



What to do if a parent fails to pay maintenance?

1. If you have a court order against a person to pay maintenance and he/she fails to pay, you should go to the maintenance officer at your local Magistrates' Court and report the failure to pay to the maintenance officer.
2. A person may have a maintenance order enforced against him/her if the person fails to pay maintenance within 10 days from the date that payment is due and may be ordered to pay interest on the arrear maintenance.
3. A parent who neglects to pay maintenance can be criminally charged and be fined or sentenced to twelve months imprisonment.
4. You must apply for an order of enforcement at the maintenance court in the area where the maintenance defaulter lives.
5. The maintenance court can make one of the following orders in enforcing the maintenance order:
 - a. Execution against the person's property
 - b. Emoluments attachment order
 - c. Attachment of any debt
6. The maintenance defaulter's pensions, gratuities and similar benefits may be used to settle the maintenance debt.
7. The name of the defaulting parent will also appear on the blacklist of the Credit Bureau.
8. Even if the defaulting person is unemployed, he/she is still legally obliged to pay maintenance, although the amount is changed according to the person's means. However, if a person proves that he/she has no means to pay maintenance and that it is not due to unwillingness to work or wrongdoing on his/her behalf then a court will not enforce a maintenance order. Similarly, if a maintenance order has been suspended by an appeal against the order, then the order will not be enforced.