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## **No. S 516**

### **CHILDREN AND YOUNG PERSONS ACT (CHAPTER 38)**

#### **CHILDREN AND YOUNG PERSONS (VOLUNTARY CARE AGREEMENT) (AMENDMENT) REGULATIONS 2020**

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:

#### **Citation and commencement**

1. These Regulations are the Children and Young Persons (Voluntary Care Agreement) (Amendment) Regulations 2020 and come into operation on 1 July 2020.

#### **Amendment of regulation 2**

2. Regulation 2 of the Children and Young Persons (Voluntary Care Agreement) Regulations 2011 (G.N. No. S 413/2011) (called in these Regulations the principal Regulations) is amended —

- (a) by deleting the words “family member, caregiver” and substituting the words “person (other than a care-giver as defined in section 2(1) of the Act) who is a family member”; and
- (b) by deleting the words “the parent or guardian” in paragraph (d) and substituting the words “both the parents of the child or young person, or where the child or young person has one or more guardians, all the guardians,”.

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**Amendment of regulation 3****3. Regulation 3 of the principal Regulations is amended —**

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

“(1) A voluntary care agreement must be in a form approved by the Director-General and signed by —

(a) the Director-General, or either of the following persons who is authorised by the Director-General to sign the agreement on the Director-General’s behalf:

(i) a protector;

(ii) an approved welfare officer; and

(b) where —

(i) section 11A(2) of the Act does not apply — both the parents of the child or young person, or where the child or young person has one or more guardians, all the guardians; or

(ii) section 11A(2) of the Act applies — the other parent or guardian or guardians (as the case may be) of the child or young person, as mentioned in that section.”;

(b) by deleting sub-paragraph (a) of paragraph (2) and substituting the following sub-paragraph:

“(a) the name of every parent or guardian who will be entering into the voluntary care agreement with the Director-General;”;

(c) by deleting the word “and” at the end of paragraph (2)(d);

(d) by deleting the words “may include all or any of the following matters” in paragraph (3) and substituting the words “must include each of the following matters, if there

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is an agreement on that matter by all the parties to the voluntary care agreement”;

(e) by deleting the words “the parent or guardian” in paragraph (3)(b) and (d) and substituting in each case the words “every parent or guardian who is a party to the voluntary care agreement”;

(f) by deleting sub-paragraph (c) of paragraph (3) and substituting the following sub-paragraphs:

“(c) the support or services to be provided to every parent or guardian who is a party to the voluntary care agreement to meet the welfare, and promote the wellbeing, of the child or young person;

(ca) the mediation, counselling or psychotherapy or other assessment, programme or treatment that every parent or guardian who is a party to the voluntary care agreement has agreed to attend;”;

(g) by deleting sub-paragraphs (e) and (f) of paragraph (3) and substituting the following sub-paragraphs:

“(e) the decisions that the Director-General or a protector may make for the child or young person without having to consult any parent or guardian of the child or young person;

(f) where the care-giver is a parent or guardian of the child or young person, the decisions that the care-giver may make for the child or young person only after consulting the Director-General or a protector;

(g) where the care-giver of the child or young person is not a parent or guardian of the child or young person, the decisions that the care-giver may make for the child or young person —

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- (i) without having to consult any person;
  - (ii) only after having consulted with a parent or both parents of the child or young person, or where the child or young person has one or more guardians, all or any of the guardians; or
  - (iii) only after —
    - (A) having consulted with the Director-General, or a protector or any other person agreed on by all the parties to the voluntary care agreement; and
    - (B) being authorised in writing by the Director-General or a protector to make the decision.”.

#### **Amendment of regulation 4**

4. Regulation 4 of the principal Regulations is amended by inserting, immediately after the words “regulation 5”, the words “or section 11A(3) of the Act”.

#### **New regulation 4A**

5. The principal Regulations are amended by inserting, immediately after regulation 4, the following regulation:

##### **“Amendment of voluntary care agreement**

**4A.** A voluntary care agreement, or any term of a voluntary care agreement, may be amended or varied during the validity period of the voluntary care agreement if all the parties to the voluntary care agreement agree to the amendment or variation.”.

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**Amendment of regulation 5**

6. Regulation 5 of the principal Regulations is amended —
- (a) by deleting paragraphs (1) and (2) and substituting the following paragraphs:
- “(1) A voluntary care agreement must be reviewed by the Director-General, a protector or an approved welfare officer before the end of the validity period stated in the voluntary care agreement.
- (2) A review of a voluntary care agreement must take place in consultation with every parent or guardian of the child or young person who is a party to the voluntary care agreement.”;
- (b) by deleting the words “Director and the parent or guardian of the child or young person” in paragraph (3) and substituting the words “Director-General and every parent or guardian of the child or young person who is a party to the voluntary care agreement”;
- (c) by deleting the words “The Director shall not extend a voluntary care agreement unless he” in paragraph (4) and substituting the words “The Director-General must not extend a voluntary care agreement unless the Director-General”; and
- (d) by deleting paragraph (5) and substituting the following paragraphs:
- “(5) A voluntary care agreement may be extended more than once under paragraph (3).
- (6) An extension of a voluntary care agreement may be made only if the child or young person is younger than 18 years of age on the date that the voluntary care agreement is extended.”.

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**Amendment of regulation 6**

7. Regulation 6 of the principal Regulations is amended —
- (a) by deleting paragraph (1) and substituting the following paragraph:

“(1) For the purposes of section 11A(5) of the Act, the prescribed period is 2 days.”;
  - (b) by deleting the words “49 or 50” in paragraph (2) and substituting the words “49(1), 49B(2), 49C (read with section 49B) or 50(4)”;
  - (c) by deleting the word “Ending” in the regulation heading and substituting the words “Termination of”.

**Amendment of regulation 7**

8. Regulation 7 of the principal Regulations is amended by deleting the word “Director’s” and substituting the word “Director-General’s”.

**Saving provision**

9. The principal Regulations as in force immediately before 1 July 2020 continue to apply to, and in relation to, any voluntary care agreement entered into before that date as if the principal Regulations had not been amended.

*[G.N. No. S 645/2014]*

Made on 29 June 2020.

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