

CHILDREN'S ACT  
(Cap. 28:04)

CHILD PROTECTION REGULATIONS, 2015  
(Published on 27th February, 2015)

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SCHEDULE

IN EXERCISE of the powers conferred on the Minister of Local Government and Rural Development by section 117 of the Children's Act, the following Regulations are hereby made —

## PART I – Preliminary

- Citation            1. These Regulations may be cited as the Child Protection Regulations, 2015.
- Interpretation      2. In these Regulations, unless the context otherwise requires –  
“Board” means the Board of management appointed in accordance with regulation 32;  
“child protection” means the provision of services related to the protection of children from harm, neglect, abuse and exploitation and the protection of all rights of children;  
“Department” means the Department of Social and Community Development;  
“Director” means the Director responsible for children’s affairs;  
“DNA paternity test” means the technology used by a recognised medical laboratory to determine paternity; and  
“official child protection role” means engaging in the protection of children from violence, neglect, exploitation and discrimination.

## PART II – Child Protection and Guiding Principles

- Protection officers    3. A person shall not be designated, employed or work in any official child protection role, unless he or she is a holder of at least a diploma in social work, child protection related field, law, education, child development or health related discipline.
- Guiding principles    4. (1) A social worker or a person engaged in any official child protection role shall, in the discharge of his or her duties –  
(a) not condone, accept or otherwise tolerate any form of child abuse, exploitation or neglect on the part of any person against a child;  
(b) demonstrate dedication and commitment to the protection of a child;  
(c) collaborate with other service providers and workers in child protection;  
(d) consider and analyse any action by any person towards any child and promptly take the relevant action to ensure protection of the child from abuse, exploitation or neglect; and  
(e) not encourage or allow the participation of a child under his or her care and direction in matters that may negatively affect the child.  
(2) The guiding principles provided under subregulation (1) are an addition to the guiding principles provided for under section 7 of the Act.
- Code of conduct      5. (1) A person employed –  
(a) as a social worker or as a probation officer; or  
(b) in any official child protection role by a service provider, an organisation or institution providing a place of safety or a school of industry, shall sign the code of conduct in Form 1 set out in the Schedule.  
(2) A service provider, organisation or institution serving as a place of safety or school of industry shall ensure that all employees engaged in any official child protection role comply with the provisions of subregulation (1).  
(3) A service provider, organisation or institution which engages any person who does not comply with the provisions of subregulation (1), commits an offence.

(4) The code of conduct signed in terms of subregulation (1), shall not prejudice the provisions of any employment agreement not inconsistent with the Act and these Regulations, entered into by a service provider, organisation or institution serving as a place of safety or school of industry and the employees of such service provider, organization or institution.

(5) A social worker, probation officer or employee engaged in any official child protection role who fails to abide by the code of conduct undertaken by him or her, commits an offence.

(6) A person who commits an offence under subregulation (3) or (5), is liable to a fine not exceeding P5 000, or to imprisonment for a term not exceeding six months, or to both.

(7) In addition to the penalty under subregulation (6), a person who contravenes the provisions of this regulation may be --

- (a) suspended as a service provider, or from an organisation or institution he or she is employed under; or
- (b) expelled from the service provider, organisation or institution that he or she is employed under.

6. (1) A service provider, organisation or institution which provides a place of safety or a school of industry shall have and implement a policy that --

- (a) a person who has been convicted of a criminal offence shall not be engaged by it as a volunteer or in any other capacity;
- (b) child protection and care training and other relevant training is provided at regular intervals for the benefit of its employees and to empower them to meet the different needs of children;
- (c) the code of conduct provided under the Schedule is adhered to by all its employees;
- (d) no funding is accepted from any organisation or person associated with or suspected to be engaged in child abuse or child exploitation;
- (e) proper programmes and activities for rehabilitation, counselling and reintegration of children subjected to abuse are in place; and
- (f) a policy on child protection is reviewed at given regular intervals to keep the organisation or institution up to date with international requirements.

(2) A service provider, organisation or institution which provides a place of safety or a school of industry shall have, among others --

- (a) gardens for children's use;
- (b) at least one play ground;
- (c) adequately furnished --
  - (i) entertainment areas,
  - (ii) therapy rooms, and
  - (iii) study rooms; and
- (d) professional staff including --
  - (i) social workers,
  - (ii) psychologists,
  - (iii) child development professionals,
  - (iv) psychiatrists, and
  - (v) other relevant professionals.

(3) A child shall not be denied admission to a service provider, organisation or institution which provides a place of safety or a school of industry by reason of the HIV status of the child, other chronic illness or any disability.

Standards  
for child  
protection  
organisation

PART III -- *Care of Children*

Co-parenting agreement

7. (1) A co-parenting agreement referred to under section 26 of the Act shall be in Form 2 set out under the Schedule.

(2) Parents who wish to enter into a co-parenting agreement shall appear before a social worker in the area of residence of the child for assessment before entering into the co-parenting agreement.

(3) The social worker referred to under subregulation (2), shall make an assessment of the needs of the child before the conclusion of the co-parenting agreement, which needs shall be included in the agreement.

(4) The social worker may, where he or she finds that the co-parenting agreement is not in the best interests of the child, make an application to the children's court to vary or revoke the agreement.

(5) A parent who wishes to vary or revoke a co-parenting agreement shall give the other parent 30 days' notice of intention to vary or revoke the agreement.

(6) In any proceedings for the variation or revocation of a co-parenting agreement, the court shall take into consideration the assessment of the social worker on the implementation of the agreement in relation to the child.

(7) The place stated as the residence of a child under a co-parenting agreement shall be the permanent residence of the child, until the child is 10 years of age.

(8) Where the child referred to under subregulation 7 has reached the age of 10 years, the child shall be consulted whenever the parents or other persons are making any decision on the permanent residence or visitation period of the child.

Social worker to be assigned

8. (1) For purposes of the general well-being of a child, a social worker shall be assigned to observe and monitor the emotional well-being and general welfare of the child.

(2) The social worker shall make at least two visitations in three months and submit a quarterly report to the children's court on the progress of the co-parenting agreement, if any, and the well-being of the child.

(3) The visitations referred to under subregulation (2) shall continue even where the parents are staying in different districts.

Duty to keep privacy of child

9. A parent, relative or guardian of a child shall keep any confidential information of, or about the child from the public.

Assessment of child with disability

10. (1) A parent, a person with the care and custody of a child or a guardian of a child with disability shall facilitate the referral of the child to appropriate authorities to assess the child's strength and limitations in order to identify ---

(a) the child's needs for formal or informal education;

(b) the special needs and requirements of the child; and

(c) any required social or other interventions to enable the child to live a comfortable life

(2) A parent, a person with the care and custody or a guardian of a child with disability shall take steps and encourage the child to meet with other children and adults with similar or other disabilities and those who have successfully overcome their disabilities.

(3) A parent, a person with the care and custody or a guardian of a child with disability shall have the responsibility to refer the child to the appropriate authorities for proper assessment and counselling, if necessary.

(4) A parent, a person with the care and custody or a guardian who fails to refer or facilitate the referral of a child to the appropriate authority under subregulation (1) or (3), commits the offence of neglect under section 56 of the Act and is liable to the punishment provided under that section.

11. (1) A person engaged in any official child protection role and a social worker in the district where refugee or displaced children reside shall ensure that the children have access to all available amenities and that their basic needs such as medical care, education, shelter, food, psychosocial support and protection from abuse and neglect are met.

Refugee and displaced children.

(2) The social worker referred to under subregulation (1), shall monitor and evaluate all programmes and services provided to refugee or displaced children in the district and compile a report on the progress for submission to the children's court.

#### PART IV — *Fostering of Children*

12. A care agreement referred to under section 51 of the Act shall be in Form 3 set out under the Schedule.

Form of care agreement

13. (1) A person who wishes to become a foster parent shall make an application in Form 4 set out under the Schedule.

Screening of foster parents

(2) An application to become a foster parent shall be accompanied by —

- (a) three character references, two of which shall be from persons of good standing in society;
- (b) a home study report from country of origin by an official child protection authority;
- (c) a medical certificate from a Government medical officer stating that the applicant does not —
  - (i) suffer from a chronic or terminal illness which would render such person unable to provide and care for the child, or
  - (ii) suffer from a communicable disease that poses a danger to the health of the child; and

(d) documentary proof that the applicant possesses sufficient means to maintain the child, if the child is to be placed under his or her care.

(3) A person may be a foster parent if —

- (a) upon being examined by a Government medical officer, he or she is found not to be addicted to alcohol or other drugs;
- (b) he or she has never been convicted of any criminal offence resulting from conduct which if repeated would make it unsafe for a child to live with that person;
- (c) he or she is at least 21 years:

Provided that a child in need of care may be placed in the custody of a person under the age of 21 years if the children's court finds it to be in the best interests of the child; and

(d) he or she is at least 15 years older than the child to be fostered:

Provided that where the children's court considers it to be in the best interests of the child, it may place the child under the care of a foster parent who is less than 15 years older than the child.

(4) Every person who applies to become a foster parent shall be assessed by a social welfare officer, who shall make an assessment as to whether the applicant would be a suitable foster parent.

14. (1) A foster parent shall safeguard and promote the welfare of a child under his or her care.

Duties of foster parents

(2) Without prejudice to the generality of subregulation (1), a foster parent shall provide education, health and medical care, food and clothing to a child under his or her care.

(3) A foster parent shall not act in any manner that is contrary to the best interest of the child placed under his or her care.

Non-citizen foster parents

15. (1) Where a foster parent is not a citizen of Botswana, he or she shall not keep in his or her possession, the birth certificate or the travel documents of the foster child.

(2) The birth certificate and the travel documents of a child who is under the care of a foster parent who is not a citizen of Botswana shall be kept by the Department.

Travel outside Botswana of child under care of foster parent to be reported

16. A person who wishes to travel outside Botswana with a child under his or her care shall obtain written authorisation from the Department and submit such authorisation to the children's court.

Disappearance of child under care of foster parent

17. Where a child under foster care disappears from a child welfare institution or the home of a foster parent, the manager of the institution or the foster parent, shall, within 24 hours of the disappearance of the child, report to the nearest police station or a social worker in the District which the child resides.

Social worker's report

18. The report made by a social worker in terms of section 74 regarding a child to be placed in foster care shall be in Form 5 set out under the Schedule.

Foster placement certificate

19. (1) The Minister may issue a foster placement certificate to a foster parent where the court makes an order placing a child in foster care.

(2) The foster placement certificate shall be in Form 6 set out under the Schedule.

#### PART V – *Child Abuse and Register of Child Abusers*

Rehabilitation of abused child

20. (1) A parent, a person with the care and custody of a child or a guardian of a child or any other person who gets to know that a child is being abused, shall report the abuse to a social worker.

(2) The social worker shall ensure that the abused child is provided with psychotherapy services for at least one year.

(3) The social worker shall make monthly progress reports to the children's court on the response of the child to psychotherapy.

Programmes and rehabilitative measures

21. (1) For the purposes of facilitating the programmes and rehabilitative measures put in place by the Minister under section 54 of the Act, a social worker shall –

(a) take the history of abuse of a child and shall involve medical personnel and any other necessary expertise to minimise trauma in the child;

(b) make a comprehensive needs assessment and the extent of significant harm on the victim and other family members and thereafter shall provide counselling and parenting skills to the parent, guardian or care giver; and

(c) make monthly progress reports to the children's court on the abused child regarding the reconstruction and restructuring of the family for purposes of reintegration of the child into the family.

(2) The social worker shall, after an abused child has been reintegrated into his or her family –

(a) provide aftercare services to the child to ensure that there is no further psychological and emotional trauma; and

(b) arrange for medical follow-up in accordance with the instructions of the medical officer who first attended the child.

22. A parent, a person with the care and custody or a guardian who has abused a child shall not be permitted access to the child unless —

Access to  
abused child

- (a) the access is part of the programme and rehabilitative measures under regulation 21;
- (b) the child is given advance preparation and is of such age and maturity to give consent to see the parent, person with care and custody or guardian;
- (c) the social worker or any other child care person is present at the meeting; and
- (d) the child or a social worker in attendance can end the meeting any time.

23. (1) Upon the conviction of any person of an offence involving child abuse, the social worker handling the case shall register the child abuser in Form 7 set out under the Schedule.

Register of  
child abusers

(2) The form referred to under subregulation (1) shall be kept at all magistrates' courts and the High Court to ensure immediate registration of all offenders.

(3) The social worker handling the case shall forward the register of child abusers to the Director to update the register.

(4) A person who wishes to consult, inspect or make a copy of, or obtain an extract from the register shall pay a fee of P100.

(5) A child care institution wishing to engage the services of any person shall in Form 8 set out under the Schedule and upon payment of a fee of P50, confirm that the person's name is not in the register of child abusers.

(6) A child care institution which employs a child abuser in contravention of subregulation (5) shall have its licence revoked and where the institution is a government institution, the head of the institution shall be guilty of the offence of neglect of a child and liable to the penalties provided under section 56 of the Act.

24. (1) A person who has been registered in the register of child abusers may have his or her name removed from the register on application, in writing, to the Director —

Removal of  
name from  
register

- (a) after 10 years from the date of conviction; and
- (b) where the person has received and responded well to a defined therapeutic treatment from a social worker, psychologist or psychiatrist.

(2) A social worker, psychologist or psychiatrist who has treated a child abuser, shall compile a detailed report of the progress and response to treatment of the applicant under subregulation (1) for consideration by the Director.

#### PART VI — Probation Services

25. Subject to section 91 (2) of the Act, a person shall not be appointed a probation officer unless he or she is a holder of a bachelor's degree, having in its components, any of the following disciplines —

Qualifications  
of probation  
officer

- (a) social work;
- (b) psychology;
- (c) sociology; or
- (d) counselling.

Reports to court

26. (1) A probation officer shall, in the discharge of his or her functions under section 91 of the Act, investigate, assess the circumstances of the child and compile the following reports to the court —

- (a) social enquiry report, detailing the social background of the offender, family situation and circumstances, educational attainment, particulars of the present, previous violations, probation officer's diagnosis, intervention plan and recommendations;
- (b) pre-sentence report, detailing the offender's background, family history, economic background, criminal history, health status, educational background, employment status and recommended sentence and rehabilitation plan; and
- (c) probationer progress report, detailing community safety issues, offender accountability and interventions towards rehabilitation of the offender.

Visitations

27. The probation officer shall for the first three months of probation, visit the probationer at least twice a month and thereafter once every month depending on the conduct of the offender.

Revocation of probation order

28. The probation officer may, where he or she observes that the circumstances of the probationer have changed, make an application to the children's court to vary or revoke the probation order.

Settlement out of court, e.t.c.

29. Where a child has committed a minor civil offence or an offence against property, the value of which does not exceed P500, the case may be settled out of court if —

- (a) the complainant does not wish to take the case to court;
- (b) the child offender admits the offence and shows remorse;
- (c) the parent, other relative or guardian of the child is willing to compensate the aggrieved party;
- (d) the child is ready to go for mandatory counselling for one year to modify his or her behaviour; or
- (e) it is in the best interest of the child not to go through court proceedings.

#### PART VII — *Licensing and Operation of Child Welfare Institutions*

Application for licence to operate welfare institution

30. A person who wishes to operate a child welfare institution shall make an application for a licence to operate a child welfare institution in Form 9 set out under the Schedule.

Notice of requisition

31. The notice to be issued to the applicant by the licensing authority under section 100 of the Act requiring documents and other relevant evidence of compliance shall be in Form 10 set out under the Schedule.

Grant of licence

32. The licensing authority shall grant an applicant under regulation 30 a licence to operate a child welfare institution in Form 11 set out under the Schedule.

Board of management

33. (1) An institution established by the Minister for the reception of children under section 111 of the Act shall have a Board of management appointed by the Minister on the recommendation of the Local Authority responsible for the district or town in which the institution is established.

(2) The Board shall consist of not less than six and not more than nine members who shall hold office for three years and shall be eligible for reappointment for a further term of two years.

34. The Board shall be responsible for the operations and carry out the functions and duties of the institution in accordance with the provisions of the Act and these Regulations.

Functions of Board

35. (1) A person shall not be appointed as a member of the Board or be qualified to continue to hold office where the person —

Qualifications, removal and suspension of members

- (a) has in terms of a law in force in any country —
  - (i) been adjudged or otherwise declared bankrupt and has not been discharged, or
  - (ii) made an assignment to, arrangement or composition with his or her creditors, which has not been rescinded or set aside; or
- (b) has within the period of 10 years immediately preceding the date of his or her appointment, been convicted —
  - (i) of a criminal offence within Botswana, or
  - (ii) outside Botswana, of an offence which if committed in Botswana, would have been a criminal offence,

and sentenced by a court of competent jurisdiction to imprisonment for six months or more without the option of a fine, whether that sentence has been suspended or not, and for which he or she has not received a free pardon.

(2) The Minister may, in writing, suspend from office, a member of the Board against whom criminal proceedings are instituted for an offence in respect of which a sentence of imprisonment without the option of a fine may be imposed, and whilst that member is so suspended, he or she shall not carry out any duties under these Regulations or be entitled to any remuneration or allowances as a member of the Board.

(3) The Minister shall remove a member of the Board from office, if the member —

- (a) is absent without reasonable cause from three consecutive meetings of the Board of which he or she has had notice;
- (b) has been found to be physically or mentally incapable of performing his or her duties efficiently, and a medical doctor has issued a certificate to that effect;
- (c) contravenes the provisions of this Act or otherwise misconducts himself or herself to the detriment of the objectives of the Board; and
- (d) has been convicted of an offence under the Act or these Regulations, or under any other law for which he or she is sentenced to imprisonment for a term of six months or more without an option of a fine.

36. A member of the Board shall vacate his or her office and his or her office shall become vacant —

Vacation of office by members

- (a) if he or she becomes disqualified in terms of regulation 35 to hold office as a member of the Board;
- (b) if he or she is adjudged bankrupt or insolvent;
- (c) if he or she is absent from three consecutive meetings of the Board without reasonable excuse;
- (d) upon his or her death;
- (e) upon the expiry of such time as the Minister may specify in writing, notifying the member of his or her removal from office by the Minister;
- (f) upon the expiry of one month's notice, in writing to the Minister, of his or her intention to resign from office;

- (g) if he or she becomes mentally or physically incapable of performing his or her duties efficiently, and a medical doctor has issued a report to that effect;
- (h) if he or she is convicted of an offence under the Act or these Regulations for which he or she is sentenced to imprisonment for a term of six months or more without the option of a fine; or
- (i) if he or she is summarily dismissed by the Minister on the grounds of contravening the provisions of the Act or these Regulations.

Filling of  
vacancy

**37.** Where the office of a member becomes vacant before the expiry of the member's term of office, the Minister shall appoint another person in the place of the member who vacates office and that person shall hold office for the remaining period of the term of office of the vacating member:

Provided that where the remaining period in the member's term who has vacated office is less than six months, there shall be no need to appoint a replacement.

Remuneration  
and  
allowances

**38.** A member shall be paid such remuneration, travelling expenses and other expenses, incurred in connection with his or her services on the Board, if any, as the Minister may from time to time determine.

#### *PART VIII – Maintenance of Health Standards by Child Welfare Institutions*

Cleanliness

**39.** The management of a child welfare institution shall ensure that at all times a high standard of cleanliness and maintenance is established and kept in the institution.

First aid,  
sick bay and  
fire-fighting  
equipment

**40.** (1) A child welfare institution shall maintain a first aid box or cupboard containing adequate supply of dressings, bandages, sterilized cotton wool, adhesive plasters, disinfectants, safety pins and tourniquet to provide first aid treatment to children when required.

(2) A child welfare institution shall maintain a room equipped with a bed, mattress and clean linen in which a sick child may rest and be isolated from other children.

(3) A child welfare institution shall have fire-fighting equipment which shall be regularly inspected by the fire brigades in terms of the Fire Services Act.

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Medical care  
and treatment

**41.** (1) Medical care and treatment provided to a child in a child welfare institution shall be at the expense of the Government.

(2) A child in a child welfare institution shall participate in and benefit from all Government programmes for the protection of the child against diseases including measles, tuberculosis, diphtheria, pertussis, neonatal tetanus, poliomyelitis B and other diseases that the Ministry may from time to time determine.

(3) The Minister shall ensure that facilities are available to child welfare institutions for continuous medical check-up and the necessary medical support, including immunization and treatment of children and members of staff of the institution.

(4) The Ministry responsible for health shall, in relation to children under five years of age in child welfare institutions, provide technical health support and other health services on a 24 hour basis.

(5) The management of a child welfare institution shall ensure that any person suffering from a communicable disease within the institution, is immediately isolated from contact with other members of staff or children in the institution.

**42.** For the purposes of section 15 of the Act, the Minister may require any civil society or private sector organisation to provide medical care to a child in need of care where government owned institutions cannot provide the required medical services.

Private sector  
medical care

**43.** A person shall not smoke in the precincts of a child welfare institution and for that purpose, the management of such institution shall display a “No Smoking” notice, prominently on a white background, at the entrance to the institution.

Prohibition  
of smoking

**44.** (1) A child welfare institution shall provide in the kitchen adequate water, hygienic storage space for food, cutlery and suitable and hygienic crockery as well as detailed menu of food with a suitable balanced diet.

Kitchen  
facilities

(2) Where food is brought into the institution by children, suitable facilities for storage and refrigeration of the food shall be provided by the institution.

#### PART IX – *Miscellaneous Provisions*

**45.** A social worker shall make inspection visits to a child under foster care or institutional care to assess the well-being of the child and make a quarterly report to the children’s court and in the case of institutional care, a report shall be made every time the child is to visit a biological parent or guardian.

Report on  
foster care or  
institutional  
care situation

**46.** (1) For the purposes of section 12 (4) of the Act, the biological father of a child shall, within 60 days of the birth of the child, appear before the relevant authority for the endorsement of his name and address in the birth certificate of the child.

Endorsement  
of father’s  
name in birth  
certificate

(2) Where a person identified as the father of a child by the mother denies paternity, a DNA paternity test shall be conducted at the expense of the identified father and if the test proves his paternity, his name and address shall be endorsed in the birth certificate of the child.

(3) Where the identified father denying paternity fails to pay for the DNA paternity test he shall be deemed to be the father of the child until a DNA paternity test can prove otherwise.

(4) The name and address of the father of a child may not appear in the birth certificate of the child if the mother of the child cannot identify the father.

(5) A DNA paternity test shall be conducted to prove the paternity of a child where information as to the paternity of the child is provided by a relative or any person in any case, where –

- (a) the mother is mentally ill and cannot identify the father; or
- (b) the father is mentally ill and cannot accept or deny paternity of the child.

Assessing suitability of parent's partner

**47.** Where a biological parent of a child is married or getting married to another person or staying with another person who is not the biological parent of the child, that parent's partner or the person staying with the parent, shall be assessed by a social worker to ensure the safety and well-being of the child, if such partner is to stay with the child.

Death of parent

**48.** In case of the death of one of the parents of a child who have entered into a co-parenting agreement, a social worker shall carry out an assessment on the surviving parent or guardian to determine who shall be granted custody of the child.

Custody in case of divorce

**49.** Where parents of a child are divorced or preparing for a divorce, a social worker shall conduct an inquiry into the proceedings of the divorce and the parents and make a report to the children's court before a final decision of granting custody of the child is made.

Extra mural labour

**50.** A child in conflict with the law, who is pregnant or breast feeding, shall be considered for diversion as opposed to a prison term or extra mural labour for the remainder of the child's prison term if already sentenced.

Revocation of Cap. 28:04 (Sub. Leg.)

**51.** The Children in Need of Care Regulations are hereby revoked.

SCHEDULE  
FORM 1  
Code of Conduct  
(regulation 5)

I ..... (Name)

engaged by ..... (Name of organisation) hereby agree that I, as a service provider/worker, shall —

- (a) comply and advance the best interest of the child;
- (b) do no harm against any child under my protection;
- (c) maintain high professional standards consistent with my training and experiences;
- (d) ensure, whenever possible, that another adult is present when working with or in the proximity of children;
- (e) treat every child with respect;
- (f) avoid touching, fondling, rubbing or otherwise having inappropriate physical contact with any child;
- (g) refrain from using language that may harass, abuse, sexually provoke, demean, or in any way, be inappropriate for the dignity, development and good behaviour of the child;
- (h) refrain from engaging any child in any form of sexual acts or activity;
- (i) refrain from inviting any unaccompanied child into my home unless such a child is in immediate risk of injury;
- (j) obtain the permission of my supervisor before sleeping close to a child under my protection or supervision;
- (k) refrain from accessing pornography in any form;
- (l) refrain from physical punishment of a child under my protection;
- (m) refrain from hiring any child into my domestic or other harmful labour;
- (n) immediately report allegations, concerns of abuse, exploitation and neglect in accordance with procedures established under the Children's Act or any other law;
- (o) ensure that any photographs of any child taken and used by me, portray children in a dignified manner;
- (p) not engage in or accept any bribes, significant gifts, or any form of gratification that may be offered as a result of, or incentive for my services related to the protection of the child under my care;
- (q) not consume alcohol or other intoxicating substances that may adversely affect sound judgment when working with children;
- (r) not possess, sell, profit or otherwise deal in illegal goods and substances; and
- (s) respect the confidentiality and privacy of children and adults I work with and any person whose personal information I may come across in my work as a service provider/worker.

I understand that the onus is on me to exercise common sense and avoid a situation that could lead to suspicion that I, or my organisation may be involved in any child abuse, exploitation or neglect.

Signed: .....

Date: .....

FORM 2  
Co-Parenting Agreement  
(regulation 7)

**AGREEMENT BETWEEN:**

**Name of mother of child:** .....

Identity number.....

Level of education.....

Address: Postal.....

Residential.....

Telephone number, if any.....

Occupation.....

Employer, if any.....

Address of employer:

Postal.....

Telephone number.....

of the one part,

AND

**Name of father of child**.....

Identity number.....

Level of education.....

Address: Postal.....

Residential.....

Telephone number, if any.....

Occupation.....

Employer, if any.....

Address of employer: .....

Telephone number.....

HAVING REALISED that we concurrently have the responsibility to ensure that our child.....born on ..... day of ..... , is effectively nurtured and fully enjoys his/her rights, we do hereby agree as follows:

1. Purpose of agreement

- (a) The purpose of the Agreement is for us as parents, despite maintaining separate respective homes do agree to act jointly in the best interests of the child, in the maintenance and welfare of the said child.
- (b) In all decisions concerning the said child, we shall always ensure that, subject to the child's evolving capacities, the child's views and feelings, take primary consideration above our interests.

2. Child's residence

- (a) The child's home/place of residence shall be (provide points of agreement regarding the residence of the child):

.....  
.....  
.....  
.....

- (b) The child's choice of residence according to his/her evolving capacities (State the age or degree of maturity that will result in the respect by the parents of the child's choice to reside with one of the parents):

.....  
.....  
.....

3. Child's access to parents

Arrangements for the child's right for access to both parents is as stated hereunder (state details of arrangements):

.....  
.....  
.....

**4. Shared information**

**Nature of information to be shared by the co-parents is as follows (state the information to be shared and method of communication by the parents):**

.....  
.....  
.....  
.....

**5. Parental guidance**

**Arrangements for the overall upbringing and direction of the child are as follows (state details of arrangements):**

.....  
.....

**6. Education and maintenance**

**(a) The nature and type of school or schooling chosen for the child shall be (state the schools):**

.....  
.....  
.....

**(b) Financial and other contribution arrangements for the maintenance of the child are agreed as follows (state the proportion of contribution from each co-parent):**

.....  
.....  
.....

**7. Respect between parents**

**Agreed mutual respect and avoidance of denigration for each other is as stated hereunder (state agreed method of behaviour):**

.....  
.....  
.....

8. Death of one of the parents

If any of the parents dies during the subsistence of this agreement, the child shall be in the care of the living parent if, in the opinion of the social worker, this is in the best interests of the child.

9. Other matters

Any other issues that are agreed upon by the co-parents or recommended by the social worker (give all other matters agreed upon):

.....  
.....  
.....

10. Filing of Agreement

In confirmation of our commitment, we hereby file this Agreement with the children's court. (State the name of the Court):

.....  
.....

11. Reference in case of disagreement

This Agreement shall be the point of reference in any case of disagreement on any matter regarding the said child.

12. Interpretation of Agreement

Any dispute between the parents regarding the interpretation of this agreement shall be resolved by the Children's Court.

SIGNED this..... day of.....

.....  
(Name of first co-parent) (Signature of first co-parent)

.....  
(Name of second co-parent) (Signature of second co-parent)

In the presence of:

Name of witness: Signature and Date: Address of witness: ID No.

1. ....

2. ....

**FORM 3**  
**Care Agreement Form**  
*(regulation 12)*  
**(To be completed in Triplicate)**

This Agreement is made this ..... day of ..... in the year .....

Between

.....  
(Name of first parent/guardian/relative)

.....  
(Address of first parent/guardian/relative)

And

.....  
(Name of second parent/guardian/relative, if applicable)

.....  
(Address of second first/parent/guardian/relative)

And:

.....  
(Name of care giver person/institution)

.....  
(Address of care giver)

We state as follows:

1. This Agreement is in relation to.....  
(Name of the child) born on the ..... day of.....  
(state date).
2. This Agreement shall commence on the ..... day of ..... and end on  
the ..... day of..... (state dates).
3. This Agreement may be extended by mutual agreement with the leave of the children's  
court.
4. The child will be placed in the care of the said care giver, pursuant to the placement  
order made by the court (give the name of the court).....  
.....on the ..... day of .....

5. The location of the child's placement shall be.....  
 ..... (Physical address where child will reside)
6. The care giver shall not discriminate against the child as regards other children in the care giver's care.
7. The care provided to the child shall include, but not limited to, the parental responsibilities related to health, education, protection, guidance, psychological, emotional and general well-being of the child.
8. The care giver shall allow the parents/guardians and other designated relative of the child to have contact with the child at least.....  
 in every....., subject to the best interest of the child. (State the frequency of contact).
9. The care giver shall allow a social worker to visit the premises of the child's Placement and have contact with the child to assess the child's well-being.
10. The care giver and the parent(s)/guardian/relative shall cooperate in the periodic review of the child's placement as carried on by the social worker or any other officer or person designated by the Minister.
11. The care giver and parent(s)/guardian/relative shall ensure timely compliance with any instruction made under the authority of the Minister responsible for children's affairs.
12. Subject to the child's evolving capacities, the parent(s)/guardian/relative of the child and the care giver shall respect the child's views and shall terminate this Agreement if the child wishes to reside with his or her parent(s), guardian or relative who is willing to provide residence, care and maintenance of the child.

We have signed this Agreement this .....day of .....20.....

.....  
 (Name of first parent/guardian/relative) (Signature)

.....  
 (Name of second parent/guardian/relative, if applicable) (Signature)

.....  
 (Name of care giver) (Signature of/on behalf of, care giver)

Before me

.....  
 Commissioner of Oaths

**FORM 4**  
**Application to Foster a Child**  
*(regulation 13)*  
**(To be completed in Triplicate)**

**Part A – Details of Application**

**Name of Applicant:**

.....

**Category of Applicant: (state whether husband and wife or person certified by court)**

.....

.....

.....

**Date(s) of Birth:**

.....

**Address of Applicant(s):**

.....

.....

.....

.....

**Occupation of Applicant(s):**

.....

**Applicant's source of income:**

.....

**Part B – Details of Foster child**

**Name of child:**

.....

**Date of birth:**

.....

**Sex of child:**

.....

**Name of father of child:** .....

**Address of father:**

.....

.....

.....

**Mother's name:** .....

**Address of mother:**

.....

.....

.....

.....



**FORM 5**  
**Social Worker's Report**  
*(regulation 18)*

**1. Details of Social Worker:**

**Name of Social Worker:** .....

**Organisation/Registered NGO/Government Department Address:**

.....  
.....

**2. Assessment of the well-being of the child:**

**Name of child:** ..... **Date of birth:** .....

**Physical, Social and Psychological well-being of the child:**

.....  
.....  
.....  
.....

**3. General background of the child:**

**Home environment (Including cultural, religious and language and background)**

.....  
.....  
.....  
.....

**School records:**

.....  
.....  
.....  
.....

**Assessment of the suitability of prospective foster parent(s):**

**Name(s) of prospective foster parent(s):**

.....  
.....  
.....  
.....

**Suitability to provide for the child:**

.....  
.....  
.....  
.....

**Suitability to protect the child:**

.....  
.....  
.....  
.....

**Suitability to advance the education and general well-being of the child:**

.....  
.....  
.....  
.....

**Suitability to provide residential environment:**

.....  
.....  
.....  
.....

**Number of other children residing in prospective environment:**

.....  
.....  
.....  
.....

**Number of children under care of foster parent(s):**

.....  
.....  
.....  
.....

**5. Overall recommendation:**

**In view of the reasons noted above, I (tick the appropriate and complete)**

**(a) recommend that the Applicant(s) be allowed to foster the child for a period of**  
..... **(state period)**

**(b) Recommend that the Applicant(s) be not allowed to foster the child.**

**Signature** .....

**Name** .....

**Designation** .....

**Organisation**.....

**Date and Stamp**.....

**FORM 6**  
**Foster Placement Certificate**  
*(regulation 19)*

I hereby certify that:

(a) ..... (Husband)

and

(b) ..... (Wife)

Or

(c) ..... (other foster parent)

Are/is the foster parent(s) of the child named as.....

.....and aged.....

from the.....day of.....in the year.....as

per court order dated.....

Dated this.....day of.....in the year.....

.....  
Minister responsible for Children's Affairs

**FORM 7**  
**Abuser's Register**  
*(regulation 23 (1))*

**1. Bio-Data:**

Surname..... Identity/Passport No. ....

Other Name(s)..... Sex .....

Date of Birth...../...../..... Place of Residence.....

Place of Birth..... Marital Status.....

Next of Kin.....

Occupation.....

Place of Work.....

**2. Conviction Record:**

**a. Previous conviction:**

Date when convicted.....

Reasons for conviction.....

.....

.....

.....

Country and place of conviction.....

**b. Current conviction:**

Date when convicted.....

Reasons for conviction.....

.....

.....

.....

.....

Country and place of conviction.....

Working with child care institution? Yes/No.....

If yes explain .....

.....

Relationship to abused child:

.....

After effects of the act on abused child:

.....

.....

.....

.....

Abuser's name.....

Signature.....

Date.....

Social worker handling the case.....

Signature.....

Date.....

Registrar of Children's court.....

Signature.....

Date.....

Director.....

Signature.....

Date.....

**FORM 8**  
**Clearance Form for New Employee in Child Welfare Institution**  
*(regulation 23 (5))*

Name.....

Other Name(s).....

Identity/Passport No.....

Date of Birth...../...../.....

Sex.....

Place of Birth.....

Place of Residence.....

Next of Kin.....

Marital Status.....

Relationship with next of kin.....

.....

Profession.....

Address and Name of employer/training institution in the past five years

.....

Position(s) held.....

Current employer (if any).....

.....

Position.....

Previous conviction(s).....

Details of conviction.....

.....

Name of Applicant.....

Signature.....

Name of Employer.....

.....

Signature of Director

.....

Stamp

**FORM 9**  
**Application for a Licence to Operate a Child Welfare Institution**  
*(regulation 30)*

1. I, ..... (Name of Applicant)  
of..... (Address) do hereby  
apply for a licence to operate a welfare institution known as  
..... (Name of Institution), for the care of children.
2. The address of the Institution is.....  
.....  
..... (State official address)
3. I have not been convicted of any offence involving neglect, exploitation or abuse of any child in the past two years.
4. I plan to have ..... (give number) children placed in the said institution.
5. I have sufficient funds to maintain the stated number of children and manage the institution and I hereby attach a certified copy of a statement of account, by an independent auditor(s) certifying the adequacy of my personal/institutional financial capacity.
6. In my employment or in that of the institution, there is no person who has been convicted of any offence involving neglect, exploitation or abuse of any child in the past two years; and no such person shall be employed or associated with the management or operation of the institution during its existence.
7. I, undertake to ensure that:
  - (a) the management and operations of the institution has as its primary consideration, the advancement of the best interests of the children in its care;
  - (b) no child is discriminated against on the basis of sex, colour, religion, origin or ethnicity in the institution;
  - (c) every child under the care of the institution, subject to his or her evolving capabilities, participates in all decisions that may affect him or her;
  - (d) every child in the institution is treated with respect and dignity;
  - (e) every child under the care of the Institution has his or her needs met as holistically as possible.

.....  
Name

.....  
Signature

**FORM 10**  
**Notice of Requisition**  
*(regulation 31)*

Whilst ..... (Name of Applicant)  
has applied for a licence or renewal of a licence to operate a child welfare institution  
under the Act, you are hereby required to produce to the licensing authority for the  
assessment of the said application, the following documents or type of evidence within  
seven days hereof or on the ..... day of ..... in  
the year.....:

- (a) .....
- (b) .....
- (c) .....
- (d) .....
- (e) .....

(List the documents or type of evidence)

You are required to present the documents or evidence in person

**Or**

You are required to send the documents or evidence to the following address:

.....  
.....  
.....

Dated this..... day of..... in the year.....

.....

**For Licensing Authority**

FORM 11  
Licence to Operate a Child Welfare Institution  
(*regulation 31*)

Mr/Ms/Messrs..... (Name) is  
hereby licensed to operate a welfare institution known as.....  
..... from ..... day of..... in the  
year .....for a period of.....(State the period) from the  
date hereof, subject to the Act and any other law in force.

.....  
Licensing Authority

MADE this 9th day of February, 2015.

SLUMBER TSOGWANE,  
*Minister of Local Government  
and Rural Development.*