

Title

Challenges compounding foster care services in the Limpopo Department of Social Development, South Africa

Eric Mamukeyani, School of Health Care Sciences, Public Health Department, University of Limpopo. Work address: Luckau One Stop Centre, Limpopo Department of Social Development. South Africa. ericmamukeyani@gmail.com.

Abstract

Pre-Trial Diversion services by juvenile offenders from high density suburbs in Zimbabwe. Foster care as an alternative placement for children in need of care and protection comes with innumerable challenges in the Department of Social Development (DSD). This paper uses a scoping literature review method to discuss the challenges of foster care services in Limpopo DSD. Literature on foster care was perused, analysed and derived into two major themes which constituted the discussion of this paper; namely administration challenges such as backlog, ineffectiveness of newspaper advertisement, and CSG top-up; human resource challenges such as inadequate supervision/management and low morale and burnt-out of social workers. This paper suggests practical and possible ways in which the situation could be remedied, such as amending the newspaper advertisement regulation in the Children's Act 38 of 2005 and capacitating social work managers and supervisors to be effective in supporting social workers underground to improve their performance.

Key words

Challenges, Foster care, Limpopo, Pre-Trial Diversion, South Africa

Key dates

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Introduction

Foster care is a very common legal placement method in South Africa for orphaned and vulnerable children. The children placed in foster care are given a social grant which is meant to meet their basic needs. Though foster care placement is intended to offer protection, family and proper upbringing to orphaned and vulnerable children in South Africa, it is clear that the system faces mounting challenges which prevent it from reaching its intended goals. The challenges include the accumulation of office backlogs, ineffectiveness of newspaper advertisements, inadequate supervision and management, and low working morale and burnout of social workers. These challenges complicate and delay the process of progressing even further in the Limpopo Department of Social Development. Thus, this paper contains the foster care background, overview of the foster care system, the challenges and conclusion.

Background

Overview of foster care system in South Africa

Foster care refers to a temporal legal placement of a child in need of care and protection (Gudula-Koyana, & Khanye, 2019). The child is placed with a suitable person who is not the biological parent of the child, commonly relatives. According to Masha and Botha (2021), 423 887 children were placed in foster care in 2019 in the United States of America (USA), and 65 000, in the United Kingdom (UK), in 2020, and by the end of December 2020, 216 174 children in South Africa had received the foster care grant.

According to Delany, Jehoma, & Lake (2016), children should meet the criteria of Section 150(1) (a) of the Children's Act 38 of 2005 of being orphaned without visible means of support to qualify for foster care as it has always been. DSD is the mandated department to place children in foster care, whereby social workers are expected to identify children in need of care and protection, assess them, screen prospective foster parents for eligibility, prepare and present reports to the children's court, submit court orders to South African Social Security Agency (SASSA) offices for processing of grants and also monitoring and supervising of placements. Meanwhile, the Children's Court is the arbiter of children's matters, after receiving the report by a social worker in opening the children's court inquiry, it would therefore issue a valid court order to be later submitted to SASSA to start paying the grant. The grant will be paid until the child reaches the age of 18, but it can continue until a child reaches 21 if social workers apply for the extension in terms of Section 176 as long as they are in school (Manthonsi & Carelse, 2022).

Eligibility of foster care

According to Section 150(1) of the Children's Act 38 of 2005, there are plausible circumstances in which a child can

be found in need of care and protection. In fact, there are a variety of reasons that children have to be placed in foster care such as child abandonment and neglect, being orphaned without any visible means of support, children experiencing abuse, or parents being unable to take care of them (Anderson & Ross, 2016). All these circumstances make children eligible and qualify for foster care placement or adoption as an alternative care placement. Specifically, sub-section (3) instructs social workers to do everything in their power to identify children in need of care and protection as well as follow the necessary process to assess and determine the intervention strategy to assist the children (Mamukeyani, 2021).

According to Section 182 of the Children's Act 38 of 2005, a person who is interested in being a foster parent of the qualifying child must be properly screened and assessed by the social worker for fitness for the role. According to this Section, the prospective foster parent has to meet the following criteria: being proper and fit to undertake foster care roles, indicating willingness and interest to take care of the child and being capable to do so (Ntsongwana & Tanga, 2018). After establishing and confirming all these, a social worker can continue with the process of foster care application (Dube, 2021).

Purpose of foster care

According to Section 181 (a -c) of the Children's Act 38 of 2005, the purpose of foster care is to protect and nurture children by providing a safe and healthy environment with positive support (Delay, Jehoma, & Lake, 2016). In fact, the goal of foster care is to provide a legally secured family for a child in need of care and protection which will meet the child's basic needs essential for his or her growth and development in terms of emotional, physical, and psychological wellbeing. Parenthetically, it provides stability in a child's life which helps to nurture his or her self-identity and self-concept significant for the child's behavior (Proudlock, 2014).

The notion of Ubuntu African philosophy in foster care, South Africa

According to Van Breda (2019), the Ubuntu African theory is an African philosophy which originated among the Bantu-speaking people which simply refers to characteristics such as humanness, kindness, love, compassion, and moral values. It comes from the Isizulu phrase which says *Umuntu ngumuntu ngabantu*, additionally, *munhu I munhu hi vanhwani (Xitsonga)* and *muthu ndi muthu nga vhathu (Tshivhenda)* which simply means a person is a person through other people, emphasizing the idea of collaboration and solidarity.

In foster care, African values and cultural notions do influence the perceptions of foster parents and outcomes of foster care placement in South Africa. In fact, foster parents and families hold on to the notion that no child can be

homeless in Africa while they are still alive. Parenthetically, it is presumed that no man or woman who believes in cultural values and morals would allow a child to be an orphan and be removed from families; hence many African grannies and aunts are mostly the ones taking care of foster children (Roux, Bungane, & Strydom, 2010). Furthermore, caring for someone else's child in an African context is not viewed as a burden by foster parents, but an automatic role usually because foster parents are grandparents of the children in question. In fact, taking care of foster children is common in Africa, whereby children belong to their foster parents as much as to their parents (Ntsongwana, & Tanga, 2018). This helps social workers not have to remove children all the time and place them in alternative care because their immediate families are there to take responsibility.

2.3 The Legal framework in respect of foster care services

The Convention on the Rights of the Child (CRC, 1989)

According to the Convention on the Rights of the Child (CRC, 1989) in terms of Article 3(1), all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration. This article binds all organizations and organs of state internationally that every service provided to the child or decision should be based on the interests of the children. Therefore, social workers always observe the best interests of children when providing foster care services (Gudula-Koyana, & Khanya, 2019).

The Constitution of South Africa

Foster care placement is in line with Section 28(1) (b) of the Constitution of the Republic of South Africa, which stresses that every child has the right to family care or parental care or to appropriate alternative care if removed from the family environment. Now this means that a needy child qualifies to be placed in foster care or adoption if has no parents or has been abandoned (Fortune, 2016).

Children's Act (No.38 of 2005)

According to Mamukeyani, (2021), the Children's Act 38 of 2005 comes as an expansion of Section 28 of the Constitution of the Republic of South Africa, also an adjustment of the Childcare Act 74 of 1983. However, it seems the Childcare Act was not adequately addressing all matters of children correctly hence there was a need for the Children's Act to be developed. Foster care is rooted in Section 180 (1), that a child should be placed in foster care as a result of a court order of a Children's Court or as a transfer from alternative care as ordered by a provincial head of the Department of Social Development in terms of Section 171 (Delay, Jehoma, & Lake, 2016).

Methodology

The researcher used a scoping literature review method to write this paper where published literature was searched from various databases retrieved and perused such as Google Scholar, and African Social Work Network (ASWNet). This resulted in the retrieval of studies and articles about foster care which met the inclusion criteria. African literature was prioritized in the selection of studies related to foster care. The following articles by Center for Child Law (2020), Delay, Jehoma, and Lake (2016), Chauke (2018), Fortune (2016), Khanyi and Malesa (2021), Makwela (2015), Mavungu, Thomson-de Boor and Maphaka (2016), Mokoka (2016), Ntsongwana and Tanga (2022), VanBreda (2019), Yell (2019), and Thidobedu (2013). These articles were perused, and key points of discussion were derived and made into two main themes and subsequently sub-themes.

Matlala (2023) detailed the following steps which the researcher followed in developing the themes; formulate a title of the chapter: Challenges compounding foster care services in the Limpopo Department of Social Development, South Africa, Identify keywords: Keywords relevant to the topic are important to locate literature, and can be identified through literature, brain-storming or mind maps, Database search - the keywords such as foster care, social worker, and, challenges were searched on Google and Google Scholar were articles were retrieve, and Data synthesis – articles were perused and themes and sub-themes were derived.

Findings and Discussion

Summary of themes and sub-themes

Theme 1. Administrative challenges

- Backlog of foster care cases
- The ineffectiveness of newspaper advertisement
- CSG top-up

Theme 2. Human resource challenges

- Inadequate supervision and management
- Low working morale of social workers

Theme 1: Administrative challenges

Backlog of foster care cases

Foster care backlog refers to the foster care lapsed cases that were due for review but were never reviewed (Breen, 2015). This has been a daunting problem for the Department of Social Development (DSD), with cases lapsing and never getting reviewed in time. The lapsed foster care court orders culminated in a huge backlog crisis burdening the DSD. Mokgalapa and Rapholo (2021) indicated that there has been an ongoing accumulation of lapsed court orders affecting vulnerable children and also causing unbearable strain to social workers to have to review them all the time. These authors further outlined several challenges that contribute to the accumulation of foster care backlog in the Limpopo Department of Social Development, such as the shortage of

social workers, the tedious delays of the children's courts to place children, the shortage of working tools, and lack of cooperation from clients. A similar study by Yell (2019), found that offices accumulate a tremendous amount of backlog, which complicates service delivery and inconveniences clients.

The foster care backlog crisis started in 2010 when the Children's Act 38 of 2005 came into full operation. After it was realized that the backlog harmed over 123,000 children, a big crisis started to emerge because the grants could not be paid to children anymore due to lapsed court orders. As a result, the Centre for Child Law brought an urgent application to the North Gauteng High Court against DSD, whereby a court order was granted ordering DSD to resolve the backlog crisis and also declaring the lapsed and lapsing order valid until such time backlog could be completely resolved. Since then, several extensions of court orders were granted following the first one in 2011 to allow SASSA payments to continue whilst DSD was busy resolving the backlog crisis. DSD has been working on a comprehensive legal solution to the foster care crisis which they failed until 2019 when a proposed Amendment Bill for Social Assistance Act 13 of 2004 was designed. The new Amendment Bill was believed to bring some sort of relief to the foster care system in the country (Center for Child Law, 2020).

According to the Parliamentary Monitoring Group (2021), a meeting was held on the 16th of April 2021 to discuss the progress whereby various challenges were presented by the departmental heads of various provinces. At that time there were approximately 80 332 lapsed court orders whereby the overall progress made by the end of February 2021 was only 35 962 with a deviation of 38 113 foster care orders carried over to March 2021 in the entire country. Regarding Limpopo DSD, it was presented that the foster care backlog progress on the orders was due to lapse between April and June 2021 and had been extended to 31 March 2021. It was indicated that the provincial target was 84 with 17 Section 159s and zero progress on Section 186s whereby there was a deviation of 67 cases. The common challenges presented included a delay in accessing unabridged certificates, COVID-19 lockdown, and a shortage of social workers and tools of trade. All this exacerbated a further delay in resolving the foster care backlog. In other words, there were still many backlog cases that had not been finalized.

The ineffectiveness of newspaper advertisement

According to Mavungu, Thomson-de Boor, & Phaka (2016), South Africa has an exceptionally high number of absent fathers with approximately half of the children in the country living without daily contact with their fathers. This situation, therefore, brings social and developmental challenges to the children as they grow without their father figure. Furthermore, the father's absence is compounded by varied factors such as materialist constructions of fatherhood and masculinity; socio-economic factors such as poverty and unemployment of fathers; cultural factors such as the cost of customary practices like "lobola" and "damages"; and relationship issues of various kinds.

In terms of Section 150 (1) of the Children's Act 38 of 2005, a child qualifies to need care and protection if he or she is an orphan (lost both parents) or has been abandoned without visible means of support. This means that if the social workers find a child to qualify to need care and protection, they open a Children's court inquiry and provide the necessary documentation to prove that the child is indeed orphaned by providing the death certificates of both parents. Dube (2021) pointed out that under many circumstances, children lost only their mothers through death and biological fathers are reported to be unknown. As a result, a child falls under the category of 'in need and care' meaning the child is both orphaned and abandoned by the father at the same. As a result of the mounting cases of unknown fathers, the courts began to dislike the explanation that the fathers are unknown by applicants, and it caused a huge problem to place a child merely on the reason that the father is unknown. Therefore, a requirement for an advertisement was mooted and came into effect as stipulated in Section 56 (1) of the Children's Act Regulations. This was meant to be an ideal proof that the biological father of a child has been sought and unsuccessfully traced.

It is imperative to note that the newspaper advertisement regulation is not only looking for biological parents of the child but anyone who might be interested in taking care of the child. Furthermore, sub-section (2), requires that the social worker satisfies the presiding officer that indeed the child has been abandoned and also provide a copy of the newspaper advertisement which proves that the biological parents or others who may be interested have been sought and that no person has claimed the responsibility of the child in question in terms of sub-section (b)(i).

It seems that the advertisement has not been effective in tracing particularly biological fathers. In fact, there is no evidence proving that it has been helpful in the process. Now it is evident that the advertisement is not working as intended, instead it caused unbearable delays to place children in foster care and also contributed enormously to the accumulation backlog of because of budgetary constraints in DSD. The second part of the problem is that the regulation is not specific as to what social workers should do upon finding the biological fathers during the process. In fact, it is not explicit as to whether social workers should terminate a foster child grant, or should the biological fathers be held accountable, what happens if some acknowledge paternity, but families deny them access, what about those who refuse to admit paternity at all, or those that are not employed and cannot financially maintain the children. It would be very helpful to social workers if there is a specific regulation outlining the procedure in dealing with such cases when the alleged biological fathers are found.

The child support grant top-up (CSG-TP)

Top-Up is an additional R240.00 unto the R480.00 of the Child support grant. It has been indicated that the children who qualify for this CSG-TP are orphans in terms of Section 150(1) of the Children's Act 38 of 2005. This means that they have to have lost both their parents and/or have been

abandoned. However, the clause “without any visible means of support” has been removed in the new amendment of the section because the cognizance is that families can take care of these children hence no foster care placement is required these days in these circumstances. The only time foster care would be granted is if there is a need to place the child on a child protection system such as if there is child abuse or neglect (Yell, 2019). So, in applying the CSG-TP the family member claiming that the other parent is not known should submit an affidavit from the police station indicating such or in some circumstances a social worker’s letter may be required (Department of Social Development, 2022).

It seems that the Child Support Grant Top-Up is regarded as a new DSD comprehensive legal solution to the foster care problem in South Africa, as it is stated that its goal is to bring relief to the DSD foster care workloads. The issue of CSG top-up came into existence in 2019 after it was proposed in the Amendment Bill for Social Assistance Act 13 of 2004 clause 4 insertion of Section 12A. The CSG top-up policy appears to be commendable in the sense that it appears to bring a new solution to the foster care system in South Africa and relieve the burden of social workers and DSD. This is clear because child rights organizations such as the Center for Child Law and Children’s Institute welcomed this intervention (Yell, 2019); however, there seems to be serious problems with this policy which were overlooked. For example, children may suffer because they will rely only on the old age grant of their grandmothers which is often very little as they would need financial support due to schooling. Once the elderly foster parents die, the child has no support whilst still schooling. For some children whose foster parents are not employed and are not receiving any grant, it is going to be very difficult for those children to continue with school after 18 years. This will increase school dropouts, crime, and unplanned pregnancies. This policy needs to be reworked in considering the interests of these children (Smit, 2020).

Theme 2 Human resource challenges

Inadequate/poor supervision and management

The study by Mokoka (2016) identified a huge weakness in supervision at DSD impeding service delivery. The challenges include a lack of support for social workers in dealing with day-to-day challenges, a high number of supervisees on one supervisor, political interference, supervisors not always accessible to social workers, supervisors not being empowered to perform their duties, and supervisors only concerned with quantity outputs rather than quality. It appears that the majority of supervisors are not skilled or competent enough to be able to assist their juniors in managing the workload. In agreement with the findings of an empirical study conducted by Chauke (2018) in Greater Giyani, there are numerous challenges to supervision, including a shortage of supervisors, and failure to adhere to the ratio of 1:10 stipulated in the Supervision framework (2012). Also, it appears that many social workers are not receiving enough support from their supervisors in terms of cases. Therefore, it can be conclusive that the shortage of supervisors and lack of helpful skills to provide support

affects the performance of social workers in their service delivery and kills their morale.

It is evident that the gap in both supervision and management in DSD is unfathomably huge to the extent that it hampers the effective performance of social workers. It appears that the dearth of leadership skills in many social work supervisors and managers leads to an unpalatable behavioural tendency to often nag, criticize, and scold social workers unnecessarily instead of offering support and encouragement. Interestingly, the study conducted by Mokoka (2016) recommended that supervisors should receive ongoing training and capacity building so that they learn how to supervise effectively and handle certain challenges that arise. The same was said by Engelbrecht (2016) that rigorous training in supervision is needed to enable supervisors competent and effective in assisting social workers in doing their job properly, this should also include social work managers being trained in effective leadership that will improve working morale and productivity.

Low working morale and burnt-out social workers

It has been observed that many social workers have lost passion in the field. It looks like they are demoralized and no longer enjoy doing their job. A study conducted by Makwela (2015) confirms that social workers working for DSD experience serious and tremendous burnout, which harms service delivery and clients. Khanyi and Malesa (2022) detailed the causes of low working morale and burnt-out in social workers such as agency pressures, excessive caseloads, increased paper workload, limited resources, poor organizational structures, role ambiguity, and intense contacts with clients, and poor supervision and management. According to the study conducted by Chauke (2018) in Greater Tzaneen, what also contributes to low working morale includes social workers not being compensated for using their resources when there are not enough tools of trade, inadequate salaries and remunerations, not being honoured or appreciated. It seems that many social workers want to leave the department because they are not happy. The leadership in DSD should be improved.

Conclusion

This paper discussed the challenges impeding the progress of foster care in Limpopo DSD which also bring an enormous obstacle to service delivery to the needy and vulnerable clients. This therefore means that it would be helpful if Limpopo DSD starts to pay careful attention to these challenges and takes remedial actions to resolve the foster care system problems that exist. Furthermore, this paper shows that the problems in the foster care system are not merely the shortage of tools of trade but also red tape, supervision and managerial disparities that exist. Therefore, it needs to be dealt with to improve service delivery and the morale of social workers. This paper was limited in discussing these challenges because it mainly relied on literature, therefore it is imperative that more research be conducted on this subject area to inform policy development

and adjustment in improving the social work services in the Department of Social Development.

Conflict of interest

There was no funding during the writing of this paper. There is no conflict of interest in this paper.

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