

UNOFFICIAL

FAMILY AND CHILDREN DIVISION ACT

ACT NO. 6 OF 2016

Act
6 of 2016
Amended by
*15 of 2018
*19 of 2019
*12 of 2023

(*See Notes on page 2)

Current Authorised Pages

<i>Pages (inclusive)</i>	<i>Authorised by L.R.O.</i>
1-45	..

CONSOLIDATION

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Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

Note on Commencement

At the time of revision of this Act, items 16(k), 16(l), and 18 of Schedule 5 were awaiting proclamation. All other sections of this Act took effect on 15th May 2017 and 28th February 2018 by Legal Notices 38/2017 and 23/2018 respectively.

Note on Fifth Schedule

The Fifth Schedule of this Act contained consequential amendments to various Acts. Save and except items 16(k), 16(l) and 18, which have not yet been proclaimed, all other consequential amendments, including those made by Act No. 15 of 2018, have been duly incorporated into the respective Acts. The Fifth Schedule has therefore been omitted.

Note on Act No. 15 of 2018

The amendments made to this Act by Act No. 15 of 2018 took effect on 31st December 2018 by LN 191/2018.

Note on Act No. 19 of 2019

The amendments made to this Act by Act No. 19 of 2019 took effect on 31st January 2020 by LN 33/2020.

Note on Act No. 12 of 2023

The amendments made to this Act by Act No. 12 of 2023 took effect on 12th December 2023 by LN 376/2023.

CONSOLIDATION

ACT NO. 6 OF 2016

FAMILY AND CHILDREN DIVISION ACT

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CONSOLIDATION

ACT NO. 6 OF 2016

FAMILY AND CHILDREN DIVISION ACT

An Act to make jurisdiction for all family matters and children matters exercisable in a Division of the High Court to be called the Family and Children Division and to make provision for matters connected therewith. 6 of 2016.

[Assented to 5th July 2016]

WHEREAS in May 2004 a Family Court was established as a pilot project which, through constant monitoring and evaluation and the resulting changes in systems and administration has proved successful and has produced the desired result: Preamble

And whereas it was intended that the experience of the pilot project would inform the preparation of the legislation to establish a special Court exercising jurisdiction for all family matters and criminal offences with which children under fourteen years of age are charged:

And whereas the Family Court pilot project heard family matters including matters in which a parent or guardian sought the order of the Court to have his child deemed beyond control:

And whereas on account of the success of the pilot project and lessons learnt, it is now intended to establish the Family Court, and to make its services available at several locations in Trinidad and Tobago:

And whereas jurisdiction for all family matters exercisable by the High Court and the Magistrates' Court will be exercisable in the Family Court and all the essential elements and resources appropriate to the operation of a Family Court will be combined into one entity including a social service unit, a mediation unit and such other units and services as are critical to the resolution of a family's problems:

And whereas it is intended that such a Court should provide the highest quality service to its customers and to the community through—

- (a) a strong focus on customer service;

- (b) the employment of dedicated judicial, administrative, professional and support staff specifically trained and having the suitable temperament for family matters and children at risk;
- (c) the simplification of the process of accessing the appropriate Court or agency in which to obtain family justice, by establishing a single intake system; and
- (d) providing an environment conducive to the resolution of family matters:

And whereas the Children Act, 2012 was premised, *inter alia*, on a rehabilitative approach to be used for child offenders with benefits for the child and the wider society:

And whereas such a rehabilitative approach necessitates a Court that is well resourced so that it can provide the highest quality service to its customers and to the community through—

- (a) a strong focus on customer service;
- (b) the employment of dedicated judicial, administrative, professional and support staff specifically trained and having the suitable temperament for dealing with children;
- (c) the simplification of the process of hearing children matters;
- (d) a strong emphasis on diversionary programmes and rehabilitative programmes to assist in the rehabilitation of children who are in conflict with the law;
- (e) early and credible assessment of the risk level of children who come before the Court;
- (f) a strong emphasis on programmes, policies and procedures which may divert children away from conflict with the law;
- (g) a focus on trauma-informed child justice;
- (h) a solutions-based approach to children's matters;
- (i) an evidence-based approach to options for solution; and

- (j) providing an environment conducive to the resolution of children matters and appropriate services and programmes:

And whereas section 81 of the Children Act has provided that a Juvenile Court—

- (a) when hearing charges against children; or
(b) when hearing applications relating to a child at which the attendance of the child is required,

shall sit—

- (i) in a different building;
(ii) in a different room;
(iii) on different days; or
(iv) at different times,

from those at which the ordinary sittings are held, unless the child is charged jointly with any other person not being a child:

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

PART I

PRELIMINARY

1. This Act may be cited as the Family and Children Division Act. Short title.

***2.** This Act comes into operation on such date as is fixed by the President by Proclamation. Commencement.

3. (1) In this Act—
“anonymised” includes— Interpretation.
[15 of 2018
12 of 2023].

- (a) the removal of sensitive data while preserving its format and data type;
(b) the process by which original data containing identifiers is replaced with consistent placeholders while preserving their format and data type; and

*See Note on Commencement at page 2.

(c) the process of separating disclosable data from non-disclosable data by the blocking of words, sentences or paragraphs before releasing a document in response to a records access request;

“auxiliary programmes” means programmes which assist a child who has come before the Court;

“child” means a person under the age of eighteen years;

Ch. 46:01. “Children’s Attorney” has the meaning assigned to it under section 88 of the Children Act;

“children care matter” includes —

(a) matters in which a child is deemed by the Court to be in need of care and protection under section 59(2)(j) of the Children Act;

(b) matters in which an application is made to the Children Court to have a child deemed in need of care and protection;

(c) matters in which an application is made under section 61 of the Children Act;

(d) matters in which an application is made under section 34 of the Children Act;

(e) matters in which applications are made for wardship, other than those made to the Family Court; and

Ch. 46:10. (f) applications made to the Children Court for an order under section 25 of the Children’s Authority Act;

“children charge matter” means any matter in which a child is charged with an offence or a matter which is determined to be a child charge matter under section 25;

“Children Court” means the Children Court Subdivision of the Family and Children Division of the High Court established under section 4(1);

“Children Court Judge” means a Puisne Judge when sitting in the Children Court;

“Children Court Master” means a Master when sitting in the Children Court;

“children drug matter” includes any matter in relation to a child who is the subject of a drug-related matter in the Court or who has a history of alcohol or substance abuse;

“Children Drug Treatment Court Process” means a process where a child is referred by a Master or Judge to an intensive treatment programme and other services that require the child to be monitored by the Judge or Master and to successfully abandon the use of the drug or alcohol and to be held accountable by the Judge or Master for meeting his obligations to the Court, society, himself and his family;

“children matter” includes any —

- (a) children charge matter;
- (b) children care matter;
- (c) children drug matter;
- (d) children mental health matter;
- (e) matter which is not a family matter within the meaning of this Act, but the primary issue in the matter is the care and protection of a child;
- (f) matter, in relation to a child, where—
 - (i) there is an application for a Protection Order under the Domestic Violence Act; Ch. 45:56.
 - (ii) there is the enforcement of a Protection Order under the Domestic Violence Act; or
 - (iii) the child is a victim or an affected bystander;
- (fa) matter concerning wardship; and
- (g) matter in which a child is required to appear in Court;

“children mental health matter” means any matter, in relation to a child, who is the subject of a mental health matter in Court, including mental disorder, mental illness or a child who is mentally subnormal as defined in the Mental Health Act; Ch. 28:02.

“Children’s Probation Officer” has the meaning assigned to it under section 18(1)(aa) of the Probation of Offenders Act; Ch. 13:51.

“consistent placeholders” means the same replacement words whenever the original identifiers are to be replaced;

“Court Executive Administrator” means the person who, subject to the Chief Justice, is charged with responsibility for the administration of the Judiciary and heads the Department of Court Administration;

“Department of Court Administration” means the administrative arm of the Judiciary of Trinidad and Tobago which is headed by the Court Executive Administrator of the Judiciary and comprises various administrative units;

“Deputy Court Executive Administrator” means the Deputy Court Executive Administrator, Family and Children Division with responsibility for the Family and Children Court Administration Department of the Division;

“Division” means the Family and Children Division of the High Court established under section 4;

“DNA” means Deoxyribonucleic Acid;

“Family Court” means the Family Court Subdivision of the Division established under section 4(1) in which family matters are heard and addressed;

“Family Court Judge” means a Puisne Judge when sitting in the Family Court;

“Family Court Master” means a Master when sitting in the Family Court;

“family matter” means any cause, matter or legal proceeding—

(a) concerning—

- (i) any applications under the Matrimonial Proceedings and Property Act;
- (ii) maintenance;
- (iii) guardianship;
- (iv) wardship;
- (v) custody and access;
- (vi) applications for orders made to the Family Court under section 25 of the Children’s Authority Act;
- (vii) adoption;
- (viii) civil child abduction;
- (ix) succession and inheritance, excluding probate and the administration of estates; and

Ch. 45:51.

(x) any matter in relation to the application for and issuance of a Protection Order and its enforcement under the Domestic Violence Act other than those which are children matters; and

(b) arising out of the written laws listed in the First Schedule or any other written law and which is connected with, or arises out of a matrimonial, familial or other domestic relationship and is not a matter in which a child is charged or arrested;

“family mediation” means mediation conducted by a person certified as a family mediator in accordance with the Mediation Act;

Ch. 5:32.

“Peer Resolution” means a voluntary restorative practices process in which children participate in a Court-like process of assessment to recommend measures or sanctions appropriate to the offence committed by a child offender with a view to raising civic awareness among all participants through education and participation;

“referring Court” means the Court from which a child has been referred to another Court or to an auxiliary programme;

“Registrar” means the Registrar and Marshal of the Supreme Court, the Deputy Registrar and Marshals of the Division and the Assistant Registrar and Deputy Marshals of the Division;

“social worker” means—

(a) a public officer experienced or qualified in social work; or

(b) an officer employed on contract by the Government, statutory authority or the Judiciary for the purpose of performing social work;

“substance” means any dangerous drug as defined in the Dangerous Drugs Act and alcohol;

Ch. 11:25.

“treatment provider” means a suitably qualified individual or health facility which provides for the treatment, rehabilitation and care of persons with drug or alcohol related problems.

(2) In any proceedings under any written law listed in the First Schedule, a reference to—

- (a) the “High Court”, or a “Court of Summary Jurisdiction” shall, in relation to a family matter, be read and construed as a reference to the “Family Court”;
- (b) a “Judge”, a “Magistrate” or the “Court” shall, in relation to a family matter, be read and construed as a reference to a “Family Court Judge”, a “Family Court Master” or the “Family Court”, respectively; and
- (c) a “Clerk of the Peace” or “Clerk of the Court” shall, in relation to a family matter, be read and construed as a reference to the “Registrar”.

(3) In any proceedings under any written law a reference to—

- (a) the “High Court”, or a “Court of Summary Jurisdiction”, or a “Juvenile Court” shall, in relation to a children matter, be read and construed as a reference to the “Children Court”;
- (b) a “Judge”, a “Magistrate” or the “Court” shall, in relation to a children matter, be read and construed as a reference to a “Children Court Judge”, a “Children Court Master” or the “Children Court”, respectively; and
- (c) a “Clerk of the Peace” or “Clerk of the Court” shall, in relation to a children matter, be read and construed as a reference to the “Registrar”.

PART II

THE FAMILY AND CHILDREN DIVISION OF THE HIGH COURT

Establishment
of Family and
Children
Division.

4. (1) There shall be a Division of the High Court to be known as the “Family and Children Division” which shall comprise the Family Court Subdivision known as the “Family Court” and the Children Court Subdivision known as the “Children Court”.

(2) The Family Court shall have jurisdiction in all family matters.

(3) The Division shall comprise up to twenty-two Puisne Judges and up to twenty-eight Masters.

(4) The Children Court shall exercise jurisdiction in—

(a) all children matters; and

(b) any other children matters which the Chief Justice may, by Order, assign to that Court.

(5) The Family Court shall be separate from the Children Court and the operations of each shall be separately housed with separate resources, and Court offices.

(6) Notwithstanding subsection (5), the Family Court and the Children Court may be housed in the same building provided that each maintains separate Court offices and waiting areas.

(7) The Family Court and the Children Court shall be housed, managed and staffed in accordance with Parts IV and V of this Act.

5. (1) Sittings of the Family Court shall be held at such locations and at such times as the Chief Justice, in consultation with a Family Court Judge, may appoint, in accordance with the Supreme Court of Judicature Act.

Sittings of Family Court and Children Court and matters in progress.
Ch. 4:01.

(2) Notwithstanding subsection (1), the Family Court may, when required and appropriate, sit at any time, and may conduct hearings by telephone, video conference or other appropriate electronic means.

(3) Sittings of the Children Court shall be held at such locations and at such times as the Chief Justice, in consultation with a Children Court Judge, may appoint, in accordance with the Supreme Court of Judicature Act and the Children Act.

(4) Notwithstanding subsection (3) and subject to any written law or any rules made hereunder, the Children Court may, when required and appropriate, sit at any time, and may conduct hearings by telephone, video conference or other appropriate electronic means.

(5) Without prejudice to the foregoing, upon commencement of this Act, the jurisdiction in family matters previously exercised in Courts of Summary Jurisdiction, save the Magisterial District of St. George West, shall continue to be exercised in those Courts until the Chief Justice directs otherwise.

(6) Without prejudice to the foregoing, upon commencement of this Act, the jurisdiction in family matters previously exercised in the High Court shall continue to be exercised in those Courts until the Chief Justice directs otherwise.

PART III

ADMINISTRATION OF THE FAMILY AND CHILDREN DIVISION

Deputy Registrar and Marshals and Assistant Registrar and Deputy Marshals

Assignment of Deputy Registrar and Marshals, Assistant Registrar and Deputy Marshals.

6. (1) There shall be assigned to the Family and Children Division—

- (a) a complement of up to three Deputy Registrar and Marshals of the Supreme Court, who, when assigned to the Family and Children Division, shall be known as “Deputy Registrar and Marshals of the Family and Children Division”; and
- (b) a complement of up to ten Assistant Registrar and Deputy Marshals who, when assigned to the Family and Children Division, shall be known as “Assistant Registrar and Deputy Marshals of the Family and Children Division”.

(2) The Deputy Registrar and Marshals of the Family and Children Division and Assistant Registrar and Deputy Marshals of the Family and Children Division under subsection (1) shall possess the requisite special training, experience and temperament suitable for appointment to the Division.

(3) Where under this Act, a Deputy Registrar and Marshal of the Family and Children Division or Assistant Registrar and Deputy Marshal of the Family and Children Division exercises jurisdiction in relation to any family matter or any children matter, he shall, in relation to that matter, have all the rights, powers and immunities of a Deputy Marshal of Trinidad and Tobago.

Court Administration

7. (1) There is established an administration department for the Division which shall be known as the “Family and Children Court Administration Department” and which shall be a subdepartment of the Department of Court Administration.

Establishment
of the Family
and Children
Court
Administration
Department.

(2) The Family and Children Court Administration Department shall comprise the—

- (a) Central Coordinating Office;
- (b) Family Court Administrative Office; and
- (c) Children Court Administrative Office.

(3) The Central Coordinating Office shall comprise—

- (a) the Social Services Unit;
- (b) the Human Resource Management Unit;
- (c) the Finance, Accounts and Investment Unit;
- (d) the Communications and Information Unit;
- (e) the Records Management, Court and Law Reporting Unit;
- (f) the Children’s Authority Liaison Unit;
- (g) the Statistical and Evaluation Unit; and
- (h) such other units as may be determined by the Chief Justice.

(4) The Family Court Administrative Office shall comprise—

- (a) the Family Court Office;
- (b) the Family Mediation Unit;

- (c) subunits of the Central Coordinating Office Units; and
- (d) such other units and subunits as may be determined by the Chief Justice.

(5) The Children Court Administrative Office shall comprise—

- (a) the Children Court Office;
- (b) the following units:
 - (i) the Peer Resolution Centre Coordination Unit;
 - (ii) the Children Drug Treatment Process Unit;
 - (iii) the Auxiliary Programmes Coordination and Monitoring Unit;
 - (iv) the Children Court Information Technology Unit; and
 - (v) the Children Court Witness Support Unit;
- (c) subunits of the Central Coordinating Office; and
- (d) such other units and subunits as may be determined by the Chief Justice.

Deputy Court Executive Administrator, Family Court Administrator, Children Court Administrator and staff.

8. (1) The Family and Children Court Administration Department shall be headed by the Deputy Court Executive Administrator, Family and Children Division and be assisted by a Family Court Administrator and a Children Court Administrator.

(2) The Family Court Administrative Office shall be headed by a Family Court Administrator while the Children Court Administrative Office shall be headed by a Children Court Administrator.

(3) The Deputy Court Executive Administrator shall report to the Court Executive Administrator and the Family Court Administrator and the Children Court Administrator shall report to the Deputy Court Executive Administrator.

(4) The Deputy Court Administrator has overall responsibility for the administration of the Division, and the

Family Court Administrator and the Children Court Administrator are responsible for the Family Court Administrative Office and the Children Court Administrative Office, respectively.

(5) The Deputy Court Executive Administrator, Family Court Administrator and Children Court Administrator shall possess the appropriate training and experience as required by the Judiciary.

(6) The Family and Children Court Administration Department shall be staffed with an appropriate number of suitably qualified persons as determined from time to time by the Court Executive Administrator.

(7) The Deputy Court Executive Administrator may assign staff at the Family and Children Court Administration Department to the Family Court or the Children Court.

PART IV

THE FAMILY COURT

9. (1) On the commencement of this Act, authority and jurisdiction in all family matters exercisable by the High Court and Courts of Summary Jurisdiction, shall be exercisable by the Family Court.

Authority and jurisdiction in all family matters exercisable by the Family Court.

(2) The question whether any cause, matter or proceeding is a family matter within the jurisdiction of the Family Court under this section shall be decided by the Family Court.

(3) Where there is a question of jurisdiction, the Family Court shall be guided by its view as to whether the cause, matter or proceeding is appropriate to be determined by the Family Court by reason of the matrimonial, familial or domestic relationship between the parties or any of them.

Family Court Judges

10. (1) The Chief Justice may assign to the Family Court, such Puisne Judges, who by reason of their special training, experience and temperament, are suitable to adjudicate in family matters.

Assignment of Family Court Judges.

(2) A Puisne Judge when sitting in the Family Court shall be known as a “Family Court Judge”.

(3) A person assigned under subsection (1) may apply to the Chief Justice for reassignment to any other Court within the High Court.

Judge or Master in Family Court to have the powers of a Magistrate.

11. When sitting in the Family Court, a Judge or Master shall, in addition to the powers conferred under the Supreme Court of Judicature Act, have all the powers exercisable by a Magistrate in family matters under—

Ch. 4:20.

- (a) the Summary Courts Act; and
- (b) any other legislation,

including the power to—

Ch. 45:56.

- (c) hear and determine matters related to default in the payment of maintenance when such payment was ordered by a Court, including ordering the committal of a person who has defaulted;
- (d) hear an application for and issue and enforce a Protection Order under the Domestic Violence Act; and
- (e) grant any other relief as is applicable in the circumstances.

Family Court Masters

Assignment of Family Court Masters.

12. (1) The Chief Justice may also assign to the Family Court, such Masters who, by reason of their special training, experience and temperament, are suitable to adjudicate family matters.

(2) A Master, when sitting in the Family Court, shall be known as a “Family Court Master”.

(3) A Master appointed under subsection (1) may apply to the Chief Justice for reassignment to any other Court to which a Master may be assigned.

13. A Family Court Master shall exercise all the powers and jurisdiction of a Judge as conferred to Masters under the Supreme Court of Judicature Act and rules made thereunder.

Powers of Family Court Master.

14. (1) Where under this Act, a Family Court Master has jurisdiction in relation to any matter, then, subject to this Act, he shall have and may exercise, in relation to that matter, all the powers of the Family Court or of a Family Court Judge to make an order in the matter, and such an order may include—

Powers of a Family Court Master the same as a Family Court or Family Court Judge.

- (a) provision for costs; or
- (b) other consequential matters.

(2) Any order made by a Family Court Master under subsection (1) shall have the same effect as if it had been made by the Family Court or by a Family Court Judge.

(3) Where under this Act, a Family Court Master exercises jurisdiction in relation to any family matter, then—

- (a) in relation to that family matter, the Master shall have all the rights, powers, immunities and privileges of a Judge; and
- (b) any party to the proceedings may appear by an Attorney-at-law.

15. (1) Where an order for maintenance is issued by a Family Court Judge or a Family Court Master under the Family Law (Guardianship of Minors, Domicile and Maintenance) Act, the Order may be enforced as if it were a Maintenance Order to which the Matrimonial Proceedings and Property Act applies and shall be a Maintenance Order within the meaning of the Maintenance Orders (Facilities for Enforcement) Act.

Enforcement of certain Orders.
Ch. 46:08.

Ch. 45:51.

Ch. 45:53.

(2) Where an order is made by a Family Court Judge or a Family Court Master under the Family Law (Guardianship of Minors, Domicile and Maintenance) Act, the provisions of sections 26 and 27 of the Act shall apply as if the Order were made by a Magistrate under that Act.

(3) When a Court makes an order for the transfer of matrimonial property, the Court may further order that in default of compliance with the order within a stipulated time, that upon the filing of the prescribed form by the person in favour of whom the order for transfer is made, the Registrar shall issue a notice to show cause returnable within seventy-two hours of service why—

- (a) an order should not be made directing the Registrar to effect the transfer of said property; and
- (b) an order shall not be made for committal for contempt.

(4) At the hearing of the notice to show cause under subsection (3), if the party who is called upon to show cause fails to show good and sufficient cause, the Court may make an order to effect transfer of the property and an order for committal for contempt.

(5) At the hearing of the notice to show cause under subsection (3), if the party who is called upon to show cause has good and sufficient reasons for non-compliance with the order of the Court, the Court may extend the time for compliance to a specific date after which the Registrar may be directed to effect the transfer of the said property.

(6) In this section, “maintenance order” means an order (whether final or provisional) (however described in any other law), for the payment of a lump sum or the periodic payment of money towards the maintenance of any person, being a person whom the person liable to make payments under the order, is according to the law applied in the place where the order was made, liable to maintain and shall include all such orders made pursuant to any of the statutory provisions as prescribed in the Second Schedule.

Second
Schedule.

Administration and Staff of the Family Court

Staff of the
Family Court.
[15 of 2018].

16. (1) The Family Court shall, in addition to judicial officers, be staffed with—

- (a) public officers; and

(b) an appropriate number of other persons engaged on contract by the Court Executive Administrator and who shall hold office for up to five years, but may be eligible for re-engagement.

(2) The persons referred to in subsection (1)(a) and (b) shall be dedicated to the Family Court, and shall possess the requisite special training, experience and temperament suitable for appointment to the Family Court, in accordance with the Court's performance standards.

17. (1) The Family Court shall have in each location, a Family Court Manager who shall be responsible for the management of the particular location.

Manager of
Family Court.

(2) The Family Court Manager shall report to the Family Court Administrator.

18. A member of staff of the Family Court shall, prior to the assumption of duty, make an oath or affirmation of secrecy before a Judge or Justice of the Peace in the form set out in the Third Schedule.

Oath of
Secrecy.

Third Schedule.

Proceedings in the Family Court

19. In any family matter before the Family Court, the Family Proceedings Rules, 1998 and all other relevant Rules of Court shall apply.

Family
Proceedings
Rules to apply.

20. (1) In any proceeding, the Family Court may, at its own instance or on the application of a party, restrict the publication of the names of the parties or of any proceedings before the Family Court.

Restrictions on
publication of
proceedings.
[15 of 2018].

(2) Any publication of the proceedings, judgment or order of the Family Court may be done in such a manner that the parties to a family matter, or the children to whom the matter may relate, cannot be identified.

(3) The Family Court may, in proceedings before it, order that the proceedings—

- (a) be held *in camera*; and
- (b) not be published.

(4) The Family Court may, in any proceedings before it, order that copies of any proceedings, judgment or ruling be anonymised by the Family Court Records Management, Court and Law Reporting Subunit before they are published.

(5) The Family Court, a Family Court Judge or Family Court Master may seal the copies of the transcript of any proceedings before the Court and any documents relevant to such proceedings.

(6) Where the Family Court, a Family Court Judge or Family Court Master seals the copies of the transcript of any proceedings and relevant documents, pursuant to subsection (5) or any other written law, they shall remain sealed until a further order is made.

Family Court to appoint guardian *ad litem* and request Children's Attorney.

21. In any family matter, the Court may —

- (a) appoint a guardian *ad litem* for a child;
- (b) request that the Solicitor General or the Senior Children's Attorney assign a Children's Attorney to represent and safeguard the voice of a child and perform such other functions as the Court may think necessary, pursuant to section 88(5) of the Children Act or any other written law;
- (c) refer the matter to family mediation; and
- (d) order DNA testing of the alleged parent and child in order to assist the Court in determining paternity of a child.

Court to adjourn for application for legal aid. Ch. 7:07.

22. In any family matter, the Court may adjourn the matter for an application to be made under the Legal Aid and Advice Act.

Transfer of matters.

23. Where in proceedings before any other Court, the Court is of the view that the elements of the matter make it desirable that the matter be dealt with by the Family Court, it may be transferred to be adjudicated upon by the Family Court.

24. An appeal shall lie from any judgment or order of a Family Court Master or a Family Court Judge to the Court of Appeal in like manner and to like extent as an appeal from any judgment or order of a Judge.

Appeals.

PART V

THE CHILDREN COURT

25. (1) On the commencement of this Act, the authority and jurisdiction in children matters exercisable by the High Court and Courts of Summary Jurisdiction shall be exercisable by the Children Court.

Authority and jurisdiction in all children matters exercisable by the Children Court. [12 of 2023].

(1A) It shall be within the jurisdiction of the Children Court to determine, whether any matter in respect of an accused who was a child on the date of the commission of an offence—

- (a) is a children matter; or
- (b) is not a children matter but that a process, programme, rule, procedure, restriction, supervision or measure which applies to a children charge matter, applies to the accused in that matter.

(1B) In making the determination under subsection (1A), the Children Court shall consider—

- (a) the date on which the offence was committed;
- (b) the age of the accused on the date the offence was committed;
- (c) the current age of the accused;
- (d) any past or present report on or assessment of the accused by a probation officer, social worker, psychologist, psychiatrist, the Children's Authority, the manager of a community residence or similar person; and
- (e) any other information which the Children Court considers relevant.

(2) The question whether any cause, matter or proceeding is a children matter within the jurisdiction of the Children Court under this section, shall be decided by the Children Court.

(3) Where there is a question of jurisdiction, the Children Court shall be guided by its view as to whether the cause, matter or proceeding is appropriate to be determined by the Children Court by reason of it being a matter in which—

- (a) a child is charged;
- (ab) the accused was a child on the date of the commission of the offence;
- (b) an application is being or has been made that a child is in need of care and protection;
- (c) an application is being made for an order under section 61 of the Children Act;
- (d) it is not a family matter within the meaning of this Act, but the primary issue in the matter is the care and protection of the child; or
- (e) the Children Court is to hear an application relating to a child at which the attendance of the child is required.

Children Court Judges

Assignment of
Children Court
Judges.

26. (1) The Chief Justice may assign to the Children Court, such Puisne Judges who by reason of their special training, experience and temperament are suitable to adjudicate in children matters.

(2) A Puisne Judge when sitting in the Children Court shall be known as a “Children Court Judge”.

(3) A person assigned under subsection (1) may apply to the Chief Justice for reassignment to any other Court within the High Court.

Powers of a
Children Court
Judge or
Master.
Ch. 4:01.

27. When sitting in the Children Court, a Judge or Master shall, in addition to the powers conferred under the Supreme

Court of Judicature Act, have all the powers exercisable by a Magistrate in children matters under—

- (a) the Summary Courts Act; and
- (b) any other written law,

Ch. 4:20.

including the power to—

- (c) hear and determine matters related to default in the payment of maintenance when such payment was ordered by a Court including ordering the committal of a person who has defaulted;
- (d) hear an application for and issue and enforce a protection order under the Domestic Violence Act; and
- (e) grant any other relief as is applicable in the circumstances.

Ch. 45:56.

27A. Notwithstanding section 27, a Magistrate may receive complaints.

Magistrates may receive complaints. [15 of 2018].

Children Court Masters

28. (1) The Chief Justice may also assign to the Children Court, such Masters as are suitable by reason of their special training, experience and temperament to adjudicate in children matters.

Assignment of Children Court Masters.

(2) A Master when sitting in the Children Court shall be known as a “Children Court Master”.

(3) A person assigned under subsection (1) as a Children Court Master may apply to the Chief Justice for reassignment to the Children Court or to any other Court within the High Court.

29. A Children Court Master shall exercise all the powers and authority of a Judge as conferred to Masters under the Supreme Court of Judicature Act and Rules made thereunder.

Powers of Children Court Masters.

30. (1) Where under this Act, a Children Court Master has jurisdiction in relation to any matter, he shall have and may exercise in relation to that matter, all the powers of the Children

Powers of Children Court Master the same as a Children Court or Children Court Judge.

Court or of a Children Court Judge to make an order in the matter and such an order may include—

- (a) provision for costs; and
- (b) other consequential matters.

(2) Any order made by a Children Court Master under subsection (1) shall have the same effect as if it had been made by the Children Court or by a Children Court Judge.

(3) Where under this Act, a Children Court Master exercises jurisdiction in relation to any children matter—

- (a) the Master shall have all the rights, powers, immunities and privileges of a Judge, in relation to such a matter;
- (b) any party to the proceedings may appear by an Attorney-at-law; and
- (c) in any hearing of a charge against a child charged with a criminal offence, the Court shall ensure that the child is represented by an Attorney-at-law.

Administration and Staff of the Children Court

Staff of the
Children Court.

31. (1) The Children Court shall, in addition to judicial officers, be staffed with—

- (a) public officers; and
- (b) an appropriate number of other persons engaged on contract by the Court Executive Administrator.

(2) The persons referred to in subsection (1)(b) shall be engaged on contract for a period of up to five years but may be eligible for re-engagement.

(3) The persons referred to in subsection (1)(a) and (b) shall be dedicated to the Children Court, and shall possess the requisite special training, experience and temperament suitable for appointment to the Children Court, in accordance with the Court's performance standards.

32. (1) The Children Court shall have in each location, a Children Court Manager who shall be responsible for the management of the particular location.

Manager of the
Children Court.

(2) The Children Court Manager shall report to the Children Court Administrator.

33. A member of staff of the Children Court shall, prior to assumption of duty, make oath or affirmation of secrecy before a Judge or Justice of the Peace in the form set out in the Third Schedule.

Oath of
Secrecy.

Third Schedule.

Proceedings in the Children Court

34. (1) In any proceedings, the Children Court may, at its own instance or on the application of a party, restrict the publication of the names of the parties or of any proceedings before the Children Court.

Restrictions on
publication of
proceedings.
[15 of 2018].

(2) Any publication of the proceedings, judgment or order of the Children Court may be done in such a manner that the parties to a children matter, or the children to whom the matter may relate cannot be identified.

(3) The Children Court may, in proceedings before it, order that the proceedings—

- (a) be held *in camera*; and
- (b) not be published.

(4) The Children Court may, in any proceedings before it, order that copies of any proceedings, judgment or ruling be anonymised by the Children Court Records Management, Court and Law Reporting Subunit before they are published.

(5) The Children Court, a Children Court Judge or Children Court Master may seal the copies of the transcript of any proceedings before the Court and any documents relevant to such proceedings.

(6) Where the Children Court or a Children Court Judge or Children Court Master seals the copies of the transcript of any proceedings and relevant documents, pursuant to subsection (5)

or any other written law, they shall remain sealed until a further order is made.

Children Court
to appoint
guardian
ad litem or
Children's
Attorney and
other orders.

35. (1) In any children matter, the Court may—

- (a) appoint a guardian *ad litem* for a child; and
- (b) request that the Solicitor General or the Senior Children's Attorney assign a Children's Attorney to represent and safeguard the voice of a child and perform such other functions as the Court may think necessary, pursuant to section 88(5) of the Children Act or any other written law.

(2) During the course of any criminal investigation or interrogation in which—

- (a) a child is a suspect or is being interrogated;
- (b) the actions of a child are being investigated; or
- (c) a child is a witness,

Ch. 7:07.

the Children's Authority, the Police or the Duty Counsel, appointed pursuant to section 4A(1) of the Legal Aid and Advice Act, may apply to the Court to have a Children's Attorney appointed for the child, and where the Court is of the view that appointing a Children's Attorney is in the best interest of the child, the Court may so order.

(3) In any children matter the Court may order—

- (a) that a particular social service be provided to a child; and
- (b) subject to subsection (4), that probation services be provided for—
 - (i) pre-hearing assessments of a child and the submission of relevant reports;
 - (ii) investigations and reports about the child's circumstances; and
 - (iii) supervision of a child.

(4) Where probation services are required pursuant to subsection (3)(b), 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 Government or a statutory authority.

36. In any family matter or children matter, the Court may, where necessary, adjourn the matter for an application to be made under the Legal Aid and Advice Act.

Court to adjourn for application for legal aid.

37. (1) Where in any children matter, the Children Court deems it necessary to continue judicial supervision of a child by conducting monitoring hearings with the child and his family, the management of the Community Residence, or other systems of support, the Court may make the relevant order.

Court to continue judicial supervision.

(2) In this section, “monitoring hearings” means hearings conducted by a Court to monitor the progress of a child before the Court.

38. Where in any matter, the Children Court orders either a non-custodial sentence or a custodial sentence either of which is combined with orders for the child to participate in an auxiliary programme, a Children’s Probation Officer shall be assigned to monitor the child’s compliance with the sentence and sanction and to ensure that the child is assessed for risk at the appropriate periods.

Court to assign Children’s Probation Officer.

38A. (1) Where a person who was a child at the time of the commission of a registrable offence is convicted of the registrable offence, the Children Court shall assign a Children’s Probation Officer to the child to monitor the child’s compliance with the sentence, sanction or any other requirement imposed by the Court.

Assignment of Children’s Probation Officer and welfare officer (probation) for registrable offence. [19 of 2019].

(2) Notwithstanding subsection (1), the Court may make an order that the child referred to in that subsection shall report to a Children’s Probation Officer for a period specified by the Court.

(3) Where a person was a child at the time of the commission of a registrable offence and was convicted of the offence, attains the age of eighteen years while serving the sentence, sanction or any other requirement imposed by the Court pursuant to subsections (1) and (2), the Court may place the person under the supervision of a welfare officer (probation) to whom the person shall report for a period specified by the Court.

Ch. 11:28.

(4) For the purposes of this section, “registrable offence” means an offence listed in Schedule 1 of the Sexual Offences Act.

Probation
Officer to
report to the
Court.

39. The probation officer assigned under section 38 shall report to the Children Court periodically, as ordered by the Court, with respect to—

- (a) the progress of the child;
- (b) the child’s compliance with the sentence and sanction;
- (c) the care of the child;
- (d) the child’s education;
- (e) the child’s health and general welfare;
- (f) the child’s interaction with his family;
- (g) the most recent assessments of the child; and
- (h) any other issue which the Court deems necessary.

Peer Resolution

Referral to Peer
Resolution.

Fourth
Schedule.

40. (1) Where in any children matter in which a child who is charged with an offence, other than those prescribed in the Fourth Schedule, and enters a plea of guilty, the Children Court may, with the agreement of the child and the consent of the parent, guardian or person with responsibility for the child, refer the matter to Court-annexed Peer Resolution to seek a recommendation as to the appropriate measures or sanctions to be employed for the offence.

(2) Notwithstanding subsection (1), where the offence does not fall within the list of offences set out in the Fourth Schedule, and the offence is in respect of a crime—

- (a) in which the child has been accused of using extreme violence; or
- (b) which the Court is of the view—
 - (i) is too serious or heinous in nature to be suitable for Peer Resolution; or
 - (ii) has been committed in—
 - (A) such a manner;
 - (B) such circumstances; or
 - (C) with such intention,

as to make it unsuitable for Peer Resolution, the Court shall not refer the child to Peer Resolution.

(3) Where a child is referred to Peer Resolution, the Children Court may impose additional measures to ensure the welfare of the child.

(4) The Attorney General may, by Order, amend the Fourth Schedule, by deleting or adding an offence, subject to negative resolution of Parliament.

41. Notwithstanding section 40, if the parent, guardian or person with responsibility for the child withholds consent to referral to Peer Resolution but the child agrees to the matter being so referred, the Court may only refer the child to Peer Resolution where it considers it to be in the best interest of the child.

Where the parent withholds consent but the child consents.

41A. Notwithstanding section 40, the Court may refer a child to Peer Resolution where it considers it to be in the best interest of the child.

Court may refer child to Peer Resolution in best interest of child.

42. Before seeking the agreement of the child and parental consent under section 40, the Children Court shall explain the Peer Resolution process to the child and to the child's parent, guardian or person with responsibility for the child in language and in a manner that they understand.

Court to explain Peer Resolution.

Deliberations
and
questionings
during Peer
Resolution to
be *in camera*.

43. (1) During Peer Resolution, the child shall be questioned *in camera*.

(2) Deliberations of peer assessors during Peer Resolution shall be *in camera*.

(3) “Peer assessors” means children who during the Peer Resolution process, determine the recommended sanction for a child in accordance with the rules relating to Peer Resolution.

When a child
denies guilt.

44. (1) Where the Court refers a child to Peer Resolution and the child subsequently denies guilt, the Court shall order that the child be brought to the Court for the hearing.

(2) Where the Court refers a child to Peer Resolution and a recommendation is received by the Court as to the sanctions for the child, the Court may—

- (a) review the recommended sanctions and agree with the sanctions;
- (b) refuse the sanctions and give reasons for the refusal; or
- (c) amend the recommended sanctions,

and make an order, accordingly.

When the child
fails to comply
with an order.

45. (1) If at any time while a Peer Resolution order is in force against a child under this section, it appears to the Court on information provided by the Children Authority or the Children’s Probation Officer, that the offender has failed to comply with any of the requirements of the order, the Court may—

- (a) issue a summons requiring the offender to appear at the place and time specified in the summons; or
- (b) if the information is on oath, issue a warrant for his arrest.

(2) Any summons or warrant issued under this section shall direct the child offender to appear or be brought before the Court.

46. If it is proved to the satisfaction of the Court before which an offender appears or is brought under section 44(2), that the offender had failed, without reasonable excuse, to comply with any of the requirements of the Peer Resolution Order, the Court may make a further order under sections 59(2) and 60(2) and any other relevant section of the Children Act.

Court to make further order.

Children Drug Treatment Court Process

47. Where a Court has received reports about a child, the Court may adjourn the matter to be heard before the Judge or Master adjudicating in Children Drug Treatment Process matters where the Court is satisfied that—

Court to adjourn for Judge or Master adjudicating in the Children Drug Treatment Court Process matters.

- (a) the child is—
 - (i) pleading guilty and is the subject of a pending drug-related matter before the Court; or
 - (ii) the subject of an application under section 61 of the Children Act; and
 - (iii) before the Court in any other matter and it is brought to the Court's attention that the child has a history of alcohol or substance abuse;
- (b) the child is not charged with a violent or other serious offence;
- (c) the child has a history of alcohol or substance abuse;
- (d) the assessment of the child indicates that the child may be suited to Children Drug Treatment Court Process;
- (e) the assessment of the child indicates that the child has a good chance of benefitting from referral to the Children Drug Treatment Court Process;
- (f) the child is able to physically and psychologically participate in drug intervention activities;
- (g) the child is deemed suitable for drug rehabilitation;

- (h) the child agrees to participate in the Children Drug Court and is prepared to apply for referral to the Children Drug Treatment Court Process;
- (i) the child's parent, guardian, or person with responsibility for the child agrees that the child should be referred to Children Drug Treatment Court Process; and
- (j) the Children Drug Treatment Court Process and consequences have been clearly explained to the child and the parent, guardian or person with responsibility for the child.

Non-application of section 47(h).

48. Section 47(h) shall not apply in matters in which a child pleads guilty and is the subject of a pending drug-related matter before the Court.

Court to make order referring child to Children Drug Treatment Court Process.

49. Notwithstanding section 47(i), the Court may make an order referring a child to the Children Drug Treatment Court Process without the consent of the child's parent, guardian or person with responsibility for the child if the Court is of the view that—

- (a) the parent, guardian, or person with responsibility for the child is unreasonably withholding consent for the child to be referred to Children Drug Treatment Court Process;
- (b) the child is committed to participating in the Children Drug Treatment Court Process;
- (c) referral to the Children Drug Treatment Court Process will be in the best interest of the child;
- (d) the Children Drug Treatment Court Process and consequences have been explained clearly to the parents and the child; and
- (e) the other conditions in section 47 are met.

Procedure where Court makes order for Children Drug Treatment Court Process.

50. (1) If the Court makes an order referring a child to the Children Drug Treatment Court Process, the Court shall—

- (a) inform the Children Drug Treatment Court Process Manager immediately;

- (b) forward a summary of the case file including medical, psychosocial and risk assessment reports to the Children Drug Treatment Court Process Manager;
- (c) adjourn the sentencing hearing to a date to be determined following the graduation report or failure report being submitted by the Children Drug Treatment Court Process to the referring Court; and
- (d) notify the parent, guardian or person with responsibility for the child.

51. An order of the Court referring a child to the Children Drug Treatment Court Process suspends the passing of a sentence on the child for the offence.

Effect of order referring child to Children Drug Treatment Court Process.

52. (1) The Children Drug Treatment Court Process shall be presided over by a Judge or Master who shall be the decision maker.

Children Drug Treatment Court Process Team.

(2) The Judge or Master shall be assisted by professionals who are already interfacing with the child, and any other professional who may be recommended by any professional dealing with the child and agreed upon by the Judge or Master and the members of a Children Drug Treatment Team, in the best interest of the child.

(3) The Registrar shall maintain a list of professionals which shall be known as the “Children Drug Treatment Team Pool” comprising three persons appointed by the Registrar in each of the following categories of professionals:

- (a) Children’s Attorneys nominated by the Solicitor General;
- (b) Children’s Probation Officers nominated by the Chief Probation Officer;
- (c) suitably qualified representatives of the Student Support Services Division of the Ministry of Education nominated by the Director of Student Support Services of the Ministry of Education;

- (d) youth development specialists who are qualified and experienced in the fields of youth development and social work;
- (e) child psychologists nominated by the Children's Authority;
- (f) Police officers nominated by the Commissioner of Police;
- (g) representatives of the treatment provider; and
- (h) any other professional as the Registrar deems appropriate.

(4) In each matter, a group comprising the following professionals:

- (a) persons selected from the Children Drug Treatment Team Pool;
- (b) a state counsel or legal officer nominated by the Director of Public Prosecutions;
- (c) the child's social worker or the child's social worker's alternate; and
- (d) a representative of the Children's Authority nominated by the Director of the Children's Authority,

shall assist the Judge or Master as members of a Children Drug Treatment Team headed by the Judge or Master.

(5) The failure to appoint or the lack of input by any member of the Children Drug Treatment Team shall not prevent a Judge or Master from making a determination.

Duties of child psychologists.

53. The child psychologists nominated by the Children's Authority under section 52(3)(e) shall be persons who are qualified to—

- (a) design programmes to meet the psycho-evaluative needs of participants of the Children Drug Treatment Court Process;
- (b) assist in determining the participant's eligibility for the Children Drug Treatment Court Process; and

(c) provide ancillary support such as testing, and crisis counselling.

54. Where a child is referred to the Children Drug Treatment Court Process the Court may impose additional requirements for the successful completion of the child's treatment programme, as the Court deems necessary.

Court may impose additional requirements.

55. (1) Where the Court refers a child to the Children Drug Treatment Court Process and the child fails to pursue or complete the programme or measures recommended, the Registrar shall cause to be filed, where appropriate, a notice of failure.

Where a child fails to pursue or complete the programme.

(2) Where the Registrar, in accordance with subsection (1), files a notice of failure, the matter which was heard before the Judge or Master in the Court from which the child was initially referred to the Children Drug Treatment Court Process shall then continue in that Court and the Court shall consider whether—

- (a) the child shall be referred again to the Children Drug Treatment Court Process;
- (b) in cases in which the child had appeared in Court charged with a criminal offence, the child should be sentenced; or
- (c) another solution is suited to a case in which the child appeared in Court not having been charged with a criminal offence.

56. Where the Court refers a child to the Children Drug Treatment Court Process and the child graduates from the programme, the Court shall cause to be filed a graduation notice with the Court and the referring Court may order that no conviction be recorded.

Court causes to be filed a graduation notice.

Appeals and Transfer of Matters to the Children Court

57. Where in proceedings before any other Court, that Court is of the view that the elements of the matter make it desirable that the matter be dealt with by the Children Court, it may transfer the matter to the Children Court and the Children Court may adjudicate on the matter.

Transfer of matters.

Appeals.

58. An appeal shall lie from any judgment or order of a Children Court Master or a Children Court Judge to the Court of Appeal in like manner and to like extent as an appeal from any judgment or order of a Judge.

PART VI

MISCELLANEOUS

Magistrate may hear applications for and issuance of a Protection Order or its enforcement. [15 of 2018].

59. Notwithstanding sections 11(d), 27(d) and any other written law, applications for, and the issuance of a Protection Order or its enforcement under the Domestic Violence Act may also be heard by a Magistrate in the Magistrate's Court.

Rules.

60. (1) The Rules Committee established under section 77 of the Supreme Court of Judicature Act may make Rules with respect to the—

- (a) exercise of the functions and powers of the Family Court Masters, when sitting in the Family Court;
- (b) the initiation of matters in each of the subdivisions of the Division and the transfer of matters between the subdivisions;
- (c) exercise of the functions of the Children Court Masters when sitting in the Children Court;
- (d) duties of the officers attached to the Family Court and Children Court;
- (e) forms, applications, complaints, notices, particulars, summonses, warrants and other processes necessary for the purposes of the Family Court and Children Court and any matters relating to the foregoing;
- (f) regulation of the practice and procedure of the Family Court and Children Court;
- (g) fees to be paid under this Act;
- (h) accounts to be rendered of moneys received by any person under this Act;

- (i) method of issue of process under this Act, and the manner of receipt of, and accounting for, fees in respect of such process; and
- (j) things that are incidental or necessary for giving effect to the purposes of this Act.

(2) The Rules made under this Act shall be subject to negative resolution of Parliament.

(3) The Chief Justice may, by Practice Direction, determine the case types and categories of applications to be heard by each subdivision.

61. The President may, by Order, amend the First Schedule and the Third Schedule and such Order shall be subject to negative resolution of Parliament.

Power to amend the First Schedule and the Third Schedule.

62. (1) Where before the commencement of this Act—

- (a) subject to section 46 of the Family Law (Guardianship of Minors, Domicile and Maintenance) Act, any family proceedings have been instituted in the High Court or in the Magistrates' Court, the High Court or the Magistrates' Court, as the case may be, shall have jurisdiction to continue to hear and determine the proceedings notwithstanding any provisions to the contrary in this Act; and
- (b) the High Court or a Magistrate's Court was vested with jurisdiction to enforce, renew, vary, suspend, revive, cancel or discharge an Order in respect of a children matter and, by virtue of this Act such jurisdiction vests in the Family Court, the jurisdiction shall be exercisable by the Family Court.

Transitional provisions.
Ch. 46:08.

(2) Where before the commencement of this Act—

- (a) a child has been charged with an offence and proceedings have commenced with respect to that charge in the High Court or in a Magistrate's Court in which that Court had

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jurisdiction, the High Court or the Magistrate's Court, as the case may be, shall have jurisdiction to continue to hear and determine the proceedings notwithstanding any provisions to the contrary in this Act; and

- (b) the High Court or a Magistrate's Court was vested with jurisdiction to enforce, renew, vary, suspend, revive, cancel or discharge an Order in respect of a children matter and, by virtue of this Act, such jurisdiction vests in the Juvenile Court, jurisdiction shall be exercisable by the Children Court.

Consequential
amendments.
Fifth Schedule.

63. The written laws specified in the First Column of the Fifth Schedule are amended to the extent specified in the Second Column of that Schedule.

CONSOLIDATION

FIRST SCHEDULE

[Section 3(1)].

WRITTEN LAWS IN RELATION TO FAMILY MATTERS

Administration of Estates Act	...	...	Chap. 9:01
Succession Act (Part VIII)	...	...	Chap. 9:02
Emigration (Children) Act	...	...	Chap. 18:02
Marriage Act	...	...	Chap. 45:01
Muslim Marriage and Divorce Act	...	...	Chap. 45:02
Hindu Marriage Act	...	...	Chap. 45:03
Orisa Marriage Act	...	...	Chap. 45:04
Married Persons Act	...	...	Chap. 45:50
Matrimonial Proceedings and Property Act	...	...	Chap. 45:51
Attachment of Earnings (Maintenance) Act	...	...	Chap. 45:52
Maintenance Orders (Facilities for Enforcement) Act	...	...	Chap. 45:53
Cohabital Relationships Act	...	...	Chap. 45:55
Domestic Violence Act	...	...	Chap. 45:56
Children Act	...	...	Chap. 46:01
Infants Act	...	...	Chap. 46:02
Adoption of Children Act	...	...	Chap. 46:03
Age of Majority Act	...	...	Chap. 46:06
Status of Children Act	...	...	Chap. 46:07
Family Law (Guardianship of Minors, Domicile and Maintenance) Act	...	...	Chap. 46:08
Children's Authority Act	...	...	Chap. 46:10
Children's Community Residences, Foster Care and Nurseries Act	...	...	Chap. 46:04
Occupational Safety and Health Act (Part IX)	...	...	Chap. 88:08
International Child Abduction Act	...	...	Chap. 12:08

[Section 15(6)].

SECOND SCHEDULE

**MAINTENANCE ORDERS TO WHICH
THIS ACT APPLIES**

1. An order for maintenance pending suit, maintenance, periodical payments, financial relief or other payments made, or having effect as if made under the Matrimonial Proceedings and Property Act, Chap. 45:51.

2. An order for payments to, or in respect of a child, being an order made, or having effect as if made, under Part III of the said Matrimonial Proceedings and Property Act, Chap. 45:51.

3. An order for maintenance made under section 41 of the Matrimonial Proceedings and Property Act, Chap. 45:51.

4. An order under sections 13(2), 13(5), 13(6)(a), 13(6)(b), 14(1)(b) and 15(b) of the Family Law (Guardianship of Minors, Domicile and Maintenance) Act, Chap. 46:08.

5. An order for maintenance made pursuant to a paternity order under section 22 of the Family Law (Guardianship of Minors, Domicile and Maintenance) Act, Chap. 46:08.

6. An order for maintenance or other periodical payments to, or in respect of a spouse or a child, being an order made, or having effect as if made under section 25 of the Family Law (Guardianship of Minors, Domicile and Maintenance) Act, Chap. 46:08.

7. An order under section 48 of the Children Act, Chap. 46:01.

8. An order for maintenance under section 5 of the Age of Majority Act, Chap. 46:06.

9. An order for maintenance under Part VIII of the Succession Act, Chap. 9:02.

10. A maintenance order within the meaning of the Maintenance Orders (Facilities for Enforcement) Act, Chap. 45:53 (United Kingdom, and certain Commonwealth Maintenance Orders enforceable in Trinidad and Tobago) registered in, or confirmed by, a Court in Trinidad and Tobago under the said Act.

11. A maintenance order under section 15 or 16 of the Cohabital Relationships Act, Chap. 45:55.

12. A Protection Order with provision for maintenance or other financial relief under section 6 of the Domestic Violence Act, Chap. 45:56.

THIRD SCHEDULE

(Sections 18
and 33).

OATH (OR AFFIRMATION) OF SECRECY

I, (A.B.), do swear
(solemnly affirm) that I will not, without due authority in that behalf, in any
manner whatsoever, publish or communicate any facts or information being
facts or expressions of opinion based on such facts that came to my
knowledge by reason of my employment.

FOURTH SCHEDULE

**OFFENCES FOR WHICH PEER RESOLUTION
IS NOT AVAILABLE**

(Section 40).

1. Treason.
2. Offences against the person, namely—
 - (a) Murder;
 - (b) Conspiring or soliciting to commit murder;
 - (c) Manslaughter;
 - (d) Shooting or wounding with intent to do grievous bodily harm or unlawful wounding;
 - (e) Assault occasioning bodily harm.
3. Offences involving kidnapping, namely—
 - (a) Kidnapping;
 - (b) Kidnapping for ransom;
 - (c) Knowingly negotiating to obtain a ransom.
4. Any sexual offence.
5. Offences under the Trafficking in Persons Act, Chap. 12:10.
6. Unlawful possession of a firearm or ammunition.
7. Possession or use of firearms or ammunition with intent to endanger life.
8. Possession of imitation firearms in pursuance of any criminal offence.
9. Robbery, Robbery with Aggravation, Robbery with Violence.
10. Sedition.
11. Piracy or Hijacking.
- *12. An offence under the Anti-gang Act, 2011.
13. Inciting any of the offences in this Schedule.

(Section 63).
[15 of 2018].

**†FIFTH SCHEDULE
(OMITTED)**

*The Anti-gang Act, No. 10 of 2011 has expired.
†See Note on Fifth Schedule at page 2.