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THE ROLE OF THE CHILDREN'S COURT IN MOVING AWAY FROM RESIDENTIAL CARE TOWARDS FAMILY BASED CARE

Abstract

1 DEMOGRAPHICAL AND STATISTICAL BREAKDOWN

The Children's Court of Pretoria dealt with approximately 3 000 children during 2002. The children came from all over the city and adjacent rural areas. The children presented different population groups and came from different social economical backgrounds.

The type of problems presented also vary from abandonment, impact of HIV, behavioral problems etc. A statistical breakdown will be presented.

2 CHANGES IN POLICY AND LEGISLATION

The Children's Court plays a central and integral role in the placement of children in alternative care. Changes in national policy and the wider social workers context impacted the route of legal actions taken dramatically.

Crucial policy and research that has impacted this change includes the IMC report on young people at risk. The welfare system has made a drastic move from the residential approach to the Developmental approach. The legislation focusing on young people at risk has also made a shift to a more restorative justice approach. Changes in legislation, specifically the child care act from the current draft bill can be explained.

3 THE CHILDREN'S COURT INVOLVEMENT IN CHANGE AND DIFFERENT GROUND LEVEL INITIATIVES

The Children's Court of Pretoria stand in partnership with other role-players in implementing these changes. The Children's Court initiated an early statutory intervention programme where family based placement are legally enforced and reviewed after six months. The Children's Court is also involved with various other ground level initiatives that include special family and community based care programmes for children in need.

According to South African legislation, a child in need of care, under the age of 18-years, can only be placed in alternative care once the Children's Court has made such a ruling.

The Children's Court and Children's Court personnel, Commissioner of Child Welfare thus have a crucial role to play in the move away from residential care. Pretoria Children's Court has also initiated various national training sessions in this regard.