



English

CHILDREN'S AMENDMENT BILL

CHILDREN'S AMENDMENT BILL [B18 – 2020]

Parliament of South Africa is inviting inputs from the public on the Children's Amendment Bill (B18-2020). The National Assembly Portfolio Committee on Social Development acting under section 59 (1) of the Constitution, seeks to facilitate public involvement in the legislative and other processes of the Assembly and its committees.



Why the Children's Amendment Bill?

The Bill seeks to amend the Children's Act, 2005 and through its objectives to provide for:

-  Children's right to privacy and protection of information;
-  The rights of unmarried fathers;
-  Funding of early childhood development programmes;
-  The designation and functions for a Registrar of the National Child Protection Register;
-  The care of abandoned or orphaned children and additional matters that may be regulated;
-  Rules relating to care and protection proceedings;
-  Medical testing of children in need of care and protection or adoption;
-  Additional matters relating to children in alternative care;
-  Matters relating to adoption and inter-country adoption;
-  The hearing of child abduction matters;
-  Matters relating to surrogate motherhood; and in addition
-  The extension of the Children's Court jurisdiction.



What is the purpose of the amendments to the principal (main) Act?

The amendments seek to:



Amend the Children's Act to strengthen protective measures for children.



Address critical gaps and challenges in the underlying child care and protection system and identify strategies to address these challenges efficiently and effectively.



Contribute towards the comprehensive legal solution as ordered by the Gauteng Division of the High Court in Pretoria, in the matter of Centre for Child Law v Minister of Social Development (Case No: 72513/2017) to deal with challenges relating to the provision and administration of foster care.





What are the most significant amendments proposed to the Act?

The most significant amendments relate to the following areas with policy implications:

-  Parental responsibilities (Section 21 and 22)
-  Child marriages (Section 12)
-  Unaccompanied migrant child (Section 150)
-  Early Childhood Development (ECD) (Section 91)
-  Foster care order (Section 159 & 167)
-  Funding of partial care and alternative care centres (Section 78, 193 & 215)
-  Adoption Services (Section 111, 233, 234, 249, 250, 260 & 262)
-  Role of municipalities (Section 92)



Making oral submissions at the public hearings

Due to the outbreak of Covid-19 and the subsequent declaration of the National State of Disaster in terms of the Disaster Management Act, the Committee has decided to facilitate public involvement in the Children's Amendment Bill [B18 – 2020] *via virtual platform/s*.

Parliament's Portfolio Committee on Social Development (hereinafter the Committee) intends to conduct virtual public hearings on the Children's Amendment Bill [B18 – 2020] (the Bill) in your province.

The decision to hold virtual public hearings is informed by Parliament's commitment to contribute to limiting the risks of the spread of Covid-19.

The Committee is mindful of the duty that the Constitution imposes on Parliament and its committees, to facilitate public involvement in its legislative processes.

Details of the dates of the public hearings will be made public once confirmed.



Schedule of public hearings





If you have made a written submission and have asked for the opportunity, to make an oral submission to reinforce what you have said in your written submission, you can expect to be contacted by the Committee Secretary of the Portfolio Committee on Social Development: Ms L Ntsabo on 083 709 8524 (mobile) or ntsabo@parliament.gov.za (email) to make arrangements for you to present your oral submission.

Oral submissions at the public hearings in your province are not dependent on you having made a written submission. Oral submissions can be made at the public hearings held by Parliament's Committee across the provinces. If you are interested in making an oral submission at the public hearings, please contact the Public Education Office.






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Recording of oral submissions

-  These submissions are recorded at the public hearings and transcribed.
-  The committee looks at the evidence or opinions shared at the hearing and discusses the contents thereof.
-  If a view is supported by many people and if it has merit, the idea or concern stands a good chance of being included in legislation or the work of committee.
-  The committee will make the final decision about the merit of an issue.

Did you know?

-  Parliament comprises two Houses namely the National Assembly (NA) and the National Council of Provinces (NCOP).
-  Parliament is the national law-making body of South Africa.
-  Bills are mainly introduced to Parliament by the Minister of the specific government department.
-  For the bill to be passed into law, the President needs to sign it (assent to it).
-  Parliament is obliged by the Constitution to obtain views of the people before passing any bill.

