

LEGAL NOTICE No. 89

REPUBLIC OF TRINIDAD AND TOBAGO

FAMILY LAW (GUARDIANSHIP OF MINORS, DOMICILE AND MAINTENANCE) ACT,
1981
(15 of 1981)

RULES

MADE BY THE MINISTER OF LEGAL AFFAIRS UNDER SECTION 51 OF THE FAMILY
LAW (GUARDIANSHIP OF MINORS, DOMICILE AND MAINTENANCE) ACT, 1981

MAINTENANCE RULES, 1983

Citation
and
commence-
ment

1. These Rules may be cited as the Maintenance Rules, 1983 and shall come into operation on Thursday the 9th day of June, 1983.

Interpre-
tation

2. In these Rules "deposit" means the receipt by a Collecting Officer of a sum of money due under a maintenance order for the maintenance of a minor for the purpose of its subsequent withdrawal by the person entitled thereto and the word deposited shall be construed accordingly.

Collecting
Officer to
notify
person
required to
make
payment

3. Where subsequent to the making of a maintenance order a Magistrate's Court on the *ex parte* application of an applicant or a guardian of a minor directs that all payments becoming due under such order be made to the Collecting Officer, such officer shall send notice of such direction by registered post to the person required to make payments in accordance with the order with particulars of the hours during which, and the place at which, payments are to be made.

Accounting
records to
be kept by
Collecting
Officer

4. (1) The Collecting Officer shall keep the following accounting records:

- (a) a cash book to be known as "the maintenance cash book" in which he shall enter forthwith all amounts deposited with him and all payments made by him under the Act and such further particulars as are prescribed by these rules;
- (b) a card to be known as "the maintenance card" which shall be an account in respect of each proceeding in which an order has been made for payment to him for the purpose of entering on the card at the end of each day all payments which have been made to or by him under the Act; each such card to be headed in the name of the proceeding, that is to say, versus "together with the date of the order and the particulars, thereof, a specimen signature of the person entitled to payment and such further particulars as are prescribed by these rules;
- (c) a "deposit register" for the purpose of recording daily particulars of all amounts deposited with him (which amounts shall agree with the total of daily receipts as shown by the maintenance cash book) and such further particulars as are prescribed by these rules;

and such other records as the Magistrate may require him to maintain.

(2) Amounts received in payment of maintenance shall be kept separate and apart from any other money under the control of the Magistrate and the Magistrate shall at all times ensure strict compliance with the requirements of the financial regulations and financial instructions relating to the control of public finances.

5. (1) Every cash book kept by the Collecting Officer pursuant to rule 4(1)(a) shall be kept separate and distinct from any other cash book kept by the Magistrate and its pages shall be serially numbered; and each entry therein shall set out, in addition to the amount deposited appearing on its receipts side the following particulars: ^{Entries}

- (a) the date on which the Collecting Officer received the deposit;
- (b) the number of the receipt issued to the person making the deposit;
- (c) the name of the person making the payment;
- (d) particulars relating to the deposit;

and as regards amounts paid by the Collecting Officer out of money deposited with him there shall be entered on its payments side the following particulars:

- (i) the date of payment;
- (ii) the name of the person receiving payment;
- (iii) particulars relating to the amount paid out by the Collecting Officer; and
- (iv) the number of the maintenance card on which the payment has been recorded.

(2) The entries on a maintenance card kept by the Collecting Officer pursuant to rule 4(1)(b) shall set out the following particulars:

- (a) the number of the maintenance card;
- (b) the date of the maintenance order and the name of the Magistrate by whom the order was made;
- (c) the number of the proceeding;
- (d) the name of the Magisterial District; and
- (e) the amount payable under the order;
- (f) as regards deposits:
 - (i) the date of the deposit;
 - (ii) the number of the official receipt issued to the person making the deposit;
 - (iii) the amount of the deposit;
 - (iv) the date to which settlement is made; and
 - (v) the date of payment out of court;

and sufficient details of each deposit shall be given to ensure recognition of the withdrawal of the amount and all such particulars shall be filled in forthwith upon the payment out of every amount deposited with the Collecting Officer.

(3) There shall also be recorded on the payment side of the cash book particulars relating to every amount lodged by the Collecting Officer with the Comptroller of Accounts or a District Revenue Office, as the case may be, in accordance with rule 8.

- (4) A deposit register kept by the Collecting Officer pursuant to rule 4(1)(c) shall contain columns for filling in the following particulars:
- (a) the date of the receipt of the deposit;
 - (b) the number of the receipt issued in respect of the deposit;
 - (c) the number of the relevant maintenance card;
 - (d) the names of the parties to the proceeding;
 - (e) the amount deposited;
 - (f) the date of payment out to the person entitled to receive payment; and
 - (g) the amount paid.

(5) Entries in the deposit register relating to deposits and the payment out of deposits shall be made daily as required from the maintenance cash book.

Issue of
receipt by
Collecting
Officer

6. (1) The Collecting Officer shall issue a numbered official receipt from a book of printed triplicate receipts to every person making any deposit and such receipt shall set out the name of the person by whom the payment is made, the amount paid, the date of the payment, the number and the title of the proceedings to which payment of the amount deposited relates and the date upon which or the period in respect of which the payment became due. The duplicate copy shall be detached from the book of printed triplicate receipts and filed in alphabetical order and the triplicate copy retained in the receipt book.

(2) Before the Collecting Officer issues the official receipt mentioned in subrule (1), he shall ensure that a checking officer has verified the correctness of the entries on both the receipt and on the relevant maintenance card mentioned in rules 4 and 5.

Payee to
sign receipt

7. Where pursuant to section 26(10) of the Act (as regards payment directly to the applicant for a maintenance order) the Collecting Officer makes payment direct to the applicant or to such other person as is named in a maintenance order he shall, at the time of making the payment, require that person to sign a receipt for the amount so paid in a book of receipts to be kept by the Collecting Officer.

Lodgment
of unclaimed
deposits

8. Where any deposit received by a Collecting Officer is in his possession for a period of three months he shall forward it to the Comptroller of Accounts or the nearest District Revenue Office, as the case may be, accompanied by a deposit voucher setting out the particulars of the deposit as shown in the maintenance cash book.

Copy of
Order of
attachment
to payer of
pension

9. Where an order is made by a Magistrate's Court under section 28 of the Act (pension or income liable to attachment) attaching any pension or income a copy of the order certified by the Clerk of the Peace of the Court shall be sent by registered post to the person by whom the pension or income is payable and thereupon the person shall pay the amount ordered to the Collecting Officer; such payments to be made at such times as such pension or income shall be payable.

Application
for warrant
for arrears

10. Where any payment to be made to the Collecting Officer is one month in arrear the Collecting Officer shall make application to the Magistrate for the issue of a warrant under section 27 of the Act and it shall not be necessary that notice of such application be given to the person in default.

11. Where any unclaimed orders or moneys have been lodged with the Comptroller of Accounts or with the nearest District Revenue Office, as the case may be, under these rules and a claim for payment in respect thereof is subsequently made to the Collecting Officer he shall issue a voucher headed "Unclaimed Deposits, Magistrates' Maintenance" showing the applicant as payee. The particulars of the deposit shall be filled on the face of the voucher and the Magistrate shall certify the correctness of the refund by signing the voucher as "Head of Department"; however, where any money deposited with the Comptroller of Accounts or a District Revenue Office remains unclaimed for more than three years from the date of deposit it may be refunded to the person from whom it was originally collected or paid into revenue if such person has since died or left Trinidad and Tobago or his whereabouts are unknown.

Refund of moneys lodged with Comptroller of Accounts or District Revenue Office

12. The forms set out in the Schedule or forms to the like effect may be used in the matters to which they apply.

Forms Schedule

SCHEDULE

Rule 12

FORM 1

REPUBLIC OF TRINIDAD AND TOBAGO

County of.....

FAMILY LAW (GUARDIANSHIP OF MINORS, DOMICILE AND MAINTENANCE) ACT, 1981
(15 of 1981)

EX PARTE APPLICATION UNDER SECTION 26(6) OF THE FAMILY LAW
(GUARDIANSHIP OF MINORS, DOMICILE AND MAINTENANCE) ACT, 1981
(15 of 1981)

IN THE MAGISTRATE'S COURT

.....Magisterial District

The application.....

.....

of.....

who saith that by a maintenance order made at the Magistrate's Court held at

.....

on the.....day of.....it was adjudged

that.....

- *(a) failed to provide reasonable maintenance for the applicant;
 - (b) failed to provide, or to make a proper contribution towards reasonable maintenance for a minor child/.....minor children of his family;
- } *Delete as appropriate

- * (c) being the spouse of the applicant deserted the applicant;
 - (d) is the father of a minor child/.....minor children of which.....
 - is the mother,
- } *Delete as appropriate

and was ordered to pay the sum of \$.....per week/month

to

having the care of the minor child/minor children for

- * (a) the maintenance of the applicant;
 - (b) the maintenance of the applicant and minor child/minor children;
 - (c) the maintenance of a minor child/..... minor children of which.....
 - is the mother.
- } *Delete as appropriate

And the said..... now prays that it may be ordered that all payments becoming due under such order be

made to the Collecting Officer for the.....

.....Magisterial District from and after the

.....day of.....19.....

Signed..... Applicant

FORM 2

REPUBLIC OF TRINIDAD AND TOBAGO

County of.....

FAMILY LAW (GUARDIANSHIP OF MINORS, DOMICILE AND MAINTENANCE) ACT, 1981 (15 of 1981)

NOTICE TO PERSON LIABLE TO MAKE PERIODICAL PAYMENTS TO PAY TO THE COLLECTING OFFICER

IN THE MAGISTRATE'S COURT

.....Magisterial District

To.....

TAKE NOTICE that whereas by a maintenance order made at the Magistrate's Court held at.....

on the..... day of.....19.....
it was adjudged that

- *(a) you failed to provide reasonable maintenance
for
 - (b) failed to provide, or to make a proper contribution towards reasonable maintenance for a
minor child/children minor children
 - (c) deserted your.....
 - (d) you are the father of a minor child/.....
minor children of which.....
is the mother,
- } *Delete as appropriate

and ordered to pay to.....

or to.....

having the care of a minor child or minor children the sum of \$.....per week/
month for

- *(a) the maintenance of your wife/husband;
 - (b) the maintenance of your wife/husband and a
minor child/.....minor children;
 - (c) the benefit of a minor child/.....
minor children.
- } *Delete as appropriate

Now upon the application of the said.....
it is ordered that all payments becoming due under such order be made to the Collecting
Officer for the.....
Magisterial District from and after the.....day of.....19...

Dated the day of , 19

Signed.....
Collecting Officer
.....Magisterial District

REPUBLIC OF TRINIDAD AND TOBAGO

County of.....

FAMILY LAW (GUARDIANSHIP OF MINORS, DOMICILE AND MAINTENANCE) ACT, 1981
(15 of 1981)

MAINTENANCE CASH BOOK

Dr.		RECEIPTS						PAYMENTS						Cr.			
Date 19.....	Receipt No.	From whom Received	Particulars	Details		Total		Total Receipts		Date Paid/ Lodged 19.....	Date 19.....	To Whom Paid	Particulars	Amount Paid		Total Payment	
				\$	c.	\$	c.	\$	c.					\$	c.		\$

FORM 4

REPUBLIC OF TRINIDAD AND TOBAGO

County of

FAMILY LAW (GUARDIANSHIP OF MINORS, DOMICILE AND MAINTENANCE)
ACT, 1981
(15 of 1981)
MAINTENANCE CARD

No.....

IN THE MATTER OF

.....

versus

.....

Order made by his Worship Mr.....
Magistrate of the..... Court on
.....for the payment of.....

Specimen Signature of Payee

DEPOSIT WITH MAGISTRATE

Table with 5 columns: Date, Receipt No., Amount (\$ c.), Date to which settlement is made, Date of payment out of Court.

REPUBLIC OF TRINIDAD AND TOBAGO

FAMILY LAW (GUARDIANSHIP OF MINORS, DOMICILE AND MAINTENANCE) ACT, 1981
(15 of 1981)

DEPOSIT REGISTER

Date of Receipt	Counterfoil Receipt Number	Maintenance Card Number	Name of Complainant	Name of Defendant	Amount Deposited		Date of payment to Complainant	Amount paid	
					\$	c.		\$	c.

FORM 6

REPUBLIC OF TRINIDAD AND TOBAGO

County of.....

FAMILY LAW (GUARDIANSHIP OF MINORS, DOMICILE AND MAINTENANCE) ACT, 1981
(15 of 1981)

FORM OF RECEIPT TO BE GIVEN BY COLLECTING OFFICER

IN THE MAGISTRATE'S COURT

.....Magisterial District

No.....

..... vs*

Received from

this.....day of19.....

the sum of.....

being amount due under a maintenance order in the above matter in respect of.....

.....weeks/months payments ending

.....day of.....19.....

\$

SIGNED.....
Collecting Officer

.....Magisterial District.

*Insert title of proceedings.

FORM 7

REPUBLIC OF TRINIDAD AND TOBAGO

County of.....

FAMILY LAW (GUARDIANSHIP OF MINORS, DOMICILE AND MAINTENANCE) ACT, 1981
(15 of 1981)

FORM OF RECEIPT TO BE GIVEN TO THE COLLECTING OFFICER

IN THE MAGISTRATE'S COURT

.....Magisterial District

Case No.....

Year

..... vs*

Received this.....day of.....

19.....from the Collecting Officer for the

..... Magisterial

District the sum of.....

being amount due under a maintenance order in the above matter in respect of

.....

weeks/months payments ending

.....day of 19.....

\$

.....
Signature of Payee

.....
Witness

*Insert title to proceedings

FORM 8

REPUBLIC OF TRINIDAD AND TOBAGO

FAMILY LAW (GUARDIANSHIP OF MINORS, DOMICILE AND MAINTENANCE) ACT, 1981
(15 of 1981)

DEPOSIT VOUCHER

RECEIPT No.

HEAD: Treasury Deposits (Magistrate's Maintenance)

SUB-HEAD:

To the Comptroller of Accounts,

Please receive the sum of.....
.....and.....cents,
being maintenance deposits received in the month of.....
.....and not paid out within three months
from the date of their receipt.

Date Received	Receipt No.	From whom Received	Particulars	Amount

FORM 9

REPUBLIC OF TRINIDAD AND TOBAGO

County of.....

FAMILY LAW (GUARDIANSHIP OF MINORS, DOMICILE AND MAINTENANCE) ACT, 1981
(15 of 1981)

APPLICATION FOR ORDER TO ATTACH PENSION/INCOME

IN THE MAGISTRATE'S COURT

.....Magisterial District

The application of
of
made the..... day of19.....
to me the undersigned Magistrate for the said Magisterial District states that by a
maintenance order made at the Magistrate's Court held at.....
.....
on the..... day of19.....
was ordered to pay to.....
or to
having the care of a minor child/minor children the sum of.....
.....per week/month.

AND the applicant further says that there is payable to the said.....
.....
a certain pension (income) capable of being attached namely*.....
.....
.....

AND the applicant therefore prays that an order be made that the sum off.....
.....
or such part thereof as the Court may order may each week be attached out of the said
pension (income) and paid to the Collecting Officer for the said Magisterial District.

Signed.....
Applicant

Taken before me this.....day of.....19.....
at in the
.....Magisterial District.

Signed.....
Magistrate

*Set out particulars of pension or income.
†Insert amount of weekly/monthly sum payable under the maintenance order.

FORM 10

REPUBLIC OF TRINIDAD AND TOBAGO

County of.....

FAMILY LAW (GUARDIANSHIP OF MINORS, DOMICILE AND MAINTENANCE) ACT, 1981
(15 of 1981)

SUMMONS TO ATTACH PENSION OR INCOME

IN THE MAGISTRATE'S COURT

.....Magisterial District

To(Garnishee)

Whereas application has been made to me on the.....
day of.....19..... that by a maintenance order made at
the Magistrate's Court for the Magisterial District held at.....
..... on the
day of.....19.....it was adjudged that.....
.....

- *(a) failed to provide reasonable maintenance for the applicant;
 - (b) failed to provide or to make a proper contribution towards reasonable maintenance for a minor child/.....minor children of his family;
 - (c) being the spouse of the applicant deserted the applicant;
 - (d) is the father of a minor child.....minor children of which.....is the mother.
- } *Delete as appropriate

and was ordered to pay the sum of \$.....per week/month to

or to

having the care of the minor child/.....minor children and that he has made default under the said order and there is now due thereunder the sum of

.....being the amount of

arrears for.....weeks/months payments and that

there is payable to the said.....

a certain pension/income capable of being attached, namely.....

These are therefore to require you to be and appear on the.....

.....day of..... 19.....

at.....o'clock in the forenoon in the Magistrate's Court at.....
.....to show cause why an
order should not be made that the sum of.....
or such part thereof as the Court may order may each week/month be attached out of the
said pension (income) and paid to the Collecting Officer for the.....
.....Magisterial District.

Given under my hand this.....day of.....19.....
..... at
.....in the.....
Magisterial District.

Signed.....
Magistrate

FORM 11

REPUBLIC OF TRINIDAD AND TOBAGO

County of.....

FAMILY LAW (GUARDIANSHIP OF MINORS, DOMICILE AND MAINTENANCE) ACT, 1981
(15 of 1981)

ORDER TO ATTACH PENSION/INCOME

IN THE MAGISTRATE'S COURT

.....Magisterial District

Whereas an application has been made by.....
.....
of
that by a maintenance order made at the.....
Magistrate's Court held at.....
on the.....day of.....19.....
it was adjudged that.....

- *(a) failed to provide reasonable maintenance for the applicant;
- (b) failed to provide or to make a proper contribution towards reasonable maintenance for a minor child/.....minor children of his family;
- (c) being the spouse of the applicant deserted the applicant;
- (d) is the father of a minor child/.....minor children
of which
is the mother,

*Delete as appropriate

and ordered to pay the sum of \$.....per week/month to.....

or to

having the care of the minor child/.....minor children for

- *(a) the maintenance of the applicant;
 - (b) the maintenance of the applicant and a minor child/.....minor children of the family;
 - (c) the maintenance of a minor child/.....minor children of which..... is the mother,
- } *Delete as appropriate

and that he has made default under the said order and there is now due thereunder the sum of

being the amount of arrears for.....weeks/months

payments and that there is payable to the said.....

a certain pension (income) capable of being attached, namely.....

After giving the said

an opportunity of being heard it is adjudged that the facts set out in the said application are true AND IT IS ORDERED that the sum of.....

each week/month BE ATTACHED out of the said pension (income) and paid to the Collecting Officer for the..... Magisterial District.

Dated this day of
Signed.....
.....Magisterial District

FORM 12

REPUBLIC OF TRINIDAD AND TOBAGO

FAMILY LAW (GUARDIANSHIP OF MINORS, DOMICILE AND MAINTENANCE) ACT, 1981
(15 of 1981)

APPLICATION FOR WARRANT OF DISTRESS

IN THE MAGISTRATE'S COURTMagisterial District

WHEREAS by a maintenance order made at the Magistrate's Court of the.....

Magisterial District, held at.....

on the.....day of.....19.....

it was adjudged that.....

of

*(a) failed to provide or to have a proper contribution towards reasonable maintenance

for a minor child/.....

minor children of his family;

(b) is the father of a minor child/.....

minor children of which.....

.....is the mother, }

*Delete as appropriate

and it was ordered that the said.....

pay to the Collecting Officer for the said.....

Magisterial District the sum of.....

a week/month for the maintenance of the said.....

minor child/.....minor children.

And whereas the said.....

has made default under the said order and there is now due thereunder the sum of.....

being the amount of arrears for weeks/months payments ending the.....

day of19.....

I,.....

Collecting Officer for the said Magisterial District, do hereby pray that a warrant may issue directing that the said sum of.....

.....due under such order

together with the costs attending such warrant be recovered by distress and sale of the goods and chattels of the said.....

Dated the.....day of.....19.....

Signed.....

Collecting Officer

.....Magisterial District

FORM 13

REPUBLIC OF TRINIDAD AND TOBAGO

County of.....

FAMILY LAW (GUARDIANSHIP OF MINORS, DOMICILE AND MAINTENANCE) ACT, 1981 (15 of 1981)

WARRANT OF DISTRESS ON APPLICATION OF COLLECTING OFFICER

IN THE MAGISTRATE'S COURT

.....Magisterial District

To All Constables.

WHEREAS by a maintenance order made at the Magistrate's Court for the Magisterial District held at.....
on the.....day of.....19.....
it was adjudged that.....
of.....

- *(a) failed to provide or to make a proper contribution towards reasonable maintenance for a minor child/.....minor children of his family;
 - (b) is the father of a minor child/.....minor children of which..... is the mother
- *Delete as appropriate

and ordered to pay to the Collecting Officer for the said Magisterial District the sum ofper week/month for the maintenance of the said.....
and.....minor child/.....minor children.

And whereas the said.....
has made default under the said order and there is due thereunder the sum of.....
.....being the amount of
arrears for.....weeks/months payments ending
.....19.....

And whereas the said Collecting Officer has applied that a warrant may issue directing that the said last mentioned sum together with the costs attending such warrant be recovered by distress and sale of goods and chattels of the said.....

This is to command you forthwith to make distress of the goods and chattels of the said
.....
and if within the space of five days after the making of such distress the said sum of
.....
together with reasonable charges of taking and keeping the said distress shall not be paid then that you do sell the said goods and chattels so by you distrained and do pay the money arising from such sale unto the said Collecting Officer that he may pay and apply the same as by law directed and may render the surplus, if any, on demand to the said
.....

Given under my hand at.....
in the.....Magisterial District
this.....day of.....19.....

Signed.....
Magistrate

FORM 14

REPUBLIC OF TRINIDAD AND TOBAGO

FAMILY LAW (GUARDIANSHIP OF MINORS, DOMICILE AND MAINTENANCE) ACT, 1981
(15 of 1981)

WARRANT OF COMMITMENT

IN THE MAGISTRATE'S COURT

.....Magisterial District

To all Constables and to the Keeper of.....(Jail) Prison,

WHEREAS by a maintenance order made at the Magistrate's Court held at.....

..... in the

.....Magisterial District on the

..... day of..... 19.....

it was adjudged that

*(a) failed to provide or to make a proper contribution towards reasonable maintenance for

a minor child/..... minor children of his family;

(b) is the father of a minor child/.....

..... minor children of which

..... is the mother,

*Delete as appropriate

and ordered to pay to the Collecting Officer for the said Magisterial District the sum of a week/month for the maintenance of the said minor child/minor children.

And whereas the said.....has made default under the said order and there is due thereunder the sum of

and it appears by the admission of the said.....by the return to a warrant of distress that no sufficient distress can be had for the said sum and costs attending such warrant and the said.....

having been brought before the said Magistrate's Court held at.....

..... on the..... day of

..... 19....., has neglected (refused) without cause to make payment of the said sum so due together with such costs.

This is therefore to command you to take the said.....

..... and him safely to convey to the

.....Prison, and there deliver him to the keeper

thereof together with this warrant.

And I do hereby command you the said keeper to receive him the said.....there to be imprisoned for the space of.....from the date hereof unless the sum above mentioned together with all costs and charges shall be sooner paid.

And for your so doing this shall be your sufficient warrant.

Given under my hand at.....in the.....Magisterial District this..... day of..... 19.....

SignedMagistrate

Made by the Minister of Legal Affairs this 22nd day of April, 1983.

RUSSELL MARTINEAU Minister of Legal Affairs