

SOCIAL ASSISTANCE FOR CHILDREN IN THE CARE OF FAMILY AMIDST THE FOSTER CARE CRISIS IN SA

*Financial and Fiscal Commission (FFC) PUBLIC HEARINGS ON
“THE PROVISION AND FUNDING OF CHILD WELFARE SERVICES IN SOUTH
AFRICA”*

– Tshwane, Gauteng

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The Challenge

- There are over 1,6 million maternal and double orphans, most of whom are being cared for by family, but are currently prevented **access** to the foster care system. This is a fraction of the total number of orphans in SA (since it excludes paternal orphans) (CI/Stats SA).
- About 570 000 orphans are receiving the CSG, instead of the Foster Care Grant. (CI)
- About 546 352 (SASSA, August 2011) children have been placed formally into foster care and are receiving a foster care grant. **Of this number about 460 000 children are orphans** (CI).
- Black Sash has a proposal for **orphaned children in the care of family** amidst the foster care crisis in SA.

Summary of recommendations

- Propose material support in the form of a top-up grant/additional grant for grandparents and brothers and sisters of orphans in their care, to the value of the FCG.
- This material support should be provided through a non-court based system.
- Thereafter, SASSA/DSD to provide assessment for psycho-social support, and link to services such as Dept. Health's primary health care support to orphans and vulnerable households.
- Propose recognition of formal legal relationship between grandparent/sibling and the orphan/s at Magistrate's Court level.
- This requires that the Children Act be amended to allow for guardianship applications to be made in the Children's Courts so that this process is made more easily accessible and inexpensive to caregivers.
- Propose that the value of the CSG must be increased progressively towards the value of the real cost of raising a child.

Principles considered in our proposal

The solution must:

- Ensure that the constitutional right to social assistance is realised progressively within available resources (S27(1)c).
- Ensure **immediate and adequate** material support for relatives with a common law duty to support, caring for children who have been orphaned.
- Not be regressive and/or erode or undermine existing rights and FCG benefits already received by the approx. 460 000 caregivers.
- Ensure access to appropriate and effective child protection services and support that each child and caregiver may require.
- Ensure recognition of the legal relationship (guardianship) between grandparents/siblings and the orphans and the provision of official documents to this effect – intergovernmental relations with Dept. Justice.

Principles considered in our proposal (contd)

- Give effect to the legal obligations on the state to realise, protect and promote equality for all children and their caregivers in similar circumstances.
- Ensure simplicity, efficiency and effectiveness through a non-court based system.
- Provide relief to the court-based child protection system – given that the classic foster care system was designed to look after neglected, abused and abandoned children, not for orphaned children in the care of grandparents.
- Be acceptable to, and address political and public concerns so as to ensure the necessary levels of buy-in and support.

Additional Recommendations/comments

- Take into account a national set of children's rights and well-being indicators – currently under development by the Department of Women, Children and People with Disabilities and the Department of Monitoring and Evaluation in the Presidency (this addresses Recommendation 1 in Draft Report)
- Fosters intergovernmental relations linked to PHC Reengineering initiative of the Dept of Health, specifically ward-based outreach teams (data collection)
- Aligns with a sustainable interventions to work towards realising an enabling milestone of the NDP Vision 2030, viz. “entrench a social security system covering all working people, with social protection for the poor and other groups in need, such as children and people with disabilities.”