ORGANISED BY:

Ministry of Education SINGAPORE

MINISTRY OF HOME AFFAIRS

MSF MINISTRY OF SOCIAL AND FAMILY DEVELOPMENT

NCSS National Council of Social Service

YWAS Youth Work Association (Singapore)

IN SUPPORT OF:

Celebrating SG Social Service Partners

CONVERSATIONS ON YOUTH 2023

YOUTHS MATTER AMIDST CHANGE

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CONVERSATIONS ON YOUTH 2023
YOUTHS MATTER AMIDST CHANGE

Youth Offenders in Court
Youth Court Principles and Processes

District Judge Eugene Tay
Family Justice Courts

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GENERAL PRINCIPLES & CONSIDERATION

Section 4 CYPA:
Parents or guardians to be primarily responsible for the child or young person.

The welfare and best interests of the child or young person shall be the first and paramount consideration.

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GENERAL PRINCIPLES & CONSIDERATION

Section 34 CYPA:

(1) Every court in dealing with a child or young person who is brought before it, either as being in need of care or protection, or ***as an offender*** *or otherwise, is to do the following:*

…

(b) facilitate the protection and rehabilitation of the child or young person, and his or her reintegration with his or her family and with society*;*

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COURT PROCESS

- Substance of the alleged offence(s) will be explained to the youth by the Court so that he/she understands the reason for his/her presence in Court;
- Youth will be asked if he/she admits to the offence. If yes, the youth pleads guilty and will be dealt with accordingly. If not, the case will be heard by way of a trial.
- Once guilt is established, the youth's parents/guardian or lawyer may mitigate on behalf of the youth.

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COURT PROCESS

- The Court may call for a pre-sentence report (prepared by a Probation Officer from MSF).
- Court will discuss the case with two Panel Advisors and the Probation Officer in chambers before deciding on the appropriate orders.
- For selected cases, a Case Conference facilitated by a Court Psychologist or Counsellor may be held to sort out certain issues before deciding on the appropriate orders.

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TYPES OF ORDERS

Orders that the Youth Court can make include:

- Granting the offender conditional or absolute discharge;
- Committing the offender to the care of a relative or other fit person;
- Parents or guardian to execute a bond to exercise proper care and guardianship;

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TYPES OF ORDERS

- **Probation Order** requiring the offender to be placed under the supervision of a Probation Officer for between six months to three years.

(Conditions are often attached to the Probation Order, including performing up to 240 hours of community service, being detained in a place of detention up to 3 months, having a time restriction e.g., from 9pm-6am, and the parents or guardian executing a bond for proper care and guardianship.)

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TYPES OF ORDERS

- Offender to be sent to a juvenile rehabilitation centre for up to three years;
- Offender to pay a fine, damages or costs;
- Offender to undergo reformative training if the age requirements and other conditions are met; and
- Mandatory counselling orders.

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TYPES OF ORDERS

- For mandatory counselling orders, the Court may require parents/guardians to enter into a bond to ensure compliance. Failure to comply may mean a forfeiture of the bond as well as a fine of up to $2000.

- The Court may make certain orders singly, or in combination with one or more orders.

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JUDICIAL MONITORING

- If the youth is placed on Probation, the Court may order that the case be reviewed in Court to monitor the youth's progress.

- The Court may order the mode of review to be a **Progress Presentation Review**.
    - Youth is required to make a presentation to the Court on his/her own progress.
    - Plays a far more active role and has to take full ownership over the review of his/her performance.

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CONSEQUENCES OF BREACH OF ORDERS

- Probation period can be extended, with additional conditions;
- Probation can be revoked, and youth to be sent to a juvenile rehabilitation centre;
- Ordered to undergo reformative training.

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