

THE CHILDREN (GUARDIANSHIP AND CUSTODY)
ACT

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CHILDREN (GUARDIANSHIP AND CUSTODY)

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THE CHILDREN (GUARDIANSHIP AND CUSTODY)
ACT

[1st July, 1957.]

Law
69 of 1956.
Acts
42 of 1969
3rd Sch.,
41 of 1975
2nd Sch.,
1 of 1979
2nd Sch.,
11 of 1991,
7 of 2011
Sch.,
2 of 2017.

1. This Act may be cited as the Children (Guardianship and Custody) Act. Short title.

2.—(1) In this Act, unless the context otherwise requires— Interpreta-
tion.

“Court” means—

L.Nn.
149/78,
64/80.

- (a) the Supreme Court; or
- (b) where the respondent, or any of the respondents, or the applicant, or the child to whom the application relates resides in the parish of Kingston or the parish of St. Andrew, the Family Court—Corporate Area Region (as respects any time on or after the 13th day of November, 1978); or
- (c) where the respondent, or any of the respondents, or the applicant, or the child to whom the application relates resides within the geographical jurisdiction of a Family Court established pursuant to Part II of the Judicature (Family Court) Act, that Family Court (as respects any time on or after the date of establishment of such Court); or
- (d) where the respondent, or any of the respondents, or the applicant, or the child to whom the application relates resides in a parish other than those specified at (b) and (c), the Resident Magistrate’s Court;

1/1979
2nd Sch.

“child” means a person under eighteen years of age but does not include a person who is or has been married;

L.Nn.
149/78,
64/80.

“Resident Magistrate” means—

- (a) in reference to a Resident Magistrate for the parish of Kingston or the parish of St. Andrew, a Judge of the Family Court—Corporate Area Region; and
- (b) in reference to a Resident Magistrate for any parish within the geographical jurisdiction of a Family Court established pursuant to Part II of the Judicature (Family Court) Act, a Judge of that Family Court.

Rights of
surviving
parent as to
guardian-
ship.

3.—(1) On the death of the father of a child, the mother, if surviving, shall, subject to the provisions of this Act, be the guardian of the child, either alone or jointly with any guardian appointed by the father. When no guardian has been appointed by the father or if the guardian or guardians appointed by the father is or are dead or refuses or refuse to act, the Court may if it thinks fit appoint a guardian to act jointly with the mother.

(2) On the death of the mother of a child, the father, if surviving, shall, subject to the provisions of this Act, be guardian of the child, either alone or jointly with any guardian appointed by the mother. When no guardian has been appointed by the mother or if the guardian or guardians appointed by the mother is or are dead or refuses or refuse to act, the Court may if it thinks fit appoint a guardian to act jointly with the father.

Power of
father and
mother to
appoint testa-
mentary
guardians.

4.—(1) The father of a child may by deed or will appoint any person to be guardian of the child after his death.

(2) The mother of a child may by deed or will appoint any person to be guardian of the child after her death.

(3) Any guardian so appointed shall act jointly with the mother or father, as the case may be, of the child

so long as the mother or father remains alive unless the mother or father objects to his so acting.

(4) If the mother or father so objects, or if the guardian so appointed as aforesaid considers that the mother or father is unfit to have the custody of the child, the guardian may apply to the Court, and the Court may either refuse to make any order (in which case the mother or father shall remain sole guardian) or make an order that the guardian so appointed shall act jointly with the mother or father, or that he shall be sole guardian of the child, and in the latter case may make such order regarding the custody of the child and the right of access thereto of its mother or father as, having regard to the welfare of the child the Court may think fit, and may further order that the mother or father shall pay to the guardian towards the maintenance of the child such weekly or other periodical sum as, having regard to the means of the mother or father, the Court may consider reasonable.

(5) Where guardians are appointed by both parents, the guardians so appointed shall after the death of the surviving parent act jointly.

(6) If under section 3 a guardian has been appointed by the Court to act jointly with the surviving parent, he shall continue to act as guardian after the death of the surviving parent; but if the surviving parent has appointed a guardian, the guardian appointed by the Court shall act jointly with the guardian appointed by the surviving parent.

5. Every guardian under sections 3 and 4 shall have all such powers over the estate and the person, or over the estate, as the case may be, of a child as a guardian appointed by will or otherwise has in England.

Powers of guardians.

6. The mother of a child shall have the like powers to apply to the Court in respect of any matter affecting the child as are possessed by the father.

Equal right of mother to apply to Court.

The Court
may make
order as to
custody.

7.—(1) The Court may, upon the application of the father or mother of a child, make such order as it may think fit regarding the custody of such child and the right of access thereto of either parent, having regard to the welfare of the child, and to the conduct of the parents, and to the wishes as well of the mother as of the father, and may alter, vary, or discharge such order on the application of either parent, or, after the death of either parent, of any guardian under this Act; and in every case may make such order respecting costs as it may think just.

(2) The power of the Court under subsection (1) to make an order as to the custody of a child and the right of access thereto may be exercised notwithstanding that the mother of the child is then residing with the father of the child.

(3) Where the Court under subsection (1) makes an order giving the custody of the child to the mother, then, whether or not the mother is then residing with the father the Court may further order that the father shall pay to the mother towards the maintenance of the child such weekly or other periodical sum as the Court, having regard to the means of the father, may think reasonable.

(4) No such order, whether for custody or maintenance shall be enforceable, and no liability thereunder shall accrue, while the mother resides with the father, and any such order shall cease to have effect if for a period of three months after it is made the mother of the child continues to reside with the father.

(5) Any order so made may, on the application either of the father or mother of the child, be varied or discharged by a subsequent order.

Interpreta-
tion.
2/2017
S. 2.

7A.—(1) For the purposes of this section, and sections 7B to 7S—

(2) The Minister with responsibility for justice may delegate to the Child Development Agency or any other individual or entity such aspects of the functions of the Central Authority as the Minister deems appropriate.

Application.
2/2017
S. 2.

7B. Sections 7C to 7S, shall apply to a child who is habitually resident in a Contracting State immediately before any breach of rights of custody or rights of access in relation to the child.

Wrongful
removal or
retention of
a child.
2/2017
S. 2.

7C.—(1) For the purposes of this Act, the removal to, or retention of a child in, a Contracting State is considered wrongful, where—

- (a) such removal or retention is in breach of rights of custody or rights of access of an individual or institution or other body, whether attributed to the individual, institution or body either jointly or solely; and
- (b) at the time of such removal or retention, those rights were actually exercised either jointly or solely, or would have been so exercised, but for such removal or retention.

(2) The reference in subsection (1) to rights of custody is to such rights—

- (a) as determined under the law of the Contracting State in which the child was habitually resident immediately before such removal or retention; and
- (b) arising by—
 - (i) operation of law;
 - (ii) judicial or administrative decision; or
 - (iii) an agreement having legal effect under the law of the Contracting State.

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Application.
2/2017
S. 2.

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- (a) as determined under the law of the Contracting State in which the child was habitually resident immediately before such removal or retention; and
- (b) arising by—
 - (i) operation of law;
 - (ii) judicial or administrative decision; or
 - (iii) an agreement having legal effect under the law of the Contracting State.

7D.—(1) The Central Authority shall cooperate with the Foreign Central Authority concerned to secure the prompt return of a child wrongfully retained or wrongfully removed.

Functions of
Central
Authority.
2/2017
S. 2.

(2) The Central Authority shall be responsible for—

- (a) carrying out the functions conferred upon it under this Act, including the taking of all measures that appear to the Central Authority to be necessary and appropriate to secure the prompt return of a child wrongfully retained or wrongfully removed from his or her place of habitual residence; and
- (b) carrying out such other functions that are conferred upon it under this Act and such terms of the Convention that are to be carried out by the Central Authority.

7E.—(1) The Central Authority shall directly or through an intermediary, take measures that are appropriate including measures to—

Other
functions of
Central
Authority.
2/2017
S. 2.

- (a) discover the whereabouts of a child wrongfully removed or retained;
- (b) prevent further harm to the child or prejudice to an interested party, by taking, or causing to be taken, provisional measures to safeguard the best interests of the child;
- (c) secure the voluntary return of the child or facilitate an amicable resolution of any relevant dispute;
- (d) exchange, where desirable, information relating to the social background of the child;
- (e) provide information of a general nature as to the law of Jamaica;

- (f) initiate or facilitate the institution of judicial or administrative proceedings with respect to the prompt return of the child and, in a proper case, to facilitate effective exercise of rights of access;
- (g) where the circumstances so require, provide or facilitate the provision of legal assistance and advice; however, the Central Authority shall not be obliged to underwrite the cost of professional legal services not provided by attorneys-at-law employed within the public sector;
- (h) provide such administrative arrangements as may be necessary and appropriate to secure the safe and prompt return of the child.

(2) The Central Authority shall keep Foreign Central Authorities informed periodically with respect to the operation of the Convention in relation to Jamaica, and as far as possible reduce the effect of any obstacle to the application of the Convention.

Application
to Central
Authority for
assistance in
relation to
child.
2/2017
S. 2.

7F.—(1) Where any individual, institution or other body claims that a child has been wrongfully removed or retained in breach of rights of custody, that individual, institution or body may apply to the Central Authority for assistance in securing the prompt return of the child to the Contracting State in which the child is habitually resident.

(2) An application under subsection (1) shall include—

- (a) information regarding the identity of—
 - (i) the applicant;
 - (ii) the child; and
 - (iii) where available, the person alleged to have wrongfully removed or retained the child;

- (b) where available, the date of birth of the child;
- (c) the grounds on which the applicant's claim for return of the child is based; and
- (d) all available information relating to the whereabouts of the child and the identity of the person whom the child is presumed to be with (if that person is not the person referred to in paragraph (a)(iii)).

(3) An application under this section may be accompanied by any one or more of the following—

- (a) a duly certified copy of any relevant decision of a judicial or other authority or of any relevant agreement;
- (b) a certificate, an affidavit or such other legal document as may be required by the Central Authority in support of the application, emanating from—
 - (i) the Foreign Central Authority concerned or other competent authority of the Contracting State in which the child is habitually resident; or
 - (ii) a duly qualified person, concerning the relevant law of that Contracting State;
- (c) written authorization empowering the Central Authority to act on behalf of the applicant, or to duly designate a Foreign Central Authority concerned or any other representative, so to act;
- (d) any other relevant document.

(4) Where an application or supporting documents are not in English, such application or document shall be accompanied by a translation thereof into English, certified by the translator as being to the best of the translator's knowledge, a complete and accurate translation.

(5) The Central Authority may refuse an application

where the Central Authority is satisfied that—

- (a) the requirements of this section are not met; or
- (b) the application is not well founded.

(6) Where the Central Authority refuses an application made under this section, it shall—

- (a) so inform the applicant and the Foreign Central Authority concerned forthwith; and
- (b) state its reasons for refusing the application, when informing the applicant and the Foreign Central Authority concerned.

(7) An application submitted under this section together with any document or information appended thereto or provided by the Central Authority or Foreign Central Authority concerned shall be admissible in Court as evidence of the facts stated therein.

Central
Authority of
requesting
State shall
communicate
the location
of the child
wrongfully
removed or
retained.
2/2017
S. 2.

7G. Where the Central Authority receives an application under section 7F and has reason to believe that the child to which the application relates is in another Contracting State, the Central Authority shall, directly and without delay—

- (a) transmit the application to the Central Authority of the Contracting State where it is believed the child is located; and
- (b) inform—
 - (i) the Foreign Central Authority concerned; and
 - (ii) the applicant.

Court to act
expeditiously.
2/2017
S. 2.

7H. The Court shall have regard to the need to act expeditiously in proceedings for the return of a child wrongfully removed or retained.

7I.—(1) Having regard to the need to act expeditiously with respect to proceedings referred to in section 7H, the Court shall make every effort to make a decision within six weeks from the date of commencement of the proceedings referred to in section 7H.

Proceedings
for the
return of
child
wrongfully
removed or
retained.
2/2017
S. 2.

(2) Where the Court has not reached a decision within six weeks from the date of the commencement of proceedings referred to in section 7H, the Central Authority or the applicant—

(a) on its own initiative; or

(b) if asked by the Foreign Central Authority concerned,

may request a statement of the reason for the delay and the Court shall provide such reasons no later than seven days of the date of receipt of the request.

(3) Where a reply is received by the Central Authority pursuant to subsection (2), the Central Authority shall transmit the reply to the Foreign Central Authority concerned or the applicant, as the case may be.

7J. Where the Court has reason to believe that the child has been taken outside of Jamaica, it may stay the proceedings or dismiss the application for the return of the child or make such other orders as may be appropriate.

Proceedings
may be
stayed.
2/2017
S. 2.

7K. Notwithstanding sections 7I and 7J—

(a) where, at the date of commencement of Court proceedings, a period of less than one year has elapsed from the date the child was wrongfully removed or retained, the Court shall order the return of the child; or

The return
of a child
wrongfully
removed or
retained.
2/2017
S. 2.

(b) where the Court proceedings are initiated after the expiration of one year from the date of the wrongful removal or retention of the child, the Court shall order the return of the child, unless it is demonstrated

to the Court that the child is now settled in his new environment.

Court may request proof of the wrongful removal or retention of a child.
2/2017
S. 2.

7L.—(1) In any case where the child is not habitually resident in Jamaica, the Court may, prior to making an order for the return of the child, request that the person applying for the order, obtain from the Foreign Central Authority of the Contracting State in which the child is habitually resident, a court order or other determination that the removal or retention was wrongful.

(2) The Central Authority shall, so far as practicable, assist the person referred to in subsection (1) to obtain a court order or other determination as referred to in subsection (1).

Court may order the return of the child at any time.
2/2017
S. 2.

7M. Notwithstanding the provisions of sections 7J to 7L, the Court may at any time order the return of the child wrongfully removed or retained as determined in section 7C.

Factors to be considered by the Court for the return of a child wrongfully removed or retained.
2/2017
S. 2.

7N.—(1) Notwithstanding sections 7K and 7L, the Court is not bound to order the return of the child—

- (a) if a person, institution or other body that opposes the child's return establishes to the satisfaction of the Court that—
 - (i) the individual, entity or other body claiming rights of custody over the child was not actually exercising the rights of custody at the time of the wrongful removal or retention, or had consented to or subsequently acquiesced in the wrongful removal or retention; or
 - (ii) if there is a grave risk that the return of the child would expose the child to physical or psychological harm or otherwise place the child in an intolerable situation; or

- (b) if the child to which the application relates objects to being returned and has attained an age and degree of maturity such that it is appropriate for the Court to take account of the child's views; or
- (c) where the return of the child would breach his rights under Chapter III of the Constitution of Jamaica.

(2) The Court, in making a determination under this section, shall take account of information relating to the social background of the child provided by the person or Foreign Central Authority concerned or other competent institution of the Contracting State in which the child is habitually resident.

7O.—(1) The Court, in determining whether there has been a wrongful removal or retention of a child within the meaning of section 7C, may have regard to law and judicial and administrative decisions of the Contracting State in which the child is habitually resident, whether or not such decisions are formally recognized in that State.

The Court shall have regard to law of the requesting or Contracting State.
2/2017
S. 2.

(2) For the purposes of subsection (1), the Court is not required to make reference to the specific procedures for—

- (a) the proof of the law referred to in subsection (1); or
- (b) recognition of a foreign decision which would otherwise be applicable.

7P.—(1) Where the Court receives notice that a child has been wrongfully removed or retained in a Contracting State, the Court shall not decide the merits of any claim to rights of custody—

- (a) until there has been a determination of the question as to whether or not the child should be returned, and that determination is that the child is not to be returned; or

Court shall not decide on rights of custody of a child wrongfully removed or retained.
2/2017
S. 2.

(b) unless the Court considers that—

- (i) there has been inordinate or undue delay in making an application under section 7F for the return of the child; and
- (ii) that it is in the best interest of the child to have the claim to rights of custody decided.

(2) Subject to subsection (3), an order made by the Court concerning the return of a child wrongfully removed or retained, shall not be taken to be a determination of the merits of any claim to rights of custody or rights of access.

(3) The Court, in determining whether or not to make an order referred to in subsection (2)—

- (a) may take into consideration the reasons for the award of rights of custody in the requesting State; and
- (b) shall take into consideration a decision of the Court, or of the requesting State or body within Jamaica,

and the merits of a claim to rights of custody shall not be a conclusive basis for refusing the return of a child.

Rights of
access.
2/2017
S. 2.

7Q. Sections 7B to 7P shall apply with respect to arrangements for organizing or securing the effective exercise of rights of access for a child as they apply in relation to an application for securing the return of a child.

Person,
institution or
body may
apply directly
to judicial or
administrative
Authority.
2/2017
S. 2.

7R. Where a person, institution or body claims that a child has been wrongfully removed or retained or that there is a breach of rights of custody or rights of access, the person, institution or body, shall not be precluded from applying directly to the judicial or administrative authorities of a Contracting State for the appropriate relief.

7S.—(1) The Central Authority shall not require a security, bond, deposit or similar instrument to secure the payment of costs associated with court proceedings or where applicable costs associated with the participation of attorneys-at-law or advisers.

Miscellaneous
costs,
expenses,
etc.
2/2017
S. 2.

(2) The Central Authority may request that a requesting State pay the expenses (preparatory and otherwise) relating to the return of a child wrongfully removed or retained.

(3) The Court may direct that a person who wrongfully removed or retained a child or, as the case may be, prevented the effective exercise of rights of access or rights of custody to a child, pay the expenses incurred by or on behalf of an applicant under sections 7B to 7P, including the expenses associated with each of the following—

- (a) travel;
- (b) locating the child;
- (c) legal representation;
- (d) the return of the child.

(4) The Central Authority and the Foreign Central Authority concerned shall bear its own costs in relation to any proceeding initiated pursuant to sections 7B to 7P.

Rights of
appeal.
2/2017
S. 2.

7T.—(1) Notwithstanding the provisions of the Judicature (Appellate Jurisdiction) Act and the Judicature (Rules of Court) Act or any regulations made under those enactments, an appeal shall lie to the Court of Appeal from an order made by any Court under section 7K, 7M, 7N or 7P (hereinafter referred to as “the Court of first instance”), or from any refusal to make the order, or from the revocation, revival, or variation of the order.

(2) The Court of Appeal may, upon the hearing of the appeal—

- (a) confirm, quash, or vary the decision of the Court of first instance;
- (b) remit the matter, with the opinion of the Court of Appeal thereon or for rehearing generally, to the Court of first instance; or
- (c) make such order as the Court thinks just,

and may by the order exercise any power which the Court of first instance might have exercised, and the order shall have the same effect and may be enforced in the same manner as if it had been made by the Court of first instance.

(3) The Court of Appeal may also make such order as to costs to be paid by either party as the Court thinks just.

(4) An appeal under subsection (1) shall be filed within fourteen days of the date of judgement of the Court of first instance.

(5) The Court of Appeal shall consider the appeal as a matter of urgency and shall endeavour to give its decision within six weeks from the date of the conclusion of the proceedings.

7U. Any order made under subsection (3) of section 7 may provide, in addition to the matters specified in that subsection—

Order
may extend
payments
after age
attained.
1/1979
2nd Sch.
2/2017
S. 2.

- (a) that the sum ordered to be paid thereunder shall continue to be paid for any period after the child to whom the order relates attains the age of eighteen years but not extending beyond the date on which he attains the age of twenty-one years; and
- (b) that the sum shall, after the child to whom the order relates attains the age of eighteen years, be paid to him instead of the person to whom it was previously paid.

7V.—(1) Subject to subsection (2), where a person who has attained the age of eighteen years but has not attained the age of twenty-one years, had while he was a minor, been the subject of an order under any of the provisions of this Act, the Court may, on the application of either parent of that person or on the application of that person himself, make an order requiring either parent to pay to the other parent or to the said person, for any period not extending beyond the date on which that person attains the age of twenty-one years, such sums towards his maintenance as, having regard to the means of the person ordered to make the payment, the Court thinks reasonable.

Court may
order main-
tenance
payments
in cases
where order
previously
in force.
1/1979
2nd Sch.
2/2017
S. 2.

(2) No order shall be made under this section, no order previously made shall be enforceable and no liability thereunder shall accrue while the parents are residing together and such order shall cease to have effect if, for a period of three months continuously after it was made, the parents continue to reside together.

Power of
Court to
remove
guardian.

8.—(1) The Court may, in its discretion, on being satisfied that it is for the welfare of the child, remove from his office any testamentary guardian, or any guardian appointed or acting by virtue of this Act and may also, if the Court shall deem it to be for the welfare of the child, appoint another guardian in place of the guardian so removed.

(2) In this section the expression “Court” means the Supreme Court.

Disputes
between
joint
guardians.

9. Where two or more persons act as joint guardians of a child and they are unable to agree on any question affecting the welfare of the child, any of them may apply to the Court for its direction, and the Court may make such order regarding the matters in difference as it may think proper.

10. *[Repealed by Act 11 of 1991.]*

In case of
separation
deed
between
father and
mother.

11. No agreement contained in any separation deed made between the father and the mother of a child shall be held to be invalid by reason only of its providing that the father of such child shall give up the custody or control thereof to the mother:

Provided always, that the Court shall not enforce any such agreement if it is of opinion that it will not be for the benefit of the child to give effect thereto.

Power of
Court as to
production
of child.

12. Where the parent of a child applies to the Court for a writ or order for the production of the child, and the Court is of opinion that the parent has abandoned or deserted the child, or that he has otherwise so conducted himself that the Court should refuse to enforce his right to the custody of the child, the Court may, in its discretion, decline to issue the writ or make the order.

13. If at the time of the application for a writ or order for the production of the child, the child is being brought up by another person, the Court may, in its discretion, if it orders the child to be given up to the parent, further order that the parent shall pay to such person the whole of the costs properly incurred in bringing up the child, or such portion thereof as shall seem to the Court to be just and reasonable, having regard to the circumstances of the case.

Power of Court to order repayment of costs of bringing up child.

14. Where the parent has—

(a) abandoned or deserted his child; or

(b) allowed his child to be brought up by another person at that person's expense for such a length of time and under such circumstances as to satisfy the Court that the parent was unmindful of his parental duties,

Court in making order to have regard to conduct of parent.

the Court shall not make an order for the delivery of the child to the parent, unless the parent has satisfied the Court that, having regard to the welfare of the child, he or she is a fit person to have the custody of the child.

15.—(1) Upon any application by the parent for the production or custody of a child, if the Court is of opinion that the parent ought not to have the custody of the child, and that the child is being brought up in a different religion to that in which the parent has a legal right to require that the child should be brought up, the Court shall have power to make such order as it may think fit to secure that the child be brought up in the religion in which the parent has a legal right to require that the child should be brought up.

Power of Courts as to child's religious education.

(2) Nothing contained in this section or in sections 12 to 14 (inclusive) shall interfere with or affect the power of the Court to consult the wishes of the child in considering what order ought to be made under this section, or diminish the right which any child now possesses to the exercise of its own free choice.

Definition
of "Court",
"parent"
and "person".

16. For the purposes of sections 12 to 15 (inclusive) the expression—

"Court" means the Supreme Court;

"parent" of a child includes any person at law liable to maintain such child or entitled to its custody;

"person" includes any local authority, school or institution.

Enforcement
of orders for
payment of
money.

17.—(1) Any person for the time being under an obligation to make payments in pursuance of any order for the payment of money under this Act, shall give notice of any change of address to such person (if any) as may be specified in the order, and any person failing without reasonable excuse to give such a notice shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding two hundred and fifty thousand dollars or imprisonment for a term not exceeding three months.

7/2011
Sch.

(2) Where the Court has made any such order, the Court shall, in addition to any other powers for enforcing compliance with the order, have power, in any case where there is any pension or income payable to the person against whom the order is made and capable of being attached, after giving the person by whom the pension or income is payable an opportunity of being heard, to order that such part as the Court may think fit of any such pension or income, be attached and paid to the person named by the Court, and such further order shall be an authority to the person by whom such pension or income is payable to make the payment so ordered, and the receipt of the person to whom the payment is ordered to be made shall be a good discharge to the person by whom the pension or income is payable.

Minister
may amend
monetary
penalties.
7/2011
Sch.

17A. The Minister may, by order subject to affirmative resolution, amend the monetary penalties specified in this Act.

18. Where in any proceeding before any Court the custody or upbringing of a child or the administration of any property belonging to or held on trust for a child, or the application of the income thereof, is in question, the Court in deciding that question, shall regard the welfare of the child as the first and paramount consideration, and shall not take into consideration whether from any other point of view the claim of the father, or any right at common law possessed by the father, in respect of such custody, upbringing, administration or application is superior to that of the mother, or the claim of the mother is superior to that of the father.

Principle on which questions relating to custody, upbringing, etc., of children are to be decided.

19.—(1) Rules of court shall be made directing the manner in which applications to the Supreme Court are to be made and dealing generally with all the matters of procedure therein and incidental matters arising out of this Act and for carrying this Act into effect shall be made by the Rules Committee of the Supreme Court.

Rules of court.
42/1969
3rd Sch.

(2) Rules directing the manner in which applications to the Resident Magistrate's Court are to be made and dealing generally with all matters of procedure therein shall be made by Resident Magistrates authorized to make rules under section 135 of the Judicature (Resident Magistrates) Act.

(3) Rules made under this section may provide for applications being heard and determined otherwise than in open Court.

20. Nothing in this Act contained shall restrict or affect the jurisdiction of the Supreme Court to appoint or remove guardians.

Saving.