**NATIONAL ASSEMBLY**

**FOR WRITTEN REPLY**

**QUESTION 1796**

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**(INTERNAL QUESTION PAPER 17 OF 2021)**

**Prof C T Msimang (IFP) to ask the Minister of Justice and Correctional Services:**

(a) What total number of maintenance defaulting cases is his department currently dealing with and (b) how has he found this number to have been affected by the COVID-19 pandemic to date?

**REPLY:**

In answering the above question, it is important to first understand the concept of “maintenance defaulter” in its correct perspective. A Maintenance Defaulter is a person against whom a maintenance court order has been issued but who fails to comply in full or in part with the said order for a period exceeding 10 days from the date of the issuing of the said order. The above definition therefore indicates that a distinction must be drawn between parties who fail to comply with maintenance court orders and who are simply not contributing financially to the upbringing of their children.

In this regard, the following should be noted:

1. The total number of maintenance defaulters that the Maintenance Courts has dealt with since 1 April 2021 to 30 July 2021 is **16435**. Of the 16435 cases, enforcement orders in the form of Emolument attachment orders and Warrant of Attachment of Debts were issued in respect of **2555** cases**.**
2. The number of defaulter’s cases has increased since the outbreak of Covid 19 due to the fact that at the end of the 2020/2021 financial year, the Maintenance Courts have dealt with approximately 35 000 maintenance cases. However, the 2021/2022 financial year is left with 8 months before it comes to an end, but the figures are already drawing close to half of last year’s figures. This may be attributed to job losses as a result of Covid 19 and changes in parties’ personal circumstances.
3. New applications could not be enrolled during the first lock down which was proclaimed in March 2020. Similarly pending inquiries could not be proceeded with. The situation returned to normal with the announcement of lower alert levels. The courts are grappling with the backlog of matters which accumulate during the lockdown