VERŻJONI ELETTRONIKA

I assent.

(L.S.) **GEORGE VELLA**
President

28th July, 2020

ACT No. XXXVII of 2020

AN ACT to amend the Minor Protection (Alternative Care) Act, Cap. 602.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same as follows:

Short title.

1. The short title of this Act is the Minor Protection (Alternative Care) (Amendment) Act, 2020 and this Act shall be read and construed as one with the Minor Protection (Alternative Care) Act, hereinafter referred to as "the principal Act".

Cap. 602.

Amendment of article 2 of the principal Act.

2. In article 2 of the principal Act, immediately after the words "Juvenile Court Act" there shall be added the words "but consisting solely of the Magistrate without the two assistants appointed according to article 4(2) *et seq.* of the same Act".

Amendment of article 9 of the principal Act.

3. Article 9 of the principal Act shall be amended as follows:

(a) in sub-article (2) thereof the words "which constitutes a criminal offence causing significant harm as defined in sub-article (4) on a minor" shall be substituted by the words "causing or which may cause significant harm on a minor

as defined in sub-article (4) or which constitutes a criminal offense"; and

(b) in sub-article (4) thereof the words "and trafficking of any of the persons as mentioned in Sub-title VIII Bis of Title VIII of Part II of Book First of the Criminal Code" shall be substituted by the words "trafficking, fear of violence and female genital mutilation as defined and provided for in Book First of the Criminal Code. It also includes being a victim of domestic violence as defined and provided for in Gender-based Violence and Domestic Violence Act".

Cap. 581.

Amendment of article 15 of the principal Act.

4. Article 15 of the principal Act shall be amended as follows:

(a) in sub-article (1) thereof, the words "Children's House" shall be substituted by the words "the building or buildings where the Juvenile Court shall sit in Malta and in Gozo";

(b) sub-article (2) thereof shall be renumbered as sub-article (3) and immediately after sub-article (1) there shall be added the following new sub-article:

"(2) The Court shall appoint the date and time in which the minor shall give evidence and for such purpose it shall convene to hear the minor in those premises as are prescribed by the Minister, through regulations, to serve as Children's House.".

Amendment of article 18 of the principal Act.

5. Article 18 of the principal Act shall be amended as follows:

(a) in sub-article (3) thereof the words "within twenty-four hours" shall be substituted by the words "in the shortest time possible and such period shall in no case exceed that of forty-eight hours";

(b) in sub-article (5) thereof immediately after the words "appointed by it" there shall be added the words "curator *ad litem*"; and immediately after sub-article (5), as amended, there shall be added the following new provisos:

"Provided that the service mentioned in sub-article (5) shall take place immediately by court executive officers in accordance with article 67 of the Code of Organization and Civil Procedure:

Cap. 12.

Provided further that the Court shall appoint curators in accordance with article 930 of the Code of Organization and

Cap. 12.

Civil Procedure to represent the parents of the minor when such parents have not been served by the date of the hearing, given that the Court would have before it a negative certificate of service in accordance with article 188 of the Code of Organization and Civil Procedure. The procedure of issue of banns as required by article 931 of the Code of Organization and Civil Procedure shall not hinder the hearing as set by sub-article (5) of article 18. Any person appearing to the banns may be confirmed as curator of the parents by the Court in accordance with article 933 of the Code of Organization and Civil Procedure.".

Amendment of article 19 of the principal Act.

6. In sub-article (1)(c) of article 19 of the principal Act immediately after the words "parents of the minor" there shall be added the words "or the minor".

Amendment of article 21 of the principal Act.

7. In sub-article (4) of article 21 of the principal Act the words "shall apply *mutatis mutandis* and without" shall be substituted by the words "shall apply *mutatis mutandis* with the exception of the hypothecation of his own property required by article 167 and 199 of the Civil Code. Without".

Amendment of article 32 of the principal Act.

8. In article 32 of the principal Act, immediately after sub-article (4) there shall be added the following new sub-article:

"(5) The Minister shall designate a person to act as Secretary to the Review Board and such person shall, as part of his duties, be responsible for the keeping of the relevant records and shall carry out such other work related to the functions of the Review Board as may be instructed by the Chairperson:

Provided that the Secretary to the board shall have no vote.".

Amendment of article 51 of the principal Act.

9. In sub-article (6) of article 51 of the principal Act immediately after the words "a direction from the Review Board" there shall be added the words "which direction is to be given by not later than ten working days".

Amendment of article 61 of the principal Act.

10. In sub-article (1) of article 61 of the principal Act immediately after paragraph (j) there shall be added the following new paragraphs:

"(k) the right to open a bank account in the name of the minor, which they shall administer as a *bonus paterfamilias*;

(l) the receiving of any relevant information, including medical information, about the minor being placed in their care

and ensuring that any such information is kept confidential;

(m) ensuring that the minor attends to any treatment which the Review Board may determine as needed for the well-being of the minor;

(n) attendance together with the minor for reviews by the Review Board and updating that board on the progress being done by the minor and on any other significant event;

(o) respecting and facilitating the right of the minor to practice a religion of his own choice.".

Amendment of article 65 of the principal Act.

11. In sub-article (9) of article 65 of the principal Act, the words "Court of Appeal" shall be substituted by the words "Court of Appeal (Inferior Jurisdiction)" and the words "article 41(6)" shall be substituted by the words "article 41(9)".

Amendment of article 66 of the principal Act.

12. Article 66 of the principal Act shall be amended as follows:

(a) in sub-article (1) thereof, the words "Court of Appeal" shall be substituted by the words "Court of Appeal (Inferior Jurisdiction)" and the words "article 41(6)" shall be substituted by the words "article 41(9)"; and

(b) in the second proviso to sub-article (1) thereof the word "always" shall be substituted by the word "also".

Passed by the House of Representatives at Sitting No. 363 of the 22nd July, 2020.

ANĠLU FARRUGIA
Speaker

RAYMOND SCICLUNA
Clerk of the House of Representatives

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