

NATIONAL QUESTIONNAIRE FOR FAMILY ADVOCATES TO CUSTODY (CARE) AND ACCESS (CONTACT) PROCEEDINGS

PROJECT 100, SUB-PROJECT "D" – REVIEW OF ASPECTS OF FAMILY LAW AND THE LAW OF PERSONS: REVIEW OF ASPECTS RELATED TO THE CUSTODY OF AND ACCESS TO MINOR CHILDREN

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1. **How would you describe the job satisfaction you receive from working at the family advocate's office?**

Always		Often		Sometimes		Rarely		Never	
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Comments, if any:

2. **Generally, how many minutes/hours is a session where issues of custody and/or access are assessed?**

Minutes		Hours	
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Comments, if any:

3. **How many sessions are held on average to determine custody and/or access in each case?**

Number	
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Comments, if any:

4. **Is the time and number of sessions held adequate for the Family Advocate’s Office to make an informed decision?**

Yes;	
In most instances;	
Not in all instances;	
No.	

Comments, if any:

5. **In your experience, what percentage of divorces becomes opposed due to disagreements on access and/or custody of minor children?**

	%
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Comments, if any:

6. **In your experience, are matters of custody and access decided according to particular benchmarks and principles, e.g. the tender-years principle, instead of being decided on the merits and circumstances of each case?**

Always		Often		Sometimes		Rarely		Never	
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Comments, if any:

7. **Do you refer to reports by independent psychologists when making your assessment of custody and access of minor children?**

Always		Often		Sometimes		Rarely		Never	
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Comments, if any:

8. **Do family counsellors/social workers play a vital role in helping you assess access and custody issues?**

Always		Often		Sometimes		Rarely		Never	
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Comments, if any:

9. **Do you go to the homes of the parties to assess the living situation of the children?**

Always;	
In extreme circumstances;	
In a minimal number of cases;	
Never.	

Comments, if any:

10. **Does the Family Advocate’s Office have the capacity and time to mediate in al proceedings involving questions of access and custody?**

Yes		No	
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Comments, if any:

11. **What do you think about using mediation as a tool to determine proceedings where access and custody of minor children is an issue?**

Good idea and will work in practice;	
Good idea, but will not work in practice;	
Bad idea and will not work in practice.	

Comments, if any:

12. **Where there is a dispute regarding custody and access matters:**

Attendance of mediation by both parents should be compulsory;	
Attendance of mediation by both parents should be voluntary;	
Attendance of mediation should be determined by the Family Advocate's Office;	
Attendance of mediation should be determined by a court.	

Comments, if any:

13. **In light of South Africa being a multi-cultural society, do you think specially trained mediators are needed to mediate in matters of custody and access?**

Yes		No	
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Comments, if any:

14. **Who should be allowed to mediate in custody and access matters?**

15. **Do you think attorneys and advocates influence their clients to fight for custody and access so they can draw out court proceedings and increase their remuneration?**

Always		Often		Sometimes		Rarely		Never	
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Comments, if any:

16. **How often do you have matters being referred to the Family Advocates Office after recommendations made by the family advocate proved to be problematic in practise?**

Always		Often		Sometimes		Rarely		Never	
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Comments, if any:

17. **What limitation does the Family Advocate's Office have when conduction assessments and proposing recommendations in custody and access matters?**

18. Do you think that the new divorce courts created to deal solely with divorce matters are meeting their prescribed objective?

Yes		No	
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Comments, if any:

19. **Should a parent information/education programme be attended by both parents?**

In all proceedings where custody and access have to be determined;	
Only in matters where no settlement agreement is agreed upon;	
Under no circumstances as it will be too difficult to implement.	

Comments, if any:

20. **Should all couples with minor children seeking a divorce attend a compulsory parent education programme and obtain a certificate that they have attempted mediation, prior to their divorces being granted? Give reason for you answer?**

Yes		No	
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Comments, if any:

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