

# My Maintenance Guru

Child Maintenance Made Easy

[www.maintenanceguru.co.za](http://www.maintenanceguru.co.za)

## NEWSLETTER: ISSUE 1

### POINT OF LAW

#### WHICH PARENT MUST SUPPORT CHILDREN FINANCIALLY?

Whether they have ever been married to one another or not, both parents must support their children. This duty is shared between them, according to their means. (Watch for future discussion here on the interpretation of “means”!) It does not follow however that both parents will be ordered to pay maintenance. Historically, fathers have been ordered to make payment to mothers for their children, after divorce. Quite frequently these days, fathers are actually awarded the custody of their children. They are not always granted maintenance, however. A mother who is earning little or no income might not be ordered to contribute payments towards the child living in the home of her ex-husband.

### COURT CASE REPORT

#### STEP FATHERS LIABLE FOR MAINTENANCE?

It has ‘always’ been common knowledge; while step parents often bear the actual burden of support, they have no legal duty to pay maintenance. But the law is dynamic – it changes and develops. The process of change includes statute law passed by parliament and decisions of the courts as they interpret law in the light of changing views of society. Generally, it is still true that step parents do not have a legal duty to pay maintenance. No maintenance order can be made against them. In a recent case however, a step father was ordered to pay school fees for the son of his wife. The order was made by the judge granting their divorce. He said that the man had held himself out to be the father of the child.



He had let the child use his name, had acted as if the child were his own, had even participated in booking the child into an exclusive school. The judge held that he had taken it upon himself to be the father of the child and must therefore contribute towards school fees for the balance of the boy's schooling.

(Case Reference: *Brownlee vs Brownlee*; South Gauteng High Court; 2010 (3) SA 220)

## POWERFUL MAINTENANCE TIP

### WHO GETS THE BEST MAINTENANCE AWARDS?

The 'best' (biggest) maintenance awards go to those who are best prepared. You cannot expect a generous maintenance order unless you can prove the basic factors:

- The amount actually needed to maintain your child; and
- The ability of your 'ex' to pay!

There are many ways to prove these issues, but the most powerful tip we can give is to keep records! Keep a note of any money spent by you, your 'ex' or anybody else. Keep records of anything that helps to indicate what your ex earns, too. It all counts in Maintenance Court.

## PRODUCT NEWS

### CALCULATE YOUR MAINTENANCE NEEDS!

You know you need more maintenance. Can you prove it? Precisely? Probably not. We've created a comprehensive "How to Calculate Your Maintenance Needs" kit.

- **LISTEN** to a motivational, information-packed MP3 recording made by our veteran Maintenance Court attorney.
- **READ** our comprehensive report.
- **COMPLETE** the customised forms we have designed for you.
- **SAVE** the records we advise you to collect
- **FILE** the most irresistible maintenance claim your 'ex' or the court has ever seen!



See details, and order it here: [www.maintenanceguru.co.za](http://www.maintenanceguru.co.za)