

Annex – Proposed amendments to the Children and Young Persons Act

S/N	Intent	Proposed Amendment
1.	Extend legislative protection to more children who are abused or neglected by their parents or caregivers	<p>a. Raise the age limit to qualify for care or protection from below 16 years today, to below 18 years; and</p> <p>b. Revise the scope of emotional or psychological abuse to remove the requirement for the presence of serious or persistent conflict, and protect the child if he suffers from emotional harm as a result of emotional or psychological abuse.</p>
2.	Ensure that the well-being and development of a child are not compromised if the parents or guardians cannot be contacted after reasonable efforts to do so	<p>a. Allowing MSF to make decisions for the child’s well-being, or authorise a caregiver to make such decisions; and</p> <p>b. Allowing a voluntary care agreement (VCA), which is signed between MSF and a child’s parents/guardians to be extended by MSF in the subsequent absence of the parent/guardian.</p>
3.	Ensure the long-term interest of abused and neglected children	<p>a. Enabling the Court to grant a Long-Term Care Order (LTCO) that authorises a designated person, who is not the child’s natural parent/guardian, to make decisions for the child; and</p> <p>b. Facilitating the adoption process for a child under an LTCO, by allowing the Court to waive the need for the natural parents to consent to the adoption, where it assesses that reunification with the child’s family is unfeasible and adoption is in the best interest of the child. For example, there are a small number of parents who remain uncontactable despite multiple efforts over the years to locate them. There are also some parents who refuse to provide a safe living environment for their children to return, despite the repeated efforts of professionals and the community to help them.</p>
4.	Emphasise the importance of family-based out-of-home care for children who have been removed from their families due to safety concerns	<p>a. Formalising the roles of “foster parent” and “kin carer” in the Act; and</p> <p>b. Introducing new provisions for the Committee on Fostering (COF) in the Act. The COF comprises professionals from diverse disciplines who provide external oversight by reviewing the progress of children in family-based care, similar</p>

		to the function of the Review Board that reviews children's progress in CYP Homes.
5.	Enable more children who are in out-of-home care to grow up in a familial environment with individualised care and attention	<ul style="list-style-type: none"> a. Empowering MSF to determine placement and placement transfers once the Court has ordered a care and protection order (CPO) to place a child in out-of-home care; b. Empowering MSF to determine placement and placement transfers for children under a VCA, signed between MSF and a child's parents/guardians, once the parents have given consent to the removal of the child from the family; and c. Regulating walk-in admissions of children into licensed CYP Homes.
6.	Strengthen the capabilities of Children and Young Person Homes (CYP Homes) to provide out-of-home care for children with higher needs	<ul style="list-style-type: none"> a. Enabling licensed CYP Homes to de-escalate conflicts among residents and to prevent residents from causing self-harm or injury to others, through safe intervention methods and use of reasonable physical force, if necessary; b. Allowing the appropriate use of restraints by the Government-run Homes to prevent residents from escaping, or causing self-harm or injury to others, beyond just emergency situations; and c. Raising the maximum age limit for which a child may reside in a CYP-gazetted facility, to 21 years.
7.	Enhance rehabilitation for children with offending behaviour	<ul style="list-style-type: none"> a. Extending the CYPA to young offenders from 16 to below 18 years, while retaining the existing option in the CYPA for different sentencing options, where appropriate, for young offenders who commit grave offences such as murder; b. Correspondingly raising the age limits in the Probation of Offenders to below 18 years; c. Removing the need for an offender below the age of 18 years to give consent before he may be placed on probation; d. Allowing the Court to enforce an order for damages or compensation against a probationer below the age of 18 years or their parents/guardians, similar to what the Court can do for youth offenders who are not placed on probation; e. Allowing the Court to vary or discharge a juvenile rehabilitation order upon application by the Head of a Juvenile Rehabilitation Centre; and

		<p>f. Allowing the Court to impose conditions or give directions for the youth offender’s care and rehabilitation at any time during the period of committal.</p>
8.	<p>Strengthen the support provided to children under statutory supervision (currently referred to as children who are Beyond Parental Control (BPC))</p>	<p>a. Removing the label of “BPC” and replacing it with children “in need of statutory supervision”;</p> <p>b. Allowing the Court to mandate attendance at a family programme before the parent/guardian can file a court application to place their child under statutory supervision;</p> <p>c. Permitting withdrawal of such applications only with the consent of the Court to ensure that a child who requires such supervision will be supported;</p> <p>d. Allowing the Court to: (i) order a social report detailing intervention plans; (ii) order progress reports; (iii) bond the parents/guardian to secure their commitment to exercise proper care and guardianship, and (iv) set conditions or directions for the safety and well-being of the child under supervision;</p> <p>e. Allowing the Court to make orders relating to a child’s residence under supervision, and to make a combination of placement and supervision orders;</p> <p>f. Empowering MSF, with the parents’ consent, to place a child with a statutory supervision order, in an alternative short-term/interim placement so that the child can be given respite from a stressful situation.</p>
9.	<p>Enhance court processes involving children</p>	<p>a. Allowing a child under a CPO or a statutory supervision order to give evidence through video-link during court proceedings, whether the child is in Singapore or overseas. This reduces the stress and trauma a child may face during court proceedings;</p> <p>b. Allowing the Court to direct parties to attend family conferences at any point during a care and protection or statutory supervision proceedings;</p> <p>c. Allowing the media to attend Youth Court hearings only when authorised by the Court. The presence of unfamiliar faces in the court room, and potential publication of the child’s</p>

		<p>circumstances in the media, could cause distress to the child; and</p> <p>d. Allowing hearsay evidence to be admitted in care and protection proceedings. This is important as hearsay evidence can sometimes provide greater background or clarity to the circumstances surrounding the case.</p>
10.	Facilitate reintegration into society	a. Protect the identity of all children who fall within the scope of the CYPA, from the time the child is brought into the child protection or youth justice system to the end of the child's court order or VCA.
11.	Empower community partners to partner families and MSF	<p>a. Appoint Volunteer Approved Welfare Officers (VAWOs) who would be tasked with assisting MSF to carry out duties under the CYPA</p> <p>b. Provide protection for individuals working with children (including professionals and volunteers) from personal liability, but only if they acted in good faith and with reasonable care when discharging duties under the Act.</p> <p>c. Allowing MSF to:</p> <ul style="list-style-type: none"> i. Reject a service provider's or volunteer's application, or ii. Direct an agency to reject the individual's job application or terminate the employment of a staff, <p>if the applicant or employee has been convicted of certain crimes (e.g. offences involving child abuse/neglect, trafficking and exploitation, drugs or that are sex-related), which make him/her unsuited to care for children.</p>
12.	Facilitate information-sharing to ensure more timely intervention for children in need of care, protection and rehabilitation, and to strengthen preventive measures	<p>a. Empowering MSF to obtain information to (i) ensure that the child receives the required care; and (ii) monitor and prevent harm to the child and his/her family;</p> <p>b. Allowing the sharing of information relating to the child and his/her family with specified persons, including the Heads and relevant caseworkers of CYP Homes; and</p> <p>c. Allowing such persons to share information with relevant persons, such as foster parents and kin carers, with MSF's consent.</p>

13.	Accurately reflect the scope of the Director's powers	Rename "Director of Social Welfare" as "Director-General of Social Welfare"
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