



FAMILY LIFE CENTRE

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HOW TO GET A DIVORCE IN THE HIGH COURT OR FAMILY COURT

FAMSA (JOHANNESBURG) NPO 001-074
Family and Marriage Society of South Africa

Alexandra	c/o 833-2057
City Centre	833-2057
Coronationville (Bosmont/Westbury)	477-5531
Diepsloot	c/o 788-4784/5
Lenasia South (Ennerdale/ Finetown)	855-2359
Soweto	986-3290

IN THE HIGH COURT, PRITCHARD STREET, JOHANNESBURG

STEPS TO A D-I-Y DIVORCE

You can conduct the divorce yourself provided you have the necessary information. There are books available outlining how documents are to be drafted.

1. The Summons

Standard legal document obtainable from the Family or High Court. The drafting and serving (delivering) of the summons is the first step to any legal proceedings.

2. The Particulars of a Claim

This document contains details of the marriage, e.g. details of minor children, reasons the marriage has broken down, etc.

3. The Statistics of Divorce Form

This document must be completed before the summons can be issued.

4. Annexure A

This document requires details of minor children and/or if the wife is pregnant.

5. Serving the Summons

This serves to notify the other party that legal proceedings are going to be instituted. Revenue stamps need to be put on certain documents to the Registrar of the High

Court or the Family Court. A case number will be issued and the Summons served.

6. The Consent Paper / Deed of Settlement

This contains the agreement reached by the parties regarding custody, access, maintenance and division of assets. Although it is not a requirement to have this document, it prevents litigation.

7. The Notice of Set Down

This document states the date of the divorce hearing and must be filed in court before that date.

High Court – 3 to 4 months to get a hearing

Family Court – 2 to 3 weeks

A DIVORCE WITH LEGAL ASSISTANCE

1. You, as the person seeking divorce, will visit an attorney (in private practice or at a legal clinic).



2. Your attorney will prepare and issue a summons and other documentation based on what you have told him/her.
3. The other party's attorney will reply to the summons with his/her client's response.

4. Discussion around issues such as custody, access, maintenance and division of assets will be conducted through the attorneys in consultation with their clients.
5. In a contested divorce, there will be a dispute regarding one or more of these issues.
6. If there is a custody dispute regarding minor children, the Family Advocate will hold an inquiry to assess what would be in the best interest of the children.
7. On some occasions, the Family Advocate may call in Psychologists, Social Workers or Mediators for their assistance in the dispute.
8. If no divorce agreement is reached, a court date is set for a judge to decide on the disputed issue.
9. In the High Court, advocates are hired by the attorneys for both sides to present the evidence to the judge. The judge will then make a decision regarding the disputed issues.
10. The divorce will then be granted.

Note: When a divorce is contested, it can take longer than one day in court and if it is taking place in the High Court, advocate and attorney fees can be very high.

IN THE FAMILY COURT, 15 MARKET STREET, JOHANNESBURG

HOW TO GET DIVORCED

1. Go to the Family Court (15 Market Street, Johannesburg. Tel: 639-0301).



2. Approach the Clerk of the Family Court.
3. The Clerk will draw up all the necessary papers. You must:
 - Bring a R20 Revenue Stamp with you which you can buy from the Post Office
 - Take your marriage certificate and ID Book
4. The Clerk will complete the paperwork and give you the summons.
5. You must then approach the Sheriff of the Magisterial District in which you live and he/she will then serve the papers on your spouse. You will be responsible for paying the Sheriff's fees.
6. Your spouse will then have one month to reply to your papers.

7. At the end of the one-month period, you can approach the Family Court to have a court date set.

Note: You do not need an attorney to apply for a divorce through the Family Court. Your only costs are the R20 Revenue Stamp and the Sheriff's fees.

If there is a custody dispute, the matter is referred to the Family Advocate's Office (no charge).

It should take about 7 weeks in total to appear in the Family Court if there is no dispute.

Please access our website on www.familylife.co.za for more information on **Family Life Centre** services and current events.

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