

## Children's Act, 2005

ACT NO.	38 of 2005
CATEGORY	Family & Social

### Summary

Parental responsibilities, care and contact, child protection, foster care and adoption.

### Full text of the Act

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Start Date

End Date

Children's Act 38 of 2005

Files

Attachment

Size

a38-053.pdf

2.59 MB

38 of 2005

The Children's Act 38 of 2005 intends:

to give effect to certain rights of children as contained in the Constitution;  
to set out principles relating to the care and protection of children;  
to define parental responsibilities and rights;  
to make further provision regarding children's courts;  
to provide for the issuing of contribution orders;  
to make new provision for the adoption of children;  
to provide for inter-country adoption;  
to give effect to the Hague Convention on Inter-country Adoption;  
to prohibit child abduction and to give effect to the Hague Convention on International Child Abduction;  
to provide for surrogate motherhood;  
to create certain new offences relating to children; and  
to provide for matters connected therewith.

Amends

General Law Further Amendment Act 93 of 1962

Prevention of Family Violence Act 133 of 1993

Commencement

1 July 2007, Sections 1 to 11, 13 to 21, 27, 30, 31, 35 to 40, 130 to 134, 305, 307 to 311, 313 to 315 and Schedule 4

(Gazette 30030 of 29 June 2007)

1 April 2010, remaining sections on (Gazette 33076 of 1 Apr 2010)

#### Amendments

The Southern African Legal Information Institute provides a complete amended Act at [https://www.saflii.org/za/legis/consol\\_act/ca2005104/](https://www.saflii.org/za/legis/consol_act/ca2005104/) [Updated to 26 January 2018]

Amended by Children's Amendment Act 17 of 2022

Amended by Children's Second Amendment Act 18 of 2016

Amended by Children's Amendment Act 17 of 2016

Amended by Judicial Matters Amendment Act 8 of 2017

Amended by Legal Aid South Africa Act 39 of 2014

Amended by Judicial Matters Amendment Act 42 of 2013

Amended by Prevention & Combating of Trafficking in Persons Act 7 of 2013

Amended by Child Justice Act 75 of 2008

Amended by Children's Amendment Act 41 of 2007

#### Repeals

Hague Convention of the Civil Aspects of International Child Abduction Act 72 of 1996 [repealed]

Natural Fathers of Children Born out of Wedlock Act 86 of 1997 [repealed]

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#### Official source

<https://www.gov.za/documents/childrens-act>

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Reading the Act is one thing; applying it to your facts is another. Nkadameng Danny Legal & Compliance Support can prepare submissions, negotiate on your behalf, or refer you to an admitted attorney where representation is required. Call 071 276 6198 or email nkadamengdanny7@gmail.com to book a consultation.