



Province of the
EASTERN CAPE
SOCIAL DEVELOPMENT

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STANDARD OPERATING PROCEDURE: PLACEMENT OF CHILDREN IN NEED OF CARE AND PROTECTION IN ALTERNATIVE CARE

Approval Date	7 December 2016
Commencement Date	7 December 2016
Review Date	(1 year after Approval date)
Periodical Review	Annual
Resources	Internal staff, Budget
Intent of SOP	To Standardize the alternative care services to children in need of care and protection.
Scope	Children in need of care and protection
Objective(s)	<ul style="list-style-type: none">• To protect and nurture children by providing safe, healthy environment with positive support.• Promote the goals of permanency planning, towards family reunification, or by connecting children to other safe and nurturing family, relationships intended to last a lifetime and• Respect the individual and family by demonstrating a respect for cultural, ethnic and community diversity.
Desired Performance	Increase in number of children accessing alternative care services towards promotion of permanency planning as well as connecting children to other safe and nurturing family relationships intended to last a lifetime.

Definitions	Terms and Acronyms:
	<p>Child: means a person under the age of 18 years.</p> <p>CPS: means Child Protection Services</p> <p>SOP: means Standard Operating Procedures</p> <p>SWS: means Social Welfare Standards</p> <p>CYCC: Child and Youth Care Centre</p> <p>RACAP: Register of Adoptable Child and Prospective Adoptive Parents</p> <p>Alternative Care (temporary safe care, foster care, adoption, child and youth care centers): if the child has been placed in foster care; CYCC following an order of a court in terms of the Children's Act NO 38 OF 2005, Child Justice Act or the Criminal Procedures Act NO 51 of 1977 or in temporary safe care</p> <p>Placement: means a process of bringing the child before the children's court for inquiry and the ultimate issuing of a court order placing a child in need of care and protection in alternative care.</p> <p>Child in need of care and protection:</p> <ul style="list-style-type: none"> • The child is in need of care and protection if the child has been abandoned or orphaned and is without any visible means of support. • Displays behavior which cannot be controlled by parent or caregiver. • Lives or works on the streets or begs for a living. • The child has been exploited or leaves in circumstances that expose the child to exploitation. • In a state of physical or mental neglect. • Is being maltreated, abused, deliberately neglected by a parent or caregiver • Child in a child headed household. <p>Temporary Safe Care: where a child has been placed in the care of a person or residential care facility temporarily as an immediate emergency protection; whereby delay may jeopardize the child's safety and wellbeing. A child may not be in temporary safe care or be kept or retained at any place or facility including a registered CYCC for longer than six months without a court order placing a child in alternative care.</p>

	<p>Foster Care: refers to the care of a child by a person who is not the biological parent or guardian of the child as a result of (a) an order of the court (b) a transfer order, and this excludes foster care in a registered cluster foster care scheme.</p> <p>Adoption: A child is adopted if the child has been placed in the permanent care of a person in terms of the court order that has the effects contemplated in Section 242.</p> <p>Child and Youth Care Centres: It is a facility for the provision of residential care to more than six children outside the child's family environment in accordance with a residential care programme suited for the children in the facility; but, excludes partial care facility; a drop-in-centre; boarding school; a school hostel or other residential facilities attached to a school; a prison or any other establishment which is maintained mainly for the tuition or training of children other than an establishment which is maintained for children ordered by a court to receive tuition or training.</p> <p>Children's Court: Every Magistrates court as defined in the Magistrates Courts Act No32 of 1944 shall be a Children's Court and shall have jurisdiction on any matter arising application of this Act for the area of its jurisdiction.</p>
Key Performance Indicator	Number of children placed in Alternative Care (temporary safe care, foster care, adoption, child and youth care centers)
Principles	<p>The following principles must be central in all the interventions with children in alternative care:</p> <p>Child centered foster care services focus on the needs and unique circumstances of the child.</p> <p>Family preservation: family reunification and support services should form an integral part of services to both the biological and foster parents.</p> <p>Empowerment: services should aim at unlocking human potential in order to identify and access opportunities for development.</p> <p>Participation: The child, family or extended family should take part in the development of individual development and care plans.</p> <p>Respect and dignity: all individuals should be treated with respect.</p> <p>Social justice: procedure involved in the foster care process needs to promote social justice.</p>
Compliance Measures	<ul style="list-style-type: none"> • Children that are placed in Alternative Care are from 0 – 18 years including persons above 18 – 21 years in terms of Section 176 Children's Act No. 38 of 2005. • Organizations rendering alternative services must be designated as Child Protection Organizations, residential facilities registered as Child and Youth Care Centres and accredited in case of adoption services.

	<ul style="list-style-type: none"> • Alternative Care Services as provided for in terms of Chapters 9, 11, 12, 13, 15 and 16 of the Children's Act No. 38 of 2005 including Norms and Standards relating to these chapters. • Management of records in terms of Framework for Social Welfare Services, 2013. • Alternative Care Records remain opened after five years of the termination of the service and thereafter archived for at least 25 years except for cases of adoption which are kept for life. • Capturing of alternative care cases on departmental Management and Information System (MIS).
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**STEP BY STEP GUIDE
PLACEMENT OF CHILDREN IN NEED OF CARE AND PROTECTION IN ALTERNATIVE CARE**

Nr	Task Name	Task Procedure	Responsibility	Supporting Documentation	Service Standard
1	Perform the Screening	<ul style="list-style-type: none"> Obtain client's information and reasons for visit or referral (Date of reporting, Surname, Name, ID No, contact details, reason for visit, action taken). 	Social Worker/Social Auxiliary Worker	Reception Register-SWS 01	10 min
2	Conduct the Intake	<ul style="list-style-type: none"> Conduct preliminary assessment. Conduct intake interview. Complete intake form and process note. Capture cases on MIS. Forward all the intake documents to the supervisor. 	Social Worker/ Social Auxiliary Worker	SWS 02 (Intake Form) SWS 04	45 min
3	Allocate the case	<ul style="list-style-type: none"> Allocate the case to a case manager. 	Social Work Supervisor	SWS 02, SWS 04	10 min
4	Conduct comprehensive assessment	<ul style="list-style-type: none"> Understand the nature of the case and the possible type of intervention needed. Identify risk and safety assessment. Identify the Service beneficiaries' needs, strengths and weaknesses. Visits (home, family, neighbours, school, work and consult any other affected person). Conduct case discussions and recommendations. Discuss outcome of the assessment. Develop an appropriate intervention plan (Including care plans and individual development plans in case of foster care). Engage with the services. Complete contract with service user. 	Social Worker	SWS 04 (Process note) Social Work Diary SWS 05 (Assessments Report) SWS 06 (Plan of Action) Relevant documents (ID, birth certificates, marriage certificate, death certificate, school report, Other professionals reports) IPD (Individual Development Plan)	1-5 days
5	Approve the Contract	<ul style="list-style-type: none"> Receive the contract. Approve the contract. 	Social Work Supervisor	SWS 06	1 day
6	Interventions				

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Nr	Task Name	Task Procedure	Responsibility	Supporting Documentation	Service Standard
6.1	Place the child in Temporary placement	<p>6.1.1 Intervene to the identified or reported crisis</p> <ul style="list-style-type: none"> • Identify temporary safe care for the child and place a child with immediate effect (form 39). • Remove the child from environments (abuse, crisis, domestic violence, trafficking etc.) that compromise their care and protection in term of Section No150-152 of the children's Act No 38 of 2005. • Inform parent or guardian or caregiver of the child concerned within 24 hours. • Leave the copy of form 36 and 39 with the family concerned. • Inform the court through form 36 and obtain form 37 (court order). • Complete temporary safe care claim periodically • Complete form 36 (authority for removal of child to temporary safe care) and 39 (approval to provide temporal safe care) (if the space is not enough additional Social Workers report) within 24 hours. • Present the intervention report. 	Social worker	Medical form Temporary safe care claim Issuing of form 36 & 39 SWS 04, 05, 06 Court Detention Order SWS 04, 05, 06 SAPS Clearance, Notice of clearance against Part-B of the Child Protection Register, Child Birth Certificate, RSA Identity Document, Marriage Certificate, Divorce decree, Permanent residence permit, Passport, Affidavit	2 days

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Nr	Task Name	Task Procedure	Responsibility	Supporting Documentation	Service Standard
		<p>6.1.2 Conduct Comprehensive Investigation</p> <ul style="list-style-type: none"> Get the detailed information and facts that will inform interventions, plan of action and recommendations. 	Social worker	<p>Medical form Temporary safe care claim Issued form 36 & 39 SWS 04, 05, 06 Court Detention Order SWS 04, 05, 06 SAPS Clearance, Notice of clearance against Part-B of the Child Protection Register, Child Birth Certificate, RSA Identity Document, Marriage Certificate, Divorce decree, Permanent residence permit, Passport, Affidavit, Medical Report, Other Professionals reports</p>	2 days
		<p>6.1.3 Conduct Counselling</p> <ul style="list-style-type: none"> Professional interview i.e. asking clarity seeking questions, probing, active listening, Para-phrasing, empathising, offering alternatives, giving advice and options, giving support to the client, assisting the client to take own decisions where possible. 	Social worker	SWS 04	2 hours
		<p>6.1.4 Conduct Case Conferencing</p> <ul style="list-style-type: none"> Discuss the case with other professionals (Social Workers, Psychologists, Lawyers, Teachers, Doctors, Nurses, Psychiatrists, Social Auxiliary Workers, Child and Youth Care Workers, Family Care Workers). Form Recommendations in the best interest of the child. 	Social worker	Agenda Minutes	1 day
		<p>6.1.5 Conduct District Surgeon Consultation</p> <ul style="list-style-type: none"> Estimate age or medical reasons in cases of child abandonment and abuse, respectively. 	Social worker	Medical form	1 day

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Nr	Task Name	Task Procedure	Responsibility	Supporting Documentation	Service Standard
		<p>6.1.6 Conduct Temporary Care Placement</p> <ul style="list-style-type: none"> Present Form 38 report (Children's Court Inquiry Report) before Children's Court for Inquiry. Issue of a court order placing a child in an alternative (Temporary Safe Care, Child and Youth Care Centre). Move the child from current place of stay/ primary care giver to an alternative placement (Temporary Safe Care, Child and Youth Care Centre) as per the court order. 	Social worker	Medical form Temporary safe care claim Issued form 36 & 39 SWS 04, 05, 06 Court Detention Order SAPS Clearance, Notice of clearance against Part-B of the Child Protection Register, Child Birth Certificate, RSA Identity Document, Marriage Certificate, Divorce decree, Permanent residence permit, Passport, Affidavit	48hrs
		<p>6.1.7 Compile the Report</p> <ul style="list-style-type: none"> Put together in writing all information and facts collected from assessment and investigation of the case with recommendations and action plans (Individual Development Plans and/or Care Plans). Render unification services to biological family. 	Social worker	Professional Report SWS 04, SWS 05, SWS 06 SWS 04, SWS 05, SWS 06 Form 38	90 days
6.2	Place the child Foster Care Placement	<p>6.2.1 Co-ordinate Foster care application</p> <ul style="list-style-type: none"> Refer the client to court for foster care. Receive the court order. Investigate the matter. <p>6.2.2 Conduct comprehensive assessment</p> <ul style="list-style-type: none"> Screen the prospective foster parents (psyco-social Circumstance. Screen the prospective foster parents against part B of National Child Protection Register (form 30). <p>In case of Abandoned and Orphaned Children whose parents are not known/or have not made contact for a period of at least 3 months.</p>	Social Worker	Social Worker report Form 30 SWS 04, 05, 06 Form 38	90 days
			Social Worker		3 Months

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Nr	Task Name	Task Procedure	Responsibility	Supporting Documentation	Service Standard
		<p align="center">Task Procedure</p> <p>6.2.3 Place advert for search of biological parents</p> <ul style="list-style-type: none"> Advertise on newspaper. 	Social Worker	Advert	30 days
		<p>6.2.4 Compile report</p> <ul style="list-style-type: none"> Put together in writing all information and facts. Submit of report (form 38) to the court. Present the Report to Children's court enquiry. Facilitate the attendance of children for court enquiry. Present the report. Obtain foster care court order. 	Social Worker	Form 38 Foster Care Court Order	90 days
		<p>Refer a client to SASSA for Foster Care Grant</p> <ul style="list-style-type: none"> Refer a client to SASSA for foster care grant in case of children with no visible means of support. 	Social Worker	Foster Care Court Order Professional Report	90 days
		<p>Supervise foster care placement</p> <ul style="list-style-type: none"> Render unification services. Render supervision service. Extend foster care order where there is a need in 90 days before the lapse of the order. Render After Care services. 	Social Worker	Professional Report	90 days
6.3	Residential Care	<p>6.3.1 Co-ordinate the movement of the child</p> <ul style="list-style-type: none"> REFER TO 6.1.1 	REFER TO 6.1.1	REFER TO 6.1.1	REFER TO 6.1.1
		<p>6.3.2 Conduct Comprehensive investigation</p> <ul style="list-style-type: none"> REFER TO 6.1.2 	REFER TO 6.1.2	REFER TO 6.1.2	REFER TO 6.1.2

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Nr	Task Name	Task Procedure	Responsibility	Supporting Documentation	Service Standard
		<p>6.3.3 Conduct Counselling</p> <ul style="list-style-type: none"> REFER TO 6.1.3 	REFER TO 6.1.3	REFER TO 6.1.3	REFER TO 6.1.3
		<p>6.3.4 Conduct Case Conferencing</p> <ul style="list-style-type: none"> REFER TO 6.1.4 	REFER TO 6.1.4	REFER TO 6.1.4	REFER TO 6.1.4
		<p>6.3.5 Conduct Residential Care Placement</p> <ul style="list-style-type: none"> Present Form 38 report (Children's Court Inquiry Report) before Children's Court for Inquiry. Issue court order of placing a child in an alternative (Temporary Safe Care, Child and Youth Care Centre) Move the child from current place of stay/ primary care giver to an alternative placement (Temporary Safe Care, Child and Youth Care Centre) as per the court order. Take the child to the District surgeon. 	Social Worker	Medical form Temporary safe care claim Issuing of form 36 & 39 SWS 04, 05, 06 Court Detention Order SAPS Clearance, Notice of clearance against Part-B of the Child Protection Register, Child Birth Certificate, RSA Identity Document, Marriage Certificate, Divorce decree, Permanent residence permit, Passport, Affidavit	48 hours
		<p>6.3.5 Compile the Report</p> <ul style="list-style-type: none"> REFER TO 6.1.7 	REFER TO 6.1.7	REFER TO 6.1.7	REFER TO 6.1.7
6.4	Adoption	<p>6.4.1 Apply for Adoption</p> <ul style="list-style-type: none"> Self or Referral of a client to court for application for adoption Self or Referral of a client to court consenting for adoption of his /her own child. Receive order to investigate the matter and report to court. 	Client Accredited CPO/ Private Social Worker/DSD Social Worker	Form 41; Form 58; Form 59; Form 60; Form 61; Form 62; Form 63; Form 64; Form 65; Form 66; Form 67; Form 38	1 day

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Nr	Task Name	Task Procedure	Responsibility	Supporting Documentation	Service Standard
		<p>6.4.2 Conduct the investigation</p> <ul style="list-style-type: none"> • Screen the prospective adoptive parents (form 30). • Register the Prospective Adoptive Parents and adoptable children in the RACAP. • Submit a comprehensive report on the adoptable child and the prospective adoptive parents to the provincial head of social development to issue the recommendation letter to proceed with adoption. • Present the report to the District Assessment panels. 	Social Worker	Section 239 (b) report, SAPS Clearance, Notice of clearance against Part-B of the Child Protection Register, Child Birth Certificate, RSA Identity Document, Marriage Certificate, Divorce decree, Permanent residence permit, Passport, Affidavit	90 days
		<p>6.4.3 Recommend the Adoption</p> <ul style="list-style-type: none"> • Make recommendations to the SG. • Issue the recommendation letter guided by the attached format Annexure W-Letter for recommendation of Adoption by Provincial Head of Social Development. • Facilitate the Court Inquiry. • Receive Adoption order. 	Adoption Panels District Director Social Work Policy Manager: Adoptions, Director: CYCS Superintendent General	Agenda, Minutes, Attendance Register, Memorandum, Section 239 (1) (d) recommendation letter	1 day
		<p>6.4.4 Implement the Adoption In case of child given for closed adoption:</p> <ul style="list-style-type: none"> • Register Child in the RACAP. • Match adoptable children with prospective adoptive parents. <p>In case of Abandoned and Orphaned Children whose parents are not known/or have not made contact for a period of at least 3 months:</p> <ul style="list-style-type: none"> • Advertise in at least one local newspaper in search of biological parents. 	Social Worker	RACAP Register	2 years

PROCESS RISKS



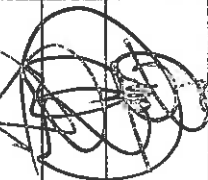

Process Name	Risk Description	Probability (H/M/L)	Impact (H/M/L)	Control Description	System / Manual
<ul style="list-style-type: none"> Alternative care Temporary safe care Foster care Adoption 	<ul style="list-style-type: none"> Centralized screening of prospective foster and adoptive parents against Part B of the child protection register (Form 29 and 30) that leads to delay in alternative care process. 	High	High	Amendment of legislation to regulate decentralisation of the function and allocation of resources at Provincial Level.	Manual
	<ul style="list-style-type: none"> Different interpretation of the act by different professionals that are supposed to be protecting the children's rights. 	High	High	Integrated training in legislation, guidelines to strengthen regional and District Child Justice and caseload management forums.	Manual
	<ul style="list-style-type: none"> Lack of coordination and management of alternative care placements by key role players to ensure protection of the child. 	High	High	Amendment of the organisational structure to include child care management unit in all Districts.	Manual
	<ul style="list-style-type: none"> Limited resources (Capital i.e. Vehicles, Office space, stationary, computers, telephones, printers, Human i.e. Social Work Supervisors, Social Workers, Social Auxiliary Workers, Financial i.e. budget allocation) on the implementation of the promulgated Acts. 	High	High	Provision of adequate resources to deliver on alternative care services by the department. Fast track and prioritize appointment of Social Work Supervisors Provision of decent and professional office space	Manual

REFERENCES:

LEGISLATION, POLICIES, PROCEDURES, LEGISLATION & OTHER DOCUMENTATION (I.e. SOPs)

Document Name	Section Description or Document Description	Effective Date (if applicable)
Constitution of the Republic of South Africa, Act NO. 106 of 1996	Chapter 2 with special reference to Section 28 which provides for the Rights of Children.	1996
Children's Act No. 38 of 2005 as amended	The Act mandates provision of alternative care services in terms of Chapters 9, 11, 12, 13, 15 and 16 of the Children's Act No. 38 of 2005 including Norms and Standards relating to these chapters which was promulgated in 01/04/2010.	2005
Child Justice Act NO. 75 of 2008	The Act mandates the establishment of a criminal justice system for children, who are in conflict with the law and are accused of committing offences, in accordance with the values underpinning the Constitution and the international obligations of the Republic; to provide for the minimum age of criminal capacity of the children and to provide mechanism for dealing with children who lack criminal capacity outside the criminal justice system.	2008
Prevention and Combating of Trafficking in Persons' Act NO. 7 of 2013	The Act gives effect to the Department's obligations concerning the trafficking of persons in terms of international agreements; to provide for an offence of trafficking in persons and other offences associated with trafficking in persons and to provide for measures to protect and assist victims of trafficking in persons which includes children.	2013
White Paper for Social Welfare, 1997	The White Paper mandates and afforded the opportunity to play an active role in promoting their own well-being and in contributing to the growth and development of the nation.	1997
National Policy Framework and Strategic Plan for the Prevention and Management of Child Abuse, Neglect and Exploitation, Draft Policy on Foster Care Management Services, Monitoring and Evaluation Policy on Foster Care Management Services	In terms of the provisions of Children's Act No. 38 of 2005 as amended, the Department of Social Development has a mandate to provide alternative care services, which include foster care for children who are in need of care and protection. Section 150 (1) and (2) makes provision of a child in need of care and protection.	
Framework for Social Welfare Services, 2013	The Framework seeks to facilitate/guide the implementation of interventions that are comprehensive, integrated, rights-based, well-resourced and quality developmental social welfare services in line with the life stages and development of the clientele served.	2013

AUTHORISATIONS

Authorization:	Name:	Signature:	Date:
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Distribution and Use of SOP	All District Directors, All Head office Directors, All Corporate Service Deputy Directors, All Deputy Directors, All Assistant Directors, All Social Workers, All Social Work supervisors, All Social Auxiliary Workers		