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

**CHILDREN AND YOUNG PERSONS (FAMILY
CONFERENCING) REGULATIONS 2001**

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In exercise of the powers conferred by section 85 of the Children and Young Persons Act, the Minister for Community Development and Sports hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Children and Young Persons (Family Conferencing) Regulations 2001 and shall come into operation on 1st October 2001.

Definitions

2. In these Regulations, unless the context otherwise requires —
- “family conference” means a family conference convened under section 44A of the Act;
- “investigating officer” means the police officer who led the investigations into the offence committed by an offender;

“offender” means a child or young person who has been found guilty of an offence by the Juvenile Court;

“probation officer” means a person appointed to be a probation officer under section 3 of the Probation of Offenders Act (Cap. 252);

“prosecuting officer” means the person who conducted the prosecution before the Juvenile Court in respect of the offence committed by an offender;

“Registrar” means the Registrar of the State Courts.

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Convening of family conference

3.—(1) The Juvenile Court may convene a family conference under section 44A of the Act if, having regard to the information obtained by the Court under section 42(8) of the Act in respect of the family background, general conduct, home surroundings, school record, medical history and state of development of the offender, the Court is satisfied that it would be in the best interests of the offender that he be dealt with by a family conference.

(2) Before making the order for the convening of a family conference, the Juvenile Court shall explain to the offender —

- (a) the purpose and effect of the order; and
- (b) the consequences which may follow under section 44A(3) of the Act should the offender fail to attend at the time and place appointed for the meeting of the family conference or to comply with any requirement of the family conference.

(3) Upon making the order for the convening of the family conference, the Juvenile Court may adjourn the case for such period as the Court thinks necessary and make in respect of the offender such interim order, having effect only during the period of adjournment, as the Court thinks fit.

Composition of family conference

4.—(1) A family conference shall consist of —

- (a) a facilitator; and
- (b) such number of other members as the Juvenile Court thinks fit to appoint.

(2) The persons who may be appointed members of family conference shall include —

- (a) the offender to be dealt with by the family conference;
- (b) the parents or guardian of the offender and any other member of his family as the Juvenile Court thinks fit to appoint;
- (c) the investigating officer;
- (d) the prosecuting officer;
- (e) a probation officer;
- (f) the victim of the offence;
- (g) the parents or guardian of the victim of the offence and any other member of his family as the Juvenile Court thinks fit to appoint;
- (h) a representative from the school of the offender (for example, the principal, vice-principal or disciplinary master of the school);
- (i) any counsellor, approved social worker or registered medical practitioner who has dealt with the offender; and
- (j) such other person as the Juvenile Court thinks necessary or appropriate.

(3) The presiding Magistrate of the Juvenile Court may act as the facilitator of the family conference or may appoint any suitably qualified person to be the facilitator.

Procedure at family conference

5.—(1) All meetings of the family conference shall be convened and chaired by the facilitator.

(2) The facilitator shall cause to be sent to each member of the family conference a notice in writing specifying the date, time and place of the meeting of the family conference and may, in such notice, call upon any member of the family conference to furnish any document for the consideration of the family conference during its meeting.

(3) No member of the family conference shall act as an interpreter during its meetings, and where any member of the family conference requires the assistance of an interpreter, the Registrar shall arrange for the necessary court interpreter to be present.

(4) Except with the approval of the Magistrate of the Juvenile Court, no member of the family conference shall be represented by an advocate and solicitor during its meetings.

(5) Subject to the directions of the Magistrate of the Juvenile Court and to such modifications as the circumstances of the case may require, the facilitator shall conduct the meeting of the family conference in accordance with the procedure set out in the Schedule.

Provisions relating to measures taken under section 44A (1) of Act for dealing with offender

6.—(1) A formal caution administered to the offender under section 44A(1)(b) of the Act shall be put in writing and acknowledged in writing by the offender.

(2) Where the family conference deals with an offender by requiring the offender to pay compensation to the victim of the offence under section 44A(1)(c) of the Act, the payment shall be made to the victim through the prosecuting officer.

(3) Where pursuant to section 44(1)(d) of the Act the family conference requires an offender to perform community service, such requirement shall not take effect until it is approved by the Magistrate of the Juvenile Court and the Magistrate makes an order under section 44 (1)(ea) giving effect to the requirement.

(4) Where the family conference deals with an offender by requiring the offender to apologise to the victim of the offence under

section 44A(1)(e) of the Act, the apology shall be made in the presence of an adult person approved by the family conference.

(5) Where pursuant to section 44A(1)(f) of the Act the family conference requires an offender to enter into any undertaking, the undertaking shall be of such duration as may be approved by the Magistrate of the Juvenile Court.

THE SCHEDULE

Regulation 5(5)

PROCEDURE FOR MEETING OF FAMILY CONFERENCE

1. The facilitator shall begin the meeting by introducing each member of the family conference.
2. The facilitator shall explain to all members of the family conference —
 - (a) the purpose and procedure to be followed during the meetings of the family conference;
 - (b) the rights, obligations and role of each member during the meetings of the family conference; and
 - (c) their duty of confidentiality under section 44A(4) of the Act and the consequences that may follow under section 44A(5) of the Act in the event of any breach of this duty.
3. The facilitator shall allow the members of the family conference an opportunity to seek clarification on any of the matters that have been explained to them under paragraph 2.
4. The facilitator shall explain or call upon the prosecuting officer to explain to the members of the family conference the charge against the offender and the nature of the offence for which he has been found guilty.
5. The facilitator shall explain to the members of the family conference —
 - (a) the measures available to the family conference under section 44A(1) of the Act for dealing with the offender in respect of the offence committed by him; and
 - (b) the orders which may be made by the Juvenile Court under section 44 of the Act for dealing with a person who has been found guilty by the Court of a comparable offence.
6. The facilitator shall call upon the probation officer to review the circumstances of the case and provide any information that may be relevant for the consideration of the family conference.

THE SCHEDULE — *continued*

7.—(1) Each of the other members of the family conference (other than the offender, the victim of the offence and the members of their respective families) shall first be called upon to present his observations, assessments and opinions concerning the offender and the offence committed by him.

(2) Where a member referred to in sub-paragraph (1) is unable to attend the meeting of the family conference and has submitted his observations, assessments and opinions to the facilitator in writing before the meeting, the facilitator shall read aloud to the members who are present at the meeting the observations, assessments and opinions of that member.

8. The facilitator shall call upon the victim of the offence next to present his perspective of the offender's behaviour (including the nature of the injury, loss or damage which he has suffered as a result of the offence).

9. The facilitator shall then call upon the offender and any member of his family to present their views relating to the offender, the offence committed by him, any mitigating factors and any of the matters that have been presented by the other members of the family conference.

10. The facilitator shall finally call upon the offender, the victim of the offence and the members of their respective families to leave the room while the remaining members of the family conference deliberate on the appropriate measure to be adopted under section 44A(1) of the Act for dealing with the offender.

11. Upon the family conference having reached a decision under paragraph 10, the offender, the victim of the offence and the members of their respective families shall be called upon to re-enter the meeting room and the facilitator shall announce and explain the decision reached by the family conference and the steps which have to be undertaken by the offender in compliance with that decision.

12. In the case where the presiding Magistrate of the Juvenile Court is not the facilitator of the family conference, the facilitator shall —

- (a) notify the Juvenile Court in writing of the decision made by the family conference under paragraph 10 and file a copy of the order made by the family conference with the Juvenile Court; and
- (b) within such time as the Juvenile Court may allow, submit to the Court a written report of the meeting.

13. The Juvenile Court may, if it thinks necessary, announce the decision of the family conference in open court.

Made this 1st day of October 2001.

LIM SOO HOON
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Ministry of Community
Development and Sports,
Singapore.*

[MCDS 76-06-01 V19; AG/LEG/SL/38/1997/2 Vol. 1]