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Child Maintenance Amount

How much child support / maintenance should you claim / pay?

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It is not only mothers who wants to know how much maintenance they should claim, but fathers are very much interested in wanting to know how much they should pay. It is my view that there is nothing wrong with a father wanting to know whether or not he is paying too much maintenance as it is both parents responsibility to maintain a child. However I do have issue with fathers who tries to avoid their maintenance obligations and mother who wants to exploit the fathers.

How much child support / child maintenance should I claim for my child / children? How much child support / child maintenance should I pay for my child / children?

The above are two questions which are posed to me all too often. But what is the answer, or, what do I answer? Below I provide you with certain factors I use to determine the amount of child support / child maintenance my client should claim or pay when dealing with a child support / maintenance matter. There are however many factors, and although they may sometimes overlap depending on the situation, it does not mean they will be the same for everyone. Remember, the explanation below is provided for information purposes only. You or your attorney or advocate might have one view on what the amount should be, however the opposition or the maintenance court might have a total different view. I therefore strongly advise that you first consult with a maintenance lawyer or advocate, or the maintenance court before submitting your amount. In complicated cases, an advocate may be approached by your attorney for an opinion.

The golden rule: The child's best interest is the determining factor when it comes to child support / child maintenance amount.

However, it is not as easy as saying that the child needs to have the best of clothes, education, food etc available. By taking this view, it would be as saying that during the parents' marriage, the child has to go to the best school in the area, wear the best of clothes and eat the best of food notwithstanding the parents earning a far below average

income. Such a legal approach would be nonsensical. Each case is determined on its own merits by weighing the factors. Factors which are weighed, amongst other are:

The standard of living the child was accustomed to while the parties were married or lived together;

The earning capacity of the Parents; and

The Assets of the parents.

Therefore, it does not mean every child of 5 years old will require a child support / child maintenance contribution of R 500—00 (five hundred rand). A contribution of R 500—00 for one 5 year old child might be reasonable or even too high, depending on the circumstances. Let me provide you with two scenarios:

Scenarios A: A 5 year old child's parents earned R 500—00 per month each and they were bringing up the child perfectly under the circumstance with their modest standard of living which is the norm in the area they live in, and further, the standard they were accustomed to when they were brought up. If they are to estimate the costs of the child, it would be about R 200—00 per month which goes to food, shelter, clothes etc. Should the parents separate, and, lets say in this case, the mother claim maintenance from the father for the child, she would not have a case for more than R 150—00 maintenance per month. You might wonder why I don't say R 100—00 per month seeing that the parents earned the same salary? Obviously now the mother would have to find alternative accommodation etc. and therefore the child's portion would be more (it could even be less).

Scenarios B: However, lets say the parents of a 5 year old child each earns R 50 000—00 per month. The child has an au pair, own room, policies in his / her favor, expensive clothes, medical aid, expensive creams, attends ballet and violin classes etc. The costs of the child is about R 25 000—00 per month. Should the parents separate, a claim for maintenance could easily be in the region of R 15 000—00. R 14 850—00 more than the 5 year old child in scenario A above. It all depends on the facts, circumstances etc. To make thing more complicated, if the mother in this scenario have assets worth millions and the father only owns a car of R 100 000—00, his contribution could be far less than R 15 000—00. It is even possible that his contribution could be R 150—00 (and not R 15 000—00) as in the case of scenario A. All these factors have to be discussed with your maintenance lawyer or advocate.

I hope this gave you a feel on how child support / child maintenance is calculated. Therefore in answering the questions posed above, i.e. How much child support / child maintenance should you claim for you

child / children, and how much child support / child maintenance should you pay for you child / children? The answer is ... it depends on the facts.

Kind regards,

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