
Third Session Eleventh Parliament Republic of
Trinidad and Tobago



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 15 of 2018

[L.S.]

AN ACT to amend the Interpretation Act, Chap. 3:01, the Supreme Court of Judicature Act, Chap. 4:01, the Summary Courts Act, Chap. 4:20, the Bail Act, Chap. 4:60, the Administration of Justice (Deoxyribonucleic Acid) Act, Chap. 5:34, the Legal Aid and Advice Act, Chap. 7:07, the Child Rehabilitation Centre Act, Chap. 13:05, the Children Act, Chap. 46:01, the Children's Community Residences, Foster Care and Nurseries Act, Chap. 46:04, the Family

Law (Guardianship of Minors, Domicile and Maintenance) Act, Chap. 46:08, the Children's Authority Act, Chap. 46:10, and the Family and Children Division Act, 2016

[Assented to 9th October, 2018]

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

Short title **1.** This Act may be cited as the Miscellaneous Provisions (Supreme Court of Judicature and Children) Act, 2018.

Proclamation **1A.** This Act comes into operation on such date as is fixed by the President by Proclamation.

Chap. 3:01 amended **2.** The Interpretation Act is amended in section 83, by inserting in the appropriate alphabetical sequence the following definition:

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

Chap. 4:01 amended **3.** The Supreme Court of Judicature Act is amended—

(a) in section 5(1), by deleting the words “forty-nine” and substituting the words “sixty-four”;

(b) in section 6(1), by deleting the word “twelve” and substituting the word “fifteen”;

(c) in section 7—

(i) in subsection (1), by inserting after the word “England” the words “or any Commonwealth country,”; and

(ii) in subsection (2)(b), by inserting after the word “England” the

words “or any Commonwealth country,”.

4. The Summary Courts Act is amended—

Chap. 4:20 amended

(a) in section 2—

- (i) by deleting the definitions of “child” and “young person”; and
- (ii) by inserting in the appropriate alphabetical sequence, the following definitions:

“child” has the meaning assigned to it in section 3 of the Children Act;

“older child” means any person who, in the opinion of the Court before whom he appears or is brought, is fourteen years of age or upwards and under the age of eighteen years;

“Magistracy Registrar and Clerk of the Court” means the judicial office of the Magistracy Registrar and Clerk of the Court referred to in Part I of the Second Schedule, Judicial Offices in the Judicial and Legal Service Act;

“younger child” means any person who, in the opinion of the Court before whom he appears or is brought,

is seven years of age
and under fourteen
years of age;”

(iii) by renumbering section 2 as
section 2(1); and

(iv) by inserting after section 2(1) as
renumbered, the following new
subsection:

“ (2) A reference to “Clerk
of the Peace” or “Clerk of
the Court” in relation to
summary jurisdiction shall
be read and construed to
include a reference to a
“Magistracy Registrar and
Clerk of the Court.”;

(b) in section 2, in the definition of “guardian”,
by deleting the word “child” the first, third
and fourth times it occurs and substituting
the words “younger child or older child” and
the second time it occurs by substituting
the words “younger child or older child and
”;

(c) in sections 63A and 99, by deleting the
word “child” wherever it occurs and
substituting the words “younger child”;

(d) in section 39(1), by deleting the word
“Clerk” and substituting the words “any
person designated by the Chief Justice to
receive the complaint”; and

(e) in section 99—

(i) by deleting the words “young
person” wherever they occur and
substituting the words “older
child”; and

(ii) in subsection (7), by deleting
the words “section 84” and sub-
stituting the words “section 54”.

5. The Bail Act is amended—

Chap. 4:60 amended

(a) in section 3, by inserting in the appropriate alphabetical sequence, the following definition:

“ “child offender” has the meaning assigned to it under section 1A of the Child Rehabilitation Centre Act”; and

(b) in section 12(5)(a), by deleting the word “sixteen” and substituting the word “eighteen”.

6. The Administration of Justice (Deoxyribonucleic Acid) Act is amended—

Chap. 5:34 amended

(a) in section 4, by deleting the definition of “juvenile residential facility” and substituting the following definition:

“ “Rehabilitation Centre” has the meaning assigned to it under section 2 of the Children’s Community Residences, Foster Care and Nurseries Act”; and

(b) in sections 13(2)(d) and 14(6)(d), by deleting the words “juvenile residential facility” and substituting the words “Rehabilitation Centre”.

7. The Legal Aid and Advice Act is amended in Chap. 7:07 amended
item 1(b) of Part I of the First Schedule, by inserting after the words “vehicle offences”, the words “where a person eighteen years and over is”.**8. The Child Rehabilitation Centre Act is amended—**Chap. 13:05
amended

(a) in section 1, by deleting the words “Child Rehabilitation Centre Act” and substituting the words “Child Rehabilitation Centres Act”;

(b) in section 1A—

(i) by inserting in the appropriate alphabetical sequence the following definitions:

“ “Advisory Board” means the Advisory Board appointed under section 3(2);

“prohibited article” means any item, substance or thing—

(a) the possession of which by a resident is considered by the Commissioner to present a threat to the maintenance of security, good order or discipline;

(b) the possession of which by a resident in any part of a Rehabilitation Centre other than a part designated by the Commissioner, is considered by the Commissioner to be a threat to the maintenance of security, good order or discipline; or

(c) which is being used by a resident in a manner which is considered by the Commissioner to present a threat to

the maintenance of
security, good order
or discipline;

“resident” means a person
who has been committed,
remanded or transferred
to a Rehabilitation Centre;

“responsibility” includes
custody, charge, care and
control;

“Superintendent” means the
Superintendent of Prisons
referred to in Part A of the
Second Schedule of the
Prison Service Act and
who is assigned to a
Rehabilitation Centre
under section 3(4);” and

(ii) by deleting the definition of “prison
officer” and substituting the
following definition:

“ “officer” means an officer
holding an office as
specified in the Second
Schedule of the Prison
Service Act and who has
been assigned to the
Rehabilitation Centre;”;

(c) in section 2—

(i) in subsection (3), by deleting all the
words after the words “sub-
section (1):” and substituting the
words “sections 3(1) and (2), 4, 5, 7,
8, 8A, 8B, 8C, 11(1) and (3), 11A, 12
to 18, 19(1), 20, 22(b), 23 to 26 and
26A of the Children’s Community

Residences, Foster Care and Nurseries Act.”; and

- (ii) by repealing subsection (4) and substituting the following new subsection:

“ (4) The Commissioner shall be deemed to be the licensee of a Rehabilitation Centre and a Superintendent shall be the Manager of a Rehabilitation Centre.”;

- (d) by inserting after section 2, the following new sections:

“Commissioner of Prisons to make policies 2A. The Commissioner of Prisons shall ensure that policies are prepared with respect to the following areas:

- (a) strategies for the rehabilitation and the reduction of recidivism of residents;
- (b) training programmes for officers and residents of a Rehabilitation Centre;
- (c) the fitness for discharge of any resident of a Rehabilitation Centre;
- (d) the making of applications to the Court for permission for a resident over the age of sixteen years to engage in on-the-job training outside of a Rehabilitation Centre; and

(e) other matters relating to the management, maintenance or operations of a Rehabilitation Centre and the protection of the residents.”;

“Residents to be notified

2B. The policies published in accordance with section 2A shall be brought to the attention of all residents of a Rehabilitation Centre.

(e) in section 3—

(i) by repealing subsection (1) and substituting the following new subsection:

“ (1) A Rehabilitation Centre shall be under the management and control of the Commissioner of Prisons subject to the Children’s Authority Act and the Children’s Community Residences, Foster Care and Nurseries Act.”; and

(ii) in subsection (4), by deleting the words “appointed at” and substituting the words “assigned to”;

(f) in section 3A, by deleting all the words after the words “with respect to—” and substituting the words “the policy areas enumerated in section 2A(a) to (e)”;

(g) in section 4—

(i) in the marginal note, by inserting

after the word “officers” the words
“and instructors”;

- (ii) by renumbering section 4 as section 4(1);
- (iii) in section 4(1) as renumbered, by deleting the words “and instructors”;
- (iv) by inserting after subsection (1), the following new subsection:

“ (2) The Minister with responsibility for education shall, after consultation with the Commissioner of Prisons, appoint educational instructors, including special education instructors for a Rehabilitation Centre.”;

- (ga) by inserting after section 4 the following new section:

“Prohibited
punishment
and restraint

4A. (1) The Commissioner shall be responsible for ensuring that each resident is not subjected to—

- (a) corporal punishment;
- (b) restraint or force as a form of punishment;
- (c) the reduction or change of diet as a form of punishment; or
- (d) the restriction or denial of contact with family as a form of punishment.

(2) Where a person alleges that a resident at a Rehabilitation Centre has been the subject of any

form of the prohibited methods of punishment referred to in subsection (1), the person shall report the matter to the Commissioner and the Authority and the Commissioner and the Authority shall investigate the allegation and on its completion shall notify the person who made the allegation of the findings.

(3) Notwithstanding subsection (1)(b), the Superintendent may order that a resident be put under restraint—

- (a) for safe custody during removal or transportation from the Rehabilitation Centre;
- (b) on the direction of the Medical Officer on medical grounds; or
- (c) for the purpose of preventing the resident from—
 - (i) injuring himself or others;
 - (ii) damaging property; or
 - (iii) creating a disruption.

(4) The Superintendent shall give written notice of an order for restraint without delay to the Authority, Children's Probation Officer, the Medical Officer and

the resident and shall state—

- (a) the grounds for the restraint; and
- (b) the period of the intended restraint.

(5) On receipt of the notice referred to in subsection (4), the Medical Officer shall inform the Superintendent whether there are any reasons why the resident should not be put under restraint and the Superintendent shall give effect to any recommendation made by the Medical Officer.

(5A) Any recommendation made by the Medical Officer under subsection (5) shall be brought to the attention of the resident, the Children's Probation Officer and the Authority by the Medical Officer.

(6) The Medical Officer may at any time recommend that the restraint on a resident be removed.

(6A) Any recommendation made by the Medical Officer under subsection (6) shall be brought to the attention of the resident, the Children's Probation Officer and the Authority by the Medical Officer.

(7) A resident shall not be kept under restraint without supervision and no longer than necessary, nor shall he be kept for longer

than twenty-four consecutive hours without a direction by the Court.

(8) On any application made pursuant to subsection (7) the resident shall be afforded the right to be heard.”.

(h) in section 5(b), by deleting all the words after the words “system of” and substituting the words “discipline, marks and rewards for good conduct;”;

(i) in section 7—

(i) in subsection (1)—

(A) by deleting the words “59(1)(e)” and substituting the words “59(2)(e)”; and

(B) in subsections (1), (2), (4) and (4B), by deleting the words “Rehabilitation Centre” and substituting the words “Community Residence”; and

(ii) in subsection (2), by deleting the words “who is between the ages of ten years and eighteen years, and”;

(j) in section 9—

(i) by deleting the words “the Rehabilitation Centre” wherever they occur and substituting the words “a Community Residence”;

(ii) by deleting the words “of detention” and substituting the words “for placement”;

(iii) by deleting the word “detained” and substituting the word “placed”; and

- (iv) in the marginal note, by deleting the word “detention” and substituting the word “placement”;
- (k) by repealing section 10 and substituting the following section:

“Order for placement 10. The Order for placement of a child shall be forwarded by the Court—

(a) in the case of a Children’s Home, to the Licensee; and

(b) in the case of a Rehabilitation Centre, to the Commissioner,

and a copy shall be sent to the Authority.”;

- (l) by repealing section 12A and substituting the following sections:

“Application by Commissioner for leave for a stated purpose 12A. (1) Subject to subsection (5) and section 12B, the Commissioner may apply to the Court for an order permitting a resident to leave a Rehabilitation Centre for a stated purpose and for such periods and subject to such conditions as are specified in the order, and the Court may make such order as it thinks fit.

(1A) An application made by the Commissioner under subsection (1) shall be brought to the attention of the resident and the resident shall have a right to be heard by the Court.

(2) The Commissioner shall notify the resident, in writing, of the decision of the

Court in relation to an application made under subsection (1).

(3) A resident shall not proceed on leave pursuant to an order under subsection (1) without the permission of the Commissioner.

(4) The Commissioner may, at any time, apply to the Court for the revocation of an order made under subsection (1).

(5) An application made by the Commissioner under subsection (4) shall be brought to the attention of the resident and the resident shall have a right to be heard by the Court.

(6) Subsections (3) to (5) shall apply to an order under section 54(1)(d) of the Children Act.

(7) The Commissioner may, in writing, authorise a Superintendent to make an application under subsection (1) or (5), on his behalf.

(8) Any leave granted under this section for the purpose of work, shall be in accordance with sections 105 and 106 of the Children Act.

(9) A resident who—

(a) absconds while on leave; or

(b) refuses to return to the Rehabilitation Centre when

required to do so
on the rescission
of his permission,
shall be dealt with in accordance
with section 83 of the Children
Act.

(10) The Commissioner is
deemed to be in *loco parentis* in
relation to a resident during any
period that the resident is on
leave pursuant to this section.

(11) A resident shall be
deemed to be in the charge of the
Commissioner of Prisons during
any period that the resident is on
leave pursuant to this section.

Order for a
resident to
spend leave
with host

12B. (1) Where a person
(hereafter referred to as “the
proposed host”), wishes to have a
resident who is a child offender,
spend leave with him for a stated
purpose, he shall apply in writing
to the Commissioner requesting
that permission be granted for the
resident to spend leave with him.

(2) A request submitted
under subsection (1) shall be
accompanied by a valid police
certificate of character issued in
respect of the proposed host and
shall include the following:

- (a) the reason for the leave;
- (b) the intended period of
leave;
- (c) the name, age, address,
sex and marital status of
the proposed host;

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- (d) the occupation and place of employment of the proposed host;
 - (e) the relationship, if any, between the proposed host and the resident;
 - (f) the address of the place where it is intended that the resident spend his leave;
 - (g) the name, age and sex of each person residing at the place where it is intended that the resident spend his leave;
 - (h) the relationship of each person referred to in paragraph (g) to the proposed host;
 - (i) the name, age and sex of each person who is in a visiting relationship with the proposed host; and
 - (j) any other information that the Commissioner considers necessary with respect to the request or the proposed host.

(3) Where the Commissioner receives a request made pursuant to subsection (1), he shall—

- (a) notify the Authority of the request;
- (b) refer the request to the Children's Probation

Officer assigned to the resident who shall—

- (i) conduct an investigation with respect to the suitability of placement with the proposed host and of the resident for such placement;
 - (ii) submit a written report of his investigation and his recommendations to the Commissioner, on the suitability of such placement with the proposed host; and
 - (iii) forward a copy of the report referred to in subparagraph (ii) to the Authority; and
- (c) consult with the Authority in relation to the request and the report referred to in paragraph (b)(ii).

(4) In preparing the report referred to in subsection (3)(b)(ii), the Children's

Probation Officer assigned to the resident shall take into consideration the voice of the resident who is the subject of the request.

(5) The Commissioner may, after consideration of the report of the Children's Probation Officer, and after consultation with the Authority, make an application under section 12A and notify, in writing, the proposed host.

(6) An application made pursuant to subsection (5) shall include the following:

- (a) the reason for the leave;
- (b) the intended period of leave;
- (c) the name, age, address, sex and marital status of the proposed host;
- (d) the occupation and place of employment of the proposed host;
- (e) the relationship, if any, between the proposed host and the resident;
- (f) the address of the place where it is intended that the resident spend his leave;
- (g) the name, age and sex of each person residing at the place where it is intended that the resident spend his leave;

- (h) the relationship of each person referred to in paragraph (g) in relation to the proposed host;
- (i) the name, age and sex of each person who is in a visiting relationship with the proposed host or any other person in the household;
- (j) a copy of the report referred to in subsection (4)(b) stating the suitability of the placement and of the resident for such placement; and
- (k) any other information that the Court may think necessary.

(7) The Court, in making its determination pursuant to section 12A shall take into consideration the voice of the resident who is the subject of the application.

(8) For the purposes of this section, “visiting relationship” means a non-cohabitational relationship which is otherwise similar to the relationship between husband and wife.

Period of
leave to be
deemed
part of time
of place-
ment

12C. (1) The time during which a resident is on leave pursuant to section 12A, shall be deemed to be part of the period of his placement at the Rehabilitation Centre.

(2) Notwithstanding subsection (1), where a resident fails without reasonable excuse to return to the Rehabilitation Centre upon the rescission of his leave, the time between the rescission of his permission and his return to the Rehabilitation Centre shall be excluded in computing the period of his placement at the Rehabilitation Centre.

Parent,
guardian or
person with
responsibility
for the
child may
be
summoned
to produce
child

12D. (1) Where the permission to leave a Rehabilitation Centre for a stated purpose granted to a resident has been rescinded and the resident refuses or fails to return to the Rehabilitation Centre, a Court, if satisfied by complaint on oath that there is reasonable ground for believing that his parent, guardian, person with responsibility for the resident or host could produce him, may issue a summons requiring the parent, guardian, person with responsibility for him or host to attend before it, on such day as may be specified in the summons, and to produce the resident.

(2) If a—

(a) parent, guardian or person with responsibility for a resident; or

(b) host,

fails to produce the resident in

accordance with the summons referred to in subsection (1), without reasonable cause, he is, in addition to any other liability to which he may be subject under this Part, liable on summary conviction to a fine of five thousand dollars and imprisonment not exceeding three years.”.

Consequential
amendments to any
written law

9. A reference in any written law to the “Child Rehabilitation Centre Act” shall be construed as the “Child Rehabilitation Centres Act”.

Collecting Officer

9A. In any written law, for the purposes of attachment of earnings and maintenance orders, Collecting Officer means—

- (a) a person so appointed, designated or required to perform the functions of a Collecting Officer with regard to any act required by or for the Judiciary pursuant to any Rules of Court or any law; or
- (b) any person who has been so appointed or designated under any written law.

Chap. 46:01
amended

10. The Children Act is amended—

(a) in section 3—

(i) by inserting in the appropriate alphabetical sequence, the following definitions:

“ “appropriate adult” means a person eighteen years of age and over who is a—

- (a) social worker;
- (b) welfare officer (probation);
- (c) Justice of the Peace;

- (d) an Attorney-at-law for the child;
- (e) any other responsible person with whom the child is comfortable; or
- (f) in the case of a person with a disability, the appropriate professional,

but does not include—

- (g) an accomplice;
- (h) a person, not being a parent, with previous convictions relating to a child or affecting that child within the last ten years;
- (i) a person, not being a parent on probation;
- (j) a member of the police service or any employee in the police service other than—
 - (i) a family member;
 - (ii) a person who is well-known to the child; or

(iii) a person
w i t h
w h o m
the child
is com-
fortable;

(k) a person employed
at a Rehabilitation
Centre other
than—

(i) a family
member;

(ii) a person
who is
w e l l -
known to
the child;
or

(iii) a person
w i t h
w h o m
the child
is com-
fortable;

“Commissioner” means the
Commissioner of Prisons
defined in section 2 of the
Prisons Act;

“resident” has the meaning
assigned to it under
section 1A of the Child
Rehabilitation Centres
Act;” and

(ii) in the definition of “Children’s
Attorney” delete the word
“attorney-at-law” and substitute
the word “Attorney-at-law”;

(b) in section 4, by inserting after subsection (7) the following new subsections:

“ (7A) Corporal punishment shall not be used in relation to—

(a) a child in a Nursery, Children’s Home or Foster Home;

(b) a resident in a Rehabilitation Centre; or

(c) a child in the custody, care and control of a fit person.

(7B) A person who contravenes subsection (7A) commits an offence and is liable—

(a) on summary conviction to a fine of five thousand dollars and to imprisonment for six months; or

(b) on conviction on indictment to a fine of fifty thousand dollars and to imprisonment for ten years.”;

(c) in section 40(5), by inserting the following new paragraph after paragraph (e):

“(ea) any person employed by the Authority who is designated to investigate abuse of a child or any offence against a child;”;

(d) by inserting after section 50 the following new Part:

“PART IXA

CHILD IN NEED OF SUPERVISION

Inability of parent, guardian or person with responsibility for the child to control a child

50A. (1) Where a parent, guardian or person with responsibility for a child alleges that he is unable to control the child, he may apply to

the Court for an order deeming the child to be a child in need of supervision and the Court shall—

- (a) refer the child to the Children's Probation Officer;
- (b) notify the Authority; and
- (c) request that the Solicitor General appoint a Children's Attorney for the child.

(2) The Court shall require a report from the Children's Probation Officer.

(3) Upon receipt of the report referred to in subsection (2) the Court may make the following orders:

- (a) order that the child be deemed a child in need of supervision and refer the child to the Authority who may recommend an appropriate intervention;
- (b) order that the child be deemed a child in need of care and protection and make an appropriate order pursuant to section 25 of the Children's Authority Act;
- (c) make an order for the care and placement of

the child and refer the child to the Authority;

- (d) order that the child be referred for counselling or any other rehabilitative intervention or treatment;
- (e) order that the parent, guardian or person with responsibility for the child be referred for counselling;
- (f) order that any family member, members of the child's household or persons connected to the child be referred for counselling; or
- (g) make any other order including an interim order that the Court deems fit.

(4) Nothing in subsection (3) shall preclude the Court from making an interim order prior to receiving the report referred to in subsection (2).

(5) In this section, "a child in need of supervision" means a child so deemed by the Court pursuant to subsection (3)(a).";

(e) in section 51—

- (i) in the marginal note, by inserting after the word "arrested", the words "and charged"; and

- (ii) in subsection (1), by inserting after the word “warrant”, the words “and charged”;
- (f) by repealing section 51A and substituting the following section:

“Officer in charge to inform parent, etc., and Legal Aid and Advisory Authority when child is apprehended

51A. Where a child is apprehended under section 51, the officer in charge of the police station shall forthwith inform—

- (a) the child’s parent, guardian or person with responsibility for the child; or
- (b) the appropriate adult where any person referred to in paragraph (a)—
- (i) cannot be contacted; or
- (ii) is unable to attend the police station; and
- (c) the Legal Aid and Advisory Authority in accordance with section 15B of the Legal Aid and Advice Act.”;
- (g) in section 51B(7), by deleting the words “A child” and substituting the word “An”;
- (h) in section 52—
- (i) by deleting all the words after the words “cause him” and substituting the following words and subsection:

“to be placed—

- (a) in a Children’s

Home, where the person appears to be under ten years of age; or

(b) in a Rehabilitation Centre, where the person appears to be ten years of age and over,

until he can be brought before a Court.

(2) A child placed in a Community Residence under subsection (1) shall be deemed to be in legal custody.”;

(i) in section 54(1)—

(i) by deleting paragraph (a) and substituting the following paragraphs:

“(a) where the child is under the age of ten years, remand the child to a Children’s Home; or

(aa) where the child is ten years of age and over, remand the child to a Rehabilitation Centre;”;

(ii) in paragraph (b), by deleting the words “; or” and substituting the words “in accordance with the Bail Act;”;

(iii) in paragraph (c), by deleting the full stop and substituting the words “; or”; and

(iv) by inserting after paragraph (c), the following paragraph:

“(d) make an order permitting a child who is remanded in custody, to leave the place to which he is remanded for an educational or vocational purpose, for such periods and subject to such conditions as are specified in the Order.”;

(j) by inserting after section 54, the following new section:

54A. (1) Where a person who
“Power of the Court where child charged attains the age of eighteen years was—
 (a) charged as a child; and
 (b) remanded to a Child Rehabilitation Centre,

has attained the age of eighteen years whilst being remanded or placed at a Child Rehabilitation Centre, the Court may, on the person attaining the age of eighteen years—

(c) remand the person in custody at—

- (i) a Rehabilitation Centre; or
- (ii) a prison; or

(d) grant the person bail on such conditions as the Court thinks fit.

(2) Where a person referred to in subsection (1) is

remanded to a Rehabilitation Centre or a prison, he shall be housed separately from the main population.”;

(k) in section 59—

- (i) in subsection (2), in paragraph (n), by deleting the word “and” the second time it occurs and substituting the word “or”; and
- (ii) in subsection (4), by inserting after paragraph (a) the following paragraph:

“(aa) where the child is at the time of review pursuing educational or vocational training, order that he continue the period of placement at the Rehabilitation Centre subject to—

- (i) the annual review of the Court or any shorter period as the Court thinks fit; or
- (ii) any other condition that the Court thinks fit.”;

(l) by repealing section 61;

(m) by repealing sections 64 to 68 and substituting the following new sections:

“Temporary
placement of
child from a
Children’s
Home

68A. Where a person is willing to receive and care for a child who has been placed at a Children’s Home, he may apply to the

manager of the Children's Home for permission for that child to be placed temporarily with him in accordance with section 26A of the Children's Community Residences, Foster Care and Nurseries Act.

Chap. 46:04

Application
for leave
from a
Rehabilitation
Centre for a
stated purpose
Chap. 13:05

68B. Where the Commissioner wishes to apply to the Court for an Order permitting a resident to leave a Rehabilitation Centre for a stated purpose, he may apply to the Court in accordance with sections 12A, 12B and 12C of the Child Rehabilitation Centre Act and subject to sections 105 and 106 of this Act.”;

(n) by repealing section 70 and substituting the following new section:

“Transfer
orders

70. (1) The Court may order—

- (a) a child offender or child charged to be transferred from one Rehabilitation Centre to another;
- (b) a child offender or child charged to be transferred from a Rehabilitation Centre to a Children's Home; or
- (c) a child to be transferred from one Children's Home to another.

(2) The Authority may make an application to the Court for a child to be transferred from one Children's Home to another.

(3) The Authority or the Superintendent of a Rehabilitation Centre may make an application to the Court for a child offender or child charged to be transferred from a Rehabilitation Centre to a Children’s Home.”;

(o) by repealing sections 72 and 73;

(p) in section 74—

(i) in subsection (1), delete the word “licence” and substitute the word “leave”; and

(ii) in subsection (2), delete all the words after the words “age of” and substitute the words “eighteen years”;

(q) by inserting after section 75 the following new section:

“Placement
where child
convicted of
murder

75A. Where a child has been convicted of murder and the Court is of the opinion that no punishment which, under the provisions of this Act, it is authorised to impose is appropriate, the Court may sentence the offender to be placed at a Community Residence for such period as may be specified in the sentence and on such conditions as the Court may direct.”;

(r) in section 76, by repealing subsection (2);

(s) in section 81, by inserting after subsection (2) the following new subsection:

“ (2A) Where a person is a child at the time of the commission of a criminal offence, and his trial has

not yet begun in the Children Court when he attains the age of eighteen years, the Court may transfer the matter to the High Court or a Magistrate's Court, accordingly, which Court shall continue proceedings using procedure applicable to children.”;

- (t) by repealing section 82 and substituting the following section:

“Breach of
rules at a
Children's
Home

82. Where a child, child offender or child charged who has been placed in a Children's Home breaches the rules of the Children's Home, he shall be dealt with in accordance with the internal disciplinary procedures of the Children's Home.”;

- (u) in section 83—

- (i) by inserting the following marginal note:

“Escaping from a Community Residence”;

- (ii) in subsection (3)(f), by deleting the word “and” after the words “for the child;” and substituting the word “or”; and

- (iii) by repealing subsection (5) and substituting the following subsection:

“ (5) For the purposes of this section, “careplan” means a plan which addresses the rehabilitative, social, emotional and therapeutic psychosocial needs of a child.”; and

(v) in section 88—

- (i) in subsection (5), by inserting after the words “Children’s Attorney” the words “or the Senior Children’s Attorney”; and
- (ii) by deleting the words “attorney-at-law” and “attorney” wherever they occur and substituting the word “Attorney-at-law”.

11. The Children’s Community Residences, Foster
Care and Nurseries Act is amended—

Chap: 46:04
amended

(a) in section 2—

- (i) in the definition of “child offender”, by deleting the words “, 2016”;
- (ii) in the definition of “Manager”, by deleting the word “operates” and substituting the word “manages”;
- (iii) in the definition of “residence licence”, by deleting the words “; and” and substituting the words “and includes a conditional residence licence and temporary residence licence”;
- (iv) by deleting the definition of “standards for Community Residences”;
- (v) by deleting the definition of “community residence” and substituting the following definition:

“Community Residence”
means a Children’s Home
or a Rehabilitation Centre;
and

- (vi) by inserting in the appropriate

alphabetical sequence the following definition:

“child charged” has the meaning assigned to it under section 1A of the Child Rehabilitation Centres Act;

(b) by inserting after section 2, the following section:

“Act binds the State” 2A. This Act binds the State.”;

(c) in section 3(1)—

(i) by deleting the word “manage” and substituting the word “operate”; and

(ii) by deleting the words “community residence” and substituting the words “Children’s Home”;

(ca) in section 3(2), by deleting the words “community residence” wherever they occur and substituting the words “Children’s Home”.

(d) in section 4—

(i) in the marginal note, by deleting the words “community residences” and substituting the words “Children’s Homes”;

(ii) in subsection (1), by deleting the words “community residences” and substituting the words “Children’s Homes”; and

(iii) in subsection (2), by inserting after the word “licence” the words “in accordance with section 5”;

(e) in section 5—

(i) in subsection (1), by deleting the words “community residence” and

-
- substituting the words “Children’s Home”;
- (ii) in subsection (2), by inserting after the word “application”, the words “under subsection (1) or section 4(1),”;
- (iii) by inserting after subsection (2), the following new subsection:
- “ (2A) The Authority, on receiving an application under this section, shall cause all investigations to be conducted to determine the suitability of the applicant to be granted a residence licence.”; and
- (iv) in subsection (3), by deleting the words “by the standards for Community Residences”;
- (f) in section 8—
- (i) in subsection (1), by deleting the words “community residence” and substituting the words “Children’s Home”;
- (ii) in subsection (2)—
- (A) by deleting the words “one year” and substituting the words “two years”; and
- (B) by deleting the word “annually”;
- (iii) in subsection (2A), by deleting the words “unless revoked by the Authority”; and
- (iv) by repealing subsection (3);

(g) in section 8A—

- (i) in the marginal note, by inserting after the word “temporary” the word “residence”;
- (ii) in subsection (1)—
 - (A) by deleting the words “three years” and substituting the words “one year”; and
 - (B) by inserting after the word “temporary” the word “residence”;

(h) in section 8B—

- (i) in the marginal note, by deleting the words “conditional licence” and substituting the words “Conditional residence licence”;
- (ii) in subsection (1)—
 - (A) by deleting the word “Where” and substituting the words “Notwithstanding section 8, where”; and
 - (B) by deleting the words “conditional licence” and substituting the words “c o n d i t i o n a l residence licence”;
- (iii) in subsection (2)—
 - (A) by deleting the words “conditional licence” and substituting the words “conditional residence licence”; and
 - (B) by deleting the words “may also” and substituting the word “shall”; and

-
- (iv) by inserting after subsection (2), the following new subsection:
- “ (3) A conditional residence licence may be extended by the Authority.”;
- (i) by inserting after section 8B, the following new section:
- “Display of licence 8C. A licence issued under this Part shall be displayed in a conspicuous place at the Children’s Home.”;
- (j) in section 11(3), by deleting the words “, being not less than six months after the date of the notice;”;
- (k) in section 11A—
- (i) in subsection (1), by inserting after the word “licence”, the words “being not less than”; and
- (ii) by repealing subsection (2) and substituting the following new subsection:
- “ (2) A notice under subsection (1) shall state the grounds on which the Authority intends to revoke the licence.”;
- (l) in sections 12 to 14, 17 and 25, by deleting the words “community residence” wherever they occur and substituting the words “Children’s Home”;
- (m) in section 15(1)—
- (i) by deleting the words “community residence” and substituting the words “Children’s Home”;
- (ii) by deleting the words “detained or”; and

- (iii) by deleting the words “community residences” and substituting the words “suitable alternative placement including Children’s Homes and Foster Care having regard to the needs of each child”;
- (n) by inserting after section 17, the following new sections:

“Prohibited
forms of
punishment

17A. (1) A child placed at a Children’s Home shall not be subjected to—

- (a) corporal punishment;
- (b) restraint or force as a form of punishment;
- (c) the reduction or change of diet as a form of punishment; or
- (d) the restriction or denial of contact with family as a form of punishment.

(2) A person who contravenes subsection (1) commits an offence and is liable—

- (a) on summary conviction to a fine five thousand dollars and imprisonment for six months; or
- (b) on indictment to a fine of fifty thousand dollars and to imprisonment for ten years.

(3) Where a person alleges that a child in a Children’s Home has been the subject of any form of the prohibited methods of

punishment referred to in subsection (1), the person shall report the matter forthwith to the Authority.

(4) Where upon investigation the allegation referred to in subsection (3) is found to be true, the Authority may revoke the licence of the Manager or licensee.

Penalty for
contravention
of Act or
Regulations

17B. (1) Any contravention against this Act or its Regulations with respect to Community Residences for which no penalty has been prescribed is punishable by a fine of ten thousand dollars and in the case of a continuous offence, to a fine of five hundred dollars for each day the offence continues.

(2) Section 63 of the Interpretation Act does not apply to this Act or its Regulations.”;

- (o) in section 18, by deleting the word “Residences” wherever it occurs and substituting the words “Children’s Homes”;
- (p) in section 19, by repealing subsection (2);
- (q) in section 21—

- (i) in subsection (2), by deleting all the words after the word “possesses” and substituting the words “such qualifications, training or experience as may be prescribed”; and

- (ii) inserting after subsection (2), the following new subsection:

“ (3) Subsection (2) does not

apply to Rehabilitation
Centres.”;

(r) in section 22—

- (i) by renumbering section 22 as section 22(1);
- (ii) in section 22(1) as renumbered, in paragraph (b), by inserting before the words “maintain proper” the words “in respect of a Children’s Home,”; and
- (iii) by inserting after section 22(1) as renumbered, the following new subsections:

“ (2) The Manager shall keep a written record of a child charged or child offender received into the Children’s Home, and signed by the Manager.

(3) A record purporting to be signed by the Manager in accordance with subsection (1), shall be evidence of the matters stated therein.”;

(s) in section 23—

- (i) by repealing subsection (1);
- (ii) in subsection (2)—
 - (A) by deleting the words “community residence” and substituting the words “Children’s Home”;
 - (B) by deleting the word “Rules” and substituting the word “rules”; and

- (C) by deleting the words “in such residence” and substituting the word “therein”;
- (t) in section 24, by deleting the words “community residence” wherever they occur and substituting the words “Children’s Home”;
- (ta) in section 25—
- (i) in the marginal note, by deleting the words “community residences” and substituting the words “Children’s Homes”; and
- (ii) by deleting the words “community residence” wherever they occur and substituting the words “Children’s Home”;
- (u) by repealing section 26 and substituting the following sections:

“Reception of child where no Care Order made 26. (1) Where a Manager receives a child into a Children’s Home in respect of whom no Care Order has been made, the Manager shall, within twenty-four hours of receiving the child, inform the Authority.

(2) The Authority, upon receipt of such information referred to in subsection (1), shall record the reception and deal with the child in accordance with section 22 of the Children’s Authority Act.

Temporary placement of child from a Children’s Home 26A. (1) Where a person is willing to receive and care for a child who has been placed at a

Children's Home, he may apply to the Manager of the Children's Home for permission for that child to be placed temporarily with the applicant.

(2) Where an application has been made under subsection (1), the Manager of the Children's Home shall notify the Authority of such application and shall supply to the Authority—

- (a) a police certificate of good character of the applicant; and
- (b) the following particulars:
 - (i) the reason for the request for such placement;
 - (ii) the name, age, address, sex and marital status of the applicant;
 - (iii) the occupation and place of employment of the applicant;
 - (iv) the marital status of the applicant;
 - (v) the relationship, if any, between the applicant and the child;
 - (vi) the address of the place where

-
- it is intended that the child be placed temporarily;
- (vii) the name, age and sex of each person residing at the place where it is intended that the child be placed temporarily;
 - (viii) the relationship of each person referred to in paragraph (vii) to the applicant;
 - (ix) the period of intended placement;
 - (x) the suitability of the child for such placement; and
 - (xi) any other information requested by the Authority.

(3) Upon investigation by the Authority as to the suitability of such placement, the Authority may—

- (a) authorise the Manager to permit the child to be temporarily placed with

the applicant provided that any order of the Court relating to the care of the child provides that the child may be temporarily placed with any such applicant on the approval of the Authority; or

(b) where there has been no order of the Court, after the Authority has investigated the applicant, seek an order of the Court to grant permission for the child to be temporarily placed with the applicant.

(4) Where the Manager forms the view that the permission referred to in subsection (3) should be rescinded, he shall notify the Authority immediately who shall investigate the matter.

(5) Where a child runs away from the person with whom he has been temporarily placed pursuant to subsection (3), the Authority shall apply to the Court for a Recovery Order and the child shall be brought to the Authority which shall investigate the circumstances of the case.

(6) The applicant shall report any critical incidents to the Manager or the Authority with respect to the child.

(7) The Manager shall immediately report any significant events with respect to the child who has been temporarily placed pursuant to subsection (3) to the Authority.

Period of
leave to be
deemed part
of time of
placement

26B. (1) The time during which a child offender is absent from a Children's Home in pursuance of permission under section 26A shall be deemed to be part of the time of his placement in the Children's Home.

(2) Notwithstanding subsection (1), where a child offender has failed to return to the Children's Home on the permission being rescinded under section 26A(4), the time which elapses after his failure so to return shall be excluded in computing the time during which he is to be placed in the Children's Home.

Parent may
be summoned
to produce
child

26C. (1) Where an authorisation under section 26A(4) is rescinded and the child refuses or fails to return to the Children's Home, a Court, if satisfied by complaint on oath, that there are reasonable grounds for believing that the parent, guardian or person with responsibility for the child or the person with whom the child has been temporarily placed, could produce him, may issue a summons requiring the parent, guardian or person with responsi-

bility for the child or the person with whom the child has been temporarily placed, for him to attend before it on such day as may be specified in the summons, and to produce the child.

(2) If a parent, guardian or person with responsibility for the child or the person with whom the child has been temporarily placed fails to produce the child in accordance with the summons referred to in subsection (1) without reasonable cause, he is, in addition to any other liability to which he may be subject under this Part, liable on summary conviction to a fine of five thousand dollars and imprisonment for three years.”;

(w) in section 27—

- (i) in subsection (1), by deleting the word “The” and substituting the words, “Subject to subsection (2A), the”;
- (ii) by repealing subsection (2) and substituting the following subsections:

“ (2) Where the officer referred to in subsection (1), is refused admission to any Community Residence or has reasonable cause to believe that children are being received, kept or treated in a Community Residence in contravention of this Act or any other written law, he may

on warrant issued by the Court, enter the Community Residence.

(2A) An officer referred to in subsection (1) may at any time enter any Community Residence owned or occupied by the State without a warrant.

(2B) Where an officer from the Authority enters a Community Residence under this section, he may—

- (a) take pictures and require the production of, or examine and make a copy of any register, book, record, or other documents, however stored, electronically or otherwise, kept for the purpose of, or required to be kept by this Act;
- (b) require any information contained in a computer and accessible from that place to be produced in a form in which it is visible and legible; and
- (c) interview any person with respect to the observance of

-
- the provisions of
this Act.”; and
- (iii) in subsection (3), by inserting after the word “dollars” the words “and to imprisonment for six months”;
- (x) by repealing section 27A;
- (y) in section 41—
- (i) by deleting the words “, 2012” wherever they occur; and
- (ii) by inserting the following marginal note for paragraph (b):
“Chap. 46:01”;
- (z) in section 52(3), by deleting the words “this Act” and substituting the words “this section”;
- (aa) in section 53(1)—
- (i) in the chapeau, by deleting the word “shall” and substituting the words “may,”;
- (ii) by deleting paragraph (a) and substituting the following paragraphs:
- “(a) the welfare of children in any Rehabilitation Centre;
- (aa) the management of any Children’s Home and the discipline and welfare of the children therein;”;
- (iii) in paragraph (e), by deleting the words “community residences” and substituting the words “Children’s Homes”; and
- (ab) by deleting the words “community residence”, “community residences” and

“rehabilitation centre” wherever they occur and substituting the words “Community Residence”, “Community Residences” and “Rehabilitation Centre”, respectively.”.

12. The Family Law (Guardianship of Minors, Chap. 46:08
Domicile and Maintenance) Act is amended— amended

(a) in section 2, by inserting in the appropriate alphabetical sequence, the following definitions:

“Custodial Trust Bank Account” means an account which is a public account for the purposes of section 116 of the Constitution and is held under the name of the Judiciary of Trinidad and Tobago at a Financial Intermediary in Trinidad and Tobago for the purpose of receiving and paying out moneys pursuant to a maintenance order;

“Financial Intermediary” means a financial institution as defined by section 2 of the Financial Institutions Act or such other institution that may be approved by the Treasury;

“Magistracy Registrar and Clerk of the Court” means a person holding the office of Magistracy Registrar and Clerk of the Court listed in the Second Schedule of the Judicial and Legal Service Act;

“post office” has the meaning assigned to it under section 3 of the Trinidad and Tobago Postal Corporation Act;

“Registrar” has the meaning assigned to it under section 2 of the Supreme Court of Judicature Act;

“Trinidad and Tobago Postal Corporation” has the meaning assigned to it under section 3 of the Trinidad and Tobago Postal Corporation Act;”;

(b) in section 26—

(i) in subsection (4), by inserting after the words “subsection (3)” the words “the Magistracy Registrar and Clerk of the Court shall be Collecting Officers for the purposes of this Act, however,”;

(ia) by inserting after subsection (4) the following new subsection:

“(4A) Notwithstanding subsections (3) and (4), for the purposes of maintenance orders, the Collecting Officer shall be in the case of an order made by the High Court, the Registrar of the Supreme Court.”; and

(ib) in subsection (9), by inserting after the word “therefrom” the words “except as authorised by Court order, Rules of Court or any other written law;

(ii) by repealing subsection (10) and substituting the following new subsection:

“(10) The Collecting Officer shall pay the amount stated

in the maintenance order directly to the applicant or any other person named in the order where the applicant or the person is resident in the town in which the office of the Collecting Officer is located.”.

- (iii) by inserting after subsection (11) the following new subsections:

“(11A) Notwithstanding subsections (10) and (10A), payments may also be—

(a) received into the Custodial Trust Bank Account, electronically; and ;

(b) paid out to the applicant electronically—

- (i) in the case of payments out of the Custodial Trust Bank Account, by transferring the payments into an account at a Financial Intermediary or on to a pre-paid debit card issued by a person licensed under the

Financial
Institutions
Act which
pre-paid
debit card
the appli-
cant has reg-
istered with
the Court
Executive
Administrat
or for that
purpose; or

(ii) by directing
the bank
where the
Custodial
Trust Bank
Account has
been opened,
to pay the
moneys to
the appli-
cant on pro-
duction of
identifica-
tion and to
provide the
C o u r t
Executive
Administrator
with proof of
p a y m e n t
out.

(11B) Electronic records
of payment out to the appli-
cant shall suffice as proof of
payments out.

(11C) A requirement under any written law for moneys to be paid to—

- (a) the Court;
- (b) the Judiciary;
- (c) a Magistrate;
- (d) the Registrar and Marshal;
- (e) the Court Executive Administrator;
- (f) a Marshal;
- (g) a Deputy Marshal ;
- (h) a Second Deputy Marshal;
- (i) a Marshal Assistant;
- (j) a bailiff;
- (k) a Magistracy Registrar and Clerk of the Court;
- (l) Collecting Officer;
or
- (m) Collector of Revenue,

is satisfied by those moneys being paid into a Custodial Bank Account held for that purpose.

(iv) by inserting after subsection (13), the following new subsections:

“ (14) The Court may order that payments be received into and paid out of the Custodial Trust Bank Account electronically.

(15) All records of maintenance orders, deposits, payments in, payments out, receipts, failures to pay and any other records associated with maintenance may be created, stored, maintained and communicated electronically.”; and

(c) in section 51(1)—

- (i) in the marginal note, by deleting the words “Minister’s power to make”;
- (ii) by deleting the word “Minister” and substituting the words “Rules Committee”;
- (iii) by inserting after the word “forms” the words “and fees”; and
- (iv) by inserting after section 51(1), the following new subsection:

“ 1A. Rules made under subsection (1) shall be subject to negative resolution of Parliament.”.

Chap. 46:10
amended

13. The Children’s Authority Act is amended—

(a) in section 3—

- (i) by inserting in the appropriate alphabetical sequence, the following definitions:

“ “child offender” has the meaning assigned to it under section 1A of the Child Rehabilitation Centre Act;

“residence licence” has the meaning assigned to it

under section 2 of the
C h i l d r e n ' s
C o m m u n i t y
Residences, Foster
Care and Nurseries
Act;"; and

- (ii) in the definition of "fit person",
by inserting after the word
"child" the second time it occurs,
the words "but does not include a
Children's Home";
- (b) in section 5(1)(ga), by deleting all the words
after the word "revoke" and substituting
the words "temporary residence licences
and conditional residence licences of
Children's Homes and Nurseries as
provided under the Children's Community
Residences, Foster Care and Nurseries
Act";
- (c) in section 7—
- (i) by repealing subsections (2) and
(2A) and substituting the
following new subsections:
- “ (2) The Board shall
comprise a minimum of nine
members but not more than
fifteen persons appointed by
the President.
- (2A) Four members of the
Board shall be—
- (a) a person under the
age of thirty years
representing the
youth who possesses
one of the qualifi-
cations listed in
section (2B)(a) to (h),
appointed by the
President;

- (b) a person nominated by the Tobago House of Assembly with qualifications in or related to child development, appointed by the President;
- (c) a representative of a Non-Governmental Organisation which promotes the welfare and protection of children; and
- (d) the Director of the Authority appointed under section 10, who shall be an *ex officio* member of the Board.

(2B) The other members of the Board shall be selected from among persons with the following qualifications and skills:

- (a) child psychology;
- (b) social work;
- (c) paediatrics;
- (d) education;
- (e) accounting;
- (f) family law;
- (g) management or administration; or
- (h) psychiatry.”; and

-
- (ii) in section 7A—
- (A) in subsection (2), by deleting paragraphs (b) and (c) and substituting the following paragraphs:
- “(b) family law;
(c) child psychology; and”;
- (B) in subsection (2A), by deleting paragraph (b);
- (ca) in section 22(1A), by deleting paragraph (e) and substituting the following paragraph:
- “(e) is a child in need of supervision in accordance with section 50A of the Children Act;”;
- (d) in section 25G—
- (i) by renumbering section 25G as section 25G(1); and
- (ii) by inserting after section 25G(1) as renumbered, the following subsection:
- “(2) Notwithstanding subsection (1), a Fit Person Order which was granted for the purpose of placement, prior to the coming into force of the Children’s Community Residences (Children’s Homes) Regulations, 2018, shall be construed as a Care Order in accordance with section 25C.”;
- (e) in section 27, by deleting the words “Attorney General” and substituting the words “Solicitor General”;
- (f) in section 28, by deleting all the words after

the words “liable on” and substituting the words “summary conviction to a fine of fifty thousand dollars and to imprisonment for five years.”; and

(g) in section 41—

(i) in the marginal note, by deleting the word “young” and substituting the word “child”; and

(ii) by deleting the word “youthful” wherever it occurs and substituting the word “child”.

Act No. 6 of 2016
amended

14. Family and Children Division Act is amended—

(a) in section 3—

(i) by inserting in the appropriate alphabetical sequence the following definitions:

“anonymised” includes:

(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

(c) the process of separating disclosable data from

non-disclosable
data by the
blocking of words,
sentences or
p a r a g r a p h s
before releasing a
document in
response to a
records access
request;

“consistent placeholders”
means the same replace-
ment words whenever the
original identifiers are to
be replaced.”; and

(ii) in the definition of “children
matter”, by deleting paragraph
(f) and substituting the following
paragraphs:

“(f) matter, in relation to a child,
where—

(i) there is an application
for a Protection Order
under the Domestic
Violence Act;

(ii) there is the enforce-
ment 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”;

(b) in section 16, by inserting after the words
“office for” the words “up to”;

(ba) in section 20—

(i) in subsection (2), by deleting the words “a judgment and ruling of the Family Court shall” and substituting the words “the proceedings, judgment or order of the Family Court may”;

(ii) by repealing subsection (4), and substituting the following new subsection:

“(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.”; and

(iii) in subsection (5), by deleting the words “involving a child” and substituting the words “before the Court”;

(c) by inserting after section 27, the following section:

“Magistrates
may receive
complaints 27A. Notwithstanding section 27,
a Magistrate may receive
complaints.”;

(d) by repealing section 34 and substituting the following new section:

“Restrictions
on publication
of proceedings 34. (1) In any proceeding, 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.

(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.”;

- (f) in section 59, by deleting the words “11(b)(ii), 27(b)(ii)” and substituting the words “11(d) and 27(d)”; and
- (g) in Schedule 5, by deleting item 8(a)(i) and substituting the following item:
- “(i) by deleting the definition of “Industrial Institution”.

Passed in the House of Representatives this 6th day of June, 2018.

J. SAMPSON-MEIGUEL
Clerk of the House

Passed in the Senate this 21st day of September, 2018.

B. CAESAR
Clerk of the Senate (Ag.)

Senate amendments were agreed to by the House of Representatives this 26th day of September, 2018.

J. SAMPSON-MEIGUEL
Clerk of the House