


WHAT TO DO IF SOMEONE STOPS PAYING MAINTENANCE






Sam's father has stopped paying maintenance.
What can I do?

The court ordered him to pay maintenance.
If he stops paying, he is committing a crime.



He stopped paying one year ago.
Is it too late to go back to court?

You could have gone back just 10 days after he stopped paying. But you can still go back now. You don't even need a lawyer.




I will go to court tomorrow.
I really need the maintenance money to take care of Sam properly.

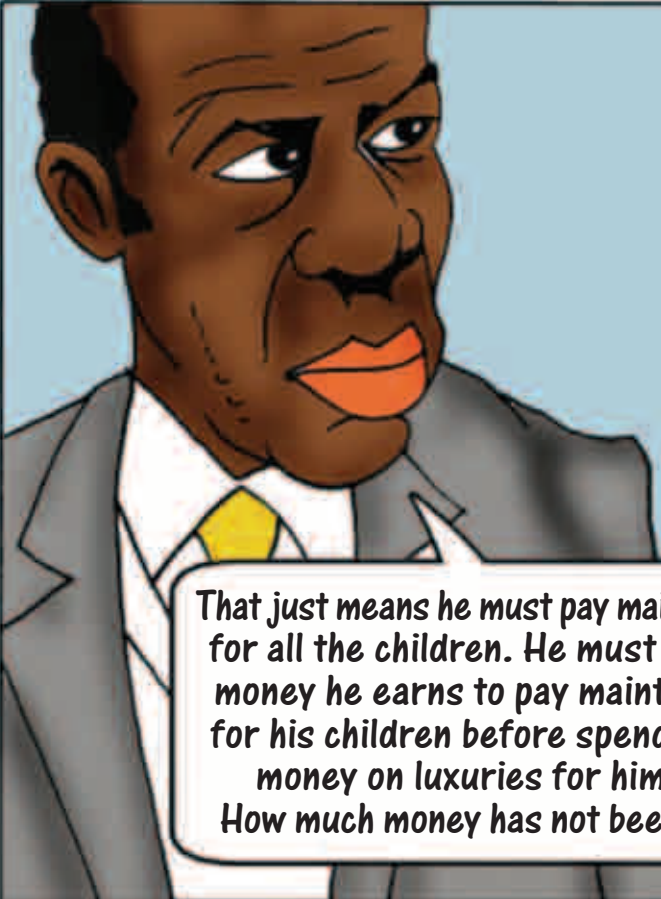


MAINTENANCE OFFICER


You must make a statement saying how much money has not been paid. You should also give me any information about John's property or his work that might help the Magistrate decide what to do. For example, is John working? Do you know if John owns anything valuable?




I don't know anything about his property, but I do know that he is still working at the same job as before. I also heard that since last year, he has made 3 different women pregnant!



That just means he must pay maintenance for all the children. He must use the money he earns to pay maintenance for his children before spending any money on luxuries for himself. How much money has not been paid?



John was supposed to pay N\$300 per month. He stopped paying 12 months ago. That means he owes me N\$3600.



There are a number of different ways to get the money from a person who has stopped paying maintenance. Together we will decide what is best in this situation and we will make a statement to give to the Magistrate.

We don't need John's consent for any of these steps, although he can come to court to ask for a different method of enforcement if he wants. He can also ask for a change in the maintenance order itself if his situation has changed since the court made the order.




The court can order John's employer to take the money owed out of his SALARY and send it directly to you.

The court can order that John's PROPERTY must be sold to pay the maintenance that is owed.

If someone owes money to John, the court can order that the DEBT must be paid directly to you to cover the money owed.

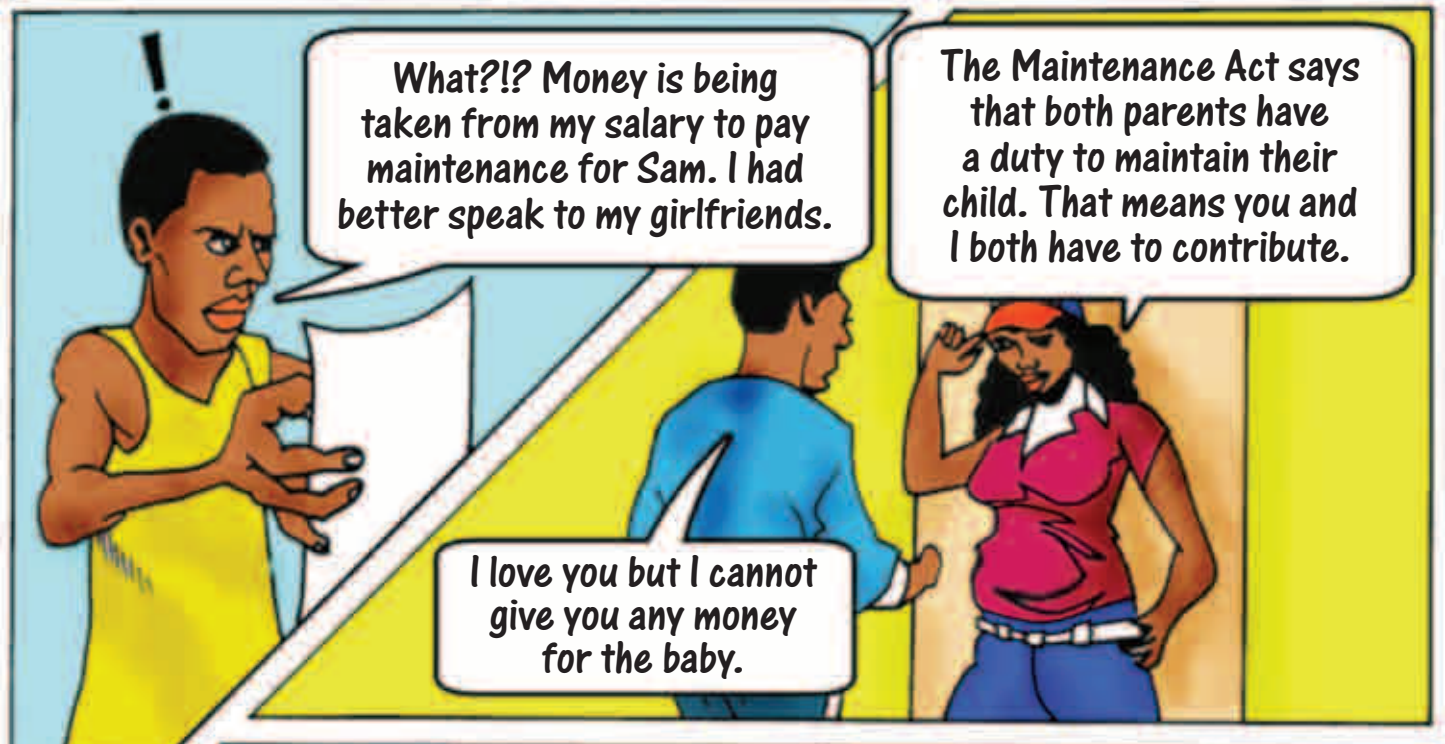
If John is receiving a PENSION or some other benefit, the court can order that the money owed must be taken out and paid directly to you.



It is clear that John is not trustworthy about paying maintenance. The money must be taken directly from his salary. The clerk of the court will send a notice to his employer within 7 days saying that part of John's salary must be sent straight to the child's mother.



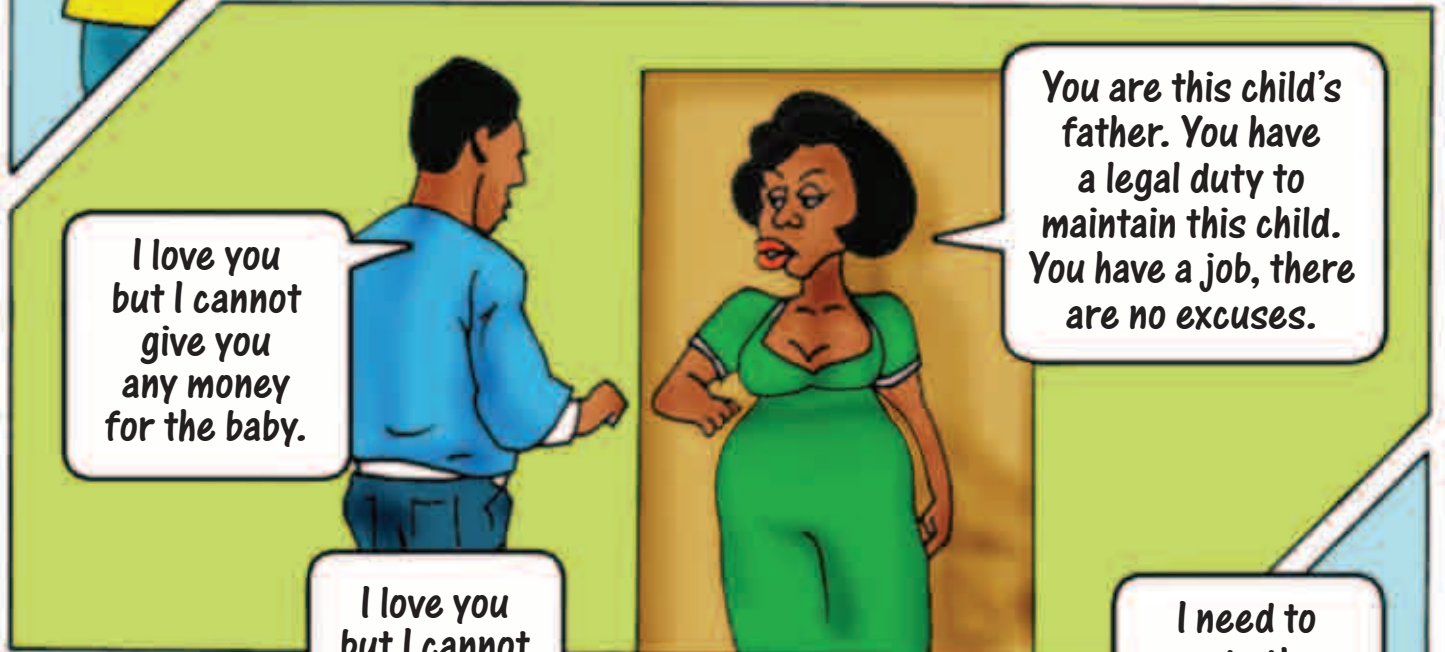
MAGISTRATE



! What?!? Money is being taken from my salary to pay maintenance for Sam. I had better speak to my girlfriends.

The Maintenance Act says that both parents have a duty to maintain their child. That means you and I both have to contribute.

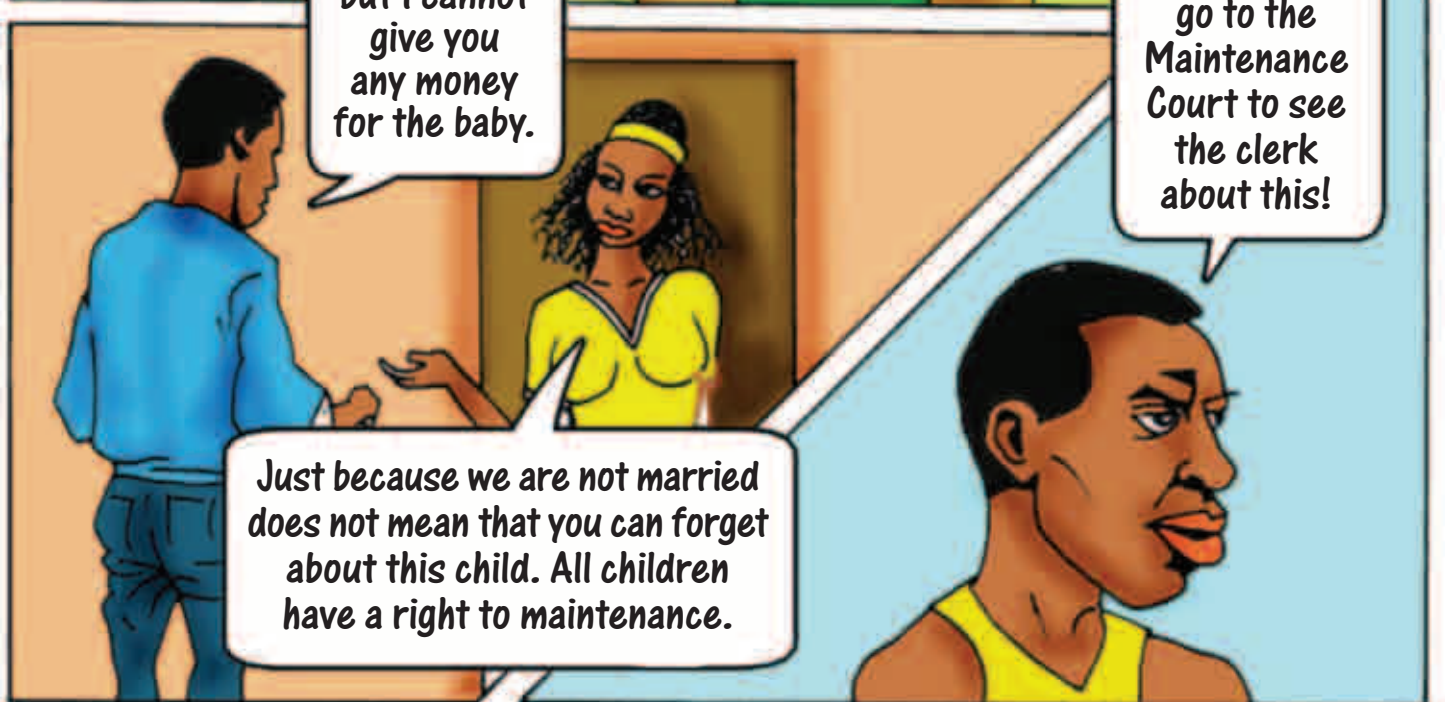
I love you but I cannot give you any money for the baby.



I love you but I cannot give you any money for the baby.


You are this child's father. You have a legal duty to maintain this child. You have a job, there are no excuses.

I love you but I cannot give you any money for the baby.




Just because we are not married does not mean that you can forget about this child. All children have a right to maintenance.

I need to go to the Maintenance Court to see the clerk about this!




I cannot pay N\$3600 plus interest to you! I have many children to care for now.

Sam needs this money, John.



I won't pay!!



Failure to pay maintenance without a good reason is a crime. The punishment could be N\$4000 or going to prison for 12 months!



But I am going to be the father of 4 children soon!

Then the money you earn will have to be shared between all 4 children. Money for your children will have to come before buying a new car or fancy clothes.

You have a responsibility to pay for all of your children. You can pay the money you owe to Sarah slowly by paying a little more than before each month. You must pay N\$400 per month until your debt is paid off. It will come straight from your salary to make sure that you do pay. And you must pay for your other children as well.



MAGISTRATE

I learnt an important lesson today. I must pay for every child that I have.



DO YOU ...

HAVE A QUESTION?
HAVE A COMMENT?

CONTACT US!



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We would like to hear your feedback about this comic.

**MEN, TAKE
RESPONSIBILITY
FOR YOUR
CHILDREN!**



MAINTENANCE is money or goods that a person has a legal duty to provide for the support of his or her children or other dependants. Maintenance is usually paid for basic living expenses such as rent, food, clothing, medicine and school fees.

This comic has been produced to explain what to do if a person who should be paying maintenance under an order from the maintenance court stops making the payments. The comic explains the law using the example of Sam and his parents, Sarah and John.

DEPENDANT: Someone who depends upon the support of another person to live. Children are dependants of their parents.

COMPLAINANT: The person who applies for the maintenance order.

DEFENDANT: The person who is asked to pay the maintenance order.

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