Good day honourable members my name is Renate Malan I am the social work supervisor and manager from Wandisa™ Child Protection and Adoption Agency. Wandisa™ is a child protection organisation designated by the Department of Social Development Western Cape and furthermore accredited to facilitate both national and international adoptions, by the Department of Social Development Director General of Child welfare services. Wandisa™ has been rendering these services for the past 11 years. I am specifically trained and practiced in child protection, permanency planning, family reunification and adoption. I have been on the ground and in the field of child protection, reunification and unification for the past seven years. My passion and daily drive is to see children loved unconditionally, nurtured to reach their full potential and to grow up within family care. Prize one is always for children to grow up an remain with their birth families (where this is possible and in their best interest) but where this is not possible alternative PERMANENT family care needs to be prioritised.

SLIDE 2

The impact of what we do can be felt far and wide in South Africa, but no more so than in the lives of the children that we work with.

SLIDE 3

I am here to speak to you today about my experience as a professional social worker on the ground in the child protection field, I ask that our submissions be carefully considered in light of us being experienced professionals not only in the field of child protection but also in the field of permanency planning and adoption. Wandisa’s intension is to ensure that children’s best interest, which are of paramount importance be uphold and to ensure that the children we as social workers face on a daily basis are protected, advocated and spoken for as most of them do not have parents who can speak for them so it is up to us! This presentation is in addition to Wandisa™’s endorsement of the submissions made under the Bayakhanya Foundation NPC umbrella, and in support of the oral presentations by Bayakhanya and Wybow Oliver Attorneys.

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Although we render and focus on a full spectrum of Child Protection Services today I will be focusing on abandonment, reunification, return and reintegration into family care and deinstitutionalisation and unification through adoption

Today I will be sharing some of these children’s stories, the names of the children have of course been changed to protect their identities.

Due consideration must also be given to the human right children without parental oversight have to unification through adoption if no suitable and eligible family members are willing to care for children.

SLIDE 5

Abandonment:

I remember each of the calls for each of our abandoned baba’s so clearly whether I was writing a report, typing an email or filing documents your world gets turned upside down when you get THAT call. The call of a baby being found in a bin down the road from a crisis pregnancy centre, the call of a little one being found in an open field with the SAPS officials having no idea how long he lay there for, the call of a little baby girl being found sun burnt with maggots coming out of her ears where it was estimated she had been lying there for over 12 hours and the call of another little girl being found covered in ants, also extremely sunburnt. These calls stay with you, they affect you and they stir you into action to be the voice and the advocate for these precious children who cannot speak for themselves!

Upon receiving your first of such a call a myriad of thoughts run through your head, how could a parent do this? Did they know what they were doing? How did they get to this point? The reality is no one dreams of one day abandoning their own child, in situations like these it is likely that the birth parent had no support, felt alone, judged and alienated within our society and that is on us. We will never know what drives each individual act of abandonment. And we have no right to condemn what we understand little about.

What we do know is that when others step in, motivated only by the common good, instead of death, there can be life.

SLIDE 6

I remember so clearly, as one of our abandonment cases were playing out, our Team enjoyed a visit from 4-year-old little Uya and her family. Uya had been abandoned in a hospital when she was approximately 5 days old. No one saw her mother leaving but fortunately someone found precious Uya. Years later, Uya’s adoptive parents and both set of grandparents brought her back to South Africa so that they could all learn more about her country of origin and reconnect with the friends they had made. It is hard to describe the immense privilege of seeing all three generations together, arm in arm, joined in their love for each other. When Uya’s family learned about the new baby who had been abandoned and found in a bin, Uya insisted on handing over a little yellow elephant she had brought with her to be given to the precious baby girl.

These are but two of the hundreds of cases we have been involved in where the trajectory of children’s lives were drastically changed by being placed in forever families. As you will see in the abandonment process we as forefront workers follow it is a labour intensive one. It is of utmost importance that all steps are carefully followed when a child is abandoned in order to obtain all the necessary information that might otherwise be lost to the child and the investigation forever. Intervening in a case of safe / unsafe abandonment requires expertise. I just want to note that the next slide contains graphic images which may be triggering to some. But this is sadly the reality of abandonment.

SLIDE 7

SLIDE 8

SLIDE 9

SLIDE 10

Children have the Constitutional right to life. Abandonment denigrates this right in that 2/3 children who are unsafely abandoned, die. Others survive suffer trauma and, in some cases,, are harmed in ways that will affect them for life.

There are more than 300 children per month in South Africa who are abandoned. Past studies have shown that about 65% of abandoned babies are newborn, and 90% are under the age of 1. Fortunately, the children I have referred to were found and could be named and accounted for. Sadly, no such record is made of the two out of three babies who are unsafely abandoned and do not survive: neither the police nor the mortuaries keep separate data for children no one knows.

Yet neither the Policy nor proposed Bill place proper focus on this incredibly important issue or suggest ways to better protect these children.

SLIDE 11

It is suggested that both are reworked to include details relating to:-

# How to prioritise the issue of abandonment so that it receives attention as the major social problem that it is;

# What specific child care and protection measures must be put in place to reduce and/or prevent abandonment;

# The differentiation between safe and unsafe abandonment;

# Public awareness about safe abandonment, which must be raised;

# How to best legalise the option of relinquishment for safe “abandonment”;

# How best to provide accessible options counselling for pregnant and new mothers so that they can exercise their rights and make informed choices;

# Options must include being able to safely relinquish their child without fear of criminal sanction;

# The ways in which such counselling must be available to pregnant young women and mothers who have not attained the age of majority;

# All efforts that should be made to support mothers in asserting their rights, including their own right to privacy, whilst upholding the best interests of the child. This is particularly relevant where the child has been conceived as a result of rape, incest or where there are direct and relevant indicators of dysfunction within the extended family that could potentially harm the child;

# The criminal sanction attached to safe abandonment must be removed;

# How to best legalise the designation and oversight of Babysavers as legitimate access points for children to be safely relinquished;

# How to train First Responders, health care workers and the police to respond appropriately to safe abandonment, as opposed to other forms of abandonment where the child has been deliberately left to fend for him/herself, or has been subject to any form of violence, abuse or neglect;

# Any reference to “abandoned” on a child’s birth documentation should be seen as an infringement of that child’s right to dignity and privacy, and outlawed with immediate effect;

# Every opportunity must be used to obtain as much information about the child’s circumstances as possible: the child has the right to her origins and the child can be counselled to integrate this into her life story.

SLIDE 12

Reunification, return & reintegration into family care and deinstitutionalisation:

If I ask you to think of your most cherished childhood memory, I am almost certain that this would include one or other memory of you with one of your family members. Whilst growing up and still today I have always been very family orientated, family means the world to me which is part of why I chose to become a social worker. Many of the highlights in my social work career have been successful family reunifications where children were in alternative care for various reasons, and then with the assistance and professional, thorough intervention by social workers they are returned or reunified with their birth parents or extended family members. I remember one specific case where the birth mother was experiencing an unplanned pregnancy, she was terrified to tell her family whom were already assisting her in caring for her older child. She was initially considering adoption and so right after birth, with her permission her little girl, lets call her Zozo was removed from her care. Following Zozo’s removal I remained in touch with her birth mother coming along side her, supporting her and walking a journey with her. Her birth mother was unsure whether she was making the right decision. We walked a journey together and together we told her family. I was involved in various family meetings and discussions when we shared the news with them, they responded with much joy, love, admiration for the birth mother telling them the truth and also sadness that she felt she could not share it with them initially.

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With our help the birth mommy connected with the resources in her community and they worked hard rebuilding their family relationships, strengthening her support system, gathering all the necessary documentation, following through with the necessary home visit and travelled far to visit Zozo on numerous occasions each time contributing towards her care. Zozo was successfully reunified with her birth mommy and is thriving in her care. We are still in contact to this day – she is growing into a beautiful little toddler who is surrounded by her loving birth family. What a privilege it is to be able to assist and love on birth mommies who are so in need of support.

SLIDE 14

The principle of reunification drives the narrative but proper safeguards for children are not included. Which I have seen first-hand is the leading cause for further family breakdown, child abuse, neglect and at times abandonment.

SLIDE 15

Clarification is required in the legislation as to what reunification, return and reintegration mean and how they will be implemented in practice: there is a lack of information in the Policy and proposed Bill on these aspects, which is most concerning for us social workers on the ground.

The law should be developed to ensure that reunification is always viewed through the lens of the child’s best interests and within a reasonable child centric timeframe. The bill should emphasise that children should never be placed in situations that are potentially harmful or detrimental to their development. Professional assessments must show improvement or resolution of prior circumstances to the extent that the child’s best interests would be served by such reunification, before decisions are made regarding reunification. Children should simply not just be reunified because the family member is a “blood relative” or is far extended family. Proper checks and balances need to be put in place – family members should not be exempt from this!

SLIDE 16

Written into the proposed Bill and policy must be guidelines for reunification; when reunification is not possible; how reunification should always be in the child’s best interests, in the child’s time frame, with decision-making expedited and concurrent processing with other permanent options to ensure no windows of opportunities for the child’s development are lost.

It is necessary to properly understand what reunification entails before any proposals can be incorporated into the Policy and proposed Bill.

Additionally, reunification needs to be defined and regulated in a way that ensures that the best interests of the child do remain of paramount importance and that the child is not placed into a potentially harmful or developmentally detrimental environment. Instances in which reunification can be pursued should be defined, as should those standards and assessments that must be in place before the reunification process commences. Follow up supervision and monitoring is also key in order to ensure that reunification is successful. Moreover there should be defined instances of where reunification is not possible or is unlikely to be successful.

At all times, any steps taken to reunify, return or reintegrate the child must accord with the best interests of the particular child and importantly, the child’s timeframe.

Deinstitutionalisation of children in our country is critical but the implementation hereof needs to be further detailed and explored.

SLIDE 17

## Unification through adoption

This little one is one of the hundreds of children we have placed through adoption. One of the hundreds of children who would have otherwise grown up in a children’s home, aged out of the system and who would have been part of another parentless society. Adoption has been key in changing the trajectory of her and many others lives.

SLIDE 18

**Children’s right to unification through adoption**

3.7 million South African children are experiencing the devastation of growing up without parents, as per this slide, one of these children and many others we work with have had the trajectory of their lives dramatically transformed – because of the love and nurture of a permanent family home!

Children’s best interests are realized through permanency and security, which adoption provides.

SLIDE 19

Adoption is a specialised field as it is a life long decision that needs to be made based on the best interest of a child. It is therefore critical that adoption practices are handled by trained, experienced, professional adoption social workers. Social workers who do not already have overburdened case loads, lack of resources, lack of supervision and who are inexperienced in permanency planning but rather social workers who are able to give their due attention and resources to each specific case.

SLIDE 20

This extract sums up the scenario where family unifications provide adoptive homes for all unparented children. This extract is taken from *P Barrozo The Real Problem of Intercountry Adoption National Council for Adoption:*

**“The much hoped for resulting scenario would be that of *family unifications* (rather than the limited, genetically reductionist, and potentially child-endangering notion of family reunification) on a global stage, with in-country and intercountry adoptions providing homes for all unparented children”.**

Barrozo goes further in describing how a good family is the best option for children:-

*“Yet, the fact...remains that no other type of institution compares to a good family (and good families come in different shapes and from different socio-economic strata) when it comes to the care and nurturing of children”.*

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SLIDE 22

What the Policy and proposed Bill is proposing to do will leave children gravely prejudiced by being deprived of the expertise of professionals when it comes to making major life long decisions.

We have this opportunity to ensure that future legislation promotes the human right of every child to family unification through adoption.

Failing to do so would be an abuse of children’s rights, for the reasons detailed by Barrozo above.

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Tarren-Sweeney concludes as well that adoption is a legitimate and necessary child-protection measure:-

“The one thing that is agreed is that the child’s safety, needs, welfare and development are the core issues to consider not only in the short term, but also for the rest of their lives. Embedded within this is a fundamental recognition that family life is the basic structure that enables this, and if that cannot be with the family of origin, an alternative permanent family solution must be found. In child protection, there could not be a more fundamental question requiring a robust, meaningful and informed solution. Vulnerable children are at the center of these issues and it is for them that we need an answer”.

SLIDE 24

**Wandisa NPC supports The Bayakhanya Foundation NPC** in its call for children to voice their opinions on the importance of being nurtured and mentored; of family care vs institutionalisation; what it feels to be abandoned, neglected or abused and let down by adults and the system – and how adoption has broken generational bonds and restored stability and security to their lives.

SLIDE 25

Lets stand together to prevent a parentless and broken generation for our future children! Thank you