



Submission

to the

Parliamentary Portfolio Committee

on Social Development

on the

Children's Second Amendment Bill

[B 14-2015]

19th August 2015

1. Introduction

The Catholic Church has always placed a high value on adoption. For children in need of parenting, adoption offers the promise of a loving, stable family environment; for parents unable to have children of their own, adoption answers their deep need to develop a loving, nurturing family relationship.

In general, we welcome this Bill, especially those aspects which aim to make the adoption process easier and cheaper. We do, however, have a few reservations.

2. Specific comments

2.1. We welcome the proposed inclusion of public sector social workers as adoption social workers (clause 1(a)). This ought to address the high cost of private adoptions, which has hitherto made it very difficult for those without financial resources to adopt. However, we have concerns regarding the expansion of the definition of an ‘adoption social worker’ to include government social workers who do not necessarily have any specialised training in this field. The adoptive placement of children is not subject to review and placements are, by definition, permanent. Social workers should, therefore, receive appropriate specialised training before becoming involved in adoption work.

2.2. There is no provision for an adoption grant. This discourages potential adoptive parents who do not have the financial resources to adopt an infant. Others may choose to remain foster parents, since the Foster-Care Grant is higher than the Child Support Grant. This can result in long delays in the alternative, permanent placement of children in need of care and protection, and thus compromise the ‘best interests of the child’. Infants should be placed as soon as possible to enable bonding. Institutional care, no matter how good, is no substitute for a stable family environment. Present social policy speaks of the importance of the first thousand days of a child’s life, that is, from conception to the age of two and this must inform social policy. Furthermore, long delays compromise the likelihood of older children being adopted.

2.3. There remains a profound disjuncture between the rights and services promised to children in terms of the Children’s Act, and the number of social workers available to actually implement the Act and provide the necessary services. While the Department of Social Development has taken steps to train additional social workers, all newly graduated social workers require further supervision and in service training. The shortage of social workers is thus likely to continue for some time.

2.4. We note the attempt made in clause 2 to tighten up the procedure to be followed when a child has to be removed to temporary safe care. The provision requiring the interim order to be placed on the court roll for review within 24 hours is well-intended, but it may be difficult to achieve in

practice. The proposal that the child concerned, as well as the relevant parent, guardian or care-giver be present at such a review is welcome. However, it is vital that despite the need for such matters to be speedily settled, sufficient time is allowed for an accurate assessment of the situation, which may include expert opinion; medical reports; and consultation with other family members and educators. All of this can take some time to obtain.

2.5. We welcome the extension of foster care placement beyond the age of majority in order for the child to pursue further education and training. It seems unduly onerous, however, to allow only a three-month ‘grace period’ for condonation of late applications for such extension. We suggest that the proposed new section 176(3) end with the words ‘upon good cause shown’, and that the stipulation that the condonation application must be submitted within three months of the end of the year in which the child turned 18, be omitted.

2.6. We support the amendment (clause 6) that would allow the courts to widen the exclusion from biannual assessments and renewal of the foster care order to include children living with prospective foster parents. This would both reduce the load on the Children’s Courts and allow social workers the opportunity to focus on more urgent matters.

3. Conclusion

The Children’s Act represents much that is best about South Africa, and about our country’s attempts to look after some of the most vulnerable sectors of the population. These amendments, although limited in scope, mostly serve to improve the principal Act. We will observe their implementation with interest.

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