

Overview of Act on Partial Amendment of Child Welfare Act, etc. (Act No. 63 of 2016)

(Enacted on May 27 and promulgated on Jun. 3, 2016)

In order to further strengthen a set of measures against child abuse, ranging from precautions against child abuse to support for their self-reliance, for the sound development of all children, necessary measures will be taken including the nationwide establishment of the comprehensive support centers for Maternal and Child Health, strengthening the organization of municipalities and the Child Guidance Centers, and promotion of entrusting children to foster care, as well as clarifying the basic philosophy of the Child Welfare Act.

Outline of Revision

1. Clarification of basic philosophy of Child Welfare Act, etc.

- (1) It is clarified that children have the right to proper child care, healthy growth and development, self-reliance, among others.
- (2) The national/local governments shall promote taking care of children in homelike environments as well as support guardians of children.
- (3) The roles and duties of the national, prefectural, and municipal governments are clarified.
- (4) It is specified that parents who have the parental authority over children shall not take disciplinary actions beyond the scope necessary for custody and education.

2. Prevention of occurrence of child abuse

- (1) Municipalities shall endeavor to establish the comprehensive support centers for Maternal and Child Health that provide seamless support from pregnancy to child-rearing period.
- (2) Medical institutions, schools, etc. that find out about pregnant women that require support shall endeavor to provide relevant information to municipalities.
- (3) It is specified that the national and local governments shall consider the fact that maternal and child health measures contribute to the precautions against and early detection of child abuse.

3. Speedy and appropriate response in the event of the occurrence of child abuse

- (1) Municipalities shall endeavor to establish hubs that can provide necessary support to children, etc.
- (2) Municipalities shall staff specialized experts in the coordinating organization of the Regional Council of Countermeasures for Children Requiring Aid.
- (3) The Child Guidance Centers shall be set up in the special wards designated by a Cabinet Order.
- (4) Prefectures shall place lawyers or take equivalent measures as well as assign ①Child Psychologists, ②doctors or public health nurses, and ③Child Welfare Officers in charge of guidance and education in the Child Guidance Centers.
- (5) Medical institutions, schools, etc. shall provide documents, etc. regarding children who suffer abuse, etc. if requested by the Child Guidance Centers, etc.

4. Support for self-reliance of child abuse victims

- (1) It is clarified that stakeholder organizations, such as, foster homes, foster parents, municipalities, the Child Guidance Centers, shall cooperate in supporting the rebuilding of parent-child relationships.
- (2) Prefectures (Child Guidance Centers) shall be assigned to provide coherent support from searches for foster parents to support for self-reliance of children.
- (3) Adoption is legally provisioned and prefectures (Child Guidance Centers) shall be assigned to provide consultation and support regarding adoption.
- (4) Those studying in universities and others shall be eligible to be admitted into the Self-reliant assistance homes until the end of the fiscal year when one reach age 22.

(Provisions to be considered)

- Immediately after the effective date of this Act, consideration shall be given to how courts ought to be involved in procedures related to measures for the protection of aid-requiring children and how the use of the special adoption system ought to be promoted.
- In two years after the effective date of this Act, consideration shall be given to how work of the Child Guidance Centers ought to be, how Children Requiring Aid ought to be notified, and measures for enhancement of qualities of child welfare workers.
- In five-year target period following the effective date of this-Act, necessary measures shall be taken to support core cities and special wards to establish the Child Guidance centers, among others.

The Effective Dates

April 1, 2017 (Date of promulgation for 1 and 2 (3)); October 1, 2016 for 2 (2), 3 (4) (5) and 4 (1))

1. Clarification of Basic Philosophy of Child Welfare Act, etc.

- Clarify details of the welfare guaranteed, etc. with a focus on children, towards the goal of sound development of all children

(1) Clarification of basic philosophy to guarantee children's welfare

- It is clarified that children shall be taken care of properly, guaranteed healthy growth and development, self-reliance, etc., among others. (*Child Welfare Act*)

(2) Promotion of taking care of children in homelike environments

- The national and local governments shall support guardians in taking care of their children in good health at home. However, if it is inappropriate to provide care for them at home, governments shall take necessary measures to ensure that children will be continuously raised in an environment similar to home. (*Child Welfare Act*)

(3) Clarification of roles and duties of national and local governments

- The roles and responsibilities of the national and local governments are clarified. (*Child Welfare Act*)
 - ① Municipalities shall properly provide support in immediate communities, as the basic unit of the local government.
 - ② In order to ensure that work of municipalities is properly and smoothly carried out, prefectures shall give necessary advice and appropriate assistance to municipalities and properly perform tasks that require specialized knowledge and techniques and broad responses.
 - ③ In order to ensure that work is carried out properly and smoothly in municipalities and prefectures, the national government shall take all necessary measures, such as, formulation of policies that ensure the setting up of structures where children can be provided with proper care, provision of advice to municipalities and prefectures, and provision of information.

(4) Prevention of child abuse committed under the pretext of discipline

- It is stipulated that parental authority shall not inflict disciplinary actions to an extent that exceeds the levels necessary for custody and education. (*Act on Child Abuse Prevention*)

2. Precautions against Child Abuse

- Through provision of seamless support from pregnancy through the child-rearing period, among others, respond to concerns over pregnancy and child care, isolation, and others, and detect the risks of child abuse early and reduce them gradually.

(1) Stipulation of Comprehensive Support Centers for Families with Children in law

- Municipalities shall make efforts to establish the “Comprehensive Support Centers for Families with Children” that provide seamless support from pregnancy to the child-rearing period. (*Maternal and Child Health Act*) (☆)
 - ※ The number of municipalities implementing this provision in FY2015 : 138 → The number of municipalities implementing it in FY2016 (planned) : 251
 - ※ The name under the Act is the “Comprehensive Support Centers for Maternal and Child Health”

(2) Provision of information regarding pregnant women requiring support, etc.

- Medical institutions, child welfare facilities, schools, etc. that find out about pregnant women, children, and children/guardians who appear to require support shall make efforts to provide information to municipalities about that. (*Child Welfare Act*) (☆)

(3) Prevention of abuse through maternal and child health measures, etc.

- It is specified that the national and local governments shall consider the fact that the maternal and child health measures contribute to precaution against and early detection of child abuse. (*Maternal and Child Health Act*) (☆)

* Items indicated by (☆) are stated in the “Project to Strengthen Measures to Prevent Child Abuse” (decided at the Meeting on Countermeasures against Child Poverty on Dec. 21, 2015) . The same applies to the following pages.

3. Speedy and Appropriate Response in Event of Occurrence of Child Abuse

- Strengthen the organization, authorities, etc. of municipalities, the Child Guidance Centers, etc. to ensure that measures, such as, the initial response to ensure child safety, etc. are carried out in speedy and appropriate manners.

(1) Establishment of support hubs in municipalities

- Municipalities shall endeavor to establish hubs that can provide necessary support to children, etc. (*Child Welfare Act*)

(2) Strengthening of functions of Regional Council of Countermeasures for Aid-Requiring Children

- Municipalities shall staff specialized experts in the coordinating organization of the Regional Council of Countermeasures for Aid-Requiring Children. (*Child Welfare Act*) (☆)
 - ※ Currently, the staffing of specialized experts in the coordinating organization of the Regional Council of Countermeasures for Aid-Requiring Children (e.g. certified persons, such as Child Welfare Officers, public health nurses) is an obligation that the municipalities must make efforts, and 1,387 cities, towns, and villages (80.4%) have implemented it (as of Apr. 1, 2015).
- The specialized experts placed in these coordinating organizations shall receive training that conforms to the criteria set forth by the national government

(3) Expansion of local governments where the Child Guidance Centers are established

- The special wards designated by a Cabinet Order shall set up the Child Guidance Centers. (*Child Welfare Act*)
 - ※ The existing Act stipulates that the core cities designated by the cabinet ordinance (currently, cities of Yokosuka and Kanazawa) shall set up the Child Guidance Centers; the same shall apply to the special wards to be designated by the Cabinet Order.
- The government shall take necessary measures, such as, support related to the establishment of the Child Guidance Centers, for the core cities and special wards, after five years following the effective date of this Amendment Act as a target. (*Supplementary Provisions of Amendment Act*)

(4) Strengthening of organization of Child Guidance Centers

- ①Child Psychologists, ② doctors or public health nurses, ③supervisors (Child Welfare Officers who provide education and training for other Child Welfare Officers) shall be placed. (*Child Welfare Act*) (☆)
 - ※ The number of child abuse consultation cases shall be considered in addition to the population of the wards, etc., as the staffing criteria for Child Welfare Officers. (*Child Welfare Act/Order for Enforcement of the Child Welfare Act*)
 - ※ The Ministry of Health, Labour and Welfare is planning to formulate the “Plan to Strengthen the Structures of the Child Guidance Centers” (a tentative name) aimed at promoting the improved staffing of specialists.
- Child Welfare Officers (including supervisors) shall receive training that meets the national government’s criteria. (*Child Welfare Act*)
 - ※ In case Social Welfare Secretaries are appointed as Child Welfare Officers, they shall attend a designated course prior to the appointment. (*Child Welfare Act*)
- The local governments where the Child Guidance Centers are set up shall place lawyers or take equivalent measures in order to properly and smoothly perform tasks requiring specialized legal knowledge and experience. (*Child Welfare Act*)

(5) Strengthening of Functions of Child Guidance Centers, etc.

- The system for referrals of cases from the Child Guidance Centers to municipalities is newly established. (*Child Welfare Act/Act on Child Abuse Prevention*)
 - ※ Currently, the cases are referred only from municipalities to the Child Guidance Centers.
 - ※ Also, tools for assessment common to the Child Guidance Centers/municipalities are developed and, based on the initial assessment using the common criteria, role-sharing between them is clarified, ensuring no case is missed.
- Inspections and searches can be carried out based on the letters of permit issued by courts, without going through the procedures for requests for reappearance. (*Act on Child Abuse Prevention*) (☆)
 - ※ Under the current system, guardians’ refusal to on-site inspections and not responding to requests for reappearance are the conditions for inspections and searches.
- It is stipulated that when the Child Guidance Centers/municipalities request for provision of documents, etc. related to children suffering from child abuse, etc., medical institutions, child welfare facilities, schools, etc. can provide relevant documents. (*Act on Child Abuse Prevention*) (☆)
- The government shall consider how courts ought to be involved in the procedures related to measures to properly protect aid-requiring children immediately after the effective date of the Amendment Act and take necessary measures based on the outcome of the deliberation. (*Supplementary Provisions of Amended Act*)

(6) Notification, consultation counters, etc.

- In two years from the effective date of the this Act, the government shall consider how work of the Child Guidance Centers ought to be, how aid-requiring children ought to be notified, and measures for enhancement of qualities of child welfare workers and shall take necessary measures based on the results. (*Supplementary Provisions of Amended Act*)

4. Support for Self-reliance of Children Suffering from Child Abuse

- Strengthen support for rebuilding parent-child relationships for children suffering from child abuse. In the event that measures, such as, admission into foster homes and foster care entrustment are taken for the child abuse victims, give support in accordance with the individual circumstances of these children and in a manner that leads to their self-reliance.

(1) Support for rebuilding parent-child relationships

- It is stipulated that relevant organizations, etc. shall cooperate in supporting the rebuilding of parent-child relationships. (*Child Welfare*)
- Private organizations, etc. commissioned by prefectures (Child Guidance Centers) can give necessary advices when measures, including admission into foster homes and entrustment of children's care to foster parents. (*Act on Child Abuse Protection*) (☆)
- Relevant organizations, etc. shall collaborate in continuously checking the safety of children whose measures, including admission into foster homes and entrustment of foster care, have been cancelled and in implementing consultation/support for their guardians. (*Act on Child Abuse Protection*)

(2) Promote entrustment of care to foster parents, etc.

- Prefectures (Child Guidance Centers) are assigned to provide support for foster parents. (*Child Welfare Act*) (☆)
- Legalization of adoption, obligation for training, grounds for disqualification, and registration of name lists by prefectures are stipulated. (*Child Welfare Act*) (☆)
- Prefectures (Child Guidance Centers) is assigned to provide consultation/support for adoption. (*Child Welfare Act*) (☆)
- Immediately after the Amended Act is enforced, the government shall discuss how the use of the special adoption system ought to be promoted and take necessary measures based on the result. (*Supplementary Provisions of Amended Act*)

(3) Continuation of support for persons aged 18 or above

- Measures shall be taken to enable persons aged 18 or above under temporary protective custody to be admitted into foster homes anew until they reach 20 and make their guardians subject to restrictions for visitation/communication, etc., among others. (*Child Welfare Act*)
- Those currently studying in universities and others shall be added to those eligible into be admitted to the Self-reliant assistance homes until the end of the fiscal year when they reach the age 22. (*Child Welfare Act*) (☆)
 - ※ Currently, persons who have left foster homes and are younger than 20 and others are eligible to be admitted into the Self-Support Homes.
 - ※ Also, consideration should be given to creation of a project that allows measures to be taken, including provision of necessary support, for those who had been admitted into foster homes, etc., even after reaching 18 (20 in case they were admitted into foster homes through extension of measures) until the end of the fiscal year when they reach the age 22.