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(o) li jirrispettaw u jiffaċilitaw id-dritt tal-minuri li jipprattika reliġjon tal-għażla tiegħu."

Emenda tal-artikolu 65 tal-Att prinċipali.

11. Fis-subartikolu (9) tal-artikolu 65 tal-Att prinċipali, minflok il-kliem "Qorti tal-Appell" għandhom jidhlu l-kliem "Qorti tal-Appell (Kompetenza Inferjuri) u minflok il-kliem "l-artikolu 41(6) għandhom jidhlu l-kliem "l-artikolu 41(9)".

Emenda tal-artikolu 66 tal-Att prinċipali.

12. L-artikolu 66 tal-Att prinċipali għandu jiġi emendat kif ġej:

(a) fis-subartikolu (1) tiegħu minflok il-kliem "Qorti tal-Appell" għandhom jidhlu il-kliem "Qorti tal-Appell (Kompetenza Inferjuri)" u minflok il-kliem "l-artikolu 41(6)" għandhom jidhlu l-kliem "l-artikolu 41(9)"; u

(b) fit-tieni proviso għas-subartikolu (1) tiegħu minflok il-kelma "dejjem" għandha tidhol il-kelma "wkoll".

Għanijiet u Raġunijiet

L-Għanijiet u r-Raġunijiet ta' dan l-Abbozz huma sabiex jiġi emendat l-Att dwar il-Protezzjoni tal-Minuri (Harsien Alternattiv) sabiex tintroduci l-figura tal-kuratur biex tirrappreżenta lill-ġenituri fil-proċeduri inizjali, sabiex jiġi żgurat li l-partijiet kollha jkunu rappreżentati kif xieraq mingħajr waqfien jew li jiġu annullati l-proċeduri tal-qorti.

A BILL
entitled

*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:-

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";
Short title.
Cap. 602.
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 2 of the
principal Act.
3. Article 9 of the principal Act shall be amended as follows:
Amendment of
article 9 of the
principal Act.
 - (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

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violence as defined and provided for in Gender-based Violence and Domestic Violence Act".

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 word "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 to 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 "twenty-four hours" shall be substituted by the words "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.

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

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 19 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 21 of the principal Act.

8. In article 32 of the principle Act, immediately after sub-article (5) there shall be added the following new sub-article:

Amendment of article 32 of the principal Act.

"(6) 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."

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 51 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:

Amendment of article 61 of the principal Act.

"(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 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."

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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".

Objects and Reasons

The Objects and Reasons of this Bill are to amend the Minor Protection (Alternative Care) (Amendment) Act to introduce the figure of the curator to represent the parents in the initial proceedings, in order to ensure that all parties are duly represented without stalling or nullifying the court proceedings.

