



# FOSTER CARE

There are approximately 14 000 Namibian children in foster care. Most of these children are being cared for by extended family members, often for long time periods. When a child is cared for by a relative or a close family friend, this is sometimes called kinship care. Kinship care is very important in Namibia and has strong cultural value. The United Nations Convention on the Rights of the Child also says that care by extended family members is the next best option if parental care is not possible.

The current law is based on a different vision of foster care. It is based on the idea that foster care is when people who are strangers to a child take care of the child for a short temporary period, until the child can either return home or be placed for adoption.

## Proposed law

Like the current law, the proposed law has only one category of foster care, regardless of whether it is short-term or long-term, and regardless of whether it involves extended family members or others.

In terms of the proposed law, prospective foster parents must apply through a social worker to the Ministry of Gender Equality and Child Welfare. The social worker must examine their circumstances and make a report. Children can be placed in foster care only after they have been found by the court to be in need of protection, on the basis of another social worker report.

In most cases, a foster parent may foster only three children, unless the children are siblings or there is another good reason to allow care of more children. Children must normally be placed with foster parents of the same culture, religion and language as the child. Foster parents must be monitored at least every two years by social workers, even if the foster placement has been made permanent. This means that a relative who is caring for a child as a “foster parent” would be monitored by a social worker even if the child had been living with the family for many years.

The division of rights and responsibilities between the child’s parents or guardian and the foster parent will be determined by the initial placement order, or by an agreement made between the foster parents and the biological parents. This proposal is a change from the current law, which gives foster parents automatic powers to make all day-to-day decisions concerning the child.

Under the proposed law, a foster parent has the power to give permission for medical treatment if the child is not old enough to consent. But a foster parent cannot authorise a surgical operation or allow a foster child to leave Namibia without permission from a biological parent, the Minister or a Children’s Court.

### ISSUES FOR DISCUSSION

- ④ **Should there be separate definitions and provisions for short-term foster care, long-term foster care and kinship care?**
  - ④ should there be a simpler process to approve kinship care?
  - ④ should there be less monitoring of kinship foster care by social workers?
  - ④ should there be less monitoring of permanent foster care placements than of temporary ones?Different application and monitoring processes for different categories of foster parents might help reduce the burden on social workers.
- ④ **What should the law say about decision-making by foster parents?**
  - ④ what decisions should foster parents be able to make about a child?
  - ④ what decisions should only the biological parents/court be able to make?
  - ④ should a permanent foster parent have different rights and responsibilities from a temporary foster parent?
- ④ **What should be the maximum number of children fostered by one person or couple?**

## Foster care grants

The rules and regulations for grants for children in Namibia are complicated:

- ⌚ A biological parent can get a state maintenance grant if the other parent is dead, in prison or receiving an old age pension or disability grant and the income of the parent making the application is less than N\$1000/month. This grant is N\$200/month for the first child and N\$100/month for each additional child up to a total of six children.
- ⌚ A foster parent can get a grant of N\$200/month for the first foster child and N\$100/month for each additional foster child. There is no means test.
- ⌚ People who adopt children are not eligible for any grants.

The examples below illustrate some of the difficulties which can arise within this system:

*Sarah has been living with her aunt Ruth for 10 years. Ruth has a good job and has plenty of money for luxuries. After 8 years, Ruth registers as a foster parent and receives a foster care grant for Sarah.*

*Simon works as a security guard. He and his wife have 3 children. They struggle to buy food and clothes for their family. Simon often goes hungry so that he can provide food for his children. There are no grants which apply to this family's situation.*

*Samuel is an orphan. He lives with his grandparents. His grandparents are registered as foster parents and receive a grant to care for Samuel. They want to adopt Samuel but cannot afford to look after him without the foster care grant.*

While some people will become foster parents out of a sincere desire to help children, it is possible that some people might seek to become foster parents for a child just because of the foster care grant.

## ISSUES FOR DISCUSSION

- ⌚ Do foster grants affect people's decisions about whether or not to foster a child?
- ⌚ Should foster grants be means-tested or should they be available to all foster parents?
- ⌚ If the foster care grant was abolished or provided only to very poor households, would fewer people be willing to act as foster parents?
- ⌚ Should relatives who are acting as foster parents
  - ⌚ receive the same foster care grant as any other foster parents?
  - ⌚ receive a lower foster care grant than strangers who care for a child?
  - ⌚ receive no foster care grant?
- ⌚ Foster parents can receive grants while adoptive parents cannot. Does this discourage foster parents from adopting children?
- ⌚ Should there be a limit on the time period that foster parents can receive grants or should foster care grants continue until the child turns 18 (or 21)?
- ⌚ Instead of foster care grants, should there be a general child maintenance grant for anyone who is caring for a child on a long-term basis? If this approach were adopted, should the grant be available only to households with incomes below a certain amount, or to all children in certain age groups?

## YOU CAN HELP IMPROVE THE PROPOSED CHILD CARE AND PROTECTION ACT

Send your comments to:

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For more information on the draft Child Care and Protection Act, contact Monalisa Zatjirua (061-2833116) or Celeste Feris (061-2833179) at the Ministry of Gender Equality and Child Welfare, or Rachel Coomer at the Legal Assistance Centre (061-223356).

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