

My Maintenance Guru

Child Maintenance Made Easy

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NEWSLETTER: ISSUE 2

POINT OF LAW

PAYING MORE THAN YOUR SHARE?

All parents have the duty to support their children. Some fail some of the time or all of the time, leaving the other parent bearing the burden of supporting the children. If this happened to you and you later discovered that your 'ex' had money, could you go back and claim his share of the expenses paid by you for all those months or years? This is a question often asked of me.

The answer is an emphatic 'Yes!' Adults cannot chase after their spouses or ex-spouses to recover a share of the expenses they incurred caring for themselves (unless they have a maintenance order that was disregarded). They can certainly claim for the unpaid share of the cost of maintaining their child. This is particularly important when a woman is making her first application for a maintenance order; she is not limited to claiming a monthly instalment for current maintenance, she may claim for all the costs incurred by her in the period leading up to the 'present'. This can be a considerable sum of money.



COURT CASE REPORT

HUSBAND DISCARDS WIFE AFTER 'USING' HER

This case, reported 21 years ago, tells a story of shameless abuse. A man was married for a significant number of years to a woman who gave him her 'best years', even working as the sole support of the couple when he was unemployed due to ill health. Then, when he became successful later in life he attempted to

discard her and walk away from the call to support her in her time of need. The court would have none of it. The man was ordered to pay maintenance to her on an ongoing basis. The case reference: Archer vs Archer 1989 (2) SA 368 D

POWERFUL MAINTENANCE TIP

PREPARATION



A claim may exist, in law, for a contribution towards the maintenance of a child – or an adult, for that matter. However, the claimant may fail to get any order at all for the payment of maintenance. The most likely reasons for that failure usually include one of these – either the claimant cannot prove that the other person has the money to pay maintenance, or she fails to prove a need. In either case, it would come down to a matter of proof. There are many ways to prove your case, but there is one thing that they all have in common – good preparation. Do the work, prepare the claim and increase your chance of success in the Maintenance Court!

PRODUCT NEWS

DO YOU HAVE A MAINTENANCE ISSUE?

Whether you can afford an attorney or not, it is essential that you take the trouble to really understand your rights and your duties. You need to know how the law works on this issue and what you are expected to produce to support your case. We provide the best ways for you to do this. Visit our 'Products Page' for information on how to empower yourself to win your case.

See www.maintenanceguru.co.za for more information