

**AFFIDAVIT WITH REGARD TO THE NATIONAL REGISTER FOR SEX OFFENDERS
IN TERMS OF THE SEXUAL OFFENCES AND OTHER RELATED MATTERS ACT,
ACT 32 OF 2007 AND THE NATIONAL CHILD PROTECTION REGISTER ACT 38 OF 2005**

I.....
..... (Full Name) with Identity No:

hereby states under oath as follows:

1. My personal particulars are as follows:

My home address is.....

My work address is

2. I have been made aware of the undermentioned provisions with specific reference to my rights and obligations in this regard:

- a) Chapter 6 of the Sexual Offences and other related matters Act 32 of 2007; and
- b) Chapter 7 Part 2 of the Children’s Act that relates to the National Child Protection Register.

3. I have applied to become a foster parent / kinship care-giver / temporary safe care-giver / an adoptive parent or curator to the following child / children:

Name (child)	Surname (child)	Date of birth (child)

4. My attention was drawn to the provisions of the undermentioned legislation:

- a) Section 48(2) of Act 32 of 2007 which obliges me to disclose whether I have been convicted of a sexual offence as stipulated.
- b) Sections 118 to 128 of the Children’s Act, Act 38 of 2005 that relates to aspects pertaining to Part B of the National Child Protection Register but more specifically to the fact that any person whose name is entered in Part B of the NCPR is precluded to work with children and or to adopt, foster or provide temporary safe care for a child.
- c) A Form 9, provided by the Registrar of the Sexual Offences Register, subsequent to my application as envisaged in Section 44(f) or (g) of Act 32 of 2007 ON Form 7 is the accepted best evidence to prove that my name does not appear in the Sexual Offences Register.

- d) A Form 30, provided by the Director General of Department of Social Development in terms of Section 126(5) of Act 38 of 2005, subsequent to my application as envisaged in Section 126(4) of Act 38 of 2005 on Form 30 is the accepted best evidence to prove that my name is not entered into Part B of the National Child Protection Register.
5. With due consideration to the abovementioned provisions I hereby wish to state the following:
- a) I have not been issued with a Form 30 as referred to in Paragraph 4(d) *supra* and am therefore unable to present proof that my name does not appear in Part B of the National Child Protection Register as aforesaid; and
 - b) I have not been issued with a Form 9 as referred to in Paragraph 4 (c) *supra* and am therefore unable to present proof that my name does not appear in the Sexual Offence Register as aforesaid; and
 - c) I undertake to commence with the aforesaid enquiries referred to in Section 126 of the Children's Act 38 of 2005 and Section 44(f) of the Sexual Offences and other related matters Act 32 of 2007 to obtain the necessary proof by way of the aforesaid Forms 9 and 30 and to provide same to the Court as soon as I have received it irrespective whether it is favourable or not; and
 - d) Due to the extensive time period required by the authorities to provide the aforesaid Forms 30 and 9, it will not be in the best interest of the child as envisaged in Section 7 of the Children's Act 38 of 2005 to delay the placement of the child with me whilst awaiting the receipt of the aforesaid Forms 9 and 30; and
 - e) I have not been convicted of a sexual offence against a child or a person who is mentally disabled; and
 - f) There are not any allegations that I have committed a sexual offence against a child or person who is mentally disabled where the matter was then dealt with in terms of Section 77(6) or 78(6) of the Criminal Procedure Act 1977; and
 - g) Accordingly my name has not been entered into the National Register for Sex Offenders established under Section 42 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007; and
 - h) A finding has not been made against me to be unsuitable to work with children by either a Children's Court, any other court in any criminal or civil proceedings in which I were involved in or by any forum established or recognized by law in any disciplinary proceedings concerning the conduct of myself relating to a child; and
 - i) I have not been convicted of murder, attempted murder, rape, indecent assault or assault with the intent to do grievous bodily harm with regard to a child nor were I the subject of a finding or direction in terms of Section 77(6) or 78(6) of the Criminal Procedure Act, 1977 (Act 51 of 1977) that I were by reason of mental illness or mental defect not capable of understanding the proceedings so as to make a proper defence or were by reason of mental illness or mental defect not criminally responsible for the act which constituted murder, attempted murder, rape, indecent assault or assault with the intent to do grievous bodily harm with regard to a child; and
 - j) Accordingly my name does not appear in Part B of the National Child Protection Register established under Section 111 of the Children's Act 38 of 2005.

6. The following persons are staying with me in the same house:

Name and Surname	I.D Number / Date of Birth	Suspected, convicted , acquitted of any of the scenario's mentioned in Paragraph 5(e) – (i)

7. I have furthermore been made aware of the undermentioned legislation :

- a) Section 48(3) of Act 32 of 2007 which stipulates that any contravention of this Section to be unlawful and punishable with a maximum period of seven years imprisonment or a fine or both a fine and such imprisonment.
- b) Section 305(2)(a – c) read with Section 305(6) of the Children's Act 38 of 2005 which stipulate any contravention of this Section to be unlawful and punishable with imprisonment for a maximum period of ten years or to a fine or to both a fine and such imprisonment.

8. I am willing to take care of the child/ children concerned.

.....
Date

.....
Signature Deponent

A. I certify that before administering the oath/ affirmation, I asked the deponent the following questions and wrote down the answers in her presence:

1. Do you know and understand the content of this declaration?

Answer:

2. Do you have any objection to taking the prescribed oath?

Answer:

3. Do you consider the prescribed oath to be binding on your conscience?

Answer:

B. I certify that the deponent has acknowledged that she/he knows and understands the contents of this declaration.

This declaration was sworn to/ affirmed before me and the deponent's signature was placed thereon in my presence at on **this** day of

.....
COMMISSIONER OF OATHS



Full names:

.....

Capacity:

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Address:

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