

**ADMINISTRATION OF JUVENILE OFFENDERS REHABILITATION ACT,
B.E. 2561 (2018)**

HIS MAJESTY KING MAHA VAJIRALONGKORN BODINDRADEBAYAVARANGKUN;

Given on the 27th Day of February B.E. 2561;

Being the 3rd Year of the Present Reign.

His Majesty King Maha Vajiralongkorn Bodindradebayavarangkun is graciously pleased to proclaim that:

Whereas it is expedient to have the law on administration of juvenile offenders rehabilitation;

Whereas this Act contains certain provisions in relation to the restriction of rights and liberties of persons, in respect of which section 26 in conjunction with section 28, section 29, section 36, section 37 and section 38 of the Constitution of the Kingdom of Thailand so permits by virtue of provisions of law;

Whereas the reasons and need for the restriction of rights and liberties of persons under this Act lie in facilitating mechanism for the integrated administration of juvenile offenders rehabilitation to operate with continuity and efficiency in the interest of the protection of welfare of children and young persons and public order and, in this regard, the enactment of this Act duly complies with the conditions provided in section 26 of the Constitution of the Kingdom of Thailand;

Be it, therefore, enacted by the King, by and with the advice and consent of the National Legislative Assembly serving as the National Assembly, as follows.

Section 1. This Act is called the “Administration of Juvenile Offenders Rehabilitation Act, B.E. 2561 (2018)”.

Section 2.¹ This Act shall come into force after the expiration of sixty days as from the date of its publication in the Government Gazette.

* Translated by Associate Professor Dr. Pinai Nanakorn under contract for the Office of the Council of State of Thailand's Law for ASEAN project. – Tentative Version – subject to final authorisation by the Office of the Council of State.

¹ Published in Government Gazette, Vol. 135, Part 12a, dated 2nd March 2018.

Section 3. In this Act:

“children” means children under the law on juvenile and family courts and procedures for juvenile and family actions;

“young persons” means young persons under the law on juvenile and family courts and procedures for juvenile and family actions;

“observation centre” means a juvenile observation and protection centre;

“practice and training centre” means a juvenile practice and training centre;

“custody centre” means a custody centre of a juvenile observation and protection centre and that of a juvenile practice and training centre;

“classification” means the sorting and categorisation of children and young persons for the purpose of determining treatment towards children and young persons and rehabilitation suitable for predicaments and needs of children and young persons;

“prohibited article” means an article prohibited from being brought into a custody centre of a juvenile observation and protection centre and that of a juvenile practice and training centre;

“Commission” means the Commission on Administration of Juvenile Offenders Rehabilitation;

“member” means a member of the Commission on Administration of Juvenile Offenders Rehabilitation;

“observation official” means a person possessing such qualifications as prescribed in the Notification of the Minister of Justice and appointed by the Director-General of the Department of Juvenile Observation and Protection for performing activities under this Act;

“Director” means the Director of a juvenile observation and protection centre and the Director of a juvenile practice and training centre;

“Director-General” means the Director-General of the Department of Juvenile Observation and Protection;

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

Section 4. The Minister of Justice shall have charge and control of the execution of this Act and shall have the duties and powers to issue Ministerial Regulations, Rules or Notifications in the execution of this Act.

Such Ministerial Regulations, Rules or Notifications shall enter into force upon their publication in the Government Gazette.

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CHAPTER I
COMMISSION ON ADMINISTRATION OF JUVENILE OFFENDERS REHABILITATION

Section 5. There shall be a commission called the “Commission on Administration of Juvenile Offenders Rehabilitation” consisting of the Minister of Justice as Chairperson, the Permanent Secretary for Justice as Vice Chairperson, Permanent Secretary for Social Development and Human Security, Permanent Secretary for Interior, Permanent Secretary for Labour, Permanent Secretary for Public Health, Secretary-General of the Basic Education Commission, Secretary-General of the Vocational Education Commission, Secretary-General of the Office of the Judiciary, Chief Justice of the Central Juvenile and Family Court, Attorney-General, Commissioner-General of the Royal Thai Police, Director-General of the Department of Probation, Director-General of the Department of Corrections, Secretary-General of the Narcotics Control Board and Secretary-General of the Office of Non-formal and Informal Education, as *ex officio* members, and qualified members appointed by the Minister from persons apparently possessing knowledge, expertise and experience in the fields of child protection, education, psychology, social working, public health and child rights, one being from each field, as members.

The Director-General shall be a member and secretary and the Director-General shall appoint not more than two Government officials of the Department of Juvenile Observation and Protection as assistant secretaries.

Section 6. A qualified member must possess the qualifications and must not be under the prohibitions, as follows:

- (1) being of Thai nationality;
- (2) being of not below thirty-five years of age;
- (3) not being a bankrupt or not having previously been a dishonest bankrupt;
- (4) not being an incompetent person or a quasi-incompetent person;
- (5) not being drug-addicted;
- (6) not having been sentenced to imprisonment by a final judgment, whether having been actually imprisoned or not, except for an offence committed through negligence or a petty offence;

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(7) not having been sentenced by a judgment or order of the Court to the effect that the property shall vest in the State by reason of unusual wealthiness or an unusual increase of property;

(8) not having been expelled, dismissed, ordered to resign or removed from employment by a State agency or a private body by reason of dishonesty in the performance of duties, grave misconduct or deemed corruption and malfeasance in official service.

Section 7. A qualified member shall hold office for a term of three years.

In the case where a qualified member vacates office before the expiration of the term, the person appointed to fill the vacancy shall hold office for the remaining term of qualified members already appointed except that, where less than ninety days remain in the term of office of the qualified members, the Minister may omit to appoint a replacing qualified member and, in this regard, the Commission shall consist of existing members.

Upon the expiration of the term under paragraph one, if new qualified members have not yet been appointed, the qualified members who vacate office at the expiration of the term shall remain in office for continuing the work until newly appointed qualified members take office.

A qualified member who vacates office at the expiration of the term may be re-appointed but may not serve for more than two consecutive terms.

Section 8. In addition to vacation of office at the expiration of the term, a qualified member vacates office upon:

- (1) death;
- (2) resignation;
- (3) being disqualified or being under any prohibition under section 6;
- (4) being removed from office by the Minister on the ground of a neglect of duties, misbehaviour or lack of competence.

Section 9. The Commission has the duties and powers as follows:

(1) to propose, to the Council of Ministers for approval, policies and plans on the administration of juvenile offenders rehabilitation so as to be in line with juvenile justice administration process;

(2) to give advice and recommendations to the Minister in connection with the issuance of Ministerial Regulations, Rules and Notifications under this Act and to give advice to the Director-General in connection with the issuance of Rules under this Act;

(3) to consider and give opinions on the administration of juvenile offenders rehabilitation as requested by the Council of Ministers;

(4) to consider and approve the designation of the public-area vicinity of a custody centre as a safety zone;

(5) to determine or propose directions, strategies and measures for juvenile offenders rehabilitation or the implementation of plans on the administration of juvenile offenders rehabilitation to ensure their efficiency and achievement, including directions for providing care and assistance to children and young persons for the purpose of preventing repeated commission of offences;

(6) to give recommendations and advice to, and co-ordinate with, State agencies or private organisations concerned with the development of habitual behaviours of children and young persons undergoing justice administration process, the provision of follow-up assistance and welfare to children and young persons after their release and the prevention of the commission of offences by children and young persons;

(7) to establish standards for the conduct of activities of observation officials in the execution of this Act and approve training programmes for observation officials;

(8) to rectify or solve problems and obstacles resulting from the application of this Act or other laws relevant to the performance of work;

(9) to perform other activities provided in this Act or other laws.

Section 10. At a meeting of the Commission, the presence of at least one half of the total number of members is required to constitute a quorum.

At a meeting of the Commission, If the Chairperson is not present or is unable to perform the duty, the Vice Chairperson shall preside over the meeting. If the Vice Chairperson is not present or is unable to perform the duty, the members present at the meeting shall elect one member amongst themselves to preside over the meeting.

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

Section 11. The Commission may appoint a sub-committee for considering or performing any particular act as entrusted by the Commission.

The provisions of section 10 shall also apply to a meeting of a sub-committee *mutatis mutandis*.

Section 12. The Department of Juvenile Observation and Protection shall serve as a secretariat of the Commission and co-ordinate with State agencies or private organisations concerned with the development of habitual behaviours of children and young persons undergoing justice administration process, the provision of follow-up assistance and welfare to children and young persons after their release and the prevention of the commission of offences by children and young persons and also perform any other activities entrusted by the Commission or sub-committees.

CHAPTER II DUTIES AND POWERS OF OBSERVATION OFFICIALS

Section 13. The Director-General shall have the duty and power to determine duties and powers of observation officials in respect of their work and responsibilities and conditions for the performance in pursuit of such duties and powers, in accordance with the Rule prescribed by the Director-General.

Section 14. Subject to section 103 of the Act on Juvenile and Family Courts and Juvenile and Family Procedures, B.E. 2553 (2010), no control devices shall be used on children and young persons under custody by observation officials unless it is for inevitably utmost necessary purposes as follows:

- (1) for the purpose of preventing an escape when a young person is brought out of a custody centre;
- (2) for the purpose of safety of children or young persons or other persons in the case where a breach of order occurs in a custody centre.

The use of control devices on children and young persons under (1) and (2) must be considered and ordered by the Director and the need and reasons for the use of control devices on children and young persons must also be noted down.

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Types, kinds and sizes of control devices shall be as prescribed in the Ministerial Regulation.

Section 15. The Minister, with the approval of the Commission, shall have the duties and powers to issue Notifications designating the public-area vicinity of a custody centre as a safety zone, with an indication of a map of such vicinity, having regard to rights and liberties of persons in such area as well.

In the case where there occur a reasonable circumstance and cause to suspect that any person may carry out, or any vehicle may be used for, the carriage of prohibited articles or the commission of an unlawful act in such area, observation officials shall have the duties and powers to order such person or vehicle to leave the safety zone.

Section 16. For the purpose of maintaining order of a custody centre, an observation official shall have the duties and powers to search for prohibited articles, examine letters, documents, parcels or other communications or prevent communications via telecommunications or any means to or from children or young persons, except those made for lodging petitions or complaints or communications between children or young persons and their legal counsels or lawyers, in accordance with the Rule prescribed by the Director-General.

Section 17. In the performance of duties under this Act, an observation official must produce an identification card to persons concerned.

Identification cards for observation officials shall be in accordance with the form prescribed by the Minister.

Section 18. The Department of Juvenile Observation and Protection shall cause observation officials to, before their performance of duties, undergo training for the purpose of developing knowledge, capability, righteousness, ethics and practical experience and organise training for enhancing skills and expertise, in accordance with training programmes approved by the Commission.

Section 19. An observation official having accomplished the training under section 18 shall be a holder of a specially justifiable position under the law on civil service organisation; provided that, in determining the additional stipend for the specially justifiable position, regard

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shall also be had to duties and the quality of the work in comparison to remuneration of those performing other work in justice administration process, in accordance with the Rule prescribed by the Minister with the approval of the Ministry of Finance.

CHAPTER III
CUSTODY CENTRES, CLASSIFICATION AND STANDARDS OF CUSTODY CENTRES
FOR CHILDREN AND YOUNG PERSONS

Section 20. For the purposes of supervising the rehabilitation and organising training for the development of habitual behaviours of children and young persons, the Director-General may issue Notifications organising areas within custody centres into parts, having regard to appropriateness for end results of the classification of children and young persons into each class.

The classification and forms of custody centres shall be in accordance with the Rule prescribed by the Minister.

Section 21. For the purpose of establishing uniformity of directions and standards for the administration of affairs of all custody centres, the Director-General shall lay down Rules on the administration of affairs in custody centres, the performance of work of observation officials, the rehabilitation and development of habitual behaviours of children and young persons, behavioural guidance for children and young persons of each class and other necessary matters as provided in this Act.

Section 22. The Director shall sufficiently provide the following for children and young persons:

- (1) clean and nutritious food;
- (2) clean water for consumption and use;
- (3) necessary household medicine;
- (4) climatically suitable clothing and necessary articles and utensils;
- (5) recreational and sportive equipment;
- (6) equipment for basic education and training;
- (7) suitable and sanitary beddings;
- (8) other necessary facilities.

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CHAPTER IV
RECEPTION, CLASSIFICATION AND DEVELOPMENT OF
HABITUAL BEHAVIOURS OF CHILDREN AND YOUNG PERSONS

PART I

RECEPTION OF CHILDREN AND YOUNG PERSONS INTO CUSTODY CENTRES

Section 23. Upon receipt of a warrant of detention, an observation official shall, during the inquiries or trial of the case or in accordance with a judgment or an order of the Court, receive a child or young person alleged to have committed an offence for custody and for rehabilitation or training in a custody centre.

Section 24. On the date of reception of new children and young persons into a custody centre, observation officials shall prepare information on their reception as well as their personal logbooks, inform them of rights, duties, rules and regulations of the custody centre, provide them advice on conduct to be pursued during a stay at the custody centre and also provide persons who serve as their mentors and advisers.

Section 25. In the case where a child or a young person is followed by an offspring below three years of age during the custody or training or gives birth to a baby during such custody or training, if there arises a compelling need or it appears that no one is available for taking care of the child who is the offspring of such child or young person, the Director may allow the offspring of such child or young person to stay at the custody centre only in the case where it is necessary and the offspring is below three years of age or may refer such offspring to an agency responsible for providing or protecting welfare of or developing and rehabilitating children for further action within its duties and powers, in accordance with the Rule prescribed by the Director-General, having prime regard to optimal benefits of the offspring of the child or young person.

PART II

CLASSIFICATION OF CHILDREN AND YOUNG PERSONS AND DEVELOPMENT OF
HABITUAL BEHAVIOURS OF CHILDREN AND YOUNG PERSONS

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Section 26. For the purposes of taking care of, rehabilitating and developing habitual behaviours of children and young persons with a view to restoring them to good conduct, there shall be classification of children and young persons in custody centres in accordance with the Rule prescribed by the Director-General.

Section 27. The Director shall cause to be conducted classification of children and young persons for studying and analysing backgrounds of problems, causes or factors of the commission of offences in the context of social, environmental, health and mental conditions of children and young persons and also their behaviour, for the purposes of determining treatment towards children and young persons, planning rehabilitation and reporting facts as well as proposing to the Court opinions on penalties or the use of appropriate measures for children and young persons.

In classifying children and young persons required by judgments or orders of the Court to undergo training in a practice and training centre, the Director shall also carry out the same in line with the judgments or orders of the Court.

In classifying children and young persons under paragraph one and paragraph two, the Director shall also consider recommendations of the Disciplinary Commission under the law on juvenile and family courts and juvenile and family procedures.

Section 28. For the purpose of administering the custody and care of children and young persons in custody centres, there shall be groupings of children and young persons, having regard to types of custody centres classified, suitability for children and young persons of each class, the custody and care, rehabilitation and development of habitual behaviours of children and young persons and the preparation of their readiness before being released, in accordance with the Rule prescribed by the Director-General.

CHAPTER V

REHABILITATION AND TRAINING

Section 29. Custody centres and practice and training centres shall prepare directions for the rehabilitation and training of children and young persons as are suitable for their gender, age, religion, culture, traditions, customs, physical and mental predicament, personality, intelligence, education, occupation, family background and surroundings and determine procedures and goals for their restoration to families and society, having prime regard to optimal benefits of children and young persons.

The preparation of directions for the rehabilitation and training of individual children and young persons must be based upon the analysis of information conducive to the knowledge of causes of the commission of offences and factors contributing to the commission of offences in order that the directions for their rehabilitation shall be determined in a manner responsive to their problems and needs and capable of eradicating factors contributing to risks of the commission of offences and establishing factors enhancing the restoration to good conduct.

Section 30. Observation centres shall, on an individual basis, prepare directions for the rehabilitation of children and young persons as are suitable for their problems and needs, with a view to solving their problems, developing their skills of personal adaptation and living, encouraging their readiness for living in society and establishing their readiness for participation in suitable rehabilitation activities in the case where training is required.

Section 31. Practice and training centres shall prepare directions for training in a manner of preparing readiness before release and notify directions for training to children and young persons and their parents, guardians or persons with whom the children and young persons stay.

If it is found after the preparation of directions for training that facts or circumstances have changed, such directions shall be revised to achieve suitability and the revised directions shall be reported to the Court for information.

Training conducted in accordance with the directions under paragraph one or paragraph two shall be assessed periodically or upon completion thereof.

Section 32. In the case where the Court orders an observation centre to carry out rehabilitation of children and young persons before judgment, opinions of the children and young persons as well as those of parents shall also be heard to assist the preparation of directions for the rehabilitation.

Observation officials shall prepare directions for the rehabilitation by analysing problems and causes of the commission of offences and determining activities and a clear period of time for the rehabilitation in the case where the period therefor is not specified by the Court.

Section 33. In the case where children and young persons are required by judgments or orders of the Court to undergo the rehabilitation on a non-boarding basis, the Director of an observation centre shall determine specific areas for this group of children and young persons or carry out the activities at any other place with the approval of the Director-General and there shall be directions for the rehabilitation for each individual child and young person.

Section 34. A practice and training centre must provide general education or vocational training as well as behavioural and emotional rehabilitation for children and young persons as are suitable to their age, physical condition, mental condition, maturity, periods of training and future benefits to be acquired by them, in accordance with training programmes determined by the Director-General.

Section 35. A practice and training centre shall prepare directions for training to be used as guidance for the rehabilitation of children and young persons in a manner responsive to their problems and needs, provided that periods of time therefor shall be determined in line with judgments or orders of the Court, with a view to strengthening children's and young persons' potential for their restoration to peaceful living in society. In this regard, directions for training must be in line with missions and the nature of each practice and training centre.

Section 36. In preparing directions for training, the following information shall be taken into account:

- (1) a report on facts as to children and young persons;
- (2) periods of training required by judgments or orders of the Court;
- (3) classification results;
- (4) voluntariness, aptitude and needs of children and young persons;
- (5) training programmes capable of being organised by custody centres.

CHAPTER VI

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RIGHTS, DUTIES, BENEFITS AND OTHER AFFAIRS RELATING TO CHILDREN AND YOUNG PERSONS

PART I

RIGHTS OF CHILDREN AND YOUNG PERSONS

Section 37. A custody centre shall provide children and young persons with basic education under the law on national education, provided that it shall be carried out in line with educational curricula of the Ministry of Education and there shall be training on righteousness and ethics as well as training for enhancing occupational opportunities.

Children and young persons shall be provided equal opportunities to education and training.

A custody centre shall provide children and young persons with knowledge as to sexual orientation which is suitable to each child and young person.

The determination of curricula, rules, procedures and conditions for the provision of education and training for children and young persons shall be in accordance with the Rule prescribed by the Director-General.

Section 38. A custody centre shall bear costs of basic education and training for children and young persons and provide equipment for basic education and training for children and young persons.

Section 39. A custody centre shall provide children and young persons with sportive, musical and recreational facilities suitable to the age and predicament of each child and young person and organise sportive competitions or musical performance of children and young persons.

A custody centre shall bear costs of the management and provision of equipment under paragraph one.

Section 40. A custody centre shall provide children and young persons with religious precept teaching, mental counselling or religious activities therein.

Section 41. Children and young persons are entitled to money rewards from the distribution of products arising from their vocational training or craft training or rewards from their performances or services, in accordance with the Rule prescribed by the Director-General.

PART II
SANITATION OF CHILDREN AND YOUNG PERSONS

Section 42. In the case where it is found by a doctor, a nurse or an observation official who has accomplished nursing training that a child or a young person is so ill that special attention is needed, if the illness is prone to infection or is a communicable disease, such child or young person shall be segregated from other children or young persons in order to be attended by a close care-taker and the matter shall be reported to the Director for the purpose of expediting an examination by a doctor.

If a doctor, a nurse or an observation official who has accomplished nursing training is of the opinion that a child or young person contracts a disease which requires special treatment or has a mental health problem, the opinion shall be submitted to the Director for considering further referral of such child or young person to a medical centre specifically available for such a disease, a hospital or a mental treatment centre outside the custody centre and the Director shall notify it to the parents, guardians or persons with whom the child or young person stays.

Section 43. A custody centre shall provide children and young persons with visual and hearing aids, dental services and equipment for persons of physical disability, as are necessary and appropriate.

A custody centre shall provide children and young persons with health examination at least once a year.

Offspring of children and young persons in a custody centre shall be provided with physical health examination by child-health specialists in the interest of diagnosis and treatment, as may be needed, and also with examination for disease prevention as well as sanitary services.

The pursuit of activities under paragraph one, paragraph two and paragraph three shall be in accordance with the Rule prescribed by the Director-General.

Section 44. A custody centre shall make such arrangements as to enable a pregnant female child or young person to deliver a baby at a hospital or a medical establishment outside the custody centre in a locality where such custody centre is situated.

When a female child or young person has delivered a baby, such female child or young person shall be allowed, for post-partum convalescence, a further stay not exceeding seven days as from the date of giving birth. In the case where it is necessary for a longer convalescence stay, an opinion of a doctor shall be submitted to the Director for permission therefor.

Section 45. A custody centre shall provide pregnant or milk-feeding female children or young persons with advice on health and nutrition by doctors, nurses or observation officials who have accomplished nursing training and shall provide sufficient food at reasonable times for pregnant female children or young persons, babies, offspring and milk-feeding mothers and refrain from preventing female children or young persons from milk-feeding unless there occurs a health problem.

PART III

CONTACTS WITH CHILDREN AND YOUNG PERSONS

Section 46. Children and young persons shall be permitted to have contacts with outsiders in accordance with the Rule prescribed by the Director-General and outsiders permitted to enter a custody centre for a particular business, for visiting children and young persons or for any other purpose shall observe rules, regulation or requirements of the custody centre openly published. In the case of violation thereof, observation officials shall have the duty and power to order them to leave the custody centre.

Section 47. A custody centre shall provide children and young persons with venues for their personal meeting and consultation with legal counsels or lawyers in accordance with the Rule prescribed by the Director-General.

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PART IV
PROPERTY OF CHILDREN AND YOUNG PERSONS

Section 48. Property of any particular type to be designated as prohibited articles or articles permitted or not permitted to be kept in a custody centre shall be in accordance with the Rule prescribed by the Director-General. Such Rule shall come into force upon its publication in the Government Gazette and a list of prohibited articles shall also be posted at an open place in front of a custody centre.

If the volume or quantity of the property which is an article permitted to be kept in a custody centre is greater than that permitted by the Director-General or if it is an article not permitted to be kept in a custody centre, it shall be notified to parents or guardians for taking a return of such article from the observation official. If no one takes a return thereof, a custody centre may dispose of it and give the children and young persons proceeds thereof after deduction of costs incurred in the disposal on the date of their release. But, if such article is dangerous or dirty in nature, the observation official shall destroy it.

The disposal and destruction of articles under paragraph two shall be in accordance with the Rule prescribed by the Director-General.

Section 49. The property of children and young persons who have been granted a release or who have escaped, which remains in a custody centre, shall vest in the State if the children and young persons fail to take a return thereof within one year as from the release or escape.

CHAPTER VII
PREPARATION FOR READINESS BEFORE RELEASE AND FOLLOW-UPS AFTER RELEASE FROM
CUSTODY CENTRES

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Section 50. An observation centre and a practice and training centre shall provide directions for the preparation of readiness before release, provided that such preparation shall begin from the reception of children and young persons in a custody centre with a view to putting in place correct and appropriate procedures by which each child and young person is promoted and assisted to return to normal and peaceful life in society, given advice on the management of personal, economic and social matters and enabled to have a good relationship with the family and community, in accordance with the Rule prescribed by the Director-General.

Section 51. In preparing directions for the preparation of readiness before release, children and young persons, parents, guardians, the persons or organisations or community that the children and young persons stay with shall have participation in the consideration of the following matters:

- (1) the living and conduct of children and young persons after release;
- (2) the control of children and young persons by parents, guardians or the persons, organisations or community that the children and young persons stay with;
- (3) the procedures and a period of time for follow-ups by an observation centre or a practice and training centre after release with a view to enabling children and young persons to live their lives without repeating the commission of offences.

Section 52. In the case where children and young persons are to be granted aids or welfare protection after release, it shall be notified to officials under the law on child protection, or State and private agencies joining co-operation networks shall be contacted for their participation in granting aids or welfare protection, in order that preparatory action shall be taken from the time of preparation for readiness before release.

Section 53. Before the time scheduled for the release of children and young persons, the following preparation for readiness shall be undertaken:

- (1) providing educational and occupational guidance;
- (2) making children and young persons ready for a return to families and society;
- (3) co-ordinating with parents, guardians, persons, organisations or community that children and young persons stay with in order to facilitate readiness for the reception of children and young persons after release through clear care-taking plans;

(4) allowing children and young persons to return to families temporarily or work outside a custody centre, for the purpose of assessing feasibility of a return to society.

Section 54. In preparing for readiness before release, if it is found that the children and young persons encounter an accommodation problem or are unable to live with family members or become unsafe upon their return to the community or are placed under trial-residence in the community or are under occupational arrangement or have any other need, an observation centre or a practice and training centre shall provide venues for the purpose of after-release assistance.

Section 55. Before the scheduled release of children and young persons, an observation centre or a practice and training centre shall carry out the following for the purpose of preparing for readiness:

(1) providing educational records for use by the children and young persons for their education or job application;

(2) contacting parents, guardians, persons or representatives of the organisations or community that the children and young persons stay with for the purpose of informing them of due dates for the release;

(3) preparing necessary aids by seeking or co-ordinating with agencies concerned with aids provision for the purpose of taking children and young persons for further aids, and giving advice to children and young persons as is reasonable;

(4) furnishing personal records of children and young persons to the Bureau of the Royal Thai Police for proceeding with the matter in connection with records of children and young persons.

Section 56. Observation centres or practice and training centres shall make available follow-ups of the conduct of children and young persons, the resolution of problems and obstacles in connection with a return to their living in society and the provision of advice to and co-ordination with agencies which are responsible for further aids.

Section 57. Observation centres or practice and training centres shall prepare directions for follow-ups after release jointly with agencies in the public and private sectors, local government organisations in the localities, child protection officials in the localities and also the

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communities as well as persons, as they may deem appropriate, for the purpose of determining procedures for follow-ups and the provision of assistance to children and young persons after release in a manner responding to their problems and needs, provided that the directions require consent of the children, young persons, parents or guardians.

The rules, procedures and conditions for the preparation of directions for follow-ups after release shall be in accordance with the Rule prescribed by the Director-General.

Section 58. The persons attending meetings for preparing directions for the preparation of readiness before release under section 51 or directions for follow-ups after release under section 57 shall be entitled to fees, travelling allowances, accommodation allowances or other remuneration in accordance with the Rule prescribed by the Minister with the approval of the Ministry of Finance.

Section 59. The Department of Juvenile Observation and Protection shall provide systems for aiding and following up children and young persons after release, through co-operation with agencies in the public and private sectors or non-governmental organisations as well as communities or persons, as it may deem appropriate, for the purpose of aiding and following up children and young persons to ensure that they shall receive welfare and safety well suited to their problems and needs.

The rules, procedures and conditions for the provisions of aids to and the conduct of follow-ups of children and young persons after release shall be in accordance with the Rule prescribed by the Minister, while those applicable to the provision of aids after release which incurs pecuniary expenses shall be in accordance with the Rule prescribed by the Minister with the approval of the Ministry of Finance.

In the performance of duties, personnel of other organisations or organs or other persons who are not State officials shall be entitled to fees, travelling allowances, accommodation allowances and other remuneration in accordance with the Rule prescribed by the Minister with the approval of the Ministry of Finance.

CHAPTER VIII PENALTIES

Section 60. Any person who, by any means, brings any prohibited article into a custody centre without permission from an observation official shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand Baht or to both.

If the offender under paragraph one is an official of the Department of Juvenile Observation and Protection, such offender shall be liable to the penalty three times that provided for such offence.

All prohibited articles shall be confiscated.

TRANSITORY PROVISIONS

Section 61. In the initial period, while qualified members under section 5 have not yet been appointed, the Commission shall consist of the Minister of Justice as Chairperson, Permanent Secretary for Justice as Vice Chairperson, Permanent Secretary for Social Development and Human Security, Permanent Secretary for Interior, Permanent Secretary for Labour, Permanent Secretary for Public Health, Secretary-General of the Basic Education Commission, Secretary-General of the Vocational Education Commission, Secretary-General of the Office of the Judiciary, Chief Justice of the Central Juvenile and Family Court, Attorney-General, Commissioner-General of the Royal Thai Police, Director-General of the Department of Probation, Director-General of the Department of Corrections, Secretary-General of the Narcotics Control Board and Secretary-General of the Office of Non-formal and Informal Education, as members *ex officio*, and the Director-General of the Department of Juvenile Observation and Protection shall be a member and secretary, for the purpose of performing duties as the Commission under this Act *pro tempore* until the appointment of qualified members under this Act is made, which shall not be later than ninety days as from the date on which this Act comes into force.

Countersigned by:

General Prayut Chan-o-cha
Prime Minister