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**Fifth Session Fifth Parliament Republic of Trinidad
and Tobago**



REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 68 of 2000

[L.S.]

AN ACT to amend the Children Act, Chap. 46:01

[Assented to 23rd October, 2000]

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

Short title
and commencement

1. This Act may be cited as the Children (Amendment) Act, 2000 and shall come into operation on such day as is fixed by the President by Proclamation.

Interpretation
Chap. 46:01

2. In this Act “the Act” means the Children Act.

Section 2 amended

3. Section 2 of the Act is amended by—

(a) inserting in the appropriate alphabetical sequence the following definition:

“Authority” means the Children’s Authority established under the No. 64 of 2000 Children’s Authority Act;”;

(b) deleting the word “fourteen” in the definition of “child” and substituting the word “eighteen”;

(c) amending the definition of “place of safety” by inserting after the word “means” the words “the Children’s Authority,”; and”;

(d) deleting the definition of “young person” and substituting the following definition:

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

Section 2A inserted

3A. The Act is amended by inserting after section 2 the following:

“Right and
responsi-
bilities

2A. (1) The guiding principles for parents in relation to their children are contained in Parts A and B of the Second Schedule respectively.

(2) The guiding principles describing the rights and responsibilities of children are contained in Parts C and D of the Second Schedule respectively.

4. Section 3 of the Act is amended in subsection (1) Section 3 amended by deleting the word “sixteen” and substituting the word “eighteen”.

5. Section 4 of the Act is amended by deleting the Section 4 amended word “sixteen” and substituting the word “eighteen”.

6. Section 6 of the Act is amended by deleting the Section 6 amended word “sixteen” and substituting the word “eighteen”.

7. Section 7 of the Act is amended by deleting the Section 7 amended word “sixteen” and substituting the word “eighteen”.

7A. Section 9 of the Act is amended by deleting the Section 9 amended word “sixteen” and substituting the word “eighteen”.

8. Section 12 of the Act is amended— Section 12 amended

(a) in subsection (1), by deleting the word “sixteen” and substituting the word “eighteen”; and

(b) in subsection (7), by deleting all the words commencing with the words “an Orphanage” and substituting the words “a children’s home, foster home or making any other order as it thinks fit.”

9. Section 13 of the Act is amended in subsection (2), Section 13 amended by deleting the words “a certified school under Part III” and substituting the words “a community residence under the Children’s Authority Act”.

9A. Section 18 of the Act is amended by deleting the Section 18 amended words “life or health of the child” and substituting the words “life or physical, mental or psychological health of the child”.

9B. Section 19 is amended in subsection (7) by Section 19 amended inserting after the words “A child” the words “, over the age of ten, .”

10. Section 19^E of the Act is amended by— Section 19 amended

(a) renumbering that section as subsection (2);
and

(b) inserting the following new subsection (1):

“ (1) For the purpose of section 19, a ‘child’ means a person under the age of ten.”.

Section 22 amended **10A.** Section 22 of the Act is amended—

(a) by renumbering section 22 as 22(1); and

(b) by inserting after section 22(1) as renumbered the following subsection:

“ (2) Reasonable punishment referred to in subsection (1), in relation to a teacher, does not include corporal punishment.”.

Section 24 amended **11.** The Act is amended in section 24 by—

(a) deleting the word “sixteen” and substituting the word “eighteen”; and

(b) deleting the words “one hundred dollars”, “two hundred dollars” and “four hundred dollars” and substituting the words “five hundred dollars”, “one thousand dollars” and “one thousand five hundred dollars” respectively.

Section 25 amended **11A.** Section 25 of the Act is amended by deleting the word “sixteen” and substituting the word “eighteen”.

Section 26 amended **11B.** Section 26 of the Act is amended by deleting the words “two hundred dollars, and to a further fine of forty dollars” and substituting the words “one thousand dollars, and to a further fine of two hundred and fifty dollars”.

Section 28 amended **11C.** Section 28 of the Act is amended by deleting the word “sixteen” and substituting the word “eighteen”.

Sections 29 to 42 repealed **12.** The Act is amended by repealing sections 29 to 42 inclusive.

13. Section 43 is amended by deleting the word Section 43 amended “sixteen” and substituting the word “eighteen”.

14. (1) Section 44 of the Act is amended in subsection Section 44 amended (1)—

(a) by deleting the word “fourteen” and substituting the word “eighteen”; and

(b) by deleting paragraph (f) and substituting the following:

“(f) is the child of a person who has been convicted of an offence under section 6 or section 12 of the Sexual Offences Act in respect of any of his children.”. Act No. 27 of 1986

14A. Section 45 is amended by deleting the words Section 45 amended “fourteen or fifteen” and substituting the words “seventeen or eighteen”.

15. Section 50 of the Act is amended in— Section 50 amended

(a) in paragraph (a), by deleting the words “in the case of a female until she attains” and substituting the word “to”;

(b) in paragraph (b), by—

(i) deleting the word “sixteen” and substituting the word “eighteen”;

(ii) deleting the words “in the case of a male until he attains the age of eighteen and in the case of a female until she attains” and substituting the word “to”.

16. Section 54 of the Act is amended by deleting the words Section 54 amended “Inspector for his” and substituting the words “Authority for its”.

17. Section 55 of the Act is amended by deleting the word Section 55 amended “Inspector” and substituting the word “Authority”.

Section 56 amended

18. Section 56 of the Act is amended by—

(a) deleting subsection (1) and substituting the following subsection:

“Temporary
placement of
child

Act No. 65
of 2000

56. (1) Where a person who is not a foster parent as defined by Part V of the Children’s Community Residences, Foster Homes and Nurseries Act, wishes to care for a child who is—

- (a) in the care of a community residence;
- (b) not a youthful offender; and
- (c) is not related to him,

he shall apply to the manager of the community residence for a licence for such care.”;

(b) inserting after subsection (1) the following subsections:

“ (1A) Where an application has been made under subsection (1), the manager of the community residence shall notify the Authority of such application and shall supply the following particulars:

- (a) (i) name and address;
- (ii) occupation and place of work; and
- (iii) marital status of the applicant;
- (b) relationship of the applicant if any with the child;
- (c) period of intended placement;

(d) suitability of child for such placement; and

(e) the reason for such placement.

(1B) Upon investigation by the Authority as to the suitability of such placement, the Authority may authorise the manager to permit the child to be temporarily placed out with the applicant.”.

18A. The Act is amended by repealing sections 60, 63, 64 and 66. Sections 60, 63, 64 and 66 repealed

19. Section 61(1) of the Act is amended by deleting all the words after “as the magistrates directs”. Section 61 amended

20. Section 62 of the Act is amended in subsection (1), by deleting all the words after “to be imprisoned for three months” and substituting the words “he shall be liable to be sent to an industrial Training Centre as established by the Youthful Offenders Detention Act, for a term of three months and at the expiration of the term thereof he may be required to serve the balance period in a community residence.”. Section 62 amended

21. Section 65 of the Act is amended by deleting the word “Inspector” wherever it occurs and substituting the word “Authority”. Section amended

22. Section 69 of the Act is repealed. Section 69 repealed

22A. The Act is amended by repealing section 70(1) and substituting the following: Section 70(1) repealed and substituted

“ 70(1) The Minister may, for the purposes of this Part, make rules with respect to all matters and things as may appear necessary and expedient for effectually carrying into operation the provisions of this Part.”.

- Sections 71 and 72 amended **22B.** The Act is amended in sections 71 and 72 by deleting the word “sixteen” and substituting the word “eighteen”.
- Section 78 amended **23.** Section 78(1) of the Act is amended by inserting after the word “child”, the words “under the age of fourteen”.
- Section 83 amended **24.** Section 83 of the Act is amended by deleting paragraphs (g) and (l).
- Section 87 amended **25.** Section 87 of the Act is amended by deleting the word “sixteen” wherever it occurs and substituting the word “eighteen”.
- Section 99 amended **26.** Section 99 of the Act is amended—
- (a) in subsection (1), by—
 - (i) deleting the words “whether charged with an offence or not, is brought before any court otherwise than for the purpose of giving evidence” and substituting the words “charged with an offence is brought before any court,”;
 - (ii) deleting the words “this Act” and substituting the words “Part IV”.
 - (b) by inserting after subsection (1), the following new subsection (1A):
 - “ (1A) Notwithstanding subsection (1), where a person is brought before any Court, otherwise than for the purpose of giving evidence, and it appears to the Court that he is a child or young person, the Court shall make due enquiry as to the age of that person, and for that purpose shall take such evidence as may be forthcoming at the hearing of the case, but an order or judgment of the court shall not be invalidated by any subsequent proof

that the age of that person has not been correctly stated to the Court, and the age presumed or declared by the court to be the age of the person so brought before it shall, for the purposes of this Act, be deemed to be the true age of that person, and where it appears to the Court that the person so brought before it is of the age of eighteen years or upwards, that person shall, for the purposes of this Act, be deemed not to be a child or young person.”.

27. (1) The Act is amended by—

Act amended

- (a) deleting the words “school” and “certified school” wherever they occur and substituting the words “Community Residence”;
- (b) deleting the words “Industrial School” or “certified Industrial School” wherever they occur and substituting the words “Rehabilitation Center”; and
- (c) deleting the words “Orphanage” or “certified Orphanage” wherever they occur and substituting the words “Children’s Home”.
- (d) deleting the words “detention order”, “detention” and “detained” wherever they occur and substituting the words “placement order”, “placement” and “placed” respectively.

SECOND SCHEDULE

Part A

Parental Rights

Every biological or adoptive parent of a child in Trinidad and Tobago has rights in respect of that child under the laws of Trinidad and Tobago including but not limited to—

1. the right to give the child a name of the parent’s choice;

2. the right to pass on the nationality of the parent to the child;
3. the right not to be separated from the child without the parent's consent unless the relevant Authorities decide that this would be in the best interest of the child;
4. the right to provide religious direction and guidance to the child;
5. the right to request state assistance in caring for the child where the parents are unable to do so themselves;
6. the right to send the child to a state-supported school at the state's expense, or to a private or denominational school at the parent's own expense.

SECOND SCHEDULE

Part B

Every person in Trinidad and Tobago who is a parent of a child, or who acts in *loco parentis*, has responsibilities under the law in respect of the parenting function including but not limited to—

1. the responsibility to register the birth of the child with the relevant authorities;
2. the responsibility, within the parents' abilities and financial capacities, to secure the conditions of living adequate for the child's physical, mental, spiritual and moral development;
3. the responsibility to send the child to school, or to provide for education at home of an equal standard;
4. the responsibility to guide and direct the child without the use of any cruel, inhuman or humiliating punishment;
5. the responsibility to ensure that the child has time for rest, recreation, creative expression and play;
6. the responsibility not to arbitrarily interfere with the child's privacy;
7. the responsibility to protect the child from unlawful physical violence and all forms of physical or emotional abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the parent's care;
8. the responsibility to make arrangements for the care of the child when the parent is absent from the child;
9. the responsibility to ensure that the child under 12 is not engaged in labour.

SECOND SCHEDULE

Part C

Every person under the age of 18, born in Trinidad and Tobago, or born to, or adopted by, parents who are citizens of Trinidad and Tobago is a child and is subject to care and protection under the law including but not limited to—

1. the right to live, survive and grow;
2. the right to be registered at birth or upon adoption, and to be a citizen of Trinidad and Tobago;
3. the right not to be discriminated against under the law on the basis of age, race, origin, colour, religion or sex;
4. the right not to be discriminated against or punished because of the beliefs or actions of one's family members;
5. the right to know and, as far as possible, to be cared for by one's parents;
6. the right not to be separated from one's parents against one's will, other than by a court of law;
7. the right to privacy in one's own family, home, and in respect of one's correspondence;
8. the right to hold ideas of one's own, including religious beliefs and to express those views freely in matters affecting themselves;
9. the right to associate with other people for a peaceful purposes.
10. the right not to be treated with violence by family member, a teacher, a public officer or by any other person;
11. the right to free education up to the age of twelve;
12. the right not to have to work at anything that is dangerous or that will interfere with education;
13. where the child has broken the law and is in custody, the right not to be subjected to, inhuman or degrading punishment. A child under the age of eleven giving evidence in a court matter shall not be subject to the laws governing perjury and shall have the option of giving evidence by electronic means;
14. the right not to be subject to capital punishment, nor to life imprisonment without the possibility of release;
15. the right of a child offender not to be placed in custody with adult prisoners.

SECOND SCHEDULE

Part D

Every person under the age of 18 in Trinidad and Tobago, having the special protection under the law granted to a child, has responsibilities under the law which shall be observed subject to their age and understanding including but not limited to—

1. respect and to obey the law;
2. not to take or to harm the property of other people without that person's permission;
3. to learn about human rights and to respect the rights of others;
4. to respect the guidance of parents, except where the law says otherwise;
5. to attend school until the age of twelve;
6. to learn about and respect one's culture, language and country;
7. to express one's views about matters which affect oneself;
8. to respect the environment;
9. to respect one's own religious beliefs and the religious beliefs of others.

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

D. DOLLY
Acting Clerk of the House

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

N. COX
Clerk of the Senate