



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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### Government Notices

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#### MINISTRY OF GENDER EQUALITY AND CHILD WELFARE

No. 4

2019

#### COMMENCEMENT OF CHILD CARE AND PROTECTION ACT, 2015

Under section 259 of the Child Care and Protection Act, 2015 (Act No. 3 of 2015), I determine that that Act comes into operation on the date of publication of this notice in the *Gazette*.

**D. SIOKA**

**MINISTER OF GENDER EQUALITY AND CHILD WELFARE**

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**MINISTRY OF GENDER EQUALITY AND CHILD WELFARE**

No. 5

2019

**CHILD CARE AND PROTECTION REGULATIONS:  
CHILD CARE AND PROTECTION ACT, 2015**

Under section 256 of the Child Care and Protection Act, 2015 (Act No. 3 of 2015), I have -

- (a) made the regulations set out in the Schedule; and
- (b) repealed the -
  - (i) Regulations made under the Children's Act, 1960 (Act 33 of 1960): Natives, published under Government Notice R. 1086 of 22 July 1960, as amended by Government Notices R. 408 of 13 March 1970, R. 409 of 20 March 1970, R. 1099 of 10 July 1970, R. 683 of 30 April 1971, R. 1791 of 8 October 1971, R. 1842 of 20 October 1972, R. 2417 of 21 December 1973, R. 997 of 14 June 1974, R. 1000 of 14 June 1974, R. 445 of 7 March 1975, R. 1747 of 19 September 1975, R. 1620 of 3 September 1976, R. 1798 of 9 September 1977, R. 1279 of 23 June 1978 and AG. 42 of 17 August 1978;
  - (ii) Rules of Procedure in Children's Court and at Proceedings in Magistrates' Courts under Chapter VI of the Act and Regulations Relative to the Registration of Orders of Adoption and the Protection of Infants Issued in Terms of Section Ninety-two of the Children's Act, 1960 (Act No. 33 of 1960), by the Minister of Social Welfare and Pensions in Respect of Races other than Bantu, published under Government Notice No. R523 of 30 March 1961;
  - (iii) Regulations made under the Children's Act, 1960, published under Government Notice No. R.2433 of 10 December 1976, as amended by Government Notice No. R.2173 of 28 October 1977;
  - (iv) Regulations made under the Children's Act, 1960 (Act 33 of 1960): Basters in the Territory of South-West Africa, published under Government Notice R. 295 of 4 March 1977, as amended by Government Notices R. 1749 of 2 September 1977, AG 63 of 29 September 1978 and AG. 79 of 30 November 1978;
  - (v) Regulations made under the Children's Act, 1960 (Act 33 of 1960): Namas in the Territory of South-West Africa, published under Government Notice R. 342 of 4 March 1977, as amended by Government Notices R. 1751 of September 1977, AG. 50 of 28 August 1978, AG. 59 of 25 September 1978, AG. 38 of 5 June 1979 and AG. 90 of 28 September 1979;
  - (vi) Regulations made under the Children's Act, 1960 (Act 33 of 1960): Coloured Persons, published under Government Notice R. 69 of 4 March 1977, as amended by Government Notices R. 1750 of 1977, AG. 51 of 28 August 1978 and AG 89 of 28 September 1979;
  - (vii) Regulations made under the Children's Act, 1960, published under Government Notice No. 554 of 15 April 1977, as amended by Government Notice No. R.2082 of 14 October 1977;
  - (viii) Regulations Relating to Children's Status, published under Government Notice No. 267 of 3 November 2008; and

- (ix) any other regulations made under the Children's Act, 1960 (Act No. 33 of 1960) in respect of any matter that is regulated by these regulations or by the Regulations Relating to Children's Court Proceedings published under Government Notice No. 6 of 30 January 2019.

**D. SIOKA****MINISTER OF GENDER EQUALITY AND CHILD WELFARE**

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## CHAPTER 1 PRELIMINARY

### **Definitions**

**1.** In these regulations a word or an expression to which a meaning has been assigned in the Act has that meaning, and unless the context otherwise indicates -

“Adoption Registrar” means a staff member of the Ministry designated as Adoption Registrar in terms of section 183 of the Act;

“certificate of authorisation” means the certificate referred to in section 33(2) of the Act;

“DNA testing” means a scientific test involving human deoxyribonucleic acid which is used to establish whether a person is the biological father or mother of a person;

“HIV-testing” means any reliable medically-recognised test to determine the presence or absence of HIV infection in a person;

“manager” means a manager of a residential child care facility, a place of care, early childhood development centre or shelter;

“messenger of the court” means a person appointed as a messenger of the court under section 14 of the Magistrates’ Courts Act, and includes a police officer referred to in section 15 of that Act;

“police clearance certificate” means the police clearance certificate referred to in section 238(5) of the Act;

“RACAP” means the Register of Adoptable Children and Prospective Adoptive Parents referred to in section 171 of the Act;

“Register of Prospective Foster Parents” means the Register of Prospective Foster Parents referred to in section 155(4) of the Act;

“Social Work and Psychology Act” means the Social Work and Psychology Act, 2004 (Act No. 6 of 2004);

“the Act” means the Child Care and Protection Act, 2015 (Act No. 3 of 2015).

CHAPTER 2  
SOCIAL WORKERS, CHILD PROTECTION ORGANISATIONS AND PROBATION  
OFFICERS

**Functions of designated social workers and designated child protection organisations**

2. A designated social worker or a designated child protection organisation who or which complies with -

- (a) regulation 3, in the case of a social worker; or
- (b) regulation 4, in the case of a child protection organisation,

may perform the functions as authorised on the certificate of authorisation.

**Requirements for designation of social workers**

3. (1) A social worker may only be designated under section 33 of the Act, if the social worker -

- (a) submits proof that he or she is registered as a social worker in terms of Social Work and Psychology Act;
- (b) has at least three years of continuous experience in the field of child care and protection or is working under the supervision of a social worker who has more than three years of continuous experience in child care and protection;
- (c) has not been found to be unsuitable to work with children by the Social Work and Psychology Council of Namibia established under the Social Work and Psychology Act or by any court;
- (d) has no previous conviction relating to child neglect or abuse, drug trafficking or any of the offences listed in section 238(8) of the Act whether committed in Namibia or elsewhere and provides the Minister with a police clearance certificate from -
  - (i) Namibia, if the social worker is a Namibian citizen, permanent resident or has been residing in Namibia for the last five years;
  - (ii) the country of origin, if the country of origin is different from Namibia; and
  - (iii) any other country where the social worker has resided in the last five years, issued within six months before the date of designation; and
- (e) has the appropriate skills and interest to uphold the rights and interests of children in his or her work as confirmed by a written reference from any relevant person or institution.

(2) A social worker seeking designation in terms of section 33 of the Act must make an application to the Minister on a form substantially corresponding to Form 1A and together with the application must submit information or proof that he or she complies with subregulation (1).

(3) Despite subregulation (2), the Minister may only designate a social worker to facilitate adoption if the social worker, in addition to complying with subregulation (1), has at least four years practical experience in adoption or court matters.



- (4) A social worker who is already performing functions assigned to designated social workers in terms of the Act prior to the commencement of these regulations -
- (a) must, within eight months of the commencement of these regulations, make an application to the Minister under subregulation (2) to be considered for designation to perform functions assigned to designated social workers in terms of the Act; and
  - (b) may continue with the performance of such functions until such time as the certificate of authorisation is issued or refused.
- (5) The Minister must consider the application for designation and may -
- (a) grant the application in whole, if there is a need for the social worker to perform any of the functions assigned to designated social workers in terms of the Act;
  - (b) grant the application in part, if there is a need for the social worker to perform any of the functions assigned to designated social workers in terms of the Act; or
  - (c) refuse the application.
- (6) If an application for designation is -
- (a) granted in whole, the Minister must issue the social worker with a certificate of authorisation on a form substantially corresponding to Form 1B, indicating the functions to be performed by the social worker;
  - (b) granted in part, the Minister must issue the social worker with a certificate of authorisation on a form substantially corresponding to Form 1B, indicating the functions to be performed by the social worker in respect of which the designation is granted; or
  - (c) refused or granted in part, the Minister must cause the social worker to be notified of the refusal or partial refusal and the reasons for the refusal.
- (7) The certificate of authorisation or the notice of refusal and reasons for refusal must be delivered to the social worker by hand, courier or registered post.
- (8) Subject to subregulation (1), a social worker who intends to renew his or her certificate of authorisation must submit the certificate of authorisation to the Minister for renewal at least three months prior to the date of expiry of the certificate, together with -
- (a) proof of registration as a social worker; and
  - (b) a police clearance certificate issued not more than one year before the date of submission for renewal,

and may at the time of applying for the renewal of the certificate make an application for designation in respect of any other additional function, and if the application in respect of additional function is granted the Minister must amend the certificate of authorisation.

#### **Requirements for designation of child protection organisations**

4. (1) A child protection organisation may only be designated under section 33 of the Act, if the child protection organisation -

- (a) is registered with the appropriate authority, in cases where registration is required;
- (b) is a non-profit organisation in the form of a registered trust or a legal person;
- (c) has the necessary capacity and expertise to perform functions in terms of the Act;
- (d) has a constitution or other founding document that includes the provision of child care and protection services;
- (e) has the ability to respond to the needs of children with special needs and disabilities directly or through appropriate referrals;
- (f) if seeking State funding, demonstrates a sound financial management and efficiency, economy and effectiveness of its programmes; and
- (g) employs one or more social workers who are issued with certificates of authorisation under regulation 3.

(2) A child protection organisation seeking designation in terms of section 33 of the Act must make an application to the Minister on a form substantially corresponding to Form 1C and together with the application must submit information or proof that it complies with subregulation (1), including -

- (a) a business plan of the organisation;
- (b) audited financial statements for the previous financial year, or if the audited statements cannot be furnished, such financial statements as are available accompanied by a sworn statement as to why audited statements cannot be furnished;
- (c) proof of registration under subregulation (1)(a), if applicable;
- (d) proof of registration as a social worker under the Social Work and Psychology Act in respect of all social workers employed by the organisation;
- (e) the constitution or other founding document of the organisation;
- (f) police clearance certificates issued within six months of the date of application for designation in respect of all social workers and any other persons employed by the organisation who work directly with children; and
- (g) other documents as may be relevant to the application.

(3) A child protection organisation which is already performing functions assigned to designated child protection organisations in terms of the Act prior to the commencement of these regulations -

- (a) must, within eight months of the commencement of these regulations, make an application to the Minister under subregulation (2) for the organisation to be considered for designation to perform functions assigned to designated child protection organisations; and
  - (b) may continue with the performance of such functions until such time as the certificate of authorisation is issued or refused.
- (4) The Minister must consider the application for designation and may -

- (a) grant the application in whole, if there is a need for the child protection organisation to perform any of the functions assigned to designated child protection organisations in terms of the Act;
  - (b) grant the application in part, if there is a need for the child protection organisation to perform any of the functions assigned to designated child protection organisations in terms of the Act; or
  - (c) refuse the application.
- (5) If an application for designation is -
- (a) granted in whole, the Minister must issue the child protection organisation with a certificate of authorisation on a form substantially corresponding to Form 1B, indicating the functions to be performed by the organisation;
  - (b) granted in part, the Minister must issue the child protection organisation with a certificate of authorisation on a form substantially corresponding to Form 1B, indicating the functions to be performed by the child protection organisation in respect of which the designation is granted; or
  - (c) refused or granted in part, the Minister must cause the child protection organisation to be notified of the refusal or partial refusal and the reasons for the refusal.
- (6) The certificate of authorisation or the notice of refusal and reasons for refusal must be delivered to the child protection organisation by hand, courier or registered post.
- (7) Subject to subregulations (1) and (2), a child protection organisation that intends to renew its certificate of authorisation must submit the certificate of authorisation to the Minister for renewal at least three months prior to the date of expiry of the certificate, together with -
- (a) proof of registration of the organisation, if applicable;
  - (b) proof of registration of all social workers employed by the organisation; and
  - (c) police clearance certificates issued not more than one year before the date of submission for renewal in respect of all social workers and any other persons employed by the organisation who work directly with children,

and may at the time of applying for the renewal of the certificate make an application for designation in respect of any other additional function, and if the application in respect of additional function is granted the Minister must amend the certificate of authorisation.

#### **Requirements for designation of probation officers**

- 5.** (1) A social worker may only be designated as a probation officer under section 35 of the Act, if the social worker -
- (a) submits proof that he or she is registered as a social worker in terms of the Social Work and Psychology Act;
  - (b) has experience or skills appropriate to the powers and functions of a probation officer as confirmed by a written reference from any relevant person or institution; and
  - (c) in the case of a social worker seeking designation to work with children -

- (i) has not been found unsuitable to work with children by the Social Work and Psychology Council of Namibia established under the Social Work and Psychology Act or by any court; and
- (ii) has no previous conviction relating to child neglect or abuse, drug trafficking or any of the offences listed in section 238(8) of the Act whether committed in Namibia or elsewhere and provides the Minister with a police clearance certificate from -
  - (aa) Namibia, if the social worker is a Namibian citizen, permanent resident or has been residing in Namibia for the last five years;
  - (bb) the country of origin, if the country of origin is different from Namibia; and
  - (cc) any other country where the social worker has resided in the last five years,

issued within six months before the date of designation.

(2) A social worker seeking designation as a probation officer in terms of section 35 of the Act must make an application to the Minister on a form substantially corresponding to Form 1D and together with the application must submit information or proof that he or she complies with subregulation (1).

(3) The Minister must consider the application for designation as a probation officer and may -

- (a) grant the application in whole, if there is a need for the social worker to perform any of the functions assigned to probation officers in terms of the Act;
- (b) grant the application in part, if there is a need for the social worker to perform any of the functions assigned to probation officers in terms of the Act; or
- (c) refuse the application.

(4) If an application for designation as a probation officer is -

- (a) granted in whole, the Minister must issue the social worker with a certificate of authorisation on a form substantially corresponding to Form 1E, indicating that the social worker is designated to work with -
  - (i) child offenders;
  - (ii) adult offenders; or
  - (iii) both child and adult offenders;
- (b) granted in part, the Minister must issue the social worker with a certificate of authorisation on a form substantially corresponding to Form 1E, indicating that the social worker is designated to work with -
  - (i) child offenders;
  - (ii) adult offenders; or

- (iii) both child and adult offenders; or
- (c) refused or granted in part, the Minister must cause the social worker to be notified of the refusal or partial refusal and the reasons for the refusal.
- (5) The certificate of authorisation or the notice of refusal and reasons for refusal must be delivered to the social worker by hand, courier or registered post.
- (6) A person considered to have been appointed as a probation officer in terms of section 35(3) of the Act must, within eight months of the commencement of these regulations, make an application to the Minister under subregulation (2) to be issued with a certificate of authorisation.
- (7) A certificate of authorisation is valid for a period of five years and may be renewed in accordance with subregulation (8).
- (8) Subject to subregulation (1), a probation officer who intends to renew his or her certificate of authorisation must submit the certificate of authorisation to the Minister for renewal at least three months prior to the date of expiry of the certificate, together with -
  - (a) proof of registration as a social worker; and
  - (b) police clearance certificate issued not more than one year before date of submission for renewal,

and may at the time of applying for the renewal of the certificate make an application for designation as a probation officer in respect of any other additional category of offenders, and if the application in respect of additional category is granted the Minister must amend the certificate of authorisation.

#### **Conduct that may lead to refusal to renew, alteration or revocation of certificates**

6. (1) A certificate of authorisation issued to -
- (a) a social worker or a child protection organisation under section 33 of the Act; or
  - (b) a social worker designated as a probation officer under section 35 of the Act,
- may not be renewed, or may be altered or revoked as contemplated in subregulation (2).
- (2) The Minister may refuse to renew, or may alter or revoke a certificate of authorisation referred to in subregulation (1), if the Minister is satisfied that -
- (a) in the case of a social worker referred to in subregulation (1)(a) or (b), the social worker -
    - (i) performs functions or exercises powers not authorised by the certificate of authorisation;
    - (ii) contravenes or fails to comply with the Act or the Social Work and Psychology Act;
    - (iii) repeatedly fails to submit reports timeously as required under this Act;
    - (iv) is not acting or lacks the ability to act in the best interests of children;
    - (v) is convicted of any crime listed in section 238(8) of the Act; or

- (vi) is arrested for any crime listed in section 238(8) of the Act;
- (b) in the case of child protection organisation referred to in subregulation (1)(a) -
  - (i) the child protection organisation performs functions or exercises powers not authorised by the certificate of authorisation;
  - (ii) the child protection organisation contravenes or fails to comply with the Act;
  - (iii) any of the social workers employed by the child protection organisation -
    - (aa) performs functions or exercises powers not authorised by the certificate of authorisation;
    - (bb) contravenes or fails to comply with the Act or the Social Work and Psychology Act;
    - (cc) repeatedly fails to submit reports timeously;
    - (dd) is not acting or lacks the ability to act in the best interests of children;
    - (ee) is convicted of any crime listed in section 238(8) of the Act; or
    - (ff) is arrested for any crime listed in section 238(8) of the Act,

and the child protection organisation fails to take appropriate action.

- (3) The Minister must -
  - (a) notify a social worker or a child protection organisation of his or her intention not to renew, to alter or revoke the certificate of authorisation at least seven days prior to the date of the intended action;
  - (b) afford the social worker or child protection organisation an opportunity to make representations on the matter before the Minister makes his or her decision; and
  - (c) take into consideration any representations made under paragraph (b) when making his or her decision.

(4) A notice referred to in subregulation (3) must be delivered to the social worker or the child protection organisation by hand, courier, facsimile or electronic mail.

### **Submission and examination of reports by social workers**

7. (1) A social worker who has finalised a report required by the children's court under sections 33(7), 47(2)(g) or 139(1) of the Act must submit a signed copy of the report to a staff member referred to in section 33(7) of the Act within two days after the finalisation of the report and before the report is submitted to the court.

(2) The report referred to in subregulation (1) must be submitted to the staff member by hand, fax or electronic mail.

(3) Unless the deadline for submission of the report to the children's court necessitates a shorter period for examination, the staff member must conclude the examination of the report within

five days from the date of receipt of the report and must communicate the outcome of his or her examination forthwith to the social worker and the social worker must insofar as possible rectify any defect in the report before the report is submitted to the court.

(4) For the purposes of section 33(8) of the Act, the staff member may require the social worker who produced the report to -

- (a) correct any error in the report;
- (b) collect additional information to supplement the content of the report;
- (c) consult with any person or institution as identified by the staff member;
- (d) re-interview a person or institution already consulted by the social worker; or
- (e) re-write the report in accordance with guidelines provided by the staff member,

within a specified period and after which the report must be re-submitted to the staff member for re-examination.

(5) After the report is examined by the staff member in terms of this regulation, the report must be submitted to the children's court without any delay.

(6) The social worker must attempt to finalise the report timeously in order to allow the staff member to examine or re-examine the report before any deadline for submission of the report to the court, and, if necessary, may seek an extension of the deadline pursuant to section 48(1) or 139(2) of the Act.

### **Fees payable to private social workers or child protection organisations**

8. A private social worker or child protection organisation may charge fees not exceeding the fees specified in Annexure 2 for rendering services specified in that Annexure.

## CHAPTER 3

### RESIDENTIAL CHILD CARE FACILITIES, PLACES OF CARE, EARLY CHILDHOOD DEVELOPMENT CENTRES AND SHELTERS

#### Part 1

#### General regulations

### **Standards for residential child care facilities, places of care, early childhood development centres and shelters**

9. In addition to the standards specified in section 71 of the Act, a residential child care facility, place of care, early childhood development centre and shelter must -

- (a) comply with the applicable building plan regulations, where applicable;
- (b) comply with any applicable standards as may be issued and published by the Ministry or as may be revised;
- (c) have documents of ownership of the premises, lease agreement for the premises or any other documents indicating right to occupy the premises;
- (d) show compliance with regard to construction and safety requirements, where applicable; and

- (e) have a first aid kit which complies with any standards as may be issued by the Ministry from time to time.

**Rights of children in residential child care facilities, places of care, early childhood development centres and shelters**

- 10.** (1) A child who is cared for in a residential child care facility has the right to -
- (a) be promptly informed in a language which he or she understands of the reason for his or her admission or detention in the residential child care facility;
  - (b) have his or her parent, guardian, next of kin or any other person who was caring for the child immediately prior to the admission of the child to the facility informed within 48 hours of admission of the residential child care facility to which the child has been admitted or detained and the reason for the child's admission or detention;
  - (c) regularly communicate with, and be visited by, his or her parents, guardian, next of kin, social worker, probation officer, manager, religious counsellor, health care professional, psychologist, legal practitioner, social auxiliary worker or community child care worker, unless a court made an order to the contrary or unless the child chooses not to communicate or be visited, but the timing and frequency of such visits may be reasonably regulated by the relevant social worker;
  - (d) adequate nutrition, clothing, nurturing, access to health care and the same quality of care as other children in the facility, taking into account any special needs that the child may have;
  - (e) be consulted and express his or her views according to his or her abilities about significant decisions affecting him or her;
  - (f) reasonable privacy, possession and protection of his or her personal belongings;
  - (g) be informed that prohibited items in his or her possession may be removed and withheld;
  - (h) be informed of the behaviour that is expected of him or her by carers, the consequences of his or her failure to meet the expectations of carers and assistance that he or she may expect from the carers regarding the attaining of such behavioural expectations;
  - (i) care and intervention which respects, protects and promotes his or her cultural, religious and linguistic heritage and the right to learn about and maintain the heritage;
  - (j) positive discipline appropriate to his or her level of development;
  - (k) education, training or learning opportunities appropriate to his or her level of maturity, aptitude and ability;
  - (l) respect and protection from exploitation and neglect;
  - (m) opportunities of learning and developing his or her capacity to demonstrate respect and care for others;
  - (n) access to an interpreter or other necessary support, if language or disability is a barrier in consulting the child on decisions affecting his or her custody or care and development;



- (o) privacy during discussions with people referred to in paragraph (c) unless a court makes an order to the contrary or unless he or she chooses otherwise;
  - (p) access to community activities and structures, unless a court makes an order to the contrary; and
  - (q) be informed, on admission to the facility and at any time after being admitted to the facility, of the procedure to be followed if he or she wishes to lodge a complaint of any nature.
- (2) A child who is cared for in a place of care, early childhood development centre or shelter has the right to -
- (a) adequate nutrition, nurturing, access to health care appropriate to the period of care and the age of the children in question and to be given the same quality of care as other children in the facility, taking into account the age of the child and any special needs that the child may have;
  - (b) be consulted and to express his or her views according to his or her abilities about decisions affecting him or her;
  - (c) reasonable privacy, possession and protection of his or her personal belongings;
  - (d) be informed that prohibited items in his or her possession may be removed and withheld;
  - (e) be informed of the behaviour that is expected of him or her by carers, the consequences of his or her failure to meet the expectations of carers and assistance that he or she can expect from the carers regarding the attaining of such behavioural expectations;
  - (f) care and intervention which respects, protects and promotes his or her cultural, religious and linguistic heritage and the right to learn about and maintain the heritage, according to his or her duration of stay;
  - (g) positive discipline appropriate to his or her level of development;
  - (h) education, training or learning opportunities appropriate to his or her level of maturity, aptitude and ability according to his or her duration of stay;
  - (i) respect and protection from exploitation and neglect; and
  - (j) be informed, on admission to the facility and at any time after being admitted to the facility, of the procedure to be followed if he or she wishes to lodge a complaint of any nature.

**Complaints procedure in residential child care facilities, places of care, early childhood development centres and shelters**

11. (1) A residential child care facility excluding a private home or a private or public hospital serving as a place of safety, a place of care, an early childhood development centre and a shelter must have a complaints procedure which is set out in writing, and in the case of a children's home or a child detention centre, the complaints procedure must be approved by the board.

- (2) The complaints procedure contemplated in subregulation (1) must -

- (a) be appropriate to the age and stage of development of the children at the facility;
- (b) allow for children to complain about particular incidents or staff members;
- (c) be accessible to the children;
- (d) be structured in such a manner that it does not cause conflict;
- (e) encourage restorative justice interventions, where appropriate; and
- (f) provide fair procedures for persons against whom allegations are made.

(3) A child must be informed of the complaints procedure on admission to the facility, place of care, centre or shelter.

### **Behaviour management in residential child care facilities, places of care, early childhood development centres and shelters**

**12.** (1) The manager and staff members of a residential child care facility excluding a private home or a private or public hospital serving as a place of safety, a place of care, an early childhood development centre and a shelter must endeavour to promote positive discipline by -

- (a) ensuring that children are provided with skills and support which enable constructive and effective social behaviour;
- (b) demonstrating the expected behaviour by modelling their attitudes and interactions with the children;
- (c) ensuring that children feel respected and are physically, emotionally and socially safe when carers provide positive discipline; and
- (d) ensuring, through programmes and effective role modelling, that children are given the opportunity and encouragement to demonstrate and practice positive behaviour.

(2) The following behaviour management actions are prohibited -

- (a) group punishment for individual behaviour;
- (b) threats of removal or removal from a developmental or therapeutic programme;
- (c) humiliation or ridicule;
- (d) corporal punishment;
- (e) deprivation of basic rights and needs such as food and clothing;
- (f) deprivation of access to family members or other persons;
- (g) denial of visits, telephone calls or correspondence with family members or guardians outside the specific development plan of the child;
- (h) isolation, except for the temporary removal of a child from a specific environment or activity for a brief period as a form of positive discipline, but the child may not be left completely alone during that period;

- (i) bodily restraint, except where it is necessary to restrict the movement of a child by means of one or more persons holding the child for a brief period in an emergency situation in order to prevent the child from harming or endangering himself or herself or other persons;
- (j) assignment of exercise or chores which may be harmful to the child or which is age-inappropriate to the child;
- (k) verbal abuse and any act which is likely to cause emotional or physical harm to the child;
- (l) punishment by another child;
- (m) measures which demonstrate discrimination on the basis of cultural or linguistic heritage, sex, race, religion or HIV status; and
- (n) undue influence by service providers regarding the imposition of their own personal beliefs on the child.

**Reporting by staff members of residential child care facilities, places of care, early childhood development centres and shelters**

**13.** (1) Subject to subregulation (4), a staff member of residential child care facility, place of care, early childhood development centre or shelter must report to the manager the following incidents -

- (a) the removal or attempted removal of a child from the facility, place of care, centre, shelter or programme by a person who is not authorised to do so;
- (b) accident or illness of a child which requires medical attention;
- (c) any irregular or dysfunctional behaviour or health problem of a child;
- (d) allegations of physical, psychological, emotional, sexual or verbal abuse of a child;
- (e) absence of a child from the facility without permission pursuant to section 87 of the Act, where applicable;
- (f) where a child has disappeared from the facility;
- (g) interventions by members of the police;
- (h) the death or injury of a child;
- (i) any criminal charge or conviction of a staff member, volunteer or other persons involved in the facility, place of care, centre or shelter;
- (j) substance abuse or drug dealing by a child in the care of the facility regardless of where the substance abuse or drug dealing takes place;
- (k) substance abuse or drug dealing by staff members or any other person who is present on the premises of the facility;
- (l) a child, staff member or any other person being under the influence of alcohol at the facility, place of care, centre or shelter;

- (m) any strike by staff members at the facility, place of care, centre or shelter;
- (n) any physical altercation involving staff members or other adults at the facility, place of care, centre or shelter; or
- (o) any other unusual circumstances that are likely to affect the safety or well-being of a child at the facility, place of care, centre or shelter.

(2) The reporting under subregulation (1) must be made within 24 hours of the discovery of the incident referred to in that subregulation or as soon as the staff member assumes duty, whichever occurs first.

(3) After being notified of an incident contemplated in subregulation (1) which involves or directly affects a child, the manager must forthwith notify the parent, guardian or care-giver of the child of the date, time and nature of the incident and steps taken.

(4) This regulation applies to a private home or a private or public hospital serving as a place of safety only in respect of the events referred to in subregulation (1)(a) to (h) and in that case, the reporting must be made to -

- (a) a person or social worker in charge of that home or hospital; or
- (b) the Permanent Secretary,

who must make the notification required in terms of subregulation (3).

#### **Appointment of boards for children's homes and child detention centres**

**14.** (1) The board of a privately operated children's home or child detention centre must be appointed by the holder of the certificate of registration under section 72(2)(b) of the Act by calling for application by interested persons to be appointed as members of the board.

(2) A call for application under subregulation (1) must be made in a local or national newspaper circulating in the area where the home or centre is situated and must be in the official language and may also be in such other languages as may be appropriate to the area where the home or centre is situated.

(3) The application must be made in writing and must be accompanied by curriculum vitae of the applicant.

- (4) Persons to be appointed as members of the board must include -
- (a) at least one person and not more than five persons from the community in which the home or centre is situated, including at least one person with the ability to monitor financial issues;
  - (b) one member from any health profession;
  - (c) a staff member of the children's home or child detention centre;
  - (d) one member representing the interests of the residents of the home or centre; and
  - (e) the manager of the home or centre.

(5) A person may not be appointed as a member of a board if such person has any conflict of interest that may hinder the performance of his or her functions as a member of the board.

(6) A member of a board must be appointed for a period of three years, but in order to allow for effective leadership transition, the holder of the certificate of registration may extend the term of office of any four members for a further period not exceeding three years.

(7) Every member of the board must be in possession of a police clearance certificate.

(8) A holder of a certificate of registration must, after having appointed the members of the board, furnish the Minister with a list of the names of the persons appointed as members of the board and indicate the capacity of each member appointed as contemplated in subregulation (4), within 14 days of appointment, and the Minister may request further information about the capacities of members.

(9) Unless a vacancy does not affect the minimum number of members required in terms of section 72(1) of the Act or substantially affect the efficient functioning of the board, the children's home or child detention centre, a vacancy on a board must be filled in accordance with this regulation and the person so appointed is appointed for the remainder of the unexpired portion of the term of office of the member who vacated the board.

(10) A member of a board vacates his or her office, if the member -

(a) is convicted of an offence referred to in section 238(8) of the Act;

(b) contravenes subregulation (5); or

(c) resigns after giving at least 30 days written notice to the holder of the certificate of registration and chairperson of the board, or in the case of a chairperson, after giving at least 30 days written notice to the holder of the certificate of registration.

#### **Procedure for boards**

**15.** (1) A board must function according to the following procedures -

(a) the board must meet as often as the business of a board requires but at least once in every three months during each year;

(b) a board must at its first meeting elect a chairperson, a treasurer and a secretary of the board;

(c) a simple majority of all members of a board present at a meeting of the board forms a quorum at that meeting;

(d) the decision of a board must as far as possible be made by consensus, but where a matter is put to the vote, a simple majority of the members of the board present at a meeting constitutes a decision of the board and in the event of an equality of votes, the person presiding at the meeting has a casting vote in addition to his or her deliberative vote;

(e) a board may request the attendance of, or a report by, a staff member of a children's home or a child detention centre in a matter before or to be considered by the board, and may be addressed by a child who is residing at the home or centre, either at the request of the board or the child;

(f) a board must take or cause to be taken minutes of all of its meetings, which must include a summary of the discussions and a record of all decisions taken;

- (g) a board must circulate or cause to be circulated the minutes of the previous meeting together with an agenda of the next meeting at least two weeks prior to the next meeting, but in a case of urgent meeting this requirement may be dispensed with by the chairperson; and
  - (h) a board may decide on its own procedures regarding matters not provided for in this regulation, but the members of the board must reach consensus on those procedures, failing which the procedure contemplated in paragraph (d) must be followed.
- (2) A board must ensure that its members -
- (a) understand the legal framework under which children's homes or child detention centres operate; and
  - (b) perform their duties in good faith and in the best interests of the children, residing in the home or centre, pursuant to section 3 of the Act.
- (3) A board must -
- (a) provide support and advice to the manager of the children's home or child detention centre;
  - (b) evaluate the performance of the manager of the home or centre;
  - (c) monitor, review and approve the annual budget for the home or centre;
  - (d) monitor, review and approve the business plan of the home or centre; and
  - (e) ensure that assets of the home or centre are maintained and protected.
- (4) A board must ensure that it receives quarterly written reports from the manager of the home or centre, and if the manager fails to provide the quarterly written reports, the board may institute disciplinary proceedings against the manager.

**Requirements relating to managers and management of children's home, child detention centres, places of care, early childhood development centres and shelters**

16. (1) The manager is responsible for the day to day operation of the children's home, child detention centre, place of care, early childhood development centre or shelter.
- (2) When selecting a suitable candidate to be appointed as the manager of a State-owned children's home, child detention centre or shelter, the Minister must consider whether the candidate -
- (a) has specialised knowledge of child care and protection;
  - (b) has proven leadership ability;
  - (c) is able to demonstrate management and administration skills; and
  - (d) has knowledge and experience of the particular programmes that the home, centre or shelter provides.
- (3) The manager and the board, in the case of a children's home or a child detention centre, must strive for a co-operative relationship characterised by openness and trust.

(4) The board is responsible for the approval of administrative and operational policy of a children's home or a child detention centre.

**Requirements relating to persons working with children at children's homes, child detention centres, places of care, early childhood development centres and shelters**

17. (1) A person rendering services to children at a children's home, child detention centre, place of care, early childhood development centre or shelter, excluding persons who do not work directly with the children, must possess the following skills as appropriate to their role -

- (a) the ability to implement the programmes in the home, centre, place of care or shelter;
- (b) skills or training on the identification of irregular or dysfunctional behaviour, developmental delays and physical disabilities in children;
- (c) the ability to identify, record and report on the progress and developmental needs of children;
- (d) the ability to design and produce stimulating indoor and outdoor activities and routines according to the developmental needs of the children;
- (e) the ability to stimulate, extend and promote all-round development through appropriate adult-child, adult-adult and child-child interactions to enhance emotional, cognitive, spiritual, physical and social development; and
- (f) the ability to provide development programmes that are appropriate to the needs of the children to whom the services are provided, including, where relevant, children with disabilities, chronic illnesses or other special needs.

(2) The qualifications of persons rendering services as contemplated in subregulation (1) must be in accordance with guidelines and requirements as may be issued by the Minister from time to time.

(3) A person -

- (a) employed or engaged at a home, place of care, centre or shelter must within three months after the commencement of these regulations; or
- (b) to be employed or be engaged at a home, place of care, centre or shelter must prior to his or her employment or engagement by the home, place of care, centre or shelter,

provide the home, place of care, centre or shelter with -

- (i) a certified copy of his or her identity document;
- (ii) proof of his or her skills, qualifications or training required in terms of the Act; and
- (iii) a police clearance certificate.

(4) A person rendering services to children at a children's home, place of care, centre or shelter who works directly with children in such home, place, centre or shelter must be able to communicate with children in a language or manner which the children understand, either directly or through an intermediary who can be contacted at any time.

(5) If a children's home, place of care, centre or shelter accommodates children with special developmental or behavioural needs, such home, place, centre or shelter must employ one or

more persons with specialised skills in dealing with such children to provide appropriate specialised services.

### **Keeping of records of children**

**18.** (1) An owner or a person in charge of a children's home, child detention centre, place of care, early childhood development centre or shelter must keep a separate file in respect of each child in which the following information must be recorded or filed -

- (a) full names of the child;
- (b) date of admission of the child to the children's home, centre, place or shelter;
- (c) date on which the attendance of the child at the children's home, centre, place or shelter is terminated;
- (d) all documents relating to the child, received at the time of admission of the child to the children's home, place, centre or shelter;
- (e) any document relating to the child, including correspondence, copies of any relevant medical reports and any reports relating to the achievements and skills of the child;
- (f) reports by the provider of a programme within the facility, place, centre or shelter on the development of the child with particular reference to any irregular behavioural pattern or possible deviations from the normal development of the child having due regard to his or her age;
- (g) reports on any significant injury observed at the time of admission or during the stay of the child at the facility, place, centre or shelter, including any observations which may relate to possible abuse of the child;
- (h) the written consent of the parent, guardian or care-giver of the child referred to in regulation 19;
- (i) complaints made by a child in terms of the complaints procedure contemplated in regulation 11, together with a record of any follow-up or action taken in respect of such complaints; and
- (j) any serious disciplinary problem experienced in respect of the child including a record of any actions taken in respect of such problem.

(2) A register kept in terms of this regulation must be kept in a secure manner and for a period of at least -

- (a) 10 years in the case of a children's home or child detention centre; or
- (b) two years in the case of a place of care, early childhood development centre or shelter,

after the date which a child has left the home, centre, place, centre or shelter, and in the case of a residential child care facility the file must be transferred to the Ministry for archiving purposes after the period referred to in paragraph (a).

(3) Access to any records in a file kept in terms of this regulation is controlled by the manager and access to the file may only be given to a person who shows that such access is in the best interests of the child to whom the records relate.



**Administering medication to children in children's homes, children detention centres, places of care, early childhood development centres and shelters**

19. (1) Subject to subregulation (2), in the event that a child requires medication supplied by the parent, guardian or care-giver and parental powers in respect of the child have not been transferred to the children's home, children detention centre, place of care, early childhood development centre or shelter, the parent, guardian or care-giver must provide the facility with written consent for the facility to administer the medication to the child.

(2) The consent referred to in subregulation (1) must be co-signed by the person at the facility who is responsible for administering the medication referred to in that subregulation and a witness must be present when the medication is administered.

**Ratification of transfer of children in foster care and residential child care facility**

20. (1) A directive made by the Minister to transfer a child under section 82(2) of the Act must, together with a copy of the report of the social worker made in terms of section 82(3) of the Act, be submitted to the clerk of the children's court having jurisdiction to consider ratification within seven days after the directive was issued.

(2) If the children's commissioner ratifies the directive referred to in subregulation (1), the children's commissioner must indicate such ratification by affixing the official stamp of the children's court to the directive and must return the ratified directive to the Minister without delay for implementation.

(3) If the children's commissioner does not ratify the directive referred to in subregulation (1), the clerk of the court must in writing communicate to the Minister the decision by the children's commissioner without delay, and the children's commissioner may direct that any other appropriate steps be taken in terms of the Act.

**Appeals**

21. An appeal to a children's court contemplated in section 85(1) of the Act must be -
- (a) made on a form substantially corresponding to Form 2; and
  - (b) lodged with the clerk of the children's court having jurisdiction within 30 days after the decision has come to the notice of the appellant.

**Leave of absence from foster care or residential child care facilities**

22. (1) Leave of absence may be granted to a child in foster care or in a residential child care facility only if -

- (a) the leave of absence serves the best interests of the child; and
- (b) suitable arrangements for the accommodation, care and supervision of the child have been made by a social worker for the duration of the leave of the child.

(2) Leave of absence may be granted pursuant to section 87 of the Act for a period exceeding six weeks only if -

- (a) in the case of a child who is under the supervision of a designated social worker, the social worker approves the leave of absence; or

- (b) in the case of any other child, the Minister approves the leave of absence.

(3) The management of a residential child care facility, the foster parent or other person contemplated in section 87(1)(a) of the Act, or the social worker contemplated in section 87(2) of the Act, must monitor the return of the child to foster care or to the residential child care facility and report such return or failure to return, in writing, to the Minister without delay.

Part 2  
Registration and inspection

**Application for registration of children's homes or child detention centres**

**23.** (1) An application under section 73 of the Act for the -

- (a) registration of a children's home or child detention centre; or  
(b) renewal of the registration of the children's home or child detention centre,

must be made on a form substantially corresponding to Form 3A and must be submitted to the Minister.

(2) In the case of an application for registration of a child detention centre, a copy of the application must be submitted to the minister responsible for education for record purposes.

(3) An application contemplated in subregulation (1) must be accompanied by -

- (a) the constitution or founding document complying with the requirements contemplated in subregulation (4);  
(b) a health certificate issued by the local authority council in whose area the children's home or child detention centre is to operate or by the minister responsible for health confirming compliance with the health requirements;  
(c) a certified copy of the approved building plan of the children's home or child detention centre, or a copy of the building plan that has been submitted for approval if the application for approval of the building plan is still under consideration;  
(d) any other approval as may be required by the relevant local authority council in respect of such children's home or child detention centre;  
(e) rules applicable to children in the children's home or child detention centre;  
(f) a weekly specimen menu of food to ensure that children receive a balanced diet;  
(g) a specimen weekly programme of activities;  
(h) job descriptions and duty sheets of staff members demonstrating the capacity of the children's home or child detention centre to carry out its intended functions and programmes;  
(i) a needs assessment showing that there has been consultation with relevant stakeholders and that there is a need for such children's home or child detention centre in the area to be served by the home or centre;  
(j) an inventory list of furniture, appliances and other major items in the children's home or child detention centre;

- (k) financial statements, including an exposition of the funds available to operate the children's home or child detention centre;
  - (l) an emergency evacuation plan of the children's home or child detention centre to be used in the case of fire, floods, bomb threats or any other occurrence that may require evacuation; and
  - (m) police clearance certificates in respect of every member of the board, staff member of the children's home or child detention centre and any other person who will have direct access to the children at the home or centre.
- (4) A children's home or child detention centre must operate according to a constitution or other founding document which must include -
- (a) the name and contact details of the home or centre;
  - (b) the name of the umbrella organisation under which the home or centre resorts, if any;
  - (c) the objects of the home or centre;
  - (d) the guiding principles of the home or centre, if any;
  - (e) the organisational structure of the home or centre, including details about the number, qualifications and procedure for selection of members of the board;
  - (f) provisions on financial matters;
  - (g) general administration;
  - (h) the procedure for amendment of the constitution or founding document;
  - (i) dispute resolution procedures; and
  - (j) provisions on dissolution of the home or centre.
- (5) The Minister may allocate a designated social worker or other person to render assistance to an applicant in the preparation of an application for registration of children's home or child detention centre.
- (6) The Minister must, on receipt of an application for the registration of a children's home or child detention centre, cause a notice to be published in a newspaper widely circulating in the area where the home or centre is or will be situated.
- (7) The notice referred to in subregulation (6) must -
- (a) be published within 30 days of the receipt of the application;
  - (b) state that an application for the registration of a children's home or child detention centre has been received under section 73 of the Act;
  - (c) state that the application is available for examination by members of the public for a period of 21 days from the date of publication of the notice, and that objections to the application may be directed to a specified contact person within that period; and

- (d) be in the official language and in such other languages as may be appropriate to the area where the children's home or child detention centre is situated or will be situated.

(8) The Minister must give due consideration to any objection made in respect of the application before making a decision on an application for registration under section 74 of the Act.

(9) Before making a decision on an application for registration under section 74 of the Act, the Minister may direct that such home or centre be inspected under section 77 of the Act in order to assess whether the home or centre is suitable for the purpose for which it seeks registration.

(10) A person authorised to carry out an inspection of a children's home or child detention centre in accordance with section 77 of the Act must -

- (a) carry out the inspection and complete the inspection report within 60 days of the direction by the Minister under subregulation (9); and
- (b) submit the inspection report to the Minister by hand, courier, post or e-mail within 14 days of the completion of the report.

(11) If the Minister grants an application for the registration of a children's home or child detention centre under section 74 of the Act, the Minister must -

- (a) issue a certificate of registration to the home or centre on a form substantially corresponding to Form 3B; and
- (b) in the case of a child detention centre, furnish the minister responsible for education with a copy of the certificate for record purposes.

(12) If the Minister refuses an application for registration or renewal of registration of a children's home or child detention centre, the Minister must cause the notice of the refusal and the reasons for the refusal to be delivered to the applicant by hand, courier or registered post.

(13) If there is any deviation from the conditions and requirements for registration in respect of which the initial application was granted, the holder of the registration certificate must, within 30 days of such deviation, apply to the Minister in writing for an amendment of the registration.

#### **Application for registration of places of care, early childhood development centres or shelters**

**24.** (1) An application under section 73 of the Act for the -

- (a) registration of a place of care, early childhood development centre or shelter; or
- (b) renewal of the registration of the place of care, early childhood development or shelter,

must be made on a form substantially corresponding to Form 4A and must be submitted to the Minister.

(2) An application contemplated in subregulation (1) must be accompanied by -

- (a) a constitution or founding document that complies with the requirements of subregulation (3);

- (b) a health certificate issued by the local authority council in whose area the place, centre or shelter is to operate or by the ministry responsible for health confirming compliance with the health requirements, if applicable;
  - (c) a certified copy of the approved building plan for the place, centre or shelter or a copy of the building plan that has been submitted for approval if the application for the approval of the building plan is still under consideration, if applicable;
  - (d) a business plan containing -
    - (i) the business hours of the place, centre or shelter;
    - (ii) a day care plan for the place, centre or shelter; and
    - (iii) the staff composition of the place, centre or shelter;
  - (e) an inventory list of the furniture, appliances and other major durable items in the place, centre or shelter;
  - (f) a description of the programmes and services to be offered, including the aims and objectives of the place, centre or shelter;
  - (g) the qualifications, skills and experience of the applicant in the type of care to be provided at the place, centre or shelter;
  - (h) financial statements, including an exposition of the funds available to operate the place, centre or shelter;
  - (i) an emergency evacuation plan to be used in the case of fire, floods, bomb threats or any other occurrence that may require evacuation; and
  - (j) police clearance certificates in respect of the manager and every staff member of the place, centre or shelter and any other person who will have direct access to the children at the place, centre or shelter.
- (3) A place of care, early childhood development centre or shelter must operate according to a constitution or other founding document which must include -
- (a) the name and contact details of the place, centre or shelter;
  - (b) the name of the umbrella organisation under which the place, centre or shelter resorts, if any;
  - (c) the objects of the place, centre or shelter;
  - (d) the guiding principles of the place, centre or shelter, if any;
  - (e) the organisational structure of the place, centre or shelter, including details about the number, qualifications and procedure for selection of members of the board or other governing body, if applicable;
  - (f) provisions on financial matters;
  - (g) provisions on general administration;

- (h) the procedure for amendment of the constitution or founding document;
- (i) dispute resolution procedures; and
- (j) provisions on dissolution of the place, centre or shelter.

(4) The Minister may allocate a designated social worker or other person to render assistance to an applicant in the preparation of an application for registration of place of care, early childhood development centre or shelter.

(5) Before making a decision on an application for registration under section 74 of the Act, the Minister may direct that such place, centre or shelter be inspected under section 77 of the Act in order to assess whether the place, centre or shelter is suitable for the purpose for which it seeks registration.

(6) A person authorised to carry out an inspection of a place of care, early childhood development centre or shelter in accordance with section 77 of the Act must -

- (a) carry out the inspection and complete the inspection report within 60 days of the direction by the Minister under subregulation (5); and
- (b) submit the inspection report to the Minister by hand, courier, post or e-mail within 14 days of the date of the completion of the report.

(7) If the Minister grants an application for the registration of a place of care, early childhood development centre or shelter under section 74 of the Act, the Minister must issue a certificate of registration to the place, centre or shelter on a form substantially corresponding to Form 4B.

(8) If the Minister refuses an application for registration or the renewal of registration of a place of care, early childhood development centre or shelter, the Minister must cause the notice of the refusal and the reasons for the refusal to be delivered to the applicant by hand, courier or registered post.

(9) If there is any deviation from the conditions and requirements for registration in respect of which the initial application for registration was granted, the holder of the registration certificate must, within 30 days of such deviation, apply to the Minister in writing for an amendment of the registration.

#### **Inspection of registered or unregistered residential child care facilities, places of care, early childhood development centres and shelters**

**25.** A person authorised to inspect a residential child care facility, a place of care, an early childhood development centre or a shelter, whether registered or unregistered, as contemplated in section 77(1) or (2) of the Act must -

- (a) complete the inspection and the inspection report within 60 days of the date of the authorisation to carry out the inspection; and
- (b) within 14 days of the completion of the inspection report, submit the report to the Minister, local authority council or regional council which authorised the inspection by courier, post, electronic mail or by delivering the report in person.

**Identity cards for inspection of facilities**

26. The identity card for a person authorised to carry out an inspection in accordance with section 77 of the Act must contain -

- (a) a recent passport-type photo of the person authorised to perform the inspection;
- (b) the full name of the holder of the identity card;
- (c) the name and signature of the person issuing the identity card;
- (d) the date of issue of the identity card;
- (e) a statement that the holder of the identity card is authorised to carry out inspection in terms of section 77 of the Act; and
- (f) the date of expiry of the identity card.

**CHAPTER 4****REVIEW OF CERTAIN ORDERS BY CHILDREN'S COURT, CUSTODY, GUARDIANSHIP  
AND RIGHT OF ACCESS****Review of certain orders by children's court**

27. (1) If a children's court has altered any order of the High Court pertaining to custody, guardianship or access as contemplated in section 98 of the Act, the clerk of the children's court must, within 21 days from the date which such order has been altered, forward to the Registrar of the High Court the order of the children's court and the record of the proceedings of the children's court which altered the order of the High Court.

(2) On receipt of the order and record of the proceeding of the children's court referred to in subregulation (1), the Registrar of the High Court must, as soon as possible, lay the order and record of proceedings in chambers before a judge of the High Court for review in accordance with section 98 of the Act.

(3) An order contemplated in subregulation (1) becomes final if the order has not been reviewed within 30 days from the date the order is received by the Registrar of the High Court.

**Proof of parentage**

28. (1) In order to establish parentage in proceedings under section 93(2) of the Act, the children's court may order that the putative mother or putative father as well as the child in question undergo DNA-testing.

- (2) If the children's court reasonably believes that -
  - (a) the parentage of any child is in dispute;
  - (b) the relevant persons are prepared to submit themselves and that child to the taking of blood or tissue samples in order to carry out DNA-testing regarding the parentage of that child, if required; and
  - (c) the relevant persons are unable to pay the costs involved in the carrying out of the DNA-testing,

the court may at any time during the proceedings, but before making any order, hold an enquiry referred to in subregulation (3).

- (3) The children's court may enquire into the -
  - (a) means of the mother, putative mother, father, putative father and any person other than a parent or putative parent who has requested the DNA-testing to be made; and
  - (b) other circumstances which the court reasonably believes should be taken into consideration.
- (4) At the conclusion of the enquiry referred to in subregulation (3), the children's court may -
  - (a) make a provisional order that the mother, putative mother, father, putative father or any other person referred to in subregulation (3)(a) or all of those persons in combination pay part or all of the costs to be incurred in the DNA-testing;
  - (b) make a provisional order directing the State to pay the whole or any part of the costs of the DNA-testing; or
  - (c) make no order,

but where the child concerned has requested DNA-testing to establish parentage the costs relating to such testing must be borne by the other parties to the proceedings or by the State or by both parties and the State.

- (5) When the children's court subsequently makes any order relating to parentage of a child, it may -
  - (a) make an order confirming the provisional order referred to in subregulation (4)(a) or (b); or
  - (b) set aside any provisional order or substitute the provisional order if the court considers it just; or
  - (c) make any other order relating to the payment of the costs incurred in carrying out the DNA-testing.

### **Agreements on custody**

**29.** (1) An agreement for custody of a child born outside marriage under section 99(2) of the Act must be in a form substantially corresponding to Form 5A.

(2) If both parents of a child born outside marriage desire to register a written agreement on custody as contemplated in section 99(3) of the Act, one or both parents may submit the agreement for registration to the clerk of the children's court of the district where the child normally resides, but one parent may submit the agreement for registration only if that parent provides a written request for registration which has been signed by both parents.

- (3) On receipt of an agreement in terms of subregulation (1), the clerk of the children's court must -
  - (a) register the agreement in the register kept for that purpose by the clerk of the children's court; and



(b) keep a copy of the agreement.

(4) If more than one agreement on custody is registered in terms of subregulation (3), the most recent agreement takes precedence over any earlier agreement.

### **Application for custody**

**30.** (1) An application under section 100(2) of the Act for custody of a child born outside marriage must be -

- (a) made on a form substantially corresponding to Form 5B;
- (b) accompanied by a form substantially corresponding to Form 6, setting out full particulars of the child concerned and other parties involved in the matter; and
- (c) submitted to the clerk of the children's court.

(2) On receipt of an application made under subregulation (1), the clerk of children's court must on a form substantially corresponding to Form 7 cause to be notified persons referred to in section 100(3) of the Act by delivering copies of Forms 5B, 6 and 7 in a manner contemplated in regulation 120.

(3) If an application for custody is brought on behalf of a person or persons seeking custody, the children's court may grant an order for custody only after the person or persons seeking custody have appeared before the court in person.

(4) A children's court may, regardless of the marital status of the parents or persons seeking joint custody, grant joint custody to the parents or persons who do not reside together only after considering the following factors -

- (a) both parents or persons are fit to take care of the child;
- (b) both parents or persons desire continuous contact with the child;
- (c) both parents or persons are perceived by the child as sources of emotional support;
- (d) both parents or persons are able to communicate and co-operate in promoting the best interests of the child; and
- (e) the parents or persons live in sufficiently close physical proximity to make joint custody feasible,

but a children's court may grant joint custody to divorced parents only if the parent can show to the court that circumstances have changed since the divorce order was granted as contemplated in section 98 of the Act.

(5) If it appears to a children's court during the consideration of an application relating to custody of a child under Chapter 6 of the Act that such child may be in need of protective services as contemplated in section 131 of the Act, such proceedings must be converted into a child protection hearing.

(6) If a children's court has made an order for a child to be placed in an alternative placement as contemplated in section 147 of the Act, such court order must be discharged in accordance with section 150 of the Act before an order for custody may be considered by a children's court.

**Application for guardianship**

**31.** (1) An application under section 101(4) of the Act for guardianship of a child born outside marriage must be -

- (a) made on a form substantially corresponding to Form 8;
- (b) accompanied by a form substantially corresponding to Form 6, setting out full particulars of the child concerned and other parties involved in the matter; and
- (c) submitted to the clerk of the children's court.

(2) On receipt of an application made under subregulation (1), the clerk of the children's court must on a form substantially corresponding to Form 7 cause to be notified persons referred to in section 101(5) of the Act by delivering copies of Forms 6, 7 and 8 in a manner contemplated in regulation 120.

(3) If it appears to a children's court during any proceedings relating to guardianship of a child under Chapter 6 of the Act that such child may be in need of protective services as contemplated in section 131 of the Act, such proceedings must be converted into a child protection hearing.

(4) If a children's court has made an order for a child to be placed in an alternative placement as contemplated in section 147 of the Act, such court order must be discharged in accordance with section 150 of the Act before an order for guardianship which includes custody may be considered by a children's court.

**Application for restricting or denying access and right of reasonable access**

**32.** (1) An application under section 102(5) of the Act by a person who seeks a court order restricting or denying access to the parent who does not have custody of a child born outside marriage must be -

- (a) made on a form substantially corresponding to Form 9A;
- (b) accompanied by a form substantially corresponding to Form 6, setting out full particulars of the child concerned and other parties involved in the matter; and
- (c) submitted to the clerk of the children's court.

(2) An application under section 102(10) of the Act for a right of reasonable access to a child born outside marriage by a parent who -

- (a) does not have custody; and
- (b) has not voluntarily acknowledged parentage,

must be -

- (i) made on a form substantially corresponding to Form 9B;
- (ii) accompanied by a form substantially corresponding to Form 6, setting out full particulars of the child concerned and other parties involved in the matter; and
- (iii) submitted to the clerk of the children's court.

(3) An application under section 102(12) of the Act by a person who has a right of access to a child and alleges that such right of access is being unreasonably denied or restricted by the person who has custody of the child must be -

- (a) made on a form substantially corresponding to Form 9C;
- (b) accompanied by a form substantially corresponding to Form 6, setting out full particulars of the child concerned and other parties involved in the matter; and
- (c) submitted to the clerk of the children's court.

(4) On receipt of an application made under subregulation (1), (2) or (3), the clerk of the children's court must on a form substantially corresponding to Form 7 cause to be notified persons referred to in section 102(5) of the Act by delivering copies of -

- (a) Forms 6, 7 and 9A;
- (b) Forms 6, 7, and 9B or
- (c) Forms 6, 7 and 9C,

in a manner contemplated in regulation 120.

#### **Temporary order restricting or denying access**

**33.** (1) When making an application for an order restricting or denying access to the parent who does not have custody of a child under regulation 32(1) and the applicant intends to seek a temporary *ex parte* order against such parent as contemplated in section 102(9) of the Act, the applicant must complete Part B of Form 9A in addition to Part A of that Form asking the children's court to grant the temporary *ex parte* order.

(2) If the children's court has granted a temporary *ex parte* order, the clerk of the court must cause to be delivered the temporary *ex parte* order to the parent referred to in subregulation (1) in a manner contemplated in regulation 120.

### CHAPTER 5

#### GUARDIANSHIP ON DEATH OF PERSON HAVING GUARDIANSHIP AND COMPLAINTS AGAINST GUARDIANS OR TUTORS

##### **Application for guardianship on death of person having guardianship**

**34.** (1) An application under subsection (5) of section 113 of the Act for a person to be appointed as a legal guardian of -

- (a) a child born outside marriage where there is no provision in a written will naming a person as a guardian; or
- (b) any child who for any other reason does not have a competent guardian,

must be -

- (i) made on a form substantially corresponding to Form 10A and which must include a statement as contemplated in subsection (7)(a) of that section to the effect that the family members of the child have been consulted as to whether the application is

disputed and listing the names and contact details of the close family members of the child who have been consulted for that purpose;

- (ii) accompanied by -
  - (aa) a form substantially corresponding to Form 6, setting out full particulars of the child concerned and other parties involved in the matter; and
  - (bb) a certification on Form 10A from the Master of the High Court that there is no valid will of the child's former guardian or that there is such a will but it contains no provisions relating to the appointment of guardian for the child; and
- (iii) submitted to the clerk of the children's court.

(2) On receipt of an application made under subregulation (1), the clerk of the children's court must on a form substantially corresponding to Form 7 cause to be notified persons referred to in section 113(7)(c) of the Act by delivering copies of Forms 6, 7 and 10A in a manner contemplated in regulation 120.

(3) A report prepared by a social worker in terms of section 113(8)(c) of the Act must be made on a form substantially corresponding to Form 10B.

(4) When considering an application under section 113 of the Act, the children's commissioner may require the applicant to present the child in question to the commissioner, if the commissioner considers it to be in the best interests of the child.

(5) A certificate of guardianship issued in terms of section 113(9) of the Act must be on a form substantially corresponding to Form 10C.

(6) The certificate of guardianship, or the notice of refusal and reasons for refusal referred to in section 113(9)(c) of the Act, must be delivered to the applicant by hand, courier or registered post.

### **Complaints against guardians or tutors**

**35.** (1) A complaint relating to guardianship or tutorship in terms of section 115 of the Act must be -

- (a) made on a form substantially corresponding to Form 10D;
- (b) accompanied by a form substantially corresponding to Form 6, setting out full particulars of the child concerned and other parties involved in the matter; and
- (c) submitted to the clerk of the children's court.

(2) A person making a complainant under subregulation (1) may request that his or her identity be kept confidential and not be disclosed on Form 10D.

(3) On receipt of a complaint made under subregulation (1), the clerk of the children's court must on a form substantially corresponding to Form 7 cause to be notified the guardian or tutor in respect of whom the complaint is made by delivering copies of Forms 6, 7 and 10D in a manner contemplated in regulation 120.

(4) When the children's court orders an investigation by a designated social worker in terms of section 115(2) of the Act, court must fix a period within which the investigation must be conducted by the designated social worker.

(5) The particulars of the investigation referred to in subregulation (4) must be recorded on a form substantially corresponding to Form 10E and that Form must be submitted to the children's court before the expiry of the period referred to in that subregulation.

(6) The children's court may subpoena a designated social worker who prepared a report in terms of section 115(2) of the Act or any other person to give oral evidence before the court on a matter that has been investigated, if the court considers it necessary before the court decides whether or not to alter the appointment of guardianship pursuant to section 115(3) of the Act.

(7) If guardianship or tutorship is altered under section 115(3) of the Act, the clerk of the children's court must cause to be delivered -

- (a) the decision of the children's court which altered the appointment of guardianship; or
- (b) the decision of the Master of High Court which altered the appointment of the tutor,

to a person whose guardianship or tutorship is altered under that section in a manner contemplated in regulation 120, and to the Master of High Court in the case of an alteration under paragraph (a).

## CHAPTER 6 PARENTING PLANS

### **Parenting plans**

**36.** A parenting plan contemplated in section 119 of the Act must be on a form substantially corresponding to Form 11A.

### **Registration of parenting plans**

**37.** Co-holders of parental responsibilities and rights in respect of a child may register a parenting plan under section 119(7) of the Act by submitting the parenting plan to the clerk of the children's court, accompanied by proof that the parties to the parenting plan are the co-holders of parental responsibilities.

### **Application for parenting plans to be made order of children's court**

**38.** (1) An application under section 119(8) of the Act for a parenting plan to be made an order of the children's court must be -

- (a) on a form substantially corresponding to Form 11B;
- (b) accompanied by-
  - (i) proof that the parties to the parenting plan are the co-holders of parental responsibilities;
  - (ii) a form substantially corresponding to Form 6, setting out full particulars of the child concerned and other parties involved in the matter; and
- (c) submitted to the clerk of children's court.

(2) On receipt of an application made under subregulation (1), the clerk of children's court must on a form substantially corresponding to Form 7 cause to be notified persons referred to in section 119(9) of the Act by delivering copies of Forms 6, 7 and 11B in a manner contemplated in regulation 120.

(3) If it appears during the consideration of an application referred to in subregulation (1) that such child may be in need of protective services as contemplated in section 131 of the Act, such proceedings must be converted into a child protection hearing.

#### **Application for amendment or termination of parenting plan or order concerning disputes relating to parenting plan**

**39.** (1) An application to the children's court -

- (a) under section 121(1) of the Act for amendment or termination of a parenting plan which has been made into a court order; or
- (b) under section 122(1) of the Act for an order concerning disputes relating to a parenting plan which has been registered with the court or made into a court order,

must be -

- (i) made on a form substantially corresponding to Form 11C;
- (ii) accompanied by a form substantially corresponding to Form 6, setting out full particulars of the child concerned and other parties involved in the matter; and
- (iii) submitted to the clerk of children's court.

(2) On receipt of an application made under subregulation (1), the clerk of children's court must on a form substantially corresponding to Form 7 cause to be notified persons referred to in section 119(9) of the Act by delivering copies of Forms 6, 7 and 11C in a manner contemplated in regulation 120.

### CHAPTER 7 KINSHIP CARE

#### **Kinship care agreements**

**40.** (1) For a kinship care agreement to be registered under section 123(4)(d) of the Act between the parent or guardian of the child and the kinship care-giver it must be -

- (a) made on a form substantially corresponding to Form 12A;
- (b) accompanied by an affidavit by the parent or guardian confirming that the parent or guardian entering into the agreement is the legal custodian of the child, together with a copy of any relevant court order or other document on custody, where relevant;
- (c) accompanied by a certificate of guardianship issued under section 113 of the Act, a court order naming the applicant as guardian or other satisfactory proof of guardianship status, if the agreement is entered into by a child guardian other than a parent;
- (d) accompanied by a certified copy of the full birth certificate of the child; and

(e) submitted to the clerk of the children's court.

(2) On registration of a kinship care agreement, the clerk of the children's court must indicate with a court stamp or other endorsement on the face of the agreement that registration has taken place and -

(a) provide a copy of the endorsed agreement to each of the parties; and

(b) submit a copy of the endorsed agreement to the Ministry.

(3) If more than one agreement is submitted in terms of subregulation (1) and the agreements are inconsistent with each other, in the absence of evidence to the contrary, the most recent agreement takes precedence over any earlier agreement.

(4) If a registered kinship care agreement is amended or terminated under section 125(2) of the Act, the clerk of the children's court must notify the Minister of such amendment or termination and, in the case of an amendment to the kinship care agreement, submit a copy of the amended agreement to the Minister.

#### **Application relating to kinship care agreement amendment, termination or disputes**

**41.** (1) An application under section 126(b) of the Act to the children's court for an appropriate order in the event of -

(a) the termination or amendment of a kinship care agreement; or

(b) a dispute relating to the exercise of a kinship care agreement,

must be -

(i) made on a form substantially corresponding to Form 12B;

(ii) accompanied by a form substantially corresponding to Form 6, setting out full particulars of the child concerned and other parties involved in the matter; and

(iii) submitted to the clerk of children's court.

(2) On receipt of an application made under subregulation (1), the clerk of children's court must on a form substantially corresponding to Form 7 cause to be notified the parents or guardian of the child or a person having parental responsibilities and rights in respect of the child by delivering copies of Forms 6, 7 and 12B in a manner contemplated in regulation 120.

(3) Before considering an application contemplated in subregulation (1), the children's court must be satisfied that the persons referred to in subregulation (2) have received notice of application, or that reasonable efforts to provide such notice have been made.

(4) If it appears during consideration of an application referred to in subregulation (1) that a child may be in need of protective services as contemplated in section 131 of the Act, such proceedings must be converted into a child protection hearing.

#### **Application for access to children placed in kinship care**

**42.** (1) An application to the children's court under section 127(1) of the Act by the kinship care-giver for access to a child after unilateral termination of the kinship care agreement by the parent of the child must be -

- (a) made on a form substantially corresponding to Form 12C;
- (b) accompanied by a form substantially corresponding to Form 6, setting out full particulars of the child concerned and other parties involved in the matter; and
- (c) submitted to the clerk of children's court.

(2) On receipt of an application made under subregulation (1), the clerk of children's court must on a form substantially corresponding to Form 7 cause to be notified the parents and any other interested persons by delivering copies of Forms 6, 7 and 12C in a manner contemplated in regulation 120.

(3) Before considering an application contemplated in subregulation (1), the children's court must be satisfied that the persons referred to in subregulation (2) have received notice of application, or that reasonable efforts to provide such notice have been made.

## CHAPTER 8 PROVIDERS OF PREVENTION AND EARLY INTERVENTION SERVICES

### **Requirements relating to providers of prevention and early intervention services**

**43.** The Minister may under section 129(2) of the Act allocate funding to a provider of prevention and early intervention services if such provider -

- (a) is a non-profit organisation in the form of a registered trust or a legal person;
- (b) is registered with the appropriate authority, if registration is required;
- (c) has the necessary capacity and expertise to provide specified prevention and early intervention services to children and their families;
- (d) complies with section 238(5) of the Act in respect of all staff members who works with the children, if the services to be provided involve direct contact with children;
- (e) demonstrates sound financial management and efficiency and effectiveness of programmes; and
- (f) in the case of a child protection organisation, has been designated in terms of section 33 of the Act to provide prevention and early intervention services.

## CHAPTER 9 CHILD PROTECTION PROCEEDINGS

### **Reporting of children suspected of being in need of protective services**

**44.** (1) A person performing professional or official duties in respect of a child who suspects that a child is or may be in need of protective services must make a report to a state-employed social worker or a member of the police in terms of section 132(1) of the Act on a form substantially corresponding to Form 13A and by including in that form such particulars as are known or available to him or her.

(2) A person, other than the person referred to in subregulation (1), who reasonably believes that a child is or may be in need of protective services as contemplated in section 131 of the Act may make a report to a state-employed social worker or a member of the police under section 132(3) of the Act -



- (a) in a form substantially corresponding to Form 13B and by including in that form such particulars as are known or available to him or her;
- (b) by telephone;
- (c) by letter;
- (d) by fax or e-mail; or
- (e) in any other reasonable manner,

and any such report may be made anonymously.

#### **Procedure relating to self-reporting of children in need of protective services**

**45.** If a community child care worker or a social auxiliary worker receives a report from a child under section 133 of the Act that the child or another child is or may be in need of protective services as contemplated in section 131 of the Act, the community child care worker or the social auxiliary worker must, within 48 hours of receipt of such report, convey that report to a designated social worker to take the necessary steps as contemplated in section 134(4) of the Act or any other appropriate steps in terms of the Act.

#### **Removal of children to places of safety or other temporary safe care**

- 46.** (1) A -
- (a) member of the police, a designated social worker or any other person authorised by a warrant issued under section 135 of the Act;
  - (b) member of the police or a designated social worker who removes a child without a warrant under section 136 of the Act; or
  - (c) member of the police or a designated social worker who in terms of section 89(6) of the Act places a child in a place of safety or other temporary safe care pending an inquiry by a children's commissioner,

must enter the particulars of the child and reasons for the removal of the child on a form substantially corresponding to Form 14 before he or she places the child in a place of safety or other temporary safe care and must submit the Form to the place of safety or place of temporary safe care.

(2) The placing of a child in a place of safety or temporary safe care referred to in subregulation (1) is valid until the children's court make an order in terms of section 89(8) or 138(2) of the Act and the child must then be dealt with in accordance with the order issued by the children's court.

- (3) A person referred to in subregulation (1) must -
- (a) inform the parent or guardian of the child and any other person in whose care the child had been before the removal of the -
    - (i) reasons for the removal of the child; and
    - (ii) date of the appearance of the child in the children's court in terms of section 89 or 138 of the Act; and

(b) provide the parent, guardian or the person with a copy of Form 14.

(4) If a parent, guardian or person in whose care the child had been before the removal cannot be traced and be informed of the removal of the child, the member of the police, designated social worker or any other person authorised to remove the child may make use of print or broadcast media as a channel for locating the parent, guardian or person.

(5) A person to whom the care of a child has been entrusted temporarily pending an inquiry by a children's commissioner must -

(a) allow access to the child by medical or health care providers, a legal practitioner representing the child, a designated social worker assigned to the child's case and any other person approved by the designated social worker; and

(b) notify the designated social worker immediately of any difficulties experienced with the child; and

(c) report the placing of the child to the Director responsible for child welfare services in the Ministry, if the placement is not confirmed by a court order within five days of the date on which the child was placed in the care of the person.

#### **Written notice for removal of alleged offenders**

47. A written notice for the removal of an alleged offender issued by a member of the police under section 137 of the Act must be made on a form substantially corresponding to Form 15.

#### **Recording of information by clerk of children's court**

48. (1) The clerk of the children's court, after -

(a) being informed of the removal of a child or an alleged offender in terms of section 135(5)(b) of the Act;

(b) having received a sworn statement setting out the reasons for the removal of the child in terms of section 136(2)(b) of the Act; or

(c) having received a duplicate of the original written notice for removal of an alleged offender by a member of the police as contemplated in section 137(2) of the Act,

must record the information regarding the removal in the court register kept for that purpose and file the documents received in the file opened for that purpose.

(2) The documents filed in terms of subregulation (1) must, as the case may be, include a copy of -

(a) Form 14;

(b) Form 15;

(c) a warrant issued under section 135 of the Act; or

(d) a sworn statement provided in terms of section 136(2)(b) of the Act.

**Reports by designated social workers**

**49.** (1) A report by a designated social worker compiled in terms of section 139(1) of the Act must -

- (a) be made on a form substantially corresponding to Form 16;
- (b) contain personal details of the social worker and an introduction regarding the reasons for the investigation;
- (c) contain the history and background of the matter to be decided by the children's court;
- (d) give reasons for the removal of the child or an alleged offender, if applicable;
- (e) address any relevant factors referred to in section 131 of the Act;
- (f) contain details of previous interventions and family preservation services that have been considered or any attempt of such intervention and family preservation;
- (g) contain an evaluation of the issues to be decided by the children's court;
- (h) indicate whether the child is or is not considered by the social worker to be in need of protective services and the basis for his or her opinion;
- (i) contain a motivated recommendation as to which order in terms of section 145 or 146 of the Act would be appropriate to the child;
- (j) list the sources of the information contained in the report;
- (k) contain recommendations, where appropriate, regarding measures to assist the parent, guardian or care-giver of the child, including -
  - (i) counselling;
  - (ii) mediation;
  - (iii) prevention and early intervention services;
  - (iv) family reconstruction and rehabilitation;
  - (v) behaviour modification;
  - (vi) assistance with problem solving skills; or
  - (vii) referral to another suitably qualified person or organisation;
- (l) contain an assessment of the therapeutic, educational, cultural, linguistic, developmental, socio-economical and spiritual needs of the child; and
- (m) address any written request by a presiding officer to the designated social worker.

(2) A designated social worker who compiles a report in terms of section 139(1) of the Act and after complying with regulation 7 concludes that a child is -

- (a) not in need of protective services; or
- (b) in need of protective services,

must submit the report to the clerk of the children's court for -

- (i) review by a children's commissioner in terms of section 140 of the Act, if the social worker is of the opinion that the child is not in need of protective services; or
- (ii) a child protection hearing in terms of section 141 of the Act, if the social worker is of the opinion that the child is in need of protective services.

(3) The designated social worker referred to in subregulation (2) must submit the report to the children's court as soon as is practicable, but not later than five days after the report is approved for submission by the staff member of the Ministry in accordance with regulation 7.

(4) A report by a designated social worker must be accompanied by a covering letter duly signed and dated by the social worker and the letter must indicate whether the report is submitted for -

- (a) review by a children's commissioner in terms of section 140 of the Act; or
- (b) an application for a child protection hearing in terms of section 141 of the Act.

#### **Application for extension of court orders**

**50.** (1) A designated social worker who considers the extension of an order made in terms of section 145 or 146(b) of the Act to be in the best interests of a child may apply to the children's court for an extension of such order in terms of section 151(1)(b) of the Act.

- (2) An application referred to in subregulation (1) must -
  - (a) be in writing;
  - (b) be signed and dated by the social worker referred to in that subregulation;
  - (c) set out the present circumstances of the child with reference to the placement of the child, any special needs that the child may have, the status of his or her education and any other relevant factor;
  - (d) specify the period for which the extension is sought, which may not exceed two years;
  - (e) set out the reasons why the proposed extension is considered to be in the best interests of the child; and
  - (f) be submitted to the clerk of children's court.

(3) If the children's court, on its own initiative, considers that the extension of an order made under sections 154 or 146(b) of the Act is in the best interests of a child, the court must consider the views of a designated social worker before making a decision.

#### **Resumption of case where child is found not to be in need of protective services**

**51.** Where a case resumes under section 140(5) of the Act after a summary order has been made in terms of section 140(3) of the Act -

- (a) the children's court must proceed in terms of section 142 of the Act to hold a child protection hearing as contemplated in section 140(2)(a) of the Act in order to ascertain the best interests of the child before making any order pursuant to section 140(6)(a) of the Act; and
- (b) section 140(7) of the Act applies with the necessary changes to any summary order for continuation of an early intervention programme pursuant to section 140(6)(b) of the Act.

## CHAPTER 10 FOSTER CARE

### **Application for approval as prospective foster parent**

**52.** (1) An application under section 155(1) of the Act to be approved as a prospective foster parent must be -

- (a) made on a form substantially corresponding to Form 17 and accompanied by the documents referred to in that Form; and
  - (b) submitted to a social worker designated for that purpose.
- (2) A married couple may apply jointly to be approved as prospective foster parents.

### **Register of prospective foster parents**

**53.** The Register of Prospective Foster Parents must contain -

- (a) the full names of the prospective foster parent;
- (b) the sex of the prospective foster parent;
- (c) the date of birth of the prospective foster parent;
- (d) the identification number of the prospective foster parent;
- (e) in the case of prospective foster parents who are married, their date of marriage;
- (f) in the case of a prospective foster parent who is single, an indication of whether that person is never married, divorced or a surviving spouse and whether the person is currently cohabiting with a partner;
- (g) the main languages spoken at the home of the prospective foster parent;
- (h) any religious affiliation of the prospective foster parent;
- (i) the postal and residential address of the prospective foster parent;
- (j) the number and date of birth of children aged 18 years and younger living in the household of the prospective foster parent;
- (k) the number and ages of persons aged 18 years or older living in the household of the prospective foster parent;
- (l) any special needs of any members of the household of the prospective foster parent;

- (m) contact details, including telephone, cellular phone and facsimile numbers and electronic mail addresses of the prospective foster parent;
- (n) the citizenship of the prospective foster parent, and in the case of a non-Namibian citizen, information on permanent residence status or domicile in Namibia;
- (o) an indication of any preferences regarding sex, age or other attributes of foster children; and
- (p) any other information that the Minister or the designated social worker may request.

#### **Assessment of prospective foster parents**

**54.** (1) In assessing a person applying for approval as a prospective foster parent as contemplated in section 155(2) of the Act, the designated social worker must, in accordance with section 156(1) and (2) of the Act, satisfy himself or herself that the person -

- (a) has the capacity to provide a foster child with -
  - (i) a suitable place to live;
  - (ii) a conducive living environment in relation to the health and well-being of the child; and
  - (iii) adequate financial support;
- (b) has the capacity to accommodate special needs of a foster child, if any;
- (c) is willing and able to -
  - (i) use any grant or financial contribution from the parent of the child towards the upbringing of the foster child and in the best interests of the child;
  - (ii) allow contact between the foster child and his or her family members and other persons with an interest in the well-being and development of the child, if such contact is in the best interests of the child;
  - (iii) ensure that a foster child of school-going age attends school on a regular basis;
  - (iv) respect the foster child's religion and cultural upbringing, and guide and direct the child's religious and cultural upbringing in a manner appropriate to the background, age, maturity and development of the child;
  - (v) co-operate with any designated child protection organisation or designated social worker towards the re-unification of the foster child with his or her parents or family members, unless the court orders otherwise;
  - (vi) co-operate with any designated child protection organisation or designated social worker in any review of the possible extension of the foster care order;
  - (vii) allow any designated child protection organisation or designated social worker to have access to his or her premises and to the foster child for the

purposes of monitoring the foster care, provision of reunification services, review of the foster care order or any other matter relevant to the foster care;

- (viii) respect the views of a foster child and promote his or her well-being, best interests and physical, emotional and social development and, where applicable, participation in early childhood development programmes;
- (ix) guide the behaviour of a foster child in a humane manner through positive forms of discipline and not impose any form of physical violence, punishment or degrading forms of discipline on the child;
- (x) assist a foster child to maintain links with his or her culture, language or religion, if the person is from a different cultural, linguistic or religious background; and
- (xi) ensure that a foster child is treated in a manner substantially similar to other children living in the same household, except where any special needs of the foster child or any other child in the household requires otherwise.

(2) In the course of conducting an assessment of a person to be considered for approval as a prospective foster parent, the designated social worker may conduct any reasonable investigation, including referral of an applicant for medical or psychological assessment in order to determine if the person may be approved as a prospective foster parent.

(3) An assessment contemplated in subregulation (2) must be in writing and must address the following factors -

- (a) background information on the applicant;
- (b) interpersonal relationships of the applicant;
- (c) relevant physical and psychological issues relating to the applicant;
- (d) relevant socio-cultural issues relating to the applicant, including religious affiliation of the applicant, if any;
- (e) relevant housing and environmental issues relating to the applicant;
- (f) the applicant's motive for requesting approval as a prospective foster parent; and
- (g) basis for concluding that all relevant requirements of the Act are or are not met.

(4) Where a married couple apply jointly to be registered as prospective foster parents, the couple must be assessed together and the application may only be approved if both of them are approved as prospective foster parents.

(5) If an application to be approved as a prospective foster parent is approved by the Minister in accordance with section 155(3) of the Act, the particulars of the person whose application is approved must be entered in the Register of Prospective Foster Parents in accordance with regulation 53.

(6) A children's court may order the placement of a child in foster care with a prospective foster parent only if the particulars of the prospective foster parent appear in the Register of Prospective Foster Parents.

**Renewal of registration of prospective foster parent**

- 55.** (1) The registration of a person as a prospective foster parent may be renewed -
- (a) on a written request by the prospective foster parent to the designated social worker;
  - (b) after a re-assessment of the prospective foster parent in accordance with regulation 54; and
  - (c) for a further period of two years at a time.

(2) The request by the prospective foster parent contemplated in subregulation (1)(a) must be made at least three months before the expiry of the registration as a prospective foster parent.

**Duties of foster parents**

**56.** (1) A foster parent may not delegate or assign the responsibility for the day to day care of a foster child to any other person for a continuous period of more than seven days without approval by the relevant designated social worker or designated child protection organisation.

(2) A foster parent must as soon as possible notify the designated social worker or designated child protection organisation of -

- (a) any material changes in the circumstances of the foster parent;
- (b) any material changes in the living circumstances of the family of the foster parent;
- (c) any change of circumstances of a child which is likely to have a material effect on the foster placement;
- (d) any change of address of the foster parent; or
- (e) any serious illness or serious injury to the foster child.

(3) The social worker or the child protection organisation referred to in subregulation (2) must as soon as possible notify the Minister of the changes contemplated in that subregulation.

CHAPTER 11  
CONTRIBUTION ORDERS

**Contribution orders**

**57.** (1) Unless a respondent is already present in the children's court for some other relevant court proceedings, the clerk of the children's court must -

- (a) at the request of the children's commissioner or a social worker, issue summons on a form substantially corresponding to Form 18A, calling on the respondent to -
  - (i) appear before the court at a time and place specified in the summons to show cause why a contribution order may not be made against him or her; and
  - (ii) provide details of his or her financial position; and
- (b) cause to be served the summons referred to in paragraph (a) in a manner contemplated in regulation 120.



(2) An application by a social worker acting on behalf of the child for the variation, suspension, rescission or revival of a contribution order must be -

- (a) on a form substantially corresponding to Form 18B; and
- (b) served on the respondent in a manner contemplated in regulation 120.

(3) An application by a respondent for the variation, suspension, rescission or revival of a contribution order must be -

- (a) on a form substantially corresponding to Form 18C;
- (b) lodged with the clerk of the children's court; and
- (c) served on the parent or any other person responsible for the child, in a manner contemplated in regulation 120.

(4) The clerk of the children's court must -

- (a) cause to be served on the respondent a certified copy of the contribution order in a manner contemplated in regulation 120; and
- (b) send a certified copy of the contribution order to the Minister and the social worker involved in the matter.

(5) If a children's court has ordered an employer of the respondent to deduct the amount of the contribution as contemplated in section 164(2) of the Act, the contribution order must be served on the employer in a manner contemplated in regulation 120.

#### **Contribution order for maintenance of certain persons**

**58.** (1) For the purposes of subregulation (2), "disability" means a condition as described in regulation 109(3)(f).

(2) For purposes of section 162(2) of the Act, a children's court may grant a contribution order for the maintenance of a person who is 18 years of age or older -

- (a) in order to enable the person to complete his or her education; or
- (b) if such person suffers from a disability, chronic illness or some other special condition which prevents the person from becoming self-supporting,

subject to such conditions as the children's court may impose.

### CHAPTER 12 ADOPTION

#### Part 1 Domestic adoptions

#### **Application for approval as prospective adoptive parent**

**59.** (1) An application under section 170(5) of the Act to be approved as a prospective adoptive parent must be on a form substantially corresponding to Form 19A.

(2) An application to be approved as a prospective adoptive parent by an applicant who is not a Namibian citizen but who is habitually resident in Namibia must, in addition to the information required in Form 19A, include -

- (a) information about the relevant laws relating to adoption in the country of citizenship of the applicant;
- (b) a letter from a relevant authority or the diplomatic or consular representative of the country of citizenship of the applicant confirming that an adoptive child would be entitled to enter and remain in such country;
- (c) the date of taking up residence in Namibia;
- (d) the intended duration of stay in Namibia;
- (e) details of employment of the applicant;
- (f) details regarding any movable or immovable property owned by the applicant in Namibia; and
- (g) a police clearance certificate from Namibia, the country of citizenship or any other country where the applicant has resided during the last 10 years.

#### **Assessment of persons applying for approval as prospective adoptive parents**

**60.** (1) In assessing a person applying for approval as a prospective adoptive parent as contemplated in section 170(6) of the Act, the designated social worker must satisfy himself or herself that the person -

- (a) has the capacity to provide the adoptive child with -
  - (i) a suitable place to live; and
  - (ii) a conducive living environment in relation to the health and well-being of the child;
- (b) has the capacity to accommodate various special needs of an adoptive child, if any;
- (c) has the financial capacity to provide for basic needs of the adoptive child;
- (d) is willing and able to -
  - (i) ensure that an adoptive child of school-going age attends school on a regular basis;
  - (ii) guide, direct and secure the religious and cultural education and upbringing of an adoptive child in a manner appropriate to the background, age, maturity and development of the child, and assist the adoptive child to maintain links with his or her culture, language or religion, if the child is from a different cultural, linguistic or religious background;
  - (iii) respect the views of an adoptive child and promote his or her well-being, best interests and physical, emotional and social development, and, where applicable, participation in early childhood development programmes;

- (iv) guide the behaviour of an adoptive child in a humane manner through positive forms of discipline and not impose any form of physical violence, punishment, humiliating or degrading forms of discipline on the child; and
  - (v) ensure that the adoptive child is treated in a manner substantially similar to other children living in the same household, except where any special needs of the adoptive child or any other child in the household requires otherwise.
- (2) In the course of conducting an assessment for an applicant, the designated social worker -
- (a) must refer the applicant for medical or psychological assessment unless it is impracticable to do so; and
  - (b) may conduct any other reasonable investigation to determine whether a person complies with the requirements of the Act.
- (3) An assessment contemplated in subregulation (1) must be made in writing and must address the following factors -
- (a) background information on the applicant;
  - (b) interpersonal relationships of the applicant;
  - (c) relevant physical and psychological issues relating to the applicant;
  - (d) relevant socio-cultural issues relating to the applicant, including any religious affiliation of the applicant;
  - (e) relevant housing and environmental issues relating to the applicant;
  - (f) the applicant's motive for requesting approval as a prospective adoptive parent; and
  - (g) basis for concluding that all relevant requirements of the Act are met or are not met.
- (4) Where a married couple apply jointly to be registered as prospective adoptive parents, the couple must be assessed together and the application may be approved only if both of them are approved as prospective adoptive parents.
- (5) An assessment contemplated in subregulation (1) must be completed within six months after the receipt of the application for approval as a prospective adoptive parent in terms of section 170 of the Act, if all the required supporting documents have been provided timeously.
- (6) After assessing a person for approval as prospective adoptive parent, the designated social worker must -
- (a) notify the applicant of his or her decision in writing and the notice must be delivered to the applicant by hand, courier or registered post;
  - (b) if the application is granted, cause the particulars of the person approved as a prospective adoptive parent to be entered into the RACAP as contemplated in section 171(4) of the Act; and
  - (c) if the application is refused, furnish the applicant with reasons for the refusal on the notice referred to in paragraph (a).

**Assessment of abandoned children for adoption**

**61.** (1) In assessing whether a child may be adopted on the grounds that the child is abandoned, a designated social worker must -

- (a) at the cost of the Ministry cause -
  - (i) an advertisement to be published in at least one newspaper widely circulating in Namibia and at least one local newspaper circulating in the area where the child has been found, calling on any person to claim responsibility for the child; and
  - (ii) a radio announcement to be broadcast on at least one national radio station calling on any person to claim responsibility for the child; or
- (b) if the child was abandoned by being left with an approved authority in accordance with subsection (1) of section 227 of the Act, confirm that the steps set out in subsection (5) of that section took place.

(2) If no person has claimed responsibility for the child within 60 days of the publication of the newspaper advertisement or broadcast of the radio announcement referred to in subregulation (1) or section 227(5) of the Act, the designated social worker must include in his or her assessment report an affidavit stating -

- (a) the basis for concluding that the child in question has been abandoned by the parent, guardian or care-giver;
- (b) that the child has, for no apparent reason, had no contact with his or her parent, guardian or care-giver for a period of at least three months;
- (c) that the child was abandoned by being left with an approved authority as contemplated in section 227(1)(a) of the Act; or
- (d) the basis for concluding that the whereabouts of the parents, guardian or care-giver are unknown or that they cannot be traced,

and that no person has claimed responsibility for the child.

(3) The affidavit referred to in subregulation (2) must be accompanied by a copy of the required newspaper advertisements and proof that the required radio announcements were made.

(4) If after an assessment by the designated social worker a child is found to be adoptable on the ground that the child has been abandoned, the name and other identifying information of the child must be recorded and entered into the RACAP in accordance with regulation 62.

**Register of adoptable children and prospective adoptive parents**

**62.** (1) A children's court may not order the adoption of a child unless -

- (a) the name and other identifying information of the child; and
- (b) the name and other identifying information of a prospective adoptive parent, including the citizenship and residency status of the parent,

are entered in the RACAP.

- (2) Before the particulars of a child are entered into the RACAP, a designated social worker must -
- (a) record all relevant information about the child on a form substantially corresponding to Form 19B; and
  - (b) submit the Form referred to in paragraph (a) to the Minister for the particulars of the child, who is adoptable, to be entered into the RACAP.
- (3) A private social worker designated to facilitate adoption and who intends to access information on adoptable children or prospective adoptive parents from the RACAP must -
- (a) make a request on a form substantially corresponding to Form 20 to access such information; and
  - (b) be assisted by the Minister or a staff member of the Ministry designated under section 171(6) of the Act.

### **Renewal of registration of prospective adoptive parents**

- 63.** (1) The registration of a person as a prospective adoptive parent may be renewed -
- (a) on a written request by the prospective adoptive parent to a designated social worker;
  - (b) after a re-assessment of the prospective adoptive parent in accordance with section 170(6) of the Act; and
  - (c) for a further period of two years at a time.
- (2) The request by the prospective adoptive parent contemplated in subregulation (1) (a) must be made at least three months before the expiry of the registration as a prospective adoptive parent.

### **Consent to adoption**

- 64.** (1) Consent to adoption in terms of section 172 of the Act must be given on a form substantially corresponding to -
- (a) Form 21A, in the case of a parent or guardian; or
  - (b) Form 21B, in the case of a child.
- (2) Form 21A or Form 21B must be signed by the person giving consent to adoption in the presence of a children's commissioner and the children's commissioner must -
- (a) verify the identity of the person giving consent against -
    - (i) the identity document or passport of the person; or
    - (ii) in the case of a child who does not have an identity document, the birth certificate of the child;
  - (b) confirm whether the parents and the child, having regard to the age, maturity and stage of development of the child, have been counselled on the decision to make the child available for adoption in terms of section 172(3) of the Act;

- (c) inform the person giving consent of -
  - (i) the effect of an adoption order; and
  - (ii) the right to withdraw the consent within 60 days after having signed the consent as contemplated in section 172(11) of the Act;
- (d) ensure that original Form 21A or Form 21B is transmitted to the children's court that will consider the adoption.
- (3) If consent to adoption is given outside Namibia -
  - (a) Form 21A must be signed in the presence of an officer in the service of a Namibian diplomatic or consular mission, or by a judge, magistrate, justice of the peace or other judicial officer of the country concerned; and
  - (b) the identity of the person giving consent must be verified by the person referred to in paragraph (a) against the identity document or passport of the person giving consent.

### **Procedures to establish whereabouts of parent or guardian to give consent for adoption**

**65.** (1) The children's court may dispense with consent of a parent or guardian to an adoption pursuant to section 172(12)(a)(iii) of the Act only after the procedure set out in this regulation has been followed.

(2) If the parent or guardian required to give consent to adoption cannot be found or identified as contemplated in section 172(12)(iii) of the Act, a designated social worker, subject to section 186 of the Act, must cause -

- (a) a publication to be made in at least one newspaper circulating widely in Namibia; and
- (b) an announcement to be made in at least one radio station broadcasting in the area which is likely to reach the parent or guardian in question,

calling on the parent or guardian to contact the designated social worker concerned.

(3) If the parent or guardian still cannot be found or identified after the publication and advertisement but it appears to the social worker that there is a reasonable prospect that the person in question may be located, the designated social worker must obtain an affidavit from any person who has information about the parent or guardian, including -

- (a) information about the extended family of the parent or guardian;
- (b) information on the current or previous employment of the parent or guardian; and
- (c) the last known address, telephone number or email address of the parent or guardian,

and may employ a tracing agent in order to locate or identify the parent or guardian in question.

(4) If the parent or guardian required to give consent for adoption cannot be found or identified within 30 days after the publication and advertisement or attempted tracing under subregulation (3) and the children's commissioner is satisfied that reasonable efforts have been made in terms of this regulation, the children's court may dispense with the consent of the parent or guardian as contemplated in section 172(12)(a)(iii) of the Act.

(5) Proof of the publication and announcement referred to in subregulation (2) and any affidavit made in terms of subregulation (3) must, where relevant, accompany an application for adoption.

### **Adoption plans**

**66.** (1) In addition to the particulars referred to in section 174(3) and (4) of the Act, an adoption plan contemplated in that section must contain -

- (a) full particulars and contact details of the adoptive parents; and
- (b) full particulars and contact details of the designated social worker who facilitated the adoption of the child and assisted the parties to an adoption to prepare an adoption plan in term of section 174(7) of the Act.

(2) A party to an adoption plan must inform all other parties to such plan of any change to any of the contact details referred to in subregulation (1) within 14 days of such change.

(3) An application for the amendment or termination of an adoption plan under section 174(5)(c) of the Act by any of the parties referred to in that section must be served on all parties to such plan in a manner contemplated in regulation 120.

### **Application for adoption of child**

**67.** (1) An application for the adoption of a child must be on a form substantially corresponding to Form 22A.

(2) In addition to the requirements contemplated in section 175(1) of the Act, the application for adoption must be accompanied by -

- (a) the birth certificate of the child to be adopted;
- (b) consent from each person who is required to provide consent in terms of section 172 of the Act, subject to section 173 of the Act.

(3) On receipt of an application for adoption, the clerk of the children's court must in a manner contemplated in regulation 120 cause to be served on the Minister and on any persons whose consent may be required as contemplated in section 172 of the Act -

- (a) a copy of the application for adoption; and
- (b) a notice on a form substantially corresponding to Form 22B -
  - (i) informing the Minister and the person of the proposed adoption; and
  - (ii) requesting the Minister and the persons to consent or withheld consent for adoption,

pursuant to section 176(3) of the Act.

### **Adoption reports by designated social workers**

**68.** (1) A report by a designated social worker contemplated in section 175(1)(b) of the Act must be on a form substantially corresponding to Form 22C.

(2) A report by the designated social worker referred to in subregulation (1) must, in addition to the requirements contemplated in section 175(1)(b) of the Act, contain comprehensive details regarding the adoptable child and include -

- (a) details regarding the language, culture, race and religion of the child;
- (b) a medical report on the health status of the child and, where applicable, a description of any special needs of the child;
- (c) information about the natural parents of the child, including -
  - (i) a description of the counselling that the parents have received; and
  - (ii) an indication as to whether the parents have consented to the adoption, but not including the identity of the natural parent or parents, where such information is known, if the parent or parents have requested a non-disclosure adoption;
- (d) information regarding the siblings of the child, excluding the identity of the siblings, where applicable; and
- (e) the views of the child concerning the adoption, where the child is of sufficient maturity and stage of development to understand adoption.

#### **Order for domestic adoption**

**69.** An order for a domestic adoption must be on a form substantially corresponding to Form 22D.

#### **Recording of adoption in Adoption Register**

**70.** (1) The clerk of the children's court must submit the original of the following documents to the Adoption Registrar -

- (a) the application for adoption;
- (b) any report by a designated social worker submitted to the court relating to the adoption;
- (c) consent given for an adoption and any order made by a children's court -
  - (i) dispensing with the consent of a parent or guardian under section 172(12) of the Act;
  - (ii) that the consent of a biological parent is not necessary in terms of section 172(13) of the Act;
- (d) an order of adoption by the children's court; and
- (e) the birth certificate of the adopted child.

(2) On receipt of the documents referred to in subregulation (1), the Adoption Registrar must record the information as required by section 183 of the Act, including -

- (a) the name of any person who gave consent for the adoption; and



(b) the name of any parent or guardian whose consent was dispensed with pursuant to section 172(12) of the Act.

(3) The Adoption Registrar must keep copies of all documents relating to an application for adoption for a period of 10 years and must cause the documents to be archived after that period.

(4) If the name or surname of a child adopted is changed by the adoptive parents, the adoptive parents must provide the Minister with a copy of the new birth certificate of the child and the new name or surname of the child must be recorded in the Adoption Register.

#### **Application to note adoption in birth register**

**71.** (1) The clerk of the children's court must, within three days after an adoption order has been made by a children's court, transmit to the minister responsible for home affairs an application on a form substantially corresponding to Form 22E to note the adoption in the birth register.

(2) On receipt of the application referred to in subsection (1), the minister responsible for home affairs must -

- (a) cause the birth record of the child to be altered accordingly;
- (b) issue a new full birth certificate reflecting the adoptive parent or parents as the parent or parents of the child;
- (c) provide the original of the new birth certificate to the adoptive parent or parents; and
- (d) provide a copy of the birth certificate referred to in paragraph (c) to the Adoption Registrar.

#### **Application for rescission of adoption order**

**72.** (1) An application under section 179 of the Act for the rescission of an adoption order must be -

- (a) on a form substantially corresponding to Form 22F; and
- (b) lodged with the clerk of the children's court which issued the adoption order.

(2) On receipt of an application for rescission under subregulation (1), the clerk of the children's court must cause to be served -

- (a) a copy of the application for rescission; and
- (b) a notice of rescission of adoption order on a form substantially corresponding to Form 22G,

on the persons contemplated in section 179(4) of the Act -

- (i) at least 30 days before the hearing of the application for rescission; and
- (ii) in a manner contemplated in regulation 120.

## Expenses

73. Subject to subsection (4) and (5) of section 185 of the Act, the biological parent of a child who intends to give that child up for adoption to a specific prospective adoptive parent registered in the RACAP may in terms of subsection (3)(a) of that section receive reasonable consideration from that prospective adoptive parent for -

- (a) accommodation expenses immediately prior to or after the birth of the child where the biological mother does not live in reasonably close proximity to a suitable or preferred health facility;
- (b) any pregnancy and birth related costs incurred at a public or private health care facility;
- (c) travelling expenses to and from a health facility referred to in paragraph (b);
- (d) food, water and vitamin supplements during pregnancy;
- (e) pre-natal courses to prepare for birth; and
- (f) professional counselling services.

## Advertisements

74. For purposes of recruiting prospective adoptive parents for inclusion in the RACAP, a designated social worker authorised to facilitate domestic adoption may, in terms of section 186(2)(b) of the Act, publish an advertisement quarterly in any newspaper widely circulating in Namibia inviting persons to apply for assessment as prospective adoptive parents as contemplated in section 170(2)(e) of the Act.

## Inspection of Adoption Register

75. (1) A children's commissioner or a person authorised in writing by the Magistrates Commission established by the Magistrates Act, 2003 (Act No. 3 of 2003) may at any reasonable time inspect the Adoption Register to ensure that it complies with the requirements of the Act.

(2) The Adoption Registrar must make any corrections or alterations to the Adoption Register as soon as possible to correct any defects brought to his or her attention as a result of the inspection under subregulation (1).

## Part 2 Inter-country adoptions

### Application of Part 1

76. Part 1 of this Chapter applies with the necessary changes to inter-country adoption to the extent that that Part is not inconsistent with the Convention and this Part.

### Accreditation to provide inter-country adoptions

77. (1) Subject to Article 11 of the Convention and subregulation (2), a designated child protection organisation designated to perform domestic adoption may apply to the Minister, who is the Central Authority in Namibia, for accreditation to render inter-country adoption services in terms of Article 10 of the Convention.

- (2) An application for the accreditation referred to in subregulation (1) must be -
  - (a) made on a form substantially corresponding to Form 23A;
  - (b) submitted to the Minister; and
  - (c) accompanied by -
    - (i) evidence of expertise or knowledge relevant to inter-country adoption services;
    - (ii) a certificate of designation to perform domestic adoptions;
    - (iii) a list of social workers in the employment of the applicant designated to facilitate domestic adoptions in terms of section 33 of the Act;
    - (iv) the most recent audited financial statements of the child protection organisation; and
    - (v) any other information that the Minister may request.
- (3) If an application for accreditation to render inter-country adoption services referred to in subregulation (1) is -
  - (a) granted, the Minister must -
    - (i) issue the applicant with a certificate of accreditation on a form substantially corresponding to Form 23B; and
    - (ii) cause the certificate to be delivered to the applicant by hand, courier or registered post; or
  - (b) refused, the Minister must -
    - (i) notify the applicant that his or her application is refused and give reasons for the refusal of the application; and
    - (ii) cause the notice of refusal to be delivered to the applicant by hand, courier or registered post.
- (4) The accreditation of a child protection organisation to render inter-country adoption services -
  - (a) is valid for a period of two years;
  - (b) subject to subregulation (5), may be cancelled before the period referred to in paragraph (a) if the child protection organisation is not complying with the requirements of the Act; and
  - (c) may be renewed under subregulation (6).
- (5) Before the accreditation of the child protection organisation under subregulation (4) may be cancelled, the Minister must -
  - (a) inform the child protection organisation of his or her intention to cancel its accreditation at least seven days prior to the date of the intended action;

- (b) specify the reasons for considering the cancellation of accreditation, including particulars of the alleged contravention or non-compliance with the Act;
  - (c) afford the child protection organisation an opportunity to make representations on the matter before the Minister makes his or her decision; and
  - (d) take into consideration any representations made under paragraph (c) when making his or her decision.
- (6) An application for the renewal of the accreditation of a child protection organisation must be -
- (a) made on a form substantially corresponding to Form 23A;
  - (b) submitted to the Minister at least three months before the date of expiry of the accreditation; and
  - (c) accompanied by the documents referred to in subregulation (2)(c).
- (7) A child protection organisation accredited in terms of this regulation to render inter-country adoption services -
- (a) may charge fees as specified in Annexure 2 for services rendered; and
  - (b) must annually submit an audited financial statement to the Minister regarding the financial position of the organisation, including fees received and payments made.

#### **Overseas accredited bodies to act in Namibia**

**78.** (1) A body accredited to render inter-country adoption services in another contracting state may apply in writing to the Minister for authorisation to render inter-country adoption services in Namibia.

(2) The application referred to in subregulation (1) must specify the relevant experience of the body in question and include proof of accreditation in the contracting state.

(3) If the Minister grants the application, he or she must provide the body in question with a certificate of authorisation on a form substantially corresponding to Form 23C.

#### **Working agreements with overseas accredited bodies**

**79.** (1) A child protection organisation accredited in terms of regulation 77 to provide inter-country adoption services may enter into an adoption working agreement with an overseas accredited body which is authorised to act in Namibia in terms of regulation 78.

(2) A child protection organisation referred to in subregulation (1) -

- (a) must provide the Central Authority with certified copies of an adoption working agreement referred to in that subregulation for approval, accompanied by -
  - (i) the certificate of authorisation to render inter-country adoption services in Namibia issued to the overseas accredited body under regulation 78; and
  - (ii) a certified copy of accreditation of the overseas accredited body issued by a contracting state; and

- (b) may not act in terms of such adoption working agreement before the adoption working agreement is approved by the Central Authority of Namibia.

### **Children that may be considered for inter-country adoption**

**80.** (1) A child habitually resident in Namibia may be considered for inter-country adoption if -

- (a) the child is listed in the RACAP as adoptable child; and
- (b) after possibilities for placement of the child within Namibia having been given due consideration, an inter-country adoption appears to be in the best interests of the child.

(2) Despite subregulation (1)(b), inter-country adoption may not be considered for a child, if a family member, relative of the natural parent of the child or any other person who is habitually resident in Namibia -

- (a) is willing to adopt the child and has been approved as a prospective adoptive parent after being assessed in accordance with regulation 60; and
- (b) is assessed as being suitable to care for the child in question, taking into account any special needs that the child may have.

### **Reports by Central Authority of State of origin**

**81.** A report by the Central Authority of Namibia on an adoptable child as contemplated in Article 16 of the Convention must, in addition to the information required by that Article, contain comprehensive details regarding the child as contained in the adoption report by a designated social worker pursuant to regulation 68 and include -

- (a) the documents required to be attached to the adoption report; and
- (b) comprehensive information regarding the efforts that have been made to provide suitable alternative or permanent care in Namibia.

### **Reports by Central Authority of receiving State**

**82.** (1) A report by the Central Authority of the receiving State on whether an applicant is eligible and suitable to adopt as contemplated in Article 15 of the Convention must contain comprehensive details of the applicant and must in addition to the information required by that Article, include -

- (a) a certified copy of the identity document or passport of the applicant;
- (b) a medical report on the health status of the applicant;
- (c) marriage certificate of the applicant, if married;
- (d) a police clearance certificate indicating that the applicant has no previous criminal record relating to child neglect or abuse, drug trafficking or any of the offenses listed in section 238(8) of the Act or any conviction relating to any law relating to the protection of children;
- (e) proof of citizenship, permanent residence or domicile in the receiving State;

- (f) comprehensive details on the following -
  - (i) ethnic, religious and cultural background of the applicant;
  - (ii) information regarding the childhood of the applicant;
  - (iii) information regarding immediate family members of the applicant and the members of the household of the applicant;
  - (iv) information about the character of the applicant;
  - (v) details of the attitude of immediate family members towards the inter-country adoption;
  - (vi) plan for integration with siblings, where applicable;
  - (vii) plan for relocation of the child from Namibia to the place where the applicant resides; and
  - (viii) a description of the adoption counselling that has been received by the applicant;
- (g) an assessment of the suitability of the applicant to adopt the child in question by a body recognised to deal with inter-country adoption in the receiving State;
- (h) the ability of the applicant to undertake inter-country adoption; and
- (i) the reasons why the applicant wishes to adopt.

(2) Where two parties intend to adopt a child jointly the information set out in subregulation (1) must be provided in respect of each party.

### **Matching of prospective adoptive parents and adoptable children**

**83.** For the purpose of determining whether the envisaged placement of an adoptable child is in the best interests of the child pursuant to Article 16(1)(d) of the Convention, the Central Authority of Namibia must constitute a committee consisting of at least three social workers identified by the Minister, and at least one of the social workers must be a staff member of the ministry responsible for health and social services nominated by that Ministry.

### **Consideration of inter-country adoption by children's court**

**84.** (1) An application for adoption of a child by a person who is habitually resident in another contracting state in accordance with Article 14 of the Convention must -

- (a) be made on a form substantially corresponding to Form 22A;
  - (b) be delivered to the Central Authority of Namibia; and
  - (c) be accompanied by the report of the Central Authority of the receiving State.
- (2) If -
- (a) the Central Authorities of both States are in agreement that adoption may proceed;

- (b) the Central Authority of Namibia has confirmed that -
  - (i) the prospective adoptive parents are eligible and suited to adopt;
  - (ii) the prospective adoptive parents have been counselled as may be necessary and agreed to the adoption; and
  - (iii) the child is or will be authorised to enter and reside permanently in the receiving State; and
- (c) the Central Authority of Namibia is satisfied that consent has been given, if applicable, and all other requirements of the Act have been complied with,

the Central Authority of Namibia must refer the application for adoption to the children's court of the district in which the child resides together with the reports referred to in regulations 81 and 82 and any other required document for consideration as contemplated in section 177 of the Act.

(3) In addition to section 177 of the Act, the children's court may make an order for the inter-country adoption of a child only if the court is satisfied that -

- (a) subregulation (2) has been complied with;
- (b) after possibilities for placement of the child within Namibia having been given due consideration, an inter-country adoption appears to be in the best interests of the child; and
- (c) the arrangements for the adoption of the child are in accordance with the requirements of the Convention.

(4) An order for an inter-country adoption must be on a form substantially corresponding to Form 23D.

#### **Adoption of children by family members not habitually resident in Namibia**

**85.** (1) The adoption of a child habitually resident in Namibia by a family member who is resident in a contracting State to the Convention must be made in the same manner as the inter-country adoption, but priority must be given to -

- (a) a person married to the biological parent of the child; or
- (b) a family member with close ties or who has a pre-existing relationship with the child.

(2) The adoption of a child habitually resident in Namibia by a prospective adoptive parent resident in a State that is not a contracting State to the Convention must be made, as far as possible, in the same manner as the inter-country adoption through direct liaison with the relevant authority dealing with adoption in the non-contracting State.

CHAPTER 13  
PROTECTIVE MEASURES IN RESPECT OF CHILDREN

Part 1  
Child-headed households

**Application for recognition of child-headed household**

**86.** (1) For purposes of section 225(1) of the Act -

- (a) a child heading a household; or
- (b) any other person acting in the best interests of the child heading a household,

may apply to a designated social worker for recognition of such household as a child-headed household on a form substantially corresponding to Form 24A.

(2) A designated social worker -

- (a) may on his or her own initiative; or
- (b) must, within 14 days of receipt of the application made under subregulation (1),

evaluate the circumstances of the children in the household and must -

- (i) recommend whether or not the household should be designated as a child-headed household, with reasons for his or her recommendation;
- (ii) in terms of section 225(2) of the Act, recommend -
  - (aa) an adult to be designated to supervise the household; or
  - (bb) a non-governmental organisation to be designated to provide an adult to supervise the household;
- (iii) recommend whether the child as the head of the household or the adult supervisor should be authorised to collect any grants due to the children in the household.

(3) The evaluation and recommendations referred to in subregulation (2) must be made on a form substantially corresponding to Form 24B.

(4) A copy of Form 24B must be submitted to the child who has made the application under subregulation (1), or on whose behalf the application under subregulation (1) was made, and if the child disputes any aspects of the evaluation or recommendations by the designated social worker, the child may make written or oral representations to the Minister.

(5) The children's court, the Minister or a non-governmental organisation designated by the Minister under section 225(2) of the Act must take into account the views of the child heading the household before a person is designated as an adult to supervise the household.

(6) An adult supervisor, whether designated by the children's court, the Minister or a non-governmental organisation, must -

- (a) be willing to provide the required supervision in the household;



- (b) have some social connection with the child heading the household and other children in such household;
- (c) live in reasonably close proximity to the household; and
- (d) have a police clearance certificate issued not more than one year prior to designation.

(7) At the time of recognising a household as a child-headed household, the Minister must assign a designated social worker to conduct regular monitoring of the recognised household.

(8) If a household is recognised as a child-headed household, the Minister must on a form substantially corresponding to Form 24C issue a certificate to the child recognised as the head of such household, specifying that he or she is the head of the household and the certificate must specify -

- (a) the full names of all children in the household;
- (b) the name of the adult designated to supervise the household, or the non-governmental organisation authorised to designate an adult to supervise the household;
- (c) the name of the social worker assigned under subregulation (7) to monitor the household;
- (d) whether the child as the head of the household or the adult supervisor is authorised to collect any grant payable to a child in the household.

(9) A children's court, the Minister or a non-governmental organisation which designates a person as an adult supervisor for a child-headed household must provide the person with a certificate in a form substantially corresponding to Form 24D indicating -

- (a) that the person has been designated as an adult supervisor for the child-headed household; and
- (b) whether the adult supervisor is authorised to collect any grant payable to a child in the household,

and a copy of the certificate contemplated in subregulation (8) must be appended to the certificate.

(10) The children's court, the Minister or the non-governmental organisation which designates a person as an adult supervisor under subregulation (9) must provide the child heading that household in respect of which the adult supervisor is designated with a copy of Form 24D.

#### **Duties of adult supervisors in relation to child-headed households**

**87.** An adult designated in terms of section 225(2) of the Act to supervise a recognised child-headed household must -

- (a) facilitate medical, psychological, social and emotional support and services to members of the household when required;
- (b) ensure that members of the household who are by law required to attend school do so, and monitor the school reports of such children;
- (c) assist the child heading the household to apply for any grants in terms of this Act for which children in the household may be eligible;

- (d) assist the members of the household with legal documentation when required;
- (e) assist the child heading the household with financial budgeting of household resources, if necessary;
- (f) report incidents of abuse affecting the children in the household to the relevant authority;
- (g) report or assist with reporting any death within that household to a member of the police;
- (h) report any death, serious injury or serious illness in the household to the designated social worker assigned to monitor the household; and
- (i) assist with other issues as appropriate, in response to a request from any child in the household.

#### **Withdrawal of designation of adult supervisor**

**88.** (1) If -

- (a) a child heading the household or any other children in the household are not, pursuant to section 225(9) of the Act, satisfied with the manner in which the adult supervisor is performing his or her duties;
- (b) the social worker assigned to monitor a child-headed household is for any reason not satisfied with the performance of the adult supervisor;
- (c) any child in the household has a reasonable complaint against the adult supervisor; or
- (d) the adult supervisor no longer wishes to be designated as such,

the social worker must, after an investigation -

- (i) report the matter to the clerk of the children's court, the Minister or the non-governmental organisation designated by the Minister pursuant to section 225(2) of the Act, together with a written recommendation that the designation of an adult supervisor be withdrawn; and
- (ii) make a recommendation regarding the designation of a different adult supervisor to supervise the household, if possible.

(2) Unless a non-governmental organisation will collect and administer any grant for children in the household in the case of a disagreement between the child heading the household and the adult supervisor designated by it pursuant to section 225(5) of the Act, a social worker contemplated in subregulation (1) may, during an investigation referred to in that subregulation, assign a community child care worker temporarily to collect any grant for children in the household for the duration of such investigation.

(3) The Minister, children's court or non-governmental organisation which made the designation of the adult supervisor concerned may -

- (a) after considering the recommendation of the social worker; and

- (b) after affording the adult supervisor an opportunity to be heard or to make written representations,

withdraw the designation of the adult supervisor and make a new designation of an adult supervisor pursuant to regulation 86.

#### **State maintenance grants in relation to child-headed household**

**89.** (1) For purposes of accountability, an adult designated in terms of section 225(2) of the Act who may collect and administer a state maintenance grant for a child-headed household must assist the children to prepare the monthly budget of the household for the expenditure of the grant.

- (2) The social worker designated to monitor the child-headed household must -
  - (a) communicate directly to the child heading the household the grant amounts available to the children in the household; and
  - (b) liaise with the child heading the household quarterly to ensure that the child is satisfied with the collection of grants on behalf of the children in the household by the designated adult supervisor.

#### **Children in child-headed household travelling outside Namibia**

**90.** (1) Any child living in a child-headed household who intends to travel outside Namibia must inform the social worker assigned to monitor such household of the child's intention to so travel and must disclose reasons for such travel at least 30 days before the intended date of departure.

(2) If the child referred to in subregulation (1) is unable to inform the social worker due to his or her age, the child heading the household or the adult designated in terms of section 225(2) of the Act must inform the social worker.

(3) For purposes of section 225(13) of the Act, the designated social worker must, as soon as is practicable after being notified of the intended travel under subregulation (1) or (2), make a written recommendation to the Minister as to whether such travel may be approved or not.

(4) The designated social worker must monitor the return of the child to Namibia and must report such return or failure to return, in writing, to the Minister without delay.

### **Part 2**

#### **Other protective measures**

#### **Departure of children from Namibia**

**91.** (1) For purposes of giving consent to enable a person to take or send a child out of Namibia as contemplated in section 236 of the Act, the consent by a person holding relevant parental responsibilities and rights in respect of the child must be given on a form substantially corresponding to Form 25.

(2) The original written consent contemplated in subregulation (1) must accompany the child who is travelling and a copy of the consent must be retained by the person giving consent.

(3) If the child does not return to Namibia on the date stated in the consent, the person who consented to the departure of the child from Namibia may report the failure of the child to return

to Namibia to the Minister and provide the Minister with a copy of the consent, if the person wishes to seek assistance in securing the return of the child.

#### **Abandoned children left with approved authorities**

- 92.** (1) A designated social worker -
- (a) to whom a report is made of a child abandoned pursuant to section 227 of the Act; and
  - (b) who has placed a child referred to in paragraph (a) in a place of safety under that section,

must open a file in respect of the child and -

- (i) allocate a file number to the file;
- (ii) record the place where the child has been found or received;
- (iii) record the date on which such child has been found or received; and
- (iv) record the identifying characteristics of the child, including the -
  - (aa) race;
  - (bb) sex;
  - (cc) estimated age;
  - (dd) birthmarks, if any;
  - (ee) eye colour;
  - (ff) physical deformities, if any;
  - (gg) weight and height; and
  - (hh) any jewellery or other adornment found on the child.

(2) A wrist tag labelled with the date on which such an abandoned child has been found or received and the file number assigned to the file must be placed on the wrist or ankle of the child and remain in place until the expiry of the period referred to in section 227(7) of the Act, but the placement of the wrist tag is not required in a case where the child is old enough to be positively identified by other means.

(3) An advertisement and radio announcement contemplated in section 227(5) of the Act may refer to the place where and the date on which the child has been found or received as well as some, but not all, of the identifying characteristics referred to in this regulation.

(4) An abandoned child may not be restored to the care of a person claiming responsibility for such child unless -

- (a) an investigation in terms of section 139 of the Act is instituted;
- (b) the person claiming responsibility for the child is able to provide some identifying characteristics that have not been publicly disclosed; and

- (c) the designated social worker is satisfied that restoring care of the child to the person claiming responsibility is in the best interests of the child.

### Part 3

Licences, hours for participation in activities, night activities and reasonable access

#### Definitions

93. In this Part -

“activity” means any activity contemplated in section 234(2) of the Act;

“Labour Act” means the Labour Act, 2007 (Act No. 11 of 2007); and

“licence” means the licence referred to in section 234(2)(c) of the Act.

#### Reports of alleged contravention of Act or Labour Act

94. (1) Where a social worker -

- (a) receives information about any suspected violation of the Labour Act or any other law on labour; or
- (b) while performing any of his or her duties in terms of the Act becomes aware of information on an alleged contravention of the Labour Act or any other law on labour,

the social worker must immediately report such information to the Permanent Secretary.

(2) On receipt of information in terms of subregulation (1), the Permanent Secretary must immediately notify the Permanent Secretary of the ministry responsible for labour for that ministry to take appropriate steps in terms of the Labour Act or any other law on labour.

(3) Where a labour inspector or other officials of ministry responsible for labour -

- (a) receives information about any suspected violation of the Act; or
- (b) while performing any of his or her duties in terms of the Labour Act becomes aware of information on an alleged contravention of the Act,

which involves a child, he or she must immediately notify the Permanent Secretary of the ministry responsible for labour.

(4) On receipt of information in terms of subregulation (3), the Permanent Secretary of the ministry responsible for labour must immediately notify the Permanent Secretary to take appropriate steps in terms of the Act.

#### Consent for children to participate in activities

95. (1) A person who intends to engage a child in an activity must before -

- (a) engaging the child in the activity; and
- (b) making an application for a licence under regulation 97, where applicable,

seek written consent from the parent, guardian or care-giver of the child for the child to participate in the activity on a form substantially corresponding to Form 26A.

(2) A person seeking consent from the parent, guardian or care-giver of the child under subregulation (1) must in writing specify -

- (a) the full names and address of the person responsible for the activity;
- (b) the full names and date of birth of the child who is to participate in the activity;
- (c) a full description of the activity in which the child will participate;
- (d) the place where the activity is to take place and the date or dates of the activity;
- (e) the number of days and number of hours that the child will participate in the activity;
- (f) whether accommodation and food will be provided to the child to participate in the activity; and
- (g) any reward that the child is entitled to by virtue of his or her participation in the activity, whether a monetary reward or rewards in kind, including -
  - (i) the frequency of such reward, if any; and
  - (ii) the name of the person responsible for giving the reward to the child.

#### **Rewards in respect of children participating in activities**

**96.** (1) If a child will receive a reward for his or her participation in an activity, in the form of a monetary reward in an amount exceeding N\$500 or a reward in kind which has a value of more than N\$500, the person responsible for the activity must give that reward to the parent, guardian or care-giver of the child and that amount -

- (a) must be used for the sole benefit of the child; and
- (b) may not be withheld by any person for whatever reason without a reasonable and justified cause.

(2) If a child is entitled to a reward in an amount which exceeds N\$500 or a reward in kind which has a value of more than N\$500 which was not disclosed to the parent under regulation 95(2)(g), the person responsible for the activity must, as soon as possible, inform the parent, guardian or care-giver of such reward and give the reward to the parent, guardian or care-giver.

- (3) A person who -
  - (a) engages a child in an activity without having obtained consent from the parent, guardian or care-giver of the child; or
  - (b) contravenes or fails to comply with subregulation (1) or (2),

commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

**Licences for children to participate in income-generating activities**

97. (1) A person may apply to the children's commissioner for a licence for a child to participate in an income-generating activity as contemplated in section 234(2)(c) of the Act on a form substantially corresponding to Form 26B.

(2) An application referred to in subregulation (1) must be accompanied by -

- (a) the consent of the parent, guardian or care-giver as contemplated in regulation 95 of every child who will participate in the activity; and
- (b) a copy of the written particulars and information referred to in regulation 95(2).

(3) The children's commissioner may require an applicant to submit further information and documents that the children's commissioner may require.

(4) The children's commissioner may require the applicant to appear in person before the children's commissioner if the children's commissioner considers it necessary for purposes of considering the application for a licence.

(5) A licence may not be granted to a person who -

- (a) is under the age of 18 years at the date of the application; or
- (b) has been convicted of an offence under any law relating to the protection of children or any employment law relating to children or intended for the protection of children within 10 years preceding the application for a licence.

(6) The children's commissioner must consider the application for the licence and may grant or refuse the application.

(7) If the application for a licence is granted, the children's commissioner -

- (a) must determine the period for which a licence is granted, but the period may not exceed 12 months at a time;
- (b) may impose conditions on the licence granted; and
- (c) must issue to the applicant a licence on a form substantially corresponding to Form 26C.

(8) If the licence is refused, the children's commissioner must inform the applicant in writing of the refusal and the reasons for the refusal.

(9) A person who -

- (a) engages a child in an activity which requires a licence without having obtained the licence under this regulation; or
- (b) obtains a licence and contravenes any regulation relating to the participation of children in activities,

commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

**Maximum hours for participation in activities**

**98.** (1) The maximum permissible hours that a child may participate in an activity are -

- (a) four hours a day, in respect of a child aged 10 years or older;
- (b) three hours a day, in respect of a child between the age of five and nine years; and
- (c) two hours a day, in respect of a child below the age of five.

(2) Where a child is to participate in an activity, a person may not require the child to be present at the place where an activity is to take place for more than -

- (a) five hours, in respect of a child aged 10 years or older;
- (b) four hours, in respect of a child between the age of five and nine years; and
- (c) three hours, in respect of a child below the age of five years.

(3) A person may not require or permit a child to participate in an activity for longer than the maximum permissible hours contemplated in subregulation (1).

(4) Despite this regulation, a person may not force a child to perform or participate in an activity if the child is unwilling or unfit to do so.

**Rest periods**

**99.** (1) A person responsible for an activity must give a child a rest break of at least 30 minutes -

- (a) after two hours of continuous participation in an activity, in respect of children aged 10 years or older; and
- (b) after one hour of continuous participation in an activity, in respect of children below the age of 10 years.

(2) If it is not practicable for a child to be granted a rest break in accordance with subregulation (1) due to the nature of an activity, the person responsible for the activity must give the child a rest break as soon as is practicable, but not later than 30 minutes after the expiry of the time period referred to in that subregulation.

**Safety, food and refreshments**

**100.** A person responsible for an activity must ensure that a first-aid kit is available at the place where the child engages in the activity and that any child engaging in the activity -

- (a) is provided with nutritious food and refreshment appropriate to the age of the child and the length of the activity;
- (b) has the option of having a separate meal area away from adults other than the parent, guardian or care-giver of the child or an adult designated or approved by the parent, guardian or care-giver of the child; and
- (c) operates in a harmful smoke and alcohol free environment, whether indoors or outdoors.



**Night activities**

**101.** (1) For the purposes of this regulation “night activity” means an activity performed after 20h00 and before 07h00.

(2) A person may not require or permit a child to perform any night activity on more than three occasions per week.

**Recreational areas**

**102.** A person responsible for an activity must provide a safe area for a child to rest and play.

**Accommodation**

**103.** (1) A child may not be required to participate in an activity away from his or her home unless full details of the accommodation arrangements are supplied to, and approved by, the parent, guardian or care-giver of the child, and the accommodation -

- (a) is clean, comfortable, suitable and safe for the child;
- (b) is not occupied by any adult other than the parent, guardian or care-giver of the child or an adult designated or approved by the parent, guardian or care-giver;
- (c) has sufficient bedding, toiletries and washing facilities for the child; and
- (d) is supplied free of charge to the child, in the case of an income-generating activity.

(2) If a child is required to stay overnight at a place, a person responsible for the activity must ensure that the child is accompanied by the parent, guardian, care-giver of the child or an adult designated or approved by the parent, guardian or care-giver.

**Reasonable access**

**104.** (1) A person responsible for an activity must ensure that the parent, guardian, care-giver or an adult designated or approved by the parent, guardian or care-giver has reasonable access to the child during the activity and the parent or guardian, care-giver or designated or approved person may -

- (a) accompany the child to any wardrobe, make-up, hairdressing, dressing room or other facilities; and
- (b) be within the sight of the child at all times.

(2) A person responsible for the activity must give reasonable access to a designated social worker for the purposes of monitoring compliance with the Act and any conditions attached to a licence.

**Offences relating to children participating in activities**

**105.** (1) A person responsible for an activity -

- (a) must ensure that any child participating in the activity is not exposed to unhealthy practices, physical danger, emotional harm, excessive strain or stress at any time while participating in the activity;

- (b) may not require or permit any child to participate in the activity if the parent, guardian or care-giver of the child believes that the child will be exposed to danger of any kind; and
- (c) must comply with all regulations relating to the participation of children in activities.

(2) A person who contravenes or fails to comply with subregulation (1) commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding 12 months or to both such fine and such imprisonment.

#### CHAPTER 14 STATE GRANTS

##### **Application for State maintenance grant**

**106.** (1) An application for a State maintenance grant as contemplated in section 240(3) of the Act must be made in person to a constituency or regional office of the Ministry on a form substantially corresponding to Form 27.

(2) A State maintenance grant is payable only in respect of a child who is a Namibian citizen or a permanent resident of Namibia.

(3) A child is not entitled to a State maintenance grant if one or both of the parents were liable for the payment of income tax in the preceding tax year in terms of the Income Tax Act, 1981 (Act No. 24 of 1981), unless the applicant can show that there has been a substantial change in circumstances of the applicant since that tax year.

(4) The following documents must accompany the application contemplated in subregulation (1) -

- (a) a certified copy of the identity document of -
  - (i) the applicant; and
  - (ii) the proposed recipient of the grant, if the recipient is a person other than the applicant;
- (b) a certified copy of a full birth certificate of each child in respect of whom the application is made -
  - (i) irrespective of whether only one or both names of parents appear in such birth certificate; and
  - (ii) in the case of a child whose parentage is unknown or unconfirmed, irrespective of whether or not the name of the parent appears on such birth certificate,

but a designated staff member of the Ministry must help to facilitate birth registration of the child in a case where a child has no birth certificate;

- (c) proof of citizenship or permanent residence of the child, if it is not apparent from the birth certificate;
- (d) proof that an applicant who is not a parent of the child falls within one of the other categories of applicants listed in section 240(3) of the Act, in the form of a certified copy of -

- (i) in respect of section 240(3)(a) of the Act, a certificate of guardianship issued in terms of the Act, a court order from any competent court naming the applicant as guardian or a document from the Master of the High Court confirming that the applicant is named as a guardian in a valid will or testamentary disposition;
- (ii) in respect of section 240(3)(b) of the Act, a kinship care agreement which has been registered with a children's court in terms of the Act;
- (iii) in respect of section 240(3)(c) or (d) of the Act, a certificate issued in respect of child-headed household in terms of section 225 of the Act and identification documents in respect of the person authorised to receive grants in respect of the children in the household, in the form of -
  - (aa) the birth certificate or identity document of the child heading the household; or
  - (bb) the identity document of the adult supervisor;
- (e) if one or both parents of the child are deceased, a certified copy of the death certificate of the parent;
- (f) an affidavit by the applicant stating whether either or both of the parents or a guardian of the child is a taxpayer, and if so indicating the relevant tax number, if known to the applicant;
- (g) particulars and proof of the banking details of the applicant or proposed recipient or details of the manner in which payment, upon successful application, is to be made to the applicant or the proposed recipient of the grant, which may include collection at a post office or collection via a mobile cash point; and
- (h) proof that the child is in the care of the applicant or other proposed recipient of the grant in the form of -
  - (i) an affidavit from the parent or guardian of the child, who may also be the applicant for the State maintenance grant;
  - (ii) a letter from the principal of the school, the head of an early childhood development centre or the head of a place of care attended by the child;
  - (iii) a certified copy of a kinship care agreement registered with the clerk of the children's court;
  - (iv) a letter of confirmation from a designated social worker familiar with the circumstances of the child; or
  - (v) if the grant is to go to a child-headed household, a certificate issued in respect of a child-headed household in terms of section 225 of the Act.

#### **Application for foster parent grant**

**107.** (1) An application for a foster parent grant in accordance with section 242(1) of the Act must be made in person to a constituency or regional office of the Ministry on a form substantially corresponding to Form 27.

(2) The application referred to in subregulation (1) must be made by the foster parent who must provide a certified copy of -

- (a) his or her identity document or other proof of identification; and
- (b) the court order which places the child in the foster care of the applicant.

#### **Application for residential child care facility grant**

**108.** (1) An application for a residential child care facility grant contemplated in section 244 of the Act must be made to a constituency or regional office of the Ministry on a form substantially corresponding to Form 27.

(2) An application referred to in subregulation (1) must be made by the owner or management of the facility and must be accompanied by a certified copy of -

- (a) the court order which places the child in the place of safety, children's home or a child detention centre; and
- (b) the approval granted to a place of safety in terms of section 64 of the Act or the certificate of registration granted to a children's home or a child detention centre in terms of section 74 of the Act.

#### **Application for child disability grant**

**109.** (1) An application for a child disability grant contemplated in section 241 of the Act must be made in person to a constituency or regional office of the Ministry on a form substantially corresponding to Form 27.

(2) A child disability grant is payable only in respect of a child who is a Namibian citizen or a permanent resident of Namibia.

(3) The following documents must accompany the application contemplated in subregulation (1) -

- (a) a certified copy of the identity document of the applicant;
- (b) a certified copy of a full birth certificate of each child in respect of whom the application is made -
  - (i) irrespective of whether only one or both names of the parents appear on the birth certificate; and
  - (ii) in the case of a child whose parentage is unknown or unconfirmed, irrespective of whether or not the name of any parent appears on such birth certificate,

but a designated staff member of the Ministry must help to facilitate birth registration of the child in a case where a child has no birth certificate;

- (c) proof of citizenship or permanent residence of the child, if it is not apparent from the birth certificate;
- (d) proof that an applicant who is not a parent of the child falls within one of the other categories of applicants listed in section 241(1) of the Act, in the form of a certified copy of -

- (i) in respect of section 241(1)(a) of the Act, a certificate of guardianship issued in terms of the Act, a court order from any competent court naming the applicant as guardian or a document from the Master of the High Court confirming that the applicant is named as a guardian in a valid will or testamentary disposition;
- (ii) in respect of section 241(1)(b) of the Act, a kinship care agreement which has been registered with a children's court in terms of the Act;
- (iii) in respect of section 241(1)(c) or (d) of the Act, a certificate issued in respect of child-headed household in terms of section 225 of the Act and identification documents in respect of the person authorised to receive grants in respect of the children in the household, in the form of -
  - (aa) the birth certificate or identity document of the child heading the household; or
  - (bb) the identity document of the adult supervisor;
- (iv) in respect of section 241(1)(e) of the Act, the court order which places the child in the foster care of the applicant;
- (v) in respect of section 241(1)(f) of the Act, the court order which places the child in the care of the residential child care facility;
- (e) particulars and proof of the banking details of the applicant or proposed recipient or details of the manner in which payment, upon successful application, is to be made to the applicant or the proposed recipient of the grant, which may include collection at a post office or collection via a mobile cash point;
- (f) a report from a medical practitioner or psychologist, as appropriate, that the child in respect of whom the application is made -
  - (i) suffers from a mental disability;
  - (ii) suffers from a chronic or terminal illness, including HIV or Diabetes Type I;
  - (iii) is partially or completely deaf or blind;
  - (iv) suffers from cerebral palsy;
  - (v) has lost one or both legs or arms;
  - (vi) is partially or completely paralysed;
  - (vii) suffers from a speech impediment to the extent that the child cannot communicate with others;
  - (viii) suffers from epilepsy that cannot be controlled adequately with medication;
  - (ix) is an albino; or
  - (x) has any other condition or disability which in the view of a medical practitioner or psychologist would render the child eligible for a child disability grant.

(4) The report from the medical practitioner or psychologist contemplated in subregulation (3) must specify whether the disability is of a permanent or temporary nature, and if the disability is of a temporary nature the report must include its probable duration, if the duration may be reasonably estimated.

(5) After receiving the report referred to in subregulation (3), a designated social worker must independently assess the child and his or her living situation and make a recommendation regarding eligibility for a child disability grant.

(6) Where a child disability grant is paid in addition to any other grant under the Act, the child disability grant must be paid to the same person who is receiving such other grant in respect of the child.

(7) Where a child disability grant is paid in respect of a child who is not receiving any other grant, the child disability grant must be paid to the person who is taking care of the child, regardless of who applied for the grant, and proof of who is taking care of the child must be provided in the same manner as required by regulation 106(4)(h).

#### **Application for short term emergency grant or assistance in kind**

**110.** (1) An application for a short term emergency grant or assistance in kind in accordance with section 245 of the Act must be made in writing and the applicant must deliver the application in person to a constituency or regional office of the Ministry.

(2) The application referred to in subregulation (1) must -

- (a) indicate the nature of the emergency grant or the assistance being sought by the applicant;
- (b) specify the circumstances which led to the emergency;
- (c) include details of how payment or assistance in kind should be made to the applicant or other proposed recipient of the grant; and
- (d) be accompanied by -
  - (i) a certified copy of the identity document of the applicant;
  - (ii) a certified full birth certificate of each child in respect of whom the application is made, but if the child has no birth certificate or if the birth certificate is lost or destroyed, a staff member of the Ministry must help to facilitate the birth registration or replacement of the birth certificate of the child; and
  - (iii) proof of citizenship or permanent residence of the child, if it is not apparent from the birth certificate.

(3) In addition to the circumstances listed in section 245(3) of the Act, a short term emergency grant or assistance in kind may be granted if a key income provider of the child is awaiting trial, sentenced, imprisoned or admitted to any State health institution for a period of at least six months.

#### **General requirements relating to applications for grants**

**111.** (1) In completing the application form, a person applying for any grant may be assisted by a staff member of the Ministry designated by the Permanent Secretary for this purpose at the constituency or regional office of the Ministry where the application is made and submitted.

(2) A staff member referred to in subregulation (1) or a designated social worker may carry out any reasonable questioning or investigation necessary to confirm whether or not the applicant complies with the requirements for the grant concerned.

(3) A staff member referred to in subregulation (1) must furnish the applicant with an acknowledgment of receipt of the application which -

- (a) indicates the date on which the application is received by the Ministry;
- (b) indicates the name of the staff member of the Ministry who received the application; and
- (c) is endorsed with an official stamp of the Ministry.

(4) A staff member designated under subregulation (1) must keep a register of all applications received and the staff member must record in the register -

- (a) the particulars of the applicant and any other person who is proposed to be a recipient of any grant;
- (b) the date of receipt of the application;
- (c) the name of the designated staff member who received the application for a grant;
- (d) the type of grant applied for by the applicant;
- (e) the date when the grant was approved, or if the application for a grant is refused, the date of the refusal and the reasons for the refusal of the grant; and
- (f) the name of the person approved to receive the grant on behalf of the child.

(5) The Permanent Secretary must within three months of receipt of the application consider and make a decision on the application for a grant.

(6) If the application for a grant is granted, the Permanent Secretary must inform the applicant of -

- (a) the details regarding payment of the grant;
- (b) the manner in which payment will be effected;
- (c) the date of termination of the grant; and
- (d) the obligations of the applicant to notify the Permanent Secretary of any change of address or change of circumstances which may influence the eligibility for the payment of the grant.

(7) If the application for a grant is refused, the Permanent Secretary must inform the applicant of -

- (a) the reasons for the refusal of the application; and
  - (b) the right to appeal under section 251 of the Act.
- (8) An appeal under section 251 of the Act must -

- (i) be made in writing to the Minister;
- (ii) state the reasons for the appeal; and
- (iii) be lodged within 90 days from the date on which the applicant is notified of the refusal of the application.

(9) A notification referred to in subregulation (6) or (7) must be delivered to the applicant by hand, courier or registered post.

### **Payment of grants**

**112.** (1) Any grant payable under Chapter 16 of the Act is paid monthly in arrear to the person in whose care the child is, irrespective of who applied for the grant.

(2) If the person who receives the grant on behalf of a child dies, the Permanent Secretary must assign a social worker to review the matter and determine to whom the grant must be paid.

(3) If the child in respect of whom the grant is paid dies, any payment made in respect of any period after the death of the child must be refunded to the Ministry by the recipient of the grant and if the recipient fails to refund the payment, the Ministry may recover the payment as a debt owed to the State.

(4) If a person has received an amount of money in contravention of section 250(1) of the Act, the Permanent Secretary must assign a social worker to review the matter and the Permanent Secretary must determine any other person to whom a grant must be paid on behalf of a child.

(5) The Minister must recover any money received by a person who has received an amount of money in contravention of section 250(1) of the Act as a debt owed to the State.

### **Monitoring of grants**

**113.** (1) The Permanent Secretary may appoint a social worker or any other person to monitor that the expenditure of any grant is in the best interests of the child, and the Permanent Secretary may at any time revoke or vary such appointment.

- (2) If there are reasons to believe that -
  - (a) a grant has been misappropriated;
  - (b) the financial circumstances of the applicant have changed;
  - (c) the child in respect of whom the grant has been awarded has died; or
  - (d) there is any change in the circumstances under which the grant was granted,

the Permanent Secretary must designate a staff member to investigate the matter in order to determine whether payment of the grant may be cancelled or suspended.

### **Duration of grants**

- 114.** (1) A -
- (a) state maintenance grant is payable until the time contemplated in section 240(5) of the Act;



- (b) child disability grant is payable until the time contemplated in section 241(4) of the Act;
- (c) foster parent grant is payable while the child remains in foster care in terms of a court order, subject to section 242(2) of the Act;
- (d) residential child care facility grant is payable while the child remains in the facility in terms of a court order; and
- (e) short term emergency grant or assistance in kind is payable for a period not exceeding three months.

(2) The Permanent Secretary may, on application by the parent, guardian or care-giver of a child, extend the duration of a State maintenance grant if the Permanent Secretary is of the opinion that special circumstances exist which warrant payment of the grant until the child attains the age of 21 years.

(3) For purposes of subregulation (2), special circumstances include instances where a child, on the recommendation of a social worker, requires an extension of the grant in order to enable him or her to complete his or her education.

(4) A State maintenance grant remains payable even if a child in respect of whom the grant is paid is temporarily absent from the care of the person receiving the grant due to the child being on holiday, hospitalised or absent for any other reason considered valid by the Permanent Secretary.

(5) A foster parent grant or a residential child care facility grant remains payable even if a child in respect of whom the grant is payable is on approved leave, hospitalised or temporarily absent from the foster care or residential child care facility for any other reason considered valid by the Permanent Secretary.

(6) Despite the commencement of the Act, a foster parent grant payable to the foster parent who is a family member of a child prior to the commencement of these regulations remains payable at the rate specified in regulation 115 to the foster parent until the expiry of the court order placing the child in foster care.

(7) A foster parent grant payable to any other foster parent prior to the commencement of these regulations remains payable at the rate specified in regulation 115 to the foster parent until the expiry of the court order placing the child in foster care.

### **Rate of grants**

**115.** The following rates are payable in respect of the following grants:

- |     |  |                            |
|-----|--|----------------------------|
| (a) | State maintenance grant:               | N\$250 per month per child |
| (b) | Foster parent grant:                   | N\$250 per month per child |
| (c) | Residential child care facility grant: | N\$15.25 per child per day |
| (d) | Child disability grant:                | N\$250 per month per child |
| (e) | Short term emergency grant:            | N\$310 per month per child |

**Reinstatement of suspended or cancelled grants**

**116.** (1) The Permanent Secretary may reinstate a grant which is suspended or cancelled in terms of section 247 of the Act on application by the person who applied for or was receiving the grant in question on behalf of the child.

(2) An application referred to in subregulation (1) must -

- (a) be made in writing;
- (b) be submitted to the Permanent Secretary; and
- (c) include reasons why the grant must be reinstated.

(3) The Permanent Secretary may appoint a social worker or any other person to investigate the matter before the grant may be reinstated.

(4) Regulation 111(5) to (9) apply with the necessary changes to an application for reinstatement of a grant.

CHAPTER 15  
GENERAL

**Reporting on condition of children in prisons or police cells**

**117.** (1) For purposes of section 231(3) of the Act, a complaint by a child or any other person concerning -

- (a) the conditions of a child in prison or police cell; or
- (b) injury sustained or severe trauma suffered by a child while in custody,

must be reported to the Permanent Secretary on a form substantially corresponding to Form 28.

(2) A person who is responsible for transmitting a complaint contemplated in subregulation (1) to the Permanent Secretary and who fails to do so commits an offence and is liable on conviction to a fine not exceeding N\$4 000 or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

**Conditions under which police register may be examined**

**118.** (1) A person who wishes to examine the register referred to in section 231(6) of the Act must -

- (a) make a request in writing stating the reasons why he or she seeks to examine the register;
- (b) hand the request to the police station commander or any other person authorised by the station commander; and
- (c) identify himself or herself, if requested to do so by the station commander or authorised person.

(2) The station commander or authorised person must consider the request and if satisfied that the person making the request has sufficient interest in examining the register, the

station commander or authorised person must allow such person access to the register and the register must be examined in the presence of a police officer or authorised person.

(3) A person who examines the register must treat the information obtained from the register as confidential and may not disclose any information on the register without authorisation of the Inspector-General.

### **Police clearance certificates**

**119.** (1) A person referred to in section 238 of the Act or in subregulation (2) who is providing welfare services to children before the commencement of these regulations must within six months of the commencement of these regulations obtain a police clearance certificate for the purposes of that section.

(2) Further to the provisions of section 238(3) of the Act relating to categories of employment in respect of which a police clearance certificate must be obtained, a person may not employ a person in the following categories of employment or activity without the latter having obtained a police clearance certificate -

- (a) a person employed or involved in any position, whether in the public or private sector and whether against remuneration or not, where he or she will be placed in a position of authority or supervision over, or with responsibility for the care of, a child; or
- (b) a person who owns or has any economic or business interest in any entity, business concern or trade relating to the supervision or care of a child if such interest would cause the person to have direct access to or would place him or her in a position of authority or supervision over, or with responsibility for the care of, a child.

### **Service of documents and notification of parties**

**120.** (1) Unless otherwise provided for by these regulations, a notice, document or anything which is required to be delivered or served in terms of these regulations must be served by a member of the police as contemplated in section 167 of the Act, a messenger of the court subject to subsection (3) of that section or a person authorised by the children's commissioner.

(2) A notice, document or anything referred to in subregulation (1) must be served by delivering such notice, document or thing -

- (a) personally to the person;
- (b) to the legal practitioner of record of the person, if the person has provided the name and address of his or her legal practitioner for purposes of proceedings under the Act;
- (c) at the residence or place of business of the person to a person apparently not less than 16 years of age and apparently residing at the residence or employed at the place of business;
- (d) at the place of employment of the person to a person apparently not less than 16 years of age and apparently in authority over the person or in charge at the place of employment; or
- (e) in a case of a juristic person, at its registered office or main place of business to a director or an employee of the juristic person.

(3) It is sufficient service to affix a copy of the notice, document or thing to the outer or principal door or security gate of a residence or place, if a person to be served with a notice, document or thing in any way prevents the notice, document or thing from being served on him or her.

(4) If the notice, document or thing is for any reason not served as contemplated in subregulation (2), the member of the police, the messenger of the court or the person authorised by the children's commissioner must attempt to notify the person to be served by -

- (a) contacting such person telephonically;
- (b) sending the notice, document or thing to the person by courier or registered post;
- (c) sending a facsimile of the notice, document or thing to the person;
- (d) sending an e-mail with an attachment of the notice, document or thing to the person;  
or
- (e) visiting the last known residential address or place of employment of the person in order to attempt to ascertain the current contact details of the person and use that contact information to serve the person with the notice, document or thing.

(5) Subject to subregulation (7) and (8), before considering any application under these regulations, the children's court must be satisfied that a person has been served with the notice, document or thing as contemplated in these regulations and has been given an opportunity to make representations on the matter.

(6) The member of the police, the messenger of the court or the person authorised by the children's commissioner must furnish the court with return of service.

(7) In the event of failure to effect service after employment of any or all of the attempts referred to in subregulation (2) and (4), the member of the police, the messenger of the court or the person authorised by the children's commissioner must furnish the children's court with proof of the attempts made.

(8) Proceedings in a children's court may continue in the absence of a person who was served or attempted to be served to attend the proceedings or to make representations if the children's court considers it to be in the interests of justice and in the best interests of the child.

(9) Where a children's court decides pursuant to subregulation (8) to commence or continue children's court proceedings in the absence of a person notified or attempted to be notified to attend the proceedings, the person is not liable in terms of section 56(7) of the Act.

(10) If a person who is not present at children's court proceedings is likely to make a valuable contribution regarding the best interests of the child in question or the court is of the opinion that the presence of the person is necessary for the purposes of the court proceedings or a person has been identified or requested to attend the proceedings in terms of section 56(3) of the Act, the court must cause the person to be subpoenaed in accordance with regulation 7 of the Regulations Relating to Children's Court Proceedings, published under Government Notice No. 6 of 30 January 2019.

## ANNEXURE 1

**Forms:**

Form 1A	Application for designation of social worker
Form 1B	Certificate of authorisation: Functions which social worker or child protection organisation is authorised to perform
Form 1C	Application for designation of child protection organisation
Form 1D	Application for designation as probation officer
Form 1E	Certificate: probation officer
Form 2	Notice of appeal to children's court
Form 3A	Application for registration or renewal of registration of children's home or child detention centre
Form 3B	Certificate of registration: children's home or child detention centre
Form 4A	Application for registration or renewal of registration of place of care, early childhood development centre or shelter
Form 4B	Certificate of registration: place of care, early childhood development centre or shelter
Form 5A	Written agreement for custody and guardianship of child born outside marriage
Form 5B	Application for custody
Form 6	Full particulars of children and other parties involved in matter
Form 7	Notice of proceedings in children's court
Form 8	Application for guardianship
Form 9A	Application for restriction or denial of access to parent who does not have custody of child born outside marriage
Form 9B	Application for right of reasonable access to child by parent who does not have custody and who has not voluntarily acknowledged parentage
Form 9C	Application by person having right of access to child where access is being unreasonably denied or restricted
Form 10A	Application for guardianship following death of guardian
Form 10B	Report by social worker: guardianship on death of guardian
Form 10C	Certificate of guardianship
Form 10D	Complaints against guardian or tutor
Form 10E	Report by social worker: complaint about guardian or tutor
Form 11A	Parenting plan
Form 11B	Application for parenting plan to be made order of court
Form 11C	Application for amendment or termination of parenting plan or order concerning disputes relating to parenting plan
Form 12A	Kinship care agreement
Form 12B	Application relating to kinship care agreement amendment, termination or disputes
Form 12C	Application for access to child by former kinship care-giver after termination of kinship care agreement
Form 13A	Reporting of child suspected of being in need of protective services (professionals)
Form 13B	Reporting of child suspected of being in need of protective services (member of public)
Form 14	Removal of child to place of safety or other temporary safe care
Form 15	Written notice for removal of alleged offender
Form 16	Report by designated social worker: Section 139 of Act
Form 17	Application for approval as prospective foster parent
Form 18A	Summons to appear before children's court for purposes of contribution order proceedings
Form 18B	Application on behalf of child for variation, suspension, rescission or revival of contribution order
Form 18C	Application by respondent for variation, suspension, rescission or revival of contribution order
Form 19A	Application to be approved as prospective adoptive parent

Form 19B	Registration Form for purposes of Register of Adoptable Children and Prospective Adoptive Parents (RACAP)
Form 20	Request to access information on Register of Adoptable Children and Prospective Adoptive Parents (RACAP)
Form 21A	Consent by parent or guardian to adoption
Form 21B	Consent by child to own adoption
Form 22A	Application for adoption of child
Form 22B	Notice of application for adoption
Form 22C	Report by designated social worker to accompany application for adoption
Form 22D	Adoption order: Domestic adoption
Form 22E	Application to note adoption on birth register
Form 22F	Application for rescission of adoption order
Form 22G	Notice of rescission of adoption order proceedings
Form 23A	Application for accreditation to provide inter-country adoption and renewal of application
Form 23B	Certificate of accreditation to render inter-country adoption
Form 23C	Certificate of authorisation for overseas accredited body to facilitate inter-country adoption in Namibia
Form 23D	Adoption order: Inter-country adoption
Form 24A	Application for recognition of child-headed household
Form 24B	Assessment of application for recognition as child-headed household
Form 24C	Certificate issued in respect of child-headed household
Form 24D	Certificate issued to adult supervisor designated to supervise child-headed household
Form 25	Consent for taking or sending child outside Namibia
Form 26A	Consent by parent, guardian or care-giver for child to participate in activity
Form 26B	Application for licence for child to participate in income-generating activity
Form 26C	Licence for child to participate in income-generating activity
Form 27	State grants
Form 28	Complaint regarding conditions of child in prison or police cells

**FORM 1A**

Section 33 of Child Care and Protection Act, 2015

Regulation 3

**APPLICATION FOR DESIGNATION OF SOCIAL WORKER**

<b>PART A. PARTICULARS OF APPLICANT</b>			
Surname			
First name			
Registration number			
Work address			
Telephone	(      )	Cellphone	
Email		Fax	

<b>PART B. SCREENING QUESTIONS</b>	
Please indicate that you:	
<input type="checkbox"/> have at least 3 years of continuous experience in the field of child care and protection; OR <input type="checkbox"/> work under the supervision of a social worker who has more than 3 years of continuous experience in child care and protection?	
Has the Social Work and Psychology Council of Namibia or any court found you to be unsuitable to work with children?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Have you ever been convicted of any offense relating to child neglect or abuse, drug trafficking or any of the offences listed section 238(8) of the Act, whether in Namibia or elsewhere?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Do you have at least 4 years of practical experience in adoption or court matters? <i>[Complete if you are seeking designation to facilitate adoption]</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No

<b>PART C: RELEVANT EXPERIENCE OF APPLICANT</b>
Provide particulars demonstrating the applicant's expertise relevant to the field of child care and protection.

**PART D: RELEVANT EXPERIENCE OF APPLICANT IN  
ADOPTION MATTERS**

*If applicable, provide particulars demonstrating the applicant's  
practical experience in adoption matters.*

**Declaration**

I hereby apply for a certificate of authorisation to perform the functions assigned to a designated social worker under section 33 of the Child Care and Protection Act, 2015. I certify that the above-mentioned particulars are, to the best of my knowledge, true and correct.

Signature of applicant: \_\_\_\_\_

Name of applicant: \_\_\_\_\_

Date: \_\_\_\_\_

Place: \_\_\_\_\_



**SUPPORTING DOCUMENTATION**

- proof of registration under the Social Work and Psychology Act;
- proof of citizenship or permanent residence;
- if not a Namibian citizen, permanent residence certificate number or other proof of legal residence in Namibia;
- police clearance certificate, issued within 6 months before the date of application or designation, from:
  - o Namibia, if you are a Namibian citizen, permanent resident, or have been residing in Namibia for the last 5 years;
  - o The country of origin, if the country of origin is different from Namibia; and
  - o any country where you have resided in the last 5 years.
- Reference letter from any relevant person or institution, confirming that you have the appropriate skills and interest to uphold the rights and interests of children in your work.

**FORM 1B**

Section 33 of Child Care and Protection Act, 2015

Regulation 3 and 4

**CERTIFICATE OF AUTHORISATION: FUNCTIONS WHICH SOCIAL WORKER OR CHILD PROTECTION ORGANISATION IS AUTHORISED TO PERFORM**


---

 (name and surname of social worker or name of child protection organisation)

---

 (registration number, if applicable)

It is hereby certified that the above-named social worker or child protection organisation is authorised to perform the following functions in terms of the Child Care and Protection Act, 2015:

1.  **All functions** assigned to a **\*designated social worker / \*child protection organisation** under the Child Care and Protection Act, 3 of 2015, *with the exception of probation officer services, inter-country adoption and any other prohibitions listed in paragraph 3.*
2.  The following **functions** assigned to a **\*designated social worker / \*child protection organisation** under the Child Care and Protection Act, 2015, *with the exception of probation officer services, inter-country adoption and any other prohibitions listed in paragraph 3.*

**\*PERMITTED FUNCTIONS:**

- |  |   |
|--|---|
| <input type="checkbox"/> Preparing reports for the Minister                            | <input type="checkbox"/> Facilitation of foster care and supervision of children in foster care                                 |
| <input type="checkbox"/> Preparing reports for the children's court                    | <input type="checkbox"/> Assessment of prospective adoptive parents   |
| <input type="checkbox"/> Facilitating mediation  | <input type="checkbox"/> Facilitation of domestic adoptions   |
| <input type="checkbox"/> Inspecting residential child care facilities                  | <input type="checkbox"/> Providing support services for child victims of trafficking  |
| <input type="checkbox"/> Reports in respect of custody, guardianship or custody issues | <input type="checkbox"/> Monitoring child-headed households   |
| <input type="checkbox"/> Facilitating parenting plans                                  | <input type="checkbox"/> Reunification of children with their families and associated supervision                               |
| <input type="checkbox"/> Providing prevention and early intervention services          | <input type="checkbox"/> Facilitating placement of children in alternative care and supervision of children in alternative care |
| <input type="checkbox"/> Investigation of children in need of protective services      | <input type="checkbox"/> Facilitating kinship care kinship care   |
| <input type="checkbox"/> Removing children or alleged offenders                        | <input type="checkbox"/> Assessment of child disability grants  |
| <input type="checkbox"/> Assessment of prospective foster parents                      |   |

3. **PROHIBITIONS:** The above-mentioned social worker or child protection organisation is prohibited from performing the following functions (specify):

---



---



---

ISSUED BY MINISTER on \_\_\_\_\_ (date)

OFFICIAL STAMP

**This certificate is valid for two years from the date of issue.**

\* Delete whichever is not applicable

**FORM 1C**

Section 33 of Child Care and Protection Act, 2015

Regulation 4

**APPLICATION FOR DESIGNATION OF CHILD PROTECTION ORGANISATION**

<b>PART A. PARTICULARS OF APPLICANT</b>			
Name of organisation			
Registration number (if applicable)			
Address			
Telephone	(      )	Cellphone	
Email		Fax	
Particulars of person applying on behalf of the child protection organisation and the position of that person in the organisation.			
Surname			
First name			
Registration number (if a social worker)			
Position			
Telephone	(      )	Cellphone	
Email		Fax	
List names and registration numbers of social workers employed by organisation who have been issued certificates of authorisation under the Act			
<b>SOCIAL WORKER 1</b>			
Surname			
First name			
Registration number			
<b>SOCIAL WORKER 2</b>			
Surname			
First name			
Registration number			
<b>SOCIAL WORKER 3</b>			
Surname			
First name			
Registration number			
<i>Attach additional pages if necessary.</i>			

<b>PART B. SCREENING QUESTIONS</b>	
Is the organization registered with the appropriate authority (if any)?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Is the organization a non-profit organisation in the form of a registered trust or a legal person?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Does the organization have the necessary capacity and expertise to perform functions in terms of section 33 of the Act?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Does the organisation's constitution or other founding document include the provision of child care and protection services?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Does the organisation have the ability to respond to the needs of children with special needs and disabilities either directly or through appropriate referrals?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Does the organisation employ one or more social workers who have been issued certificates of authorisation in terms of the Act?	<input type="checkbox"/> Yes <input type="checkbox"/> No

**PART C: RELEVANT EXPERIENCE OF APPLICANT**

Provide particulars demonstrating the applicant's capacity and expertise to perform child care and protection services.

**PART D: RELEVANT EXPERIENCE OF APPLICANT**

Provide particulars demonstrating the applicant's ability to respond to the needs of children with special needs and disabilities.

**Declaration**

I hereby apply on behalf of the organisation for a certificate of authorisation to perform the functions assigned to a designated of a child protection organisation under section 33 of the Child Care and Protection Act, 2015. I certify that the above-mentioned particulars are, to the best of my knowledge, true and correct.

Signature of applicant: \_\_\_\_\_

Name of applicant: \_\_\_\_\_

Date: \_\_\_\_\_

Place: \_\_\_\_\_

**SUPPORTING DOCUMENTATION**

- business plan of the organisation;
- audited financial statements for the previous financial year, or if the audited statements cannot be furnished such financial statements as are available accompanied by a sworn statement as to why audited statements cannot be furnished;
- proof of registration with the appropriate authority, in cases where registration is required;
- proof of registration under the Social Work and Psychology Act in respect of all social workers employed by the organisation;
- the constitution or other founding document of the organisation;
- police clearance certificates issued within six months of the date of application for designation in respect of all social workers and any other persons employed by the organisation who work directly with children; and
- if seeking state funding, proof of sound financial management and efficiency, economy and effectiveness of its programmes; and
- other documents as may be relevant to the application.

**FORM 1D**

Section 35 of Child Care and Protection Act, 2015

Regulation 5

**APPLICATION FOR DESIGNATION AS PROBATION OFFICER**

<b>PART A. PARTICULARS OF APPLICANT</b>			
Surname			
First name			
Registration number			
Work address			
Telephone		Cellphone	
Email		Fax	

<b>PART B. SCREENING QUESTIONS</b>	
Are you seeking authorisation to work with:	
<input type="checkbox"/> adults only <input type="checkbox"/> children only <input type="checkbox"/> adults and children	
If you are seeking authorisation to work with children: Has the Social Work and Psychology Council of Namibia or any court found you to be unsuitable to work with children?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If you are seeking authorisation to work with children: Have you ever been convicted of any offense relating to child neglect or abuse, drug trafficking or any of the offences listed section 238(8) of the Act, whether in Namibia or elsewhere?	<input type="checkbox"/> Yes <input type="checkbox"/> No

<b>PART C: RELEVANT EXPERIENCE OF APPLICANT</b>
Provide particulars demonstrating the applicant's experience or skills appropriate to the powers and functions of a probation officer.

<b>Declaration</b>
I hereby apply for a certificate of authorisation to perform the functions assigned to probation officers under section 35 of the Child Care and Protection Act, 2015. I certify that the above-mentioned particulars are, to the best of my knowledge, true and correct.
Signature of applicant: _____
Name of applicant: _____
Date: _____
Place: _____

**SUPPORTING DOCUMENTATION**

- proof of registration as a social worker under the Social Work and Psychology Act;
- reference letter from any relevant person or institution, confirming your experience or skills appropriate to the powers and functions of a probation officer;
- if seeking designation to work with children, police clearance certificate, issued within 6 months before the date of application or designation, from:
  - Namibia, if you are a Namibian citizen, permanent resident, or have been residing in Namibia for the last 5 years;
  - your country of origin, if your country of origin is different from Namibia; and
  - any country where you have resided in the last 5 years.

**FORM 1E**

Section 35 of Child Care and Protection Act, 2015  
Regulation 5

**CERTIFICATE: PROBATION OFFICER**

---

(name and surname of social worker)

---

(social work registration number)

It is hereby certified that the above-named social worker is  
authorised in terms of the Child Care and Protection Act, 2015  
as a **probation officer to work with the following**

[tick what is applicable]:

- child offenders only.
- adult offenders only.
- both child and adult offenders.

**ISSUED BY MINISTER**

on \_\_\_\_\_ (date)

OFFICIAL STAMP:

**This certificate is valid for five years from the date of issue.**



**FORM 2**

Section 85(1) of Child Care and Protection Act, 2015  
Regulation 21

**NOTICE OF APPEAL TO CHILDREN'S COURT**

**File number:** \_\_\_\_\_

*(file number to be entered by clerk of court)*

**To the Children's Commissioner for** \_\_\_\_\_  
*(place)*

PARTICULARS OF APPLICANT			
Surname			
First names			
ID number			Date of birth / /
Residential address		Postal address	
Telephone		Cellphone	
Email		Fax	
Employer			
Work physical address		Work postal address	
Work telephone		Other work contact number if possible	
Work email		Work fax	

**1. This is an appeal against the following decision:**

DECISION BEING APPEALED	
Indicate nature of decision taken under chapter 5 of the Act in respect of which this appeal is lodged	
PERSON WHO MADE DECISION	
First name and surname	
Position	

**2. My interest in the decision taken (how the decision affects me) is as follows:**

<b>INTEREST IN DECISION</b>

**3. The reasons for the appeal are contained in an affidavit attached to this form.**

<b>Declaration</b>
<p>I, the undersigned, hereby declare that the information provided in this application is to the best of my knowledge true and correct.</p> <p>Signature of applicant: _____</p> <p>Date: _____ Place: _____</p>

**Note to person appealing**

1. An appeal must be lodged within 30 days after the decision has come to the notice of the appellant
2. The appeal must be lodged with the children's court having jurisdiction
3. The appeal must be decided by the children's court within 90 days of receiving this notice of the appeal.

**FORM 3A**

Section 73(1) and 74(3) of Child Care and Protection Act, 2015  
Regulation 23(1)

**APPLICATION FOR REGISTRATION OR RENEWAL OF REGISTRATION OF  
CHILDREN'S HOME OR CHILD DETENTION CENTRE**

NATURE OF APPLICATION	
This is an application in respect of:	
<input type="checkbox"/> a children's home <input type="checkbox"/> a child detention centre	

PART A. DETAILS OF PROPOSED OR EXISTING FACILITY			
Name of home or centre			
Registration number <i>(if previously registered)</i>			
Physical address			
Region		Constituency	
Postal address			
Telephone		Fax	
Email			
Total number of children and age group that will be accommodated			

PART B. PARTICULARS OF APPLICANT <i>(person applying for registration or renewal of registration)</i>										
Name of individual completing application										
Position		ID number								
Name of organisation <i>(if applicable)</i>										
State the type of organisation and any applicable registration number.	Type of organisation <i>(trust, company, close corporation, voluntary association)</i>					Registration number <i>(if applicable)</i>				
Is the organisation registered as a Welfare Organisation under the National Welfare Act, 1965 (Act No. 79 of 1965)?	<input type="checkbox"/> Yes If yes, give Welfare Organisation number:									
	<input type="checkbox"/> No									
Give contact details of the applicant if different from those of the facility.										
Postal address										
Telephone		Fax								
Email										

<b>PART C. MANAGEMENT &amp; STAFFING OF HOME OR CENTRE</b>					
<b>Membership of management body</b>					
<b>Position</b>	<b>Name</b>		<b>Telephone</b>	<b>Email</b>	
Chairperson					
Vice-Chairperson					
Secretary					
Treasurer					
<b>Details of person responsible for finances of home or centre</b>					
Name					
Address					
Telephone			Email		
<b>Staff members of home or centre</b>					
<b>Staff Member 1</b>			<b>Staff Member 2</b>		
Surname			Surname		
First name(s)			First name(s)		
Post			Post		
Sex	<input type="checkbox"/> male	<input type="checkbox"/> female	Sex	<input type="checkbox"/> male	<input type="checkbox"/> female
Salary			Salary		
Social security reg. number			Social security reg. number		
Educational qualification			Educational qualification		
Years of experience in this type of work			Years of experience in this type of work		
<b>Staff Member 3</b>			<b>Staff Member 4</b>		
Surname			Surname		
First name(s)			First name(s)		
Post			Post		
Sex	<input type="checkbox"/> male	<input type="checkbox"/> female	Sex	<input type="checkbox"/> male	<input type="checkbox"/> female
Salary			Salary		
Social security registration number			Social security registration number		
Educational qualification			Educational qualification		
Years of experience in this type of work			Years of experience in this type of work		
<b>Staff Member 5</b>			<b>Staff Member 6</b>		
Surname			Surname		
First name(s)			First name(s)		
Post			Post		

Sex	<input type="checkbox"/> male	<input type="checkbox"/> female	Sex	<input type="checkbox"/> male	<input type="checkbox"/> female
Salary			Salary		
Social security registration number			Social security registration number		
Educational qualification			Educational qualification		
Years of experience in this type of work			Years of experience in this type of work		
<b>Staff Member 7</b>			<b>Staff Member 8</b>		
Surname			Surname		
First name(s)			First name(s)		
Post			Post		
Sex	<input type="checkbox"/> male	<input type="checkbox"/> female	Sex	<input type="checkbox"/> male	<input type="checkbox"/> female
Salary			Salary		
Social security registration number			Social security registration number		
Educational qualification			Educational qualification		
Years of experience in this type of work			Years of experience in this type of work		
If children with special needs are to be accommodated, give details about staff members who are equipped to address those needs:					

<b>PART D. BUILDINGS, SITE AND EQUIPMENT</b>	
Size of premises (sq metres)	
Size of playground (sq metres)	
<b>Safety measures</b>	
Are the premises fenced in? <i>(if yes, describe kind of fencing)</i>	<input type="checkbox"/> No <input type="checkbox"/> Yes .....
Describe other security measures. <i>(alarms, armed response, burglar bars, security doors, fire extinguishers, security guards, etc)</i>	
Describe style of buildings. <i>(hostel, cottage, etc)</i>	
Number of floors in building?	
Describe type of construction. <i>(brick, wood, etc)</i>	

<b>Rooms and amenities for use by children</b>			
Type of room / amenity	Sex/age	Number	Floor space (square metres) (where applicable)
Bedrooms	Babies (under 3 years)		
	Girls (3 years or older)		
	Boys (3 years or older)		
Bathrooms	Girls		
	Boys		
Wash basins	Girls		
	Boys		
Showers	Girls		
	Boys		
Toilets	Girls		
	Boys		
Dining rooms			
Kitchen			
Recreation/TV/playrooms			
Isolation/sick rooms			
<b>Rooms and amenities for use by staff only</b>			
Type of rooms	Style	Number	Floor space (sq metres)
Residential staff	Houses		
	Flats		
	Rooms		
	Other ( <i>specify</i> )		
Daily staff	Offices		
	Toilets		
	Other ( <i>specify</i> )		
<b>Other facilities</b>			
Are all rooms properly furnished & equipped? (give details)			
<b>Provision for children's recreational spaces</b>			
Indoors			
Outdoors			

<b>PART E. PARTICULARS OF CHILDREN CARED FOR / TO BE CARED FOR</b> (place X in right hand column for those that apply)		
Abandoned & street children		
Neglected or abused children		
Orphans (due to HIV/Aids & other reasons)		
Children with behaviour problems		
Children with physical disabilities		
Children with mental//emotional disabilities		
Children with chronic illnesses		
Children diagnosed with HIV/AIDS		
Children awaiting trial or sentence		
Children placed under an order in terms of the Criminal Procedure Act, 1977 (Act No. 51 of 1977) or any other law?		
Other (specify)		
<b>NUMBER OF CHILDREN ACCOMMODATED / TO BE ACCOMMODATED</b>		
Babies (under 3 years of age)		
Girls (3 years or older)		
Boys (3 years or older)		
<b>AGES OF ADMISSION/RETENTION</b>		
	Girls	Boys
Minimum age of admission		
Maximum age of admission		
Maximum age of retention		

<b>PART F. ARRANGEMENTS FOR MEDICAL AND DENTAL TREATMENT (describe)</b>	
Describe first aid equipment on site	

<b>PART G. ARRANGEMENTS FOR PROVISION OF FOOD (describe)</b>

**PART H. ARRANGEMENTS FOR PARTICIPATION IN RELIGIOUS ACTIVITIES** *(describe)*

--

**PART I. ARRANGEMENTS FOR EDUCATION** *(describe)*

--

**PART J. ARRANGEMENTS FOR TRANSPORT OF CHILDREN**  
*(to school, sports, church, hospital, etc)*

--

**PART K. INCOME AND ASSETS**

Describe sources of income to sustain the facility and to care for the children	
Are the buildings and site the property of the applicant? If not, state name, physical address and contact number of owner.	
If building or site is leased, state the monthly rental and period of lease.	
List all other fixed assets owned by the applicant.	



**PART L. ANY OTHER RELEVANT INFORMATION**

(Provide any information which may help with the consideration of this application.)

**PART M: SUPPORTING DOCUMENTS***The following supporting documents must accompany the application:*

- Existing registration document (if applicable)
- Constitution or other founding document
- Health certificate from local authority / ministry responsible for health (if applicable)
- Copy of approved building plans (or plans submitted pending approval)
- House rules
- Specimen menus
- Specimen weekly programme
- Job descriptions and duty sheets of staff
- Needs assessment
- Inventory list;
- Documentation of the qualifications, skills and experience of the applicant in the type of care to be provided at the facility
- Financial statements
- Emergency plan;
- Police clearance certificates for board members and staff
- Other relevant documentation (*list*)

**Declaration**

I, the undersigned, hereby declare that the information provided in this application is to the best of my knowledge true and correct.

Signature of applicant: \_\_\_\_\_

Date: \_\_\_\_\_ Place: \_\_\_\_\_

**FORM 3B**

Section 74(1)(d) of Child Care and Protection Act, 2015  
Regulation 23(11)

**CERTIFICATE OF REGISTRATION: CHILDREN'S HOME OR CHILD DETENTION CENTRE**

**This is to certify that:**

Name of home or centre			
Physical address		Postal address	
Telephone		Email	

**complies with the requirements for registration as:**

children's home     child detention centre

**in terms of Child Care and Protection Act, 2015, with respect to:**

Maximum number of children	
Designated age group (if applicable)	
Particulars of children to be accommodated	
Registration date	
Registration number	

**subject to the following conditions:**

<b>Condition</b> ( <i>attach pages if necessary</i> )	<b>Date by which rectifying action must be completed</b> ( <i>if applicable</i> )

**ISSUED BY THE MINISTER**

**OFFICIAL STAMP**

on \_\_\_\_\_ (date)

**This certificate is valid for five years from the date of issue.**

**FORM 4A**

Section 73(1) and 74(3) of Child Care and Protection Act, 2015  
Regulation 24(1)

**APPLICATION FOR REGISTRATION OR RENEWAL OF REGISTRATION OF  
PLACE OF CARE, EARLY CHILDHOOD DEVELOPMENT CENTRE OR SHELTER**

NATURE OF APPLICATION	
This is an application in respect of:	
<input type="checkbox"/>	<b>a place of care</b>
<input type="checkbox"/>	<b>an early childhood development centre</b>
<input type="checkbox"/>	<b>a shelter</b>

PART A. DETAILS OF PROPOSED OR EXISTING FACILITY			
Name of facility			
Registration number <i>(if previously registered)</i>			
Physical address			
Region		Constituency	
Postal address			
Telephone		Fax	
Email			
Number of children and age group that will be accommodated			

PART B. PARTICULARS OF APPLICANT <i>(person applying for registration or renewal of registration)</i>											
First name(s) and surname of individual completing application											
Position		ID number									
Name of organisation <i>(if applicable)</i>											
State the type of organisation and any applicable registration number.	Type of organisation <i>(trust, company, close corporation, voluntary association)</i>					Registration number <i>(if applicable)</i>					
Is the organisation registered as a Welfare Organisation under the National Welfare Act, 1965 (Act No. 79 of 1965)?	<input type="checkbox"/> Yes If yes, give Welfare Organisation number:										
	<input type="checkbox"/> No										
Give contact details of the applicant if different from those of the facility.											
Postal address											
Telephone		Fax									
Email											

**PART C: SUPPORTING DOCUMENTS**

*The following supporting documents must accompany the application:*

- Existing registration document (if applicable);
- Constitution or other founding document;
- Health certificate from local authority / ministry responsible for health (if applicable);
- Copy of approved building plans (or plans submitted pending approval);
- Business plan containing -
  - the business hours of the facility;
  - the fee structure, if applicable;
  - a day care plan; and
  - the staff composition
- Inventory list;
- Description of the contents of the programmes and services to be offered, including the aims and objectives;
- Documentation of the qualifications, skills and experience of the applicant in the type of care to be provided at the facility;
- Financial statements;
- Emergency plan;
- Police clearance certificates for staff;
- Other relevant documentation (*list*).

**PART D: GENERAL REMARKS**

*(any additional remarks by the applicant in support of the application)*

**Declaration**

I, the undersigned, hereby declare that the information provided in this application is to the best of my knowledge true and correct.

Signature of applicant: \_\_\_\_\_

Date: \_\_\_\_\_ Place: \_\_\_\_\_

**FORM 4B**

Section 74(1)(d) of Child Care and Protection Act, 2015  
Regulation 24(7)

**CERTIFICATE OF REGISTRATION: PLACE OF CARE, EARLY CHILDHOOD  
DEVELOPMENT CENTRE OR SHELTER**

**This is to certify that:**

Name of facility			
Physical address		Postal address	
Telephone		Email address	

**complies with the requirements for registration as a:**

place of care     early childhood development centre     shelter

**in terms of Child Care and Protection Act, 2015, with respect to:**

Maximum number of children	
Designated age group (if applicable)	
Particulars of children to be accommodated	
Registration date	
Registration number	

**subject to the following conditions:**

Condition	Date by which rectifying action must be completed <i>(if applicable)</i>

**ISSUED BY THE MINISTER**

**OFFICIAL STAMP**

on \_\_\_\_\_ (date)

**This certificate is valid for five years from the date of issue.**

**FORM 5A**

Section 99(2)(a) of the Child Care and Protection Act, 2015  
Regulation 29(1)

**WRITTEN AGREEMENT FOR CUSTODY AND GUARDIANSHIP  
OF CHILD BORN OUTSIDE MARRIAGE**

*If there are multiple children, the parents should complete a separate agreement for each child.  
Each parent should initial the first page of the agreement and sign the second page in full.*

FIRST NAME(S) AND SURNAME OF CHILD	ID NUMBER / DATE OF BIRTH																					
	<table border="1"> <tr> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> </table> / /																					

**We, the parents of the child named above, agree that:**

*(print first name(s) and surname of mother or father)*

**must have the custody of this child. We understand that the custodian of a child in terms of this agreement is also the child's guardian as contemplated in section 101(1) of the Act, unless a competent court, on application made to it, directs otherwise.**

PARTICULARS OF PARENTS																			
MOTHER										FATHER									
Surname										Surname									
First name(s)										First name(s)									
ID number										ID number									
Date of birth	/ /									Date of birth	/ /								
Residential address										Residential address									
Postal address										Postal address									
Home telephone										Home telephone									
Cellphone										Cellphone									
Email										Email									

**Signed at the place and date and in the presence of the following witnesses:**

MOTHER					FATHER				
Signature or mark					Signature or mark				
Place					Place				
Date					Date				
<b>Two witnesses</b>					<b>Two witnesses</b>				
1. Print first name(s) and surname					1. Print first name(s) and surname				
Signature					Signature				
2. Print first name(s) and surname					2. Print first name(s) and surname				
Signature					Signature				

**FOR OFFICIAL USE ONLY**

*(if agreement is registered)*

**I hereby confirm that this agreement was registered at the following children's court**

\_\_\_\_\_ *(court)*

**on** \_\_\_\_\_ *(date)*.

**CLERK OF COURT**

Print first names(s) and surname: \_\_\_\_\_

Signature: \_\_\_\_\_

Place: \_\_\_\_\_ Date: \_\_\_\_\_

**OFFICIAL STAMP**

*(stamp each page of form)*

**FORM 5B**

Section 100(2) of Child Care and Protection Act, 2015  
Regulation 30(1)

**APPLICATION FOR CUSTODY**

**THIS FORM MUST BE COMPLETED TOGETHER WITH FORM 6**

**File number:** \_\_\_\_\_

*(file number to be entered by clerk of court)*

To the Children's Commissioner for \_\_\_\_\_  
*(place)*

FIRST NAMES AND SURNAMES OF CHILD / CHILDREN	ID NUMBER / DATE OF BIRTH
	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> / /
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**PART A: INFORMATION ABOUT APPLICATION****1. This is an application for an order for**

sole custody by \_\_\_\_\_  
*(name of proposed custodian)*

joint custody by \_\_\_\_\_ and \_\_\_\_\_  
*(name of proposed custodians)*  
of the child or children listed above.

**2. The applicant**

- is the person seeking custody.  
 is NOT the person seeking custody.

*If the applicant and the proposed custodian are not the same person, complete PART B of this form.*

**PART B: INFORMATION ABOUT PROPOSED CUSTODIAN  
IF NOT SAME PERSON AS APPLICANT****PROPOSED CUSTODIAN 1**

Surname	<input type="text"/>	Sex	<input type="checkbox"/> Male	<input type="checkbox"/> Female		
First name(s)	<input type="text"/>					
Title	<input type="checkbox"/> Mr	<input type="checkbox"/> Mrs	<input type="checkbox"/> Miss	<input type="checkbox"/> Ms	<input type="checkbox"/> Dr	<input type="checkbox"/> Other
ID number	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	Date of birth	___ / ___ / _____ day / month / year			



Relationship to the child or children (Tick one item on the list.)	<input type="checkbox"/> parent of child <input type="checkbox"/> spouse of parent of child <input type="checkbox"/> care-giver of child <input type="checkbox"/> other  If relationship is different for different children, explain here:					
Residential address		Postal address				
Home telephone		Cellphone				
Email contact						
Employer						
Work physical address		Work postal address				
Work telephone		Other work contact number if possible				
Work email		Work fax				
<b>PROPOSED CUSTODIAN 2 (if applicable)</b>						
Surname		Sex	<input type="checkbox"/> Male	<input type="checkbox"/> Female		
First name(s)						
Title	<input type="checkbox"/> Mr	<input type="checkbox"/> Mrs	<input type="checkbox"/> Miss	<input type="checkbox"/> Ms	<input type="checkbox"/> Dr	<input type="checkbox"/> Other
ID number	<input type="text"/>	Date of birth	____/____/____ day / month / year			
Relationship to the child or children (Tick one item on the list.)	<input type="checkbox"/> parent of child <input type="checkbox"/> spouse of parent of child <input type="checkbox"/> care-giver of child <input type="checkbox"/> other  If relationship is different for different children, explain here:					
Residential address		Postal address				
Home telephone		Cellphone				
Email contact						
Employer						
Work physical address		Work postal address				
Work telephone		Other work contact number if possible				
Work email		Work fax				

**PART C: MOTIVATION FOR CUSTODY APPLICATION**

Attach additional pages if necessary. Attach all relevant documentation

**Declaration by Applicant 1**

I, the undersigned, hereby declare that the information provided in this application is to the best of my knowledge true and correct.

Signature of applicant: \_\_\_\_\_

Date: \_\_\_\_\_ Place: \_\_\_\_\_

**Declaration by Applicant 2 (if applicable)**

I, the undersigned, hereby declare that the information provided in this application is to the best of my knowledge true and correct.

Signature of applicant: \_\_\_\_\_

Date: \_\_\_\_\_ Place: \_\_\_\_\_

**FORM 6**

Section 52 of Child Care and Protection Act, 2015  
Regulation 30(1), 31(1), 32 and 34

**FULL PARTICULARS OF CHILDREN AND OTHER PARTIES INVOLVED IN MATTER**

File Number: _____
Type of matter: _____ (child who may be in need of protective services; matter relating to custody, guardianship or access; etc)
Court: _____ (name of court)
<b>(To be completed by the clerk of children's court)</b>

**Note to person completing Form:**

1. Affidavits of persons or other documentary evidence in support of the matter must be attached.
2. If necessary, submit information on additional pages and sign each page.

**PART A: PARTICULARS OF CHILD OR CHILDREN INVOLVED IN THE MATTER**

<b>PART A: PARTICULARS OF CHILD OR CHILDREN INVOLVED IN THE MATTER</b>																							
<b>CHILD 1</b>								<b>CHILD 2</b>															
Surname								Surname															
First name(s)								First name(s)															
ID number (if child has an ID)								ID number (if child has an ID)															
Date of birth				/ /				Date of birth				/ /											
Sex				<input type="checkbox"/> male				<input type="checkbox"/> female				Sex				<input type="checkbox"/> male				<input type="checkbox"/> female			
Residential address								Residential address															
Postal address								Postal address															
Physical address where documents can be served if not residential address								Physical address where documents can be served if not residential address															
Telephone contact				(    )				Telephone contact				(    )											
Cellphone contact								Cellphone contact															
Email contact								Email contact															
Home language								Home language															
School attended								School attended															
Grade								Grade															
Person currently caring for child								Person currently caring for child															

Other relevant information – such as financial position, socio-economic status, availability of transport, whether an interpreter will be needed, any special requirements (for example, wheelchair access) – which may assist the court in deciding how best to deal with the matter in terms of the Child Care and Protection Act, 2015							
<b>CHILD 3</b>				<b>CHILD 4</b>			
Surname				Surname			
First name(s)				First name(s)			
ID number (if child has an ID)				ID number (if child has an ID)			
Date of birth		/ /		Date of birth		/ /	
Sex		<input type="checkbox"/> male <input type="checkbox"/> female		Sex		<input type="checkbox"/> male <input type="checkbox"/> female	
Residential address				Residential address			
Postal address				Postal address			
Physical address where documents can be served if not residential address				Physical address where documents can be served if not residential address			
Telephone contact		( )		Telephone contact		( )	
Cellphone contact				Cellphone contact			
Email contact				Email contact			
Home language				Home language			
School attended				School attended			
Grade				Grade			
Person currently caring for child				Person currently caring for child			
Other relevant information – such as financial position, socio-economic status, availability of transport, whether an interpreter will be needed, any special requirements (for example, wheelchair access) – which may assist the court in deciding how best to deal with the matter in terms of the Child Care and Protection Act, 2015							

CHILD 5					CHILD 6				
Surname					Surname				
First name(s)					First name(s)				
ID number (if child has an ID)					ID number (if child has an ID)				
Date of birth	/		/		Date of birth	/		/	
Sex	<input type="checkbox"/> male		<input type="checkbox"/> female		Sex	<input type="checkbox"/> male		<input type="checkbox"/> female	
Residential address					Residential address				
Postal address					Postal address				
Physical address where documents can be served if not residential address					Physical address where documents can be served if not residential address				
Telephone contact	( )				Telephone contact	( )			
Cellphone contact					Cellphone contact				
Email contact					Email contact				
Home language					Home language				
School attended					School attended				
Grade					Grade				
Person currently caring for child					Person currently caring for child				
Other relevant information – such as financial position, socio-economic status, availability of transport, whether an interpreter will be needed, any special requirements (for example, wheelchair access) – which may assist the court in deciding how best to deal with the matter in terms of the Child Care and Protection Act, 2015									

PART B: PARTICULARS OF PERSON BRINGING MATTER TO CHILDREN'S COURT															
Surname			Sex	<input type="checkbox"/> Male	<input type="checkbox"/> Female										
First name(s)															
Title	<input type="checkbox"/> Mr	<input type="checkbox"/> Mrs	<input type="checkbox"/> Miss	<input type="checkbox"/> Ms	<input type="checkbox"/> Dr	<input type="checkbox"/> Other									
ID number	<table border="1"> <tr> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> </table>													Date of birth	____/____/____ day / month / year

Your relationship to the child or children listed above <i>(Tick one item on the list.)</i>	<input type="checkbox"/> parent of child <input type="checkbox"/> care-giver of child <input type="checkbox"/> guardian of child <input type="checkbox"/> person acting in the interest of the child <input type="checkbox"/> person acting on behalf of child who cannot act in his/her own name <input type="checkbox"/> person acting as member of a group of class of children <input type="checkbox"/> person acting in the interest of a group of class of children <input type="checkbox"/> person acting in the public interest <input type="checkbox"/> Children's Advocate
If your relationship to the children listed above is different for different children, explain in the space provided.	If relationship is different for different children, explain here:
If the application is being brought by a legal entity, state type of organisation and any applicable registration number. <i>(Attach the relevant constitution or other founding document.)</i>	_____ Type of organisation (trust, company, close corporation, voluntary association)  _____ Registration number (if applicable)
Residential address	Postal address
Home telephone number	Cellphone number
Email address	Fax number
Employer	
Work physical address	Work postal address
Work telephone number	Other work contact number if possible
Work email address	Work fax

<b>PART C: SUMMARY OF MATTER</b>	
<b>Nature of matter brought to court</b>  <i>(registration/amendment of parenting plans, removal of child to safe care, children in need of protective services, adoption, custody, guardianship, access etc.)</i>	

<p><b>Documents</b></p> <p>List any documents relating to the matter, such as previous court orders, social worker reports, psychological reports, medical reports etc</p> <p><i>(Attach copies of all documents listed.)</i></p>	
---	--

**PART D: INFORMATION ABOUT PARENTS OF CHILD / CHILDREN**

*(If the children listed above do not all have the same parents, use separate forms for each child or attach additional pages to provide details of the parents of Child 1, Child 2, etc.)*

**Mother**

Tick here if you (*the applicant*) are the mother of the child / children.

If so, there is no need to repeat the information above.

Surname					
First name(s)					
Title	<input type="checkbox"/> Mrs	<input type="checkbox"/> Miss	<input type="checkbox"/> Ms	<input type="checkbox"/> Dr	<input type="checkbox"/> Other
ID number	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Date of birth ____ / ____ / ____ day / month / year
Residential address			Postal address		
Home telephone number			Cellphone number		
Email address					
Employer					
Work physical address			Work postal address		
Work telephone number			Other work contact number if possible		
Work email address			Work fax number		

**Father**

Tick here if you (*the applicant*) are the father of the child / children.

If so, there is no need to repeat the information above.

Surname					
First name(s)					
Title	<input type="checkbox"/> Mr	<input type="checkbox"/> Dr	<input type="checkbox"/> Other		
ID number	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Date of birth ____ / ____ / ____ day / month / year
Residential address			Postal address		
Home telephone number			Cellphone number		

Email address			
Employer			
Work physical address		Work postal address	
Work telephone number		Other work contact number if possible	
Work e-mail		Work fax Number	

<b>PART E: CURRENT CARE-GIVER OF CHILD / CHILDREN</b> <i>(if the child / children are in the care of someone other than the parent or guardian)</i>															
If the children listed above do not all have the same care-giver, use separate forms for each child or attach additional pages to provide details of the care-giver of Child 1, Child 2, etc.															
<input type="checkbox"/> Tick here if you ( <i>the applicant</i> ) are the current caregiver of the child / children. If so, there is no need to repeat the information above.															
Surname			Sex	<input type="checkbox"/> Male	<input type="checkbox"/> Female										
First name(s)															
Title	<input type="checkbox"/> Mr	<input type="checkbox"/> Mrs	<input type="checkbox"/> Miss	<input type="checkbox"/> Ms	<input type="checkbox"/> Dr <input type="checkbox"/> Other										
ID number	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> </tr> </table>													Date of birth	____/____/____ day / month / year
Residential address			Postal address												
Home telephone			Cellphone												
Email address															
Employer															
Work physical address			Work postal address												
Work telephone			Other work contact number if possible												
Work email			Work fax												

Signed at \_\_\_\_\_ (*place*) this \_\_\_\_ day of \_\_\_\_\_ (*month*), 20\_\_ (*year*)

(*signature / mark of person bringing matter to court*) \_\_\_\_\_

(*print first name(s) and surname*) \_\_\_\_\_

IF APPLICABLE:

(*print first name(s) and surname of person witnessing mark*) \_\_\_\_\_

(*signature of witness to mark*) \_\_\_\_\_



**FORM 7**

Section 100(3), 101(5), 102(5) and 143 of the Child Care and Protection Act, 2015  
 Regulation 30(2), 31(2), 32(4), and 34(2)

**NOTICE OF PROCEEDINGS IN CHILDREN’S COURT**

File Number: .....

IN THE CHILDREN’S COURT FOR THE DISTRICT OF \_\_\_\_\_

HELD AT \_\_\_\_\_

IN THE MATTER OF:

FIRST NAMES AND SURNAMES OF CHILD / CHILDREN	ID NUMBER / DATE OF BIRTH																						
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**and**

FIRST NAMES AND SURNAMES OF OTHER PARTY / PARTIES	ID NUMBER / DATE OF BIRTH																						
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TO: \_\_\_\_\_  
*(name and surname)*

RESIDENTIAL ADDRESS:  
 \_\_\_\_\_  
 \_\_\_\_\_

WORK ADDRESS:  
 \_\_\_\_\_  
 \_\_\_\_\_

**YOU ARE HEREBY NOTIFIED THAT:**

An application will be made before this Court at ..... (*place*) on the ..... **day of** ..... (*month*), 20.... (*year*) **at** ..... (*time*) **and on any subsequent day the court thereafter requires, regarding the following matter:**

---



---



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**YOU ARE HEREBY NOTIFIED** of the above-mentioned application and you may on that date appear before the above-mentioned court in order to make any representation on the matter in respect of which the application is made.

**PLEASE TAKE NOTE OF THE FOLLOWING:**

- (i) If you have any witness regarding the above matter, you may bring them and it is your responsibility to ensure that they are present at the proceedings.
- (ii) The costs of the service of the subpoena of witnesses will be borne by the person who requests the subpoena, unless otherwise provided for in the Act.

Signed at ..... (*place*) this ..... day of ..... (*month*), 20.... (*year*)

(*name and surname*) .....

(*signature*) .....

Clerk of the Children's Court

**RETURN OF SERVICE  
FOR OFFICIAL USE ONLY**

- I, ..... (print name), hereby certify that I have -
- delivered a copy of the notice to ..... personally;
  - delivered a copy of the notice to ....., who is the legal practitioner of record of .....
  - handed a copy of the notice to ..... a person apparently not younger than the age of 16 years and apparently residing or employed at the **\*residence / \*place of business** of ....., and at the same time informed the person of the nature thereof;
  - handed a copy of the notice to ..... a person apparently not younger than the age of 16 at the place of employment of ..... who is apparently **\*in authority over this person / \*in charge of the place of employment**, and at the same time informed the person of the nature thereof;
  - because ..... is a juristic person, delivered a copy of the notice to the juristic person's registered office or main place of business, and handed a copy of it to ..... who is **\*a director/ \*an employee** of the juristic person, and at the same time informed the person of the nature thereof;
  - submitted a copy of the notice to ..... by courier or by registered post;
  - delivered or submitted a copy of notice to ..... in the following manner .....

(specify).

Signed at ..... (*place*) this ..... day of ..... (*month*), 20.... (*year*)

.....  
*Signature of \*messenger of court/\*police officer/\*clerk of court/\*person authorised by children's commissioner*

First name(s) and surname (*print*) .....

Designation (rank) ..... *Ex officio* Republic of Namibia

Business address .....

(Street address must be stated.)

\*DELETE WHICHEVER IS NOT APPLICABLE.

**FORM 8**

Section 101(4) of the Child Care and Protection Act, 2015  
Regulation 31(1)

**APPLICATION FOR GUARDIANSHIP**

**THIS FORM MUST BE COMPLETED TOGETHER WITH FORM 6**

*Complete a separate form for each child.*

**File number:** \_\_\_\_\_

*(file number to be entered by clerk of court)*

To the Children's Commissioner for \_\_\_\_\_  
*(place)*

FIRST NAMES AND SURNAMES OF CHILD	ID NUMBER / DATE OF BIRTH														
	<table border="1"> <tr> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> <td>/</td><td>/</td> </tr> </table>													/	/
												/	/		

**PART A: INFORMATION ABOUT APPLICATION****1. This is an application for a court order for guardianship:**

- to either parent
- to both parents
- to .....  
(specify name of other person)  
of the child listed above.

**2. The applicant**

- is the person seeking guardianship.
- is NOT the person seeking guardianship.

*If the applicant) and the proposed guardian are not the same person, complete PART B of this form.*

**PART B: INFORMATION ABOUT PROPOSED GUARDIAN IF NOT THE SAME PERSON AS APPLICANT****PROPOSED GUARDIAN 1**

Surname		Sex	<input type="checkbox"/> Male	<input type="checkbox"/> Female											
First name															
Title	<input type="checkbox"/> Mr	<input type="checkbox"/> Mrs	<input type="checkbox"/> Miss	<input type="checkbox"/> Ms	<input type="checkbox"/> Dr	<input type="checkbox"/> Other									
ID number	<table border="1"> <tr> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> </table>												Date of birth	____ / ____ / ____ day / month / year	
Relationship to the child <i>(Tick one item on the list.)</i>	<input type="checkbox"/> parent of child <input type="checkbox"/> spouse of parent of child <input type="checkbox"/> care-giver of child <input type="checkbox"/> other														
	If relationship is different for different children, explain here:														

Residential address		Postal address											
Home telephone		Cellphone number											
Email contact													
Employer													
Work physical address		Work postal address											
Work telephone		Other work contact number if possible											
Work email		Work fax											
<b>PROPOSED GUARDIAN 2 (if applicable)</b>													
Surname		Sex	<input type="checkbox"/> Male <input type="checkbox"/> Female										
First name													
Title	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms	<input type="checkbox"/> Dr	<input type="checkbox"/> Other										
ID number	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> </tr> </table>											Date of birth	____/____/____ day / month / year
Relationship to the child (Tick one item on the list.)	<input type="checkbox"/> parent of child <input type="checkbox"/> spouse of parent of child <input type="checkbox"/> care-giver of child <input type="checkbox"/> other  If relationship is different for different children, explain here:												
Residential address		Postal address											
Home telephone		Cellphone number											
Email contact													
Employer													
Work physical address		Work postal address											
Work telephone		Other work contact number if possible											
Work email		Work fax											

**PART C: MOTIVATION FOR GUARDIANSHIP APPLICATION**

Attach additional pages if necessary. Attach all relevant documentation

**Declaration by Applicant 1**

I, the undersigned, hereby declare that the information provided in this application is to the best of my knowledge true and correct.

Signature of applicant: \_\_\_\_\_

Date: \_\_\_\_\_ Place: \_\_\_\_\_

**Declaration by Applicant 2 (if applicable)**

I, the undersigned, hereby declare that the information provided in this application is to the best of my knowledge true and correct.

Signature of applicant: \_\_\_\_\_

Date: \_\_\_\_\_ Place: \_\_\_\_\_

**FORM 9A**

Section 102(5) and (9) of the Child Care and Protection Act, 2015  
Regulation 32(1) and 33

**APPLICATION FOR RESTRICTION OR DENIAL OF ACCESS TO PARENT WHO DOES  
NOT HAVE CUSTODY OF CHILD BORN OUTSIDE MARRIAGE**

**THIS FORM MUST BE COMPLETED TOGETHER WITH FORM 6**

**File number:** \_\_\_\_\_

*(file number to be entered by clerk of court)*

**To the Children's Commissioner for** \_\_\_\_\_ *(place)*

**PART A****APPLICATION THAT ACCESS BE RESTRICTED OR DENIED**

FIRST NAMES AND SURNAMES OF CHILD / CHILDREN	ID NUMBER / DATE OF BIRTH																					
	<table border="1"> <tr> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> </table>																					/ /
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**I, \_\_\_\_\_ hereby apply to restrict or deny access  
to \_\_\_\_\_ *(name of parent not having custody)* to  
the children listed above for the following reasons:**

**Reasons for requesting that access be restricted or denied:**

Attach all relevant documentation

**Declaration**

I, the undersigned, hereby declare that the information provided in this application is to the best of my knowledge true and correct.

Signature of applicant: \_\_\_\_\_

Date: \_\_\_\_\_ Place: \_\_\_\_\_

**PART B**

THIS PART MUST BE COMPLETED IF A PERSON ADDITIONALLY REQUESTS THAT COURT RESTRICT OR DENY ACCESS WITH IMMEDIATE EFFECT, AS CONTEMPLATED IN SECTION 102(9) OF ACT, WHILE THE FINAL DECISION ON THE APPLICATION IN PART A IS PENDING

FIRST NAMES AND SURNAMES OF CHILD / CHILDREN	ID NUMBER / DATE OF BIRTH																						
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I, ..... hereby apply for a temporary emergency order to restrict or deny access by ..... (name of parent not having custody) to the child or children listed above.

**My reasons for believing that the child or children listed above are at risk of immediate harm from continued access are as follows:**

Attach all relevant documentation

**Declaration**

I, the undersigned, hereby declare that the information provided is to the best of my knowledge true and correct.

Signature of applicant: \_\_\_\_\_

Date: \_\_\_\_\_ Place: \_\_\_\_\_



**FORM 9B**

Section 102(10) of Child Care and Protection Act, 2015  
Regulation 32(2)

**APPLICATION FOR RIGHT OF REASONABLE ACCESS TO CHILD BY PARENT WHO DOES NOT HAVE CUSTODY AND WHO HAS NOT VOLUNTARILY ACKNOWLEDGED PARENTAGE**

**THIS FORM MUST BE COMPLETED TOGETHER WITH FORM 6**

**File number:** \_\_\_\_\_

*(file number to be entered by clerk of court)*

**To the Children's Commissioner for** \_\_\_\_\_ *(place)*

FIRST NAMES AND SURNAMES OF CHILD / CHILDREN	ID NUMBER / DATE OF BIRTH																						
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I, \_\_\_\_\_ parent of the child/ren listed above, who is in the custody of \_\_\_\_\_ *(name of custodian)*, hereby apply for access to the child or children listed above.

**Reasons why I should be given a right of access to the child**

Attach all relevant documentation

**Declaration**

I, the undersigned, hereby declare that the information provided in this application is to the best of my knowledge true and correct.

Signature of applicant: \_\_\_\_\_

Date: \_\_\_\_\_ Place: \_\_\_\_\_



<b>CHILD 3:</b> _____ <i>(name)</i>							
<b>Regularly weekly access as specified:</b>							
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Time							
<b>Periodic access as described here:</b> <i>(eg two weekends per month, school holidays, birthdays, Christmas, etc)</i>							
<b>CHILD 4:</b> _____ <i>(name)</i>							
<b>Regularly weekly access as specified:</b>							
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Time							
<b>Periodic access as described here:</b> <i>(eg two weekends per month, school holidays, birthdays, Christmas, etc)</i>							
<b>CHILD 5:</b> _____ <i>(name)</i>							
<b>Regularly weekly access as specified:</b>							
	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Time							
<b>Periodic access as described here:</b> <i>(eg two weekends per month, school holidays, birthdays, Christmas, etc)</i>							
<i>Attach additional pages if necessary.</i>							

<b>The reasons for this application:</b>
Attach all relevant documentation

<b>Declaration</b>
I, the undersigned, hereby declare that the information provided in this application is to the best of my knowledge true and correct.
Signature of applicant: _____
Date: _____ Place: _____



Physical address where documents can be served if not at the residential address			
Telephone	Code (      )	Cellphone	
Email			
Is this person deceased?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> I don't know
If so, give date of death	/      /		
If deceased, did this person leave a written or oral will?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> I don't know

**4. Have you consulted members of the child's extended family about who should be the child's custodian and/or guardian?**

- Yes  
 No

**If yes, list persons consulted:**

PARTICULARS OF PERSONS CONSULTED			
<i>Attach additional pages if necessary.</i>			
Surname		Surname	
First name		First name	
Relation to child		Relation to child	
Residential address		Residential address	
Telephone		Telephone	
Email		Email	
Fax		Fax	
Surname		Surname	
First name		First name	
Relation to child		Relation to child	
Residential address		Residential address	
Telephone		Telephone	
Email		Email	
Fax		Fax	
Surname		Surname	
First name		First name	
Relation to child		Relation to child	
Residential address		Residential address	
Telephone		Telephone	
Email		Email	
Fax		Fax	

Surname		Surname	
First name		First name	
Relation to child		Relation to child	
Residential address		Residential address	
Telephone		Telephone	
Email		Email	
Fax		Fax	

**5. Did anyone consulted objected to you becoming the guardian?**

- Yes  
 No

**If yes, give details below. Use additional pages if necessary. Note that there will be a social worker investigation to confirm the information provided.**

PERSON	SUMMARY OF OBJECTION

**6. Reasons to be appointed as the guardian**

**Declaration**

I, the undersigned, hereby declare that the information provided in this application is to the best of my knowledge true and correct.

Signature of applicant: \_\_\_\_\_

Date: \_\_\_\_\_ Place: \_\_\_\_\_

**CERTIFICATION BY MASTER OF HIGH COURT**

I declare that -

- there is no a will filed with the Master of the High Court made by the deceased parent or guardian of the child who is the subject of this application;
- there is a will filed with the Master of the High Court made by the deceased parent or guardian of the child who is the subject of this application, but it contains no provision relating to the appointment of a guardian for the child; or
- there is a valid will filed with the Master of the High Court made by the deceased parent or guardian of the child who is the subject of this application and the will appoints \_\_\_\_\_  
\_\_\_\_\_ (*name of person*) as guardian of the child.

(\*Delete whichever is not applicable.)

**MASTER OF THE HIGH COURT**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Place: \_\_\_\_\_

**FORM 10B**

Section 113(8)(c) of Child Care and Protection Act, 2015  
Regulation 34(3)

**REPORT BY SOCIAL WORKER: GUARDIANSHIP ON DEATH OF GUARDIAN**

**Court file number:** \_\_\_\_\_  
*(file number to be entered by clerk of court)*

**Social worker file number:** \_\_\_\_\_

**PROFESSIONAL REPORT****COMPILED BY DESIGNATED SOCIAL WORKER**

**Name:** \_\_\_\_\_

**Position:** \_\_\_\_\_

**Registration number:** \_\_\_\_\_

**Work address:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Contact number:** \_\_\_\_\_

**Email:** \_\_\_\_\_

**Date of report:** \_\_\_\_\_ **Signature:** \_\_\_\_\_

**EXAMINED BY SUPERVISOR**

**Name:** \_\_\_\_\_

**Date of report:** \_\_\_\_\_ **Signature:** \_\_\_\_\_



**SUBMITTED TO:** \_\_\_\_\_ (Name of children's court)

**REPORT:**

1. PARTICULARS OF CHILD INVOLVED IN MATTER												
<b>CHILD</b>												
Surname										Sex	Male	Female
First name												
ID number or date of birth											/	/
Special needs (if applicable)												
Disability (if applicable)												
School attended												
Grade												
Other relevant information – such as financial position, socio-economic status, transport availability, if an interpreter will be needed, and special requirements (e.g. wheelchair access) – which may assist the court to make a decision regarding the manner in which the matter could best be dealt with in terms of the Child Care and Protection Act												
FAMILY CIRCUMSTANCES												
<b>MOTHER</b>						<b>FATHER</b>						
Surname						Surname						
First name(s)						First name(s)						
ID number						ID number						
Date of birth						Date of birth						
Is mother deceased?	<input type="checkbox"/> Yes	<input type="checkbox"/> No				Is father deceased?	<input type="checkbox"/> Yes	<input type="checkbox"/> No				
	<input type="checkbox"/> Unknown						<input type="checkbox"/> Unknown					
If so, give date of death	/ /					If so, give date of death	/ /					
If deceased, did mother leave written will?	<input type="checkbox"/> Yes	<input type="checkbox"/> No				If deceased, did father leave written will?	<input type="checkbox"/> Yes	<input type="checkbox"/> No				
	<input type="checkbox"/> I don't know						<input type="checkbox"/> I don't know					
If NOT deceased, give contact details on (or indicate unknown)												
Residential address						Residential address						
Physical address where documents can be served if not residential address						Physical address where documents can be served if not residential address						
Telephone	( )					Telephone	( )					
Cellphone						Cellphone						
Email						Email						
Fax						Fax						

<b>FAMILY BACKGROUND</b>											

In the boxes provided below, give details about the investigation and information received from informants. Focus on the needs of the child, with attention to continuity of care and schooling, guidance and discipline, emotional security and a healthy family unit. If there are competing applications, include information on which proposed guardian is best-placed to act in the best interests of the child.

Surname		Sex	Male	Female									
First name													
ID number or date of birth												/	/

<b>2. INFORMATION ON PROPOSED GUARDIAN</b>													
<i>If there are competing applications for guardianship, provide the same information for all proposed guardians. Use additional pages if necessary.</i>													
Surname		Sex	Male	Female									
First name													
ID number or date of birth												/	/
Residential address													
Telephone					Cellphone								
Email					Fax								

<b>HOUSEHOLD AND FAMILY COMPOSITION</b>											
<b>FAMILY BACKGROUND</b>											

<b>EMPLOYMENT HISTORY &amp; FINANCIAL POSITION</b>
<b>HOUSING CIRCUMSTANCES</b>
<b>RELATIONSHIP WITH CHILD AND OTHER FAMILY MEMBERS</b>
<b>PLANS FOR FUTURE CARE OF CHILD</b>
<b>PHYSICAL &amp; PSYCHOLOGICAL FITNESS</b>

**3. PREFERENCE OF CHILD ON GUARDIANSHIP (if applicable)**

*If the child was not consulted, explain why not.*

**4. ANY OTHER IMPORTANT INFORMATION****5. EVALUATION**

(positive and negative factors)

**6. RECOMMENDATION BY DESIGNATED SOCIAL WORKER  
AND REASONS FOR RECOMMENDATION**

**7. SOURCES CONSULTED IN INVESTIGATION****Declaration**

I, the undersigned, hereby declare that the information provided in this report is to the best of my knowledge true and correct.

Signature of social worker who prepared report: \_\_\_\_\_

Date: \_\_\_\_\_ Place: \_\_\_\_\_

**FORM 10C**

Section 113(9)(a) of Child Care and Protection Act, 2015  
Regulation 34(5)

**CERTIFICATE OF GUARDIANSHIP**

*Each guardianship certificate may cover only one child.*

File No: \_\_\_\_\_

**This children's court,**

\_\_\_\_\_  
*(name of court)*

**hereby confirms that the guardian of the following child:**

\_\_\_\_\_  
*(first names and surname of child)*

\_\_\_\_\_  
*(child's ID number or date of birth)*

**is this person:**

\_\_\_\_\_  
*(first names and surname of guardian)*

\_\_\_\_\_  
*(guardian's ID number or date of birth)*

**CLERK OF CHILDREN'S COURT**

**Signature:** \_\_\_\_\_

**first names and surname:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**FORM 10D**

Section 115(1) of the Child Care and Protection Act, 2015  
Regulation 35(1)

**COMPLAINTS AGAINST GUARDIAN OR TUTOR**

**File number:** \_\_\_\_\_  
(file number to be entered by clerk of court)

**To the Children's Commissioner for** \_\_\_\_\_  
(place)

FIRST NAMES AND SURNAMES OF CHILD / CHILDREN	ID NUMBER / DATE OF BIRTH	
	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	/ /
	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	/ /
	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	/ /
	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	/ /
	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	/ /

**Name of person making complaint:** \_\_\_\_\_

**My relationship to the child:** \_\_\_\_\_

*Note that the name of complainant and the complainant's relationship to child may be omitted, if complainant so wishes, in line with regulation 35(2).*

**Contact details of complainant (optional):**

Residential address			
Telephone	( )	Cellphone	
Email		Fax	

**I hereby lodge a complaint against** \_\_\_\_\_  
(name of \*guardian / \*tutor of the child or children listed above)

**for the reasons listed below.**

**\*DELETE WHICHEVER IS NOT APPLICABLE**

**The reasons for complaint**

Attach all relevant documentation.

**Declaration**

*(if complainant is willing to be identified)*

I, the undersigned, hereby declare that the information provided in this complaint is to the best of my knowledge true and correct.

Signature of complainant: \_\_\_\_\_

Date: \_\_\_\_\_ Place: \_\_\_\_\_



**FORM 10E**

Section 115(2) of Child Care and Protection Act, 2015  
Regulation 35(5)

**REPORT BY SOCIAL WORKER: COMPLAINT ABOUT GUARDIAN OR TUTOR**

**Court file number:** \_\_\_\_\_  
*(file number to be entered by clerk of court)*

**Social worker file number:** \_\_\_\_\_

**PROFESSIONAL REPORT****COMPILED BY DESIGNATED SOCIAL WORKER**

**Name:** \_\_\_\_\_

**Position:** \_\_\_\_\_

**Registration number:** \_\_\_\_\_

**Work address:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Contact number:** \_\_\_\_\_

**Email:** \_\_\_\_\_

**Date of report:** \_\_\_\_\_ **Signature:** \_\_\_\_\_

**EXAMINED BY SUPERVISOR**

**Name:** \_\_\_\_\_

**Date of report:** \_\_\_\_\_ **Signature:** \_\_\_\_\_

**SUBMITTED TO:** \_\_\_\_\_ (Name of children's court)

**REPORT:**

1. PARTICULARS OF CHILD INVOLVED IN MATTER															
<b>CHILD</b>															
Surname											Sex	Male	Female		
First name															
ID number or date of birth												/			/
Special needs (if applicable)															
Disability (if applicable)															
School attended															
Grade															
Other relevant information – such as financial position, socio-economic status, transport availability, if an interpreter will be needed, and special requirements (e.g. wheelchair access) – which may assist the court to make a decision regarding the manner in which the matter could best be dealt with in terms of the Child Care and Protection Act															
FAMILY CIRCUMSTANCES															
<b>MOTHER</b>						<b>FATHER</b>									
Surname						Surname									
First name(s)						First name(s)									
ID number						ID number									
Date of birth						Date of birth									
Is mother deceased?	<input type="checkbox"/> Yes		<input type="checkbox"/> No			Is father deceased?	<input type="checkbox"/> Yes		<input type="checkbox"/> No						
	<input type="checkbox"/> Unknown						<input type="checkbox"/> Unknown								
If so, give date of death			/ /			If so, give date of death			/ /						
If deceased, did mother leave written will?	<input type="checkbox"/> Yes		<input type="checkbox"/> No			If deceased, did father leave written will?	<input type="checkbox"/> Yes		<input type="checkbox"/> No						
	<input type="checkbox"/> I don't know						<input type="checkbox"/> I don't know								
If NOT deceased, give contact details on (or indicate unknown)															
Residential address						Residential address									
Physical address where documents can be served if not residential address						Physical address where documents can be served if not residential address									
Telephone	( )					Telephone	( )								
Cellphone						Cellphone									
Email						Email									
Fax						Fax									

2. PARTICULARS OF GUARDIAN / TUTOR						
Surname				Sex	Male	Female
First name(s)						
ID number or date of birth						/ /
Residential address						
Telephone			Cellphone			
Email			Fax			
How was this guardian or tutor appointed?	<input type="checkbox"/> By will <input type="checkbox"/> By children's court <input type="checkbox"/> By order of High Court <input type="checkbox"/> By Master of High Court <input type="checkbox"/> Unknown					

3. INFORMATION REGARDING COMPLAINT RECEIVED

4. VIEWS OF CHILD OR CHILDREN ON COMPLAINT (if applicable) <i>If the child was not consulted, explain why not.</i>

5. ANY OTHER IMPORTANT INFORMATION

**6. EVALUATION***(positive and negative factors)***7. RECOMMENDATION BY SOCIAL WORKER  
AND REASONS FOR RECOMMENDATION****8. SOURCES CONSULTED IN INVESTIGATION****Declaration**

I, the undersigned, hereby declare that the information provided in this report is to the best of my knowledge true and correct.

Signature of social worker who prepared the report: \_\_\_\_\_

Date: \_\_\_\_\_ Place: \_\_\_\_\_

**FORM 11A**  
Section 119(4) of Child Care and Protection Act, 2015  
Regulation 36

**PARENTING PLAN**

<b>PART A: PARTICULARS OF CHILD OR CHILDREN INVOLVED IN MATTER</b>											
<b>CHILD 1</b>						<b>CHILD 2</b>					
Surname						Surname					
First name						First name					
ID number (if child has an ID)						ID number (if child has an ID)					
Date of birth			/ /			Date of birth			/ /		
Sex			<input type="checkbox"/> male <input type="checkbox"/> female			Sex			<input type="checkbox"/> male <input type="checkbox"/> female		
Residential address						Residential address					
Telephone contact			(    )			Telephone contact			(    )		
Cellphone contact						Cellphone contact					
Email contact						Email contact					
School attended						School attended					
Grade						Grade					
<b>CHILD 3</b>						<b>CHILD 4</b>					
Surname						Surname					
First name						First name					
ID number (if child has an ID)						ID number (if child has an ID)					
Date of birth			/ /			Date of birth			/ /		
Sex			<input type="checkbox"/> male <input type="checkbox"/> female			Sex			<input type="checkbox"/> male <input type="checkbox"/> female		
Residential address						Residential address					
Telephone contact			(    )			Telephone contact			(    )		
Cellphone contact						Cellphone contact					
Email contact						Email contact					
School attended						School attended					
Grade						Grade					
<i>Details of any additional children covered by the parenting plan must be furnished on a separate page and attached as an annexure.</i>											

<b>PART B: PARTICULARS OF HOLDERS OF PARENTAL RESPONSIBILITIES AND RIGHTS</b>											
<b>PARENTAL RIGHTS HOLDER 1</b>						<b>PARENTAL RIGHTS HOLDER 2</b>					
Surname						Surname					
First name						First name					
ID number						ID number					
Date of birth			/ /			Date of birth			/ /		
Residential address						Residential address					

Telephone	(      )	Telephone	(      )
Cellphone contact		Cellphone contact	
Email contact		Email contact	
Work address		Work address	
Work telephone		Work telephone	
Relationship to child(ren)		Relationship to child(ren)	
<p><i>If there are more than two parties to the parenting plan, details of additional parties must be furnished on a separate page and attached as an annexure. Only persons who hold parental responsibilities and rights can be parties to a parenting plan.</i></p>			

*The boxes below suggest issues which co-holders of parental responsibilities and rights might want to discuss and agree on. **It is not necessary to reach agreement on any or all of these issues.** Spaces can be left blank if there is no agreement. If the parties to the agreement want to record agreements on other issues, these can be written in the extra space provided below, or on separate pages attached to the form.*

**PART C: DAY-TO-DAY CARE**

*Details about where the child or children will live for what periods, and who will provide care for the child.*

--

**PART D: MAINTENANCE**

*Details about contributions to the child's maintenance.*

Monthly cash contribution of parent who is not living with the child:
Medical and dental expenses (payment of bills, coverage of child on medical aid, etc):

School-related expenses  
(uniforms, stationery, sport, other extracurricular activities, etc):

Other:

**PART E: CONTACT**

*Details about access to the child by a parent not living with the child, and contact with the child.*

Weekly or monthly visits (where physical contact will take place, any restrictions on timing, agreed-upon rules, etc):

**Holidays and other special days**

(where child will spend key times such as school holidays, Christmas, Easter or birthdays):

Date or occasion (public holiday, birthday, etc.)	Person responsible for transport	Telephone contact during this period

Other agreements about holidays and travel (eg travel to visit extended family members, school trips)

Agreements about other communication (such as timing or frequency of telephone calls, texts, email, etc):

Other:

**PART F: MAJOR DECISIONS**

*Agreement on key issues, particulars as to how key decisions in respect of a child or children's life are to be exercised by bearers of parental responsibilities and rights.*

Education:

Religion or cultural activities:

Health:

Sport or extracurricular activities / hobbies / pets:

Special needs (if any):

**PART G: DISPUTE RESOLUTION**

*Agreement on how any disputes between the parties to the parenting plan are to be resolved, with due regard to the use of mediation, and on how the costs of resolving any disputes will be met.*

Process to be followed in case of dispute:

Agreement on costs of dispute resolution:



## PART H: OTHER ISSUES

*Agreement on issues such as contact with other family members or new partners of either parent, care of the child or children by persons other than the holders or parental responsibilities, child discipline and guidance, dealing with material changes in circumstances (marriage or re-marriage, change of residence, etc).*

--

## PART I: VIEWS OF CHILD (required)

- *Confirm that consultation with the child or children covered by this agreement has taken place if such child or children are of sufficient age or maturity to contribute an opinion. Describe how this consultation took place.*
- *If a child covered by this agreement was opposed to any of its terms, discuss this in the space provided.*
- *If no consultation took place, explain why.*

--

PART J: PERSON WHO FACILITATED AGREEMENT *(if any)*

Surname	
First name	
Contact details	

**Signed at the place and date and in the presence of the witnesses indicated below:**

PARENTAL RIGHTS HOLDER 1		PARENTAL RIGHTS HOLDER 2	
First name and surname		First name and surname	
Signature or mark		Signature or mark	
Place		Place	
Date		Date	
<b>Two witnesses</b>		<b>Two witnesses</b>	
1. First name and surname		1. First name and surname	
Signature		Signature	
2. First name and surname		2. First name and surname	
Signature		Signature	
PARENTAL RIGHTS HOLDER 3 <i>(if applicable)</i>		PARENTAL RIGHTS HOLDER 4 <i>(if applicable)</i>	
First name and surname		First name and surname	
Signature or mark		Signature or mark	
Place		Place	
Date		Date	
<b>Two witnesses</b>		<b>Two witnesses</b>	
1. First name and surname		1. First name and surname	
Signature		Signature	
2. First name and surname		2. First name and surname	
Signature		Signature	

#### REGISTRATION OF PARENTING PLAN (OPTIONAL)

*Parties to the parenting plan may register the parenting plan with the clerk of the children's court within whose area of jurisdiction the child concerned is ordinarily resident under section 119(7) of the Act.*

To the Clerk of the Court for \_\_\_\_\_  
(name of court)

**We, the parties to this parenting plan, hereby request that this parenting plan be registered.**

PARENTAL RIGHTS HOLDER 1		PARENTAL RIGHTS HOLDER 2	
First name and surname		First name and surname	
Signature or mark		Signature or mark	
Place		Place	
Date		Date	
PARENTAL RIGHTS HOLDER 3 <i>(if applicable)</i>		PARENTAL RIGHTS HOLDER 4 <i>(if applicable)</i>	
First name and surname		First name and surname	
Signature or mark		Signature or mark	
Place		Place	
Date		Date	

<b>FOR OFFICIAL USE ONLY</b> <i>(if parenting plan is registered with clerk of court)</i>	
<p><b>I hereby confirm that this parenting plan is registered at the following children's court</b>            _____ <i>(court)</i></p> <p><b>on</b> _____ <i>(date)</i>.</p> <p style="text-align: right;"><b>CLERK OF COURT</b></p> <p>Print first names(s) and surname: _____</p> <p style="text-align: center;">Signature: _____</p> <p>Place: _____ Date: _____</p> <p><b>OFFICIAL STAMP</b>  <i>(stamp each page of form)</i></p>	

<b>FOR OFFICIAL USE ONLY</b> <i>(if parenting plan is made into an order of court)</i>	
<p><b>I hereby confirm that this parenting plan has been made an order of court in terms of</b>  <b>section 119 of the Child Care and Protection Act, 2015, at</b> _____ <i>(court)</i></p> <p><b>on</b> _____ <i>(date)</i>.</p> <p style="text-align: right;"><b>CHILDREN'S COMMISSIONER</b></p> <p>First names and surname: _____</p> <p style="text-align: center;">Signature: _____</p> <p>Place: _____ Date: _____</p> <p><b>OFFICIAL STAMP</b>  <i>(stamp each page of form)</i></p>	

**FORM 11B**

Section 119(8) of Child Care and Protection Act, 2015  
Regulation 38(1)

**APPLICATION FOR PARENTING PLAN TO BE MADE ORDER OF COURT**

**THIS FORM MUST BE COMPLETED TOGETHER WITH FORM 6**  
**The relevant parenting plan (Form 11A) must be attached to this Form.**

**File number:** \_\_\_\_\_

*(file number to be entered by clerk of court)*

To the Children's Commissioner for \_\_\_\_\_ *(place)*

FIRST NAMES AND SURNAMES OF CHILD / CHILDREN COVERED BY PARENTING PLAN	ID NUMBER / DATE OF BIRTH
	<input type="text"/> / <input type="text"/> / <input type="text"/>
	<input type="text"/> / <input type="text"/> / <input type="text"/>
	<input type="text"/> / <input type="text"/> / <input type="text"/>
	<input type="text"/> / <input type="text"/> / <input type="text"/>
	<input type="text"/> / <input type="text"/> / <input type="text"/>

**We, the parties to the attached parenting plan, hereby apply for the attached parenting plan to be made an order of this court.**

PARENTAL RIGHTS HOLDER 1		PARENTAL RIGHTS HOLDER 2	
First name and surname	<input type="text"/>	First name and surname	<input type="text"/>
Signature or mark	<input type="text"/>	Signature or mark	<input type="text"/>
Date	<input type="text"/>	Date	<input type="text"/>

OTHER PARTY OR PARTIES TO AGREEMENT (if any)			
PARENTAL RIGHTS HOLDER 3		PARENTAL RIGHTS HOLDER 4	
First name and surname	<input type="text"/>	First name and surname	<input type="text"/>
Signature or mark	<input type="text"/>	Signature or mark	<input type="text"/>
Date	<input type="text"/>	Date	<input type="text"/>

**FORM 11C**

Section 121 (1) or 122(1) of Child Care and Protection Act, 2015  
Regulation 39(1)

**APPLICATION FOR AMENDMENT OR TERMINATION OF PARENTING PLAN OR  
ORDER CONCERNING DISPUTES RELATING TO PARENTING PLAN**

**THIS FORM MUST BE COMPLETED TOGETHER WITH FORM 6  
The relevant parenting plan (Form 11A) must be attached to this form.**

**File number:** \_\_\_\_\_

*(file number to be entered by clerk of court)*

**To the Children's Commissioner for** \_\_\_\_\_ *(place)*

FIRST NAMES AND SURNAMES OF CHILD / CHILDREN COVERED BY PARENTING PLAN	ID NUMBER / DATE OF BIRTH
	/ /
	/ /
	/ /
	/ /
	/ /

PART A: PARTICULARS OF APPLICANT			
APPLICANT 1		APPLICANT 2 <i>(if applicable)</i>	
Surname		Surname	
First name(s)		First name(s)	
ID number		ID number	
Date of birth	/ /	Date of birth	/ /
Residential address		Residential address	
Telephone	( )	Telephone	( )
Cellphone contact		Cellphone contact	
Email contact		Email contact	
Work address		Work address	
Work telephone		Work telephone	
Description of applicant	<input type="checkbox"/> I am a party to the parenting plan. <input type="checkbox"/> I am a child covered by the parenting plan. <input type="checkbox"/> I am a person acting in the best interest of a child covered by the parenting plan.	Description of applicant	<input type="checkbox"/> I am a party to the parenting plan. <input type="checkbox"/> I am a child covered by the parenting plan. <input type="checkbox"/> I am a person acting in the best interest of a child covered by the parenting plan.
<i>If there are more than two applicants, details of additional applicants must be furnished on a separate page and attached as an annexure.</i>			

**PART B: NATURE OF APPLICATION**

The undersigned applicant(s) hereby request(s) the court to:

- amend the parenting plan.
- terminate the parenting plan.
- make an appropriate order concerning disputes relating to parenting plan.

Give details below.

Attach all relevant documentation

**Declaration by Applicant 1**

I, the undersigned, hereby declare that the information provided in this application is to the best of my knowledge true and correct.

Signature of applicant: \_\_\_\_\_

Date: \_\_\_\_\_ Place: \_\_\_\_\_

**Declaration by Applicant 2 (if applicable)**

I, the undersigned, hereby declare that the information provided in this application is to the best of my knowledge true and correct.

Signature of applicant: \_\_\_\_\_

Date: \_\_\_\_\_ Place: \_\_\_\_\_

*In the event that there are more than two applicants, additional applicants should sign in similar manner.*

**FORM 12A**  
Section 123(4) of Child Care and Protection Act, 2015  
Regulation 40(1)

**KINSHIP CARE AGREEMENT**

PART A: PARTICULARS OF CHILD/CHILDREN TO BE PLACED IN KINSHIP CARE											
<b>CHILD 1</b>						<b>CHILD 2</b>					
Surname						Surname					
First name						First name					
ID number (if child has an ID)						ID number (if child has an ID)					
Date of birth			/ /			Date of birth			/ /		
Sex			<input type="checkbox"/> male <input type="checkbox"/> female			Sex			<input type="checkbox"/> male <input type="checkbox"/> female		
Residential address						Residential address					
Telephone contact			(    )			Telephone contact			(    )		
Cellphone contact						Cellphone contact					
Email contact						Email contact					
School attended						School attended					
Grade						Grade					
<b>CHILD 3</b>						<b>CHILD 4</b>					
Surname						Surname					
First name						First name					
ID number (if child has an ID)						ID number (if child has an ID)					
Date of birth			/ /			Date of birth			/ /		
Sex			<input type="checkbox"/> male <input type="checkbox"/> female			Sex			<input type="checkbox"/> male <input type="checkbox"/> female		
Residential address						Residential address					
Telephone contact			(    )			Telephone contact			(    )		
Cellphone contact						Cellphone contact					
Email contact						Email contact					
School attended						School attended					
Grade						Grade					
<i>Details of any additional children covered by the kinship care agreement must be furnished on a separate page and attached as an annexure.</i>											

PART B: PARTICULARS OF PARENT OR GUARDIAN OF CHILD OR CHILDREN TO BE PLACED IN KINSHIP CARE											
<b>MOTHER</b>						<b>FATHER</b>					
Surname						Surname					
First name(s)						First name(s)					
ID number						ID number					
Date of birth						Date of birth					

Is mother deceased?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Is father deceased?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
	<input type="checkbox"/> Unknown			<input type="checkbox"/> Unknown	
If so, give date of death	/ /		If so, give date of death	/ /	
If NOT deceased, give contact details on <i>(or indicate unknown)</i>					
Residential address			Residential address		
Telephone contact	( )		Telephone contact	( )	
Cellphone contact			Cellphone contact		
Email contact			Email contact		
Work address			Work address		
Work telephone			Work telephone		

<b>PART C: PARTICULARS OF KINSHIP CARE-GIVER(S)</b>							
<i>(Complete both sections of this part if the kinship care-giver is a couple who will be taking joint responsibility for the child's care.)</i>							
<b>KINSHIP CARE-GIVER 1</b>							
Surname					Sex	Male	Female
First name							
ID number and date of birth							
Residential address							
Telephone	( )						
Cellphone							
Email contact							
Work address							
Work telephone							
Relationship to child(ren)							
<b>KINSHIP CARE-GIVER 2 <i>(if applicable)</i></b>							
Surname					Sex	Male	Female
First name							
ID number and date of birth							
Residential address							
Telephone	( )						
Cellphone							
Email contact							
Work address							
Work telephone							
Relationship to child(ren)							



<b>PART D: TERMS OF AGREEMENT</b>	
Time period of agreement? <i>(Give details if there is an agreed endpoint to the arrangement.)</i>	
Contributions by the parent/guardian to the maintenance of the child/children in kinship care? <i>(Give details if this is agreed.)</i>	
Persons who may or may not have contact with or access to the child? <i>(Give details if this is agreed, and stipulate frequency of contact or access or any conditions, if applicable.)</i>	
<b>Other conditions (if any):</b>	
<b>Supervision by a social worker?</b> <i>(Give details if this is agreed.)</i>	
<b>Agreement on procedure for termination of agreement?</b> <i>(Give details if this is agreed.)</i>	

<b>PART E: VIEWS OF CHILD (required)</b>
<ul style="list-style-type: none"> <li>• <i>Confirm that consultation with the child or children covered by this agreement has taken place if such child or children are of sufficient age or maturity to contribute an opinion. Describe how this consultation took place.</i></li> <li>• <i>If a child covered by this agreement was opposed to any of its terms, discuss this in the space provided.</i></li> <li>• <i>If no consultation took place, explain why.</i></li> </ul>

PART F: PERSON WHO FACILITATED AGREEMENT <i>(if any)</i>	
Surname	
First name	
Contact details	

\* I / We, the undersigned being the parent(s) or guardian, of the above-mentioned child / children hereby agree to place the listed child/children in the care of the kinship care-giver(s) named in this agreement, subject to the terms and conditions set out in this agreement.

\* I / We, the undersigned kinship care-giver(s), hereby accept the responsibility of caring for the listed child/children, mindful of the accompanying duty to act in their best interests at all times.

\*DELETE WHICHEVER IS NOT APPLICABLE

**Signed at the place and date and in the presence of the witnesses indicated below:**

PARENT OR GUARDIAN 1		PARENT OR GUARDIAN 2 <i>(if applicable)</i>	
Print first name and surname		Print first name(s) and surname	
Signature or mark		Signature or mark	
Date		Date	
<b>Two witnesses</b>		<b>Two witnesses</b>	
1. First name and surname		1. First name and surname	
Signature		Signature	
2. First name and surname		2. First name and surname	
Signature		Signature	

KINSHIP CARE-GIVER 1		KINSHIP CARE-GIVER 2 <i>(if applicable)</i>	
First name and surname		First name and surname	
Signature or mark		Signature or mark	
Date		Date	
<b>Two witnesses</b>		<b>Two witnesses</b>	
1. First name and surname		1. First name and surname	
Signature		Signature	
2. First name and surname		2. First name and surname	
Signature		Signature	

**REQUEST FOR REGISTRATION OF KINSHIP CARE AGREEMENT (OPTIONAL)**

To the Clerk of the Court for \_\_\_\_\_  
*(name of court)*

The undersigned parent(s) or guardian, as party or parties to this kinship care agreement, hereby request that the kinship care agreement be registered for purposes of section 123(2) of the Act.

PARENT / GUARDIAN 1		PARENT OR GUARDIAN 2 <i>(if applicable)</i>	
First name and surname		First name and surname	
Signature or mark		Signature or mark	
Place		Place	
Date		Date	

**FOR OFFICIAL USE ONLY**

*(if kinship care agreement is registered with clerk of court)*

I hereby confirm that this kinship care agreement is registered at the following children's court

\_\_\_\_\_ *(court)*  
 on \_\_\_\_\_ *(date)*.

**CLERK OF COURT**

First names and surname: \_\_\_\_\_

Signature: \_\_\_\_\_

Place: \_\_\_\_\_ Date: \_\_\_\_\_

**OFFICIAL STAMP**

*(stamp each page of form)*

**FORM 12B**  
Section 126(b) of Child Care and Protection Act, 2015  
Regulation 41(1)

**APPLICATION RELATING TO KINSHIP CARE AGREEMENT AMENDMENT,  
TERMINATION OR DISPUTES**

**THIS FORM MUST BE COMPLETED TOGETHER WITH FORM 6**  
**The relevant kinship care agreement on Form 12A must be attached to this Form.**

**File number:** \_\_\_\_\_  
*(file number to be entered by clerk of court)*

**To the Children’s Commissioner for** \_\_\_\_\_ *(place)*

FIRST NAMES AND SURNAMES OF CHILD / CHILDREN COVERED BY KINSHIP CARE AGREEMENT	ID NUMBER / DATE OF BIRTH	
	_ _ _ _ _ _ _ _ _ _ _ _ _ _ _	/ /
	_ _ _ _ _ _ _ _ _ _ _ _ _ _ _	/ /
	_ _ _ _ _ _ _ _ _ _ _ _ _ _ _	/ /
	_ _ _ _ _ _ _ _ _ _ _ _ _ _ _	/ /
	_ _ _ _ _ _ _ _ _ _ _ _ _ _ _	/ /

PART A: PARTICULARS OF APPLICANT			
APPLICANT 1		APPLICANT 2 <i>(if applicable)</i>	
Surname		Surname	
First name		First name	
ID number		ID number	
Date of birth	/ /	Date of birth	/ /
Residential address		Residential address	
Telephone	( )	Telephone	( )
Cellphone contact		Cellphone contact	
Email contact		Email contact	
Work address		Work address	
Work telephone		Work telephone	
Description of applicant	<input type="checkbox"/> I am a party to the kinship care agreement. <input type="checkbox"/> I am a child covered by the kinship care agreement.	Description of applicant	<input type="checkbox"/> I am a party to the kinship care agreement. <input type="checkbox"/> I am a child covered by the kinship care agreement.
<i>If there are more than two applicants, particulars of additional applicants must be furnished on a separate page and attached as an annexure.</i>			

**PART B: NATURE OF DISPUTE**

The undersigned applicant(s) hereby request(s) the court to rule on a dispute relating to -

- exercise of the kinship care agreement.  
 amendment of the kinship care agreement.  
 termination of the kinship care agreement.

**Give details below.**

Attach all relevant documentation

**Declaration by Applicant 1**

I, the undersigned, hereby declare that the information provided in this application is to the best of my knowledge true and correct.

Signature of applicant: \_\_\_\_\_

Date: \_\_\_\_\_ Place: \_\_\_\_\_

**Declaration by Applicant 2 (if applicable)**

I, the undersigned, hereby declare that the information provided in this application is to the best of my knowledge true and correct.

Signature of applicant: \_\_\_\_\_

Date: \_\_\_\_\_ Place: \_\_\_\_\_

*In the event that there are more than two applicants, additional applicants should sign in similar manner.*

**FORM 12C**

Section 127(1) of Child Care and Protection Act, 2015

Regulation 42(1)

**APPLICATION FOR ACCESS TO CHILD BY KINSHIP CARE-GIVER AFTER  
TERMINATION OF KINSHIP CARE AGREEMENT**

**THIS FORM MUST BE COMPLETED TOGETHER WITH FORM 6**  
The relevant kinship care agreement on Form 12A must be attached to this Form

**File number:** \_\_\_\_\_*(file number to be entered by clerk of court)*To the Children's Commissioner for \_\_\_\_\_ *(place)*

FIRST NAMES AND SURNAMES OF CHILD / CHILDREN COVERED BY KINSHIP CARE AGREEMENT FROM WHOM ACCESS IS SOUGHT	ID NUMBER / DATE OF BIRTH	
	_ _ _ _ _ _ _ _ _ _ _ _ _ _	/ /
	_ _ _ _ _ _ _ _ _ _ _ _ _ _	/ /
	_ _ _ _ _ _ _ _ _ _ _ _ _ _	/ /
	_ _ _ _ _ _ _ _ _ _ _ _ _ _	/ /
	_ _ _ _ _ _ _ _ _ _ _ _ _ _	/ /

PART A: PARTICULARS OF APPLICANT			
APPLICANT 1		APPLICANT 2 <i>(if applicable, in the event that a couple were named jointly as kinship care-givers)</i>	
Surname		Surname	
First name		First name	
ID number		ID number	
Date of birth	/ /	Date of birth	/ /
Residential address		Residential address	
Telephone	( )	Telephone	( )
Cellphone contact		Cellphone contact	
Email contact		Email contact	
Work address		Work address	
Work telephone		Work telephone	

<b>PART B: DETAILS OF APPLICATION FOR ACCESS</b>			
<p><b>The attached kinship care agreement has been unilaterally terminated by the parent after the agreement:</b></p> <p><input type="checkbox"/> has been in place for a period of at least one year; or</p> <p><input type="checkbox"/> has been in place for a period shorter than one year,</p> <p><b>and the applicant(s) seek(s) access to the child listed in Part A of this Form for the reasons described below.</b></p>			
Date when kinship care agreement was made		Date when kinship care agreement was terminated	
<b>The child or children in question have been in the physical care of the applicants(s) for the following time period(s):</b>			
<b>The reasons for seeking continued access are as follows:</b>			
<b>Explain why continued access would be in the best interests of the child or children:</b>			
Attach all relevant documentation			

**Declaration by Applicant 1**

I, the undersigned, hereby declare that the information provided in this application is to the best of my knowledge true and correct.

Signature of applicant: \_\_\_\_\_

Date: \_\_\_\_\_ Place: \_\_\_\_\_

**Declaration by Applicant 2 (if applicable)**

I, the undersigned, hereby declare that the information provided in this application is to the best of my knowledge true and correct.

Signature of applicant: \_\_\_\_\_

Date: \_\_\_\_\_ Place: \_\_\_\_\_



**FORM 13A**

Section 132(1) of Child Care and Protection Act, 2015  
Regulation 44(1)

**REPORTING OF CHILD SUSPECTED OF BEING IN NEED OF PROTECTIVE SERVICES (PROFESSIONALS)**

**NOTE: A separate form must be completed for each child.**

**DATE OF REPORT:** \_\_\_\_\_

**TO:** State-employed social worker / member of the police at \_\_\_\_\_ (place)

**REPORT BY:**

<b>Name</b>		
<b>Contact information</b>		
<b>Profession</b>		
<input type="checkbox"/> school principal <input type="checkbox"/> teacher <input type="checkbox"/> medical or dental practitioner <input type="checkbox"/> pharmacist <input type="checkbox"/> school counsellor <input type="checkbox"/> dentist <input type="checkbox"/> psychologist <input type="checkbox"/> psychological counsellor	<input type="checkbox"/> nurse <input type="checkbox"/> physiotherapist <input type="checkbox"/> speech therapist <input type="checkbox"/> occupational therapist <input type="checkbox"/> traditional leader <input type="checkbox"/> traditional health practitioner <input type="checkbox"/> legal practitioner <input type="checkbox"/> religious leader	<input type="checkbox"/> labour inspector <input type="checkbox"/> social worker (in private practice or employed by a child protection organisation or a member of staff at a facility registered under the Child Care and Protection Act) <input type="checkbox"/> other _____ (capacity)
<b>Institution where I work</b> (if relevant) (name of school, hospital or clinic, law firm, religious institution, child protection organisation, child-related registered facility, etc)		
<b>Location where incident took place</b> (local authority or region)		

**I suspect that the child described below may be in need of protective services pursuant to section 132 of Child Care and Protection Act, 2015, for the reasons described below.**

<b>PART A: INFORMATION ABOUT CHILD CONCERNED</b>				
<i>Provide as much information as possible.</i>				
Name				
Date of birth OR approximate age	/	/	Sex	<input type="checkbox"/> Male <input type="checkbox"/> Female
ID number (if applicable and known)				
Residential address			Contact number	( )
Email contact				
School attended				
Grade				
Home language				
Person currently caring for child				

<b>PART B: CONTACT PERSON TRUSTED BY CHILD</b>															
<i>Provide as much information as possible.</i>															
Name				Sex <input type="checkbox"/> Male <input type="checkbox"/> Female											
Residential address			Postal address												
Telephone			Cellphone												
Email			Fax												
ID number (if known)	<table border="1"> <tr> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> </table>														
Home language															
Person's relationship to child															

<b>PART C: INFORMATION ABOUT PARENTS OF CHILD</b>															
<i>Provide as much information as possible.</i>															
<b>Mother</b>															
Surname															
First name(s)															
Residential address			Postal address												
Telephone			Cellphone												
Email			Fax												
ID number (if known)	<table border="1"> <tr> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> </table>														
Home language															
<b>Father</b>															
Surname															
First name(s)															
Residential address			Postal address												
Telephone			Cellphone												
Email			Fax												
ID number (if known)	<table border="1"> <tr> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> </table>														
Home language															

<b>PART D: DESCRIPTION OF CIRCUMSTANCES GIVING RISE TO REPORT</b>		
<i>Attach additional pages if necessary.</i>		
Timeframe	<input type="checkbox"/> Date (or approximate date) of incident:	
	<input type="checkbox"/> Ongoing problem from date (or approximate date):	
	<input type="checkbox"/> Date/timeframe unknown	
Place of incident or problem:		
<table border="1"> <tr> <td style="height: 40px;"></td> </tr> </table>		

Description of incident or basis for concern:			
Description of any physical injuries or psychological harm observed which indicate abuse or neglect:			
Degree of risk to child, in your professional opinion:			
<input type="checkbox"/> Mild	<input type="checkbox"/> Moderate	<input type="checkbox"/> Severe	<input type="checkbox"/> Unknown
Describe Interventions by you, or any other interventions you are aware of:			
Details of medical interventions you are aware of:			
Treated at hospital or clinic? <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Doctor: _____ (name) <input type="checkbox"/> Nurse: _____ (name)	Hospitalised: <input type="checkbox"/> for assessment <input type="checkbox"/> for treatment <input type="checkbox"/> as place of safety	
Where? (name of hospital or clinic)	Contact person	Telephone number	

<b>PART E: ALLEGED ABUSER</b>				
<i>Provide as much information as possible, if relevant.</i>				
Surname				
First name(s)				
Nicknames or aliases				
ID number ( <i>if known</i> )	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>			
Date of birth or approximate age	/ /	Sex	<input type="checkbox"/> Male	<input type="checkbox"/> Female
Residential address			Postal address	
Telephone			Cellphone	
Email			Fax	
Home language				
Relationship to child				

**Declaration**

I, the undersigned, hereby declare that the information provided in this statement is to the best of my knowledge true and correct.

Signature of applicant: \_\_\_\_\_

Date: \_\_\_\_\_ Place: \_\_\_\_\_

**FOR OFFICIAL USE ONLY – to be completed by  
social worker or police officer who receives report**

<b>Name and particulars of social worker who received report</b>	Name:
	Registration number:
	Ministry ( <i>if applicable</i> ):

<b>Name of investigating social worker to whom case was referred (<i>if applicable</i>)</b>	
---	--

<b>Date of referral</b>	
-------------------------	--

**OR**

<b>Name and rank of police official who received report, and relevant police station</b>	Name:
	Rank:
	Police station:

<b>Name of investigating social worker to whom case was referred</b>	
--	--

<b>Date of referral</b>	
-------------------------	--

**MEDICAL INTERVENTION**

Treated at hospital or clinic?  <input type="checkbox"/> Yes <input type="checkbox"/> No	Examined by:	Hospitalised:
	<input type="checkbox"/> Doctor: _____ (name) <input type="checkbox"/> Nurse: _____ (name)	<input type="checkbox"/> for assessment <input type="checkbox"/> for treatment <input type="checkbox"/> as place of safety

Where? (name of hospital or clinic)	Contact person	Telephone number
--	----------------	------------------

**ACTION TO PROTECT CHILD**

Removal of child to place of safety:  <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, date: _____  Place of safety: _____	Other (describe):
--	-------------------

**ACTION AGAINST ALLEGED ABUSER**

Police docket opened  <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, date: _____ CR number: _____	Removed from home  <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, date: _____ Attach Form 14.
---	---

**RECOMMENDED ACTIONS****PENDING ACTIONS**

**FORM 13B**

Section 132(3) of Child Care and Protection Act, 2015  
Regulation 44(2)

**REPORTING OF CHILD SUSPECTED OF BEING IN NEED OF PROTECTIVE SERVICES (MEMBER OF PUBLIC)**

**NOTE: A separate form should be completed for each child.**  
**Note also that a concerned member of the public may make a report by any method of communication, with or without providing his or her name.**

DATE OF REPORT: \_\_\_\_\_

TO: State-employed social worker / member of the police at \_\_\_\_\_  
(place)

REPORT BY:

<input type="checkbox"/> I would like my identity to remain confidential.	Name and contact information _____ _____ _____
<input type="checkbox"/> I am prepared to provide my name and contact details. <i>If so, provide your name and contact details.</i>	
My relationship to the child (family member, neighbour, school friend, etc)	

**I suspect that the child described below may be in need of protective services for the reasons described below.**

<b>PART A: INFORMATION ABOUT CHILD CONCERNED</b> <i>Provide as much information as possible.</i>													
Name													
Date of birth OR approximate age	<div style="display: flex; align-items: center; gap: 10px;"> <span>_____ / _____ / _____</span> <div style="display: flex; align-items: center;"> <span>Sex</span> <input type="checkbox"/> Male           <input type="checkbox"/> Female         </div> </div>												
ID number (if applicable and known)	<table border="1" style="width: 100%; text-align: center;"> <tr> <td style="width: 20px;"> </td><td style="width: 20px;"> </td><td style="width: 20px;"> </td><td style="width: 20px;"> </td><td style="width: 20px;"> </td><td style="width: 20px;"> </td><td style="width: 20px;"> </td><td style="width: 20px;"> </td><td style="width: 20px;"> </td><td style="width: 20px;"> </td><td style="width: 20px;"> </td><td style="width: 20px;"> </td> </tr> </table>												
Residential address	<div style="display: flex; justify-content: space-between;"> <div style="width: 80%;"></div> <div style="width: 15%; background-color: #e0e0e0;">Contact number</div> </div> <div style="margin-left: 10px;">(      )</div>												
Email contact													
School attended													
Grade													
Home language													
Person currently caring for child													

<b>PART B: CONTACT PERSON TRUSTED BY CHILD</b> <i>Provide as much information as possible.</i>	
Name	<div style="display: flex; align-items: center; gap: 10px;"> <span>_____</span> <div style="display: flex; align-items: center;"> <span>Sex</span> <input type="checkbox"/> Male           <input type="checkbox"/> Female         </div> </div>
Residential address	<div style="display: flex; justify-content: space-between;"> <div style="width: 40%;"></div> <div style="width: 30%; background-color: #e0e0e0;">Postal address</div> <div style="width: 30%;"></div> </div>
Telephone	<div style="display: flex; justify-content: space-between;"> <div style="width: 40%;"></div> <div style="width: 30%; background-color: #e0e0e0;">Cellphone</div> <div style="width: 30%;"></div> </div>
Email	<div style="display: flex; justify-content: space-between;"> <div style="width: 40%;"></div> <div style="width: 30%; background-color: #e0e0e0;">Fax</div> <div style="width: 30%;"></div> </div>

ID number ( <i>if known</i> )	<input type="text"/>
Home language	<input type="text"/>
Person's relationship to child	<input type="text"/>

<b>PART C: INFORMATION ABOUT PARENTS OF CHILD</b>			
<i>Provide as much information as possible.</i>			
<b>Mother</b>			
Surname	<input type="text"/>		
First name(s)	<input type="text"/>		
Residential address	<input type="text"/>	Postal address	<input type="text"/>
Telephone	<input type="text"/>	Cellphone	<input type="text"/>
Email	<input type="text"/>	Fax	<input type="text"/>
ID number ( <i>if known</i> )	<input type="text"/>		
Home language	<input type="text"/>		
<b>Father</b>			
Surname	<input type="text"/>		
First name(s)	<input type="text"/>		
Residential address	<input type="text"/>	Postal address	<input type="text"/>
Telephone	<input type="text"/>	Cellphone	<input type="text"/>
Email	<input type="text"/>	Fax	<input type="text"/>
ID number ( <i>if known</i> )	<input type="text"/>		
Home language	<input type="text"/>		

<b>PART D: DESCRIPTION OF CIRCUMSTANCES GIVING RISE TO REPORT</b>	
<i>Attach additional pages if necessary.</i>	
Timeframe	q Date (or approximate date) of incident:
	q Ongoing problem from date (or approximate date):
	q Date/timeframe unknown
Place of incident or problem:	
<input type="text"/>	
Description of incident or basis for concern:	
<input type="text"/>	

Description of any physical injuries or psychological harm observed which indicate abuse or neglect:		
Describe Interventions by you, or any other interventions you are aware of:		
Details of medical interventions you are aware of:		
Treated at hospital or clinic? <input type="checkbox"/> Yes <input type="checkbox"/> No	Examined by: <input type="checkbox"/> Doctor: _____ (name) <input type="checkbox"/> Nurse: _____ (name)	Hospitalised: <input type="checkbox"/> for assessment <input type="checkbox"/> for treatment <input type="checkbox"/> as place of safety
Where? (name of hospital or clinic)	Contact person	Telephone number

<b>PART E: ALLEGED ABUSER</b>						
<i>Provide as much information as possible, if relevant.</i>						
Surname						
First name(s)						
Nicknames or aliases						
ID number ( <i>if known</i> )	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Date of birth or approximate age	/	/	Sex	<input type="checkbox"/> Male	<input type="checkbox"/> Female	
Residential address			Postal address			
Telephone			Cellphone			
Email			Fax			
Home language						
Relationship to child						

<b>FOR OFFICIAL USE ONLY – to be completed by social worker or police officer who receives report</b>	
<b>Name and particulars of social worker who received report</b>	Name:  Registration number:  Ministry ( <i>if applicable</i> ):



<b>Name of investigating social worker to whom case was referred (if applicable)</b>		
<b>Date of referral</b>		
<b>OR</b>		
<b>Name and rank of police official who received report, and relevant police station</b>		Name:  Rank:  Police station:
<b>Name of investigating social worker to whom case was referred</b>		
<b>Date of referral</b>		
<b>MEDICAL INTERVENTION</b>		
Treated at hospital or clinic?  <input type="checkbox"/> Yes <input type="checkbox"/> No	Examined by:  <input type="checkbox"/> Doctor: _____ (name)  <input type="checkbox"/> Nurse: _____ (name)	Hospitalised:  <input type="checkbox"/> for assessment <input type="checkbox"/> for treatment <input type="checkbox"/> as place of safety
Where? (name of hospital or clinic)	Contact person	Telephone number
<b>ACTION TO PROTECT CHILD</b>		
Removal of child to place of safety:  <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, date: _____  Place of safety: _____	Other (describe):	
<b>ACTION AGAINST ALLEGED ABUSER</b>		
Police docket opened  <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, date: _____ CR number: _____	Removed from home  <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, date: _____ Attach Form 14.	
<b>RECOMMENDED ACTIONS</b>		
<b>PENDING ACTIONS</b>		

**FORM 14**

Section 89(6), 135 and 136 of Child Care and Protection Act, 2015  
Regulation 46(1)

**REMOVAL OF CHILD TO PLACE OF SAFETY OR OTHER TEMPORARY SAFE CARE**

**NOTE: A separate form must be completed for each child.**

Place of safety where child is placed	
---------------------------------------	--

**I am hereby requesting that the child whose particulars are set out below be placed in this place of safety or other temporary safe care until he or she is placed by the children's court in terms of section 138 of the Act.**

**PART A: PARTICULARS OF CHILD**

First names and surname	
Sex	<input type="checkbox"/> Male <input type="checkbox"/> Female
Date of birth or estimated age	

**PART B: METHOD OF REMOVAL OF CHILD**

Mark relevant section below with an "x". Attach a statement containing the specific circumstances of the removal, reflecting dates and facts relevant to the chain of events, and the relevant supporting documents (as indicated in this table).

	SECTION OF ACT	METHOD OF REMOVAL
	135	<b>I have removed the above-mentioned child with a warrant</b> (copy of warrant attached and reasons described below)
	136	<b>I have removed the above-mentioned child without a warrant</b> (reasons described below)
	89	<b>I have apprehended the above-mentioned child who has absconded or failed to return to foster care, a residential child care facility or another alternative placement</b> (summary of circumstances attached)

**PART C: REASONS CHILD IS SUSPECTED OF BEING IN NEED OF PROTECTIVE SERVICES**

**I have reason to believe that this child is in need of protective services because of the following reasons:**


<b>PART D: ADDITIONAL INFORMATION</b> (Special needs, medical conditions, behavioural concerns, etc)

<b>PART E: PARTICULARS OF OFFICIAL CARRYING OUT REMOVAL OF CHILD</b>													
<input type="checkbox"/> Social worker	<input type="checkbox"/> Police official	<input type="checkbox"/> Other authorised person											
Name													
Rank/position/ social work registration number													
ID number	<table border="1" style="width: 100%; text-align: center;"> <tr> <td style="width: 20px;"> </td><td style="width: 20px;"> </td><td style="width: 20px;"> </td><td style="width: 20px;"> </td><td style="width: 20px;"> </td><td style="width: 20px;"> </td><td style="width: 20px;"> </td><td style="width: 20px;"> </td><td style="width: 20px;"> </td><td style="width: 20px;"> </td><td style="width: 20px;"> </td> </tr> </table>												
Work address													
Contact number(s)													
Email	Fax												

<b>PART F: NOTIFICATION OF REMOVAL OF CHILD TO PARENT, GUARDIAN OR OTHER PERSON WITH CARE OF CHILD</b>			
<b>Mother</b>	Name ( <i>if known</i> ):		
<input type="checkbox"/> Notified	Manner of notification:		
	Date of notification:	Time of notification:	
	A copy of this form was provided to such person?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Not notified	Reason for not notifying (deceased, identity unknown, could not be traced, etc):		
<b>Father</b>	Name ( <i>if known</i> ):		
<input type="checkbox"/> Notified	Manner of notification:		
	Date of notification:	Time of notification:	
	A copy of this form was provided to such person?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Not notified	Reason for not notifying (deceased, identity unknown, could not be traced, etc):		

<b>Guardian</b> <i>(if applicable)</i>	Name <i>(if known)</i> :		
<input type="checkbox"/> Notified	Manner of notification:		
	Date of notification:		Time of notification:
	A copy of this form was provided to such person?		<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Not notified	Reason for not notifying (deceased, identity unknown, could not be traced, etc):		
<b>Other person in whose care the child was before removal</b> <i>(if applicable)</i>	Name <i>(if known)</i> :		
	Relationship to child:		
<input type="checkbox"/> Notified	Manner of notification:		
	Date of notification:		Time of notification:
	A copy of this form was provided to such person?		<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Not notified	Reason for not notifying (deceased, identity unknown, could not be traced, etc):		

**PART G: ACKNOWLEDGEMENT OF RECEIPT OF CHILD BY PLACE OF SAFETY**

Signature of person receiving child			
First names and surname of signatory			
ID number	<input type="text"/>	<input type="text"/>	<input type="text"/>
Position at place of safety			
Contact number(s)			
Place <i>(town and region)</i>			
Relationship to child <i>(if any)</i>			
Date		Time	

**PART H: REFERRAL TO INVESTIGATING SOCIAL WORKER**

This section must be completed if the removal is done by police, or if the social worker who did the removal is not the investigating social worker.

First name and surname of investigating social worker			
Registration number of investigating social worker			
Name of child protection organisation <i>(if applicable)</i>			
Contact number			
Email		Fax	
Date of referral			
First name and surname of person who made referral			
Signature of person who made referral			
Signature of investigating social worker			

**FORM 15**

Section 137(1) of Child Care and Protection Act, 2015

Regulation 47

**WRITTEN NOTICE FOR REMOVAL OF ALLEGED OFFENDER**

DATE: \_\_\_\_\_

TO: \_\_\_\_\_  
(first name(s) and surname of alleged offender)

PART A: PARTICULARS OF ALLEGED OFFENDER															
Surname															
First name															
Nicknames or aliases															
ID number (if known)	<table border="1"> <tr> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> </table>														
Date of birth or approximate age	/ /		Sex	<input type="checkbox"/> Male <input type="checkbox"/> Female											
Relationship with child (if known)															

PART B: PARTICULARS OF CHILD OR CHILDREN AT RISK																											
CHILD 1			CHILD 2																								
Surname			Surname																								
First name			First name																								
ID number (if child has an ID)	<table border="1"> <tr> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> </table>													ID number (if child has an ID)	<table border="1"> <tr> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> </table>												
Date of birth	/ /		Date of birth	/ /																							
Sex	<input type="checkbox"/> male	<input type="checkbox"/> female	Sex	<input type="checkbox"/> male	<input type="checkbox"/> female																						
Residential address			Residential address																								
Telephone contact	( )		Telephone contact	( )																							
Cellphone contact			Cellphone contact																								
Email contact			Email contact																								
Home language			Home language																								
School attended			School attended																								
Grade			Grade																								
Person currently caring for child			Person currently caring for child																								
CHILD 3			CHILD 4																								
Surname			Surname																								
First name(s)			First name(s)																								
ID number (if child has an ID)	<table border="1"> <tr> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> </table>													ID number (if child has an ID)	<table border="1"> <tr> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> </table>												
Date of birth	/ /		Date of birth	/ /																							
Sex	<input type="checkbox"/> male	<input type="checkbox"/> female	Sex	<input type="checkbox"/> male	<input type="checkbox"/> female																						
Residential address			Residential address																								
Telephone contact	( )		Telephone contact	( )																							
Cellphone contact			Cellphone contact																								
Email contact			Email contact																								

Home language		Home language	
School attended		School attended	
Grade		Grade	
Person currently caring for child		Person currently caring for child	
<i>If there is not space to list all the children at risk above, attach additional pages with this information.</i>			

**PART C: SUMMARY OF REASONS FOR REMOVAL OF ALLEGED OFFENDER**

**On the basis of information provided to the member of the police, as summarised above, you are hereby required to move from the following premises pending your appearance before the children's court:**

\_\_\_\_\_

*(physical address of place where listed child or children reside)*

**You are hereby called upon to leave these premises and are prohibited from re-entering these premises or having contact with the mentioned child or children until the children's court has determined the matter.**

**You must appear at the children's court at \_\_\_\_\_**  
*(place) on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).*  
*(Note that the date must be the first court day after the day on which the removal notice is issued.)*

**You may give reasons to the court why you should not be permanently prohibited from re-entering the place where the mentioned child or children reside.**

**Signature of member of police:** \_\_\_\_\_  
**First name(s) and surname:** \_\_\_\_\_  
**Rank:** \_\_\_\_\_  
**Date:** \_\_\_\_\_

I, \_\_\_\_\_ (first name(s) and surname of member of police) hereby certify that I have handed the original of this document to the alleged offender named herein and that I have explained to him or her the import of this document.

Signature of member of police: \_\_\_\_\_  
Print first name(s) and surname: \_\_\_\_\_  
Rank: \_\_\_\_\_  
Date: \_\_\_\_\_

**FORM 16**

Section 139(1) of the Child Care and Protection Act, 2015  
Regulation 49(1)

**REPORT BY DESIGNATED SOCIAL WORKER: SECTION 139 OF ACT**

Court file number \_\_\_\_\_  
*(file number to be entered by clerk of court)*

Social worker file number \_\_\_\_\_

**PROFESSIONAL REPORT  
COMPILED BY DESIGNATED SOCIAL WORKER**

**Name:** \_\_\_\_\_

**Position:** \_\_\_\_\_

**Registration number:** \_\_\_\_\_

**Work address:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Contact number:** \_\_\_\_\_

**Email:** \_\_\_\_\_

**Date of report:** \_\_\_\_\_ **Signature:** \_\_\_\_\_

**EXAMINED BY SUPERVISOR**

**Name:** \_\_\_\_\_

**Date of report:** \_\_\_\_\_ **Signature:** \_\_\_\_\_

TO THE CLERK OF THE CHILDREN’S COURT FOR THE DISTRICT OF \_\_\_\_\_  
HELD AT \_\_\_\_\_

**PART A: INTRODUCTION (Nature of report; outline of what report attempts to achieve)**

Empty box for writing the introduction of the report.

<b>PART B: PARTICULARS OF CHILD OR CHILDREN WHO ARE SUBJECT OF REPORT</b>											
<b>CHILD 1</b>						<b>CHILD 2</b>					
Surname						Surname					
First name						First name					
ID number (if child has an ID)						ID number (if child has an ID)					
Date of birth			/ /			Date of birth			/ /		
Sex			<input type="checkbox"/> male		<input type="checkbox"/> female	Sex			<input type="checkbox"/> male		<input type="checkbox"/> female
Residential address						Residential address					
Postal address						Postal address					
Physical address where documents can be served if not residential address						Physical address where documents can be served if not residential address					
Telephone contact			( )			Telephone contact			( )		
Cellphone contact						Cellphone contact					
Email contact						Email contact					
Home language						Home language					
School attended						School attended					
Grade						Grade					
Person currently caring for child						Person currently caring for child					
Other relevant information – such as financial position, socio-economic status, availability of transport, whether an interpreter will be needed, any special requirements (for example, wheelchair access) – which may assist the court in deciding how best to deal with the matter in terms of the Child Care and Protection Act, 2015											
<b>CHILD 3</b>						<b>CHILD 4</b>					
Surname						Surname					
First name						First name					
ID number (if child has an ID)						ID number (if child has an ID)					
Date of birth			/ /			Date of birth			/ /		
Sex			<input type="checkbox"/> male		<input type="checkbox"/> female	Sex			<input type="checkbox"/> male		<input type="checkbox"/> female
Residential address						Residential address					
Postal address						Postal address					



Physical address where documents can be served if not residential address		Physical address where documents can be served if not residential address	
Telephone contact	( )	Telephone contact	( )
Cellphone contact		Cellphone contact	
Email contact		Email contact	
Home language		Home language	
School attended		School attended	
Grade		Grade	
Person currently caring for child		Person currently caring for child	
Other relevant information – such as financial position, socio-economic status, availability of transport, whether an interpreter will be needed, any special requirements (for example, wheelchair access) – which may assist the court in deciding how best to deal with the matter in terms of the Child Care and Protection Act, 2015			
<b>CHILD 5</b>		<b>CHILD 6</b>	
Surname		Surname	
First name(s)		First name(s)	
ID number (if child has an ID)		ID number (if child has an ID)	
Date of birth	/ /	Date of birth	/ /
Sex	<input type="checkbox"/> male <input type="checkbox"/> female	Sex	<input type="checkbox"/> male <input type="checkbox"/> female
Residential address		Residential address	
Postal address		Postal address	
Physical address where documents can be served if not residential address		Physical address where documents can be served if not residential address	
Telephone contact	( )	Telephone contact	( )
Cellphone contact		Cellphone contact	
Email contact		Email contact	
Home language		Home language	
School attended		School attended	
Grade		Grade	

Person currently caring for child		Person currently caring for child	
Other relevant information – such as financial position, socio-economic status, availability of transport, whether an interpreter will be needed, any special requirements (for example, wheelchair access) – which may assist the court in deciding how best to deal with the matter in terms of the Child Care and Protection Act, 2015			

**PART C: FAMILY COMPOSITION**

**C.1: PARENTS** (*biological or adoptive parents*)

*Give names, identity numbers, ages, addresses, contact numbers, qualifications, marital status, employers.*

**C.2: SIBLINGS**

*Give names, sex and ages of all siblings, including indication of which siblings reside with child or children who are subject of report.*

*Mark child or children concerned who are the subject of the report with an asterisk(\*)*.

**C.3: ALTERNATE CARE-GIVER(S)**

*(foster parents, stepparents, guardian, kinship carer, other care-givers)*

*Include names, identity numbers or date of birth, ages, addresses, contact numbers, qualifications, marital status, employers.*

**C.4: HOUSEHOLD COMPOSITION**

*Indicate which family members and other persons share a household with the child or children who are the subject of the report. List names, ages and relationship to child/children in the case of persons not already discussed in this part.*

**PART D: FAMILY PROFILE****D.1: FAMILY BACKGROUND**

*(background information on parents: place of birth, education, family history, employment history)*

**D.2: EXTENDED FAMILY STRUCTURE**

*List family members outside the household who play a significant role in the family.*

**D.3: FAMILY RELATIONSHIPS**

*Describe nature of parents' relationship and relationship with other members of family and extended family.*

**D.4: PHYSICAL FACTORS AND HEALTH RELATING TO PARENTS**

*Include any physical disabilities and/or substance abuse.*

**D.5: PSYCHOLOGICAL FACTORS RELATING TO PARENTS**

*Include any mental disabilities.*

**D.6: HOUSING AND ENVIRONMENT**

*Describe type, size, ownership, impression.*

**D.7: RELIGIOUS AND CULTURAL ASPECTS OF FAMILY**

*Describe affiliation, participation, role.*

**D.8: SOCIO-CULTURAL ASPECTS OF FAMILY***Discuss community activities, norms and values.***D.9: FINANCIAL ASPECTS OF FAMILY***Focus on income and expenditure of parents, with summary of other contributions to household income.***PART E: PROFILE OF CHILD/CHILDREN CONCERNED***Attach additional pages of paper if necessary.**Any relevant supporting documents to be attached as annexures.***E.1: PRESENT LIVING CIRCUMSTANCES***(if not living with biological parents)***CHILD 1:** ..... (name)Situation for other children *(if different)***CHILD 2:** ..... (name)**CHILD 3:** ..... (name)**CHILD 4:** ..... (name)

<b>E.2: PHYSICAL FACTORS AND HEALTH</b> <i>Include any disabilities and/or substance abuse.</i>
<b>CHILD 1:</b> ..... (name)
<b>CHILD 2:</b> ..... (name)
<b>CHILD 3:</b> ..... (name)
<b>CHILD 4:</b> ..... (name)
<b>E.3: PSYCHOLOGICAL FACTORS</b> <i>Include any mental disabilities.</i>
<b>CHILD 1:</b> ..... (name)
<b>CHILD 2:</b> ..... (name)
<b>CHILD 3:</b> ..... (name)
<b>CHILD 4:</b> ..... (name)
<b>E.4: RELATIONSHIPS WITH PARENTS, SIBLINGS OR PEERS</b>
<b>CHILD 1:</b> ..... (name)
<b>CHILD 2:</b> ..... (name)

**CHILD 3:** ..... (name)

**CHILD 4:** ..... (name)

**E.5: SCHOOLING**

*Describe attendance, social problems, academic difficulties and achievements.*

**CHILD 1:** ..... (name)

**CHILD 2:** ..... (name)

**CHILD 3:** ..... (name)

**CHILD 4:** ..... (name)

**PART F: SPECIAL CIRCUMSTANCES FOR CONSIDERATION**

*Discuss any special needs, circumstances of orphaned or abandoned children, etc.*

**PART G: VIEWS OF THE CHILD/CHILDREN CONCERNED**

*Reflect emotions, feelings, preferences, personal needs and any other relevant observations regarding each child. Attach additional pages if necessary.*

**CHILD 1:** ..... (name)

**CHILD 2:** ..... (name)

**CHILD 3:** ..... (name)

**CHILD 4:** ..... (name)



<p><b>PART H: FACTORS WHICH LED TO INVESTIGATION AND INTERVENTIONS TO DATE</b> <i>Attach additional pages if necessary. Any relevant supporting documents to be attached as annexures.</i></p>
<p><b>H.1: EVENTS LEADING TO INVESTIGATION</b> <i>Describe complete chain of events with dates, including discussion of factors listed in section 131 of the Child Care and Protection Act, 2015</i></p>
<p><b>H.2: PREVIOUS INTERVENTIONS</b> <i>Describe previous decisions or inquiries in respect of child/children to be indicated, whether child has been removed to place of safety; family preservation services rendered or attempted; whether child has been a victim of trafficking and returned to or found in Namibia, etc</i></p>
<p><b>H.3: EVIDENCE AND FACTS</b> <i>Describe allegations of abuse/neglect; incidents; claims, etc. Affidavits and any other supporting documents to be attached as annexures.</i></p>
<p><b>H.4: MEDICAL EVIDENCE</b> <i>Describe in cases involving assault or abuse. Any supporting documents to be attached as annexures.</i></p>

**PART I: MEASURES TO ASSIST FAMILY**

*Describe steps taken to improve family situation: counselling, mediation, prevention and early intervention services, family reconstruction and rehabilitation, behaviour modification, problem solving, referrals, etc.*

**PART J: PRIVATE FAMILY ARRANGEMENTS** *(if applicable)***PART K: EVALUATION**

*(positive and negative factors, causes and results)*

**PART L: CONCLUSION****Finding by social worker whether child is in need of protective services.**

**CHILD 1:** In view of the above information I am of the opinion that:

\_\_\_\_\_

*(name of child)*

- is in need of protective services
- is **not** in need of protective services

as contemplated in section 131 of the Child Care and Protection Act, 2015.

**CHILD 2:** In view of the above information I am of the opinion that:

\_\_\_\_\_

*(name of child)*

- is in need of protective services
- is **not** in need of protective services

as contemplated in section 131 of the Child Care and Protection Act, 2015.

**CHILD 3:** In view of the above information I am of the opinion that:

\_\_\_\_\_

*(name of child)*

- is in need of protective services
- is **not** in need of protective services

as contemplated in section 131 of the Child Care and Protection Act, 2015.

**CHILD 4:** In view of the above information I am of the opinion that:

\_\_\_\_\_

*(name of child)*

- is in need of protective services
- is **not** in need of protective services

as contemplated in section 131 of the Child Care and Protection Act, 2015.

*Attach additional pages if more space is needed to list conclusions for additional children.*

**PART M: RECOMMENDATION**

*Indicate which order or orders in terms of section 145 or 146 of the Act, would be appropriate to the child, with section number and subsection to be reflected. Motivate the recommendation and include a recommendation on duration of kind and level of supervision required, if applicable.*

**PART N: RECOMMENDED MEASURES TO ASSIST FAMILY**

*Mark recommended measures with an "x" and motivate.*

Counselling

---

---

---

Mediation

---

---

---

Prevention and early intervention services

---

---

---

Family reconstruction and rehabilitation

---

---

---

Behaviour modification

---

---

---

Problem solving

---

---

---

Referral to another suitably qualified person or organisation

---

---

---

Other

---

---

---

**PART O: RECOMMENDED MEASURES TO ASSIST CHILD**

*Mark recommended measures with an "x" and motivate.*

*Indicate which child in each case, if multiple children are involved.*

Therapeutic needs

---

---

---

Educational needs

---

---

---

Cultural needs

---

---

---

Linguistic needs

---

---

---

Developmental needs (attach separate forms as Annexures if required)

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---

---

Socio-economical needs

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---

---

Spiritual needs

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---

---

Other needs

---

---

---

**PART P: SPECIAL ISSUES FOR INVESTIGATION**

*If the Children's Court or another interested party requested investigation of any issues which are not covered by elsewhere on the form, summarise the request and give feedback here.*

**PART Q: SOURCES OF INFORMATION**

*List persons from whom information was obtained to compile report; indicate names, addresses, contact numbers and relationship to the child or children who are the subject of the report.*

**Declaration**

I, the undersigned, hereby declare that the information provided in this report is to the best of my knowledge true and correct.

Signature of social worker who prepared report: \_\_\_\_\_

Date: \_\_\_\_\_ Place: \_\_\_\_\_

**FORM 17**

Section 155(1) of Child Care and Protection Act, 2015

Regulation 52

**APPLICATION FOR APPROVAL AS PROSPECTIVE FOSTER PARENT**

<b>PART A: PARTICULARS OF APPLICANT</b>							
<b>APPLICANT 1</b>				<b>APPLICANT 2 (if applying jointly)</b>			
Surname				Surname			
First names				First names			
ID number				ID number			
Date of birth		/ /		Date of birth		/ /	
Marital status				Marital status			
If married, state date of marriage				If married, state date of marriage			
Citizenship				Citizenship			
<i>If not a Namibian citizen, provide permanent residence certificate number or proof of domicile.</i>				<i>If not a Namibian citizen, provide permanent residence certificate number or proof of domicile.</i>			
Religious affiliation				Religious affiliation			
Occupation				Occupation			
Home language				Home language			
Other languages spoken at home				Other languages spoken at home			
Residential address				Residential address			
Postal address				Postal address			
Telephone		( )		Telephone		( )	
Cellphone		( )		Cellphone		( )	
Email				Email			
Fax				Fax			
Occupation				Occupation			
Employer				Employer			
Work address				Work address			
Work telephone				Work telephone			

<b>PART B: CHILDREN IN HOUSEHOLD</b>							
<i>List the names, sex, age and dates of birth, of every other child (person under age 18) resident in the prospective foster parent's household.</i>							
<b>CHILD 1</b>			<b>CHILD 2</b>				
Surname				Surname			
First name(s)				First name(s)			
Date of birth		/ /		Date of birth		/ /	
Sex		<input type="checkbox"/> male <input type="checkbox"/> female		Sex		<input type="checkbox"/> male <input type="checkbox"/> female	

CHILD 3			CHILD 4		
Surname			Surname		
First name			First name		
Date of birth	/	/	Date of birth	/	/
Sex	<input type="checkbox"/> male	<input type="checkbox"/> female	Sex	<input type="checkbox"/> male	<input type="checkbox"/> female
CHILD 5			CHILD 6		
Surname			Surname		
First name			First name		
Date of birth	/	/	Date of birth	/	/
Sex	<input type="checkbox"/> male	<input type="checkbox"/> female	Sex	<input type="checkbox"/> male	<input type="checkbox"/> female

**PART C: OTHER ADULTS IN HOUSEHOLD**

*List the names, sex, age and dates of birth, of every other adult resident in the prospective foster parent's household.*

ADULT 1			ADULT 2		
Surname			Surname		
First names			First names		
Date of birth	/	/	Date of birth	/	/
Sex	<input type="checkbox"/> male	<input type="checkbox"/> female	Sex	<input type="checkbox"/> male	<input type="checkbox"/> female
ADULT 3			ADULT 4		
Surname			Surname		
First names			First names		
Date of birth	/	/	Date of birth	/	/
Sex	<input type="checkbox"/> male	<input type="checkbox"/> female	Sex	<input type="checkbox"/> male	<input type="checkbox"/> female
ADULT 5			ADULT 6		
Surname			Surname		
First names			First names		
Date of birth	/	/	Date of birth	/	/
Sex	<input type="checkbox"/> male	<input type="checkbox"/> female	Sex	<input type="checkbox"/> male	<input type="checkbox"/> female

**PART D: SPECIAL NEEDS**

*Indicate whether any other child or adult resident in the prospective foster parent's household has any special needs and explain.*

--



<b>PART E. ASSETS AND LIABILITIES</b>		
<i>Provide information on your income, assets, liabilities and expenses.</i>		
<b>PART E.1: Monthly household income</b>		
Salary/wages:	N\$	from (household member)
	N\$	from (household member)
	N\$	from (household member)
	N\$	from (household member)
Profits from any source:	N\$	(list source)
	N\$	(list source)
	N\$	(list source)
Rental income:	N\$	
Interest on investments:	N\$	
Maintenance payments:	N\$	
State grants:	N\$	Paid to (list recipient)
	N\$	Paid to (list recipient)
	N\$	Paid to (list recipient)
Any other income not listed above:	N\$	
<b>PART E.2: Assets</b>		
Land and housing:	N\$	
Cash on hand:	N\$	
Stocks and bonds:	N\$	
Other investments:	N\$	
Livestock:	N\$	
Vehicles:	N\$	
Any other asset not listed above:	N\$	
<b>PART E.3: Debts and liabilities</b>		
Housing loans/bonds:	N\$	
Vehicle loans:	N\$	
Hire-purchase debt:	N\$	
Overdraft:	N\$	
Credit card debt:	N\$	
Other debts (student loans, etc)	N\$	
<b>PART E.4: Average monthly expenditure</b>		
Rent or monthly bond repayment:	N\$	
Utilities:	N\$	
School fees:	N\$	
Groceries:	N\$	
Transport expenses:	N\$	
Other:	N\$	
<i>Provide supporting documentation where possible.</i>		

**PART F: MOTIVATION FOR REQUEST**

*Provide reasons as to why you would like to be approved as prospective foster parent(s).*

--

**PART G: FOSTER CHILD PREFERENCES**

*Indicate any preferences regarding sex, age or other attributes of potential foster children.*

--

**PART H: INTEREST IN ADOPTION**

Are you hoping to adopt a foster child?

Yes

No

*If the answer is yes, you must submit a separate application for approval as a prospective adoptive parent.*

**Declaration by Applicant 1**

I, the undersigned, hereby declare that the information provided in this application is to the best of my knowledge true and correct.

Signature of applicant: \_\_\_\_\_

Date: \_\_\_\_\_ Place: \_\_\_\_\_

**Declaration by Applicant 2 (if applicable)**

I, the undersigned, hereby declare that the information provided in this application is to the best of my knowledge true and correct.

Signature of applicant: \_\_\_\_\_

Date: \_\_\_\_\_ Place: \_\_\_\_\_

**SUPPORTING DOCUMENTS**

The application must be accompanied by the following documents:

- a certified copy of the applicant's Namibian identity document or passport;
- a valid police clearance certificate as contemplated in section 238(5) of the Child Care and Protection Act, 2015 in respect of each person who is 18 years of age or older and living in the household;
- a medical report in respect of the health of the applicant.

**FORM 18A**

Section 160 of Child Care and Protection Act, 2015  
Regulation 57(1)

**SUMMONS TO APPEAR BEFORE CHILDREN’S COURT FOR PURPOSES OF  
CONTRIBUTION ORDER PROCEEDINGS**

File Number: .....

IN THE CHILDREN’S COURT FOR THE DISTRICT OF \_\_\_\_\_

HELD AT \_\_\_\_\_

IN THE MATTER OF

FIRST NAMES AND SURNAMES OF CHILD / CHILDREN	ID NUMBER / DATE OF BIRTH	
	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	/ /
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TO: \_\_\_\_\_  
*(first name(s) and surname of respondent)*

RESIDENTIAL ADDRESS:  
\_\_\_\_\_  
\_\_\_\_\_

WORK ADDRESS:  
\_\_\_\_\_  
\_\_\_\_\_

**YOU ARE HEREBY REQUIRED:**

**to appear before this court, and to bring proof of your income, at ..... (time) on the ..... day of .....(month), 20...(year).... , and on any subsequent day the court thereafter requires, to show cause why a contribution order should not be made against you in terms of section 160 of the Child Care and Protection Act, 2015.**

**GROUNDINGS OF ALLEGED CONTRIBUTION**

*Tick the explanation from section 160(2) of the Child Care and Protection Act, 2015 which applies.*

- As a contribution towards the maintenance or treatment of, or the costs resulting from any special needs of, **a child placed in foster care or a residential child care facility by court order or temporarily removed by order of the court from the child's family for treatment, rehabilitation, counselling or another reason.**
- As a **short-term emergency contribution** towards the maintenance or treatment of, or the costs resulting from, any **urgent needs** of a child.
- As a contribution towards the maintenance of a child in receipt **of a state maintenance grant contemplated in Chapter 16 of the Act in circumstances where it is shown that the respondent could have contributed towards the maintenance of such child.**

**DETAILS REGARDING SITUATION OF CHILD**

Attach all relevant documentation

Signed at ..... (*place*) this ..... day of ..... (*month*), 20.... (*year*)

(*First name and surname*) .....

(*signature*) .....

CLERK OF THE CHILDREN'S COURT

**RETURN OF SERVICE  
FOR OFFICIAL USE ONLY**

I, ..... (print name), hereby certify that I have -

- delivered a copy of the notice to ..... personally;
- delivered a copy of the notice to ....., who is the legal practitioner of record of .....
- handed a copy of the notice to ..... a person apparently not younger than the age of 16 years and apparently residing or employed at the **\*residence / \*place of business** of ....., and at the same time informed the person of the nature thereof;
- handed a copy of the notice to ..... a person apparently not younger than the age of 16 at the place of employment of ..... who is apparently **\*in authority over this person / \*in charge of the place of employment**, and at the same time informed the person of the nature thereof;
- because ..... is a juristic person, delivered a copy of the notice to the juristic person's registered office or main place of business, and handed a copy of it to ..... who is **\*a director/ \*an employee** of the juristic person, and at the same time informed the person of the nature thereof;
- submitted a copy of the notice to ..... by courier or by registered post;
- delivered or submitted a copy of notice to ..... in the following manner .....

(specify).

Signed at ..... (place) this ..... day of ..... (month), 20.... (year)

.....  
*Signature of \*messenger of court/\*police officer/\*clerk of court/\*person authorised by children's commissioner*

First name(s) and surname (print) .....

Designation (rank) ..... *Ex officio* Republic of Namibia

Business address .....

(Street address must be stated.)

\*DELETE WHICHEVER IS NOT APPLICABLE.

**FORM 18B**

Section 160 of Care and Protection Act, 2015  
Regulation 57(2)

**APPLICATION ON BEHALF OF CHILD FOR VARIATION, SUSPENSION, RESCISSION  
OR REVIVAL OF CONTRIBUTION ORDER**

File Number: \_\_\_\_\_

IN THE CHILDREN’S COURT FOR THE DISTRICT OF \_\_\_\_\_

HELD AT \_\_\_\_\_

IN THE MATTER OF

FIRST NAMES AND SURNAMES OF CHILD / CHILDREN	ID NUMBER / DATE OF BIRTH																					
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TO: \_\_\_\_\_  
*(first name(s) and surname Respondent)*

RESIDENTIAL ADDRESS:  
\_\_\_\_\_  
\_\_\_\_\_

WORK ADDRESS:  
\_\_\_\_\_  
\_\_\_\_\_

**TAKE NOTICE** that application for the *\*variation / \*suspension / \*rescission / \* revival* of the *\*contribution order made by the court against* \_\_\_\_\_ *(respondent)* on \_\_\_\_\_ *(date)* made pursuant to section 160 of the Child Care and Protection Act, 2015 in respect of the abovementioned child/ren will be heard before this court on the \_\_\_\_\_ day of \_\_\_\_\_ *(month)*, 20\_\_\_\_ *(year)* at \_\_\_\_\_ *(time)*.

**You are required to be present before the abovementioned children’s court on the abovementioned time and date.**

\*DELETE WHICHEVER IS NOT APPLICABLE.

Signed at..... *(place)* this ..... day of ..... *(month)*, 20....  
*(year)*

*(First name(s) and surname)* .....

*(signature)* .....

CLERK OF THE CHILDREN’S COURT

**RETURN OF SERVICE  
FOR OFFICIAL USE ONLY**

- I, ..... (print name), hereby certify that I have -
- delivered a copy of the notice to ..... personally;
  - delivered a copy of the notice to ....., who is the legal practitioner of record of .....
  - handed a copy of the notice to ..... a person apparently not younger than the age of 16 years and apparently residing or employed at the **\*residence / \*place of business** of ....., and at the same time informed the person of the nature thereof;
  - handed a copy of the notice to ..... a person apparently not younger than the age of 16 at the place of employment of ..... who is apparently **\*in authority over this person / \*in charge of the place of employment**, and at the same time informed the person of the nature thereof;
  - because ..... is a juristic person, delivered a copy of the notice to the juristic person's registered office or main place of business, and handed a copy of it to ..... who is **\*a director/ \*an employee** of the juristic person, and at the same time informed the person of the nature thereof;
  - submitted a copy of the notice to ..... by courier or by registered post;
  - delivered or submitted a copy of notice to ..... in the following manner ..... (specify).

Signed at ..... (place) this ..... day of ..... (month), 20.... (year)

.....  
*Signature of \*messenger of court/\*police officer/\*clerk of court/\*person authorised by children's commissioner*

First name(s) and surname (print) .....

Designation (rank) ..... *Ex officio* Republic of Namibia

Business address .....

(Street address must be stated.)

\*DELETE WHICHEVER IS NOT APPLICABLE.



**FORM 18C**

Section 160 of Child Care and Protection Act, 2015  
Regulation 57(3)

**APPLICATION BY RESPONDENT FOR VARIATION, SUSPENSION, RESCISSION OR  
REVIVAL OF CONTRIBUTION ORDER**

**File number:** \_\_\_\_\_  
(file number to be entered by clerk of court)

**To the Children's Commissioner for** \_\_\_\_\_ (place)

PARTICULARS OF APPLICANT															
Surname				Sex	<input type="checkbox"/> Male <input type="checkbox"/> Female										
First name(s)															
Title	<input type="checkbox"/> Mr	<input type="checkbox"/> Mrs	<input type="checkbox"/> Miss	<input type="checkbox"/> Ms	<input type="checkbox"/> Dr <input type="checkbox"/> Other										
ID number	<table border="1"> <tr> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> </table>													Date of birth	____ / ____ / ____ day / month / year
Residential address			Postal address												
Telephone			Cellphone												
Email			Fax												
Employer															
Work physical address			Work postal address												
Work telephone			Other work contact number if possible												
Work email address			Work fax number												

1. **I, the undersigned, hereby apply for the:**

- variation**  
 **suspension**  
 **rescission**  
 **revival of the**

**\*contribution order made by this court in terms of section 160 of the Child Care and Protection Act, 2015**

\*DELETE WHICHEVER IS NOT APPLICABLE.

**against** \_\_\_\_\_ (name of respondent) **on the** \_\_\_\_\_ **day of**

\_\_\_\_\_ (month), **20** \_\_\_\_\_ (year) in respect of the following child or children:

FIRST NAMES AND SURNAMES OF CHILD / CHILDREN	SEX	ID NUMBER / DATE OF BIRTH	
		<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	/ /
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**2. The grounds for the application are as follows:**

GROUNDS FOR APPLICATION:
<p style="text-align: center;">Attach all relevant documentation</p>

Declaration
<p>I, the undersigned, hereby declare that the information provided in this application is to the best of my knowledge true and correct.</p> <p>Signature of applicant: _____</p> <p>Date: _____ Place: _____</p>

**Form 19A**  
Section 170(5) of Child Care and Protection Act, 2015  
Regulation 59(1)

**APPLICATION TO BE APPROVED AS PROSPECTIVE ADOPTIVE PARENT**

PART A: PARTICULARS OF APPLICANT															
APPLICANT 1								APPLICANT 2 (if applying jointly)							
Surname								Surname							
First names								First names							
ID number								ID number							
Date of birth				/ /				Date of birth				/ /			
Marital status								Marital status							
If married, state date of marriage								If married, state date of marriage							
Citizenship								Citizenship							
If not a Namibian citizen, provide permanent residence certificate number, or other proof of legal residence in Namibia								If not a Namibian citizen, provide permanent residence certificate number or other proof of legal residence in Namibia							
Religious affiliation								Religious affiliation							
Occupation								Occupation							
Home language								Home language							
Other languages spoken at home								Other languages spoken at home							
Ethnic group								Ethnic group							
Residential address								Residential address							
Postal address								Postal address							
Telephone				( )				Telephone				( )			
Cellphone				( )				Cellphone				( )			
Fax								Fax							
Email								Email							
Occupation								Occupation							
Work address								Work address							
Work telephone								Work telephone							

<b>PART B: HABITUAL RESIDENCE IN NAMIBIA</b>	
Provide a motivation to show that you currently make your regular home in Namibia. This section must be completed regardless of citizenship.	
Period of residence in Namibia	
Future intentions regarding residence	
Nature of employment	
Property and bank accounts in Namibia or elsewhere	
Other indications of habitual residence (membership of church or other groups, community involvement, etc)	

<b>PART C: CHILDREN IN HOUSEHOLD</b>					
<i>List the names, sex, age and dates of birth, of every other child (person under age 18) resident in your household.</i>					
<b>CHILD 1</b>			<b>CHILD 2</b>		
Surname			Surname		
First name			First name		
Date of birth	/	/	Date of birth	/	/
Sex	<input type="checkbox"/> male	<input type="checkbox"/> female	Sex	<input type="checkbox"/> male	<input type="checkbox"/> female
<b>CHILD 3</b>			<b>CHILD 4</b>		
Surname			Surname		
First name			First name		
Date of birth	/	/	Date of birth	/	/
Sex	<input type="checkbox"/> male	<input type="checkbox"/> female	Sex	<input type="checkbox"/> male	<input type="checkbox"/> female
<b>CHILD 5</b>			<b>CHILD 6</b>		
Surname			Surname		
First name			First name		
Date of birth	/	/	Date of birth	/	/
Sex	<input type="checkbox"/> male	<input type="checkbox"/> female	Sex	<input type="checkbox"/> male	<input type="checkbox"/> female

<b>PART D: OTHER ADULTS IN HOUSEHOLD</b>					
<i>List the names, sex, age and dates of birth, of every other adult resident in your household.</i>					
<b>ADULT 1</b>			<b>ADULT 2</b>		
Surname			Surname		
First name			First name		
Date of birth	/	/	Date of birth	/	/
Sex	<input type="checkbox"/> male	<input type="checkbox"/> female	Sex	<input type="checkbox"/> male	<input type="checkbox"/> female
<b>ADULT 3</b>			<b>ADULT 4</b>		
Surname			Surname		
First name			First name		
Date of birth	/	/	Date of birth	/	/
Sex	<input type="checkbox"/> male	<input type="checkbox"/> female	Sex	<input type="checkbox"/> male	<input type="checkbox"/> female
<b>ADULT 5</b>			<b>ADULT 6</b>		
Surname			Surname		
First name			First name		
Date of birth	/	/	Date of birth	/	/
Sex	<input type="checkbox"/> male	<input type="checkbox"/> female	Sex	<input type="checkbox"/> male	<input type="checkbox"/> female

<b>PART E: HEALTH ISSUES AND SPECIAL NEEDS</b>
Indicate whether any other child or adult resident in your household has any health issues (such as a disability or chronic illness) or special needs

<b>PART F. ASSETS AND LIABILITIES</b>		
<i>Provide information on your income, assets, liabilities and expenses.</i>		
<b>PART F.1: Monthly household income</b>		
Salary/wages:	N\$	from (household member)
	N\$	from (household member)
	N\$	from (household member)
	N\$	from (household member)
Profits from any source:	N\$	from (list source)
	N\$	from (list source)
	N\$	from (list source)
Rental income:	N\$	
Interest on investments:	N\$	
Maintenance payments:	N\$	
State grants:	N\$	Paid to (list recipient)
	N\$	Paid to (list recipient)
	N\$	Paid to (list recipient)
Any other income not listed above:	N\$	

<b>PART F.2: Assets</b>		
Land and housing:	N\$	
Cash on hand:	N\$	
Stocks and bonds:	N\$	
Other investments:	N\$	
Livestock:	N\$	
Vehicles:	N\$	
Any other asset not listed above:	N\$	
<b>PART F.3: Debts and liabilities</b>		
Housing loans/bonds:	N\$	
Vehicle loans:	N\$	
Hire-purchase debt:	N\$	
Overdraft:	N\$	
Credit card debt:	N\$	
Other debts (student loans, etc)	N\$	
<b>PART F.4: Average monthly expenditure</b>		
Rent or monthly bond repayment:	N\$	
Utilities:	N\$	
School fees:	N\$	
Groceries:	N\$	
Transport expenses:	N\$	
Other:	N\$	
<i>Provide supporting documentation where possible.</i>		

<b>PART G: MOTIVATION FOR SEEKING TO ADOPT</b>

**PART H: PREFERENCES FOR ADOPTIVE CHILD**

*Indicate any preferences regarding sex, age or other attributes of potential adoptive children.  
Tick any box which applies and then provide a motivation in the space below.*

**Preference:**

adoption of a specific child is preferred: ..... (name)  
 infant preferred, or preferred age range .....  
 preferred sex .....  
 potentially willing to adopt child with special needs .....  
 other:.....

**Motivation:****PART I: DISCLOSURE / NON-DISCLOSURE**

- I/We are **NOT** willing for my/our identity to be disclosed to the parent, guardian or extended family of the child to be adopted.
- I/We are willing for my/our identity to be disclosed to the parent, guardian or extended family of the child to be adopted.

**PART J: SUPPORTING DOCUMENTS****The application must be accompanied by the following documents:**

- a certified copy of the Namibian identity document or passport or other proof of Namibian citizenship in Namibia, OR in the case of non-Namibian citizens documentation of legal residency status in Namibia;
- a police clearance certificate as contemplated in section 238(5) of the Child Care and Protection Act, 2015 in respect of the applicant;
- a police clearance certificate as contemplated in section 238(5) of the Child Care and Protection Act, 2015 in respect of other persons residing in the household, if requested to provide this by the relevant social worker;
- a medical or psychological assessment report in respect of the health of the applicant.

**An applicant who is habitually resident in Namibia but not a citizen of Namibia but must provide the following additional information:**

- information about the relevant laws relating to adoption in his or her country or countries of citizenship.
- a letter from the central authority of the country or countries of citizenship that the adoptive child will be entitled to enter and remain in such country or countries OR if the relevant country or countries are not party to the Hague Convention on Protection of Children and Co-operation in respect of Inter-county Adoption, a letter from an embassy of the country or countries of citizenship that the adoptive child will be entitled to enter and remain in such country or countries.
- a police clearance certificate (substantially corresponding to that contemplated in section 238(5)(5) of the Act) from the country or countries of citizenship, or any other country where an applicant has resided during the last ten years.

**Declaration by Applicant 1**

I, the undersigned, hereby declare that the information provided in this application is to the best of my knowledge true and correct.

Signature of applicant: \_\_\_\_\_

Date: \_\_\_\_\_ Place: \_\_\_\_\_

**Declaration by Applicant 2 (if applicable)**

I, the undersigned, hereby declare that the information provided in this application is to the best of my knowledge true and correct.

Signature of applicant: \_\_\_\_\_

Date: \_\_\_\_\_ Place: \_\_\_\_\_



**Form 19B**  
Section 171 of Child Care and Protection Act, 2015  
Regulation 62(2)

**REGISTRATION FORM FOR PURPOSES OF REGISTER OF ADOPTABLE CHILDREN  
AND PROSPECTIVE ADOPTIVE PARENTS (RACAP)**

PART A: PARTICULARS OF CHILD			
Surname			Sex <input type="checkbox"/> Male <input type="checkbox"/> Female
First name(s)			
ID number or date of birth			/ /
Ethnic group (or apparent ethnic group)			
Home language (if child has acquired language skills)			
Religious affiliation (if child is mature enough to have adopted a religion)			
Residential address			
Postal address			
Physical address where documents can be served if not at the residential address			
Telephone contact	Code (      )	Cellphone contact	
Email contact			
Home language			
School attended			
Grade			

PART B: BASIS FOR ADOPTABILITY
The child referred to above is adoptable because -
<input type="checkbox"/> the child does not have a parent and has no suitable guardian or care-giver willing to care for him or her; <input type="checkbox"/> the whereabouts of the child's parent or guardian cannot be established and the child does not have a suitable guardian or care-giver willing to care for him or her; <input type="checkbox"/> the child has been abandoned; <input type="checkbox"/> the child is to be adopted by a step-parent; <input type="checkbox"/> the child is in need of a permanent alternative placement; or <input type="checkbox"/> the child's parent or guardian has consented to the adoption.
<b>Provide further particulars as to why child is considered to be adoptable:</b>

**PART C. If the child is adoptable because the child has been ABANDONED -**

1. Attach
  - (a) a **copy of the newspaper advertisement**, with the date it appeared, referred to in regulation 61; and
  - (b) **proof of the radio announcement**, referred to in regulation 61, with the date such broadcast aired; and
  - (c) a **statement to the effect that no person has claimed responsibility for the child** in response to such newspaper advertisement or radio broadcast, after the expiry date required.
2. Attach also -
  - (a) an **affidavit** by the relevant social worker to the effect that the child appears to have been abandoned and that **no parent, guardian or care-giver of the child can be identified or traced**;
  - (b) an **affidavit** by any person that the child, unless the child is less than three months of age, has had **no contact with his or her parent, guardian or care-giver for a period of at least three months**; or
  - (c) an **affidavit** by the relevant social worker to the effect that the child was **left with approved authorities as contemplated in section 227(1)**.

**PART D. If the child is adoptable because the child is in need of  
PERMANENT ALTERNATIVE PLACEMENT -**

1. Attach a detailed statement of the child's history, including a discussion of the child's circumstances and details of any removal of the child from a parent or care-giver and any attempts at family reunification.
2. Attach copies of any relevant court orders concerning current or previous placements or copies of any relevant kinship care agreements.

**PART E. If the child is adoptable because parent or guardian has CONSENTED to adoption -**

1. Attach a copy of the relevant consent(s).

**PART F. HEALTH ISSUES OR SPECIAL NEEDS**

*Describe any health issues or special needs which could affect  
the matching of the child in question with suitable adoptive parents  
(chronic illness, mental or physical disability, etc).*

**PART H. SIBLINGS**

*A separate form must be completed for each adoptable child. List the names, sex and ages of all siblings of the adoptable child and indicate if any of these siblings are to be considered for adoption together with this child.*

**PART I. REGIONAL PREFERENCE**

*If adoption in a particular region or geographic area is recommended, list the regions(s) and provide a motivation for the recommendation below.*

Preferred region or regions:

**Declaration**

I, the undersigned, hereby declare that the information provided in this report is to the best of my knowledge true and correct.

Signature of social worker who prepared report: \_\_\_\_\_

Print name: \_\_\_\_\_

Registration number: \_\_\_\_\_

Date: \_\_\_\_\_ Place: \_\_\_\_\_

**FORM 20**

Section 171(6) of Child Care and Protection Act, 2015  
Regulation 62(3)

**REQUEST TO ACCESS INFORMATION ON REGISTER OF ADOPTABLE CHILDREN  
AND PROSPECTIVE ADOPTIVE PARENTS (RACAP)**

PARTICULARS OF PRIVATE SOCIAL WORKER			
Fist name and surname of social worker			
Registration number			
Contact number	(       )	Fax	
Email			

**I, the above-named social worker, hereby apply for access to information from the Register of Adoptable Children and Prospective Adoptive Parents (RACAP) for the purposes of obtaining information on adoptable child and prospective adoptive parents.**

**I am authorised to facilitate adoptions and I am designated in terms of section 33 of the Child Care and Protection Act, 2015 and proof of such designation is attached.**

**I confirm that I understand that I will be assisted by the Minister or a staff member designated by the Minister to work in terms of regulation 62(3).**

**Signature of applicant:** \_\_\_\_\_

**Place:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Note:** An applicant who is employed by a child protection organisation must attach the certificate of designation issued to that child protection organisation in terms of section 33 of the Child Care and Protection Act, 2015.

**FOR OFFICIAL USE ONLY**

**The Minister hereby consents to access to information from the Register of Adoptable Children and Prospective Adoptive Parents (RACAP).**

**Approved**

**Not approve**

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_



5. **I confirm that I understand the effect of an adoption order as contemplated in section 178 of the Act.**
6. **I confirm I understand the legal consequences of an adoption.**
7. **On the issue of disclosure or non-disclosure, (*tick one*)**
- I request non-disclosure: my identity is NOT to be disclosed to the adoptive parent or parents.**
- I consent to disclosure: my identity may be disclosed to the adoptive parent or parents.**

**Signature of person giving consent:** \_\_\_\_\_

**Date:** \_\_\_\_\_ **Place:** \_\_\_\_\_

SIGNED BEFORE ME after I have explained to the person signing this form the effect of an adoption order as set out in section 178 of the Act, and have informed such person that -

- (a) he or she may withdraw this consent within 60 days after having signed this consent, failing the consent is final irrespective of any delay in the finalisation of the adoption as contemplated in section 172(11) of the Act;
- (b) he or she has satisfied me of his or her understanding of the legal meaning and consequences of adoption and confirm the contents of this consent.

OFFICIAL STAMP

**CHILDREN'S COMMISSIONER**

**Signature:** \_\_\_\_\_

**Print name:** \_\_\_\_\_

**Court:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**ASSISTANCE TO MINOR PARENT OR GUARDIAN**

If a parent of the child to be adopted is a minor that parent must be assisted by a parent or guardian unless the children's court has dispensed with this requirement in terms of section 172(1)(a) of the Child Care and Protection Act, 2015. Therefore one of the options in this part must be completed if the person giving consent is a minor.

**OPTION A: Assistance by parent or guardian of minor**

I, \_\_\_\_\_ (first name(s) and surname), am the \_\_\_\_\_ (indicate parent or legal guardian) of \_\_\_\_\_ (name of person consenting to adoption) and I do hereby confirm the consent to the proposed adoption as reflected in this consent form.

Signature of parent or guardian of minor: \_\_\_\_\_

Date: \_\_\_\_\_ Place: \_\_\_\_\_

*The birth certificate of the minor parent, or in the case of a legal guardian proof of guardianship over the minor parent must be attached.*

**OPTION B: Consent by parent or guardian of minor not required**

The children's court has dispensed with the consent of the parent or guardian of the minor parent completing this form, in terms of section 172(12) of the Child Care and Protection Act, 2015, after giving due regard to the best interests of the minor parent and the child whose adoption is under consideration, for the following reasons:

CHILDREN'S COMMISSIONER

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**NOTES**

1. If multiple children are being adopted a separate form must be used for each child.
2. Where the consent of both parents is required, a separate form must be completed by each parent.

**FORM 21B**

Section 172 of Child Care and Protection Act, 2015  
Regulation 64(1)(b)

**CONSENT BY CHILD TO OWN ADOPTION**

File Number: \_\_\_\_\_

IN THE CHILDREN'S COURT FOR THE DISTRICT OF \_\_\_\_\_

HELD AT \_\_\_\_\_

IN THE MATTER OF THE PROPOSED ADOPTION OF

FIRST NAMES AND SURNAMES OF CHILD	ID NUMBER / DATE OF BIRTH												
	<table border="1"> <tr> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> </table>												/ /

**1. I hereby voluntarily consent to my adoption by:**

(1) \_\_\_\_\_  
*(first name and surname of prospective adoptive parent)*

**and**

(2) \_\_\_\_\_  
*(first name and surname of additional prospective adoptive parent (if applicable)).*

**2. I confirm that I have received counselling from a social worker about the effect of adoption before making this decision.**

**3. I confirm that I understand that I may withdraw this consent within 60 days of signing it, and that the consent becomes final and irrevocable after the expiry of that period.**

**4. I confirm that I understand the effect of an adoption order as contemplated in section 178 of the Act.**

**5. I confirm I understand the legal consequences of an adoption.**

Signature or mark of child \_\_\_\_\_

Date \_\_\_\_\_

SIGNED BEFORE ME after I have explained to the person signing this form the effect of an adoption order as set out in section 178 of the Act, and have informed such person that -

- (a) he or she may withdraw this consent within 60 days after having signed this consent, failing the consent is final irrespective of any delay in the finalisation of the adoption as contemplated in section 172(11) of the Act;



- (b) he or she has satisfied me of his or her understanding of the legal meaning and consequences of adoption and confirm the contents of this consent.

OFFICIAL STAMP

**CHILDREN'S COMMISSIONER**

**Signature:** \_\_\_\_\_

**Print name:** \_\_\_\_\_

**Court:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**FORM 22A**

Section 175 of Child Care and Protection Act, 2015

Regulation 67(1)

**APPLICATION FOR ADOPTION OF CHILD****File number:** \_\_\_\_\_*(file number to be entered by clerk of court)***To the Children's Commissioner for** \_\_\_\_\_ *(place)***APPLICATION FOR ADOPTION OF:** .....**Indicate whether:** **DOMESTIC ADOPTION** **INTER-COUNTRY ADOPTION**

FIRST NAMES AND SURNAMES OF CHILD	ID NUMBER / DATE OF BIRTH																					
	<table border="1" style="display: inline-table; vertical-align: middle;"> <tr> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> </tr> </table>																					/ /

**The undersigned person or persons hereby apply for the adoption of the above-mentioned child.**

PART A: PARTICULARS OF PROSPECTIVE ADOPTIVE PARENT(S)			
APPLICANT 1		APPLICANT 2 (if applying jointly)	
Surname		Surname	
First names		First names	
ID number		ID number	
	/ /		/ /
Date of birth	/ /	Date of birth	/ /
Marital status		Marital status	
If married, state date of marriage		If married, state date of marriage	
Citizenship		Citizenship	
If not a Namibian citizen, provide permanent residence certificate number or other proof of legal residence in Namibia		If not a Namibian citizen, provide permanent residence certificate number or other proof of legal residence in Namibia	
Religious affiliation		Religious affiliation	
Home language		Home language	
Other languages spoken at home		Other languages spoken at home	
Ethnic group		Ethnic group	

Residential address		Residential address	
Postal address		Postal address	
Telephone	(     )	Telephone	(     )
Cellphone	(     )	Cellphone	(     )
Fax		Fax	
Email		Email	
Occupation		Occupation	
Work address		Work address	
Work telephone		Work telephone	

**PART B. CHANGED CIRCUMSTANCES**

*Any change in personal or household circumstances of the adoptive parent or parents since registration in RACAP must be fully disclosed and discussed here. Attach additional pages if necessary.*

--

**PART C. RELATIONSHIP TO CHILD TO BE ADOPTED**

*If the applicant or either of two joint applicants is related to the child to be adopted by blood or by marriage, explain the relationship here.*

--

**PART D: DISCLOSURE / NON-DISCLOSURE**

- I/We are **NOT** willing for my/our identity to be disclosed to the parent, guardian or extended family of the child to be adopted.
- I/We are willing for my/our identity to be disclosed to the parent, guardian or extended family of the child to be adopted.

**PART F: SURNAME**

*In terms of section 178(2)(b) of the Act, an adoption confers the surname of the adoptive parent, or such other surname as may be decided upon by the adoptive parent on the adopted child, except when otherwise provided in the adoption order. Indicate here the surname which you wish the adopted child to have and the reasons for this requested surname.*

**Requested surname:**

**Reason:**

**Declaration by Applicant 1**

I, the undersigned, hereby declare that the information provided in this application is to the best of my knowledge true and correct.

Signature of applicant: \_\_\_\_\_

Date: \_\_\_\_\_ Place: \_\_\_\_\_

**Declaration by Applicant 2 (if applicable)**

I, the undersigned, hereby declare that the information provided in this application is to the best of my knowledge true and correct.

Signature of applicant: \_\_\_\_\_

Date: \_\_\_\_\_ Place: \_\_\_\_\_

**FORM 22B**

Section 176(1) of the Child Care and Protection Act, 2015  
 Regulation 67(3)(b)

**NOTICE OF APPLICATION FOR ADOPTION**

File number: .....

IN THE CHILDREN’S COURT FOR THE DISTRICT OF \_\_\_\_\_

HELD AT \_\_\_\_\_

TO: \_\_\_\_\_

*(name of person being given notice)*

PHYSICAL ADDRESS:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**IN THE MATTER OF APPLICATION FOR ADOPTION OF THE FOLLOWING CHILD:**

FIRST NAMES AND SURNAMES OF CHILD	ID NUMBER / DATE OF BIRTH																					
	<table border="1"> <tr> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> </table> / /																					

**TAKE NOTICE** that an application for the adoption of the child named above will be heard before this court on the \_\_\_\_\_ day of \_\_\_\_\_ (month), 20\_\_\_\_ (year) at \_\_\_\_\_(time). You are receiving notice of this adoption application for the following reason:

- You are hereby informed of the proposed adoption and requested to indicate whether or not you consent to the adoption. If you do not indicate whether you consent or not consent to the proposed adoption as requested, this will be regarded as having consented to the proposed adoption in terms of section 176(4) of the Act.
- You are being informed of the application in your capacity as the Minister responsible for the protection of children and you are requested to indicated whether you consent consent to the proposed adoption and failure to indicate will be regard as having consented in terms of section 176(4) of the Act.
- The court considers it to be necessary in the interests of justice that you be given notice of the adoption application and you are requested to indicated whether you consent or consent to the proposed adoption and failure to indicate will be regard as having consented in terms of section 176(4) of the Act.

Signed at..... (place) this ..... day of ..... (month), 20 .... (year)

(First name and surname) .....

(signature) .....

CLERK OF THE CHILDREN’S COURT

**RETURN OF SERVICE  
FOR OFFICIAL USE ONLY**

I, ..... (print name), hereby certify that I have –

- delivered a copy of the notice to ..... personally;
- delivered a copy of the notice to ....., who is the legal practitioner of record of .....
- handed a copy of the notice to ..... a person apparently not younger than the age of 16 years and apparently residing or employed at the **\*residence / \*place of business** of ....., and at the same time informed the person of the nature thereof;
- handed a copy of the notice to ..... a person apparently not younger than the age of 16 at the place of employment of ..... who is apparently **\*in authority over this person / \*in charge of the place of employment**, and at the same time informed the person of the nature thereof;
- because ..... is a juristic person, delivered a copy of the notice to the juristic person’s registered office or main place of business, and handed a copy of it to ..... who is **\*a director/ \*an employee** of the juristic person, and at the same time informed the person of the nature thereof;
- submitted a copy of the notice to ..... by courier or by registered post;
- delivered or submitted a copy of notice to ..... in the following manner .....

(specify).

Signed at ..... (place) this ..... day of ..... (month), 20.... (year)

Signature of *\*messenger of court/\*police officer/\*clerk of court/\*person authorised by children’s commissioner*

First name(s) and surname (print) .....

Designation (rank) ..... *Ex officio* Republic of Namibia

Business address .....

(Street address must be stated.)  
**\*DELETE WHICHEVER IS NOT APPLICABLE.**

**FORM 22C**

Section 175(1)(b) of Child Care and Protection Act, 2015  
Regulation 68

**REPORT BY DESIGNATED SOCIAL WORKER TO ACCOMPANY APPLICATION FOR ADOPTION**

Court file number \_\_\_\_\_  
(file number to be entered by clerk of court)

Social worker file number \_\_\_\_\_

**PROFESSIONAL REPORT  
COMPILED BY DESIGNATED SOCIAL WORKER**

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Registration number: \_\_\_\_\_

Work address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Contact number: \_\_\_\_\_

Email: \_\_\_\_\_

Date of report: \_\_\_\_\_ Signature: \_\_\_\_\_

**EXAMINED BY SUPERVISOR**

Name: \_\_\_\_\_

Date of report: \_\_\_\_\_ Signature: \_\_\_\_\_

TO THE CLERK OF THE CHILDREN'S COURT FOR THE DISTRICT OF \_\_\_\_\_

HELD AT \_\_\_\_\_

IN THE MATTER OF THE PROPOSED ADOPTION OF:

FIRST NAMES AND SURNAMES OF CHILD	ID NUMBER / DATE OF BIRTH	
	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	/ /

FIRST NAME AND SURNAME OF PROPOSED ADOPTIVE PARENT OR PARENTS	ID NUMBER / DATE OF BIRTH	
	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	/ /
	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	/ /

**This report is submitted in terms of section 175(1)(b) of the Child Care and Protection Act, 2015.**

PART A: PARTICULARS OF CHILD INVOLVED IN MATTER						
Surname				Sex	Male	Female
First name						
ID number and date of birth						/ /
Residential address						
Postal address						
Physical address where documents can be served if not at the residential address						
Telephone contact	Code ( )		Cellphone			
Email contact						
Home language						
School attended						
Grade						
Other relevant information – such as financial position, socio-economic status, transport availability, if an interpreter will be needed, and special requirements (e.g. wheelchair access) – which may assist the court to make a decision regarding the manner in which the matter could best be dealt with in terms of the Child Care and Protection Act						

PART B: PARTICULARS OF BIOLOGICAL PARENTS			
MOTHER		FATHER	
Surname		Surname	
First name(s)		First name(s)	
ID number (if child has an ID)		ID number (if child has an ID)	
Date of birth	/ /	Date of birth	/ /
Residential address		Residential address	
Postal address		Postal address	



Physical address where documents can be served if not residential address		Physical address where documents can be served if not residential address	
Telephone contact	(      )	Telephone contact	(      )
Cellphone contact		Cellphone contact	
Email contact		Email contact	
Home language		Home language	
Occupation		Occupation	
Other relevant information – such as financial position, socio-economic status, availability of transport, whether an interpreter will be needed, any special requirements (for example, wheelchair access) – which may assist the court in deciding how best to deal with the matter in terms of the Child Care and Protection Act, 2015			

<b>PART C: PARTICULARS OF PROSPECTIVE ADOPTIVE PARENT OR PARENTS</b>			
<b>MOTHER</b>		<b>FATHER</b>	
Surname		Surname	
First name(s)		First name(s)	
ID number (if child has an ID)		ID number (if child has an ID)	
Date of birth	/ /	Date of birth	/ /
Residential address		Residential address	
Postal address		Postal address	
Physical address where documents can be served if not residential address		Physical address where documents can be served if not residential address	
Telephone contact	(      )	Telephone contact	(      )
Cellphone contact		Cellphone contact	
Email contact		Email contact	
Home language		Home language	
Occupation		Occupation	

Other relevant information – such as financial position, socio-economic status, availability of transport, whether an interpreter will be needed, any special requirements (for example, wheelchair access) – which may assist the court in deciding how best to deal with the matter in terms of the Child Care and Protection Act, 2015

1. **The child to be adopted has been determined to be adoptable and has been listed as an adoptable child in the Register of Adoptable Children and Prospective Adoptive Parents (RACAP).**
2. **The prospective adoptive parent have been determined to be suitable and the prospective adoptive parent have been listed in the Register of Adoptable Children and Prospective Adoptive Parents (RACAP).**
3. **I have conducted a supplementary assessment of the prospective adoptive parent and have made the following observations and determinations:**

*Discuss in particular any changed circumstances in the position of the prospective adoptive parent or parents, or their household since the initial assessment, including any changes in household composition, family dynamics, financial position, employment or residence.*

4. **The relationship between the child to be adopted and the prospective adoptive parent or either of the prospective adoptive parents is as follows:**

There is no relationship with the child to be adopted.

- A family relationship exists as described below:

*Supporting documentation to be attached.*

- 5. I have considered all relevant medical information about the child as well as any other potential special needs and made the assessment described below:**

- The child to be adopted has no apparent medical conditions of concern or special needs.
- The child to be adopted has the medical conditions or special needs described below, and I have assessed the capacity of the prospective adoptive parent or parents for dealing with the child's health issues or special needs as described below:

*Supporting documentation to be attached.*

- 6. I am of the opinion that this adoption will be or will not be in the best interests of the child to be adopted for the following reasons (attach additional pages if necessary):**

- 7. In view of the above information, I am of the opinion that the application for adoption of \_\_\_\_\_ (name of child) (tick appropriate box)**

- should be approved
- should not be approved.

**Declaration**

I, the undersigned, hereby declare that the information provided in this report is to the best of my knowledge true and correct.

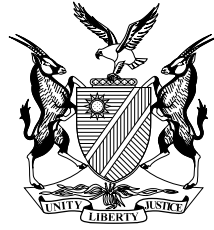
Signature of social worker who prepared report: \_\_\_\_\_

Date: \_\_\_\_\_ Place: \_\_\_\_\_

**SUPPORTING DOCUMENTS**

- original birth certificate of child to be adopted.
- certified copy of the identity document of the prospective adoptive parent(s), or where such identity document is not available, a sworn statement by a social worker regarding his or her identity and the absence of documentation.
- medical report on the health status of the child, and where applicable, a description of any special needs of the child.
- Form 19A, an application for approval as prospective adoptive parent.
- Form 19B, completed in respect of the adoptable child for registration in the Register of Adoptable Children and Prospective Adoptive Parents (RACAP).
- police clearance certificates submitted along with Form 19A.
- a copy of the assessment which was conducted prior to the registration of the prospective adoptive parents in RACAP.
- consent by the parent(s) or legal guardian of the child on Form 21A, if applicable.
- consent by the child on Form 21B, if applicable.
- Form 22A, the application for adoption by the prospective adoptive parent(s).
- an adoption plan concluded in terms of section 174 of the Act, if any.

**Form 22D**  
Section 177(3) of Child Care and Protection Act, 2015  
Regulation 69



**ADOPTION ORDER: DOMESTIC ADOPTION**

**Magistrate's Ref No:** \_\_\_\_\_

**Registrar's Ref. No:** \_\_\_\_\_

**IN THE CHILDREN'S COURT FOR THE DISTRICT OF** \_\_\_\_\_

**HELD AT** \_\_\_\_\_

**IN THE MATTER OF AN APPLICATION FOR AN ORDER FOR THE ADOPTION OF:**

NAME AND SURNAME OF CHILD	ID NUMBER / DATE OF BIRTH																
	<table border="1"> <tr> <td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td> </tr> </table> / /																

**IT IS ORDERED THAT THE ABOVE-NAMED CHILD IS ADOPTED BY:**

NAME AND SURNAME OF ADOPTIVE PARENT(S)	ID NUMBER / DATE OF BIRTH																
	<table border="1"> <tr> <td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td> </tr> </table> / /																
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**It is further ordered that the child's surname will be** \_\_\_\_\_

**OFFICIAL STAMP**                      **Given on this** \_\_\_\_ **day of** \_\_\_\_\_ *(month)*, **20** \_\_\_\_ *(year)*

**first name and surname:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**CHILDREN'S COMMISSIONER**

<p><b>I confirm that I have registered this adoption in the Adoption Register in terms of section 183 of the Child Care and Protection Act, 2015 on this</b> ____ <b>day of</b> _____ <i>(month)</i>, <b>20</b> ____ <i>(year)</i>.</p>	
<p>OFFICIAL STAMP</p>	<p><i>(signature)</i> _____ <b>REGISTRAR OF ADOPTIONS</b></p>

**FORM 22E**

Section 181 of Child Care and Protection Act, 2015

Regulation 71(1)

**APPLICATION TO NOTE ADOPTION ON BIRTH REGISTER**

To: The Permanent Secretary  
 Ministry of Home Affairs and Immigration  
 Private Bag 13200  
 Windhoek

I hereby apply in terms of section 181 of the Child Care and Protection Act, 2015 for the recording on the birth register of the adoption of the under-mentioned child:

Identification number: \_\_\_\_\_

Surname: \_\_\_\_\_

First Names: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

By

\_\_\_\_\_ \*and

\_\_\_\_\_  
 (Full names of adoptive parent(s))

I herewith submit for inspection the \*duplicate-original/certified true copy of the Adoption Order.

The identification document of the child is enclosed.

The new address of the child is as follows:

Residential Address: \_\_\_\_\_

\_\_\_\_\_

Postal Address: \_\_\_\_\_

\_\_\_\_\_  
 (Adoptive Parent)

- (a) If the first names of the child must be altered, formB-1 85, signed by the Adoptive father and a remittance of N\$2-00 must be enclosed.
- (b) \*Delete which is not applicable.

**FORM 22F**

Section 179 of Child Care and Protection Act, 2015  
Regulation 72(1)

**APPLICATION FOR RESCISSION OF ADOPTION ORDER**

**File number:** \_\_\_\_\_

(file number to be entered by clerk of court)

**To Children's Commissioner** \_\_\_\_\_ (name of children's court)

The applicant(s) listed in Part B of this Form hereby request that the adoption of the child described in Part A of this Form be rescinded for the reasons set forth in Part C of this Form. We believe that rescission of the adoption will be in the best interest of the child for the reasons set forth in Part D of this Form.

<b>PART A: PARTICULARS OF ADOPTIVE CHILD</b>												
<i>Attach adoption order and birth certificate of child.</i>												
Surname										Sex	<input type="checkbox"/> Male	<input type="checkbox"/> Female
First name												
ID number and date of birth											/	/
Date of adoption order												
<i>An application for rescission of an adoption must be lodged within a reasonable time which is not later than one year from the date of the adoption.</i>												
Court which issued adoption order												

<b>PART B: PARTICULARS OF PERSON BRINGING APPLICATION FOR RESCISSION</b>											
The applicant for rescission of the adoption order is -											
<input type="checkbox"/> the adopted child. <input type="checkbox"/> a parent of the adopted child. <input type="checkbox"/> legal guardianship of the child immediately before the adoption. <input type="checkbox"/> the adoptive parent of the child.											
(If parents who adopted jointly are bringing the application together, they should complete both columns below.)											
<b>APPLICANT 1</b>						<b>APPLICANT 2 (if applicable)</b>					
Surname						Surname					
First names						First names					
ID number						ID number					
Date of birth	/ /					Date of birth	/ /				
Residential address						Residential address					

Postal address		Postal address	
Telephone	(     )	Telephone	(     )
Cellphone	(     )	Cellphone	(     )
Fax		Fax	
Email		Email	
Occupation		Occupation	
Work address		Work address	
Work telephone		Work telephone	

**PART C: REASONS FOR REQUESTING RESCISSION OF ADOPTION ORDER**

An adoption order may be rescinded only if rescission of the order is in the best interest of the child and indicate which one applies and give details;

- the applicant is a parent or guardian of the child whose consent was required for the adoption order to be made, but whose consent was not obtained.
- at the time of making the adoption order the adoptive parent did not qualify to adopt in terms of section 170 of the Child Care and Protection Act, 2015.

**PART D: MOTIVATION THAT RESCISSION WILL BE IN THE CHILD'S BEST INTEREST**



**Declaration by Applicant 1**

I, the undersigned, hereby declare that the information provided in this application is to the best of my knowledge true and correct.

Signature of applicant: \_\_\_\_\_

Date: \_\_\_\_\_ Place: \_\_\_\_\_

**Declaration by Applicant 2 *(if applicable)***

I, the undersigned, hereby declare that the information provided in this application is to the best of my knowledge true and correct.

Signature of applicant: \_\_\_\_\_

Date: \_\_\_\_\_ Place: \_\_\_\_\_



Signed at ..... (place) this ..... day of ..... (month), 20.... (year)

(First name and surname) .....

(signature) .....

CLERK OF THE CHILDREN'S COURT

**RETURN OF SERVICE  
FOR OFFICIAL USE ONLY**

I, ..... (print name), hereby certify that I have -

- delivered a copy of the notice to ..... personally;
- delivered a copy of the notice to ....., who is the legal practitioner of record of .....
- handed a copy of the notice to ..... a person apparently not younger than the age of 16 years and apparently residing or employed at the **\*residence / \*place of business** of ....., and at the same time informed the person of the nature thereof;
- handed a copy of the notice to ..... a person apparently not younger than the age of 16 at the place of employment of ..... who is apparently **\*in authority over this person / \*in charge of the place of employment**, and at the same time informed the person of the nature thereof;
- because ..... is a juristic person, delivered a copy of the notice to the juristic person's registered office or main place of business, and handed a copy of it to ..... who is **\*a director/ \*an employee** of the juristic person, and at the same time informed the person of the nature thereof;
- submitted a copy of the notice to ..... by courier or by registered post;
- delivered or submitted a copy of notice to ..... in the following manner .....

(specify).

Signed at ..... (place) this ..... day of ..... (month), 20.... (year)

.....  
Signature of *\*messenger of court/\*police officer/\*clerk of court/\*person authorised by children's commissioner*

First name(s) and surname (*print*) .....

Designation (rank) ..... *Ex officio* Republic of Namibia

Business address .....

(Street address must be stated.)

**\*DELETE WHICHEVER IS NOT APPLICABLE.**

**FORM 23A**

Section 33 and 196 of Child Care and Protection Act, 2015

Regulation 77(2)

**APPLICATION FOR ACCREDITATION TO PROVIDE INTER-COUNTRY ADOPTION  
AND RENEWAL OF APPLICATION**

<b>PART A. PARTICULARS OF APPLICANT</b>			
Name of organisation			
Registration number			
Address			
Telephone	(       )	Cellphone	
Email		Fax	
Provide particulars of person applying on behalf of the child protection organisation and their position in the organisation.			
Surname			
First name			
Registration number			
Position			
Telephone	(       )	Cellphone	
Email		Fax	
List names and registration numbers of social workers who will facilitate inter-country adoptions on behalf of the child protection organisation and attach their Certificates of Authorisation.			
<b>SOCIAL WORKER 1</b>			
Surname			
First name			
Registration number			
<b>SOCIAL WORKER 2</b>			
Surname			
First name			
Registration number			
<b>SOCIAL WORKER 3</b>			
Surname			
First name			
Registration number			
<i>Attach additional pages if necessary.</i>			

**PART B: RELEVANT EXPERIENCE OF APPLICANT**

Provide particulars demonstrating the applicant's expertise relevant to inter-county adoption.

--

**Declaration**

I hereby apply for authorisation to provide inter-county adoption services in terms of section 33 of the Child Care and Protection Act, 2015, and for accreditation to act in contracting states outside Namibia in accordance with section 196 of the Child Care and Protection Act, 2015. I certify that the above-mentioned particulars are, to the best of my knowledge, true and correct.

\_\_\_\_\_  
Signature of applicant

\_\_\_\_\_  
Name of applicant

Date: \_\_\_\_\_ Place: \_\_\_\_\_

**SUPPORTING DOCUMENTATION**

- proof of the required registration of organisation; proof of registration of social workers under the Social Work and Psychology Act, 2004; Certificates of Authorisation of social workers who will facilitate inter-country adoptions on behalf of the organisation;
- Certificate of Authorisation to perform domestic adoption under section 33 of the Child Care and Protection Act, 2015;
- most recent audited financial statements of the applicant.

**FORM 23B**

Section 33 and 196 of Child Care and Protection Act, 2015  
Regulation 77(3)

**CERTIFICATE OF ACCREDITATION TO RENDER INTER-COUNTRY ADOPTION**

---

(Name of organisation)

It is hereby certified that the above-mentioned organisation is accredited in terms of section 33 read with section 196 of the Child Care and Protection Act, 2015 to render inter-country adoption in contracting States.

**ISSUED BY THE MINISTER** on \_\_\_\_\_ (date)

**Signature of Minister:** \_\_\_\_\_

**OFFICIAL STAMP:**

**This certificate is valid for a period of two years from the date of issue.**

**FORM 23C**

Section 197 of Child Care and Protection Act, 2015  
Regulation 78(3)

**CERTIFICATE OF AUTHORISATION FOR OVERSEAS ACCREDITED BODY TO  
FACILITATE INTER-COUNTRY ADOPTION IN NAMIBIA**

---

(name of accredited body)

---

(contracting state of accreditation)

**It is hereby certified that the above-mentioned accredited body is authorised in terms of section 197 of the Child Care and Protection Act, 2015 to facilitate inter-country adoptions in Namibia.**

**ISSUED BY THE MINISTER** on \_\_\_\_\_ (date)

**Signature of Minister:** \_\_\_\_\_

**OFFICIAL STAMP:**





<b>CENTRAL AUTHORITY OF _____</b> <i>(country)</i>	
Name of Central Authority	
Individual representing Central Authority	
Contact details of Central Authority	
Date of agreement that this adoption may proceed	

OFFICIAL STAMP

Given on this \_\_\_\_ day of \_\_\_\_\_ *(month)*, 20 \_\_\_\_ *(year)*

Print first name(s) and surname: \_\_\_\_\_

Signature: \_\_\_\_\_

**CHILDREN'S COMMISSIONER**

I confirm that I have registered this adoption in the Adoption Register in terms of section 183 of the Child Care and Protection Act, 2015 on this \_\_\_\_ day of \_\_\_\_\_ *(month)*, 20 \_\_\_\_ *(year)*.

OFFICIAL STAMP

*(signature)* \_\_\_\_\_**REGISTRAR OF ADOPTIONS**

**FORM 24A**  
Section 225 of Child Care and Protection Act, 2015  
Regulation 86(1)

**APPLICATION FOR RECOGNITION OF CHILD-HEADED HOUSEHOLD**

PART A: PARTICULARS OF CHILD HEADING HOUSEHOLD				
Surname		Sex	<input type="checkbox"/> Male	<input type="checkbox"/> Female
First name				
ID number or date of birth				
Residential address			Postal address	
Telephone			Cellphone	
Email				
Home language				
School attended				
Grade				

PART B: PARTICULARS OF OTHER CHILDREN IN HOUSEHOLD																							
FIRST NAMES AND SURNAMES OF CHILD / CHILDREN	ID NUMBER / DATE OF BIRTH																						
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<i>Attach additional pages if necessary.</i>																							

PART C: MOTIVATION FOR RECOGNITION AS CHILD-HEADED HOUSEHOLD

PART D: PARTICULARS OF ADULT RECOMMENDED TO SUPERVISE HOUSEHOLD				
First Choice				
Surname		Sex	<input type="checkbox"/> Male	<input type="checkbox"/> Female
First name				
ID number or date of birth				

Residential address		Postal address	
Telephone	Code (      )	Cellphone	
Email			
Home language			
Other relevant information - including social connection to child heading the household or other children in household, availability to supervise household and proximity to household			
<b>Second Choice</b>			
Surname		Sex	<input type="checkbox"/> Male <input type="checkbox"/> Female
First name			
ID number or date of birth			/ /
Residential address		Postal address	
Telephone	Code (      )	Cellphone	
Email			
Home language			
Other relevant information - including social connection to child heading the household or other children in household, availability to supervise household and proximity to household			
<b>Third Choice</b>			
Surname		Sex	Male Female
First name			
ID number or date of birth			/ /
Residential address		Postal address	
Telephone	Code (      )	Cellphone	
Email			
Home language			
Other relevant information - including social connection to child heading the household or other children in household, availability to supervise household and proximity to household			

**Declaration**

I, the undersigned, hereby apply for designation as child-head of the above household. I declare that the information provided in this application is to the best of my knowledge true and correct.

Signature of applicant: \_\_\_\_\_

Date: \_\_\_\_\_ Place: \_\_\_\_\_

**FORM 24B**

Section 225 of Child Care and Protection Act, 2015  
Regulation 86(3)

**ASSESSMENT OF APPLICATION FOR RECOGNITION AS CHILD-HEADED  
HOUSEHOLD**

Social worker file number \_\_\_\_\_

<b>PROFESSIONAL REPORT</b>	
<b>COMPILED BY DESIGNATED SOCIAL WORKER</b>	
<b>Name:</b>	_____
<b>Position:</b>	_____
<b>Registration number:</b>	_____
<b>Work address:</b>	_____ _____ _____
<b>Contact number:</b>	_____
<b>Email:</b>	_____
<b>Date of report:</b>	_____ <b>Signature:</b> _____
<b>EXAMINED BY SUPERVISOR</b>	
<b>Name:</b>	_____
<b>Date of report:</b>	_____ <b>Signature:</b> _____

<b>PART A: PARTICULARS OF CHILD HEADING HOUSEHOLD</b>											
Surname					Sex	<input type="checkbox"/> Male	<input type="checkbox"/> Female				
First name											
ID number or date of birth										/	
Residential address						Postal address					
Telephone	( )					Cellphone					
Email											
Home language											
School attended											
Grade											

<b>PART B: PARTICULARS OF OTHER CHILDREN IN HOUSEHOLD</b>				
<b>CHILD 1</b>				
Surname			Sex	<input type="checkbox"/> Male <input type="checkbox"/> Female

First name														
ID number or date of birth													/	/
Home language														
School attended														
Grade														
Relationship to child at head of household														
Comments														
<b>CHILD 2</b>														
Surname										Sex	<input type="checkbox"/> Male	<input type="checkbox"/> Female		
First name														
ID number or date of birth													/	/
Home language														
School attended														
Grade														
Relationship to child at head of household														
Comments														
<b>CHILD 3</b>														
Surname										Sex	<input type="checkbox"/> Male	<input type="checkbox"/> Female		
First name														
ID number or date of birth													/	/
Home language														
School attended														
Grade														
Relationship to child at head of household														
Comments														
<b>CHILD 4</b>														
Surname										Sex	<input type="checkbox"/> Male	<input type="checkbox"/> Female		
First name														
ID number or date of birth													/	/
Home language														
School attended														

Grade												
Comments												
<b>CHILD 5</b>												
Surname							Sex	<input type="checkbox"/> Male	<input type="checkbox"/> Female			
First name												
ID number or date of birth											/	/
Home language												
School attended												
Grade												
Relationship to child at head of household												
Comments												
<i>Attach additional pages if necessary.</i>												

**PART C: CIRCUMSTANCES OF HOUSEHOLD**

*Provide a description and evaluation of the household proposed to be headed by the child, discussing the four requirements for designation as a child-headed household:*

- (a) *the parent or care-giver of the household is chronically or terminally ill, has abandoned the children in the household, is imprisoned or has died;*
- (b) *no suitable adult family member is available to provide care for the children in the household;*
- (c) *a child has assumed the role of care-giver in respect of a child in the household;*
- (d) *it is in the best interests of the children in the household.*

--

**PART D: RECOMMENDATION ON RECOGNITION OF CHILD-HEADED HOUSEHOLD**

*Provide a recommendation on whether the application for recognition of the child-headed household should be granted or not, including a discussion of the fitness of the applicant to act as the head of household. If the recommendation is in favour of designation, complete the remainder of the form.*

--

--

**PART E: RECOMMENDATION ON SUPERVISING ADULT**

**I recommend that the Minister-**  
**q designate the individual listed in Part E.1 to be the supervising adult**  
**q designate the non-governmental organisation listed in Part E.2**  
**to select the supervising adult**  
**for the reasons set forth in Part E.3.**

**E.1: PARTICULARS OF PROPOSED SUPERVISING ADULT**

Surname		Sex	<input type="checkbox"/> Male	<input type="checkbox"/> Female
First name				
ID number or date of birth				/ /
Residential address		Postal address		
Telephone		Cellphone		
Email				
Home language				
Other relevant information				

**PART E.2: PARTICULARS OF PROPOSED NON-GOVERNMENTAL ORGANISATION**

Name of organisation			
Contact person			
Residential address		Postal address	
Telephone		Cellphone	
Email		Fax	



Other relevant information, including description of activities and role in community

**E.3: MOTIVATION FOR RECOMMENDATION ON SUPERVISING ADULT**

*In the case of a supervising adult, provide a summary of the supervising adult's social connection to the child or to child members of the household, willingness and availability to be supervisor of the household, and physical proximity to the household. If the adult supervisor is not the first choice listed by the child on Form 24A, explain why the child's choice was deemed unsuitable. Provide a similar explanation if the child's second or third choices were also deemed unsuitable.*

*In the case of a non-governmental organisation, provide a summary of the reasons why this option is preferable to the direct designation of a supervising adult. If the child expressed any preferences for a supervising adult, explain why these were deemed unsuitable. Describe the organisation's activities, role in community, social connection to the child heading the household or other children in household, willingness and availability to designate an appropriate supervising adult and proximity to household.*

**PART F. GRANTS**

I recommend that -

- the recognised child should be authorised to collect grants in respect of
- the household for the reasons set out below.
- the supervising adult should be authorised to collect grants in respect of the children in the household for the reasons set out below.

**Motivation for recommendation on grant collection**

**PART G. RECOMMENDATION ON SUPERVISING SOCIAL WORKER**

**I recommend that the following social worker be assigned to conduct regular monitoring of this child-headed household.**

**Name:** \_\_\_\_\_

**Registration number:** \_\_\_\_\_

**Contact number:** \_\_\_\_\_

**Email:** \_\_\_\_\_

**SUPPORTING DOCUMENTATION**

- Police Clearance Certificate for recommended supervising adult.
- If it is recommended that an NGO designate the supervising adult, the Constitution or other founding document of the NGO should be attached along with its most recent financial statements.

**Declaration**

I, the undersigned, hereby declare that the information provided in this report is to the best of my knowledge true and correct.

Signature of social worker who prepared report: \_\_\_\_\_

Date: \_\_\_\_\_ Place: \_\_\_\_\_

**Note**

A copy of this Form must be submitted to the child who has made the application for the household to be recognised as a child-headed household.

**FORM 24C**

Section 225 of Child Care and Protection Act, 2015  
Regulation 86(8)

**CERTIFICATE ISSUED IN RESPECT OF CHILD-HEADED HOUSEHOLD**

1. In terms of section 225 of the Child Care and Protection Act, 2015, I hereby certify that:

FIRST NAMES AND SURNAME OF CHILD HEAD OF HOUSEHOLD	ID NUMBER / DATE OF BIRTH																					
	<table border="1"> <tr> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> </table>																					/ /

is the designated head of the child-headed household located at:

\_\_\_\_\_

*(household physical address)*

where the following additional children reside:

FIRST NAMES AND SURNAMES OF OTHER CHILDREN IN HOUSEHOLD	ID NUMBER / DATE OF BIRTH																					
	<table border="1"> <tr> <td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> </table>																					/ /
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2. The household is to be supervised by *(tick one)*:

\_\_\_\_\_,  
*(first name and surname of supervising adult)* *(ID number)*

a supervising adult appointed by \_\_\_\_\_  
*(name of Minister or non-governmental organisation)*

who will perform the duties as contemplated in regulation 87.

3. Any grants or other forms of state assistance due to the household are to be collected by:

*[tick one]*

- the child head of the household**
- the supervising adult, who must assist the children to make a monthly budget for expenditure of the grant money.**

**4. The household will be monitored regularly by the following social worker:**

<b>Name</b>	
<b>Registration number</b>	
<b>Contact number</b>	
<b>Email</b>	

**ISSUED BY THE MINISTER**

**OFFICIAL STAMP**

on \_\_\_\_\_ (date)

**Signature of Minister:** \_\_\_\_\_





Residential address(es) where child will stay	
--	--

**PART E: REASONS FOR TAKING OR SENDING THE CHILD OUT OF NAMIBIA**

**Declaration**

I hereby provide my consent to allow the person described in Part B to take the child described in Part C out of Namibia, as described in Part D, for the reasons set out in Part E, as contemplated in section 236 of the Child Care and Protection Act, 2015. I certify that the above-mentioned particulars are, to the best of my knowledge, true and correct.

Signature of applicant: \_\_\_\_\_

Name of applicant: \_\_\_\_\_

Date: \_\_\_\_\_

Place: \_\_\_\_\_

**FORM 26A**

Section 234(2)(c) of the Child Care and Protection Act, 2015  
Regulation 95(1)

**CONSENT BY PARENT, GUARDIAN OR CARE-GIVER FOR CHILD  
TO PARTICIPATE IN ACTIVITY**

<b>PART A: PARTICULARS OF THE PERSON GRANTING CONSENT</b>																					
Surname		Sex	<input type="checkbox"/> Male	<input type="checkbox"/> Female																	
First name																					
ID number and date of birth																				/	/
Relationship to child (tick 1 that applies)	<input type="checkbox"/> parent <input type="checkbox"/> guardian <input type="checkbox"/> care-giver																				
Residential address																					
Postal address																					
Telephone																					
Cellphone																					
Email																					

<b>PART B: PARTICULARS OF THE CHILD</b>																					
Surname		Sex	<input type="checkbox"/> Male	<input type="checkbox"/> Female																	
First name																					
ID number and date of birth																				/	/
Residential address																					

<b>PART C: NATURE OF THE ACTIVITY</b>
Describe your understanding of the nature of the activity in which the child will participate,



PART D: PARTICULARS OF THE PERSON RESPONSIBLE FOR THE ACTIVITY												
Surname									Sex	<input type="checkbox"/> Male	<input type="checkbox"/> Female	
First name												
ID number and date of birth											/	/
Residential address												
Postal address												
Telephone												
Cellphone												
Email												

#### Declaration

I hereby provide my consent to allow the child described in Part B to participate in the activity described in Part C, for which the person described in Part D is responsible, as contemplated in section 234(2)(c) of the Child Care and Protection Act, 2015. I certify that the above-mentioned particulars are, to the best of my/our knowledge, true and correct.

Signature: \_\_\_\_\_

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Place: \_\_\_\_\_

**FORM 26B**

Section 234(2)(c) of Child Care and Protection Act, 2015

Regulation 97(1)

**APPLICATION FOR LICENCE FOR CHILD TO PARTICIPATE IN  
INCOME-GENERATING ACTIVITY****NOTE: All applicable fields must be completed.****File number:** \_\_\_\_\_*(file number to be entered by clerk of court)***To the Children's Commissioner for** \_\_\_\_\_ *(place)*

<b>PART A: PARTICULARS OF PERSON RESPONSIBLE FOR ACTIVITY</b>			
Name of individual or legal entity applying for licence?			
For individuals, are you a Namibian citizen?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	If no, indicate citizenship:
	<i>Attach proof of identity (copy of ID card, passport, etc). If not a citizen, attach proof of legal residence in Namibia.</i>		
ID number or date of birth			/ /
Income tax number			
For legal entities, state the type of organisation and any applicable registration number. Attach the relevant constitution, trust deed or other founding document.	_____		
	Type of organisation (trust, company, close corporation, voluntary association)		
	_____		
	Registration number (if applicable)		
	Describe nature and purpose of organisation: _____ _____		
Address	Name and position of contact person applying on behalf of organisation:		
	Name: _____		
	Position: _____		
Telephone	( )	Cellphone	
Email		Fax	
Nature of activity to be covered by licence	<input type="checkbox"/> Advertising	<input type="checkbox"/> Radio	€ Other
	<input type="checkbox"/> Television/film	<input type="checkbox"/> Theatre/dance	
	(Specify if other) _____		

<b>PART C. DETAILS OF ACTIVITY</b>	
Summarise the types of activities children will be involved in  <i>(Tick more than one if applicable.)</i>	<input type="checkbox"/> Acting <input type="checkbox"/> Broadcasting <input type="checkbox"/> Dancing <input type="checkbox"/> Modelling <input type="checkbox"/> Singing <input type="checkbox"/> Other  If other, describe:
Period for which licence is sought	Single date: _____ Period from: _____ to _____
Total number of children involved in designated age groups	Age 15-18: _____ Age 10-14: _____ Age 5-9: _____ Below age 5: _____  Total number of children involved: _____
Detailed description of envisaged child participation	
Motivation for granting of licence, including any safeguards in place for protection of the children's best interests	

<b>PART D. INFORMATION REQUIRED FOR EACH CHILD</b>				
<i>(To be completed for each child participating in activity. Copies can be made and be attached.)</i>				
<b>CHILD 1</b>				
Surname		Sex	<input type="checkbox"/> Male	<input type="checkbox"/> Female
First names				
ID number/date of birth				
If the child is not a Namibian citizen, indicate citizenship and status in Namibia.				

Indicate the times the child is going to participate in the activity:							
	Mon	Tue	Wed	Thurs	Fri	Sat	Sun
Days of week: (tick)							
Number of hours per day participating in activity							
Number of hours per day present at premises where activity is taking place							
Total number of hours per week participating in activity:			Total number of hours per week present at premises where activity is taking place:				
Is the child currently attending an educational institution?						<input type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, give name of educational institution							
Will this activity affect attendance at the educational institution?						<input type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, what arrangements will be made to prevent disruption to learning?							
Proof of consent by parent or guardian is attached			<input type="checkbox"/> Yes	<input type="checkbox"/> No	<i>(Attach Form 26A.)</i>		
Proof of age is attached			<input type="checkbox"/> Yes	<input type="checkbox"/> No	<i>(Attach birth certificate, ID, etc)</i>		
<b>CHILD 2</b>							
Surname				Sex	<input type="checkbox"/> Male	<input type="checkbox"/> Female	
First names							
ID number/date of birth							/ /
If the child is not a Namibian citizen, indicate citizenship and status in Namibia.							
Indicate the times the child is going to participate in the activity:							
	Mon	Tue	Wed	Thurs	Fri	Sat	Sun
Days of week: (tick)							
Number of hours per day participating in activity							
Number of hours per day present at premises where activity is taking place							
Total number of hours per week participating in activity:			Total number of hours per week present at premises where activity is taking place:				
Is the child currently attending an educational institution?						<input type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, give name of educational institution							
Will this activity affect attendance at the educational institution?						<input type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, what arrangements will be made to prevent disruption to learning?							
Proof of consent by parent or guardian is attached			<input type="checkbox"/> Yes	<input type="checkbox"/> No	<i>(Attach Form 26A.)</i>		

Proof of age is attached		<input type="checkbox"/> Yes	<input type="checkbox"/> No	<i>(Attach birth certificate, ID, etc)</i>			
<b>CHILD 3</b>							
Surname				Sex	<input type="checkbox"/> Male	<input type="checkbox"/> Female	
First names							
ID number/date of birth							/ /
If the child is not a Namibian citizen, indicate citizenship and status in Namibia.							
Indicate the times the child is going to participate in the activity:							
	Mon	Tue	Wed	Thurs	Fri	Sat	Sun
Days of week: (tick)							
Number of hours per day participating in activity							
Number of hours per day present at premises where activity is taking place							
Total number of hours per week participating in activity:				Total number of hours per week present at premises where activity is taking place:			
Is the child currently attending an educational institution?						<input type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, give name of educational institution							
Will this activity affect attendance at the educational institution?						<input type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, what arrangements will be made to prevent disruption to learning?							
Proof of consent by parent or guardian is attached		<input type="checkbox"/> Yes	<input type="checkbox"/> No	<i>(Attach Form 26A.)</i>			
Proof of age is attached		<input type="checkbox"/> Yes	<input type="checkbox"/> No	<i>(Attach birth certificate, ID, etc)</i>			
<b>CHILD 4</b>							
Surname				Sex	<input type="checkbox"/> Male	<input type="checkbox"/> Female	
First names							
ID number/date of birth							/ /
If the child is not a Namibian citizen, indicate citizenship and status in Namibia.							
Indicate the times the child is going to participate in the activity:							
	Mon	Tue	Wed	Thurs	Fri	Sat	Sun
Days of week: (tick)							
Number of hours per day participating in activity							
Number of hours per day present at premises where activity is taking place							
Total number of hours per week participating in activity:				Total number of hours per week present at premises where activity is taking place:			
Is the child currently attending an educational institution?						<input type="checkbox"/> Yes	<input type="checkbox"/> No

If yes, give name of educational institution			
Will this activity affect attendance at the educational institution?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
If yes, what arrangements will be made to prevent disruption to learning?			
Proof of consent by parent or guardian is attached	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<i>(Attach Form 26A.)</i>
Proof of age is attached	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<i>(Attach birth certificate, ID, etc)</i>

**Declaration**

I, the undersigned, hereby declare that the information provided in this application is to the best of my knowledge true and correct.

Signature of applicant: \_\_\_\_\_

Date: \_\_\_\_\_ Place: \_\_\_\_\_

**FORM 26C**

Section 234(2)(c) of Child Care and Protection Act, 2015  
Regulation 97(7)

**LICENCE FOR CHILD TO PARTICIPATE IN INCOME-GENERATING ACTIVITY**

IN THE CHILDREN'S COURT FOR THE DISTRICT OF \_\_\_\_\_

**I hereby authorise the participation of the children listed below in the following activity:**

\_\_\_\_\_

**conducted by:**

\_\_\_\_\_  
*(name of individual or organisation responsible for activity)*

FIRST NAMES AND SURNAMES OF PARTICIPATING CHILD / CHILDREN	ID NUMBER / DATE OF BIRTH																						
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<i>Attach additional pages if necessary.</i>																							

**This licence is valid from** \_\_\_\_\_ *(date)* **to** \_\_\_\_\_ *(date)*.

This licence is subject to Child Care and Protection Act, 2015 and is subjected to the following conditions:

\_\_\_\_\_

\_\_\_\_\_

**Issued on** \_\_\_\_\_ *(date)* **at** \_\_\_\_\_ *(place)*.

OFFICIAL STAMP

**CHILDREN'S COMMISSIONER**

**Signature:** \_\_\_\_\_

**Name and surname:** \_\_\_\_\_





Procurator ID:	<input type="text"/>	Sex	<input type="text"/> F	<input type="text"/> M
Procurator Surname:	<input type="text"/>			
Procurator First name:	<input type="text"/>			

Residential Address:	<input type="text"/>
Constituency & Region:	<input type="text"/>
Contact No:	<input type="text"/>

PREVIOUS APPLICATION If applicant or spouse or, in the case of a minor applicant, his/her parents have previously applied for any social grant/allowance, please furnish particulars	Type of Grant/Allowance	Date of Application	Reference/ID number if available
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

**COMPLETE THE BELOW FOR APPLICANTS OF MAINTENANCE/VULNERABLE AND FOSTER PARENT GRANTS ONLY**

CHILDREN	Particulars of own or legally adopted children of 18 years and younger who are dependent on applicant. If application made for a FOSTER-PARENT GRANT state only the particulars of foster-children placed in foster-care in terms of the children's Act (Act 33 of 1960) as amended						
Surname and first names of children (youngest to eldest)	Date of Birth	Sex	Child resides permanently with the parents? (Y/N)	Birth Certificate Entry No.	Constituency	Region	School Attendance
Surname	First Name	M/F	(Y/N)				Y/N
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

\_\_\_\_\_  
ADMINISTRATIVE OFFICER/ SOCIAL WORKER

\_\_\_\_\_  
DATE

**It is hereby certified that this application has been carefully examined, and that all information furnished has been substantiated by the documentary evidence or in the prescribed manner, except.**

Verified by: SENIOR ADMINISTRATIVE OFFICER

\_\_\_\_\_  
DATE

Approved by: CONTROL ADMINISTRATIVE OFFICER

\_\_\_\_\_  
DATE

First name	<input type="text"/>		
ID number	<input type="text"/>	Date of birth	<input type="text"/> / <input type="text"/> / <input type="text"/> <i>day / month / year</i>
Details of incident			
Nature of injury or trauma	<input type="text"/>		

**FORM 28**

Section 231(3) of Child Care and Protection Act, 2015

Regulation 117(1)

**COMPLAINT REGARDING CONDITIONS OF CHILD IN PRISON OR POLICE CELLS****TO: THE PERMANENT SECRETARY**

PARTICULARS OF COMPLAINANT				
Surname		Sex	Male	Female
First name				
Residential address				
Postal address				
Telephone	Code (      )	Cellphone		
Email				
Relationship to child				

PARTICULARS OF PRISON OR POLICE CELLS			
Name of prison or police cells			
Region		Constituency	
Physical address			
Telephone number		Fax number	
E-mail			

**PART A. COMPLAINT REGARDING CONDITIONS OF CHILD/REN IN PRISON OR POLICE CELLS**

<i>Attach all relevant documentation.</i>			
---	--	--	--

**PART B. COMPLAINT REGARDING INJURY SUSTAINED OR SEVERE TRAUMA SUFFERED BY CHILD/REN IN PRISON OR POLICE CELLS**

Particulars of child				
Surname		Sex	<input type="checkbox"/> Male	<input type="checkbox"/> Female
First name				
ID number		Date of birth	____ / ____ / ____ <i>day / month / year</i>	
Details of incident				
Nature of injury or trauma				

Date on which trauma or injury observed	
Circumstances surrounding injury or trauma	
Particulars of treatment received by child ( <i>if any</i> )	

**Declaration**

I, the undersigned, hereby declare that the information provided in this statement is to the best of my knowledge true and correct.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_ Place: \_\_\_\_\_

**ANNEXURE 2**

Section 8 of Child Care and Protection Act, 2015  
Regulations 8 and 77(7)

**MAXIMUM FEES PAYABLE TO PRIVATE SOCIAL WORKERS  
OR CHILD PROTECTION ORGANISATIONS**

The fees set out in Column 2 are the maximum amounts payable to private social worker or child protection organisation for the services specified in Column 1:

<b>Column 1</b>	<b>Column 2</b>
<b>Services rendered</b>	<b>Fees payable</b>
Group orientation	N\$ 250 per session
Interview or counselling	N\$ 250 per hour
Home visit	N\$ 400 per hour
Report to children's court	N\$ 500 per report
Other reports	N\$ 400 per report
Court processes	N\$ 500 per day
Assist with birth registration	N\$170 per hour
Administration costs	N\$ 170 per hour
After care services	N\$ 500
Origin enquiry or tracing	N\$ 200 per hour
Domestic adoption	N\$ 1 000 per adoption
Inter-country adoption	N\$ 1 500 per adoption

**MINISTRY OF JUSTICE**

No. 6

2019

**REGULATIONS RELATING TO CHILDREN'S COURT PROCEEDINGS:  
CHILD CARE AND PROTECTION ACT, 2015**

Under section 63 of the Child Care and Protection Act, 2015 (Act No. 3 of 2015), after consultation with the Minister responsible for protection of children, I have made the regulations set out in the Schedule.

**S. SHANGHALA**  
**MINISTER OF JUSTICE**

**SCHEDULE****ARRANGEMENT OF REGULATIONS**

1. Definitions
2. Functions of children's court assistants
3. Functions of clerks of children's courts
4. Initiation of proceedings in children's courts
5. Pre-hearing conferences and lay-forum proceedings
6. Referral of matters to children's court and notification of parties
7. Written notice to attend proceedings in children's court
8. Patent errors
9. Estimation of age
10. Keeping of records
11. Payment of persons not employed by State
12. Matters in which assistance of assessors is compulsory
13. Guidelines on legal representation
14. Deviation from time periods
15. Costs

**Definitions**

1. In these regulations a word or an expression to which a meaning has been assigned in the Act has that meaning, and unless the context otherwise indicates -

“Child Care and Protection Regulations” means the Child Care and Protection Regulations published under Government Notice No. 5 of 30 January 2019;

“clerk of children's court” means a person appointed or designated as a clerk of children's court under section 39 of the Act;

“the Act” means the Child Care and Protection Act, 2015 (Act No. 3 of 2015).

**Functions of children's court assistants**

2. At the request of the children's commissioner, a children's court assistant must assist an unrepresented party in a matter before the children's court -

- (a) in completing any relevant form, if the clerk of the children's court is unable to provide the necessary assistance;

- (b) in presenting any relevant evidence in a matter before the children's court;
- (c) in understanding any legal requirements pertaining to the matter; or
- (d) with any other assistance as the children's commissioner may require.

### **Functions of clerks of children's courts**

**3.** In addition to the powers, duties and functions specified by the Act, a clerk of the children's court must -

- (a) keep a register of any matter brought before the children's court;
- (b) on receipt of a matter brought before the children's court as contemplated in regulation 4, open a file and allocate a number to the file;
- (c) in respect of every child involved in the matter, record in the file referred to in paragraph (b) -
  - (i) the full name of the child;
  - (ii) the date of birth of the child;
  - (iii) the sex of the child;
  - (iv) the residential address of the child;
  - (v) the contact details of the child, including if possible an e-mail address of the parent, care-giver or guardian of the child;
  - (vi) the number of the file allocated in terms of paragraph (b);
  - (vii) the date of the hearing of the matter and the outcome of the hearing; and
  - (viii) if an appeal or review is filed in terms of the Act, the date for the lodging of the appeal or review and the decision made on appeal or review;
- (d) mark every document received in respect of a matter with a number allocated to the file in terms of paragraph (b);
- (e) file all documents received in respect of the matter in a file opened under paragraph (b);
- (f) to the best of his or her ability, assist any person who requires assistance with the completion of any document relating to a matter before children's court;
- (g) inform a witness who is subpoenaed under section 59(1)(a) or (d) of the Act that he or she is entitled to witness fees and, if necessary, assist the witness to claim the witness fees;
- (h) transfer any court file to another children's court on request by such court and -
  - (i) retain certified copies of all documents to be sent to another children's court; and

- (ii) send the court file containing the original documents by hand, courier or registered post to the other children's court;
- (i) perform the duties of a clerk of a civil court in so far as it is necessary to give effect to the provisions of the Act; and
- (j) perform or exercise any other functions or powers assigned to him or her in terms of the Act.

#### **Initiation of proceedings in children's courts**

4. (1) Unless Forms 6 and 7 in terms of the Child Care and Protection Regulations have been filed with a children's court, a person referred to in section 52 of the Act who intends to bring a matter before the children's court must file with the clerk of the children's court -

- (a) Form 1 which sets out the particulars of the matter and the parties involved in the matter; and
- (b) Form 3 notifying the affected persons or interested persons of the application and giving them an opportunity to make representations in the matter.

(2) Unless otherwise provided for by the Act or by the Child Care and Protection Regulations, the clerk of the children's court must, within five days after the matter is filed as contemplated in subregulation (1), refer the matter to the children's court together with any document relevant to the matter.

(3) Unless otherwise provided for in the Act or by the Child Care and Protection Regulations, the children's commissioner in charge of the children's court referred to in subregulation (2) must, within seven days after the matter has been referred to the children's court under that subregulation, refer the matter -

- (a) for a pre-hearing conference under section 43 of the Act, if the matter is contested;
- (b) for lay-forum proceedings under section 44 of the Act, if circumstances so permit under that section; or
- (c) to the children's court for adjudication.

#### **Pre-hearing conferences and lay-forum proceedings**

5. (1) If a children's court has ordered that -

- (a) a pre-hearing conference be held under section 43 of the Act; or
- (b) lay-forum proceedings be held under section 44 of the Act,

the court may direct that a court interpreter attend the pre-hearing conference or lay-forum proceedings to assist with interpretation during the conference or proceedings.

(2) Immediately after the children's court has ordered the holding of a pre-hearing conference or lay-forum proceedings, the clerk of the children's court must -

- (a) after consulting the person appointed under section 43(3)(a) or 44(4)(c) of the Act to conduct the pre-hearing conference or lay-forum proceedings, assign a date for the pre-hearing conference or lay-forum proceedings which must be within 14 days after the order is made;

- (b) on the form substantially corresponding to Form 2 and in the manner specified in regulation 6, cause to be notified the persons identified to attend the pre-hearing conference or lay-forum proceedings under section 43(3)(a) or 44(4)(c) of the Act of the date, place and time of the pre-hearing conference or lay-forum proceedings; and
  - (c) submit certified copies of all documents relevant to the pre-hearing conference or lay-forum proceedings to the person to conduct the pre-hearing conference or lay-forum proceedings referred to in section 43(3)(a) or 44(4)(c) of the Act.
- (3) If a person refuses or fails to attend a pre-hearing conference or lay-forum proceedings without any good cause, after having been notified in terms of subregulation (2)(b), the person conducting the pre-hearing conference or lay-forum proceedings may -
- (a) proceed with the pre-hearing conference or lay-forum proceedings in the absence of the person;
  - (b) if the person who is not present is likely to make a valuable contribution regarding the best interests of the child in question, postpone the pre-hearing conference or lay-forum proceedings and cause that person to be subpoenaed in accordance with regulation 7; or
  - (c) refer the matter to the children's court for a hearing.
- (4) If a pre-hearing conference or lay-forum proceedings fail to take place on the date assigned in terms of subregulation (2)(a), the clerk of the children's court must, after consulting the person appointed to conduct the pre-hearing conference or lay-forum proceedings under that subregulation -
- (a) arrange for another date and the clerk must cause to be notified persons identified to attend the pre-hearing conference or lay-forum proceedings of the date of the pre-hearing conference or lay-forum proceedings; or
  - (b) notify the children's court of the failure to conclude the pre-hearing conference or lay-forum proceedings and the circumstances which gave rise to such failure.
- (5) The person conducting a pre-hearing conference or lay-forum proceedings determines the procedures to be followed at the pre-hearing conference or lay-forum proceedings and in a case of -
- (a) a pre-hearing conference, the person must define -
    - (i) the issues that have been settled between the parties; and
    - (ii) the issues to be adjudicated by the children's court, if any;
  - (b) lay-forum proceedings, the person must record any agreement or settlement that the parties may have reached in respect of the matter and any fact emerging from the lay-forum proceedings which ought to be brought to the notice of the children's court.
- (6) The person conducting a pre-hearing conference or lay-forum proceedings must, within 10 days after the conclusion of the pre-hearing conference or lay-forum proceedings, submit to the children's court a report of the pre-hearing conference or lay-forum proceedings.
- (7) The following persons may be nominated by the children's court to conduct -



- (a) a pre-hearing conference -
  - (i) a person with a degree, diploma or any other recognised qualification in mediation; or
  - (ii) a legal practitioner or paralegal, not involved in the case, who has undergone training in mediation; or
- (b) lay-forum proceedings -
  - (i) a social worker who has undergone training in mediation skills;
  - (ii) a traditional leader who has undergone training in mediation; or
  - (iii) a pastor or other religious leader with a theology degree who has undergone training in mediation.

### **Referral of matters to children's court and notification of parties**

- 6.** (1) If -
- (a) a matter is referred to the children's court after -
    - (i) a pre-hearing conference under section 43 of the Act; or
    - (ii) lay-forum proceedings under section 44 of the Act; or
  - (b) a children's commissioner decides that a matter be referred to the children's court for adjudication,

the children's commissioner must determine the date for the hearing of the matter to be heard in the children's court.

(2) The date determined under subregulation (1) must be within 30 days after the matter has been referred to the children's court under that subregulation.

(3) Unless otherwise provided for in the Act or by the Child Care and Protection Regulations, the children's commissioner must identify which persons under section 56(3) of the Act are to be notified to attend proceedings of the children's court and the clerk of the children's court must -

- (a) on the direction of the children's commissioner under that section;
- (b) as soon as is practicable, but not less than 14 days before the date of the hearing; and
- (c) on the form substantially corresponding to Form 4,

cause to be notified such persons as identified, including a party referred to in sections 53 and 143(3) of the Act, to attend the proceedings of the children's court.

(4) Unless otherwise provided for in the Act or by the Child Care and Protection Regulations, the notice referred to in subregulation (3) is served by a member of the police as contemplated in section 167 of the Act, a messenger of the magistrate's court subject to subsection (3) of that section or a person authorised by the children's commissioner -

- (a) personally on the person;
- (b) to the legal practitioner of record of the person, if the person has provided the name and address of his or her legal practitioner for purposes of proceedings under the Act;
- (c) at the place of residence or place of business of the person, to a person apparently -
  - (i) not less than 16 years of age; and
  - (ii) residing or employed at the place of residence or place of business;
- (d) at the place of employment of the person to a person -
  - (i) apparently not less than 16 years of age and employed at that place of employment; or
  - (ii) apparently not less than 16 years of age and in charge of the place of employment;
- (e) in the case of a juristic person, be served at its registered office or main place of business to a director or a responsible employee of the juristic person; or
- (f) in any other manner as directed by the children's commissioner.

(5) If a notice of any application cannot for any reason be served as contemplated in subregulation (4), the member of the police, the messenger of the magistrate's court or the person authorised by the children's commissioner must attempt to notify the person to be served to appear at the proceedings of the children's court by -

- (a) contacting the person telephonically;
- (b) submitting a copy of the notice of the application to the facsimile of the person;
- (c) submitting a copy of the notice of the application to the electronic mail address of the person;
- (d) sending the notice, document or thing to the person by courier or registered post; or
- (e) visiting the last known residential address or place of business or employment of the person in order to attempt to ascertain the current contact details of the person, and then use that contact information to locate the person and serve the person with the notice of the application.

(6) If the member of the police, the messenger of the magistrate's court or the person authorised by the children's commissioner is unable to serve the person under subregulation (4) or (5), he or she must furnish the children's court with proof of the attempts made to notify the person.

(7) Before considering an application, the children's court must be satisfied that the relevant parties have received the notice of application or that reasonable attempts have been made to notify such parties.

(8) Proceedings of the children's court may commence or continue in the absence of a person notified or attempted to be notified to attend the children's court proceedings, if the children's court considers such commencement or continuation to be in the best interests of the child.

(9) Where a children's court decides pursuant to subregulation (8) to commence or continue children's court proceedings in the absence of a person not notified or attempted to be notified to attend the proceedings, the person is not liable in terms of section 56(7) of the Act.

#### **Written notice to attend proceedings in children's court**

7. (1) If a person who is not present at children's court proceedings is likely to make a valuable contribution regarding the best interests of the child in question or the court is of the opinion that the presence of the person is necessary for the purposes of the court proceeding or a person has been identified or requested to attend the proceedings in terms of section 56(3) of the Act, the court must cause the person to be subpoenaed on a form substantially corresponding to Form 4.

(2) A person who is subpoenaed in accordance with subregulation (1) and who fails to appear before the children's court without a reasonable cause for such failure commits an offence in terms of section 56(7) of the Act.

#### **Patent errors**

8. The children's court may -

- (a) on the application by a person affected by a decision of the children's court; or
- (b) on its own accord,

correct a patent error in any decision made by the children's court in respect of which an appeal is not lodged under the Act.

#### **Estimation of age**

9. (1) The children's court in estimating the age of a person who appears to be a child under section 47(3) of the Act may -

- (a) request any document, evidence or statement relevant to the estimation of the age of the person from any person, body or institution; or
- (b) refer the person to a medical practitioner employed by the State for the estimation of the age of the person.

(2) In estimating the age of a person under subregulation (1)(b), the medical practitioner must compile a report of his or her estimation of age on a form substantially corresponding to Form 5.

(3) The children's court must make an estimation of the age of the person and a possible date of birth of the person, after assessing the available evidence and by using, as a guide -

- (a) Form 5 as completed by a medical practitioner under subregulation (2); or
- (b) any document, evidence or statement relevant to the estimation of the age of the person, including but not limited to the record of immunisation issued by a clinic, a baptism certificate or a school record.

(4) The children's commissioner must enter into the court record the age of the person estimated under subregulation (3) as the age of the person and the date of birth which corresponds to the estimated age of the person and such age and date of birth is deemed to be the age and date of birth of the person.

(5) The clerk of the children's court must transmit the date of birth of a person as recorded under subregulation (4) to the Permanent Secretary of the Ministry responsible for the registration of birth of persons to be registered as the date of birth of that person.

### **Keeping of records**

10. (1) The children's court is a court of record and the -
- (a) record of the proceedings of the children's court must be taken in longhand by the children's commissioner or recorded by mechanical means used or authorised by the children's court; and
  - (b) longhand record or mechanical recording of the proceedings, any transcription of such record or such mechanical recording certified to be a true record, and any additional longhand notes taken at the proceedings by the court form part of the record of the proceedings.

(2) After the expiry of a period of five years after the matter in question has been finalised by the children's court, the record of the children's court proceedings must be forwarded to the Ministry for archiving purposes.

### **Payment of persons not employed by State**

11. (1) Subject to subregulation (2), a person who -
- (a) conducts a pre-hearing conference under section 43;
  - (b) conducts lay-forum proceedings under section 44 of the Act;
  - (c) compiles a report in terms of section 47(2)(g) of the Act; or
  - (d) serves as an assessor in any matter before the children's court,

and who is not in the employment of the State, is entitled to be paid an allowance for reasonable expenses incurred as contemplated in subregulation (3).

(2) A person referred to in subregulation (1) is only entitled to an allowance referred to in that subregulation, if the person acts on the request of the children's court.

- (3) A person referred to in subregulation (1) is entitled to be paid for -
- (a) reasonable expenses incurred in respect of accommodation;
  - (b) meals and incidentals costs in an amount of N\$200 per day; and
  - (c) travel expenses at a rate of N\$3.50 per kilometre, if the person is using his or her own vehicle and proof of such ownership of the vehicle must be furnished, and if the person does not own a vehicle an invoice of any travel expenses incurred must be furnished.

(4) A person referred to in subregulation (1) may claim his or her travel expenses by air at the expense of the State if the Permanent Secretary: Office of the Judiciary -

- (a) is satisfied that the use of the air transport is necessary in the circumstances; and

- (b) has approved that the person may travel by air.
- (5) The Permanent Secretary: Office of the Judiciary may -
  - (a) at the written request of a person referred to in subregulation (1);
  - (b) on receipt of satisfactory proof that the person has suffered loss of earnings as a result of his or her assistance in a matter before the children's court; and
  - (c) on the recommendation by the children's commissioner,

direct that the person be paid an amount in respect of his or her loss of earnings which he or she suffered, but not exceeding N\$2 500 per day, in addition to any other amount which the person is entitled to receive under this regulation.

(6) If a person referred to in subregulation (1) is required to submit a professional report to the children's court, he or she is entitled to -

- (a) an amount of N\$500 for each session pertaining to the evaluation or assessment of a person or his or her circumstances, limited to five sessions; and
- (b) an amount determined by the clerk of the children's court and approved by the Permanent Secretary: Office of the Judiciary for compiling the report which amount may not exceed N\$1000 per report.

(7) The Permanent Secretary: Office of the Judiciary may authorise a deviation from the amounts specified in subregulation (4) or (5) on the written request by a person referred to in subregulation (1) and supported by proof to the satisfaction of the Permanent Secretary.

#### **Matters in which assistance of assessors is compulsory**

**12.** A children's commissioner must summon an assessor as contemplated in section 40 of the Act in matters involving -

- (a) a dispute about the alleged sexual abuse, sexual exploitation or psychological abuse of a child;
- (b) a child with a physical or mental disability or other special needs;
- (c) the emergency removal of a child in terms of section 135(1)(a) of the Act; or
- (d) the removal of an alleged offender from home or place in which the child resides in terms of section 135(1)(b) of the Act.

#### **Guidelines on legal representation**

**13.** (1) The following are the guidelines regulating the relationship between a child involved in any children's court proceedings and his or her legal practitioner appointed under section 58(1) or (2) of the Act -

- (a) the legal practitioner must attempt to gain the trust of the child and be mindful of the fact that the child may be severely traumatised and must approach the child with care and understanding;

- (b) the child is entitled to request a different legal practitioner if the children's commissioner has ascertained that the child is not comfortable or satisfied with the appointed legal practitioner;
- (c) the legal practitioner must attempt to establish the level of understanding of the child and adjust his or her level of interaction with the child accordingly;
- (d) a child who has sufficient level of understanding must be allowed to give independent instructions to his or her legal practitioner free from any interference from a parent, guardian or care-giver;
- (e) the legal practitioner must explain to a child the child's legal rights and any other issues in relation to any children's court proceedings in a manner appropriate to the age and level of understanding of the child; and
- (f) the legal practitioner must uphold the highest standards of ethical and professional conduct.

(2) The Permanent Secretary of the Ministry administering legal aid must cause a roster to be kept by the Directorate administering matters relating to legal aid and a legal practitioner may apply to that Ministry for his or her name to be included in the roster, if the legal practitioner specialises in matters relating to child care and child protection.

(3) The application contemplated in subregulation (2) must be accompanied by -

- (a) a statement by the legal practitioner that he or she is conversant with the Act and has knowledge or experience in matters relating to child care or child protection; and
- (b) certified copies of his or her qualifications.

(4) The roster contemplated in subregulation (2) must -

- (a) contain details of each legal practitioner who in the opinion of the Permanent Secretary of the Ministry referred to in that subregulation has knowledge and expertise in matters pertaining to child care and child protection; and
- (b) set out the area of specialty of each legal practitioner.

(5) The Permanent Secretary referred to in subregulation (2) must, within 30 days of receipt of the application, in writing, inform a legal practitioner who has made an application under that subregulation as to whether his or her application is granted or refused, and if the application is refused, give reasons for the refusal.

(6) If the children's court has ordered that legal representation be provided to a child as contemplated in section 58 of the Act such legal representation may be selected from the names of legal practitioners as contained in the roster referred to in subregulation (2).

(7) The Permanent Secretary referred to in subregulation (2) must circulate the roster, duly updated, to children's courts at least once every six months for purposes of enabling children's commissioners as well as members of the public to access the roster for purposes of section 58 of the Act.

**Deviation from time periods**

**14.** (1) A children's court may, on application by a party to the proceedings, his or her legal practitioner or a social worker, allow for a deviation from any time period specified in these regulations.

(2) An application referred to in subregulation (1) must -

- (a) be in writing;
- (b) state reasons for the deviation; and
- (c) be accompanied by any proof in support of the deviation.

(3) Subject to subregulation (4), the children's court may grant the application made under subregulation (1), if the court considers the deviation to be in the interest of justice and in the best interests of the child.

(4) Before the children's court grants the application under subregulation (3), the court must take into account -

- (a) any objection raised by a party to the proceedings; or
- (b) any prejudice that a party to the proceedings may suffer, irrespective of whether or not such party has raised an objection.

**Costs**

**15.** (1) The children's court may order that the costs for an act done or required to be done in terms of the Act be borne by a party or be shared by parties to the proceedings, except a child who is the subject of the proceedings.

(2) If a party under subregulation (1) is unable to bear the costs, the court may order that the costs be borne by the State.

(3) If a state-employed social worker considers it to be in the best interests of a child to engage the services of a psychologist, occupational therapist or other professional person in order to -

- (a) give effect to an order of the children's court;
- (b) ensure that sufficient evidence is placed before the children's court; or
- (c) investigate the circumstances of the child,

the children's court may order that the costs be borne by the State, if the court is satisfied that the engagement of such services is in the best interests of the child and on consideration of a written and motivated application by the social worker.

(4) Where costs are required in terms of these regulations to be borne by the State such costs must be defrayed from the money allocated to the Office of the Judiciary.

**ANNEXURE**

**FORM 1**

Section 52 of Child Care and Protection Act, 2015  
Regulation 4(1)

**PARTICULARS OF MATTER AND PARTIES INVOLVED IN MATTER**

<b>Information in this box to be completed by clerk of court</b>
File Number: _____
Type of matter: _____ (child who may be in need of protective services; matter relating to custody, guardianship or access; etc)
Court: _____ <i>(name of court)</i>

<b>Note to person completing this form</b>
Affidavits of persons or other documentary evidence in support of the matter must be attached.

<b>PART A: PARTICULARS OF CHILD OR CHILDREN INVOLVED IN THE MATTER</b>											
<i>(Attach additional pages if necessary.)</i>											
<b>CHILD 1</b>						<b>CHILD 2</b>					
Surname						Surname					
First name(s)						First name(s)					
ID number (if child has an ID)						ID number (if child has an ID)					
Date of birth						Date of birth					
Sex						Sex					
<input type="checkbox"/> male						<input type="checkbox"/> female					
Residential address						Residential address					
Postal address						Postal address					
Physical address where documents can be served if not residential address						Physical address where documents can be served if not residential address					
Telephone number						Telephone number					
(      )						(      )					
Cellphone number						Cellphone number					
Email address						Email address					
Home language						Home language					
School attended						School attended					
Grade						Grade					
Person currently caring for child						Person currently caring for child					
Other relevant information – such as financial position, socio-economic status, availability of transport, whether an interpreter will be needed, any special requirements (for example, wheelchair access) – which may assist the court in deciding how best to deal with the matter in terms of the Child Care and Protection Act, 2015											



CHILD 3					CHILD 4				
Surname					Surname				
First name(s)					First name(s)				
ID number (if child has an ID)					ID number (if child has an ID)				
Date of birth	/		/		Date of birth	/		/	
Sex	<input type="checkbox"/> male		<input type="checkbox"/> female		Sex	<input type="checkbox"/> male		<input type="checkbox"/> female	
Residential address					Residential address				
Postal address					Postal address				
Physical address where documents can be served if not residential address					Physical address where documents can be served if not residential address				
Telephone number	( )				Telephone number	( )			
Cellphone number					Cellphone number				
Email address					Email address				
Home language					Home language				
School attended					School attended				
Grade					Grade				
Person currently caring for child					Person currently caring for child				
Other relevant information – such as financial position, socio-economic status, availability of transport, whether an interpreter will be needed, any special requirements (for example, wheelchair access) – which may assist the court in deciding how best to deal with the matter in terms of the Child Care and Protection Act, 2015									
CHILD 5					CHILD 6				
Surname					Surname				
First name(s)					First name(s)				
ID number (if child has an ID)					ID number (if child has an ID)				
Date of birth	/		/		Date of birth	/		/	
Sex	<input type="checkbox"/> male		<input type="checkbox"/> female		Sex	<input type="checkbox"/> male		<input type="checkbox"/> female	
Residential address					Residential address				
Postal address					Postal address				
Physical address where documents can be served if not residential address					Physical address where documents can be served if not residential address				
Telephone number	( )				Telephone number	( )			
Cellphone number					Cellphone number				

Email number		Email number	
Home language		Home language	
School attended		School attended	
Grade		Grade	
Person currently caring for child		Person currently caring for child	
Other relevant information – such as financial position, socio-economic status, availability of transport, whether an interpreter will be needed, any special requirements (for example, wheelchair access) – which may assist the court in deciding how best to deal with the matter in terms of the Child Care and Protection Act, 2015			

PART B: PARTICULARS OF PERSON BRINGING MATTER TO CHILDREN'S COURT																
Surname				Sex	<input type="checkbox"/> Male	<input type="checkbox"/> Female										
First name(s)																
Title	<input type="checkbox"/> Mr	<input type="checkbox"/> Mrs	<input type="checkbox"/> Miss	<input type="checkbox"/> Ms	<input type="checkbox"/> Dr	<input type="checkbox"/> Other										
ID number	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> </tr> </table>													Date of birth	____/____/____ day / month / year	
Your relationship to the child or children listed above <i>(Tick one item on the list.)</i>	<input type="checkbox"/> parent of child <input type="checkbox"/> care-giver of child <input type="checkbox"/> guardian of child <input type="checkbox"/> person acting in the interest of the child <input type="checkbox"/> person acting on behalf of child who cannot act in his/her own name <input type="checkbox"/> person acting as member of a group of class of children <input type="checkbox"/> person acting in the interest of a group of class of children <input type="checkbox"/> person acting in the public interest <input type="checkbox"/> Children's Advocate															
If your relationship to the children listed above is different for different children, explain in the space provided.	If relationship is different for different children, explain here:															
If the application is being brought by a legal entity, state type of organisation and any applicable registration number. <i>(Attach the relevant constitution or other founding document.)</i>	_____ Type of organisation (trust, company, close corporation, voluntary association)															
	_____ Registration number (if applicable)															
Residential address				Postal address												
Home telephone number				Cellphone number												
Email address				Fax number												

Employer			
Work physical address		Work postal address	
Work telephone number		Other work contact number if possible	
Work email address		Work fax	

### PART C: SUMMARY OF MATTER

<p><b>Nature of matter brought to court</b></p> <p><i>(registration/amendment of parenting plans, removal of child to safe care, children in need of protective services, adoption, custody, guardianship, access etc.)</i></p>	
<p><b>Documents</b></p> <p>List any documents relating to the matter, such as previous court orders, social worker reports, psychological reports, medical reports etc</p> <p><i>(Attach copies of all documents listed.)</i></p>	

### PART D: INFORMATION ABOUT PARENTS OF CHILD / CHILDREN

*(If the children listed above do not all have the same parents, use separate forms for each child or attach additional pages to provide details of the parents of Child 1, Child 2, etc.)*

**Mother**

Tick here if you (*the applicant*) are the mother of the child / children.

If so, there is no need to repeat the information above.

Surname															
First name(s)															
Title	<input type="checkbox"/> Mrs	<input type="checkbox"/> Miss	<input type="checkbox"/> Ms	<input type="checkbox"/> Dr	<input type="checkbox"/> Other										
ID number	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> </tr> </table>													Date of birth	____/____/____ day / month / year
Residential address				Postal address											
Home telephone number				Cellphone number											
Email address															
Employer															
Work physical address				Work postal address											
Work telephone number				Other work contact number if possible											

Work email address		Work fax number	
<b>Father</b>			
<input type="checkbox"/> Tick here if you ( <i>the applicant</i> ) are the father of the child / children.			
If so, there is no need to repeat the information above.			
Surname			
First name(s)			
Title	<input type="checkbox"/> Mr	<input type="checkbox"/> Dr	<input type="checkbox"/> Other
ID number	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	Date of birth	____/____/____ day / month / year
Residential address		Postal address	
Home telephone number		Cellphone number	
Email address			
Employer			
Work physical address		Work postal address	
Work telephone number		Other work contact number if possible	
Work e-mail		Work fax Number	

<b>PART E: CURRENT CARE-GIVER OF CHILD / CHILDREN</b>			
<i>(if the child / children are in the care of someone other than the parent or guardian)</i>			
If the children listed above do not all have the same care-giver, use separate forms for each child or attach additional pages to provide details of the care-giver of Child 1, Child 2, etc.			
<input type="checkbox"/> Tick here if you ( <i>the applicant</i> ) are the current caregiver of the child / children.			
If so, there is no need to repeat the information above.			
Surname		Sex	<input type="checkbox"/> Male <input type="checkbox"/> Female
First name(s)			
Title	<input type="checkbox"/> Mr	<input type="checkbox"/> Mrs	<input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Dr <input type="checkbox"/> Other
ID number	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	Date of birth	____/____/____ day / month / year
Residential address		Postal address	
Home telephone number		Cellphone number	
Email address			
Employer			
Work physical address		Work postal address	
Work telephone number		Other work contact number if possible	
Work email address		Work fax number	

Signed at \_\_\_\_\_ (*place*) this \_\_\_\_ day of \_\_\_\_\_ (*month*), 20\_\_ (*year*)

(*signature / mark of person bringing matter to court*) \_\_\_\_\_

(*print first name(s) and surname*) \_\_\_\_\_

IF APPLICABLE:

(*print first name(s) and surname of person witnessing mark*) \_\_\_\_\_

(*signature of witness to mark*) \_\_\_\_\_

**FORM 2**

Section 43 and 44 of the Child Care and Protection Act, 2015  
Regulation 5(2)

**NOTICE TO ATTEND PRE-HEARING CONFERENCE OR LAY-FORUM  
PROCEEDINGS**

File Number:.....

IN THE CHILDREN’S COURT FOR THE DISTRICT OF

\_\_\_\_\_

HELD AT

\_\_\_\_\_

IN THE MATTER OF:

FIRST NAMES AND SURNAMES OF CHILD / CHILDREN	ID NUMBER / DATE OF BIRTH	
	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	/ /
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**and**

FIRST NAMES AND SURNAMES OF OTHER PARTY / PARTIES and relationship to child / children or interest in the case	ID NUMBER / DATE OF BIRTH	
	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	/ /
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TO: \_\_\_\_\_  
*(first name(s) and surname of party)*

RESIDENTIAL ADDRESS:

WORK ADDRESS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**YOU ARE HEREBY REQUIRED:**

**To attend a \* pre-hearing conference /\* lay-forum proceedings at .....  
..... *(place)* on the ..... day of ..... *(month)*, 20..... *(year)* at  
..... *(time)* and on any subsequent day that may be required, regarding the  
following matter:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed at ..... *(place)* this ..... day of ..... *(month)*,  
20.... *(year)*

*(print name)* .....

*(signature)* .....

Clerk of the Children’s Court

\*DELETE WHICHEVER IS NOT APPLICABLE.

**FORM 3**

Section 53 of the Child Care and Protection Act, 2015  
Regulation 4(1)

**NOTICE OF PROCEEDINGS IN CHILDREN’S COURT**

File Number: .....

IN THE CHILDREN’S COURT FOR THE DISTRICT OF

\_\_\_\_\_

HELD AT

\_\_\_\_\_

IN THE MATTER OF

FIRST NAMES AND SURNAMES OF CHILD / CHILDREN	ID NUMBER / DATE OF BIRTH	
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**and**

FIRST NAMES AND SURNAMES OF OTHER PARTY / PARTIES	ID NUMBER / DATE OF BIRTH	
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TO: \_\_\_\_\_  
*(first name(s) and surname)*

RESIDENTIAL ADDRESS:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

WORK ADDRESS:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**KINDLY TAKE NOTE THAT:**

An application will be made before this Court at ..... *(place)* on the  
..... **day of** ..... *(month)*, **20....** *(year)* at ..... *(time)* **and on**  
**any subsequent day the court thereafter requires, regarding the following matter:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**YOU ARE HEREBY NOTIFIED OF THE ABOVE-MENTIONED APPLICATION AND YOU MAY ON THAT DATE APPEAR BEFORE THE ABOVE-MENTIONED COURT IN ORDER TO MAKE ANY REPRESENTATION ON THE MATTER IN RESPECT OF WHICH THE APPLICATION IS MADE.**

**PLEASE TAKE NOTE OF THE FOLLOWING:**

- (i) If you have any witness regarding the above matter, you may bring them and it is your responsibility to ensure that they are present at the proceedings.
- (ii) The costs of the service of the subpoena of witnesses will be borne by the person who requests the subpoena, unless otherwise provided for in the Act.

Signed at ..... *(place)* this ..... day of.....*(month)*,  
20.... *(year)*

*(print first name(s) and surname)* .....

*(signature)* .....

Clerk of the Children’s Court

**RETURN OF SERVICE**

I, ..... (print name), hereby certify that I have –

- delivered a copy of the notice to ..... personally;
- delivered a copy of the notice to .....,  
who is the legal representative of record of .....
- handed a copy of the notice to ..... a person apparently not younger than the age of 16  
years and apparently residing or employed at the **\*residence / \*place of business** of ....., and  
at the same time informed the person who was handed the notice of the nature thereof;
- handed a copy of the notice to ..... a person apparently not younger than the age of 16  
at the place of employment of ..... who is apparently **\*in authority over this person / \*in  
charge of the place of employment**, and at the same time informed the person who was handed the  
notice of the nature thereof;
- because ..... is a juristic person, delivered a copy of the notice to the juristic person's  
registered office or main place of business, and handed a copy of it to ..... who is  
**\*a director/ \*a responsible employee** of the juristic person, and at the same time informed the person  
who was handed the notice of the nature thereof;
- submitted a copy of the notice to ..... by courier or by registered post;
- delivered or submitted a copy of notice to ..... in the following  
manner..... (specify) as directed by the children's commissioner.

Signed at ..... (*place*) this ..... day of ..... (*month*),  
20.... (*year*)

.....  
*Signature of \*messenger of court/\*sheriff/\*clerk of court/\*person authorised by children's commissioner*

First name(s) and surname (*print*) .....

Designation (rank) ..... *Ex officio* Republic of Namibia

Business address .....

*(Street address must be stated.)*

\*DELETE WHICHEVER IS NOT APPLICABLE.

**FORM 4**

Section 56(3) of the Child Care and Protection Act, 2015  
Regulations 6 and 7

**WRITTEN NOTICE TO ATTEND PROCEEDINGS IN CHILDREN'S COURT**

File Number: .....

IN THE CHILDREN'S COURT FOR THE DISTRICT OF

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HELD AT

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IN THE MATTER OF

FIRST NAMES AND SURNAMES OF CHILD / CHILDREN	ID NUMBER / DATE OF BIRTH																					
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**and**

FIRST NAMES AND SURNAMES OF OTHER PARTY / PARTIES	ID NUMBER / DATE OF BIRTH																					
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TO: \_\_\_\_\_  
*(first name(s) and surname)*

RESIDENTIAL ADDRESS:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

WORK ADDRESS:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**YOU ARE HEREBY REQUIRED** to appear before this Court at .....  
*(place)* on the ..... **day of** ..... *(month)*, **20...** *(year)* at .....  
*(time)* and on any subsequent day the court thereafter requires, regarding the following matter:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**AND TAKE NOTICE**, if you fail to comply with this subpoena, unless it is proved that you had reasonable cause for such failure, you commit an offence and liable on conviction to pay a fine not exceeding N\$5 000 or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

Signed at ..... *(place)* this ..... day of ..... *(month)*, 20.....  
*(year)*

*(print first name(s) and surname)* .....

*(signature)* .....

Clerk of the Children’s Court

**RETURN OF SERVICE**

I, ..... (print name), hereby certify that I have –

- delivered a copy of the notice to ..... personally;
- delivered a copy of the notice to ..... who is the legal representative of record of .....
- handed a copy of the notice to ..... a person apparently not younger than the age of 16 years and apparently residing or employed at the **\*residence / \*place of business** of ....., and at the same time informed the person who was handed the notice of the nature thereof;
- handed a copy of the notice to ..... a person apparently not younger than the age of 16 at the place of employment of ..... who is apparently **\*in authority over this person / \*in charge of the place of employment**, and at the same time informed the person who was handed the notice of the nature thereof;
- because ..... is a juristic person, delivered a copy of the notice to the juristic person's registered office or main place of business, and handed a copy of it to ..... who is **\*a director/ \*a responsible employee** of the juristic person, and at the same time informed the person who was handed the notice of the nature thereof;
- submitted a copy of the notice to ..... by courier or by registered post;
- delivered or submitted a copy of notice to ..... in the following manner..... (specify) as directed by the children's commissioner.

Signed at ..... (place) this ..... day of ..... (month),  
20.... (year)

.....  
*Signature of \*messenger of court/\*sheriff/\*clerk of court/\*person authorised by children's commissioner*

First name(s) and surname (*print*) .....

Designation (rank) ..... *Ex officio* Republic of Namibia

Business address .....

*(Street address must be stated.)*

\*DELETE WHICHEVER IS NOT APPLICABLE.

**FORM 5**

Section 47(3) of the Child Care and Protection Act, 2015

Regulation 9(2)

**MEDICAL REPORT FOR PURPOSES OF AGE ESTIMATION OF CHILD**

A. PARTICULARS OF PERSON WHOSE AGE IS BEING ESTIMATED	
Surname	
First name(s)	
Sex	
Residential address	
Contact telephone number	
Email address	
A. MEDICAL ASSESSMENT OF AGE	
Height	
Weight	
Teeth (describe)	
Breasts (describe)	
Pubic hair (describe)	
Genitals (describe)	
Facial hair (describe)	
Other indications of age (describe)	

**REMARKS**

*(Include reference to any documentation provided, such as a record of immunisation issued by a clinic, a baptismal certificate or a school record):*

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**OPINION**

On the grounds of the above-examination and the general appearance of the person examined –

- (a) age is assessed at being between ..... and ....., with the most probable age being .....
- (b) *(complete if possible, particularly in the case of very young infants)* the possible date of birth, taking the above-mentioned into account, could be .....

Signed at ..... *(place)* this ..... day of ..... *(month)*, 20.... *(year)*

*(Print first name(s) and surname)* \_\_\_\_\_

*(Practice number)* \_\_\_\_\_

*(Signature)* \_\_\_\_\_

Medical Practitioner  
Official stamp

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