

GOVERNMENT NOTICE
DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R.

2008

CHILDREN'S ACT, 2005: REGULATIONS

The Minister for Justice and Constitutional Development intends, after consultation with the Minister of Social Development, under section 75 and section 280 of the Children's Act, 2005 (Act No. 38 of 2005), to make the regulations in the Schedule.

SCHEDULE
REGULATIONS RELATING TO THE CHILDREN'S ACT, 2005

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CHAPTER I

GENERAL PROVISIONS

Classification of Regulations

Regulation

Definitions

1. In these regulations any word or expression to which a meaning has been assigned in the Act has the meaning so assigned to it and, unless the context otherwise indicates—

"applicant" means any person, institution or body vested with parental authority that applies for assistance under the Convention;

"Chief Family Advocate" means the Chief Family Advocate referred to in section 276(1)(a) of the Act;

"chairperson of the pre-hearing conference" means the person who sets up and conducts a pre-hearing conference as contemplated in section 69(4)(a) of the Act;

"clerk" means a clerk of the children's court;

"Convention" means the Hague Convention on the Civil Aspects of International Child Abduction;

"court" means a children's court;

"day" means a day excluding a Saturday, Sunday or public holiday;

"Director-General" means the Director-General of the Department of Justice and Constitutional Development;

"facilitator" means a facilitator of a family group conference as contemplated in regulation 13(1) of the Regulations;

"family group conference" means a family group conference as contemplated in section 70 of the Act;

"lay forum" means a lay forum as contemplated in section 71 of the Act;

"pre-hearing conference" means a pre-hearing conference as contemplated in section 69 of the Act;

"respondent" means a person who removed or retained a child, or who prevented the exercise of rights of access; and

"the Act" means the Children's Act, 2005 (Act No. 38 of 2005);

CHAPTER II

CLERKS OF CHILDREN'S COURTS

Application for appointment as clerk

2.(1) An application for appointment as a clerk, contemplated in section 67(1) of the Act, must be in writing on Form Z 83 and must be submitted to the Director-General.

(2) The application referred to in subregulation (1) must be accompanied by a sworn affidavit that the applicant is suitable to work with children and that his or her name does not appear in Part B of the National Child Protection Register.

Appointment requirements of clerk

3.(1) A person may be appointed as a clerk by the Director-General if he or she complies with the appointment requirements as stipulated in the Public Service Act, 1994 (Proclamation No. 103 of 1994), and the appointment policies for a post of administrative clerk in the Department.

(2) A person may only be appointed or designated as a clerk if his or her name does not appear in Part B of the National Child Protection Register.

Conditions of appointment of clerk

4.(1) The Director-General may appoint a person as a clerk for the period agreed to between the Director-General and the applicant, who is entitled to an all inclusive remuneration equal to the total remuneration package of an administrative clerk in the Department.

(2) The conditions of service of a person appointed as a clerk in terms of subregulation (1) are the same as the conditions of service applicable in respect of a person appointed as clerk of the court in terms of the Public Service Act, 1994 (Proclamation No. 103 of 1994).

Additional functions, powers and duties of clerk

5. In addition to the functions determined by the Act, a clerk must-
- (a) upon receipt of the notification contemplated in regulation 6 open a file and number the matter with a consecutive number of the year;
 - (b) keep a register regarding all the matters brought to the court in which he or she must record—
 - (i) the following particulars of the child or children in each matter—
 - (aa) full names;
 - (bb) date of birth;
 - (cc) residential address;

- (dd) full names and physical addresses of parents, care-givers or guardians of the child or children, if any;
- (ee) telephone or cellular phone and facsimile numbers of parents, care-givers or guardians of the child or children, if any; and
- (ff) e-mail addresses of parents, care-givers or guardians of the child or children, if any;
- (ii) the number of the matter referred to in paragraph (a);
- (iii) the reason why the matter is before the court;
- (iv) the date and the outcome of each matter; and
- (v) the outcome of an appeal or review, if applicable;
- (c) mark every document received afterwards relating to such matter with such number as assigned to the specific matter;
- (d) file any documentation received on the appropriate file;
- (e) assist, to the best of his or her ability, any person who is illiterate or disabled with the completion of any document relating to the proceedings in the court;
- (f) perform the duties assigned to him or her in terms of these regulations;
- (g) inform a witness who is summoned by the presiding officer in the matter that he or she is entitled to witness fees and ensure that a witness is assisted in this regard, where necessary;
- (h) perform the duties of the clerk of a civil court insofar as it is necessary to give effect to the provisions of the Act; and
- (i) keep a register of investigators appointed by the court in terms of section 75(1)(b) of the Act, in which the following must be entered—
 - (i) the full names of the investigator;
 - (ii) the address and contact details of the investigator; and
 - (iii) the matter for which the investigator was appointed.

CHAPTER III
CHILDREN'S COURTS

Part 1

Bringing matter to court

6.(1) A person contemplated in section 53 of the Act, who intends to bring a matter to court in terms of section 53 of the Act, must notify the clerk of his or her intention to do so on a form which corresponds substantially with Form 1 of the Annexure.

(2) The clerk must, within seven days after receipt of the notice referred to in subregulation (1), refer the matter to a court, which must, within seven days after receiving the documentation relating to the matter, make an order whether—

- (a) the matter should be referred for mediation to a—
 - (i) family group conference in terms of section 70 of the Act;
or
 - (ii) lay-forum in terms of section 71 of the Act;
- (b) a pre-hearing conference should be held in terms of section 69(1) of the Act; or
- (c) the matter should be heard in court.

(3) If the court decides that the matter should be heard in court, the clerk must, within three days after such order, assign a date for the matter to be heard in court.

(4) The clerk must, after a date as contemplated in subregulation (3) has been assigned, notify the parties involved in the matter on a form which corresponds substantially with Form 2 of the Annexure of the date, place and time of the hearing.

(5) A written report as contemplated in section 63(1) of the Act must be submitted to the court within 21 days prior to the hearing of the matter.

(6) If a person's rights are prejudiced by a report as contemplated in section 63(1) of the Act, the court must disclose the relevant parts of the report to that person within 14 days prior to the date of the hearing.

Deviation of time periods

7.(1) Upon written application to the court and in the case of an urgent matter, the court may approve a deviation from the periods of time prescribed in the regulations.

(2) A party to the proceedings may request the court to extend any period of time prescribed in the regulations, which request must be in writing, stating the reasons for such request and submitting any proof to substantiate his or her reasons.

(3) Upon receipt of such a request the court may refuse the request or direct the clerk to inform any other party within two days of such a request, requesting such party's view on an extension of time within five days.

(4) The court may—

(a) grant an extension of time once only for a period of not more than 20 days, if any other party—

(i) did not raise any objections; or

(ii) raised objections but his or her rights will not be affected if an extension of time is granted;

(iii) did not respond but his or her rights will not be affected if an extension of time is granted;

(b) refuse an extension of time if any other party—

(i) raised an objection and whose rights will be affected if such an extension of time is granted; or

(ii) did not respond but his or her rights will be affected if an extension of time is granted.

Attendance of proceedings

8.(1) The clerk must within seven days after the presiding officer has made an order and at least 15 days before the date of the hearing, notify a person contemplated in section 57 of the Act, to attend the proceedings of the court, on a form which corresponds substantially with Form 3 of the Annexure.

(2) The notice referred to in subregulation (1) must be—

(a) served personally on the person by a sheriff or a clerk;

(b) submitted to the person by—

(i) registered post;

(ii) facsimile; or

(iii) e-mail, if proof of receipt thereof can be given by the person who sent the e-mail; or

- (c) served or submitted in any other manner as directed by a presiding officer.
- (3) If a notice is submitted to the person by—
- (a) registered post, proof thereof must be kept; or
 - (b) facsimile or e-mail, proof thereof must be kept and the original form must be sent without delay to the person by registered post.

Witnesses

9.(1) The clerk must summons a person to appear as a witness in a matter before the court at least 14 days before the date of the hearing on a form that corresponds substantially with Form 5 of the Annexure.

(2) A person contemplated in section 59(1)(b) or (c) of the Act, who intends to have a witness summoned must, within 14 days before the date of the hearing, request the clerk to issue a notice, and the clerk must forthwith issue the notice.

Additional powers of court

10.(1) The court may, if there is any uncertainty regarding the age of a person who appears to be a child—

- (a) require any documentation, evidence or statements relevant to the determination of the age of the person from any person, body or institution; or
- (b) refer that person to a district surgeon of the court's choice for an estimation of that person's age.

(2) The district surgeon referred to in subregulation (1), must complete a form which corresponds substantially with Form 6 of the Annexure.

(3) The court must, on all the available evidence, make a determination of the age of the child which must be entered into the record as the age of the child, which age must be considered to be the correct age until any contrary evidence is placed before the court.

(4) Where a court makes a determination of age that is not supported by a valid birth certificate, identity document or passport, a record of the determination must be forwarded to the Department of Home Affairs on a form that corresponds substantially with Form 7 of the Annexure for the issue of relevant identification documents.

(5) The court may, upon the application by any person affected by a decision of that court, on its own accord correct patent errors in any ruling in respect of which no appeal is pending.

Part 2

Investigations

11.(1) A person who has been ordered by a court in terms of section 50(1) of the Act to carry out an investigation or further investigation may, for the purpose of performing his or her functions—

- (a) examine a person who is likely to give material or relevant information about any matter the children's court ordered him or her to investigate; and
- (b) direct a person to identify himself or herself to the satisfaction of the investigator.

(2) An investigator may, in investigating a matter so ordered by the court and with due consideration to expediting the investigation of that matter, direct any person to-

- (a) appear on a specific time and date before him or her; and
- (b) produce to him or her on the date of appearance, information relating to the matter and documentary proof of the information, if applicable.

(3)(a) A direction contemplated in subregulation (2) may be given in the manner the investigator deems fit.

(b) An investigator must keep a written record—

- (i) of the manner in which the direction was given;
- (ii) of any matter he or she investigates;
- (iii) of any proceedings held before him or her; and
- (iv) the outcome of the investigation.

(4) After the investigator has concluded his or her investigation he or she must compile a report which must contain the following information:

- (a) the matter which was investigated;
- (b) the reason for the investigation;
- (c) the manner of the investigation; and
- (d) the outcome of the investigation.

(5) The investigator must submit the report contemplated in subregulation (4) within 14 days after the conclusion of the investigation to the court.

Pre-hearing conferences

12.(1) If the court has ordered that a pre-hearing conference must be held, the court—

- (a) must direct who must attend the pre-hearing conference;
- (b) must direct who will chair the pre-hearing conference; and
- (c) may, if necessary, direct that a court interpreter must attend the pre-hearing conference.

(2) The clerk must, within three days after such order—

- (a) assign a date for a pre-hearing conference, which may not be longer than 14 days after the order was made; and
- (b) notify the parties involved on a form which corresponds substantially with Form 2 of the Annexure, of the date, place and time of the pre-hearing conference.

(3) At a pre-hearing conference the chairperson of the pre-hearing conference must—

- (a) give such directions in respect of the conduct of the proceedings as he or she deems fit; and
- (b) if a party is unrepresented, inform him or her of his or her right to be represented at his or her own expense by a legal representative of his or her own choice and if he or she cannot afford legal representation, that he or she may apply for legal aid and of the institutions which he or she may approach for legal assistance.

(3) The chairperson of the pre-hearing conference must, within five days after the conclusion of the pre-hearing conference, submit to the court—

- (a) a full written report of the pre-hearing conference;
- (b) any agreement reached between the parties;
- (c) any settlement reached between the parties;
- (d) issues to be heard by the court; and
- (e) any other matter the chairperson deems necessary.

(4)(a) If a person, so directed, fails to attend a pre-hearing conference without any good cause, the chairperson of the pre-hearing conference may—

- (i) proceed with the pre-hearing conference in the absence of that person;
- (ii) postpone the pre-hearing conference once only for not longer than three days, if the person in question is likely to make a valuable contribution regarding the best interests of the child in question; or
- (iii) refer the matter back to the court for a hearing.

(b) A person who failed to attend a pre-hearing conference without good cause, may forfeit his or her right to be present at any further discussions regarding the best interests of the child in question.

Family group conferences

13.(1) If the court orders that the matter must be referred for mediation to a family group conference as contemplated in regulation 6(2)(a)(i), the presiding officer of that court must appoint a person as contemplated in subregulation (2), as facilitator of the family group conference.

(2) The facilitator of a family group conference can be any suitably qualified person, including, but not limited to a—

- (a) family advocate;
- (b) social worker;
- (c) social service professional; or
- (d) traditional leader.

(3) On receipt of an order as contemplated in regulation 6(2)(a)(i) the clerk must, within three days, in the manner determined by the court-

- (a) refer the matter to the facilitator by means of a form which corresponds substantially with Part A of Form 4 of the Annexure;
- (b) submit all relevant original documents relating to the matter, to the facilitator;
- (c) retain certified copies of all the documentation relating to the matter;
- (c) forward a copy of the referral to the parties; and
- (d) notify the parties of the documents submitted to the facilitator.

(4) After a facilitator has received the documentation as contemplated in subregulation (3), he or she must convene a family group conference within 14 days but not later than 21 days after such receipt of the documentation by –

- (a) setting the time and place of the conference; and
- (b) taking steps to ensure that all persons entitled to attend the conference are notified within a reasonable time, of the time and place of the conference.

(5) No notice contemplated in subregulation (4)(b) need be given to any person whose whereabouts, after reasonable enquiries, are unknown and failure to notify any person in accordance with that subregulation does not affect the validity of the proceedings of a family group conference unless such failure is likely to affect the outcome of the family group conference materially.

(6) Where a family group conference fails to take place, the facilitator must arrange for an alternative date and notify the persons entitled to attend the family group conference accordingly.

(7) It is the duty of the facilitator to confer with the parties and endeavour to obtain an agreement in respect of the matter.

(8) Before entering into discussions at the family group conference, the parties must decide whether the facilitator is to file—

- (a) a full report on the conference, including anything that the facilitator considers to be relevant to the matter; or

- (b) a report that either sets out the agreement reached by the parties or states only that the parties did not reach agreement on the matter.

(9) The report contemplated in subregulation (8) must be submitted to the court within 21 days after conclusion of the family group conference.

(10) If the facilitator refers the matter back to the court for a hearing, such referral must be in writing on a form which corresponds substantially with Part B of Form 4 of the Annexure, stating the reasons why the matter was referred back.

(11) The court must, within seven days from the date on which the matter was referred back to the court, give instructions that the matter must be heard in court and the clerk must—

- (a) within three days after such order, assign a date for the matter to be heard in court; and
- (b) notify the parties involved in the matter on a form which corresponds substantially with Form 2 of the Annexure of the date, place and time of the hearing.

Lay forums

14.(1) The court may order that the matter must be referred for mediation to a specified lay forum as contemplated in regulation 6(2)(a)(ii).

(2) On receipt of an order as contemplated in regulation 6(2)(a)(ii) the clerk must, within three days, in the manner determined by the court—

- (a) refer the matter to a specific lay forum by means of a form which corresponds substantially with Part A of Form 4 of the Annexure;
- (b) submit all relevant original documents relating to the matter, to such lay forum;
- (c) retain certified copies of all the documentation relating to the matter;
- (c) forward a copy of the referral to the parties; and
- (d) notify the parties of the documents submitted to the lay forum.

(3) After a lay forum has received the documentation as contemplated in subregulation (2), that lay forum must appoint a person to act as chairperson, within five days, who must arrange a meeting within 14 days but not later than 21 days after receipt of the documentation by the lay forum by –

- (a) setting the time and place of the meeting; and
- (b) taking steps to ensure that all persons entitled to attend the meeting are notified within a reasonable time, of the time and place of the meeting.

(4) No notice contemplated in subregulation (3)(b) need be given to any person whose whereabouts, after reasonable enquiries, are unknown and failure to notify any person in accordance with that subregulation does not affect the validity of the proceedings of a lay forum meeting, unless such failure is likely to affect the outcome of the lay forum meeting materially.

(5) Where a lay forum meeting fails to take place, the chairperson must arrange for an alternative date and notify the persons entitled to attend the lay forum meeting accordingly.

(6) It is the duty of the chairperson to confer with the parties and endeavour to obtain an agreement or settlement in respect of the matter.

(7) Before entering into discussions at the meeting, the parties must decide whether the chairperson is to file—

- (a) a full report of the meeting, including anything that the chairperson considers relevant to the matter; or
- (b) a report that either sets out the agreement reached by the parties or states only that the parties did not reach agreement on the matter.

(8) The report contemplated in subregulation (7) must be submitted to the court within 21 days after conclusion of the proceedings of the lay forum.

(9) If the lay forum refers the matter back to the court for a hearing, such referral must be in writing on a form which corresponds substantially with Part

B of Form 4 of the Annexure, stating the reasons why the matter was referred back.

(10) The court must, within seven days from the date on which the matter was referred back to the court, give instructions that the matter must be heard in court and the clerk must—

- (a) within three days after such order, assign a date for the matter to be heard in court; and
- (b) notify the parties involved in the matter on a form which corresponds substantially with Form 2 of the Annexure of the date, place and time of the hearing.

CHAPTER IV CHILD ABDUCTION

Application for return of child to the Republic

15.(1) An application for the return of a child under article 8 of the Convention from another contracting state to the Republic, must be in writing on a form that corresponds substantially with Form 13 of the Annexure.

(2) An application as contemplated in subregulation (1) must be accompanied by—

- (a) recent photographs of the child and of the person alleged to have removed or retained the child;
- (b) a certified copy or copies of birth certificates of the child;
- (c) proof of parental rights and responsibilities,
- (d) a certified copy of the marriage certificate, where applicable;
- (e) details of the location of the child or the possible location of the person alleged to have removed or retained the child, if known;
- (f) sworn translations of all the relevant documentation in English, if the documentation is in a foreign language; and

- (g) a chronological exposition of events and circumstances leading to the abduction of the child.

(3) An application as contemplated in subregulation (1) must be submitted to the Central Authority in the Republic, who must within 48 hours of receipt thereof forward it to the Central Authority of the country to which the child has been taken.

Access to child wrongfully removed or retained

16.(1) An application for access to a child wrongfully removed to the Republic or retained in the Republic must be—

- (a) in writing on a form that corresponds substantially with Form 14 of the Annexure; and
- (b) submitted to the office of any Family Advocate in the Republic, which must, without delay, submit the application to the office of the Chief Family Advocate.

(2) Upon receipt of the application as contemplated in subregulation (1), the Chief Family Advocate must bring an application, within 14 days after the child has been located to the High Court having jurisdiction.

Application to return child or children to a contracting state

17.(1) If a child has been wrongfully removed to the Republic or retained in the Republic, the Central Authority, must—

- (a) upon receipt of the documents from the other country's Central Authority study the application; and
- (b) within 14 days after the child has been located, bring an application to the High Court on behalf of the left behind parent or person with parental rights and responsibilities to have the child returned to his or her place of habitual residence.

(2) An application for assistance made by an applicant to the Chief Family Advocate must, unless the contrary is proved, be deemed to constitute authorisation by the applicant for the Chief Family Advocate or a Family Advocate to exercise any power and perform any duty conferred or imposed

on him or her under the Convention, and to appear on the applicant's behalf in any proceedings that may be necessary under the Convention.

Appointment of persons by Chief Family Advocate

18.(1) Where no Government department can grant the assistance sought or where the Chief Family Advocate considers it necessary to give effect to the provisions of the Convention he or she may, subject to any condition he or she may deem appropriate, appoint any person or persons to assist him or her, or a Family Advocate, to exercise any power or perform any duty conferred or imposed upon the Central Authority under the Convention.

(2) The appointment and any conditions thereof must be in writing and in a certified copy or duplicate original thereof must be handed to the person concerned: Provided that in urgent cases the appointment may be made orally but must subsequently be confirmed in writing without delay.

Obstruction of Chief Family Advocate, Family Advocate or person appointed

19. Any person who hinders or obstructs the Chief Family Advocate, a Family Advocate or a person appointed by the Chief Family Advocate in terms of regulation 18 in the exercise of his or her powers or the performance of any duty conferred or imposed on him or her under the Convention, the Act or these Regulations is guilty of an offence and is liable on conviction to a fine or to imprisonment for a period not exceeding 12 months.

Court appearances

20. The Chief Family Advocate or a Family Advocate must appear on behalf of an applicant in any court proceedings that may be necessary to give effect to the provisions of the Convention, where the applicant does not—

- (a) qualify for legal aid in terms of the Legal Aid Act, 1969 (Act 22 of 1969), read with Article 25 of the Convention; or
- (b) wish to appoint a legal representative of his or her choice.

Fees of person appointed by Chief Family Advocate

21. (1) Any person appointed in terms of regulation 18 who is not an officer in the Public Service is for assistance thus rendered by him or her entitled to the following remuneration:

- (a) Where he or she is a tracing agent or some other person appointed to locate a child or any other person: an amount of not more than R500 if such child or other person is located.
- (b) Where he or she is a social worker or some other person appointed to investigate and report on the social background, living conditions or other circumstances of a child or to obtain any other information or to harbour, keep safe or escort a child and, for the purposes of rendering such assistance:
 - (i) A transport allowance as prescribed from time to time for the Public Service; and
 - (ii) if he or she is required to rent overnight accommodation or is absent for a period of 24 hours or longer from the city or town where he or she normally works or resides—
 - (aa) the reasonable actual expenses incurred; or
 - (bb) the expenses as prescribed from time to time for the Public Service.

(2) A person contemplated in subregulation (1) must when submitting a claim for actual real expenses incurred by him or her, submit the necessary receipts, vouchers or any other proof in support of his or her expenses to the Central Authority, whose decision regarding the amounts payable in terms of this regulation is final.

Recovery of expenditure

22.(1) Where an application for the return of a child has been successful, the State may recover from the applicant the expenses incurred or to be incurred in bringing about the return of the child.

(2) Where an application for the return of a child or for the right of access to a child has been successful and no order was made against the respondent to pay any of the expenses or costs incurred by or on behalf of the applicant, the State may recover such expenses or costs from the respondent.

(3) Any expenses or costs recovered by the State in terms of subregulation (1) or (2) shall accrue to the National Revenue Fund.

(4) Where an application for the return of a child or for the right of access to a child has been successful and an order was made against the respondent to pay any of the expenses or costs incurred by or on behalf of the applicant, such expenses, costs or fees shall accrue to the National Revenue Fund.

Expeditious handling of proceedings

23.(1) Proceedings for the return of a child under the Convention must be completed within six weeks from the date on which judicial proceedings were instituted in the High Court., except where exceptional circumstances make this impossible.

(2) The following procedural steps are intended to ensure that applications under the Convention are handled expeditiously:

- (a) The High Court file must be clearly marked:
 - (i) drawing attention to the nature of the application; and
 - (ii) stating the date on which the six week period will expire;
- (b) priority must, where necessary, be given to such applications;
- (c) the presiding officer must expedite the transcript of the judgement and its approval and ensure that it is sent to the Central Authority without delay.

Procedure in High Court

24. Where an application has been made to a High Court by the Central Authority under the Convention, that Court may, at any time before the application is determined, give such interim directions as it deems fit to regulate any aspect of the progress of an application under the Convention.

Declarations by High Court

25. The High Court may, on an application made for the purposes of Article 15 of the Convention by any person appearing to such Court to have an interest in the matter, make a declaration that the removal of any child from, or his or her retention outside the Republic was wrongful within the meaning of Article 3 of the Convention.

Proof of documents and evidence

26.(1) For the purposes of Article 14 of the Convention a decision or determination of a judicial or administrative authority outside the Republic may be proved by a duly authenticated copy of the decision or determination and any document purporting to be such a copy is deemed to be a true copy unless the contrary is shown.

(2) For the purposes of subregulation (1), a copy is duly authenticated if it bears the seal, or is signed by a judge or an officer of the authority in question.

(3) For the purposes of Articles 14 and 30 of the Convention, any such document as is mentioned in Article 8 of the Convention, or a certified copy of any such document, is sufficient evidence of anything stated in it.

Power to order disclosure of child's whereabouts

27.(1) Where in proceedings for the return of a child or children there is no adequate information available regarding the whereabouts of the child or children, the High Court may order any person who it has reason to believe may have relevant information to disclose it to the Court.

(2) A person may not be excused from complying with an order under subregulation (1) by reason that to do so may incriminate him or her or his or her spouse of an offence.

Evidence in support of application

28. If a party making an application in terms of this Chapter, does not produce the relevant documents the High Court may—

- (a) fix a time within which the documents are to be produced;
- (b) accept equivalent documents; or
- (c) dispense with production of the documents.

Adjournment

29. The High Court may not adjourn a hearing for more than 21 days at any one time.

Assistance to prevent removal from jurisdiction

30.(1) If a parent, guardian or person with parental responsibility of a child suspects that there is an imminent danger or a likelihood that the child may be wrongfully removed from the Republic, that parent, guardian or person with parental responsibility must immediately inform the Central Authority of such danger or likelihood who must—

- (a) in the case of an imminent danger of wrongful removal, request the assistance of the South African Police Service to—
 - (i) inform border posts directly when there is a real and imminent threat that a child is about to be removed unlawfully from the Republic; and
 - (ii) liaise with Immigration Officers at the border posts in an attempt to identify the child or children at risk of removal; or
- (b) in the case of a likelihood of wrongful removal, request the Department of the Home Affairs not to issue a passport in respect of the child without—
 - (i) the High Court's permission; or
 - (ii) the consent of the other parent, guardian or person with parental responsibility.

(2) Where the child is a ward of the High Court, such Court's permission is needed to remove that child from that Court's jurisdiction.

(3) The request for police assistance as contemplated in subregulation (1)(a) must be accompanied by the following information—

- (a) the name, sex, date of birth, description, nationality and passport number of the child;
- (b) the name, age, description, nationality, passport number and relationship of the person who is likely to remove the child, to the child;
- (c) whether the child is likely to assist the person likely to remove;

- (d) the name and contact details of the person at the Central Authority who is requesting the border post alert contemplated in subregulation (1)(a);
- (e) the destination to which the child is likely to be removed;
- (f) the likely time of travel and border post embarkation;
- (g) the grounds for the border post alert contemplated in subregulation (1)(a); and
- (h) the details of the person to whom the child should be returned if he or she is intercepted.

(4) If a border post is alerted to the danger of a wrongful removal of a child from the Republic, the child's name must be listed and must remain on that list for four weeks, after which it may be removed automatically, unless a further request of a similar nature is made.

Surrender of passport documents

31. Where a High Court grants an order restraining the removal of a child from the Court's jurisdiction and the child or potential abductor holds a South African passport, the Court may—

- (a) order the surrender of any passport issued to, or which contains particulars of, that child; and
- (b) notify the Department of Home Affairs in every case in which the surrender of a South African passport has been ordered, to prevent the re-issue of such a passport.

CHAPTER V MISCELLANEOUS

Keeping of records

32.(1) The court is a court of record and-

- (a) the proceedings at a hearing must be recorded by the presiding officer or by a person appointed or designated thereto by the presiding officer;

- (b) the proceedings at a hearing must be taken down in shorthand or recorded by mechanical means and may be transcribed only if the presiding officer so directs or where required by the Act;
- (c) the shorthand notes or any transcription thereof or any mechanical recording of the proceedings or transcription thereof must be certified as true notes, a true transcription, or a true record taken, as the case may be, whereafter they become part of the record of the proceedings and, for purposes of disposal, are regarded as records of the civil court.

(2) The record of a matter must be open for inspection during office hours at the court where the matter is dealt with, by any party to the matter at any time before the conclusion thereof and within one year thereafter against payment of the amount prescribed for inspection of the record of civil proceedings in magistrates' courts at the time of inspection.

(3) Notwithstanding the provisions of subregulation (2), a presiding officer may give approval in a specific case for the record to be accessible free of charge—

- (a) for official or research purposes; and
- (b) for the purpose of publishing a report on the proceedings in a publication which is intended to be read mainly by social workers, probation officers, medical practitioners, dentists, child and youth care workers, nurses, psychologists, educationists, lawyers, criminologists, jurists or members of any other relevant profession.

Submission of statistics to Magistrates Commission

33. The clerk must submit court statistics and progress reports on matters before the children's court every four months to the Magistrates Commission established by section 2 of the Magistrates Act, 1993 (Act No. 90 of 1993).

Remuneration of persons not in employ of State

34.(1) The remuneration paid to persons not in the employ of the State as contemplated in section 75(1)(j) of the Act must be paid by—

- (a) the State if the person acted by direction of the court; or

- (b) the party to the proceedings if the person acted on request of such a party.
- (2) The remuneration of a person not in the employ of the State as contemplated in subregulation (1) must be calculated to include—
- (a) the actual real travel expenses of that person;
 - (b) the actual real accommodation expenses if that person is required to be absent for more than 24 hours from his or her place of residence: Provided that accommodation expenses will not be paid if the place of accommodation is less than 300 kilometres away from that person's place of residence;
 - (c) a daily allowance for food and beverages of R200;
 - (d) an amount of not more than R500 for a professional report; and
 - (e) the consultation fee at an hourly rate which that person is entitled to in his or her private practice, calculated from the time that the person appears in court, or acted as facilitator until his or her presence is no longer required by the court or the mediation is concluded: Provided that the maximum daily remuneration may not exceed an amount of R2500.

Contribution orders

35. An order made by the court as contemplated in sections 46(1)(i) and section 161 of the Act, must correspond substantially with—

- (a) Form 8 of the Annexure in the case of a summons to appear in a contribution order or the attachment of wages order proceedings;
- (b) Form 9 of the Annexure in the case of a notice for the variation, suspension, rescission or revival of a contribution order, which must be served on the respondent by a sheriff;
- (c) Form 10 of the Annexure in the case of an application by a respondent for the variation, suspension, rescission or revival of a contribution order, which must be lodged with the clerk;
- (d) Form 11 of the Annexure where a contribution order or a provisional contribution order is made and a certified copy thereof must be handed to the respondent or be sent to him by registered mail, in which case proof thereof must be kept; and

- (e) Form 12 of the Annexure in the case of an order to an employer for the deduction of an amount from the wages of the respondent, in compliance with a contribution order.

Offences and penalties

36. Any person who submits false information or who does not adhere to a direction in terms of a provision of these regulations is guilty of an offence and is on conviction liable on conviction to a fine or to imprisonment for a period not exceeding twelve months or to both such fine and imprisonment.

Short title and commencement

37. These regulations are called the Regulations Relating to Children's' Courts, 2008 and shall come into operation on....2008.

ANNEXURE

FORM 1

**BRINGING MATTER TO COURT IN TERMS OF SECTION 53 CHILDREN'S ACT,
2005 (ACT NO. 38 OF 2005)**

REGULATIONS RELATING TO CHILDREN'S COURTS, 2008

[Regulation 6]

Note:

- 1. Affidavits of other persons or other documentary evidence in support of the matter must be attached.
- 2. Your attention is drawn to the fact that the children's court may refer the matter for mediation to a lay-forum or refer the matter for a family conference. If the matter is referred back to the children's court the clerk will inform you accordingly.

File No:.....

[If the space provided for is inadequate, submit information as an Annexure to this form and sign each page.]

PART A: PARTICULARS OF CHILD(REN)																
Surname:																
Full names:																
<i>Child 1</i>																
<i>Child 2</i>																
<i>Child 3</i>																
<i>Child 4</i>																
<i>Child 5</i>																
ID. No./Date of birth: <i>Child 1</i>															/	/
<i>Child 2</i>															/	/
<i>Child 3</i>															/	/
<i>Child 4</i>															/	/
<i>Child 5</i>															/	/
Residential address(es): <i>(If the addresses are not the same for each child please indicate the addresses on a separate page.)</i>																
	Code ()															
Residential telephone number: (if any) <i>(If the numbers are not the same for each child please indicate the numbers on a separate page.)</i>																
Cellular number:(if any) <i>Child 1</i>																
<i>Child 2</i>																
<i>Child 3</i>																
<i>Child 4</i>																
<i>Child 5</i>																
Physical address (where documents can be served): <i>(If the addresses are not the same for each child please</i>																

indicate the addresses on a separate page.)	
	Code ()
Other relevant information (such as financial position, availability of transport, socio-economic status, if an interpreter will be needed and if special requirements are needed e.g. wheelchair access) which may assist the court to make a decision regarding the manner in which the matter could best be dealt with in terms of the Children's Act, 2005 (Act No. 38 of 2005)	

PART B: PARTICULARS OF PERSON *ACTING IN THE INTEREST OF THE CHILD/*ON BEHALF OF THE CHILD WHO CANNOT ACT IN HIS/HER OWN NAME/ *MEMBER OF A GROUP OF CLASS OF CHILDREN/*IN THE PUBLIC INTEREST(Proof of capacity of person acting in terms of section 53(2)(b) –(e)to be attached)

Surname:	
Full names	
ID. No./Date of birth:	/ /
Capacity of person acting in terms of section 53(2)(b)-(e):	
Registration number of corporate body(if applicable):	
Residential address:	
	Code ()
Residential telephone number:	/ /
Cellular telephone number:	
Work address:	
	Code ()
Work telephone number:	
Fax number:	
Physical address (where documents can be served):	
	Code ()

E-mail address:

PART C: PARTICULARS OF MATTER

Nature of matter brought to court: <i>(Please give full details of the matter eg, registration/amendment of parenting plans, removal of child to safe care, children in need of care and protection, placement in youth care centres, adoption etc.)</i>	
Documents: Are there any documents relating to the matter? <i>(If so please attach):</i>	

Signed _____ at
of.....20.....

.....this.....day

.....
Signature of person bringing the matter to court

FORM 2
NOTICE TO PARTIES TO ATTEND A PRE-HEARING CONFERENCE IN TERMS
OF THE CHILDREN'S ACT, 2005 (ACT NO. 38 OF 2005)
REGULATIONS RELATING TO CHILDREN'S COURTS, 2008
 [Regulation 13]

File No:.....

REPUBLIC OF SOUTH AFRICA

THE CHILDREN'S COURT FOR THE DISTRICT OF

.....

IN THE MATTER:

FULL NAME(S) OF CHILD(REN)	SEX	ID NUMBERS/DATE OF BIRTH

Child(ren)

And

NAME(S) OF OTHER PARTY(IES)	ID NUMBER(S)/DATE OF BIRTH

Other party(ies) involved

TO:

.....

ADDRESS:

.....

YOU ARE HEREBY REQUIRED:

To attend a pre-hearing conference aton the
 day of at (time) and on any
 subsequent day that may be required, regarding the following matter:

.....
.....
.....
.....
.....
.....
.....
.....
.....

Dated at this day of

.....
Clerk of the Children 's Court

**FORM 3
NOTICE TO ATTEND PROCEEDINGS OF THE CHILDREN'S COURT IN TERMS
OF SECTION 57 OF THE CHILDREN'S ACT, 2005 (ACT NO. 38 OF 2005)
REGULATIONS RELATING TO CHILDREN'S COURTS, 2008**

[Regulation 6]

File No:

REPUBLIC OF SOUTH AFRICA

IN THE CHILDREN'S COURT FOR THE DISTRICT OF

.....

HELD AT

.....

IN THE MATTER:

FULL NAME(S) OF CHILD(REN)	SEX	ID NUMBERS/DATE OF BIRTH

Child(ren)

And

NAME(S) OF OTHER PARTY(IES)	ID NUMBER(S)/DATE OF BIRTH

Other party(ies) involved

TO:

.....
.....

ADDRESS:

.....
.....
.....
.....
.....
.....

YOU ARE HEREBY REQUIRED:

To appear before this court aton the
day of at (time) and on any subsequent
day the court thereafter requires, regarding the following matter:

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

TO THE PERSONS WHO ARE HEREBY GIVEN NOTICE

- (i) You must ensure that all your witnesses are present at the proceedings of the hearing. If you wish any witness to be subpoenaed by the court, you are requested to submit full particulars of the witnesses (i.e. full names, identity numbers and physical addresses) to the clerk of the court, within fourteen days before the date of the hearing.
- (ii) The costs of the service of the subpoena of witnesses will be borne by the person who requests the subpoena, unless, in exceptional cases, the court directs that the State bears such costs.
- (iii) The attention of the person against whom the complaint is lodged is also drawn to the fact that should he or she fail to appear before the court as specified above, the presiding officer may order that the proceedings continue in his or her absence and that he or she will pay the costs of the person who lodged the complaint.
- (iv) The attention of the person who lodged the complaint is also drawn to the fact that should he or she fail to appear before the court as specified above, the presiding officer may dismiss the matter and order him or her to pay the costs of the other party.
- (v) Your attention is drawn to the fact that the court may decide to-
 - (a) refer the matter to a family group conference or a lay- forum for mediation and that the matter may be referred back to the children's court for a hearing;
 - (b) hold a pre-hearing conference; or
 - (c) hear the matter.

Signed atthis.....day

of.....20.....

.....
Clerk of the Children's Court

REVERSE OF FORM 3
RETURN OF SERVICE
FOR OFFICIAL PURPOSES ONLY

I,, certify that I have -

* delivered a copy of the subpoena to
personally;

or

* offered a copy of the subpoena for delivery to
personally;

or

* offered a copy of the subpoena to a
person apparently not younger than the age of 16 years and apparently residing or employed
at the *residence/place of employment/place of business of.....,
since he/she could not conveniently be found;

or

* *affixed/placed a copy of the subpoena to/in the *outer/principal door/security
gate/post box of the *residence/place of employment/place of business of,
since he/she prevented the service by keeping his/her *residence/place of employment/place
of business closed.

Signed atthis.....day of.....20.....

.....
Signature of Sheriff

Full first names and Surname.....
.....

(Block letters)

Designation (rank).....Ex Officio Republic of South
Africa

Business address.....code.....

(Street address must be stated)

FORM 4
REFERRAL OF MATTER TO*A FAMILY GROUP CONFERENCE/ A LAY-FORUM
IN TERMS OF SECTIONS 70 AND 71 OF THE CHILDREN'S ACT, 2005(ACT NO.
38 OF 2005)
REGULATIONS RELATING TO CHILDREN'S COURTS, 2008

[Regulations 12 and 13]

File no.

REPUBLIC OF SOUTH AFRICA

A. REFERRAL TO* LAY FORUM/FAMILY GROUP CONFERENCE

I,,presiding officer of the Children's Court at.....
In the matter between:

FULL NAME(S) OF CHILD(REN)	SEX	ID NUMBERS/DATE OF BIRTH

Child(ren)

And

NAME(S) OF OTHER PARTY(IES)	ID NUMBER(S)/DATE OF BIRTH

Other party(ies) involved

Hereby refer the matter in terms of section *70/71 of the Children's Act, 2005 (Act No. 38 of 2005) *to a family group conference/ lay-forum:

.....
.....
.....(name, address, tel. no of facilitator/lay-forum)

Reasons for referral:.....
.....
.....
.....
.....

Signed at.....thisday of.....20.....

B. REFERRAL OF MATTER TO CHILDREN'S COURT

I,in my capacity as *chairperson of the lay-forum/facilitator of family conference held at.....on....., to which the above-mentioned matter was referred, hereby refer the matter back to the children's court for the following reasons:

.....
.....
.....
.....
.....

Signed at.....this.....day of.....20.....

.....
*Chairperson: Lay-forum/Facilitator:Family Conference

**FORM 5
NOTICE TO WITNESS TO APPEAR BEFORE THE CHILDREN'S COURT IN
TERMS OF SECTION 59 OF THE CHILDREN'S ACT, 2005 (ACT NO. 38 OF 2005)
[Regulation 8]**

File No.:

REPUBLIC OF SOUTH AFRICA

IN THE CHILDREN'S COURT FOR THE DISTRICT OF

.....

HELD AT

.....

In the matter of an inquiry in terms of section 59 of the Children's Act, 2005 (Act No. 38 of 2005), in connection with the following child(ren):

NAME(S) OF CHILD(REN)	SEX	DATE OF BIRTH

TO:

.....
.....

ADDRESS:.....

.....
.....

1. You are hereby required to appear as a witness before the court at the request of:

- (a) The presiding officer of the court.
- (b) The child or a person whose rights may be affected by an order of the court.

(c) The legal representative of a person referred to in (b).



2. You are hereby further required:

(a) to appear before this court aton the
..... day of at (time) and on
any subsequent day to which the hearing may be postponed to give evidence
at this inquiry.....
.....
.....

(b) produce the following books or documents:

- (i)
- (ii)
- (iii)
- (iv)
- (v)

Dated at this day of

.....
Clerk of the Children 's Court

NOTE:

- A person summonsed by the presiding officer of the court and who complies with the summons is entitled to witness fees from state funds.
- A person summonsed at the request of the child or a person whose rights may be affected by an order of the court, or the legal representative of the child or a person whose rights may be affected by an order of the court, is not entitled to witness fees from state funds, except if the presiding officer so orders.
- If you fail to obey this notice, a warrant for your arrest may be issued and, unless you can satisfy the court that your failure was not due to fault on your part you may be sentenced to a fine or to imprisonment.

PLEASE SEE REVERSE HEREOF

REVERSE OF FORM 5

**RETURN OF SERVICE
FOR OFFICIAL PURPOSES ONLY**

I,, certify that I have -

* delivered a copy of the subpoena to
personally;

or

* offered a copy of the subpoena for delivery to
personally;

or

- * offered a copy of the subpoena to a person apparently not younger than the age of 16 years and apparently residing or employed at the *residence/place of employment/place of business of, since he/she could not conveniently be found;
or
- * *affixed/placed a copy of the subpoena to/in the *outer/principal door/security gate/post box of the *residence/place of employment/place of business of, since he/she prevented the service by keeping his/her*residence/place of employment/place of business closed.

Signed atthis.....day of.....20.....

.....
Signature of Sheriff

Full first names and Surname.....
.....
(Block letters)

Designation (rank).....Ex Officio Republic of South Africa

Business address.....code.....
(Street address must be stated)

FORM 6

**MEDICAL REPORT AND/OR AGE ASSESSMENT OF CHILD
SECTION 48(2) OF THE CHILDREN'S ACT, 2005 (ACT NO. 38 OF 2005)
REGULATIONS RELATING TO CHILDREN'S COURTS, 2008
[Reg 9(2)]**

A. MEDICAL REPORT OF PERSON WHOSE AGE IS ESTIMATED

I PERSONAL PARTICULARS

Surname:	
Full names	
Sex:	
Residential	

address:																				
																				Code (
Residential telephone number:																				

II MEDICAL PARTICULARS

Height:		
Weight:		
Condition of:		
	Lungs:	
	Heart:	
	Teeth:	
Apparent impairment: Indicate degree:		
	Sight:	
	Hearing:	
	Speech:	
	Orthopaedic:	
	Neurological:	
	Mental:	
Presence of *STD or other diseases/infections/injuries:		
Physical development according to * his/her age:	* Normal/abnormal If abnormal, specify:	
Nutrition:	* Adequate/deficient If deficient, specify:	
Vaccinations:	*Yes/No. If yes please specify:	
Substance abuse:	*Yes/No. If yes please specify:	
Other observations:	*Yes/No. If yes, please specify:	
Medical or other treatment required or recommended:	Yes/No. If yes, please specify:	

Date.....Place.....

District Surgeon

B. MEDICAL ASSESSMENT OF AGE

D.S. Ref No.:

Surname:	
Full names:	
Height:	
Weight:	
Breasts:	
Molar teeth:	
Pubic hair:	
Axillary:	
Facial:	
Genitals:	

OPINION

On the grounds of the above-examination, and * his/her general appearance, dressed and undressed, * his/her age is assessed at being between..... and

Most probable age

REMARKS:

.....

Date.....Place.....

District Surgeon

FORM 7

COURT CERTIFICATE OF ESTIMATED AGE OF CHILD

[Regulation 10(4)]

File No.:

**REPUBLIC OF SOUTH AFRICA
 CONFIDENTIAL**

IN THE CHILDREN'S COURT FOR THE DISTRICT OF

HELD AT

TO: DEPARTMENT OF HOME AFFAIRS

.....

CERTIFICATE

It is hereby certified that the * age(s) of the * child(ren) mentioned hereunder * has/have been estimated/confirmed to be as indicated by the corresponding * date(s) of birth provided below:

NAME	SEX	DATE

The estimate was made in terms of section 48(2) of the Children's Act, 2005 (Act No 38 of 2005) for the purposes of * a children's court inquiry/adoption proceedings where such age is a relevant fact. The confirmed age was based on sufficient evidence available.

.....
Date

.....
Presiding Officer

Note:
This document is not an official birth certificate

FORM 8
SUMMONS IN CONTRIBUTION ORDER OR ATTACHMENT OF WAGES
ORDER PROCEEDINGS
[Regulation 25(a)]

File No:.....

REPUBLIC OF SOUTH AFRICA

IN THE CHILDREN'S COURT FOR THE DISTRICT OF

.....

HELD AT

.....

TO:

.....

(respondent)

OF:

.....

.....

.....

YOU ARE HEREBY summonsed to appear before this court at
.....(time) on the day of
..... to show cause why a *contribution order/
attachment of wages order should not be made against you in terms of
section 161 of the Children's Act, 2005 (Act No. 38 of 2005), in respect of the
maintenance of

.....

.....

.....

.....

.....

(full name(s) of child(ren))

on the grounds set out in the particulars endorsed hereunder.

PARTICULARS OF GROUNDS OF ALLEGED LIABILITY

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

.....

Dated at this day of
.....20.....

.....
Clerk of the Court

NOTE

If you fail to obey this summons to attend the hearing or to remain in attendance during the hearing, the court may issue a warrant for your arrest and in a summary manner inquire into your failure to attend or remain in attendance and, unless you satisfy the court that your failure was not due to fault on your part, sentence you to a fine or to imprisonment.

PLEASE SEE REVERSE HEREOF

REVERSE OF FORM 8

**RETURN OF SERVICE
FOR OFFICIAL PURPOSES ONLY**

I,, certify that I have -

- * delivered a copy of the subpoena to personally;
or
- * offered a copy of the subpoena for delivery to personally;
or
- * offered a copy of the subpoena to a person apparently not younger than the age of 16 years and apparently residing or employed at the *residence/place of employment/place of business of, since he/she could not conveniently be found;
or
- * *affixed/placed a copy of the subpoena to/in the *outer/principal door/security gate/post box of the *residence/place of employment/place of business of, since he/she prevented the service by keeping his/her*residence/place of employment/place of business closed.

Signed atthis.....day of.....20.....

.....
Signature of Sheriff

Full first names and Surname.....

.....
(Block letters)

Designation (rank).....Ex Officio Republic of South Africa

Business address.....code.....

(Street address must be stated)

FORM 9
NOTICE OF HEARING OF APPLICATION FOR VARIATION,
SUSPENSION, RESCISSION OR REVIVAL OF CONTRIBUTION ORDER
OR ORDER FOR ATTACHMENT OF WAGES
[Regulation 25(b)]

File No:.....

REPUBLIC OF SOUTH AFRICA

IN THE * CHILDREN'S COURT FOR THE DISTRICT OF

.....
HELD AT

.....
IN THE MATTER of * a contribution order/an order for the attachment of wages for the maintenance of

.....
.....
.....
.....
(full name(s) of child(ren))

TO:

.....
(respondent)

ADDRESS:

.....
.....
.....
TAKE NOTICE that application for the * variation/suspension/rescission/revival of the * contribution order/order for the attachment of wages made by the court against you at.....on..... for the maintenance of the abovementioned * child(ren) will be heard before this court on the day of at.....

DATED at this day of20.....

.....
Clerk of the Court

NOTE

If you fail to obey this notice to attend the hearing or to remain in attendance during the hearing, the court may issue a warrant for your arrest and in a summary manner inquire into your failure to attend or remain in attendance and, unless you satisfy the court that your failure was not due to fault on your part, sentence you to a fine or to imprisonment.

PLEASE SEE REVERSE HEREOF

REVERSE OF FORM 9

RETURN OF SERVICE
FOR OFFICIAL PURPOSES ONLY

I,, certify that I have -

- * delivered a copy of the subpoena to personally;
or
- * offered a copy of the subpoena for delivery to personally;
or
- * offered a copy of the subpoena to a person apparently not younger than the age of 16 years and apparently residing or employed at the *residence/place of employment/place of business of, since he/she could not conveniently be found;
or
- * *affixed/placed a copy of the subpoena to/in the *outer/principal door/security gate/post box of the *residence/place of employment/place of business of, since he/she prevented the service by keeping his/her*residence/place of employment/place of business closed.

Signed atthis.....day of.....20.....

.....
Signature of Sheriff

Full first names and Surname.....
.....
(Block letters)

Designation (rank).....Ex Officio Republic of South Africa

Business address.....
.....code.....
(Street address must be stated)

FORM 10
APPLICATION FOR THE VARIATION, SUSPENSION, RESCISSION OR
REVIVAL OF CONTRIBUTION ORDER OR ATTACHMENT OF WAGES
[Regulation 25(c)]

File No:.....

REPUBLIC OF SOUTH AFRICA

TO THE CLERK OF THE CHILDREN'S COURT FOR THE DISTRICT OF
.....

HELD AT
.....

FROM:
.....

(respondent)

OF:
.....
.....
.....

I HEREBY APPLY for the * variation/suspension/rescission/revival of the *
contribution order/order for
the attachment of wages made by the court against me at
..... theday of.....
for the maintenance of my *
child(ren):.....
.....
.....
.....

GROUND(S) FOR APPLICATION:
.....
.....
.....
.....

DATED at this day of
.....20.....

.....
Respondent

FORM 11
CONTRIBUTION ORDER
[Regulation 25(d)]

File No.:

REPUBLIC OF SOUTH AFRICA

IN THE CHILDREN'S COURT FOR THE DISTRICT OF
.....

HELD AT
.....

IN THE MATTER OF A CONTRIBUTION ORDER FOR THE MAINTENANCE
OF.....
.....

(full name(s) of child(ren))

by.....
.....

(respondent)

BEFORE(Presiding officer) on
the day of20.....

After hearing the evidence adduced and the court being satisfied that a
contribution order has to be made against the said respondent in terms of
section 161 of the Children's Act 2005 (Act No. 38 of 2005),

IT IS ORDERED THAT

.....
..... (respondent) contribute * weekly/monthly towards the
maintenance of the said * child(ren) the amount of Rwith effect from
.....

The first payment to be made on:

.....

and thereafter on:

.....

Payments must be made at the magistrate's office at:

.....

Signed at this day
of.....20.....

.....

Presiding Officer

FORM 12
ORDER TO AN EMPLOYER TO DEDUCT AN AMOUNT FROM A
RESPONDENT'S WAGES
[Regulation 25(e)]

File No.:

REPUBLIC OF SOUTH AFRICA

IN THE CHILDREN'S COURT FOR THE DISTRICT OF

.....

HELD AT

.....

TO

.....

(name of employer)

TAKE NOTICE

that a contribution order for R..... per * week/month has been made
against

(full name of respondent)

in terms of section 161 of the Children's Act, 2005 (Act No. 35 of 2005), for
the maintenance of * his/her child(ren).

IT IS HEREBY ORDERED THAT—

in payment of the contribution order made against the said respondent, you
deduct * weekly/monthly an
amount of R..... from the wages of the said
respondent and pay it forthwith to (the)

.....

(officer of the children's court to whom payment shall be made)

GIVEN at this day of
20.....

.....

Presiding officer

FORM 13
APPLICATION FOR A RETURN OF A CHILD WRONGFULLY REMOVED /
RETAINED IN TERMS OF THE HAGUE CONVENTION ON THE CIVIL
ASPECTS OF INTERNATIONAL CHILD ABDUCTION
[Regulation 15]

REPUBLIC OF SOUTH AFRICA

File No:.....

I. DETAILS OF THE APPLICANT

Surname and full names:

Date and place of Birth:

Country of ordinary residence:

Nationality (ies):

Occupation:

Relationship to child:

Address at which the applicant can be contacted:

.....
.....
.....

Telephone number:

Home.....

Business:

Name of attorney (if any)

Name of firm of attorney

Address of attorney

.....
.....
.....

Telephone number of attorney:

Fax number of attorney:

II. DETAILS OF CHILD

(if more than three children, continue on separate page)

Surname and full names:

(1)

(2)

(3)

Date and place of birth:

(1)

(2)

(3)

Country of ordinary residence (immediately before removal):

(1)

(2)

(3)

Passport or Identity Number. if child holds a separate passport (if not indicate whether child is included on mother's or father's passport):

(1)

(2)

(3)

Nationality(ies):

(1)

(2)

(3)

Description (please enclose a recent photograph):

- (1)
- (2)
- (3)

III. DETAILS OF PARENTS

A. Mother

Name and surname:

Date and place of birth:

Ordinary residence:

Passport or Identity Number:

Nationality:

Occupation:

B. Father

Name and surname:

Date and place of birth:

Ordinary residence:

Passport or Identity Number:

Nationality:

Occupation:

Date and place of marriage:.....

Date and place of divorce (if applicable):.....

IV. DETAILS OF PERSON WHO HAS TAKEN OR RETAINED CHILD

Surname and full names:

Date and place of birth:

Nationality:

Occupation:

Passport or Identity Card Number.

Relationship to child

Description (please enclose photo if available):

.....

.....

.....

Last known address(es) (in the country in which this person now resides):

.....

.....

.....

V. PLACE WHERE THE CHILD IS THOUGHT TO BE

Present address of the child if different to those of the person who has taken the child:

.....

.....

.....

Details of other persons in the country to which the child has been taken who might be able to supply additional information on the whereabouts of the child e.g. names, address, telephone numbers, relationship to the child or taker of the child:

.....

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.....

.....

VI. BRIEF DETAILS OF THE TIME, DATE, PLACE AND CIRCUMSTANCES OF THE REMOVAL OF THE CHILD FROM THE REPUBLIC OR THE RETENTION OF THE CHILD OVERSEAS

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VII. DETAILS OF COURT PROCEEDINGS THAT HAVE TAKEN PLACE OR ARE TAKING PLACE

Provide details of names of parties, name of court, case number (if known) and the stage reached.

The Republic

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.....

Outside the Republic

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VIII. EVIDENCE THAT THE APPLICANT HAD RIGHTS OF CUSTODY IN RESPECT OF THE CHILD AND WAS EXERCISING THOSE RIGHTS AT THE TIME OF THE REMOVAL.

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IX. OTHER RELEVANT MATTERS

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X. ARRANGEMENTS FOR THE RETURN OF THE CHILD

Please indicate whether the applicant is prepared to travel to the country to which the child has been taken, both to attend the court hearing if necessary, and to collect the child should the application be successful or indicate any other person who could do so on their behalf.

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Does the applicant wish an application to be made to overseas court for an order to be made that the person who has taken the child meet any additional costs incurred by them e.g. air fares (Hague Convention only).

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Signature of applicant or their attorney
Date:

Signature and date stamp of the central authority

FORM 14
APPLICATION FOR ACCESS TO A CHILD WRONGFULLY REMOVED /
RETAINED IN TERMS OF THE HAGUE CONVENTION ON THE CIVIL
ASPECTS OF INTERNATIONAL CHILD ABDUCTION
[Regulation 16(1)]

REPUBLIC OF SOUTH AFRICA

File No:.....

ACCESS

I. DETAILS OF THE APPLICANT (PARENT REQUESTING ACCESS TO CHILD)

Surname and full names:
Date and place of Birth:
Country of ordinary residence:
Nationality (ies):
Occupation:
Relationship to child:
Address at which the applicant can be contacted:

.....
.....
.....

Telephone number:
Home.....
Business:
Name of attorney (if any)
Name of firm of attorney
Address of attorney

.....
.....
.....

Telephone number of attorney:
Fax number of attorney:

II. DETAILS OF CHILD

(if more than three children continue on separate page)

Surname and full names:
(1)
(2)
(3)

Date and place of birth:

- (1)
- (2)
- (3)

Country of ordinary residence (immediately before removal):

- (1)
- (2)
- (3)

Passport or Identity Number if child holds a separate passport (if not indicate whether child is included on mother's or father's passport):

- (1)
- (2)
- (3)

Nationality(ies):

- (1)
- (2)
- (3)

Description(please enclose a recent photograph):

- (1)
- (2)
- (3)

III. DETAILS OF PARENTS

A. Mother

Name and surname:

Date and place of birth:

Ordinary residence:

Passport or Identity Number:

Nationality:

Occupation:

B. Father

Name and surname:

Date and place of birth:

Ordinary residence:

Passport or Identity Number:

Nationality:

Occupation:

Date and place of marriage:.....

Date and place of divorce (if applicable):.....

IV. DETAILS OF PERSON WHERE CHILD ARE THOUGHT TO BE

Surname and full names:

Date and place of birth:

Nationality:

Occupation:

Passport or Identity Number:

Relationship to child:

Description(please enclose photo if available):

.....

.....

.....

Last known address(es) (in the country in which this person now resides):

.....

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.....

V. PLACE WHERE THE CHILD IS THOUGHT TO BE

Present address(es) of the child if different to those of the person who has taken the child:

.....
.....
.....

Details of other persons in the country to which the child has been taken who might be able to supply additional information on the whereabouts of the child e.g. names, address, telephone numbers, relationship to the child or caretaker of the child:

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.....
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VI. CIRCUMSTANCES RELATING TO THE PREVENTION OF EXERCISE OF RIGHTS OF ACCESS AND APPLICANT'S WISHES ON HOW VISITATION SHOULD BE STRUCTURED IN FUTURE:

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VII. DETAILS OF COURT PROCEEDINGS THAT HAVE TAKEN PLACE OR ARE TAKING PLACE (E.G DIVORCE, CUSTODY / ACCESS HEARING ETC)

Provide details of names of parties, name of court, case number (if known) and the stage reached Please also state what visitation arrangements were in place in South Africa.

The Republic

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Outside the Republic

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VIII. FACTUAL OR LEGAL GROUNDS JUSTIFYING THE REQUEST

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IX. ARRANGEMENTS:

Please indicate whether the applicant is prepared to travel to the country to which the child has been taken, to attend the court hearing if necessary:

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.....
.....
.....

Signature of applicant or their attorney

Date:

Signature and date stamp of the Central Authority