

Towards a better investment in the rights of the child

Challenges related to the mobilization, allocation and spending of resources for children

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The global call for permanency for children is overwhelming, culminating in the UN Guidelines for the Alternative Care of Children (2009) which states as a first priority, to support efforts to keep children in, or return them to the care of their families or failing this, to find another appropriate and permanent solution, including adoption ...”

We believe that children are best served in secure, protected, thriving family environments. Permanency for every child, currently living in institutional care must be realistic. This move would best be achieved when there is collaboration with Child and Youth Care Centres (CYCCs) , designated child and protection agencies, adoption agencies, the justice system and community networks to develop guidelines/ toolkit to ensure that permanency, whether through re-unification, long term fostering, or adoption, is achieved as quickly as possible for all children.

The South African Constitution ensures basic human rights. Such rights are specified in Chapter 2 of the Constitution. Chapter 2 deals with the Bill of Rights specifically sections 26, 27, 28 and 29. They deal with access to adequate housing, health care, sufficient food, water and social security and education. Section 28 deals specifically with the rights of children. (Constitution of SA)

In South Africa the legal framework that regulates and promotes the rights of a child is the Children’s Act 38 of 2005. The Act sets out the principles relating to the care, protection and well-being of children and defines parental responsibilities and rights. A broad definition of care refers to the promotion of social, emotional, physical and intellectual development of children; guidance of their education, upbringing and behavior, protecting them from harm and abuse, providing special needs and ensuring the best interest of a child.(Children’s Act)

Chapter 8 of the Children’s Act provides for the prevention and early intervention programmes which include the development of appropriate parenting skills and norms and standards to ensure that quality programmes are delivered.

South African parliament has approved White paper on Families with the objective of being “a key development imperative that seeks to mainstream family issues into government to foster family well-being”(White Paper on Families).

Every child has the best chance to grow and be successful adult if they have a strong family. They do not need beaurecracies whether they do well or badly.

Safety net for families requires the establishment of a better system that protects children from harm; help parents and families deal with their problems in their neighborhoods.

Permanency Planning

Better Care Network defines Permanency Planning as the process of assessing and preparing a child for long term care when in out-of-home placements such as Kinship, Foster Care or Institutions. A Care Plan must centre on what is in the best interest of the child and therefore requires an ongoing assessment of the child and their needs. The ultimate goal is to ensure environment with lifelong bonds that will support the child into adulthood. (Better Care Network)

The aim of permanency planning is to achieve stability for the child or young person and to enable them to maintain or develop lasting relationship and a sense of belonging.

In South Africa, as in other countries, the child protection field comprises a multi-disciplinary group of role players with various interests and values which are responsible for investigations, assessments and decision making regarding alternative care for children in need of care and protection. Key role-players in this field are Presiding Officers, Clerks of the Children's Court, Social Workers within designated child protection agencies, Social Workers and Child and Youth Care Workers, Places of Safety, accredited adoption Social workers in private adoption agencies. The affected ones in the process are siblings, biological mothers and fathers, grandparents, relatives and friends, caregivers, part time carers of children in need of care, kangaroo parents and existing foster care and adoptive parents.

Along with the White Paper on Families (June 2013), Family re-unification Guidelines and a range of policies all strongly promote the care of children within a family context. However, there is lack of practical guidelines in general use to streamline processes.

There is a Care Plan and Individual Development Plan format, but there is a need for toolkits to give guidance on time-frames and processes.

Care Plans and Individual Development Plans

The Department of Social Development has provided documents called Care Plan and Individual Development Plan (IDP) to be used by social workers in child protection agencies, referred to as external social workers and social workers attached to Child and Youth Care Centres (CYCCs), referred to as internal social workers. These two groups of social workers are required to work together in order to review the Care Plan and IDP every six months for every child in alternative care. It is the responsibility of the external social worker to set up Care Plan and IDP reviews for each child where he/she is being cared for.

The completion of Care Plan and IDP intend to form a summary of a range of actions which the internal and external social worker have coordinated during the preceding six months. For the external social worker, these activities centre on firstly locating the biological parents and extended family of origin. Secondly also around assisting the family of origin and the child to be re-unified or where all endeavors have failed and recognized by the court, looking for viable permanent placements in permanent foster care or through adoption.

Foster Care

Foster care is intended as a brief alternative care arrangement, while the child and his parents receive family re-unification services so as to make it possible for the child to return home after a short period of not more than two years, however, here in South Africa at present this is not happening because:

The External social worker who places the child in foster care is employed by a designated Child Protection Agency that gets funds from the government. It is the same agency responsible for re-unification with biological parents of the children placed in alternative care.

Unfortunately financial constraints, understaffing are among many factors often lead to inadequate provision of re-unification services to families from whom children have been removed.

Care Plan, Foster Care and Kinship Care

Care Plans and IDPs should also be used to plan for the care of a child in foster care and the external social workers should work with the biological family, the foster parents and the child to develop and review these plans every six months with the aim of returning the child to the biological family in the shortest possible time frame.

The challenge In South Africa is that there is no distinction between foster care by non-related adults of a child or by the child's extended family. Yet this distinction is needed as grannies and other extended family members who foster face different challenges to a non- related foster parent and thus need a different form of support.

It is also likely that kinship placement could be made permanent more easily than non-biological foster care and continual unsettling review of the kinship placement could be done away with for the sake of the child and foster parents. If Kinship Care and Foster Care by non-related adults were separated statistically, South Africa would have a clearer picture of who actually cares for children in South Africa. Processes for Kinship Care could be simplified as opposed to foster care and more time could be devoted to placing children with biological family in permanent foster care or in adoptive families. The challenge is that there is a great need for short-term non-institutional care of children.

Adoption of long-term foster child

In many instances, foster parents and foster children who become attached to each other are seriously hurt when the foster child is removed and placed in another situation after a long period of time. It is however, not recommended that couples foster a child with the explicit intention of becoming adoptive parents in the future, though foster parents would wish to be adoptive parents.

A child is not adoptable until his/her name has been placed on the register for adoptable children. Sometimes it happens that it be in the best interest of the child to have his/her foster placement changed into a permanent adoption by foster parents. The disappoint kicks in there as the foster parents who request permission to adopt after they have been fostering for years would told that the child is "not adoptable". They are therefore discouraged from applying to adopt their foster child by the social worker from the agency who placed the child in their foster care.

External social workers are aware that no child can be adopted until all efforts of re-unification with biological parents have failed. If therefore that has not been done, their response would be told that the child is “not adoptable”.

However, should a child with loving foster family be denied the right to have a loving permanent family due to the failure in re-unifying him/her with their biological family? The answer to that is, if foster parents believe that there is little likelihood of their foster child ever be able to return to the care of his/her biological family, they may apply directly to the children’s court in the area in which they live, to adopt the child they are currently fostering(Bellville Court)

Foster Care Grant

In the case of Foster Care in South Africa, foster care grant (FCG), a non- contributory cash grant valued at R 800 (\$71) per child per month becomes available when a child has been placed in the care of foster parents by the court. Since 2011, the number of new FCGs appears to have declined and there has been a substantial increase in number of grants that terminate at the end of each year when children turn 18. By March 2013, recorded figure, 532 000 FCGs were paid each month to foster carers.(Child Gauge) Despite this state of affairs, by 2009 foster care system was struggling to keep pace with the number of FCGs due to reports required from social workers, placement by courts, extensions etc. The challenge has been with the capacity. As a result, 110 000 FCGs lapsed in two years between April 2009 and March 2011. The Department was experiencing a lot of backlog in the extensions of court orders. (Social Security Agency 2013).

Care Dependency Grant (CDG)

CDG is given to those looking after children with severe disabilities requiring permanent care. The challenge is that there is little data on the number of children in South Africa falling in this sector. At the end of March 2013 the reflected number from Social Security is 120 268 each receiving R1 260 (\$112) a month.

Barriers to effective Permanency Planning

Initial feedback gained from a brief needs assessment conducted by Arise in August 2013 among social workers in the child protection field in the Western Cape leads to the hypothesis that difference in the interpretation of the concept of Permanency Planning exists in practice among protection social workers, children’s courts, Child and Youth Care Centres. This in turn affects the manner in which different role players implement the Children’s Act 38 of 2005 which leads to different and time consuming processes due to each one having to “re-invent” the wheel figuratively.

In August 2012, South African Institute of Race Relations highlighted the dire shortage of social workers employed to implement the Children’s Act in South Africa. Research in 2008 indicated that in order to meet government’s norms, South Africa requires another 7 631 social workers immediately. It was projected that another 13 313 social work professionals would be required in direct social development work by 2015 to meet government norms (HWSETA Sector Skills Update).

In addition to this staffing limitation, there are barriers to efficient foster care, adoption and other protective placement processes in South Africa, in that, red tape and bureaucracy often delay critical foster care and adoption matters.

A combination of lack of time, resources such as vehicles, training, appropriate experience and supervision, often lead to poor family re-unification services being rendered once children have been removed from their biological family, leading to a situation where decisions regarding whether a child should become adoptable are delayed for many years in some areas.

Many Child and Youth Care Centres are underfunded and thus social workers double up as managers, supervisors and administrators in addition to their therapeutic role.

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