

THE CHILDREN'S BILL
SCHEDULE 4
LEGISLATION REPEALED

No and year	Short Title	Extent of Repeal
33 of 1960	Children's Act	The whole
93 of 1963	General Law Further Amendment Act	Section 1
57 of 1972	Age of Majority Act	The whole
74 of 1983	Child Care Act	The whole
82 of 1987	Children's Status Act	The whole
133 of 1993	Prevention of Family Violence Act	Section 4
192 of 1993	Guardianship Act	The whole
72 of 1996	Hague Convention on the Civil Aspects of International Child Abduction Act	The whole
86 of 1997	Natural Fathers of Children Born Out of Wedlock Act	The whole

BIBLIOGRAPHY

BOOKS AND CHAPTERS IN BOOKS

Africa A, Dawes A, Swartz L and Brandt R “Criteria Used by Family Counsellors in Child Custody Cases: A Psychological Viewpoint” in Burman S (ed) *The Fate of the Child: Legal Decisions on Children in the New South Africa* (2003) Juta, Lansdowne

Alston P, Parker S and Seymour J *Children's Rights and the Law* (1992) Clarendon Press, Oxford

Atkinson J *Modern Child Custody Practice: Cumulative Supplement* (June 1988) Kluwer Law Book Publishers Inc New York

Australian Family Law Guide (no author given) (1999) CCH Australia Ltd, Sydney

Bainham A *Children – The New Law the Children Act 1989* (1990) Jordan and Sons Ltd, Bristol

Bainham A *Children the Modern Law* (2005) Jordan Publishing, Bristol

Bainham A (ed) *The International Survey of Family Law* (2006) Jordan Publishing, Bristol

Barratt A “The Best Interest of the Child’: Where is the Child’s Voice?” in Burman S (ed) *The Fate of the Child: Legal Decisions on Children in the New South Africa* (2003) Juta, Lansdowne

Bekink B and Brand D “Constitutional Protection of Children” in Davel (ed) *Introduction to Child Law in South Africa* (2000) Juta, Lansdowne

Bissett-Johnson A “Cases From the Trenches but Only Modest Legislative Responses” in Bainham A (ed) *The International Survey of Family Law* (2006) Jordan Publishing, Bristol

Borkowski A *Textbook on Roman Law* (1997) (Reprinted 2001) Blackstone Press Ltd

Bosman-Swanepoel H, Fick A and Strydom NA *Custody and Visitation Disputes: A Practical Guide* (1998) Butterworths, Durban

Bridgeman J and Monk D (eds) *Feminist Perspectives on Child Law* (2000) Cavendish Publishing Ltd, London

Buckland WW and McNair AD *Roman Law and Common Law: A Comparison in Outline* (1952) Cambridge University Press

Buckland WW and Stein PA *Textbook of Roman Law from Augustus to Justinian* (1963) Cambridge University Press

Cleland A and Sutherland EE *Children's Rights in Scotland* (2001) W Green/Sweet and Maxwell, Edinburgh

Cronjé DSP (ed) *Barnard Cronjé and Olivier The South African Law of Persons and Family Law* (1994) Butterworths

Cronjé DSP and Heaton J *Casebook on South African Family Law* (2004) LexisNexis Butterworths, Durban

Cronjé DSP and Heaton J *Casebook on the Law of Persons and Family Law* (1994) Butterworths

Cronjé DSP and Heaton J *South African Family Law* (2004) LexisNexis Butterworths, Durban

Cronjé DSP and Heaton J *South African Law of Persons* (2003) LexisNexis Butterworths, Durban

Curzon LB *Briefcase on Family Law* (2001) Cavendish Publishing Ltd, London

- Davel CJ (ed) *Children's Rights in a Transitional Society* (1999) Protea Book House, Pretoria
- Davel CJ (ed) *Introduction to Child Law in South Africa* (2000) Juta and Co Ltd, Lansdowne
- Davel CJ and Jordaan RA *Law of Persons* (2005) Juta, Cape Town
- Davel CJ and Jordaan RA *Law of Persons Source Book* (1999) Juta and Co, Lansdowne
- Davie R, Upton G and Varma Y (eds) *The Voice of the Child* (1996) Falmer Press, London
- Devenish A *Commentary on the South African Bill of Rights* (1999) Butterworths, Durban
- Dickey A *Select Cases on the Family Law Act: 1976–79* (1980) CCH Australia Ltd, Australia
- Dingwall R and Eekelaar J “Rethinking Child Protection” in Freeman MDA (ed) *State, Law and the Family* (1984) Tavistock Publications and Sweet and Maxwell, London
- Donaldson M *Minors in Roman-Dutch Law* (1955) Butterworths, Durban
- Edwards AB *The History of South African Law: An Outline* (1996) Butterworths, Durban
- Edwards L “Hearing the Voice of the Child: Notes From the Scottish Experience” in Davel (ed) *Children's Rights in a Transitional Society* (1999) Juta and Co Ltd, Lansdowne
- Edwards S and Griffiths A *Greens Concise Scotslaw: Family Law* (1997) Green W/Sweet and Maxwell, Edinburgh
- Eekelaar J and Nhlapo T (eds) *The Changing Family: International Perspectives on the Family and Family Law* (1998) Hart Publishing Co Oxford
- Everett CA *Child Custody: Legal Decisions and Family Outcomes* (1997) Haworth Press, New York

Farnsworth A *An Introduction to the Legal Systems of the United States* (1996) Oceana Publications Inc, New York

Finlay HA and Bailey-Harris RJ *Family Law in Australia* (1989) Butterworths, Sydney

Fortin J *Children's Rights and the Developing Law* (1998) Butterworths, London

Freeman M (ed) *Essays in Family Law 1985* (1986) Steven and Sons, London

Freeman M *Family Law Statutes* (2004) Sweet and Maxwell, London

Freeman MDA (ed) *Children's Rights Vol 1* (2004) Ashgate-Dartmouth, Burlington, USA

Gardner JF *Family and Familia in Roman Law and Life* (1998) Claredon Press, New York

Garner BA and Horne CJ (eds) *A Handbook of Family Law Terms* (2001) West Group, St Paul, Minnesota

Glasser N "Custody on Divorce: Assessing the Role of the Family Advocates" in Burman S (ed) *The Fate of the Child: Legal Decisions on Children in the New South Africa* (2003) Juta, Lansdowne

Glendon MA *The Transformation of Family Law: State Law and Family in the United States and Western Europe* (1989) University of Chicago Press, Chicago

Gottwald P, Schwab D and Büttner E *Family and Succession Law in Germany* (2001) Kluwer Law International, The Hague

Grosmann "Argentina – Children's Rights in Family Relationships: the Gulf between Law and Social Reality" in Freeman (ed) *Children's Rights: A Comparative Perspective* (1996)

Hahlo HR and Kahn E *The South African Legal System and its Background* (1973) Juta, Cape Town

Harper M, Downs M, Landells K and Wilson G *Civil Partnership: the New Law* (2005) Jordan Publishing, Bristol

Heaton J "Family Law and the Bill of Rights" in *Bill of Rights Compendium* (1998) Butterworths

Henaghan M (eds) and Atkin B *Family Law Policy in New Zealand* (1992) Oxford University Press, Auckland

Hinnes JR (ed) *Implementing the Convention on the Rights of the Child: Resource Mobilisation in Low-Income Countries* (1995) M Nijhoff, The Hague

Hodgkin R and Newell P *Implementation Handbook for the Convention on the Rights of the Child* (1988) UNICEF, New York

Hoffman A and Pincus BK *The Law of Custody* (1989) Butterworths, Durban

Hoggett BM *Parents and Children: The Law of Parental Responsibility* (1993) Sweet and Maxwell, London

Hugo de Groot *Aantekeninge oor die inleiding van Hugo de Groot soos gedikteer deur Johannes Voet* Vertaal deur Van Warmelo P Visser CJ (1987) Staatsdrukker, Pretoria

Hugo de Groot *Inleiding tot die Hollandsche Rechts-geleerdheid Deel 1*" (1895) Arnhem P Gouda Quint

Hugo de Groot *Inleiding tot die Hollandsche Rechts-geleerdheid met de te 4nd terug gevanden verbeteringen annvullingen en opermerkingen van der Schrijker en met verwijgingen noor zijn ander geschriften uitgegeven en van hantekenigen en bijlagen voorzien* F Dovring en H Fischer (1952) University Press, Leiden

Hugo de Groot *The Introduction to Dutch Jurisprudence of Hugo Grotius with notes by Simon van Groeewegen van der Made and references to Van der Keesel's theses and Schafer's notes* translated by Maasdorp AFS (1878) Juta, Cape Town

Hugo de Groot *The opinions of Grotius as contained in the Hollandsche consultatien en adviisen* translated by DP de Bruyn (1894) Steven and Haynes, London

Ingleby R *Family Law and Society* (1993) Butterworths, Sydney

Jasper MC *The Law of Child Custody* (1997) Oceana Publications, USA

Johnston D *Roman Law in Context* (1999) Cambridge University Press, Cambridge

Johnston E, Hinto M and Rigney D (eds) *Indigenous Australians and the Law* (1997) Cavendish Publishing Ltd, Australia

Jolowicz HF *Roman Foundations of Modern Law* (1978) Greenwood Press, Westport Connecticut

Joubert W (ed) *The Law of South Africa* (2002) Butterworths, Durban

Justinian *The Digest of Justinian* translation by Watson A (ed) Vol 1 and 2 (1985) University of Pennsylvania Press, Philadelphia

Kaganas F “Joint Custody and Equality in South Africa” in Murray C (ed) *Gender and the New South African Legal Order* (1994) Juta, Kenwyn

Kaser M *Roman Private Law* (2nd edition) Translated by Rolf Dannenbring (1968) Butterworths, Durban

Katz SN “Parental Rights and Social Responsibility in American Child Protection Law” in Eekelaar J and Nhlapo T (eds) *The Changing Family: International Perspectives on the Family and Family Law* (1998) Hart Publishers, Oxford

King M “Children’s Rights as Communication Reflections on Autopoietic Theory and the United Nations Convention” in *Children's Rights* Vol. 1 by Freeman MDA (ed) (2004) Ashgate Publishing, Burlington, USA

Kirkpatrick J (ed) *Mackenzie's Studies in Roman Law with Comparative views of the Laws of France, England and Scotland* (1991) Gant and Sons Inc

Kleyn D and Viljoen F *Beginner's Guide for Law Students* (2002) Juta, Lansdowne

Ledoger "Realizing Rights through National Programs of Action for Children" in Hinnes JR (ed) *Implementing the Convention on the Rights of the Child: Resource Mobilisation in Low-Income Countries* (1995)

Lee RM *The Elements of Roman Law with a Translation of the Institutes of Justinian* (1956) Sweet and Maxwell, London

Lyon CM "Children and the Law – Towards 2000 and beyond. An Essay in Human Rights, Social Policy and the Law" in Bridge C (ed) *Family Law Towards the Millenium: Essays for PM Bramley* (1997) 33, 34–40 Butterworths, London

Lyon CM "Safeguarding Children's Interests? – Some Problematic Issues Surrounding Separate Representation in Care and Associated Proceedings" in Freeman MDA (ed) *Essays in Family Law* (1986) 1 Steven and Sons, London

Mamashela M *Family Law Through Cases in Lesotho* (1991) The National University of Lesotho, Rama, Lesotho

Maqutu WCM *Contemporary Family Law of Lesotho: A Historical and Critical Commentary* (1992) National University of Lesotho Publishing House, Rama, Lesotho

Marshall K "The History and Philosophy of Children's Rights in Scotland" in Cleland A and Sutherland E *Children's Rights in Scotland* (2001) 18 W Green/Sweet and Maxwell, Edinburgh

McRae H, Nettheim G and Beacraft L *Aboriginal Legal Issues: Commentary and Materials* (1991) The Law Book Company Ltd, Sydney

Mnookin RH and Weisberg DK *Child, Family and State: Problems and Materials on Children and the Law* (2000) Aspen Publishers Inc, Gaithersburg, New York

- Montgomery J and Sax R (eds) *Butterworths Family Law Service* (1997) Butterworths, London
- Morrison AB *Fundamentals of American Law* (1996) Oxford University Press
- Muirhead J *Historical Introduction to the Private Law of Rome* (1899) Goudy H (ed) Adam and Charles Black, London
- Murray C (ed) *Gender and the New South African Legal Order* (1994) Juta, Lansdowne
- Nagel C (ed) *Huldigingsbundel vir JMT Labuschagne* (2006) LexisNexis Butterworths, Durban
- Nasir JJN *The Islamic Law of Personal Status* (2002) Kluwer Law International, The Hague
- Nathan M *The Common Law of South Africa: A Treatise Based on Voet's Commentaries of the Pandects* Vol 1 Persons and Property (1913) Central News Agency, South Africa
- Ncube W "The African Cultural Footprint" in Ncube W (ed) *Law, Culture, Tradition and Children's Rights in Eastern and Southern Africa* (1992) Aldershot and Brookfield
- Neethling J, Potgieter JM and Scott TJ *Casebook on the Law of Delict* (1995) Juta, Lansdowne
- Neethling J, Potgieter JM and Visser PJ *Law of Delict* (2006) LexisNexis Butterworths, Durban
- Nijhoff M *Monitoring Children's Rights* (1996) Verhellen Publishers, The Hague
- Olivier PJJ *Die Suid-Afrikaanse Persone en Familiereg* (1975) Butterworths, Durban
- Olsen F "Children's Rights: Some Feminist Approaches to the United Nations Convention on the Rights of the Child" in *Children, Rights and the Law* Alston, Parker and Seymour (1992) Clarendon Press, Oxford
- Ortolan J *The History of Roman Law* Translated by Pritchard IT and Nasmith D (1871) Butterworths, London

Pound R *Interpretations of Legal History* (1923) Reprinted 1986 Gant W and Sons Inc, Holmes Beach, Florida

Robinson JA *The Law of Children and Young Persons in South Africa* (1997) Butterworths, Durban

Robinson R “Children and Divorce” in Davel (ed) *Introduction to Child Law in South Africa* (2000) Juta, Lansdowne

Rodham H “Children under the Law” in *Children’s Rights* Vol. 1” (2004) by Freeman MDA (ed) Ashgate Publishing, Burlington, USA

Schäfer ID *The Law of Access to Children: A Comparative Analysis of the South African and English Laws* (1993) Butterworths, Durban

Senaeve P *Compendium van Het Personen-en Familierecht* (2004) Acco Publishers, Leuven

Sinclair J “From Parent’s Rights to Children’s Rights” in Davel CJ (ed) *Children’s Rights in a Transitional Society* (1999) Protea Book House, Pretoria

Sinclair JD (ed) *The Law of Marriage: based on Hahlo HR The South African Law of Husband and Wife* Vol 1 (1996) Juta, Kenwyn

Smith C “Parenthood in Modern Society” in Eekelaar J and Sarcevic P (eds) *Parenthood in Modern Society: Legal and Social Issues for the Twenty-First Century* (1993) M Nijhoff Norwell, Dordrecht

Spiro E *Law of Parent and Child* (1985) Juta and Co Ltd, Kenwyn

Stamps LE Kinen S and Rock-Foucheux A “Judge’s Beliefs Dealing with Child Custody Decisions” in Everlet CA (ed) *Child Custody: Legal Decisions and Family Outcomes* (1997) Hawath Press, New York

Sutherland E “Care of the Child within the Family” in Cleland A and Sutherland E *Children’s Rights in Scotland* (2001) 91 W Green/Sweet and Maxwell, Edinburgh

Thomas J *Introduction to Roman Law* (1986) Digman Publications (Pty) Ltd, Roodepoort

Thomas JAC *Textbook of Roman Law* (1976) North-Holland Publishing Co Oxford, Amsterdam

Thomas J, Van der Merwe CG, Stoop BC *Historical Foundations of South African Private Law* (2000) Butterworths, Durban

Thomson JM *Family Law in Scotland* (1991) Butterworths/Law Society of Scotland, Edinburgh

Timms JE *Children's Representation: A Practitioner's Guide* (1995) Sweet and Maxwell, London

Tshosa O *National Law and International Human Rights Law. Cases of Botswana, Namibia and Zimbabwe* (2001) Ashgate-Dartmouth, Aldershot

Van Bueren G *International Documents on Children* (1998) Martinus Nijhoff Publishers, The Hague

Van Bueren G *The International Law on the Rights of the Child* (1995) Martinus Nijhoff Publishers, Dordrecht

Van der Linden J *Van der Linden's Institutes of the Law of Holland* translated by George T Marice Maskew Miller, Cape Town

Van der Vyver J and Joubert D *Persone en Familiereg* (1985) Juta and Co, Cape Town

Van Heerden B, Cockrell A and Keightley R (eds) *et al Boberg's Law of Persons and the Family* (1999) Juta, Kenwyn

Van Leeuwen S *Commentaries on Roman-Dutch Law* Vol. 1 (1921) Decker CW (ed) Translated by Kotze JG Sweet and Maxwell, London

Van Schalkwyk LN *Huweliksreg-bronnebundel* (1992) Juta, Kenwyn

Van Warmelo P *An Introduction to the Principles of Roman Civil Law* (1976) Juta, Cape Town

Van Warmelo P *Inleding tot die Studie van die Romeinse Reg* (1957) AA Balkema, Cape Town

Van Zyl DH *History and Principles of Roman Private Law* (1983) Butterworths, Durban

Van Zyl L *Divorce Mediation and the Best Interests of the Child* (1997) HSRC, Pretoria

Van Zyl L *Handbook of the South African Law of Maintenance* (2005) LexisNexis Butterworths, Durban

Visser PJ and Potgieter JM *Introduction to Family Law* (1998) Juta, Kenwyn

Voet J *The Selective Voet Being the Commentary on the Pandects and the Supplement to That Work by Johannes Van der Linden* (1955) translated by Gene P Vol 1 and Vol 4 Butterworths, Beachgrove

Watson A *Rome of the XII Tables: Persons and Property* (1975) Princeton University Press, New Jersey

Welstead M "Reshaping Marriage and the Family – the Gender Recognition Act 2004 and the Civil Partnership Act 2004" in Bainham A (ed) *The International Survey of Family Law* (2006) 185–202 Jordan Publishing, Bristol

Wessels JW *History of the Roman-Dutch Law* (1908) African Book Company Ltd, Cape Colony, Grahamstown

Wilkinson AB and McNorrie K *The Law Relating to Parent and Child in Scotland* (1993) W Green/ Sweet and Maxwell, Edinburgh

Zaal N "Hearing the Voices of Children in Court: A Field Study and Evaluation" in Burman S (ed) *The Fate of the Child: Legal Decisions on Children in the New South Africa* (2003) Juta, Lansdowne

JOURNAL ARTICLES

Anderson A and Spijker A "Considering the view of the Child when Determining her Best Interest" 2002 *Obiter* 364

Arts KCJM "The International Protection of Children's Rights in Africa: the 1990 OAU Charter on the Rights and Welfare of the Child" 1992 *African Journal of International Comparative Law* 139

Bainham A "Changing Families and Changing Concepts: Reforming the Language of Family Law" 1998 *Child and Family Law Quarterly* 1

Barratt A "The Child's Rights to be Heard in Custody and Access Determinations" 2002 *Tydskrif vir Hedendaagse Romeins-Hollandse Reg* 556

Bekker JC and Van Zyl GJ "Application by Custodian Parent to Emigrate with Children Opposed. How should the best interests of the children be evaluated? *Jackson v Jackson* 2002 2 SA 303 (SCA)" 2003 *Tydskrif vir Hedendaagse Romeins-Hollandse Reg* 146

Bekker JC and Van Zyl GJ "Custody of Black Children on Divorce" 2002 *Obiter* 116

Bennett TW "The Best Interests of the Child in an African Context" 1999 *Obiter* 145

Bonthuys E "Accommodating Gender, Race, Culture and Religion: Outside Legal Subjectivity" 2002 *South African Journal of Human Rights* 41

Bonthuys E "Awarding Access and Custody to Homosexual Parents of Minor Children: A Discussion of *Van Rooyen v Van Rooyen* 1994 2 SA 325 (W)" 1994 *Stellenbosch Law Review* 298

Bonthuys E "Clean Breaks: Custody, Access and Parents' Rights to Relocate" 2000 *SAJHR* 486

Bonthuys E “Labours of Love: Child Custody and the Division of Matrimonial Property at Divorce” 2001 *Tydskrif vir Hedendaagse Romeins-Hollandse Reg* 192

Bonthuys E “Of Biological Bonds, New Fathers and the Best Interests of Children” 1997 *South African Journal of Human Rights* 622

Bonthuys E and Mosikatsana T “Law of Persons and Family Law: Islamic Marriages” 2002 *Annual Survey of South African Law* 158

Bonthuys E and Mosikatsana T “Law of Persons and Family Law – Law Reform: Children and Child Care” 2002 *Annual Survey of South African Law* 195

Boyd SB “Custody Wars and Family Fragments” 2002 *International Survey of International Law* 109

Brits JJ “Toegang tot Kinders Lesbianisme en die Konstitusie *Van Rooyen v Van Rooyen* 1994 2 SA 325 (W)” 1994 *Tydskrif vir Hedendaagse Romeins-Hollandse Reg* 710

Buchanan A and Bream V “Do Some Separated Parents who cannot Agree Arrangements for their Children Need a More Therapeutic Rather than a Forensic Service?” 2001 *Child and Family Law Quarterly* 353

Burman S, Derman L and Swanepoel L “Only for the Wealthy? Assessing the Future for Children of Divorce” 2000 *South Africa Journal of Human Rights* 535

Carter R “Grandparents: Rights or Responsibilities” 2001 *Child Right* 182

Chin-A-Fat B and Van Rooijen C “Oplossingen Voor Omgangs-Problematiek?” Sept 2004 *Familie-en-Jeugrecht* 226

Chirwa DM “The Merits and Demerits of the African Charter on the Rights and Welfare of the Child” 2002 *International Survey of Family Law* 157

Clark B “A ‘Golden Thread’? Some Aspects of the application of the standard of the best interest of the child in South African Family Law” 2000 *Stellenbosch Law Review* 3

Clark B “Competing Custody Rights: New Concepts of Family and the Best Interests of the Child” 1998 *Comparative and International Law Journal of South Africa* 288

Clark B “Custody: The Best Interests of the Child” 1992 *South African Law Journal* 391

Clark B “From Rights to Responsibilities? An overview of recent developments relating to the parent/child relationship in South African Common Law” 2002 *Comparative and International Law Journal of South Africa* 216

Clark B “Post-divorce Relocation by a Custodian Parent: Are Legislative Guidelines for the Exercise of Judicial Discretion Desirable?” 2003 *South African Law Journal* 80

Clark B “Should the Unmarried Father have an Inherent Right of Access to his Child? *Van Erk v Holmer* 1992 (2) SA 636 (W)” 1992 *South African Journal of Human Rights* 565

Clark B and Van Heerden B “Joint-Custody: Perspectives and Permutations” 1995 *South African Law Journal* 315

Crook H “*Troxel et vir v Granville* Grandparent Visitation Rights in the United States Supreme Court” 2001 *Child and Family Law Quarterly* 101

Crozier BD “Current Legal Developments: Botswana” 2003 *Comparative and International Law Journal of South Africa* 121

Daniels WCE “The Impact of the 1992 Constitution on Family Rights in Ghana” 1996 *Journal of African Law* 183

Davel CJ “*Petersen v Maintenance Officer Simon’s Town Maintenance Court* 2004 2 SA 56 (K) Onderhoudsverpligting van Grootouers aan Vaderskant ten opsigte van Buite-Egtelike Kleinkind – Herontdekking van Gemenereg of Grondwetlike Hervorming?” 2004 *De Jure* 381

Davel CJ “The African Charter on the Rights and Welfare of the Child, Family Law and Children’s Rights” 2002 *De Jure* 281

Davel CJ “The Delictual Accountability and Criminal Capacity of a Child: How Big can the Gap be? 2001 *De Jure* 604

Davel CJ and Boniface A “Cross-Border Relocation of Children and Custodial Parent *Jackson v Jackson* 2002 2 SA 303 (SCA)” 2003 *Tydskrif vir Hedendaagse Romeins-Hollandse Reg* 138

Davel CJ and De Kock P “In ‘n kind se beste belang” 2001 *De Jure* 272

De Jong M “Judicial Stamp of Approval for Divorce and Family Mediation in South Africa” 2005 *Tydskrif vir Hedendaagse Romeins-Hollandse Reg* 95

De Villiers F “The Rights of Children in International Law: Guidelines for South Africa” 1993 *Stellenbosch Law Review* 289

De Vos P “The Right of a Lesbian Mother to Have Access to Her Children: Some Constitutional Issues” 1994 *South African Law Journal* 687

Dickey A “Family Law” 2002 *Australian Law Journal* 288

Dickey A “Family Law: Is the Welfare of the Child the only consideration?” 1999 *Australian Law Journal* 717

Dickey A “Family Law: Recompense for Unjustified Payments for Support of a Child” July 2002 *Australian Law Journal* 417

Dickey A “Family Law: The Best Interests of a Child in a Non-Convention Abduction Case” 1999 *Australian Law Journal* 867

Dickey A “Step-children and the interrelationship between S 55A and S 66M” 2002 *Australian Law Journal* 224

Du Toit L “Integrating Care and Justice in South African Family Law: Dealing with Maternal and Paternal Vulnerabilities” 2002 *Tydskrif vir Suid-Afrikaanse Reg* 526

Duijst W “Teugdadvoctuur” February 2002 *Familie-en-Jeugdrecht* 50

Eckhard B “Toegangsregte tot Buite-Egtelike Kinders – Behoort die Wetgewer in te Gryp” 1992 (1) *Tydskrif vir Suid-Afrikaanse Reg* 122

Eekelaar J “The Emergence of Children’s Rights” 1986 *Oxford Journal of Legal Studies* 161

Eekelaar J “Parental Responsibility: State of Nature or Nature of the State?” 1991 *Journal of Social Welfare and Family Law* 37

Faris JA “Exploiting the Alternative in Alternative Dispute Resolution” 1994 *De Jure* 339

Ferreira S “Custodian parent wishes to emigrate with children *Godbeer v Godbeer* 2000 3 SA 976” 2001 *Codicillus* 65

Fombad CM “Customary Courts and Traditional Justice in Botswana: Present Challenges and Future Perspectives” 2004 *Stellenbosch Law Review* 166

Fombad CM “Protecting Constitutional Values in South Africa: A Comparison of Botswana and Cameroon” 2003 *Comparative and International Law Journal of South Africa* 82

French M and Hamilton C “Contact: Report on the Children’s Legal Centre Contact Dispute Line” 2000 *Child Right* 174

Glasser N “Can the Family Advocate Adequately Safeguard our Children’s Best Interests?” 2002 *Tydskrif vir Hedendaagse Romeins-Hollandse Reg* 76

Glasser N “Taking Children’s Rights Seriously” 2002 *De Jure* 223

Goldberg V “The Right of Access of a Father of an Extramarital Child: Visited Again” 1993 *South African Law Journal* 261

Goldberg V “The Right of Access of a Father of an Illegitimate Child: Further Reflections” 1996 *Tydskrif vir Hedendaagse Romeins-Hollandse Reg* 282

Goldblatt B “Regulating Domestic Partnerships – A Necessary Step in the Development of South African Family Law” 2003 *South African Law Journal* 610

Gollop MM, Smith AB and Taylor NJ “Children’s Involvement in Custody and Access Arrangements after Parental Separation” 2000 *Child and Family Law Quarterly* 383

Gubbels E “Erkenning van Kinderen in Ghana” April 2004 *Familie-en-Jeugdrecht* 90

Heaton J “Some General Remarks on the Concept 'Best Interests of the Child'” 1990 *Tydskrif vir Hedendaagse Romeins Hollandse Reg* 95

Henricson C “Governing Parenting: Is there a Case for a Statement of Parent’s Rights and Responsibilities?” 2003 *Child Right* 14

Henricson C “Parenting Orders: A Fair Deal for Parents?” 2003 *Child Right* 8

Hester M “One Step Forward and Three Steps Back? Children Abuse and Parental Contact in Denmark” 2002 *Child and Family Law Quarterly* 267

Hockley J “Maintenance and Chamberty” 2004 *Australian Law Journal* 240

Hoffmann W “Divorce Mediation and Custody Evaluation: Fundamental Differences” 1989 *Social Work (Maatskaplike Werk)* 105

Horak A de W “Om te Trou of Nie te Trou Nie – Besluit in *Van Erk v Holmer Aangeval*” 1992 *De Rebus* 515

Human S “Die Effek van Kinderregte op die Privaatregtelike Ouer-Kind Verhouding” 2000 *Tydskrif vir Hedendaagse Romeins-Hollandse Reg* 393

Human S “Kinderregte en Ouerlike Gesag: ‘n Teoretiese Perspektief” 2000 *Stellenbosch Law Review* 71

Human S “Teoretiese Oorwegings Onderliggend aan die Rol van die Staat in die Erkenning en Implementering van Kinderregte” 2000 *Tydskrif vir Regswetenskap* 123

Hutchings S “Reg van Toegang vir die Vader van die Buite-Egtelike Kind – Outomatiese Toegangsregte – Sal die Beste Belang van die Kind Altyd Seëvier? *Van Erk v Holmer* 1992 2 SA 636 (W)” 1993 *Tydskrif vir Hedendaagse Romeins-Hollandse Reg* 310

Jazbhay SA “Recent Constitutional Cases: Human Rights: Children’s Rights to Basic Nutrition, Shelter etc” June 2000 *De Rebus* 45

Kassan D “The Voice of the Child in Family Law Proceedings” 2003 *De Jure* 164

Knoetze E “Custody of a Black Child *Hlophe v Mahlalela* 1998 1 SA 449 (T)” 1999 *Obiter* 207

Knoetze E “The Role of Custom in the Interpretation of the Child’s ‘Best Interests’ Principle” 2002 *Obiter* 348

Kormos H “Grootouder en Kleinkind: Met Recht Een Paar Apart” 1994 *Familie-en-Jeugdrecht* V11

Krause HD and Meyer DD “What Family for the 21st Century” 2002 *American Journal of Comparative Law* 101

Kruger H “The Legal Nature of Parental Authority” 2003 *Tydskrif vir Hedendaagse Romeins-Hollandse Reg* 277

Kruger JM “Emigration by a Custodian Parent after Divorce” 2001 *Tydskrif vir Hedendaagse Romeins-Hollandse Reg* 452

Kruger JM “Enkele opmerkings oor die bevoegdheid van die Hooggeregshof as oppervoog van minderjariges om in te meng met ouerlike gesag” 1994 *Tydskrif vir Hedendaagse Romeins- Hollandse Reg* 304

Kruger JM, Blackbeard M and De Jong M “Die Vader van die Buite-Egtelike Kind se Toegangsreg *S v S* 1993 2 SA 200 (W)” 1993 *Tydskrif vir Hedendaagse Romeins-Hollandse Reg* 696

Labuschagne E “Die Hooggeregshof as Oppervoog van Minderjariges – 'n Historiese Perspektief” 1992 *Tydskrif vir Suid-Afrikaanse Reg* 353

Labuschagne JMT “Bestaan Daar 'n Behoeftte aan Strafregtelike Beskerming van die Gesin en van Intieme Assosiasies?” 2002 *Obiter* 233

Labuschagne JMT “Hoge Raad 25 Junie 1993 NJ 1993 628 Omgangsreg van Grootmoeder met Kleinkind” 1994 *De Jure* 422

Labuschagne JMT “Sekstoerisme, die Kind se Reg op Waardigheid en Vrye Psigoseksuele Ontplooiing en Kulturele en Ekonomiese Magmisbruik” 2000 *Tydskrif vir Hedendaagse Romeins-Hollandse Reg* 264

Labuschagne JMT, Bekker JC and Van Zyl GJ “Parental Rights to Participate in a Child’s Personality Development and its Religious and Moral Upbringing and the Child’s Right to Freedom of Choice: Observations on the Field of Tension Caused by the Irrational in a Human Rights Dispensation” 2004 *Obiter* 41

Labuschagne JMT and Van der Linde A “Omgangsreg (toegangsreg) van Siblinge Onderling, Verwyderde Verwante en Sosiale Ouers met Minderjarige Kinders” 2003 *De Jure* 344

Labuschagne JMT and Van der Linde A “Sosiale Toegangsreg van Grootouer en Kleinkind” 2002 *Stellenbosch Law Review* 415

Larsen M “*Lawrence v Texas* and Family Law: Gay Parent’s Constitutional Rights in Child Custody Proceedings” 2004 *Annual Survey of American Law* 53

Loyd L “How to Guarantee Credence: Recommendations and Proposals for the African Committee of Experts on the Rights and Welfare of the Child” 2004 *International Survey of Family Law* 21

Lloyd A “Evolution of the African Charter on the Rights and Welfare of the Child and the African Committee of Experts: Raising the Gauntlet” 2004 *International Journal of Children’s Rights* 179

Louw A “Adoption Rights of Natural Fathers with Reference to *T v C* 2003 2 SA 298 (W)” 2004 *Tydskrif vir Hedendaagse Romeins-Hollandse Reg* 103

Louw A "The Power of a Custodian to Remove a Child from the Same Country after Divorce: Some Comments" 2003 *De Jure* 115

Lloyd A "Report of the Second Ordinary Session of the African Committee of Experts on Rights and Welfare of the Child 2003 *African Human Rights Law Journal* 329

Mahomed A "Case Notes : *Ryland v Edros* [1996] 4 All SA 557 (C)" 1997 *De Rebus* 189

Maithufi IP "Children, Customary Law and the Constitution" 1999 *Obiter* 198

Maithufi IP "The Recognition of the Customary Marriages Act of 1998 and its impact on Family Law in South Africa" 2002 *Comparative and International Law Journal of South Africa* 182

Maithufi IP and Bekker JC "The Dissolution of Customary Marriages in South Africa" 2001 *Obiter* 258

Maripe B "The Recognition and Enforcement of Children's Rights in Domestic Law: An Assessment of the Child Protection Laws in Botswana in Light of Prevailing International Trends" 2001 *International Survey of Family Law* 339

Masson J "Thinking About Contact – a Social or a Legal Problem?" 2000 *Child and Family Law Quarterly* 15

Matthias C and Zaal N "Local Government Responsibilities for Children Revisited: An Evaluation of the Approach taken in the 2002 draft Children's Bill" 2003 *South African Law Journal* 477

McGlynn C "The Europeanisation of Family Law" 2001 *Child and Family Law Quarterly* 35

Munene AW "The Bill of Rights and Constitutional Order: A Kenyan Perspective" 2002 *AHRLJ* 135

Nhlapo RT "South African Family Law at the Crossroads: From Parliamentary Supremacy to Constitutionalism" 1994 *International Survey of Family Law* 419

Odongo GO “The Domestication of International Standards on the Rights of the Child: a Critical and Comparative Evaluation of the Kenyan Example” 2004 *International Journal of Children’s Rights* 419

Ohannessian T and Steyn M “To see or not see? – That is the Question (the Right of Access of a Natural Father to His Minor Illegitimate Child)” 1991 *Tydskrif vir Hedendaagse Romeins-Hollandse Reg* 254

Palmer A “The Best Interests Criterion: An Overview of its Application in Custody Decisions Relating to Divorce in the Period 1985–1995” 1996 *Acta Juridica* 98

Pieterse M “*In Loco Parentis*: Third Party Parenting Rights in South Africa” 2000 *Stellenbosch Law Review* 324

Pieterse M “Reconstructing the Private/Public Dichotomy? The Enforcement of Children’s Constitutional Social Rights and Care Entitlements” 2003 *Tydskrif vir Hedendaagse Romeins-Hollandse Reg* 1

Raitt FE “Judicial Discretion and Methods of Ascertaining the Views of a Child” 2004 *Child and Family Law Quarterly* 151

Robinson JA “An Introduction to the International Law on the Rights of the Child Relating to the Parent-Child Relationship” 2002 *Stellenbosch Law Review* 309

Robinson JA “An Overview of the Provisions of the South African Bill of Rights with Specific Reference to its Impact on Families and Children Affected by the Legacy of Apartheid” 1995 *Obiter* 99

Robinson JA “Die Beste Belang van die Kind by Egskeiding – Enkele Gedagtes na Aanleiding van *McCall v McCall* 1994 3 SA 201 (K) 1995 *Tydskrif vir Hedendaagse Romeins-Hollandse Reg* 472

Robinson JA “Enkele Gedagtes oor die Komitee van die Regte van die Kind” 2002 *Tydskrif vir Hedendaagse Romeins-Hollandse Reg* 600

Robinson JA “Moderne Ontwikkelinge in die Duitse Reg Aangaande die Regsposisie van Buite-egtelike Kinders: Enkele Lesse vir Suid-Afrika” 1999 *De Jure* 259

Robinson JA “Multi-kulturaliteit en die Familiereg: Enkele Gedagtes oor die Posisie in Nieu Seeland” 1996 *Stellenbosch Law Review* 210

Robinson JA “The Child’s Right to Parental and Family Care: Some Brief Remarks” 1998 *Obiter* 329

Robinson JA and Ferreira GM “Die Reg van die Kind om Gehoor te Word: Enkele Verkennende Perspektiewe op die VN Konvensie oor die Regte van die Kind (1989)” 2000 *De Jure* 54

Robinson JA and Wessels CM “Die Rol van die Geslag van die Ouer by Beheer en Toesig Bevele *Van der Linde v Van der Linde* 1996 3 SA 509 (O)” 1998 *Obiter* 187

Rosen R “Is There Any Real Basis for the Preference Accorded to Mothers as Custodial Parents?” 1978 *South African Law Journal* 246

Rosen R “Notes and Comments Access: Expressed Feelings of Children of Divorce on Continued Contact with the Non-Custodial Parent” 1977 *South African Law Journal* 342

Saunders H “Child Contact and Domestic Violence” 1999 *Child Right* 156

Schäfer I “Joint Custody” 1987 *South African Law Journal* 149

Schofield G “Making Sense of the Ascertainable Wishes and Feelings of Insecurely Attached Children” 1998 *Child and Family Law Quarterly* 363

Singh D “*Kougianos v Kougianos* on Appeal” 1996 *South African Law Journal* 701

Singh D “The Non-Custodian Parent’s ‘Right of Access’: A Note to the Complacent” 1996 *South African Law Journal* 170

Sloth-Nielsen J “Children’s Rights in the South African Courts: An Overview Since Ratification of the UN Convention on the Rights of the Child” 2002 *International Journal of Children’s Rights* 137

Sloth-Nielsen J “New Child Care and Protection Legislation” 1997 *Stellenbosch Law Review* 262

Sloth-Nielsen J “Ratification of the United Nations Convention on the Rights of the Child: Some Implications for South African Law” 1995 *South African Law Journal* 104

Sloth-Nielsen J “The Child’s Right to Social Services, the Right to Social Security and the Primary Prevention of Child Abuse: Some Conclusions in the Aftermath of *Grootboom*” 2001 *South African Journal of Human Rights* 210

Sloth-Nielsen J “The Rights and Responsibilities of Parents – Guiding Principles” May/April 2005 *Children First* 20

Sloth-Nielsen J and Van Heerden B “New Child Care and Protection Legislation for South Africa? Lessons from Africa” 1997 *Stellenbosch Law Review* 3

Sloth-Nielsen J and Van Heerden B “Proposed Amendments to the Child Care Act and Regulations in the Context of Constitutional and International Law Developments in South Africa” 1996 *South African Journal of Human Rights* 247

Sloth-Nielsen J and Van Heerden B “Putting Humpty Dumpty Back Together Again: Towards Restructuring Families and Children’s Lives in South Africa” 1998 *South African Law Journal* 156

Sloth-Nielsen J and Van Heerden B “The Child Care Amendment Act 1996: Does it Improve Children’s Rights in South Africa?” 1996 *South African Journal of Human Rights* 649

Soni R “The Right of Reasonable Access by a Non-Custodian Parent” 1976 *South African Law Journal* 383

Spiro E “The Legal Position of Minors without Parents” 1956 *Tydskrif vir Hedendaagse Romeins-Hollandse Reg* 90

Spiro E “The Nearly Adult Minor” 1976 *South African Law Journal* 200

Spiro E “Women as Guardians” 1956 *Tydskrif vir Hedendaagse Romeins-Hollandse Reg* 215

Tapsfield R “Family Group Conferences: Family-Led Decision Making” April 2003 *Child Right* 16

Tobin J “Increasingly Seen and Heard: The Constitutional Recognition of Children’s Rights” 2005 *South African Journal of Human Rights* 87

Tshiki P “Precedent, *stare decisis* and the Constitution: Does S 173 Read with S 39(2) of the Constitution Exclude the Operation of the Doctrine of *Stare Decisis*?” October 2004 *De Rebus* 55

Van Bueren G “The International Protection of Family Members Rights as the 21st Century Approaches” 1995 *Human Rights Quarterly* 732

Van de Werk MB “Eenige Beginselen van Nederlandsch Kinderrecht” 1939 *Tydskrif vir Hedendaagse Romeins-Hollandse Reg* 27

Van der Linde A “Access to Children: Involvement of the Unmarried Natural Father in the Decision-Making Process – A European Perspective” 2003 *Obiter* 163

Van der Linde A “Hoge Raad 19 Mei 2000, NJ 2000 545 Omgangsreg van Biologiese Vader met Sy Nie-Erkende Natuurlike Kind – Bestaan van ‘n ‘Gesinslewe’ as Vereiste – Nuutste Ontwikkeling” 2001 *De Jure* 185

Van der Linde A “Reg op Inligting van Ouers en hul Minderjarige Kinders” 2002 *Obiter* 338

Van der Linde A and Davel CJ “Die Suid-Afrikaanse Regskommissie se Aanbevelings Rakende Ouerlike Verantwoordelikhede en die Ongetroude Vader: Ophelderinge Vanuit die Nederlandse Reg” 2002 *Obiter* 162

Van der Linde A and Labuschagne JMT “Strafregtelike Aanspreeklikheid Weens die Skending van ‘n Omgangsreg van ‘n Ouer met sy/haar Kind deur die Ander Ouer” 2001 *Obiter* 153

Van Heerden B and Clark B “Parenthood in South African Law – Equality and Independence? Recent Developments in the Law Relating to Guardianship” 1995 *South African Law Journal* 140

Van Marle K “To Revolt Against Present Sex and Gender Images: Feminist Theory; Feminist Ethics and a Literacy Reference” 2004 *Stellenbosch Law Review* 247

Van Niekerk G “The Convergence of Legal Systems in Southern Africa” 2002 *Comparative and International Law Journal of South Africa* 308

Van Onselen D “Tuff – the Unmarried Father’s Fight” 1991 *De Rebus* 499

Van Raak-Kuiper J “Mediation en Rechterlijke Bemiddeling in Familiezaken” February 2002 *Familie-en-Jeugdrecht* 43

Van Rooyen G “Non-Custodian Parent’s Rights to Children: Some Comments on the Application of the General Law Further Amendment Act 93 of 1962 in the Criminal Law Protection of Non-Custodian Parent’s Rights to their Children” February 2000 *De Rebus* 23

Van Schalkwyk LN “Bewaring en Toesigbevele van Minderjarige Kinders by Egskeiding: Faktore. *Ex parte Critchfield* 1999 3 SA 132 (W)” 2000 *Tydskrif vir Hedendaagse Romeins-Hollandse Reg* 295

Van Schalkwyk LN “Law Reform and the Recognition of Human Rights Within the South African Family Law with Specific Reference to the Recognition of Customary Marriages Act 120 of 1990 and Islamic Marriages” 2003 *De Jure* 289

Van Schalkwyk LN and Van der Linden A “Onderhoudspilig van Stiefouer *Heystek v Heystek* 2002 2 SA 754 (T)” 2003 *Tydskrif vir Hedendaagse Romeins-Hollandse Reg* 301

Van Wyk F “Voogdyskap oor Kinders en die Reg om ‘n Plaasvervangend Voog aan te wys” April 2000 *De Rebus* 29

Vared MA "Should the Question: What is in a Child's Best Interest? Be Judged According to the Child's own Cultural and Religious Perspectives? The Case of the Muslim Child" 1999 *Comparative and International Law Journal of South Africa* 364

Viljoen F "Supra-National Human Rights Instruments for the Protection of Children in Africa: The Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child" 1998 *Comparative and International Law Journal of South Africa* 199

Visser PJ "Enkele gedagtes oor fundamentele regte en die familiereg" 1995: *Tydskrif vir Hedendaagse Romeins-Hollandse Reg* 702

Wabwile MN "Rights Brought Home? Human Rights in Kenya's Children Act 2001" 2005 *International Survey of Family Law* 393

Wolhunter L "Balancing the Scales – Access by a Natural Father to His Extra-Marital Child" 1997 *Stellenbosch Law Review* 65

Zaal N "When Should Children be Legally Represented in Care Proceedings? An Application of section 28(1)(h) of the 1996 Constitution" 1997 *South African Law Journal* 334

Zaal N and Skelton A "Providing Effective Representation for Children in a New Constitutional Era: Lawyers in the Criminal and Children's Courts" 1998 *South African Journal of Human Rights* 539

INTERNET

Accra Mail "Ghana: Workshop to Assess Act Underway" 6 September 2006 <<http://allafrica.com/stories/20060906110/.html>> accessed on 2006-10-06

Allsopp A "The Children's Bill has lost its soul" August 2003 *Child and Youth Care* <<http://wwwcyc-netorg/features/ft-SA-childpilleditorial.html>> accessed on 2004-01-17

Bower C and Proudlock P “Bill Needs to be Kept on Everyone’s agenda” June/July 2003 *Children First* <<http://www.childrenfirst.org.za/shownews?mode=contentandid=16927&refto=2536&P...>> accessed 2006-05-12

Butterworths Legal Resources:

<<http://butterworths/butterworthslegal/pext.d11/lpflib/famlwser/info/abb/c70/c7>> accessed on 2005-03-08

<<http://butterworths/butterworthslegal/pext.d11/lpflib/famlwser/info/abb/c70/do>> accessed on 2005-03-08

<<http://butterworths/butterworthslegal/pext.d11/lpflib/famlwser/info/abb/c70/d4>> accessed on 2005-03-08

<<http://butterworths/butterworthslegal/pext.d11/lpflib/famlwser/info/abb/c70/db>> accessed on 2005-03-08

Burckhardt J “The civilization of the Renaissance in Italy” translated by Middlemore SGC (1878) <www.idbsu.edu/courses/by309/docs/burokhardt/burchardt.html> accessed on 2005-03-08

“Cabinet Issues Warning on Same Sex Marriage Bill” Mail and Guardian online <<http://www.mg.co.za/articlePage.aspx=284611&area=/breakingnews/breakingnews-national>> accessed on 2006-09-12.

Church J “Case note: same-sex marriage – a matter of procedure?” <http://www.derebus.org.za/scripts/derebus_s.pl?id=68926&index=current_lawreps&hit> accessed on 2003-05-21

“Children’s Bill tabled” <http://www.news24.com/news24/South-Africa/politics/0,2-7-12_1445517,00htm> accessed on 2004-01-17

Clark B, Driver SCH, Glover GB, Goolam NMI, Joubert D, Kerr AJ and Ment L “Family law service” <[http://butterworths.uwc.ac.za/nxt/gateway.dll?f=templates\\$fn=default.htm\\$vid=myLNB:10.1048/Enu](http://butterworths.uwc.ac.za/nxt/gateway.dll?f=templates$fn=default.htm$vid=myLNB:10.1048/Enu)> accessed 2005-03-08

Community Law Centre “Report on Children’s Rights: Children and the Creation of a New Children’s Act for South Africa” 2001 Community Law Centre, University of the Western Cape <<http://www.communitylawcentre.org.za/children/report-on-children’s-rights.doc>> accessed on 2006-05-10

<[http://www.derebus.org.za/scripts/derebus_spl?ip=4714&index=199811_articles&hit...>](http://www.derebus.org.za/scripts/derebus_spl?ip=4714&index=199811_articles&hit...)
accessed on 2005-03-08

<[http://www.derebus.org.za/scripts/derebus_spl?ip=4714&index=199910_articles&hit...>](http://www.derebus.org.za/scripts/derebus_spl?ip=4714&index=199910_articles&hit...)
accessed on 2005-03-08

<[http://www.derebus.org.za/scripts/derebus_spl?ip=4714&index=200010_articles&hit...>](http://www.derebus.org.za/scripts/derebus_spl?ip=4714&index=200010_articles&hit...)
accessed on 2005-03-08

<[http://www.derebus.org.za/scripts/derebus_spl?ip=4714&index=200104_lawreps&hit...>](http://www.derebus.org.za/scripts/derebus_spl?ip=4714&index=200104_lawreps&hit...)
accessed on 2005-03-08

<[http://www.derebus.org.za/scripts/derebus_spl?ip=4714&index=200101_update&hit...>](http://www.derebus.org.za/scripts/derebus_spl?ip=4714&index=200101_update&hit...)
accessed on 2005-03-08

<[http://www.derebus.org.za/scripts/derebus_spl?ip=31100&index=199812_articles&hit...>](http://www.derebus.org.za/scripts/derebus_spl?ip=31100&index=199812_articles&hit...)
accessed on 2005-03-08

Gillwald C Deputy Minister for Justice and Constitutional Development Address at the Training Workshop for Justice Centre Staff on Legal Representation for Children, Centurion Lake Hotel 30 May 2001 <<http://www.info.gov.za/speeches/2001/010709345p1001.htm>> accessed on 2006-05-03

Gose M “The African Charter on the Rights and Welfare of the Child” 2002 Publication of the Children’s Rights Project, Community Law Centre, University of the Western Cape <www.communitylawcentre.org.za/children/publications/african_charter.pdf> accessed on 2006-05-03

Hole P “Separations without divorce: The law must change to protect non-custodian parents and their children”

<[http://www.derebus.org.za/scripts/derebus_spl?id=4714&index=200010_articles&hit...>](http://www.derebus.org.za/scripts/derebus_spl?id=4714&index=200010_articles&hit...)
accessed on 2003-05-02

Human Rights Monitor No 26 May 2002 “Children’s Rights in Zimbabwe” <<http://www.hrformzim.com/monitor/hrm26.htm>> accessed on 2004-10-12

“It wasn’t about the money” <<http://www.news24.com/South-Africa/News/0,,2-7-1442-1908702,00.html>> accessed on 2006-03-31

Irinews

<<http://www.irinews.org/report.asp?ReportID=52673&SelectRegion=EastAfrica&SelectCountry=Uganda>> accessed on 2006-10-08

Irin O “Zimbabwe: Reform of birth registration law urged” <[http://www.irinnews.org/report.asp?reportID=423388&select region=Southern Africa&S...](http://www.irinnews.org/report.asp?reportID=423388&select%20region=Southern%20Africa&S...)> accessed on 2004-10-12

Kenya Constitution <<http://www.kenyaconstitution.org/docs/03cd001.html>> accessed on 2006-07-10

“Kenya, Republic of” <<http://www.law.emory.edu/IFL/legal/kenya.html>> accessed on 2004-08-28

Koome A “Spare a Thought for the Fatherless Child” 2002-08-20 *Daily Nation on the Web* <<http://www.nationaudio.com/News/DailyNation/20082002/Comment/Comment23.html>> accessed on 2006-05-10

Laird S “The 1998 Children’s Act: Problems of Enforcement in Ghana” <<http://bjsw.oxfordjournals.org/cgi/content/abstract/32/7/893>> accessed on 2006-10-06

Lawrence BJ “From California to Ghana: An International Perspective” <http://www.protect.org/California/sb33WhatItMeanstoChildren_Lawrence.html> accessed on 2006-10-06

<<http://www.lcweb.oc.gov/exhits/vatican/humanism.html>> accessed on 2005-03-08

Legal Brief Today South Africa: “Family, Court Allows Children Input on Parental Access” (11 February 2004) from <legalbrief@legalbrief.co.za> accessed on 2004-02-11

Legal Brief Today South Africa: “General: Customary Marriage Act Unconstitutional, Court Rules” (21 September 2006) from <legalbrief@legalbrief.co.za> accessed on 2006-09-21

Legal terms <<http://www.legal-term.com/child.custody-definition.html>>accessed on 2004-02-28

Letsie K “Statement: 27th Special Session of the UN General Assembly on Children” New York (8 May 2002) <<http://www.un.org/ga/children/lesothoE.html>> accessed on 2006-10-06

Loffell J South African Child Bill editorial <<http://www.cyc-net.org/features/ft-SAchildbilleditorial/html>> accessed on 2004-01-17

Maclemaan B “Children’s Bill Approved by Assembly” 2005-10-21 *Mail and Guardian online* <http://www.mg.co.za/articlepage.aspx?area=/breaking_news/breaking_news_nationa...> accessed on 2005-10-21

Mahama AA “Statement: 27th Session of UN General Assembly on Children” New York (8 May 2002) <<http://www.un.org/ga/children/ghanaE.htm>> accessed on 2006-10-06

Museuneni YK “Statement: On Occasion of the Special Session of the General Assembly on Children” New York (8 May 2002) <<http://www.un.org/ga/children/UgandaE.htm>> accessed on 2006-10-09

Myburgh E “Children’s Bill – the Road Ahead” *Children First* <<http://www.childrenfirst.org.za/shownews?mode=content&id=22207&refto=4323>> accessed on 2006-05-12

Naripokkho “Establishment of Women’s Rights Regarding Guardianship of Children” <<http://www.kit.nl/gcg/html/claimingcitizenshipprojects.asp>> accessed on 2006-05-01

Pahad E “Statement to the UN General Assembly Special Session on Children” 8 May 2002 <<http://www.un.org/ga/children/saE.html>> accessed on 2006-10-09

Proudlock P “Bill Needs to be Kept on Everyone’s Agenda” *Children First* <<http://www.childrenfirst.org.zashownews?mode=content&id=16927&refto=2536&P...>> accessed on 2006-06-12

Proudlock P “Children’s Bill – the Road Ahead” July/August 2004 *Children First* <<http://www.Childrenfirst.org.za/shownews?mode=content&id=22207&ref=4323>> accessed on 2006-05-12

Robinson JA *Law of Children and Young Persons* <[http://butterworths.wc.ac.za/nxt/gateway.ll?f=templates\\$fn=default.htm\\$vid=myLNB:10.1048/Enu](http://butterworths.wc.ac.za/nxt/gateway.ll?f=templates$fn=default.htm$vid=myLNB:10.1048/Enu)> accessed on 2005-03-08

“Social Cohesion Requires Stronger Partnerships with NGO Sector Says Minister Skweyiya” 11 April 2005 <<http://www.info.gov.za/speeches/2005/05041209151008.htm>> accessed on 2006-04-10

Saitoti G “Statement: at the General Debate of 27th Special Session of General Assembly on Children” New York (8 May 2002) <<http://www.un.org/ga/children/Kenya/E.htm>> accessed on 2006-10-09

Skweyiya Z Minister of Social Development, Speech to the International Conference of Families, Durban 1 March 2005 <<http://www.info.gov.za/speeches/2005/05030208451003.htm>> accessed on 2006-05-08

Twum-Danso A “Protecting Children’s Rights” *Pambazuka Newsletter* <<http://www.Pambazuka.org>> accessed on 2006-09-28

UN Document “Concluding Observations of the Committee on the Rights of the Child, Ghana” CRC/C/15/Add.73(1997) <<http://www1.umn.edu/humanrts/crc/ghana1997.html>> accessed on 2006-10-06

UNHCR <[http://www.unhcr.ch/tbs/doc.nsf/o/8f6/367a61fee/cec/256d/2003031365/\\$FILE/GO340678.pdf](http://www.unhcr.ch/tbs/doc.nsf/o/8f6/367a61fee/cec/256d/2003031365/$FILE/GO340678.pdf)> accessed on 2006-09-19

NEWSPAPERS, MAGAZINES AND PRESS RELEASES

De Bruin P “Grondwet-hof moet besluit of kind na VSA moet gaan” *Beeld* (11 Februarie 1994)
9

Northern Ireland Court Service Press Release “Learning About the Courts – Launch of a New Website” (23 February 2005)

Venter Z “Ruling a triumph for kid’s rights” *Pretoria News* (23 June 2004)

Van Wyk M “Ons nuwe gesinne” *Sarie* (Augustus 2003) pg 50

DICTIONARIES

Bell’s South African Legal Dictionary, Milner, Cooper and Burne (1951) Butterworths, Durban

Dictionary of Legal Words and Phrases, Claassen CJ Vol 1–4 (1997) Butterworths, Durban

Oxford Advanced learner’s dictionary, Cowie AP (ed) (1989) Oxford University Press, Oxford

Sisson’s South African Judicial Dictionary, Raftesath GI (1960) Butterworths, Durban

Trilingual Legal Dictionary, Hiemstra VG and Gonin HL (1986) Juta, Cape Town

INTERNATIONAL AND REGIONAL DOCUMENTS

Additional Protocol to the American Convention on Human Rights: Economic, Social and Cultural Rights (Protocol of San Salvador) (1988)

African Charter on Human and People’s Rights (1981)

African Charter on the Rights and Welfare of the Child (1990)

American Convention on Human Rights (1969)

American Declaration on the Rights and Duties of Man (1948)

Convention on Contact Concerning Children, European Treaty series no 192
<<http://conventions.col.int/treaty/EN/cadpenapal.htm>> (December 2004) 2005

Declaration of Family Rights (1994)

Declaration on Social Progress and Development (1969)

Declaration on the Rights of Disabled Persons (1975)

Declaration on the Rights of Mentally Retarded Persons (1971)

European Convention for the Protection of Human Rights and Fundamental Freedoms (1950)

International Convention on Economic, Social and Cultural Rights (1966)

United Nations Convention on the Rights of the Child (1989)

Universal Declaration of Human Rights (1948)

World Declaration on the Survival, Protection and Development of children (1990)

REPORTS, PUBLIC HEARINGS, DISCUSSION PAPERS AND WORKING PAPERS

Commission on Gender Equality "Submission to the Select Committee on Social Services Children's Bill [B70B-2003]" 1 October 2005

Conference Report "Towards Redrafting the Child Care Act" 1996 Community Law Centre, University of the Western Cape

Initial Country Report South Africa "Convention on the Rights of the Child" November 1997

Jamieson L and Proudlock P (eds) "Children's Amendment Bill: Progress Update" 15th September 2006 Children's Institute, University of Cape Town

Jamieson L and Proudlock P (eds) "Children's Bill Progress Update" 13 March 2006 Children's Institute, University of Cape Town

Jamieson L and Proudlock P (eds) "Children's Bill Progress Update: Report on Amendments made by the Portfolio Committee on Social Development" 27 June 2005 Children's Institute, University of Cape Town

Media statement by the South African Law Commission in Regard to its Investigation Concerning the Granting of Visitation Rights to Grandparents of Minor Children (28 February 1996)

Media statement by the South African Law Commission on the Release of the Discussion Paper on the Review of the Child Care Act, Project 110 (09 December 2001)

Proudlock P "Submission Number 1 on the Children's Rights Chapter of the Children's Bill" 27 July 2004 Children's Institute, University of Cape Town

Proudlock P, Giese S, Guthrie T, Berger J and Hardy C "Submission on the Child Care Act Discussion Paper: Submission to the South African Law Commission" April 2002 University of Cape Town

Proudlock P and Rosa S "Submission Number 2 on the Children's Bill" 27 July 2004 Children's Institute, University of Cape Town

Report of the Law Commission on the Children's Bill: 21 January 2003

Social Development Portfolio Committee "Child Care Act Review: Briefing by South African Law Commission" (6 June 2001) <<http://www.pmg.org.za/>> accessed on 2004-09-04

Social Development Portfolio Committee "Children's Bill: Briefing" (05 August 2004) <<http://www.pmg.org.za/>> accessed on 2004-09-04

Social Development Portfolio Committee "Children's Bill: Hearings" (12 August 2004) <<http://www.pmg.org.za/>> accessed on 2004-09-04

Social Development Portfolio Committee "Children's Bill: Public Hearings" (11 August 2004) <<http://www.pmg.org.za/>> accessed on 2004-09-04

South African Law Commission, Discussion Paper 103, Project 110 White Paper: “Review of the Child Care Act” (07 December 2002)

South African Law Commission, Discussion Paper, Project 110 “Review of the Child Care Act: Executive summary” (28 February 2002)

South African Law Commission, Discussion Paper, Project 110 “The Parent-Child Relationship” (1999)

South African Law Commission, Issue Paper 13, Project 110 “The Review of the Child Care Act” First issue paper (18 April 1998)

South African Law Commission Report, Project 79 “A Father’s Rights in Respect of His Illegitimate Child” (July 1994)

South African Law Commission Report, Project 90 “Customary Law Report on Traditional Courts and the Judicial Function of Traditional Leaders” (21 January 2003)

South African Law Commission Report, Project 100 “Access to Minor Children by Interested Persons” (June 1996)

South African Law Commission, Working Paper 7, Project 38 “Investigation into the legal position of illegitimate children” (1984)

South African Law Commission, Working Paper 62, Project 100 “The Granting of Visitation Rights to Grandparents of Minor Children” (1996)

THESES AND DISSERTATIONS

Human CS *Die Invloed van die Begrip Kinderregte op die Privaatregtelike Ouer-Kind Verhouding in die Suid-Afrikaanse Reg* (LLD Thesis 1998 University of Stellenbosch)

Mare C *Gesinspolitiek en die Ouer-Kind Verhouding: Verhandeling* (LLM Thesis 1996 Potchefstroom University)

Van der Linde A *Grondwetlike Erkenning van Regte te Aansien van die Gesin en Gesinslewe met Verwysing na Aspekte van Artikel 8 van die Europese Verdrag vir die Beskerming van die Regte en Vryhede van die Mens* (LLD Thesis 2001 University of Pretoria)

Woodrow C *International Children's Rights: An Introduction to Theory and Practice* (LLM Dissertation Loyola University of Chicago 2001)

UNPUBLISHED WORKS

Kimane I "Protecting Orphaned Children Through Legislation: The Case of Lesotho" Paper Presented at the 4th World Congress on Family Law and Children's Rights 20th-23rd March 2005, Cape Town

Sloth-Nielsen J "Changing Family Relationships in the Proposed New Children's Statute" 2002 Unpublished Class Notes for the LLM (Child Law) Course University of Pretoria

Sloth-Nielsen J "Harmonisation of National Laws and Policies: Lesotho" 2006 Unpublished Article

Van der Linde A "Extent of State's duty to Secure Reunion of Parent and Child – A European Perspective" 2004 Unpublished Article

Van der Linde A "The Parent-Child Relationship" University of Pretoria 2002 Unpublished Class Notes for the LLM (Child Law)

OTHER DOCUMENTS

Northern Ireland Court Services Booklet *Guidelines: Children and the Family Courts (The Children (NI) Order 1995)* copy on file with the author

TABLE OF CASES

South Africa

Abrahams v Abrahams 1981 3 SA 593 (B)

Allan v Allan 1959 3 SA 473 (SR)

Allsop v McCann 2001 2 SA 706 (C)

Amod v Multilateral Motor Vehicle Accidents Fund (Commission for Gender Equality Intervening) 1999 4 SA 1319 (SCA)

B v B 1999 2 All SA 289 (SCA)

B v P 1991 4 SA 113 (T)

B v S 1993 2 SA 211 (W)

B v S 1995 3 SA 571 (A)

Baart v Malan 1990 2 SA 862 (E)

Bailey v Bailey 1979 3 SA 128 (A)

Bam v Bhabha 1947 4 SA 798 (A)

Bannatyne v Bannatyne (Commission for Gender Equality as amicus curiae) 2003 2 BCLR 111 (CC), 2003 2 SA 363 (CC)

Barnard v Miller 1963 4 SA 426 (C)

Barnes v Union and South West Africa Insurance Co Ltd 1977 3 SA 502 (E)

Bethell v Bland 1996 2 SA 194 (W)

Bhe and Others v Magistrate, Khayelitsha and Others 2005 1 SA 580 (CC)

Bloem v Vucinovich 1946 AD 501

Bongers v Bongers en 'n ander 1965 2 SA 82 (O)

Botes v Daly 1976 2 SA 215 (N)

Burse v Bursey 1997 4 All SA 580 (E)

Burse v Bursey 1999 3 SA 33 (SCA)

Byliefeldt v Redpath 1982 1 SA 702 (A)

Calitz v Calitz 1939 AD 56

Carelse v Estate De Vries 1906 23 SC 532

Carmichele v Minister of Safety and Security 2001 4 SA 938 (CC)

Ceronio v Snyman 1961 4 SA 294 (W)

Chamani v Chamani 1979 4 SA 804 (W)

Chodree v Vally 1996 2 SA 28 (W)

Christian Education South Africa v Minister of Education 1999 9 BCLR 951 (SE)

Christian Education South Africa v Minister of Education 2000 10 BCLR 105 (CC)

Christian Education South Africa v Minister of Education of the Government of the RSA 2003 3 BCLR 277 (C)

Clement v Clement 1961 3 SA 861 (T)

Clutton v Clutton 1929 EDL 174

Coetzee v Meintjies 1976 1 SA 257 (T)

Cook v Cook 1937 AD 154

Corris v Corris 1997 2 SA 930 (W)

D v K 1997 2 BCLR 209 (N)

Daniels v Campbell NO 2004 5 SA 331 (CC)

Dann v Dann 1968 1 PH B3 (D)

Dauids v Dauids 1991 4 SA 191 (W)

Dawn v Dawn 1968 1 PH B3 (D)

Dawood; Shalabi; Thomas v Minister of Home Affairs 2000 1 SA 997 (C)

Dhanabakium v Subramanian 1943 AD 160

Dionisio v Dionisio 1981 3 SA 149 (ZA)

Docrat v Bhayat 1932 TPD 125

Douglas v Douglas 1996 2 All SA 1 (A)

Douglas v Mayers 1987 1 SA 910 (Z)

Dreyer v Lyte-Mason 1948 2 SA 245 (W)

Du Preez v Conradie 1990 4 SA 46 (B)

Du Preez v Du Preez 1969 3 SA 529 (D)

Du Toit v Minister of Welfare and Population Development 2003 2 SA 198 (CC), 2002 10 BCLR 1006 (CC)

Duncombe v Willies 1982 3 SA 311 (D)

Dunsterville v Dunsterville 1966 NPD 594

Edelstein v Edelstein NO 1952 3 SA 1 (A)

Edge v Murray 1962 3 SA 603 (W)

Edwards v Edwards 1960 2 SA 523 (D)

Edwards v Flemming 1909 TH 234

Engar and Engar v Desai 1966 1 SA 621 (T)

Etherington v Etherington 1928 CPD 220

Evans v Evans 1982 1 SA 370 (W)

Ex parte Azar 1932 OPD 107

Ex parte Critchfield and Another 1999 3 SA 132 (W), 1999 1 All SA 319 (W)

Ex parte Jacobs 1982 2 SA 276 (O)

Ex parte Kedar and Another 1993 1 SA 242 (W)

Ex parte Kommissaris van Kindersorg, Krugersdorp: In re JB 1973 2 SA 699 (T)

Ex parte Kommissaris van Kindersorg, Oberholzer: In re AGF 1973 2 SA 699 (T)

Ex parte Kropf 1936 WLD 28

Ex parte Opper 2002 5 SA 125 (C)

Ex parte Van Dam 1973 2 SA 182 (W)

Ex parte Visser: In re Khoza 2001 3 SA 524 (T)

Ex parte Zietsman: In re Estate Bastard 1952 2 SA 16 (C)

F v B 1988 3 SA 948 (D)

F v L and another 1987 4 SA 525 (W)

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Fletcher v Fletcher 1948 1 SA 130 (A)

Fortune v Fortune 1955 3 SA 348 (A)

Fose v Minister of Safety and Security 1997 3 SA 786 (CC)

Fourie v Minister of Home Affairs 2005 1 All SA 273 (SCA)

Fraser v Children's Court, Pretoria North and Others 1996 8 BCLR 1085 (T)

Fraser v Children's Court, Pretoria North 1997 2 SA 218 (T)

Fraser v Children's Court, Pretoria North and Others 1997 2 SA 261 (CC)

Fraser v Naude and Others 1998 11 BCLR 1357 (CC), 1999 1 SA 1 (CC)

French v French 1971 4 SA 298 (W)

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Glazer v Glazer 1963 4 SA 694 (A)
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Gold v Gold 1975 4 SA 237 (D)
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Gordon v Barnard 1977 1 SA 887 (C)
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Government of South Africa v Grootboom and Others 2000 11 BCLR 1169 (CC)
Greenshields v Wyllie 1989 4 SA 898 (W)
Grgin v Grgin 1961 2 SA 84 (W)
Grobler v Grobler 1978 3 SA 578 (T)
Grootboom v Oostenberg Municipality 2000 3 BCLR 277 (C)
Guardian National Insurance v Van Gool NO 1992 4 SA 61 (A)
H v C 1929 TPD 992
H v I 1985 3 SA 237 (C)
H v R 2001 3 SA 623 (C)
Handford v Handford 1958 3 SA 378 (SR)
Harksen v Lane NO and Another 1997 11 BCLR 1489 (CC)
Hartman v Krogscheepers 1950 4 SA 421 (W)
Haskins v Wildgoose 1996 3 All SA 446 (T)

Hassan v Hassan 1955 4 SA 388 (D)

Heimann v Heimann 1948 4 SA 926 (W)

Herfst v Herfst 1964 4 SA 127 (W)

Heystek v Heystek 2002 2 All SA 401 (T)

Hlophe v Mahlalela 1998 1 SA 449 (T)

Hodgkinson v Hodgkinson 1949 1 SA 51 (E)

Hornby v Hornby 1954 1 SA 498 (O)

Horsford v De Jager and Another 1959 2 SA 152 (N)

Howells v S 1999 2 All SA 233 (C)

Hoyi v Hoyi 1994 1 SA 89 (E)

I v S 2000 2 SA 993 (C)

In re Certification of the Constitution of the Republic of South Africa, 1996 1996 10 BCLR 1253 (CC)

In re Estate Visser 1948 3 SA 1129 (C)

In re Moatsi se Boedel 2002 4 SA 712 (T)

J v Director General, Department of Home Affairs 2003 5 BCLR 463 (CC)

Jackson v Jackson 2002 2 SA 303 (SCA)

Johnson v Johnson 1963 1 SA 162 (T)

Johnstone v Johnstone 1941 NPD 279

Jooste v Botha 2000 2 SA 199 (T)

Jordan v S 2002 6 SA 642 (CC)

K v K 1999 4 SA 691 (C)

K v K 1999 4 SA 1228 (C)

Kaiser v Chambers 1969 4 SA 224 (C)

Kallie v Kallie 1947 2 SA 1207 (SR)
Kastan v Kastan 1985 3 SA 235 (C)
Katzenellenbogen v Katzenellenbogen and Joseph 1947 2 SA 528 (W)
Kemp v Kemp 1958 3 SA 736 (D)
Kewana v Santam Insurance Co Ltd 1993 4 SA 771 (Tk)
Kok v Clifton 1955 2 SA 326 (W)
Kougiannos v Kougiannos case 957 of 1993 (D)
Krasin v Ogle 1997 1 All SA 557 (W)
Krugel v Krugel 2003 6 SA 220 (T)
L v H 1992 2 SA 594 (E)
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Lambrakis v Santam Ltd 2000 3 SA 1098 (W)
Landmann v Mienie 1944 OPD 59
Latouf v Latouf 2001 2 All SA 377 (T)
Laubscher v Laubscher 2004 4 All SA 95 (T)
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Madiehe v Madiehe 1997 2 All SA 153 (B)

Magewu v Zozo and Others 2004 4 SA 578 (C)

Manning v Manning 1975 4 SA 659 (T)

Marais v Marais 1960 1 SA 844 (C)

Märtens v Märtens 1991 4 SA 287 (T)

Martin v Martin 1949 1 PH B9 (N)

Matthews v Haswari 1937 WLD 110

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Mayer v Mayer 1974 1 PH B47 (C)

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Mentz v Simpson 1990 4 SA 455 (A)

Metiso v Padongelukfonds 2001 3 SA 1142 (T)

Meyer v Gerber 1999 3 SA 650 (O)

Meyer v The Master 1935 SWA 3

Meyer v Van Niekerk 1976 1 SA 252 (T)

Miles v Miles 1925 EDL 259

Minister of Home Affairs and Another v Fourie and Another 2006 3 BCLR 355 (CC)

Minister of Welfare and Population Development v Fitzpatrick and Others 2000 7 BCLR 713 (CC), 2000 3 SA 422 (CC)

Mitchell v Mitchell 1904 TS 128

Mngadi v Beacon Sweets and Chocolates Provident Fund and Others 2004 5 SA 388 (D), 2003 2 All SA 279 (D)

Mohaud v Mohaud 1964 4 SA 348 (T)

Motan v Joosub 1930 AD 61

Mthembu v Letsela and Another 2000 3 All SA 219 (A), 2000 3 SA 876 (SCA)

Myers v Leviton 1949 1 SA 203 (T)

Narodien v Andrews 2002 3 SA 500 (C)

Naude and Another v Fraser 1998 4 SA 539 (SCA)

Ngake v Mahahle 1984 2 SA 216 (O)

Nguza v Nguza 1995 2 SA 954 (Tk)

Niemeyer v De Villiers 1951 4 SA 100 (T)

Nugent v Nugent 1978 2 SA 690 (R)

Oosthuizen v Rex 1948 2 PH B65 (W)

Oosthuizen v Stanley 1938 AD 322

Oppel v Oppel 1973 3 SA 675 (T)

Osman v Osman 1992 1 SA 751 (W)

P and Another v P and Another 2002 6 SA 105 (N)

Petersen v Kruger 1975 4 SA 171 (C)

Petersen v Maintenance Officer, Simon's Town Maintenance Court and Others 2004 2 SA 56 (C)

Phillips v Phillips 1961 2 SA 337 (D)

Pinion v Pinion 1994 2 SA 725 (D)

Pommerel v Pommerel case 4042 of 1986 (SEC)

Potgieter v Bellingan 1940 EDL 264

Potgieter v Potgieter 1943 CPD 462

President of the Republic of South Africa v Hugo 1997 6 BCLR 708 (CC)

Prinsloo v Prinsloo 1958 3 SA 759 (T)

R v H and Another 2005 6 SA 535 (C)

R v Janke and Janke 1913 TPD 382

R v Scheepers 1915 AD 337

Raath v Carikas 1966 1 SA 756 (W)

Rheeder v Rheeder 1950 4 SA 30 (C)

Richies v Richies 1981 1 PH B4 (C)

Rowan v Faifer 1953 2 SA 705 (E)

Rowe v Rowe 1997 4 SA 160 (SCA)

Ryland v Edros 1996 4 All SA 557 (C)

S v L 1992 3 SA 713 (E)

S v S 1993 2 SA 200 (W)

S v Amas 1995 2 SACR 735 (N)

S v Dannhauser 1993 2 SACR 398 (O)

S v MacDonald 1963 2 SA 431 (C)

S v Williams 1995 3 SA 632 (CC)

Sager v Bezuidenhout 1980 3 SA 1005 (O)

Satchwell v President of the Republic of South Africa 2002 9 BCLR 986 (CC)

Schlebusch v Schlebusch 1988 4 SA 548 (E)

Scholtz v Thomas 1952 1 PH B17 (O)

Schutte v Jacobs 2001 2 SA 478 (W)

Schwartz v Schwartz 1984 4 SA 467 (A)

Secretary for Inland Revenue v Brey 1980 1 SA 472 (A)

Seetal v Pravitha NO 1983 3 SA 827 (D)

Segal v Segal 1971 4 SA 317 (C)

September v Karriem 1959 3 SA 687 (C)
Shawzin v Laufer 1968 4 SA 657 (A)
Short v Naisby 1955 3 SA 572 (D)
Sibiya v Commissioner of Child Welfare (Bantu), Johannesburg 1967 4 SA 347 (T)
Simey v Simey 1881 1 SC 171
Simleit v Cunliffe 1940 TPD 67
Smit v Smit 1980 3 SA 1010 (O)
Smith v Berliner 1944 WLD 35
Smith v Smith 1999 JOL 5397 (C)
Soller NO v G 2003 5 SA 430 (W)
Soller v Maintenance Magistrate, Wynberg and Others 2006 2 SA 66 (C)
Stapelberg v Stapelberg 1939 OPD 129
Stassen v Stassen 1998 2 SA 105 (W)
Stock v Stock 1981 3 SA 1280 (A)
T v M 1997 1 SA 54 (SCA)
Terezakis v Van der Westhuizen unreported case 2840/91 (WLD)
Terblanche v Terblanche 1992 1 SA 501 (W)
Theron v Theron 1939 WLD 355
Thibela v Minister van Wet en Orde 1995 3 SA 147 (T)
Thomas v Minister of Home Affairs 2000 8 BCLR 837 (CC)
Townsend-Turner and Another v Morrow 2004 2 SA 32 (C)
Tromp v Tromp 1956 4 SA 738 (N)
Tyali v University of Transkei 2002 2 All SA 47 (Tk)

Union Government v Warneke 1911 AD 657

Universiteit van Pretoria v Tommie Meyer Films (Edms) Bpk 1977 4 SA 376 (T)

V v H 1996 3 All SA 579 (SE)

V v V 1998 4 SA 169 (C)

Van Aswegen v Van Aswegen 1954 1 SA 496 (O)

Van Deijl v Van Deijl 1966 4 SA 260 (R)

Van den Berg v Le Roux 2003 3 All SA 599 (NC)

Van den Berg v Van den Berg 1959 4 SA 259 (W)

Van der Linde v Van der Linde 1996 3 SA 509 (O)

Van der Westhuizen v Van Wyk and Another 1952 2 SA 119 (GW)

Van Dyk v Du Toit 1993 2 SA 781 (O)

Van Erk v Holmer 1992 2 SA 636 (W)

Van Oudenhove v Grüber 1981 4 SA 857 (A)

Van Pletzen v Van Pletzen 1998 4 SA 95 (O)

Van Rensburg v Labuschagne 1958 3 SA 557 (O)

Van Rooyen v Van Rooyen 1994 2 SA 325 (W)

Van Rooyen v Van Rooyen 1999 4 SA 435 (C)

Van Rooyen v Van Rooyen 2001 2 All SA 37 (T)

Van Rooyen v Werner 1892 9 SC 425

Van Schalkwyk v Van Schalkwyk 1942 2 PH B66 (C)

Van Schoor v Van Schoor 1976 2 SA 600 (A)

Van Vuuren v Van Vuuren 1993 1 SA 163 (T)

Van Wijk v Creighton 1925 5 PH B21

Venton v Venton 1993 1 SA 763 (D)
Vucinovich v Vucinovich 1944 TPD 143
W v S and Others 1988 1 SA 475 (N)
Walters v Walters 1949 3 SA 906 (O)
Wehmeyer v Nel en 'n ander 1976 4 SA 966 (W)
Wepener v Warren and Van Niekerk NO 1948 1 SA 898 (C)
Whitehead v Whitehead 1993 3 SA 72 (SE)
Whiteley v Leyshan 1957 1 PH B9 (D)
Wicks v Fisher 1999 2 SA 504 (N)
Willers v Serfontein 1985 2 SA 591 (T)
Williams v Williams 1946 CPD 49
Wilson v Eli 1914 WR 34
Wolfson v Wolfson 1962 1 SA 34 (SR)
Wolman v Wolman 1963 2 SA 452 (A)
Woodhead v Woodhead 1955 3 SA 138 (SR)
Yu Kwam v President Insurance Co Ltd 1963 1 SA 66 (T)
Zimelka v Zimelka 1990 4 SA 303 (W)
Zorbas v Zorbas 1987 3 SA 436 (W)

Foreign

B v B 1971 3 All ER 682 (CA)
Best v Wellcome Foundation Ltd and Others 1994 5 MLR 178

Gillick v West Norfolk Area Health Authority 1986 AC 112: 1985 3 All ER 402

Hewer v Bryant 1969 3 All ER 578 (CA)

Nielsen v Denmark 1989 11 EHRR 175

Re H 1992 1 FLR 148 (CA)

Re M 1995 3 FCR 550

Re W 1994 2 FLR 441 (A)

W v United Kingdom 1988 10 EHRR 87

STATUTES AND BILLS

Ghana

Children's Act of 1998 (Act 560)

Constitution of the Republic of Ghana 1992

Kenya

Children's Act 8 of 2001

Constitution of the Republic of Kenya Act 5 of 1969

Lesotho

Child Protection and Welfare Bill 2004

Northern Ireland

Family Law Act of 2001

Scotland

Children (Scotland) Act of 1995

South Africa

Administration of Estates Act 66 of 1965

Age of Majority Act 57 of 1972

Aliens Control Act 96 of 1991

Births and Deaths Registration Act 51 of 1992

Births and Deaths Registration Amendment Act 40 of 1996

Births and Deaths Registration Amendment Act 1 of 2002

Child Care Act 74 of 1983

Child Care Amendment Act 96 of 1996

Children's Act 33 of 1960

Children's Amendment Bill B19 of 2006

Children's Bill 70 of 2003, reintroduced

Children's Bill B70B of 2003

Children's Bill B70D of 2003

Children's Act 38 of 2005

Children's Status Act 82 of 1987

Civil Union Act 170 of 2006

Constitution of the Republic of South Africa Act 108 of 1996

Divorce Act 70 of 1979

Domestic Violence Act 116 of 1998

Domicile Act 3 of 1992

Draft Children's Bill October 1992

General Law Further Amendment Act 93 of 1963

Guardianship Act 192 of 1993

Hague Convention on the Civil Aspects of International Child Abduction Act 72 of 1996

Insolvency Act 24 of 1936

Interim South African Constitution Act 200 of 1993

Intestate Succession Act 81 of 1987

Long-term Insurance Act 52 of 1998

Maintenance Act 23 of 1963

Maintenance Act 99 of 1998

Maintenance of Surviving Spouses Act 27 of 1990

Marriage Act 25 of 1961

Matrimonial Affairs Act 37 of 1953

Mediation in Certain Divorce Matters Act 24 of 1987

Mutual Banks Act 124 of 1993

Natural Fathers of Children Born out of Wedlock Act 86 of 1997

Pension Funds Act 24 of 1956

Recognition of Customary Marriages Act 120 of 1998

Sexual Offences Act 23 of 1957

Social Assistance Act 59 of 1992

South African Schools Act 84 of 1996

Welfare Laws Amendment Act 106 of 1997

Wills Act 7 of 1953

Uganda

Children Statute 1996 (commencement: 01 August 1997)

Constitution of the Republic of Uganda (commencement: 08 October 1995) (in Laws of the Republic of Uganda 2000)

United Kingdom

Adoption and Children Act 2002

Children Act 1989

Civil Partnership Act 2004

Courts Act 2003

Family Law Act 1996

GOVERNMENT NOTICES

“General notice Department Publication of Explanatory Summary of the Children’s Bill”
Government Gazette No 25346 Vol 458 (13 August 2003) 3

List of Abbreviated Journal Names

<i>AHRLJ</i>	African Human Rights Law Journal
<i>AJCL</i>	American Journal of Comparative Law
<i>ALJ</i>	Australian Law Journal
<i>ASSAL</i>	Annual Survey of South African Law
<i>CFLQ</i>	Child and Family Law Quarterly
<i>CILSA</i>	Comparative International Law Journal of South Africa
<i>Ch R</i>	Child Right
<i>EHRR</i>	European Human Rights Report
<i>Fam LQ</i>	Family Law Quarterly
<i>FJR</i>	Familie-en-Jeugrecht
<i>JSWFL</i>	Journal of Social Welfare and Family Law
<i>HRQ</i>	Human Rights Quarterly
<i>ICLQ</i>	International and Comparative Law Quarterly
<i>IJCR</i>	International Journal of Children's Rights
<i>ISFL</i>	International Survey of Family Law
<i>LAWSA</i>	The Law of South Africa
<i>NJ</i>	Nederlandse Jurisprudentia
<i>SAJHR</i>	South African Journal of Human Rights
<i>SALJ</i>	South African Law Journal
<i>Stell LR</i>	Stellenbosch Law Review
<i>THRHR</i>	Tydskrif vir Hedendaagse Romeins Hollandse Reg

<i>TSAR</i>	Tydskrif vir Suid-Afrikaanse Reg
<i>TVR</i>	Tydskrif vir Regswetenskap

Other Abbreviations

ACRWC	African Charter on the Rights and Welfare of the Child
ADRASA	Alternative Dispute Resolution Association of South Africa
AJ	Acting Judge
AJA	Acting Judge of Appeal
art	Article
arts	Articles
BCLR	Butterworths Constitutional Law Reports
Ch	Chapter
CJ	Chief Justice
CRC	Convention on the Rights of the Child or Committee on the Rights of the Child
esp	Especially
ed	Editor or Edition
eds	Editors
<i>et seq</i>	And The Following
FAMAC	Family Mediators Association of the Cape
FAMSA	Family and Marriage Association of South Africa
ff	And Further

GG	Government Gazette
GN	Government Notice
HSRC	Human Sciences Research Council
J	Judge
JA	Judge of Appeal
JP	Judge President
n	footnote
par	Paragraph
pars	Paragraphs
princ	Principle
proc	Proclamation
RAU	Rand Afrikaans University
reg	Regulation
S	Section
SS	Sections
SAAM	South African Association of Mediators in Divorce and Family Matters
SALC	South African Law Commission
SALCR	South African Law Reform Commission
subs	subsection
UCT	University of Cape Town
UP	University of Pretoria
UWC	University of the Western Cape

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