

Church raises concerns over Bill amendments.

Denise Douglas-Henry

Our church – the AFM of SA, sees community involvement as part of the great commission Jesus gave us “teaching them to observe all things that I have commanded you” Matt 28:19. Because of this calling, we believe caring for the weakest and most vulnerable is God’s Work.

Which is the reason we engage government to help protect children.

Many children are vulnerable to exploitation or abuse and decisions made by adults on their behalf.

It is thus essential that good laws be put in place, and that legislation relating to children in South Africa be regularly updated.

Currently before parliament is the Children’s Amendment Bill (B18-2020), an amendment to the Children’s Act which aims to strengthen protective measures for children.

The Bill does many good things.

It extends the definition of vulnerable children in need of care and protection.

It makes child marriages and genital mutilation illegal (also known as female circumcision).

There are, however, also sections which may not be in the best interests of children.

The Children’s Amendment Bill proposes comprehensive changes too many sections dealing with adoptions.

Most proposed changes can be described as technical corrections and are supported by organisations and individuals working with children.

However, significant changes proposed to some key sections raise real concerns.

Adoption is the best solution for orphaned and abandoned children and children who are surrendered by courageous and loving parents who see this as the best option for a child, especially in a crisis pregnancy or unplanned pregnancy.

There are adoptive parents who would love to provide a safe, secure home to a child in need of care and protection.

Although places of safety, foster care and children's homes do wonderful work in the short term to support children in crisis, they are not permanent solutions and do not create a sense of belonging for the child.

Despite adoption being a preferred alternative care solution for orphaned and abandoned children, adoption numbers have declined dramatically in the past 10 years in South Africa.

The tabled Children’s Amendment Bill dated 26 August 2020, seeks to delete section 249 in its entirety, thereby removing reference to all fees that may be charged for adoptions.

The objective of the legislator may have been to remove barriers to adoption and thereby increase adoption figures, but it is my honest opinion that it will have the opposite effect.

The declining numbers in terms of adoption is more a consequence of a very cumbersome time-consuming process than one of finance.

Most adoption accredited designated child protection organisations apply an income-based sliding scale in cases where applicants cannot afford the standard fee.

No fees are charged where applicants cannot afford to pay any fee and services are rendered free of charge.

In this way nobody is excluded from adoption due to a lack of finances.

It would therefore be better for parliament to keep Section 249 and Regulation 107 as part of the legislation and to rather take measures to simplify the adoption process.

Should parliament approve the tabled Bill which repeals Section 249, many of the adoption accredited designated child protection organisations and private adoption social workers will no longer be able to cover the inherent costs of the programme, and this could lead to a further decline in adoption numbers, thereby seriously impacting the future of orphaned and vulnerable children currently benefitting from permanent family care through adoption. It can take some years for a professional body to finalise a new code or regulation, which would in effect leave this space being unregulated for some time.

The removal of this section could therefore result in unintended consequences, potentially allowing for the criminal exploitation of parents and children.

The concerns have been raised by church and lay organisations which work with children during a recent round of national public hearings to discuss whether the proposed changes are specifically needed and good – as our constitution requires.

We need our Legislation to build on good foundations for the best interests of our children. Many stakeholders contributed to the discourse. One of the hearings was held in Gqeberha on Sat 13 November at Nangoza Jebe Hall in New Brighton.

It was well attended by the community and many submissions were presented.

If you would like to know more about adoption, please feel free to contact me.

I will help to refer you to the right resources.

We have a really good professional relationship between the private social workers; the designated child protection organisations; the Department of Social Development, and the Children's Courts in our metro.

Denise Douglas-Henry is a pastor's wife, a mom and a registered social worker specialising in adoption.