

REPUBLIC OF SOUTH AFRICA

---

**PORTFOLIO COMMITTEE AMENDMENTS  
TO**

**CHILDREN'S  
AMENDMENT BILL**

**[B 18—2020]**

---

*(As agreed to by the Portfolio Committee on Social Development  
(National Assembly))*

---

**[B 18A—2020]**

ISBN 978-1-4850-xxxx-x

## AMENDMENTS AGREED TO

### CHILDREN'S AMENDMENT BILL

[B 18—2020]

#### CLAUSE

1. On page 2, in line 15, after “has” to insert “, if applicable,”.
2. On page 2, from line 19 to omit definition of “**adoption service**”.
3. On page 3, from line 7 to omit definition of “**after care**”.
4. On page 3, from line 16 to omit definition of “**care**”.
5. On page 3, from line 23 to omit definition of “**care giver**”.
6. On page 3, from line 24 to omit definition of “**circumcision**”.
7. On page 3, from line 27 to omit definition of “**clerk of the court**”.
8. On page 3, from line 37 to omit definition of “**divorce court**”.
9. On page 3, from line 38 to omit definition of “**early childhood development centre**”.
10. On page 3, from line 43 to omit definition of “**early childhood development service**”.
11. On page 3 from line 50 to omit definition of “**family counsellor**”.
12. On page 3 from 55 line to omit definition of “**genital mutilation**”.
13. On page 4 from line 1 to omit definition of “**intercountry adoption**”.
14. On page 4, from line 8 to omit definition of “**midwife**”.
15. On age 4, from line 11 to omit definition of “**nurse**”.
16. On page 4, from line 16 to omit definition of “**party**”.
17. On page 4, from line 21 to omit definition of “**regional court**”.
18. On page 4, from line 24 to omit definition of “**separated migrant child**”.
19. On page 4, from line 30 to omit definition of “**sexual abuse**”.
20. On page 4, from line 42 to omit definition of “**temporary safe care**”.
21. On page 4, from line 51 to omit definition of “**unaccompanied migrant child**”.
22. On page 4, from line 57 to omit substitution of “subsection 4”.

NEW CLAUSE

1. On page 7, after line 46 to add the following:

**“Amendment of section 24 of Act 38 of 2005**

**2.** Section 24 of the principal Act is hereby amended by the following subsection:

(1) Any person having an interest in the care, well-being and development of a child may apply to the High Court or Children’s Court for an order granting guardianship of the child.”

CLAUSE 2

1. Clause rejected.

CLAUSE 3

1. Clause rejected

CLAUSE 4

1. Clause rejected

CLAUSE 5

1. Clause rejected.

CLAUSE 6

1. Clause rejected.

CLAUSE 7

1. Clause rejected.

CLAUSE 8

1. Clause rejected.

CLAUSE 9

1. Clause rejected.

CLAUSE 10

1. Clause rejected.

CLAUSE 11

1. Clause rejected.

4

CLAUSE 12

1. Clause rejected.

CLAUSE 13

1. Clause rejected.

CLAUSE 14

1. Clause rejected.

CLAUSE 15

1. Clause rejected.

CLAUSE 16

1. Clause rejected.

CLAUSE 17

1. Clause rejected.

CLAUSE 18

1. Clause rejected.

CLAUSE 19

1. Clause rejected.

CLAUSE 20

1. Clause rejected.

CLAUSE 21

1. Clause rejected.

CLAUSE 22

1. Clause rejected.

CLAUSE 23

1. Clause rejected.

5

CLAUSE 24

1. On page 10, from line 44, after “of” to add (“a”) and omit [**“an orphaned or abandoned”**]

CLAUSE 25

1. Clause rejected.

CLAUSE 26

1. Clause rejected.

CLAUSE 27

1. Clause rejected.

CLAUSE 28

1. Clause rejected.

CLAUSE 29

1. Clause rejected.

CLAUSE 30

1. Clause rejected.

CLAUSE 31

1. Clause rejected.

CLAUSE 32

1. Clause rejected.

CLAUSE 33

1. Clause rejected.

CLAUSE 34

1. Clause rejected.

CLAUSE 35

1. Clause rejected.

6

CLAUSE 36

1. Clause rejected.

CLAUSE 37

1. Clause rejected.

CLAUSE 38

1. Clause rejected.

CLAUSE 39

1. Clause rejected.

CLAUSE 40

1. Clause rejected.

CLAUSE 41

1. Clause rejected.

CLAUSE 42

1. Clause rejected.

CLAUSE 43

1. Clause rejected.

CLAUSE 44

1. Clause rejected.

CLAUSE 45

1. Clause rejected.

CLAUSE 46

1. Clause rejected.

CLAUSE 47

1. Clause rejected.

CLAUSE 48

1. Clause rejected.

7

CLAUSE 49

1. Clause rejected.

CLAUSE 50

1. Clause rejected.

CLAUSE 51

1. Clause rejected.

CLAUSE 52

1. Clause rejected.

CLAUSE 53

1. Clause rejected.

CLAUSE 54

1. Clause rejected.

CLAUSE 55

1. Clause rejected.

CLAUSE 56

1. Clause rejected.

NEW CLAUSE

**Amendment of section 105 of Act 38 of 2005, as inserted by section 5 of Act 41 of 2007**

2. Section 105 of the principal Act is hereby amended by the insertion after subsection (5) of the following subsection:

“(6) The Department must, as prescribed, develop and conduct a quality assurance process for the evaluation of—  
(a) child protection services; and  
(b) child protection organisations as contemplated in section 107.”.

CLAUSE 57

1. Clause rejected.

CLAUSE 58

1. Clause rejected.

8

CLAUSE 59

1. Clause rejected.

CLAUSE 60

1. Clause rejected.

CLAUSE 61

1. Clause rejected.

CLAUSE 62

1. Clause rejected.

CLAUSE 63

1. Clause rejected.

CLAUSE 64

1. Clause rejected.

CLAUSE 65

1. Clause rejected.

CLAUSE 66

1. Clause rejected.

CLAUSE 67

1. Clause rejected.

CLAUSE 68

1. Clause rejected.

CLAUSE 69

1. Clause rejected.

CLAUSE 70

1. Clause rejected.

CLAUSE 71

1. Clause rejected.



9

CLAUSE 72

1. Clause rejected.

CLAUSE 73

1. Clause rejected.

CLAUSE 74

1. Clause rejected.

CLAUSE 75

1. Clause rejected.

CLAUSE 76

1. Clause rejected.

CLAUSE 78

1. Clause rejected.

CLAUSE 79

1. Clause rejected.

CLAUSE 80

1. Clause rejected.

CLAUSE 81

1. Clause rejected.

CLAUSE 82

1. On page 32, from line 8, after “no” to omit [**“parent, guardian”**].
2. On page 32, from line 8, after “member” to omit [**“or care giver”**].

CLAUSE 85

1. In line 50, after “is” to omit [**“less than”**].
2. In line 50, after “age” to insert “or less”.

CLAUSE 86

1. Clause rejected

NEW CLAUSE

**Amendment of section 159 of Act 38 of 2005, as amended by section 8 of Act 17 of 2016**

3. Section 159 of the principal Act is hereby amended by the insertion after subsection (2) of the following subsections:

“2A. A court may extend an alternative care order that has lapsed or make an interim order for a period not exceeding six months on good cause shown.”

“2B. “Notwithstanding the amendment to section 150(1)(a), an order placing an orphaned or abandoned child in foster care with a family member in terms of section 156 before or on the date of this Amendment Act, may be extended by the court in terms of section 159(2) or section 186(2).”.

CLAUSE 87

1. Clause rejected.

CLAUSE 88

1. Clause rejected.

CLAUSE 89

1. Clause rejected.

CLAUSE 90

1. Clause rejected.

CLAUSE 91

1. Clause rejected.

CLAUSE 95

1. Clause rejected.

CLAUSE 96

1. Clause rejected.

CLAUSE 97

1. Clause rejected.

CLAUSE 98

1. Clause rejected.

11

CLAUSE 99

1. Clause rejected.

CLAUSE 100

1. Clause rejected.

CLAUSE 101

1. Clause rejected.

CLAUSE 102

1. Clause rejected.

CLAUSE 103

1. Clause rejected.

CLAUSE 104

1. Clause rejected.

CLAUSE 105

1. Clause rejected.

CLAUSE 106

1. Clause rejected.

CLAUSE 107

1. Clause rejected.

CLAUSE 108

1. Clause rejected.

CLAUSE 109

1. Clause rejected.

CLAUSE 110

1. Clause rejected.

CLAUSE 111

1. Clause rejected.

12

CLAUSE 112

1. Clause rejected.

CLAUSE 113

1. Clause rejected.

CLAUSE114

1. Clause rejected.

CLAUSE 115

1. Clause rejected.

CLAUSE 116

1. Clause rejected.

CLAUSE 117

1. Clause rejected.

CLAUSE 118

1. Clause rejected.

CLAUSE 119

1. Clause rejected.

CLAUSE 120

1. Clause rejected.

CLAUSE 121

1. Clause rejected.

CLAUSE 122

1. Clause rejected.

CLAUSE 123

1. Clause rejected.

CLAUSE 124

1. Clause rejected.

13

CLAUSE 125

1. Clause rejected.

CLAUSE 126

1. Clause rejected.

CLAUSE 127

1. Clause rejected.

CLAUSE 128

1. Clause rejected.

CLAUSE 129

1. Clause rejected.

CLAUSE 130

1. Clause rejected.

CLAUSE 131

1. Clause rejected.

CLAUSE 132

1. Clause rejected.

CLAUSE 133

1. Clause rejected.

CLAUSE 134

1. Clause rejected.

CLAUSE 135

1. Clause rejected.

CLAUSE 136

1. Clause rejected.

CLAUSE 137

1. Clause rejected.

14

CLAUSE 138

1. Clause rejected.

CLAUSE 139

1. Clause rejected.

CLAUSE 140

1. Clause rejected.

CLAUSE 141

1. Clause rejected.

CLAUSE 142

1. Clause rejected.

CLAUSE 143

1. Clause rejected.

CLAUSE 144

1. Clause rejected.

CLAUSE 145

1. Clause rejected.

CLAUSE 146

1. Clause rejected.

NEW CLAUSE

**Amendment of section 160 of Act 38 of 2005**

1. On page 34, after line 6 to insert the following

“4” “(cA) the procedure, form and manner that a social service practitioner must follow when assessing, screening, investigating, referring to the relevant authority and placing a child who is in need of care and protection.”.

LONG TITLE

1. Long title rejected.

NEW LONG TITLE

**To amend the Children's Act, 2005, so as to amend and insert certain definitions; to extend the children's court jurisdiction; to further provide for the care of abandoned or orphaned children and additional matters that may be regulated; to provide for additional matters relating to children in alternative care; and to provide for matters connected therewith.**

