

Unofficial translation

**CHILD PROTECTION ACT,  
B.E. 2546 (2003)**

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BHUMIBOL ADULYADEJ, REX.  
Given on the 24<sup>th</sup> Day of September B.E. 2546;  
Being the 58<sup>th</sup> Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to revise the law on child protection;

This Act contains certain provisions in relation to the restriction of right and liberty of person, in respect of which 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 law;

Be it, therefore, enacted by the King, by and with the advice and consent of the National Assembly, 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 as from the date of its publication in the Government Gazette.\*

**Section 3.** The following shall be repealed:

(1) Announcement of the Revolutionary Council No. 132, dated 22<sup>nd</sup> April B.E. 2515;

(2) Announcement of the Revolutionary Council No. 294, dated 27<sup>th</sup> November B.E. 2515.

**Section 4.** In the Act;

“Child” means a person under eighteen years of age, but not include a person those who become *sui juris* through marriage;

“Nomadic child” means a child who has no parent or guardian or whose parent or guardian fails or is unable to raise such child which cause the child to wander around; or a child having nomadic behavior which is risky to his or her welfare;

“Orphan” means a child whose father or mother is dead or a child whose parents are unknown or unable to ascertain;

“Child in hardship condition” means a child whose family is poor or whose parents is separated upon divorce, abandon or confinement or at will and such child is in hardship condition, or a child whose responsibility in taking care of family beyond his or her age, ability and intelligence; or a child who is unable to take care of his or her own;

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Published in the Government Gazette, Vol. 120, Part 95a, page 1, dated 2<sup>nd</sup> B.E. 2546 (2003)

“Disabled child” means a child whose physical, brain, intelligence or mentality is disabled irrespective of whether such disability is derived by birth or occurred thereafter;

“Child at risk of wrongdoing” means a child having inappropriate behavior, a child who is likely to induce to commit unlawful or immoral act by a person whom he or she engages in occupation with or accompanies to, or a child who lives in an environment or place which may induce such child to act in disgrace as prescribed by the Ministerial Regulation;

“Pupil” means a child who is studying fundamental education in primary or secondary level, either general and vocational education or their equivalent, in public or private education institution;

“Student” means a child who is studying in tertiary education institution or its equivalent, in public or private education institutions;

“Parents” means father and mother of a child irrespective of their marriage;

“Guardian” means a parents, custodian, adopter and guardian under the Civil and Commercial Code, including stepfather, stepmother, curator, employer as well as other persons who accept and raise a child or who a child live with;

“Foster family” means a person who accepts and takes care of a child as his or her offspring;

“Illegal care” means the failure to raise, cultivate or develop a child in accordance with the minimum standard as prescribed by the Ministerial Regulation which is risky to physical or mental condition of a child;

“Torture” means any act or omission to act which cause a child to be deprived of liberty or to be in danger, physically or mentally, any sexual abuse to a child or any use of a child to act or behave which is likely to harm physical or mental condition of a child or illegal or contrary to good morals, irrespective of consent of a child;

“Search and examine” means searching and gathering fact related to any person in order to make an analysis in accordance with technical principle in social welfare, medical, psychological, law and other technical principles related to such person and his or her family.

“Nursery” means a place providing residential care and development service to a child of not more than six years of age for at least six children and those children are not relatives of the owner or the operator of such nursery, not including infirmary or school, both public and private;

“Primary shelter” means a place which accepts and takes care of a child temporarily during searching and examining both child and family so as to determine appropriate practice in providing assistance and protecting welfare for each child;

“Assistance unit” means a place providing residential care and development service to a child to be assisted for at least six children;

“Welfare protection unit” means a place providing education, training or vocational training to a child whose his or her welfare has to be protected so as to correct his or her behavior or to heal, cure and rehabilitate his or her physical and mental conditions;

“Development and rehabilitation unit” means a place, school, institution or centre established in order to heal, cure and rehabilitate physical and mental conditions of, and to provide education, instruction and training to, a child whose special assistance or welfare is required;

“Reformatory unit” means the Bangkok Metropolis Child and Youth Reformatory unit, *Changwat* Child and Youth Reformatory unit and Child and Youth Reformatory unit attached to the Juvenile and Family Section of *Changwat* Court established under the law on the establishment of juvenile and family court and procedure for juvenile and family case;

“Fund” means the Child Protection Fund;

“Committee” means the National Child Protection Committee;

“Competent official” means the person appointed by the Minister for the execution of this Act;

“*Changwat* Governor” includes the Bangkok Metropolis Governor and any person entrusted by *Changwat* Governor;

“Permanent Secretary” means the Permanent Secretary of the Ministry of Social Development and Human Security and includes any person entrusted by the Permanent Secretary;

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

**Section 5.** The Courts having jurisdiction over the juvenile and family case under the law on the establishment of juvenile and family court and procedure for juvenile and family case shall have power to consider and adjudicate the case under this Act, provided that a province in which the juvenile and family court or juvenile and family section of *Changwat* Court has not yet opened, the *Changwat* Court shall have power to consider and adjudicate the case 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 have charge and control for the execution of this Act, and each Minister of each Ministry shall have power to appoint a competent official and issue Ministerial Regulation or regulation for the execution of this Act in relation to official responsibility of each Minister.

Such Ministerial Regulation or regulation shall come into force as from the day of its publication in the Government Gazette.

## Chapter 1 Child Protection Committee

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**Section 7.** There shall be a National Child Protection Committee, consisting of the Minister of Social Development and Human Security as Chairperson, the Permanent Secretary of the Ministry of Social Development and Human Security as Vice-Chairperson, the Permanent Secretary of the Ministry of Interior, the Permanent Secretary of the Ministry of Justice, the Permanent Secretary of the Ministry of Education, the Attorney General, the Commissioner General of the Royal Thai Police, the Director-General of the Department of Provincial Administration, the Director-General of the Department of Social Development and Welfare, the Director-General of the Department of Mental Health, the Chief Judge of the Central Juvenile and Family Court, the Director-General of the Bureau of Welfare Promotion and Protection of Children, Youth, the Disadvantaged, Persons with Disability and Older Person as members, and qualified members as appointed by the Minister of Social Development and Human Security from persons having experience

for not less than seven years in social work, teacher, psychology, law or medicine profession. At least one of the qualified members in each profession shall be appointed from private sector, and two qualified members shall be appointed from persons with appellant experience in child welfare for not less than seven years. The Deputy Permanent Secretary of the Ministry of Social Development and Human Security who is entrusted by the Permanent Secretary shall be member and secretary.

At least one-third of the qualified members under paragraph one shall be women.

The Committee may appoint not more than two officials of the Ministry of Social Development and Human Security to be assistant secretary.

**Section 8.** The Office of the Permanent Secretary of the Ministry of Social Development and Human Security shall be the secretariat of the Committee having power and duty as follows:

- (1) to perform secretariat work of the Committee;
- (2) to coordinate and cooperate with other government agencies, State and private agencies in performing work related to child assistance, welfare protection and proper behavior promotion;
- (3) to develop system, modality and procedure on, and to provide service in concerning with, child assistance, welfare protection and proper behavior promotion;
- (4) to gather analytical result and research on, and to monitor and make an evaluation of, the performance of related State and private agencies in accordance with the policy and the plans in providing child assistance, welfare protection and proper behavior promotion, and report to the Committee;
- (5) to perform other works in accordance with the resolution of, or entrusted by, the Committee.

**Section 9.** A qualified member holds office for a term of three years.

A qualified member who vacates from office at the end of the term may be reappointed, but not more than two consecutive terms.

**Section 10.** In addition to vacating office at the end of the term under section 9, a qualified member vacates office upon:

- (1) death;
- (2) resignation;
- (3) being dismissed by the Minister due to negligent or dishonest in the discharge of duty, disgrace behavior or incapability;
- (4) having been sentenced by a final judgment of the Court to a term of imprisonment;
- (5) being bankrupt;
- (6) being an incompetent or quasi-incompetent;
- (7) absent from the meeting for three consecutive times without reasonable ground.

**Section 11.** In the case where a qualified member vacates from office before term, the Minister shall appoint another person having qualification as prescribed in section 7 to replace such member, and such person shall remain in office for the unexpired term of office of the member he or she replace.

**Section 12.** At the expiration of term of office, if the newly qualified members have not been appointed, the qualified members who vacate office shall remain in office to continue their duties until the newly qualified members have been appointed.

**Section 13.** At a meeting of the Committee the presence of not less than one-half of the total number of the members shall constitute a quorum.

The Chairperson shall preside over at the meeting. In the case where the Chairperson is unable to attend the meeting, or is unable to perform his or her duty, the Vice-Chairperson shall preside over at the meeting. If both Chairperson and Vice-Chairperson are unable to attend the meeting, or are unable to perform their duties, the members shall select one among themselves to preside over at the meeting.

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

**Section 14.** The Committee shall have power and duty as follows:

(1) to give recommendation to the Minister relating to policy, work plan, budget and measure in providing assistance, welfare protection and proper behavior promotion to a child under this Act;

(2) to give recommendation to the Minister for the issuance of Ministerial Regulation and regulation for the compliance with this Act;

(3) to lay down, with the consent of the Ministry of Finance, regulation related to the receipt, payment and keeping of money and the earning of the fund;

(4) to lay down regulation related to child welfare protection under section 49;

(5) to lay down rule on the appointment of competent official;

(6) to provide advice, recommendation and coordination to both State and private agencies which do work related to child education, assistance, welfare protection and proper behavior promotion, and shall have power to enter into and inspect any nursery, primary shelter, assistance unit, welfare protection unit, development and rehabilitation unit, reformatory unit or other places related to child assistance, welfare protection and proper behavior promotion of both State and private agencies;

(7) to monitor, evaluate and examine the performance of the Bangkok Metropolis Child Protection Committee and *Changwat* Child Protection Committee, and to give recommendation and suggestion measure for the protection and revision problem incurring in providing child assistance, welfare protection and proper behavior promotion both in the Bangkok Metropolis and *Changwat* level;

(8) to perform other acts related to the providing of child assistance, welfare protection and proper behavior promotion.

**Section 15.** The Committee shall have power to appoint sub-committee or working group for execution any matter as may be entrusted by the Committee.

The provision of section 13 shall be applied to the meeting of the sub-committee or working group *mutatis mutandis*.

**Section 16.** There shall be a Bangkok Metropolis Child Protection Committee consisting of the Bangkok Metropolis Governor as Chairperson, the

Permanent Secretary of the Bangkok Metropolis as Vice-Chairperson, a representative of the Office of the Permanent Secretary of the Ministry of Education, a representative of the Office of the Attorney General, a representative of the Metropolitan Police Bureau, a representative of the Department of Social Development and Welfare, a representative of the Central Juvenile and Family Court, a representative of the Bangkok Metropolis Child and Youth Reformatory unit, a representative of the Bureau of Welfare Promotion and Protection of Children, Youth, the Disadvantaged, Persons with Disability and Older Person, the Director of the Community Development Department, the Director of the Education Department, the Director of the Health Department and the Director of the Medical Service Department as members, and qualified members as appointed by the Bangkok Metropolis Governor from persons having experience in social work, teacher, psychology, law or medicine profession. In this regards, two persons from each profession shall be appointed whereby one of which shall be appointed from private sector. The two person having experience in child welfare shall also be appointed as qualified members. The Director of the Social Welfare Department shall be member and secretary.

At least one-third of the qualified members under paragraph one shall be women.

The Bangkok Metropolis Child Protection Committee may appoint not more than two officials of the Social Welfare Department to be assistant secretary.

**Section 17.** There shall be a *Changwat* Child Protection Committee consisting of the *Changwat* Governor as Chairperson, Deputy *Changwat* Governor entrusted by the *Changwat* Governor as Vice-Chairperson, the Provincial Prosecutor, the Chief of Provincial Development, the Chief of Provincial Labor, the Director of Education Area, the Chief of Provincial Public Health, the Provincial Police Commander, a representative of the *Changwat* Juvenile and Family Court or, in the case where there is no *Changwat* Juvenile and Family Court, a representative of the *Changwat* Court, a representative of *Changwat* Child and Youth Reformatory unit or, in the case where there is no reformatory unit, a representative of the Ministry of Justice appointed from its official in such *Changwat*, and the President of *Changwat* Administration Organization as members, and qualified members as appointed by the *Changwat* Governor from persons having experience in social work, teacher, psychology, law or medicine profession. In this regards, two persons from each profession shall be appointed whereby one of which shall be appointed from private sector. The two person having experience in child welfare shall also be appointed as qualified members. The Chief of Provincial Social Development and Welfare shall be member and secretary.

At least one-third of the qualified members under paragraph one shall be women.

The *Changwat* Child Protection Committee may appoint not more than two officials of such *Changwat* to be assistant secretary.

**Section 18.** The provisions of section 9, section 10, section 11 and section 12 shall be applied *mutatis mutandis* to the holding of office, the vacating from office, the replacement of the vacancy and the performance of duty of the qualified member under section 16 and section 17, provided that the power of the Minister under section 10 (3) and section 11 shall be power of the Bangkok Metropolis Governor or *Changwat* Governor, as the case may be.

**Section 19.** The provisions of sections 13 and section 15 shall be applied *mutatis mutandis* to the meetings and the appointment of sub-committee or working group of the Bangkok Metropolis Child Protection Committee or *Changwat* Child Protection Committee.

**Section 20.** The Bangkok Metropolis Child Protection Committee and *Changwat* Child Protection Committee shall have power and duty as follows:

(1) to give recommendation to the Committee related to policy, work plan, budget and measure in providing assistance, welfare protection and proper behavior promotion to a child under this Act;

(2) to provide advice, recommendation and coordination to both State and private agencies which do work related to child education, assistance, welfare protection and proper behavior promotion, and shall have power to enter into and inspect any nursery, primary shelter, assistance unit, welfare protection unit, development and rehabilitation unit, reformatory unit or other places related to child assistance, welfare protection and proper behavior promotion of both State and private agencies within the area of the Bangkok Metropolis or *Changwat*, as the case may be;

(3) to determine guideline in providing child assistance, welfare protection and proper behavior promotion within the area of the Bangkok Metropolis or *Changwat*, as the case may be;

(4) to provide fund for the purpose of child assistance, welfare protection and proper behavior promotion within the area of the Bangkok Metropolis or *Changwat*, as the case may be, and report the performance related to the providing and managing fund to the Committee and Fund Management Committee;

(5) to examine or summon related person to testify in case of child abuse;

(6) to inquire any document, evidence or statement from related person for its consideration in the performance of duty under this Act;

(7) to monitor, evaluate and examine the performance on child assistance and proper behavior promotion within the Bangkok Metropolis and *Changwat*, as the case may be, and report to the Committee;

(8) to perform other acts as entrusted by the Committee.

**Section 21.** In performing duty under this Act, the members of the committee and sub-committee shall be competent official under the Penal Code.

## **Chapter 2**

### **Child Treatment**

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**Section 22.** The child treatment in any case shall be made with a view to maximize benefit of a child without unfairness and discrimination.

The consideration as to whether any child treatment is made with a view to maximize benefit of a child without unfairness and discrimination or not shall be made in accordance the rule as prescribed by the Ministerial Regulation.

**Section 23.** The guardian shall raise, cultivate and develop a child under guardianship in reasonable manner with regards to local custom and culture, but shall not less than the minimum standard as prescribed by the Ministerial Regulation.

The guardian shall also provide welfare protection to a child under guardianship from being in physically or mentally harmful circumstance.

**Section 24.** The Permanent Secretary, *Changwat* Governor, *Khet* Director, *Nai Amphoe*, *Palad Amphoe* acting as Chief of *King Amphoe*, or local government administrator shall have duty to protect welfare of a child within its responsible area, irrespective of whether such child having guardian or not, and shall have power and duty to supervise and examine a nursery, primary shelter, assistance unit, welfare protection unit, development and rehabilitation unit and reformatory unit within its jurisdiction and make an examination report to the Committee, Bangkok Metropolis Child Protection Committee or *Changwat* Child Protection Committee, as the case may be, for information, and shall have power and duty as same as that of the competent official under this Act.

**Section 25.** The guardian shall not act as follows:

(1) neglect a child, with an intention not to take a child back, at a nursery or infirmary or with a person contracted to look after a child or at a public or any other places;

(2) abandon a child at any place without appropriate welfare protection or raising;

(3) willfully or neglectfully withhold a child from things that are necessary for the livelihood or health of a child and such manner is likely to harm physical or mental condition of a child;

(4) treat a child in any manner which obstructs his or her growth or development;

(5) treat a child in any manner which constitutes illegal care.

**Section 26.** Under the provisions of other laws, no person shall, irrespective of the consent of a child, act as follows:

(1) act or omit to act any manner which torture physical or mental condition of a child;

(2) willfully or neglectfully withhold a child under his or her care from things that are necessary for the livelihood or health of a child and such manner is likely to harm physical or mental condition of a child;

(3) compel, threat, induce, encourage or allow a child to conduct inappropriate behavior or to have behavior which is risky to wrongdoing;

(4) advertise in the mass media or disseminate by all means to adopt or give a child to other persons other than relatives of such child, provided that such act is made officially or the official permission has been granted;

(5) compel, threat, induce, encourage or allow a child to be a beggar, nomadic child or to be used as accessory for begging or committing an offense or to exploit illegal benefit for a child;

(6) use, employ or ask a child to work or act which may harm to physical or mental condition of a child, affect his or her growth or obstruct his or her development;

(7) compel, threat, use, induce, encourage, support or allow a child to play sport or any act so as to acquire commercial benefit which affect his or her growth or obstruct his or her development;

(8) use or allow a child to gamble in any form or enter a gambling place, brothel or other places in which a child is not allowed;

(9) compel, threat, use, induce, encourage, support or allow a child to perform or act in an indecent manner whether in response of emolument or other purposes;

(10) dispose, exchange or give liquor or cigarette to a child except for medical treatment.

If other laws prescribe heavier penalty for the offences under paragraph one than the penalty under this Act, such penalty shall be imposed.

**Section 27.** No person shall advertise or disseminate through the mass media or any informative media on information related to a child or guardian with an intention to cause damage to mental, reputation, prestige or any interest of a child or to acquire illegally commercial benefit for his or her own or for other persons.

**Section 28.** In the case where the guardian is unable to raise, cultivate and develop a child, irrespective of reason thereof, or the guardian acts in a manner which is likely to harm child welfare or obstruct growth or development of a child or provides illegal care, or there are necessary reasons for the benefit of child assistance or welfare protection or to protect a child from danger or unfair discrimination treatment, the competent official shall provide assistance or conduct welfare protection under this Act.

**Section 29.** Whoever finds a child in a circumstance which requires assistance or welfare protection under Chapter III and Chapter IV shall provide fundamental assistance and notify, without delay, the competent official, administrative official or police officer or a person having duty to provide welfare protection to a child under section 24.

If it clearly appears or suspected that a child has been tortured or is sick due to illegal care, a medical doctor, nurse, psychologist or public health official who admits a child for medical treatment or a teacher, instructor or employer having the duty to take care of a child as student or employee, shall report, without delay, the competent official or person having duty to provide welfare protection to a child under section 24 or the administrative official or police officer.

A notification or report made under this section in good faith shall be protected and shall not be liable to civil, criminal or administrative liability.

**Section 30.** For the execution of this Act, the competent official under Chapters III and Chapter IV shall have power and duty as follows:

(1) to enter into dwelling place, any place or vehicle between sunrise and sunset so as to search if there is a ground to suspect that there is a child torture, confinement or illegal care. If there is a reasonable ground to belief that failure to take immediate action may harm physical or mental condition of a child or a child may be taken to other places which is difficult to follow and help, the competent official shall have power to enter into such place after sunset;

(2) to interrogate a child if there is a reasonable ground to suspect that child assistance or welfare protection shall be provided. If it is necessary for the purpose of child assistance and welfare protection, the competent official may, without delay, take a child to its office to obtain information related to a child and family, including a person who such child live with. In this regards, a child shall not be in custody for longer than twelve hours. At the expiration of such period, the competent official shall act in compliance with (6). The competent official shall have

to take care of a child in custody and shall, if a child in custody is sick, provide medical treatment to such child;

(3) to summon, in writing, a guardian or other persons to testify or give statement related to the living condition, behavior, health and family relationships of a child;

(4) to order, in writing, a guardian, employer or entrepreneur, owner or possessor of a place where a child works or used to work, lives or used to live, owner or possessor or keeper of a place where a child is studying or used to study or curator to submit document or evidence related to living condition, education, employment or behavior of a child;

(5) to enter into, between sunrise and sunset, the dwelling place of a guardian, work place of the employer of the child, education institution of a child or a place related to a child so as to interrogate any person living in such place and to gather information or evidence related to the living condition, family relationships, raising, habit and behavior of a child;

(6) to return a child to his or her guardian together with a suggestion or warning in order to make the guardian aware of the proper manner in child raising which enable a child to be developed properly;

(7) to make and submit a report of a child to the primary shelter if a child is taken to the primary shelter or related agency upon request.

A child in custody of the competent official shall be raised and educated properly. Before sending a child to a nursery, primary shelter, assistance unit, welfare protection unit and development and rehabilitation unit, the specialists in the profession of social work and medicine shall be consulted as possible.

In the carrying out of duty under (1) (2) and (5), the identification card of the competent official shall be presented. In this regards, all related persons shall facilitate the competent official as appropriate.

The form of identification card of the competent official shall be determined by the Minister and published in the Government Gazette.

**Section 31.** In the performance of duty under this Act, the competent officials shall be the official under the Penal Code.

### **Chapter 3** **Child Assistance**

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**Section 32.** The children to be assisted are *viz*:

- (1) a nomadic child or orphan;
- (2) a neglected child or a lost child;
- (3) a child whose his or her guardian is unable to raise by whatever reasons, e.g. being imprisonment, confined, disabled, handicap, chronically ill, poor, minor, divorced, deserted, mentally ill or neurotic;
- (4) a child whose his or her guardian having inappropriate behavior or occupation which may affect physical or mental development of a child under guardianships;
- (5) a child who receives an illegal care, being used as accessory for illegal conduct or earning, being tortured or being in other circumstances which may cause such child to behave in an immoral manner or may be harmful to physical or mental condition;

(6) a disabled child;  
 (7) a child in hardship condition;  
 (8) a child in a circumstance which require assistance as prescribed by the Ministerial Regulation.

**Section 33.** The competent official or a person having duty to protect welfare of a child under section 24 who has been notified by a person under section 29 or has found a child to be assisted under section 32 shall provide assistance according to the appropriate means as follows:

(1) providing aid and assistance to a child and family or a person who take care of a child so as to strengthen capacity of such person in taking care of a child to be in accordance with section 23;

(2) placing a child in the care of an appropriate person who agree to take care of a child for reasonable period which shall not exceed one month in the case where it is unable to act in accordance with (1);

(3) enabling a child to be adopted by other person under the law on child adoption;

(4) placing a child to appropriate foster family or nursery which consents to take care of a child;

(5) placing a child to be cared at the primary shelter;

(6) placing a child to be cared at the assistance unit;

(7) placing a child to study or receive vocational training, placing a child to rehabilitate, study or receive vocational training at the development and rehabilitation unit or placing a child to be rehabilitated by means of religious treatment temple or religious place of other religions which consents to take care of a child.

The procedure in providing assistances under paragraph on shall be in accordance with the regulation as determined by the Permanent Secretary. In all cases, the providing of assistance under (4) (5) (6) or (7) shall be made upon consent of the guardian. Such consent shall be made in writing in the form as determined by the Permanent Secretary or made orally in front of at least two witnesses. In the case where the guardian fails to consent without reasonable ground or is unable to give consent, the Permanent Secretary or *Changwat* Governor, as the case may be, shall have power to place the child to be assisted by such procedure. In this case, report and opinion of the specialists in the profession of social work and medicine shall be heard by the Permanent Secretary or *Changwat* Governor before doing so.

The Permanent Secretary or *Changwat* Governor, as the case may be, shall have power to determine assistance period for the procedure under (4) (5) (6) or (7). If the situation has changed, such period may be extended or shorten as appropriate. The competent official shall, during the determined period, organize a child to be in guardianships of his or her guardian without delay.

During assistance, the Permanent Secretary or *Changwat* Governor, as the case may be, shall, upon request of the guardian with evidence stating that he or she can provide guardianships and raise a child, make order to release a child to be in the guardianships of the guardian even the determined period is not expire.

In the case where the person whose the assistance is provided reach eighteen years of age but still in a circumstance which require continued assistance, the Permanent Secretary or *Changwat* Governor, as the case may be, may order to provide assistance to such person until he or she reaches twenty years of age. If it is necessary to continue the assistance providing thereafter and such person has no

objection, the Permanent Secretary or *Changwat* Governor, as the case may be, may order to provide assistance to such person as necessary and appropriate, but shall no longer than the date such person reaches twenty-four years of age.

**Section 34.** The guardian or relatives of a child may take a child to be assisted at the Department of Social Development and Welfare or Office of *Changwat* Social Development and Welfare or the primary shelter, assistance unit or development and rehabilitation unit.

In the case where a child is taken for assistance to the Department of Social Development and Welfare or the Office of *Changwat* Social Development and Welfare, the competent official shall, if such child is in need of assistance, determine assistance procedure under section 33 which suit for such child. If there is no such suitable procedure under section 33, a child may be place to the primary shelter.

In the case where a child is taken for assistance to the primary shelter, assistance unit or private development and rehabilitation unit, the curator shall report information related to such child to the competent official for the execution to be in accordance with paragraph two.

**Section 35.** The competent official or a curator under section 24 has found a child to be assisted under section 32 (1) and (2) or has been notified by a person under section 29 shall interrogate information related to a child. If a child is sick, in need of health examination or disabled, physical and mental examination and treatment shall be provided without delay. If a child is in need of assistance, the assistance procedure to be provided shall be in compliance with section 33. In all cases, a child should be placed to his or her family as soon as possible. If it appears that family condition or environment is not suitable to place a child to his or her family and there is a reasonable ground to provide welfare protection to a child, the competent official may execute welfare protection measure to a child under Chapter IV.

**Section 36.** If it appears, during being assisted under section 33 (2) (4) or (6), that a child is at risk of wrongdoing and welfare protection is in need, the Permanent Secretary or *Changwat* Governor, as the case may be, shall have power to order the execution of welfare protection measure to a child under Chapter IV.

**Section 37.** When a primary shelter, assistance unit or development and rehabilitation unit has admitted a child under section 33 (5) (6) or (7), the curator shall search and examine information related to a child and his or her family and submit recommendation related to assistance or welfare protection measure of each child together with curriculum vitae to the Permanent Secretary or *Changwat* Governor, as the case may be, without delay. In this case, the Permanent Secretary or *Changwat* Governor shall make an order as he or she thinks fit.

**Section 38.** In the case where the Permanent Secretary or *Changwat* Governor place a child to be assisted without consent of the guardian under section 33 paragraph two or where the guardian is not agree upon the period of time under section 33 paragraph two or where the guardian makes a request to admit a child under his or her care, but the Permanent Secretary or *Changwat* Governor reject such request under section 33 paragraph four, the guardian shall have the right to institute

the case to the Court under section 5 having jurisdiction over such locality within one hundred and twenty days as from the date of acknowledgment of such order.

**Section 39.** In the case where there is reasonable ground to believe that the guardian who a child is placed under guardianships provides illegal care to such child again, the competent official or a person having duty to provide welfare protection to a child under section 24 shall give recommendation to such guardian. If the guardian fails to comply with such recommendation, the competent official or curator shall make a request to the Permanent Secretary, *Changwat* Governor, *Nai Amphoe* or *Palad Amphoe* acting as chief of *King Amphoe*, as the case may be, to call the guardian to provide bond as to whether he or she shall not provide illegal care to a child and to give security in form of money in an amount which suits for his or her living condition. Such security shall not longer than two years and it shall be forfeited and vest to the Child Protection Fund under section 69 upon the violation of the bond.

## Chapter 4 Child Welfare Protection

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**Section 40.** The children to be provided welfare protection are *viz*:

- (1) tortured child;
- (2) child at risk of wrongdoing;
- (3) child in a circumstance which requires welfare protection as prescribed by the Ministerial Regulation.

**Section 41.** Whoever finds or faces with a circumstance which is believable that there is a child torture shall notify or report the competent official, administrative official or police officer or a person having duty to provide welfare protection to a child under section 24.

If the competent official, administrative official or police officer or a person having duty to provide welfare protection to a child under section 24 has received a notification or report under paragraph one or finds or faces with a circumstance which is believable that there is a child torture in any place, they shall have power to search and separate a child from his or her family so as to provide welfare protection to such child as soon as possible.

A notification or report made under this section in good faith shall be protected and shall not be liable to civil, criminal or administrative liability.

**Section 42.** In providing child welfare protections under section 41 paragraph two, physical and mental medical examination and treatment shall be provided instantly. If it is appropriate to search and examine information related to a child and his or her family so as to determine suitable welfare protection to a child, the competent official may place a child to the primary shelter, or if it is necessary to provide assistance, the assistance shall be provided in accordance with section 33, and if it is necessary to provide mental rehabilitation, a child shall be placed to the development and rehabilitation unit in hurry.

The placing of a child to a primary shelter, development and rehabilitation unit or other places under paragraph one during searching and examining for the suitable welfare protection shall not longer than seven days. If it is necessary and appropriate to the interest of a child, the competent official or public

prosecutor may request the Court under section 5 so as to extend such period, but the aggregate period shall no longer than thirty days.

**Section 43.** In the case where the guardian or relatives of a child has tortured a child, if the criminal proceedings has been instituted against the offender and there is a reasonable ground to believe that such person may torture a child again, the Court which considers such case shall, in order to prevent such person in so doing, have power to impose probation measure to such person, determine restricted area not to be entered by such person or determine distance in which such person shall not come close to a child. In this regards, the Court may order such person to provide bond in accordance with the procedure as prescribed under section 46 and section 47 of the Penal Code.

If the criminal proceedings has not been instituted or there is no such criminal proceedings, but there is a reasonable ground to believe that a child may be tortured again, the competent official, administrative official or police officer, person having duty to provide welfare protection to a child under section 24 or public prosecutor shall request the Court under section 5 for an order prohibiting such act with or without probation measure and bond.

In the cases under paragraph one and paragraph two, if the Court is of an opinion that there is an urgent necessary to protect a child from torture, it shall have power to order the police to arrest and detain a person who is believed to be a person who may torture a child. Such detention shall no longer than thirty days each time.

The making of an order or requesting for a bond under this section shall be made with a view to maximize benefit of a child.

**Section 44.** If the competent official or a person having duty to provide welfare protection to a child under section 24 finds or being notified from a person who has found a child at risk of wrongdoing, he or she shall interrogate a child and search for information related to a child, including family relationships, living condition, past raising, habit and behavior of a child so as to acknowledge information related to a child. If he or she is of opinion that welfare protection by means of placing such child to the welfare protection unit or development and rehabilitation unit should be provided, he or she shall submit a child curriculum vitae together with such opinion to the Permanent Secretary or *Changwat* Governor, as the case may be, to determine suitable welfare protection to a child.

In the case where the competent official or a person having duty to provide welfare protection to a child under section 12 is of opinion that it is necessary to a child to be assisted, he or she shall provide assistance under section 33. If he or she is of opinion that it is not suitable to place a child to protection unit or development and rehabilitation unit, a child shall be placed to the guardian or other persons who consent to take care of such child whether nominating the child welfare protector under section 48. After consulting with the guardian or a person who consents to take care of such child, he or she may request the guardian or a person who consents to take care of such child to act in compliance with one or many of the following determinations, as appropriate, so as to protect a child from bad behavior or being at risk of wrongdoing:

(1) being careful in guarding a child to enter into a place or locality which may induce a child to have improper behavior;

(2) being careful in preventing a child from going outside the dwelling place in the nighttime, except for unavoidable reason or going with the guardian;

(3) being careful in guarding a child to accompany with a person or group of persons which may induce a child to inappropriate way;

(4) being careful in preventing a child to do any act which may cause a child to behave inappropriately;

(5) causing a child to be educated with regards to child's age, intelligence and interesting;

(6) causing a child to do occupation suitable for child's proficiency and interesting;

(7) causing a child to participate any activity so as to develop his or her virtue, ethic and social benefit.

If it is apparent that the guardian or a person who consents to take care of a child fail to comply with the determination of the competent official or a person having duty to provide welfare protection to a child under section 24, the competent official or a person having duty to provide welfare protection to a child shall take a child into its care.

**Section 45.** No child shall purchase or consume liquor or cigarettes or enter into a place specially permitted for the disposing of or consuming liquor or cigarettes. In case of violation, the competent official shall interrogate a child for information related thereto and summon, in writing, the guardian to attend the meeting with a view to consultation, admonition, providing bond or conclude the agreement related to procedure and period of time in which a child shall be contributed in undertaking the community services or public works, including to lay down determinations to be complied with by the guardian under section 44 paragraph two or other determinations aiming at revising or preventing a child in so doing again.

If the guardian violates the provisions under paragraph one, provisions of section 39 shall be applied *mutatis mutandis*.

The admonition, providing bond and placing a child to undertake community services or public works under paragraph one shall be in accordance with the rule, procedure and condition as prescribe by the Ministerial Regulation.

**Section 46.** In the case where the Permanent Secretary or *Changwat* Governor place a child under welfare protection or where the competent official determine a child to undertake community services or public works under section 45, the guardian who does not agree upon therewith shall have the right to institute the case to the Court under section 5 within one hundred and twenty days as from the date of acknowledgment of such order.

**Section 47.** Otherwise prescribed in this Chapter, the procedure in providing welfare protection to a child shall be in accordance with the regulation as determined by the Committee.

## Chapter 5 Child Welfare Protector

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**Section 48.** In providing assistance, welfare protection and promotion proper behavior of a child under this Act or other laws, if the competent official is of

opinion that it is reasonable to appoint the child welfare protector to supervise any child, he or she shall request the Permanent Secretary or *Changwat* Governor, as the case may be, to appoint the competent official, social worker or a suitable and willing person to be the child welfare protector. In this regards, the dwelling place of a child under supervisory of the child welfare protector may also be determined.

In the case where a child is out of care of the primary shelter, assistance unit, welfare protection unit and development and rehabilitation unit, the child welfare protector may, if it is reasonable, request the Permanent Secretary or *Changwat* Governor, as the case may be, to appoint the competent official, social worker or a suitable and willing person to be the child welfare protector.

The appointment of the child welfare protector shall no longer than two years a term.

**Section 49.** A child welfare protector shall have power and duty as follows:

(1) to visit, give advice, recommendations or admonition related to behavior, education and occupation to a child under supervision;

(2) to visit, give advice and recommendations related to the child cultivation and raising to the guardian whose a child under supervision is in guardianships;

(3) to make a report and opinion related to the living condition of both child and guardian to the Permanent Secretary, *Changwat* Governor, competent official, curator, Committee, Bangkok Metropolis Child Protection Committee or *Changwat* Child Protection Committee, as the case may be, for further implementation.

**Section 50.** No curator or child welfare protector shall disclose the first name, surname, photograph or other information related to a child or guardian in a manner which may be harmful to the reputation, prestige or any interest of a child or a guardian.

The provisions under paragraph one shall apply *mutatis mutandis* to the competent official, social worker, psychologist and a person having duty to provide child welfare protection to a child under section 24 who has known such information as a result of the performance of his or her duty.

No person shall advertise or disseminate through the mass media or any informative media related to information disclosed in violation of the provisions under paragraph one or paragraph two.

## Chapter 6

### Nursery, Primary Shelter, Assistance Unit, Welfare Protection Unit and Development and Rehabilitation Unit

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**Section 51.** The Permanent Secretary shall have power to establish a nursery, primary shelter, assistance unit, welfare protection unit and development and rehabilitation unit throughout the Kingdom. The *Changwat* Governor shall have power to establish a nursery, primary shelter, assistance unit, welfare protection unit and development and rehabilitation unit within *Changwat* area.

Any State agency other than State agency having power and duty under this Act may establish and operate only nursery by notifying the Permanent Secretary or *Changwat* Governor, as the case may be, for information. In this case,

the Permanent Secretary or *Changwat* Governor shall give advice or support to the nursery establishment and operation.

**Section 52.** Under the provisions of section 51, a person who establishes a nursery, primary shelter, assistance unit, welfare protection unit and development and rehabilitation unit shall apply for a license to the Permanent Secretary or *Changwat* Governor, as the case may be.

The application for license, issuance of license, application for license renewal, granting permission to renew license, application for the substitution of the lost, destroyed or damaged license, issuance of the substitution of license and revocation of license shall be made in accordance with the rule, procedure and condition as prescribed by the Ministerial Regulation and a fee thereof shall be paid at the rate as prescribed by the Ministerial Regulation.

**Section 53.** The Permanent Secretary, *Changwat* Governor, Committee, Bangkok Metropolitan Child Protection Committee and *Changwat* Child Protection Committee shall supervise, promote and support the operation of a nursery, primary shelter, assistance unit, welfare protection unit and development and rehabilitation unit within their responsible area.

**Section 54.** The primary shelter, assistance unit, welfare protection unit and development and rehabilitation unit shall not be operated for commercial benefit and shall have the curator to administer and supervise thereof.

The operation of the places under paragraph one shall be in accordance with the regulation determined by the Permanent Secretary.

**Section 55.** The Permanent Secretary and *Changwat* governor shall have power to appoint or remove the curator of the primary shelter, assistance unit, welfare protection unit and development and rehabilitation unit in accordance with the rule, procedure and condition as prescribed by the Ministerial Regulation.

**Section 56.** The curator of the primary shelter shall have power and duty as follows:

(1) to admit a child in need of assistance or welfare protection so as to search and examine such child and his or her family, determine measure in providing assistance or welfare protection which is suitable for each child. If it is necessary, the curator may receive a child to be under his or her care temporarily which shall no longer than three months;

(2) to search and examine age, background, behavior, intelligence, education, health condition, mental condition, habit, occupation and station in life of a child in need of assistance or welfare protection, including his or her guardian or a person who a child lives with, as well as related environment and any condition which cause a child to be in need of assistance or welfare protection so as to report to related agency;

(3) to provide physical and mental health examination and medical treatment to a child under his or her care;

(4) to provide appropriate and hygienic accommodation, sleeping place and clothing, as well as nutritious and sufficient food for a child under his or her care;

(5) to provide education, sports and recreation activities to a child under his or her with regards to age and conditions of each child;

(6) to place a child, after (1) and (2) has been done, to the assistance unit, development and rehabilitation unit, school or any place having objective in providing child assistance or welfare protection with regards to age and conditions of each child;

(7) to place a child to the guardian or a suitable and willing person to take care of a child. If it is appropriate, the curator may request the Permanent Secretary or *Changwat* Governor, as the case may be, to appoint child welfare protector under section 48;

(8) to give advice, recommendation and support to the guardian in the case where a child is in need of assistance or welfare protection.

The curator of the primary shelter shall, at the first priority, to place a child back to the guardian. To place a child to the assistance unit, welfare protection unit or development and rehabilitation unit shall act as the last resort.

**Section 57.** The licensee and the curator of the assistance unit and welfare protection unit established under this Act or other laws shall do by all means to admit a child in need of assistance or welfare protection to be in care.

**Section 58.** The curator of the assistance unit shall have power and duty under section 56 (1) (2) (3) and (4) and shall have the following power and duty:

(1) to provide education, cultivation and vocational training to a child under care of the assistance unit which is suitable for each child;

(2) to provide guidance, advice and assistance to the guardian;

(3) to monitor and follow up, give advice, recommendation and aid to a child who is discharged from the assistance unit in order to prevent such child from being back to the previous circumstances.

If a child is taken from the primary shelter and a searching and examining to such child has been made, a searching and examining under section 56 (2) may be waived.

**Section 59.** The curator of the welfare protection unit shall have power and duty as follows:

(1) to take care and raise a child who lives in the welfare protection unit;

(2) to provide education, training and vocational training to a child who lives in the welfare protection unit;

(3) to correct, heal and cure and rehabilitate both physical and mental conditions of a child who lives in the welfare protection unit;

(4) to monitor and follow up, give advice, recommendation and aid to a child who is discharged from the welfare protection unit.

**Section 60.** The curator of the development and rehabilitation unit shall have power and duty as follows:

(1) to admit in care a child in need of physical or mental rehabilitation;

(2) to search and examine information related to a child and his or her family in order to determine development and rehabilitation procedure for each child;

(3) to provide education, training, cultivation, treatment, guidance and physical and mental rehabilitation suitable for each child under care.

**Section 61.** No owner, curator and a person working in the nursery, primary shelter, assistance unit, welfare protection unit and development and rehabilitation unit shall cause physical or mental harm to, detain, neglect or punish a child under care by any severe punishment, except where it is reasonable for cultivation under the regulation determined by the Minister.

**Section 62.** In the performance of duty under this Act or as entrusted by the Permanent Secretary or *Changwat* Governor, the curator shall be the competent official under the Penal Code.

## **Chapter 7**

### **Proper behavior Promotion of Pupils and Students**

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**Section 63.** A school and education institution shall lay down working and activity system in providing guidance, consultation and training to pupils, students and their guardians so as to promote proper behavior, sense of social responsibility and safety of pupils and students under the rule, procedure and condition as prescribed by the Ministerial Regulations.

**Section 64.** A pupil and student shall behave in accordance with regulations as determined by a school or education institution and as prescribed by the Ministerial Regulation.

**Section 65.** If a pupil or student violates the provisions of section 64, the competent official shall act in accordance with the regulation determined by the Minister and shall have power to handover such pupil or student to the administrator of the school or education institution of such pupil or student so as to interrogate and cultivate or punish as specified in the regulation. If it is unable to make such handover, the competent official may notify the administrator orally or in writing.

The competent official or the administrator of the school or education institution shall, after the cultivation and punishment has been made, inform the guardian of the student or pupil to admonish such child.

The punishment of a pupil or student shall be made as necessary for cultivation in accordance with the regulations determined by the Minister.

**Section 66.** The competent official under this Chapter shall have power to perform an act which supports proper behavior of pupils and students as follows:

(1) to interrogate teacher, instructor or head of education institution related to behavior, education, habit and intelligence of a pupil or student who violates section 64;

(2) to summon the guardian, teacher, instructor or head of the education institution which such pupil or student is studying to take such pupil or student back for admonition and cultivation;

(3) to give advice to the guardian related to cultivation of pupil and student;

(4) to summon the guardian for admonition or providing bond as to whether he or she shall prevent a pupil or student violates section 64;

(5) to monitor, supervise and report to the Committee related to behavior of a person or source which induce a pupil or student to behave improperly;

(6) to coordinate with the administrators of schools or education institutions, teachers, guardians, police officers or other competent officials for the execution of this Chapter.

**Section 67.** If it is a reasonable ground to suspect that there is a violation of laws or regulations related to pupil or student behavior, the competent official shall have power to enter into the dwelling place, other places or vehicles between sunrise to sunset or during the working hour so as to examine such violation.

In the performance of duty under paragraph one, the identification card of the competent official shall be presented. In this regards, all related persons shall facilitate the competent official as appropriate.

The form of identification card of the competent official shall be determined by the Minister and published in the Government Gazette.

## **Chapter 8**

### **Child Protection Fund**

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**Section 68.** The Government shall allocate its budget to establish a fund within the Office of the Permanent Secretary of the Ministry of Social Development and Human Security to be called the “Child Protection Fund” so as to be used in providing assistance, welfare protection and proper behavior promotion of a child, including family and foster family of a child under this Act.

**Section 69.** The fund consists of:

- (1) start-up capital of the government;
- (2) money allocated from annual budgetary appropriation;
- (3) money or properties donated or contributed by any person;
- (4) money subsidy from abroad or international organization;
- (5) money or properties vested to the fund or acquired by the fund under the laws or any juristic act;
- (6) security in form of money forfeited as a result of bond violation under section 39;
- (7) interests incurred from money or properties of the fund.

**Section 70.** Money and interests acquired by the fund under section 69 shall not be remitted to the Ministry of Finance as state income.

**Section 71.** There shall be a Fund Management Committee, consisting of the Permanent Secretary of the Ministry of Social Development and Human Security as Chairperson, the Permanent Secretary of the Ministry of Interior, the Permanent Secretary of the Ministry of Education, a representative of the Budget Bureau, a representative of the Comptroller-General’s Department, and not more than three qualified members appointed by the Committee as members. At least one of the qualified members shall be appointed from private sector in the field of child welfare. The Deputy Permanent Secretary of the Ministry of Social Development and Human Security as entrusted by the Permanent Secretary shall be member and secretary.

**Section 72.** The provisions of section 9, section 10, section 11, section 12, section 13 and section 15 shall apply *mutatis mutandis* to the holding of office, the vacating from office, the meeting of the Fund Management Committee and the appointment of the sub-committee of the Fund Management Committee.

**Section 73.** The Fund Management Committee shall have power and duty as follows:

(1) to manage the fund in accordance with the regulation determined by the Committee;

(2) to consider and approve the payment for providing child assistance, welfare protection and behavior promotion, including his or her family or foster family in accordance with the regulation determined by the Committee or order of the Court;

(3) to report financial and management status to the Committee in accordance with the regulation determined by the Committee.

**Section 74.** The acceptance, payment, keeping, earning benefit and management shall be in accordance with the regulation determined by the Committee.

**Section 75.** There shall be a Committee on Monitoring and Evaluating the Performance of the Fund, consisting of the Chairperson and qualified members appointed by the Committee from persons having knowledge and experience in the field of finance, child welfare and evaluation. The Deputy Permanent Secretary of the Ministry of Social Development and Human Security entrusted by the Permanent Secretary shall be member and secretary.

The provisions of section 9, section 10, section 11, section 12 and section 13 shall apply *mutatis mutandis* to the holding of office, the vacating from office and the meeting of the Committee on Monitoring and Evaluating the Performance of the Fund under paragraph one.

**Section 76.** The Committee on Monitoring and Evaluating the Performance of the Fund under section 75 shall have power and duty as follows:

(1) to monitor, examine and evaluate the performance of the fund;

(2) to report its performance including recommendations to the Committee;

(3) to summon document or evidence related to the fund from any person or to summon any person to testify for evaluation consideration.

**Section 77.** The Fund Management Committee shall make and submit the balance sheet and account to the auditor for auditing within one hundred and twenty days as from the end of each accounting year.

The Office of the State Auditor-General shall audit the account of the fund each year and shall report and certified the audited account and finance of the fund to the Committee within one hundred and fifty days as from the end of each accounting year. The Committee shall submit such report to the Council of Ministers for information.

The Minister shall submit the audited account under paragraph two to the Prime Minister so as to submit it to the National Assembly and published in the Government Gazette.

## **Chapter 9**

### **Penalties**

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**Section 78.** Whoever violates section 26 shall be liable to imprisonment for a term of not exceeding three months or to a fine of not exceeding thirty thousand Baht, or to both.

**Section 79.** Whoever 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 of not exceeding sixty thousand Baht, or to both.

**Section 80.** Whoever obstruct the competent official from the performance of duty under section 30 (1) or (5) or fails to submit document or submits fault document to the competent official intentionally upon request of the competent official under section 30 (4) shall be liable to imprisonment for a term of not exceeding one month or to a fine of not exceeding ten thousand Baht, or to both.

Whoever fails to come to give statement, fails to give statement without reasonable ground or give fault statement to the competent official who performs duty under section 30 (3) shall be liable to imprisonment for a term of not exceeding one month or to a fine of not exceeding ten thousand Baht, or to both. If such person gives the true statement before the end of the testimony, the criminal proceedings against such person shall be extinguished.

**Section 81.** Whoever violates the measure imposed by the Court on probation, entering into the restricted area or come close to a child under section 43 shall be liable to imprisonment for a term of not exceeding one month or to a fine of not exceeding ten thousand Baht, or to both.

**Section 82.** Whoever establishes or operates a nursery, primary shelter, assistance unit, welfare protection unit or development and rehabilitation unit under section 52 without license or such license has expired or has been revoked shall be liable to imprisonment for a term of not exceeding one month or to a fine of 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 extinguished.

**Section 83.** The owner or curator of a nursery, primary shelter, assistance unit, welfare protection unit or development and rehabilitation unit who fails to comply with this Act or the Ministerial Regulation or regulation issued pursuant to this Act shall be liable to imprisonment for a term of not exceeding one month or to a fine of not exceeding ten thousand Baht, or to both.

If the person who violates the provisions under paragraph one has revised such act or complied with recommendation of the competent official or curator under section 24, the criminal proceedings against such person shall be extinguished.

**Section 84.** Whoever acts as the curator of a nursery, primary shelter, assistance unit, welfare protection unit and development and rehabilitation unit

without appointment under section 55 shall be liable to imprisonment for a term of not exceeding one month or to a fine of not exceeding ten thousand Baht, or to both.

**Section 85.** Whoever encourages, promote, assists or support a pupil or student in violation the provisions under section 64 shall be liable to imprisonment for a term of not exceeding three months or to a fine of not exceeding thirty thousand Baht, or to both.

**Section 86.** Whoever fails to facilitate the competent official for the performance of duty under section 67 shall be liable to imprisonment for a term of not exceeding one month or to a fine of not exceeding ten thousand Baht, or to both.

### **Transitory Provisions**

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**Section 87.** The nurseries, primary shelters, assistance units and welfare protection units of the government agencies or of private individual which are permitted under the Announcement of the Revolutionary Council No. 294, dated 27<sup>th</sup> November B.E. 2515 which still operate until the day this Act come into force shall be the nurseries, primary shelters, assistance units and welfare protection units under this Act.

**Section 88.** All Ministerial Regulations, rules, regulations, notifications or orders issued by virtue of the Announcement of the Revolutionary Council No. 294, dated 27<sup>th</sup> November B.E. 2515 and the Announcement of the Revolutionary Council No. 132, dated 22<sup>nd</sup> April B.E. 2515 shall remain in force in so far as they are not contrary to, or inconsistent with, this Act until the issuance of the Ministerial Regulation, rule, regulation, notification or order issued by virtue of this Act.

Countersigned by:

Police Lieutenant Colonel Thaksin Shinawatra  
Prime Minister