

## Promotion of the Rights of Vulnerable Groups

---

- Victim Support Service (implementation of Service Charter)
- Specialized courts (Sexual Offences, equality and Small Claims Court)
- Family Courts (Divorce, maintenance, domestic violence and Children Courts)
- Child Justice / Children courts;

41

## Service Charter for Victims of Crime

---

- **Implementation of the Service Charter for Victims at Courts:**
  - Service Charter publications, pamphlets and posters, have been printed in all official languages and Braille.
  - **80** Toll-Free Line Officials were trained in all provinces and 36 toll free lines were established.
  - Training and briefing sessions for Court managers and other personnel were held in 9 provinces.
  - Audi tapes and a sign language video has been commissioned
  - A needs analysis of victim friendly facilities for courts is being conducted for example help desks

42

## Small Claims Courts: Statistics for 2005

- **There are 154 Small Claims Courts in the RSA at present** covering 219 magisterial districts (out of 366). 35 new such courts are planned for 2006/07 as well as circuit courts to enhance access.
- **Eastern Cape : (20 Small Claims Courts)**
  - Inquiries: 6507; Litigants referred to legal assistance: 423; Summonses issued: 1549; Trials: 1182;
- **Free State: (18 Small Claims Courts)**
  - Inquiries: 2115; Litigants referred to legal assistance: 1449; Summonses issued: 1214; Trials: 1409;
- **Gauteng: (17 Small Claims Courts)**
  - Inquiries: 31164; Litigants referred to legal assistance: 2674; Summonses issued: 7773; Trials: 7583;
- **KwaZulu-Natal: (23 Small Claims Courts)**
  - Inquiries: 8575; Litigants referred to legal assistance: 1971; Summonses issued: 2111; Trials: 1722;

43

## Small Claims Courts, continued:

- **Limpopo: (17 Small Claims Courts)**
  - Inquiries: 7489; Litigants referred to legal assistance: 523; Summonses issued: 3082; Trials: 2081;
- **Mpumalanga: (16 Small Claims Court)**
  - Inquiries: 10617; Litigants referred to legal assistance: 664; Summonses issued: 1724; Trials: 1040;
- **Northern Cape: (8 Small Claims Courts)**
  - Inquiries: 620; Litigants referred to legal assistance: 184; Summonses issued: 464; Trials: 512;
- **North-West:( 13 Small Claims Courts)**
  - Inquiries: 5160; Litigants referred to legal assistance: 95; Summonses issued: 533; Trials: 546;
- **Western Cape: (22 Small Claims Courts)**
  - Inquiries: 24922; Litigants referred to legal assistance: 610; Summonses issued: 3920; Trials: 3994;
- **Totals:**
  - Inquiries: 97168; Litigants referred to legal assistance: 8593; Summonses issued: 22370; Trials: 20069.

## Small Claims Courts, continued:

- **Activities for 2006**
- Conduct Audit of all Small Claims Courts to determine the problems and needs to ensure its proper functioning; audit includes race and gender breakdown of commissioners; case load of the courts and number of sittings;
- Capacitate Small Claims Courts by facilitating the appointment of Commissioners, average **120 Commissioners** appointed per year, Advisory Board Members and designation of Small Claims Courts;
- Fulfil a secretariat and support function in the Small Claim's Court Project chaired by the Deputy Minister for the establishment of a Donor funded Project Office to implement a project on re-engineering the Small Claims Court;
- Setting up a Project Office for the Small Claims Court project
- Facilitate and host the visit of a Zambian Delegation on a fact finding mission of the South Africa Small Claim Court system;

45

## Equality Courts:

- **220 equality courts designated countrywide**
- More courts still to be designated in the 2006/7 financial year
- 657 cases reported so far in our equality courts (from 2003 up to date).
- Topping the list in terms of the statistics are KwaZulu-Natal and Gauteng provinces.
- The provinces reporting the least number of cases are Free State, Northern Cape and Limpopo.
- This has been attributed to lack of awareness amongst the members of the public.
- The department will vigorously embark on public awareness campaigns aimed at raising awareness
- 88 Judges and 815 Magistrates and 334 Clerks have been trained by Justice College. Training will be done on an on-going basis until we have a large number of trained court personnel
- Shortage of court personnel (clerks) is affecting the effective and efficient operation of the equality courts
- 135 temporary clerks of the equality court were appointed during 2005/6 financial year – they are to be appointed permanently in the 2006/7 financial year

46

## Disaggregation of Equality Courts per Province

Province	Existing	To be designated in 2006/07
Eastern Cape	19	60
Free State	36	19
Gauteng	23	All main seats designated, only 15 places of sitting still to be designated
KwaZulu-Natal	39	13
Mpumalanga	22	12
North West	20	9
Northern Cape	13	18
Limpopo	25	10
Western Cape	23	19
Totals	220	160 plus Gauteng's 15 places of sitting = 175

## FAMILY COURTS

- To date some of the key strategic priorities espoused in the family court implementation plan have been implemented:
  - Appointed legally qualified personnel to assist the court user, more especially in the area of Maintenance - 68 Maintenance Officers and 425 Administrative Clerks;
  - Training: clerks of the courts in the family law streams have received training, in all nine Provinces and this is a continuous endeavour: 225 in 2005;
  - Facilitating training for all the newly appointed legally qualified personnel, focusing not only on the "Black-letter" aspects but also on Alternative Dispute Resolution Mechanisms and Social Context;
  - Facilitating the finalisation of the Family Law Learnership and the recruitment of interns;
  - Assist with the finalisation of establishment of Divorce courts and the mainstreaming thereof; and
  - Facilitating the development of an automated management system for family law services, which will assist in standardising workflows, unblock administrative workflows, improve turnaround times and assist monitoring and evaluation family law service,

48

## Children's Courts/ Child Law: Activities for 2005/06:

- Costing of Section 75-Bill;
- Established Justice Working Group;
- Audit of Children's Courts needs;
- Engaged in project with Social Development, Regional Heads and Magistrates to address foster Care backlogs
- 9 Restorative Justice training sessions on Child Justice Bill and Children's Bill, for Magistrates were funded

49

## Report on number of children dealt with in Children's Courts and placed into Foster Care

- The statistics seem to indicate a decrease in the numbers of Children being found in need of care and being placed into foster care by Children's Courts.
- According to the South African Child Gauge of 2005, of the Children's Institute of the University of Cape Town, the numbers of orphans and children living in child-headed households, are increasing (pse see next slide). The total number of orphans in South Africa in 2004, was 3,286,338, with 512,684 having lost both parents, which is 16% of the total. The total number of child-headed households, was 106,741 in 2004, which is 0,6% of the total number of children in South Africa in 2004 (18,021,817).
- The discrepancy between the statistics might be because Children's Courts only count the numbers of children going through the court system and not the numbers of orphaned and vulnerable children.
- The Directors-General of Justice and Social Development launched a Project in 2005 to facilitate the fast-tracking of Children's Courts enquiries and the placement of Children into Foster Care and the projects were done in KwaZulu-Natal and the Eastern Cape.

50

Demography of South Africa's Children: 2004 (as indicated by the Child Gauge of the Children's Institute, UCT)

Province	Nr of children	Nr of orphans (both parents and total nr orphans (incl either parent))	Nr of children living in child-headed households	Nr of children receiving Foster Care Grant in June 2004	Nr of children receiving Foster Care Grant in June 2005
Eastern Cape	3,215,847	101,057 and 715,713	28,718	39,772	53,383
Free State	1,063,842	42,628 and 205,562	3,773	25,140	33,653
Gauteng	2,641,738	47,231 and 372,173	1,850	28,281	34,647
KwaZulu-Natal	3,792,375	147,046 and 827,765	11,044	49,462	57,351
Limpopo	2,615,606	56,042 and 407,388	38,754	18,718	25,615
Mpumalanga	1,307,865	37,904 and 229,632	7,197	7,642	12,662
Northern Cape	337,192	8,593 and 51,744	98	8,693	9,480
North West	1,488,646	58,281 and 309,825	14,681	14,154	19,000
Western Cape	1,558,708	13,902 and 166,546	626	23,903	26,026
South Africa total	18,021,817	512,684 and 3,286,338	106,741	215,765	271,817 <sup>51</sup>

Report on the number of Children dealt with in Children's Courts and placed into Foster Care, in order to determine whether the numbers are on the increase

Province	Children placed in foster care: January to December 2003	Children placed in foster care: January to December 2005	Increase/ Decrease
Eastern Cape	6622	5882	Decrease: 740
Western Cape	3255	3646	Increase: 391
Limpopo	5466	2838	Decrease: 2628
North West	736	1047	Increase: 311
Gauteng	7749	5073	Decrease: 2676
KwaZulu-Natal	13983	7366	Decrease: 6617
Northern Cape	1205	1877	Increase: 672
Free State	6334	8943 (Total still to be confirmed)	Increase: 2609
Mpumalanga	1 665	2001 (Total still to be confirmed)	Increase: 336
Totals	47 015	38 673	Decrease: 8342 <sup>52</sup>

## Nr. of Children's Court Enquiries (Children found in Need of Care)

Province	Children's Court Enquiries: January to December 2003	Children's Court Enquiries: January to December 2005	Increase/ Decrease
Eastern Cape	6135	4021	Decrease: 2114
Western Cape	1788	5866	Increase: 4078
Limpopo	5475	2830	Decrease: 2645
North West	293	912	Increase: 619
Gauteng	7230	5795	Decrease: 1435
KwaZulu-Natal	12968	4184	Decrease: 8784
Northern Cape	762	1444	Increase: 682
Free State	4074	5752 (Total still to be confirmed)	Increase: 1678
Mpumalanga	772	927 (Total still to be confirmed)	Increase: 155
<b>Totals</b>	<b>33497</b>	<b>31731</b>	<b>Decrease: 1766</b>

## Child Justice

- The number of Children Awaiting Trial in Correctional Centres, are as follows:
- From **2200** monthly average in 2003; to **1696** in November 2004; to **1668** in December 2004; to **1109** in November 2005; to **832** in January 2006.
- The numbers has since increased to **1135** in February 2006 and again to **1169** in March 2006 and the reasons for these increases, are being analyzed to ensure best practices of decreasing the numbers of such children, are continuously incorporated.
- The Department of Justice is in the process of establishing a monitoring office for Child Justice, in order to ensure the qualitative and quantitative analysis of statistics in this regard and the tracking of specific children through the criminal justice system.

## Child Justice:

### Activities of 2005/06:

---

- Further strengthened ISCCJ and encouraged establishment of provincial Child Justice Fora and local Case Review Task Teams;
- Drafted Guidelines for 1-Stop Child Justice Centres –
- Assisted with finalisation of move for Port Elizabeth One Stop Child Justice Centre to Nerina Place of Safety, which was refurbished;
- Started piloting preliminary enquiry in Bloemfontein One Stop Centre;
- Input into Child Labour's TECL Programme and pilot projects, especially regarding Children being Used by Adults in the Commitment of Crimes
- Assisted in the drafting Protocol on Children being moved to Reform Schools;

55

## Report on Children in Custody:

---

- The Department is further in the process of establishing a monitoring office in order to track children through the Criminal Justice System on a monthly basis (inter alia in Courts, Places of Safety and Correctional Centres), so that the time which children spend in the Criminal Justice System, is minimised as far as possible. The ideal is to divert children as much as possible from the mainstream criminal justice system.

56



**Children Awaiting Trial in Custody of the Department of Correctional Services:  
Unsentenced Children as from March 2005 to March 2006:**

Region	March 2005	April 2005	May 2005	June 2005	July 2005	August 2005	Sept 2005	October 2005	Nov 2005	Dec 2005	Jan 2006	Feb 2006	March 2006
KwaZulu-Natal	427	427	392	382	394	339	357	324	320	360	233	363	366
Gauteng	204	273	262	260	249	236	230	196	196	219	229	208	219
Western Cape	290	349	268	235	205	185	154	160	177	171	92	147	151
Eastern Cape	332	353	300	258	270	258	245	229	242	250	140	214	218
Free State/ NC	170	153	166	142	136	139	186	159	149	166	112	153	164
Limpopo/ Mpum/ North-West	49	75	89	81	76	72	82	59	73	70	26	50	51
<b>Totals</b>	<b>1462</b>	<b>1630</b>	<b>1477</b>	<b>1358</b>	<b>1330</b>	<b>1229</b>	<b>1234</b>	<b>1127</b>	<b>1157</b>	<b>1235</b>	<b>832</b>	<b>1135</b>	<b>9169</b> Decr: 293

**Sentenced Children in the Custody of the Department of  
Correctional Services as in Dec 2005 and March 2006**

Regions	Totals: December 2005	Totals: January 2006	Totals: March 2006: Age: 14	15	16	17	Totals: March 2006	Increase/ Decrease from Dec 05 to March 06	Crime Category: Sexual Child Offences
Eastern Cape	161	Do	4	9	43	101	157	Dec: 4	25 (15,9%)
Gauteng	210	Not	1	14	53	122	190	Dec: 20	31 (16,3%)
KwaZulu-Natal	245	Have	5	25	63	163	256	Inc: 11	24 (9,3%)
Limpopo / Mpum/ North West	83	Provincial	2	7	39	90	138	Inc: 55	17 (12,3%)
N Cape/ Free State	140	Breakdowns	1	9	33	88	131	Dec: 9	17 (12,9%)
Western Cape	233	Total=	3	18	48	146	215	Dec: 18	23 (10,6%)
<b>Total</b>	<b>1072</b>	<b>652</b>	<b>16</b>	<b>82</b>	<b>279</b>	<b>710</b>	<b>1087</b>	<b>Inc: 15</b>	<b>137 = 12,6%<sup>58</sup></b>

### One Stop Child Justice Centres *vis-a-vis* Secure Care facilities and Reform Schools

- One Stop Child Justice Centres are to be established in terms of the Child Justice Bill and will house child justice courts, holding facilities for children awaiting trial, places of safety and reform schools and offices for police, prosecutors, social workers, magistrates, admin support staff and NGO's delivering diversion services. These Centres are to be run in accordance with the Child Justice Bill, under Chair of the Department of Justice.
- Secure Care facilities are the responsibility of the National and provincial Departments of Social Development; and Reform Schools are the responsibility of the Department of Education.

59

### Secure care facilities, continued:

Province	Social Development facilities: Children Awaiting Trial	Capacity (beds)	Number of Children (male and female) – February 2006
Mpumalanga	Hendrina	35 new capacity 60 beds	0 (renovations)
KwaZulu-Natal	Excelsior	74	64 (courts are being encouraged to refer)
	Valley View	20	22
	Ocean View	15	13
	Greenfields	10	2
	Pata	35	9 (courts are being encouraged to refer)
	Ngwelezana POS	15	1 (courts are being encouraged to refer)
	Umlazi POS	10	0 (courts are being encouraged to refer)
<b>Sub-total</b>		<b>179</b>	<b>111 (70 vacancies)</b>

60

## Secure Care facilities, continued:

Province	Social Development facilities: Children awaiting Trial	Capacity (beds)	Number of Children (male and female) – February 2006
Eastern Cape	Enkuselweni SCC	50	45 (courts are being encouraged to refer)
	Erica C & YCC	50	HR problems
	John Merrimen	25	15 (courts are being encouraged to refer)
	POS Umtata (outsourced) – operational 3 months	50	0
	Sub-total	175	60
Gauteng	Mogale SC	500	354
	Walter Sisulu SC	90	66 (43 males and 23 females)
	Protem SC	120	71 (structural issues)
	Jabulani SC	130	70 (structural issues)

## Secure Care facilities, continued:

Province	Social Development facilities (Children Awaiting Trial)	Capacity (beds)	Number of children (male and female) – February 2006
Gauteng continued	Norman POS (female)	5	1
	Tutela POS (female)	5	0
	Van Ryn SC	60	25 (courts are being encouraged to refer)
Sub-total		910	587
Limpopo	Polokwane	70	70
Northern Cape	Marcus Mbetha Sindisa	40	15 (5 in DCS being re-assessed)
	Molehe Mampe	60	37 (10 in DCS being re-assessed)
	Lerato	50	36
Sub-total		150	88

## Secure Care facilities, continued:

Province	Social Development facilities for Children Awaiting Trial	Capacity (beds)	Number of children (male and female) – February 2006
Free State	Tshirilotsong	48	32 (staffing problems)
	Matete Matches	40	37
Sub-total		88	69
North West	Reamogetswe Care Centre, Brits	35	28 (never full – staffing problems)
	Pabalelo Place of Safety, Odi	20 – not functioning – moving to Gauteng	
Sub-total		55	28
Western Cape	Bonnytoun House	190	185
	Outeniekwa House	77	75
	The Horizon	185	188
	Vredelust House	10	10
	Lindelani	60	55
	Clanwilliam	50	50
Sub-total		572	543 <sup>63</sup>
<b>Total</b>		<b>2199</b>	<b>1556</b>

## Reform Schools country-wide (responsibility of Department of Education):

Province	School	Bed capacity
Western Cape	Kraaifontein	120
	Eureka	120
	Faure (Female)	25
Mpumalanga	Ethokomalo	120

64

## Operation Isondlo

- **Operation Isondlo is about the improvement of the functioning of the maintenance system by putting systems in place that will enable the Maintenance system to operate effectively and efficiently**
- **Objectives are to decrease backlog of maintenance cases; ensure enforcement of Maintenance provisions; build capacity in courts; build positive relationships with communities and stakeholder; family regeneration**
- **To have greater impact and due to resource constraints 22 courts were chosen in the province for implementation of**

65

## Some successes of Operation Isondlo

- **Gauteng:**  
R95 400.00 was successfully recovered for one beneficiary  
Of importance in this case is that the civil provision of the Act that is in many instance not used by some courts was used here successfully
- **Western Cape:**  
Out of 962 files in respect of unclaimed maintenance, (value of R432 226.84) 308 beneficiaries traced and paid out approximately R134 408.38 ; 653 untraced beneficiaries value of benefit R298 818.46
- **Limpopo:**  
An attachment order for two new vehicles to the value of R125 000 and R75 000 respectively belonging to a Respondent who resigned to evade paying maintenance was successfully obtained from court

66

## Baseline information – Operation Isondlo

### Gauteng:

1. Pretoria: Enquiries set down: 1806; No. of non-payments: 285; Sect. 31's: 285; No. of o/s warrants: 321; Inactive files: 7593; No. of cards monies not collected: 502; Total no. of files: 19750; No. of officials: 32.
2. Soshanguve: Enquiries set down: 279; No. of non-payments: 86; Sect. 31's: 89; No. of o/s warrants: 85; Inactive files: 2113; No. of cards monies not collected: 1384; Total no. of files: 5823; No. of officials: 15.
3. 15 Market Street, Jhb: Enquiries set down: 125; No. of non-payments: 1681; Sect. 31's: 107; No. of o/s warrants: 465; Inactive files: 23000; No. of cards monies not collected: 2080; Total no. of files: 83642; No. of officials: 29.
4. Germiston: Enquiries set down: 2123; No. of non-payments: 700; Sect. 31's: 403; No. of o/s warrants: 54; Inactive files: 56; No. of cards monies not collected: 35; Total no. of files: 4680; No. of officials: 6.

67

## Operation Isondlo continued:

### Free State:

- Bloemfontein: Enquiries set down: 200; No. of non-payments: 150; Sect. 31's: 50; No. of o/s warrants: 576; Inactive files: 584; No. of cards monies not collected: 233; Total no. of files: 19834; No. of officials: 13.
- Phuthaditjhaba: Enquiries set down: 187; No. of non-payments: 35; Sect. 31's: 70; No. of o/s warrants: 180; Inactive files: 557; No. of cards monies not collected: 13; Total no. of files: 2378; No. of officials: 5.

68

## Operation Isondlo continued:

### KwaZulu-Natal:

- Durban: Enquiries set down: 597; No. of non-payments: 232; Sect. 31's: 18; No. of o/s warrants: 183; Inactive files: 364; No. of cards monies not collected: 1020; Total no. of files: 17227; No. of officials: 13.
- Ntuzuma: Enquiries set down: 387; No. of non-payments: 1665; Sect. 31's: 35; No. of o/s warrants: 256; Inactive files: 3900; No. of cards monies not collected: 3123; Total no. of files: 12000; No. of officials: 6.
- Emlazi: Enquiries set down: 402; No. of non-payments: 1500; Sect. 31's: 10; No. of o/s warrants: 6; Inactive files: 2180; No. of cards monies not collected: 4125; Total no. of files: 15199; No. of officials: 5.

69

## Operation Isondlo, continued:

### Limpopo:

- 1. Thabamopo: Enquiries set down: 160; No. of non-payments: 916; Sect. 31's: 916; No. of o/s warrants: 74; No. of Inactive files: 4000; No. of cards monies not collected: 79; Total no. of files: 8355; No. of officials: 5.

### Mpumalanga:

- 1. Mkobola: Enquiries set down: 59; No. of non-payments: 998; Sect. 31's: 115; No. of o/s warrants: 119; Inactive files: 771; No. of cards monies not collected: 29; Total no. of files: 1384; No. of officials: 5.
- 2. Nsikazi: Enquiries set down: 8861; No. of non-payments: 1172; Sect. 31's: 84; No. of o/s warrants: 135; Inactive files: 8319; No. of cards monies not collected: 4935; Total no. of files: 13254; No. of officials: 3.

70

## Operation Isondlo continued:

### ■ Eastern Cape:

- 1. Port Elizabeth: Enquiries set down: 3127; No. of non-payments: 625; Sect. 31's: 171; No. of o/s warrants: 625; Inactive files: 5000; No. of cards monies not collected: 70; Total no. of files: 30000; No. of officials: 15.
- 2. Mdantsane: Enquiries set down: 95; No. of non-payments: 165; Sect. 31's: 9; No. of o/s warrants: 48; Inactive files: 337; No. of cards monies not collected: 228; Total no. of files: 11021; No. of officials: 3.
- 3. Grahamstown: Enquiries set down: 201; No. of non-payments: 177; Sect. 31's: 136; No. of o/s warrants: 82; Inactive files: 312; No. of cards monies not collected: 3; Total no. of files: 7874; No. of officials: 6.
- 4. Queenstown: Enquiries set down: 161; No. of non-payments: 40; Sect. 31's: 11; No. of o/s warrants: 19; Inactive files: 213; No. of cards monies not collected: 36; Total no. of files: 1356; No. of officials: 2.

71

## Operation Isondlo continued:

### ■ North-West:

- 1. Odi: Enquiries set down: 2976; No. of non-payments: 371; Sect. 31's: 1747; No. of o/s warrants: 1292; Inactive files: 1400; No. of cards monies not collected: 276; Total no. of files: 23781; No. of officials: 10.
- 2. Bafokeng: Enquiries set down: 277; No. of non-payments: 337; Sect. 31's: 337; No. of o/s warrants: 297; Inactive files: 2100; No. of cards monies not collected: 222; Total no. of files: 6719; No. of officials: 9.
- 3. Rustenburg: Enquiries set down: 190; No. of non-payments: 155; Sect. 31's: 13; No. of o/s warrants: 47; Inactive files: 748; No. of cards monies not collected: 37; Total no. of files: 7500; No. of officials: 4.
- 4. Mankwe: Enquiries set down: 13; No. of non-payments: 1200; Sect. 31's: 13; No. of o/s warrants: 25; Inactive files: 1660; No. of cards monies not collected: 15; Total no. of files: 4359; No. of officials: 2.

72



## Operation Isondlo, continued:

### ■ Northern Cape:

- 1. Upington: Enquiries set down: 372; No. of non-payments: 448; Sect. 31's: 448; No. of o/s warrants: 62; Inactive files: 17; No. of cards monies not collected: 18; Total no. of files: 2370; No. of officials: 3.
- 2. Kimberley: Enquiries set down: 754; No. of non-payments: 522; Sect. 31's: 330; No. of o/s warrants: 76; Inactive files: 300; No. of cards monies not collected: 2; Total no. of files: 2000; No. of officials: 10.

73

## Operation Isondlo continued:

### ■ Western Cape:

- 1. Mitchell's Plain: Enquiries set down: 115; No. of non-payments: 2061; Sect. 31's: 87; No. of o/s warrants: 294; Inactive files: 3000; No. of cards monies not collected: 24694; Total no. of files: 30000; No. of officials: 11.
- 2. Khayelitsha: Enquiries set down: 2880; No. of non-payments: 347; Sect. 31's: 126; No. of o/s warrants: 69; Inactive files: 3500; No. of cards monies not collected: 11784; Total no. of files: 16104; No. of officials: 6.
- 3. Phillipi: Enquiries set down: 183; No. of non-payments: 1100; Sect. 31's: 114; No. of o/s warrants: 146; Inactive files: 500; No. of cards monies not collected: 270; Total no. of files: 50353; No. of officials: 8.

74



## FAMILY ADVOCACY (PROGRAM 5)

### Office of the Family Advocate

- The office of the Family Advocate was created by the promulgation of the Mediation in Certain Divorce Matters Act, 1987, which came into operation in 1990 ("The Principal Act")
- This Act made provision for appointment of admitted advocates to be styled Family Advocates (F.A.) as well as social workers to be styled Family Counsellors (F.C.). The F.C. assists the F.A. during enquiries by providing an expert psycho-social report and being expert witness at the hearing of the matter.
- The F.A.'s core function is to perform specific statutory functions covering various areas of Family Law and Private International Law. The principle underlying the functions of the Family Advocate is the best interests of minor and/or dependent children.
- Prior to 1994, the F.A. derived its mandate from the Principal Act (only), which was limited to divorces heard in the High Court of the then Republic of South Africa.
- The mandate was subsequently extended through the following legislation: -