



NOTES
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ALTERNATIVE CARE

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MODULE 1 CODE OF ETHICS: ETHICAL CONSIDERATIONS

General ethical standards are set in the Policy Guidelines for Course of Conduct, Code of Ethics and Rules for Social Workers by the South African Council for Social Service Professionals.

Social work practitioners have an ethical responsibility:

Towards the profession	<ol style="list-style-type: none"> 1. Integrity to the profession 2. Negligence 3. Dishonesty 4. Evaluation and research 5. Education, training and development 6. Competency 7. Incompetency of colleagues 8. Compliance with legislation, policies and procedures 9. Display of registration certificate
Towards the client system	<ol style="list-style-type: none"> 1. Confidentiality 2. Professional relationships 3. Third party request for services 4. Gifts and incentives 5. Dealing with clients money 6. Terminating the social worker client relationship 7. Advertising and public statements
Towards colleagues and other social workers	<ol style="list-style-type: none"> 1. Respect 2. Confidentiality 3. Interdisciplinary collaboration 4. Criticism and disputes involving colleagues 5. Consultation 6. Referral for service 7. Supersession
In practice settings	<ol style="list-style-type: none"> 1. Supervision/management and consultation 2. Performance evaluation 3. Client records 4. Billing 5. Advocacy for sufficient resources 6. Commitment to employers 7. Labour management disputes
In broader society	<ol style="list-style-type: none"> 1. Social development 2. Public emergencies 3. Social and political action

MODULE 2: ALTERNATIVE CARE

2.1 OBJECTIVES

OBJECTIVES OF ALTERNATIVE CARE:

The objectives of alternative care are to:

- Ensure that, in line with the principle of permanency planning, all children in need of care and protection are guaranteed placement in a safe, appropriate and developmentally supportive environment
- Ensure the continued protection and provision of nurturing and responsive care to children deprived of their parental or family care by providing safe and healthy care arrangements outside their family environment
- Ensure, as far as possible, that alternative care placements are a temporary measure to provide care and protection until the child can be reunified with his or her family or be permanently placed in alternative care
- Ensure that children are placed in temporary safe care for as short a period as possible
- Ensure the availability of supportive programmes to assist transitioning of children from the alternative care system and their return to permanent family-based nurturing and protective environments
- Ensure that all children are placed in the most appropriate form of alternative care to meet their needs and are supported by individualised programmes that address their unique care, protection and developmental needs and risks.

Further:

- Whilst alternative care arrangements may be temporary or permanent, the aim is ultimately to secure the child's permanent placement in a supportive and nurturing parental or family care environment.
- Where alternative care is necessary, all steps should be taken to place children in family, or community-based care alternatives that are safe and nurturing and provide quality services and support for them.
- Residential care or care in a child and youth care centre should always be a measure of last resort.
- Where children are placed in alternative care, the objective should be to return them to a strengthened parental or family care arrangement where care-givers are enabled and supported to provide nurturing, responsive and protective care.

- Alternative care placements should, as far as possible and where appropriate, be accompanied by therapeutic and other services supporting both the child's recovery and adjustment in placement and strengthening families in appropriate ways to facilitate successful, sustainable family reunification or independent living.
- All children in care should receive transitional support to be prepared psychologically and practically for reintegration into families and their environments. They should also receive after-care support facilitating such reintegration.

2.2 LEGISLATION

SECTIONS	167	Alternative care
	168	Leave of absence
	169	Child in alternative care prohibited from leaving Republic
	170	Child absconding from alternative care
	171	Transfer of child in alternative care
	172	Change in residential programme
	173	Removal of child already in alternative care
	174	Provisional transfer from alternative care
	175	Discharge from alternative care
	176	Remaining in alternative care beyond age of 18 years
177	Appeal against and review of certain decisions	
178	Serious injury, abuse or death of child in alternative care	
179	Regulations	
CONSOLIDATED REGULATIONS PERTAINING TO THE CHILDREN'S ACT	57	Manner and criteria for approval of person, facility, place or premises for temporary safe care
	58	Limitations and conditions for leave of absence of child from alternative care
	59	Fees payable on transfer or provisional transfer of child in alternative care
	60	Procedures before issue of notice of provisional transfer of child from alternative care
	61	Procedure before issue of notice of discharge of child from alternative car
	62	Manner in which children in alternative care must be transferred or provisionally transferred, their residential programmes changes, be removed or permanently discharged from alternative care
	63	Manner in which applications for extensions of alternative care beyond 18 years of age are to be made
64	Serious injury, abuse or death of child in alternative care	
CONSOLIDATED FORMS ITO THE REGULATION UNDER THE CHILDREN'S ACT, 2005	39	Approval to provide temporary safe care
	40	Reporting of serious injury, abuse or death of child in alternative care
NATIONAL NORMS AND STANDARDS	7	Part 111: Child protection Integration into alternative care services

NORMS, STANDARDS AND PRACTICE GUIDELINES FOR THE CHILDREN'S ACT	153	A child may be transferred, provisionally transferred or discharged from alternative care if it is in the best interest of the child
	157	A child is entitled to remain in alternative care until the end of the year in which such child reaches the age of 18 years
AMENDMENTS		Act 18/2016: Section 171 Section 176

2.2.1. Children's Act

<p>S167: Alternative care Three options:</p> <ul style="list-style-type: none"> • foster care • care of a child and youth care centre following an order in terms of the Children's Act or the Criminal Procedure Act 51 of 1977 • temporary safe care 		
<p>S168: Leave of absence</p> <ul style="list-style-type: none"> • Who gives permission: <ul style="list-style-type: none"> ○ management of CYCC has the discretion to decide on leave. A social worker must make a recommendation ○ person in whose alternative care the child has been placed ○ provincial head of DSD if the child is in temporary safe care ○ If child has been placed in alternative care under the supervision of a DSW, DSW grants leave. The DSW may cancel leave. • Management of CYCC, DSW and provincial head may cancel leave. • If leave is cancelled, the child must be returned. • Leave of absence is not for a period exceeding 6 weeks at a time and not more than a total of 6 months. If leave is more than 6 months, the HOD must grant permission. • No leave may be granted if: <ul style="list-style-type: none"> ○ it will serve the best interests of the child ○ unless suitable arrangements for the accommodation, care and supervision of the child has been made by a social worker ○ where such leave is based on staff shortages or on an absence of developmental programmes at a CYCC during the holiday period. • The foster child grant or subsidy payment to a child- and youth care centre may continue when the child is on leave. • The designated social worker must supervise the leave. • Documents 		
Cover letter	S168 (Annexure 18)	All orders, last valid order
Form 30(s)	Form 39	Dates specified, conditions, special needs
<ul style="list-style-type: none"> • Approval: Annexure 19 • Follow the procedure/requirements from your DSD province/district. 		

S169: Child in alternative care prohibited from leaving Republic

- A child in alternative care may only leave the Republic with the written approval of the provincial head of DSD (HOD).
- DSW must provide an application to the canalisation officer with the following documents:

Cover letter	Report Annexure 9	All orders
All reports	Consent biological parents	School report
ID of applicant	Itinerary	

- Approved by delegated provincial official - Annexure 10.
- It is an offence in terms of section 305(1)(j) to remove a child from the Republic without written approval obtained in section 169.
- Follow the procedure/requirements from your DSD province/district.

S170: Child absconding from alternative care

- Refers to a child who:
 - absconded from alternative care
 - who fails to return after leave of absence.
- DSW or police official may apprehend the child. They may enter and search the premises for apprehending the child without a warrant.
- The police official may use force including the breaking of any door or window of such premises after audibly demand admission to the premises.
- On apprehending the child, the police official must ensure the safety and well-being of the child concerned and notify DSD/CPO that the child has been apprehended.
- If the child apprehended or returns of own accord:
 - must be brought before the PO
 - may be kept in temporary safe care in terms of section 152(see form 36).
- The PO must:
 - order that the child be put in temporary safe care until abscondment proceedings are completed
 - inquire reasons why child absconded or failed to return
 - make an order
 - be returned to centre or person
 - may not be returned pending any action
 - be placed in another form of alternative care.
- The PO must order the clerk of the children's court:
 - report to provincial head of DSD the result of the inquiry
 - notify the provincial head of DSD of any order made.
- When PO made order that child not return, the provincial head of DSD may consider:
 - transfer the child in terms of section 171
 - remove the child from alternative care in terms of section 173
 - discharge the child from alternative care in terms of section 175
 - order that the child be returned to original alternative care.
- Responsibility of the social worker at the CYCC and the foster parent to inform the DSW within the next working day of the child's abscondment.

- The DSW or the social worker at the CYCC must inform the local police in the area where the child absconded from within 24 hours after receiving the report.
- Format: Annexure 16.
- Follow the procedure/requirements from your DSD province/district.

S171: Transfer of a child in alternative care

- The provincial head of DSD may transfer a child from one alternative care to another.
- The provincial head of DSD may transfer a person referred to in Section 176(2) from one alternative care to another. (Section 171 (1A))
- When the provincial head of DSD transfer a child under the supervision of a DSW, the written notice must specify the requirements.
- If any of the requirements is breached, the DSW must bring the child before a children’s court. The children’s court may, after an inquiry, vary the written notice issued by provincial head of DSD and make a new order in terms of section 156.
- Before provincial head of DSD issue a written notice, a report of by a DSW must be considered.
- Before the provincial head of DSD issue a written notice the DSW must consult:
 - the child, taking into consideration the child’s age, maturity and stage of development
 - the parent/guardian/care-giver of the child if available
 - the CYCC or person in whose care/alternative care/temporary safe care the child has been placed
 - the CYCC, alternative care or person to whom the child is to be transferred.
- The DSW should secure the following supporting documents to facilitate the transfer:

Cover letter	S171 Report Annexure 17	All orders
Screening report	Form 30(s)	School report
Views of CC	Views of FP	Views of BP
Grant cancellation	CYCC confirmation	Programme of facility
Advise on ratification at court	Transfer to CYCC	Reviewed permanency plan, care plan and IDP

- If the provincial head of DSD transfer a child or a person (s176(2)) from a more restrictive form of alternative care to a less restrictive alternative care, the provincial head must be sure that the transfer will not be prejudicial to other children in the less restrictive alternative care.
- Approval(previously ratification) by a children’s court if:
 - From care of a person to a CYCC
 - From care of a CYCC to a secure care or more restrictive CYCC.
- If section 159(1) report of extension is due at the same time, one report may be submitted detailing the two processes. The recommendation must state the two recommendations. After considering the report, the court may issue two separate orders(when deeper into the system).
- Follow the procedure/requirements from your DSD province/district.

Regulation 59: Fees payable on transfer or provisionally transfer of child in alternative care:

- The monthly fees payable by provincial DSD for a child in that province must be paid upon transfer - fees payable from the date of arrival of the child.
- The 'sending province' must pay the rates applicable in the 'receiving province' – fees payable from the date of arrival until the child is transferred or discharged.

S172: Change in residential care programme

- Provincial head of DSD may determine that:
 - A child in a child and youth care centre be released from a residential programme
 - Another residential programme be applied for such a child
 - An additional residential programme be applied to such a child.
- Provincial DSD transfer the child in terms of section 171.
- Determination may not be carried out without ratification of the children's court if:
 - Secure care of a child
 - More restrictive than the child's current residential programme.
- Annexure 23.

S173: Removal of child already in alternative care

- This section deals with children, already in alternative care, who must be placed in TSC.
- For example: if a child is being abuse by the foster carers and needs to be removed to temporary safe care.
- A child can be placed in TSC for a period of six months.
- The administrative process by DSD may include:
 - transferring the child
 - discharging the child
 - returning the child to the place in which he/she was in care or temporary safe care.
- Documents:

Cover letter	S173 report (no format)	All orders, last valid order
Birth certificate	School report	ID of prospective FP/SP
Screening report of PFP	Form 30's	CYCC confirmation
Care Plan and IDP		

- Follow the procedure/requirements from your DSD province/district.

S174: Provisional transfer from alternative care

The Head of the Department of DSD 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 return and stay with his or her family or into another family or some other child care placement. The designated 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 meaning 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 return to alternative care or may be discharged.

- Documents:

Cover letter	S174 report (Annexure 17)	All orders, last valid order
Birth certificate	School report	Form 30's if applicable
Views of CC	Views of parents/relatives	Care Plan and ID

Role of DSW:

- Assess the best interests of the child (see Regulation 60)
- Establish the feasibility of reunification of the child with its family/another family
- Transfer the child to another CYCC (not more restrictive) as a last option
- Report to the provincial head of social development (Annexure 17)
- Follow the procedure/requirements from your DSD province/district

Regulation 60: Procedures before issues of notice of provisional transfer of child from alternative care:

Assessing the best interest of the child in consultation with:	<ul style="list-style-type: none"> ○ the parent/guardian/care-giver ○ the foster parent, head of the CYCC, head of facility, place or premises where the child had been placed in TSC ○ child ○ where applicable, relevant professionals
The assessment must take into account:	<ul style="list-style-type: none"> ○ child's basic needs for love, parental care and permanent family life ○ the child's need for protection and security ○ child's need for physical and psychological well-being ○ wishes and feelings of the child ○ likely effect on the child of any changes in his/her circumstances ○ child's age, sex, background and individual characteristics ○ harm which the child has suffered ○ capability of child's immediate family or family members to meet child's needs <p>For a child who has been placed in a CYCC, the assessment must be facilitated by the internal social worker who must provide an assessment report to the case manager.</p>
Writing of report	<p>The case manager must compile a section 174 report and submit to the canalisation officer (Annexure 17). The report must:</p> <ul style="list-style-type: none"> ○ be based on the developmental assessment of the child and his/her ecological circumstances ○ must reflect the existing and future individual developmental and permanency plans for the child to meet the goals in these plans ○ reflect the incidence of parental contact or contact by relatives with the child during the period of his/her placement in AC ○ include a fully motivated recommendation <ul style="list-style-type: none"> ▪ on possibility/desirability of reunifying the child with family ▪ if family reunification is desirable, on the nature of activities which can be employed to promote an environment conducive to the development of the strengths of the parent/guardian/care-giver/family members.
Issuing of notice	Canalisation officer will issue an order in terms of section 174(Annexure 11).
Progress report	The case manager must submit a progress report upon expiry of 6 months.

S175: Discharge from alternative care

- Foster parent/management of CYCC are relieved from any responsibility towards the child if it is in the best interest of the child.
- Notice of discharge only be issued after:
 - The best interest of the child was assessed
 - Reunification of the child with immediate family/family members
 - A report on assessment and reunification by a DSW has been submitted.
- Notice of discharge relieves alternative care-giver from any further responsibilities.
- After being discharged, a child must receive after care services focusing where applicable, on support in terms of training and education, employment, independent living, family and community integration and psychosocial support.
- Documents:

Cover letter	S175 report Format 20	All orders, last valid order
School report	Reunification Plan/after care services	Cancel grant

- Follow the procedure/requirements from your DSD province/district.

Regulation 61: Procedures before issue of notice of discharge of child from alternative care

The procedure for assessing the best interest of the child for reunification with family/family members as prescribed in Regulation 60.

S176: Remaining in alternative care beyond age of 18 years

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

- A person placed in alternative care as a child may remain in care until the end of the year he turns 18.
- Person may remain in alternative care until the end of the year in which the person turns 21 if:
 - the care-giver is willing and able to care for the child
 - enable person to complete grade 12, higher education, college education, internship or learnership.
- An application must be submitted before the end of the year in which the child reaches the age of 18 years.
- A late registration may be condoned, upon good cause be shown if such application is submitted within three months after such date.
- Documents to be submitted:

Cover letter	S176 report - format of province	All orders, last valid order
Reg 63	ID of CC	ID FP
Views of CC(signed letter	Views of FP	Latest school/academic report
Signed letter from CC regarding willingness (Annexure 15)	Certified copy of birth certificate/ID	Application of person

Signed letter from head of education/training facility indicating capability	Letter of confirmation of registration or intention to study	
<ul style="list-style-type: none"> • DSD will issue written notice on Annexure 15A. • Follow the procedure/requirements from your DSD province/district. 		
Regulation 63: Manner in which applications for extension of alternative care beyond 18 years of age to be made		
<ul style="list-style-type: none"> • Section 176(2). • Regulation 28(3)(d) of the Social Assistance Act 2004(Act No. 13 of 2004) at the end of the calendar year in which the foster child attains the age of 18 years: Provided that in the case of a foster child or a disabled foster child who has attained the age of 18 years, the Agency may authorise the continuation of the payment of the foster child grant on the recommendation of a social worker in order to enable the person to complete his or her secondary schooling or training, or special educational training. 		
S177: Appeal against review of certain decisions		
<ul style="list-style-type: none"> • A child or a person aggrieved by a decision in terms of this chapter may lodge an appeal against the decision within 90 days with the MEC for social development who must decide within 90 days after receipt. • If not satisfied with the appeal, may apply to High Court to review that decision. 		
S178: Serious injury, abuse or death of child in alternative care		
The management of a CYCC or person or organisation in whose care the child has been placed:		
<ul style="list-style-type: none"> • Must report immediately (within 24 hours) to provincial DSD if child is injured or abused. DSD must cause an investigation. • Must immediately after the death of the child report to: <ul style="list-style-type: none"> ○ The parent or guardian ○ A police official ○ Provincial DSD ○ Social worker dealing with the matter. • The police official must investigate if child the circumstances surrounding the death of a child if death is unnatural. • Use Form 22 and Form 40. 		
Regulation 64: Serious injury, abuse or death of child in alternative care		
Must be reported in terms of section 178(1) or (2) on Form 40.		

2.3 ROLES AND RESPONSIBILITIES

2.3.1 Designated social worker with the assistance of the social auxiliary worker:

- Family reunification services.
- Foster care supervision services.

- Screen holiday/weekend parents, confirm holiday/weekend placements, supervision of holiday placements, feedback to child and youth care centre.
- Follow procedures as stipulated in sections 169, 170, 171, 173, 174, 175, 176, 178
- Safety fee application
- Follow procedures and guidelines as stipulated by your DSD provincial/district office.

2.3.2 Internal social worker of child and youth care centre

- Request holiday/weekend placements.
- Contact with designated social worker to apply section 169, 171, 173, 174, 175, 176.
- Follow procedures as stipulated in section 178.
- Follow procedures and guidelines as stipulated by your DSD provincial/district office.

2.3.2 Social work supervisor

- Assigns cases/allocation cards
- Supervision and support
- Quality assurance reports
- Ensure compliance (due dates 4 months before lapse date, 90 day investigation period, 30 days progress reports and other court dates)
- Keep up with deadlines of Foster Care Database
- Ensure recruitment of safety parents
- Overall CCP and foster care management

MODULE 3 TEMPORARY SAFE CARE

3.1 DEFINITION

In relation to a child, means care of a child in an approved child and youth care centre, shelter or private home or any other place, where the child can safely be accommodated pending a decision or court order concerning the placement of the child, but excludes care of a child in a prison or police cell.

Further:

Temporary safe care is an interim form of alternative care to ensure that children who are at an immediate risk of harm are protected for the duration of formal court proceedings that determine their care and protection needs and most appropriate care or placement options. It is a special measure that can be used by a designated social worker or police official where they believe, on reasonable grounds, that the child is in immediate danger and that his or her safety depends on prompt removal from a harmful environment.

The following:

- A child may not be in temporary safe care for longer than 6 months without a court order placing the child in alternative care.
- The provincial Head must approve a person, facility, place or premises for temporary safe care in the prescribed manner.
- DSW submit an application with information in terms of Regulation 57 with the following documents:
 - Application in the prescribed manner of your DSD
 - Certified copy of the ID of the temporary safe care parent/parents
 - Form 30 notification/police clearance (all adults residing on the premises of the applicants)
- After consideration, the canalisation officer will complete the Form 39 which will be handed in at the Children's Court

3.2 LEGISLATION

SECTIONS	151	Removal of child to temporary safe care by a court order
	152	Removal of child to temporary safe care without court order

	152(A)	Review of decision to remove the child without a court order
	155(6)	The children's court hearing may
	167	Alternative care
	171	Transfer of a child in alternative care
	173	Removal of child already in alternative care
CONSOLIDATED REGULATIONS PERTAINING TO THE CHILDREN'S ACT	53	Removal of child to temporary safe care
	54	Bringing of child before children's court to decide whether child is in need of care and protection
	57	Manner and criteria for approval of person, facility, place or premises for temporary safe care
CONSOLIDATED FORMS TO THE REGULATION UNDER THE CHILDREN'S ACT, 2005	36	Authority for removal of child to temporary safe care
	39	Approval to provide temporary safe care
AMENDMENTS		Act 17/2016 Act 18/2016

3.2.1 Children's Act

Section 151. Removal of child to temporary safe care by court order

s151(1)	Evidence given by any person before PO, the PO must order that the question whether child is in need of care and protection and referred to DSW.
s151(2)	PO may issue an interim order for TSC of the child
s151(2A)	Court who make an order in terms of (2), refer the matter to a DSW and direct that social worker to ensure that: (a) to be at court after removal before the expiry of the next court date (b) child concerned, parent/guardian/care-giver be at court to assist making a decision in the best interest of the child
s151(3)	Court may exercise any functions assigned in terms of s50 (1) – (3)
s151(4)	Order issued in (2) must identify the child to execute the order.
s151(5)	Person ordered by court may alone or with police official: (a) enter any premises mentioned in the order (b) remove the child from the premises (c) exercise any power mentioned in s50 (3) (a) – (d)
s151(6)	Police official may use such force including breaking of any door or window of such premises provided first audibly demand admission to premises
s151(7)	Person who has removed the child with a court order must (a) without delay but within 24 hours inform parent/guardian/care-giver (b) within 24 hours refer matter to DSW for investigation in terms of s155 (2) (c) report matter to provincial DSD
s151(8)	Best interest of the child must be the determining factor should the child be removed taking into account safety and well-being of the child

Section 152. Removal of child to temporary safe care without court order

s152(1)	A DSW or police official may remove a child without a court order
152(1)(a)	the child is:

	(i) in need of care and protection (refer Form 36 Note 2) (ii) needs immediate emergency protection (refer to Form 36 Note 2)
s152(1)(b)	delay in obtaining court order may jeopardise child's safety and well-being (refer to Form 36 Note 2)
s152(1)(c)	removal is the best way to secure child's safety and well-being (refer to Form 36 Note 2)
s152(2)	If a DSW has removed a child and placed in TSC in terms of (1), DSW must:
s152(2)(a)	without delay but within 24 hours inform parent/guardian/care-giver (refer to Form 36 Note 1A)
s152(2)(b)	not later than the next court date inform clerk of court (refer to Form 36 Note 1A)
s152(2)(c)	within 24 hours and without delay inform provincial DSD of removal (refer Form 36 Note 1A)
s152(2)(d)	ensure that: (i) is placed before court for review before expiry of the next court date (ii) child concerned, parent/guardian/care-giver be present in children's court (refer to Form 36 1C)
s152(3)	If a police official removed the child
s152(3)(a)	without delay but within 24 hours inform the parent/guardian/care-giver (refer to Form 36 Note 1B)
s152(3)(b)	refer matter before the of the first court day after the removal of the child to a DSW who must ensure that (i) the matter is placed before the court for review before the expiry of the next court day (refer to Form 36 Note 1B) (ii) the child concerned, parent/guardian/care-giver be present in court unless impracticable (iii) investigation in terms of s 155(2) is conducted
s152(3)(c)	without delay but within 24 hours notify provincial DSD (refer to Form 36 1B)
s152(3)(d)	not later than the next court date inform the clerk of the court (refer to Form 36 1B)
s152(4)	Best interest of the child must be determining factor in removal and all relevant facts must be taken into consideration including removal of alleged offender in terms of s153
s152(5)	Misuse of power by DSW:
s152(5)(a)	unprofessional or improper conduct by DSW
s152(5)(b)	ground for an investigation into possible withdrawal of organisation's designation
s152(6)	Misuse of power by DSW of municipality constitutes unprofessional or improper conduct
s152(7)	Misuse of power by SAPS constitutes for disciplinary measures
s152(8)	Any person who removes a child must comply with the prescribed procedures
s152A	Review of decision to remove a child without a court order
s152A(1)	When matter is brought before court before PO may:
s152A(1)(a)	if satisfied the provisions of s152(1) issue an order confirming the removal of the child
s152A(1)(b)	if not satisfied – set aside the removal and placement of the child
s152A(2)	Where the court has issued an order:
s152(A)(2)(a)	may issue an order contemplated in s 151(2)
S152(A)(2)(b)	May order the child to return to parent/guardian/care-giver or refer to a DSW for an investigation in terms of s155(2)

Section 155: Decision of question whether child is in need of care and protection

s155(6)	The children's court hearing the matter may-
s156(a)	Adjourn the matter for a period not exceeding 30* days at a time
S156(b)	Order that, pending decision of the matter, the child must- (i) remain in temporary safe care at the place where the child is kept (ii) be transferred to another place in temporary safe care (iii) remain with the person in whose care* the child is (iv) be placed in the care* of a family member or other relative of the child (v) be placed in temporary safe care

Section 167: Alternative Care

s167(2)	A child may not be in temporary safe care or be kept or retained at any place or facility, including a registered child and youth care centre, for longer than six months without a court order placing the child in alternative care.
s167(3)(a)	The provincial head of social development must approve a person, facility, place or premises for temporary safe care in the prescribed manner.
S167(3)(b)	A person, facility, place or premises for temporary safe care must comply with the prescribed criteria.

3.2.2 Regulations

Regulation 53. Removal of child to temporary safe care	
(1) A person authorised by a court order, a designated social worker or a police official who removes a child and places such child in temporary safe care- (a) in terms of the children's court order contemplated in section 151(2) of the Act; or (b) without a court order in terms of section 152(1) of the Act, must complete a form identical to Form 36 and submit it to the temporary safe care .	
(2) The person or police official referred in sub-regulation (1) must- (a) give the relevant parent, guardian or care-giver, next of kin, social worker, religious counsellor, medical practitioner, psychologist, psychiatrist, legal representative, child and youth care worker or any other person, approved by the designated social worker, access to the child at all reasonable times, subject to the terms of the court order and provided that such access is in the best interests of the child; and (b) notify the designated social worker immediately of any difficulties with such placement and of any change in the child's residential address.	
Regulation 54. Bringing of a child before children's court to decide whether child is in need of care and protection	

- (1) A child –
- (a) whose placement in temporary safe care has been confirmed by a presiding officer; or
 - (b) who is in temporary safe care but is the subject of an investigation as to whether he or she is in need of care and protection
- must be brought or caused to be brought before the children’s court of the district where the child resides, is found or happens to be, by a designated social worker or, in the case of a child referred to in paragraph (b), be brought by his or her parent, guardian or care-giver for a decision on whether the child is in need of care and protection by not later than 90 days after-
- (i) the removal of the child to temporary safe care, in the case of a child contemplated in paragraph (a);
 - (ii) the commencement of the investigation, in the case of a child contemplated in paragraph (b).
- (2) The parent, guardian or care-giver of a child as contemplated in sub-regulation (1)(a) and (b) must be notified by the clerk of the court to attend proceedings of the children’s court where a decision will be made as to whether the child is in need of care and protection in a form identical to Form 37.

Regulation 57. Manner and criteria for approval of person, facility, place or premises for temporary safe care

- (1) Subject to sub-regulation (2), approval to provide temporary safe care to a child must be in writing in a form identical to Form 39 a copy of which must be handed to the relevant person, the head of the relevant place, facility or premises immediately upon approval.
- (2) Approval to provide temporary safe care to a child may not be granted to a person, facility, place or premises unless the relevant provincial head of social development or the person authorised to grant approval is satisfied that-
- (a) the child be cared for in a healthy, hygienic and safe environment in line with the reasonable standards of the community where the temporary safe care is to be provided;
 - (b) the child will be provided with adequate nutrition and sleeping facilities;
 - (c) the person responsible for providing the child with temporary safe care has not been found to be unsuitable to work with children in terms of section 120 of the Act and is willing to provide such care;
 - (d) the area in which the child is to be placed in temporary safe care will not be severely disruptive to the child’s daily routine; and
 - (e) care will be provided in accordance with the definition of “care” in section 1 of the Act.

3.3 ROLE OF THE DESIGNATED SOCIAL WORKER

- Form 22, Safety assessment
- Issue Form 36.
- Ensure that the matter is placed before the children’s court having jurisdiction before the expiry of the next court day (or a similar date stipulated by the presiding officer) after the removal and for the court to determine whether there was just cause for the removal.

- Without delay but within 24 hours inform the parent, guardian or caregiver of the child of the removal of the child, if that person can readily be traced.
- The social worker who removed the child must give notice to the parent (Form 37), guardian, or caregiver of the date, time and place of the review of the detention of the child and their right to furnish the court with information. The child concerned and the parents, guardian or caregiver must be present in court unless this is impractical.
- Apply for a form 39 from DSD for the screened temporary safe care parent.
- Within 24 hours (or on the next working day) refer the matter to a designated social worker for investigation in terms of section 155(2) if the child is placed in an area outside the area of the case manager who will conclude the investigation.
- Investigate the matter within 90 days after the child was placed in temporary safe care.
- Ensure that the temporary safe care parents receive a copy of the court order (refer Form 36 Note 1 C)
- Ensure that the safety parents receive priority assistance and support when challenges are reported.
- Take responsibility to apply for safety fees.
- Form 23, risk assessment.

The designated social worker should also consider the following:

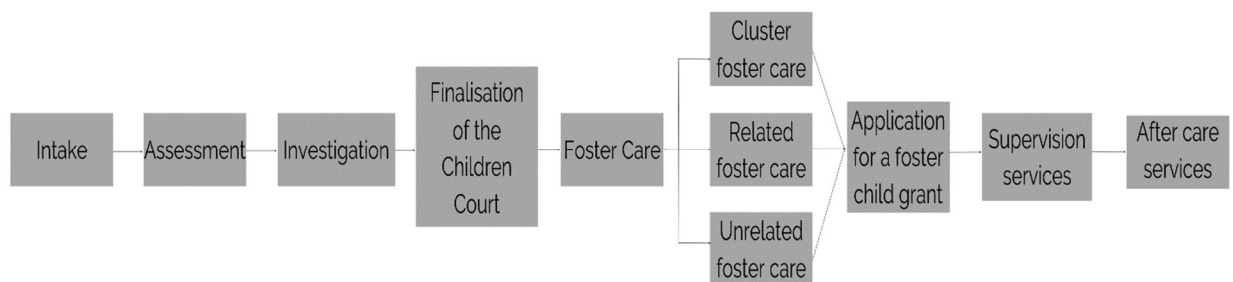
- Does the child have a birth certificate?
- Was a medical assessment done?
- Initiate the process for the safety fees claim.
- Any outstanding supporting evidence – affidavits.
- Placement of advertisement if applicable.
- Adoption as permanency option.
- Any special needs the child may have that must be accommodated.

MODULE 4 FOSTER CARE

4.1 OBJECTIVES OF FOSTER CARE

- 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.
- to encourage strong family ties that can last a lifetime. These ties can be with the original family or within another family environment in their community.
- to minimise the impact of the harm experienced by the child which led to the finding of the child being in need of care and protection, to ensure the ongoing development of the child to his or her full potential by strengthening the child's capacities and resilience, and to restore the child to a permanent, nurturing and responsive parental or family-based care environment.
- Given that parental or family care is the preferred care environment, foster care is intended in most cases to be a temporary or short term placement. Foster care should therefore promote permanency planning:
 - the goal of family reunification
 - the goal of connecting children to other safe, nurturing and long-lasting family relationships.

4.2 PROCESS OF FOSTER CARE



4.3 LEGISLATION

SECTIONS	180 181 182 183 184 185 186 187 188 189 190	Foster care Purpose of foster care Prospective foster parent Cluster foster care* Determination of placement of child in foster care Number of children to be placed in foster care per household* Duration of foster care placement Reunification of child with biological parent Responsibilities and rights of foster parent Termination of foster care Regulations
CONSOLIDATED REGULATIONS PERTAINING TO THE CHILDREN'S ACT	65 66 67 68 69 70 71	CHAPTER 13 – FOSTER CARE Part 1 – Foster care Responsibilities of foster parents Rights of foster parents Part 2 – Cluster foster care Requirements or organisation to manage and provide cluster foster care Requirements for registration as cluster foster care scheme Functioning and management of cluster foster care scheme Contents of written plan or agreement Provision of services by cluster foster care scheme
CONSOLIDATED FORMS TO THE REGULATION UNDER THE CHILDREN'S ACT, 2005 41 – 47	41 42 43 44 45 46 47	Statement by foster parent regarding the adoption of a child in his or her foster care Application for the registration of a cluster foster scheme Certificate of registration of a cluster foster care scheme Rejection of application for the registration of a cluster foster care scheme Notice of intention to deregister cluster foster care scheme Representation to provincial head of social development by cluster foster care scheme regarding notice of deregistration Notice of deregistration after consideration of representation
NATIONAL NORMS AND STANDARDS	6	Part 111 – Child protection Foster care services
NORMS, STANDARDS AND PRACTICE GUIDELINES FOR THE CHILDREN'S ACT	144 146 149 150	Foster care: The child has the right to live within a family Children have the right to be placed with suitable foster parents The placement is finalised through a court process which upholds to the best interests of the child All foster parents must receive ongoing support and capacity building

	151	A child in foster care has the right to financial, educational and medical support from the State
	152	The child has the right to interventions that are appropriate to his age, maturity and developmental needs
	155	The responsibilities and rights of foster parents must be maintained
	158	Children have the right to be re-unified with their families
		Foster cluster scheme:
	159	All cluster foster care schemes must comply with legislation
	160	The cluster foster scheme must comply with the prescribed strategy
	161	All service providers must be approved and enter into a partnership agreement
	162	All persons working with children in cluster foster care schemes must be fit and proper
	163	All cluster foster care schemes must uphold the rights of children
164	A child in a cluster foster care scheme has the right to financial support from the State	
165	All cluster foster schemes must adhere to strategy and delivery norms and standards	

4.3.1 Children’s Act

<p>S180: Foster care</p> <ul style="list-style-type: none"> • Placed with not a parent or guardian. • Placed with a children’s court order. • Placed in terms of section 171. • Placed with a person who is not a family member of the child. • Placed with a family member who is not the parent or guardian. • Placed in a registered foster cluster scheme.
<p>S181: Purposes of foster care</p> <ul style="list-style-type: none"> • To protect and nurture children by providing a safe, healthy environment with positive support. • Promote the goals of permanency planning: <ul style="list-style-type: none"> ○ First towards family reunification, or ○ Connecting children to other safe and nurturing family relationships intended to last a lifetime. • Respect the individual and family by demonstrating a respect for cultural, ethnic and community-diversity.
<p>S182: Prospective foster parent</p> <p>Who is the foster parent?</p> <ul style="list-style-type: none"> • Is a fit and proper person. • Is willing and able to take care of a child. • Have the capacity to provide an environment for a child to grow and develop

- Has been properly assessed by a social worker.

S183: Cluster foster care

Must be managed in the following manner:

- The organisation operating or managing the cluster foster care scheme must register as a designated child protection organisation within two years of this provision coming into operation.*
- Organisation must comply with requirements.
- Organisation have been approved to render cluster foster care.
- Scheme comply with requirements and is registered.
- Must be monitored by DSD.

S184: Determination of placement of child in foster care

The court must consider a report of DSW about:

- The cultural, religious and linguistic background of the child.
- The availability of a suitable person with a similar cultural, religious and linguistic background.
- Placed with a person from a different background if:
 - There is an existing bond between
 - A suitable and willing person from a similar background is not available.

S185: Number of children to be placed in foster care per household

Only six children can be fostered in the same home except:

- The children are siblings or blood related
- Court considers this to be in the best interest of all the children
- Not more than 6 children may be placed in foster care with a single person or two persons sharing a common household in terms of a registered cluster foster care scheme.*

S186: Duration of foster care placements

- A court may, after child lived in foster care with a person other than a family member for more than two years after having considered the need for creating stability in the child's life, order that:
 - No further social work supervision is required
 - No further social work reports are required
 - Placement subsists until the child turns 18 years, unless otherwise directed.
- A court may, after child lived in foster care with a family member for more than two years, extend the order for more than 2 years at a time or until the child turns 18.
 - The child has been abandoned by the biological parents
 - The child's biological parents are deceased
 - There is no purpose in attempting reunification between the child and parent
 - It is the best interest of the child
- Social service professional must visit the child at least once every 2 years to monitor and evaluate the placement.

S187: Family reunification of child with biological parents

Providing reunification services on a never-ending basis is a thing of the past.

Court may order:

- Continuation facilitating the reunification.
- If child is not reunited 2 months before the expiry of the initial court order/extension order, DSW must submit a report to court:
 - Explaining why the child was not reunited with the biological parents
 - Recommend any steps that may be taken to stabilise the child's life
- Order the termination of reunification services.

S188: Responsibilities and rights of foster parent

- Foster parent has parental responsibilities and rights in respect of the child as set out in:
 - The order of the children's court placing the child in foster care
 - The responsibilities and rights as set out in the regulations
 - An order of the children's court amending the initial order
 - An order of court assigning parental responsibilities and rights in terms of section 23
 - A foster care plan between the parent/guardian of the child and the foster parent.
- A foster parent may not take any decision contemplated in section 31(1)(b) without giving due consideration to:
 - Any views and wishes expressed by the child
 - Any views and wishes expressed by the parent/guardian
- A children's court may give parental rights and responsibilities to a foster parent if:
 - The child has been abandoned
 - The child is an orphan
 - Family reunification is not in the best interest of the child.
- A children's court may monitor the suitability of the placement in terms of section 65.

Regulation 65. Responsibilities of foster parents

- Responsibility of the day-to-day needs of the foster child in accordance with the definition of 'care' in section 1 of the Act
 - (a) ensure the any social assistance or financial contribution from the child's biological parents is used towards the upbringing of the child's best interests
 - (b) not obstruct contact between the child and other persons with an interest in the child
 - (c) ensure that if the child is of school-going age, he/she attends school on a regular basis
 - (d) co-operate with DSW towards the reunification of the child
 - (e) co-operate with DSW in any review of the possible extension of the order
 - (f) permit the DSW to have access to his/her home for the purposes of monitoring of the placement, provision of family reunification services, review of the order
 - (g) respect the views of the child and promote his/her general well-being, best interest and physical, emotional and social development
 - (h) guide the behaviour of the child in humane manner and not impose any form of physical violence or punishment, or humiliating or degrading forms of discipline
 - (i) where a foster plan has been formulated, comply

- (j) ensure that where the child is from a different cultural, linguistic or religious background, the child is assisted to maintain links with his/her culture/religion
- (k) ensure that the child is treated in a manner substantially similar to other children living in the same household, except where the special needs of that child or any other children in the household require otherwise.
- Foster parent must notify the DSW of any change of address.
- Foster may not designate the day to day care of a foster child to any other person for a continuous period of one week without agreeing thereto with DSW.
- Foster parent must notify DSW within 14 days of any material changes in his/her living circumstances which are likely to have a material effect on the foster placement.

Regulation 66: Rights of foster parents

- right to all day to day decisions necessary for the care, upbringing and development of the foster child in his or her care
- right to reasonable privacy of home life and not be subjected to threats, harassment and undue intrusions by biological parents or family members of the foster child
- right to be informed by the designated social worker or designated child protection organisation of any fact or occurrence that may be substantially affect the foster placement of the child
- right to apply for the adoption of the child and has the right to be informed of any application to adopt the foster child
- may give notice that he/she has been informed of a pending application for the adoption of a foster child in his/her care and that he/she does not wish or is unable to adopt the child or to submit an application for the adoption of a foster child (Form 41)
- right to ongoing training and support from a social worker in order to enable such foster parent to deal effectively with a foster child and the child's biological parents
- right to be informed about any investigation or assessment of his/her psycho-social background
- right to be informed about the foster child's educational history, assessments and achievements to ensure the foster child's optimal educational needs.

S189: Termination of foster care

- If it is in the best interest of the child.
- Before terminating foster care, the court must take into account:
 - The bond between the child and biological parents
 - The bond developed between:
 - The child and the foster parent
 - The child and the family of the foster parent.
 - The prospects of achieving permanency in the child's life by:
 - Returning the child to the biological parent
 - Allowing the child to remain permanently in foster care with the foster parent
 - Placing the child in any other alternative care
 - Adoption of the child.

4.3.2 National Norms and Standards for Child Protection, Part III

Norm 3: Therapeutic programmes

Therapeutic programmes must-

- (a) be conducted by service providers who have the appropriate training, support and supervision to maximise their abilities and capacity to render such programmes
- (b) take account of the assessment framework, the assessment report and any other relevant information
- (c) be based on a multi-disciplinary and inter-sectoral approach
- (d) be sensitive to the linguistic needs and religious and cultural values of children and their families
- (e) be aimed at meeting the needs of the recipient and indicated during assessment
- (f) ensure that the recipients feel emotionally and physically safe in the therapeutic situation and that information is kept confidential
- (g) ensure that the goals, time period and expected outcomes of all therapeutic interventions are discussed and agreed upon and that recipients understand their rights and have sufficient information to make informed choices
- (h) assist recipient to use their strengths while they are assisted to deal with trauma
- (i) be conducted in a non-discriminatory manner and in a comfortable, friendly and safe environment that is conducive to the best interests of recipients
- (j) make provision for the involvement of the child, his or her family and significant other persons during therapy
- (k) ensure that recipients are provided with the name and contact number of the case manager or social worker
- (l) provide adequate opportunity for additional consultation and counselling
- (m) monitor the growth and progress of recipients
- (n) ensure that records are kept and data captured
- (o) be aimed at the minimisation of secondary abuse and trauma
- (p) ensure that recipients are free to express dissatisfaction with service providers and that concerns and complaints are addressed seriously
- (q) be reviewed on a regular basis according to the needs of recipients.

Norm 5: Family reunification services

Family reunification and integration services must-

- (a) be provided by service providers who have the appropriate training, support and supervision to maximise their abilities and capacity to render such services
- (b) be based on a multi-disciplinary and inter-sectoral approach
- (c) be sensitive to the linguistic needs, religious and cultural values of children and their families
- (d) be rendered in a non-discriminatory manner
- (e) strengthen and support family structures and render capacity building
- (f) improve the well-being and resilience of families and children
- (g) be aimed at the identification of high risk families and children
- (h) focus on the strengths of families
- (i) ensure that family plans are developed with the participation of all family members

- (j) enable families to take responsibility and accountability for their involvement in programmes
- (k) provide for the referral of recipients to other appropriate programmes
- (l) if applicable, provide for family development, family skills training, family group conferencing and mentorship
- (m) if applicable, address parenting skills, conflict management, role clarification, gender and partner abuse, unemployed, substance abuse and deviant behaviour
- (n) prevent and deal with out-of-home placements with the purpose of keeping families together except where this would not be in the best interests of the child
- (o) ensure the provision of family centred programmes
- (p) Facilitate the participation of family members and be aimed at the empowerment of families.

Norm 6: Foster care services





- Foster care services, supervision and arrangements around such supervision must-
- (a) be based on a care plan and an IDP for the child concerned
 - (b) include participation of the child and his/her family during the placement process
 - (c) take account of the need of maximum appropriate access to information to enable the child and his or her family to participate in decisions
 - (d) ensure support and capacity building with regard to the child and his/her foster parents
 - (e) allow foster parents to participate in the planning and drafting of a care plan and IDP and to be consulted and informed of plans
 - (f) be conducted in a manner that makes the child, his/her family and foster parents aware of what is expected from them, their rights and responsibilities
 - (g) be sensitive to the religious, cultural and linguistic background of the child
 - (h) take account of the child's physical, emotional and social needs
 - (i) be appropriate to the child's developmental needs and be based on respect for the child's individuality, strengths, dignity, cultural, religious and linguistic heritage
 - (j) encourage, ensure and provide the opportunity for choice, decision-making and the building and strengthening of rapport and relationships
 - (k) ensure that the basic needs are appropriately met
 - (l) ensure that the care plan and IDP are based on a proper developmental assessment of the child
 - (m) allow the child to observe his/her religion, to meet with others of similar background, to dress in accordance with his/her religion and to observe dietary requirements without difficulty, ridicule or embarrassment
 - (n) ensure the provision of support and strengthening services to foster parents and the monitoring of their roles to ensure outcomes around placement
 - (o) be based on a clear written policy and procedures regarding foster care services
 - (p) ensure that the care plans and IDP are reviewed regularly by the social workers managing the foster care with the participation of the child and foster parents, within their respective abilities.

4.4 SCREENING OF FOSTER PARENTS

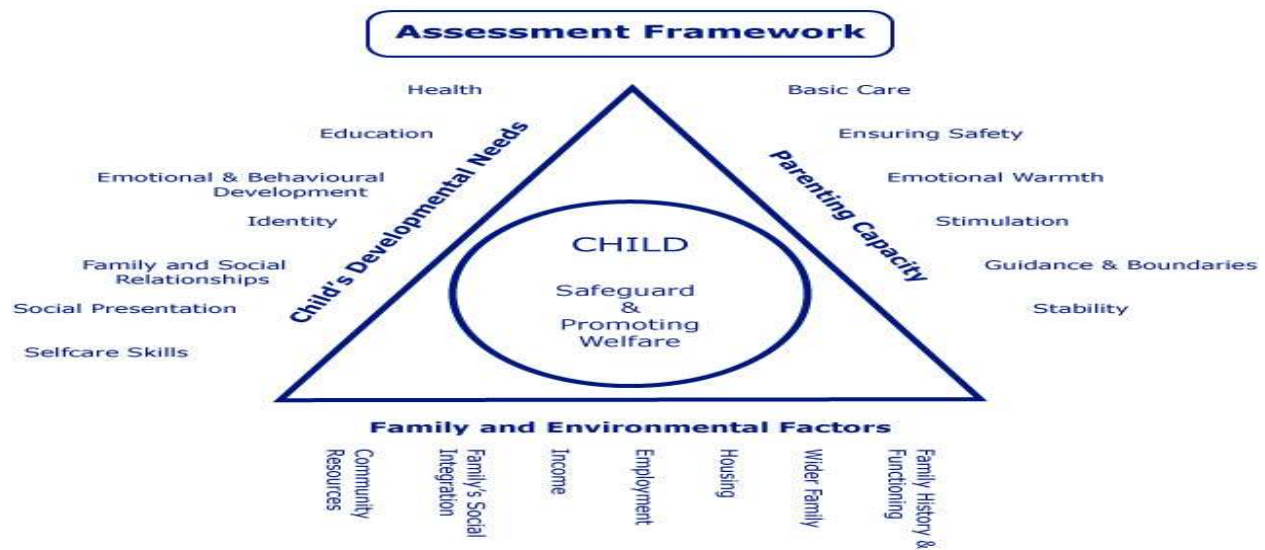
Section 182 describes the prospective foster parent. Section 182(2)(a) describes that the prospective foster parent must be fit and proper. Definition of fit and proper:

A “fit and proper person” in relation to a child is a person who has been assessed against the criteria of honesty, integrity, reputation, competence and capability, and approved to be entrusted with the care or protection of a child. Furthermore, the particulars of such a person should not be in Part B of the National Child Protection Register or the Sexual Offender Register.

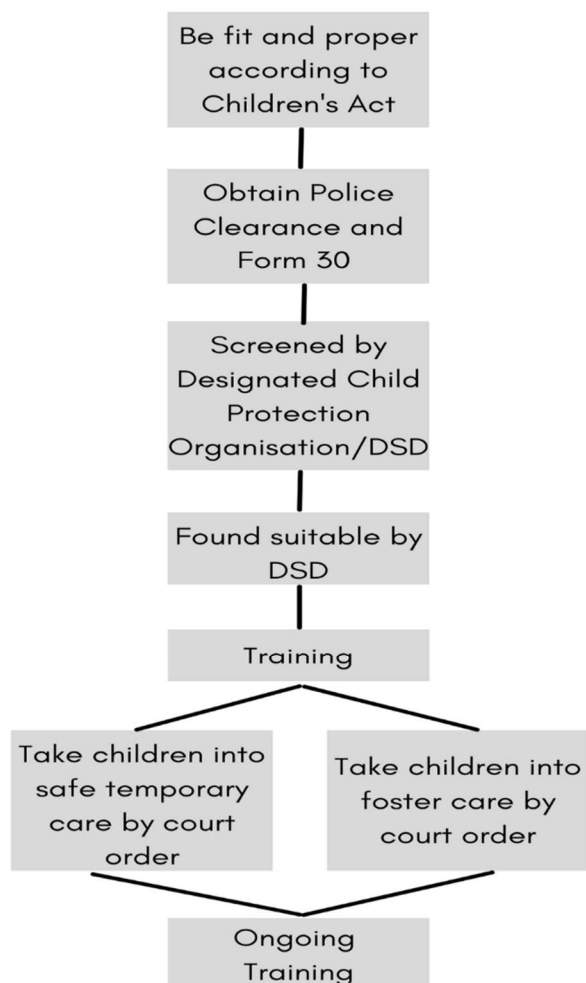
<p>Definition of care:</p> <p>(a) within available means, providing the child with-</p> <ul style="list-style-type: none"> (i) a suitable place to live (ii) living conditions that are conducive to the child’s health, well-being and development; and (iii) the necessary financial support <p>(b) safeguarding and promoting the well-being of the child</p> <p>(c) protecting the child from maltreatment, abuse, neglect, degradation, discrimination, exploitation and any other physical, emotional or moral harm or hazards</p> <p>(d) respecting, protecting, promoting and securing the fulfillment of, and guarding against any infringements of, the child’s rights set out in the Bill of Rights and the principles set out in Chapter 2 of the Act</p> <p>(e) guiding, directing and securing the child’s education and upbringing, including religious and cultural education and upbringing, in a manner appropriate to the child’s age, maturity and stage of development</p> <p>(f) guiding advising and assisting the child in decisions to be taken by the child in a manner appropriate to the child’s age, maturity and stage of development</p> <p>(g) guiding the behaviour of the child in a humane manner</p> <p>(h) maintaining a sound relationship with the child</p> <p>(i) accommodating any special needs that the child may have</p> <p>(j) generally, ensuring that the best interests of the child is the paramount concern in all matters affecting the child.</p>

<p>FOSTER CARE: To encourage, promote, further, advance, forward, cultivate, nurture, enrich, strengthen, help, aid, abet, assist, contribute to, support, raise, care for, take care of and provide for.</p>	
<p>UNCONDITIONAL LOVE: A strong feeling of affection. To love a child even when there are no guarantees. Allowing a child to feel that they are worthy, yet imperfect. Unconditional love is love that is not subject to any conditions.</p> 	<p>SAFE: Physical aspect of being free from danger/risk, not leading to harm or injury, giving security and protection. Feeling of being safe, being certain to remain safe, feeling free from fear and anxiety. Protection against danger and threat.</p> 
<p>STABLE: Not being likely to give way or overturn, being firmly fixed, not likely to change or fail. It is being emotionally well balanced.</p> 	<p>NURTURING: Nurturing is synonymous with foster. It is encouraging the growth and development of (a child), and having a hope (belief or ambition) for a long time. It means nourishment.</p> 

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Process for the temporary safe care/foster care



4.5 Roles and responsibilities

- The case manager must establish initial contact within two weeks to assess the child's adjustment and to plan for the development of an IDP for the child.
- An IDP must be finalised within 6 weeks after the placement of a child in alternative care.
- Plan regular contact with the child, foster parents, biological parents if residing in your area of operation, or the case manager of the biological parents.
- Write progress reports as determined by your organisation.
- Arrange panel meeting six months before order lapses.
- Submit detailed report with recommendation to the canalisation officer if the court order needs to be extended administratively 3 months before the expiry of the court order of extension order.
- For court orders that need to be extended by the court, the case manager must submit the section 159 report 2 months before the expiry of the court order for the court to issue an extension order.
- Place a child in foster care for more than 2 years in terms of section 186 and extend the order for more than 2 years at a time.
- Order that the foster care placement subsists until the child turns 18 years. This provision is aimed at providing stability in the child's life, especially for a child who has been abandoned, orphaned or where prospects of family reunification are poor
- Copy of court order given to foster parent to go to SASSA with all documents required.

Roles and responsibilities of the DSW regarding reunification and after care services:

- Address the risk factors that necessitates the removal of the family member/s.
- Assist the family in the transitional period after the removal in order for the family to stabilise and enter into a reunification process after a period of separation.
- Act as a bridge between the child that has been removed and is in alternative care and the family that remains in the community. Do this by providing support and facilitating trust and building of new relationships. The removal of a child from their families is a major loss for all those involved.
- Children may have feelings of rejection and a loss of a sense of belonging, as well as detachment from the family. New relationships will have to be built between the child in alternative care and the family. They will need to learn to trust one another again, which is also possible should regular contact be established and maintained.
- Parents may experience feelings of guilt and inadequacy. Having a child removed from the family, reflects on parental capabilities and relationship skills.

MODULE 5 CHILD AND YOUTH CARE CENTRES

5.1 OBJECTIVES

- To provide residential care outside the family environment to more than six children, with the care entailing:
 - a therapeutic programme of development
 - care and protection suited to the child's particular risks and needs.
- CYCCs aim to provide differentiated programmes for developing children holistically according to their specific therapeutic and developmental needs identified in their comprehensive assessment, care plan and individual development plan.
- to ensure the protection and ongoing development of the child with a view to returning him or her, where possible, to a permanent nurturing parental or family care environment.

While secure care centres are categorised as CYCCs, the legal jurisdiction, authority and management are provided for by the Child Justice Act and the Probation Services Act.

5.2 LEGISLATION

SECTIONS	191	Child and youth care centre
	192	Strategy to ensure sufficient provision of CYCC
	193	Provision of CYCC
	194	National norms and standards
		<i>Part 1 – Establishment and registration of CYCC</i>
	195	Establishment of CYCC by organ of state
	196	Existing government children's home, place of safety, secure care facility, school of industry and reform school
	197	Establishment of CYCC
	198	Existing registered children's home and registered shelter
	199	Application for registration or renewal of registration
	200	Consideration of application
	201	Conditional registration
	202	Amendment of registration
	203	Cancellation of registration
	204	Notice of enforcement
	205	Voluntary closure of CYCC
	206	Child in CYCC to be closed
	207	Appeal against and review of certain decisions
		<i>Part 2 – Operation and management of CYCC</i>

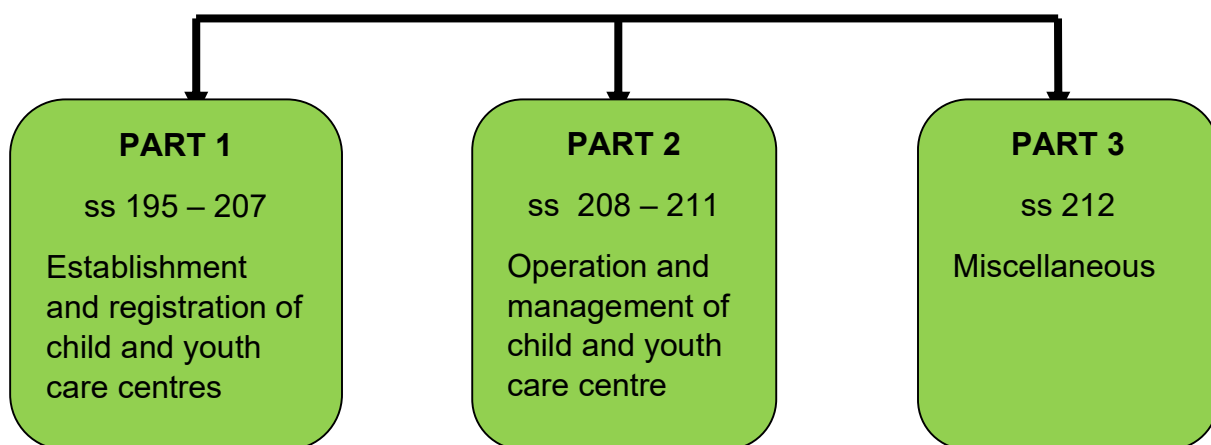
	208	Management Board
	209	Manager and staff of CYCC
	210	Management system
	211	Quality assurance process
		<i>Part 3 - Miscellaneous</i>
	212	Regulations
CONSOLIDATED REGULATIONS PERTAINING TO THE CHILDREN'S ACT 72 – 90	72	Norms and standards for CYCC
	73	Rights of children in CYCC
	74	Complaints procedure in CYCC
	75	Core components and implementation of programmes relating to the developmental, therapeutic and recreational needs of children
	76	Behaviour management in CYCC
	77	Reporting responsibilities of staff
	78	Application for registration of CYCC
	79	Notice and objection to application
	80	Consideration of application
	81	Amendment of registration
	82	Required skills of staff of CYCC
	83	Interviewing process for manager and staff at CYCC
	84	Appointment of management board
	85	Functioning of management board
	86	Responsibilities of management board
	87	Management system
	88	Constitution of founding document of CYCC
89	Quality assurance process	
90	Appeal against certain decisions	
CONSOLIDATED FORMS TO THE REGULATION UNDER THE CHILDREN'S ACT, 2005	48	Application for the registration/conditional registration/renewal of registration of a CYCC
	49	Certificate of registration/conditional registration/renewal of registration of a CYCC
	50	Refusal of an application for the registration/renewal of registration of a CYCC
		An appeal against a decision of a provincial head of social development in terms of section 207 of the Act in respect of a CYCC
NATIONAL NORMS AND STANDARDS		Part V
	1	Residential programmes
	2	Therapeutic programmes
	3	Developmental programmes
	4	Permanency for children
	5	Individual development plans
	6	Temporary safe care
	7	Protection from abuse and neglect
	8	Assessment of children
	9	Family reunification and reintegration
	10	Aftercare
	11	Access to and provision of adequate health care
	12	Access to schooling, education and ECD
13	Security measures for CYCS	

	14	Measures for the separation of children in secure care programmes from children in other programmes
NORMS, STANDARDS AND PRACTICE GUIDELINES FOR THE CHILDREN'S ACT	166	The following types of residential programmes are recognised as CYCC's <ul style="list-style-type: none"> • TSC • Secure care • Children's homes • Treatment centres for the treatment of children with substance abuse problems • Shelters for street children • Homes for children with special needs • Reform schools • Schools of industry
	167	All current residential programmes referred to as CYSS must be transformed to meet the requirements of the CA
	168	A transformation agenda must inform all residential facilities which need to be recognised as CYCC
	169	National and provincial governments must ensure an equitable spread of CYCC
	170	A record of all available CYCC and programmes must be in place
	171	All CYC programmes must comply with applicable legislation
	172	The CYCC must comply with the prescribed strategy
	173	The CYCC must comply with the Health and Safety Act
	174	The service provided at CYCC must be aligned to the Disability Strategy
	175	CYCC must comply with the prescribed design principles
	176	The centre should provide for independent living equipment
	177	The centre should provide for an emergency plan
	178	The living quarters should be of such a nature that children are safe and comfortable
	179	The resources in the kitchen and dining rooms must ensure the safe and hygienic preparation of food
	180	Adequate laundry facilities
	181	The environment and resources at the administration block should be of such a nature that personnel are empowered to perform their tasks effectively
	182	The environment and resources for all professionals should be of such nature that they are empowered to perform their tasks effectively
	183	The centre has an adequate supply of recreational equipment
	184	Adequate medical equipment
	185	Comfortable visiting areas
186	Safe transport	
187	The environment and milieu in the facility should be of such a nature that children and staff are safe and comfortable	

	188	A safe and secure environment for the containment of children in conflict with the law
	189	Well maintained centre grounds
	190	Well maintained building
	191	Household maintenance must be the responsibility of the centre
	192	All reasonable provisions are made to ensure that children and personnel are safe from the risk of fire accidents, and other hazards
	193	All reasonable provisions are made to ensure that the whole facility is safe
	194	The centre should have access to refuse disposal services or other adequate means of disposal of refuse generated at the facility
	195	The preparation of food must take place under safe and hygienic conditions
	196	Communities have the right to participate in the management of the centre
	197	CYCC must provide outreach services to surrounding communities
	198	The staff establishment must be according to the generic norms and standards for Social Welfare
	199	The staff management ratio must be in line with the generic norms and standards for Social Welfare
	200	The case management ratio must be according to the generic norms and standards (1 SW per 30 children)
	201	Compliance with requirements of CPR
	202	Staff must be managed according to management practices
	203	Competent staff is appointed in all occupational categories
	204	A human resource development programme based on the provincial human resource strategy
	205	The emotional, mental health and crises related needs of staff are recognised
	206	CYC programme is a 24/7 service
	207	A CYCC must be managed in accordance with a management system
	208	The rights of the child must be upheld in all spheres of service delivery
	209	Children have the right to participate in decisions and matters affecting them
	210	Children are appropriately sanctioned by management when transgressing
	211	Critical and reportable incidents are documented in accordance with relevant legislation and strategy
	212	A child is assisted to adjust to the programme in the least obstructive and traumatic manner
	213	A child has the right to continuity of care within the centre
	214	A child is entitled to remain in alternative care until the end of the year in which such child reach the age of 18 years

	215	Children have a right to be re-unified with their families
	216	A child has the right to continuity of care after release from the centre
	217	The movement of children is managed and facilitated
	218	All children must have their developmental, therapeutic, educational, recreational and health needs met within a CYCC
	219	Children have a right to be reunified with their families
	220	All CYCC must adhere to strategy and delivery norms and standards

5.2.1 Children's Act



S191: Child and youth care centre

(1) A facility for the provision of residential care to more than six children outside the child's family environment in accordance with a residential programme suited for the children in the facility. Excludes:

Partial care facility	Drop-in centre	Boarding school
School hostel	Prison	Establishment to receive tuition/training

(2) Paradigm shift those therapeutic programmes must be offered:

Reception care and development of children: <ul style="list-style-type: none"> • Other than in their family environment • On a shared basis 	Temporary safe care: <ul style="list-style-type: none"> • Pending placement • To protect from abuse/neglect • Trafficked/sexually exploited child Purpose: <ul style="list-style-type: none"> • Observing/assessment • Counselling and other treatment • Assist with reintegration 	Secure care <ul style="list-style-type: none"> • Awaiting trial • Behavioural/psychological /emotional difficulties Orders: <ul style="list-style-type: none"> • Criminal Procedure Act • Section 156(1)(i) Section 171
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Early childhood development	Street children	Assessment/treatment/ Counselling
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(3) CYCC **may** in addition to residential programmes offer:

Therapeutic and development programmes for children with disabilities/chronic illnesses	Therapeutic and development programmes
Programme for treatment of children with psychiatric conditions	Treatment of children for addiction to dependence-producing substances
Programme to assist a person with the transition when leaving a CYCC	

S194: National norms and standards for child and youth care centres

Residential programme	Therapeutic programmes	Developmental programmes
Permanency plans	Individual plans	Temporary safe care
Protection from abuse and neglect	Access to and provision of adequate health care	Family reunification and reintegration
Aftercare	Assessment of children	Security measures
Access to schooling, education and ECD	Measures for separation of children in secure care programmes from children in other programmes	

Part 1: Establishment of CYCC by organ of state

Explain the registration process.

Part 2: Operation and management of CYCC

Explain the management of the centre. CYCC are the only facility required to have management boards. The Act provide for the protection of children in CYCC by:

- Making children aware of their rights and responsibilities.
- Providing for reportable incidents
- Providing for complaints procedures
- Setting out procedures that must be followed in the event of serious injury, abuse of death of a child
- Putting a quality assurance system in place as a system of monitoring
- Promoting positive discipline

Part 3: Miscellaneous

Mention the regulations to be made.

5.2.2 Regulations

Regulation 73: Rights of children in child and youth care centre		
Every child who is cared for in a child and youth care centre has the right to:		
<ul style="list-style-type: none"> (a) be informed promptly, in a language which he or she understands, of the reason for his or her admission or detention (b) have parent/guardian/next of kin/significant other person informed, within 24 hours of admission and reason of admission (c) regular communication with an be visited by parent/guardian/next of kin/social worker/probation officer/case manager/religious counsellor/health care professional/psychologist/legal representative/child and youth care worker unless a court order indicates otherwise or unless he/she chooses otherwise (d) adequate nutrition, clothing, nurturing and to be given the same quality of care as other children in the cycc (e) be consulted and to express his/her views, according to his/her abilities, about significant decisions affecting him/her (f) reasonable privacy, possession and protection of his/her belongings (g) be informed that prohibited items in his/her possession may be removed and withheld (h) be informed of behaviour expected of him/her, the consequences of his/her failure (i) care and intervention which respects, protects and promotes his/her cultural, religious, linguistic heritage and right to learn about and maintain this heritage (j) positive discipline appropriate to his/her level of development (k) education/training appropriate to his or her level of maturity, aptitude and ability (l) respect and protection from exploitation and neglect (m) opportunities of learning and care for others (n) necessary support and to an interpreter if language disability is a barrier to consulting with them on decisions affecting his/her custody/care and development (o) privacy during discussions with people referred to in paragraph (c) unless a court order/care plan/development plan indicates otherwise (p) have access to community activities and structures unless a court order/care plan/development plan indicates otherwise. 		
Regulation 74: Complaints procedure in child and youth care centre		
(1) Each child and youth care centre must have a written complaints procedure approved by the centre's management board which must- <ul style="list-style-type: none"> (a) be appropriate to the age and stage of development of the children residing at the centre (b) allow for children to complain about particular incidents or staff members (c) be assessable to the children (d) be structured in such a manner that it does not cause conflict (e) encourage restorative justice interventions, where appropriate (f) allow for fair procedures for those who have allegations made against them 		
(2) a child, must upon admission to the centre, be informed of the complaints procedure.		
Regulation 75. Core components and implementation of programmes relating to the developmental, therapeutic and recreational needs of children		
Developmental programmes	Life skills	After care
	Victim empowerment	Family preservation

	Independent living for children disengaging from the residential programme	Promotion of rights of children	
		Income generating activities	
Therapeutic programmes	Development assessment	Psycho-social support	
	Individual counselling	Group counselling	
	Trauma counselling	Grieve counselling	
	Play therapy	Family therapy	
	Counselling to children in child labour, commercial sexual exploitation and child trafficking		
Recreation programmes	Sport	Art	Drama
	Dancing	Singing	Board games

Regulation 76: Behaviour management in child and youth care centres

Manager and staff must promote approaches to positive discipline by:	<ul style="list-style-type: none"> • Ensuring children are provided with skills and support which enable constructive and effective social behaviour • Demonstrating the expected behaviour by modelling in their attitudes and interactions with children • Ensuring that children feel respected, physically, emotionally and socially safe when disciplined • Ensure through programmes and effective role modelling, that children are given the opportunity and encouragement to demonstrate and practice positive behaviour
Following behaviour management actions prohibited	<ul style="list-style-type: none"> • Group punishment for individual behaviour • Threats of removal or removal from programme • Humiliation or ridicule • Physical punishment • Deprivation of access to family members • Denial, outside of the child's IDP of visits, telephone calls or correspondence with family members • Isolation, except for medical reasons, from service providers or other children admitted to the place of care, other than for the immediate safety of those children or those service providers only after other possibilities have been exhausted and then under strict adherence to policy, procedure, monitoring and documentation • Restraint, other than for the immediate safety of the children or service providers and as an extreme measure, which measure must be governed by specific policy and procedures may be undertaken only by service providers trained in such measure, and must be thoroughly documented and effectively monitored • Assignment of exercise or inappropriate chores • Undue influence by service providers regarding their religious or personal beliefs including sexual orientation or cross-gendered identity • Measures which demonstrate discrimination on the basis of cultural or linguistic heritage, gender, race, religion, sexual orientation or cross-gendered identity • Verbal, emotional or physical harm • Punishment by another child

	<ul style="list-style-type: none"> Behaviour modification such as punishment or reward systems, other than as a treatment or development technique within a documented IDP which is developed by a team including the child and monitored by an appropriately trained multi-disciplinary team
Isolation	<ul style="list-style-type: none"> Only if he/she cannot be managed and is deemed to be a danger to himself/herself/others, for a period of no longer than two hours, for the purposes of providing support and giving him/her time to regain control and dignity Must be under the constant observation of a social worker, child and youth care worker or psychologist and must be provided with physical care, emotional support and counselling which assists in re-integration into the group as soon as possible <ul style="list-style-type: none"> No child may be isolated or locked up as a form of discipline or punishment The room where a child is isolated may not be a bathroom or toilet, a windowless room, a basement room, vault or store-room A register must be maintained which details the reasons for and the period of a child's isolation, together with a report on the support and counselling provided and the response of the child during the period of isolation

5.2.3 NATIONAL NORMS AND STANDARDS FOR CHILD AND YOUTH CARE CENTRES PART V

<p>1. Residential programmes</p> <p>(a) Children must be received in a manner and a climate which is caring and safe and which minimises trauma and maximises developmental opportunity during engagement or admission processes.</p> <p>(b) Children must receive services in a safe environment in which they are protected from physical, social and emotional harm.</p> <p>(c) Children must be accommodated in a safe, healthy, well-maintained environment, which provides appropriate access to the community and which meet their needs in terms of privacy, safety and well being.</p> <p>(d) All reasonable measures must be taken to ensure that children and staff are safe from the risk of fire, accidents and other hazards.</p>
<p>2. Therapeutic programmes</p> <p>(a) The privacy and confidentiality of children must be respected and protected</p> <p>(b) A child must have access to legal or other assistance to prepare for any court processes that he/she is involved in.</p> <p>(c) Children must receive emotional and social care which enables quality interaction with adults and peers, and which promotes positive, sustained relationships at school and with families, significant others and friends.</p>

- (d) Every child and youth care centre must offer a residential care programme that provides a therapeutic environment for the care and development of children.
- (e) Every child must receive an effective and appropriate developmental assessment and referral service which should lead to the appropriate placement.
- (f) Every child must be provided with the capacity and support which enables constructive and offensive social behaviour.
- (g) Therapeutic programmes must be conducted by service providers with appropriate training, support, supervision and mentoring.
- (h) Therapeutic programmes must be conducted in a non-discriminatory manner.
- (i) Therapeutic programmes must minimise secondary abuse and trauma.
- (j) Therapeutic programmes must ensure that concerns and complaints are addressed seriously.
- (k) Therapeutic programmes must be reviewed on a regular basis according to the needs of the recipients.
- (l) Therapeutic programmes must be sensitive to the linguistic needs, religious and cultural norms and values of children and their families.

3. Developmental programmes

- (a) A child's developmental plan and programme must be based on an appropriate and competent assessment of his/her developmental needs and strengths.
- (b) Every child in a child and youth care centre must have a plan and programme of care and development.
- (c) Every child in a child and youth care centre must participate in formulating their care and development plans and must be informed of those plans.

4. Permanency plans for children

- (a) Every child in a child and youth care centre must have a permanency plan based on a developmental assessment of the child.
- (b) The child must participate in the development of the permanency plan and be informed about the plan and any changes to it.

5. Individual development plans

- (a) Children must receive services in accordance with their individual developmental plan which facilitates their well-being within a temporary programme and which enables them, where necessary, to make a successful transition to new circumstances.
- (b) Every child in a child and youth care centre has the right to a permanency plan, which includes reunification, security and life-long relationships.
- (c) Every child has the right to participate in formulating his/her individual plan and to be informed about their plan, and to be involved in decisions to make changes to their plans
- (d) The individual plan must be based on an appropriate and competent assessment of their developmental needs and strengths and, where reasonably possible, be in the context of their family and community environments
- (e) The family of the child, or other persons with bonds to the child, must be involved in the child's individual plan unless it is shown that this would not be in the best interests of the child.

(f) There must be a review of each child's placement and individual development plan at least once every six months while the child remains in the centre.

6. Temporary safe care

(a) Every child and youth care centre must provide temporary safe care to children if appropriate and if the centre allows for it.

(b) Every child should be placed in temporary safe care for the shortest period possible and for the minimum number of days per week appropriate to their needs.

(c) After reception of a child, a developmental assessment must take place to evaluate a more permanent placement of the child.

(d) Children in conflict with the law must be offered the option of diversion in a manner which protects their rights and involves them and their families in decision making.

(e) Children must be given information about their rights and responsibilities within the programme in a manner and form which takes into account their age.

7. Protection from abuse and neglect

(a) Children in child and youth care centres should be received in a caring and safe climate which minimises trauma and maximises developmental opportunity.

(b) The environment should protect children from physical, social and emotional harm, and threats of harm from themselves and others

(c) Children must be given information about their rights and responsibilities within the programme.

(d) Children must be informed about policy and procedure regarding reportable incidents of actions and must be provided with information and knowledge which ensure that they can use these procedures effectively when needed.

8. Assessment of children

(a) Assessment of a child in a child and youth care centre must be undertaken by a multi-disciplinary team.

(b) The initial assessment must take place within 48 hours of the child's admission to the centre, and there must be regular reviews of the process.

(c) Assessments must be strength-based, holistic and appropriate to the child's culture, language and developmental stage

(d) Assessment must be done with the participation of the child and, as far as it is reasonably possible, with the child's family.

(e) The assessment process must aim to increase insight and competency and must include shared decision-making.

(f) Assessment processes and documentation must be of such a nature that they can be used at the point of reception, and do not need to be repeated.

9. Family reunification and integration

Every child should have a care plan which aims to provide life-long relationships with their family or appropriate alternative and re-integration in the family and community within the shortest possible time-frame.

10. Aftercare

Children should receive after care programmes focusing on support in terms of training and education, employment, independent living, family and community integration and psychosocial support.

5.3 ROLES AND RESPONSIBILITIES

4.4.1 Internal social worker at child and youth care centre

- Child must undergo an initial assessment by multi-disciplinary team within 48 hours of admission.
- Internal social worker must convene panel discussion after 2 weeks to review the initial assessment.
- Internal social worker must provide 6 months progress reports.
- Permanency plan, care plan and IDP must be reviewed every six months (Regulation 55(3)).
- Internal social worker must ensure that contact takes place between the case manager, child and parents.
- Arrange panel meeting 6 months before order lapses.
- Internal social worker compiles a detailed report with a recommendation 6 months before expiry of court order to the case manager/reconstruction worker.
- Renders therapeutic programmes/services.
- Behaviour management.
- Initiating holiday placements.
- Contact with schools.

4.4.2 Roles and responsibilities of the designated social worker

- Render family reunification services.
- Submit progress report every 6 months on services rendered to the family to the internal social worker at the centre.
- Compile a detailed report in terms of section 159 (Annexure 8) with a recommendation.
- Submit the final extension report to the children's court 3 months before the order lapses.
- Attend court proceedings with all parties.
- Copy of the order to the internal social worker at the child- and youth care centre.
- Approving and supervising holiday placements.
- Contact with the internal social worker.

MODULE 6 REPORT WRITING

6.1 GUIDELINES FOR WRITTEN COMMUNICATION AND REPORTS

- Reports must be written in concise, suitable, understandable and correct language.
- The purpose of the report must always be clearly stated.
- Reports must be written using paragraphs, which must be linked to one another.
- Each paragraph must deal with one topic.
- Single paragraphs must be avoided.
- Choice of words must be simple and unambiguous.
- A formal report may never be handwritten.
- Spelling, language and numbering errors are inexcusable.
- Layout of the report must be neat, logical and attractive.
- Supporting documents must be contained in appendixes/annexures.

6.2 Different kinds of reports

Annexure 8	Report for extension of alternative care order in terms of section 159.
Annexure 15	Application for extension of placement in alternative care beyond 18 years of age.
Annexure 16	Abscondment report in terms of section 170 of the Children's Act 38 of 2005.
Annexure 17	Transfer report in terms of section 171 and 174 of the Children's Act 38 of 2005.
Annexure 20	Discharge from alternative care in terms of section 175 of the Children's Act 38 of 2005 as amended
Annexure 21	Report for application for adoption of a child (Section 239(b))

6.3 PLANS FOR CHILDREN IN ALTERNATIVE CARE

6.3.1 Care plan

Definition:

Refers to a plan for treatment and care of a child whilst he or she is in alternative care and focuses on the probable ultimate reunification of the child with his or her family, whilst providing him or her with the necessary services, care, developmental programmes or intervention.

Goal:

To monitor the movement of the child in the system.

The care plan is compiled when the child enters the statutory system – continuum of care. It needs to be reviewed every 6 months with all parties involved. The care plan needs to be attached to the following reports: section 155, section 159 and section 171.

The care plan is drawn up after an assessment procedure involving the young person, family, departments/organizations, relevant professionals and the placement caregiver or team. The following:

- A plan based on an assessment of the least restrictive and most empowering long term plan for the young person.
- Should be completed as soon as possible after placement.
- The care plan can be changed only at a formal review.
- The care plan is about the long terms arrangements for the young person’s future.
- When a young person changes placement you should only need to change the IDP.
- The care plan must link to the statutory requirements/processes.
- A copy of the care plan must be given to the child, the guardian, the court and the placement/care-giver.

6.3.2 Individual development plan(IDP)

Definition:

Refers to a detailed developmental intervention plan focusing on strengths rather than pathologies and aiming to building competency rather than attempting to cure. An IDP should be based on a strong belief in the potential within each child and family, regardless of the reason for the child being in the child care and protection system. It should be informed by the **Circle of Courage approach**, which is based on assessment against the values and principles of belonging, mastery, independence, and generosity. An IDP must clearly state target issues to be addressed, as well as why, when and by whom they are to be addressed, in order to address developmental areas or issues in relation to a child in alternative care.

Goal:

- To guide and promote the child’s development
- To guide and set out the intervention and tasks of all the relevant parties

The IDP is compiled when the child enters the statutory system – continuum of care. This plan needs to be attached to the following reports: section 155, section 159 and section 171.

The assessment tool (Annexure 2 in the Information Guide) is informed by theories of child development and by the Circle of Courage which provides an universal model of developmental growth needs for holistic development.

The assessment of a child in alternative care should be supplemented by the safety and risk assessment undertaken prior to the child's placement. This alternative care placement would have informed the child's Care Plan. The Care Plan and IDP needs to be aligned.

The data collection for the completion of the Assessment tool for child in alternative care, should be completed within 4 – 6 weeks of the child's placement in alternative care. After this, an assessment meeting should be arranged where all members of the multi-disciplinary team, the child, and his/her parents can be present. The child should participate during these meetings. A copy of this assessment report and development plan must be kept in both internal and external social worker's file on the child. This plan must be reviewed every six months.

LIST OF REFERENCE

Carter, J., & Van Breda, A., 2015. 'The Design of a protocol for assessing prospective foster parents in South Africa', *Social Work/Maatskaplike Werk* Vol 52 No. 2: Issue 4
Consolidated Regulations to the Children's Act (Act 38 of 2005).

Constitution of the Republic of South Africa, Act No. 108 of 1996.

Department of Social Development. May 2010. Norms, Standards and Practice Guidelines for the Children's Act.

Department of Social Development. *Assessment Tool for Children in Alternative Care. Assessment Tool & Training Guide.*

Department of Social Development. 2014. *Information Guide on the Management of Statutory Services in terms of the Children's Act 38 of 2005.*

Department of Social Development. 2019. *National Child Care and Protection Policy.*

<https://www.westerncape.gov.za/general-publication/become-safety-parent-assessed-28/11/2021>

South African Council for Social Service Professionals. 2017. *Policy Guidelines for Course of Conduct, Code of Ethics and the Rules for Social Workers.*

The Children's Act, 38 of 2005. Pretoria: Government Printers.

Western Cape Department of Social Development. 2017. *Standards operating procedure for canalisation services.*

Western Cape Department of Social Development. 2021. *Annexures to the standard operating procedure for canalisation services.*

Western Cape Department of Social Development. April 2019. *Standard operating procedure for the removal of a child into temporary safe care in terms of Section 152(1) of the Children's Act, 38 of 2005, as amended.*