

In the Maintenance Court for the district of Gert Sibande held at *Breyten/ ErmeloProceedings held *in camera* on the _____ day of _____ 20 _____ before

*Mr S.A. Gräbe/ *Mr/ Mrs/ Ms _____

1 Appearances:

- Mr M.P. Ralekgogo/ *Mr/ Mrs/ Ms _____ appears as Maintenance officer
- The person in whose favour the maintenance order may be made **is present in person/ is not present in person* and **is conducting his/ her own case/ is represented by Mr/ Mrs/ Ms* _____;
- The person against whom the maintenance order may be made **is present in person/ is not present in person* and **is conducting his/ her own case/ is represented by Mr/ Mrs/ Ms* _____;
- *Mr B.R. Modipa/ *Mr/ Mrs/ Ms _____ appears as official interpreter in the **isiZulu/* _____ language;
- *Ms N. Khoza/ Ms G.N. Sithole/ *Mr/ Mrs/ Ms _____ appears as clerk of the court;

2 Nature of proceedings: Application in terms of section **16(1)(a)/ 16(1)(b)* read with section 17(1) of the Maintenance Act, 1998 (as amended) (MaA) –

- for a maintenance order where no maintenance order has yet been made;
- for a maintenance order where this court previously made an interim maintenance order; or
- for the substitution of an existing maintenance order.

3 Submission of papers:

The clerk of the court hands in –

- as exhibit _____: Proof that the Maintenance officer instituted an enquiry in terms of section 6(2) of the MaA;
- as exhibit _____:
 - Complaint in terms of section 6(1)(a) of the MaA (Application for a Maintenance Order properly administered under oath or affirmation);
 - Complaint in terms of section 6(1)(b) of the MaA (Substitution of an existing Maintenance Order) properly administered under oath or affirmation;
 - Complaint in terms of section 6(1)(c) of the MaA (Substitution of a verbal agreement in respect of maintenance obligations in which respect there is no existing maintenance order) properly administered under oath or affirmation; or
 - Complaint in terms of section 6(1)(c) of the MaA (Substitution of a written agreement in respect of maintenance obligations in which respect there is no existing maintenance order) properly administered under oath or affirmation; and
- as exhibit _____: A copy of the identity document of the complainant;
- as exhibit _____: A copy of the **birth certificate/ identity document* of the child concerned;
- as exhibits _____: Copies of the birth certificates of the children concerned;
- as exhibit _____: Proof of the **civil union/ customary union/ marriage* between the parties;

*Delete whichever is not applicable

 Mark the appropriate block(s) with a ✓

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- as exhibit _____: A copy of the maintenance order issued by the **High Court/ Regional Court/ Maintenance Court* sitting at **Breyten/ Ermelo/ _____* on ____/ ____/ 20 ____;
- as exhibit _____: The written consent of the parties.

4 The Maintenance officer applies for an order to be made in accordance with the parties' consent.

5 Findings:

- The court finds –
 - that the person in whose favour the maintenance order may be made **is in need of maintenance/ is not in need of maintenance;*
 - that the person against whom the maintenance order may be made –
 - *has a duty/ does not have a duty* to support the person in whose favour the maintenance order may be made;
 - *has means/ does not have means* to support the person in whose favour the maintenance order may be made;
 - that the **child concerned is/ children concerned are* in need of maintenance;
 - that the **child concerned is/ children concerned are* not in need of maintenance;
 - that the person against whom the maintenance order may be made –
 - *has a duty/ does not have a duty* to support the **child/ children* concerned;
 - *has means/ does not have means* to support the **child/ children* concerned;
- The court –
 - *is satisfied/ is not satisfied* that there is a spousal duty between the parties to maintain each other;
 - *is satisfied/ is not satisfied* that good cause exists for the substitution –
 - of the said maintenance order; or
 - of the **verbal/ written* agreement between the parties in respect of maintenance obligations;

6 Judgment:

- It is ordered –
 - that a maintenance order be and it is hereby made in terms of section 16(1)(a) read with section 17(1) of the MaA as per exhibit _____;
 - that the interim maintenance order made by this court on ____/ ____/ 20 ____ be and it is hereby substituted with the above-mentioned order;
 - that a maintenance order be and it is hereby made in terms of section 16(1)(b) read with section 17(1) of the MaA **in substitution of** the maintenance order issued by the **High Court/ Regional Court/ Maintenance Court* sitting at **Breyten/ Ermelo/ _____* on ____/ ____/ 20 ____ as per exhibit _____;
- In terms of section 16(2) of the MaA it is ordered that _____

shall make payment on behalf of the defendant as indicated in par. 1.2 of the parties' consent.
- In terms of section 16(1)(c) of the MaA the court makes no order.

*Delete whichever is not applicable
 Mark the appropriate block(s) with a ✓