




**Western Cape
Government**

**WESTERN CAPE DEPARTMENT OF SOCIAL DEVELOPMENT
STANDARD OPERATING PROCEDURE
FOR
EXTENSION OF CYCC ORDERS**

Amendment Log:

Version number	Date	Summary of changes
1	2017 -03- 27	

Approval

Name
Director

Signature

(date)

Name
Chief Director

Signature

(date)

Dr. Robert Macdonald

Name
Head of Department

Signature

2017 -03- 27
(date)

1. Introduction

There are currently different opinions and interpretations in terms of roles and responsibilities with regards to the extension of court orders for children found in need of care and protection and placed in child and youth care centres. This creates confusion and uncertainty amongst social workers/ service delivery partners resulting in expiring of court orders and illegal placement of children in child and youth care centres.

The fact that some presiding officers also differ in terms of the jurisdiction of courts when it comes to the extension of the CYCC court orders, further complicate the process. It has therefore become evident to find a uniform pathway to deal with the process of extension of CYCC court orders.

2. Purpose

The purpose of the document is to provide uniform guidelines with regards to the process of family reunification/reintegration services and the extension of CYCC orders ensuring accountability by all role players involved in the lives of a child in residential alternative care and his/her family.

3. Definitions

For purposes of this document 'Designated Social Worker', also referred to as the "external case manager" means a social worker in the service of the Department or a provincial department of social development or a designated child protection organisation. Each child in residential alternative care should have an external and internal case manager.

- a) The case manager of a child who has no parent, guardian or care giver or in a case where there whereabouts are unknown, will be the designated social worker (or delegated person from that organisation and office) who was involved in the original removal and the placement of the child in a child and youth care centre.
- b) The case manager of a child who has a parent, guardian or care giver is the designated social worker responsible for the rendering of family reunification services (domicile of the parent, guardian or care giver).
- c) The internal case manager will be the social worker at the child and youth care centre where the child is placed.

4. Responsibility for extension of the children's court order placing the child in a child and youth care centre

As placement of a child found to be in need of care and protection in residential alternative care should be the last option and for the shortest period of time, all parties involved in the life of the child should work towards reintegration of the child back into a family or the community, hence the referral to a permanency and care plan in the Children's Act. As the focus is on reintegration the designated social worker/external case manager should take responsibility for the extension of the court order placing the child in a child and youth care centre.

5. Geographical area of jurisdiction of children's court

Although section 44 of the Children's Act, 38 of 2005 defines jurisdiction of a children's court, presiding officers seems to interpret it differently.

In the light of the above the designated social worker/external case manager has the responsibility to determine which children's court has jurisdiction in each individual case and will extend the order.

6. Family reunification services

Family reunification services are goal-directed services that are planned and rendered to the child, parent, guardian, or caregiver in order to support and empower them to allow and facilitate the reintegration of the child to the care of the parent, guardian or caregiver. Reintegration is a gradual process that should start upon admission of a child at a child and youth care centre. If there is no parent, guardian or care giver to who family reunification services can be rendered the external case manager cannot close the case file but should closely work together with the social worker at the child and youth care centre to find an alternative reintegration option. Where applicable, family reunification services must be rendered and a progress report must be submitted every six months to the CYCC social worker (Annexure B) who in turn should also provide the external case manager with a 6 monthly progress report on the progress of the child. Six monthly reviews of the individual development plan of the child should involve all role players, social workers, parents MDT and the child.

7. Extension of the court order

- 7.1 The validity of court orders granted in terms of section 156 lapses after a period of two years, or any shorter period which the court may have determined. Section 156 includes orders made in terms of section 46. It must be noted that not all court orders should be extended after two years and the court has the discretion to extend an order.
- 7.2 If, after a comprehensive assessment was done into the best interest of a child, it is found that reunification cannot take place at the time the court order expires, an application for extension report (Annexure A) must be submitted to the children's court that has jurisdiction in the particular case at least 3 months before the order expires.
- 7.3 It is the designated social worker (external case manager) who is responsible for the application for the extension of the order to the children's court (refer to section 187 (2) of the Children's Act requiring the designated social worker appointed to facilitate the reunification and submit a report to the children's court).
- 7.4 The CYCC social worker must provide the external case manager with a comprehensive report, with a recommendation, six months before the expiry of the court order. If a child is of such an

age and maturity that the child can meaningfully participate, a letter signed by the child should be attached confirming that the extension of the order and the reasons therefore was discussed with the him/her and that he/ she is prepared to remain in the CYCC. When it is the children's court in the magisterial district where the CYCC is that has jurisdiction a letter signed by the parent, guardian or caregiver indicating that the extension of the order was discussed with them and that they have no objection must be attached to the extension report.

- 7.5 The external case manager must provide the CYCC social worker with a copy of the extended order at least two weeks before the current order lapses. If the court order is not renewed and eventually lapses, that matter should be taken back to court to re-initiate children's court proceedings. The CYCC is under no circumstances allowed to accommodate a child whose court order has lapsed and the responsible designated social worker will have to remove the child when the order lapses.
- 7.6 Dual monitoring of court orders should be done and the responsible designated social worker/external case manager and the CYCC social worker should liaised in this regard and remind each other in terms of the required extension timeframes.

8. Application for persons over the age of 18 years still in alternative care wishing to remain in alternative care (section 176)

- 8.1 Section 176 makes provision for a person placed in alternative care as a child to remain in that care until the age of 21 years in order to complete his or her education and training. Education and training in this context includes primary education, secondary education and tertiary education at a university, college – including a Further Education and Training (FET) College – or any other recognised tertiary education institution. This is an administrative extension by the HOD and not an extension of the order by a children's court.
- 10.2 An application requesting to remain in the CYCC until the end of the year in which that child reaches the age of 18 years must be submitted to the CYCC Social worker. (Annexure C).
- 10.3 The application should be accompanied by the latest school or academic report of the child, together with a letter or any confirmation that he or she is a registered student or learner. If not registered at any institution, the child should produce proof of admission or intention to study. The Management of the CYCC where the person is placed must indicate whether they are willing and able to care for that person.
- 10.5 After receiving such application, the CYCC social worker should compile a section 176 report (Annexure 15) taking into account the above requirements and submit it 3 months before the child turn 18 years to the Directorate Facility Management and Quality monitoring.

- 10.6 The authorised/delegated official at the Directorate Facility Management and Quality Monitoring must issue a section 176 order (section 176 (2) approval attached) and provide it to the manager of the CYCC with a copy to the responsible designated social worker and the appropriate DSD district office.
- 10.7 The approval in terms of section 176 (2) is valid for a year and takes effect from the date on which it was issued. It may be granted annually until the person reaches the age of 21 years.

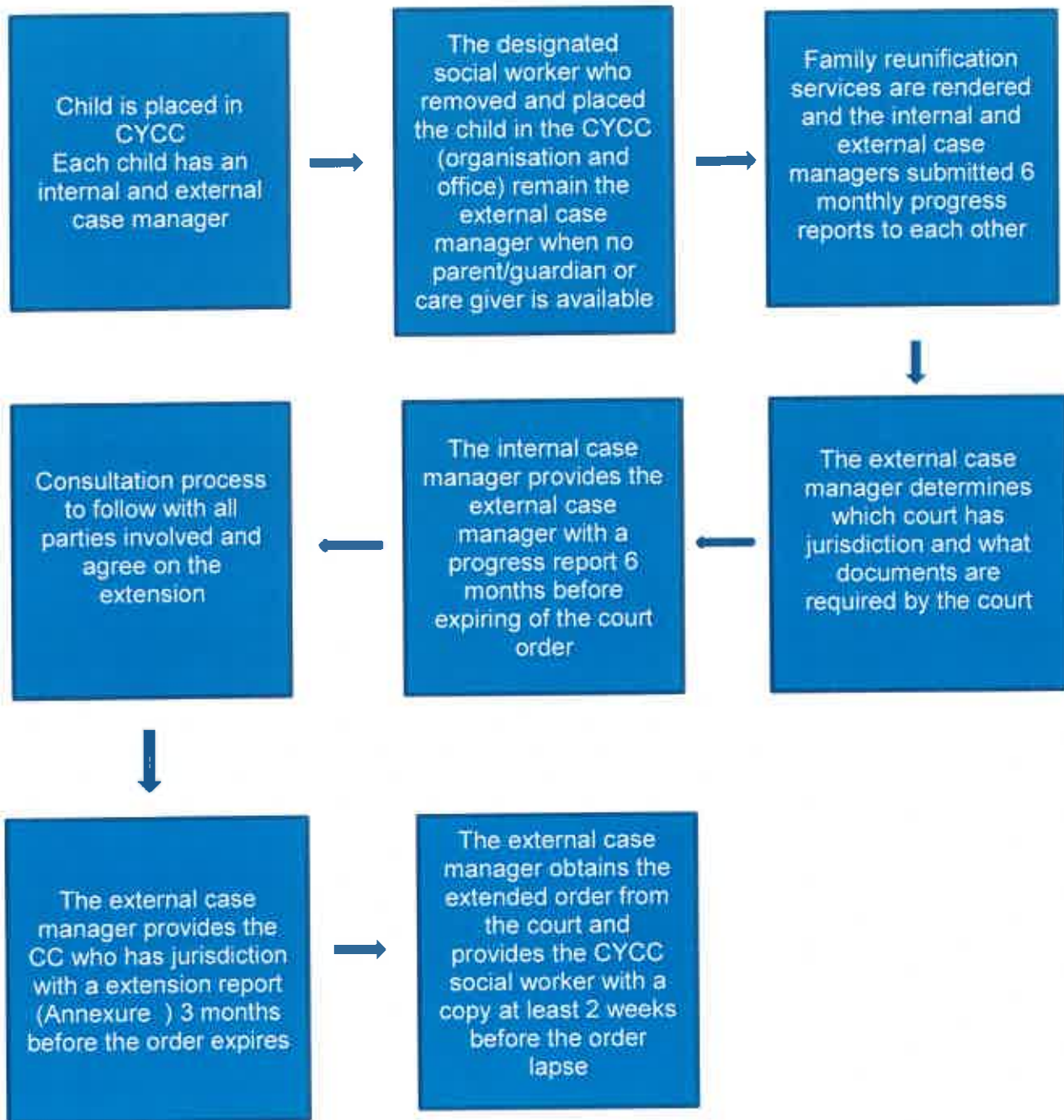
For more detailed information refer to the main SOP document.

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L. Goosen

DIRECTOR: FACILITY MANAGEMENT AND QUALITY MONITORING

FLOW CHART FOR EXTENSION OF CYCC COURT ORDERS



ANNEXURE A



social development

Department:
Social Development
REPUBLIC OF SOUTH AFRICA

REPORT FOR EXTENSION OF ALTERNATIVE CARE ORDER IN TERMS OF SECTION 159/186 OF THE CHILDREN'S ACT 38 OF 2005 AS AMENDED

1. IDENTIFYING DETAILS OF THE CARE-GIVER

a) Foster care

Name and surname	ID number	Address

b) Child and youth care centre

Name of the child and youth care centre	Address

1.1. Dependent children of the foster parent(s)

Full name(s)	Gender	Date of birth/identity number

1.2. Other persons living with the foster family

Full name(s)	Gender	Date of birth/identity number

1.3. Children in alternative care

Names of child(ren)	DOB	Gender	Name of the School/Partial care	Grade/ECD

1.4. Full residential address of the alternative care-giver

1.5. Details of designated organisation:

Name of the organization (DSD/CPO/Other dept): _____

Reference number: _____

Magisterial district: _____

Court reference Number: _____

ADDENDUM TO ANNEXURE A

2. INTRODUCTION (describe the reasons for finding the child(ren) in need of care, previous statutory interventions of the child(ren) in alternative care and duration of the current placement)

3. PRESENT CIRCUMSTANCES OF THE CARE-GIVER

3.1. Foster care (provide information on the work and finances, religious, social, physical, psychological aspects circumstances of the foster parents' own children and family relationships in the foster family with special reference to the foster children)

3.2 CHILD AND YOUTH CARE CENTRES (describe the programmes provided)

4. VIEWS OF THE CARE-GIVER REGARDING THE CHILD(REN) IN ALTERNATIVE CARE (Reflect emotions, feelings, preferences, personal needs and any other relevant observations)

4.1. Support and services that were provided to the care-givers (indicate the type of support and services provided to the caregivers whilst the child was still in alternative care)

Date	With whom	Types of services and support

5. VIEWS OF THE CHILD(REN) CONCERNED (reflect emotions, feelings, preferences, personal needs and any other relevant observations by child(ren))

5.1. Services and support rendered to the children in alternative care (as indicated in the care plan)

Date	With whom	Types of services and support

5.2. Progress made by the child(ren) since the placement

5.3. Do the reasons for the removal of the child(ren) still exist?

5.4. Educator / ECD practitioner's impressions of the concerned child(ren) progress and adjustment (provide a school report, interviews conducted with teachers/ principal)

6. VIEWS OF THE PARENT(S)/FAMILY MEMBER (reflect emotions, feelings, preferences, personal needs and any other relevant observations)

6.1. Contact between care-giver, parents/ family member and the concerned child(ren) (frequency, nature of interaction)

6.2. Support and services provided to the parents.

Date	With whom	Types of support and services

6.3 If the parents are deceased, was the possibility of adoption discussed and considered (give reasons for not considering the option)

7. RESULTS ACHIEVED THROUGH SERVICE RENDERING

8. EVALUATION

9. CARE PLAN (attach reviewed care plan)

Short term

Long term

10. CONCLUSION

11. RECOMMENDATION

SOCIAL WORKER: _____

LEVEL: _____

DATE: _____

ORGANISATION: Name: _____

ADDRESS: _____

REFERENCE NUMBER: _____

ANNEXURE B

ALTERNATIVE CARE SUPERVISION SERVICES

I/We _____ (alternative care-giver) hereby declare that
(Tick where applicable)

- ☐ I am willing and able to care for the young person.
- ☐ That the contents of the report were discussed with me.
- ☐ That I am aware of the fact that I am entitled to participate in proceedings of the review of the child(ren) concerned.
- ☐ That I am aware that the extension of the order for a further period is recommended.
- ☐ I am satisfied/not satisfied with the recommendation of the social worker.

Signed at _____ on this _____ day of _____

Foster mother: _____

Foster father: _____

Manager of a cluster foster care scheme: _____

Manager of a child and youth care centre: _____

I _____ (social worker) hereby declare that the contents of the report dated
_____ were discussed with Mr./Mrs. _____

Signed at _____ on this _____ day of _____

ANNEXURE C

**APPLICATION FOR EXTENSION OF PLACEMENT IN ALTERNATIVE CARE BEYOND 18 YEARS OF AGE
(Regulation 63)
[SECTION 176 OF THE CHILDREN'S ACT 38 OF 2005 AS AMENDED]**

TO: The Head of the Provincial Department of Social Development

..... (Province)

..... (Address)

.....

.....

File number: _____

Court ref no: _____

Dear Sir / Madam

In terms of section 176 of the Children's Act, 38 of 2005 as amended, I

..... (full names and surname) wish to apply for an extension of the period for which I have been placed in alternative care until the completion of my education or training. I understand that I may not continue to reside in alternative care beyond the end of the year in which I reach the age of 21 years. A certified copy of one of the following documents is attached as verification of my identity and proof of age (mark with an "x"):

- ☐ Birth certificate (only if not in possession of identity document or passport)
- ☐ Identity document
- ☐ Other

I am currently placed in alternative care with the following person/place/centre

..... (name)

..... (address)

.....

.....

.....

.....

..... (contact person)

..... (tel. no.)

Date on which placement in alternative care is due to expire:

Nature of alternative care (mark with an "x"):

- ☐ Foster care
- ☐ Child and youth care centre

The following documents are attached in support of my application:

- ☐ An originally signed letter from my current alternative care-giver to the effect that he/she/they* is/are* willing and able to care for me; and
- ☐ An originally signed letter from the head of my education or training facility indicating that I have the capability to complete my education or training.

(* - delete which is not applicable)

I declare that my continued stay in alternative care is necessary to enable me to complete my education or training.

My postal address is:

.....

My other contact details (telephone numbers or email address) are:

.....

Yours sincerely

 (Signature of applicant)

 (Date)

