

45. (1) Where the Director-General has directed that any child under the care and control of the Minister be placed in a home, any member of the police force or an officer of the Department authorized in writing by the Director-General, may, without any warrant, apprehend the child, and bring him to the home specified in the direction, and for the purposes of apprehending the child, may enter upon or into any land or premises on which he knows or reasonably suspects the child to be.

(2) A person who hinders a member of the police force or an officer of the Department in the exercise of powers under this section shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

46. (1) Where a child is placed in a home, he shall, subject to subsection (2) of this section, be detained in the home in accordance with the directions of the Director-General.

Detention of
 child in
 home.

(2) A child shall not be detained in a home beyond the period for which he is under the care and control of the Minister.

(3) The Director-General may direct that a child be removed from a home and placed in another home, and the child shall be removed and placed in that other home in accordance with the direction.

47. (1) The Director-General shall establish within the Department such Review Boards as may be necessary to keep under consideration and review the progress and personal circumstances of children under the care and control of the Minister.

Review Boards.

(2) Where a child has been under the care and control of the Minister for a period in excess of one year, a Review Board shall obtain and review reports upon the progress and personal circumstances of that child during the year, and further reports in respect of each subsequent year for which the child remains under the care and control of the Minister.

(3) The reports referred to in subsection (2) of this section shall be available for examination by the Minister and the Director-General.

48. (1) Where a child has been placed under the care and control of the Minister until he attains the age of eighteen years, or for a period extending beyond the time in which he attains that age, and it is, in the opinion of the Director-General, desirable that the child should remain under the care and control of the Minister for a further period, the Director-General may apply to a juvenile court constituted of a judge or special magistrate for an order under this section.

Extension of
 period for
 which a child is
 placed under
 the care and
 control of the
 Minister.

(2) The Director-General shall, at least twenty-eight days before the hearing of an application under this section, notify the child, and notify the parents of the child in writing, at their last address known to him, of the fact that he has made an application for an order under this section.

(3) The Director-General shall supply the juvenile court with a report setting out the grounds upon which he considers an extension of the period of care and control desirable.

(4) The Director-General shall supply the juvenile court with such other reports as the court may require.

(5) The court, after considering the reports, and any representations made by or on behalf of the child or the parents of the child, may, if it is of the opinion that it is in the interests of the child to do so, order that the period of care and control be extended in accordance with the application.

(6) Subject to subsection (7) of this section, no order shall be made extending the period for which a person is to be under the care and control of the Minister beyond the time at which he will attain the age of twenty years.

(7) Where the court is of the opinion that a person under the care and control of the Minister is incapable of managing his own affairs, the court may order that he remain under the care and control of the Minister for a period extending beyond the time at which he attains the age of twenty years.

Discharge of
child from care
and control of
the Minister.

49. (1) The Minister may, on receipt of a report from the Director-General, order that a child be discharged from the care and control of the Minister.

(2) A parent of a child who is under the care and control of the Minister may apply in the prescribed form to the Minister for an order that the child be discharged from the care and control of the Minister.

(3) Where an application has been duly made for an order under this section, and the application has been refused, the applicant may, subject to this section, appeal to a juvenile court constituted of a judge against that refusal.

(4) An appeal to a juvenile court under this section may be made after the expiration of the first year for which the child has been under the care and control of the Minister and after the expiration of each subsequent year but no such appeal shall be made more than once in any one year.

(5) The juvenile court shall not be bound by the rules of evidence in the hearing and determination of an appeal under this section, but shall consider all matters that it regards as relevant and determine the appeal in what it considers to be the best interests of the child.

(6) Where an appeal has been instituted under this section, the Director-General shall supply the court with a report upon the personal circumstances of the child and his parents, and the court may require such further reports to be prepared as it thinks fit.

(7) Upon the hearing of an appeal under this section the court may order that the child in respect of whom the appeal has been instituted be discharged from the care and control of the Minister.

Subdivision 3—Foster Care

50. The purpose of this subdivision is to provide a means by which children whose parents are for any period unable to care for them may receive adequate care, support and guidance in a proper family environment as a substitute for the parental care, support and guidance of which they are deprived.

Purpose of
subdivision.

51. A person shall not, for any monetary or other consideration, be or act as foster parent to any child under the age of fifteen years unless he is approved as a foster parent under this subdivision.

Foster parents
to be approved.

52. In considering any application for approval as a foster parent the Director-General shall attempt to assess the capacity and willingness of the applicant to care for a child according to adequate principles and standards of child care, and shall satisfy himself as far as reasonably possible that—

Application for
approval as
foster parents.

- (a) the applicant will have adequate interest in, and affection and respect for a child placed in his care;
- (b) that the applicant will treat the child in a consistent manner and will provide a stable family environment for the child;
- (c) that the applicant will adequately understand the developing personality of the child, and will provide opportunities to develop the abilities of the child;
- (d) that the applicant will provide adequate accommodation for the child and any other material provision necessary for the welfare of the child;

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(e) that, where appropriate, the applicant will provide opportunities for the child to maintain or recover his identity as a member of his own family and will allow the child reasonable access to his parents;

and

(f) any other matters that the Director-General may consider relevant.

Approval of
foster parents.

53. (1) A person is an approved foster parent for the purposes of this Part, if he is so approved in writing under the hand of the Director-General.

(2) The written approval of a person as a foster parent must state the number of foster children that the foster parent is permitted to have in his custody.

(3) The foster parent shall not be permitted to have more than five foster children under the age of fifteen years in his custody unless the children are all of the same family.

(4) A foster parent shall not have in his custody more foster children than the number permitted under the approval.

Duty of the
Director-
General in
relation to
foster children.

54. It shall be the duty of the Director-General to satisfy himself as to the welfare of all foster children.

The powers of
entry.

55. (1) The Director-General, or any officer authorized in writing by the Director-General, may, at any reasonable time, enter any place or premises for the purpose of providing advice and guidance as to the care of a foster child and of ascertaining whether a foster child is being adequately cared for, and whether the provisions of this Part are being complied with.

(2) A person shall not hinder the Director-General, or any such officer, in the exercise of powers under this section.

Cancellation
of approval.

56. (1) Where in the opinion of the Director-General, a foster child is not being adequately cared for, or the provisions of this Part are not being complied with by the foster parent, the Director-General may cancel the approval of the foster parent.

(2) Where the Director-General exercises his powers under this section to cancel the approval of a foster parent, the person in respect of whom the approval was given shall thereupon cease to be an approved foster parent.

(3) The Director-General shall give the foster parent notice in writing of his intention to cancel the approval under this section at least twenty-eight days before he does so.

57. An approved foster parent —

Information to be furnished.

(a) shall advise the Director-General as soon as practicable of any change in his address;

and

(b) shall furnish the Director-General with such information in relation to the foster child as he may require.

Subdivision 4—Establishment of Homes, Assessment Centres and Youth Project Centres

58. (1) The Minister may establish such homes as he thinks necessary for the care, correction, detention, training and treatment of children.

Establishment of homes and centres.

(2) The Minister may establish such assessment centres as he thinks necessary for the examination of children, the evaluation of their personal circumstances and social background, and the assessment of the most appropriate treatment or rehabilitative correction or education for each child.

(3) The Minister may establish such youth project centres as he thinks fit in which children may, without going into residence, receive training and treatment.

59. A home established under this subdivision shall be under the control of the Minister, and the Director-General shall, subject to any instructions of the Minister, manage every such home, and shall ensure that proper standards are observed in the administration of every home.

Management and control of home.

60. All members of the Executive Council and members of the Legislature, any Judge, and any person authorized in writing for the purpose by the Minister shall be entitled to visit every home established under this Subdivision and the persons detained or resident therein.

Ex officio visitors to homes.

Subdivision 5—Licensed Children's Homes

61. (1) No person shall have the conduct or control of any children's home in which more than five children under the age of fifteen years are, for monetary or other consideration, maintained and cared for apart from their parents or relatives unless that person is the holder of a valid licence granted under this section in respect of the children's home.

Licensed children's homes.

(2) The Director-General may grant a licence under this section subject to such terms and conditions (which shall include terms and conditions as to the standard to be observed in the management and operation of the children's home) as the Director-General thinks fit and specifies in the licence.

(3) A licence granted under this section shall, subject to this section, have effect for a term of twelve months from the day on which it was granted and may be renewed from time to time for successive periods of twelve months.

(4) A person who contravenes subsection (1) of this section, or any term or condition upon which the licence was granted, shall be guilty of an offence and liable, for a first offence, to a penalty not exceeding two hundred dollars, and for a subsequent offence to a penalty not exceeding five hundred dollars or imprisonment for twelve months.

(5) This section does not apply in respect of—

- (a) a home established by the Minister under this Act;
 - (b) any premises or place in which foster children are cared for by an approved foster parent in accordance with the approval;
- or
- (c) a licensed child care centre.

**Cancellation
of licence.**

62. (1) Where the Director-General is satisfied that proper cause for the cancellation of a licence under this Subdivision exists, he may, by notice in writing served personally or by post upon the licensee, cancel the licence.

(2) The Director-General shall not cancel a licence under this Subdivision unless he has given notice in writing to the licensee of his intention to cancel the licence at least twenty-eight days before he does so.

(3) The licensee may at any time within twenty-one days after service of a notice under subsection (2) of this section, appeal to the Minister against the proposed cancellation of the licence.

(4) The Minister may upon consideration of any such appeal, revoke the decision of the Director-General to cancel the licence.

Register.

63. A person licensed under this Subdivision to have the conduct or control of a children's home shall keep a register containing the following particulars with respect to every child received by him, so far as those particulars are reasonably ascertainable by him—

- (a) the name, age, place of birth and religion (if any) of the child;
- (b) the names, and addresses of the parents of the child;

- (c) the names and addresses of any persons other than the parents from whom the child was received and their relationship to the child;
- (d) the date on which the child was received, and the date on which the child left the children's home;
- and
- (e) such other particulars as may be prescribed.

64. (1) The Director-General, or any officer of the Department authorized in writing by him, may at any reasonable time enter and inspect any licensed children's home.

Inspection of children's homes.

(2) The licensee of a children's home shall, if so required by the Director-General or any such officer, produce for his inspection the register that he is required to keep under this Subdivision, and shall furnish the Director-General, or the officer so authorized, with such information in relation to any child as he may require.

(3) A person shall not hinder the Director-General or an officer of the Department in the exercise of powers conferred under subsection (1) of this section or fail to comply with a requirement made of him pursuant to subsection (2) of this section.

65. (1) A person licensed under this Subdivision shall not receive a child into a children's home to be cared for in the home unless a parent, or person having the custody of the child has signed an agreement in the prescribed form relating to the period for which the child will remain in the home and the care and control of the child while he remains in the home.

Agreement.

(2) The licensee shall, at the request of the Director-General, or an officer of the Department produce any such agreement for inspection.

Subdivision 6—Child Care Centres

66. (1) No person shall have the conduct or control of a child care centre in which more than three children under the age of six years are, for monetary or other consideration, cared for apart from their parents or relatives unless that person is the holder of a valid licence granted under this section in respect of the child care centre.

Business of child care not to be carried on without licence.

(2) The Director-General may grant a licence under this section subject to such terms and conditions as he thinks fit and specifies in the licence.

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(3) A licence shall, subject to this section, remain in operation for a period of twelve months after the day on which it was issued, and may be renewed for successive periods of twelve months.

(4) A person who contravenes subsection (1) of this section, or any condition upon which a licence is granted under this Subdivision, shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

(5) This section does not apply in respect of—

(a) a home established by the Minister under this Act;

(b) any premises or place in which foster children are cared for by an approved foster parent in accordance with the approval;

or

(c) a licensed children's home;

(6) This section does not apply where the children who are cared for apart from their parents or relatives are all of the same family.

**Cancellation
of licence.**

67. (1) Where the Director-General is satisfied that proper cause for the cancellation of a licence under this Subdivision exists, he may, by notice in writing served personally or by post upon the licensee, cancel the licence.

(2) The Director-General shall not cancel a licence under this Subdivision unless he has given notice in writing to the licensee of his intention to cancel the licence at least twenty-eight days before he does so.

(3) The licensee may at any time within twenty-one days after service of a notice under subsection (2) of this section, appeal to the Minister against the proposed cancellation of the licence.

(4) The Minister may upon consideration of any such appeal, revoke the decision of the Director-General to cancel the licence.

**Period for
which child
may be left in
child care
centre.**

68. (1) A person shall not leave a child under the age of six years to be cared for in a licensed child care centre for more than a prescribed number of consecutive hours over a prescribed period.

Penalty: Fifty dollars.

(2) The licensee of a child care centre shall notify the Director-General in writing of any breach of subsection (1) of this section.

Penalty: Two hundred dollars.

69. The licensee of a child care centre shall keep a register containing the following particulars with respect to every child received by him so far as those particulars are reasonably ascertainable by him—

- (a) the name and date of birth of the child;
- (b) the name and address of the person from whom the child was received;
- and
- (c) such other particulars as may be prescribed.

70. (1) The Director-General, or any officer of the Department authorized in writing by him, may at any reasonable time enter and inspect a licensed child care centre.

Powers of entry and inspection.

(2) The licensee of a child care centre shall, if so required by the Director-General or any such officer, produce for his inspection the register that he is required to keep under this Subdivision, and shall furnish the Director-General, or the officer so authorized, with such information in relation to any child as the Minister may require.

(3) A person shall not hinder the Director-General or any officer so authorized, in the exercise of powers conferred on him under subsection (1) of this section, or to comply with a requirement made of him pursuant to subsection (2) of this section.

71. (1) The Director-General may, upon the application of any person, approve any premises in respect of which no licence is required under this Act, but in which he cares for, or proposes to care for, a child, or children under the age of six years in a family environment for monetary or other consideration.

Approval for premises to be used for child minding in respect of which no licence is required.

(2) The Director-General may, at any time, revoke an approval under this section.

(3) This section is not to be construed as requiring the approval of the Director-General in respect of any premises.

(4) A person shall not falsely represent that any premises have been approved by the Director-General under this section, nor make any representation that might reasonably be expected to cause to induce any other person falsely to believe that the premises have been so approved.

Subdivision 7—Protection of Children

Cruelty to children.

72. Any person having the care, custody, control or charge of a child, who without lawful excuse—

(a) neglects to provide such food, clothing and lodging for the child as the court thinks reasonably sufficient;

or

(b) ill-treats, neglects, abandons, or exposes the child, or causes the child to be ill-treated, neglected, abandoned or exposed, in a manner that the court thinks likely to subject the child to unnecessary risk, danger, injury or suffering,

shall be guilty of an offence and be liable to a fine not exceeding five hundred dollars or imprisonment for any period not exceeding twelve months.

Reports of cruelty.

73. (1) If a person to whom this section applies suspects upon reasonable grounds that an offence under section 72 of this Act has been committed against a child under the age of fifteen years, that person shall, as soon as is reasonably practicable, report to a member of the police force or an officer of the Department that he suspects the commission of such an offence and the observations and opinions upon which the suspicion is based.

(2) Where a report has been made pursuant to subsection (1) of this section—

(a) the making of the report shall not in any proceedings before any court or tribunal be held to constitute a breach of professional etiquette or ethics or a departure from accepted standards of professional conduct;

(b) in any proceedings for defamation, the report shall be regarded as absolutely privileged;

(c) the making of the report shall not constitute a ground for civil proceedings for malicious prosecution or conspiracy;

(d) the report shall not be admissible in evidence before any court or tribunal except where it is tendered in evidence by the person by whom it was made in answer to a charge or allegation against him;

and