

REPORTING OF ABUSED OR NEGLECTED CHILD AND CHILD IN NEED OF CARE AND PROTECTION

ARTICLE 110

- (1) Any correctional official, dentist, homeopath, immigration official, labour inspector, legal practitioner, medical practitioner, midwife, minister of religion, nurse, occupational therapist, physiotherapist, psychologist, religious leader, social service professional, social worker, speech therapist, teacher, traditional health practitioner, traditional leader or member of staff or volunteer worker at a partial care facility, drop-in centre or child and youth care centre who on reasonable grounds concludes that a child has been abused in a manner causing physical injury, sexually abused or deliberately neglected, must report that conclusion in the prescribed form to a designated child protection organisation, the provincial department of social development or a police official.
- (2) Any person who on reasonable grounds believes that a child is in need of care and protection may report that belief to the provincial department of social development, a designated child protection organisation or a police official.
- (3) A person referred to in subsection (1) or (2)-
 - (a) must substantiate that conclusion or belief to the provincial department of social development, a designated child protection organisation or police official; and
 - (b) who makes a report in good faith is not liable to civil action on the basis of the report.
- (4) A police official to whom a report has been made in terms of subsection (1) or (2) or who becomes aware of a child in need of care and protection must-
 - (a) ensure the safety and well-being of the child concerned if the child's safety or well-being is at risk; and
 - (b) within 24 hours notify the provincial department of social development or a designated child protection organisation of the report and any steps that have been taken with regard to the child.
- (5) The provincial department of social development or designated child protection organisation to whom a report has been made in terms of subsection (1), (2) or (4), must-
 - (a) ensure the safety and well-being of the child concerned, if the child's safety or well-being is at risk;
 - (b) make an initial assessment of the report;
 - (c) unless the report is frivolous or obviously unfounded, investigate the truthfulness of the report or cause it to be investigated;
 - (d) if the report is substantiated by such investigation, without delay initiate proceedings in terms of this Act for the protection of the child; and
 - (e) submit such particulars as may be prescribed to the Director-General for inclusion in Part A of the National Child Protection Register.
- (6)
 - (a) A designated child protection organisation to whom a report has been made in terms of subsection (1), (2) or (4) must report the matter to the relevant provincial department of social development.
 - (b) The provincial head of social development must monitor the progress of all matters reported to it in terms of paragraph (a).

- (7) The provincial department of social development or designated child protection organisation which has conducted an investigation as contemplated in subsection (5) may-
- (a) take measures to assist the child, including counselling, mediation, prevention and early intervention services, family reconstruction and rehabilitation, behaviour modification, problem solving and referral to another suitably qualified person or organisation;
 - (b) if he or she is satisfied that it is in the best interest of the child not to be removed from his or her home or place where he or she resides, but that the removal of the alleged offender from such home or place would secure the safety and well-being of the child, request a police official in the prescribed manner to take the steps referred to in section 153; or
 - (c) deal with the child in the manner contemplated in sections 151, 152 or 155.
- (8) The provincial department of social development or designated child protection organisation which has conducted an investigation as contemplated in subsection (5) must report the possible commission of an offence to a police official.

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