



HOW TO CLAIM CHILD MAINTENANCE

MARIA IS A SINGLE PARENT. HER BOYFRIEND LEFT HER ONE MONTH AFTER LUKAS WAS BORN AND SHE NEVER HEARD FROM HIM AGAIN.



Mama, I'm hungry...

We cannot eat tonight, we do not have any money left for food.



By law, all fathers must help pay for the care of their children

Where is my Daddy?

Maybe we can find him and he can help me to buy food for you.

This cartoon has been produced to explain how a woman can claim maintenance payments from the father of her child. The cartoon is based on the Maintenance Act 9 of 2003. The cartoon explains the law using the example of Lukas, a 4 year old child and his parents Maria and Simon.

An application for child maintenance consists of 3 main steps.
Either parent can apply for maintenance if the other does not help support their child.

1. You must go to the Magistrate's Court to make a request for maintenance.
2. The maintenance officer will meet with the parents to discuss the maintenance.
3. If an agreement cannot be made, the case will go before a magistrate.

Glossary

Maintenance Money or goods that a person has a legal duty to provide for the support of his or her dependants. Maintenance is usually paid for basic living expenses such as rent, food, clothing, medicine and school fees.

Dependant Someone who depends upon the support of another person to live. Children are dependants of their parents.

Complainant The person who applies for the maintenance order.

Defendant The person who is asked to pay the maintenance order.

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YOUR LOCAL MAGISTRATE'S COURT WILL HELP YOU TO FIND OUT MORE INFORMATION ABOUT CHILD MAINTENANCE.

MAGISTRATE'S COURT

Join the queue. You don't need an appointment.

I am not married to the father of my child. Does the law still say he must help pay for the care of my son?

Yes it does.

Is it difficult to get a man to pay maintenance?

No, it is a simple process and the people here will help you with the forms.

I don't want anyone to know that I cannot support my child on my own..

Everything here is confidential.



TO REQUEST MAINTENANCE, YOU MUST ANSWER SOME SIMPLE QUESTIONS AND YOU MUST EXPLAIN WHY THE PERSON YOU ARE ASKING TO PAY MAINTENANCE IS RESPONSIBLE FOR THE CHILD.

How old is your child?
Do you have a job?

TO MAKE A COMPLAINT, YOU MUST ADD UP HOW MUCH IT COSTS TO LOOK AFTER YOUR CHILD AND BRING ALONG AS MUCH INFORMATION AS POSSIBLE ABOUT YOUR EXPENSES.

Once we know how much money you need to care for Lukas, we can decide how much Lukas' father should pay as his share. Even if he does not have a job, he can be ordered to help in other ways, such as childcare or taking Lukas to school.

WHEN THE FORMS ARE COMPLETE, THE MAINTENANCE OFFICER WILL REVIEW THE APPLICATION.


No but it is helpful if you can show us receipts for things like rent, municipal accounts and school fees.

Do I have to show proof for everything that I spend on Lukas?

Time to track down the boyfriend and check on these facts.

REMEMBER, IF YOU OR THE FATHER DOES NOT TELL THE TRUTH, THE PUNISHMENT COULD BE A FINE UP TO N\$4000 OR UP TO 12 MONTHS IN PRISON.





The court is not allowed to ignore your application. They have to investigate it for you.

I went to apply for maintenance from Lukas' father, but I am afraid that nothing will happen.

I have heard that people can use witchcraft to kill your child if you apply for maintenance...

People just say things like that to avoid paying maintenance.

It was months before my application for maintenance moved forward.

It should not have taken so long. You could have asked the Clerk of the Court to find out about the delay.

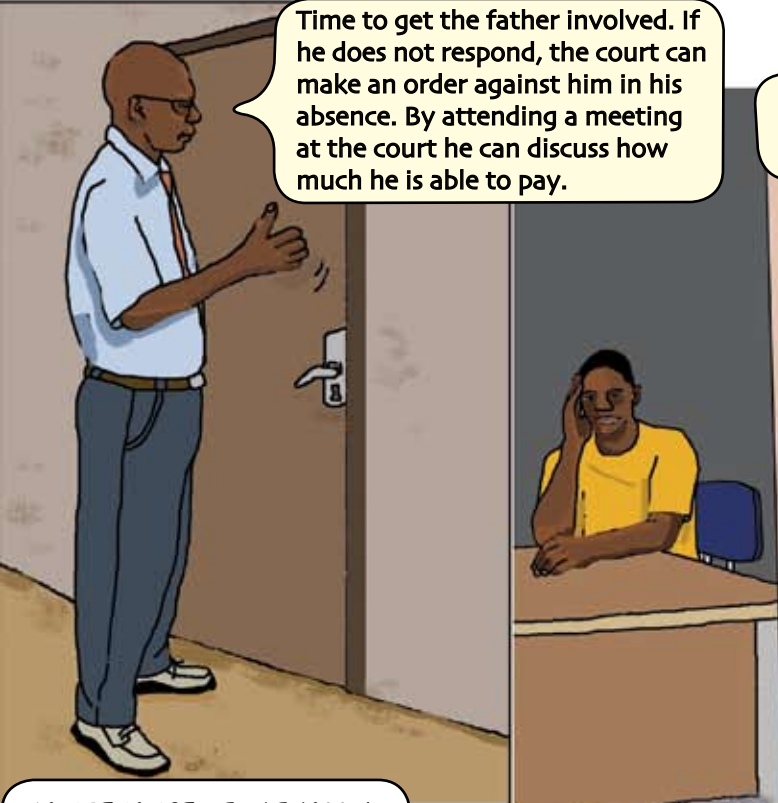
Did you know that you can apply for maintenance anytime between pregnancy and when a child starts to earn a living, which is generally between 17 and 21?

If you want maintenance during pregnancy you must apply within one year of the birth unless you have a special reason to delay, for example if the man was outside the country.



WHEN ALL THE DETAILS HAVE BEEN CHECKED, THE FATHER WILL BE SUMMONED TO COURT.

AN INFORMAL MEETING WITH THE MAINTENANCE OFFICER WILL BE HELD TO DISCUSS THE CASE.



Time to get the father involved. If he does not respond, the court can make an order against him in his absence. By attending a meeting at the court he can discuss how much he is able to pay.

I am afraid to see my ex-boyfriend.

You do not have to meet with him. I can talk to you both separately if you prefer.

No, I have come this far, I will not run away now.

MAINTENANCE IS USUALLY AGREED IN AN INFORMAL MEETING. IF THE PARENTS CANNOT COME TO AN AGREEMENT, THE CASE WILL GO BEFORE A MAGISTRATE.

Lukas is still your responsibility even though you have another family. The law says that you must provide for all of your children.

WRITTEN EVIDENCE MUST BE GIVEN TO THE MAINTENANCE OFFICER BEFORE THE DAY OF THE COURT CASE. THAT WAY, IF MARIA, LUKAS OR THE MAGISTRATE WANT TO QUESTION THE PERSON WHO WROTE THE STATEMENT, THAT PERSON CAN BE ASKED TO COME TO COURT.

I have a wife and children now and I don't have any money to spare. I want this to go to court.

Have you seen the letter I want to show the magistrate? It shows that I can put Lukas on my medical aid. I can also take him to school every day.

If I agree to those things, I will need to ask for less maintenance money.

FAILURE OF THE COMPLAINANT TO ATTEND COURT WILL MEAN THE CASE IS CANCELLED.

I do not want to go to court anymore.

If you don't go, the case will be cancelled. You might have to pay costs for wasting the court's time.

IF THE DEFENDANT DOES NOT ATTEND COURT, THE CASE WILL CONTINUE WITHOUT HIM AND A RULING WILL STILL BE MADE.

Maria knows that the money must be spent caring for Lukas. The case will go ahead even if Simon is not there.

Maria will spend the money on herself, not Lukas. Don't go to court, then the case will be cancelled.

THE COURT HEARING IS PRIVATE. ONLY PEOPLE INVOLVED IN THE CASE CAN ATTEND.

Fine. But I will bring along a group of friends to watch so that Maria will feel intimidated and ask for less money.

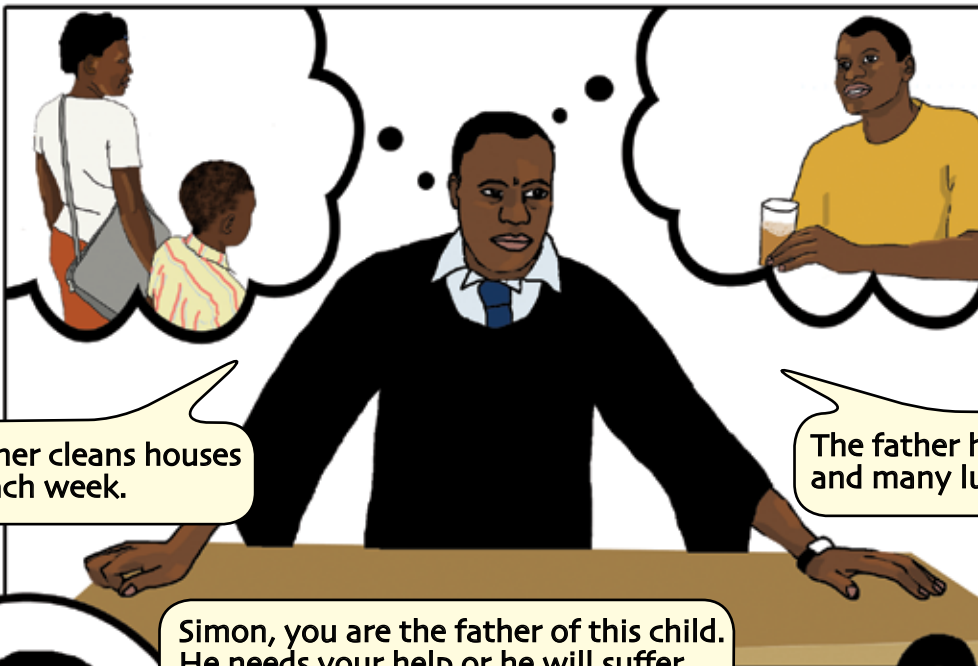
I need money to look after Lukas because...

You cannot enter. This is a private hearing.

AT THE COURT HEARING, THE MOTHER AND FATHER PRESENT THEIR CASES TO THE MAGISTRATE. THE MAGISTRATE MAY ASK QUESTIONS.

Maria is asking for too much money because...

THE MAGISTRATE MUST CONSIDER ALL THE EVIDENCE.



The mother cleans houses 2 days each week.

The father has a good job and many luxuries.

Simon, you are the father of this child. He needs your help or he will suffer. You must contribute to his care. I order you to pay maintenance of N\$300 per month.

THE MAGISTRATE WILL ORGANISE HOW THE MAINTENANCE PAYMENTS WILL BE MADE.

Simon you must pay Maria on the 1st day of every month. Maria, you must tell me whether you want the money paid into your bank account or given to the court to pass onto you. If there are any problems with the payments, tell us immediately. As Lukas gets older, you may need more money to support him. If so, you must come back to court and tell us. The amount of maintenance which must be paid could also be changed by the court if either of you lose or change your jobs.

I am happy to help pay for Lukas' care. As his father I have a responsibility for him.

Thank you for your help. It will make a big difference to our lives.

I will never go hungry again.

THE END