

**FORM 54**

**REJECTION OF AN APPLICATION FOR THE REGISTRATION / CONDITIONAL REGISTRATION /  
RENEWAL OF REGISTRATION OF A DROP-IN CENTRE**

(\* Delete which is not applicable)

(Regulation 93)

[SECTION 219 OF THE CHILDREN'S ACT 38 OF 2005]

Name of applicant: \_\_\_\_\_

Name of drop-in centre: \_\_\_\_\_

Physical address of drop-in centre: \_\_\_\_\_

Date of application: \_\_\_\_\_

The application has been refused for the following reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
PROVINCIAL HEAD OF SOCIAL DEVELOPMENT/

MUNICIPAL OFFICIAL

PROVINCE/ MUNICIPALITY: \_\_\_\_\_

DATE: \_\_\_\_\_

**FORM 55**  
**AGREEMENT BETWEEN PROVINCIAL HEAD OF SOCIAL DEVELOPMENT AND MUNICIPALITY IN TERMS OF**  
**(Regulation 96)**  
**[SECTION 225(2) OF THE CHILDREN'S ACT 38 OF 2005]**

I \_\_\_\_\_(full names)  
in my capacity as the Head of the Provincial Department of Social Development in the \_\_\_\_\_  
Province (name of the province) and duly authorized thereto

AND

I \_\_\_\_\_(full names) in  
my capacity as the Mayor of the \_\_\_\_\_  
(name of municipality) and duly authorized thereto

hereby agree that the functions contemplated in sections 217,218,219,220,221,222 and 224 (delete which is not applicable) of the Children's Amendment Act,2007 (Act No. 41 of 2007) be assigned to the Municipal Manager of the \_\_\_\_\_(name of municipality) with effect from-----  
\_\_\_\_\_(date)

SIGNED at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_

As Witnesses:

1. ....
2. ....

\_\_\_\_\_  
HEAD OF PROVINCIAL DEPARTMENT

SIGNED at .....on this .....day of .....

As Witnesses:

1. ....
2. ....

\_\_\_\_\_  
MAYOR

**FORM 56**

**AN APPEAL AGAINST  
A DECISION OF A PROVINCIAL HEAD OF SOCIAL DEVELOPMENT IN TERMS OF SECTION 223 OF THE ACT  
IN RESPECT OF A DROP-IN CENTRE  
(Regulation 97)  
[SECTION 223 OF THE CHILDREN'S ACT 38 OF 2005]**

Name of appellant: \_\_\_\_\_

Name of drop-in centre: \_\_\_\_\_

Physical address of drop-in centre: \_\_\_\_\_

This is appeal against a decision of the provincial head of social development of \_\_\_\_\_  
(Insert name of province) against the exercise of his or discretion in respect of a decision relating to:

| Indicate decision<br>against which this<br>appeal is lodged<br>(Indicate yes or no) | Grounds on which appeal is lodged                                      |
|-------------------------------------------------------------------------------------|------------------------------------------------------------------------|
|                                                                                     | Section 219: Consideration of application for registration             |
|                                                                                     | Section 219: Consideration of application for conditional registration |
|                                                                                     | Section 219: Consideration of application for renewal of registration  |
|                                                                                     | Section 220: Conditions on which registration was granted              |
|                                                                                     | Section 221: Cancellation of registration                              |
|                                                                                     | Other grounds of appeal                                                |

The reasons provided by the provincial head of social development for his or her decision are attached.

My reasons for appealing against the decision are attached.

\_\_\_\_\_  
APPLICANT / REGISTRATION HOLDER

\_\_\_\_\_  
DATE

**NOTE: The appeal must be lodged with the MEC for social development in the province where the decision was taken by the provincial head of social development.**

**FORM 57**

**AN APPEAL AGAINST A DECISION OF A MUNICIPAL OFFICIAL IN TERMS OF SECTION 225(6) OF THE ACT IN  
RESPECT OF A DROP-IN CENTRE  
(Regulation 97)  
[SECTION 225(6) OF THE CHILDREN'S ACT 38 OF 2005]**

Name of appellant: \_\_\_\_\_

Name of drop-in centre: \_\_\_\_\_

Physical address of drop-in centre: \_\_\_\_\_

This is appeal against a decision of municipal official of \_\_\_\_\_ (Insert name of municipality) against the exercise of his or discretion in respect of a decision relating to:

| Indicate decision against which this appeal is lodged (Indicate yes or no) | Grounds on which appeal is lodged<br>The sections stated below refers to the sections in respect of which functions have been assigned to a municipality in terms of section 225 of the Act |
|----------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                            | Section 219: Consideration of application for registration                                                                                                                                  |
|                                                                            | Section 219: Consideration of application for conditional registration                                                                                                                      |
|                                                                            | Section 219: Consideration of application for renewal of registration                                                                                                                       |
|                                                                            | Section 220: Conditions on which registration was granted                                                                                                                                   |
|                                                                            | Section 221: Cancellation of registration                                                                                                                                                   |
|                                                                            | Other grounds of appeal                                                                                                                                                                     |

The reasons provided by the municipal official for his or her decision are attached.

My reasons for appealing against the decision are attached.

\_\_\_\_\_  
APPLICANT / REGISTRATION HOLDER

\_\_\_\_\_  
DATE

**NOTE:** The appeal must be lodged with the municipal council of the municipality where the decision was taken.

**FORM 58**  
**APPLICATION FOR THE REGISTRATION OF AN ADOPTIVE PARENT**  
**(Regulation 98)**  
**[SECTION 232(4) OF THE CHILDREN'S ACT 38 of 2005]**

(A) **APPLICATION**

1. I \_\_\_\_\_ (full name)  
an adoption social worker hereby apply for the registration of a prospective adoptive parent(s).  
Place of employment: \_\_\_\_\_  
Registration number \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Telephone: \_\_\_\_\_  
Fax: \_\_\_\_\_  
E-mail: \_\_\_\_\_
  
2. I declare that I am in the process of matching prospective adoptive parents with an adoptable child.
  
3. I declare that the names of the prospective adoptive parent(s) \*does/do not appear in the National Register for Sex Offenders established by Chapter 6 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 or in Part B of the National Child Protection Register established by Part 2 of Chapter 7 of the Act.

(B) **PARTICULARS OF PROSPECTIVE ADOPTIVE PARENT(S)**

1. Date of birth: (1) \_\_\_\_\_ (2) \_\_\_\_\_
2. Identity number: (1) \_\_\_\_\_ (2) \_\_\_\_\_
3. Marital status: ☐ Joint applicants: Date of Marriage \_\_\_\_\_  
☐ Single applicant: \*unmarried/divorced/widow(er)/married to parent of child on: \_\_\_\_\_
4. Cultural group: (1) \_\_\_\_\_ (2) \_\_\_\_\_
5. Religious affiliation: (1) \_\_\_\_\_ (2) \_\_\_\_\_
6. Home language: \_\_\_\_\_
7. Province: \_\_\_\_\_
8. District: \_\_\_\_\_

PLEASE SEE REVERSE SIDE

REVERSE OF FORM 58

9. Are both applicants South African citizens?

|     |    |
|-----|----|
| Yes | No |
|-----|----|

If no, state –

(i) the nationality of: (1) \_\_\_\_\_  
(2) \_\_\_\_\_

(ii) \*whether the prospective adoptive parent(s) has/have applied for a certificate(s) of naturalization as a South African citizen(s):

|     |     |  |    |  |     |     |  |    |  |
|-----|-----|--|----|--|-----|-----|--|----|--|
| (1) | Yes |  | No |  | (2) | Yes |  | No |  |
|-----|-----|--|----|--|-----|-----|--|----|--|

(iii) whether or not proof of such application has been provided:

|     |     |  |    |  |     |     |  |    |  |
|-----|-----|--|----|--|-----|-----|--|----|--|
| (1) | Yes |  | No |  | (2) | Yes |  | No |  |
|-----|-----|--|----|--|-----|-----|--|----|--|

I DECLARE THAT the particulars set out in the statement above are true and correct to the best of \*my/our knowledge and belief.

(DATED) SIGNED at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

**Adoption social worker**

Insert an X in the appropriate and \*Delete whichever is not applicable

(C)

FOR OFFICIAL USE ONLY

The Director-General  
Department of Social Development  
Pretoria

Submission of an application for the registration as adoptive parent/parents together with the report of an adoption social worker for your consideration, please.

\_\_\_\_\_  
Adoption social worker

\_\_\_\_\_  
Initials and surname

Registration number: \_\_\_\_\_

Postal address: \_\_\_\_\_

\_\_\_\_\_  
Postal code: \_\_\_\_\_

Telephone number: Code: \_\_\_\_\_ Number: \_\_\_\_\_

Fax number : Code: \_\_\_\_\_ Number: \_\_\_\_\_

**FORM 59**

**APPLICATION FOR THE REGISTRATION OF AN ADOPTABLE CHILD**

**(Regulation 98)**

**[SECTION 232(5)(b) OF THE CHILDREN'S ACT 38 of 2005]**

**(A) APPLICATION**

1. I \_\_\_\_\_ (full name)  
an adoption social worker hereby apply for the registration of a child as an adoptable child.  
Place of employment: \_\_\_\_\_  
Registration number \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Telephone: \_\_\_\_\_  
Fax: \_\_\_\_\_  
E-mail: .....

**(B) PARTICULARS OF ADOPTABLE CHILD**

1. Full names and surname: \_\_\_\_\_
2. Date of birth: (1) \_\_\_\_\_
3. Identity number: (1) \_\_\_\_\_
4. Cultural group: (1) \_\_\_\_\_
5. Religious affiliation: (1) \_\_\_\_\_
6. Home language: \_\_\_\_\_
7. Province: \_\_\_\_\_
8. District: \_\_\_\_\_

PLEASE SEE REVERSE SIDE

**REVERSE OF FORM 59**

I **DECLARE THAT** the particulars set out in the statement above are true and correct to the best of \*my knowledge and belief.

SIGNED at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

\_\_\_\_\_  
**Adoption social worker**

(C)

**FOR OFFICIAL USE ONLY**

The Director-General  
Department of Social Development  
Pretoria

Submission of an application for the registration as an adoptable child for your consideration, please.

\_\_\_\_\_  
Adoption social worker

\_\_\_\_\_  
Initials and surname

Registration number: \_\_\_\_\_

Postal address: \_\_\_\_\_

\_\_\_\_\_  
Postal code: \_\_\_\_\_

Telephone number: Code: \_\_\_\_\_ Number: \_\_\_\_\_

Fax number : Code: \_\_\_\_\_ Number: \_\_\_\_\_



**FORM 60**  
**APPLICATION FOR THE ADOPTION OF A CHILD**  
**(Regulation 99)**  
**[SECTION 231(1) OF THE CHILDREN'S ACT 38 OF 2005]**

☐ Joint applicants complete (1) and (2) **NOTE** ☐ Single applicant completes (1)

TO THE CLERK OF THE CHILDREN'S COURT: \_\_\_\_\_

(A)

## APPLICATION

1. \*I/We (1) \_\_\_\_\_ (full name)  
(2) \_\_\_\_\_ (full name)  
residing at \_\_\_\_\_  
hereby apply for the adoption of \_\_\_\_\_  
(full names of the child)  
\_\_\_\_\_ (\*male/female), born at \_\_\_\_\_  
identity number \_\_\_\_\_, residing at \_\_\_\_\_

2. \*I/We request that -

- ☐ \*my/our identity not be disclosed to a parent or guardian of the child;
- ☐ \*if the order is granted, the surname \_\_\_\_\_
- \*be conferred on the child/be retained by the child;
- ☐ \*the parent's/guardian's consent be dispensed with for the following reasons: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

3. Notice has been taken that -

- (a) \*I/We may not give, undertake to give, receive or contract to receive any consideration, in cash or kind, in respect of the proposed adoption of the child, save as prescribed under the Social Work Act, 1978:
- (b) a parent may withdraw his/her consent to the adoption up to 60 days after having given such consent and that the application cannot be finalised before the expiry of this period;
- (c) a child who is 10 years or older, or under the age of 10 years, but of an age, maturity and stage of development to understand the implications of the withdrawal of such consent up to 60 days after having given such consent;
- (d) \*I/We may be required to restore custody of the child immediately in favour of the \*parent(s), \*guardian(s), supervising social worker or \*person(s) designated by the children's court upon withdrawal of such consent by a parent or by the child.

REVERSE OF FORM 60

(B) **FURTHER PARTICULARS OF APPLICANT(S)**

1. Date of birth: (1) \_\_\_\_\_ (2) \_\_\_\_\_
2. Identity number: (1) \_\_\_\_\_ (2) \_\_\_\_\_
3. Marital status: ☐ Joint applicants: Date of Marriage \_\_\_\_\_  
☐ Single applicant: \*unmarried/divorced/widow(er)/married to parent of child on: \_\_\_\_\_
4. Cultural group: (1) \_\_\_\_\_ (2) \_\_\_\_\_
5. Religious affiliation: (1) \_\_\_\_\_ (2) \_\_\_\_\_
6. Home language: \_\_\_\_\_
7. Is the applicant or are both applicants South African citizens? 

|     |    |
|-----|----|
| Yes | No |
|-----|----|

  
 If no, state –  
 (i) the nationality of: (1) \_\_\_\_\_ (2) \_\_\_\_\_  
 (ii) \*whether the applicant/either of the applicant(s) has/have applied for a certificate(s) of naturalization as a South African citizen(s):  
 (1) 

|     |    |
|-----|----|
| Yes | No |
|-----|----|

 (2) 

|     |    |
|-----|----|
| Yes | No |
|-----|----|

  
 (iii) whether or not proof of such application has been provided:  
 (1) 

|     |    |
|-----|----|
| Yes | No |
|-----|----|

 (2) 

|     |    |
|-----|----|
| Yes | No |
|-----|----|
8. \*Is the applicant/either of the applicants related to the child \*he/she/they wish(es) to adopt:  
 (1) 

|     |    |
|-----|----|
| Yes | No |
|-----|----|

 (2) 

|     |    |
|-----|----|
| Yes | No |
|-----|----|

  
 If so, what is the relationship?  
 (1) \_\_\_\_\_ (2) \_\_\_\_\_
9. \*Is the applicant/ether of the applicants in receipt of any allowance from the State in respect of the child?  
 (1) 

|     |    |
|-----|----|
| Yes | No |
|-----|----|

 (2) 

|     |    |
|-----|----|
| Yes | No |
|-----|----|

  
 If so, state type of allowance: \_\_\_\_\_ Reference number: \_\_\_\_\_  
 Name of beneficiary: \_\_\_\_\_

**\*I/WE DECLARE THAT** the particulars set out in the statement above are true and correct to the best of \*my/our knowledge and belief.

SIGNED at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_

**Applicant (1)**

**Applicant (2)**

**NOTE**

Please attach:

- (i) The original birth certificate or identity document of the child.
- (ii) A certified copy of the identity document of each applicant.
- (iii) Where (i) and (ii) are not available, a sworn statement by an adoption social worker.
- (iv) In the case of a foster child, the written statement of the foster parent(s) (**Form 41**).
- (v) Where applicable, the written consent of the parent(s) attested to before a commissioner.
- (vi) Where applicable, the written consent of the child attested to before a commissioner.
- (vii) Where the applicant(s) wish to receive the child into his/her/their custody, a report from an adoption social worker, that the applicant(s) is/are a potentially suitable prospective adoptive parent(s).

Insert an X in the appropriate block and \*Delete whichever is not applicable

**FORM 61**  
**CONSENT BY PARENT TO THE ADOPTION OF CHILD**  
**(Regulation 99)**  
**[SECTION 233 OF THE CHILDREN'S ACT 38 OF 2005]**

|             |                                                                                                                                                                                                    |
|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>NOTE</b> | <input type="checkbox"/> A separate form must be used for each child<br><input type="checkbox"/> Where the consent of both parents is required, a separate form should be completed by each parent |
|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

IN THE CHILDREN'S COURT FOR THE DISTRICT OF \_\_\_\_\_  
 HELD AT \_\_\_\_\_

**IN THE MATTER OF AN APPLICATION FOR THE ADOPTION OF A CHILD**

I, \_\_\_\_\_ (full name),  
 identity number \_\_\_\_\_, residing at \_\_\_\_\_

Being the \*father/mother of \_\_\_\_\_  
 (full name of child)

hereby voluntarily consent to the adoption of the said child by -

- ☐ (a) \_\_\_\_\_; or  
 (\*full name(s) or persons wishing to adopt the child)
- ☐ (b) a person or persons unknown to me

**FURTHER PARTICULARS OF PARENT**

My religious affiliation is \_\_\_\_\_ \*I am/I am not a South African citizen.

- |                                                                                                                       |                                                                             |
|-----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| <input type="checkbox"/> I am unmarried and have never been married before                                            | <input type="checkbox"/> I am married to the *mother/father of the child    |
| <input type="checkbox"/> I have never been married to the father of the child                                         | <input type="checkbox"/> I am divorced from the *mother/father of the child |
| <input type="checkbox"/> My present husband is not the father of the child who was born *prior to/during our marriage |                                                                             |
| <input type="checkbox"/> I am the *widow/er of the father/mother of the child                                         |                                                                             |

\_\_\_\_\_  
*Signature of \*father/mother*

SIGNED BEFORE ME after I have explained to the said \*father/mother the effect of an adoption order as set out in section 242 of the Act, and have informed \*him/her that -

- (i) \*he/she may withdraw this consent in writing before a presiding officer of the children's court at any time during a period of up to 60 days after having given this consent;
- (ii) \*he/she is not entitled to be present when the application for adoption is considered unless permission to be present has been obtained from the presiding officer of the children's court; and

\*he/she has intimated that \*he/she understands the legal consequences and requirements.

PLACE \_\_\_\_\_  
 DATE \_\_\_\_\_

\_\_\_\_\_  
*Presiding officer: Children's court*

Insert an X in appropriate block and \*Delete whichever is not applicable

REVERSE SIDE OF FORM 61

**NOTICE**

**A. PROHIBITED CONSIDERATION (IN TERMS OF SECTION 249 OF THE CHILDREN'S ACT, 2005)**

(1) No person may-

- (a) give or receive, or agree to give or receive, any consideration, in cash or in kind, for the adoption of a child in terms of Chapter 15 or Chapter 16; or
- (b) induce a person to give up a child for adoption in terms of Chapter 15 or Chapter 16.

(2) Subsection (1) does not apply to-

- (a) the biological mother of a child receiving compensation for-
  - (i) reasonable medical expenses incurred in connection with her pregnancy, birth of the child and follow-up treatment;
  - (ii) reasonable expenses incurred for counseling; or
  - (iii) any other prescribed expenses;
- (b) a lawyer, psychologist or other professional person receiving fees and expenses for services provided in connection with an adoption;
- (c) the Central Authority of the Republic contemplated in section 257 receiving prescribed fees;
- (d) a child protection organisation accredited in terms of section 251 to provide adoption services, receiving the prescribed fees;
- (e) a child protection organisation accredited to provide inter-country adoption services receiving the prescribed fees;
- (f) an organ of state; or
- (g) any other prescribed persons.

**B. EFFECT OF AN ADOPTION ORDER (IN TERMS OF SECTION 242 OF THE CHILDREN'S ACT, 2005)**

(1) Except when provided otherwise in the order or in a post-adoption agreement confirmed by the court an adoption order terminates-

- (a) all parental responsibilities and rights any person, including a parent, step-parent or partner in a domestic life partnership, had in respect of the child immediately before the adoption;
- (b) all claims to contact with the child by any family member of a person referred to in paragraph (a);
- (c) all rights and responsibilities the child had in respect of a person referred to in paragraph (a) or (b) immediately before the adoption; and
- (d) any previous order made in respect of the placement of the child.

(2) An adoption order-

- (a) confers full parental responsibilities and rights in respect of the adopted child upon the adoptive parent;
- (b) confers the surname of the adoptive parent on the adopted child, except when otherwise provided in the order;
- (c) does not permit any marriage or sexual intercourse between the child and any other person which would have been prohibited had the child not been adopted; and
- (d) does not affect any rights to property the child acquired before the adoption.

(3) An adopted child must for all purposes be regarded as the child of the adoptive parent and an adoptive parent must for all purposes be regarded as the parent of the adopted child.

**FORM 62**  
**CONSENT BY CHILD TO ADOPTION**  
**(Regulation 99)**  
**[SECTION 233 OF THE CHILDREN'S ACT 38 OF 2005]**

IN THE CHILDREN'S COURT FOR THE DISTRICT OF \_\_\_\_\_  
 HELD AT \_\_\_\_\_

**IN THE MATTER OF AN APPLICATION FOR THE ADOPTION OF A CHILD**

I, \_\_\_\_\_  
 (full name and surname of child)

identity number \_\_\_\_\_ residing at \_\_\_\_\_

**HEREBY VOLUNTARILY CONSENT TO MY ADOPTION BY (1)** \_\_\_\_\_

and (2) \_\_\_\_\_  
 (full name(s) and surname of applicant(s))

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Signature of child*

**SIGNED BEFORE ME** after I have explained to the said child the legal consequences of the consent and of an adoption and after I have informed \*him/her that:

- (i) \*he/she may at any time withdraw the consent before the order of adoption is made by the children's court; and
- (ii) \*he/she is entitled to be present when the application for adoption is considered.  
 \*he/she has intimated that \*he/she understands the above.

\_\_\_\_\_  
*Place*

\_\_\_\_\_  
*Presiding officer: Children's court*

\_\_\_\_\_  
*Date*

\*Delete whichever is not applicable

**FORM 63**  
**CONSENT BY OTHER PERSON HOLDING GUARDIANSHIP TO THE ADOPTION OF A CHILD**  
**(Regulation 99)**  
**[SECTION 233 OF THE CHILDREN'S ACT 38 OF 2005]**

| NOTE                     |                                                                                                   |
|--------------------------|---------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> | A separate form must be used for each child                                                       |
| <input type="checkbox"/> | Where the consent of both parents is required, a separate form should be completed by each parent |

IN THE CHILDREN'S COURT FOR THE DISTRICT OF \_\_\_\_\_  
 HELD AT \_\_\_\_\_

**IN THE MATTER OF AN APPLICATION FOR THE ADOPTION OF A CHILD**

I, \_\_\_\_\_ (full name),  
 identity number \_\_\_\_\_, residing at \_\_\_\_\_

Being the \*guardian of \_\_\_\_\_  
 (full name of child)

hereby voluntarily consent to the adoption of the said child by -

- ☐ (a) \_\_\_\_\_; or  
 (\*full name(s) or persons wishing to adopt the child)
- ☐ (b) a person or persons unknown to me

**FURTHER PARTICULARS OF GUARDIAN**

My religious affiliation is \_\_\_\_\_ \*I am/I am not a South African citizen.

- |                                                                                                                                                                                                                                                     |                                                                                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> I am unmarried and have never been married before<br><input type="checkbox"/> I have never been married to the mother/father of the child<br><input type="checkbox"/> I am the *widow/er of the father/mother of the child | <input type="checkbox"/> I am married to the *mother/father of the child<br><input type="checkbox"/> I am divorced from the *mother/father of the child |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|

\_\_\_\_\_  
*Signature of \*guardian*

SIGNED BEFORE ME after I have explained to the said \*guardian the effect of an adoption order as set out in section 242 of the Act, and have informed \*him/her that -

- (iii) \*he/she may withdraw this consent in writing before a presiding officer of the children's court at any time during a period of up to 60 days after having given this consent;
- (iv) \*he/she is not entitled to be present when the application for adoption is considered unless permission to be present has been obtained from the presiding officer of the children's court; and

\*he/she has intimated that \*he/she understands the legal consequences and requirements.

PLACE \_\_\_\_\_

DATE \_\_\_\_\_

\_\_\_\_\_  
*Presiding officer: Children's court*

Insert an X in appropriate block and \*Delete whichever is not applicable

**PLEASE SEE REVERSE HEREOF**

**NOTICE**

**A. PROHIBITED CONSIDERATION (IN TERMS OF SECTION 249 OF THE CHILDREN'S ACT, 2005)**

(1) No person may-

- (a) give or receive, or agree to give or receive, any consideration, in cash or in kind, for the adoption of a child in terms of Chapter 15 or Chapter 16; or
- (b) induce a person to give up a child for adoption in terms of Chapter 15 or Chapter 16.

(2) Subsection (1) does not apply to-

- (a) the biological mother of a child receiving compensation for-
  - (i) reasonable medical expenses incurred in connection with her pregnancy, birth of the child and follow-up treatment;
  - (ii) reasonable expenses incurred for counseling; or
  - (iii) any other prescribed expenses;
- (b) a lawyer, psychologist or other professional person receiving fees and expenses for services provided in connection with an adoption;
- (c) the Central Authority of the Republic contemplated in section 257 receiving prescribed fees;
- (d) a child protection organisation accredited in terms of section 251 to provide adoption services, receiving the prescribed fees;
- (e) a child protection organisation accredited to provide inter-country adoption services receiving the prescribed fees;
- (f) an organ of state; or
- (g) any other prescribed persons.

**B. EFFECT OF AN ADOPTION ORDER (IN TERMS OF SECTION 242 OF THE CHILDREN'S ACT, 2005)**

(1) Except when provided otherwise in the order or in a post-adoption agreement confirmed by the court an adoption order terminates-

- (a) all parental responsibilities and rights any person, including a parent, step-parent or partner in a domestic life partnership, had in respect of the child immediately before the adoption;
- (b) all claims to contact with the child by any family member of a person referred to in paragraph (a);
- (c) all rights and responsibilities the child had in respect of a person referred to in paragraph (a) or (b) immediately before the adoption; and
- (d) any previous order made in respect of the placement of the child.

(2) An adoption order-

- (a) confers full parental responsibilities and rights in respect of the adopted child upon the adoptive parent;
- (b) confers the surname of the adoptive parent on the adopted child, except when otherwise provided in the order;
- (c) does not permit any marriage or sexual intercourse between the child and any other person which would have been prohibited had the child not been adopted; and
- (d) does not affect any rights to property the child acquired before the adoption.

(3) An adopted child must for all purposes be regarded as the child of the adoptive parent and an adoptive parent must for all purposes be regarded as the parent of the adopted child.



**FORM 64**  
**WITHDRAWAL OF CONSENT TO ADOPTION BY PARENT OR GUARDIAN OF CHILD**  
**(Regulation 102)**  
**[SECTION 233(8) OF THE CHILDREN'S ACT 38 OF 2005]**

TO: THE PRESIDING OFFICER  
 CHILDREN'S COURT

ADOPTION OF: \_\_\_\_\_

(full name of child)

BY: \_\_\_\_\_

\*(names of proposed adoptive parent(s)/person(s) unknown to me)

OF: \_\_\_\_\_

(district where application was made)

PLEASE TAKE NOTE THAT I, \_\_\_\_\_

OF \_\_\_\_\_

HEREBY WITHDRAW MY CONSENT TO THE ADOPTION OF THE AFOREMENTIONED CHILD WHICH CONSENT  
 WAS SIGNED BEFORE THE PRESIDING OFFICER, CHILDREN'S COURT AT \_\_\_\_\_ ON

SIGNED AT \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ at

\_\_\_\_\_  
 Signature of parent

RECEIPT ACKNOWLEDGED: \_\_\_\_\_

Presiding officer: Children's court

PLACE: \_\_\_\_\_

DATE: \_\_\_\_\_

**NOTE**

Should consent be withdrawn in a district other than the district in which consent was given or in which the application for adoption is to be heard, the presiding officer: children's court who attached the consent must be expeditiously notified of such withdrawal for his or her further attention.

\*Delete whichever is not applicable



**FORM 65**  
**WITHDRAWAL OF CONSENT BY CHILD TO ADOPTION**  
**(Regulation 102)**  
**[SECTION 233(8) OF THE CHILDREN'S ACT 38 OF 2005]**

THE CLERK OF THE CHILDREN'S COURT: \_\_\_\_\_

**IN THE MATTER OF AN APPLICATION FOR THE ADOPTION OF A CHILD**

I, \_\_\_\_\_  
 (full name and surname of child)

identity number \_\_\_\_\_ residing at \_\_\_\_\_

Hereby voluntarily withdraws my consent for my adoption by (1) \_\_\_\_\_

and (2) \_\_\_\_\_  
 (full name(s) and surname of applicant(s))

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Signature of child*

**SIGNED BEFORE ME** after I have explained to the said child the legal consequences of the withdrawal of consent for adoption and \*he/she has intimated that \*he/she understands the above.

\_\_\_\_\_  
*Place*

\_\_\_\_\_  
*Presiding officer: Children's court*

\_\_\_\_\_  
*Date*

\*Delete whichever is not applicable

**FORM 66**  
**POST ADOPTION AGREEMENT**  
**(Regulation 103)**  
**[SECTION 234 OF THE CHILDREN'S ACT 38 of 2005]**

TO THE CLERK OF THE CHILDREN'S COURT: \_\_\_\_\_

(A) **AGREEMENT**

\*I/We (1) \_\_\_\_\_ (full name)

(2) \_\_\_\_\_ (full name)

residing at \_\_\_\_\_

in the capacity as the prospective adoptive \*parent/parents

**AND**

\*I/We (1) \_\_\_\_\_ (full name)

(2) \_\_\_\_\_ (full name)

residing at \_\_\_\_\_

in the capacity as \*parent/guardian

**HEREBY**

**AGREE**, with the assistance of an adoption social worker who provided counseling, to the following arrangements as contemplated by section 234 of the Children's Act 38 of 2005

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Particulars of adoption social worker:

Registration number: \_\_\_\_\_

Organisation: \_\_\_\_\_

Name: \_\_\_\_\_

E-mail: \_\_\_\_\_

Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

1. \_\_\_\_\_

1. \_\_\_\_\_

2. \_\_\_\_\_  
 \*Prospective adoptive \*parent/parents

2. \_\_\_\_\_  
 \*Parent/parents/guardian

SIGNED at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\*Delete whichever is not applicable

PLEASE SEE REVERSE HEREOF

REVERSE SIDE OF FORM 66

(B) **FURTHER PARTICULARS OF PARTIES**

1. **Prospective adoptive \*parent/parents**

Postal address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_ Postal code: \_\_\_\_\_  
 Telephone numbers: Code: \_\_\_\_\_ Number: \_\_\_\_\_ (Office hours)  
 Code: \_\_\_\_\_ Number: \_\_\_\_\_ (Residence)  
 Mobile phone: \_\_\_\_\_

2. **Parent/parents/guardian**

Postal address: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_ Postal code: \_\_\_\_\_  
 Telephone numbers: Code: \_\_\_\_\_ Number: \_\_\_\_\_ (ffice hours)  
 Code: \_\_\_\_\_ Number: \_\_\_\_\_ (esidence)  
 Mobile phone: \_\_\_\_\_

(B) **CONSENT OF CHILD**

\*I, \_\_\_\_\_ (ull names) who stands to be adopted by the prospective adoptive \*parent/parents understands the terms of abovementioned agreement and hereby consent to the agreement.

\_\_\_\_\_  
 Child Date

\*I, \_\_\_\_\_ (full names), presiding officer: Children's court  
 \_\_\_\_\_ declares that the consent was singed and attested before me and that I have satisfied myself that the child is 10 years or older, or under the age of 10 years, but of an age, maturity and stage of development to understand the implications of the agreement.

\_\_\_\_\_  
 Presiding officer: Children's court Date

\*Delete whichever is not applicable

**FORM 67**  
**ORDER OF INTER-COUNTRY ADOPTION**  
**(Regulation 113)**  
**[SECTIONS 261(5) AND 262(5) OF THE CHILDREN'S ACT 38 OF 2005]**

IN THE CHILDREN'S COURT FOR THE DISTRICT OF \_\_\_\_\_  
 HELD AT \_\_\_\_\_

**IN THE MATTER OF AN APPLICATION FOR THE INTER-COUNTRY  
 ADOPTION OF**

\_\_\_\_\_ (full name of child)  
 identity number \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_  
 before \_\_\_\_\_, Presiding Officer of the  
 Children's Court.

**In the case of an inter-country adoption by a person living in a Hague Convention Country**

**THE COURT IS SATISFIED THAT: -**

- ☐ The adoption is in the best interests of the child;
- ☐ The child is in the Republic; and is not prevented from leaving the Republic;
- ☐ The arrangements for the adoption are in accordance with the Hague Convention;
- ☐ The Central Authority of the convention country, \_\_\_\_\_, has agreed to the adoption;
- ☐ The Central Authority of the Republic has agreed to the adoption;
- ☐ The name of the child has been in the RACAP for at least 60 days; and
- ☐ No fit and proper adoptive parent for the child is available in the republic.

**In the case of an inter-country adoption of a person living in a non-Hague Convention country**

**THE COURT IS SATISFIED THAT: -**

- ☐ The adoption is in the best interests of the child;
- ☐ The child is in the Republic; and is not prevented from leaving the Republic;
- ☐ The arrangements for the adoption are in accordance with the Hague Convention;
- ☐ The competent authority of the non-convention country, \_\_\_\_\_, has agreed to the adoption;
- ☐ The Central Authority has agreed to the adoption;

- ☐ The name of the child has been in the RACAP for at least 60 days; and
- ☐ No fit and proper adoptive parent for the child is available in the republic.

**IT IS ORDERED THAT**

\_\_\_\_\_ (full name of child)  
a \_\_\_\_\_ child, born on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_  
(gender)  
be and is hereby adopted by \_\_\_\_\_  
(full name)  
born on \_\_\_\_\_, identity number \_\_\_\_\_ \*and his/her spouse  
(full name)  
born on \_\_\_\_\_, identity number \_\_\_\_\_, in terms of and subject  
to the provisions of the Children's Act, 2005 (Act No. 38 of 2005).

**IT IS FURTHER ORDERED THAT**

the family name \_\_\_\_\_ \*be given to the child/be retained by the child.  
GIVEN at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_  
at \_\_\_\_\_ : \_\_\_\_\_ (time).

**Presiding Officer: Children's Court**

1. Date of registration of adoption \_\_\_\_\_
2. Adoption register number \_\_\_\_\_
3. Amendment of the birth register in terms of section 245 of the Children's Act, 2005 (ct No. 38 of 2005), may proceed.

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Registrar of Adoptions**

\*Delete whichever is not applicable