

CareWorks' Employee Wellness Programme

Understanding Family Law in South Africa: A Guide for Employee Wellbeing

Family matters affect all of us — whether it's marriage, divorce, maintenance, or child custody. When personal legal issues arise, they can have a major impact on our emotional health and work performance. For this reason, understanding the basics of **Family Law in South Africa** is a valuable part of any employee wellness journey.

This article outlines key aspects of family law, providing employees with the knowledge to make informed decisions and seek help when needed.

1. What is Family Law?

Family Law is a branch of law that deals with legal responsibilities between individuals in family relationships. This includes:

Marriage and civil unions

Divorce

Parental rights and responsibilities

Child maintenance and custody

Protection orders in domestic violence cases

Wills and inheritance (in some cases)

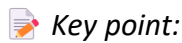
2. Marriage and Civil Unions

South Africa recognises various types of marital arrangements under the law:

Civil Marriage (Marriage Act of 1961)

Civil Union (Civil Union Act of 2006 — includes same-sex unions)

Customary Marriage (Recognised under the Recognition of Customary Marriages Act of 1998)



Key point:

You should register your marriage to ensure it's legally recognised and to secure your rights, especially in customary marriages.

3. Divorce: What You Need to Know

Divorce can be emotionally and financially challenging, but understanding the process helps reduce stress.

Two main types of divorce:

Contested divorce: Disputes over children, assets, or maintenance.

Uncontested divorce: Both parties agree on terms — quicker and cheaper.

Division of assets depends on your marital regime:

In community of property: All assets and debts are shared.

Out of community (with antenuptial contract): Assets remain separate.

With accrual system: Assets accrued during marriage are shared.



Tip: Seek legal advice before signing any divorce agreement, especially if children or significant assets are involved.

4. Child Custody and Parental Rights

South African law puts the **best interests of the child** first.

Parental responsibilities include care, contact, guardianship, and maintenance.

Parents are encouraged to reach a **Parenting Plan** through mediation or legal guidance.

If necessary, the **Children's Court** can help resolve custody disputes.



Reminder: Both parents have legal duties toward their children, regardless of marital status.

5. Maintenance Matters

If you are responsible for a child or former spouse, maintenance (financial support) may be legally required.

You can apply for **child or spousal maintenance** at your local **Maintenance Court**.

The court considers **income, needs, and living expenses** of both parties.

Non-payment of maintenance is a criminal offence.

💡 *Good to know:* You don't need a lawyer to apply for maintenance — court officials can assist.

6. Protection from Domestic Violence

South African law provides strong protections against **abuse**, including:

Physical, emotional, verbal, sexual, or financial abuse.

You can apply for a **Protection Order** at your nearest **Magistrate's Court**.

🔔 *Employee Tip:* If you're facing domestic violence, seek help immediately. Many workplaces offer **Employee Assistance Programmes (EAPs)** that include counselling and legal referrals.

7. When to Seek Help

Navigating family law can be complex and emotionally draining. If you're facing a legal issue at home, you don't have to do it alone.

Seek help when:

You're going through a separation or divorce

You need clarity on your parenting rights

You're facing abuse or harassment

You want to plan legally for your family's future (e.g. wills, guardianship)

✳️ *Resources available:*

Legal Aid South Africa (for free legal help if you qualify)

Department of Justice: www.justice.gov.za

Employee Assistance Programme (EAP): Check with your HR department

Mediation services and family counsellors

Conclusion

Family challenges don't stop at the office door — they follow us into our daily lives and impact our wellbeing. By understanding the basics of South African Family Law, employees can take proactive steps to protect themselves and their loved ones. Whether you're seeking custody, getting married, or facing a tough decision, knowledge and support are key.

Remember, your wellness matters — both at home and at work.