

CHILD PROTECTION ACT

B.E. 2546

BHUMIBOL ADULYADEJ, REX;

Given on the 24th Day of September B.E. 2546;

Being the 58th Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim;

Whereas it is deem appropriate to revise the law governing the protection of Children;

This Act contains certain provisions in relation to the restriction of rights and liberties of persons, in respect of section 29, in conjunction with section 31, section 34, section 35, section 36, section 39, section 48, and section 50 of the Constitution of the Kingdom of Thailand so permit by virtue of the law provisions;

Be it, therefore, enacted by the King, by and with the advice and consent of the National Legislative Council, as follows:

Section 1. This Act is called the “Child Protection Act, B.E. 2546”

Section 2. This Act shall come into force after the expiration of one hundred and eighty days from the date of its publication in the Government Gazette.

Section 3. The following shall be repealed:

(1) Announcement No. 132 of the Revolutionary Council dated 22nd April B.E. 2515;

(2) Announcement No. 294 of the Revolutionary Council dated 27th November B.E. 2515;

Section 4. In this Act,

* Translated by *Siam City Law Offices Limited* under contract for the Office of the Council of State of Thailand's Law for ASEAN project.- Initial version- pending review and approval.

“Child” means a person whose age is less than 18 years but does not include those who attain majority through marriage.

“Homeless Child” means a Child who has no Parents or Guardian, or whose Parents or Guardian either fails to or cannot afford to care for, causing the Child to wander from place to place; or a Child who develops a homeless lifestyle which is likely to be harmful to his or her welfare.

“Orphan” means a Child whose father or mother has died, a Child with no evidence of Parents or whose Parents cannot be traced.

“Child in Difficult Conditions” means a Child who lives in an impoverished family or whose Parents have divorced, are in desertion, are imprisoned, or live separately and experience difficulties; or a Child who has to be responsible for familial responsibilities beyond his or her age, or ability, and intelligence; or a Child who cannot help himself or herself.

“Disabled Child” means a Child with a physical, brain, intellectual, or mental defect, regardless of whether such defect occurred at birth or thereafter.

“Child at Risk of Wrongdoing” means a Child who behaves inappropriately, who engages in occupational activities or associates with persons who are likely to induce the Child into committing unlawful or immoral acts; or a Child who lives in the environment or place which influences the Child in a detrimental way, as stipulated in the Ministerial Regulation.

“Pupil” means a Child who is studying at the primary and secondary levels, either general and vocational, or the equivalent, in public or private institutions.

“Student” means a Child who is studying at the tertiary level, or the equivalent, in public or private institutions.

“Parents” means father and mother of a Child, regardless of whether they are married or not.

“Guardian” means Parents, curator, adoptive parents, and Guardian pursuant to the Civil and Commercial Code, and shall include step Parents, Guardian of the Child’s welfare, employer, as well as any other person providing care or shelter to the Child.

“Foster Family” means a person who accepts the Child as his or her own.

“Unlawful Care” means the withdrawal of care, nurture, or development of a Child in accordance with the minimum standard as stipulated in Ministerial Regulation, to an extent which will likely cause the Child physical or mental harm.

“Torture” means any commission or omission of acts which cause the deprivation of freedom, or physically or mentally endanger the Child; sexual abuses

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committed against a Child; using a Child to act or behave in a manner which will likely cause physical or mental harm to the Child, or which is unlawful or immoral, regardless of whether the Child consents to such act or not.

“Investigating and Observing” means an act of searching and accumulating facts relating to a person and bringing such facts for an analysis in accordance with the social welfare, medical, psychological, legal, and other principles pertaining to such person and such person’s family.

“Nursery” means a place which provides care and helps a Child develop with at least six Children not over six years of age, who are not related by kinship to the owner or operator of such Nursery, not including health care facilities or schools, public and private.

“Shelter” means a place which cares and shelters a Child temporarily for the purpose of Investigating and Observing the Child and family, in order to develop assistance and welfare protection guidelines suitable for each Child.

“Welfare Centre” means a place which provides care and helps a Child in need of assistance to develop, holding six Children or more.

“Welfare Protection Centre” means a place which provides education, discipline, occupational training in order to rectify the behavior, remedy, treat, and physically and mentally rehabilitate the Child in need of welfare protection.

“Development and Rehabilitation Centre” means a place, school, institution, or center established for the purpose of providing treatment and rehabilitation of both physical and mental conditions, as well as offering education, guidance, and occupational training to a Child who is in need of special level of assistance or welfare protection.

“Detention Centre” means the Bangkok Children and juveniles detention and protection center, the *Changwat* Children and juvenile detention and protection center, and Children and juveniles detention and protection center under the Juvenile and Family Division of *Changwat* Courts, established under the Act of Instituting the Juvenile and Family Courts and the Act of Juvenile and Family Court Procedures.

“Fund” means the Child Protection Fund.

“Committee” means the National Child Protection Committee.

“Competent Official” means the person appointed by the Minister to perform pursuant to this Act.

“Governor” means also the Governor of Bangkok Metropolitan Administration and his or her designators.

“Secretary” means the Secretary of Social Development and Human Security, including a person designated by the Secretary.

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“Minister” means the Minister in charge and control of the execution of this Act.

Section 5. The Courts, having the jurisdiction by the virtue of the Act Establishing the Juvenile and Family Courts and the Act of Juvenile and Family Court Procedures to hear and adjudicate juvenile and family cases, shall have the power to hear and adjudicate cases under this Act, except for any *Changwats* where no juvenile and family court or division exists, such *Changwat* Court shall have the power to hear and adjudicate such cases under this Act.

Section 6. The Minister of Social Development and Human Security, the Minister of Interior, the Minister of Education, and the Minister of Justice shall be in charge for the enforcement of this Act, and shall, in relation to their respective Ministers, have the power to appoint Competent Officials and issue Ministerial Regulation or rules to enable the implementation of this Act for matters which relate to such Ministry.

Ministerial Regulation or rules shall be enforced from the time of its publication in the Government Gazette.

CHAPTER I

CHILD PROTECTION COMMITTEE

Section 7. There shall be a National Child Protection Committee which consists of the Minister of Social Development and Human Security as President; the Secretary of Social Development and Human Security as Vice-President; the Secretary of Interior, the Secretary of Justice, the Secretary of Education, the Attorney-General, the Royal Thai Police Commissioner-General, the Director-General of the Department of *Changwat* Administration, the Director-General of the Department of Social Development and Welfare, the Director-General of the Department of Mental Health, the Chief Justice of the Central Juvenile and Family Court, and the Director of the Office of Promotion and Protection of Children, Youth, the Elderly, and Vulnerable Groups as members; and qualified members which the Minister of Social Development and Human Security appointed from experts who have no less than seven years professional experience in the fields of social welfare, education, psychology, law, and medicine, two from each field, one of which shall be a representative from the private sector, and two additional persons appointed from those who have demonstrable experience in Child welfare of no less than seven years. The

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Deputy Secretary of Social Development and Human Security, designated by the Secretary, shall act as member and Secretary of the Committee.

No less than one-third of the qualified members under the foregoing paragraph shall be female.

The National Child Protection Committee may appoint no more than two government officers from the Ministry of Social Development and Human Security to serve as assistant secretary of the Committee.

Section 8. The Office of the Secretary of Social Development and Human Security shall be the secretariat of the National Child Protection Committee. The secretariat shall have the following powers and duties:

- (1) to perform general administrative tasks of the Committee;
- (2) to co-ordinate and co-operate with related government agencies and public and private organisations in order to implement tasks pertaining to assistance, welfare protection, and Child behavioral promotion;
- (3) to develop systems, modules, and procedures as well as provide services in assistance, welfare protection, and Child behavioral promotion;
- (4) to accumulate research results and studies as well as monitor and evaluate the implementation of policies and plans for the provision of assistance, welfare protection, and Child behavioral promotion of the related public and private organisations, and report to the Committee;
- (5) to perform other tasks in accordance with the resolution of, or as assigned by, the Committee.

Section 9. The qualified members shall serve a term of three years.

The qualified members who vacates the office upon expiration of his or her term may be reappointed, but not for more than two consecutive terms.

Section 10. In addition to the vacation of the office upon expiration of term pursuant to section 9, the qualified members will vacate the office upon:

- (1) death;
- (2) resignation;
- (3) being dismissed by the Minister due to failure to perform duties, or dishonesty, misconduct, or incapacity;
- (4) being sentenced to imprisonment under a final judgment to a term of imprisonment;

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- (5) being declared bankrupt;
- (6) being declared an incompetent or quasi-incompetent person;
- (7) being absent from three consecutive meetings without a reasonable cause.

Section 11. In case where a qualified member vacates office before expiration of the term, the Minister shall appoint a person in the same category as stipulated in section 7 as the replacement committee member, and the appointee shall be in office for the unexpired term of office of the qualified members already appointed.

Section 12. Upon the expiration of the qualified member's term of office, if a new qualified member has not yet been appointed, the qualified member whose term of office has expired shall be in office to continue to perform his or her duties until a new qualified member has been appointed.

Section 13. At a meeting of the Committee, the presence of not less than one-half of members is required to constitute a quorum.

If the President is not present at the meeting or is unable to perform his or her duties, the Vice-President shall preside over the meeting. If the Vice-President is not present at the meeting or is unable to perform his or her duties, the members present at the meeting shall elect one member among themselves to preside over the meeting.

A decision of the meeting shall be made by a majority of votes. Each member shall have one vote. In case of an equality of votes, the presiding member shall have an additional vote as the casting vote.

Section 14. The Committee shall have the following powers and duties:

- (1) to submit its opinions to the Minister pertaining to policies, plans, budgets, and measures in assistance, welfare protection, and Child behavioral promotion pursuant to this Act;
- (2) to submit its opinions to the Minister pertaining to the issuance of Ministerial Regulation in order to implement this Act;
- (3) to issue rules, with the consent of the Ministry of Finance, regarding receipt, payment, and money and Fund management;
- (4) to issue rules relating to measures in protecting the Child's welfare pursuant to section 47;

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(5) to determine criteria for the appointment of Competent Officials;

(6) to advise, recommend, and coordinate with government agencies and private organisations which are active in education, assistance, welfare protection, and Child behavioral protection, as well as to inspect any Nurseries, Shelters, Welfare Centres, Welfare Protection Centres, Development and Rehabilitation Centres, Detention Centres, or places related to assistance, welfare protection, and Child behavioral promotion, both public and private;

(1) to monitor, evaluate, and investigate implementations of the Bangkok Child Protection Committee and *Changwat* Child Protection Committees, as well as to advise and recommend ways to protect and rectify issues concerning assistance, welfare protection and Child behavioral protection, both in Bangkok and *Changwat* levels;

(2) to carry out any other tasks relating to assistance, welfare protection, and Child behavioral promotion.

Section 15. The Committee shall have the power to establish sub-committees or working groups to act as assigned by the Committee.

Provisions under section 13 shall apply to the meetings of the sub-committees or working groups *mutatis mutandis*.

Section 16. There shall be a Bangkok Child Protection Committee which consists of the Governor of Bangkok Metropolitan Administration as the President, the Deputy Governor of Bangkok Metropolitan Administration as the Vice-President; representative of the Office of Secretary of Education, representative of the Office of the Attorney-General, representative of the Metropolitan Police Commission, representative of the Department of Social Development and Welfare, representative of the Central Juvenile and Family Court, representative of the Detention and Child and Juvenile Protection Center in Bangkok, representative of the Office of Welfare Promotion and Protection of Children, Youth, the Elderly, and Vulnerable Groups, the Director of the Office of Community Development Bureau, Director of Health Bureau and Director of the Medicine Bureau as members; and the qualified members which the Bangkok Metropolitan Administration Governor appointed from experts in the fields of social welfare, education, psychology, law, and medicine, two from each field, one of which shall be a representative from the private sector, and two additional persons shall be appointed from a pool of persons with demonstrable experience in Child welfare. The Director of the Social Welfare Bureau shall act as member and Secretary.

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No less than one-third of the qualified members under the foregoing paragraph shall be female.

The Bangkok Child Protection Committee may appoint no more than two government officers from the Social Welfare Bureau to serve as assistant Secretary.

Section 17. There shall be a *Changwat* Child Protection Committee which consists of the Governor as the President, Deputy Governor designated by the Governor as Vice-President; the *Changwat* Prosecutor, *Changwat* Development, *Changwat* Labor, Director of *Changwat* Education, Physician of *Changwat* Public Health, *Changwat* Police Commissioner, representative from the *Changwat* Juvenile and Family Court or representative from the *Changwat* Court in case there is no Juvenile and Family Court in the *Changwat*, representative from the *Changwat* Detention and Child and Juvenile Protection Center or representative from the Ministry of Justice appointed by officials in such *Changwat* in case there is no *Changwat* Detention and Child and Juvenile Protection Center in such *Changwat*, and President of the *Changwat* Administration Organisation as members; and the qualified members which the Governor appointed from experts in the fields of social welfare, education, psychology, law, and medicine, two from each field, one of which shall be a representative from the private sector, and two additional persons appointed from those with demonstrable experience in Child welfare. The *Changwat* Social Development and Welfare shall act as member and Secretary.

No less than one-third of the qualified members under the foregoing paragraph shall be female.

The *Changwat* Child Protection Committee may appoint no more than two government officers from such *Changwat* to serve as assistant Secretary.

Section 18. The provisions under section 9, section 10, section 11, and section 12 shall apply to assumption of office, vacation of office, appointment of replacement committee members, and the performance of duties of the qualified members under section 16 and section 17 *mutatis mutandis*, save for the power of the Minister under section 10 (3) and section 11, where it is deemed within the power of the Governor of Bangkok Metropolitan Administration or Governor, as the case may be.

Section 19. The provisions under section 13 and section 15 shall apply to the meetings and appointment of sub-committees or working groups of the Bangkok Child Protection Committee and *Changwat* Child Protection Committee *mutatis mutandis*.

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Section 20. The Bangkok Child Protection Committee and *Changwat* Child Protection Committee shall have the following powers and duties:

(1) to submit their opinions to the Committee pertaining to policies, plans, budgets, and measures in assistance, welfare protection, and Child behavioral promotion pursuant to this Act;

(2) to advise, recommend, and coordinate with government agencies and private organisations which are active in education, assistance, welfare protection, and Child behavioral protection, as well as to inspect any Nurseries, Shelters, Welfare Centres, Welfare Protection Centres, Development and Rehabilitation Centres, Detention Centres, or places related to assistance, welfare protection, and Child behavioral promotion, both public and private, within Bangkok's perimeter or *Changwat's* perimeter, as the case may be;

(3) to determine guidelines pertaining to assistance, welfare protection, and Child behavioral promotion within Bangkok's perimeter or *Changwat's* perimeter, as the case may be;

(4) to raise Funds for the purpose of assistance, welfare protection, and Child behavioral promotion within Bangkok's perimeter or *Changwat's* perimeter, as the case may be, as well as report on the Funds procurement and management of Funds to the Committee and the Fund Management Committee;

(5) to examine or summon persons concerned to give statements in case of Child abuse;

(6) to request for documents or other evidence, or to request for statements from the persons concerned for the purpose of evaluating performance and duties under this Act;

(7) to monitor, evaluate, and investigate implementations pertaining to assistance, welfare protection, and Child behavioral promotion within Bangkok perimeter or *Changwat's* perimeter, as the case may be, as well as report the results to the Committee;

(8) to carry out any other tasks as assigned by the Committee.

Section 21. In performing duties pursuant to this Act, the members and sub-members shall be officials under the Criminal Code.

CHAPTER II

TREATMENT OF THE CHILD

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Section 22. Treatment of the Child, in any case, shall give primary importance to the best interests of the Child and there shall not be unfair discrimination.

In determining if any act is for the best interests of or is discriminatory in an equitable nature to Child, considerations shall be made to the guidelines stipulated in the Ministerial Regulation.

Section 23. Guardians shall care for, nurture, and develop a Child under their guardianship in a manner which is appropriate to such local traditions and culture, but which in any case shall not be below the minimum standards set by the Ministerial Regulation, and shall protect the welfare of the Child under their care against circumstances which may likely harm the physical or mental states.

Section 24. Secretaries, Governors, directors of *Khet*, *Amphoe* chiefs, *Amphoe* assistant chiefs who are heads of minor *Amphoe*, or heads of local administration, shall have the duty to protect the welfare of Children living in their responsible areas, regardless of whether they have Guardians or not, as well as have the power and duty to supervise and inspect Nurseries, Shelters, Welfare Centres, Welfare Protection Centres, Development and Rehabilitation Centres, and Detention Centres which are located within the jurisdiction. Findings of the inspections shall be reported to the Bangkok Child Protection Committee or the *Changwat* Child Protection Committee, as the case may be. They shall have the same powers and duties as the Competent Officials under to this Act.

Section 25. Guardians shall not act as follows:

- (1) abandon the Child at a Nursery or health care facility, or with a person employed to look after the Child, or at a public place or any other place, with the intention of not taking the Child back;
- (2) neglect the Child at any place without arranging for appropriate welfare protection or care;
- (3) intentionally or negligently withhold things which are necessary to sustain life or health to an extent which will likely cause physical or mental harm to the Child;
- (4) treat a Child in a manner which hinders his or her growth or development;
- (5) treat a Child in a manner which constitutes unlawful care.

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Section 26. Under the provisions of other laws, regardless of a Child's consent, a person shall not act as follows:

- (1) to commit or omit acts which result in Torturing a Child's physical or mental state;
- (2) to intentionally or negligently withhold things which are necessary to sustain life or health of a Child under his or her care to an extent which will likely cause physical or mental harm to the Child;
- (3) to force, threaten, use, induce, or allow a Child to behave inappropriately or likely to be the cause of wrongdoing;
- (4) to advertise by means of mass media or information dissemination to receive or give away a Child to any other person who is not the Child's relative, unless such action is done by the state or is approved by the state;
- (5) to force, threaten, use, induce, allow, or act in any other way which results in a Child becoming a beggar, a vagrant, or an instrument for begging or committing crimes, or to act in any way which results in the exploitation of the Child;
- (6) to use, employ, or ask a Child to work or act in such a way which will likely cause physical or mental harm, affect the growth, or hinder the Child's development;
- (7) to force, threaten, use, induce, encourage, support, or allow a Child to play sports or commit any acts indicative of commercial exploitation in a manner which hinders the growth or development of a Child, or in manner which Tortures the Child;
- (8) to use or allow a Child to gamble in any form or to enter into a gambling place, brothel, or other places where Children are not allowed;
- (9) to force, threaten, use, induce, encourage, support, or allow a Child to perform or act in a pornographic manner, regardless of whether the intention is to obtain remuneration or for any purpose;
- (10) to sell, exchange, or give liquor or cigarettes to a Child, unless it is for medical treatment.

If the offences under paragraph one carry heavier penalties under other laws, penalties under such law shall be imposed.

Section 27. No one shall advertise or disseminate by means of mass media or any other means of information technology any information on a Child or the Child's Guardian, with the intention to cause damage to the mind, reputation, prestige, or other interests of the Child, or for seeking benefits for oneself or for others in an unlawful manner.

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Section 28. In the event where a Child's Guardian is not in a state to care, nurture, discipline, or develop the Child, regardless of the reason, or the Guardian commits an act which will likely cause harm to the welfare or hinder the growth or development of the Child, or provides Unlawful Care; or for any other necessary reasons for the purpose of assisting or protecting the Child's welfare; or to protect the Child from harm or unfair discrimination, a Competent Official shall engage to provide assistance or welfare protection pursuant to this Act.

Section 29. Any person, who finds a Child in a state which warrants assistance or welfare protection under Chapter 3 and Chapter 4, shall provide preliminary aid and notify a Competent Official, administrative official, or police officer, or a person with duty to protect the Child's welfare under section 24 without delay.

A physician, nurse, psychologist, social worker, or public health official who admits a Child for medical care; instructor, teacher, or employer who has duties to care for the Child who is his or her Student or employee; shall notify a Competent Official or a person with duty to protect the Child's welfare under section 24 or administrative official, or police officer immediately if it is apparent or suspected that the Child has been Tortured or is sick due to an Unlawful Care.

Persons notifying and reporting in good faith under this section shall receive protection and shall not be held liable for any civil, criminal, or administrative offence.

Section 30. For the purpose of implementing this Act, a Competent Official, pursuant to Chapter 3 and Chapter 4, shall have the powers and duties as follows:

(1) to enter homes, any establishments, or any vehicles during sunrise to sunset in order to perform searches, in cases where there is a reason to suspect Torture, detention, or Unlawful Care has been committed against a Child. However, in cases where there is a reason to believe that if an action is not taken immediately, the Child may be physically and mentally harmed or may be taken to another place which would be difficult to trace and rescue, a Competent Official may have the power to enter after sunset;

(2) to inquire a Child when there is a reason to suspect that the Child is in need of assistance or welfare protection. In the event where it is beneficial to the Child's assistance or welfare protection, the Child may be brought to the office of the Competent Official in order to obtain information about the Child and the Child's family, including any person the Child is living with. In this regard, such action shall be made without delay; however, in any case, the Child shall not be detained for more than twelve hours. When

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such period of time has elapsed, the provisions under (6) shall apply. Throughout the period of the Child's being under such care, he or she shall be cared for and shall receive medical care if he or she is ill;

(3) to issue a letter summoning the Guardian or any other persons to testify or give statements about the living conditions, behavior, health, and relationship within the family of the Child;

(4) to issue a written order to a Child's Guardian, employer, or business operator, owner or possessor of the place where the Child works or used to work, lives or used to live, owner or possessor or keeper of a place where the Child studies or used to study, or a person in charge of the Child's welfare, to submit documents or evidence relating to living conditions, education, employment, or behavior of the Child;

(5) to enter the residence of the Guardian, place of business of the Child's employer, place of education of the Child, or place which the Child is related to, during sunrise to sunset for the purpose of interrogating persons living nearby and gathering information or evidence relating to living conditions, relationship within the family, care provided, character, and behavior of the Child;

(6) to give a Child back to the Guardian together with recommendations or warning to the Guardian in order to rectify the way of raising and taking care of the Child so the Child may receive appropriate development;

(7) to prepare a report on a Child for submission to the Shelter in cases where the Child is being sent to the Shelter or related agencies, upon a request.

A Child under the care of a Competent Official shall receive an appropriate care and education, and prior to sending the Child to a Nursery, Shelter, Welfare Centre, Welfare Protection Centre, and Development and Rehabilitation Centre, the Competent Official shall consult with the experts in the fields of social welfare and medicine in advance as much as possible.

In implementing tasks under (1), (2), and (5), a Competent Official shall present his or her identification card first and shall let those who are associated assist as appropriate.

The identification card of the Competent Official shall conform to the form stipulated by the Minister as published in the Government Gazette.

Section 31. In performing duties pursuant to this Act, the Competent Official shall be officials under the Criminal Code.

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CHAPTER III
CHILD'S WELFARE

Section 32. Children who shall receive welfare assistance are as follows:

- (1) Homeless Children or Orphans;
- (2) abandoned or lost Children at any one place;
- (3) Children whose Guardians are unable to care for them for any reasons such as being imprisoned, detained, disabled, chronically ill, impoverished, juvenile, divorced, deserted, mentally ill or neurotic;
- (4) Children whose Guardians have inappropriate behaviors or professions which may affect the physical or mental development of the Children under their guardianship;
- (5) Children who have been unlawfully brought up, exploited, abused, or being in the state in which may cause those Children to have immoral behavior or which will cause physical or mental harm;
- (6) Disabled Children;
- (7) Children in Difficult Conditions;
- (8) Children who are in situations which warrant assistance as stipulated in the Ministerial Regulation.

Section 33. In the event where a Competent Official or a person having the duty to protect a Child's welfare under section 24 have been notified by a person under section 29 or have found the Child who needs assistance under section 32, he or she shall consider the most appropriate way to assist the Child as follows:

- (1) to provide support and assistance to the Child and his or her family or any person providing care for the Child so they are able to care for the Child in a manner pursuant to section 23;
- (2) to submit the Child into the care of a suitable person who consents to care for the Child for an appropriate period of time which shall not exceed one month, in case it is not possible to follow (1);
- (3) to facilitate the adoption of the Child by the third person pursuant to the law on Child adoption;
- (4) to send the Child to be cared for by an appropriate Foster Family or Nursery and consents to take in the Child;
- (5) to send the Child to be cared for by the Shelter;

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- (6) to send the Child to be cared for by the Welfare Centre;
- (7) to send the Child to receive education or occupational training, or to receive rehabilitation, education or occupational training at the Development and Rehabilitation Centre, or to send the Child to receive mental discipline based on religious principles in a Buddhist temple or other religious place which consents to caring for the Child.

The measures for providing assistance under paragraph one shall follow the regulations laid down by the Secretary, and in any case, the assistance provided under (4), (5), (6), or (7) shall have the consent of the Child's Guardian. Such consent shall be done in writing conforming to the form stipulated by the Secretary or be done verbally in presence of at least two witnesses. In the event where the Guardian refuses to give consent without appropriate reason or is unable to give consent, the Secretary or the Governor, as the case may be, shall have the power to send the Child for assistance according to the said measures, but not before having heard the report and opinions of the expert in the fields of social welfare and medicine first.

The Secretary or the Governor, as the case may be, shall have the power to determine the period of time in providing assistance to the Child under (4), (5), (6), or (7); however, if the circumstance changes, he or she may extend or shorten the determined period of time as deemed appropriate. During such period, a Competent Official shall arrange for the Child to be returned to his or her Guardian without delay.

In the event where the Child is receiving the assistance, if the Guardian requests and shows that he or she is capable of exercising guardianship over and taking care of the Child, the Secretary or the Governor, as the case may be, shall order the release of the Child from the assistance and return the Child to his or her Guardian, even such period of assistance has not lapsed.

In the event where a person receiving assistance has reached eighteen years of age but is still in the condition to receive assistance, the Secretary or the Governor, as the case may be, may order such person to be granted further assistance until he or she reaches twenty years of age. However, if there is a necessity to provide further assistance and such person does not refuse, the Secretary or the Governor, as the case may be, may order continuation of assistance as necessary and appropriate, but in any case shall not extend beyond the date when such person reaches twenty-four years of age.

Section 34. A Child's Guardian or relatives may take the Child to apply for assistance at the Department of Social Development and Welfare or the *Changwat* Office of

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Social Development and Welfare or a Shelter, Welfare Centre, or private Development and Rehabilitation Centre in order to obtain assistance.

In the case where a Child is brought in to apply for assistance at the Department of Social Development and Welfare or the *Changwat* Office of Social Development and Welfare, if it is necessary for the Child to receive assistance, a Competent Official shall consider providing a Child an appropriate assistance pursuant to section 33. But in the case where the Competent Official still has not found appropriate assistance for the Child pursuant to section 33, the Competent Official may send the Child to a Shelter in the meantime.

In the case where a Child is brought in to apply for assistance at a Shelter, Welfare Centre, or private Development and Rehabilitation Centre, the Child's Guardian shall report the Competent Official the information on the Child for consideration in taking further action under paragraph two.

Section 35. When a Competent Official or a person having the duty to protect a Child's welfare under section 24 find the Child which needs assistance under section 32 (1) and (2) or receives notification from persons under section 29, the Competent Official shall inquire for the Child's information. If the Child is sick or requires physical examination or is disabled, arrangements shall be made without delay to provide the Child with physical and mental examination and treatment. If the Child needs to receive assistance, the granting of assistance under section 33 shall be considered, and in any case, efforts shall be made towards returning the Child to his or her family promptly. However, if it appears that the family situation or environment is unfit for the Child to be returned and if there is necessity to provide the Child with welfare protection, the Competent Official may provide the welfare protection measures under Chapter 4 to the Child.

Section 36. During the period which a Child receives assistance under section 33 (2), (4), or (6), if it appears that such Child is at Risk of Wrongdoing and should receive welfare protection, the Secretary or the Governor, as the case may be, may have the power to order the welfare protection measures for the Child under Chapter 4.

Section 37. When a Shelter, Welfare Centre, or private Development and Rehabilitation Centre accepts a Child under section 33 (5), (6), or (7), the Guardian in charge of the Child's welfare shall promptly inspect and examine the Child and the Child's family as well as offer ideas about the way to assist or protect the welfare of each individual Child,

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together with the Child's record, to the Secretary or the Governor, as the case may be, without delay and the Secretary or the Governor shall order as appropriate.

Section 38. In the event where the Secretary or the Governor orders a Child to receive assistance without the consent of the Child's Guardian under section 33 paragraph two, or where the Child's Guardian disagrees with the period of time under section 33 paragraph three, or where the Child's Guardian submits a request to take the Child back into guardianship but is rejected by the Secretary or the Governor under section 44 paragraph four, the Child's Guardian shall have the right to bring the case to the court which has the jurisdiction over such area pursuant to section 5 within one hundred and twenty days upon the order's receipt.

Section 39. In the event where the Guardian takes the Child back into his or her guardianship, if there is a reason to believe that he or she will provide an Unlawful Care to the Child again, the Competent Official or the person having the duty to protect the Child's welfare under section 24 shall give advice to the Guardian. If the Guardian does not comply with such advice, the Competent Official shall submit a petition to the Secretary, the Governor, *Amphoe* chief, or *Amphoe*'s assistant chief who is the head of minor *Amphoe*, as the case may be, to summon the Guardian to give a parole that he or she will not act in any way which constitutes Unlawful Care to the Child again as well as deposit the money in the amount appropriate to the status; however, the duration of the deposit shall not exceed two years. If the parole is violated, the deposit shall be confiscated into the Child Protection Fund under section 69.

When giving advice or requesting for the deposit, the financial status of the Child's Guardian and the best interest of the Child shall be taken into consideration.

CHAPTER IV

CHILD'S WELFARE PROTECTION

Section 40. Children who shall receive welfare protection are as follows:

- (1) Tortured Children;
- (2) Children at Risk of Wrongdoing;
- (3) Children in a state warranting a welfare protection pursuant to the

Ministerial Regulation.

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Section 41. Any person who sees or witnesses a situation which is deemed to be Torture against a Child, such person shall promptly report such act to a Competent Official, administrative official, or a person having duty to protect the Child's welfare under section 24.

When a Competent Official, administrative official, or a person having duty to protect the Child's welfare under section 24 is reported of an act pursuant to paragraph one or is a person who sees or witnesses the situation which is deemed to be Torture against a Child in any place, he or she shall have the power to enter and inspect such place and separate the Child from the Child's family in order to provide the Child with welfare protection as soon as possible.

A person notifying or reporting in good faith under this section shall receive protection and shall not be imposed any civil, criminal, or administrative liability.

Section 42. In conducting the Child's welfare protection under section 41 paragraph two, the physical and mental examination shall be provided immediately. If a Competent Official deems it is suitable to Investigate and Observe the Child and the Child's family in order to find an appropriate way to protect the Child's welfare, he or she may send the Child to a Shelter first; or if it is necessary to provide the assistance, the arrangement for assistance under section 33 shall be considered; and if it is necessary to provide mental rehabilitation, the Competent Official shall send the Child to a Development and Rehabilitation Centre.

The transfer of the Child to the Shelter, Development and Rehabilitation Centre, or any other place pursuant to paragraph one during the time of Investigation and Observation in order to find the appropriate way to protect the Child's welfare shall not be for a period longer than seven days. However, in case there is a necessary and appropriate reason for the Child's benefit, the Competent Official or public prosecutor may submit a petition to the court pursuant to section 5 to order a time extension for such period, but not exceeding thirty days in total.

Section 43. In the case where the Child's Guardian or relative is the one committing Torture against a Child, if criminal proceedings are instituted against the perpetrator and there is a reason to believe that the accused will repeat the Torture, the court which considers such case shall have the power to determine measures for controlling such person's behavior, to forbid from entering a specified area or to come close to the Child within a specified proximity, in order to prevent any repetition of such act and may

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place a parole upon such person pursuant to the procedures stipulated under section 46 and section 47 of the Criminal Code.

If a criminal complaint has not been filed or there is no filing of a criminal complaint, but there are circumstances suggesting that Torture will be repeated against a Child, a Competent Official, administrative official or police officer, a person having duty to protect the Child's welfare under section 24 or public prosecutor shall submit a request to the court pursuant to section 5 to give an order prohibiting such act by imposing measures to control the behavior and to be subject to parole.

In the case of paragraph one and paragraph two, if the court deems that there is an urgent need to protect the Child so the Torture will not be repeated, the court shall have the power to order the police to arrest any person believed to have the intention to Torture the Child to be detained for a period not exceeding thirty days at a time.

The decision to order or demand parole under this section shall take into account the best interest of the Child as an important consideration.

Section 44. When a Competent Official or a person having the duty to protect the Child's welfare under section 24 witnesses or is reported by a person seeing the Child at Risk of Wrongdoing, he or she shall interrogate the Child and proceed to find the facts about the Child, including relationships within the family, living conditions, the manner in which the Child has been brought up, the character, and behavior of the Child in order to know information on the Child. Moreover, if it is deemed necessary to protect the Child's welfare by sending him or her to the Welfare Protection Centre or Development and Rehabilitation Centre, the Child's record together with his or her observations shall be sent to the Secretary or the Governor, as the case may be, for consideration in determining and ordering the appropriate measures in protecting the Child.

In the case where the Competent Official or a person having duty to protect the Child's welfare under section 24 opines that the Child is in need of assistance, the arrangement of assistance pursuant to section 33 shall be considered. However, if it is deemed inappropriate to send the Child to the Shelter, Welfare Centre, Welfare Protection Centre, or Development and Rehabilitation Centre, the Child shall be sent to the Child's Guardian or a person consenting to care for the Child, in which case the Child's welfare protector under section 48 may or may not be appointed. Moreover, having consulted with the Child's Guardian or a person consenting to care for the Child, the Competent Official or a person having duty to protect the Child's welfare under section 24 may impose suitable measures in order to prevent the Child from misbehaving or adopting behavior which places

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the Child at Risk of Wrongdoing by ordering the Child's Guardian or a person consenting to care for the Child to adopt one or more of the following courses of action as appropriate:

- (1) to be careful in not letting the Child enter any place or locality which would induce the Child to behave in an unfitting manner;
- (2) to be careful in not letting the Child exit the residence at night except when there is a necessity or when the Child is accompanied by his or her Guardian;
- (3) to be careful in not letting the Child associate with persons or group of persons who may induce the Child to behave inappropriately;
- (4) to be careful in not permitting the Child to undertake any act which may cause the Child to behave inappropriately;
- (5) to arrange for the Child an education which is appropriate for his or her age, intelligence and interest;
- (6) to arrange for the Child to engage in an occupation which is appropriate to his or her skill and interest;
- (7) to arrange for the Child to participate in activities which can enhance his or her mental, ethical development and volunteering for the society.

If it is apparent that the Child's Guardian or a person who take the Child under care and guardianship does not comply with the measures imposed by the Competent Official or a person having duty to protect the Child's welfare under section 24, the competent or a person having duty to protect the Child's welfare shall take the Child back into care.

Section 45. A Child shall not purchase or consume liquor or cigarettes, or enter a place which has the particular purpose of selling or permitting the consumption of liquor or cigarettes. In case of violation, a Competent Official shall interrogate the Child to obtain information about the Child and issue a letter summoning the Child's Guardian to meet and consult, reprimand, subject to parole, or produce a mutual agreement regarding procedures and timeframe for arranging for the Child to undertake social service or public utility work, and may impose a condition for the Child's Guardian to follow one or more courses of action under section 44 paragraph two or impose other conditions to rectify or prevent the Child from repeating the offence.

If it appears that the Child's Guardian violates the provision set forth in paragraph one, provision under section 39 shall apply *mutatis mutandis*.

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The admonition, placing the Child under parole, and arranging for the Child to undertake social service or public utility work under paragraph one shall follow the criteria, procedures, and conditions stipulated in the Ministerial Regulation.

Section 46. In the case where the Secretary or the Governor orders the Child to be sent into welfare protection or in the case where the Competent Official imposes measures for the Child to undertake social service or public utility work under section 45, if the Child's Guardian does not consent, he or she shall have the right to bring the case to the court pursuant to section 5 within one hundred and twenty days from the day he or she is notified of the order.

Section 47. Measures for providing protection for the Child's welfare, in addition to those prescribed under this Chapter, shall follow the regulations specified by the Committee.

CHAPTER V

CHILD'S WELFARE PROTECTOR

Section 48. In carrying out the assistance, welfare protection, and behavior promotion for a Child pursuant to this Act or other laws, if a Competent Official deems fit to appoint a Child's welfare protector to look after a certain Child, the Competent Official shall submit a request to the Secretary or the Governor, as the case may be, to appoint a Competent Official, social worker, and person willing and suitable to be the Child's welfare protector, with or without specifying the residence of the Child who is under care of the Child's welfare protector.

In the case where the Child is released from the care of a Shelter, Welfare Centre, Welfare Protection Centre, and Development and Rehabilitation Centre, if there is an appropriate reason, the Guardian of the Child's welfare may submit a request to the Secretary or the Governor, as the case may be, to appoint a Competent Official, social worker, or a person willing and suitable to be the Child's welfare protector.

The appointment of the Child's welfare protector shall have the term of not exceeding two years.

Section 49. A Child's welfare protector has the powers and duties as follows:

(1) to visit, advise, recommend, and reprimand the Child under supervision regarding behavior, education, and occupation;

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(2) to visit, advise, and recommend the Child's Guardian about care taking and parenting of the Child under supervision;

(3) to prepare reports and opinion about the living condition of the Child and the Child's Guardian to be submitted to the Secretary, Governor, Competent Official, Guardian of the Child's welfare, Committee, Bangkok Child Protection Committee, or *Changwat* Child Protection Committee, as the case may be, for further action.

Section 50. A Guardian of the Child's welfare or a Child's welfare protector shall not reveal the Child's first name, last name, photo, or any information about the Child or the Child's Guardian, in a manner which would damage their reputation or their rights.

The provisions under paragraph one shall apply to a Competent Official, social worker, psychologist, or a person having duty to protect the Child's welfare under section 24, who has come into possession of such information during his or her performance of duty *mutatis mutandis*.

No person shall advertise or disseminate by means of mass media or any other form of information technology the disclosed information in violation of the provisions under paragraph one or paragraph two.

CHAPTER VI

NURSERY, SHELTER, WELFARE CENTRE, WELFARE PROTECTION CENTRE AND DEVELOPMENT AND REHABILITATION CENTRE

Section 51. The Secretary has the power to establish a Nursery, Shelter, Welfare Centre, Welfare Protection Centre, and Development and Rehabilitation Centre across the Kingdom and the Governor has the power to establish a Nursery, Shelter, Welfare Centre, Welfare Protection Centre, and Development and Rehabilitation Centre within his or her respective *Changwat*.

Other government agencies, excluding those which have duty and power under this Act, may only establish and operate a Nursery by notifying the Secretary or the Governor, as the case may be, who shall advise or support such establishment and operation thereof.

Section 52. Under the provisions of section 51, any person wishing to establish a Nursery, Shelter, Welfare Centre, Welfare Protection Centre, and Development

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and Rehabilitation Centre shall apply for a license from the Secretary or the Governor, as the case may be.

The application of license, issuance of license, application for renewal of license, granting of permission to renew license which is lost, damaged, or ruined, granting of temporary license, and revocation of license shall follow the criteria, guidelines, and conditions stipulated in the Ministerial Regulation, and a fee shall be charged at the rate specified in the Ministerial Regulation.

Section 53. The Secretary, Governor, Committee, Bangkok Child Protection Committee, and *Changwat* Child Protection Committee shall supervise and support the operation of a Nursery, Shelter, Welfare Centre, Welfare Protection Centre, and Development and Rehabilitation Centre in their responsible area.

Section 54. Within a Shelter, Welfare Centre, Welfare Protection Centre, and Development and Rehabilitation Centre, there shall not be an operation in a manner which is profit-seeking and commercial and there shall be a Guardian of welfare to act as a Guardian who supervise and control.

The operation of such places under paragraph one shall comply with the regulations prescribed by the Secretary.

Section 55. The Secretary and the Governor shall have the power to appoint or remove the Guardian of welfare of a Shelter, Welfare Centre, Welfare Protection Centre, and Development and Rehabilitation Centre pursuant to the criteria, guidelines, and conditions set forth in the Ministerial Regulation.

Section 56. The Guardian of welfare of a Shelter has the powers and duties as follows:

(1) to take into custody a Child in need of assistance or welfare protection to Investigate and Observe the Child and the Child's family, and determine appropriate measures in providing the assistance or welfare protection for each Child. If necessary, the Guardian of welfare may take the Child under temporary guardianship for a period not exceeding three months;

(2) to Investigate and Observe the age, background, behavior, intelligence, education, health, mental state, habit, occupation, and status of the Child in need of assistance or welfare protection as well as those of the Child's Guardian or a person the

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Child is living with, including all of the circumstances surrounding the Child and conditions which cause the Child to be in the state which needs assistance or welfare protection, in order to report to the relevant agencies;

(3) to arrange for physical and mental examination, as well as to proceed with giving treatment to the Child under care and guardianship;

(4) to arrange for shelter, a place to sleep, clothing which are appropriate and hygienic as well as sanitary and sufficient food for the Child under care and guardianship;

(5) to arrange for education, sports, and recreational activities for the Child under care and guardianship with consideration to the age and condition of each Child;

(6) to send the Child which has followed the procedures in (1) and (2) to the Welfare Centre, Development and Rehabilitation Centre, school, or any other place which has the objective of providing assistance or Child's welfare protection, with the appropriate regard to the age and condition of each Child;

(7) to send the Child to the Child's Guardian or a person suitable and willing to care for the Child, and if it is deemed appropriate, to submit a request to the Secretary or Governor, as the case may be, for the appointment of the Child's welfare protector under section 48;

(8) to give advice, recommendations, and assistance to the Child's Guardian in the case where the Child needs assistance or welfare protection.

The Guardian of welfare of a Shelter shall first facilitate the return of the Child to his or her Guardian, whereas the arrangement for the transfer of the Child to a Welfare Centre, Welfare Protection Centre, or Development and Rehabilitation Centre shall be adopted as the last resort.

Section 57. A license holder and Guardian of welfare of a Welfare Centre and Welfare Protection Centre which has been established under this Act or other law shall ensure that every Child in need of assistance or welfare protection is admitted to the center.

Section 58. The Guardian of welfare of the Welfare Centre has the powers and duties pursuant to section 56 (1), (2), (3) and (4) and shall have additional powers and duties as follows:

(1) to arrange for appropriate education, instruction, and occupational training for the Children under the care and guardianship of the Welfare Centre in a manner suited for each Child;

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(2) to provide advice, recommendation, and assistance to the Child's Guardian;

(3) to monitor and follow up on giving advice, recommendation, and assistance to the Child who has been discharged from the Welfare Centre, for the purpose of providing assistance and welfare protection to the Child who has been in the Welfare Centre and ensure that he or she will not return to the previous conditions.

The Investigation and Observation under section 56 (2) may be waived if the Child is sent from a Shelter with a report indicating that such Investigation and Observation has already been conducted.

Section 59. The Guardian of welfare of the Welfare Protection Centre has the powers and duties as follows:

(1) to supervise and care for the Child staying at the Welfare Protection Centre;

(2) to arrange for education, instruction, and occupational training for the Child staying at the Welfare Protection Centre;

(3) to rectify behavior, treat, and rehabilitate the physical and mental conditions of the Child staying at the Welfare Protection Centre;

(4) to monitor and follow up on giving advice, recommendation, and assistance to the Child who has been discharged from the Welfare Protection Centre.

Section 60. The Guardian of welfare of the Development and Rehabilitation Centre has the powers and duties as follows:

(1) to take into custody the Child who is in need of physical or mental rehabilitation:

(2) to Investigate and Observe the Child and the Child's family in order to determine guidelines for the development and rehabilitation of each Child;

(3) to arrange for appropriate education, instruction, teaching, treatment, guidance, and physical and mental rehabilitation for each Child during the care and guardianship.

Section 61. An owner, the Guardian of welfare, and staff of a Nursery, Shelter, Welfare Centre, Welfare Protection Centre, and Development and Rehabilitation Centre shall not assault, physically and mentally, detain, abandon or impose any other harsh measures of punishment on any Child under the care and guardianship, except where such acts are

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reasonably applied for disciplinary purposes pursuant to the regulations specified by the Minister.

Section 62. In performing the duties under this Act or as assigned by the Secretary or the Governor, the Guardian of welfare shall be an official under the Criminal Code.

CHAPTER VII

BEHAVIOUR PROMOTION OF PUPILS AND STUDENTS

Section 63. Schools and educational establishments shall set up systems and activities to provide guidance in giving advice and training for the Pupils, Students, and Guardians, in order to promote appropriate behaviors, responsibilities to the society, and safety to the Pupils and Students pursuant to the criteria, guidelines, and conditions stipulated in the Ministerial Regulation.

Section 64. Pupils and Students shall behave in accordance with the regulations of the schools or educational establishments and in compliance with the Ministerial Regulation specifications.

Section 65. If any Pupil or Student violates section 64, a Competent Official shall act pursuant to the regulations specified by the Minister and shall have the power to deliver the Pupil or Student to the administrator of the school or educational establishment attended by such Pupil or Student for investigation and admonition or punishment pursuant to the regulations. In cases where it is not possible to deliver the Pupil or Student, the Competent Official may notify the administrator verbally or in writing.

Upon having disciplined or punished the Pupil or Student, the Competent Official or administrator of the school or educational establishments shall notify the Guardian for additional admonition and teaching.

The punishment of Pupils or Students shall be carried out reasonably for disciplinary purposes, pursuant to the regulations specified by the Minister.

Section 66. A Competent Official under this Chapter has the power to act for the purpose of promoting the behavior of Pupils and Students as follows:

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(1) to enquire the teachers, instructors, or heads of educational establishments about the behavior, education, habit and intelligence of the Pupil or Student who violates section 64;

(2) to summon the Guardians, teachers, instructors, or heads of educational establishments where such Pupil or Student attends to collect the Pupil or Student for further reprimand and discipline;

(3) to give advice to the Guardians about disciplining and teaching the Pupils or Students;

(4) to summon the Guardians for admonition or to be subject to parole which they will supervise and not let the Pupils or Students violate section 64 again;

(5) to monitor, supervise, and report to the Committee about the behavior of persons or places which are likely to induce Pupils or Students to behave inappropriately;

(6) to coordinate with the administrators of the schools or educational establishments, teachers, Guardians, police or other Competent Officials for implementation of actions pursuant to this Chapter.

Section 67. In the case where there is a reason to suspect that the laws or regulations on the behavior of Pupils or Students are being violated, the Competent Official shall have the power to enter any residences, premises or vehicles during sunrise to sunset or during the business hours or investigation purposes.

In performing the duties under paragraph one, the Competent Official shall present his or her identification card first, and the persons concerned shall facilitate as appropriate.

The identification card of the Competent Official shall comply with the form prescribed by the Minister as published in the Government Gazette.

CHAPTER VIII

CHILD PROTECTION FUND

Section 68. The government shall set aside a budget for the establishment of a Fund at the Office of the Secretary of Social Development and Human Security called the “Child Protection Fund” for use as Fund in providing assistance, welfare protection, and behavior promotion of a Child, including the Child’s family and Foster Family under this Act.

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Section 69. The Fund shall consist of:

- (1) start-up money as allocated by the government;
- (2) money received from the annual budget distribution;
- (3) money or property donated or granted by persons;
- (4) subsidies from overseas or from an international institution;
- (5) money or property belonging to the Fund or received by the Fund by lawful means or any other legal acts;
- (6) money forfeited as a result of violations of the parole pursuant to section 39;
- (7) interests accruing on the money in the Child Protection Fund.

Section 70. The money and interest received by the Fund under section 69 is not required to be remitted to the Ministry of Finance as state income.

Section 71. There shall be a Fund Management Committee to be composed of the Secretary of the Ministry of Social Development and Human Security as President of the Committee, members comprising the Secretary of the Ministry of Interior, Secretary of the Ministry of Education, representative from the Bureau of the Budget, representative from the Comptroller-General's Department, and no more than three qualified persons appointed by the Committee, one of whom shall be a representative from the private sector active in Child welfare; and the Deputy Secretary of the Ministry of Social Development and Human Security designated by the Secretary as member and secretary of the Committee.

Section 72. Provisions under section 9, section 10, section 11, section 12, section 13, and section 15 shall apply *mutatis mutandis* to the assumption of office, vacation of office, meeting of the Fund Management Committee, and appointment of any sub-committees of the Fun Management Committee.

Section 73. The Fund Management Committee shall have the powers and duties as follows:

- (1) to manage the Fund pursuant to regulations specified by the Committee;
- (2) to consider the approval of payment for the purpose of assistance, welfare protection, and behavior promotion of the Child, including the Child's family and Foster Family, pursuant to the regulations specified by the Committee or by court order;

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(3) to report to the financial status and performance of the Fund to the Committee pursuant to the regulations set forth by the Committee.

Section 74. The receipt, payment, maintenance, fund raising, and management of the Fund shall follow the regulations set forth by the Committee.

Section 75. There shall be a Monitoring and Evaluation of the Fund Performance Committee consisting of five persons, comprising the President and qualified members appointed by the Committee from those with knowledge and experience in finance, Child welfare and evaluation, and the Deputy Secretary of Social Development and Human Security designated by the Secretary as member and secretary of the Committee.

Provisions under section 9, section 10, section 11, section 12, and section 13 shall apply *mutatis mutandis* to the assumption of office, vacation of office, and meetings of the Monitoring and Evaluation Committee under paragraph one.

Section 76. The Monitoring and Evaluation Committee under section 75 shall have the powers and duties as follows:

- (1) to monitor, inspect, and evaluate the performance of the Fund;
- (2) to report the performance of the Fund, together with any recommendations, to the Committee;
- (3) to have the power to request the documents or evidence about the Fund from any persons or to summon any persons to clarify facts to further supplement its evaluation of the Fund.

Section 77. The Fund Management Committee shall prepare the balance sheet and account book to be submitted to the auditor within one hundred and twenty days from the end of the financial year every year.

The Office of the Auditor-General of Thailand shall audit the Fund annually and prepare a report on the findings and certification of the Fund's accounts and finances for submission to the Committee within one hundred and fifty days from the end of the financial year for submission to the Cabinet.

The audit report under paragraph two shall be presented to the Prime Minister for submission to the parliament for information and publication in the Government Gazette.

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CHAPTER IX
PENALTY

Section 78. Any person who violates section 26 shall be liable to imprisonment for a term of not exceeding three months or to a fine not exceeding thirty thousand baht or to both.

Section 79. Any person who violates section 27, section 50, or section 61 shall be liable to imprisonment for a term of not exceeding six months or to a fine not exceeding sixty thousand baht or to both.

Section 80. Any person who obstructs a Competent Official in the performance of his or her duties under section 30 (1) or (5), or refuses to submit documents or knowingly submits documents which are false to a Competent Official when is being called for under section 30 (4) shall be liable to imprisonment for a term of not exceeding one month or to a fine not exceeding ten thousand baht or to both.

Any person who fails to appear to give a statement, refuses to give a statement without reasonable ground, or gives false statements to the Competent Official which performs his or her duty under section 30 (3) shall be liable to imprisonment for a term of not exceeding one month or to a fine not exceeding ten thousand baht or to both. However, if the person giving a statement reverses his or her position by providing a true statement before the testimony is over, the criminal proceedings against such person shall be withheld.

Section 81. Any person who violates the measures imposed by the court in connection with the control of behavior, restrictions on entry to a specified premise, or restrictions on being in a close proximity to the Child under section 43 shall be liable to imprisonment for a term of not exceeding one month or to a fine not exceeding ten thousand baht or to both.

Section 82. Any person who establishes or operates a Nursery, Shelter, Welfare Centre, Welfare Protection Centre, or Development and Rehabilitation Centre under section 52 without the license or when the license has expired or has been revoked shall be

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liable to imprisonment for a term of not exceeding one month or to a fine not exceeding ten thousand baht or to both.

If the person who violates the provisions under paragraph one applies for a license or renewal of license within the period specified by a Competent Official, the criminal proceedings against such person shall be withheld.

Section 83. The owner or Guardian of welfare of a Nursery, Shelter, Welfare Centre, Welfare Protection Centre, or Development and Rehabilitation Centre who fails to comply with this Act or the Ministerial Regulation or regulations issued in the pursuance of this Act shall be liable to imprisonment for a term of not exceeding one month or to a fine not exceeding ten thousand baht or to both.

If a person who violates the provisions under paragraph one has taken the action to rectify or comply with the recommendations of the Competent Official or a person having the duty to protect the Child's welfare under section 24, the criminal proceedings against such person shall be withheld.

Section 84. Any person acting as a Guardian of welfare of a Nursery, Shelter, Welfare Centre, Welfare Protection Centre, and Development and Rehabilitation Centre without the appointment pursuant to section 55 shall be liable to imprisonment for a term of not exceeding one month or to a fine not exceeding ten thousand baht or to both.

Section 85. Any person committing an act of inducing, encouraging, assisting, or supporting a Pupil or Student to violate the provisions under section 64 shall be liable to imprisonment for a term of not exceeding three months or to a fine not exceeding thirty thousand baht or to both.

Section 86. Any person who fails to accommodate a Competent Official in performing his duties under section 67 shall be liable to imprisonment for a term of not exceeding one month or to a fine not exceeding ten thousand baht or to both.

TRANSITIONAL CHAPTER

Section 87. Nurseries, Shelters, Welfare Centres, and Welfare Protection Centres belonging to government agencies or privately owned with authorisation pursuant to the Announcement No. 294 of the Revolutionary Council dated 27 November B.E. 2515

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which have been in operation until the day of the enactment of this Act shall be regarded as Nurseries, Shelters, Welfare Centres, and Welfare Protection Centres under this Act.

Section 88. All Ministerial Regulation, rules, regulations, announcements or orders issued by virtue of Announcement No. 294 of the Revolutionary Council dated 27 November B.E. 2515 and Announcement No. 132 of the Revolutionary Council dated 22 April B.E. 2515 shall remain in full force and effect, insofar as they do not contradict with this Act, until such time as Ministerial Regulation, rules, regulations, or announcements issued under this Act come into force.

Countersigned by

Police Lieutenant Colonel Thaksin Shinawatra
Prime Minister

Note :- The rationale for promulgation of this Act is as follows: The Announcement No. 132 of the Revolutionary Council dated 22 April B.E. 2515 and the Announcement No. 294 of the Revolutionary Council dated 27 November B.E. 2515 have been in force for a long period of time. The essence and details pertaining to the procedures in providing assistance, welfare protection, and behavior promotion of the Children are no longer suited to the present social conditions. It is thus appropriate to define procedures and improve methods in dealing with the Children in a more appropriate manner so the Children will receive the suitable parenting, nurturing, and development, which in turn will promote the stability of the family institution and prevent the Children from being abused, exploited, or discriminated. It is also deemed fitting to improve ways of promoting collaboration in protecting the Children between different government agencies and private organisations, so as to be aligned with the present Constitution of the Kingdom of Thailand, the National Economic and Social Development Plan, and the United Nations Convention on the Rights of the Child. It is therefore necessary to promulgate this Act.

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