

**FOR IMMEDIATE RELEASE**

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## Does DSD have a solution to fix the foster care system?

**The Department of Social Development will be briefing of the Portfolio Committee for Social Development on the foster care backlog and its plans to address it.**

**Date: TODAY**

**Time: 10.00 - 13.00**

**Venue: G 26, National Assembly Building, Parliament.**

Sept. 4 - The foster care system in SA has been under huge strain since the early 2000s when it began to be used to provide poverty relief to orphans in the care of relatives. By 2009, the number of children in the system far exceeded the Department of Social Development's capacity to manage the volume, and as a result many children's court orders expired and 120 000 foster child grants stopped being paid.

In response, the Centre for Child Law (CCL) approached the High Court in 2011 to prevent more grants lapsing and to ask for a more sustainable system to be designed. Through a court ordered settlement, the Minister of Social Development was obliged to develop a comprehensive legal solution to ensure that the foster care system was fixed and sustainable by 2014. In the meantime the court instructed SASSA to re-instate the lapsed grants and keep all grants in payment despite the children's court orders expiring. By 2014 however, the department had still not designed the required solution and this time, 300 000 foster care orders had expired. The Department admitted they did not have the capacity to renew these children's placement orders in time and asked for an urgent extension of the temporary solution. The High Court order was extended for a further three years until 2017. Given the lack of progress in designing a solution, the High Court ordered the Department to report to the CCL and the court every 6 months.

In 2017, when the department had still not developed the required comprehensive legal solution, the CCL was compelled to approach the Court. Again a settlement was reached. This time the Minister acknowledged that she had acted unconstitutionally by delaying in designing a solution to the crisis despite being required to by the 2011 and 2014 court orders and she committed to table the required amendment bills in Parliament by end of February 2019 and to implement a solution by end of November 2019. The Social Assistance Amendment Bill was tabled in April 2018 but did not progress in Parliament and has now lapsed due to the dissolution of the 5<sup>th</sup> Parliament. It needs to be revived to enable Parliament to proceed. The Children's Amendment Bill has not yet been tabled. It contains 156 amendments which means it's a long bill which will take at least 12 months to proceed through Parliament. A long term solution will therefore not be in place by 28 November 2019 as required by the High Court order. Furthermore, approximately 146 000 foster care orders will be expired by 28 November 2019. If the provincial departments are unable to take all these cases to the Children's Court for extension in the next 3 months, many of these children will lose their foster child grants in December. A further 8480 are due to expire in December 2019 and 96 902 during the course of 2020. (These figures were provided by the National Department of Social Development in a letter to the Centre for Child Law dated 23<sup>rd</sup> August 2019).

The Department of Social Development has been called to brief the Portfolio Committee on Social Development on its plans to avert a crisis from occurring. Key questions the Department needs to answer include:

- Do the provincial departments of social development have the capacity and budget required to ensure that all 145 000 cases are extended by the children's courts by 28 November 2019?
- What is the impact of prioritising the foster care backlog on other child protection services that social workers are responsible for delivering? If social worker time, cars and laptops are all ring fenced for foster care cases, what will be the impact for children who have been abused and neglected and need protection?
- If orders are not extended in time, what is the Department's plan to prevent these children losing their foster child grants?
- What exactly is the Department's comprehensive legal solution that will solve the foster care crisis in a sustainable way and prevent this crisis from continuing to occur?
- Given the late presentation of these bills to Parliament, what will the Department do if the solution is not in place by 28 November 2019 as required by the High Court order?

For further comment or enquiries, please contact:

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