

From: Thai Kundani <KThai@justice.gov.za>
Sent: Thursday, February 21, 2019 9:21 AM
To: Mpho Mkosana
Cc: Salatiso
Subject: RE: RE: Mdeni // Mkosana - Parenting Plan

Dear Ms Mkosana

My sincere apologies!

Yes a copy will be mailed to you.

Regards,

Kundi Thai
Family Advocate
Office of the Family Advocate: Johannesburg
13th Floor Schreiner Chambers
94 Pritchard Street, Johannesburg
Email: KThai@justice.gov.za



From: Mpho Mkosana [mailto:mphosuperstar@gmail.com]
Sent: 21 February 2019 09:15 AM
To: Thai Kundani
Cc: Salatiso
Subject: Re: RE: Mdeni // Mkosana - Parenting Plan

Good Morning Kundani,

You've confused our names a bit - I'm Ms Mkosana. So you will be emailing me copy?

Kind Regards
Mpho Mkosana
0835781761

On Thu, 21 Feb 2019, 09:08 Thai Kundani, <KThai@justice.gov.za> wrote:

Dear Mr Mkhosana

You may personally collect today any time before 13h00, otherwise tomorrow between 14h00 and 16h00.

Ms Mdeni - a copy will be forwarded to you once the original has been collected.

Regards,

Kundi Thai

Family Advocate

Office of the Family Advocate: Johannesburg

13th Floor Schreiner Chambers

94 Pritchard Street, Johannesburg

Email: KThai@justice.gov.za



From: salatiso@salatiso.com [mailto:salatiso@salatiso.com]

Sent: 20 February 2019 03:37 PM

To: Thai Kundani

Cc: Mpho Mkosana

Subject: RE: RE: Mdeni // Mkosana - Parenting Plan

Good Day

Thank you, I do confirm I will approach the Children's Court for relief.

I will endeavour to come tomorrow for the document personally or send someone on my behalf, please confirm if the latter this is acceptable. Also please confirm if I need to come at a specific time or I can come anytime during your office hours.

MS Mkosana, in light of the pending court application please confirm how you would like to receive communication should there be a need to engage with you directly; Will it be direct or will it be through your legal representatives?

Regards,

Salatiso

On February 20, 2019 at 3:06 PM Thai Kundani <KThai@justice.gov.za> wrote:

Dear Mr Mdeni

You're welcome.

The parties may approach the courts for relief. The court will generally refer the matter to this office to conduct an enquiry / investigation into the best interests of the minor child with regard to the disputed issue (in this case contact) before making a final ruling.

Once we have received the court referral / order, the parties will be allocated a date and informed of the scheduled appointment. On the appointed date, the parties will be interviewed by a different Family Advocate to the one who was involved in the mediation process. The parties must bring the minor child along to this appointment.

At the conclusion of the enquiry, the Family Advocate (and a Family Counsellor) will submit a report and recommendations to the court which requested the enquiry. The court will thereafter make a final determination (court order) in respect of contact, taking into account the above mentioned report and recommendations of the Family Advocate.

The court is also competent to grant a "temporary" interim order pertaining to contact pending the finalisation of the enquiry process.

In respect of the above process:

The parties may approach The Children's Court personally and (unrepresented) OR The High Court through legal representation. The option of court is completely at the discretion of the parties.

Kindly confirm when you can collect the original statement of outcome of mediation, which you will require in the event that the above process is pursued. Copies will still be forwarded to both parties as originally agreed.

Please note that I have copied Ms Mkosana herein.

Regards,

Kundi Thai

Family Advocate

Office of the Family Advocate: Johannesburg

13th Floor Schreiner Chambers

94 Pritchard Street, Johannesburg

Email: KThai@justice.gov.za



From: Salatiso [<mailto:salatiso@salatiso.com>]
Sent: 19 February 2019 10:37 AM
To: Thai Kundani
Subject: RE: Mdeni // Mkosana - Parenting Plan

Good day

Thank you for your assistance in the matter, your professionalism and application of the law has been exemplary.

It is unfortunate the alternative dispute resolution processes did not work, as previously mentioned however I will pursue the matter further. I will await your statement, when you send it can I please request you also document a brief overview of legal options seeing subsequent to the failure of the process?

Regards,

Salatiso

salatiso@salatiso.com

Sent from [BlueMail](#)

On Feb 18, 2019, at 5:36 PM, Thai Kundani <kthai@justice.gov.za> wrote:

Dear Ms Mkosana and Mr Mdeni

Noted.

I will proceed with the statement of outcome certifying that mediation in this matter has been unsuccessful, which statement will be forwarded to both parties during the course of the week. This office will then proceed to close our file herein.

Regards,

Kundi Thai

Family Advocate

Office of the Family Advocate: Johannesburg

13th Floor Schreiner Chambers

94 Pritchard Street, Johannesburg

Email: KThai@justice.gov.za

From: Mpho Mkosana [<mailto:mphosuperstar@gmail.com>]
Sent: 18 February 2019 05:17 PM
To: Thai Kundani
Cc: Salatiso
Subject: Re: Mdeni // Mkosana - Parenting Plan

Hi Kundani,

Unfortunately we will have to declare it a failed mediation. From 1-2hrs to 8hours I still think is too steep a curve for a 1year old.

Thank you for your assistance.

Kind Regards
Mpho Mkosana
0835781761

On Mon, 18 Feb 2019, 16:54 Thai Kundani, <KThai@justice.gov.za> wrote:

Dear Mr Mdeni and Ms Mkhosana

Mr Mdeni – your response below is duly noted.

Ms Mkhosana – please urgently advise as to how you wish to proceed.

Regards,

Kundi Thai

Family Advocate

Office of the Family Advocate: Johannesburg

13th Floor Schreiner Chambers

94 Pritchard Street, Johannesburg

Email: KThai@justice.gov.za

From: Salatiso [mailto:salatiso@salatiso.com]
Sent: 18 February 2019 01:31 PM
To: Thai Kundani
Cc: Mpho Mkosana
Subject: Re: Mdeni // Mkosana - Parenting Plan

Good day

Please note I am not in agreement with the request.

Thank you.

Regards,

Salatiso

salatiso@salatiso.com

Sent from [BlueMail](#)

On Feb 18, 2019, at 12:03 PM, Thai Kundani <kthai@justice.gov.za> wrote:

Dear Ms Mkosana and Mr Mdeni

The correspondence below and mediation of Friday 15 February 2019 refer.

Ms Mkosana –

The parties agreed as follows in respect of weekend contact:

Phase 1 (one year) weekend contact on **one day of every weekend** from 09h00-17h00 (no sleepover).

Phase 2 (6 months) **every weekend** on both **Saturday and Sunday** from 09h00-17h00(no sleepover).

Phase 3 (6 months) **1 night sleepover** on **alternate weekends**.

Phase 4 (going forward until grade 0 / grade 1, at which point the parenting plan will be reviewed / revised) **2 nights' sleep over** on **alternate weekends**.

It is therefore only during Phase 1 and 2 where weekend travel with the minor child would not necessarily be possible.

Should Mr Mdeni be in agreement with your request, the parenting plan can be amended to begin weekend contact at 5 hours (09h00-14h00) and reduce phase 1 to 6 months instead of 1 year, increasing the weekend contact 6 month thereafter to 8 hours (09h00-17h00) as had originally been agreed to during the mediation, during what will now be (the new) phase 2.

Please take note however that undersigned is already in the process of finalising the parties' agreement as mandated to on Friday, and that due to the high volume of work in this office, undersigned is not in a position to indulge any subsequent amendments hereafter.

The parties are therefore asked as a matter of urgency to confirm whether or not they wish to proceed with the drafting of a parenting plan based on the agreements reached during mediation, and incorporating the amendment requested by Ms Mkosana this morning.

In the event that the newly introduced amendments cause the parties to no longer be in agreement, the undersigned must proceed to issue a statement of outcome certifying that mediation in this matter has been unsuccessful. The parties will then have the option to refer the matter to a competent court, which court will make a ruling which it deems appropriate in the circumstances, which may include referring the matter back to this office for an enquiry and recommendations.

Mr Mdeni –

All matters which were agreed to by the parties on Friday (as well as the amendment which has this morning been requested by Ms Mkhosana, if agreed to) will indeed be captured in one document, being the parenting plan.

Please urgently advise the undersigned on how to proceed.

Regards,

Kundi Thai

Family Advocate

Office of the Family Advocate: Johannesburg

13th Floor Schreiner Chambers

94 Pritchard Street, Johannesburg

Email: KThai@justice.gov.za

From: Salatiso [<mailto:salatiso@salatiso.com>]
Sent: 16 February 2019 08:42 AM
To: Mpho Mkosana
Cc: Thai Kundani
Subject: Re:

Good day

I was very clear on the session that it takes a great deal of restraint to consent to what was finalised considering I've had to be deprived of my son for almost a year and had to reduce myself by going to your house.

So any deviation from that is unacceptable and as such I will not consent to it.

Can I please request that all these requirements be captured in one document for reference purposes? Considering you are so concerned about mine and my family's incapacity to be with my son despite having a 4 month old, 2 year old and 8 year old in my house right now please note that you are more than

welcomed to appoint a professional to conduct an inspection to your satisfaction.

Regards,

Salatiso

salatiso@salatiso.com

Sent from [BlueMail](#)

On Feb 16, 2019, at 5:16 AM, Mpho Mkosana <mphosuperstar@gmail.com> wrote:

Good Morning everyone,

After more consideration I still don't think jumping from 1-2hr visit, in the home he knows, with the people who are his constant - to 8hrs away is OK. That's quite a big jump for someone you can't explain to that we haven't abandoned you. I suggest we start with 5hrs (maybe 9am-2pm). We can split up the 1st year into 6months. Then graduate to the 8hrs.

Also just to clarify, are the weekends with his father every alternative weekend? It's not on the page you'd written on - I do recall talking about alternative weekend just not 100% sure. I ask cause if we want to go away for the weekend this arrangement does not allow.

Also other thoughts I'd like added;

Can Lukhanyo always be buckled in a car seat when in a moving vehicle.

When having a nap at his father's house can he be in a cot or have a make shift bed on the floor as he rolls alot and want to prevent him falling.

Thank you

Kind Regards
Mpho Mkosana
0835781761

On Fri, 15 Feb 2019, 12:44 Thai Kundani, <KThai@justice.gov.za> wrote:

Dear Ms Mkosana

No, our address is provided below per email signature.

Regards,

Kundi Thai

Family Advocate

Office of the Family Advocate: Johannesburg

13th Floor Schreiner Chambers

94 Pritchard Street, Johannesburg

Email: KThai@justice.gov.za

From: Mpho Mkosana [mailto:mphosuperstar@gmail.com]
Sent: 15 February 2019 12:39 PM
To: Thai Kundani
Subject:

Hi

You are at family court right?

Kind Regards
Mpho Mkosana
0835781761

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