

# SUPREME COURT OF JUDICATURE OF TRINIDAD AND TOBAGO

## PRACTICE DIRECTION

### COURTPAY SYSTEM FOR THE PAYMENT IN AND OUT OF COURT OF MAINTENANCE PAYMENTS BY ELECTRONIC DATA TRANSFER

WHEREAS the Court may order maintenance payments be paid into Court for the benefit of recipients, minor children or dependents;

AND WHEREAS it is essential that a more efficient, timely, secure and convenient method for receiving and paying Court-ordered maintenance be made available to parties in court matters;

AND WHEREAS the Judiciary has provided a system known as CourtPay in keeping with the above; It has become necessary to issue this Practice Direction to provide guidelines for the drafting of maintenance orders to facilitate the proper use of CourtPay.

#### **Application of the Practice Direction**

These Directions apply to all matters in which the Court has ordered that Maintenance Payments be paid into Court.

This Practice Direction supersedes the Practice Direction dated **9<sup>th</sup> March, 2018**.

#### **Definitions**

In this Practice Direction-

“CourtPay” is the Judiciary’s software system which manages the information in relation to court-ordered maintenance payments made into the Judiciary’s custodial bank account using Cash (through a Top-up card); Linx Card; Credit Card; or Direct Debit Order and out of the Judiciary’s custodial account into the recipient’s bank account or to the recipient in cash, cheque or via a prepaid PayOut card

“Custodial Account” means the bank account at a commercial bank opened in the name of the **Judiciary** for the purpose of receiving and paying out maintenance funds in accordance with court orders and for which financial reports would be provided to the court through the court’s CourtPay system and the bank’s reports.

#### **Transaction Fee**

When submitting a payment using the CourtPay system, the payor is charged a non-refundable transaction fee for each transaction submitted. The requirement to pay this transaction fee should form part of the maintenance order. A schedule of fees for each transaction mode is set out in Schedule 1 of this practice direction.

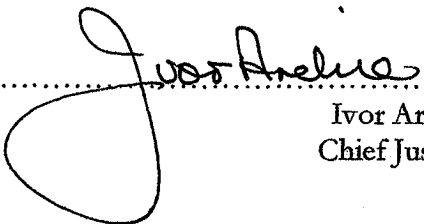
**Guidelines for the Drafting of Orders for Maintenance when monies are to be paid into court.**

Where it is intended that maintenance payments are to be paid into Court, and the Judicial Officer orders that the payments be made into Court using CourtPay, the Judicial Officer should seek to ensure that the maintenance order provides clarity in that it clearly indicates how compliance can be achieved. To achieve this, guidance is given that it is best that these orders include, in addition to the usual directions for maintenance, the following provisions:

- 1) a further direction that the said maintenance sums are to be paid by the payor into the Court's custodial account,
- 2) where applicable, that the maintenance sums are to be paid for the benefit of a minor (the Court should seek to ensure that the minor (or each minor) is identified by the inclusion of his full name and date of birth together with the amount that is for that minor's benefit);
- 3) the amount that is to be received by the recipient;
- 4) the said sums are to be paid into Court by paying them into the Court's Custodial Account using the CourtPay system and paid out to the payee using the CourtPay system;
- 5) the transaction fee for the time being in force be paid and by whom it is to be paid;
- 6) that the parties register for CourtPay with the Court Office;
- 7) that the parties are obligated to provide accurate information on registration for CourtPay
- 8) that the parties are obligated to inform the Court Office of any change in their address(email address, telephone number, and any account or method by which funds will be paid by the payor or received by the recipient.

**A sample maintenance order is set out in Schedule 2 of this practice direction.**

Dated this 18<sup>th</sup> day of MAY, 2018

  
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Ivor Archie  
Chief Justice

## SCHEDULE 1

### Schedule of Transaction Fees:

COST OF PAYMENT		COST OF RECEIPT	
If the payor is paying by Top UP	\$2.00	If paid into recipient's bank account	\$4.00
		If paid into CourtPay Merchant enabled PayOut Card	\$6.00
		If paid into CourtPay Closed Loop PayOut Card *	\$5.00
If the payor is paying by Linx Card at CourtPay enabled kiosk	\$0.75	If paid into recipient's bank account	\$4.00
		If paid into CourtPay Merchant enabled PayOut Card	\$6.00
		If paid into CourtPay Closed Loop PayOut Card *	\$5.00
If the payor is paying by Credit Card at CourtPay enabled kiosk or online	0.8% of payment + \$1.75	If paid into recipient's bank account	\$4.00
		If paid into CourtPay Merchant enabled PayOut Card	\$6.00
		If paid into CourtPay Closed Loop PayOut Card *	\$5.00
If the payor is paying by Direct Debit of payor's account	\$1.00	If paid into recipient's bank account	\$4.00
		If paid into CourtPay Merchant enabled PayOut Card	\$6.00
		If paid into CourtPay Closed Loop PayOut Card*	\$5.00
		<i>*closed loop card available with effect from June 30, 2018</i>	

**SCHEDULE 2**

**THIS COURT ORDERS** that

1. The Respondent shall pay to the Applicant, the sum of \$ \_\_\_\_\_ Trinidad and Tobago Dollars (\$ \_\_\_\_\_ TTD) together with transaction fees applicable for the method of payment and receipt of funds selected by the parties with effect from (     /     /     ) and continuing on the     day of every     until further order, into Court by paying it into the Court's custodial account using *CourtPay*.

2. The sum of \$ \_\_\_\_\_ is comprised as detailed in the table which follows:

ITEM	BENEFICIARY	DATE OF BIRTH	PAYMENT START DATE	PAYMENT END DATE	FREQUENCY	AMOUNT

- the Applicant and the Respondent shall immediately register for CourtPay with the Court Office of the Family Court;
- Both the Applicant and the Respondent shall accurately provide to the Court Office all information necessary to facilitate the registration process;
- The parties shall immediately notify the Registrar of the Supreme Court at the Family Court of any change of address, e-mail or telephone number of the parties or of any alteration to the account or method by which funds will be paid by the Respondent or received by the Applicant;