

**ANNEXURE B**

**DSD RESPONSES TO THE SUBMISSIONS MADE ON THE CHILDREN’S AMENDMENT BILL MATRIX**

**EXTRACT OF FOSTER CARE COMPREHENSIVE LEGAL SOLUTION CLAUSES**

| **CLAUSE/ORGANISATION** | **PUBLIC COMMENTS AND PROPOSED AMENDMENTS** | **MATRIX PG NO. Ver. 13** | **EXPLANATION FOR PROPOSED AMENDMENTS** | **RECOMMENDATIONS** | **DSD RESPONSE** | **ARTICULATION IN LAW (RETAIN, AMEND NEW CLAUSE)** |
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| Clause 1 (a)  Definition of abandoned child | Professor Ann Skelton Children’s Institute, Professor Ann Skelton, Give a Child a Family, Catholic Institute of Education, Justice Desk, National Adoption Coalition of SA (NACSA), Centre For Child Law, Mr Jaco Van Niekerk  Children’s Institute, Give a Child a Family and the Centre for Child Law |  | The stakeholders recommend clarification of the intent behind this amendment and also to elaborate on who the “relevant authorities” are and how they will be resourced and capacitated to investigate and find missing parents.  The organisation recommends that the Department of Home Affairs must, in conjunction with the Department of Justice and Correctional Services and other departments delivering social services work on finding policy and legislative solutions to the challenge of children are victims to abuse, sexual exploitation and even human trafficking. | Clause 1 (a)  Definition of abandoned child Clause 1(a) – abandoned child (to be read with section 150 (1)(a) in the context of a child in need of care and protection)  Children’s Institute, Professor Ann Skelton, Give a Child a Family, Catholic Institute of Education, Justice Desk, National Adoption Coalition of SA (NACSA), Centre For Child Law, Mr Jaco Van Niekerk  Children’s Institute, Give a Child a Family and the Centre for Child Law  for anyone who knows the child to come forward. However, these adverts are costly and ineffective in tracing parents, especially parents who do not want to be found. Furthermore, finding parents who have abandoned their children will not render the children no longer abandoned, especially if the parent is not willing to be a parent. | Agree with Centre for Child’s law and Professor Ann Skelton’s recommendations. | *Amend the clause as follows:*  *has no knowledge as to the whereabouts of the parent, guardian or care-giver and such information cannot be ascertained by the relevant authorities.*  *“(2) A child found in the following circumstances may be [a child in need of care and protection] at risk and [must] may be referred for [investigation] initial screening by a social service practitioner in the prescribed manner:*  *Amend the clause as follows:*  *“has no knowledge as to the whereabouts of the parent, guardian or care-giver and such information cannot be ascertained by the relevant authorities.’* |
| *Clause 1(e)*  *Definition of caregiver* | Mr Van Niekerk submits that the definition of caregiver ought to be redefined, and a distinction must be drawn between a care-giver¬ who has legal or statutory duties towards a child (e.g. foster parent, grandparent) and one who has no legal or statutory duties towards a child (e.g. a person finding a child new born child in a dustbin and then caring for the child by assisting the child). | 34-35 |  | * Define ‘care-giver’   means any person, other than a parent or guardian, who factually cares for a child and who has a legal duty in respect of the child, including –  (*A) a grandparent or an adult sibling or half-sibling; (b) a foster parent; (c) a person who cares for a child with the implied or express consent of a parent or guardian of the child; (d) a person who cares for a child whilst the child is in temporary safe care; (e) the person at the head of a child and youth care centre where a child has been placed; (f) the person at the head of a shelter; (g) a child and youth care worker who cares for a child who is without appropriate family care in the community; and (h) any other person that has parental responsibilities and rights in respect of the child.*   * *‘Incidental care-giver’* means any person, other than a parent, guardian or defined care-giver, who factually cares for a child on a temporary basis only’. * Should the submission of different definitions for different care-givers be agreed with, then the following (on the right) consequential amendments will have to be made:   The term ‘care-giver’ should be replaced with reference to a defined caregiver as well as an incidental care-giver in the following sections:  Section 1 (definition of commercial sexual exploitation), 7(1)(a)(ii), 7(1)(c), 7(1)(d)(ii), 11(1)(d), 13(1)(d), 32(1) and 305(3).  The term ‘care-giver ‘should be replaced with reference to defined care-giver only in the following sections:  46(1)(d), 46(1)(e), 46(1)(f), 46(1)(g), 46(1)(h)(iii), 58(d), 60(1)(c)(iv), 62(1)(d), 76, 89(2)(a), 114(2)(a)(vi), 114(2)(c)(viii), 129(4), 129(10), 130(2)(b), 130(2)(e)(ii), 130(2)(f)(ii), 132(1)(b), 132(2)(b), 133(2)(b), 133(2)(d)(ii), 133(2)(e)(ii), 134(2), 135(2), 137(1)(a), 137(1)(c), 144(1)(b), 144(1)(c), 144(3), 145(1), 148(1)(a), 148(3), 149, 150(1)(b), 150(1)(g), 150(1)(i), 151(2A)(b), 151(7)(a), 152(2)(a), 152(2)(d)(ii), 152(3)(a), 152(3)(b)(ii), 156(e), 156(e)(iv), 157(1), 157(1)(b)(i), 157(1)(b)(ii), 157(1)(b)(iii), 159(2)(d), 171(3)(a), 171(4)(b), 175(3), 176(2)(a) and 226(2)(a). | Agree with the proposed amendment of the definition of caregiver.  DSD proposes a definition of a Care Giver as follows: “A person assigned care of a child within a registered Cluster Foster Care Scheme.”  Agree with the new proposed definition of an informal or incidental caregiver; however current literature refers to “informal caregiver” |
| Clause 1 (h) definition of cluster foster care scheme. | Section 1(b)(h): CoRMSA  The organisation submits that the Department of Social Development district offices are easily accessible and are seen as the direct point of reference to many designated child protection organisations as compared to the provincial department. At the district level, it is where social workers or social service managers and coordinators seat. Therefore, their involvement can enhance the effective application of this Act. | 38-39 |  | * Section 1(b)(h): include: “*Department of Social Development District Office*” for the sub-section to read: by the substitution for the definition of ‘‘cluster foster care scheme’’ of the following definition: ‘‘ ‘*cluster foster care scheme’* means a scheme providing for the reception of children in foster care, managed and operated by a designated child protection organisation, department of social development district office or the provincial department of social development and registered by the provincial head of social development for this purpose;’’. | Disagree  The Act makes reference to the Department/ provincial department of social development. Although some of the services are provided at a district, regional, service point or local level, the Act does not make reference to those levels of service delivery. | Clause retained |
| **Clause 24** seeks to amend section 45—  *(a)* by extending the jurisdiction of the children’s court to include  ‘‘guardianship of an orphaned or abandoned child’’;  *(b)* by excluding matters arising in a shelter from the jurisdiction of the  children’s court;  *(c)* by including an unaccompanied or separated migrant child, or the child  of an asylum seeker or refugee, as contemplated in the Refugees Act,  1998 (Act No. 130 of 1998), under the children’s court’s jurisdiction;  *(d)* by adding to the powers of the children’s court to refer any criminal  matter arising from the non-compliance with an order of such court or a  charge relating to any offence contemplated in section 305 to a criminal  court having jurisdiction;  *(e)* by removing all references to the divorce courts and to clarify that the  children’s court and the High Court have jurisdiction over guardianship  of a child. The High Court, children’s court and regional court have  jurisdiction over assignment, exercise, extension, restriction, suspension  or termination of guardianship in respect of a child. | (W. Cape DoBE, CORMSA, Ms Elmarie De Klerk: Chief Magistrate Palmridge, CINDI)  Solidarity  The trade union also supports amendments to subsection 45(1)(bA) which expands the jurisdiction of the Children’s Court to include guardianship of an orphan or abandoned children. It also supports the substitution in subsection (2) in that the children’s court is obliged to *“refer any criminal matter arising from the non-compliance with an order of such court or a charge relating to any offence contemplated in section 305 to a criminal court having jurisdiction.”* It also supports the insertion of subsection 45(3B) confirming that *“the High Court, children’s court and regional court have concurrent jurisdiction over the assignment, exercise, extension, restriction, suspension or termination of guardianship in respect of a child.”* | 227-248 |  |  | Proposal accepted | Amended clause. Also see page 239 of the matrix for a cross reference.  *Any person having an interest in the care, well-being and development of a child may apply to the High Court or the children’s court for an order granting guardianship of the child.’*  *Insert of paragraph 45(bA)* “(bA) guardianship of a child as contemplated in section 24”.  45 (1)“(bA) “guardianship where the application is brought by the child’s unmarried father or other family member of the child”. |
| **Clause 56** seeks to amend section 105 by providing that the Department must ensure that a quality assurance process is conducted, in the manner and at the intervals as prescribed, in respect of all child protection services contemplated in this section. | (ENGO,  **WESTERN CAPE DEPARTMENT OF BASIC EDUCATION** | 260-262 |  | * Clause 56 - Amendment of section 105: (rr)Indicate whether quality assurance should be in respect of child protection organisations and child protection services. | Proposal supported.  This will clarify that quality assurance should be in respect of both child protection organisations and child protection services. | Section 105” child protection organisations” |
| Centre for Child Law |  | The organisation does not support amendment to section 105. It submits that the wording of section 105 be clarified to reflect that service providers may offer some but so not have to offer all of these services, and that organisations offering prevention and early intervention services are not necessarily required to register a child protection organisation. Clarity must be sought with the Department concerning the registration of child and youth care centres also child protection organisations (and the impact on social workers employed there) as well as social workers employed at municipalities. | Amend section 105(4) to read, “designated child protection services social workers (social work practitioners) in the service of a child and youth care centre and a municipality to be exempted from (b) (v) and (vi) because the basic function of a social worker at a child and youth care centre is to be responsible for the care of the child through the implementation of appropriate programmes for the child and his or her family and not to do other ‘statutory work’.”  Amend section 105(5)(d) to read, “designated social workers in the employ of a child and youth care centre or a municipality should be empowered to intervene appropriately, but NOT to remove children – this is the role of designated social workers NOT in the employ of a child and youth care centre or municipality.”  Amend section 105(6) to read, “the Department must develop and conduct a quality assurance process for the evaluation of child protection services as prescribed.” | Proposal supported  Proposal supported  Proposal 105(6) | 105(4) “designated child protection services social workers **[social work practitioners]** in the service of a child and youth care centre and a municipality to be exempted from (b) (v) and (vi) because the basic function of a social worker at a child and youth care centre is to be responsible for the care of the child through the implementation of appropriate programmes for the child and his or her family and not to do other ‘statutory work’.”  105(5)(d) “designated social workers in the employ of a child and youth care centre or a municipality should be empowered to intervene appropriately, but not to remove children – this is the role of designated social workers not in the employ of a child and youth care centre or municipality.”  105(6) “the Department must develop and conduct a quality assurance process for the evaluation of child protection services as prescribed.” |
| **Clause 77** seeks to amend section 142 by empowering the Minister to make  regulations prescribing the powers, duties and responsibilities of the Registrar  of the National Child Protection Register; and the establishment of well resourced  designated child care and protection units with quality assurance  units. | **No proposal** | 291 |  |  |  |  |
| **LIMPOPO GREATER TZANEEN**   * Amendment of Section 159 should be a fail-safe, but not the norm. In this regard, as this amendment simply delays the backlogs to another day and not solving the crisis. Thus, the Bill does not provide the required comprehensive legal solution. | 328 |  | * In attempting to provide a comprehensive legal solution to the foster care system, the Bill must provide the necessary mechanisms, structures, resources to ensure that the foster care system operates in a sustainable and effective manner. There is an urgent need for legislative framework to assist both the public and private sector to ensure that they can service and assist the children. | Comment noted.  Clause 77 (jB) seeks to address the mechanisms structures and resources that are required to provide child protection services that include foster care services. | Clause retained. |
| Central Karoo District Municipality |  | Budget constraints: The Bill should be more specific regarding the budget on the implementation of the proposed amendments and also be specific on who is responsible for the implementation. There are capacity challenges due to financial constraints. This is evident on children who wait for long period of time for placements in foster care system. The Bill should be very strong on financial implications of the implementation of the proposed amendments. |  | Department notes the submission. Clause 77(jB) seeks to address this concern through the establishment and resourcing of designated childcare and protection units |  |
| **Clause 82** seeks to amend section 150 to clarify that a child who is abandoned  or orphaned and has no parent, guardian, family member or caregiver who is  able and suitable to care for that child, is a child in need of care and protection.  A child in need of care and protection will include ‘‘an unaccompanied  migrant child from another country’’, ‘‘a victim of trafficking’’ or a child who  ‘‘has been sold by a parent caregiver or guardian’’. | Centre for Child Law  (Ann Skelton, Give a Child a Family, Children’s Institute, Gauteng Ekurhuleni, Western Cape Commissioner for Children and the Child Government Monitors, Women’s Legal Centre, DoBE, Door of Hope, CINDI, Ms Viccy Wanliss,  Scalabrini Centre, We’re Fathers, We’re Parents, Consortium for Refugees and Migrants in South Africa (CoRMSA/the Consortium, SANCO) | 294 | Pertaining to section 150 (1)(a) it supports the intent of this amendment because it is aimed at making it clear that relatives caring for orphaned or abandoned children will no longer have to get a foster care court order before they can access an adequate social grant. This is necessary because it has been proven that the foster care system is not effective in reaching the majority of orphans in need, and the attempts at doing so have consumed social worker time, reducing their time to respond to cases of serious abuse.  However, we are concerned that DSD’s proposal is too broad and will result in DSD and the children’s court requiring social workers to find absent parents and or distant family and place children informally with that absent parent or distant family with no supervision or support. This is not in children’s best interests as it does not take into account the importance of an existing ‘attachment’ for the child’s psychological development. If a new caregiver is found that the child has no existing bond with, then its important that the child is placed into the child care and protection system for at least 2 years so that their placement is supervised and supported.  It also recommends that the words ‘suitable and able’ be removed because they are unnecessary. The Act already covers situations where a child’s caregiver is not suitable or able to care for the child in the other sub-sections in s150(1). | Amend section 150(1)(a) to read, “A child who has been abandoned or orphaned and is not in the care of a family member as defined in section 1” | Proposal supported with modification  Clause 83(6)(b)(iv) amending Section 155 and clause 84(1)(cA) amending Section 156 makes provision for children’s courts to hear matters pertaining to children in the care of family members that may include orphaned and abandoned children.  Children in the placement of family members should also be subjected to proper assessment as these children may be at risk and can be subjected to vulnerabilities, requiring care and protection. | “A child who has been abandoned or orphaned and has no parent or, guardian and is not in the care of a family member as defined in section 1” or care -giver who is able and suitable to care for the child concerned”.  **Insertion of 150 1(Aa)**  A child found in the following circumstancesmay beat risk and may be referred for initial screening by a social service practitioner in the prescribed manner.  **Insertion of section 150(1)(aB)**  If after initial screening a social service practitioner finds that a child referred to in subsection (2) is not a child in need of care and protection as contemplated in subsection (1) such social service practitioner must take reasonable measures as prescribed to assist the child. and  **Insertion of section150(1)(aC)**  If after initial screening the social service practitioner finds that a child referred to  in subsection (2) is a child in need of care and protection as contemplated in subsection (1), in line with paragraph (b) and (c ) of section 1, the social service practitioner must refer the case to a designated social worker who must investigate the matter in terms of section 155 (2).”. In line with paragraph (b) and (c ) of the definition of a family member  **Insertion of section150(1)(aD)**  An orphaned or abandoned child in the care of a family member may in a prescribed manner be placed in the foster care of a family member at least 2 years and upon review of placement a child may be diverted to a place of safety or guardianship or where applicable be placed in the care of a family member in terms of section 186 or any other relevant provision of this Act. |
| **Clause 83** seeks to amend section 155 by effecting minor consequential  amendments. | Centre for Child Law | 314 | In relations to section 155, the organisation argues that it should be amended because the majority of the problems in respect of removed children should have been cured by the judgment in C and Others v MEC for Social Development, Gauteng and Others. It is now clearly mandatory that there must be a hearing at the children’s court on the next court day when a child is removed. However, section 155(2) still states: “Before the child is brought before the children’s court, a designated social worker must investigate the matter and within 90 days compile a report...” This was not cured by the abovementioned judgment. There is therefore still confusion in respect of removed children. In respect of children not removed but the subject of investigation to determine whether they are in need of care and protection, there is no clear procedure to open a children’s court file in the act or regulations. This could be resolved through amendment to sections 155(1) and 155(2) to make it clear the court must open a file/enquiry. | Amend section 155(1) to read, “[**A children’s court must decide the question of whether**] Upon notification or referral to the children’s court of a child who is the subject of proceedings in terms of section 47, 151, 152 or 154, a children’s court must open a court file in the prescribed manner and must decide the question of whether is in need of care and protection.”  Amend section 155(2) to read, “[**Before the child is brought before the children’s court,]** A designated social worker must investigate the matter and within 90 days from the date of referral compile a report in the prescribed manner on whether the child is in need of care and protection.” | Proposal supported | 155(1) “[**A children’s court must decide the question of whether**] Upon notification or referral to the children’s court of a child who is the subject of proceedings in terms of section 47, 151, 152 or 154, a children’s court must open a court file in the prescribed manner and must decide the question of whether is in need of care and protection.”  155(2) “[**Before the child is brought before the children’s court,]** A designated social worker must investigate the matter and within 90 days from the date of referral compile a report in the prescribed manner on whether the child is in need of care and protection.” |
| *Clause 84 seeks to amend section 156 by effecting minor consequential amendments.* | (Centre for Child Law, Ms Elke Day, DoBE)  Give a Child a Family  The organisation supports amendment to section 156 (1)(cA) in that it will provide the option for the court to place the child in the care of a family member only if the court has found a child to be in need of care and protection. It submits that it is important to formalise the practice of placing abused or neglected children in the care of family members, while the social services practitioners are attempting to provide services to the ‘reform’ biological parent. It however, raises a concern that if the child has for example been orphaned or abandoned and is in the care of a family member, the child will not be found to be in need of care and protection by the court, and a section 156(1) (cA) ‘placement’ order cannot be made. [See section 156(4)]. It therefore recommends an amendment to section 46 to make it clear that the court can confirm or grant parental responsibilities and rights to family members. | 316 |  |  | The Department supports the view regarding cluster foster care with modification of caregiver definition in 1(e) to include a person who cares for a child who is placed in the care of a registered cluster foster care scheme.  A court cannot place a child with a foster parent with a cluster foster care scheme as it will confuse the administrative processes of a cluster foster care scheme.  The scheme will have to inform the department of the movement of children within the scheme.  The Department does not support the proposal based on the fact that a period of six (6) months that is suggested in the Bill is reasonable to allow the Magistrates to process the extension of the foster care orders. This is in line with the section 48 of the Act which allows the Magistrates to grant an extension in accordance with the best interest of the child. | Clause retained. |
| **Clause 84** seeks to amend section 156 by effecting minor consequential amendments. | Centre for Child Law |  | Proposed amendment to section 156(1)(e)(ii) be reversed.  The internal organisational structure and decision making procedures of a cluster foster scheme may be regulated by the scheme as long as it is within the prescripts of the Act and Regulations. The choice of placement of a child with a specific foster parent, who is part of a cluster foster scheme, can be regulated internally by the scheme. Placing the child with a specific foster parent would also be contrary to the concept of cluster foster care which allows transfer of children between foster parents without having to return to court or requesting an administrative transfer by a social worker. If a court order identifies a specific foster parent, the transfer would have to be effected through the process described in section 171 or by court order, the organisation cannot do it independently. Regulation 69(5) does require that the cluster foster scheme consider the factors set out in section 171 when transferring a child from one foster parent to another, but it does not have to be processed through DSD or the children’s court. |  | The Department supports the view regarding cluster foster care with modification of caregiver definition in 1(e) to include a person who cares for a child who is placed in the care of a registered cluster foster care scheme. | Rephrase clause 84 to Foster care with a registered cluster foster care scheme.  Definition of a care giver: A care giver is a person assigned the care of a child in cluster foster care scheme. |
| **Clause 85** seeks to amend section 157 by including a reference to ‘‘guardian’’.  Adoption of children less than three years | Centre for Child Law | 317 | The organisation partially supports amendment to section 157 in that This proposed amendment aligns with what is already in the Act describing such age group, see section 135(2)(c). | Amend section 157(3) to read “A [**very young**] child who is three years or younger who has been orphaned or abandoned…” | Proposal supported | 157(3) “A [**very young**] child who is three years or younger who has been orphaned or abandoned…” |
| **Clause 86** seeks to amend section 159 by providing that a court may extend an  alternative care order that has lapsed or make an interim order. Furthermore,  it will be regulated to ensure the accountability of the respective officials  regarding the lapsing of these orders. It forms part of the comprehensive  long-term solution to foster care as a mechanism for managing foster care  orders. | (CFCL, Ann Skelton, Give a Child a Family, Children’s Institute, ENGO, CINDI, Catholic Institute of Education, W. Cape DoBE, Eastern Cape OR Tambo District, Limpopo Greater Tzaneen, Central Karoo District Municipality,  Centre for Child Law | 318  328 | With regard to amendments to section 159 (2A), the organisation submits that more information is needed from DSD as to why this amendment is needed and how it will further children’s best interests. In practice the first part of the Department’s proposed insertion would mean that alternative care court orders that have expired can be brought to the court for extension after they have expired. This will affect the 23 000 children in child and youth care centres, an unknown number of children in temporary safe care and 350 000 children in foster care.  This amendment can only be necessary if social workers are unable to prepare the extension in time. Which indicates the law is being ‘stretched’ to compensate for a lack of implementation capacity and/or lack of a comprehensive legal solution aimed at reducing the foster care case load. Will this amendment be necessary if the comprehensive legal solution is in place and there is less demand for foster care? If foster care caseloads are reduced, there should be no reason for delays in reviewing and extending alternative care orders and therefore no need for this new section 159(2A). Also, this provision will not prevent SASSA from stopping payment of the FCG on the day the foster care order expires. It only ensures that the FCG will later be re-instated and back payed when the extension order is finally submitted to SASSA. FCGs will therefore still lapse for a period of time. This provision is therefore not aimed at ensuring the child continues to receive the FCG uninterrupted. The organisation therefore proposes that this clause be restricted to cases of orphaned and abandoned children in the care of family members and that it be structured as a time bound transitional clause to be used only in exceptional cases due to the current high backlog.  With regard to section 159(2B) the organisation submits that once this Bill becomes an Act, approximately 300 000 orphaned or abandoned children who are already in foster care with family members are at risk of losing their foster care orders and consequently their foster care grants. This is because when their case comes back to the court for review in terms of s159, the children’s court will review their case against the criteria specified in s150(1) (a). Because s150 (1) (a) is being amended to exclude new applications for foster care by family members caring for orphaned or abandoned children, it could be interpreted by magistrates to mean that existing foster care placements of orphans with family members must be terminated. This needs to be explicitly prevented, as it will constitute regressive action for the families already in receipt of the foster care grant. | Amend section 159(2A) to read, “(2A) For three years from the date of commencement of this Act, in relation to orphaned or abandoned children in foster care with family members, a court may extend an order that has lapsed or make an interim extension of an order for a period not exceeding six months, on good cause shown.”  Insert a new subsection 159 (2B) to read, “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).” | Proposal not supported. Clause with modifications  The clause is intended to ensure that the validity of the child’s court order is not jeopardized, which is the child’s primary right to access alternative care.  It is in line with section 48 of the Act which allows the Magistrates to grant an extension in accordance with the best interest of the child.  The consequence of this clause subsisting for a limited period of 3 or 5 years as a transitional mechanism, is that the resources may not be duly allocated which will result to the orders lapsing again after the proposed timeframe resulting to further lapsing of foster care orders due to systemic issues. | Insert a new subsection 159 (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 92** seeks to amend section 183 by effecting consequential amendments. (regarding the registration of designated child protection organisations and management of cluster foster care schemes. |  |  |  |  | No proposal |  |
| **Clause 93** seeks to amend section 185 by providing that not more than six  children may be placed in foster care with a single person or two persons  sharing a common household in terms of a registered cluster foster care  scheme. The amendment is intended to ensure that children placed in cluster  foster care are cared for appropriately and the caregiver is not overburdened. | No proposal | 348 |  |  |  |  |
| **Clause 94** seeks to amend section 186—  (a) by providing that a children’s court may deem it necessary to order  further supervision services and despite the provisions of section  159(1)(a), regarding the duration of a court order, and after having  considered the need for creating stability in the child’s life, the court may  place a child in foster care with a family member and order that the foster  care placement subsists until the child turns 18 years;  (b) by effecting consequential amendments to align the Bill with the current  terminology;  (c) by providing that this section does not apply to a cluster foster care scheme. | **Children’s Institute**  In relation to amendment to section 186, the organisation explains that these small amendments are aimed at encouraging social workers and courts to make long term foster care placements or extensions for children in the care of family members, especially in the case of orphaned or abandoned children. This is aimed at reducing the need for review of these placements. If effective, these amendments may be helpful in reducing the backlog during the transition period of the next five years. However, there is no guarantee that these small changes will persuade social workers or courts to move away from two yearly reviews as each social worker and courts are entitled to exercise their discretion and the default and common practice is two year placements and two yearly reviews ito s159(1) & (2). Once there are no more orphaned or abandoned children in the care of family members in the foster care system, the rationale for these clauses may become redundant.  In relation to section 186(2) and (3), the organisation is not convinced these amendments will achieve their objective  These small amendments are aimed at encouraging social workers and courts to make long term foster care placements or extensions for children in the care of family members, especially in the case of orphaned or abandoned children. This is aimed at reducing the need for review of these placements. If effective, these amendments may be helpful in reducing the backlog during the transition period of the next five years. However, there is no guarantee that these small changes will persuade social workers or courts to move away from two yearly reviews as each social worker and courts are entitled to exercise their discretion and the default and common practice is two year placements and two yearly reviews ito s159(1) & (2). Once there are no more orphaned or abandoned children in the care of family members in the foster care system, the rationale for these clauses may become redundant.  **(**Give a Child a Family, W. Cape DoBE,Cape Town Metropolitan Municipality, Thabo Mofutsanyane District Municipality, West Coast District Municipality) | 348 |  |  | The Department does not support this view because the whole purpose of monitoring of the foster care placements is to serve the best interest of the child, and it is a key component of child protection services.  Monitoring and supervision is strengthened with the amendment of Section 186, establishment of child protection units as well as the integrated information management system will strengthen the monitoring and supervision processes of foster placements. | The Department retains the clause. |