

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
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PARENTAL MAINTENANCE

(Paying Money for
Parents)

What is Parental Maintenance?

Money that an adult child should pay to support an elderly parent who cannot support themselves. Maintenance can also be paid by buying food, or giving fish and root crops if your adult child is a farmer, lives in the village or is unemployed and cannot pay money.

Who can apply for maintenance?

A parent can only apply for maintenance from their child(ren). You must be unable to support yourself because:-

- you have no job;
- are too old;
- are unfit mentally and physically; or
- for any other reason.

How do I apply for maintenance?

- Pick up an *Application for Maintenance or Contribution Form* (FORM 5) from a Family Court Registry nearest you.
- Get a copy of your child(ren)'s 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 your adult child(ren).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 have you talk to the Counselor if you cannot reach an agreement.²

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 my child is not paying the maintenance ordered by 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 your adult child is brought to Court, they have to explain why he/she is not paying the maintenance and how he/she can continue paying. He/She will have to pay some of the amount due or the Magistrate can send them to prison.

What if I have been given a Maintenance Form?

- If you do not agree, you have to fill *Response to Maintenance or Contribution Form* (FORM 6)

- and file it at nearest Family Court Registry.
- If you have not filed a Response you MUST go to Court and explain your reasons.
- If you agree to pay maintenance then you must bring your pay slip (if employed) for the Court to decide how much you can pay.

What do I do if the person paying the maintenance is about to leave the country?

- Seek legal help from the Legal Aid Commission as soon as possible.
- You need to confirm when your adult child is planning to leave the country, so that your lawyer can file the necessary papers in court to stop him/her from leaving the country.
- Once necessary papers are filed and orders are given, then the Family Court Registry will inform the Immigration Department. However you are to serve the court papers and the order to the other party.
- The Court will give another date in which both parties have to be present to hear this matter.
- The Magistrate will only allow the other party to leave the country, only if he/she has paid all maintenance due and/or arranged for a proper surety who will pay maintenance for them.

Can I appeal the Order?

- If you are not satisfied with the Order