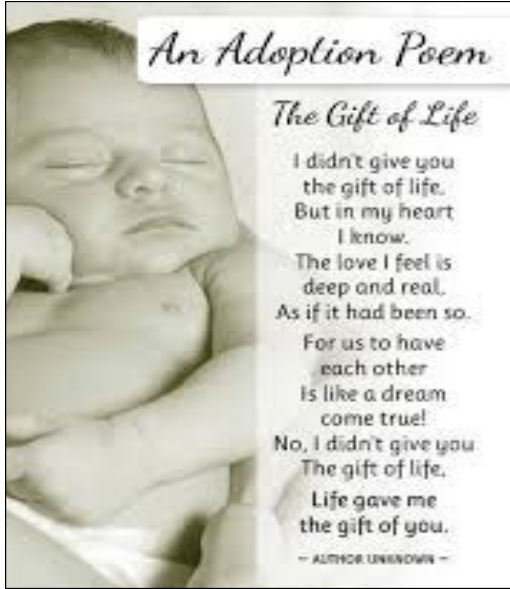




# ADOPTION

Is when a child is placed in the permanent care of a person in terms of a court order.



*An Adoption Poem*

*The Gift of Life*

I didn't give you the gift of life. But in my heart I know. The love I feel is deep and real. As if it had been so. For us to have each other is like a dream come true! No, I didn't give you the gift of life. Life gave me the gift of you.  
— AUTHOR UNKNOWN —

## TYPES OF ADOPTION

**DISCLOSED adoption** (open): This is where the person giving up the child for adoption knows the person who wishes to adopt his or her child. Their details and identity may be disclosed to the prospective adoptive parent(s) and vice versa. This type of adoption is common in family and stepparent adoptions.

**NON-DISCLOSED adoption** (closed):

The details / Identity of the adoptive parents and natural parents are not disclosed to each other.



## PURPOSE OF ADOPTION

- To **protect** and **nurture** children under the age of 18 years by providing a safe, healthy environment with positive support
- To **promote** the goals of **permanency** planning by connecting children to other safe and nurturing family relationships intended to last a lifetime.

## DIFFERENCES:

FOSTER CARE:	ADOPTION
<ul style="list-style-type: none"> <li>• Parent stays the guardian; foster parent is the care giver</li> <li>• Court order for short periods</li> <li>• Social worker is involved</li> <li>• Foster care grant</li> <li>• Parent may visit the child as arranged by social worker if it is in the best interest of a child</li> <li>• Surname stays the same.</li> </ul>	<ul style="list-style-type: none"> <li>• Parent signs off all her/his rights and responsibilities to adoptive parents</li> <li>• Once off court order</li> <li>• Accredited adoption social worker is involved</li> <li>• Child support grant if the person qualifies</li> <li>• Parent can only visit if there is a post adoption agreement and order</li> <li>• Surname may change</li> </ul>

# CRITERIA FOR ADOPTION

A child may be made available for adoption only if it is in his or her **best interest**, if he or she is **adoptable** and if the necessary **consent has been granted** or dispensed with. Adoption of a child may only take place if a child is adoptable and the prospective adoptive parent is a fit and proper person to be entrusted with the care of the adopted child. Adoption gives full parental responsibilities and rights (including guardianship) to the adoptive parent in respect of the child and the adoptive parent should for all purposes be seen as the parent of the adopted child.

## WHEN IS A CHILD ADOPTABLE?

*A child who is an orphan and has no guardian or caregiver who is willing to adopt him or her.*

*A child whose parent's whereabouts cannot be established.*

*A child who has been abandoned* (no contact with the parent, guardian, or caregiver for a period of at least 3 months for no apparent reason).

*A child whose parent or guardian has abused or deliberately neglected him or her, or has allowed the child to be abused or deliberately neglected.*

*A child in need of a permanent alternative placement.*

*A child who is a stepchild to the spouse of the child's biological parent.*

*Parents have given consent for his or her child to be adopted at the Children's Court.*



## WHO MAY ADOPT?

a) Jointly by:

(i) A husband and wife.

(ii) Partners in a permanent domestic life-partnership. These partnerships may be same-sex or heterosexual in nature.

(iii) Other persons sharing a common household and forming a permanent family unit.

(b) By a widower, widow, divorced or unmarried person.

(c) By a married person whose spouse is the parent of the child or by a person whose permanent domestic life-partner is the parent of the child.

(d) By the biological father of a child born out of wedlock.

(e) By the foster parent of the child.

(f) By a family member who has given notice to the clerk of the children's court that he or she is interested in adopting the child.

I wasn't  
expected  
I was  
selected

## PROSPECTIVE ADOPTIVE PARENTS SHOULD ...

- The adoptive parent should not be a person declared unsuitable to work with children or enlisted in Part B of the National Child Protection Register or the National Register for Sex offenders.
- The adoptive parent should be found to be fit and proper, as well as able and willing to undertake, exercise and maintain all the rights and responsibilities as a parent.
- Home visits and interviews by the social worker are necessary.
- The adoptive parent should be over the age of 18 years.



### CONSENT

- Each parent of the child, regardless of whether the parents are married or not. If the parent is a child, that parent must be assisted by his or her guardian.
- Any other person who holds guardianship in respect of the child.
- The child, if the child is:
  - 10 years of age or older; or
  - Under the age of 10 years, but is of an age, maturity and stage of development to understand the implications of such consent.

Consent to adoption must be a **voluntary decision**. The person giving consent must not be rewarded by consideration in cash or in kind. The consent must be signed in the presence of a presiding officer. A parent **may withdraw** the consent **within 60 days**.

### THE CHILD



BIRTH  
FAMILY

ADOPTIVE  
FAMILY

"There are times when the adoption process is exhausting and painful and makes you want to scream. But...so does childbirth."

—Scott Simon.

## WHEN CONSENT IS NOT REQUIRED

The consent of a parent or guardian of the child to the adoption of the child **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 fulfil 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.

# THINGS TO KNOW:

## Post adoption agreement

The adoptive parent and natural parent can have a post adoption agreement which takes effect only if it is made an order of court. This agreement may provide for communication / visitation after the adoption is granted. It may also include provision of information about the child.

## Who and when is access to the adoption register allowed:

- *An adopted child after the child has reached the age of 18 years.*
- *The adoptive parent of an adopted child after the child has reached the age of 18 years.*
- *The biological parent or a previous adoptive parent of an adopted child after the child has reached the age of 18 years, but only if the adoptive parent and the adopted child give their consent in writing.*

## Accredited Adoption Social workers:

### Private social workers:

Mrs Linda van Zyl-0839603612

Mrs Sanet Viljoen-0848001234

### NGO's

Mrs Denise Douglas-Henry:

0832875325 (AFM)

Mrs Kathy Fourie:

041-5854176 (ACVV)

Mrs Carina van Niekerk:

041-4843554 (CMR PE)

Mrs Yolanda Gouws:

041- 9229004 (CMR Uitenhage)

## Freeing order

A freeing order relieves a parent or person from the duty to contribute to the maintenance of the child pending the adoption.

## Register on Adoptable Children and Prospective Adoptive Parents (RACAP)

The purpose of RACAP is to keep a record of adoptable children and fit and proper prospective adoptive parents. The RACAP is a confidential register and only authorised persons may have access to it.

## Unplanned pregnancy

Before you make a decision about your unplanned pregnancy, consider all your options... You only have 9 months to consider all your options. Even though you may feel overwhelmed, there are many options to be considered. There is no right or wrong answer, only the one that seems like the best option for you and your child. The decision will not be easy and will be one of the most difficult and important decision you will have to make in your life.

## The options available to you include:

- Parenting (raise your own child)
- Abortion (within the first 4 months of your pregnancy)
- Kinship care (family)
- Foster care
- Adoption
- Abandonment (illegal option)

*The adoption process is a very long process, but there are social workers who can assist you.*

## Remember:

- Regular clinic visits
- Get enough rest
- Eat healthy food
- Avoid alcohol and drugs
- Speak to your unborn baby