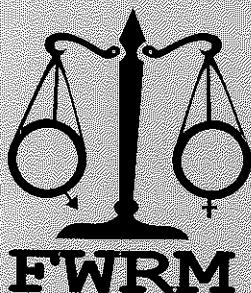




The Asia Foundation



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Supported by the Fiji Young Lawyers Association

IF YOU NEED HELP:

Please contact: • Family Court Counseling Service, Suva Tel: 3211811,

Courts in Suva, Lautoka and Labasa, Fiji Islands can hear your Family Court

• **Suva** - Government Buildings, Telephone: Government Buildings, Suva. • **Navua** - on ad hoc basis. Contact Suva Family Magistrate's Court, Telephone: 3390466, PO Nausori Magistrate's Court, Telephone: • **Vunidawa** - Vunidawa Court - Adri Magistrate's Court. • **Korovou** - Tailevu Magistrate's Court, Telephone: 340060, PO Box 102, Tailevu. • **Levuka** - Telephone: 3440355, PO Box 66, Levuka.

• **Lautoka** Magistrate's Court - Telephone: • **Lautoka High Court** - Telephone: • **Sigatoka** - Sigatoka Magistrate's Court, PO Box 87, Sigatoka. • **Nadi** - Nadi Magistrate's Court, Telephone: 6701322, PO Box 1275, Nadi. • **Ba** - Ba Magistrate's Court, Telephone: 6674096, PO Box 430, Ba. • **Tavua** - Tavua Magistrate's Court, Telephone: 6680023, PO Box 516, Rakiraki, Telephone:

• **Labasa** Magistrate's Court, Telephone: • **Nabouwalu** - Nabouwalu Magistrate's Court, Telephone: 8836022. • **Savusavu** - Savusavu Magistrate's Court, Telephone: 8850272, PO Box 160, Savusavu. • **Suva** - Suva Magistrate's Court, Telephone: 8880081, PO Box



MAINTENANCE & CONTRIBUTION

WHAT IS MAINTENANCE?

Maintenance is when one party (person) in the family has to provide for the daily needs of the other party e.g. money, clothing, food, school fees. There are different types of maintenance and contribution.

1. SPOUSAL MAINTENANCE

Under the Family Law Act, if you are unemployed because of age, physical or mental incapacity or because you are looking after your children, you can apply for spousal maintenance from your husband/wife. Applications must be made on **Form 5 Application For Maintenance & Contribution**.

Applications must be made within 2 years after your divorce. If you wish to make an application after 2 years, you should see a lawyer or the Legal Aid Commission for advice.

If you agree on Spousal Maintenance with your husband/wife, the maintenance agreement will be checked by the Court and if approved, the agreement will be registered. If you cannot agree, your maintenance will be decided by the Court. Spousal maintenance stops if you re-marry or if you are in a de facto relationship (living with a new partner) or when your former husband/wife dies.

2. PARENTAL MAINTENANCE

Adult children have a legal responsibility to take care of their elderly parents, to a reasonable extent. This is especially in cases where the parents cannot support themselves because of old age or physical or mental disability. If you need financial assistance from your adult children, you can apply for Parental Maintenance on **Form 5**. You may seek assistance from the Court Counselling Service or other approved Counselling Services in the community. Any agreement can be put down in writing by your lawyer or by the Family Court Registrar. The Agreement will be reviewed by the Court and if it is okay, the Court will issue Consent Orders. **If you cannot agree, the Court will decide for you at trial.**

3. CHILD MAINTENANCE

Parents have a duty to care for their child. Where parents are not looking after the child, they still have a duty to provide some sort of care for the child and so you can apply for a Child Maintenance Order. This means that you are helped by the parent with the costs of looking after a child under the age of 18. Child Maintenance involves payments in cash or in kind (e.g. groceries, transport, fruits and root crops). In some cases, step-parents may be ordered by the Court to pay child maintenance. It does not matter if the parents of the child were legally married or not, the Court can still grant child maintenance.

The Family Court can make an order for maintenance to be paid for a child over the age of 18 years, if the Court is satisfied that maintenance is necessary for the child to complete his/her education or because of some mental or physical disability affecting the child.

Child maintenance stops if the child is adopted, marries, enters into a de facto relationship (living with a partner), turns 18 years old, or if the child or the person paying maintenance dies.

You can apply for child maintenance by filing **Form 5** in the Court Registry in the area where either parent lives.

4. CONTRIBUTION

A biological (blood) father, who is not married to the child's mother, may be ordered by the Court to provide proper financial contribution (share or help) to the mother:

- Commencing 2 months before the infant is born and ending 3 months after birth;
- For medical expenses during pregnancy and birth;
- And for funeral expenses for the mother and/or child if either die during pregnancy or birth.

You must apply to the Court by using **Form 5** at anytime during the your pregnancy or after the birth of the child, but no later than 6 years after the birth of the child, except with special leave of the court.

WHAT DOCUMENTS DO I NEED TO TAKE WITH ME WHEN APPLYING FOR MAINTENANCE?

Documents you should take with you are:

- If you are working, your last tax return & tax assessment if you have them
- 3 most recent pay slips
- Bank records for the last 12 months
- Any documents in your possession or control that may help the Court decide your income needs and financial resources
- If you do not work or you are living with other people, you must tell the Court

WHAT HAPPENS IF MY HUSBAND/WIFE DOES NOT PAY MAINTENANCE?

You can lodge a complaint at the Family Court Registry.

WHAT IF I WANT TO MAKE CHANGES TO MY MAINTENANCE ORDER?

You can always go to the Family Court to either decrease, increase or cancel your maintenance order. You will need to fill **Form 5**.