



Republic of Namibia
Annotated Statutes

REGULATIONS

REGULATIONS MADE IN TERMS OF

Child Care and Protection Act 3 of 2015
section 63

Regulations relating to Children's Court Proceedings

Government Notice 6 of 2019

(GG 6829)

came into force on date of publication: 30 January 2019

ARRANGEMENT OF REGULATIONS

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Definitions

REGULATIONS
Child Care and Protection Act 3 of 2015
Regulations relating to Children's Court Proceedings

1. In these regulations a word or an expression to which a meaning has been assigned in the Act has that meaning, and unless the context otherwise indicates -

“Child Care and Protection Regulations” means the Child Care and Protection Regulations published under Government Notice No. 5 of 30 January 2019;

“clerk of children’s court” means a person appointed or designated as a clerk of children’s court under section 39 of the Act;

“the Act” means the Child Care and Protection Act, 2015 (Act No. 3 of 2015).

Functions of children’s court assistants

2. At the request of the children’s commissioner, a children’s court assistant must assist an unrepresented party in a matter before the children’s court -

- (a) in completing any relevant form, if the clerk of the children’s court is unable to provide the necessary assistance;
- (b) in presenting any relevant evidence in a matter before the children’s court;
- (c) in understanding any legal requirements pertaining to the matter; or
- (d) with any other assistance as the children’s commissioner may require.

Functions of clerks of children’s courts

3. In addition to the powers, duties and functions specified by the Act, a clerk of the children’s court must -

- (a) keep a register of any matter brought before the children’s court;
- (b) on receipt of a matter brought before the children’s court as contemplated in regulation 4, open a file and allocate a number to the file;
- (c) in respect of every child involved in the matter, record in the file referred to in paragraph (b) -
 - (i) the full name of the child;
 - (ii) the date of birth of the child;
 - (iii) the sex of the child;
 - (iv) the residential address of the child;
 - (v) the contact details of the child, including if possible an e-mail address of the parent, care-giver or guardian of the child;
 - (vi) the number of the file allocated in terms of paragraph (b);
 - (vii) the date of the hearing of the matter and the outcome of the hearing; and

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- (viii) if an appeal or review is filed in terms of the Act, the date for the lodging of the appeal or review and the decision made on appeal or review;
- (d) mark every document received in respect of a matter with a number allocated to the file in terms of paragraph (b);
- (e) file all documents received in respect of the matter in a file opened under paragraph (b);
- (f) to the best of his or her ability, assist any person who requires assistance with the completion of any document relating to a matter before children's court;
- (g) inform a witness who is subpoenaed under section 59(1)(a) or (d) of the Act that he or she is entitled to witness fees and, if necessary, assist the witness to claim the witness fees;
- (h) transfer any court file to another children's court on request by such court and -
 - (i) retain certified copies of all documents to be sent to another children's court; and
 - (ii) send the court file containing the original documents by hand, courier or registered post to the other children's court;
- (i) perform the duties of a clerk of a civil court in so far as it is necessary to give effect to the provisions of the Act; and
- (j) perform or exercise any other functions or powers assigned to him or her in terms of the Act.

Initiation of proceedings in children's courts

4. (1) Unless Forms 6 and 7 in terms of the Child Care and Protection Regulations have been filed with a children's court, a person referred to in section 52 of the Act who intends to bring a matter before the children's court must file with the clerk of the children's court -

- (a) Form 1 which sets out the particulars of the matter and the parties involved in the matter; and
- (b) Form 3 notifying the affected persons or interested persons of the application and giving them an opportunity to make representations in the matter.

(2) Unless otherwise provided for by the Act or by the Child Care and Protection Regulations, the clerk of the children's court must, within five days after the matter is filed as contemplated in subregulation (1), refer the matter to the children's court together with any document relevant to the matter.

(3) Unless otherwise provided for in the Act or by the Child Care and Protection Regulations, the children's commissioner in charge of the children's court referred to in subregulation (2) must, within seven days after the matter has been referred to the children's court under that subregulation, refer the matter -

- (a) for a pre-hearing conference under section 43 of the Act, if the matter is contested;

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- (b) for lay-forum proceedings under section 44 of the Act, if circumstances so permit under that section; or
- (c) to the children's court for adjudication.

Pre-hearing conferences and lay-forum proceedings

5. (1) If a children's court has ordered that -

- (a) a pre-hearing conference be held under section 43 of the Act; or
- (b) lay-forum proceedings be held under section 44 of the Act,

the court may direct that a court interpreter attend the pre-hearing conference or lay-forum proceedings to assist with interpretation during the conference or proceedings.

(2) Immediately after the children's court has ordered the holding of a pre-hearing conference or lay-forum proceedings, the clerk of the children's court must -

- (a) after consulting the person appointed under section 43(3)(a) or 44(4)(c) of the Act to conduct the pre-hearing conference or lay-forum proceedings, assign a date for the pre-hearing conference or lay-forum proceedings which must be within 14 days after the order is made;
- (b) on the form substantially corresponding to Form 2 and in the manner specified in regulation 6, cause to be notified the persons identified to attend the pre-hearing conference or lay-forum proceedings under section 43(3)(a) or 44(4)(c) of the Act of the date, place and time of the pre-hearing conference or lay-forum proceedings; and
- (c) submit certified copies of all documents relevant to the pre-hearing conference or lay-forum proceedings to the person to conduct the pre-hearing conference or lay-forum proceedings referred to in section 43(3)(a) or 44(4)(c) of the Act.

(3) If a person refuses or fails to attend a pre-hearing conference or lay-forum proceedings without any good cause, after having been notified in terms of subregulation (2)(b), the person conducting the pre-hearing conference or lay-forum proceedings may -

- (a) proceed with the pre-hearing conference or lay-forum proceedings in the absence of the person;
- (b) if the person who is not present is likely to make a valuable contribution regarding the best interests of the child in question, postpone the pre-hearing conference or lay-forum proceedings and cause that person to be subpoenaed in accordance with regulation 7; or
- (c) refer the matter to the children's court for a hearing.

(4) If a pre-hearing conference or lay-forum proceedings fail to take place on the date assigned in terms of subregulation (2)(a), the clerk of the children's court must, after consulting the person appointed to conduct the pre-hearing conference or lay-forum proceedings under that subregulation -

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- (a) arrange for another date and the clerk must cause to be notified persons identified to attend the pre-hearing conference or lay-forum proceedings of the date of the pre-hearing conference or lay-forum proceedings; or
 - (b) notify the children's court of the failure to conclude the pre-hearing conference or lay-forum proceedings and the circumstances which gave rise to such failure.
- (5) The person conducting a pre-hearing conference or lay-forum proceedings determines the procedures to be followed at the pre-hearing conference or lay-forum proceedings and in a case of -
- (a) a pre-hearing conference, the person must define -
 - (i) the issues that have been settled between the parties; and
 - (ii) the issues to be adjudicated by the children's court, if any;
 - (b) lay-forum proceedings, the person must record any agreement or settlement that the parties may have reached in respect of the matter and any fact emerging from the lay-forum proceedings which ought to be brought to the notice of the children's court.
- (6) The person conducting a pre-hearing conference or lay-forum proceedings must, within 10 days after the conclusion of the pre-hearing conference or lay-forum proceedings, submit to the children's court a report of the pre-hearing conference or lay-forum proceedings.
- (7) The following persons may be nominated by the children's court to conduct -
- (a) a pre-hearing conference -
 - (i) a person with a degree, diploma or any other recognised qualification in mediation; or
 - (ii) a legal practitioner or paralegal, not involved in the case, who has undergone training in mediation; or
 - (b) lay-forum proceedings -
 - (i) a social worker who has undergone training in mediation skills;
 - (ii) a traditional leader who has undergone training in mediation; or
 - (iii) a pastor or other religious leader with a theology degree who has undergone training in mediation.

Referral of matters to children's court and notification of parties

6. (1) If -
- (a) a matter is referred to the children's court after -
 - (i) a pre-hearing conference under section 43 of the Act; or

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- (ii) lay-forum proceedings under section 44 of the Act; or
- (b) a children's commissioner decides that a matter be referred to the children's court for adjudication,

the children's commissioner must determine the date for the hearing of the matter to be heard in the children's court.

(2) The date determined under subregulation (1) must be within 30 days after the matter has been referred to the children's court under that subregulation.

(3) Unless otherwise provided for in the Act or by the Child Care and Protection Regulations, the children's commissioner must identify which persons under section 56(3) of the Act are to be notified to attend proceedings of the children's court and the clerk of the children's court must -

- (a) on the direction of the children's commissioner under that section;
- (b) as soon as is practicable, but not less than 14 days before the date of the hearing; and
- (c) on the form substantially corresponding to Form 4,

cause to be notified such persons as identified, including a party referred to in sections 53 and 143(3) of the Act, to attend the proceedings of the children's court.

(4) Unless otherwise provided for in the Act or by the Child Care and Protection Regulations, the notice referred to in subregulation (3) is served by a member of the police as contemplated in section 167 of the Act, a messenger of the magistrate's court subject to subsection (3) of that section or a person authorised by the children's commissioner -

- (a) personally on the person;
- (b) to the legal practitioner of record of the person, if the person has provided the name and address of his or her legal practitioner for purposes of proceedings under the Act;
- (c) at the place of residence or place of business of the person, to a person apparently -
 - (i) not less than 16 years of age; and
 - (ii) residing or employed at the place of residence or place of business;
- (d) at the place of employment of the person to a person -
 - (i) apparently not less than 16 years of age and employed at that place of employment; or
 - (ii) apparently not less than 16 years of age and in charge of the place of employment;
- (e) in the case of a juristic person, be served at its registered office or main place of business to a director or a responsible employee of the juristic person; or

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(f) in any other manner as directed by the children's commissioner.

(5) If a notice of any application cannot for any reason be served as contemplated in subregulation (4), the member of the police, the messenger of the magistrate's court or the person authorised by the children's commissioner must attempt to notify the person to be served to appear at the proceedings of the children's court by -

- (a) contacting the person telephonically;
- (b) submitting a copy of the notice of the application to the facsimile of the person;
- (c) submitting a copy of the notice of the application to the electronic mail address of the person;
- (d) sending the notice, document or thing to the person by courier or registered post; or
- (e) visiting the last known residential address or place of business or employment of the person in order to attempt to ascertain the current contact details of the person, and then use that contact information to locate the person and serve the person with the notice of the application.

(6) If the member of the police, the messenger of the magistrate's court or the person authorised by the children's commissioner is unable to serve the person under subregulation (4) or (5), he or she must furnish the children's court with proof of the attempts made to notify the person.

(7) Before considering an application, the children's court must be satisfied that the relevant parties have received the notice of application or that reasonable attempts have been made to notify such parties.

(8) Proceedings of the children's court may commence or continue in the absence of a person notified or attempted to be notified to attend the children's court proceedings, if the children's court considers such commencement or continuation to be in the best interests of the child.

(9) Where a children's court decides pursuant to subregulation (8) to commence or continue children's court proceedings in the absence of a person not notified or attempted to be notified to attend the proceedings, the person is not liable in terms of section 56(7) of the Act.

[Subsection (9) appears to contain errors, as the statement is not logical.
The word "not" appears to have been included in error.]

Written notice to attend proceedings in children's court

7. (1) If a person who is not present at children's court proceedings is likely to make a valuable contribution regarding the best interests of the child in question or the court is of the opinion that the presence of the person is necessary for the purposes of the court proceeding or a person has been identified or requested to attend the proceedings in terms of section 56(3) of the Act, the court must cause the person to be subpoenaed on a form substantially corresponding to Form 4.

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(2) A person who is subpoenaed in accordance with subregulation (1) and who fails to appear before the children's court without a reasonable cause for such failure commits an offence in terms of section 56(7) of the Act.

Patent errors

8. The children's court may -
- (a) on the application by a person affected by a decision of the children's court; or
 - (b) on its own accord,

correct a patent error in any decision made by the children's court in respect of which an appeal is not lodged under the Act.

Estimation of age

9. (1) The children's court in estimating the age of a person who appears to be a child under section 47(3) of the Act may -

- (a) request any document, evidence or statement relevant to the estimation of the age of the person from any person, body or institution; or
- (b) refer the person to a medical practitioner employed by the State for the estimation of the age of the person.

(2) In estimating the age of a person under subregulation (1)(b), the medical practitioner must compile a report of his or her estimation of age on a form substantially corresponding to Form 5.

(3) The children's court must make an estimation of the age of the person and a possible date of birth of the person, after assessing the available evidence and by using, as a guide -

- (a) Form 5 as completed by a medical practitioner under subregulation (2); or
- (b) any document, evidence or statement relevant to the estimation of the age of the person, including but not limited to the record of immunisation issued by a clinic, a baptism certificate or a school record.

(4) The children's commissioner must enter into the court record the age of the person estimated under subregulation (3) as the age of the person and the date of birth which corresponds to the estimated age of the person and such age and date of birth is deemed to be the age and date of birth of the person.

(5) The clerk of the children's court must transmit the date of birth of a person as recorded under subregulation (4) to the Permanent Secretary of the Ministry responsible for the registration of birth of persons to be registered as the date of birth of that person.

Keeping of records

10. (1) The children's court is a court of record and the -

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- (a) record of the proceedings of the children's court must be taken in longhand by the children's commissioner or recorded by mechanical means used or authorised by the children's court; and
- (b) longhand record or mechanical recording of the proceedings, any transcription of such record or such mechanical recording certified to be a true record, and any additional longhand notes taken at the proceedings by the court form part of the record of the proceedings.

(2) After the expiry of a period of five years after the matter in question has been finalised by the children's court, the record of the children's court proceedings must be forwarded to the Ministry for archiving purposes.

Payment of persons not employed by State

11. (1) Subject to subregulation (2), a person who -

- (a) conducts a pre-hearing conference under section 43;
- (b) conducts lay-forum proceedings under section 44 of the Act;
- (c) compiles a report in terms of section 47(2)(g) of the Act; or
- (d) serves as an assessor in any matter before the children's court,

and who is not in the employment of the State, is entitled to be paid an allowance for reasonable expenses incurred as contemplated in subregulation (3).

(2) A person referred to in subregulation (1) is only entitled to an allowance referred to in that subregulation, if the person acts on the request of the children's court.

(3) A person referred to in subregulation (1) is entitled to be paid for -

- (a) reasonable expenses incurred in respect of accommodation;
- (b) meals and incidentals costs in an amount of N\$200 per day; and
- (c) travel expenses at a rate of N\$3.50 per kilometre, if the person is using his or her own vehicle and proof of such ownership of the vehicle must be furnished, and if the person does not own a vehicle an invoice of any travel expenses incurred must be furnished.

(4) A person referred to in subregulation (1) may claim his or her travel expenses by air at the expense of the State if the Permanent Secretary: Office of the Judiciary -

- (a) is satisfied that the use of the air transport is necessary in the circumstances; and
 - (b) has approved that the person may travel by air.
- (5) The Permanent Secretary: Office of the Judiciary may -
- (a) at the written request of a person referred to in subregulation (1);

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- (b) on receipt of satisfactory proof that the person has suffered loss of earnings as a result of his or her assistance in a matter before the children's court; and
- (c) on the recommendation by the children's commissioner,

direct that the person be paid an amount in respect of his or her loss of earnings which he or she suffered, but not exceeding N\$2 500 per day, in addition to any other amount which the person is entitled to receive under this regulation.

(6) If a person referred to in subregulation (1) is required to submit a professional report to the children's court, he or she is entitled to -

- (a) an amount of N\$500 for each session pertaining to the evaluation or assessment of a person or his or her circumstances, limited to five sessions; and
- (b) an amount determined by the clerk of the children's court and approved by the Permanent Secretary: Office of the Judiciary for compiling the report which amount may not exceed N\$1000 per report.

(7) The Permanent Secretary: Office of the Judiciary may authorise a deviation from the amounts specified in subregulation (4) or (5) on the written request by a person referred to in subregulation (1) and supported by proof to the satisfaction of the Permanent Secretary.

Matters in which assistance of assessors is compulsory

12. A children's commissioner must summon an assessor as contemplated in section 40 of the Act in matters involving -

- (a) a dispute about the alleged sexual abuse, sexual exploitation or psychological abuse of a child;
- (b) a child with a physical or mental disability or other special needs;
- (c) the emergency removal of a child in terms of section 135(1)(a) of the Act; or
- (d) the removal of an alleged offender from home or place in which the child resides in terms of section 135(1)(b) of the Act.

Guidelines on legal representation

13. (1) The following are the guidelines regulating the relationship between a child involved in any children's court proceedings and his or her legal practitioner appointed under section 58(1) or (2) of the Act -

- (a) the legal practitioner must attempt to gain the trust of the child and be mindful of the fact that the child may be severely traumatised and must approach the child with care and understanding;
- (b) the child is entitled to request a different legal practitioner if the children's commissioner has ascertained that the child is not comfortable or satisfied with the appointed legal practitioner;

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- (c) the legal practitioner must attempt to establish the level of understanding of the child and adjust his or her level of interaction with the child accordingly;
- (d) a child who has sufficient level of understanding must be allowed to give independent instructions to his or her legal practitioner free from any interference from a parent, guardian or care-giver;
- (e) the legal practitioner must explain to a child the child's legal rights and any other issues in relation to any children's court proceedings in a manner appropriate to the age and level of understanding of the child; and
- (f) the legal practitioner must uphold the highest standards of ethical and professional conduct.

(2) The Permanent Secretary of the Ministry administering legal aid must cause a roster to be kept by the Directorate administering matters relating to legal aid and a legal practitioner may apply to that Ministry for his or her name to be included in the roster, if the legal practitioner specialises in matters relating to child care and child protection.

- (3) The application contemplated in subregulation (2) must be accompanied by -
 - (a) a statement by the legal practitioner that he or she is conversant with the Act and has knowledge or experience in matters relating to child care or child protection; and
 - (b) certified copies of his or her qualifications.
- (4) The roster contemplated in subregulation (2) must -
 - (a) contain details of each legal practitioner who in the opinion of the Permanent Secretary of the Ministry referred to in that subregulation has knowledge and expertise in matters pertaining to child care and child protection; and
 - (b) set out the area of specialty of each legal practitioner.

(5) The Permanent Secretary referred to in subregulation (2) must, within 30 days of receipt of the application, in writing, inform a legal practitioner who has made an application under that subregulation as to whether his or her application is granted or refused, and if the application is refused, give reasons for the refusal.

(6) If the children's court has ordered that legal representation be provided to a child as contemplated in section 58 of the Act such legal representation may be selected from the names of legal practitioners as contained in the roster referred to in subregulation (2).

(7) The Permanent Secretary referred to in subregulation (2) must circulate the roster, duly updated, to children's courts at least once every six months for purposes of enabling children's commissioners as well as members of the public to access the roster for purposes of section 58 of the Act.

Deviation from time periods

14. (1) A children's court may, on application by a party to the proceedings, his or her legal practitioner or a social worker, allow for a deviation from any time period specified in these regulations.

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(2) An application referred to in subregulation (1) must -

- (a) be in writing;
- (b) state reasons for the deviation; and
- (c) be accompanied by any proof in support of the deviation.

(3) Subject to subregulation (4), the children's court may grant the application made under subregulation (1), if the court considers the deviation to be in the interest of justice and in the best interests of the child.

(4) Before the children's court grants the application under subregulation (3), the court must take into account -

- (a) any objection raised by a party to the proceedings; or
- (b) any prejudice that a party to the proceedings may suffer, irrespective of whether or not such party has raised an objection.

Costs

15. (1) The children's court may order that the costs for an act done or required to be done in terms of the Act be borne by a party or be shared by parties to the proceedings, except a child who is the subject of the proceedings.

(2) If a party under subregulation (1) is unable to bear the costs, the court may order that the costs be borne by the State.

(3) If a state-employed social worker considers it to be in the best interests of a child to engage the services of a psychologist, occupational therapist or other professional person in order to -

- (a) give effect to an order of the children's court;
- (b) ensure that sufficient evidence is placed before the children's court; or
- (c) investigate the circumstances of the child,

the children's court may order that the costs be borne by the State, if the court is satisfied that the engagement of such services is in the best interests of the child and on consideration of a written and motivated application by the social worker.

(4) Where costs are required in terms of these regulations to be borne by the State such costs must be defrayed from the money allocated to the Office of the Judiciary.

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ANNEXURE
(Forms 1-5)

To view content without printing, scroll down.

To print at full scale (A4), double-click the icon below.



GN 6/2019
Annexure - Forms

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FORM 1

Section 52 of Child Care and Protection Act, 2015
 Regulation 4(1)

PARTICULARS OF MATTER AND PARTIES INVOLVED IN MATTER

Information in this box to be completed by clerk of court

File Number: _____

Type of matter: _____
 (child who may be in need of protective services; matter relating to custody, guardianship or access; etc)

Court: _____ (name of court)

Note to person completing this form

Affidavits of persons or other documentary evidence in support of the matter must be attached.

PART A: PARTICULARS OF CHILD OR CHILDREN INVOLVED IN THE MATTER
(Attach additional pages if necessary.)

CHILD 1		CHILD 2	
Surname		Surname	
First name(s)		First name(s)	
ID number (if child has an ID)		ID number (if child has an ID)	
Date of birth	/ /	Date of birth	/ /
Sex	<input type="checkbox"/> male <input type="checkbox"/> female	Sex	<input type="checkbox"/> male <input type="checkbox"/> female
Residential address		Residential address	
Postal address		Postal address	
Physical address where documents can be served if not residential address		Physical address where documents can be served if not residential address	
Telephone number	()	Telephone number	()
Cellphone number		Cellphone number	
Email address		Email address	
Home language		Home language	
School attended		School attended	
Grade		Grade	
Person currently caring for child		Person currently caring for child	
Other relevant information – such as financial position, socio-economic status, availability of transport, whether an interpreter will be needed, any special requirements (for example, wheelchair access) – which may assist the court in deciding how best to deal with the matter in terms of the Child Care and Protection Act, 2015			

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CHILD 3				CHILD 4			
Surname				Surname			
First name(s)				First name(s)			
ID number (if child has an ID)				ID number (if child has an ID)			
Date of birth	/ /			Date of birth	/ /		
Sex	<input type="checkbox"/> male <input type="checkbox"/> female			Sex	<input type="checkbox"/> male <input type="checkbox"/> female		
Residential address				Residential address			
Postal address				Postal address			
Physical address where documents can be served if not residential address				Physical address where documents can be served if not residential address			
Telephone number	()			Telephone number	()		
Cellphone number				Cellphone number			
Email address				Email address			
Home language				Home language			
School attended				School attended			
Grade				Grade			
Person currently caring for child				Person currently caring for child			
Other relevant information – such as financial position, socio-economic status, availability of transport, whether an interpreter will be needed, any special requirements (for example, wheelchair access) – which may assist the court in deciding how best to deal with the matter in terms of the Child Care and Protection Act, 2015							
CHILD 5				CHILD 6			
Surname				Surname			
First name(s)				First name(s)			
ID number (if child has an ID)				ID number (if child has an ID)			
Date of birth	/ /			Date of birth	/ /		
Sex	<input type="checkbox"/> male <input type="checkbox"/> female			Sex	<input type="checkbox"/> male <input type="checkbox"/> female		
Residential address				Residential address			
Postal address				Postal address			
Physical address where documents can be served if not residential address				Physical address where documents can be served if not residential address			
Telephone number	()			Telephone number	()		
Cellphone number				Cellphone number			

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Email number		Email number	
Home language		Home language	
School attended		School attended	
Grade		Grade	
Person currently caring for child		Person currently caring for child	
Other relevant information – such as financial position, socio-economic status, availability of transport, whether an interpreter will be needed, any special requirements (for example, wheelchair access) – which may assist the court in deciding how best to deal with the matter in terms of the Child Care and Protection Act, 2015			

PART B: PARTICULARS OF PERSON BRINGING MATTER TO CHILDREN'S COURT						
Surname			Sex	<input type="checkbox"/> Male	<input type="checkbox"/> Female	
First name(s)						
Title	<input type="checkbox"/> Mr	<input type="checkbox"/> Mrs	<input type="checkbox"/> Miss	<input type="checkbox"/> Ms	<input type="checkbox"/> Dr	<input type="checkbox"/> Other
ID number	<div style="border: 1px solid black; display: inline-block; width: 100px; height: 20px;"></div>		Date of birth	<div style="border-bottom: 1px solid black; display: inline-block; width: 100px;"></div> / <div style="border-bottom: 1px solid black; display: inline-block; width: 30px;"></div> / <div style="border-bottom: 1px solid black; display: inline-block; width: 30px;"></div> day / month / year		
Your relationship to the child or children listed above <i>(Tick one item on the list.)</i>	<input type="checkbox"/> parent of child <input type="checkbox"/> care-giver of child <input type="checkbox"/> guardian of child <input type="checkbox"/> person acting in the interest of the child <input type="checkbox"/> person acting on behalf of child who cannot act in his/her own name <input type="checkbox"/> person acting as member of a group of class of children <input type="checkbox"/> person acting in the interest of a group of class of children <input type="checkbox"/> person acting in the public interest <input type="checkbox"/> Children's Advocate					
If your relationship to the children listed above is different for different children, explain in the space provided.	If relationship is different for different children, explain here:					
If the application is being brought by a legal entity, state type of organisation and any applicable registration number. <i>(Attach the relevant constitution or other founding document.)</i>	<div style="border-bottom: 1px solid black; display: inline-block; width: 100%;"></div> Type of organisation (trust, company, close corporation, voluntary association)					
	<div style="border-bottom: 1px solid black; display: inline-block; width: 100%;"></div> Registration number (if applicable)					
Residential address			Postal address			
Home telephone number			Cellphone number			
Email address			Fax number			

REGULATIONS
Child Care and Protection Act 3 of 2015
Regulations relating to Children's Court Proceedings

Employer			
Work physical address		Work postal address	
Work telephone number		Other work contact number if possible	
Work email address		Work fax	

PART C: SUMMARY OF MATTER	
Nature of matter brought to court <i>(registration/amendment of parenting plans, removal of child to safe care, children in need of protective services, adoption, custody, guardianship, access etc.)</i>	
Documents List any documents relating to the matter, such as previous court orders, social worker reports, psychological reports, medical reports etc <i>(Attach copies of all documents listed.)</i>	

PART D: INFORMATION ABOUT PARENTS OF CHILD / CHILDREN					
<i>(If the children listed above do not all have the same parents, use separate forms for each child or attach additional pages to provide details of the parents of Child 1, Child 2, etc.)</i>					
Mother					
<input type="checkbox"/> Tick here if you <i>(the applicant)</i> are the mother of the child / children. If so, there is no need to repeat the information above.					
Surname					
First name(s)					
Title	<input type="checkbox"/> Mrs	<input type="checkbox"/> Miss	<input type="checkbox"/> Ms	<input type="checkbox"/> Dr	<input type="checkbox"/> Other
ID number	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Date of birth <input type="text"/> / <input type="text"/> / <input type="text"/> day / month / year
Residential address				Postal address	
Home telephone number				Cellphone number	
Email address					
Employer					
Work physical address				Work postal address	
Work telephone number				Other work contact number if possible	

REGULATIONS
Child Care and Protection Act 3 of 2015

Regulations relating to Children's Court Proceedings

Work email address		Work fax number	
Father			
<input type="checkbox"/> Tick here if you (<i>the applicant</i>) are the father of the child / children. If so, there is no need to repeat the information above.			
Surname			
First name(s)			
Title	<input type="checkbox"/> Mr <input type="checkbox"/> Dr <input type="checkbox"/> Other		
ID number	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	Date of birth	____ / ____ / ____ day / month / year
Residential address			Postal address
Home telephone number			Cellphone number
Email address			
Employer			
Work physical address			Work postal address
Work telephone number			Other work contact number if possible
Work e-mail			Work fax Number

PART E: CURRENT CARE-GIVER OF CHILD / CHILDREN <i>(if the child / children are in the care of someone other than the parent or guardian)</i>			
If the children listed above do not all have the same care-giver, use separate forms for each child or attach additional pages to provide details of the care-giver of Child 1, Child 2, etc.			
<input type="checkbox"/> Tick here if you (<i>the applicant</i>) are the current caregiver of the child / children. If so, there is no need to repeat the information above.			
Surname		Sex	<input type="checkbox"/> Male <input type="checkbox"/> Female
First name(s)			
Title	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Dr <input type="checkbox"/> Other		
ID number	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	Date of birth	____ / ____ / ____ day / month / year
Residential address		Postal address	
Home telephone number		Cellphone number	
Email address			
Employer			
Work physical address		Work postal address	
Work telephone number		Other work contact number if possible	
Work email address		Work fax number	

REGULATIONS
Child Care and Protection Act 3 of 2015
Regulations relating to Children's Court Proceedings

Signed at _____ (*place*) this _____ day of _____ (*month*), 20____ (*year*)

(*signature / mark of person bringing matter to court*) _____

(*print first name(s) and surname*) _____

IF APPLICABLE:

(*print first name(s) and surname of person witnessing mark*) _____

(*signature of witness to mark*) _____

Section 43 and 44 of the Child Care and Protection Act, 2015
Regulation 5(2)

File Number:.....

IN THE CHILDREN'S COURT FOR THE DISTRICT OF

HELD AT

IN THE MATTER OF:

FIRST NAMES AND SURNAMES OF CHILD / CHILDREN	ID NUMBER / DATE OF BIRTH													
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and

FIRST NAMES AND SURNAMES OF OTHER PARTY / PARTIES and relationship to child / children or interest in the case	ID NUMBER / DATE OF BIRTH	
		<input type="text"/>
	<input type="text"/>	/ /
	<input type="text"/>	/ /
	<input type="text"/>	/ /
	<input type="text"/>	/ /

REGULATIONS
Child Care and Protection Act 3 of 2015
Regulations relating to Children's Court Proceedings

TO: _____
(first name(s) and surname of party)

RESIDENTIAL ADDRESS:	WORK ADDRESS:
_____	_____
_____	_____
_____	_____
_____	_____

YOU ARE HEREBY REQUIRED:

To attend a * pre-hearing conference /* lay-forum proceedings at
 *(place)* on the day of *(month)*, 20.... *(year)* at
 *(time)* and on any subsequent day that may be required, regarding the
 following matter:

Signed at *(place)* this day of *(month)*,
 20.... *(year)*

(print name)

(signature)

Clerk of the Children's Court

*DELETE WHICHEVER IS NOT APPLICABLE.

REGULATIONS
Child Care and Protection Act 3 of 2015
Regulations relating to Children's Court Proceedings

TO: _____
(first name(s) and surname)

RESIDENTIAL ADDRESS:

WORK ADDRESS:

KINDLY TAKE NOTE THAT:

An application will be made before this Court at *(place)* on the
 day of *(month)*, 20.... *(year)* at *(time)* and on
 any subsequent day the court thereafter requires, regarding the following matter:

YOU ARE HEREBY NOTIFIED OF THE ABOVE-MENTIONED APPLICATION AND YOU MAY ON THAT DATE APPEAR BEFORE THE ABOVE-MENTIONED COURT IN ORDER TO MAKE ANY REPRESENTATION ON THE MATTER IN RESPECT OF WHICH THE APPLICATION IS MADE.

PLEASE TAKE NOTE OF THE FOLLOWING:

- (i) If you have any witness regarding the above matter, you may bring them and it is your responsibility to ensure that they are present at the proceedings.
- (ii) The costs of the service of the subpoena of witnesses will be borne by the person who requests the subpoena, unless otherwise provided for in the Act.

Signed at *(place)* this day of *(month)*,
 20.... *(year)*

(print first name(s) and surname)

(signature)

Clerk of the Children's Court

REGULATIONS
Child Care and Protection Act 3 of 2015
Regulations relating to Children's Court Proceedings

RETURN OF SERVICE

I, (print name), hereby certify that I have –

- ☐ delivered a copy of the notice to personally;
- ☐ delivered a copy of the notice to
who is the legal representative of record of
- ☐ handed a copy of the notice to a person apparently not younger than the age of 16
years and apparently residing or employed at the ***residence / *place of business** of, and
at the same time informed the person who was handed the notice of the nature thereof;
- ☐ handed a copy of the notice to a person apparently not younger than the age of 16
at the place of employment of who is apparently ***in authority over this person / *in
charge of the place of employment**, and at the same time informed the person who was handed the
notice of the nature thereof;
- ☐ because is a juristic person, delivered a copy of the notice to the juristic person's
registered office or main place of business, and handed a copy of it to who is
***a director/ *a responsible employee** of the juristic person, and at the same time informed the person
who was handed the notice of the nature thereof;
- ☐ submitted a copy of the notice to by courier or by registered post;
- ☐ delivered or submitted a copy of notice to in the following
manner..... (specify) as directed by the children's commissioner.

Signed at (place) this day of (month),
20.... (year)

.....
*Signature of *messenger of court/*sheriff/*clerk of court/*person authorised by children's commissioner*

First name(s) and surname (print)

Designation (rank) *Ex officio* Republic of Namibia

Business address

(Street address must be stated.)

*DELETE WHICHEVER IS NOT APPLICABLE.

Section 56(3) of the Child Care and Protection Act, 2015
Regulations 6 and 7

File Number:

IN THE CHILDREN'S COURT FOR THE DISTRICT OF

HELD AT

IN THE MATTER OF

FIRST NAMES AND SURNAMES OF CHILD / CHILDREN	ID NUMBER / DATE OF BIRTH																						
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/	/	/																					

and

FIRST NAMES AND SURNAMES OF OTHER PARTY / PARTIES	ID NUMBER / DATE OF BIRTH																			
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REGULATIONS
Child Care and Protection Act 3 of 2015
Regulations relating to Children's Court Proceedings

TO: _____
(first name(s) and surname)

RESIDENTIAL ADDRESS:

WORK ADDRESS:

YOU ARE HEREBY REQUIRED to appear before this Court at

(place) on the day of *(month)*, 20.... *(year)* at

(time) and on any subsequent day the court thereafter requires, regarding the following matter:

AND TAKE NOTICE, if you fail to comply with this subpoena, unless it is proved that you had reasonable cause for such failure, you commit an offence and liable on conviction to pay a fine not exceeding N\$5 000 or to imprisonment for a period not exceeding one year or to both such fine and such imprisonment.

Signed at *(place)* this day of *(month)*, 20.....
(year)

(print first name(s) and surname)

(signature)

Clerk of the Children's Court

REGULATIONS
Child Care and Protection Act 3 of 2015
Regulations relating to Children's Court Proceedings

RETURN OF SERVICE

I, (print name), hereby certify that I have –

- ☐ delivered a copy of the notice to personally;
- ☐ delivered a copy of the notice to
who is the legal representative of record of;
- ☐ handed a copy of the notice to a person apparently not younger than the age of 16
years and apparently residing or employed at the ***residence / *place of business** of, and
at the same time informed the person who was handed the notice of the nature thereof;
- ☐ handed a copy of the notice to a person apparently
not younger than the age of 16 at the place of employment of who is apparently ***in
authority over this person / *in charge of the place of employment**, and at the same time informed
the person who was handed the notice of the nature thereof;
- ☐ because is a juristic person, delivered a copy of the notice to the juristic person's
registered office or main place of business, and handed a copy of it to who is
***a director/ *a responsible employee** of the juristic person, and at the same time informed the person
who was handed the notice of the nature thereof;
- ☐ submitted a copy of the notice to by courier or by registered post;
- ☐ delivered or submitted a copy of notice to in the following
manner..... (specify) as directed by the children's commissioner.

Signed at (place) this day of (month),
20.... (year)

.....
*Signature of *messenger of court/*sheriff/*clerk of court/*person authorised by children's commissioner*

First name(s) and surname (print)

Designation (rank) *Ex officio* Republic of Namibia

Business address

(Street address must be stated.)

*DELETE WHICHEVER IS NOT APPLICABLE.

REGULATIONS
Child Care and Protection Act 3 of 2015
Regulations relating to Children's Court Proceedings

FORM 5

Section 47(3) of the Child Care and Protection Act, 2015
Regulation 9(2)

MEDICAL REPORT FOR PURPOSES OF AGE ESTIMATION OF CHILD

A. PARTICULARS OF PERSON WHOSE AGE IS BEING ESTIMATED	
Surname	
First name(s)	
Sex	
Residential address	
Contact telephone number	
Email address	

A. MEDICAL ASSESSMENT OF AGE	
Height	
Weight	
Teeth (describe)	
Breasts (describe)	
Pubic hair (describe)	
Genitals (describe)	
Facial hair (describe)	
Other indications of age (describe)	

REMARKS

(Include reference to any documentation provided, such as a record of immunisation issued by a clinic, a baptismal certificate or a school record):

OPINION

On the grounds of the above-examination and the general appearance of the person examined –

- (a) age is assessed at being between and, with the most probable age being
- (b) *(complete if possible, particularly in the case of very young infants)* the possible date of birth, taking the above-mentioned into account, could be

Signed at (place) this day of (month), 20.... (year)

(Print first name(s) and surname) _____

(Practice number) _____

(Signature) _____

Medical Practitioner
Official stamp
