

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.

FREQUENTLY ASKED QUESTIONS



KHA RI UNDE MAINTENANCE

Who should pay maintenance?

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

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.

Why must you pay maintenance?

You must pay maintenance for proper living and upbringing of the child, and includes the provision of food, clothing, accommodation, medical care and education.

Is it compulsory to pay maintenance?

Yes, it is compulsory 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.

Can I go to any magistrate court in the country to lodge maintenance?

Yes, you can go to any local magistrate court where you 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 when the person responsible for paying child maintenance dies?

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

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.

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.

What documents do I need to lodge a maintenance claim?

The Identity document, birth certificate of the child, bank statements of both the parents, list of the expenses of the child, list of expenses of both the parents, etc.

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.