

**CHAPTER 28:04 - CHILDREN'S: SUBSIDIARY LEGISLATION  
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Children in Need of Care Regulations

**CHILDREN IN NEED OF CARE REGULATIONS**

*(under section 38)*

*(4th February, 2005)*

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S.I. 8, 2005.

**PART I**

***Preliminary (regs 1-11)***

**1. Citation**

These Regulations may be cited as the Children in Need of Care Regulations.

**2. Interpretation**

In these Regulations, unless the context otherwise requires-

**"child"** means a person below the age of 14 years;

**"children's home"** means any residence or home maintained for the reception, care and up-bringing, of more than six children away from their parents, and includes an approved child welfare institution;

**"Council"** means a District Council established under the Local Government (District Councils) Act or a Town Council established under the Townships Act;

**"foster care"** means the placement of a child in the custody of a person who is not his or her parent and who is willing to undertake the care and maintenance of the child until the child reaches the age of 15 years, is adopted or returned to his or her natural parents, or is placed at an approved child welfare institution;

**"member"** means a member of the Board appointed under regulation 26;

**"institution"** means an approved child welfare institution established under section 34 of the Act, or approved under section 35 of the Act;

**"reconstruction services"** means the services provided by a social welfare officer for the purpose of bringing the home from which the child was removed to a state whereby it is safe for the child to be returned to it; and

**"school of industry"** means a school, usually with boarding facilities, maintained for the reception, care, education, training and development of skills of juvenile delinquents.

**3. Removal of child to place of safety**

(1) Upon receipt of a report, or notification of a report, made in terms of section 15(1) of the Act, by any person who has reasonable cause to believe that a child he or she is observing is in need of care, the social welfare officer shall prepare a report in Form DDS 1 set out in the Schedule hereto.

(2) A police officer who receives a report made pursuant to section 15(1) of the Act shall notify a social welfare officer of such a report.

(3) A child who has been removed to a place of safety, prior to being brought to the children's court, subsequent to a report referred to in subregulation (1) of this regulation, shall, subject to the provisions of section 17(5) of the Act, be brought before a children's court within 5 days of him or her being so removed.

(4) The place of safety to which a child is removed pursuant to section 15(2) of the Act and sub-regulation (3) of this regulation shall keep a record, in Form DDS 2 set out in the Schedule hereto, of each child removed to it.

(5) An order authorising a police officer to enter any premises without warrant and search for a child in need of care and to remove him or her to a place of safety, made pursuant to section 15(3) by a children's court shall be in Form DDS 3 set out in the Schedule hereto.

(6) Where a children's court determines that there is no immediate need to remove a child to a place of safety, the court may make an order in Form DDS 4 set out in the Schedule hereto, requiring the child's parent or guardian to bring the child before the court on a date to be specified in the order.

#### **4. Power of parent or guardian to bring child before children's court**

Where a parent or guardian brings a child before a children's court in terms of section 18 of the Act, on the grounds that he or she is unable to control the child and that it would be expedient to deal with the child as a child in need of care, the parent or guardian shall sign the consent in Form DDS 5 set out in the Schedule hereto.

#### **5. Medical examination of children in need of care**

(1) Before a child is placed in an institution or a foster home, the child shall undergo a full medical examination by a Government medical officer, for which a certificate shall be issued to the foster parent with whom, or to the management of the institution in which, the child is placed.

(2) The certificate issued in terms of subregulation (1) of this regulation shall be in Form DDS 6 set out in the Schedule hereto.

#### **6. Welfare reports**

(1) Where a child is placed in an institution, or is under the care of a foster parent, the social welfare officer shall, in relation to the child, prepare a welfare report, every seven days within the first month of the placement, and in the subsequent months, every fourteen days, unless, in the opinion of the social welfare officer, it is necessary to prepare a report at shorter intervals than those prescribed under this regulation.

(2) A welfare report prepared in terms of subsection (1) shall contain-

- (a) information on the child's-
  - (i) general conduct,
  - (ii) home environment,
  - (iii) school records,
  - (iv) medical history, and
  - (v) the emotional and psychological support provided by the parent or the institution;
- (b) recommendations regarding the welfare of the child; and
- (c) such other information as may be considered necessary by the social welfare officer.

#### **7. Best interests of the child**

(1) When a children's court holds an enquiry in relation to a child in need of care, the best interests of the child shall be the paramount consideration in determining any question with respect to the removal of the child to an institution or a foster home.

(2) In determining the best interests of the child, the children's court shall have regard to-

- (a) the ascertainable wishes and feelings of the child concerned, considered in the light of the child's age and understanding;
- (b) the physical, emotional and educational needs of the child;
- (c) the likely effect on the child of any change in his or her environment;
- (d) the age, sex, background and any other characteristics of the child which the court considers relevant; and
- (e) any harm already suffered or that is likely to be suffered by the child, if the child is not removed from his or her home.

(3) When a children's court makes an order that the child should be placed under the

care of a foster parent, and where it is in the best interest of the child, the child shall be placed in a home environment similar to that of his or her natural parents.

(4) In any proceedings in which any question with respect to the removal of a child to an institution or foster home is being considered, the children's court shall have regard to the general principle that any delay in determining the question is likely to be prejudicial to the welfare of the child.

#### **8. Order for placement of child in need of care**

(1) When a child is brought before the children's court in pursuance of section 15 of the Act, the social welfare officer shall recommend to the court a suitable foster parent with whom, or an institution at which, the child may be placed.

(2) An order made by the children's court in terms of section 19 of the Act in relation to the placement of a child in need of care shall be in Form DDS 7 set out in the Schedule hereto.

(3) An order for the placement of a child in terms of section 19 of the Act shall specify a period, not exceeding 2 years, as the period of placement.

#### **9. Review of order for placement**

(1) The children's court may, upon application by a social welfare officer, review an order made in terms of section 19 of the Act and may order-

- (a) an extension of the period of placement;
- (b) placement of the child at a more suitable institution; or
- (c) the return of the child to his or her natural parents.

(2) The order made in terms of subregulation (1) shall be in Form DDS 8 set out in the Schedule hereto.

(3) An order made in terms of section 19 of the Act may be cancelled subsequent to the granting of an adoption order in respect of the foster parents.

#### **10. Counselling by social welfare officer**

Before a child is removed to an institution or the care of a foster parent, he or she shall be counselled by a social welfare officer.

#### **11. Non-discrimination of children in need of care**

(1) No person shall discriminate against a child in need of care on the basis of the child's disability, mental, physical or emotional health, foster or any other status.

(2) A child who is in an institution or foster home shall retain the property he or she acquired during the period in which he or she was under placement.

### **PART II**

#### ***Foster Care (regs. 12-18)***

#### **12. Screening of foster parents**

(1) Any person who wishes to become a foster parent shall make an application to the Social Community Department of the Ministry of Local Government in Form DDS 9 set out in the Schedule hereto.

(2) An application to become a foster parent shall be accompanied by-

- (a) three character references, two of which shall be from persons of good standing in society;
- (b) a medical certificate from the Government medical officer stating that the applicant is not-
  - (i) suffering from a chronic or terminal illness which would render such person unable to provide for the child, or
  - (ii) suffering from a communicable disease that poses a danger to the health of the child, and
- (c) documentary proof that the applicant possesses sufficient means to maintain the child, if the child is placed under his or her care.

(3) Any person may be a foster parent if, upon being examined by a Government medical officer, he or she is found not to be addicted to alcohol or other drugs.

(4) Any person may be a foster parent if he or she has never been convicted of any criminal offence resulting from conduct which if repeated would make it unsafe for a child to live with that person.

(5) No person under the age of 21 years shall become a foster parent.

(6) Notwithstanding the provisions of subregulation (5), a child in need of care may be placed in the custody of a person under the age of 21 years if the children's court finds it to be in the best interests of the child.

(7) No person shall become a foster parent unless he or she is at least 15 years older than the child to be fostered.

(8) Notwithstanding the provisions of subregulation (7), where the children's court considers it to be in the best interests of the child, it may place the child under the care of a foster parent who is less than 15 years older than the child.

(9) Every person who applies to become a foster parent shall be assessed by a social welfare officer, who shall make an assessment as to whether the applicant would be a suitable foster parent.

### **13. Oath by parent or manager of an institution**

(1) Before a child can be placed in a foster home or institution, the person with whom, or the manager of the institution with which, the children's court has made an order for the child to be placed, shall, in relation to each child that is to be placed under its, his or her care, make an oath or affirmation to abide by these Regulations.

(2) The oath made in terms of subregulation (1) hereof, shall be in Form DDS 10 set out in the Schedule hereto.

### **14. Duties of foster parents**

(1) A foster parent shall safeguard and promote the welfare of a child who is under his or her care.

(2) Without prejudice to the generality of subregulation (1), a foster parent shall provide education, health and medical care, food and clothing to a child who is under his or her care.

### **15. No person to act contrary to the welfare of the child**

Where a child has been placed in an institution or is under the care of a foster parent, no person shall act in a manner that is contrary to the best interests of the child.

### **16. Non-citizen foster parents**

(1) Where a foster parent is not a citizen of Botswana, he or she shall not keep, in his or her possession, the birth certificate or the travel documents of the foster child.

(2) The birth certificate and the travel documents of a child who is under the care of a foster parent who is not a citizen of Botswana shall be kept by the Social and Community Development Department of the Ministry of Local Government.

### **17. Travel outside Botswana**

Any person who wishes to travel outside Botswana with a child under his or her care, shall obtain written authorisation from the Chief or social welfare officer in the District in which the child resides.

### **18. Disappearance of child to be reported**

Where a foster child disappears from a foster home or an institution, the foster parent or the manager of the institution, shall within 24 hours of the disappearance report the disappearance to the Chief or the nearest police station, or social welfare officer in the District in which the child resides.

## **PART III**

### ***Rights of Natural Parents of Children in Need of Care (regs. 19-20)***

#### **19. Right of the natural parents**

(1) The natural parents of a child who is under care shall have the right to obtain, through the social welfare officer, information about the child's health, his or her performance at school, and his or her whereabouts if, in the opinion of the social welfare officer, such disclosure

is in the best interests of the child.

(2) The natural parents of a child who is under care may visit the child at the foster home or institution or meet the child at any other place, under the supervision of the social welfare officer, if, in the opinion of the social welfare officer, such visitation or meeting is in the best interests of the child.

(3) A child who is under care, may, at the request of his or her natural parents, spend school holidays with them if, in the opinion of the social welfare officer, it is in the best interests of the child.

(4) The natural parents of a child who is under care may give or withhold consent for the marriage, medical treatment, or operation on the child where such consent is required before the marriage or the carrying out of the treatment or operation:

Provided that if the natural parents are unable or unwilling or unavailable to give the consent, the Minister may make the appropriate decision on behalf of the child.

(5) Where a child who is under care requires emergency medical treatment and consent for that treatment cannot be obtained from the natural parents, the foster parent, the institution or the Minister, the consent may be obtained from the Superintendent of the medical facility concerned.

(6) The natural parents of the child shall make all decisions regarding the property of the child.

(7) Notwithstanding the provisions of subregulation (6), if the decision made by the natural parents is not in the best interests of the child, the social welfare officer may apply to the children's court to have the decision set aside.

## **20. Return of child to natural parents**

(1) The social welfare officer shall provide reconstruction services to the family from which a child in need of care was removed.

(2) The natural parents of the child who is under care shall co-operate with the social welfare officer to bring about reconstruction of the family.

(3) Where, in the opinion of the social welfare officer, there is an improvement in the environment in the home of the natural parents of the child, he or she may make an application in Form DDS 11 set out in the Schedule hereto to the children's court for an order for the return of the child to his or her natural parents.

(4) Where an application is made in terms of subregulation (3), the natural parents of the child may attend, and make representations at, the hearing.

## **PART IV**

### ***Establishment of Approved Child Welfare Institutions (regs 21-25)***

## **21. Operating an institution without the Minister's approval**

(1) No person shall operate any institution established for the boarding, care or maintenance, or education or vocational training of children without the written approval of the Minister.

(2) Any person who operates any institution referred to in subregulation (1) without the written approval of the Minister shall be guilty of an offence and liable to a fine not exceeding P100 or to a term of imprisonment for a term not exceeding three months, or to both.

## **22. Establishment of institutions**

(1) A person who intends to operate an institution shall make an application to the Minister in Form DDS 12 set out in the Schedule hereto, giving-

- (a) details of the premises intended to be used for the institution;
- (b) the names and qualifications of all care-givers and other officers to be employed at the institution; and
- (c) such other information, with regard to the proposed institution, as the Minister may require.

(2) Upon receipt of the application, the Minister shall cause to be conducted such

inspections as he or she may consider appropriate to ensure that the premises of the institution comply with the relevant health and building control standards.

(3) If, upon inspection, the Minister finds that the premises of the institution referred to in subregulation (2)-

- (a) do comply with the relevant health and building control standards, he may, in Form DDS 13 set out in the Schedule hereto, grant an approval for the establishment of the institution; or
- (b) do not comply with the relevant health and building control standards, he shall refuse to grant an approval for the establishment of the institution.

(5) An approval issued under these Regulations may be granted subject to such conditions as the Minister considers necessary, which conditions shall be endorsed on the document of approval.

(6) The Minister may revoke, suspend or impose further conditions on the approval, and shall publish a notice of such revocation, suspension or imposition in two consecutive issues of the *Gazette* and two newspapers in circulation in Botswana where-

- (a) the conditions or restrictions of any approval are not being adhered to;
- (b) an institution has failed to comply with these Regulations; or
- (c) an authorised officer, after conducting an inspection, has recommended a suspension of the registration due to a failure of the institution to comply with the relevant health standards.

### **23. Maintenance of register by the Minister**

The Minister shall keep and maintain, or cause to be kept and maintained, a register in which shall be recorded the names of all the approved child welfare institutions.

### **24. Duration and renewal of approval**

(1) Subject to the provisions of these Regulations, every approval issued under these Regulations, shall, unless previously renewed or revoked, expire at the end of a period of 12 months.

(2) Any approval, if it has not been revoked, shall, on the application of an institution in Form DDS 14 set out in the Schedule hereto, be renewed by the Minister for a further period of 12 months from the date on which it would otherwise expire.

(3) On an application to the Minister for the renewal of an approval made after the expiry of the said approval, the Minister may renew the approval for a period of 12 months subject to the payment of a penalty set by the Minister if the approval has expired less than one year before the date of application.

(4) An application for the renewal of an approval that had expired over a year before the date of application shall be treated as an application for a new approval.

### **25. Cancellation of registration**

(1) The Minister may cancel the registration of and require the closure of an institution which contravenes or fails to comply with the provisions of these Regulations.

(2) Where the Minister requires closure of an institution, the social welfare officer assigned to the institution together with the Board, shall make arrangements for the transfer of the children from the closing institution to their natural parents, foster parents, or another institution.

## **PART V**

### ***Management of Institutions (regs 26-32)***

### **26. Board of management**

(1) Every institution shall have a board of management (hereinafter referred to as "the Board") appointed by the Minister on the recommendation of the Council responsible for the District in which the institution is established.

(2) The Board shall be responsible for the operations of the institution and the carrying out of the institution's functions and duties under these Regulations.

(3) The number of members shall not be less than six, but shall not exceed nine.

(4) A member shall hold office for a period not exceeding three years, and shall be eligible for reappointment for a term of two years.

## **27. Disqualification, removal, suspension and resignation of members**

(1) No person shall be appointed as a member or be qualified to continue to hold office who-

- (a) has in terms of a law in force in any country-
  - (i) been adjudged or otherwise declared bankrupt and has not been discharged, or
  - (ii) made an assignment to, arrangement or composition, with his or her creditors, which has not been rescinded or set aside; or
- (b) has within the period of 10 years immediately preceding the date of his or her appointment, been convicted-
  - (i) of a criminal offence within Botswana, or
  - (ii) outside Botswana, of an offence which if committed in Botswana, would have been a criminal offence,  
and sentenced by a court of competent jurisdiction to imprisonment for six months or more without the option of a fine, whether that sentence has been suspended or not, and for which he or she has not received a free pardon.

(2) The Minister shall, in writing, suspend from office a member against whom criminal proceedings are instituted for an offence in respect of which a sentence of imprisonment may be imposed, and whilst that member is so suspended, he or she shall not carry out any duties of the Board.

(3) The Minister shall remove a member if the member-

- (a) is absent without reasonable cause from three consecutive meetings of the Board of which he or she has had notice;
- (b) has been found to be physically or mentally incapable of performing his or her duties efficiently, and a medical doctor has issued a certificate to that effect;
- (c) contravenes the provisions of this Act or otherwise misconducts himself or herself to the detriment of the objectives of the Board; or
- (d) has been convicted of an offence under the Children's Act, or under any other Act for which he or she is sentenced to imprisonment for a term of six months or more without the option of a fine.

(4) A member may resign from office by giving 30 days notice in writing to the Minister.

## **28. Vacation of office by members of the Board**

A member shall vacate his or her office and his or her office shall become vacant-

- (a) if he or she becomes disqualified, in terms of regulation 27, to hold office as a member;
- (b) if he or she is adjudged bankrupt or insolvent;
- (c) if he or she becomes mentally or physically incapable of performing his or her duties as a member;
- (d) upon the expiry of one month's notice in writing to the Minister of his or her intention to resign from office; or
- (e) after a period of 30 days from the date that a ruling against the member is made on all appeals made in respect of a conviction of an offence under regulation 27(1)(b), or under any other law for which he or she is sentenced to imprisonment for a term of six months or more without the option of a fine.

## **29. Filling of vacancies**

Where the office of a member becomes vacant before the expiry of the member's term of office, the Minister shall appoint another person to be a member in place of the member who vacates office, until the expiry of the period during which such member would have otherwise continued in office.

## **30. Accountability of employed care givers**

The care providers employed by the institution shall be accountable to the Board.

### **31. Obligations of institutions**

(1) An institution shall safeguard and promote the welfare of each child who is under its care.

(2) Without prejudice to the generality of subregulation (1), the institution shall-

- (a) provide food and clothing for each child under its care;
- (b) provide for the health, education, emotional, psychological, intellectual, social and spiritual needs of each child under its care, in accordance with the order of the children's court; and
- (c) protect the child from abuse, exploitation, neglect and discrimination.

(3) An institution shall not employ any person-

- (a) from whose custody any child has been removed in terms of an order made under the Act;
- (b) who has been convicted of-
  - (i) an offence under sections 141 to 169, 208 and 212 to 224 of the Penal Code, or
  - (ii) an offence under Part IV of the Act.

(4) Where a child dies while in an institution, the natural parents of the child shall be responsible for the costs of the burial.

(5) If the natural parents of the child do not have sufficient means to meet the costs of the burial, the burial shall be at the expense of the institution.

(6) If the institution does not have sufficient means to meet the costs of the burial, the burial shall be at Government expense.

### **32. Movement of child to be recorded**

The movement of a child to visit his or her natural parents or the child's release or transfer from one institution to another shall be recorded in Form DDS 15 set out in the Schedule hereto.

## **PART VI**

### ***Maintenance of Health Standards by Institutions (regs 33-37)***

### **33. Medical examination and treatment of children and technical support services**

(1) The medical care provided to children who are under the care of an institution shall be provided at Government expense.

(2) Children who are under care shall benefit from all Government programmes aimed at protecting children against diseases such as measles, tuberculosis, diphtheria, pertussis, neonatal tetanus, poliomyelitis, hepatitis B and other diseases that the Ministry may from time to time determine.

(3) The Ministry of Health shall, in relation to children under the age of five years, who are under care, provide technical health support and health services on a 24 hour basis.

### **34. Prohibition of smoking**

(1) No person shall smoke anywhere within the precincts of an institution.

(2) The Management of an institution shall display prominently, a notice, on a white background, stating "No Smoking" at the entrance to the institution.

### **35. Kitchen facilities**

(1) There shall be available in the kitchen of an institution, adequate hot and cold water, adequate and hygienic storage space for food, adequate cutlery and crockery of a suitable hygienic type, and there shall be available for inspection a detailed menu of the food provided, with a suitably balanced diet.

(2) Where food is brought into the institution by the children, there shall be provided suitable facilities for the storage and refrigeration of such food.

### **36. Cleanliness, first aid and sick bay**

(1) The management of an institution shall ensure that at all times a high standard of maintenance and cleanliness is established and maintained within the institution.

(2) In every institution there shall be maintained, and made readily accessible at all times, a first aid box or cupboard containing an adequate supply of dressings, bandages, sterilised cotton wool, adhesive plasters, disinfectants, safety pins and a tourniquet.

(3) The management of an institution shall ensure that any member of staff and child under the care of the institution, suffering from a communicable disease, is immediately isolated from contact with other children or members of staff.

(4) In every institution there shall be a room equipped with a bed and mattress and clean linen, in which a sick child may rest and be isolated.

**37. Medical examination of persons employed in an institution**

Any person employed in an institution shall immediately before being employed, and thereafter every two years, be medically examined by a Government medical officer to determine whether he or she is suffering from-

- (a) any chronic or terminal illness which would render such person unable to provide for the needs of the foster child; or
- (b) any communicable disease that poses a danger to the health of the children that are placed at the institution.

**PART VII**

**General Provisions (regs 38-40)**

**38. Training of care givers**

The Minister shall provide training for-

- (a) care providers such as social workers, health care workers and home economists; and
- (b) officers responsible for the training of children while they are under care.

**39. Duties of Councils**

(1) The Council shall, within its jurisdiction-

- (a) make bye-laws governing care services; and
- (b) conduct quarterly, or at such intervals as the circumstances may require, health inspection of institutions, to ensure compliance with the provisions of these Regulations.

**40. Offences and penalties**

(1) Any person who contravenes, or fails to comply with any of these Regulations, shall be guilty of an offence and liable to a fine not exceeding P100 or to imprisonment for a term not exceeding three months, or to both.

(2) Any institution which operates in breach of the provisions of these Regulations shall be liable to a fine not exceeding P100.

**SCHEDULE**

*(Reg. 3(1))*

**Form DDS 1**

**REPORT ON A CHILD IN NEED OF CARE**

*(To be completed by a social welfare officer only)*

File No .....

Date of Report .....

**PART I**

**Details of person reporting**

Surname .....

Other name(s) .....

Identity Card No .....

Postal address .....

Physical address .....  
.....

**Details of the child being reported on**

1. **The child:**  
Surname .....  
Other name(s) .....  
Date of birth .....  
Nationality .....  
Religion .....  
Language .....  
  
Postal address .....  
.....  
.....

Physical address .....  
.....

2. **Father's details**  
Surname .....  
Other name(s) .....  
Identity Card No. ....  
Date of birth .....  
Nationality .....  
Religion .....  
Language .....  
  
Postal address .....  
.....  
.....

Physical address .....  
.....

3. **Mothers details:**  
Surname .....  
Other name(s) .....  
Identity Card No. ....  
Date of birth .....  
Nationality .....  
Religion .....  
Language .....  
  
Postal address .....  
.....  
.....

Physical address .....  
.....

4. **Reasons for removal** (*circle only those conditions which apply*)  
The child—

- (a) is abandoned and is without visible means of support;
- (b) has no parent or guardian or has a parent or guardian who does not or is unfit to exercise proper control over the child;
- (c) engages in street trading in which he/she has not been deputed by his/her parents to help in the distribution of merchandize of a family concern;
- (d) is in the custody of a person who has been convicted of committing upon or in connection with a child an offence referred to in Part IV of the Act;
- (e) frequents the company of an immoral or violent person, or is otherwise living in circumstances calculated to cause or conduce to <sup>i</sup>\*his/her seduction, corruption or prostitution;
- (f) is neglected, ill-treated or exploited; or
- (g) is awaiting adoption.

**PART II**

Social welfare officer's full name .....

**5. Type of placement needed** (*Circle only one*)

- (a) Foster care
- (b) Adoption
- (c) Children's home
- (d) Youth shelter
- (e) School of industries
- (f) Attendance centre
- (g) Any other place approved by the Minister for the reception of children or juveniles under the Act.

**6. Access contract**

- (a) Frequency of meetings (or visits) between the child and <sup>ii</sup>\*his/her parent or guardian over a six month period
- (b) Duration of the meetings
- (c) Place of meeting or visiting

**7. Special characteristics of the child:**

- (a) Physical appearance (e.g complexion and hair colour. etc)  
.....  
.....  
.....  
.....
- (b) Personality  
.....  
.....  
.....
- (c) Religious / spiritual belief or church attended by the child  
.....  
.....  
.....
- (d) Medical (if problems, attach Doctor's Certificate)  
.....  
.....  
.....

**8. Indicate three places which would be suitable for the placement of the child—**

(*List the most suitable first*)

- (a) .....

(b) .....  
(c) .....

9. **Degree of parental involvement anticipated:**

.....  
.....  
.....

10. **Are there any difficulties expected from natural parents?**

.....  
.....  
.....

11. **Details on placement pending a hearing before the children's court**

**A. Particulars of the institution**

Registered name of the institution .....

Postal address

.....  
.....  
.....  
.....

Physical address:

.....  
.....

Telephone no.....

Fax no.....

**Received by:**

Surname .....

Other name(s) .....

Position in the institution .....

Signature .....

Date of reception .....

**B. Particulars of foster parent**

Surname .....

Other name(s) .....

Identity Card No. ....

Date of birth .....

Nationality .....

Religion .....

Language .....

Occupation .....

Postal address .....

.....

.....

Physical address .....

.....

12. **Suitability of the placement**

Was social welfare officer able to provide the required type of <sup>iii\*</sup>Yes No

placement?  
Did the foster parents receive the type of child required <sup>iv\*</sup>Yes No  
Signature of social welfare officer ..... date.....

**Form DDS 2**  
**RECORD OF PLACEMENT PENDING ENQUIRY BEFORE THE CHILDREN'S COURT IN**  
**TERMS OF SECTION 15 OF THE ACT**  
(Reg. 3(4))

(Copy for the department file and a copy for the emergency foster parent(s))  
File Number.....

**1. Child's details**

Surname .....  
Other name(s) .....  
Date of birth .....  
Sex .....  
Nationality .....

**2. Parent's details**

**Father:**

Surname .....  
Other name(s) .....  
Identity Card No. ....

Postal address  
.....  
.....  
.....  
.....

Physical address  
.....  
.....

**Mother:**

Surname .....  
Other name(s) .....  
Identity Card No. ....

Postal address  
.....  
.....  
.....  
.....

Physical address  
.....  
.....

**3. Other details:**

Name of emergency care provider .....  
Special needs of the child .....  
.....  
.....

.....  
.....

Reasons for removal .....

.....  
.....

Date of admission .....

Name of social welfare officer .....

.....

**Form DDS 3**  
**ORDER AUTHORISING THE REMOVAL OF A CHILD TO AN APPROVED CHILD WELFARE INSTITUTION**  
*(Reg. 3 (5))*

Case No.....

In the Children's Court for the District of.....

held at .....

To: .....

*(Name of police officer, social welfare or other person)*

In terms of section 15 of the Children's Act Cap. 28:04 you are hereby authorised and ordered to search for.....and take <sup>v\*</sup>him/her

*(Full name of child)*

to.....

*(Name of institution)*

to be kept there, for a period not exceeding five days, until <sup>vi\*</sup>he/she can be brought before the above-mentioned Children's Court.

GIVEN at .....this.....day of.....20.....

Commissioner of Child Welfare

**Form DDS 4**  
**NOTICE TO PARENT, GUARDIAN OR CUSTODIAN OF A CHILD TO ATTEND AN ENQUIRY AND TO BRING A CHILD BEFORE A CHILDREN'S COURT**  
*(Reg. 3 (6))*

In the Children's Court for the District of .....

held at .....

In the matter of an enquiry in terms of the Children's Act, Cap. 28:04 in respect of the following child(ren) .....

.....

.....

To.....parent/guardian/custodian.

Take notice that an enquiry in terms of section 17 of the said Act will be held before this Court at ..... on the ..... day of ..... 20.....

at.....

In respect of the abovementioned child(ren).

You are hereby ordered to —

- (a) attend the enquiry at the place and time aforesaid and to remain in attendance until its conclusion or until excused by the Court;
- (b) bring the said child(ren) before the Court at the above-mentioned time and place.

Reasons for enquiry .....

.....  
.....  
.....  
.....  
If you fail to attend the enquiry or to remain in attendance during the enquiry, the Court may issue a warrant for your arrest.

Dated at.....this.....day of.....20.....

.....  
Clerk of the Children's Court

**Form DDS 5**  
**PARENTAL CONSENT TO FOSTER CARE PLACEMENT**  
(Reg. 4)

In the Children's Court for the District of .....

Held at .....

In the matter of an enquiry in respect of ..... (Full name of child)  
for an order to declare him/her a child in need of care.

I .....  
(Name and address)

Declare that:

1. I am the <sup>vii\*</sup>mother/father/guardian of the above-named child.
2. I fully understand that on the making of an order in respect of .....  
(Name of child) under the Children in Need of Care Regulations, 2004, the parental powers which I have at present, in relation to the child, shall vest in the person with whom, or the institution in which the child has been placed, and the effect of the order will temporarily deprive me of those parental rights.
3. I freely agree, generally and unconditionally, to the making of the order in relation to the child.

.....  
Signature

This consent was signed in the presence of:

Full name .....  
(Name of reporting officer)

Signature of reporting officer .....

Postal address .....

Physical address .....

DATED this.....day of....., 20.....

**Form DDS 6**  
**MEDICAL CERTIFICATE**  
(Reg. 5 (2))

(a) Name of child.....

(b) Age..... Sex.....

(c) Conditions of—

(i) lungs .....

(i) heart .....

(ii) teeth .....

(d) Defects—

(i) sight

(ii) hearing

(iii) speech

(iv) orthopaedic

(v) other (specify)

5. Is the child suffering from any disease?

- .....  
 .....  
 .....  
 6. Is the child —  
     (i) well-nourished? .....  
     (i) mentally normal? .....  
     (ii) of normal physical development? .....  
 7. Does the child require any medical or other treatment? If yes, please specify the  
 type required .....  
 .....  
 .....  
 8. Remarks .....  
 .....  
 The child was examined by.....(*Name of Medical Officer*),  
 a medical practitioner in the service of the <sup>viii\*</sup>Government, District Council, Town  
 Council or Township Authority.  
 Name of medical officer .....  
 Signature.....Date.....  
 Name of hospital or clinic .....  
 .....  
 Official Stamp

**Form DDS 7**  
**ORDER OF A CHILDREN'S COURT PURSUANT TO AN ENQUIRY IN TERMS OF SECTION**  
**19 OF THE ACT**  
*(Reg. 8 (2))*

Case No.....

In the Children's Court for the District of .....  
 held at .....

In the matter of the enquiry in respect of .....(*Full name of child*)  
 a child in respect of whom .....(*Full name of the <sup>ix\*</sup>parent/  
 guardian/custodian*) of .....(*Physical address of <sup>x\*</sup>parent/  
 guardian/custodian*).....  
 .....  
 ..... is the <sup>xi\*</sup>parent/guardian/custodian.  
 Before .....children's court, on the.....  
 day of ..... 20.....  
 Upon hearing the evidence adduced and upon finding that the said child was born on the  
 .....day of .....19.....or 20....., and the Court being  
 satisfied that the said child is a child referred to in section 14 of the Act.  
 It is ordered that the said child—  
 .....  
 .....  
 .....  
 .....  
 This Order shall be in force for a period of two years.  
 Given at.....this.....day of.....20.....  
 .....  
 Commissioner of Child Welfare.

**Form DDS 8**  
**VARIATION OF ORDER OF A CHILDREN'S COURT**

(Reg. 9 (2))

Case No.....

In the Children's Court for the District of..... held at .....

In the matter of an enquiry in respect of .....; a child in placement  
in/with .....

(e.g. foster parents/children's home)

under the supervision of a social welfare officer in terms of Children's Court Case No. ....  
dated.....

It is ordered that—

.....  
.....  
.....  
.....  
.....

Reasons for removal

.....  
.....  
.....

.....  
Commissioner of Child Welfare.

**Form DDS 9  
FOSTER CARE APPLICATION FORM**

(Reg. 12 (1))

To: The Head of Social and Community Development

**A. Particulars of applicant**

- (a) Surname .....
- (b) Other name(s) .....
- (b) Date of Birth .....
- (c) Sex .....
- (d) Occupation .....
- (e) Marital Status .....
- (f) Nationality .....
- (g) Religion .....
- (h) Village .....
- (i) Ward .....
- (j) Telephone .....
- (k) Identity Card No. ....
- (l) Postal address .....

- (l) Physical address .....

**B. Particulars of preferred child:**

- (a) Surname .....
- (b) Other name(s) .....
- (c) Nationality .....
- (d) Religion .....
- (e) Age .....

- (f) Sex .....
- (g) Is the child attending school? <sup>xii\*</sup>Yes/No
- (h) Is the child disabled <sup>xiii\*</sup>Yes/No

**C. Type of foster care service preferred:**

- (a) Do you wish to foster a child who is related to you?  
<sup>xiv\*</sup>Yes/No
- (b) Please indicate the type of foster care that is preferred.
  - (i) Emergency
  - (ii) Short-term
  - (iii) Medium term
  - (iv) Long term

Signature of applicant.....Date.....

**Form DDS 10**

**OATH OR AFFIRMATION TO BE MADE OR SUBSCRIBED TO BY A POTENTIAL FOSTER PARENT OR MANAGER OF AN APPROVED CHILD WELFARE INSTITUTION**

(Reg. 13 (2))

I.....of P. O. Box/ Private Bag.....  
<sup>xv\*</sup>do swear/do solemnly affirm that I will faithfully and honestly fulfil my duties as.....  
 ..... in conformity with the  
 (<sup>xvi\*</sup> Foster parent/manager of an institution)  
 requirements of the Children's Act, and to abide by the provisions of the Children in Need of Care Regulations.  
<sup>xvii\*</sup> So help me God.

.....  
<sup>xviii\*</sup> Foster parent/manager of an institution,  
 SIGNED AND SWORN BEFORE ME AT.....ON THE.....  
 DAY OF.....20.....

**Form DDS 11**

**APPLICATION FOR AN ORDER FOR THE RETURN OF A CHILD TO HIS NATURAL PARENTS**

(Reg. 20 (3))

Case No. ....

In the Children's Court for the District of .....  
 held at .....  
 In the matter of an enquiry in terms of the Children's Act, Cap. 28: 04 in respect of .....  
 ..... a child in placement <sup>xix\*</sup> in/with  
 (Full name of child)  
 .....  
 (e.g. foster parent /institution)  
 in terms of Children's Court Order No .....dated.....  
 To: .....  
 ( parent/ guardian/ custodian/manager of an institution)

Take notice that a review enquiry in terms of regulation 20 of the Children in Need of Care Regulations will be held before this court at ..... on the .....day of  
 ..... 20..... at.....

In respect of the above mentioned child/children for an Order for his/her/their return to his/her/  
 their natural parents.

You are hereby ordered to—

- (a) attend the enquiry at the place and time aforesaid and to remain in attendance until its conclusion or until excused by the Court; and
  - (b) bring the said child/children before the Court at the above-mentioned time and place.
- If you fail to attend the enquiry or to remain in attendance during the enquiry, the Court may

issue a warrant for your arrest.

Dated at.....this.....day of .....20.....

.....  
Clerk of the Children's Court

**Form DDS 12**  
**APPLICATION TO ESTABLISH AN APPROVED CHILD WELFARE INSTITUTION**  
*(Reg. 22 (1))*

**1. Individuals**

Surname .....  
Other name(s) .....  
Nationality .....

Postal address .....  
.....  
.....

Physical address .....  
.....

Telephone No. ....  
Cell phone No. ....  
E-mail address .....  
Fax no. ....

**2. Associations/organisations**

Name of organisation .....  
Registration No. ....  
Postal address .....

.....  
.....

Physical address .....  
.....

Contact person .....  
Position. ....  
Telephone No. ....  
Cell phone No. ....  
E-mail address .....  
Fax No. ....

**3. Details of proposed institution**

Proposed name .....  
Postal address .....  
.....  
.....

Physical address .....  
.....

Type of institution (e.g. attendance centre, children's home, etc.)





**Form DDS 13**  
**APPROVAL TO OPERATE A CHILD WELFARE INSTITUTION (NOT TRANSFERRABLE)**  
*(Reg. 22 (3) (a))*

To.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....

Having considered your application to operate an approved child welfare institution, the Ministry of Local Government (Department of Social Welfare Services) is satisfied that you have fulfilled the necessary conditions. In terms of section 35 of the Children's Act, you are hereby granted approval to operate a child welfare institution.

The approval is subject to the following conditions:

.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....

This permit is valid until ....., 20.....

M.N. NASHA,  
*Minister of Local Government.*

**Form DDS 14**  
**APPLICATION TO RENEW AN APPROVAL TO OPERATE AN APPROVED CHILD WELFARE INSTITUTION**  
*(Reg. 24)*

Name and address of applicant .....

Identity Card No. ....

No. of current permit ..... issued on .....

Is the institution operating? <sup>xxvi\*</sup>Yes / No

If not why not?

.....  
.....  
.....  
.....

Signature of applicant ..... Date.....

**FOR OFFICIAL USE ONLY**

Date of renewal application received .....

<sup>xxvii</sup>\* Application Approved/Not approved?  
If rejected, reason(s) for rejection .....  
.....  
.....  
.....

M.N. NASHA,  
Minister for Local Government.

**Form DDS 15**  
**RECORD OF MOVEMENT OF A CHILD PLACED AT AN INSTITUTION**  
(Reg. 32)

The Minister  
.....  
.....  
.....  
.....  
.....

Name of child .....  
Name of institution .....

Please note that the said child—

- (a) was admitted to this children's home in terms of section ..... of the Children's Act, Cap 28:04 ..... by order of the Children's Court at.....;
  - (b) was transferred from ..... to this institution on.....;
  - (c) was on leave from ..... up to and including .....
  - (d) was re-admitted to this institution on ..... because <sup>xxviii</sup>\*his/her leave was cancelled;
  - (e) absconded on ..... and <sup>xxix</sup>\*has/has not yet been re-admitted to this children's home;
  - (f) was admitted to a hospital on ..... and has not yet been re-admitted to this children's home;
  - (g) was transferred from this children's home to ..... on .....
  - (h) was discharged from this institution on .....; or
  - (i) has been absent since ..... because .....
- .....  
.....

.....  
Date

.....  
Manager of Institution.

<sup>i</sup>Delete whichever is not applicable  
<sup>ii</sup>Delete whichever is not applicable  
<sup>iii</sup>Delete whichever is not applicable  
<sup>iv</sup>Delete whichever is not applicable  
<sup>v</sup>Delete whichever is not applicable  
<sup>vi</sup>Delete whichever is not applicable  
<sup>vii</sup>Delete whichever is not applicable

- 
- viii Delete whichever is not applicable
  - ix Delete whichever is not applicable
  - x Delete whichever is not applicable
  - xi Delete whichever is not applicable
  - xii Delete whichever is not applicable
  - xiii Delete whichever is not applicable
  - xiv Delete whichever is not applicable
  - xv Delete whichever is not applicable
  - xvi Delete whichever is not applicable
  - xvii Delete whichever is not applicable
  - xviii Delete whichever is not applicable
  - xix Delete whichever is not applicable
  - xx Delete whichever is not applicable
  - xxi Delete whichever is not applicable
  - xxii Delete whichever is not applicable
  - xxiii Delete whichever is not applicable
  - xxiv Delete whichever is not applicable
  - xxv Delete whichever is not applicable
  - xxvi Delete whichever is not applicable
  - xxvii Delete whichever is not applicable
  - xxviii Delete whichever is not applicable
  - xxix Delete whichever is not applicable