

**Fourth Session Second Parliament Republic of Trinidad
and Tobago**



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 20 of 1985

[L.S.]

**AN ACT to amend the Family Law (Guardianship of
Minors, Domicile and Maintenance) Act, 1981
(Act 15 of 1981)**

[Assented to 13th June, 1985]

ENACTED by the Parliament of Trinidad and Tobago as Enactment
follows:

1. This Act may be cited as the Family Law Short title
(Guardianship of Minors, Domicile and Maintenance)
(Amendment) Act, 1985.

Section 2 of the
Principal Act
amended

2. Section 2 of the Family Law (Guardianship of Minors, Domicile and Maintenance) Act, 1981 (hereinafter referred to as the "Principal Act") is amended by the insertion in subsection (1) of the following definition in its appropriate alphabetical order:

"stranger" means a person who, being neither the mother nor father of a minor, has in the opinion of the court a sufficient interest in the minor;"

3. Section 5 of the Principal Act is repealed and replaced as follows:

"Change of
name of
minor

(1) Subject to subsections (2) and (3), the father or mother of a minor or a stranger may apply to the High Court to change a given name or the surname of that minor.

(2) Where an application is made under subsection (1)—

(a) by the mother or father, the consent of the other parent must first be obtained; or

(b) by the stranger, the consent of both parents must first be obtained.

(3) Notwithstanding subsection (2), the Court may, on an application made under subsection (1), dispense with the consent of the father or of the mother in the case where the mother or father is dead or cannot be found or, in any other case, as it sees fit to do so.

Section 13 of
Principal Act
amended

4. Section 13 of the Principal Act is amended by the deletion of subsection (1) and the substitution of the following:

"Orders of
custody and
maintenance
on applica-
tion of
parent or
stranger

(1) The court may on the application of the father or mother of a minor (who may apply without next friend) or of a stranger make such order regarding—

(a) the legal custody of the minor;
and

(b) the right of access to the minor of the applicant or of any other person,
as the court think fit having regard to the welfare of the minor and to the conduct and wishes of the mother or father or of the stranger;”.

5. Section 16 of the Principal Act is amended as follows: Section 16 of Principal Act is amended

- (a) in subsection (3), line 3, for the word “being” substitute the word “been”;
- (b) in subsection (5), line 2, immediately after the word “order”, insert the word “made”.

6. Section 22 of the Principal Act is amended as follows: Section 22 of Principal Act amended

- (a) in subsection (4), line 4, for the words “at last place” substitute the words “at his last place”;
- (b) in subsection (4), line 4, for the words “served on” substitute the words “seven days”.

7. Section 25 of the Principal Act is amended as follows: Section 25 of Principal Act amended

- (a) in subsection (1)(c), line 4, for the words “a child” substitute the words “minor child”;
- (b) in subsection (1)(d), line 4, the words “a minor” substitute the words “minor child”.

8. Section 27 of the Principal Act is amended in the following manner, that is to say, in subsection (4), line 9, for the word “parent” substitute the word “defendant”. Section 27 of Principal Act amended

Passed in the Senate this 6th day of March, 1985.

R. L. GRIFFITH
Clerk of the Senate

Passed in the House of Representatives this 9th day
of May, 1985.

J. E. CARTER
Clerk of the House

House of Representatives Amendments agreed to
by the Senate on the 14th May, 1985.

J. E. CARTER
Clerk of the House