



CONTACT DETAILS

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KIMBERLEY
CNR KNIGHT & STEAD STREET
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MAGISTRATE COURT
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POINTS TO NOTE ABOUT THE FAMILY ADVOCATE

- The Family Advocate cannot become involved in any matter that has already been finalised by the Court.
- The Family Advocate cannot be subpoenaed to Court as a witness to give evidence on behalf of any party even if his/her recommendation is in favour of that party.
- The recommendation of the Family Advocate is intended to assist the Court in adjudicating a matter and arriving at a particular order. The recommendation itself is not enforceable unless incorporated in a Court Order.
- The Family Advocate is a neutral institution and cannot act as the legal representative for either litigant in a matter.



OFFICE OF THE FAMILY ADVOCATE

The best interests of a child are of paramount importance



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the doj & cd

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA

WHEN DO YOU GO TO SEE THE FAMILY ADVOCATE?

You may visit the Family Advocate when you have a divorce pending in Court, and have minor or dependent children whose subsequent custody, guardianship or access arrangements are in dispute. There are other circumstances under which the Family Advocate may be consulted. These include any application for the variation of a custody, guardianship or access order, an application for the definition of access, a custody, access or guardianship dispute arising from the dissolution of a customary marriage, an application by an unwed father for custody, access or guardianship to his minor child or any other matter involving minor or dependent children, where the Court has specifically ordered the Family Advocate to intervene.



The best interests of a child are of paramount importance



WHAT DOES THE FAMILY ADVOCATE DO?

The Family Advocate assists the parties to reach an agreement on disputed issues, namely custody, access and guardianship. If the parties are unable to reach an agreement, the Family Advocate evaluates the parties' circumstances in light of the best interests of the child and makes a recommendation to the Court with regard to custody, access or guardianship.

HOW DOES THE FAMILY ADVOCATE DO THIS?

Upon application by the parties, the Family Advocate institutes an inquiry during which the Family Advocate, assisted by a Family Counsellor (normally a trained social worker), interviews the parties to ascertain their personal circumstances and the background details to their matter. The Family Advocate then interviews the children to allow them the opportunity to be heard. This prevents the child from having to appear in Court.

WHO PAYS THE FAMILY ADVOCATE?

The services of the Family Advocate are rendered to the public free of charge. The Family Advocate is a legal officer employed by the Department of Justice and Constitutional Development and acts as a lawyer representing the best interests of the child.

THE BENEFITS OF ENGAGING THE ASSISTANCE OF THE FAMILY ADVOCATE:

- If the parties reach agreement on disputed issues the matter does not proceed to trial. This reduces costs and time.
- The Office of the Family Advocate affords the child an opportunity to be heard with regard to his/her position in the parties' pending divorce.
- The Family Advocate is a neutral person who focuses solely on the best interests of the child.
- The atmosphere at the Office of the Family Advocate is less rigid and solemn compared to that of a courtroom. It is therefore child-friendly.
- The Family Advocate uses techniques of alternative dispute resolution, which help reduce the acrimony between the parties.
- The Family Advocate may work in liaison with other professionals (for example social workers, psychologists, psychiatrists, therapists), in assisting the family and to ascertain what is in the best interests of the child.

