

# **FISH HOEK VALLEY RATEPAYERS & RESIDENTS ASSOCIATION**

*(Incorporating Fish Hoek, Clovelly and Sun Valley)*

~~Central Circle, Fish Hoek 7975~~

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Heritage Western Cape: Conservation Body

**TO: LINDIWE NTSABO – [childrens-amendment-bill@parliament.gov.za](mailto:childrens-amendment-bill@parliament.gov.za)**

**SUBJECT: COMMENTS ON THE CHILDREN'S AMENDMENT BILL [B18 – 2020] <sup>1</sup>**

**DUE DATE: 27 NOVEMBER 2020**

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Thank you for this opportunity to comment.

It is essential that Early Childhood Development (ECD) providers be registered for the protection of the children. However, compliance is impossible. Multiple registrations are required for each: toy libraries, playgroups, home-based care and nursery schools. There is overlap, such as ECD programmes for more than six children from birth to school-going age will be considered both a partial care facility, an ECD centre and a school (registration being required with the Department of Basic Education). What is needed is a one-step registration, which also includes compliance with simplified health and safety standards. Partial or conditional registration is an open avenue for abuse and not being applied fairly. Reference: sections 78(4) and 93(4).

Although this bill proposes amending section 186 (3) of Act 38 of 2005 for annual monitoring and evaluation of the placement of a child from a previous two-yearly oversight, the evaluator's qualifications have been downgraded from a social service professional to a practitioner without reference to requisite qualifications or experience. Also, children in this situation are actually wards of the state and as such, should be subject to international law which requires continually monitoring the circumstances. Dedicated state staff must be funded and mandated to continuously monitor. Alternatively, paying a higher Child Support Grant (CSG) to relatives caring for orphaned and abandoned children for this category of children will be much quicker to access because it doesn't depend on social workers or the courts. Also, CSG is not subject to two yearly court reviews and thus, won't lapse every two years. Section 150 (a)'s inclusion of "family member" seems to support this higher payment scheme.

The change from "adoption social worker" to "a social worker responsible for adoption" in section 239 is worrisome. The wording may allow for more capacity, but it belittles the thought that adopted children matter and deserve a knowledgeable, experienced specialist in adoptions to deal with the ethical complexities and legal implications.

We note that this bill proposes deleting section 249 in its entirety. This section also dealt with adoption fees, which without is akin to sale of a child (human trafficking). This section's deletion now does not promote the family first as a placement option, which is often a problem for social workers seeking exorbitant fees. Rather, fees should be regulated, including for private social workers currently using sliding scales based on

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<sup>1</sup> <https://www.parliament.gov.za/bill/2292549>

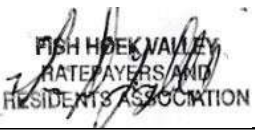
adopting parents' income, in order to just cover costs and prevent exorbitant pricing and miscellaneous charges being included. If the fees are not included in this legislation, the void will be filled elsewhere further removed from the Department of Social Development.

Adoptions should take less than 12 months. As the average time is nearly double this, it points to something not being right. Addressing this problem is conspicuous by its absence in this bill. This emotional damage from delayed adoption of these children has long-term implications for society when the children do not have any inclination to thrive scholastically, develop good human relationships, have a sense of well-being and fit into society. This is a brewing pot for criminals and gender-based violence offenders.

## Summary

In conclusion, we request the following:

- A one-step Early Childhood Development registration, which also includes compliance with simplified health and safety standards;
- A higher Child Support Grant (CSG) payment being supported for relatives caring for orphaned and abandoned children;
- “[A]doption social worker” wording remaining as is in section 239;
- Section 249 should be changed to include an industry wide fee structure instead of this section being deleted; and
- Adoption process, especially to relatives, should be streamlined to not take longer than nine months.

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