

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

Researcher – Ananda Louw
SA Law Reform Commission , Private Bag X668, Pretoria, 0001
E-mail: AnaLouw@justice.gov.za, Tel: +27 12 392 9566/40, Fax: +27 12 320 0936

1. **Indicate the percentage as to which class your clients belong: sub-economic/ working/ middle/ upper class?**

Sub-economic		%
Working		%
Middle		%
Upper		%

Comments, if any:

2. **Approximately how many consultations do you have with children prior to finalising a report on suitable custody and access arrangements?**

3. **Do you act as a mediator in assisting parties to reach a settlement agreement on arrangements related to the custody of and access to minor children?**

Yes		No	
-----	--	----	--

If yes, what positive/negative implications arise from mediation in these sorts of matters?

4. **What is your opinion on co-parenting?**

5. **Do you think attorneys and advocates influence their clients to fight for custody and access without taking the interests of the children into account?**

Always		Often		Sometimes		Rarely		Never	
--------	--	-------	--	-----------	--	--------	--	-------	--

Comments, if any:

6. **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:

7. **If mediation does become compulsory, who would be suitable persons to act as mediators to assist the parties to reach an appropriate settlement agreement? (e.g. psychologists, advocates, social workers.)**

8. **How long should training be and how should its content be constituted for family mediators to become effective mediators?**

9. **Should there be any pre-requisite criteria that persons must meet in order for them to train as mediators?**

Yes		No	
-----	--	----	--

If yes, what are they?

10. **Do you think the methods used by the family advocate to advice on custody and access matters are effective?**

Yes		No	
-----	--	----	--

Why?

11. **What limitations does the Family Advocate's Office have in carrying out its assessments and proposing recommendations in custody and access matters?**

12. Do you find that the parent who approaches you for a psychological report on the best interests of the child as regard access and custody has an expectation that you will write the report in their favour?

13. 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	
--------	--	-------	--	-----------	--	--------	--	-------	--

14. 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 not settlement agreement is agreed upon;	
Under no circumstances as it will be too difficult to implement.	

Comments, if any:

15. 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 divorce being granted?

Yes		No	
-----	--	----	--

Give reasons for your answer.