

**CHILDREN'S COMMUNITY RESIDENCES, FOSTER
CARE AND NURSERIES ACT**

CHAPTER 46:04

Act

***65 of 2000**

Amended By

*15 of 2008

*12 of 2012

*6 of 2016

*15 of 2018

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Note on Commencement

At the time of the revision of this Act—

- (a) sections 1, 2, 3(3), 4, 5, 7–16, 18–41, 53 and 54 came into operation on 15th May 2015 by LN 74/2015; and
- (b) sections 3(1), 3(2) and 17 came into operation on 1st July 2023 by LN 205/2023; and
- (c) sections 42–52 are still awaiting proclamation.

Note on Act No. 15 of 2008

The amendments made by Act No. 15 of 2008 to sections 42–52 of this Act have not been included as those sections are still awaiting proclamation.

Note on Act No. 12 of 2012

Amendments made to this Act by Act No. 12 of 2012 took effect on 18th May 2015 by LN 73/2015.

Note on Act No. 6 of 2016

With the exception of the amendments to sections 44 and 52, the amendments made to this Act by Act No. 6 of 2016 took effect on 15th May 2017 and 28th February 2018 by LNs 38/2017 and 23/2018.

Note on Act No. 15 of 2018

Amendments made to this Act by Act No. 15 of 2018 save and except the amendments made to section 52(3) which is not yet proclaimed, took effect on 31st December 2018 by LN 191/2018.

CHAPTER 46:04

**CHILDREN'S COMMUNITY RESIDENCES,
FOSTER CARE AND NURSERIES**

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CHAPTER 46:04

CHILDREN'S COMMUNITY RESIDENCES,
FOSTER CARE AND NURSERIES ACT

65 of 2000. **An Act to make provision for the monitoring, licensing and regulating of community residences, foster care and nurseries in Trinidad and Tobago.**

*[ASSENTED TO 23RD OCTOBER 2000]

Preamble. WHEREAS it is enacted by section 13(1) of the Constitution that an Act of Parliament to which that section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 of the Constitution, and if any Act does so declare it shall have effect accordingly:

And whereas it is provided in subsection (2) of the said section 13, that an Act of Parliament to which that section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all members of the House:

And whereas it is necessary and expedient that this Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.

PART I
PRELIMINARY

Short title and commencement. [15 of 2008].

1. (1) This Act may be cited as the Children's Community Residences, Foster Care and Nurseries Act.

*(2) This Act comes into operation on such day as is fixed by the President by proclamation.

Interpretation. [15 of 2008
12 of 2012
6 of 2016
15 of 2018].
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2. In this Act—
"Authority" means the Children's Authority established under the Children's Authority Act;

*See Note on commencement on page 2 for dates on which various sections of this Act came into force. (LN 74/2015; LN 205/2023).

“child charged” has the meaning assigned to it under section 1A of the Child Rehabilitation Centre Act;

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“Children’s Home” means a Community Residence for the care and nurturing of children;

“child offender” has the meaning assigned to it under section 1A of the Child Rehabilitation Centre Act;

“community register” means the register of children in the care of a Community Residence kept in accordance with section 22;

“Community Residence” means a Children’s Home or a Rehabilitation Centre;

“Manager” means a person who manages a Community Residence in accordance with the provisions of section 21;

“Minister” means the Minister to whom responsibility for the welfare of children is assigned;

“nursery licence” means a licence issued under section 44;

“Register of Residences” means the Register of licensed Community Residences kept in accordance with section 18;

“Rehabilitation Centre” means a Community Residence for the rehabilitation of—

(a) child offenders who—

(i) have been convicted and committed to serve a custodial sentence; or

(ii) are remanded in custody pending sentence; or

(b) children who have been charged with an offence and are in custody pending a hearing;

“relative” has the meaning assigned to it under the Children’s Authority Act;

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“residence licence” means a licence issued under section 5 and includes a conditional residence licence and temporary residence licence.

2A. This Act binds the State.

Act binds the
State.
[15 of 2018].

L.R.O.

PART II

LICENSEES OF COMMUNITY RESIDENCES

Requirement to
be licensed.
[15 of 2008
6 of 2016
15 of 2018].

3. (1) No person shall operate a Children's Home without a residence licence issued by the Authority.

(2) No child shall be cared for and provided with accommodation in a Children's Home unless a residence licence has been issued in respect of that Children's Home under subsection (1).

(3) In this Part "licensee" means the person to whom a residence licence is granted under section 5.

Existing
Children's
Homes.
[15 of 2008
6 of 2016
15 of 2018].

4. (1) All managers of existing Children's Homes shall, within three months upon the coming into force of this Act, apply to the Authority for a residence licence.

(2) The Authority shall, within six months of receiving an application under subsection (1), issue or refuse a licence in accordance with section 5.

(3) Notwithstanding subsections (1) and (2), the Authority may extend the time for applying for a licence or meeting compliance requirements or recommendations, either on its own motion or on an application in writing to the Authority, of the person wishing to obtain a licence for defined premises, and stating reasons for so requesting an extension.

Application for
residence
licence.
[15 of 2008
6 of 2016
15 of 2018].

5. (1) A person intending to operate a Children's Home shall make an application for a residence licence to the Authority.

(2) An application under subsection (1) or section 4(1), shall be made in the prescribed manner and shall be accompanied by—

- (a) such particulars as may be prescribed; and
- (b) such fee as the Authority may prescribe.

(2A) The Authority, on receiving an application under this section, shall cause all investigations to be conducted to determine the suitability of the applicant to be granted a residence licence.

(3) The Authority shall issue a residence licence where it is satisfied that a residence with respect to which an application has been made, complies with such requirements as may be prescribed.

6. (Repealed by Act No. 15 of 2008).

7. The Authority shall, prior to the issue of a residence licence, inspect such residence to ascertain its suitability for the purpose.

Residences to be inspected.

8. (1) Where the Authority is satisfied that the applicant has complied with the requirements for the issue of a residence licence the Authority shall issue to the applicant a residence licence in respect of the Children's Home and the residence licence shall contain provisions setting out the following:

Issue of residence licence. [15 of 2008 6 of 2016 15 of 2018].

- (a) the terms and conditions of the residence licence;
- (b) the procedures for enforcement of the terms and conditions of the residence licence;
- (c) the nature of the service to be provided by the licensee; and
- (d) any other matter relevant to the provision of the service which, in the opinion of the Authority should be included in the residence licence.

(2) A residence licence issued under subsection (1) shall be valid for two years and may be renewed upon application by the licensee.

(2A) Notwithstanding subsection (2), where an application is made for the renewal of a residence licence, the existing licence shall remain valid until the determination of the application by the Authority.

(3) (Deleted by Act No. 15 of 2018).

8A. (1) Notwithstanding section 8, where the Authority has been informed by the applicant that the facilities to be used will not continue as a Community Residence for a period in excess of one year, it may grant a temporary residence licence.

Temporary residence licence. [6 of 2016 15 of 2018].

(2) Where the Authority grants a temporary licence under subsection (1), it may extend such a licence.

Conditional residence licence. [6 of 2016, 15 of 2018].

8B. (1) Notwithstanding section 8, where the Authority has brought to the attention of the applicant for a residence licence, that all the requirements for the issuance of a residence licence have not been met, it may nevertheless, issue a conditional residence licence, specifying the conditions which it requires the applicant to meet.

(2) The conditional residence licence referred to in subsection (1) shall indicate the time frames for compliance in order for a licence to be issued.

(3) A conditional residence licence may be extended by the Authority.

Display of licence. [15 of 2018].

8C. A licence issued under this Part shall be displayed in a conspicuous place at the Children's Home.

Conditions. [15 of 2008].

9. (1) It shall be a condition of every residence licence issued under this Part, that—

- (a) any authorised representative of the Authority shall, upon presentation of his official identification, be allowed entry into the premises of a licensed residence for any of the purposes of this Act;
- (b) the licensee or Manager of a residence shall allow any person authorised by the Authority to inspect the books of accounts, papers, records and documents of the residence at any reasonable time;
- (c) the licensee shall furnish any information required by the Authority which is in the possession or control of the licensee or Manager of the community residence; and
- (d) the licensee shall not surrender his residence licence without giving the Authority six months notice of his intention to so surrender.

(2) The information referred to in paragraph (c) shall be prepared and furnished to the Authority within such time and in such manner and form and with such particulars and certification as may be required by the Authority.

10. Any licensee or Manager of a Community Residence who wilfully furnishes false information to the Authority, commits an offence and is liable on summary conviction to a fine of ten thousand dollars.

Penalty for
furnishing false
information.

11. (1) Where a licensee is in breach of any provision of this Part or any term or condition of the residence licence, the Authority may revoke his licence.

Revocation of
residence
licence.
[15 of 2008
6 of 2016
15 of 2018].

(2) Where the Authority is dissatisfied with the conditions, rules, management or superintendence of a Community Residence it may at any time, by notice served on the licensee or the Manager of the Community Residence, require that corrective measures be taken within such time as the Authority may specify in such notice.

(3) Where a notice has been served on a licensee under subsection (2) and the licensee has failed to take the corrective measures required, the Authority may serve notice on the licensee or the Manager of the Community Residence of its decision to revoke the residence licence as from such time as may be specified in the notice.

(4) Where, pursuant to subsection (2), a notice is served by the Authority on the Manager of a Rehabilitation Centre designated under section 2 of the Child Rehabilitation Centre Act, and the corrective measures are not taken, the Authority shall submit a report on the matter to the Minister, who shall lay the report in Parliament within one month of receiving such a report.

(5) When the Authority serves the notice on the Manager and submits the report to the Minister, pursuant to subsection (4), it shall cause to be sent to the Minister to whom responsibility for national security has been assigned, a copy of the notice and the report.

Notice of
revocation.
[15 of 2008
15 of 2018].

11A. (1) The Authority shall serve on the licensee or Manager written notice of its intention to revoke a residence licence being not less than fourteen days prior to the date of revocation.

(2) A notice under subsection (1) shall state the grounds on which the Authority intends to revoke the licence.

(3) Notwithstanding subsection (1), where the Authority determines that no corrective measures are possible, the notice of the revocation of the residence licence shall take immediate effect.

Surrender of
residence
licence by
licensee.
[15 of 2008
15 of 2018].

12. Where a licensee of a Children's Home wishes to surrender his residence licence he may, on giving six months notice in writing to the Authority of his intention so to do, surrender such residence licence and accordingly, at the expiration of six months from the date of the notice the Children's Home shall cease to be a Children's Home.

Effect of
revocation or
surrender of
residence
licence.
[15 of 2008
15 of 2018].

13. A child shall not be received into a Children's Home in pursuance of this Part after the date of the receipt by the Manager of a notice of revocation of the residence licence under section 11 or after the date of a notice of surrender of the residence licence under section 12.

Appeal.
[15 of 2008
15 of 2018].

14. (1) Where an application for a residence licence to manage a Children's Home is refused or it is proposed to revoke the residence licence, the applicant or the licensee as the case may be, may, within fourteen days from the receipt of the notice of refusal or revocation, appeal to the Minister in writing against the refusal or revocation, setting out the grounds of his appeal.

(2) In furtherance of an appeal made to the Minister under subsection (1), the Minister—

(a) shall consider the appeal within six weeks of the date of receipt of the appeal; and

(b) may dismiss the appeal giving his reasons in writing; or

(c) may direct the Authority to withdraw such refusal or revocation, and issue or re-issue a residence licence, and the Authority shall comply with any direction given to it by the Minister under this subsection.

(3) Where the Minister dismisses an appeal made to him under subsection (1), the person aggrieved may, by Fixed Date Claim served on the Authority and the Minister, appeal to a Judge who may—

- (a) pending a decision in the matter, make such interim order as he sees fit, to preserve the respective interests of the appellant, the Authority and the Minister in this matter; or
- (b) dismiss the appeal or order that the listing be revoked or amended.

15. (1) Where a Children's Home ceases to be a licensed Community Residence, the Authority shall transfer the children kept therein to suitable alternative placement including Children's Homes and Foster Care having regard to the needs of each child.

Transfer of children.
[15 of 2008
15 of 2018].

(2) The Authority upon such transfer under subsection (1), shall inform the Court of all such transfers.

16. The Authority shall publish in the *Gazette*, a notice of the issuance, revocation or surrender of a residence licence, within one month from the date of the issuance, revocation or surrender of such residence licence.

Publication of grant, etc., of residence licence.
[15 of 2008].

17. (1) Any person who manages a Children's Home without a residence licence issued by the Authority or breaches the conditions of the residence licence referred to in section 9, commits an offence and shall on summary conviction be liable to a fine of ten thousand dollars and in the case of a continuing offence to a fine of five hundred dollars for each day the offence continues.

Penalty for operating without residence licence.
[15 of 2008
15 of 2018].

(2) Subsection (1) shall not apply where such person has submitted an application for a residence licence to the Authority pursuant to section 5 and has not received notice of the refusal of such application.

Prohibited forms of punishment. [15 of 2018].

17A. (1) A child placed at a Children's Home shall not be subjected to—

- (a) corporal punishment;
- (b) restraint or force as a form of punishment;
- (c) the reduction or change of diet as a form of punishment; or
- (d) the restriction or denial of contact with family as a form of punishment.

(2) A person who contravenes subsection (1) commits an offence and is liable—

- (a) on summary conviction to a fine of five thousand dollars and to imprisonment for six months; or
- (b) on indictment to a fine of fifty thousand dollars and to imprisonment for ten years.

(3) Where a person alleges that a child in a Children's Home has been the subject of any form of the prohibited methods of punishment referred to in subsection (1), the person shall report the matter forthwith to the Authority.

(4) Where upon investigation the allegation referred to in subsection (3) is found to be true, the Authority may revoke the licence of the Manager or licensee.

Penalty for contravention of Act or Regulations. [15 of 2018].

17B. (1) Any contravention against this Act or its Regulations with respect to Community Residences for which no penalty has been prescribed is punishable by a fine of ten thousand dollars and in the case of a continuous offence, to a fine of five hundred dollars for each day the offence continues.

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(2) Section 63 of the Interpretation Act does not apply to this Act or its Regulations.

Register of Residences. [15 of 2008 15 of 2018].

18. (1) The Authority shall maintain, in accordance with any regulations that may be made, a Register of Children's Homes in Trinidad and Tobago licensed under this Act.

(2) The Register of Children's Homes shall be open to public inspection during office hours.

19. (1) Publication in the *Gazette* of a notice of the grant, revocation or surrender of a residence licence shall be sufficient evidence of a residence licence having been duly granted, revoked or surrendered.

Proof of registration.
[15 of 2008
15 of 2018].

(2) *(Repealed by Act No. 15 of 2018).*

20. A certificate signed by the Manager stating that any sum due from a parent or other person for the maintenance of a child is overdue and unpaid, shall be evidence of the facts stated therein.

Certification by Manager.
[15 of 2008].

PART III

MANAGEMENT OF COMMUNITY RESIDENCES

21. (1) There shall be a Manager of a community residence who shall have the management and control of the Community Residence.

Manager of Community Residence.
[6 of 2016
15 of 2018].

(2) No person shall function as a Manager of a Community Residence unless he possesses such qualifications, training or experience as may be prescribed.

(3) Subsection (2) does not apply to Rehabilitation Centres.

22. (1) In addition to any other duties and functions under this Act, the Manager of a residence shall—

Requirements of Manager.
[15 of 2008
15 of 2018].

- (a) keep a register of all children in the care of the Community Residence and such register shall contain such information as may be prescribed;
- (b) in respect of a Children's Home, maintain proper accounts and submit to the Authority annually, a copy of the audited accounts; and
- (c) maintain the Community Residence in accordance with the requirements under this Act.

(2) The Manager shall keep a written record of a child charged or child offender received into the Children's Home, and signed by the Manager.

(3) A record purporting to be signed by the Manager in accordance with subsection (1), shall be evidence of the matters stated therein.

Rules.
[15 of 2008
15 of 2018].

23. (1) (*Repealed by Act No. 15 of 2018*).

(2) The Manager of a Children's Home may at anytime, and shall whenever so required by the Authority, make rules subject to the approval of the Authority for the management and discipline of the children therein.

Alteration to
buildings.
[15 of 2018].

24. (1) The licensee or Manager of any Children's Home shall not add to, alter or cause to be added to or altered any buildings of a Children's Home without first notifying the Authority and obtaining its approval.

(2) An approval referred to in subsection (1) shall be given or refused within three months of the notification being given.

Children in
existing
Children's
Home.
[15 of 2008
15 of 2018].

25. (1) Where, on the coming into force of this Act, a Children's Home is in existence, the Manager of such residence shall within sixty days or such further period as determined by the Authority, provide the Authority with the following information in respect of every child in its care:

- (a) the name, date of birth and sex of such child;
- (b) the names, addresses and contact numbers of the parents, brothers, sisters and other close relatives of such child where they can be ascertained;
- (c) the circumstances under which the child came to be in the Children's Home; and
- (d) the treatment plan prepared in respect of such child.

(2) The Authority upon receiving such information shall, as soon as practicable, evaluate the child and the suitability of the placement of the child in the Children's Home.

(3) Upon completing its evaluations under subsection (2), the Authority may direct the Manager of the Children's Home to take all necessary steps to ensure proper care of the child.

(4) Where the Authority is of the opinion, that the Children's Home in which a child has been placed is not suitable, having regard to the needs of such child, the Authority shall make an application to the Court for an Order under section 25 of the Children's Authority Act.

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26. (1) Where a Manager receives a child into a Children's Home in respect of whom no Care Order has been made, the Manager shall, within twenty-four hours of receiving the child, inform the Authority.

Reception of
child where no
Care Order
made.
[15 of 2018].

(2) The Authority, upon receipt of such information referred to in subsection (1), shall record the reception and deal with the child in accordance with section 22 of the Children's Authority Act.

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26A. (1) Where a person is willing to receive and care for a child who has been placed at a Children's Home, he may apply to the Manager of the Children's Home for permission for that child to be placed temporarily with the applicant.

Temporary
placement of
child from a
Children's
Home.
[15 of 2018].

(2) Where an application has been made under subsection (1), the Manager of the Children's Home shall notify the Authority of such application and shall supply to the Authority—

- (a) a police certificate of good character of the applicant; and
- (b) the following particulars:
 - (i) the reason for the request for such placement;
 - (ii) the name, age, address, sex and marital status of the applicant;
 - (iii) the occupation and place of employment of the applicant;
 - (iv) the marital status of the applicant;
 - (v) the relationship, if any, between the applicant and the child;

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- (vi) the address of the place where it is intended that the child be placed temporarily;
- (vii) the name, age and sex of each person residing at the place where it is intended that the child be placed temporarily;
- (viii) the relationship of each person referred to in paragraph (vii) to the applicant;
- (ix) the period of intended placement;
- (x) the suitability of the child for such placement; and
- (xi) any other information requested by the Authority.

(3) Upon investigation by the Authority as to the suitability of such placement, the Authority may—

- (a) authorise the Manager to permit the child to be temporarily placed with the applicant provided that any order of the Court relating to the care of the child provides that the child may be temporarily placed with any such applicant on the approval of the Authority; or
- (b) where there has been no order of the Court, after the Authority has investigated the applicant, seek an order of the Court to grant permission for the child to be temporarily placed with the applicant.

(4) Where the Manager forms the view that the permission referred to in subsection (3) should be rescinded, he shall notify the Authority immediately who shall investigate the matter.

(5) Where a child runs away from the person with whom he has been temporarily placed pursuant to subsection (3), the Authority shall apply to the Court for a Recovery Order and the child shall be brought to the Authority which shall investigate the circumstances of the case.

(6) The applicant shall report any critical incidents to the Manager or the Authority with respect to the child.

(7) The Manager shall immediately report any significant events with respect to the child who has been temporarily placed pursuant to subsection (3) to the Authority.

26B. (1) The time during which a child offender is absent from a Children's Home in pursuance of permission under section 26A shall be deemed to be part of the time of his placement in the Children's Home.

Period of leave to be deemed part of time of placement. [15 of 2018].

(2) Notwithstanding subsection (1), where a child offender has failed to return to the Children's Home on the permission being rescinded under section 26A(4), the time which elapses after his failure so to return shall be excluded in computing the time during which he is to be placed in the Children's Home.

26C. (1) Where an authorisation under section 26A(4) is rescinded and the child refuses or fails to return to the Children's Home, a Court, if satisfied by complaint on oath, that there are reasonable grounds for believing that the parent, guardian or person with responsibility for the child or the person with whom the child has been temporarily placed, could produce him, may issue a summons requiring the parent, guardian or person with responsibility for the child or the person with whom the child has been temporarily placed, for him to attend before it on such day as may be specified in the summons, and to produce the child.

Parent may be summoned to produce child. [15 of 2018].

(2) If a parent, guardian or person with responsibility for the child or the person with whom the child has been temporarily placed fails to produce the child in accordance with the summons referred to in subsection (1) without reasonable cause, he is, in addition to any other liability to which he may be subject under this Part, liable on summary conviction to a fine of five thousand dollars and imprisonment for three years.

27. (1) Subject to subsection (2A), the Authority may authorise one of its officers, at all reasonable times to enter any

Power of entry and inspection. [15 of 2008 15 of 2018].

Community Residence to inspect the premises and the children so received therein, the arrangements for their welfare, and any records relating to them kept in pursuance of this Part.

(2) Where the officer referred to in subsection (1), is refused admission to any Community Residence or has reasonable cause to believe that children are being received, kept or treated in a Community Residence in contravention of this Act or any other written law, he may on warrant issued by the Court, enter the Community Residence.

(2A) An officer referred to in subsection (1) may at any time enter any Community Residence owned or occupied by the State without a warrant.

(2B) Where an officer from the Authority enters a Community Residence under this section, he may—

- (a) take pictures and require the production of, or examine and make a copy of any register, book, record, or other documents, however stored, electronically or otherwise, kept for the purpose of, or required to be kept by this Act;
- (b) require any information contained in a computer and accessible from that place to be produced in a form in which it is visible and legible; and
- (c) interview any person with respect to the observance of the provisions of this Act.

(3) Any person who obstructs an officer authorised to make such entry, in the exercise of his powers, under the Act commits an offence and is liable on summary conviction to a fine of five thousand dollars and to imprisonment for six months.

27A. *(Repealed by Act No. 15 of 2018).*

PART IV

FOSTER CARE OF CHILDREN

28. There is established a system of foster care in Trinidad and Tobago to be managed by the Authority.

29. (1) Where a person wishes to become a foster parent he shall apply to the Authority for approval in the prescribed form. Application for foster parent. [15 of 2008].

(2) The Authority on receiving an application under subsection (1) shall cause all investigations necessary to be conducted to determine the suitability of—

- (a) the applicant to be a foster parent; and
- (b) the home of the applicant, to receive a child for foster care.

(3) In this Part—

- (a) “foster care” means the assuming of temporary care, maintenance and parental obligations by an approved foster parent in respect of a foster child;
- (b) “foster child” means a child who has been identified by the Authority as suitable for foster care;
- (c) “foster home” means the home of a foster parent; and
- (d) “foster parent” means a person approved under subsection (1) to receive and provide temporary care for a foster child.

30. (1) The Authority shall cause a Register of approved foster parents to be maintained. Register. [15 of 2008].

(2) Approved foster parents shall be subject to annual reviews by the Authority.

(3) Notwithstanding subsection (2), the Authority may at any time cancel the registration of an approved foster parent.

(4) The Authority shall give written notification of the cancellation of registration to the foster parent.

31. Where an applicant is to be made a foster parent, the Authority shall cause the applicant and members of his household to be suitably trained in the roles, functions and duties involved in foster care. Foster parents to be trained. [15 of 2008].

Responsibility
of foster
parents.
[15 of 2008].

32. (1) It shall be the responsibility of the foster parent to look after the health, education and welfare needs of the foster child in his care.

(2) The Authority shall authorise an officer to visit from time to time, a foster child and the premises in which he is being kept in order to satisfy itself as to whether the health, educational and welfare needs of the child are being met and to give where necessary, advice or directions to the foster parents as to the care of the child.

(3) Any person who receives a foster child and fails or neglects to look after the health, educational and welfare needs as specified in subsection (1), commits an offence and is liable on summary conviction to a fine of ten thousand dollars and twelve months imprisonment.

Refusal of
foster parent to
allow visit.
[15 of 2008].

33. (1) Where an officer authorised to visit foster children is refused admission to any premises where a foster child is being kept or has reason to believe that a child is being kept in any premises in contravention of this Part, he may apply to the Court for a warrant to enter such premises.

(2) Where the Court, is satisfied, on sworn testimony, that admission has been so refused, or that there are reasonable grounds to believe that an offence under this Part has been committed, the Court may grant a warrant authorising the officer to enter the premises and remove the foster child therefrom.

Persons
prohibited from
receiving foster
children.
[15 of 2008].

34. (1) A person shall not receive or keep a foster child without the consent of the Authority—

- (a) where that child has been previously removed from the care of that person under this Part; or
- (b) in any premises from which any child has been removed under this Part by reason of the premises being dangerous or unsanitary or by reason of the premises being unfit as to endanger the health of the child.

(2) Any person who keeps or causes a foster child to be kept in contravention of this section, commits an offence and is liable on summary conviction to a fine of ten thousand dollars and twelve months imprisonment.

35. Where a foster child is to be received or is being kept—

- (a) in any premises which are unsanitary, overcrowded or dangerous;
- (b) by any person who by reason of old age, infirmity, ill health, negligence, inebriety, immorality or criminal conduct or for any other reason is unfit to have the care of the child;
- (c) in an environment which is detrimental to the child; or
- (d) in any premises or by any person in contravention of the provisions of this Part,

Removal of foster children kept in unsuitable premises or by unsuitable persons. [15 of 2008].

the Authority may—

- (i) where the child is the subject of a Care Order placing him in foster care, apply to the Court for an order to remove that child to the care of another approved foster parent, until such time as the child is returned to his relatives or other arrangements are made with respect to him; or
- (ii) where the child is not the subject of a Care Order placing him in foster care, remove that child to the care of another approved foster parent, until such time as the child is returned to his relatives or other arrangements are made with respect to him.

36. (1) Where a foster child dies while in the care of a foster parent, the foster parent shall, within twenty-four hours of the death, give notice in writing thereof to the Authority.

Authority to be notified of death of foster child.

(2) Where a person is required to give notice under this section and fails to give such notice within the time specified he commits an offence and shall be liable on summary conviction to a fine of five hundred dollars and to imprisonment for a term of six months.

Prohibition of advertisements offering to undertake care of children. [15 of 2008].

37. (1) No person shall advertise to offer foster care services and no advertisement indicating that a person will offer foster care services shall be published.

(2) Any person who contravenes this section commits an offence and shall be liable on summary conviction to a fine of one thousand dollars and to imprisonment for a term of one year.

Notice to be given of change of residence.

38. Where a person who has received a foster child changes his residence he shall, not less than seven days before moving, give notice to the Authority of the intended change of residence except that where an immediate change of residence is necessitated by any emergency, a notice may be given at any time within forty-eight hours after the change of residence.

Foster parent to give notice.

39. Where a foster child leaves the care of its foster parent with whom he was placed without the permission of that foster parent, the foster parent shall, within twenty-four hours thereof, give the Authority notice that the child has left the foster home.

Penalties for failure to give notice.

40. Any person who is required to give notice under section 38 or 39 and fails to give notice within the time specified for giving the notice, commits an offence and shall be liable on summary conviction to a fine of five hundred dollars and the Court may make an order under section 25 of the Children's Authority Act in respect of that child.

Ch. 46:10.

Exemptions. [15 of 2008 12 of 2012 6 of 2016 15 of 2018].

41. The provisions of this Part shall not apply to—

(a) *(Deleted by Act No. 6 of 2016)*;

(b) any person who undertakes the care and maintenance of a child named as a fit person as defined in section 3 of the Children Act or other statutory provision.

Ch. 46:01.

- (c) any person who has been granted a release on licence under section 66(1) of the Children Act or into whose care a child has been released from a Community Residence under sections 69 to 71 of the Children Act.

41A. Nothing in this Part prohibits the Authority from placing a child with a relative other than a parent as a foster parent, if it is of the view that it is in the best interest of the child.

Authority may place a child with a relative other than a parent as a foster parent. [6 of 2016].

**PART V
NURSERIES**

***42.** (1) No person shall operate a nursery without a nursery licence issued by the Authority.

Restriction on operation of nurseries.

(2) No child shall be cared for in a nursery unless a nursery licence has been issued in respect of that nursery under subsection (1).

(3) In this Part "nursery" means any premises wholly or mainly used for receiving children under the age of six for reward to be looked after for the day or night or a substantial part thereof and includes day care.

(4) Nothing in this section shall be construed as preventing a child from being received by a nursery during the school vacation, on public holidays or public festival days.

***43.** (1) All existing nurseries shall, within three months from the coming into force of this Act, apply to the Authority for a Residence Licence.

Existing nurseries.

(2) The Authority shall within six months of receiving an application under subsection (1), issue or refuse a licence.

(3) Where the Authority refuses to grant a licence it shall, upon request by the applicant, give its reasons for refusal in writing.

***44.** (1) A person operating or intending to operate a nursery may apply to the Authority for a nursery licence.

Application for nursery licence.

*See Note on commencement at page 2.

(2) An application shall be made in the prescribed manner and shall be accompanied by—

- (a) such particulars as may be prescribed; and
- (b) such fees as the Authority may prescribe.

(3) The Authority may issue a nursery licence where it is satisfied that a nursery with respect to which an application has been made complies with such requirements as may be prescribed.

Requirements
for registration.

***45.** A nursery licence shall not be granted under section 44, unless the Authority is satisfied that the applicant has—

- (a) made adequate arrangements for health care, safety, security, well-being and feeding the children received in the premises and where it is undertaken an adequate and suitable diet to be provided for them;
- (b) made provision to ensure that the children received by the applicant are under adequate medical care as may be necessary;
- (c) made provision for records to be kept in relation to the children received at the premises containing such particulars as may be specified by the Authority;
- (d) provision for adequate staff with a proper staff-to-child ratio as specified by the Authority;
- (e) ensured that the premises conforms with Public Health and Safety Regulations; and
- (f) met such other requirements as may be prescribed by the Authority.

Nursery to be
inspected.

***46.** The Authority shall, prior to the issuing of a nursery licence, inspect such nursery to ascertain its suitability for the purpose.

Penalties for
failure to
license.

***47.** A person who operates an existing nursery without a licence, or fails to comply with any of the requirements specified in section 45, commits an offence and on summary conviction shall be liable to a fine of five thousand dollars.

***48.** Where a person who operates a nursery acquires new premises or wishes to change the residence, he shall give notice thereof to the Authority and shall not operate the new premises as a nursery until the approval of the Authority is obtained.

Change of residence.

***49.** Where a licensee is in breach of any provision of this Part or any term or condition of the nursery licence, the Authority may revoke the Residence Licence.

Revocation of nursery licence.

***50.** (1) Not less than fourteen days before revoking any nursery licence, the Authority shall send to the licensee notice of its intention to revoke such licence.

Notice of revocation.

(2) Every such notice shall state the grounds on which the Authority intends to revoke the nursery licence and shall require that corrective measures be taken within such time as the Authority shall specify in the Notice.

(3) Where a Notice has been served under subsection (1), and the licensee has failed to take the required corrective measures, the Authority may serve notice on the licensee of its decision to revoke the nursery licence as from a time specified in the notice, being not less than six months after the date of the notice.

***51.** (1) Where an application for a nursery licence is refused or it is proposed to revoke the nursery licence, the applicant or the licensee may, within fourteen days of the receipt of the notice of refusal or revocation, appeal to the Minister in writing against such refusal or revocation setting out the grounds of his appeal.

Appeals.

(2) Where an appeal is made to the Minister under subsection (1), the Minister—

- (a) shall consider the appeal within six weeks of the date of receipt of the appeal; and
- (b) may dismiss the appeal giving his reasons in writing; or

*See Note on commencement at page 2.

(c) may direct the Authority to revoke the refusal or withdrawal, and the Authority shall comply with any direction given to it by the Minister under this subsection.

(3) Where the Minister dismisses an appeal made to him under subsection (1), the person aggrieved by the refusal or withdrawal of the licence may, by originating summons served on the Authority and the Minister, appeal to a Judge in Chambers who may—

- (a) pending a decision in the matter, make such interim order as he sees fit, to preserve the respective interest of the appellant, the Authority and the Minister in this matter; or
- (b) dismiss the appeal or order that the licence be issued or re-issued.

Power of entry
and inspection.

***52.** (1) Any person authorised by the Authority may at all reasonable times enter a nursery and inspect the premises and the children so received therein, the arrangements for their welfare, and any records relating to them kept in pursuance of this Part.

(2) Where any person authorised as aforesaid is refused admission to any premises, or has reasonable cause to believe that children are being received or kept in a person's home or in any other premises in contravention of this Act, he may apply to the Court for a warrant to enter such premises.

Inapplicability
of Part V.
[15 of 2008].

52A. (1) This Part shall not apply to—

- (a) infant and nursery schools or departments of schools providing education suitable for children under the age of five years in the Public School System under section 12(1)(a) of the Education Act;
- (b) primary schools or departments of schools providing education suitable for children of age

Ch. 39:01.

five to twelve years in the Public School System under section 12(1)(b) of the Education Act; and

- (c) private institutions providing early childhood care and education to children between the ages of three to six years.

PART VI

MISCELLANEOUS

53. (1) The Authority may, with the approval of the Minister, make Regulations with respect to the following matters:

Regulations.
[15 of 2008
15 of 2018].

- (a) the welfare of children in any Rehabilitation Centre;
- (aa) the management of any Children's Home and the discipline and welfare of the children therein;
- (b) the determination of the sums or allowances from time to time to be paid or made out of moneys provided by Parliament, for the upkeep and the expenses incidental thereto of any Community Residence or foster home;
- (c) the allowances from time to time to be made out of moneys provided by Parliament for the maintenance and support of children detained in any Community Residence or foster home;
- (d) the imposition of requirements as to the accommodation and equipment to be provided in residences, foster homes and nurseries;
- (e) medical arrangements to be made for protecting the health of the children in Children's Homes and foster homes;
- (f) the provision of information to the Authority by the Managers as to the facilities provided for the parents or guardians of children in Community Residences and foster homes, to visit and communicate with the children and

where not so provided to authorise the Authority to give directions as to the provisions of such facilities; and

- (g) all such other matters and things as may appear necessary or expedient or are required to be prescribed for effectively carrying into operation the provisions of this Act.

(2) Regulations made under this Act shall be subject to affirmative resolution of Parliament.

(3) The Minister may also prescribe the forms to be used for the purposes of this Part and all such forms so prescribed shall be published in the *Gazette*.

Construction of
certain
references.
[15 of 2008].

54. Where in any other written law reference is made to an orphanage or industrial school such references shall be read as references to a Children's Home or a Rehabilitation Centre, respectively.

SUBSIDIARY LEGISLATION

FOSTER CARE REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATION

1. Citation.
 2. Interpretation.
 3. Application.
 4. Assessment of applicant.
 5. Notification of approval.
 6. Register of approved foster parents.
 7. Foster Care Agreement.
 8. Terms of Agreement.
 9. Duty to periodically report to the Authority.
 10. Duty to notify the Authority.
-

[Subsidiary]

20/2015.

FOSTER CARE REGULATIONS

made under section 53

Citation.

1. These Regulations may be cited as the Foster Care Regulations.

Interpretation.

2. In these Regulations—

Ch. 46:10.

“board” means the Board of Management established under section 7 of the Children’s Authority Act;

Ch. 46:01.

“Foster Care Unit” means the unit referred to in section 11 of the Children’s Authority Act;

“harm” has the meaning assigned to it by section 50(14) of the Children Act;

“member of the household”, in relation to an applicant, means a person who habitually resides in the same dwelling house as the applicant.

Application.

3. (1) An application for approval as a foster parent shall be in such form as the Authority may approve.

(2) An application under subregulation (1) shall be accompanied by—

(a) a medical certificate of fitness;

(b) photo identification;

(c) the names and contact information of two referees; and

(d) a police certificate of character issued within six months before the application in respect of each member of the household over eighteen.

Assessment of applicant.

4. (1) Where an investigation is conducted in accordance with section 29 to determine the suitability of an applicant to be

a foster parent and of the home of the applicant to receive a child for foster care, the Authority may—

- (a) verify the applicant's information;
- (b) conduct interviews, as necessary, to assess the suitability of the applicant;
- (c) conduct a background check on the applicant, members of the household of the applicant, persons in visiting relationships and other visitors to the home of the applicant, as the Authority sees fit;
- (d) assess the applicant's skills, training and competence relevant to their capacity to care for a child placed with them;
- (e) inspect the home of the applicant;
- (f) verify the criminal records of the applicant, any other members of the household of the applicant and person in visiting relationships, and other visitors to the home of the applicant, as the Authority sees fit; and
- (g) carry out any other investigations that the Authority considers necessary.

(2) A person authorised by the Authority shall conduct the investigation under subregulation (1) and prepare a written report of the applicant's suitability and the suitability of the home of the applicant.

(3) A report prepared under subregulation (2) shall be submitted to the Foster Care Unit.

(4) The Foster Care Unit shall submit the report, together with its recommendations to the Board.

(5) The Board shall examine—

- (a) the application submitted;
- (b) the personal and home assessment;
- (c) reports of household interviews;

- (d) background checks conducted;
- (e) training undertaken; and
- (f) any other requirement as the Authority sees fit including any history of sexual or child abuse.

(6) Where the Board is satisfied that the applicant meets the requirements of the Authority, the Board shall approve the applicant as a foster parent.

Notification of approval.

5. The Board shall inform an applicant of its decision in writing, and where the application has been refused, it shall furnish reasons.

Register of approved foster parents.

6. Where the Board approves the application, the applicant's name and address shall be placed on the Register of approved foster parents.

Foster Care Agreement.

7. Where a child is to be placed into the care of a foster parent, the foster parent shall enter into a written Foster Care Agreement with the Authority, which shall be signed by the foster parent and the Authority and kept in a record maintained by the Authority.

Terms of Agreement.

8. The Foster Care Agreement shall include—

- (a) the terms and conditions of the foster parent's approval;
- (b) the duties of the foster parent;
- (c) the duties of the Authority;
- (d) provisions for the allowance for the maintenance and support of the foster child; and
- (e) such other matters as considered necessary by the Authority.

Duty to periodically report to the Authority.

9. The foster parent shall be required to report bimonthly to the Authority, from the date of placement or as directed by the Authority, to keep the Authority informed of the child's progress.

10. The foster parent shall be required to notify the Authority immediately where— Duty to notify the Authority.

- (a) a foster child in his care has—
 - (i) died;
 - (ii) become seriously ill; or
 - (iii) been involved in a serious accident;
- (b) an incident occurs at the foster home or elsewhere which involves the police;
- (c) an incident occurs which causes such harm to a foster child in his care so as to cause concern for the welfare of the child; or
- (d) a foster child in his care is missing.

**CHILDREN'S COMMUNITY RESIDENCES
(REHABILITATION CENTRES) REGULATIONS**

ARRANGEMENT OF REGULATIONS

REGULATION

**PART I
PRELIMINARY**

1. Citation.
2. Interpretation.
3. Application.

**PART II
STAFF**

4. Training for staff.

**PART III
THE PREMISES**

5. Maintenance of premises.
6. Perimeter of Rehabilitation Centre.
7. Amenities for residents.
8. General amenities.
9. Amenities for disabled residents.
10. Handling of food.
11. Restriction of residents from the kitchen area.
12. Amenities for programmes.
13. Facilities for visitors to a Rehabilitation Centre.

**PART IV
ADMISSION OF RESIDENTS**

14. Admission and orientation of residents.
15. Individual care plans.

**PART V
WELFARE OF RESIDENTS**

16. Welfare of resident.
17. Behaviour Management Policy and protection policy for residents.

REGULATION

PART VI

VISITS AND LEAVE FOR RESIDENTS

18. Visits and leave for residents.

PART VII

COMMUNICATION

19. Communication with the family, others and the outside world.

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20. Complaints handling system.

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21. Safety and security policy.
22. Security risk assessments.
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RECORDS

25. Records to be kept.

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CONFIDENTIALITY

26. Confidential records.

PART XII

NOTICES TO THE AUTHORITY

27. Notices to the Authority.

[Subsidiary]

87/2018.

**CHILDREN'S COMMUNITY RESIDENCES
(REHABILITATION CENTRES) REGULATIONS**

made under section 53

PART I

PRELIMINARY

Citation. **1.** These Regulations may be cited as the Children's Community Residences (Rehabilitation Centres) Regulations.

Interpretation. **2.** In these Regulations—
Ch. 46:01. "child" has the meaning assigned to it under section 3 of the Children Act;

"Commissioner" means a person holding or acting in the office of the Commissioner of Prisons established under the Prison Service Act;

Ch. 13:02. "office" has the meaning assigned to it under section 2 of the Prison Service Act;

"officer" means an officer holding an office as specified in the Second Schedule of the Prison Service Act and who has been assigned to the Rehabilitation Centre;

"resident" means a person who has been committed, remanded or transferred to a Rehabilitation Centre;

"Residents' Handbook" means the Residents' Handbook referred to in regulation 14(3)(b), (4) and (5);

"responsibility" includes custody, charge, care and control;

"staff" includes the officers assigned to the Rehabilitation Centre.

Application. **3.** These Regulations shall apply to Rehabilitation Centres.

PART II

STAFF

Training for staff. **4.** (1) The Superintendent and staff at the Rehabilitation Centre shall be provided with relevant and continuous training with respect to the care and management of residents.

(2) The Superintendent shall maintain a record of all training made available to staff.

PART III

THE PREMISES

5. (1) A Rehabilitation Centre shall be—

- (a) adequately lit;
- (b) adequately ventilated;
- (c) suitably furnished;
- (d) kept in good structural repair, externally and internally;
- (e) kept clean and well maintained;
- (f) kept in a good and habitable condition; and
- (g) furnished with adequate laundry facilities, and equipment.

Maintenance of premises.

(2) A Rehabilitation Centre shall have—

- (a) a potable water supply with tank storage that is sufficient, functioning and clean;
- (b) sufficient storage facilities;
- (c) adequate arrangements for the disposal of garbage; and
- (d) proper arrangements for the maintenance of all equipment, furniture and amenities used in the Rehabilitation Centre.

6. The perimeter of a Rehabilitation Centre shall be secure, regularly inspected and maintained, and a log shall be kept of the inspections and maintenance.

Perimeter of Rehabilitation Centre.

7. (1) Each resident shall be provided with—

- (a) his own bed;
- (b) proper and safe storage for personal possessions; and
- (c) access to a place for study.

Amenities for residents.

(2) Where bunk beds are provided, such beds shall be outfitted with safety railings and ladders, where necessary.

[Subsidiary]

Children's Community Residences (Rehabilitation Centres) Regulations

General
amenities.

8. A Rehabilitation Centre shall have—

- (a) adequate toilets and bathing facilities which—
 - (i) are fitted with sinks, toilets, showers and appropriate fixtures; and
 - (ii) have a regular and clean water supply;
- (b) adequate living and dining areas that are outfitted with—
 - (i) adequate seating accommodation;
 - (ii) furniture suitable to the range of ages of all residents; and
 - (iii) clean and sturdy furniture;
- (c) child-friendly recreational materials and facilities that—
 - (i) are suitable for the developmental capacity and range of residents;
 - (ii) allow for physical exercise and mental stimulation; and
 - (iii) allow for group activities as well as individual occupation; and
- (d) a space in which therapeutic interventions with the residents can take place.

Amenities for
disabled
residents.

9. A Rehabilitation Centre shall have adequate facilities for the needs of a resident with a physical disability.

Handling of
food.

10. (1) The kitchen of a Rehabilitation Centre shall be—

- (a) provided with—
 - (i) suitable and sufficient kitchen equipment in good working condition;
 - (ii) suitable and sufficient crockery, cutlery and utensils; and
 - (iii) adequate facilities for the preparation and storage of food; and
- (b) cleaned, sanitised and inspected daily.

(2) Food served to a resident shall be properly and safely prepared and handled.

(3) Staff preparing and serving food shall have valid food badges and shall ensure that food is properly and safely prepared and handled.

11. A resident shall not have access to the kitchen unless he is—

Restriction of residents from the kitchen area.

- (a) certified in writing by a Medical Officer to be fit to perform chores in a kitchen; and
- (b) performing chores under the direct supervision of a member of staff referred to in regulation 10(3).

12. A Rehabilitation Centre shall be equipped with tools and materials which are suitable for the academic, vocational and personal development of residents.

Amenities for programmes.

13. Suitable facilities shall be provided for a resident in order to facilitate contact between the resident and—

Facilities for visitors to a Rehabilitation Centre.

- (a) his parent, guardian or the person with responsibility for him, unless precluded by an order of the Court;
- (b) any of his relatives, unless precluded by an order of the Court;
- (c) his Attorney-at-law; and
- (d) such other visitors as the Commissioner thinks fit and who are not otherwise legally restricted.

PART IV

ADMISSION OF RESIDENTS

14. (1) There shall be a written procedure for the admission of residents into a Rehabilitation Centre and a Register of Residents shall be kept in accordance with section 22 of the Act.

Admission and orientation of residents.

(2) There shall be recorded in the Register of Residents with respect to each resident—

- (a) his name, including all known aliases;
- (b) his unique identifier;

- (c) his age;
- (d) his sex;
- (e) his address prior to that of the Rehabilitation Centre;
- (f) the offence for which the resident has been charged or convicted;
- (g) identifying marks or other unusual physical characteristics;
- (h) the names, addresses and contact numbers of the parents, guardians or person with responsibility for the resident, where they can be ascertained; and
- (i) the names, addresses and contact numbers of any of his siblings and other close relatives, where they can be ascertained.

(3) There shall be a Residents' Handbook which shall include information with respect to—

- (a) the policies and procedures of a Rehabilitation Centre;
- (b) the rules of conduct;
- (c) sanctions which may be imposed for the violation of rules;
- (d) the disciplinary process at a Rehabilitation Centre; and
- (e) the rights and obligations of a resident while at the Rehabilitation Centre.

(4) The Residents' Handbook shall be in such a simple form as would reasonably enable a resident to understand its content, having regard to the age and understanding of the resident.

(5) Within twenty-four hours of the arrival at a Rehabilitation Centre, each resident shall be—

- (a) informed of the contents of the Residents' Handbook outlined in subregulation (3), in a manner which has regard to the age and understanding of the resident; and

(b) provided with a copy of the Residents' Handbook.

(6) Where a resident is unable to read, the Superintendent shall ensure that the contents of the Residents' Handbook are read and explained to the resident.

(7) Where a resident does not understand the English language of the Residents' Handbook, an interpreter shall be provided for him.

(8) Upon the entry of a resident into a Rehabilitation Centre—

- (a) a photograph shall be taken of the resident;
- (b) medical and mental health screening of the resident shall be conducted;
- (c) an inventory of the property in the possession of the resident shall be recorded; and
- (d) an assessment of the resident shall be conducted to determine—
 - (i) the level of risk of the resident; and
 - (ii) the rehabilitative intervention that is needed for the resident.

(9) In this regulation, "unique identifier" means the code or number which is assigned to a resident by which the resident can be identified.

15. (1) An individual care plan shall be developed for each resident. Individual care plans.

(2) Individual care plans shall—

- (a) be based on—
 - (i) the results of the assessment referred to in regulation 14(8)(d);
 - (ii) any order of the Court; and
 - (iii) recommendations by the Authority;
- (b) include—
 - (i) the objectives of the care of the resident;

- (ii) the time frames for achieving the objectives;
 - (iii) the persons responsible for assisting the resident in achieving the objectives; and
 - (iv) the programmes developed to assist the resident to reintegrate into society;
- (c) take into consideration the sex, age group and level of development of the resident; and
- (d) be kept under review and revised as necessary.

PART V

WELFARE OF RESIDENTS

Welfare of resident.

16. (1) A resident of a Rehabilitation Centre shall be provided with—

- (a) food that is—
 - (i) suitable for his dietary needs, health, religious persuasion or cultural background;
 - (ii) served in adequate quantities and at appropriate intervals, at least three times every day; and
 - (iii) wholesome, nutritious, well prepared and served, and reasonably varied;
- (b) sufficient clothing and footwear that are—
 - (i) appropriate to his age, sex and religious persuasion; and
 - (ii) clean and in good condition;
- (c) educational programmes, including—
 - (i) academic or vocational training which is appropriate and consistent with his individual care plan; and
 - (ii) special education programmes where the resident has literacy, cognitive or learning challenges;

- (d) appropriate medical care, including emergency medical attention; and
- (e) a regular and sufficient supply of suitable personal hygiene products.

(2) Each resident shall be provided with adequate opportunities for physical and other recreational activities suitable to his physical and cognitive abilities.

(3) No resident shall, without the written permission of the Superintendent, be allowed to leave the premises of a Rehabilitation Centre unaccompanied or unsupervised.

(4) Each resident shall be treated fairly and the rules of a Rehabilitation Centre and these Regulations shall be applied equitably.

(5) The best interest of each resident shall be considered at all times in the application of the Act.

17. (1) A Rehabilitation Centre shall have a written Behaviour Management Policy that is communicated to staff, volunteers, visitors and residents of a Rehabilitation Centre in a manner suitable to their age and understanding.

Behaviour Management Policy and protection policy for residents.

(2) The Behaviour Management Policy referred to in subregulation (1) shall set out—

- (a) the appropriate behaviour to be promoted at the Rehabilitation Centre; and
- (b) the measures of control, discipline and restraint to be used in relation to residents, and shall be reviewed and revised where appropriate and as necessary.

(3) In addition to a Behaviour Management Policy, a Rehabilitation Centre shall have a written policy for the protection of residents which—

- (a) is intended to safeguard residents accommodated in the Children's Home from abuse or neglect; and
- (b) sets out the procedure to be followed in the event of an allegation of abuse or neglect.

PART VI

VISITS AND LEAVE FOR RESIDENTS

Visits and leave
for residents.

18. (1) A resident shall be allowed to have visits in accordance with his care plan, these Regulations and the Child Rehabilitation Centre Regulations, 2017.

(2) The restriction of visits to a resident shall not be used as a method of discipline.

Ch. 13:05.

(3) Leave for a resident shall be granted in accordance with the Children Act, and the Child Rehabilitation Centre Act.

PART VII

COMMUNICATION

Communication
with the family,
others and the
outside world.

19. (1) Subject to subregulation (4), a resident shall be entitled to communicate in writing, by landline telephone or by means of any other communicative device approved by the Commissioner, once per week with his parent, guardian or the person with responsibility for him—

(a) save in exceptional circumstances where he may communicate more than once per week with his parent, guardian or the person with responsibility for him;

(b) unless precluded by an order of the Court; or

(c) unless precluded by the Commissioner in the interest of—

(i) national security;

(ii) the safety and security of the staff and residents of the Rehabilitation Centre;

(iii) the security of the Rehabilitation Centre; or

(iv) the good order of the Rehabilitation Centre.

(2) A resident shall have reasonable access to communicate in writing, by landline telephone or by means

of any other communicative device approved by the Commissioner, with—

- (a) any of his relatives, unless precluded by an order of the Court; and
 - (b) such other persons as the Court thinks fit and who are not otherwise legally restricted, subject to such restrictions by the Commissioner, as may be necessary for the maintenance of discipline, order and the safety and security of a Rehabilitation Centre.
- (3) A resident shall not be denied access to his Attorney-at-law.
- (4) Exceptional circumstances referred to in subregulation (1) include circumstances in relation to—
- (a) death or serious illness of a near relative;
 - (b) business or family affairs of an urgent matter;
 - (c) arrangements for obtaining employment or assistance from friends on release; or
 - (d) any other compassionate circumstance.

PART VIII COMPLAINTS

20. (1) There shall be a written internal complaints handling system established and maintained for use in the Rehabilitation Centre and about which residents, staff, volunteers and visitors shall be informed.

Complaints handling system.

(2) The complaints handling system shall permit residents to lodge complaints directly with, and confidentially to, the Authority, Commissioner or Superintendent.

(3) The complaints handling system must be communicated to the residents in a manner appropriate to their age and understanding.

PART IX

SAFETY AND SECURITY

Safety and security policy.

21. (1) There shall be a safety and security policy at a Rehabilitation Centre to ensure the safety and security of all residents, staff, volunteers and visitors.

(2) The safety and security policy shall include policies and procedures on the—

- (a) control and use of and access to keys;
- (b) conduct of searches on the housing areas;
- (c) conduct of searches of residents;
- (d) possession, use and disposal of weapons and illegal substances in the Rehabilitation Centre; and
- (e) periodical training of staff in the safety and security policies and procedures of the Rehabilitation Centre.

(3) The requisite fire and public health certificates shall have been obtained for a Rehabilitation Centre.

Security risk assessments.

22. Annual security risk assessments shall be conducted to—

- (a) identify potential security risks;
- (b) recommend measures to address security risks; and
- (c) stipulate time frames to implement measures.

Surveillance.

23. (1) Dormitories at a Rehabilitation Centre shall be inspected periodically and as frequently as the Commissioner may determine necessary.

(2) There shall be a written policy on—

- (a) the use of audio-digital, video-digital or any electronic or other devices for the purpose of the surveillance of the Rehabilitation Centre; and
- (b) the destruction of the data obtained from the devices referred to in paragraph (a), and such destruction is to be certified by the Commissioner or Superintendent.

(3) Staff shall be trained in the use of the devices referred to in subregulation (2)(a).

(4) Any devices referred to in subregulation (2)(a) shall not be located in any areas where residents may be in a state of undress.

24. (1) There shall be an evacuation plan in accordance with the Occupational Safety and Health Act.

Evacuation
plan.
Ch. 88:08.

(2) A record shall be made of the number and frequency of evacuation drills.

(3) The records referred to in subregulation (2) shall be available for inspection by the Fire Service Division and the Authority.

PART X

RECORDS

25. (1) The Commissioner shall ensure that the following records in relation to the Rehabilitation Centre specified in this regulation are kept and maintained:

Records to be
kept.

- (a) a Register of Residents;
- (b) a journal to record the property belonging to the resident stating—
 - (i) the description and quantity of items;
 - (ii) the arrangements for storage of items; and
 - (iii) the steps taken to determine and implement disposal of items;
- (c) a disciplinary log stating—
 - (i) the name of the resident against whom any disciplinary action was taken;
 - (ii) the date and time of the incident;
 - (iii) the names of any persons who were involved in or present to witness the incident;
 - (iv) the name of the person who administered the disciplinary measure;

- (v) a description of the incident that gave rise to the disciplinary measure;
 - (vi) the type and duration of the disciplinary measure administered at the Rehabilitation Centre; and
 - (vii) any other relevant information;
- (d) a file detailing any serious incident including security breaches which occurred at a Rehabilitation Centre and any corrective measures taken to rectify the incident;
- (e) a visitor's log specifying the following details:
- (i) the name and contact information of the visitor and his relation to the resident visited;
 - (ii) the date of the visit;
 - (iii) the length of the visit;
 - (iv) the purpose of the visit; and
 - (v) any other detail about the visit that the Superintendent may see fit;
- (f) a daily perimeter inspection log;
- (g) a dormitory surveillance log specifying the following details:
- (i) the time the surveillance was conducted;
 - (ii) the name of the officer of the Rehabilitation Centre who conducted the surveillance;
 - (iii) any unusual behaviour or complaints;
 - (iv) any significant event that may involve a resident; and
 - (v) any other relevant information;
- (h) a complaints log specifying the following details:
- (i) a description of the complaint including date, time and the persons involved;
 - (ii) the date and time of the complaint;

- (iii) any action taken and by whom; and
 - (iv) any other relevant details;
 - (i) a search record log specifying the following details:
 - (i) the resident's name;
 - (ii) the type of search;
 - (iii) the reason for the search;
 - (iv) the results of the search;
 - (v) the names of officers of the Rehabilitation Centre conducting the search;
 - (vi) the date of the search; and
 - (vii) the times of the commencement and termination of the search; and
 - (viii) any other relevant information; and
 - (j) a log recording announced and unannounced evacuation and fire drills specifying the following details:
 - (i) the date and time of drills;
 - (ii) the time taken for complete muster;
 - (iii) the persons present and challenges observed during the drill; and
 - (iv) the recommendations to address the challenges identified with respect to subparagraph (iii); and
 - (v) any other relevant information.
- (2) A record shall be kept of all policies and procedures, and a log shall be kept of the training conducted with staff.
- (3) A file shall be kept in respect of each resident with respect to the history of each resident and shall include the following:
- (a) a photograph of the resident;
 - (b) a list of the educational institutions and any vocational training attended by the resident prior to admission and during his placement at a Rehabilitation Centre;

- (c) the names, addresses and contact information of persons with whom the resident previously resided;
- (d) a description of the physical appearance of the resident, including distinguishing marks;
- (e) a medical history of the resident;
- (f) any order of the Court that was made in respect of the resident;
- (g) any report made to the police in respect of the resident;
- (h) the resident's individual care plan; and
- (i) any incident in which the resident was involved that necessitated the intervention of any agency of the State.

(4) Where a resident in the care of a Rehabilitation Centre has died, the Commissioner shall ensure that any particulars in relation to the death of the resident are recorded.

(5) All registers, books and records in respect of residents in a Rehabilitation Centre shall be securely stored and kept confidential.

(6) There shall be a destruction policy with respect to any record pertaining to the Rehabilitation Centre.

PART XI

CONFIDENTIALITY

Confidential records.

26. (1) Subject to any other written law, all records of residents of a Rehabilitation Centre are confidential.

(2) Notwithstanding subregulation (1), information about a resident may be revealed to the Authority or any other person or entity required by law, in order to—

- (a) protect the resident from harm;
- (b) protect others who may be harmed; or
- (c) secure evidence.

PART XII

NOTICES TO THE AUTHORITY

27. (1) The Authority shall immediately be notified of the following in writing:

Notices to the Authority.

- (a) the admission of a child in accordance with section 54 of the Children Act;
- (b) the absence or absconding of a resident, or that a resident is missing;
- (c) the discharge of a resident;
- (d) a threat or abuse of a resident;
- (e) the death of a resident;
- (f) a serious injury sustained by a resident;
- (g) the escape of a resident from legal custody;
- (h) any incident of a resident contracting an infectious disease;
- (i) the outbreak of any infectious disease at a Rehabilitation Centre;
- (j) any illness or injury of a resident which requires that the resident be hospitalised;
- (k) the outbreak of fire at a Rehabilitation Centre, where that fire results in the relocation of the residents; and
- (l) any other serious incident which affects the resident, staff or operation of a Rehabilitation Centre.

**CHILDREN'S COMMUNITY RESIDENCES
(CHILDREN'S HOMES) REGULATIONS**

ARRANGEMENT OF REGULATIONS

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**SCHEDULE 1.
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[Subsidiary]

88/2018.

**CHILDREN'S COMMUNITY RESIDENCES
(CHILDREN'S HOMES) REGULATIONS**

made under section 53

PART I

PRELIMINARY

- Citation. **1.** These Regulations may be cited as the Children's Community Residences (Children's Homes) Regulations.
- Interpretation. **2.** In these Regulations—
“applicant” means a person who applies for a licence under regulation 3;
“application” means an application made under section 5 of the Act;
“child” has the meaning assigned to it under section 3 of the Children Act;
Ch. 46:01. “company” has the meaning assigned to it under section 2 of the Companies Act;
Ch. 81:01. “licence” means a residence licence, a temporary residence licence or a conditional residence licence;
“licensee” means a person to whom a licence is granted under section 8, 8A or 8B of the Act;
“Manager” means the Manager of a Children's Home.

PART II

APPLICATION

Application for a residence licence to operate a Children's Home.

3. (1) A person who wishes to operate a Children's Home shall, in such form as the Authority may determine, apply in writing to the Authority for a residence licence.

(2) Where an applicant under subregulation (1) is an individual, the application shall be accompanied by—

- (a) two passport-sized photographs of the applicant; and

- (b) a police certificate of character issued not more than three months prior to the date of the application.
- (3) Where an applicant under subregulation (1) is a company, the application shall be accompanied by—
- (a) a certified copy of its—
 - (i) incorporation documents; and
 - (ii) Bye-laws where the company has Bye-laws;
 - (b) a list of the directors and the address of the registered office of the company;
 - (c) a copy of the last annual return and any notice of change filed after that return; and
 - (d) proof that the application has been duly authorised by the company.
- (4) Where an applicant is applying on behalf of an unincorporated entity, the application shall be accompanied by—
- (a) a certified copy of the constituent documents and rules governing the entity;
 - (b) proof that the application has been duly authorised in accordance with the rules of the entity; and
 - (c) a list of all partners, board members and managerial staff and their business contact information, where applicable.
- (5) The Authority may request from an applicant any further information it deems necessary for the purpose of considering an application.

- 4.** (1) The Manager of a Children's Home shall possess qualifications, or a combination of training and experience, in—
- (a) management;
 - (b) social work;
 - (c) child care;

Qualifications
of a manager.

- (d) business administration; or
- (e) such other discipline as the Authority may require.

(2) The Manager shall possess, in addition to the requirements in subregulation (1), training in first aid and Cardio Pulmonary Resuscitation (CPR).

(3) The Manager and employees of a Children's Home shall pursue continuous professional development training as required by the Authority.

5. Subject to regulation 3(5), an applicant shall provide the following:

Additional information to accompany application.

- (a) with respect to a Manager—
 - (i) evidence of qualifications, or training and experience, in accordance with regulation 4;
 - (ii) two passport-sized photographs;
 - (iii) two written character references including business contact information;
 - (iv) a police certificate of character issued not more than three months prior to the date of the application;
 - (v) a statement signed by a medical practitioner that the Manager is in good physical health; and
 - (vi) a statement signed by a psychiatrist that the Manager is in good mental health;
- (b) with respect to each employee of the Children's Home—
 - (i) a police certificate of character issued not more than three months prior to the date of the application;
 - (ii) a job description;
 - (iii) a copy of the contract of employment or conditions of service;

- (iv) where the employee's functions involve the handling or preparation of food for consumption, a copy of a valid food badge issued to that employee; and
 - (v) a statement signed by a medical practitioner that the employee is in good physical health;
- (c) with respect to a business, a detailed written statement specifying—
- (i) the nature of the service to be provided in accordance with the guidelines of the Authority;
 - (ii) the planned programmes and activities of the Children's Home;
 - (iii) the sex, age group and levels of development and any special needs of the children to be accommodated at the Children's Home;
 - (iv) the organisational structure;
 - (v) the policies, procedures, code of conduct and the rules for the management of the Children's Home, including a behaviour management policy;
 - (vi) the composition of the staff identifying—
 - (A) the number of staff;
 - (B) the job titles of members of staff;
 - (C) the ratio of child care staff to children; and
 - (D) the training and work experience of each member of staff; and
 - (vii) the annual budget and source of funding; and
- (d) with respect to the property, a certificate of approval from—
- (i) a senior officer of the Fire Service Division of the district in which the Children's Home is located, stating that

the premises have been inspected and are in compliance with the requirements of the Fire Service Division; and

- (ii) a senior officer of the Public Health Department of the Ministry of Health or of the relevant Municipal Corporation, stating that the premises have been inspected and are in compliance with the provisions of the Public Health Ordinance.

Ch. 12 No. 4.

Issuance of a residence licence.

6. Where the Authority is satisfied that the requirements for the issue of a residence licence have been met, it may issue a residence licence to the applicant.

Multiple Children's Homes.

7. An applicant who wishes to operate a Children's Home at more than one location shall apply for a residence licence for each location.

Renewal of a residence licence.

8. (1) Where a person who has been granted a residence licence wishes to apply for a renewal of a residence licence, he shall apply to the Authority in the form approved by the Authority at least three months before the expiration of the existing residence licence.

(2) Where the Authority is satisfied that the application referred to in subregulation (1) has met the requirements of the Act, it may renew the residence licence.

PART III

THE PREMISES

Maintenance of premises.

9. (1) The licensee shall ensure that the Children's Home—

- (a) is adequately lit;
- (b) is adequately ventilated;
- (c) is suitably furnished;
- (d) is kept in good structural repair, externally and internally;

- (e) is kept clean and well maintained;
 - (f) is furnished with adequate laundry facilities and sufficient storage facilities;
 - (g) is surrounded by a secure fence;
 - (h) is kept in a good and habitable condition; and
 - (i) complies with all other conditions as the Authority may require.
- (2) The licensee shall ensure that—
- (a) procedures are in place for the proper disposal of garbage; and
 - (b) the maintenance of all equipment, furniture and amenities used in the Children's Home is carried out.
- (3) The Manager shall ensure that—
- (a) regular inspection of all equipment, furniture and amenities used in the Children's Home is carried out; and
 - (b) the premises are kept clean and well-maintained.
- 10.** (1) The licensee shall ensure that each child is provided with—
- (a) his own bed;
 - (b) proper and safe storage for personal possessions; and
 - (c) a place for study.
- (2) Where bunk beds are provided, such beds shall be outfitted with safety railings where necessary.
- 11.** The licensee shall be responsible for ensuring that the Children's Home—
- (a) is fitted with adequate toilets and bathing facilities that—
 - (i) are kept in good condition; and
 - (ii) offer privacy to the children;
 - (b) has spacious living and dining areas;

Amenities for children.

General amenities.

- (c) is provided with potable water;
- (d) has child-friendly recreational materials and facilities; and
- (e) has a space in which therapeutic intervention can take place.

Amenities for child with physical disability.

12. Where a child with a physical disability is being accommodated at a Children's Home, the Manager or licensee shall ensure that the facilities in the Children's Home are adapted to accommodate the child.

Handling of food.

13. (1) The licensee shall ensure that the kitchen of the Children's Home is provided with—

- (a) suitable and sufficient kitchen equipment in good working condition;
- (b) suitable and sufficient crockery, cutlery and utensils; and
- (c) adequate facilities for the preparation and storage of food.

(2) The Manager shall ensure that—

- (a) proper and safe food handling practices are utilised; and
- (b) the kitchens are cleaned, sanitised and inspected daily.

Restriction of children from the kitchen area.

14. The Manager shall not permit a child to access the kitchen unless the child is performing chores under the direct supervision of a member of staff.

PART IV

WELFARE OF CHILDREN

Welfare of children.

15. The Manager shall ensure that—

- (a) a child, from the date of admission, is provided with—
 - (i) food that is—
 - (A) suitable for his dietary needs, health,

- religious persuasion or cultural background; and
- (B) served in adequate quantities and at appropriate intervals, at least three times every day;
- (ii) sufficient clothing and footwear that are—
- (A) appropriate to his age, sex and religious persuasion; and
- (B) clean and in good repair;
- (iii) academic or vocational training that is suitable to each child's learning ability and literacy, cognitive or learning challenges;
- (iv) adequate opportunities for physical and other recreational activities suitable to his physical and cognitive abilities;
- (v) medical care; and
- (vi) a regular and sufficient supply of suitable personal hygiene products;
- (b) there is a written procedure for the admission of children, including emergency admissions;
- (c) within seven days of arrival at the Children's Home, each child is informed of the policies and procedures of the Children's Home having regard to the age and understanding of the child;
- (d) no child without the written permission of the Manager, leaves the premises of the Children's Home unaccompanied, unsupervised or without permission;
- (e) no child is treated unfairly and the rules of the Children's Home are applied equitably to the children;
- (f) the best interest of each child is considered at all times;

- (g) there is a written Behaviour Management Policy which sets out—
 - (i) how appropriate behaviour may be promoted at the Children's Home; and
 - (ii) the measures for control, discipline and restraint to be used in relation to the children;
- (h) the staff is familiarised with the Behaviour Management Policy and is involved in its implementation;
- (i) the Behaviour Management Policy is reviewed from time to time and where appropriate, revised; and
- (j) there is a policy for the protection of children which—
 - (i) is intended to safeguard children accommodated in the Children's Home from abuse or neglect; and
 - (ii) sets out the procedure to be followed in the event of an allegation of abuse or neglect.

PART V

MANAGER TO REPORT TO LICENSEE

Manager to report to licensee.

16. (1) The Manager shall send a monthly report in a form approved by the Authority, with respect to the operations of the Children's Home, to the licensee and shall submit a copy of the same to the Authority.

(2) Notwithstanding subregulation (1), where there has been a serious or critical incident at the Children's Home or serious complaint with respect to anyone at the Children's Home, the Manager shall forthwith send a report to the licensee and submit a copy of the same to the Authority.

**PART VI
VISITORS**

17. (1) Where a person wishes to visit a child at a Children's Home, the licensee shall provide suitable facilities to promote contact—

Requirements
for visitors to a
Children's
Home.

- (a) between the child and his parents;
- (b) with any person who is not his parent but who has parental responsibility for him; or
- (c) with any relative, friend or other person connected with him,

except where—

- (d) it is not reasonably practicable;
- (e) it is prejudicial to the welfare of the child; or
- (f) an order of the Court prohibits such contact.

(2) Where the Manager is of the view that a person visiting a child at a Children's Home poses a threat to such child, the Manager shall inform the Authority.

**PART VII
SAFETY AND SECURITY**

18. It shall be the responsibility of the Manager—

Evacuation
plan.

- (a) to implement the evacuation plan submitted to attain the Fire Service Certificate;
- (b) where there have been changes to the infrastructure of the Children's Home, to develop and implement an evacuation plan for all children and staff of the Children's Home;
- (c) to ensure that effective steps are taken to familiarise all residents and staff of the Children's Home with the means of escape, their use and the routine to be followed in case of fire; and

- (d) to record the number and frequency of evacuation drills and to present those records on demand for inspection by the Fire Service Division.

PART VIII

RECORDS

Records to be kept by the Manager.

19. (1) The Manager shall keep or cause to be kept—
- (a) a Register of Children which shall contain—
 - (i) the names of the children in the care of a Children's Home; and
 - (ii) the names, addresses and contact numbers of the parents, siblings and other close relatives of each child where they can be ascertained;
 - (b) a journal to record any significant event that may involve a child;
 - (c) a disciplinary log stating—
 - (i) the name of the person against whom any disciplinary action was taken;
 - (ii) the date and time of the incident;
 - (iii) the names of any persons who were involved or were present to witness the incident;
 - (iv) the name of the person who administered the disciplinary measure;
 - (v) a description of the incident that gave rise to the disciplinary measure;
 - (vi) the type and duration of the disciplinary measure administered at the Children's Home; and
 - (vii) any other relevant details;
 - (d) a file detailing any serious incident involving the children which occurred at the Children's

Home and any corrective measures taken to rectify the incident;

- (e) a visitor's log specifying the following details:
 - (i) the name and contact information of the visitor and his relation to the child visited;
 - (ii) the date of the visit;
 - (iii) the purpose of the visit;
 - (iv) the length of the visit; and
 - (v) any other detail about the visit as the Manager may see fit;
- (f) a complaints log specifying the following:
 - (i) the details of the complaint including the date, time and any persons involved;
 - (ii) the date and time the complaint was made;
 - (iii) any action taken and by whom; and
 - (iv) any other relevant details; and
- (g) a log recording announced and unannounced evacuation and fire drills, specifying the following details:
 - (i) the date and time of the drill;
 - (ii) the time taken for complete muster;
 - (iii) the persons present and challenges observed during the drill; and
 - (iv) the recommendations to address these challenges.

(2) The Manager shall keep a file on each child which shall contain the child's history, including—

- (a) a photograph of the child;
- (b) a list of the educational institutions attended;
- (c) the names, addresses and contact information of persons with whom the child previously resided;

- (d) the medical and psycho-social history of the child;
- (e) any order of the Court that was made in respect of the child;
- (f) any report made to the police in respect of the child;
- (g) the child's individual care plan;
- (h) any incident in which the child was involved that necessitated the intervention of any agency of the State; and
- (i) any other relevant details.

(3) Where a child in the care of the Children's Home has died, the Manager shall ensure that any particulars in relation to the death of the child are recorded.

(4) The Manager shall keep and maintain any other records as the Authority may require.

(5) The Manager shall ensure that all registers, books and records, in respect of children in his care, are securely stored and kept confidential.

PART IX

COMPLAINTS

Complaints
handling
system.

20. (1) A Children's Home shall have a written complaints policy which—

- (a) specifies that a child, parent or any other person may lodge a complaint with the Manager or the Authority; and
- (b) provides for the handling of complaints against the licensee, Manager, staff, volunteers and residents of the Children's Home.

(2) The Manager shall ensure that the complaints policy and procedure are communicated to each child in a manner

appropriate to his age and level of understanding and to all members of staff.

(3) The complaints policy referred to in subregulation (1), shall also provide that—

- (a) a complaint to the Manager or the Authority may be oral or written and shall include—
 - (i) a description of the incident;
 - (ii) the date and time of the incident;
 - (iii) the persons involved;
 - (iv) any action taken; and
 - (v) any other relevant details;
- (b) where a complaint has been made orally, the Manager or the Authority, as the case may be, shall immediately reduce it to writing;
- (c) upon receiving a complaint, the Manager shall—
 - (i) make a preliminary investigation and immediately provide a preliminary report of the material issues to the Authority and the licensee on the day of the complaint; and
 - (ii) provide a detailed report to the Authority and the licensee within two weeks of the complaint;
- (d) upon completion of the investigation the Manager shall take the appropriate action and submit a report of the same to the Authority and the licensee within seven days of the complaint;
- (e) the Authority shall, on receiving the report referred to in paragraph (c) or a complaint referred to in paragraph (a), investigate the complaint in accordance with section 5(1)(d) of the Children's Authority Act and take the appropriate action;
- (f) the Manager shall ensure that no child is subject to any reprisals for making a complaint;

Ch. 46:10.

- (g) where a complaint is made to the Manager, he shall ensure that a record is made of—
- (i) the complaint;
 - (ii) the complainant or victim;
 - (iii) the action taken; and
 - (iv) any other relevant detail.

PART X

NOTIFICATIONS TO THE AUTHORITY

Manager to
notify Authority
of emergency.

21. The Manager or licensee shall notify the Authority in writing, immediately, of—

- (a) the admission of a child in accordance with section 54 of the Children Act;
- (b) the absence or absconding of a child, or that a child is missing;
- (c) the discharge of a child;
- (d) a threat or abuse of a child;
- (e) the death of a child;
- (f) any serious injury of a child;
- (g) any incident where a child contracts an infectious disease;
- (h) the outbreak of any infectious disease at the Children's Home;
- (i) any illness or injury of a child which requires that the child be hospitalised;
- (j) the outbreak of fire at the Children's Home, where that fire results in the relocation of any of the children accommodated at that Children's Home;
- (k) any disaster which affects the operation of the Children's Home; and
- (l) any other critical incident.

PART XI

NOTICES TO TAKE CORRECTIVE MEASURES

22. The Authority shall issue a notice of corrective measures in accordance with section 11(2) of the Act which shall be in the form specified in Schedule 1.

Notice of
corrective
measures.

23. A notice of intention to revoke a licence shall be in the form specified in Schedule 2.

Notice of
intention to
revoke.

PART XII

MISCELLANEOUS

24. The Children's Community Residences Regulations, 2014 are revoked.

Revocation of
the Children's
Community
Residences
Regulations,
2014.

LAWS OF TRINIDAD AND TOBAGO

*Children's Community Residences,
Foster Care and Nurseries*

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Chap. 46:04

[Subsidiary]

Children's Community Residences (Children's Homes) Regulations

SCHEDULE 1

(Regulation 22)

NOTICE TO TAKE CORRECTIVE MEASURES

SECTION 11(2) OF THE CHILDREN'S COMMUNITY RESIDENCES,
FOSTER CARE AND NURSERIES ACT, CHAP. 46:04

FORM 1

To:

(Name of Manager or licensee of Children's Home)

of:

(Name of Children's Home)

You are hereby requested to carry out the following corrective measures within

..... days/weeks/months of this notice:

.....

.....

.....

.....

.....

Failure to take such corrective measures within days/weeks/months
may result in the revocation of your licence.

Issued by:

(Children's Authority of Trinidad and Tobago)

Date:

SCHEDULE 2

(Regulation 23)

NOTICE OF REVOCATION OF LICENCE

SECTION 11 AND 11A OF THE CHILDREN'S COMMUNITY RESIDENCES,
FOSTER CARE AND NURSERIES ACT, CHAP. 46:04

FORM 1

This notice serves to advise that the Children's Authority of Trinidad and Tobago
intends to revoke your licence Number fourteen days from
the date specified on this notice, in the name of
located at

on the grounds that there was—

- A breach of the following provisions of the Act:
- A breach of the following terms and conditions of the licence:

.....
.....
.....
.....

The revocation will take effect from

Issued by:

(Children's Authority of Trinidad and Tobago)

Date:

Notice—In accordance with section 14 of the Act, you may appeal to the Minister in writing
against this revocation, setting out your grounds of appeal.