

**Rodrigues Regional Assembly (Child Protection) (Mentoring Order)  
Regulations 2014**

**RodriguesGN No. 1 of 2014**

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**RODRIGUES REGIONAL ASSEMBLY (CHILD PROTECTION) (MENTORING ORDER)  
REGULATIONS 2014**

**Regulations made by the Rodrigues Regional Assembly under section 75B(1)(b) of the  
Constitution and section 31 of the Rodrigues Regional Assembly Act**

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- 1. Short title**

These regulations may be cited as the **Rodrigues Regional Assembly (Child-Protection)(Mentoring Order) Regulations 2014.**

## **2. Interpretation**

In these regulations -

“child” means any unmarried person under the age of 18;

“child mentor” means a person registered as such by the Departmental Head;’ -

“code of Ethics” means the Code of Ethics for Mentors, set out in the First Schedule;

“Commission” means the Commission responsible for the subjects of child development and family welfare;

“Commissioner” means the Commissioner to whom responsibility for the subjects of child development and family welfare is assigned;

“Committee” means the Child Mentoring Committee referred to in regulation 5;

“Departmental Head” means the Departmental Head of the Commission;

“harm” includes physical, sexual, psychological, emotional or moral injury, neglect, ill-treatment and impairment of health or development;

“Magistrate” means the Magistrate for Rodrigues;

“mentoring order” means an order issued by the Magistrate under regulation 7;

“place of safety” —

(a) means any place designated by the Commissioner; and

- (b) includes a foster home, a convent, a charitable institution, an institution for children and a hospital;

“Scheme” means the Child Mentoring Scheme set up under regulation 4.

### **3. Enquiry**

Where the Departmental Head has reasonable cause to suspect that a child in Rodrigues is being exposed to harm and is in need of assistance, he may summon any person, with or without the child, to give evidence for the purpose of enquiring into the matter.

### **4. Child Mentoring Scheme**

(1) The Commissioner shall set up a scheme which shall be known as the Child Mentoring Scheme.

(2) The object of the Scheme shall be to assist children who —

- (a) are victims of neglect;
- (b) suffer from mild behavioural problems;
- (c) are in distress; or
- (d) have problems of social adaptation. -

(3) (a) No child shall be placed under the Scheme unless there is a mentoring order issued by the Magistrate in relation to him.

(b) (i) Where a child is placed by the Departmental Head under the Scheme, he shall be assigned to a child mentor who shall provide him with guidance, advice and such sense of stability as may be lacking in the life of the child.

(ii) A child mentor shall not be assigned more than 3 children under the Scheme.

(c) A child placed under the Scheme shall remain in the custody of his parents.

(4) (a) The Scheme shall be administered by the Departmental Head, with the assistance of the Committee.

(b) The functions of the Departmental Head under the Scheme shall be —

- (i) to receive and consider applications from volunteers for registration as child mentor;
- (ii) in consultation with the Committee, to register child mentors;
- (iii) to provide child mentors with such guidance and assistance as may be necessary for them to effectively carry out their functions and duties under a mentoring order; -
- (iv) to identify children who may need assistance and protection and apply to the Magistrate for Rodrigues for a mentoring order where he considers it necessary;
- (v) to supervise all placements of children' and activities of child mentors under the Scheme;
- (vi) to forward to the Court a quarterly progress report, or any other report at such interval as may be decided by the Court, on every child subject of a mentoring order;
- (vii) to carry out such other functions as may be necessary for the effective implementation of the Scheme.

## **5. Child Mentoring Committee**

- (1) There shall be a Child Mentoring Committee, which shall consist of -
  - (a) a Chairperson, to be appointed by the Commissioner;
  - (b) a representative of the Commission; -
  - (c) a law practitioner, or a person holding a Bachelor of Laws with Honours, to be appointed by the Commissioner; ‘
  - (d) a representative of the Commissioner of Police;
  - (e) a representative of the Commission responsible for the subject of education; ‘ ,
  - (f) a representative for the Commission responsible for the subject of health;
  - (g) a psychologist to be appointed by the Departmental Head; and
  - (h) 2 representatives of non-governmental organisations who have wide experience in issues relating to children, to be appointed by the Commissioner.
  
- (2) The functions of the Committee shall be to —
  - (a) advise the Departmental Head and assist him in administering and implementing the Scheme;
  - (b) review at regular intervals the criteria for the recruitment of volunteers as child mentors and advise the Departmental Head accordingly;
  - (c) conduct interviews for the recruitment of child mentors and make recommendations to the Departmental Head;
  - (d) consider the suitability of a child mentor in relation to a child for the purpose of a mentoring order;

- (e) periodically assess and evaluate the progress of children placed under the Scheme and submit progress reports to the Departmental Head;
- (f) review at regular intervals the code of Ethics and advise the Departmental Head accordingly; and
- (g) carry out such other functions as the Departmental Head may assign or delegate to it for the proper administration and effective implementation of the' Scheme.

(3) The Committee may co-opt any person with relevant expertise not already available in the Committee, and set up such subcommittee as it considers necessary, to assist it in performing its functions.

(4) (a) There shall be a Secretary to the Committee who shall be a public officer appointed by the Departmental Head.

(b) The duties of the Secretary to the Committee shall be to—

- (i) ensure the smooth coordination of the activities of the Committee and the Departmental Head;
- (ii) record all deliberations of the Committee;
- (iii) assist the Departmental Head in keeping a register of child mentors, including a list of child mentors whose registration has been cancelled; and
- (iv) carry out such other duties as may be assigned to him by the Committee.

(5) The Committee shall meet. at such place and time as the Chairperson may determine.

(6) At a meeting of the Committee, 5 members of the Committee shall constitute a quorum.

(7) Subject to this regulation, the Committee shall regulate its proceedings in such manner as it thinks fit.

(8) When the Chairperson is absent from a meeting, the members present shall elect one of the members to chair that meeting.

(9) Every member and every co-opted person shall be paid such allowance as the Commissioner may determine.

## **6. Child mentor**

(1) A person shall not be registered or act as a child mentor unless he —

(a) has attained the age of 30;

(b) is a person of good character and reputation, with relevant qualifications or proven experience in matters of children's rights, child development or child psychology;

(c) has demonstrated ability to work in a team;

(d) has good communication and listening skills;

(e) is in good physical and mental health;

(f) enjoys a stable family life; and -

(g) is willing to work flexible hours.

(2) A child mentor who has been assigned a child pursuant to a mentoring order shall —

(a) not enter into any contract with the child unless so authorised by a mentoring order;

- (b) comply with any order made by the Court under the mentoring order; -
- (c) by the end of each month, submit to the Departmental Head a report on the programme of work undertaken with the child;
- (d) submit quarterly progress reports to the Departmental Head on the situation and evolution of the child;
- (e) where he reasonably believes that the child is suffering or is likely to suffer harm, immediately report the matter to the Departmental Head;
- (f) at, least 5 days in advance, notify the Departmental Head of weekly activities he intends to undertake for the purpose of mentoring;
- (g) abide by the Code of Ethics and such requirements as may be prescribed for the effective implementation of the Scheme.

## **7. Mentoring order**

- (1) Where the Departmental Head reasonably believes that —
  - (a) a child in Rodrigues may require assistance under the Scheme;
  - (b) the child cannot adequately be dealt with under the Juvenile Offenders Act;
  - (c) the parents of the child are refusing to take or cannot take any measures to provide the child with the assistance and support that he needs; ‘
  - (d) it is in the best interests of the child to be placed under the Scheme; and
  - (e) there is no alternative means of providing assistance and support to the child, -

he may, with or without the consent of the parents, apply to the Magistrate for a mentoring order in order to have the child placed under the Scheme.

- (2) Every application for a mentoring order shall, as far as possible, be accompanied by —
  - (a) a report from the Departmental Head which shall specify the reasons why the child should be placed under the ‘Scheme, the name of the child mentor who



is to follow the child and the reasons why the child mentor has been chosen;

(b) a psychological report; and

(c) such other information or document as may be relevant for the purpose of determining the application.

(3) On receipt of an application for a mentoring order, the Magistrate shall, where applicable, cause a notice of the application to be served on the parents of the child or, in case the parents are separated or divorced, on the parent who has the custody of the child or the legal guardian, requiring them to appear before him on such day and time as may be specified in the notice, to show cause why the order should not be made.

(4) (a) The Magistrate may, for the purpose of determining an application, summon and —

(i) examine any parent of the child;

(ii) examine the child mentor identified in order to ascertain his suitability as a child mentor in the particular case;

- (iii) examine such other person as he may consider appropriate and request such other information as he considers necessary;

(iv) request such other information or report as he may consider appropriate.

(b) Any person who, in connection with any examination or request under paragraph

(a) —

(i) refuses to furnish any information or document to the Magistrate;

(ii) refuses to answer to the best of his knowledge any question put to him by the 'Magistrate; or

(iii) knowingly gives to the Magistrate false or misleading information or evidence,  
shall commit an offence.

(5) (a) In determining an application, the Magistrate shall have regard to —

- (i) whether it is imperative that the child should be placed under the Scheme;
- (ii) whether there is any alternative means of providing assistance and support to the child;
- (iii) any undertaking given or measure taken by the parents to provide the child with the required assistance and support without him having to be placed under the Scheme, including the financial means of the parents to provide the child with assistance and support with the help of professionals;
- (iv) any hardship that may be caused to the parents of the child as a result of the mentoring order; and
- (v) any other matter which the Court considers relevant.

(b) The Magistrate shall —

- (i) before issuing a mentoring order, consult the child;
- (ii) issue a mentoring order only when it is in the best interests of the child to do so.

(6) (a) Where the Magistrate is satisfied that the child should be placed under the Scheme, he shall issue a mentoring order in such form as may be prescribed.

(b) Every mentoring order shall —

- (i) specify the name of the child mentor to whom  
- the child is assigned;
- (ii) specify the time and place where the mentoring exercise shall take place;  
-
- (iii) contain such other orders and such directions to the Departmental Head, the child mentor or the parents of the child as the Magistrate considers appropriate.

(c) The Magistrate may, for the purposes of paragraph (b)(ii), take the following factors into consideration —

- (i) the nature and gravity of the child's problem;
- (ii) the infrastructural facilities near the child's residence;
- (iii) the availability and preference of the parents; and
- (iv) such other matter, as he considers relevant.

(d) A mentoring order shall remain in force for such period, not exceeding 12 months, as the Magistrate may specify.

(e) A Magistrate may extend the mentoring order for such period of time, not exceeding 12 months, as he considers necessary.

(7) (a) The Departmental Head or a parent may apply to the Magistrate for 'a variation or discharge of the mentoring order, including the substitution of the child mentor by another child mentor.

(b) The Magistrate may vary or discharge a mentoring order, or substitute the child mentor by another child mentor, where he is satisfied that it is in the best interests of the child to do so.

(8) The parents or any person having an influence, control or authority upon a child subject of a mentoring order shall, where so requested by the child mentor, provide such assistance to the child mentor as may be required to enable him to effectively discharge his duties.

## **8. Emergency protection order**

(1) Where the Magistrate is satisfied by information on oath that the Departmental Head has reasonable cause to believe that a child is suffering or likely to suffer significant harm, the

Magistrate shall issue an emergency protection order.

(2) An information on oath and an emergency protection order shall be in the form set out in the Second Schedule.

(3) (a) An emergency protection order shall have effect for a period of 14 days.

(b) The Magistrate may extend the order for a further period of 14 days where he considers it necessary for the protection of the child.

(4) (a) Any parent may, not earlier than 72 hours after the issue of the order, apply to the Court for the discharge of the order.

(b) The Court may discharge the order where it is satisfied that it is in the best interests of the child to do so.

(5) Where an emergency protection order has been made in respect of a child, the Departmental Head may, at any time within a period of 12 months after the order has lapsed —

(a) summon any person or the child;

(b) enter the premises where the child is living,

for the purpose of ascertaining whether the child is suffering or likely to suffer significant harm.

(8) The parents or any person having an influence, control or authority upon a child subject of a mentoring order shall, where so requested by the child mentor, provide such assistance to the child mentor as may be required to enable him to effectively discharge his duties.

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## **9. Powers of Departmental Head**

(1) Notwithstanding any other enactment, a mentoring order or an emergency protection order shall, while it is in force, confer on the Departmental Head authority to —

(a) summon any person with or without the child to give evidence for the purpose of verifying whether the child is suffering or likely to suffer significant harm;

(b) enter any premises specified in the order, where necessary by force, and search for the child, provided that the order or a copy thereof shall be produced to the

occupier of the premises on request;

- (c) remove or return the child to, or to prevent the child's removal from, any place of safety;
- (d) where necessary for the welfare of the child, cause him to be submitted to medical examination or to urgent treatment;
- (e) request police or medical assistance for the exercise of any power under the order.

(2) The owner, occupier or person in charge of any premises which the Departmental Head or any person lawfully assisting him enters under an emergency protection order shall provide the -Departmental Head or the person lawfully assisting him with all reasonable facilities and assistance for the effective exercise of his powers under the order.

#### **10. Committal to place of safety**

(1) Where the Departmental Head has reasonable ground to believe that a child is ill-treated, neglected, abandoned, destitute or otherwise exposed to harm, and that it is in his interests to be committed to a place of safety, he may apply in writing to the Magistrate for a committal order.

(2) On an application under paragraph (1), the Magistrate —

- (a) may make an interim order for the child to be put in a place of safety for a period not exceeding 14 days and may extend such interim order for further periods of 14 days until the final determination of the application;
- (b) shall order an enquiry and report by the Probation Service as to the child's family background, general conduct, home surroundings and school record as may enable it to deal with the case in the best interests of the child; and
- (c) may request that the child be medically examined.

(3) Where after hearing evidence, including that of any parent, wherever possible and practicable, the Magistrate considers it necessary in the best interests of the child, it shall order that the child be committed to a place of safety until the child reaches the age of 18 or for such shorter period as he thinks fit.

(4) An order made under paragraph (3) may be varied in the best interests of the child at the instance of any interested party.

(5) Any expenses incurred for the care and protection of a child who has been committed under paragraph (3) may be recovered from any parent of the child.

### **11. Duty to report**

Where a person exercising any medical or paramedical profession or a member of the staff of a school has reason to suspect that a child whom he is examining or who is frequenting the school, as the case may be, has been ill-treated, neglected, abandoned or otherwise exposed to harm, he shall immediately notify the Departmental Head.

### **12. Appeal**

(1) The Departmental Head, any parent of the child or a guardian *ad hoc* appointed for the purpose may appeal to a Judge in Chambers against any order made under regulation 10(3) or any variation made under regulation 10(4).

(2) The Magistrate may, on the application in writing of any interested party, appoint a guardian *ad hoc* to appeal on behalf of the child.

(3) Subject to paragraph (4), an appeal under paragraph (1) shall be lodged within a period of 21 days of the making of the order.

(4) Where a guardian *ad hoc* has been appointed to appeal on behalf of the child, the Judge in Chambers may entertain an appeal lodged outside the time limit specified in

paragraph (3).

### **13. Offences**

(1) Any person who molests, hinders or obstructs the Departmental Head or any person assisting him in the exercise of his powers under these regulations shall commit an offence.

(2) Where a child is placed in a place of safety, any person who, knowingly and without lawful authority or reasonable excuse —

(a) takes or keeps the child away;

(b) does any act for the purpose of enabling the child to stay or run away,

shall commit an offence.

(3) Any person who, without reasonable cause, fails to comply with a summons issued under these regulations or wilfully refuses to give evidence or gives material evidence that is false or grossly misleading shall commit an offence.

(4) Any person who otherwise contravenes these regulations shall commit an offence.

(5) Any person who commits an offence under these regulations shall, on conviction, be liable to a fine not exceeding 10,000 rupees and to imprisonment for a term not exceeding 2 years.

Passed by the Rodrigues Regional Assembly on 4 March 014.



[Regulation 2]  
**CODE OF ETHICS**

A child mentor to whom a child is assigned pursuant to a mentoring order shall —

- (a) be a caring and responsible adult in the life of the child, and shall ensure the safety of the child in relation to any outdoor activity which may be proposed under paragraph (h);
- (b) build a trusting relationship with the child in order to identify the reasons for the problems of the child, help the child develop an understanding of them and guide the child as to how to tackle those problems;
- (c) work towards improving the self-esteem and self-confidence of the child;
- (d) encourage the child to develop his skills and to participate in community-based after-school programmes and activities;
- (e) work towards improving the child's peer and parental relationships;
- (f) provide all necessary guidance, advice and support to the child, with a view to bringing improvement in the behaviour and development of the child;
- (g) comply with any recommendation or instruction which the Departmental Head may give to him for the welfare of the child;
- (h) submit, at least 5 days in advance to the Departmental Head, the list of activities for the month which he proposes to undertake for the purposes of the mentoring and such further information as the Departmental Head may require in relation to the mentoring;
- (i) regularly liaise with the parents of the child in relation to the progress and evolution

of the child;

(j) at all material times, take into account the opinion of the child and act in his 'best interests.

**SECOND SCHEDULE**

[Regulation 8]

**FORM A**

**INFORMATION ON OATH**

**BEFORE THE COURT OF RODRIGUES**

I, ..... *(Departmental Head  
of the Commission or any public officer designated by him/her)*

MAKE OATH and say that —

WHEREAS I have reasonable cause to believe that the child/children

.....  
*(name or description to be as precise as possible)*

believed to be found at .....  
*(address to be as clear as possible)*

is/are suffering or is/are likely to suffer significant harm inasmuch as

I have information that .....  
.....  
.....

I THEREFORE apply for an EMERGENCY PROTECTION ORDER under regulation 8 of the Rodrigues Regional Assembly (Child Protection)(Mentoring Order) Regulations 2014.

Sworn before me

.....

Magistrate

.....

Date

**FORM B**

**EMERGENCY PROTECTION ORDER**

**BEFORE THE COURT OF RODRIGUES**

To Mr/Mrs ..... (*Departmental Head of the Commission or a public officer designated by him/her*)

WHEREAS I am satisfied by information made on oath that —

Mr/Mrs .....

has reasonable cause to believe that the child/children .....

.....

*(name or description to be as precise as possible)*

is/are suffering from or is/are likely to suffer significant harm and it is URGENT that this order be issued..

I THEREFORE confer upon you .....

..... AUTHORITY-

(a) to summon any person with or without the child to give evidence for the purpose of

verifying whether the child is suffering or likely to suffer significant harm;

(b) to enter the abovementioned premises, if necessary by force, and search for the child, provided that the order or copy thereof shall be produced to the occupier of the premises upon request;

(c) to remove or return the child to a place of safety or to prevent the child's removal from any place of safety;

(d) where necessary for the welfare of the child, to cause him to be submitted to medical examination or to urgent treatment;

(e) to request police or medical assistance for the exercise of any power under the order.

This order is VALID during 8 days and shall expire on ..... 20 ....

Given under my hand at .....  
in the Court of Rodrigues

.....  
Magistrate

.....  
Date

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This order is extended for a further period of 8 days and shall expire  
on ..... 20 .....

.....  
Magistrate

.....  
Date