

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

CHAPTER 46:04

Act

***65 of 2000**

Amended By

15 of 2008

12 of 2012

*See Note on page 2

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Note on Commencement

At the time of the revision of this Act sections 6, 17, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51 and 52 were awaiting proclamation.

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**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 74/2015].

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

†(2) Sections 1, 2, 3(3), 4, 5, 7, 8, 9, 10, 11, 11A, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25 to 41, 52A, 53 and 54 came into operation on 18th May 2015.

Interpretation. [15 of 2008 12 of 2012]. Ch. 46:10.

2. In this Act—
“Authority” means the Children's Authority established under the Children's Authority Act;

*See Section 1(2) for Commencement.

†See Note on page 2.

“Children’s Home” means a residence for the care and rehabilitation of children;

“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 rehabilitation centre;

“Manager” means a person who operates 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 residence for the rehabilitation of youthful offenders, in which youthful offenders are lodged, clothed, and fed as well as taught;

“relative” has the meaning assigned to it under the Children’s Authority Act; and Ch. 46:10.

“residence licence” means a licence issued under section 5.

PART II

LICENSEES OF COMMUNITY RESIDENCES

3. (1) No person shall manage a community residence without a residence licence issued by the Authority. Requirement to be licensed. [15 of 2008].

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

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

Existing
community
residences.
[15 of 2008].

4. (1) All managers of existing community residences 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.

Application for
residence
licence.
[15 of 2008].

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

(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 fee as the Authority may prescribe.

(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. *(Deleted by Act No. 15 of 2008).*

Residences to
be inspected.

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

Issue of
residence
licence.
[15 of 2008].

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 community residence and the residence licence shall contain provisions setting out the following:

- (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 one year and may be renewed annually 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) The residence licence issued under subsection (1) shall be displayed in a conspicuous place at the community residence.

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

Conditions.
[15 of 2008].

(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.

Penalty for
furnishing false
information.

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.

Revocation of
residence
licence.
[15 of 2008].

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.

(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, being not less than six months after the date of the notice.

Notice of
revocation.
[15 of 2008].

11A. (1) The Authority shall serve on the licensee or Manager written notice of its intention to revoke a residence licence fourteen days prior to the date of revocation.

(2) A notice revoking a residence licence shall state the grounds on which the Authority intends to revoke the residence licence and where corrective measures are possible, shall require that they be taken within such time as the Authority shall specify in the notice.

(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.

12. Where a licensee of a community residence 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 community residence shall cease to be a community residence.

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

13. A child shall not be received into a community residence 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.

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

14. (1) Where an application for a residence licence to manage a community residence 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.

Appeal. [15 of 2008].

(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.

Transfer of children.
[15 of 2008].

15. (1) Where a community residence ceases to be a licensed community residence, the Authority shall transfer the children detained or kept therein to other community residences.

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

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

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.

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

17. (1) Any person who manages a community residence 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.

(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.

Register of Residences.
[15 of 2008].

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

(2) The Register of Residences shall be open to public inspection during office hours.

Proof of registration.
[15 of 2008].

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.

(2) A certificate purporting to be signed by the Manager of a community residence, to the effect that the child therein

named was duly received into, and is at the date of the signing thereof detained in the community residence or has been otherwise dealt with according to law, shall be evidence of the matters therein stated.

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.

(2) No person shall function as a Manager of a community residence unless he possesses qualifications prescribed by the Authority.

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

Requirements of
Manager.
[15 of 2008].

- (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) 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.

23. (1) The Authority shall make Rules for the proper management of all community residences.

Rules.
[15 of 2008].

(2) The Manager of a community residence 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 in such residence.

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Alteration to buildings.

24. (1) The licensee or Manager of any community residence shall not add to, alter or cause to be added to or altered any buildings of a community residence 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 community residences. [15 of 2008].

25. (1) Where, on the coming into force of this Act, a community residence 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 community residence; 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 community residence.

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

(4) Where the Authority is of the opinion, that the community residence 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 community residence receives a child in respect of whom no Care Order has been made the Manager of such community residence shall—

Reception of child by a community residence.

- (a) within twenty-four hours of receiving the child inform the Authority of the reception; and
- (b) ensure that such child is brought to the Authority within seventy-two hours of such receipt.

(2) The Authority upon receipt of such information under subsection (1)(a), record that reception by the community residence, and the same procedure for receiving a child under section 22 of the Children's Authority Act shall apply to that child when brought to the Authority by such community residence under subsection (1)(b).

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27. (1) The Authority may authorise one of its officers, at all reasonable times to enter any 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.

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

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

(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.

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.

Establishment of foster care system. [15 of 2008].

Application for
foster parent.
[15 of 2008].

29. (1) Where a person wishes to become a foster parent he shall apply to the Authority for approval in the prescribed form.

(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 parent” means a person approved under subsection (1) to receive and provide temporary care for a foster child; and
- (d) “foster home” means the home of a foster parent.

Register.
[15 of 2008].

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

(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.

Foster parents to
be trained.
[15 of 2008].

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.

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.

Responsibility of foster parents. [15 of 2008].

(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.

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.

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

(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.

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

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

- (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.

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(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.

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

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, 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.

Authority to be notified of death of foster child.

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.

(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.

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.

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

(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.

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.

Notice to be given of change of residence.

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.

Foster parent 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.

Penalties for failure to give notice.

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

Exemptions. [15 of 2008 12 of 2012].

(a) any relative or legal guardian of a child who undertakes the care and maintenance of that child; or

(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.

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- (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.

PART V

NURSERIES

Restriction on management of nurseries. [15 of 2008].

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

(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—

(a) “nursery” includes “day care” and means any premises used for the care of children under the age of six years for material reward and for periods which exceed one hour provided however that ordinary arrangements for the care of children within a family shall not be included; and

(b) “licensee” means the person to whom a nursery licence is granted under section 44.

(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.

Existing nurseries. [15 of 2008].

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

(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 managing or intending to manage a nursery shall apply to the Authority for a nursery licence. Application for nursery licence. [15 of 2008].

(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 shall 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.

45. A nursery licence shall not be granted under section 44, unless the Authority is satisfied that the applicant has— Requirements for registration. [15 of 2008].

- (a) made adequate arrangements for health care, safety, security, well-being and nourishment of the children received in the nursery;
- (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 nursery containing such particulars as may be specified by the Authority;
- (d) made provision for adequate staff with a proper staff-to-child ratio as specified by the Authority;
- (e) ensured that the nursery conforms with Public Health and Safety Regulations; and
- (f) met such other requirements as may be prescribed by the Authority.

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

Penalties for failure to license. [15 of 2008].

- 47.** (1) A person who manages a nursery—
- (a) without a licence issued by the Authority; or
 - (b) who fails to comply with any of the requirements specified in section 45,

commits an offence and is liable on summary conviction to a fine of five thousand dollars.

(2) Subsection (1)(a) shall not apply where such person has submitted an application for a nursery licence to the Authority pursuant to section 43 and has not received notice of the refusal of such application.

Change of residence. [15 of 2008].

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

Revocation of nursery licence. [15 of 2008].

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 nursery licence.

Notice of revocation. [15 of 2008].

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.

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

(3) Where no corrective measures are possible the notice shall revoke the licence with immediate effect.

Appeals. [15 of 2008].

51. (1) Where an application for a nursery licence is refused or revoked 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 or proposed revocation setting out the grounds of his appeal.

(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
- (c) may direct the Authority to withdraw such notice 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 revocation of the licence may, by originating summons 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 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.

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.

Power of entry and inspection.

(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.

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;

Inapplicability of Part V. [15 of 2008].

Ch. 39:01.

- (b) primary schools or departments of schools providing education suitable for children of age 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

Regulations.
[15 of 2008].

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

- (a) the management of any community residence and discipline of the children therein, and to prescribe the punishment not exceeding \$1,000.00 for all offences committed against the rules or discipline of any community residence;
- (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 community residences 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*.

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.

Construction of
certain
references.
[15 of 2008].

SUBSIDIARY LEGISLATION

**CHILDREN'S COMMUNITY RESIDENCES
REGULATIONS**

ARRANGEMENT OF REGULATIONS

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UPDATED TO DECEMBER 31ST 2015

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SCHEDULE 1.

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[Subsidiary]

18/2015.

**CHILDREN'S COMMUNITY RESIDENCES
REGULATIONS**

made under section 53

PART I

PRELIMINARY

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

Interpretation. **2.** In these Regulations—
“applicant” means an entity or person who applies for a licence under regulation 3;

Ch. 46:10. “application” means an application made under section 5 of the Act;
“child” has the meaning assigned to it under section 3 of the Children's Authority Act;

Ch. 81:01. “company” has the meaning assigned to it under section 2 of the Companies Act;

“Standards for community residences” means the standards as are prepared by the Authority.

PART II

APPLICATION

Application for registration as a community residence. **3.** (1) A person who wishes to operate a community residence shall apply in writing to the Authority for a residence licence, in such form as the Authority may approve.

(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 within six months before the date of the application.

UNOFFICIAL VERSION

UPDATED TO DECEMBER 31ST 2015

(3) Where an applicant under subregulation (1) is a company, the application shall be accompanied by—

- (a) a certified copy of its incorporation documents and 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 notices of change filed after that return; and
- (d) proof that the application has been duly authorised by the company.

(4) Where an applicant is an unincorporated entity, the application shall be accompanied by—

- (a) a certified copy of the constituent documents and rules of the entity;
- (b) proof that the application has been duly authorised in accordance with the rules of the entity; and
- (c) a list with full contact information of all partners, board members and managerial staff, where applicable.

(5) The Authority may request from an applicant any further information it deems necessary for the purposes of considering an application under the Act.

4. (1) A manager of a community residence shall possess a combination of qualifications or training and experience in— Qualifications of a manager.

- (a) management;
- (b) social work;
- (c) child care;
- (d) business administration; or
- (e) such other disciplines as the Authority may require.

(2) For the purposes of subregulation (1)(c), training in child care shall include—

- (a) first aid;

- (b) Cardio Pulmonary Resuscitation (CPR); and
- (c) food and nutrition.

(3) The manager and employees of a community residence shall pursue continuous professional development training as required or recommended by the Authority.

Additional information to accompany application.

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

- (a) with respect to the manager—
 - (i) evidence of qualifications and experience in accordance with regulation 4;
 - (ii) two passport-sized photographs;
 - (iii) two written references including contact information;
 - (iv) a police certificate of character issued within six months before the date of the application; and
 - (v) a statement signed by a medical practitioner that the applicant is in good physical and mental health;
- (b) with respect to each employee of the community residence—
 - (i) a police certificate of character issued within six months before 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 and mental health;

- (c) with respect to the 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 community residences;
 - (iii) the sex, age group and levels of development of the children to be accommodated at the community residence;
 - (iv) the organisational structure and facilities and the policies, procedures, code of conduct and the Rules for the management and discipline of the children to be implemented at the community residence;
 - (v) the composition of the staff identifying—
 - (A) the number of staff;
 - (B) the job titles of staff; and
 - (C) the ratio of child care staff to children; and
 - (vi) 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 community residence is located, who is designated by the Chief Fire Officer, 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 who is designated by the Chief Medical

Officer, stating that the premises have been inspected and are in compliance with the provisions of the Public Health Ordinance.

Multiple community residences.

6. A person who wishes to operate a community residence at more than one location shall apply for a residence licence in respect of each of those premises.

Issuance and renewal of a residence licence.

7. (1) Where a person wishes to apply for or renew a residence licence granted under section 5 of the Act, he shall apply to the Authority in the form approved by the Authority and pay such fee as may be prescribed by the Authority, from time to time, and in the case of renewal, he shall apply within thirty days before the expiration of the residence licence.

(2) Where the Authority is satisfied that an application has met the requirements of the Act and these Regulations, it may issue or renew the residence licence.

PART III

THE PREMISES

Maintenance of premises.

8. (1) The Manager or licensee shall ensure that the community residence—

- (a) is adequately lit;
- (b) is 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; and
- (g) complies with all other conditions as the Authority may require.

(2) The Manager or licensee shall ensure that procedures are in place for the proper disposal of garbage.

(3) The Manager or licensee shall ensure that regular inspection and maintenance of all equipment, furniture and amenities used in the community residences are carried out.

9. (1) The Manager or licensee shall ensure that each child is provided with— Amenities for children.

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

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

10. The Manager or licensee shall be responsible for ensuring that the community residence is fitted with— General amenities.

- (a) toilets and bathing facilities that—
 - (i) are kept in good condition; and
 - (ii) offer privacy to the children;
- (b) spacious living and dining areas;
- (c) potable water; and
- (d) child-friendly recreational materials and facilities.

11. Where a child with a disability is being accommodated at a community residence, the Manager or licensee shall ensure that there are in place suitable adaptations to enable the child to live a normal life as far as possible. Amenities for disabled persons.

12. The Manager or licensee shall ensure that— Handling of food.

- (a) the kitchen of the community residence is 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;

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

Restriction of children from the kitchen area.

13. The manager shall not permit a child to access the kitchen without direct supervision from a member of staff.

PART IV

WELFARE OF CHILDREN

Welfare of children.

14. The manager or licensee 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) clothing appropriate to his age, sex and religious persuasion;
 - (iii) educational or vocational training;
 - (iv) recreation; and
 - (v) medical care;
- (b) within seven days of arrival at the community residence, each child is informed of the policies and procedures of the community residence having regard to the age and understanding of the child;
- (c) no child leaves the premises of the community residence unaccompanied or unsupervised or without permission;
- (d) no child is treated unfairly; and
- (e) the best interest of each child is considered at all times.

15. A child placed in the care of a community residence shall not be subjected to—

Prohibited methods of punishment.

- (a) corporal punishment;
- (b) solitary confinement;
- (c) unreasonable immobilisation; or
- (d) unreasonable physical restraint.

PART V

SAFETY AND SECURITY

16. (1) Where a person wishes to visit a child at a community residence, the manager shall provide suitable facilities to promote contact—

Requirements for visitors to a community residence.

- (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 it is not reasonably practicable or it is prejudicial to the welfare of the child.

(2) Where a manager is of the view that a person visiting a child at a community residence poses a threat to such child, the Manager shall inform the Authority.

17. It shall be the responsibility of the manager to—

Evacuation plan.

- (a) develop and implement an evacuation plan for all children and staff of the community residence;
- (b) ensure that effective steps are taken to familiarise all residents and staff of the community residence with the means of escape, their use and the routine to be followed in case of fire; and
- (c) record the number and frequency of evacuation drills and to present those records on demand for inspection by the Fire Service Division.

PART VI

RECORDS

Records to be kept by the manager.

- 18. (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 community residence; and
 - (ii) the names, addresses and contact numbers of the parents, siblings and other close relatives of such 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 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; and
 - (vi) the type and duration of the disciplinary measure administered at the community residence;
 - (d) a file detailing any serious incident which occurred at the community residence and any corrective measures taken to rectify the incident; and
 - (e) a visitor's log specifying the following details:
 - (i) the name and contact information of the visitor;
 - (ii) the date of the visit;
 - (iii) the length of the visit; and
 - (iv) any other detail from the visit as the manager may see fit.

(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 he previously resided;
- (d) a medical 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; and
- (g) any incident in which the child was involved that necessitated the intervention of any agency of the State.

(3) Where a child in the care of the community residence 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 or licensee shall ensure that all registers, books and records in respect of children in its care are securely stored and kept confidential.

PART VII

COMPLAINTS

19. (1) A child, parent or any other person may lodge a complaint with the Authority of the abuse or mistreatment of a child at a community residence.

Complaints
handling
system.

(2) A complaint shall be in writing and shall include—

- (a) a description of the incident;
- (b) the date and time of the incident;
- (c) the persons involved;
- (d) any action taken; and
- (e) any other relevant details.

Ch. 46:10. (3) The Authority shall investigate in accordance with section 5(1) of the Children's Authority Act, any complaint brought to its attention and take appropriate action.

PART VIII

COMMUNICATION

Manager to notify Authority of emergency.

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

- (a) the death of a child;
- (b) any serious injury of a child;
- (c) any incident of a child contracting an infectious disease;
- (d) the outbreak of any infectious disease at the community residence;
- (e) any illness or injury of a child which requires that the child be hospitalised;
- (f) the outbreak of fire at the community residence, where that fire results in the relocation of the children, and any disaster which affects the operation of the community residence; and
- (g) any other critical incident.

PART IX

NOTICES

Notice of corrective measures. Schedule 1.

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

Notice of intention to revoke licence. Schedule 2.

22. A notice of intention to revoke a residence licence shall be in the form set out in Schedule 2.

SCHEDULE 1

**NOTICE OF CORRECTIVE MEASURES IN ACCORDANCE WITH
SECTION 11(2) OF THE CHILDREN'S COMMUNITY RESIDENCES,
FOSTER CARE AND NURSERIES ACT, CH. 46:04**

Form No.

To:
(Name of manager or licensee of community residence)

of
(Name of community residence)

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

**NOTICE OF REVOCATION OF RESIDENCE LICENCE IN
ACCORDANCE WITH SECTION 11 OF THE CHILDREN'S COMMUNITY
RESIDENCES, FOSTER CARE AND NURSERIES ACT, CH. 46:04**

Form No.

This notice serves to advise that the Children's Authority of Trinidad and Tobago intends to revoke your licence No. 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.

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

Ch. 46:10. “Foster Care Unit” means the unit referred to in section 11 of the Children’s Authority Act;

Ch. 46:01. “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.
