

BELIZE:

SOCIAL SERVICE AGENCIES (OPERATORS OF RESIDENTIAL CARE FACILITIES FOR CHILDREN) (REGISTRATION, LICENSING AND MINIMUM OPERATING REQUIREMENTS) (AMENDMENT) REGULATIONS, 2023

ARRANGEMENT OF REGULATIONS

1. Citation.
2. Amendment of Regulation 7.
3. Insertion of Regulation 9A.
4. Amendment of Schedule.

BELIZE:

STATUTORY INSTRUMENT

No. 10 of 2023

REGULATIONS made by the Minister responsible for Human Development in exercise of the powers conferred upon her by section 21 of the Social Service Agencies, Chapter 45 of the Substantive Laws of Belize, Revised Edition 2011 and all other powers thereunto her enabling.

(Gazetted 19th January, 2023)

1. These regulations may be cited as the

Citation.

SOCIAL SERVICE AGENCIES (OPERATORS OF RESIDENTIAL CARE FACILITIES FOR CHILDREN) (REGISTRATION, LICENSING AND MINIMUM OPERATING REQUIREMENTS) (AMENDMENT) REGULATIONS, 2023

and shall be read and construed as one with the Social Service Agencies (Operators Of Residential Care Facilities For Children) (Registration, Licensing And Minimum Operating Requirements) Regulations, which, as amended, are hereinafter referred to as the principal Regulations.

S.I. 78 of 2004.

2. The principal Regulations are amended in regulation 7 by deleting sub-regulation (6) and replacing it with the following –

Amendment of Regulation 7.

“(6) Every license shall categorize each residential care facility for children as follows–

“(a) category 1: a facility for abused, neglected, abandoned or

- orphaned children ages of birth to thirteen years
- (b) category 2: a facility for abused, neglected, abandoned or orphaned children ages of fourteen to eighteen years
- (c) category 3: a facility for children ages twelve to fourteen years, who—
- (i) have committed a summary offence;
 - (ii) is suffering or is likely to suffer harm; or
 - (iii) is beyond parental control;
- (d) category 4: a facility for children ages fifteen to seventeen years, who—
- (i) have committed a summary offence;
 - (ii) is suffering or is likely to suffer harm; or
 - (iii) is beyond parental control;
- (e) category 5: a facility for children ages twelve to fourteen years, who have committed an indictable offence

- (f) category 6: a facility for children ages fifteen to seventeen years, who have committed an indictable offence

3. The principal Act is amended by inserting the following new section immediately after section 9–

Insertion of
Regulation 9A.

Transfer.

9A.–(1) A request for the transfer of a child from one residential care facility for children to another residential care facility for children, may be made where the transfer is in the best interest of the child.

(2) The Ministry may transfer a child where it determines that the transfer is in the best interest of the child.

(3) A child who is admitted in a residential care facility for children that is licensed to accommodate children under category 1, may be transferred to a residential care facility for children that is licensed to accommodate children under category 2.

(4) A child who is admitted in a residential care facility for children that is licensed to accommodate children under category 3, 4, 5 or 6, may be transferred to another residential care facility for children that is licensed to accommodate children under category 1 or 2.

(5) Notwithstanding sub-regulations (3) and (4), a request for the transfer of a child who is placed in a residential care facility for children that is licensed to accommodate children under category 1 or 2, to a residential

care facility for children that is licensed to accommodate children under category 3, 4, 5 or 6 may be authorized by the Director of the Community Rehabilitation Department or his authorised representative.

(6) Where a request for the transfer of a child under sub-regulation (4) is approved, the child may be transported to the residential care facility for children by an officer of the Ministry and accompanied by a police officer.

(7) The request for a transfer of a child under sub-regulation (1), shall not be approved if the Ministry determines that a transfer will have a negative effect on the health or well-being of the child.

(8) Notice of a request for a transfer under sub-regulation (1), and the reason for the transfer, shall be given to the parent or guardian of the child who is the subject of the transfer, before the request is approved.

(9) Notice of the decision whether or not to transfer the child shall be given, to the parent or guardian of the child who is the subject of the transfer, as soon as practicable after the decision is made.

(10) A person under sub-regulation (12), may appeal a decision to transfer a child, to the Director of the Community Rehabilitation Department, within three weeks of the decision.

(11) A submission for a review or variation of a decision to transfer a child, may

be lodged with the Director of the Community Rehabilitation Department at any time after the decision is made,.

(12) An appeal of a decision to transfer a child may be made by the—

- (a) parent or guardian of the child who is the subject of the transfer;
- (b) child who is the subject of the transfer, where he is competent to act on his own behalf; or
- (c) social service practitioner with responsibility for the case.

4. The principal Regulations are amended in the Schedule—

Amendment of
Schedule.

(a) in Form I by deleting items 1 to 6 and substituting the following—

- “1. category 1 a facility for abused, neglected, abandoned or orphaned children ages of birth to thirteen years
2. category 2 a facility for abused, neglected, abandoned or orphaned children ages of fourteen to eighteen years
3. category 3 a facility for children ages twelve to fourteen years, who, have committed a summary offence; is suffering or is likely to suffer harm; or is beyond parental control

4. category 4 a facility for children ages fifteen to seventeen years, who have committed a summary offence; is suffering or is likely to suffer harm; or is beyond parental control
5. category 5 a facility for children ages twelve to fourteen years, who have committed an indictable offence
6. category 6 a facility for children ages fifteen to seventeen years, who have committed an indictable offence

(b) in Form II by deleting items 1 to 6 and substituting the following—

- “1. category 1 a facility for abused, neglected, abandoned or orphaned children ages of birth to thirteen years
2. category 2 a facility for abused, neglected, abandoned or orphaned children ages of fourteen to eighteen years
3. category 3 a facility for children ages twelve to fourteen years, who, have committed a summary offence; is suffering or is likely to suffer harm; or is beyond parental control
4. category 4 a facility for children ages fifteen to seventeen years, who have committed a summary offence; is suffering or is likely to suffer harm; or is beyond parental control

5. category 5 a facility for children ages twelve to fourteen years, who have committed an indictable offence
6. category 6 a facility for children ages fifteen to seventeen years, who have committed an indictable offence

MADE by the Minister responsible for Human Development
this 5th day of January, 2023.



(HON. DOLORES BALDERAMOS-GARCIA)

*Minister of Human Development, Families
and Indigenous Peoples' Affairs*

(Minister responsible for Human Development)