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**REPUBLIC OF SOUTH AFRICA
IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG LOCAL DIVISION, JOHANNESBURG**

Case Number: 2026-067729

(1)	REPORTABLE: NO
(2)	OF INTEREST TO OTHER JUDGES: NO
(3)	REVISED: YES

DATE

SIGNATURE

In the matter between:

RH

Applicant

and

YZ

Respondent

JUDGMENT

WENTZEL -THOMPSON J

Introduction

[1] This matter first came before me in the Family Court on 14 May 2026 as one of urgency. It had been preceded by an Order of this court during July 2025 removing the applicant's minor child, D, (who is presently 14 years old) from the applicant's care and placing him into the respondent's care at the instance of the respondent. It was also preceded by an interim Order of the Magistrate's Court on 18 February 2026 entitling

the applicant to supervised access to D, pending the outcome of the investigation by Ms. Tanya Kriel, a private social worker, as to the best interests of D.

- [2] In terms of that Order, the respondent was entitled to have supervised contact with D every Saturday from 13h30 to 17h00 (a period of 3.5 hours) commencing on 28 February 2026 until the next court date. The matter was postponed until 7 July 2026 on which date Ms. Kriel was to file her final report.
- [3] Notwithstanding this Order, the applicant alleged that the respondent repeatedly breached the terms of the Order by frustrating, preventing and interfering with the supervised contact sessions between D and the applicant. The applicant complained that the respondent had unilaterally cancelled her court-ordered access to D on 7 March 2026 and 14 March 2026 and had failed to facilitate both physical and telephonic access with D as directed by the Court. The applicant also stressed that although these latter two incidents grounded her claim for urgency, since D had been removed from her care, the respondent had repeatedly frustrated her access to D.
- [4] In addition, the applicant objected to the fact that the respondent had taken unilateral decisions regarding D's care and had admitted him to a mental health facility to deal with his self-harming that he had reported to the applicant on 9 March 2026. The applicant bemoaned the fact that she had been entirely excluded from critical decisions affecting D's immediate care, wellbeing and treatment. The applicant further alleged that the respondent had continuously isolated D from her, his grandmother and his therapeutic professionals such as Ms. Kriel. The applicant feared that this was contributing to D's alienation from her, which he felt was a deliberate agenda pursued by the respondent, who she believes wishes to ultimately obtain custody of D.
- [5] This prompted the applicant to bring an urgent application against the respondent (who was the first respondent in those proceedings) on 1 April 2026 for contempt of the 18 February 2026 Order that served before my brother Kuny J. The respondent responded by bringing a counter-application for a *curator ad litem* to be appointed to D.
- [6] After consulting with Ms. Kriel in the presence of the legal team (but in the absence of the parties), Kuny J made an Order on 3 April 2026 in the following terms concerning, *inter alia*, the terms of the supervised access of the applicant to D as recommended by Ms. Kriel:

- “1. *The supervised contact sessions as set out in paragraph 11.2.1 of the Children’s Court order dated 18 February 2026 under case number 14/1/4/2-403/2025 granted by the learned Magistrate Mathopa (“the Order”), is to occur this Saturday, 4 April 2026, between 13:30 and 17:00, at a neutral venue as directed by Ms Tanya Kriel and/or the allocated social worker, from time to time, at the KidzBuzz practice (“the therapeutic team”) under their direction, supervision and guidance.*
2. *The therapeutic team is directed to engage with the minor child, D, 10 minutes prior to the intended contact session as set out in paragraph 1 above in order to conduct an emotional landscape assessment.*
3. *Once the emotional landscape assessment has been completed, the supervised contact session as set out in paragraph 1 above shall proceed under the guidance, direction and supervision of the therapeutic team.*
4. *Following on the supervised contact session as set out in paragraph 1 above the contact sessions as set out in the Order are to resume under the guidance, direction and supervision of the therapeutic team.*
5. *The first respondent be and is directed to ensure the minor child’s attendance at each of the contact sessions set out in paragraphs 1 to 4 above as well as the process being conducted by the therapeutic team for the rendering of a final report and under their guidance, supervision and direction.*
6. *The therapeutic team is directed to determine the neutral venue at which the contact sessions as per paragraph 4 above are to occur.*
7. *Failing compliance with paragraphs 1 to 6 above, either party be and is granted leave to approach this Court on the same papers, supplemented to the extent necessary, for the appropriate relief.*
8. *The main application and counter-application are postponed sine die.*
9. *The costs of the main application and counter-application are reserved.”*

[7] On first perusing the Order made by Kuny J, that was in the exact terms as the Draft Order prepared by the respondent’s counsel, I was immediately concerned about the extent of the power conferred upon Ms. Kriel and the social workers employed by her to determine the terms of the access to D, without continued judicial oversight over the process. In my view, the supervised access afforded to the applicant by social workers

in the employ of Ms. Kriel through her practice, KidsBuzz, at their offices, was a completely unnatural environment not at all conducive to reintegrating D with the applicant, as I was informed was intended.

- [8] On 10 May 2026, the applicant launched a second urgent application that was uploaded onto Caselines on 13 May 2026. A certificate of urgency was uploaded on 14 May 2026, together with annexures to the founding affidavit as well as what was termed an “*Evidence Bundle*”. The matter was served on the respondent’s attorneys without affording them a proper opportunity to respond to the application.
- [9] I must point out that whereas the applicant had been previously represented, she appeared in person before me, insisting that she no longer trusted her legal team as they were conflicted as she perceived that they had too close a relationship with Ms. Kriel, who the applicant felt was biased against her and both unreasonably prevented D returning to her care and restricted her access to D. Although the manner of placing the evidence before me was not in accordance with the Rules of Court, I nevertheless considered it as the Upper Guardian of D as the applicant was unrepresented and the matter concerned serious allegations about the well-being and mental state of D.
- [10] In the matter before me, the applicant sought an order urgently removing D from the respondent’s care on the basis that his life was in imminent danger as he was self-harming by cutting his arms and had threatened to end his life. Reference was made to several WhatsApp conversations between D and the applicant in which he expressed suicidal thoughts as well as photographs of his self-harming. D also complained in messages to the applicant that the respondent was locking him in his room and was overly strict with him. He had also sent a message to Ms Kriel expressing his desire to return to live with the applicant. It was particularly concerning to me that the applicant insisted that prior to D being removed from her care, he had never engaged in self-harming or expressed suicidal ideation.
- [11] That being said, I was acutely aware that the picture presented to me was one-sided and that the applicant had afforded the respondent an unreasonably short period of time to answer the application. I accordingly stipulated times for the filing of answering and replying affidavits and postponed the matter for hearing before me on 1 June 2026 when I knew I would be sitting in the Urgent Court.
- [12] On 21 May 2026, co-incidentally the day that the respondent was directed to file her answering affidavit, Ms Kriel sent the parties a 51 page report dealing with matters

relevant to the matter before me. This report was clearly secured by the respondent to support her opposition to the applicant's application. I have already said that the Order made by Kuny J after consulting with Ms. Kriel was substantially in the terms of the draft order prepared by the respondent's counsel. Ms. Kriel's report dated 17 February 2016 regarding the joint session between the parties and D on this date was attached to the respondent's affidavit in the proceedings before Kuny J.

[13] The respondent argued in her answering affidavit that although I was the Upper Guardian of D, there was no reason why the dispute cannot and should not be determined by the Randburg Children's Court, where the application brought by the respondent for D to be placed in her care is currently pending. This, co-incidentally is exactly what has been recommended by Ms. Kriel in her report attached to the answering affidavit before me.

[14] There is absolutely no need for me to defer the application before me to pending proceedings before the Children's where the urgent application before was that D was in imminent danger and urgently needed to be removed from the respondent's care as he was self-harming and expressing suicidal ideation. This was an issue that had to be taken seriously by me, and has been taken seriously by me. It is also an issue that I believe has been adequately addressed by me.

Background

[15] Prior to D being removed from the applicant's care, the applicant had been D's primary provider and caregiver. The applicant and D's father were never married and their relationship was an abusive one resulting in the Court terminating his parental responsibilities and rights to D. The applicant, accordingly, exercises sole parental responsibilities and rights in respect of D, subject of course to the interim orders now made by the Children's Court and the High Court.

[16] The matter is complicated by the fact that the applicant and the respondent are warring sisters. F.A is the mother of the two sisters and supports the applicant's current application. She, however, had previously supported the respondent's application to remove D from the applicant's care. The applicant insists that this is because she believes that she erroneously believes that she had supported the respondent's application to remove D from the applicant's care and have her admitted to a psychiatric facility.

- [17] The basis upon which D was removed must be mentioned as I believe that it must seriously be questioned. On both D's and the applicant's versions, D's removal was preceded by a fight between the applicant and F.A about whether D should be given R6000.00 by the applicant to purchase certain digital items for a computer game that he was enamoured with. The applicant refused to do so and insisted that he should earn the money by performing chores, not an unreasonable demand to my mind. F.A, however, insisted that he be given the money. Regrettably, D informed me that the applicant had been drinking and the dispute turned into a screaming match culminating in the applicant throwing an ashtray or some other hard object at F.A, causing F and D to run and lock themselves downstairs. D then called the respondent to come and fetch them, which she did.
- [18] The two days later, the respondent sought an order removing D from the applicant's care and for her committal to a mental institution. The application for the applicant's committal was woefully inadequate and had been based solely the report of a psychiatrist that had never examined the applicant and had relied only upon the respondent's hearsay evidence. The respondent's application for D's removal was, however, successful and endorsed by Wanless J, who on 20 July 2025, issued a *rule nisi* calling upon the applicant to show cause on 25 August 2025 why an order should not be granted ordering that the care of D be awarded to the respondent, pending the determination of the Children's Court investigation in terms of section 50 of the Children's Act, 30 of 2005, and granting the applicant supervised access to the D.
- [19] The matter came before the Children's Court on 23 July 2025 that extended the care order that had been granted by Wanless J and an interim order was granted directing Ms Kriel to conduct a voice of the child assessment as soon as possible and directing that the applicant's supervised access be facilitated by KidsBuzz (Ms. Kriel's practice). The court also directed that a parental co-ordinator be appointed. A parental co-ordinator was appointed but was removed for reasons unknown to me.
- [20] Wanless J's *rule nisi* was extended on 25 August 2025 to 15 October 2025.
- [21] The matter returned to the Children's Court on 13 October 2025. The day before the hearing, Ms. Kriel filed a confidential report, whose recommendations the Magistrate made an Order of Court. The matter was postponed to 18 February 2026 to enable Ms. Kriel to file her voice of the child report. The report filed on 17 February 2026 indicated that D's preference was to remain in the care of the respondent.

Complicating factors

- [22] The matter is complicated by the fact that it is common cause that several years ago, the applicant had an affair with the respondent's husband that ended her marriage. This also resulted in the respondent refusing to talk to the applicant for an extended period of time, during which the respondent did not see D. A relatively short time before the aforementioned incident resulting in the respondent seeking an order to remove D from the applicant's care, the applicant states that she reached out to the respondent resulting in their reconciliation and her being part of her and D's life again. D and the respondent formed a good bond with one another during this period.
- [23] It must also be mentioned in the mix of circumstances outlined by me that the respondent does not have her own children and it cannot be discounted that she may be motivated to retain D in her care indefinitely, and by this I mean until he is old enough to decide for himself with whom he wishes to reside. D has already spent close to a year in the respondent's care with extremely limited access to the applicant. Should he continue to reside with her for the foreseeable future without serious efforts made to reintegrate D with the applicant, I fear that their relationship may become irreparably damaged to the detriment of D and the applicant. I have already indicated that the respondent believes that this is the intention behind the respondent's application to remove D from the applicant's care that must be considered seriously.
- [24] The final complicating factor is that the respondent is a clinical psychologist, raising concerns that she may have been able to leverage her own contacts and reputation within the industry to secure D's removal and to justify her limiting D's access to the applicant.
- [25] It is not known what relationship the respondent has with Ms. Kriel, if any, but this also needs to be investigated as I have my doubts about Ms. Kriel's objectivity. This is particularly so as the day that I had directed the respondent to file her answering affidavit, Ms. Kriel so happened to file a report that she served on the parties clearly supporting the respondent. That report was obviously then annexed by the respondent to her answering affidavit. I have little doubt that it was solicited by the respondent.
- [26] Apart from my reservations expressed in the paragraph above, these were all factors bearing upon my mind when I first considered the matter before me as well as the circumstances under which the contempt application had been brought that served before Kuny J.

[27] My suspicions about Ms. Kriel's objectively arose subsequently.

[28] But I must point out at this stage that in her answering affidavit in the matter before me, the respondent stated that her intention when seeking an Order from the High Court on 18 July 2025, was to provide and temporary safe and stable environment for D while the applicant sought rehabilitation and medical care. During argument her counsel has assured me that she has no intention of retaining D in her care permanently.

My interview with D

[29] With this background in mind, I interviewed D at my chambers. Seldom have I ever seen such a sad and tormented child. Despite this, he was forthright and honestly related the events that disturbed him about the applicant (who I will in this section refer to as his mother where appropriate) as well as his preference regarding his primary residence. He, to my mind, had a sufficient level of maturity and understanding of the situation that befell him to enable me to take the preference he expressed seriously.

[30] D informed me about the events that transpired the evening prior to his being removed from the applicant's care, that substantially confirmed those relayed to me by the applicant herself, save for her level of inebriation. He also told me that when the applicant is inebriated, she is totally irrational, and that this upsets him. He was clearly traumatised by the fact that the applicant had thrown a hard object at his grandmother, with whom they were then living.

[31] D also indicated that despite his at one time indicating to Ms. Kriel that he wished to return to live with the applicant, the past events yet to be relayed in this judgment, had made him change his mind and he felt that at present, he would prefer to stay with the respondent.

[32] D admitted that he had complained to his mother about the respondent (who I will also in this section refer to as his aunt) being too strict and locking him in his room, and admitted to having tried to run away twice (if not more times), but explained that he was rebelling against the limitations placed upon him by his aunt, that he understood, in retrospect, were reasonable. Obviously when he was angry with his aunt, he said he would complain to his mother and elicit her sympathy. A good example is when after D experienced severe bullying at school and the respondent nevertheless wished D to attend school, he called the applicant and she informed him that he did not need to go

to school. This has resulted in D spending an inordinate amount of time absent from school.

[33] It is of concern that this is the second school at which D has experienced severe bullying and it appears that his current school has been unable to resolve the situation, requiring that his placement at a third school is now being considered.

[34] D relayed to me that the difficulties he experienced at the first-mentioned school started after the applicant had been abusive towards the parents of some of the friends that he had made, resulting in them telling their children not to be friends with him. He blamed his mother and expressed resentment at having lost the few friends that he had made.

[35] But, what distressed D the most was that the applicant had on several occasions arrived at the respondent's home with the police stating that the respondent was keeping D there against his will and had neglected to care for him in allowing him to self-harm that amounted to child abuse. She has also arrived during the night with an ambulance to collect D in view of his self-harming and has also laid criminal charges against the respondent for child abuse, neglect, and I believe kidnapping. I must emphasise, however, that I have not had sight of any of these criminal proceedings.

My interview with D's psychiatrist

[36] With D's permission I also consulted with his psychiatrist, Dr. A. Swart. She had been assigned to D after he had been admitted to a therapeutic clinic following reports of his self-harming by the school. She, too, was extremely concerned about D and his mental and psychiatric well-being and explained that his condition was such that he required to be admitted to the clinic and be medicated. This has been the cause of great consternation by the applicant who has decried the fact that her consent, as D's mother, was not first obtained and refuses to accept that D requires any medication or therapeutic intervention. This has caused her to report the said psychiatrist and several other therapists who D has seen without her consent to the Health Professional Council of South Africa (HSPA) and/or other relevant supervisory and disciplinary bodies.

[37] In the applicant's view, all D needs is to be returned to her care, where he had previously been happy and well-adjusted and did not need medication or therapeutic interventions.

- [38] There can be no doubt that D's current mental state requires urgent intervention and investigation. This must include a careful and balanced assessment as to why D's mental state has deteriorated so significantly since he was removed from the applicant's care and placed into the care of the respondent, as well as the role played by both the applicant and the respondent, if any, in his substantial mental deterioration.
- [39] I requested Ms. Swart to refer D to a therapist, that she said D urgently required. I also requested that she refer me to a therapist skilled in reintegration therapy that I felt was essential for the contact arrangements between the applicant and D to resume on a normalised basis.
- [40] I reported my findings and recommendations in this regard to the parties at a resumed hearing. The applicant was resistant to my approach and bemoaned her having to spend any more money on therapist when she had already been forced to spend R130 000.00 on the supervised access arranged by KidsBuzz. She requested that the Family Advocate or FAMSA perform the reintegration therapy. This is a request that I have considered seriously.
- [41] I am alive to the fact that the cost of having access to D through KidsBuzz has been of serious financial impediment to the applicant. I am also mindful that the applicant has lost faith in Ms. Kriel who she feels is biased against her. It would thus not be fruitful or fair to the applicant to insist that Ms. Kriel manage the process of reintegration between the applicant and D and that she be forced to pay half of these expenses. I, however, accept that the applicant has in all likelihood not met her obligations.
- [42] What I thus have in mind as Upper Guardian of D is that D be referred for therapy with the clinical psychologist as advised by Dr. Swart and that the applicant, D and the respondent attend reintegration therapy with a neutral but recommended therapist. This is to cater for the applicant's loss of faith in Ms. Kriel's objectivity.

The interim access arrangements made by me

- [43] After consulting with D and Dr. Swart, I directed that the applicant be permitted to have access to D every Saturday from 1pm to 3pm at a venue chosen by D, but that this access still be supervised by a social worker from KidsBuzz. This I hoped would be an interim arrangement pending successful reintegration therapy that would allow the access to be unsupervised ultimately.

[44] I must add that my proposed access arrangement was made after extensive engagement with D during my interview with him. At first D was reluctant to agree to having any access with the applicant, who he indicated bombarded him with guilt provoking messages that caused him to block her from having contact with him. He also stated that he did not wish to continue with the access at KidsBuzz as it was too long and he had nothing to say to the applicant and generally just slept. I was extremely concerned about this and surmised that this was due to the unnatural circumstances under which he had been forced to have access to the applicant, in an unnatural environment supervised by a social worker, for 3.5 hours, as had been ordered by the Magistrate in the Children's Court. While this may be suitable in a normal environment, it was totally inappropriate in a highly restricted, unnatural and supervised environment at kidsBuzz' offices during which any mother and child would be hard pressed to think of things to do and talk about for 3.5 hours.

[45] After a great deal of persuasion, I was able to impress upon D that it was equally in his interests to have access to his mother as it was to her to have access to him. I persuaded D that should this access take place in a more normal environment that he could choose, and at which he and his mum could do fun activities together and/or go out and have lunch, I was sure that the time that they spent together would improve. It was apparent that D felt a great deal of alienation from his mother that I told him was necessary to repair. I stressed that he did not need to choose between his mother and his aunt and that I was sure that he loved them both and they loved him.

[46] D finally agreed to try and see the applicant the coming Saturday but requested that I limit the access to two hours.

[47] D then chose a shopping complex at which to exercise access to the applicant the following day, that was Saturday 16 May 2026.

The events that have transpired since the applicant has been granted access to D outside of the KidsBuzz environment

[48] On Saturday 16 May 2026, D reported to me during his visit with the applicant that the visit was going very well.

[49] On Thursday 21 May 2026, D indicated that he wished to see his mother on 23 May 2026 at a different shopping complex, but still wanted to limit the visit to 2 hours.

[50] On Monday 25 May 2026, D reported to me that the visit on 23 May 20026 had gone very well; indeed the best it has had since he and the applicant have had visits before.

[51] Needless to say, this progress was excellent news to me.

[52] However, on Wednesday 27 May 2026, D messaged me to inform me that the applicant had bombarded him with messages the previous evening about mothers and sons, and more particularly, the duty of a son to look after his mother according to Islam. He forwarded me 45 Instagram reels sent to him by the applicant. He told me that he had been upset by the reels as he felt that his mother was trying to guilt-trip him again. He also forwarded me voice notes from his mother that he said reminded him of how the applicant used to swear at him and his grandmother when she was drunk. It was apparent to me that when intoxicated the applicant has very little impulse control and fails to understand how distressing the incessant messages she sends are to D.

[53] The result was that D blocked his mother on his phone again and asked that he not be forced to see his mother the upcoming Saturday 30 May 2026. He informed me that even during the early hours of Saturday morning, the applicant was continuing to send Instagram reels to him.

[54] Although I instructed my registrar to communicate to the parties that D wished to cancel the scheduled visit, she did not relay this and both the applicant and the respondent assumed that D was obliged to proceed with the visit as I had previously directed. D thus contacted me, distressed that his mother had not been informed that their visit had been cancelled. Ultimately, the visit did not proceed.

[55] On Sunday 31 May 2026, D again contacted me and sent me screenshots of the messages that he was receiving from the applicant. He said she was fighting with him on the call and calling the respondent a "*dija*", which he explained was basically Satan in Islam. The applicant apparently told D that it was not his fault that the respondent was teaching him wrong, and "*may Allah have mercy swt.*" The applicant told D that she had raised him "*better than this,*" that his aunt was manipulating him and making him "*throw his mother away.*"

[56] The applicant continued:

"If you only knew the blessing of a mother, you would run far away from her. This is not Islam. My son open your eyes before it's too late. She is wanting to destroy us or bond

and yourself. How will you feel one day if something happens to me...People cry for their mothers begging for 1 second. It's not your fault but she is teaching you wrong. Trust me you don't want to regret later every tear that your mother cries. It shakes the throne of allah swt. That's the power of a mothers du'aa."

[57] The applicant proceeded to text:

"If you knew how your mother prays for you and how I worry how my heart hurts every second of every day, how I would give my last breathe for you to be happy. Only when you lose a mother you understand how protected you were because of your mother's prayer. Its only when you lose a mother that you know her value. Don't let her give your jannah away. You are Muslim, even Christian's hold onto their mother like gold. Wake up my son please. No D this is enough now."

[58] The applicant continued in this vein relentlessly. She indicated that she felt abused as she did everything to the best of her ability for D, that this was not right and he had to stand up for justice. She said if he did not want anything to do with her, this would not help, that even his aunt would not treat her own mother like this, that his aunt had nevertheless encouraged D to throw his mother on the street. She stressed that she had given birth to him and raised him and sacrificed her life for him and still would because she loved him- but levelled a veiled threat if he thought this was a game and reiterated that enough was enough.

[59] The applicant then sent the following messages:

"Let me know when you are ready to come home. I love you. If you genuinely feel like Yumna is treating you right and you don't want a mother or my love, then allah swt have mercy. But that won't change my life, it will destroy the little we have. Think for yourself my angel. I have been running up and down being abused financially all I do is for you. You need to learn respect for me. I am not a person on the street. I gave birth to you. I love you. Even if you are not with me I never manipulate you. You are not a possession. We are in the end of times. If qiyaamat comes can you be ok, knowing these were our last words. No-one can replace a mother. After aallah swt and the prophet saw it was your mother, that is better than jihad even...If you harm your mother you harm yourself...I have nothing to hide but of you want to live forever by Yumna and throw your mother away, so so."

[60] After this, D blocked the applicant again.

- [61] After receiving these extremely concerning messages, I nevertheless approached D and tried to explain why I felt that his mother was behaving like this and that I could see that she was now desperate, as since he was removed from her care, she had only had two normal visits with him and now he was refusing to see her again. I felt that if he would agree to see his mother and try and explain how he feels when she sends these relentless guilt provoking messages, perhaps they could re-set their relationship again.
- [62] In my view, denying the applicant access to D again and leaving this in his hands, was driving the applicant to distraction and provoking this extreme outpouring of uncontrolled and unbridled emotion by the applicant. I explained to D that it must have been very hard for his mother to hear from me at the resumed hearing that he had expressed the preference to remain with the respondent and that the applicant was in the need of therapy herself and that his mother had, albeit understandably, become unhinged.
- [63] D then unblocked the applicant but he reported to me, soon hereafter, that his mother just then proceeded to send incessant messages in a similar vein to him.
- [64] On 2 June 2026, D informed me that the applicant had called him and told him that she was at the police station as she intended laying criminal charges against his aunt. She stressed that she was seeking justice as was her human right as the respondent had harmed her and abused her rights. The applicant informed D that he could stay with her or with his grandmother, making it clear to him that he could no longer live with the respondent because she was going to be arrested. D became very concerned that he was going to be forcefully removed from his aunt. The applicant then continued to inform D that his aunt had kidnapped his cat and that she had tried to put her in a hospital that meant she could not live at her home for two months.
- [65] On 4 June 2026, D messaged me again and indicated that he did not feel that his mother was in a good mental state and he would prefer not to have to visit her that weekend. He reported that his aunt was going to take him away to the beach so that he could calm down after the prior events.
- [66] On Monday 8 June 2026, D again messaged me to inform me that he had called his mother following his time away and had tried to be positive towards her again, but she had accused him of lying, which caused them to have a huge argument and resulted in him blocking his mother on his phone again. I tried to persuade D to try and reconcile

with his mother yet again. He was reluctant to do so as he felt that the barrage of Instagram posts and messages would continue. He said, however, that if the applicant “*behaved*” that week he would reconsider his stance.

- [67] On Tuesday 9 June 2026, D messaged me to tell me that he was at the hospital as he had fractured his finger. He said that his mother had accompanied them to the hospital after having been requested by his aunt to consent to her taking him to the hospital. Apparently the day before this, and prior to accompanying D and his aunt to the hospital, the applicant had been polite and collegial to both him and his aunt.
- [68] However, once at the hospital, D told me that he noticed that his mother’s lips were red, as they always were after she had been drinking. D relayed to me that while he was being examined by a nurse, his mother told the nurse that he cuts himself, that he had been kidnapped and this was child abuse. He sent me a video of his mother, who was again out of control, screaming at his aunt. The applicant thereafter levelled the same allegations to the doctor examining D and elicited their help to remove him from the respondent.
- [69] D then sent me a voice note to explain how his mother had sworn at his aunt in front of everyone at the hospital and had threatened to press charges against her. He explained that he and his aunt had ended up having to run to the car and drive away.
- [70] Hereafter, D conveyed to me that he was afraid that the police would come and arrest his aunt. He informed me the following day that his aunt’s attorneys had contacted the police and explained the situation and so the police, in his words, had “*backed off*”.
- [71] On Thursday 11 June 2026, I contacted D and asked how he felt about seeing his mother that Saturday 13 June 2026 as I felt that if the applicant had access to D again, this may help to normalise things and help calm his mother down.
- [72] On Friday 12 June 2026, D messaged me to say that after what had transpired at the hospital, he did not want to see his mother on Saturday 13 June 2026, but that he would try again the following week.
- [73] On Saturday 13 June 2026, I received a desperate call from D telling me that his mother was at his aunt’s house with the police and that they were banging at the door demanding entry. He was terrified that the police would arrest his aunt and remove him from her care and place him in a place of safety. He later explained to me that the

police had served documents on his aunt requiring her to attend court. I am unaware of the nature of these documents.

[74] I again explained to D that his refusal to see his mother was driving her crazy, but he said if he had to see her, he felt this would make things worse as she is “*sometimes crazy*”.

[75] By this stage, it was abundantly clear to me that despite my best intentions to assist the applicant to have access to her son under normal conditions, that I could no longer case manage this matter to the extent that I had as it was requiring my constant intervention and expertise that I did not have. It became plain to me that I urgently needed to write a judgment referring the parties to the experts who had been referred to me to provide the requisite support and therapy to D and the essential reintegration therapy to the applicant, the respondent and to D.

[76] Sadly, I was forced to realise that what had started so positively had now degenerated to the point where I could not, in my capacity as the Upper Guardian of D, continue to try and manage the extremely volatility of the applicant and her inability to control her reckless impulsivity.

[77] The applicant’s inability to control her emotions and reckless impulsivity is not new and is only made worse when the applicant is under the influence of alcohol. Ms Kriel reports that the applicant arrived at his school, Newton House, with an ambulance while drunk and screaming and attempted to gain access to the school because she had learnt that D was cutting himself. In her report dated 21 May 2026, Ms. Kriel reports that the respondent had informed her that D had experienced exposure to erratic behaviour, substance abuse, conflict, inconsistent caregiving and possible neglect while in the applicant’s care.

[78] Ms. Kriel also reported that following her interviews with D that he had “*described feeling emotionally overwhelmed, “in the middle” of the family conflict, and uncertain about whom to trust. Across multiple interviews, the child consistently reported concerns regarding [the applicant’s] alcohol use, emotional dysregulation, aggression, verbal conflict, late-night behaviour, and instability, including incidents of shouting, threats of suicide, violent outbursts, and exposure to unsafe situations.*”

[79] Ms. Kriel also attached reams and reams of WhatsApp messages sent to D, some of which D sent to me and others in a similar vein to those D forwarded to me. She also included intimidating messages between the applicant and a social worker in her

practice. The transcripts of the conversation between D, Ms. Kriel and the applicant regarding her attending at the premises in the middle of the night with paramedics to determine his well-being as well as her attending at the Clinic where D was undergoing treatment on 11 March 2026 is also most concerning. That is not to say that D's self-harming is not concerning to me. It is and is the reason why I wish to refer D to a therapist and the family for reintegration therapy.

- [80] I do hope that the applicant will realise when reading this judgment that she, too, urgently requires therapy should she wish to be reintegrated with D and, hopefully, one day regain custody of him. This is a two-way street.

Conclusion

- [81] I have relayed the details of the communications between the applicant and D set out above as I feel that the content of these communications are essential to D's and the applicant's therapy. It is my intention that the content of this judgment be conveyed to Ms Kriel as well as the further therapists I am mindful to refer D and the parties to.

- [82] Despite what has been set out by me in this judgment, the respondent's answering affidavit and Ms Kriel's report dated 21 May 2026 regarding the applicant's highly inappropriate conduct, I continue to feel that on the facts presented to me, there may not have been a proper basis for taking the drastic step of removing D from the applicant's care without trying to introduce less severe supportive remedies.

- [83] The applicant understandably feels wronged and unheard. She has also written to me to complain about my not writing a judgment sooner and making it a court order that she be granted access to D as directed by me. She has also issued a veiled threat to remove me as the judge in the proceedings.

- [84] I appreciate fully that the applicant is now desperate and is prepared to take whatever measures she can think of to secure the return of D to her care. She feels huge anger and resentment towards the respondent and has made it plain that should it be decided that D should not be returned to her care at this stage, she would prefer to having D placed in foster care on an interim basis provided that D is immediately removed from the respondent's care.

- [85] Sadly for me, emotions are now so heightened and the situation has become so explosive that I cannot responsibly continue to manage the access arrangements and must temporarily delegate my powers and duties as Upper Guardian of D to D's

psychiatrist, the therapist that I intend to refer D to, as well as the reintegration therapist that I intend to Order that the parties undergo therapy with for a period of 8 weeks. In view of the fact that I am mindful of the costs of this therapy, I have recommended that should the parties require further reintegration therapy beyond 8 weeks, that the parties be referred to FAMSA for ongoing therapy.

[86] It is hoped that after some weeks of therapy, the applicant will learn how to better manage her emotions and conduct and the respondent will appreciate how desperate the removal of D from the applicant's care at her instance has made the applicant feel. As a psychologist herself, the respondent must appreciate how further restricting the applicant's access to D will serve only to further derail the applicant and cause her to behave progressively more and more impulsively and uncontrollably. The respondent should foster reintegration with the applicant and be cautious not to cause parental alienation. To do so is clearly in D's best interests, and ultimately is also in her best interests.

[87] I implore upon the therapists appointed to bear an open mind when evaluating the facts and circumstances of this case and in formulating reintegration guidelines that are fair and that foster normal parent-child relations to the point where, hopefully in the not too distant future, D can again be reintegrated with his mother and perhaps, even be returned to her care, should this be found to be in his best interests.

[88] I also direct the therapists appointed to please consider the role played in the removal of D from the applicant's care in the deterioration in his mental well-being and the reason for his self-harming.

[89] Ms. Kriel has recommended that the investigation directed by the Children's Court be completed and that she submit her final report to such court for finalisation of the matter.

[90] I nevertheless intend to retain a measure of judicial control over all decisions taken regarding D's future care and contact with the applicant as his Upper Guardian. I will thus order that I be kept abreast of the proceedings in the Children's Court by the respondent's attorneys, copying the applicant, and that I be furnished with a copy of Ms. Kriel's final report that she has been required to provide to such court by 7 July 2026. I also intend to direct that D's treating therapist and psychiatrist, as well as the reintegration therapist I intend to refer the parties to provide confidential reports to me on the progress made within 12 weeks of the delivery of this judgment and order.

- [91] I am satisfied that provided D receives the required therapy and psychiatric support and that the parties undergo the mandatory reintegration therapy to be ordered by me, D will not be in danger and his self-harming and suicidal ideation will be monitored appropriately. It hoped that as the reintegration therapy progresses and the parties are able to communicate more appropriately in the interests of D, the present heightened tensions will diminish and D's mental well-being will improve dramatically.
- [92] While the proceedings are pending in the Children's Court, it is inappropriate and unnecessary that I remove D from the respondent's care at this stage, particularly as those proceedings will recommence on 7 July 2026 and I am satisfied that, with the systems I intend to put in place, D will be safe in the interim.
- [93] I therefore intend to postpone the current application for the removal of D from the respondent's care pending the outcome of the application currently pending before the Children's Court, but direct that the applicant's access to D be both encouraged, fostered and facilitated by Ms. Kriel in earnest, with a view to repairing the relationship between D and the applicant in D's best interest.
- [94] It is highly recommended that the applicant undergo therapy herself to ensure that she can provide a stable and secure environment for D with the ultimate goal of having D returned to her care.

Order

- [95] In the result, I make the following order:
- (1). The main application is postponed *sine die* pending the outcome of the reintegration therapy that is ordered below and the outcome of the proceedings currently pending before the Randburg Children's Court.
 - (2). D is to continue with his therapy with Dr Alicia Swart.
 - (3). D is to undertake therapy with Ms Fran Webster (HPCSA Reg number: PS0143316); Contact details : 0[...]; email: s[...]; G[...] Floor, Building [...], F[...] M[...] O[...] P[...], C[...] R[...] Street and M[...], F[...], for such period of time as is determined by such therapist or such other therapist recommended by Dr Swart or D is referred to by Ms Webster.
 - (4). The applicant, the respondent and D are ordered to attend twelve (12) sessions of reintegration therapy with Dr. Giada Del Fabbro at Unit [...], T[...] V[...] M[...] C[...],

1[...] 7[...] Ave, P[...] N[...]; cell: +2[...]; email: d[...] the manner so prescribed by such therapist.

- (5). If after 12 sessions, further reintegration therapy is recommended, the parties are to be referred to FAMSA by Dr. Del Fabbro to continue with this therapy as a cost saving measure, unless other arrangements may be made for reintegration therapy to continue.
- (6). Each of the therapists so appointed, and FAMSA if applicable, are directed to report to me within 16 weeks of this Order on the progress made with D's therapy and the reintegration therapy, whereafter, the parties are entitled to approach me to seek directions as to the further conduct of this matter.
- (7). The respondent's attorneys are directed to keep me apprised of the developments in the pending investigation into D's best interests before the Randburg Children's Court, copying the applicant on all such communications.
- (8). The applicant and the respondent are ordered to each pay half of the cost of the aforementioned therapies not covered by medical aid.
- (8). Ms Kriel is directed to provide me with a copy of her final report to be submitted to the Children's Court on 7 July 2026.
- (9). All the aforementioned therapists and the Children's Court are to be provided with a copy of this judgment by the respondent's attorneys, copying the applicant.
- (10). No order is made as to costs.

S.M WENTZEL-THOMPSON
JUDGE OF THE HIGH COURT
JOHAN

HEARING:

Date of the hearing: 14 May 2026 and 1 June 2026

Date of the judgment: 23 June 2026

APPEARANCES

For the applicant: In person

For the respondent: LCM Morland instructed by Sheralyn LEA Pieterse Attorneys

