

“Everyone has the right to administrative action that is lawful, reasonable and procedurally fair.”

Section 33 of the South African Constitution

For any enquiries about grants, phone the **SASSA helpline number: 0800 601 011**

If you are having difficulty with your grant, **contact the Black Sash HELPLINE for FREE paralegal support and advice:**

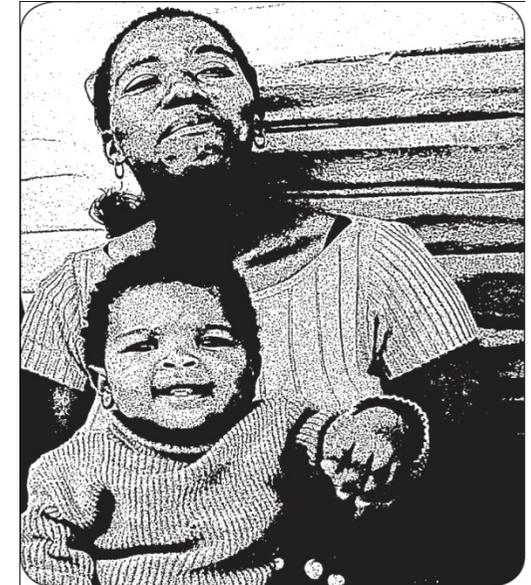


072-66 33 739
help@blacksash.org.za

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YOU AND YOUR RIGHTS

Black Sash Alert: The Foster care Crises in South Africa



BLACKSASH
MAKING HUMAN RIGHTS REAL

YOU AND YOUR RIGHTS

Black Sash Alert: The Foster care Crises in South Africa

The Foster Care crises

The foster care system, social workers and courts, have been **overburdened** for a very long time, and are not the appropriate vehicle to support millions of orphans cared for by grandmothers and siblings. More than two thirds of these orphans are living in poverty and are therefore in need of an adequate social grant.

Nearly 1, 6 million children do not have a living biological mother. If paternal orphans are included we reach a staggering 3, 9 million orphans in South Africa. According to SASSA only about 544 000 children have been placed formally into foster care and receive the FCG.

The foster care system is designed to cope with approximately 50 000 children at risk of abuse, neglect or exploitation; not millions of children in need of income support.

The South Gauteng High Court case: **SS v The Presiding officer (Krugersdorp), Minister of Social Development and others (A3056/11)**

The Centre for Child Law assisted SS, a minor living with her aunt and uncle, to appeal the decision by a children's court not to grant a foster care order.

The High Court determined that while poverty stricken aunts and uncles caring for orphans can apply for the Foster Child Grant, poor grandparents or adult siblings caring for orphans will not automatically qualify for the Foster Child Grant.

This judgment will eventually hamper grandmothers accessing the Foster Child Grant. Poor grandparents or adult siblings caring for orphans will continue to struggle to qualify for the Foster Child Grant.

The Foster Child Grant (R770 per month) is bread and butter protection for grandparents who take on the responsibility for orphaned children in families which are mostly already desperately poor.

As a result of the judgment grandparents will only be able to access the Child Support Grant (R280 per month) which is almost three times less than the Foster Child Grant. This is unless an appropriate solution is found.

The Black Sash calls on government to;

- Ensure that the constitutional right to social assistance is realized.
- Ensure immediate adequate material support for grandmothers and siblings caring for children that have been orphaned or abandoned.
- Not be regressive and erode or undermine the rights that these relatives have enjoyed up until now to access material support in the equivalent amount to the FCG.
- Ensure access to appropriate and effective psycho- social and other support services that each child and caregiver may require.
- Ensure the recognition of the legal relationship between these relatives and the children and the provision of official documents to this effect.
- Ensure the assistance is delivered through a system which is simple, efficient and effective.
- Provide relief to the child protection system for children in real need of the child protection system.