



# Celebrating 25 years of protecting the best interests of the child

## What is the Family Advocate?

The Family Advocate is an unbiased family law specialist who assists parents in dispute (for example, those going through a divorce) to reach an agreement regarding the care and contact of their children.

The Family Advocate deals with disputes between parents or parties over access to, and care of, their child/children.

### Did you know?

- The Family Advocate mediates during a divorce to protect the rights of children whose custody is in dispute.
- You can also approach the Family Advocate if you have a child/children out of wedlock and you want to make a legal arrangement to access the child/children.
- The Family Advocate can intervene in a case where a child/children is removed from the country by one parent without the permission of the other.

The service of the Family Advocate is available to the public free of charge.

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**the doj & cd**

Department:  
Justice and Constitutional Development  
**REPUBLIC OF SOUTH AFRICA**

## You may consult the Family Advocate when:

- You are in a **dispute regarding contact or care of a child.**
- You want to **draft and/or register a parental rights and responsibilities agreement.** This is a legal agreement made by both parents/parties regarding the care of their child which can be registered with the Family Advocate.
- You want to **amend or terminate a parental rights and responsibility agreement** registered with the Family Advocate.
- There is a **dispute on whether a father of a child born out of wedlock satisfies the requirements to acquire full parental rights and responsibilities** in terms of the law.
- A court has made an order that the **Family Advocate has to conduct an inquiry** on the best interests of the child.

## Benefits of consulting with the Family Advocate:

- If the parents/parties reach agreement on the care and contact of their children, the matter does not proceed to court, thereby **saving legal costs and time.**
- **Courts will not readily issue a decree of divorce** where there is a dispute regarding minor children without the report or recommendations of the Family Advocate.
- The Family Advocate can **amend or terminate parental rights and responsibilities agreements** registered by the Family Advocate's office. This means that the parents/parties do not have to go to court if they want to amend the agreement when the need arises.
- Parental rights and responsibilities agreements or parenting plans registered with the Family Advocate have the **same legal effect as a court order.**
- Courts or Judicial officers are required by law to consider the report and/or recommendations of the Family Advocate when making a decision in the best interests of a minor child.

## The rights of parents

Parents are expected to:



**Take care** of their child/children.



**Maintain contact** with their child/children.



**Act as a guardian** to their child/children.



**Provide financial support** to their child/children.



**Provide for the needs of** their child/children.