

## **MAINTENANCE DIVISION.**

The Division is responsible for handling maintenance complaints, maintenance court hearings and maintenance investigations.

### **What is Maintenance?**

Maintenance is money or goods that someone gives to another person when they have a legal duty to maintain that person, regardless of the nature of the relationship which creates the duty to maintain. The Maintenance Act (Act No. 9 of 2003) provide for the payment of maintenance; provide for the holding of maintenance enquiries and the enforcement of maintenance orders; and to deal with incidental matters.

### **Who qualifies for maintenance?**

Any Namibian citizen who depends upon the support of another person to live. Husbands and wives are responsible for each other's maintenance.

The parent of a child share responsibility for the maintenance of that child. Children have a duty under certain circumstances to maintain their parents.

### **How do you go about instituting a maintenance claim?**

You go to a maintenance court where you will seek assistance from a legal clerk. You will then receive an application form depending on the type of Maintenance you have come to apply for (child maintenance, spousal maintenance or parental maintenance). Your identification documents will be required as proof that you are the one claiming for maintenance. You will have to provide a full-birth certificate of the beneficiary (when applying for child maintenance). If you are employed, the applicant and the defendant will be required to provide proof of income to determine maintenance capacity. Once the complainant reaches all the requirements, you will then be able to file for a maintenance claim.

### **What to do in case of a deviation from a maintenance order?**

Upon detection of the deviation visit or notify a Maintenance Officer, to institute an investigation to find out the reasons for the deviation and for further handling to resolve the deviation. Furthermore, if the defendant is employed, the complainant and the investigative officers will testify that the defendant has been employed. The court will therefore make an order that the defendant is at fault.

### **Maintenance Administration**

Maintenance matters are handled by the following institutions and officials at different Magistrate Courts country wide:

- Maintenance Courts;
- Maintenance Officers;
- Maintenance Investigators; and
- Legal Clerks.

### **Definitions**

**BENEFICIARY** – *the person who benefits from a maintenance order. This will usually be a child, but it could also be a disabled adult, a parent or a husband or wife. The beneficiary is sometimes called a 'dependant'.*

**COMPLAINANT** – *the person who applies for a maintenance order. The person could be applying on behalf of a beneficiary (such as a child), or for themselves. The complainant will usually be a mother applying for maintenance for her child. Any relative who is caring for a child can request maintenance from on or both of the child's parents.*

**DEFENDANT** – *the person being requested to pay maintenance. The defendant will usually be a father who is being asked to pay maintenance for his child.*

### **What do maintenance investigators actually do?**

- a) Locate the whereabouts of a person required to attend a maintenance enquiry under section 13 of the Maintenance Act or a person required to attend at a maintenance prosecution under the Maintenance Act;
- b) Serve the court process on persons referred to above;
- c) Trace and evaluate the assets of responsible persons; and
- d) Perform other functions and duties which may be specified in his or her appointment.

### **Maintenance offices in Namibia**

#### **1. Windhoek Magistrates Court**

Mungunda Street, Katutura Windhoek

Tel: 0613201111

Fax: 061238492

#### **2. Keetmanshoop Magistrates Court**

C/O Sam Nujoma Drive and 4<sup>th</sup> Avenue, Keetmanshoop

Tel: 063 220 9500

Fax: 063 220 9534

#### **3. Swakopmund Magistrates Court**

Tobias Hainyeko Street, Swakopmund

Tel: 064 41 31 00

Fax: 064 4131 19

#### **4. Otjiwarongo Magistrates Court**

Dr Albertina Amadhila Street

Tel: 067 30 2029/8

Fax: 067 30 4398

#### **5. Katima Mulilo Magistrates Court**

Ngoma Road, Boma location, Katima Mulilo

Tel: 066 25 3146

Fax: 066 25 3471

#### **6. Rundu Magistrates Court**

Markus Siwarongo Street

Tel: 066 25 5159

Fax: 066 25 5543

**7. Ondangwa Magistrates Court**

King Kauluma Street

Tel: 065 240306

**8. Oshakati Magistrates Court**

Main Road

Tel: 065 2236100

**9. Walvis Bay Magistrates Court**

Sam Nujoma Avenue, Walvis Bay

Tel: 064 202 335

Fax: 064 206838