

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO**

**ADOPTION MATTERS
AMENDMENT BILL**

[B 80—98]

(As agreed to by the Portfolio Committee on Welfare (National Assembly))

[B 80A—98]

REPUBLIEK VAN SUID-AFRIKA

**PORTEFEULJEKOMITEE-AMENDEMENTE
OP**

**WYSIGINGSWETSONTWERP
OP
AANNEMINGSAANGELEENTHEDE**

[W 80—98]

(Soos goedgekeur deur die Portefeulekomitee oor Welsyn (Nasionale Vergadering))

[W 80A—98]

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AMENDMENTS AGREED TO

 ADOPTION MATTERS AMENDMENT BILL
 [B 80—98]

CLAUSE 1

1. On page 4, in line 3, to omit “love” and to substitute “sexual”.

CLAUSE 2

1. On page 4, from line 9, to omit subsection (5) and to substitute:

(5)(a) If a children’s court makes an order referred to in subsection (4), the clerk of the children’s court shall be responsible to request the [Legal Aid Board established under section 2 of the Legal Aid Act, 1969 (Act No. 22 of 1969)] legal aid officer in respect of the magisterial district concerned, to appoint a legal practitioner, [to represent the child] in accordance with the legal aid guide, determined by the Legal Aid Board, to represent the child.

(b) The Legal Aid Board, established under section 2 of the Legal Aid Act, 1969, is designated to provide legal representation at the expense of the State pursuant to an order made by the children’s court in terms of subsection (4).

2. On page 4, in line 32, to omit “made” and substitute “held”.
3. On page 4, in line 40, to omit “court” and substitute “legal aid officer”.
4. On page 4, i line 40, to omit “(4)” and substitute “(5)”.
5. On page 4, after line 41, to add the following paragraph:

(c) The order in terms of paragraph (a) shall be deemed to be an order as to costs in favour of and recoverable by the Legal Aid Board.

CLAUSE 4

1. On page 6, in line 2, to omit “woman, husband” and to substitute “[**husband**] person, spouse”.

CLAUSE 5

1. On page 6, in line 14, to omit “refused” and to substitute “failed”.
2. On page 6, in line 30, after “respond” to insert “within 14 days,”.

CLAUSE 6

1. On page 8, in line 11, to omit all the words after “father” up to and including “child” in line 12.

2. On page 8, after line 12, to insert the following subsection:

(3) A social worker referred to in subsection (2)(c) shall, in the event where he or she has obtained information of the identity and whereabouts of the natural father of the child concerned, submit a report to the children’s court of such information.

3. On page 8, after line 20, to add the following subsections:

(5) The notice referred to in subsection (1) shall not be required if the whereabouts of the parent to whom the notice is to be served are unknown.

(6) A parent who has given consent in terms of section 18(5) and wishes to have the other parent’s consent dispensed with in terms of section 19, shall inform the Commissioner upon attestation of his or her consent, accordingly.

(7) The Commissioner referred to in subsection (6) shall forthwith issue the father of the child concerned with the notice contemplated in subsection (1), and such father may, if he wishes, acknowledge himself as the father of the child in terms of section 10 or 11 of the Births and Deaths Registration Act, 1992.

(8) A father of a child born out of wedlock contemplated in subsection (2)(b) or (c) shall within a period of 14 days of notification contemplated in subsection (1), cause an amendment to be effected to the registration of birth of his child in terms of section 11(4) of the Births and Deaths Registration Act, 1992, if the mother of the child has consented to such amendment.

(9) Where, in the case of a pending adoption, the mother of the child has withheld her consent to an amendment to be effected to the registration of birth of her child in terms of section 11(4) of the Births and Deaths Registration Act, 1992, the person who wishes to acknowledge himself as the father of such child shall apply to the children’s court concerned for a declaratory order which confirms his paternity of the child and dispenses with the requirement of consent of the mother.