

# The shock of 134,500 Covid orphans in South Africa

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The impact of only 25% of parents having a valid will in place.



## The heart-rending statistics

South Africans have been horrified by the news that Covid-19 has led to an estimated 134,500 orphans in our country.

This means that at least one in every 200 children in every age group will have experienced Covid-19-associated orphanhood.

By this time, this figure is even higher, since the research has only been done up to the end of October 2021 (*The Lancet Child & Adolescent Health*). In what researchers describe as a “heart-breaking hidden pandemic”, up to 5.2 million children globally have been orphaned or lost a caregiver due to Covid-19.

South Africa ranked second highest of the 21 countries modelled, with 7.22 orphans per 1,000, behind Peru (8.28), according to the study in *The Lancet Child & Adolescent Health*.

Globally, at least 5.2 million children have been orphaned or lost a caregiver due to Covid-19 up to October 2021, the study estimates. However, in regions such as Africa, estimates are often vastly under-reported.

Children of all ages experience grief and might also experience inadequate care, altered mood of the surviving parent or caregiver, food insecurity, marginal housing, and family disintegration. Younger bereaved children need immediate full-time nurturing and ongoing support for early childhood development. The quality of care affects subsequent development, health, and mental health.

Adolescents face post-orphanhood risks (varying across contexts) including sexual violence, exploitation, HIV infection, suicide and child labour. It also includes adolescent pregnancy, separation from family, household poverty, and leaving

school to care for younger siblings, the study states.

It defines orphanhood as the death of one or both parents; primary caregiver loss as the death of one or both parents, or of one or both co-residing custodial grandparents aged 60–84 years.

### **What happens to orphans if there is no [last will and testament](#) in place?**

In extreme cases, your children may be taken to a place of safe care, if you pass away without a last will and testament and no legal guardians have been nominated or are easily contactable.

As if your children being extremely traumatised by your passing is not enough, them being taken away from home, is a thought that is nearly too much to bear. But it happens, and even more so on a larger scale since the onslaught of Covid-19, as the mentioned study indicates.

### **How is a child placed in safe care?**

“A social worker or police official may believe a child is in urgent need of care and protection and any delay will endanger the child. The child may be then removed without a court order and placed in temporary safe care” (Chapter 9, Section 152 Children’s Act).

Often, children will be temporarily placed in the care of friendly neighbours, friends or family until the court decides where they should be placed on a permanent basis. That said, only if the neighbours, friends or family are willing to help.

A last will and testament can prevent the above scenario playing out and is one of the biggest favours you can do for your minor children.

### **Debunking the myths of getting a last will and testament**

Sometimes parents, and especially single parents, work so hard to provide for their kids that they simply fail to find the time get a last will and testament drawn up. Several myths may also contribute to the delay in drawing up their will:

1. Time consuming: Most people think drawing up a last will and testament will take a great deal of time and effort and they continually put it off to “one day”.
2. Expensive: Many people think that getting your will drawn up by an expert is a costly exercise.
3. Only for the wealthy: Many people are of the opinion that wills are only for the wealthy and those with many assets such as multiple properties and companies.

These three myths couldn’t be further from the truth, and Capital Legacy has spent the last 10 years helping over 380,000 South Africans get their wills in place – but there is still a long way to go to change the appalling statistics in this country.

Covid-19 has shown that entire households can pass away, which highlights the urgent need for parents to draw up a last will and testament.

### **Single parents in South Africa**

Almost as shocking as the number of Covid-19 orphans is the number of single parents in South Africa.

Research conducted over a period of 5 years show that 60% of South African children have absent fathers. More than 40% of South African mothers are single parents. This research was done by the Human Sciences Research Council (HSRC) and the South African Race Relations Institute (SARRI) and published in 2019 (pre-Covid).

Most minor children in South Africa (43%) live with their biological mother only, 2% with their biological father, and 19% do not live with either of their biological parents. Heartbreakingly, only 36% of South African children live with both their

parents.

The definition of a single parent is “someone who has a child or children but no husband, wife or partner who lives with them”.

Another chilling statistic is that only 25% of some 60 million South Africans have a valid will in place. This means that 75% of us leave our children’s future in the hands of the government after death. The same applies to the administration of our estates, which could lead to an unfair distribution of your legacy.

### **What happens to my assets if I die without a last will and testament?**

If this happens, you die intestate. As minor children are not allowed to own assets, the master of the High Court will then appoint an executor to see to the administration of your estate. Creditors against your estate aside, preference will be given to your spouse and children as far as your estate is concerned.

The assets due to your minor children could be put into the Guardian Fund. The government created the Guardian Fund to receive and manage money on behalf of persons legally incapable or who cannot manage their own affairs. This includes minors and mentally disabled people. The court will also appoint a guardian for your minor children. The guardian may then claim against the Guardian Fund for the children’s expenses.

However, this is a cumbersome process, and all claims are scrutinised to eliminate false claims, which could take a long time. If there are any assets left by the time the minor children turn 18, they may apply to the Guardian Fund for their assets to be released to them.

### **Advantages of having a last will and testament**

- The parent nominates guardians for the children. This means that it is people the parent and the children know and trust. It is vital that more than one guardian is nominated. If the parent passes, this will show who should be contacted if the first nominated guardians could not be reached.
- A last will and testament also avoids confusion amongst relatives as far as inheritance of assets is concerned and appoints an executor to manage the estate.
- Assets meant for the children may be left in a testamentary trust that is managed professionally by a trusted company like Capital Legacy. This will safeguard the children’s future and address issues like property being left as part of the inheritance, who is going to take care of the funds and when will the appropriate age be to remit all the monies to the children.
- Having a last will and testament with a testamentary trust for minors also makes it significantly easier and faster to access funds for the children.
- Capital Legacy will also calculate the various costs associated to passing away, including executor, conveyancing and trust fees and advise on the best way to mitigate these costs to ensure your estate is not financially strained due to liquidity issues.

Getting your will drafted with Capital Legacy is quicker and easier than you might think, and knowing that your children and their inheritance will be looked after should you pass away will certainly help a parent to rest easier at night.

*At [Capital Legacy](#), we specialise in will drafting and estate administration and have made it easy for you to leave a legacy. We will draft and update or amend your will for free and advise on how to mitigate the various costs associated to passing away.*

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