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CHILDREN AND YOUNG PERSONS ACT (CHAPTER 38)

CHILDREN AND YOUNG PERSONS REGULATIONS 2020

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In exercise of the powers conferred by section 88 of the Children and Young Persons Act, the Minister for Social and Family Development makes the following Regulations:

PART 1**PRELIMINARY****Citation and commencement**

1. These Regulations are the Children and Young Persons Regulations 2020 and come into operation on 1 July 2020.

Definitions

2. In these Regulations —

“Chairperson” means the chairperson of the Committee on Fostering who is appointed under regulation 6;

“Committee on Fostering” means the Committee on Fostering established under section 27B of the Act;

“early childhood development centre” has the meaning given by section 2 of the Early Childhood Development Centres Act 2017 (Act 19 of 2017);

“educational institution” —

(a) means any place that offers to provide, or provides, education, whether by itself or in association or collaboration with or by affiliation with any other person; but

(b) does not include an early childhood development centre or a student care centre;

“MOH’s website” means the website at <http://www.moh.gov.sg>;

“registered dentist” has the meaning given by section 2 of the Dental Registration Act (Cap. 76);

“registered medical practitioner” has the meaning given by section 2 of the Medical Registration Act (Cap. 174);

“school holidays” means the vacation period for a school or other educational institution, as the case may be;

“student care centre” means any place the principal business of which is providing care or supervision for school-going children or young persons before or after school hours, during school holidays, or both;

“sub-committee” means a sub-committee of the Committee on Fostering;

“Vice-Chairperson” means a Vice-Chairperson of the Committee on Fostering appointed under regulation 7.

PART 2

CATEGORIES OF MATTERS IN RESPECT OF CHILD OR YOUNG PERSON

Category 2 matters

3.—(1) For the purposes of section 2(3) of the Act, each of the following matter is prescribed as a category 2 matter:

- (a) the school or other educational institution that the child or young person should attend;
- (b) whether the child or young person should be home-schooled;
- (c) the course, lesson or subject that the child or young person should apply to participate in or study in the school or other educational institution that he or she attends or is to attend;

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- (d) whether the child or young person should cease attending a particular school or educational institution;
 - (e) whether the child or young person should discontinue his or her education after completing his or her primary education in accordance with section 3 of the Compulsory Education Act (Cap. 51);
 - (f) whether the child or young person should be retained at his or her current grade at any school or other educational institution for another year;
 - (g) whether the child or young person may participate in any activity outside Singapore that is offered or recommended by the school or other educational institution that he or she attends or is to attend;
 - (h) if the child or young person is younger than 16 years of age, whether the child or young person may undertake any full-time or part-time employment in accordance with Part VIII of the Employment Act (Cap. 91);
 - (i) if the child or young person is younger than 16 years of age, whether an application for either of the following should be made for the child or young person:
 - (i) a Singapore passport for the child or young person under section 6 of the Passports Act (Cap. 220);
 - (ii) a Singapore travel document under the Passports Act;
 - (j) whether an application for any of the following should be made for the child or young person:
 - (i) a re-entry permit under section 11 of the Immigration Act (Cap. 133), read with regulation 6 of the Immigration Regulations (Cap. 133, Rg 1);
 - (ii) a visit pass for more than 90 days under regulation 12 of the Immigration Regulations;
 - (iii) a student's pass under regulation 14 of the Immigration Regulations;

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- (iv) a special pass under regulation 15 of the Immigration Regulations;
 - (k) whether the child or young person may travel out of Singapore on any particular occasion;
 - (l) whether the child or young person may be administered with any vaccination that is not specified by the Ministry of Health under the National Childhood Immunisation Programme which is published on MOH's website;
 - (m) any medical or dental assessment, treatment or procedure (however described) to be administered to the child or young person that —
 - (i) is not a procedure mentioned in regulation 4(c);
 - (ii) is not of a type which is required to be administered to the child or young person under emergency conditions where a delay in administering the assessment, treatment or procedure will cause the child or young person unnecessary suffering or endanger his or her health; and
 - (iii) in the opinion of a registered dentist or registered medical practitioner, as the case may be —
 - (A) carries moderate risk of harm or injury to the child or young person; but
 - (B) is appropriate and necessary for the physical or mental health (as the case may be) of the child or young person;
 - (n) whether the child or young person should be subject to any genetic testing;
 - (o) subject to paragraph (2), whether any insurance policy should be purchased for or in respect of the child or young person, and if so, the type of insurance policy.

(2) Paragraph (1)(o) does not apply in respect of any travel insurance policy or other insurance policy that is required to be purchased for or in respect of the child or young person under any written law.

Category 3 matters

4. For the purposes of section 2(3) of the Act, each of the following matters is prescribed as a category 3 matter:

- (a) any change in the name or surname of the child or young person, and the new name or surname, as the case may be;
- (b) any medical or dental assessment, treatment or procedure (however described) to be administered to the child or young person that —
 - (i) is not a procedure mentioned in paragraph (c);
 - (ii) is not of a type that is to be administered to the child or young person under emergency conditions; and
 - (iii) in the opinion of a registered dentist or registered medical practitioner, as the case may be —
 - (A) carries a high risk of harm or injury or death to the child or young person; but
 - (B) is appropriate and necessary for the physical or mental health (as the case may be) of the child or young person;
- (c) any aesthetic procedure or surgery to be administered on the child or young person for the purpose of preventing any emotional harm to the child or young person.

Persons to be consulted with before care-giver of child or young person may decide on category 2 matter

5. For the purposes of sections 49A(1)(c)(i)(C) and 49D(1)(c)(ii) of the Act, the prescribed persons are as follows:

- (a) in the case where the category 2 matter relates to the health (other than mental health) of the child or young person —

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- (i) in the case where the health issue relates to the dental health of the child or young person — a registered dentist; or
 - (ii) in any other case — a registered medical practitioner;
- (b) in the case where the category 2 matter relates to the mental health of the child or young person — any of the following persons:
- (i) a psychiatrist;
 - (ii) a psychologist;
- (c) in the case where the category 2 matter relates to the education of the child or young person — any of the following:
- (i) a full-time school counsellor;
 - (ii) the principal or a member of the staff who has management or control (whether alone or with another person or other persons) of the school or other educational institution attended or to be attended by the child or young person;
 - (iii) any member of the staff of the school or other educational institution attended or to be attended by the child or young person, who is appointed for the purpose of this provision by the person or persons who have the management or control of the school or educational institution;
- (d) in any other case — the Director-General, a protector or an approved welfare officer.

PART 3
COMMITTEE ON FOSTERING

Chairperson

6.—(1) The Chairperson is appointed by the Minister from among the members of the Committee on Fostering.

(2) Subject to regulation 7(2), the Chairperson must preside at all meetings of the Committee on Fostering.

Vice-Chairperson

7.—(1) The Chairperson must appoint a Vice-Chairperson from among the members of the Committee on Fostering.

(2) In the absence of the Chairperson, the Vice-Chairperson must preside at all meetings of the Committee on Fostering and may exercise all powers, functions and duties of the Chairperson under these Regulations.

Secretary

8. The Minister must appoint a secretary to the Committee on Fostering, but the person appointed —

- (a) must not be a member of the Committee on Fostering; and
- (b) must not vote at any proceedings of the Committee on Fostering.

Sub-committees of Committee on Fostering

9.—(1) The Committee on Fostering may appoint from among its members one or more sub-committees, each comprising at least 3 members of the Committee on Fostering, to exercise, discharge and perform the functions of the Committee on Fostering.

(2) The Committee on Fostering must appoint from among the members of a sub-committee the chairperson of the sub-committee.

Resignation or revocation of appointment of member of Committee on Fostering

10.—(1) Any member of the Committee on Fostering may resign by giving written notice to the Minister.

(2) The Minister may, at any time, revoke the appointment of any member of the Committee on Fostering by giving written notice to the member.

(3) If a member of the Committee on Fostering —

(a) dies;

(b) resigns;

(c) has the member's appointment revoked by the Minister under paragraph (2); or

(d) otherwise vacates the member's seat before the expiry of the term for which the member has been appointed,

the Minister may appoint another person to fill the vacancy and hold office for the remainder of the term for which the vacating member was appointed.

Meetings of Committee on Fostering

11.—(1) The Committee on Fostering may meet as often as required, but must meet at least once every 12 months.

(2) A member of the Committee on Fostering who is in any way, directly or indirectly, interested in any business being transacted at a meeting of the Committee on Fostering must disclose the nature of his or her interest in writing to the Chairperson at the first opportunity after the relevant facts have come to the member's knowledge, which disclosure must be recorded and the member must not take part in the decision with respect to that transaction.

(3) The quorum at every meeting of the Committee on Fostering is 3 members of the Committee on Fostering.

(4) The Committee on Fostering must not transact any business at a meeting unless a quorum is present.

(5) Every question coming before or arising at any meeting of the Committee on Fostering must be decided by a majority of the members of the Committee on Fostering present and voting at the meeting and, in the case of equality of votes, the Chairperson (or Vice-Chairperson in the Chairperson's absence) has the casting vote.

(6) The Committee on Fostering is not precluded from holding a meeting or acting in any manner merely by reason of any vacancy in its membership.

Meetings of sub-committee

12.—(1) A sub-committee may meet as often as required, but must meet at least once every 3 months.

(2) A member of a sub-committee who is in any way, directly or indirectly, interested in any business being transacted at a meeting of the sub-committee must disclose the nature of his or her interest in writing to the chairperson of the sub-committee at the first opportunity after the relevant facts have come to the member's knowledge, which disclosure must be recorded and the member must not take part in the decision with respect to that transaction.

(3) The quorum at every meeting of a sub-committee is 3 members of the sub-committee.

(4) A sub-committee must not transact any business at a meeting unless a quorum is present.

(5) Every question coming before or arising at any meeting of a sub-committee must be decided by a majority of the members of the sub-committee present and voting at the meeting and, in the case of equality of votes, the chairperson of the sub-committee has the casting vote.

(6) A sub-committee is not precluded from holding a meeting or acting in any manner merely by reason of any vacancy in its membership.

Transaction of business by Committee on Fostering outside meetings

13.—(1) The Committee on Fostering may transact any of its business by the circulation of papers among its members.

(2) A member of the Committee on Fostering who is in any way, directly or indirectly, interested in the business being transacted by circulation of papers must disclose the nature of his or her interest in writing to the Chairperson at the first opportunity after the relevant facts have come to the member's knowledge, which disclosure must be recorded and the member must not take part in the decision with respect to that transaction.

(3) A decision in writing made by a simple majority of the members of the Committee on Fostering who are entitled to take part in the decision in writing is treated as a decision of the Committee on Fostering, and is as valid and effectual as if the decision had been made at a meeting of the Committee on Fostering duly convened and held.

(4) Separate copies of a decision in writing may be distributed for signing by the members of the Committee on Fostering if the wording of the decision is identical in each copy.

(5) For the purpose of a decision under this regulation, the Chairperson and every member of the Committee on Fostering have the same voting rights as they have at any meeting of the Committee on Fostering.

(6) The decision of the Committee on Fostering is made when the last member of the Committee on Fostering required for the majority signs on the decision in writing and the member's decision in writing is duly delivered to the secretary of the Committee on Fostering.

(7) The Chairperson may stipulate a period within which a decision must be made under this regulation.

(8) The Committee on Fostering may deliberate on matters by the circulation of papers among its members.

(9) For the purposes of this regulation, papers (including disclosures and decisions) may be circulated among members, or delivered to the secretary, of the Committee on Fostering by hand, facsimile or electronic transmission of the information in the papers concerned.

Attendance of persons not being members of Committee on Fostering at meetings

14.—(1) The Committee on Fostering may request any person to attend a meeting of the Committee on Fostering if the Chairperson (or the Vice-Chairperson in the Chairperson's absence) is of the opinion that the person would be able to provide information or advice to the Committee on Fostering that would assist the Committee on Fostering to make a decision on a matter for which the meeting is convened.

(2) A sub-committee may request any person to attend a meeting of the sub-committee if the chairperson of the sub-committee is of the opinion that the person would be able to provide information or advice to the sub-committee that would assist the sub-committee to make a decision on a matter for which the meeting is convened.

Review of cases

15.—(1) The Committee on Fostering must, either by itself or through its sub-committees, review as often as is practicable every case 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) of the Act, or section 49C (read with section 49B) of the Act (called in this regulation the fostering arrangement) for the purpose of advising the Director-General or a protector on all or any of the following:

- (a) whether a proper care plan is formulated for the child or young person;
- (b) if a proper care plan is formulated for the child or young person, whether the proper care plan is implemented by the foster parent for the child or young person in accordance with the proper care plan;

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- (c) if a proper care plan is not implemented, or is not implemented in accordance with the proper care plan, by the foster parent for the child or young person, the measures to be taken to ensure that the foster parent does so;
 - (d) whether the child or young person is receiving the care or protection that he or she needs under the fostering arrangement;
 - (e) if the child or young person is not receiving the care or protection that he or she requires under the fostering arrangement, the measures to be taken to ensure that the child or young person receives the required care or protection;
 - (f) whether it is appropriate for the period for which the child or young person is committed to the care of the foster parent to be varied —
 - (i) where the child or young person is committed to the care of the foster parent under a voluntary care agreement — by a variation or termination of the voluntary care agreement;
 - (ii) where the child or young person is committed to the care of the foster parent under an order made under section 49(1)(b) of the Act — by an application to the Youth Court under section 49(9) of the Act to vary the period of, or discharge, the order;
 - (iii) where the child or young person is committed to the care of the foster parent under an order made under section 49B(2) of the Act — by an application to the Youth Court under section 49B(10) of the Act to vary the period of, or discharge, the order; or
 - (iv) where the child or young person is committed to the care of the foster parent under an order made under section 49C (read with section 49B) of the Act — by an application to the Youth Court under

section 49C (read with section 49B(10)) of the Act to vary the period of, or discharge, the order.

(2) For the purposes of paragraph (1), the Committee on Fostering or a sub-committee may do either or both of the following:

(a) require any protector, approved welfare officer, fostering agency or a member of the staff of any fostering agency to attend any meeting of the Committee on Fostering or sub-committee;

(b) require —

(i) any protector or approved welfare officer who is overseeing the fostering arrangement; or

(ii) the fostering agency which is overseeing the fostering arrangement or a member of the staff of the fostering agency,

to provide such information, or submit such number of copies of any record, report or other document, as the Committee on Fostering or sub-committee may require.

(3) For the purposes of its review of the proper care plan for the child or young person mentioned in paragraph (1), the Committee on Fostering or a sub-committee may require a person mentioned in paragraph (2)(b) to submit a report that contains the following information about the child or young person:

(a) the particulars of the child or young person and the child or young person's immediate family members;

(b) the reasons for committing the child or young person to the care of the foster parent and for the child or young person's continued care by the foster parent;

(c) the proper care plan for the child or young person;

(d) the progress that has been made with regard to the safety, stability of care and wellbeing of the child or young person, and the reintegration of the child or young person with his or her family;

(e) any other information that the Committee on Fostering or sub-committee (as the case may be) thinks relevant to the review of the fostering arrangement.

(4) The Committee on Fostering or a sub-committee may require —

(a) any protector or approved welfare officer who is overseeing a fostering arrangement that has been or is being reviewed by the Committee on Fostering under paragraph (1); or

(b) the fostering agency which is overseeing a fostering arrangement that has been or is being reviewed by the Committee on Fostering under paragraph (1) or a member of the staff of such fostering agency,

to refer the fostering arrangement for a subsequent review at a later date that the Committee on Fostering or sub-committee (as the case may be) may determine.

(5) The following persons must take all reasonable steps to assist every member of the Committee on Fostering in the exercise, discharge or performance of the member's powers, functions and duties under the Act and these Regulations in respect of a fostering arrangement:

(a) every protector or approved welfare officer who is overseeing the fostering arrangement;

(b) the fostering agency which is overseeing the fostering arrangement, and every member of the staff of the fostering agency.

(6) In this regulation, a “fostering agency” is a person who enters into an agreement with the Government to provide services in relation to the fostering of children or young persons, including overseeing one or more fostering arrangements.

PART 4
MISCELLANEOUS

Prescribed persons under sections 8(3)(b) and 87(2)(d) of Act

16.—(1) For the purposes of section 8(3)(b) of the Act, a prescribed person to whom the Director-General or a protector may communicate any information about a child or young person (*X*) is a person who assists an approved welfare officer in one or more of the matters mentioned in paragraph (3) relating to *X*.

(2) For the purposes of section 87(2)(d) of the Act, a prescribed person to whom the Director-General, a protector or a police officer not below the rank of sergeant may communicate any information about a child or young person (*X*) is a person who assists an approved welfare officer in one or more of the matters mentioned in paragraph (3) relating to *X*.

(3) For the purposes of paragraphs (1) and (2), the matters are as follows:

- (a) investigating or assessing the welfare or state of development of *X*, including —
 - (i) whether a relevant offence has been, is being or will be committed against *X*;
 - (ii) whether *X* is in need of care or protection; and
 - (iii) the nature of care or protection that *X* needs;
- (b) supervising any of the following persons during the conduct of an investigation or assessment to determine the welfare or state of development of *X*:
 - (i) *X*;
 - (ii) a parent, guardian or sibling of *X*;
 - (iii) a family member of *X*;
 - (iv) a person living in the same household as *X*;
- (c) where *X* is the subject of a voluntary care agreement or an order made under section 49(1), 49B(2), 49C (read with section 49B) or section 50(4) of the Act —

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- (i) determining the suitability of the fit person to whom, or the place of safety or place of temporary care and protection to which, *X* is committed;
 - (ii) determining the standard of care, protection and supervision that *X* or any other child or young person who is a member of *X*'s household, is receiving;
 - (iii) formulating a proper care plan to cater to *X*'s safety and wellbeing; and
 - (iv) determining whether any other child or young person who is a member of *X*'s household is in need of care or protection;
- (d) determining the suitability of returning the care or custody of *X* to *X*'s parent or guardian;
- (e) where upon the termination of a voluntary care agreement or an order made under section 49(1), 49B(2), 49C (read with section 49B) or section 50(4) of the Act for *X*, *X* is returned to the care and custody of *X*'s parent or guardian, determining the welfare and safety of *X* or any other child or young person who is a member of *X*'s household.

Made on 29 June 2020.

CHEW HOCK YONG
*Permanent Secretary,
Ministry of Social and Family
Development,
Singapore.*

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