

1 IN THE GRAND COURT OF THE CAYMAN ISLANDS
2 HOLDEN AT GEORGE TOWN, GRAND CAYMAN



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5 CAUSE NO. D120/91
6 C.I.C.A. #6/93

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8 **BETWEEN:** REBA GWENDOLYN DOMINGUEZ
9 Petitioner

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12 **AND:** GARY HERNANDEZ DOMINGUEZ
13 Respondent

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17 **Appearances:** Ms. Reba Gwendolyn Dominguez, the Applicant
18 Mr. Gary Hernandez Dominguez, Respondent

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21 **Before:** Hon. Justice Henderson

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24 **Heard:** November 9, 2006



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27 **RULING**

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30 The Applicant, Reba Dominguez, requests an assessment of maintenance arrears and an
31 order for their payment. She alleges that the arrears amount to \$78,545.00.

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33 In support of her application she has filed a brief affidavit dated August 24, 2006. There
34 is one child of the marriage, Gary Henricks-Dominguez. The affidavit makes reference
35 to an order of this court made March 24, 1993 requiring the respondent, Gary
36 Dominguez, to pay \$115 per week in child maintenance. The order of March 24, 1993
37 also requires the respondent to pay half of the reasonable medical, dental and educational
38 expenses the child.

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2 On August 25, 1993 this court ordered that the respondent was to pay fifty dollars per
3 week “against the arrears.” These payments were to be made to the Court Funds Office
4 on Friday of each week. The respondent says he misunderstood this order and interpreted
5 it to mean that his maintenance obligation was reduced to fifty dollars per week.

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7 Sometime towards the end of 1993, Mr. Dominguez left the Cayman Islands; he did not
8 return until 1996. During this hiatus he appears to have made no maintenance payments
9 and no payments towards the arrears. Mrs. Dominguez said she did not pursue him for
10 these payments because she did not know where he was.

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12 After Mr. Dominguez returned to the Cayman Islands in 1996, he made payments from
13 time to time to Mrs. Dominguez and directly to Gary. Neither party has kept any record
14 of these. It appears to be admitted that no payments at all were made to the Court Funds
15 Office. I have no sworn evidence from Jennifer King of the Court Funds Office,
16 although the court file contains an unsworn, anonymously prepared spreadsheet
17 calculating the maintenance arrears at \$78,545.00 from March, 1993 until March, 2006.

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19 In answer to questions from the court, Mr. Dominguez said that he is unemployed at the
20 present time. He is waiting to see if he will have to leave the island and return to his
21 native Honduras for immigration reasons. He has no income and no significant assets. In
22 these circumstances, the best I can do for Mrs. Dominguez is to adjourn this case to
23 February 1, 2007 for a continuation of the arrears hearing.

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2 Gary Henricks-Dominguez Junior attended the hearing before me and answered questions
3 from the bench. He is now seventeen years of age and studying Business Administration
4 at the Community College. He is employed and paying for his own education. I am
5 satisfied that he should no longer be considered a child of the marriage and I make that
6 direction now.

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8 Dated this 14th day of November, 2006

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10 *Henderson, J.*

11 Henderson, J.
12 Judge of the Grand Court

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