**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**QUESTION NO. 1678**

**DATE OF PUBLICATION: FRIDAY, 29 APRIL 2022**

**INTERNAL QUESTION PAPER 15 – 2021**

**1678. Ms L L van der Merwe (IFP) to ask the Minister of Home Affairs:**

With regard to the requirements for late registration of abandoned and/or orphaned children living with a relative and the submission of the Deputy Director-General of Civic Service of his department, who reported to the Portfolio Committee on Social Development on 2 March 2022 that relatives can register orphaned and/or abandoned children if they provide a report by a social worker, however, at a local service delivery level, it appears as if a Children’s Court Order is required in most cases, (a) what section of the Act and Regulations regulate applications for late registration of births of orphaned and/or abandoned children, when such registrations must be made in the name of a social worker and/or when they are made in the name of the relative caring for the child, (b) which types of relatives qualify to make such applications and (c) which supporting documents are needed by a social worker and/or relative to provide to her department for a successful application? NW2006E

**REPLY:**

1. There is no regulation for Late Registration of birth for abandoned and/or orphaned children. However, abandoned and/or orphaned children are registered in terms of Section 12 of the Births and Deaths Registration Act (Act 51 of 1992), Regulation 9 of the regulation on Registration of Births and Deaths (2014) as well as Sections 46 and 156 of the Children’s Act, Act 38 of 2005.
2. Neither the Births and Deaths Registration Act nor the regulation on Registration of Births and Deaths specify which types of relatives may register an orphaned or abandoned child. However, the Births and Deaths Registration Act as amended (Births and Deaths Registration Amendment Act, Act No 18 of 2010) points out that any person other than the parents of such child who registers a child must be prescribed. Section 46 and 156 of the Children’s Act. Act 38 of 2005 deals with the designation of a person as a care giver of a child.
3. According to Section 9(1) of the Births and Deaths Registrations Act, 1992 a notice of birth of abandoned or orphaned child in terms of section 12 of the Act must be given on Form DHA-24 illustrated in Annexure 1A by a social worker within 60 days of obtaining a court order in terms of section 156 of the Children’s Act, and must be accompanied by-

* A court order issued by the children’s court;
* A certified copy of the identity document or valid passport and visa or permit of the social worker:
* Where available a certified copy of the identity document or passport and visa or permit of the parents of a child
* Where available, a copy of the death certificate of the parents of a child; and
* A social workers’ report that was presented to the children’s court

**END**