



What is Best?

Orphans of South Sudan

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"Recognizing that the child...should grow up in a family environment, in an atmosphere of happiness, love, and understanding"

- Hague Adoption Convention, Preamble



Section 1

Children of War – Children of Hope (COW-COH) Mission Statement

Children of War – Children of Hope seeks to provide hope and a future to orphaned and homeless children living in war-torn areas by meeting with government officials in such countries to discuss domestic and international adoption policies.

Often orphaned and homeless children are the most vulnerable during and after conflicts but usually governments involved in war are overwhelmed with the task of providing the basic needs for these children and especially the greater need of a permanent family to provide a lifetime of care and love.



*“For I know the plans I have for you,” declares the Lord, “plans to prosper you and not to harm you, plans to give you hope and a future”. **Jeremiah 29:11***

Section 2

Biblical Guidelines for Orphans and Fatherless

PURE RELIGION? *Caring for widows and orphans:*

“Religion that God our Father accepts as pure and faultless is this: *to look after orphans and widows in their distress.*” **James 1:27**

“God defends the cause of the fatherless and the widow.” **Deuteronomy 10:18**

“Seek justice, encourage the oppressed. Defend the cause of the fatherless, plead the case of the widow.” **Isaiah 1:17**

WHAT DO ORPHANS NEED? A future with families:

“A father to the fatherless, a defender of widows, is God in his holy dwelling. God places the lonely in families.” **Psalms 68:5-6**

“For I know the plans I have for you,” declares the Lord, “plans to prosper you and not to harm you, plans to give you hope and a future”. **Jeremiah 29:11**



Section 3

Worldwide Orphan Statistics



Christian Alliance for Orphans' White Paper

On Understanding Orphan Statistics

If we are to communicate with humility, credibility, and integrity, Christian orphan advocates must both accurately understand and carefully present orphan-related statistics. Failure to do so undermines the strength of our advocacy and can misguide the actions that organizations, churches and individuals take on behalf of orphans. Meanwhile, an accurate grasp and communication of the true nature of the need provides a strong foundation for an effective, well-focused response.

Current Global Estimates

Although reflecting only broad projections, the estimated number of orphans globally currently reported by the UNICEF and the World Health Organization include:

- 15.1 million children worldwide have lost both parents (“double orphan”).^{i,ii}
- 140 million children worldwide have lost either one parent (“single orphan”) or both parents.ⁱⁱⁱ

Missing From the Estimates

There are many inherent limitations to any data that claims to be truly “global” in nature. While such data can help us gain a clearer picture of the size and scope of need, it can also be misleading.

One of the greatest weaknesses in these global orphan estimates is that they include only orphans that are currently living in homes.^{iv} They do not count the estimated 2 to 8+ million children living in institutions.^v Nor do current estimates include the vast number of children who are living on the streets,^{vi} exploited for labor, victims of trafficking, or participating in armed conflict.^{vii}

Thus, global orphan statistics significantly underestimate the number of orphans worldwide and fail to account for many children that are among the most vulnerable and most in need of a family.

Many of these children who live in orphanages or on the streets are known as “social orphans.” Although one or even both of their parents may be alive, social orphans rarely see their parents or experience life in a family. Some never do. Global orphan statistics shed virtually no light on the reality of the vast number of social orphans who have one or more living parents, yet experience life as if they did not.^{viii}

It is also important to remember that factors impacting orphans vary tremendously by region. In some places, strong extended family networks can readily absorb orphaned children. In others, that historic safety net has been shredded. A host of other factors—from the strength of the local economy, to the prevalence of child exploitation, to the quality of public and private social services—can each dramatically increase or mitigate the vulnerability of children. For this reason, great caution must be taken in applying and comparing statistics across various regions of the world.

Finally, sweeping statistics reveal nothing about the distinct needs of each individual child. Losing one or both parents increases a child’s statistical vulnerability greatly. But to seek the best outcome for each child requires knowing much more than orphan status alone. What we can say definitively, however, is that children who lack consistent parental care are among the most vulnerable beings on earth.^{ix}

Priorities in Response to Orphan Need

The Christian Alliance for Orphans affirms the historic Christian understanding—conveyed in Scripture and affirmed by social science^x—that God intends the family as the essential environment for children. We believe the ideal outcome for every orphan is to know the love and nurture of a permanent family.

Our world's brokenness at times makes this goal unattainable. Thus, alternative forms of care are sometimes necessary. This reality calls us to affirm two seemingly opposing convictions at the same time.

First, that amidst the deeply painful and complex situations facing orphans around the globe, there are times when care outside of a permanent family may be the best that can be attained. This can be especially true in countries in which war, disease or other factors have done great harm to the fabric of society, and when a child's needs require a more therapeutic setting than families in that region can typically provide. (See CAFO "Core Principles" at end of document).^{xi}

Second, that the need for alternative measures should not obscure the ideal of family or diminish our pursuit of it. This includes:

1. **Preserving Families.** We must work to aid widow-and-orphan and widower-and-orphan families, as well as other families at risk of disintegration. This includes offering opportunities and support that enable these families to remain safely intact, and also providing the community and other resources to help them thrive.
2. **Reuniting Families.** Whenever it can be done safely and responsibly, we must work to reunite families that have been sundered by war, natural disaster, poverty or other crises, including situations where children have been temporarily placed in residential care—also providing the community supports and other resources needed to help these families thrive.^{xii}
3. **Expanding Families.** When birth parents have died, or are unwilling or unable to provide adequate care even with outside support, we must work quickly to place children in permanent, loving families—and provide the community and other resources to help these families thrive. When adoption is not an option, care for children should be as family-like as possible.

Implications of the Data

In light of the information presented above, it is important to understand that:

- Millions of orphaned children have a surviving parent and are part of a one parent family that needs help to remain together and to thrive.^{xiii} There are certainly times when a surviving parent is unwilling or unable to provide adequate parental care, but to the fullest extent possible, we place priority on efforts to preserve struggling families and to reunify those that have been separated.^{xiv} Research suggests that single orphans—especially those who’ve lost their mother—are much more vulnerable than non-orphans to a wide range of dangers, including HIV, teen pregnancy, depression, suicide, alcohol and drug abuse, institutionalization, malnutrition, and death. The relational, physical and spiritual support of the local church community are vital to helping single orphans and their surviving parent to thrive.^{xv}
- Millions of orphans and other vulnerable children are in need of help to reunify with their birth families. While estimates vary, studies consistently reveal that a large percentage of children living in orphanages and on the streets have at least one living parent.^{xvi} In addition, children in foster care nearly always have living parents. Not all of these parents are willing or able to provide adequate parental care. And a number of recent studies show that reunification done without great caution can expose children to great harm.^{xvii} But in many cases, it is possible to reunify families that have been split apart by extreme poverty, disaster, war or other crises. Further, even when both parents have died, finding a permanent home with a caring relative is often the most desirable outcome for a double orphan, particularly when it can be ensured the child will be treated as a full and equal member of his or her new home. Both family reunification and “kinship care” represent vital aspects of the church’s response to the needs of orphans worldwide.^{xviii}
- Millions of children are in need of families that are willing and suitable to adopt them.^{xix} Each year only a tiny fraction of children that need families are adopted within their own countries or internationally. In much of the world, major barriers stand between these children and permanent family. These barriers include cultural biases against adoption, proclivity toward non-adoption care models by some governments and NGOs, apathy towards orphans in the church and broader society, and government policies that make adoption difficult or impossible. In addition, a large percentage of children in need of adoption are considered particularly “hard to place” because they have special needs, are over age 4, and/or are part of sibling groups.

An essential aspect of service to orphans is working to remove these barriers and to grow a culture within the church in every country that affirms and embraces adoption. Well-crafted safeguards must always be set to guard against unethical adoption practices, as with all services to children. But the need for such safeguards must never become an excuse for systems that, in effect, relegate children to life without a family. Placing these children in permanent, safe, loving families should be our unequivocal goal whenever possible.

- Millions of children today live on the streets and in poorly-run institutions with virtually no realistic hope of placement into a family in the foreseeable future. In these places, we must champion initiatives that will make family a greater possibility for more children in the long run. But we must also help bring about workable solutions that protect and care for these children today. This includes high-quality foster care and nurturing group homes. While new orphanages should not be created except in extreme circumstances, existing orphanages can be helped to improve their quality of care^{xx} and to develop programs that minimize out-of-home care. Any approach to caring for these children should always be as safe, nurturing and close to family as is feasible for the given situation.

Conclusion

In all of this, it should be clear that statistics regarding orphans, and even the definition of the term “orphan,” have inherent weaknesses. This does not mean they are not important. Good data can help us understand the nature and extent of the need. And the term “orphan” itself helps a society—perhaps especially those that have been influenced by Judeo-Christian values—to connect the needs of vulnerable children with the clear mandate in Scripture to protect and care for the “fatherless” and the “orphan.”

At the same time, we should understand that the biblical concept of the “orphan” and “fatherless” includes more than just the boy or girl who has lost one or both parents. Rather, it describes the child who faces the world without the provision, protection and nurture that parents uniquely provide. No statistical analysis will ever perfectly capture the global number of children fitting this description. Regardless, God calls His people to reflect His heart and character in choosing to “defend the cause of the fatherless,”^{xxi} to “visit the orphan and widow in their distress,”^{xxii} and to “set the lonely in families”^{xxiii}—whatever the details of his or her situation may be.

In living out this high calling, it is our firm desire to see the local church in every region increasingly play the central role in meeting the needs of orphans in distress—from family preservation and adoption; to provision for specific physical, social, emotional and spiritual needs; to advocacy for government policies that combat systemic injustices and help advance the priorities expressed in this paper.

For Western Christians, this includes a distinctive call to foster, mentor and adopt children within their local foster systems. In addition, when there are more orphans in need of adoption than local families currently willing to adopt in any country, children have a right to find loving homes through inter-country adoption. Western churches and nonprofit organizations also can continue to play a vital supportive role globally—humbly aiding local churches and ministries.

Ultimately, our final hope is this: that Christians in every nation will rise as the primary answer to the needs of the orphans in their midst, glorifying God as a reflection of His great love for the orphan and for us.



Resource

ⁱ United Nations Children’s Fund, For Every Child, End AIDS – Seventh Stocktaking Report, UNICEF, New York, December 2016.

ⁱⁱ As explained in the section “Missing from the Estimates,” the estimate of double orphans—17.6 million—does not include the large population of orphans that live on the streets or in orphanages. Thus, while less than 12 percent of the 150 million children accounted for in current orphan estimates are “double orphans,” this percentage would likely be notably higher if all orphans were represented in global estimates.

ⁱⁱⁱ UNICEF, UNAIDS, and WHO. Children and AIDS: Sixth Stocktaking Report. 2013.

^{iv} Current global orphan statistics are projections based upon data drawn from “household surveys.” Thus, they do not include children that are not currently residing in a household.

^v UNICEF. Progress for children: a report card on child protection. 2009. UNICEF estimates that more than 2 million children are in institutional care around the world, but this is an unreliable figure based on a small sample of countries, and UNICEF acknowledges it is an underestimate. Other credible reports put the figure at 8 million or more. See, for example, www.unicef.org/violencestudy/incare.html.

^{vi} UNICEF. The State of the World’s Children 2006: Excluded and Invisible. 2006. UNICEF estimates 100 million street children in the world. Although no hard data is available to make such projections with confidence, we can be certain the number is very large.

^{vii} See, for example: <http://www.ilo.org/global/topics/child-labour/lang--en/index.htm#a3>; http://www.unicef.org/protection/57929_58005.html; and <https://childrenandarmedconflict.un.org/press-release/secretary-generalsannual-report-on-children-and-armed-conflict-documents-continued-child-suffering-in-23-conflict-situations/>

^{viii} Much could be said and debated about the dilemma of seeking to care wisely for “social orphans.” In some such cases, a modest amount of outside support could allow these children to return to their families of origin. In others, home-based foster care presents a positive alternative to residential settings when local or international adoption is not possible. There may be times when legal termination of a parental relationship should be considered, thus enabling children to be adopted rather than grow up with little or no experience of family. When these options are not available or have proven ineffective for individual children, residential care may be the most practicable care option until additional family-based care options are developed.

^{ix} Consider, for example, just a handful of representative studies. Ainsworth (2000), Lindblade (2003), and the Zimbabwe Ministry of Health and Child Welfare (2003) found that both single and double orphans are much more likely than other children to be malnourished and stunted in growth. Case, Paxson, and Ableidinger (2003) and Hyde (2002) found that even when living with a surviving parent or relatives, orphans are less likely to attend school and more likely to fall behind and drop out. Kifle (2002) and many others have found that orphans are especially prone to labor exploitation. Numerous studies have found that orphans are especially vulnerable to sex trafficking and exploitation, including Mushingeh (2002) in Zambia and UNICEF (2005) in Moldova.

This vulnerability extends to children who lack consistent parental care even in western nations. For example, a report by the New York State Office of Children and Family Services (2007) found that 75 percent of children who were sexually exploited for commercial purposes had spent time in foster care.

^x Studies consistently reveal that dependable parental attention and nurture is vital to the healthy emotional, physical and social development of children. For overviews of studies documenting potential negative impacts of institutional care upon children, especially orphanages that are large-scale and low-nurture, see *The Risk of Harm to Young Children in Institutional Care* (2009) by Browne; or *Families, Not Orphanages* (2010) by Williamson and Greenberg; or *Children, Orphanages, and Families* (2014) by the Faith to Action Initiative.

^{xi} It is important to affirm that our driving objective should always be to find the care setting that best meets the unique needs of each child. For example, there are cases when the needs of a child (such as intense therapeutic intervention or protection from self-harm or harm to others) may extend beyond what could be provided in a family setting. In cases such as these, while family remains the hope, the importance of quality therapeutic residential settings should not be diminished.

^{xii} Enabling children that live in orphanages or on the streets to return to their families of origin is the definitive priority whenever safely possible. However, it is important to affirm that not all parents are willing or able to provide adequate care, and that abuse, forced labor and other dangers may sometimes await children within their home of birth. Reunification must always be pursued with a primary commitment to the best interest of each child, and must be carried out with great care and planning.

^{xiii} Roughly 132 million of the 150 million orphans accounted for in current estimates are single orphans and have a surviving parent. The situations facing these single orphans vary greatly. In some cases, the surviving widow or widower is unwilling or unable to care for their children, but there are many times when – even amidst great hardships – modest outside support can help the family to remain intact or to reunify if it has been separated.

^{xiv} Extensive financial giving by Christians every year is invested in disaster relief, community and economic development, and a wide range of other initiatives that help preserve and strengthen struggling families. While not technically focused on “orphan care,” these investments should certainly be understood as a vital part of the Christian mandate to care for orphans—both in helping care for current orphans and preventing the creation of new orphans.

^{xv} Christians should take special note of the fact that the Bible regularly pairs orphans and widows. The Bible also consistently uses the term “the fatherless” as a synonym for “orphan.” This is because in biblical times the large majority of orphans had lost their father but not their mother. This is the case today as well. UNICEF’s Fifth Stocktaking Report (2010) estimated that 101 million of the then-153 million children classified as orphans—more than six in ten—had a surviving mother. Another 34.5 million had lost their mother but had a surviving father. Whether they’ve lost father or mother, single orphans and their surviving families are often highly vulnerable. As people who embrace the central role of family in caring for children, Christians should place special priority on preserving and aiding these vulnerable one-parent families to the fullest extent possible.

^{xvi} A wide variety of studies estimate between 30 and 80+ percent of children in orphanages in many parts of the world have one or more parents and/or relatives. This does not necessarily mean these adults are willing and able to care for the child, but it does reveal that a large percentage of children in orphanages have living kin. For example, the Better Care Network’s Global Facts About Orphanages (2009) reports that roughly half of children in orphanages in Bangladesh, Bolivia, and Pakistan had a living parent, and that this number is 80 percent or more in Afghanistan, Belarus, Bhutan, Kyrgyzstan, Nepal, Sri Lanka, and Tajikistan. More studies and data on this point can be found in *Children, Orphanages, and Families* (2014) by the Faith to Action Initiative.

^{xvii} It is important to note that the parents/relatives of these children are frequently unwilling or unable to provide a safe home environment, and that some studies suggest that rates of abuse and exploitation in these homes can be very high. See, for example, Morantz, et al (2012) in Kenya or Merz, McCall and Groza (2013) in Russia. Still, studies of successful programs in many parts of the world reveal that at least a portion of these children can be safely reintegrated with parents or extended family. For example, see “Reaching for Home: Global Learning on Family Reintegration in Low and Lower-middle Income Countries” (2013).

^{xviii} Most orphaned children continue to live in families – typically with a surviving parent or sibling, or members of their extended family. Helping these families to thrive and ensuring that children are well cared for is a vital facet of caring for orphans.

^{xix} This group includes double orphans that have no kin willing to adopt them, as well as single orphans and non-orphans whose living parent or parents are unwilling or unable to provide adequate care, even with outside support.

^{xx} Improving caregiver training, nutrition, child protection practices, gatekeeping and other reforms within orphanages can dramatically improve outcomes for children. For example, “Implementing Changes in Institutions to Improve Young Children’s Development,” in which Groark and McCall (2011) found that reforms in Russian orphanages – especially ensuring consistency of caregiver for each child—produced major improvements in child health and development.

^{xxi} Isaiah 1:17, Deuteronomy 10:18 ^{xxii} James 1:27 ^{xxiii} Psalm 68:6



Christian Alliance for Orphans Core Principles

1. **Responsive Love** To act upon God’s call to care for orphans is not merely a matter of duty, guilt or idealism. It is first a response to the good news, the Gospel: that God, our loving Father, sought us, adopted us, and invites us to live as His sons and daughters (John 1:12, Gal 4:6, Eph 1:15; I John 3:1). We love because He first loved us. (1 John 4:19)
2. **Informed Action** Good intentions alone are insufficient. All care for children should be done with love that is guided by both knowledge and wisdom (Phil 1:9-11; Prov 19:2). Amidst the deep complexity of human need, no solution will be without flaws. Yet our aim must always be to offer the excellent care we would want to give Jesus himself – informed by both Scripture and the best available research, knowledge and proven practice.
3. **Commitment to the Whole Child** To meet only spiritual or only physical needs is incomplete (1 John 3:17; James 2:16; Mark 8:36). Christian love seeks to address both. Even a cup of water given to quench the thirst of a child is of eternal worth (Mt 10:42). Yet of surpassing value is to know Jesus and our identity as children of God (Phil 3:8). Just as in the ministry of Jesus, we hold together the meeting of physical need with the Gospel that reveals God’s love.
4. **Priority of Family** Both Scripture and social science affirm that the very best environment for children is a safe, loving, permanent family. When this is not possible, the goal for each child should be – as a general rule – to move as far as possible along the “spectrum of care” options toward permanent family. Care for children should always be as safe, nurturing and close to family as is feasible for the given situation.
5. **Family Preservation** Children classified as “orphans” that have a surviving parent or other relatives willing to care for them should be helped to remain with family members whenever safely possible. Likewise, when families have been

separated, reunification of children with their biological family is of first priority whenever children can be returned to a safe, nurturing home environment. Efforts that enable struggling families to stay together are a vital part of the Bible's call to care for orphans and widows in distress.

6. Residential Care Even as we champion the ideal of family, we can also honor the devoted care and protection provided by many quality residential facilities. We also recognize that therapeutic group settings can play an essential role in the healing of children with intensive needs. God created the family as the best environment for children, so new orphanages should not be created except in extreme circumstances. Existing orphanages should be helped to improve their quality of care and to develop programs that minimize out-of-home care.
7. Central Role of the Local Church The local church in every nation possesses both the Christian mandate and many other resources needed to care for the world's orphans in a nurturing, relationship-rich environment. Every initiative to care for orphans should prioritize and honor the role of the local church, carefully pairing what foreign resources may be necessary with local believers willing to open their hearts and homes to orphans in their community.
8. The Power of Unity Scripture overflows with calls for unity in the Body of Christ (Ps 133; 1 Cor 12:12; Eph 4:3, Col 3:11-15; Phil 4:1-3). Such unity yields special strength (Ecc 4:9), welcomes the presence of Christ (Mt 18:20), and ultimately presents the truth of Jesus to the world (Jn 17:20-23). Disagreements are inevitable and sometimes even necessary. Yet amidst all that strains unity, we commit to honoring each other above ourselves (Rom 12:10) – and labor in unison to see every orphan experience God's unfailing love.

Section 4

Government of South Sudan The Child Act 2008

From Page 15 - The Child Act 2008

CHAPTER II RIGHTS AND DUTIES OF THE CHILD.

General Principles Regarding the Rights of the Child

6. The Best Interests of the Child.

Whenever the Government either at GoSS or State level, a Court, a local authority, legal entity or any person determines any question with respect to the upbringing, care or welfare of a child or the administration of a child's property or any income arising from it, the best interests of the child shall be the paramount consideration.

From Page 40 - The Child Act 2008

CHAPTER IV GUARDIANSHIP

60. The Meaning of Guardianship.

For the purposes of this Act the term "guardian" means a person appointed by will or deed or customarily by a parent of a child, or by an order of a Court to assume parental responsibility for a child upon the death of a parent, either alone or in collaboration with a surviving parent of the child.

61. Appointment of Guardian.

Without prejudice to the provisions of section 60 above, a guardian may be appointed in respect of the person, or the estate of a child or both.

From Page 41 - The Child Act 2008

63. Nationality of the Guardian.

A guardian needs not to be a Southern Sudan citizen or a resident in Southern Sudan.

64. Appointment of Guardianship by Will or Deed.

- (1) A guardian shall act jointly in the best interests of a child with a surviving parent of a child as long as that parent remains alive, unless the parent objects to his or her so acting.
- (2) If the surviving parent objects to such guardianship, or if the guardian appointed considers that a parent is unfit to have legal custody of a child, the guardian or parent of the child may apply to a Court which may, acting in the best interests of the child—
 - (a) refuse to make any order in which case the parent shall remain the sole guardian;
 - (b) make an order that the guardian shall act jointly with the parent; or
 - (c) make an order that the guardian shall be the sole guardian of the child, in which case the Court shall make such order regarding the custody of the child and a maintenance order may be issued against the parent of the child.



CHAPTER V
FOSTER-CARE AND ADOPTION
General

70. The Duty of the Government to a Parentless Child.

- 1) The Government shall ensure that any child who is parentless, or who is temporarily or permanently deprived of his or her family environment, or who in his or her best interest cannot be brought up or allowed to remain in that environment shall be provided with alternative family care in his or her community, including care by relatives, a foster placement or an adoptive family.
- 2) Where possible, a child being adopted or placed in foster-care shall not be separated from his or her sibling(s).
- 3) Where possible a permanent solution shall be found for children who fall under subsection (1), above.

Circumstances in Which a Foreigner May Adopt a Southern Sudanese Child.

- 1) In exceptional circumstances a person who is not Southern Sudanese may on application to the High Court adopt a Southern Sudanese child, if he or she—
 - (a) has established residence in Southern Sudan for a minimum of three years;
 - (b) has fostered the child for at least one year;
 - (c) does not have a criminal record;
 - (d) has an accredited recommendation concerning his or her suitability to adopt a child from his or her country's authorized person;
 - (e) has satisfied the High Court that his or her country of origin will respect and recognize the adoption order; and
 - (f) has satisfied the High Court that the adopted child will be authorized to enter and reside permanently in that country.
- 2) A High Court may, in an adoption order, include additional terms and conditions as it deems fit.



International Adoption 2009

Juba High Court

Pastor Dennis and Lillian Klepp
with adopted orphaned son, Caleb,
serving as Missionaries in Yei, South Sudan.

Harvesters Reaching the Nations

(www.hrtn.org)

Section 5

Uganda - Legal Guardianship

From a manual written
By *Honorable Justice Moses Mukiibi*,
Deputy Head – Family Division High Court of Uganda,
entitled “**Legal Guardianship Manual**”

From Page 40 - Legal Guardianship Manual

“What is most likely to cause harm to children is denying them a permanent nurturing home early in life.” Justice Mukiibi

Court of Appeal ruling 17 February 2012- “The position is that foreign nationals who are not residents in Uganda and who have not fostered a child for 36 months, in whose favour an adoption order cannot be granted in Uganda, who are shown to be capable of providing a permanent nurturing home to a child, and who wish to remove the child from Uganda to obtain an adoption order in their country of origin, can apply to the High Court for an order of Legal Guardianship over the child.”

From Page 41 - Legal Guardianship Manual

A CHILD'S RIGHT TO LIVE WITH A FAMILY: WHAT IS THE BEST FAMILY FOR A GROWING CHILD?

The child's most basic human rights require steps to guarantee the child's right to grow up in a family. And if the child cannot grow up in the birth family, then human rights principles require that the child be placed, as soon as possible, in an alternative permanent nurturing family, whether in the country of origin or abroad.

The requirement that a child grows up in a nurturing family should be prominent in trying to ascertain what is best for the child. While conscious of the need for a child to remain in the care of his or her natural parents the court takes the child's welfare as paramount and is prepared, in appropriate cases, to override the interests of those parents.

The Courts have recognized that the option for a child of a nurturing family which is ready to provide him/her with love, happiness and the basic needs for his/her healthy development is an important factor in considering the welfare principle, and determining what is in the best interest of the child.

Below revision to Uganda Legal Guardianship, 2016

“THE REPUBLIC OF UGANDA CHILDREN ACT – CAP 59

(with AMENDMENTS as at 1st June 2016)

Act 9, page 30

12. Insertion of a new Part VIA in the principal Act.

The principal Act is amended by inserting immediately after Part VI the following new part—

PART VIA – GUARDIANSHIP.

43A. Legal guardianship.

1. This Part applies to the guardianship of children in Uganda by citizens of Uganda.
2. A person who is not a citizen of Uganda shall not be eligible to apply for legal guardianship.”



Section 6

Rwanda

Ministry of Gender Report – 2012-2013

From Page 14

National Survey of Institutions for Children in Rwanda

Ministry of Gender and Family Promotion

INTRODUCTION

The Rwandan Government's aim for children living in institutions is to reduce the number of children in institutional care through systematic family tracing and reunification efforts, as well as through the development of suitable family-based alternatives. It is in the implementation of this strategy of deinstitutionalisation (DI) that the Ministry of Gender and Family Promotion (MIGEPROF), in cooperation with Hope and Homes for Children, has launched a pilot DI project to close the Mpore PEFA Institution in Kigali and is now undertaking a national survey of all the children in institutions across the country.

The DI process is rooted in a large body of research together with Hope and Homes for Children's own experience in the field, which shows that institutional care, by its very nature, has a highly detrimental effect on children's development and wellbeing. This awareness is reflected in the constitution of the Republic of Rwanda and the UN Convention on the Rights of the Child (CRC).

In 1997 MIGEPROF issued guidelines for the successful implementation of DI and recommended phases towards family reunification and reintegration. In 2004, a National Policy on Orphans and other Vulnerable Children was introduced, which strongly supported community-based care. Law no 27/2001 of 28 April 2001 on the protection of Children against Violence, especially in Articles 2 and 9 is another illustration of the commitment of the Government of Rwanda. In March 2012, whilst this national survey was being undertaken, the Cabinet of the Republic of Rwanda approved a National Strategy for Child Care Reform. The aim of the strategy is to transform Rwanda's current childcare and child protection system into a family-based, family-strengthening system whose resources (both human and financial) are primarily targeted at supporting vulnerable families to remain together.

All of these documents recognise that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding (CRC: Preamble).

A vital first step in the process is to obtain an accurate picture of the current institutional system and the children living within it which can be used to inform decision-making regarding the implementation of the reform strategy and provide a baseline against which progress can be measured in the future. For this reason Hope and Homes for Children, in partnership MIGEPROF, has conducted a national survey of all institutions for children in Rwanda. The survey covered all 33 institutions for children without parental care that are registered with MIGEPROF – excluding the Mpore PEFA Institution which was in the process of being closed through a pilot deinstitutionalisation project.



Section 7

Orphans and the Church

Let's get to zero—together! • God calls us to care for and defend the orphan. In James 1:27 the definition of religion is to look after orphans and widows in their distress. • Most Christians and churches want to do something about orphans and widows in their distress. • When it comes to orphans, we have a long way to go. • Let's get to zero—together!

163 MILLION ORPHANS IN THE WORLD?

We need to think and act differently. Below are some ways that those of us at Saddleback Church are thinking and acting differently.

WHAT WE USED TO THINK AND DO FOR ORPHANS	WHAT WE THINK AND DO NOW
Pray, pay, and stay away	GO and serve the local church
Go do projects FOR the local church globally	Indigenous Church owns, initiates
We're the hero	The local church is the hero
Build Orphanages	Empty Orphanages
Help	Help without hurting
Give them "things"	Give them ourselves
Place Children in orphanages or "homes"	Unite children to a life-long family
Measure success by dollars given	Measure success by children in permanent families
Medicate and Educate	Cure
Hire a temporary family	Equip a life-long family
Help orphans find shelter	Help orphans find a mom and dad
Think there weren't enough families	Realized there are more than enough families. 163 million orphans: 2.4 billion Christians=Enough
Work on the orphan crisis	End the orphan crisis through the church and family
Help orphans live a better life as an orphan	Help orphans become sons and daughters
Churches provide leads to donors	Churches provide leads to adoptive families and Provide the lay social workers, training and support necessary for success
Churches can't do much to help with adoption globally	Churches can empower other churches to change the world

LET'S GET TO ZERO!

Saddleback Orphan Care Initiative Equips Churches with Vision, Tools and Training through the PEACE Plan.
We welcome you to join us!
www.orphansandthechurch.com

HOW TO END THE GLOBAL ORPHAN CARE CRISIS – WHAT EVERY CHURCH CAN DO

(This article by Global Orphan Care Director Elizabeth Styffe originally appeared in Ministry Today <http://ministrytodaymag.com/index.php/ministry-outreach/missions/19805-how-we-can-end-the-orphan-crisis>)

God’s Adoption Plan provides the church with the perfect ministry model

At the heart of orphan care at Saddleback Church is the desire to end the orphan crisis. We believe every child deserves a loving, lasting, legal, lifelong family of their own—and we believe this is doable. If every church empowered their members to care for orphans in ways that helped and didn’t hurt, the orphan crisis could be over.

Unfortunately, though there are still more than 163 million orphans and vulnerable children in the world today, little has been done yet to help orphans stop being orphans. As a culture, we’ve spent years trying to put Band-Aids on the orphanage institution. But children need more than food, shelter, clothing and education. We don’t want children to just survive, but to thrive—and children thrive in family.

At Saddleback, we began asking ourselves, “How can we end the orphan crisis, and is there something every church can do?” Here are what we believe are the answers to those questions.

God’s Solution

Orphans stop being orphans when they become sons and daughters. At Saddleback, we’ve been challenged to change everything about how we care for orphans and how we engage members to care. We have two goals: (1) to end the orphan crisis; and (2) to get every member on mission, caring for orphans locally and globally by helping them find a family of their own.

Family is God’s remedy for orphanhood. The church doing for orphans what God has done for us is His solution. Because of this, we believe that if more Christians would do physically for orphans what God has done spiritually for us, the orphan crisis would be solved.

When we were orphans, God adopted us. Scripture teaches that the reason God made the world was so He could adopt (see Eph. 1:4-6). Our triune God, who needed nothing but wanted a family of His own, allows us through the blood of His Son to share in the rich communion as His sons and daughters (see Eph. 1). When God adopted us, He made us part of His permanent family, so we would no longer be orphans. Even though we were not His bloodline, He grafted us in through adoption, giving us permanent security and a family, and meeting our need to belong. His adoption of us is a legal process that cost Him everything. It gives us an inheritance and the right to call Him Abba, or “Father” (see Gal. 4, Rom. 8). As a result, at Saddleback we are in the work of reconciling people to God through adoption (spiritual adoption), and helping children stay in their families, be reunited with their families or find a new family through adoption (physical adoption).

Church and Family

There are 163 million children at risk in the world today but 2.4 billion people who claim the name of Jesus. This means the solution for every child is a church where all the members are caring about orphans. Churches can help orphans find a new family through adoption. They can help them remain in their current family if it is safe. Or they can help them reunite with their families if they are separated (since most children in orphanages have families in the communities but need the church to help the family become safe, healthy, and financially and emotionally ready to care).

The Orphan Care Initiative at Saddleback empowers ordinary believers to help orphans and vulnerable children locally and globally, and it also focuses on helping children find families. On the local level, this could mean doing several things: volunteering to serve children recently removed from their home, helping with sessions for people thinking about adoption, giving financially to someone who is adopting, or caring for newly adopted children while their families gain support. Even if you can't adopt (and not everyone should), you can help someone who is adopting.

This has changed what Saddleback does cross-culturally. We send teams to help churches start orphan ministries that provide permanent, legal, lifelong families for children. We don't invest in group homes or orphanages or other often harmful substitutes for families.

We help local churches and governments find and equip families for adoption. The emphasis is on solving the orphan crisis through adoption. We're not talking about Americans adopting (although the very small and declining number of adoptions last year in the U.S. is evidence that more people should). Instead, this is about helping churches all over the world legally adopt children, doing what's best for a child and ending the orphan crisis.

Six Things Every Church Can Do

So what can you do to help eradicate such a global problem? Here are six things every church (including yours!) can use to launch an orphan-care ministry:

- *Open your heart to God's heart for the orphan.*
- *Recognize your responsibility to find permanent families.*
- *Prevent children from being orphaned.*
- *Help orphans in ways that move them out of orphanhood.*
- *Affirm loving, legal and lasting families by preservation, reunification, or adoption.*
- *Never forget the local church is key.*



Section 8

Adoption Agencies Recommendations

Below is a summary of what is considered by many agencies to be the best practice for a country to initiate their inter-country adoption program. These of course are suggestions and it is up to the Ministry of Children's Affairs of South Sudan to decide what is best.

Provided by: Gladney Center for Adoption

Suggested Process on Inter-country Adoptions

- a. **Licensure:** Agencies wishing to work in South Sudan should be required to obtain licensure from the South Sudan government. A suggestion would be to have the 1st year license probationary and then a perpetual license with the government having the authority to revoke for specific reason. The government office over accreditation should consider keeping the number of licensed agencies to a manageable level for control and continuity. A recommendation would be no more than 5 licensed agencies for the first two years and reassess adding more at that time. Require a formal trip for a Sudan official to the U.S. every third year to observe firsthand the adjustment of the children. Licensed agencies from the U.S. should be Hague Accredited and should not be allowed to “umbrella” or allow other agencies to sub-contract them. This will assure the licensed agencies are held to the highest standards.

- b. **Orphan Definition:** The laws should take into consideration the U.S. governments definition of an orphan: **Orphan** is defined in section 101(b)(1)(F) of the Act as "a child, under the age of sixteen at the time a petition is filed in his behalf to accord a classification as an immediate relative under section 201(b), who is an orphan because of the death or disappearance of, abandonment or desertion by, or separation or loss from both parents, or for whom the sole or surviving parent is incapable of providing the proper care and has in writing irrevocably released the child for emigration and adoption; who has been adopted abroad by a U.S. citizen and spouse jointly, or by an unmarried U.S. citizen at least twenty-five years of age, who personally saw and observed the child prior to or during the adoption proceedings; or who is coming to the United States for adoption by a U.S. citizen and spouse jointly, or by an unmarried U.S. citizen at least twenty-five years of age, who have or has complied with the pre-adoption requirements, if any, of the child's proposed residence: Provided, That the Attorney General is satisfied that proper care will be furnished the child if admitted to the United States:

Provided further, That no natural parent or prior adoptive parent of any such child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act." Public Law 106-139, signed by the President on December 7, 1999, amended section 101(b)(1)(F) of the Act to include the natural sibling of a previously adopted child, when the sibling has been adopted abroad or is coming to the United States for adoption by the same United States citizen parent(s) or prospective parent(s), if the child is under the age of 18 when the petition to accord a classification as an immediate relative under section 201 (b) of the Act is filed on his or her behalf.

- c. **In-Country Office:** A suggestion that agencies establish an office in Juba. This is one more way for the South Sudan government to establish the intent of agencies willing to work in-country and also provide economic impact by hiring indigenous residents.
- d. **Require Financial Audit on in-country adoption agency office by South Sudan Audit Firm:** This audit is another way to ensure the agencies are handling their affairs in an appropriate manner by requiring the audit as part of the annual assessment required by the Ministry of Gender and Family Promotion.
- e. **In-Country Staff:** Require that in-country staff register with the Ministry of Gender and Family Promotion who governs inter-country adoptions in South Sudan. Require these individuals to have regular meetings with the government office.
- f. **Health Care:** Suggestion that children be seen by a doctor if living in an orphanage on a medically prescribed basis (annually if toddler or older, much more frequent if an infant). Should follow typical routine check-ups and immunizations if they are not already in place.
- g. **Family Court:** A recommendation would be that **all** adoption cases go to a specific Higher Court of Family Law so that the judges presiding over the cases are familiar with the current law and are prepared to apply the same law over all cases. Once again, the hope is to standardize and simplify the course of action as much as possible.

- h. **Follow-up of adopted children:** Require post placement reports on the children/ adopting families to be submitted by all agencies with an in-home visit at 6 months after placement and 1 year after placement. These reports would include a written account on how the child is assimilating with the family, family photos, and annual medical reports on the child. By requiring the agencies to be responsible for supplying these reports, the Ministry has the authority to revoke the license of any agency that does not follow this regulation. This makes it imperative for agencies to follow up on submitting these reports in order to continue placing children.

- i. **Dossiers:** Require that all dossier and post placement documents are authenticated.

- j. **Adoption Contracts:** Require agencies to sign adoption contracts with the orphanage the particular child is coming from and the contract is part of the legal documents submitted to the court for finalization of the adoption decree. This will insure that all agencies are working with approved orphanages and are not getting referral of children from unknown individuals.



