

**FAMILY LAW (GUARDIANSHIP OF MINORS, DOMICILE AND MAINTENANCE)  
ACT CHAPTER 46:01**

**PRACTICE DIRECTION**

This Practice Direction is issued under section 51(1) of the Family Law (Guardianship of Minors, Domicile and Maintenance) Act Chapter 46:01.

**COURTPAY SYSTEM FOR THE PAYMENT INTO 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 Summary 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 and varying of maintenance orders to facilitate the proper use of CourtPay in the Summary Court

**Application of the Practice Direction**

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

**In this Practice Direction: -**

“Court” means a Summary Court as defined by section 2 of the Summary Courts Act Chapter 4:20, and specifically the Court in the Magisterial district in which the Maintenance Order has been made;

“Court Office” means-

- (a) The place where documents are to be filed in a Summary Court; or
- (b) The place where work of a formal or administrative nature is to be dealt with by members of the court staff;

“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 payee’s bank account or to the payee 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 report;

"Judicial Officer" means a Magistrate or Senior Magistracy Registrar and Clerk of the Court or Magistracy Registrar and Clerk of the Court;

"Maintenance Order" any order for maintenance made by any Summary Court;

"Payee" means the individual entitled to collect the payments for which a Maintenance Order of the Court directs;

"Payor" means the individual liable to make payments under a Maintenance Order of the Court;

"Summary Court" means the reference to "Court" or "Summary Court" or "Court of summary jurisdiction" in accordance with section 2 of the Summary Courts Act Chapter 4:20.

### **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 monies 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 directions:

1. 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 or minors. 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 to be paid for the minor's benefit;
  3. the amount that is to be received by the payee;
  4. that 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. That 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;
- and

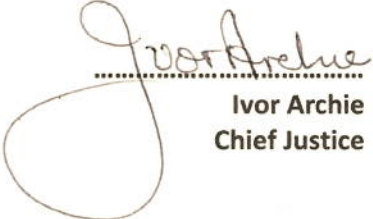
8. that the parties are obligated to inform the Court Office of any change in their personal details, including but not limited to changes in address, email address, contact number(s), and any account or method by which funds will be paid by the payor and received by the payee.

**A Sample Maintenance Order is set out in Schedule 2 of this practice direction.**

**Variations to orders for payment of maintenance into Court using the CourtPay System**

1. Where a maintenance order has been made for the payment of maintenance into Court prior to the publication of this practice direction or thereafter, a party to the matter may apply to the Court for a variation of the Court Order to include making and receiving maintenance payments via the CourtPay system.
2. Where a party to the matter has made an application for a variation referred to in (1) above, both parties shall attend the hearing of the application for the variation.
3. Where a party to the matter has made an application for a variation referred to in (1) above, both parties may consent to the variation of the Court Order to include payment of any maintenance via the CourtPay system.
4. Where an application has been made for a variation of a maintenance order to include making and receiving payment via the CourtPay system, a Judicial Officer shall have the power to make such an order.

Dated this 3<sup>rd</sup> day of September, 2019

  
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**Ivor Archie**  
**Chief Justice**

**SCHEDULE 1**

**SCHEDULE OF TRANSACTION FEES**

<b>COST OF PAYMENT</b>		<b>COST OF RECEIPT</b>	
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 on a date to be determined</i>	

**SCHEDULE 2**

**SAMPLE MAINTENANCE ORDER**

**THE 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

3. The Applicant and the Respondent shall immediately register for CourtPay with the Court Office of the Court;
4. Both the Applicant and the Respondent shall accurately provide to the Court Office with all information necessary to facilitate the registration process;
5. The parties shall immediately notify the Senior Magistracy Registrar and Clerk of the Court or the Magistracy Registrar and Clerk of the Court, as the case may be, at the Court of any change of personal details, including but not limited to any change of address, email, or contact number of the parties, or any alteration to the account or method by which funds will be paid by the Respondent or received by the Applicant.