

**DEPARTMENT OF SOCIAL DEVELOPMENT
DEPARTEMENT VAN MAATSKAPLIKE ONTWIKKELING**

No. 10

17 January 2014

COURT ORDER

In the matter between the Centre for Child Law (Applicant) and the Minister of Social Development, the Gauteng division of the High Court, Pretoria issued an order and declared on 29 October 2013 that:

1. Section 230(3) of the Children's Act 38 of 2005 does not preclude a child from being adopted in instances where the child has a guardian and the person seeking to adopt the child is the spouse or permanent domestic life-partner of that guardian.
2. Section 242 of the Children's Act 38 of 2005 does not automatically terminate all parental responsibilities and rights of the guardian of a child when an adoption order is granted in favour of the spouse or permanent domestic life-partner of that guardian, having regard to the discretion which section 242 affords the court to order otherwise.