

Family Law Matters In Relation To Covid-19

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The world has found itself in unprecedented territory. The President of South Africa has declared a national state of disaster causing the country to go into complete lockdown. In accordance with this, there has been a great deal of confusion pertaining to the movement of children during this time. The Minister of Social Development amended the Directions issued in terms of Regulation 10 (8) of the Regulations made under Section 27 (2) of the Natural Disasters Act to prevent and combat the spread of COVID-19.

In a nutshell, if you are a divorced parent and are sharing custody of your children, you do not need a special permit to aid in the movement of your children during the lockdown. All that is required is that the parent or caregiver transporting the child concerned must have in his or her possession an existing Court Order in place alternatively an existing Parenting Plan that is registered with the office of the Family Advocate or the birth certificate of the child or children as required. Skype, FaceTime and other forms of interaction are crucial to heading off unneeded conflict during what is currently an incredibly aggravating time for everybody especially kids.

It is common cause that many people have received pay-cuts, retrenchment packages and some have even lost their jobs. This has undoubtedly put an immense amount of strain on the majority of the South African population. Even more so for people who have been ordered to pay maintenance in terms of a Rule 43 application or a maintenance order. The Government Gazette dated 26 March 2020 (No. 43167) provides that during lockdown, in respect to maintenance matters, only first-time applicants and those seeking to enforce an existing maintenance order may approach the maintenance court. While you cannot apply for a variation of a maintenance order during lockdown, once lockdown is over you can approach the court and launch an application for a variation of an existing order should you meet the necessary requirements. Kindly contact our family law experts at J Leslie Smith & Company incorporated on 033 845 9700 for more assistance.



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