

PROTECTION OF HELPLESS PERSONS ACT,
B.E. 2557 (2014)

BHUMIBOL ADULYADEJ, REX.

Given on the 16th Day of December B.E. 2557;
Being the 69th Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:
Whereas it is expedient to have a law on protection of helpless persons.

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

Section 1. This Act is called the “Protection of Helpless Persons Act,
B.E. 2557 (2014)”.

Section 2. This Act shall come into force as from the day following the date
of its publication in the Government Gazette.¹

Section 3. In this Act:

“helpless person” means a person without a place to live and without
sufficient income for a living and shall include a person in a state of hardship and unable to
rely on other persons as specified and announced by the Committee;

“protection of helpless persons” means provision of social welfare, the
enhancement of physical and mental fitness, the medical treatment, the promotion of
education and occupation, the promotion and support for the creation of opportunity in the
society, the development of the quality of life, the support to the helpless person for the

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–Tentative Version– subject to final authorisation by the Office of the Council of State.

¹ Government Gazette, Volume 131, Part 83 a, Page 1, dated 23rd December B.E. 2557.

provision of employment and a place to live and the prevention of unfair discrimination against the helpless person;

“public interest organisation” means a private organisation certified for carrying out the provision of social welfare as specified by law on the promotion of the provision of social welfare;

“community welfare organisation” means a people organisation established with the aim for providing social welfare to members in the community or performing the duty of social welfare provision of the network of community welfare organisations, certified for the provision of social welfare as specified by law on the promotion of social welfare provision;

“State agency” means ministry, sub-ministry, department, or other government agencies under other names with equal status with department, provincial administration, local government agency, State enterprise established by Act or Royal Decree or other State agencies;

“Committee” means the Committee on Protection of Helpless Persons;

“Member” means a member of the Committee on Protection of Helpless Persons;

“Competent Official” means a government official appointed by the Minister for the execution of this Act;

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

Section 4. The Minister of Social Development and Human Security shall have charge and control of the execution of this Act and shall have the power to appoint the Competent Officials for the execution of this Act.

CHAPTER I

COMMITTEE ON PROTECTION OF HELPLESS PERSONS

Section 5. There shall be a Committee on Protection of Helpless Persons 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-

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Chairperson, the Permanent Secretary of the Ministry of Finance, the Permanent Secretary of the Ministry of Interior, the Permanent Secretary of the Ministry of Justice, the Permanent Secretary of the Ministry of Labour, the Permanent Secretary of the Ministry of Education, the Permanent Secretary of the Ministry of Public Health, the Director of the Bureau of the Budget, the Commissioner General of the Royal Thai Police and highly qualified members of not more than eleven appointed by the Minister.

The Director-General of the Department of Social Development and Welfare shall be Member and secretary and the Director-General of the Department of Social Development and Welfare shall appoint not more than two officials of the Department of Social Development and Welfare to be assistant secretaries.

Qualified Members appointed by the Minister under paragraph one shall be appointed from persons with knowledge and skill in the protection of helpless persons, social work, social development or social welfare provision who are not government officials holding permanent positions or receiving salaries, officers or employees of State agencies except teachers in governmental higher education institutions. Among them, two representatives of public interest organisations and two representatives of community welfare organisations shall be appointed.

Section 6. A qualified Member appointed by the Minister shall hold office for a term of two years each.

In the case where a qualified member vacates office upon the expiration of the term and a new qualified member has not yet been appointed, the qualified member vacating office upon the expiration of the term shall continue performing duty until the new appointed member assumes his or her duties but shall not be longer than ninety days as from the date that the term expires.

A qualified Member who vacates office upon the expiration of the term may be reappointed, but may not be appointed for more than two consecutive terms.

Section 7. In addition to vacating office at the expiration of term, a qualified Member vacates office upon:

- (1) death;
- (2) resignation;
- (3) being an incompetent or a quasi-incompetent person;

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(4) being dismissed by the Minister due to negligence in the performance of duty or disgraceful behaviour or incapacity;

(5) having been sentenced by a final judgment to imprisonment except for an offence committed through negligence or a petty offence;

Section 8. In the case where a qualified Member vacates office before the expiration of the term, the Minister may appoint another person to replace the vacancy, and the person appointed to replace the vacated Member shall be in office for the unexpired term of office of the Member replaced.

In the case where there is an appointment of additional qualified Member while the qualified Members remain in office, the additional qualified Member shall be in office for the unexpired term of office of the qualified Members already appointed.

While there is no appointment of a qualified Member to replace the vacancy, the Committee shall consist of the remaining Members.

Section 9. The Committee shall have the following authorities:

(1) to propose policies and measures on protection of helpless persons to the Council of Ministers for considering and assigning the relevant State agency for implementation;

(2) to give an opinion to the Council of Ministers for the issuance or the improvement of law, Rules, Regulation or Ministerial Regulation in support of policies and measures related to the helpless person;

(3) to specify and announce types or characteristics of person in hardship or unable to rely on other persons in order to provide protection under this Act;

(4) to specify and announce rules on protection of helpless persons;

(5) to specify and announce the standard of operation of the helpless person protection institution;

(6) to specify and announce rules, procedures and conditions for the provision of support for public interest organisation, community welfare organisation, other private organisations, religious institution, the group of helpless persons or the group of persons for protection of helpless persons;

(7) to specify and announce rules and procedures of complaint under section 27;

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(8) to promote the participation of State agency, public interest organisation, community welfare organisation and other private organisations to create the cooperation in the operation related to protection of helpless persons;

(9) to monitor, examine and evaluate the result of protection of helpless persons;

(10) to take other actions as specified by law to be the power and duty of the Committee or as assigned by the Council of Minister.

The policies and measures related to protection of helpless persons under (1) approved by the Council of Ministers, including the Notification under (3), (4), (5), (6) and (7), shall come into force after its publication in the Government Gazette.

Section 10. At a meeting of the Committee, the presence of not less than one-half of Members is required to constitute a quorum.

At any meeting if the Chairperson is absent or is unable to perform the duties, the Vice-Chairperson shall preside over the meeting. If both the Chairperson and the Vice-Chairperson are absent or are unable to perform the duties, the Members present shall elect one among themselves to preside over the meeting.

In performing the duties, if any Member has direct or indirect interest in the matter being considered by the Committee, such Member shall inform the meeting and the meeting shall consider if it is appropriate for such Member is to present in the meeting and passes a resolution in such matter according to the Rules specified by the Committee.

A resolution of the meeting shall be made by a majority of votes. In casting a vote, each Member shall have one vote. In case of an equality of votes, the presiding Member shall have an additional vote as the casting vote.

There shall be a meeting of the Committee not less than three times a year.

Section 11. The Committee shall have the power to appoint sub-committee to perform any duty as assigned by the Committee.

The provisions of section 10 shall be applied to the meeting of sub-committee *mutatis mutandis*.

Section 12. The Department of Social Development and Welfare shall serve as the secretariat of the Committee and shall have the following authorities:

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(1) to be responsible for clerical work, meeting and other affairs related to the work of the Committee or the sub-committee, to gather information, study, research and to develop the work related to protection of helpless persons;

(2) to coordinate with State agency, public interest organisation, community welfare organisation and other private organisations to formulate policies and measures related to protection of helpless persons to be proposed to the Committee and to take action for the implementation of policies and measures related to protection of helpless persons;

(3) to disseminate information and details of policies and measures related to protection of helpless persons;

(4) to monitor, examine and evaluate the result of the implementation of policies and measures related to protection of helpless persons.

CHAPTER II

HELPLESS PERSON PROTECTION INSTITUTION

Section 13. In the case where the Ministry of Social Development and Human Security deems appropriate to establish the helpless person protection institution in any particular area or deems appropriate that any foster home providing protection to the helpless person to become the helpless person protection institution, a proposal shall be submitted to the Committee for considering announcement of the establishment of the helpless person protection institution.

The Notification of the establishment of the helpless person protection institution shall also specify the area that the protection will be provided.

The Department of Social Development and Welfare shall have a duty to be responsible for the operation of the helpless person protection institution.

Section 14. The helpless person protection institution shall have authorities in protecting the helpless person as follows:

(1) to survey and monitor the situation and the problem related to the helpless person in its responsible area;

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(2) to search for the information related to the helpless person requesting protection or the helpless person transferred to the helpless person protection institution under section 20 or section 22 and to provide protection, including to admit the helpless person into the institution;

(3) to provide appropriate and sanitary shelter, food and clothing, to provide physical and psychological examination, training and occupational training, including to seek employment for the helpless person;

(4) to coordinate for the transfer of the helpless person to the responsible organisation in the case where there is a specific law for the protection of such type of helpless person;

(5) to give advice, suggest and assist the helpless person in terms of living, legal matter or other matters to enable the helpless person to live a normal life in the society like general people;

(6) to monitor, examine and evaluate the result of protection of helpless persons;

(7) to take other actions as specified by the Committee.

The operation of the helpless person protection institution shall comply with the standard specified by the Committee by also taking into consideration the promotion of the ability of the helpless person to live independently in the community and the participation in the expression of opinions of the helpless person.

Section 15. The Ministry of Social Development and Human Security shall support the local government agency, the public interest organisation, the community welfare organisation, other private organisations, the religious institution or the group of helpless persons to operate in the same manner of the helpless person protection institution or to participate in protection of helpless persons.

In the case where the operation of the organisations in paragraph one complies with the standard of operation specified by the Committee under section 14, the Ministry of Social Development and Human Security may consider providing financial or other supports to such organisations in accordance with rules, procedures and conditions specified by the Committee.

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Section 16. The helpless person protection institution may organise a helpless person protection centre to provide protection to the helpless person and to serve as a network of helpless person protection institutions in the area or other helpless person protection institutions.

The helpless person protection centre shall have the following authorities:

(1) to survey and monitor the situation and the problem related to the helpless person;

(2) to search for the information related to the helpless person requesting protection or the helpless person transferred to the helpless person protection centre under section 20 or section 22 and to provide the initial protection to the helpless person, including admitting the helpless person into the centre;

(3) to coordinate for the transfer of the helpless person to the helpless person protection institution;

(4) to provide protection to the helpless person as assigned by the helpless person protection institution or as the helpless person protection centre deems appropriate.

The helpless person protection centre of the State agency shall take action in order that the protection of helpless persons can be accessed both during and outside official working hours.

Section 17. In the case where the State agency, the public interest organisation, the community welfare institution, other private organisations, religious institution, a group of helpless persons, or a group of persons organises an operation in the same manner of the helpless person protection centre, the Ministry of Social Development and Human Security may consider providing financial or other supports in accordance with rules, procedures, and conditions specified by the Committee.

Section 18. The provincial office of social development and human security, provincial social development centre or other State agencies specified by the Permanent Secretary of the Ministry of Social Development and Human Security shall be the helpless person protection centre.

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CHAPTER III
PROTECTION OF HELPLESS PERSONS

Section 19. The helpless person is entitled to request protection from the helpless person protection institution or the helpless person protection centre.

Section 20. In the case where the competent official is informed of or encounters the helpless person, the competent official shall have a duty to give advice, suggest, assist and transfer the helpless person to the helpless person protection institution or the helpless person protection centre.

Section 21. The helpless person protection institution or the helpless person protection centre shall provide protection to the helpless person by taking into consideration the appropriateness of the situation and the problem of the helpless person in accordance with the rule specified by the Committee.

Section 22. In the case where any person is accused of committing an offence related to the living in public places under the law or the local ordinance, if an official under such law or local ordinance deems that such person meets the criteria of becoming the helpless person and deserves protection in the helpless person protection institution, the official shall transfer such helpless person to the helpless person protection institution or the helpless person protection centre with the consent of the helpless person, except in the case where the helpless person is in the state of inability to give consent, and the official shall temporarily withhold the legal action until being informed under paragraph two.

In the case where the helpless person does not comply with the conditions of the helpless person protection institution, the helpless person protection institution shall notify the official under the law or local ordinance for considering taking further legal action.

In the case where the helpless person complies with the conditions of the helpless person protection institution, the helpless person protection institution shall notify the official under the law or local ordinance to cease legal action and it shall be deemed

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that the right to criminal prosecution has extinguished according to the Criminal Procedure Code.

Section 23. In the case where it appears that any helpless person is a person protected by specific law, the helpless person protection institution or the helpless person protection centre shall provide assistance as necessary in the initial stage and shall transfer such helpless person to the responsible organisation under the law with the consent of the helpless person. In case of necessity and appropriateness, for the benefit of the helpless person, the helpless person protection institution may continue admitting such helpless person into its care.

Section 24. The helpless person who will stay in a place provided by the helpless person protection centre shall enter into an agreement related to the participation in the training on physical and psychological condition rehabilitation, occupation and employment in accordance with rules specified by the helpless person protection institution.

The helpless person protection institution may also cause the helpless person to enter into an agreement in requesting for other protection as appropriate.

In the case where any helpless person refuses to enter into an agreement or violates the agreement, the helpless person protection institution shall arrange members of staff to solve the problem of the refusal to enter into an agreement or the violation of the agreement together with such helpless person. If the helpless person still refuses to enter into the agreement or violates the agreement, the helpless person protection institution may halt providing certain protection to such helpless person.

Section 25. While joining the occupational training and at the beginning of the employment, the helpless person may receive a subsistent allowance in accordance with the Rules specified by the Committee.

Section 26. The helpless person protection institution, the helpless person protection centre or the place employing the helpless person shall conceal personal information of the helpless person except for the disclosure as required by law.

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Section 27. In the case where the helpless person does not receive protection or is inappropriately treated by the helpless person protection institution or the helpless person protection centre, a complaint may be filed to the Committee in accordance with rules and procedures specified by the Committee.

Section 28. Neither the protection of helpless persons under other laws nor the protection by other means as provided by the State agency, the public interest organisation, the community welfare organisation or other private organisations shall be affected by the provisions in this Chapter.

TRANSITORY PROVISION

Section 29. In the case where the helpless person protection institution has not yet been established under this Act, the foster home under the Ministry of Social Development and Human Security with a duty to provide protection to the helpless person on the date that this Act comes into force shall become a temporary helpless person protection institution for the execution of this Act.

Countersigned by:

General Prayut Chan-o-cha
Prime Minister

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