

**01**

## COMPLETE AN APPLICATION FORM

Complete “Form A” for a maintenance order by setting out your monthly expenses in the schedule. The form must be accompanied by the following documentation:

- 3 months’ salary slips;
- 3 months’ bank statements;
- Proof of your monthly expenses;
- A copy of your ID;
- A certified copy of the child’s birth certificate (if applicable);
- Proof of residence;
- Full names and residential address or work address of the person against whom you are applying.

**02**

## SUBMIT THE APPLICATION FORM

- The application, together with the supporting documents, must be submitted to the Clerk of the Maintenance Court.
- The court must establish the financial position of any person affected by such liability. In order to do so, the Maintenance Officer and Maintenance Investigator need to conduct an investigation into the parties’ means and, if necessary, hold an inquiry.

**03**

## DIRECTIVE TO ATTEND COURT

- Once the form has been submitted, the Maintenance Court will send a directive to you and to the Respondent informing you that you must both attend court on the first return date.

**04**

## INFORMAL INQUIRY

- The Respondent will be notified that he/she needs to attend court for the inquiry.
- The initial inquiry is an informal process and the parties will be invited by the Maintenance Officer to enter into settlement negotiations.
- If the parties are able to consider their respective positions at this point and reach an agreement, an order will be made.
- Should the parties be unable to reach an agreement, the matter will proceed to a formal inquiry before a Magistrate. It is likely to be postponed for this purpose as more often than not, further investigation is required to present sufficient evidence to the Magistrate.

**05**

## PREPARING FOR THE FORMAL INQUIRY

- If the matter proceeds, the Maintenance Officer needs to prepare the matter for the hearing/formal inquiry.
- Both parties will be required to make a full disclosure of their financial positions. Further documentation may be requested and/or subpoenaed from either party.

**06**

## FORMAL INQUIRY

- The formal inquiry is a “mini-trial” which takes place before a Magistrate.
- It is not necessary to have legal representation. However, both parties need to be present on the day.
- Both parties will be required to hand over their relevant documentation and give evidence under oath to assist the court with establishing each of their respective means and the reasonable expenses of the children.

**07**

## AFTER THE TRIAL

- Once the Magistrate has heard all the relevant evidence, they will make an order for the payment of maintenance by the Respondent to the Applicant.

For more information, contact us at [familylaw@stbb.co.za](mailto:familylaw@stbb.co.za)