

WE ARE COMMITTED TO PROTECT THE BEST INTEREST OF CHILDREN

Last week, we rolled out a campaign that promotes taking a girl child to work. The Campaign partners with different organisations to expose girl children to various potential work opportunities in South Africa. This year's theme was "**Dream, Believe, Achieve**" which sought to encourage young women and girls around South Africa to believe in themselves and pursue careers of their dreams. The Department of Justice & Constitutional Development hosted girls from secondary schools throughout the Province. The girls were exposed to different careers in the justice department and also afforded an opportunity to interact with different stakeholders in the Justice system such as Magistrates, Prosecutors and Masters of the High Court.

This week is national Child Protection Week, aims to mobilise all sectors of society around the care and protection of children. As Government we urge all South Africans to take a stand and do something about child abuse when we see it happening in our communities. We must continue to raise awareness and mobilize all parents, sectors and communities towards the holistic development and care and protection of our children.

This month we also celebrate Youth Month as we commemorate the 39th anniversary of the June 1976 student uprising in Soweto.

Our children and our youth grow up facing many challenges. Many grow up in communities where poverty, inequality, violence, drug abuse, neglect and a lack of family structure are a reality. For many, tragically, the home is not always a safe and secure place.

The Department of Justice and Constitutional Development remains committed to ensuring the protection of children. One of the areas which have a profound and continuous impact on the lives of children is that of maintenance.

Our Operation Isondlo aims to improve the administration of the maintenance system and enforcement of court orders related to child support. We receive more than 200 000 new applications annually which are tragically indicative of the growing trend of child neglect in our country. The number of maintenance enquiries has increased by 50% from 2011/12 to 2013/14 while the number of maintenance orders granted has increased by 56% over the same period. Parents are jointly responsible to maintain their children, yet today the responsibility of financially maintaining children rests primarily on the shoulders of single mothers who in many instances do not receive the financial support from the biological father. These single mothers then face laborious court applications to bring these fathers to book.

The issue of maintenance and the protection of children were again highlighted last year in a decision of the North Gauteng High Court in the Mthimunye case. Ms Mthimunye, a single mother, was in an ongoing struggle to obtain child maintenance from her ex-husband. Her ex-husband had from the outset been delinquent in paying his maintenance. They had two minor children and the primary residence of the children was with Ms Mthimunye. Her ex-husband then resigned from his employment, but a pension payout was due to him. The issue in the case was the failure by the officials to attach this pension payout for the recovery of arrear maintenance. The High Court found that the officials in the case were negligent. The Court ruled, correctly, in favour of Ms Mthimunye and held that the father of her minor children, along with the State role-players, is liable for the payment of R24 500 in arrear child maintenance.

In light of this judgment, we have put steps in place to address the shortcomings identified. The strategies contain both proactive and reactive measures. Proactive measures target the making of orders prior to default. The defaulter will now pay the beneficiaries directly into their bank account. The improvement in the efficiency and effectiveness of the use of recovery measures would ensure that there is an increase in the payment of outstanding maintenance to beneficiaries. We have adopted a zero tolerance approach when dealing with maintenance defaulters. This includes the attachment of a defaulter's pension to pay for arrear maintenance.

We have also appointed complaints managers in all the Regions to manage maintenance services complaints. Whilst the Mthimunye case highlighted the inefficiency and negligence of certain court officials, the fact is that more than R40 million rand is being managed monthly by maintenance officers, the majority of whom are dedicated and committed civil servants.

Fraud and corruption will also not be tolerated as we ensure that criminal charges are instituted against corrupt officials. For example a maintenance investigator at the Bishop Lavis Magistrate's Court was last year arrested and charged after defrauding maintenance beneficiaries and laundering approximately R 293 000. The officer's pension was attached to compensate for the losses endured by the maintenance beneficiaries and the guilty party was imprisoned by the Court. In Clanwilliam, the pensions of both a clerk and supervisor were attached to ensure that maintenance is reimbursed to the beneficiaries. The supervisor in this instance was jailed for 8 years after being found guilty of fraud.

The Department's Operation Isondlo will continue to minimise the time spent in queues, strengthen the investigation process used in tracing maintenance defaulters, and improve the payment system to ensure that rightful beneficiaries are paid on time. These direct payments will assist maintenance beneficiaries as the money is received directly from the garnishee, instead of waiting for funds to clear in court's bank account. An electronic fund transfer system (EFT) was created so that beneficiaries have quick and safe access to the funds. This strategy has had great success in bringing thousands of maintenance defaulters to book. Many defaulters across the province have been arrested and brought to court, resulting in hundreds of maintenance beneficiaries receiving regular pay-outs. The strategy has reduced the loopholes in the system and introduced tighter mechanisms to enforce payments.

We will continue to improve the maintenance system so as to protect the best interest of our children.

Empowered by our child Justice Act (which deals with children in conflict with the law) and the Children's Act (which deals with children in need of protection), we remain committed to ensure that our children's safety is our number one priority.

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