

**SUMMARY OF FEEDBACK FROM CONSULTATIONS ON
AMENDMENTS TO CHILDREN AND YOUNG PERSONS ACT**

Introduction

Since 2018, MSF has consulted over 300 stakeholders and Social Service Agencies (SSAs) in the children and youth services sector e.g. the Youth Advisory Group, Committee on Fostering, Children and Young Persons Homes, amongst others. MSF has also received over 40 written responses during the public consultation held from 8 February to 21 March 2019, including from SSAs like the Singapore Children's Society, Focus on the Family and Youth Work Association (Singapore).

2. The feedback has been generally supportive. Many contributors agreed that the Bill would complement the role of the family in looking after vulnerable children and noted the importance of upstream intervention. MSF's responses to the main issues are set out below.

Higher age limits in the CYPA

3. Contributors strongly supported the amendments to extend the CYPA to include children who are abused or neglected, and young offenders aged 16 to below 18. Contributors agreed that these older children lack the cognitive maturity of adults and may be exposed to harm.

Safeguards against enhanced powers

4. Contributors welcomed the enhanced powers of MSF and partners to intervene and provide expedient care for children who have been harmed. At the same time, they highlighted the importance of having safeguards. For example, one contributor suggested that the proposal to enable foster parents to make decisions for their foster child has to be accompanied by more stringent screening before appointing foster parents. MSF agrees and has also incorporated legislative safeguards such that more sensitive and significant decisions are made only if tighter conditions are met. For example, parental consent is not required for day-to-day care decisions like personal

grooming or vaccinations. On the other hand, care-providers may make healthcare decisions, such as surgery, only after consulting medical practitioners. Selected decisions such as a change of name require the care-providers to apply for a Court order.

Appropriate use of terminology

5. MSF had initially proposed to empower the Youth Court to grant “Long-Term Care Orders” to provide stability in care arrangements for abused children up until they are 21 years of age. Contributors felt that the terminology “long-term” was not accurate as the Order would cease by age 21, and could be confused with the long-term healthcare needs of seniors. The Bill now uses “Enhanced Care and Protection Orders” instead.

6. Contributors generally supported MSF’s proposal to replace the term “Beyond Parental Control” (BPC¹) with more neutral terminology, to avoid stigmatising children. However, some felt that the proposed term “children in need of statutory supervision” continued to ascribe blame solely to children, without recognising that the parent-child conflict can contribute to challenging behaviours in children. The Bill uses the revised term “Family Guidance Orders”, to reflect the responsibility of both parents and children.

Family Guidance Orders (FGOs)

7. Contributors generally supported MSF’s proposal to mandate the attendance of both parents and child at a family programme that addresses the parent-child conflict, before a Court application for a FGO is made as a measure of last resort.

8. However, there was no consensus amongst contributors relating to the FGO age limit. Some contributors, including SSAs who work with youths, saw merits to retaining the maximum age limit at 16. This avoids worsening the parent-child relationship that arises from the resentment felt by older youths who are brought to Court by their own parents. Others felt that the CYPA should enable parents to seek

¹ While not offenders, some children display behavioural problems in school or at home. Their behaviour may be serious enough that parents might apply to the Court for a BPC Order, for assistance in managing them.

guidance for their children aged between 16 and 18. MSF has decided to retain the age limit at 16 years and focus the mandatory family programme on the needs of younger children. The proposed CYPA amendments will enable youths aged between 16 and 18 to be protected when there are safety concerns and/or offending behaviour.

Differing needs and risks of young offenders

9. While contributors broadly agreed that the CYPA should be extended to young offenders aged 16 to below 18, some were concerned about the implications of having to rehabilitate a wide age range of children within the same residential facility. For example, the needs and risks of a small child and a physically larger youth would differ, and present different challenges. Our proposed amendments will enable the youth justice system to account for the differing needs and risks of children, in order to provide for age-appropriate interventions.

Capacity of MSF and stakeholders to operationalise amendments

10. Some contributors stressed the importance of strengthening the ability of MSF and SSAs to operationalise the amendments. They expressed concern over capacity and capabilities to manage not only a higher number of children but also a new profile of older children with differing needs and risks. MSF agrees and will work in close partnership with stakeholders to determine how best to implement the different changes and allow sufficient time.

Conclusion

11. MSF would like to thank our stakeholders and members of the public who took time to provide feedback on the proposed amendments. If passed by Parliament, the Bill will strengthen Singapore's legislative framework for protection and rehabilitation of children. The best interests of children are an utmost priority and it is our collective responsibility to break cycles of abuse, neglect and offending.