How can I get the contact details of the father of my child, who fails to pay maintenance? Can I "blacklist" him?

The Maintenance Amendment Act no. 9 of 2015 (hereinafter "Amendment Act"), which amends the Maintenance Act no. 99 of 1998 (hereinafter "Maintenance Act") was adopted on 9 September 2015, however specific sections thereof only came into effect on 5 January 2018. The sections of the Amendment Act that have now come into effect are sections 2, 11 and 13(b).

It sometimes happens that the defaulting parent cannot be located thus frustrating the right to claim maintenance. Section 2 of the Amendment Act has the effect that a maintenance officer now has the option of launching an application in the maintenance court in order for the magistrate to issue a directive for one or more Electronic Communications Service Providers (eg. MTN or Vodacom) to furnish the court with contact details of the Respondent within a period determined by the court.

Who will be responsible for the costs associated with providing such information? If the investigating officer is of the opinion that the complainant cannot afford the costs involved, and after the court has conducted a proper financial investigation into the complainant's financial position, the court may make an order with regards to payment of the costs as it deems fit. The court is now empowered to direct that the state to bear these costs on behalf of the complainant.

Section 11 of the Amendment Act now obliges a maintenance officer to, as soon as an order is granted to compel a non-paying Respondent to pay, hand over the personal information of the non-paying Respondent to the credit bureaus. This will lead to such a person being unable to obtain further credit; the individual will thus be "blacklisted".

Section 13 of the Amendment Act now places an obligation on a maintenance officer to, if a person has been convicted of a criminal offense as a result of non-compliance with a maintenance order, hand over that person's personal

information, as discussed above, to the credit bureaus so that that person can be "blacklisted".

These three sections, which came into effect on 5 January 2018, aim to make the consequences of non-payment of maintenance much more unpleasant for non-paying parents, and we now anxiously wait to see how effective it will be in practice.

Marjonell van Deventer