

officer with making a decision. Hence, this will shorten the time spent by the court in making the enquiry itself and also reduce conflict and the paperwork that presiding officers are faced with when dealing with these matters.

3.4 PRESIDING OFFICERS AND CHILDREN'S COURT STAFF

The research conducted indicated that many unmarried fathers are referred to the High Court due to the misinterpretation of the legislation. This is a common occurrence. This can be remedied by educating the administrative staff of the Children's Courts. Training should be provided to the staff to enable them to make adequate enquiries before referring a person to another court. Training should also be given to presiding officers. A magistrate often works in different courts and sometimes has limited knowledge in respect of family law. The author's proposal is that the Minister of Justice appoints a presiding officer with the necessary expertise and qualifications in children's matters for each Children's Court. This will ensure that we have competent presiding officers hearing the matters and this will contribute to finalising matters in a minimum time period. In having competent presiding officers and court staff, unmarried fathers are sure to be assisted in enforcing their rights within shorter time periods.

The SALRC's proposal is that the presiding officers appointed for the Children's Courts should fit the following criteria: "a) be a specialist in family law and the Children's Act; b) receive specialist training on the Children's Act, the Bill of Rights and international instruments that deal with children; c) hold the position on a permanent basis; and d) not be rotated."²³²

²³² SALRC (2015) 264

3. Does the issue of automatic acquisition in section 20 of the Act pose more or less challenges than the conditional acquisition provided for in section 21 of the Act?

Explain?

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4. Please specify and elaborate what you have encountered with working towards a parental rights and responsibility agreement and explain the effectiveness of these agreements.

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5. What in your opinion, should be done by the a) legislature and b) courts to make the application of section 21 of the Act more effective and/or practical?

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