

Annexure 1
Forms

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No. 1 – Register regarding matters brought to court

**REGISTER REGARDING MATTERS BROUGHT TO COURT IN TERMS OF
SECTION 53 OF THE CHILDREN'S ACT, 2005 (ACT NO. 38 OF 2005)**

**REGULATIONS RELATING TO CHILDREN'S COURTS AND INTERNATIONAL
CHILD ABDUCTION, 2010**

File Number					Entry made by (name of clerk):	Date	Signature
IN THE MATTER OF:							
Full name(s) of child(ren)	Child						
	1						
	2						
	3						
	4						
Date of birth	Child						
	1						
	2						
	3						
	4						
Gender	Child						
	1						
	2						
	3						
	4						
AND							
Full names of parents/care- givers/guardians							
PARTICULARS OF MATTER:							
Date notice/application is received:							
Reason for notice/application:							
Presiding officer							
Referred: (Pre-hearing conference/Family group conference/other lay forum)	Yes		No				
	To:						
Date referred:							
Referred back to court:							
Date received back:							
Date of hearing:							
Outcome reached:							
Date reached:							
Contribution orders: made/not made/considered:	Made		Not made		Under consideration		
Contribution orders under Consideration:	Made		Not made		Date made/not made		

No. 2 – Application / Request to court

File No.: 14/1/4-.....

If the space provided for in this Form is inadequate, submit information as an Annexure to this Form and sign each page.

PARTICULARS OF CHILD(REN) – ATTACH COPY OF BIRTH CERTIFICATE(S)			
	Full names and surname:	Gender	Date of birth
<i>Child 1</i>			
<i>Child 2</i>			
<i>Child 3</i>			
<i>Child 4</i>			
Present residential address(es) of child(ren):			
<i>Child 1</i>			
<i>Child 2</i>			
<i>Child 3</i>			
<i>Child 4</i>			
Residential telephone / cellular number: of child(ren), if any			
<i>Child 1</i>			
<i>Child 2</i>			
<i>Child 3</i>			
<i>Child 4</i>			
In what grade(s) is/are the child(ren) currently, if any			
<i>Child 1</i>			
<i>Child 2</i>			
<i>Child 3</i>			
<i>Child 4</i>			
Does the child(ren) suffer from any disabilities? If yes, please specify			
<i>Child 1</i>			
<i>Child 2</i>			
<i>Child 3</i>			
<i>Child 4</i>			
Is/Are or was/were the child(ren) placed in alternative care? If yes, please give details			
<i>Child 1</i>			

Child 2	
Child 3	
Child 4	

**PARTICULARS OF PERSON(S) MAKING APPLICATION TO THE COURT
('THE APPLICANT(S)') – ATTACH COPY OF IDENTITY BOOK(S)/CARD(S)**

(Details of all Applicants are required)

Surname:																													
Full names:																													
ID. No./Date of birth:	<table border="1" style="display: inline-table; vertical-align: middle;"> <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><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> </table> / /																												
Applicant(s)' relationship with Child(ren) / Capacity in which application is brought:																													
Residential address:																													
	Code ()																												
Postal address:																													
Phone number(h):																													
Cellular phone number:	<table border="1" style="display: inline-table; vertical-align: middle;"> <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><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> </table>																												
Business address:																													
	Code ()																												
Phone number(b):																													
Fax number:																													
Occupation:																													
Preferred address where documents in this application may be served																													

**PARTICULARS OF PERSON(S) AGAINST WHOM AN ORDER IS SOUGHT
('THE RESPONDENT(S)')**

(Details of all Respondents and persons who may be affected by the order and persons who may have an interest in the order are required)

Surname:																													
Full names:																													
ID. No./Date of birth:	<table border="1" style="display: inline-table; vertical-align: middle;"> <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><td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> </table> / /																												
Defendant(s)' relationship with child(ren):																													

Residential address:										
	Code ()									
Postal address:										
Phone number(h):										
Cellular phone number:										
Business address:										
	Code ()									
Phone number(b):	()									
Fax number:	()									
Occupation:										

FURTHER INFORMATION OF PERSONS	
Name, surname and age of child(ren)'s mother:	
Address of child(ren)'s mother: <i>(If the mother is deceased, please state it here)</i>	
Name, surname and age of child(ren)'s father:	
Address of child(ren)'s father: <i>(If the father is deceased, please state it here)</i>	
If child(ren) is/are residing with or are cared for by a person(s) other than his/her/their mother or father, please state name, surname, age and address of such caregiver(s)	
Are the child(ren)'s parents married? If yes, please attach copy of marriage certificate	

<p>Was child(ren)'s father married to the child(ren)'s mother at (i) the time of the child(ren)'s conception; (ii) the time of the child(ren)'s birth, or (iii) any time between the child(ren)'s conception and birth? If yes, please specify which and provide details thereof, e.g. duration of marriage specifying the starting and end dates.</p>	
<p>Did the child(ren)'s father live with the child(ren)'s mother in a permanent life-partnership at the time of the child(ren)'s birth? If yes, please specify the period and dates that they stayed together.</p>	
<p>Did the child(ren)'s father consent to be identified as the child(ren)'s father or pay damages in terms of customary law? If damages was paid, please specify whether the payment(s) were for the full amount.</p>	
<p>Did the child(ren)'s father contribute or in good faith attempted to contribute towards expenses in connection with maintenance of the child(ren)'s? If yes, please specify how.</p>	

<p>Did the child(ren)'s father contribute or in good faith attempted to contribute to the child(ren)'s upbringing? If yes, please specify how.</p>	
--	--

PARTICULARS OF MATTER	
<p>Nature of matter brought to court: <i>(Please give full details of the matter e.g., registration/amendment of parenting plans; application for permanent residence of child with a particular person, limitation of parental rights and responsibilities, etc)</i></p>	
<p>Please specify what it is that you want the court to order <i>(i.e. the terms of the court order that is being sought)</i>.</p>	
<p>Is or was there a court order pertaining to the residency of the child(ren)? If yes, please attach a copy of the order.</p>	
<p>If there is an existing court order, provide full information relating to the change in the circumstances of the case and the grounds upon which the relief is sought to change the existing order are based.</p>	

<p>Is or was there an application of similar nature either at this court or another court made in respect of the Child(ren) in this matter? If yes, please attach a copy of that application and indicate what the status of that application is.</p>	
<p>Is there a protection order or maintenance order involving the child(ren), parents and/or care giver(s)? If so, please attach a copy.</p>	
<p>Please state whether the family advocate, social worker, psychologist or other professional person or body is involved and, if so, give their names and full contact details.</p>	
<p>Are there any other documents relating to the matter? (<i>e.g. social worker or psychologist report</i>) If so, please attach.</p>	
<p>Please specify the grounds and/or reasons for this application and why the court should grant the order requested. All facts that are relevant to this application which the court should consider must be stated with sufficient detail and particularity for the court to understand and appreciate the issues. Please attach statement herein.</p>	

<p>If there are witnesses who can confirm or elaborate on aspects pertaining to this matter, statements should be obtained from such witnesses and attached to this application.</p>	
<p>State any other relevant factor that may assist the court in considering the application.</p>	

Signed at _____ on the _____ day of _____ year _____.

Signature/Thumb print/mark of deponent

I certify that before I recorded the prescribed oath/affirmation, I put the following questions to the deponent and recorded his/her answers in his/her presence:

- (a) Do you know and understand the contents of this declaration? Answer: _____
 (b) Do you have any objections to taking the prescribed oath? Answer: _____
 (c) Do you consider the oath as binding on your conscience? Answer: _____

OATH

Thereupon the deponent was caused to utter the following words: "I swear that the contents of this declaration are true, so help me God".

AFFIRMATION

Thereupon the deponent was caused to utter the following words: "I truly affirm that the contents of this declaration are true".

The deponent attached his/her signature/thumb print/mark in my presence.

Commissioner of oaths

Full names and surname: _____

Designation: _____

Business address: _____

Dated at _____ on the _____ day of _____ year _____

No. 3 – Notice of Motion

THE CHILDREN'S COURT FOR THE DISTRICT OF
HELD AT

FILE NO:

In the matter of:

.....

Applicant

and

.....

Respondent

Take notice that application will be made to the above-mentioned Court on the day of
....., 20... at (time) for an order (state terms of order applied for) and for the reasons as
more fully set out in the affidavit attached hereto.

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

.....
Applicant/Applicant's Attorney
(Physical address)
.....

(Telephone/cell phone)
.....

(E-mail address)
.....

(Facsimile)
.....

To: 1. The Clerk of the above-named Court
.....

2. Respondent/Respondent's Attorney
(Physical address)
.....
(Telephone/cell phone/e-mail address/facsimile)
.....

No. 4 – Notice to attend proceedings of the court

NOTICE TO ATTEND PROCEEDINGS OF THE CHILDREN'S COURT IN TERMS OF SECTION 57 OF THE CHILDREN'S ACT, 2005 (ACT NO. 38 OF 2005)

REGULATIONS RELATING TO CHILDREN'S COURTS AND INTERNATIONAL CHILD ABDUCTION, 2010

File No:

REPUBLIC OF SOUTH AFRICA

IN THE CHILDREN'S COURT FOR THE DISTRICT OF:

.....

HELD AT:

.....

IN THE MATTER OF THE FOLLOWING CHILD(REN):

FULL NAME(S) OF CHILD(REN)	GENDER	ID NUMBERS/DATE OF BIRTH

TO: (a party in the matter before the children's court/a family member of a child involved in the matter/a person who has another interest in the matter)

.....
.....

ADDRESS:

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

YOU ARE HEREBY REQUIRED:

To appear before this court at on the day of at (time) and on any subsequent day the court thereafter requires, regarding the following matter:

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

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

ATTENDANCE OF CHILDREN REQUIRED:

YES

NO

TO THE PERSONS WHO ARE HEREBY GIVEN NOTICE:

- (1) You must attend the proceedings at the place and time aforesaid and must remain in attendance until its conclusion or until excused by the court.
- (2) You must bring the said child(ren) before the court at the abovementioned time and place, except if otherwise directed.
- (3) If you fail to attend the proceedings or to remain in attendance during the proceedings, the court may-
 - (a) issue a warrant for your arrest and in a summary manner inquire into your failure to attend or remain in attendance and, unless you satisfy the court that your failure was not due to fault on your part, sentence you to a fine or to imprisonment; and
 - (b) order you to pay any costs.
- (4) Should legal representation be required it is recommended that this be arranged timeously.
- (5) You must ensure that all your witnesses are present at the proceedings of the hearing. If you wish any witness to be subpoenaed by the court, you are requested to submit full particulars of the witnesses (i.e. full names, identity numbers and physical addresses) to the clerk of the court, within fourteen days before the date of the hearing. The costs of the service of the subpoena of any witness will be borne by the person who requests the subpoena unless, in exceptional cases, the court directs that the state bears such costs.
- (6) Your attention is drawn to the fact that the court may decide to-
 - (a) refer the matter to a family group conference or a lay forum for mediation and that the matter may be referred back to the children's court for a hearing;
 - (b) hold a pre-hearing conference; or
 - (c) hear the matter.

Signed at this day of 20

.....
Clerk of the children's court

PLEASE SEE REVERSE HEREOF

REVERSE OF FORM 4
RETURN OF SERVICE
FOR OFFICIAL PURPOSES ONLY

I,, certify that I have—

* delivered a copy of the notice to personally;
or

* offered 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 employment/place of business of....., since he/she could not conveniently be found and at the same time informing him/her of the nature and exigency thereof;

or

* *affixed/placed a copy of the notice to/in the *outer/principal door/security gate/post box of the *residence/place of employment/place of business of, since he/she prevented the service by keeping his/her *residence/place of employment/place of business closed.

Signed at this..... day of 20

.....
*Signature of Sheriff/clerk of the children's court/
person authorised by presiding officer of the children's court*

Full first names and surname
(Block letters)

Designation (rank).....*Ex Officio* Republic of South Africa

Business address.....code.....
(Street address must be stated)

No. 5 – Edictal citation or substituted service

THE CHILDREN'S COURT FOR THE DISTRICT OF
HELD AT

FILE NO:

In the matter of:

.....

Applicant

and

.....

Respondent

To:

A B formally residing at,
but whose present whereabouts are unknown (respondent herein):

TAKE NOTICE that by a process issued out of this court, you have been called upon to
appear before the above-mentioned Court on the day of, 20... at (time) in a
matter wherein C D (applicant herein) claims:

- (a)
- (b)
- (c)

TAKE NOTICE FURTHER that if you fail to appear in court as stated above, an order may
be granted against you without further reference to you.

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

.....
Applicant/Applicant's Attorney
(Physical address)

.....
(Telephone/cell phone)

.....
(E-mail address)

.....
(Facsimile)

To: The Clerk of the above-named Court
.....

No. 6 – Medical report and age assessment of child**MEDICAL REPORT AND AGE ASSESSMENT OF CHILD
IN TERMS OF SECTION 48(2) OF THE CHILDREN'S ACT, 2005 (ACT NO. 38 OF 2005)****REGULATIONS RELATING TO CHILDREN'S COURTS AND INTERNATIONAL CHILD
ABDUCTION, 2010****A. MEDICAL REPORT OF PERSON WHOSE AGE IS ESTIMATED**

I	PERSONAL PARTICULARS
Surname:	
Full names:	
Sex:	
Residential address:	
	Code ()
Phone number (h)	()

II	MEDICAL PARTICULARS	
Height:		
Weight:		
Condition of:		
	Lungs:	
	Heart:	
	Teeth:	
Apparent impairment: Indicate degree:		
	Sight:	
	Hearing:	
	Speech:	
	Orthopaedic:	
	Neurological:	
	Intellectual:	
Presence of any diseases/infections/injuries:		
Physical development according to * his/her age:	* Normal/abnormal If abnormal, specify:	
Nutrition:	* Adequate/deficient If deficient, specify:	
Vaccinations:	*Yes/No. If yes please specify:	
Substance abuse:	*Yes/No. If yes please specify:	
Other observations:	*Yes/No. If yes, please specify:	
Medical or other treatment required or recommended:	Yes/No. If yes, please specify:	

Date.....Place.....

Medical Practitioner

D.S. Ref No.:

B. MEDICAL ASSESSMENT OF AGE

Surname:	
Full names:	
	ASSESSMENT
Height:	
Weight:	
Breasts:	
Molar teeth:	
Pubic hair:	
Auxiliary:	
Facial:	
Genitals:	

OPINION

On the grounds of the above-examination, and * his/her general appearance, dressed and undressed, * his/her—

- (a) age is assessed at being between..... and
- Most probable age
- (b) possible date of birth, taking the above-mentioned into account, could be:

REMARKS:

.....

Date.....Place.....

Medical Practitioner

No. 7 – Court certificate of estimated age of child

COURT CERTIFICATE OF ESTIMATED AGE OF CHILD
REGULATIONS RELATING TO CHILDREN'S COURTS AND INTERNATIONAL
CHILD ABDUCTION, 2010

File No.:

REPUBLIC OF SOUTH AFRICA

CONFIDENTIAL

IN THE CHILDREN'S COURT FOR THE DISTRICT OF:

.....

HELD AT:

.....

TO: DEPARTMENT OF HOME AFFAIRS

.....
.....**CERTIFICATE**

It is hereby certified that the * age(s) of the * child(ren) mentioned hereunder * has/have been estimated/confirmed to be as indicated by the corresponding * date(s) of birth provided below:

NAME	GENDER	DATE

The estimate was made in terms of section 48(2) of the Children's Act, 2005 (Act No 38 of 2005) for the purposes of * a children's court inquiry/adoption proceedings where such age is a relevant fact. The confirmed age was based on sufficient evidence available.

.....
Date

.....
Presiding Officer

Note:
This document is not an official birth certificate

No. 8 – Order of court to carry out an investigation

ORDER OF A CHILDREN'S COURT TO CARRY OUT AN INVESTIGATION IN TERMS OF SECTION 50 OF THE CHILDREN'S ACT, 2005 (ACT NO. 38 OF 2005)

REGULATIONS RELATING TO CHILDREN'S COURTS AND INTERNATIONAL CHILD ABDUCTION, 2010

File No. :

REPUBLIC OF SOUTH AFRICA

IN THE CHILDREN'S COURT FOR THE DISTRICT OF:

.....

HELD AT:

.....

IN THE MATTER:

FULL NAME(S) OF CHILD(REN)	GENDER	ID NUMBERS/DATE OF BIRTH

Child(ren)

AND

NAME(S) OF OTHER PARTY(IES)	ID NUMBER(S)/DATE OF BIRTH

Other party(ies) involved

TO:

.....

ADDRESS:

.....

YOU ARE HEREBY ORDERED:

To carry out an investigation or further investigation that may assist this court in deciding the matter at hand as provided for in section 50 of the Children's Act, 2005 (Act No. 38 of 2005); and

To furnish this court with a report and a recommendation as provided for in regulation 11(5) of the Regulations relating to Children's Courts and International Child Abduction, 2010 within the period as specified in regulation 11(6) of the Regulations relating to Children's Courts and International Child Abduction, 2010.

Signed at this day of 20

.....

Presiding officer of the children's court

No. 9 – Notice to attend pre-hearing conference

NOTICE TO PARTIES TO ATTEND A PRE-HEARING CONFERENCE IN TERMS OF THE CHILDREN'S ACT, 2005 (ACT NO. 38 OF 2005)

REGULATIONS RELATING TO CHILDREN'S COURTS AND INTERNATIONAL CHILD ABDUCTION, 2010

File No:

REPUBLIC OF SOUTH AFRICA

IN THE CHILDREN'S COURT FOR THE DISTRICT OF:

.....

HELD AT:

.....

IN THE MATTER:

FULL NAME(S) OF CHILD(REN)	GENDER	ID NUMBERS/DATE OF BIRTH

Child(ren)

AND

NAME(S) OF OTHER PARTY(IES)	ID NUMBER(S)/DATE OF BIRTH

Other party(ies) involved

TO:

.....

ADDRESS:

.....

.....

YOU ARE HEREBY REQUIRED:

To appear a pre-hearing conference aton the day of at (time) and on any subsequent day that may be required, regarding the following matter:

.....

Signed at this day of 20

.....
 Clerk of the children's court

No. 10 – Referral of matters to Family Group Conference/Lay Forum

REFERRAL OF MATTER TO *FAMILY GROUP CONFERENCE/ LAY-FORUM IN TERMS OF SECTIONS 70 AND 71 OF THE CHILDREN'S ACT, 2005 (ACT NO. 38 OF 2005)

REGULATIONS RELATING TO CHILDREN'S COURTS AND INTERNATIONAL CHILD ABDUCTION, 2010

File no.

REPUBLIC OF SOUTH AFRICA

A. REFERRAL TO *FAMILY GROUP CONFERENCE/*LAY FORUM

I,, presiding officer of the children's court at.....

In the matter between:

FULL NAME(S) OF CHILD(REN)	GENDER	ID NUMBERS/DATE OF BIRTH

Child(ren)

AND

NAME(S) OF OTHER PARTY(IES)	ID NUMBER(S)/DATE OF BIRTH

Other party(ies) involved

Hereby refer the matter in terms of section *70/71 of the Children's Act, 2005 (Act No. 38 of 2005) *to a family group conference/ lay-forum:

.....

 (name, address, telephone number of facilitator/lay-forum)

Reasons for referral:

Signed at this day of 20.....

Presiding officer of the children's court

B. REFERRAL OF MATTER TO CHILDREN'S COURT

I, in my capacity as *chairperson of the lay-forum/facilitator of family group conference held at on, to which the above-mentioned matter was referred, hereby refer the matter back to the children's court for the following reasons:

.....

Signed at this day of 20.....

.....
**Facilitator: Family Group Conference/Chairperson: Lay-forum*

No. 11 – General requirements regarding parental responsibilities and rights agreement

[SECTION 22 OF THE CHILDREN'S ACT 38 OF 2005]

Part A: Particulars of mother of child/children or other holders of parental responsibilities and rights/ Particulars of father or person(s) upon whom parental responsibilities and rights are being conferred

Mother or Holder 1.

Surname	
Full Names	
ID No/Date of Birth/Passport no	
Residential Address	
Home telephone no	
Cell phone no	
Email address	
Work Address	
Work telephone no	
Relationship to child/children	

Father or person(s) upon whom parental responsibilities and rights are being conferred

Surname	
Full Names	
ID No/Date of Birth/Passport no	
Residential Address	
Home telephone no	
Cell phone no	
Email address	
Work Address	
Work telephone no	
Relationship to child/children	

Details of further co-holders of parental responsibilities and rights in respect of whom this parental responsibilities and rights agreement applies must be furnished on a separate page and attached to this **Form** as an annexure.

Part B: Details of child or children in respect of whom parental responsibilities and rights agreement has been concluded

First Child

Surname	
Full names	
ID No/date of birth/Passport no	
Residential address	

Contact no	
------------	--

Second Child

Surname	
Full names	
ID No/date of birth/Passport no	
Residential address	
Contact no	

Third Child

Surname	
Full names	
ID No/date of birth/passport no	
Residential address	
Contact no	

Details of additional children in respect of whom this parental responsibilities and rights agreement applies must be furnished on a separate page and attached to this Form as an annexure.

Part C: Supporting Documentation

Please find the following supporting documentation attached:

- Particulars relating to guardianship of the child/children (NB: agreement then to be made an order of the High Court)
- Particulars relating to the care of the child/children
- Particulars relating to contact with the child/children
- Particulars relating to the financial responsibilities for the maintenance of the child/children
- Particulars relating to other matters incidental to the exercise of parental responsibilities and rights

Part D: Agreement

I _____ (being the mother of/person having parental responsibilities and rights in respect of _____ (insert child or children's names) _____ hereby agree to confer those parental responsibilities and rights as set out in the attached documents upon _____ (insert name of father/other person having an interest in the care, well-being and development of the child).

Details of parental responsibilities and rights conferred (optional)

Part E: Details of application for registration of parental responsibilities and rights agreement to be made an order of court

TO: The Family Advocate/Clerk of the Court/ Registrar of the High Court

Place:

Date:

We,.....
.....
.....(initials and surnames)

hereby apply for registration of the attached parental responsibilities and rights agreement at the Office of the Family Advocate to be made an order of the honorable court.

Signed (Mother/other person)

Signed (Father/other person)

Date

Particulars of Family advocate (where applicable)

Official stamp

----- Name of Family Advocate
----- Signature of Family advocate
----- Place
----- Date

No. 12 – Statement of family advocate concerning parental responsibilities and rights agreement

[SECTION 22(5) OF THE CHILDREN’S ACT 38 OF 2005]

I (Name and surname), being the Family Advocate at the abovementioned High Court/ Divorce court/children’s court hereby confirm that the parental responsibilities and rights agreement referred to in section 22(3) between

.....

and

.....

(insert names of parties)

- was prepared with my assistance (tick if applicable)
- complies with the best interests of the child/children..... (insert names of children).

I confirm that information about the contents of this parental responsibilities and rights agreement have been furnished to the child or children, bearing in mind the child/children’s age, maturity and stage of development -----

I confirm that the child or children been given an opportunity to express their views, and that these views have been given due consideration -----

Signed

Date

Particulars of Family advocate

Official stamp

Name of Family Advocate

Signature of Family advocate

Place

Date

No. 13 – Statement of outcome of mediation

[SECTION 21(3) OF THE CHILDREN’S ACT 38 OF 2005]

File No:

1. I certify that the Section 21(3) mediation between:

.....

(Applicant)

and

.....

(Respondent)

concerning the minor children:

1.(insert name, gender and date of birth)

2. (insert name gender and date of birth)

3. (insert name, gender and date of birth)

Was resolved -----

----- (give details)

Remains unresolved-----

----- (give details)

2. Copy of parental responsibilities and rights agreement (where applicable): (to be attached)

3.1 Details of family advocate (where applicable)

Official stamp

Name of Family Advocate

Signature of Family advocate

Place

Date

3.2 Details of social worker, social services professional or other suitably qualified person:

- Social worker registered as such at the Social Work Council (give practice number).....
- Psychologist registered to practice at the Medical and Dental Council (give practice number).....

- Other suitably qualified person (details of reasons why suitably qualified to be furnished in the space below)*

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

*Annex supporting documentation where necessary

Full name

Signature

Date

No. 14 – Confirmation of non-attendance of mediation

[SECTION 21(3) OF THE CHILDREN'S ACT 38 OF 2005]

File No:

I confirm that as regards the Section 21(3) mediation between:

.....

(Applicant)

and

.....

(Respondent)

concerning the minor children:

- 1. (insert name, gender and date of birth)
- 2. (insert name gender and date of birth)
- 3. (insert name, gender and date of birth)

(A) the Respondent was notified of the mediation session to be held on -----(give date and time) by means of:

(B) the Respondent failed to attend the mediation session.

Details of Family Advocate (where applicable)

Official stamp

Name of Family Advocate

Signature of Family advocate

Place

Date

Details of Social worker, social service professional or other suitable qualified person

- Social worker registered as such at the Council for Social Services Professions (give practice number).....

- Psychologist registered to practice at the Medical and Dental Council (give practice number).....
- Other suitably qualified person (details of reasons why suitably qualified to be furnished in the space below)*

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

*Annex supporting documentation where necessary

Full name

Signature

Date

No. 15 – Statement of family advocate, social worker or psychologist that parenting plan was prepared after assistance

[SECTION 33(2) AND (5) OF THE CHILDREN’S ACT 38 OF 2005]

I (Name and surname)

- Family Advocate at the abovementioned High Court/ Divorce court/children’s court
- Social worker registered as such at the Council for social services professions (give practice number.....)
- Psychologist registered to practice at the Medical and Dental Council (give practice number).....

hereby confirm that the parenting plan referred to in **Form 16** between and (insert names of parties) was prepared after assistance by myself and complies with the best interests of the child/children (insert names of child/children)

I confirm that information about the contents of this parenting plan been furnished to the child or children, bearing in mind his, her or their age, maturity and stage of development _____

I confirm that the child or children have been given an opportunity to express their views, and their views have been given due consideration _____

Signed

Date

Particulars of Family advocate (where applicable)

Official stamp

----- Name of Family Advocate/ Social worker/Psychologist
----- Signature of Family Advocate/Social worker/Psychologist
----- Place
----- Date
----- Telephone number
----- Address:
----- Name of organization:

No. 16 – Statement of social worker or other suitably qualified person that parenting plan was prepared after mediation

[SECTION 34(3) OF THE CHILDREN’S ACT 38 OF 2005]

I (Name and surname)

- Social worker registered as such at the Council for social services professions (give practice number.....)
- Other suitably qualified person (details of reasons why suitably qualified to be furnished in the space below)*

.....

.....

.....

.....

.....

.....

*Annex supporting documentation where necessary

hereby confirm that the parenting plan referred to in **Form 16** between
 and (insert names of parties) was prepared after mediation
 by myself and complies with the best interests of the child/children
 (insert names of children)

The parties confirm that information about the contents of this parenting plan been furnished to the child or children bearing in mind the child or children’s age, maturity and stage of development

The parties confirm that the child or children have been given an opportunity to express their views, and have given these views due consideration

 Signed

Telephone contact details:
 Address:

 Date

Organisation:

Signature of Parties:

1.....

2.....

No. 17 – Application for registration of a parenting plan or for parenting plan to be made an order of court

[SECTION 34(2) OF THE CHILDREN'S ACT 38 OF 2005]

Part A: Particulars of holders of parental responsibilities and rights to whom the attached parenting plan applies

Holder 1.

Surname	
Full Names	
ID No/Date of Birth/passport no	
Residential Address	
Home telephone no	
Cell phone no	
Email address	
Work Address	
Work Telephone no	
Relationship to child/children	

Holder 2.

Surname	
Full Names	
ID No/Date of Birth/passport no	
Residential Address	
Home telephone no	
Cell phone no	
Email address	
Work Address	
Work telephone no	
Relationship to child/children	

Holder 3.

Surname	
Full Names	
ID No/Date of Birth/passport no	
Residential Address	
Home telephone no	
Cell phone no	
Email address	
Work Address	
Work telephone no	
Relationship to child/children	

Details of further co-holders of parental responsibilities and rights in respect of whom this application applies to be furnished on a separate page and attached to this Form as an annexure.

Part B: Details of child or children in respect of whom parenting plan applies

First Child

Surname	
Full names	
ID No/date of birth/passport no	
Residential address	
Contact no	

Second Child

Surname	
Full names	
ID No/date of birth/passport no	
Residential address	
Contact no	

Third Child

Surname	
Full names	
ID No/date of birth/passport no	
Residential address	
Contact no	

Details of additional children in respect of whom application applies to be furnished on a separate page and attached to this Form as an annexure.

Part C: Details of application for registration of parenting plan or for parenting plan to be made an order of court

TO: The Family Advocate/Clerk of the Court/ Registrar of the High Court

Place:

Date:

We,.....
 (initials and surnames)

hereby apply for registration of the attached parenting plan at the Office of the Family Advocate/ hereby apply for the attached parenting plan to be made an order of the honorable court (delete whichever is not applicable).*

Signed:

Signed:

Date

* Attach written copy of parenting plan signed by the parties to the agreement/attach copy of **Form 14**

Part D: [Note to Applicants: This Part to be completed only where a parenting plan has been prepared with the assistance of a family advocate, social worker or psychologist, or after mediation by a social worker or other suitably qualified person in instance where co-holders of parental responsibilities have experienced difficulties in exercising their responsibilities and rights [section 33(2) and (5) of the Children's Act, 2005]]

Attached to this application is:

Form 12

Form 15

(Tick whichever is applicable)

Signature of applicant

Signature of applicant

Date

No. 18 – Order to remove child who appears to be in need of care and protection



**ORDER TO REMOVE CHILD WHO APPEARS TO BE IN NEED OF CARE AND PROTECTION
CHILDREN'S ACT, 2005 (ACT NO. 38 OF 2005)
(Section 151(1); Rule 5)
REPUBLIC OF SOUTH AFRICA**

File No.: 14/1/4 -

THE CHILDREN'S COURT FOR THE DISTRICT OF
HELD AT

On evidence on *oath/affirmation given by—
.....
(full names of person)

acting in the capacity of.....
(state capacity)

it appears that the following child(ren) is/are a child/children in need of care and protection:

PARTICULARS OF CHILD(REN)														
Surname:													Gender	
Child 1	Full names: <i>(state surname of each child as well if surnames are not similar)</i>													
Child 2														
Child 3														
Child 4														
Child 5														
Child 1	ID. No./Date of birth:													
Child 2													/	/
Child 3													/	/
Child 4													/	/
Child 5													/	/

(hereinafter referred to as 'the Child(ren)')

Further information/description of Child(ren) where name(s), surname(s) and/or ID No/Date(s) of birth is uncertain or unknown (if any)- section 151(4)	
Child 1	
Child 2	
Child 3	
Child 4	
Child 5	

(*) DELETE WHICHEVER PART BELOW IS NOT APPLICABLE

***PART A**

WHEREAS IT APPEARS THAT THE CHILD(REN) ARE IN NEED OF CARE AND PROTECTION AS DESCRIBED IN SECTION 151(1); NOW THEREFOR IT IS ORDERED:

1. The Child(ren) be removed from the care of
 (state
name and surname of person(s) in whose care the Child(ren) is/are
 who is/are resident at
 (state
address)

alternatively that the Child(ren) be removed from the care of any person that the Child(ren) is/are found in;

2. Once the Child(ren) has/have been removed, the child(ren) shall be brought before the Children’s Court for confirmation of removal by no later than the next court day after the removal of the Child(ren);
3. The matter be referred to the following designated social worker for an investigation contemplated in section 155 (2) of whether the child is in need of care and protection and within 90 days compile a report on whether the child is in need of care and protection:

Surname:	
Full names:	
Identity number/Date of birth:	
Business Address:	
Phone number (b):	
Cellular number:	
Fax number:	
E-mail address:	

AND

***PART B**

IT IS FURTHER ORDERED THAT:
 The Child(ren), once removed, be placed in the temporary safe care of
 (state
name of person/institution in whose temporary safe care the Child(ren) be placed)
 of (state
physical address of place of temporary safe care)
 with further contact details

.....

**UNTIL THIS ORDER IS CONFIRMED, AMENDED OR DISCHARGED OR UNTIL
 THE CHILD(REN) IS/ARE LAWFULLY DISCHARGED FROM THIS ORDER**

***PART C**

WHEREAS IT APPEARS THAT THE CHILD(REN) ARE IN NEED OF CARE AND PROTECTION AS DESCRIBED IN SECTION 151(1); NOW THEREFOR IT IS ORDERED:

1. The Child(ren) NOT be removed from the care of the person(s) in whose care the Child(ren) currently are; and
2. The matter be referred to the following designated social worker for an investigation contemplated in section 155 (2) of whether the child is in need of care and protection and within 90 days compile a report on whether the child is in need of care and protection:

Surname:	
Full names:	
Identity number/Date of birth:	
Business Address:	
Phone number (b):	
Cellular number:	
Fax number:	
E-mail address:	

***PART D**

Justice Regulation Form 9 to be completed and issued in respect of the order for investigation.

DATED at this day of

.....
*Presiding Officer
 Children's Court*

No. 19 – Authority for removal of child to temporary safe care

[SECTIONS 150-152 OF THE CHILDREN'S ACT 38 OF 2005]

TEMPORARY SAFE CARE

Temporary safe care where child is to be placed

AUTHORITY

Authority is hereby given for the placement of the following child/children until this authority is confirmed by the presiding officer of a children's court.

DETAILS OF CHILD(REN)				
NAME(S) AND SURNAME	GENDER	DISABILITY	DATE OF BIRTH/ ESTIMATED AGE	

REASONS FOR REMOVAL OF CHILD

(Mark with an "x") (Attach a substantiated statement containing the specific details/circumstances of the removal, reflecting dates and facts relevant to the chain of events)

MARK	SECTION OF ACT	REASONS FOR REMOVAL
	151(2)	I have removed the above-mentioned child/children in terms of a children's court order (Document attached as per Annexure)
	47(3)	I have removed the above-mentioned child/children in terms of an order of another court (Document attached as per Annexure)
	170(4)	I have apprehended the above-mentioned child/children who has/have absconded or failed to return to alternative care (Document attached as per Annexure)
		I have reason to believe that the child/children is/are in need of care and protection due to the following:
	150(1)(a)	has been abandoned or orphaned and is without any visible means of support
	150(1)(b)	displays behaviour which cannot be controlled by the parent or care-giver
	150(1)(c)	lives or works on the streets or begs for a living

MARK	SECTION OF ACT	REASONS FOR REMOVAL
	150(1)(d)	is addicted to a dependence-producing substance and is without any support to obtain treatment for such dependency
	150(1)(e)	has been exploited or lives in circumstances that expose the child to exploitation
	150(1)(f)	lives in or is exposed to circumstances which may seriously harm that child's physical, mental or social well-being
	150(1)(g)	may be at risk if returned to the custody of the parent, guardian or care-giver of the child as there is reason to believe that he or she will live in or be exposed to circumstances which may seriously harm the physical, mental or social well-being of the child
	150(1)(h)	is in a state of physical or mental neglect
	150(1)(i)	is being maltreated, abused, deliberately neglected or degraded by a parent, a care-giver, a person who has parental responsibilities and rights or a family member of the child or by a person under whose control the child is.
		I have found the child/children in the following circumstances and I have reason to believe that the child/children may be in need of care and protection:
	150(2)(a)	a child who is a victim of child labour
	150(2)(a)	a child in a child-headed household

RESPONSIBLE PERSON

Details of parent(s), guardian or care-giver from whose custody child/children was/were removed

Name(s) and surname		
Residential address		
Work address		
Telephone numbers	Residence	
	Office	
	Cellular	
Facsimile number		
Email address		
Relationship to the child		

ADDITIONAL INFORMATION: CHILD(REN)

(Special needs, medical conditions, behaviour, etc)

--

OFFICIAL CONDUCTING REMOVAL OF CHILD(REN)
--

Details of person conducting removal of child(ren)

Name(s) and surname		
Rank/position		
Identity number		
Social worker/police official/authorized person		
Work address		
Registration number		
Telephone numbers	Office	
	Cellular	
Facsimile number		
Email address		

ACKNOWLEDGMENT OF RECEIPT

PARENT(S), GUARDIAN OR CARE-GIVER			
Signature			
Name & surname			
Place			
Date		Time	

TEMPORARY SAFE CARE	
Signature	
Name & surname	
Place	

TEMPORARY SAFE CARE

Date		Time	
------	--	------	--

COPIES OF AUTHORITY

A **true copy** of this authority must be provided to the following and must be confirmed by the issue of a **Form 20 court order** within the applicable time limits:

Care-giver from whose custody child/children was/were removed and who can readily be traced	Within 24 hours
Temporary safe care facility	With admittance
Social worker (case worker)	Within 24 hours
Provincial Department of Social Development	Within 24 hours
Children's Court (clerk of the children's court)	Not later than the next court day
Office record (case file, case docket)	Filed as soon as possible

REFERRAL

Case referred to Organisation/Social worker

Name & surname	
Organisation	
Telephone number	
Facsimile number	
Reference number	

SEE NOTES ON NEXT PAGE

Note 1**A. Directions for social workers:**

A true copy of this authority is to be delivered or handed, after removal of the child/children, to the

- § parent/guardian/care-giver who can readily be traced within 24 hours;
- § relevant clerk of the children's court by not later than the next court day; and
- § closest office of the relevant provincial department of social development within 24 hours.

B. Directions for police officials:

A true copy of this authority is to be delivered or handed, after removal of the child/children, to

- § the parent/guardian/care-giver who can readily be traced within 24 hours;
- § the relevant clerk of the children's court by not later than the next court day;
- § the closest office of the relevant provincial department of social development within 24 hours;
- § a designated social worker within 24 hours.

C. General

- § The parent/guardian/care-giver must be informed of the date, time and place of the review of the detention of the child/children and the right to furnish the court with information which must be the first court day after the removal of the child. The person issuing this authority must bring the child/children or cause the child/children to be brought before the children's court of the district of removal.
- § The place where the child is placed in temporary safe care must report to the children's court concerned if the placement is not confirmed by court order within seven days.

Note 2

Section 152(1) of the Act makes it clear that, before a child may be removed to temporary safe care without a court order, ALL of the following factors HAVE to be present –

- The child must be in need of care and protection;
- The child must require immediate emergency protection;
- The delay in obtaining a court order may jeopardize the child's safety and well-being; and
- Removal is the best way to secure the child's safety and well-being.

No. 20 – Approval to provide temporary safe care

[SECTION 167 OF THE CHILDREN’S ACT 38 OF 2005]

It is hereby certified that:

the following facility has been approved for temporary safe care:

the following place has been approved for temporary safe care:

the following premises has been approved for temporary safe care:

the following person has been approved for temporary safe care:

Name of facility/ place / premises/ person:

Physical address of facility/ place/ premises/ person:

Provincial Head of Social Development

Date:

No. 21 – Notification to parent, guardian or care-giver to attend children’s court proceedings

[SECTIONS 151, 152 and 286 OF THE CHILDREN’S ACT 38 OF 2005]

TO:
.....
.....
.....
.....

Dear Sir/Madam

You are hereby advised to attend proceedings of the children’s court where a decision will be made as to whether (full names and surname of child) is in need of care and protection.

Date and time of hearing:

Place of hearing:

Clerk of the court

Date:

Address of court

No. 22 – Subpoena to witness to appear before the court

SUBPOENA TO WITNESS TO APPEAR BEFORE THE CHILDREN'S COURT IN TERMS OF SECTION 59 OF THE CHILDREN'S ACT, 2005 (ACT NO. 38 OF 2005)

REGULATIONS RELATING TO CHILDREN'S COURTS AND INTERNATIONAL CHILD ABDUCTION, 2010

File No.:

REPUBLIC OF SOUTH AFRICA

IN THE CHILDREN'S COURT FOR THE DISTRICT OF:

.....

HELD AT:

.....

In the matter of an inquiry in terms of section 59 of the Children's Act, 2005 (Act No. 38 of 2005), in connection with the following child(ren):

NAME(S) OF CHILD(REN)	GENDER	DATE OF BIRTH

TO:

.....

ADDRESS:

.....

1. You are hereby required to appear as a witness before the court at the request of:

- (a) The presiding officer of the court.
- (b) The child or a person whose rights may be affected by an order of the court.
- (c) The legal representative of a person referred to in (b).

2. You are hereby further required:

- (a) to appear before this court at on the day of at (time) and on any subsequent day to which the hearing may be postponed to give evidence at this inquiry
-

-
- (b) produce the following books or documents:
- (i)
 - (ii)
 - (iii)
 - (iv)
 - (v)

Dated at this day of 20

.....
Clerk of the children's court

NOTE:

- A person subpoenaed by the court and who complies with the subpoena is entitled to witness fees from state funds.
- A person subpoenaed at the request of the child or a person whose rights may be affected by an order of the court, or the legal representative of the child or a person whose rights may be affected by an order of the court, is not entitled to witness fees from state funds, except if the presiding officer of the court so orders.
- If you fail to obey this subpoena, a warrant for your arrest may be issued and, unless you can satisfy the court that your failure was not due to fault on your part you may be sentenced to a fine or to imprisonment.

PLEASE SEE REVERSE HEREOF

REVERSE OF FORM 22

RETURN OF SERVICE
FOR OFFICIAL PURPOSES ONLY

I,, certify that I have—

* delivered a copy of the subpoena to personally;
or

* offered a copy of the subpoena to a person
apparently not younger than the age of 16 years and apparently residing or employed at the
*residence/place of employment/place of business of,
since he/she could not conveniently be found and at the same time informing him/her of the
nature and exigency thereof;
or

* *affixed/placed a copy of the subpoena to/in the *outer/principal door/security gate/post box
of the *residence/place of employment/place of business of, since
he/she prevented the service by keeping his/her *residence/place of employment/place of
business closed.

Signed atthis.....day of.....20.....

.....
Signature of sheriff/clerk of the children's court/
Person authorized by presiding officer of the children's court

Full first names and surname.....
.....
(Block letters)

Designation (rank)..... Ex Officio Republic of South Africa

Business address.....
.....code.....
(Street address must be stated)

No. 23 – Adoption: Bringing matter to court in terms of section 239



REPUBLIC OF SOUTH AFRICA

ADOPTION: BRINGING MATTER TO COURT IN TERMS OF SECTION 239 OF CHILDREN'S ACT, 2005 (ACT NO. 38 OF 2005) REGULATIONS RELATING TO CHILDREN'S COURTS AND INTERNATIONAL CHILD ABDUCTION, 2008

[Regulation 99]

RULE ----- IN TERMS OF THE MAGISTRATE'S COURT ACT, 36 OF 1944

Note:

PART A: PARTICULARS OF CHILD(REN) TO BE ADOPTED

Surname:	
Full names and gender:	
<i>Child 1</i>	
<i>Child 2</i>	
<i>Child 3</i>	
<i>Child 4</i>	
<i>Child 5</i>	
ID. No./Date of birth: <i>Child 1</i>	//
<i>Child 2</i>	//
<i>Child 3</i>	//
<i>Child 4</i>	//
<i>Child 5</i>	//
Residential address(es): <i>(If the addresses are not the same for each child please indicate the addresses on a separate page.)</i>	
Code ()	
Residential telephone number: (if any) <i>(If the numbers are not the same for each child please indicate the numbers on a separate page.)</i>	
Cellular number:(if any) <i>Child 1</i>	
<i>Child 2</i>	
<i>Child 3</i>	
<i>Child 4</i>	
<i>Child 5</i>	
Physical address (where documents can be served): <i>(If the addresses are not the same for each child please indicate the addresses on a separate page.)</i>	
Code	

State relationship of child to prospective adoptive parent:	
Nationality of child/ren:	
Indicate whether the child is in the care of the prospective adoptive parent:	
Indicate whether the child was placed by way of a court order in the care of the prospective adoptive parents:	
Attach copy of court order where applicable:	
Motivation for adopting the child	
PART B: PARTICULARS OF PROSPECTIVE ADOPTIVE PARENT/S	
1. Surname:	
Full names	
ID. No./Date of birth:	//
South African Citizen	Yes <input type="checkbox"/> No <input type="checkbox"/>
Residential address:	
Code ()	
Residential telephone number:	
Cellular telephone number:	
Work address:	
Code ()	
Work telephone number:	
Fax number:	
Physical address (where documents can be served):	
Code ()	
E-mail address:	
2 . Surname:	
Full names	
ID. No./Date of birth:	//
South African Citizen	Yes <input type="checkbox"/> No <input type="checkbox"/>
Residential address:	
Code ()	
Residential telephone number:	
Cellular telephone number:	
Work address:	

Code ()
Work telephone number:
Fax number:
Physical address (where documents can be served):
Code ()
E-mail address:
PART C :PROVIDE PARTICULARS OF PARENT/GUARDIAN OR FOSTER PARENT WHO HAS TO CONSENT TO THE ADOPTION:
1. Surname:
Full names
ID. No./Date of birth: //
South African Citizen Yes <input type="checkbox"/> No <input type="checkbox"/>
Residential address:
Code ()
Residential telephone number:
Cellular telephone number:
Work address:
Code ()
Work telephone number:
Fax number:
Physical address (where documents can be served):
Code ()
E-mail address:
2. Surname:
Full names
ID. No./Date of birth: //
South African Citizen Yes <input type="checkbox"/> No <input type="checkbox"/>
Residential address:
Code ()
Residential telephone number:
Cellular telephone number:
Work address:
Code ()
Work telephone number:
Fax number:
Physical address (where documents can be served):
Code ()
E-mail address:
3. Surname:
Full names
ID. No./Date of birth: //
South African Citizen Yes <input type="checkbox"/> No <input type="checkbox"/>
Residential address:
Code ()
Residential telephone number:

Cellular telephone number:	
Work address:	
Code ()	
Work telephone number:	
Fax number:	
Physical address (where documents can be served):	
Code ()	
E-mail address:	

PART D: PARTICULARS OF ADOPTION SOCIAL WORKER	
Surname:	
Full names:	
	//
Business Address	
Code ()	
Phone number(o):	()
Cellular phone number:	
Fax number:	()
E-mail address:	
PART E: ADDITIONAL INFORMATION:	
PART F: LIST OF DOCUMENTS TO BE SUBMITTED WITH APPLICATION	
(a)	Birth certificate/s or identity document/s of child/ren and where not available a sworn statement to that effect by the adoption social worker
(b)	Valid identity document/s or passport/s of adoptive parent/s
(c)	Marriage certificate and/or divorce order/s where applicable
(d)	Preliminary report compiled by adoption social worker
(e)	Copy of court order/s where applicable

Signed atthis.....day
of.....20.....

1. *Signature/thumbprint/mark of Prospective adoptive parent*
.....
2. *Signature/thumbprint/mark of Prospective adoptive parent*
.....

Full names of person witnessing person who made a thumbprint/mark
.....

Signature of witness to thumbprint/mark

No. 24 – How to adopt a child in South Africa

How to Adopt a child in South Africa

① Who may be adopted:

A child under the age of 18 years old may be adopted if-

- the child is an orphan and has no guardian or caregiver who is willing to adopt the child;
- the whereabouts of the child's parent or guardian cannot be established;
- the child has been abandoned;
- the child's parent or guardian has abused or deliberately neglected the child, or has allowed the child to be abused or deliberately neglected; or
- the child is in need of a permanent alternative placement for example the adoption of a child by a step parent.

② Who may adopt a child

A child may be adopted by any person who is older than 18 years, subject to a finding by the children's court that the person is a fit and proper person to adopt and undertake the care of a child.

③ Approach adoption social worker before applying to court for adoption of child

A prospective adoptive parent must obtain a preliminary report from an adoption social worker prior to submitting an application for the adoption of the child to the court.

The adoption social worker will compile a preliminary report indicating whether the prospective adoptive parent is:

- fit and proper** to be entrusted with full parental responsibilities and rights in respect of the child;
- willing and able to undertake, exercise and maintain those responsibilities and rights;

A list containing the names of adoption social workers may be obtained from the clerk of the children's court or the Department of Social Development.

④ Register on Adoptable Children and Prospective Adoptive Parent (RACAP)

The Register (RACAP) keeps record of adoptable children and a record of fit and proper prospective adoptive parents.

A person may be registered on RACAP as a prospective adoptive parent if the adoption social worker confirm in the preliminary report (see item 3) that:

- the prospective adoptive parent is a fit and proper person to adopt
- is a citizen or permanent resident of the Republic

The registration is valid for a period of three years and may be renewed.

The registration may cease when:

- written notice of withdrawal being given to the Director-General;
- on the death of the registered person;

- on cancellation by the Director-General if the registered person is no longer a fit and proper person to adopt a child;
- if the registered person is no longer a citizen or permanent resident of the Republic
- if a child is removed from the care of that registered person; or
- if the registered person is convicted of an offence involving violence.

⑤ Approach the clerk of the children's court

The prospective adoptive parent must complete Form A and submit it together with the documents mentioned in Form A to the clerk of the children's court.

The clerk of the court will complete an application form.

The clerk will arrange an appointment to consent to the adoption of the child by the parent/s and or child where applicable.

⑥ Appearance in court for preliminary hearing

The completed application forms will be submitted to the presiding officer. The presiding officer will allocate a date for the preliminary hearing. The clerk of the children's court will notify the prospective adoptive parent in writing to appear before the presiding officer on a specific date.

⑦ Placement of child with adoptive parent

A child may not be placed with prospective adoptive parents by way of a private arrangement. An application for the placement of the child with the prospective adoptive parents must be brought to the children's court prior to the placement of the child.

⑧ Consent to adoption

A child may be adopted only if consent for the adoption has been given by-

- each parent of the child, regardless of whether the parents are married or not: Provided that, if the parent is a child, that parent is assisted by his or her guardian;
- any other person who holds guardianship in respect of the child; and
- the child, if the child is-
 - (i) 10 years of age or older; or
 - (ii) under the age of 10 years, but is of an age, maturity and stage of development to understand the implications of such consent.

Before consent for the adoption of the child is granted, the adoption social worker facilitating the adoption of the child must counsel the parents of the child and, where applicable, the child on the decision to make the child available for adoption.

Consent signed in the Republic must be signed in the presence of the presiding officer.

Consent signed outside the Republic must be signed in the presence of an officer in the service of a South African diplomatic or consular mission, or by a judge, magistrate, justice of the peace or public officer of the country concerned.

⑨ Withdrawal of consent

The parent, child or guardian may withdraw his or her consent in writing in the presence of the presiding officer within 60 days of signing the consent to the adoption.

10 When consent of a parent/guardian is not required

The consent of a parent or guardian is not necessary if that parent or guardian-

- is incompetent to give consent due to mental illness;
- has abandoned the child, or if the whereabouts of that parent or guardian cannot be established, or if the identity of that parent or guardian is unknown;
- has abused or deliberately neglected the child, or has allowed the child to be abused or deliberately neglected;
- has consistently failed to fulfill his or her parental responsibilities towards the child during the last 12 months;
- has been divested by an order of court of the right to consent to the adoption of the child; or
- has failed to respond to a notice of the proposed adoption within 30 days of service of the notice.
- the child is an orphan and has no guardian or caregiver who is willing and able to adopt the child; and the court is provided with certified copies of the child's parent's or guardian's death certificate or such other documentation as may be required by the court.
- If the parent is the biological father of the child, the consent of that parent to the adoption is not necessary if-
 - that biological father is not married to the child's mother or was not married to her at the time of conception or at any time thereafter, and has not acknowledged in a manner set out in subsection (4) that he is the biological father of the child;
 - the child was conceived from an incestuous relationship between that biological father and the mother; or
 - the court, following an allegation by the mother of the child, finds on a balance of probabilities that the child was conceived as a result of the rape of the mother:
- The biological father can acknowledge that he is the biological father of a child-
 - by giving a written acknowledgment that he is the biological father of the child either to the mother or the clerk of the children's court before the child reaches the age of six months;
 - by voluntarily paying maintenance in respect of the child;
 - by paying damages in terms of customary law; or
 - by causing particulars of himself to be entered in the registration of birth of the child in terms of section 10 (1) (b) or section 11 (4) of the Births and Deaths Registration Act, 1992 (Act 51 of 1992).

11 Unreasonable withholding of consent by parent or guardian

- If a parent or person) withholds consent for the adoption of a child a children's court may, despite the absence of such consent, grant an order for the adoption of the child if the court finds that-
 - consent has unreasonably been withheld; and
 - the adoption is in the best interests of the child.
- In determining whether consent is being withheld unreasonably, the court must take into account all relevant factors, including-
 - the nature of the relationship during the last two years between the child and the person withholding consent and any findings by a court in this respect; and
 - the prospects of a sound relationship developing between the child and the person withholding consent in the immediate future.

12 Post adoption agreements

- The parent or guardian of a child may before an application for the adoption of a child is considered enter into a post-adoption agreement with a prospective adoptive parent of that child to provide for-
 - communication, including visitation between the child and the parent or guardian concerned and such other person as may be stipulated in the agreement; and
 - the provision of information, including medical information, about the child, after the application for adoption is granted.
- A post adoptive agreement may not be entered into without the consent of the child if the child is of an age, maturity and stage of development to understand the implications of such an agreement.
- A post-adoption agreement-
 - takes effect only if made an order of court;
 - may be amended or terminated only by an order of court on application-
 - by a party to the agreement; or
 - by the adopted child.

13 Consideration of application for adoption

The following persons will attend the hearing for the consideration of the application for adoption;

- The prospective adoptive parent
- The child unless excused by the court,
- The parent who has not consented to the adoption of the child
- Legal representatives, if any
- Any other person whose presence is required by the court.

An application for the adoption of a child may be considered by the court once the following documents are available;

- Form A and AA
- The application for the adoption (Form 60)
- Birth certificate of child
- valid identity document or passport of prospective adoptive parent
- marriage certificate of prospective adoptive parent where applicable,
- divorce order or death certificate of spouse where applicable,
- In the case where a child has been abandoned an advertisement published in a newspaper in the area where the child has been found calling upon any person to claim responsibility for the child, where necessary
- Affidavit by adoption social worker setting out the steps taken to trace parent or guardian where applicable
- Death certificate of the parent of orphaned child, if applicable,
- Notice to parent or guardian of proposed adoption (section 238),
- Affidavit/s in support of application for adoption of child
- Court order/s
- Affidavit in terms of the Sexual Offenses Act,
- Certificate: National Child Protection Register
- Medical information of prospective adoptive parent and child
- The report of the adoption social worker.
- Reports from other professionals such as psychologists etc,
- Letter by provincial head of social development recommending the adoption of the child,
- Consent of the child where applicable,
- Consent of the parent where applicable,
- Consent of the guardian where applicable,
- Written statement of the foster parent where applicable,
- Information established by the clerk of the children's court with regard to the request of a person who has consented to the adoption and who wants the court to dispense with the consent of another person, where applicable,

- The written response of a person who has been requested to indicate why the court should not dispense with such person's consent where applicable,
- a report on any failure to respond to the requests; and
- any other information required by the presiding officer which may include the following :
 - SAPS Clearance Certificate
 - Authentication of foreign public documents
 - Clearance certificates from foreign states

NB: The list is not exhaustive and the presiding officer may require the submission of documents not mentioned in this list.

No. 25 – Application for the adoption of a child

[SECTION 231(1) OF THE CHILDREN’S ACT 38 OF 2005]

NOTE
<input type="checkbox"/> Joint applicants complete (1) and (2) <input type="checkbox"/> Single applicant completes (1)

TO THE CLERK OF THE CHILDREN’S COURT: _____

(A) APPLICATION

1. ***I/We (1)** _____ (full name)
(2) _____ (full name)
 residing at _____
 hereby apply for the adoption of _____
(full names of the child)
 _____ (*male/female), born at _____
 identity number _____, residing at _____

2. ***I/We request that -**

- *my/our identity not be disclosed to a parent or guardian of the child;
- *if the order is granted, the surname _____
 *be conferred on the child/be retained by the child;
- *the parent’s/guardian’s consent be dispensed with for the following reasons:

3. **Notice has been taken that -**

- (a) *I/We may not give, undertake to give, receive or contract to receive any consideration, in cash or kind, in respect of the proposed adoption of the child, save as prescribed under the Social Work Act, 1978:
- (b) a parent may withdraw his/her consent to the adoption up to 60 days after having given such consent and that the application cannot be finalised before the expiry of this period;
- (c) a child who is 10 years or older, or under the age of 10 years, but of an age, maturity and stage of development to understand the implications of the withdrawal of such consent up to 60 days after having given such consent;

- (d) *I/We may be required to restore custody of the child immediately in favour of the *parent(s), *guardian(s), supervising social worker or *person(s) designated by the children's court upon withdrawal of such consent by a parent or by the child.

REVERSE OF FORM 25

(B) FURTHER PARTICULARS OF APPLICANT(S)

1. Date of birth: (1) _____ (2) _____
2. Identity number: (1) _____ (2) _____
3. Marital status: Joint applicants:
Date of Marriage _____
- Single applicant:
*unmarried/divorced/widow(er)/married to parent of child on: _____
4. Cultural group: (1) _____ (2) _____
5. Religious affiliation: (1) _____ (2) _____
6. Home language: _____
7. Is the applicant or are both applicants South African citizens? Yes No
If no, state –
- (i) the nationality of: (1) _____
(2) _____
- (ii) *whether the applicant/either of the applicant(s) has/have applied for a certificate(s) of naturalization as a South African citizen(s):
(1) Yes No (2) Yes No
- (iii) whether or not proof of such application has been provided:
(1) Yes No (2) Yes No
8. *Is the applicant/either of the applicants related to the child *he/she/they wish(es) to adopt:
(1) Yes No (2) Yes No
If so, what is the relationship?
(1) _____ (2) _____
9. *Is the applicant/ether of the applicants in receipt of any allowance from the State in respect of the child?
(1) Yes No (2) Yes No
If so, state type of allowance: _____ Reference number: _____
Name of beneficiary: _____

***I/WE DECLARE THAT** the particulars set out in the statement above are true and correct to the best of *my/our knowledge and belief.

SIGNED at _____ this _____ day of _____

Applicant (1)

Applicant (2)

NOTE

Please attach:

- (i) The original birth certificate or identity document of the child.
- (ii) A certified copy of the identity document of each applicant.
- (iii) Where (i) and (ii) are not available, a sworn statement by an adoption social worker.
- (iv) In the case of a foster child, the written statement of the foster parent(s) (**Form 27**).
- (v) Where applicable, the written consent of the parent(s) attested to before a commissioner.
- (vi) Where applicable, the written consent of the child attested to before a commissioner.
- (vii) Where the applicant(s) wish to receive the child into his/her/their custody, a report from an adoption social worker, that the applicant(s) is/are a potentially suitable prospective adoptive parent(s).

Insert an X in the appropriate block and *Delete whichever is not applicable

No. 26 – Notice of proposed adoption



**NOTICE OF PROPOSED ADOPTION:
SECTION 238 OF THE CHILDREN'S ACT, ACT 38 OF 2005**

File No: _____

IN THE CHILDREN'S COURT FOR THE DISTRICT OF _____ HELD AT

In the adoption application before this Court in respect of the following children:

TO: _____

Kindly take notice that:

1. The abovementioned child has become available for adoption.
2. You are the biological father/mother of the abovementioned child. An application for the adoption of the abovementioned child has been lodged at this court.
3. You are requested either to consent to or to withhold your consent to the proposed adoption of your child, or if the biological father of the child was not married to the mother, consent to, or withhold consent, or apply in terms of section 239 for the adoption of the child. Kindly inform the Presiding Officer at the Magistrate in writing _____ within 30 days from the date you have received this notice whether you consent to or withholds your consent to the proposed adoption of your child, or file an application in terms of section 239 of the Act.

IMPORTANT NOTICE:

Kindly take note that if you fails to comply with the abovementioned request within a period of 30 days after the service upon you of this notice, you will be regarded as having consented to the adoption of the abovementioned child.

Dated at _____ on _____

Presiding Officer
Address _____

Telephone number: _____

Email address: _____

No. 27 – Statement by a foster parent regarding the adoption of a child in his or her foster care

[SECTION 188 OF THE CHILDREN’S ACT 38 OF 2005]

Note: Separate form must be used for each child.

TO: THE CLERK OF THE CHILDREN’S COURT FOR THE DISTRICT OF:

.....

HELD AT:

.....

IN THE MATTER OF AN APPLICATION FOR THE ADOPTION OF A CHILD

I/We (1) (full names)

(2) (full names).....

Id number (1).....(2).....

And residing at:.....

.....

Being the foster parent(s) of the child.....

since.....

(full names of child)

Date of birth/ID number of child.....

Relationship to child if applicable (grandmother, aunt, cousin etc)

hereby state that I/We have been informed of a pending application to adopt the aforementioned child and do not wish to submit an application to adopt the child concerned

Foster parent 1

Foster parent 2

Place:.....

Date:.....

No. 28 – Consent by parent to the adoption of child**[SECTION 233 OF THE CHILDREN'S ACT 38 OF 2005]****NOTE**

- A separate form must be used for each child
- Where the consent of both parents is required, a separate form should be completed by each parent

IN THE CHILDREN'S COURT FOR THE DISTRICT OF _____
HELD AT _____

IN THE MATTER OF AN APPLICATION FOR THE ADOPTION OF A CHILD

I, _____ (full name),
identity number _____, residing at _____

Being the *father/mother of _____
(full name of child)

hereby voluntarily consent to the adoption of the said child by -

- (a) _____; or
(*full name(s) or persons wishing to adopt the child)
- (b) a person or persons unknown to me

FURTHER PARTICULARS OF PARENT

My religious affiliation is _____ *I am/I am not a South African citizen.

- I am unmarried and have never been married before
- I am married to the *mother/father of the child
- I have never been married to the father of the child
- I am divorced from the *mother/father of the child
- My present husband is not the father of the child who was born *prior to/during our marriage
- I am the *widow/er of the father/mother of the child

Signature of *father/mother

SIGNED BEFORE ME after I have explained to the said *father/mother the effect of an adoption order as set out in section 242 of the Act, and have informed *him/her that –

- (i) *he/she may withdraw this consent in writing before a presiding officer of the children's court at any time during a period of up to 60 days after having given this consent;
- (ii) *he/she is not entitled to be present when the application for adoption is considered unless permission to be present has been obtained from the presiding officer of the children's court; and

*he/she has intimated that *he/she understands the legal consequences and requirements.

PLACE _____

DATE _____

Presiding officer: Children's court

Insert an X in appropriate block and *Delete whichever is not applicable

REVERSE SIDE OF FORM 28

NOTICE

A. PROHIBITED CONSIDERATION (IN TERMS OF SECTION 249 OF THE CHILDREN'S ACT, 2005)

(1) No person may-

- (a) give or receive, or agree to give or receive, any consideration, in cash or in kind, for the adoption of a child in terms of Chapter 15 or Chapter 16; or
- (b) induce a person to give up a child for adoption in terms of Chapter 15 or Chapter 16.

(2) Subsection (1) does not apply to-

- (a) the biological mother of a child receiving compensation for-
 - (i) reasonable medical expenses incurred in connection with her pregnancy, birth of the child and follow-up treatment;
 - (ii) reasonable expenses incurred for counseling; or
 - (iii) any other prescribed expenses;
- (b) a lawyer, psychologist or other professional person receiving fees and expenses for services provided in connection with an adoption;
- (c) the Central Authority of the Republic contemplated in section 257 receiving prescribed fees;
- (d) a child protection organisation accredited in terms of section 251 to provide adoption services, receiving the prescribed fees;
- (e) a child protection organisation accredited to provide inter-country adoption services receiving the prescribed fees;
- (f) an organ of state; or
- (g) any other prescribed persons.

B. EFFECT OF AN ADOPTION ORDER (IN TERMS OF SECTION 242 OF THE CHILDREN'S ACT, 2005)

(1) Except when provided otherwise in the order or in a post-adoption agreement confirmed by the court an adoption order terminates-

- (a) all parental responsibilities and rights any person, including a parent, step-parent or partner in a domestic life partnership, had in respect of the child immediately before the adoption;
- (b) all claims to contact with the child by any family member of a person referred to in paragraph (a);
- (c) all rights and responsibilities the child had in respect of a person referred to in paragraph (a) or (b) immediately before the adoption; and
- (d) any previous order made in respect of the placement of the child.

(2) An adoption order-

- (a) confers full parental responsibilities and rights in respect of the adopted child upon the adoptive parent;
- (b) confers the surname of the adoptive parent on the adopted child, except when otherwise provided in the order;
- (c) does not permit any marriage or sexual intercourse between the child and any other person which would have been prohibited had the child not been adopted; and
- (d) does not affect any rights to property the child acquired before the adoption.

(3) An adopted child must for all purposes be regarded as the child of the adoptive parent and an adoptive parent must for all purposes be regarded as the parent of the adopted child.

No. 29 – Consent by child to adoption**[SECTION 233 OF THE CHILDREN'S ACT 38 OF 2005]**

IN THE CHILDREN'S COURT FOR THE DISTRICT OF _____
HELD AT _____

IN THE MATTER OF AN APPLICATION FOR THE ADOPTION OF A CHILD

I, _____
(full name and surname of child)
identity number _____ residing at _____

HEREBY VOLUNTARILY CONSENT TO MY ADOPTION BY

(1) _____ and

(2) _____
(full name(s) and surname of applicant(s))

Date

Signature of child

SIGNED BEFORE ME after I have explained to the said child the legal consequences of the consent and of an adoption and after I have informed *him/her that:

- (i) *he/she may at any time withdraw the consent before the order of adoption is made by the children's court; and
- (ii) *he/she is entitled to be present when the application for adoption is considered.
*he/she has intimated that *he/she understands the above.

Place

Presiding officer: Children's court

Date

*Delete whichever is not applicable

No. 30 – Consent by other person holding guardianship to the adoption of a child
[SECTION 233 OF THE CHILDREN’S ACT 38 OF 2005]

NOTE

A separate form must be used for each child

Where the consent of both parents is required, a separate form should be completed by each parent

IN THE CHILDREN’S COURT FOR THE DISTRICT OF _____
 HELD AT _____

IN THE MATTER OF AN APPLICATION FOR THE ADOPTION OF A CHILD

I, _____ (full name),
 identity number _____, residing at _____

Being the *guardian of _____
 (full name of child)

hereby voluntarily consent to the adoption of the said child by -

- (a) _____; or
 (*full name(s) or persons wishing to adopt the child)
- (b) a person or persons unknown to me

FURTHER PARTICULARS OF GUARDIAN

My religious affiliation is _____ *I am/I am not a South African citizen.

- | | |
|--|---|
| <input type="checkbox"/> I am unmarried and have never been married before | <input type="checkbox"/> I am married to the *mother/father of the child |
| <input type="checkbox"/> I have never been married to the mother/father of the child | <input type="checkbox"/> I am divorced from the *mother/father of the child |
| <input type="checkbox"/> I am the *widow/er of the father/mother of the child | |

Signature of *guardian

SIGNED BEFORE ME after I have explained to the said *guardian the effect of an adoption order as set out in section 242 of the Act, and have informed *him/her that –

- (iii) *he/she may withdraw this consent in writing before a presiding officer of the children’s court at any time during a period of up to 60 days after having given this consent;
- (iv) *he/she is not entitled to be present when the application for adoption is considered unless permission to be present has been obtained from the pressing officer of the children’s court; and

*he/she has intimated that *he/she understands the legal consequences and requirements.

PLACE _____

DATE _____

Presiding officer: Children’s court

Insert an X in appropriate block and *Delete whichever is not applicable

PLEASE SEE REVERSE HEREOF

NOTICE

A. PROHIBITED CONSIDERATION (IN TERMS OF SECTION 249 OF THE CHILDREN'S ACT, 2005)

(1) No person may-

- (a) give or receive, or agree to give or receive, any consideration, in cash or in kind, for the adoption of a child in terms of Chapter 15 or Chapter 16; or
- (b) induce a person to give up a child for adoption in terms of Chapter 15 or Chapter 16.

(2) Subsection (1) does not apply to-

- (a) the biological mother of a child receiving compensation for-
 - (i) reasonable medical expenses incurred in connection with her pregnancy, birth of the child and follow-up treatment;
 - (ii) reasonable expenses incurred for counseling; or
 - (iii) any other prescribed expenses;
- (b) a lawyer, psychologist or other professional person receiving fees and expenses for services provided in connection with an adoption;
- (c) the Central Authority of the Republic contemplated in section 257 receiving prescribed fees;
- (d) a child protection organisation accredited in terms of section 251 to provide adoption services, receiving the prescribed fees;
- (e) a child protection organisation accredited to provide inter-country adoption services receiving the prescribed fees;
- (f) an organ of state; or
- (g) any other prescribed persons.

B. EFFECT OF AN ADOPTION ORDER (IN TERMS OF SECTION 242 OF THE CHILDREN'S ACT, 2005)

(1) Except when provided otherwise in the order or in a post-adoption agreement confirmed by the court an adoption order terminates-

- (a) all parental responsibilities and rights any person, including a parent, step-parent or partner in a domestic life partnership, had in respect of the child immediately before the adoption;
- (b) all claims to contact with the child by any family member of a person referred to in paragraph (a);
- (c) all rights and responsibilities the child had in respect of a person referred to in paragraph (a) or (b) immediately before the adoption; and
- (d) any previous order made in respect of the placement of the child.

(2) An adoption order-

- (a) confers full parental responsibilities and rights in respect of the adopted child upon the adoptive parent;
- (b) confers the surname of the adoptive parent on the adopted child, except when otherwise provided in the order;
- (c) does not permit any marriage or sexual intercourse between the child and any other person which would have been prohibited had the child not been adopted; and
- (d) does not affect any rights to property the child acquired before the adoption.

(3) An adopted child must for all purposes be regarded as the child of the adoptive parent and an adoptive parent must for all purposes be regarded as the parent of the adopted child.

No. 31 - Withdrawal of consent to adoption by parent or guardian of child

[SECTION 233(8) OF THE CHILDREN'S ACT 38 OF 2005]

TO: THE PRESIDING OFFICER
CHILDREN'S COURT

ADOPTION OF: _____

(full name of child)

BY:

*(names of proposed adoptive parent(s)/person(s) unknown to me)

OF:

(district where application was made)

PLEASE TAKE NOTE THAT I, _____

OF

**HEREBY WITHDRAW MY CONSENT TO THE ADOPTION OF THE AFOREMENTIONED CHILD WHICH
CONSENT WAS SIGNED BEFORE THE PRESIDING OFFICER, CHILDREN'S COURT AT _____ ON**

SIGNED AT _____ this _____ day of _____ at _____

Signature of parent

RECEIPT ACKNOWLEDGED: _____

Presiding officer: Children's court

PLACE: _____

DATE: _____

NOTE

Should consent be withdrawn in a district other than the district in which consent was given or in which the application for adoption is to be heard, the presiding officer: children's court who attached the consent must be expeditiously notified of such withdrawal for his or her further attention.

*Delete whichever is not applicable

No. 32 – Withdrawal of consent by child to adoption**[SECTION 233(8) OF THE CHILDREN'S ACT 38 OF 2005]**

THE CLERK OF THE CHILDREN'S COURT: _____

IN THE MATTER OF AN APPLICATION FOR THE ADOPTION OF A CHILDI, _____
(full name and surname of child)

identity number _____ residing at _____

Hereby voluntarily withdraws my consent for my adoption by (1) _____

and (2) _____
(full name(s) and surname of applicant(s))_____
*Date*_____
*Signature of child***SIGNED BEFORE ME** after I have explained to the said child the legal consequences of the withdrawal of consent for adoption and *he/she has intimated that *he/she understands the above._____
*Place*_____
*Presiding officer: Children's court*_____
Date

*Delete whichever is not applicable

No. 33 – Post adoption agreement

[SECTION 234 OF THE CHILDREN’S ACT 38 of 2005]

TO THE CLERK OF THE CHILDREN’S COURT: _____

(A) **AGREEMENT**

*I/We (1) _____ (full name)

(2) _____ (full name)

residing at _____

in the capacity as the prospective adoptive *parent/parents

AND

*I/We (1) _____ (full name)

(2) _____ (full name)

residing at _____

in the capacity as *parent/guardian

HEREBY

AGREE, with the assistance of an adoption social worker who provided counseling, to the following arrangements as contemplated by section 234 of the Children’s Act 38 of 2005

Particulars of adoption social worker:

Registration number: _____

Organisation: _____

Name: _____

E-mail: _____

Telephone: _____

Fax: _____

1. _____

1. _____

2. _____

2. _____

*Prospective adoptive *parent/parents

*Parent/parents/guardian

SIGNED at _____ this _____ day of _____ 20_____

*Delete whichever is not applicable

PLEASE SEE REVERSE HEREOF



(B) FURTHER PARTICULARS OF PARTIES

1. Prospective adoptive *parent/parents

Postal address: _____

 _____ Postal code: _____
 Telephone numbers: Code: _____ Number: _____ (Office hours)
 Code: _____ Number: _____ (Residence)
 Mobile phone: _____

2. Parent/parents/guardian

Postal address: _____

 _____ Postal code: _____
 Telephone numbers: Code: _____ Number: _____ (Office hours)
 Code: _____ Number: _____ (Residence)
 Mobile phone: _____

(B) CONSENT OF CHILD

*I, _____ (full names) who stands to be adopted by the prospective adoptive *parent/parents understands the terms of abovementioned agreement and hereby consent to the agreement.

 Child Date

*I, _____ (full names), presiding officer: Children's court
 _____ declares that the consent was signed and attested before me and that I have satisfied myself that the child is 10 years or older, or under the age of 10 years, but of an age, maturity and stage of development to understand the implications of the agreement.

 Presiding officer: Children's court Date

*Delete whichever is not applicable

No. 34 – Adoption order

**MAGISTRATES' COURT JUDICIARY
REPUBLIC OF SOUTH AFRICA**

**ADOPTION ORDER IN TERMS OF SECTION 240(2) OF THE CHILDREN'S ACT, 2005
(ACT NO. 38 OF 2005)**

File No: 14/1/2 – [REDACTED] /2018
Registrar's Ref No: [REDACTED]

REPUBLIC OF SOUTH AFRICA

**IN THE CHILDREN'S COURT FOR THE DISTRICT OF _____
HELD AT _____**

IN THE MATTER OF AN APPLICATION FOR THE ADOPTION OF:

(Full names of Child)

(ID of Child)

On the [REDACTED] day of [REDACTED] 20 [REDACTED]

Before: [REDACTED]
(Presiding Officer of the Children's Court).

IT IS ORDERED THAT:

1. [REDACTED]
(Full names of Child) a [REDACTED] child, (state gender) born on the [REDACTED] day of the month of [REDACTED] in the year [REDACTED] be and is hereby adopted by [REDACTED]

(Full Names)

born on [REDACTED]
Identity Number [REDACTED]

AND adopted by

[REDACTED]
(Full Names)

born on [REDACTED]
Identity Number [REDACTED]

2. In terms of the provisions of *Section 242(2)(b) of Act 38 of 2005*, it is ordered that :

- i) the surname of the adoptive parents, namely [redacted] be conferred on the child; *or*
- ii) the child shall retain his/her surname namely [redacted] notwithstanding this adoption begin granted.

3. In terms of *Section 234(4) of Act 38 of 2005*, the Post Adoption Agreement is hereby confirmed and made an order of Court.

4. The following provisions are accordingly applicable:

- i) *Sections 234(6)(b)(i) and (ii) of Act 38 of 2005* which stipulate that this Post Adoption Agreement may be amended or terminated only by an order of court on application by a party to the agreement or the adopted child.
- ii) *General Regulations 103(2) of Act 38 of 2005* which obligates a party to the agreement to inform the other parties of any change of any of the particulars contained in the Post Adoption Agreement on Form 33 within 7 days of such change.

GIVEN AT [redacted] ON THIS [redacted] DAY OF [redacted] 20 [redacted] AT [redacted]
(time)

.....
MR/MS. _____
PRESIDING OFFICER OF THE CHILDREN’S COURT _____ **IN**
THE DISTRICT OF _____

- 1. Date of registration of adoption:
- 2. Adoption register number:
- 3. Amendment of the Births Register in terms of *Section 245 of the Children's Act, 2005 (Act No. 38 of 2005)*, may proceed.

.....
Adoption Registrar

Date:

No. 35 – Adoption order not terminating parental responsibilities and rights of parent



**MAGISTRATES' COURT JUDICIARY
REPUBLIC OF SOUTH AFRICA**

**ADOPTION ORDER IN TERMS OF SECTION 240(2) OF THE CHILDREN'S ACT, 2005
(ACT NO. 38 OF 2005)**

File No: 14/1/2 – [REDACTED] /2018
Registrar's Ref No: [REDACTED]

REPUBLIC OF SOUTH AFRICA

**IN THE CHILDREN'S COURT FOR THE DISTRICT OF _____
HELD AT _____**

IN THE MATTER OF AN APPLICATION FOR THE ADOPTION OF:
(Full names of Child)

[REDACTED]

(ID of Child)

On the [REDACTED] day of [REDACTED] 20 [REDACTED]

Before: [REDACTED]
(Presiding Officer of the Children's Court).

IT IS ORDERED THAT:

1. (Full names of Child) a [REDACTED] child, (state gender) born on the [REDACTED] day of the month of [REDACTED] in the year [REDACTED] be and is hereby adopted by

[REDACTED]
(Full Names)

born on [REDACTED]
Identity Number [REDACTED]

AND adopted by
[REDACTED]
(Full Names)

born on [REDACTED]
Identity Number [REDACTED]

2. In terms of the provisions of *Section 242(2)(b) of Act 38 of 2005*, it is ordered that :

- i) the surname of the adoptive parents, namely [redacted] be conferred on the child; *or*
 - ii) the child shall retain his/her surname namely [redacted] notwithstanding this adoption begin granted.
3. In terms of *Section 242(1) read with Section 242(2)(e) of Act 38 of 2005*, the parent, [redacted] with ID No [redacted] retains full parental responsibilities and rights as envisaged in *Sections 18 and 19 of Act 38 of 2005*, notwithstanding him / her having given consent for the adoption of his / her child by Applicant as the Applicant is the spouse or permanent domestic life-partner of the said parent.
4. In terms of *Section 234(4) of Act 38 of 2005*, the Post Adoption Agreement is hereby confirmed and made an order of Court.
5. The following provisions are accordingly applicable:
- i) *Sections 234(6)(b)(i) and (ii) of Act 38 of 2005* which stipulate that this Post Adoption Agreement may be amended or terminated only by an order of court on application by a party to the agreement or the adopted child.
 - ii) *General Regulations 103(2) of Act 38 of 2005* which obligates a party to the agreement to inform the other parties of any change of any of the particulars contained in the Post Adoption Agreement on Form 33 within 7 days of such change.

GIVEN AT [redacted] ON THIS [redacted] DAY OF [redacted] 20 [redacted] AT [redacted] (time)



.....
MR/MS. _____
PRESIDING OFFICER OF THE _____ **CHILDREN'S COURT**
DISTRICT OF _____

- 1. Date of registration of adoption:
- 2. Adoption register number:
- 3. Amendment of the Births Register in terms of *Section 245 of the Children's Act, 2005 (Act No. 38 of 2005)*, may proceed.

.....
Adoption Registrar

Date:

No. 36 – Order of inter-country adoption**[SECTIONS 261(5) AND 262(5) OF THE CHILDREN'S ACT 38 OF 2005]**

IN THE CHILDREN'S COURT FOR THE DISTRICT OF _____
HELD AT _____

**IN THE MATTER OF AN APPLICATION FOR THE INTER-COUNTRY
ADOPTION OF**

(full name of child)
identity number _____ on the _____ day of _____ 20_____
before _____, Presiding Officer of the Children's Court.

In the case of an inter-country adoption by a person living in a Hague Convention Country**THE COURT IS SATISFIED THAT: -**

- The adoption is in the best interests of the child;
- The child is in the Republic; and is not prevented from leaving the Republic;
- The arrangements for the adoption are in accordance with the Hague Convention;
- The Central Authority of the convention country, _____, has agreed to the adoption;
- The Central Authority of the Republic has agreed to the adoption;
- The name of the child has been in the RACAP for at least 60 days; and
- No fit and proper adoptive parent for the child is available in the republic.

In the case of an inter-country adoption of a person living in a non-Hague Convention country**THE COURT IS SATISFIED THAT: -**

- The adoption is in the best interests of the child;
- The child is in the Republic; and is not prevented from leaving the Republic;
- The arrangements for the adoption are in accordance with the Hague Convention;
- The competent authority of the non-convention country, _____, has agreed to the adoption;

- The Central Authority has agreed to the adoption;
- The name of the child has been in the RACAP for at least 60 days; and
- No fit and proper adoptive parent for the child is available in the republic.

IT IS ORDERED THAT

_____ (full name of child)

a _____ child, born on the _____ day of _____ 20 _____
 (gender)

be and is hereby adopted by _____
 (full name)

born on _____, identity number _____ *and his/her spouse

_____ (full name)

born on _____, identity number _____, in terms of and
 subject to the provisions of the Children's Act, 2005 (Act No. 38 of 2005).

IT IS FURTHER ORDERED THAT

the family name _____ *be given to the child/be retained by
 the child.

GIVEN at _____ this _____ day of _____
 at _____ : _____ (time).

Presiding Officer: Children's Court

1. Date of registration of adoption _____
2. Adoption register number _____
3. Amendment of the birth register in terms of section 245 of the Children's Act, 2005 (Act No. 38 of 2005), may proceed.

Date

Registrar of Adoptions

*Delete whichever is not applicable

No. 37 – Record of proceedings in the court

RECORD OF PROCEEDINGS IN THE CHILDREN'S COURT IN TERMS OF THE CHILDREN'S ACT, 2005 (ACT NO. 38 OF 2005)

REGULATIONS RELATING TO CHILDREN'S COURTS AND INTERNATIONAL CHILD ABDUCTION, 2010

File No:

REPUBLIC OF SOUTH AFRICA

IN THE CHILDREN'S COURT FOR THE DISTRICT OF:

.....

HELD AT:

.....

IN THE MATTER OF PROCEEDINGS OF THE CHILDREN'S COURT, IN TERMS OF CHILDREN'S ACT, 2005, IN RESPECT OF THE FOLLOWING CHILD(REN):

FULL NAME(S) OF CHILD(REN)	GENDER	ID NUMBERS/DATE OF BIRTH	PRESENT AT PROCEEDINGS	NOT PRESENT AT PROCEEDINGS

BEFORE PRESIDING OFFICER:

.....

On the day of 20

The above-mentioned child(ren) was/were-

brought before the court not brought before the court

Reasons why the child(ren) was/were not brought before the court:

.....

AND THERE APPEARED:

Social worker:

.....

Interpreter:

.....

Clerk of the court:

.....

Mother/Guardian/caregiver:

.....

Father/Guardian/caregiver:

.....

Respondent:

.....

Party(ies) allowed to join proceedings:

.....

Legal representative(s):

.....

.....

Witnesses:

.....

.....

.....

.....

Other person(s) allowed being present:

.....

.....

THE FOLLOWING EVIDENCE WAS ADDUCED:

.....

.....

.....

.....

.....

FINDING/ORDER:

.....

.....

.....

.....

.....

.....
Signature of presiding officer

No. 38 – Summons in contribution or attachment of wages order proceedings

SUMMONS IN CONTRIBUTION ORDER OR ATTACHMENT OF WAGES ORDER PROCEEDINGS

REGULATIONS RELATING TO CHILDREN'S COURTS AND INTERNATIONAL CHILD ABDUCTION, 2010

File No:

REPUBLIC OF SOUTH AFRICA

IN THE CHILDREN'S COURT FOR THE DISTRICT OF:

.....

HELD AT:

.....

TO:

.....

(respondent)

OF:

.....

.....

YOU ARE HEREBY summonsed to appear before this court, and to bring proof of your income, at (time) on the day of to show cause why a *contribution order/ attachment of wages order should not be made against you in terms of section 161 of the Children's Act, 2005 (Act No. 38 of 2005), in respect of the maintenance of

.....

.....

.....

(full name(s) of child(ren))

on the grounds set out in the particulars endorsed hereunder.

PARTICULARS OF GROUNDS OF ALLEGED LIABILITY:

.....

.....

.....

Dated at this day of 20

.....

Clerk of the children's court

NOTE

If you fail to obey this summons to attend the hearing or to remain in attendance during the hearing, the court may issue a warrant for your arrest and in a summary manner inquire into your failure to attend or remain in attendance and, unless you satisfy the court that your failure was not due to fault on your part, sentence you to a fine or to imprisonment.

PLEASE SEE REVERSE HEREOF

REVERSE OF FORM 38

RETURN OF SERVICE
FOR OFFICIAL PURPOSES ONLY

I,, certify that I have—

* delivered a copy of the summons to personally;

or

* offered a copy of the summons to a person apparently not younger than the age of 16 years and apparently residing or employed at the *residence/place of employment/place of business of, since he/she could not conveniently be found and at the same time informing him/her of the nature and exigency thereof;

or

* *affixed/placed a copy of the summons to/in the *outer/principal door/security gate/post box of the *residence/place of employment/place of business of, since he/she prevented the service by keeping his/her*residence/place of employment/place of business closed.

Signed atthis.....day of.....20.....

.....
Signature of Sheriff/ clerk/person authorised by Presiding officer

Full first names and surname
(Block letters)

Designation (rank).....*Ex Officio* Republic of South Africa

Business address..... code
.....
(Street address must be stated)

No. 39 – Notice of hearing of application for variation, suspension, rescission or revival of contribution or attachment of wages order

NOTICE OF HEARING OF APPLICATION FOR VARIATION, SUSPENSION, RESCISSION OR REVIVAL OF CONTRIBUTION OR ATTACHMENT OF WAGES ORDER

REGULATIONS RELATING TO CHILDREN'S COURTS AND INTERNATIONAL CHILD ABDUCTION, 2010

File No:.....

REPUBLIC OF SOUTH AFRICA

IN THE CHILDREN'S COURT FOR THE DISTRICT OF:

.....

HELD AT:

.....

IN THE MATTER of *a contribution order/an order for the attachment of wages for the maintenance of:

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

.....
(full name(s) of child(ren))

TO:

.....

(respondent)

ADDRESS:

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

TAKE NOTICE that application for the *variation/suspension/rescission/revival of the *contribution order/order for the attachment of wages made by the court against you at on for the maintenance of the abovementioned *child(ren) will be heard before this court on the day of at

Dated at this day of 20

.....

Clerk of the children's court

NOTE

If you fail to obey this notice to attend the hearing or to remain in attendance during the hearing, the court may issue a warrant for your arrest and in a summary manner inquire into your failure to attend or remain in attendance and, unless you satisfy the court that your failure was not due to fault on your part, sentence you to a fine or to imprisonment.

PLEASE SEE REVERSE HEREOF

REVERSE OF FORM 39
RETURN OF SERVICE
FOR OFFICIAL PURPOSES ONLY

I,, certify that I have—

- * delivered a copy of the notice to personally;
or
- * offered 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 employment/place of business of, since he/she could not conveniently be found and at the same time informing him/her of the nature and exigency thereof;
or
- * *affixed/placed a copy of the notice to/in the *outer/principal door/security gate/post box of the *residence/place of employment/place of business of, since he/she prevented the service by keeping his/her *residence/place of employment/place of business closed.

Signed atthis.....day of.....20.....

.....
*Signature of Sheriff clerk/
person authorised by presiding officer*

Full first names and surname.....
.....
(Block letters)

Designation (rank) *Ex Officio* Republic of South Africa

Business address.....
.....code.....
(Street address must be stated)

No. 40 – Application for the variation, suspension, rescission or revival of contribution or attachment of wages order

APPLICATION FOR THE VARIATION, SUSPENSION, RESCISSION OR REVIVAL OF CONTRIBUTION OR ATTACHMENT OF WAGES ORDER

REGULATIONS RELATING TO CHILDREN'S COURTS AND INTERNATIONAL CHILD ABDUCTION, 2010

File No:.....

REPUBLIC OF SOUTH AFRICA

TO THE CLERK OF THE CHILDREN'S COURT FOR THE DISTRICT OF:

.....

HELD AT:

.....

FROM:

.....
(Applicant)

OF:

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

I HEREBY APPLY for the *variation/suspension/rescission/revival of the *contribution order/order for the attachment of wages made by the court against me at the day of..... 20 for the maintenance of my *child(ren):

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

GROUNDS FOR APPLICATION:

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

Dated at this day of 20.....

.....
Respondent

No. 41 – Contribution order

CONTRIBUTION ORDER

REGULATIONS RELATING TO CHILDREN'S COURTS AND INTERNATIONAL CHILD ABDUCTION, 2010

File No.:

REPUBLIC OF SOUTH AFRICA

IN THE CHILDREN'S COURT FOR THE DISTRICT OF:

.....

HELD AT:

.....

IN THE MATTER OF A CONTRIBUTION ORDER FOR THE MAINTENANCE OF:

.....

.....

(full name(s) of child(ren))

BY:

.....

.....

(respondent)

BEFORE: (Presiding officer of the children's court) on the day of 20.....

After hearing the evidence adduced and the court being satisfied that a contribution order has to be made against the said respondent in terms of section 161 of the Children's Act 2005 (Act No. 38 of 2005),

IT IS ORDERED THAT:

.....

(respondent) contribute *weekly/monthly towards the maintenance of the said *child(ren) the amount of R with effect from

The first payment to be made on: and thereafter on:

Payments must be made to the following person/ institution:

.....

Signed at this day of 20

.....

Presiding officer of the children's court

NOTICE:

The said respondent must in terms of section 166 of the Children' Act, 2005 (Act No. 38 of 2005) without delay give notice in writing to the clerk of the children's court of any change in his or her residential address or place of work or business, failing which he or she shall be liable on conviction to a fine or to imprisonment for a period not exceeding twelve months or to both such fine and imprisonment.

No. 42 - Order to an employer to deduct an amount from a respondent's wages

ORDER TO AN EMPLOYER TO DEDUCT AN AMOUNT FROM A RESPONDENT'S WAGES

REGULATIONS RELATING TO CHILDREN'S COURTS AND INTERNATIONAL CHILD ABDUCTION, 2010

File No.:

REPUBLIC OF SOUTH AFRICA

IN THE CHILDREN'S COURT FOR THE DISTRICT OF:

.....

HELD AT:

TO:

.....

(name of employer)

TAKE NOTICE:

A contribution order for R per *week/month has been made against (full name of respondent) in terms of section 161 of the Children's Act, 2005 (Act No. 38 of 2005), for the maintenance of *his/her child(ren).

IT IS HEREBY ORDERED THAT—

in payment of the contribution order made against the said respondent, you deduct *weekly/monthly an amount of R from the wages of the said respondent and pay it forthwith to the following person/institution:

GIVEN at this day of 20

.....

Presiding officer of the children's court