

can send them to prison, directly deduct the money from the pay clerk of their office (if employed) or ask them to pay more money to make up for the money owed.

Can I appeal the Order?

- If you are not satisfied with the Order made by the Magistrate, using *Notice of Appeal* (FORM 26) you may Appeal to the Family High Court, within 28 days from the date of the Order.
- You will have to pay filing fees to the Family Court Registry.
- If you cannot afford the filing fees, Legal Aid may be able to help you make other arrangements.
- If you need legal help, visit the Legal Aid office nearest you.

(Footnotes)

¹ To do this properly, see the pamphlet on *Service*

² See pamphlet on *Counseling*.

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LEGAL AID
COMMISSION

CHILD MAINTENANCE
OUTSIDE OF MARRIAGE

(Money for a child or
children paid by the father)

What is Child Maintenance?

Money that a parent should pay to support the child's needs. This has to be paid by the parent whom the child(ren) does not live with. Maintenance can also be paid by buying food, paying school fees or giving fish and root crops if the parent is a farmer, lives in the village or is unemployed and cannot pay money.

Who can apply?

- If you are a single mother; or
- A person representing the child; or
- A grandparent; or
- Any other person who is concerned with the care, welfare and development of the child.

When do I apply?

- This must be done before the child turns six (6) years of age or you will have to get special permission from the Court.
- If you are pregnant and not married, you can also claim your medical expenses before and after birth, from the father of the child.

How do I apply for child maintenance?

- Pick and fill an *Application for Maintenance and Contribution* (FORM 5) from a Family Court Registry nearest you.
- If your child(ren) are under 18 years, get a copy their birth certificate.

- Make 2 photocopies of each form you have filled. Take your copies of the form back to the Family Court Registry nearest you.
- The Family Court Registry staff will write a date on your form, which is when your case will be called in Court.
- **Before** that Court date, you have to give a copy of the Maintenance Application Form to the other party.¹
- You **MUST** appear in Court on the date given by the Family Court Registry.
- Whether you have given a copy of the form to the other party or not you **MUST** still go to Court.
- The Court may ask you to talk to the Counselor if you cannot reach an agreement.²

What happens in Court during my maintenance case?

- If the man does not agree that he made the woman pregnant, the Court will order a blood test to rule out any chance of him being the father.
- The Magistrate can also order a DNA test, but this is expensive and the cost has to be paid by both parties to the Maintenance case.
- Once the blood test has been ordered, go to a hospital and get blood samples taken of you, the other party and the child. All three of you also have to take a passport size photo each to be signed by the doctor to confirm you are the one he/she took the blood sample from.
- Once the blood samples have been taken,

the Doctor will prepare a report for the Court.

- If the Doctor's report says there is a "*possibility*" he is the father, the Maintenance case will go for hearing.

What happens at the Paternity hearing?

The Court will hear evidence from both parties as to whether or not you became pregnant by him. If the Court does not believe he is the father, he **WILL NOT** pay maintenance. If the Court finds he is the father, then the Magistrate will order him to pay child maintenance.

What if I want to change the Maintenance Order?

You can always return to Court to change your maintenance if it is an Interim Order. But if it's a final order then you will have to wait for 12 MONTHS before any change can be done.

What happens if the other party is not paying the maintenance ordered by the Court?

- You can complain to the Family Court Registry if the maintenance has not been paid for one month. The Court will then prepare a *Judgment Debtor Summons* (JDS) to make him/her pay.
- When the other party is brought to Court, they have to explain why they are not paying the maintenance and how they can continue paying. They will have to pay some of the amount due or the Magistrate