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The Peoples Law Firm

Divorce in Trinidad & Tobago

The Family Court was opened on May 17th 2004 as an experimental project to develop, implement and evaluate alternative approaches and improve services to citizens seeking help from the judiciary in dealing with family disputes¹.

By far most of the matters being brought before the court have been divorce matters. For the period 2009-2010 there were Two thousand four hundred and forty four (2444) divorces granted in Trinidad and Tobago, in 2010-2011 there were Two thousand eight hundred and fifty seven (2857) divorces filed and Two thousand one hundred and eighty nine (2189) divorces granted² by comparison, relatively few proceedings for judicial separation and nullity were brought in the Trinidad & Tobago courts.

It begs the question; can I Get A Divorce in Trinidad and Tobago? :

The Courts Jurisdiction

The Trinidad Family Court does not have the right to deal with a person's matrimonial affairs merely because that person is a Trinidadian citizen or is present in the islands of Trinidad and Tobago. The position is governed by the Matrimonial Proceedings and Property Act 1972³.(Herein after referred to as the Act)

Trinidad & Tobago Courts have jurisdiction to hear a divorce suit only where either of the parties to the marriage :

- a) Is domiciled in Trinidad and Tobago on the date when the proceedings are begun or
- b) Was habitually resident in Trinidad and Tobago throughout the period of one year ending with that date.

What arguments can I use to get a divorce?

The Grounds for divorce in Trinidad and Tobago.

Since 1973 according to the laws of Trinidad and Tobago, there has been only one ground on which a petition for divorce may be presented to the court by either party to the marriage, that is, that the marriage has broken down irretrievably⁴.

¹ Judiciary of the Republic of Trinidad & Tobago Annual Report 2010-2011 pg 91

² Judiciary of the Republic of Trinidad & Tobago Annual Report 2010-2011 pgs 85 -86

³ Section 2A Subsection (2)

⁴ The Matrimonial Proceedings and Property Act 1972 S. 3

Notwithstanding this the court cannot hold that the marriage has broken down unless the petitioner satisfies the court of one or more of the five facts specified in in section 4 of The Act, that is:

1. that the respondent has committed adultery and the petitioner finds it intolerable to live with the respondent;
2. that the respondent has behaved in such a way that the petitioner cannot reasonably be expected to live with the respondent;
3. that the respondent has deserted the petitioner for a continuous period of at least two years immediately preceding the presentation of the petition;
4. that the parties to the marriage have lived apart for a continuous period of at least two years immediately preceding the presentation of the petition and the respondent consents to a decree being granted;
5. that the parties to the marriage have lived apart for a continuous period of at least five years immediately preceding the presentation of the petition.⁵

For Further Information on obtaining a divorce in Trinidad & Tobago Please Contact;

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⁵ The Matrimonial Proceedings and Property Act 1972 S. 4

Note to Editors:

Hove & Associates is a modern Trinidad and Tobago Law Firm based in Port-of-Spain the capital city of Trinidad. The Firm is focused on providing high-quality legal services and client care to individuals, businesses and organisations.

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