

(National Coat of Arms)

Kingdom of Cambodia  
Nation Religion King



OFFICIAL TRANSLATION  
RECOGNISED BY MOSVY

08-12-2015



Royal Government of Cambodia  
No: 119 ANKr.BK

**Sub-Decree**  
**On**  
**The Management of Residential Care Center**

**The Royal Government**

- Having seen constitution of the Kingdom of Cambodia
- Having seen Royal Decree No. NS/RD/0913/903, dated 24 September 2013, on the appointment of the Royal Government of the Kingdom of Cambodia;
- Having seen Royal Decree No. NS/RD/1213/1393, dated December 21, 2013, on Adjustment and Addition of Members of the Royal Government of the Kingdom of Cambodia;
- Having seen Royal *Kram* No. 02/NS/94, dated 20 July 1994, promulgating the Law on the Organization and Functioning of the Council of Minister;
- Having seen Royal *Kram* No. NS/RK/0105/001, dated 17 January 2005, promulgating the Law on the Establishment of the Ministry of Social Affairs, Veteran and Youth Rehabilitation;
- Having seen Royal *Kram* No. NS/RK/1209/024, dated 03 December 2009, promulgating the Law on Inter-Country Adoption;
- Having seen sub-decree No. 54 ANKr.BK, dated 24 March 2011, on the Organization and Functioning of the Ministry of Social Affairs, Veteran and Youth Rehabilitation;
- According to the request of the Minister of the Ministry of Social Affairs, Veteran and Youth Rehabilitation;

**Hereby Decides**

**Chapter 1**

**General Provision**

**Article 1:**

The purpose of this sub-decree is to improve the quality and strengthen the effectiveness of residential care management and to protect the best interests of children.

**Article 2:**

The goal of this sub-decree is to establish the management arrangements for residential care centers which provide care, shelter and seek to meet the basic needs of children living in group situations, for children without a parent or parents or



abandoned children or children whose parent or parents or guardian is not able to provide sufficient care.

**Article 3:**

The scope of this sub-decree shall be applicable to all residential care centers in the Kingdom of Cambodia.

## **Chapter 2 Controlling Authority**

**Article 4:**

The Ministry of Social Affairs, Veteran and Youth Rehabilitation shall be the competent institution to control residential care centers.

The Ministry of Social Affairs, Veteran and Youth Rehabilitation shall monitor and evaluate the capacity and capability of residential care center provers based on actual situation in order to delegate and transfer the functions of residential care management, which could be transferred in a phase by phase manner, to sub-national administration.

**Article 5:**

In the establishment, implementation process, facilitation, monitoring and evaluation of residential care center, the Ministry of Social Affairs, Veteran and Youth Rehabilitation shall order a competent technical department to carry out the following tasks:

- Receive applications to open residential care center;
- Conduct assessments on the qualification of physical person or legal person, request to prepare report and propose technical advice to the management of the Ministry to review and decide;
- Identify all residential care centers;
- Inspect the implementation of minimum standard for child care in residential care center;
- Provide instruction for technical improvement to residential care centers that do not comply with the minimum standard for alternative care for children;
- Establish follow-up and support services for children and their family after reunification;
- Conduct mapping of all residential care centers and establish databases for the care of children;
- Issue orders to close down residential care centers;
- Implement other duties assigned by the management of the Ministry.

## **Chapter 3 Permission to Run Residential Care Centers**

**Article 6:**

Physical persons or legal persons establishing residential care centers shall apply for permission from the Ministry of Social Affairs, Veteran and Youth Rehabilitation.

**Article 7:**

The criteria which will allow for the establishment of residential care center shall include the source of finance, human resources, capacity of caregivers, code of ethics and geographical location located in necessary target areas.

**Article 8:**

Terms and formality for the application for the permission to establish a residential care center and recruitment of caregivers shall be determined by the Prakas of the Minister of the Ministry of Social Affairs, Veteran and Youth Rehabilitation.

**Article 9:**

All residential care centers shall fulfill the following obligations:

- Prepare documents in a clear manner for each child from the time the child came to live in the residential care center;
- Manage and maintain dossier of each child through a clear database system and prepare reports on a regular basis;
- Prepare a family reunification plans and integrate children into their family and community;
- Take action, including the issuing of instruction and procedures to prevent and resolve cases of child abuse in the residential care center. Establish a complaints procedures for the reporting and investigation as well as disseminate child protection and support procedures to staff members and children;
- Report about cases of child abuse in the residential care center to the Ministry and Capital/Provincial Department of Social Affairs, Veteran and Youth Rehabilitation within 48 hours;
- Cooperate well with local authority in child care;
- Comply with other conditions as stated in Article 10 of this sub-decree.

**Article 10:**

Residential care center shall comply with the conditions for the management of residential care center and care for children residing in the center in accordance with national and international normative frameworks and Prakas of the Minister of Social Affairs, Veteran and Youth Rehabilitation on Alternative Care for Children.

## **Chapter 5**

### **Type of Children Who May Be Allowed to Reside in or Discharged from the Residential Care Center**

**Article 11:**

Children who may be allowed to reside in residential care center are those of the following conditions:

- Children without parents or guardians with whom they could live;
- Children separated from their family through abandonment, parents or guardian being imprisoned, trafficking or migration;
- Children separated from their family due to threatening circumstance;
- Children who suffered from violence committed against them or threat to cause violence in the family, physical or sexual abuse or exploitation of all forms which include selling, buying or renting children and so on;

- Children whose parents or guardian are not able to fulfill their obligation caring for their children due to their extreme difficulty, lacking necessary and basic needs and services, shelter, food, clothes, education and health care;
- Children whose parents suffer from chronic disease or disability; thus, unable to provide them with proper care;
- Children whose family members are addicted to alcohol, gambling, using various substances, and, therefore, unable to provide them with proper care;

The permission for children to reside in the residential care center is the last and temporary option and it may be made possible only after the search for parents or parent, relative or guardian or foster parent has been exhausted.

**Article 12:**

Children residing in residential care center who may be discharged from the center through integrating them into their community are those of the following conditions:

- Children whose parents or parent or guardian are able to accept them to live with their family and relatives;
- Children whose foster parents are living in the country or overseas;
- Youth with sufficient qualification to live in the community on their own such as employed youth, youth with a business and salary, irrespective of their marital status.

## **Chapter 6 Dispute Resolution**

**Article 13:**

In case information or report on irregularities in the residential care center is received, the Ministry of Social Affairs, Veteran and Youth Rehabilitation shall conduct inspection immediately within 48 hours to resolve those irregularities.

In case of complaint or report on abuse, violence or neglect of children residing in the residential care center, the Ministry of Social Affairs, Veteran and Youth Rehabilitation shall cooperate with relevant ministries and institutions, in particular the Ministry of Interior, Ministry of Justice, Ministry of Health and representatives of Non-Government Organization to establish a joint committee to take legal action.

**Article 14:**

In case of suspicion of child abuse by the manager or staff of the residential care center and with due investigation conducted by the Ministry of Social Affairs, Veteran and Youth Rehabilitation, those committed the abuse shall be temporarily suspended from their job to avoid direct contact with the child. All withdrawal of children from their care shall be done in the best interest of children.

## **Chapter 7 Punishment**

**Article 15:**

Residential care center that does not follow the provisions of this sub-decree shall be punished as follows:

- Written warning;
- Temporary suspension;
- License revocation.

The above punishments do not impede the implementation of other criminal laws.

**Article 16:**

Physical persons or legal persons establishing or running residential care center without prior permission from the Ministry Social Affairs, Veteran and Youth Rehabilitation shall be considered clandestine center and subject to penalty according to the existing laws in force.

**Chapter 8  
Inter-provision**

**Article 17:**

All residential care centers operating before this sub-decree becomes effective without permission from the Ministry of Social Affairs, Veteran and Youth Rehabilitation shall seek such permission within 6 (six) months after this sub-decree becomes effective.

**Article 18:**

After this sub-decree becomes effective, the Ministerial Prakas related to alternative care for children shall continue to be implemented until they are replaced by new ones.

**Chapter 9  
Final Provision**

**Article 19:**

Any provision contrary to this sub-decree shall be abrogated.

**Article 20:**

The Minister in charge of Council of Minister, Minister of Economy and Finance, Minister of Social Affairs, Veteran and Youth Rehabilitation, Ministers of all Ministries and Chairpersons of all relevant institutions shall undertake to implement this sub-decree according to their respective duties from this date of signature.

Phnom Penh, 11 September 2015

Prime Minister

(Signature and Stamp)

**Samdech Aka Moha Sena Padei Techo Hun Sen**

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Having informed  
Samdech Aka Moha Sena Padei Techo Prime Minister for his signature

**Minister of Social Affairs, Veteran and Youth Rehabilitation**

(Signature)

**Vong Sauth**

**CC:**

- Ministry of Royal Palace
- Secretariat General of the Constitutional Council
- Secretariat General of the Senate
- Secretariat General of the National Assembly
- Secretary General of the Royal Government
- Cabinet of Samdech Prime Minister
- Cabinet of Samdech, Excellencies Deputy Prime Minister
- As in Article 20
- Royal Gazette
- Documentation-Archive