

Making of children wards of the State by consent.
Ibid., s. 37(1)(2).

35 On the application of a parent, guardian, or relative of a child or of a person of good repute having the care or custody of a child the Director may, with the approval of the Minister, admit the child as a ward of the State.

Division IV—Supervision orders.

Contents and duration of supervision orders.

36—(1) A supervision order requires the person to whom it relates to be under the supervision of such child welfare officer or probation officer as the Director may from time to time direct to have the supervision of that person and to comply with such other conditions for securing that supervision and the good behaviour of the person to whom the order relates as the court may consider necessary or desirable in the circumstances of the case.

(2) Subject to this Act a supervision order remains in force for such period, not exceeding three years, as may be specified therein.

(3) Notwithstanding anything in subsection (2) of this section a supervision order ceases to have effect when the person to whom it relates becomes a ward of the State or attains the age of eighteen years.

Breach, &c., of supervision orders.

37 Where, on the application of the Director, a children's court considers that the person to whom a supervision order relates—

(a) has failed to observe any of the conditions of the order or any instructions given to him, or any conditions imposed on him, by a child welfare officer or a probation officer in the exercise of the supervision that he has by virtue of the order; or

(b) is living in conditions which are unsatisfactory, the court may, if it considers that it is in the interests of the welfare of the child so to do, vary the supervision order or make such other order as could have been made at the time at which the supervision order was made, other than an order imposing any penalty or requiring the payment of any damages or costs.

Division V—Miscellaneous and supplemental.

Proceedings in respect of children under seven.

38—(1) Where a child, who is authorized or required to be brought before a children's court under section thirty-two or section forty, does not appear to have attained the age of seven years and is being detained under section forty, a children's court, on the application of the Director, if it is satisfied that the child has not attained that age, may, in the absence of the child, make such order or other determination as it could have done if he had been brought before that court.

(2) Where any proceedings are transferred under this Division to a children's court that court, if it is satisfied that the child in respect of whom the proceedings are taken has not attained the age of seven years, may make such order or determination in his absence as it could have done if he had appeared before the court.

39—(1) If a children's court is not in a position to decide whether any and, if so, what, order ought to be made under section thirty-four or section thirty-seven in respect of any child or of any person in respect of whom a supervision order is in force it may make an interim order authorizing him to be detained in custody in the charge of the Director, and, subject to this section, that order remains in force for such period as the court, on the making thereof, may determine, and for such further period as it may be extended under this section.

Interim orders in respect of certain children.

(2) On the application of the Director, a special magistrate or police magistrate may extend the period for which an interim order is to remain in force.

(3) Notwithstanding anything in subsection (1) or subsection (2) of this section, an interim order shall not remain in force for a period longer than three months from the date on which it was made.

(4) Where an interim order made by a children's court is in force under this section in respect of a child, a children's court having jurisdiction may, on the application of the Director—

- (a) transfer the further proceedings in the case to a children's court held at some other place; or
- (b) make such order (other than an interim order) as could have been made in the case by the court by whom the interim order was made.

(5) For the purposes of subsection (4) of this section a children's court has jurisdiction in respect of a child in respect of whom an interim order is in force if it is a court held at a place at which the court is held to which the further proceedings in the case have been transferred under this section or, if those proceedings have not been so transferred, at the place at which the court by which the interim order was made was held.

(6) Where an interim order is in force in respect of any person and the court by which the interim order was made has recorded a finding that would have entitled the court, if it thought fit, to make an order in respect of the child under section thirty-four or section thirty-seven it is not necessary for any court that subsequently deals with him to hear evidence to establish that finding, except in so far as it may consider that that evidence will assist the court in determining the manner in which he should be dealt with.

(7) The Director may place a person in respect of whom an interim order is in force under this section in an institution or in the charge of some suitable person who is willing to receive him, and that order is sufficient authority for his detention in that institution or in the charge of that person.

40—(1) Where, on the oath of the Director, a child welfare officer, or a probation officer, a justice is satisfied that there are reasonable grounds for a person to be brought before a children's court to be dealt with under subsection (3) of section thirty-four or section thirty-seven, he may—

Supplementary provisions as to bringing children before court. *Ibid.*, s. 42.

- (a) issue a summons to that person requiring him to appear, or to any person who appears to have his charge or custody requiring him to be brought, before a children's court at such place and at such time as may be specified in the summons; or
- (b) issue a warrant authorizing a child welfare officer, a probation officer or a police officer to bring him before a children's court.

(2) Where a summons has been issued under subsection (1) of this section requiring a person to appear, or be brought before a children's court a justice may, before or after the time for appearance specified therein, issue a warrant authorizing a child welfare officer, a probation officer, or a police officer to bring that person before a children's court.

(3) Where a child welfare officer, a probation officer, or a police officer is authorized by a warrant issued under section thirty-two or this section to bring a person before a children's court he shall, if it is not immediately practicable to bring him before a children's court or if that person does not appear to have attained the age of seven years, take him to an institution or place him in the charge of some suitable person who is willing to receive him, and he may be detained in that institution or in the charge of that person or in any institution to which he may subsequently be brought under section forty-one.

(4) Nothing in subsection (3) of this section authorizes the detention of a person beyond the time at which it first becomes practicable to bring him before a children's court, unless he does not appear to have attained the age of seven years and an application is made by the Director to a children's court in respect of him at the first practicable opportunity.

(5) For the purposes of the execution of a warrant issued under section thirty-two or this section a child welfare officer and a probation officer have the powers of a police officer.

Supplement-
ary provisions
as to detention
of children
during legal
proceedings.

41.—(1) Where a child is committed to custody in the charge of the Director, he may be placed by the Director in an institution or in the charge of some suitable person who is willing to receive him, and the order of the court so committing him to custody is sufficient authority for his detention in that institution or in the charge of that person.

(2) Where under this Part a person is authorized to be detained in an institution or in the charge of some person who is willing to receive him, he shall, while he is being so detained, or being conveyed to or from that institution or to or from the charge of that person, be deemed to be in legal custody, and if he escapes, or is, without lawful authority, taken, from that institution or from the charge of that person, he may be apprehended without warrant by a police officer or an authorized officer and brought back to that institution or to the charge of that person, or to such institution as the Director may determine, and any person who—

- (a) knowingly assists or induces such a person so to escape;
- (b) without lawful authority, so takes away such a person; or
- (c) knowingly harbours or conceals such a person who has so escaped or has been so taken away, or prevents him from returning,

is guilty of an offence.

Penalty: Fifty pounds or six months' imprisonment.

(3) Where under this Part a person is authorized to be detained in the charge of some person who is willing to receive him, the Minister may pay to that person a reasonable sum for the keep of the person so detained.

42—(1) Without prejudice to the provisions of section twenty-four and section thirty-nine, if it appears to a children's court that any proceedings taken before the court may more conveniently, economically, or fairly be heard and determined by a children's court at some other place, the court may order the proceedings to be transferred to that other court, and thereupon that court has jurisdiction to hear and determine those proceedings.

Change of venue.

(2) Where proceedings are transferred under this section, the children's court by which those proceedings are transferred has the like powers in respect of the child against or in respect of whom the proceedings are taken or to whom the case relates, the witnesses and other persons as if it had adjourned the hearing of those proceedings.

(3) The clerk of a children's court to which any proceedings are transferred under this Act shall send to the Director a notice stating that the proceedings have been so transferred and specifying (in so far as it is within his knowledge) the place and time at which those proceedings or that case will be heard in that court.

43—(1) Where in respect of any proceedings taken in respect of a child a children's court has power under this Part to make an order in respect of the parent or guardian of that child, it may make that order in respect of a parent or guardian who, having been summoned to attend the court to show cause why the order should not be made, has failed to do so, but, save as aforesaid, such an order shall not be made without giving the parent an opportunity of being heard.

Orders and summons against parents, &c.
Ibid., ss. 47 & 48.

(2) Where, on being ordered so to do, a parent fails to enter into a recognizance under section twenty-five or section thirty-four the court may order him to be imprisoned for a period not exceeding three months or until the order is sooner complied with.

(3) A person who, without reasonable excuse fails to comply with a summons issued under subsection (1) of section thirty-two or under subsection (1) of section forty requiring

him to bring any other person before a children's court is guilty of an offence and, on conviction therefor, is liable to a penalty not exceeding twenty-five pounds.

Information
by courts to
Director.

44—(1) Where a court makes an order declaring a child to be a ward of the State or makes or varies a supervision order or makes an order under subsection (5) of section thirty-four the appropriate officer shall cause to be delivered to the Director a certified copy of the order of the court.

(2) Where a court finds a child guilty of an offence or to be a neglected child the appropriate officer shall cause to be delivered to the Director a certified copy of any order of the court made on that finding.

(3) In this section "appropriate officer" means—

- (a) when used in relation to the Supreme Court, the Registrar thereof; and
- (b) when used in relation to a children's court or any other court of summary jurisdiction, the clerk thereof.

PART IV.

WARDS OF THE STATE.

Period of
wardship.
Ibid., ss. 9,
63, & 66.

45—(1) A child who has been declared by the court to be a ward of the State or is admitted under this Act as a ward of the State by the Director thereupon becomes a ward of the State, and, subject to this section, a person who becomes a ward of the State continues to be a ward of the State until he attains the age of eighteen years, and then ceases to be a ward of the State.

(2) The Minister may, if he considers it to be in the interests of the welfare of a person who is a ward of the State so to do, by writing under his hand declare that that person shall cease to be a ward of the State, and thereupon that person ceases to be a ward of the State.

(3) Where the Minister is satisfied that a person, if he ceased to be a ward of the State, would have no parents or legal guardian or no parents or legal guardians whose whereabouts are known and who are capable of exercising proper guardianship over him, he may by writing under his hand declare that that person shall continue to be a ward of the State after attaining the age of eighteen years.

(4) Without prejudice to the operation of subsection (2) of this section, where a declaration is made under subsection (3) of this section in respect of a person that person continues to be a ward of the State until he attains the age of twenty-one years, and then ceases to be a ward of the State.

Guardianship
of wards of
the State.
Ibid., ss. 8,
10, 68, & 70.

46—(1) Subject to this Act, the Director shall, to the exclusion of the father, the mother, and every other guardian become and be the guardian of the person and estate of a person who is a ward of the State for so long as that person remains a ward of the State.

(2) Subject to this Act, the Director may provide for the care and maintenance of a ward of the State—

- (a) by boarding him out with a suitable person;
- (b) by placing him in an institution; or
- (c) by apprenticing him to, or placing him in the employment of, a suitable person.

(3) Nothing in this section prevents the Director from allowing the care and maintenance of a ward of the State to be taken over by, and allowing him to be under the control of, a parent, relative, friend or other suitable person in a case where it appears to the Director to be for the benefit of the ward of the State.

(4) The Director may be a party to indentures of apprenticeship binding upon a ward of the State, notwithstanding that he may cease to be the guardian of the ward of the State during the currency of those indentures, and the Director continues to be bound by those indentures notwithstanding that he so ceases to be the guardian of the ward of the State.

47—(1) No person shall wilfully ill-treat or neglect a ward of the State placed out with him under this Act or cause such a ward of the State to be ill-treated or neglected.

Protection,
&c., of wards
of State.

Ibid., ss. 24,
108, & 111.

Penalty: One hundred pounds or twelve months' imprisonment.

(2) No person shall, without the permission in writing of the Minister, remove out of the State or cause to be removed out of the State, a ward of the State who has not attained the age of eighteen years.

Penalty: Fifty pounds or six months' imprisonment.

(3) A ward of the State who has not attained the age of eighteen years who runs away, or is, without lawful authority, taken away from the institution in which he has been placed, or from the person with whom he has been placed out, under this Act, may be apprehended, without warrant, by a police officer or an authorized officer and may be brought back to that institution or that person, or to such other institution as the Director may determine, and any person who—

- (a) knowingly assists or induces such a ward of the State to run away;
- (b) without lawful authority so takes away such a ward of the State; or
- (c) knowingly harbours or conceals such a ward of the State who has so run away or been taken away, or prevents him from returning,

is guilty of an offence.

Penalty: Fifty pounds or six months' imprisonment.

(4) The Director shall, in so far as is practicable, cause every ward of the State who has been placed out to be visited once at least in each period of three months by an authorized officer for the purpose of ascertaining whether the ward of the State is being properly cared for and whether the terms and conditions on which he is placed out are being complied with.

(5) On request being made to him by the Director or an authorized officer, the responsible person shall—

- (a) produce a ward of the State or show cause, to the reasonable satisfaction of the Director or the authorized officer, why he cannot be produced;
- (b) produce any outfit provided for the use of a ward of the State, or show cause, to the reasonable satisfaction of the Director or the authorized officer, why it cannot be produced, and permit an examination to be made of the outfit so produced;
- (c) permit an examination to be made of the accommodation provided for a ward of the State, and the food provided for him; and
- (d) permit the Director or authorized officer to examine and question a ward of the State in private.

Penalty: Twenty-five pounds or three months' imprisonment.

(6) No person shall obstruct any authorized officer in carrying out such an examination as is referred to in subsection (5) of this section.

Penalty: Fifty pounds.

(7) A person with whom a ward of the State is placed out shall not change his place of residence without giving the prescribed notice to the Director.

Penalty: Twenty-five pounds.

(8) If a ward of the State runs away, becomes ill, or is injured or dies, the responsible person shall, in such cases as may be prescribed, forthwith give, or cause to be given, to the Director such notice as may be prescribed and shall do such other things as may be prescribed.

Penalty: Twenty-five pounds.

(9) On being so directed in writing by the Director the responsible person shall surrender a ward of the State at such institution or to such person as may be specified in the direction.

Penalty: Fifty pounds or six months' imprisonment.

(10) Where a ward of the State is not surrendered in accordance with a direction given under subsection (9) of this section, a police officer or an authorized officer may apprehend the ward of the State and bring him, or cause him to be brought, to the institution or person named in the direction or to such institution as the Director may determine.

(11) In this section "responsible person" means—

- (a) when used in relation to a ward of the State who is placed out, the person with whom he is placed out; and
- (b) when used in relation to a ward of the State who is placed in an approved children's home, the managers or superintendent thereof.

48 The Director shall not—

(a) place a ward of the State in or remove him from an approved children's home; or

(b) apprentice or place in employment a ward of the State who is being accommodated in an approved children's home,

except after consultation with the managers or superintendent of that home and after taking into account any views expressed by them or him in the matter.

Consultation with managers of approved children's homes.

49—(1) A person who employs a ward of the State shall except in so far as the Director may otherwise allow, pay any wages or other remuneration earned by a ward of the State in his employment to the Director or to some other person approved by the Director.

Wages of wards of the State.

Ibid., ss. 75, 76, 77, & 78.

(2) The Director or other person to whom any sums are paid under subsection (1) of this section in respect of a ward of the State shall deposit those sums in a savings bank in trust for the ward of the State.

(3) Any money deposited in a savings bank under this section, and any interest thereon, may, at the discretion of the Director, be paid to, or expended for the benefit of, the person in trust for whom the money was deposited, and any money or interest not so paid or expended shall vest in that person absolutely on his attaining the age of twenty-one years.

(4) Any wages or other remuneration due from any person in respect of a ward of the State may be recovered by the Director for the benefit of the ward of the State.

50—(1) Where any property is vested in a ward of the State, or a ward of the State is entitled to any property, the Minister may, by notice in writing addressed to the Public Trustee, appoint him trustee of that property for the ward of the State and, on being so appointed, the Public Trustee shall be deemed to have been appointed trustee of that property under the *Public Trust Office Act* 1930 to hold the same in trust for that ward of the State.

Property of wards of the State.

Ibid., s. 13.

(2) Where, by virtue of this section, the Public Trustee holds any property in trust for a ward of the State, the Public Trustee shall apply so much of that property as is necessary in or towards the defraying of the expenses incurred under this Act in the maintenance of the ward of the State, in so far as those expenses have not been met by contributions made and other sums paid under Part V.

(3) Nothing in subsection (2) of this section authorizes or requires the Public Trustee to apply any property towards the defraying of any expenses incurred in the maintenance of a ward of the State at any time earlier than seven years before the date on which that property was vested in the Public Trustee.

(4) Where any contributions or other sums are paid under Part V towards the maintenance of a ward of the State, the expenses of which have been wholly or partly defrayed under subsection (2) of this section, the Director shall pay those contributions or sums, or such part thereof as is not required to meet so much of those expenses as has not been so defrayed, to the Public Trustee and the Public Trustee shall hold those contributions or sums, or that part thereof, on the like trusts as he held the property which has been applied in or towards the defraying of those expenses.

PART V.

MAINTENANCE OF WARDS OF THE STATE AND OTHER CHILDREN.

Liability of
parents, &c.,
to pay con-
tributions.

Ibid., s. 86.

51—(1) For so long as—

- (a) a child who has been remanded or committed for trial or committed to custody under subsection (1) of section twenty-four or is subject to an interim order is accommodated in an institution or in the charge of some person to whom payments are made by the Minister in respect of the keep of the child; or
- (b) a child who is a ward of the State is accommodated in an institution or is placed out,

it is the duty of the persons specified in subsection (2) of this section to make contributions towards his maintenance except in respect of any period during which he is so accommodated after he has attained the age of sixteen years.

(2) The following persons are liable, under subsection (1) of this section, to make contributions towards the maintenance of a child:—

- (a) His father;
- (b) His mother;
- (c) Any person who at the relevant date is the husband of the mother of the child or, for substantially the whole of the period of twelve months ending on that date, has cohabited with the mother of the child; and
- (d) If the child is a legitimate child—
 - (i) his stepfather; and
 - (ii) his stepmother.

(3) In this section “the relevant date” means—

- (a) in respect of a child (not being a ward of the State) who has been remanded or committed for trial or committed to custody under subsection (1) of section twenty-four the date on which he was so remanded or committed for trial or to custody;

- (b) in respect of a child (not being a ward of the State) who is subject to an interim order the date on which the order was made; and
- (c) in respect of a ward of the State the date on which he became a ward of the State or, if he has previously ceased to be a ward of the State, the date on which he last became a ward of the State.

52—(1) On application being made by the Director, a children's court may make an order against any person who, under section fifty-one, was, during any period, liable to make contributions towards the maintenance of a child requiring him to pay to the Director such sum in respect of the whole or any part of that period as the court considers just, having regard to the amount of the contributions already paid in respect of that period and the means of the person against whom the order is made and his relationship to the child.

Contribution orders.
Ibid., ss. 37, 88, 91, 92, 93, & 95.

(2) A children's court may make an order against any person who, under section fifty-one, is liable to make contributions towards the maintenance of a child requiring him to pay to the Director such periodical contributions as the court considers just having regard to his means and his relationship to the child or the ward of the State.

(3) A contribution order may be revoked or varied by a subsequent order of a children's court.

(4) Where a court makes or varies a contribution order it may specify in the order the period during which the contributions are to be paid.

(5) A contribution order may be made against two or more persons, and an order so made has effect against them jointly and severally.

(6) An order shall not be made under subsection (2) or subsection (3) of this section in respect of a child, otherwise than on the application of the Director or of a person in respect of whom a contribution order is in force requiring him to make contributions in respect of that child.

(7) Where a person who is liable to make contributions under section fifty-one in respect of a child gives an undertaking in writing to the Director to make contributions in respect of the child or to pay any sum in respect of a period during which he was so liable to make contributions that undertaking has effect as if it were a contribution order made under this section against that person.

(8) Nothing in subsection (7) of this section prohibits the revocation or variation of an undertaking referred to in that subsection by agreement between the Director and the person by whom it is made.

(9) A court shall so exercise its powers under this section as to secure that as far as is practicable, a person referred to in any of the paragraphs of subsection (2) of section fifty-one