

Fifth Session Fifth Parliament Republic of Trinidad
and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 64 of 2000

[L.S.]

AN ACT to establish a Children's Authority of Trinidad
and Tobago to act as the guardian of the children of
Trinidad and Tobago.

[Assented to 2nd November, 2000]

WHEREAS it is enacted by section 13(1) of the ^{Preamble} Constitution that an Act of Parliament to which that
section applies may expressly declare that it shall have
effect even though inconsistent with sections 4 and 5 of
the Constitution, and if any Act does so declare it shall
have effect accordingly:

And whereas it is provided in subsection (2) of the said section 13, that an Act of Parliament to which that section applies is one of the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all members of the House:

And whereas it is necessary and expedient that this Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution:

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

PART I

PRELIMINARY

Short title **1.** This Act may be cited as the Children's Authority Act, 2000.

Commencement **2.** This Act comes into operation on a day fixed by the President by Proclamation.

Interpretation **3.** In this Act, unless the context otherwise requires—
 "Assumption Order" means an order of the Court made under section 25 affirming the undertaking by the Authority of the responsibility for the care and control of a child under section 23(1);
 "Authority" means the Children's Authority established under section 4;
 "child" means a person under the age of eighteen years;
 "Children's Home" means a residence for the care and rehabilitation of children;
 "Community Service" has the meaning assigned to it by the Community Service Orders Act, 1997;

“Court” means the Family Court established under the Family Court Act, 1999;

“fit person” has the meaning given to it by the Children's Act;

Chap. 36:01

“foster care” means the assuming of temporary care, maintenance and parental obligations by an approved foster parent in respect of a child under Part IV of the Children's Community Residences, Foster Homes and Nurseries Act;

“guardian” includes a person appointed by a will or by order of a Court to be the guardian of a child, or who in the opinion of the court has the charge of or control over a child;

“Minister” means the Minister to whom responsibility for the welfare of children is assigned;

“Rehabilitation Centre” means a residence for the rehabilitation of youthful offenders, in which youthful offenders are lodged, clothed, and fed as well as taught;

“Community Residence” includes a Children's Home or Rehabilitation Center licenced under the Children's Community Residences, Foster Homes and Nurseries Act;

“relative” includes a parent, step-parent, grand-parent, brother, sister, uncle or aunt;

“temporary assumption” the undertaking by the Authority of the temporary responsibility for the care and control of a child under section 23(1);

“youthful offender” means a child who is charged with committing an offence; and

“young person” means a child over the age of fourteen years and under the age of eighteen years.

PART II

ESTABLISHMENT OF THE CHILDREN'S AUTHORITY

Establishment
of Children's
Authority

4. There is hereby established a body Corporate to be known as the Children's Authority of Trinidad and Tobago (hereinafter referred to as "the Authority").

Powers and
functions of
Authority

5. The Authority may have and exercise such powers, functions and duties as are imposed on it by this Act and in particular—

- (a) advise the Minister on matters relating to the operation of this Act;
- (b) monitor community residences, foster homes and nurseries and conduct periodic reviews to determine their compliance with such requirements as may be prescribed;
- (c) investigate complaints of—
 - (i) staff;
 - (ii) children; and
 - (iii) parents or guardians of children,

with respect to any child who is in the care of a community residence, foster home or nursery, of the community residence's, foster home's or nursery's failure to comply with requisite standards as prescribed under the Children Community Residences, Foster Homes and Nurseries Act, and any incidences of mistreatment of children in such places;

- (d) issue, revoke and withdraw licences of community residences and nurseries as provided under the Children Residences, Foster Care and Nurseries Act;
- (e) monitor agencies which address children's issues;

- (f) investigate complaints or reports of mistreatment of children in their homes;
- (g) act as an advocate for the rights of all children in Trinidad and Tobago; and
- (h) do all such things as may be necessary or expedient for the proper performance of its duties.

5A. (1) The Authority shall be the Central Authority for the purposes of the Hague Convention of the Civil Aspects of International Children Abduction.

(2) The Authority's duties as the Central Authority under subsection (1) shall include:

- (a) discovering the whereabouts of the child who has been wrongfully removed or retained;
- (b) preventing further harm to the child or prejudice to interested parties by taking or causing to be taken provisional measures;
- (c) securing the voluntary return of the child or the bringing about of an amicable resolution of the issues;
- (d) exchanging where desirable, information relating to the social background of the child;
- (e) assisting the judicial system/institution with a view to obtaining the return of the child and, in a proper case, to make arrangements for organizing or securing the effective exercise of rights of access;
- (f) where the circumstances so require, to provide or facilitate the provisions of legal aid and advice, including the participation of legal counsel and advisers;

(g) to provide such administrative arrangements as may be necessary and appropriate to secure the safe return of the child; and

(h) to do all such things that are required of the Central Authority under the Hague Convention on the Civil Aspects of International Child Abduction.

General duty of
the Authority

6. (1) It shall be the duty of the Authority to—

(a) exercise such powers as are conferred on it by this Act and as may be necessary with respect to any child so as to further, in its opinion, the best interests of that child, including reuniting the child with his relatives at the earliest opportunity; and

(b) make such use of facilities and services available for children that are provided by other agencies or institutions, as appears reasonably necessary to the Authority.

(2) When determining what is in the best interest of a child the Authority shall take into consideration—

(a) the love, affection, and other emotional ties existing between the parties involved and the child;

(b) the capacity and disposition of the parties involved to—

(i) give the child love, affection and guidance and to continue the education and raising of the child in his or her religion or creed, if any; and

(ii) provide the child with food, clothing, medical care or other remedial care recognised and permitted under the laws of Trinidad and Tobago;

- (c) the length of time the child has lived in a stable, satisfactory environment, and the desirability of maintaining the status quo;
- (d) the permanence of the family unit;
- (e) the home, school and community record of the child;
- (f) the willingness and ability of each parent to facilitate and encourage a close parent-child relationship between the child and other parent or the child and the parents;
- (g) the willingness and ability of relatives to facilitate and encourage familial relationships between the child and other family members;
- (h) domestic violence, regardless of whether the violence was directed against or witnessed by the child;
- (i) the reasonable preference of the child, if the Authority considers the child to be an age and maturity to express such preference; and
- (j) any other factor that the Authority may consider relevant to the particular child.

7. (1) The Authority shall be managed by a Board of ^{Board of} Management (hereinafter referred to as the "Board") ^{Management} which will be in charge of the administration of the Act.

(2) The Board shall consist of eleven persons appointed by the President as follows:

- (a) a child psychologist;
- (b) a child psychiatrist;
- (c) a qualified social worker;
- (d) a public health specialist;
- (e) an educator;

- (f) an accountant;
- (g) an attorney-at-law of not less than five years standing;
- (h) a person under the age of twenty five years, representing the youth;
- (i) a person nominated by the Tobago House of Assembly; and
- (j) a police officer above the rank of inspector who has experience in children issues and is nominated by the Commissioner of Police; and
- (k) a representative of a Non-Governmental Organisation which has as its objectives the promotion of the welfare and protection of children.

(3) The President shall appoint from among the persons mentioned in subsection (2), one member to be the Chairman of the Board.

(4) A member of the Board shall hold office for such period as stated in his instrument of appointment and shall be eligible for re-appointment.

(5) The Board at its first meeting shall, subject to the approval of the Minister, select from among its members a Deputy Chairman.

(6) A member of the Board may at any time resign his office by instrument in writing addressed to the Chairman, who shall forthwith cause it to be forwarded to the Minister, and the Chairman may resign his office by instrument in writing addressed to the Minister.

(7) The President may terminate the appointment of a member of the Board where the member—

- (a) is of unsound mind or is incapable of carrying on his duties;

- (b) becomes bankrupt or compounds with his creditors;
- (c) is convicted of any offence which brings his office into disrepute;
- (d) is guilty of misconduct in relation to his duties;
- (e) is absent, except on leave granted by the Board, during two consecutive meetings of the Board; or
- (f) fails to carry out any of the duties or functions conferred on or assigned to him under this Act.

(8) The names of the members of the Board as constituted under this Act and every change thereof, shall be published in the *Gazette*.

(9) The Board shall meet as often as required, but must meet at least once a month.

(10) The quorum for a meeting of the Board shall be seven.

(11) The Board may by way of rules or resolutions regulate its own procedure for the conduct of its business.

8. (1) The Authority shall have a Seal which shall be kept in the custody of the Chairman or Deputy Chairman. ^{Custody and use of Seal}

(2) The Seal of the Authority shall be affixed to an instrument in the presence of the Chairman, or in his absence the Deputy Chairman and shall be attested by the Chairman, or the Deputy Chairman as the case may be.

(3) All documents, other than those required by law to be under seal, and all decisions of the Authority may be signified under the hand of the Chairman, or in his absence the Deputy Chairman.

Service

9. Service upon the Authority of any Notice, Order or other document shall be effected by delivering the same, or by sending it by registered post addressed to the Chairman, at the office of the Authority.

Appointment and responsibilities of the Director

10. (1) Subject to section 7, the Board shall appoint a Director who shall be responsible for the day to day functions of the Authority who shall also be the co-ordinator of all the units created in section 11.

(2) The Board may delegate any of its functions to the Director.

Composition of the Authority

11. For the effective management of its duties and functions the Authority shall have the following units:

- (a) Co-ordinating Unit;
- (b) Administrative Unit;
- (c) Technical Unit;
- (d) the Research Unit; and
- (e) any other unit which the Authority determines is necessary for its effective functioning.

Functions of the Co-ordinating Unit

12. The Co-ordinating Unit shall include qualified social workers professionally trained in child care and shall—

- (a) be responsible for the co-ordination and monitoring of all services provided by the Authority;
- (b) monitor all matters referred by the Technical Unit; and
- (c) be the direct link to the Court in respect of children who have come before the Court.

Administrative Unit

13. The Administrative Unit shall include qualified social workers and shall be responsible for:

- (a) the registration and licensing of all children's homes rehabilitation centres, foster homes and nurseries;

- (b) the monitoring of all children's homes, rehabilitation centres, foster homes, nurseries, agencies addressing children's issues and other children who have been referred to it;
- (c) the establishment and maintenance of a register of children with problems as may be identified from time to time by the Authority;
- (d) the establishment and maintenance of a register of all children placed in Children's Homes and Rehabilitation and Foster Homes; and
- (e) the financial management, human resource management and public relations of the Authority.

14. (1) The Technical Unit shall comprise the Intake Technical Unit Center and the Reception Center.

(2) The Intake Center shall be responsible for—

- (a) the intake and referral of cases coming before the Authority;
- (b) receiving children who are to remain in the care of the Authority; and
- (c) where necessary, shall liaise with support services and agencies for counseling, investigations and follow up,

and shall be staffed will qualified social workers specializing in child care.

(3) The Reception Center shall be responsible for the temporary care of children received by the Authority.

(4) The Reception Center shall be staffed with qualified social workers, a child psychologist, medical and other qualified personnel, including a child psychiatrist who shall—

- (a) carry out initial medical examinations, diagnostic assessments and formulate treatment plans;
- (b) make recommendations to the Board on the child's placement; and
- (c) implement plans in respect of any child in the care of the Reception Center.

(5) The Reception Center may source any support services it may require with respect to any child referred by the Intake Center.

(6) A child received by the Authority shall not remain in the Reception Center for a period exceeding six weeks.

Research Unit

15. The Research Unit shall be responsible for statistical data collection, research and analysis of such data.

Staff of the
Authority

16. The Authority shall appoint on such terms and conditions as it thinks fit and subject to such maximum limits of remuneration as the Minister may determine, such staff as it considers necessary for the efficient exercise and performance of its functions under this Act.

Transfer on
secondment

17. (1) Subject to subsection (2) and to the approval of the Authority, the appropriate Service Commission and the officer, any officer in the public service may be transferred on secondment to the service of the Authority or from the service of the Authority to the public service.

(2) Where a transfer on secondment referred to in subsection (1) is effected, arrangements shall be made to preserve the rights of the officers so transferred to any pension, gratuity or other allowance for which he would have been eligible had he remained in the service of the Government or of the Authority, as the case may be.

(3) A period of transfer on secondment shall not in any case exceed three years.

18. Subject to the approval of the Authority, the appropriate Service Commission and the officer, an officer in the public service and upon transfer to the Authority shall become a member of any pension scheme operated for the benefit of employees of the Authority.

Transfer of officers
of Government to
the Authority

19. (1) The Authority shall provide for the establishment and maintenance of pension schemes or arrange for membership in a scheme for its employees upon terms to be agreed upon between the Authority and the recognised representative association or trade union.

Pension rights
and schemes

(2) Without prejudice to subsection (1), the Authority may, under a pension scheme—

- (a) establish a contributory superannuation scheme and establish and contribute to superannuation funds for the benefit of its employees;
- (b) grant gratuities, pensions or superannuation allowances to the surviving spouse, families or dependents of its employees;

- (c) enter into and carry into effect, arrangements with any insurance company or other association or company for securing for any employee or surviving spouse or dependant, such gratuities, pensions or allowances authorised by this section;
- (d) give donations or subscriptions to charitable institutions, benevolent funds and other object calculated to benefit its employees.

Employment of
persons for specific
tasks

20. The Authority may employ, on such terms and conditions as it thinks fit and subject to such maximum limits of remuneration as the Minister may determine, persons to perform specific tasks that the Authority considers necessary for the due performance of its functions under this Act.

Authority subject
to directions of the
Minister

21. The Minister may give in writing general or special directions to the Board, on policy matters, in the exercise of its duties and powers under the Act.

PART III

CHILDREN IN NEED OF CARE AND PROTECTION

Power of Authority
to provide for children

22. (1) Where it appears to the Authority that a child—

- (a) has neither parent nor guardian who is fit to exercise care and guardianship;
- (b) is lost or has been and remains abandoned by his parents or guardians;
- (c) whose parents or guardian are prevented by—
 - (i) reason of mental or bodily disease;

(ii) infirmity or other incapacity; or
(iii) any other circumstances,
from providing for his up-bringing, and there is no
available person or persons capable, fit or willing to
undertake the care of such child;

(d) is exposed to moral danger;

(e) is beyond the control of his parents or
guardians;

(f) is ill-treated or neglected in a manner
likely to cause him suffering or injury to
health;

(g) is destitute, or is wandering without any
settled place of abode and without visible
means of subsistence;

(h) is begging or receiving alms; or

(i) is found loitering for the purpose of
begging or receiving alms,

and that the intervention of the Authority is necessary
in the best interests of the child, it shall investigate the
matter and it shall be lawful where appropriate for the
Authority to receive the child, into its care.

(2) A police officer or any other person having
reasonable grounds for believing that a child is in need
of care or protection may seek the assistance of the
Authority for care or protection of such child.

(3) In this section a child is deemed to be
abandoned where he has no parents or other persons
willing and able to take care of him.

23.(1) Subject to the provisions of this Part, where
the Authority receives a child into its care under
section 22, it shall temporarily assume the care and
control of that child (the assumption) and all the rights
and powers of the parents or guardians shall
temporarily vest in the Authority.

Temporary
assumption of
parental rights
by the Authority

(2) The Authority shall for the purposes of obtaining an Order under section 25, bring before Court any child, received by it under section 22, within fourteen days of such reception, unless it is satisfied that the taking of proceedings is not, in its opinion, in the best interest of the child, or that proceedings are about to be taken by some other person.

(3) In satisfying itself pursuant to subsection (2) the Authority shall take into consideration the same items listed in section 6(2).

Notice of temporary
assumption

24. (1) Where the whereabouts of the parent or guardian of the child are known and they have not previously consented to the temporary assumption by the Authority, the Authority shall, within forty-eight hours upon receipt of the said child, serve on the parent or guardian, notice in writing of the temporary assumption thereof and every such notice shall inform the person on whom the notice is served of his right to object to the temporary assumption and the effect of any objection made by him.

(2) Where the person on whom a notice of temporary assumption is served under subsection (1), wishes to object to such assumption he shall serve on the Authority, within seven days of his receipt of such notice, a notice of objection stating the grounds of his objection.

(3) A notice under subsection (1), shall be effected by personal service.

(4) Where a notice of objection has been served on the Authority under subsection (2), the Authority shall notify the Court of any Notice of objection and the Court on hearing the objector, if satisfied that the

temporary assumption should in the best interest of the child be affirmed or determined affirm or determine the said assumption and in the case of termination the temporary assumption shall thereupon cease to have effect.

25. (1) Where the Court is satisfied that a child brought before it by the Authority is a child in need of care and protection, it shall affirm the assumption made under section 23 and may make—

Powers of Court in respect of children in need of care and protection

(a) an Order—

- (i) directing that the child be sent to a residence;
- (ii) committing him to the care of a fit person under the Children's Act who is willing to undertake the care of him;
- (iii) directing his parent or guardian to enter into a recognisance to exercise proper care and guardianship;
- (iv) placing him for a specified period, not exceeding three years, under the supervision of the Authority;
- (v) directing that the child be placed in foster care; or
- (vi) freeing that child for adoption.

(b) any other order as the Court thinks fit.

(2) An order made under subsection (1)(a)(iv) placing a child under the supervision of the Authority, may require the Authority to comply during the whole or any part of the period specified in the Order with such requirements as the Court, having regard to the circumstances of the case, considers necessary for the

care and protection of the child and, without prejudice to the generality of this subsection, such order may include requirements relating to the residence of the child.

Restrictions on
assumption

26. An assumption shall not—

- (a) be construed as terminating the rights of parents in respect of their children;
- (b) relieve any person from any liability to maintain or contribute to the maintenance of the child; or
- (c) authorize the Authority to cause a child to be brought up in any religion other than that in which the child would have been brought up by a parent.

Care of the child
be given to parent

27. Subject to the determination by the Court under sections 24(4) and 25, the Authority may, where it appears to be in the best interest of the child to do so, allow the physical care of the child to be taken over by a guardian, relative, friend or any other person, for such period as the Authority may determine.

Offence to assist
runaway

28. Any person who knowingly—

- (a) and without good cause prevents a child from returning to the place from which he has run away;
- (b) assists or induces or attempts to induce a child to whom sections 22 through 25 applies to run away from the care of the Authority; or
- (c) harbours or conceals a child who has run away from the care of the Authority,

commits an offence and shall on summary conviction be liable to a fine not exceeding one thousand five hundred dollars, to do Community Service or imprisonment for a term of six months.

29. The reception of a child into care by the Authority under section 22 and the making of an Assumption Order with respect to that child under sections 24(4) and 25 shall not affect any supervision order or probation order previously made by the Court with respect to that child.

Application of preceding provisions to children already subject to orders of the Court

30. (1) Where an assumption has been made under sections 24(4) and 25 with respect any child and subsequently that child is determined mentally ill, under the Mental Health Act, such determination resulting in the admission of the child to a psychiatric hospital, the Authority shall continue to exercise parental responsibility and rights in respect of that child notwithstanding the Authority does not have physical control of the child.

Children certifiable as mental patients

Chap. 28:02

(2) Where a child mentioned under subsection (1) is under the care of a psychiatric hospital, the Psychiatric Hospital Director of the institution shall submit to the Authority, periodical reports of the child's mental status.

31. (1) The parent or guardian of a child in the care of the Authority shall ensure that the Authority is informed of the whereabouts of the parent or guardian.

Parents to inform the Authority of their whereabouts

(2) A parent or guardian who knowingly fails to comply with subsection (1), commits an offence and on summary conviction shall be liable to a fine of five hundred dollars.

32. (1) Where the Authority is satisfied that a person legally liable for the care and maintenance of any child intends to leave Trinidad and Tobago without making adequate arrangements for the care of the child, it may object to the Chief Immigration Officer to such person

Leaving the country without proper arrangements

leaving Trinidad and Tobago until such person has made provision to the satisfaction of the Authority that—

- (a) the child is not likely to become a charge on the public funds; or
- (b) such child is not exposed to moral danger or neglect by reason of lack of care and maintenance.

(2) The Chief Immigration Officer on receipt of such objection may, refuse to permit the person to leave Trinidad and Tobago.

(3) Where at any time reasons for an objection no longer exist the Authority shall advise the Chief Immigration Officer and the person referred to in subsection (1) accordingly.

(4) A person aggrieved by the decision of the Chief Immigration Officer may appeal to the Minister against such decision and he may either confirm or revoke the said decision.

Powers of the Court
with respect to
offences in the
Schedule

33. (1) Any Court before which a person is charged for having committed an offence in respect of a child mentioned in the Schedule or any offence under this Act, may direct that the child be brought before the Court with a view to making an order, under section 25.

(2) Where the Court has, under subsection (1), directed that a child be brought before the Court, it shall be the duty of the Authority to make every effort to bring such child before Court whether the child is in the custody of the Authority or not.

(3) The Minister may by Order amend the Schedule.

PART IV

CARE OF CHILDREN UNDER THE AUTHORITY

34. (1) The Authority may support or provide, equip ^{Provision of accommodation} and maintain community residences for the accommodation of children in its care.

(2) The Authority may discharge its functions under this section by making arrangements with private bodies for the accommodation of children in its care as provided for under the Children's Community Residences, Foster homes and Nurseries Act.

35. (1) The Authority shall ensure that children who ^{Provision of hostels for children who are over sixteen} are over sixteen years and who have no other place to reside, be accommodated in hostels near the place, as far as possible, where they may be employed, or seeking employment or receiving education or training.

(2) In this part "hostel" means a voluntary residence for persons up to the age of 21, on payment of a fee.

35A. (1) The President may convey, lease, or ^{Land for site for residences} otherwise assure land of the site of a Community Residence to be established under this Act to such persons and managers, upon such terms and subject to such conditions and stipulations relative to reconveyance, forfeiture, and resumption of such land or otherwise as to him shall seem fit.

(2) Upon the withdrawal of any licence for a Children's Community Residence as provided for under the Children's Community Residences, Foster Homes and Nurseries Act, in respect of land referred to in subsection (1), the President or any person authorised by him may make entry upon and resume possession of all lands which may have been conveyed, leased or otherwise assured to any person under this section, and all buildings and erections thereon.

(3) The entry upon and resumption of any such lands and buildings by the President or any person so authorised by him under subsection (1) shall operate as a reconveyance or surrender thereof, as the case may be, to the State by the person to whom the same shall have been conveyed, leased, or otherwise assured; and such lands and buildings shall from to time onward become absolutely vested in the State.

Power of the
Authority to arrange
for the emigration of
children in its care

36. (1) The Authority may, with the consent of the Minister, procure or assist in procuring emigration for any child in its care.

(2) The Minister shall not give his consent under this section unless he is satisfied that—

- (a) emigration would benefit the child;
- (b) suitable arrangements have been or will be made for the child's reception;
- (c) proper arrangements for the child's welfare in the country to which he is going has been made;
- (d) the parents or guardians of the child have been consulted; and
- (e) that the child consents.

(3) In any case where the child, is accompanied by a parent, guardian or relative or is to emigrate for the purpose of joining a parent, guardian, relative or friend, but is too young to form or express an opinion, the Minister may consent to his emigration, notwithstanding that the said child is unable to consent.

Disposal of deceased
children

37. (1) Where a child who is under the care of the Authority, has been placed in a community residence or foster home and that child dies while resident at such place, the Manager of the community residence or foster parent shall inform the Authority forthwith of the child's death.

(2) It shall be the duty of the Authority—

- (a) to immediately inform the parents and relatives of the deceased child of that child's death;
- (b) where the parents or relatives of the deceased child wish to bury the child, to release the child's body to them for burial; and
- (c) where no such wish referred to in paragraph (b) is expressed, to dispose of the body of any deceased child who immediately before his death was in the care of the Authority, in accordance with the Burial Grounds Act and Cremation Act.

Chap. 30:50
Chap. 30:51

(3) Where the Authority disposes of a body of a deceased child under subsection (1) it may, where it is of the opinion that the parent or guardian of the child would have had the means to cover the burial or cremation expenses, without prejudice to any other method for the recovery thereof, recover such sums as a civil debt.

38. The Authority may, if it deems fit, make payments to any parent or guardian or other persons concerned with a child in its care in respect of travelling, subsistence or other expenses incurred by the parent, guardian or other person in visiting the child or attending his funeral.

Power of Authority
to defray expenses of
parents visiting
children or attending
funerals

PART V

MAINTENANCE OF CHILDREN IN CARE

39. (1) The Authority shall arrange with the parents or the guardian of a child for a contribution according to their means towards the maintenance of the child who is in the care of the Authority.

Contribution in
respect of children
under the Authority

(2) Where an agreement cannot be reached in accordance with subsection (1), the Authority shall apply to the Court for an order for the maintenance of the child, having regard to the means of the parent or guardian.

(3) Where a person, other than the parent, is liable to maintain a child, an order under this section may be made on that person notwithstanding that there may also be a parent.

(4) An order made under this section may, on application being made either by the person on whom the order is made or by or at the instance of the Authority and on fourteen days notice of such application being given to the Authority or person on whom the order was made, be varied by the Court.

Paternity Orders

40. (1) A Court may, upon the hearing of an application under section 39 against any person in respect of the maintenance of any child, if it is alleged that he is the father of such child, make a paternity order against him in accordance with section 23 of the Family Law (Guardianship, Domicile and Maintenance) Act.

Chap. 46:08

(2) In making an order under this section the Court may direct that any amount payable under that Act, shall in the future be paid into the Authority.

Contribution in
respect of young
offenders

41. (1) The Court may, on complaint being made by Authority, at any time whilst a youthful offender or a child is detained, make order against a parent or any other person for the payment to the Authority of such weekly or monthly sum during the whole or any part of the time for which the youthful offender or child is kept.

(2) If the Court making the detention order is the upper division, then that Court may, if it thinks fit,

remit the case to the lower division of the district in which the youthful offender or child was committed for trial, for the purpose of making an order under this section, and, upon the case being so remitted, the Magistrate shall have power to make any such order under this section as the upper division might have made.

(3) An order made under this section may, on application being made either by the person on whom the order is made or by or at the instance of the Authority and on fourteen days notice of such application being given to the Authority or person on whom the order was made, be varied by the Court.

42. Where a parent or other person has been ordered to contribute to the maintenance of a child, he shall give notice of any change of address to the Authority and a person who fails to do so without reasonable excuse commits an offence and on summary conviction shall be liable to a fine of five hundred dollars.

Parent to inform
change of address

43. (1) A Court making an order for a contribution by a parent or any other person may, in the case where there is any pension or income payable to such parent or other person capable of being attached, after giving such parent or person an opportunity of being heard, order that such part of the pension or income, as the Court may see fit, be attached and be paid to the person named by the Court in accordance with the Attachment of Earnings (Maintenance) Act.

Recovery and
enforcement of
Orders and
contributions

Act No. 14 of 1988

(2) An order under subsection (1), shall be sufficient authority to the person by whom such pension or other income is payable to make the payment to the person or body so ordered, and the receipt by the person to whom the payment is so ordered shall be a sufficient discharge of the obligation of the first named person.

(3) All sums of money ordered to be paid under this section, may be recovered summarily by distress and sale of the goods and chattels of the person upon whom such order is made, and where sufficient distress is not found, such person may be liable for imprisonment for a term of two months.

Contribution by
the child

44. A child under the care of the Authority who has attained the age of sixteen years and is engaged in the remunerative work shall be liable to make contributions to the Authority in respect of himself and where no agreement can be reached or where an agreement is not being complied with the Court may order the payments of an appropriate amount by him according to his means.

Duration of Order

45. A Contribution Order made under this Part shall remain in force as long as the child is in the care of the Authority but a person may at any time apply to the Court for the order to be varied or discharged.

PART VI

FINANCIAL PROVISIONS

Creation of the Fund

46. (1) There is hereby established a Fund called the Children Authority Fund.

(2) The revenue of the Fund shall be—

- (a) money allocated to the Authority by Parliament;
- (b) grants, donations and assistance received by national and international organisations and agencies; and
- (c) monies and fees received under the Act.

Application of
the Fund

47. (1) The monies in the Fund shall be utilised for defraying the following expenses:

- (a) administration of the Act;

- (b) remuneration and allowances for the members of the Board;
- (c) payment of salaries and allowances for the members of the staff; and
- (d) any other expenditure authorised by the Board for the exercise of its powers.

(2) The accounts of the Authority shall be maintained in accordance with the generally accepted accounting principles.

48. (1) The Board shall prescribe Rules for the proper control of the system of accounting and the financial management of the Authority including provision for an adequate system of internal auditing. Rules for accounting and audit

(2) The accounts of the Authority shall be audited annually by the Auditor General or by a qualified auditor appointed by the Auditor General.

49. (1) The Board shall within three months of the end of each financial year submit to the Minister an annual report dealing with the activities of the Authority during the financial year, together with financial statements and such other information relating to the operations and functions of the Authority. Annual Report

(2) The Minister shall cause a copy of the report and the financial statements and such other information submitted under subsection (1) to be laid before Parliament within twenty eight days of its receipt by him.

PART VII

MISCELLANEOUS

50. (1) The Authority may, with the approval of the Minister, make regulations in respect of— Authority to make Regulations

- (a) the burial of children in the care of the Authority; and

(b) matters which are required to be prescribed and for the purpose of giving effect to the provisions of the Act.

(2) All such rules shall be subject to affirmative resolution of Parliament and when so affirmed shall have the same force and effect as if they were contained in this Act.

(3) The Minister may also prescribe the forms to be used for the purposes of this Act and all such forms so prescribed shall be published in the *Gazette*.

SCHEDULE

OFFENCES

(Section 33)

Sections—

4 or 5 of the Summary Offences Act, Chap. 11:02

6, 21, 32, 34 to 40 inclusive, 45, 48, 54 or 61 of the Offences Against the Person Act, Chap. 11:08

3 to 8 inclusive, 24 to 28 inclusive of the Children Act, Chap. 28:07

2 to 9 inclusive or 11 of the Sexual Offences Act, No. 28 of 1996

2 of the Domestic Violence Act, No. 10 of 1991

Buggery or any of the offences involving bodily injury to a child or young person.

Passed in the House of Representatives this 27th day of September, 2000.

D. DOLLY

Acting Clerk of the House

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed in the House and at the final vote thereon in the House has been supported by the votes of not less than three-fifths of all members of the House that is to say by the votes of twenty-five members of the House.

D. DOLLY

Acting Clerk of the House

Passed in the Senate this 3rd day of October, 2000.

N. COX

Clerk of the Senate

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed in the Senate and at the final vote thereon in the Senate has been supported by the votes of not less than three-fifths of all members of the Senate that is to say by the votes of twenty-two members of the Senate.

N. COX

Clerk of the Senate

Senate Amendments agreed to by the House of Representatives this 6th day of October, 2000.

D. DOLLY

Acting Clerk of the House