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DEPARTMENT OF WELFARE

No. 983

30 June 1995

REGULATIONS UNDER THE CHILD CARE ACT, 1983: AMENDMENT

The Minister for Welfare and Population Development intends, in terms of section 60 of the Child Care Act, 1983 (Act No. 74 of 1983), to make the regulations set out in the Schedule hereto.

Interested persons are invited to submit any substantiated comments on the proposed regulations or representations they wish to make in regard thereto to the Director-General, Department of Welfare, Private Bag X901, Pretoria, 0001 (for attention: The Director: Family and Community Care) not later than 31 July 1995.

SCHEDULE

1. In this Schedule "the Regulations" means the regulations published in Government Gazette No, R. 2612 of 12 December 1986.

Amendment of Regulation 1 of the Regulations:

2. Regulation 1 of the Regulations is hereby amended by the insertion of the following definitions:

"community group" means a group of persons with a regulatory body consisting of a minimum of five persons;

"formal education" means school and other educational systems which form part of compulsory schooling and are accessible to children;

"job skills" means proficiency in performing a career aimed task;

"life skills" means proficiency in life tasks;

"protected infant" means a child under the age of seven years and who is not born from a married person;".

"welfare programme" means a working document which contains a specific plan of action to address an identified need or problem, motivating how to achieve the desired results;".

Amendment of regulation 2 of the Regulations

3. Regulation 2 of the Regulations is hereby amended by -

(a) the deletion of paragraph (c) of subregulation (1) and the renumbering of paragraph (d) as paragraph (c); and

(b) the deletion of subregulation (2).

Amendment of regulation 9 of the Regulations

4. Regulation 9 of the Regulations is hereby amended by the -

(a) the substitution for paragraph (c) of subregulation (2) of the following paragraph:

(c) (i) The children's court assistant shall on receipt of the authority open a file in relation to the child.

(ii) The person who issued such authority shall bring the child concerned before the children's court of the district from where the child was removed on the first court day following the removal of the child ."

(b) by the substitution for paragraph (d) of subregulation (2) of the following paragraph:

"(d) At the appearance of the child in question before the court, the commissioner shall, after consideration of the reasons for the child's detention as stated in the authority and such other information as he or she may obtain or which the parent of the child and the children's court assistant or social worker, police officer or authorised officer, as the case may be, may furnish him or her, confirm the detention of the child by issuing an order of detention in the form of Form 5 or set the authority aside and direct that the child be restored to the care of his or her parent."

Amendment of regulation 10 of the Regulations

6. Regulation 10 of the Regulations is hereby amended by the addition of the following subregulations:

(5) Notices relative to the delivery, removal, change of residence or Death of a protected infant in terms of sections 10 of the Act shall be in the form of Forms 22 to 25.

(6) The consent of a commissioner for the maintenance of a child in terms of section 10 of the Act shall be issued in the form of Form 27.

(7) A commissioner shall keep a register in the form of Form 28 of all children maintained in terms of section 10 of the Act within his area of jurisdiction.

(8) A commissioner shall cause to be served on all persons who have charge of protected infants in respect of whom notice has been given to him in terms of section 10 of the Act, a copy of such notice.

(9) (a) The person in charge of a maternity home shall give notice to the commissioner of the district in which the maternity home is situated of the receipt or delivery of a protected infant by or to any

person other than a parent or such relative as is mentioned in section 10(1B)(a).

(b) The person in charge of maternity homes shall keep a register of every birth or death of a protected infant in the maternity home and of every protected infant that is removed from such maternity home.

(c) Any register kept by a person in charge of a maternity home in terms of the provisions of any law or regulation, other than a provision of the Act or a regulation made in terms of the Act, containing all the particulars to be recorded in the register referred to in subregulation (1), shall be deemed to be such latter register.

Amendment of regulation 14 of the Regulations

5. Regulation 14 of the Regulations is hereby amended by the substitution in subregulation (1) for the words preceding paragraph (a) of the following words:

"Leave in terms of section 36 of the Act may be granted to a pupil or foster child in the form of form 21-"

Amendment of regulation 18 of the Regulations

6. Regulation 18 of the Regulations is hereby amended by the substitution for paragraph (c) of subregulation (2) of the following paragraph:

"(c) a report by the social worker who has investigated the circumstances of the applicant/applicants and who has counselled them in regard to the proposed adoption."

Amendment of regulation 19 of the Regulations

7. Regulation 19 of the Regulations is hereby amended by -

(a) the substitution for paragraph (b) of subregulation (2) of the following paragraph:-

"(b) of the contents of subsections 18(8)(a); 18(8)(b) and 18(8)(c) of the Act; and";

(b) the deletion of paragraph (c) of subregulation 2;

(c) the addition of the following subregulations:

"(5) The commissioner of child welfare before whom consent to adoption has been withdrawn shall immediately notify telegraphically or per facsimile the commissioner of child welfare of the district in which the relevant consent was given of such withdrawal.

"(6) If the child in question has been placed with adoptive parents residing in another district, the commissioner of child welfare before whom the consent was given shall notify telegraphically or per facsimile the commissioner of the district where the application for adoption has been lodged of such withdrawal of the consent to the adoption."

Deletion of regulation 20 of the Regulations

8. Regulation 20 of the Regulations is hereby deleted

Amendment of regulation 28 of the Regulations

9. Regulation 28 of the Regulations is hereby amended by the substitution for subregulation (3) of the following subregulation:

"(3) The registrar shall require an adoptive parent or a child referred to in subsection (1) to receive counselling from a social worker designated by the registrar before he allows that parent or child to inspect the record concerned or to obtain a copy thereof."

Amendment of regulation 31 of the Regulations

10. Regulation 31 of the Regulations is hereby amended by -

(a) the deletion of the word "and" at the end of paragraph (b);

(b) the addition of the following paragraph:

(d) to ensure that children who cannot be accommodated in formal education, attend life skills and job creation skills training."

Amendment of regulation 37 of the Regulations

11. Regulation 37 of the Regulations is hereby amended by the insertion in paragraph (a) of subregulation 5 of the following subparagraph:

(iii) attend life skills and job creation skills training regularly if he cannot be accommodated in main stream education."

Amendment of regulation 38 of the Regulations

12. Regulation 38 of the Regulations is hereby amended by -

(a) the substitution for subregulation (1) of the following subregulation:

"(1) The Minister may with the concurrence of the Minister of Finance, give approval for a grant to be paid to an organisation or community group for the care of children."

(b) the substitution for paragraph (a) of subregulation (4) of the following paragraph:

"(a) The required number of hours and days of a place of care are subject to the requirements as specified in an approved welfare programme.";

(c) the deletion of subregulation (5).

Amendment of Annexure

13. The Annexure to the Regulations is hereby amended -

(a) by the substitution for Form 12 of the Annexure by Form 12 as set out in the Annexure to these regulations;

(b) by the addition of Forms 21 to 28 as set out in the Annexure to these regulations.

Commencement

14. These regulations shall come into effect on the date of the commencement of the Child Care Amendment Act, 1995.

ANNEXURE

SUMMARY OR FORMS

FORM NO.

12 Consent by parent or guardian to adoption

21 Leave of absence granted to a foster child or a child in a school of industries or children's home and place of safety

22 Notice of delivery of protected infant

23 Notice of removal of a protected infant

24 Notice of change of residence of a person maintaining a protected infant

25 Notice of death of protected infant

26 Notice of removal of an infant from a maternity home

27 Consent to receive child under age of seven years

28 Register of protected infants to be kept by a commissioner of child welfare.