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## CHAPTER 256

### THE MAINTENANCE OF CHILDREN ACT

#### Arrangement of Sections

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### MAINTENANCE OF CHILDREN

(8th November, 1919.)

18/1919.  
1711973.  
3611986.  
1811989.

**1.** This Act may be cited as the Maintenance of **Short title.**  
Children Act.

**2.** In this Act—

"child" means a person who is under the age of sixteen years;

**Interpretation.**

"parent" includes the mother of a child and any person adjudged to be the father of a child;

**Proceedings against parent supposed to be about to leave Antigua and Barbuda without making adequate provision for child.**

**3.** Where it is made to appear to any Magistrate upon oath that there is reasonable ground for believing that a parent is about to leave Antigua and Barbuda without making adequate provision for the maintenance and care during his absence of any child of his living in Antigua and Barbuda, it shall be lawful for such Magistrate to issue a summons directed to such parent requiring him to appear before the Magistrate at the time therein mentioned and to show cause why an order should not be made against him prohibiting him from leaving Antigua and Barbuda;

Provided that the Magistrate may, if he thinks it expedient so to do, either in the first instance or subsequently to the issue of a summons, issue a warrant addressed to the Commissioner of Police and all police officers of Antigua and Barbuda, to apprehend such parent and cause him to be brought before him or any other Magistrate.

**Power to Magistrate to prohibit parent from leaving Antigua and Barbuda.**

**4.** Where on the appearance of the parent before a Magistrate it appears to the Magistrate that the parent is about to leave Antigua and Barbuda, and the Magistrate is not satisfied that the parent has made adequate provisions for the maintenance and care of such child during his absence, the Magistrate may, if he thinks it expedient so to do, order that such parent shall not leave Antigua and Barbuda.

**Contravention of Magistrate's order an offence.**

**5.** Any parent against whom an order has been made under the preceding section who shall leave or attempt to leave Antigua and Barbuda before such order shall have ceased to be operative, or shall have been rescinded, shall on summary conviction be liable to a fine not exceeding one thousand dollars or to be imprisoned with or without hard labour for a period not exceeding six months.

**Power of police officer to arrest without warrant.**

**6.** Any police officer may arrest without warrant and bring before any Magistrate any person who is subject to an order made under section 4 and—

(a) who has left Antigua and Barbuda and is found within the territorial sea thereof, or

(b) whom such police officer has reason to suspect to be attempting to leave Antigua and Barbuda.

7. Where any proceedings are taken against a parent under this Act in respect of a child who appears to the Magistrate to be under sixteen years of age, such child shall be deemed to be under that age unless the contrary is proved.

8. A person who has been adjudged to be the father of a child shall be deemed to have made adequate provision for the maintenance and care of such child within the meaning of this Act if he has made sufficient provision for the payment during his absence from Antigua and Barbuda of all moneys which may become payable by him during such absence under the order by which he was adjudged to be the father of such child or any order varying the same.

9. (1) No order made under section 4 shall have any force or validity after the expiration of two years from the day upon which the same was made.

(2) A Magistrate may, upon application by or on behalf of any parent against whom an order has been made under section 4, rescind such order.