

PREVENTION AND EARLY INTERVENTION SERVICES

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NOTE In this publication, “Ministry” and “Minister” refer to the Ministry and Minister responsible for child protection, and “Guide” means this *Guide to the Child Care and Protection Act* (which is published in separate chapters).

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Prevention and early intervention services are proactive steps that can prevent harm to children. The best approach is to stop a problem from arising in the first place, or to prevent it from escalating. Prevention services are generalised initiatives that target communities or groups, while early intervention services focus on specific families where children are at risk.

1. What are prevention and early intervention services?

Prevention and early intervention services are services that are designed to reduce the risk of violence or other harm to children within the family environment. They are efforts to intervene in a situation to prevent harm to children, or to minimise the worst damage.

Namibian Constitution

Article 14(3): The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Both the UN Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child speak of preventive approaches to protect children.

UN Convention on the Rights of the Child

Article 18(2): “For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render **appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities** and shall ensure the development of institutions, facilities and services for the care of children.”

Article 19:

- “(1) States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
- (2) Such protective measures should, as appropriate, include effective procedures for the establishment of **social programmes to provide necessary support for the child and for those who have the care of the child**, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.”

African Charter on the Rights and Welfare of the Child

Article 20(2): “States Parties to the present Charter shall in accordance with their means and national conditions take all appropriate measures:

- (a) to assist parents and other persons responsible for the child and in case of need provide **material assistance and support programmes particularly with regard to nutrition, health, education, clothing and housing;**
- (b) to **assist parents and others responsible for the child in the performance of child-rearing** and ensure the development of institutions responsible for providing care of children; and
- (c) to ensure that the children of working parents are provided with care services and facilities.”

1.1 Objectives of prevention and early intervention services

Prevention and early intervention services must be aimed at one or more of the following objectives –

- ④ preserving the **family structure**

For example, training in conflict resolution or assistance with an abuse problem might prevent a divorce. A course for fathers on the importance of parenting may convince the father that he can participate in his child’s upbringing.

- ④ improving **parenting skills**

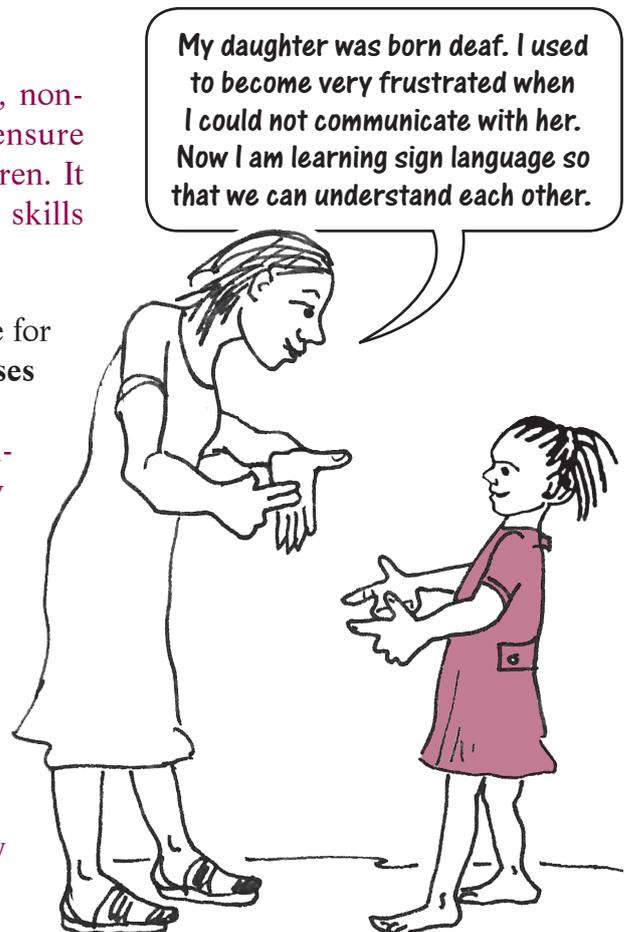
This can include the promotion of positive, non-violent forms of discipline, or support to ensure that parents register the birth of their children. It can also refer to comprehensive parenting skills training programmes.

- ④ teaching parents and care-givers how to care for **children with disabilities and chronic illnesses**

For example, parents of a child with a mental or physical disability may not know how to assist, support or control the child in an appropriate way. They may not know about all the services which are available to support the family.

- ④ establishing appropriate **interpersonal relationships** within the family

For example, this could include family therapy by a social worker working with an individual or with an entire family.



- ⑨ providing **psychological, rehabilitation and therapeutic programmes** for children

For example, for a child that has gone through a trauma, there may be a programme where he or she can meet with a social worker on a regular basis for counselling.

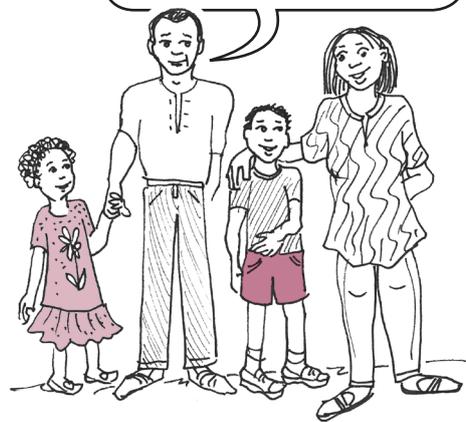
- ⑨ preventing **neglect, abuse or inadequate supervision of children**, or other failures to meet children's needs

For example, this could include after-school programmes where children receive supervision and help with their homework until the parents come home from work.

- ⑨ preventing the **recurrence of family problems** that may harm children or hamper their development

For example, after parents have attended a parenting skills workshop, follow-up sessions could help to make sure that the new skills are put into practice. The parents might also receive ongoing support from a social worker.

That programme on anger management really helped me control my temper. Now I feel more confident that I can keep my children safe and my family happy.



- ⑨ preventing **developmental delays in young children** due to inadequate or inconsistent nutrition, stimulation, physical and emotional care

For example, some parents may lack knowledge about what foods are healthy or harmful for children, or why play is so important to children's healthy development.

Did you know that what you eat can affect your baby? You can get vitamins at the ante-natal clinic to help make sure that your baby develops properly and is born healthy.



There may be important benefits from intervening even before a child has been born, whilst the mother is pregnant.

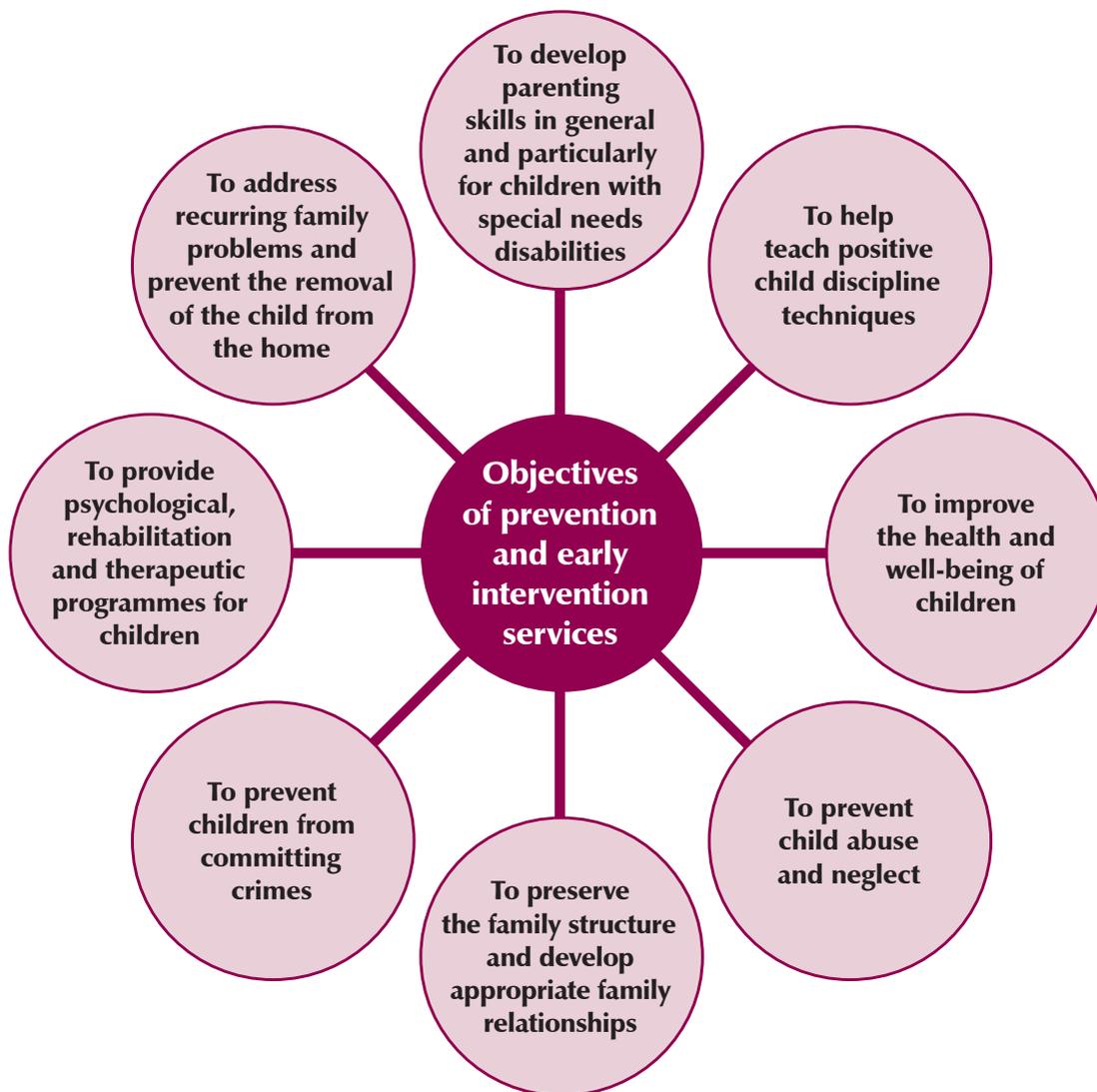
- ⑨ preventing **criminal activities by children** and diverting children away from the criminal justice system

For example, children who are arrested for minor crimes and are first offenders can be screened by a social worker and, in appropriate cases, given the option of completing a diversion programme as an alternative to the criminal case.

- ⑨ avoiding the **removal of a child from the family environment.**

Prevention and early intervention services attempt to prevent the need to remove a child from the home by resolving the problems which are placing the child at risk before the child suffers any harm.

◆ Child Care and Protection Act, section 130(3)



UN Guidelines for the Alternative Care of Children (2010)

“ As part of efforts to prevent the separation of children from their parents, States should seek to ensure appropriate and culturally sensitive measures:

(a) To support family caregiving environments whose capacities are limited by factors such as disability, drug and alcohol misuse, discrimination against families with indigenous or minority backgrounds, and living in armed conflict regions or under foreign occupation;

(b) To provide appropriate care and protection for vulnerable children, such as child victims of abuse and exploitation, abandoned children, children living on the street, children born out of wedlock, unaccompanied and separated children, internally displaced and refugee children, children of migrant workers, children of asylum-seekers, or children living with or affected by HIV/AIDS and other serious illnesses.

Special efforts should be made to tackle discrimination on the basis of any status of the child or parents, including poverty, ethnicity, religion, sex, mental and physical disability, HIV/AIDS or other serious illnesses, whether physical or mental, birth out of wedlock, and socio-economic stigma, and all other statuses and circumstances that can give rise to relinquishment, abandonment and/or removal of a child. ”

◇ UN Guidelines, paragraphs 9-10

1.2 Components of prevention and early intervention services

Prevention and early intervention programmes may include one or more of the following components:

- ⑨ assisting families to obtain the **basic necessities of life**

This could include assisting a parent with an application for a State maintenance grant. A family without shelter could be informed about housing or land resettlement programmes which are available. There could also be a nutrition course designed to help families with limited income learn how to prepare healthy and economical meals.

- ⑨ providing **information on how to access services**

For example, some parents may need information on immunisation programmes, on early childhood development centres in their community or on where and how to register their child's birth.

- ⑨ informing families about the **dangers of alcohol and other drugs** and helping them find services to address **substance abuse by any family member**

For example, some parents may not realise that it is harmful to give babies alcohol to quiet them. Some may need referrals to alcohol abuse programmes.

- ⑨ informing families about the **problem of gambling addiction** and helping them address the **gambling addiction of any family member**

For example, a social worker might work with the person in question, providing ongoing advice and support to help them overcome the addiction.



- ⑨ supporting and assisting families with a **chronically ill or terminally ill family member**

The long-term illness of any family member can affect children in the household. For example, it might be hard for the family to provide basic necessities for the children if a parent is too ill to work or if family resources are being spent on health care. Where a parent is ill, the children in the household may lack proper care or supervision.

Where a parent is ill, health extension workers could come to the home to assess whether the children's basic needs are being met and what support the family needs. If the child is ill, support can come in the form of a space in the hospital where parents can rest while their child is with the doctor, or support groups where parents of children with similar problems can provide emotional support for each other.

- ④ assisting families to provide or access **early childhood development opportunities for pre-school children**

A child's emotional, social and physical development during early childhood can have an impact on the rest of the child's life. Children who have proper nutrition, health, and learning support early on are likely to perform better in school, to be healthier, and eventually to earn more and participate more in society.

- ④ addressing **specific issues relevant to families in a particular community**

Such issues might include gender-based violence, health and nutrition issues, reproductive and sexual health issues, child labour, child trafficking or child behaviour problems. Social workers could help communities identify the most urgent problems affecting children in that community.

I'm happy our community has these meetings. They have helped me understand how outdated ideas about the proper roles of men and women feed into the problem of gender-based violence. This new understanding helps husbands and wives to respect each other more.

- ④ providing information on **how to use family meetings to resolve disputes**

A family meeting is a meeting of family members attended by a skilled facilitator at which the family members attempt to find solutions to a problem involving the care or protection of a child.



Family meetings include an opportunity for private discussion without the facilitator. The children who are affected should be permitted to participate in the family meeting and have their views considered, depending on their age and maturity.

- ④ promoting the **well-being** of children and the realisation of their **full potential**.

This could cover a broad range of programmes that support children. Some examples would be art, dance or music activities for children, peer groups where learners discuss sexual health and relationships, or counselling for children who have gone through traumatic situations.



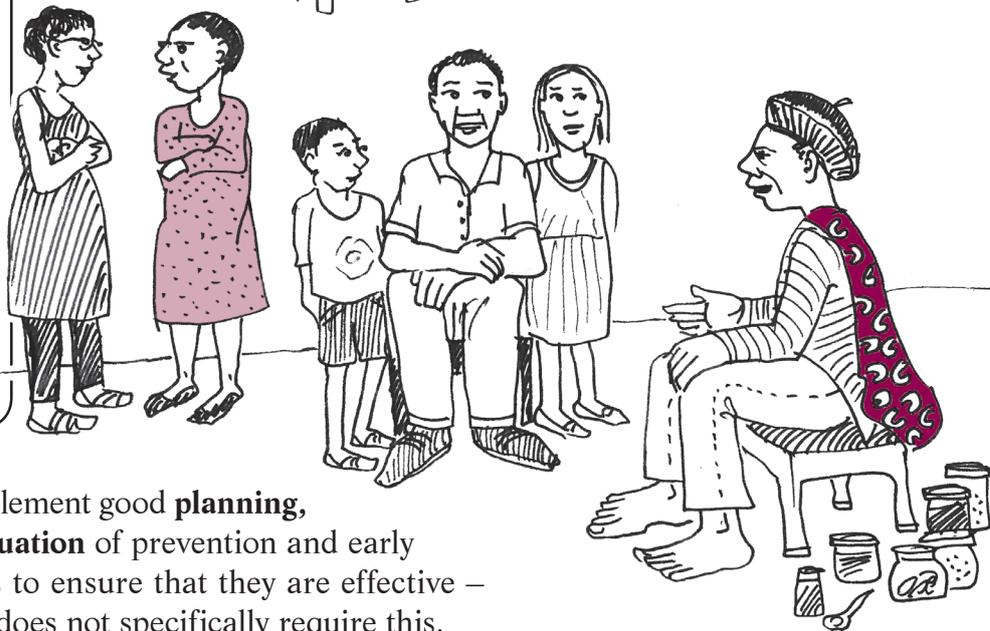
I thought that I was the only person who worried about dating relationships. It is really good to discuss these issues together with other learners. Our group leader is a learner who has had training on how to guide our discussion constructively. Now I do not feel so alone.

All prevention and early intervention programmes must be **participatory**. This means that they must involve parents, care-givers, children and other family members in identifying and seeking solutions to their problems.

Prevention and early intervention programmes must also involve **traditional leaders** where this is appropriate to the community or the family in question.



I am happy that our traditional leader is involved. He knows our family and can help us agree on a way forward with our family problems. Everyone in the family respects him, so involving him is a good way to make sure that everyone in the extended family takes the discussion seriously.



It is important to implement good **planning, monitoring and evaluation** of prevention and early intervention services to ensure that they are effective – even though the Act does not specifically require this.

Because our counselling service kept good records, we know how many abused children we counselled last year. We also have a record of our follow-up visits to each child.



The notes on each child's progress show that our programme is effective. This data will help us make a good case for government or donor funding to keep the programme going.

◆ Child Care and Protection Act, section 130(4)-(6)

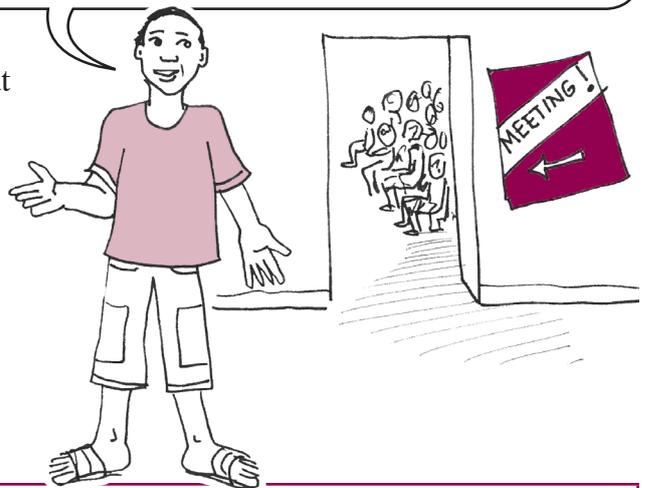
1.3 Prevention services

“Prevention services” are services provided **generally to families with children** to strengthen and build their capacity to address problems that may occur in the family environment. They can also be provided to families without children, to strengthen the community environment.

◇ Child Care and Protection Act, section 130(1)

Prevention services can be targeted at the entire community. For example, a programme for parents on positive methods of child discipline can help prevent family violence. As another example, training sessions on caring for children with disabilities can help ensure that such children are treated properly. Prevention services might also address issues affecting a specific community, such as gender-based violence, nutrition problems, reproductive health issues, child labour, child trafficking or child behaviour problems.

After attending this meeting on alternatives to corporal punishment, I now know positive methods of discipline that will not cause my children to think that violence is an acceptable way of dealing with problems.



1.4 Early intervention services

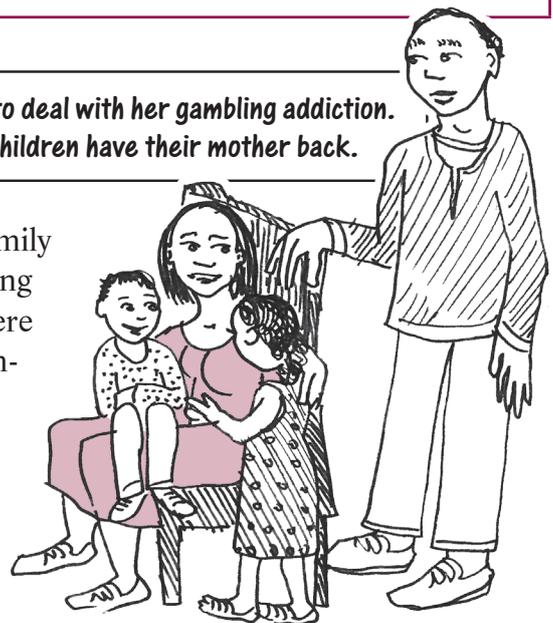
“Early intervention services” are services provided to **specific families with children identified as being especially vulnerable or at risk of harm.**

◇ Child Care and Protection Act, section 130(2)

Identifying children who are at risk and targeting those families for early intervention can help to prevent child abuse and neglect.

For example, early intervention may involve helping family members overcome alcohol or drug abuse or a gambling addiction. It might involve assisting a family where there is a chronically or terminally ill family member, or teaching family members about positive, non-violent ways of resolving disputes. Early intervention services are intended to protect children from future harm. They may also prevent the child from developing emotional or behavioural problems in the future.

My wife got help to deal with her gambling addiction. Now our two children have their mother back.



2. How are prevention and early intervention services provided?

Prevention and early intervention services can be provided by various government ministries, government or private social workers, NGOs, faith-based groups, traditional leaders and the private sector.

There are many different types of prevention and early intervention services. Some may require dedicated facilities and organisational support, while some may be provided more informally by social workers or other persons who conduct home visits or training programmes in various communities.

For example, prevention and early intervention services can include:

- ⑨ home visits by health workers, social workers, auxiliary social workers or community child care workers
- ⑨ parenting skills programmes
- ⑨ early childhood development programmes
- ⑨ substance abuse programmes
- ⑨ interventions that combine different elements.

Some services are suitable for the community in general, while others target particular situations or problems.

Many prevention and early intervention services are already in place. For example, alcoholism can be addressed through a private programme such as Alcoholics Anonymous or through a government programme such as Ettagameno Rehabilitation and Resource Centre. These services already exist, even though they may not have been thought of as “prevention and early intervention services” in the past.

There may be a need to set up other services which do not yet exist. For example, Namibia needs more programmes where perpetrators of family violence can learn to manage their anger and resolve problems without violence.

Moving from Reactive to Proactive Approaches

“ Under previous legislation, the child care system responded when problems such as abuse and neglect manifested themselves. The system is now activated where the risks for these kinds of problems are observed to be present. This requires a far more sophisticated and engaged orientation by those who work in the system. ”

◇ Cheryl Frank, updated by Joan van Niekerk, “Prevention and early intervention” in CJ Davel and AM Skelton (eds), *Commentary on the Children’s Act*, Juta, 2007, updated in 2018, page 8-3 (discussing similar provisions in the South African Children’s Act 38 of 2005)

2.1 Establishing prevention and early intervention services

One function of the National Advisory Council on Children established by the Act is to design and recommend programmes of prevention, protection or care for consideration by the Minister and relevant organs of state.

An “organ of state” is defined in the Act to include any office, ministry or agency of the State, any administration in the local or regional sphere of government, or any other functionary or institution exercising a power or performing a function in terms of the Namibian Constitution or any law.

The Minister also has a legal duty to apply government funding or money from the Children’s Fund established by the Act to make sure that prevention and early intervention services – including early childhood development programmes – are established and provided to children and families in order to advance the objectives of the Act.

◆ Child Care and Protection Act, sections 1, 12(f) and 129

2.2 Government funding for prevention and early intervention services

Individuals and organisations that provide prevention and early intervention services can source funding as they wish from the private sector, development partners or other donors.

A prevention and early intervention service which is seeking government funding (from the national budget or from the Children’s Fund) must **promote or advance the objectives of the Act**. If funding is sought from the national budget, the service must comply with these requirements:

- ⑨ The service provider must be a **non-profit organisation** which is a trust or an entity which is a legal person.

A non-profit group works for the benefit of the community it serves, rather than for the profit of its members or shareholders. The organisation must be a trust or a “legal person” such as a voluntary association or a non-profit company. A “legal person” can do things like hold a bank account or bring court cases.

- ⑨ The service provider must be **registered with any relevant authorities**.

A prevention and early intervention service might need to be registered with the local authority where it is located, or registered as a welfare organisation. This will depend on the type of services offered. The Ministry will be able to give advice on these issues.

- ⑨ The service provider must have the **capacity and expertise** to provide the services it is offering.

The organisation needs to know how to provide the service and have properly-trained people who can carry out the work. It cannot just put a sign on the door saying it provides counselling – it needs knowledgeable staff with experience in providing counselling services.

- ⑨ If the services to be provided involve direct contact with children, all the individuals who will be working with children must have **police clearance certificates**.

A police clearance certificate shows that they have not been convicted of certain offences which would make them unfit to work with children. This would be required even if the service provider were not seeking government funding, but it must be confirmed before any funding can be provided. Police clearance certificates are explained in detail in Chapter 27 of this *Guide*.



- ⑨ The service provider must show **sound financial management**.

A prevention or early intervention service which is seeking funding from government needs to show that it has good financial practices and controls. For example, it might need to provide past financial records and audits to show that it has good financial management practices.



- ⑨ The service provider must show that the programmes it offers are **efficient**.

A prevention or early intervention service which is receiving funding from the government needs to prove that it would use the money efficiently. Its services should not be more expensive to provide than similar services funded by the private sector.

- ⑨ The service provider must show that the programmes it offers are **effective**.

The service provider should keep records of its activities to demonstrate their effectiveness. For example, if the programme relates to addiction, the organisation could keep track of how many of its clients remain addiction-free. If the programme is designed to help youth stay in school, the organisation could track how many of its clients have completed specific grades.

- ⑨ If the service provider is a child protection organisation, it must be designated by the Ministry to provide prevention and early intervention services.

A designated child protection organisation will have a certificate from the Ministry saying what services it is authorised to provide. This is discussed in detail in Chapter 5 of this *Guide* on social workers and child protection organisations.

The Children's Fund has more flexibility and can fund services which do not comply with all of these requirements.

According to section 129(2) of the Act, the prescribed requirements apply only to funding from money appropriated by Parliament for this purpose.

- ◇ Child Care and Protection Act, sections 12(f), 129 and 238
- ◇ Child Care and Protection Regulations, regulation 43

UN Guidelines for the Alternative Care of Children (2010)

“ IV. Preventing the need for alternative care

A. Promoting parental care

States should pursue policies that ensure support for families in meeting their responsibilities towards the child and promote the right of the child to have a relationship with both parents. These policies should address the root causes of child abandonment, relinquishment and separation of the child from his/her family by ensuring, inter alia, the right to birth registration, and access to adequate housing and to basic health, education and social welfare services, as well as by promoting measures to combat poverty, discrimination, marginalization, stigmatization, violence, child maltreatment and sexual abuse, and substance abuse.

States should develop and implement consistent and mutually reinforcing family-oriented policies designed to promote and strengthen parents' ability to care for their children.

States should implement effective measures to prevent child abandonment, relinquishment and separation of the child from his/her family. Social policies and programmes should, inter alia, empower families with attitudes, skills, capacities and tools to enable them to provide adequately for the protection, care and development of their children. The complementary capacities of the State and civil society, including non-governmental and community-based organizations, religious leaders and the media should be engaged to this end. These social protection measures should include:

(a) Family strengthening services, such as parenting courses and sessions, the promotion of positive parent-child relationships, conflict resolution skills, opportunities for employment and income generation and, where required, social assistance;

(b) Supportive social services, such as day care, mediation and conciliation services, substance abuse treatment, financial assistance, and services for parents and children with disabilities. Such services, preferably of an integrated and non-intrusive nature, should be directly accessible at the community level and should actively involve the participation of families as partners, combining their resources with those of the community and the carer;

(c) Youth policies aiming at empowering youth to face positively the challenges of everyday life, including when they decide to leave the parental home, and preparing future parents to make informed decisions regarding their sexual and reproductive health and to fulfil their responsibilities in this respect.

Various complementary methods and techniques should be used for family support, varying throughout the process of support, such as home visits, group meetings with other families, case conferences and securing commitments by the family concerned. They should be directed towards both facilitating intrafamilial relationships and promoting the family's integration within its community.

Special attention should be paid, in accordance with local laws, to the provision and promotion of support and care services for single and adolescent parents and their children, whether or not born out of wedlock. States should ensure that adolescent parents retain all rights inherent to their status both as parents and as children, including access to all appropriate services for their own development, allowances to which parents are entitled, and their inheritance rights. Measures should be adopted to ensure the protection of pregnant adolescents and to guarantee that they do not interrupt their studies. Efforts should also be made to reduce the stigma attached to single and adolescent parenthood. ”

◆ UN Guidelines, paragraphs 32-36

3. Participation in prevention and early intervention programmes

In most cases, individuals and families can voluntarily choose to participate in prevention and early intervention programmes. In some circumstances, a children’s court can *order* persons to participate in prevention or early intervention services, to prevent harm to a specific child. In some cases, this may be an alternative to removing the child from the home.

The Need for Foresight

“ Practitioners are called upon to act when the signs of problems become apparent rather than waiting for the problems themselves to occur. Therefore, the obligations placed on practitioners are those of vigilance towards risk, foresight and forethought, and an orientation towards early action before smaller problems escalate into larger ones. ”

◆ Cheryl Frank, updated by Joan van Niekerk, “Prevention and early intervention” in CJ Davel and AM Skelton (eds), *Commentary on the Children’s Act*, Juta, 2007, updated in 2018 (discussing similar provisions in the South African Children’s Act 38 of 2005)

Risk and Protective Factors

Risk actors	Protective Factors
Individual Factors	
<ul style="list-style-type: none"> • Birth injury, disability, low birth weight • Insecure attachment • Poor social skills 	<ul style="list-style-type: none"> • Social skills • Attachment to family • School achievement
Family Factors	
<ul style="list-style-type: none"> • Poor parental supervision and discipline • Parental substance abuse • Family conflict and domestic violence • Social isolation / lack of support network 	<ul style="list-style-type: none"> • Supportive caring parents • Parental employment • Access to support networks
School Factors	
<ul style="list-style-type: none"> • School failure • Negative peer group influences • Bullying • Poor attachment to school 	<ul style="list-style-type: none"> • Positive school climate • Sense of belonging/bonding • Opportunities for some success at school and recognition of achievement
Community Factors	
<ul style="list-style-type: none"> • Neighbourhood violence and crime • Lack of support services • Social or cultural discrimination 	<ul style="list-style-type: none"> • Access to support services • Community networking • Participation in community groups

Source: *Risk, Protection and Resilience in Children and Families, Research to Practice Notes*, New South Wales Department of Community Services, November 2007, p.1.

◆ as reproduced in Cheryl Frank, updated by Joan van Niekerk, “Prevention and early intervention” in CJ Davel and AM Skelton (eds), *Commentary on the Children’s Act*, 2007, updated in 2018 (Figure 2)

ORDERS FOR EARLY INTERVENTION SERVICES

The children's court may make an order for participation in early intervention services in several different circumstances.

A social worker will investigate a child's circumstances if there is a report of a problem, or if the child is found in circumstances which may indicate risk (such as child labour, trafficking or sex work).

This is explained in detail in Chapter 14 of this Guide on child protection proceedings.

The court receives a social worker report determining that the **child is NOT in need of protective services**, but the social worker recommends an early intervention programme for the family. (s.139(6)(a), reg. 70(1)(j)(iii))

The Court reviews the report. If it confirms the social worker's opinion and agrees with the recommendation, it can summarily order individuals to attend an early intervention programme. This requires a finding by the court that the child is a) **living in a situation which is likely to be detrimental to the child's best interests** AND b) the situation is **reasonably likely to lead to the temporary or permanent removal of the child** from the home if not addressed. (s.140(3))

If a person is unhappy with the order, they can ask for a child protection hearing where the order is reviewed. (s.140(7) s.146(b))

If individuals are required by the court to participate in an early intervention programme, it cannot be for longer than 6 months. (s.140(4))

If the case resumes after 6 months, the social worker submits a progress report to the court. (s.140(5)) The court reviews the report and may –

Issue no order. (s.140(6)(c))

Order a continuation of the early intervention programme, for not more than 6 months. (s.140(6)(b))

Order the removal of the child from the home. (s.140(6)(a))

The court receives a social worker report determining that the **child IS in need of protective services**. There must be a child protection hearing.

After a child protection hearing, if the court finds that the child is in need of protective services, the court may make an order for early intervention services. (s.141, s.145)

4. Examples of successful prevention and early intervention programmes

Example: Home Visiting Programme

Hannelie was a young single mother struggling to find work when she became pregnant. She lived in a poor neighbourhood and there were concerns that the child might suffer from neglect once she was born. Hannelie was referred to a home visiting programme to gain information and support while she was pregnant. A social worker visited her home five times while she was pregnant and a further 10 times after the birth of the child. Thanks to these visits, Hannelie felt supported during her pregnancy and more prepared to deal with her newborn baby. The programme helped Hannelie establish a positive attachment to her child.

◆ based on a Home Visiting Programme in South Africa described by The Parent Centre, South Africa, 2017

Example: Teenage Parenting Skills Workshop

Naomi had a child when she was 16. She was overwhelmed and did not know how to deal with the responsibility. Then she attended a workshop aimed at teaching teenage mothers parenting and life skills. She learned about topics such as child behaviour, communication, positive discipline, and problem-solving skills. After the workshop she felt more confident in her role as a mother. She also had a list of resources and people to contact if she needed any further help.

◆ based on a South African workshop described by FAMSA (Families South Africa), Western Cape, 2017

Example: Parenting Skills Course

Kristine and Petrus were feeling uneasy in their new role as parents. They chose to attend an eight-week parenting skills course with sessions for 1-2 hours per week. The focus of the course was to help parents develop a better relationship with their children, and learn how to raise children without resorting to physical violence. Kristine and Petrus were impressed with the skills they learned, and with how well positive discipline worked on their toddler. Overall, they felt more confident as parents after the course, and their child felt loved and safe in his home.

◆ based on a South African course described by Africa Unite, South Africa, 2019

The Challenge of Providing Effective Services

“ While the ideas of ‘prevention’ and ‘early intervention’ hold great promise, understanding what they mean in practice and what specific actions they require of practitioners is by no means uncomplicated. Both prevention and early intervention are oriented towards intervening to avert future problems. They therefore require a level of prediction on the part of practitioners, as well as the ability to select a course of action that is appropriately targeted at the reduction of risk... [P]ractitioners are fortunate to be guided by knowledge generated in a range of different fields of study, including child protection, crime prevention, health promotion, and violence prevention, to name but a few. ”

◆ Cheryl Frank, updated by Joan van Niekerk, “Prevention and early intervention” in CJ Davel and AM Skelton (eds), *Commentary on the Children’s Act*, Juta, 2007, updated in 2018, page 8-10 (discussing similar provisions in the South African Children’s Act 38 of 2005)