

**IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF CAPE TOWN,
SUBDISTRICT STRAND**

HELD AT STRAND

Case no: _____

In the criminal matter between:

SARAH JONES

Complainant

and

JOHN JONES

Suspect/Accused

**FOUNDING AFFIDAVIT IN TERMS OF SECTION 305(3) and (4) OF THE
CHILDREN'S ACT 38 OF 2005 (as amended)**

I the undersigned,

SARAH JONES

do hereby state under oath that:

1. The facts contained herein are within my own personal knowledge unless the context indicates the contrary, and are to the best of my belief true and correct.

PARTIES:

2. I am an adult unmarried female employed as a teacher at Strand High School, and currently reside at 123 Louw Street, Strand, 7140.

3. My cell-phone number and email address are as follow: 075 445 8876 & sarahjones@outlook.com.
4. My full 13-digit South African identity number is as follow: 000528 123 8977. A copy thereof is attached hereto marked as "AP1".
5. The Respondent is an adult male architect and currently resides at 34 Karee Street, Strand, 7140.
6. The Respondent's last known cell-phone number and email address is as follow: 071 123 456 789 & johnjones@gmail.com.
7. The Respondent's full 13-digit South African identity number is as follow: 890101 5062 081. A copy thereof is attached hereto marked as "AP2".

FACTS OF THE MATTER:

8. I was never married to the Respondent.
9. From the relationship one child was born.
 - 9.1 Nathan Jones born on the 1st of January 2021.
 - 9.2 Currently residing with the applicant at 123 Louw Street, Strand, 7140.
10. The Respondent is the suspect in terms of this matter.
11. The Respondent paid monthly maintenance instalments for the first few months of 2022. However, since July 2023 the Respondent has stopped making the maintenance payments in accordance with the maintenance court order.
12. I am aware that the abandonment of a child is a criminal offence in terms of section 305 (3) (b) of the Children's Act 38 of 2005 and I wish this matter to be further investigated by the SA Police services.
13. I was also advised that where a parent does not provide adequate food, clothing, lodging and medical assistance it amounts to a criminal offence in terms of section

305 (3) (b) of the Children's Act 38 of 2005 and I wish this matter to be further investigated by the SA Police services.

14. I have a duty in terms of section 110 of the Children's Act 38 of 2005 to report any abuse committed against a child to the South African Police and therefore report this matter for investigation. Abuse is defined in section 1 of Act 38 of 2005 as : "abuse", in relation to a child, means any form of harm or ill-treatment deliberately inflicted on a child, and includes—
- a) assaulting a child or inflicting any other form of deliberate injury to a child;
 - b) sexually abusing a child or allowing a child to be sexually abused;
 - c) bullying by another child;
 - d) a labour practice that exploits a child; or
 - e) exposing or subjecting a child to behaviour that may harm the child psychologically or emotionally.

PRAYER:

15. I wish that the SAPS FCS unit investigate the said matter of CHILD ABANDONEMENT in terms of 305 (3) of the Children's Act 38 of 2005 .
16. I further wish that the SAPS FCS unit investigate the said matter of the respondent father not fulfilling his parental duties in terms of 305 (4) of the Children's Act 38 of 2005 .
17. I request that the South African Police service apply for a J50 warrant of arrest at the local magistrates courts.

DATED AT CAPE TOWN ON THIS 7TH DAY OF AUGUST 2023.

Oath/Affirmation

I certify that before administering the *oath/affirmation I asked the deponent the following questions and wrote down *his/~~her~~ answers in *his/~~her~~ presence:

a. Do you know and understand the contents of the declaration?

Answer: Yes

b. Do you have any objection to taking the prescribed oath?

Answer: Yes

c. Do you consider the prescribed oath binding on your conscious?

Answer: Yes

Commissioner of oaths

Deponent (signature)