# EXPLORING THE EXPERIENCES OF SOCIAL WORKERS IN PRIVATE PRACTICE IN CARE AND CONTACT DISPUTES USING THE BEST INTEREST OF THE CHILD STANDARD

by

Sussarah Maria Elizabeth Nell

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Dr Glynnis Dykes

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ABSTRACT

The changing landscape of parental responsibilities and rights, and the protection of children's rights create an ever-changing phenomenon in social science. Limited research has been conducted regarding social workers in private practice, and in particular, regarding their professional and personal experiences in dealing with care and contact matters, pertaining to the South African Children's Act 38 of 2005.

This study aimed to provide insight and knowledge regarding the roles and experiences of social workers in private practice, particularly of those rendering services in the greater Gauteng area, in family law matters related to care and contact disputes. The aim of the study was achieved through exploring and describing participants' opinions and experiences, as well as identifying limitations and gaps pertinent in determining the best interests of the child.

A qualitative research approach was deemed appropriate to fulfil the aim and objectives of the study and therefore the exploratory research design was also used in order to gather new information on the topic through two data collection instruments, namely individual interviews and focus groups. The researcher adapted the data collection methods to an online communication video platform, namely Zoom, in order to adhere to the regulations of the National Disaster Management Act 57 of 2002, (Department of Co-operative Governance and Traditional Affairs, 2020) and lockdown rules since 26 March 2020.

Rich, descriptive, narrative opinions and experiences were obtained from 18 participants from Johannesburg (nine participants) and Pretoria (nine participants), who were involved in two online focus group sessions; first, in terms of exploring the forensic role of the social worker in care and contact investigations, and second, using the best interests of the child standard in care and contact investigations. Their unique experiences were

further explored by four online individual in-depth interviews in order to achieve data saturation.

The study used the systems theory as the guiding framework to understand the best interest of the child standard in care and contact matters. Data was evaluated through thematic analysis by utilising ATLAS.ti software, a qualitative computer data analysis program. The findings were organised into five main themes and twelve subthemes. The main themes were: the best interests of the child standard, experiences of social workers, forensic social work, training and development of social work in care and contact matters, as well as care and contact investigations.

From the research findings the study identified specific recommendations pertaining to social workers in private practice, South African Association for Social Workers in Private Practice, the South African Council for Social Services Professions, the formal education sector, and continuous professional development and training. Collaborative efforts between the South African Departments of Social Development and Justice regarding the specifics of policies, a review of the best interests of the child standard, as well as future research possibilities are suggested.

Ethics considerations included approval of the study by the relevant committees of the institution, informed consent and voluntary participation by the participants, ensuring participants' privacy, confidentiality and anonymity, ensuring debriefing and minimising risk, and arranging data storage and security. The researcher's biases regarding the topic were minimised and addressed through self-reflexivity.

Keywords

Best interests of child

Care

Contact

Children's Court

Custody

Family law disputes

Divorce

Forensic social work

Social workers in private practice

ACRONYMS AND ABBREVIATIONS

ACRWC	African Charter on the Rights and Welfare of the Child
AFCC	Association of Family and Conciliation Courts
APA	American Psychological Association
ASPFAR	Family Court of Australian, Federal Circuit Court of Australia and Family Court Western Australia
BIC	Best interests of the child
CPD	Continuous professional development
IS	Individual session interviews
JFG	Johannesburg focus group
JFG1	Johannesburg focus group 1
JFG2	Johannesburg focus group 2
NA	Not attended
NASW	National Association of Social Work
NOFSW	National Organization of Forensic Social Work
NLASW	Newfoundland and Labrador Association of Social Workers
OCSW	Ontario College of Social Workers and Social Service Workers
PFG	Pretoria focus group
PFG1	Pretoria focus group 1
PFG2	Pretoria focus group 2
SA	South Africa
SWIPP	Social workers in private practice
SAASWIPP	South African Association for Social Workers in Private Practice
SACSSP	South African Council for Social Services Professions

UN	United Nations
UNCRC	United Nations Convention on the Rights of the Child
UNHCR	United Nations High Commissioner Refugee Agency
UNICEF	United Nations Children's Fund
USA	United States of America
WHO	World Health Organization

DECLARATION

I declare that the study *Exploring the experiences of social workers in private practice in care and contact disputes using the best interest of the child standard,* is my original work, that it has not been submitted for any degree or examination at any other university, and that all the sources I have used, or quoted have been indicated and acknowledged by complete references.

Date: 27 January 2021

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Gratitude turns what we have into enough.

My journey with my topic started in 2009 when I started my private practice. Never did I know that this endeavour would take me on the roller coaster ride of my life.

First and foremost, the decision to pursue my master's degree was encouraged by my best and loyal friend in my whole life, namely my husband, Jan. He believed that I could do this before I did. He will always be my loyal supporter. Thank you.

I thank the Lord for the strength He gave me every day through 2020, to have completed my masters. My masters and the dedication to forge ahead and complete my studies during the Covid-19 pandemic gave me hope for the next day. Thank you to my son Marcel, who took care of me during the crucial times in 2020, and my dearest Dorah who is my office assistant and has become a research assistant over the last year.

I would like to thank every person who knows me and knows my heart. You played a role in shaping me in my role as social worker in private practice, specialising in care and contact matters. The struggles of dealing in this specialised area of social work and my passion to explore and the need to understand, inspired me to start this journey before my 50th birthday.

I thank my 18 participants from the depths of my heart, who took time out of their busy schedules during catastrophic circumstances in lockdown, and in the process, also trying to keep their practices going. We all had to adapt to communicating online with no human interaction. You were great. Thank you for your support and motivation.

Lastly, the person who was beside me the entire time, although we consulted only once face to face, and thereafter all other communications and mentoring was done utilising emails, WhatsApps, and video calls, is Dr Glynnis Dykes. You were always available for me, calmed me down when I did not know what to do, provided me with clarity by means of a practical structure. Everything then became so much easier. You have been an inspiration in my master's journey. This online learning support which is new to all of us, was made easy by your devoted support and motivation. Thank you so much, you are a special person to students.

I dedicate this dissertation to all the social workers in private practice who deal with care and contact matters. You are a special breed of people.

Finally, I trust this thesis will provide some insight into the world of the social worker in private practice dealing with family law matters.

May God protect all of you.

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CHAPTER 1

INTRODUCTION AND STUDY CONTEXT

1.1 Introduction

Statistical records about parenting systems in disputes concerning children are unsubstantiated in South Africa (SA), although the latest SA divorce statistics in 2015 indicate that 14 045 (55.6%) of the 25 260 divorces involved children younger than 18 years (BusinessTech, 2017; eNCA, 2017; StatsSA,2017; The Citizen, 2017). De Jong (2015: 515) argues that "these statistics only reflect half the picture", because the current formation of the family continues to evolve.

In SA law there is no single definition for a family, since the family unit takes many different forms. Accordingly, the SA Law Reform Commission motivated for changing the definition of the family in their review of the Child Care Act, Project 110 (2002). In the review, they argued for the expansion of parental responsibilities and rights of unmarried fathers and any related person with an interest in the child's well-being, as currently promulgated in the Children's Act 38 of 2005 (Adams, 2016; Bosman-Sadie, Corrie & Swanepoel, 2013; Boezaart, 2018; Davel & Skelton, 2012; Louw, 2009).

The current adversarial processes that include children in the dissolution of their unique family units have been questioned (Boniface, 2015; Claasen & Spies, 2017; De Jong, 2008; South Africa. Department of Social Development, 2012; Zaal, 2010). Therefore, the SA Law Reform Commission 100D of 2015 contends that divorces and care and contact disputes are unsuccessfully and ineffectively managed because there is no

coherent, procedural family law system in place. They suggest a comprehensive analysis of the family dispute resolution process.

International literature and research reflect that the experts who conduct custody and access investigations are usually psychiatrists, psychologists, social workers and other mental health professionals (Saini, 2008). In Canada, the Ontario College of Social Workers and Social Services Workers (2009), and the National Association of Social Workers (2005) in the United States (USA), have declared that the purpose of custody or contact assessment is to assist the families and the court in developing parenting arrangements that would be in the best interests of the child (BIC) by recommending the responsibilities and rights of each party. Lewis (2009) proposes that social workers can offer valuable services to family courts, in particular in matters of contested parental disputes, because of the nature of their training, their focus on the well-being of families, and their professional experience.

Currently in the SA context, custody investigations are conducted by clinical and educational psychologists and social workers, in particular those who are in private practice (Brandt, Dawes, Africa & Swartz, 2004; Budhoo, 2008; Burman, Derman & Swanepoel, 2000; Fasser, 2014; Themistocleous-Rothner, 2017; Thompson, 2012; Vallabh, 2009). The researcher has been working exclusively with care and contact disputes concerning children since 2009 in the Gauteng province of SA. Consequently, she has discerned the vital role being played by social workers in the High Court and in children's courts.

The enactment of the Children's Act 38 of 2005 is more comprehensive than the previous legislation, the Child Care Act 74 of 1983, in that it has shifted its focus from parental authority to the rights of the child. It also includes parental responsibilities of unmarried

fathers in parental care, as well as those of any other persons who have an interest in the well-being of a child. This extension of who can be considered as carers, together with the quality of the caring itself, has created much conflict, thereby increasing the phenomenon of care disputes. This situation sparked the interest of the researcher to explore the current involvement of social workers in private practice (SWIPP) in care and contact disputes since the ratification of the 2005 Children's Act 38 of 2005.

1.2 Background and context of study

Certain components of social work service rendering in the legal context are identified as forensic social work, as not all services rendered in this context is forensic in nature (Baker & Branson 2013). The role is focused on the interface between society's legal and human service systems. The services of forensic social work include providing expert testimony in a court of law, and assisting the legal system in cases of child custody, disputes, divorce, and spouse or child abuse. In the SA context, regulations for specialisation in forensic social work have recently been approved and gazetted by the Minister of Social Development in 2020 (Regulations relating to the Registration of a Specialisation in Forensic Social Work, 2020). However, the SA Council for Social Services Professions (SACSSP) has not yet finalised the procedures for registration (SACSSP, 2020).

With the establishment of the National Organization of Forensic Social Work (National Organization of Forensic Social Work Code of Ethics, 2016) in the USA, forensic social work is recognised as an area of many sub-specialties; similarly in Canada with the National Institute of Forensic Social Work (2018). In SA, however, Fasser (2014: xviii) contends that "we have yet to formulate a document that establishes a model standard of practice, or specific dedicated training in this area" with only the existence of

international guidelines on how to assist families in care or contact disputes (see Thompson, 2012). Years before, Brandt et al. (2004) had discovered notable differences between legal and mental health professionals' criteria in evaluating children's best interests in care and contact disputes, thereby attesting to the fragmented nature of these services.

The studies of Brandt et al. (2004), Fasser (2014), and Thompson (2012) were conducted within the framework of psychology. Matthias (2015) acknowledges the role of the social worker in providing specialised services to families and courts in disputes of parental responsibilities and rights in a cost-effective manner, without having to approach the High Court. Nkosi (2012) similarly acknowledges these facts, but questions the ability of social workers to apply the law accurately. The National Association of Social Workers in the USA (2005) describes the role of the evaluator as being to determine what is in the BIC; this is echoed in SA by Fasser (2014). Luftman, Veltkamp, Clark, Lannacone and Snooks (2005) define the role of the social worker as forensic, not therapeutic, in determining the child's best interests.

Despite undertaking an extensive literature review, the researcher discovered a distinct lack of empirical data of SWIPP involvement in the adversarial processes relating to care and contact disputes. Therefore, the circumstances under which social services, courts or legal representatives of parties will refer a matter to a SWIPP could not be verified. In the researcher's professional experience, however, cases investigating children's care and contact are referred to a SWIPP because this is a specialist field.

Boniface (2007) and Bosman-Sadie, Corrie and Swanepoel (2013) explain that the Children's Act 38 of 2005 does not refer to parental power or parental authority; instead, the term "parental responsibilities and rights" is used. Likewise, the term "custody", as

used internationally, has been replaced with "care" and the term "access" with "contact". Care and contact disputes have expanded since the enactment of the Children's Act 38 of 2005 with the inclusion of the rights of the unmarried father, as stipulated in section 21, as well as the rights of any person with an interest in the care, well-being or development of a child, in section 23 (Children's Act 38 of 2005). De Jong (2017) points out that the purpose of the SA Law Reform Commission project 100D (2015) was not only to focus on the effect of the adversarial nature of care and contact disputes on children, but also to include the developmental process of alternative dispute resolution for all family disputes. This was as a result of the current family law system being out of the reach of, and therefore unfamiliar, to most South Africans owing to diversity and socio-economic circumstances. However, alternative dispute resolution is not within the scope of this research study.

Several international organisations have published standards and guidelines for evaluating child custody disputes, but not all are applicable to social workers (Martindale, 2008). From the earliest work by Keilin and Bloom (1986), to the more recent work of Tolle and O'Donohue (2012) and Houston, Bala and Saini (2017), it has been noted that there is limited empirical data to guide the professional in the process of investigation and resolution of care and contact disputes internationally. In SA, various guidelines are referred to but are criticised because of their limitations in explaining how to evaluate the factors that should be assessed (Brandt et al., 2004; Lambiase & Cumes, 1987; Emery, Otto & O'Donohue, 2005; Fasser, 2014; Themistocleous-Rothner, 2017; Thompson, 2012).

The BIC standard is used to identify the needs of the child and the parental capacities to evaluate compatibility (Austin, Dale, Kirkpatrick & Flens, 2011; Luftman et al., 2005;

Stahl & Simon, 2014; Saini, 2008). Tolle and O'Donohue (2012: 31) make this indictment: "It is clear that despite the BIC doctrine being the predominant standard over the last 30 years, no clear model for operationalizing the construct has yet been developed". Benjamin, Beck, Shaw and Geffner (2018) also argue that systems involved in family law disputes are far from "actuarial" predictions to advise the judicial systems about the factors that will determine positive child-related outcomes by using the BIC standard. Section 7(1) of the Children's Act 38 of 2005 lists 14 criteria that courts must consider when deciding the BIC in all matters concerning children.

In a SA study by Kimberg (2008), it was found that professional experts involved in the matter would focus on the parenting system and not what was in the BIC. Thompson (2012) also states that although these criteria were referred to in a judicial context in the judgement of a care and contact dispute in the SA context, they lack empirically based support.

Saini (2008) stresses that conducting a child custody investigation may be one of the most challenging tasks for mental health professionals. It can involve working with conflictual parties, accusations of physical, emotional, sexual and substance abuse, domestic violence, mental illness, parental limitations, and parental alienation. The experiences of social workers in Canada working with high conflict cases were reported as being demanding and exhausting with parents having unrealistic expectations of the role of the social worker, and pressuring them to take sides (Houston, Bala & Saini, 2017; Saini, Black, Lwin, Marshall, Fallon & Goodman, 2012). Social workers felt ineffective, counterproductive, experienced a lack of resources within their community and organisations, and a lack of training. Ludwig (2007) identifies training in a formal environment as a limitation, in that universities view this as post-graduate training.

Robbins, Vaughan-Eden and Maschi (2014, cited in Sheehan, 2016) emphasise the necessity of preparing social work students for the realities of the forensic environment.

This study used the systems theory as the guiding framework to understand the BIC standard in care and contact disputes. The systems theory is defined by Teater (2014: 33) as "the whole of a system greater than the sum of its individual parts". Beckett and Horner (2016) and Greene (2008) describe the theory as explanatory and the basis for techniques of intervention. Lishman (2015) notes that a systems perspective offers a holistic and informed assessment tool that evaluates wider environmental factors, combined with the interpersonal influences of the relationships within the family. At the assessment stage, it is necessary to determine what information needs to be collected and how to interpret the information; after the assessment, the system or systems which need intervention are identified and strategies are recommended (Beckett & Horner, 2016; Teater, 2014). Systems theory was vital to the study as the aim was to explore the family as an interchangeable system that is in crisis (care and contact dispute), from the viewpoint of the SWIPP as a point of departure. When conducting a care and contact investigation, the aim is to determine the target system, subsystems, and other systems (legal, professional associations, and the regulatory body of the social work profession) which either positively or negatively influence the system, or parts of the system (Teater, 2014). The theory contributed to sound data analysis by separating the data into the different subsystems and structuring the findings and recommendations.

1.3 Problem statement and research question

The study by Saini et al. (2012) is one existing international research sample about social workers' experiences of dealing with custody disputes within a child protection services environment. In the SA context, there is a dearth of studies regarding social workers'

experiences of dealing with care and contact disputes, and no studies at all from social work or SWIPP perspectives (Brandt et al., 2004; Swartz, 2017). However psychological studies do exist, with recommendations advocating standardised procedures and guidelines (Fasser, 2014; Themistocleous-Rothner, 2017; Thompson, 2012; Vallabh, 2009). These studies use qualitative and mixed method approaches with explorative, descriptive, and case study research designs. The role of social workers is defined by the Children's Act 38 of 2005 regarding disputes involving parental responsibilities and rights, but it appears that the procedures of implementing and interpreting the BIC are lacking, which could be considered a conceptual limitation (Sibanda 2013). The fact that available studies relate to psychologists instead of social workers appears to be a contextual limitation. Consequently, a concern was that very little current literature or previous studies can be found to substantiate the continuous role of the SWIPP in this evolving area of study. This study therefore focused on the experiences and limitations of SWIPP in current care and contact dispute processes. The researcher chose to focus on two main areas in Gauteng, Johannesburg and Pretoria, to locate the study. In the family law disputes relating to children, there are currently no guidelines in determining the BIC. Moreover, in the domain of care and contact disputes no evidence-based guidelines exist to conduct primary care and contact investigations. The absence of guidelines creates disputes between the legal and client systems with the SWIPP, which leads to complaints lodged at the SACSSP. These factors cause challenges within the professional world of the SWIPP.

With regard to the study the research question was: "How do social workers in private practice use the best interests of the child standard in the context of care and contact disputes in areas of Gauteng province in South Africa?"

1.4 Aim and objectives

The aim of the study was to explore and describe the opinions and experiences of SWIPP regarding the use of the BIC standard in the context of care and contact disputes in areas of Gauteng in South Africa. The following objectives steered the study:

1. To explore and describe the opinions and overall experiences of SWIPP in care and contact disputes.

2. To explore and describe the opinions and experiences of SWIPP regarding the use of the BIC standard in care and contact disputes.

3. To explore and describe the guidelines used by SWIPP in determining the BIC.

1.5 Overview of methodology

1.5.1 Research approach

Creswell (2014) contends that the selection of the research approach is based on the nature of the research problem. A qualitative research approach was selected for this study because it explores and aims to understand the meaning of individuals or groups, and has the ability of analysing rich descriptive data through data collecting methods such as in-depth interviews and focus groups (Creswell 2014; Mouton, 2013).

1.5.2 Research design

The aim of an exploratory study is to gather new information, especially when very little is previously known about the topic (Mouton, 2013; Neuman, 2014; Sarantakos, 2013). Therefore, the researcher selected an exploratory design because it generates initial insights into the nature of the topic and helps the researcher to develop focused questions for the study (Strydom, 2013). The aim of the design for this study was to obtain insight

about the topic by exploring and describing the opinions and experiences of SWIPP, using the BIC in care and contact disputes, because this appears to be an undefined topic within the field of family law.

1.5.3 Population and sampling

According to Babbie (2017) and Neuman (2014), the population is the large general group consisting of all the possible participants from which the researcher draws samples. The research study involved one population group of SWIPP specialising in care and contact disputes. In qualitative studies, non-probability sampling is defined by Babbie (2017: 195) as "any technique in which samples are selected in some way not suggested by probability theory". The sampling method was influenced by the unknown number of SWIPP currently specialising in care and contact disputes in the Gauteng area.

The World Health Organisation (WHO) announced Covid-19 as a global pandemic on 11 March 2020 (WHO, 2020). A state of national disaster was declared in SA in terms of the Disaster Management Act 57 of 2002, shortly afterwards, and SA has been in lockdown since 26 March 2020 (Trade Law Centre, 2020). Taking this situation into account, an ethical clearance certificate was issued by Humanities and Social Sciences Research Ethics Committee to the researcher on 30 April 2020. The researcher first attempted to locate participants who were members of the South African Association for Social Workers in Private Practice (SAASWIPP) by sending a broadcast by email to possible participants in Gauteng, as well as placing advertisements on various social work social media pages on Facebook. Limited responses were obtained.

In order to identify participants for the study, the researcher used non-probability sampling by combining purposive and snowballing sampling to reach a required number

of participants who render SWIPP services in the greater Johannesburg and surrounding Pretoria areas (Engel & Schutt, 2014; Mouton, 2013).

1.5.4   Data collection

As a consequence of Covid-19, the researcher adapted the data collection methods to an online communication video platform, Zoom, to adhere to the regulations of the National Disaster Management Act. The researcher used two online focus group sessions for each of the Johannesburg and Pretoria service-rendering areas. The objective of the first focus group was to explore the forensic role of the SWIPP in care and contact investigations, and the objective of the second group session was to explore the BIC in care and contact investigations. The unique experiences that emerged from the focus groups were deepened by four online individual in-depth interviews in order to achieve data saturation (Engel & Schutt, 2014).

1.5.5   Data analysis

Babbie (2017: 391) defines qualitative analysis as "the non-numerical examination and interpretation of observations, for the purpose of discovering underlying meanings and patterns of relationships". ATLAS.ti software was the qualitative computer data analysis programme used in analysing the data (Creswell, 2014). Data was evaluated through thematic analysis, which is described by Braun and Clarke (2006: 5) as "a foundational method for qualitative analysis". Formation of codes were done by following the eight steps of Tesch (Creswell, 2014; Tesch, 1990). From the four focus group sessions and the four interview transcripts, codes were formulated, and themes were created by grouping the codes together. The findings were organised into five main themes and twelve subthemes which emerged from the data analysis.
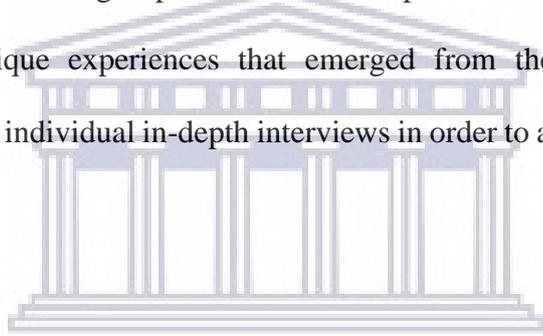
1.6 Definitions and key concepts

The following nine concepts were considered key to the study:

1. **Best interests of the child (BIC)**: "In all matters concerning the care, protection and well-being of a child, the standard that the child's best interest is of paramount importance, must be applied" (Children's Act 38 of 2005: 22).

2. **Care**: Every child has the right to family care or parental care, or to appropriate alternative care when removed from the family environment. (Section 28 (1) (b), Bill of Rights, The Constitution of the Republic of South Africa, 1996). Care includes providing the child with a suitable residence. "This responsibility is shouldered by both parents when the child is in their care, therefore since the enactment of the Children's Act 38 of 2005 it is part of parental responsibilities and rights that both parents share equally in most circumstances" (Law Reform Commission Project 100D, 2015: 29).

3. **Contact**: Contact in relation to a child is defined by the Children's Act 38 of2005 as maintaining a personal relationship with the child and if the child lives with someone else to communicate on a regular basis with the child in person including visiting the child or being visited by the child or communicating with the child on a regular basis in any other manner including through the post or by telephone or other forms of electronic communication.

4. **Children's court**: "For the purpose of this Act, every magistrate's court, as defined in the Magistrates' Court Act, 1944 (Act 32 of 1944) shall be a children's court and shall have jurisdiction on any matter arising from the application of this Act for the area in its jurisdiction" (Children's Act 38 of 2005: 36).

5. **Custody**: Defined by the South African Law Reform Commission Project 100D (2015) as the involvement of one parent's right to exercise all aspects of parental authority to the exclusion of the other parent, except in extraordinary circumstances where joint custody was awarded before the enactment of the Children's Act 38 of 2005.

6. **Family law disputes**: Defined as civil disputes as they do not involve the state. These include divorce, care, and contact and maintenance matters that are elements of family law that affect the most vulnerable members of society, children (South African Law Reform Commission Project 100D, 2015). Within this study, care and contact investigations, as the focus of the study will be referred to as disputes.

7. **Divorce**: Described by the Divorce Act 70 of 1979 as a state of disintegration with no reasonable prospect of the restoration of a normal marriage relationship.

8. **Forensic social work**: "Forensic social work is the application of social work to questions and issues relating to law and legal systems. This specialty goes far beyond clinics and psychiatric hospitals for criminal defendants being evaluated and treated on issues of competency and responsibility. A broader definition includes social work practice which in any way is related to legal issues and litigation, both criminal and civil. Child custody issues, involving separation, divorce, neglect, termination of parental rights, the implications of child and spouse abuse, juvenile and adult justice services, corrections, and mandated treatment all fall under this definition" (National Organization of Forensic Social Work, 2015: 3).

9. **Social workers in private practice (SWIPP)**: SAASWIPP defines social workers who are in private practice as members who are registered with the
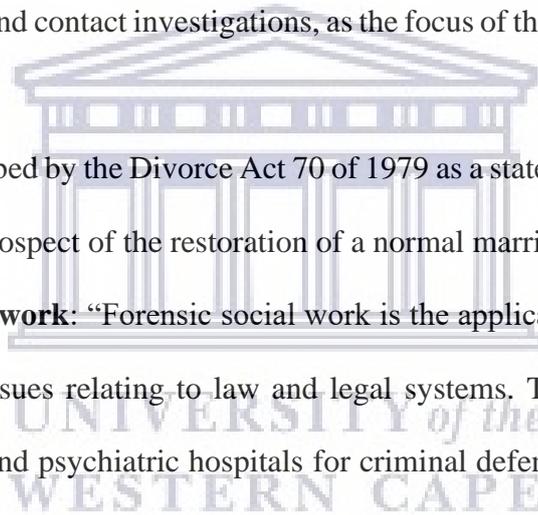
SACSSP who offer "services such as counselling and therapy, mediation, adoption, health-related counselling, coaching, court reports, individual therapy, couples therapy, family therapy and dealing with trauma" (SAASWIPP, 2020).

1.7 Overview of the chapters

Chapter 1: Introduction and context of the study

Chapter 1 is aimed at providing the background of the study regarding the involvement of the SWIPP in family law matters which are related to divorce, separation, or disputes regarding parental responsibilities and rights. The information gathered provided the motivation and rationale for the study. The research question, study aims and objectives which have been identified describe the overall goals of the study. The key concepts and definitions relating to the study were also identified.

Chapter 2: Literature review: Social workers in private practice and care and contact matters

The literature review for this study focuses on the opinions and experiences of SWIPPs in their role and functions in care and contact cases by specifically focusing on employing the BIC in family law disputes. The review provides an in-depth understanding of five key aspects related to this study. These are forensic social work and the role of the social worker in family law matters, the relationship between applications of certain sections of the Children's Act 38 of 2005 in care and contact matters, the use of guidelines in the investigation process, a contextual outline of the BIC related to international and regional children's rights, the BIC in the South African context, and challenges that social workers experience in family law disputes. Lastly, the chapter focuses on the theoretical framework on which this study is founded.

Chapter 3: Research methodology

Chapter 3 outlines the methodology that the researcher used to gather the data which is analysed and presented in Chapters 4 and 5. This chapter covers all the aspects of the methodology used to address the research question in qualitative studies. The research design, population, sampling techniques, data collection, data analysis, data verification, trustworthiness strategies, as well as ethical considerations are discussed to verify the study's scientific basis and implementation.

Chapter 4: Findings, presentation and discussion

This chapter presents the research findings after conducting online focus groups and in-depth interviews in the service delivery areas of Johannesburg and Pretoria, using the Zoom online video communication platform. Data gathered was analysed through the method of thematic analysis by using the ATLAS.ti computer data analysis programme, which presents five themes and twelve subthemes. Each of these are discussed, enabling the researcher to formulate meaningful conclusions.

Chapter 5: Conclusion and recommendations

The final chapter summarises and concludes the findings in relation to the research aim, research question, and objectives. It provides conclusions and implications in relation to the service rendering of the SWIPP in family law disputes and addresses the main themes and subthemes which have emerged. Recommendations on how to address the gaps in the interpretation of the BIC and service rendering of the SWIPP in care and contact disputes identified in the conclusions, as well as implications of the emergent themes are presented. The chapter provides a number of recommendations: for SWIPPs to potentially enhance their service delivery, for ways to reduce conflictual interactions in the systems

which are used by SWIPPs, for the educational and training sectors to provide structured and concurrent learning processes for social workers on a formal and continuing professional development level towards policy change, and also for the involvement of government.

1.8 Chapter conclusion

Chapter 1 served as an introduction to the research study. This study focuses on the BIC related to care and contact disputes, with the aim of exploring and describing the experiences of SWIPPs using the BIC. The context of the study is a search to understand the forensic role of the SWIPP interacting with the legal system using sections of the Children's Act 38 of 2005 related to family law matters. A brief overview of the methodological framework, which consists of qualitative exploratory research using online data collection methods, was outlined. The following chapter comprises a comprehensive literature review and an examination of the theoretical framework of the study.
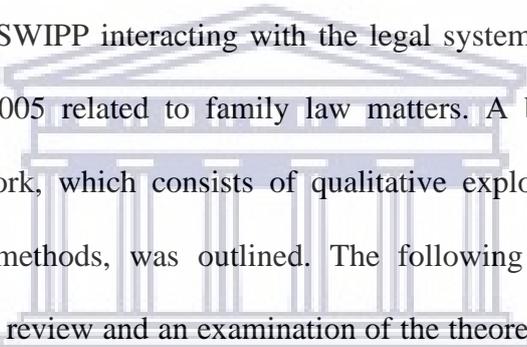
CHAPTER 2

LITERATURE REVIEW:

SOCIAL WORKERS IN PRIVATE PRACTICE AND

CARE AND CONTACT MATTERS

2.1 Introduction

The previous chapter sets the foundation for this study, especially the rationale and motivation for the research topic, and the methodological considerations for the study. In this chapter the researcher reviews the relevant literature which provided the theoretical basis for the study. Accordingly, the literature review focuses on the delineation of the topic, guided by the objectives of the study. As explained in the previous chapter, the research objectives were to investigate the opinions and overall experiences of SWIPP in care and contact disputes, the use of the BIC standard, and how the BIC is determined. These objectives guided and focused the literature review to represent an in-depth exploration of the topic. Neuman (2014) summarises the four goals of the literature review:

1. To demonstrate a familiarity with the body of knowledge and build credibility.

2. To confirm a path of prior research and how the current research is linked to it.

3. To integrate and summarise what is known on this particular topic.

4. To discover and stimulate new ideas.

The literature review also serves to explain the theoretical foundation of the research study and guides the interpretation of the qualitative data.

2.2   Forensic role of the social worker

Social work as a profession has assisted the SA legal system in the assessment of individuals as part of legal processes ever since the inception of social work as a profession (Scheepers, 2008). "Effective forensic social work requires an integrated two-pronged approach that addresses well-being (psychosocial) and justice (law and policy)" (Maschi & Killian, 2011: 13). The clarification and motivation of forensic social work as a specialist field in social work is discussed in the following section.

2.2.1   Definition of forensic social work

Robbins, Vaughan-Eden and Maschi (2014: 171) define forensic work as "the ability of social workers to navigate the legal and criminal justice systems with which their clients are involved, or at risk of involvement". Ashford (2015) clarifies that forensic social work is a sub-specialty of social work that focuses on the application of social work knowledge, skills, and other forms of professional expertise to legal issues in civil, criminal, and administrative matters. Ashford and Roe-Sepowitz (2020) refer to forensic social work as the various interactions between the fields of law and social work.

According to the international literature reviewed, it appears that the origins of forensic social work within a legal framework were mainly obtained from the USA, Canada, and Australia. Most of the international literature focuses on the forensic social worker's involvement with criminal and civil legal matters (Green, Thorpe & Traupmann, 2005; Naessens & Raeymaeckers, 2019; Prescott, 2013; Robbins, Vaughan-Eden & Maschi, 2014; Sheehan, 2016; Stutterheim & Weyers, 1999). In contrast, most of SA literature focuses on the social worker's role in child sexual abuse matters (Campher, 2014; Jacobs, 2007; Jonkers, 2012; Liebenberg, Simeon, and Herbst, 2015; Lupondo, 2016; Monosi, 2017; Rapholo & Makhubele, 2018; Scheepers, 2008).

A forensic social worker is defined by the regulations of the SACSSP (2020: 99) as "a registered social worker with advanced scientific and specialised knowledge, skills training and education and experience in forensic social work, who provides the court with written or oral impartial and factual expert testimony" Social Service Professions Act 110 of 1978, Regulations relating to the requirements and conditions for registration of a speciality in forensic social work. (2020: 99).

2.2.2   Role and functions of the forensic social worker

Forensic social workers in the legal system, from a global and national perspective, play a role of providing verifiable evidence from a neutral and objective stance in the form of expert opinion (written or verbal) (Austin, Dale, Kirkpatrick & Flens, 2011; 2013; Jonkers, 2012; Mangezi, 2014; Munson, 2011; Oosthuizen, 2019; van Huyssteen, 2014; Vorback, 2016). The National Organization of Forensic Social Work (NOFSW) (2020) in the USA specifies that the functions of the forensic social worker may include:

- Providing consultation and education services to other socio-legal and law enforcement departments, and to the public.
- Assessment and intervention services, together with professional recommendations to the criminal and juvenile justice departments.
- Serving as an expert testimony, mediation, advocacy, and arbitration services.
- Development of policy and programmes.

The role and function of the forensic social worker is quite varied and takes place in the criminal, juvenile and family courts (Mangezi, 2014). The forensic social worker can provide assessments concerning adoption, mental health, substance abuse, and protection of the elderly, also in correctional settings. Maschi, Leibowitz and Killian (2018) describe the role of the forensic social worker as integrated, in multiple professional roles,

functions, and activities. Maschi et al. (2018: 33) explain as follows: "this strategy is designed to improve clients' social functioning and environmental conditions through collaboration with clients, professionals, and other stakeholders across different systems of care". The forensic characteristics of their role enable social workers to "honour their professional commitment to social justice through the use of legal knowledge and skills" (Maschi et al., 2018). Munson (2011) suggests that the complexity of diverse roles within the forensic field of social work is one of the reasons why there are no codified practice standards for this area of practice. Butters and Vaughan-Eden (2011) as well as Sheehan (2016) support the ethical code of the NOFSW (2016 in that it provides more specific guidelines regarding roles, boundaries, and power differentials to protect the interests of clients and the community. Maschi and Killian (2011) recommend reform of social work policy regarding rendering of forensic services.

Literature motivating the need for forensic social work to be legislated as a specialisation within the SA context dates as far back as Stutterheim and Weyers (1999), continuing with Campher (2014), Jacobs (2007), Ludwig (2007), Mangezi (2014) and Scheepers (2008). Oosthuizen (2019) confirms that in 2017, the then Minister of Social Development gazetted legislation pertaining to regulations for the registration of a specialisation in forensic social work (SACSSP, 2017). Consequently, forensic social work is officially regarded as a specialised field of expertise in SA. Although the criteria for registration have been gazetted, no instructions are provided on the website of SACSSP on how to register for forensic social work (Requirements and Criteria Social Work, 2020). The current Minister of Social Development published draft regulations in Government Notice 582 of 22 May 2020, for public comment which expired 21 June 2020 (SACSSP, 2020). The Social Service Professions Act 110 of 1978 regulations regarding the requirements and conditions for registration of a speciality in forensic social

work is not finalised yet. The "Invitation for public comments on the regulations relating to the requirements and conditions for registration of specialities social work" (2020) defines the scope of forensic social workers as follows (Table 2.1):

Table 2.1: The scope of services of forensic social work

Scope of services	Excluded services
• Conducting forensic investigations using scientifically authenticated protocols and techniques in relation to forensic social work. • Making use of relevant legislation. • Utilising forensic social work techniques to interpret data in compiling forensic social work reports. • Compilation and submission of evidence-based forensic social work reports to clients. • Delivering expert testimony on matters in a court of law. • Being part of research and development in the field of forensic social work.	• Generic social work assessments • Clinical assessments • Therapeutic interventions • Pre-sentencing reports • Victim impact reports • Child protection assessment in terms of the Children's Act 38 of 2005

Source: SACSSP (2020)

Based on an extensive literature search by the researcher, it is apparent that there is a lack of empirical data regarding the implications of being registered as a forensic social worker, according to the regulations as set out above.

2.2.3   Role of a forensic social worker in family law matters

Lewis (2009) claims that social workers in the USA have been involved with legal matters since the late 19th century. Brooks (2004, cited by Govern, 2004:1) emphasises that social work has positively influenced the law "as a lot of principles, values and theories that

social work have adopted as a field has come to influence the law", by departing from blame and punishment towards therapeutic approaches emerging in family law, such as mediation and court-ordered family therapy. Barker and Branson (2013) affirm that the social work profession in the USA is renewing its interest in the law, and that more social workers are focusing on specialities that involve the legal and justice systems. Madden (2003, cited by Maschi, Leibowitz & Killian, 2018: 26) states that "if social work is to be in control of its future it must become committed to the role of exerting influence on the legal system through education, advocacy, and proactive legal policy development". The National Association of Social Workers (NASW, 2017 and Maschi et al. (2018) emphasise the importance of the forensic social worker's role in various stages of the legal process, in providing competent services by making complex decisions that will have a substantial impact on the lives of clients. Munson (2011) summarises the following functions of a forensic social worker in the family law arena:

- Evaluation of parental capacity.

- Child and custody evaluations.

- Evaluation of termination of parental rights.

- Attachment assessments.

- Evaluation of domestic violence.

- International abduction evaluations.

Currently, the American National Organization of Forensic Social Work (2019) has confirmed the inclusion of child custody issues in forensic work, Examples of these issues are separation, divorce, and the termination of parental rights. The National Institute of Forensic Social Work from Canada (2019) stipulates that registered forensic social workers serve the criminal justice system, family courts, correctional services, and mental

health systems. In both the USA and Canada, forensic social work is recognised as an area of sub-specialities within the respective regulative bodies.

Lewis (2009) alerts one to the traditional family law system with its blame and punishment effect in care and contact disputes, and urges a more therapeutic approach such as mediation and court-ordered therapeutic interventions. Lewis (2009) argues that based on their training and experience, social workers offer a valuable service to family courts, particularly in primary residency and contact dispute matters.

2.2.4   Forensic social work in South Africa

The SACSSP (2020) reported that 36 219 social workers are currently registered, although it is unknown how many social workers are involved with forensic social work. According to Liebenberg, Simeon and Herbst (2015), Mangezi (2014), and Smith (2014), forensic social work in SA is a new area, predominantly specialising in the assessment of children as victims of sexual abuse. For this reason, Matthias (2015) emphasised that the social worker does have a role in adversarial processes in family law matters relating to parental responsibilities and rights.

Nkosi (2012) and Mangezi (2014) contend that the social worker needs to have a comprehensive understanding of the SA legal system and legislation, especially in implementing specific policies and Acts such as the Constitution Act 108 of 1996, the Criminal Procedures Act 51 of 1977, the Law of Evidence and Amendment Act 45 of 1998, the Domestic Violence Act 116 of 1998, the Sexual Offences and Related Matters Act 32 of 2007; the Child Justice Act 75 of 2008, and the Children's Act 38 of 2005.

As mentioned under 2.2.2, the regulations relating to the registration of the specialisation in forensic social work in SA were gazetted on 22 May 2020, through the Social Service

Professions Act 110 of 1978 by the Minister of Social Development. The regulation defines "forensic social work" as a specialised field which focuses on the interface between the legal system and the client, and is characterised by "the primary function of providing expert testimonies in courts of law" (Regulations relating to the Registration of a Specialisation in Forensic Social Work, 2020: 99). However, neither the procedures for registration, nor the development of an appropriate code of ethics to guide this field, have been finalised by the SACSSP (Oosthuizen, 2019).

2.2.5   Education, training and regulations in forensic social work

Robbins et al. (2015 highlight that it is critical that social work programmes not only prepare students for the reality of the profession, but also educate social work students in legal aspects, expectations, and best practices standards, when intersecting with the legal system. Monell (2014) comments that, from a USA perspective, owing to the complexity of the role of the forensic social worker, education requirements will be differently defined from the setting of the forensic service. Moreover, although forensic social work can be practised with a bachelor's degree, and a master's degree in social work may be required to work in specific settings with a clinical background, policy, and community organisational skills. The following training is offered in the USA (see Table 2.2), while Table 2.3 showcases what Canada has to offer.

Table 2.2: Training in forensic social work in the USA

University	Qualification
Arizona State University School of Social Work	Master's degree in forensic social work
University of Tennessee (Knoxville)	Forensic social work certificate programme

University of Maryland, Baltimore	Advanced certificate in forensic social work
University of Long Island New York	Forensic social work certificate course
Universities of Baylor, Case Western Reserve, Denver, Fordham, Simmons and South California	Online master's in social work programme

Sources: *Arizona State University School of Social Workers, 2020; Monell, 2014, University of Long Island New York, 2020; University of Maryland, School of Social Work, 2020; University of Tennessee College of Social Work, 2020.*

Table 2.3: Training in forensic social work in Canada

Institution	**Qualification**
University of Toronto	MSW social work (joint degree with law)
Ontario College	Graduate certificate in forensic social work
National Institute of Forensic Social Work	Online training course on forensic social work

Sources: *National Institute of Forensic Social Work, 2020; The Ontario College of Social Workers and Social Services, 2020; University of Toronto, 2020*

Forensic social workers in Canada need to adhere to the generic code of professional conduct that is regulated through provincial legislation (Canadian Council of Social Work Regulators, 2017). Monash University in Australia has a registered master's degree in forensic social work. Social workers in Australia are not required by law to hold registration, although it is recommended that they register with the Australian Association of Social Workers (Deloitte Access Economics, 2016; RDN – Registration Pathways for Social Workers, 2020).

Forensic social work in the United Kingdom is regulated by the British Association of Social Workers and Forensic Mental Health Social Work: Capabilities Framework (Bogg

and Barcham, 2016). There, the best practice policy guides forensic social workers regarding the role and task, capabilities, ethics, knowledge and skills they will need through different career stages, and by promoting continuous professional development. The guidelines set out a postgraduate progression and development framework in the field of forensic social work (Bogg & Barcham, 2016).

In Spain, Goméz and Esteban (2016) affirm that forensic social work is an essential service within the family law system, and forms part of the judicial services in Spain. However, no evidence of forensic social work in other European countries was found by the researcher. In South Africa, Rapholo and Makhubele (2018) confirm that currently the North-West University (Potchefstroom campus) has initiated forensic social work training in the form of a master's degree.

De Jager (2013) argues that social work training did not prepare newly qualified social workers after graduation properly for statutory social work. Thus, Sheehan (2016: 728) asserts that the adversarial and procedural character of the Australian legal system is in stark contrast to the usual processes social workers call on, and the holistic methods for problem-solving that social workers are trained to use. Sheehan (2016) also points out that the USA Council on Social Work Education's 2015 educational policy recommended that forensic issues and content need to be better addressed in social work training.

It is clear from this review that only a few countries have comprehensive undergraduate or postgraduate degree programmes for forensic social work. Evidently, there are very few to choose from. The following section will focus on the sections of the SA Children's Act 38 of 2005 which are relevant in addressing disputes in the care and contact arena.

2.3 Children's Act 38 of 2005: care and contact disputes

The enactment of the Children's Act 38 of 2005 presented children with certain rights, as specified in the Constitution, which include principles regarding care, protection, prevention, and parental responsibilities and rights (Bekink, 2012. Parental responsibilities and rights include the following elements, according to the Act stipulated in section 18(2)(a-d); "To care for the child, to maintain contact with the child, to act as guardian of the child and to contribute to the maintenance of the child". Boezaart (2018 78), Bosman-Sadie, Corrie and Swanepoel (2013: 42) and Davel and Skelton (2012: 3–4, 18) clarify that the Children's Act 38 of 2005 does not replace the terms "custody" and "access" with "care" and "contact" or abolish the common-law terminology. Instead, section 1(2) is an addition to the meanings assigned to "custody" or "access". In general law and the common law, the terms must also be construed to mean "care" and "contact".

The following information is focused on specific sections in the Children's Act relating to care and contact disputes. The sections dealing with alternative dispute resolution will not be dealt with here, as they are not within the scope of this research study. Figure 2.1 illustrates the different sections in the Children's Act 38 of 2005 that are relevant to all parents, and those sections particular to married and unmarried parents.
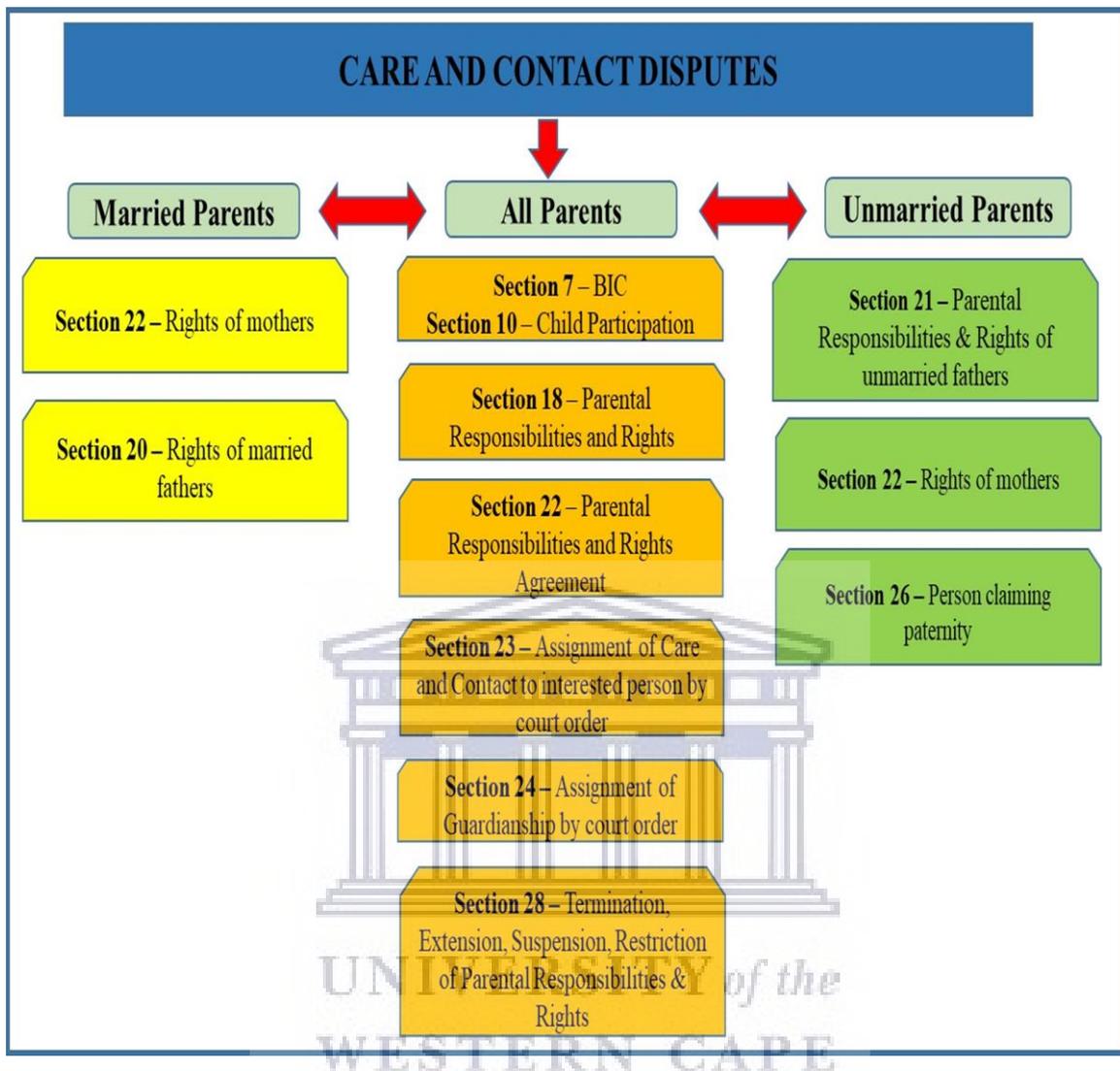
Figure 2.1: Sections of Children's Act 38 of 2005 regarding parents
Source: Children's Act 38 of 2005

Sections of the Act regarding care and dispute matters specifically involving married parents are reflected in Table 2.4 which follows.

Table 2.4: Care and dispute matters in the Act re married parents

Section 20	**Parental responsibilities and rights of married fathers**	Section 20 specifies that married fathers have full parental responsibilities and rights. Although the authors concede that the "maternal preference rule" was dominant in the past, currently fathers do have a more equal role in society in that they can be as equal to the mother regarding primary caregiving.
Section 22	**Parental responsibilities and rights agreement**	Through a (registered) written agreement, any other person who does not have parental responsibilities and rights, but who has an interest in the well-being and development of the care of the child, may enter into parental responsibilities and rights agreement with the mother, or with any other parent or persons who already has parental responsibilities and rights.

The qualification of the other person could be seen as any person who has an interest in the child. The views and the wishes of the child need to be considered, as well as the best interests of the child. |

Sources: *Adams, 2016; Boezaart, 2018; Boniface, 2013; Bosman-Sadie et al., 2013; Heaton, 2017; Schäfer, 2011.*

In Table 2.5, the sections of the Act dealing with all parents in care and dispute matters are listed, with comments by various authors.

Table 2.5: Care and dispute matters in the Act for all parents

Section 10	**Child participation**	Section 10 relates to both married and unmarried parents as the child has a right to participate in matters concerning his or her functioning. The right to participate should however not place a burden of choice on the child, especially in care and contact situations where a child might feel caught up between loyalties to one or the other parent or caregiver.
Section 18	**Parental responsibilities and rights**	Section 18 relates to both married and unmarried parents. In section 18 (2) of the Children's Act, parental responsibilities are defined by four principles: To care, to maintain, to act as a guardian, and to contribute to the maintenance of the child. The positioning of the word "responsibilities" before "rights" is significant as the legislature wants to make it clear that responsibilities are more important than parental rights. Numerous terms are

		used for the indication of "care" that refer to the child living with a parent as "residence", residency, permanent residency, primary care, and appointing a parent as a primary caregiver.
Section 19	**Parental responsibilities and rights of mothers**	Section 19 relates to all parents as a mother automatically obtains full parental responsibilities and rights for a child because she has given birth to the baby, regardless of her marital status.
Section 22		See **Table 2.4**
Section 23	**Assignment of contact and care to interested person by order of court**	As affirmed in the Children's Act, any person who has an interest in the care, well-being and development of the child, which obviously includes a biological father, may apply to the court within whose area of jurisdiction the child is an ordinarily resident, for an order to be granted to the applicant in terms of contact and care of the child. According to section 23(2) of the Children's Act, when considering such an application, the court must take into account the BIC, as well as views and the wishes of the child.
Section 24	**Assignment of guardianship by order of court**	It is important to be mindful that the High Court is the upper guardian of all children, and all applications are regulated through the High Court. A child can have as many guardians as is needed. Within such an application the BIC, as well as the views and wishes of the child, need to be taken into consideration.
Section 28	**Termination, extension, suspension or restriction of parental responsibilities and rights**	The parental responsibilities and rights that any person has in respect of a child may be terminated, extended, restricted, or suspended for a period, or terminated under certain circumstances by a court. Any other person having a sufficient interest in the care, protection, well-being or development of the child may launch such an application.

Sources: Bekink, 2011; Boeaart, 2018; Blom, 2011; Boniface, 2015 Bosman-Sadie et al., 2013; Children's Act 38 of 2005; Heaton, 2017; Mahlobogwane, 2010; Schäfer, 2011.

Finally, Table 2.6 below deals with the sections of the Act in care and dispute matters, referring specifically to parents who are unmarried, with explanatory comments by various authors.

Table 2.6: Care and dispute matters in the Act for unmarried parents

Section 21	**Parental responsibilities and rights of unmarried fathers**	An unmarried father can automatically acquire parental responsibilities and rights if he meets the requirements as set out in section 21 (a),(b) as follows: if the father was permanently living with the mother at the time of child's birth; if the biological father successfully applied (section 26) to be identified as the father, or has paid damages in terms of the customary law; and if he has contributed or attempted to contribute to the child's upbringing or expenses for a period.
Section 22		See **Table 2.4**
Section 26:	**Persons claiming paternity**	An unmarried father who claims to be the father of a certain child may apply to the court for an amendment of the birth certificate identifying him as the biological father and the confirmation of his paternity of the child.

Sources*: Boezaart, 2018; Bosman-Sadie et al., 2013; Schäfer, 2011; The Children's Act 38 of 2005.*

The preceding tables summarised the sections in the Children's Act 38 of 2005 related to matters of care and contact disputes. It is clear that parental responsibilities and rights consider the rights of the child to parental care, and not parental power. Unmarried fathers can attain responsibilities and rights towards their child/children, and any person who has an interest in a child's well-being can potentially be awarded parental responsibilities and rights. The following section will focus on guidelines in care and contact disputes.

2.4 Use of guidelines in care and contact disputes

In the SA context, formal guidelines in conducting investigations into care and contact disputes are lacking (Fasser, 2014; Themistocleous-Rothner, 2017). For this reason, the following section highlights guidelines and psychology disciplines which are recognised in international social work.

2.4.1 Definition of guidelines

The NASW (2005) defines guidelines as follows: "Guidelines reflect current and emerging best practice trends and are a critical component of the professional social worker's toolkit. They are useful for both new and experienced practitioners and can be effective advocacy tools". The American Psychological Association (APA) (2010) refers to guidelines as statements that suggest or recommend specific professional behaviour, or conduct. Furthermore, the APA (2010: 864) explains that guidelines are intended to "facilitate the continued systematic development of the profession" and they are "not intended to be mandatory or exhaustive". Law, rules of court, practice codes of regulatory bodies supersede any guidelines (Association of Family and Conciliation Courts [AFCC], 2006; Ontario College of Social Workers and Social Service Workers, 2009; Munson, 2011). Globally, the limitation of empirical data to guide the professional in the process of evaluation and resolution of care and contact is evident (Fasser, 2014; Houston, Bala & Saini, 2017; Themistocleous-Rothner, 2017; Thompson, 2012; Tolle & O'Donohue, 2012).

2.4.2 Purpose of international guidelines

Gould and Martindale (2005, cited by Saini, 2008: 113) contend that care and contact evaluators make recommendations that are "invalid, unreliable, and methodologically

incongruent with scientific evidence" that could harm families. Saini (2008) notes that in response, several organisations have since published standards and guidelines for evaluating care and contact disputes. The purposes of the following international guidelines regarding primary care and/or contact dispute matters are stated in Table 2.7. The full names of the organisations are supplied in the list of sources below the table.

Table 2.7: Purpose of international guidelines for care and contact investigations

AFCC	APA	NASW	NLASW	OCSW	ASPFAR
Promote good practice, provide information and increase public confidence.	Assist in determining the psychological BIC.	To determine what is in the BIC.	Provide guidelines for social workers regarding child custody and/or assess matters.	Comprehensive clinical exploration of the needs of the child within the context of the family and environment according to BIC.	To assist the court/parties deciding on parenting arrangements for children.

Sources: Association of Family and Conciliation Courts, (AFCC) 2006; American Psychological Association, (APA) (2010); Family Court of Australian (2015); National Association of Social Workers, (NASW) (2005); Newfoundland & Labrador Association of Social Workers,NLASW) (2007); Ontario College of Social Workers and Social Service Workers (OCSW) (2009).

The professionals defined by the abovementioned organisations who conduct investigations into care and contact matters are as follows (see Table 2.8).

Table 2.8: Professionals who conduct investigations

AFCC	APA	NASW	NLASW	OCSW	ASPFAR
Custody evaluators who are defined as mental health professionals	Psychologists	Social workers	Social workers	Social workers	Family assessor who could be psychologist and/or social worker

Sources: *AFCC, (2006: 6); APA, (2010: 863); ASPFAR, (2015: 6); NASW, (2005: 1); NLASW, (2007: 1); OCSW, (2009: 4).*

In the table above it is only APA that excludes the role of the social worker. The process of implementation of guidelines will therefore only focus on those guidelines which include the social worker as a role player (therefore excluding APA).

The process as reflected in Figure 2.2 on the following page, focuses on the "how to" aspect of evaluating the factors that should be assessed during a care and contact dispute (Fasser, 2014; Themistocleous-Rothner, 2017; Thompson, 2012).
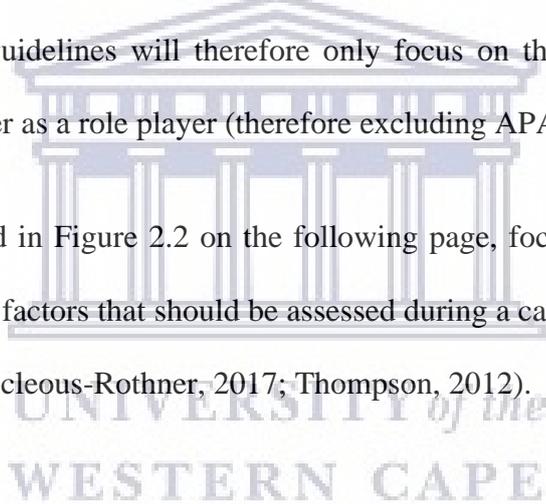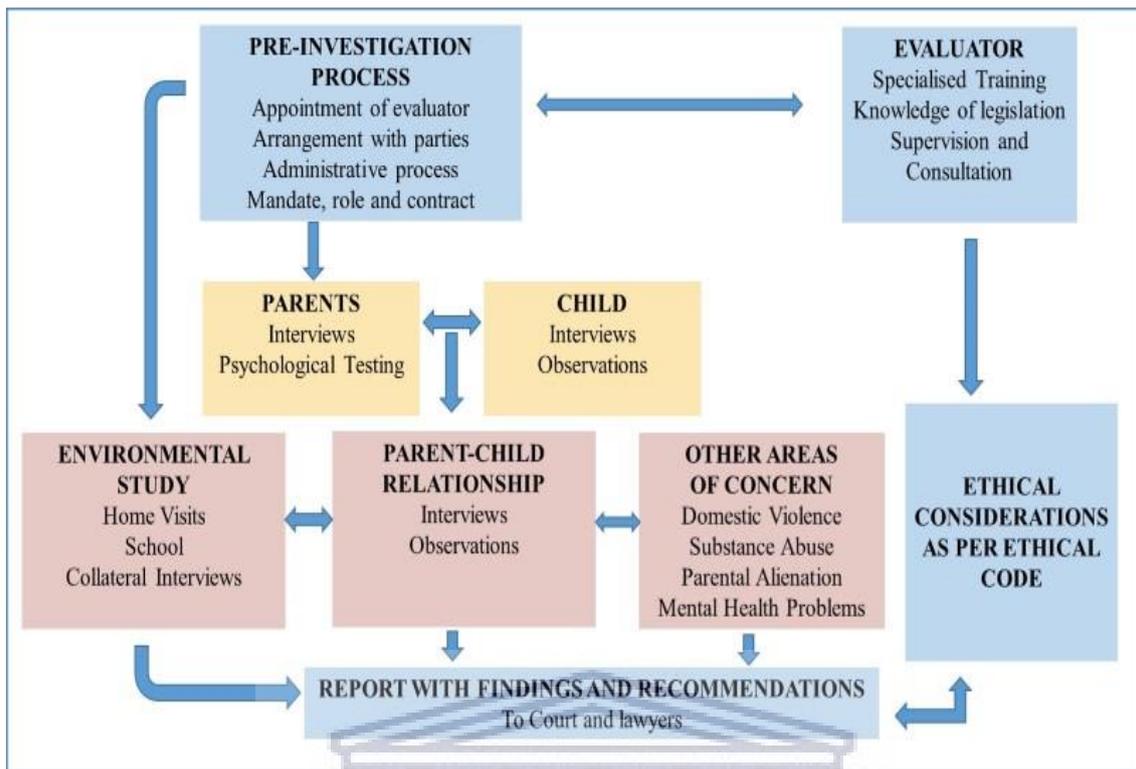
Figure 2.2: Care and contact investigation process

Sources: AFCC, (2006); ASPFAR, (2015); NASW, (2005); NLASW, (2007); OCSW, (2009).

Figure 2.2 above summarises all aspects that need to be taken into consideration when conducting a care and contact investigation. The following prerequisites also exist:

- Parents need to be involved in interviews and, if needed, in psychological testing.

- The child needs to be involved in interviews and observations.

- The parent–child relationships need to be assessed through interviews and observations.

- An environmental study needs to be conducted including home visits, and involving the school as well as collateral interviews.

- Other areas of concern such as domestic violence, substance abuse, parental alienation, as well as mental health issues need to be addressed, or referred to a specialist dealing with these matters.

- The evaluator needs specialised training in dealing with care and contact disputes, knowledge of legislation, as well as continuous supervision and consultation.

- Ethics considerations need to be applied according to the evaluator's professional board.

The guidelines mentioned here for care and contact dispute matters emanate from the international arena; however, they lack empirical data to guide the process of evaluation, and resolution of care and contact disputes. These guidelines indicate that the common purpose is to promote the BIC and that the professionals involved are either social workers or psychologists.

2.5 Best interests of the child (BIC) standard

The BIC is the golden thread to all matters involving children – especially guardianship, care, contact, or any other decisions relating to children (Boyd, 2015; Clark, 2000; Heaton, 2009; Kalamer, 2013; Thompson, 2012). To understand the BIC, which is one of the main concepts of this study, the researcher needed to explore the origin of the BIC. In so doing, the researcher aimed to understand how the principle is applied in children's legislation pertaining to family law regarding care and contact disputes.

2.5.1 Definition of the BIC

The BIC is "well-established in international human rights law" focusing on the specific rights of children as ratified in article 3 of the Convention on the Rights of the Child (CRC) and the African Charter on the Rights and Welfare of the Child (ACRWC) (Coetzee and Mienie, 2014:92). Skelton (2009) and Heaton (2009) contend that the BIC originated in family law. The United Nations High Commissioner Refugee Agency (UNHCR) (2008, 2018) generally describes the BIC as the well-being of a child, although

in the guidelines of the UNHCR (2006), it was determined that the definition could not be concluded as it is dependent on a variety of individual circumstances. Article 3(1) of the CRC describes the BIC as "a primary consideration", and Article 4(1) in the ACRWC as "the primary consideration". Bonthuys (2006) and Kalamer (2013) argue that no clear definition of the BIC exists owing to gaps in understanding. For example, is the BIC a right, a principle, or an interpretation; and how are cultural, historical, and social differences considered? Sisilana (2016: 15) refers to the definition in the Shorter English Oxford Dictionary, which was used in a case in the United Kingdom, and summarised as a relation between two matters, "between that which is considered to be consonant with the child's welfare and that which is not" and "between those interests which are more advantageous to a child than others which are less advantageous".

2.5.2   Historical overview of BIC

In 1924 the League of Nations adopted the Geneva Declaration – the first document to recognise the existence of rights particular to children, and the responsibilities that adults have towards children. The BIC standard has developed into a common means of evaluating what would benefit children's welfare and interests. Figure 2.3 details on a timeline the historical development of the BIC from an international to a national level.

HISTORICAL OVERVIEW OF BIC

1881	1924	1959	1969	1989	1990	1994	1996	1997	2002	2005
Chapysy vs. Wood England	Geneva Declaration of the Rights of the Child	United Nations Declaration of the Rights of the Child	Kaiser vs. Chamber (1969) (4) SA224 (C) At 228(G)	United Nations Convention on the Rights of the Child	African Charter on the Rights and Welfare of the Child	McCall vs. McCall 1994 (3) SA201 (C)	The Constitution of the Republic of South Africa	SALC Investigate and Review Child Care Act 74 of 1983	RSA SA Law Commission Project 110 Review of Child Care Act Report	The Children's Act 38 of 2005

Figure 2.3: Historical overview of BIC

Sources: African Charter on the Rights and Welfare of the Child (1990); Boezaart (2018); Boniface (2007); Bosman-Sadie et al. (2013); Children's Act 38 of 2005; Humanium (2020); McCall vs McCall 1994 (3) SA201 (3); Schafër (2011); SA Law Reform Commission 100D (2015); SA Law Reform Commission (2002); The Constitution of the Republic of South Africa (1996); United Nations Convention on the Rights of the Child, (1989); UNHCR (2008).

In the following pages, item 2.5.3 discusses the international and regional instruments of children's rights will be discussed, while 2.5.4 covers the national instruments of children's rights. To establish the significance of the BIC principle, the researcher explored the inclusion of the principle in legislation in the USA, Canada, and Australia, since most international literature is available from these countries. The overview will also include the four countries with the largest economies in Africa (other than South

Africa), according to statistics released by the International Monetary Fund in 2018, namely Nigeria, Egypt, Morocco, and Angola (Oyekunle, 2019). The summary also includes the regional or neighbouring countries of Botswana, Mozambique, Namibia, and Zimbabwe. Not all aspects related to international, regional and national instruments of children's rights are relevant to each country in terms of different legislation or principles. The researcher compares the following properties relating to the BIC instruments:

- Members of CRC and or ACRWC that ratified treaty.

- Constitutions which protect children.

- Legislation relating to the protection of children.

- BIC principle stated in related laws.

- The presence of criteria in determining BIC.

- Gaps and challenges related to the BIC in related legislation.

2.5.3   International and regional instruments of children's rights

It is important to understand that the CRC (1989) is the most widely ratified international human rights treaty in history that protects children's civil, political, economic, social, and health rights (Bekink, 2011; Skelton, 2009; United Nations Children's Fund [Unicef] 2014). Regionally, the ACRWC was the first regional treaty to be adopted by state parties in Africa specifically to protect, promote, and monitor the rights and welfare of the African child (Cleophas, 2013). The BIC is one of the four key principles of the CRC and the ACRWC, the others being non-discrimination, right to life, survival, and development and the right of children to express their views in all matters affecting them (Boezaart, 2018; United Nations Human Rights Council, 2008).

Refer to Table 2.9 which follows, for an international overview of the BIC in Australia, Canada and the USA.

Table 2.9: BIC – international overview

COUNTRY	MEMBER OF CRC and/or ACRWC	CONSTITUTION	RELATED LAWS	BIC	CRITERIA OF BIC	GAPS AND CHALLENGES IDENTIFIED
AUSTRALIA	CRC	Constitution 1901 No bill of rights is stipulated in common law and legislation	Family Law Act 1975 amended 2006	Section 60 CC (2006)	11 factors 27 factors (2006)	Detaining of children in immigration facilities
CANADA	CRC	Children are defined as everyone in the Constitution 1867 No BIC	Children's Law Act 1967 C14	Yes	List of factors to consider matters of custody	Concerns about interpretation of judicial officers in determining BIC
UNITED STATES	No	Children have the same rights as they are protected under the 14th amendment equal protection clause according to the United States Constitution 1788	Every state has each own child law Mostly used is Michigan Child Custody Act 1970	Yes	Factors varies from state to state Michigan Child Custody Act has 11 factors	Little consensus in legal systems about what constitutes BIC

Sources: *Australia Constitution of 1901; Barrie (2013); Canadian Constitution of 1867; Canada Children's Law Act 1997; Carbone (2014); Family Law Amendment (Shared Parental Responsibility) Act (2006); Harmer, Goodman and Delahunty (2014); Mawdsley, Beckmann, de Waal and Russo (2010); Michigan Child Custody Act 91 of 1970; Saini, van Wert, Gofman (2011);United States of Americas Constitution of 1789; United States Department of Health and Human Services (2016);US Legal (2018); Zelechoski, Fuhrmann, Zibbel and Cavallero (2012).*

The table above indicates to what extent children are protected in Australia, Canada, and the USA, and which countries are members of the CRC. It is interesting to note that the USA has not ratified the treaty. The table also reflects whether children have specific rights under the respective constitutions and/or laws relating to protection. In Table 2.10,

a BIC overview is provided for African countries, apart from SA, with the largest

economies.

Table 2.10: BIC overview of African countries Nigeria, Egypt, Morocco and Angola

COUNTRY	MEMBER OF CRC and/or ACRWC	CONSTITUTION	RELATED LAWS	BIC	CRITERIA OF BIC	GAPS AND CHALLENGES IDENTIFIED
NIGERIA	Yes	Children are protected by the state in section 17 of the Constitution of 1999 No BIC	Children's Rights Act of 2003	Yes	No criteria although addressed in provisional sections	Basic human rights violations occur
EGYPT	Yes	Children have protection under specific rights article 80 and BIC is mentioned	Child's Law 12 of 1996 amended by 128 of 2008	Yes	No criteria	No guidelines in the interpretation of the BIC
MOROCCO	Ratified CRC not ACRWC	Children's rights are stipulated in Constitution 2010 BIC are not included	Family Code 2004	Yes	No criteria	Basic Human rights violations occur
ANGOLA	Yes	Children are protected in the Constitution 2010 BIC not stipulated	Children's Act 25 of 2012	Yes	No criteria although addressed 9 critical children's rights in articles in Act	Poverty, child mortality, malnutrition

Sources: *African Committee of Experts on the Rights and Welfare of the Child (2019); Ajanwachuku (2017); Angola Constitution of 2010; Angolan Children's Act 25 of 2012; Barratt and Burman (2001); Child Law no 12 of 1996 amended by 126 of 2008; Child's Right Act of 2003; Child Rights Act Rules (2013); Egypt Constitution of 2014; International Justice Resources Centre (2018); Morocco Constitution of 2011; Morocco Family Code (2004); Nigeria Constitution of 1999; Nzarga (2016); Medina (2003); United Nations Human Rights Office of the High Commissioner (2020).*

Based on the table above, it was established that all the countries are members of the

CRC. Morocco is the only country which is not a member of the ACRWC. Children are

protected in the constitutions of all of the countries and related laws, except for Egypt.

Although all these standards are in place, challenges are evident, such as trafficking of

children, poverty, and basic human rights violations. In the next table, a BIC overview of

SA's neighbouring countries is provided.

Table 2.11: BIC overview of Botswana, Mozambique, Namibia and Zimbabwe

COUNTRY	MEMBER OF CRC and/or ACRWC	CONSTITUTION	RELATED LAWS	BIC	CRITERIA OF BIC	GAPS AND CHALLENGES IDENTIFIED
BOTSWANA	Both	No children's rights in Constitution of 1966, amended in 2006 No BIC	Children's Act 8 of 2009	Yes	10 criteria and 8 guiding factors	Basic human rights violations occur, life imprisonment and flogging of children
MO-ZAMBIQUE	Both	Children's rights in section 47 BIC primarily paramount interest of the child	Children's Act 7 of 2008	Yes	No criteria stipulated	Child's right to participate is absent as well as guidelines in determining of BIC
NAMIBIA	Both	Specific rights towards children in section 15 of the Constitution 1998 including the BIC principle	Children's Act 5744 of 2015 Child Status Act 6 of 2006	Yes	12 separated criterions dealing with matters of custody, guardianship and access	Violations of child's rights BIC
ZIMBABWE	Both	Children's specific rights under section 19 of Constitution 2013 BIC specified in Constitution	Children's Act 5:06 of 2001	Not in line with CRC/ACRWC	No criteria	Violations of child's rights BIC

Sources: *African Committee of Experts on the Rights and Welfare of the Child (2019); Botswana Constitution of 1966; Bhaiseni (2016); Dausab (2009); Mukombachoto (2016); Sloth- Nielsen (2013); Vorback (2016); Children's Act 8 of 2009; Children's Act 7 of 2008; Children's Act 5744 of 2015; Children's Act 5:06 of 2001; Child Status Act of 2006; Mozambique Constitution of 2004; Namibia Constitution of 1990; Zimbabwe Constitution of 2013.*

All of SA's neighbouring countries are members of the CRC and ACRWC, with specific

rights in their constitutions. All the countries have Children's Acts with BIC criteria,

except Zimbabwe. Human rights violations and violations of the BIC are evident, as well

as discrimination against women and girls living with AIDS.

2.5.4   National instrument of children's rights

The CRC and the ACRWC were the enabling channels for South Africa to expand its Constitution with the inclusion of a comprehensive children's rights section. Skelton (2009) contends that the expansion was driven by a very active children's rights movement which utilised written and verbal submissions during the constitutional assembly process, which resulted in a broader reach of section 28 of the Constitution that exclusively deals with children's rights.

Schäfer (2011: viii) concludes that the integration of international laws into SA child laws has been fundamentally included in the Constitution in section 39: "consider international law when interpreting the Bill of Rights", as well as in section 232: "renders customary international law as part of our law". This forms a link between international and regional treaties such as the ACRWC, to which SA belongs. The Constitution, including the Children's Act 38 of 2005, relates to the protection of human rights of children (Blom, 2011; Ferreira, 2010).

For the aims of the present study, the researcher will focus on Section 28 (2) of the Constitution, which defines the BIC as follows: "*A child's best interests are of paramount importance in every matter concerning the child*" (Constitution of the Republic of South Africa, 1996: 12). Boezaart (2013), Heaton (2009) and Sisilana (2016) aver that the BIC principle was given a superior status in the Constitution, which is entrenched in the Children's Act no 38 of 2005 Skelton (2009) noted possible conflict between the BIC and parental rights.

Before the Children's Act 38 of 2005, SA legislation did not provide a list of factors that need to be applied when a court deals with a child's best interests (Barrie, 2013; Kalamer,

2013). Between 1994 and the enactment of the Children's Act 38 of 2005, especially in divorce matters, the courts used the criteria of Judge King in the case of McCall v McCall 1994 (3) SA 201(3) (Boyd, 2015; Kalamer, 2013; Sisilana, 2016). Judge King verified in his judgement in this matter that the following factors need to be assessed in determining what is in the BIC to determine which parent is in a better position to promote and ensure the physical, moral, emotional, and spiritual welfare of a child, as indicated in Table 2.12.

Table 2.12: BIC criteria according to McCall v McCall 1994 (3) SA (201) (3)

	BIC CRITERIA
a)	The love, affection and other emotional ties which exist between parent and child and the parent's compatibility with the child.
b)	The capabilities, character and temperament of the parent and the impact thereof on the child's needs and desires.
c)	The ability of the parent to communicate with the child and the parent's insight into, understanding of and sensitivity to the child's feelings.
d)	The capacity and disposition of the parent to give the child the guidance which he requires.
e)	The ability of the parent to provide for the basic physical needs of the child, the so-called "creature comforts" such as food, clothing, housing and the other material needs – generally speaking, the provision of economic security.
f)	The ability of the parent to provide for the educational well-being and security of the child, both religious and secular.
g)	The ability of the parent to provide for the child's emotional, psychological, cultural and environmental development.
h)	The mental and physical health and moral fitness of the parent.
i)	The stability or otherwise of the child's existing environment, having regard to the desirability of maintaining the status quo.
j)	The desirability or otherwise of keeping siblings together.

k)	The child's preference, if the Court is satisfied that in the particular circumstances, the child's preferences should be taken into consideration.
l)	The desirability or otherwise of applying the doctrine of same sex matching.
m)	Any other pertinent matter.

Source: McCall v McCall 1994 (3) SA (201) (3)

Macharia (2015) confirms the presence of the BIC in the Children's Act 38 of 2005 in section 7 **Best interests of the child standard**, which consists of criteria of 14 factors (Refer to Appendix Y) set out as guidelines to determine the BIC, although it did not completely resonate with the McCall judgement. These criteria and the standard as stipulated in section 7 of the Children's Act 38 of 2005 can be linked to the following section, which investigates the determination of the BIC standard with an overview from various sources as reflected in the following figure.
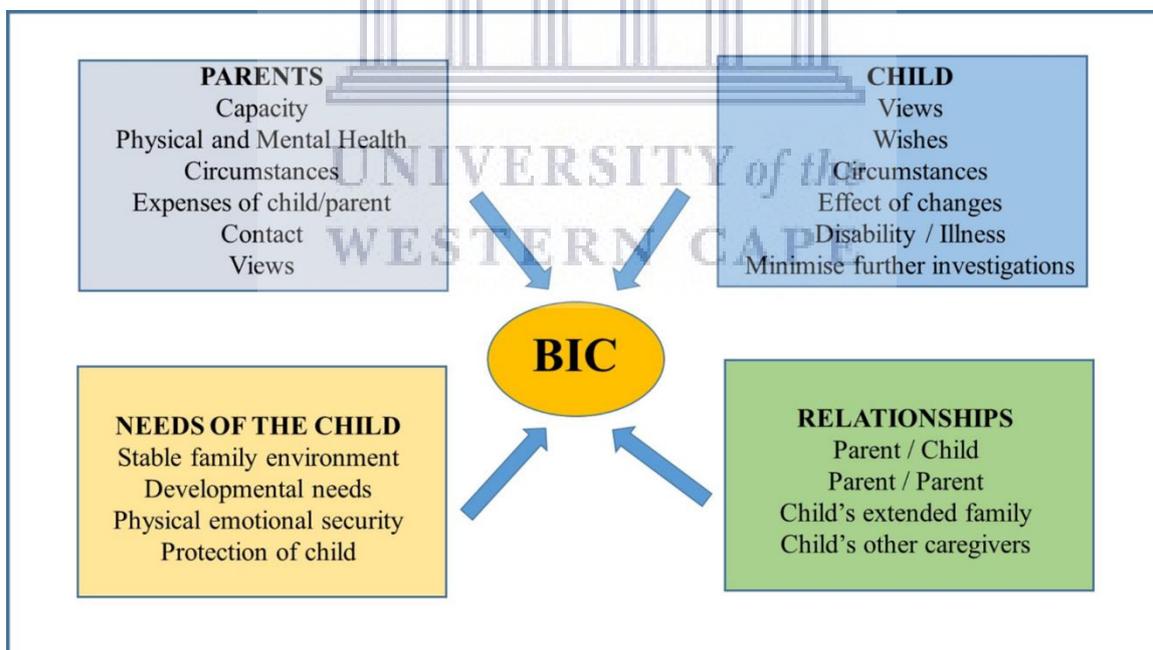
Figure 2.4: Determining the BIC

Sources: United Nations (2008); Emery et al (2005); Zelechoski et.al. (2012); Stahl (2011); McCall v McCall 1994(3); SA 201A Robinson (2011); Children's Act 38 of 2005.

Figure 2.4 above shows that the BIC is determined by assessing the parents in terms of their capacity to parent. Accordingly, the role of the social worker in determining the BIC will be evaluated next.

2.5.5   The role of the social worker in determining the BIC

Prescott (2013) notes that family court judges rely on mental health professionals and social science in determining the BIC. The following is a description of the role of the social worker in determining the BIC:

> "The relevant assumption, of course, is that social workers (educated, trained, and licenced) can better locate and empirically differentiate when examining past behaviour that will yield a historical truth, which, if compared against present personality profiles, roughly correlates to a decision maker's conclusion about what ought to be in the future best interest of a child" (Prescott, 2013: 469).

2.5.6   The BIC in care and contact disputes

Many have previously described the BIC as a custody standard which is vague (Harmer & Goodman-Delahunty, 2013; Kimberg 2008; Saini, 2008; Tolle & O'Donohue, 2012). The BIC is seen as a concrete measure that can guide the courts, although the standards are construed as having several grey areas regarding what the best interests really are. According to Tolle and O'Donohue (2012), this has been a controversial issue for nearly a third of a century. Emery et al. (2005) argue that the concrete measurements give direction to decision-makers in defining the individual circumstances of what will be in the best interests of children. Harmer and Goodman-Delahunty (2013) refer to numerous critiques of the BIC, arguing that the absence of research with the lack of empirical grounding makes it an unmanageable task for a court to determine what is in the BIC. Furthermore, Harmer and Goodman-Delahunty (2013) emphasise that there appears to be

little research on how the interpretation of the BIC varies for children of different ages or developmental stages.

Critiques of the BIC (Barrie, 2013 Boniface, 2007; Cleophas, 2013; Heaton, 2017 Kalamer, 2013; Moyo, 2012; Macharia, 2015) are mainly found in the context of the legal profession in South Africa. Some of the conclusions reached by these critiques are that they include the concern of the child as an individual, and not part of a family or community structure, that the child's rights are a subjective concept, that the BIC is not an open-ended list, and that the BIC does not take into account that childhood is a continuum with different developmental stages characterised by different changes with no guidelines. However, Ferreira (2010) and Heaton (2017) point out that criticisms of the subjective views or values, cultural beliefs, parental gender, historical, economic, political, religious, sexual orientation, social, and inter-racial factors being incorporated into the BIC can be overcome if the professionals determining the BIC follow a unique, personalised, and child-centred approach, therefore implying that the principle needs to be flexible (Boniface, 2007).

Sisilana (2016: 21) recognises the importance of the BIC, criteria in section 7 of 14 factors that "holistically conform to the standard" and urged the court to make use of the criteria. Sisilana (2016: 16) argues that the unwillingness of the courts to use section 7 "endangers the decree of facilitating with the development of the child". Schäfer (2011) refers to section 7 as extensive, and is disappointed about the perceived lack of impact of section 7 since the enactment of the Children's Act, because Judges at times still rely on the McCall v McCall criteria, instead of section 7. Another critique of the BIC is proffered by Matiea (2016:25) in which the BIC is viewed as a conflict of rights between those of

the child and those of the parents. But Saini (2008) confirms that the BIC focuses on the interests of the children rather than on the gender or rights of the parent.

Ferreira (2010) believes that establishing what is in the BIC requires a value judgement that cannot be determined theoretically with a forecast or prediction. Clark (2000, cited by Ferreira, 2010) contends that there are two major challenges in determining the BIC: the inability to predict the consequences of alternative outcomes, and the lack of consensus on which criteria to use in evaluating these alternatives, connected with probabilities and values based on facts.

Members of various professions have different perspectives of the BIC, as each profession and person who acts as a decision-maker may influence the interpretation of the principle (Ferreira, 2010; Kimberg, 2008; Kruger, 2006; Lambiase & Cumes, 1987). In addition, both the short- and long-term impact of each option needs to be considered before deciding which is best suited to the individual circumstances. In conclusion, the SA Law Reform Commission 100D (2015) asserts that the BIC is not to search for the perfect parent. The court objective is to ultimately ascertain "the least detrimental available alternative for safeguarding the child's growth and development" (SA Law Reform Commission 100D, 2015: 14).

2.6 Challenges within care and contact disputes

Providing services to families involved in care and contact disputes is considered as one of the most challenging tasks for social workers, or for any other health professional (Houston, Bala & Saini, 2017; Pickar, 2007; Saini, 2008; Saini, Black, Lwin, Marshall, Fallon & Goodman, 2012). Saini et al. (2012 describes the impact of working with high-conflict families under the pressures of the family law system and a severe lack of

resources to manage the process as being major challenges. Houston et al. (2017) confirm this, adding further challenges as being the limited information available about good practice guides and policies, unrealistic expectations, and limited training regarding these complex matters. The NASW (2006) also highlights the following challenges facing the social work profession: remuneration, management, ethical issues, stress, retaining social workers, recruitment, and the replacement of retiring social workers.

In the SA context, extensive literature was obtained by the researcher regarding the general challenges social workers face in various settings, dating as far back as Kisten (2001). Additional literature is offered by Bosman, (2016), Calitz et al (2014), De Jager (2013), Dhludhlu (2015), Govender (2015), Nhedzi & Makofane (2015), Sibanda (2013), Phiri (2018), Pretorius (2017), and Van Wyk (2011). However, there is a dearth of literature regarding challenges experienced in dealing with the care and contact domain in South Africa. Combrinck (2014) asserts that professionals who deal with high-conflict separating and divorcing families need specialised training and knowledge regarding separation, divorce proceedings, and high-conflict situations. Further challenges experienced in these areas include administrative and emotional stress, lack of professional training (see also Ludwig, 2007), clarifying roles, maintaining neutrality, and creating boundaries. Managing the challenging process involves dealing with the demands of the parties, the legal system, and the range of ongoing allegations including domestic violence, sexual abuse, parental alienation, substance abuse or inappropriate parenting.

2.7   Summary of literature review

A comprehensive literature review of international and national sources, which provided the researcher with an understanding of the theoretical foundation for the research, was

conducted. The three research objectives guided the researcher in reviewing the forensic role of the social worker within care and contact disputes using the BIC, and evaluating the current guidelines that have been identified, and which need to be formalised in the international domain, which are currently creating challenges for social workers.

2.8 Theoretical framework

The theoretical framework chosen for this study is based on systems theory. This theory is appropriately aligned with the aims and objectives of the study, as the experiences of SWIPPS are determined in the family. Systems theory provides a framework for the evaluation of the family as a system, and analysis of how the whole system is influenced by the individuals in sub- systems who are experiencing a crisis (Lishman, 2015; Payne, 2016; Sutphin, McDonough & Schrenkel, 2013). Systems theory, which is based on a holistic view of life, is described as being able to gain a systemic perspective of the levels delineating the experiences of working with a family in dispute. Von Bertalanffy (1972:417) defines a system "as a set of elements standing in interrelation among themselves and with the environment". Becket and Homer (2016) describe systems theory as an intervention to explain the functioning of a system with specific characteristics, whereas Teater (2014:33) defines it as "the whole of a system greater than the sum of its individual parts".

2.8.1   Origin of system theory

Walker (2012) confirms that the origin of systems theory in connection to social work dates back to Forder in 1976, Pincus and Minaham (1973), and Goldstein (1972). Walker (2012) confers the origin of the theory to Ludwig Von Bertalanffy (1972), a German biologist who formulated a general system theory that could be used to explain how a

living creature functions by studying the transactional process happening between diverse parts (Teater, 2014; Walker, 2012). Kihlström (2011: 287) explains that systems theory is concluded from several perspectives that influenced social work in different ways in different periods, such as cybernetics (Wiener,1948), general systems theory (Von Bertalanffy, 1972), structural-functionalist systems theory (Parsons, 1951), functionalist-structural systems theory (Luhmann, 1970), and social-ecological theory (Germain, 1978). Kihlström (2011) confirms that in social work, systems theory is applicable to the structures surrounding clients, such as family, organisations and institutions; it aims to understand the process of social order and the individual's functioning within the community.

Teater (2014: 32) lists Forder's (1976) contribution to the development of systems theory in social work, and the benefits it could serve the profession at that time, as follows:

- Philosophical contribution of presenting man and society;

- Incorporation into social work perspective by encouraging social workers to assess a situation through the interaction of different systems;

- Contributing to social workers' decisions as to which system(s) to target for intervention;

- Assists in explaining the social work process.

2.8.2   Characteristics of systems theory

Systems theory can help social workers understand how systems function, who is part of the system, as well as the changing elements within systems (Robinson, 2015). The following important characteristics have been gleaned from the literature (Goldenberg & Goldenberg, 1989; Teater, 2014; Payne, 2016; Sutphin, McDonough & Schrenkel, 2013; Tadros, 2020):

- The system is either open and approachable to outside change or stimuli, or closed where the system is sealed and unapproachable for change or stimuli.

- There is a complex interplay of different parts of a system, and these parts interact to create a unit.

- Systems are not static and can develop and transform.

- Systems interact and form relationships between parts.

- Elements in a system are subsystems, and a system as a whole cannot function without its subsystems.

- Integrates social intervention with individual help.

- Systems allow multifactorial explanation but it is difficult to identify and achieve outcomes.

- Systems can become dysfunctional: but can return to a healthier state of functioning referred to as homeostasis by altering interactions, boundaries, restructuring roles and subsystems.
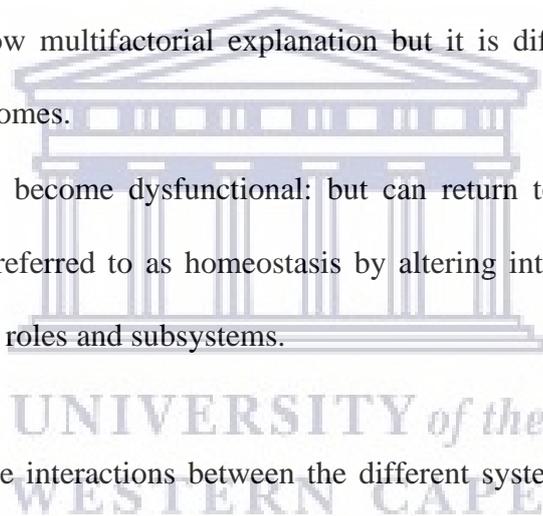
Figure 2.5 illustrates the interactions between the different systems within a care and contact investigation.
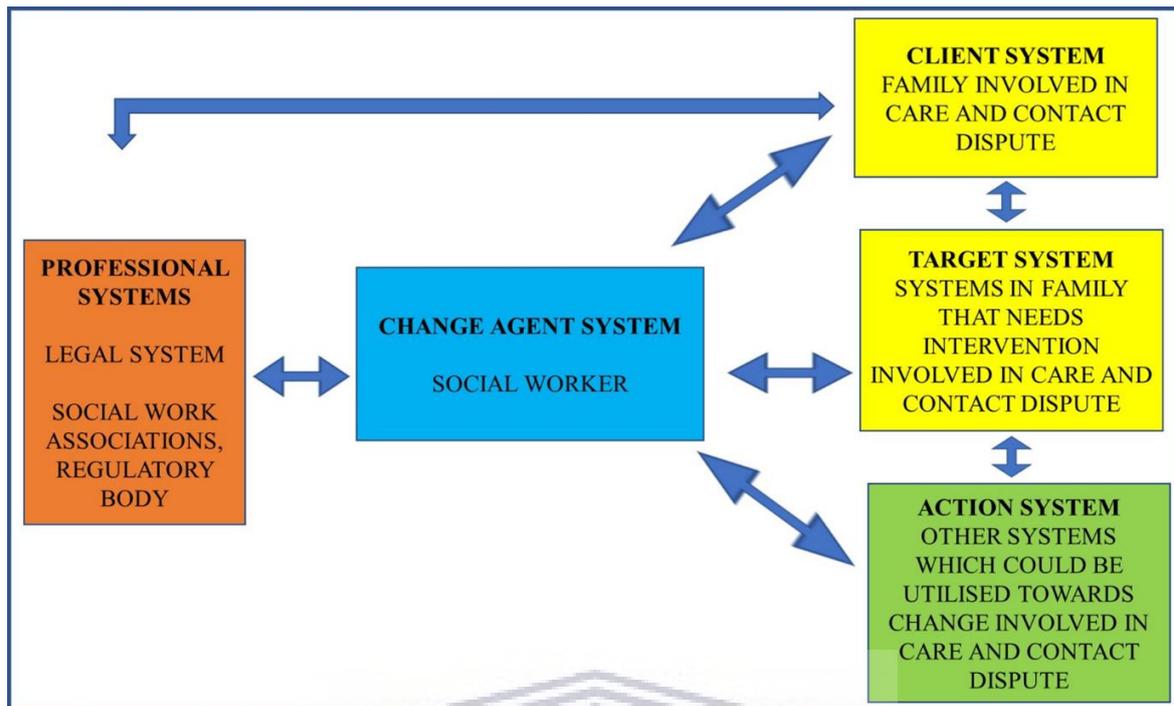
Figure 2.5: Interaction between systems in care and contact investigation
Sources: Comptom, Galaway and Cournoyer (2005); Teater (2014); Payne (2016).

The professional systems are regulations and laws which the change agent – the social worker – needs to adhere to. The social worker as the change agent interacts with the client (family whom the social worker is working with), the target (the system that needs more intervention, be it family or child) and the action system (other systems that could be utilised by the change system towards change), as well as other members of the family involved within the care and contact dispute. It is essential to document hypotheses and evaluate possible explanations of the current functions, in order to facilitate change. It is important to remember that the systems are interactive with each other, as well as with the social worker.

2.8.3 Application of systems theory

The aim of utilising systems theory in care and contact disputes is to determine the target system or subsystem for intervention, and to focus on positive change (Teater, 2014). In

care and contact investigations the main systems need to be identified, as well as the subsystems and other systems that either positively or negatively influence the system. The interaction between all these systems needs to be assessed. "Based on this assessment the social worker is able to best determine which system or subsystem requires intervention to bring about the necessary change" (Teater, 2014: 35). Tadros (2020) explains that dysfunctional patterns are likely to develop when a family faces extreme stressors or evolving alterations. Healthy families would, in adverse circumstances, modify their structure and accommodate changes, whereas dysfunctional families would become more rigid, preventing them from being able to deal with the evolving circumstances in a healthy manner.
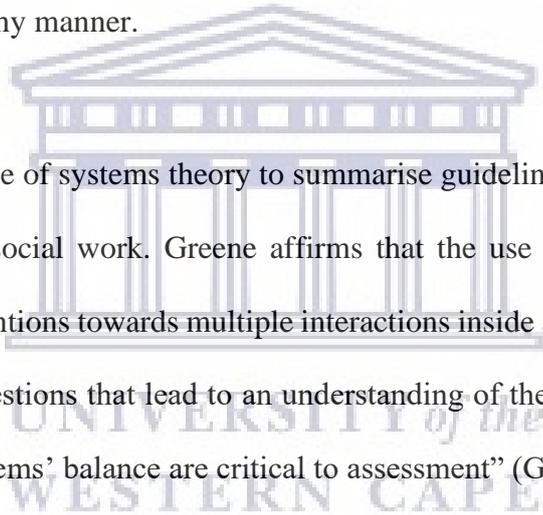
Greene (2008) makes use of systems theory to summarise guidelines for assessment and intervention in family social work. Greene affirms that the use of this theory directs assessments and interventions towards multiple interactions inside and outside the family system. "Diagnostic questions that lead to an understanding of the internal and external forces affecting the systems' balance are critical to assessment" (Greene, 2008: 193).

Kimberg (2008) has developed a model for the assessment of primary care and/or contact in SA from a systems theory perspective which would enhance the forensic social work profession, but clarifies that it needs to be an empirically based practice model. Kimberg has determined the following applications (see Table 2.13) for systems theory.

Table 2.13: The application of systems theory

Assessment	• Purpose of assessment is to determine the dysfunctional factors influencing the system. • Assess the family structure through understanding of its organisation. • Explore socialisation processes, creation of subsystems, nature of hierarchies, and the way the roles are set apart. • Assess how culture influences organisational structure. • Assessment of the family responsiveness to stress and reactions.
Boundary setting	• Define boundaries of the system working with the family. Observe functions and behaviours and be sensitive to cultural forms. • Assess the openness and closeness of boundaries and the exchange with larger societal systems. • Assess elements in their structure and communication patterns that contribute to entropy, synergy or homeostasis.
Appropriate fit	• Determine how well the family fits within the environment. • Assess additional resources the family might need to improve family–environment fit.
Evaluation	• Evaluate communication patterns – transfer of information and resources between subsystems, systems and environment and feedback process. • Evaluate patterns of interaction and related rules. • Evaluate dysfunctional triangulation.
Intervention	• Determine which systems can decrease stress and move to a level of restructuring.

Source: Kimberg (2008)

Systems theory is an appropriate fit with the data collection process and investigation process of this study. The evaluation process forms a possible hypothesis for the investigation and assists in establishing dysfunctional triangulation and the impact of

systems involved within the care and contact dispute. Systems theory should assist with the analysis process, to identify possible influences in the interaction between the systems and systems which need intervention. This is reflected in the recommendations of this thesis.

2.9   Chapter conclusion

According to the framework of the three objectives of the research and as a result of the comprehensive literature review which was conducted on an international and national level, the researcher was able to gain a better understanding of the forensic social worker's current roles and functions in care and contact disputes. The Children's Act 38 of 2005 makes provision for the roles and functions of the social worker with these disputes. It became clear that the BIC is a primary focus of international guidelines. With the ostensible dearth of standardised guidelines in care and contact disputes in the SA context, professionals who render services in this field need to make use of international standards, which creates challenges for the social worker in SA. It became evident that there is a lack of research concerning the involvement of social workers in the legal field surrounding care and contact disputes, coupled with limited training.

Chapter 3 will focus on the research methodology which was followed in this study in order to explore and describe the opinions and experiences of social workers regarding the use of the BIC standard, in the context of care and contact disputes in private practice in areas of Gauteng in SA.

CHAPTER 3

RESEARCH METHODOLOGY

3.1 Introduction

The previous chapter focused on reviewing literature regarding common themes which emerged from the care and contact dispute topic in both an international and a national context. The chapter also clarified the theoretical base on which this study was conducted.

This chapter presents the research methodology which was followed in order to explore and describe the opinions and experiences of social workers regarding the use of the BIC standard, in the context of care and contact disputes in private practice in the province of Gauteng in South Africa. Figure 3.1 is a diagrammatic representation of the process in the form of components of the research methodology.
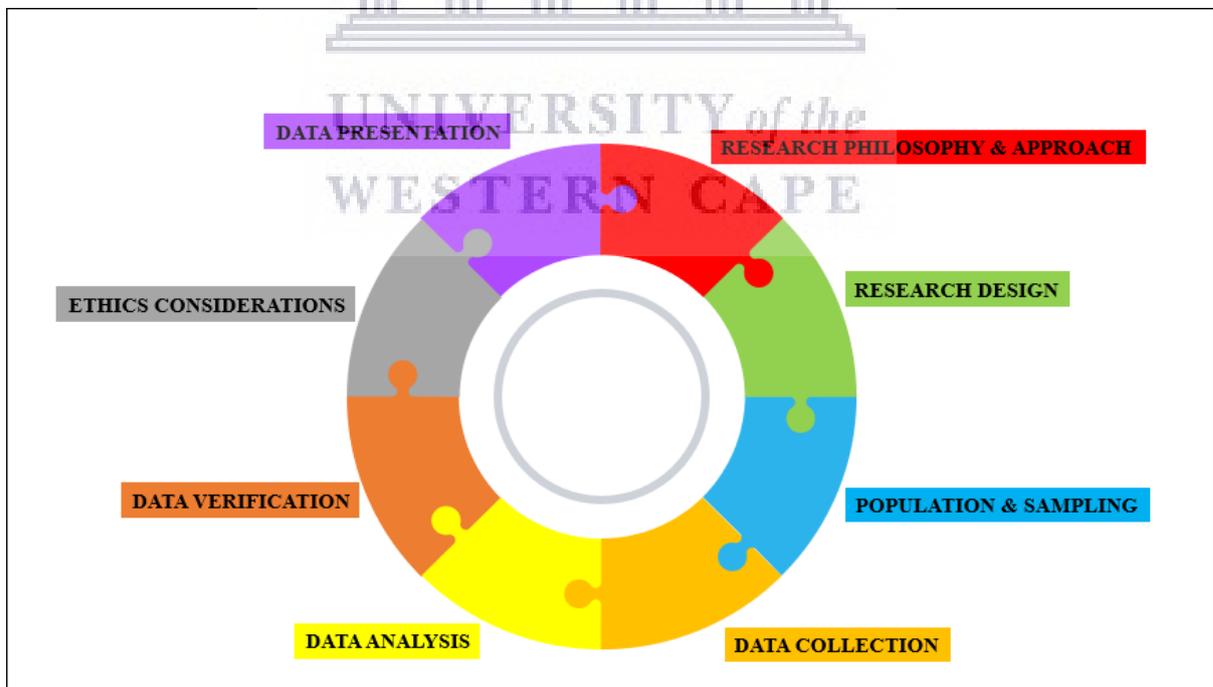
Figure 3.1: Research methodology process and components
Sources: Creswell and Creswell (2018); Kumar (2014)

Figure 3.1 illustrates the step-by-step process which the researcher followed to obtain qualitative data. This chapter therefore explores and explains these eight components as they relate to the current study, as well as how these components were applied in practice.

Research methodology is explained by Kumar (2014), as active steps which form the research process for qualitative, quantitative, and mixed methods research. Wahyuni (2012:) refers to it as a domain or map. According to Mouton (2013: 35), the term methodology stems from the Greek word *methodos*, which comes from two words *meta* meaning alongside, and *hodos* meaning journey. Babbie (2017: 4) affirms that methodology is the "science of finding out", and Wahyuni (2012: 72) views it as "a model to conduct research within the context of a particular paradigm". Salvador (2016: 115) refers to methodology "as a collection of methods in which a particular piece of research is undertaken and judged to be valid" and as being "the strategy or plan of action which lies behind the choice and use of particular methods … [and] is one major component of research paradigms". Salvador's summary serves as the primary outline of the researcher's methods, irrespective of the design-base of the selected research paradigm. Qualitative research is an in-depth, holistic inquiry of a phenomenon using a flexible research design by collecting rich narrative descriptions (Polit & Beck 2018). In concert with this, Creswell's (2014) interpretation is that qualitative research explores the meaning of individuals or groups assigned to a specific social or human problem. Silverman (2014) defines qualitative research as verbal descriptions of real-life experiences. The qualitative approach used in the study provides a comprehensive review of the opinions and experiences of SWIPP regarding the use of the BIC standard in the context of care and contact disputes.

As indicated in the aim and objectives of the study, a qualitative approach is suited to the focus on exploring and describing a phenomenon. The research philosophy and paradigm of the study are discussed in the next section.

3.2 Research philosophy and paradigm

Research philosophy is a classification of beliefs and assumptions regarding the development of knowledge (Saunders, Lewis & Thornhill, 2016). The chosen philosophical approach is essential to the research process as it allows the researcher to determine which paradigm should be used based on scientific and personal beliefs. Creswell and Creswell (2018:5) affirm that "worldviews are the general philosophical orientation about the world and the nature of research that the researcher brings to the study, which is based on previous experiences, discipline of orientations, research communities, and advisors." There is a relationship between the philosophical foundation, paradigms, and research approach (Creswell & Creswell, 2018).

Creswell and Creswell (2018) refer to three levels of paradigmatic considerations: (i) philosophical assumptions of the study, (ii) research paradigm, and (iii) methodological aspects. According to Dudovskiy (2018: 33), the research philosophy "deals with the source, nature, and development of knowledge." The researcher sees it as a principle according to which information about a phenomenon should be gathered, evaluated, and used. The core of the philosophy in research includes being mindful and framing beliefs and assumptions (Dudovskiy, 2018). In understanding research philosophy and approaches to theory development, Saunders et al. (2016: 124) refer to the "research onion".

The inter-relationship between philosophical assumptions, research paradigms, and methodological aspects is illustrated in Figure 3.2 which follows.
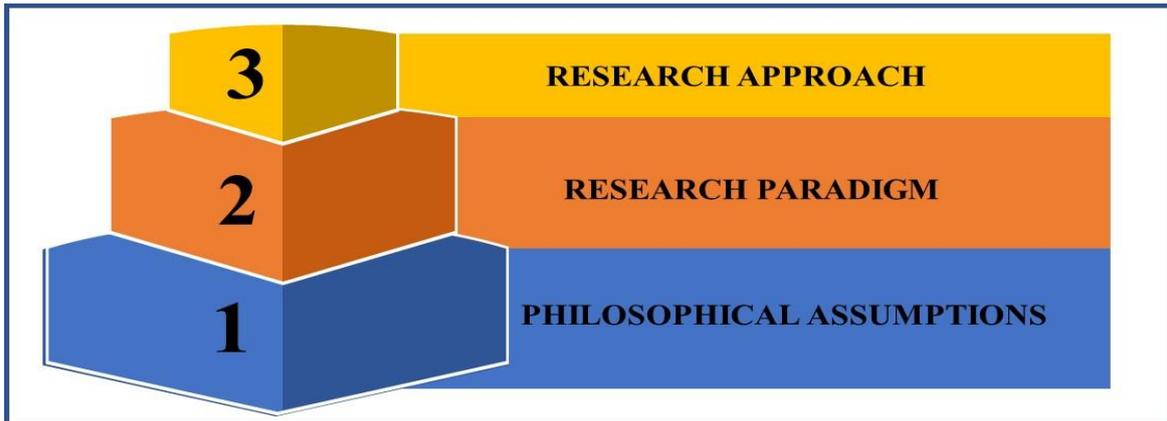
Figure 3.2: Research philosophy and paradigm approach
Source: Creswell and Creswell (2018)

Figure 3.2 illustrates the philosophical foundations and its inter-relations to research philosophy and approaches in three components. The three components are reflected in the following paragraphs.

3.2.1 Level 1 Philosophical assumptions of the study

Kivunja and Kuyini (2017) refer to Lincoln and Guba's (1985) four assumed elements underlying any study: epistemology, ontology, methodology, and axiology. These four are noteworthy because they contain underlying "assumptions, beliefs, norms, and values that each paradigm holds" for the study (Kivunja & Kuyini, 2017: 27). The four assumptions are illustrated in Figure 3.3 as follows:
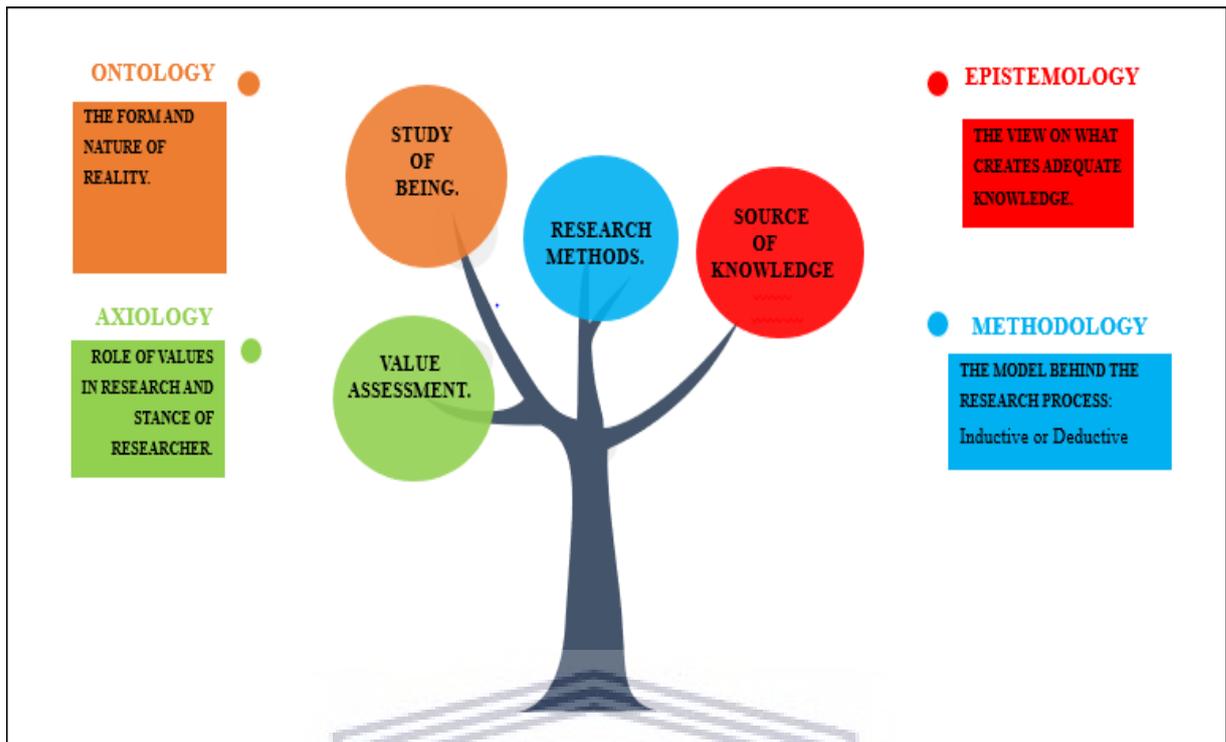
Figure 3.3: Philosophical assumptions
Sources: Creswell (2014); Dudovskiy (2018); Saunders, Lewis and Thornhill (2016)

Figure 3.3 illustrates the four kinds of assumptions researchers make which affect their outlook on the world, namely ontological, epistemological, axiological, and methodological, which are interpreted as branches of philosophy. Each assumption is discussed in the following paragraphs.

Ontology: Fouché and Schurink (2011) confirm that the progress and implementation of the research topic into a research design would be determined by the way the researcher believes the research question could be answered truthfully, and the assumptions of how reality should be viewed. Ontological assumptions are concerned with what constitutes reality; in other words, "what is" (Aliyu, Singhry, Adamu, Abubakar, 2015: 2). Creswell, 2014, Rehman and Alharthi, 2016, Dudovskiy, 2018, and Kivunja and Kuyini, 2017 summarise ontology as one's understanding of the nature and existence of reality.

Epistemology: Epistemology refers to the understanding, nature, and methods of knowledge (Creswell, 2014; Dudovskiy, 2018; Fortune et al., 2013; Nieuwenhuis 2016b; Rehman & Alharthi 2016; Singh, 2019). Saunders et al. (2016) contend that epistemology tries to understand what appropriate, valid, and authentic knowledge is. Debele (2019: 3) considers epistemology to be the "know-how of ontological entities". Kuvunj and Kuyini (2017) affirm that epistemology is concerned with the character and appearance of how knowledge can be attained, and how it can be conveyed to others. The purpose of epistemology is to establish faith placed in data, and in the way of uncovering knowledge in the context that the data analysing.

Axiology: Killam (2013: 82) refers to axiology as what the researcher "believes is valuable and ethical". Aliyu et al. (2015) describe axiology as the need for similarities between ontological and epistemological assumptions. Axiology is the search for value and ethics while conducting the research process (Biedenbach & Jacobsson 2016; Kivunja & Kuyini, 2017; Saunders et al., 2016). Dudovskiy (2018) concludes that axiology represents the assessment of the role of the researcher's values throughout the research process by trying to clarify or foresee the world, or the seeking of understanding.

Methodology: Debele (2019), Killam (2013) and Scotland (2012) note that methodology is determined by ontological and epistemological beliefs. Aliyu et al. (2015), Creswell, (2014), Killam (2013), Kuvunja and Kuyini (2017), Mouton (2013), Saunders et al. (2016), Scotland (2012) and Singh (2019) all affirm that methodology is the process of how people uncover knowledge in a systematic approach, and believe that it refers to the theory of how knowledge is discovered. Mouton (2013: 69) refers to "the logic of research" as "the logic of reasoning", or as Babbie (2017: 31) refers to it, "a system of principles for determining the validity of an explanation". Logical reasoning is achieved by using two methods: inductive and deductive reasoning. Inductive reasoning means

using hypotheses to test theory from the general to the specific, while deductive reasoning means research which is data-driven from the specific to the general (Creswell & Creswell, 2018; Creswell, 2014; Dudovskiy, 2018; Saunders et al., 2016). In this study, the researcher made use of inductive reasoning, with the intention to create an understanding of the data collected to identify themes and inter-relations to build knowledge and understanding. Using the literature, the researcher applied these to the study as illustrated in Table 3.1.

Table 3.1: The philosophical stances of the study

Philosophical assumption	Philosophical application
Ontology	The researcher aimed to understand the reality and the situation of SWIPP dealing with care and contact disputes and to understand the meaningfulness of their experiences.
Epistemology	The researcher sourced the knowledge for the study from the participants' extensive experience as social workers with much knowledge about the topic. The researcher had her own knowledge and experience in this matter to consider.
Axiology	The researcher was mindful of her values and beliefs during the study as well as those of the participants as registered social workers with the SACSSP, which guides professional conduct in practice and research matters.
Methodology	The researcher made use of an inductive methodological approach to generate themes relating to the qualitative data-gathering process.

Sources: Creswell (2014); Dudovskiy (2018); Kivunja and Kuyini (2017)

3.2.2 Level 2 Research paradigm

Killam (2013) advises that research is guided by a set of beliefs or worldviews known as paradigms. Nieuwenhuis (2016b: 52) refers to Lincoln and Guba (1985), who define paradigms as follows: "Paradigms represent what we think about the world (but cannot prove). Our actions in the world, including the actions we take as inquirers, cannot occur without reference to those paradigms: 'As we think, so do we act'". Two paradigms have significantly influenced the natural and social sciences – these are positivism and interpretivism, as depicted in Figure 3.4.
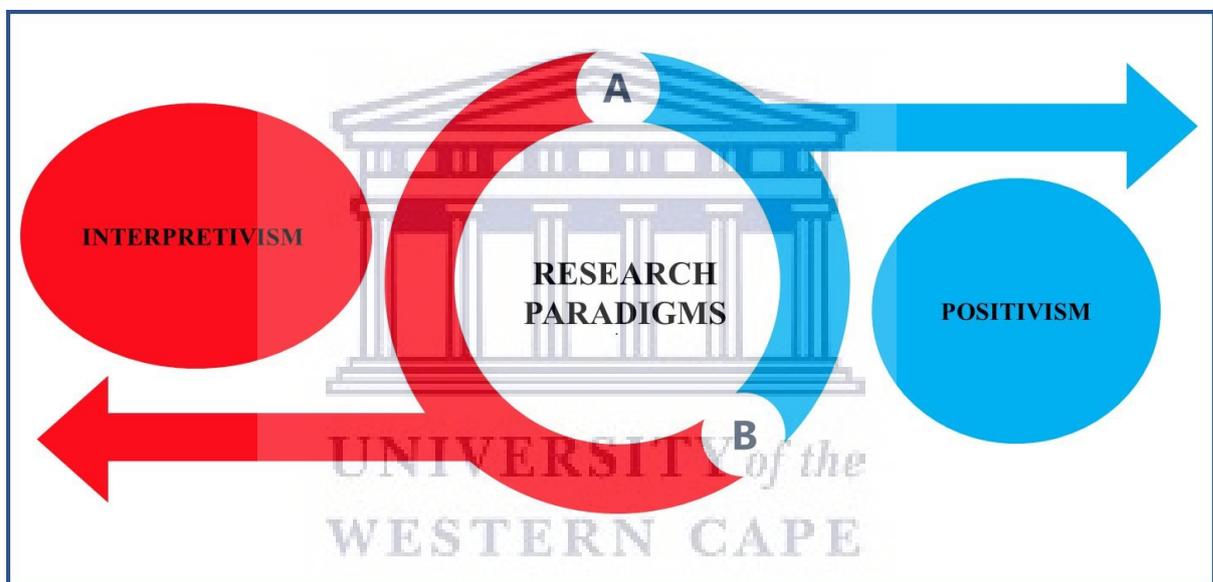
Figure 3.4: The relationship between paradigms and approaches
Sources: Dudovskiy (2018); Kivunja and Kuyini (2017); Saunders et al. (2016)

3.2.2.1 *Positivism*

Positivism is a particular method or approach to natural science. Nieuwenhuis (2016b) and Mouton (2013) confirm that positivism involves observable facts that form the basis of science, which need to be explained in terms of scientific laws. The origin of positivism is linked to the work of Auguste Comte (1798–1857), who claimed that experimentation, observation, and reason based on experience should be the basis for understanding human

behaviour (Kivunja & Kuyini, 2017; Rehman & Alharthi, 2016). Kivunja and Kuyini (2017: 30) view positivism as a "search for cause and effect relationships in nature". Dudovskiy (2018: 36) notes that positivists observe their methodology and results in a "value-free way". Rehman and Alharthi (2016) clarify that the positivist approach focuses on the objective and scientific methods that are acceptable in working with natural objects such as experimentation, but not applicable when studying social experiences. Research based on a positivistic approach consists of deductive reasoning, hypotheses formulation, testing hypotheses, defining operational and mathematical equations, calculations, and expressions which lead to created conclusions.

3.2.2.2 *Interpretivism*

According to Dudovskiy (2018), Bezuidenhout (2014), and Rehman and Alharthi (2016), interpretivism developed as a response to the inadequacies and restrictions of positivism, especially towards social science, the reason being that human beings cannot be studied n the same way as studying objects in natural science. "Truth and reality are created, not discovered" declare Rehman and Alharthi (2016: 55). Neuman (2014: 62) motivates the use of interpretivism by stating that "social reality is fluid and filled with shifting perceptions", and because of changing dynamics such as perceptions, beliefs, assumptions in the social world, the interpretive researcher needs to use qualitative data. Interpretivism has been referred to as "understanding the phenomenon from an individual perspective" (Scotland, 2012: 12), and making sense of the "subjective world of human experience" (Kivunja & Kuyini, 2017: 33). The focus is placed on understanding individuals and their meaning of the world around them (De Vos, Strydom, Fouché & Delport, 2011; Dudovskyi, 2018; Kivunja & Kuyini 2017; Neuman, 2014).

3.2.2.3 Selection of study paradigm

The selection of the study paradigm was located within the interpretivism paradigm. An interpretivism approach was followed as the researcher wanted to understand and make sense of SWIPP through exploration and describing their opinions and total experiences. The researcher recognised the explanations and the realities of SWIPP in the application of the BIC and other guidelines in care and contact disputes. The researcher obtained their opinions, shared the meanings, and gained an understanding of their experiences with systems related to the family law arena.

3.2.3 Level 3 Research approach

Creswell and Creswell (2018) explain that research approaches are strategies and processes for research. The overall choice to use a specific approach was founded on the nature of the research problem, philosophical assumptions, research design, specific research methods of data collection, and on analysis and interpretation (Creswell & Creswell, 2018; Creswell, 2014; Fouche & Delport, 2011; Mouton, 2013).

The researcher considered both of the traditional research approaches, which are quantitative and qualitative. Polit and Beck (2018) and Silverman (2014) state that quantitative data is in numeric form, and is obtained through numeric analysis of variables, whereas qualitative data consists of narrative descriptions, obtained through conversing with participants regarding life experiences. Quantitative research involves testing objective theories by investigating the link between variables, and qualitative research encompasses the exploration and understanding significance humans assign to a problem or experience Creswell & Creswell (2018). Mixed methods integrate the two aforementioned approaches.

The choice of selecting either a quantitative or qualitative research approach originates from a philosophical assumption, as discussed under 3.2.1 in this chapter. The essential differences between the approaches are summarised below in Table 3.2.

Table 3.2: Comparison between quantitative and qualitative approaches

Aspect	Quantitative research	Qualitative research
Philosophical assumption	Positivism	Interpretivism
Purpose	Testing cause and effect hypotheses	Obtaining rich in-depth descriptions of social reality
Role of the researcher	Carries out tests, identifies variables and develops hypotheses; brings no personal values into the process	Collects meanings, focus on the single phenomenon, bring personal values in the process, study context of participants
Research design	Standardised to a fixed procedure	Flexible and evolving throughout the process
Focus of research	To explain frequency, magnitude, opinions	Exploration of experiences, meanings and perceptions
Approach to inquiry	Structured, rigid, fixed methodology	Unstructured, flexible, open methodology
Data collection	Makes use of scales, tests, surveys, questionnaires	Makes use of open-ended questionnaires, interviews and focus groups
Data analysis	Statistical procedures	Participant responses, observations, identifying and describing themes

Sources: Creswell and Creswell (2018); De Vos et al. (2011); Kumar (2014)

The researcher decided according to her topic of research, but also considering the literature from philosophical assumptions (Level 1), and research paradigm (Level 2), which was the most appropriate approach to employ.

3.2.3.1 Rationale for selecting the qualitative research approach

The focus of the research was to obtain rich, in-depth information through the exploration of experiences, meanings, and perceptions following an unstructured, flexible, open methodology. The characteristics of a qualitative approach apply to the study as this topic has not been sufficiently explored. The study focused on the discovering of knowledge, experiences, and perceptions of this unexplored terrain, understanding the phenomena by using a philosophical assumption of interpretivism, with inductive logical reasoning.

3.3 Research design

Creswell and Creswell (2018: 3) define research design as "procedures of inquiry"; Polit and Beck (2010: 75) refer to it as the "architectural backbone" of the study; Fouché (2011: 464) describes research design as a "logical strategy for gathering evidence about knowledge desire"; and Mouton (2013: 107) as the "blue print of the research project that precedes the actual process". Polit and Beck (2018) and Kumar (2014) verify that one type of research design could be the strategy of obtaining answers to research questions, thereby indicating how data will be collected.

Creswell and Creswell (2018) and Sarantakos (2013) assert that the qualitative approach is mainly used to gather information for exploratory studies in situations where very little has been written about the phenomenon of study, and the researcher wishes to obtain an understanding. An exploratory design is discovering a phenomenon that is not well

understood, or has not been studied before, or breaking new ground by asking open questions in order to gain insight with no intention to offer a conclusive solution (Dudovskiy, 2018; Davis, 2014; Engel & Schutt, 2014; Kumar, 2014; Neuman, 2014; Saunders et al., 2016). The methods used in exploratory research are focus group discussions, individual interviews, observation surveys, and case studies (Babbie, 2017; Davis, 2014; Engel & Schutt, 2014; Kumar, 2014). Refer to section 3.6 for more detail on this subject.

Exploratory research is applicable to this study with the purpose of gaining insights into a situation. The research question and objectives of the study have not yet been explored or investigated substantively. The researcher needed to be aware of the advantages and disadvantages of the selected design, as illustrated in Table 3.3.

Table 3.3: Advantage and disadvantages of exploratory research

Advantages	Disadvantages
Flexible and adaptable to change	Creates an interpretation that could be biased
Useful in groundwork for future studies	A small sample is not a representation of the target population
Saves time and resources by concluding in early stages the type of research worth following	Conclusions of studies are not useful in making decisions on a practical level

Source: Dudovskiy (2018)

The researcher needed to be particularly aware of the disadvantages of the design, although no other design was suited to the field of study, as this was an exploratory focus on the mentioned research. The researcher aimed to gain insight into the experience of

participants, establish their opinions, obtain data, and determine patterns (Fouché & Delport, 2011; Mouton, 2013).

3.4 The research population and sampling

3.4.1 The research population

A population is a collection of the elements in a study; the target population is the combination of elements from which the sample is selected (Babbie, 2017; Pascoe, 2014; Mouton, 2013). Elements are the units of which the population is composed, and which are selected in a sample. The research population in this study was SWIPP dealing with care and contact disputes in the greater Gauteng service area, utilising the BIC standard. A sampling population, as defined by Kumar (2014), is a group of people whom the researcher wants to find out about through the research process.

3.4.2 Sampling

Strydom (2011) concludes that a sample is a subsection of the population considered for inclusion in the study. Sampling is studied to understand the population from which it is drawn (Mouton, 2013). The goal of sampling in social research is to produce an appropriate selection of population elements (Mouton, 2013) relevant to the study. Strydom and Deport (2011) note that sampling used in qualitative research is less structured than in quantitative research.

3.4.3 Sampling techniques

Strydom and Deport (2011) assert that both quantitative and qualitative researchers employ sampling techniques. The quantitative paradigm focuses more on probability, whereas qualitative paradigms focus on non-probability sampling techniques, with a non-

representative strategy (Engel & Schutt, 2014; Mouton, 2013). The two sampling techniques are illustrated below in Figure 3.5.
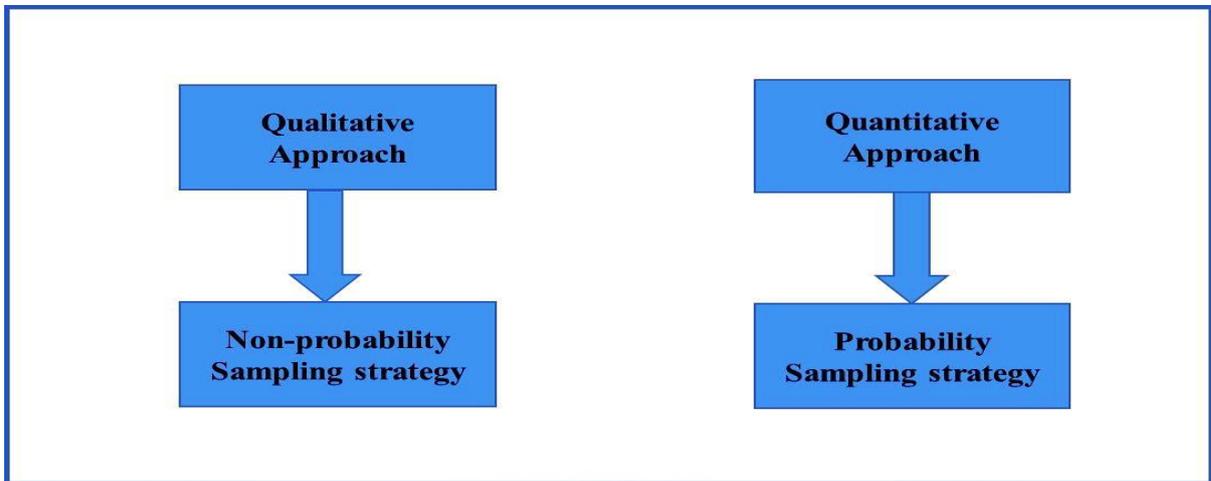
Figure 3.5 Research approach and sampling techniques
Source: Strydom and Delport (2011)

The figure above represents the relationship between the research approach and the appropriate sampling technique. The probability sampling technique is representative of the population and involves the random sampling process where each respondent has an equal chance of being selected based on numerical data. The non-probability sampling technique, on the other hand, is characterised by non-randomisation. The sample size is not predetermined and will be selected to fit the requirements of the research (Engel & Schutt, 2014; Neuman, 2014; Strydom, 2011).

3.4.4   Non-probability sampling techniques: Purposive sampling

Owing to the nature of the study, the focus was on non-probability sampling techniques as per Babbie (2017), Maree and Pietersen (2016), Neuman (2014), and Strydom and Delport (2011). The sampling method was influenced by the unknown number of SWIPP currently specialising in care and contact disputes in the Gauteng area. Therefore, the researcher utilised purposive sampling and snowball sampling.

3.4.4.1 *Purposive sampling*

Neuman (2014) declares that purposive sampling is suitable for exploratory research. Prior knowledge of the study would be used to select participants with a specific purpose in mind (Maree & Pietersen, 2016). Purposive sampling is based on selective criteria set by the researcher (Babbie 2017; Engel & Schutt, 2014; Kumar, 2014; Neuman, 2014; Padgett, 2017). Therefore, the following inclusion criteria were deemed suitable:

- SWIPP (male or female) of any age group who specialise in care and contact disputes.

- Rendering services in the greater Gauteng area.

- Social workers have a minimum of two years' experience dealing with care and contact disputes as private practitioners.

The following sampling procedures were implemented:

- The researcher approached SAASWIPP to obtain permission to recruit members (see Appendix B). After permission was obtained SAASWIPP sent a broadcast by email to possible participants in Gauteng (see Appendix Q).

- The researcher placed invitations on various social-media platforms such as Facebook Social Workers group (see Appendix R).

- Invitations to known SWIPP specialising in care and contact investigations were sent by advertising on the WhatsApp platform to inform possible participants of this study (see Appendix S).

3.4.4.2 *Snowball sampling*

Snowball sampling is a method for identifying participants for exploratory research (Babbie, 2017; Engel & Schutt, 2014; Kumar, 2014; Neuman, 2014). The process of investigation started with a few participants, which then escalated in interviewing other participants because of their links with the previous participants. The crucial feature is that one participant directly or indirectly connects with another. Polit and Beck (2018) argue that a weakness of this technique could be that the sample is restricted to a small network of associates, and the quality may be affected as the referring participant trusts the researcher and wants to cooperate. Snowball sampling was used as a secondary sampling technique.

3.4.5 Sampling amid the Covid-19 pandemic

The World Health Organisation (WHO) announced Covid-19 as a global pandemic on 11 March 2020 (WHO, 2020). SA was declared a national state of disaster in terms of the Disaster Management Act 57 of 2002 on 15 March 2020 and the country has been in lockdown since 26 March 2020 (Trade Law Centre, 2020).

Taking this situation into account, the Humanities and Social Sciences Research Ethics Committee of the University of Western Cape issued an ethical clearance certificate to the researcher on 30 April 2020 (see Appendix A). As noted under section 1.4.4.1, the researcher first attempted to find participants who are members of SAASWIPP by sending a broadcast to possible participants in Gauteng, as well as placing advertisements on various social work social media pages on Facebook. Limited responses were obtained. The researcher, therefore, used snowball sampling by contacting SWIPP who are known to render care and contact services in the Johannesburg and Pretoria areas. One of the Johannesburg participants provided the researcher with details of social workers in

Johannesburg, and consequently nine social workers were recruited. The Pretoria participants were very responsive to partake in the study and an additional nine participants were recruited. Because the coronavirus situation affected her data collection process, the researcher formally revised the process from face-to-face focus groups and interviews, to online focus groups and interviews. One of the participants in the Pretoria focus group was diagnosed with Covid-19 and could therefore only attend the first session. The researcher also made use of a WhatsApp closed group where reminders of the sessions were posted to consenting participants (see Appendix T).

3.4.6   Sampling size

Creswell and Creswell (2018) and Padgett (2017) assert that the sample size depends on the research design. Padgett (2017) advises that the smaller the sample size, the more intense and deep the data being collected needs to be. Polit and Beck (2018) believe that the sample size is based on the information required, and that data quality can affect sample size. Krueger and Casey (2015) recommend that a focus group must be no larger than ten, noting that even small focus groups with four to six participants are popular, because they are easier to recruit and to host, and are also more comfortable for participants. The study consists of two focus groups of nine participants from Johannesburg and nine from Pretoria, sample size was 18.

Data saturation was achieved after four individual interviews were conducted with selected participants from the groups. When the participants are communicating effectively and insight is achieved, then saturation is achieved with a small sample. Creswell and Creswell (2018) define data saturation in qualitative data collection as occurring when the researcher stops collecting data because no new insights are revealed.

It also occurs when additional data does not lead to new information or findings, or to changes in existing findings from existing data (Engel & Schutt, 2014; Silverman, 2014).

3.5 Data collection

The researcher utilised the qualitative data collection methods of focus groups and in-depth interviews to uncover the relevant data from the participants. Dudovskyi (2018: 89) explains that qualitative research is related to words, sounds, feelings, emotions, and other elements that are "non-quantifiable". Dudovskyi (2018) confirms that data collection is a process of information collection from different pertinent sources to find answers to the research problem, and to evaluate the outcome.

There are two different ways to collect data in a research study. Dudovskyi (2018) and Kumar (2014) refer to primary data collection (such as interviews or observations) and secondary data collection (such as documents, government publications or previous research). According to Kumar (2014), semi-structured interviews are dominant in qualitative research, such as in-depth and focus group interviews. The researcher only made use of the primary source, semi-structured interviews, consisting of focus groups and in-depth interviews.

3.5.1 Focus group interviews

Flynn, Albrecht and Scott (2018) conclude that focus groups are a rich qualitative data collection method, especially in health research which is cost-effective. Flynn et al. (2018), Liamputtong (2011), and Tadajewski (2016) confirm that the primary goal of focus groups is to define and understand the meanings and interpretations of a selective group of people concerning a specific matter. Greeff (2011) points out that it is a method to enhance self-disclosure from participants; however, it is not appropriate for testing

hypotheses. Dilshad and Latif (2013) assert that focus groups consist of a small group of people, generally between six and eight, together with a researcher, to explore their ideas and perceptions on a specific topic. Morgan and Hoffmann (2018: 413) emphasise the validity of focus groups in that it is the "sharing and comparing" interactions, and the variety of different perspectives and experiences which make this qualitative data-gathering method so efficient.

The researcher made use of two online focus groups – one in Johannesburg and one in Pretoria – by conducting 2 sessions for each area. The forensic role of the social worker in care and contact disputes was discussed and explored in the first session, and the utilisation of the BIC standard in the second. The online focus group research was presented in the form of a semi-structured schedule. Krueger and Casey (2015) affirm that the semi-structured schedule relies on both historical (memories) and current experiences of the SWIPP.

3.5.1.1 *Sampling and recruitment of the participants*

Recruiting a representative, diverse sample of the population was a challenge in this study. Despite the researcher's extensive marketing campaign through social media and the SAASWIPP, only one Black African participant responded and took part in the study. During the recruitment process, the researcher specifically contacted two possible participants of different ethnic backgrounds (Coloured and Indian), but was not successful. It is unknown how many social workers of other ethnic backgrounds are in private practice, as it is not compulsory for all social workers to be members of SAASWIPP.

3.5.1.2 *The use of the semi-structured interview schedule in the focus groups*

Greeff (2011) and Fouché and Delport (2011) describe an interview schedule as a data-gathering instrument used with a selected group of people in an interview setting, as well as focus groups. The researcher used two interview schedules for the two focus group sessions in Afrikaans and English, by asking the following research question: "What are the perceptions and experiences of social workers in private practice in care and contact disputes using the best interests of the child standard?" The objectives of the focus groups are described in Table 3.4.

Table 3.4: Objectives of focus group schedules

Objective of the first focus group	Objectives of second focus group
The exploration of the forensic role of the social worker in care and contact investigations	Utilising the BIC in care and contact investigations

Open-ended questions were used in the semi-structured interview focus group schedules. Please refer to Appendices K and L*.*

3.5.2 In-depth interviews

The unique experiences of social workers that emerged from the focus groups were further explored in conducting four online individual in-depth interviews, with the goal of obtaining data saturation by asking questions, probes, and follow-up questions to elicit rich, comprehensive information (see Appendix M). Greeff (2011: 348) defines an in-depth interview as a "conversation with a purpose". Rubin and Rubin (2012) note that

when an in-depth interviewing strategy is used, the researcher needs to have interviews with participants who have knowledge and experience of the topic.

In-depth interviews focus on the exploration of people's multiple perspectives on their actions, experiences, thoughts, and feelings in their own terms to develop a broad, rich picture of the participants' understanding of their world (Engel & Schutt, 2014; Fortune et al., 2013; Rubin & Rubin, 2012; Kumar, 2014). This does not involve getting answers to questions, testing hypotheses, or evaluations (Greeff, 2011).

The researcher obtained lengthy descriptions and followed up with additional questions, which established a natural rapport between the researcher and participants (Fortune et al., 2013; Kumar, 2014). Kumar (2014) suggest that the researcher needs to make use of an interview guide reflecting a list of discussion points, which serve as reminders of what to cover during the interview. The researcher used an interview schedule together with an interview protocol (a step-by-step plan) (Creswell & Creswell, 2018) to provide structure and guidance, and to record notes and observations.

3.5.3   Online data collection

As a consequence of Covid-19, the researcher had to adapt her focus groups and in-depth interviews to an online platform (Zoom) to adhere to the National Disaster Management Act. The promotion of conducting qualitative research using a platform on the internet is longstanding (Oringderff, 2004; Stewart & Williams, 2005). Archibald, Ambagtsheer, Casey and Lawless (2019:2) refer to Zoom as a research tool, defining the platform as "a collaborative, cloud-based videoconferencing service". Key advantages of Zoom are the ability to securely record and store sessions without recourse to third-party software – which is important in research regarding the protection of sensitive information with user-

specific authentication – and real-time encryption of sessions with the ability to back up the recordings (Archibald et al., 2019).

Invitations to register for the scheduled Zoom meeting were sent to the participants in advance (see Appendix U). Registration of participants in sessions is possible by completing a document created by the host (the researcher), containing information such as demographics (see Appendix V) (Zoom, 2020). After the completion of the registration document via Zoom, the participants obtained a meeting registration approval document (see Appendix W). The registration report regarding the participants was obtainable from the Zoom platform in an Excel spreadsheet. De, Pandey and Pal (2020) foresee a shift in digital usage affecting all aspects of life, and shaping emerging trends.

3.5.4 Recording of online focus groups and interviews on Zoom video platform

The researcher obtained written permission from the participants in their consent documents before conducting the online sessions, and the participants were reminded of the recording during the sessions (Greeff, 2011; Krueger, 2015; Rubin & Rubin, 2012). Rubin and Rubin (2012) recommend that the recordings need to be transcribed as soon as possible after the session, and that the detailed notes the researcher makes during the session could help to fill in the gaps if needed. Zoom (2020) describes its recording facility as a secure option to record the sessions which could be later uploaded to the host's local device or stored in Zoom's cloud. Recordings stored on the host device are encrypted. Cloud recordings are processed and stored in Zoom's cloud after the session ends, and are passcode-protected. Recordings can be shared, downloaded, or deleted. The researcher sent the four online focus groups and four individual interview recordings to a digital transcribing service for transcription (see Appendix N).

3.5.5 Problems and difficulties experienced with online data collection method

The researcher experienced the following problems with using the online data collection method:

- Limited digital literacy of the participants: Some 50% of the participants were struggling with the platform, creating issues such as late entry into the session, and problems with video and audio functions.

- Internet speed issues: Problems related to internet connectivity speed were experienced by some participants using Wi-Fi, which is a wireless networking technology consider that allows electronic devices to interface with the internet through a router (Cisco, 2020).

- Connectivity: The researcher used Ethernet connectivity which is defined as "traditional technology for connecting devices in a wired local area network" (Rouse, 2020: 1). An Ethernet cable is the physical encased wiring over which the data travels. "Ethernet is used for its high speed, security, and reliability" (Rouse, 2020: 1). Some of the participants did not have sufficient data on their devices, and therefore connectivity with them was lost. Consequently, the researcher experienced difficulties reading non-verbal cues, as well as emotional reactions of the participants.

- Load-shedding: During the time of data collection, load-shedding was also experienced. The researcher had a back-up plan, which was to use WhatsApp when the electricity was cut.

Babbie (2017), Kennedy and Thornberg (2018), Nieuwenhuis (2016a), and Saunders et al. (2016) explain that in qualitative research, the relationship between data collection and analysis is considered as an ongoing cyclical and iterative process. The ongoing process

guided the researcher to change or add new data in the collection process, analyses, and re-collecting, until data saturation was achieved.

3.6 Data analysis

Guest, MacQueen and Namey (2012:7) note that the design and plan of a particular analysis depends on the general approach taken, and the type of outcome expected; this is termed the "analytic purpose". Babbie (2017: 391) defines qualitative analysis as "the non-numerical examination and interpretation of observations, to discover underlying meanings and patterns of relationships". In Figure 3.6, data analysis in qualitative research is illustrated.
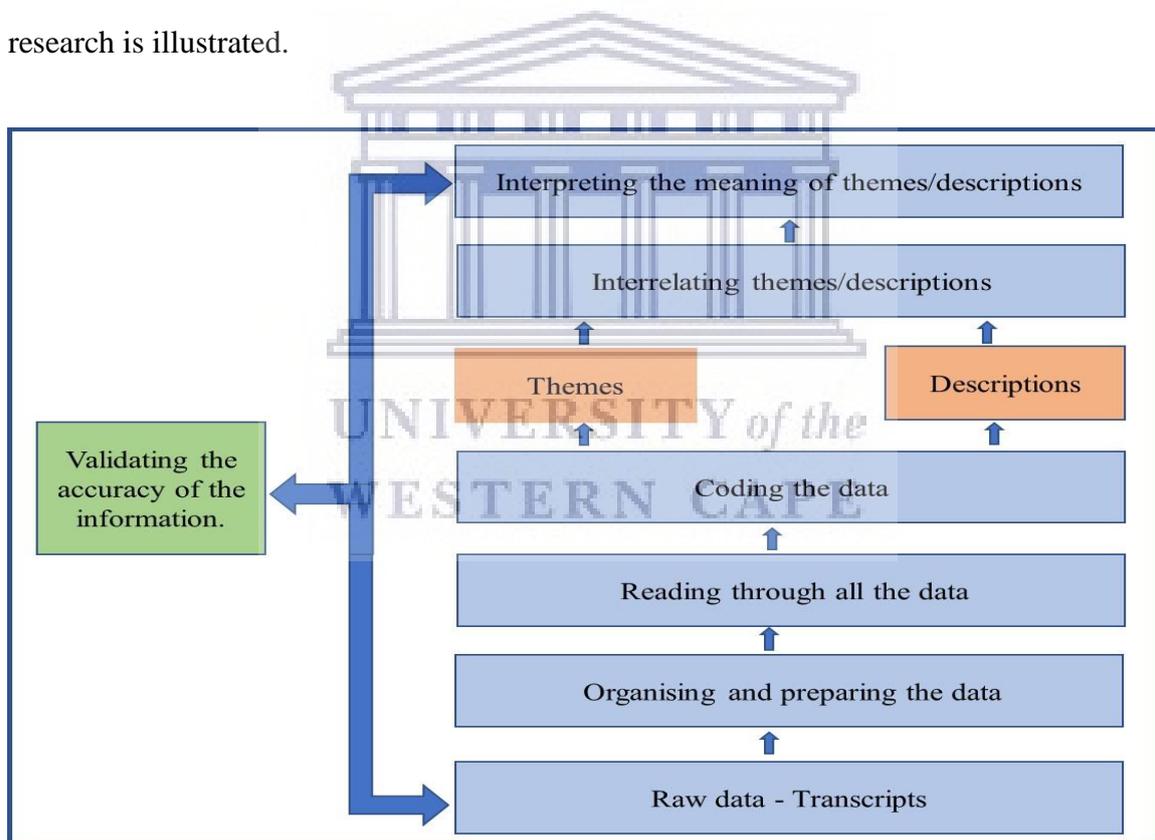
Figure 3.6: Data analysis in qualitative research
Source: Creswell and Creswell (2018)

According to Creswell and Creswell (2018), there are seven steps from beginning (transcribing the raw data), to end (the interpretation of the meaning of the themes and

description). The search for themes is "an abstract entity that brings meaning and identity to current experience and its variant manifestations. As such, a theme captures and unifies the nature or basis of the experience into a meaningful whole" (Polit & Beck, 2018: 307).

3.6.1 The role of thematic analysis

Data was evaluated through a thematic analysis. Thematic analysis is described by Silverman (2014: 226) as a qualitative data analysis method that seeks to understand the participants' "meanings and illustrate our [one's] findings by extracts which depict certain themes". Polit and Beck (2018: 213) describe it as a matter of "detecting patterns and regularities, as well as inconsistencies". Morgan and Hoffman (2018: 25) also mention that thematic analysis is "now the favoured term for describing a general process of induction whereby the researcher reads and codes the data to understand what the participants have to say about the research topic". The version of thematic analysis created by Braun and Clarke (2006, 2012) is the most widely cited (Morgan & Hoffman, 2018). Braun and Clarke (2012) point out that although recognised as a formalised method, thematic analysis has been criticised regarding its validity and flexibility. However, it was developed to provide a robust, systematic framework for coding qualitative data, and subsequently using the coding to identify patterns across the dataset regarding the research question (Braun & Clarke, 2012).

3.6.2 The use of ATLAS.ti software

ATLAS.ti software was used as a qualitative computer data analysis program to assist in the analysing of data (Creswell, 2014). With ATLAS.ti software, the researcher established links between codes, sections of data, documents, and analysed audio. One of the critical features of this data analysis program is its application to qualitative data, such as interviews, that are in the form of transcribed text material (Drisko, 2014). Polit and

Beck (2018) affirm that using computer programs is time-efficient and allows for more attention to the theoretical underpinning of the qualitative data.

3.6.3 The coding process

The researcher followed the eight steps of Tesch (1990) in the completion of data analysis and the formulation of codes (Creswell, 2014; Creswell & Creswell, 2018) as indicated in Table 3.5 which follows.

Table 3.5: Formation of codes following the eight steps of Tesch (1990)

1.	Obtain a sense of totality and formulation of ideas while reading through the transcriptions.	After loading the transcripts as documents on ATLAS.ti, the researcher read through the transcripts several times to obtain a sense of totality formulating ideas from the questions that were asked during the sessions. The underlying meaning of perceptions and experiences of the participants that were unique or similar, was noticed.
2.	Evaluate interviews from focus groups and individuals by pondering without thinking about the topic by making notes in the margin.	The researcher used memos in the Atlas.ti to add the relevant questions asked in the focus groups and the individual interviews, and to make notes of interests of a particular perception of a participant.
3.	List topics by clustering them together regarding similarities, form topics into columns and separate leftover topics.	Codes were then formulated by reading through the transcripts again and were listed next to the transcript in columns. The researcher provided definitions for some codes which were formulated from the literature chapter.
4.	Evaluate the list with the data, abbreviate topics as codes, note down the codes next to the appropriate segments of the text. Search for possible new categories and codes.	Processing of developing codes emerged from four focus group sessions and four individual interviews. Themes were created by grouping the codes together using ATLAS.ti.
5.	Find the most descriptive wording for the topics and turn them into categories.	Categories were not created.

6.	Categorise and sort in alphabetic order.	Categories were not created.
7.	Gathering the data to each theme in one place and perform preliminary analysis.	The themes from the four focus group sessions and four individual interviews were merged into one project, grouping the similar codes together from the different groups with the interviews, formulating five main themes and 12 subthemes.
8.	Recode the existing data if needed.	Separated codes were merged within subthemes that formed part of a main theme.

Sources: Creswell, 2014, 2018; Drisko, 2014; Fortune et al., 2013

ATLAS.ti can count all words in all or selected documents, all or selected quotations, or quotations coded by one or more selected codes (Friese, 2020). The following figures (3.7, 3.8, and 3.9) illustrate the most frequently used words in formulating codes for the Johannesburg focus group, (JFG), the Pretoria focus group, (PFG) and individual session interviews (IS).

Figure 3.7: Johannesburg focus group (JFG) word cloud

Source: ATLAS.ti, 2020

Figure 3.8: Pretoria focus group (PFG) word cloud

Source: ATLAS.ti, 2020

Figure 3.9: Individual session interviews (IS) word cloud

Source: ATLAS.ti, 2020

3.7 Data verification and trustworthiness

Polit and Beck (2010, 2018) state that methods of enhancing the trustworthiness of the data and findings are applied during the research process. Creswell and Creswell (2018) point out that although validation of a study takes place throughout the phases of the research process, the researcher still needs to validate the findings by conveying the steps

taken to check for accuracy and credibility of the findings. Using quantitative constructs to test validity, reliability, or generalisability of a qualitative study is inconsistent with the philosophy underlying qualitative studies (Creswell & Creswell, 2018). Polit and Beck (2014) cited by Connelly, (2016: 435) explain trustworthiness as "the degree of confidence in data, interpretation, and methods used to ensure the quality of a study". Schurink, Fouché and De Vos (2011) and Kumar (2014) confirm that Lincoln and Guba (1989) proposed four alternative constructs for qualitative research, to represent the assumptions of the qualitative paradigm more accurately. The criteria set out by Guba and Lincoln (1985, 1994) as a protocol for validation within a qualitative study became the standard framework (Babbie, 2017; Creswell, 2014, Creswell & Creswell, 2018; Connelly, 2016; Mertens, 2018; Padgett, 2017; Polit & Beck, 2014, 2018; Schurink et al., 2011). The four criteria will be discussed in the following sections.

3.7.1   Data verification through credibility

In Creswell and Creswell (2018: 199), qualitative validity (credibility) is defined as follows: "Validity is one of the strengths of qualitative research, and based in determining whether the findings are accurate from the standpoint of the researcher, the participant or the readers of an account". According to Connelly (2016), it is the most important criterion as it validates the accuracy (truth) of findings of the study. Schurink et al. (2011) and Kumar (2014) believe that it is parallel to internal validity. Credibility involves determining that the findings are trustworthy from the perspective of the participants (Anney, 2014; Kumar, 2014; Mertens, 2018; Padgett, 2017). The researcher used triangulation as a technique to establish credibility, by using focus groups and in-depth interviews to understand the complexity of the research topic to seek the truth (Polit & Beck 2018). Flick (2018: 849) refers to triangulation as a "methodological strategy that

is linked to the legitimisation of studies" which is done at the end of a study when its validity is evaluated.

3.7.2 Data verification through dependability

Quantitatively, reliability refers to the stability of conditions and the data over time (Anney, 2014; Kumar, 2014; Schurink et al., 2011). Padgett (2017) contends that the process should be logical and make sense to the reader. The researcher checked that the research process had been logical, well-documented, and audited (Schurink et al., 2011) by using a process log and audit trail (Polit & Beck, 2018). An audit trail is an "examination of the inquiry process" whereby the researcher verifies all the research decisions and activities to display "how the data was collected, recorded, and analysed" (Anney, 2014: 278).

3.7.3 Data verification through conformability

Conformability refers to the neutrality of the study, which means that others could confirm the findings regarding the accuracy, meaning, and relevance of the data (Anney, 2014; Connelly, 2016; Kumar, 2014). Padgett (2017) and Mertens (20108) argue that conformability is achieved by providing a firm link between the study findings and the data, like a chain of evidence between data and conclusions. The researcher used an audit trial of data analysis and methodological memos. Schurink et al. (2011) clarify that the audit trail shows the interactions between the researcher and the topic in a way that the research can be understood in terms of "what" was uncovered, but also "how" it was done. Guba and Lincoln (1982, cited by Anney, 2014: 278), refer to "raw data, interview and observation notes, documents and records collected from field and test scores" as part of the audit trail for cross-examination of the inquiry process.

3.7.4 Data verification through transferability

Transferability refers to the degree to which the findings are useful and applicable in other settings (Anney, 2014; Kumar, 2014; Mertens, 2018; Padgett, 2017). Other researchers need to be able to evaluate the applicability of the research to their own settings, through the descriptive data provided by the researcher. The researcher used rich, detailed descriptions of the context for the reader to determine if the descriptions were relevant (Anney, 2014; Connelly 2016).

3.7.5 The role of reflexivity

Creswell and Creswell (2018) assert that in contrast to other designs, the qualitative approach includes insights from the researcher regarding their role and their self-reflection, called reflexivity. Drisko (2013), Polit and Beck (2018), and Silverman (2014) confirm that it is important for the researcher to guard against personal bias through the process of reflexivity. Padgett (2010) emphasises this importance because in qualitative studies, the researcher is intrinsically part of the study. Rau, Elliker and Coetzee (2018) argue that researchers need to be critical thinkers to be vigilant of and manage their subjectivity. The researcher was mindful of the links between knowledge and power, and of the "mutually constitutive dynamics between ourselves, our contexts and our studies" (Rau et al., 2018: 496). Refer to the researcher's self-reflexivity report (see Appendix X) exploring and clarifying the researcher's professional status as a SWIPP and the study topic for possible bias and prejudice, and the ways of addressing these possibilities.

3.8 Ethics considerations

Ethics is defined by Polit and Beck (2018: 402) as "a system of moral values that is concerned with the degree to which research procedures adhere to professional, legal, and

social obligations to study participants". Mouton (2013: 10) confirms that "the ethics of science aims to provide guidelines on what constitutes appropriate moral behaviour in the sphere of science". Ethical guidelines serve as standards and a foundation by which researchers should evaluate their conduct (Strydom, 2011). The following ethical guidelines were observed.

3.8.1 Ethics clearance and approval

Ethics clearances were first obtained from the Faculty of Community and Health Sciences' Higher Degrees Research Committee, and the University of Western Cape's Human Social Sciences Research Ethics Committee. The ethical clearance was amended to online data collection after the global health pandemic of Covid-19 was declared.

3.8.2 Voluntary participation

Participation in a study should be voluntary; the researcher needs to clarify in the instructions for the consent form that participants can decide not to continue to participate (Babbie, 2017; Creswell & Creswell, 2018; Engel & Schutt, 2014; Strydom, 2011). In other words, Babbie (2017) and Engel and Schutt (2014) confirm that the participants need to be aware that they are free to withdraw at any point without any negative consequences. The researcher ensured that the participants were not pressured to participate in the study as indicated in the information sheet and consent forms from the focus groups and individual interviews stipulated these clauses. Please refer to Appendices C, D, E and F for details. The researcher confirmed the voluntary participation in the verbal recruitment process and only invited the participants who had forwarded consent documents, to register for focus groups and individual interviews.

3.8.3   Informed consent

Padgett (2017: 81) describes the informed consent process as "ongoing and negotiated", because qualitative research "involves active, face-to-face engagement". The researcher provided an information sheet to each participant explaining the study topic and possible questions regarding the study to be conducted, and gained their informed consent (Creswell & Creswell, 2018; Louw, 2014; Roulston & Choi, 2018). Informed consent documents in Afrikaans and English were provided to participants regarding their participation in focus groups (see Appendices G and H) and interviews (see Appendices I and J). Babbie (2017), Kumar (2014), and Neuman (2014) point out that it is considered unethical to collect data without the knowledge of the participants and their informed consent. Furthermore, all the participants needed to be fully cognisant of all the aspects of the study and their role within the study as participants (Mertens, 2018).

3.8.4   Confidentiality and anonymity

The researcher addressed the principle of confidentiality and anonymity in the information sheets. Babbie (2017), Creswell and Creswell (2018), Louw (2014) and Neuman (2014) note the importance of confidentiality (information does not link to a particular participant) and anonymity (participants being nameless) of the information gathered from the participants. Padgett (2017) argues that qualitative information cannot provide the anonymity that numbers provide in quantitative research; therefore, strategies need to be implemented in a qualitative study to ensure that the identities of participants are not exposed or connected to the data. Anonymity and confidentiality were maintained by using participant numbers, rather than names in presenting the findings, and during interviews and transcriptions. Kumar (2014) also emphasises that sharing any information regarding a participant is unethical, and the researcher needs to ensure that after the

collection of the information from the participants, the sources are not identified. Damianakis and Woodford (cited by Mertens, 2018) state that the researcher needs to be aware of obtaining information from a small connected group (for example focus groups), in which relationships among the participants may exist, as the upholding of confidentiality standards may be compromised. For this reason, the researcher changed the names of the participants in the beginning of the Zoom session and used numbers, not names, in focus groups to maintain confidentiality and anonymity.

3.8.5 Minimising risk

The researcher conducted focus groups and interviews with SWIPPs dealing with high conflict cases of care and contact disputes. Although the emotional risk to the participants was deemed to be minimal, the researcher was aware of the possibility of the participants experiencing stress and anxiety, which could be caused by other participants within focus groups (Babbie, 2017). Padgett (2017) and Neuman (2014) emphasise the necessity for specific measures to minimise risk to participants (see 3.8.6).

3.8.6 Debriefing of participants

Creswell and Creswell (2018) explain debriefing as verification of the accuracy of information between researcher and participant. Engel and Schutt (2014: 158) define debriefing as getting to the "true nature of the research for participants" to address any problems that might have resulted from their participation. Padgett (2017) and Strydom (2011) confirm the importance of offering services to participants if they needed counselling. Accordingly, the researcher arranged debriefing through a registered social worker to those participants who needed it.

3.8.7 Storage of information

Tiidenberg (2018) confirms the necessity of following ethical procedures in the storing of data. The researcher stored data on a laptop which is password-protected, and only the researcher had access to the laptop. It is advised that data be stored for a period of five years (APA, 2010).

3.9 Chapter conclusion

This chapter described the methodological approach and methods that were used to achieve the overall aim and objective of the study. The chapter outlined the philosophical stance of the study, paradigms, and the research approach. The explorative qualitative research design was explained related to the chosen population, sampling recruitment, and data collection methods.

As indicated in the data collection and analysis section, the researcher had to adapt the data collection process owing to Covid-19, and therefore made use of two online focus groups: one in Johannesburg and one in Pretoria, thereby conducting two sessions with a total of 18 participants by utilising the Zoom video communication platform. The researcher finalised the data collection process by conducting four online individual interviews to achieve data saturation. Further, the researcher adhered to the ethical considerations of the study. The researcher completed a self-reflexivity report, explored and clarified her professional status as a SWIPP, and checked the study topic for possible bias and prejudice.

In the following chapter, Chapter 4, the findings of the data collection process are presented and examined.

CHAPTER 4

FINDINGS PRESENTATION AND DISCUSSION

4.1 Introduction

This chapter presents significant patterns of themes relevant to the empirical data relating to the research question: **How do social workers in private practice use the best interests of child standard in the context of care and contact disputes in areas of Gauteng province in SA**? The previous chapter presented and justified the adopted methodology in terms of the research question and the literature review. Thematic analysis was used because it is a suitable method of "identifying, analysing, and reporting themes within data" (Braun & Clarke 2006: 6), which "report experiences, meanings, and reality of participants" (Braun & Clarke, 2006: 81). The qualitative data collection methods consisted of four focus group sessions held in Johannesburg and Pretoria, and four in-depth semi-structured interviews. Data analysis was done in accordance with the theoretical framework of systems theory, which assisted in the understanding of the functionality of systems, the role players of the system and changing elements that could influence the systems (Robinson, 2015).

4.2 Demographic profile of the participants

This section provides a demographic summary of the 18 participants of the study from the Gauteng province (nine social workers in private practice from the greater Johannesburg area and nine social workers in the Pretoria area). One of the participants in the Johannesburg group provided services in both the Johannesburg and Pretoria areas, while two participants in the Pretoria group provided services in the Gauteng and North-

West areas. Tables 4.1 and 4.2 indicate the variables used in the demographic details of all participants. JFG1 (Johannesburg focus group 1) and PFG1 (Pretoria focus group 1) refers to the first group sessions and JFG2 and PFG2 to the second group sessions. Four of the participants were selected to conduct in-depth semi-structured interviews (referred to as IS [individual sessions]) after the focus group sessions were concluded. The interviews were selected to elicit unique experiences from the participants, by asking follow-up questions.

Table 4.1: Demographics of Johannesburg focus group participants

JOHANNESBURG								
FG1	FG2	Gender	Age	Ethnicity	Home language	Years of experience in private practice	Years of experience in care and contact	Area of operations
P2	P2	female	44	white	Afrikaans	11	11	Johannesburg Pretoria
P7	P6	female	55	white	English	25	19	Johannesburg
P5	P1	female	45	white	Afrikaans	18	23	Johannesburg
P3	P9	female	47	white	Afrikaans	20	20	Krugersdorp
P4	P8	female	38	white	Afrikaans & English	15	8	Johannesburg
P1	P5	female	37	white	Afrikaans	11	8	Johannesburg
P6	P4	female	55	white	English	24	8	Johannesburg
P8	P3	female	32	African	Setswana	4	4	Johannesburg
NA	P7	female	40	white	Afrikaans	9	10	Johannesburg

NA: not attended

Table 4.2: Demographics of Pretoria focus group participants

PRETORIA								
FG1	FG2	Gender	Age	Ethnicity	Home language	Years of experience in private practice	Years of experience in care and contact	Area of operations
P4	P2	female	54	white	Afrikaans	17	5	Pretoria
P2	P6	female	55	white	Afrikaans	25	25	Pretoria
P1	P8	female	46	white	Afrikaans	14	10	Gauteng Northwest
P3	P1	female	64	white	Afrikaans	2	2	Pretoria
P7	P7	female	30	white	Afrikaans	2	7	Pretoria
P6	P3	female	64	white	Afrikaans	8	7	Pretoria
P9	P4	female	45	white	Afrikaans	6	16	Pretoria
P8	P5	female	40	white	Afrikaans	7	4	Pretoria
P5	NA	female	49	white	Afrikaans	7	13	Gauteng Northwest

NA: not attended

Tables 4.1 and 4.2 present the demographic profiles of participants who participated in the focus groups in the two designated areas. Participants in the Johannesburg focus group only render services in Johannesburg area. Only one participant was resident in Pretoria but still rendered services in Johannesburg as she had previously resided there. Most of the focus group in Pretoria only rendered services within the greater Pretoria area as their practices had been established there for years. Two participants resided in the North-West but rendered services in Pretoria area.

Three demographic variables will be discussed in order to provide more substance and insight into the participants of the study: gender, race, and age/professional experience. The first two variables are significant in terms of the socio-historical context of SA.

4.2.1   Gender of participants

All the participants were female. Hochfeld (2002), cited by Khunou, Pillay and Nethononda (2012: 122) note that "the conceptualisation of gender in SA was influenced by colonialism and further strengthened and advanced by the rules and institutions of apartheid". Khunou et al. (2012) refer to various scholars (Gray & Mazibuko, 2002; Drower, 2002; Mazibuko & Gray, 2004 and Tshisela, 2010) who focus on the impact of apartheid social policy on the profession and its subsequent democratic transformation. Haunberger and Hadjar (2020) importantly contend that the historical role of gender in the helping professions (citing patriarchy) and the perceived lack of empathy in men as determining factors for men not to become social workers or enter into other helping professions viewed as the domains of women and consequently poorly paid.

4.2.2   Ethnicity and cultural background of participants

During apartheid, the welfare sector focused on training social workers in dealing with white poverty and children who were disabled (Van de Ruit, 2017). In the apartheid era, only three universities were open to people of all ethnic backgrounds, these being Cape Town, Natal, and the Witwatersrand universities (Van de Ruit, 2017). Nicolas (2010, cited by Van de Ruit, 2017) affirms that the education model was rooted in the work of Hendrick Verwoerd, who developed the policy for the foundation of a social work degree. Social workers were not only discriminated by race (ethnicity), but also by salary and gender (Van de Ruit, 2017). After apartheid, social work roles changed from an individual case work approach to community development, according to Gray and Lombard (2008). Patel and United Nations Research Institute for Social Development (2009) emphasise that even after the implementation of the White Paper for Social Welfare (Department of Welfare and Population Development, 1997), so-called "race" inequality still existed in

welfare organisations with white social workers as managers and black social workers at entry level positions. The education of previously disadvantaged students was influenced by an uneven schooling system, which did not meet the admission requirements to university, and by a lack of basic facilities at home, tuition language Afrikaans or English, troubled family life and trauma significantly impacting on a student's ability to complete the four-year degree (Ross, 2010; Pillay & Gerrard, 2011).

Limited studies were found that related to private practice (Bloem, 2004; Budhoo, 2008; Davidson, 2005) and none related to care and contact disputes. None of these studies explored the influences of colonialisation and apartheid history, post-apartheid social policies, and inequalities which determined the structure of SA society and the role of oppression (Earl, 2008; Khunou et al., 2012; Lombard, 2020; Schenck, 2020).

4.2.3   Age and professional experience of participants

The average age of participants was 44 years for the Johannesburg cohort and 50 years for the Pretoria cohort, bringing the average age for all the participants to 47 years. This mean age suggests a data source of considerable stature and experience in social work. It also further suggests that social work professionals who work in private practice do so when they are older and with the concomitant experience to work independently. Of the 18 participants in the study, experience in private practice ranged from two years to 25 years which matched their experience in care and contact matters. No relevant studies could be found related to social workers in private practice, specialising in care and contact matters.

The aforementioned variables show that the decision to work in private practice should not be decontextualised and only focus on individual motivations such as independence, control, and earnings (van Heugten & Daniels, 2001). Almost 20 years ago, these authors

already observed that the choices for private practice should be more substantively considered (van Heugten & Daniels, 2001).

4.3   Discussion of main themes and sub-themes

The formulation of 63 data codes arose from the data collection, in which five main themes emerged with 12 sub-themes. In the following section, a narrative that is related to the study objective is presented, discussed, and supported through direct quotes from the different participants.

To authenticate the emerged themes, the researcher made reference to significant literature and theory to validate the findings. The themes and sub-themes that emerged from analysed, transcribed, and collected data are formulated in Table 4.3 (see next page), followed by a discussion of the themes.
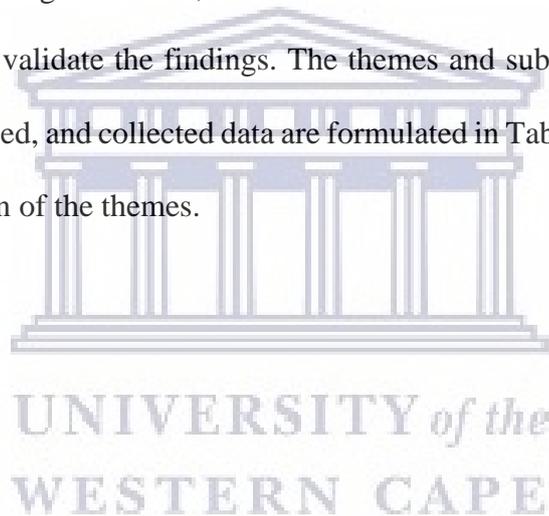
Table 4.3: Main themes and sub-themes

MAIN THEMES				
1 **The best interests of the child (BIC) standard**	**2** **Experiences of social workers**	**3** **Forensic social work**	**4** **Training and development of social work in care and contact matters**	**5** **The care and contact investigation**
SUB-THEMES				
1.1. Interpretation of the BIC standard	2.1. Challenges in the legal system	3.1. Defining forensic social work	4.1. Continuous professional development of social workers	5.1. Procedures in care and contact investigations
1.2. Application of the BIC standard	2.2. Challenges relating to the SACSSP	3.2. Forensic role and the Children's Act	4.2. Formal education in social work	5.2. Knowing the cultural context in an investigation
1.3. BIC as guidelines in care and contact disputes	2.3. Challenges relating to the social worker's professional role			

4.3.1 MAIN THEME 1: The best interests of the child (BIC) standard

The BIC standard is a significant milestone in the assessment and protection of children (UNHCR, 2018). As such, it is an important tool in the service rendering of social workers and other professions working in this field. In this theme, the views of the participants relating to the BIC standard are discussed in three sub-themes: Interpretation of the BIC standard, Application of the BIC standard, and BIC as guidelines in care and contact disputes.

4.3.1.1 Sub-theme 1.1: Interpretation of the BIC standard

Davel (2006) cited by Nevondwe, Odeku and Raligilia, (2016: 104) notes that "What is in the best interests of the child" is a question of fact which needs to be established in each individual case. The realities and context of each case determine not only which interests, but also all the circumstances which need to be considered (Matiea, 2016; Nevondwe, Odeku & Raligilia, 2016). All of the participants understood the interpretation of the BIC as 14 factors of section 7 of the Children's Act 38 of 2005, that one needs to take into consideration in a care and contact dispute, in order to address the mandate of which parent will be awarded primary residency (care), as well as the contact rights of the other parent. The participants construed the BIC as follows:

- *The standard is a guideline but I think when we provide our feedback we include, we give it a lot more body. So we take the basic idea that they put – or I do – the basic idea, and then I will add and I will add quite a lot of literature and explanations, whatever, to kind of build on that* (**Participant 1 IS**).

- *Sometimes you find that it meets ... all those standards meets the level of the investigation but sometimes there's still things that fall outside. And then you just have to look at points in depth and to see whatever that you are seeing that does not fall in there* (**Participant 2 IS**).

- *It's about fourteen stimulations that we can actually follow and apply when we do investigations and when we write reports* (**Participant 3 JFG2**).

- *You can't do the investigation without having the knowledge and having that in the back of your mind all the time. It actually guides us to know exactly what processes needs to be included* (**Participant 5 JFG2).**

It was clear from the participants that they struggled to apply a succinct interpretation to each of the 14 factors of the BIC, as there is no clear guideline or protocol to interpret

each subsection. Thompson (2012) argues to accentuate the difference between the legal BIC and the psychological BIC. The psychological BIC offers testimony regarding empirical and supportive data about the limitations and recommendations in relation to the emotional well-being of the child, while the judiciary BIC focuses on financial security and educational opportunities.

Participant 2 IS highlighted the inherent difficulties in the interpretation of the cultural context in applying the BIC. She stated as follows: "*If, myself as a social worker, I'm doing this investigation and I don't even understand that specific culture, it's not going to be easy for me when I do my evaluation and recommendation to apply it correctly because I have no understanding whatsoever of the cultural context that this child is coming from*". Accordingly, Boezaart (2013: 7) points out that the court gives discretion to apply different cultural norms: "This inherent flexibility to contextualise the best interest standard should be seen as a strength". Boezaart (2013) emphasises that the ACRWC provides guidance in protecting the rights of children by addressing potentially harmful African practices and traditions that could be viewed as neglect or child abuse. "Functionally and culturally relevant guidelines needs to be developed" to effectively protect the rights and welfare of children (Boezaart, 2013: 19). Participant 2 IS also highlighted the gaps in service rendering to other cultures (other than one's own) and the need to address cultural diversity challenges and competency in rendering services to all cultures. Other participants offered ways of addressing these challenges:

- *There are standards relating to the best interests of the child that I don't believe should be compromised by insight into culture or religion. Really bluntly I don't care how you self-identify ethnically; child abuse is not okay* (**Participant 4 IS**).

- *I suppose a gap in the Children's Act is the acknowledgement of diversity, but the Constitution and the Bill of Rights does make those statements. And because the*

High Court is the upper guardian of all minors and we are ultimately guided by the Constitution, the Bill of Rights, High Court and the Children's Act **(Participant 4 IS)**.

Bekink, (2011), Mukombachoto (2016), and Rautenbach (2014) highlight the conflict between the rights of the individual, religion, cultural, and parental rights provided by the Constitution and children's rights as stipulated in section 28 of the Constitution, and elaborated in Section 7 of the Children's Act 38 of 2005. All SA citizens have rights, according to Chapter 2 of the Bill of Rights in the Constitution. Children have specific rights amalgamated under section 28. Section 28(2) stipulates: "A child's best interests are of paramount importance in every matter concerning the child". These rights of the child have their origin in the UN CRWC and ACWRC. Bekink (2012), Mukombachoto (2016) and Rautenbach (2014) emphasise the status of the individual rights as a parent, noting in some instances that they have lower status to the rights of the child; especially with the Children's Act 38 of 2005 which is focused on the rights of the child and not parental powers.

It was clear from the participants that the interpretation of the BIC is muddled and ambiguous. The participants interpreted it as they understand it from their point of view, which could be perilous, especially when cultural practices are related to the matter under investigation. This could serve to impact on the quality of service rendering to the client.

4.3.1.2   Sub-theme 1.2: Application of the BIC standard

Sisilana (2016) describes the application of the BIC as the list which consists of 14 factors that need to be taken into consideration when the courts need to make decisions in child-related matters, such as divorce. The Children's Act 38 of 2005 shifted from a parent-centred to a child-centred approach in which the rights of the welfare of the child became

paramount (Boyd, 2015). The narratives of the participants regarding the application of the BIC attest to this:

- *I look for themes, I make sure that I covered everything, that I answered all of my questions with the standards, best interest of the child standards next to me, knowing that these are the things that I need to explore* **(Participant 1 IS)**.

- *A body or foundation of knowledge that we then apply to when we do the recommendations, particularly around our observations and recommendations that we really apply our mind to the theory, experience and understanding in order to give solid recommendations that have value going forward* **(Participant 2 JFG1)**.

- *So, with regards to practicing in an evidence-based practice manner, to actually provide evidence to the court where you can actually cross-reference and triangulate* **(Participant 3 JFG2)**.

The participants all agree that they not only use the BIC, but also sections of the Children's Act 38 of 2005 relevant to the matter as a guideline, together with theories that they could link to the themes which emerged from the assessments and observations. The mandate question needs to be answered and all relevant factors which play a role within the investigation need to be investigated through the usage of an evidence-based approach linking concerns, using more than one method (assessment, observations, collateral interviews) to confirm a conclusion, and to subsequently make meaningful recommendations.

Prescott (2013: 469) confirms that social workers who are educated, trained, and licensed, can present an empirical argument when evaluating past behaviour of parties in a matter which will generate a historical truth, which "roughly correlates to a decision maker's conclusion about what ought to be in the future best interests of a child". Themistocleous-

Rothner (2017) also argues that the current critique of the application of the BIC as overestimating the rights of the parents, and in keeping with the Children's Act's child-centred approach, complicates the investigation processes by the vague application and interpretation of the BIC. An evidence-based approach in care and contact matters, says Saini (2008: 123), occurs in the form of guidelines, as formulated by organisations such as APA (1994) and AFCC (1994, 2006) that could assist the court in making recommendations based on "explicit and judicious use of the best available evidence". In citing evidence pieces, Saini (2008) affirms, according to the study conducted, that the participants summarised child interviews (the centre of the evaluation), parental interviews, parent–child observations, psychological testing (if motivated for), and conducting collateral consultations, with different levels of importance. Prescott (2013) and Danser and Faith-Slaker (2019) add that presenting evidence to court is another function within the evidence-based approach. Further critiques of the 14 factors focus on the unclear nature of the factors, the inconsistency regarding what necessitates the assessment of the BIC, and the discrepancies of a one-size-fits-all approach versus individualisation of cases (Themistocleous-Rothner, 2017).

Furthermore, the participants had mixed opinions regarding the application of the BIC in shifting from parent-centred to child-centred. The following narratives are examples:

- *I think that the best interests of the child need to be balanced partially with the better interests of the parents* (**Participant 6 JFG2**).

- *In terms of application of best interest of the child, keeping the focus on children* (**Participant 4 JFG2**).

- *I feel, I do not know how to detach parents' rights and responsibilities from the interests of the child* (**Participant 4 PFG2**).

- *I sometimes feel that it has been over applied, and it hasn't been balanced with reasonable consideration of the better interests of the parents* (**Participant 4 IS**).

Bekink (2011) confirms that the parental authority (previously rights of the parents) has shifted towards a child-centred approach with the best interests of the child at the forefront. Maidment (1984) cited by Sisilana (2016: 37) also argues "that the child-centred approach recognises the child as 'a substantive bearer of rights' in the context of divorce proceedings, as opposed to being the 'object of different parental rights'". It is clear from the views of the participants that the application of the BIC is relevant in care and contact disputes, by using the 14 factors provided which need to be evidence-based, although the interpretation of the subsections in the BIC have not been supported by studies done. The balancing of the parental rights versus the rights of the child has therefore become a contentious issue (Austin, Bow, Knoll & Ellens, 2016; Fasser, 2014; Meyer, 2015; Thompson, 2012).

Nevondwe, Odeku and Raligilia (2016) criticise the BIC standard, saying that it causes the diffusion of the parental responsibilities post-divorce, consequently emphasising the importance of both the BIC and parental responsibilities in care and contact disputes in SA. Furthermore, Nevondwe, Odeku and Raligilia (2016) and Meyer (2015) argue that the Constitution offers no guidelines on how to regulate the issue of the rights between the parents and the child.

4.3.1.3 Sub-theme 1.3: BIC as guidelines in care and contact disputes

As previously stated, several international organisations have published guidelines to evaluate care and contact disputes (APA, 2010; AFCC, 2006; ASPFAR, 2015; NASW, 2005; NLASW, 2007; OCSW, 2009). In SA, the limitations to "how to" evaluate the factors that should be assessed are critiqued (Brandt et al., 2004; Lambiase & Cumes,

1987; Emery, Otto & O'Donohue, 2005; Fasser, 2014; Themistocleous-Rothner, 2017; Thompson, 2012). Most of the participants implemented the BIC in accordance with international guidelines and verified their conclusions with literature.

- *The American Family Conciliation courts in the US have excellent guidelines, and although they are obviously, context specific to the US, I think that they are very good principles to applying forensic practice here* (**Participant 7 JFG1**).

- *What is the guideline? What is the process? What do you include in your investigation? Because it gives us that foundation so that we know what we need to look for and what we need to include in order to actually conduct a comprehensive investigation and communicate that to the court* (**Participant 5 JFG2**).

- *I use the best interests but then I also look at literature to motivate my recommendations. You know, what is best practice, what are implications of decisions on the child's life* (**Participant 4 PFG2**).

Thompson (2012: 3) refers to various international guidelines such as AFCC (2007), APA (1994, 2010), as well as American literature, which provides comprehensive guidelines for care and contact disputes, such as "Ackerman (2006); Bartol and Bartol (2004); Clark (1995); Gould (2006), and Stahl (1994, 1999, 2011)". Amundson and Lux (2019) underscore the APA's (2010) description of the BIC evaluations as a complex forensic study of the family, through identifying needs of the child, determining the capacities of each parent, and describing the best fit promoting the BIC. In the SA context, no specific guidelines are available except for the BIC and McCall v. McCall (1994) judicial guidelines which lack empirical support (Fasser, 2014; Thompson, 2012). Fasser (2014) and Thompson (2012) affirm that in the absence of a model standard for care and contact investigations in SA, there is a tendency for most professionals to use the Model

Standards of Practice for Child Custody Evaluation (2006), as promoted by the AFCC. The AFCC practice guidelines consists of 12 comprehensive procedures followed by international custody evaluators and members of AFCC who are involved with research in the family law field.

Three participants illustrated various limitations they experienced in utilising the BIC:

- *I wish there were more guidelines. There are guidelines around the best interest, but there are not really guidelines around how you go about it, how you conduct a care and contact investigation. I think we are very limited in terms of information in South Africa. So, the information we have to rely on is international standards and international guidelines ... I specifically think our Children's Act does not give us very good tools – you have to panel beat it as little as possible to address alienation* (**Participant 7 PFG2**).

- *I think this is a big gap in South Africa – we do not have guidelines* (**Participant 1 PFG1**).

- *I learned, with the new children's law – that's what I swot with. That's how, understand, and no one made that link for me. It was just said look at this, but no one really came and said this is how you apply this standard* (**Participant 7 PFG2**).

The above participants have shown that the "how to" conduct a care and contact investigation, the practical application of the BIC and the Children's Act, does not exist in SA, and that they therefore need to rely on international guidelines. Sibanda (2013) highlights that social workers did not receive enough training on the Children's Act, and therefore experience difficulties with the implementation process.

Theme 1 confirms that the lack of guidelines and protocols in the application of the BIC has created uncertainty in service rendering by the participants. Using the BIC as a guideline in care and contact disputes lacks empirically based support and is often described as "indefinable". Globally, the limitations of empirical data to guide the professional in the process of evaluation and resolution of care and contact are evident.

4.3.2   MAIN THEME 2: Experiences of social workers

Theme 2 focuses on the experiences of social workers regarding the rendering of services in care and contact dispute matters. This was linked to the following three sub-themes: challenges with the legal system, challenges relating to the SACSSP, and general challenges. These challenges reflect the gaps in and limitations to service rendering for social workers.

4.3.2.1 Sub-theme 2.1: Challenges with the legal system

All the participants experienced challenges in their interactions with the legal system. The vital role players in care and dispute matters consist of attorneys, magistrates, and employees of the offices of family advocates. While these challenges reflect the gaps, they also offer opportunities to address the gaps. The following statements are pertinent:

- *It is stressful because you get attacked, then by counsel, by court, by the attorneys on a phrasing* (**Participant 7 JFG1**).

- *The office of the family advocate, and I think their training itself falls far short and I think they should train themselves better* (**Participant 2 PFG1**).

- *But the understanding out there of the legal system and of the family advocates and of all these people who have to play important roles is very limited* (**Participant 6 PFG2**).

- *… when you're dealing with unethical attorneys or pressure on you to deliver what other people think you should be doing rather than what is in the best interests of the child* (**Participant 4 IS**).

The participants experienced challenges with the legal system, for example with attorneys, presiding officers, and officials working at the family advocate offices. In both the focus groups and the individual interviews, these challenges became a contentious issue as the participants felt threatened, anxious in dealing with these systems, and feared being reported to the SACSSP.

Combrinck (2014: 37) confirms that working in the care and contact dispute arena means that "the professional is often placed under pressure and challenged" by the legal representatives of the parents to make recommendations in their client's favour. Goldstein (2016: 3) refers to the role players within an adversarial process in the legal system as "combative attorneys" and "impatient judges". Interacting with the legal system is one of the most pertinent challenges experienced by participants. Madden (2000) already argues in 2000 that in order for social work to better manage its professional existence, it would have to become a formidable role player in court proceedings for better decision-making for clients. De Jager (2013), Robbins et al. (2015, and Sheehan (2016) confirm that the social worker is not professionally trained at university for the adversarial processes, and therefore, view the responsibility as in-house training at the organisation and in private practice, it is the responsibility of the SWIPP to adhere to continuous professional development (see sub-theme 4.1).

4.3.2.2 Sub-theme 2.2: Challenges relating to the SACSSP

The SACSSP/Council is a statutory body, in conjunction with its professional boards, which guides and regulates the professions of social work and child and youth care work

(SACSSP, 2020). All the participants expressed frustration with the SACSSP, viewing the Council as unsupportive when complaints against the participants have been lodged. Lack of knowledge and understanding of forensic social work, as well as the fact that the category of forensic social work specialisation has not been finalised. The participants elaborated as follows:

- *I think that there is a gap in that council hasn't formalized forensic social work as a specialization and that we don't actually have formal practice guidelines* (**Participant 4 IS**).

- *You know, to be reported to the Board, I was already reported for child trafficking as well. You know P3* [referring to another participant in the focus group]*, so it's part of the job* (**Participant 6 PFG2**).

- *So I think, but I think if we look at a structure specifically in terms of social work, our council does not protect us at all* (**Participant 1 PFG1**).

- *… one client is not going to be happy and the first thing they are going to do is report you to council and council have this very weird process and complete lack of understanding of the work* (**Participant 2 JFG1**).

All the participants voiced negative experiences with the SACSSP. These experiences range from poor general administrative services, to being charged by a client or an attorney for alleged unethical behaviour or misconduct. Several participants were very frank and stated that currently they have open professional conduct investigations pending against them, which causes emotional stress in their professional and personal functioning.

Budhoo (2008: 79) states that SWIPP express their unhappiness with the SACSSP for "not addressing their concerns", and cited a study undertaken by Naidoo and Kasiram

(2003) where similar discontent had emerged. Goldstein (2016) also confirms that professionals dealing with care and contact disputes are likely to have professional board complaints at some point. Goldstein (2016) motivates this as one of the reasons for the establishment of guidelines by several associations (APA, 2010b, NASW, 2005; AFCC, 2006), for individuals conducting care and contact evaluations. This sub-theme serves to reflect the perceived lack of support from participants' professional boards especially when complaints are lodged against them, resulting frustration and the impact on professional reputations.

4.3.2.3 Sub-theme 2.3: Challenges relating to the social worker's professional role
Pickar (2007) argues that the challenges inherent in assessments are risk factors for burnout. The participants' experiences again reflected much frustration and deep concern regarding the dysfunction often characterising their day-to-day duties. The following narratives are significant:

- *So, because of the expense we don't actually follow a very thorough process. We have to cut corners and my concern is that we might then not base our recommendations on all of the information, even though we kind of promise our clients from the beginning that it's our responsibility to gather all the information, but I don't think we do* (**Participant 1 IS**).

- *… at the end of the day it's about who has more power* [referring to the client's attorney who has more money to drive the litigation process] *than the other one* [the social worker] *and it sometimes makes my work very difficult* (**Participant 2 IS**).

- *For me, a big thing is the ethics that they sometimes try to push us into a role that we may not fulfil … the biggest problem in South Africa in terms of obstacles and*

challenges, is lack of knowledge, and lack of opportunity of good training (**Participant 6 PFG1**).

- *… the parents become difficult and irrational to me, and then they also often say you are biased* (**Participant 6 PFG2**).

The participants experienced challenges within their professional role. Participant 1 IS spoke of the pressure in an investigation process which can come from the judge, presiding officer, or lawyers. Pressure can also be linked to the timeframe in urgent applications. The social worker is affected by factors such as a lack of training, unsupported structures, and dealing with clients who have different expectations regarding the outcome of the process. These unclear roles can create ethical dilemmas for the social worker. In the absence of professional guidelines, this is experienced as a limitation to the social worker's functions and role.

Extensive literature was found related to challenges in various other settings (see Basson, 2013; Bosman, 2016; Calitz, Roux, Strydom, 2014; Combrinck, 2014; De Jager, 2013; Dhludhlu, 2015; Govender, 2015; Nhedzi & Makofane, 2015; Sibanda, 2013, Strydom, 2009; Phiri, 2018; Pretorius, 2017; Van Wyk, 2011). The challenges experienced by social workers in private practice in the Durban metropolitan area of Kwa-Zulu Natal also emerged in the findings of the study by Budhoo (2008). These participants identified lack of support from the SACSSP as one of their challenges "*SACSSP is an administrative body and that is about all. It does very little in terms of input for private practitioners*" (Budhoo, 2008: 79). In the study by Saini et al. (2012), the professionals working with highly conflictual families also contend that inadequate training, lack of experience, and ambiguity regarding their role in high-conflict situations, are key challenges in their working environment (also see studies by Bloem, 2004; Davidson, 2005).

In theme 2 overall, the experiences of the participants made it difficult for them to separate their subjective feelings from their role as social workers in a care and contact investigation. The shortcomings of the existence of evidence-based guidelines related to the application of the BIC escalated the negative experiences of the participants. The perceived lack of administrative and professional support by their professional body of the social workers (SACSSP) also significantly contributed to their levels of stress and unhappiness.

4.3.3   MAIN THEME 3: Forensic social work

The following theme presents the findings related to forensic social work. Forensic social work was declared a field of speciality by the SACSSP in 2017 (SACSSP, 2017). Regulations relating to the requirements and conditions for registration of a speciality in forensic social work within the Social Service Professions Act 110 of 1978, was gazetted by the SA government on 22 May 2020. The two sub-themes which emerged from the narratives of the participants that reflected the forensic nature of their services were defining forensic social work, and forensic social work and the Children's Act.

4.3.3.1   Sub-theme 3.1: Defining forensic social work

Forensic social work focuses on two essential elements, namely the legal system and expert court testimony based on evidence (Joubert and van Wyk, 2014; NOFSW, 2015; Social Service Professions Act 1978, 2020). Forensic social work is defined by the Social Service Professions Act 110 (2020:99) as: "a specialised field in social work that focuses on the interface between the legal system and the secondary client (the individual, family, organisation or institution, being assessed) and is characterised by the primary function of providing expert testimonies in courts of law". Participants described forensic social work from their understanding and perspective, working in the field of care:

- *My understanding of forensic social work is any investigation, any report, anything that you have to do that is part of a litigation process, or that needs to go to the courts. And so whether it is sexual abuse allegations or in care and contract disputes, anything that involves investigation, which you have to gather information and report on that information in the form of a report or by testifying is forensic social work* (**Participant 1 JFG1**).

- *... doing an assessment for pre-sentencing, it doesn't necessarily address the kind of forensic practice that I think we mostly do, which is specifically in relation to children actually* (**Participant 7 JFG1**).

- *... it's the application of social work methods to questions and to issues relating to the law, specifically in relation to the best interests of the child* (**Participant 4 IS**).

- *There must be a very specific legal question and then the social worker must apply specific methodology to answer that legal question* (**Participant 2 PFG1**).

- *… that they understand that any process that is, or any investigation that is part of a court process or litigation or mediation is, falls under forensic* (**Participant 1 JFG1**).

From the opinions expressed above, it is clear that the participants have a very good understanding of what forensic social work entailed and their roles, tasks and responsibilities in this specialised field. NOFSW (2020) specifies that forensic social work is grounded on specialised knowledge obtained from established principles and applications, familiarity with certain aspects of law, and on assessment driven by an objective criterion associated with an outcome. The construct of forensic social work and social work forensic investigations can be administrated in the following ways: referral from court or attorney, forensic investigation, forensic report, or expert testimony in court

(Joubert & van Wyk, 2014; Mangezi, 2014; Oosthuizen, 2019; Rapholo & Makhubele, 2018).

The following narratives reflect important components of forensic social work. Participant 2 in the PFG1 was excited about the fact that forensic social work is gazetted as a specialist field and that it can enhance professionalism. She stated: " *... the fact that forensic social work is now going to be established as a field of specialisation – I am positive that it may create the basis for us to move forward and that we ... we as a social work profession can become more professional, more knowledgeable"*. Contextual understanding of forensic social work from the viewpoint of participant 2 PFG1 was as follows: "*one understands very clearly that your primary client is the court and not the clients sitting in front of you*". Oosthuizen (2019) confirms this important point that in forensic social work, the client is always the court.

Participant 2 PFG1 clarified an additional point about the misconceptions people have about forensic work: "*I see there is misperception many times in people when they hear about forensics, then they think it's sexual abuse. It's almost half the automatic deduction people make and it's not correct. It's a concept, a section of forensic social work*".

Various studies have clarified that investigating sexual abuse is a forensic specialised service in SA (Campher, 2014; Jonkers, 2012; Liebenberg, Simeon and Herbst, 2015; Lupondo, 2016; Monosi, 2017; Rapholo & Makhubele, 2018), but there is a dearth of studies in care and contact matters.

4.3.3.2 Sub-theme 3.2: Forensic social work and the Children's Act

During a care and contact dispute, the social worker needs to report back to the court regarding the investigation into what actions would be in the BIC, according to section 7 of the Children's Act 38 of 2005. These actions would relate to the primary residency of

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the child, and the contact rights that are applicable to the child. The social worker will have to testify in the matter, if required by the court. The participants' narratives link the Children's Act 38 of 2005 to their role as a forensic social worker:

- *It's only the Children's Act that's actually guiding us at the moment* (**Participant 2 IS**).

- *So the best interest of the child as much as it's a foundation, most people tend to just say it without really focusing on what the actual Act on the best interest of the child is saying* (**Participant 7 JFG2**).

- *The central driver actually in this kind of forensic social work is* [the] *rights of the child and that any forensic social work process in the field of family law is specifically intended to identify, confirm and protect the rights of the child* (**Participant 4 IS**).

These comments explain the participants' understanding that the BIC is part of the Children's Act 38 of 2005 that forms the foundation and guidance of care and contact investigations within the family law arena. This is seen as forensic social work that is focused on protecting the rights of children.

Swartz (2017: 2404) confirms that "little research has been conducted in South Africa on child custody evaluation practices", and Nevondwe, Odeku and Raligilia (2016) state that it is impossible for a court to determine the BIC in care and contact matters owing to the non-existence of statutory guidelines to assist the courts in knowing which factors to consider.

Theme 3 provided a detailed account of the participants' understanding of their roles and functions, although the regulations and the procedures linked to forensic social work as a specialist field, have not been finalised since 2017. These circumstances have been

identified as a limitation in the participants' professional environment. Although the participants consider the Children's Act 38 of 2005 and the BIC as guidelines in the care and contact process, limitations are evident in the application of these guidelines as a tool in the forensic process.

4.3.4 MAIN THEME 4: Training and development of forensic social work in care and contact matters

Theme 4 focused on the training needs of forensic social workers especially in care and contact matters. The following two sub-themes were construed from the findings: professional development of social workers, and formal training.

4.3.4.1 Sub-theme 4.1: Continuous professional development (CPD) of social workers

Lombard, Grobbelaar, Pruis and Mhlanga (2010) define the value and purpose of constant professional development in the following manner (Figure 4.1).

Figure 4.1: The progression of benefits of professional development
Source: *Lombard et al. (2010)*

All participants articulated the need for more specific training in areas of operations:

- *… from understanding first what the context of that whole BIC is, before I can even make an interpretation. We don't have a lot of those trainings* (**Participant 2 IS**).

- *A very short course on care and contact that will show you all the processes for you, from the ethics to the administration* (**Participant 5 PFG1**).

- *It's* [attending international training courses] *an annual thing I do for my own sake because we do not have in South Africa the level of knowledge that the people have in other countries like America and Australia and Canada* (**Participant 2 PFG1**).

- *And if there could be more active engagement, active training, active debates around family and what is in the best interest of children* (**Participant** 3 IS).

The above narratives express the need for more training in the application and interpretation of the BIC, as well as the links between the subsections in the BIC to relevant matters the participants are dealing with, which are relevant to the SA context. Needs relating to training in the procedures, and ethical guidelines in conducting care and contact matters were identified. Participant 2 PFG1 explained that she does training abroad, and expressed her opinion that as an expert in care and contact one needs to educate oneself on an international level. Participants agreed that supervision and peer-group supervision is of the utmost importance. The following statements were made in this respect:

- *And we must not lose sight of it – the role of supervision. Because one of you just said we make mistakes, we definitely make judgemental mistakes, or we become subjectively involved*. (**Participant 1 PFG2**).

- *I would add the peer supervision groups like we said last time. It's part of an ongoing training for me* (**Participant 7 JFG2**).

- *... the worst mistake that I did when I entered this, this arena without having a supervisor* (**Participant 8 JFG1**).

- *Other people are afraid of court work itself. I understand why they are afraid of it, because it was, yes it was very nightmarish for me even when I started, especially without a supervisor* (**Participant 8 JFG1**).

These descriptions depict the difficulties in the professional functioning of SWIPP involved in family law matters. Although a minimum of four to five years' experience is required to practise (SAASWIPP, 2020), it is clear that participants enter private practice without the necessary support of a supervisor. Participants are dealing with adversarial family law matters, confrontational legal representatives, unknown court procedures, as well as conflictual parties involved in care and contact disputes; these have ethical, procedural, and legal repercussions. Supportive structures such as supervisors and peer group supervision, are mooted as options to help address and alleviate these challenges.

Participant narratives highlighted two aspects of professional developments, namely CPD and supervision. In terms of CPD, Lombard et al. (2010:119) profess that the CPD policy of the SACSSP is "the result of a transparent, well consulted, and research-based process". According to SAASWIPP's Constitution (2020), the organisation provides their members with CPD training and orientation programmes for social workers entering private practice. Research studies related to SWIPP are limited (Bloem, 2004; Davidson, 2005).

In terms of supervision of SWIPP, Silence (2017) notes the clear link between social work supervision and the quality of social work services. Voicu (2017) emphasises the need

for supervision owing to the many ethical challenges and emotional distress within the profession, but identifies a gap between the needs and professional realities. Basa (2019) indicates that peer group supervision also provides a valuable learning experience, which is especially practical for SWIPP. Nickson (2015) agrees that peer group supervision offers support to social workers, as well as learning and reflection in practice.

It appears that the needs for both CPD and supervision could be addressed by SWIPP themselves, by offering these training sessions to colleagues, as well as formalised training that can be offered by SAASWIPP itself. The problem could be that not all SWIPP who conduct care and dispute matters are registered with SAASWIPP and therefore not all SWIPP can be reached for training.

4.3.4.2 Sub-theme 4.2: Formal education in social work

Participants reflected on the levels of academic preparedness for forensic social work, in undergraduate and postgraduate degree programmes. The participants averred the following regarding the sub-theme:

- *I think, of course, that between your psychology, your social and your law faculties, their subjects should overlap. And I think subjects like Family Law, subjects like Persons Law should be part of the Social and Psychology curriculum* (**Participant 5 PFG1**).

- *I also think that there is a big gap between the practice application and the academic operation in the universities* (**Participant 6 PFG2**).

- *… it* [Master's degree at the North-West University] *is not even mainly focused, I am busy with it. And it does not focus on care and contact at all* (**Participant 2 JFG1**).

- *... there's no relevant information ... accessible information and South African context based. ... When it comes to care and contact there is a lot of information but it's not South African based ... so we need more research information on this* (**Participant 2 IS**).

The participants pointed out that social work students need to be educated at undergraduate level to deal with adversarial matters. They argue that this will better prepare social workers to deal with the legal system. Various international authors (Braye, Preston-Shoot & Johns, 2005; Collins, 2008; Kopels & Gustavsson, 1996; Madden, 2000) recommend the infusion of legal issues into the social work curriculum on undergraduate and postgraduate levels. Boys, Quiring, Harris and Hagan (2015) prefer an interdisciplinary course with a service-learning component requiring students to work together on cases. Atkins (2019) recommends that for practical training of students in the SA child protection services, they should be exposed to court procedures within the social work domain, while at university. This should take place prior to entering the profession. De Jager (2013) observes inexperienced social workers who lack preparedness in statutory social work in implementing the Children's Act 38 of 2005 and Children's Court procedures. Phiri (2018) identifies the lack of practice training and court procedures related to the Children's Act 38 of 2005 as a gap between training at university and the actual practice.

Some participants referred specifically to postgraduate studies at master's level at the North-West University; one of the participants had completed an advanced forensic course related to child sexual abuse at the University of the Witwatersrand. Rapholo and Makhubele (2018) confirm that currently the North-West University is the only university in SA which offers a postgraduate qualification in the form of a master's programme in forensic social work (also confirmed during a recent webinar on forensic processes in

child sexual abuse in South Africa hosted by Rata Social Services [Jacobs & Wessels, 2020]), although it could not be ascertained whether care and contact matters form part of the curriculum. Mangezi (2014) recommends training and education on legal aspects. Of the 18 study participants, eight participants had obtained a Master's degree in either Forensic Social Work, Clinical Social Work, or Social Work Research. Currently three participants were busy with their master's degrees, one participant had an LLB degree, and the other participants had four-year social work degrees.

Theme 4 examined the importance of CPD and formal training of social workers specialising in forensic social work within the scope of care and contact. It seems that a significant gap exists between the expectations of social workers related to their practical training while at university, and the realities within the practice.

4.3.5   MAIN THEME 5: The care and contact investigation

Theme 5 focuses on the aspects of the tasks and responsibilities in care and contact matters, in other words, on the essence of forensic social work. Munson (2011) specifies the following functions of a forensic social worker involved in the family law arena: evaluation of parental capacity, child and custody evaluations, evaluation of termination of parental rights, attachment assessments, evaluation of domestic violence, and international abduction evaluations. These are formidable functions and require the SWIPP to have considerable knowledge and skills. The following two sub-themes emerged here: procedures in care and contact investigations, and knowledge of the cultural context of an investigation.

4.3.5.1 Sub-theme 5.1: Procedures in care and contact investigations

In chapter 2 it was stated that the procedures involved in care and contact investigations consist of the following processes: **(A) The pre-investigation process**, which consists of

mandating services, and entering an agreement of service delivery signed by parents which defines the role and processes, the quotation, as well as the timeframe; **(B) The investigation process,** that consist of several key assessments; **(C) Reporting the findings** and making recommendations to the court; either in person, or by submitting a report (AFCC, 2006; ASPFAR, 2015; NASW, 2005; NLASW, 2007; OCSW, 2009). The participants verified the pre-investigation process (A) as follows:

- *I usually use three phases. The pre-investigation phase and then there's the investigation phase and then there's the submission* (**Participant 2 IS**).

- *...what is your mandate and the referral, the contract* (**Participant 3 JFG1**).

- *One is either a court order, preferably, or second, a full mandate from both attorneys involved in the matter. And then also to sign a full contract with the clients before I start working on anything* (**Participant 2 PFG1**).

The participants viewed the pre-investigation process as the starting point of the investigation. The parties involved in this process are the court (if a court order was mandated), the clients, and the attorneys. The administrative process consists of the conditions of service delivery between the social worker and the client, and is viewed as important, as role expectations need to be verified. An investigation outline of sessions supported by dates and times, provides structure to the process, although these procedures are stipulated in the guidelines of AFCC, (2006); ASPFAR, (2015); NASW, (2005); NLASW, (2007); OCSW, 2009). Martindale and Flens (2015) also conceptualised the evaluation process in three elements like Participant 2 IS showing that studies often can substantiate what has become common practice. The lack of research studies within the SA and international context relating to the pre-investigation process of care and contact matters, is evident throughout the study.

Participants also described the tasks during investigation process (B) as follows:

- *I usually start with the psycho emotional assessment especially if there's children involved. I do not want all the background. I want to my own picture, I want to first know the child because on the end of the day, it for me it's the best interest of the child and not so much the best interest of the parents or the courts* (**Participant 3 JFG1**).

- *… you need to look at and that's why you do certain things, the interaction analysis, the attachment interviews, all of that, the home visits* (**Participant 5 JFG2**).

- *When you enter a home context you definitely want to see what the child's ... what is possibly the child's experience of that environment. I use that Common Assessment Framework and it works really well for me. And specifically what I like about him is he does an adult risk assessment for you, so where you look at substance abuse, personality trait, mental health - anything that may be involved with the parent* (**Participant 9 PFG1**).

- *Collateral information and I'll ask parents to both put upfront who they would like me to talk to in a care and contact. I will also gather collateral information from therapists, any play therapy, OTs, maybe even the parent's therapists depending, and also information from the schools* (**Participant 3 IS**).

All the participants make use of a structured investigation process which consists out of several assessment procedures such as an assessment of the child, parent-child attachment, parental capacity of each parent, environmental factors, and the collateral investigation which consists out of members of the family or extended family, the school, and other role players.

Turoy-Smith, Powell and Brucbacher (2018) argued the importance of the assessment of the child within a care and contact matter, due to the participation of the child in order to obtain valuable information from the child regarding family dynamics. Meyer (2016) and Kirkland, McMillan and Kirkland (2006) confirm that social workers and psychologists make use of the above procedures to obtain sufficient information and data generated to support the recommendation.

Austin, Bow, Knoll and Ellens (2016) recommend the use of a forensic risk assessment approach. Yohananoff (2016) views the child-parent observations as the cornerstone of the custody evaluation. Furthermore, Garber (2016) confirmed that how children and caregivers manage the transition of care, could be valuable to assess the children's needs, parental strengths, and the quality of the co-parenting relationship.

Austin (2002) confirms the use of collateral sources of information in care and contact investigations, and where Yohananoff (2016:1) stressed collateral information as providing "evidence of convergent validity". Amundson and Lux (2019) stated that it is normal practice to conduct home visits and observations of the child's natural settings, which could be beneficial to the investigation, but needs to be related to objectives of the investigation.

The participants also attested to the reporting of their findings (C):

- *I look for themes, I make sure that I covered everything, that I answered all of my questions with the standards, best interest of the child standards next to me, knowing that these are the things that I need to explore. Once I have all of that I start writing my report ... What I do is I submit my report to their legal representatives* (**Participant 1 IS**).

- *… because then you can triangulate and really get that evidence done and cross-referenced. And that will actually strengthen your case and then you are able to stand up and be an expert witness and have confidence in your testimony. So I just want to link that up to how you apply the best interest of the child because then obviously you can also say you know this is really accurate information because I can prove it on different platforms* **(Participant 3 JFG2)**.

The participants referred to an evidence-based process by utilising the BIC with sessions involving the child, child-parent, residential evaluation, as well as collateral investigation to provide the court assistance in being an expert witness. Symons (2010) and O'Neill, Bussey, Lennings and Seidler (2018) maintained the goal of the investigation is to provide a professional opinion to the court to assist in the decision-making. Chung, Moon, Lee and Kwack (2020) assert that the court favours a child-centred report addressing the BIC, substantiating recommendations regarding care and contact.

Procedures within the investigation process was described within three processes. Although specific guidelines are stipulated in the above-mentioned organisations, limited research could be found. Research referred to was found within the international psychology domain, and none was found within the SA context due to the lack of formal guidelines.

4.3.5.2 Sub-theme 5.2: Knowledge of the cultural context of an investigation

Culture means "the ideas, customs, and social behaviour of a particular people or society" (Oxforddictionaries.com, 2020). According to the Children's Act 38 of 2005 section 7, cultural aspects need to be considered when dealing with care and contact investigations. Addressed in section 7, section (f)(ii) focuses on the need for the child to maintain links with their culture or tradition, and section (h) also points to the child's socio-cultural

developmental needs. The participants expressed their difficulties in honouring this requirement:

- *It's just such a huge gap. And, but I do think, you know, given the questions and what we are dealing with, we need a whole session on the cultural complexities of all of this* (**Participant 7 JFG1**).

- *We need culturally conscious social workers for these investigations that will understand that when we're talking about the child's milestones, cultural context are also very important* (**Participant 2 IS**).

- *I know you know, when we talk culture in South Africa, we mean black culture, so, but I think we have to take into consideration all cultures* (**Participant 3 IS**).

- *I believe that there are certain norms in relation to the best interests of the child that transcend a respect for culture, religion and ethnicity such as child abuse, child sexual abuse, inappropriate exposure of children to whatever, substance abuse, alcohol whatever. I would argue, and I know I could get into trouble for saying this, that those are culture-free norms and standards* (**Participant 4 IS**).

Participant 4 IS makes the point that matters related to abuse in connection with cultural or traditional practices, still needs to be reported as abuse and acted on accordingly. The participants agreed that they have limited knowledge and experiences in dealing with the complexities connected with other cultures. This is related to the vague specifications of section 7 (f) in the BIC which is related to cultural and traditional norms. Mukombachoto (2016) states that the Constitution provided for the rights of persons to practise their culture of choice, and that a core value of culture is based on people's connections with their family and community, which are tied to the entire community culture. Bekink (2011), Meyer (2016) and Maldonado (2017) confirm that the child's social and cultural development should be considered when determining the BIC. The challenge is to respect

diverse social and cultural values without infringing the BIC (which was the point made by Participant 4 IS). Section 12(1) of the Children's Act ratifies that every child has the right not to be subjected to social, cultural, and religious practices which are deemed to be detrimental to their well-being. Together, these two sections, 7(f) and 12 (1) underscore the balancing act that needs to be enacted by the SWIPP in assessing the BIC of each child.

Theme 5 highlighted the narratives of participants regarding contact and care investigations and cultural contextual information that needs to be considered, especially in the multi-cultural context of SA society. It is clear from the quoted extracts that the participants identify the need for knowledge to obtain a clearer understanding of social, cultural, traditional and religious constructs in a diverse society as SA. The participants experienced a gap in their skills levels and are aware of the complexity due to lack in knowledge and understanding of different cultures.

4.4   Chapter conclusion

In this chapter the findings were presented in the form of key themes and sub-themes which emerged from SWIPP focus groups in Johannesburg and Pretoria, and from four in-depth interviews with selected participants. Using the method of thematic analysis and the Atlas.ti data analysis program, five main themes and 12 sub-themes could be identified. The demographic profile presented was a suitable match to advance the aim and objectives of the study. The demographic profile was reflected in the gender, ethnicity, age and professional experiences of SWIPP, in care and contact investigations. The ethnic context of the study was not representative of the population, and already indicates a gap in the private practice professional context. The overall concerns of the SWIPP in this study, in the practice of conducting investigations in care and contact

matters demonstrate a workforce with extensive experience in this area of specialised social work. The participants responded with rich, expressive descriptions of their experiences and opinions relating to care and contact disputes in the family law domain relating to processes, legislation, systems involved, and the limitations they are subjected to.

The fifth and final chapter of this thesis provides a conclusion delineating the main findings of the study and the implications for future research.

CHAPTER 5

CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

The aim of this study was to explore and describe the opinions and experiences of SWIPP regarding the use of the BIC standard in the context of care and contact disputes in areas of Gauteng in SA. This study utilised online focus group sessions and in-depth interviews with semi-structured interview guidelines. The sample of participants included nine SWIPP who render services in the greater Johannesburg area, and nine in the surrounding Pretoria area. The qualitative data analysis was conducted with ATLAS.ti software, and subsequently presented in themes and sub-themes.

Chapter 4 focused on the presentation, discussion and contextualising findings of the research. Accordingly, Chapter 5 completes the study and provides conclusions and recommendations based on the findings which emerged from the research study. This chapter offers a summary of the main themes and sub-themes which emanated from the research presented in the previous chapter. The research objectives are restated to assess whether the findings fulfilled these objectives.

The theoretical framework used in this study was systems theory, which explored the experiences of the SWIPP (change agent system) with the interchangeable target system (family) who is in crisis (care and contact dispute), and as a result, interacts with the professional system (legal, court, SACSSP). It is important to note that as stated in literature, the systems theory perspective enhances the forensic social work profession

using an empirically based practice model. This was relevant to the study as it identified the systems which necessitated changes.

The recommendations emerging from the research findings address the following areas:

1. Recommendations for social workers in private practice social work

2. Education and CPD training pertaining to SAASWIPP and to the SACSSP

3. Suggestions which could influence governmental policy

4. Recommendations for further research

This chapter also identifies perceived limitations of the study methodology and concludes with an overview of the entire study.

5.2 Conclusions and implications of the empirical findings

The study produced five main themes and 12 sub-themes (Chapter 4) which emerged from two online focus group sessions with SWIPP who render services in the greater Johannesburg area, as well as two online focus group sessions with SWIPP who render services in the surrounding Pretoria area. Four in-depth interviews were conducted with selected participants to clarify and deepen the perceptions and experiences concerning the topic, thereby also obtaining data saturation. Some of the findings are in line with the reviewed literature, although there were exceptions, as indicated in the following conclusions.

5.2.1   Conclusions and implications of the demographic profile of SWIPP

The study sample consisted of 18 participants, all of them women, which corresponds with literature as social work is perceived historically as an extension of a woman's helping role. Seventeen of the 18 participants were classified as white, with a single black

participant. Considering the average age of the participants, it is clear that most of them had been at university during the apartheid era, which is in line with literature stating that only three universities were open to all ethnic groups at the time. The rest of the universities followed the education policy which excluded other ethnicities.

As a consequence of apartheid policies, black social workers were severely restricted in the educational opportunities available to them, and a situation ensued where black social workers entered the social work profession at a later stage, placing them at a disadvantage in terms of building professional experience and socio-economic preparation for private practice. The unequal ethnic profile that emerged from this study can be seen in a socio-political framework in SA. It is clear from the data source that most of the SWIPP were established in their practices, and within the care and contact domain, and that they could function independently. This study profile was therefore commensurate with the profile of people who would be able to be in private practice. The profile of the participants emerged from purposive and snowball sampling, as it was clear that the participants had extensive experience and certain perceptions related to the topic. The researcher was able to obtain valuable, focused narratives, as well as informative findings.

One of the **conclusions** drawn is that there was not a significant difference in the experiences of the participants across the respective age brackets, which provided consistency in the findings and ensured the trustworthiness of the study. Another conclusion is that the targeted participants were not representative of the total population to whom SWIPP renders care and contact services. This ethnic inequality is seen as a significant limitation for these professionals who wish to render services to all the different cultures in the SA context. The **implication** is that services are being provided to many people by just one ethnic group, which reflects a skewed structure of society.

5.2.2   Conclusions and implications of main themes and sub-themes

Five main themes and twelve sub-themes emerged from the findings. The participants shared their opinions and experiences through comprehensive narratives that arose from the online focus group sessions and in-depth interviews. Both groups presented the same themes in which the SWIPP verbalised their experiences in care and contact disputes.

5.2.2.1   Main theme 1: The best interests of child (BIC) standard

This theme is related to the BIC standard according to section 7 of the Children's Act and had the following sub-themes:

Sub-theme 1.1: Interpretation of the BIC standard

Sub-theme 1.2: Application of the BIC

Sub-theme 1.3: BIC as guidelines in care and contact disputes

Sub-theme 1.1 underlined the difficulties and ambiguity experienced by SWIPP in the interpretation of each of the 14 factors of the BIC in the context of poorly defined guidelines or protocol related to each subsection. The cultural interpretation of the BIC meant that SWIPP was sensitive to different cultural beliefs but maintained their focus on the BIC standard.

Sub-theme 1.2 focused on the application of the BIC as a guideline for investigations. Concerns related to balancing the rights between parents and child, and following a child-centred and evidence-based approach were apparent.

Sub-theme 1.3 confirmed that although the participants made use of the BIC as a guideline, concerns were expressed regarding the lack of a contextual SA protocol based on and supported by research. The absence of a protocol in the care and contact arena was evident owing to limitations of the Children's Act and the BIC. Participants used

international guidelines such as the Association of Family Conciliation Courts, although they did not experience these as completely relevant to SA conditions.

A **conclusion** for Theme 1 is that the overarching principles of BIC as a standard can be used as a guideline in care and contact dispute matters, but its application in the context of the study was ambiguous and undertaken with uncertainty. The BIC could be interpreted in various ways, because there are no specific indicators for the 14 subsections in the BIC.

The **implication** of this imprecision in the interpretation, application, and the "how to" aspect of the BIC, is that it limits the services rendered by the SWIPP, the presentation of the findings in their investigations, and creates more conflict within an already adversarial context.

5.2.2.2   Main theme 2: Experiences of social workers

Theme 2 emerged from obtaining narratives from SWIPP relating to their experiences in dealing with care and contact disputes. All the experiences were classified as challenges.

Sub-theme 2.1: Challenges with the legal system

Sub-theme 2.2: Challenges relating to the SACSSP

Sub-theme 2.3: Challenges relating to the social worker's professional role

Sub-theme 2.1 represented the adversarial process that the participants were involved with. Interacting with the legal system emerged as the most challenging experience of the participants, causing anxiety and stress in their professional functioning. The challenges experienced in dealing with the legal system relate to the previous theme of the interpretation of the BIC. The negative interactions within these systems could be related to unclear roles or mandates of the SWIPP, which could lead to court orders that are

issued with unreasonable timeframes and dual roles which place the SWIPP under pressure, and could result in gaps and limitations in service-rendering.

Sub-theme 2.2 placed attention on negative feelings and experiences with the SACSSP. Although forensic social work had already been recognised as a specialty in 2017, and gazetted in 2020, the regulations have not been finalised, which severely compromised the professional services of SWIPP. The perceptions and experiences of participants were that the SACSSP had a lacked understanding of the scope of practice related to care and contact in adversarial matters, and were unsupportive in charges of misconduct against SWIPP, which caused emotional stress affecting their professional and personal well-being.

Sub-theme 2.3 showed that SWIPP is affected by factors in their professional roles such as a lack of training, unsupportive structures, and clients who have different expectations. Unclear roles as a result of poorly defined guidelines were especially noted as a restraint in the effectiveness of service delivery in the family law arena, and escalated negative experiences. The subjective feelings of being under threat in the SWIPP role within an adversarial context and in the absence of evidence-based guidelines were prominent in this study, despite the fact that most participants were experienced and established within their field of expertise.

A **conclusion** for theme 2 is that the role of the SWIPP in adversarial matters such as family law is challenging, because the role of forensic social work as a field of specialisation is not yet functional, considering the lack of defined guidelines in family law matters. Although legislation such as the Children's Act, and specifically the BIC, defines the social worker's involvement in these matters, it contributes to challenges in

the interaction and engagement with the legal system, and where the SACSSP through its inaction exacerbates the negative emotional experiences.

The **implication** of this theme is that the lack of guidelines means that the SWIPP, the client, and the legal system have unclear understandings of their respective roles, duties, and responsibilities. This situation can lead to charges of misconduct aimed at the SWIPP. These factors impact on the overall positive professional perceptions of being SWIPP, and may contribute to an early exit of social workers from private practice. Their knowledge and experience are therefore not passed on to new SWIPP who enter the field, and therefore have similar experiences without any supportive structures. Fewer SWIPP will practise in this specialised field, with the result that this essential service to the society could well be lost.

5.2.2.3   Main theme 3: Forensic social work

Theme 3 focused on the forensic role of the social worker in care and contact disputes. There were two sub-themes:

Sub-theme 3.1: Defining forensic social work

Sub-theme 3.2: Forensic role and the Children's Act

Sub-theme 3.1 confirmed the need to clearly define forensic social work which is related to the court, as well as a specific mandated investigation, followed by verbal or written testimony. The contextual framework is that the court is the client, although the mandate can be administrated by referrals from the court or attorneys. Duties of the forensic social worker are related to the investigation, report, and testimony.

Sub-theme 3.2 defined the relation of forensic social work to the Children's Act. The protection of children's rights in an adversarial process such as family law, is seen as

forensic social work. Therefore, it is important to finalise forensic social work as specialisation field with the appropriate regulations. Care and contact disputes are a specialist function within forensic social work, in relation to the Children's Act and family law. The limitations in the application of the Children's Act and the BIC as tools in the care and contact forensic process were apparent in this study.

A **conclusion** is that SWIPP is involved in care and contact disputes without defined evidence-based guidelines, to be recognised in a forensic process. This could lead to challenges as discussed under the previous theme. The absence of finalised regulations of forensic social work as a specialist field contributes to the uncertain professional context in which the SWIPP functions.

An **implication** of the specialisation not being recognised is that SWIPP's professional qualification, knowledge and experience are constantly questioned and mistrusted by the public and the systems in which SWIPP operate.

5.2.2.4 Main theme 4: Training and development of social work in care and contact matters

Theme 4 concerned the education and training of SWIPP to practise in this specialist field. There were two sub-themes:

Sub-theme 4.1: Continuous professional development (CPD) of social workers

Sub-theme 4.2: Formal education in social work

Sub-theme 4.1 expressed the need for CPD training in relation to the application and the interpretation of the BIC, and the 14 subsections relevant to the matter under investigation. The need was identified for procedural and ethical guidelines and training in conducting care and contact dispute matters in the SA context. It was clear that SWIPP

enters, the family law matter arena without the necessary support of a supervisor or peer group supervision, which could be addressed by these supportive structures. This could have serious consequences on ethical, procedural, and legal levels. Charges of misconduct and conflict experienced within the adversarial context, directly and indirectly, relate to this phenomenon.

Sub-theme 4.2 highlighted the training of social workers in adversarial matters at undergraduate and postgraduate levels, to prepare social workers for future interventions in adversarial matters when they enter the practice. A lack of training relating to the Children's Act and practical experience when in the field was identified. The lack of knowledge, skills, and experience in the application of the BIC, with various interpretations, is an example of no defined guidelines for the practical implementation of care and contact matters.

A **conclusion** is that CPD training and formal training at undergraduate and postgraduate levels is insufficient. The limited training programmes for SWIPP related to care and contact need to be addressed to train, guide, and support them through proper and ethical procedures, so that the professional image of SWIPP can be enhanced, and the misconduct charges at the SACSSP reduced.

The **implication** of theme 4 is that universities and CPD training institutions need to focus on how to train more social workers in the adversarial process of care and contact and provide them with supportive structures to enter the SWIPP field. Family systems are changing, and the challenges of co-parenting are escalating. SWIPP are confronted with contested divorces, since most welfare organisations and the South African Department of Social Development do not get involved with adversarial family law matters. If SWIPP is not professionally trained according to ethical guidelines and procedures, fewer SWIPP

will choose to be involved in this specialised field, owing to all the challenges faced. The role of SWIPP in family law matters, which are clearly stated in the Children's Act, will be lost.

5.2.2.5 Main theme 5: The care and contact investigation

Theme 5 focused on the care and contact investigation and the following two sub-themes emerged:

Sub-theme 5.1: Procedures in care and contact investigations

Sub-theme 5.2: Knowing the cultural context in an investigation

Sub-theme 5.1 represented the procedures in care and contact investigations, which consist of three processes from the pre-investigation through to court testimony. The findings illustrated the ambit of professional roles and responsibilities in dispute matters. However, no formal guidelines in SA exist, and the use of international guidelines is essential so that SWIPP can fulfil their professional tasks regarding the BIC.

Sub-theme 5.2 indicated the lack of knowledge and experience in conducting care and contact matters in different cultures, and the complexity of SA's multi-cultural society. The reference to culture in the BIC is experienced as vague, although it was clear that cultural traditions and practices do not supersede the BIC of the child, with a clear focus on culture-free norms and standards.

A **conclusion** for theme 5 is that procedures related to care and contact disputes involve the court or legal system, and the parties participate through a structural procedure that is followed. Findings are based on evidence-based principles and correlate with literature, written in a report format to be provided to the legal system. Findings and recommendations need to be justified in this report, or in testimony in court. This

procedure is formulated by the input of all the participants. SWIPP needs to be culturally sensitive when addressing other cultures. The lack of training related to addressing cultural issues is evident.

The **implication** of not using a structural process which is substantiated by a mandate, is that there could be ethical and legal consequences for SWIPP. The lack of an empirical procedure causes disrepute for SWIPP within the legal system, and subsequently reports are discredited. It could also have ethical consequences such as being reported to the SACSSP for misconduct. A concern for being culturally sensitive emerged, together with the importance of transparency and sensitivity to the diversity of beliefs, while holding the BIC as of supreme importance.

5.2.2.6 Overall conclusions of main findings

The five main themes which emerged from this study are interrelated. First, it became apparent that the BIC is unsupported and lacks interpretation owing to limited clarification of the BIC's 14 subsections. SWIPP experiences the legal system and SACSSP as an immense challenge, which negatively influences their professional role, and causes emotional stress. The limited regulations of forensic social work as a specialised field in terms of guidelines and ethical standards, create negative experiences and uncertainties in service delivery. SWIPP enters the adversarial family law arena with limited knowledge, minimal training, and no supervision or peer-group support. No standardised or empirically based care and contact investigation protocol exists in the SA context.

5.3 Research findings in relation to the research objectives of the study

The study had three main objectives which focused on the opinions and the experiences of SWIPP regarding the use of the BIC in the context of care and contact disputes in areas of Gauteng in SA. The following section considers the efficacy with which the research managed to achieve the study objectives.

5.3.1 Objective 1: Explore and describe the opinions and overall experiences of SWIPP in care and contact disputes

This objective was achieved by conducting two online sessions with focus groups with selected SWIPP who render services in the greater Johannesburg area, and two online sessions with focus groups with SWIPP who render services in the surrounding Pretoria area. Moreover, four individual in-depth interviews were conducted in order to reach the point of data saturation.

The study was able to provide detailed descriptive experiences of the opinions and overall experiences of SWIPP. The experiences were described as challenges in their functioning and interaction with the client and the legal and regulatory systems (SACSSP). Although a dearth of research and literature from the SA context emerged, international literature confirmed these challenges. These emerged strongly in the following theme:

Main theme 2: Experiences of the SWIPP which included sub-theme 2.1 (Challenges with the legal system), 2.2 (Challenges relating to the SACSSP) and 2.3 (Challenges relating to the social worker's professional role). The study therefore uncovered these overwhelming negative experiences of SWIPP who deal with care and contact matters.

These challenges have negative influences on the functioning of SWIPP in their professional role.

5.3.2 Objective 2: Explore and describe the opinions and experiences of social workers in private practice regarding the use of the BIC standard in care and contact disputes

This objective was achieved as the participants were able to provide their professional and unique opinions, and explain and discuss their experiences in using the BIC standard in care and contact disputes. It became apparent that all of the participants experienced the BIC as unclear and undefined. Moreover, international literature supports these opinions and experiences of the SWIPP. These findings emerged strongly in the following theme:

Main theme 1: The BIC Standard with three themes 1.1 (Interpretation of the BIC standard), 1.2 (Application of the BIC standard) and 1.3 (BIC Guidelines in care and contact disputes) revealed that although the participants apply the BIC in a care and contact investigation, they experience limitations regarding the BIC's interpretation and application. The application of the 14 subsections is seen as problematic, as no clarification exists for any subsection, which leaves them open to varied interpretation from a legal and a psychological point of view. The participants confirmed that they use the BIC as a guideline in their investigations and reports, but owing to the unclear interpretation and application, they experience the BIC as an area of concern within the Children's Act 38 of 2005.

5.3.3 Objective 3: Explore and describe the guidelines used by social workers in private practice in determining the BIC

This objective was achieved as the researcher was able to gather a deeper understanding and obtain descriptions related to the guidelines SWIPP use in determining the BIC. International guidelines such as the AFCC and APA are supported by international literature. These descriptions were obtained in the following theme:

Main theme 5: The care and contact investigation which focused on sub-theme 5.1 (Procedures in care and contact investigations) and 5.2 (Knowing the cultural context in an investigation) that provide structural procedures relating to guidelines used by SWIPP to determine the BIC. It was clear that no SA contextual guidelines exist in determining the correct use of the BIC, and that the SWIPP cannot effectively apply AFCC or APA guidelines with the BIC, and the relevant Children's Act combined with related literature. This then results in a struggle for them to clearly formulate their own guidelines, combined with the assessment, observations, and consultation findings, in order to professionally implement the BIC. Moreover, the lack of cultural knowledge in an investigation was identified as a limitation to effective service delivery.

5.3.4 Conclusion of study objectives

The study aimed to explore and describe the opinions and experiences of SWIPP regarding the use of the BIC standard within the context of care and contact disputes in areas of Gauteng in SA. To achieve this objective, the researcher conducted two online sessions per focus group, both in Johannesburg and Pretoria, consisting of 18 participants, and four individual in-depth interviews with selected participants to achieve data saturation. The findings revealed that although SWIPP are experienced and

knowledgeable in their field of expertise of care and contact matters, currently the BIC cannot be substantiated as a workable guideline in determining the BIC. With the lack of effective guidelines in the care and contact investigations, SWIPP experience immense challenges in the legal systems, with SACSSP, and within their professional role. Although forensic social work was declared a field of specialisation in 2017, the lack of regulations and guidelines intensifies the uncertain terrain with ethical and legal potholes. SWIPP are not trained to deal with conflictual adversarial matters in an effective manner.

The research question of: ***How do social workers in private practice use the BIC standard in the context of care and contact disputes?*** was therefore answered.

The aim and objectives of the study was achieved in the sense that a deeper understanding was gained by providing a contextual concept relating to how SWIPP conduct care and contact investigations using the BIC.

5.4   Recommendations emanating from research findings

Resulting from the above findings and literature review as to how SWIPP use the BIC in care and contact disputes, some recommendations are presented as follows:

5.4.1   Recommendations based on study themes

The following recommendations are made based on the five themes of this study:

5.4.1.1   Main Theme 1: The BIC standard

The implication of theme 1 is that since the enactment of the Children's Act 38 of 2005, the BIC is used in matters related to the protection of the children's rights, as underwritten by the Constitution section 28. Although SWIPP apply the BIC, difficulties in the application and the interpretation of the BIC to be used as a guideline, are apparent which

causes conflict between SWIPP and the legal system. With this in mind, it is recommended that the BIC needs adaptation as the landscape of the SA family has changed with multi-cultural theories, parent–child resistance issues, and a movement against colonialism. The balancing of the parental rights and determining the rights of the child also cause misperceptions of the BIC. The understanding and interpretation of the BIC needs to be interlinked between SWIPP and the legal system for a unified understanding and interpretation of the BIC, which could lead to a better way to employ the BIC in care and contact disputes.

5.4.1.2   Main Theme 2: Experiences of social workers

The implication of theme 2 has a direct link with theme 1, which presupposes that owing to the circumstances of an unclear BIC, SWIPP experience challenges with their interactions with the legal system, the SACSSP, and within their professional role. This theme ties in with the theoretical framework of the study which is based on systems theory. SWIPP are part of the change agent system which interacts with the professional system (court, lawyers, legislation and SACSSP). Within the interaction, challenges occur that have direct and indirect influences and consequences on the client, as well as the systems which represent the family involved in the care and contact matters. The following recommendations can therefore be made:

There should be more formal and informal collaboration between the SWIPP dealing with forensic matters and SACSSP. Specific guidelines for forensic procedures should be undertaken by all parties. The tasks and functions of the social worker in the Children's Act are unclear to courts, lawyers, and clients. There should be a unified understanding of the BIC, and education regarding the official and professional role of SWIPP in the legal system. Moreover, role clarification of SWIPP specialising in care and contact

matters needs to be suitably addressed, as well as focusing on this specialist field in the formal education sector and in CPD training.

5.4.1.3   Main Theme 3: Forensic social work

The implication of theme 3 is that although SWIPP could clearly define the definition, role, tasks, and responsibilities of forensic social work, and even though this specialisation was recognised since 2017, the final regulations and the procedures to be registered as a forensic social worker have not been finalised. Although the participants have a clear understanding of forensic social work, this does not mean that the legal system or the public does. The following recommendations are pertinent:

In the care and contact arena, the kinds of services in the forensic specialty need to be defined and promoted, to clarify these for the role players in the systems with whom the SWIPP interact. Sections in the Children's Act 38 of 2005 related to care and contact should be made more succinct and less open to interpretation, and the application of certain relevant sections made clearer and consistent for implementation.

5.4.1.4   Main Theme 4: Training and development of social work in care and contact matters

The implication of theme 4 focuses on the training needs of social workers in care and contact matters regarding CPD and formal training. It was evident from the research results that SWIPP, although experienced for many years in dealing with care and contact matters, needs CPD training in this context. The following recommendations are relevant:

Specialist postgraduate qualifications, non-formal workshops and certificates for CPD should be negotiated by SAASWIPP on behalf of their profession. Some of the training needs centred on dealing with adversarial processes, such as interactions with lawyers

and court procedures, as well as the legal interpretation of the Children's Act 38 of 2005. Private supervision services and peer group supervision should be offered as these would help SWIPP to feel more supported and guided. This could be a requirement for SWIPP entering the forensic field of social work.

The subject content of undergraduate and postgraduate education should be negotiated. Most of the universities provide a module relating to legislation affecting social work on a general level, which is insufficient for the complexities of this specialised field. The feasibility of providing care and contact studies on a postgraduate level is possible if a research master's or PhD degree was available which focused on this specialist field of social work. More candidates need to be encouraged to do this. A collaborative partnership between social work and law to offer short programmes would be advisable, as these could be formalised for CPD and for a forensic social work qualification in family law matters.

5.4.1.5 Main Theme 5: The care and contact investigation

The implication of theme 5 is that in view of the lack of a formal procedure, all the SWIPP participants drafted their own procedures. The recommendation is that SWIPP participate in further studies to develop guidelines and procedures that can be ratified by SAASWIPP and become formalised for use by other SWIPP in the SA context, especially guidelines regarding the cultural beliefs of the child and the child's family. Dealing with cultural diversity would need to be addressed in the SWIPP domain by recruiting and training of SWIPP regarding other cultures, as well as upskilling the mainly white SWIPP practitioners regarding cultural sensitivity.

5.4.2   Recommendations for SWIPP

The following recommendations are suggested for SWIPP:

1. **Supervision:** SWIPP dealing with family law matters need to obtain regular supervision on matters such as the providing of a second opinion in order to ensure objectivity, and creating a safe space to consider alternatives for issues pertaining to the matter and for debriefing purposes.

2. **Peer group supervision:** SWIPP should join a peer group supervision support system for emotional support which can be provided, or discussions related to cases where certain ethical dilemmas or interpretation of sections in the Children's Act 38 of 2005 are discussed.

3. **Networking with legal representatives/ training:** It is the responsibility of SWIPP to remain informed about the latest or amended legislation, and to upskill themselves by attending workshops and conferences related to family law matters. Networking and formal inter-professional events and functions with lawyers, advocates, or court officials are recommended to obtain a different perspective in joint service rendering to the court and the legal system.

4. **CPD training:** It is recommended that SWIPP upskill themselves in the latest theories, methods and techniques related to assessments and observations, in the care and contact dispute domain. It is also recommended that SAASWIPP becomes more active in fulfilling the professional needs of their membership. Owing to the global health pandemic of COVID-19, international training is widely accessible online in the absence of face-to-face training in the SA context.
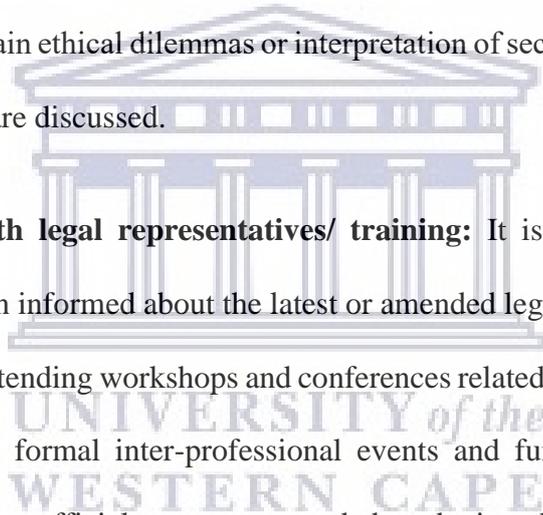
5. **Memberships and affiliations:** It is recommended that SWIPP become members of associations such as the AFCC, or any organisation which provides information through literature related to family law, or child development, or abuse-related matters.

5.4.3   Recommendations for social work education and CPD training

The following recommendations are suggested for social work education and CPD training:

1. **The inclusion of the practical application of sections related to family law in the Social Work degree:** The Bachelor of Social Work degree should include a focus on not only the theoretical basis of the Children's Act 38 of 2005, but also on the practical applications of certain sections of the Children's Act 38 of 2005 related to family law matters, as well as the forensic role of social work. Forensic social work should also be incorporated or emphasised in the fields of social work and/or specialisations.

2. **Postgraduate course on forensic social work in family law matters:** A specialist postgraduate short course or research master's or PhD in conjunction with a university's Department of Law on forensic social work in family law matters should be offered.

3. **CPD training in adversarial family law matters:** SWIPP should collaborate with the legal system and law departments at universities to obtain training related to the adversarial processes of family law and the legal interpretation and understanding of the BIC.

4. **CPD training in basic elements in care and contact investigations in the SA context:** SWIPP need to obtain training in the basic elements in care and contact investigations from within the SA context. Here the SAASWIPP can play a more decisive role.

5. **CPD training relation relating to social, cultural, traditional practices:** SWIPP need to obtain CPD training related to social, cultural, and traditional practices within the multi-cultural context of SA society. This can be undertaken by private trainers or through CPD training offered by universities.

5.4.4   Recommendations to SAASWIPP

The following recommendations are suggested regarding SAASWIPP:

1. **Establishing of a forensic social work committee:** SAASWIPP should establish a forensic social work committee that could advocate for the role of the forensic social worker. This committee could interact with role players such as SACSSP in understanding the challenges faced by SWIPP and the law fraternity in a forensic field.

2. **Mentorship programme:** Establish a mentorship programme which could assist social workers entering the private practice arena, by specialising in the forensic field of care and contact disputes, in relation to supervision and peer group supervision, and by linking new SWIPP with experienced SWIPP.

3. **Recruitment of members representative of all cultures:** The recruitment of members representative of all cultures is critical, as SWIPP need to be

representative of all cultures in the SA context. Even though this study was specifically Gauteng orientated, this need was identified.

5.4.5   Recommendations to SACSSP

The following recommendations are suggested for SACSSP:

1. **Finalisation of the regulations and implementation of the procedures to register as a forensic social worker:** SAASWIPP should be compelling SACSSP to finalise the regulations and the implementation of the procedures to register as a forensic social worker.

2. **Establishing of an ethical guideline in the forensic social work scope of practice:** SAASWIPP and SACSSP need to establish ethical guidelines in the forensic social work scope of practice, and this needs to be presented in a workshop to social workers who qualify as forensic social workers.

3. **Collaboration of SWIPP with organisations such as SAASWIPP:** The SACSSP needs to form partnerships with various SWIPP organisations who focus on forensic social work in the context of care and contact disputes. Through these collaborations the activities and the role of the Professional Conduct Committee could be verified, and SWIPP could be empowered, as the focus will be on dual processes. Focus on the education of ethical pitfalls in the adversarial context could be preventative measures that the SACSSP implement to decrease the complaints against SWIPP.

5.4.6   Recommendation for policy and government

The following recommendations are suggested:

1. **Reviewing the BIC**: Reviewing the BIC from a socio-legal perspective is advised, and to reach consensus relating to its interpretation and application.

2. **Collaboration and dialogue:** Facilitate greater collaboration between departmental organisations (South African Departments of Social Development and Justice) to provide care and contact investigation services.

3. **Training of government social workers:** Social workers should be trained in social development in providing care and contact investigations, in order to reach the representative society, as currently it is only a service available for families who have the financial means to pay for SWIPP services.

4. **Collaboration with Small Enterprise Development Agency (Seda):** In collaborating with Seda, the development of small businesses for social workers who want to start up a practice, could be enhanced. An additional benefit will be to obtain financial support, and the necessary training in marketing and business strategies. These processes should be marketed to potential SWIPP candidates.

5.4.7   Recommendation for further research

The following recommendations are proposed for further research:

1. In collaboration with the South African Department of Justice, it is proposed to develop a national conceptual framework regarding care and contact investigations in a multi-cultural SA society.

2. The study of care and contact investigations in a multi-cultural context with social workers from across SA, in collaboration with South African Department of Justice, in order to provide training related to the specific section of the Children's

Act and the BIC. Moreover, from a social work scope of evidence-based practice, it is proposed to train them in the procedure of a base practice model in care and contact investigations. Third, test the practice model to produce empirical data that is related to the SA context.

5.5 Limitations of the study

In reviewing the research process and the findings of the study, the following limitations were identified:

One limitation is that the study did not represent the greater population in the multi-cultural SA context, as the data presented by the SWIPP was mainly based on a white-dominated professional perspective.

This study sample could have been representative of the other provinces, as well as having a more diverse and multi-cultural facet. However, since it was on a Master's level, the sample was deemed sufficient for the in-depth and rich descriptions it did obtain.

Another limitation was the exclusion of social workers who are employed by government or welfare organisations that render statutory services.

5.6 Significance of the study

The significance of this study is that this specialist area of operations (within the scope of social work practice) has highlighted the professional and legal terrain of SWIPP. Limited research has been conducted regarding SWIPP's professional and personal experiences in dealing with care and contact matters under Children's Act 38 of 2005. The changing landscape of parental rights and responsibilities, as well as the protection of children's

rights established by the SA Constitution, is an ever-changing phenomenon in social science.

This study is important because it relates to the protection of children rights, balancing of parental responsibilities and rights, the role of the social worker as promoted by the Children's Act 38 of 2005, and the functions that play out in the legal arena. Collaboration between the social work discipline and the legal system needs to be enhanced to act in the best interests of the children who this country aims to serve. This study could be seen as a pilot study towards the extension of future studies related to the BIC and/or care and contact disputes.

5.7 Chapter conclusion

This study aimed to explore and describe the opinions and experiences of SWIPP who use the BIC standard in care and contact disputes. The sample was 18 participants who render services in the Johannesburg and Pretoria areas of Gauteng, SA. The narratives of the participants reveal that, although they make use of the BIC in care and contact disputes, they experience difficulties with its interpretation and application.

This final chapter presented the conclusions and implications of the themes which emerged from the study regarding the experiences of SWIPP in care and contact disputes by making use of the BIC. It is clear from the conclusions that there is a lack of formal recognised care and contact guidelines in the SA context. The challenges in the professional functioning of the SWIPP in this study emerged from their interaction with the legal system, which caused risks in the feasibility of their role and tasks, by being accused of misconduct at SACSSP, which has a negative impact on their professional role. The status of the specialisation of forensic social work, regulations, procedures to

register, and guidelines which have not been finalised, escalate perceptions of unsupportiveness and being under constant threat.

5.8 Overall study conclusion

The title of the research study was "*Exploring the experiences of the social workers in private practice in care and contact disputes using the best interest of child standard*". The aim of the study, as stated, was to explore and describe the opinions and experiences of SWIPP regarding the use of the BIC standard, within the context of care and contact disputes in areas of Gauteng in SA. The aim, research questions and objectives were achieved by using exploratory qualitative research design.

Chapter 1 of the study provided a brief introduction and the overview of the study. The topics which were covered in the literature review were verified. The problem statement with the research question, overall aim, and three objectives of the study were introduced. The qualitative research approach, research design, population, sampling, and recruitment process were outlined. The qualitative data collection methods which were used, as well as the analysis procedures were announced. Definitions and key concepts were defined. An overview of all the chapters provided a guideline to the presented study.

Chapter 2 presented the literature review relating to the existing research and deliberations on the chosen topic by focusing on topics related to the research aim. The specialisation of forensic social work, and if care and contact falls within the criteria of the specialisation of forensic social work were reviewed. Sections in the Children's Act 38 of 2005 related to care and contact disputes, and the use of guidelines were explored. It was significant to note that, although the guidelines were available in the international arena, these guidelines still lack empirical data to guide the process of evaluation and

resolution of care and contact disputes. The care and contact investigation process was evaluated according to international standards, and an overview and evaluation of the BIC instruments and related legislation located internationally, in Africa, and in neighbouring countries were presented in comparison with the BIC instruments in SA. The BIC and the role of the social worker was evaluated. Challenges in care and contact disputes were reviewed. The study was evaluated from a systems theoretical framework. In summary, the dearth of literature relating to the SA context was explored.

Chapter 3 discussed the chosen methodology as an important part of the study and explained the philosophical stance of the study. The study approach was located in the Interpretivism paradigm. The researcher used an inductive methodological approach to generate themes relating to the qualitative data-gathering process. An explorative research design was used to investigate the topic – which was not well understood. The population consisted of SWIPP by using non-probability sampling techniques related to a qualitative approach of purposive and snowball sampling. Data collection was done through online focus groups, as well as online in-depth interviews by using the Zoom online cloud-based video communication platform, owing to the world health pandemic of Covid-19. Also highlighted were the challenges experienced in recruiting participants during the Covid-19 period, and adapting the data collection process, as well as the challenges experienced by using the chosen online method. Rich, descriptive, narrative opinions and experiences were obtained from the 18 participants from two areas, namely Johannesburg and Pretoria, who were involved in two online sessions: first, in terms of exploring the forensic role of the social worker in care and contact investigations, and second, using the BIC standard in care and contact investigations. Data saturation was achieved by the findings of the four in-depth individual interviews with selected

participants. Following the data collection, the rich descriptive data analysis was conducted by using the qualitative data analysis scientific software program ATLAS.ti.

Chapter 4 presented an analysis of the data. Direct quotations were sourced from the data transcripts, resulting in 12 sub-themes, which were then configured into five main themes. The demographic profile of the participants was presented and then evaluated with the findings and the discussion of the main themes and sub-themes.

Chapter 5, the final chapter, concluded the study. The following five main themes with their conclusions and implications were presented: the BIC standard, experiences of social workers, forensic social work, training and development of social work in care and contact matters, and the care and contact investigations. The chapter concluded with specific recommendations regarding SWIPP and SAASWIPP, the SACSSP, the formal education sector, CPD training. Collaborative efforts by the South African Department of Social Development and Justice towards policies were also addressed, and a review of the BIC was suggested. Finally, future research possibilities were highlighted.

Although the study focused on SWIPP using the BIC in family law disputes, the social work field in relation to care and contact matters is under-researched. However, it is relevant to the current social work context in family law disputes in SA and internationally. The findings of this study should add to the existing social work knowledge and will potentially broaden perceptions of the topic of enquiry. In addition, this study could be valuable, as it informs practice and policy regarding the involvement of SWIPP in family law disputes.

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UNIVERSITY *of the* **WESTERN CAPE**

60 YEARS *of hope, action & knowledge*

30 April 2020

Mrs SME Nell
Child and Family Studies
Faculty of Community and Health Sciences

Ethics Reference Number: HS18/9/4

Project Title: Exploring the experiences of social workers in private
                           practice in care and contact disputes using the best interest of
                           the child standard.

Approval Period: 28 April 2020 – 28 April 2023

I hereby certify that the Humanities and Social Science Research Ethics Committee of the
University of the Western Cape approved the methodology and ethics of the above
mentioned research project.

Any amendments, extension or other modifications to the protocol must be submitted to the
Ethics Committee for approval.

**Please remember to submit a progress report by 30 November each year for the
duration of the project.**

The Committee must be informed of any serious adverse event and/or termination of the
study.

Ms Patricia Josias
Research Ethics Committee Officer
University of the Western Cape

Director: Research Development
University of the Western Cape
Private Bag X 17
Bellville 7535
Republic of South Africa
Tel: +27 21 959 4111
Email: research-ethics@uwc.ac.za

NHREC Registration Number: HSSREC-130416-049

FROM HOPE TO ACTION THROUGH KNOWLEDGE.

APPENDIX B

UNIVERSITY *of the* **WESTERN CAPE**

FACULTY OF COMMUNITY

AND HEALTH SCIENCES

06/05/2020

South African Association of Social Workers in Private Practice.

The Chairperson – Gauteng: Ms. Hildebrand

NOTIFICATION TO ACCESS MEMBERS OF SOUTH AFRICAN ASSOCIATION OF SOCIAL WORKERS IN PRIVATE PRACTICE (SAASWIPP) FOR POSSIBLE PARTICIPANTS IN RESEARCH STUDY:

TITLE OF STUDY: Exploring the experiences of Social Workers in Private practice in care and contact disputes using the best interest of child standard.

Member: Sussarah Maria Elizabeth Nell 10-13593

I am a registered social worker in private practice and a member of SAASWIPP. I am also a postgraduate student at the University of the Western Cape completing a Master's degree in Child & Family Studies in the Department of Social Work. My research study aims to gain a deeper understanding of the experiences of social workers in private practice in conducting care and contact disputes using the best interest of child standard. This study has been ethically cleared and scientifically approved for data collection by the university. To embark on data collection I am informing the Association of my need to access registered members of SAASWIPP for appropriate sampling for my study. This information will be managed in a strictly confidential manner with access only by me and my study supervisor. I will access the Social Workers on a strictly voluntary basis and will adhere to all ethics protocols in my interaction during data collection.

Due to the unprecedented times we are experiencing during COVID-19 pandemic; data collection methods need to be adapted in order to adhere to the current lockdown regulations and social distancing as methods to flatten the curve.

Faculty of Community and Health Sciences:
Bellville campus:
14 Blanckenberg Street
Bellville CBD
Tel: 021 959 2852
Email: chsdesk@uwc.ac.za

CHS Main campus:
Social Sciences Building
Room 1.206, Ground Floor
Tel: 021 959 1794
Email: chshelpdesk@uwc.ac.za

FROM HOPE TO ACTION THROUGH KNOWLEDGE.

APPENDIX C

UNIVERSITY OF THE WESTERN CAPE

Private Bag X 17, Bellville 7535, South Africa
Tel: 27 021 9592277

E-mail: gdykes@uwc.ac.za

INFORMATION SHEET – SOCIAL WORKERS (ONLINE FOCUS GROUP)

Project Title:	**Exploring the experiences of social workers in private practice in care and contact disputes using the best interest of the child standard.**

What is this study about?

This research project will be conducted by Sussarah Nell, a Masters' in Child and Family studies student in the Social work department at the University of Western Cape. You are therefore invited to take part in the study because you have been identified as an individual that would provide relevant information for the topic on care and contact disputes that you have gained in your career as a social worker in private practice. This research study aims to gain a deeper understanding of the experiences of social workers in private practice in conducting care and contact disputes using the best interest of the child standard. Due to the unprecedented times we are experiencing during COVID-19 pandemic; data collection methods need to be adapted in order to adhere to the current lockdown regulations and social distancing as methods to flatten the curve.

What will I be asked to do if I agree to participate?

The researcher will conduct two online focus groups (one in Johannesburg and one in Pretoria) consisting of two sessions with you on the topic of about 1 hour each. The first online focus group will concentrate on your perceptions and experiences of care and contact disputes; and the second online focus group will concentrate on utilising the best interest of the child standard. Each participant will get a turn to give his opinion on the questions that will be posed by the researcher. The researcher will utilize Zoom, a video conferencing platform, Casey and Lawless (2019:2) refer to Zoom as a research tool, defining the platform as "a collaborative, cloud-based videoconferencing service". Key advantages of Zoom are the ability to securely record and store sessions without recourse to third-party software – which is important in research regarding the protection of sensitive information with user-specific authentication – and real-time encryption of sessions with the ability to back up the recordings (Archibald et al., 2019). You need to have access to a computer and internet access or wifi. An instruction sheet to access Zoom conferencing session will be sent when participation is confirmed. Please know that there

is no right or wrong answer when answering the questions because we are interested in knowing your experiences and opinions. Lastly, for the purpose of accurately documenting the information, the focus group will be audio recorded.

Would my participation in this study be kept confidential?

Information gathered from you and all other participants will be handled in a professional and confidential manner. This includes information obtained from the audio recording which will be stored in a safe and secure location. The information collected will be accessed by the researcher and the supervisor of this study only and yourself, if you want to see it. Your names and any identifying information will not be used when publishing the resulting. Instead, the researcher will make use of identification codes, such as 'Participant A' and the gender (male or female). All information gathered will be stored on a computer and it will be secured with a password. When writing up a report, your identity will be protected at all times. There are however limits of confidentiality which is in accordance with legal requirements and professional standards, where information must be made available to appropriate individuals and/or authorities for example, when it comes to information about ethical behaviour, child abuse or neglect or potential harm to you or others.

What are the risks of this research?

Taking part in the study may not expose you to physical risks however; you may experience emotional discomfort as you talk about your personal experiences. Should you need any counseling, one will be provided to you.

What are the benefits of this research?

Some of the benefits of taking part in this study include providing a deeper understanding on the topic at hand. The research study will also provide information on the understanding of social workers experiences in conducting care and contact disputes can be improved to promote the role of the social worker in private practice appearing in courts of law. The information from the study can also be used to develop a protocol in conducting care and contact disputes.

Do I have to be in this research and may I stop participating at any time?

Taking part in this study is completely voluntary. This means that no one can force you to participant in the study. If you take part in the study and wish not to continue anymore, you may stop participating at any time. You will not be penalized.

Is any assistance available if I am negatively affected by participating in this study?
If you experience emotional distress during or after participating in the study, you will be referred to a counsellor for counselling if you feel the need for it.

What if I have questions?

This research study will be conducted by Sussarah Nell a student in the Social Work Department at the University of the Western Cape. Should you have further questions about the research study itself contact Sussarah Nell at: Cell 0832306124 or e-mail: info@sarienell.co.za. If you have any questions regarding this research study or your rights as a participant or want to report any problems please contact:

Dr Glynnis Dykes (study supervisor)

Department of Social Work
Faculty of Community and Health Sciences
University of the Western Cape
Tel: 021 9592851
Email: gdykes@uwc.ac.za

Professor Althea Rhoda

Dean of the Faculty of Community and Health Sciences
University of the Western Cape
Tel: 021 959 2631/2746
Email: arhoda@uwc.ac.za

APPENDIX D

UNIVERSITY OF THE WESTERN CAPE

Private Bag X 17, Bellville 7535, South Africa

Tel: 27 021 9592277

E-mail: gdykes@uwc.ac.za

INFORMATION SHEET – SOCIAL WORKERS (ONLINE INTERVIEWS)

Project Title:	**Exploring the experiences of social workers in private practice in care and contact disputes using the best interest of the child standard.**

What is this study about?

This research project will be conducted by Sussarah Nell, a Masters' student in Child and Family studies in the Social work department at the University of Western Cape. You are therefore invited to take part in the study because you have been identified as an individual that would provide relevant information for the topic on care and contact disputes that you have gained in your career as a social worker in private practice. This research study aims to gain a deeper understanding of the experiences of social workers in private practice in conducting care and contact disputes using the best interest of the child standard. Due to the unprecedented times we are experiencing during COVID-19 pandemic; data collection methods need to be adapted in order to adhere to the current lockdown regulations and social distancing as methods to flatten the curve.

What will I be asked to do if I agree to participate?

You will be interviewed privately online by me for about 1 hour. The focus is on obtaining more detailed information about your opinions in care and contact disputes, using the best interest of the child standard, and the guidelines you very often use when conducting these disputes. The researcher will utilize Zoom video conferencing platform. Casey and Lawless (2019:2) refer to Zoom as a research tool, defining the platform as "a collaborative, cloud-based videoconferencing service". Key advantages of Zoom are the ability to securely record and store sessions without recourse to third-party software – which is important in research regarding the protection of sensitive information with user-specific authentication – and real-time encryption of sessions with the ability to back up

the recordings (Archibald et al., 2019). You need to have access to a computer and internet access or wifi. An instruction sheet to access Zoom conferencing session will be sent when participation is confirmed. Please know that there is no right or wrong answer when answering the questions because we are interested in knowing your experiences and opinions. Lastly, for the purpose of accurately documenting the information, the interview will be audio recorded.

Would my participation in this study be kept confidential?

Information gathered from you and all other participants will be handled in professional and confidential manner. This includes information obtained from the audio recording which will be stored in a safe and secure location. The information collected will be accessed by the researcher and the supervisor of this study only and yourself, if you want to see it. Your names and any identifying information will not be used when publishing the resulting. Instead, the researcher will make use of identification codes, such as 'Participant A' and the gender (male or female). All information gathered will be stored on a computer and it will be secured with a password. When writing up a report, your identity will be protected at all times. There are however limits of confidentiality which is in accordance with legal requirements and professional standards, where information must be made available to appropriate individuals and/or authorities for example, when it comes to information about ethical behaviour, child abuse or neglect or potential harm to you or others.

What are the risks of this research?

Taking part in the study may not expose you to physical risks however; you may experience emotional discomfort as you talk about your personal experiences. Should you need any counseling, one will be provided to you.

What are the benefits of this research?

Some of the benefits of taking part in this study include providing a deeper understanding on the topic at hand. The research study will also provide information on the understanding of social workers experiences in conducting care and contact disputes can be improved to promote the role of the social worker in private practice appearing in courts of law. The information from the study can also be used to develop a protocol in conducting care and contact disputes.

Do I have to be in this research and may I stop participating at any time?

Taking part in this study is completely voluntary. This means that no one can force you to participant in the study. If you take part in the study and wish not to continue anymore, you may stop participating at any time. You will not be penalized.

Is any assistance available if I am negatively affected by participating in this study?

If you experience emotional distress during or after participating in the study, you will be referred to a counsellor for counselling if you feel the need for it.

What if I have questions?

This research study will be conducted by Sussarah Nell, a Master's student in the Social Work Department at the University of the Western Cape. Should you have further questions about the research study itself contact Sussarah Nell at: Cell 0832306124 or e-mail: info@sarienell.co.za. If you have any questions regarding this research study or your rights as a participant or want to report any problems please contact:

Dr Glynnis Dykes (study supervisor)
Department of Social Work
Faculty of Community and Health Sciences
University of the Western Cape
Tel: 021 9592851
Email: gdykes@uwc.ac.za

Professor Althea Rhoda

Dean of the Faculty of Community and Health Sciences
University of the Western Cape
Tel: 021 959 2631/2746
Email: arhoda@uwc.ac.za

APPENDIX E

UNIVERSITY OF THE WESTERN CAPE

Private Bag X 17, Bellville 7535, South Africa

Tel: 27 021 9592277

E-mail: gdykes@uwc.ac.za

INFORMATION SHEET – SOCIAL WORKERS (ONLINE INTERVIEWS)

Project Title:	**Exploring the experiences of social workers in private practice in care and contact disputes using the best interest of the child standard.**

What is this study about?

This research project will be conducted by Sussarah Nell, a Masters' student in Child and Family studies in the Social work department at the University of Western Cape. You are therefore invited to take part in the study because you have been identified as an individual that would provide relevant information for the topic on care and contact disputes that you have gained in your career as a social worker in private practice. This research study aims to gain a deeper understanding of the experiences of social workers in private practice in conducting care and contact disputes using the best interest of the child standard. Due to the unprecedented times we are experiencing during COVID-19 pandemic; data collection methods need to be adapted in order to adhere to the current lockdown regulations and social distancing as methods to flatten the curve.

What will I be asked to do if I agree to participate?

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when participation is confirmed. Please know that there is no right or wrong answer when answering the questions because we are interested in knowing your experiences and opinions. Lastly, for the purpose of accurately documenting the information, the interview will be audio recorded.

Would my participation in this study be kept confidential?

Information gathered from you and all other participants will be handled in professional and confidential manner. This includes information obtained from the audio recording which will be stored in a safe and secure location. The information collected will be accessed by the researcher and the supervisor of this study only and yourself, if you want to see it. Your names and any identifying information will not be used when publishing the resulting. Instead, the researcher will make use of identification codes, such as 'Participant A' and the gender (male or female). All information gathered will be stored on a computer and it will be secured with a password. When writing up a report, your identity will be protected at all times. There are however limits of confidentiality which is in accordance with legal requirements and professional standards, where information must be made available to appropriate individuals and/or authorities for example, when it comes to information about ethical behaviour, child abuse or neglect or potential harm to you or others.

What are the risks of this research?

Taking part in the study may not expose you to physical risks however; you may experience emotional discomfort as you talk about your personal experiences. Should you need any counseling, one will be provided to you.

What are the benefits of this research?

Some of the benefits of taking part in this study include providing a deeper understanding on the topic at hand. The research study will also provide information on the understanding of social workers experiences in conducting care and contact disputes can be improved to promote the role of the social worker in private practice appearing in courts of law. The information from the study can also be used to develop a protocol in conducting care and contact disputes.

Do I have to be in this research and may I stop participating at any time?

Taking part in this study is completely voluntary. This means that no one can force you to participant in the study. If you take part in the study and wish not to continue anymore, you may stop participating at any time. You will not be penalized.

Is any assistance available if I am negatively affected by participating in this study?
If you experience emotional distress during or after participating in the study, you will be referred to a counsellor for counselling if you feel the need for it.

What if I have questions?

This research study will be conducted by Sussarah Nell, a Master's student in the Social Work Department at the University of the Western Cape. Should you have further

questions about the research study itself contact Sussarah Nell at: Cell 0832306124 or e-mail: info@sarienell.co.za. If you have any questions regarding this research study or your rights as a participant or want to report any problems please contact:

Dr Glynnis Dykes (study supervisor)
Department of Social Work
Faculty of Community and Health Sciences
University of the Western Cape
Tel: 021 9592851
Email: gdykes@uwc.ac.za

Professor Althea Rhoda

Dean of the Faculty of Community and Health Sciences
University of the Western Cape
Tel: 021 959 2631/2746
Email: arhoda@uwc.ac.za

APPENDIX F

Universiteit van Wes Kaap
Privaatsak X 17, Bellville 7535, Suid-Afrika

Tel: 27 021 9592277

E-pos: gdykes@uwc.ac.za

DEELNEMER INLIGTINGSBRIEF – MAATSKAPLIKE WERKERS (AANLYN ONDERHOUDE)

Titel van navorsingsprojek

Eksplorering van maatskaplike werkers in privaat praktyk se ervarings in sorg en kontak dispute met die gebruikmaking van die beste belange van die kind standaard.

Inleiding

U is uitgenooi om deel te neem aan bogenoemde navorsingsprojek wat onderneem word deur Sussarah Nell, 'n Meesters graad student van die Gesins en Kinderstudie eenheid, Department van Maatskaplike Werk in die Fakulteit van Gemeenskap en Gesondsheids wetenskappe aan die Universiteit van die Wes Kaap. Ons nooi u uit om deel te neem aan hierdie navorsingsprojek, aangesien u geïdentifiseer is as 'n toepaslike inligtingsbron oor die onderwerp sorg en kontak dispute wat U toepas in U huidige praktyk. Weens die ongekende omstandighede van die COVID-19 pandemie is data invordering metodes aangepas en voldoen dit aan die voorgeskrewe regulasies en sosiale afstand vereistes "to flatten the curve".

Wat is hierdie studie oor?

Die studie fokus is op die persepsies van maatskaplike werkers in privaat praktyk, hul subjektiewe ervarings en die gebruikmaking van die beste belange van die kind standaard in sorg en kontak dispute te ondersoek. Die doel van hierdie studie is om 'n diepgaande begrip van die persepsie van die maatskaplike werker in privaat praktyk te verkry, hul subjektiewe ervarings in die uitvoering van sorg en kontak dispute met die gebruikmaking van die beste belange standaard.

Wat sal ek gevra word om te doen as ek instem om deel te neem?

Die navorser sal 'n 1 uur aanlyn onderhoud met jou oor die onderwerp voer. Die fokus is op meer diepgaande inligting te verkry oor jou opinie van sorg en kontak dispute met die

gebruikmaking van die beste belange standaard, asook die riglyne wat jy daagliks gebruik wanneer jy hierdie ondersoeke uitvoer. Die navorser gebruik Zoom video konferensie platform. Casey en Lawless (2019) verwys na Zoom as 'n navorsingsinstrument en definieer die platform as 'n samewerkende, wolkgebaseerde videokonferensiediens. Belangrikste voordele van Zoom is die vermoë om sessies veilig op te neem en op te slaan sonder om sagteware van derdepartye te gebruik - wat belangrik is in navorsing rakende die beskerming van sensitiewe inligting met gebruikersspesifieke verifikasie en 'real-time' enkripsie van sessies met die moontlikheid om terug te keer die opnames opneem (Archibald et al., 2019). U moet toegang hê tot 'n rekenaar en internet toegang of wifi. 'n Instruksieblad vir toegang tot Zoom konferensies platform word gestuur sodra die deelname bevestig word. Daar is geen reg of verkeerde antwoorde nie; ons wil net u mening oor die onderwerp hê. Die onderhoud sal met ń klankopnemer geneem word sodat ons nie informasie verloor wat u tydens die onderhoud bespreek het nie.

Hoe sal jou deelname aan hierdie studie vertroulik gehou word ?

Inligting sal op 'n professionele en vertroulike wyse hanteer word. Die inligting wat in die klankopname verkry word, sal veilig gestoor word. Inligting sal slegs toeganklik wees vir die navorser en toesighouer van hierdie studie, en ook aan u beskikbaar as u dit sou vereis. U naam of identifikasie besonderhede sal nie gebruik word nie; ons gebruik slegs identifikasiekodes, soos manlik of vroulik. Alle inligting sal op 'n rekenaar gestoor word en sal met 'n wagwoord beskerm wees. Wanneer die finale verslag opgestel word, sal u identiteit ten alle tye beskerm word. Daar is egter beperkinge op vertroulikheid wat in ooreenstemming is met wetlike vereistes en professionele standaarde, waar inligting byvoorbeeld aan toepaslike individue en/of owerhede beskikbaar gestel moet word, met betrekking tot etiese gedrag, kindermishandeling of verwaarlosing of potensiële skade aan u of ander.

Wat is die risiko's van hierdie navorsing ?

Daar blyk geen fisiese risiko's betrokke te wees nie, maar indien 'n risiko ontbloot word soos byvoorbeeld emosionele ongemaklikheid, tydens die bespreking oor u professionele ervarings sal die nodige verwysings gedoen word . Indien nodig sal daar egter reëlings getref word om u die nodige ondersteuning te verskaf en u sal dan na 'n berader verwys word .

Wat is die voordele van hierdie navorsing?

Die studie sal 'n dieper insig verskaf ten opsigte van die onderwerp. Die navorsingstudie sal informasie verskaf oor belewenis van die maatskaplike werker se ervarings in die uitvoering van sorg en kontak dispute wat die rol van die maatskaplike werker in privaat praktyk in die howe kan bevorder. Die resultate van hierdie studie kan gebruik word om 'n protokol te ontwikkel in die uitvoering van sorg en kontak dispute.

Moet ek in hierdie navorsing wees en mag ek op enige stadium versuim om deelneem?

Deelname aan die navorsing is heeltemal vrywillig. Dit beteken dat niemand u kan dwing om voort tegaan met die navorsing nie. As u verkies om deel te neem aan die studie en op 'n later staduim nie meer wil voortgaan nie, kan u op enige stadium ophou met u deelname. U sal dus nie gepenaliseer word nie.

Is daar enige hulp beskikbaar as ek negatief geraak word deur deelname aan hierdie studie?

As u emosioneel word of andersins ongemaklike gevoelens ervaar tydens of na die deelname van die studie, sal u vir berading verwys word as u ń behoefte daarvoor het.

Wat as ek vrae het?

Hierdie navorsingstudie sal deur Sussarah Nell, 'n Meester's graad student van die Departement van Maatskaplike Werk aan die Universiteit van die Wes-Kaap gedoen word. Indien u nog verdere vrae oor die navorsingstudie self het, kontak Sussarah Nell op: 0832306124 of epos na info@sarienell.co.za As u enige vrae het oor hierdie navorsingsstudie of u regte as deelnemer of wil enige probleme rapporteer, kontak asseblief:

Dr Glynnis Dykes (studie toesighouer)
Departement van Maatskaplike Werk
Fakulteit van Gemeenskap en Gesondsheids wetenskappe
Universiteit van Wes Kaap
Tel: 021 9592851
Epos: gdykes@uwc.ac.za

Professor Anthea Rhoda

Dekaan: Fakulteit van Gemeenskap en Gesondsheids wetenskappe
Universiteit van Wes Kaap
Tel: 021 959 2631/2746
Epos: arhoda@uwc.ac.za

UNIVERSITYV OF WESTERN CAPE

Private Bag X 17, Bellville 7535, South Africa

Tel: 27 021 9592277
E-pos: gdykes@uwc.ac.za

CONSENT FORM (ONLINE FOCUS GROUP) – SOCIAL WORKERS

Title of Research Project: Exploring the experiences of social workers in private practice in care and contact disputes using the best interest of the child standard.

The research project focuses on the experiences social workers in private practices conducting care and contact disputes using the best interest of child standard.

The study has been described to me in language that I understand. My questions about the study have been answered. I understand what my participation will involve and I agree to participate of my own choice and free will. I understand that my identity will not be disclosed to anyone by the researchers. I understand that I may withdraw from the study at any time without giving a reason and without fear of negative consequences or loss of benefits.

I understand that confidentiality is dependent on participants' in the online focus group maintaining confidentiality. I hereby agree to uphold the confidentiality of the discussions in the online focus group by not disclosing the identity of other participants or any aspects of their contributions to members outside of the group.

I agree to be video and audio-taped.	Yes	No

Participant's name……………………………………

Participant's signature……………………………….

Date…………………………………………………....

APPENDIX H

UNIVERSITEIT VAN WES KAAP

Privaatsak 17, Bellville 7535, Suid-Afrika

Tel: 27 021 9592277
E-pos: gdykes@uwc.ac.za

TOESTEMMING BRIEF (AANLYN FOKUS GROEP) – MAATSKAPLIKE WERKERS

Titel van navorsingsstudie: Eksplorering van maatskaplike werkers in privaat praktyk se ervarings in sorg en kontak dispute met die gebruikmaking van die beste belange van die kind standaard.

Die navorsing projek fokus op die eksplorering en beskrywing van die ervarings van maatskaplike werkers in privaat praktyk in die uitvoering van sorg en kontak dispute ondersoeke met die gebruikmaking van die beste belange van die kind standaard. Die navorsingstudie is aan my verduidelik in 'n taal wat ek verstaan en ek stem saam om vrywillig deel te neem. Ek verstaan alles in die inligtingsblad en my vrae oor die studie is beantwoord. Ek verstaan dat my identiteit nie openbaar gemaak sal word nie en dat ek enige tyd van die studie mag verlaat sonder om 'n rede te gee en dit sal my op geen manier negatief beïnvloed nie. Ek verstaan dat vertroulikheid afhanklik is aan die deelnemers in die aanlyn groep se handhawing van vertroulikheid.

Ek stem hiermee in om die vertroulikheid van die besprekings in die aanlyn fokus groep te respekteer in terme van die nie-bekendmaking van die identiteite van die ander deelnemers of enige ander aspekte van hul bydraes aan ander mense buite die groep.

Ek stem in dat 'n video en klankopnemer gebruik kan word	Ja	Nee

Naam van die deelnemer: ………………………..

Handtekening van die deelnemer:………………………

Datum :………………………

UNIVERSITY OF WESTERN CAPE

Private Bag X 17, Bellville 7535, South-Africa

Tel: 27 021 9592277
E-pos: gdykes@uwc.ac.za

CONSENT FORM– SOCIAL WORKERS (ONLINE INTERVIEW)

Title of Research Project: Exploring the experiences of social workers in private practice in care and contact disputes using the best interest of the child standard.

The research project focuses on the experiences social workers in private practices conducting care and contact disputes using the best interest of child standard.

The study has been described to me in language that I understand. My questions about the study have been answered. I understand what my participation will involve and I agree to participate of my own choice and free will. I understand that my identity will not be disclosed to anyone by the researchers and my information will be handled confidential. I understand that I may withdraw from the study at any time without giving a reason and without fear of negative consequences or loss of benefits.

I agree to be video and audio-taped.	Yes	No

Participant's name……………………………………

Participant's signature…………………………………

Date……………………………………………………...

APPENDIX J

UNIVERSITEIT VAN WES KAAP

Privaatsak X 17, Bellville 7535, Suid-Afrika

Tel: 27 021 9592277
E-pos: gdykes@uwc.ac.za

TOESTEMMING BRIEF – MAATSKAPLIKE WERKERS (AANLYN ONDERHOUDE)

Titel van navorsingsstudie: Eksplorering van maatskaplike werkers privaat praktyk se ervarings in sorg en kontak dispute met die gebruikmaking van die beste belange van die kind standaard.

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Ek stem in dat 'n video en klankopnemer gebruik kan word	Ja	Nee

Naam van die deelnemer: …………………………..

Handtekening van die deelnemer:………………………

Datum :………………………

ONLINE FOCUS GROUP SCHEDULE 1 SOCIAL WORKERS

The exploration of the forensic role of the social worker in care and contact investigations.

Questions
Introductory questions
1. What are the kind of tasks and processes that constitute your daily activities in care and contact disputes?

Questions on the forensic role of social workers in care and contact disputes?
2. What is your understanding of forensic social work?
3. What are the kind of tasks and roles of the social worker in care and contact disputes which identifies it as forensic rather than therapeutic? Please explain your answer.
4. What are the kind of decision making are you called upon to make?
5. Which positive and enabling factors are facilitative in your daily tasks, roles, and decision making in care and contact disputes? This refers to aspects such as people, organisations, structures, and policies.
6. Which challenges and obstacles impede you in the execution of your tasks as a social worker in care and contact disputes? This refers to aspects such as people, organisations, structures, and policies.
7. What type of forensic training regarding conducting care and contact disputes did you receive?
8. What do you think should be addressed in order to facilitate a better service overall?
Concluding questions:
9. Would you like to add anything else that you think might be beneficial for the research project?
10. Do you have any other questions or concerns?
THANK YOU FOR YOUR TIME, PARTICIPATION AND CONTRIBUTION IN THE RESEARCH PROJECT.

APPENDIX L

ONLINE FOCUS GROUP SCHEDULE 2 FOR SOCIAL WORKERS

Utilising the Best interests of Child Standard in care and contact investigations

Questions
Introductory questions
1. What are the different types of care and contact disputes which you are dealing with?   2. How often are you involved in care and contact disputes?   3. What role does the 'Children's Act 38 of 2005' play in conducting a care and contact dispute?

Questions on utilising the Best interest of child standard in care and contact disputes
4. What is your understanding of the best interest of the child standard?   5. Describe your application in your practice of the best interest of the child standard in care and contact disputes?   6. Describe the application generally of the best interest of the child standard in care and contact disputes overall?   7. What are the challenges and obstacles that you experience in applying the standard?   8. What do you think should be done in order to improve the application of the standard?   9. What type of training did you receive in utilising the best interest of child standard?   10. What type of training did you receive regarding the 'Children's Act 38 of 2005'; especially Section 7?   11. Which other sections of the Children's Act do you make use of in conducting a care and contact investigation?
Concluding questions:
12. Would you like to add anything else that you think might be beneficial to the research project?   13. Do you have any other questions or concerns?

ONLINE INTERVIEW SCHEDULE FOR SOCIAL WORKERS:

1. Why do you think care and contact investigations need to be seen as forensic social work? **Can you give examples of what you mean?**
2. What do you do in care and contact dispute matters from the moment when you receive the inquiry to the submission of the final report as you go about considering the best interest of the child. In other words, **what is the step-by-step process that you do in your investigation to determine the best interest of the child?**
3. What would help you to **improve your service delivery** in care and contact investigations? Think about when you do your investigations; maybe **in court, or training or in the policies that you use on a** day-to-day basis.
4. In your investigations, what do you think are the ways in which **the child's cultural context comes into play in determining the best interest of a child? Do you think the social worker's cultural beliefs are also important in his/her decision making?**
THANK YOU FOR YOUR TIME, PARTICIPATION, AND CONTRIBUTION IN THE RESEARCH PROJECT.

APPENDIX N

Virtual Speech to Text & Copy Typing

09 September 2020

To Whom it May Concern,

LETTER OF DECLARATION SUSSARAH MARIA ELIZABETH NELL

I confirm that professional audio transcribing services were recently provided by Cyber Transcription Services, for my client, Sussarah Maria Elizabeth Nell, in support of her research studies.

I assure confidentiality of the information received in transcribing the following recordings;

- 2 Johannesburg Sessions
- 2 Pretoria Sessions
- 4 Individual Sessions.

Sincerely,

Julia M. Martinelli

Cyber Transcription Services

Transcriber

C: 083 227 5966

E: juliamb1@mweb.co.za

W: www.cybertranscriptions.com

R   Okay guys I just, I can't see everyone, that's my biggest concern. What I am going to do let's start. Let's start it started with, with what we need to do. Okay, so, and as you know, my name is SN, I am busy with my master's research from the University of the Western Cape. My topic is exploring the experience of the social worker in private practice in care and contact disputes using the best interests of child standard. I just want to say the word "dispute" I have used and but it's actually meaning investigations. We had a problem with the word "dispute" as sometimes it includes mediation and I want to make clear that this,

the study is not so focusing on mediation, although its, mediation is part of investigations. Okay. So, our first group session that is today is focussed on the exploration of the forensic role of the social worker in care and investigations. So everybody can see my questionnaire and, and I want you to actually use the chat room as well. Because you are not, you know we are not all going to get the chance to elaborate on all the questions. So if you need to specify some more information or you have more things to say to me about a certain question, I would like you to use the chat room and to say your say there. And I am going to use the chat room within the study as well to just to give some meat within the session and within my, my studies, any questions at the moment?

P1   Waar is die chat room?

R   When you go to more, you will see the chat room, it's on my left side next to, do you see it LL?

P1   Toe maar ek sal, oh daarso ek het dit okay.

R   Okay guys I just, I can't see everyone, that's my biggest concern. What I am going to do let's start. Let's start it started with, with what we need to do. Okay, so, and as you know, my name is SN, I am busy with my master's research from the University of the Western Cape. My topic is exploring the experience of the social worker in private practice in care and contact disputes using the best interests of child standard. I just want to say the word "dispute" I have used and but it's actually meaning investigations. We had a problem with the word "dispute" as sometimes it includes mediation and I want to make clear that this, the study is not so focusing on mediation, although its, mediation is part of investigations. Okay. So, our first group session that is today is focussed on the exploration of the forensic role of the social worker in care and investigations. So everybody can see my questionnaire and, and I want you to actually use the chat room as well. Because you are not, you know we are not all going to get the chance to elaborate on all the questions. So if you need to specify some more information or you have more things to say to me about a certain question, I would like you to use the chat room and to say your say there. And I am going to use the chat room within the study as well to just to give some meat within the session and within my, my studies, any questions at the moment?

P1   Toe maar ek sal, oh daarso ek het dit okay.

R   So what I would like to do is I would like to, everybody's thoughts starts with a
      question. So if participant one can start with question one, and then we go further
      on participant two with question two, and then we can go around and everybody
      can get some, you know, get a point of view or an opportunity to say something
      about that. I just want to clarify the fact that I want to confirm the confidentiality
      and the anonymity of the discussion. And I have got a transcriber as well that
      signed a confidentiality agreement with me. So that is guaranteed. And I want just
      to say that we have some guidelines within the session and to respect each other's
      specific perspective taking turns and as I said, everyone will start with a question
      or answering a question. And if we are going to off point please excuse me, I am
      going to get you back on to the point because we only have 60 minutes and then
      as I said, please use the chat box to elaborate on answers that you feel was not
      correctly or not completely answered according to your point of view and then
      yes, thanks again for your participation. I really appreciate it and with everyone's
      response, and you know, being a part of my study, it was like receiving a gift. So
      thank you so much. It's really an honour to work with everyone that's on the screen
      today. Thanks so much. So let's start participant one if you can start with **question
      number one, and that is, what is your understanding of forensic social work?**

P1   I get the easy question ...[laughing]... . Okay, so basically my understanding of
      forensic social work is any investigation, any report, anything that you have to do
      that is part of a litigation process, or that needs to go to the courts. And so whether
      it is sexual abuse allegations or in care and contract disputes, anything that
      involves investigation, which you have to gather information and report on that
      information in the form of a report or by testifying is forensic social work. That's
      my understanding of forensic social work.

R   Okay Anyone who wants to elaborate on it?

P2   I think the one thing that usually just focus my processes is to always understand
      that in forensic social work, although all the matters usually go to court, especially
      with the care and contact for your client, the investigation that you are doing is
      for the purposes of providing information to the court, as your main client and I

think they are just focuses my processes a bit, just keeping that at the back of my mind.

P3   I want to agree with Adel because sometimes the clients say that, please your client is saying this or that because one of the participants or one of the parties is paying, but I like what AM is saying that we need to say this is for the court and no other reason.

R   I see we have got a late joiner, sorry guys, I just want to get S in. S are you there? S? S can you hear me? S? I hope she can you hear me, I can't see if she is connected or not? Okay let's go on guys, I will, let's see if S is going to be, I see she's on. Just want to see S can you hear us?

P8   Yes, yes. Sorry I am late.

R   No, it's fine. Thank you so much for participating. You would be named participants eight okay. So welcome to the group, we already starting to, working through question number one, which is what is your understanding of forensic social work? Okay, T I you were busy elaborating on the question, you can continue?

P3   No, no, I think I, I don't know if somebody else wants to include more information, but I am fine for now.

P7   Can I say something Sarie, I think that it's important, although not everybody will necessarily agree that we distinguish forensic social work practice from other forms of social work practice that relate to aspects of the law. You know, for example, within the prison system, within the parole process, etcetera. And I am not dismissing in any way the work done by either social workers, it is something that's acknowledged by counsel. But it doesn't necessarily, you know, for example, doing an assessment for pre-sentencing, it doesn't necessarily address the kind of forensic practice that I think we mostly do, which is specifically in relation to children actually.

R   So you are referring to family law actually?

P7   Yes.

R   Anyone wants to elaborate regarding the role of the forensic social workers role within family law?

P2   Sarie if I just may also interject because it's very important this discussion as well, because there was two aspects in terms of the forensic social work as well. I think in the past, when a person spoke about a forensic process, the view was that forensic social work is when you do sexual abuse investigations, and it doesn't necessarily include care and contact investigations. And I know now they are including mediation as part of forensic social work. So I think it's a big step of getting the information out there not only to social workers, but also the lawyers out there to understand that forensic social work is an in formative inquiry into a specific field. And yes, so I think that there could be my ten cents worth that is just to contribute on that as well.

R   Anyone agree or disagree?

P1   I agree. And I also just want to add that it's very important for, like AM said, that they understand that any process that is, or any investigation that is part of a court process or litigation or mediation is, falls under forensic. And I think what's also important is just to remember that a forensic process is a structured process, completely different from a clinical process that's not as structured and there are specific guidelines and things that needs to be followed and boxes that needs to be ticked.

R   Okay. And you will see when we address the rest of the questions, those specific things that participant one refers to will, will be discussed within our further questions. TT would you like to say something, I saw something that you maybe would like to say?

P5   It's a softer approach than the litigation process, so I find when I do do these investigations that there is also an educational element to it, and that often by the time that the investigation is concluded that there's already a solution on the table, apart from the recommendation, that is not always the rule, but it does happen in certain matters.

R   Okay. Okay. Can we move on to **question number two? Okay. So which task and processes constitute your daily activities in, in care and contact investigations.**

P2   And now for participant two?

R   Yes, please.

P2   ...[laughing]... Alright. So yes. So in terms of care and contact investigation, tasks, processes, I think it's like participant one said it's a structured process. And so it usually starts, and I think the most important is your mandate. I think it's very important that you have a thorough mandate and that your clients understand your role. And, and what the boundaries is within that role. And that they have a thorough understanding of what the free to process is, so I think that is the most important on the onset, and then yes for me the basics that has to form part of, a forensic investigation is that you cannot have a forensic investigation with the consent or participation of both parents to the matter. And that will constitute in structured, semi-structured interview. And it also constitute if the child is older, a social emotional assessment of the child, inclusive of the interactional analysis or if the child is younger, just the interaction analysis and then collateral investigation. I think that sets the process apart because if you do not have your collateral investigation that forms part of this, it's about he said, she said scenarios. And I do not think that you have too much emphasis on that element of a forensic investigation. And if you don't, I think as a minimum, include those steps, it cannot be seen as a comprehensive investigation.

R   Okay. Anyone who wants to elaborate?

P7   Yes, I do want to elaborate on the point made about being, that the clients understand your role, I think that it's very complicated, because I think often clients see it as an intervention rather than an investigation or assessment. And I think also, it probably will come up in other question that the attorneys often bully for, it's a strong word I know, but they are bullied for an intervention prior to the report, and anybody doing this work, I think needs to be very clear about the difference between investigation and intervention. Because it becomes very messy when that that line is not absolutely clear. For the social worker firstly, then for the attorneys actually, and then for the clients and these investigations become

incredibly challenging when that line is not held firmly, firstly by the social worker, so yes, I just really wanted to sort of reiterate that point and perhaps expand on it that certainly I see a lot of complications coming when, when it's messy between investigation and intervention.

R   If I can just clarify something, what would you toss me on a daily basis, being involved with a care and contract investigation?

P1   I would say, on a daily basis, that's very important would be record keeping. Everything that happened was, we all know we have our interviews, and we have our sessions with the kids but there is emails and phone calls and everything in between. And because it's so important to keep track of all of these things and keep record of what was made when it was said when it was said, I think if you look at daily tasks, that is something that will happen on a daily basis, is record keeping. Every communication every interaction, everything to keep record of all of that. That's yes, besides all the other stuff. That's very important yes.

R   Anyone who wants to add on that?

P7   Yes I just want to underline that and say that record keeping is absolutely essential, particularly when the report is challenged. And so and it is difficult to stay on top of that daily record keeping. And also to add that I think that actually a daily task is writing it up as you are going. And so that you are, so that you are, it's not just record keeping, it's really being vigilant and quite rigorous in your reporting, in your documentation. Prior to the report. I think that sometimes when, where reports can be very thin, is when the reporting process is done at the end of the investigation process. And it's hard to remember so actually writing it up, I believe, is a daily task.

R   Okay.

P3   Can I just use want to inter

R   Yes T.

P3   P2 clarity on your question? So, and you also asked about constitute your daily activity. So, I just want you to know in this question mustn't we include in this question for example section 28 of the constitution? Stating you know, because I

see you say, what constitutes, so where is this coming from, this activity? So, I think what on that question, what we need to include is your Acts, your Children's Act, and your Constitution, our conventions, to also be included in that question when you maybe answer it. So maybe I am wrong but now I am taking off another hat because you name I am also working for Government. So whenever these a Constitution, please start with and the Act and because it gives more emphasis on where this is coming from.

R   Yes. Within our second group session, you will see we will go more into the Children's Act specifically and then other Acts that we use within, you know, that we, like the Sexual Offences Act that we sometimes have to deal with within our investigations. Can we go on to, yes A?

P2   Just on that, sorry Sarie, just on there as well, which I think is always also be important, and I can say that when I was less experience, I would have taken matters without a court order attached to it. Now, I say, you know what the court order is my mandate and think that also constitutes your daily activities in regard to a specific matter and I really, I do not take matters on where client says oh we are for an investigation. I am very proud of you that you have grown to that point. But I would love to have a court order otherwise, it just pits us at a safer place. If you have it.

R   Okay I just want to add a question within that question. What would your pre-investigation activities be?

P2   Who, for me to answer?

R   Anyone, pre-investigation activities within your daily task?

P7   Okay, I will pick it up quickly and then see what others say. I think that the court order is essential. And it's also the contracting, ensuring that you have a solid contract with both clients. So even though you have the order to investigate, it is critical that you have a very, very solid contract that is signed by both prior to anything starting and that the money's in the bank ...[laughing]... and then you start setting up your appointments. So you know those are really important and I think, yes, so let's hear what others have to say.

P2   Another thing that I have been thinking sorry and I am going to jump in, but over and above this, isn't your daily task also to keep updated with the literature and having that extra place from where you do your work?

R   Okay participant five you wanted to say something?

P5   Okay from my side, I provide the family with a rough structure of the process as well as a time frame in which this would be done, explaining if there could be certain challenges, for instance, currently we have adjusted our structures that we send out to people in terms of if they symptoms, if somebody's symptomatic, taking the current pandemic, expect a delay and we also give a rough estimate of the final report being delivered.

R   Alright, guys, I am going to move on to **question three. Describe the process of care and contact investigation**?

P3   I will be very brief I think a lot of these things are already on the previous question. So again, what is your mandate and the referral, the contract. I usually start with the psycho emotional assessment especially if there's children involved. I do not want all the background. I want to my own picture, I want to first know the child because on the end of the day, it for me it's the best interest of the child and not so much the best interest of the parents or the courts. I also do an interactional analysis, get all the information, setting goals, give feedback and then we are, usually I also look at you know the voice of the child. And the child's development phase. And thereafter, not if, we do collateral information and sometimes the mediation process also in the form of this. It depends on mandate again.

        Yes. S, what would you say about that?

P7   I also follow the same process, but usually also what I do., I focus on the child first before I get the background because in most instances either of the parents would want to influence the background information that you are giving. So I prefer working the child first, doing my psycho emotional assessment. And then I also do as part of my pre-investigation and everything else, I build up on everything that I have received from the documentary views from the court's mandate up until to the interview that I do with the child. Usually I don't do

mediation myself, I refer it to someone else if I am going to do the investigation on the case. And then I would get feedback from that before I go for the background interviews.

R   Great. Anyone else?

P7   I just would add home visits in both homes.

P1   My investigations are very attachment based. So I do structured plans and unstructured interaction visits. The unstructured is done as part of the home visits then. And I also do extra attachment parent interviews that I also include to get the attachment history from the parents and all of that. Yes. But I also agree, start with it with the child, do history free, started the child, go through the whole process? And I would also say rather refer for mediation and not include that in your process. It might be a dual role, or a role confusion and complicate things. Yes.

R   Great.

P2   I think a part of what participant seven said and its always for me, it's a bit of a thing is the feedback. And, to me, that's putting yourself a bit out there. If you have a feedback session before you issue a report, and I know a lot of, of forensic investigators does that and say you know what, let's all just sit around the table and the legal representatives are there and now I am going to tell you what happened. And this is what I am going to state in my report. I am, it's just me personally, I think stay away from that. I feel that they if the thing goes to court, they can use that against me when I have to be, when I get summonsed. And so, again, it's just me personally, and I issue the report without giving feedback. And I do allow and this again, this is also, and I can tell you very honestly, this is part of my ethical questions that I asked myself sometimes. Because when you issue the report, the person that is not satisfied with your outcome will start asking you questions about your report. Will ask you to change the information of your report. And I am very adamant that I will say then, you know what, if it's not new information, I will not change my report. And if you then want to still dispute my process, myself or my report, then you have to get me to come and testify in court, then in that situation or environment, it sounds ridiculous, I actually feel more safe to then testify around the questions that are asked about my report rather than

having a raw with lawyers or clients. So I know that participant P5 sometimes with the forensic investigations use the softer approach. I don't know if it's because I have been burned too much in the past. I am very, very, very strict with the boundaries that I set and even things like mediation, if it's recommendations, its recommendations it's out there. You can either accept the recommendation or not, but it's your, your work to go and find a mediator if that is acceptable as an alternative.

R   Anyone wants to add on that?

P5   I just want to you, I think that that, what's just been discussed now, I can't remember the participant's number is a huge debate. And very briefly, I always give feedback that I do it individually to each parents, it's the opportunity and I always say it's also an opportunity for them to understand the recommendation, ask questions, and perhaps to give me new information. I never give it to attorneys before everybody gets the report. And I will not engage with the attorneys in a debate or a anything about the recommendations. So for me, it's a, it's a client respect to spend some time on that and give them another opportunity to share new information and to also to prepare them so that they can, they are engaged. They don't just get another guy to walk into court and fight it that they actually have a time to process what it could mean, what the recommendations actually mean because sometimes I think they don't truly understand them. But I absolutely will not ever have a roundtable on recommendations with both parties and their attorneys. Because now we are heading for a disaster in my view. That's yes. But, but yes, you know that is such a huge question Sarie that you know, we could have a whole session on.

R   Yes. Let's move on, E, participant four?

P4   Yes.

R   **Question four, do you make use of any guidelines during care and contact investigations?**

P4   Shoo, I think my understanding of the guidelines that you make use of has, you know, it's linked to a lot of the information that the other participants have already given. And I completely agree with the process and everything that's been said. I

think in terms of guidelines, I would say that, yes, you need to make sure that you have the court order. Both parents need to sign a contractual agreement for service delivery, regardless of the order for you to stick with your process no matter what. And because I have realized a lot of times, either the parents or the attorney, we are trying to influence your process and get you to do it in a different way. And because it suits them or it suits their agenda or whatever that may be, so to sort of stick to your process and follow that guideline that you have set for yourself.

R   Okay do anyone, sorry participant four, do anyone know about either guidelines, guidelines out there internationally?

P7   Yes so the American Family Conciliation courts in the US have excellent guidelines, and although they are obviously, context specific to the US, I think that they are very good principles to applying forensic practice here. And then the second thing, I think is that, you know, I would call those sort of formal guidelines that have been developed on an institutional level. There are what are called informal guidelines, which I think is, is, are based very much on your approach and on the kind of theory that you utilize and integrate in your investigation and evaluation process. And I think, in fact, in the reporting process itself.

R   Do anyone use those guidelines, international guidelines?

P7   Yes, I do.

P2   Yes Sarie from my side it is going to seem a bit maybe off the board, but except for the AFCC guidelines, I sometimes use the NICHD guidelines that we use for forensic sexual abuse investigations as well. And it's not specifically done for care and contact. I have a lot of positive, it puts me in a safer space if I can use that. So I have changed it in a way that I have thought it could be and implemented in the care and contact investigations as well.

P1   I also use the NICHD guidelines.

R   Interesting.

P1   And I have also adapted them for care and contact investigations, although adapted them for the sexual abuse stuff as well. But yes, so I use them as a basis because it really works and it helps to get the information that you that you need.

R   So anyone else on that S?

P7   I use the AFCC but not always.

R   Okay. Okay. Alright. So we are actually answering a question five as well. So I am going to move to question six. Which tasks and roles of the social worker in care and conduct investigations of forensic rather than therapeutic, I think we have answered this question, most of it, anyone that wants to add something on that?

P6   I think we need to make a distinction between clinical and therapeutic.

R   Yes.

P6   You know, therapeutic relates to any form of what I would call counselling or psychotherapeutic intervention, which is very specific to your individual client or patient and actually does have specific goals in relation to that individual. Whereas clinical, I think refers to it includes therapeutic work, but it actually refers to your acumen and knowledge. And I believe very strongly that, that clinical understanding, including psychiatric attachment, interpersonal, etcetera, must inform a forensic process.

R   Okay.

P6   Otherwise, reporting and describing

R   Okay, so you would say it would be after, a clinical process would continue after a forensic process?

P6   No, because they need drifting into dual roles or wearing two hats simultaneously which we know is absolutely unacceptable. What I am saying is that you actually need clinical understanding and knowledge and experience in order to conduct a forensic investigation, that is more throughout than simply a description of the issues, they need to be some clinical understanding. You don't necessarily share all of that in the report. And you may, for example, we can mean referral for a psychiatric assessment, or you know, substance use assessment. But I do think that that clinical understanding is critical.

R   Anyone agree with participants six?

P2   Yes, absolutely.

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P1   Yes, if I am asked that as well, and I am learning as we are going, I am very excited to be part of this group while making notes people, and I thank you very much. ...[laughing]... You are really, really, this is this is priceless. But it is so true what you are saying is, I think if we talk about the clinical, it's those little things, you have to have your knowledge about attachment, developmental stages of the child, all that would, otherwise your report will be based on a lot of personal views. And where's this clinical side? If you are bringing that in? It makes it just much more professional. And so yes.

R   So am I of the correct understanding, if you guys are telling me that clinical knowledge of any situation, care and contact needs to be incorporated within a forensic process?

P1   You are not going to do the clinical intervention, you need knowledge.

R   Knowledge.

P1   Knowledge and the understanding of anything substance abuse, domestic violence, you need to have that context in order for you to do this investigation. And your task would be to gather the information and then report on it within this knowledge base that you have in order to make effective recommendations as well as the end of the day.

P2   Absolutely, it's, I think, the clinical understanding and the knowledge and it was actually touched on earlier, you know, part of our daily process should be literature. It's really, this is about an underpinning, a body or foundation of knowledge that we then apply to when we do the recommendations, particularly around our observations and recommendations that we really apply our mind to the theory, experience and understanding in order to give solid recommendations that have value going forward. One of the problems with a reporting report where we just document and report, so we might follow process is that their recommendations are so thin, and they don't really consider going forward for this family and how they manage it because there's not enough foundation foundational understanding and education. I don't quite know how to describe it. I think V describes it better. So I will shut up right now.

R   Anyone who wants to add on that?

P2   I think if you don't have the clinical knowledge, it's also like participant six also said, was that you can refer out, if you need a psychometric test to be done on risk factors or risk behaviour, future risk behaviour, which we can't comment on, get somebody to do that and incorporate that report into your report. I think we should steer away of always wanting to be able to do everything ourselves, the things that we can't do, get people that can help you to do that, and that will also provide substance to your report.

R   Okay. Okay, good. Alright. Let's see what **question five**, who needs to answer that is, I think participant. TT, you have had a chance. Can you answer that question? I am going to ask the, **which positive and enabling factors are facilitative in your daily task roles and decision making in care and contact investigation, this refers to aspects such as people, organizations, structures and policies.**

P4   I really use as a as a guideline, the best interest of the child standard. And I write my report, always so at the end of the day, it can serve as a blueprint for therapeutic intervention. So my role I rely a lot on collateral. So I do rely on schools. I do rely on the witness testimonies for the parents. Because often when I do investigation, I do take background pertaining to the investigation, the one parent is giving me exactly what the other parent is giving with the same accusatory comments. So I do make use of other people's input in the process. And like I said, I do make contact with the schools. The Children's Act plays a very important aspect. And I also often, in my recommendations, make use of the fact that parents must go for parent, for parenting skills, and that they must also go for individual therapy. So I have matched them up with therapists who can assist with their specific problem that they experience.

R   Anyone wants to add on that?

P5   Sorry, I am adding again, I think I need to just shut up.

R   No please go ahead.

P5   So I think the way that I read the question positive and enabling factors that are facilitative. I think that it's incredibly important to be in peer supervision, and both individual and within groups if possible, and to really have a network of trusted

colleagues that you can think out loud with. The work is difficult. And, and I think an enabling factor is team, is having a team and then being very open to new ideas, new research, and just working well with other colleagues. So again, just sort of having that peer review, I guess. think out loud space. That, for me is probably one of the most enabling things in terms of the kind of work that we do because it's such challenging work. I just wish there were more organizations and structures to help us all with this ...[laughing]...

R   Who agrees on that?

P7   Yes.

P1   Yes.

P8   I do.

R   S?

P8   Yes I strongly, strongly agree with that, especially on supervision. I have had the worst journey in care and contact investigations because I was struggling to find a suitable supervisor, I would, I would get cases, you know how you would have one case and you think you understand how the processes and guidelines are, but then you get these complex cases where you need to constantly seek advice or seek supervision from someone and that was the worst mistake that I did when I entered this, this arena without having a supervisor. And I looked around, I find a few peer support groups, but I was not, I was still not getting what I was looking for, especially now with the cases where we are looking at cultural context because no offense or anything, ladies, but most groups are predominantly White. ...[laughing]... And in this kind of work, I am struggling to find other Black people that are, that are doing this kind of work. It was causing a bit of a challenge for me, because when I am looking for somebody who can supervise me in terms of cases that are either including traditional or cultural issues, it was a nightmare. It was a nightmare for me. So supervision, I strongly, strongly agree with that. I yoh, I really agree.

R   S, can I ask you, what can you give us, what reasons can you give us for you making that question regarding, you know, cultural, social workers that is culturally sensitive towards, you know, like race specific social work if we can

say those words. What would you say is the factors that is contributing for not having more social workers within your community?

P8   Shoo, I am not sure what the reasons are, but I, I can, I can add on why I feel the needs to be more people that are more culturally sensitive, because looking at how we do our guidelines, our daily tasks and everything. Everybody was indicating how we look at a child's developmental milestones, all the attachments and everything and looking at, at the black population, also. When you look at how a child, a child's developmental milestones, all those cultural connotations come into play, and for you to properly understand the child's context with without looking into that it because looking at whether how a child has been raised, whether looking at their parenting styles, I don't know it's, I don't know who this participant is now, I can't see the number, but she was also indicating on referring parents for parenting skills, preparing them for individual therapy. And most of the time, it's those kind of things that come into play when I need to refer. And I struggle to find that, that network of structure where I can properly refer these parents to, because I know what the needs are, but then the people that are within my network, there are people who are doing that, but not to the level that I want it to be, and looking at my own, my own community and the ,the social workers trying to find out why most social workers are not into that, I haven't really found the reason why. I am not sure why it's not happening. Other people are afraid of court work itself. I understand why they are afraid of it, because it was, yes it was very nightmarish for me even when I started, especially without a supervisor. But to this day, I really cannot say I have a solution for it. Or I know why it's not happening. I am not so sure.   Even when I looked at you advertising for this, I looked at everybody's email addresses. I am like, oh, so it's all White people. Probably, I am listening to what everybody else is saying, and I am also learning quite a lot here, but then there is also that little bit of the cultural aspect that is still not properly touched on. Maybe because there's not enough people here that, that that can answer that question.

P7   Yes. You know, can I just add quickly again, S, I think one of the greatest challenges and, and this is, okay, this is a topic in itself Sarie.

R   Yes.

P7   This is a whole topic. This is, this is ginormous. But Sam, S very quickly. I think we should set up a recruitment process and a training process. ...[laughing]... So let's talk because I am constantly struggling. And you know, I hate getting, I hate it sounding racial, but I am constantly struggling to find good referrals to people of colour for different families and communities. And if we could grow and develop a really cross-cultural network of people doing good forensic work and good, you know, both in terms of investigations, parental coordination, therapeutic work, family work, then we starting to get it, right.

P8   Yes.

P7   And it really is. It's just such a huge gap. And, but I do think, you know, given the questions and what we are dealing with, we need a whole session on the cultural complexities of all of this.

R   I know yes.

P7   But just, you know we have just doubled your research project okay.

R   Yes, Adel you wanted say something?

P2   Yes so Sarie knows my husband as well, which I, which who rents an office from me and we always laugh because he is, he's actually a lawyer, and he works in Tembisa. And everybody always makes the joke to say I am married to a Black man because he speaks the language and I learned so much from him. So what happened is well and it goes with this question asked, and I wanted to say that before you spoke, participant eight, about what empowers you so, so the practice that I am part of actually has a social worker that has been working, she still works for the police part-time. And she's a black lady called Siditeu.. And she really empowers us in terms of the information that she gives us. So the practice is not structured that way that all the Black families go to the Black social worker, that's not what we do. But we rather empower each other with, with information about questions that we have, and it goes back to the first answer that everybody says yes, we get formal supervision groups. I know there is formal supervision groups, and I think the, with, with this whole Corona and these type of interviews that we have now, or the Zooms and things that we now using, Sarie and I had a conversation not long ago about that, that it can actually enable us to have quicker

access to supervision groups because you don't have to travel and you can sit and you save time and money. But I am also, me personally, there is people in this group that is that I can feel vulnerable and I can be vulnerable with, that I phone in the mornings before seven and say, you know what, I didn't sleep last night because of my mind going crazy. And I don't know how many mistakes I am making. And to me, and again, it's just my own personal experience, is those people that you have walked a path with, and you can be vulnerable with, that is in the same industry that you are, and for me, they are priceless. They are the people that that carries, carries me through.

R   So can I just conclude this question by summarising it that peer group supervision or of utmost importance in our scope of practice, in our arena. Okay. Alright, ladies, we have got two questions. And this is quite a, I think we are going to have need a session on this as well. **Question six is, which challenges and obstacles limits your execution of your task as a social worker in care and conduct investigation. This refers to aspects as people, organizations, structures and policies.**

P3   I will start to say I think we need to start at our counsel because care and contact is the first thing that your clients, if you don't answer or you don't do what they expect you to do, it gets referred as unprofessional and the whole investigation, I really feel the counsel need to have different protocols, especially when we deal in care and contact because there's always one parent who's not agreeing with your recommendation. So, and there's no guidelines from counsel on how to handle care and contact. If one client cries unprofessional conduct, and there's a whole investigation. So, for me, maybe that's out of personal experience with our counsel. Is that, you know, really they know, you give all the evidence, that there's always one parent who will not agree with your recommendation. So I think we need to start at the counsel or give them some guidelines.

P1   Or get a new counsel specifically that is there for forensic work.

P2   That is exactly what I wanted to say now, that is a whole also separate issue. The counsel is not equipped to deal with forensic work. They don't have the correct ethical codes for forensic work. They don't have the correct processes. They don't,

I am not even sure they really understand how it works. So we need to have a separate counsel for forensics social work.

R   Who agrees with that, please, I need to know this?

P7   100%.

R   All of you? TT. TT what are you saying?

P3   I am not, I feel quite unsupported by You do? What are you saying? I am not. I feel quite unsupported by counsel at this point in time, so, and I have currently got a matter open with them. So I think if there is in my best interest, just not to comment right now. ...[laughing]...

P1   We all have matters open at counsel. ...[laughing]...

P3   Yes ...[laughing]... I just feel if they can at least provide us with some form of support. And then we will have less problems trying to execute our duties.

P2   And even I think what has been raised is there, I can't remember participant number, but there is such a lack of understanding at counsel level, of forensic social work, that we are just under, you know, I think this question what challenges and obstacles limits you? I think one of them is this constant threat from clients are going to report you, attorneys are going to take you to the High Court, if the counsel is not going to support you, and often if there is, and it's always exactly as what was said, you know, one client is not going to be happy and the first thing they are going to do is report you to counsel and counsel have this very weird process and complete lack of understanding of the work. And so you are under threat all the time. Counsel, court and attorneys, the attorneys , that's another whole massive discussion. And I think that one of the reasons they are few of us who are mad enough to do this work, is because what you are living with all the time is, is threat. You feel under attack and under a threat. And, and that, that stress makes us this work double up stressful.

R   I want you to ask on that. I am sorry.

P4   Can I come in, I need to leave you guys.

R   Okay TT.

P4   I will see you all next week.

R   Thanks so much. I will see you next week.

P4   Bye.

R   Thank you. Can I just, we are going to conclude and then question seven is about training. Can ask you guys, do you think that's a contributing factor for people not doing this work that we are doing? Being under threat?

P1   Yes. It is stressful from the get go, I mean, the minute you start I mean if we start, okay, now do I get a mandate. Do I get the consent? It's already stressful because it's really the back of your mind, if I don't get the correct mandate if it's not set up correctly. How is this going to end up at the end of the day, how is this going to bite me, how's it going to come back? And so it is stressful all the time. And I think a lot of people just can't deal with that stress anymore. So you kind of just don't want to do it anymore. So yes.

P2   Even if you are if you if you are an expert witness in court, I don't think the magistrates actually support you know.

P1   No they don't.

P2   They should be there to tell the lawyer you know what you have to point or you are badgering the witness or whatever, they don't do anything. You are left alone from step one, right to the end. And it's like you say participant seven. Sometimes you wonder why, why do we keep on doing this? And, because yes and that constant threat, I didn't know what to call it until you named it. But it is you are under constant threat and scrutiny. You don't know how to even, you don't even want to send an email because it takes you an hour, because you have to rewrite it four times. Because what if I use this word and what if I use that word and us being Afrikaans sending English emails, and I mean, I am doing all my stuff in English for 11 years. It's still a thing, we sometimes use the wrong words. ...[laughing]... and it is also stressful.

P7   It is but it is stressful because you get attacked, then by counsel, by court, by the attorneys on a phrasing. And things get pulled out of context, whether you are English, Afrikaans and you are attacked on the phrasing. And I just, you know, I

think the other huge challenge, and I just wanted to add this, so not only are we under threat, but I will guarantee you that every single one of us lie awake at night, going over and over in our heads, what is in the best interest of these children? What am I missing? Have I got it? Did I see it? Because, so it's this combination of this absolute dedication and focus to children. And then this unbelievable pushing and pulling from attorneys to get it right for their clients. It sometimes feels like you are the only one holding these kids.

P1   Yes, but it's almost like you know what's going to be in the best interest of this child and you want to make that recommendation. You also know that it's not going to be acceptable by whoever. So then you are almost kind of, I don't want to say you compromise but at the end of the day you sit with yourself and you kind of negotiate, how much are you willing to take. How hard are you willing to fight and I think sometimes we are stronger. Sometimes you don't want to fight as hard anymore.

P8   Yes, I mean, that's true. It's not even a matter of us thinking that we are focussing on the best interests of the child because we are, we are. everybody else is looking into somebody else except the interest of the child and you, you get threatened in court, you go to even ...[inaudible 1:21:45]... yourself, ...[inaudible 1:21:56]... they always, when they threaten social workers, when they always, they always win the case ...[inaudible 1:22:13]... I backed down and she even said to me where did you get your training, why are you so assertive. I have never seen a social worker that fights a case like this. But then I say to her, this is because I have to fight for what is in the interest of this child and I believe attorneys are also supposed to be doing the same. And then they go to the same counsel, that said that you need to fight for the best interest of the child and they are siding with the same people that re actually trying to steer you from what the counsel said you must do. And the counsel itself when there is an issue with them, when they come after you, you ask them what processes are they going to do, if a person goes and reports you at the same counsel. They use the general idea, they do not even understand what forensic social work is, they will use the general principles to apply to your work and if they cannot find out of it because ...[inaudible 1:23:17]... I was unethical, I was unprofessional. You need to come up with a certain way as a forensic social worker, but if you do not have that, counsel, then you counteract

and you are supposed to behave in a certain way as a forensic social worker. But if you do not have that at counsel then you cannot say that I was unprofessional. The same with the attorneys that are bullying us, the same with the magistrates. So, at the end of the day when you are in court you feel that you are the only one that is fighting for the best interest of the child.

R   Okay, ladies I am, we have to conclude our matter. I am going to just ask one more question and then we need to wrap it up. Okay, so the **question is what type of forensic training regarding care and contact did you received?** Anyone?

P2   Learning by the seat of my pants ...[laughing]... I just had to Schutte, Rinaldo but a lot of this have been, I can say that a lot of this has been through supervision, learning as I go. Pretty much what S was saying earlier. You know, there just is not enough structured, and not enough structured in-depth training around what we doing.

R   Do you agree that there is a need for training regarding care and contact?

P2   Yes, because even the masters, the forensic masters mainly focused on sexually abuse investigations and not in care and contact.

P2   It is not even mainly focused, I am busy with it. And it does not focus on care and contact at all.

R   But Adel didn't they, didn't they advertise that it, care and contact would be included in that training that you are currently doing your masters in?

P2   So what, what when I went on the website it says forensic work includes sexual abuse, care and contact and mediation.

R   Can you tell us which university you have a master's degree currently at.

P2   There is only one university that has a forensic masters if I am correct.

R   I would not know that. I am ignorant in this field. Please tell me.

P2   You know I still have a year to go so ja.

P1   Well I am done, I was the Northwest University.

R   Thank you.

P1   So you actually like, H said we kind of just do this for ourselves, you take bits and pieces from the training that you do and you do additional courses, you follow that. And you take that, and you modify it. And you kind of create your own structure and your own way of doing things by taking little bits from, from all of the different training. So, for instance, we all do intersectional analysis. So, you do an intersectional analysis course, and you include that in your process, and you decide to do that. Attachment evaluation, you go, and you do your courses on attachment, evaluate and you include that. So, I think a lot of the responsibility falls with the social worker to go and do these little individual training so that you can compile this knowledge base for yourself to do this. But there is no specific or a whole process training that I know of that covers everything.

R   Anyone wants to add on that?

P3   I must say there are courses but that is more focussed again on mediation, Adele Marie, if I am correct if I am saying it. That sometimes those things we also include in care and contact. And I know, I can't even remember when I think in 2000 SANSA also had a mediation course, but those things are sometimes so old, so we, you use new things. But no there's no structure not even at the Department.

P7   Yes, so, with the mediation stuff, and remember that it has to focus, although I know that SAAM, South African Association for Mediators are trying to broaden the scope of the, and trainings that are given and giving. So they would, they would give a training on what is the child participation interview, which is a little bit of a screenshot of a social emotional, but it's all based on people that wants to mediate. So it's like you said, it's very, it's very focused on the mediation processes, but not so much on care and contact although they it will have an element because the mediator must know where the clients came from, if they are being referred for mediation, because they just went through a care and contact investigation, the mediator at least has to know the basics of those processes ,so that they can understand where the child , the client is, but yes, otherwise, no.

R   Okay. Ladies **is there anything that you would like to add, that would be beneficial for my research project.**

P4   Sorry, ladies, I just need to say Thank you. Goodbye. Got to go, talk again.

R   Bye.

P2   What was the question sorry, is there anything else that?

R   That you think that's beneficial to the research project, that we were talking about all these questions, all these answers that you gave me? Are there any other things that you need, that you think that we need to add?

P1   No I think the focus should just be on training. It's important for people to be correctly trained to do this. And yes, and to distinguish between forensic and clinical, I think that's very important because I think a lot of people blur the roles it's very easy to blur it. So, it's difficult even myself, I have to check in with myself sometimes to make sure I don't blur the roles. So, I think that is just very important. And I think that's what we are struggling with. And I think that's also frustration. That's a frustration for me in practice, dealing with other professionals who know their roles and get that.

R   Alright, and then do you have any questions or concerns? Last question? Okay. Thank you. Thank you so, so much for this. And I hope to see you next week. I will send in another registration link. Again, you need to fill in the registration form again, please do that. And then yes, I will, I will see you next week. I am very excited, and I am so happy that you were participating. Thank you, guys. Take care, thanks everyone.

END OF RECORDING

NAME OF AUDIO	:	**Participant 2 IS**
DATE OF AUDIO	:	**05 August 2020**
LENGTH OF AUDIO	:	**61:01:30**
TRANSCRIBER NAME	:	**CYBER TRANSCRIPTION**
TRANSCRIPTION LEGEND	:	**RESEARCHER R**
	:	**INTERVIEWEE I**

R   Hallo S.

I   Morning, how are you Sarie?

R   I'm fine and you?

I   I'm fine, thank you.

R   How you're doing?

I   I'm doing good thanks.

R   Oh. Thank you so much for spending time with me regarding my last few questions with my research.

I   Yes.

R   So I'm going to jump straight in within the questions. So the **first question is why do you think care and contact investigations need to be seen as forensic social work and can you give examples of what you mean?**

I   Okay. I mean it should not even be a question why care and contract should be or forensic because obviously it is a legal process and all legal processes fall within the forensic scope. And there's no way any Court of Law can make a decision without that kind of reports that we write based on this investigations that we do. So I don't see a point in this work not been classified as forensic work because it's very crucial especially social work

because without us there's literally without us there's no case at all. No work can be done without us producing the kind of work that we do in terms of this investigations. Because the decision of the magistrate whether there's a lawyer or whatever, depends on the social work report.

R   Okay. Great. Anything that you would like to add on that?

I   Yeah. I think that is that.

R   Okay.

I   Yeah. It is a legal process, so it needs to be forensic. I mean it also needs to be legislated and monitored because without it been made forensic social work, it becomes a bit difficult for the work to be legislated, for the work to be monitored, whether in … on council level or any other level anyway. Because even currently if you look at our council we do have forensic social work but then when it comes to care and contact, because usually sexual offenses cases are mostly classified as forensic work.

R   Yes.

I   But when its care and contact there's still a bit of a reluctance in that level. So the legislation there in terms of policy, in terms of how the process should be followed, without the Children's Act there's literally nothing else. So it's only the Children's Act that's actually guiding us at the moment.

R   Yeah.

I   It is and also with the Children's Act it's also another challenge because … I mean if you look at the specializations, if you look at forensic work itself, there would be specific levels of trainings, competencies and all of that because everybody can use the Children's Act, but not everybody understands and interprets it the same way.

R   Yeah.

I   So with been legislated, without it having policy that is formulated from it, people making sure, I don't know who, I will just say people, because I'm not sure is it the council responsibility or what?

R   Yeah.

I   If nobody's making sure that because as much as we just using the Children's Act, we still see a lot of gaps in care and contact investigations. And even the Act itself has so many gaps. There's certain sections that are so vague that they using only the Act. Sometimes if looking at the legal professionals, the lawyer itself, they usually focus on those gaps to actually throw off the matters and all of that. And it becomes a bit difficult for us who are social workers focusing on what is in the interest of the child because now without it being formally formalized as a forensic area.

R   Yeah.

I   Then the legislation is not as much as it's supposed to be. Yes, the Act is there but it's open to interpretation also.

R   Okay. Great. No that's an excellent answer. Okay. Let's get onto question number two.

I   Yeah.

R   **Do in care and contact dispute matters from the moment when you receive the enquiry to the submission of the final report as you go about considering the best interest of the child? In other words what is the step-by-step process that you do in investigations to determine the best interest of the child?**

I   Yeah.

R   So it's basically step-to-step.

I   Okay. I usually use three phases. The pre-investigation phase and then there's the investigation phase and then there's the submission. But I'm always not even certain if I'm following. You know if you're going back to the previous question again, because there's no proper legislation and you just follow the steps in there and sometimes I'm even wondering if I'm following the correct steps or what? But usually what I would do, the most important thing for me in terms of when I receive a case, is the contracting with both clients. And I also have to play rules, the kind of referral that I

get because it's a bit of what's the word, you know it has to be. Yes I understand that most cases have to be mandated, but I have worked on cases that have not been mandated before and those were the cases that were a bit challenging for me. So I would look at the referral because I initially thought that as long as I have consent from both parents, then its fine. I can continue with the process. But now when one receives a referral, it's always best to go with a mandated referral because then it makes the process not easier but more a facilitation process becomes more structured.

R   Yeah.

I   And so I would look at the referral process, then also as part of the pre-investigation document review, any form of document that I get, whether it's a court order, whether it's reports from previous experts or whatever, I look into that. Then I enter into the agreement, obviously then I got my contracts and everything back. Then I enter into the actual investigation phase where I have to now start scheduling interviews, appointments with everybody that I have to interview including the child. And with that also sometimes looking at who is supposed to be involved. Who are you supposed to be interviewing because sometimes it's not easy. Yes with core holders of parental rise and responsibility it's an obvious one, but then there's always a lot of other people that are involved in this child's life.

R   Yeah.

I   And one also needs to set, not boundaries, but to make a decision on do we want a certain level of people to be involved in the investigation and at what to what extent. Also again all the other professionals, you know as collateral resources that may give input there, do all those interviews and then once all the information is gathered, that's when then I start drafting the report and then I compiled the report, make it ready for submission. And I've also learnt that it's quite important, part of this step-by-step process, to also have a likeminded supervisor that you can consult with in terms of the importance of how the direction that you're taking with the case and everything else and to make sure that there's no other things that you are missing out in terms of make the investigation of doing your

investigation. And sometimes in that cases, I would have a roundtable session. I usually get lawyers that would come and ask for feedback sessions. I get in trouble for that because I don't give feedback to lawyers. But then I sit in a session with themselves and then get the report ready. Then it's submitted.

R   Yeah.

I   I think with the lawyers it's yeah you get threatened. You get threatened. They usually play the card that because the parents have given consent, you are expected to give them the report.

R   Yeah.

I   And I or give them feedback I mean, but I still don't do it anyway.

R   Yeah.

I   So yeah, that is the process that I follow. Contracting as part of the pre-investigation, I do all the contracting, look at the referral resources and all of that and then I get into the investigating phase. I do the whole investigation, interviews, schools, everybody else and then I get into compiling the report and then with supervision in between those.

R   How would you investigate the child/parent relationship?

I   Usually I use the assessment. There's I use parent/child emotional assessment.

R   Yeah.

I   Yeah. It's a questionnaire that I use and then I use that and then I get the results from the questionnaire and then I put them in the report.

R   Okay. Great. And the timeframe S, when you start getting the enquiry up till the finalization of the report, what is your timeframe plus minus?

I   The timeframe usually depends on cooperation from all the people that I have to be in contact with you know. Everybody been available for interviews, the schools and all of that, cause usually that is what determines the timeframe for me to have the information back. But if I

have everybody that is responding in time, I usually allocate a time for submitting the report from the last day of when I have done the last interview. And usually I give myself like three to four weeks to submit the report. So I don't actually calculate the time when I was doing the interviews. I calculate from the final interview.

R   Yeah.

I   To the time that it will take me to compile the report.

R   And how much did you say it was?

I   Is when you get a referral, you know sometimes you get those very last minute referrals.

R   Yeah.

I   And then they, then I would have to look at, I make an estimation based on if everybody is going to be cooperating, then I would first to look at will I be able to submit this report in time?

R   Yeah.

I   Because I usually give myself like an extra week of you know something unplanned that might happen.

R   Yes.

I   Yeah. But then if I see that the reports, the referral that is coming to me, I'm not going to meet the deadline.

R   Yeah.

I   Whether the people cooperate or not, then I just don't accept it.

R   Okay. And if you look at the best interest of child standard and whilst doing your care and contact investigation, does the standard needs all the things that you need to investigate in the care and contact matter?

I   Can you please repeat that?

R   When you look at the best interest of child standard né, those fourteen points that we have in the Children's Act, does that standard meet all the

requirements that you needs to investigate within the care and contact matter?

I   Not always because.

R   Okay.

I   It depends on the complexity of the case. Sometimes you find that it meets … all those standards meets the level of the investigation but sometimes there's still things that fall outside. And then you just have to look at points in depth and to see whatever that you are seeing that does not fall in there, where can you squeeze it in because you know that how when this reports get to Court and then they want you to refer back to something.

R   Yeah.

I   And then I mean we have a cultural question at the end I see, but then for example that, the issue of culture and how it is there.

R   Yeah.

I   But the context of what to what extent do we determine culture? To what extent do we say "in the interest of this child", this complex investigation have to include all of those aspects. Then you have to look at other of some of the points whether its point one or fourteen or whatever.

R   Yeah.

I   Where can you find it because it does not fall in there at all. So sometimes yes it does not cover everything, but then you have to make a plan to see from what like I said the Act is one can interpret it differently from another person. So if I look at the point that says physical and psychological harm.

R   Yeah.

I   And I can see like under psychological harm there's something that I want to include there but it's not listed as what, then I can if that instance falls under psychology then or psychological effect, then I would put it under there and use that point as my argument, but then elaborate more on it.

R   Okay. That's good. Okay. Great. Okay. **Then question number three is what would help you to improve your service delivery in care and contact investigation? Think about when you do your investigation, maybe in the court or training or in the policies that you use on a day-to-day basis**.

I   The very first thing Sarie, is that there's no relevant information … accessible information and South African context based I mean. When it comes to care and contact there is a lot of information but it's not South African based. And if you find information that is South African based, it's either too old or it does not necessarily cover all the aspects of the cases that we're working with. So we need more research information on this or myself personally for me to be able to do the work.

R   Are you talking about literature in research?

I   I'm talking about literature, research literature, I'm talking about policies again. In terms of literature, I'm talking about research that is done in the South African context. And then in terms of policies, when you look at policy advocacy, we don't have if we go back again to question one, because of the poor levels of legislation in terms of forensic work in specifically to care and contact investigations, also the minimal role that is played by the council. When it comes to policy advocacy in terms of care and contact, we don't have enough information from the people on the ground that are even part of the care and contact investigations that are having their say. You know how a lot of times when the Act is amended or something else in other departments you find that they open for public opinions and all of that.

R   Yeah.

I   Before an amendment can be made, you would have workshops and all of that before the whole Act or anything else. So we don't have much of that in terms of policy for care and contact investigations and with the Children's Act itself, again I would go back to training. I would feel much better if there was continuous training, whether one has a Masters degree or everything, cause even if you look at the universities that are offering

the Masters degrees, yes it's the degree is there, the information but it's also not enough like at institution levels themselves. And usually I would do the trainings where maybe somebody like you has been in the field for a lot more years than myself, as been and then you would offer maybe a CT based program or something based on your personal experiences on the Act and interpretation of the Act. Because if let's look at the best interest of the child standard itself. If you look at the Act, the Children's Act, there's so many things that fall within our scope of care and contact that one can use as we do the investigations. But then the BIC itself, it's another long document on its own. If you look at all those points from sub-section 1 up until 14.

R   Yeah.

I   It's a total whole document on its own. And if we can have those kind of trainings where one can go deeper into the level, not to just say "best interest of the child standard" and then I list them and then I just put what I think falls under sub-section 1 or 2 or 3. We can just expand it further and try to understand, because like I said it has its own gaps itself. It's losing a lot of vague terms like I said you could say psychological harm. What one can see psychological harm is what a child that is a parent that is not communicating proper information with the child. Another one can interpret it differently. So at the end of the day it's not about how one interprets it but then the interpretation would lie from understanding first what the context of that whole BIC is, before I can even make an interpretation. We don't have a lot of those trainings. So literature, policy advocacy, training on that, we don't have it. Another complex thing that I really feel would help me is, in terms of training, is I don't know who's supposed to do that, training for other professionals to understand because when we do it ourselves, nobody really recognizes social workers in the care and contact investigation, especially our legal counterparts and psychologists. If somebody could do a proper training on making people understand what our work is and what our role is and I'm not sure who's supposed to do that because we keep on doing continuous education to them, but they will not listen to us. We are just mere social workers to

them. And it makes our work even more difficult because you are fighting for what is in the best interest of this child and here's a lawyer who's fighting for what is in the interest of their client. And at the end of the day it's about who has more power than the other one and it sometimes makes my work very difficult. It does not make me lose heart in writing my investigations. I mean if I think it would make things a bit easier because I get bullied in cases. I think I even get threatened at some point because especially with lawyers, they feel that you know if they can throw maybe certain legal terms or character bashing, anything about forensic, care and contact being falling under the forensic scope, somebody would just come to you and say "are you even a forensic social worker?" I've been doing this work for quite some time. The council says it's a specialization but the council has not recognized me as a forensic social worker. So the mere fact that I am not classified as a forensic social worker already that is being used as character bashing to say, "I'm not even qualified to write this report". So in terms of that, those are some of the things that would assist. I know it's a long shot.

R   Yeah.

I   I know it might not even happen, but then if you get to proper literature, if you get to proper training and the very, very last one continuous and continuous and continuous supervision, individual and peer support supervision. One cannot ever work in this kind of cases without supervision.

R   Yeah.

I   I don't care how long a person has been doing the work.

R   Yeah.

I   These cases come with their own complexities and especially for people like us, I mean I've only been here doing this for four years. I

R   Yeah.

I	Fourth year and one needs that continuous supervision because then it evolves.
R	Yeah.
I	When you go into a case knowing that I did talk to people that are also doing the same work. I did talk to people that understand what I'm going through. And you know with peer support again, it helps with the debriefing part of it because.
R	Yeah.
I	We were also emotional turmoil ourselves when we're working through this investigations. And you also want to have a sober mind when you write this report but then now if you go through all these things that I've just said, and then you're writing this report, because sometimes I've seen some of the cases where I have not even accepted the cases, okay I would accept the case at some point, and because of the bullying and everything else and people threaten me "we'll take your license. We'll do this", there has been times where I've actually excuse myself from cases because I was afraid. They make you feel like you don't really understand the scope of work that you are doing. But if there was that supervision and the peer support groups it would also help. Then you would have people that are also in the same arena that would make you see that "no those are some of the daily challenges that we go through. And this is the work the process that you're following. You just you're in the right track" and all of that. Because sometimes our legal counterparts obviously they want to throw us off whatever lane that we're at, so that you can run away from the case, if I can say that.
R	Yeah.
I	But then, those are some of the things that personally would make me feel much better. I mean even if you can go to Google now and say care and contact, you would get either people that are offering the service or you would get a lot of information from overseas. South Africa do not have much.

R Yeah.

I On the Children's Act. Training it's only CPD offered by other professionals. Universities some of them say they offer the courses but then I know there's a few that are trying to get there, but most of them, the courses that they offering, you only realize when you're inside that no the course does not even offer what they said they were offering.

R Yeah.

I In terms of the council again, there's no level of activity on their part in terms of making sure that care and contact investigations as forensic social work area, is being taken seriously. So those are the things that I would really.

R Okay.

I Really like to happen.

R So when would you like to be started? If you were thinking about care and contact, when should training be started? On which level?

I Before one can even start with the work. You know when I'm not sure, I will talk to myself personally, I studied at the University of Pretoria and the curriculum there is a bit in-depth than the other Universities. I'm not bragging about that, it's the truth.

R Yeah.

I And if I did not study at the University of Pretoria, some of the things that I'm encountering now, I don't even think I was going to even be able to deal with them. And I always say if one wants to get it, because this is a specialization area anyway, it's not like your general social work, and if one is going to enter into that kind of work, I would suggest that those kind of trainings be done even before. Yes, you have your degree and everything else, but then it was just a lot theory and all of that and now you're entering the practice world. We are in private practice. You know you're responsible to an organizational supervisor or whatever. So training is very, very important even before one can start doing this cases because

sometimes you make those mistakes in court and remember this is a child's life that is dependent on this report that you are writing. And then you won't write a report that is going to put a child's life in jeopardy and nobody else can see that that whatever decision that was made in court, was based on the social worker's report and the mistakes that were there and now this child has to live with that mistake for the rest of their life. Whether you or not, they have to live with it. So I would say training should be done even before people start taking this cases. And the continuous supervision again, whether you do the training or whatever, because things change over time and cases are not the same. Even if it's the first case or the second or the third perfectly fine, the fourth case I don't have a guarantee of what it's going to turn out like because I don't even know the complexities of that case. So one cannot even work on the case single-mindedly. So you always need more training not and training cannot training is it doesn't even go alone. Training has always have to go with supervision.

R   Totally. Right.

I   You cannot isolate. They have to go together.

R   Yeah, absolutely.

I   If it was up to me.

R   Yeah.

I   All the reports that go to court, if I was a judge or a magistrate, I would not even accept the report, I did not have a supervisor's signature next to it.

R   Totally.

I   The mere fact that our council is not really legislating a lot of things or monitoring a lot of things, even in private practice, a lot of people are getting away with these things where they can write reports. They can do that. They claim they have supervisors. They don't even have one. And sometimes with the courts again, they have backlog. They don't really have

time to scrutinize each and every case. Some of the cases just come in and out and …

R   Yeah.

I   Social workers even get to go to court and be expect to give expected testimonies for their reports or anything like that. So because it's so flexible in private practice, anybody can just do what they want although the council says "you need to have a supervisor. You need to do that" but because nobody is monitoring that, people can do as they please …

R   Yeah.

I   And now that is where we also see some of the challenges, not only in care and contact. In everything that is done in private practice because now we're looking at an affect where I start a practice because I have a council number and because I have done a few cases I can call myself a forensic social worker, even though I'm not yet classified. And I can write a report and take it to court because I just got a referral. Nobody is to monitoring that. The main person that is going to be affected by this is the child that you're writing the report for about you have received a payment or not but at the end of the day it's something that we can complain about and something that we can cry about but there has to be a day where the council has to boost something. There's no level of monitoring or anything at all at council level.

R   Yeah.

I   There's none.

R   Yeah. I agree. Agree. Great. Okay. Let's get into four. **In your investigation, what do you think are the ways in which the child's cultural context come into play in determining the best interest of a child? And then secondly, do you think the social workers' cultural believes are also important in his or her decision-making?**

I   Yeah, that's you know the issue of culture is another complex one. It is there in the BIC but then it's not like I said, it's one of those vague terms

that are just there. And culture if you define culture, it's such a broad term on its own. And when you looking at the work that we do, in care and contact investigations and the context of culture in doing this investigations for the child, I don't really think in most cases they are looked into, but then they should be. Because if you look at a child's developmental stages, cultural context and environment is part of that because you looking at a child's we work on a family systems theory.

R   Yeah.

I   So a child that has been brought up in a specific system, that system carries specific cultural connotations with them and those are the things that needs to be highly considered when doing this investigations because it determines or it's it gives information on how the child interacts with their environment. It gives certain understandings on how the child understands their whole environment or interaction with their parents whether it's emotional attachment or whatever. Because that also play a role and when you look at the different cultures that we have, I know for example in care and contact personally I have not seen a lot of black social workers that are doing this work. And I know in the black population, culture is the most important thing than everything else. I will make an example. I've had a case where I was doing an investigation and there was a child that was supposed to do what is it to go for initiation and where the parents was not agreeing that the child wait and then the other parent wanted the child to do it and the child himself did not want to do it. I'm doing an investigation, I don't really have an opinion on who is supposed to say what, but when I'm writing this report, these are the things that I need to include there in terms of the child's relation to this and the child's participation also in terms of this culture that how does he relate with it? Does he even want to do it? Because I think it's Part B of the Children's Act, Chapter 2 or something that talks about all the cultural and religious practices there. There's something there on at what age and the consent and does the child have to do this? But when you look at the best interest of the child standard, it just saying "the context are" I think for example Section I think it's 7(f), it would say.

R   Yeah.

I   Like to their culture". And then even they need to be connected to their culture, at what extent are we saying that? Connected to their culture because now there's two parents with different cultures on top of that. Which one do we even say is the child's cultural context? And then sometimes you also like what I said again in terms of the steps that are not included in the best interest of the child, where you have to force things. Even that, would the cultural expectations being part of the child's whole environment? But then you are writing a report that has to come up with recommendations again as a professional seeing that probably this is not going according to what is in the interest of the child. But like the same Act again says you need to keep the child in this cultural context. This is now where you go to like 7(i) or (ii) where you now have to use that in terms of harm and then … but then you have to play it very carefully again. If you're saying harm but the same Act says we need to consider the child's cultural context, it's still something that is there's a very thin line in between that. And you also need to understand, with the cultural context of the child, not only developmental stages and whatever, also psychological and emotional levels also of the cultural context that this child is coming from, I think now it's overlapping again to the second part of this question. If myself as a social worker, I'm doing this investigation and I don't even understand that specific culture, it's not going to be easy for me when I do my evaluation and recommendation to apply it correctly because I have no understanding whatsoever of the cultural context that this child is coming from. My own sometimes I might have the understanding of the cultural context of this child. Let's say this is a Setswana child. I'm a Tswana lady. I understand what is happening in but then this is also where myself as a professional, even if I understand the child's cultural context, I need to be careful not to what is the right word now I need to be careful not to put my own perceptions I forgot what the word is and to imply my own perceptions and my own understanding of the cultural.

R   Yeah.

I	Context and imply that this is what is necessary for the child. Because sometimes knowing too much on the cultural context even ourselves, it can also be dangerous because then we overlook, we forget that this is not about us. This is about the child. Although I understand it, it might not necessarily be at the same level that I'm understanding it at. So we need culturally sensitive social workers. We need culturally conscious social workers for this investigations that will understand that when we're talking about the child's milestones, cultural context are also very important because this is what, in most instances, develops this child personality or whatever that we can say because it's from their own level of understanding. A child adopts their families, culture and tradition and all of that before they can create their own.
R	Yeah.
I	So if you are in the family systems, you understand what this cultural context is for the specific family, cause sometimes you will find that Xhosa and Zulu, those are the two different. And you have to understand at what context is this child being raised or the attachment or whatever. At what level is it being used for this specific child? Do they even understand it too? Because when you're going to do that evaluation, when you're going to do that recommendation that is also going to be very important. And it has to be according to the relevant one to the child so their understanding for it, it's quite an important one where in most reports it doesn't even come out. And I always, in my reports when I write a report, I will always put the best interest of the child standard all of them and then I would elaborate under each and every one. And what I try to do, even if it's a physical, emotional and psychological, I try to break it down and say "under physical it's that". So usually when I get to the cultural part, this is where I get it to stand out, because then it could say cultural context and that and then I would just isolate that part and then make it stand out because in most cases you won't see how the cultural context come into play because it doesn't stand out a lot in the Act per se. One can say it's just indicated in passing.

R	Yeah.

I	And go from explaining what the cultural context in this specific matter that I'm investigating is, before I can even make my argument, because culture is very broad. It can literally mean almost anything. We need more no social workers that are culturally sensitive and conscious because without an understanding of the child's context, family cultural context, and it's not even easy. It's not going to be possible for one to be make recommendations and evaluate on that if you don't even understand. And there's also different levels. A level of a person who has been informed or trained or taught about a specific culture and a person who has experienced the culture, the understanding is also at two different levels. If I'm a black person, although I'm Tswana, I grew up with Zulu's and Xhosa's and whatever, my understanding of those cultural context would be much better and much more advanced than a person who has not been exposed to that. So they would focus on what they received in training limiting now what they have to put in that report. It's not a win lose situation. At the end of the day it's not giving us adequate information enough that we need. So for cross-cultural context and stuff, the training needs to continue because it's better for you to be trained on it or know about it than not knowing at all.

R	Yeah.

I	You don't have anything. And it's the same with us. Even if I get a white couple, white Africans case and I might be black and understand that context, but then in the Africans culture, the context is also different. Then myself again in that context, I become a bit clueless because I,what if I don't Google on one or two people's literature and all of that. So I will based on what I have read up on or what I have been trained up on and even when I do my investigation and I'm busy with the interviews and stuff, I'm not only doing the investigation. I'm trying to also learn from the client's context. That might make a little bit of a challenge in terms of the evaluation and the recommendation again like I said because I'm not fully clued up with that.

R   Yeah.

I   Specific cultural context. And it's unfortunate that I'm not saying that we are supposed to say "if this is a black client, they need to be are giving to a black person" or whatever, but because it's not even possible to even if you want to do that, it's not even possible. Like I said we don't have a lot of black care and contact investigators anyway. But also we need to understand that even with culture it's not only about the upbringing and the developmental stages. It's also about expressing themselves.

R   Yeah.

I   When you do interviews, when the child is expressing themselves, even when you do the interviews with the parents, sometimes like me now through this interview, I kept on saying "I forgot what this word is" and like if I was saying it in my own native language, it was good to be.

R   Yes.

I   For me to express myself better.

R   Yeah.

I   I don't have to look for these words that are running. And if I don't find the exact English word to explain it, the word that comes to mind might be close to what I wanted to say but not the exact one.

R   Yes.

I   So we take that serious because the fact that a child went to an English school, they understand English and whatever, does not necessarily mean when they express themselves, they express themselves in the correct way. Because it's better to express yourself in your own native language.

R   Yeah.

I   Than yeah.

R   So S how would you say we can solve this problem? I mean you've mentioned there's not a lot of cultural, sensitive, social workers within

private practice. And I know what you mean by that. How and what is the solution in your words?

I   I think the first thing would be the networking. I mean one thing that I've realized in private practice and in this kind of work is that you find a group of white African social workers one side and you find the black social workers one side and we also don't have enough peer support groups at all. Because in terms of formal structures, I'm not sure if there's the solution that we can say because we cannot force anyone to go and do it, but then with the platforms that are already there, with the peer support structures and all of that, where we have groups of people, we are doing the same kind of work, whether it's in Pretoria and Johannesburg wherever, and we come together maybe once a month or something like that. And in those peer support groups, we can discuss this kind of complex issues that we are coming up close when we are doing our cases and we learn. You know exchange of or transference of skills from one to the next because I will come with the experience from the black population side. One would come from the Africans white population and then another from the white and because like I said it's better to be exposed through training and exchange of information than not knowing at all. Because we cannot reverse the process and say "now you need to go to a college or something to go and study the African culture" or something like that. But we are here. We can do something about it. We are here. We are in the same field of work. We can exchange the skills. We need to network more. We need to have these groups. We need to have this exchange of information and you need to know who is where. Because I know the S in Johannesburg, S is black. She understands this, this, this and then we can assist each other with that because sometimes you do find this people on Google or something, but because you've never had an engagement with that person or not, you're not just going to rock up and say "oh yeah I have this case. I need assistance with that." You need to break the ice and all of that. But if we have more peer support groups, I know for sure because I have a workshop for something else where there's a lot of black social workers that want to get into this.

R   Yeah.

I   I know there's people that need that.

R   Yeah.

I   And as part of this study myself, I'm going to now share the information with the other people that I know and say "oh yeah actually you know what, the impression that we have had", because we also need not forget that even ourselves as professionals, we get racially biased. Where I see Sarie Nel and them like "oh she's Afrikaans, she's from Centurion, oh hmm huh-um, I'm not going to try". And but if S says to me no if S says to Zanele "you know I have been in contact with Sarie" and she's like "oh you know I've seen that woman on", this is how information gets spread and myself personally because these are things that I want to see happening.

R   Yeah.

I   And this platforms the way I have access to these people, I've already started actually to start spreading the word and telling people "would you be interested if there was a peer support group that is only focusing on this. I'm not the expert but we can look for people that would be willing to host these sessions".

R   Yes.

I   And I've got six people that said "yes".

R   Wow.

I   We are willing. So this is how I think we can resolve this because and the more we meet in this peer support groups, I think all these other issues that we are having as professionals in the care and contact arena, we can even bring up even more. And I mean imagine if we can even go to the council for example and say "in terms of advocacy for this kind of work, if only Sarie goes there" because everybody we know Sarie Nell, Doctor Aucamp and whatever, they are the people in this kind of cases. But if you just go

there on your own, it's not always that easy but then if now we know that no there's a community.

R   Yes.

I   Of in this specific field and then we strengthen that community. Sometimes the solutions will even come from us because most of the time we're looking for solutions to come from somebody else but we are the ones that are.

R   Yeah.

I   Experiencing these challenges, whether it's cultural issues, whether it's that, we can provide a community where all these structures can be setup and we can be support networks to each other.

R   Yeah.

I   So this solution that we can go for.

R   Yeah.

I   I know on the black side of people that there are people, and I can get more and we can startup those structures where it will be safe for us to sit down and talk about these cases with the challenges, the ethical issues, what needs to be done and all of that, transference of skills. Because also the other thing is that it's not only about the racial bias and stuff, there's also there's. I don't know what kind of bias we can call it, where if I come to you and ask for information without paying for it and you feel like no I can't give her this information, she's my competition. She's my direct competition. But if we build that community, because now we will get to know each other from there and everything else. It becomes even easier to share expert information, documents, whatever it is that we share, within that community and even when a person from outside comes, they know that for me to be able to get that, I need to part of a specific community and then they join in. And one small community will start smaller other groups of communities, maybe per area or whatever, but give that there are others out there, they just don't know. I was fortunate enough to

volunteer in this study to know that there's other people that are in this kind of work because some of them don't even appear on Google or anything.

R   Yeah.

I   Because of participating in this kind of studies, because even with these studies we look at them as like "oh she wants two hours of my time. I have to answer questions and whatever."

[Laughing]

I   But you, I have learnt more than I have given information in this study.

R   Oh, I'm so happy.

I   Information I've not gotten if I did not participate in this study. So we need to form those communities where we can support each other. We can transfer the skills. We can teach each other about all these cultural issues and everything else that comes up. So the solution is there. We just need to take action for it.

R   That's wonderful S. That's absolutely wonderful and that is such a huge gap that we've identified within the study is exactly what you are saying to me, is that we need that and you know we need a cultural, sensitive, social workers within private practice. We need them.

I   Yes.

R   And that's a huge gap that's been identified within the study already.

I   Yeah.

R   Before I even spoke to you today. So yeah.

I   Okay.

R   But thank you so much. I'm not gonna take any time longer from you, but you have been an excellent candidate and I will see you on a different level and a different forum.

I   Yes, of course.

R	And we will stay in touch.
I	Okay.
R	I will share the information with you guys and yeah we will get in touch. But we will stay in touch in any case.
I	No thank you for contributing so much. I know that we have our own South African literature studies.
	(Laughing]
I	It's quite a relief because you know that this is a study that focuses on the South African context that is the participants were people that are doing the work in South Africa according to whatever challenges that we are all facing and we hope that with your study also, somebody will see it and even take it further and you know somebody take it seriously because yeah it's really, yoh, it has been long overdue.
R	Yeah.
I	It has been long overdue and we really thank you.
R	Yeah.
I	Huge, yeah this is a big job that you are doing.
R	Yeah. No, but you were part of it. You were all part of it and we're gonna start something definitely.
I	No thank you.
R	You take care. Have a wonderful weekend and I speak to you soon.
I	Okay. Bye.
R	Okay. Bye-bye.

END OF RECORDING

APPENDIX U

From: **Sarie Nell** info@sarienell.co.za
Subject: Sarie Nell Focus group Jhb 2
Date: 25 June 2020 at 17:42
To: sarie Nell sarienell@icloud.com

Hi there,

You are invited to a Zoom meeting.
When: Jul 17, 2020 10:00 AM Johannesburg

Register in advance for this meeting:
https://us02web.zoom.us/meeting/register/tZMud-CuoTwoGtcFgM1d5gcGWFk8UswuNn92

After registering, you will receive a confirmation email containing information about joining the meeting.
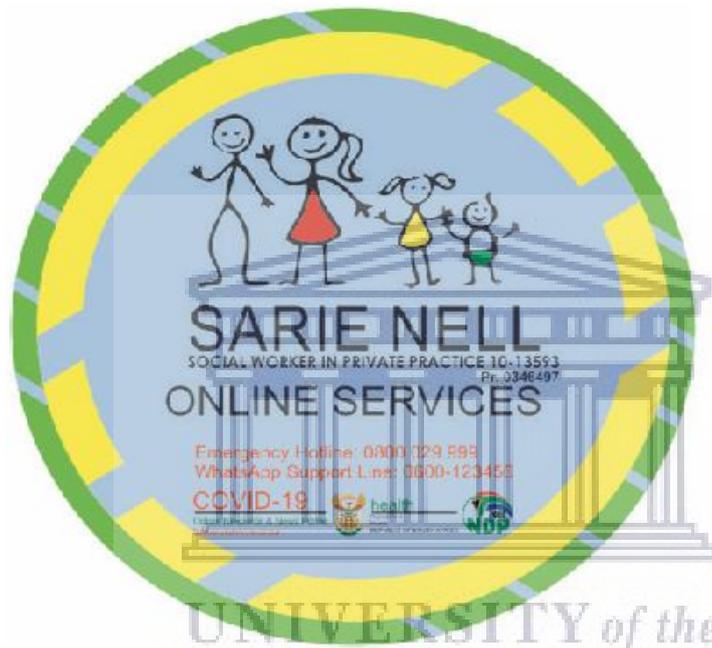
info@sarienell.co.za
012 6671913
0832306124
www.sarienell.co.za

Meeting Registration

This meeting is for users with a Zoom account. New to Zoom? Sign up free. (/signup)

Topic   SARIE NELL FOCUS GROUP JHB 2

Description   Utilising the Best Interests of Child Standard in care and contact investigations.

Time   Jul 17, 2020 10:00 AM in Johannesburg

First Name*

S

Last Name

Nel

Email Address*

sarienell@icloud.com

Confirm Email Address*

sarienell@icloud.com

Gender*

Age*

Racial group - (only for statistical purpose)*

Home Language*

Years of experience in private practice*

Years of experience in care and contact disputes*

Johannesburg / Pretoria / Other (Town)*

Area/s of operation*

APPENDIX W

Meeting Registration Approved

Topic   SARIE NELL FOCUS GROUP JHB 2

Description   Utilising the Best interests of Child Standard in care and contact investigations.

Time   Jul 17, 2020 10:00 AM in Johannesburg

                     ■ Add to calendar▾

Meeting ID: 874 0967 7203

To Join the Meeting

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join. https://us02web.zoom.us/w/87409677203?
tk=HCClw68qmIEk2Fo6LKd4JOuuVSjTSFIECz9GTvIBaIo.DQIAAAAUWgXTkxYtLXFMQIQ1dINORzAxdXRpejR0YnJnAAAAAAAAAAAAAAAAA
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tk=HCClw68qmIEk2Fo6LKd4JOuuVSjTSFIECz9GTvIBaIo.DQIAAAAUWgXTkxYtLXFMQIQ1dINORzAxdXRpejR0YnJnAAAAAAAAAAAAAAAAA
AAAAAAAAAAA5&pwd=NlplSW1IV1JMZmFIZJhHSC84RDFwQT09)

To Cancel This Registration

You can cancel your registration at any time.

APPENDIX X

Self-reflexivity Report

Background

I am a white Afrikaans speaking, 51 year-old female who has been a social worker in private practice since 2009. My study title "***EXPLORING THE EXPERIENCES OF SOCIAL WORKERS IN PRIVATE PRACTICE IN CARE AND CONTACT DISPUTES USING THE BEST INTEREST OF THE CHILD STANDARD***" was subconsciously created when I started with my private practice in 2009. I have previous experience at welfare organisations relating to statutory social work, and always loved the adrenaline the cases to save children gave me when working with court related matters. I learned a lot from these first interactions with the children's court, and even in those days (late 1990s), I was involved in a High court matters conducting care and contact matters in collaboration with the Offices of the Family Advocate. I undoubtedly knew I had a passion for processes involving court related matters.

However, in private practice you are not protected, as you are when working at a government organisation. You have to learn on the job, whilst working on a case, and in hindsight, there is no other way, but it remains very dangerous. I had no one to turn to for supervision, as other colleagues in this field are highly protective of their own turf. I started up-skilling myself by attending courses which I believed would benefit my skills, and over the next 5 years I managed to up-skill myself to a level which was recognised within the family law community.

Moreover, in 2017 I completed a course through Unisa – Fundamental Aspects of Children's Rights. I then realised that I can easily study on my own and at my chosen pace, and this motivated me to approach the University of the Western Cape (UWC), in

order to apply for a Master's degree in Social Work Research. My main aim was to conduct a study within the care and contact arena. Fortunately I was accepted by the UWC's Child and Family studies unit. Other than for my own enrichment, I wanted to conduct this research to help future students and peers in opening doors for exploring this highly specialised and essential field of study. Even though our role is clearly defined in the Children's Act 38 of 2005, I believe that the role of the social worker in court related matters is a vanishing profession.

Preparation for the research project

The recruitment process was conducted whilst we were in Level 4 of national lockdown related to the global COVID-19 pandemic. This was an extremely stressful exercise as our ethical clearance was changed from face-to-face to using online platforms. Moreover, I fully utilised this time to further educate myself, as I attended international and local training related to online consultations, as well as best practice in using various electronic communication / online platforms such as Zoom or Google Meet. When I started the online research, I was already conducting online sessions with my clients by means of Google Meet or Zoom.

It was challenging to recruit participants during a pandemic where people are scared to go out of their residence, to explore new challenging technologies, and to find hope and meaning for the future which overnight became totally unpredictable. Because I am well known within in my field of expertise within the Pretoria area, the participants responded after marketing and contacting them via WhatsApp, as well as telephonic invitations. I knew one participant from Johannesburg, who assisted me with names of other social workers in private practice, and eventually I managed to recruit the group.

Moreover, I struggled to recruit participants from different ethnic backgrounds. At times, I started questioning my own abilities as a researcher. Many times I recalled how difficult it was to set up my own private practice, and if I did not have financial backup from my husband, I would never been in this fortunate position to be in private practice. This was one hypothesis I could think of as to why I could not find participants. The other factor is that dealing with high conflict family law matters is a specialised field, and without training and mentorship you will not professionally or emotionally last in this field due to the conflictual environment with the client and the legal systems. Other reasons which came to mind was that there is no official training, no mentorship, and also no support. So, am I part of the 'white supremacy'? I never saw myself in this way; and maybe my real typical Afrikaans name might portray this; but this is not me.

I suffered extreme guilt feelings in dealing with these thoughts. Feelings of shame and guilt were all over me, coupled with the utmost disgrace which emphasised the injustice done to people of other ethnic backgrounds. My ancestors did this and my parents who blindly believed what was taught to them by the Apartheid state and the church. I know they are the culprits for the price every white South African is paying today. We are carrying the burden of our ancestors. Fortunately, in this difficult time, I managed to obtain one African participant and she was so excited to be included in the study as she just wanted to learn from all the other participants which came from different ethnic backgrounds and cultures.

My preparation for the sessions involved self-awareness and critical self-reflection. I struggled to guard against a personal biases concerning aspects to which I might agree with them if I were a participant. The emotional experiences I felt after each session

became very difficult to manage, as well as remaining objective, even though I could relate to the participants. I had to be mindful of predispositions of the participants, as most of them agreed on certain statements and were very aware of what my reactions regarding the answers to questions, and to what extent I could potentially affect the research process and conclusions.

I strongly believe that this process of awareness and self-reflection added to the integrity of the research. Before each session I would go through the semi-structured questions and aimed to be mindful of my role as the researcher whilst conducting a focus group or an interview. Before each session I would go through my ethics in order to be mindful of my neutrality and objectivity, and to remember that this is not about me but about my participants, their thoughts, their feelings, and their experiences. I always endeavoured to remain objective, although it was difficult not to partake in the participants' descriptions and opinions regarding their experiences in the research study, as I could relate to their emotions, frustrations and out cries for interventions to make their roles within the family law environment more productive. Therefore, being aware of all these challenges prior to the sessions assisted me as the researcher to remain unbiased.

I reflected and articulated personal biases related to aspects which I wanted to know from the participants, as well as my overall emotional experience after each session, as well as prejudices related to comments and experiences expressed by the participants in journaling throughout the research process. Moreover, applying mindfulness to triggered memories and feelings which arose during the focus group sessions and interviews.

During the sessions

I was extremely aware of my comments and my participation during the sessions. The participants were so eager to talk about the discussion points and elaborated on each question. I had to control the time, as during most of the sessions, the allocated time was not enough.

One of the topics which was not foreseen, is the challenges the social workers in private practice have with the SACSSP in being reported to the council for unethical behaviour and the subsequent emotional upheaval it causes. This was difficult to handle as I could identify with the participants, and I was emotionally triggered by the conversation. I just let them express their feelings and experiences, and they gave possible resolutions to these issues. This topic raised feelings within me that this is a common issue with all social workers specialising in this field, and I really did not feel alone when I knew that they also struggled with these battles. When you are in private practice you are isolated, and therefore the suggestions of peer group supervisions were welcomed by all participants.

During the data analysis process and final drafting of dissertation

During the analysis process, as well as the summary of the findings of the study, I was confronted with challenges related to selection of data. This was counter to the inclusion of data across all four group sessions, as well as the four individual sessions. Themes also emerged from the use of the ATLAS.ti qualitative data analysis computerised program, which displayed patterns to validate the objectivity in the data.

This was one of the most positive personal journeys I have ever embarked upon in my entire life. When I completed my Social Work degree in 1990, I just wanted a degree and be a social worker. This time it is different, as I want to contribute to the journey and success of my peers, and to be a voice for them within this field. I want to be an advocate for social workers going into the future. Moreover, I want to ensure that the social work profession remains a focal point within the Children's Act, and to uplift our service to the community.

Sussarah Maria Elizabeth Nell

3847467

APPENDIX Y

Section 7

Best interests of child standard

7(1) Whenever a provision of this Act requires the best interests of the child standard to

be applied, the following factors must be taken into consideration where relevant, namely

–

  (a) The nature of the personal relationship between –
      (i)   the child and the parents, or any specific parent; and
      (ii)   the child and any other care-giver or person relevant in those 30
              circumstances;
  (b) the attitude of the parents, or any specific parent, towards –
      (i)   the child; and
      (ii)   the exercise of parental responsibilities and rights in respects of the child;
  (c) the capacity of the parents, or any specific parent, or of any other care-givers or
      person to provide to the needs of the child, including emotional and intellectual
      needs;
  (d) the likely effect on the child of any change in the child's circumstances,
      including the likely effect on the child of any separation from –
      (i)   both or either of the parents; or
      (ii)   any brother or sister or other child, or any other care-giver or person,
              with whom the child has been living;
  (e) the practical difficulty and expense of a child having contact with the parents, or
      any specific parent, and whether that difficulty or expense will substantially
      affect the child's right to maintain personal relations and direct contact with the
      parents, or any specific parent, on a regular basis;
  (f) the need for the child –
      (i)   to remail in the care of his or her parent, family and extended family; any
      (ii)   to maintain a connection with his or her family, extended family, culture
              or tradition;
  (g) the child's –
      (i)   age, maturity and stage of development;
      (ii)   gender;
      (iii)   background; and
      (iv)   any other relevant characteristics of the child;
  (h) the child's physical and emotional security and his or her intellectual,
      emotional, social and cultural development;
  (i) any disability that a child may have;
  (j) any chronic illness form which a child may suffer;

(k) the need for a child to be brought up within a stable family environment and, when this is not possible, in an environment resembling a closely as possible a caring family environment;

(l) the need to protect the child from any physical or psychological harm that may be caused by –

    (i) subjecting the child to maltreatment, abuse, neglect, exploitation or degrading or exposing the child to violence or exploitation or other harmful behaviour; or

    (ii) exposing the child to maltreatment, abuse, degradation, ill-treatment, violence or harmful behaviour towards another person;

(m) any family violence involving the child or a family member of the child; and

(n) which action or decision would avoid or minimise further legal or administrative proceedings in relation to the child.

(2) In this section "parent" includes any person who has parental responsibilities and rights in respect of a child.

(The Children's Act no 38 of 2005, Government Gazette June 2006 : 32-34)

APPENDIX Z

RUTH COETZEE
Professional English language editor
Academic specialist
Plain language practitioner

<div align="right">

34 Heritage Village
Tzaneen 0850
Cell : 072 9339417
Home : 015 0650145
Email : ruthc111@gmail.com

</div>

10 January 2021

To whom it may concern

I am an experienced English language editor, accredited by the Professional Editors' Guild, South Africa.

I hereby confirm that I have completed a language edit of the thesis written by **Sussarah Maria Elizabeth Nell** titled: **EXPLORING THE EXPERIENCES OF SOCIAL WORKERS IN PRIVATE PRACTICE IN CARE AND CONTACT DISPUTES USING THE BEST INTEREST OF THE CHILD STANDARD**.

The work was edited to achieve
- clarity of expression and style;
- accuracy of grammar, spelling and punctuation;
- consistency in all aspects of language and presentation.

The author was requested to attend to suggestions for improvement of the text, and is responsible for the quality and accuracy of the final document. References were not included in the language edit.

Yours sincerely

RCoetzee

Ruth Coetzee (Mrs)

Professional
EDITORS
Guild

Ruth Coetzee
Full Member

National treasurer
Membership number: COE004
Membership year: March 2020 to February 2021

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APPENDIX AB

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