

# ABILL

ENTITLED

AN ACT to Amend the Child Care and Protection Act.

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BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1. This Act may be cited as the Child Care and Protection (Amendment) Act, 2016, and shall be read and construed as one with the Child Care and Protection Act (hereinafter referred to as the “principal Act”) and all amendments thereto. Short title and construction.

Amendment  
of section 6  
of principal  
Act.

2. Section 6 of the principal Act is amended—

- (a) in subsection (1), by deleting the full-stop appearing at the end of the definition of “relevant regulatory entity”, substituting therefor a semi-colon, and inserting next thereafter the following definition—

“ “the required report” is a report made in accordance with subsection (7).”;

- (b) in subsections (2) and (3), by deleting the words “a report to the Registry” wherever they appear and substituting therefor, in each case, the words “the required report”;
- (c) in subsection (7), by—

- (i) deleting the words “A report to the Children’s Registry” and substituting therefor the words “The required report”;
- (ii) renumbering paragraphs (a), (b) and (c) as paragraphs (b), (c) and (d) and inserting immediately before paragraph (b), as renumbered, the following paragraph—

“(a) be made to—

- (i) the Registry;
- (ii) the Children’s Advocate;
- (iii) the Government Agency responsible for children; or
- (iv) the Jamaica Constabulary Force;”;

- (d) by inserting next after subsection (7) the following subsection—

“ (7A) Where an entity referred to in subsection (7)(a)(ii), (iii) or (iv) receives a report pursuant to

that subsection, that entity shall forthwith transmit an accurate record of the report to the Registry.”.

**3.** Section 7 of the principal Act is amended in subsection (1)(a) by inserting immediately after the words “refer the report to” the words “the branch of the Jamaica Constabulary Force responsible for investigating sexual offences and child abuse,”. Amendment of section 7 of principal Act.

**4.** Section 9 of the principal Act is amended in subsection (3) by— Amendment of section 9 of principal Act.

(a) deleting the words “paragraphs (a) to (c)” and substituting therefor the words “paragraphs (a) to (d)”;

(b) renumbering paragraphs (a), (b) and (c) as paragraphs (b), (c) and (d), and inserting immediately before paragraph (b), as renumbered, the following paragraph—

“(a) a parent or guardian of any child, where the child is found in any circumstances from which it can reasonably be concluded that the child has not been given adequate parental care and attention, for example, where the child is found—

(i) unsupervised on a street or other public place late at night; or

(ii) living with a male or female adult, in circumstances which expose the child to risk of sexual, or other, abuse”.

**5.** Section 14 of the principal Act is amended in subsection (2) by deleting paragraph (a) and substituting therefor the following— Amendment of section 14 of principal Act.

“(a) require the child’s parent or guardian to—

(i) enter into a recognizance to exercise proper care and guardianship;

(ii) undertake and complete such classes or courses of study, in responsible parenting, offered by the National Parenting Support Commission or such other entity accredited by the Minister for that purpose, as the Court considers fit;”.

#### MEMORANDUM OF OBJECTS AND REASONS

A decision has been taken to amend the Child Care and Protection Act in order to—

- (a) expand the categories of entities to which a person can make the report required under section 6 of the Act (duty to report need for care and protection);
- (b) create a new offence of parental neglect; and
- (c) provide for attendance at parenting courses, as an option which the Court may order under section 14 of the Act.

This Bill seeks to give effect to that decision and is a companion measure to the Bill shortly entitled the *Criminal Justice (Administration) (Amendment) (No. 2) Act, 2016*.

MARK GOLDING  
Minister of Justice.

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Protection Act.

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As introduced by the Honourable Minister of Justice.

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