



CHILDREN IN NEED OF PROTECTION

When does a child need protective services?

A child is definitely in need of protective services if that child:

- ☉ is abandoned or orphaned and has insufficient care or support
- ☉ is engaged in behaviour likely to be harmful to the child or someone else, and the parent, guardian or care-giver is unable or unwilling to control that behaviour
- ☉ lives or works on the streets or begs for a living
- ☉ is being, or is likely to be, neglected, maltreated or physically or mentally abused
- ☉ is addicted to alcohol or drugs and is without support to obtain treatment
- ☉ is involved in a criminal matter
- ☉ is an unaccompanied foreign child
- ☉ is chronically or terminally ill and lacks a suitable care-giver
- ☉ is living in an extremely overcrowded, highly unsanitary or dangerous place.

Depending on the circumstances, a child may be in need of protective services if that child:

- ☉ is a victim of child labour, child trafficking, commercial sex work or other forms of sexual exploitation, or a serious crime against the child (such as rape or assault)
- ☉ is living in a child-headed household
- ☉ lacks a suitable care-giver because his or her parent is in prison
- ☉ is under the age of 16 and habitually absent from school
- ☉ is under the age of 16 and pregnant or suffering from a sexually transmitted infection (which could be signs of sexual abuse)
- ☉ is over the age of 16 and suffering from multiple or repeated sexually transmitted infections
- ☉ is exposed to circumstances which may seriously harm the child's physical, mental, emotional or social well-being
- ☉ is living in a violent family environment
- ☉ is living with a parent, guardian or care-giver who unreasonably withholds consent to necessary medical or therapeutic treatment
- ☉ is involved in a case being investigated by the Children's Advocate or the National Advisory Council on Children.

A suspicion that a child might fall into any of these categories is a trigger for a social worker investigation.

Mandatory reporting

Child abuse and neglect usually take place privately, in a home, with no witnesses other than the parents and children. Reporting laws are designed to bring possible problems to the attention of public authorities who are in a position to help. Mandatory reporting *requires* people to report cases if they suspect that a child is being mistreated. People who perform professional or official duties with respect to children must alert police or a government social worker if they become aware of signs that a child may be in need of protective services. Failure to report is a criminal offence, punishable by a fine of up to N\$20 000 or imprisonment for up to five years or both.



The mandatory reporting duty applies to:

- ☉ school principals
- ☉ teachers and school counsellors
- ☉ doctors and dentists
- ☉ nurses
- ☉ pharmacists
- ☉ psychologists and psychological counsellors
- ☉ physiotherapists
- ☉ speech and occupational therapists
- ☉ traditional leaders
- ☉ traditional health practitioners
- ☉ lawyers (except in the case of privileged communications)
- ☉ religious leaders
- ☉ labour inspectors
- ☉ staff members at registered child care facilities
- ☉ social workers who work in private practice or for a child protection organisation
- ☉ any other person who performs professional or official duties for children.

Voluntary reporting

Anyone who believes that a child may need protective services can make a report to a police officer or a government social worker. Children can also report abuse or neglect themselves. Awareness-raising initiatives will be used to encourage members of the public to recognise and report signs that a child needs help.

Anyone who makes a mandatory or voluntary report in good faith is entitled to keep his or her identity confidential and is not liable to a civil claim for defamation.

Helping a child who is in need of protection

Once a report is made, a social worker will investigate the case. In some cases it may be necessary to remove the child or the alleged offender from the home immediately, to keep the child safe while the investigation is underway.

The children's court will review the social worker's report and hold a hearing if necessary. The child's parent, guardian or care-giver will have a chance to give input. The child's views will also be given due consideration in light of the child's age and maturity.

The court can order a range of interventions to address the problem. If necessary, the court can order that the child must live somewhere else for a specified period, such as in kinship care, foster care or a children's home. The court might also order a particular person to stop abusing the child or having contact with the child. There are many options. The order will depend on the situation.

Contribution orders

If a child is placed by court order outside the home, the court may order that the parents or guardian pay a contribution towards the child's care – if they have the means to do so. This is similar to a maintenance order, but it is designed to reimburse the state for the costs of the child's alternative care.

During 2003-2011, in Windhoek alone, almost 200 children were removed from their homes annually for their own protection and placed by court order in alternative care.

