

COMMUNITY AND FAMILY BASED ALTERNATIVE CARE OPTIONS FOR VULNERABLE CHILDREN IN SOUTH AFRICA

Presentation by Dr M Mabetoa at the Children
and HIV&AIDS: Action Now, Action How
An international Symposium
1&2 August 2008
Mexico



social development

Department:
Social Development
REPUBLIC OF SOUTH AFRICA

Outline of the presentation

- Extent of the Problem
- Legislative frame work
- Alternative Care Options
- Provisions for Child headed households
- Community based programmes
- Challenges

Background

- The population of South Africa is approximately 47million
- Children is 18million.
- Orphans are estimated to be 1.8million
- This created pressure on social services to develop strategies to accommodate a much higher percentage of vulnerable children than expected



social development

Department:
Social Development
REPUBLIC OF SOUTH AFRICA

Protection of the rights of children

Legislative framework

- Determination to protect the rights of orphans besides challenges regarding human resources and coordination
- **Constitution of the Republic of South Africa-Rights of a child to:**
 - To name and nationality;
 - To family care or parental care, or to appropriate alternative care when removed from the family environment;

Constitution of the Republic of South Africa

- To basic nutrition, shelter, basic health care services and social services;
- To be protected from maltreatment, neglect, abuse or degradation;
- To be protected from exploitative labour practices
- Right to education
- The paramouncy of the best interest of the child
- The child's best interests are of paramount importance in every matter concerning the child.
- The child means a person under 18



social development

Department:
Social Development
REPUBLIC OF SOUTH AFRICA

Child care legislation

- **Child Care Act of 1983**
- Makes provision for statutory services for children who have been found in need of care and protection

Children's Act 2005 as Amended makes provision for children to:

In addition to the constitutional requirements stated above the Act makes provision for the following:

- Family preservation and strengthening of families.
- Give effect to the Republic's obligations concerning international instruments binding on the Republic.
- Make provision for structures, programme and means for promoting and monitoring the sound physical, psychological, intellectual, emotional and social development of children.
- **Strengthen and develop community structures which can assist in providing care and protection for children.**

Social Assistance Act of 1998 as Amended

- The Social Assistance Act of 2004 provides regulatory framework for the provision of social assistance grants such as
 - the child support grant,
 - foster care grant,
 - care dependency grant,
 - the disability grant and
 - the old age pension.

There are currently 8 million children benefitting from the Child Support Grant in South Africa.

Alternative care

- The purpose of alternative care is to protect and nurture children by providing a safe, healthy environment with positive support, with the aim of reunifying the child with his/her family or permanent placement depending on his/her situation and best interests
- First intervention is to prevent the removal of the child from their family or familiar environment.
- If this is not possible and there is no other solution, a statutory option should be chosen as the last resort.

Alternative care options

- Alternative care options are:
 - foster care;
 - child and youth care centre (Residential Care)
 - temporary safe care.
- 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.
- Foster care and adoption preferred options
- Residential care discouraged used only as a last resort



social development

Department:
Social Development
REPUBLIC OF SOUTH AFRICA

Legalisation of placements

- The legislative requirement in South Africa is that all children who are not in the care of their biological parents or legal guardians should be in formalized long term or permanent placements.
- If the foster care of a child is formalized a foster care grant is provided of R660.00 per month where required.
- Legalization of placement of children with relatives
- Prior to the year 2000 before the increase in the number of orphans the placement of children with a family member in foster care was not a preferred option especially by the judiciary.

Expanded foster care

- A policy decision was then taken to open foster care placement to family members
- Campaigns to raise awareness in communities
- The figures of children in foster care soared in number from 72,000 in 1998 to the present 446 831 in about 270,000 families and
- 165 000 children are waiting placement.
- Eighty percent of the children are in family placements.
- The projected number of children in foster care is 800 000 by 2011



social development

Department:
Social Development
REPUBLIC OF SOUTH AFRICA

- **Definition of foster care in the new legislation**
- A Child is in foster care if the child has been placed in the care of a person who is not the parent or guardian of the child as a result of order of children's court
Children may be placed in foster care with;
 - (a) Non family member
 - (b) Family member (not parent)
 - (c) Registered cluster foster care scheme within a registered NPO
- **Not more than six children per household except if –**
 - a) children are siblings or of blood relations.
 - (b) court may consider placement of more than six children for any reason if its in the child's best interest



social development

Department:
Social Development
REPUBLIC OF SOUTH AFRICA

Foster care placement is a statutory procedure

- Which requires an assessment report from a social worker and
- A court order from the children's court.
- The increase in the number of foster care placements had implications for human resources.
- The shortage of social workers in South Africa also exacerbated the situation; it resulted in heavy workloads for social workers which undermined the quality of service.

Concerns raised

- Placing too many children in foster care will compromise quality of service delivery especially for children who require intensive care and social work services while in foster care.
- Non compliance to legislation. According to the Child Care Act all children in foster care placements have to be reviewed every two years, including those that are in long term foster with family members.

Solutions to placement problems

- **Human Resources**
 - **Recruitment and bursaries to young people to train as social workers and**
 - **Learnerships to those who only qualify to train as auxiliary social workers.**
- **Extension of placement orders**
 - **the Act makes provision for a child who is in a stable foster care for more than two years or is placed with a family member to extend the placement until the child reaches the age of 18. This means that no further social work supervision and reports on the placement will be required especially if the :**



social development

Department:
Social Development
REPUBLIC OF SOUTH AFRICA

Extension orders

- **(a) the child has been abandoned by the biological parents; or**
- **(b) the child’s biological parents are deceased; or**
- **(c) there is for any other reason no purpose in attempting reunification between the child and the child’s biological parents; and**
- **(d) it is in the best interest of the child.**
- **The act ensures continuous monitoring of the placement by a social service professional once every two years**



social development

Department:
Social Development
REPUBLIC OF SOUTH AFRICA

Cluster foster care

- **Cluster foster care is a new approach in alternative care that has been established to further provide community based care approaches for children.**
- **Cluster foster care scheme means a scheme that provides for the reception of children in foster care,**
- **managed by a nonprofit organization and**
- **registered by the provincial head of social development for this purpose.**
- **NGOs receive foster care grant on behalf of the children**
- **It can accommodate more than 6 children.**
- **It is set up in a family oriented environment where a maximum of six children stay in a house mainly in the community with a house mother/s.**
- **Children still receive individual attention, intensive therapy, individual development plans that are comprehensive, supervision and reunification services.**



social development

Department:
Social Development
REPUBLIC OF SOUTH AFRICA

Cluster foster care cont.

- **The value of a cluster scheme is to retain children within their community which encourages retention of cultural and religious values and socialization.**
- **It is sustainable because the children are not moved and disrupted if a mother decide to leave the programme another one is employed.**
- **It is appropriate for children because they are not removed from the community to a remote institution; they have an address and attend a local school and church.**
- **Cluster foster homes provide an intimate environment conducive to children developing a sense of attachment and belonging, as apposed to institutionalization**



• **Cost effective**

Department:
Social Development
REPUBLIC OF SOUTH AFRICA

Other interventions regarding foster care

- **Intersectoral collaboration**
 - an intersectoral strategy has been developed to ensure the cooperation of all concerned especially the Department of Social Development at provincial level, the Department of Justice to process the court orders and the Department of Home Affairs to issue birth certificates.
- **The linkage of families to available resources in the community and**
- **the continuous support from community based organizations and social workers.**
- **The National Policy Framework on children made vulnerable by HIV&AIDS outlines the different roles that stakeholders should perform to address the needs of orphans especially with regard to social services, health services, nutrition, education, justice, water and sanitation.**



social development

Department:
Social Development
REPUBLIC OF SOUTH AFRICA



Adoptions

- Protective measures around adoption are provided through matching adoptable children with prospective adoptive parents through a register for adoptable children and prospective adoptive parents.
- Extending adoption to poor families and couples in a life time relationship
- Inter-country adoption should only be considered when there are no prospective adoptive parents locally.
- The powers of the Central Authority
- This builds on the principle that a child has a need to remain in the care of his or her family and extended family; and to maintain a connection with family, extended family, culture or tradition.



social development

Department:
Social Development
REPUBLIC OF SOUTH AFRICA



•The Department has developed an alternative care strategy which recommends that

- foster care and residential care should be short term placements pending an adoption when it is appropriate and in the best interest of the child especially for small children between ages 0 - 12.**



social development

Department:
Social Development
REPUBLIC OF SOUTH AFRICA

Challenges regarding adoptions

Challenges

- There is no sufficient number of prospective adoptive parents.
- There is a general perception that adoption is not culturally accepted in African communities in South Africa. This issue needs to be researched to establish the views and attitudes toward formal adoption.
- There is still a perception that formal adoption is for those who are financially well off and those who cannot have children due to fertility problems.
- Insufficient networking among adoption service providers limits the chances of placement of children within the country and promotes intercountry adoption.
- Lack of incentives such as cash income which is provided for foster care only.
- Lack of a recruitment strategy

Provisions for Child Headed Households

- There are approximately 118,000 children in child headed household in South Africa,
- Currently their needs are addressed in the same way as other orphans.
- There has been however several initiatives such as Isibindi Model which assigns child and youth care workers to such households to support them in various practical ways.

Provisions for Child Headed Households

- **The new legislation regulates for child headed households in the following manner:**
 - **Recognizing that children in child headed household require statutory care and protection services.**
 - **Placement of the children in child headed household in an alternative care environment preferably foster care where the eldest child is under the age of 16 years**
 - **Designating an adult to the household to supervise the children where the eldest is over 16 years of age**
 - **Ensuring that the eldest child and the supervising adult access benefits and social grants that the household qualifies for.**
 - **The supervising adult must perform the duties as prescribed in relation to the household; and be a fit and proper person to supervise a child-headed household.**
 - **The supervising adult is accountable to an NGO or organ of state that placed him/her.**

In order to provide such a service all child headed households have to be assessed to establish their specific strengths and needs before action regarding the recommended options can be implemented



social development

Department:
Social Development
REPUBLIC OF SOUTH AFRICA

Child and youth care centres

- A child and youth care centre is a facility that offers alternative service in a residential care setting to more than six children outside the child's family environment in accordance with a residential care programme suited for the children in the facility. The concept of child and youth care centre has changed from being just an alternative care option to children to a specialized service to children
- Legislated use of child and youth care centres:
 - the reception, care and development of children other than in their family environment;
 - the reception, care and development of children on a shared basis with the parent or other person having parental responsibilities;
 - the reception and temporary safe care of children pending their placement;
 - early childhood development;
 - the reception and temporary safe care of children to protect them from abuse or neglect;
 -



social development

Department:
Social Development
REPUBLIC OF SOUTH AFRICA

Child and youth care centres

- the reception and temporary safe care of trafficked or commercially sexually exploited children;
- the reception and temporary safe care of children for the purpose of—
 - observing and assessing those children;
 - providing counselling and other treatment to them; or
 - assisting them to reintegrate with their families and the community;
- transferring a child in alternative care;
- the reception and care of street children; or
- the reception and care of children for any other purpose that may be prescribed by regulation.

Child and youth care centres

- A child and youth care centre may in addition to its residential care programmes, offer—
 - the provision of appropriate care and development of children with disabilities or chronic illnesses;
 - therapeutic and developmental programmes;
 - the treatment of children for addiction to dependence-producing substances;
 - a programme for the treatment of children with a psychiatric condition;
 - a programme to assist a person with the transition when leaving a child and youth care centre after reaching the age of 18; or
 - any other service that may be prescribed.
 - Currently the placement of children in child

Child and youth care centres

- Currently the placement of children in child and youth care centres is still regarded as a last resort and a temporary measure.
- There are not more than 20,000 children in such facilities in South Africa.
- There is however additional number of children in unknown unregistered child and youth care centres which still need to be assessed, registered and funded.
- The study undertaken by the Children's Institute called Home Truths has not found any significant link between the increase in orphans and the number of child and youth care centres in the country.
- There is demand for the placement of children infected by HIV&AIDS as relatives had challenges in taking care of them.
- The new legislation requires that all child and youth care centres must be registered transformed and operate in accordance to the regulations and norms and standards and
- There should be a data base and an audit of all the centres in the country for monitoring and coverage purposes.



social development

Department:
Social Development
REPUBLIC OF SOUTH AFRICA

Early Childhood Development

- In South Africa access to Early Childhood Development service by children between the ages 0-4 has been declared one of the main national priorities.
- There are 4.6 million children in this age cohort and almost 2.8million live in poverty.
- The intention in government is to have at least half of the children who come from poor households including orphans subsidized to attend ECD by 2010/11.
- To ensure that with the increase in numbers the quality of services will not be compromised, ECD practitioners are being trained in all sites that offer ECD services

Drop in centres

- A drop-in centre is a facility providing basic services aimed at meeting the emotional, physical and social development needs of vulnerable children.
- A drop-in centre must offer any of the following basic services:
 - Provision of food;
 - school attendance support;
 - assistance with personal hygiene; or
 - laundry services.

Drop in Centres

- A drop-in centre should register and may offer any of the following programmes appropriate to the developmental needs of the children attending that centre:
 - Guidance, counselling and psychosocial support;
 - Social skills and life skills;
 - Educational programmes;
 - Recreation;
 - Community services;
 - School holiday programmes;
 - Primary health care in collaboration with the local health clinic;
 - Reporting and referral of children to social workers or social service professionals;
 - Promotion of family preservation and reunification;
 - Computer literacy;
 - Outreach services; and
 - Prevention and early intervention.

Six hundred drop in centres are already operating in many communities to assist families that are taking care of children either through foster care or kinship care and the child support grant.

Child Care Forums and Child Care Committees

- To encourage community participation in the care and protection of vulnerable children
- Child care forums have been specifically rolled out to identify children when they are at risk
- For speedy referrals and advocacy
- For the provision of rudimentary services such as food parcels while formal help is awaited.
- There also community structures established and managed by Child Welfare South Africa called the Eye on the Child
- Which focus on the prevention of child abuse and neglect in communities by identifying children who are at risk,
- Reporting such cases and
- Ensuring that the child is removed from the abusive environment.



social development

Department:
Social Development
REPUBLIC OF SOUTH AFRICA

Challenges

- There is lack of support beyond the age of 21, there is therefore a need for independent living programmes
- Assumption that related foster care placements do not need to be supervised
- Some families are already overburdened with caring for many children and therefore need comprehensive support services.
- Insufficient human resources especially to meet the demands of services to children in need of alternative care.
- Lack of training and misinterpretation of legislation and policies impact negatively on the services to children.

THANK YOU