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## No. S 413

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

#### CHILDREN AND YOUNG PERSONS (VOLUNTARY CARE AGREEMENT) REGULATIONS 2011

##### ARRANGEMENT OF REGULATIONS

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In exercise of the powers conferred by section section 88(2) of the Children and Young Persons Act, the MG (NS) Chan Chun Sing, Minister of State, charged with the responsibility of the Minister for Community Development, Youth and Sports, hereby makes the following Regulations:

##### **Citation and commencement**

1. These Regulations may be cited as the Children and Young Persons (Voluntary Care Agreement) Regulations 2011 and shall come into operation on 20th July 2011.

##### **Definition**

2. In these Regulations, “significant person”, in relation to a child or young person, means a person (other than a care-giver as defined in section 2(1) of the Act) who is a family member or other person —

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- (a) who is closely involved in the life of the child or young person;
  - (b) who has a close relationship with the child or young person;
  - (c) who plays a significant role in the life and care of the child or young person; or
  - (d) who, being related to the child or young person, is willing to be closely involved in the welfare of the child or young person in the event that both the parents of the child or young person, or where the child or young person has one or more guardians, all the guardians, cannot be found despite all reasonable efforts to locate them.

*[S 516/2020 wef 01/07/2020]*

*[S 516/2020 wef 01/07/2020]*

### **Requirements of voluntary care agreement**

3.—(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.

*[S 516/2020 wef 01/07/2020]*

(2) A voluntary care agreement must state the following matters:

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

*[S 516/2020 wef 01/07/2020]*

(b) the concerns for the welfare of the child or young person which have led to the voluntary care agreement being made;

(c) the arrangements as to where or with whom the child or young person will reside during the period stated in the voluntary care agreement;

(d) the period of the voluntary care agreement;

*[S 516/2020 wef 01/07/2020]*

(e) the proposed date or dates for reviewing the voluntary care agreement.

(3) A voluntary care agreement must include each of the following matters, if there is an agreement on that matter by all the parties to the voluntary care agreement:

(a) the nature of and the arrangements for contact between the child or young person and any significant person relating to the child or young person;

(b) the goal or goals to be achieved by implementing the voluntary care agreement, which should be discussed with every parent or guardian who is a party to the voluntary care agreement and the child or young person;

*[S 516/2020 wef 01/07/2020]*

(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;

*[S 516/2020 wef 01/07/2020]*

(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;

*[S 516/2020 wef 01/07/2020]*

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- (d) the supervision plan for the child or young person and matters for which every parent or guardian who is a party to the voluntary care agreement will be responsible;  
*[S 516/2020 wef 01/07/2020]*
- (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;  
*[S 516/2020 wef 01/07/2020]*
- (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;  
*[S 516/2020 wef 01/07/2020]*
- (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 —
- (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.

*[S 516/2020 wef 01/07/2020]*

*[S 516/2020 wef 01/07/2020]*

### **Period of voluntary care agreement**

4. Subject to any extension under regulation 5 or section 11A(3) of the Act, a voluntary care agreement shall have effect for a period

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stated in the voluntary care agreement but shall not exceed a period of 12 months.

*[S 516/2020 wef 01/07/2020]*

### **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.

*[S 516/2020 wef 01/07/2020]*

### **Review and extension of voluntary care agreement**

**5.—(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.

*[S 516/2020 wef 01/07/2020]*

(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.

*[S 516/2020 wef 01/07/2020]*

(3) Upon review, a voluntary care agreement may be extended by mutual agreement between the Director-General and every parent or guardian of the child or young person who is a party to the voluntary care agreement.

*[S 516/2020 wef 01/07/2020]*

(4) The Director-General must not extend a voluntary care agreement unless the Director-General is satisfied that the extension would be in the best interest of the child or young person, having regard to the progress made under the voluntary care agreement and the developmental needs of the child or young person.

*[S 516/2020 wef 01/07/2020]*

(5) A voluntary care agreement may be extended more than once under paragraph (3).

*[S 516/2020 wef 01/07/2020]*

(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.

*[S 516/2020 wef 01/07/2020]*

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**Termination of voluntary care agreement**

6.—(1) For the purposes of section 11A(5) of the Act, the prescribed period is 2 days.

*[S 516/2020 wef 01/07/2020]*

(2) A voluntary care agreement in respect of a child or young person terminates automatically if an order under section 44, 49(1), 49B(2), 49C (read with section 49B) or 50(4) of the Act is made in respect of the child or young person.

*[S 516/2020 wef 01/07/2020]*

*[S 516/2020 wef 01/07/2020]*

**Voluntary care agreement not to affect statutory powers**

7. For the avoidance of doubt, neither these Regulations nor the existence of a voluntary care agreement shall affect the exercise of the Director-General's or the Youth Court's powers under the Act.

*[S 645/2014 wef 01/10/2014]*

*[S 516/2020 wef 01/07/2020]*

Made this 18th day of July 2011.

CHAN HENG KEE  
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Ministry of Community  
Development,  
Youth and Sports,  
Singapore.*

[MCYS 76-06-01 Vol. 45; AG/LLRD/SL/38/2010/5 Vol. 1]