

Maintenance made easier

Do you intend to apply for maintenance? The good news is, the legal processes are set to get much smoother

IN THE past, applying for maintenance was a long, hard and sometimes confusing process. However new developments introduced by the department's turnaround strategy are making it easier for all South Africans to receive maintenance.

The Kha Ri Unde project

This project is part of the maintenance turnaround strategy and is being piloted in nine sites across South Africa – the Johannesburg Family Court, Moretele, Thohoyandou, KwaMhlanga, Kimberley, Philippi, Umlazi, East London and Botshabelo.

How this project will help

It aims to:

- Reduce the service turnaround time for people standing in queues to no more than two hours.
- Ensure all courts are resourced with dedicated maintenance personnel.
- Improve training programmes for maintenance line managers and frontline staff.
- Introduce mediation services in maintenance matters in all courts.
- Introduce the integrated case management system, which includes communication with complainants via SMSes.

Applying for maintenance

Every magistrate's court is a maintenance court and is required to provide these four services:

1 Application

When the applicant or maintenance complainant goes to court to apply for maintenance or for a variation of an existing maintenance order, he/she should bring these certified documents:

- Identity document of the applicant.
- Birth certificate of the child.
- Proof of income of the applicant.



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● Divorce order and/or settlement agreement if any.
 ● Proof of the applicant's expenditure.
 If you do not have details of the respondent, a maintenance investigator will be allocated to trace the whereabouts of the respondent.

Issuing a directive

- The maintenance officer will issue a directive calling upon the parties to meet, for the purposes of conducting an investigation into the alleged complaint.

● The maintenance officer will then conduct an investigation into the alleged complaint, or conduct mediation with both parties present.

2 Mediation and granting of an order by consent

The maintenance officer will conduct mediation with both parties to reach an agreement or settlement. If the parties reach a consensus before the matter proceeds to court, the maintenance officer may request both parties to sign a written consent and have that made an order of the court.



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Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA



What is maintenance?
 Maintenance is the obligation to provide another person – whether a minor, a former spouse or a family member – with the means essential for everyday life.

The types of maintenance:

- Child maintenance
- Spousal maintenance
- Cross-border maintenance



The court then makes an order for payment of maintenance in accordance with the agreement between the two parties. This applies to applications of variations of maintenance orders.

3 Payment

The court may order the respondent to make payments by means of a stop order or cash payment, directly into the beneficiary's bank account.

- The department has introduced EFT payments directly into the beneficiary's account, reducing

waiting times and travelling costs.

4 When the respondent doesn't pay

Failure to pay maintenance according to the order may result in criminal prosecution or civil enforcement of maintenance.



The respondent is tried for a criminal offence in terms of section 31 of the Act. If the respondent is found guilty, the magistrate may order one of the following:

- Attachment of debt and/or
- Execution of movable/immovable property.

Civil enforcement is preferable as it is intended to recover the unpaid money for the child.

For more information call 012-315-1111, or go to [.facebook.com/DoJCD](https://www.facebook.com/DoJCD) or www.justice.gov.za/.

