

MY CHILD'S FUTURE IS MY PRIORITY. I PAY MAINTENANCE.



DID YOU KNOW?

- 1** It is now possible to grant a maintenance order on the **first day** of application. Apply for your child today.
- 2** There is **no limitation** to the maintenance money. It is determined by the needs of the child and what parents can afford.
- 3** You do not stop paying maintenance until the child is **self-supporting**. Do the right thing, pay child maintenance.
- 4** Our **maintenance investigators** are able to trace the whereabouts of a defaulter and determine their financial position. Apply today.
- 5** Our Maintenance Service Delivery system is **simple, improved and more accessible**. Go your nearest Magistrates Court to apply.
- 6** Child Maintenance can be paid through **Electronic Funds Transfer, Direct Payment** and a **Garnishee Order** processes.



the doj & cd

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA



MY CHILD'S FUTURE IS MY PRIORITY:

I PAY MAINTENANCE

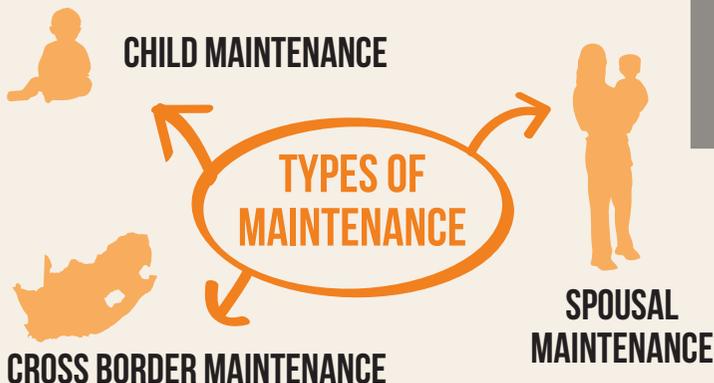
THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT HAS IDENTIFIED AS A PRIORITY SERVICE DELIVER IMPROVEMENTS, WHICH INCLUDE THE TURNAROUND OF THE MAINTENANCE SERVICES.

Maintenance is administered in terms of the Maintenance Act No 99 of 1998.

Maintenance is the obligation to provide another person, for example a minor, with housing, food, clothing, education and medical care, or with the means that are necessary for providing the person with these essentials. This legal duty to maintain is called 'the duty to maintain' or 'the duty to support'.

DOCUMENTS NEEDED TO LODGE A MAINTENANCE CLAIM?

- ✓ Birth certificate of the child/ren
- ✓ Your identity document
- ✓ Divorce order and/or settlement if any
- ✓ Proof of your income and expenditure
- ✓ Name and surname of parent/ person responsible for the payment of maintenance money
- ✓ Physical/work address of the parent/person responsible for the payment of maintenance money if available,
- ✓ Copy of bank statement
- ✓ Proof of residence/affidavit.



WHERE CAN ONE APPLY FOR MAINTENANCE?

You can lodge a complaint for maintenance in any **local magistrate court** where the applicant and/or the child resides.

CHILDREN SHOULD NOT SUFFER: APPLY FOR MAINTENANCE

WHO CAN APPLY FOR MAINTENANCE?

The **parent/person** who is in custody of the child/ren may claim maintenance from the other parent who is responsible or liable to pay maintenance

Or in an instance where **one spouse** would like to apply for support from the other where applicable.

Maintenance can be claimed from the **biological grandparent** if the parents cannot pay maintenance.



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PRIVATE BAG X81, PRETORIA, 0001
MOMENTUM CENTRE, 329 PRETORIUS STREET, PRETORIA
WWW.JUSTICE.GOV.ZA

WHAT SHOULD I DO WHEN I GET TO THE COURT?

- 1 Ask to see the maintenance clerk**
 - The maintenance clerk will then assist you in **completing the forms**.
 - The Maintenance Clerk will refer your application to the Maintenance Officer for **final assessment** of your documents.
- 2** After assessment the registration of application and **reference number** will be issued.
- 3** The Maintenance Officer will issue a **directive calling upon the parties to meet**, for the purposes of conducting an investigation into the alleged complaint.
- 4** The Maintenance Officer will then **conduct an investigation into the alleged complaint**, or conduct mediation with both parties present.

MEDIATION AND GRANTING OF AN ORDER BY CONSENT

- The Maintenance Officer will **conduct mediation with both parties** to reach an agreement/settlement
- Where the parties reach an agreement/settlement, the agreement will be made an order of the court. The Maintenance Officer may request both parties to **sign a written consent and have that made an order of the court**.
- The court then makes an **order for payment of maintenance in accordance with the agreement** between the two parties.
- Where parties do not reach an agreement, the matter is then referred to **court for formal enquiry**.

IT'S YOUR DUTY AS A PARENT TO SUPPORT YOUR CHILDREN:

MAINTENANCE INVESTIGATORS WILL FIND YOU

COURT DATE

- On the day of the court appearance, an enquiry will be held to determine the **needs of the applicant** and the means available to provide maintenance from **both parties**.
- After consideration, the Magistrate will make a **maintenance order** indicating the amount to be paid.

WHAT SHOULD I DO IF I NOTICE THAT THE PARENT RECEIVING MAINTENANCE IS NOT USING THE MONEY TO TAKE CARE OF THE CHILD?

- Go to the nearest court and **report the alleged neglect**.
- If the claim is proven, the court will assess the **best possible solution** in the interest of the child.
- If as a result you feel that **custody of the child** should be granted to you, you will need to report the matter to the children's court.

PAYMENT METHOD

The court may order the respondent to make payments by means of:

- 1** An **electronic funds transfer (EFT)** to the beneficiaries bank account.
- 2** A deduction of the maintenance money from the respondents' salary, (**Garnishee order**)
- 3** **Direct deposit** to the beneficiaries bank account

PROCEDURE IN CASES WHERE A RESPONDENT DOES NOT PAY

If the respondent fails to pay within the specified times, you should report the matter to the Maintenance Offices. The court will follow one of the following two options:

- 1** Civil Enforcement of Maintenance, through the Magistrate may order one of the following:
 - **emolument attachment:** take the money from the defaulter's salary
 - **attachment of debt and/or:** take the money from the defaulters' investment account
 - **execution of movable/immovable property:** take the property from the defaulter, auction it and use the money to maintain the child
- 2** Criminal Prosecution. A warrant of arrest can be issued if the respondent failed to comply with an order of court.



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CHILDREN'S NEEDS

The Constitution of the country clearly indicates that every child has the right to, basic **nutrition, shelter, basic health care services and social services.** Some of the Children's expenses can be listed as:



Food



Health Care



School transport, stationery, lunch box/money, clothes



Education/school/preschool, kindergarten



Extra-curricular activities, including sports, dance, music, art, summer camps



Clothes

MAINTENANCE FAQ

WHO SHOULD PAY MAINTENANCE?

It is a legal obligation of both the biological parents, grandparents or legal guardian of the child to pay maintenance.

Paying maintenance assists in proper living and upbringing of the child, and includes the provision of food, clothing, accommodation, medical care and education.

CAN I CLAIM MAINTENANCE FROM GRANDPARENTS?

Yes maintenance can be claimed from the biological grandparent if the parents cannot pay maintenance.

IS MAINTENANCE A RESPONSIBILITY OF BIOLOGICAL PARENTS ONLY?

No, any person who is responsible to raise the child i.e legal guardian, adoptive parents and grandparents of the child, if the biological parents do not have means to pay maintenance.

WHERE ARE YOU SUPPOSE TO LODGE A COMPLAINT FOR MAINTENANCE?

In any local magistrate court where the applicant and/or the child resides.

HOW OFTEN SHOULD MAINTENANCE BE PAID?

The maintenance money should be paid every month on the dates agreed upon by both the parties and granted by the court.

HOW MUCH MONEY SHOULD BE PAID FOR MAINTENANCE?

The amount payable for maintenance will be determined by the needs of the child and the financial means of the parents.

AT WHAT AGE SHOULD YOU STOP PAYING MAINTENANCE?

The maintenance should be paid until the child is self-supporting.

WHAT HAPPENS IF THE CHILD REACHES THE AGE OF 18 AND SHE/ HE IS STILL NOT SELF-SUPPORTING?

The payment of maintenance will continue until the child is self-supporting. However, the maintenance payment should be deposited directly to the child's banking account.

WHAT HAPPENS WHEN THE PERSON RESPONSIBLE FOR PAYING CHILD MAINTENANCE DIES?

The maintenance money should be paid out from the deceased estate for future maintenance.

CAN I INCREASE/DECREASE THE MAINTENANCE AMOUNT AFTER THE ORDER HAS BEEN GRANTED?

Yes, you can request decrease/increase of the amounts, especially if the financial circumstances have changed.

CAN I CLAIM MAINTENANCE WHILE LIVING TOGETHER WITH THE FATHER/MOTHER OF THE CHILD?

Yes, you can claim maintenance if the other parent does not take responsibility of maintaining the child.

IS IT COMPULSORY TO PAY MAINTENANCE?

Yes, it is compulsory to pay maintenance.

WHAT WILL HAPPEN TO ME IF I UNJUSTIFIABLY DEFAULT OR STOP PAYING MAINTENANCE?

An order for civil execution, warrant of execution in terms of section 27 of the maintenance act, attachment of emoluments in terms of section 28 and attachment of debts can be granted against you.

COMPLAINTS MANAGERS

If you have any complaints or comments regarding Maintenance contact your provincial complaints manager:

Mpumalanga
Ngwenya Colleen
013 947 2363
CNgwenya@justice.gov.za

Limpopo
Ngwatla Kgomotsho
015 287 2179
KNgwatla@justice.gov.za

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031 372 3165
RyMoodley@justice.gov.za

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Western Cape
Benjamin Gaironisa
021 462 5471
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Free State
Sephiri Mpho
051 407 1800
MSephiri@justice.gov.za

Or the National Complaints Manager:
Advocate Mulalo Netshisaulu at
012 315 1512
MNetshisaulu@justice.gov.za