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**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**QUESTION NUMBER: 31**

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 13 FEBRUARY 2020**

**INTERNAL QUESTION PAPER NUMBER: 01 - 2020**

**31. Ms A L A Abrahams (DA) to ask the Minister of Social Development:**

(1) In view of the High Court judgment granting her department an extension on all lapsed foster care grants in November 2019, what is the current backlog of foster care grants in each province;

(2) whether all lapsed foster care orders will be completed before the new deadline of November 2020; if not, why not; if so, what are the relevant details? NW34E

**REPLY:**

1. The foster care orders that were due to lapse on 28 November 2019 for the respective provinces are as follows:

E. Cape: 896

Free State: 2041

Gauteng: 4 281

KZN: 12 445

Limpopo: 3 051

Mpumalanga:486

N. Cape: 345

N. West: 2 045

W. Cape: 4 888

These orders are now deemed to be valid by the North Gauteng High Court Order that was issued on 26 November 2019 therefore, there is no backlog of lapsed foster care orders.

2. Foster care orders that will be completed before the new deadline of November 2020;

EASTERN CAPE:

The Eastern Cape Province will ensure extension of all foster care orders affected by the NGHCO, before it expires on 26 November 2020. As already indicated above on the interpretation and implementation of the North Gauteng High Court Order and the Eastern Cape Province intersectoral position on the management of these foster care orders so as to avoid having all the affected orders lapsing on the same day when the NGHCO expires on 26 November 2020. Intersectoral collaboration and provision of tools of trade to social workers at service offices brought about the success in relation to the 2017 Judgement. The following measures which will ensure extension of foster care orders beyond 26 November 2020 will continue:

* Case-flow Meetings with Presiding Officers and Social Workers / Case Managers.
* Monthly engagements with Department of Social Development and SASSA Senior Management as well as Judicial Cluster Heads with their Sub Cluster Heads for strategic decisions and monitoring on implementation of resolutions taken for management of foster care.
* DSD – Social Workers to approach courts with a social work report and the required documentation as provided for in the Children’s Act 38 of 2005 as amended with all the relevant parties appearing before the Presiding Officer as required.
* Allocation of court dates and issuing of orders for child protection matters
* Judiciary to prioritize issuing of court orders affected by North Gauteng High Court.
* DSD Social Workers to ensure that all orders issued by courts are collected and submitted to SASSA, captured and updated on the system by SASSA
* South African Social Security Agency (SASSA) expedite capturing and updating of all orders issued by the courts and submitted to them by DSD respectively.
* The three entities at local level will continue meeting on a weekly basis to ensure reconciliation of figures, jointly looking at the draft final report to be submitted to the Provincial Office as well as ensuring that all orders due to lapse are extended and updated on SOCPEN.
* Sharing of resources by the three entities when the need arise.
* Funding of Designated Child Protection Organisations rendering child protection services.
* Implementation of s186 of the Children’s Act (that allows long term placement until the child turns 18) which will subsequently ease the current high caseloads of orders due for extension.
* Form 30 Applications (for screening of prospective foster parents and adoptive parents against Part B of the Child Protection Register) continue to be sent to National DSD timeously to ensure a shortened response time by National DSD.
* Timeous submission of a list of all children who have applied for Unabridged Birth Certificates to National DSD for possible exemption from paying as well as expediting processing by the Department of Home Affairs.
* The Province will continuously ensure that the budget is available for advertisements in line with Regulation 56 of the Children’s Act (tracing parents of children found to be in need of care and protection which is a key requirement for all alternative care placements including foster care order extensions).
* Eastern Cape Province will continue addressing shortages of social workers and social work supervisors, filling Departmental vacant funded posts as well as funding of Designated Child Protection Organizations (DCPOs).
* The Province will continue with its efforts in providing tools of trade for social workers at service office level.

FREE STATE:

At the time of the expiry of the North Gauteng High Court Order, 2041 orders were due to lapse, but all these orders are deemed valid in line with the North Gauteng High Court Order extension. The Provincial and District Plans are reviewed to ensure the management of the extension of foster care orders in the Province.

GAUTENG:

Gauteng Province is committed to finalise all lapsed orders by end of November 2020. However, the extension of the foster care orders is dependent on other Stakeholders including, Department of Justice, Home Affairs, etc.

Furthermore, there are challenges experienced from some of the Stakeholders, such as:

* Different interpretation of the High Court ruling
* Requirement of a Police Clearance Certificate for extension of Orders which has cost implications for the client.
* Delay in getting court dates.
* Requirement of an Unabridged Birth Certificate which has cost implications for the client.

KZN:

The Province of KwaZulu-Natal has implemented various strategies to ensure effective implementation of the North Gauteng High Court Order Interim Regime issued 26 November 2019 in order to meet the new deadline date. The strategies include amongst others:

* Facilitation of the Foster Care Mondays by District Directors and Foster Care Fridays facilitated by the Service Office Managers that will take form of working sessions between Social Development and South African Social Security Agency (SASSA) with the following outputs at the end of each working session:
* Number of foster care orders captured
* Reconciled foster care statistics
* Weekly Report on Foster Care for onward submission at Head Office.
* Monthly foster care meetings to be facilitated by the Chief Director, Social Welfare Services to track and monitor implementation of the North Gauteng High Court Order Interim Regime issued 26 November 2019.
* Provincial Intersectoral Foster Care meetings quarterly to be facilitated by the Acting Deputy Director General, Developmental Welfare Services between Department of Justice, Department of Home Affairs for purposes of identifying challenges that might have a negative impact towards effective implementation of the North Gauteng High Court Order Interim Regime issued 26 November 2019 and development of integrated interventions to address the identified challenges.

LIMPOPO:

All the foster care cases covered by North Gauteng High Court Order will have been completed by November 2020. The Province has developed action plans in the districts which are monitored on weekly basis to ensure that the cases are attended to.

MPUMALANGA:

All court orders projected to lapse by November 2020 will be attended to before the expiry of the

North Gauteng High Court Order on Foster Care.

NORTHERN CAPE:

The Northern Cape, Department of Social Development, has systems in place to monitor the implementation of the NGHCO. There is a good working relationship between DSD, SASSA and Department of Justice. The Department of Social Development in the Northern Cape Province resolve to implement the provisions of the Children’s Act in full.

NORTH WEST:

The Province will ensure the review of all the foster care orders that are due to lapse in 2020 and extend all eligible placement s through intensifying monthly monitoring of performance at all levels and capacitating all 18 alternative care units.

WESTERN CAPE:

The North Gauteng High Court Order granted on the 26th of November 2019 deemed all foster care orders valid until 25 November 2020.

The Western Cape Department of Social Development has a provincial foster care management plan in place to manage foster care in the province to ensure that orders are extended before the termination of the current High Court Order. This plan is dependent on the other processes in collaboration with other departments namely:

a) Social workers to approach the children's coats with any timelines to obtain foster care orders for the full duration of the two years or beyond in terms of section 186 of the Children's Act 38 of 2005.

b) Regions were cautioned against issuing confirmation letters for the duration of the current North Gauteng High Court Order to prevent a repetition of a large number of foster care orders lapsing simultaneously on 25 November 2020.

c) The Department of Justice and Constitutional Development to extend foster care orders for two years or beyond.

d)Form 30 notifications are to be issued within the required timeframe by the National Department of Social Development.

e) Birth certificates of children in the alternative care system to be issued timelessly by the Department of Home Affairs.

f) Foster care orders to be submitted to SASSA timeously to ensure the continuation of the foster child grants.

The Western Cape remains committed to ensure the care and protection of children in the alternative care system