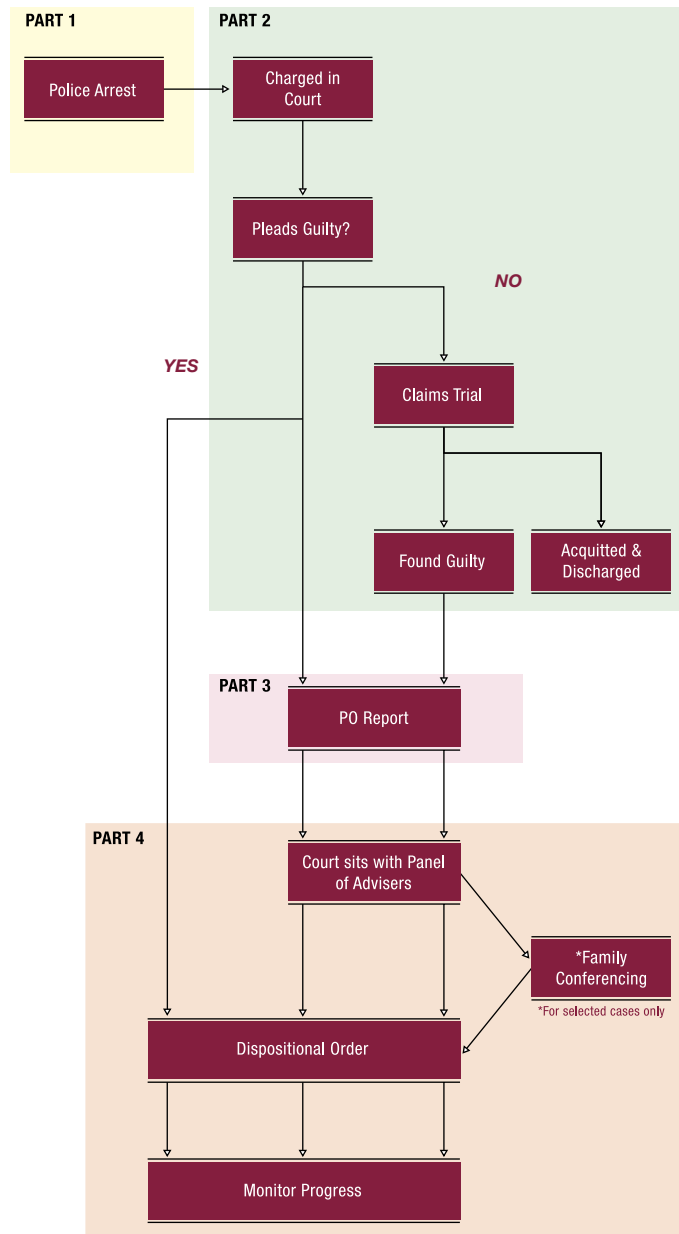


YOUTH ARREST CASE FLOWCHART



TYPES OF DISPOSITIONAL ORDERS

Section 44 of the CYPA empowers the Youth Courts to make a list of orders (as listed below), whether on its own or in various combinations. The types of orders that the Youth Courts can make include:

- To discharge the offender;
- To discharge the offender upon his entering into a bond to be of good behaviour and to comply with such order as may be imposed;
- To commit the offender to the care of a relative or other fit person for a period to be specified by the Court;
- To order his/her parents or guardians to enter into a bond to exercise proper care and guardianship and to abide by such order as the Court may make in relation to the welfare, maintenance and rehabilitation of the offender;
- To make a probation order requiring the offender to be under the supervision of a probation officer or a volunteer probation officer for a period of not less than six months and not more than three years;
- To make an order, in accordance with the prescribed requirements, requiring the offender to perform community service, not exceeding 240 hours in aggregate, of such nature and at such time and place and subject to such conditions as may be specified by the Court;
- To order the offender to be detained in a place of detention for a period not exceeding six months;
- To order the offender to be detained in a place of detention or an approved institution over such number of weekends, not exceeding 26, as the Court thinks fit;
- To order the offender to be sent to a Juvenile Rehabilitation Centre for a period of not more than three years;
- To order the offender to pay a fine, damages or costs;

- To order the offender to be brought before a District Court to be dealt with or deal with the offender under section 305 of the Criminal Procedure Code 2010 if the offender:

- Has attained the age of 16 years; or
- Having attained the age of 14 years but being below the age of 16 years, has previously been dealt with by a court in connection with another offence and had, in respect of that other offence, been ordered to be sent to a Juvenile Rehabilitation Centre,

and the Youth Courts are satisfied that it is expedient with a view to his/her reformation that he should undergo a period of training in a reformatory training centre.

The Youth Courts may also make an order requiring both the child or young person and his/her parents or guardians to undergo such counselling, psychotherapy or other programmes or to partake in such activity as the Court may think necessary for the purpose of:

- Resolving any relationship problems between the child or young person and the parents or guardians thereof;
- Rehabilitating or assisting in the rehabilitation of the child or young person;
- Enabling the parents or guardians of the child or young person to manage the child or young person; or
- Enhancing, promoting or protecting the physical, social and emotional well-being and safety of the child or young person.

For such Mandatory Counselling orders – A bond may be executed by parents/guardians to ensure their compliance with such an order. Failure to comply with the order would mean a forfeiture of the bond as well as a fine of up to \$2,000.

Each of the above accompanying orders can also be made singly, without combining with any other orders, or in combination with one or more accompanying orders.

WHAT ARE THE CONSEQUENCES IF THE CHILD OR YOUNG PERSON BREACHES (I.E. DISOBEYS) ANY COURT ORDERS?

In the case that the child or young person breaches the orders (i.e. breaks the rules of probation or residential centre), the order made may be changed or varied at the discretion of the Court. He/she may:

- Have probation extended;
- Be required to reside in a voluntary welfare organisation or Approved Institution;
- Be transferred to and detained in a Juvenile Rehabilitation Centre (probation is revoked);
- Be sentenced to Reformatory Training under the Criminal Procedure Code; and
- Any other orders as specified above.

HOW CAN YOU, AS A PARENT, HELP YOUR CHILD?

If your child is undergoing the Youth Court Order or other programmes, it is important to cooperate with your child's case worker. Attending parenting workshops and talks as well as going for counselling sessions for the family may also be useful for you.



YOUTH ARREST CASES

A Pamphlet for Youths/Parents

What you need to know when your child is charged in the Youth Courts

CHILDREN & YOUNG PERSONS ACT

The constitution and power of the Youth Courts are governed by the Children and Young Persons Act (CYPA).

Section 33 CYPA:

- Where a person is below 16 years old (a child or a young person), he/she cannot be charged in an adult Court.
- Exception:
 - he/she is charged with an offence triable only by the High Court; or
 - he/she is jointly charged with an adult offender.

PROCEDURE IN THE YOUTH COURTS

Please read this section with reference to the flowchart in this brochure.

Part 1: Arrest of the Youth

When a child or young offender commits a seizable offence, the police may arrest him/her without a warrant of arrest. The child or young person must be brought before the Youth Courts without unnecessary delay. If he/she is remanded by the police, the police will have to bring him/her to the Youth Courts within 48 hours so that the charge may be referred against the youth offender.

Part 2: Charging of the Youth

When the child or young person is brought before the Youth Court Judge, the following steps will be taken:

- The substance of the alleged offence will be

explained to the child or young person by the Court so that he/she understands the reason for his/her presence in Court;

- The child or young person will be asked if he/she admits to the offence;
- If yes, the child or young person pleads guilty and will be dealt with accordingly;
- If not, the case will be heard by way of a trial. Evidence will be heard and witnesses may be cross-examined by:
 - the child or young person or his/her defence counsel;
 - the child's or young person's parents/guardian;
 - the child's or young person's relatives or other responsible person; and
 - the Court.
- At the close of the prosecution's case, if there is some evidence which is not inherently credible, the Court will explain the substance of the evidence against the child or young person;
- The child or young person may give evidence on oath or make a statement. He/she may call witnesses in his/her defence;
- If it is proved that the child or young person is guilty as charged, he/she will be dealt with accordingly; and
- Once guilt is established (whether child or young person pleads guilty or is proven guilty), the child's or young person's parents/guardians may mitigate on behalf of their child. What this means is that the parents/guardians will be given an opportunity to persuade the Court as to why probation would be suitable for the offender. The positive traits, character or behaviour of the youth offender may be highlighted by the parents/guardians or defence counsel.

Part 3: Probation Officers' Report

At this point, the Court may adjourn the case for a Probation Officer's Report (PO Report) to be put up, through interviews with the child or young person, parents/guardians, and reports from the school and professionals. The report would contain information on:

- The child's or young person's general conduct;
- Home environment;
- School record;
- Medical history; and
- Any other relevant matters.

Part 4: Deciding on Dispositional Order

The Court will sit with the two Panel Advisors (who are individuals in the community with vast work experience with children and youths, and who are appointed by the President of Singapore), Court Counsellors and Probation Officers (PO) for a discussion on the case before making the Dispositional Order. The content of the PO Report and the PO's recommendation will be deliberated over thoroughly. Rehabilitation plans for the child or young person and family will be considered to ensure that he/she is well rehabilitated and reintegrated back into the family and society holistically.

However, it is important to note that the severity of the offence is also a crucial factor to be taken into consideration when deciding on the Dispositional Order. Besides rehabilitation and restoration, the Dispositional Order also needs to have a component of deterrence and punishment so that the child or young person may be sufficiently discouraged from committing further offences. These two components have to be balanced with careful contemplation.

For selected cases, the child or young person and family may be asked to attend a Family Conference to sort out certain issues before an order is finally decided upon. The Family Conference is legislated by CYPA, Sections 45(1) and 46(1), with its purpose defined as follows:

- Reprimanding the offender;
- Administering a formal caution in the prescribed manner;
- Requiring the offender to pay compensation to the victim of the offence in such manner and of such amount as may be determined by the Family Conference;
- Requiring the offender to apologise to the victim;
- Recommend or initiate an additional order for the offender and / or parents/guardians thereof to undergo rehabilitative counselling or appropriate programmes; and
- Requiring the offender to do such other act as the Family Conference thinks appropriate in the circumstances.

The purpose and objective for each Family Conference is different and will be marked out by the Youth Court Judge during discussion.

It must be noted that a Family Conference is not a counselling session but an extension of the Youth Courts process. The Family Conference focuses on both deterrence of crime and restoration – through reprimand, formal caution, compensation and apologies to victims, and social undertakings. Possible commencement of counselling, psychotherapy or other programmes which are deemed appropriate for rehabilitation or reintegration may also take place.

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Youth Courts

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