



**IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, JOHANNESBURG)**

- (1) REPORTABLE: No
(2) OF INTEREST TO OTHER JUDGES: No
(3) REVISED.

SIGNATURE

DATE: 18 September 2026

Case No. 2026-071953

In the matter between:

GG

Applicant

and

EYC

Respondent

JUDGMENT

WILSON J:

- 1 On 12 May 2026, I referred this unopposed application to terminate the respondent's, EYC's, parental rights to Irene de Vos and Khanya Dumbuza, of the Johannesburg Bar, who agreed to act as *curatrices ad litem* to the child, S, and to report back to me on S's best interests. I did this because the case proffered in support of the application by the applicant, GG, in his founding affidavit, was threadbare. I was particularly concerned that there was nothing on the papers that allowed me fairly to assess the attitude of EYC, who is S's biological mother, to the prospect of having her parental rights terminated.

- 2 I am grateful to the curatrices for their balanced, comprehensive and helpful report, which they delivered on 28 August 2026. In that report, the curatrices substantially confirm, albeit in much more detail than is set out in the founding affidavit, GG's version as to the care he and his family are providing S. I am satisfied that GG should be awarded the parental rights he claims, and that it is in S's best interests to remain in his care.
- 3 The curatrices' report confirms that GG and his wife intend to commence proceedings to adopt S. The curatrices also confirm, having interviewed EYC, that EYC is content to relinquish her parental rights. They confirm that the decision to do so was not made spontaneously, but after sustained thought, and after a realistic evaluation her capacity to provide S with the care and stability S needs. However, the curatrices are also conscious that EYC, having recently left prison, may, once her situation has stabilised, wish to revisit her decision. EYC has given no indication that she might one day do this, and appears to be planning a future without S. Nevertheless, the curatrices are understandably reluctant to recommend that EYC's parental rights be terminated once and for all.
- 4 The curatrices suggest three possibilities for determining S's future in their report. The first is a reference to the Children's Court for further investigation. The second is directing EYC and GG to engage on the possibility of entering into an agreement delineating shared parental rights and responsibilities. The third is the suspension of EYC's parental rights and responsibilities. This holds out the possibility that EYC may in future apply to resume the exercise of those rights.

- 5 I do not think that further investigation at this stage would assist the parties, or, more importantly, that it would be in S's best interests. GG and his family have been looking after S for as long as S can remember. S is happy and settled with them. There is no suggestion that GG is not a fit parent. He has proved his fitness to the curatrices and to me. EYC's attitude is, and will for the foreseeable future remain, that she is unwilling and unable to be the mother S needs. S is only dimly aware, if she is aware at all, of any possibility that she will spend her childhood with anyone other than GG and his family.
- 6 EYC's attitude also, in my view, rules out the possibility of a shared parenting arrangement being agreed. EYC does not wish to exercise any of her rights or responsibilities as a parent. There is no point in asking her to negotiate an agreement to do so.
- 7 However, I share the curatrices' reluctance to terminate EYC's parental rights once and for all. It seems to me that, given GG and his wife's plans to adopt S, the sensible course would be to suspend EYC's parental rights and responsibilities pending the finalisation of that process. The effect of such an order would be that EYC will be at liberty to apply to resume exercising parental rights and responsibilities over S at any time before GG and his wife formally adopt S. If EYC's attitude, that she has no wish to retain such rights and responsibilities, remains unchanged, the adoption will permanently end any possibility of their resumption. But EYC will have the time and the opportunity during the adoption process, and having hopefully, over time, developed a degree of security and stability that her life presently lacks, to decide whether a permanent severance from S is what she really wants.

8 For all these reasons, there will be an order suspending EYC's parental rights and responsibilities in respect of S, pending S's adoption by GG, or pending an order of court that EYC may resume exercising those rights and responsibilities. That order will be signed, dated, marked "X", and uploaded to this court's electronic registry forthwith.



S D J WILSON
Judge of the High Court

This judgment was prepared by Judge Wilson. It is handed down electronically by circulation to the parties or their legal representatives by email, by uploading it to the electronic file of this matter on Caselines, and by publication of the judgment to the South African Legal Information Institute. The date for hand-down is deemed to be 18 September 2026.

HEARD ON: 5 May 2026

CURATRICES' REPORT: 28 August 2026

DECIDED ON: 18 September 2026

For the Applicant: JC Bornman
Instructed by SKV Attorneys Incorporated

Curatrices ad litem: I de Vos and K Dambuza
At the request of the court