

FREQUENTLY ASKED QUESTIONS (FAQs): CHILDREN'S ACT 38 OF 2005 AS AMENDED

Early Childhood Development (ECD) and partial care

1. Registration requirements for partial care facilities and ECD programme.

All centres that were previously known as crèches, day care centres and educare centre are now called partial care facilities. There is also a new concept of Early Childhood Development programmes. So for a person who is rendering ECD programmes, they are expected to register twice. That is, they register the centre as a partial care facility and they are also expected to register the programme they are running in the centre.

Documents that are needed for registration are as follows: Constitution, Health certificate, building plan, list of management committee members and the clearance certificate.

2. How can I be assisted financially?

For a person to qualify for subsidy, registration as a Non Profit Organisation is a priority. People must be aware that not all centres would qualify for subsidy. Only those that are community based and not privately owned centre will qualify. The centre must also have committee that is functional. A business plan and financial statements will be needed when applying for financial assistance

3. If I need to be trained, where do I go?

If you want to be trained as an ECD Practitioner, you should submit your details to the database of the Department of social Development that will provide the information to the Department of Basic Education (DBE). The DBE is responsible for the training of ECD practitioners. The Department of Social Development also conduct some capacity building programmes where practitioners from registered centres benefit.

Child and youth care centres

1. What is a child and youth care centre

A child and youth care centre is a facility that provides residential care to more than six children outside the children's family environment and offers a residential care programme suited for the children in the facility, but excludes:-

- A partial care facility;
- A drop-in centre;
- A boarding school;
- A school hostel or other residential facility attached to a school;
- A prison; or
- any other establishment which is ,maintained mainly for the tuition or training of children other than an establishment which is maintained for children ordered by a court to receive tuition and training.

2. Registration requirements for a child and youth care centre

A new application for registration, conditional registration or renewal of registration must be lodged with the provincial Department of Social Development and must be accompanied by the following:

- A certified copy of the constitution or founding documents of the child and youth care centre

- A certificate issued by the municipality certifying that the premises complies with all structural, safety, health and other requirements of the municipality and any applicable legislation
- Any documents that may be prescribed.

Adoption

1. What is adoption

Adoption is a placement of a child in a permanent care of a person who is not his or her biological parent or guardian. The main purpose of adoption is to protect and nurture children by providing a safe, healthy environment with positive support; and to promote the goals of permanency planning by connecting children to other safe and nurturing family relationships intended to last a life time.

After adoption, biological parent/s lose their rights and responsibilities towards the child to the adoptive parent/s who then take/s over the responsibility for everything that the child might need in the same way, as biological parent/s would have provided for the child. The child will take the surname of adoptive parent/s and is also entitled to inherit from them.

2. Children who may be adopted

Any child may be adopted, if it is in the best interest of the child and the child is found to be adoptable if:

- The child is an orphan and has no parent and guardian or caregiver who is willing to adopt the child
- The whereabouts of the child's parents or guardian cannot be established
- The child has been abandoned
- The child has been given up by the biological parent or guardian for adoption
- The child's parent or guardian has abused or deliberately neglected the child or
- The child is in need of a permanent placement

3. Who can adopt a child

A child may be adopted –

(a) jointly by-

- A husband and wife
- Partners in a permanent domestic life partnership

(b) by a widower, widow, divorced or unmarried person

(c) by a married person whose spouse is the parent of the child or by a person whose permanent domestic life partner is the parent of the child

(d) by the biological father of the child born out of wedlock; or

(e) by the foster parent of the child.

Prospective adoptive parent/s should be:

- Fit and proper person to be entrusted with full parental responsibilities and right towards a child
- Should be able to undertake, exercise and maintain those responsibilities and rights

- Over the age of 18 years
- Properly assessed by an adoption social worker to determine his or her suitability

National Child Protection Register (CPR)

1. How to report child abuse (member of the public)?

- Any person (member of society, neighbour, concerned citizen) may report child abuse.
- The report must be made to the social worker, teacher, nurse or a police official.
- The person who makes a report in good faith is not liable to civil action on the basis of the report.
- The identity of the reporting person will be treated as confidential. The following information is important:
 - The name and surname of the child.
 - Identifying particulars of the biological parents / care-givers.
 - Address of where the child currently lives and, if away from parents, the address of the parents.
 - Dates and type of incidents.
 - Details of circumstances giving rise to the abuse.
 - Any contact details of other persons who could confirm the alleged abuse.
 - Your contact details on the file, should the designated social worker have to follow-up certain details with you, is important.

2. How to report child abuse (professional)?

- Any correctional official, dentist, homeopath, immigration official, labour inspector, legal practitioner, medical practitioner, midwife, minister of religion, nurse, occupational therapist, physiotherapist, psychologist, religious leader, social service professional, social worker, speech therapist, teacher, traditional health practitioner, traditional leader or member of staff or volunteer worker at a partial care facility, drop-in centre or child and youth care centre who on reasonable grounds concludes that a child has been abused in a manner causing physical injury, sexually abused or deliberately neglected, must report that conclusion in form 22 to a designated child protection organization, the provincial department of social development (DSD) or a police official.
- The information must be reported on form 22 which is obtainable from any DSD office or from www.dsd.gov.za
- The report must be submitted to the Department of social development.
- The information will then be captured on the CPR system.

3. How to add users to the CPR system?

- a) A written request that contains the following information:
 - Surname, Name
 - Login ID
 - Password
 - Designation
 - Email
 - Magisterial district
 - Region
 - Telephone number
- b) Application request must be approved by the Supervisor.
- c) Forward the request to the system administrator to add the user to the system.

4. cannot log onto the CPR system

Check the following:

- If the network cable is plugged into the PC.
- if the user is logged onto the network.
- if you are a valid user on the CPR system.

5. If you forget your CPR password

- a) Call the system administrator to provide you with a new password.
- b) Log on to the system with the new password.
- c) Change the new password to one that only you have access to.

6. Form 22 – illegible handwriting

- a) If you are not able to read the information, return the form to the relevant informant for updating.
- b) If the writing is illegible – do not capture the information

7. Nature of Abuse - definitions

- a) Physical abuse, select one of the following options:
 - Bruises & welts
 - Cuts & abrasions,
 - Fractures or sprains
 - Abdominal or head injury or injury to internal organs
 - Strangulation or suffocation
 - Poisoning,
 - Burns
 - Any repeated injury for which explanation is inadequate or inconsistent
- b) Sexual abuse, select one of the following options:
 - Rape,
 - Sodomy,
 - Indecent assault
 - Molestation,
 - Prostitution
 - Incest with children
- c) Emotional abuse, select one of the following options:
 - Rejection, isolation or oppression,
 - Deprivation of affection or cognitive stimulation,
 - Inappropriate and continued criticism, threats, humiliation, accusations and expectations or towards the child or young person,
 - Exposure to family violence,
 - Corruption of the child or young person through exposure to, or involvement in, illegal or anti-social activities and
 - Exposure to the negative impact of the mental or emotional condition of the parent / caregiver or anyone living in the same residence as the child or young person.
- d) neglect, select one of the following options:
 - Physical neglect: failure to provide the necessities required to sustain the life of the child or young person,
 - Neglectful supervision: failure to provide appropriate adult supervision of the child or young person. Leading to an increased risk of harm,
 - Medical neglect: failure to seek, obtain or follow through with medical care for the child or young person, resulting in their impaired functioning or development,
 - Abandonment: leaving a child or young person in any situation without arranging necessary care for them and with no intention of returning,

- Refusal to assume parental responsibility: such as unwillingness or inability to provide appropriate care or control for the child and
 - Educational neglect: failure to provide for the child's educational needs, such as schooling, support and stimulation.
- e) Multiple abuses.
- If more than one type of abuse has been reported, record only one type and make a note in the Case Notes section.
- For example: If an incident of rape and physical abuse has been reported, record the rape as the incident.
- Please note there are only four legal categories of child abuse, namely
- Emotional abuse
 - Sexual abuse
 - Deliberate neglect
 - Neglect

8. Alleged Perpetrator

- a) If there is limited information available for the alleged perpetrator - Do I continue?
 Yes – The Social Worker must update the information as the case continues.

9. When do I close a case?

- a) The CPR system keeps track of reporting, investigation, children's court opening and convictions of perpetrator. Therefore a case is closed after the above-mentioned functions have been completed.

10. What happens if victim move from one area to another?

- a) Province to province. For example from Gauteng to Limpopo.
 The case is closed for the Gauteng province and registered as a new case in the Limpopo province. Cross referencing will allow you to see the information in the first province
- b) Within a province. For example from Pretoria to Johannesburg.
 The user and magisterial districts are updated on the CPR system.

11. If there are multiple children on one Form 25?

- a) Each child must be registered separately

12. The same child but a different abuse – Do I register again?

- a) Yes, the case is registered as a new case.

13. A case is reported by two different informants – How do I register the case?

- a) Register the case and add the second informant to the same case and update the other relevant information.

14. For a gang rape – How do I register the case?

- a) Register the case with the first perpetrator details and then add the other perpetrators information.

15. User levels – some of the functions are disabled?

- a) Check the levels that have been allocated to the specific user.
 Note: The Supervisor must know the specific roles of the relevant Social Workers. Refer to page 31 of the User Manual.