

Children and Young Persons (Amendment) Bill

Bill No. 35/2010.

Read the first time on 22nd November 2010.

A BILL

intituled

An Act to amend the Children and Young Persons Act (Chapter 38 of the 2001 Revised Edition) and to make consequential amendments to the Criminal Procedure Code 2010 (Act 15 of 2010) and the Private Education Act 2009 (Act 21 of 2009).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act may be cited as the Children and Young Persons (Amendment) Act 2010 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

5 Amendment of long title

2. The long title to the Children and Young Persons Act (referred to in this Act as the principal Act) is amended by inserting, immediately after the words “An Act”, the words “to provide for the welfare, care, protection and rehabilitation of children and young persons who are in
10 need of such care, protection or rehabilitation, to regulate homes for children and young persons and”.

Amendment of section 2

3. Section 2(1) of the principal Act is amended —

15 (a) by deleting the definitions of “approved home” and “approved school”;

(b) by inserting, immediately after the definition of “approved welfare officer”, the following definition:

20 ““assessment” means an assessment to determine either the state of the health or development of the child or young person or whether the child or young person is in need of care or protection or both;”;

(c) by inserting, immediately after the word “intellectual,” in the definition of “development”, the word “psychological,”;

25 (d) by inserting, immediately after the definition of “health”, the following definition:

30 ““home for children and young persons” means any establishment the object of which is, or is held out to be, the provision of residential accommodation with board and personal care for children or young persons, for the purposes of their protection or rehabilitation or both;”;

(e) by inserting, immediately after the definition of “juvenile”, the following definitions:

“juvenile rehabilitation centre” means any institution or part thereof appointed or established under Part VI as a juvenile rehabilitation centre;

5 “licence” means a licence issued under section 52B and licensee shall be construed accordingly;

“licensed home for children and young persons” means a home for children and young persons in respect of which a licence is issued under section 52B;”;

10 (f) by deleting the words “approved school, approved home, remand home, place of detention or place of safety” in the definition of “manager” and substituting the words “juvenile rehabilitation centre, place of safety, remand home, place of detention or place of temporary care and protection”;

15 (g) by inserting, immediately after the definition of “manager”, the following definition:

““place” includes any vessel, conveyance, house, building, enclosure, street, land or open space;”;

(h) by deleting the definition of “place of safety” and substituting the following definitions:

20 ““place of safety” means any institution or part thereof appointed or established under Part VI as a place of safety;

25 ““place of temporary care and protection” means any place or institution appointed or declared to be a place of temporary care and protection under section 27 or any other suitable place the occupier of which is willing temporarily to receive a child or young person committed under section 8A, 9 or 49;”;

30 (i) by deleting the definition of “visitor” and substituting the following definitions:

““Review Board” means the Review Board appointed under section 52G;

“voluntary care agreement” means a care agreement entered into between the Director and the parent or guardian of a child or young person to secure the safety and welfare of the child or young person;”.

5 **New section 3A**

4. The principal Act is amended by inserting, immediately before section 4 in Part II, the following section:

“Principles

3A. The following principles apply for the purposes of this Act:

- 10 (a) the parents or guardian of a child or young person are primarily responsible for the care and welfare of the child or young person and they should discharge their responsibilities to promote the welfare of the child or young person; and
- 15 (b) in all matters relating to the administration or application of this Act, the welfare and best interests of the child or young person shall be the first and paramount consideration.”.

Amendment of section 4

5. Section 4 of the principal Act is amended —

- 20 (a) by deleting paragraph (c) and substituting the following paragraph:
- “*(c)* the parent or guardian of the child or young person —
- (i) is unable or has neglected to provide adequate food, clothing, medical aid, lodging, care or other necessities of life for the child or young person;
- 25 or
- (ii) is unfit or unable or has neglected to exercise proper supervision and control over the child or young person, and the child or young person is falling into bad association, or is exposed to
- 30 moral danger, or is beyond control;”; and
- (b) by deleting the words “care and protection” in the section heading and substituting the words “care or protection”.

Amendment of section 6

6. Section 6 of the principal Act is amended by deleting the words “street, premises or” wherever they appear in subsections (1) and (2).

Amendment of section 7

5 **7.** Section 7 of the principal Act is amended —

(a) by deleting “\$5,000” and “\$10,000” and substituting “\$10,000” and “\$20,000”, respectively; and

(b) by deleting the words “2 years” and “4 years” and substituting the words “5 years” and “7 years”, respectively.

10 **Amendment of section 8**

8. Section 8 of the principal Act is amended —

(a) by deleting subsection (1) and substituting the following subsections:

“(1) Where a protector —

15 (a) has reasonable grounds to believe that a relevant offence has been, is being or will be committed against any child or young person or that any child or young person is in need of care or protection; and

(b) has reason to believe that any person can —

20 (i) furnish any information regarding the commission of any relevant offence in respect of a child or young person; or

(ii) furnish any information which will assist him in ascertaining whether a child or young person is
25 in need of care or protection,

the protector may exercise the powers conferred under subsection (1A).

(1A) The protector may, by order in writing —

30 (a) require the person referred to in subsection (1)(b)(i) or
(ii) to furnish such information to the protector in writing within such time as may be specified by the protector; or

(b) require such person to appear before and furnish such information to the protector at such time and place as may be specified by the protector.”; and

5 (b) by deleting the words “subsection (1)” in subsection (2) and substituting the words “subsection (1A)(b)”.

New section 8A

9. The principal Act is amended by inserting, immediately after section 8, the following section:

10 **“Power to order child or young person to be produced for assessment or treatment, etc.**

8A.—(1) Where the Director, a protector or a police officer is satisfied on reasonable grounds that a child or young person is in need of care or protection, the Director, protector or police officer may by notice in writing order any person to —

- 15 (a) produce the child or young person before the Director, protector or police officer at a specified time and place; or
- (b) produce the child or young person before a registered medical practitioner, a psychologist or an approved welfare officer for an assessment or for any medical or other
- 20 treatment as may be necessary,

following which the Director, protector or police officer may, if he thinks necessary, remove the child or young person and commit the child or young person to a place of temporary care and protection or to the care of a fit person until the child or young person can be

25 brought before a Juvenile Court to be dealt with under section 49.

(2) For the purposes of this section and sections 9 and 9A, a reference to a police officer is a reference to a police officer not below the rank of sergeant.”.

Repeal and re-enactment of section 9 and new section 9A

30 **10.** Section 9 of the principal Act is repealed and the following sections substituted therefor:

“Power to remove child or young person to place of temporary care and protection, etc.

5 **9.**—(1) Where the Director, a protector or a police officer is satisfied on reasonable grounds that a child or young person is in need of care or protection, the Director, protector or police officer may without warrant and with such assistance and by such force as is necessary, by day or by night enter any place in which the child or young person is to be found and —

10 (a) remove the child or young person and commit him to a place of temporary care and protection or to the care of a fit person until the child or young person can be brought before a Juvenile Court to be dealt with under section 49; or

15 (b) remove the child or young person and, before committing him to a place of temporary care and protection or to the care of a fit person under paragraph (a), present the child or young person before a registered medical practitioner, a psychologist or an approved welfare officer for an assessment or for any medical or other treatment as may be necessary.

20 (2) Subject to subsection (3), every child or young person who is removed by the Director, a protector or a police officer under section 8A or this section shall, unless he is sooner returned to the custody of his parent or guardian, be brought before a Juvenile Court within 3 working days from the date of his being so removed in order that he may be dealt with under section 49.

25 (3) If for any reason it is not possible for the child or young person to be brought before a Juvenile Court within the time specified in subsection (2) —

30 (a) the Director, protector or police officer (as the case may be) who removed the child or young person under subsection (1) shall, within 3 working days from the date of the removal of the child or young person, inform the Juvenile Court of the removal and the reason for which it is not possible to comply with subsection (2); and

35 (b) the Juvenile Court may make such order as the circumstances may admit and require in relation to the custody, charge and care of the child or young person until

such time as the child or young person may be brought before the Juvenile Court.

(4) Where the Director or a protector is of the view that any contact or access between the child or young person removed under subsection (1) and any other person is not in the best interests of the child or young person, the Director or protector may order that —

(a) the other person concerned shall not make any contact or have access to the child or young person during the period before the child or young person is brought before the Juvenile Court under subsection (2); or

(b) the other person concerned may only have contact or access to the child or young person subject to such conditions as the Director or protector may impose.

Assessment, examination and treatment of child or young person, etc.

9A.—(1) A registered medical practitioner, a psychologist or an approved welfare officer to whom a child or young person is brought under section 8A or 9 —

(a) shall conduct the requisite assessment of the child or young person and report his assessment to the Director, protector or police officer, as the case may be, who presented the child or young person for assessment; and

(b) may, with the consent of the parent or guardian of the child or young person or, if such consent cannot be obtained or if there is immediate risk to the health of the child or young person, with the authorisation of the Director, protector or police officer —

(i) administer or cause to be administered to the child or young person such procedures and tests as may be necessary to diagnose the condition of the child or young person; and

(ii) provide or cause to be provided to the child or young person such treatment (including any surgical treatment) as he considers necessary as a result of his assessment or diagnosis.

(2) If the registered medical practitioner, psychologist or approved welfare officer conducting the assessment of the child or young person under subsection (1) believes on reasonable grounds that the child or young person is suffering from any physical or emotional injury or any injury to his health or development as a result of being ill-treated, the registered medical practitioner, psychologist or approved welfare officer shall immediately notify the Director, protector or police officer, as the case may be, who presented the child or young person for assessment.

(3) Section 87 shall apply to a registered medical practitioner, a psychologist or an approved welfare officer who makes a notification under this section as if it were a notification made under section 87(1).

(4) If the registered medical practitioner conducting the assessment of the child or young person under this section is of the opinion that the hospitalisation of the child or young person is necessary for the purpose of treating the child or young person, the Director, protector or police officer may authorise the hospitalisation of the child or young person.”.

Amendment of section 12

11. Section 12(2) of the principal Act is amended by deleting the words “to imprisonment for a term not exceeding 4 years” and substituting the words “to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 5 years or to both”.

Amendment of section 13

12. Section 13 of the principal Act is amended by deleting the words “4 years” and substituting the words “5 years”.

Amendment of section 19

13. Section 19(1) of the principal Act is amended by deleting the words “vessel, house, building, land, enclosure or other”.

Amendment of section 22

14. Section 22 of the principal Act is amended —

- (a) by deleting the words “house, building, land, enclosure, vessel or other” in paragraph (c); and

(b) by deleting “\$1,000” and substituting “\$2,000”.

New section 27A

15. The principal Act is amended by inserting, immediately after section 27, the following section:

5 **“Restriction on publication of information leading to
identification of child or young person who is subject of
investigation, etc.**

10 **27A.—**(1) No person shall, without the Director’s approval, publish or broadcast any information that identifies, or is likely to lead to the identification of any child or young person as a child or young person —

- 15 (a) who has been or is the subject of any investigation under this Act;
- (b) who has been taken into care or custody by the Director, a protector or a police officer under this Act; or
- (c) who is the subject of an order made by a court under this Act.

 (2) If any information or picture is published or broadcast in contravention of subsection (1) —

- 20 (a) in the case of the publication of any information or picture as part of a newspaper or periodical publication, every proprietor, editor, publisher or distributor thereof;
- (b) in the case of the publication of any information or picture otherwise than as part of a newspaper or periodical
25 publication, the person who publishes or distributes it; or
- (c) in the case of the broadcast of any information or picture, every person who transmits or provides the programme in which the information or picture is broadcast and every person having functions in relation to the programme
30 corresponding to those of the editor of a newspaper or periodical publication,

shall jointly be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 and, in the case of a second or subsequent conviction, to a fine not exceeding \$10,000.

(3) In this section, “broadcast” and “publish” have the same meanings as in section 35(5).”.

Amendment of section 30

16. Section 30 of the principal Act is amended —

5 (a) by inserting, immediately after the words “with or without warrant” in subsection (1), the words “and he is not released”; and

(b) by deleting subsection (2) and substituting the following subsections:

10 “(2) Where the person cannot be brought immediately before a Juvenile Court as required under subsection (1), the police officer or other officer from a law enforcement agency making the arrest shall, without unnecessary delay, take or send the person arrested before a Magistrate.

15 (3) The Juvenile Court or Magistrate, as the case may be, before whom a person is brought under subsection (1) or (2) shall inquire into the case and shall determine whether —

(a) the charge is one of an offence triable only by the High Court;

20 (b) it is necessary in the interest of the person to remove him from association with any undesirable person;

(c) the person is likely to abscond;

(d) the person may commit further offences;

(e) it is necessary to —

25 (i) prevent the loss or destruction of evidence relating to the offence with which the person is charged; or

(ii) prevent interference with any witness in respect of any such offence; or

30 (f) there is reason to believe that the release of that person would otherwise defeat the ends of justice.

(4) If none of the circumstances referred to in subsection (3) exist, the Juvenile Court or Magistrate shall release the person

on a bond, with or without sureties, for such amount as will, in the opinion of the Juvenile Court or Magistrate, secure the attendance of the person upon the hearing of the charge.

5 (5) The bond shall be entered into by the parent or guardian of the person or any other person responsible for the care and control of the person.”.

Amendment of section 32

17. Section 32 of the principal Act is amended by inserting, immediately after subsection (3), the following subsection:

10 “(3A) The functions of the panel of advisers referred to in subsection (3) shall be to inform and advise the Juvenile Court with respect to —

- (a) any matter or consideration which may affect the treatment of any child or young person; or
- 15 (b) any order that may be made in respect of any child or young person brought before the Juvenile Court.”.

Amendment of section 35

18. Section 35(3) of the principal Act is amended by deleting “\$2,000” and substituting “\$5,000”.

Amendment of section 44

19. Section 44 of the principal Act is amended —

- (a) by deleting “52” in subsection (1)(h) and substituting “26”;
- (b) by deleting the words “an approved school for a period of not less than 2 years and” in subsection (1)(i) and substituting the words “a juvenile rehabilitation centre for a period of”;
- 25 (c) by deleting the words “an approved school” in subsections (1)(k)(ii), (6) and (7)(b)(ii) and substituting in each case the words “a juvenile rehabilitation centre”;
- (d) by deleting subsection (4);
- 30 (e) by deleting the words “an approved school or an approved home” in subsection (7) and substituting the words “a juvenile rehabilitation centre or a place of safety”;

(f) by deleting the words “approved school or approved home” in subsection (7) and substituting the words “juvenile rehabilitation centre or place of safety”; and

5 (g) by deleting the words “an approved school or in another approved school” in subsection (7)(a) and substituting the words “a juvenile rehabilitation centre or in another juvenile rehabilitation centre”.

Amendment of section 45

20. Section 45 of the principal Act is amended —

10 (a) by deleting the words “family conference” wherever they appear in subsections (1) to (4) and in the section heading and substituting in each case the words “juvenile case conference”; and

(b) by deleting “\$1,000” in subsection (5) and substituting “\$2,000”.

15 **Amendment of section 46**

21. Section 46(1) of the principal Act is amended by deleting the words “family conference” and substituting the words “juvenile case conference”.

New sections 48A, 48B and 48C

20 22. The principal Act is amended by inserting, immediately above section 49 under the sub-heading “*Children and Young Persons in need of Care and Protection*”, the following sections:

“Voluntary care agreements

25 48A. Where the Director is of the view that a voluntary care agreement will promote the welfare of a child or young person and it is practicable to enter into such voluntary care agreement with the parent or guardian of the child or young person, the Director may enter into such voluntary care agreement subject to such conditions and requirements as may be prescribed.

30 **Procedure**

48B.—(1) Subject to section 48C, all applications to a Juvenile Court under section 49 or 50 shall be made and heard in the same

manner and in accordance with the same procedure as applications for summonses are made and heard by the District Court or a Magistrate's Court under the provisions of the Criminal Procedure Code 2010 (Act 15 of 2010) and an application under section 49 or 50 shall be deemed to be a complaint for the purposes of that Code.

(2) For the avoidance of doubt, proceedings under section 49 or 50 shall not be treated as criminal proceedings.

Service of summons

48C.—(1) Every summons issued by a court in connection with any proceedings under section 49 or 50 may be served on the person concerned —

- (a) by delivering it to him;
- (b) by delivering it to any adult person who is a member of the family residing at his last known place of residence; or
- (c) by forwarding it by registered post in a cover addressed to him at his last known place of residence or business or at any address furnished by him.

(2) Any summons sent by registered post to any person in accordance with subsection (1) shall be deemed to be duly served on the person to whom the summons is addressed at the time when the summons would in the ordinary course of post be delivered.

(3) In proving service by registered post, it shall be sufficient to prove that the cover containing the summons was properly addressed, stamped and posted by registered post.”.

Amendment of section 49

23. Section 49 of the principal Act is amended —

- (a) by inserting, immediately after the words “Subject to the provisions of this section” in subsection (1), the words “and on the application made by the Director or a protector”;
- (b) by deleting the words “an approved home or a place of safety” in subsection (1)(c) and substituting the words “a place of safety or a place of temporary care and protection”;
- (c) by inserting, immediately after subsection (3), the following subsections:

“(3A) Where the Juvenile Court considers the presence of a child or young person or his parent or guardian to be necessary or expedient for the purposes of the proceedings, the Court may compel the attendance of the child or young person or his parent or guardian by summons.

(3B) The Juvenile Court may dispense with the attendance of a child or young person in Court if it considers that the prejudicial effects, if any, of dispensing with his attendance is outweighed by any harm or injury to or any other detrimental effect on the welfare of the child or young person that will or may be caused to him by his attendance in Court.”;

- (d) by deleting the word “surroundings” in subsection (5) and substituting the word “environment”;
- (e) by inserting, immediately after the word “medical,” in subsection (6)(d), the word “psychiatric,”;
- (f) by inserting, immediately after the words “report to the Court” in subsection (7)(a), the words “and a protector”; and
- (g) by inserting, immediately after subsection (8), the following subsections:

“(9) The Juvenile Court may, at any time before the expiry of an order made under subsection (1) and on the application of the Director or a protector, vary or discharge the order if the Court is satisfied that it would be in the best interests of the person in respect of whom the order was made.

(10) For the avoidance of doubt, where an order to be varied or discharged under subsection (9) is an order made under subsection (1)(b), (c) or (d) and involves a person who is above the age of 16 years (but below the age of 19 years) at the time the order is to be varied or discharged, the Juvenile Court shall not vary the period for which the person is to be detained, committed to care or placed under supervision, as the case may be.

(11) If the parent or guardian of the child or young person fails to enter into the bond within the time specified in the order made under subsection (1)(a) or breaches any condition of the bond, the parent or guardian shall be guilty of an offence

and shall be liable on conviction to a fine not exceeding \$2,000.”.

Amendment of section 50

24. Section 50 of the principal Act is amended —

5 (a) by inserting, immediately after the words “the child or young person, the Court,” in subsection (1), the words “may on the application made by the parent or guardian and”;

(b) by deleting paragraph (ii) of subsection (1) and substituting the following paragraph:

10 “(ii) to be sent to a place of safety for a period not exceeding 3 years.”;

(c) by inserting, immediately after subsection (1), the following subsection:

15 “(1A) Where the Juvenile Court requires further information to be provided as to the family background, general conduct, home environment, school record, medical history and state of development of the child or young person, the Court may order that the child or young person be kept in custody at such place as may be determined by a protector pending the receipt of
20 such information by the Court.”; and

(d) by inserting, immediately after subsection (3), the following subsection:

25 “(4) For the avoidance of doubt, where an order to be varied or discharged under subsection (3) is an order made under subsection (1)(i) or (ii) and involves a person who is above the age of 16 years (but below the age of 19 years) at the time the order is to be varied or discharged, the Juvenile Court shall not vary the period for which the person is to be placed on supervision or detained in a place of safety, as the case may
30 be.”.

New Part IIIA

25. The principal Act is amended by inserting, immediately after section 52, the following Part:

“PART IIIA

LICENSING OF HOMES FOR CHILDREN
AND YOUNG PERSONS**Homes for children and young persons to be licensed**

5 **52A.**—(1) No person shall operate a home for children and young persons except under the authority of and in accordance with the terms and conditions of a licence issued by the Director.

(2) Any —

10 (a) person who operates a home for children and young persons without a licence issued by the Director under subsection (1); or

(b) licensee who breaches any term or condition of the licence in respect of a licensed home for children and young persons,

15 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 2 years or to both.

Application for licence

20 **52B.**—(1) An application for the issuance or renewal of a licence shall be made to the Director in such form as may be prescribed.

(2) A licensee who wishes to renew his licence must make an application for the renewal of his licence at least 6 months before the expiry of his licence.

25 (3) On receipt of an application, the Director may, in his discretion —

(a) issue or renew a licence subject to such terms and conditions as he may think fit to impose; or

(b) refuse to issue or renew the licence.

(4) The Director may refuse to issue or renew a licence if —

30 (a) the Director is not satisfied that —

- (i) the applicant is a fit or proper person to hold or continue to hold a licence in respect of a home for children and young persons; or
- 5 (ii) where the applicant is a body corporate, any member of the board of directors, the committee, board of trustees or other governing body of the body corporate is a fit and proper person;
- (b) 10 the premises are unfit to be used as a home for children and young persons by reason of the situation, construction, accommodation, staffing, cleanliness or equipment or any other condition of the premises of the proposed home;
- (c) the premises to be used as a home for children and young persons do not comply with the prescribed requirements;
- 15 (d) the home for children and young persons would not be under the continuous personal management and supervision of a person of sufficient qualifications and experience to ensure the satisfactory operation of the home; or
- (e) it is not in the public interest to issue or renew the licence.

20 (5) In deciding for the purposes of this section whether a person is a fit and proper person, the Director may consider any of the following matters as indicating that the person may not be a fit and proper person:

- (a) that the person associates with a criminal in a way that indicates involvement in an unlawful activity;
- 25 (b) that in dealings in which the person has been involved, the person or officer —
 - (i) has shown dishonesty or lack of integrity; or
 - (ii) has used harassing tactics;
- (c) that the person is or was suffering from a mental disorder; or
- 30 (d) that the person is an undischarged bankrupt or has entered into a composition with his debtors.

(6) Subsection (5) shall not be construed so as to limit the circumstances in which a person or an officer of a business entity may be considered by the Director not to be a fit and proper person.

(7) Where the Director refuses to issue a licence, he shall state in writing the reasons for his refusal.

Fee for and duration of licence

5 **52C.**—(1) On the issue or renewal of a licence, the licensee shall pay a fee of such amount as may be prescribed.

(2) Unless earlier revoked, a licence shall be valid for a period of 2 years from the date of its issue or such shorter period as may be specified in the licence in any particular case.

Display of licence

10 **52D.**—(1) Every licensee shall cause his or its licence to be permanently displayed in a conspicuous place in the home for children and young persons to which the licence relates where the licence can readily be seen by all persons having access to that home for children and young persons.

15 (2) Any licensee who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 and, in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part thereof during which the offence continues after conviction.

Transfer of licence

20 **52E.**—(1) On an application in writing signed by the licensee of any licensed home for children and young persons and by the person to whom the licensee desires to transfer the licence (referred to in this section as the transferee), the Director may, if he thinks fit, either by
25 way of endorsement on the licence or otherwise in writing, transfer the licence to the transferee, and thereupon the transferee shall become the licensee of the home for children and young persons.

(2) The Director may refuse to approve the transfer of a licence on any of the grounds on which —

30 (a) he could have refused to issue a licence to the transferee under section 52B; or

(b) he could have revoked the licence under section 52L.

Inspection of homes for children and young persons

52F.—(1) The Director and any officer authorised by him may —

(a) at any time, enter and inspect —

(i) any licensed home for children and young persons; or

5 (ii) any premises which he has reason to suspect are used for the purposes of a home for children and young persons without a licence;

(b) require any person taking part in the operation or management of a licensed home for children and young persons to —

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(i) produce any record, document or other article relating to the management of that home for children and young persons or to any other activity in respect of the home for children and young persons; and

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(ii) furnish any other information relating to such management or activity;

(c) remove for further examination any record, document or other article which he has reason to suspect is evidence of the commission of an offence under this Act, or is evidence of a ground for —

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(i) the suspension or revocation of the licence of a person in respect of a home for children and young persons; or

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(ii) where the home for children and young persons is a juvenile rehabilitation centre or place of safety, the cancellation of the certificate of appointment of the juvenile rehabilitation centre or place of safety; and

(d) do such other things as are necessary for the inspection of a licensed home for children and young persons.

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(2) Any person who prevents or obstructs the Director or any officer authorised by him in the execution of his powers, or refuses to produce any record, document, article or other information upon being required to do so under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 12 months or to both.

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(3) In this section, a reference to a record, document, article or information includes any record, document, article or information which exists in any form or medium.

Review Board

5 **52G.**—(1) The Minister may, by notification in the *Gazette*, appoint such persons as he may think fit to be the members of the Review Board.

10 (2) The members of the Review Board shall hold office for such period as may be specified in the notification referred to in subsection (1).

(3) The functions of the Review Board shall be to —

15 (a) review the living conditions in and the standard of care and supervision provided by any licensed home for children and young persons to the children and young persons residing therein;

(b) review all cases of children and young persons admitted to a licensed home for children and young persons with a view to ensuring that a proper care plan is in place for such children and young persons; and

20 (c) advise the Director on —

25 (i) whether any child or young person who has been placed in a juvenile rehabilitation centre or place of safety, may be released on licence from the juvenile rehabilitation centre or place of safety at any time before the completion of his full period of detention; and

 (ii) the conditions subject to which such child or young person should be released.

30 (4) Every member of the Review Board appointed under subsection (1) may enter at any time any licensed home for children and young persons and make such inquiries or examination therein as appear to him necessary and shall also make such reports as may be required by the Minister.

35 (5) Any person who refuses admittance to any such member of the Review Board appointed under subsection (1) or offers any hindrance

or obstruction to such member after his identity is reasonably established shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 12 months or to both.

- 5 (6) For the purpose of this section, a proper care plan must meet such requirements as may be specified by the Director.

Director may direct remedial measures

10 **52H.**—(1) The Director may, in respect of any licensed home for children and young persons, by notice in writing, give such directions as he thinks necessary to ensure that —

- (a) it is operated and managed satisfactorily;
- (b) the welfare of the children and young persons residing in the home is properly safeguarded and promoted; and
- (c) the provisions of this Act are complied with.

15 (2) For the avoidance of doubt, a direction under subsection (1) may include a direction requiring the licensee of a licensed home for children and young persons to suspend any staff of the home from his duties.

(3) A notice under subsection (1) shall —

- 20 (a) be served upon the licensee of the home for children and young persons; and
- (b) specify the period of time within which a direction shall be complied with.

Duty to furnish information

25 **52I.**—(1) The Director may, from time to time, by notice in writing, require the licensee of a home for children and young persons to furnish such information as the Director may require relating to —

- (a) the staff and residents;
- 30 (b) the condition or treatment of any resident;
- (c) the premises of the home, the accommodation provided at the home and the environment at the home; and

(d) any matter relevant to the administration or enforcement of this Act.

(2) A licensee who on receipt of any notice under subsection (1) —

(a) refuses or fails to furnish any information required by the Director; or

(b) gives any false or misleading information,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

Director may order closure of home for children and young persons

52J.—(1) If the Director has reason to believe that —

(a) the premises of a licensed home for children and young persons are unfit or unsafe for use as such; or

(b) the safety or welfare of the children and young persons residing in the home is being endangered,

he may, by order in writing, direct the immediate closure of the home for children and young persons.

(2) The Director may make an order under subsection (1) notwithstanding that the licence in respect of the home for children and young persons has not been cancelled, revoked or suspended.

(3) An order under this section shall be served on the licensee of the home for children and young persons and shall take effect from the date of the service thereof.

(4) It shall be sufficient service of an order under this section if —

(a) it is delivered personally to the licensee;

(b) it is sent by registered post to the last known residential or business address of the licensee; or

(c) a copy of the order is posted in a conspicuous place on or in the premises of the home for children and young persons to which the order relates.

(5) Any person who fails to comply with an order served on him under this section shall be guilty of an offence and shall be liable on

conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 12 months or to both.

Cancellation of licence at request of licensee

5 **52K.**—(1) The licensee of any licensed home for children and young persons may, upon giving 6 months' prior notice of his intention to do so, apply for the cancellation of the licence issued in respect of the licensed home for children and young persons.

10 (2) The executor or administrator of a deceased licensee, may, upon giving one month's prior notice in writing of his intention to do so, apply for the cancellation of the licence issued in respect of the licensed home for children and young persons.

(3) Where a notice has been given under subsection (1) or (2) and has not been withdrawn, the licence shall be deemed to be cancelled upon the expiry of the notice period referred to in that subsection.

Revocation and suspension of licence

15 **52L.**—(1) The Director may revoke or suspend a licence to use any premises as a home for children and young persons —

- 20 (a) on any of the grounds on which he could have refused to issue a licence under section 52B;
- (b) if the licensee fails to comply with any direction given by the Director under section 52H;
- (c) if the premises has ceased to be used as a home for children and young persons;
- (d) if in the opinion of the Director —
 - 25 (i) the standard of care available to or provided to any resident in the home is unsatisfactory;
 - (ii) any resident has been ill-treated or neglected in a manner likely to cause unnecessary suffering to him or has been kept in an environment that is injurious to his mental or physical health;
 - 30 (iii) the premises of the home are in such a condition, or the home is managed or conducted in such a manner, that the revocation of the licence is required in the interests of the residents or in the public interest;

- (e) if a licensee is convicted of any offence under this Act; or
- (f) if a licensee has contravened or failed to comply with any of the provisions of this Act or any condition specified in the licence issued to him.

5 (2) Before revoking or suspending a licence, the Director shall give notice to the licensee of the ground or grounds on which he proposes to revoke or suspend the licence and shall give the licensee an opportunity to show cause as to why the licence should not be revoked or suspended.

10 (3) A licensee who wishes to show cause against the revocation or suspension of the licence shall submit his reasons in writing to the Director within 14 days after the date of the notice given by the Director under subsection (2), failing which the Director may nonetheless proceed to revoke or suspend the licence, as the case may be.

15 (4) The Director shall give written notice to the licensee of the Director's decision to revoke or suspend a licence.

Effect of cancellation, revocation or suspension of licence

20 **52M.**—(1) Where the licence of a home for children and young persons is cancelled under section 52K, or revoked or suspended under section 52L, the home shall cease to be used as such with effect from the date on which the licence is cancelled, revoked or suspended, as the case may be.

25 (2) For the avoidance of doubt, subsection (1) shall have effect notwithstanding any appeal by the licensee to the Minister under section 52O.

Discharge or transfer of children and young persons

30 **52N.** When the licence of a home for children and young persons is cancelled, revoked or suspended, or the Director has ordered its immediate closure under section 52J, the children and young persons residing therein shall by order of the Minister, either be discharged or transferred to another licensed home for children and young persons specified in the order.

Appeal

52O. Any person aggrieved by any decision of the Director under section 52B or 52L may, within 21 days after the date of the written notice of the decision, appeal to the Minister whose decision shall be final.

Exemption

52P.—(1) Subject to subsection (2), this Part shall not apply to —

- (a) any home for children and young persons which is under the management or control of the Government;
- (b) any child care centre licensed under the Child Care Centres Act (Cap. 37A);
- (c) any school which is registered under the Education Act (Cap. 87);
- (d) any approved institution established under the Probation of Offenders Act (Cap. 252);
- (e) any place where a child or young person is being cared for by a parent, family member or foster parent; and
- (f) such other home for children and young persons as may be prescribed.

(2) Sections 52F and 52G shall apply to a home for children and young persons under the management or control of the Government.

Regulations for this Part

52Q.—(1) The Minister may make regulations for the purposes of this Part and, in particular, for the management of licensed homes for children and young persons and for the maintenance of order and discipline of the staff and of the persons residing in such homes.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations providing for all or any of the following matters:

- (a) the forms, fees and registers for the purposes of this Act;
- (b) the operation, management and supervision of a licensed home for children and young persons;

- (c) the duties and responsibilities of licensees of licensed homes for children and young persons;
- (d) the standard of care and supervision of children and young persons residing in a licensed home for children and young persons;
- (e) the control and supervision of activities in a licensed home for children and young persons;
- (f) the keeping of records;
- (g) the reports and information to be supplied to the Director in respect of a licensed home for children and young persons;
- (h) the prescribing of anything which may be prescribed under this Part.

(3) The Director may, by notice in writing to the licensee of a licensed home for children and young person, vary or waive wholly, partly or conditionally the requirements of any regulation in respect of that home for children and young persons and may amend or withdraw any such notice.”.

Amendment of section 54

26. Section 54 of the principal Act is amended by inserting, immediately after subsection (2), the following subsection:

“(2A) Where an order made by the Juvenile Court in respect of a child or young person under section 44(1) has been contravened, the Juvenile Court may, notwithstanding that the person is above the age of 16 years (but below the age of 19 years) at the time of the contravention, order that the person be remanded in a remand home pending any further order by the Court on how he is to be dealt with.”.

Repeal of section 67

27. Section 67 of the principal Act is repealed.

Amendment of section 74

28. Section 74 of the principal Act is amended —

- (a) by deleting the words “an approved school, an approved home” and substituting the words “a juvenile rehabilitation centre, a place of safety”;
- (b) by deleting the words “place of safety or” and substituting the words “place of temporary care and protection or”; and
- (c) by deleting the words “medical treatment” wherever they appear (including the section heading) and substituting in each case the words “medical examination or medical treatment”.

Amendment of section 76

10 **29.** Section 76 of the principal Act is amended —

- (a) by deleting the words “approved school or approved home” wherever they appear in subsections (1) and (7) and substituting in each case the words “juvenile rehabilitation centre or place of safety”;
- (b) by deleting the words “, when they have been detained for 12 months” in subsection (1);
- (c) by deleting the words “advisory board mentioned in subsection (3)” in subsection (2) and substituting the words “Review Board”;
- (d) by deleting the words “an approved school or approved home for 12 months” in subsection (2) and substituting the words “a juvenile rehabilitation centre or a place of safety”;
- (e) by deleting subsections (4) and (5);
- (f) by deleting the words “an approved school or approved home” in subsections (6) and (8) and substituting in each case the words “a juvenile rehabilitation centre or a place of safety”;
- (g) by deleting the words “the approved school or approved home” in subsection (6) and substituting the words “the juvenile rehabilitation centre or place of safety”;
- (h) by deleting the words “an advisory board” in subsection (7) and substituting the words “the Review Board”; and
- (i) by deleting the words “approved schools or approved homes” in the section heading and substituting the words “juvenile rehabilitation centres or places of safety”.

Amendment of section 86

30. Section 86 of the principal Act is amended by deleting the words “a board of visitors” and substituting the words “the Review Board”.

Amendment of section 87

5 **31.** Section 87 of the principal Act is amended by deleting subsection (2) and substituting the following subsection:

10 “(2) Where the Director or a police officer not below the rank of sergeant receives any notification under subsection (1), the Director or police officer may, without prejudice to any other power conferred on him by this Act, transmit any information contained in the notification to —

(a) a protector or any other person assisting the Director in the administration or enforcement of this Act; and

15 (b) any other person or class of persons specified by the Director,

in order that the protector or person may take such action as may be necessary in accordance with this Act to ensure that the child or young person concerned receives the care or protection that he needs.”.

20 New sections 87A and 87B

32. The principal Act is amended by inserting, immediately after section 87, the following sections:

“Confidentiality of information relating to children and young persons

25 **87A.**—(1) Any person to whom any information relating to a child or young person has been disclosed to him by the Director in the performance of any duty or the exercise of any power by the person shall not disclose such information to another person unless such disclosure has been authorised by the Director.

30 (2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

Offences by bodies corporate, etc.

87B.—(1) Where an offence under this Act committed by a body corporate is proved —

5 (a) to have been committed with the consent or connivance of an officer; or

 (b) to be attributable to any act or default on his part,

the officer as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

10 (2) Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

 (3) Where an offence under this Act committed by a partnership is proved —

15 (a) to have been committed with the consent or connivance of a partner; or

 (b) to be attributable to any act or default on his part,

the partner as well as the partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

20 (4) Where an offence under this Act committed by a limited liability partnership is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a partner or manager of the limited liability partnership, the partner or manager (as the case may be) as well as the partnership
25 shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

 (5) Where an offence under this Act committed by an unincorporated association (other than a partnership) is proved —

30 (a) to have been committed with the consent or connivance of an officer of the unincorporated association or a member of its governing body; or

 (b) to be attributable to any act or default on the part of such an officer or a member,

the officer or member as well as the unincorporated association shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(6) In this section —

5 “body corporate” and “partnership” exclude a limited liability partnership within the meaning of the Limited Liability Partnerships Act (Cap. 163A);

“officer” —

10 (a) in relation to a body corporate, means any director, member of the committee of management, chief executive officer, manager, secretary or other similar officer of the body corporate and includes any person purporting to act in any such capacity; and

15 (b) in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, or any person holding a position analogous to that of the president, secretary or member of the committee and includes any person purporting to act in
20 any such capacity;

“partner” includes a person purporting to act as a partner.

25 (7) The Minister may make rules to provide for the application of any provision of this section, with such modifications as the Minister considers appropriate, to any body corporate, limited liability partnership or unincorporated association formed or recognised under the law of a territory outside Singapore.”.

Amendment of section 88

33. Section 88(2) of the principal Act is amended —

30 (a) by deleting the words “approved schools, approved homes, remand homes, places of detention and places of safety” in paragraphs (b), (d) and (e) and substituting in each case the words “juvenile rehabilitation centres, places of safety, remand homes, places of detention and places of temporary care and protection”;

- (b) by deleting the words “, a board of visitors and an advisory board” in paragraph (c) and substituting the words “and the Review Board”;
- (c) by deleting the word “and” at the end of paragraph (d); and
- 5 (d) by deleting the full-stop at the end of paragraph (e) and substituting a semi-colon, and by inserting immediately thereafter the following paragraphs:
- “(f) the considerations, conditions and requirements subject to which a voluntary care agreement may be made;
- 10 style="padding-left: 40px;">(g) the effect of a voluntary care agreement and the validity period of such voluntary care agreement;
- (h) the implementation, variation and termination of a voluntary care agreement.”.

15 **Miscellaneous amendments**

34. The principal Act is amended —

- (a) by deleting the words “place of safety” wherever they appear in the following sections and substituting in each case the words “place of temporary care and protection”:
- 20 style="padding-left: 40px;">Sections 10(1) and (2), 16(ii), 24(3), 25(1), 27(a) and (b), 83 and 84(1), (4)(b) and (5);
- (b) by deleting the words “Section 9(2) to (7)” in section 10(3) and substituting the words “Sections 9(2), (3) and (4) and 9A(1) to (4)”;
- 25 (c) by deleting the words “that section” in section 10(3) and substituting the words “section 9”;
- (d) by deleting “\$1,000” in the following sections and substituting in each case “\$2,000”:
- Sections 11(2), 17(3), 24(2), 78 and 79;
- 30 (e) by deleting the words “an approved school, an approved home” in the following sections and substituting in each case the words “a juvenile rehabilitation centre, a place of safety”:

Sections 24(3), 68(1), (2) and (3), 70(1), 79(a) and (b), 81 and 82;

- (f) by deleting the words “approved school, approved home” wherever they appear in the following sections and substituting in each case the words “juvenile rehabilitation centre, place of safety”:

Sections 24(3), 68(2) and (3) and section heading, 69(1) and (2) and section heading, 70(1) and (2), 71(1) and (2) and section heading, 78(a) and (c), 79 (section heading) and 81;

- (g) by deleting the words “places of safety” in the section heading of section 27 and substituting the words “places of temporary care and protection”;

- (h) by deleting the words “an approved school” in sections 28(2) and 37(2) and substituting in each case the words “a juvenile rehabilitation centre”;

- (i) by deleting the words “approved home or approved school” in the section heading of section 47 and substituting the words “juvenile rehabilitation centre or place of safety”;

- (j) by deleting the words “an approved school or an approved home” in sections 47(b), 65(2) and 77(1) and substituting in each case the words “a juvenile rehabilitation centre or a place of safety”;

- (k) by deleting the heading to Part VI and substituting the following heading:

“JUVENILE REHABILITATION CENTRES
AND PLACES OF SAFETY”;

- (l) by deleting the words “approved schools and approved homes” in the following sections and substituting in each case the words “juvenile rehabilitation centres and places of safety”:

Sections 56 (section heading), 64(1) and section heading, 65 (section heading) and 66 (section heading);

- (m) by deleting the words “an approved school or approved home” in the following sections and substituting in each case the words “a juvenile rehabilitation centre or place of safety”:

Sections 56(1), 63(1), 72 and 77(2);

(n) by deleting the words “approved school or approved home, as the case may be,” in sections 56(3) and 59(2) and substituting in each case the words “juvenile rehabilitation centre or place of safety”;

(o) by deleting the words “approved school or approved home” wherever they appear in the following sections and substituting in each case the words “juvenile rehabilitation centre or place of safety”:

Sections 57, 58, 59(1), 60(1), 61, 62, 63(2), 64(2), 65(2), 72, and 77(2) and (3);

(p) by deleting the words “school or home” in section 59(2) and substituting the words “juvenile rehabilitation centre or place of safety”;

(q) by deleting the words “appointed approved school or approved home” wherever they appear in section 63(1) and substituting in each case the words “appointed juvenile rehabilitation centre or place of safety”;

(r) by deleting the words “Approved schools and approved homes” in section 65(1) and substituting the words “Juvenile rehabilitation centres and places of safety”;

(s) by deleting the words “approved schools or approved homes” in sections 66 and 77 (section heading) and substituting in each case the words “juvenile rehabilitation centres or places of safety”;

(t) by deleting the words “APPROVED SCHOOLS, APPROVED HOMES” in the heading to Part VII and substituting the words “JUVENILE REHABILITATION CENTRES, PLACES OF SAFETY”;

(u) by deleting the words “an approved school or approved home” in sections 83 and 84(4)(b) and substituting in each case the words “juvenile rehabilitation centre or place of safety”;

(v) by deleting the words “an approved school or approved home” in section 84(1) and substituting the words “a juvenile rehabilitation centre or a place of safety”;

(w) by deleting the words “approved school, or approved home” in section 84(4)(b) and substituting the words “juvenile rehabilitation centre or place of safety”;

5 (x) by deleting the words “, an approved school or approved home” in section 84(5) and substituting the words “, juvenile rehabilitation centre or place of safety”; and

(y) by deleting the words “from an approved school or approved home” in section 84(5) and substituting the words “from a juvenile rehabilitation centre or a place of safety”.

10 **Consequential amendment to Criminal Procedure Code 2010**

35. Section 305(1) of the Criminal Procedure Code 2010 (Act 15 of 2010) is amended by deleting the words “an approved school” in paragraph (b) and substituting the words “a juvenile rehabilitation centre”.

Consequential amendment to Private Education Act 2009

15 **36.** Section 72 of the Private Education Act 2009 (Act 21 of 2009) is amended by deleting paragraph (j) and substituting the following paragraph:

20 “(j) any place of safety or juvenile rehabilitation centre approved, appointed or established under the Children and Young Persons Act (Cap. 38) or any approved institution approved under section 12 of the Probation of Offenders Act (Cap. 252), respectively, and the respective managers thereof.”.

Savings and transitional provisions

25 **37.—**(1) Any application that is made before the date of commencement of section 34(l), (m) and (n) of this Act for the appointment of an institution as an approved school or an approved home under section 56(1) of the principal Act in force immediately before that date and that is still pending on that date shall, as from that date, be deemed to be an application for the appointment of that institution as a juvenile
30 rehabilitation centre or a place of safety, as appropriate, under section 56(1) of the principal Act as amended by this Act.

(2) Where a school is appointed or established as an approved school under Part VI of the principal Act in force immediately before the date of commencement of section 34(k) of this Act —

- (a) that approved school shall be deemed to be a juvenile rehabilitation centre under the principal Act as amended by this Act; and
- (b) any certificate of appointment issued by the Minister under section 56(2) of the principal Act in force immediately before that date shall be deemed to be a certificate appointing that school as a juvenile rehabilitation centre and shall, unless the certificate is earlier cancelled, expire on such date as it would have expired had this Act not been enacted.
- (3) Where a home is appointed or established as an approved home under Part VI of the principal Act in force immediately before the date of commencement of section 34(k) of this Act —
- (a) that approved home shall be deemed to be a place of safety under the principal Act as amended by this Act; and
- (b) any certificate of appointment issued by the Minister under section 56(2) of the principal Act in force immediately before that date shall be deemed to be a certificate appointing that home as a place of safety and shall, unless the certificate is earlier cancelled, expire on such date as it would have expired had this Act not been enacted.
- (4) Where any place, orphanage, hospital, home or other institution has been appointed or declared, as the case may be, to be a place of safety under section 27 of the principal Act in force immediately before the date of commencement of section 34(a) and (g) of this Act, that place of safety —
- (a) shall be deemed to a place of temporary care and protection under the principal Act as amended by this Act; and
- (b) shall remain a place of temporary care and protection for such period as may be stated in the notification in the *Gazette* made under section 27 of the principal Act as in force before that date appointing or declaring that place of safety as such.
- (5) Every family conference which was convened under section 45 of the principal Act in force immediately before the date of commencement of section 20 of this Act and which has not been concluded by that date shall be deemed to be a juvenile case conference under the principal Act as amended by this Act.

(6) For a period of 2 years after the commencement of this section, the Minister may, by regulations, prescribe such additional provisions of a savings or transitional nature consequent on the enactment of this Act as he may consider necessary or expedient.

EXPLANATORY STATEMENT

This Bill seeks to amend the Children and Young Persons Act (Cap. 38) for the following main purposes:

- (a) to establish a licensing scheme for homes for children and young persons;
- (b) to enhance the penalties for certain offences under the Act;
- (c) to establish a new Review Board which would replace advisory boards and board of visitors in exercising supervision over homes for children and young persons;
- (d) to clarify the procedure in respect of proceedings relating to the care or protection of a child or young person under sections 49 and 50;
- (e) to enhance the powers of the Juvenile Court in dealing with cases involving children and young persons in need of care, protection or rehabilitation;
- (f) to elaborate on the powers of the Director of Social Welfare (the Director) under the Act; and
- (g) to make some changes in nomenclature.

The Bill also makes consequential amendments to the Criminal Procedure Code 2010 (Act 15 of 2010) and the Private Education Act 2009 (Act 21 of 2009).

Clause 1 relates to the short title and commencement.

Clause 2 amends the long title to elaborate on the purposes of the Act.

Clause 3 introduces new definitions for “assessment”, “home for children and young persons”, “juvenile rehabilitation centre”, “licence”, “licensed home for children and young persons”, “place”, “place of safety”, “place of temporary care and protection”, “voluntary care agreement” and “Review Board” in section 2(1). The clause also makes a minor amendment to the definition of “development” to include a reference to psychological development, a technical amendment to the definition of “manager” arising from the change in nomenclature of “approved homes” and “approved schools” and deletes the definition of “visitor”.

Clause 4 inserts a new section 3A which sets out the principles underlying the administration and application of the Act.

Clause 5 amends section 4(c) to make it clear that a child or young person may be considered in need of care and protection where his parent or guardian is unable or has

neglected to provide adequate necessities of life for him, notwithstanding that such neglect is not wilful or deliberate.

Clause 6 amends section 6 by deleting the references to “street” and “premises” which have become unnecessary in light of the new definition of “place”.

Clause 7 amends section 7 by increasing the penalties for an offence relating to the sexual exploitation of a child or young person under the section.

Clause 8 amends section 8 to empower a protector to require any person to furnish him with information which would enable him to ascertain whether a relevant offence has been, is being or will be committed against a child or young person or whether a child or young person is in need of care and protection if the protector has reasonable grounds to believe that such incidents exist. Previously, a protector was only empowered to require a person to furnish him with information regarding the commission of any relevant offence in respect of a child or young person.

Clause 9 re-enacts the existing section 9(1)(b) as a new section 8A as section 9(1)(b) will be repealed under clause 10. The re-organisation of the provisions is to make it clearer that in appropriate cases, the Director or protector or police officer may order that a child or young person who may be in need of care and protection to be produced for an assessment, without necessarily removing the child or young person from his parent or guardian.

Clause 10 repeals and re-enacts the existing section 9 with the exception of the existing section 9(1)(b), (2), (3) and (4) and inserts a new section 9A. Section 9(1)(b) will now be re-enacted as the new section 8A (see clause 9) whilst section 9(2), (3) and (4) will now be re-enacted as the new section 9A which provides for the procedure relating to the medical examination of a child or young person brought to a medical practitioner under the new section 8A or 9.

Clause 11 amends section 12(2) to increase the penalty for an offence under the section to a maximum fine of \$10,000 and a term of imprisonment not exceeding 5 years or both.

Clause 12 amends section 13 to increase the maximum term of imprisonment for an offence under the section from 4 years to 5 years.

Clause 13 amends section 19(1) to delete certain words which have become obsolete in the light of the new definition of “place”.

Clause 14 amends section 22 to delete certain words which have become obsolete in light of the new definition of “place” and to increase the penalty for an offence under the section from \$1,000 to \$2,000.

Clause 15 inserts a new section 27A to prohibit the publication of any information which would identify a child or young person who has been or is the subject of any investigation under the Act, who has been taken into custody by the Director, a protector or a police officer or who is the subject of an order made by the court under this Act.

Clause 16 amends section 30 mainly to clarify that a juvenile offender is to be brought before a court without unnecessary delay if he has not been released by the police, and

to expand the scope of the provision. The new section 30(2) sets out the circumstances in which a child or young person who is arrested for an offence cannot be released on bond.

Clause 17 inserts a new subsection (3A) to section 32 to elaborate on the functions of the panel of advisers appointed under subsection (3).

Clause 18 amends section 35(3) by increasing the maximum fine prescribed for an offence under the section from “\$2,000” to “\$5,000”.

Clause 19 amends section 44 —

- (a) to reduce the maximum period for which a child or young person may be ordered to be detained in a place of detention or approved institution from the current 52 weeks to 26 weeks;
- (b) to remove the minimum period for which a child or young person may be ordered to be detained in a juvenile rehabilitation centre (formerly known as “approved school”);
- (c) by removing the prescribed time for the commencement and end of a detention period in a juvenile rehabilitation centre or place of safety; and
- (d) by replacing all references to “approved homes” and “approved schools” with “juvenile rehabilitation centres” and “places of safety”.

Clause 20 amends section 45 to rename “family conference” as “juvenile case conference” and to increase the maximum fine for divulging information obtained at such juvenile case conference from \$1,000 to \$2,000.

Clause 21 amends section 46(1) to replace the words “family conference” with “juvenile case conference”.

Clause 22 inserts new sections 48A, 48B and 48C. The new section 48A formalises the implementation of voluntary care agreements (as defined in section 2). The new section 48B clarifies the procedure for applications and proceedings under sections 49 and 50 and the new section 48C provides for alternative means of serving a summons issued under the Act, other than personal service.

Clause 23 amends section 49 for various purposes.

New subsections (3A) and (3B) are introduced. The new subsection (3A) empowers the Juvenile Court to compel the attendance of a child or young person and his parent or guardian in proceedings under the section if the Court deems their presence expedient or necessary to the proceedings. However, subsection (3B) empowers the Juvenile Court to dispense with the attendance of the child or young person if the prejudicial effects of his absence will be outweighed by any harm, injury to or detrimental effect on his welfare that may be caused to him by his attendance.

Subsection (6)(d) is amended to make it clear that the Juvenile Court may order the parent or guardian of a child or young person to attend, apart from a medical or psychological assessment, a psychiatric assessment.

Subsection (7)(a) is amended to make it clear that the written report furnished by the person carrying out a medical, psychiatric, psychological or other assessment under subsection (6)(d) must also be furnished to a protector, and not just to the Court.

New subsections (9) and (10) are introduced to clarify that the Juvenile Court may, on the application of the Director or a protector, vary or discharge an order made under subsection (1) at any time before its expiry. Subsection (10) also makes it clear that where a person is above 16 years of age at the time of the variation or discharge, the Juvenile Court may nonetheless vary or discharge the order but the duration of the order cannot be varied.

Subsection (11) sets out the consequences for non-compliance with a court order to enter into a bond.

Clause 24 amends section 50 to make it clear that proceedings under the section are to be initiated by an application made by the parent or guardian of a child or young person and to empower the Juvenile Court to order a child or young person to be kept in safe custody pending any further information relevant to the order that should be made in respect of that child or young person. The section is also amended to make it clear that where an order made under subsection (1)(i) or (ii) is contravened, the Juvenile Court may vary or discharge the order notwithstanding the person who is the subject of the order is above 16 years of age, but the duration of the order cannot be varied.

Clause 25 inserts a new Part IIIA (comprising new sections 52A to 52Q) to establish a new licensing regime for homes for children and young persons. All homes for children and young persons can now operate only under a licence issued by the Director under the new sections 52A and 52B. The Director may inspect such homes for children and young persons, obtain information and documents from the home pertaining to the management of the home and other activities carried out therein and to ascertain whether the home is complying with the requirements of the Act under the new section 52F. The Review Board established under the new section 52G may review the living conditions of children and young persons residing in such homes, ensure there is a proper care plan in place for such children and young persons, advise the Director on whether any of the children and young persons residing in such homes should be discharged early and inspect licensed homes for children and young persons at any time. The new section 52J empowers the Director to order a home for children and young persons to be closed immediately if the circumstances warrant it. The new section 52L empowers the Director to suspend or revoke a licence if grounds for doing so exist. A person who is unhappy with the Director's decision under the new section 52B or 52L may appeal to the Minister under the new section 52O.

Clause 26 amends section 54 to confer powers on the Juvenile Court to remand a person who has contravened an order made under section 44(1), notwithstanding that the person is above 16 years of age at the time of the contravention.

Clause 27 repeals section 67 as there will no longer be a "board of visitors".

Clause 28 amends section 74 to replace the references to "approved school" and "approved home" to "juvenile rehabilitation centre" and "place of safety". The clause also empowers the Director to give consent to not just the medical treatment but also the medical examination of a child or young person where the consent of his parent or

guardian cannot be obtained despite all reasonable efforts and delaying the medical treatment or examination will cause the child or young person unnecessary suffering or endanger his life.

Clause 29 makes technical amendments to section 76 arising from the change in nomenclature of “approved schools” and “approved homes” and the replacement of “advisory boards” with the “Review Board”. The clause also removes the minimum period for which a child or young person has to be detained in a juvenile rehabilitation centre before his case can be brought for review with a view to his early release.

Clause 30 amends section 86 by deleting the words “board of visitors” which will cease to exist and replacing them with “Review Board”.

Clause 31 amends section 87(2) to empower the Director or a police officer not below the rank of sergeant to transmit information received in a notification under subsection (1) to a protector or a person assisting the Director in the administration and enforcement of the Act and any other person or class of persons specified by the Director so that such persons can take the necessary action to ensure that the child or young person receives the care and protection that he needs.

Clause 32 inserts new sections 87A and 87B. The new section 87A makes it an offence for someone to whom the Director has transmitted information about a child or young person to disclose such information, except with the Director’s authorisation. The new section 87B deals with offenders which are corporations or unincorporated associations.

Clause 33 makes technical amendments to section 88(2) arising from the change in nomenclature of “approved school” and “approved home” and the replacement of advisory boards and boards of visitors with the Review Board. The clause also expands on the types of matters for which regulations may be made by the Minister to include matters relating to a voluntary care agreement.

Clause 34 makes miscellaneous amendments to various provisions of the Act.

Clause 35 makes a consequential amendment to the Criminal Procedure Code 2010 (Act 15 of 2010) arising from the change in nomenclature of “approved school”.

Clause 36 makes a consequential amendment to the Private Education Act 2009 (Act 21 of 2009) arising from the change in nomenclature of “approved school” and “approved home”.

Clause 37 contains savings and transitional provisions.

EXPENDITURE OF PUBLIC MONEY

This Bill will involve the Government in extra financial expenditure, the exact amount of which cannot at present be ascertained.
