

NATIONAL QUESTIONNAIRE FOR SOCIAL WORKERS TO CUSTODY (CARE) AND ACCESS (CONTACT) PROCEEDINGS

**PROJECT 100, SUB-PROJECT "D" – REVIEW OF ASPECTS OF FAMILY LAW AND THE LAW OF PERSONS:
REVIEW OF ASPECTS RELATED TO THE CUSTODY OF AND ACCESS TO MINOR CHILDREN**

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1. **Do you think attorneys and advocates influence their clients to fight for custody and access without taking the interests of the children into account?**

Always		Often		Sometimes		Rarely		Never	
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Comments, if any:

2. **How often do you and the Family Advocate’s Office disagree with each other on the terms of custody and/or access recommendations?**

Always		Often		Sometimes		Rarely		Never	
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Comments, if any:

3. **Does the Family Advocate’s Office take your suggestions and recommendations into consideration when drafting their report?**

Yes		No	
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Comments, if any:

4. Do you think the methods used by the Family Advocate to advice on custody and access matters are effective?

Yes		No	
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Why?

5. What limitations does the Family Advocate's Office have in carrying out their assessments and proposing recommendations in custody and access matters?

6. In your experience, are matters of custody and access decided according to particular benchmarks and principles, e.g. the tender – years principle, instead of being decided on the merits and circumstances of each case?

Always		Often		Sometimes		Rarely		Never	
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Comments, if any:

7. What is your opinion on co-parenting?

8. If mediation does become compulsory, who would be suitable persons to act as mediators to assist the parties to reach an appropriate settlement agreement?

9. Do you act as mediator in assisting parties to reach a settlement agreement on arrangements related to the custody of and access to minor children?

Yes		No	
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If yes, what positive/negative implications arise from these sorts of matters?

- 10 Where there is a dispute regarding custody and access matters:

Attendance of mediation by both parents should be compulsory;	
Attendance of mediation by both parents should be voluntary;	
Attendance of mediation should be determined by the Family Advocate's Office;	
Attendance of mediation should be determined by a court.	

Comments, if any:

11. In light of South Africa being a multi-cultural society, do you think that we need specially trained mediators to mediate in matters of custody and access?

Yes		No	
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Comments, if any:

12. **How long should training be and how should its content be constituted for family mediators?**

13. **Should there be any pre-requisite criteria that persons must meet in order for them to train as mediators?**

Yes		No	
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If yes, what are they?

14. **Should a parent information/education programme be attended by both parents?**

In all proceedings where custody and access have to be determined;	
Only in matters where not settlement agreement is agreed upon;	
Under no circumstances as it will be too difficult to implement.	

Comments, if any:

15. **Should all couples with minor children seeking a divorce attend a compulsory parent education programme, and obtain a certificate that they have attempted mediation, prior to their divorce being granted?**

Yes		No	
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Give reasons for your answer.

16. Do you think children should also be involved in the mediation process? Elaborate.

* After completion of this questionnaire, please return to:

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