

Outline of the Act on the Partial Amendment to the Child Welfare Act, etc. to step up efforts to prevent child abuse (Act No.46 of 2019)

(enacted on June 19, 2019, promulgated on June 26, 2019)

Purpose of revision

To step up efforts for child abuse prevention, the government will take necessary steps to protect children's rights, beef up the functions of child-guidance centers and promote further cooperation among relevant organizations.

Outline of revision

1. Protection of the rights of children 【part of ① : amendments to the Act on the Prevention, etc. of Child Abuse, part of ①,② and ③: amendments to the Child Welfare Act】

- ① People who exercises parental authority shall not inflict corporal punishment on his/her child in disciplining. The same rule shall apply to the child guidance center's director, the head of the child welfare institution and foster parent .
- ② The amended law stipulates in written form that prefectural governments(child guidance centers) are responsible for ensuring the safety of children.
- ③ When interviewing with an abused child, a child welfare council shall give due consideration to their circumstances.

2. Strengthen the organization of child guidance centers, promote further corporation among relevant bodies, and step up other efforts

(1) Strengthen the organization of child-guidance centers, etc. 【①,⑥ and ⑦ : amendments to the Act on the Prevention, etc. of Child Abuse, ②,③,④ and ⑤: amendments to the Child Welfare Act】

- ① Prefectural governments shall separate staff members at child-guidance centers in charge of taking children into temporary custody from those responsible for providing support for the parents of the children.
- ② Prefectural governments shall assign lawyers to child-guidance centers or take equivalent measures so that officials at the centers can always seek advice or instructions from lawyers to make proper judgements or deal with legal matters concerning the cases. The local governments shall also assign doctors and public health nurses to child guidance centers.
- ③ Prefectural governments shall evaluate the quality of services provided at child guidance centers to improve the service quality.
- ④ The number of child welfare officers per child guidance center shall be determined by prefectural governments based on the population in the jurisdictional districts of a child guidance centers, the number of consultations on child abuse handled by child consultation centers, and other factors in accordance with standards specified by a cabinet order.
- ⑤ The amendment calls for reviewing qualifications for child welfare officers and supervisors and stipulating staffing standards for child psychologists in law in order to improve their ability.
- ⑥ To prevent abuse from happening again, local governments and child-guidance centers shall provide guidance based on medical and psychological knowledge to guardians who have committed the child abuse.
- ⑦ The family environment of abused children shall be documented so that a prefectural governor can use the information when considering canceling measures for residential care, etc.

(2) Increase the number of child guidance centers 【① : amendments to the Child Welfare Act, ②・③ : provisions attached to the amended law】

- ① The jurisdictional district of a child-guidance center shall be set by a local government based on requirements specified by a government ordinance such as the population in a district and other social factors.
- ② The government shall cooperate with relevant local public organizations and other agencies to help medium-size cities and Tokyo Metropolitan City build facilities, hire staff and develop human resources so that those municipalities can set up child-guidance centers after 5 years following the effective date of the law as a target.
- ③ The government shall review its support system for the said municipalities after 5 years following the effective date of the law as a target and take necessary steps. The review shall be carried out based on achievements the government has made such as the impact of the assistance and the number of newly built child-guidance centers.

(3) Promote cooperation among relevant bodies

【①: amendments to the Child Welfare Act, ②~④・the first part of ⑤: amendments to the Act on the Prevention, etc. of Child Abuse, the second part of ⑤: amendments to the Act on the Prevention of Spousal Violence and the Protection of Victims】

- ① Relevant bodies involved in child abuse cases shall provide information to or cooperate with a regional council of countermeasures for Children Requiring Aid (hereinafter referred to as a “council”) when asked to do so by the council.
- ② The national and local governments shall endeavor to develop a systems that promotes further cooperation between relevant local governments, municipalities, child guidance centers, welfare offices, spousal violence counselling and support centers, schools and medical institutions.
- ③ If a child who have suffered child abuse moves to a new place, information about the child shall be passed to the director of the child guidance center having jurisdiction over the child’s new residence from the director of the center in the child’s former municipality. The director who has obtained the information shall then take action to allow the council members to share the details about the child.
- ④ Schools, municipal officials of the board of education and employees of child welfare institution shall not divulge any secret coming to their knowledge of child abuse confidential.
- ⑤ To strengthen cooperation on domestic violence and child abuse prevention between relevant organs, officials of women’s consulting offices and staff at spousal violence counselling and support centers shall work to detect child abuse at an early stage. Meanwhile, employees of child guidance center shall cooperate and communicate with spousal violence counselling and support centers to protect victims of domestic violence.

3. Provisions to be reviewed and measures to be taken

- ① The ratio of child welfare officers to population shall be reviewed based on the number of consultations regarding number of child abuse consultations handled by child guidance center per officer.
- ② As for the government’s support measures concerning improvement in the work conditions for officials at child guidance centers and the quality of the temporary protection system as well as efforts to increase the number of facilities of taking temporary custody, the amendments call on the government to promptly review them and take necessary steps.
- ③ As for a civil code provision on the parental right to discipline children, the legislation calls for a review within two years after the revised laws enter into force and urges the government to take necessary action.
- ④ As for procedures for temporary custody and other protective measures, the legislation calls for a review after a year following the effective date of the law as a target and urges the government to take necessary steps.
- ⑤ To guarantee children's rights to express their opinions, the legislation calls for a review of the following after 2 years following the effective date of the law as a target and urges the government to take necessary measures: provide people involved in child abuse prevention with an opportunity to listen to children who have suffered child abuse, give abused children an opportunity to voice their opinions, use such occasions to intervenes in suspected abuse cases to help the children and create a mechanism to protect the rights of children.
- ⑥ As for qualifications for persons engaged in support programs that require professional expertise and skills in the field of child welfare and plans to help improve their skills, the legislation calls for a review after a year following the effective date of the law as a target and urges the government to take necessary action.
- ⑦ The legislation calls for a review of measures against child abuse within five years after the amended laws enter into force and urges the government to take necessary steps.
- ⑧ As for rehabilitation programs for perpetrators in local communities, expanding the range of DV forms subject to notification and DV victims who can file a protection order, the legislation calls for a review within 3 years of the promulgation of the amendments and urges the government to take necessary measures.
- ⑨ The amendments call on the government to make other necessary provisions.

Enforcement Date

April 1, 2020 (Publication Date for 3② and ⑧ ; April 1, 2022 for 2(1)② and part of ⑤ ; April 1, 2023 for 2(2)①)