

NATIONAL QUESTIONNAIRE FOR LEGAL PRACTITIONERS TO CUSTODY (CARE) AND ACCESS (CONTACT) PROCEEDINGS

**PROJECT 100, SUB-PROJECT "D" – REVIEW OF ASPECTS OF FAMILY LAW AND THE LAW OF PERSONS:
REVIEW OF ASPECTS RELATED TO THE CUSTODY OF AND ACCESS TO MINOR CHILDREN**

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1. **What percentage of your clients signs a settlement agreement because they are actually satisfied with its contents?**

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Comments, if any:

2. **In your experience, does the partner in a lower financial position settle sooner than the partner who is economically sound?**

Always		Often		Sometimes		Rarely		Never	
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Comments, if any:

3. **In your experience, what percentage of divorces becomes opposed due to disagreements on access and/or custody of minor children?**

	%
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Comments, if any:

4. **Do you think that the new divorce courts created to deal solely with divorce matters are meeting their prescribed objectives?**

Yes		No	
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Comments, if any:

5. **In your experience, are matters of custody and access decided according to particular benchmarks and principles, e.g. the tender-years principle, instead of being decided on the merits and circumstances of each case?**

Always		Often		Sometimes		Rarely		Never	
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Comments, if any:

6. **How long does the Family Advocate’s Office take on average to advice on opposed matters?**

Weeks		Months		Years	
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Comments, if any:

7. **Have you ever had to postpone court dates due to delays caused by the Family Advocate’s Office?**

Always		Often		Sometimes		Rarely		Never	
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Comments, if any:

8. **What do you think of the quality of service offered by the Family Advocate’s Office?**

Always		Often		Sometimes		Rarely		Never	
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Comments, if any:

9. **Do you think the method used by the Family Advocate’s Office to advice on custody and access matters is effective? Give reasons for your answer.**

Yes		No	
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Comments, if any:

10. **Do you think mediation would be a worthwhile tool to help settle all matters of access and custody of minor children? Give reasons for your answer**

Yes		No	
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Comments, if any:

11. **Where there is a dispute regarding custody and access matters:**

Attendance of mediation by both parents should be compulsory;	
Attendance of mediation by both parents should be voluntary;	
Attendance of mediation should be determined by the Family Advocate’s Office;	
Attendance of mediation should be determined by a court.	

Comments, if any:

12. **Do you think the employees of the Family Advocate's Office are competent to engage in effective mediation?**

All employees are competent;	
Most of the employees are competent;	
Some of the employees are competent;	
None of the employees are competent.	

Comments, if any:

13. **Should a parent information/education programme be attended by both parents?**

In all proceedings where custody and access have to be determined;	
Only in matters where not settlement agreement is agreed upon;	
Under no circumstances as it will be too difficult to implement.	

Comments, if any:

14. **Do you think South Africa needs trained mediators to mediate in custody and access matters in our multi-cultural society?**

Yes		No	
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Comments, if any:

15. **Who should be allowed to mediate in custody and access matters?**

16. **Should all couples with minor children seeking a divorce attend a compulsory parent education programme, and obtain a certificate that they have attempted mediation, prior to their divorce being granted? Give reasons for your answer.**

Yes		No	
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Comments, if any:

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