;
- (u) be appropriate to the child's developmental needs and be based on respect for the child's individuality, strengths, dignity, cultural, religious and linguistic heritage;
- (v) encourage, ensure and provide the opportunity for choice, decision-making and the building and strengthening of rapport and relationships;
- (w) ensure that basic needs are met appropriately;
- (x) ensure that the care plan and individual development plan are based on a proper developmental assessment of the child; and
- (y) ensure that care plans and individual development plans are reviewed regularly.

#### **8. Adoption services**

Adoption services must—

- (a) be rendered by relevant service providers;
- (b) take the child's needs into account;
- (c) provide for assessment of the child;
- (d) include awareness campaigns to promote adoption as part of child protection services;
- (e) be based on appropriately formulated and implemented policy and procedures;
- (f) ensure that the child and his or her family, within their respective abilities, are actively involved in all stages of the adoption process;
- (g) be based on an inter-sectoral and multi-disciplinary approach;
- (h) take account of and address the changing social, physical, cognitive and cultural needs of the child and his or her family throughout the intervention process before and after adoption;
- (i) ensure that all avenues to maintain the child within his or her own family are explored before adoption is considered;
- (j) ensure that the child's family has access to a variety of appropriate resources and support;



- (k) be based on permanency planning for children qualifying for adoption;
- (l) ensure that adoption is dealt with by expert adoption social workers functioning within a statutory accredited adoption system;
- (m) ensure that children who are to be adopted are not discriminated against with regard to race, gender, language, religion, disability or any other status and that the biological parents of children who are to be adopted are not discriminated against;
- (n) ensure that the child is involved in the decision-making process during adoption procedures;
- (o) ensure that inter-country adoption is considered as an alternative means of permanent care for a child when a suitable adoptive or foster family cannot be found nationally;
- (p) ensure that the standards of inter-country adoption conform with the Hague Convention on Inter-country Adoption;
- (q) ensure that inter-country adoption does not result in financial gain for those involved;
- (r) ensure that inter-country adoption is effected by the Central Authority;
- (s) provide for the recruitment, assessment and preparation of adoptive parents;
- (t) provide for the counselling of the child, his or her biological parents and the adoptive parents;
- (u) provide for after-care services to the adoptive family;
- (v) provide for the management of enquiries and interpretation of issues regarding descent and origin, accompanied by counselling of all parties;
- (w) provide for the tracing by an adult adopted person of his or her biological parents;
- (x) ensure that the particular needs of the child are matched with the special strengths of the adoptive family through appropriate assessment and preparation of the parties involved;
- (y) provide for assistance to prospective adoptive parents to assess their capacity to adopt and helping them to understand what parenting of an adopted child entails;
- (z) provide for assistance to adoptive parents to develop their personal and parenting skills; and
- (aa) provide for services to biological parents focusing on crisis intervention and life skills.

**9. Permanency plans**

Permanency plans must—

- (a) be designed by service providers who have the appropriate training, support and supervision to maximise their abilities and capacity to develop such plans;
- (b) clearly identify the reasons why the child is unable to remain with his or her own family, or is being placed under court-ordered supervision with that family, at the time when the plan is being drafted;
- (c) clearly specify what it is that needs to be achieved in order to terminate court-ordered supervision or restore the child to the care of his or her family, and what services will be offered for that purpose and by whom;
- (d) give priority to enabling the child to remain in or be restored to his or her own family, while also providing for other permanent solutions such as adoption, foster care or independent living arrangements, should this not be achieved despite genuine efforts to provide the necessary services to achieve permanent placement within the child's own family;
- (e) take account of the assessment framework, the assessment report and any other relevant information;
- (f) be family centred and focused on the strengths and capacities of family members;
- (g) be based on a multi-disciplinary and inter-sectoral approach;
- (h) be sensitive to the linguistic needs, religious and cultural values of children and their families;
- (i) make provision for the involvement of the child, his or her family and significant other persons;
- (j) provide sufficient and helpful information to the child, his or her family and significant other persons;
- (k) provide assistance to cope with changes in circumstances and environment and include a specific plan for preparing, supporting and monitoring such changes;
- (l) be based on approved policy and procedures;
- (m) encourage children to identify and express emotions appropriately and empower them to find effective and positive ways to express and manage emotions;
- (n) encourage positive interaction with service providers;

- (o) encourage children to build and maintain appropriate relations with friends, service providers, family members and significant other persons;
- (p) include support to children when relations break down to cope with the impact of having contact or not having contact with family members and significant other persons;
- (q) provide for adequate health care and education opportunities;
- (r) provide such capacity and support as may be required to enable constructive and effective behaviour;
- (s) include measures for preparing children for reintegration into their families and communities;
- (t) include measures allowing children to participate in and understand changes to the permanency plan, which should only happen if it is in the best interest of the child concerned;
- (u) be reviewed regularly; and
- (v) be clear on goals and expectations.

#### **10. Education and information programmes**

Education and information programmes must—

- (a) be rendered by service providers who have the appropriate training, support and supervision to maximise their abilities and capacity to render such programmes;
- (b) be based on a multi-disciplinary and inter-sectoral approach;
- (c) be rendered in an appropriate and intelligible language;
- (d) include fact sheets, pamphlets, guidelines, policies and procedures;
- (e) encompass awareness-raising, training and provide access to programmes;
- (f) promote the development of a human and children's rights culture;
- (g) be aimed at the early identification of high risk families and children;
- (h) promote gender sensitivity;
- (i) promote responsible values, attitudes and behaviour; and
- (j) be based on accepted policies, legislation and programmes.

#### **11. Child-headed households**

##### **(a) General**

- (i) Siblings in a child-headed household should, as far as is reasonably possible and practicable, remain together.

- (ii) The right to family life of any child-headed household should be promoted in accordance with the objectives of the Act.
- (iii) The independent functioning of a child-headed household must be promoted as far as is reasonably possible.
- (iv) Support to child-headed households must be aimed at enhancing the capacity of the children living in the child-headed household to function as a family.

**(a) Safe and nurturing environment for children**

- (i) Children must experience safety, support, security and feel cared for while living in a child-headed household, and have their basic needs met.
- (ii) Adequate nutrition, water and means for preparing food must be available to meet the basic needs of the children in a child-headed household.
- (iii) Adequate care of the health of children living in child-headed households must be undertaken.
- (iv) Children living in child-headed households must be able to benefit from the right to rest, leisure and play.
- (v) A child-headed household must respect and nurture the culture, spirit, dignity, individuality, language and development of each child living in that household and children must be encouraged to develop positive social values.
- (vi) The resources available to the household must be used equitably to promote the well-being of all children living in a child-headed household.
- (vii) Children living in child-headed households must have access to psychosocial support.

**(c) Birth registration, social assistance, social and community services, access to education and the development of skills**

Children living in a child-headed household—

- (i) must benefit from official registration of their births in terms of the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992);
- (ii) must benefit from social assistance, as provided for in the Social Assistance Act, 2004 (Act No. 13 of 2004), where the relevant criteria for access to such social assistance are met;
- (iii) may benefit from emergency assistance or aid, as may from time to time be available, including food, goods or transport assistance;

- (iv) who are of school going age, must attend school regularly, and receive any necessary assistance to enable them to access education;
- (v) must have access to social services and community services generally and to resources which promote their capacities and increase their ability to participate in community life; and
- (vi) must be enabled to develop the skills necessary to participate in social and economic life.

**(d) Property**

Children living in a child-headed household must be—

- (i) enabled to assume responsibility for any property or possessions belonging to that household; and
- (ii) assisted to maintain and preserve any property belonging to the household, where such children wish to preserve such property, but may freely dispose of property in the best interests of the household.

**(e) Exposure to harm**

Children living in a child-headed household—

- (i) should not be exposed to violence, abuse, maltreatment or degradation, sexual abuse or harmful or hazardous forms of child labour; and
- (ii) must as far as is reasonably possible be protected from community risk factors.

**(f) Disability, chronic illness and vulnerability**

Child-headed households in which a child with a disability or a chronic illness resides,

- (i) must be assisted to obtain any special grants, assistance devices, educational or
- (ii)- vocational programme or other form of support necessary to ensure the optimal development of such child.

**(g) Participation and consultation**

Children living in a child-headed household must—

- (i) participate in all matters affecting the functioning of the household; and
- (ii) be consulted in any investigation by a designated social worker contemplated in section 150(2) and (3) of the Act.

**(h) Monitoring and supervision**

Children living in a child-headed household—

- (i) must be encouraged to report any change in living arrangements to a designated social worker, an adult appointed in terms of section 137(2) of the Act or any other suitable adult; and
- (ii) in respect of whom an adult has been appointed in accordance with section 137(2) of the Act, or in respect of whom an investigation has been concluded in terms of section 150 of the Act, where no finding has been made that the child or children are in need of care and protection, are entitled to be visited on a regular basis, and not less than once every two weeks, for the purposes of monitoring and supervision.

**(i) Child heading the household**

The child heading the household must give effect to the norms and standards contained in this Annexure to the maximum extent reasonably possible, bearing in mind the child's age, maturity and stage of development, to ensure that other children living in the child headed-household are assured of their rights to survival and development and to protection from harm.

**PART IV****NATIONAL NORMS AND STANDARDS FOR PREVENTION AND EARLY INTERVENTION PROGRAMMES**

For the purposes of section 147(2) of the Act, the following are national norms and standards for prevention and early intervention programmes:

**1. Outreach services**

Outreach services must—

- (a) be aimed at reaching out to especially vulnerable children and families in order to meet the needs of the children;
- (b) be aimed at meeting the needs of children in the context of family and community;

- (c) be aimed at the development of community-based services and facilities to promote safety and well-being of children in communities;
- (d) ensure that children and families are able to access documents, including birth certificates, to facilitate access to social security and other social services;
- (e) be accessible to children in different settings, including homes, schools and partial care facilities;
- (f) ensure that children and their families have access to resources that maximise strengths and develop new capacities that promote resilience and increase their ability to benefit from existing developmental opportunities;
- (g) provide opportunities for children to identify their needs in their communities;
- (h) be based on a multi-disciplinary and inter-sectoral approach;
- (i) promote the identification of children at high risk of getting into the child care or criminal justice system;
- (j) include home-based care, community-based care, home visitation and community outreach support to particularly vulnerable children and families, including children and family members infected and affected by HIV/Aids and other chronic illnesses, children with disabilities and orphans;
- (k) teach communities to recognise the signs of abuse and deliberate neglect of children and the risk factors associated with abuse and neglect;
- (l) utilize community strengths and resources to promote neighbourhoods that enable the safety and well-being of children;
- (m) be aimed at addressing community risk factors including abuse, violence, substance abuse and crime;
- (n) be conducted in a non-discriminatory manner; and
- (o) be sensitive to language, religious, cultural norms and beliefs of communities.

## **2. Education, information and promotion programmes**

Education, information and promotion programmes must—

- (a) provide education and awareness on children's rights and responsibilities;
- (b) promote the importance of the early years, particularly early childhood development;
- (c) promote advocacy for the rights of children as well as for the needs of the most vulnerable children and families;

- (d) provide children and families with information and assistance on how to access the full range of government and civil society services available to vulnerable families and children; including health, social services, education, housing, water, electricity, food parcels, disaster relief and social assistance;
- (e) provide information and support to high risk families;
- (f) provide information and support to families affected by HIV/Aids and other chronic illnesses;
- (g) provide information and support to families of children with disabilities;
- (h) use available media and other communication measures;
- (i) be delivered in the language of the target groups;
- (j) provide information on the nature and type of services to children, families and communities;
- (k) promote values aimed at protecting children in their communities;
- (l) be provided in the language of particular communities and be sensitive to the cultural values and norms of such communities;
- (m) promote opportunities for community dialogue on matters pertaining to children; and
- (n) provide information on community risk factors and available resources to address them.

### **3. Therapeutic programmes**

Therapeutic programmes must—

- (a) provide psychosocial care and support to children and families;
- (b) promote the emotional well-being and growth of the child;
- (c) be appropriate to the developmental needs as well as the developmental stage of the child;
- (d) be delivered in an emotionally and physically safe environment and not harmful to the child;
- (e) must be conducted by service providers with appropriate training, support, supervision and mentoring;
- (f) be based on the assessment of the particular needs of each individual child and family;
- (g) assist recipients to use their strengths whilst they are assisted with their psychosocial needs;



- (h) be conducted in a non-discriminatory manner;
- (i) involve the child, his or her family and significant persons;
- (j) ensure that recipients are provided with a name and contact number of the service provider;
- (k) provide additional consultation and counselling;
- (l) ensure that proper records are kept and data captured;
- (m) be aimed at minimisation of secondary abuse and trauma;
- (n) ensure that recipients are free to express dissatisfaction with service providers and that concerns and complaints are addressed seriously;
- (o) be reviewed on a regular basis according to the needs of the recipients; and
- (p) be sensitive to the linguistic needs, religious and cultural norms and values of children and their families.

#### **4. Family preservation**

Family preservation must—

- (a) be aimed at the identification of high risk families and children;
- (b) be aimed at preventing the recurrence of problems in the family environment that may harm children or adversely affect their development;
- (c) address factors that put children at risk of imminent removal from their environment;
- (d) address the particular needs of families in their diverse forms;
- (e) be rendered by service providers with appropriate training, support and supervision to maximise their abilities and capacity to conduct assessments and appropriate interventions;
- (f) be intensive in nature and delivered by a multi-disciplinary team within six months; seek to strengthen and support family support structures and render capacity development;
- (g) be aimed at improving the well-being and resilience of families;
- (h) be home-based and family-centred with family members seen as the main focus;
- (i) focus on and utilize the strengths of families;
- (j) ensure that family plans are developed with the participation of family members;
- (k) teach skills and develop capacity of parents, care-givers and families to address family risk factors;

- (l) enhance positive family relations and promote a family climate that promotes the care, protection and development of children;
- (m) ensure that children are safe from harm whilst in the family;
- (n) promote communication and positive relationships within families;
- (o) strengthen extended family as well as neighbourhood and community networks in promoting the well-being of the child;
- (p) promote reunification of children with their families;
- (q) ensure the participation of children, family members and other significant people in the child's life;
- (r) be based on a multi-disciplinary and inter-sectoral approach;
- (s) enable families to take responsibility and accountability for their involvement in programmes;
- (t) be sensitive to the linguistic needs, religious and cultural norms and values of children and their families; and
- (u) have a system for monitoring and assessing impact of programme.

#### **5. Skills development programmes**

Skills development programmes must be—

- (a) aimed at improving children's and adult literacy;
- (b) aimed at alleviating poverty and its adverse effects on children;
- (c) aimed at creating employment and improving family income;
- (d) aimed at providing skills to enable them to care for sick and chronically ill children and children with disabilities;
- (e) sensitive to the linguistic needs, religious and cultural norms and values of children and their families; and
- (f) aimed at parenting skills and capacity development programmes.

#### **6. Diversion programmes**

Diversion programmes must—

- (a) promote the child's dignity, well-being, development of sense of self-worth and ability to contribute to society;
- (b) be appropriate to the age and maturity of the child;

- (c) be based on an assessment of the particular needs of the child, using an approved developmental assessment framework which covers—
  - (i) detail on risk factors present in the child's life, including—
    - (aa) social relationships, including family and peer relationships;
    - (bb) education, including school grade, attendance and performance;
    - (cc) history of antisocial behaviour;
    - (dd) substance abuse;
    - (ee) medical or psychiatric history;
    - (ff) whether the child has been found in need of care; and
    - (gg)- the child's developmental areas that the programme is designed to address; and
  - (ii) strength assessment;
- (d) not interfere with the child's schooling;
- (e) impart useful skills;
- (f) not be exploitative, harmful or hazardous to a child's physical or mental health;
- (g) include a restorative justice element which aims at healing relationships, including the relationship with the victim;
- (h) include an element which seeks to ensure that the child understands the impact of his or her behaviour on others, including the victim of the offence, and may include compensation or restitution;
- (i) involve parents and care-givers where available;
- (j) be presented in a location which is reasonably accessible to the child;
- (k) ensure that a child who cannot afford transport in order to attend selected diversion programme should, as far as it is reasonably possible, be provided with the means to do so;
- (l) promote the participation of children in decision-making;
- (m) be provided by suitably trained persons, with regular supervision;
- (n) have a system for monitoring the child's progress, including his or her compliance with the conditions of a diversion order;
- (o) have a system for monitoring the quality of programme delivery;
- (p) adhere to national policy guidelines; and
- (q) be sensitive to the linguistic needs, religious and cultural norms and values of children and their families.

**7. Temporary safe care**

- (a) Placement of a child in temporary safe care must be based on the assessment of the needs of the child.
- (b) Temporary safe care must promote the safety, security, dignity and well-being of the child.
- (c) Temporary safe care service providers must be properly screened and approved in the manner contemplated in regulation 57.
- (d) Temporary safe care service providers must demonstrate the ability to deliver an effective and efficient service to the child.
- (e) Temporary safe care may not be disruptive to the child's life and regular routine.
- (f) Temporary safe care must allow access to the child by relevant persons, including the parent, guardian, care-giver, next of kin or other professional as the need may be, if it is in the best interest of the child.
- (g) The identity and location of temporary safe care may not be revealed to the alleged offender or any person not acting in the best interests of the child for the protection of the child.
- (h) Temporary safe care must be sensitive to the linguistic needs, religious and cultural norms and values of children and their families.
- (i) There must be continuous monitoring and assessment of the well-being of a child in temporary safe care.

**8. Assessment of programmes**

Assessment of programmes must—

- (a) be undertaken by service providers who have the appropriate training, support and competencies to conduct such assessments;
- (b) be conducted annually;
- (c) be undertaken in response to any well-founded report or complaint submitted to the provincial head for social development;
- (d) enable and facilitate sustained quality service delivery through support, guidance and capacity building;
- (e) be strength-based, holistic and appropriate to the cultural context of the programme;
- (f) be aimed at promoting decision-making about future programmes;

- (g) result in the development of a plan for capacity building and improved service delivery within 30 days of assessment;
- (h) be aimed at protecting and promoting the rights of children as contained in the Constitution of the Republic of South Africa, 1996, this Act and other relevant statutes;
- (i) monitor adherence to the national norms and standards made in terms of the Act and ensure that decisive and appropriate action is taken where violations of the norms and standards occur;
- (j) be done with the participation of children and programme staff;
- (k) consider the following factors:
  - (i) The degree to which the programme reached the intended target;
  - (ii) the demographic profile of the target group;
  - (iii) whether recipients are receiving quality services;
  - (iv) the impact of the intervention on children, families and communities;
  - (v) the availability and efficient utilisation of programme resources;
  - (vi) quantitative and qualitative data on targets and services rendered as required by regulatory bodies;
  - (vii) sustainability of programme efforts;
  - (viii) ability of staff to implement the programme;
  - (ix) management function, ability and competency; and
  - (x) compliance with registration conditions as well as current national statutory financial regulations;
- (l) ensure participation of families and communities;
- (m) ensure the safety and well-being of children;
- (n) be aimed at addressing and meeting the developmental needs of children;
- (o) be aimed at building community support for programmes;
- (p) ensure that programmes promote positive social values; and
- (q) may be conducted by a multi-disciplinary panel.

## PART V

### NATIONAL NORMS AND STANDARDS FOR CHILD AND YOUTH CARE CENTRES

For the purposes of section 194(2) of the Act, the following are national norms and standards for child and youth care centres:

#### 1. Residential care programmes

- (a) Children must be received in a manner and a climate which is caring and safe, and which minimises trauma and maximises developmental opportunity during engagement or admission processes.
- (b) Children must receive services in a safe environment in which they are protected from physical, social and emotional harm.
- (c) Children must be accommodated in a safe, healthy, well-maintained environment, which provides appropriate access to the community and which meet their needs in terms of privacy, safety and wellbeing..
- (d) All reasonable measures must be taken to ensure that children and staff are safe from the risk of fire, accidents and other hazards..

#### 2. Therapeutic programmes

- (a) The privacy and confidentiality of children must be respected and protected.
- (b) A child must have access to legal or other assistance to prepare for any court process that he or she is involved with.
- (c) Children must receive emotional and social care which enables quality interaction with adults and peers, and which promotes positive, sustained relationships at school and with families, significant others and friends.
- (d) Every child and youth care centre must offer a residential care programme that provides a therapeutic environment for the care and development of children.
- (e) Every child must receive an effective and appropriate developmental assessment and referral service which should lead to appropriate placement.
- (f) Every child must be provided with the capacity and support which enables constructive and offensive social behaviour.
- (g) Therapeutic programmes must be conducted by service providers with appropriate training, support, supervision and mentoring.

- (h) Therapeutic programmes must be conducted in a non-discriminatory manner.
- (i) Therapeutic programmes must minimise secondary abuse and trauma.
- (j) Therapeutic programmes must ensure that recipients are free to express dissatisfaction with service providers and that concerns and complaints are addressed seriously.
- (k) Therapeutic programmes must be reviewed on a regular basis according to the needs of the recipients;
- (l) Therapeutic programmes must be sensitive to the linguistic needs, religious and cultural norms and values of children and their families.

### **3. Developmental programmes**

- (a) A child's development plan and programme must be based on an appropriate and competent assessment of his or her developmental needs and strengths.
- (b) Every child in a child and youth care centre must have a plan and programme of care and development.
- (c) Every child in a child and youth care centre must participate in formulating their care and development plans and must be informed of those plans.

### **4. Permanency plans for children**

- (a) Every child in a child and youth care centre must have a permanency plan based on a developmental assessment of the child.
- (b) The child must participate in the development of the permanency plan and be informed about the plan and any changes to it.

### **5. Individual development plans**

- (a) Children must receive services in accordance with their individual development plan which facilitates their well-being within a temporary programme and which enables them, where necessary, to make a successful transition to new circumstances.
- (b) Every child in a child youth care centre has the right to a permanency plan,

which include reunification, security and life-long relationships.

- (c) Every child has the right to participate in formulating his or her individual development plan and to be informed about their plan, and to be involved in decisions to make changes to their plan.
- (d) The individual development plan must be based on an appropriate and competent assessment of their developmental needs and strengths and, where reasonably possible, be in the context of their family and community environments.
- (e) The family of the child, or other persons with bonds to the child, must be involved in the child's individual development plan unless it is shown that this would not be in the best interests of the child.
- (f) There must be a review of each child's placement and individual development plan at least once every six months while the child remains in the centre.

#### **6. Temporary safe care**

- (a) Every child and youth care centre must provide temporary safe care to children if appropriate and if the centre allows for it.
- (b) Every child should be placed in temporary safe care for the shortest period possible and for the minimum number of days per week appropriate to their needs.
- (c) After reception of a child, a developmental assessment must take place to evaluate a more permanent placement of the child.
- (d) Children in conflict with the law must be offered the option of diversion in a manner which protects their rights and involves them and their families in decision making.
- (e) Children must be given information about their rights and responsibilities within the programme in a manner and form which takes into account their age.

#### **7. Protection from abuse and neglect**

- (a) Children in child and youth care centres should be received in a caring and safe climate which minimises trauma and maximises developmental opportunity.
- (b) The environment should protect children from physical, social and emotional



harm, and threats of harm from themselves and others.

- (c) Children must be given information about their rights and responsibilities within the programme.
- (d) Children must be informed about policy and procedure regarding reportable incidents or actions and must be provided with information and knowledge which ensure that they can use these procedures effectively when needed.

#### **8. Assessment of children**

- (a) Assessment of a child in a child and youth care centre must be undertaken by a multi-disciplinary team.
- (b) The initial assessment must take place within 48 hours of the child's admission to the centre, and there must be regular reviews of the process.
- (c) Assessment must be strengths-based, holistic and appropriate to the child's culture, language and developmental stage.
- (d) Assessment must be done with the participation of the child and, as far as it is reasonably possible, with the child's family.
- (e) The assessment process must aim to increase insight and competency and must include shared decision-making.
- (f) Assessment processes and documentation must be of such a nature that they can be used at the point of reception, and do not need to be repeated.

#### **9. Family reunification and reintegration**

Every child should have a care plan which aims to provide life-long relationships with their family or appropriate alternative and re-integration in the family and community within the shortest possible time-frame.

#### **10. Aftercare**

Children should receive after care programmes focussing on support in terms of training and education, employment, independent living, family and community integration and psychosocial support.

#### **11. Access to and provision of adequate health care**

All children in child and youth care centres must have access to health care services, and where the centre is registered to provide-

- (i) care for children with disabilities and chronic illnesses in terms of section 191(3)(a) of the Act; or
- (ii) treatment for children addicted to dependence producing substances in terms of section 191(3)(c) of the Act, such care or treatment.
- (iii) where there are a large number of babies in a centre, such care or treatment.

**12. Access to schooling, education and early childhood development**

- (a) All children in child and youth care centres must have access to schooling, education, other appropriate training, skills programmes or early childhood development programmes where appropriate.
- (b) The education must as far as possible, be accessed at a school or other training facility in the community.
- (c) Where children cannot access education or other appropriate training in the community, such education or training must be provided at the child and youth care centre.

**13. Security measures for child and youth care centres**

- (a) Children must experience safety and feel cared for.
- (b) Premises must be safe.
- (c) There must be adult supervision at all times.
- (d) All reasonable precautions must be taken to protect children and staff from the risk of fire, accidents or other hazards.
- (e) A first aid kit must be available and maintained.
- (f) Where obvious signs of injury or trauma are detected, a child must be referred to a hospital or clinic for further assessment and treatment, and his or her parents or care-giver be informed thereof as soon as possible, if their whereabouts are known.
- (g) Where it is suspected that a child may have been abused and in need of child protection services, such child must be referred to a designated child protection organisation.

**14. Measures for the separation of children in secure care programmes from children in other programmes.**

- (a) Children in secure care programmes must as far as reasonably possible be kept separately from children in other programmes. Such children must be separated at night, and where they are not separated during the day this must be managed as part of a residential care programme that provides appropriate containment.
- (b) Children in secure care programmes who are awaiting trial and children in secure care programmes who have been sentenced may be housed in the same facility, provided that the child and youth care centre is registered to provide appropriate programmes for such children, and that the residential care programmes provide for appropriate containment.

**PART VI**

**NATIONAL NORMS AND STANDARDS FOR DROP-IN CENTRES**

For the purposes of section 216(2) of the Act, the following are national norms and standards for drop-in centres:

**1. A safe environment for children**

- (a) Children must experience safety and feel cared for while at a drop-in centre.
- (b) Premises inside and outside must be clean, safe and maintained to a reasonable standard.
- (c) Equipment used must be safe, clean and well maintained.
- (d) There must be adult supervision at all times.
- (e) All reasonable precautions must be taken to protect children and staff from the risk of fire, accidents or other hazards.
- (f) A first aid kit must be available and maintained, and persons providing services at a drop-in centre must be trained to administer it.

- (g) Any substances, cleaning materials or dangerous objects must be safely stored and kept out of reach of children.
- (h) Where obvious signs of injury or trauma are detected, a child must be referred to a hospital or clinic for further assessment and treatment, and his or her parents or care-giver informed as soon as possible, if their whereabouts are known.
- (i) Where it is suspected that a child may have been abused and in need of child protection services, such child must be referred to a designated child protection organisation.
- (j) Inhumane and degrading treatment and punishment of children in a drop-in centre is prohibited..

## **2. Safe drinking water**

- (a) Safe and clean drinking water must always be available.
- (b) Where water is not from a piped source, it must be treated and made safe using approved national guidelines for the treatment of water by adding one teaspoon of bleach to 25 litres of water.
- (c) All water containers must be covered at all times.

## **3. Hygienic and adequate toilet facilities**

- (a) There must be safe and hygienic toilet and hand washing facilities.
- (b) Where sewerage systems are available, there must be one toilet and one hand washing facility for every 40 children.
- (c) Where no running water is available, there must be a minimum of 25 litres of drinkable water per day, bearing in mind the period of time for which the drop-in centre is open.
- (d) Where no washbasins are available, one suitable container for every 20 children must be made available, provided that such container is cleaned regularly and closed.

## **4. Access to refuse disposal services or other adequate means of disposal of refuse**

- (a) Where possible, refuse must be disposed of according to municipality regulations.
- (b) Waste must be kept out of reach of children.

- (c) Waste disposal areas must be regularly disinfected.

**5. Hygienic area for the preparation of food**

- (a) There must be a separate, clean and safe area for the preparation of food as well as for cleaning up after food preparation.
- (b) There must be a separate space for the serving of food to children.
- (c) There must be a cooling facility for the storage of perishable food.
- (d) There must be a facility for the storage of food.





CONTINUES ON PAGE 154—PART 2





# Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA  
REPUBLIEK VAN SUID-AFRIKA

*Regulation Gazette*

**No. 9256**

*Regulasiekoerant*

**Vol. 538**

**Pretoria, 1 April 2010**

**No. 33076**

**PART 2 OF 2**

*N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes*



**AIDS HELPLINE: 0800-0123-22 Prevention is the cure**

**ANNEXURE A**

**THE CHILDREN'S ACT 38 OF 2005**

**CONSOLIDATED FORMS  
IN TERMS OF THE REGULATIONS UNDER  
THE CHILDREN'S ACT, 2005**

<b>SUMMARY OF FORMS</b>		
<b>FORM NO.</b>	<b>HEADING</b>	<b>REGULATION NO.</b>
Form 1	Consent to a virginity test by a child	3
Form 2	Consent to social or cultural circumcision	5
Form 3	Consent to religious circumcision	6
Form 4	General requirements regarding parental responsibilities and rights agreement	7
Form 5	Statement of Family Advocate concerning parental responsibilities and rights agreement	7
Form 6	Statement of outcome of mediation	8
Form 7	Confirmation of non-attendance of mediation	8
Form 8	Application for registration of a parenting plan or for parenting plan to be made an order of court	9
Form 9	Statement of Family Advocate, social worker or psychologist that parenting plan was prepared after assistance	10
Form 10	Statement of social worker or other suitably qualified person that parenting plan was prepared after mediation	10
Form 11	Application for the registration / conditional registration / renewal of registration / reinstatement of a partial care facility	14
Form 12	Certificate of registration / conditional registration / renewal of registration / reinstatement of a partial care facility	15
Form 13	Refusal to grant an application for the registration of a partial care facility	15
Form 14	An appeal against a decision of a provincial head of social development in terms of section 86 of the Act in respect of a partial care facility	16
Form 15	An appeal against a decision of a municipal official in terms of section 88(6) of the Act in respect of a partial care facility	16
Form 16	Application for the registration / conditional registration / renewal of registration of an early childhood development programme	24
Form 17	Certificate of registration / conditional registration / renewal of registration of an early childhood development programme	25
Form 18	Rejection of an application for the registration of an early childhood development programme	25
Form 19	An appeal against a decision of a provincial head of social development in terms of section 101 of the Act in respect of an early childhood development programme	26
Form 20	An appeal against a decision of a municipal official in terms of section 102(6) of the Act in respect of an early childhood development programme	26
Form 21	Assessment of early childhood development programme	28
Form 22	Reporting of abuse or deliberate neglect of child	33
Form 23	Reporting of abuse or deliberate neglect of child to Director-General	33
Form 24	Request for removal of alleged offender	34
Form 25	Notification of convictions or findings of abuse or deliberate neglect of children for inclusion in Part A of National Child Protection Register	39
Form 26	Inquiry by person to establish whether his / her name is included in Part A of National Child Protection Register	40
Form 27	Particulars of person found unsuitable to work with children	41
Form 28	Notification of finding of unsuitability to work with children for inclusion in Part B of National Child Protection Register	42
Form 29	Inquiry by employer to establish whether person's name appears in Part B of National Child Protection Register	44

<b>SUMMARY OF FORMS</b>		
<b>FORM NO.</b>	<b>HEADING</b>	<b>REGULATION NO.</b>
Form 30	Inquiry by person to establish whether his/her name is included in Part B of National Child Protection Register	44
Form 31	Application for removal of name erroneously entered in Part B of National Child Protection Register	45
Form 32	Notification of outcome of application to remove name and information from Part B of National Child Protection Register	45
Form 33	Application for consent to medical treatment or surgical operation by Minister	47
Form 34	Consent to surgical operation by a child	48
Form 35	Consent to surgical operation of a child by a parent	49
Form 36	Authority for removal of child to temporary safe care	53
Form 37	Notification to parent, guardian or care-giver to attend children's court proceedings	54
Form 38	Report by designated social worker to be considered by children's court	55
Form 39	Approval to provide temporary safe care	57
Form 40	Reporting of serious injury, abuse or death of child in alternative care	64
Form 41	Statement by a foster parent regarding the adoption of a child in his or her foster care	66
Form 42	Application for the registration of a cluster foster care scheme	68
Form 43	Certificate of registration of a cluster foster care scheme	68
Form 44	Rejection of application for the registration of a cluster foster care scheme	68
Form 45	Notice of intention to deregister cluster foster care scheme	68
Form 46	Representation to provincial head of social development by cluster foster care scheme regarding notice of deregistration	68
Form 47	Notice of deregistration after consideration of representation	68
Form 48	Application for the registration / conditional registration / renewal of registration of a child and youth care centre	78
Form 49	Certificate of registration / conditional registration / renewal of registration of a child and youth care centre	80
Form 50	Refusal of an application for the registration / renewal of registration of a child and youth care centre	80
Form 51	An appeal against a decision of a provincial head of social development in terms of section 207 of the Act in respect of a child and youth care centre	90
Form 52	Application for the registration / conditional registration / renewal of registration of a drop-in centre	92
Form 53	Certificate of registration / conditional registration / renewal of registration of a drop-in centre	93
Form 54	Rejection of an application for the registration / conditional registration / renewal of registration of a drop-in centre	93
Form 55	Agreement between provincial head of social development and municipality	96
Form 56	An appeal against a decision of a provincial head of social development in terms of section 223 of the Act in respect of a drop-in centre	97
Form 57	An appeal against a decision of a municipal official in terms of section 225(6) of the Act in respect of a drop-in centre	97
Form 58	Application for the registration of an adoptive parent	98
Form 59	Application for registration of adoptable child	98
Form 60	Application for the adoption of child	99
Form 61	Consent by parent to the adoption of child	99
Form 62	Consent by child to adoption	99

<b>SUMMARY OF FORMS</b>		
<b>FORM NO.</b>	<b>HEADING</b>	<b>REGULATION NO.</b>
Form 63	Consent by other person holding guardianship to the adoption of the child	99
Form 64	Withdrawal of consent to adoption by parent or guardian of child	102
Form 65	Withdrawal of consent by child to adoption	102
Form 66	Post adoption agreement	103
Form 67	Order of inter-country adoption	113

**FORM 1**  
**CONSENT TO A VIRGINITY TEST BY A CHILD**  
**(Regulation 3(1))**  
**[SECTION 12(5) OF THE CHILDREN'S ACT 38 OF 2005]**

**Part 1: Particulars of child and of person performing virginity test**

[Child to be aged 16 years or older]

Full name of child	
Date of Birth/ID number	
Residential address of child	
Telephone contact details:	
Cell phone number	
Age of child (16 or older)*	

\* Proof of age to be attached

**Particulars of person administering virginity test**

Name	
ID No (where applicable)	
Residential Address	
Telephone contact details	
Cell phone number	

**Part 2: Pre-test counseling, and acquisition of voluntary and informed consent**

I confirm that the child to undergo the virginity test has received proper counseling about the risks, benefits and social implications of a virginity test.

I confirm that I have received sufficient proof that the child to undergo virginity test is 16 years or older.

I have explained to the child consenting to treatment the following in a language that is understandable to the child: -

- The nature of the virginity test and method to be followed
- Any risks associated with a virginity test
- The social implications of virginity test
- Any other implications or possible consequences of a virginity test
- The confidential nature of the results of a virginity test,
- The voluntary nature of the test

I have given the child an opportunity to ask questions relating to the above.

-----  
 Signature of person performing the virginity test

Date:

Place:

PLEASE SEE REVERSE HEREOF

-----

**REVERSE SIDE OF FORM 1**

**Part 3. Consent by child**

I, ..... (insert child's name)

- understand that a virginity test is going to be performed on me, and that I am voluntarily undergoing this test
- understand the risks and possible consequences of a virginity test that have been explained to me
- confirm that I have been given an opportunity to ask questions about a virginity test and the results of such a test
- consent to a virginity test but understand that I may at any time before the procedure withdraw my consent

I understand that the results of the virginity test will be confidential unless I give my consent for the results to be disclosed.

I believe that I have sufficient information to give this informed consent.

-----  
Signature of child

Date \_\_\_\_\_

Place \_\_\_\_\_

-----  
Signature of witness

Date \_\_\_\_\_

Place \_\_\_\_\_

**FORM 2**  
**CONSENT TO SOCIAL OR CULTURAL CIRCUMCISION**  
**(Regulation 5)**  
**[SECTION 12(9) OF THE CHILDREN'S ACT 38 OF 2005]**

**PART A: PARTICULARS OF CHILD**

Full name of child	
Date of birth /ID number	
Residential address of child	
Telephone contact details	
Cell phone number	

**PART B: MEDICAL PRACTITIONER OR PERSON ADMINISTERING CIRCUMCISION**

Name	
Address of practice	
ID number	
HPCSA registration number (in the case of a medical practitioner)	
Telephone contact details	Phone : Fax : E-mail :
Cell phone number	
Medical diagnosis requiring circumcision	
Date of circumcision	

- I confirm that I have received sufficient proof that the child is 16 years or older.
- I confirm that appropriate conservative treatment has been used and a circumcision is medically Necessary (if administered by a medical practitioner).
- I confirm that appropriate anesthesia will be used (if administered by a medical practitioner).
- I have explained to the child the following:

- The nature of a circumcision.
- The different methods to perform a circumcision.
- The method to be followed
- Any risks associated with a circumcision
- Any complications associated with a circumcision
- Any other implications or possible consequences of a circumcision
- Other information (if any): \_\_\_\_\_

\_\_\_\_\_

I have given the child an opportunity to ask questions.

\_\_\_\_\_  
 Signature of person administering circumcision/medical practitioner

Date:

PLEASE SEE REVERSE HEREOF



**REVERSE SIDE OF FORM 2****PART C: CONSENT BY CHILD**

I, \_\_\_\_\_ (insert name)

- understand that a circumcision is going to be performed on me, and that I am voluntarily undergoing this surgical procedure.
- understand the nature and implications as well as any risks and possible consequences of a circumcision that have been explained to me.
- confirm that I have been given an opportunity to ask questions.
- consent to a circumcision but understand that I may at any time before the procedure withdraw my consent.
- confirm that I have been given the opportunity to refuse the circumcision in terms of section 12(10) of the Act.

\_\_\_\_\_  
Signature of child

Date:

\_\_\_\_\_  
Signature of witness

Date:

**PART D: ASSISTANCE BY PARENT OR GUARDIAN**

**(TO BE COMPLETED IN THE CASE OF A MALE CHILD OVER 16 YEARS BUT UNDER 18 YEARS)**

I, \_\_\_\_\_ (insert name) have assisted the child to consent to a circumcision and declare that the child is over the age of 16 years but under the age of 18 years and is, to the best of my knowledge, of sufficient maturity and has the mental capacity to understand the benefits, risks, social and other implications of a circumcision.

I confirm that the child has been given the opportunity to refuse the circumcision in terms of Section 12(10) of the Act.

\_\_\_\_\_  
Parent / guardian

Date:

**FORM 3**  
**CONSENT TO RELIGIOUS CIRCUMCISION**  
**(Regulation 6)**  
**[SECTION 12(8) OF THE CHILDREN'S ACT 38 OF 2005]**

**PART A: PARTICULARS OF CHILD**

Full name of child	
Date of birth/ID number	
Residential address of child	
Postal address	
Telephone Contact details	Phone: Fax: E-mail:
Cell phone number	
Age of child	

**PART B: MEDICAL PRACTITIONER OR PERSON ADMINISTERING CIRCUMCISION**

Name	
ID number	
Address of practice	
HPCSA registration number (in the case of a medical practitioner)	
Contact details	Phone : Fax : E-mail :
Date of circumcision	

I have explained to the person consenting the following:

- The nature of a circumcision
- Any risks associated with a circumcision
- Any complications associated with a circumcision
- Any other implications or possible consequences of a circumcision
- Other information (if any): \_\_\_\_\_

I have given the person giving consent an opportunity to ask questions.  
I confirm that appropriate anesthesia will be used

\_\_\_\_\_  
Signature of \* medical practitioner / person administering the circumcision

Date:

PLEASE SEE REVERSE HEREOF

## REVERSE SIDE OF FORM 3

## PART C: CONSENT BY PARENTS OR GUARDIAN WHERE CHILD IS UNDER THE AGE OF 16

We/I, \_\_\_\_\_

- understand that a religious circumcision is going to be performed.
- understand the nature and implications as well as any risks and possible consequences of a circumcision that have been explained to me/us.
- confirm that I/we have been given an opportunity to ask questions.
- consent to a religious circumcision but understand that I/we may at any time before the procedure withdraw my/our consent.

\_\_\_\_\_  
Parent / guardian  
Date:

\_\_\_\_\_  
Signature of witness  
Date:

**FORM 4**  
**GENERAL REQUIREMENTS REGARDING PARENTAL RESPONSIBILITIES AND RIGHTS AGREEMENT**  
**(Regulation 7)**  
**[SECTION 22 OF THE CHILDREN'S ACT 38 OF 2005]**

**Part A: Particulars of mother of child/children or other holders of parental responsibilities and rights/  
Particulars of father or person(s) upon whom parental responsibilities and rights are being conferred**

*Mother or Holder 1.*

Surname	
Full Names	
ID No/Date of Birth/Passport no	
Residential Address	
Home telephone no	
Cell phone no	
Email address	
Work Address	
Work telephone no	
Relationship to child/children	

Father or person(s) upon whom parental responsibilities and rights are being conferred

Surname	
Full Names	
ID No/Date of Birth/Passport no	
Residential Address	
Home telephone no	
Cell phone no	
Email address	
Work Address	
Work telephone no	
Relationship to child/children	

Details of further co-holders of parental responsibilities and rights in respect of whom this parental responsibilities and rights agreement applies must be furnished on a separate page and attached to this Form as an annexure.

**Part B: Details of child or children in respect of whom parental responsibilities and rights agreement has been concluded**

*First Child*

Surname	
Full names	
ID No/date of birth/Passport no	
Residential address	
Contact no	

*Second Child*

Surname	
Full names	
ID No/date of birth/Passport no	
Residential address	
Contact no	

*Third Child*

Surname	
Full names	
ID No/date of birth/passport no	
Residential address	
Contact no	

Details of additional children in respect of whom this parental responsibilities and rights agreement applies must be furnished on a separate page and attached to this Form as an annexure.

**Part C: Supporting Documentation**

Please find the following supporting documentation attached:

- Particulars relating to guardianship of the child/children (NB: agreement then to be made an order of the High Court)
- Particulars relating to the care of the child/children
- Particulars relating to contact with the child/children
- Particulars relating to the financial responsibilities for the maintenance of the child/children
- Particulars relating to other matters incidental to the exercise of parental responsibilities and rights

**Part D: Agreement**

I \_\_\_\_\_ (being the mother of/person having parental responsibilities and rights in respect of \_\_\_\_\_ (insert child or children's names) \_\_\_\_\_ hereby agree to confer those parental responsibilities and rights as set out in the attached documents upon \_\_\_\_\_ (insert name of father/other person having an interest in the care, well-being and development of the child).

**Details of parental responsibilities and rights conferred (optional)**

-----

-----

-----

-----

-----

**Part E: Details of application for registration of parental responsibilities and rights agreement to be made an order of court**

TO: The Family Advocate/Clerk of the Court/ Registrar of the High Court

Place:

Date:

We.....  
.....  
(initials and surnames)

hereby apply for registration of the attached parental responsibilities and rights agreement at the Office of the Family Advocate to be made an order of the honorable court.

-----  
Signed (Mother/other person)

-----  
Signed (Father/other person)

-----  
Date

Particulars of Family advocate (where applicable)

Official stamp

----- Name of Family Advocate
----- Signature of Family advocate
----- Place
----- Date

**FORM 5**  
**STATEMENT OF FAMILY ADVOCATE CONCERNING PARENTAL RESPONSIBILITIES AND RIGHTS AGREEMENT**  
**(Regulation 7)**  
**[SECTION 22(5) OF THE CHILDREN'S ACT 38 OF 2005]**

I ..... (Name and surname), being the  
Family Advocate at the abovementioned High Court/ Divorce court/children's court  
hereby confirm that the parental responsibilities and rights agreement referred to in section 22(3) between  
.....  
and  
.....

(insert names of parties)

- was prepared with my assistance (tick if applicable)
- complies with the best interests of the child/children.....  
(insert names of children).

I confirm that information about the contents of this parental responsibilities and rights agreement have been  
furnished to the child or children, bearing in mind the child/children's age, maturity and stage of development ----  
-----  
-----

I confirm that the child or children been given an opportunity to express their views, and that these views have  
been given due consideration ----  
-----  
-----

-----

Signed

-----

Date

Particulars of Family advocate

Official stamp
----------------

Name of Family Advocate
Signature of Family advocate
Place
Date

**FORM 6**  
**STATEMENT OF OUTCOME OF MEDIATION**  
**(Regulation 8)**  
**[SECTION 21(3) OF THE CHILDREN'S ACT 38 OF 2005]**

File No:

1. I certify that the Section 21(3) mediation between:

.....

(Applicant)

and

.....

(Respondent)

concerning the minor children:

1. .... (insert name, gender and date of birth)

2. .... (insert name gender and date of birth)

3. .... (insert name, gender and date of birth)

Was resolved -----

-----  
----- (give details)

Remains unresolved-----

-----  
----- (give details)

2. Copy of parental responsibilities and rights agreement (where applicable): (to be attached)

3.1 Details of family advocate (where applicable)

<p>Official stamp</p>
-----------------------

<p>_____ Name of Family Advocate</p>
<p>----- Signature of Family advocate</p>
<p>----- Place</p>
<p>----- Date</p>

3.2 Details of social worker, social services professional or other suitably qualified person:

- Social worker registered as such at the Social Work Council (give practice number).....
- Psychologist registered to practice at the Medical and Dental Council (give practice number).....



- Other suitably qualified person (details of reasons why suitably qualified to be furnished in the space below)\*

.....  
.....  
.....  
.....  
.....

\*Annex supporting documentation where necessary

-----  
Full name

-----  
Signature

-----  
Date

**FORM 7**  
**CONFIRMATION OF NON-ATTENDANCE OF MEDIATION**  
**(Regulation 8**  
**[SECTION 21(3) OF THE CHILDREN'S ACT 38 OF 2005]**

File No:

I confirm that as regards the Section 21(3) mediation between:

.....

(Applicant)

and

.....

(Respondent)

concerning the minor children:

- 1. .... (insert name, gender and date of birth)
- 2. .... (insert name gender and date of birth)
- 3. .... (insert name, gender and date of birth)

(A) the Respondent was notified of the mediation session to be held on -----(ive date and time) by means of:

-----  
-----

(B) the Respondent failed to attend the mediation session.

Details of Family Advocate (where applicable)

<p>Official stamp</p>
-----------------------

Name of Family Advocate
Signature of Family advocate
Place
Date

Details of Social worker, social service professional or other suitable qualified person

- Social worker registered as such at the Council for Social Services Professions (give practice number).....
- Psychologist registered to practice at the Medical and Dental Council (give practice number).....

- Other suitably qualified person (details of reasons why suitably qualified to be furnished in the space below)\*

.....  
.....  
.....  
.....  
.....

\*Annex supporting documentation where necessary

-----  
Full name

-----  
Signature

-----  
Date

**FORM 8**  
**APPLICATION FOR REGISTRATION OF A PARENTING PLAN OR FOR PARENTING PLAN TO BE MADE AN ORDER**  
**OF COURT**  
**(Regulation 9)**  
**[SECTION 34(2) OF THE CHILDREN'S ACT 38 OF 2005]**

**Part A: Particulars of holders of parental responsibilities and rights to whom the attached parenting plan applies**

*Holder 1.*

Surname	
Full Names	
ID No/Date of Birth/passport no	
Residential Address	
Home telephone no	
Cell phone no	
Email address	
Work Address	
Work Telephone no	
Relationship to child/children	

*Holder 2.*

Surname	
Full Names	
ID No/Date of Birth/passport no	
Residential Address	
Home telephone no	
Cell phone no	
Email address	
Work Address	
Work telephone no	
Relationship to child/children	

*Holder 3.*

Surname	
Full Names	
ID No/Date of Birth/passport no	
Residential Address	
Home telephone no	
Cell phone no	
Email address	
Work Address	
Work telephone no	
Relationship to child/children	

Details of further co-holders of parental responsibilities and rights in respect of whom this application applies to be furnished on a separate page and attached to this Form as an annexure.

**Part B: Details of child or children in respect of whom parenting plan applies**

*First Child*

Surname	
Full names	
ID No/date of birth/passport no	
Residential address	
Contact no	

*Second Child*

Surname	
Full names	
ID No/date of birth/passport no	
Residential address	
Contact no	

*Third Child*

Surname	
Full names	
ID No/date of birth/passport no	
Residential address	
Contact no	

Details of additional children in respect of whom application applies to be furnished on a separate page and attached to this Form as an annexure.

**Part C: Details of application for registration of parenting plan or for parenting plan to be made an order of court**

TO: The Family Advocate/Clerk of the Court/ Registrar of the High Court

Place:

Date:

We.....  
 .....

(initials and surnames)

hereby apply for registration of the attached parenting plan at the Office of the Family Advocate/ hereby apply for the attached parenting plan to be made an order of the honorable court (delete whichever is not applicable).\*

-----  
 Signed:

-----  
 Signed:

-----  
Date

\* Attach written copy of parenting plan signed by the parties to the agreement/ attach copy of **Form 7**

**Part D:** [Note to Applicants: This Part to be completed only where a parenting plan has been prepared with the assistance of a family advocate, social worker or psychologist, or after mediation by a social worker or other suitably qualified person in instance where co-holders of parental responsibilities have experienced difficulties in exercising their responsibilities and rights [section 33(2) and (5) of the Children's Act, 2005]]

Attached to this application is:

**Form 9**

**Form 10**

(Tick whichever is applicable)

-----  
Signature of applicant

-----  
Signature of applicant

-----  
Date

**FORM 9**  
**STATEMENT OF FAMILY ADVOCATE, SOCIAL WORKER OR PSYCHOLOGIST THAT PARENTING PLAN WAS**  
**PREPARED AFTER ASSISTANCE**  
**(Regulation 10)**  
**[SECTION 33(2) AND (5) OF THE CHILDREN’S ACT 38 OF 2005]**

I ..... (Name and surname)

- Family Advocate at the abovementioned High Court/ Divorce court/children’s court
- Social worker registered as such at the Council for social services professions (give practice number.....)
- Psychologist registered to practice at the Medical and Dental Council (give practice number).....

hereby confirm that the parenting plan referred to in Form 8 between .....  
and

.....  
(insert names of parties)

was prepared after assistance by myself and complies with the best interests of the child/children.....  
..... (insert names of child/children)

I confirm that information about the contents of this parenting plan been furnished to the child or children, bearing in mind his, her or their age, maturity and stage of development \_\_\_\_\_  
\_\_\_\_\_

I confirm that the child or children have been given an opportunity to express their views, and their views have been given due consideration \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Date

Particulars of Family advocate (where applicable)

Official stamp  
[ ]

Name of Family Advocate/ Social worker/Psychologist
Signature of Family Advocate/Social worker/Psychologist
Place
Date
Telephone number
Address: Name of organization:

**FORM 10**  
**STATEMENT OF SOCIAL WORKER OR OTHER SUITABLY QUALIFIED PERSON THAT PARENTING PLAN WAS**  
**PREPARED AFTER MEDIATION**  
**(Regulation 10)**  
**[SECTION 34(3) OF THE CHILDREN'S ACT 38 OF 2005]**

I .....(Name and surname)

- Social worker registered as such at the Council for social services professions (give practice number.....)
  - Other suitably qualified person (details of reasons why suitably qualified to be furnished in the space below)\*
- .....
- .....
- .....
- .....
- .....

\*Annex supporting documentation where necessary

hereby confirm that the parenting plan referred to in **Form 8** between .....  
and

.....

(insert names of parties)

was prepared after mediation by myself and complies with the best interests of the  
child/children.....

..... (insert names of children)

The parties confirm that information about the contents of this parenting plan been furnished to the child or  
children bearing in mind the child or children's age, maturity and stage of development -----

-----

The parties confirm that the child or children have been given an opportunity to express their views, and have  
given these views due consideration-----

-----

-----

Telephone contact details:

Signed

Address:

-----

Organisation:

Date

Signature of Parties:

1.....

2.....



**FORM 11**  
**APPLICATION FOR THE REGISTRATION / CONDITIONAL REGISTRATION /**  
**RENEWAL OF REGISTRATION / REINSTATEMENT OF A PARTIAL CARE FACILITY**  
**(\* DELETE WHICH IS NOT APPLICABLE)**  
**(Regulation 14)**  
**[SECTION 81 OF THE CHILDREN'S ACT 38 OF 2005]**

(A) **NATURE OF APPLICATION**

This is an application in respect of:

- A crèche, providing partial care for children from birth to an age of 3 years
- An educare centre, providing partial care for children from 3 years until school going age
- An after school centre, providing partial care for children attending a primary or secondary school
- A private hostel, providing partial care for children attending a primary or secondary school
- A temporary respite care facility, providing temporary full-time partial care during the temporary absence of their parents or a parent or care-giver of a child
- A place of care providing partial care for children with disabilities who require a high level of support

(Indicate the partial care facility or facilities in respect of which application is made)

(B) **PARTICULARS OF APPLICATION**

Name of partial care facility: \_\_\_\_\_

Physical address: \_\_\_\_\_

Postal address: \_\_\_\_\_

Postal code: \_\_\_\_\_

Name of person or body who manages the partial care facility or who wishes to establish it:

Physical address of person or body: \_\_\_\_\_

Telephone : \_\_\_\_\_ Cell phone: \_\_\_\_\_

Fax number: \_\_\_\_\_ E-mail: \_\_\_\_\_

The number of children that will be accommodated in each category of partial care in respect of which application is made:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(C) **SUPPORTING DOCUMENTS**

The following supporting documents must accompany the application:

- An exposition of the prescribed or other skills with supporting documents of the applicant or manager of the partial care facility including a copy of any qualification which would enhance partial care of children;
- A report by a social service professional on the viability of the application as prescribed by section 81(1)(c) of the Act;
- a business plan containing the information prescribed by regulation 14(4)(a);
- the constitution containing the information prescribed by regulation 14(4)(b);
- an original copy of the approved plans or a copy of the plans that has been submitted for approval if the application for the approval of the plans is still under consideration
- the emergency plan; and
- clearance certificates that the name of the applicant and the names of all staff members do not appear in the National Register for Sex Offenders established by Chapter 6 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 and in Part B of the National Child Protection Register established by Part 2 of Chapter 7 of the Act;

(D)

<b>GENERAL REMARKS</b>
------------------------

Any additional remarks by the applicant in support of the application: \_\_\_\_\_

---



---



---



---



---



---

I certify that the above-mentioned particulars are, to the best of my knowledge, true and correct.

\_\_\_\_\_  
SIGNATURE OF APPLICANT

\_\_\_\_\_  
CAPACITY

\_\_\_\_\_  
DATE

**FORM 12**

**CERTIFICATE OF REGISTRATION / CONDITIONAL REGISTRATION / RENEWAL OF REGISTRATION /  
REINSTATEMENT OF A PARTIAL CARE FACILITY  
(\* DELETE WHICH IS NOT APPLICABLE)  
(Regulation 15)  
[SECTION 82 OF THE CHILDREN'S ACT 38 OF 2005]**

It is hereby certified that:

- the following partial care facility has been registered in terms of section 82 of the Act
- the following partial care facility has been conditionally registered in terms of section 83 of the Act;
- the registration of the following partial care facility has been renewed in terms of section 82 of the Act
- the registration of the following partial care facility has been conditionally renewed in terms of section 83 of the Act
- the reinstatement of the following partial care facility has been approved in terms of section 84

on \_\_\_\_\_ (insert date).

Name of partial care facility: \_\_\_\_\_

Physical address of partial care facility:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The validity of this registration expires on: \_\_\_\_\_ (insert date)

The partial care facility is registered subject to the following conditions indicating the maximum number of children that may be accommodated:

Indicate registration (Yes or No)	Type of partial care facility	Maximum number of children that may be accommodated
	Crèche	
	Educare centre	
	After school centre	
	Private boarding hostel	
	Temporary respite care facility	
	Place of care providing partial care for children with disabilities requiring a high level of support	

PLEASE SEE REVERSE SIDE

**REVERSE SIDE OF FORM 12**

The registration or renewal of registration is subject to the following additional conditions:

---

---

---

---

---

---

---

\_\_\_\_\_  
Provincial Head: Social Development  
Municipal Manager  
Province/Municipality: \_\_\_\_\_  
Date of issue: \_\_\_\_\_