

charity, and every person who having had an order made against him under this Law departs from his usual place of abode and thereby evades compliance with the said order, shall be deemed to be a rogue and vagabond, and shall, on summary conviction, be for the first offence imprisoned for a period not exceeding thirty days, and for a second or any subsequent offence for a period not exceeding three months.

Order for maintenance of wife and children.

12. Notwithstanding anything in section 11 it is lawful for the court to make an order for maintenance against a person refusing or neglecting to maintain his wife and children, or abandoning his wife or children, instead of, or in addition to ordering such person to be imprisoned.

Free process.

13. All process under this Law is free.

Publication in revised form authorized the 16th day of August, 1977

**JENNY MANDERSON**  
Clerk of the Executive Council.

CAYMAN ISLANDS



Supplement No. 1 published with Gazette No. 18 of 1977

## **THE MAINTENANCE LAW** **(Revised)**

THE MAINTENANCE LAW  
(Revised)  
(Cap. 89)

Originally enacted 31st March, 1881  
Amended by Law 10 of 1972 10 July, 1972

Published in revised form this 29th day of August 1977 by authority of the Law Revision Law (No. 19 of 1975)

Short title.	1. This Law may be cited as the Maintenance Law (Revised).
Duty of man to maintain certain child: en.	2. Every man is hereby required to maintain his own children and also — (i) every child, whether born in wedlock or not, which his wife may have living at the time of her marriage with him; and also (ii) if he cohabits with any woman, every child which such woman may have living at the time of the commencement of such cohabitation; and also (iii) the legitimate children of any child that his wife may have by him during his marriage, or of any child of which he may have been duly adjudged to be the father under any Law that may be passed to provide for the maintenance of illegitimate children, in the event of the parents of such children failing to maintain them, so long as such children respectively are unable by reason of tender years or bodily or mental infirmity to maintain themselves.
Duty of woman to maintain certain children.	3. Every widow and unmarried woman is hereby required to maintain her own children, legitimate or illegitimate and every woman having any children which any man under the provisions of section 2 is primarily bound to maintain is hereby required to maintain such children in the event of such man failing to perform his obligation, and every woman is hereby required to maintain the legitimate children of any child that she may have had in the event of the parents of such children and of any man primarily bound under the provisions of section 2 to maintain such children failing to do so, so long as such children respectively are, by reason of tender years or bodily or mental infirmity, unable to maintain themselves.
Duty of children to maintain parents.	4. Every person born in wedlock is hereby required to maintain his or her father and mother, grandfathers and grandmothers; and every person not born in wedlock is hereby required to maintain his or her mother, the person registered as his or her father, and if there be no person so registered, the man (if any) with whom his or her mother openly cohabited at the time of his or her birth, provided that such man recognized and treated such person as his child during his or her infancy, in case such father or mother or other person as aforesaid, or all or any of such persons are unable by reason of old age, or bodily or mental infirmity to maintain himself, herself or themselves.
Method of compelling performance of duties imposed by this Law.	5. Any person entitled to be maintained by any other person or persons under this Law, and any person having the actual care and custody of any child so entitled, may, in case the person or persons by whom such first mentioned person or such child is entitled to be maintained or some or one of them shall fail to maintain such person or child, make a complaint before any Justice, who shall thereupon enquire into the case, and if it shall appear to him that the complainant, or the child on whose behalf the complaint is made, is entitled to be maintained by the person or persons complained against and that such person or persons have neglected to comply with the requirements of this Law, he shall summon such last mentioned person or persons to appear before the summary court at a time and place to be named in such summons, to answer the matter of

such complaint.

Manner of proceeding summons.	6. At the time and place named in the summons the court on the appearance of the party summoned, or on being satisfied by affidavit that such summons was served on such party, shall proceed to enquire into the case and if the court is satisfied that the party complaining, or on whose behalf complaint is made as aforesaid, is entitled under this Law to be maintained by the party or parties complained against, and that such party or parties had or have neglected his or their duty in that respect, the court shall proceed to enquire into the means of the party or parties complained against, and if satisfied that he or they or any of them are of ability to maintain or contribute to the maintenance of the party complaining, or on whose behalf complaint is made as aforesaid, the court shall proceed to make an order (to be called an order of maintenance) against such party or parties, ordering him or them to pay either to the party complaining, or to some person approved by the court and to be named in the order, such periodical sum as, having regard to the means of the party or parties complained against and all the circumstances of the case, the court thinks just: Provided that no person shall be entitled to receive more in the aggregate than twenty dollars a week from any party or parties required by this Law to maintain him.
Duration of order of maintenance.	7. Any order of maintenance made under this Law shall in the case of a child be made to hold good until such child attains the age of fourteen years, and in the case of any other person for such period as may be named in the order: Provided that any order may be renewed, reviewed and varied at any time by the court: Provided further, that when the person to be maintained is unable to maintain himself by reason of old age, or by reason of an illness or infirmity which is likely to be permanent, it shall be lawful for the court to make an order of maintenance for the rest of the natural life of such person.
Order may be cancelled in certain cases.	8. Any person on whom any order has been made under this Law may at any time apply to the summary court to cancel the same; and if he then satisfies the court that the person whom by such order he was ordered to maintain is no longer unable as aforesaid to maintain himself the court shall cancel the said order.
Burden of proof.	9. For the purposes of this Law every child under fourteen years of age shall be deemed unable to maintain himself or herself by reason of tender years, unless the contrary be shown.
Liability of husband to support his wife.	10. For the purposes of this Law every man shall be liable and is hereby required to maintain his wife, irrespectively of her being able to maintain herself: Provided that no order for the payment of any sum of money by the husband of any married woman shall be made against such husband under the provisions of this Law if it be proved before the summary court to whom application for such order is made that the wife has committed adultery (unless such adultery has been condoned), or that the wife has wilfully and without just cause deserted her husband; and any order for payment of any such sum as aforesaid may be discharged by the court upon proof that the wife has since the making thereof committed adultery.
Penalties on neglecting to maintain wife and children or abandoning them.	11. Every person, who, by work or other means, is able to maintain himself and his wife and children, and who refuses or neglects so to do, and every person who wilfully abandons his wife or children, whereby in either case such wife or children shall be left destitute, or dependent for support upon public or private