

# FOSTER CARE HANDBOOK



## Table of Contents

Table of Contents .....	1
Acknowledgements .....	2
Acronyms .....	3
Foreword .....	4
Purpose of the handbook .....	5
Definition of Terms .....	6
1. Background .....	8
1.1 Foster Care .....	8
2. Legal and Policy Framework .....	9
3. The Foster Care Process .....	10
3.1 Identification of foster parent(s) .....	10
3.2 Assessment of Prospective Foster Parent(s) .....	10
3.3 Waiting List Register .....	10
3.4 Identification of the child .....	10
3.5 Court Inquiry .....	10
3.6 Supervision .....	11
3.7 Review of Court Order .....	11
3.8 Support for Foster Care .....	11
4. Rights and Responsibilities .....	11
4.1 Responsibilities of a Foster Parent(s) .....	11
4.2 Rights and Responsibilities of the child .....	11
5. Annexures .....	12
Annex 1: Foster Fees Claim Form .....	12

## Acknowledgements

The Ministry of Labour and Social Welfare (MoLSW) would like to thank all the stakeholders and individuals who contributed to the successful formulation of this Foster Care Handbook. We are grateful to SOS Children's Villages Zimbabwe and NORAD their funding partner, Child Protection Society and UNICEF through the Child Protection Fund II (CPFII) funded by UK Department for International Development (DFID), the Swiss Agency for Development Corporation (SDC) and the Swedish International Development Agency (SIDA). Further, we are grateful to the consultants; Abel Blessing Matsika and Edmos Mtetwa who developed this handbook.

This document was also developed with contributions from foster parents and the following steering committee members;

Name	Designation
Mr. Sanislaus Sanyangowe	Deputy Director Child Protection Services
Mrs. Laizah Chourombo	Provincial Social Welfare Officer for Mashonaland East
Mr. John Nyathi	Chief Social Welfare Officer
Mr. Fanwell Dzoma	Provincial Social Welfare Officer for Bulawayo
Mr. Tawanda Zimhunga	Provincial Social Welfare Officer for Masvingo
Ms. Praise Mhishi	Child Welfare Officer: Head Office
Mrs. Purity Musa	Child Welfare Officer: Head Office
Ms. Khanyile Sibanda	Child Welfare Officer: Head Office
Mr. Amos Paungano	Child Welfare Officer: Harare Province
Mr. Taurai Tabarara	Child Welfare Officer: Head Office
Ms. Kundai.Nhongo	Child Welfare Officer: Highfield District
Mr. Busani Gwesela	Child Welfare Officer: Harare Central District
Ms. Tomaida Banda	Director Child Protection Society
Mrs. Mercy Sakanya	Programs Manager at Child Protection Society
Mrs. Siyma Barkin Kuzmin	Child Protection Specialist: UNICEF Zimbabwe
Mrs. Nyasha Kurebwa	Gender and Advocacy Officer: SOS Children's Village Zimbabwe
Mr. Kellivn. Nyamudeza	National Gender and Advocacy Officer: SOS Children's Village Zimbabwe
Mr. Addmore Makunura	National Programmes Director: SOS Children's Village Zimbabwe

## Acronyms

AIDS	Acquired Immuno Deficiency Syndrome
ACRWC	African Charter on the Rights and Welfare of the Child
CCWs	Community Child Care Workers
CPS	Child Protection Society
DSW	Department of Social Welfare
MoLSW	Ministry of Labour and Social Welfare
UNICEF	United Nations Children's Fund
UNCRC	United Nations Convention on the Rights of the Child
UNCRPD	United Nations Convention on the Rights of Persons with Disabilities

## Foreword

The Government of Zimbabwe has put in place legislation and programmes to protect and care for children in their families and communities. However, due to the prevailing socio-economic climate and the impact of HIV and AIDS on families there has been an increase in the number of children living outside the family environment.

The Government of Zimbabwe is committed to ensuring that children are cared for within a family set up. The Zimbabwe National Orphan Care Policy (1999) recognises the family, extended family and community as the ideal place for a child to develop. Where these systems fail to cater for the child, adoption and foster care are presented as alternative care with institutionalisation being the last resort.

In consideration of this, the Ministry of Labour and Social Welfare through the Department of Social Welfare with support from UNICEF, Child Protection Society and SOS Children's Villages Zimbabwe developed this foster care handbook. The handbook was developed to strengthen foster care in the country by capacitating and providing clear guidelines for Child Welfare Officers, foster parents and stakeholders.

The foster care handbook is the initial step in ensuring that standards of operation are set by the Ministry of Labour and Social Welfare. The Ministry of Labour and Social Welfare understands and appreciates the vital role played by foster parents in providing care for children. As a result we hold foster parents in high regard and hope that this handbook will provide a platform for the increased uptake in foster care.



**N. Masoka**

**SECRETARY FOR LABOUR AND SOCIAL WELFARE**

## **Purpose of the handbook**

- To provide a framework for the implementation of foster care.
- To strengthen foster care.
- To capacitate the Social Welfare Officer.

## Definition of Terms

**Child:** A child means any boy or girl aged below 18 years.

**Child in need of Care:** This is defined according to Section 2 of the Children's Act which says a child in need of care means a child:

- (a) who is destitute or has been abandoned; or
- (b) both of whose parents are dead or cannot be traced and who has no legal guardian; or
- (c) whose legal guardian or parents do not exercise proper control and care over him; or
- (d) whose legal guardian or parents are unfit to have or exercise control over him; or
- (e) who is in the custody of a person who has been convicted of committing upon or in connection with that child or young person any offence specified in the First Schedule; or
- (f) who cannot be controlled by his parents or guardian; or
- (g) who is a habitual truant; or
- (h) who frequents the company of any immoral or vicious person or is otherwise living in circumstances calculated to cause or conduce to his seduction, corruption or prostitution; or
- (i) who begs or, being a child, engages in street trading contrary to this Act or any other enactment; or
- (j) who is being maintained in circumstances which are detrimental to his welfare or interests; or
- (k) who is found in possession, without reasonable excuse, of any drug to which the Dangerous Drugs Act [*Chapter 15:02*] applies or of any specified drug as defined in the Drugs and Allied Substances Control Act [*Chapter 15:03*]; or
- (l) who suffers from a mental or physical disability and requires treatment, training or facilities which his parents or guardian are unable to provide; or
- (m) whose parent or guardian has given him up to another person in settlement of a dispute in accordance with custom; or
- (n) whose parent or guardian makes him perform work that is likely to be hazardous or to interfere with his education or to be harmful to his health or to his physical or mental development; or
- (o) whose parent or guardian has denied him proper health care; or
- (p) whose parent or guardian has unlawfully removed him from lawful custody;

**Extended Family:** Family that extends beyond the nuclear family which includes relatives like aunts, uncles, grandparents and cousins.

**Foster Care:** Placement of a child in temporary care with a family other than its own as a result of problems or challenges that are taking place within the birth family. It is a way of providing a family life for children who cannot live with their own parents.

**Foster parent/ foster family:** This is a person or people who receive a child for temporary family placement when the child's parents are unable to provide care for the child due to challenges in their environment.

**Residential Childcare Facility:** Any establishment that provides overnight accommodation for children as stipulated by the children's Act

**Nuclear Family:** Refers to a family unit consisting of parents and their children.

**Probation Officer:** Probation Officer is a person registered as a Social Worker in terms of the Social Workers Act {Chapter 27:21} and appointed as a Probation Officer in terms of Section 46 of the Children's Act {Chapter 5:06}.



## 1. Background

Zimbabwe is largely a conservative society, cherishing African traditions of collective family life. Under such a system, children are a collective community responsibility though they belong to their nuclear family. The community, with the extended family system taking a leading role has always provided care for children whenever the nuclear family was unable to do so. This traditional form of care has always accounted for the majority of orphaned and vulnerable children without parental care in Zimbabwe.

This type of care is on the decline due to modernisation, disintegration of the extended family system coupled with spiked numbers of orphans and other vulnerable children due to the HIV/AIDS pandemic. This has prompted the Government to review the available care systems including foster care which is a legal procedure in which a child, who through a court order is given into the temporary custody of a couple or qualifying individual who has applied to the Department of Social Welfare to become a foster parent<sup>1</sup>.

### *1.1 Foster Care*

The International Foster Care Organisation defines foster care as temporary care or alternative family care<sup>i</sup>.

Foster care relates to provision of temporary care while sustainable long term solutions are being explored. Foster care gives a child a chance to grow up in a family environment and experience enculturation. It is a formal process which is done through the Children's Court whereby the court issues out a court order awarding the child to a potential foster parent. The court order stipulates the period of retention for that child which is normally three years. This court order can be reviewed and renewed for every three years until the child attains the age of majority. In certain circumstances there may be need to review and discharge or vary a court order before the three years lapses. Foster parents only assume custody of the child but the legal guardianship remains with biological parents or the Department of Social Welfare.

The demand for foster within the communities is arguably low raising concern that the major stumbling block on this is culturally based with families reluctant to take in strangers.

In light of the Zimbabwe National Orphan Care Policy (1999) as read together with the Children's Act (Chapter 5:06), children placed under foster care should not lose touch with their nuclear or extended family as well as their community. Such children should continue to grow and develop within their cultural context. As such, whenever possible, children are placed with families sharing similar culture and tradition.

---

<sup>1</sup>Children in residential care: Zimbabwean Experience, October 2004

## 2. Legal and Policy Framework

### **International and regional**

- United Nations Convention on the Rights on the Child (UNCRC1989), article 9 provides for foster care
- United Nations Guidelines for Alternative care (2009) delineate the importance of parental care and appropriate alternative care for children
- United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) article 19 provides for the rights of children with disabilities to grow and develop like any other child within their communities
- The African Charter on the Rights and Welfare of the Child (1999)'s article 19 has put in place significant protective legislation which informs alternative care provision for children.

### **National**

- The Constitution of Zimbabwe Amendment (No.20) Act of 2013's Section 81(d) highlights the right of a child to family or parental care, or to appropriate care when removed from the family environment.
- The Children's Act (Chapter 5:06) provides for the care and protection of children in Zimbabwe.
- The National Action Plan for Orphans and Vulnerable Children is a policy and programme that guides the implementation of various interventions aimed at protecting and safeguarding children
- Zimbabwe National Orphan Care Policy (1999) is a framework that provides for available care options through its six-tier system

### **3. The Foster Care Process**

Foster care placement is completed when the Children's Court places a child under foster care in terms of the Children's Act (Chapter 5:06). Prospective foster parents are screened by the Probation Officer who conducts investigations and makes an assessment. The best interests of the child shall be of paramount consideration. The child's views may be considered in accordance with the child's evolving capacities.

#### ***3.1 Identification of foster parent(s)***

Prospective foster parents may present themselves to the Department of Social Welfare to become foster parents or they can be referred by stakeholders, community leadership and the general public.

#### ***3.2 Assessment of Prospective Foster Parent(s)***

Assessment of prospective foster parents is intended to determine their capacity and suitability to be foster parents. This assessment is conducted by the Department of Social Welfare and it normally takes three to six months depending on the complexity of the case.

During assessment of the foster parent, the Probation Officer looks into issues such as:

- Family stability
- Socio-Economic circumstances
- Police clearance as well as community screening
- Age - the minimum age of 25 years

#### ***3.3 Waiting List Register***

Once the assessment process is completed by the Department of Social Welfare and a prospective foster parent is found to be suitable, the Department will register the approved prospective foster parent(s) on the waiting list register. Once one is a registered foster parent(s), they can foster up to a maximum of 4 children.

#### ***3.4 Identification of the child***

Children who are eligible for foster placement are those in need of care. The Social Welfare Officer responsible for child protection identifies among those children in need of care, a child needing foster placement. This child should be from a register of children in need, needing foster placement which is held by the Department of Social Welfare.

#### ***3.5 Court Inquiry***

A court inquiry in terms of the Children's Act (Chapter 5:06) is held by the Children's Court. A detailed report outlining the circumstances of both the prospective foster parent and the child is presented to court by the Probation Officer handling the case.

A successful court inquiry will result in the placement of the child in the care of the prospective foster parent(s) through a court order.

### ***3.6 Supervision***

Once matching of the child and foster parents is approved by the court, the child is put on the foster care register, as well as the supervision register. These registers are maintained by the Department at the District Social Welfare Office. The supervision is done monthly to safeguard the child whilst in foster care and to monitor any changes of circumstances of the original family of the child using the supervision form.

### ***3.7 Review of Court Order***

A court order can be reviewed any time depending on the circumstances of the child but the statutory review is due every three years. Some of the circumstances that may necessitate review include improvement in the child's family environment, change in the foster parent's circumstances, observed mismatch between the child and foster parent(s) among others.

### ***3.8 Support for Foster Care***

The Probation Officer has to, through the Court enquiry apply for foster fees to be paid to the foster parents for the general upkeep of the child and ensure that these fees are claimed from the Department on a monthly basis without fail. The other forms of support such as shelter, clothing, health service fees and educational assistance are applied for as per need. The foster parent(s) is also entitled to professional parenting skills support.

## **4. Rights and Responsibilities**

### ***4.1 Responsibilities of a Foster Parent(s)***

- The primary role of the foster parent is to provide care, support and enable access to all the necessary social services necessary for the normal development and growth of the child. To protect, nurture and socialise the child in his/her care like his/her own biological child.
- To observe and maintain confidentiality on the circumstances of the children in his/her care
- To advise and consult the Department of Social Welfare on any issues pertaining to the protection and welfare of the child immediately.

### ***4.2 Rights and Responsibilities of the child***

The child's rights and responsibilities are as enshrined in the United Nations Conventions on the Rights of the Child and the African Charter on the Rights and Welfare of Children.

**5. Annexures**

*Annex 1: Foster Fees Claim Form*

**FOSTER PARENTS FEES**

Maintenance at the rate of .....per mensem for the period.....to.....

(Name of child) ..... is hereby in my custody by order of the Court in terms of the Children’s Act (Chapter 5:06).

Signature of Claimant: ..... Date: .....

Address: .....  
.....  
.....

Bank details: .....  
.....  
.....

Certified that the above named child(ren) was/were in the care and custody of the claimant and was/were properly cared for during the period claimed for.

.....

DISTRICT SOCIAL WELFARE OFFICER

DATE:.....

\_\_\_\_\_

<sup>1</sup> Guidelines for Foster Care, International Foster Care Organisation







Zimbabwe  
Ministry of Labour and Social Welfare  
Department of Social Welfare



Zimbabwe  
Ministry of Labour and Social Welfare  
Department of Social Welfare



National Action Plan for  
Orphans and Vulnerable Children



for every child



SOS CHILDREN'S  
VILLAGES  
ZIMBABWE

