Developments in Child Law
21 January 2008

THE CENTRE FOR CHILD LAW

Judgments
AD and Another v DW and Others:
On 7 December 2007 the Constitutional Court delivered a significant judgment on the intricate issue of intercountry adoption in SA. The Court made findings on the jurisdiction of High Courts to grant sole custody and guardianship orders to non South Africans in respect of South African children with the view of concluding adoption proceedings in a foreign country. The Court emphasised that the Children's court is the appropriate route to follow when an intercountry adoption is sought. Also central to the decision was the function of the principle of subsidiarity in the context of the best interest of the child principle. Judgement attached. For your convenience we also attach the SCA judgment in this matter.

M v S:
In September 2007 the Constitutional Court handed down judgment on the issue of the best interest of the child and the imprisonment of a primary care giver. The Court found that a sentencing court must consider the best interest of minor children during the sentencing process. Judgement is attached.

Legislation
Sexual Offences Act
The new Sexual Offences Act 32 of 2007 was signed into law at the end of last year with its commencement date set to be 16 December 2007. The exception is that chapters 5 and six will only become operational this year (see section 72 of the Act). Containing a variety of shortcomings together with an array of positive advancements the Act significantly changes the laws on sexual offences by creating more offences and addressing a range of issues on the management of sexual offences. Act attached.

Publication
Book
The *Commentary on the Children's Act* launched last year is a loose-leave publication containing comprehensive academic insight into the new children's law and will be updated every year. This first edition covers comments on at least 15 chapters of the Children's Act of 2005. To order the *Commentary* from Juta you can send an e-mail to the following address cserv@juta.co.za.

Ronaldah Lerato Karabo Ngidi LLB (UP)