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Adoption and the Role of the Social Worker

Adoption is a legal process whereby a person assumes the parenting of a non-biological child from that person's biological or legal parent or parents, and, in so doing, permanently acquires all rights and responsibilities, along with filiation, from the biological parent or parents.¹ It thus involves the permanent transfer of a child from one set of parents and one family to another. Adoption may take place at any stage of a child's life. This has profound and very complex implications for children and young people throughout the course of their lives, as well as for their families and networks of origin, and for their adoptive families.² Nevertheless, adoption plays a critical role in the care and protection of vulnerable children.

Proposed new amendments to the Children's Act, 38 of 2005, change the role that the 'adoption social worker' plays in the adoption process at present. Until now, adoptions have always been the purview of specialized adoption social workers, defined in the Act as social workers in private practice who have a speciality in adoption services; who are registered in terms of the Social Service Professions Act, 1978;³ and who are accredited to provide adoption services; or social workers in the employ of an accredited child protection organisation which is accredited to provide adoption services.⁴

In terms of the new amendments, it will no longer be required that adoptions be managed by specialist adoption social workers, many of whom are in private practice; instead, all social workers will be entitled to conduct the necessary assessments and recommendations and to provide follow-up services. In addition, social workers will be prohibited from charging a fee for adoption services. In practice, this means that only state social workers will be able to handle adoptions. Given that state social workers are already heavily over-burdened with cases, and that there is a shortage of funding for public-sector social work posts, these amendments are likely to cause major bottlenecks in the provision of adoption services. These proposals have created much controversy and opportunities for public comment on the amendments have been extended to the end of January.

Adoption services defined in the present Act remain unchanged and include: the counselling of the parent of the child and, where applicable, the child; an assessment of the child by an adoption social worker, as well as an assessment of a prospective adoptive parent by an adoption social worker; and the gathering of information for proposed adoptions and the writing of the relevant reports.⁵ There is also a legal process.

It is clear from the above that the adoption process requires the services of highly skilled and experienced social workers who play a specialist role in the selection and matching of adoptive parents and adoptable children. The complexity of the adoption process requires a detailed assessments of adoptive parents. Extending this role to all social workers places an additional burden on social workers who already have extremely high case loads. This cannot be regarded as being in the 'best interests of the child'.

The links below provide some insights regarding the adoption process and the potential effects of the envisaged amendments.

- http://www.ci.uct.ac.za/sites/default/files/image_tool/images/367/publication/2015/National%20Adoption%20Coalition%20South%20Africa%20Submission%20Children%20
- <https://www.news24.com/You/Archive/everything-you-need-to-know-about-adopting-a-child-in-sa-20170728>
- <https://www.westerncape.gov.za/service/adopting-child>
- https://www.groundup.org.za/article/adoption-and-race-we-unpack-issues_2294/
- <https://m-net.dstv.com/show/carte-blanche/news/adoption-crisis/news>
- <https://www.politicsweb.co.za/opinion/adoption-amendments-deny-opportunity-to-vulnerable>
- <https://www.all4women.co.za/573607/parenting/adoption/gone-without-a-trace-the-shocking-fate-of-sas-abandoned-children/4>
- <https://www.all4women.co.za/409895/parenting/adoption/guide-adoption-south-africa>

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¹ <https://en.wikipedia.org/wiki/Adoption>

² https://www.ohchr.org/Documents/Issues/EPoverty/UnitedKingdom/2018/NGOS/ATD_Annex2.pdf

³ Social Services Professions Act No. 110 of 1978

⁴ http://www.ci.uct.ac.za/sites/default/files/image_tool/images/367/Law_reform/Children_Act_guides/consolidated_childrens_act_1april2010.pdf

⁵ See 2 above