ANGUILLA

REVISED REGULATIONS OF ANGUILLA

under

CHILD JUSTICE ACT
R.S.A. c. C33

Showing the Law as at 31 December 2022

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

Regulation	Citation	Page
CHILD JUSTICE REGULATIONS *Revises R.A. 95/2022, in force 1 September 2022*	R.R.A. C33-1 *(31/12/2022)*	3

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Revised Regulations of Anguilla: C33-1

CHILD JUSTICE ACT (R.S.A. c. C33)

CHILD JUSTICE REGULATIONS

Note: These Regulations are enabled under section 82 of the Child Justice Act, R.S.A. c. C33.

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PART 1

PRELIMINARY PROVISIONS

Interpretation

1. (1) In these Regulations—

"designated official" includes any official of the Ministry or Court or any other person authorised to act on behalf of the Ministry or Court or any other legislatively established entity possessing responsibility for social services or child protection;

"diversion officer" means the Community Service Diversion Officer.

(2) In interpreting and applying these Regulations, persons shall be guided by the provisions and precepts of the Pre-Charge Diversion Policy.

Application

2. These Regulations apply to post-charge diversion situations, where a child in conflict with the law has been charged with an offence.

PART 2

INITIAL INQUIRY

Procedure relating to holding of initial inquiry

3. (1) The participation of a child in an initial inquiry shall be secured under Part 5 of the Act.

(2) The presiding officer must, at the start of the initial inquiry, inform the child about and explain to the child, the matters referred to in section 30(1) of the Act in—

(a) a language of the child's choice or through an interpreter;

(b) plain language by using simple vocabulary and by avoiding technical terms; and

(c) a manner appropriate to the age, maturity and stage of development of the child.

(3) The presiding officer must, when informing the child about or explaining to the child, the matters in question—

(a) give enough detail so that the child understands the information;

(b) allow sufficient time so that the child can absorb the information;

(c) encourage and allow the child to ask questions and express his or her views;

(d) elicit responses from the child by asking questions in order to ensure that he or she understands the information;

(e) ensure that the atmosphere is conducive to participation by the child and the parent, appropriate adult or guardian; and

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(f) be sensitive to the needs of the child and the fact that the child may be confused and may be experiencing anxiety and may feel intimidated.

(4) The proceedings at the preliminary inquiry must be conducted in a manner that sets the child at ease.

(5) The child should be treated with care and understanding.

PART 3

DIVERSION

Diversion options

4. (1) During an initial inquiry, the Board must review any matter before it to determine whether such matter may be diverted, giving consideration to the facts, recommendations and information presented further to section 37 of the Act.

(2) Based on the findings and conclusion of its review referred to in subsection (1), the Board may issue—

(a) a diversion order; or

(b) an order to release the child, recommending to the Attorney-General that the child should not be prosecuted, should it be determined that the child is innocent of the alleged offence.

(3) The Court may issue a diversion order further to section 55 of the Act and Part 8 of the Act shall be applicable.

(4) The Board or Court must, when issuing a diversion order, explain to the child and the parent, appropriate adult or guardian, in full detail—

(a) what the order entails;

(b) what the order seeks to achieve;

(c) what is expected of the child and the parent, appropriate adult or guardian; and

(d) the importance of compliance with the order,

and confirm that they understand the explanation.

(5) A diversion direction referred to in Part 8 and section 55 of the Act must contain enough information and be formulated in plain language by using simple vocabulary in order to—

(a) ensure that the child and the parent, appropriate adult or guardian fully understand what is expected of them; and

(b) facilitate the monitoring of compliance with the order and to deal with non-compliance effectively.

(6) A compulsory school attendance order referred to in section 45(2)(e) of the Act must correspond substantially with Part A of Form 1 of the Schedule.

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Failure to comply with diversion order

5. (1) The probation officer or the person identified in section 45(5) of the Act must, within 7 days after becoming aware of the child's failure to comply with the diversion direction, notify the Board or the Court, as may be relevant, of the child's failure in a form which corresponds substantially with Form 2 of the Schedule.

(2) The probation officer or the identified person must immediately, upon completion of Form 2, submit the form and supporting documents, if any, to the Board—

(a) by hand;

(b) electronically; or

(c) by facsimile.

(3) The Board must, on receipt of Form 2, obtain and review the relevant supporting documents, including court documents, as the case may be.

(4) The Board must, on receipt of Form 2, submit to the designated official a certified copy of the form.

(5) The designated official must, on receipt of the copy of Form 2, make the necessary entries in the register referred to in section 22 of the Act.

(6) The Board must inform the designated official in writing of the outcome of the proceedings and attach any supporting documents.

(7) The designated official must make the necessary entries in the register referred to in section 22 of the Act.

Reporting in respect of assessment of a child

6. (1) The report referred to in section 27(5) of the Act by the probation officer or the person identified in section 25 of the Act must correspond substantially with Form 3 of the Schedule.

(2) A designated official who receives a report in terms of subsection (1) must, on receipt thereof, consider the report.

(3) A designated official may clarify any aspect of the report with, or obtain further information from, the probation officer or the identified person.

(4) The designated official must submit a certified copy of the report to the clerk of the Court and any other designated official.

Designations by Chief Probation Officer

7. The Chief Probation Officer may designate an officer to—

(a) conduct the duties of a diversion officer and must provide that officer with the requisite allowances to conduct the additional duties; and

(b) make entries in, update and maintain the register of children in respect of whom a diversion order has been made, as referred to in section 43(6) of the Act.

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PART 4

COURT PROCEEDINGS

Duty of presiding officer before plea in Court

8. (1) A presiding officer must inform the child of and explain to the child, the matters referred to in section 47(1) of the Act in—

(a) the language of the child's choice or through an interpreter;

(b) plain language, using simple vocabulary and avoiding technical words; and

(c) a manner appropriate to the age, maturity, stage of development of the child and the special needs of the child.

(2) A presiding officer, when acting in terms of section 30(1) of the Act, must—

(a) treat the child with care;

(b) set the child and the parent, appropriate adult or guardian at ease;

(c) give enough detail about the matters;

(d) allow sufficient time so that the child can absorb the information;

(e) encourage and allow the child to ask questions; and

(f) elicit responses from the child by asking questions in order to ensure that the child understands the information.

PART 5

SENTENCING

Progress report regarding community-based sentences

9. (1) The Court must give directions to the probation officer regarding—

(a) the frequency of submitting progress reports referred to in section 68(4) of the Act, to the Court; and

(b) the dates on which the first and subsequent progress reports must be provided to the Court.

(2) The last progress report must be provided to the Court within 7 days after the date on which the child has complied with the order.

(3) The probation or diversion officer must, if the Court fails to give the directions referred to in subsection (1)(a), provide to the family court a progress report—

(a) within 7 days after the date on which the conditions of the sentence have been complied with; and

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(b) whenever the probation or diversion officer deems it necessary, taking into account the period of the sentence imposed, the nature of the offence, the extent to which monitoring of the child's compliance is required and the date on which the last progress report must be provided in terms of subsection (1)(b).

(4) The progress report must—

(a) be in writing;

(b) indicate the—

(i) case number,

(ii) name, age and the date of birth of the child,

(iii) particulars of the offence of which the child was convicted,

(iv) particulars of the sentence imposed, and

(v) sources of information;

(c) set out the information obtained regarding compliance with the order;

(d) clearly indicate the progress made in complying with the order, with specific reference to the objectives of the sentencing option in question;

(e) reflect the views of the child regarding his or her progress;

(f) indicate the conclusions reached and the basis thereof or reasons;

(g) contain recommendations, if applicable, supported by motivation; and

(h) be accompanied by supporting documents, if applicable.

(5) The probation or diversion officer must closely monitor the child's compliance with the order to ensure that he or she is in a position to compile a progress report.

(6) The probation or diversion officer must, to the extent necessary, obtain feedback in writing from any person who may have information on the child's compliance.

(7) The probation or diversion officer must keep a record of any—

(a) oral or written information received in respect of the child's compliance with the order; and

(b) observation made by the probation officer in respect of the child's compliance with the order.

(8) The progress report must be submitted to the clerk of the family court in question in the manner provided for in subsection (4).

(9) The clerk of the family court must, on receipt of the progress report, attach the report to the case record and place it before the presiding officer who imposed the sentence.

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(10) The presiding officer must direct the clerk of the Court how to deal with the matter and, in the case of a child who has failed to comply with a sentence referred to in section 60 of the Act, indicate the date on which the child must appear before the Court.

Progress report regarding restorative justice sentences

10. (1) This section applies with the changes required by the context to a progress report regarding restorative justice sentences.

(2) Any progress report regarding restorative justice sentences must also indicate—

(a) the manner in which, and the extent to which, the child complied with the sentence imposed;

(b) whether there were any impediments in complying with the sentence and how these were overcome;

(c) the patterns of behaviour of the child when carrying out the sentence; and

(d) any positive outcome for the child or the victim.

Progress report regarding alternatives to fines

11. (1) This section applies with the changes required by the context to a progress report regarding alternatives to fines.

(2) The probation or diversion officer must include in the progress report information about—

(a) the amount of compensation paid, the date on which and person to whom the payment was made;

(b) the person or group to whom, or organisation, or institution to which the service or benefit was provided and the dates on which it was done;

(c) views of the child relating to his or her sentence and responsibilities; and

(d) any positive outcome for the child or the victim.

(3) The Juvenile Care Worker must, where applicable, attach a supporting report at intervals and on completion of sentence of compulsory residence in secure residential facility.

Reports in respect of Residential Orders

12. (1) A Juvenile Care Worker must, where a child has been sentenced to a compulsory residence, develop and submit a Sentence Update Report in a form which corresponds substantially with Form 4 of the Schedule.

(2) The report must clearly indicate—

(a) sources of information;

(b) key interventions;

(c) observations and assessment;

(d) a description of the treatment plan;

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(e) key recommendations proposed and future plans for the development of the child.

Manner of taking child to a secure residential facility for sentence of compulsory residence

13. (1) The Supervisor of the Residential Centre must, if a child has been sentenced to compulsory residence, further to section 65 of the Act—

(a) make the necessary arrangements to ensure that the child is taken to secure residential facility; and

(b) ensure, if necessary, that the child is accompanied by a social worker, social service professional or child and youth care worker or an escort.

(2) A child must be transported—

(a) in a manner that ensures proper control over the child;

(b) using the least invasive means to control the child and with due regard to the child's right to bodily integrity;

(c) in a manner that takes into account the safety and security of the child and members of society;

(d) in a manner that takes into account the age, dignity and level of maturity of the child;

(e) in a manner that is appropriate to the nature of the offence of which the child has been convicted;

(f) in any vehicle other than a marked police vehicle; and

(g) in the cabin of a vehicle and not in the back.

(3) The person responsible for the transporting of the child must at all times ensure that he or she has proper control over the child without humiliating the child in public.

(4) The person transporting the child must hand the child to the person in charge of the centre specified in the order and provide the person with the court order.

Sentence of compulsory residence brought to attention of functionaries

14. The clerk of the Court must, on receipt of the Court order of compulsory residence—

(a) record the date on which the child will complete the sentence at the secure residential facility;

(b) inform, by telephone, the person in charge of the secure residential facility specified in the order and fax a copy of the order to that person; and

(c) advise the Juvenile Care Worker to submit the report referred to in section 11 within 6 weeks before the date on which the child completes the sentence referred to in section 12 is received within the period referred to in paragraph (a).

Failure of child to comply with certain sentences

15. (1) The probation or diversion officer must provide the Board with a report on the failure of a child to comply with a sentence referred to in section 57 of the Act within 7 days after becoming aware of the child's failure.

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(2) The presiding officer to whom a report was made regarding the failure of a child to comply with a sentence must indicate to the clerk of the Court a date on which the child must be brought before the Court.

(3) The clerk of the Court must inform the person or the institution in whose care the child is of the date and time on which the child must be brought before a Court for an inquiry on the failure of a child to comply with a sentence referred to in section 57 of the Act.

(4) The clerk of the Court must provide to the person or institution particulars of the Court and its location.

(5) The clerk of the Court must notify the person or institution of the particulars of the failure of a child to comply with a sentence referred to in section 57 of the Act and proof of the manner in which the notice was submitted must be attached to the Court record.

(6) The person or institution in whose care the child is, must, subject to subsection (5), take the child to the Court in question.

(7) A police official must take the child to the Court if the person or institution referred to in subsection (4) is not in a position to bring the child to the Court.

PART 6

EXPUNGEMENT OF RECORDS

Application for expungement of conviction and sentence

16. (1) An application in terms of section 72 of the Act may be made in Form 5 of the Schedule.

(2) The applicant must attach to Form 6 a certified copy of his or her criminal record, obtained from the Royal Anguilla Police Force, indicating the date of the conviction, the sentence and the type of offence of which he was convicted.

PART 7

MISCELLANEOUS

Manner of notification

17. (1) Any notice required to be submitted in terms of these Regulations may be submitted—

(a) by hand;

(b) by registered post;

(c) by facsimile; or

(d) electronically,

unless these Regulations provide otherwise.

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(2) The person who is to submit the notice must, in determining the manner in which the notice must be submitted, have due regard to the importance of the notice and any actions required in terms of the Act or these Regulations which must be concluded within a specified time period.

(3) If the notice is submitted by facsimile or electronically, the person who submitted the notice must ensure that the person who is to receive the notice has indeed received it, and must submit the original notice thereafter by registered post.

(4) The person who submitted the notice must keep proof of the manner in which the notice was submitted.

Secure residential facility

18. Zenaida Haven Juvenile Residential Centre is established as a secure residential facility to receive and rehabilitate children sentenced under the Act.

Schedule

19. (1) The Schedule setting out the forms used in these Regulations has effect.

(2) The Schedule comprises of the following 2 parts—

(a) Part 1, which sets out an index to the forms; and

(b) Part 2, which sets out the forms.

Citation

20. These Regulations may be cited as the Child Justice Regulations, Revised Regulations of Anguilla, C33-1.

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SCHEDULE

(Section 19)

PART 1

INDEX TO THE FORMS

FORM	TYPE	Child Justice Act - Reference
Form 1	Diversion Order (Diversion Options)	section 45(1) to (4)
-Part A	Compulsory School Attendance Order	section 45(2)(e)
-Part B	Family Time Order	section 45(2)(g)
-Part C	Peer Association Order	section 45(2)(f)
-Part D	Reporting Order	section 45(2)(d)
-Part E	Supervision & Guidance Order	section 45(2)(c)
Form 2	Notice of Failure to comply with Diversion conditions to Child Justice Board	section 38(1)
Form 3	Assessment Report to Child Justice Board	section 27(5)
Form 4	Sentence Update Report	section 68(3)(h)
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Form 6	Certificate of Expungement of Conviction & Sentence	section 72
Form 7	Written Instruction	section 13
Form 8	Summons to appear at Initial Inquiry	section 12
Form 9	Failure to appear at the Initial Inquiry (Parent or Guardian)	section 32(1)
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Form 11	Written Notice to appear before the Child Justice Board	section 38(1)
Form 12	Written Notice: Failure to Comply with Diversion Direction	section 38(1)
Form 13	Written Notice: Failure to Comply with Diversion Conditions	section 38
Form 14	Notice to appear at Assessment	section 26(1)
Form 15	Warrant of Detention Residential Order	section 66
Form 16	Notice of failure to comply with Diversion Conditions	section 38(1)
Form 17	Order of Apprehension	section 11(2)
Form 18	Notice of Apprehension DOP	section 11
Form 19	Notice of Failure to inform DOP of Apprehension of Child	section 11(8)
Form 20	Request for extended stay - Zenaida Haven	section 66(3)
Form 21	Release from Detention by the Police	section 17
Form 22	Summons to Appear Committing to the care of a fit person	section 62
Form 23	Warrant of Apprehension	section 38
Form 24	Warrant of Apprehension	section 11

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PART 2

FORMS

FORM 1

DIVERSION ORDER

(Section 45(1) to (4) of the Child Justice Act)

At the preliminary inquiry

The Child Justice Board at…….

Case no. (if applicable): ……..

TO:

Particulars of the child

Full names and Surname: ……...……...

Age: ……. Date of Birth: …….. Sex: ……...

Physical Address: ……...……...

……

……

Alleged offence: ……

……

……

COPY TO:

**(Any other person or institution affected by the order)*

Name and Surname: ……..

Physical Address: ……...……...……

……

……

Contact details: ……..……

……

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PARTICULARS OF THE ORDER

PART A

COMPULSORY SCHOOL ATTENDANCE ORDER

(Section 45(2)(e) of the Act)

(i) You are ordered to attend ……...……. school, in …… *(place)* every school day, from the date of this order until ……., unless excused by the School Principal or Headmaster or the Educator appointed by the Headmaster for this purpose, for reasons acceptable to the school and the Department of Education.

(ii) Under this order you are required to—

- remain at the school during school hours;
- report to the responsible educator;
- perform school work, including homework, diligently;
- co-operate with the educators;
- abide by the school rules; and
- participate in the following extra curriculum activities *(specify)*: ……...…….

(iii) ……, in their capacity as ……..……. will monitor your compliance with the order and report back.

(iv) Your failure to comply with this order may result in a warrant being issued for your arrest.

……. ……..…..

Signature: Presiding Officer **Date**

Name of the Presiding Officer: …….

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PART B

FAMILY TIME ORDER

(Section 45(2)(g) of the Act)

(i) You are ordered to spend at least:

..... hours a week; or

……days a month with your family.

(ii) Under this order you are required to—

- interact with members of your family;
- help with, or perform, household duties;
- do your homework;
- listen to and co-operate with other family members; and
- behave in the following manner

……..

……

……

……

(iii) This order will apply from the date of this order until .....

(iv) ……....., in their capacity as ....., will monitor your compliance with this order and report back.

(v) Your failure to comply with this order may result in a warrant being issued for your arrest.

…….. ……..…..

Signature: Presiding Officer **Date**

Name of the Presiding Officer: …….

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PART C

PEER ASSOCIATION ORDER

(Section 45(2)(f) of the Act)

(i) You are ordered to associate with the following person/s:

……

……

……

(Identify the persons with sufficient detail to avoid any confusion on the part of the child)

(ii) You are further ordered to refrain from associating with the following persons:

……

……

……

(Identify the persons with sufficient detail to avoid any confusion on the part of the child)

(iii) The order will apply from the date of this order until .....

(iv) ……..... will monitor your compliance with this order and report back.

(v) Your failure to comply with the order may result in a warrant being issued for your arrest.

……. ……..…..

Signature: Presiding Officer **Date**

Name of the Presiding Officer: …….

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PART D

REPORTING ORDER

(Section 45(2)(d) of the Act)

(i) You are ordered to report:

to.....

at .....,

..... *(indicate how often or when)*

from the date of this order until .....

(ii) You must report to ……., on the following:

……

……

(iii) ……..…(*name*) may require you to:

……..……..

……

……

(iv) ……..... *(name)* will monitor your compliance with this order and report back.

(v) Your failure to comply with the order may result in a warrant being issued for your arrest.

……. ……..…..

Signature: Presiding Officer **Date**

Name of the Presiding Officer: …….

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PART E

SUPERVISION AND GUIDANCE ORDER

(Section 45(2)(c) of the Act)

(i) You are placed under the supervision and guidance of ....., a ..... based at ....., from the date of this order until .....

(ii) You will be supervised and guided in respect of the following:

.....

.....

.....

(iii) You are required to immediately contact and meet with …....., at ....., to develop a supervision and guidance plan. The supervision and guidance plan must include the following:

- details of the sessions; *(number, times and place)*
- objectives to be achieved; and
- responsibilities.

(iv) ……will act as your mentor and assist you to achieve the objectives of the plan. ……..…….. will monitor your compliance with the order and report back.

(v) Your failure to comply with the order may result in a warrant being issued for your arrest.

……. ……..…..

Signature: Presiding Officer **Date**

Name of the Presiding Officer: …….

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FORM 2

NOTICE OF FAILURE TO COMPLY WITH DIVERSION CONDITIONS

(Section 38(1) of the Child Justice Act)

TO: the Child Justice Board

Diversion Officer …….. *(name of Diversion Officer)* with the Department of Probation writes to inform that ……..…… *(Name of child),* …… *(Diversion Number)* has failed to comply with the below-mentioned conditions of their Diversion Order issued by the Board on ……..…… *(insert date).*

1.

2.

3.

4.

(list violated conditions)

Their matter is being forwarded to you for review.

…….
Diversion Officer

Date of hearing_____

Time of hearing_____

Location of hearing_____

Signature of Chairperson_____

_____

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FORM 3

ASSESSMENT REPORT TO CHILD JUSTICE BOARD

(Section 27(5) of the Child Justice Act)

Name of Child:		Date of Birth:	
Address:		Age:	
Tel No. of Child		Nationality:	
Tel No. of Parent			
Parent or Guardian		Offence	

Circumstances of offence

……

……

……

……

Attitude towards offence

……

……

……

Social history

……

……

……

……

Education or employment

……

……

……

……

Risk and protective factors

……

……

……

……

Conclusion and recommendations

……

……

……

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FORM 4

SENTENCE UPDATE REPORT

(Section 68(3)(h) of the Child Justice Act)

Court: …….

Magistrate: ……

Regarding: …….

Address: ...……..

Date of Birth: …….

Age: ……

Charge: ……..

Discharge date: …….

Review period: ……..

Submitted on: ……

Submitted by: ……

1.0 Sources of information

- This encompasses all stakeholders who would have contributed towards the completion of the report.

2.0 Key worker's interventions

- This includes an overview of the Care or Quarterly Plan objectives and the child's overall response to the programmes. It also includes the totality of the case management, which highlights: medical, family engagement, education, leisure and achievements.

3.0 Observations and assessment

- An evaluation of the child's response to treatment and an analysis of what is observed to determine their overall progress for reintegration into society. This area highlights a summary of interactions with case management stakeholders and any challenges that the child may have encountered for the reporting period.

4.0 Interventions

- This area is a breakdown of the child's treatment plan.

5.0 Recommendations

- This area highlights or proposes the best course of action for future plans and development of the child.

Respectfully Submitted,

……
Key Worker

…… …….
Supervisor Chief Probation Officer

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FORM 5

APPLICATION FOR EXPUNGEMENT OF RECORDS OF CONVICTION AND SENTENCE

(Section 72 of the Child Justice Act)

Note: Before submitting this application form you must obtain a copy of your criminal record from the Royal Anguilla Police Force. Attach the copy of the criminal record to this application form.

1. Particulars of the Child

Full names and surname: ……...……...

Age: …… ID No. ……...Date of Birth: ……....

Physical address: ……..

……...

……...

……...

……...

Postal address: ……..

……...

……...

……...

2. Particulars of the parent(s), appropriate adult or guardian

Full names and surname: ……...……...

ID No.: ……..

Relationship to the child: ……..

……...

Physical address *(if different from the child's)*: ……..……..

……...

……...

……...

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3. Particulars of Conviction and Sentence

Offence: ……..……...

Case No., if known: ……..

Court: ……..……..

Date of conviction: ……..……..

Sentence: ……...……...……

……...

……...

I request that a certificate of expungement be issued directing the Criminal Record Centre to expunge the records of my conviction and sentence in terms of section 72 of the Child Justice Act.

I certify that the information provided in this form is to the best of my knowledge true and correct.

……
Signature: Applicant

……
Date

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FORM 6

CERTIFICATE OF EXPUNGEMENT OF CONVICTION AND SENTENCE

(Section 72 of the Child Justice Act)

Acting in accordance with the Child Justice Act, I, ……..……., issue this certificate of expungement in respect of the following applicant:

Surname: ……

Full names: ……

ID No. or Date of Birth: ……..……..……..…….

in respect of the following:

OFFENCE	**DATE OF CONVICTION**	**SENTENCE**

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FORM 7

WRITTEN INSTRUCTION

(Section 13 of the Child Justice Act)

……. who is charged with the offence of ……
(Name of child)

is instructed by ……..…… to appear at an Initial Inquiry with the
(Name and Rank of Police Officer)

Child Justice Board on a date and time determined by the Department of Probation.

……..
Signature of Police Officer

…….....
Date of issue

Reference appearance at the Initial Inquiry

Date_____

Time_____

Location_____

_____

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FORM 8

SUMMONS TO APPEAR AT INITIAL INQUIRY

(Section 12 of the Child Justice Act)

Name of Parent or Guardian: ……..….

Address: ……..…….

Telephone Number: ……...……..……

Notice is hereby given that your child …… is required to attend an Initial Inquiry at …….. *(insert location)*.

Date of Inquiry: ……...…..

Time of Inquiry: …….

…….....
Signature of Police Officer

……..…
Date issued

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FORM 9

FAILURE TO APPEAR AT THE INITIAL INQUIRY

(PARENT OR GUARDIAN)

(Section 32(1) of the Child Justice Act)

Name: …….

Address: …….

Telephone Number: ……...……

Notice is hereby given that the person named …….. as a parent or guardian, appropriate adult or other required person failed to appear at the Initial Inquiry at …… *(insert location)* on *(date of inquiry)* …… *(time)* …….. .

You are now required to appear before the Child Justice Board at ……. location ……. on ……. day, at …….. time to begin the inquiry and provide your reason for not attending.

……
Signature of Police Officer

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FORM 10

FAILURE TO APPEAR AT THE INITIAL INQUIRY (CHILD)

(Section 38(1) of the Child Justice Act)

Name of Parent or Guardian: ……..…….

Address: ……..…….

Telephone Number: ……...……..……

Notice is hereby given that your child named …… failed to appear at the initial inquiry at …….. *(insert location) o*n *(date of inquiry)* …… *(time)* …….. .

You are now required to appear before the Child Justice Board at location …….. on …… day, at ……. time to begin the inquiry and provide your reason for not attending.

……
Signature of Police Officer

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FORM 11

WRITTEN NOTICE TO APPEAR BEFORE THE CHILD JUSTICE BOARD

(Section 38(1) of the Child Justice Act)

Name of Parent or Guardian: …….

Address: ……..……..…….

Telephone Number: ..……..…

……, you have failed to comply with the conditions of your Diversion Direction issued by the Child Justice Board on ……..…… for the offence of ……..

Such failure requires that you be brought before the Child Justice Board on …… *(date)* at ……. *(time)* to answer about your failure to comply as reported by the Diversion or Probation Officer of the Department of Probation.

……..
Chair, Child Justice Board

……...
Date of issue

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FORM 12

WRITTEN NOTICE: FAILURE TO COMPLY WITH DIVERSION DIRECTION

(Section 38(1) of the Child Justice Act)

Name: …….

Address: …….

Diversion Number: ……

Date: ……..…….

To: ……. *(insert name of child)*

The Child Justice Board has been advised that you have failed to comply with your Diversion Order issued by this Board on ……. *(insert date)* in the following manner:

1.

2.

3.

4.

(list violated conditions)

You are therefore required to appear before the Board on ……. at ……. to provide reasons for these alleged failures.

……
Chair of Child Justice Board

cc: Parent of named child

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FORM 13

WRITTEN NOTICE: FAILURE TO COMPLY WITH DIVERSION CONDITIONS

(Section 38 of the Child Justice Act)

Name: …….

Address: …….

Diversion Number: ……

Date: ……..…….

To: ……. *(insert name of Juvenile)*

The Child Justice Board has been advised that you have failed to comply with your Diversion Order issued by this Board on ……. *(insert date)* in the following manner:

1.

2.

3.

4.

(list violated conditions)

You are therefore required to appear before the Board on …… to provide reasons for these alleged failures.

……
Chair Child Justice Board

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FORM 14

DEPARTMENT OF PROBATION
MINISTRY SOCIAL DEVELOPMENT, EDUCATION & LIBRARY
Zenaida Haven Juvenile Residential Centre Tel: (264) 497-2035
P.O. BOX 60, THE VALLEY
ANGUILLA, AI-2640
TEL: (264) 497-7343
FAX: (264) 497-7370

NOTICE TO APPEAR AT ASSESSMENT

(Section 26(1) of the Child Justice Act)

Name: …….

Address: ……..

Telephone Number: ……...……

Notice is hereby given to …….. *(parent or guardian)* that named child following; …… is required to attend an assessment at the Department of Probation (DOP), Hubert Hughes Building, The Valley, Anguilla.

Date of assessment: ……

Time of assessment: ……...

……
Signature of Probation Officer

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FORM 15

WARRANT OF DETENTION

RESIDENTIAL ORDER

(Section 66 of the Child Justice Act)

Complaint No: ……..

ANGUILLA

HIGH COURT or MAGISTRATE's COURT
(delete inapplicable court)

To the Supervisor of The **ZENAIDA HAVEN**, Department of Probation in the island of Anguilla named child …….. of …….. is being sentenced to detention having been found guilty of the offence …….. .

As Supervisor you are commended to ensure that the child is conveyed to Zenaida Haven and is delivered to your care together with this warrant. And you, said Supervisor of the said **ZENAIDA HAVEN** is to receive the child into your care and keep him for the space of ……. .

While there, named child is to participate in/undertake the following:

Conditions of detention are laid out where applicable

GIVEN UNDER my hand this …… day of ……., 20……

……..……
Judge or Magistrate

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FORM 16

NOTICE OF FAILURE TO COMPLY WITH DIVERSION CONDITIONS

(Section 38(1) of the Child Justice Act)

TO: the Child Justice Board

Diversion Officer ……..…….. *(name of Diversion Officer)* with the Department of Probation writes to inform that ……..…… *(Name of child),* …….. *(Diversion Number*) has failed to comply with the below mentioned conditions of their Diversion Order issued by the Board on …….. *(insert date).*

1.

2.

3.

4.

(list violated conditions)

Their matter is being forwarded to you for review.

…….
Diversion Officer

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FORM 17

ORDER OF APPREHENSION

(Section 11(2) of the Child Justice Act)

Name of Parent or Guardian: ……..…….

Address: ……

Telephone Number: ……...……

Your child …… has been apprehended by Police and charged
(Name of Juvenile)
with …….……. . He or she is to appear before the Child Justice Board for an initial inquiry on the day and time notified following an assessment by the Department of Probation.

……..
Police Officer

……..
Date of issue

_____

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FORM 18

NOTICE OF APPREHENSION

(Section 11 of the Child Justice Act)

TO: DEPARTMENT OF PROBATION

This notice serves to inform the Department of Probation that—

Name of apprehending officer _____ (rank) _____

Name of juvenile _____; age of juvenile _____

Date of birth _____; address _____; circle sex M / F

Has been apprehended for the following offence(s)_____

_____

Date of apprehension_____; Time of apprehension _____

Alleged offence - please circle which schedule offence was committed—

Schedule 1 Schedule 2 Schedule 3 (please see below/overleaf)

Did Juvenile act alone Yes ☐ No ☐

If no, provide details _____

_____

Who reported the crime _____

Name of Parent/Guardian _____

Address of Parent/Guardian _____

Contact No. _____

Hand delivered to Senior Probation Officer (name) _____ Date _____

Signature of Apprehending Officer _____

For Official Use only

Name of Probation Officer to conduct Assessment _____

Date & time on this notice is turned over to PO _____

Date Assessment to commence _____

_____ _____

(Signature Senior Probation Officer) (Signature Probation Officer)

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SCHEDULE OF OFFENCES

SCHEDULE 1 OFFENCES

1. Assault where grievous bodily harm has not been inflicted.
2. Malicious injury to property where damage does not exceed $500.
3. Trespass.
4. Any offence under any law relating to the illicit possession of drugs where the quantity involved does not exceed 2 kilograms or is less than 1 liter in volume
5. Theft, where the value of the property does not exceed $500.
6. Any statutory offence where the maximum penalty determined by that statute does not exceed $1,500 or imprisonment of up to 3 months.
7. Any conspiracy, incitement or attempt to commit any offence referred to in this Schedule.

SCHEDULE 2 OFFENCES

1. Assault, not involving the infliction of grievous bodily harm.
2. Arson.
3. Robbery, other than robbery with aggravating circumstances, if the amount involved does not exceed $2,500.
4. Theft, where the amount involved does not exceed $2,500.
5. Any offence under any law relating to the illicit possession of dependence inducing drugs where the quantity involved does not exceed 4 kilograms or is less than 2 liters in volume.
6. Forgery or fraud, where the amount concerned does not exceed $5,000.
7. Any statutory offence where the penalty concerned does not exceed $2,500 or imprisonment of up to 6 months.
8. Any conspiracy, incitement or attempt to commit any offence referred to in this Schedule.

SCHEDULE 3 OFFENCES

1. Rape.
2. Robbery – where there are aggravating circumstances such as involving the taking of a motor vehicle.
3. Indecent assault involving the infliction of grievous bodily harm.
4. Indecent assault on a person under the age of 18 years.
5. Assault involving the infliction of grievous bodily harm.
6. Any offence pursuant to sections 4, 5, or 6 of the Drug Trafficking Act, if – the vehicle of the dependence producing substance in question is more than $10,000 and the offence was committed by a person, group of persons, acting in the execution of furtherance of a common purpose or conspiracy.
7. Any conspiracy or incitement to commit an offence referred to in this Schedule or an attempt to commit any of the offences referred to in items 1 or 2 of this Schedule.

———————

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FORM 19

NOTICE OF FAILURE TO INFORM DEPARTMENT OF PROBATION OF APPREHENSION OF CHILD

(Section 11(8) of the Child Justice Act)

TO: CHILD JUSTICE BOARD

…….…. *(name of officer)* Officer with the RAPF was unable to notify the Department of Probation of the apprehension of ……..……. *(name of child)* for the charge of …… on ……..……. *(insert date)* for the following reason/s:

……
……
……
……
……
……

……..
Police Officer

……..
Supervising Officer

……..
Date of issue

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FORM 20

REQUEST FOR EXTENDED STAY – ZENAIDA HAVEN

(Section 66(3) of the Child Justice Act)

Name: …….

Case No.: ……...…..

Offence: ……..

To: the Chief Probation Officer of the Department of Probation

I, …… having been found guilty of the offence of ……..……. and having served my period of detention/residential order at Zenaida Haven, I am requesting that my stay at Zenaida Haven continues for the purposes of completing my education.

Over the period, I have done well academically and have abided by the rules of Zenaida Haven.

My accomplishments follow:

……
……
……
……
……
……

list accomplishments (supporting documentation where necessary)

Any additional information to support request can be included below:

……
……
……
……
……
……

……
Name of Resident

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Form 21

RELEASE FROM DETENTION BY THE POLICE

(Section 17 of the Child Justice Act)

The undersigned Police Officer of the Royal Anguilla Police Force (RAPF), has released …….....……. *(name of child)* who is accused of committing the crime of …… on ……..……. into the care and custody of his or her mother, father, guardian, appropriate adult, *(please circle)* ...…….. on *(insert date)* ……..…….. at ……. *(insert time)*.

The accused child is expected to comply with the following conditions of release:

- must reside in …….. *(area of Anguilla)* under the supervision or care of ……. *(name of person)*
- must abide by a curfew during the hours of …… to ……
- must have no contact with the victim
- must be of good behaviour and keep the peace
- must appear at the scheduled Initial Inquiry

(additional conditions can be added)

Name of Police Officer ……..……

Signature of Police Officer ……..……

Name of Supervising Officer ……..…

Signature of Police Officer ..……

Name of Parent or Guardian ……..

Signature of Parent or Guardian ……..

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FORM 22

SUMMONS TO APPEAR

COMMITTING TO THE CARE OF A FIT PERSON

(Section 62 of the Child Justice Act)

ANGUILLA

IN THE MAGISTRATE'S COURT

To: …….

of ……..…..

Notice is hereby given that having heard the matter involving the named child ……..…… which has led to his or her conviction for the offence of …… on the ……. day of ……, 20…. .

You are therefore hereby summoned to appear before this Court sitting at ……...…….……. on …… the ……. day of ……..., 20…… at the hour of ……..… in the ……..…… noon to be examined as a fit person in whose care named child ……. can be placed.

Dated this …… day of ……, 20…… .

…….
Magistrate

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FORM 23

WARRANT OF APPREHENSION

(Section 38 of the Child Justice Act)

Name of Parent or Guardian: ……..…….

Address: ……..…….

Telephone Number: ……....……

……. has failed to comply with the conditions of his or her Diversion Direction issued by the Child Justice Board on …….. for the offence of …….. .

Such failure requires that he/she be apprehended and taken to Zenaida Haven until the Child Justice Board convenes.

OR

Such failure requires that he/she be apprehended and brought before the Child Justice Board on …… *(date)* at …… *(time)*.

…….
Chair, Child Justice Board

…….
Date of issue

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FORM 24

WARRANT OF APPREHENSION

(Section 11 of the Child Justice Act)

ANGUILLA

IN THE MAGISTRATE'S COURT

Name of Parent or Guardian: ……..…….

Address: ……..…….

…….... has failed to comply with the conditions of his or her sentence issued by this Court on …….. day of ……., 20 …… for the offence of ……
.

Such failure requires that he or she be apprehended and taken to Zenaida Haven until a date is set to appear before this Court.

OR

Such failure requires that he or she be apprehended and brought before this Court on …….. *(date)* at ……. *(time)*.

…….
Magistrate

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