



**Western Cape
Government**

Social Development

FOSTER CARE

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OUTLINE OF PRESENTATION

- Introduction
- What is Foster Care?
- Foster Care Principles
- Foster Care Process
- Management of Statutory orders
- Foster Care System Challenges

INTRODUCTION

- The social welfare system in SA is configured to protect the rights of children and to provide care and protection to children who are vulnerable due to deliberate neglect, abuse and exploitation amongst other reasons.
- As a result of the intensification of social problems, that negatively impact on the wellbeing of children, some children who are in need of care and protection can no longer be cared for in their extended family networks without statutory intervention.
- This then necessitates the adoption of alternative means of care **and** foster care therefore, offers an alternative within the continuum of care by providing a nurturing and caring environment to vulnerable children who have to live outside their immediate family homes.

Population (**5 278 584**) by age group

Age group	Male	Female	Total	% of all ages
0-4 years	288052	276748	564800	9.7%
5-9 years	231828	228333	460161	7.9%
10-14 years	221782	217061	438843	7.5%
15-19 years	235421	244701	480122	8.2%

Census 2011

Western Cape: Total number of children in foster care as at February 2015 :
28 657 placed with 20 138 foster parents

WHAT IS FOSTER CARE (FC)?

- FC is a critical programme in response to the needs of vulnerable children that provides for the care and protection of children outside their parental home. (*Foster Parent(s) / Cluster Foster Care Scheme*)
- FC intention is to create opportunities for the child to live in a protective and safe environment with positive support, and to ensure that the child is surrounded by nurturing relationships that must last a lifetime.
- Its main goal is, on the one hand, to provide opportunities for nurturing the development of a child, whilst on the other hand, focusing on rendering re-unification services to the child's biological family.

FC PRINCIPLES

- Child centeredness
- Family preservation
- Empowerment
- Child participation
- Respect and dignity
- Best interests of the child
- Permanency planning

FC PROCESS

Prevention level

- Recruitment of prospective parents,
- Screening
- Training of those found to be suitable.

Early intervention level

- Reporting Phase – **Section 110**
- Assessment Phase (which determines if be placed in foster care or not Section 150)

Statutory intervention level

- Initial Statutory Phase – TSC
- Application for temporary Safe Care Fee (sub-phase)
- Investigation Phase
- Finalisation of the Statutory process (Reports & Children's court)
- Application of Foster Child Grant

Reintegration level

- Supervision & After Care Phase
- **Management of statutory orders**
- Re-unification

MANAGEMENT OF STATUTORY ORDERS

Section 159 of the Act, indicates that:

The original order made by the court will lapse after two years or any shorter period, and may be extended by the Children's Court for a further period of not more than two years.

A designated social worker must submit a report to court recommending the extension of foster care placement 3 months before the court order lapses.

Section 186 of the Act, indicates that:

A Children's Court may, after a child has been placed in foster care for more than 2 years and after considering the need for creating stability in the child's life, order that no further supervision and designated social worker **reports** are required.

However a social service professional **must** visit the placement at least once every two years to monitor and evaluate the placement and report to the designated social worker.

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Approval to remain in care beyond the age of 18 years

Section 176 of the Act, provides for the child before turning 18 years to submit an application to the Department of Social Development requesting to remain in the care of the foster parents until they turn 21 years to further their education.

The foster parents must be willing and able to care for the person to complete his/her education or training. (Mainstream education, FET colleges and tertiary education).

The application to remain in foster care must be submitted every year until the young person turns 21 to assess if the need still exists for the young person to remain in foster care placement.

Transfer of a child from one foster family to another

Section 171 of the Act, provides for the provincial Head of Social Development to issue an order transferring the child to the care of another person.

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The request for transfer can be submitted at any stage, provided that the initial court order or extension order is still valid.

Children transferred from foster care to a child and youth care centre must receive approval by the Children's Court (section 171(6) of the Act).

Child in foster care prohibited from leaving the Republic

Section 169 of the Act prohibits a child in foster care (alternative care) to leave the country without written permission from the provincial Head of Social Development.

In the application for permission to leave the country, a designated social worker must ensure that:

- A court order is valid before departure and ensure that it will still be valid upon the return of the foster child to the Republic;

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- The purpose for the trip is stipulated, enclose an itinerary indicating where the child is going to, date of departure, date of return and the details of an adult accompanying the child for the duration of the trip.
- In cases where a child is going to be out of the country for an extended period, conditions must be stipulated to ensure that the child has regular contact with the country of origin if the child has biological parents or family of origin.
- Arrangements must be made with the receiving country through ISS to monitor and supervise the foster placement and provide regular reports on the foster placement.
- A report must be submitted to the provincial Head of Social Development upon return to the Republic, indicating the status of the child's wellbeing.

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Discharge from the provisions of the Act

Section 175 of the Act, makes provision for the provincial Head of Social Development to discharge a child from the provisions of the Act.

Discharge of foster children may be due to reunification, adoption or transfer to another alternative care placement.

A designated social worker's plan must incorporate preparation for this disengagement by preparing the foster parent and foster child beforehand through counselling, BECAUSE Foster parents and foster children develop an attachment which may make it difficult for them to separate.

FC SYSTEM CHALLENGES

Notwithstanding the efforts of the Department and funded organisations, the foster care system experiences its own challenges including those that have to do with institutional arrangements, inter-sectoral challenges and lack of human resources; thus rendering this essential system inadequate and unable to fulfil its mandate to vulnerable children. This resulted in **huge backlogs** in the finalisation of foster care placements and management of statutory orders, thus leading to increased vulnerability of children.

FC BACKLOG – WHAT IS IT?

Non adherence / compliance to management of statutory orders
SASSA – any missing order

AND as a result of the BL which would necessitate SASSA to discontinue FCG's payments

- Organizations advocating for children's rights took NDSD to Court
- NGHCO issued on 10 May 2011 until December 2014 (1,581 outstanding in WC) – extended till 2017 on 12 December 2014

QUESTIONS AND ANSWERS

Thank you

Dankie

Enkosi