

THE Children's Act EXPLAINED

Booklet 2:
Prevention, intervention and care



social development

Department:
Social Development
REPUBLIC OF SOUTH AFRICA

unicef 
unite for children

TABLE OF CONTENTS



How to use this booklet	1
Prevention & early intervention	3
Introduction	3
Purposes of prevention and early intervention	4
Order of early intervention	6
Partial care	6
Early childhood development	9
Child-headed households	14
Alternative care	17
Drop-in centres	19
Child and youth care centres	20
Foster care	23
Adoption	28
Glossary	29
Useful contact numbers	32

HOW TO USE THIS BOOKLET

In this booklet (Booklet 2) we try to explain, as simply as possible, the prevention and early intervention programmes that are there for the protection and care of children. There are another two booklets in this series. Booklet 1 talks about the rights and responsibilities of children and their parents, and Booklet 3 looks at the courts and protection of children. All three booklets are important and sometimes you will find that information is repeated in more than one booklet or you are told to look at another booklet to find out more about a specific topic.

To help you on your journey through each of the booklets there are three characters, two who are learners and one who is a teacher. Vusi, Mirasha and Ms Pandori will be there to discuss the Children’s Act with you.

This booklet has been written for children between the ages of 11 and 15 years. However, older children and grown-ups can also benefit by reading it and they may be able to help younger children understand the difficult bits.

The Children’s Act has many chapters and sections: a chapter gives the main headings in the Act and under each heading there are lots of sections, each of them numbered. You will notice that these booklets are also divided into chapters and sections for easy reference to the Act. And, just like the Children’s Act, Chapter 8 talks about prevention and early intervention, Chapter 6 talks about early childhood development and Chapter 11 discusses alternative care. Foster care, partial care and child and youth care centres are spoken about in Chapters 12, 5 and 13. Only the bits that speak directly to children (and also parents and other adults) are included in the booklets. Because of this you will notice that sometimes the numbers are not always in order and sometimes the numbers “jump” around. We suggest that you have a copy of the Act when reading this guide.

At the back of the booklet there is a glossary that helps explain any difficult words in the Act. There is also a list of useful contact numbers that you can call if you need help during times of trouble or if you just need some advice or information.

For easy reading we have used different symbols. These symbols will help you recognise certain types of information. The symbols will look like this:

When you see a note with a paperclip you will know that this is an important point to remember.



A picture showing a pile of books will tell you this is a story about someone and it will give you an example of a situation relating to the information on those specific pages.



When you see a hand it means that this is something that is not allowed.



PREVENTION & EARLY INTERVENTION

Introduction



"Hi. I'm Vusi and this is Mirasha. We are here to walk with you on your journey through the Children's Act and give you some advice on what to do in times of trouble."

Vusi says: "Bad times are unpredictable and when they arrive some people find it difficult to cope. They get stressed and react by lashing out at their loved ones. This does not mean they are bad people and that they do not love their family. This behaviour is often a call for help. Sometimes people need support or guidance from someone outside the family – someone who can help them deal with their problems in a different way. This is why the Act introduces other possible ways of dealing with problems facing families and children."

"Yes indeed. Did you know that in the past children who were at risk were often immediately taken away from the troubles in their home? People said this was done to protect children from harm, but this was not always what the child wanted, and as a result the family broke up when it could have been helped."



Did you know?

This does not mean that a child will not be protected if the parent/s or guardian is abusing them. The social worker plays a very important role here because he or she must make sure the child is not living in a dangerous environment.

Prevention and early intervention programmes (refers to Chapter 8, Section 143 of the Children's Act)



Ms Pandori says: "Hello everyone. I am here with Vusi and Mirasha and like them I will be helping explain some difficult legal words and actions as we explore the Children's Act together. We are going to look at information on all the different programmes we have to offer children. We are going to talk about prevention and early intervention programmes, we will look at the different types of places that care for children and then we will talk about alternative care for children.

I understand that all these different names can be quite confusing, so let us start by looking at prevention and early intervention programmes and making sense of them. Prevention and early intervention programmes are programmes that support families who may be in trouble. These programmes are there to help troubled families solve their problems before the law gets involved. Through these programmes families can get a chance to participate in classes and activities that will help grow their parenting skills, teach them about themselves and develop their problem solving skills."

Purposes of prevention and early intervention (refers to Chapter 8, Section 144 of the Children's Act)

Did you know?

Prevention and early intervention programmes look at preserving the family – making sure that the family stays together.



Ms Pandori says: "Many different approaches are used to make sure that families are encouraged to stay together. What we need to remember is that the best approach to follow is the one that looks at the best interests of the child."



The approaches are as follows:

- Strengthen and build capacity in the parenting skills, non-violent discipline, taking care of children with disabilities and having good relationships in the family.
- Prevent the placement of a child in child and youth care centres or in criminal justice centres and the neglect or abuse of children.

Mirasha says: "So what do the prevention and early intervention programmes do for families who may need them?"



These programmes can help families get access to the basic necessities of life, like handing out food parcels, helping with the chronically ill or educating people about social grants and welfare. There are programmes that help families to take control of their own lives and they also help families to further their child's education and growth.

Did you know?

Prevention and early intervention programmes are encouraged and supported in communities where families do not have enough money for proper shelter, food and basic necessities and where there are children living with disabilities.

Ms Pandori also says: "Another important point to remember is that if there is a concern about a child and someone thinks that a child is having problems at home, then any person can go to the Children's Court. They can ask the court to get a social worker to look into the child's home life – just to make sure everything is all right."



Remember this:

*If you are worried and have had a scare,
go to someone who will make people aware.
Ask for help,
in times of trouble,
and they must sort this out, on the double.
The Children's Court is there for you,
The Children's Court can clear the way for you.
A social worker must come too,
just make sure you are heard,
Make a noise,
because the Court must hear your voice.*

Order of early intervention (refers to Chapter 8, Section 148 of the Children's Act)

A Children's Court may order an early intervention programme before removing a child from the home.

Partial care (refers to Chapter 5 of the Children's Act)

There are many different types of care facilities helping with the care of a child. A partial care facility is such a place, for example.



Mirasha asks: "What is a partial care facility?"

It is a place or a facility where more than six children are being cared for. The facility and the parents have an agreement that the children will be cared for, for a short period of time, and anyone who provides this care needs to be registered with the Department of Social Development.



Mirasha says: "A short period of time can range from a few hours of the day, or night, to a number of days."

If you read the story below it will describe what a partial care facility does for children.

Vusi: *“Mommy has to work at night. Will we have to stay at home alone?”*



Thandi: *“Oh no Vusi! Don’t worry, Mommy says we are going to stay with ma Nkosi while she is at work. Mommy says she will drop us off when she goes to work and pick us up in the mornings on her way home, and then she will take us to school.”*

Vusi: *“But I don’t want to go and stay with someone I don’t know!”*

Thandi: *“Don’t worry Vusi, Mommy says that ma Nkosi has special permission to look after children like us whose parents can’t be with them all the time. Mommy says that she also looks after some children in the afternoons after school, and sometimes even for a few days if their mummies and daddies can’t look after them for a short while.”*

This is an example of partial care:

Vusi: *“But I don’t want to sleep anywhere else ... I like my house.”*



Thandi: *“Mommy says it will be a nice place. She says ma Nkosi keeps it very nice and clean. Mommy says that there are special rules (regulations) that ma Nkosi has to follow if she wants to look after children.”*

The Act says that children need to be well looked after and to do this a place of care should have a plan to make sure:

- It is safe and clean, there is enough space and fresh air and a proper, hygienic way of rubbish collection.
- There are adequate toilet facilities.
- Things that could harm children (like cleaning materials) are kept out of their way.
- Food is prepared in a hygienic (clean) environment.
- There is clean drinking water.
- There is a plan to manage any emergency.
- That sick children will be properly looked after.

The law says that, if necessary, the caregiver must separate children of different ages.

Vusi: *“Thandi, if there are a lot of children maybe the bigger boys will hurt me”*



Thandi: *“Vusi don’t worry, ma Nkosi will look after you nicely.*

Thandi: *“Even Suzi can go and stay with ma Nkosi.”*

Vusi: *“But she doesn’t walk properly. Who will help her to go outside or to the toilet?”*

Thandi: *“ma Nkosi has a special path that makes it easy to push the wheelchair outside. Mommy says ma Nkosi knows how to help Suzi.”*

Mirasha says: “Children who have disabilities, or who suffer from a chronic illness, could also stay in partial care. The caregiver has to make sure that all their needs are met. This means that the caregiver might need to make special arrangements, even employ a person who has been trained to deal with these special needs, to make sure that these children grow and develop like all other children.”



Vusi says: “Like if the child is in a wheelchair he or she must still be able to move easily from indoors to outdoors. The caregiver might have to build a ramp or pathway to make sure the child can move around easily or make a special arrangement for the child to use the toilet.”



Vusi scratches his head: *“That sounds very nice Thandi, but what if one of us gets hurt, what happens then?”*

Thandi: *“But why should we get hurt?”*

Vusi: *“Remember when you fell out of the tree, Mommy had to take you to hospital and they put that white stuff (plaster of paris) on your arm? Who will do this if we are not at home?”*

Thandi: *“Don’t worry about that Vusi. I’m sure Ma Nkosi has made a plan to be sure that we are all safe, and that if something does happen, all the right people will be told about it, especially Mommy.”*

Vusi: *“That’s good news, Thandi. I feel much better now! I suppose we have to sleep there if Mommy is working.”*



Early childhood development (refers to Chapter 6 of the Children’s Act)

Mirasha asks: *“Is early childhood development about taking care of babies?”*



Vusi says: *“I don’t think it is only about babies but about very young children and how they grow.”*

Ms Pandori adds: *“Well, yes, you’re both right. Early childhood development is about the growth of young children from birth to five or six years old – just before the child goes to school.”*



Mirasha says: *“I’ve been watching my baby brother, Subhash, because he changes so quickly. He’s only six months old now but he’s so clever. He knows who I am and smiles at me whenever I walk into the room. He can’t talk yet but I know exactly what he wants and he is already making gurgling noises.”*



Vusi says: "My baby sister is already walking and she is not even a year old and I know she's starting to talk. So I guess early childhood development is about making sure a young child gets the right start in life so they can grow and develop."

Development is about the changes a baby goes through until it is a young child ready for school. A baby grows in size and ability but for children to grow and develop properly they need to be loved and nurtured, in a safe environment.

The Act says early childhood development is "the process of emotional, cognitive, sensory, spiritual, moral, physical, social and communication development of children from birth to school going age".

These different processes are called areas of development and these areas are all connected to each other. The best way to understand this is to look at your little brothers and sisters. When they are sitting up and gurgling they are also touching and seeing things, they are communicating and learning, and this is taking place all at the same time. When taking care of a child a person needs to think about the different areas that need nurturing. A child needs more than just food and clothes, a child also needs to be stimulated, touched and loved. This approach to child development is what we call a holistic approach to development.



Areas of development:

Type of development	Questions to ask
Physical development	What can I do? How do I move? How does my body grow?
Cognitive development	What do I know? How do I think and learn to deal with the world in which I live?
Emotional development	How do I feel?
Social development	How I get along with others? How I manage in a group?
Moral development	How I behave, am I a good, honest and decent person?
Sensory development	What do I smell, what can I taste, what do I see, what do I feel?
Spiritual development	What do I believe in?
Communication	How do we understand each other?



All children deserve to have the very best start to life.

There are so many different types of early childhood services but they are all there to help towards the growth and development of a child. The different types of services are set out below:

- Full day or half day education and care that could be provided by a nursery school, pre-primary school, kindergarten, crèche or day care centre.
- A community-based play group.
- A child minding service; this could be for fewer than six children.
- Home-based programmes that offer support and appropriate educational stimulation to both children and parents.
- Parent support and education programmes.
- Programmes that support the emotional and social needs of young children and their families.
- Early childhood development programmes that are provided at partial care facilities and child and youth care centres (you can refer to Section 93(4) of the Act for more information).
- Any other programme that cares for and develops young children or their families.

Did you know?

Although early childhood development services are aimed at the children they can also be used to help the parents and the community. This depends on the type of service that is being offered. What is important is that the different services should work together with parents and caregivers in the best interests of the children.

Ms Pandori explains: “What this means is that the services that are aimed at the parents and caregivers are there to help in developing a parent or caregiver’s parenting skills. Through workshops, parents are able to learn how to care for a child, how to discipline a child and how children develop and grow. These services should help parents/caregivers to take the best possible care of their children.”



Remember, children learn from meaningful play. To play, they need a secure environment, spaces in which to play, enough time to play with appropriate materials and toys to encourage meaningful play. Leaving children to sit in a room with nothing to do or allowing them to run wild outside is NOT play.

A good daily programme provides the frame to help us meet the children’s developmental and learning needs through a meaningful play-based approach.

A good daily programme provides the frame to help us meet the children’s developmental and learning needs through a meaningful play-based approach. Read this poem written by Jackie Boudreaux, Jean Emmert and Nancy Waldron to see what we mean:

The value of play

*What can we do that’s special
For the children we teach today?
Provide them with opportunities
And lots of time for play.
For play time is true learning time,
With all our senses keen
To everything around us that
Is tasted, touched, or seen.
So, parents, when our use of play
Causes you concern,
We’re building skills and relationships
While your child is learning.*

Child-headed households (refers to Chapter 7 of the Children's Act)



Mirasha says: "Now I am very interested in child-headed households because it is like a new type of family group, right?"

Vusi says: "Yes, in a way, because a child-headed household is a home where there are no adults present for all sorts of reasons. It really does depend on each family's story so maybe the best way to explain this is to tell a story. Let's look at a story about Mandla."



Mandla is 16 years of age. He has three sisters, Lindiwe, Jabu and Phindi, and a brother, Tsepo. They live with their mother in a small house in a village near to Umtata. Mandla is the man of the family. His father was very sick and died two years ago. Now his mother is also sick and she cannot take care of her children. There are no other adults to look after the children.



Mandla makes sure that they all eat some breakfast, get dressed, wash and brush their teeth and go to school. He takes the youngest sister, Phindi, to the local crèche before he goes to school. He also has to give his mother some food and make sure she has water to drink. In the afternoons he checks on his mom, helps his brother and sisters to clean the house, wash their clothes and cook supper. They often just have *umncushu* for supper.

Mandla has had to grow up very quickly and make sure that all the things his mom used to do still get done.



Vusi says: "So you see, because Mandla's parent can no longer care for the children, and because there are no other adults to take over this role, Mandla has become 'the parent'. Mandla now runs the home and looks after his brother and sisters (siblings)."

Allowing the children to stay together is an important way of keeping the family together. The children live together in the house and the oldest child is the 'head' of the home, depending on the age. If the child is under 15 years of age then an adult is needed.

This type of household is recognised by the Provincial Head of Social Development, who will also make sure that a responsible adult will supervise or oversee this household. In the following story, Ms Ndlovu is the responsible adult who has been appointed to give Mandla some support and assistance.

Mrs Ndlovu lives down the street and comes twice a week to check on the children. She talks to Mandla and the other children. She makes sure they have enough food and are coping. Sometimes she helps with fetching the children from school and cooking. When Mandla told Mrs Ndlovu there was no money to buy food and things for the house, Mrs Ndlovu spoke to the social worker about helping Mandla get some financial help (money/grant) from the State.



This person can be appointed by a Children's Court, a state organisation or a non-governmental organisation. There are Child Care Forums which help to do this work. When there is a supervising adult around, he or she can help the older child and make sure the children have food to eat, that they go to school and that the house is kept neat and clean.

The supervising adult can also spend time with the children, giving them support and advice and being there for them. The supervising adult should also assist the children in any other way that might be needed, like helping the child heading the household to access any grants or other assistance like that.

Mrs Ndlovu knows that she can only help with these things if Mandla and the other children agree. She spends time with them and lets them talk about their needs and she listens to their solutions. Mandla is the 'man of the house' and he needs to decide on day-to-day matters.



But Mandla likes being able to talk to Mrs Ndlovu. She helps discipline the children and with problem solving when Mandla feels overwhelmed. Mrs Ndlovu also helps Mandla when he cannot collect the grant because he is writing exams. Mrs Ndlovu made the necessary arrangements and collected the money for Mandla.

The Act says that supervising adults may help collect the grant money but any decision on how the money is to be spent must be taken together with the child heading the household.

The supervising adult needs to report often on the well-being of the children to the organisation that chose them to work with the children.



Did you know?

If the adult caregiver abuses his or her position, the organisation that appointed the adult caregiver may be contacted and told by a child in a child-headed household.

Did you know?

A child who is living in a child-headed household cannot be denied his or her right to claim assistance from the State. This means that Mandla can apply for a grant, any aid or assistance and, as long as he qualifies in other areas, he cannot be turned away just because he is part of a child-headed household.

ALTERNATIVE CARE

Alternative care refers to the care of a child who may be in foster care, or in a child and youth care centre or in temporary safe care.

A temporary safe care centre must be recognised and approved and must live up to certain standards.

A child cannot be kept in temporary safe care or at a place like a child and youth care centre, for longer than six months, without a court order, and if a child is placed in alternative care, he or she needs special permission to leave the centre.

Did you know?

If the child leaves the centre without permission the child can be caught and returned by a police official or a social worker. The child who has been given permission to leave must come back in time or he or she will be brought back either by a police official or a social worker.

Permission can be given by the centre or by the person under whose care the child is placed, or by a Provincial Head of Social Development.

Mirasha says: "But what if the child ran away because he or she was frightened of someone or something at the centre or in foster care?"



Vusi replies: "If this happens a police officer or social worker will need to investigate. If the child is at risk, then he or she will be taken to a safe place and the police officer or social worker must let the Department of Social Development know."

Transfer of a child in alternative care (refers to Chapter 11, Section 171 of the Children's Act)

The Provincial Head of the Department of Social Development may order the transfer of a child who is in alternative care. The decision will be made after talking to the child and his or her parent/s, guardian or caregiver. The Provincial Head may transfer the child into the care of the parent/s or the guardian or caregiver, but there will be certain instructions that the family must follow and a social worker will supervise the family. If these instructions are not followed, the social worker can take the child to the Children's Court and the court can issue a new order that places the child into other care.

Decisions to transfer a child will always be made in the best interests of the child.

Provisional transfer (refers to Chapter 11, Section 174 of the Children's Act)

The Head of the Department of Social Development in the province can issue a notice that will transfer a child from alternative care into some other care for a trial period that can go up to six months. This is not forever and it is to see if the child can go back and stay with his or her family or into another family or some other child care placement. A social worker will check up on the child and will make suggestions based on what he or she sees. This is called a provisional transfer.

Provisional transfer means it is for a short time and there are conditions that need to be followed.

The best interests of the child are most important here and depending on what the social worker recommends, the child may go back to alternative care or may be discharged.

Discharged means the child leaves alternative care. This means that the child can go back to his or her family and the alternative care placement centre or person is no longer responsible for the care of that child.



Did you know?

A child can remain in alternative care up to the age of 18 years and, in certain situations, even up to the age of 21 years. If a child stays in alternative care up to the age of 21 years, it's because the caregiver agrees and wants to continue caring for the child and the child needs to continue his or her education or training.

Drop-in centres (refers to Chapter 14 of the Children's Act)

Mirasha says: "A drop-in centre is a place where a child gets access to basic services that can take care of their emotional, physical and social development needs. A drop-in centre must be a recognised centre so it needs to be registered with the Provincial Head of the Department of Social Development."



A drop-in centre can be a place where a vulnerable child is able to get a meal and a chance to get clean. But drop-in centres also offer a variety of other programmes, activities and services to the child and the community, such as the following:

Activities and programmes:

Education and play
 Guidance and support
 Community service
 School holiday programmes
 Primary health care
 Computer literacy

Other programmes:

Reporting child to social workers
 Referring child to social workers
 Outreach services
 Prevention and early intervention

Did you know?

A drop-in centre needs to be a safe and healthy environment for a child.

Mirasha says: "This means that any drop-in centre must be kept very clean. A centre will need to make sure that the drinking water is clean and safe, that the toilets and the kitchens are clean and that there is no rubbish lying around."



Water should be boiled if it looks like it is not clean water.

Cholera is a very serious threat to a person's health and life. If water is not clean, a person can get very, very ill and if not treated in time, may even die.

Child and youth care centres (refers to Chapter 13 of the Children's Act)

Mirasha asks: "What is a child and youth care centre?"



Ms Pandori says: "This is a place that provides a home for six or more children outside of the family environment. Because there are so many different types of care centres it is often difficult to know what a child and youth care centre is. A child and youth care centre is not a centre like the ones we have discussed so far. That means it is not a partial care facility or drop-in centre, nor is it a school hostel or accommodation at a training centre and it definitely is not a prison."



The children who are placed in child and youth care centres are there for many reasons, but mostly because they need to be kept in a safe place where they are properly cared for, and they may have parents who are unable to give them that care. Some of the children in these centres may have run away from home and have lived on the streets or they may have serious behavioural problems and their parents cannot cope with their care, or they are chronically ill and are being cared for by the centre. But these are not the only reasons why a child may need to be placed in a child and youth care centre.

*Parents
who are struggling to take
proper care of their child may agree to
share their parenting duties with the centre
where their child is placed.*

A child and youth care centre provides a child or youth with a home, food, clothing and care.

It can also offer developmental programmes for:

- Diversion (for children in trouble with the law).
- Rehabilitation (for addiction problems).
- Special needs (for disabled and chronically ill children).
- Education programmes.
- Help children to adjust to a new way of life when they turn 18 and must leave the centre.

All children placed in a child or youth care centre must carry on attending school.

The centre should keep an eye on a child or youth in their care and keep a record of their progress. This is because the centre has to make sure that there are no further problems and that if guidance or treatment is needed it should be provided. The centre should also assist in returning the child to the family and community.



Vusi says: "If a child or youth has had serious behavioural problems, and has had a run in with the law, the centre needs to provide secure care and offer developmental programmes or even treatment, so that these problems can be avoided in future. Certain children need secure care. They can be children who are addicted to alcohol or drugs, or they may have psychiatric problems and are unable to control their behaviour, or they may be involved in criminal activities and have been placed in the centre."

Children's homes, places of safety, secure care facilities, government industrial schools and reform schools that existed before this Act are called child and youth care centres.

Did you know?

Children can and should be represented in the management structures of a child and youth care centre. That is because children have the right to participate and be heard. If children are not heard then their best interests will be overlooked.

This is important to know because adults often exclude children from being involved and making a contribution at higher management levels. What the Act says is that a children's forum must be created so that children can participate in the running of the centre. This obviously depends on the age of the child or youth and their level of understanding.

Children living with a disability or chronically ill children must also be encouraged to participate and be heard as they have very different and important needs.

Foster care (refers to Chapter 12 of the Children’s Act)



Mirasha asks: “What is foster care?”

Foster care means that a child has been placed in the care of someone who is not a parent or guardian. A child can be placed in foster care because the court has ordered it or because an order has come from the Department of Social Development to transfer the child into foster care.

The court can place a child in foster care with:

- Someone who is not a family member.
- A family member who is not a parent or guardian.
- A registered cluster foster care scheme.

Cluster foster care is offered by non-government organisations who are approved and registered by the Provincial Head of Social Development. This means that more than six foster children can be placed in a cluster foster care scheme.



Mirasha asks: “What kind of child needs foster care?”

Parents or guardian cannot be found

Orphaned or abandoned

Who can be fostered?

Abused or neglected



Mirasha asks: "Why have foster care?"

Foster care is there to protect and take care of a child by giving the child a healthy family environment to stay in while still trying to work towards reuniting the child with his or her original family. The intention is to encourage strong family ties that can last a lifetime. These ties can be with the original family or within another family environment based in their community.

Did you know?

When a child is placed in foster care there are many concerns because, what if the foster home practices a different culture, or different religion, will the child be comfortable and encouraged to grow? These are all important issues that need to be thought about carefully.

Mirasha asks: "Who is the foster care parent?"



A fit and proper person is a person who is law abiding and able to take care of a child.

The Children's Court will look for a prospective foster parent who:

- Is a fit and proper person.
- Is willing and able to take care of a child.
- Will provide an environment for a child to grow in.
- Has been properly assessed by a social worker.

Did you know?

A social worker's report looks at the background of the child and asks what the child's culture is, what the child's religious beliefs are and what language the child speaks. It also looks for a suitable foster parent who shares that same background. Remember this is not always possible.

A child can be placed in a foster home even if the foster parents have a different cultural, religious or language background but the court will then ask the following questions:

- Is there already a bond between the child and foster parent?

OR

- Can a foster parent who shares the same background as the child be found at that time?

Only six children can be fostered in the same home, unless the children are all brothers and sisters or are all related in some way to each other. Also a registered cluster foster care scheme can have more than six children in the home.

Susan has been living with her foster care parents, Dan and Prudence, and their two children ever since her mother left her on the steps of the hospital two and a half years ago. Susan does not know her father. Susan is now 14 years old and she is very happy in her foster home. Her mother has visited her only once in the last two years and she was drunk. Susan was used to her mother being drunk but it always upset her. Apart from this upset, Susan was adjusting very well to her new environment. For the first time in many years Susan has friends at her school, is doing well in sport and has passed all of her exams. Now she is very worried because the social worker recently visited the home and told Susan that it is time to go back to court because Susan has been in foster care for two years.





Vusi says: "If a child has lived in foster care for two years, then the court has to decide whether it will extend the court order or make another decision about the child's care. The decision will depend on the need to create a stable environment for the child, what is best for the child and who is fostering the child. The court will also assess whether there is a chance that a child, like Susan, can be reunited with her parent/s. That means they will see if Susan should return to live with her mother or not."

Reunification with biological parents:

If it is in the best interest of the child to be reunified with his or her parents then the Children's Court must tell the social worker to return the child to his or her biological parents. The social worker must first make sure that the child will be well cared for and loved.

If it is not in the child's best interest then the Children's Court may decide to stop any type of reunification with the child's biological parents. This always depends on the social worker's report and making sure the child is cared for in a stable environment.

If Prudence, Susan's foster mother, turned out to be Susan's grandmother, do you think the court would treat her differently?

Yes, they will look at the family relationship with the child, the need for stability and the best interests of the child. Remember the child always comes first.



Mirasha asks: "What happens when the foster parent is a family member?"

Mirasha says: “This can only happen when the child has been abandoned by the parents, the parents are deceased or there is no purpose to reunite them and as long as it is still in the best interests of the child. The court will check the child’s need for stability and then recommend that the child stays in foster care for two or more years. This can be extended from time to time.”



Vusi says: “The court can also order the child to stay in foster care until he or she is 18 years old.”

Mirasha asks: “When does foster care end?”

The Children’s Court can end a foster care placement if it is in the best interests of the child. Obviously the court will be very careful about making such a decision because it will have to think about:

- The relationship the child has with his or her biological parent/s and if the parent wants to care for the child again.
- The relationship that the child has developed with the foster parent/s and the foster family.
- The importance of creating something that is permanent and stable for the child.



Adoption (refers to Chapter 15 of the Children's Act)

Mirasha asks: "What is the difference between foster care and adoption?"



Adoption is when a family or someone other than the parents legally applies to keep the child permanently. Adoption is a permanent situation and the child who is adopted becomes the legal child of the adopting parents. The biological family then loses all rights to the adopted child. See Booklet 1 for more information on adoption.

GLOSSARY

Act	A statute passed by parliament or a law made by parliament. Also means conduct, deed, something that is done, to perform a function.
Abscond	To go away or leave secretly and hide.
Adoption	Adoption is a legal way for an adult or adults, who, for example, are unable to give birth to a child or want to bring another child into the family, to become the legal parents of a child. When you adopt a child, the child becomes yours as though born of you.
Alternative care	Alternative care refers to the care of a child who may be in foster care, or in a child and youth centre or in temporary safe care.
Biological father or mother	The father and mother who conceived the child; this means they biologically created the child.
Caregiver	A person who gives help and protection to someone (such as a child, an old person, or someone who is sick).
Child and youth care centre	This is a place which can help children to learn how to balance their lives physically, emotionally, educationally, socially and spiritually. A major part of the centre's responsibility is to provide social work services in the form of support, prevention, counselling and empowerment programmes to women, youth, the disabled, older persons and persons living with and affected by HIV/AIDS.
Childcare forum	A group of adults who work together to take responsibility for organising support for vulnerable (at risk) children in an area. Childcare forums can be set up by social workers, the community can elect volunteers or they can be appointed by various organisations. It is important that they have community support and some official status so that they can be effective.
Child-headed household	A household where a child looks after the home and his or her brothers and sisters because the

	parents cannot do this and there are no other adults to take over this role.
Cluster foster care scheme	Means a scheme providing for the reception of children in foster care, managed by a nonprofit organisation and registered by the Provincial Head of Social Development.
Cognitive	Of, relating to, or involving conscious mental activities (such as thinking, understanding, learning, and remembering).
Disability	A condition (of body or mind) where someone is unable to function in a normal way due to a lack of ability, power, or fitness to do a certain action, for example where a person cannot walk because their spine was damaged in an accident and now their legs no longer work properly.
Early childhood development	This is a term used to classify the processes by which children from birth to six years old grow and flourish socially, physically, mentally, emotionally, spiritually and morally.
Foster care	Foster care is the placement of a child who needs to be removed from the parental home into the custody of a suitable family or person willing to be foster parents. This is done by order of the Children's Court. Children can be removed from their parental home if they are abused, neglected, abandoned or their parents have died.
Grant	Assistance (sometimes financial) given for a particular purpose; for example, a grant is paid by the government to help poor parents who cannot afford to pay for their children's upkeep.
Guardian	A person or persons who have been legally appointed to protect and take care of a child or children.
Intervention	To become involved in something (such as a conflict) in order to have an influence on what happens.

Partial care	This means the type of care offered at a partial care facility; a partial care facility means any place used to protect or temporarily take care of more than six children.
Psychiatric	Refers to mental or emotional disorders; these can be treated by a special doctor called a psychiatrist.
Psychologist	A specialist in psychology; psychology is the science or study of the mind and the particular ways in which an individual or group thinks or behaves.
Reunite	To make something whole again, for example our goal is to reunite this family by returning the children to their parents.
Social worker	A trained person who is able to help troubled families by providing counselling and advice in order to promote social well-being.

References:

Web-based dictionaries were used as references for the glossary; these include:

Merriam-Webster's Word Central (<http://www.wordcentral.com>)

The Yahoo! Kids Dictionary (<http://kids.yahoo.com/reference/dictionary/english>)

Education & Training Unit for Democracy & Development – Community Organisers Toolbox (<http://www.etu.org.za/toolbox/docs/aids/care.html>)

Early Childhood Development site of the ECD Directorate, Department of Education (<http://www.education.gov.za/ecd/home.htm>)

Cape Gateway (<http://www.capegateway.gov.za/eng/directories/services/11575/17450>)

USEFUL CONTACT NUMBERS

If something unpleasant has happened to you and you need some help or you want to find out more information about a topic mentioned in this booklet try to talk to your parent or parents first. Also try talking to your teacher or a close adult family member. If none of these people can help try to contact the telephone numbers given below:

Childline:	080 005 5555
Child Welfare South Africa:	011 492 2884
South African Police Service emergency number:	10111
Crime Stop:	086 001 0111
South African Human Rights Commission:	011 484 8300
Department of Labour (Pretoria Head Office):	012 320 2059
Street Law (National Office):	031 260 1291

Provincial Departments of Social Development:

Gauteng	011 355 7843/7823
KwaZulu-Natal	033 264 2068
Northern Cape	053 874 9100
Western Cape	021 483 4153
North West	018 388 2021
Limpopo	015 293 6000/6331
Mpumalanga	013 766 3156/3120
Free State	051 409 0590
Eastern Cape	040 609 5303/4/5 or 608 5810

Acknowledgements:

Material prepared and written by *Desia Colgan*, Lecturer in Law, University of the Witwatersrand, Johannesburg and Street Law Coordinator.

Contributions by *Jobst Bodenstein*, Professor, Rhodes University Legal Aid Clinic; *Lloyd Lotz*, Lecturer in Law, University of KwaZulu-Natal, Durban and Street Law South Africa Director; *Lorayne Excell*, Coordinator of Early Childhood Development, University of the Witwatersrand, Johannesburg; *Karmini Pillay*, Lecturer in Law, University of the Witwatersrand, Johannesburg; and *Sonia Brooks*, Projects Coordinator, Wits Commercial Enterprise.

Design by *Handmade Communications*.

Illustrations by *Tinus de Bruyn*.

