

- papers and 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, if only he/she has paid all maintenance due and arranged for a proper surety who will pay maintenance for them.

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*.

Legal Aid Commission

Head Office: Suva

Legal Aid Fiji Building
41 Loftus Street
Private Mail Bag
Government Buildings
Ph: 331 1195 Fax: 330 3023

Nausori

Level 1 Y.M.Haniff Arcade
Lot 10, Main Street
P.O.Box 3495
Ph: 347 0003 Fax: 347 0005

Lautoka

Level 1
Magistrates' Court Complex
Tavewa Avenue
Private Mail Bag
Ph: 665 0011 Fax: 665 1788

Labasa

Ground Floor
New Court Complex
Katonivere House
P.O.Box 1241
Ph: 881 5118 Fax: 881 7322

Ba

Magistrates' Court Complex
P.O.Box 433
Ph: 667 8000 Fax: 667 8426

Email: info@legalaid.org.fj

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SPOUSAL MAINTENANCE

(Money for
husband or wife)

What is Spousal Maintenance?

Money that your spouse should pay to support you if you cannot support yourself. Maintenance can also be paid by buying food, or giving fish and root crops if your spouse is a farmer, lives in the village or is unemployed and cannot pay money.

Who can apply for maintenance?

You must be married and are unable to support yourself because:-

- you have no job;
- care for child(ren) of the marriage under the age of 18 years;
- 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 to you.
- Get a copy of your marriage certificate.
- Make 2 photocopies of each form you have filled. Take your copies of the form back to the Family Court Registry nearest to 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 spouse.¹
- Whether you have given a copy of the

form to the other party or not, you MUST still go to Court.

- You MUST appear in Court on the date given by the Family Court Registry.
- The Court may have you talk to the Counselor if you cannot reach an agreement.²

When will my spousal maintenance stop?

If you divorce, remarry or if you have found a job and are able to support yourself.

What happens if I am served with a Maintenance Form to appear in Court?

- If you do not want to pay maintenance, you will have to appear in Court on the date written on the Maintenance Form and explain why you cannot or do not want to pay maintenance.
- Pick and fill a *Response to Maintenance or Contribution* (FORM 6) and fill it. If you have difficulty, visit the Legal Aid office nearest you.
- Make 2 copies of the form and then file it at the Family Court Registry nearest you.
- You then have to give a copy of the form to the other party. Whether you have given a copy or not, you MUST still go to Court on the date given to you by the Family Court Registry Staff.
- If you are happy to pay money to support your spouse, then go to Court and tell the Magistrate how much money you are willing to pay.

What happens if the other party 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 spouse is brought to Court, he or she will 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 can send them to prison.

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 do I do if my spouse is about to leave the country?

- Seek legal help from the Legal Aid Commission as soon as possible.
- You need to confirm when your spouse 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 Registry will inform the Immigration Department. However you are to serve the court