

Foster Care Placement Regulations

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THE LAW OF THE CHILD ACT
(CAP. 13)

REGULATIONS

FOSTER CARE PLACEMENT REGULATIONS

(Made under section 157(b))

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SCHEDULE

Foster Care Placement Regulations

G.N. No. 153 (contd.)

THE LAW OF THE CHILD ACT 2009
(CAP. 13)

REGULATIONS

FOSTER CARE PLACEMENT REGULATIONS

(Made under section 157(b))

1. These Regulations may be cited as the Foster Care Placement Regulations 2012. Title

2. In these Regulations, unless the context otherwise requires:-

Interpre-
tation
Cap. 13

“Act” means the Law of the Child Act;

“applicant” means the person, or persons in the case of a joint petition, applying to be a foster parent;

“approved residential home” mean and include a children’s home established by Regulations made under the Act;

“authorized officer” means the Commissioner for social welfare or any other person delegated power by the Commissioner;

“child” means a person below the age of eighteen years and in respect of whom a foster care placement order is sought or has been made;;

“Commissioner” means the Commissioner for Social welfare;

“department” means the department of social welfare;

“foster child” means a child placed with a foster parent or foster family;

“foster family” means a family in which a child is placed under these Regulations;

“foster parent” means a person, or persons in the case of a joint application, with whom a child is placed under these Regulations; and

“social welfare officer” means the district, town, municipal, city or council Social Welfare Officer.

3. These Regulations shall apply to the placement of a child with a foster parent.

Applica-
tion of
these
Regulation

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Applica-
tion to
foster a
child

4.-(1) Any person who intends to foster a child shall, subject to the provision of section 32(2) of the Act, make an application to the Commissioner in the form set out as Form No. 1 in the Schedule.

(2) A application under sub-regulation (1) may be made jointly.

(3) The Manager of an approved residential home or institution may make a recommendation to the social welfare officer or the Commissioner for a child to be fostered by any of the foster parents maintained in the register of foster parents under these Regulations.

Persons
eligible to
foster a
child

5.-(1) The following persons may apply to be a foster parent:-

- (a) a husband and wife, who are citizen of Tanzania, and where but if a man has more than one wife, the name of the wife to be the foster mother stated in the application;
- (b) a single person who is a citizen of Tanzania;
- (c) a foreign husband and wife, and in this case one of applicants has stayed in Tanzania for at least two and a half consecutive years prior to making the applications; and
- (d) a foreigner, who has stayed in Tanzania for at least two and a half consecutive years prior to making the application.

(2) A person, shall below the age of twenty one years be allowed to foster a child.

(3) A person of apparent age of sixty five years shall not be allowed to foster a child.

(4) Where a person of the age of Sixty five years and above is allowed to foster a child under given circumstances, the foster a child shall not be moved from his foster care placement unless for reasons stipulated under Rule 18.

(5) A person shall not be allowed to foster more than three children at once without written permission of the Commissioner.

Assess-
ment of
foster
parents

6.-(1) The Commissioner shall, within seven days after receiving the application to foster, instruct the relevant Social Welfare Officer to undertake a an assessment of the applicant or applicants.

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(2) A social welfare officer shall make a thorough assessment of every person who has applied to become a foster parent with a view to establishing the suitability of that person to provide a caring home for a child.

(3) The assessment to be conducted under sub-regulation (2) shall involve:—

- (a) a visit or visits to the home of the applicant or applicants in order to assess whether the conditions of the home are satisfactory;
- (b) a meeting or meetings with the applicant or applicants in order to assess whether they are likely to meet the requirements of a foster child, and in the case of an application to foster a specific child, that the applicant or applicants are likely to meet the specific requirements of that child;
- (c) ascertaining the views of any children resident in the applicant or applicants' home regarding the foster care placement;
- (d) establishing from the person in charge of any government medical hospital or any certified medical officer in the area of the applicant or applicants' residence that no person in the household of the applicant or applicants is suffering from any mental illness likely to affect the child adversely; and
- (e) establishing from the applicant or applicants and from the officer in charge of the police station in the area of residence that no person in the home has been convicted of offences related to child exploitation, sexual abuse against a child and any other related offences rendering it undesirable for the child to associate with that person.

(4) The social welfare shall, in order to determine the suitability of the applicant or applicants to foster, require to be provided with:—

- (a) written references vouching for the good character and suitability of the applicant from three referees, who know the applicant well and for at least three years, and one of the referees shall be a close relative while the other two referees shall be the immediate neighbours and the ward executive

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officer, the village executive officer, or Mtaa executive officer as the case may be, and in the case of joint applicants, the Social Welfare Officer may request additional references; and

- (b) Where he deemed appropriate, a written reference from the employer vouching for the good character of the applicant or applicants, in the case that the applicant or applicants, are employed.

(5) The social welfare officer shall complete and submit the assessment of the foster care applicant in the form set out form No. 2 in the Schedule, with supporting documents, to the Commissioner for Social Welfare within Sixty days from the date of application.

(6) The report submitted under sub-rule (5) shall contain, among other informations' the following:—

- (a) the information required in sub-rules (2) and (3) of this rule;
- (b) details of the name, age, religion and employment of the applicant or applicants; and
- (c) the number and ages of other persons living in the household of the applicant or applicants.

(7) The social welfare officer shall, in case of an application to foster a specific child or children, submit to the Commissioner the social investigation report as provided for in Rule 9, together with the assessment.

(8) The Commissioner shall, assess the application, giving due weight to the assessment provided by the social welfare officer, and shall inform the social welfare officer and the applicant or applicants of the decision to approve or reject the application within ninety days from the date of the receipt of the application.

(9) The Commissioner shall, where the application is approved, register the applicant or applicants as foster carers in accordance with Rule 7.

(10) The Commissioner for Social Welfare shall ensure that a register of approved foster carers in the format select as form No. 3 in the Schedule is kept at the national level.

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7.-(1) Each foster carer shall be given a unique serial number, or in the case of a joint application a unique serial number for the couple, to be used in the register at the national and district levels and in all documents related to foster care placements.

Register
of foster
carers
foster
children

(2) The Social Welfare Officer shall ensure that an up to date district register of foster carers in the format select as Form No. 3 in the Schedule is kept at the district level and submit a copy of the district register to the Commissioner for social welfare on a monthly basis.

(3) The register of foster parents provided under sub-rule (1) above may be used by the Commissioner to place any child in foster care to provide temporary custody of the child as provided for under section 53(7) of the Act or in longer term foster care as provided under section 32(4) of the Act.

(4) Once a foster parent is approved and entered in the register of foster parents at the district, municipal, town or council level, the Social Welfare Officer shall communicate with the approved residential homes to consider the suitability of any resident children for fostering.

(5) Any person who is registered as a foster carer shall inform the Social Welfare Officer that he or she is no longer interested in fostering a child and this shall be recorded in the register.

(6) The Commissioner for Social Welfare shall ensure that a register of foster care placements which must be in form identical to Form No. 4 is kept at the national and district level.

(7) Each foster care placement shall be given a unique placement serial number, which shall be used in the register at the national and district levels and in all documents related to foster care placement.

(8) The Social Welfare Office shall ensure that an up to date district register of foster care placements in the format set out as Form No. 4 in the Schedule is kept at the district level and submit a copy of the district register to the Commissioner for Social Welfare on a monthly basis.

(9) Where a foster child is removed from a foster parent under Rule 18(1)(a) the foster carer register and the foster care placement register at the district and national level shall be updated to indicate that the foster parent is no longer approved to foster children and the reason for this change in status.

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Condition
for foster
placement

- 8.-(1) A child may be placed with a foster parent if that child:-
- (a) is under a care order or interim care order, under section 18(1) of the Act;
 - (b) has been committed to an approved residential home or institution under a care order or supervision order, under section 32(1) or section 53(1)(a) of the Act;
 - (c) has been placed in an approved residential home or an institution by any person, under section 53(1)(c);
 - (d) has been recommended by a Social Welfare Officer to be kept in an approved residential home or an institution as the most suitable place for him under section 53(1)(c); or
 - (e) requires temporary custody under a foster care placement in accordance with section 53(7) of the Act.
- (2) A child shall not be placed with a foster parent unless:-
- (a) the foster parent or foster parents are registered in accordance with Rule 6(7);
 - (b) a social investigation report has been completed in accordance with Rule 9 and the Social Welfare Officer has determined that foster parent is suitable to foster that child;
 - (c) the foster parent or foster parents have made an undertaking to care and support the foster child in a manner stipulated under sub-rule 11; and
 - (d) the wishes of the child so far as can be ascertained concerning the proposed foster care placement have been ascertained and have been given due weight in the decision making process in accordance with age and maturity of the child, so far as is practicable, been taken into account.

(3) The consent of the parent, parents or guardian is required for the foster care placement and shall be provided in the format set out as Form No. 6 in the Schedule and the Social Welfare Officer shall ensure that the parent, parents or guardian are fully informed of the purpose and legal effect of the foster care placement.

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(4) Where the consent of the parents or guardians has not been obtained, the Commissioner may dispense with the requirement for the parents' consent if he satisfy himself that:—

- (a) the child has been neglected or persistently ill-treated by the parents;
- (b) the parents cannot be located;
- (c) the parent or parents are unable to give consent; or
- (d) consent is unreasonably withheld by one or both parents and the foster care placement is determined to be in the best interests of the child on the basis of the social investigation report.

(5) The Commissioner shall decide on the foster care placement within thirty days of receiving the social investigation report, with the requisite supporting documents.

(6) The Commissioner may direct a social welfare officers to approve foster care placements where the requirements of sub-regulation (8) have been satisfied and the requisite consent of the parents or guardians has been provided in accordance with sub-regulation (3).

(7) The Social welfare office directed to approve foster placement under sub-regulation (5) shall make the decision on the foster care placement within thirty days after the social investigation report being completed.

(8) Siblings of the foster child shall not be separated and special attention be given to keeping twins and triplets together.

9.—(1) The Social Welfare Officer shall undertake a social investigation regarding:—

- (a) a child who is identified in a foster care application;
- (b) a child who has been identified by manager of an approved residential home or institution as potentially suitable for a foster care placement;
- (c) any child who has been identified by the Social Welfare Officer as potentially suitable for a foster care placement.

Social
investiga-
tion
report

Foster Care Placement Regulations

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- (2) The social investigation shall assess the:-
 - (a) status of the child and the child's family;
 - (b) possibility of the child reunifying with the biological parents and the steps already taken to return a child to his biological parents;
 - (c) suitability of the child for a foster care placement; and
 - (d) suitability of the foster parent to foster the child who is the subject of the social investigation.
- (3) The social investigation report shall be in the format set out as identical to Form No. 7 in the Schedule.
- (4) While undertaking the social investigation, the Social Welfare Officer shall:-
 - (a) when the child is capable of expressing his views, meet the child and ascertain the child's views, if he or she is capable of expressing his or her views, and shall record these views in the social investigation report;
 - (b) meet the parents of the child, to assess the possibility of reunification and to ascertain their views on the foster care placement; and
 - (c) ascertain the views of the foster parent on fostering the child who is the subject of the social investigation report.
- (5) Where the child's parents are deceased or cannot be found, the social welfare officer shall obtain a police report on the status of the parents.
- (6) The social welfare officer shall, in assessing the suitability of the foster care placement, consider the best interests of the child giving due weight to the views and opinions of the child, bearing in mind the child age and maturity.
- (7) The social welfare officer, shall in a timely manner, complete the social investigation report and, in the Schedule submit the report to the Commissioner in the format set out as Form No. 7 in the Schedule.

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10.-(1) The child shall be placed with a foster parent who is of the same religion and where the foster parent is of different religion with the child, the foster parent shall take reasonable steps to facilitate the child's right to worship in accordance with the child religious denomination.

Religion
considerations

(2) Where a child's religion is not known, the child shall be placed with a foster parent who may bring up the child in accordance with the religious denomination of the foster parent.

Responsibilities of
foster
parents

11.-(1) A foster parent shall, in addition to the responsibilities set out in form No. 6 in the Schedule, have responsibility of providing the child with day to day needs including:-

- (a) not obstruct contacting between the foster child and the biological family members and other persons with an interest in the well-being and development of the child unless there is a court order to the contrary;
- (b) co-operating with the Social Welfare Officers in order to promote re-unification of the child with his or her biological parents or relatives, wherever possible and if this is in accordance with a Care Plan developed at the time of the placement, in accordance with Rule 17 of these Regulations;
- (c) permitting the Social Welfare Officer to visit his or her home and to access the child concerned, for the purposes of monitoring the foster care placement, reviewing of the foster care placement or for any other matter relevant to the foster care placement;
- (d) ensuring the child has access to primary education and as far as possible has access to further education and training according to his ability and to the opportunities available;

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- (e) respecting the views of the child and generally promote his or her well-being, best interests and physical, emotional and social development, and, where applicable, participation in early childhood development programmes;
- (f) guiding the behaviour of the child in a human manner; promote positive discipline and not impose corporal punishment or any form of physical violence or punishment, or humiliating or degrading forms of discipline;
- (g) ensuring provision of medical care and attention for a child and follow recommendations as may be prescribed by medical officers;
- (h) where a foster care plan has been formulated in accordance with the provisions of rule 17 of these regulations, complying with the provisions of such a plan;
- (i) ensuring that where the child is from a different cultural, linguistic or religious background, the child is assisted to maintain links with his or her culture, language or religion; and
- (j) ensuring that the child is treated in a manner substantially similar to other children living in the same household, except where the special needs of that child or any other child in the household require otherwise.

(2) A child under foster care shall not be taken or travel the country without the written permission of the commissioner for social welfare.

(3) A foster parent shall notify the social welfare officer of any change of address within the district of residence immediately and must give reasonable notice, of not less than sixty days, of the intention to move out of the district of residence or outside the country.

(4) A foster parent shall, within twenty one days form the date of any material changes of living circumstances, notify the Social welfare officer of the changes and state how with changes are going to effect the child.

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(5) A foster parent may not designate the day to day care of a foster child to any other person for a continuous period of more than one week without permission of the social welfare officer.

(6) A foster parent shall notify the Social Welfare Officer of the intention to adopt a foster child.

12.-(1) A foster parent has the right to take all day to day decisions necessary for the care, upbringing and development of the foster child in his or her care.

Rights of
foster
parents

(2) Notwithstanding sub-rule (1), the foster parents shall cooperate with the social welfare officer in order to obtain the views of the biological parents regarding significant decisions affecting the foster child, if it is possible to solicit their views, and if this consultation would not be contrary to the child's best interests, and the views of the biological parents shall be given due weight in making these decisions.

(3) A foster parent has the right to reasonable privacy of home life, and not to be subjected to threats, harassment and undue instructions upon the exercise of his or her foster care responsibilities by biological parents or family members of the foster child.

(4) A foster parent has the right to be informed by the Social Welfare Officer of any fact or occurrence that may substantially affect the foster placement of the child in his or her care.

A foster parent has the right to apply for the adoption six months after placement of the child in accordance with Part VI of the Act.

(5) A foster parent has the right to ongoing advice and support from the Social Welfare Officer in order to enable the foster parent to care effectively for the foster child and to cooperate with the child's biological parents.

(6) A foster parent has the right to be informed by the Social Welfare Officer about the foster child's health, included being provided with a record of immunisations when the foster child is placed with them, educational history and any psychosocial support that he or she has been provide, so that the foster carer can provide the support that the foster child requires.

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Rights of
the foster
child

13.-(1) A foster child has the right to provision of day to day needs from the foster parent.

(2) A foster child has the right to continuous contact with his biological family members and to contact with other persons unless it has been decided by the court or the social welfare officer that the contact is not in the child's best interests.

(3) A foster child has the right to access primary education and to attend school on a regular basis if he or she has attained the school going age and as far as possible shall have the right to access further education and vocational training.

(4) A foster child has the right to an opinion and respect for his or her views in all decisions affecting him or her.

(5) A foster child has a right to communicate freely with social welfare officers and any other relevant authorities about his or her placement, care and treatment.

Arrange-
ments for
support
of foster
parents
and the
foster
child

14.-(1) The social welfare officer shall as far as practicable and in collaboration with any organization, support the foster parent to fulfill his or her responsibilities, including by providing written information that explains fostering, the legal requirements of foster care placements, and the legal rights of foster parents, foster children and biological parents, and by providing training on meeting the psysocial needs of foster children and counseling during the foster care placement.

(2) The Social welfare officer shall provide support and counseling to assist the foster child to adjust to the foster care placement.

(3) The social welfare officer shall provide counseling to the foster child in the case that the placement is being terminated and where there is notice of this termination, the counseling shall be provided in advance of the termination in order to prepare the child for the transfer.

(4) Where the foster care placement is due to end because the child is attaining 18 years, the social welfare officer shall support the foster child to find accommodation and employment or further education or vocational training placements and shall work with the foster parent to provide the foster child with counseling to prepare him or her for the termination of the foster care placement and for independent living.

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15.-(1) Except in the case of an emergency, a child shall not be placed with a foster parent unless he or she has been examined by a qualified medical officer and the person examining the child has reported in writing on the child's physical and mental condition to the social welfare officer.

Medical
arrange-
ments

(2) In the case of an emergency, the examination report required under sub-regulation (1) of this rule shall be made within four weeks after the placement.

(3) When a foster placement begins, the social welfare officer shall submit to the foster parent a list of immunizations carried out in respect of the foster child and indicate to the foster parent the list of other immunizations required to be effected in respect of the child in accordance with the Ministry of Health and Social Welfare's schedule of immunizations, and the foster parent shall ensure that those immunizations are carried out.

(4) The foster parent and the social welfare officer shall at all times keep a record of the immunizations in respect of the foster child.

(5) Where the foster child placed with a foster parent is under five years of age:—

- (a) the foster parent shall ensure that the foster child is medically examined by a medical officer referred to in sub-regulation (1) of this regulation within one month after the date of placement and thereafter once every six months and the social welfare officer concerned with the placement of the foster child shall, so far as possible, assist the foster parent in ensuring the carrying out of the requirements of this sub-rule; and
- (b) the foster parent shall ensure that the foster child attends clinic every month.

(2) Where the foster child placed with the foster parent is above the age of five years, the foster child shall be medically examined by the medical officer referred to in sub-regulation (1) once in every six months.

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(3) The medical officer who examines a foster child under sub-rule (2), (5) or (6) of this Rule shall report in writing to the Social Welfare Officer by whom the foster child was placed on the physical, mental and emotional condition of the child as found by him or her in a format set out as identical to Form No. 8 in the Schedule.

(4) If a foster child is ill, the foster parent shall as soon as possible ensure the child is medically examined and receives the necessary treatment and, in the case that the child is diagnosed with a life threatening illness, the foster parent shall communicate this information to the Social Welfare Officer within 24 hours of the medical diagnosis, who shall in turn notify the parents or guardians of the foster child.

Supervision
visits
during
placement

16.-(1) A social welfare officer shall visit the foster family in their home and see the foster child:-

- (a) within two weeks after the date of placement of the child with the foster family where the foster child is under two years of age, and thereafter once every two months;
- (b) within one month after the date of placement of the child with the foster family where the child is above two years of age, and thereafter once every two months;
- (c) immediately if there is any report of child abuse, and in such circumstances shall undertake this visit in accordance with Section 96 of the Act; and
- (d) not later than one week after receipt of any information from the child, a foster parent or any other person which indicates the need for him or her to visit the child.

(2) The social welfare officer shall, where the child is capable of expressing their views, meet with the child in private during these visits in order to ascertain the child's views about their placement, care and treatment.

(3) The social welfare officer who carries out a visit under sub-rule (1) of this rule shall make a written report stating in detail his or her observations as to the child's welfare, progress and conduct and any changes which have occurred in the circumstances of the foster family and shall place the report in the child's file.

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(4) The report made under sub-regulation (3) shall include information on the child's views and feelings concerning placement, care and treatment, ascertained in accordance with sub-regulation (2).

(5) If, as a result of a visit under this sub-rule, the Social Welfare Officer establishes that the circumstances of the foster parent have significantly changed in a manner that negatively impacts the foster child or the placement is no longer in the best interests of the child, he or she shall consider termination of the placement in accordance with regulation 18 of these Regulations.

(6) Notwithstanding sub-rule (5) the social welfare officer may consider additional support and counseling for the foster parent and the foster child and increased visits where the social welfare officer assesses that this will be likely to address any problems with the foster care placement as identified during his or her visits.

(7) The Commissioner shall develop guidance and forms for the undertaking of and reporting on supervision visits during the foster care placement.

17.-(1) From the time of a child's placement with the foster parent, consideration shall be given to the foster child's future and the support needed to prepare the foster child for a permanent care placement, including, where possible, the child's reunification with his or her biological parents, and for this purpose, the social welfare officer shall develop a foster care plan for every child who is placed with foster carers.

Foster
care plan

(2) The foster care plan shall be developed prior to the foster care placement and shall as a minimum.

- (a) identify the reason for the foster care placement;
- (b) provide information on the child's health, educational and psychosocial history and needs;
- (c) set out the support that the Social Welfare Officer will provide to the foster child and the foster parent in order to support the foster care placement;
- (d) where reunification with the biological parents is possible, set out the steps that shall be taken to promote this reunification with the foster child and the biological parents;

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- (e) set out the level of contact that the foster child shall have with his or her biological family; and
- (f) identify and assess the options for a permanent care placement, including adoption by the foster parents, where it is assessed that the child is not able to reunify with his her biological parents.

(3) The social welfare officer shall review and update the foster care plan every two months as part of the periodic visits required under Rule 16 of these Regulations to ensure that the foster care plan continues to meet the needs of the foster child.

(4) The foster care plan shall be developed and reviewed in consultation with:-

- (a) the foster child, where he or she can express his views;
- (b) the foster parent; and
- (c) the biological parents, where this is possible and not contrary to the best interests of the child.

(5) The Commissioner shall develop the guidance, procedures and forms for the foster care plan required under sub-regulation(1).

Termination of placement

18.-(1) The social welfare officer shall terminate the foster care placement in the following circumstances:-

- (a) where he or she has investigated child protection concerns in accordance with section 96 of the Act and determined that the child has been abused or is in need of care and protection and has removed the child;
- (b) where in the opinion of the social welfare officer the child can be reunified with his biological parents or family;
- (c) where a child was placed under a care order or interim care order under section 18 of the Act and that the order has come to an end; or
- (d) where the social welfare officer determines that the placement is no longer in the best interests of that child and that an alternative placement is needed for the child.

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(2) The social welfare shall ascertain the views of the foster child, where he or she is able to express his or her opinion, and child's views shall be given due weight in accordance with his or her age and maturity, when considering terminating the placement under sub-rule 1(b) and (d).

(3) The Social Welfare Officer shall record the justifications for the termination of the foster care placement and the views of the foster child regarding the termination on the child's file.

(4) In the case that the foster care placement is terminated under sub-rule (1)(b), (c), and (d), the Social Welfare Officer shall notify the foster parent of the decision to terminate the placement in writing, and shall notify the foster child orally in a manner which he or she can understand, a minimum of ten days prior to the placement being terminated.

(5) In the case that the marital status of the foster parent changes, the social welfare officer shall:—

- (a) undertake an assessment as to whether the child's continued placement is in his or her their best interests;
- (b) undertake an assessment of the foster parent's spouse to ensure they are suitable to foster in accordance with regulation 6 of these Regulations, in the case that the foster parent, who was granted the application as a single person, marries; and
- (c) terminate the placement in accordance with sub-rule (1)(d) if the social welfare officer determines that, based on the assessments undertaken, the placement is no longer in the best interests of the child.

(6) In the case that the social welfare officer takes a decision to terminate the foster care placement under sub-regulation 1(d), and the child has been in the care of the foster parent for a minimum of six months, and the foster parent believes that the removal is not in the best interests of the child, the foster parent may lodge an appeal in writing with the commissioner with ten days of the decision being communicated to the foster parent and shall notify the Social Welfare Officer of the appeal being lodged.

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- (a) in case of an appeal, the social welfare officer shall immediately submit a copy of the child's file, which includes justifications for the decision to remove the child, to the Commissioner for review;
- (b) the commissioner shall take a decision on whether the foster placement will be terminated and communicate this decision to the foster parents and the social welfare officer within fifteen days of receiving the appeal;
- (c) the foster child shall not be removed from the foster parent until the Commissioner makes his or her decision and decides that the foster care placement shall be terminated.

(7) A foster child may not be required to remain in the care of a foster parent after he or she has attained the age of eighteen years.

(8) A foster child who has attained the apparent age of eighteen years but is still undergoing educational or vocational training may still remain in foster care until when he or she attains the apparent age of twenty one years.

(9) On receiving notice that a foster parent intends to move out of the district of residence, in accordance with regulation 11 (3), the social welfare officer will undertake an assessment on the desirability of a child staying with the foster parent within thirty days of receiving such notice.

(10) In making the assessment required in sub-rule (4), the social welfare officer shall give due consideration to the desirability and potential for reunification of the child with his or her biological parents, as well as the best interests of the child and the views of the child, where he or she is able to express his or her opinion, and child's views shall be given due weight in accordance with his or her age and maturity.

(11) Where it is determined that the child shall stay with his or her foster parent, the social welfare officer of the original district shall transfer all relevant documents to the Social Welfare Officer of the new district and the social welfare officers shall update the foster care registers accordingly.

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G.N. No. 153 (contd.)

(12) The Commissioner shall develop guidance, procedures and forms governing the termination of the foster care placement.

19.—(1) If the foster child dies, the foster parent shall within twenty four hours of the death of the foster child notify the Social Welfare Officer who shall in turn notify the Commissioner immediately. Death

(2) Upon the death of the foster child, the foster parent shall in consultation with the social welfare officer, make every effort to obtain a death certificate and a post-mortem report as the case may be which shall be submitted to the Commissioner by the Social Welfare Officer.

(3) Where the child's parents or guardians are known, the Commissioner shall inform them of the child's death within 24 hours of receiving notification of the death.

(4) If the foster parent dies, in the case where a child is placed with one foster parent, or in the case that both parents die, the Social Welfare Officer shall arrange for an immediate alternative placement.

20. A person who contravenes any provision of these Regulations commits an offence and shall on conviction be liable to a fine of not less than one million shillings or not more than three million shillings or an imprisonment for a term not exceeding six months or to both and, fifty hundred thousand shillings for each day on which the offence continues. Offences

—
SCHEDULE
—

Foster Care Placement Regulations

G.N. No. 153 (contd.)

FORMS

THE LAW OF THE CHILD ACT
FOSTER CARE PLACEMENT REGULATIONS 2011

(G.N. NO. OF 2011)

F.C. Form No. 1

APPLICATION TO BE A FOSTER CARER

Rule 4(1)

Foster Care Placement Regulations

G.N. No. 153 (contd.)

1. Details of the Applicant(s)

1.1 Is this a joint or individual application?

JOINT/INDIVIDUAL

Delete as appropriate

1.2

Applicant 1

Applicant 2

1.3 Name:

1.4 Date of Birth:

1.5 Sex:

1.6 Marital Status:

1.7 Nationality:

1.8 Occupation:

2. Address

2.1 District:

2.2

Ward:

2.3 Physical Address:

2.4 Postal Address:

2.5 Telephone:

2.6 Mobile (Applicant 1/Applicant 2):

2.7 Email Address: (Applicant 1/Applicant 2):

3. Other Family Members

3.1 Give details of all the children in your care:

<u>Name</u>	<u>Sex</u>	<u>Date of Birth</u>	<u>Relationship to Applicant(s)</u>	<u>Level of Education</u>
.....
.....
.....
.....

Foster Care Placement Regulations

G.N. No. 153 (contd.)

3.2 Give details of any other persons living in the household:

<u>Name</u>	<u>Sex</u>	<u>Date of Birth</u>	<u>Relationship to Applicant(s)</u>	<u>Occupation</u>
.....
.....
.....

4. Fostering Information

4.1 Why do you want to become a foster carer?

.....
.....
.....
.....

4.2 Have you ever fostered a child before (if YES give details below): **YES / NO**
Delete as appropriate

<u>Name</u>	<u>Sex</u>	<u>Date of Birth</u>	<u>Circumstances of Termination of Placement (if foster care placement has been terminated)</u>
.....
.....

4.3 Have you ever had an application to be a foster carer rejected: **YES / NO**
Delete as appropriate

If YES, give details:

.....
.....

4.4 Is the foster care application general or for a specific child? **GENERAL / SPECIFIC**

4.5 Delete as appropriate

Foster Care Placement Regulations

G.N. No. 153 (contd.)

4.6 If the application is for a specific child, provide details of the child (full name and place of residence):

.....

4.7 If the application is general, what kind of children are you willing to foster?

<u>Sex</u>	<u>Age Range</u>	<u>Special Needs - Children with Disabilities (specify which one(s)), chronic illnesses, HIV / AIDs, etc</u>
.....

5. Disclosure of an Convictions

5.1 Has anyone in the household ever been convicted of a criminal offence? **YES / NO**
Delete as appropriate

(if YES give details including names and dates):

<u>Date</u>	<u>Name</u>	<u>Offence</u>
.....
.....

6. Referees

6.1 Give details of THREE referees below who have known you for a MINIMUM of three years, at least one of which should be a close relative, your Village/Mtaa chairperson or neighbour:

<u>Name</u>	<u>Position/Relationship to Applicant(s)</u>	<u>Contact Details</u>
.....
.....
.....

7. Declaration

7.1 I/We (delete as appropriate) confirm that we wish to apply to become foster carer(s) and that the information provided in the form is to the best of my/our knowledge truthful and accurate.

	<u>Applicant 1</u>	<u>Applicant 2</u>
Signature:
Name:
Date:

Foster Care Placement Regulations

G.N. No. 153 (contd.)

THE LAW OF THE CHILD ACT
FOSTER CARE PLACEMENT REGULATIONS 2011

(GN. NO. OF 2011)

F.C. Form No. 2

ASSESSMENT OF THE APPLICANT TO BE A FOSTER CARER

Rule 6(4)

1. Sources of Information (Identify all the sources of information used in this making assessment, and, where relevant, the dates)

1.1 Date(s) of home visit(s):
(date)

1.2 Date(s) of meeting(s) with applicant(s):(date)

1.3 Discussions with the children (if any) of the applicant(s):(date)

1.4 Date(s) of meeting(s) with a Medical Officer:(date)

1.5 Written References (names, positions and relationship with applicant(s)):

1.

2.

3.

4.

5.

6.

7.

8.

1.6 Other (give details):

Name:

Date:

Foster Care Placement Regulations

G.N. No. 153 (contd.)

3.3 Give details of the applicant(s)' home:

.....
.....

Number of bedrooms:

Type of Toilet:

.....

3.4 Type of Water Supply:

.....

3.5 What are the applicant(s)' main sources of income?

.....

3.6 Give details of the any businesses or land owned by the applicant(s):

.....

3.7 Will the applicant(s) need any material support in order to foster a child? YES/ NO

Delete as appropriate

If YES give details:

.....
.....

3.8 Are there any child care concerns arising from the assessment or concerns expressed by the children (if any in the household) that might impact on any potential foster child?
YES / NO

Delete as appropriate

If YES give details:

.....
.....

3.9 Does the applicant(s) have any disabilities or illnesses of the applicant(s) that would significantly impact their ability to care for the child or does anyone living in the household have any mental health issues that might impact negatively on any potential foster child?

YES / NO

Delete as appropriate

If YES, give details:

.....
.....

Foster Care Placement Regulations

G.N. No. 153 (contd.)

3.10 Have the applicant(s) or any member(s) of their household been convicted of a serious criminal offence? YES / NO
Delete as appropriate

If YES, give details (include specific mention of any convictions for child exploitation, sexual abuse or other offence likely to impact on the suitability of the applicants as Foster Carers):

.....
.....
.....

If YES, do you believe it is serious enough to prevent the applicant(s) being considered accepted as a Foster Carer? YES / NO
Delete as appropriate

4 Summary Fostering Assessment

4.1 Why do the applicants want to become foster carer(s)?

.....
.....

4.2 Do they understand the purpose of fostering and the temporary nature of placements?
YES / NO Delete as appropriate

4.3 What is your assessment of the applicant's suitability to be foster carers? (give reasons, making reference to the outcome of your visits, discussions with the applicants(s), their children, the content of any references and discussions with any other individuals with relevant knowledge):
SUITABLE / NOT SUITABLE Delete as appropriate

.....
.....
.....
.....
.....

Foster Care Placement Regulations

G.N. No. 153 (contd.)

.....

4.4 If **SUITABLE** what categories of children would the applicants be suited to fostering?

Sex: **MALE / FEMALE / EITHER** Age Range:
.....

4.5 If **SUITABLE** would the applicant(s) be capable of fostering a child with a disability, chronic illness or other condition requiring special care? **YES / NO**
Delete as appropriate

If **YES**, give details:
.....
.....

5 Declaration & Formal Decision

5.1 *I confirm that I have completed the assessment of the application(s) submitted by the individual(s) listed above and **RECOMMEND / DO NOT RECOMMEND** (delete as appropriate) that they be accepted onto the list of approved Foster Carers.*

Signature:

Name:Date:

Social Welfare Officer

5.2 *I **APPROVE / DO NOT APPROVE** (delete as appropriate) the application(s) submitted by the individual(s) listed above for inclusion in the list of Approved Foster Carers.*

Signature: Date:.....

Commissioner of Social Welfare

THE LAW OF THE CHILD ACT
 FOSTER CARE PLACEMENT REGULATIONS 2011
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F.C. Form No. 3

FOSTER CARERS REGISTER
 Rule 7(1)

G.N. No. 153 (contd.)

Foster Care Placement Regulations

Carer Serial No	Foster Carer's Name			Date of Birth	Sex	Marital Status	Nationality	Religion	Registration Details				Foster Care Placement
	First	Middle	Last						District	Date Accepted	Date Left	Reason Left	S/No

THE LAW OF THE CHILD ACT
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 (G.N. NO..... OF 2011)

F.C. Form No. 4

FOSTER CARE PLACEMENTS REGISTER

Rule 7(7)

G.N. No. 153 (contd.)

Foster Care Placement Regulations

Place- ment S/No	Details of Child						Details of Foster Carer				Details of Placement			
	S/No	First Name	Middle Name	Last Name	DOB	Sex	S/No	First Name	Middle Name	Last Name	District	Start Date	End Date	Reason for End of Placement

Foster Care Placement Regulations

G.N. No. 153 (contd.)

THE LAW OF THE CHILD ACT
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F.C. Form No. 5

UNDERTAKING BY FOSTER PARENTS

Rule 8(2)(c)

I/We: (Name of Foster Carer 1)

and: (Name of Foster Carer 2)

of:

..... (full address, including Box No)

do hereby accept into my/our home as a foster child:

..... (name of foster Child)

Born at: on:

And we do further agree:

1. To provide the temporary care and affection to this child that I/we would give to a child of my/our own family until such time that a reunification or adoption of the foster child is arranged.
2. To assume full responsibility for the care and maintenance of this child as I/we would to a child of my/our own family.
3. To provide all necessary medical care and attention for this child and to follow such recommendations as may be prescribed by the medical officer.
4. To provide for education and training of this child according to his/her ability and to the opportunities available to him/her in the country.
5. To accept the guidance and supervision of the Social Welfare Officer in our care and planning for this child, and to cooperate with Social Welfare Officers who may be assigned to work with me/us.
6. To notify the Social Welfare Officer of any special problems that might arise with regard to this child, and of any change in my/our own circumstances that may affect the care and security of this child.
7. To advise the Social Welfare Officer of any change of address so that they might know at all times the whereabouts of this child for such information as may be required.

Foster Care Placement Regulations

G.N. No. 153 (contd.)

Foster Carer (1)

Foster Carer (2)

Signature:

Signature:

Name:

Name:

Date:

Date:

Witnessed by

Witnessed by

Signature of Witness:

Signature of Witness:

Name of Witness:

Name of Witness:

Position:

Position:

Date:

Date:

Foster Care Placement Regulations

G.N. No. 153 (contd.)

THE LAW OF THE CHILD ACT
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F.C. Form No. 6

CONSENT OF PARENTS OR GUARDIAN

Rule 8(3)

In the matter of: (Name of Child)

Born at: on:

(a copy of the Birth Certificate may be required and a Police Report may be needed in some circumstances to confirm parental status)

I/We, being the FATHER / MOTHER / LEGAL GUARDIAN (delete as applicable) of the above named child and being unable to provide care for this child within our family, do hereby agree and consent to the placement of the above named child with a Foster Carer which shall have been approved by the Commissioner of Social Welfare. We do further grant authority to the Commissioner for Social Welfare or his/her agent to authorise medical or surgical treatment for the above child as shall be recommended by a Medical Officer.

Parent/Guardian (1)

Parent/Guardian (2)

Signature:

Signature:

Name:

Name:

Relationship to Child:

Relationship to Child:

Witnessed by

Witnessed by

Signature of Witness:

Signature of Witness:

Name of Witness:

Name of Witness:

Date:

Date:

Foster Care Placement Regulations

G.N. No. 153 (contd.)

THE LAW OF THE CHILD ACT
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F.C. Form No. 7

SOCIAL INVESTIGATION REPORT
Rule 9(1)

1 Details of Child

1.1	<u>First Name</u>	<u>Middle Name</u>	<u>Last Name</u>

1.2 Date of Birth: 1.3 Sex:

1.4 Religion: 1.5 Tribe:

1.6 Current Place of Residence/Contact Details:

.....

.....

.....

2 Sources of Information (Identify all the sources of information used in this making assessment, and, where relevant, the dates)

2.1 Discussions with the child: (date)

2.2 Discussions with child's parent(s)/guardian(s): (date)

(Specify who):
.....

2.3 Discussions/Meeting with the Police: (date)

2.4 Discussions/Meeting with a Medical Officer: (date)

2.5 Other (give details):
.....

Foster Care Placement Regulations

G.N. No. 153 (contd.)

3 Current Family/Care Situation

3.1 What is the current status of the child's parents?

Father: ALIVE / DEAD / UNKNOWN (MISSING)

Mother: ALIVE / DEAD / UNKNOWN (MISSING)

3.2 What is the marital status of the child's parents?

3.3 What are the current care arrangements for the child?

.....

4 Needs of the Child

4.1 Is the child currently attending school/training? YES / NO

If YES, give details (type of school/level)

.....

4.2 Does the child have any specific educational needs?

.....

4.3 Does the child have a disability, chronic illness or other condition that may require special care?
YES / NO

If YES, give details:

.....

5 Family Reunification

5.1 Is the child separated from his/her parents? YES / NO

If YES, for how long?

.....

5.2 What efforts have been made to trace the parents/reunify the child?

.....

.....

Foster Care Placement Regulations

G.N. No. 153 (contd.)

5.3 What is your assessment of the potential for family reunification?

.....
.....

6 Foster Care Assessment

6.1 What is your assessment of the child's suitability for a foster care placement?

.....
.....

6.2 Have you been able to identify potential Foster Carer(s)? YES / NO

If YES, give details (all Foster Carers must be approved and entered onto the Register – use Application Form (Form 1) and Social Welfare Report (Form 2) for this purpose)

Names: Serial No:

6.3 Why do you believe that the proposed Foster Carer(s) are suitable for this child?

.....
.....

6.4 What are the views of the child?

.....
.....

6.5 What are the views of the potential Foster Carer(s)?

.....
.....

Foster Care Placement Regulations

GN. No. 153 (contd.)

6.6 What are the views of the biological parents (where applicable)?

.....
.....

6.7 Have the biological parents or guardians provided their consent to the foster care placement? YES / NO

6.8 If NO, detail the justification for the dispensing of the consent of the biological parents or guardians to the placement (in accordance with Rule 8(4)):

.....
.....

6.9 Are there any special support needs for this placement?

YES / NO

If YES, give details of the support and who will provide it:

.....
.....

6.10 What actions are required to achieve a permanent long term care solution for this child?

.....
.....

7 Recommendation & Formal Decision

7.1 I confirm that I have completed the Social Investigation for the above named child and that I **RECOMMEND / DO NOT RECOMMEND** (delete as applicable) a foster care placement as described above.

Signature:

Name: Date:

Social Welfare Officer

7.2 I **APPROVE / DO NOT APPROVE** (delete as applicable) the application(s) submitted by the individual(s) listed above for inclusion in the list of Approved Foster Carers.

Signature: Date:

Commissioner of Social Welfare

Foster Care Placement Regulations

G.N. No. 153 (contd.)

7.3 **Alternative Authorisation by a Social Welfare Officer** (as provided for under Rule 8(6) of the Foster Care Regulations)

Signature:

.....

Name: Date:

Social Welfare Officer

Foster Care Placement Regulations

G.N. No. 153 (contd.)

THE LAW OF THE CHILD ACT
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F.C. Form No. 8

MEDICAL REPORT

Rule 15(8)

(To be completed by a Medical Officer)

Name of examining Medical Officer:

Name of the health facility:

Date of medical examination of child:

1. Basic information

Name of child.....

Sex (M/F).....

Date of Birth.....

Height Weight

2. Immunisation record

	Immunisation	Date		Immunisation	Date
	Polio			Diphtheria	
	Smallpox			Tetanus	
	BCG			Whooping Cough	
	Other			Other	

Foster Care Placement Regulations

G.N. No. 153 (contd.)

3. Personal history

Has the examined suffered from any of the following? If yes indicate against the diagnosis, if not, please write "NO" in appropriate space.

- 1. Tuberculosis
- 2. Gastric or Duodenal Ulcer
- 3. Recurrent indigestion
- 4. Dysentery
- 5. Jaundice
- 6. Diabetes
- 7. Poliomyelitis or other neurological disorders.....
- 8. Epilepsy
- 9. Nervous breakdown
- 10. Psychiatric disorder
- 11. Eye disorder
- 12. Ear, nose or throat disorder
- 13. Skin diseases
- 14. Anemia
- 15. Gynecological disorders
- 16. Malaria or other tropical disease
- 17. Cholera
- 18. Operations
- 19. Serious accidents

If you answered yes to any of the above, provide further information:

.....
.....
.....
.....

4. Medical examination

4.1 General health

General Health

State of Skin Mucosa

Teeth Throat

Glandular enlargement

Eyes (conjunctivae)

Respiratory system

Cardiovascular system

Abdomen

Foster Care Placement Regulations

G.N. No. 153 (contd.)

Extremities

Central nervous system

HIV status.....

4.2 Investigation

1. Routine Urine analysis

2. Stool

3. Hb%.....

4.3 Findings

Is the child free of communicable disease?

Any serious disorder or disability:

.....

Findings of the Medical Officer:

.....

Recommendations of the Medical Officer:

.....

.....

Signature of the Medical Officer and date:

.....

Dar es Salaam,
27th March, 2012

HON. HADJI H. MPONDA,
Minister of Health and Social Welfare