

Your method of payment must be recorded on the Court Order.

Remember:

- The Reference Number provided by the Court must always be given when making a direct payment into the bank account or over the counter.
- Always fax the proof of payment (deposit slip or receipt) to the Court when paying directly into the bank account of the Court.

### What if the bank account where the money was supposed to be paid in has been closed?

- Furnish the Court with new banking details.
- The Maintenance Officer will advise the Respondent of your new banking details and the amount owed by him.
- The new banking details will be recorded on the maintenance file.

### What if the person who collects the Maintenance money becomes ill, disabled, dies or is out of the country?

- In the case of death, the Executor of the applicant's estate or Guardian of the child, is given permission to collect the money.
- In the case of illness, disability or where the authorized person is out of the country, a third party needs to be appointed. This can be done by producing a Power of Attorney document which authorizes the third party to collect maintenance.

Alternatively, the Department of Social Welfare (a Social Worker) can be contacted for assistance.

### Where do I go for Custody and Access rights?

For more information regarding Custody and Access, refer to the office of the Family advocate.

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How do I  
claim  
Maintenance?



## What you need to know!

For more information, please contact the following:

Department of Justice and Constitutional Development  
Chief Directorate: Promotion of the Rights of Vulnerable Groups.  
Tel: 012 315 - 1856/4  
Fax: 012 315 - 1851  
[www.justice.gov.za](http://www.justice.gov.za)

## When is the Court open?

Office Hours:

Monday - Friday:

07h45 until 16h15

## Where will I go when I get to the Court?

Always go first to the information Desk to be directed to the correct place.

## How do I know if the money was paid?

- Always phone before coming to the Court, to ensure that the money is paid in.
- If the money is not paid in, the Court will first try and track whether a payment was made and, if not, will tell you what to do next.



**ALWAYS PHONE FIRST**

## How long will I wait for the money to be paid out to me?

- The payment date is dependent on the Court Order.
- The person responsible must make payment to the Court for payment to be made to you.

## Reasons for delay in payment

- The computer system is offline.
- Payment cannot be traced due to incorrect reference number being supplied.

Remember that when money is paid BY CHEQUE into your bank account, the money will ONLY BE AVAILABLE after SEVEN days.

## I'm not comfortable using a bank account.

Remember it is just as safe and more convenient to use your bank account as it is to have a payment made to the Court in cash or through a garnishee order.

## What steps do I take if I do not receive the money in my bank account?

- Request a detailed statement (not a mini statement) of your bank account at your local bank counter or ATM.
- Bring the bank statement together with your ID Book to the Court.
- The Court will issue summons to institute criminal charges against the person responsible for the payment.

## If I am the person paying the Maintenance money, what do I need to do?

You can use the following methods of paying:

- Garnishee order – your employer takes the money directly from your salary.
- Cash payment - you come to the Court and pay the money over the counter.
- Direct payment into the bank account - you make a deposit directly into the bank account of the beneficiary.
- Keep the bank deposit slip to produce as a proof of payment, when required to do so.

NOTE: Direct payment can only be ordered by the court as the method of payment where:

- the court deems it fit in the circumstances
- upon the request of the respondent and/or the applicant to the court.

## Why do I need a Court date?

To give the Court time to warn the other party to be present for the hearing.

## Why is it necessary for each party to come to Court?

This is to reach an agreement of how much maintenance is needed and how much the person responsible can afford to pay.



## What should I use as a Reference Number?

- You will receive a file number starting with 14/3/2 followed by your reference number allocated by the office;
- The number appears on your orange Maintenance card.
- Please quote your number whenever you make enquiries about your matter.



## How long will I wait for a Court Order to be issued?

This depends on the co-operation of both parties. Should the parties reach an agreement, the first payment should be done as specified by the Court Order.

## What are the different ways that I can collect Maintenance money?

- Garnishee order – the company takes the money directly from the responsible person's salary and pays it into the Court's bank account.
- Cash payment – you collect the money over the counter at the Court.
- Direct payment into your bank account – the respondent makes a deposit into your bank account.



## The best way to collect Maintenance is by the direct payment into your bank account.

The advantages are:

- No traveling to the Court
- No transport costs
- No standing in queues
- No lost time off work.

## How do I claim Maintenance?

### What are my rights?

- It is the duty of both parents to support their child financially.
- This includes contributions towards paying for food, clothing, accommodation, medical care and education.
- The amount of maintenance will be determined in proportion to each parent's income.
- Both parents are responsible for the care of their child whether the child is born in or out of marriage.
- The person responsible for paying the maintenance has the right to appeal against the Maintenance Order.
- If the person responsible for paying maintenance does not pay, a complaint can be made at the Maintenance Court.
- A Maintenance Order may be made for:
  - Expenses in connection with the birth of the child
  - Expenses in connection with the maintenance of the child from the date of the child's birth to the date of the enquiry
  - In the case of a divorce, the ex-spouse is entitled to receive maintenance if it was included as part of the Divorce Court procedure.

### When can I approach the Maintenance Court?

- When the other party does not provide for the maintenance of the child or family.
- When applying for maintenance for the first time.
- When the Divorce Court has made an order; to open a file for the court to inform the person responsible when, how and where payments are made.
- When applying for an increase or decrease of an existing Maintenance Order.

### Which Court should I go to in order to apply for Maintenance money?

Please contact your nearest Court by telephone as they will be able to assist you with the correct information. (The Court in the district in which the child or person to be maintained resides.)

## I need to claim Maintenance money - how do I go about applying for it?



- Phone your local Court to find out which Court is the correct one to go to for maintenance.



- Phone that Maintenance Court and confirm what you will need to bring with you in order to apply for maintenance money.



- Come to the Court and complete an application form.



- The Court will provide you with a date on which you and the Respondent (the other parent) will need to come to Court.



- The Court will issue a subpoena to the Respondent (the other parent) to appear in Court on a specific date.

### Please note:

The entire process from applying for maintenance to receiving the first payment might take several weeks, depending on the co-operation of both parties.

## Do I need to travel to the Court?

Always phone before traveling to the Court, to make sure that:

- You are going to the right Court.
- You have all the relevant information with you on the day.
- You know whether the Respondent (the other parent) needs to be there with you on the day.

## I need to go to the Maintenance Court - what do I need to take with me?



Make sure you bring the following with you:

- ID book.



- ID number and photo of parent/person responsible for paying the maintenance money.



- Bank statement if you have a bank account.



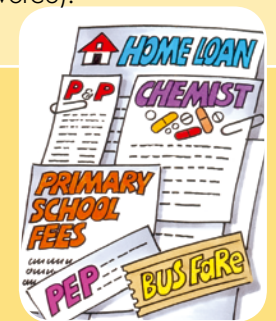
- List of expenses describing the child's needs.
- Documents to prove these expenses, eg water and lights bill, grocery till slips, clothing accounts etc.
- Current payslip of both parties who earn an income.



- Physical, residential and work address of the person who needs to pay the money.
- Physical, residential and work address of a family member or next of kin.
- Court date (if already determined).
- Reference number (if already allocated).
- Court Order (if already granted).
- Divorce Agreement (in the case of a divorce).
- Payment date.

## What expenses can be listed as the child's needs?

- Accommodation
- Water and Lights (Electricity bills)
- Food and other groceries
- Clothes
- School fees
- Medical costs
- Travel costs



You will need to bring supporting documentation for each of these expenses, otherwise THE COURT CANNOT INITIATE PROCEEDINGS, eg: pay slip, electricity bills, school fees and receipts of medical costs