

**FAMILY PROCEEDINGS AND  
CHILDREN PROCEEDINGS ACT**

**CHAPTER 46:09**

**Act**  
**2 of 2004**  
Amended by  
31 of 2005  
\*6 of 2016

\*(See Note on page 2)

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**Note on Subsidiary Legislation**

This Chapter contains no subsidiary legislation.

**Note on Act No. 6 of 2016**

Amendments made to this Act by Act No. 6 of 2016 took effect on 15th May 2017 by LN 38/2017.

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**CHAPTER 46:09**

**FAMILY PROCEEDINGS AND  
CHILDREN PROCEEDINGS ACT**

ARRANGEMENT OF SECTIONS

**SECTION**

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7. Mediation confidential.
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9. *(Repealed by Act No. 6 of 2016).*

**SCHEDULE**—*(Repealed by Act No. 6 of 2016).*

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**CHAPTER 46:09**

**FAMILY PROCEEDINGS AND  
CHILDREN PROCEEDINGS ACT**

[2 of 2004  
6 of 2016].

**An Act relating to Family Proceedings and Children Proceedings.**

Commencement.

[30TH JANUARY 2004]

Short title.  
[6 of 2016].

**1.** This Act may be cited as the Family Proceedings and Children Proceedings Act.

Application of Act.  
[6 of 2016].

**2.** This Act applies to family proceedings and children proceedings whether in a superior or inferior Court of record.

Interpretation.  
[6 of 2016].

**3.** In this Act—

“Authority” has the meaning assigned to it under section 3 of the Children’s Authority Act;

“children proceedings” includes any proceedings in relation to children matters as defined under section 3 of the Family and Children Division Act, 2016 and other matters falling within the jurisdiction of the Family and Children Division of the High Court of Trinidad and Tobago;

“family proceedings” include any proceedings in relation to family matters as defined under section 3 of the Family and Children Division Act, 2016 and other matters falling within the jurisdiction of the Family and Children Division of the High Court of Trinidad and Tobago.

Services of persons other than probation officers may be utilised.  
[6 of 2016].

**4.** (1) Where in any family proceedings or children proceedings the Court requires the services of a probation officer, the Court may nonetheless utilise the services of any person whose qualifications are at least equivalent to those of a probation officer and who either—

(a) is a public officer; or

(b) is employed on contract by the State or the Authority.

(2) A person, not being a public officer, whose services are utilised by the Court under subsection (1) shall exercise the same functions and enjoy the same protection as a probation officer.

**5.** (1) Where in the opinion of the Court the interest of the parties to any family proceedings or children proceedings may be better served if the matter or any aspect thereof is referred to mediation or to the unit responsible for social services in the Court or to some other professional, the Court may make the appropriate referral at no expense to the parties.

Court may refer matter to mediation, etc. [31 of 2005 6 of 2016].

(2) Parties to any family proceedings or children proceedings may, with the approval of the Court, agree to retain the services of a private mediator, counsellor or other professional.

(3) Any expenses incurred under subsection (2) shall be borne by the parties or either of them as the parties may agree.

(4) The Court may adjourn family proceedings or children proceedings in order to accommodate a referral under subsection (1) or the parties' desire to retain services under subsection (2).

**6.** The unit mentioned in section 5(1) may refer parties to any of the services provided for in that section, before the commencement of proceedings.

Referral may take place before commencement of proceedings.

**7.** Mediation in any family proceedings or children proceedings is confidential and shall be subject to the provisions of Part III of the Mediation Act.

Mediation confidential. Ch. 5:32. [6 of 2016].

**8.** (1) A report shall be made to the Court as to whether or not the mediation resulted in agreement.

Agreement to be reported to the Court.

(2) Where there is agreement, the terms thereof may be communicated to the Court if the parties so agree.

**9.** *(Repealed by Act No. 6 of 2016).*

**SCHEDULE—***(Repealed by Act No. 6 of 2016).*