

Children and Young Persons (Amendment) Bill

Bill No. 22/2019.

Read the first time on 5 August 2019.

A BILL

i n t i t u l e d

An Act to amend the Children and Young Persons Act (Chapter 38 of the 2001 Revised Edition) and to make consequential and related amendments to certain other Acts.

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 is the Children and Young Persons (Amendment) Act 2019 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

5 **Amendment of section 2**

2.—(1) Section 2 of the Children and Young Persons Act (called in this Act the principal Act) is amended —

(a) by inserting, immediately after the word “both” in the definition of “assessment” in subsection (1), the words
10 “, and includes a forensic medical examination”;

(b) by inserting, immediately after the definition of “assessment” in subsection (1), the following definition:

““care-giver” —

(a) in relation to a child or young person
15 who is the subject of a voluntary care agreement, means a person to whose care the child or young person is committed under the voluntary care agreement;

(b) in relation to a child or young person
20 who is the subject of an order made under section 49, means —

(i) if the child or young person is committed to the care of a fit person — the fit person; or

(ii) if the child or young person is committed to a place of safety or place of temporary care and protection — the
25 person-in-charge of the place of safety or place of temporary care and protection (as the case may be), or such employee at
30 the place of safety or place of

temporary care and protection
(as the case may be) whom the
Director-General or a protector
thinks is competent to provide
care, protection and supervision
to the child or young person;

5

(c) in relation to a child or young person
who is the subject of an order made
under section 49B(2), or section 49C
(read with section 49B), means the fit
person to whose care the child or
young person is committed under the
order; and

10

(d) in relation to a child or young person
who is the subject of an order made
under section 50, means —

15

(i) if the child or young person is
committed to the care of a fit
person — the fit person; or

(ii) if the child or young person is
committed to a place of
safety — the person-in-charge
of the place of safety, or such
employee at the place of safety
whom the Director-General or a
protector thinks is competent to
provide care, protection and
supervision to the child or
young person;”;

20

25

(e) by deleting the definitions of “Director” and “fit person” in
subsection (1) and substituting the following definitions:

30

““Director-General” means the Director-General
of Social Welfare;

“emotional harm”, in relation to a child or young
person, means any serious impairment to the

35

growth, development, or behavioural, cognitive or affective functioning, of the child or young person, and includes —

- 5 (a) delayed mental and physical development of the child or young person;
- (b) a child or young person assessed by the Director-General, a protector or an approved welfare officer to be of danger to himself or to other persons;
- 10 (c) a child or young person assessed by the Director-General, a protector or an approved welfare officer to be severely withdrawn, anxious or depressed; and
- 15 (d) a child or young person diagnosed by a medical practitioner as having a mental health condition such as post-traumatic stress disorder, anxiety, depression or psychosomatic disorder;
- 20

“fit person” means —

- (a) a foster parent; or
- 25 (b) such other person whom the court, the Director-General or a protector, having regard to the character of the person, thinks is competent to provide care, protection and supervision to a child or young person;
- 30

“foster parent”, in relation to a child or young person, means a person —

- (a) whom the Director-General or a protector, having regard to the

character of the person, thinks is competent to provide care, protection and supervision to the child or young person; and

(b) who gives an undertaking to the Director-General or protector (as the case may be) to provide care, protection and supervision to the child or young person;”;

(d) by deleting the definition of “juvenile” in subsection (1) and substituting the following definition: 10

““juvenile” means a person who is 10 years of age or older but below 16 years of age;”;

(e) by deleting the definition of “manager” in subsection (1) and substituting the following definition: 15

““person-in-charge”, in relation to a juvenile rehabilitation centre, home for children and young persons, place of detention, place of safety, place of temporary care and protection or remand home, means — 20

(a) a director, manager or superintendent of that centre, home or place; or

(b) any other person having the management or control of that centre, home or place;”;

(f) by deleting the words “appointed or declared” in the definition of “place of temporary care and protection” in subsection (1) and substituting the word “designated”;

(g) by deleting the words “the Director and includes any public officer or other person who is appointed or authorised by the Director” in the definition of “protector” in subsection (1) and substituting the words “any public officer or other person who is appointed or authorised by the Director-General”; 30

(h) by inserting, immediately after the words “a child or young person” in the definition of “voluntary care agreement” in subsection (1), the words “under section 11A”;

(i) by inserting, immediately after the definition of “voluntary care agreement” in subsection (1), the following definition:

““volunteer welfare officer” means a person who is appointed by the Director-General under section 3(4A);”;

(j) by deleting the definition of “young person” in subsection (1) and substituting the following definition:

““young person” means —

(a) for the purpose of section 29, 30(1), 31, 32, 33, 36, 37, 38, 39, 40, 41, 42, 44, 45, 51(1), 53, 54 or 55, a person who is 14 years of age or older but below 16 years of age; and

(b) for the purpose of any other provision in this Act, a person who is 14 years of age or older but below 18 years of age.”; and

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

“(2) In reckoning the age of a person for the purposes of this Act —

(a) the person is taken to have attained a particular age expressed in years on the relevant anniversary of the person’s birth;

(b) a reference to the anniversary of the birth of the person in paragraph (a) is a reference to the day on which the anniversary occurs; and

(c) where a person was born on 29 February in any year, then, in any subsequent year that is not a leap year, the anniversary of that

person's birth is taken to be 28 February in that subsequent year.

(3) For the purposes of this Act —

- (a) “category 1 matter” means any matter relating to the day-to-day care of a child or young person but does not include such other matter as may be prescribed; 5
- (b) “category 2 matter” means any matter that does not relate to the day-to-day care of a child or young person but is ordinarily made in the course of providing care for the child or young person (as prescribed in regulations); and 10
- (c) “category 3 matter” means a matter prescribed, being neither a category 1 matter nor a category 2 matter.”. 15

(2) Section 2(1) of the principal Act, as amended by subsection (1), is amended —

- (a) by deleting the definition of “juvenile” and substituting the following definition: 20
 - ““juvenile” means a person who is 10 years of age or older but below 18 years of age;”; and
- (b) by deleting the definition of “young person” and substituting the following definition:
 - ““young person” means a person who is 14 years of age or older but below 18 years of age.”. 25

Amendment of section 3

3. Section 3 of the principal Act is amended —

- (a) by deleting subsection (1);
- (b) by inserting, immediately after subsection (4), the following subsection: 30

“(4A) The Director-General may appoint any person as a volunteer welfare officer to exercise any of the powers mentioned in the First Schedule.”;

5 (c) by deleting the words “and any approved welfare officer” in subsection (5) and substituting the words “, any approved welfare officer and any volunteer welfare officer”; and

(d) by deleting the section heading and substituting the following section heading:

10 **“Administration and enforcement of Act”.**

Amendment of section 4

4. Section 4 of the principal Act is amended —

(a) by deleting paragraph (g) and substituting the following paragraph:

15 “(g) the child or young person suffers or is likely to suffer from emotional harm because the child or young person has been or is subject to emotional or psychological abuse by his parent or guardian;”; and

20

(b) by renumbering the section as subsection (1) of that section, and by inserting immediately thereafter the following subsections:

25 “(2) Without limiting subsection (1)(g), the circumstances in which a child or young person may be regarded as being subject to emotional or psychological abuse by his parent or guardian under that subsection include any of the following:

30 (a) the parent or guardian subjects the child or young person to persistent acts of rejection or degradation that are harmful to the child’s or young person’s wellbeing or sense of self-worth;

- (b) the parent or guardian threatens to physically hurt, kill or abandon the child or young person, or places the child or young person or a related person of the child or young person in any dangerous situation; 5
- (c) the parent or guardian isolates the child or young person by consistently denying opportunities for the child or young person to communicate with any person; 10
- (d) the parent or guardian confines the child or young person in any small space for the purpose of disciplining the child or young person;
- (e) the parent or guardian influences the child or young person to develop self-destructive, anti-social, criminal, deviant or other maladaptive behaviour; 15

Illustrations

- (a) The parent or guardian models, permits or encourages anti-social behaviour such as prostitution, performance in pornographic media, initiation of criminal activities, substance abuse or committing violence to any person. 20
- (b) The parent or guardian models, permits or encourages developmentally inappropriate behaviour by infantilising the child or young person. 25
- (c) The parent or guardian models, permits or encourages any other behaviour that would result in the exploitation or corruption of the child or young person. 30
- (f) the parent or guardian exposes the child or young person to, or places the child or young person at any risk of exposure to, 35

any violence against a related person of the child or young person.

(3) In this section, “related person”, in relation to a child or young person, means another person about whose safety or wellbeing the child or young person would reasonably be expected to be seriously concerned.”.

Amendment of section 5

5. Section 5 of the principal Act is amended by deleting the words “emotional injury” in subsections (2)(b)(ii) and (c)(ii) and (3) and substituting in each case the words “emotional harm”.

Amendment of section 6

6. Section 6(1) of the principal Act is amended by inserting, immediately after the word “child” in paragraph (b), the words “or young person”.

Repeal and re-enactment of sections 7 and 8

7. Sections 7 and 8 of the principal Act are repealed and the following sections substituted therefor:

“Sexual exploitation of child or young person

7.—(1) A person shall be guilty of an offence if —

(a) the person, in public or private —

(i) commits or abets the commission of; or

(ii) procures or attempts to procure the commission by another person of,

any obscene or indecent act with any child or young person below 16 years of age; or

(b) the person, in public or private, procures or attempts to procure the commission of any obscene or indecent act by any child or young person below 16 years of age.

(2) A person (*A*) shall be guilty of an offence if —

(a) *A*, in public or private —

(i) commits or abets the commission of; or

(ii) procures or attempts to procure the commission by another person of,

5

any obscene or indecent act with any young person (*B*) of 16 years of age or older but below 18 years of age; and

(b) either —

(i) *B* does not consent to the obscene or indecent act; or

10

(ii) *A* is in a relationship that is exploitative of *B*.

(3) A person (*A*) shall be guilty of an offence if *A*, in public or private —

(a) procures or attempts to procure the commission of any obscene or indecent act by any young person (*B*) of 16 years of age or older but below 18 years of age; and

15

(b) either —

(i) *B* does not consent to the obscene or indecent act; or

20

(ii) *A* is in a relationship that is exploitative of *B*.

(4) For the purposes of subsections (2)(b)(i) and (3)(b)(i), it is a defence that *A*, by reason of mistake of fact or in ignorance of a fact in good faith, believed that *B* had consented to that obscene or indecent act.

25

(5) For the purposes of subsections (2)(b)(ii) and (3)(b)(ii), it is not necessary for the prosecution to prove that *B* did or did not consent to the obscene or indecent act mentioned in subsection (2)(a) or (3)(a), as the case may be.

30

(6) In deciding whether an accused's relationship with a young person of 16 years of age or older but below 18 years of age is

exploitative of the young person for the purposes of subsections (2) and (3), the court is to have regard to all of the following:

- (a) the age of the minor;
- 5 (b) the difference between the age of the accused and the young person;
- (c) the nature of the relationship;
- (d) the degree of control or influence exercised by the accused over the young person.

10 (7) To avoid doubt, the court is not confined to consideration of the matters specified in subsection (6) and may take into account such other matters and evidence as may be relevant in the circumstances of each case.

15 (8) For the purposes of subsection (6) and subject to subsection (9), it is presumed until the contrary is proved that an accused's relationship with a young person of 16 years of age or older but below 18 years of age is exploitative where the relationship is any of the following:

- 20 (a) the accused is a parent, step-parent, guardian or foster parent of the young person;
- (b) the accused is the de facto partner of a parent, guardian or foster parent of the young person;
- (c) the accused is a member of the teaching or management staff of the school or educational institution at which the young person is a student;
- 25 (d) the accused has an established personal relationship with the young person in connection with the provision of religious, sporting, musical or other instruction to the young person;
- 30 (e) the accused is a custodial officer of an institution in which the young person is detained;
- (f) the accused is a registered medical practitioner, a registered traditional Chinese medicine practitioner

or a psychologist and the young person is a patient of the accused;

- (g) the accused is an advocate and solicitor or a counsellor and the young person is a client of the accused.

5

(9) However, the presumption in subsection (8) does not apply to a person who is lawfully married to a young person of 16 years of age or older but below 18 years of age even though the relationship may fall within any of the relationships mentioned in subsection (8).

10

(10) Any person who is guilty of an offence under subsection (1) shall be liable on conviction —

- (a) if the offence committed involves a child other than as an accused, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 7 years or to both or, if the person is a repeat offender, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 10 years or to both; and

15

- (b) if the offence committed involves a young person other than as an accused, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 5 years or to both or, if the person is a repeat offender, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 7 years or to both.

20

(11) Any person who is guilty of an offence under subsection (2) or (3) shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 5 years or to both or, if the person is a repeat offender, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 7 years or to both.

25

30

(12) For the purposes of subsections (10) and (11), “repeat offender”, in relation to an offence under subsection (1)(a) or (b), (2) or (3), means a person who is convicted or found guilty of that offence (called the current offence) and who was previously convicted or found guilty of —

35

- (a) an offence under subsection (1)(a) or (b), (2) or (3); or
- (b) an offence under the repealed section 7 as in force immediately before the date of commencement of section 7 of the Children and Young Persons (Amendment) Act 2019,

on at least one previous occasion before the date on which the person is convicted or found guilty of the current offence.

Power to obtain and communicate information

8.—(1) The Director-General or a protector may exercise the powers conferred by subsection (2) for any of the following purposes:

- (a) the Director-General or protector has reasonable grounds to believe that a relevant offence has been, is being or will be committed against a child or young person, and the Director-General or protector has reason to believe that a particular person can provide any information regarding the commission of the relevant offence;
- (b) the Director-General or protector has reasonable grounds to believe that a child or young person is in need of care or protection, and the Director-General or protector has reason to believe that a particular person can provide any information which will assist him in ascertaining —
 - (i) whether the child or young person is in need of care or protection; and
 - (ii) the nature of care or protection that the child or young person needs;
- (c) where a child or young person (*A*) is the subject of a voluntary care agreement or an order made under section 49(1) or 49B(2), section 49C (read with section 49B) or section 50(4), and the Director-General or protector has reason to believe

that a particular person can provide any information —

- (i) relating to the suitability of the fit person to whom, or the place of safety or place of temporary care and protection to which, *A* is committed; 5
 - (ii) relating to the standard of care, protection and supervision that *A* or any other child or young person who is a member of *A*'s household, is receiving; 10
 - (iii) that will assist the Director-General or protector in formulating a proper care plan to cater to *A*'s safety and sense of wellbeing; or
 - (iv) that will assist the Director-General or protector in exercising any power or carrying out any duty under the Act with respect to *A* or any other child or young person who is a member of *A*'s household; 15
- (*d*) where upon the termination of a voluntary care agreement or an order made under section 49(1) or 49B(2), section 49C (read with section 49B) or section 50(4) for a child or young person (*B*), *B* is returned to the care and custody of *B*'s parent or guardian, and the Director-General or protector has reason to believe that a particular person can provide any information relating to the welfare and safety of *B* or any other child or young person who is a member of *B*'s household. 20 25

(2) The Director-General or protector may, by order in writing — 30

- (*a*) require the particular person mentioned in subsection (1)(*a*), (*b*), (*c*) or (*d*) to provide to the Director-General or protector the information within the time and manner specified in the order; or

(b) require a person given the order to appear before and provide to the Director-General or protector the information within the time and manner specified in the order.

5 (3) The Director-General or a protector may communicate any information about a child or young person (whether or not obtained under this section) including a photograph of the child or young person, to any of the following person or persons for a relevant purpose:

10 (a) another protector or any other person assisting the Director-General or protector in the administration of this Act in respect of the child or young person;

(b) any other person or class of persons as may be prescribed.

15 (4) No liability shall lie personally against a person for providing any information under subsection (2), or communicating any information under subsection (3).

(5) An individual cannot rely on —

20 (a) the common law privilege against self-incrimination or exposure to the imposition of a penalty; or

(b) any rule of law relating to legal professional privilege or any other privilege, or the public interest,

25 to refuse to provide the information required under subsection (2) by the Director-General or protector, as the case may be.

(6) However, any information is not admissible in evidence against the individual in any criminal proceeding other than a proceeding for an offence under section 22(b) or section 177 of the Penal Code (Cap. 224), if the information might in fact tend to incriminate the individual.

(7) In this section, “relevant purpose” means either of the following:

(a) a purpose mentioned in subsection (1)(a), (b), (c) or (d);

(b) for a child or young person who is the subject of —

- (i) a voluntary care agreement;
- (ii) an order made under section 49(1)(b) read with section 49A;
- (iii) an order made under section 49B(2) read with section 49D; or
- (iv) an order made under section 49C read with sections 49B and 49D,

to enable the Director-General, a protector or a care-giver of the child or young person to make a decision on a matter relating to the child or young person and to give effect to such decision.”.

Amendment of section 9A

8. Section 9A(2) of the principal Act is amended by deleting the words “any physical or emotional injury or any injury to his health or development” and substituting the words “any physical pain, suffering or injury, or emotional harm or injury to his health or development”.

New section 11A

9. The principal Act is amended by inserting, immediately after section 11, the following section:

“Voluntary care agreements

11A.—(1) The Director-General may enter into a voluntary care agreement —

- (a) with both the parents of a child or young person; or
- (b) where a child or young person has one or more guardians, with all the guardians,

subject to such conditions as may be prescribed, if the Director-General is of the view that the voluntary care agreement will promote the welfare of the child or young person.

(2) Despite subsection (1), where any parent or guardian of a child or young person —

(a) cannot be contacted by the Director-General after reasonable attempts have been taken to contact the parent or guardian; or

(b) is incapable or unwilling to decide whether or not to enter into a voluntary care agreement,

the Director-General may enter into a voluntary care agreement in respect of the child or young person with the other parent, or guardian or guardians, as the case may be.

(3) The Director-General may extend the validity period of the voluntary care agreement by up to 3 years without the consent of both the parents or all the guardians of the child or young person (whether the voluntary care agreement was entered before, on or after the date of commencement of section 9 of the Children and Young Persons (Amendment) Act 2019), if —

(a) the voluntary care agreement expires in less than one month unless it is extended;

(b) either —

(i) both the parents or all the guardians of the child or young person cannot be contacted by the Director-General despite reasonable attempts by the Director-General to do so; or

(ii) both the parents or all the guardians of the child or young person are incapable or unwilling to decide whether or not to extend the voluntary care agreement; and

(c) the Director-General is of the view that it is in the best interests of the child or young person to extend the validity period of the voluntary care agreement.

(4) A voluntary care agreement in respect of a child or young person may be terminated by —

- (a) the Director-General giving written notice to the parent or parents, or guardian or guardians who are party to the voluntary care agreement;
- (b) any parent or guardian who is a party to the voluntary care agreement giving written notice to the Director-General; or
- (c) the parent or guardian who is not a party to the voluntary care agreement, giving written notice to the Director-General and the other parent or guardian or guardians.

5

10

(5) The voluntary care agreement in respect of which one or more written notices mentioned in subsection (4) are given terminates on the expiry of the prescribed period after the date of the service of the notice on the last person.”.

Amendment of sub-heading to Part II

15

10. Part II of the principal Act is amended by inserting, immediately after the word “*Children*” in the sub-heading immediately above section 12, the words “*and Young Persons*”.

Amendment of section 12

11. Section 12 of the principal Act is amended —

20

- (a) by inserting, immediately after the word “child” in subsections (1), (2) and (3), the words “or young person”;
- (b) by inserting, immediately after the word “guardian” in subsection (3), the words “of the child or young person,”; and
- (c) by inserting, immediately after the word “child” in the section heading, the words “or young person”.

25

Amendment of section 13

12. Section 13 of the principal Act is amended —

- (a) by inserting, immediately after the word “child”, the words “or young person”; and

30

- (b) by inserting, immediately after the word “child” in the section heading, the words “or young person”.

Amendment of section 14

13. Section 14 of the principal Act is amended —

- 5 (a) by deleting the words “A protector or any person authorised in that behalf by a protector” in subsection (1) and substituting the words “The Director-General, a protector or any person authorised in that behalf by the Director-General or a protector”;
- 10 (b) by deleting the words “before the protector” in subsection (1) and substituting the words “before the Director-General or protector”;
- (c) by deleting the word “child” wherever it appears in subsections (1) and (2) and substituting in each case the words “child or young person”; and
- 15 (d) by deleting the words “The protector” in subsection (2) and substituting the words “The Director-General or a protector”.

Amendment of section 16

20 **14.** Section 16 of the principal Act is amended —

- (a) by inserting, immediately after the word “If”, the words “the Director-General or”;
- (b) by deleting the words “the protector” wherever they appear in paragraphs (i)(B) and (ii) and substituting in each case the words “the Director-General or protector (as the case may be)”; and
- 25 (c) by inserting, immediately after the words “Power of” in the section heading, the words “Director-General and”.

Amendment of section 18

15. Section 18 of the principal Act is amended —

- (a) by deleting the word “A” and substituting the words “The Director-General or a”; and
- (b) by deleting “6, 7, 11” and substituting “7”.

5

Repeal and re-enactment of section 19

16. Section 19 of the principal Act is repealed and the following section substituted therefor:

“Powers of entry, etc., for enforcement purpose

19.—(1) The Director-General, a protector or any officer generally or specially authorised in that behalf in writing by the Director-General or a protector may, for an enforcement purpose, do all or any of the following:

10

(a) enter, and for that purpose, use such force as may be reasonably necessary, and search any premises where he has reasonable cause to suspect that an offence under this Act has been or is being committed;

15

(b) take any document or other thing at the premises mentioned in paragraph (a), if the Director-General, protector or authorised officer considers it necessary to do so for the purpose of obtaining evidence of an offence under this Act;

20

(c) photograph or film, or make audio recordings or make sketches, of any part of the premises mentioned in paragraph (a) or anything at the premises or of any person whom the Director-General, protector or authorised officer reasonably believes is acquainted with any facts or circumstances relevant to the enforcement purpose;

25

(d) photograph any child or young person who is found at the premises mentioned in paragraph (a) or anywhere else, and whom the Director-General, protector or authorised officer is satisfied on reasonable grounds

30

that the child or young person is in need of care or protection.

(2) In this section, “enforcement purpose” means —

- 5 (a) ensuring that the provisions of this Act are being complied with; or
- (b) investigating an offence under this Act or a contravention of a provision under this Act.”.

Amendment of section 20

17. Section 20 of the principal Act is amended —

- 10 (a) by deleting paragraph (a) and substituting the following paragraph:
- “(a) the Director-General or a protector;”; and
- (b) by deleting the words “or by a protector” in paragraph (d) and substituting the words “, the Director-General or a protector”.
- 15

Amendment of section 22

18. Section 22 of the principal Act is amended by inserting, immediately after the words “made by” in paragraph (d), the words “the Director-General or”.

Amendment of section 23

19. Section 23 of the principal Act is amended —

- (a) by inserting, immediately after the words “the hand of”, the words “the Director-General or”; and
- (b) by inserting, immediately after the words “Certificate of” in the section heading, the words “Director-General or”.
- 25

Amendment of section 25

20. Section 25 of the principal Act is amended —

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

- “(1) Where an order has been made by the Director-General or a protector under section 16(ii), the Director-General or protector may at the time of or subsequent to the making of the order make a further order (called in this section a contribution order) requiring the parent or guardian or the person having the custody of the child or young person at the time of the making of the contribution order to contribute such weekly or monthly sum as the Director-General or protector, having regard to the parent’s or guardian’s means, thinks fit for the maintenance of the child or young person.”; 5
- (b) by deleting the words “protector’s contribution order” in subsection (2) and substituting the words “contribution order made by the Director-General or a protector, as the case may be”; 15
- (c) by deleting subsection (3) and substituting the following subsection:
- “(3) The Director-General or a protector must not make a contribution order without giving the person ordered to contribute an opportunity to be heard.”; 20
- (d) by deleting the words “protector’s contribution order” in subsection (4) and substituting the words “contribution order made by the Director-General or a protector”; 25
- (e) by deleting the words “the protector” in subsection (4)(a) and substituting the words “the Director-General or protector, as the case may be”; 25
- (f) by deleting the words “protector’s contribution order made” in subsection (5) and substituting the words “contribution order made by the Director-General or a protector”; and 30
- (g) by deleting the section heading and substituting the following section heading:

“Contribution orders by Director-General or protector”.

Repeal and re-enactment of section 27

5 **21.** Section 27 of the principal Act is repealed and the following section substituted therefor:

“Provision of places of temporary care and protection

10 **27.** The Minister may designate any orphanage, hospital, home for children and young persons, institution or other place to be a place of temporary care and protection for the purposes of this Act.”.

Repeal of section 27A

22. Section 27A of the principal Act is repealed.

New Part IIA

15 **23.** The principal Act is amended by inserting, immediately before Part III, the following Part:

**“PART IIA
FOSTERING**

Committee on Fostering

20 **27B.—**(1) The Minister may establish a Committee on Fostering consisting of such persons as the Minister thinks fit.

(2) The members of the Committee on Fostering may be appointed by the Minister for such period as the Minister determines.

(3) The functions of the Committee on Fostering are —

25 (a) to periodically review cases where a child or young person is committed to the care of a foster parent under a voluntary care agreement or an order made under section 49(1)(b) or 49B(2), or section 49C read with section 49B; and

(b) to advise the Director-General or a protector on —

(i) whether a proper care plan is implemented by the foster parent for the child or young person; and

(ii) if so, whether the foster parent is providing care, protection and supervision to the child or young person in accordance with the proper care plan. 5

(4) In this section, “proper care plan” means a plan for the care of a child or young person which —

(a) is formulated by the Director-General; or 10

(b) if formulated by a protector or an approved welfare officer, meets such requirements as may be specified by the Director-General.

Disclosure of information on child or young person by foster parent 15

27C. A foster parent of a child or young person may disclose any information relating to the child or young person to any person (whether with or without the consent of any parent or guardian of the child or young person) if the disclosure is necessary — 20

(a) for the care, protection and supervision of the child or young person; or

(b) to enable the foster parent to claim the following where he is eligible:

(i) childcare leave or extended childcare leave under section 12B of the Child Development Co-Savings Act (Cap. 38A); 25

(ii) unpaid infant care leave under section 12D of the Child Development Co-Savings Act;

(iii) childcare leave under section 87A of the Employment Act (Cap. 91).” 30

Amendment of section 28

24. Section 28 of the principal Act is amended by deleting subsection (1) and substituting the following subsection:

5 “(1) Every court in dealing with a child or young person who is brought before it, either as being in need of care or protection, or as an offender or otherwise, is to do the following:

10 (a) in a proper case, take steps for removing the child or young person from undesirable surroundings, and for securing that proper provision is made for the education or training of the child or young person;

(b) facilitate the protection and rehabilitation of the child or young person, and his reintegration with his family and with society;

15 (c) have regard to the needs of, and risks faced by, the child or young person, and facilitate the prevention of —

(i) any recurrence of ill-treatment of the child or young person; or

20 (ii) any contravention or further contravention of any written law by the child or young person.”.

Amendment of section 30

25. Section 30 of the principal Act is amended —

(a) by deleting the words “16 years” in subsection (1) and substituting the words “18 years”; and

25 (b) by inserting, immediately after the words “unnecessary delay” in subsection (2), the words “and within 48 hours after the person is arrested”.

Amendment of section 32

30 **26.** Section 32(3) of the principal Act is amended by deleting the word “nominated” and substituting the word “appointed”.

Amendment of section 33

27. Section 33 of the principal Act is amended —

(a) by inserting, immediately after subsection (2), the following subsections:

“(2A) Where a young person of 16 years of age or older but below 18 years of age is charged with an offence (called in this subsection the relevant offence) that —

(a) is specified in the Second Schedule; or

(b) is similar to another offence of which the young person had previously been found guilty on or after the date of commencement of section 27 of the Children and Young Persons (Amendment) Act 2019,

the young person shall be tried for the relevant offence by another court of appropriate jurisdiction instead of a Youth Court, if —

(c) the Youth Court transmits the case in accordance with subsection (2C); or

(d) the Youth Court, on its own motion, is of the opinion that the young person ought to be tried in that other court of appropriate jurisdiction.

(2B) Where the Public Prosecutor is of the opinion that the young person mentioned in subsection (2A) must or ought to be tried in another court of appropriate jurisdiction instead of a Youth Court, the Public Prosecutor must, by fiat in writing signed personally, designate that other court of appropriate jurisdiction to try the young person.

(2C) A Youth Court, on receipt of the fiat mentioned in subsection (2B) together with the charge, is to —

- (a) cause the charge to be read and explained to the young person;
- (b) transmit the case to the court of appropriate jurisdiction designated by the Public Prosecutor for the purpose of trial; and
- (c) order that the young person be remanded in custody until and during the trial, unless the young person is released on bail.

(2D) To avoid doubt, a Youth Court can continue to exercise powers under section 30 in relation to a case that has been transmitted under subsection (2C) to the court of appropriate jurisdiction designated by the Public Prosecutor for the purpose of trial.”;

- (b) by deleting the words “16 years” in subsections (3), (6) and (7) and substituting in each case the words “18 years”; and
- (c) by deleting the words “subsections (1) and (2)” in subsection (5) and substituting the words “subsections (1), (2), (2A) and (3)”.

Amendment of section 34

28. Section 34(2) of the principal Act is amended —

- (a) by inserting the word “and” at the end of paragraph (b);
- (b) by deleting paragraph (c); and
- (c) by inserting, immediately after the word “persons” in paragraph (d), the words “, including representatives of newspapers or news agencies,”.

Repeal of section 35

29. Section 35 of the principal Act is repealed.

Amendment of section 39

30. Section 39(1) of the principal Act is amended by inserting, immediately after the words “if the offender is a child”, the words “or young person”.

Amendment of section 42

31. Section 42(10) of the principal Act is amended by inserting, immediately after the word “child”, the words “or young person”.

Amendment of section 44

32. Section 44 of the principal Act is amended —

5

(a) by deleting paragraph (k) of subsection (1) and substituting the following paragraph:

“(k) to deal with the offender, or order the offender to be brought before a District Court to be dealt with, under section 305 of the Criminal Procedure Code (Cap. 68) if —

10

(i) on the day on which the offender is found guilty of an offence, the offender has attained 18 years of age;

15

(ii) both of the following conditions are satisfied:

(A) on the day on which the offender is found guilty of an offence, the offender, having attained 14 years of age but is below 18 years of age, has previously been dealt with by a court in connection with another offence and had, in respect of that other offence, been ordered under paragraph (i) to be sent to a juvenile rehabilitation centre established under section 64;

20

25

30

(B) the Youth Court is satisfied, having regard to the offender’s character, previous conduct and the circumstances of the

offence, that to reform the offender and prevent crime, the offender should undergo a period of training in a reformatory training centre; or

(iii) on the day on which the offender is found guilty of an offence, the offender has attained 14 years of age but is below 18 years of age, and the Youth Court is of the opinion that the offender is of so unruly a character that the offender cannot be safely detained in a juvenile rehabilitation centre or a place of detention.”;

(b) by deleting “2010” in subsection (7)(b);

(c) by deleting the words “the age of 16 years” in subsection (7)(b)(i) and (ii) and substituting in each case the words “18 years of age”;

(d) by deleting the words “that it is expedient with a view to his reformation that” in subsection (7)(b) and substituting the words “, having regard to the person’s character, previous conduct and the circumstances of the offence, that to reform the person and to prevent crime,”; and

(e) by inserting, immediately after subsection (7), the following subsections:

“(8) The Youth Court may, on the application of the person-in-charge of a juvenile rehabilitation centre, vary or discharge an order made under subsection (1)(i) if the Court is satisfied that it is in the best interests of the offender to do so.

(9) No order may be varied under subsection (8) to extend the period for which an offender is to be sent to a juvenile rehabilitation centre without giving the offender an opportunity to be heard.

(10) To avoid doubt, where an order to be varied or discharged under subsection (8) involves an offender who is older than 18 years of age (but below 21 years of age) at the time the order is to be varied or discharged, the Youth Court must not extend the period for which the offender is sent to a juvenile rehabilitation centre to exceed 3 years. 5

(11) In making an order under subsection (1)(i), or varying or discharging such order under subsection (8), the Youth Court may impose such conditions or give such directions as it thinks fit for the purpose of ensuring the safety, wellbeing and rehabilitation of the offender in respect of whom such an order is made.”. 10

Repeal of section 46

 15

33. Section 46 of the principal Act is repealed.

Amendment of section 47

34.—(1) Section 47 of the principal Act is amended —

(a) by deleting the word “and” at the end of paragraph (a); and

(b) by deleting paragraph (b) and substituting the following paragraphs: 20

“(b) a person must not be detained in a juvenile rehabilitation centre after he has attained 19 years of age; and

(c) a person must not be detained in a place of safety after he has attained 21 years of age.”. 25

(2) Section 47 of the principal Act, as amended by subsection (1), is repealed and the following section substituted therefor:

**“Maximum age limit for detention in place of detention,
juvenile rehabilitation centre or place of safety**

5 **47.** Subject to section 77, a person must not be detained in a place of detention, a juvenile rehabilitation centre or a place of safety after the person attains 21 years of age.”.

Amendment of section 48

35. Section 48 of the principal Act is amended by inserting, immediately after the word “guardian”, the words “, or the Director-General or a protector,”.

10 **Deletion of sub-heading to Part III**

36. Part III of the principal Act is amended by deleting the sub-heading immediately above section 48A.

Repeal of section 48A

37. Section 48A of the principal Act is repealed.

15 **Amendment of section 48B**

38. Section 48B of the principal Act is amended —

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

20 “(1) An application to a Youth Court under section 49 or 49B, section 49C (read with section 49B) or section 50 (called in this subsection the relevant application) must —

25 (a) be made in the same manner as an application for a summons is made to a District Court or Magistrate’s Court under the Criminal Procedure Code; and

(b) be dealt with —

30 (i) as if the relevant application is a complaint for the purposes of that Code; but

(ii) in accordance with only such provisions of that Code, and with such provisions of any other written law, as may be prescribed by the Family Justice Rules.

5

(1A) An affidavit sworn for the purposes of an application to a Youth Court under section 49 or 49B, section 49C (read with section 49B) or section 50 may contain statements of information or belief with the sources and grounds of the information or belief.

10

(1B) Any matter relating to the service of summons issued by a Youth Court in connection with any proceedings under section 49 or 49B, section 49C (read with section 49B) or section 50 may be prescribed by the Family Justice Rules.”;

15

(b) by deleting the words “section 49 or 50” in subsection (2) and substituting the words “section 49 or 49B, section 49C (read with section 49B) or section 50”; and

(c) by inserting, immediately after subsection (2), the following subsection:

20

“(3) All Family Justice Rules mentioned in this section must be presented to Parliament as soon as possible after publication in the *Gazette*.”.

Repeal of section 48C

39. Section 48C of the principal Act is repealed.

25

Amendment of section 49

40. Section 49 of the principal Act is amended —

(a) by deleting paragraphs (b), (c) and (d) of subsection (1) and substituting the following paragraphs:

“(b) order —

30

(i) the child or young person to be committed, for such period as the

Court may specify, to the care of one of the following care-providers as may be determined by the Director-General or a protector:

5

(A) a fit person;

(B) a place of safety;

(C) a place of temporary care and protection; and

10

(ii) that the Director-General, a protector and the care-giver of the child or young person may, without the consent of any parent or guardian of the child or young person but under the supervision of the Court, make decisions affecting the child or young person in accordance with section 49A; or

15

(c) without making any order, or in addition to an order, under paragraph (a) or (b), make an order placing the child or young person under the supervision of the Director-General, a protector, an approved welfare officer or any other person appointed for that purpose by the Court, for such period as may be specified by the Court.”;

20

25

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

30

“(1A) For the purposes of an order under subsection (1)(b), the Youth Court may further order that the determination by the Director-General or protector as to the fit person to whom, or the place of safety or place of temporary care and protection to which, the child or young person is committed may be varied by the Director-General or a protector (who

35

may or may not have made the determination) during the period of the child's or young person's committal, even though the variation may result in the child or young person being committed to a different care-provider, if the Director-General or protector (as the case may be) thinks that it is in the best interests of the child or young person to do so.

(1B) Where —

(a) a Youth Court has ordered the committal of a child or young person to the care of a fit person, or a place of safety or place of temporary care and protection (called in this subsection and subsection (1C) the principal care-provider) under subsection (1)(b); and

(b) the principal care-provider is unable to provide care for the child or young person for a period that is at least 8 weeks,

the Director-General or protector may arrange for the child or young person to be committed to the temporary care of another fit person, or a place of safety or place of temporary care and protection during that period, whether or not the arrangement would result in the child or young person being committed to a different care-provider.

(1C) An arrangement by the Director-General or a protector under subsection (1B) is not to be treated as a variation under subsection (1A) if the child or young person is returned to the principal care-provider before the end of the arrangement under subsection (1B).

(1D) Where any parent or guardian of the child or young person disagrees with a determination of the Director-General or a protector under subsection (1)(b) or a variation of the determination under subsection (1A), the parent or guardian (as the

case may be) may apply to the Youth Court to review the determination or variation.

(1E) After reviewing a determination under subsection (1)(b) or variation under subsection (1A), the Youth Court may order that the child or young person be committed to the care of such fit person, or to such place of safety or place of temporary care and protection as specified by the Court.

(1F) Where 3 variations have been made by the Director-General or a protector under subsection (1A) in respect of a child or young person before the expiry of the period specified by the Youth Court under subsection (1)(b)(i), and the Director-General or a protector is of the view that a further variation during that period is necessary, the Director-General or protector must apply to the Court for an order as to the appropriate fit person to whom, or the appropriate place of safety or place of temporary care and protection to which, the child or young person is to be committed.”;

(c) by deleting the words “the Court and” in subsection (7)(a) and substituting the words “the Court, the Director-General or”;

(d) by inserting, immediately after the word “vary” in subsection (9), the words “the period of the order”; and

(e) by deleting subsection (10) and substituting the following subsection:

“(10) To avoid doubt, where an order to be varied or discharged under subsection (9) is an order made under subsection (1)(b) or (c) and involves a person who is older than 18 years of age (but below 21 years of age) at the time the order is to be varied or discharged, the Youth Court must not extend the period for which the person is to be committed to the care of a fit person or to a place of safety or place of

temporary care and protection, or placed under the supervision of the Director-General, a protector, an approved welfare officer or a person appointed by the Court, as the case may be.”.

New sections 49A, 49B, 49C and 49D

5

41. The principal Act is amended by inserting, immediately after section 49, the following sections:

“Making of decisions that affect child or young person under court order made under section 49(1)(b)

49A.—(1) Where an order is made by a Youth Court under section 49(1)(b) in respect of a child or young person —

10

(a) the Director-General, a protector or the care-giver of the child or young person may decide on any category 1 matter relating to the child or young person;

15

(b) the Director-General or a protector may decide on any category 2 matter relating to the child or young person if —

(i) either of the following grounds is satisfied:

(A) both the parents, or where the child or young person has one or more guardians, all the guardians, of the child or young person cannot be contacted by the Director-General or a protector after reasonable attempts have been made by the Director-General or protector to contact the parents or guardians;

20

25

(B) both the parents, or where the child or young person has one or more guardians, all the guardians, of the child or young person are incapable or unwilling to decide on the matter; or

30

(ii) the Director-General or a protector makes an application to the Court under subsection (2) for

an order to enable the Director-General or a protector to decide on any category 2 matter relating to the child or young person, and the Court grants the application;

5 (c) the care-giver of the child or young person may decide on any category 2 matter relating to the child or young person if —

(i) all the following conditions are satisfied:

10 (A) either of the grounds mentioned in paragraph (b)(i) is satisfied;

(B) the Director-General or a protector has authorised the care-giver in writing to decide on any category 2 matter relating to the child or young person;

15 (C) the care-giver has consulted with such person as may be prescribed (if any) with respect to any particular category 2 matter; or

20 (ii) the Director-General or a protector makes an application to the Court under subsection (2) for an order to enable the care-giver to decide on any category 2 matter relating to the child or young person, and the Court grants the application; and

25 (d) if the Director-General or a protector is of the view that a decision made by the care-giver of the child or young person under paragraph (a) or (c) is not in the best interests of the child or young person, the Director-General or protector may (where feasible)
30 vary or reverse the decision of the care-giver.

(2) Where an order is made by a Youth Court under section 49(1)(b) in respect of a child or young person and neither of the grounds mentioned in subsection (1)(b)(i) is satisfied, the Court may, on the application of the
35 Director-General or a protector, make an order to enable the

Director-General, a protector or care-giver of the child or young person to decide on any category 2 matter relating to the child or young person.

(3) Where an order is made by the Youth Court under section 49(1)(b) or (c) as in force immediately before the date of commencement of section 40 of the Children and Young Persons (Amendment) Act 2019 in respect of a child or young person, the Court may, on the application of the Director-General or a protector, make an order that subsections (1) and (2) apply in respect of the making of decisions that affect the child or young person.

(4) Where an order is made by a Youth Court —

(a) under section 49(1)(b) or (c) as in force immediately before the date of commencement of section 40 of the Children and Young Persons (Amendment) Act 2019; or

(b) under section 49(1)(b) on or after that date,

in respect of a child or young person, the Court may, on the application of the Director-General or a protector, make an additional order to enable the Director-General or a protector to decide on a category 3 matter relating to the child or young person, if —

(c) one of the following grounds is satisfied:

(i) both the parents, or where the child or young person has one or more guardians, all the guardians, of the child or young person cannot be contacted by the Director-General or a protector after reasonable attempts have been made by the Director-General or protector to contact the parents or guardians;

(ii) both the parents, or where the child or young person has one or more guardians, all the guardians, of the child or young person are incapable or unwilling to decide on the category 3 matter;

(iii) any parent or guardian of the child or young person has decided or is likely to decide on the category 3 matter in a manner that is detrimental to the interests of the child or young person; and

5 (d) the Court is of the view that it is in the best interests of the child or young person for the Director-General or protector to decide on the category 3 matter.

(5) Any parent or guardian of a child or young person who disagrees with any decision made by the Director-General, a protector or the care-giver of the child or young person under this section may apply to the Youth Court for the Court's determination of the matter.

Youth Court powers in respect of children and young persons in need of enhanced care or protection

15 **49B.**—(1) The Director-General or a protector may apply to a Youth Court for an order mentioned in subsection (2) in respect of a child or young person who is the subject of an order made under section 49(1)(b) or (c) as in force immediately before the date of commencement of section 40 of the Children and Young Persons (Amendment) Act 2019, or section 49(1)(b).

(2) On the application of the Director-General or a protector, a Youth Court may, on being satisfied of the conditions mentioned in subsection (3), make an order that —

25 (a) the child or young person be committed to the care of a fit person as determined by the Director-General or protector, until the child or young person attains 21 years of age or for such shorter period as the Court may specify; and

30 (b) the Director-General, a protector and the care-giver of the child or young person may, without the consent of any parent or guardian of the child or young person but under the supervision of the Court, make decisions affecting the child or young person in accordance with section 49D.

(3) For the purposes of subsection (2), the conditions are —

(a) the child or young person has, as at the date of the application, been the subject of one or more orders under section 49(1)(b) or (c) as in force immediately before the date of commencement of section 40 of the Children and Young Persons (Amendment) Act 2019, or section 49(1)(b) for a cumulative period that is the specified period or longer;

(b) both the parents of the child or young person, or where the child or young person has one or more guardians, all the guardians of the child or young person are not fit to provide care for the child or young person; and

(c) it is not appropriate to return the child or young person to the care and custody of any of his parents, or where the child or young person has one or more guardians, any of his guardians at any time before the child or young person attains 21 years of age, or such younger age as the Youth Court may determine.

(4) For the purposes of subsection (3)(c), the circumstances in which it is not appropriate to return the child or young person to the care and custody of his parent or guardian under that subsection include the following:

(a) the parent or guardian had on one or more occasions previously failed to comply with the requirements of a proper care plan formulated by the Director-General or a protector for the child or young person;

(b) the parent or guardian had on one or more occasions previously failed or refused to undergo any mediation, counselling, psychotherapy or other assessment programme, treatment or such other activity that is conducted pursuant to a voluntary care agreement or an order made under —

(i) section 51(1) as in force immediately before the date of commencement of section 43 of the

Children and Young Persons (Amendment)
Act 2019; or

(ii) section 51(4),

5 for the purpose of facilitating the return of the child or
young person to the care and custody of his parent or
guardian;

(c) the parent or guardian is incapable or unwilling to
comply with the requirements of a proper care plan
for the child or young person.

10 (5) No order under subsection (1) may be made without giving
the parent or guardian of the child or young person an
opportunity to attend and be heard.

15 (6) Where the Youth 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.

20 (7) The Youth 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.

25 (8) Despite subsection (5), an order under subsection (2) may
be made if the parent or guardian of the child or young person,
having been required to attend, has failed to do so or cannot be
found within a reasonable time.

30 (9) In determining what order to be made under subsection (2),
the Youth Court is to treat the welfare of the child or young
person as the paramount consideration and is to endeavour to
obtain such information as to the family background, general
conduct, home environment, school record, medical history and
state of development of the child or young person as may enable
the Court to deal with the case in the best interests of the child or
35 young person.

(10) The Youth Court may, at any time before the expiry of an order made under subsection (2) and on the application of any of the following persons, vary or discharge the order if the Court is satisfied that there has been any material change in the circumstances and it would be in the best interests of the child or young person:

- (a) the Director-General or a protector;
- (b) any parent or guardian of the child or young person with the leave granted by the Court under subsection (11).

(11) The Youth Court may, on the application of a parent or guardian of a child or young person in respect of whom an order is made under subsection (2), grant leave for the parent or guardian to apply to vary or discharge the order.

(12) In this section and section 49C, “specified period” means —

- (a) where the child or young person is below 3 years of age — 12 months; or
- (b) where the child or young person is 3 years of age or older — 24 months.

Application of section 49B to children and young persons under voluntary care agreements

49C.—(1) Despite section 49B(1), where —

- (a) a child or young person has been committed to the care and custody of a care-giver other than his parent or guardian under one or more voluntary care agreements, whether entered into before, on or after the date of commencement of section 41 of the Children and Young Persons (Amendment) Act 2019, for a cumulative period that is the specified period or longer; and

- (b) the child or young person is currently the subject of a voluntary care agreement,

the Director-General or a protector may apply to a Youth Court for an order mentioned in section 49B(2) in respect of the child or young person.

(2) For the purposes of subsection (1), section 49B(2), (3), (4), (5), (6), (7), (8), (9), (10), (11) and (12) applies to an application mentioned in paragraph (1) except that —

- (a) any reference to a child or young person in that section is to be read as a reference to a child or young person mentioned in subsection (1); and
- (b) section 49B(3)(a) is omitted.

Making of decisions that affect child or young person under court order made under section 49B(2) or 49C (read with section 49B)

49D.—(1) Where an order is made by a Youth Court under section 49B(2) or 49C (read with section 49B) in respect of a child or young person —

- (a) the Director-General, a protector or the care-giver of the child or young person may decide on any category 1 matter relating to the child or young person;
- (b) the Director-General or a protector may decide on any category 2 matter relating to the child or young person;
- (c) the care-giver of the child or young person may decide on any category 2 matter relating to the child or young person if —
- (i) the Director-General or a protector has authorised the care-giver in writing to decide on any category 2 matter relating to the child or young person; and

- (ii) the care-giver has consulted with such person as may be prescribed (if any) with respect to any particular category 2 matter; and
- (d) if the Director-General or a protector is of the view that a decision made by the care-giver of the child or young person under paragraph (a) or (c) is not in the best interests of the child or young person, the Director-General or protector may (where feasible) vary or reverse the decision of the care-giver. 5

(2) Where an order is made by a Youth Court under section 49B(2) or 49C (read with section 49B) in respect of a child or young person, the Court may, on the application of the Director-General or a protector, make an additional order to enable the Director-General or a protector to decide on a category 3 matter relating to the child or young person, if — 10

- (a) one of the following grounds is satisfied: 15
 - (i) both the parents, or where the child or young person has one or more guardians, all the guardians, of the child or young person cannot be contacted by the Director-General or a protector after reasonable attempts have been made by the Director-General or protector to contact the parents or guardians; 20
 - (ii) both the parents, or where the child or young person has one or more guardians, all the guardians, of the child or young person are incapable or unwilling to decide on the category 3 matter; 25
 - (iii) any parent or guardian of the child or young person has decided or is likely to decide on the category 3 matter in a manner that is detrimental to the interests of the child or young person; and 30
- (b) the Court is of the view that it is in the best interests of the child or young person for the Director-General or protector to decide on the category 3 matter. 35

(3) Any parent or guardian of a child or young person who disagrees with any decision made by the Director-General, a protector or the care-giver of the child or young person under this section may make an application to the Youth Court for its determination.”.

Deletion and substitution of sub-heading to Part III

42. Part III of the principal Act is amended by deleting the sub-heading immediately above section 50 and substituting the following sub-heading:

“Family guidance orders”.

Repeal and re-enactment of sections 50 and 51

43. Sections 50 and 51 of the principal Act are repealed and the following sections substituted therefor:

“Power of Youth Court to make family guidance orders

50.—(1) On the application made by a parent or guardian of a child or young person, a Youth Court may make an order described in subsection (4), where —

- (a) the parent or guardian is unable to guide the child or young person and the child or young person needs to be guided by a person other than his parent or guardian;
- (b) the parent or guardian, and the child or young person have completed a family programme; and
- (c) the Court is satisfied that the parent or guardian understands the consequences which will follow from, and consents to, the making of the order.

(2) An application made under subsection (1) must be accompanied by a recommendation of an approved welfare officer.

(3) A Youth Court may in any appropriate case do either or both of the following:

- (a) dispense with the requirement mentioned in subsection (1)(b);
 - (b) if the Court dispenses with the requirement mentioned in subsection (1)(b), order the parent or guardian, and the child or young person to complete the family programme at any stage of the proceedings. 5
- (4) For the purposes of subsection (1), the Youth Court may order that the child or young person —
- (a) be placed under the supervision of an approved welfare officer or some other person appointed for the purpose by the Court for a period not exceeding 3 years; 10
 - (b) be committed to the care of a fit person for a period not exceeding 3 years; or
 - (c) be committed to the care of a place of safety for a period not exceeding 3 years. 15
- (5) An order under subsection (4)(b) or (c) may provide that —
- (a) the fit person to whom, or the place of safety to which, the child or young person is to be committed (called in this section a care-provider), be determined by the Director-General or a protector; and 20
 - (b) the determination under paragraph (a) may be varied by the Director-General, a protector or an approved welfare officer (who may or may not have made the determination) during the period of the child's or young person's committal, in accordance with such requirements as may be prescribed, even though the variation may result in the child or young person being committed to a different care-provider, if the Director-General, protector or approved welfare officer (as the case may be) thinks that it is in the best interests of the child or young person to do so. 25 30
- (6) Where the Youth 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.

5 (7) Where the Youth 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 committed to the care of such fit person or such place as may be determined by the Director-General or a protector pending the receipt of such information by the Court.

(8) Where —

15 (a) a Youth Court has ordered the committal of a child or young person to the care of a fit person or a place of safety (called in this subsection and subsection (9) the principal care-provider) under subsection (4)(b) or (c); and

20 (b) the principal care-provider is unable to provide care for the child or young person for a period of at least 8 weeks,

the Director-General, a protector or an approved welfare officer may arrange for the child or young person to be committed to the temporary care of another fit person or a place of safety, whether or not the arrangement would result in the child or young person being committed to a different care-provider for that period.

25 (9) An arrangement by the Director-General, a protector or an approved welfare officer under subsection (8) is not to be treated as a variation under subsection (5)(b) if the child or young person is returned to the principal care-provider before the end of the arrangement under subsection (8).

30 (10) Where 3 variations have been made by the Director-General, a protector or an approved welfare officer under subsection (5)(b) in respect of a child or young person before the expiry of the period specified by the Youth Court under subsection (4)(b) or (c) (as the case may be), and the

35

Director-General, a protector or an approved welfare officer is of the view that a further variation during that period is necessary, the Director-General, protector or approved welfare officer must apply to the Court for an order as to the appropriate fit person to whom, or the appropriate place of safety to which, the child or young person is to be committed. 5

(11) The Youth Court has the power to make one order or a combination of orders mentioned in subsection (4)(a), (b) and (c) in relation to a child or young person concerned.

(12) The duration of any order or any combination of orders made by the Youth Court under subsection (4) must not exceed a continuous period of 3 years. 10

(13) Where a Youth Court makes any order mentioned in subsection (4)(a), (b) and (c) —

(a) a report on the living conditions of the child or young person, the standard of care and supervision provided to the child or young person, the progress made by the child or young person and such other matters as may be prescribed must be submitted to the Court within 6 months after the order is made, or such other period as the Court may specify in the order, by — 15

(i) if the Court makes an order mentioned in subsection (4)(a) — an approved welfare officer or a person appointed by the Court;

(ii) if the Court makes an order mentioned in subsection (4)(b) — 25

(A) in the case where the fit person to whom the child or young person is committed is a relative of the child or young person — an approved welfare officer; or 30

(B) in any other case — the fit person; or

(iii) if the Court makes an order mentioned in subsection (4)(c) — the care-giver of the child or young person or an approved welfare officer;

(b) the Court may, upon receiving the report mentioned in paragraph (a), order for one or more further reports to be submitted to the Court at such frequency as the Court may specify, for the purpose of monitoring the progress of the child or young person; and

(c) the Court may order a parent or guardian of the child or young person to enter into a bond to undertake to commit his best efforts to exercise proper care and guardianship.

(14) The provisions of section 49(2), (5), (6) and (7) apply, with the necessary modifications, in respect of an order made by the Youth Court under subsection (4) as they apply in respect of an order made by the Court under section 49(1).

(15) The Youth Court may, on the application of the Director-General, a protector or a parent or guardian of a child or young person in respect of whom an order under subsection (4) has been made, vary the period of the order or discharge the order if the Court is satisfied that it is in the best interests of the child or young person to do so.

(16) To avoid doubt, where an order to be varied or discharged under subsection (15) involves a person who is older than 16 years of age (but below 19 years of age) at the time the order is to be varied or discharged, the Youth Court must not extend the period for which the person is to be committed to the care of a fit person or to a place of safety, or placed under the supervision of an approved welfare officer or a person appointed by the Court, as the case may be.

(17) An application made under subsection (1) may only be withdrawn with the consent of the Youth Court.

(18) Where a parent or guardian of a child or young person fails to comply with any order of the Youth Court made under subsection (3)(b), the parent or guardian shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

(19) In this section —

“family programme” means such family programme that is approved and specified by the Director-General and which seeks to —

- (a) resolve any relationship problem between a child or young person and any parent, or where the child or young person has one or more guardians, any guardian, of the child or young person; 5
- (b) rehabilitate or assist in the rehabilitation of a child or young person; 10
- (c) enable any parent of a child or young person, or where the child or young person has one or more guardians, any of his guardians to manage the child or young person; or 15
- (d) enhance, promote or protect the physical, social and emotional wellbeing and safety of a child or young person;

“recommendation”, in relation to a child or young person, means a document specifying the following: 20

- (a) the risks and requirements of the child or young person at a particular point in time;
- (b) the proposed activities and programmes that the child or young person or his parent or guardian, or both, should attend for the purpose of enabling the parent or guardian to address the risks and requirements raised about the child or young person at that point in time; 25
- (c) such other matters as may be prescribed;

“young person” means a person who is 14 years of age or older but below 16 years of age. 30

Additional orders which may be made by Youth Court in relation to child or young person

5 **51.**—(1) Where a child or young person has been dealt with, whether before, on or after the date of commencement of section 43 of the Children and Young Persons (Amendment) Act 2019, in connection with an offence —

(a) by a court; or

10 (b) in a juvenile case conference where a Youth Court has exercised any of its powers mentioned in section 45(1)(a), (b), (c), (d), (e) and (f) in respect of the child or young person,

15 a Youth Court may, on its own motion or on the application of the Director-General or a protector, make either or both of the orders mentioned in subsection (4) as an additional order or additional orders.

(2) Where an order has been made by a Youth Court under —

(a) section 49(1), whether before, on or after the date of commencement of section 43 of the Children and Young Persons (Amendment) Act 2019;

20 (b) section 49B(2); or

(c) section 49C, read with section 49B,

25 in respect of a child or young person, the Court may, on its own motion or on the application of the Director-General or a protector, make either or both of the orders mentioned in subsection (4) as an additional order or additional orders.

30 (3) Where an application has been made under section 50 to a Youth Court in respect of a child or young person, the Court may, before or after the application is heard or at any time when the application is being heard, on its own motion or on the application of the Director-General or a protector, make either or both of the orders mentioned in subsection (4).

(4) For the purposes of subsections (1), (2) and (3), the orders are as follows:

- (a) an order requiring the child or young person, either or both the parents of the child or young person, or where the child or young person has one or more guardians, all or any of those guardians, to undergo such mediation, counselling, psychotherapy or other assessment, programme or treatment or to partake in such activity as the Youth Court thinks necessary for the purpose of — 5
- (i) resolving any relationship problem between the child or young person and any parent, or where the child or young person has one or more guardians, any guardian, of the child or young person; 10
 - (ii) rehabilitating or assisting in the rehabilitation of the child or young person; 15
 - (iii) enabling any parent, or where the child or young person has one or more guardians, any guardian, of the child or young person to manage the child or young person; or
 - (iv) enhancing, promoting or protecting the physical, social and emotional wellbeing and safety of the child or young person; 20
- (b) an order requiring all or any of the following persons to attend a family conference:
- (i) the child or young person; 25
 - (ii) either or both the parents, or where the child or young person has one or more guardians, all or any of those guardians, of the child or young person;
 - (iii) such other persons as may be specified by the Youth Court. 30

(5) In making an order under subsection (1), (2) or (3), the Youth Court may require any parent, or where the child or young

person has one or more guardians, any guardian, of the child or young person to enter into a bond to comply with such order.

(6) Where a parent or guardian of a child or young person fails to comply with any order of the Youth Court made under subsection (1), (2) or (3), or the requirement mentioned in subsection (5), the parent or guardian shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

(7) In this section, “family conference” means a discussion among the participants of the conference on what is necessary to —

(a) resolve any relationship problem between the child or young person and any parent, or where the child or young person has one or more guardians, any guardian, of the child or young person; or

(b) resolve any concern relating to the care, protection and supervision of the child or young person.”.

Amendment of section 52

44. Section 52 of the principal Act is amended —

(a) by deleting the words “a supervision order” and substituting the words “an order”;

(b) by deleting the words “the supervision order” and substituting the words “the order”; and

(c) by deleting the words “supervision order” in the section heading and substituting the words “family guidance order”.

Amendment of section 53

45. Section 53(2) of the principal Act is amended by deleting the words “the age of 16 years” and substituting the words “18 years of age”.

Amendment of section 54

46. Section 54 of the principal Act is amended —

- (a) by deleting the words “above the age of 16 years (but below the age of 19 years)” in subsection (2A) and substituting the words “older than 18 years of age (but below 21 years of age)”; 5
- (b) by deleting the words “the age of 16 years but is below the age of 19 years” in subsection (3) and substituting the words “18 years of age (but below 21 years of age)”; and
- (c) by deleting the words “person in charge” in subsection (6) and substituting the word “person-in-charge”. 10

Amendment of section 55

47. Section 55(2) of the principal Act is amended by deleting the words “person in charge” and substituting the word “person-in-charge”. 15

New section 68A

48. The principal Act is amended by inserting, immediately after section 68, the following section:

“Use of mechanical restraint

68A.—(1) The person-in-charge of any home for children and young persons that is operated by or under the management or control of the Government may use, or authorise any person who is assisting the person-in-charge of the home to use, mechanical restraint on a person detained in the home for the purposes (called in this section a detainee) mentioned in subsection (2). 20
25

(2) The purposes mentioned in subsection (1) are —

- (a) to prevent a detainee from escaping from custody, including while transferring that detainee to a prescribed place or from a prescribed place to the home; and 30

(b) to prevent a detainee from inflicting any bodily injury on himself, or any other detainee or person within the home.

(3) For the purposes of subsection (1) read with subsection (2) —

(a) the person-in-charge of a home for children and young persons and such person authorised by the person-in-charge of the home under subsection (1) may carry or have in their possession or under their control any mechanical restraint in any public place; and

(b) the mechanical restraint must be removed from a detainee immediately once it is no longer necessary.

(4) To avoid doubt, the person-in-charge of a home for children and young persons or such person authorised by the person-in-charge of the home under subsection (1) may not use a mechanical restraint on a detainee as punishment.

(5) In this section, “mechanical restraint” means handcuffs, leg braces, flexi cuffs or any other similar means of restraint.”.

Amendment of section 77

49. Section 77(3) of the principal Act is amended by deleting the words “the age of 19 years and 6 months” and substituting the words “21 years of age”.

New sections 84A and 84B

50. The principal Act is amended by inserting, immediately before section 85 in Part IX, the following sections:

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

84A.—(1) A person must not, without the Director-General’s approval, publish or broadcast —

- (a) any information or picture that identifies, or is likely to lead to the identification of any child or young person as a child or young person who —
- (i) had been or is the subject of any investigation under this Act; 5
 - (ii) had been or is arrested on or after the date of commencement of section 50 of the Children and Young Persons (Amendment) Act 2019, for an offence committed under any written law;
 - (iii) had been or is taken into care or custody by the Director-General, a protector, any officer generally or specially authorised in that behalf in writing by the Director-General or a protector or a police officer under this Act; 10
 - (iv) had attended or is attending a family programme in relation to an application to be made under section 50; or 15
 - (v) was or is the subject of an order made by a court under this Act; or
- (b) any information or picture mentioned in paragraph (a) even after the child or young person attains 18 years of age (called in this section the protected person). 20
- (2) A court may —
- (a) on the application made by the Director-General or a protector, order a person to remove the publication, or stop the broadcast, of any information or picture that is in contravention of section 27A(1) as in force immediately before the date of commencement of section 50 of the Children and Young Persons (Amendment) Act 2019 or subsection (1)(a); or 25
 - (b) on the application made by the protected person, order a person to remove the publication, or stop the broadcast, of any information or picture that is 30

published or broadcast in contravention of subsection (1)(b).

(3) The court may make an order under subsection (2) even if —

5 (a) the application is not served on the person against whom the order is to be made (called in this section the respondent) or is not served on the respondent within a reasonable time before the hearing of the application; or

10 (b) where the application has been served on the respondent, the respondent does not appear at the hearing of the application,

so long as the court is satisfied, on a balance of probabilities, that the order is necessary for the protection and safety of the child or
15 young person concerned or the protected person, as the case may be.

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

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 of the newspaper or periodical publication;

25 (b) in the case of the publication of any information or picture otherwise than as part of a newspaper or periodical publication, the person who publishes or distributes it; or

30 (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 corresponding to those of the editor of a newspaper or periodical publication,

shall jointly be guilty of an offence and shall each 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.

(5) A court may, in addition to any punishment mentioned in subsection (4), order a person to remove the publication, or stop the broadcast, of any information or picture that is in contravention of subsection (1)(a) or (b). 5

(6) Where any proceeding is pending before a court as at the date of commencement of section 50 of the Children and Young Persons (Amendment) Act 2019 for a contravention of section 27A(1) as in force immediately before that date (called in this subsection the unamended Act), the court may, in addition to any punishment mentioned in section 27A(2) of the unamended Act, order a person to remove the publication, or stop the broadcast, of any information or picture that is in contravention of section 27A(1) of the unamended Act. 10 15

(7) In this section, “broadcast” and “publish” have the same meanings as in section 84B(9).

Restriction on publication of information relating to proceedings involving children and young persons

84B.—(1) Subject to subsection (2), a person must not — 20

(a) publish or broadcast any information relating to any proceedings in any court or on appeal from any court that reveals the name, address or school or that includes any particulars that are calculated to lead to the identification of any child or young person concerned in the proceedings, either as being the person against or in respect of whom the proceedings are taken or as being a witness therein; 25

(b) publish or broadcast any picture as being or including a picture of any child or young person so concerned in any such proceedings; or 30

(c) publish or broadcast any information or picture mentioned in paragraph (a) or (b) even after the

child or young person attains 18 years of age (called in this section the protected person).

(2) A court may, if satisfied that it is in the interests of justice to do so, by order dispense with the requirements of subsection (1) to such extent as may be specified in the order.

(3) A court may —

(a) on the application made by the Director-General or a protector, order a person to remove the publication, or stop the broadcast, of any information or picture that is in contravention of —

(i) section 35(1)(a) or (b) as in force immediately before the date of commencement of section 50 of the Children and Young Persons (Amendment) Act 2019; or

(ii) subsection (1)(a) or (b) on or after that date; or

(b) on the application made by the protected person, order a person to remove the publication, or stop the broadcast, of any information or picture that is published or broadcast in contravention of subsection (1)(c).

(4) The court may make an order under subsection (3) even if —

(a) the application is not served on the person against whom the order is to be made (called in this section the respondent) or is not served on the respondent within a reasonable time before the hearing of the application; or

(b) where the application has been served on the respondent, the respondent does not appear at the hearing of the application,

so long as the court is satisfied, on a balance of probabilities, that the order is necessary for the protection and safety of the child or young person concerned or the protected person, as the case may be.

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

(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 of the newspaper or periodical publication;

5

(b) in the case of the publication of any information or picture otherwise than as part of a newspaper or periodical publication, the person who publishes or distributes it; or

10

(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 corresponding to those of the editor of a newspaper or periodical publication,

15

shall jointly be guilty of an offence and shall each 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.

20

(6) A court may, in addition to any punishment mentioned in subsection (5), order a person to remove the publication, or stop the broadcast, of any information or picture that is in contravention of subsection (1)(a), (b) or (c).

(7) Where any proceeding is pending before a court as at the date of commencement of section 50 of the Children and Young Persons (Amendment) Act 2019 for a contravention of section 35(1)(a) or (b) as in force immediately before that date (called in this subsection the unamended Act), the court may, in addition to any punishment mentioned in section 35(3) of the unamended Act, order a person to remove the publication, or stop the broadcast, of any information or picture that is in contravention of section 35(1)(a) or (b) of the unamended Act.

25

30

(8) Subsection (1) is in addition to, and not in derogation from, the provisions of any other written law with respect to the publication of information relating to judicial proceedings.

(9) In this section —

5 “broadcast” means sounds or visual images —

(a) broadcast by wireless telegraphy, or by means of a high frequency distribution system over wire or other paths provided by a material substance, and intended for general reception;

10 (b) broadcast through the Internet or any website, web service or Internet application, whether or not intended for general reception; or

(c) broadcast through any messaging system;

15 “messaging system” means any system that enables the transmission of short text messages, or of any visual communication, voice communication or electronic mail —

(a) from a digital mobile telephone to another digital mobile telephone; or

20 (b) from an electronic mail address to a digital mobile telephone, and the other way around;

25 “publish”, in relation to any information or picture, means to bring the information or picture to the notice of the public or a section of the public by any means, including (to avoid doubt) through —

(a) the Internet or any website, web service or Internet application; or

(b) any messaging system.”.

Repeal and re-enactment of section 86

30 **51.** Section 86 of the principal Act is repealed and the following section substituted therefor:

“Protection from personal liability

86.—(1) No liability shall lie personally against any of the following persons who, acting in good faith and with reasonable care, does or omits to do anything in the execution or purported execution of this Act:

- (a) the Director-General;
- (b) any protector;
- (c) any police officer;
- (d) any approved welfare officer or volunteer welfare officer;
- (e) any probation officer or volunteer probation officer;
- (f) any member of the panel of advisers;
- (g) any foster parent;
- (h) the person-in-charge of any juvenile rehabilitation centre, home for children and young persons, place of detention, place of safety, place of temporary care and protection or remand home;
- (i) any person appointed by the Director-General or a protector to whose care a child or young person is committed under a voluntary care agreement;
- (j) any member of the Review Board, Committee on Fostering or a governing board;
- (k) any other person acting under the direction of the Director-General or a protector.

(2) No liability shall lie personally against any person appointed by a court or pursuant to an order of a court, who, acting in good faith and with reasonable care, does or omits to do anything in the discharge or purported discharge of any order made by a court under this Act.”.

Amendment of section 87

52. Section 87 of the principal Act is amended —

(a) by deleting the words “the Director” in subsection (1) and substituting the words “the Director-General, a protector”;

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

“(2) Where the Director-General, a protector or a police officer not below the rank of sergeant (*A*) receives any notification under subsection (1), *A* may, without affecting any other power conferred on him by this Act, communicate any information contained in the notification to —

(a) where *A* is the Director-General — a protector or any other person assisting the Director-General in the administration or enforcement of this Act in respect of the child or young person;

(b) where *A* is a protector — the Director-General, another protector or any other person assisting *A* in the administration or enforcement of this Act in respect of the child or young person;

(c) where *A* is a police officer — the Director-General or a protector; and

(d) any other person or class of persons as may be prescribed,

in order that *A* 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.”; and

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

“(3A) No liability shall lie personally against a person for communicating any information under subsection (2) if the person had done so in good faith and with reasonable care in compliance with that subsection.”.

5

Amendment of section 87A

53. Section 87A of the principal Act is amended by deleting subsection (1) and substituting the following subsection:

“(1) Any person to whom any information relating to a child or young person has been disclosed to him by the Director-General or a protector in the performance of any duty or the exercise of any power by the person, must not disclose the information to another person unless the disclosure has been authorised by the Director-General or protector, as the case may be.”.

10

Amendment of section 88

15

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

(a) by deleting the words “children and young persons” in paragraph (b) and substituting the words “persons below 21 years of age”; and

(b) by deleting the words “and the Review Board” in paragraph (c) and substituting the words “, the Committee on Fostering and the Review Board”.

20

New section 90 and First and Second Schedules

55. The principal Act is amended by inserting, immediately after section 89, the following section and Schedules:

25

“Amendment of Second Schedule

90.—(1) The Minister may from time to time, by order in the *Gazette*, amend, add to or vary the Second Schedule.

(2) Any order made under subsection (1) must be presented to Parliament as soon as possible after publication in the *Gazette*.

30

FIRST SCHEDULE

Section 3(4A)

POWERS OF VOLUNTEER WELFARE OFFICER

1. In this Schedule, “child or young person” means a child or young person
5 who —

(a) is in need of care or protection; or

(b) is the subject of a voluntary care agreement or an order made under
section 49(1) or 49B(2), section 49C (read with section 49B) or
section 50.

10 2. The powers of a volunteer welfare officer in respect of a child or young
person include all of the following:

(a) to do any of the acts mentioned in paragraph 3 to ascertain —

(i) the relationship between the child or young person, and his
parent, guardian or care-giver;

15 (ii) the living conditions of, standard of care and supervision
provided to, or progress made by, the child or young person; or

(iii) whether the child or young person has complied with the
requirements imposed on him under a court order made under
section 49(1) or 49B(2), section 49C (read with section 49B)
20 or section 50, or the orders, rules or directions of the place of
safety or place of temporary care and protection to which the
child or young person is committed under any such order;

(b) to provide transport to, escort or otherwise accompany, the child or
young person, or his parent, guardian or care-giver to enable the child
25 or young person, or his parent, guardian or care-giver (as the case
may be) to attend a mediation, counselling, psychotherapy, medical
appointment or other assessment, programme or treatment;

(c) to supervise a meeting between the child or young person and his
parent or guardian or any other person, where the care and custody of
30 the child or young person has been committed to a care-giver who is
not the parent or guardian;

(d) to provide training to the parent, guardian or care-giver of the child or
young person on how to provide care, protection, supervision or
rehabilitation to the child or young person;

35 (e) to communicate any information on the matters mentioned in
sub-paragraph (a)(i), (ii) and (iii) to any protector or approved
welfare officer to facilitate the protector or approved welfare officer

to take such action as may be necessary in accordance with this Act to ensure that the child or young person receives the care, protection and supervision that he needs;

- (f) to take charge of the child or young person for the duration when the parent, guardian or care-giver of the child or young person is attending a meeting with a protector or an approved welfare officer; 5
- (g) to impart prosocial life skills to the child or young person to facilitate his rehabilitation, and to promote the physical, social and emotional wellbeing of the child or young person.

3. For the purposes of paragraph 2(a), the acts are — 10

(a) to enter —

- (i) the home of any parent, or where the child or young person has one or more guardians, any guardian, or the care-giver, of the child or young person; or
- (ii) the premises of the place of safety or place of temporary care and protection to which the child or young person is committed, 15

without having to give prior notice to the parent, guardian, care-giver or the person-in-charge of the place of safety or place of temporary care and protection; 20

- (b) to interview any parent, or where the child or young person has one or more guardians, any guardian, or the care-giver, of the child or young person, whether at a meeting, by way of a telephone call or any other means, and take statements from the parent, guardian or care-giver, as the case may be; and 25

(c) to enter the early childhood development centre, school or student care centre attended by the child or young person for the purpose of —

- (i) observing the child's or young person's behaviour when attending lessons and during recess periods; and 30
- (ii) interviewing the teachers of the child or young person on matters concerning the child or young person.

SECOND SCHEDULE

Sections 33(2A)(a) and 90(1)

OFFENCES

1. Section 3(1) of the Arms Offences Act (Cap. 14)
- 5 2. Section 5, 6, 7, 10, 11A, 11C or 11D of the Misuse of Drugs Act (Cap. 185)
3. Section 14(1) or 28(1) or (2) of the Moneylenders Act (Cap. 188)
4. Section 144, 145, 146, 147, 224, 304(b), 304B, 304C, 305(1)(b) or (c),
308, 324, 325, 326, 333, 354(1) or (2), 354A(1) or (2), 363, 363A, 365,
366, 367, 368, 376A(2)(a), 376AA, 376F(2) or (3), 376G(3), (4) or (5),
10 377(2), 377B(2), 384, 385, 387, 392, 394, 402 or 450 of the Penal Code
(Cap. 224)
5. Section 14(2) or (3), 15(1), 16(1) or (2), 17, 18 or 23(2) of the Societies Act
(Cap. 311)".

Miscellaneous amendments

- 15 **56.**—(1) The principal Act is amended by deleting the word
“Director” wherever it appears in the following provisions and
substituting in each case the word “Director-General”:

Sections 2(1) (definitions of “approved welfare officer” and
“voluntary care agreement”), 3(2), (3), (4) and (5), 8A(1), 9(1),
20 (2), (3)(a) and (4), 9A(1)(a) and (b), (2) and (4), 10(6)(b), 49(1) and
(9), 52A(1) and (2)(a), 52B(1), (3), (4), (5), (6) and (7), 52E(1) and
(2), 52F(1) and (2), 52G(3)(c) and (6), 52H(1) and the section
heading, 52I(1) and (2)(a), 52J(1) and (2) and the section heading,
52L(1), (2), (3) and (4), 52N, 52O, 52Q(2)(g) and (3), 56(2), 58 and
25 the section heading, 59(1), 65(1)(a) and (2), 66 and the section
heading, 74 and the section heading, 76(1), (2), (3), (6) and (7), 80
and 82.

(2) Section 52L(4) of the principal Act is amended by deleting the
word “Director’s” and substituting the word “Director-General’s”.

- 30 (3) The principal Act is amended by deleting the word “manager”
wherever it appears in the following provisions and substituting in
each case the word “person-in-charge”:

Sections 24(3), 44(7), 56(1) and (2), 57, 58, 59(2), 60(1), 61, 62,
65(2), 68(1), (2) and (3) and the section heading, 70(1) and (2),

71(1) and (2), 72 and the section heading, 73(1) and (2), 76(1), 77(2)(b) and 81.

(4) The principal Act is amended by deleting the word “Manager” in the section heading of the following provisions and substituting the word “Person-in-charge”:

5

Sections 57, 58 and 60.

(5) Section 61 of the principal Act is amended by deleting the word “managers” in the section heading and substituting the word “persons-in-charge”.

Amendment of Child Development Co-Savings Act

10

57. The Child Development Co-Savings Act (Cap. 38A, 2002 Ed.) is amended —

(a) by deleting subsection (11A) of section 12B and substituting the following subsection:

“(11A) To avoid doubt, the employee ceases to be entitled to any childcare leave or extended childcare leave in respect of a qualifying child, and is not entitled to any payment in lieu of that leave, if —

15

(a) the qualifying child is adopted by another person, other than jointly with the employee; or

20

(b) the employee ceases to provide care, protection or supervision as a foster parent to the child under a voluntary care agreement as mentioned in section 11A of the Children and Young Persons Act (Cap. 38), or pursuant to an order under section 49(1)(b) or 49B(2), or section 49C (read with section 49B) of that Act.”;

25

(b) by deleting the definition of “child” in section 12B(21) and substituting the following definition:

30

““child”, in relation to an employee or a self-employed person, includes —

(a) any adopted child or stepchild of the employee or self-employed person; and

(b) any child to whom the employee or self-employed person is providing care, protection and supervision as a foster parent under a voluntary care agreement as mentioned in section 11A of the Children and Young Persons Act, or pursuant to an order under section 49(1)(b) or 49B(2), or section 49C (read with section 49B) of that Act;”;

(c) by deleting subsection (6A) of section 12D and substituting the following subsection:

“(6A) To avoid doubt, the employee ceases to be entitled to any unpaid infant care leave in respect of a qualifying child, and is not entitled to any payment in lieu of that leave, if —

(a) the qualifying child is adopted by another person, other than jointly with the employee; or

(b) the employee ceases to provide care, protection or supervision as a foster parent to the child under a voluntary care agreement as mentioned in section 11A of the Children and Young Persons Act, or pursuant to an order under section 49(1)(b) or 49B(2), or section 49C (read with section 49B) of that Act.”; and

(d) by deleting the definition of “child” in section 12D(10) and substituting the following definition:

““child”, in relation to an employee, includes —

(a) any adopted child or stepchild of the employee; and

- (b) any child to whom the employee is providing care, protection and supervision as a foster parent under a voluntary care agreement as mentioned in section 11A of the Children and Young Persons Act, or pursuant to an order under section 49(1)(b) or 49B(2), or section 49C (read with section 49B) of that Act;”.

Amendment of Criminal Law Reform Act

58. Section 171 of the Criminal Law Reform Act 2019 (Act 15 of 2019) is amended by deleting paragraph (f).

Amendment of Criminal Procedure Code

59. The Criminal Procedure Code (Cap. 68, 2012 Ed.) is amended —

- (a) by deleting the words “16 years” in sections 281(1)(a) and (9) and 281A(1)(a) and substituting in each case the words “18 years”; and
- (b) by deleting subsection (1) of section 305 and substituting the following subsection:
- “ (1) Where a person is convicted by a court of an offence punishable with imprisonment, the court may impose a sentence of reformatory training in lieu of any other sentence if on the day of the person’s conviction —
- (a) the person has attained 18 years of age but is below 21 years of age;
- (b) both of the following conditions are satisfied:
- (i) the person, having attained 14 years of age but is below 18 years of age, has previously been dealt with by a

court in connection with another offence and had, in respect of that other offence, been ordered to be sent to a juvenile rehabilitation centre established under section 64 of the Children and Young Persons Act (Cap. 38);

(ii) the court is satisfied, having regard to the person's character, previous conduct and the circumstances of the offence, that to reform the person and to prevent crime, the person should undergo a period of training in a reformatory training centre; or

(c) the person has attained 14 years of age but is below 18 years of age, and a court is of the opinion that the person is of so unruly a character that he cannot be safely detained in a juvenile rehabilitation centre or a place of detention.”.

Amendment of Destitute Persons Act

60. The Destitute Persons Act (Cap. 78, 2013 Ed.) is amended —

(a) by deleting the definition of “Director” in section 2(1) and substituting the following definition:

““Director-General” means the Director-General of Social Welfare and includes any person who is authorised by him to perform any of the duties or exercise any of the powers of the Director-General under this Act or any of its rules;” and

(b) by deleting the word “Director” wherever it appears in the following provisions and substituting in each case the word “Director-General”:

Sections 3(1), (2) and (4), 6(1), (2) and (3), 8(1), 10(3), 11, 12(1), (2) and (3), 15 and the section heading and 19.

Amendment of Early Childhood Development Centres Act 2017

61. Section 54(8) of the Early Childhood Development Centres Act 2017 (Act 19 of 2017) is amended by deleting the words “Director of Social Welfare” in paragraph (b) and substituting the words “Director-General of Social Welfare”. 5

Amendment of Education Act

62. Section 9(2) of the Education Act (Cap. 87, 1985 Ed.) is amended by deleting paragraph (d) and substituting the following paragraph: 10

“(d) the Director-General of Social Welfare;”.

Amendment of Employment Act

63. Section 87A(8) of the Employment Act (Cap. 91, 2009 Ed.) is amended by deleting the definition of “child” and substituting the following definition: 15

““child”, in relation to an employee, includes —

(a) any adopted child and stepchild of the employee; and 20

(b) any child to whom the employee is providing care, protection and supervision as a foster parent under a voluntary care agreement as mentioned in section 11A of the Children and Young Persons Act (Cap. 38), or an order under section 49(1)(b) or 49B(2), or section 49C (read with section 49B) of that Act;” 25

Amendment of Evidence Act

64. Section 62A of the Evidence Act (Cap. 97, 1997 Ed.) is amended by deleting the words “16 years” in subsections (1)(a) and (6) and substituting in each case the words “18 years”. 30

Amendment of Films Act

65. Section 2(1) of the Films Act (Cap. 107, 1998 Ed.) is amended by deleting the words “16 years” in the definition of “young person” and substituting the words “18 years”.

5 Amendment of Homes for the Aged Act

66. The Homes for the Aged Act (Cap. 126A, 2014 Ed.) is amended —

(a) by deleting the definition of “Director” in section 2 and substituting the following definition:

10 ““Director-General” means the Director-General
of Social Welfare and includes any person who
is authorised by him to perform any of the
duties or exercise any of the powers of the
Director-General under this Act or any of its
15 regulations;” and

(b) by deleting the word “Director” wherever it appears in the following provisions and substituting in each case the word “Director-General”:

20 Sections 3(2), 4(2) and (3), 5, 6(1) and (2), 7, 8(1), 10,
11(1), (3) and (4), 13(1) and (2), 14(1) and (2), 15(1) and
(2), 16(1) and (2)(a) and 20(2)(g), (3)(a), (b) and (c)
and (4).

Amendment of Maintenance of Parents Act

25 **67.** Section 11 of the Maintenance of Parents Act (Cap. 167B, 1996 Ed.) is amended —

(a) by deleting the word “Director” wherever it appears in subsection (2) and substituting in each case the word “Director-General”; and

30 (b) by deleting the definition of “Director of Social Welfare” in subsection (3).

Amendment of National Council of Social Service Act

68. Section 5(1) of the National Council of Social Service Act (Cap. 195A, 2001 Ed.) is amended by deleting the words “Director of Social Welfare” in paragraph (i) and substituting the words “Director-General of Social Welfare”.

5

Amendment of Passports Act

69. Section 27 of the Passports Act (Cap. 220, 2008 Ed.) is amended —

(a) by deleting paragraph (a) and substituting the following paragraph:

10

“(a) the following person (whichever is applicable) consents to the child travelling internationally:

(i) a person who has parental responsibility for the child;

15

(ii) where the child is the subject of —

(A) a voluntary care agreement under which the Director-General of Social Welfare, a protector or the care-giver of the child may consent to the child travelling internationally;

20

(B) an order under section 49(1)(b) of the Children and Young Persons Act (Cap. 38) under which the Director-General of Social Welfare, a protector or the care-giver of the child may consent to the child travelling internationally; or

25

30

(C) an order under section 49B(2) or section 49C (read with section 49B) of the Children

and Young Persons Act under which the Director-General of Social Welfare, a protector or the care-giver of the child may consent to the child travelling internationally,

the Director-General of Social Welfare, protector or care-giver, as the case may be; or”; and

(b) by renumbering section 27 as subsection (1) of that section, and by inserting immediately thereafter the following subsection:

“(2) In this section, “care-giver”, “protector” and “voluntary care agreement” have the meanings given by section 2(1) of the Children and Young Persons Act.”.

Amendment of Prevention of Human Trafficking Act 2014

70. Section 19 of the Prevention of Human Trafficking Act 2014 (Act 45 of 2014) is amended —

(a) by deleting the words “Director of Social Welfare appointed under section 3(1) of the Children and Young Persons Act (Cap. 38) may provide to a trafficked victim such assistance as the Director” in subsection (1) and substituting the words “Director-General of Social Welfare may provide to a trafficked victim such assistance as the Director-General of Social Welfare”;

(b) by deleting the words “Director of Social Welfare” in subsections (2) and (3) and substituting in each case the words “Director-General of Social Welfare”; and

(c) by deleting the words “Director’s function under subsection (1), subject to such conditions and limitations as the Director” in subsection (2) and substituting the words “functions of the Director-General of Social Welfare

under subsection (1), subject to such conditions and limitations as the Director-General of Social Welfare”.

Amendment of Probation of Offenders Act

71. The Probation of Offenders Act (Cap. 252, 1985 Ed.) is amended —

5

- (a) by deleting the words “16 years” in sections 5(1) (paragraph (a) of the proviso), 8(1) (paragraph (a) of the proviso) and 11(1) (proviso) and substituting in each case the words “18 years”;
- (b) by deleting the words “14 years” in sections 5(4) and 6(3) and substituting in each case the words “18 years”; and
- (c) by deleting subsection (4) of section 10 and substituting the following subsection:

10

“(4) Where a court makes any order under this section and the offender is below 18 years of age, the order must be enforced against the offender’s parent or guardian, unless the court is satisfied that the parent or guardian cannot be found or that the parent or guardian has not contributed to the commission of the offence by the offender by neglecting to exercise due care over the offender.”.

15

20

Amendment of Registration of Births and Deaths Act

72. Section 9 of the Registration of Births and Deaths Act (Cap. 267, 1985 Ed.) is repealed and the following section substituted therefor:

25

“Persons who may register live births

9.—(1) Where a child is born alive, a person mentioned in subsection (2) must, no later than the 14th day after the day of the birth —

- (a) provide to any deputy registrar of the local registration area in which the birth has occurred the particulars of the birth in the prescribed form; and

30

(b) certify to the correctness of the information by signing the person's name in the prescribed place on the form.

(2) The persons for the purposes of subsection (1) are —

5 (a) a parent of the child;

(b) where the child is the subject of a voluntary care agreement under which the Director-General of Social Welfare, a protector or the care-giver of the child may apply for a birth certificate for the child —
10 the Director-General of Social Welfare, protector or care-giver, as the case may be;

(c) where the child is the subject of an order under section 49(1)(b) or 49B(2), or section 49C (read with section 49B) of the Children and Young Persons Act (Cap. 38) under which the Director-General of Social Welfare, a protector or the care-giver of the child may apply for the birth certificate for the child — the
15 Director-General of Social Welfare, protector or care-giver of the child, as the case may be;

20 (d) where the child is born in a house, an occupier of the house who knows that the child is born;

(e) where the child is born on a ship or vessel, the master or other person having charge of the ship or vessel;

(f) a person present at the birth of the child; or

25 (g) a person having charge of the child.

(3) In this section, “care-giver”, “protector” and “voluntary care agreement” have the meanings given by section 2(1) of the Children and Young Persons Act.”.

Amendment of Registration of Criminals Act

30 **73.** The Registration of Criminals Act (Cap. 268, 1985 Ed.) is amended —

- (a) by renumbering section 7DA as subsection (1) of that section, and by inserting immediately thereafter the following subsection:

“(2) In addition, where a child or young person (as defined by section 2(1) of the Children and Young Persons Act (Cap. 38)) is the subject of an order of a Youth Court mentioned in section 44(1)(e), (f), (g), (h), (i) or (j) of that Act because of a crime, then despite any provision in this Part, the criminal record in the register relating to that crime becomes spent —

- (a) at the end of any period of supervision or detention specified in the order;
- (b) on the day after the community sentence specified in the order is completed; or
- (c) on the day after the fine, damages or costs ordered to be paid are paid.”; and

- (b) by inserting, immediately after subsection (2) of section 7E, the following subsection:

“(3) Despite subsection (2), subsection (1)(a) and (c) applies in respect of the matters mentioned in subsection (2)(a), (b), (c) and (d) where the person in question is a child or young person as defined in section 2(1) of the Children and Young Persons Act.”.

Amendment of Vulnerable Adults Act 2018

74. The Vulnerable Adults Act 2018 (Act 27 of 2018) is amended —

- (a) by deleting the definition of “Director” in section 2(1) and substituting the following definition:

““Director-General” means the Director-General of Social Welfare;”;

- (b) by deleting the word “Director” wherever it appears in the following provisions and substituting in each case the word “Director-General”:

Sections 2(1) (definitions of “fit person”, “mental capacity assessor”, “qualified assessor” and paragraph (c) of “relevant support person”), 3(1), (2), (3), (4), (5), (6), (7), (9), (10), (11), (12) and (13), 4(1), (2) and (3)(b), 5, 6(1), (2), (4), (5), (6) and (7), 7(1), (2), (3) and (4), 8(1), (2) and (3), 9(1), (2), (3), (4), (5)(a) and (6)(a), 10(1), (2), (4) and (5), 11(1), (2) and (4), 12(2)(a)(i) and (b)(i), 14(1)(j)(i) and (ii), (2)(b), (4)(c), (5) and (12)(b), 16(4)(a) and (c), (5), (6) and (7)(a), 17(2)(a), (b)(i), (c)(i), (d)(i), (e)(i) and (f) and (3), 18(1), 20(2)(b) and (5), 22(4), 23(1)(a) and (c), 24(1) and (2) and the section heading, 25, 26(1), (2), (3), (4), (5) and (6), 27, 28(1), (2), (3), (4) and (5), 29(1) and (2), 31(a), 32(1)(a) and (d), 33(1) and (2), 34(1) and (4)(a) and 37(2)(b) and (c); and

(c) by deleting the word “Director’s” in the following provisions and substituting the word “Director-General’s”:

Sections 4(2), 22(1) and (2) and 24(1) and (2)(a).

Amendment of Women’s Charter

75. The Women’s Charter (Cap. 353, 2009 Ed.) is amended —

(a) by deleting the definition of “Director” in section 2 and substituting the following definition:

““Director-General” means the Director-General of Social Welfare and includes any person who is authorised by him to perform any of the duties or exercise any of the powers of the Director-General under this Act;”;

(b) by deleting the word “Director” wherever it appears in the following provisions and substituting in each case the word “Director-General”:

Sections 2 (definition of “fit individual”), 71B(b), 141(2), 149(1), 152, 154(2) and (4), 155(2), (3) and (4), 156(1), (2), (3), (4) and (5) and the section heading, 157(1), (2) and (3)(a), 158(1), 159(1) and (2), 160(1), (3) and (4) and the section heading, 161(1), 162 and the section heading,

163(1) and (3), 164(1), (2) and (3), 166, 168, 169(2), 170(1), (2) and (3) and the section heading, 171(1), (2), (3), (5) and (6), 172, 173(1) and (2), 174(1), (2) and (3), 175(1), 176, 178(1) and (6), 179(1), (4), (5) and (6) and 180A(1), (3)(a) and (5); and

5

(c) by deleting the word “Director’s” in section 177A(1) and substituting the word “Director-General’s”.

Saving and transitional provisions

76.—(1) Any application made before the date of commencement of section 40 of this Act to the Youth Court for an order under section 49 of the principal Act as in force immediately before that date and is pending immediately before that date is, on or after that date, treated as made under section 49 of the principal Act as in force on or after that date.

10

(2) Any application made before the date of commencement of section 43 of this Act to the Youth Court for an order under section 50(1) of the principal Act as in force immediately before that date and is pending immediately before that date is, on or after that date, treated as made under section 50(1) of the principal Act as in force on or after that date (called in this subsection the new section 50(1)), except that the condition in paragraph (b) of the new section 50(1) need not be satisfied.

15

20

(3) Where in any written law or contract or other document, any reference is made to the Director of Social Welfare, such reference is read as a reference to the Director-General of Social Welfare.

25

(4) Where in any written law or contract or other document, any reference is made to the manager of a juvenile rehabilitation centre, home for children and young persons, place of detention, place of safety or place of temporary care and protection or remand home, such reference is read as a reference to the person-in-charge of the juvenile rehabilitation centre, home for children and young persons, place of detention, place of safety or place of temporary care and protection or remand home, as the case may be.

30

(5) For a period of 2 years after the commencement of any provision of this Act, the Minister may, by regulations, prescribe such

35

additional provisions of a saving or transitional nature consequent on the enactment of that provision as the Minister may consider necessary or expedient.

EXPLANATORY STATEMENT

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

- (a) to expand the group of persons protected under the CYPA by raising the maximum age of “young person” from below 16 years to below 18 years;
- (b) to clarify the circumstances under which a child or young person is treated as being in need of care or protection;
- (c) to expand the circumstances in which information about a child or young person who was, is, or is suspected to be, in need of care or protection may be communicated;
- (d) to extend the application of certain provisions on trafficking of children to young persons;
- (e) to confer additional enforcement powers on the Director-General of Social Welfare (Director-General), a protector or any officer authorised by the Director-General or a protector for the purpose of enforcing the CYPA;
- (f) to enable the Minister to appoint persons to be members of a Committee on Fostering;
- (g) to expand the circumstances in which a Youth Court or any other court of competent jurisdiction may sentence a young person to reformatory training;
- (h) to expand the types of order that a Youth Court may make in respect of a child or young person who is in need of care or protection, including enabling the Director-General, a protector or the care-giver of the child or young person to make certain decisions affecting the child or young person;
- (i) to enable a Youth Court to make various orders in respect of a child or young person whose parent or guardian is unable to guide and who needs to be guided by a person other than his or her parent or guardian, on the application of his or her parent or guardian;

- (j) to enable the person-in-charge of any home for children and young persons that is operated by or under the management or control of the Government to use, or authorise any person who is assisting the person-in-charge to use, mechanical restraint on a person detained in the home for children and young persons for certain purposes;
- (k) to prohibit the publication or broadcast of certain information or picture of a child or young person, even after the child or young person attains 18 years of age.

The Bill also makes —

- (a) consequential amendments to the Destitute Persons Act (Cap. 78), the Early Childhood Development Centres Act 2017 (Act 19 of 2017), the Education Act (Cap. 87), the Homes for the Aged Act (Cap. 126A), the Maintenance of Parents Act (Cap. 167B), the National Council of Social Service Act (Cap. 195A), the Prevention of Human Trafficking Act 2014 (Act 45 of 2014), the Vulnerable Adults Act 2018 (Act 27 of 2018) and the Women’s Charter (Cap. 353); and
- (b) related amendments to the Child Development Co-Savings Act (Cap. 38A), the Criminal Law Reform Act 2019 (Act 15 of 2019), the Criminal Procedure Code (Cap. 68), the Employment Act (Cap. 91), the Evidence Act (Cap. 97), the Films Act (Cap. 107), the Passports Act (Cap. 220), the Probation of Offenders Act (Cap. 252), the Registration of Births and Deaths Act (Cap. 267) and the Registration of Criminals Act (Cap. 268).

Clause 1 relates to the short title and commencement.

Clause 2 amends the definitions in section 2 of certain terms used in the CYPA and —

- (a) inserts new definitions of “care-giver”, “emotional harm”, “foster parent”, “volunteer welfare officer”, “category 1 matter”, “category 2 matter” and “category 3 matter”;
- (b) substitutes the definition of “Director” with a new definition of “Director-General”;
- (c) substitutes the definition of “manager”, in relation to a juvenile rehabilitation centre, place of safety, remand home, place of detention or place of temporary care and protection with a new definition of “person-in-charge”, in relation to those places, and a home for children and young persons;
- (d) amends the definition of “juvenile” by increasing the minimum age limit from 7 years to 10 years, and increasing the maximum age limit from below 16 years to below 18 years;

- (e) amends the definition of “young person” by increasing the maximum age limit from below 16 years to below 18 years; and
- (f) stipulates the manner in which the age of a person is to be determined for the purposes of the CYPA.

Clause 3 amends section 3 —

- (a) to enable the Director-General to appoint a person as a volunteer welfare officer who may exercise the powers set out in the new First Schedule;
- (b) to remove the appointment of the Director-General from the CYPA; and
- (c) to change the section heading.

Clause 4 amends section 4 —

- (a) to expand the circumstances under which a child or young person is treated as being in need of care or protection to include the situation where the child or young person suffers or is likely to suffer from emotional harm because the child or young person has been or is subject to emotional or psychological abuse by his or her parent or guardian;
- (b) to set out, non-exhaustively, the circumstances in which a child or young person may be regarded as being subject to emotional or psychological abuse by his or her parent or guardian; and
- (c) to provide for the new definition of “related person”.

Clause 5 amends section 5 to substitute references to “emotional injury” with “emotional harm”.

Clause 6 makes a technical amendment to section 6.

Clause 7 repeals and re-enacts sections 7 and 8.

Under the new section 7(1), it is an offence for a person to do either of the following acts, whether done in public or private:

- (a) committing or abetting the commission of, or procuring or attempting to procure the commission by another person of, any obscene or indecent act with any child or young person below 16 years of age;
- (b) procuring or attempting to procure the commission of any obscene or indecent act by any child or young person below 16 years of age.

Under the new section 7(2), it is an offence for a person (*A*) to commit or abet the commission of, or procure or attempt to procure the commission by another person of, any obscene or indecent act with any young person (*B*) of 16 years of

age or older but below 18 years of age, and *B* does not consent to the obscene or indecent act or *A* is in a relationship that is exploitative of *B*.

Under the new section 7(3), it is an offence for a person (*A*) to procure or attempt to procure the commission of any obscene or indecent act by any young person (*B*) of 16 years of age or older but below 18 years of age, and *B* does not consent to the obscene or indecent act or *A* is in a relationship that is exploitative of *B*.

Under the new section 7(4), where a person is charged for committing an offence under the new section 7(2) or (3), on the ground that *B* does not consent to the obscene or indecent act, it is a defence for *A* that, by reason of mistake of fact or in ignorance of a fact in good faith, *A* believed that *B* had consented to that obscene or indecent act.

Under the new section 7(5), where a person is charged for committing an offence under the new section 7(2) or (3), on the ground that *A* is in a relationship that is exploitative of *B*, it is not necessary for the prosecution to prove that *B* did or did not consent to the obscene or indecent act mentioned in that subsection.

The new section 7(6) sets out the considerations that a court has to have regard to when determining whether an accused's relationship with a young person of 16 years of age or older but below 18 years of age is exploitative of the young person.

The new section 7(7) makes clear that the court is not confined to consideration of the matters specified in subsection (6) and may take into account such other matters and evidence as may be relevant in the circumstances of each case.

The new section 7(8) sets out the circumstances under which it is presumed that an accused's relationship with a young person of 16 years of age or older but below 18 years of age is exploitative.

The new section 7(9) states that the presumption mentioned in the new section 7(8) does not apply where the accused is lawfully married to a young person of 16 years of age or older but below 18 years of age.

The new section 7(10) sets out the penalty of a person who contravenes the new section 7(1) as follows:

- (a) if the offence committed involves a child other than as an accused, the person shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 7 years or to both or, if the person is a repeat offender, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 10 years or to both;
- (b) if the offence committed involves a young person other than as an accused, the person shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 5 years or to both

or, if the person is a repeat offender, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 7 years or to both.

The new section 7(11) states that a person who contravenes the new section 7(2) or (3) shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 5 years or to both or, if the person is a repeat offender, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 7 years or to both.

The new section 7(12) sets out the meaning of a “repeat offender” in relation to an offence under the new section 7(1)(a) or (b), (2) or (3).

The new section 8(1), (2) and (3) —

- (a) enables the Director-General or a protector to require a person to provide to the Director-General or protector, or to require that person to appear before and provide to the Director-General or protector, information relating to a child or young person who was, is, or is likely to be, in need of care or protection; and
- (b) allows the communication by the Director-General or protector of that information to certain persons for a relevant purpose.

The new section 8(4) protects a person from liability for providing any information under the new section 8(2) or for communicating any information under the new section 8(3).

The new section 8(5) and (6) states that an individual who is required to provide information under the new section 8(2) cannot refuse to do so by relying on the common law privilege against self-incrimination or exposure to the imposition of a penalty, or any rule of law relating to legal professional privilege or any other privilege, or the public interest. However, the information provided will not be admissible in evidence against the individual in any criminal proceeding, other than a proceeding for an offence relating to the refusal to provide information as required under section 8(2), or the provision of false information.

Clause 8 amends section 9A(2) following the amendment to section 2(1) to insert the new definition of “emotional harm”.

Clause 9 inserts a new section 11A, which allows the Director-General to enter into a voluntary care agreement with the parents or guardians of a child or young person if the Director-General is of the view that the voluntary care agreement will promote the welfare of the child or young person. The conditions of a voluntary care agreement will be prescribed in regulations made by the Minister and which may be amended from time to time. The new section 11A also sets out the circumstances under which the Director-General may extend the validity of the period of a voluntary care agreement, and the manner in which a voluntary care agreement may be terminated.

Clause 10 makes a technical amendment to the sub-heading that is immediately above section 12.

Clause 11 amends section 12 to make it an offence for any person to participate in the trafficking of a young person.

Clause 12 amends section 13 to prohibit any person from bringing or assisting in bringing any young person into Singapore by or under any false pretence, false representations or fraudulent or deceitful means made or used either within or outside Singapore.

Clause 13 amends section 14 because of the amendment to the definition of “protector”, which excludes the “Director-General”. The amendments enable either the Director-General or a protector to exercise the power in section 14 with respect to a young person.

Clause 14 makes consequential amendments to section 16 following the amendment of the definition of “protector” to exclude “Director-General” in section 2(1).

Clause 15 amends section 18 —

- (a) to remove the power of a protector mentioned in that section in respect of an offence under section 6 or 11; and
- (b) to make a consequential amendment to that section following the amendment of the definition of “protector” to exclude “Director-General” in section 2(1).

Clause 16 repeals and re-enacts section 19 to confer certain enforcement powers on the Director-General, a protector or any officer authorised by the Director-General or a protector.

Clauses 17, 18, 19 and 20 make consequential amendments to sections 20, 22, 23 and 25, respectively, following the amendment of the definition of “protector” to exclude “Director-General” in section 2(1).

Clause 21 repeals and re-enacts section 27 to enable the Minister to designate any orphanage, hospital, home for children and young persons, institution or other place to be a place of temporary care and protection.

Clause 22 repeals section 27A, which is to be re-enacted with modifications as the new section 84A.

Clause 23 inserts a new Part IIA on Fostering (consisting of new sections 27B and 27C).

The new section 27B enables the Minister to establish a Committee on Fostering, which consists of such persons as the Minister thinks fit. The functions of the Committee on Fostering are —

- (a) to periodically review cases where a child or young person is committed to the care of a foster parent under a voluntary care agreement, or an order made under section 49(1)(b), the new section 49B(2) or the new section 49C (read with the new section 49B); and
- (b) to advise the Director-General or a protector on whether a proper care plan is implemented by the foster parent for the child or young person, and if so, whether the foster parent is providing care, protection and supervision to the child or young person in accordance with the proper care plan.

The new section 27C allows a foster parent of a child or young person to disclose information about the child or young person, whether with or without the consent of any parent or guardian of the child or young person, if the disclosure is required —

- (a) for the care, protection and supervision of the child or young person; or
- (b) to enable the foster parent to claim his or her childcare leave, extended childcare leave or unpaid infant care leave.

Clause 24 amends section 28(1) to require every court in dealing with a child or young person who is brought before it, either as being in need of care or protection, or as an offender —

- (a) in a proper case, to take steps for removing the child or young person from undesirable surroundings, and for securing that proper provision is made for his or her education or training;
- (b) to facilitate the protection and rehabilitation of the child or young person, and his or her reintegration with his or her family and with society; and
- (c) to facilitate the prevention of any recurrence of ill-treatment of the child or young person, or any contravention or further contravention of any written law by the child or young person.

Clause 25 amends section 30 —

- (a) to increase the age of a person who is required to be brought before a Youth Court after being arrested from below 16 years to below 18 years; and
- (b) where the person mentioned in paragraph (a) cannot be brought before the Youth Court, to require the police officer or other officer from a law enforcement agency who arrested the person to, without unnecessary delay and within 48 hours, take or send the person arrested before a Magistrate.

Clause 26 amends section 32(3) to clarify that the advisers on the panel of advisers mentioned in that provision are appointed, instead of nominated, by the President.

Clause 27 amends section 33 —

- (a) to empower the Public Prosecutor to designate, and a Youth Court to order, that a court of appropriate jurisdiction, other than the Youth Court, try a young person of or above 16 years of age but below 18 years of age who is charged with an offence if —
 - (i) the young person is charged with an offence that is specified in the new Second Schedule; or
 - (ii) the young person had previously been found guilty of a similar offence; and
- (b) to substitute references to “16 years” in section 33(3), (6) and (7) with “18 years”.

Clause 28 amends section 34(2) to disallow representatives of newspapers or news agencies to be present at any sitting of a Youth Court unless the Youth Court specially authorises them to be present.

Clause 29 repeals section 35, which is to be re-enacted with modifications as the new section 84B.

Clause 30 makes a technical amendment to section 39(1).

Clause 31 makes a technical amendment to section 42(10).

Clause 32 amends section 44 —

- (a) to enable a Youth Court to order a young person who is found guilty of an offence to be sentenced to reformatory training, or to order the young person to be brought before a District Court to be so sentenced, under section 305 of the Criminal Procedure Code, if —
 - (i) the young person has attained 18 years of age;
 - (ii) the young person, having attained 14 years of age but is below 18 years of age, has previously been ordered to be sent to a juvenile rehabilitation centre in connection with another offence, and the court is satisfied that to reform the young person and prevent crime, the young person should undergo a period of training in a reformatory training centre; or
 - (iii) the young person has attained 14 years of age but is below 18 years of age, and the Youth Court is of the opinion that the young person is of so unruly a character that he or she cannot be

safely detained in a juvenile rehabilitation centre or a place of detention;

- (b) to substitute references to “16 years” in subsection (7)(b)(i) and (ii) with “18 years”; and
- (c) to insert new subsections (8), (9), (10) and (11), which enable a Youth Court to vary or discharge an order which sends an offender to a juvenile rehabilitation centre, on application by the person-in-charge of a juvenile rehabilitation centre. However, where the offender concerned is older than 18 years of age but below 21 years of age at the time the order is to be varied or discharged, the Youth Court may not extend the period for which the offender is sent to the juvenile rehabilitation centre without giving the offender an opportunity to be heard, and may not extend the period to exceed 3 years. In varying or discharging the order, the Youth Court may impose such conditions or give such directions as it thinks fit for the purpose of ensuring the safety, wellbeing and rehabilitation of the offender.

Clause 33 repeals section 46, which is to be re-enacted with modifications as the new section 51(1).

Clause 34 amends section 47 to prohibit the detention of a person at a place of detention, a juvenile rehabilitation centre or a place of safety after the person attains 21 years of age.

Clause 35 amends section 48 to confer on the Director-General or a protector a right to appeal against any judgment or order of a Youth Court with which the Director-General or protector is dissatisfied.

Clause 36 deletes the sub-heading that is immediately above section 48A.

Clause 37 repeals section 48A, which is to be re-enacted with modifications as the new section 11A.

Clause 38 amends section 48B —

- (a) to require an application to a Youth Court under section 49, the new section 49B, the new section 49C (read with the new section 49B) or section 50 to be made in the same manner as an application for a summons is made to a District Court or Magistrate’s Court under the Criminal Procedure Code, and be dealt with as if the application is a complaint for the purposes of that Code. However, the application must be dealt with in accordance with only such provisions of the Criminal Procedure Code and other written law as may be prescribed by the Family Justice Rules;
- (b) to permit an affidavit sworn for the purposes of an application mentioned in paragraph (a) to contain hearsay evidence;

- (c) to enable any matter relating to the service of summons issued by a Youth Court in connection with any proceedings in respect of an application mentioned in paragraph (a) to be prescribed by the Family Justice Rules; and
- (d) to require any Family Justice Rules made under section 48B to be presented to Parliament as soon as possible after publication in the *Gazette*.

Clause 39 repeals section 48C.

Clause 40 amends section 49 —

- (a) to enable a Youth Court to order that a child or young person who is in need of care or protection to be committed to a fit person, a place of safety or a place of temporary care and protection, as the Director-General or a protector may determine, for a fixed period of time;
- (b) to enable the Director-General, a protector and the care-giver of the child or young person to make decisions affecting the child or young person in accordance with the new section 49A;
- (c) to enable a Youth Court to order that the Director-General or a protector may vary the determination of the fit person, etc., mentioned in paragraph (a). However, where 3 variations have been made by the Director-General or a protector within the period of the order, and the Director-General or a protector is of the view that a further variation during that period is necessary, the Director-General or protector must apply to the Youth Court for an order as to the appropriate fit person, etc., to whom the child or young person is to be committed;
- (d) to enable a parent or guardian of a child or young person who disagrees with a determination mentioned in paragraph (a) or a variation mentioned in paragraph (c), to apply to a Youth Court to review the determination or variation; and
- (e) to prohibit a Youth Court from exercising its power to vary an order under subsection (9) to extend the period of an order if at the time the order is to be varied, the person in respect of whom the order was made is older than 18 years of age but below 21 years of age.

Clause 41 inserts new sections 49A, 49B, 49C and 49D.

The new section 49A sets out the types of decisions that the Director-General, a protector and the care-giver of a child or young person who is the subject of an order made under section 49(1)(b) or (c) as in force immediately before the date of commencement of clause 40, or section 49(1)(b) may make in respect of the child

or young person, and the circumstances under which those decisions may be made.

The new section 49B enables a Youth Court, on the application of the Director-General or a protector, to order that a child or young person who is the subject of an order made under section 49(1)(b) or (c) as in force immediately before the date of commencement of clause 40, or section 49(1)(b) be committed to the care of a fit person as may be determined by the Director-General or protector, until the child or young person attains 21 years of age, or for such shorter period as the Court may specify.

The Youth Court may grant such an order if —

- (a) the child or young person has, as at the date of the application, been the subject of one or more orders under section 49(1)(b), or section 49(1)(b) or (c) as in force immediately before the date of commencement of clause 40, for a cumulative period that is the specified period or longer;
- (b) both the parents or all the guardians of the child or young person are not fit to provide care for the child or young person; and
- (c) it is not appropriate to return the child or young person to the care and custody of any of his or her parents or guardians before the child or young person attains 21 years of age, or for such shorter period as the Court thinks fit.

The Youth Court may also make an order to enable the Director-General, a protector or the care-giver of the child or young person to make decisions affecting the child or young person in accordance with the new section 49D.

The new section 49C enables the Director-General or a protector to apply to a Youth Court for an order mentioned in the new section 49B(2) in respect of a child or young person who has been committed to a care-giver other than his or her parent or guardian under a voluntary care agreement for a cumulative period that is at least the specified period. The new section 49B(2), (3), (4), (5), (6), (7), (8), (9), (10), (11) and (12) applies with modification for the purposes of such application.

The new section 49D sets out the types of decisions that the Director-General, a protector and the care-giver of a child or young person who is the subject of an order made under the new section 49B(2) or the new section 49C (read with the new section 49B), may make in respect of the child or young person, and the circumstances under which those decisions may be made.

Clause 42 amends the sub-heading immediately above section 50.

Clause 43 repeals and re-enacts sections 50 and 51.

The new section 50 enables a Youth Court, on the application of a parent or guardian of a child or young person, to order the child or young person to be

placed under the supervision of an approved welfare officer, or some other person appointed by the Youth Court, or be committed to the care of a fit person or place of safety as may be determined by the Director-General or a protector, for a fixed period not exceeding 3 years, if —

- (a) the parent or guardian is unable to guide the child or young person and the child or young person needs to be guided by a person other than his or her parent or guardian;
- (b) unless dispensed by the Youth Court, the parent or guardian and the child or young person have completed a family programme before the making of the application; and
- (c) the Youth Court is satisfied that the parent or guardian understands the consequences of the making of the order.

The Youth Court may further order that the Director-General, a protector or an approved welfare officer may vary the determination of the fit person to whom, or the place of safety to which, the child or young person is committed. However, where 3 variations have been made by the Director-General, a protector or an approved welfare officer within the period of the order, and the Director-General, a protector or an approved welfare officer is of the view that a further variation during that period is necessary, the Director-General, protector or approved welfare officer must apply to the Youth Court for an order as to the appropriate fit person to whom, or the place of safety to which, the child or young person is to be committed.

Where a Youth Court makes an order mentioned in the new section 50(4), an obligation is imposed on certain persons to keep the Court updated on the living conditions of the child or young person, the standard of care and supervision provided to the child or young person, the progress made by the child or young person and such other matters as may be prescribed.

A Youth Court may, on the application of the Director-General, a protector or the care-giver of the child or young person who is the subject of an order made under section 50(4), vary the period of, or discharge, the order. However, where the order concerns a young person who is older than 16 years of age but below 19 years of age, the Court may not vary the order to extend the period of the order.

The new section 51 sets out the additional orders that a Youth Court may make in respect of —

- (a) a child or young person who has been dealt with in connection with an offence by a court, or in a juvenile case conference where a Youth Court has exercised any of its powers mentioned in section 45(1)(a), (b), (c), (d), (e) and (f) in respect of the child or young person;

- (b) a child or young person in respect of whom an order has been made under section 49(1), the new section 49B(2) or the new section 49C (read with the new section 49B); or
- (c) a child or young person in respect of whom an application has been made under the new section 50.

It is an offence for a person to fail to comply with any such order.

Clause 44 makes consequential amendments to section 52 following the repeal and re-enactment of section 50.

Clause 45 amends section 53(2) to substitute a reference to “16 years” with “18 years”.

Clause 46 amends section 54 —

- (a) to substitute the reference to “above the age of 16 years (but below the age of 19 years)” in subsection (2A) with “older than 18 years of age (but below 21 years of age)”;
- (b) to substitute the reference to “the age of 16 years but is below the age of 19 years” in subsection (3) with “18 years of age (but below 21 years of age)”; and
- (c) to make a consequential amendment to subsection (6) following the substitution of the definition of “manager” with “person-in-charge” in section 2(1).

Clause 47 makes a consequential amendment to section 55(2) following the substitution of the definition of “manager” with “person-in-charge” in section 2(1).

Clause 48 inserts a new section 68A, which enables the person-in-charge of any home for children and young persons that is operated by or under the management or control of the Government to use, or authorise any person who is assisting the person-in-charge to use, mechanical restraint on a person detained in the home (detainee) for the following purposes:

- (a) to prevent the detainee from escaping from custody, including while transferring the detainee to a prescribed place or from a prescribed place to the home;
- (b) to prevent a detainee from inflicting any bodily injury on himself or herself, or any other detainee or person within the home.

Clause 49 amends section 77(3) to substitute the reference to “the age of 19 years and 6 months” with “21 years of age”.

Clause 50 inserts new sections 84A and 84B.

The new section 84A prohibits a person from publishing or broadcasting the following information without the Director-General's approval:

- (a) any information or picture that identifies, or is likely to lead to the identification of any child or young person as a child or young person who had been or is the subject of any investigation under the CYPA, had been or is arrested for an offence, had been or is taken into care or custody by the Director-General, a protector, any officer generally or specially authorised in that behalf in writing by the Director-General or a protector or a police officer under the CYPA, had attended or is attending a family programme in relation to an application to be made under the new section 50, or was or is the subject of an order made by a court under the CYPA;
- (b) any information or picture mentioned in paragraph (a) even after the child or young person attains 18 years of age.

It is an offence for a person to fail to comply with the prohibition. A court may on its own motion or on the application of the Director-General or a protector, order a person to remove the publication or stop the broadcast of any information or picture mentioned in paragraph (a). A court may also, on its own motion or on the application of a person mentioned in paragraph (b), order a person to remove the publication or stop the broadcast of any information or picture mentioned in that paragraph.

The new section 84B prohibits a person from doing any of the following:

- (a) publish or broadcast any information relating to any proceedings in any court or on appeal from any court that reveals the name, address or school or that includes any particulars that are calculated to lead to the identification of any child or young person concerned in the proceedings;
- (b) publish or broadcast any picture as being or including a picture of any child or young person so concerned in any such proceedings;
- (c) publish or broadcast any information or picture mentioned in paragraph (a) or (b) even after the child or young person attains 18 years of age.

It is an offence for a person to fail to comply with the prohibition. A court may on its own motion or on the application of the Director-General or a protector, order a person to remove the publication or stop the broadcast of any information or picture mentioned in paragraph (a) or (b). A court may also, on its own motion or on the application of a person mentioned in paragraph (c), order a person to remove the publication or stop the broadcast of any information or picture mentioned in that paragraph.

Clause 51 repeals and re-enacts section 86, which protects —

- (a) the persons specified in that section from liability for doing or omitting to do anything in the execution or purported execution of the CYPA, if the act or omission was done in good faith and with reasonable care; and
- (b) a person appointed by a court or pursuant to an order of a court, who, acting in good faith and with reasonable care, does or omits to do anything in the discharge or purported discharge of any order made by a court under the CYPA.

Clause 52 amends section 87 —

- (a) to make a consequential amendment to subsection (1) following the amendment of the definition of “protector” to exclude “Director-General” in section 2(1); and
- (b) to delete and substitute subsection (2) to allow the communication of information relating to any child or young person who is in need of care or protection that is provided by a person to the Director-General, a protector or a police officer not below the rank of sergeant, to certain persons if the communication is necessary to enable action to be taken under the CYPA to ensure that the child or young person receives the care or protection he or she needs under the CYPA. A person who communicates any information in accordance with section 87(2) is protected from liability.

Clause 53 amends section 87A(1) to prohibit a person from disclosing any information that is disclosed to him or her by the Director-General or a protector in the performance of any duty or the exercise of any power by the person, unless the disclosure is authorised by the Director-General or protector, as the case may be.

Clause 54 amends section 88(2)(b) and (c) to enable the Minister to make regulations for —

- (a) the care, detention, temporary absence, maintenance, education, and conduct and discipline of persons below 21 years of age in juvenile rehabilitation centres, places of safety, remand homes, places of detention and places of temporary care and protection; and
- (b) the constitution, functions and procedures of the Committee on Fostering.

Clause 55 inserts the new section 90 and the First and Second Schedules.

The new section 90 enables the Minister to amend the Second Schedule by order in the *Gazette*. Any order made by the Minister must be presented to Parliament as soon as possible after publication.

The new First Schedule sets out the powers of a volunteer welfare officer.

The new Second Schedule sets out the offences mentioned in section 33(2A)(a).

Clause 56 makes miscellaneous amendments to the CYPA following the substitution of the definition of “Director” with “Director-General”, and the substitution of the definition of “manager” with “person-in-charge”, in section 2(1).

Clause 57 makes related amendments to sections 12B and 12D of the Child Development Co-Savings Act to enable a foster parent of a child or young person to claim childcare leave, extended childcare leave and unpaid infant care leave in respect of the child or young person.

Clause 58 amends section 171 of the Criminal Law Reform Act 2019 to delete paragraph (f) as the proposed amendments to section 7 of the CYPA will be superseded by clause 7.

Clause 59 makes the following related amendments to the Criminal Procedure Code:

- (a) sections 281(1)(a) and (9) and 281A(1)(a) are amended to substitute references to “16 years” with “18 years”;
- (b) section 305 is amended to enable a court to impose a sentence of reformatory training in lieu of any other sentence on a person if —
 - (i) the person has attained 18 years of age but is below 21 years of age;
 - (ii) the person, having attained 14 years of age but is below 18 years of age, has previously been ordered to be sent to a juvenile rehabilitation centre in connection with another offence and the court is satisfied that to reform the person and prevent crime, the person should undergo a period of training in a reformatory training centre; or
 - (iii) the person has attained 14 years of age but is below 18 years of age, and the Youth Court is of the opinion that the person is of so unruly a character that he or she cannot be safely detained in a juvenile rehabilitation centre or a place of detention.

Clause 60 makes consequential amendments to various provisions of the Destitute Persons Act following the substitution of the definition of “Director” with a new definition of “Director-General” in section 2(1) of the CYPA.

Clause 61 makes a consequential amendment to section 54(8) of the Early Childhood Development Centres Act 2017 following the substitution of the definition of “Director” with a new definition of “Director-General” in section 2(1) of the CYPA.

Clause 62 makes a consequential amendment to section 9(2) of the Education Act following the substitution of the definition of “Director” with a new definition of “Director-General” in section 2(1) of the CYPA.

Clause 63 makes a related amendment to section 87A(8) of the Employment Act to allow a foster parent of a child to claim childcare leave in respect of the child.

Clause 64 makes a related amendment to section 62A of the Evidence Act to substitute references to “16 years” with “18 years”.

Clause 65 makes a related amendment to the definition of “young person” in section 2(1) of the Films Act to substitute the reference to “16 years” with “18 years”.

Clause 66 makes consequential amendments to various provisions of the Homes for the Aged Act following the substitution of the definition of “Director” with a new definition of “Director-General” in section 2(1) of the CYPA.

Clause 67 makes consequential amendments to section 11 of the Maintenance of Parents Act following the substitution of the definition of “Director” with a new definition of “Director-General” in section 2(1) of the CYPA.

Clause 68 makes a consequential amendment to section 5(1) of the National Council of Social Service Act following the substitution of the definition of “Director” with a new definition of “Director-General” in section 2(1) of the CYPA.

Clause 69 makes a related amendment to section 27 of the Passports Act.

Under the amendments, the Controller must not issue a Singapore passport or a Singapore travel document to a child unless the following person (whichever is applicable) consents to the child travelling internationally:

- (a) a person who has parental responsibility for the child;
- (b) where the child is the subject of a voluntary care agreement, or an order under section 49(1)(b) of the CYPA, the new section 49B(2) of the CYPA, or the new section 49C of the CYPA (read with the new section 49B of the CYPA) and under the agreement or order, the Director-General, a protector or the care-giver of the child may consent to the child travelling internationally — the Director-General, protector or care-giver, as the case may be.

Clause 70 makes consequential amendments to section 19 of the Prevention of Human Trafficking Act 2014 following the substitution of the definition of “Director” with a new definition of “Director-General” in section 2(1) of the CYPA.

Clause 71 makes the following related amendments to the Probation of Offenders Act:

- (a) substituting the references to “16 years” in sections 5(1), 8(1) and 11(1) with “18 years”;
- (b) substituting the references to “14 years” in sections 5(4) and 6(3) with “18 years”;
- (c) amending section 10(4) to require an order that is made by a court under section 10 in respect of an offender who is below 18 years of age to be enforced against the offender’s parent or guardian, unless the court is satisfied that the parent or guardian cannot be found or that the parent or guardian has not contributed to the commission of the offence concerned by the offender by neglecting to exercise due care over the offender.

Clause 72 makes a related amendment to the Registration of Births and Deaths Act by repealing and re-enacting section 9. Under the new section 9, where a child is the subject of a voluntary care agreement, or an order under section 49(1)(b) of the CYPA, the new section 49B(2) of the CYPA, or the new section 49C of the CYPA (read with section 49B of the CYPA) and under the agreement or order, the Director-General, a protector or the care-giver of the child may provide to any deputy registrar of the local registration area in which the child is born the particulars of the birth in the prescribed form, and certify to the correctness of the information, the Director-General, protector or care-giver is to do so within 14 days after the child is born.

Clause 73 amends the Registration of Criminals Act —

- (a) to renumber section 7DA as subsection (1) of that section, and to insert a new subsection (2) such that a record in the register of criminals that relates to the finding of guilt of a child or young person by a Youth Court and for which the Court had made an order mentioned in section 44(1)(e), (f), (g), (h), (i) or (j) of the CYPA, will be spent on the date on which the child or young person fully complies with the order; and
- (b) to amend section 7E to insert a new subsection (3) such that subsection (1)(a) and (c) applies in respect of the matters mentioned in subsection (2)(a), (b), (c) and (d) where the person in question is a child or young person as defined in section 2(1) of the CYPA.

Clause 74 makes consequential amendments to various provisions of the Vulnerable Adults Act 2018 following the substitution of the definition of “Director” with a new definition of “Director-General” in section 2(1) of the CYPA.

Clause 75 makes consequential amendments to various provisions of the Women's Charter following the substitution of the definition of "Director" with a new definition of "Director-General" in section 2(1) of the CYP A.

Clause 76 —

- (a) makes a transitional provision to treat an application that is made under section 49 before the amendments to section 49 come into force, and is pending immediately before the date on which the amendments are to come into force, as an application made under the amended section 49;
- (b) makes a transitional provision to treat an application made under section 50 before it is repealed and re-enacted, and is pending immediately before the date on which section 50 is to be repealed and re-enacted, as an application made under the new section 50;
- (c) deems any reference to the "Director of Social Welfare" in any written law or contract or other document as a reference to the "Director-General of Social Welfare";
- (d) deems any reference to the "manager" (in relation to a juvenile rehabilitation centre, a home for children and young persons, a place of detention, a place of safety or a place of temporary care and protection or a remand home) in any written law or contract or other document as a reference to the person-in-charge of that juvenile rehabilitation centre, etc.; and
- (e) enables the Minister to make regulations of a saving and transitional nature.

EXPENDITURE OF PUBLIC MONEY

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