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Third Session Eleventh Parliament Republic of
Trinidad and Tobago

HOUSE OF REPRESENTATIVES

BILL

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 Indictable Offences (Preliminary Enquiry) Act, Chap. 12:01, the Children Act, Chap. 46:01, the Children's Community Residences, Foster Care and Nurseries Act, Chap. 46:04, the Children's Authority Act, Chap. 46:10, and the Family and Children Division Act, 2016

THE MISCELLANEOUS PROVISIONS (SUPREME COURT
OF JUDICATURE AND CHILDREN) BILL, 2018

Explanatory Notes

(These notes form no part of the Bill but are intended only to indicate its general purport)

The purpose of the Miscellaneous Provisions (Supreme Court of Judicature and Children) Bill, 2018 is to amend thirteen pieces of legislation to allow for the streamlining of the processes as it relates to the treatment of children and children matters.

The Bill contains 14 clauses.

Clause 1 would set out the short title of the Bill.

Clause 2 would amend the Interpretation Act, Chap. 3:01 to insert a definition of the word “child”.

Clause 3 would amend the Supreme Court of Judicature Act, Chap. 4:01 to provide for an increase in the number of Puisne Judges from forty-nine to sixty-four as is required to facilitate the implementation of the increased judicial responsibilities prescribed by these amendments. It would also provide for a person who is a member of the Bar of a Commonwealth country to be appointed as a Judge.

Clause 4 would amend the Summary Courts Act, Chap. 4:20 to delete the definitions of “child” and “young person” and substitute them with a new definition of the word “child” and definitions for the words “older child” and “younger child”. It would also provide for any person designated by the Chief Justice to receive a complaint.

Clause 5 would amend the Bail Act, Chap. 4:60 by inserting a definition of “child offender” in accordance with section 1A of the Child Rehabilitation Act. It would also amend section 12(5)(a) by deleting the word “sixteen” and substituting the word “eighteen” to have the effect that no condition would be imposed on a parent or guardian of a young person where it appears that the young person will attain the age of eighteen years before the time appointed for him to surrender to custody.

Clause 6 would amend the Administration of Justice (Deoxyribonucleic Acid) Act, Chap. 5:34 by replacing the reference from “juvenile residential facility” to “Rehabilitation Centre” and by inserting a definition of the term “Rehabilitation Centre” to be consistent with the definition in section 2 of the Children’s Community Residences, Foster Care and Nurseries Act, Chap. 46:04.

Clause 7 would amend the Legal Aid and Advice Act, Chap. 7:07 to provide for the grant of legal aid to minors charged with any criminal offence in a Court of summary jurisdiction, including motor vehicle offences.

Clause 8 would amend the Child Rehabilitation Centre Act, Chap. 13:05 to insert definitions of the terms “Advisory Board”, “prohibited article”, “resident”, “responsibility” and “Superintendent” and delete the term “prison officer” in section 1A of the Act. It would provide for changes in the administrative organization and management of Rehabilitation Centres and the residents under the purview of the Commissioner of Prisons by deeming the Superintendent to be the Manager of the Rehabilitation Centre, with the Commissioner remaining the licensee and retaining overall supervisory authority and policy-making responsibility of the Rehabilitation Centre in collaboration with an Advisory Board. It would empower the Children’s Authority to set standards for the management of all Rehabilitation Centres and would provide judicial oversight of the Commissioner’s power to grant a resident leave from the Rehabilitation Centre, which would also be subject to investigation by the Children’s Probation Officer assigned to the resident who is the subject of the leave application. It would provide for the period of the leave to be deemed to be part of the resident’s period of placement at the Rehabilitation Centre and would also empower the Court to issue a summons for the production of a resident whose period of leave has been rescinded but where the resident subsequently fails to return to the Rehabilitation Centre.

Clause 9 would provide for a reference in any written law to the “Child Rehabilitation Centre Act” to be construed as the “Child Rehabilitation Centres Act”.

Clause 10 would amend the Children Act, Chap. 46:01 to include definitions of the terms “appropriate adult”, “Commissioner” and “resident”. It would also provide for corporal punishment not to be used in relation to a child in a Nursery, a resident in a Rehabilitation Centre or a child in the custody, care

and control of a fit person. The amendment would further provide for a person employed by the Authority to investigate the abuse of a child or any offence against a child to be exempt from committing offences in relation to child pornography and it would provide for the insertion of a new Part IXA to provide for the implementation of a new procedure for the management of cases involving a child in need of supervision.

It would provide for the officer in charge of a police station to inform the parent, guardian, person with responsibility for the child, the appropriate adult, and the Legal Aid and Advisory Authority where a child is apprehended. It would also provide for a child who is charged with an offence to be remanded to a Children's Home where the child is under the age of ten years or to a Rehabilitation Centre where the child is over the age of ten years. The Court would also be empowered to make certain placement arrangements where a child charged with an offence but not convicted of the offence attains the age of eighteen years.

It would enhance procedures to be adopted by the Authority, the Commissioner, the Children's Probation Officer and the Courts with respect to applications made for the temporary placement of a child placed in the care of a Children's Home with a person outside of the Children's Home, or in respect of an application for the grant of permission for leave for a stated purpose for a resident of a Rehabilitation Centre, including provisions for the rescission of such permissions where the resident escapes or refuses to return to the Rehabilitation Centre. It would also empower the Court to order that a child offender or a child charged be transferred from one Rehabilitation Centre to another, or from a Rehabilitation Centre to a Children's Home or from one Children's Home to another. It would provide for the Court to sentence a child convicted of murder to be placed at a Community Residence for a specified period, the sanction for the breach of rules of a Children's Home and for the assignment of a Senior Children's Attorney to represent the voice of the child, safeguard the child's interest and right to be heard.

Clause 11 would amend the Children's Community Residences, Foster Care and Nurseries Act, Chap. 46:04 by removing the requirement for a Manager of a Rehabilitation Centre to apply for a residence licence, to provide for the Authority to investigate the suitability of an applicant to be granted a residence licence and by providing for a residence licence to be valid for two years. It would also provide for a Notice of Revocation to state the grounds on which the Authority intends to revoke the licence and for all licensing provisions to relate only to Children's Homes.

The amendment would also prescribe the forms of punishment that are not to be used on children placed at a Children's Home, streamline the provisions that relate only to Children's Homes to reflect this and would prescribe a penalty for breach of the Act or Regulations. It would provide for a Manager of a Children's Home to keep a record of a child charged or a child offender who is received into the Children's Home and would prescribe the procedure for the reception into a Children's Home of a child in respect of whom no Care Order is made and for the temporary placement of a child at a Children's Home.

It would also streamline the provision of leave for children placed at a Children's Home with the procedure under the Children Act, provide for an officer of the Children's Authority to enter a Community Residence with a warrant and would empower the Authority to make Regulations with the approval of the Minister, for the welfare of children in a Rehabilitation Centre and for the management of a Children's Home and the discipline of the children therein.

Clause 12 would amend the Family Law (Guardianship of Minors, Domicile and Maintenance) Act, Chap. 46:08 by inserting the definition of the "Court's Custodial Bank Account" and aligning the meaning of the term "Registrar" with that which is already assigned under section 2 of the Supreme Court of Judicature Act, Chap. 4:01. It would also insert in section 26, a new subsection (8A) to provide for the compulsory deposit of payments made to the Collecting Officer pursuant to a Court order, into the Court's Custodial Bank Account held in the name of the Registrar. It would also insert a new subsection (8B) to provide for the disclosure to the Court of financial information related to the Court's Custodial Bank Account by means of a Court order.

The amendments would clarify the text of subsection (10) concerning to the payment of amounts by the Collecting Officer and would also insert new subsections (11A) and (11B) to provide for the electronic receipt of deposits and payments by the Collecting Officer, and to provide for the use of electronic records by the Registrar as evidence of proof of payment. It would also vest the Rules Committee, instead of the Minister, with the power to make rules, prescribe forms and impose fees under the Act.

Clause 13 would amend the Children's Authority Act, Chap. 46:10, by inserting definitions of the terms "child offender" and "residence licence", amending the definition of "fit person", clarifying the configuration of the Board of the Children's Authority and the qualifications of its members and expressly stating that a

“Fit Person Order” is to be construed as a “Care Order”. It would also reduce the penalty for the offence of assisting a child who has run away from the care of the Authority and by replacing the terms “young offender” and “youthful offender” with the term “child offender”.

The clause will also amend how the Board is to be constituted.

Clause 14 would amend the Family and Children Division Act, No. 6 of 2016 by clarifying the definition of the term “children matter” with respect to paragraph (f) of the definition. It would also provide for the category of persons eligible to be the Deputy Court Executive Administrator and to provide for Magistrates to receive complaints. It would provide for proceedings to be held *in camera*, the redacting of judgments and rulings by the Court Records Management Subunit, the sealing of the transcripts of proceedings and other relevant documents, the imposition of a complete prohibition against publication and, mandating that where permitted, publication shall be done in a manner which preserves the identity of the children involved. The amendment would also provide for the deletion of the words “11(b)(ii), 27(b)(ii)” and substitute the words “11(d), 27(d)”; in section 59 and the deletion of the term “Industrial Institution” in Schedule 5, item 8(a)(i).

THE MISCELLANEOUS PROVISIONS (SUPREME COURT
OF JUDICATURE AND CHILDREN) BILL, 2018

Arrangement of Clauses

Clause

1. Short title
2. Chap. 3:01 amended
3. Chap. 4:01 amended
4. Chap. 4:20 amended
5. Chap. 4:60 amended
6. Chap. 5:34 amended
7. Chap. 7:07 amended
8. Chap 13:05 amended
9. Consequential amendment to all Acts
10. Chap. 46:01 amended
11. Chap. 46:04 amended
12. Chap. 46:08 amended
13. Chap. 46:10 amended
14. Act No. 6 of 2016 amended

BILL

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 Indictable Offences (Preliminary Enquiry) Act, Chap. 12:01, the Children Act, Chap. 46:01, the Children's

Community Residences, Foster Care and Nurseries Act, Chap. 46:04, the Children's Authority Act, Chap. 46:10, and the Family and Children Division Act, 2016

[, 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.

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” wherever it occurs and substituting the words “younger child”;

(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 substituting 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 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”.

Chap. 7:07 amended

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 “subsection (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 section:

“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.”;

(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.”;

- (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 of Prisons,

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

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

“Application by Commissioner of Prisons for leave for a stated purpose 12A. (1) Subject to subsection (5) and section 12B, the Commissioner of Prisons 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.

(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, rescind the permission for a resident to remain on leave and cause the resident to return to the Rehabilitation Centre.

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

(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;
- (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 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.”.

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

10. The Children Act is amended—

Chap. 46:01
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 worker;
- (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
with
whom
the child
is com-
fortable;

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

(i) a family
member;

(ii) a person
who is
well-
known to
the child;
or

(iii) a person
with
whom
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 subsection:
- “ (7A) Notwithstanding subsection (7), 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.”;
- (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;” and
- (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:

“Power of the Court where child charged attains the age of eighteen years 54A. (1) Where a person who 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”.

Chap; 46:04
amended

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

- (a) in section 2—

- (i) in the definition of “child offender”, by deleting the word “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”; and

(iv) by deleting the definition of “standards for Community Residences”;

(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”;

(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 word “three” and substituting the word “one”; 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 “conditional 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—

- (i) in subsection (3), by deleting the words “, being not less than six months after the date of the notice”; and
- (ii) in subsection (4), by deleting the words “Chief Inspector of Community Residences” and substituting the word “Authority”;

- (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” and “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 residence” 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 Children's Homes 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 Residences” and “Community Residence” and substituting the words “Children’s Homes” and “Children’s Home”, respectively;
- (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 responsibility 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”; and
- (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”.

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

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

“Court’s Custodial Bank Account” means the account at a commercial bank opened in the name of the Registrar, for the purpose of receiving and paying out maintenance funds by orders of the Court, and from which account emanates financial reports and information for the use of the Court;

“Magistracy Registrar and Clerk of the Court” has the meaning assigned to it under section 2(2) of the Summary Courts 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 Registrar and the Magistracy Registrar and Clerk

of the Court shall be Collecting Officers for the purposes of this Act, however,”;

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

“ (10) Payment of the amounts ordered shall be made by the Collecting Officer by—

(a) paying the amounts ordered directly to the applicant for the order or such other person as is named in the maintenance order at the office of the Collecting Officer if such applicant or person is resident in the town in which such office is situated; or

(b) sending an original and a duplicate order specifying the amounts to be paid to the Trinidad and Tobago Postal Corporation at the post office of the person to whom payment is to be made.

(10A) It shall be the duty of the person entitled to the payment to attend at the post office and sign the receipt on

the original and duplicate orders in the presence of an officer of the Trinidad and Tobago Postal Corporation who shall then pay the amount.”;

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

“(11A) Notwithstanding subsections (10) and (10A), payments may also be received into the Court’s Custodial Bank Account and paid out to the applicant electronically by—

(a) in the case of payments out of the Court’s Custodial Bank Account, transferring the payments into a bank account or approved pre-paid debit card which the applicant has registered with the Registrar for that purpose; or

(b) directing the bank where the Court’s Custodial Bank Account has been opened to pay the monies to the applicant on production of identification and to provide the Registrar with proof of payment out.

(11B) Electronic records of payment out to the applicant shall suffice as proof of payments out.”; and

- (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 Court’s Custodial Bank Account electronically.

(15) All records of maintenance orders, deposits, payment in, payment out, receipt, 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”; and
- (iii) by inserting after the word “forms” the words “and fees”.

13. The Children’s Authority Act is amended—

Chap. 46:10
amended

- (a) in section 3—

- (i) 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;

“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 twenty-eight
years representing

the youth who possesses one of the qualifications 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);

(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 Community Children’s 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 five thousand dollars and to imprisonment for three 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”.

14. Family and Children Division Act is amended— Act No. 6 of 2016 amended

- (a) in section 3, 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 enforcement of a Protection Order under the Domestic Violence Act; or
 - (iii) the child is a victim or an affected bystander;

- (fa) matter concerning wardship;
and”;
- (b) in section 8, by inserting after subsection (1), the following new subsection:
“ (1A) The Deputy Court Executive Administrator may be—
(a) a public officer; or
(b) a person employed on contract by the Court Executive Administrator for a term of up to five years, but be eligible for re-engagement,
on terms and conditions equivalent to those of a Deputy Permanent Secretary.”;
- (c) in section 16, by inserting after the words “office for” the words “up to”;
- (d) by inserting after section 27, the following section:

“Magistrates
may receive
complaints 27A. Notwithstanding section 27,
a Magistrate may receive
complaints.”;
- (e) 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 a
judgment and ruling of the
Children Court shall 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) In order to protect the identity of any child, the Children Court may, in proceedings before it, order copies of any proceedings, judgment or ruling to be redacted by the Children Court Records Management, Court and Law Reporting Subunit, before it may be published.

(5) The Children Court, a Children Court Judge or Children Court Master may seal the copies of the transcript of any proceedings involving a child 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

No. 7 of 2018

THIRD SESSION
ELEVENTH PARLIAMENT

REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

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 Indictable Offences (Preliminary Enquiry) Act, Chap. 12:01, the Children Act, Chap. 46:01, the Children's Community Residences, Foster Care and Nurseries Act, Chap. 46:04, the Children's Authority Act, Chap. 46:10, and the Family and Children Division Act, 2016

Received and read the

First time

Second time

Third time