

# DADS HAVE RIGHTS TOO

## Law tries to protect kids

By JABU KUMALO

**ALMOST** daily, there are stories of parents in conflict and children who suffer.

At worst, the conflicts lead to severe physical and emotional damage to the children - and in extreme cases, even end in death.

These are the challenges the Office of the Family Advocate deals with every day.

"Children need love and tenderness," said Petunia Seabi-Mathope, chief family advocate.

"They should be hugged, not abused."

Seabi-Mathope told *Daily Sun* parents should go for mediation instead of going to court.

"In this way the parents seek their own solution instead of having a solution forced on them."

"My office arranges a mediation session, and then facilitates it. Once a parenting plan is drawn up it can be enforced and it prevents arguments as parents work together as equals to create a plan they agree to."

The Office of the Family Advocate celebrates 25 years of free service this month.

In terms of the new Children's Act, Seabi-Mathope said the act allows fathers to have custody of the kids, provided they prove they have made attempts to support and care for kids and paid damages for the children.

She said mothers should not deny fathers their place in children's lives.

"The child still needs a father, maintenance or not."

She said her office always takes a child-centred approach in any dispute, which is not always popular with parents.

At present there are 25 offices of the family advocate in the country, often in areas far from the main centres.

She is happy that her office has helped many children, and has even managed to bring back kids from overseas who have been abducted by a parent.

### What is a family advocate?

■ The family advocate is an unbiased family law specialist who assists parents in disputes such as divorce to reach an agreement regarding the care and contact arrangements for the children.

### What this advocate does

■ The family advocate mediates during a divorce to protect the rights of children, and deals with disputes between parents or parties over

access and the care of the children.

■ He or she also deals with cases where children were born outside marriage and parents want to make arrangements to have access to the children.

■ The family advocate can intervene where a child is taken out of the country by one parent without the permission of the other.

### CONSULT THE FAMILY ADVOCATE IF:

■ You are in a dispute regarding contact with or care of a child, or if you want to draft or register a parental rights and responsibilities agreement. This is a legal agreement regarding the care of their child which can be registered with the family advocate.

■ You want to amend or end a parental rights and responsibility agreement registered with the family advocate.

■ There is a dispute about whether the father of a child born out of wedlock satisfies the requirements to acquire full parental rights and responsibilities in terms of the law.

■ A court has made an order for the family advocate to conduct an inquiry into the best interests of the child.

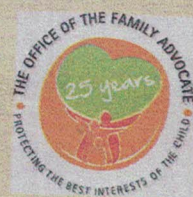
### How the office benefits the people

■ If an agreement is reached on the care and contact of their children, the case does not go to court, saving lots of time and money.

■ Courts will not easily grant a divorce if there is a dispute regarding minor children without the recommendations of the family advocate.

■ The family advocate can amend or end agreements. This means parents don't have to go to court to change an agreement.

■ Plans registered with the family advocate have the same legal effect as a court order. Courts or judicial officers are required by law



Chief family advocate  
Petunia Seabi-Mathope.

Photo by Jabu Kumalo

to consider the recommendations of the family advocate when making a decision.

### QUICK FACTS

■ The family advocate cannot become involved in any matter already finalised by the court.

■ The family advocate cannot be subpoenaed as a witness. A recommendation by a family advocate is not enforceable unless incorporated in a court order.

■ The family advocate is a neutral institution and cannot act as a legal representative.